



**CITY OF YPSILANTI
REGULAR COUNCIL MEETING
Tuesday, October 20, 2020 @ 7:00 PM
Zoom Meeting**

<https://us02web.zoom.us/j/88365025530>

One South Huron, Ypsilanti, MI 48197

Page

I. CALL TO ORDER

II. ROLL CALL

III. AGENDA APPROVAL

IV. PUBLIC COMMENT (3 MINUTES)

V. CONSENT AGENDA

4 A. Resolution No. 2020-215, approving the Consent Agenda.
[2020-215 - Pdf](#)

5 - 13 B. Resolution No. 2020-216, approving the minutes of October 6, 2020.
[2020-216 - Pdf](#)

14 C. Resolution No. 2020-217, approving appointments to boards and commissions.
[2020-217 - Pdf](#)

15 - 46 D. Resolution No. 2020-218, approving Ordinance 1368, An ordinance to Amend Chapter 58 of the Ypsilanti Code to provide consistent language of the definition of prohibited discrimination and to remove section 58-72 Affirmative Language. **(Second Reading)**
[2020-218 - Pdf](#)

VI. RESOLUTIONS/MOTIONS/DISCUSSIONS

47 - 55 A. Resolution No. 2020-219, approving Ordinance 1367, An ordinance to amend the Noxious Weed Ordinance, Article IV. Weed Control, Section 110-80 et seq of the Ypsilanti City Code. **(Second Reading)**
[2020-219 - Pdf](#)

56 - 61 B. Resolution No. 2020-220, approving a Memorandum of Understanding with Highland Cememtry.
[2020-220 - Pdf](#)

62 - 67 C. Resolution No. 2020-221, approving an agreement with Washtenaw

Community College to provide services at Parkridge Community Center.
[2020-221 - Pdf](#)

- 68 - 71** D. Resolution No. 2020-222, electing to comply with 2011 Public Act 152, by approving and adopting the Opt Out Option for the medical benefit plan coverage.
[2020-222 - Pdf](#)
- 72 - 75** E. Resolution No. 2020-223, approving employee health insurance for 2021.
[2020-223 - Pdf](#)
- 76 - 80** F. Resolution No. 2020-224, approving the purchase of a Bobcat by the Department of Public Services.
[2020-224 - Pdf](#)
- 81 - 83** G. Resolution No. 2020-225, approving an extension of the Sidewalk Café Permit.
[2020-225 - Pdf](#)
- 84 - 89** H. Resolution No. 2020-226, approving an amendment to the Side lot Program to include 448 S Huron and 440 Second.
[2020-226 - Pdf](#)
- 90 - 100** I. Resolution No. 2020-227, establishing procedures for Open Meetings Pursuant to SB-1108.
[2020-227 - Pdf](#)
- J. Discussion regarding speeding in city neighborhoods.
- K. Discussion regarding issues facing down town businesses as a result of housing insecurity.

VII. LIAISON REPORTS

1. SEMCOG Update
2. Washtenaw Area Transportation Study
3. Urban County
4. Ypsilanti Downtown Development Authority
5. Friends of Rutherford Pool
6. Housing Equity Leadership Team
7. Youth Community Connection

VIII. COUNCIL PROPOSED BUSINESS

IX. COMMUNICATIONS FROM THE MAYOR

X. COMMUNICATIONS FROM THE CITY MANAGER

XI. COMMUNICATIONS

XII. ADJOURNMENT

- 101**
- A. Resolution No. 2020-228, adjourning the City Council Meeting.
[2020-228 - Pdf](#)
 - B. Please click [here](#) to access the City Council Contact Form. This form can be used to submit any comments/concerns you might have about this agenda.



**Resolution No. 2020-216
October 20, 2020**

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the minutes of October 6, 2020 be approved.

