



**PROPOSED AGENDA**  
**REGULAR MEETING OF THE PORTLAND CITY COUNCIL**

7:00 P.M. Monday, September 18, 2017  
City Council Chambers  
City Hall, 259 Kent St., Portland Michigan

<u>Estimated Time</u>		<u>Desired Outcome</u>
7:00 PM	<b>I. <u>Call to Order</u></b>	
7:01 PM	<b>II. <u>Pledge of Allegiance</u></b>	
7:02 PM	<b>III. <u>Acceptance of Agenda</u></b>	Decision
7:03 PM	<b>IV. <u>Public Comment</u> (5-minute time limit per speaker)</b>	
7:05 PM	<b>V. <u>City Manager Report</u></b>	
	<b>VI. <u>Presentations</u> - None</b>	
	<b>VII. <u>Public Hearing(s)</u> – None</b>	
	<b>VIII. <u>Old Business</u> – None</b>	
	<b>IX. <u>New Business</u></b>	
7:15 PM	<b>A. First Reading of Ordinance 150A to Amend Chapter 3 of the Code of Ordinances of the City of Portland, Michigan, to Provide for the Uniform Income Tax Ordinance</b>	
7:20 PM	<b>B. Proposed Resolution 17-79 Approving Hydro Designs Proposal to Provide a Cross Connection Control Program for the City of Portland</b>	Decision
7:23 PM	<b>C. Proposed Resolution 17-80 Approving Fleis &amp; VandenBrink’s Proposal to Provide Construction Engineering Services for the James Street Improvement Project</b>	Decision
7:25 PM	<b>D. Proposed Resolution 17-81 Approving Issuance of a Transient Trader Permit for a BBQ Food Trailer</b>	Decision
7:28 PM	<b>E. Proposed Resolution 17-82 Confirming the Mayor’s Appointment to City Boards and Commissions</b>	Decision
7:30 PM	<b>X. <u>Consent Agenda</u></b>	Decision
	<b>A. Minutes &amp; Synopsis from the Regular City Council Meeting held on September 5, 2017</b>	
	<b>B. Payment of Invoices in the Amount of \$55,829.58 and Payroll in the Amount of \$121,960.97 for a Total of \$177,790.55</b>	
	<b>C. Purchase Orders over \$5,000.00 - None</b>	
	<b>XI. <u>Communications</u></b>	
	<b>A. Police Department Report for August 2017</b>	
	<b>B. Water Department Report for August 2017</b>	
	<b>C. F&amp;V James St. Improvement Project Preconstruction Meeting Minutes</b>	

<b><u>Estimated Time</u></b>		<b><u>Desired Outcome</u></b>
7:32 PM	<b>D. DEQ – SAW Grant Approval</b> <b>E. Ionia County Board of Commissioners Agenda for September 12, 2017</b> <b>F. Ionia County Board of Commissioners Agenda for September 19, 2017</b> <b>G. MPSC Notice of Hearing for Consumers Energy</b>	
7:35 PM	<b>XII. <u>Other Business</u> - None</b>	
7:40 PM	<b>XIII. <u>City Manager Comments</u></b>	
7:45 PM	<b>XIV. <u>Council Comments</u></b>	
	<b>XV. <u>Adjournment</u></b>	Decision

**CITY COUNCIL  
CITY OF PORTLAND  
Ionia County, Michigan**

Council Member \_\_\_\_\_, supported by Council Member \_\_\_\_\_, moved the adoption of the following ordinance:

**ORDINANCE NO. 150A**

**AN ORDINANCE TO AMEND CHAPTER 3 OF THE CODE OF  
ORDINANCES OF THE CITY OF PORTLAND, MICHIGAN, TO  
PROVIDE FOR THE UNIFORM CITY INCOME TAX ORDINANCE**

The City of Portland Ordains:

Section 1. Amendment. Chapter 3, “Uniform City Income Tax Ordinance,” Article I, “City of Portland Income Tax Ordinance and Uniform Rules and Regulations,” Section 3.1 through 3.99, are added to the Code of Ordinances of the City of Portland, Michigan, to read as follows:

**Article I. City of Portland Income Tax Ordinance and Uniform Rules and Regulations**

**Sec 3.1. Title.**

This ordinance shall be known and may be cited as the “uniform city income tax ordinance.”

**Sec. 3.2. Rules of Construction.**

For the purpose of this ordinance, the words, terms and phrases set forth in sections 3.3 to 3.9 and their derivations have the meaning given therein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and in the singular number include the plural. “Shall” is always mandatory and not merely directory. “May” is always directory.

**Sec. 3.3. Definitions A to D.**

(1) “Administrator” means the official designated by the city to administer the provisions of this ordinance.

(2) “Business” means an enterprise, activity, profession or undertaking of any nature conducted or ordinarily conducted for the profit or gain by any person, including the operation of an unrelated business by a charitable, religious or educational organization.

(3) “Capital gains” and “capital losses” mean the same as defined for federal income tax purposes. “Capital gains” shall also mean gains from the sale or exchange of non-capital property where such gains are taxed as capital gains under Sec. 1231 of the federal internal revenue code. “Capital gains” and “capital losses” shall not include any portion of such gains or losses occurring prior to the effective date of the income tax, January 1, 1980. In determining gain or loss on property acquired prior to January 1, 1984, the fair market value as of January 1, 1984, shall be used. The fair market value shall be determined by appraisal or other reliable evidence. In the case of traded securities the fair market value shall be the closing price of such securities on the last business day prior to January 1, 1980. The bid price shall be used if quotations are shown this way. If no fair market value can be determined by the above means, the following method shall be used:

- a. Compute total gain or loss for federal income tax purposes.
- b. Compute the percentage of time held since the effective date of the City income tax (January 1, 1980) to the total time the property was held.
- c. Apply the percentage determined in b. above to the amount in a. above to compute the capital gain or loss taxable by the City.

(4) "Department" means the department of treasury for tax years after the 1996 tax year for which a city has entered into an agreement with the department of treasury for tax years after the 1996 tax year for which a city includes a duly authorized agent or representative of the department.

#### **Sec. 3.4. Definitions C.**

(1) "City" means the City of Portland, MI.

(2) "Compensation" means salary, pay or emolument given as compensation or wages for work done or services rendered, in cash or in kind, and includes but is not limited to the following: salaries, wages, bonuses, commissions, fees, tips, incentive payments, severance pay, vacation pay and sick pay.

(3) "Corporation" means a corporation or a joint stock association organized under the laws of the United States, this state, or any other state, territory, or foreign country or dependency.

#### **Sec. 3.5. Definitions D.**

"Doing business" means the conduct of any activity with the object of gain or benefit, except that it does not include:

(a) The solicitation of orders by a person or his representative in the city for sales of tangible personal property, which orders are sent outside the city for approval or rejection and, if approved, are filled by shipment or delivery from a point outside the city.

(b) The solicitation of orders by a person or his representative in the city in the name of or for the benefit of a prospective customer of a person, if orders by the customer to such person to enable the customer to fill orders resulting from the solicitation are orders described in paragraph (a).

(c) The mere storage of personal property in the city in a warehouse neither owned nor leased by the taxpayer.

A person shall not be considered to be doing business in the city, in the absence of maintaining an establishment in the city or engaging in other activity in the city, merely by engaging in one or more of the following acts:

- a. maintenance, by a corporation, of a resident agent in the city;
- b. installing, servicing or instructing in the use of equipment or other goods sold when performed by an employee-salesman of such person and where such activities are incidental to the employee-salesman's primary selling activities;
- c. occasional credit investigations or collections by an employee-salesman of such person where such activities are incidental to the employee-salesman's primary selling activities;
- d. exhibiting goods for a short time, in leased space, at a convention, exhibition or trade show;
- e. mere ownership of real or tangible personal property in the city which is not used in or related to business activity in the city and which does not produce gross income in the city.

**Sec. 3.6. Definitions E, F.**

(1) "Employee" means a person from whom an employer is required to withhold for either federal income or federal social security taxes.

(2) "Employer" means an individual, partnership, association, corporation, non-profit organization, governmental body or unit or agency including the state, or any other entity whether or not taxable under this ordinance, that employs 1 or more persons on a salary, bonus, wage, commission or other basis, whether or not the employer is in a business.

(3) "Federal internal revenue code" means the internal revenue code of the United States in effect on the last day of the taxpayer's tax year.

(4) "Financial institution" means a bank, industrial bank, trust company, building and loan or savings and loan association, credit union, safety and collateral deposit company, regulated investment company as defined in section 851 and the following sections of the federal internal revenue code, under whatever authority organized, and any other association, joint stock company or corporation at least 90% of whose gross income consists of dividends or interest or other charges resulting from the use of money or credit.

**Sec. 3.7. Definitions F to N.**

(1) "Fiscal year" means an accounting period of 12 months ending on any day other than December 31. Only fiscal years accepted by the internal revenue service for federal income tax purposes may be used for the city tax purposes.

(2) "Net profits" means the net gain from the operation of a business, profession or enterprise, after provision for all costs and expenses incurred in the conduct thereof, determined on either a cash or accrual method, on the same basis as provided for in the federal internal revenue code for federal income tax purposes, excluding items exempted under this ordinance, but without deduction of federal and city taxes based on income and without deduction of net operating loss carry-over or capital loss carry-over sustained prior to the effective date of this tax, except the net operating losses and capital losses sustained after the effective date of this tax may be carried over to the same extent and on the same basis as under the Federal Internal Revenue Code but shall not be carried back to prior years.

“City taxes based on income” as used in Section 3.7. (2) of the ordinance shall mean the City of Portland income tax imposed by this ordinance.

Depreciation shall be computed in the same manner as under the federal internal revenue code and taken to the same extent as taken on the taxpayer’s federal return for the same taxable year. Depreciable assets acquired before the effective date and depreciated on that basis. Provided, however, that a taxpayer may take depreciation on war emergency facilities to the extent still being depreciated on its official books, on which it elected to take special amortization in lieu of depreciation under the authority of Acts of Congress for federal income tax purposes.

**Sec. 3.8. Definitions N to P.**

- (1) “Nonresident” means an individual domiciled outside the city.
- (2) “Person” means a natural person, partnership, fiduciary, association, corporation or other entity. When used in any provision imposing a criminal penalty, “person” as applied to an association means the parties or members thereof, and as applied to a corporation, the officers thereof.
- (3) “Predominant place of employment” means that city imposing a tax under a uniform city income tax ordinance other than the city of residence, in which the employee estimates he will earn the greatest percentage of compensation from the employer, which percentage is 25% or more.

**Sec. 3.9. Definitions R to T.**

- (1) “Resident” means an individual domiciled in the city. “Domicile” means a place where a person has his true, fixed and permanent home and principal establishment, to which, whenever absent therefrom, he intends to return, and domicile continues until another permanent establishment is established. If an individual, during the taxable year, being a resident becomes a non-resident or vice versa, taxable income shall be determined separately for income in each status.
- (2) “Taxable year” means the calendar year, or the fiscal year, used as the basis on which net profits and other income subject to tax under this ordinance are to be computed, and in case of a return for a fractional part of a year, the period for which the return is required to be made.
- (3) “Taxpayer” means a person required under this ordinance to file a return or to pay a tax.

Actual residence is not necessarily domicile, for domicile is the fixed place of abode which, in the intention of the individual, is permanent rather than transitory. It is the place in which an individual has voluntarily fixed his habitation, not for a mere special or limited purpose, but with the present intention of making a permanent home, until some unexpected event shall occur to cause him to adopt some other permanent home. Every individual has one and only one domicile. Once established it continues until a new one is established, coupled with the abandonment of the old. Prima facie, a married woman has the same domicile as her husband. Ordinarily, the domicile of a minor follows that of the father.

The Administrator may require of individuals claiming domicile outside the City of Portland, a statement of information with respect to the particular case. Mailing address, place of voting,

statements in license and other applications, establishment of business and social contacts, marital status, and other overt acts are evidence of domicile, but no one such item is controlling.

If an individual is a resident during part of a taxable year and a non-resident during the remainder he shall not file two returns. If he is required to file under this ordinance he shall file a resident return only, Form P-1040, reporting thereon the period of time for each status. Income which is taxable to residents but not to non-residents (e.g. interest and dividends) shall be reported, and be subject to tax, only for the portion of the year during which he was a resident.

Each person shall use the same taxable year for city income tax purposes as such person uses for federal income tax purposes.

**Sec. 3.11. Excise Tax on Incomes; Rates.**

Subject to the exclusions, adjustments, exemptions and deductions herein provided, an annual tax of 1% on corporations and resident individuals and ½% on non-resident individuals for general revenue purposes is hereby imposed as an excise on income earned and received on and after the effective date of this ordinance.

**Sec. 3.11a. Ordinance, Resolution, or Agreement to Dedicate and Transfer Funds; Purposes; Commencement; Amount; Definitions.**

(1) For the 1993 tax year and each tax year after 1993, a city that is a qualified local unit of government, as defined by the federal facility development act, may adopt an ordinance or resolution, or may enter into an agreement with a qualified local unit of government other than the city, to dedicate and transfer funds in an amount determined pursuant to subsection (3) solely and to the extent necessary for the purposes authorized for use of the federal facility development fund created by the federal facility development act.

(2) When a city adopts an ordinance or resolution or enters into an agreement pursuant to subsection (1), the use or transfer of any funds dedicated or to be transferred shall commence and continue until any bonds, obligations, or other evidences of indebtedness for which the funds are pledged are fully paid.

(3) The amount dedicated or to be transferred by a city each year pursuant to subsection (1) shall equal the amount of withheld tax remitted by a qualified employer pursuant to section 3.60, as reconciled pursuant to section 3.61, for all qualified employees.

(4) As used in this section:

(a) "Qualified employee" means a person who meets both of the following criteria:

(i) Is employed by a qualified employer.

(ii) His or her principal workplace is a qualified facility.

(a) "Qualified employer" means the federal government.

(b) "Qualified facility" and "qualified local unit of government" mean those terms as defined in the federal facility development act.

**Sec. 3.11b. City as Qualified Local Unit of Government; Dedication and Transfer of Funds; Purposes; Use of Federal Data Facility Fund; Amount; Definitions.**

(1) A city that is a qualified local unit of government, as defined by the federal data facility act, may adopt an ordinance or resolution , or may enter into an agreement with a qualified local unit of government other than the city, to dedicate and transfer funds in the 1994 through 2003 tax years in an amount determined pursuant to subsection (3) solely and to the extent necessary for the purposes authorized for the use of the feral data facility fund created by the feral data facility act.

(2) If a city adopts and ordinance or resolution or enters into an agreement pursuant to section 3.91, the use or transfer of any funds dedicated or to be transferred shall commence and continue until any bonds, obligations, or other evidences of indebtedness for which the funds are pledged are fully paid or the authorized purpose is otherwise completed but not after the 2003 tax year.

(3) The amount dedicated or to be transferred by a city each year pursuant to subsection (1) shall equal the amount of withheld tax remitted by a qualified employer pursuant to section 3.60, as reconciled pursuant to section 3.61, for all qualified employees.

(4) As used in this section:

(a) “Qualified employee” means a person who meets both of the following criteria:

(i) Is employed by a qualified employer.

(ii) His or her principal workplace is a qualified facility.

(b) “Qualified employer” means the federal government.

(c) “Qualified facility” and “qualified local unit of government” mean those terms as defined in the federal data facility act.

**Sec. 3.12. Excise Tax on Incomes; Application to Resident Individuals.**

The tax shall apply on the following types of income of a resident individual to the same extent and on the same basis that the income is subject to taxation under the federal internal revenue code:

(a) On a salary, bonus, wage, commission and other compensation.

(b) On a distributive share of the net profits of a resident owner of an unincorporated business, profession, enterprise, undertaking or other activity, as a result of work done, services rendered and other business activities wherever conducted.

(c) On dividends, interest, capital gains less capital losses, income from estates and trusts and net profits from rentals of real and tangible personal property.

(d) On other income of a resident individual.

**Sec. 3.13. Types of Nonresident Income to which Tax Applicable; Extent and Basis of Tax.**

(1) The tax shall apply on the following types of income of a non-resident individual to the same extent and on the same basis that the income is subject to taxation under the federal internal revenue code:

(a) On a salary, bonus, wage, commission and other compensation for services rendered as an employee for work done or services performed in the city. Vacation pay, holiday pay, sick pay and a bonus paid by the employer are deemed to have the same tax situs as the work

assignment or work location and are taxable on the same ratio as the normal earnings of the employee for work actually done or services actually performed.

- (b) On a distributive share of the net profits of a non-resident owner of an unincorporated business, profession, enterprise, undertaking or other activity, as a result of work done, services rendered and other business activities conducted in the city.
- (c) On capital gains less capital losses from sales of, and on the net profits from rentals of, real and tangible personal property, if such arise from property located in the city.

(2) The amount of taxable compensation of nonresidents working in and out of the city is to be computed by dividing the total number of days worked in the city by the total number of days worked during the year, or the total number hours worked in the city by the total number of hours worked during the year, and applying the resulting percentage to gross annual compensation including vacation, holiday, sickness and bonus pay: except that the amount of taxable compensation of a nonresident compensated on the volume of business secured or other results achieved by him, such as a salesman on a commission basis, shall be the amount received by him for business secured or other results achieved by him attributable to his efforts in the city.

(3) The mere fact that a nonresident employee is subject to call at any time does not permit the allocation of compensation on a seven day per week basis. The mere fact that a nonresident employee is compensated on a seven day per week basis, when he does not in fact perform work or render services seven days per week, does not permit the allocation of compensation on a seven day per week basis. The mere fact that a nonresident employee takes work home with him and performs such work at his home does not permit the allocation of compensation.

(4) A nonresident employee who is paid commissions and renewal commissions for selling insurance, not a general insurance agent who conducts his own independent insurance business, shall allocate such compensation on the following basis: for life, health and accident insurance the locus shall be the location of the purchaser of the insurance; for group insurance the locus shall be the location of the group; for fire and casualty insurance the locus shall be the location of the risk insured, except that on vehicles it shall be the location of the purchaser.

(5) Compensation paid to officers or employees of the State of Michigan is subject to the tax. Such compensation shall be taxable even though the services are performed on the property owned or controlled by the State within the corporate limits of the City of Portland.

(6) Compensation paid to officers or employees of the United States Government, not for service in the armed forces, is subject to the tax. Such compensation shall be taxable even though the services are performed on property owned or controlled by the United States Government within the corporate limits of the City of Portland.

(7) The mere fact that part or all of the work of a nonresident employee working within the City limits may be attributable to branches, governmental units, projects, undertakings, or other activities outside of the corporate limits of the City of Portland does not give rise to an exclusion of the related compensation from taxable income.

**Sec. 3.14. Excise Tax on Incomes; Taxable Net Profits of a Corporation, Definition.**

(1) The tax shall apply on the taxable net profits of a corporation doing business in the city, being levied on such part of the taxable net profits as is earned by the corporation as a result of work done, services rendered and other business activities conducted in the city, as determined in

accordance with this ordinance. "Taxable net profits of a corporation" means federal taxable income as defined in section 63 of the federal internal revenue code but taking into consideration all exclusions and adjustments provided in this ordinance. No deductions shall be allowed for:

- (a) Net operating losses and net capital losses sustained prior to the effective date of the tax.
- (b) The city income tax imposed by this ordinance.

A corporation may deduct income, war profits and excess profits taxes, imposed by a foreign country or possession of the United States, allocable to income included in taxable net income, any part of which would be allowable as a deduction in determining federal taxable income under the applicable provisions of the federal internal revenue code.

(2) Corporations are not permitted to file as so-called "tax option" corporations. Every corporation subject to the city tax must file a return and pay the tax, regardless of any option available to it under sections 1371-1377 of the federal internal revenue code. The taxable income or net operating loss of a corporation shall not be prorated to the shareholders and reported on their individual returns.

- (3) In determining taxable net profits of a corporation no deduction shall be allowed for:
- a. Net operating losses and net capital losses sustained prior to the effective date of the city income tax, which date was January 1, 1984.
  - b. The city income tax imposed by this ordinance.

**Sec. 3.15. Excise Tax on Incomes; Unincorporated Business, Profession; Sole Proprietorship, Partnership.**

(1) An unincorporated business, profession or other activity conducted by 1 or more persons subject to the tax as either a sole proprietorship or partnership shall not be taxable as such. The persons carrying on the unincorporated business, profession or other activity are liable for income tax only in their separate and individual capacities and on the following basis:

- (a) A resident proprietor or partner is taxable upon his entire distributive share of the net profits of the activity regardless of where the activity is conducted.
- (b) A nonresident proprietor or partner is taxable only upon his distributive share of the portion of the net profits of the activity which is attributable to the city under the allocation methods provided in this ordinance.
- (c) In the hands of a proprietor or partner of an unincorporated activity, the character of any item of income taxable under this ordinance is determined as if such item were realized by the individual proprietor or partner directly from the source from which it is realized by the unincorporated activity. In computing his taxable income for a taxable year, a person who is required to file a return shall include therein his taxable distributive share of the net profits for any partnership year ending within or with his taxable year.

(2) A nonresident owner or an unincorporated business or profession must include in income subject to tax his distributive share of interest, dividends, and other income from intangibles if such income is directly related to the nature of the business (as, for example, where one of the functions of the business is to lend money at interest).

**Sec. 3.16. Unincorporated Business, Profession, or Activity; Return.**

An unincorporated business, profession or other activity owned by 2 or more persons shall file an annual information return setting forth:

- (a) The entire net profit for the period covered by the return and the taxable portion of the net profit attributable to the city.
- (b) The names and addresses of the owners of the unincorporated activity and each owner's taxable distributive share of the total net profit and each nonresident owner's share of the taxable net profit attributable to the city.

**Sec. 3.17. Unincorporated Business, Profession, or Activity; Election to Pay Tax.**

(1) At the election of an unincorporated business, profession or other activity, the entity, on behalf of the owners, may compute and pay the tax due with respect to each owner's share of the net profit of the activity after giving effect to exemptions to which each owner is entitled. This election is available to all unincorporated business entities having 2 or more owners regardless of the residence of the owners. The tax thus paid by the entity shall constitute all tax due with respect to each owner's distributive share of the net profits of the unincorporated business, profession or other activity.

If the unincorporated business, profession or other activity elects under this section to file a return and pay the tax on behalf of its owners, the election and filing are deemed to meet the requirements of this ordinance for the filing of a return for each owner who has no other income subject to the tax. However, a return is required from any such owner having taxable income other than his distributive share of the net profits of the entity. In such case the entire income subject to the tax shall be included in the return and credit taken thereon for the tax paid in his behalf by the unincorporated activity.

(2) If the unincorporated business, profession or other activity elects to pay the tax on behalf of its owners then such unincorporated business, profession or other activity assumes the status of a taxpayer under Sections 3.62, 3.63, and 3.64 of the ordinance and is required to file a declaration of estimated tax and pay the estimated tax shown thereon.

**Sec. 3.18. Partial Business Activity in City; Apportionment of Net Profit.**

(1) When the entire net profit of a business subject to the tax is not derived from business activities exclusively within the city, the portion of the entire net profit, earned as a result of work done, services rendered or other business activity conducted in the city, shall be determined at the election of the taxpayer under either section 3.19, sections 3.20 to 3.24, or section 3.25.

