



Memorandum

To: Mayor Schreiber and City Council Members

From: Edward B. Koryzno, City Manager

Date: July 21, 2011

Subject: Council Information Letter

CURRENT PROJECTS:

**Thompson Building Follow Up to Temporary Shoring Review : During May of 2011, the city contracted with Fitzpatrick Structural Engineering, P.C. to review the drawing and calculations for the proposed shoring of the south free standing wall along Cross Street. Mr. Fitzpatrick prepared a report (attached) dated May 10, 2011 that noted deficiencies and was distributed to City council. Subsequent to issuing this report Mr. Fitzpatrick and the structural engineer hired by Historic Equities LLC met and resolved any differences. City Council requested that Fitzpatrick Structural Engineering prepare an addendum to the original report that notes how any deficiencies were resolved and that report is also attached.

East Cross Street Project: Per Mr. Kirton, On Saturday, July 23rd, the contractor is scheduled to tie in the storm water conveyance system in the intersection of Prospect and Cross. On Monday, July 18th, rough grading and installation of edge drains on the eastbound lane began and was followed by curb installation on Thursday, July 21st. Next week, final grading and paving of the eastbound lane will take place. After the base course and leveling course of asphalt is laid, westbound traffic will be switched to the south lane and work will begin on the north lane. Keep in mind this schedule is tentative and weather dependent. The project completion date of August 10th will be extended and the new projected completion date should be around August 15th or 16th.

Streetscape Project: Mr. Kirton reports that the contractor returned on Monday, July 18th to complete the last two bump-outs and the remaining sidewalk. This will be followed by installation of the brick wall in the southeast corner of the Aubree's parking lot. Also, a sample slab of the stamped concrete crosswalks was presented for review last week. He is trying to convince the contractor to move up the schedule to plant the vegetation in the rain gardens. Trees, Led pedestrian lights and cobra lights installation remain. Again, this schedule is tentative and weather dependent.

Factory Street Bridge Repair: Mr. Kirton reports that the 2011 Factory Street Bridge project which started on April 18th is now finished. The final item was installation of rip rap at the base of the bridge piers.

Sidewalk ramp installation: This work is complete in the northeast section of town and is moving to the Gateway area. Mr. Kirton reports that sidewalk ramp reconstruction will take place on Harriet, Perry, Monroe, First Avenue, Hawkins, Madison, Jefferson, Watling and Burton Court.

GENERAL INFORMATION:

**Washington Street Parking Lot: As you know, last year the City of Ypsilanti and Eastern Michigan University signed a five-year lease granting the City use of 163 parking spaces in the Washington Street, or AATA parking lot. At the time the lease was signed, an interim plan was developed to allow employee and residential permit parking and free two-hour parking in the lot for the winter/spring of 2010-2011. At the time, staff had suggested a long-term parking plan. Staff from DPS, City Manager's office, Planning and the Police Department met recently to discuss the next steps in both physical improvements (seal coating and striping) as well as how to provide for long term parking.

Staff is currently pursuing the following scenario:

- Designate 30 spaces for Residential and employee permit parking on the "Washington Street side" of the parking lot (see attached map)
- Formerly consider AATA's request for a designated Park and Ride area. Staff will be counter proposing 11 spaces to AATA's request for 25
- Installing 122 ten (10) hour meters in the parking lot to accommodate long term parking.

The fee schedule provides a rate reduction for 10-hour parking meters. The rate would be \$.50/hour or \$5 for 10 hours, between 8 and 6 p.m. Parking would be free after 6 p.m. and on Sundays.

DPS will be moving forward with the sealcoating and striping project on Saturday and Sunday, July 23rd and 24th. In the meantime, staff will confirm the number of available meters, and determine how many will need to be ordered, as well as the timing for installation. Additionally, some meters may be relocated from existing locations including two blocks of Ferris Street and the Ballard Street parking lot (to be retimed to two-hour and employee permit parking). It's expected that the project will be fully implemented this fall. More details will be added as they become available.