OFFERED BY: _____

SECONDED BY: _____

YES:

NO:

ABSENT:

VOTE:

This resolution is adopted by the Council of the City of Ypsilanti and approved by the Mayor this 20 day of October 2020

#Resolution No. 2020-216



MINUTES REGULAR COUNCIL Meeting

7:00 PM - Tuesday, October 6, 2020

Zoom Meeting

The REGULAR COUNCIL of the City of Ypsilanti was called to order on Tuesday, October 6, 2020, at 7:00 PM, in the Zoom Meeting, with the following members present:

PRESENT: Council Member Jennifer Symanns, Council Member Steven Wilcoxon, Mayor Pro-Tem Nicole Brown, Mayor Lois Richardson, Council Member Anthony Morgan, Council Member Brian Jones-Chance, and Council Member Annie Somerville

ABSENT:

I CALL TO ORDER

The meeting was called to order at 7:00 pm

II ROLL CALL

III AGENDA APPROVAL

The agenda was approved as submitted

IV PRESENTATIONS

- a) Proclamation for Breast Cancer Awareness Month - Mayor Lois Allen-Richardson
- b) Proclamation for Domestic Violence Awareness Month - City Manager Frances McMullan

V PUBLIC COMMENT (3 MINUTES)

Ten people provided comment

VI ORDINANCES FIRST READING

- a) Ordinance 1367, An ordinance to amend the Noxious Weed Ordinance, Article IV. Weed Control, Section 110-80 et seq of the Ypsilanti City Code.
 - 1. Resolution No. 2020-203, determination
 - 2. Public Hearing
 - 3. Resolution No. 2020-204, close the public hearing.

Council Member Anthony Morgan moved, seconded by Council Member Annie Somerville, To approve Resolution No. 2020-204

IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI

That the public hearing for an ordinance entitled "An ordinance to amend the Noxious Weed Ordinance, Article IV. Weed Control, Section 110-80 et seq of the Ypsilanti City Code" be officially closed.

RESULT: CARRIED.

MOVER: Council Member Anthony Morgan
SECONDER: Council Member Annie Somerville
AYES: Jennifer Symanns, Steven Wilcoxon, Nicole Brown, Lois Richardson, Anthony Morgan, Brian Jones-Chance, and Annie Somerville

Council Member Brian Jones-Chance moved, seconded by Council Member Annie Somerville, To amend Resolution No. 2020-203 by changing the 3 ft rule to not to encroach on property lines or rights-of-way.

RESULT: CARRIED.
MOVER: Council Member Brian Jones-Chance
SECONDER: Council Member Annie Somerville
AYES: Nicole Brown, Lois Richardson, Anthony Morgan, Brian Jones-Chance, and Annie Somerville
NAYS: Jennifer Symanns and Steven Wilcoxon

**Council Member Anthony Morgan moved, seconded by Mayor Pro-Tem Nicole Brown, To approve Resolution No. 2020-203 amended
IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI**

that the ordinance entitled "An ordinance to amend the Noxious Weed Ordinance, Article IV. Weed Control, Section 110-80 et seq of the Ypsilanti City Code" be adopted on first reading.

RESULT: CARRIED.
MOVER: Council Member Anthony Morgan
SECONDER: Mayor Pro-Tem Nicole Brown
AYES: Jennifer Symanns, Nicole Brown, Lois Richardson, Anthony Morgan, Brian Jones-Chance, and Annie Somerville
NAYS: Steven Wilcoxon

- b) Ordinance 1368, An ordinance to Amend Chapter 58 of the Ypsilanti Code to provide consistent language of the definition of prohibited discrimination and to remove section 58-72 Affirmative Language.
1. Resolution No. 2020-205, determination
 2. Public Hearing
 3. Resolution No. 2020-206, close the public hearing.

**Council Member Anthony Morgan moved, seconded by Council Member Annie Somerville, to approve Resolution No. 2020-206
IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI**

That the public hearing for an ordinance entitled "An ordinance to Amend Chapter 58 of the Ypsilanti Code to provide consistent language of the definition of prohibited discrimination and to remove section 58-72 Affirmative Language" be officially closed.

RESULT: CARRIED.
MOVER: Council Member Anthony Morgan
SECONDER: Council Member Annie Somerville
AYES: Jennifer Symanns, Steven Wilcoxon, Nicole Brown, Lois Richardson, Anthony Morgan, Brian Jones-Chance, and Annie Somerville

Council Member Annie Somerville moved, seconded by Council Member Steven Wilcoxon, to approve Resolution No. 2020-205

IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI

that the ordinance entitled "An ordinance to Amend Chapter 58 of the Ypsilanti Code to provide consistent language of the definition of prohibited discrimination and to remove section 58-72 Affirmative Language" be adopted on first reading.