(2) The fact that a person fills orders by shipment to an out-of-city destination, when such person has no regularly maintained and established out-of-city location and engages in no out-of-city business activity, does not entitle such person to apportion part of his net profit as being earned as a result of work done, services rendered or other business activity conducted out of the city.

(3) The mere solicitation of orders by telephone or catalogs or other mailed matter, from a location within the city for shipment to an out-of-city destination, does not itself constitute out-

of-city activity. The solicitation of orders for or on behalf of a person by an independent contractor does not constitute business activity by the person.

**Sec. 3.19. Partial Business Activity in City; Separate Accounting Method.**

(1) The taxpayer may petition for and the administrator may grant approval of, or the administrator may require the separate accounting method. If such method is petitioned for, the administrator may require a statement explaining the manner in which apportionment will be made, in sufficient detail to determine whether the net profits attributable to the city will be apportioned with reasonable accuracy.

(2) Approval to use the separate accounting method must be requested of the administrator, in writing, within the first 90 days following the beginning of the taxable year or period for which its use is requested.

**Sec. 3.20. Partial Business Activity in City; Business Allocation Percentage Method.**

The business allocation percentage method shall be used if such taxpayer is not granted approval to use the separate accounting method of allocation. The entire net profits of such taxpayer earned as a result of work done, services rendered or other business activity conducted in the city shall be ascertained by determining the total “in-city” percentages of property, payroll and sales. “In-city” percentages of property, payrolls and sales, separately computed, shall be determined in accordance with sections 3.21 to 3.24.

**Sec. 3.21. Partial Business Activity in City; Percentage of Average Net Book Value; Gross Rental Value of Real Property.**

First, the taxpayer shall ascertain the percentage which the average net book value, of the tangible personal property owned and the real property, including leasehold improvements, owned or used by it in the business situated within the city during the taxable period, is of the average net book value if all such property, including leasehold improvements, owned or used by the taxpayer in the business during the same period wherever situated. Real property shall include real property rented or leased by the taxpayer and the value of such property shall be deemed to be 8 times the annual gross rental thereon. “Gross rental of real property” means the actual sum of money or other consideration payable, directly or indirectly, by the taxpayer for the use or possession of real property and includes but is not limited to:

- (a) An amount payable for the use or possession of real property or any part thereof, whether designated as a fixed sum of money or as a percentage of sales, profits or otherwise.
- (b) An amount payable as additional rent or in lieu of rent such as interest, taxes, insurance, repairs or other amount required to be paid by the terms of a lease or other arrangement.

**Sec. 3.22. Partial Business Activity in City; Percentage of Compensation Paid Employees.**

Second, the taxpayer shall ascertain the percentage which the total compensation paid to employees for work done or services performed within the city is of the total compensation paid to all the taxpayer’s employees within and without the city during the period covered by the return. For allocation purposes, compensation shall be computed on the cash or accrual basis in accordance with the method used in computing the entire net income of the taxpayer.

If an employer performs services within and without the city, the following examples are not all inclusive but may serve as a guide for determining the amount to be treated as compensation for services performed within the city.

- (a) In the case of an employee compensated on a time basis, the proportion of the total amount received by him which is his working time within the city is of his total working time.
- (b) In the case of an employee compensated directly on the volume of business secured by him, such as a salesman on a commission basis, the amount received by him for business attributable to his efforts in the city.
- (c) In the case of an employee compensated on other results achieved, the proportion of the total compensation received which the value of his services within the city bears to the value of all his services.

**Sec. 3.23. Partial Business Activity in City; Percentage of Gross Revenue.**

Third, the taxpayer shall ascertain the percentage which the gross revenue of the taxpayer derived from sales made and services rendered in the city is of the total gross revenue from sales and services wherever made or rendered during the period covered by the return.

- (1) For the purposes of this section, “sales made in the city” means all sales where the goods, merchandise or property is received in the city by the purchaser, or a person or firm designated by him. In the case of delivery of goods in the city to a common or private carrier or by other means of transportation, the place at which the delivery has been completed is considered as the place at which the goods are received by the purchaser.

The following examples are not all inclusive but may serve as a guide for determining sales made in the city:

- (a) Sales to a customer in the city with shipments to a destination within the city from a location in the city or an out-of-city location are considered sales made in the city.
  - (b) Sales to a customer in the city with shipments to a destination within the city directly from the taxpayer’s in-city supplier or out-of-city supplier are considered sales made in the city.
  - (c) Sales to a customer in the city with shipments directly to the customer at his regularly maintained and established out-of-city location are considered out-of-city sales.
  - (d) Sales to an out-of-city customer with shipments or deliveries to the customer’s location within the city are considered sales made in the city.
  - (e) Sales to an out-of-city customer with shipments to an out-of-city destination are considered out-of-city sales.
- (2) In the case of public utilities, or businesses furnishing transportation, services, “gross revenue” for the purposes of this section may be measured by such means as operating revenues, vehicle miles, revenue miles, passenger miles, ton miles, tonnage or such other method as shall reasonably measure the proportion of gross revenue obtained in the city by such business.
  - (3) In the case the business of the taxpayer involves substantial business activities other than sales of goods and services such other method or methods of allocation shall be employed as shall reasonably measure the proportion of gross revenue obtained in the city by such business.

In determining "sales made in the city" the fact that title may pass to the purchaser on delivery to a common or private carrier or other means of transportation is immaterial. The place at which the goods are ultimately received after all transportation has been completed, shall be considered as the place at which goods are received by the purchaser.

**Sec. 3.24. Partial Business Activity in City; Business Allocation Percentage.**

Fourth, the taxpayer shall add the percentages determined in accordance with sections 3.21, 3.22 and 3.23 and divide the total by 3 and the result so obtained is the business allocation percentage. In determining this percentage, a factor shall be excluded from the computation only when the factor does not exist anywhere insofar as the taxpayer's business operation is concerned and, in such case, the total of the percentages shall be divided by the number of factors actually used. The business allocation percentage shall be applied to the entire net profits, wherever derived, of the taxpayer subject to the tax to determine the net profits allocable to the city.

**Sec. 3.25. Partial Business Activity in City; Substitute Methods.**

An alternative method of accounting shall be used if the taxpayer or the administrator demonstrates that the net profits of the taxpayer allocable to the city cannot be justly and equitably determined under the separate accounting method or the business allocation percentage method, or if undue expense to the taxpayer would result from complying therewith because of the taxpayer's manner of operations and methods of accounting. In such case the administrator, upon application of the taxpayer or upon his own initiative, may approve or specify factors or methods of determination as will effect a just, non-discriminatory and reasonable result. Application to the administrator to substitute other factors in the formula or to use a different method to allocate net profits shall be made in writing and state the specific grounds on which the substitution of factors or use of a different method is requested and the relief sought. No specific form need be followed in making the application. Once a taxpayer has filed under a substitute method, he shall continue so to file until given permission by the administrator to change.

**Sec. 3.26. Capital Gains and Losses; Determination.**

(1) Capital gains and capital losses, other than gains and losses on securities issued by the government of the United States, shall be included in income only to the extent of that portion of the gains or losses which occur after the effective date of this ordinance. In determining the amount of gain or loss, the taxpayer may use net proceeds from the sale or exchange less fair market value as of the effective date of this ordinance. The fair market value of property shall be determined by an appraisal or similar reliable evidence. The fair market value of a security shall be the last quoted price on the last business day prior to the effective date. For a security trader over the counter the last quoted price shall be the last bid price on the last business day prior to the effective date. The taxpayer may determine the gain or loss on a transaction in the same manner as for federal income tax purposes taking into account only that portion thereof which occurs after the effective date. The portion of that gain or loss includible in computing taxable income will be the same proportion of the total gain or loss as the period of time the property was held after the effective date of the ordinance bears to the total time the property was held. In any city adopting this ordinance which had a valid local income tax ordinance in effect on January 1, 1964, capital gains and losses shall be included to the extent of that portion of such gains or losses which occur after the effective date of the original city income tax ordinance.

(2) If capital losses exceed capital gains in a taxable year, the unused portion may be utilized to the same extent and on the same basis as under the federal revenue code.

**Sec. 3.27. Estates or Trusts, Deemed Nonresidents; Definitions.**

An estate or trust is not subject to tax under this ordinance, except that it shall be treated as a non-resident individual for purposes of section 3.11 of this ordinance to the extent income of the estate or trust described in section 3.13 is not includible in the return of a resident individual as “income from estates and trusts.” A resident individual shall include “income from estates and trusts” in his income subject to tax under this ordinance without regard to the situs of the estate or trust. For this purpose, an “estate” means the estate of a deceased person during the period of administration or settlement and a “trust” means an inter vivos or testamentary trust created by an individual for the benefit of 1 or more persons.

**Sec. 3.28. Income from Estates and Trusts.**

(1) “Income from estates” and “income” as defined in section 643 (b) of the federal internal revenue code, properly paid, credited or distributed but not in excess of the resident individual’s share of the distributable net income of the estate decreased by the amount of depreciation or depletion allowed the resident individual as a deduction under section 642 of the federal internal revenue code. The exceptions hereinafter set forth with respect to trusts are also applicable to income from estates. “Income from trusts” means the amount of “income” as defined in section 643 (b) of the federal internal revenue code, distributed or required to be distributed under sections 652 9a) or 662 (a) (1) of the federal internal revenue code, decreased by the amount of depreciation or depletion allowed the resident individual as a deduction by section 642 of the federal internal revenue code, with the following exceptions:

- (a) Dividends on stock of state and national banks and trust companies.
- (b) Interest from obligations of the United States, the states or subordinate units of government of the states.

(2) Income received by a resident individual from a fiduciary shall retain the character it held in the hands of the fiduciary. With respect to trusts where the income is taxed to the grantor or some other person under subpart E of subchapter J of the federal internal revenue code, the grantor or other person shall include in his return all items of income and deductions allowed by this ordinance.

(3) An individual shall include “income from estates and trusts” in his return in the same year as provided in the federal internal revenue code with respect to distributions of income from estates and trusts. The amount of income included in the return for the first tax year of a resident individual, with respect to estates and trusts, shall be computed as though the tax year of the estate or trust for federal income tax purposes began on the effective date of this ordinance and ended with the end of the tax year of the estate or trust for federal income tax purposes which ends next following the effective date.

**Sec. 3.31. Exemptions.**

(1) An individual taxpayer in computing his taxable income is allowed a deduction of \$1000.00 for each personal and dependency exemption under the rules for determining exemptions and

dependents as exemptions, but if the taxpayer and the spouse are both subject to the tax imposed by this ordinance, the number of exemptions claimed by each of them when added together shall not exceed the total number of exemptions allowed under this ordinance.

For a taxpayer, or the taxpayer's spouse, who is 65 years of age or older, who is blind, who is deaf, or who is disabled, four additional exemptions are allowed under this ordinance.

**Sec. 3.32. Payments and Benefits not Subject to Tax.**

(1) The following payments and benefits received by any person are not subject to the tax:

- (a) Gifts and bequests.
- (b) Proceeds of insurance, annuities, pensions and retirement benefits. Amounts received for personal injuries, sickness or disability are excluded from taxable income only to the extent provided by the federal internal revenue code.
- (c) Welfare relief, unemployment benefits including supplemental unemployment benefits, and workmen's compensation or similar payments from whatever source derived.
- (d) Amounts received by charitable, religious, educational and other similar nonprofit organizations which are exempt from taxation under the federal internal revenue code.
- (e) Amounts received by supplemental unemployment benefit trusts or pension, profit sharing and stock bonus trusts qualified and exempt under the federal internal revenue code.
- (f) Interest from obligations of the United States, the states or subordinate units of government of the states and gains or losses on the sales of obligations of the United States.
- (g) net profits of financial institutions and insurance companies.
- (h) Amounts paid to an employee as reimbursement for expenses necessarily and actually incurred by him in the actual performance of his services and deductible as such by the employer.
- (i) Compensation received for service in the armed forces of the United States.

(2) Service in the armed forces of the United States shall include service in the Army, Navy, Marine Corp., Air Force and Coast Guard. It shall not include employment as a civilian by the armed forces.

(3) Payments made by an employer to an employee with respect to periods during which the employee is serving in the armed forces are not to be considered compensation received for services in the armed forces.

**Sec. 3.33. Deductible Expenses Generally.**

Ordinary, necessary, reasonable and unreimbursed expenses paid or incurred by an individual in connection with the performance by him of services as an employee may be deducted from gross income in determining income subject to tax to the extent the expenses are applicable to income taxable under this ordinance. The expenses are limited to the following:

- (a) Expenses of travel, meals and lodging while away from home.
- (b) Expenses as an outside salesman, away from his employer's place of business.
- (c) expenses of transportation.

- (d) expense under a reimbursement or other expense allowance arrangement with his employer, where the reimbursement or allowance has been included in total compensation reported.

**Sec. 3.34. Deductible Expenses; Alimony, Separate Maintenance Payments and Principal Sums Payable in Installments, Moving Expenses, and Payment to Retirement Plan or Account.**

The following expenses paid or incurred by an individual may be deducted from gross income in determining income subject to tax to the extent the expenses are applicable to income taxable under this ordinance:

- (a) An individual may deduct alimony, separate maintenance payments and principal sums payable in installments, to the extent includable in the spouse's adjusted gross income under the federal internal revenue code but only to the extent deductible by the individual under the federal internal revenue code. A nonresident individual may deduct only that proportion of his alimony, separate maintenance or principal sums payable in installments that his income taxable under this ordinance bears to his total federal adjusted gross income.
- (b) An employee or self-employed individual may deduct moving expenses to the extent provided in section 217 of the federal internal revenue code.
- (c) A self-employed individual may deduct payments to a qualified retirement plan to the extent provided in section 404 of the federal internal revenue code.
- (d) An individual may deduct payments to an individual retirement account established pursuant to the employee retirement income security act of 1974, 29 U.S.C. 1001 to 1381, to the extent provided in section 219 of the internal revenue code.

**Sec. 3.41. Annual Return; Joint Return.**

(1) Every corporation doing business in the city and every other person having income taxable under this ordinance in any year before the 1997 tax year or in any tax year after the 1996 tax year for which the city has not entered into an agreement with the department of treasury pursuant to section 9 of chapter 1, shall make and file with the city an annual return for that year, on a form furnished or approved by the city, on or before the last day of the fourth month for the same calendar year, fiscal year or other accounting period, as has been accepted by the internal revenue service for federal income tax purposes for the taxpayer. For tax years after the 1996 tax year and for which a city has entered into an agreement pursuant to section 9 of chapter 1, the annual return required by this subsection shall be filed with the city of the department as provided by the agreement on or before the fifteenth day of the fourth month for the same calendar year, fiscal year, or other accounting period that has been accepted by the internal revenue service for federal income tax purposes for the taxpayer.

(2) A husband and wife may file a joint return and, in such case, the tax liability is joint and several.

(3) The fact that a taxpayer has paid his entire tax liability on a declaration of estimated tax does not relieve him from requirement of filing an annual return. (See section 3.64. (1) of this ordinance.)

The fact that an individual not subject to withholding has an entire tax liability of \$1.00 or less does not relieve him from the requirement of filing an annual return.

(4) A husband and wife who both have income subject to tax and who elect to file separate returns may each take only those exemptions to which they would be entitled under the federal internal revenue code.

**Sec. 3.42. Returns; Contents.**

The annual return shall set forth:

- (a) The number of exemptions, place of residence, place of employment and other pertinent information as shall be reasonably be required.
- (b) The aggregate amount of compensation, dividends, interests, net profit from rentals, capital gains less capital losses, net profits from business and other income, subject to the tax.
- (c) The total amount of the tax imposed by this ordinance.
- (d) The amount of the tax previously withheld or paid.
- (e) Credits provided in this ordinance.
- (f) The balance of the tax due or to be refunded.

In filing his annual return an individual shall support his claim for the amount of tax previously withheld by attaching thereto a copy of the information return, Form W-2 or PW-2, required to be furnished him by his employer in Section 3.61.(2) of this ordinance.

**Sec. 3.43. Payment of Tax; Refund; Interest; Allocation of Payment; Notice; Nonobligated Spouse; Form; Filing; Release of Liability; Definitions.**

(1) Any balance of the tax which is due the city at the time of filing the annual return shall be paid therewith unless the balance is less than \$1.00, in which event payment is not required.

(2) If the annual return reflects an over-payment of the tax, the declaration thereof on the return constitutes a claim for refund and the overpayment shall be applied against any subsequent liability thereunder or, at the election of the taxpayer and when so indicated on the return, the overpayment shall be refunded but refunds for amounts of less than \$1.00 shall not be paid.

(3) If a valid claim for a refund of taxes, except a refund under section 3.61, due for the taxable year 1992 or a taxable year after 1992 is filed, interest at the rate established in section 30(3) of Act No. 122 of the Public Acts of 1941, being section 205.30 of the Michigan Compiled Laws shall be added to the refund beginning 45 days after the claim is filed or 45 days after the date established under this ordinance for the filing of the return, whichever is later. For tax years after the 1996 tax year and for which a city has entered into an agreement pursuant to section 9 of chapter 1, a claim for refund shall be paid from money in the city income tax trust fund.

(4) For tax years after the 1995 tax year and for which a city has entered into an agreement pursuant to section 9 of chapter 1, if a taxpayer pays, when filing his or her annual return, an amount less than the sum of the declared tax liability under this act, and the declared tax liability under the income tax act of 1967, Act No. 281 of the Public Acts of 1967, being sections 206.1 to 206.532 of the Michigan Compiled Laws, and there is no indication of the allocation of payment between the tax liabilities against which the payment should be applied, the amount

paid shall first be applied against the taxpayer's tax liability under this act and any remaining amount of payment shall be applied to the taxpayer's tax liability under Act No. 281 of the Public Acts of 1967. The taxpayer's designation of a payee on a payment is not dispositive determination of the allocation of that payment under this subsection.

(5) If the claim for refund is reflected on a joint return, the administrator shall allocate to each joint taxpayer his or her share of the refund. The amount allocated to each taxpayer shall be applied to his or her respective liabilities under this ordinance.

(6) If the administrator or department determines that all or a portion of a refund claimed on a joint tax return is subject to application to a liability of an obligated spouse, the administrator or the department shall notify the joint taxpayers by first class mail sent to the address shown on the joint return. The notice shall be accompanied by a nonobligated spouse allocation form. The notice shall state all of the following:

- a) That all or a portion of the refund claimed by the joint taxpayers is subject to interception to satisfy a liability or liabilities of 1 or both spouses.
- b) The nature of the liability and the name of the obligated spouse or spouses.
- c) That a nonobligated spouse may claim his or her share of the refund by filing a nonobligated spouse allocation form with the city or the department not more than 30 days after the date of the notice was mailed.
- d) A statement of the penalties.

(7) A nonobligated spouse who wished to claim his or her share of a tax refund shall file with the city or the department a nonobligated spouse allocation form. The nonobligated spouse allocation form shall be in a form specified by the administrator or the department and shall require the spouses to state the amount of income or other tax base and all adjustments to the income or the tax base, including subtractions, additions, deductions, credits, and exemptions, state on the joint tax return that is the basis for the claimed refund, and an allocation of those amounts between the obligated and nonobligated spouse. In allocating these amounts, all of the following apply:

- a) Individual income shall be allocated to the spouse who earned the income. Joint income shall be allocated equally between the spouses.
- b) Each spouse shall be allocated the personal exemptions he or she would be entitled to claim if separate federal returns had been filed, except that the dependency exemptions shall be prorated according to the relative income of the spouses.
- c) Adjustments resulting from a business shall be allocated to the spouse who claimed income from the business.
- d) Ownership of other assets relevant to the allocation shall be disclosed upon request of the administrator or the department.

(8) A nonobligated spouse allocation form shall be signed by both joint taxpayers. However, the form may be submitted without the signature of the obligated spouse if his or her signature cannot be obtained. The nonobligated spouse shall certify that he or she has made a good faith effort to obtain the signature of the obligated spouse and shall state the reason that the signature was not obtained.

(9) A person who knowingly makes a false statement on a nonobligated spouse allocation form is subject to a penalty of \$25.00 or 25% of the excessive claim for his or her share of the refund, whichever is greater, and other penalties as provided in this ordinance.

(10) A nonobligated spouse to whom the administrator or the department has sent a notice under subsection (6), who fails to file a nonobligated spouse allocation form within 30 days after the date the notice was mailed, shall be barred from commencing any action against the city or the department to recover an amount withheld to satisfy a liability of the obligated spouse to which a joint tax refund is applied under this section. The payment by the city of the department of any amount applied to a liability of a taxpayer under this section shall release the department or the city and administrator from all liability to the obligated spouse, the nonobligated spouse, and any other person having or claiming any interest in the amount paid. A payment by the department of treasury under this subsection shall be made from the city income tax trust fund created in section 5 of chapter 1.

(11) As used in this section:

(a) “Nonobligated spouse” means a person who has filed a joint city income tax return and who is not liable for an obligation of his or her spouse described in the ordinance.

(b) “Obligated spouse” means a person who has filed a joint city income tax return and who is liable for an obligation described in this ordinance for which his or her spouse is not liable.

#### **Sec. 3.44. Federal Income tax Return; Eliminations.**

Where total income, total deductions, net profits, or other figures are derived from the taxpayer’s federal income tax return, any item of income not subject to the city income tax and unallowable deductions shall be eliminated in determining net income subject to the city tax. The fact that a taxpayer is not required to file a federal income tax return does not relieve him from filing a city tax return.

#### **Sec. 3.45. Net Profits; Consolidated Returns.**

For the purpose of determining net profit allocable to the city under this ordinance, a corporate taxpayer may elect to file a consolidated return including subsidiaries whose voting stock is more than 50% owned by the taxpayer, if such return will more properly reflect the net profits and activities of the taxpayer in the city. The city may require a consolidated return if necessary to properly determine net profits of the taxpayer allocable to the city.

#### **Sec. 3.46. Amended Return; Change of Method of Accounting.**

An amended return shall be filed, on a form obtainable from the city, where necessary to report additional income and pay an additional tax due, or to claim a refund of tax overpaid, subject to the requirements or limitations contained in this ordinance. Within 90 days from final determination of a federal tax liability which also affects the computation of a taxpayer’s city income tax liability, the taxpayer shall prepare and file an amended city income tax return showing income subject to the city tax based upon the final determination of federal income tax liability, and pay an additional tax shown due thereon or make claim for refund of an overpayment. A taxpayer may not change the method of accounting or apportionment of net profits after the due date for filing the original return, or any extensions thereof.

**Sec. 3.51. Withholding of Tax by Employer; Employer as Trustee; Failure or Refusal to Deduct and Withhold Tax; Liability; Discharge.**

(1) An employer doing business or maintaining an establishment within the city shall withhold from each payment to his employees on and after the effective date of this ordinance the tax on their compensation subject to the tax, after giving effect to exemptions, as follows:

- (a) Residents.
  - (i) At a rate equal to 1% of all compensation paid to the employee who is a resident of the city, if he is not subject to withholding in any other city levying the tax.
  - (ii) At a rate equal to ½ of 1% of all compensation paid the employee who is a resident of the city from who the employer is require to withhold on such compensation earned in another city.
- (b) Nonresidents. At a rate equal to ½ of 1% of the compensation paid to the employee for work done or services performed in the city designated by the employee as his predominant place of employment. The withholding rate shall be applied to the percentage of the employee's total compensation equal to the employee's estimated percentage of work to be done or services to be performed in the city for such employer, but no withholding shall be required if the estimated percentage of work is less than 25%.