**Update on AATA County-Wide Transit Plan: I met with met with Michael Ford, AATA CEO and his staff to discuss several important issues to the city. First, the entrance into the Washington street parking lot is owned by AATA and they desire to enter into an easement agreement with the city to use the entrance. I will be discussing this topic with Mr. Barr. Next, AATA is moving ahead with the Governance process for Countywide AATA board structure and they want council to begin consideration of appointing a city representative to the Unincorporated Act 196 Board. I have enclosed a "transit member job description" for this position and I believe they would like this appointment to be made by October. The final topic was a approval of a Public Transportation Agreement between the cities of Ann arbor and Ypsilanti, Washtenaw County and AATA. The purpose of this agreement is to commit both cities to continue paying the transit millage to the new county-wide transit organization. Additionally, AATA is working to increase the number of buses on Route #4 (Washtenaw) and to increase peak service to every eight minutes and non-peak service every 15 minutes. AATA is seeking private and public community partners to fund the increased service. They would like the city to consider using transit funds from the recently approved millage for this initiative.

Solid Waste Fund Update – Pursuant to council's directive, staff has been meeting with representatives of Waste Management (WM) to determine possible areas of cost-savings. One possible saving is from a significant reduction of pickup locations in the city. In order to verify the exact number of locations of stops within the city, city staff will be conducting a physical audit of WM trash pick-up locations.

Downtown Left Hand Turn Pilot: Last year, MDOT approved a pilot project allowing left hand turns from Michigan Avenue in downtown Ypsilanti during non-peak hours. The MDOT Brighton office will be contacting the Ypsilanti Police Department soon to look for feedback related to safety since the implementation of the left turns during non-peak hours on Michigan Avenue downtown. Staff has had

positive reports from residents and businesses. Additionally, staff put in a request for a change on the signage to indicate that restrictions are in effect M-F, allowing left-hand turns all day on the weekends.

Director of Administrative Services Position: Ms. McGrath's last day will be Tuesday, July 26, 2011. We are currently reviewing over 50 applications that look very promising. I will be narrowing down the candidates and plan to have interviews next Wednesday, July 27 and Thursday, July 28. Until the position has been filled, I would request that Council e-mail me and copy Nan with any requests (HR, planning and building) so we can ensure proper follow through. Of course, at any time you can call me as well.

**Hamilton Crossing (Parkview): Attached is the latest update on Hamilton Crossing from Director Walter Norris.

**Act 345 Ypsilanti Pension Board: Attached is an opinion from City Attorney Barr on membership by a council member on the Ypsilanti Pension Board.



Fitzpatrick Structural Engineering, P.C.

219 N. Main • Ann Arbor • MI • 48104

734-769-0320 • FAX 734-769-3015

Memo Letter

Date; Tuesday, June 28, 2011

Memo;

To;	Kurt Weiland Pittsfield Township Building Dept.	From;	Tom Fitzpatrick, P.E.
Via;	e-mail		
Re;	Follow up to Thompson Building, Temporary Shoring, City of Ypsilanti		
Copies to;	File		

Kurt;

Per your request I am recording the resolution of the nine items outlined in my review of the above referenced project, dated May 10, 2011. The following numbers follow the numbering in my original memo.

1. The wall noted does not exist in sufficient height to cause a problem for the new bracing bay as per your observation.
2. Cory Johnston replied to the concern about difference in wind loading between his work and my review. I accept his response that the difference should not be a problem for a temporary structure.
3. Adjustments to lumber due to excessive length have been solved with a splice detail on the drawings.
4. Cory Johnston responded that the floor use had been changed from office load to less restrictive residential load and submitted computer calculations to support the joist layout shown. My review of the calculations indicated an error in the computer program used. It left out a time dependent factor required by code. In a later e-mail Cory acknowledged that this was the case and that he was recommending changes to the contractor.

5. Appropriate adjustment of lumber species and grade will be made. The information shown on the drawings reflected a carry over from a previous engineer. (Structural Design Incorporated), and were in error.
6. Cory's work considered this detail as redundant as it preceded their work and they treated as additional supplemental support.
7. Cory Johnston reviewed this item and increased the bolts required at the 3rd and 4th floors accordingly. The lag bolt values he used were based on reduced body screws which is conservative as most bolts sold in this area are full bodied.
8. Cory agreed that insitu testing was in order., and his design appears to follow the recommendations for the appropriate adhesive and anchor system.
9. Cory did verify that there is adequate dead load to satisfy the uplift requirements fort stability.

Sincerely,

A handwritten signature in black ink, reading "Thomas R. Fitzpatrick". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Thomas R. Fitzpatrick, P.E. M.ASCE/SEI

End of Memo



Fitzpatrick Structural Engineering, P.C.