RESULT:	CARRIED.
MOVER:	Council Member Annie Somerville
SECONDER:	Council Member Steven Wilcoxon
AYES:	Jennifer Symanns, Steven Wilcoxon, Nicole Brown, Lois Richardson, Anthony Morgan, Brian Jones-Chance, and Annie Somerville

VII CONSENT AGENDA

- a) Resolution No. 2020-207, approving the Consent Agenda.

Council Member Anthony Morgan moved, seconded by Council Member Brian Jones-Chance, to approve Resolution No. 2020-207

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the following items be approved:

1. **Resolution No. 2020-208, approving the minutes of September 15, 2020.**
2. **Resolution No. 2020-209, approval of appointments to Boards and Commission.**
3. **Resolution No. 2020-210, approving the submission of ballot for the Michigan Municipal League's Board of Director's.**
4. **Resolution No. 2020-211, approving Ordinance 1366 - an ordinance to amend Section 58-61 and 58-62 of the Ypsilanti City Code to add conviction of a misdemeanor crime to a class of activity protected from discrimination (Second Reading).**

RESULT:	CARRIED.
MOVER:	Council Member Anthony Morgan
SECONDER:	Council Member Brian Jones-Chance
AYES:	Jennifer Symanns, Steven Wilcoxon, Nicole Brown, Lois Richardson, Anthony Morgan, Brian Jones-Chance, and Annie Somerville

- b) Resolution No. 2020-208, approving the minutes of September 15, 2020.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the minutes of September 15, 2020 be approved.

- c) Resolution No. 2020-209, approving appointments to Boards and Commissions.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT, the following be appointed to the City of Ypsilanti Boards and

Commissions as indicated below:

<u>NAME</u>	<u>BOARD</u>	<u>EXPIRATION</u>
Desirae Simmons 407 Charles St. Ypsilanti, MI 48197 (New Appointment)	Sustainability Commission	5/1/2023

- d) Resolution No. 2020-210, approving the submission of ballot for the Michigan Municipal League's Board of Director's.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the City Clerk is authorized to cast a ballot on behalf of Ypsilanti City Council in the 2020 Michigan Municipal League Board of Directors for George Bosanic, Melissa Johnson, Sue Osborn, & Dave Post.

- e) Resolution No. 2020-211, approving Ordinance 1366 - an ordinance to amend Section 58-61 and 58-62 of the Ypsilanti City Code to add conviction of a misdemeanor crime to a class of activity protected from discrimination **(Second Reading)**.

IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:

The certain ordinance entitled "An ordinance to amend Section 58-61 and 58-62 of the Ypsilanti City Code to add conviction of a misdemeanor crime to a class of activity protected from discrimination" be adopted on second and final reading.

VIII RESOLUTIONS/MOTIONS/DISCUSSIONS

- a) Resolution No. 2020-212, approving the submission of the Connecting Communities Grant application.

Council Member Steven Wilcoxon moved, seconded by Council Member Annie Somerville, to approve Resolution No. 2020-212

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, the City strongly supports safe and accessible mobility for its residents and visitors, and has an adopted Parks and Recreation Master Plan that notes park accessibility as a top goal in all of our parks; and

Whereas, Recreation Park lacks an accessible entrance from the south, as well as an accessible path from the south to the path system in the north; and

Whereas, Recreation Park has a "goat-path" circuit heavily used by runners and walkers; and

Whereas, the Washtenaw County Parks and Recreation Commission administers the Connecting Communities grant program that may be used to fund feasibility assessments and design work for nonmotorized pathway projects;

Now therefore be it resolved that the City Council approves the grant application for \$15,000 from the Washtenaw County Connecting Communities Program to assist in the design of a sidewalk and shared use path in Recreation Park, and the feasibility of a track in Recreation Park.

RESULT:	CARRIED.
MOVER:	Council Member Steven Wilcoxon
SECONDER:	Council Member Annie Somerville
AYES:	Jennifer Symanns, Steven Wilcoxon, Nicole Brown, Lois Richardson, Anthony Morgan, Brian Jones-Chance, and Annie Somerville

- b) Resolution No. 2020-213, authorizing the a vehicle purchase by the Fire Department.