- (2) An employer withholding the tax is deemed to hold such tax as a trustee for the city.
- (3) An employer who is required to withhold and who fails or refuses to deduct and withhold is liable for the payment of the amount required to be withheld. The liability shall be discharged upon payment of the tax by the employee but the employer is not relieved of penalties and interest provided in this ordinance for such failure or refusal.

(4) In determining whether the tax shall be withheld from musicians, entertainers, athletes and other such individuals the definition of employee in Sec. 3.6(1) of the ordinance shall be controlling. ("Employee" means a person from who an employer is required to withhold for either federal income or federal social security taxes.)

(5) An employer, whether or not an individual, and whether or not a resident of the city, who maintains a business establishment or business establishments in the city and a business establishment or business establishments outside the city must withhold the tax from all Portland residents working at such employer's out-of-city establishment or establishments.

(6) Compensation subject to withholding shall include wage and salary advances, and advances on commission.

**Sec. 3.52. Tax Withheld; Payments or Persons Excepted.**

(1) Employers shall not withhold any tax from the following payments:

- (a) Compensation paid to domestic help.
- (b) Compensation paid to a person who is not an employee, including an independent contractor.
- (c) An amount allowed and paid to an employee as reimbursement for expenses necessarily and actually incurred by him in the actual performance of his services, and deductible by the em

(d) A qualified taxpayer. “Qualified taxpayer” means that term as defined in sect 3.35(12)(c)(i).

(2) An employer who directly makes wage continuation payments for personal injuries, sickness or disability may elect to withhold or not withhold the tax on the exempt portion of such payments. In either case the amount of exempt income shall be included in the total amount of compensation reported on the annual information return required of all employers under Section 3.61(2) of this ordinance, either as part of total wages paid or as a separate figure.

**Sec. 3.53. Tax Withheld; Payment by Employee or Employer.**

If the tax is not withheld, an employee is not excused from filing a return and paying the tax on his compensation. If the tax is withheld but an employer fails to pay the tax to the city, the employee is not liable for the tax so withheld.

**Sec. 3.54. Tax Withheld; Exemptions Claimed; Percentage of Work Done at Predominant Place of Employment.**

(1) An employee with compensation subject to tax shall file with his employer a form on which the employee shall state the number of exemptions claimed, the city of residence, the predominant place of employment, and the percentage of work done or services performed in the predominant place of employment. The percentage shall be expressed as “less than 25%”, “40%”, “60%”, “80%” or “100%”. The employer shall retain the form and rely on the information therein for withholding purposes unless directed by the city to withhold on another basis. If information submitted by the employee is not believed to be true, correct and complete, the city shall so be advised.

**Sec. 3.55. Tax Withheld; Revised Form; Time for Filing.**

An employee shall file with his employer a revised form within 10 days after his number of exemptions decrease or he changes his residence from or to a taxing city. The employee may file a revised form when his number of exemptions increases. An employee shall file a revised form by December 1<sup>st</sup> of each year, if his predominant place of employment or his estimate of the percentage of work done or services to be rendered in the city will change for the ensuing year. Revised withholding certificates shall not be given retroactive effect.

**Sec. 3.56. Refusal by Employee to Furnish Withholding Certificate; Withholding by Employer.**

If an employee refuses to furnish a withholding certificate upon the request of his employer, the employer shall withhold 1% of the employee’s total compensation, and report and pay the withholding on the basis of the best information in the possession of the employer.

**Sec. 3.57. Tax Withheld; Withholding Tables; First Compensation Taxable.**

(1) The city shall provide withholding tables establishing the amounts to be withheld for various tax rates, wage brackets, numbers of exemptions and pay periods. An employer who uses the tables fully discharges his duty to withhold. An employer may elect not to use the tables, in

which case to discharge fully his duty to withhold he shall withhold the applicable per cent of taxable compensation after provision for exemptions.

(2) The first compensation paid an employee on or after the effective date of the tax levy is subject to withholding on either of the following bases at the option of the employer:

- (a) On the full amount of compensation paid.
- (b) On the proportion of compensation paid for work done or services performed on or after the effective date of the levy.

**Sec. 3.58. Tax Withheld; Overwithheld Tax, Refund.**

If an employer withholds more than the apparent tax liability of an employee due to an increase in the number of exemptions claimed during the year, or due to the actual percentage of work performed in the city by a non-resident being less than the estimated percentage, or due to a change of residence during the year to or from a taxing city, or due to any reason other than the employer's error, the employer shall neither refund the excess to the employee nor offset the excess by under-withholding in a subsequent period. The employee shall claim his refund from the city on his annual return.

**Sec. 3.59. Tax Withheld; Correction of Error, Refund.**

Correction of an over or an under-withholding as a result of an employer's error shall be made as follows:

- (a) If the error is discovered in the same quarter in which it is made, the employer shall make the necessary adjustment on a subsequent pay and include only the corrected amount on the quarterly return.
- (b) If the error is discovered in a subsequent quarter of the same calendar year, the employer shall make the necessary adjustment on a subsequent pay and report it as an adjustment on the quarterly return.
- (c) If the error is discovered in the following calendar year, or if the employer-employee relationship has terminated, the procedure shall be as follows:
  - (i) The employee or former employee shall apply to the city for a refund in case of an over-withholding. Upon proper verification the city shall refund to him the amount of the over-withholding.
  - (ii) If a deficiency is discovered, the employer shall notify the city and the employee or former employee, who shall pay the city the additional tax due in his annual return.

**Sec. 3.60. Tax Withheld; Payment by Employer; Return; Electronic Funds Transfer.**

(1) Except as provided in subsection (2) An employer shall file a return, furnished by or obtainable on request from the city, and pay to the city the full amount of the tax withheld on or before the last day of the month following the closed of each calendar quarter except that if during any calendar month other than the last month of a calendar quarter the amount exceeds \$100.00, the employer shall deposit the amount withheld with the city treasurer before the end of the next calendar month.

(2) For tax years after the 1996 tax year and for which a city has entered into an agreement pursuant to section 9 of chapter 1, and employer shall file a return and pay the tax withheld for

each calendar month on or before the fifteen day of the month following the close of each calendar month to the department by means of an electronic funds transfer method approved by the state commissioner of revenue.

**Sec. 3.61. Tax Withheld; Employer's Reconciliation of Quarterly Returns; Deficiency; Refund; Information Return; Cessation of Business.**

(1) An employer shall file a reconciliation of his quarterly returns on or before the last day of February following each calendar year in which he has withheld from an employee's compensation. A deficiency is due when the reconciliation is filed. If the employer made monthly or quarterly or both payments in excess of the amount withheld from an employee's compensation, the city upon proper verification shall refund the excess to the employer.

(2) In addition to the reconciliation the employer shall file an information return for each employee from whom the city income tax has been withheld and each employee subject to withholding under this ordinance, setting forth his name, address and social security number, the total amount of compensation paid him during the year, and the amount of city income tax withheld from him. The information return shall be on a copy of the federal W-2 form or on a form furnished or approved by the City. A copy of the information return shall be furnished to the employee.

(3) If an employer goes out of business or otherwise ceases to be an employer, reconciliation form and the information return forms shall be filed by the date the final withholding return and payment are due.

(4) For tax years after the 1996 tax year and for which a city has entered into an agreement pursuant to section 9 of chapter 1, if an employer goes out of business or otherwise ceases to be an employer reconciliation forms and the information return forms shall be filed with the department within 30 days after the employer goes out of business or ceases to be an employer.

**Sec. 3.62. Declaration of Estimated Tax; Filing; Form; Time; Exceptions.**

(1) A person, who anticipates taxable income from which the city income tax will not be withheld, shall file a declaration of estimated tax on a form furnished by or obtainable on request from the city. A calendar year taxpayer shall file a declaration on or before each April 30<sup>th</sup> or for tax years after the 1996 tax year and for which a city has entered into an agreement with the department of treasury pursuant to section 9 of chapter 1, on or before each April 15. A taxpayer on a fiscal year basis or other accounting period shall file a declaration within 4 months after the beginning of each fiscal year or other accounting period.

(2) If a taxpayer has not previously been required to file, the declaration shall be filed on or before the first date for making a quarterly payment which occurs after he becomes subject to the requirement to file a declaration. A taxpayer shall file a declaration for the same calendar year, fiscal year or other accounting period that has been accepted by the federal internal revenue service for federal income tax purposes. A declaration by an individual or unincorporated entity is not required if the total estimated tax, less any credits applicable thereto, does not exceed \$100.00. A declaration by a corporation is not required if the total estimated tax, less any credits applicable thereto does not exceed \$250.00. A declaration by or on behalf of an estate or trust is not required.

**Sec. 3.63. Declaration of Estimated Tax Not Withheld; Computation; Payment; Installments.**

(1) A taxpayer's annual return for the preceding year may be used as the basis for computing his declaration of estimated tax for the current year, or he may use the same figures used for estimating his federal income tax adjusted to exclude any income or deductions not taxable or permissible under this ordinance.

(2) The estimated tax may be paid in full with the declaration or in 4 equal installments on or before the last day of the fourth, sixth, ninth and thirteenth months after the beginning of the taxable year.

(3) An amended declaration may be filed when making a quarterly payment, and the unpaid balance shown due thereon shall be paid in equal installments over the remaining payment dates.

**Sec. 3.64. Annual Return; Filing; Extension of Time; Failure to File; Penalty.**

(1) The filing of a declaration of estimated tax does not excuse the taxpayer from filing an annual return even though there is no change in the declared tax liability. An annual return shall be filed by the end of the fourth month or for tax years after the 1996 tax year and for which a city has entered into an agreement pursuant to section 9 of chapter 1, filed with the department on or before the fifteenth day of the fourth month of the year following that for which the declaration was filed. Upon written request of a taxpayer the administrator may extend the time for filing the annual return for not to exceed 6 months. The administrator or the department may require a tentative return and payment of the estimated tax.

(2) A penalty or interest shall not be assessed if the return is filed and the final tax paid within the extended time and all other filing and payment requirements of this ordinance are satisfied, and the estimated tax paid equals 70% or more of the tax shown due on the final return or 70% or more of the tax shown due on the taxpayer's return for the preceding taxable year.

(3) A written request for extension of time for filing an annual return must be made by the date such annual return was first due under this ordinance. Provided, however, that where the federal internal revenue code grants an automatic extension to person outside the United States the administrator shall grant a like automatic extension to the same date.

(4) Nothing in this ordinance or rules and regulations shall be construed to give the administrator authority to extend the time for making quarterly returns and payments of tax withheld, or for filing and making payments on declaration of estimated tax.

**Sec. 3.64a. Sale of Business or Stock of Goods or Quitting Business; Liability for Tax; Escrow by Purchaser; Release to Purchaser of Known Tax Liability; Failure to Comply with Escrow Requirements; Liability of Corporation Officers.**

(1) If a person liable for the tax imposed under this ordinance sells a business or the stock of goods of a business or quits a business, the person shall make a final return to the city or the department within 15 days after the date the business or stock of goods is sold or the person quits the business. The purchaser or succeeding purchasers, if any, who purchase a going or closed business or stock of goods of a going or closed business shall escrow sufficient money to cover the amount of taxes, interest, and penalties that may be due and unpaid until the former owner

produces a receipt from the administrator that shows that the taxes due have been paid, or a certificate that states that taxes are not due. If the owner provides a written waiver of confidentiality, the administrator may release to a purchaser a business's known tax liability for the purposes of establishing an escrow account for the payment of taxes. If the purchaser of succeeding purchasers of a business or stock of goods of a business fail to comply with the escrow requirements of this subsection, the purchaser is personally liable for the payment of the taxes, interest, and penalties accrued and unpaid by the business of the former owner. The purchaser's or succeeding purchaser's personal liability is limited to the fair market value of the business less the amount of any proceeds applied to balances due on secured interests that are superior to any lien provided for in this ordinance.

(2) If a corporation that is liable for the tax imposed under this ordinance fails for any reason to file the required returns or to pay the tax due, any officers of the corporation that have control or supervision of, or who are charged with the responsibility for, making the returns or payments are personally liable for the failure to file or pay. The signature of any corporate officer on a return or negotiable instrument submitted in payment of a tax is prima facie evidence of the officer's responsibility for making the returns and payments. The dissolution of a corporation does not discharge an officer's liability for a prior failure of the corporation to make a return or remit a tax due. The sum due for a liability may be assessed and collected under this ordinance.

### **Sec. 3.65. Credit for City Income Tax Paid Another City.**

An individual who is a resident of the city and received net profits from a business, profession or rental of real or tangible personal property, gains from the sale or exchange of real or tangible personal property, or salaries, wages, commissions or other compensation for work done or services performed or rendered, in each case outside the city, and is subject to and has paid an income tax on this income to another municipality, shall be allowed a credit against the city income tax for the amount paid to the other municipality. The credit shall not exceed the amount of taxed which would be assessed under this ordinance on the same amount of income of a non-resident.

### **Sec. 3.66. Fractional Part of a Cent or Dollar.**

In withholding or in paying the tax due under this ordinance, a fractional part of a cent shall be disregarded unless it amounts to ½ cent or more, in which case it shall be increased to 1 cent. For tax years after the 1996 tax year in paying the tax due under this ordinance if any amount other than a whole dollar amount is used the administrator, or department shall disregard the fractional part of the dollar unless the fractional part amounts to ½ dollar or more, in which case the amount shall be increased to \$1.00.

### **Sec. 3.71. Rules and Regulations; Adoption; Enforcement; Forms; Collection of Tax.**

(1) The administrator may adopt, amend and repeal rules and regulations relating to the administration and enforcement of this ordinance, but not in conflict with the ordinance, subject to the approval of the city governing body. The rules and regulations, amendments and repeals, after approval by the city governing body, shall become effective upon being published in the official newspaper of the city.

(2) The administrator shall enforce this ordinance and the rules and regulations. The administrator shall prepare, adopt and make available to taxpayers, employers and other persons all forms necessary for compliance with this ordinance.

(3) For tax years before the 1997 tax year and for tax years after the 1996 tax year and for which a city has not entered into an agreement pursuant to section 9 of chapter 1, the city treasurer shall collect all taxes and payments due under this ordinance and deposit them in a designated city depository. For years after the 1996 tax year and for which a city has entered into an agreement pursuant to section 9 of chapter 1, the department shall collect taxes and payments due under this ordinance and deposit them in the city income tax trust fund established in section 5 of chapter 1.

**Sec. 3.72. Special Ruling; Appeal to Income Tax Board of Review.**

A taxpayer or employer desiring a special ruling on a matter pertaining to this ordinance or rules and regulations shall submit in writing to the administrator all the facts involved and the ruling sought. A taxpayer or employer aggrieved by a special ruling may appeal the special ruling in writing to the income tax board of review within 30 days.

**Sec. 3.73. Examination of Books and Records; Witnesses; Additional Provisions Relating to Dispute Resolution; Protest to Notice of Intent to Assess Tax.**

(1) If a taxpayer or employer fails or refuses to make a return or payment as required, in whole or in part or if the administrator or the department has reason to believe that a return made does not supply sufficient information for an accurate determination of the amount of tax due, the administrator or the department may obtain information on which to base an assessment of the tax. The administrator personally, or his duly authorized agent or a duly authorized city employee, may examine the books, papers and records of any person, employer, taxpayer or his agent or representative, for the purpose of verifying the accuracy and completeness of a return filed, or, if no return was filed, to ascertain the tax, withholding, penalties or interest due under this ordinance.

(2) The administrator or his duly authorized agent may examine any person, under oath, concerning income which was or should have been reported for taxation under this ordinance, and for this purpose may compel the production of books, papers and records and the attendance of all parties before him, whether as parties or witnesses, if he believes such persons have knowledge of such income. In addition, for tax years after the 1996 tax year and for which a city has entered into an agreement with the department of treasury pursuant to section 9 of chapter 1, all of the following apply to implement this section:

(a) The department of treasury shall send to the taxpayer or employer a letter of inquiry stating, in a courteous and unthreatening manner, the department's opinion that the taxpayer or employer needs to furnish further information or owes taxes to the city, and the reason for that opinion. A letter of inquiry shall also explain the procedure by which the taxpayer or employer may initiate communication with the department to resolve any dispute. A letter of inquiry may be served on the taxpayer in any manner determined appropriate by the department of treasury. This subdivision does not apply in any manner determined appropriate by the department of treasury. This subdivision does not apply in any of the following circumstances:

(i) The taxpayer or employer files a return that shows a tax due and fails to pay that tax.

- (ii) The deficiency resulted from an audit of the taxpayer's or employer's books and records by the city or the department.
- (iii) The taxpayer or employer otherwise affirmatively admits that a tax is due and owing.
  - (b) If the dispute is not resolved within 30 days after the department of treasury sends the taxpayer or employer a letter of inquiry of if a letter of inquiry is not required under subdivision (a), the department, after determining the amount of tax due from a taxpayer or employer, shall give notice to the taxpayer or employer of the department of treasury's notice of intend to assess the tax. The notice shall include all of the following:
    - (i) The amount of the tax the department of treasury claims the taxpayer of employer owes.
    - (ii) The reason for the deficiency.
    - (iv) A statement advising the taxpayer or employer of his or her right to file a protest and to a hearing with the department of treasury.
- (2) A taxpayer or employer has 30 days after receipt of a notice of intent to assess within which to file a written protest with the department of treasury. If a written protest is received, the department of treasury shall give the taxpayer or employer or duly authorized representative of the taxpayer or employer an opportunity to be heard and present evidence and arguments in his or her behalf.
- (3) If a protest to the notice of intent to assess the tax under subsection (2) is determined by the department of treasury to be a frivolous protest or a desire by the taxpayer of employer to delay or impede the administration of the tax under this ordinance, a penalty of \$25.00 or 25% of the amount of tax under protest, whichever is greater, shall be added to the tax.

**Sec. 3.74. Information Confidential; Divulgence, Penalty, Discharge from Employment.**

- (1) Information gained by the administrator, city treasurer or any other city official, agent or employee as a result of a return, investigation, hearing or verification required or authorized by this ordinance is confidential, except for official purposes in connection with the administration of the ordinance and except in accordance with a proper judicial order.
- (2) Any person who divulges this confidential information, except for official purposes, is guilty of a misdemeanor and subject to a fine not exceeding \$500.00 or imprisonment for a period not exceeding 90 days, or both, for each offense. In addition, an employee of the city who divulges this confidential information is subject to discharge for misconduct.

**Sec. 3.82. Payment of Tax; Interest; "Adjusted Prime Rate" Defined; Penalty for Delay; Waiver of Penalty for Reasonable Cause.**

- (1) All taxes imposed upon taxpayers and moneys withheld by employers under this ordinance and remaining unpaid after they are due bear interest from such due date at the rate of ½ of 1% per month until paid.

For the 1994 taxable year and each subsequent taxable year before 1997 ,all taxes imposed on a taxpayer and money withheld by an employer under this ordinance and remaining unpaid after taxes or money withheld are due bear interest from the due date at the current monthly rate of 1 percentage point above the adjusted prime rate per annum per month until the tax or the money is paid. For taxable years after the 1996 taxable year, if the amount of a tax paid is less than the amount that should have been paid or an excessive claim for credit has been made, the deficiency and interest on the deficiency at the current monthly interest rate of 1 percentage point above the adjusted prime rate per annum from the time the tax was due, and until paid, are due and payable after a final assessment as provided in section 3.85. A deficiency in an estimated payment

required by this ordinance shall be treated in the same manner as a tax due and is subject to the same current monthly interest rate of 1 percentage point above the adjusted prime rate per annum from the time the payment was due, until paid. The term "adjusted prime rate" means the average predominant rate quoted by not less than 3 commercial banks to large businesses, as determined by the department of treasury. For tax years before the 1997 tax year, the adjusted prime rate is to be based on the average prime rate charged by not less than 3 commercial banks during the 12 month period ending on September 30. One percentage point shall be added to the adjusted prime rate, and the resulting sum shall be divided by 12 to establish the current monthly interest rate based on the 12 month period ending September 30 will become effective on January 1 of the following year. For tax years after the 1996 tax year, "adjusted prime rate" means that term as defined in and determined under section 23(2) of Act. No. 122 of the Public Acts of 1941, being section 205.23 of the Michigan Compiled Laws.

(2) A person failing to file a return, or to pay the tax, or to remit withholding when due, is liable, in addition to the interest, to a penalty of 1% of the amount of the unpaid tax for each month or fraction thereof, not to exceed a total penalty of 25% of the unpaid tax. The administrator may abate the penalty or a part thereof for just cause. If the total interest or interest and penalty to be assessed is less than \$2.00, the administrator, in lieu thereof, shall assess a penalty in the amount of \$2.00.

(3) Except as provided in subsection (4), if any part of the deficiency or an excessive claim for credit is due to negligence, but without intent to defraud, a penalty for \$10.00 or 10% of the total amount of the deficiency in the tax, whichever is greater, plus interest as provided in subsection (1), shall be added. The penalty becomes due and payable after a final assessment is issued as provided in section 3.85. If a taxpayer subject to a penalty under this subsection demonstrates to the satisfaction of the administrator or the department that the deficiency or excess claim for credit was due to reasonable cause, the administrator or the department shall waive the penalty.

(4) If any part of the deficiency or an excessive claim for credit is due to intentional disregard of this ordinance, but without intent to defraud, a penalty of \$25.00 or 25% of the total amount of the deficiency in the tax, whichever is greater, plus interest as provided in subsection (1), shall be added. The penalty becomes due and payable after a final assessment is issued as provided in section 3.85. If a penalty is imposed under this subsection and the taxpayer subject to the penalty successfully disputes the penalty, the administrator or the department shall not impose a penalty prescribed by subsection (3) to the tax otherwise due.

(5) If any part of the deficiency or an excessive claim for credit is due to fraudulent intent to evade the tax imposed under this ordinance, or to obtain a refund for a fraudulent claim, a penalty of 100% of the deficiency, plus interest as provided in subsection (1), shall be added. The penalty becomes due and payable after a final assessment is issued as provided in section 3.85.

**Sec. 3.83. Additional Tax Assessment; When Interest and Penalty not Imposed.**

(1) Interest or a penalty shall not be imposed on an additional tax assessment if, within 90 days from final determination of a federal tax liability which also affects the computation of the taxpayer's city income tax liability, the taxpayer prepares and files an amended city income tax return showing income subject to the city tax based upon the final determination of federal income tax liability, and pays the additional tax shown due thereon or makes claim for refund of

an overpayment. Interest shall not be allowed on a refund of the city income tax resulting from a final determination of federal tax liability.

(2) Interest and a penalty shall not be imposed for underestimating the tax if the total amount of tax withheld and paid by declaration, equals at least 70% or more of the tax shown due on the final return or 70% or more of the tax shown on the taxpayer's return for the preceding taxable year.

(3) An employee shall not be penalized because of the failure of his employer to report or pay tax withheld from the employee when the employer has in fact withheld the proper amount of tax.