219 N. Main • Ann Arbor • MI • 48104

734-769-0320 • FAX 734-769-3015

Memo Letter

Date; Tuesday, May 10, 2011

Memo;

To;	Kurt Weiland Pittsfield Township Building Dept.	From;	Tom Fitzpatrick, PE
Via;	e-mail		
Re;	Thompson Building, City of Ypsilanti ---- Proposed Temporary Shoring Review		
Copies to;	File		

Kurt;

I have received the drawings and limited calculations for the proposed shoring of the south free standing wall along Cross Street, of the Thompson Building. I have reviewed the information per your request. I understand that there will be road work done on Cross Street soon. This will certainly create vibrations into the fire damaged building which will need bracing to ensure safety of the public as well as workers. The following comments are not intended to reflect an in depth review of the submittal. It is not my intention to recreate the analytical work done to arrive to this point. However, some calculation was performed to verify assumptions made in the submittal. Review was performed using *Minimum Design Loads for Buildings and Other Structures*, by the American Society of Civil Engineers/Structural Engineers Institute (ASCE/SEI 7-05) as referenced in all major building codes. Wood elements and connections were evaluated using *The National Design Specification for Wood Construction ASD/LRFD*, 2005 edition, published by the American Wood Council (NDS). This standard is also referenced in all major building codes.

The following items reflect my concerns and comments.

1. There appears to be an un-braced wall between bays 2 and 3 shown on the drawings. This wall appears to be at least 24 feet tall and as such could fall toward the south and damage or take out

- the adjacent bracing wall thereby destroying the bracing system. This should be a consideration in anticipation of heavy vibrations due to road construction.
2. I would agree that it is appropriate to treat the wind bracing as a Main Wind Force Resisting System (MWFRS), with exposure B, using a 90 mph 3 second gust wind speed. However I do arrive at a larger wind force of 12psf on the proposed structure. This amounts to a 20% increase in wind load and wind induced forces. There is no derivation of the wind load in the calculations other than just stating what is used.
 3. It may be difficult to obtain the 2x6 bracing members in the lengths shown on the drawings. This should be checked with local sources and adjustments made if needed.
 4. There is inconsistency between the joist layout on the plans and the calculations. There is no calculation to show that the joists are ok for bending, shear, and deflection. The calculations indicate that the every joist should be doubled spaced at 16 inch centers for office loading and the drawings show every other joist doubled for the same load condition and spacing. My computer analysis indicates that for Southern Yellow Pine (SYP), No. 2 the floor joists should be (2) 2x12 at 16" c/c (every joist doubled) for the stated office loading.
 5. The drawings indicate a SYP No. 2 lumber or material having a bending strength of $F_b=1200$ psi, a shear strength of $F_v=125$ psi, and a modulus of $E=1,800,000$ psi. It should be noted that SYP has different strengths depending on depth of member. For 2x6's $F_b=1250$ psi, $F_v=175$ psi, and $E=1,600,000$ psi, which conforms to the requirement shown on the drawings except for the E value. To get an E value as high as what is specified you would need to use Select Structural grade of SYP regardless of size of member. A 2x12 of No.2 grade has an $F_b = 975$ psi which is considerably less than shown on the drawing.
 6. The tie connection through the wall has no supporting calculation. The 3" long lag bolts will exceed the thickness of the members at the roof and are close to the depth of the doubled members at the floors. A depth of penetration of 8 times the screw diameter is required to obtain full lag screw capacity. What is length of weld required for detail?
 7. There is no indication if the design is for full bodied lag screws or reduced body lag screws. There can be a significant difference. Additionally, There is no layout or parameter system for edge distances, spacings, end distances, depth of penetration for the lag screws. There are reductions for all of these items if the minimums to obtain full capacity are met.

8. The ledger that supports the floor/roof joists is anchored to the brick wall with HILTI system epoxy anchors. The adhesive should be called out (HIT HY 20 or HIT HY 150) and the anchor type (HAS etc) should be named. The depth of embedment should be indicated as well as minimum spacing between adjacent anchors. HIT HY 20 does not show a 5/8" diameter anchor. Also the required force should be stated along with the expected factor of safety. HILTI should be contacted to perform in situ testing on the masonry to determine if the design/published values can be used. HILTI provides this service at no cost.
9. Verify that there is adequate wall and floor dead weight to overcome the tensile forces induced by the bracing into the masonry walls. Some consideration should be made to account for the eccentricities of the members and walls at connections.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Thomas R. Fitzpatrick", with a long horizontal flourish extending to the right.