Council Member Jennifer Symanns moved, seconded by Council Member Steven Wilcoxon, to approve Resolution No. 2020-213

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, The Mayor and City Council approved the City of Ypsilanti's Fire Department (YFD) FY 2020-21 budget on June 2, 2020 to include a new Fire Chief's vehicle within the approved budget amount of \$32,000 from account number 641-7-9340-987-10; and

Whereas, Chief Hobbs has selected the 2021 Ford Base Model Explorer (K8B) 4X4, a vehicle from Gorno Ford, a Michigan Contract Holder, in Woodhaven, MI; and

WHEREAS, The total cost for this purchase from Gorno Ford is \$28,539.00 (to include floor liners with carpet and a rear cargo mat). The remaining funds will be used to install lights, sirens, and a remote start;

Now therefore be it resolved that the Ypsilanti City Council authorize Fire Chief Hobbs to execute all documents associated with the purchase of Gorno Ford's 2021 Ford Explorer.

RESULT:	CARRIED.
MOVER:	Council Member Jennifer Symanns
SECONDER:	Council Member Steven Wilcoxon
AYES:	Jennifer Symanns, Steven Wilcoxon, Nicole Brown, Lois Richardson, Anthony Morgan, Brian Jones-Chance, and Annie Somerville

- c) Resolution No. 2020-214, allowing all departments except the City Clerk's Office to be open by appointment only to support the November General Election.

Council Member Annie Somerville moved, seconded by Mayor Pro-Tem Nicole Brown, to approve Resolution No. 2020-214

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, voter traffic has increased in City Hall on Election Day since same day registration was made law in Michigan; and

Whereas, COVID-19 has caused a need for people to maintain distance as a matter of health and safety; and

Whereas, to decrease levels of walk-ins not related to voting, and to

encourage City Hall staff to assist the Clerk Department register voters, further assisting lines move quickly, and ensuring health and safety.

Now therefore be it resolved that the Ypsilanti City Council that on Election Day, November 3, 2020 business at City Hall will be by appointment only to all departments other than the Clerk Department to maintain health and safety and election efficiency.

RESULT:	CARRIED.
MOVER:	Council Member Annie Somerville
SECONDER:	Mayor Pro-Tem Nicole Brown
AYES:	Jennifer Symanns, Steven Wilcoxon, Nicole Brown, Lois Richardson, Anthony Morgan, Brian Jones-Chance, and Annie Somerville

d) Resolution No. 2020-215, recognizing Indigenous People's Day in the City of Ypsilanti.

Council Member Steven Wilcoxon moved, seconded by Mayor Pro-Tem Nicole Brown, to approve Resolution No. 2020-215

WHEREAS, The City of Ypsilanti recognizes that Indigenous peoples, including from the Odawa, Ojibwe, Potawatomi, and Wyandot tribes, lived upon the land and along the Huron River in our community for many hundreds of years before our city's founding;

WHEREAS, The City of Ypsilanti recognizes that dislocation, disease, war, disenfranchisement, and other atrocities devastated these communities at various times, causing most Indigenous peoples to be expelled from their homes in this area by the 1830s; and

WHEREAS, today's current quality of life for indigenous peoples across the country, and here locally are of great concern; and

WHEREAS, The City of Ypsilanti understands that in order to help close the equity gap, government entities, and other public institutions should change their policies and practices to better reflect experiences, culture, history, and contributions of the people they serve; and

WHEREAS, the second Monday of October is the federal holiday, Columbus Day, and is viewed by some as a celebration of our country's rich immigrant and, in particular, Italian and Catholic heritage; and

WHEREAS, the idea of Indigenous Peoples Day was first proposed in 1977 by a delegation of Native nations to the United Nations - sponsored International Conference on Discrimination Against Indigenous Populations in the Americas; and

WHEREAS, in 1990 representatives from 120 Indigenous Nations at the First Continental Conference on 500 Years of Indian Resistance unanimously passed a resolution to transform Columbus Day into an opportunity to educate the rest of the country about pre-existing Indigenous cultures that have survived an often violent colonization process and continue to exist and thrive in present day America; and