**Sec. 3.84. Due and Unpaid Assessment; Determination; Procedure.**

(1) For tax years before 1997 tax year and for tax years after the 1996 tax year and for which a city has not entered into an agreement pursuant to section 9 of chapter 1, if the if the administrator determines that a taxpayer or an employer subject to the provisions of this ordinance has failed to pay the full amount of the tax due or tax withheld, he shall issue a proposed assessment showing the amount due and unpaid, together with interest and penalties that may have accrued thereon. The proposed assessment shall be served upon the taxpayer or employer in person, or by mailing by registered or certified mail to the last known address of the taxpayer or employer. Proof of mailing the proposed assessment is prima facie evidence of a receipt thereof by the addressee.

(2) A taxpayer or employer has 30 days after receipt of a proposed assessment within which to file a written protest with the administrator or 30 days after receipt of a notice of intent to assess from the department of treasury to file a written protest with the department of treasury, who shall then give the taxpayer or employer or his duly authorized representative an opportunity to be heard an present evidence and arguments in his behalf.

**Sec. 3.85. Final Assessment; Protest.**

(1) After the hearing, as provided in section 3.84, the administrator or the department shall issue a final assessment setting forth the total amount found due in the proposed assessment or notice of intent to assess and any adjustment he or she may have made as a result of the protest. The final assessment shall be served in the same manner as a proposed assessment or notice of intent to assess. Proof of mailing of the final assessment is prima facie evidence of a receipt thereof by the addressee.

(2) If a protest under section 3.73(3) or 3.84(2) is not filed in respect to a proposed assessment or notice of intent to assess, a taxpayer or employer is deemed to have received a final assessment 30 days after receipt of the proposed.

**Sec. 3.86. Failure to Pay Tax; Demand; Recovery; Prosecution.**

If an employer or taxpayer files a return showing the amount of tax or withholding due the city, but fails to pay the amount to the city treasurer, the administrator is not required to issue a proposed assessment, notice of intent to assess, or a final assessment. The administrator shall issue a 10-day demand for payment and if no payment or satisfactory evidence of payment is made in the 10 days he may thereafter recover the tax with interest and penalties thereon in the

name of the city in any court of competent jurisdiction as other debts are recoverable, or prosecute for violation of this ordinance under section 3.99, or both.

**Sec. 3.87. Jeopardy Assessment; Procedure.**

(1) If the administrator or the department believes that collection of the tax withheld from an employee's compensation as imposed under this ordinance will be jeopardized by delay, the administrator, whether or not the time otherwise prescribed by the ordinance for making the return and paying the tax has expired, shall immediately assess the tax and interest and additions provided by the ordinance. The tax, interest and additions shall thereupon become immediately due and payable, and the administrator shall make an immediate notice and demand for payment, notwithstanding the fact that the withheld tax is not due under the ordinance until the last day of the month following the end of the calendar quarter.

(2) If the administrator or the department finds that a person liable for the tax administered under this ordinance intends quickly to depart from the city or to remove property from this city, to conceal the person or the person's property in the city, or to do any other act tending to render wholly or partly ineffectual proceedings to collect the tax unless proceedings are brought without delay, the administrator or the department of treasury shall give notice of the findings to the person, together with a demand for an immediate return and immediate payment of the tax. A warrant or warrant-notice of levy may issue immediately upon issuance of a jeopardy assessment. When the warrant or warrant-notice is issued, the tax shall become immediately due and payable. If the person is not in default in making a return or paying a tax prescribed by this ordinance, and furnishes evidence satisfactory to the administrator or the department that the return will be filled and the tax to which the finding relates will be paid, then the tax shall not be payable before the time otherwise fixed for payment.

**Sec. 3.88. Statute of Limitations; Waiver; Payment of Tax.**

(1) Except in case of fraud, failure to file a return, failure to comply with the withholding provisions of this ordinance, or omission of substantial portions of income subject to the tax, an additional assessment shall not be made after 4 years from the date the return was due, including extensions thereof, or the tax was paid, whichever is later. An omission of more than 25% of gross income is considered a substantial omission of income. Under this section a declaration of estimated tax is not considered a return.

(2) If the federal internal revenue service and a taxpayer execute a waiver of the federal statute of limitations, as to a taxable year, the expiration of the period within which an additional assessment may be made by the administrator or a claim for refund filed by the taxpayer for such taxable year for city income tax purposes shall be 6 months from the date of expiration of the waiver.

**Sec. 3.89. Statute of Limitations; Refund.**

(1) Except as otherwise provided in this ordinance, a tax erroneously paid shall not be refunded unless a claim for refund is made within 4 years from the date the payment made or the final return was due, including extensions thereof, whichever is later, unless the administrator and the taxpayer mutually agree to extend the time for assessment or refund. Under this section a declaration of estimated tax is not considered a return. Upon denial of a refund a taxpayer may follow the same procedure for appeal as provided in the case of a deficiency assessment.

(2) A tax deficiency as finally determined and interest and penalties thereon shall be paid within 30 days after receipt of a final assessment where no appeal is made.

**Sec. 3.91. Income Tax Board of Review; Appointment of City Residents; Selection of Officers; Adoption, Filing, Inspection, and Copies of Rules of Procedure; Quorum; Conflict of Interests; Record of Transactions and Proceedings; Availability of Record and other Writings to Public; Conducting Business at Public Hearing; Notice of Hearing.**

(1) The governing body of the city shall appoint an income tax board of review consisting of 3 residents of the city who are not city officials or employees.

(2) The board shall select its chairman, secretary and such other officers as it deems necessary and shall adopt rules governing the procedure for hearings before it and its other procedures. The rules shall be filed in the office of the city clerk and shall be available for inspection by any interested person, a copy of the rules shall be furnished on request to any interested person.

(3) A majority of the board members shall constitute a quorum for any action by or hearing before the board, or for any other purpose. A member of the board shall not act on a matter in which he has a financial interest other than the common public interest. A record shall be kept of all the board's transactions and proceedings. The record and any other writing prepared, owned, used, in the possession of, or retained by the board of review in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976.

(4) The business which the board may perform shall be conducted at a public hearing of the commission held in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notices of the time, date, and place of the hearing shall be given in manner required by Act No. 267 of the Public Acts of 1976.

**Sec. 3.92. Income Tax Board of Review; Notice of Appeal; Transcript; Hearing; Confidential Tax Data; Payment of Deficiency or Refund.**

(1) A taxpayer or employer may file a written notice of appeal with the secretary of the income tax board of review within 30 days after receipt of a final assessment, denial in whole or in part of a claim for refund, or special ruling of the administrator or department. Upon receipt of the notice of appeal, the board of review shall notify the administrator or the department, who shall forward within 15 days to the income tax board of review a certified transcript of all actions and findings taken by administrator relating to the matter under appeal. The appellant or his duly authorized representative may inspect the transcript.

(2) The board of review shall grant the appellant a hearing at which the appellant or his duly authorized representative and the administrator and his authorized agent have an opportunity to present evidence relating to the matter under appeal. After conclusion of the hearing the board acting by a majority of its 3 members shall affirm, reverse or modify the matter under appeal and furnish a copy of its decision to the appellant and to the administrator or the department.

(3) The provisions of this ordinance as to the confidential character of tax data are applicable to proceedings pending before or submitted to the board.

(4) A tax deficiency or refund and any interest or penalties thereon shall be paid within 30 days after receipt of notice of determination by the board if no further appeal is made.

**Sec. 3.93. Appeal to State Tax Commissioner or Tax Tribunal; Procedure.**

A taxpayer, employer or other person aggrieved by a rule or regulation adopted by the administrator or by a determination of the board of review on a final assessment, denial in whole or in part of a claim for refund, or a special ruling, may file a timely appeal there from to the state commissioner of revenue in such form and manner as the commissioner shall prescribe. Within 35 days after a final order of the commissioner upon the appeal, the taxpayer shall pay the city the taxes, interest and penalty found due from the taxpayer to the city, and the city shall refund to the taxpayer any amount found to have been overpaid by the taxpayer.

**Sec. 3.94. Appeal to Court of Appeals or Supreme Court; Procedure.**

(1) If a taxpayer, employer, person or city or the department is aggrieved by a decision of the tax tribunal, the aggrieved party may take an appeal by right from a decision of the tax tribunal to the court of appeals. The appeal shall be taken on the record made before the tax tribunal. The taxpayer, employer, other person, city, or department may take further appeal to the Supreme Court in accordance with the court rules provided for appeals to the Supreme Court.

(2) An assessment is final, conclusive, and not subject to further challenge after 90 days after the issuance of the final assessment, decision, or order of the administrator or the department, and a person is not entitled to a refund of any tax, interest, or penalty paid pursuant to an assessment unless the aggrieved person has appealed the assessment in the manner provided by this ordinance.

**Sec. 3.95. Payment to Taxpayer from City General Fund or City Income Tax Trust Fund.**

If a taxpayer is found entitled by a decision on an appeal to recover any sum paid, and no further appeal has been taken within the time limited, the sum shall be paid from the general fund of the city.

**Sec. 3.99. Violations; Misdemeanor; Penalties.**

Each of the following violations of this ordinance is a misdemeanor and is punishable, in addition to the interest and penalties provided under the ordinance, by a fine not exceeding \$500.00, or imprisonment for a period not exceeding 90 days or both:

- (a) Willful failure, neglect or refusal to file a return required by this ordinance.
- (b) Willful failure, neglect or refusal to pay the tax, penalty or interest imposed by this ordinance.
- (c) Willful failure of an employer to withhold or pay to the city a tax as required by the ordinance.
- (d) Refusal to permit the city or an agent or employee appointed by the administrator in writing to examine the books, records and papers of a person subject to the ordinance.
- (e) Knowingly filing an incomplete, false or fraudulent return.
- (f) Attempting to do or doing anything whatever in order to avoid full disclosure of the amount of income or to avoid the payment of any or all of the tax.

Section 2. Amendment. “Uniform City Income Tax Ordinance as set forth in Chapter 2 of Act 284 of the Public Acts of 1964, as amended” (Ord. No 150, November 15, 1983), Sections 1.01 through 6.01, are repealed as follows:

**Sec. 1.01. Adoption by Reference.**

**Sec. 2.01. Availability of Copies.**

**Sec. 3.01. Effective Date.**

**Sec. 4.01. Notice to be Published.**

**Sec. 5.01. Severability.**

**Sec. 6.01. Publication.**

Section 3. Effective Date. This ordinance shall take effect 10 days after its adoption or upon publication, whichever occurs later.

Yeas:

Nays:

Absent:

Abstain:

**ORDINANCE DECLARED ADOPTED.**

Dated:

\_\_\_\_\_  
James E. Barnes, Mayor

\_\_\_\_\_  
Monique I. Miller, City Clerk

Introduced:

Adopted:

Published:

Effective:

**CERTIFICATION**

I certify that this is a true and complete copy of the ordinance adopted at a regular meeting of the Portland City Council held on \_\_\_\_\_, 2017.

Date:

\_\_\_\_\_  
Monique I. Miller, City Clerk

**PORTLAND CITY COUNCIL**  
Ionia County, Michigan

Council Member \_\_\_\_\_, supported by Council Member \_\_\_\_\_, made a motion to adopt the following resolution:

**RESOLUTION NO. 17-79**

**A RESOLUTION APPROVING HYDRO DESIGNS PROPOSAL TO PROVIDE A CROSS CONNECTION CONTROL PROGRAM FOR THE CITY OF PORTLAND**

**WHEREAS**, Hydro Designs, Inc was retained by the City to implement a municipal cross connection control program; and

**WHEREAS**, Hydro Designs, Inc has administered the City's cross connection control program for several years; and

**WHEREAS**, Hydro Designs has submitted a new three-year proposal, a copy of which is attached as Exhibit A, to continue to provide a cross connection control program for the City of Portland at a three-year cost of \$17,964.00; and

**WHEREAS**, subparagraph b. of Section 12.404 E. of the City's Purchasing Ordinance provides an exception to the competitive bidding requirements in the employment of professional services for engineering; and

**WHEREAS**, the City Manager has reviewed the proposed work plan and budget and recommends that the City Council approve the Hydro Designs' proposal to continue to provide a cross connection control program for the City.

**NOW THEREFORE BE IT RESOLVED AS FOLLOWS:**

1. The Portland City Council approves Hydro Designs' proposal, a copy of which is attached as Exhibit A, to provide cross connection control program services for the City of Portland for three years at a cost of \$17,964.00.
2. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

**Ayes:**

**Nays:**

**Absent:**

**Abstain:**

**RESOLUTION DECLARED ADOPTED.**

**Dated:** September 18, 2017

\_\_\_\_\_  
**Monique I. Miller, City Clerk**

# PROPOSAL

DEVELOPED FOR

Ken Gensterblum

City of Portland, MI

451 Morse Street

Portland, MI 48875

August 21, 2017

## KEEPING DRINKING WATER SAFE FOR INDUSTRIES AND MUNICIPALITIES

For over 30 years, HydroCorp™ has been dedicated to safe drinking water for companies and communities across North America. Fortune 500 firms, metropolitan centers, utilities, small towns and businesses – all rely on HydroCorp to protect their water systems, averting backflow contamination and the acute health risks and financial liabilities it incurs.

CROSS-CONNECTION  
CONTROL / BACKFLOW  
PREVENTION

WATER SYSTEM  
SURVEYS / AUDITS

PIPE SYSTEM MAPPING  
AND LABELING

WATER SAMPLING  
AND ANALYSIS / RISK  
ASSESSMENTS

PROGRAM  
AND PROJECT  
MANAGEMENT

COMPLIANCE  
ASSISTANCE /  
DOCUMENTATION

MICHIGAN CORPORATE OFFICE  
5700 Crooks Road, Suite 100  
Troy, MI 48098  
800.690.6651 TOLL FREE  
248.250.5000 PHONE  
248.786.1788 FAX GENERAL  
info@hydrocorpinc.com EMAIL



## SCOPE OF WORK

Based on our conversations, HydroCorp™ will provide the following services to the City of Portland. This project is a continued effort for an ongoing Cross-Connection Control Program and will provide the City of Portland with the necessary data and information to maintain compliance with the Michigan Department of Environmental Quality (DEQ) Water Bureau Cross Connection Control Regulations. Once this project has been approved and accepted by the City and HydroCorp, you may expect completion of the following elements within a five (5) year period. The components of the project include:

1. Annually perform a minimum of 50 commercial, industrial, institutional and miscellaneous non-residential water customers within the City served by the public water supply for cross-connections. Inspections will be conducted in accordance with the DEQ Water Bureau Cross Connection Control regulations.
2. Generate all backflow prevention assembly test notices, non-compliance notices and coordinate/monitor backflow prevention assembly testing compliance for all backflow prevention assemblies.
3. Perform administrative functions including: answering water user telephone calls, scheduling of inspections, mailing of all notices, verification of backflow prevention assembly tester credentials & proper testing results and general customer service and program education inquiries.
4. Generate and document the required program data for the facilities using the HydroCorp Software Data Management Program.
5. Submit comprehensive management reports on a quarterly basis.
6. Conduct an annual review meeting to discuss overall program status and recommendations.
7. Provide up to four- (4) ASSE approved hose bibb vacuum breakers or anti-frost hose bibb vacuum breakers, (i.e. combination) per facility as required, in order to place a facility into immediate compliance at the time of inspection.
8. Prepare the annual State of Michigan, DEQ Water Bureau Cross Connection Report.
9. Assist the City with a community wide public relations program including general awareness brochures and customized web site cross connection control program overview content and resources.
10. Provide ongoing support via phone, fax, internet, text or email.

The above services will be provided for:

<b>Monthly Amount: \$ 499.00</b>	<b>Annual Amount: \$5,988.00</b>	<b>Contract Total: 17,964.00</b>
----------------------------------	----------------------------------	----------------------------------

Contract Amount is based upon a 36-month period. HydroCorp will invoice in 36 equal amounts of \$ 499.00.

# PROFESSIONAL SERVICE AGREEMENT

This agreement, made and entered into this DATE by and between the City of Portland, organized and existing under the laws of the State of Michigan, referred to as "Utility", and HydroCorp™ a Michigan Corporation, referred to as "HydroCorp".

WHEREAS, the Utility supplies potable water throughout its corporate boundary to property owners; and desires to enter into a professional services contract for cross connection control program inspection, reporting and management services.

WHEREAS, HydroCorp is experienced in and capable of supplying professional inspection of potable water distribution systems and cross connection control program management to the Utility and the Utility desires to engage HydroCorp to act as its independent contractor in its cross-connection control program.

WHEREAS, the Utility has the authority under the laws of the State of Michigan and its local governing body to enter into this professional services contract.

NOW THEREFORE, in consideration of the mutual agreements herein contained, and subject to the terms and conditions herein stated, the parties agree as follows:

## ARTICLE I. Purpose

During the term of this Agreement, the Utility agrees to engage HydroCorp as an independent contractor to inspect and document its findings on its potable water distribution system in public, commercial and industrial facilities within the community. Each party to this Agreement agrees that it will cooperate in good faith with the other, its agents, and subcontractors to facilitate the performance of the mutual obligations set forth in this Agreement. Both Parties to this Agreement recognize and acknowledge that the information presented to them is complete and accurate, yet due to the inaccessible nature of water piping or due to access constraints within water users' facilities, complete and accurate data is not always available.

## ARTICLE II. Scope of Services

The scope of services to be provided by HydroCorp under this Agreement will include the inspections/surveys, program administration, answering telephone call inquires, scheduling of inspections, program compliance review, public education materials, preparation of quarterly management reports, and annual cross connection reports with respect to the facilities to the extent specifically set forth in this Article II (hereinafter the "Scope of Services"). Should other reports/services be included within the Scope of Services, the same shall be appended to this Agreement as Exhibit 1.

**2.1 PROGRAM REVIEW/PROGRAM START UP MEETING.** HydroCorp will conduct a Program Startup Meeting for the Cross-Connection Control/Backflow Prevention Program. Items for discussion/review will include the following:

- Review state & local regulations
- Review and/or provide assistance in establishing local Cross-Connection Control Ordinance
- Review/establish wording and timeliness for program notifications including:
  - Inspection Notice
  - Compliance Notice
  - Non-Compliance Notices 1-2, Penalty Notices
- Special Program Notices
- Electronic use of notices/program information
- Obtain updated facility listing, address information and existing program data from Utility
- Review/establish procedure for vacant facilities
- Establish facility inspection schedule



- Review/establish procedures and protocol for addressing specific hazards
- Review/establish program reporting procedures including electronic reporting tools
- Review/establish educational and public awareness brochures

**2.2 INSPECTIONS.** HydroCorp will perform initial inspections, compliance inspections, and re-inspections at individual industrial, commercial, institutional facilities and miscellaneous water users within the utility served by the public water supply for cross-connections. Inspections will be conducted in accordance with the Michigan Department of Environmental Quality Cross Connection Control Rules.

- *Initial Inspection* – the first time a HydroCorp representative inspects a facility for cross connections. Degree of Hazard will be assigned and/or verified during this facility visit. The Degree of Hazard will dictate future re-inspection frequency/schedule of facility, (facility will be either compliant or non-compliant after this inspection).
- *Compliance Inspection* – subsequent visit by a HydroCorp representative to a facility that was non-compliant during the *Initial Inspection* to verify that corrective action was completed and meets the program requirements.
- *Re-Inspection* – Revisit by a HydroCorp representative to a facility that was previously inspected. The re-inspection frequency/schedule is based on the degree of hazard assigned to the facility during the initial inspection (one or five re-inspection cycle).

**2.3 INSPECTION SCHEDULE.** HydroCorp shall determine and coordinate the inspection schedule. Inspection personnel will check in/out daily with the Utility’s designated contact person. The initial check in will include a list of inspections scheduled. An exit interview will include a list of inspections completed.

**2.4 PROGRAM DATA.** HydroCorp will generate and document the required program data for the Facility Types listed in the Scope of Services using the HydroCorp Software Data Management Program. Program Data shall remain property of the Utility; however, the HydroCorp Software Data Management program shall remain the property of HydroCorp and can be purchased for an additional fee. Data services will include:

- Prioritize and schedule inspections
- Notify users of inspections, backflow device installation and testing requirements if applicable
- Monitor inspection compliance using the HydroCorp online software management program.
- Maintain program to comply with all MDEQ regulations

**2.5 MANAGEMENT REPORTS.** HydroCorp will submit comprehensive management reports in electronic, downloadable format on a quarterly & annual basis to the Utility. Reports to include the following information:

- Name, location and date of inspections
- Number of facilities inspected/surveyed
- Number of facilities compliant/non-compliant

**2.6 REVIEW OF CROSS-CONNECTION CONTROL ORDINANCE.** HydroCorp will review or assist in the development of a cross-connection control ordinance. Items for review include:

- Code adoption references, standard operational procedures, program notice documentation, reporting procedures and preference standards.
- Penalties for noncompliance.

**2.7 VACUUM BREAKERS.** HydroCorp will provide up to four (4) ASSE approved hose bibb vacuum breakers or anti-frost hose bibb vacuum breakers per facility as required, to place a facility into immediate compliance at the time of inspection if no other cross-connections are identified. A maximum of 4,864 total vacuum breakers are included in this agreement.



- 2.8 PUBLIC RELATIONS PROGRAM.** HydroCorp will assist the Utility with a community-wide public relations program including general awareness brochures and website cross connection control program content.
- 2.9 SUPPORT.** HydroCorp will provide ongoing support via phone, fax, text, website or email for the contract period.
- 2.10 FACILITY TYPES.** The facility types included in the program are as follows:
- Commercial
  - Industrial
  - Institutional
  - Miscellaneous Non-residential
- 2.11 INSPECTION TERMS.** HydroCorp will perform a minimum of **150** total inspections over a **three – (3)** year contract period. The total inspections include all initial inspections, compliance and re-inspections. *Vacant facilities that have been provided to HydroCorp, scheduled no show or refusal of inspection will count as an inspection/site visit for purposes of the contract.*
- 2.12 COMPLIANCE WITH DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ).** HydroCorp will assist in compliance with DEQ, Michigan Plumbing Code and Michigan Residential Code cross connection control program requirements for all facilities.
- 2.13 POLICY MANUAL.** HydroCorp will review and/or develop a comprehensive cross connection control policy manual/plan and submit to the appropriate regulatory agency for approval on behalf of the Utility.
- 2.14 INVENTORY.** HydroCorp shall inventory all accessible (ground level) backflow prevention assemblies and devices. Documentation will include: location, size, make, model and serial number if applicable.
- 2.15 DATA MANAGEMENT.** HydroCorp shall provide data management and program notices for all inspection services throughout the contract period.
- 2.16 ANNUAL YEAR END REVIEW.** HydroCorp will conduct an on-site annual year-end review meeting to discuss overall program status and specific program recommendations.
- 2.17 CROSS CONNECTION CONTROL BROCHURES.** HydroCorp will provide approximately **300** cross-connection control educational brochures for the duration of the Agreement.
- 2.18 INSURANCE.** HydroCorp will provide all required copies of general liability, workers' compensation and errors and omissions insurance naming the Utility as an additional insured if required.