Thomas R. Fitzpatrick, PE, M ASCE/SEI

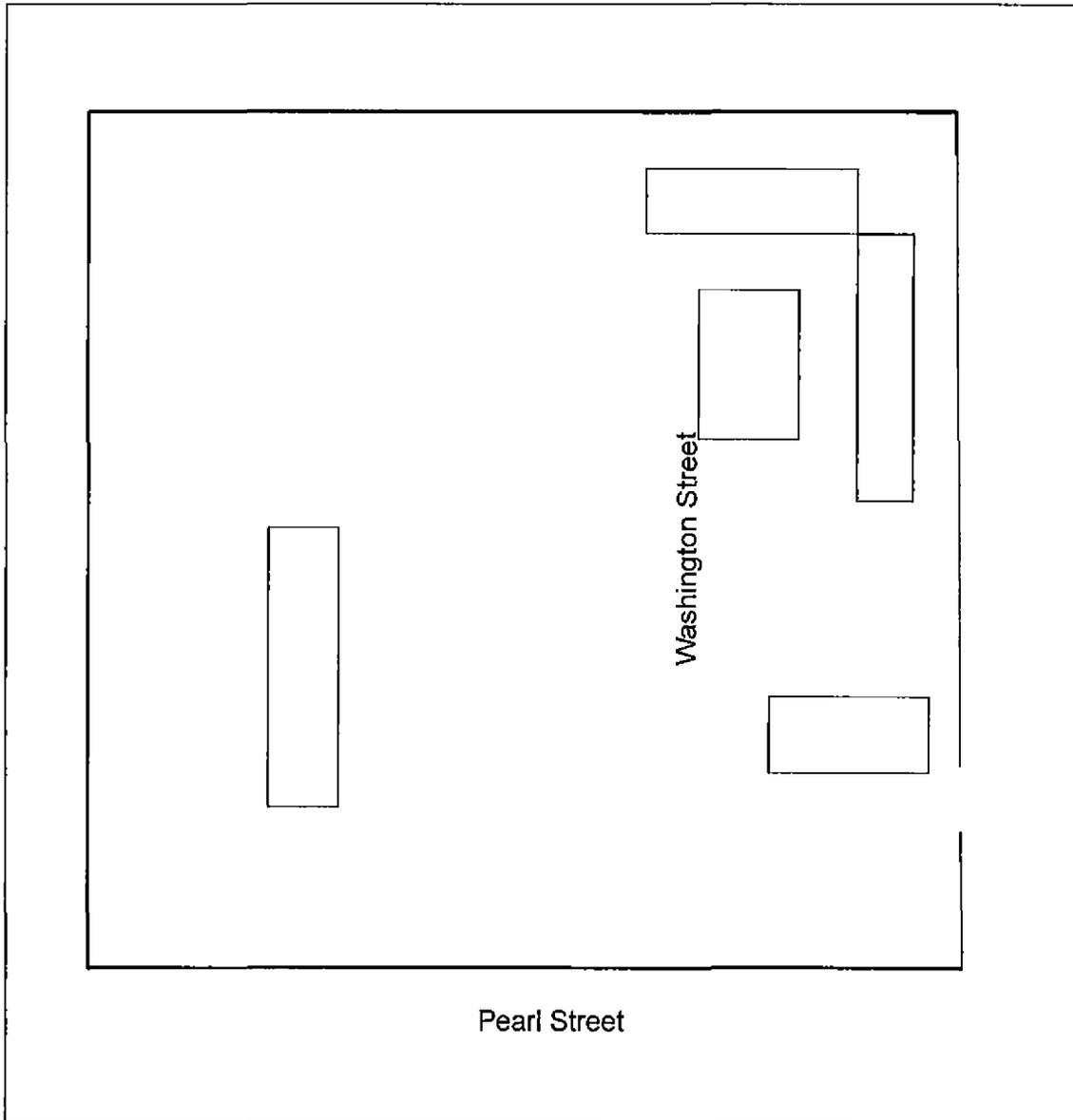
End of Memo

Washington Street Parking lot – proposed long-term parking configuration

Residential and Employee Parking Permits – 30

AATA Park and Ride spaces – 11

Metered Spaces (10 hour) - 122



Data from Washtenaw County GIS. 1 inch = 54.942369 feet
2005 Aerial Photo

024 8126
Feet

Total Spaces Filled: _____ /163

Transit Board Member Job Description (Recommended)