WHEREAS, the State of Alaska, the cities of Seattle, WA; Berkeley, CA; Minneapolis, MN; and many others have voted to rename Columbus Day as Indigenous Peoples Day to honor the culture, heritage and contributions of Native Americans; and

WHEREAS, in Michigan, Traverse City, Alpena, Ann Arbor, and Washtenaw County have voted to rename Columbus Day as Indigenous Peoples Day to honor the culture, heritage and contributions of Native Americans; and

WHEREAS, the Tribal Council of the Grand Traverse Band of Ottawa and Chippewa Indians has passed a Resolution (1) officially recognizing the Indigenous Peoples Day on the second Monday in October, and (2) that Indigenous Peoples Day shall be used to reflect upon the ongoing struggles of indigenous peoples on this land, and to celebrate the thriving culture and value that the Odawa, Ojibwe, Potawatomi, and other indigenous peoples and to communities.

NOW, THEREFORE, BE IT RESOLVED, that The City of Ypsilanti shall recognize Indigenous Peoples Day on the second Monday of October;

FURTHER BE IT RESOLVED, that Indigenous Peoples Day shall be used to reflect upon the ongoing struggles of Indigenous people on this land, and to celebrate the thriving culture and value that the Odawa, Ojibwe, Potawatomi, and other indigenous peoples add to communities throughout Michigan the Great Lakes, and all over the world.

FURTHER BE IT RESOLVED, The City of Ypsilanti encourages businesses, organizations, and other public entities to recognize Indigenous Peoples Day; and

FURTHER BE IT RESOLVED, The City of Ypsilanti encourages all Ypsilanti public schools, charter schools, and other educational facilities operated within the city to include Indigenous Peoples centered curricula.

RESULT:	CARRIED.
MOVER:	Council Member Steven Wilcoxon
SECONDER:	Mayor Pro-Tem Nicole Brown
AYES:	Jennifer Symanns, Steven Wilcoxon, Nicole Brown, Lois Richardson, Anthony Morgan, Brian Jones-Chance, and Annie Somerville

- e) Discussion regarding Halloween/Trick-or-Treating during time of COVID.
- f) Discussion Regarding Public Meetings after Supreme Court Ruling

IX LIAISON REPORTS

1. SEMCOG Update
2. Washtenaw Area Transportation Study
3. Urban County
4. Ypsilanti Downtown Development Authority
5. Friends of Rutherford Pool
6. Housing Equity Leadership Team
7. Youth Community Connection

X COUNCIL PROPOSED BUSINESS

XI COMMUNICATIONS FROM THE MAYOR

- a) Thanking Commissioner Gannon of the Sustainability Commission for his service.
- b) Scheduling date for the Housing Affordability Work Session.

XII COMMUNICATIONS FROM THE CITY MANAGER

XIII COMMUNICATIONS

a) **NOMINATIONS**

Ypsilanti Housing Commission - (Exp. 10/20/2025)

Renee Smith - **Reappointment**

1112 Congress

Ypsilanti, MI 48197

XIV ADJOURNMENT

- a) Resolution No. 2020-216, adjourning the City Council Meeting.

The meeting adjourned at 10:09 pm

- b) Please click [here](#) to access the City Council Contact Form. This form can be used to submit any comments/concerns you might have about this agenda.

- **Chapter 58 - HUMAN RELATIONS^[1]**

Footnotes:

--- (1) ---

State Law reference— Elliot-Larsen civil rights act, MCL 37.2101 et seq.; Michigan handicapper's civil rights act, MCL 37.1101 et seq.

- **ARTICLE I. - IN GENERAL**

- **Secs. 58-1—58-30. - Reserved.**

- **ARTICLE II. - HUMAN RELATIONS COMMISSION^[2]**

Footnotes:

--- (2) ---

Charter reference— Human Relations Commission, § 9.02.

Cross reference— Boards and commissions, § 2-111 et seq.