### ARTICLE III. Responsibilities of the Utility

- 3.1 UTILITY'S REPRESENTATIVE.** On or before the date services are to commence under this Agreement, the Utility shall designate an authorized representative ("Authorized Representative") to administer this Agreement.
- 3.2 COMPLIANCE WITH LAWS.** The Utility, with the technical and professional assistance of HydroCorp, shall comply with all applicable local, state, and federal laws, codes, ordinances, and regulations as they pertain to the water inspection and testing, and shall pay for any capital improvements needed to bring the water treatment and delivery system into compliance with the aforementioned laws.
- 3.3 NOTICE OF LITIGATION.** In the event that the Utility or HydroCorp has or receives notice of or undertakes the prosecution of any actions, claims, suits, administrative proceedings, investigations or other proceedings in connection with this Agreement, the party receiving such notice or undertaking of such prosecution shall give the other party timely notice of such proceedings and will inform the other party in advance of all hearings regarding such proceedings
- 3.4 FACILITY LISTING.** The Utility must provide HydroCorp a complete list of facilities to be inspected, including facility name, type of service connection, address, contact person, and phone number, (if available). *Electronic file format such as Microsoft Excel, etc. is required. An additional one-time fee to manually enter facility listing will be charged at the rate of \$80.00 per hour. Incorrect facility addresses will be returned to the Utility contact and corrected address will be requested.*
- 3.5 LETTERHEAD/LOGO.** The Utility will provide HydroCorp with an electronic file copy of the utility logo or utility letterhead and all envelopes for the mailing of all official program correspondence only. (300 dpi in either .eps, or other high quality image format for printing.)

### ARTICLE IV. Term, Compensation and Changes in Scope of Services

- 4.1 TERM AND TERMINATION TERM.** Services by HydroCorp under this Agreement shall commence on DATE and end three – (3) years from such date, unless this Agreement is renewed or terminated as provided herein. The terms of this Agreement shall be valid only upon the execution of this Agreement within ninety (90) days of its receipt. Failure to execute this Agreement within the ninety (90) day period shall deem the proposed terms void.
- 4.2 RENEWAL.** Upon the expiration of this Agreement the utility will have the option to renew this contract for two (2) consecutive one (1) year periods. Any increases in fees during the renewal periods will be equal to increases in the consumer price index, or three percent (3%), whichever is less.
- 4.3 TERMINATION.** The Utility or HydroCorp may terminate this Agreement at any time and on any date in the initial and renewal terms of this Agreement, with or without any cause, by giving written notice of such intent to terminate to the other party at least thirty (30) days prior to the effective date of termination. Notice of the intent to terminate shall be given in writing by personal service, by an authorized agent, or by certified mail, return receipt requested. The Utility shall pay the balance of any outstanding accounts for work performed by HydroCorp.
- 4.4 BASE COMPENSATION.** The Utility shall pay HydroCorp as compensation ("Base Compensation") for labor, equipment, material, supplies, and utilities provided and the services performed pursuant to this Agreement, **\$499.00 per month, \$5,988.00 annually for a three (3) year total of \$17,964.00.** Completed inspections shall consist of all initial inspections, re-inspections and compliance inspections as defined in section 2.2.
- 4.5 PAYMENT OF INVOICES.** Upon presentation of invoices by HydroCorp, all payments including base and other compensation shall be due and payable on the first day of each month (due date) after the month for which services have been rendered. All such payments shall be made no later than thirty (30) days after the due date. Failure to pay shall be deemed a default under this Agreement. For any payment to HydroCorp which is not



made within thirty (30) calendar days after the due date, HydroCorp, shall receive interest at one and one-half (1½) percent per month on the unpaid balance.

- 4.6 CHANGES IN SCOPE OF SERVICES.** In the event that the Utility requests and HydroCorp consents to perform additional work or services involving the consulting, management, operation, maintenance, and repair of the Utility’s water delivery system where such services or work exceeds or changes the Scope of Services contemplated under this Agreement, HydroCorp shall be provided additional compensation. Within thirty (30) calendar days from the date of notice of such additional work or services, the parties shall mutually agree upon an equitable sum for additional compensation. This amount shall be added to the monthly sum effective at the time of change in scope. Changes in the Scope of Service include, but are not limited to, requests for additional service by the Utility or additional costs incurred in meeting new or changed government regulations or reporting requirements.
- 4.7 CLIENT CONFIDENTIALITY.** Disclosure of all communications between HydroCorp and the Utility regarding business practices and other methods and forms of doing business is subject to the provisions of Michigan Public Records Law. HydroCorp agrees to make available for inspection and copying all records in its possession created, produced, collected or otherwise related to this Agreement to the same extent as if the records were maintained by the Utility. HydroCorp expressly acknowledges and agrees that its obligations concerning Public Records Law and compliance under this Agreement should not be limited by copyright, license, privacy and/or confidentiality except as authorized under the Public Records Law.
- 4.8 ACCESSIBILITY.** Backflow prevention device information will be completed in full only when the identifying information (i.e. data plate, brass tag, etc.) is accessible and visible from ground level or from a fixed platform/mezzanine.
- 4.9 CONFINED SPACES.** – HydroCorp personnel will not enter confined spaces.

**ARTICLE V. Risk Management and General Provisions**

- 5.1 INFORMATION.** Both Parties to this Agreement recognize and acknowledge that the information presented to them is complete to the best of their knowledge, yet due to the inaccessible nature of water piping or lack of access provided by property owner/water user, complete accurate data is not always available. Cross-connection control inspection and results are documented as of a specific date. The property owner and/or water user may make modifications to the potable water system after the inspection date that may impact compliance with the program.
- 5.2 LIMITATION OF LIABILITY.** HydroCorp’s liability to the Utility for any loss, damage, claim, or expense of any kind or nature caused directly or indirectly by the performance or non-performance of obligations pursuant to this Agreement shall be limited to general money damages in an amount not to exceed or within the limits of the insurance coverage provided hereunder. HydroCorp shall in no event be liable for indirect or consequential damages, including but not limited to, loss of profits, loss of revenue, or loss of facilities, based upon contract, negligence, or any other cause of action.

**5.3 HYDROCORP INSURANCE.** HydroCorp currently maintains the following insurance coverage’s and limits:

	Occurrence	Aggregate
Comprehensive General Liability	\$1 Million	\$2 Million
Excess Umbrella Liability	\$5 Million	\$5 Million
Automobile Liability (Combined Single Limit)	\$1 Million	
Worker’s Compensation/ Employer’s Liability	\$1 Million	
Errors and Omissions	\$2 Million	\$2 Million

Within thirty (30) calendar days of the start of the project, HydroCorp shall furnish the Utility with satisfactory proof of such insurance, and each policy will require a 30-day notice of cancellation to be given to the Utility while this Agreement is in effect. The Utility shall be named as an additional insured according



to its interest under the general liability policy during the term of this Agreement.

- 5.4 UTILITY INSURANCE.** The Utility will maintain liability insurance on an all risk basis and including extended coverage for matters set forth in this Agreement.” The remainder of the language in this section should be struck, as the Utility cannot secure the agreement of its insurer to a waiver of subrogation.
- 5.5 RELATIONSHIP.** The relationship of HydroCorp to the Utility is that of independent contractor and not one of employment. None of the employees or agents of HydroCorp shall be considered employees of the Utility. For the purposes of all state, local, and federal laws and regulations, the Utility shall exercise primary management, and operational and financial decision-making authority.
- 5.6 ENTIRE AGREEMENT AMENDMENTS.** This Agreement contains the entire Agreement between the Utility and HydroCorp, and supersedes all prior or contemporaneous communications, representations, understandings, or agreements. This Agreement may be modified only by a written amendment signed by both parties.
- 5.7 HEADINGS, ATTACHMENTS, AND EXHIBITS.** The heading contained in this Agreement is for reference only and shall not in any way affect the meaning or interpretation of this Agreement. The Attachments and Exhibits to this Agreement shall be construed as integral parts of this Agreement.
- 5.8 WAIVER.** The failure on the part of either party to enforce its rights as to any provision of this Agreement shall not be construed as a waiver of its rights to enforce such provisions in the future.
- 5.9 ASSIGNMENT.** This Agreement shall not be assigned by either party without the prior written consent of the other unless such assignment shall be to the affiliate or successor of either party.
- 5.10 FORCE MAJEURE.** A party’s performance under this Agreement shall be excused if, and to the extent that, the party is unable to perform because of actions due to causes beyond its reasonable control such as, but not limited to, Acts of God, the acts of civil or military authority, loss of potable water sources, water system contamination, floods, quarantine restrictions, riot, strikes, commercial impossibility, fires, explosions, bombing, and all such interruptions of business, casualties, events, or circumstances reasonably beyond the control of the party obligated to perform, whether such other causes are related or unrelated, similar or dissimilar, to any of the foregoing. In the event of any such force majeure, the party unable to perform shall promptly notify the other party of the existence of such force majeure and shall be required to resume performance of its obligations under this Agreement upon the termination of the aforementioned force majeure.
- 5.11 AUTHORITY TO CONTRACT.** Each party warrants and represents that it has authority to enter into this Agreement and to perform the obligations, including any payment obligations, under this Agreement.
- 5.12 GOVERNING LAW AND VENUE.** This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan, regardless of the fact that any of the parties hereto may be or may become a resident of a different state or jurisdiction. Any suit or action arising shall be filed in a court of competent jurisdiction within the State of Michigan, venue by the presiding County. The parties hereby consent to the personal jurisdiction of said court within the State of Michigan.
- 5.13 COUNTERPARTS.** This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which together shall be deemed to be one and the same instrument.



**5.14 NOTICES.** All notices, requests, demands, payments and other communications which are required or may be given under this Agreement shall be in writing and shall be deemed to have been duly given if delivered personally or sent by nationally recognized overnight carrier, or mailed by certified mail, postage prepaid, return receipt requested, as follows:

If to HydroCorp:

HydroCorp  
c/o Mark Martin  
5700 Crooks Road, Ste. 100  
Troy, MI 48337  
(248) 250-5005

If to Utility:

City of Portland  
c/o Ken Gensterblum  
451 Morse Street  
Portland, MI 48875  
(517) 526-3813

**5.15 SEVERABILITY.** Should any part of this Agreement for any reason, be declared invalid or void, such declaration will not affect the remaining portion, which will remain in full force and effect as if the Agreement has been executed with the invalid portion eliminated.

#### **SIGNATURES**

IN WITNESS WHEREOF, the parties have duly executed this Agreement effective as of the date first above written.

#### **City of Portland**

\_\_\_\_\_  
By:  
Title:

#### **HydroCorp**

  
\_\_\_\_\_  
By: John Hudak  
Its: President



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# Appendix

## Specific Qualifications & Experience

**HydroCorp™** is a professional service organization that specializes in Cross Connection Control Programs. Cross Connection Control Program Management & Training is the main core and focus of our business. We are committed to providing water utilities and local communities with a cost effective and professionally managed cross connection control program in order to assist in protecting the public water supply.

- HydroCorp conducts over 30,000 Cross Connection Control Inspections **annually**.
- HydroCorp tracks and manages over 35,000+ backflow prevention assemblies for our Municipal client base.
- Our highly trained staff works in an efficient manner in order to achieve maximum productivity and keep program costs affordable. We have a detailed **system** and **process** that each of our field inspectors follow in order to meet productivity and quality assurance goals.
- Our municipal inspection team is committed to providing outstanding customer service to the water users in each of the communities we serve. We teach and train customer service skills in addition to the technical skills since our team members act as representatives of the community that we service.
- Our municipal inspection team has attended training classes and received certification from the following recognized Cross Connection Control Programs: UF TREEO, UW-Madison, and USC – Foundation for Cross Connection Control and Hydraulic Research, American Backflow Prevention Association (ABPA), American Society for Sanitary Engineering (ASSE). HydroCorp recognizes the importance of Professional Development and Learning. We invest heavily in internal and external training with our team members to ensure that each Field Service and Administrative team member has the skills and abilities to meet the needs of our clients.
- We have a trained administrative staff to handle client needs, water user questions and answer telephone calls in a professional, timely and courtesy manner. Our administrative staff can answer most technical calls related to the cross connection control program and have attended basic cross connection control training classes.
- HydroCorp currently serves over 200 communities in Michigan, Wisconsin, Maryland, Delaware, Virginia & Florida. We still have our first customer!
- HydroCorp and its' staff are active members in many water industry associations including: National Rural Water Association, State Rural Water Associations, National AWWA, State AWWA Groups, HydroCorp is committed to assisting these organizations by providing training classes, seminars and assistance in the area of Cross Connection Control.
- Several Fortune 500 companies have relied on HydroCorp to provide Cross Connection Control Surveys, Program Management & Reporting to assist in meeting state/local regulations as well as internal company guidelines.



**PORTLAND CITY COUNCIL**  
Ionia County, Michigan

Council Member \_\_\_\_\_, supported by Council Member \_\_\_\_\_, made a motion to adopt the following resolution:

**RESOLUTION NO. 17-80**

**A RESOLUTION APPROVING FLEIS & VANDENBRINK'S PROPOSAL TO  
PROVIDE CONSTRUCTION ENGINEERING SERVICES FOR THE  
JAMES STREET IMPROVEMENT PROJECT**

**WHEREAS**, Fleis and VandenBrink has proposed to provide construction engineering services for the James Street Improvement Project (the Project) as outlined in the attached Exhibit A; and

**WHEREAS**, the City Budget for Fiscal Year 2017-2018 includes sufficient funds to cover the engineering proposal for construction engineering services for the Project.

**NOW THEREFORE BE IT RESOLVED AS FOLLOWS:**

1. The Portland City Council approves Fleis and VandenBrink's Proposal to provide construction engineering services for the James Street Improvement Project for an amount not to exceed \$137,900.00 as outlined in the attached Exhibit A
2. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

**Ayes:**

**Nays:**

**Absent:**

**Abstain:**

**RESOLUTION DECLARED ADOPTED.**

**Dated:** September 18, 2017

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**Monique I. Miller, City Clerk**



September 7, 2017

Mr. Tutt Gorman, City Manager  
City of Portland  
259 Kent Street  
Portland, MI 48875

**RE: Construction Engineering Proposal for  
James Street Improvements and Caroline & Newton Street  
Milling & Resurfacing (Rev)**

Dear Tutt,

As you are aware, bids were received for the James Street project on August 31 and the City has awarded a contract to CL Trucking & Excavating of Ionia, Michigan. Now that scope and schedule for construction have been defined, we have prepared a work plan and engineering budget for construction engineering services.

Our proposed budget and work plan are attached for your review. Approval to proceed with the work under our existing Professional Services Agreement dated February 24, 2017 can be given by returning a copy of this proposal signed where indicated. Please feel free to call with any questions.

Sincerely,

FLEIS & VANDENBRINK

Jonathan W. Moxey, PE  
Project Manager

Paul R. Galdes, P.E.  
Vice President

**AUTHORIZATION TO PROCEED WITH  
CONSTRUCTION ENGINEERING FOR  
JAMES STREET IMPROVEMENTS AND  
CAROLINE & NEWTON MILL/RESURFACE**

By: \_\_\_\_\_

Title: \_\_\_\_\_

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

**CITY OF PORTLAND**  
**Construction Engineering For**  
**James Street Improvements (Grant Street to Charlotte Highway)**  
**And Caroline & Newton Street Mill & Resurfacing**

**PROPOSED WORK PLAN**

**Construction Engineering Services**

1. Schedule and attend the pre-construction meeting with the Contractor, City, and utility companies. Prepare and distribute meeting minutes.
2. Perform construction staking for the improvements. Based on the scope of the improvements, we have assumed 6 staking trips throughout the project.
3. Provide project administration and engineering consultation throughout the construction period, including:
  - Schedule and attend periodic progress meetings with the Contractor and City Staff. Prepare and distribute meeting minutes.
  - Review shop drawings and other project submittals.
  - Review contractor pay applications and, if appropriate, submit a recommendation to the City for payment.
  - Prepare contract change orders, as necessary, and submit recommendation to the City for approval.
  - Maintain project records.
4. Provide on-site observation and materials testing during project construction activities. Based on the project schedule, we have included 12 weeks of observation at 55 hours per week for fall construction plus 2 weeks in the spring of 2018 for final paving, punch list, etc. The field technician's duties will include:
  - Provide daily record keeping of construction activities.
  - Address complaints filed with the City on a daily basis, if any.
  - Provide on-site density testing of soils and density testing of asphalt paving.
  - Coordinate off-site materials testing as required.
5. Provide off-site materials testing. Services will be sub-contracted to an independent testing consultant.
6. Conduct a final walk-through meeting on site with the Contractor and City Staff to review the completed work. Prepare a final punch list of remaining work items. Provide follow-up review to see that the punch list items have been completed.
7. Coordinate final payment with release of retainage and contract closeout.
8. Prepare record drawings showing as-constructed dimensions and details, as appropriate. Provide 3 hard copy sets and PDF files on a CD.

**CITY OF PORTLAND  
Construction Engineering  
For James Street Improvements (Grant Street to Charlotte Highway)  
And Caroline & Newton Street Mill & Resurfacing**

**ENGINEERING BUDGET**

We propose the following budget for the engineering services outlined in the proposed work plan based on our understanding of the project. Our estimated fees are as follows:

**Construction Engineering**

Construction Administration & Consultation	18,300
Construction Staking	7,100
On-Site Observation and Testing	103,100
Off-Site Testing	1,100
Record Drawings	2,200
Contract Closeout	<u>6,100</u>

**TOTAL PROPOSED CONSTRUCTION ENGINEERING BUDGET                      \$137,900**

We propose to complete the work on an hourly rate basis at our standard hourly billing rates.

**PORTLAND CITY COUNCIL**  
Ionia County, Michigan

Council Member \_\_\_\_\_, supported by Council Member \_\_\_\_\_, made a motion to adopt the following resolution:

**RESOLUTION NO. 17-81**

**A RESOLUTION APPROVING ISSUANCE OF A TRANSIENT TRADER  
PERMIT FOR A BBQ FOOD TRAILER**

**WHEREAS**, Section 24.22 of the City Code of Ordinances prohibits anyone from engaging in a business as a transient trader or dealer within the City without obtaining a permit; and

**WHEREAS**, Chris Teachout has requested a Transient Trader Permit to allow a food trailer to sell BBQ in the vacant lot at the corner of Grand River Avenue and Divine Highway owned by the Archer Daniels Midland Company (“ADM”); and

**WHEREAS**, Mr. Teachout is requesting hours of operation to be on Thursdays from 4:00 P.M. until 9:00 P.M. through November 16, 2017; and

**WHEREAS**, Section 24.24 of the City Code of Ordinances requires City Council approval of the application and surety before the Clerk can issue the Transient Trader Permit.

**WHEREAS, NOW THEREFORE BE IT RESOLVED AS FOLLOWS:**

1. The Portland City Council approves issuance of a Transient Trader Permit to allow a food trailer to sell BBQ as stated above in the City contingent upon the payment of the appropriate fee, proof of insurance coverage, surety bond and compliance with all related City policies and local ordinances.
2. All resolutions and parts of resolution are, to the extent of any conflict with this resolution, rescinded.

**Ayes:**

**Nays:**

**Absent:**

**Abstain:**

**RESOLUTION DECLARED ADOPTED.**

**Dated:** September 18, 2017

\_\_\_\_\_  
**Monique I. Miller, City Clerk**

**PORTLAND CITY COUNCIL**  
Ionia County, Michigan

Council Member \_\_\_\_\_, supported by Council Member \_\_\_\_\_, made a motion to adopt the following resolution:

**RESOLUTION NO. 17-82**

**A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENTS  
TO CITY BOARDS AND COMMISSIONS**

**WHEREAS**, City Council has established guidelines for appointments to City Boards and Commissions pursuant to Council Policy 96-1; and

**WHEREAS**, the Mayor has reviewed the applications for the various City Boards and Commissions and, in accordance with Council Policy 96-1, requests that the Council confirm the following appointment:

Portland Area Municipal Authority  
-Jim Sandborn to a term expiring June 30, 2020

**NOW THEREFORE BE IT RESOLVED AS FOLLOWS:**

1. The Portland City Council confirms the Mayor's appointments as set forth above.
2. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

**Ayes:**  
**Nays:**  
**Absent:**  
**Abstain:**

**RESOLUTION DECLARED ADOPTED.**

**Dated:** September 18, 2017

\_\_\_\_\_  
**Monique I. Miller, City Clerk**

# City of Portland

Portland, Michigan

## Minutes of the City Council Meeting

Held on Tuesday, September 5, 2017

In Council Chambers at City Hall

Present: Mayor Barnes, Mayor Pro-Tem VanSlambrouck, Council Members Fitzsimmons, Baldyga and Johnston; City Manager Gorman; City Clerk Miller; Police Sergeant Thomas; DDA/Main Street Director Conner Wellman

Guests: Steve Deroshia and representatives of ACD.net; Michael Rodewald of McDonald's; Jon Moxey of Fleis & VandenBrink; Kathy Parsons

The meeting was called to order at 7:00 P.M. by Mayor Barnes with the Pledge of Allegiance.

Mayor Barnes requested a moment of silence in acknowledgement of the passing of former City Manager Tom Dempsey who served the community of Portland for over 11 years.

Mayor Barnes and Mayor Pro-Tem VanSlambrouck expressed further sentiments in remembrance of Mr. Dempsey.

Motion by Fitzsimmons, supported by Baldyga, to approve the Proposed Agenda as presented.

Yeas: Fitzsimmons, Baldyga, VanSlambrouck, Johnston, Barnes

Nays: None

Adopted

Under City Manager Report, City Manager Gorman stated he is working on several ordinance updates including a cost recovery ordinance to contemplate the Portland Area Fire Authority, codification of the Income Tax Ordinance, and the Zoning Ordinance.

Curbside recycling service will begin Monday, September 11, 2017 and will be picked up every other Monday after. Refuse and recycling carts need to be placed at the curb by 7:00 A.M. The City continues to work with Danby and Portland Townships as they develop a new recycling center. City Manager Gorman further advised that the City will also consider recycling options for the commercial properties in the community.

City Manager Gorman presented photos of a signal crossing located near Grand Ledge Public Schools and presented an informational video on the proposed type of crossing. He stated that a purchase order is included in the Consent Agenda for this type of signal crossing to be located at Grand River Ave. and Cutler Rd. in order to ensure pedestrian safety in Portland's walkable community. City Manager Gorman stated that he would like to consider signal crossings in other areas as well.

City Manager Gorman noted that position posting for a Recreation Programmer expired on August 31, 2017 and there are approximately 20 qualified applicants. Interviews will be held within the next week or

so. The Police Chief job posting will expire on September 18, 2017 and the Electric Lineman position will expire on September 22, 2017.

Under Presentations, Steve Deroshia of ACD.net presented information on potential placement of Distributed Antenna Systems, “cell phone boosters” to boost the digital signal provided by Verizon Wireless and improve E911 coverage. They are considering 6 locations at this time. Verizon has identified a gap in coverage in the proposed locations. The poles would be connected by fiber optics and would require electric service. The cities street lights are approximately 35 ft. tall; the proposed poles for the antenna systems would be approximately 40 ft. tall. The proposed poles could also host other carriers if requested. The required fiber optics is not in place at this time and would have to be laid in the right-of-way. The design and placement of the poles can be negotiated within a range of approximately 500 ft.

City Manager Gorman thanked ACD.net for working with the City as the balance between the benefit to the residents and the intrusiveness to the City’s infrastructure is weighed.

Michael Rodewald of McDonald’s introduced himself and provided an update on the redevelopment project in Portland. Mr. Rodewald stated that the store became a franchise in May 2017 rather than being corporately owned. The new McDonald’s will be state of the art in all ways and the vast majority of the staff from the previous store has been retained. The week of September 25<sup>th</sup> will begin with soft opening events and on Thursday, September 28, 2017 the store will be open to the public with 24-hour service.