Title: Member, unincorporated Countywide Transit System ("CW") Board of Directors

Reports To:

Chairperson, "CW" Transit Board of Directors and to elected officials of appointed area (District)

Personal Qualifications:

- Must be a resident or business owner in the District represented
- Have identified experience or skill(s) to provide to "CW" Board (transit user, financial, administrative, , facilities, operations, marketing, local government, personnel, etc)
- Have interest in Public Transit
- Have high ethical standards

Board Member Obligations:

- Participate in the development of the Vision, Mission, and Values of "CW" Transit
- To prioritize service development and determine funding levels of countywide transit
- To represent District and regional interests in the creation of countywide service

Term:

Four year term (except first term) from October to October. In order to stagger board members throughout a cycle the first term varies from 1 to 4 years. All board members will be appointed to 4 year terms after first term.

Proposed Staggering of Terms:

- 2011-2013 Terms – Ann Arbor (2), Pittsfield
- 2011-2014 Terms – Ann Arbor (1) Southeast (1), North Middle, West
- 2011-2015 Terms – Ann Arbor (2) South Middle and North East
- 2011-2016 Terms – Ann Arbor (2) South East (1) and Ypsilanti

Meeting Attendance:

- Twelve regular Board Meetings each year
- Board committee meetings (average one per month)
- New Board Member orientation training
- Other periodic meetings, including conference calls and Board retreats

Specific Duties:

- Attend meetings and demonstrate commitment to Board activities
- Maintain high ethical standards
- Disclose possible conflicts of interest
- Be well informed of current issues and meeting agenda items prior to the meetings
- Contribute skills, knowledge and experience, when needed
- Listen respectfully to other points of view

DRAFT

PUBLIC TRANSPORTATION AGREEMENT

among the following:

AATA: Ann Arbor Transportation Authority
2700 South Industrial Highway
Ann Arbor, Michigan 48104
Attention: Michael Ford

Ann Arbor: City of Ann Arbor
301 E. Huron Street
Ann Arbor, Michigan 48107
Attention: City Manager

Ypsilanti: City of Ypsilanti
One South Huron Street
Ypsilanti, Michigan 48197
Attention: City Manager

County: Washtenaw County
220 North Main
Ann Arbor, Michigan 48107
Attention: County Administrator

1. Acknowledged Facts. The parties are planning for countywide public transportation by creating a new authority under Act 196 of 1986 ("New TA"). New TA would succeed to the public transportation system currently operated by AATA under the terms of this agreement and Section 11 of Act 196.

2. Authority Formation. The County, upon the AATA's request, will create a new Act 196 authority by approving, signing and filing articles of incorporation in substantially the form attached as Exhibit A.

3. City Transportation Millages. Ann Arbor and Ypsilanti agree to transfer their respective transportation millages to New TA effective when New TA succeeds to AATA's public transportation services.

4. Transfer of Assets. AATA will transfer to New TA at closing all assets then owned by AATA, including, without limitation, all rights to the names "Ann Arbor Transportation Authority". New TA will accept the transfer of those assets subject to all liabilities regarding those assets existing at the time of the transfer.

5. Assumption of Liabilities. New TA will assume at closing all liabilities of AATA existing at the time of closing.

6. Contingencies to Closing. The closing of the transfer of assets and assumption of liabilities is contingent upon all of the following occurring on terms acceptable to all parties:

- a. The creation of New TA by Washtenaw County.
- b. AATA and New TA obtaining all necessary approvals for the transfer of assets and assumption of liabilities, including approvals that may be required from federal and state funding sources and consents from parties to contracts with AATA.

c. In exchange for the right to appoint seven directors of New TA's board, Ann Arbor's agreement to pay its charter public transportation millage to New TA to the same extent it has paid that millage to AATA.

d. In exchange for the right to appoint one director of New TA's board, Ypsilanti's agreement to pay its current charter transportation millage to New TA.

e. Countywide voter approval before December 31, 2014, of a New TA Act 196 funding source adequate to fund ongoing operations of New TA.

7. Closing. The transfer of assets and assumption of liabilities will occur at a date, time and place agreed between AATA and New TA, but no later than October 1, 2014, given the clearance of all contingencies.