- **Sec. 58-31. - Findings.**

The city council finds that prejudice and the practice of discrimination because of race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression, age, marital status, disability status, familial status, educational association, source of income, height or weight, felony or misdemeanor conviction (unless there is a direct relationship between the conviction offense and the housing, the job, the opportunity or unless hiring or accepting the person would create an unreasonable risk to property or safety) menaces peace and public welfare; that to eliminate such prejudice and discrimination an instrumentality of the city should be established to help the citizens of this city ameliorate practices of discrimination to keep peace and good order, and to encourage citizens to promote tolerance and goodwill toward all people.

(Ord. No. 820, 5-31-1995)

- **Sec. 58-32. - Creation; composition; term; voting.**

(a)

There is hereby created a "human relations commission" to be appointed by the mayor with the approval of the city council. The human relations commission shall be composed of nine members, all city residents, one of whom shall be designated as chair to be selected by the mayor to serve until a new chair is elected by a majority of the human relations commission. Term of chair shall be one year. The term of members shall be three years. The first members shall be appointed in groups of three for terms of one, two and three years, and thereafter the terms of three members shall expire each year. Two additional, youth non-voting-members may also be appointed, in addition to the nine regular voting members. The terms of the youth non-voting-members shall be one year.

(b)

A quorum for conduct of the lawful business of the human relations commission shall be a majority of the current members.

(c)

Except as otherwise stated in this article, all actions and decisions of the human relations commission shall be by simple majority vote of those members present at a lawful meeting of the human relations commission.

(d)

The human relations commission shall insofar as possible reflect the diversity of the community.

(Ord. No. 820, § 1, 5-31-1995; Ord. No. 1285, § 1, 4-4-2017)

- **Sec. 58-33. - Regulations; meetings; reports.**

The human relations commission shall have the authority to promulgate its own rules and regulations when not inconsistent with this article, other city ordinances, and other laws of the state and federal government. Provided, however, that such rules of the human relations commission shall be subject to review and repeal by and in the discretion of the city council. The human relations commission shall meet at least once each quarter and file a written report of its activities with the city council annually, on or before December 31.

(Ord. No. 820, § 2, 5-31-1995)

- **Sec. 58-34. - Support function.**

(a)

The city manager shall be responsible for providing administrative and clerical assistance to the human relations commission in discharging its duties and responsibilities, and shall appoint one staff person to assist the human relations commission.

(b)

The city clerk shall act as secretary of the human relations commission and keep commission records.

(c)

The city council shall annually appropriate funds for the effective operation of the human relations commission. Human relations commission members shall serve without compensation.

(d)

The city attorney shall act as legal advisor to the human relations commission.

(Ord. No. 820, § 3, 5-31-1995)

• **Sec. 58-35. - General purposes and functions.**

The general purposes and functions of the human relations commission shall be:

(1)

To serve as an advisory body to the city council and the city manager.

(2)

To study problems in the city relating to prejudice and discrimination and to make recommendations to the city council and city manager for the elimination of prejudice and discrimination within the community.

(3)

To invite and enlist the cooperation of all racial, religious, national origin, sexual, sexual orientation and ethnic groups as well as all persons representing various economic, educational, and social groups including groups concerned with age and/or disability in all areas of the city and to act as a coordinating agency among these and other groups in the community in the establishment and maintenance of educational programs in the community designed to bring about better human relations.

(4)

To cooperate with interested citizens and all state, federal and local agencies whenever such cooperation is appropriate in furtherance with the purpose of this article.

(5)

To promote mutual understanding and foster equality and respect among all racial, religious, sexual, national and ethnic groups, among persons of all economic and educational status, and generally throughout the entire city so as to prevent discrimination and discriminatory practices.

(6)

To issue publications, studies, or reports to effectuate the purposes of this article and to promote good will in the community as a whole. Such reports shall not include names of parties or other facts which might clearly identify parties without their consent.

(7)

To conduct public forums, town meetings, educational and other programs to promote the equal rights and opportunities of all persons.

(8)

To accept grants and donations on behalf of the city from foundations and others for the purpose of carrying out the purposes of this article, subject to the approval of the city council.

(9)

To study problems which may result in patterns of tension, discrimination or prejudice within the city, and offer assistance and attempt conciliation or mediation.