DDA/Main Street Director Wellman presented the DDA Report. Beerfest on the Bridge was an extremely successful event. It sold out at 5:30 P.M. and seen a 65% increase in attendance over last year. Early numbers are projecting a net of over \$13,000.00. Representatives of the DDA/Main Street attended the Red Mill Community Day with the Portland Area Chamber of Commerce and highlighted the Portland Downtown. Interest was shown from a dozen individuals to volunteer with the DDA/Main Street. The Main Street committees are working on Building & Business Inventory, setting policies and procedures, a new website and Facebook campaign, and best practices and packages for Façade Grants. Portland is also enjoying fame beyond its borders thru the music industry. Gunner & the Grizzly Boys video highlights the Veterans Memorial Bridge. The producer of the video is planning to do other projects in Portland as well. Shelby Ann-Marie Miller recently released a ‘Portland’ music recording today from Nashville, TN.

Under New Business, the Council considered Resolution 17-77 to award of the James Street Improvement Project to CL Trucking, Inc. in the amount of \$1,081,163.26. The City received eight bids in response to its request for sealed bids to reconstruct James Street from Grant Street to Charlotte Highway.

Jon Moxey of Fleis & VandenBrink stated that the bids were very good and came in approximately \$300,000 under the estimated cost. He recommended the approval of the bid from CL Trucking Inc. with the alternate to include a mill/fill of Newton and Rebecca Streets. He stated that the contractor would like to begin the project on Tuesday, September 12, 2017.

City Manager Gorman noted that this is a local street project and will be funded by Income Tax funds. The preconstruction meeting will likely be held later this week.

Motion by Fitzsimmons, supported by Johnston, to approve Resolution 17-77 approving the award of the James Street Improvement Project to CL Trucking, Inc.

Yeas: Fitzsimmons, Johnston, VanSlambrouck, Baldyga, Barnes  
Nays: None  
Adopted

The Council considered Resolution 17-78 to amend the Downtown Development Authority's bylaws to contemplate the combination of the DDA and Main Street boards. The number of board members required to take action is also confirmed.

Motion by Baldyga, supported by VanSlambrouck, to approve Resolution 17-78 approving the Downtown Development Authority's Amended Bylaws.

Yeas: Baldyga, VanSlambrouck, Fitzsimmons, Johnston, Barnes  
Nays: None  
Adopted

Motion by VanSlambrouck, supported by Baldyga, to approve the Consent Agenda which includes the Minutes and Synopsis from the Regular City Council Meeting held on August 21, 2017, payment of invoices in the amount of \$55,671.20 and payroll in the amount of \$115,758.42 for a total of \$171,429.62. There was a purchase orders to Carrier & Gable in the amount of \$9,197.30 for a Signal Crossing at Cutler Rd. and Grand River Ave. and to Cook Brothers Excavating in the amount of \$10,000.00 to replace electric cables on Bristie St.

Yeas: VanSlambrouck, Baldyga, Fitzsimmons, Johnston, Barnes  
Nays: None  
Adopted

Under City Manager Comments, City Manager Gorman noted that a Traffic Control Order is being considered for Union St. to restrict parking on one side of the road in order to control traffic during large events held at Father Flohe Field. A traffic study is not required for this type of traffic control order.

Scout Park will be cleaned up this week with the help of the Department of Public Works. City Manager Gorman thanked the Garden Club for their contribution to the park over the years.

City Manager Gorman noted the purchase order for Cook Brothers approved under the Consent Agenda will allow them to dig a trench to allow for the burying of electric cables related to the development of McDonalds.

City Manager Gorman extended his thanks to the Planning Commission for all of their efforts in reviewing and approving projects and development in Portland.

Under Council Comments, Council Member Baldyga commented that it is remarkable how skilled and dedicated the people in the community of Portland are. There are so many great things happening in the community.

Mayor Barnes noted that an application for Boards and Commissions was distributed to the Council Members from Jim Sandborn. He has stated his willingness to serve on the Portland Area Municipal Authority Board. He further noted that he distributed an article to the Council regarding the State Legislature's tour of a recycling center in Emmett County and all of the great things happening there.

Mayor Barnes also noted that Hurricane Irma has formed in the Atlantic Ocean and is the strongest hurricane ever recorded.

DDA/Main Street Director Conner Wellman played the newly released ‘Portland’ by Shelby Ann-Marie Miller and the video by Gunner & the Grizzly Boys.

Motion by Fitzsimmons, supported by Baldyga, to adjourn the regular meeting.

Yeas: Fitzsimmons, Baldyga, VanSlambrouck, Johnston, Barnes

Nays: None

Adopted

Meeting adjourned at 8:27 P.M.

Respectfully submitted,

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James E. Barnes, Mayor

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Monique I. Miller, City Clerk

**City of Portland**  
**Synopsis of the Minutes of the September 5, 2017 City Council Meeting**

The City Council meeting was called to order by Mayor James E. Barnes at 7:00 P.M.

**Present** – Mayor Barnes, Mayor Pro-Tem VanSlambrouck, Council Members Fitzsimmons, Baldyga and Johnston; City Manager Gorman; City Clerk Miller; Police Sergeant Thomas; DDA/Main Street Director Conner Wellman

**Moment of Silence** in acknowledgement of the passing of former City Manager Tom Dempsey who served the community of Portland for over 11 years.

**Presentation** – Steve Deroshia of ACD.net presented information on potential placement of Distributed Antenna Systems, “cell phone boosters” to boost the digital signal provided by Verizon Wireless and improve E911 coverage.

**Presentation** - Michael Rodewald of McDonald’s introduced himself and provided an update on the redevelopment project in Portland.

**Presentation** - DDA/Main Street Director Wellman presented the DDA Report.

**Approval of Resolution 17-77** approving the award of the James Street Improvement Project to CL Trucking, Inc.

All in favor. Adopted.

**Approval of Resolution 17-78** approving the Downtown Development Authority’s Amended Bylaws.

All in favor. Adopted.

**Approval of the Consent Agenda.**

All in favor. Adopted.

**Adjournment at 8:27 P.M.**

All in favor. Adopted.

A copy of the approved Minutes is available upon request at City Hall, 259 Kent Street.

Monique I. Miller, City Clerk

VENDOR NAME	VENDOR	DESCRIPTION	AMOUNT
CONSUMERS ENERGY	00095	RECORDING FEE FOR EASMENTS - GENERAL	30.00
UNITED STATES POSTAL SERVICE	00463	POSTAGE- ELC, WTR, WASTEWATER, GENERAL	869.76
AIRSPACE MONITORING SYSTEMS, INC.	MISC	CO MONITOR W/LCD, W/ SNIFFER - AMBULANCE	406.05
B&W AUTO SUPPLY, INC.	00030	PARTS, SUPPLIES - VARIOUS DEPTS	1,051.98
BEAVER RESEARCH COMPANY	MISC	BOLT BUSTER-RELEASING AGENT - MTR POOL	157.73
BERTMAN TOOLS LLC	02430	TECH GLOVES - WATER	22.60
CENTRAL MICHIGAN PRINTERS	00075	APPLICATIONS FOR WTR & SEWER, ELECTRIC CONTRAC	602.00
CINTAS-725	00083	UNIFORMS & RUGS - VARIOUS DEPTS	989.45
CLEAR RATE COMMUNICATIONS	02231	PHONE SVC - CITY HALL	424.85
CONSUMERS CONCRETE CORPORATION	00094	CONCRETE FOR MCDONALDS - ELECTRIC	477.50
CULLIGAN	02130	WATER - CITY HALL	13.00
DORNBOS, SIGN & SAFETY, INC.	00067	SCHOOL SIGNS - MAJ STS	209.03
DORNBOS, SIGN & SAFETY, INC.	00067	SIGN CHILDREN PLAYING - LOC STS	18.40
DORNBOS, SIGN & SAFETY, INC.	00067	U-CHANNEL POST - MAJ STS	85.28
DORNBOS, SIGN & SAFETY, INC.	00067	SIGN - MAJ STS	32.25
DORNBOS, SIGN & SAFETY, INC.	00067	SIGN CHILDREN PLAYING - MAJ STS	37.95
FAMILY FARM & HOME	01972	SPRAYER PUMP - MTR POOL	62.99
PHIL GENSTERBLUM	00164	MILEAGE REIMB - AMB, CODE	176.92
GRAINGER, INC.	00172	EAR PLUGS - MTR POOL	56.58
HYDROCORP	02340	INSPECTION AND REPORTING SERVICES - WTR	380.00
JON M. HYLAND	00196	CDL REIMB - ELECTRIC	73.00
KEMIRA WATER SOLUTIONS INC.	01866	CHLORIDE - WASTE WTR	1,834.86
KENDALL ELECTRIC	00225	BULBS - COMM PROMO	147.06
KENDALL ELECTRIC	00225	MOGUL LAMP - ELECTRIC	294.24
LITE'S PLUS	00243	LED FIXTURES - ELECTRIC	330.00
LITE'S PLUS	00243	LED FIXTURES - ELECTRIC	330.00
KITCH DRUTCHAS WAGNER VALITUTTI	02458	LEGAL SERVICES CELL TOWER - GENERAL	180.00
MCFADDEN LAW OFFICE PLLC	02299	LEGAL SERVICE - GENERAL	34.50
MENARDS	00260	SUPPLIES - MTR POOL	91.95

VENDOR NAME	VENDOR	DESCRIPTION	AMOUNT
MICHIGAN.COM	02336	LEGAL NOTICE - GENERAL	77.54
MICHIGAN PAVING & MATERIALS CO.	02102	TONS BLACKTOP - MAJ STS	145.60
MUNICIPAL SUPPLY CO.	00324	BOX RISER - WATER	30.23
MUZZALL GRAPHICS	00326	SHUT OFF NOTICES - ELEC, WTR, WW	427.34
AB LOCK AND SAFE INC.	00713	BACK DOOR - REINSTALL - CITY HALL	215.00
CONSUMERS ENERGY	00095	GAS SERVICE - ELECTRIC	44.28
MENARDS	00260	SUPPLIES - ELECTRIC	142.68
NORTH CENTRAL LABORATORIES	00959	SUPPLIES - WASTE WTR	482.93
PREMIER SAFETY	02465	HONEYWELL LUMIDOR IMPACT - ELECTRIC	83.90
RESCO	00392	CONNECTOR GROUND LUGS - ELECTRIC	410.00
ROCHESTER CREATIONS	02359	SHIRTS - AMBULANCE	384.00
TOM'S FOOD CENTER	00452	SUPPLIES - VARIOUS DEPTS	574.23
UPS	MISC	POSTAGE - ELECTRIC	9.24
USA BLUEBOOK	01850	SAFETY SUPPLIES - WATER	78.38
UTILITY CONSULTING GROUP, LLC	00465	CALCULATE PCA FACTOR - ELECTRIC	225.00
VERIZON WIRELESS	00470	PHONE & DATA SVC-CODE, CTY MGR, PARKS, REC, AMB, EL	372.23
WARD'S GARAGE	00475	SUPPLIES - MTR POOL	464.00
CHERYLE TENNIHILL	MISC	REFUND FOR SOCCER - REC	35.00
LITE'S PLUS	00243	TRAFFIC LIGHT BULBS - COMM PROMO	212.25
WESTPHALIA MILLING CO.	00480	ATHLETIC MARKER - PARKS	49.80
WILLOW WOOD GOLF COURSE	00681	INSTRUCTOR PAYMENT FOR GOLF CAMP - REC	612.00
MUNICIPAL SUPPLY CO.	00324	CAUTION TAPE - PARKS	38.00
VAN BRO'S IRRIGATION INC.	01762	GEAR DRIVE HEAD - CITY HALL	32.35
KS STATEBANK	02429	3 HEART MONITORS PMT - AMB APPROVED RES 16-74	19,720.54
I.T. RIGHT	02440	COMPUTERS - ASSESS, ECON DEV	2,532.00
ED FILTER	00540	UMPIRES- REC	192.00
BRIAN RUSSELL	00593	UMPIRES - REC	96.00
OWEN RUSSELL	02249	SCOREKEEPERS - REC	21.00
KATELYN RUSSELL	02457	SCOREKEEPERS - REC	63.00

VENDOR NAME	VENDOR	DESCRIPTION	AMOUNT
ED MOFFATT	00580	UMPIRES - REC	48.00
STATE OF MICHIGAN	00428	ACTIVATION RADIOS - POLICE	250.00
MUZZALL GRAPHICS	00326	LETTER HEAD PAPER - VARIOUS DEPTS	774.58
CENTURYLINK	01567	PHONE SERVICE - VARIOUS DEPTS	4.96
GRANGER CONTAINER SERVICE	00175	REFUSE - CEM, PARKS, MP	374.26
GRANGER CONTAINER SERVICE	00175	REFUSE - REFUSE	8,226.03
STAPLES BUSINESS ADVANTAGE	00426	SUPPLIES - VARIOUS DEPTS	1,077.14
MUNICIPAL SUPPLY CO.	00324	CONDUIT - ELECTRIC	2,143.60
KENDALL ELECTRIC	00225	ELBOWS AND ADAPTERS - ELECTRIC	549.24
RESCO	00392	TOR-KEY - ELECTRIC	122.40
GRANGER CONTAINER SERVICE	00175	REFUSE - WW	152.58
GRANGER CONTAINER SERVICE	00175	REFUSE - POLICE, COMM PROMO, ELECTRIC	152.58
PRINTING SYSTEMS	00375	ACCOUNTS PAYABLE CHECKS-VARIOUS DEPTS	352.76
MUNICIPAL INSPECTION SERVICES	00323	NON BUSINESS PERMITS - GENERAL	4,411.00
Total:			\$55,829.58

**BI-WEEKLY  
WAGE REPORT  
September 11, 2017**

DEPARTMENT	GROSS EARNINGS CURRENT PAY	GROSS EARNINGS YEAR-TO-DATE	SOCIAL SECURITY & FRINGE BENEFITS CURRENT PAY	SOCIAL SECURITY & FRINGE BENEFITS YEAR-TO-DATE	TOTAL CURRENT PAYROLL	GRAND TOTAL YEAR-TO-DATE
GENERAL ADMIN.	12,310.35	57,821.16	3,093.10	16,813.40	15,403.45	74,634.56
ASSESSOR	932.72	5,704.66	71.35	887.41	1,004.07	6,592.07
CEMETERY	3,814.26	25,563.06	1,511.69	6,808.98	5,325.95	32,372.04
POLICE	18,250.57	98,824.10	4,997.69	28,270.50	23,248.26	127,094.60
CODE ENFORCEMENT	628.21	5,323.00	154.05	1,173.75	782.26	6,496.75
PARKS	2,394.05	17,060.92	408.32	2,666.21	2,802.37	19,727.13
INCOME TAX	1,907.91	11,276.71	942.84	4,489.10	2,850.75	15,765.81
MAJOR STREETS	2,216.03	16,297.66	1,573.23	9,493.59	3,789.26	25,791.25
LOCAL STREETS	2,868.08	18,104.23	2,176.27	9,417.60	5,044.35	27,521.83
RECREATION	823.25	4,937.34	294.23	1,752.08	1,117.48	6,689.42
AMBULANCE	10,991.45	72,700.56	2,113.13	16,330.15	13,104.58	89,030.71
DDA	2,115.38	12,692.28	383.93	1,771.11	2,499.31	14,463.39
ELECTRIC	14,173.03	107,967.29	6,813.49	36,218.55	20,986.52	144,185.84
WASTEWATER	9,062.95	53,872.47	4,034.29	21,350.39	13,097.24	75,222.86
WATER	4,526.29	28,457.56	2,083.59	12,856.93	6,609.88	41,314.49
MOTOR POOL	2,479.25	13,950.55	1,815.99	9,356.17	4,295.24	23,306.72
<b>TOTALS:</b>	<b>89,493.78</b>	<b>550,553.55</b>	<b>32,467.19</b>	<b>179,655.92</b>	<b>121,960.97</b>	<b>730,209.47</b>

**BI-WEEKLY CASH BALANCE ANALYSIS**  
**AS OF 9/14/17**  
**MEETING DATE 9/18/17**

Fund	Description	Beginning Balance 08/31/2017	Total Cash in	Total Cash out	Cash Balance 09/14/2017	Time Certificates	Ending Balance 09/14/2017	
101	GENERAL FUND	1,849,094.46	175,632.64	(165,037.50)	1,859,689.60	235,000.00	2,094,689.60	
105	INCOME TAX FUND	23,304.45	52,850.75	(5,701.50)	70,453.70	10,000.00	80,453.70	
150	CEMETERY PERPETUAL CARE FUND	38,917.20	-	-	38,917.20		38,917.20	
202	MAJOR STREETS FUND	210,378.18	3,970.92	(8,059.01)	206,290.09		206,290.09	
203	LOCAL STREETS FUND	61,205.16	12,997.13	(11,833.11)	62,369.18		62,369.18	
208	RECREATION FUND	11,077.29	1,187.06	(3,734.46)	8,529.89		8,529.89	
210	AMBULANCE FUND	141,953.10	18,089.84	(27,723.46)	132,319.48		132,319.48	
245	MSHDA LOFT FUND	-	-	-	-		-	
248	DDA FUND	115,260.11	2,604.31	(4,998.62)	112,865.80		112,865.80	
404	CAPITAL IMPROVEMENT-RED MILL PAVILION	3,362.25	-	-	3,362.25		3,362.25	
405	WELLHEAD IMPROVEMENT FUND	-	-	-	-		-	
406	CAPITAL IMPROVEMENT FUND-STREET PROJECT	1,888,411.25	-	-	1,888,411.25		1,888,411.25	
520	REFUSE SERVICE FUND	14,160.79	2,769.84	(200.64)	16,729.99		16,729.99	
582	ELECTRIC FUND	190,690.12	132,824.70	(124,695.31)	198,819.51	530,000.00	728,819.51	
590	WASTEWATER FUND	(154,012.37)	32,780.64	(31,401.50)	(152,633.23)		(152,633.23)	
591	WATER FUND	32,271.76	24,843.27	(21,003.34)	36,111.69	420,000.00	456,111.69	
661	MOTOR POOL FUND	18,572.52	9,386.58	(15,191.24)	12,767.86		12,767.86	
703	CURRENT TAX FUND	6,498.19	1,194,186.63	-	1,200,684.82		1,200,684.82	
TOTAL - ALL FUNDS		4,451,144.46	1,664,124.31	(419,579.69)	5,695,689.08	1,195,000.00	6,890,689.08	
						ELECTRIC-RESTRICTED CASH	400,000.00	400,000.00
						CUSTOMER DEPOSIT CD	170,000.00	170,000.00 *
						PERPETUAL CARE CD	130,000.00	130,000.00
						INCOME TAX SAVINGS	720,813.45	720,813.45
						ELECTRIC-PRIN & INT ESCROW	164,794.11	164,794.11
						WASTEWATER DEBT ESCROW	243,386.71	243,386.71
						WASTEWATER REPAIR ESCROW	35,902.85	35,902.85
						DDA-PRIN & INT ESCROW	501.77	501.77
							<u>8,756,087.97</u>	

\*Customer Deposit Breakdown

Electric	128,000.00
Wastewater	21,000.00
Water	21,000.00
	<u>170,000.00</u>

ELECTRIC-RESTRICTED CASH	400,000.00	400,000.00
CUSTOMER DEPOSIT CD	170,000.00	170,000.00 *
PERPETUAL CARE CD	130,000.00	130,000.00
INCOME TAX SAVINGS	720,813.45	720,813.45
ELECTRIC-PRIN & INT ESCROW	164,794.11	164,794.11
WASTEWATER DEBT ESCROW	243,386.71	243,386.71
WASTEWATER REPAIR ESCROW	35,902.85	35,902.85
DDA-PRIN & INT ESCROW	501.77	501.77

PERIOD ENDING 08/31/2017

GL NUMBER	DESCRIPTION	2017-18	YTD BALANCE	ACTIVITY FOR	AVAILABLE	% BDTG USED
		AMENDED BUDGET	08/31/2017 NORMAL (ABNORMAL)	MONTH 08/31/2017 INCREASE (DECREASE)	BALANCE NORMAL (ABNORMAL)	
Fund 101 - GENERAL FUND						
Revenues						
101-000-402.000	REAL PROPERTY TAXES	1,008,150.00	203,028.19	139,462.57	805,121.81	20.14
101-000-428.000	PILOT-GOLDEN BRIDGE MANOR	1,500.00	1,717.81	0.00	(217.81)	114.52
101-000-445.000	PENALTY & INTEREST	3,000.00	0.00	0.00	3,000.00	0.00
101-000-447.000	TAX COLLECTION FEES	40,000.00	5,962.49	4,276.01	34,037.51	14.91
101-000-448.000	SPECIAL ASSESSMENT FEES	0.00	6.68	6.68	(6.68)	100.00
101-000-451.000	BUSINESS PERMITS	100.00	0.00	0.00	100.00	0.00
101-000-453.000	CABLE TV FEES	30,000.00	6,789.72	6,789.72	23,210.28	22.63
101-000-455.000	TRAILER FEES	400.00	75.00	36.00	325.00	18.75
101-000-476.000	NON-BUSINESS PERMITS	0.00	(2,952.00)	(90.00)	2,952.00	100.00
101-000-543.000	ACT 302 POLICE TRAINING GRANT	900.00	0.00	0.00	900.00	0.00
101-000-570.000	LIQUOR FEES	3,100.00	0.00	0.00	3,100.00	0.00
101-000-573.000	LOCAL COMM. STABILIZATION SHARE APPROP	70,000.00	0.00	0.00	70,000.00	0.00
101-000-575.000	REVENUE SHARING-CONST SALES	304,860.00	53,887.00	53,887.00	250,973.00	17.68
101-000-576.000	REVENUE SHARING-STAT SALES	106,266.00	17,711.00	17,711.00	88,555.00	16.67
101-000-620.000	PBT TESTING FEES	5,000.00	420.00	173.00	4,580.00	8.40
101-000-623.000	TRANSCRIPT FEES	1,000.00	72.00	30.00	928.00	7.20
101-000-624.000	MISCELLANEOUS FEES	0.00	34.79	0.00	(34.79)	100.00
101-000-628.000	ADMINISTRATIVE CHARGES	318,857.00	53,174.00	26,587.00	265,683.00	16.68
101-000-630.000	CEMETERY LOT SALES	1,200.00	1,287.50	437.50	(87.50)	107.29
101-000-633.000	CEMETERY CARE FEES	4,000.00	0.00	0.00	4,000.00	0.00
101-000-634.000	GRAVE OPENING FEES	5,000.00	1,400.00	1,100.00	3,600.00	28.00
101-000-656.000	DISTRICT COURT FINES	10,000.00	1,267.00	599.87	8,733.00	12.67
101-000-661.000	PARKING FINES	2,400.00	570.00	400.00	1,830.00	23.75
101-000-662.000	DRUG FORFEITURE MONEY	1,000.00	0.00	0.00	1,000.00	0.00
101-000-663.000	MISCELLANEOUS FINES	1,500.00	291.00	165.00	1,209.00	19.40
101-000-664.000	SEX OFFENDER REGISTRATION FEES	0.00	50.00	0.00	(50.00)	100.00
101-000-667.000	RENTAL INCOME	0.00	300.00	35.00	(300.00)	100.00
101-000-677.000	MOWING/STUMP/SNOW REMOVAL	0.00	57.38	0.00	(57.38)	100.00
101-000-678.005	REIMBURSEMENTS-INSURANCE AND WC	0.00	12,262.00	12,262.00	(12,262.00)	100.00
101-000-678.006	REIMBURSEMENTS- MISCELLANEOUS	15,000.00	11,310.38	8,445.15	3,689.62	75.40
101-000-678.007	REIMBURSEMENTS-PAMA	1,500.00	0.00	0.00	1,500.00	0.00
101-000-699.582	TRANSFER FROM ELECTRIC (IN LIEU	50,037.00	0.00	0.00	50,037.00	0.00
101-000-699.590	TRANS FROM WASTEWATER (IN LIEU O	31,764.00	0.00	0.00	31,764.00	0.00
101-000-699.591	TRANSFER FROM WATER (IN LIEU OF	32,009.00	0.00	0.00	32,009.00	0.00
TOTAL REVENUES		2,048,543.00	368,721.94	272,313.50	1,679,821.06	18.00
Expenditures						
100	COUNCIL	244,482.00	27,988.15	8.16	216,493.85	11.45
101	COMMUNITY PROMOTIONS	291,060.00	46,539.55	10,847.42	244,520.45	15.99
172	CITY MANAGER	159,476.00	18,263.14	10,955.54	141,212.86	11.45
191	ELECTIONS	5,110.00	847.16	752.14	4,262.84	16.58
201	GENERAL ADMINISTRATION	332,268.00	91,892.03	62,953.37	240,375.97	27.66
209	ASSESSING	48,556.00	8,029.68	4,147.83	40,526.32	16.54
265	CITY HALL	53,889.00	8,619.79	4,493.72	45,269.21	16.00
276	CEMETERY	154,240.00	25,900.51	14,403.66	128,339.49	16.79
301	POLICE	701,921.00	105,254.93	67,156.16	596,666.07	15.00
371	CODE ENFORCEMENT	45,432.00	6,683.50	3,806.19	38,748.50	14.71
728	ECONOMIC DEVELOPMENT	6,960.00	4,196.23	1,439.43	2,763.77	60.29
751	PARKS	240,475.00	21,724.31	10,950.22	218,750.69	9.03
TOTAL EXPENDITURES		2,283,869.00	365,938.98	191,913.84	1,917,930.02	16.02