8. Public Transportation Services and Cooperation Before Closing. Before the closing, AATA retains full authority and control over the conduct of its business. AATA will reimburse New TA for reasonable business expenses incurred by New TA before closing, including expenses relating to New TA's formation and preparation to close this transaction.

9. Termination of Agreement. This agreement will terminate automatically if the closing does not occur before December 31, 2014.

10. General Provisions.

a. Notices. Any notice required or permitted under this agreement is deemed given either upon personal delivery or within two business days after mailing by U.S. first-class mail, postage prepaid, to the parties at their respective addresses shown on this agreement's first page.

b. Assignment. No party may assign any of its rights or delegate any of its duties under this agreement without the prior written consent of the other parties.

c. Entire Agreement and Amendment. This agreement contains the entire agreement among the parties with regard to its subject matter, supersedes all previous understandings, and may be amended only in writing signed by both parties and approved by the board of each party.

d. Dissolution of AATA. After closing, Ann Arbor will dissolve AATA.

ANN ARBOR TRANSPORTATION AUTHORITY
(AATA)

Dated: _____, 2011

By: _____
Michael Ford, Executive Director

CITY OF ANN ARBOR

Dated: _____, 2011

By: _____
John Hieftje, Mayor

And: _____
City Clerk

CITY OF YPSILANTI

Dated: _____, 2011

By: _____
Paul Schreiber, Mayor

And: _____
City Clerk

WASHTENAW COUNTY

Dated: _____, 2011

By: _____
Conan Smith, Board Chair

Pathways Forward: The Governance Process

To guide the implementation of the Transit Master Plan, a preliminary plan for the governance process has been developed. It is lengthy, but it provides a fair, safe, and effective way for municipalities to work together on this important issue.

Selecting representatives to the Countywide transit board

1. Municipalities in each district negotiate an Act 7 Interlocal agreement establishing the terms to select representatives to the unincorporated countywide transit board.
2. The interlocal agreement is submitted to municipal Boards for approval.
3. Upon approval of the Interlocal agreement, municipalities establish a selection committee to select district representatives as determined by the approved Interlocal agreement. Draft language recommends:
 - a. Each municipality send 1 person to the "Transit Selection Committee"
 - b. Then, the "Transit Selection Committee" shall develop board member criteria and solicit resumes from interested individuals
 - c. The "Transit Selection Committee" shall consider potential representatives and provide a recommendation to the municipal boards.
 - d. The municipal boards then vote on recommended candidates to appoint a district representative to the unincorporated countywide transit board.

The Unincorporated Countywide Transit board meets to determine procedures and develop services

4. After all districts and municipalities have appointed representatives, the unincorporated countywide transit board will start meeting. We hope to start in Fall 2011.

- a. The unincorporated transit board will establish recommended
 - i. Bylaws
 - ii. Transit Services and locations
 - iii. Amount and type of funding
 - iv. Policy on how/if to provide service outside of the authority's boundaries
- b. The unincorporated transit board, with support of TheRide staff, will communicate regularly with municipal boards and seek local input on service development and needs.

Incorporation of the Authority

5. When the unincorporated transit board has come to an agreement on a service and funding plan, they will vote to incorporate the countywide Transit Authority.
6. The unincorporated board, with the County, will file the Articles of Incorporation.
7. All municipalities will then be informed that the articles have been filed and will have 30 days to decide to continue as a member of the incorporated authority (there will be no service and no millage for those who choose not to remain as members).
8. Board members coming from communities who choose not to remain as a member will be replaced through the interlocal Act 7 agreement (as currently drafted).

Incorporated Countywide Transit board

9. After the 30-day waiting period, the members of the Incorporated Authority Board (minus communities who chose not to be members) adopt recommended Bylaws and proceed with negotiated next steps on funding. AATA's assets would not transfer to the Countywide authority until funding is established.

Interested in reading the legislation used in this process?