PERIOD ENDING 08/31/2017

GL NUMBER	DESCRIPTION	2017-18	YTD BALANCE	ACTIVITY FOR	AVAILABLE	% BDGT USED
		AMENDED BUDGET	08/31/2017 NORMAL (ABNORMAL)	MONTH 08/31/2017 INCREASE (DECREASE)	BALANCE NORMAL (ABNORMAL)	
Fund 101 - GENERAL FUND						
Fund 101 - GENERAL FUND:						
TOTAL REVENUES		2,048,543.00	368,721.94	272,313.50	1,679,821.06	18.00
TOTAL EXPENDITURES		2,283,869.00	365,938.98	191,913.84	1,917,930.02	16.02
NET OF REVENUES & EXPENDITURES		(235,326.00)	2,782.96	80,399.66	(238,108.96)	1.18

PERIOD ENDING 08/31/2017

GL NUMBER	DESCRIPTION	2017-18		YTD BALANCE	ACTIVITY FOR	AVAILABLE		% BDGT USED
		AMENDED BUDGET	NORMAL	08/31/2017 (ABNORMAL)	MONTH 08/31/2017 INCREASE (DECREASE)	NORMAL	(ABNORMAL)	
Fund 105 - INCOME TAX FUND								
Fund 105 - INCOME TAX FUND:								
	TOTAL REVENUES							
	TOTAL EXPENDITURES	702,550.00		6,458.62	64,175.55		696,091.38	0.92
	NET OF REVENUES & EXPENDITURES	690,347.00		24,823.67	16,348.52		665,523.33	3.60
		12,203.00		(18,365.05)	47,827.03		30,568.05	150.50
Fund 150 - CEMETERY PERPETUAL CARE FUND								
Fund 150 - CEMETERY PERPETUAL CARE FUND:								
	TOTAL REVENUES	2,500.00		775.00	275.00		1,725.00	31.00
	TOTAL EXPENDITURES	0.00		0.00	0.00		0.00	0.00
	NET OF REVENUES & EXPENDITURES	2,500.00		775.00	275.00		1,725.00	31.00
Fund 202 - MAJOR STREETS FUND								
Fund 202 - MAJOR STREETS FUND:								
	TOTAL REVENUES	323,000.00		60,333.88	87,360.53		262,666.12	18.68
	TOTAL EXPENDITURES	322,763.00		36,070.59	15,447.05		286,692.41	11.18
	NET OF REVENUES & EXPENDITURES	237.00		24,263.29	71,913.48		(24,026.29)	10,237.6
Fund 203 - LOCAL STREETS FUND								
Fund 203 - LOCAL STREETS FUND:								
	TOTAL REVENUES	926,390.00		26,181.96	29,949.05		900,208.04	2.83
	TOTAL EXPENDITURES	926,339.00		47,867.94	14,770.00		878,471.06	5.17
	NET OF REVENUES & EXPENDITURES	51.00		(21,685.98)	15,179.05		21,736.98	42,521.5
Fund 208 - RECREATION FUND								
Fund 208 - RECREATION FUND:								
	TOTAL REVENUES	106,300.00		13,810.16	7,307.16		92,489.84	12.99
	TOTAL EXPENDITURES	113,603.00		14,742.75	9,252.56		98,860.25	12.98
	NET OF REVENUES & EXPENDITURES	(7,303.00)		(932.59)	(1,945.40)		(6,370.41)	12.77
Fund 210 - AMBULANCE FUND								
Fund 210 - AMBULANCE FUND:								
	TOTAL REVENUES	576,932.00		127,443.14	31,909.35		449,488.86	22.09
	TOTAL EXPENDITURES	631,480.00		110,573.86	45,258.34		520,906.14	17.51
	NET OF REVENUES & EXPENDITURES	(54,548.00)		16,869.28	(13,348.99)		(71,417.28)	30.93
Fund 248 - DDA FUND								
Fund 248 - DDA FUND:								
	TOTAL REVENUES	283,000.00		32,573.72	19,373.60		250,426.28	11.51
	TOTAL EXPENDITURES	264,129.00		29,247.25	20,780.09		234,881.75	11.07
	NET OF REVENUES & EXPENDITURES	18,871.00		3,326.47	(1,406.49)		15,544.53	17.63
Fund 406 - CAPITAL IMPROVEMENT FUND-STREET PROJECT								
Fund 406 - CAPITAL IMPROVEMENT FUND-STREET PROJECT:								
	TOTAL REVENUES	0.00		0.00	0.00		0.00	0.00
	TOTAL EXPENDITURES	1,407,900.00		0.00	0.00		1,407,900.00	0.00
	NET OF REVENUES & EXPENDITURES	(1,407,900.00)		0.00	0.00		(1,407,900.00)	0.00
Fund 520 - REFUSE SERVICE FUND								
Fund 520 - REFUSE SERVICE FUND:								
	TOTAL REVENUES	112,150.00		13,562.57	10,892.05		98,587.43	12.09
	TOTAL EXPENDITURES	111,000.00		19,822.92	8,226.03		91,177.08	17.86
	NET OF REVENUES & EXPENDITURES	1,150.00		(6,260.35)	2,666.02		7,410.35	544.38

PERIOD ENDING 08/31/2017

GL NUMBER	DESCRIPTION	2017-18 AMENDED BUDGET	YTD BALANCE 08/31/2017 NORMAL (ABNORMAL)	ACTIVITY FOR MONTH 08/31/2017 INCREASE (DECREASE)	AVAILABLE BALANCE NORMAL (ABNORMAL)	% BDGT USED
Fund 582 - ELECTRIC FUND						
Fund 582 - ELECTRIC FUND:						
TOTAL REVENUES						
		4,113,225.00	374,628.15	377,109.17	3,738,596.85	9.11
		4,863,213.00	425,150.45	129,968.28	4,438,062.55	8.74
NET OF REVENUES & EXPENDITURES		(749,988.00)	(50,522.30)	247,140.89	(699,465.70)	6.74
Fund 590 - WASTEWATER FUND						
Fund 590 - WASTEWATER FUND:						
TOTAL REVENUES						
		1,291,666.00	70,940.98	70,547.95	1,220,725.02	5.49
		1,441,345.00	92,682.75	47,967.28	1,348,662.25	6.43
NET OF REVENUES & EXPENDITURES		(149,679.00)	(21,741.77)	22,580.67	(127,937.23)	14.53
Fund 591 - WATER FUND						
Fund 591 - WATER FUND:						
TOTAL REVENUES						
		909,089.00	62,669.62	57,365.48	846,419.38	6.89
		1,271,679.00	83,493.62	29,855.89	1,188,185.38	6.57
NET OF REVENUES & EXPENDITURES		(362,590.00)	(20,824.00)	27,509.59	(341,766.00)	5.74
Fund 661 - MOTOR POOL FUND						
Fund 661 - MOTOR POOL FUND:						
TOTAL REVENUES						
		362,793.00	86,961.68	22,227.11	275,831.32	23.97
		425,804.00	83,431.26	27,980.54	342,372.74	19.59
NET OF REVENUES & EXPENDITURES		(63,011.00)	3,530.42	(5,753.43)	(66,541.42)	5.60
TOTAL REVENUES - ALL FUNDS						
		9,709,595.00	876,339.48	778,492.00	8,833,255.52	9.03
		12,469,602.00	967,907.06	365,854.58	11,501,694.94	7.76
NET OF REVENUES & EXPENDITURES		(2,760,007.00)	(91,567.58)	412,637.42	(2,668,439.42)	3.32

**PORTLAND POLICE DEPARTMENT  
STATISTICAL INFORMATION  
AUGUST 2017**

**Calls for Service**

Dispatched	95
Patrol Originated	9
Follow Up Complaints	28
Assist to PPD	6
Assist to Fire / EMS	9
Assist Other Depts	18

**Other Functions**

Pistol Purchase Permits	11
PBT's	62
FOIA Requests	8
Sex Offender Registrations	0
Directed Patrol	50
Training	7
Administrative	310
Miscellaenous Function	15

**Traffic Stops**

Total Stops	69
Traffic Citations	21
Verbal Warnings	60
Parking Citations	7

**Other**

Physical Business Checks	
Interior	86
Exterior	197
Patrol Contacts	383

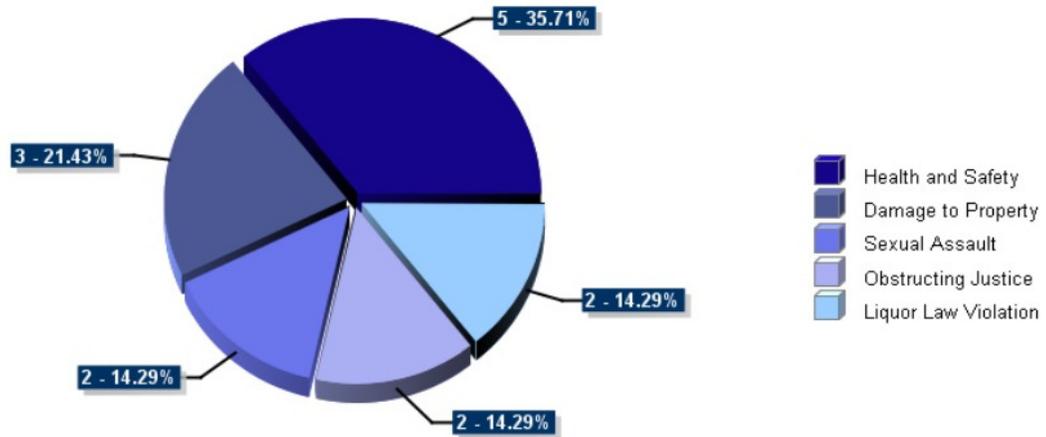
**Arrests**

Misdemeanor Persons	6
Misdemeanor Charges	8
Felony Persons	0
Felony Charges	0

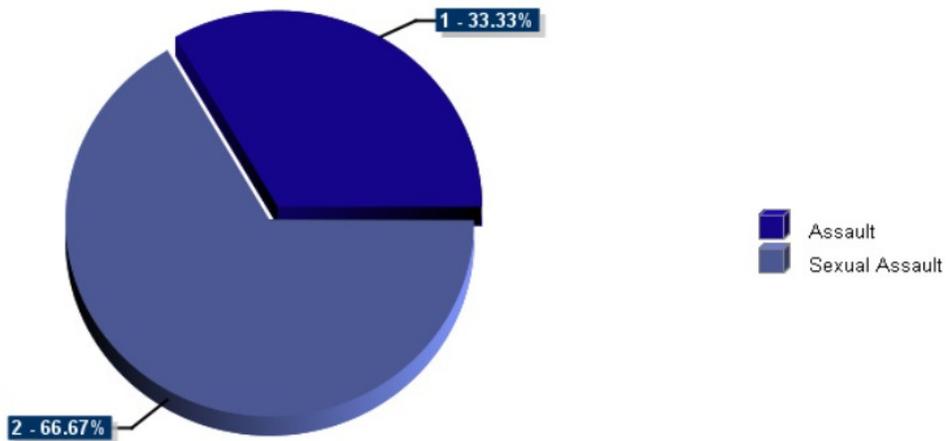
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**PORTLAND POLICE DPEARTMENT  
STATISTICAL INFORMATION  
AUGUST 2017**

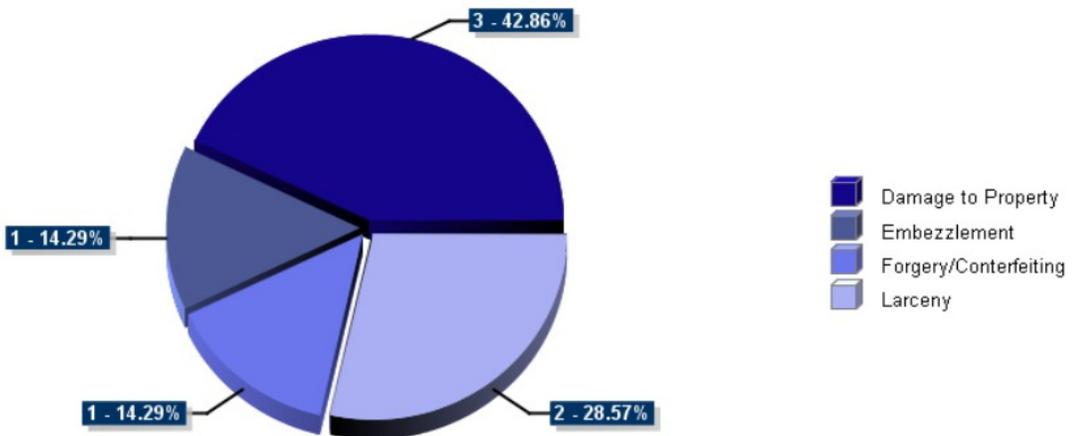
**Top 5 Offenses**



**Person Crimes**



**Property Crimes**



City Of Portland  
Water Department  
Monthly Water Report  
August 2017

Monthly Water Production

Well #4	290,000 Gallons
Well #5	20,500 Gallons
Well #6	14,122,000 Gallons
Well #7	23,000 Gallons

Daily Water Production

Well #4	9,355 Gallons
Well #5	661 Gallons
Well #6	455,548 Gallons
Well #7	742 Gallons

Daily Average Water Production for All Wells

466,306 Gallons

Total Water Production for the Month

14,455,500 Gallons

Total Water Production for the Previous Month

13,631,800 Gallons

Total Production increased by

823,700 Gallons

Total Production for This Month from the Previous Year

12,938,600 Gallons

Total Production increased by

1,516,900 Gallons

Rodney D. Smith Jr.  
Water Technician

# PRECONSTRUCTION MEETING MINUTES



**1. Project Title:** City of Portland James Street Improvements **Date:** September 11, 2017

**Project Number:** 830080 **Time:** 10:30 a.m.

## 2. Contact Persons

<b>Owner:</b> City of Portland	<b>Office:</b> 517.647.7531
<b>City Manager:</b> Tutt Gorman	<b>Office:</b> 517.647.2931
<b>Electric:</b> Mike Hyland	<b>Office:</b> 517.647.6912
	<b>Cell:</b> 517.526.3815
<b>Road/Storm:</b> Ken Gensterblum	<b>Cell:</b> 517.526.3813
<b>Water:</b> Rod Smith	<b>Cell:</b> 517.647.2948
	<b>Cell:</b> 517.526.3814
<b>Wastewater:</b> Doug Sherman	<b>Office:</b> 517.647.6926
	<b>Cell:</b> 517.526.3812
<b>Contractor:</b> CL Trucking & Excavating, LLC	<b>Office:</b> 616.527.9352
<b>Superintendent:</b> John Lepien	<b>Office:</b> 616.527.9352
	<b>Cell:</b> 616.446.7618
<b>Foreman:</b> Tim Smith	<b>Cell:</b> 616.902.0921
<b>24-Hour/Emergency:</b> See attached.	
<b>Engineer:</b> Fleis & VandenBrink Engineering, Inc.	<b>Office:</b> 616.977.1000
<b>Field Technician:</b> Jeremy Patzer	<b>Cell:</b> 616.889.6813
<b>Project Manager:</b> Jon Moxey	<b>Direct:</b> 616.588.1925
	<b>Cell:</b> 616.262.8717
<b>Project Engineer:</b> Lindsay Sagorski	<b>Office:</b> 616.977.1000

**3. Completion Date/Contract Time:**

- Anticipated Notice to proceed date: September 11, 2017
- Anticipated Start Date: September 12, 2017
- Substantial Completion Date: November 30, 2017
- Final Completion Date: May 25, 2018
- Liquidated Damages: \$1,000/day for Substantial Completion & \$200/day for Final Completion.

**4. Contractor Schedule:** See attached. Mobilization and traffic control is scheduled for Tuesday. Milling is scheduled for Wednesday (revised to Tuesday). After milling, CL plans to do removals and then water main construction. CL is targeting fall completion for all, depending on the weather. Video survey is scheduled for Friday.

**5. Utility Coordination & Conflicts:**

**Electric:** All electric distribution is underground in conduits. City Electric will be placing conduits for lighting behind the curb prior to backfill. Final light style is TBD. The electric crossing at the alley east of Grant Street is a stack of 12 conduits serving a large portion of the City. Use due care (vactor) when locating.

**Natural Gas:** There are conduits in the contract for a future gas main crossing at Grant. Consumers is just wrapping up their work replacing the old steel main on the south side between Grant & East Street with plastic. It is behind the curb (the existing steel is under the curb/asphalt). Several new utilities will cross the north side services and new water services / sanitary laterals on the south side will cross the main. See attached Consumers addendum. Consumers is working on as-built drawings and will coordinate with USIC to see that the new main and services are properly flagged. CL will provide their Miss Dig ticket number for reference.

**Telephone:** Not in attendance. No conflicts are anticipated. Telephone is near the electric on the south side with pedestals on both sides. Crossings are anticipated for south side water services & sanitary laterals, as well as intersections.

**Cable TV:** Not in attendance. No conflicts are anticipated. Cable TV is near the electric on the south side with pedestals on both sides. Crossings are anticipated for south side water services & sanitary laterals, as well as intersections.

**Private irrigation systems:** The bank (south side between Newton & Charlotte Highway) has underground sprinkling. 1007 also has underground sprinkling. They will flag the heads.

## **6. Communications/Notice of Road Closing:**

- All communications shall be through the ENGINEER.
- Trash collection (Granger): Trash collection occurs on Mondays. Recycling started today and will take place every other Monday. It is a separate operation. CL will relocate containers to accessible areas, if required, and mark them so that they get returned to the proper address. Jon will provide a weekly update late in the week to help coordinate (cc Tutt & schools).
- USPS/Mail Service: Delivery in this area is on foot. Carriers typically park on side streets to access the project area. Tutt will notify them and discuss the process.
- Schools/Busing: Bus stops will be moved to Bridge Street to avoid the project area. There are several students in the project area that will need to get through to the stops.
- Emergency Services:
  - Police: Tutt will contact and will forward Jon's weekly updates.
  - Fire: Tutt will contact and will forward Jon's weekly updates.
  - Ambulance: Tutt will contact and will forward Jon's weekly updates.

## **7. Permits:**

- The part 399 and 41 permits have already been obtained.
- SESC permit has been obtained.
- No other permitting is anticipated to be necessary.
- Compliance with the conditions of the permits is the contractor's responsibility.

## **8. Sub-Contractors:**

- Asphalt Paving: Rieth-Riley (Lansing)
- Concrete Work: Martin J Concrete (Coopersville)
- Construction Signing & Barricades: Ionia Construction Supplies (Ionia)
- Pavement Marking: PK Contracting (Troy)
- Surface Restoration: CL Trucking (self-performing)
- Landscaping (trees): Goose Creek (Lyons)
- Retaining Walls: Pavers Plus

## **9. Shop Drawings Procedures:**

- Please submit to Jon Moxey of F&V.
- Electronic (pdf) copies are preferred.

## **10. Staking:**

- F&V will be staking the significant staking components as detailed in Section 01 71 23.
  - Order Form: Submit to ENGINEER, Attn: Jon Moxey
  - Notice: 2 business days (minimum) notice
- Re-staking shall be at CONTRACTOR'S expense

## **11. Testing Requirements:**

- See Section 01 45 00.
- Compaction: F&V will perform field compaction testing.
- HMA: F&V will cause to perform HMA tests as deemed appropriate.
- Concrete: F&V will perform field testing of air content, slump, temperature and make cylinders. F&V will deliver cylinders to a sub-consultant for testing.
- Water main: See Section 33 11 00. Observation by F&V and City staff. The City will pull samples for bacteriological testing and deliver to the lab.
- Sanitary sewer: See Section 33 31 00. Observation by F&V and City staff. Anticipate leakage and mandrel testing being impractical, to be replaced with video televising (see also Section 33 01 30).
- Storm sewer: See Sections 33 01 30 and 33 41 00. Televis sewer as directed by Engineer.

## **12. Progress Meetings:**

- Progress meetings will be held bi-weekly.
- Meetings will be held on Tuesday mornings at 9:30am at City Hall.

## **13. Pay Requests:**

- Contractor submits request for payment consistent with the contract unit price items and Schedule of Values items to Engineer once per month, signed and pre-reviewed by F&V on-site personnel for project completeness.
- Electronic forms will be provided for use if requested.

- **Cut-off Date / Review Process:** Council typically meets the first and third Monday of the month. The reviewed application is due to the City the Thursday (Friday at absolute latest) prior for council packets. The application is due to F&V the Monday before to allow time for review.
- **Owner Payment Procedures:** Mindy typically mails out checks within a few days of the meeting.

#### 14. Safety:

- Contractor is solely responsible for site safety.
- Ionia County has a new OSHA inspector that lives in Ionia and has visited several construction projects in town recently.

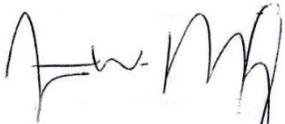
#### 15. Other:

- **Addendum No. 1:** Correction of HMA quantity.
- **Status of Easements & Grading Permits:** None have been received so far. F&V will follow up.
- **Retaining Walls:** Discussed color selection – Tan isn't a standard color and is only produced every 8 weeks. John will provide manufacturer's standard palette for City selection. The property owner at 728 James would like gray to match the existing stone retaining wall. The same property owner wants to save the tree behind the wall – met on site after the meeting and confirmed that it needs to be removed to make the sidewalk relatively straight (a replacement will be planted). Pavers Plus will look at the walls on Kent Street to provide an opinion on the excessive efflorescence.
- **Working with Residents:** Communication is key. All efforts to reduce the impact is appreciated.
- **Surface Restoration:** The brush on the slope at 115 East Street is to be cleared (whatever isn't already being removed for retaining wall construction).
- **Exploratory Investigation:** Intended for locating sanitary laterals and other facilities that don't have accurate records.
- **Tree Planting:** CL is targeting planting in the fall. The City & F&V need to develop a list of locations with selected species.
- **Maintaining Local Traffic:** A water truck will be available for dust control. Maintain at least one lane at all times and access to all properties.
- **Self Level Valve Boxes & Castings:** Planning to use the Self Level product for all structures in the pavement.
- **Above Ground Video Survey:** Scheduled for Friday.

- Flowable Fill: To be used as directed.
- Asphalt Millings: The City will designate locations. Discussed the lift station at Cutler Road and low area of Kearney as locations for the James Street millings, which will likely have some larger pieces. Millings from Caroline & Newton will be better quality, and will be used to cap those on Kearney and other locations designated by the City.
- Bid Alternate No. 1: Milling and Resurfacing on Caroline & Newton: CL is targeting completion in the fall, if weather allows.
- The City has the street signs and brackets. Discussed making 3-way stops at several intersections.
- Leaf pickup will need to be coordinated. The City could provide leaf bags to prevent them from being blown on the street at a critical time during construction.

*The proceeding minutes are the writer's interpretation of the major events of the meeting. If anyone in attendance disagrees with the writer's interpretation, please indicate your discrepancy in writing within seven (7) days of the dates of these minutes.*

**FLEIS & VANDENBRINK ENGINEERING, INC.**



Jonathan W. Moxey, P.E.  
Project Manager

Meeting Minutes Distribution:

- Those in attendance
- Doug Sherman, City Wastewater
- James Scott, WOW
- Heather Vallee-Knoblauch, AT&T
- Sean McHugh, Granger

Attachments:

List of Attendees  
Construction Schedule  
Subcontractors & Supplies  
Safety Schedule & Key Personnel  
Consumers Energy Addendum

PRECONSTRUCTION MEETING  
SIGN-IN – SEPTEMBER 11, 2017, 10:30AM



Project Title: City of Portland – James Street Improvements

F&V Project #: 830080

Name	Representing	Phone	Email
Jon Moxey	Fleis & VandenBrink Engineering	616.977.1000	jmoxy@fveng.com
J Mike Hyland	CITY OF PORTLAND	517-526-3815	MIKE HYLAND@PORTLAND-MICHIGAN.ORG
JOHN LEPIEN	CL TRUCKING + EXCAVATING	516-520-9352	JLEPIEN@CLTE.NET
ADAM BERTRAM	CONSUMERS ENERGY	517-374-2375	ADAM.BERTRAM@CMSENERGY.COM
Ken Gensterblom	City of Portland	517-526-3813	dpu@portland-michigan.org
Gary Bond	Portland Public Schools	517 647-2993	gbond@portland.k12.org
Rod Smith	City of Portland	517 526 3814	RodSmith@portland-michigan.org

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# CL Trucking & Excavating, LLC

256 East Parmeter, Ionia, MI 48846  
Phone: 616-527-9352 Fax: 616-527-8424

September 11, 2017

Fleis & Vandenbrink Engineering  
Attn: Jon Moxey  
2960 Lucerne Drive SE  
Grand Rapids, MI 49546

**RE: City of Portland – James Street 2017  
Project Schedule – Work/Crew Days**

1) Surface Removals – Trees/Asphalt/Curb & Gutter/Drive Approaches/Etc.	5 Days
2) Water Main – Main Line	11 Days
3) Sanitary Sewer – Main Line	11 Days
4) Water Main Tie-In/Water Services/Sanitary Laterals	12 Days
5) Remaining Water Main Tie-Ins & Cap Old Main	2 Days
6) Storm Sewer	10 Days
7) Roadway Grading/Sand Subbase/Aggregate Base/Underdrain/Sidewalk Removal	8 Days
8) Concrete Work	7 Days
9) Prep for Asphalt/Fine Grade	1 Day
10) Base Course Paving	1 Day
11) Slope Restoration/Casting & Valve Box Adjustments/Mill (Alt #1)	4 Days
12) Top Course Paving	1 Day
13) Finalize Restoration & Cleanup/Permanent Pavement Markings & Signage	1 Day

Items that will be fitted into schedule as work allows are:

- 1) Retaining Walls
- 2) Fencing
- 3) Trees (Prior to curb & gutter placement.)

Sincerely,  
CL Trucking & Excavating, LLC

John Lepien  
jlepien@clte.net  
Estimator/Project Manager

# CL Trucking & Excavating, LLC

256 East Parmeter, Ionia, MI 48846  
Phone: 616-527-9352 Fax: 616-527-8424

September 11, 2017

Fleis & Vandenbrink Engineering  
Attn: Jon Moxey  
2960 Lucerne Drive SE  
Grand Rapids, MI 49546

**RE: City of Portland – James Street 2017  
Project Schedule – Subcontractors & Suppliers**

***Subcontractors:***

- 1) Preconstruction Video
    - a. Nederveld & Associates – Grand Rapids, MI / 616-575-5190
  - 2) Temporary Traffic Control Devices
    - a. Ionia Construction Supply, LLC – Ionia, MI / 616-527-6216
  - 3) Asphalt Pavement Milling
    - a. J.L. Milling, Inc. – Schoolcraft, MI / 269-679-5769
  - 4) Concrete Work
    - a. Martin J. Concrete, Inc. – Coopersville, MI / 616-997-6388
  - 5) Asphalt Paving
    - a. Rieth-Riley Construction Company, Inc. – Lansing, MI / 517-721-0103
  - 6) Permanent Pavement Markings
    - a. PK Contracting – Troy, MI / 248-362-2130
  - 7) Retaining Walls
    - a. Paver Plus, Inc. – Grand Rapids, MI / 616-530-0065
  - 8) Fencing
    - a. Fence Consultants of West Michigan – Grand Rapids, MI / 616-454-1911
  - 9) Trees
    - a. Goose Creek Tree Farm – Lyons, MI / 989-855-3701
- All other work will be self-performed by CL Trucking & Excavating, LLC.

## ***Suppliers:***

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- 1) Water Main
  - a. ETNA Supply Company – Grand Rapids, MI / 616-241-5414
    - i. Materials: DI Pipe, DI Fittings, Megalugs, Copper Service Tubing, Corporation Stops, Curb Stops & Curb Stop Boxes
  - b. EJ (East Jordan Iron Works) – Sunfield, MI / 517-566-7211
    - i. Materials: Hydrants, Valves & Valve Boxes
  
- 2) Sanitary Sewer
  - a. ETNA Supply Company – Grand Rapids, MI / 616-241-5414
    - i. Materials: PVC/SDR-35 Pipe, PVC/SDR-35 Fittings, Ferncos
  - b. Grand Valley Concrete Products – Grand Rapids, MI / 616-453-9429
    - i. Materials: Concrete Structures & Grade Rings
  - c. EJ (East Jordan Iron Works) – Sunfield, MI / 517-566-7211
    - i. Materials: Castings
  
- 3) Storm Sewer
  - a. Northern Concrete Pipe – Charlotte, MI / 517-645-2777
    - i. Materials: Concrete Pipe
  - b. Grand Valley Concrete Products – Grand Rapids, MI / 616-453-9429
    - i. Materials: Concrete Structures & Grade Rings
  - c. EJ (East Jordan Iron Works) – Sunfield, MI / 517-566-7211
    - i. Materials: Castings
  
- 4) Miscellaneous Items
  - a. ETNA Supply Company – Grand Rapids, MI / 616-241-5414
    - i. Materials: Silt Sacks, Silt Fence, Underdrain Tubing w/ Sock & Underdrain Fittings
  - b. CSI Geoturf – Byron Center, MI / 616-583-0588
    - i. Materials: Seed, Fertilizer, Hydro-Mulch & Mulch Blankets

# CL Trucking & Excavating, LLC

256 E. Parmeter Rd., Ionia, Michigan 48846

Phone: (616) 527-9352 Fax: (616) 527-8424

## Safety Schedule & Key Personnel

September 11, 2017

**Owner:** City of Portland  
**Project:** James Street Reconstruction & Utilities  
**Description:** Full street reconstruction with new utilities.

We submit for your consideration the following safety schedule for the above-referenced project:

1. 24 Hour Emergency Numbers: ALL ON SITE EMERGENCIES DIAL 911
  - a. CL Trucking & Excavating, LLC (616) 527-9352
  - b. Chad Listerman – Owner (616) 292-6468 (616) 527-4184 Home
  - c. John Lepien – Estimator/PM (616) 446-7618
  - d. Todd Sattler – Estimator/PM (616) 293-5588
  - e. Foreman's
    - Corey Ferguson (989) 289-6731
    - Aaron Hartman (616) 293-0157
    - Tim Smith (616) 902-0921**
    - Tyler Wandell (616) 841-1506
    - Charlie Fyan (616) 902-4024
2. The Safety Supervisor will be Chad Listerman.
3. The Project Manager will be John Lepien.
4. The On-Site Foreman at this time is Tim Smith.
5. CLTE EEO Officer is Laura Listerman.
6. First Aid Kits and information pertaining to doctors, ambulance service, hospitals, and fire fighting squads will be in possession of the foreman on the job in addition to cellular phones to expedite any emergencies which might arise.
7. Fire Extinguishers will be available in the foreman's truck as well as other equipment on the job site.
8. Hard Hats, safety glasses, etc., will be available for personnel when engaged in work requiring them.
9. In addition to the above-mentioned items, we are continually stressing safety to our men. Flagmen will be instructed in proper procedures and safety vests and signs furnished them.
10. Also included with this is a portion of our company safety policy. It briefly describes our Safety Standards and also shows our Safety and Health Policy Statement.

Please do not hesitate to contact us with any questions or concerns that you may have.

Sincerely,  
CL Trucking & Excavating, LLC

*Chad Listerman*

Chad Listerman

**PRE-CONSTRUCTION MEETING MINUTES ADDENDUM**Project Name/Location James Street (Portland)Agency Proj. No. 830080 Date 09/11/2017 CECo DAPP No. 13937**ITEMS DISCUSSED WITH THE CONTRACTOR**

1. **MISS DIG/Public Act 174 - 1-800-482-7171 or 811**
  - A. Three working days notice
  - B. Expose with hand tool in advance
  - C. Support and protection of CECo facilities as per the "Excavators Damage Prevention Guide"
  - D. Excavators boring or auguring under, over, or in close proximity of Consumers Energy facilities must open a window over facilities to ensure there will be no conflicts
  - E. Recall for staking when:
    1. There are no markings or clearances given
    2. You are unable to locate the facility with a hand tool
    3. Construction schedule changes.
2. **Emergency Situations - Phone Call this # first 1-800-477-5050 and have a specific location ready !**  
Broken Lines
  1. Protect the public
  2. Call CECo and Public Safety Departments
  3. Do not, under any circumstances, touch or attempt to control/repair damaged facilities yourself
3. **Contact CECo (Using Damage Prevention Contact Below) When**
  - A. There is damaged coating to a facility, such as a service, main or locate wire
  - B. There are dents or stresses to a facility
  - C. You discover or expose:
    1. Unmarked services or mains
    2. Mechanical or threaded couplings/joints
    3. Other unknown fittings
  - D. Above ground/surface facilities are damaged or disturbed
  - E. Service cut and reconnects are required
  - F. Protective wrapping on abandoned pipe is exposed, due to its potential to contain asbestos, unless it has already been handled using appropriate asbestos abatement procedures.
4. **Consumers Energy Contacts**
  - A. Gas Engineering Coordinator **Adam Bertram - 517-374-2375**
  - B. Damage Prevention and Staking Concerns **Kay Lancour - 517-740-6248**
  - C. Consumers Energy Gas Transmission & Storage Lines **Kevin Couturier 989-574-7538**

**Conflicts/Special Conditions:****Construction Information:**

Start Date: \_\_\_\_\_ End Date: \_\_\_\_\_  
Contractor: \_\_\_\_\_  
Contact: \_\_\_\_\_ Contractor Contact's Phone #: \_\_\_\_\_

Notice: This information is for design purposes only and is not reliable for construction. All locations are approximate, facilities may have been added and/or altered after any revision or as-printed date, and service lines may not be shown. Field staking is available at no charge by calling MISS DIG (800-482-7171) three working days in advance of the digging, and the precise location and depth of all underground facilities must be identified in accordance with the MISS DIG Act, PA 174 of 2013 as amended, and any other applicable law or ordinance. Use of these maps does not relieve the user of any legal duty to comply with all applicable laws or ordinances. Consumers Energy shall be consulted before any action is taken on the basis of this map, and the map must be destroyed when no longer needed.



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING



C. HEIDI GREETHER  
DIRECTOR

September 8, 2017

Mr. S. Tutt Gorman, City Manager  
City of Portland  
259 Kent Street  
Portland, Michigan 48875-1495

Dear Mr. Gorman:

SUBJECT: Notice of Grant Application Approval  
City of Portland  
Wastewater and Stormwater Asset Management Plans  
SAW Grant Project Number 1602-01

The Michigan Department of Environmental Quality (DEQ), pursuant to Parts 52 and 53, Clean Water Assistance, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), has reviewed your Stormwater, Asset Management, and Wastewater (SAW) Grant Application received on December 2, 2013, and determined that the application is administratively complete. The DEQ has determined that the city of Portland is eligible to receive grant assistance as provided by Part 5204(4)(b), of the amended NREPA and hereby approves the application. Exhibit A, attached, identifies the DEQ approved grant amount along with the approved project scope, budget items with approved project costs, effective grant period (start/end dates), and ineligible services, if any.

By copy of this letter, we are requesting the Michigan Finance Authority (MFA), who will also receive a copy of your SAW Grant Application, to prepare a grant agreement for the amount stated in the attached exhibit for signature under the provisions set forth in Part 5204(4)(b), of the NREPA, as amended.

You may anticipate the grant award in December 2017. Should you have any questions about this project, please contact the project manager, David J. Worthington, by phone at 517-284-5423, e-mail at [WorthingtonD@michigan.gov](mailto:WorthingtonD@michigan.gov), or by mail at DEQ, P.O. Box 30241, Lansing, Michigan 48909-7741, or you may contact me.

Sincerely,

Sonya T. Butler, Section Manager  
Revolving Loan Section  
Drinking Water and Municipal Assistance Division  
517-284-5433

Attachment

cc/att: Ms. Mary G. Martin, Executive Director, MFA (w/copy of SAW Grant Application)  
Mr. Jonathan Moxey, Fleis & VandenBrink Engineering, Inc. - Grand Rapids  
Mr. Alan J. Lambert, Assistant Attorney General, Office of Attorney General  
Ms. Leslie Sorenson, DEQ-WRD, Grand Rapids District Office  
Mr. David J. Worthington and Ms. Debbie Martinson, DEQ-DWMAD

**SAW Grant Program****Exhibit A**

Grantee: City of Portland

Project Name: Wastewater and Stormwater Asset Management Plans

DEQ Approved Grant Amount: \$764,849 (Seven Hundred Sixty-four Thousand Eight Hundred Forty-nine Dollars)

Time Period for Eligible Costs: Start Date January 2013

End Date December 2020

Description of Approved Project Scope:

Completion of wastewater and stormwater asset management plans.

<b>DEQ Approved Project Costs</b>	
1. Project Planning Costs	\$0
2. Design Engineering Costs	\$0
3. User Charge System Development Costs	\$0
4. Wastewater Asset Management Plan Costs	\$532,190*
5. Stormwater Asset Management Plan Costs	\$258,510
6. Stormwater Management Plan Costs	\$0
7. Innovative Wastewater and Stormwater Technology Costs	\$0
8. Disadvantaged Community Construction Costs	\$0
9. Eligible Cost Subtotal	\$790,700
10. LESS Local Match ( <i>if applicable</i> )	\$25,851
11. Requested SAW Grant Amount (Line 9 minus Line 10)	\$764,849

\*Disadvantaged for wastewater asset management plan; no local match required.

# **IONIA COUNTY BOARD OF COMMISSIONERS**

**September 12, 2017 - 3:00 p.m.  
Commissioners' Meeting Room – Courthouse – 3<sup>rd</sup> Floor**

## **AGENDA**

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Invocation**
- IV. Approval of Agenda**
  - A. Consideration of additional items
- V. Public Comment**  
(3 minute time limit per speaker – please state name/organization)
- VI. Action on Consent Calendar**
  - A. Approve minutes of the previous meeting(s)
- VII. Unfinished Business**
  - A. Request to sell Do-It-Yourself Divorce Packets
  - B.
- VIII. New Business**
  - A. Indigent Defense Presentation - Chris Dennie, Regional Manager – Western Michigan, Michigan Indigent Defense Commission
  - B. Health Department MIHP Care Coordination Agreements
  - C. Commission on Aging 2018 Older Americans Act Contract Amendment
  - D. Acknowledgement of PA116 Farmland Agreement – Hoeksma Farms Properties
  - E. Acknowledgement of Applications for Appointment
    - 1. Commission on Aging Board
    - 2. Economic Development Corporation/Brownfield Redevelopment Authority
  - F.
- IX. Reports of Officers, Boards, and Standing Committees**
  - A. Chairperson
  - B. County Administrator

**X. Reports of Special or Ad Hoc Committees**

**XI. Public Comment (3 minute time limit per speaker)**

**XII. Closed Session**

**XIII. Adjournment**

**Board and/or Commission Vacancies**

- Board of Public Works – One three-year term expiring January 2018.
- Community Corrections Advisory Board – One term with no set expiration date – This position serves as a Media Representative.
- Construction Board of Appeals – Two two-year terms, expiring October 2017. One of these positions serves as an alternate member.
- Economic Development Corporation/Brownfield Redevelopment Authority – One three year term, expiring April 2018.
- West Michigan Regional Planning Commission – Two one-year terms, expiring December 2017.

**Appointments for consideration in the month of October 2017:**

- *Board of Canvassers* – Two four-year appointments.
- *Construction Board of Appeals*- Six two-year appointments; one of which is an Alternate Member.
- *Department of Human Services* – One three-year appointment.

**Appointments for consideration in the month of November 2017:** None

**IONIA COUNTY BOARD OF COMMISSIONERS**  
**Committee-of-the-Whole**

**September 19, 2017 - 3:00 p.m.**  
**Commissioners' Meeting Room – Courthouse – 3<sup>rd</sup> Floor**

**AGENDA**

- I. Call to Order
- II. Pledge of Allegiance
- III. Invocation
- IV. Approval of Agenda
  - A. Consideration of additional items
- V. Public Comment  
(3 minute time limit per speaker - please state name/organization)
- VI. Unfinished Business
  - A.
- VII. New Business
  - A. Presentation on Brownfield Program – Roman Wilson, DEQ Brownfield Coordinator
  - B. Presentation on Community Collaboration & Celebration – Michelle Spicer
  - C. Central Dispatch Report
  - D.
- VIII. Reports of Officers, Board and Standing Committees
  - A. Chairperson
  - B. Commissioners
  - C. County Administrator
- IX. Reports of Special or Ad Hoc Committees
- X. Closed Session
- XI. Adjournment

**STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION  
NOTICE OF HEARING  
FOR THE GAS CUSTOMERS OF  
CONSUMERS ENERGY COMPANY  
CASE NO. U-17943-R**

- Consumers Energy Company requests Michigan Public Service Commission approval to reconcile its gas cost recovery (GCR) costs and revenues for the 12 months ending March 31, 2017.
- The information below describes how a person may participate in this case.
- You may call or write Consumers Energy Company, One Energy Plaza, Jackson, Michigan 49201, (800)-477-5050 for a free copy of its application. Any person may review the documents at the offices of Consumers Energy Company.
- A public hearing will be held:

**DATE/TIME:** **Thursday, September 21, 2017, at 9:00 a.m.**  
This hearing will be a prehearing conference to set future hearing dates and decide other procedural matters.

**BEFORE:** Administrative Law Judge **Sharon L. Feldman**

**LOCATION:** Michigan Public Service Commission  
7109 West Saginaw Highway  
Lansing, Michigan

**PARTICIPATION:** Any interested person may attend and participate. The hearing site is accessible, including handicapped parking. Persons needing any accommodation to participate should contact the Commission's Executive Secretary at (517) 284-8090 in advance to request mobility, visual, hearing or other assistance.

The Michigan Public Service Commission (Commission) will hold a public hearing to consider Consumers Energy Company's (Consumers Energy) June 30, 2017 application requesting approval to reconcile its GCR costs and revenues for the 12 month period from April 1, 2016 through March 31, 2017. Consumers Energy represents that; 1) during the 12-month period ending March 31, 2017, they incurred GCR cost of gas sold expense of approximately \$480.8 million; and 2) that it has calculated a total over-recovery for the 2016 - 2017 GCR period of \$2,350,716, which is subject to the roll-in treatment. The calculated amount reflects an over-recovery for the GCR period of \$1,463,642 plus accrued interest owed to customers for the GCR period of \$887,074.

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets website at: [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets). Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov). If you require assistance prior to e-filing, contact Commission staff at (517) 284-8090 or by email at: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov).

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by September 14, 2017. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon Consumers Energy's Legal Department – Regulatory Group, One Energy Plaza, Jackson, Michigan 49201.

Any person wishing to appear at the hearing to make a statement of position without becoming a party to the case may participate by filing an appearance. To file an appearance, the individual must attend the hearing and advise the presiding administrative law judge of his or her wish to make a statement of position. All information submitted to the Commission in this matter becomes public information, thus available on the Michigan Public Service Commission's website, and subject to disclosure. Please do not include information you wish to remain private.

Requests for adjournment must be made pursuant to the Michigan Administrative Hearing System's Administrative Hearing Rules R 792.10422 and R 792.10432. Requests for further information on adjournment should be directed to (517) 284-8130.

A copy of Consumers Energy's application may be reviewed on the Commission's website at: [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets), and at the office of Consumers Energy Company. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 284-8090.

Jurisdiction is pursuant to 1909 PA 300, as amended, MCL 462.2 et seq.; 1919 PA 419, as amended, MCL 460.54 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; 1982 PA 304, as amended, MCL 460.6h et seq.; and the Michigan Administrative Hearing System's Administrative Hearing Rules, 2015 AC, R 792.10401 et seq.

**[THE MICHIGAN PUBLIC SERVICE COMMISSION MAY GRANT OR DENY CONSUMERS ENERGY'S GAS COST RECOVERY RECONCILIATION AND OTHER PROPOSALS IN WHOLE OR IN PART, AND MAY APPROVE LESSER OR GREATER AMOUNTS THAN THOSE REQUESTED.]**