Act 7: <http://legislature.mi.gov/doc.aspx?mcl-Act-7-of-1967-Ex-Sess->

Act 196: <http://legislature.mi.gov/doc.aspx?mcl-Act-196-of-1986>



YPSILANTI HOUSING COMMISSION

601 ARMSTRONG DRIVE
YPSILANTI, MICHIGAN 48197-5281

TELEPHONE (734) 482-4300
FAX (734) 482-5515

TO: City of Ypsilanti Mayor and City Council
YHC Board of Commission and Community Leaders

FROM: Walter Norris, Jr. Executive Director
Eric P. Temple, Sr. Administrative Specialist
Ypsilanti Housing Commission

RE: Update on Redevelopment of Hamilton Crossing

DATE: July 18, 2011

Progress on the redevelopment of Parkview continues. Closing of all financing for Phase Two of the project was finalized today. Rohde Construction, is on site and the first state of construction, demolition, is underway! The Phase two property (the southern portion of the site), which is comprised of the management building and 74 housing units, was transferred from Revision Parkview LLC to the tax credit partnership, Revision Phase 2 Limited Partnership. This ownership structure is required in order to flow the benefits of the Low-Income Housing Tax Credits to the investor, Boston Financial. As part of the closing, the initial draw of funds on the Key Bank construction loan, the HUD Upfront Grant and the tax credit investor, Boston Financial, was received. These funds are designated to pay development costs including architectural costs, environmental testing, engineering work and surveys, as examples.

A twelve month construction period is projected for Phase 2. The management / community building will be the first to be completed, followed shortly thereafter by Building 7. It is projected that units will be ready for occupancy before the end of 2011. The property management firm, Millennia Housing, plans to have a leasing trailer onsite in August to begin marketing and leasing the units.

The debt financing for Phase I is a HUD 221d4 loan. The third party reports for that loan application are all underway (appraisal, plan and cost review and market study) and we have targeted August for submission of that application. As part of the Settlement Agreement between the Parkview Tenant's Association and HUD, HUD provided the YHC with 144 housing vouchers. Approval was received from the Detroit HUD office to project base 68 of these vouchers at the Phase One site. So residents of Phase One will enjoy the benefit of the rental subsidy from HUD which comes with the unit. This approval was a critical piece of the financing for Phase 1.



**Barr,
Anhut &
Associates, P.C.**
ATTORNEYS AT LAW

105 Pearl Street
Ypsilanti, MI 48197
(734) 481-1234
Fax (734) 483-3871
www.barrlawfirm.com
e-mail: jbarr@barrlawfirm.com

John M. Barr
Karl A. Barr
~~~~~

Jesse O'Jack ~ Of Counsel  
William F. Anhut ~ Of Counsel – Retired  
Jane A. Slider ~ Legal Assistant

**MEMORANDUM**

**TO:** Edward B. Koryzno, Jr., City Manager  
**FROM:** John M. Barr, Ypsilanti City Attorney  
**DATE:** July 21, 2011  
**SUBJECT:** City Council member on Act 345 Ypsilanti Pension Board

---

You have requested my opinion as to whether or not a city council member could lawfully sit on the Ypsilanti Act 345 Pension Board.

The Act 345 Pension system is created by state statute and approved by the electorate. The Act provides for a five-member board, including the Ypsilanti City Treasurer, a representative of the police department, a representative of the fire department, and two other members appointed by Ypsilanti City Council. MCL 38.551.

The function of the Pension Board is set out in the statute as modified by the collective bargaining agreements. The Pension Board is a fiduciary organization to ensure the proper function of the pension system.

The Ypsilanti City Council is the legislative body of the City and does not have the power to change the operation of the pension system as set out by state statute. The City council does approve appointments to the Pension Board, as suggested by the Mayor.

Under these factors it is my opinion that there is no conflict of interest for an Ypsilanti City Council member to serve on the Pension Board. It is my further opinion that there is no incompatibility in the two offices, since neither office controls the other. In addition to my research of the state law and Attorney General opinions in the state of Michigan, I have also discussed the matter with the Ypsilanti Act 345 Pension Board attorney, Mr. Thomas Michaud. He is of the same opinion and reports that he represents several municipalities that do have members of the legislative body serving on the pension board.

Therefore it is my opinion that a member of the Ypsilanti City Council may legally and lawfully serve as a member of the Ypsilanti Act 345 Pension Board. However, because of



City Charter Section 9.03 (which provides "Council members may be appointed by the Council to serve on a board or commission only when the service is required by state law") it is my further opinion that the Charter mandate prohibits council members from serving on the pension board. Once a member is appointed to the Pension Board, then they serve for the term appointed and can be removed only for cause. Pursuant to the Charter and the state law, the members are appointed by the Mayor subject to the confirmation of City Council.