(10)

Any citizen of the city may propose a matter for inquiry and study by the human relations commission concerning matters that result in patterns of tensions, discrimination or prejudice. The human relations commission shall not receive or deal with complaints between individuals, but may refer persons with complaints concerning individuals to appropriate agencies.

(Ord. No. 820, § 4, 5-31-1995)

- **Sec. 58-36. - Advisory responsibilities and powers.**

In addition to the general purposes and functions specified above, the human relations commission is charged with the responsibility of advising the city council and the city manager on all matters relating to anti-discrimination. The human relations commission is specifically charged with the responsibility of attempting to resolve problems caused by patterns of action or nonaction causing tensions, discrimination or prejudice by means of conciliation and mediation. The human relations commission shall make recommendations to the city manager and to the city council for amendments, either in substance or procedure, as may be found necessary in connection with city ordinances.

(Ord. No. 820, § 5, 5-31-1995)

- **Sec. 58-37. - Cooperation with governmental agencies.**

The human relations commission shall cooperate with any governmental agency and its agents.

(Ord. No. 820, § 6, 5-31-1995)

- **Sec. 58-38. - Provisions not mandatory; liability.**

(a)

The services of the human relations commission are provided as a means of securing, without formal court action, compliance with the letter and spirit of the law. The resort to such processes and procedures is not mandatory nor shall it be deemed necessary as a condition precedent to the taking of any court action or any other legal proceeding.

(b)

Nothing in this article shall be deemed to exempt or relieve any person, governmental agency, or institution from any liability, duty, penalty, or punishment provided by any applicable law or ordinance.

(Ord. No. 820, § 7, 5-31-1995)

- **Sec. 58-39. - Other action.**

The human relations commission shall hold any proceeding in abeyance in the event that any person involved in a matter before the human relations commission is a complainant, party or respondent in or to any proceeding involving the same facts in any complaint, suit, grievance or case brought before any other commission, board, association, court, agency, or city department, including any grievance proceeding; under labor or other contract provisions, until the other proceeding is finally determined including any appeals.

(Ord. No. 820, § 8, 5-31-1995)

- **Secs. 58-40—58-60. - Reserved.**
- **ARTICLE III. - DISCRIMINATION**
- **DIVISION 1. - GENERALLY**

- **Sec. 58-61. - Intent.**

modified

(a)

It is the intent of the city that no person be denied the equal protection of the laws; nor shall any person be denied the enjoyment of their civil or political rights or be discriminated against because of actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression, age, marital status, disability status, familial status, educational association, source of income, height or weight, felony or misdemeanor conviction (unless there is a direct relationship between the conviction offense and the housing, the job, the opportunity or unless hiring or accepting the person would create an unreasonable risk to property or safety).

(b)

Nothing herein contained shall be construed to prohibit any affirmative action laws passed by any level of government. Further, nothing in this article shall be construed to establish affirmative action for any of the classes defined herein.

(Ord. No. 865, § I, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017; [Ord. No. 1357](#), § 1, 4-7-2020)

- **Sec. 58-62. - Definitions.**

modified

The following words, terms and phrases when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Age means chronological age.

Contractor means a person who by contract furnishes services, materials or supplies. The term "contractor" does not include persons who are merely creditors or debtors of the city, such as those holding the city's notes or bonds or persons whose notes, bonds or stock is held by the city.

Disability means, with respect to an individual: a physical or mental impairment that substantially limits one or more major life activities of such individual, a record of such impairment, or being regarded as having such an impairment. A disability under the Americans with Disabilities Act, [42 U.S.C §12102](#), shall qualify as a disability under this article.

Discriminate means to subject anyone to different or separate treatment, based in whole or in part, on the person's actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression, age, marital status, disability status, familial status, educational association, source of income, height or weight, felony or misdemeanor conviction (unless there is a direct relationship between the conviction offense and the housing, the job, the opportunity or unless hiring or accepting the person would create an unreasonable risk to property or safety).

Discrimination based on sex includes sexual harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when:

(1)
Submission to such conduct or communication is made a term or condition either explicitly or implicitly to obtain employment, public accommodations or housing.

(2)
Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual's employment, public accommodations or housing.

(3)
Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, or housing environment.

(4)
Prohibited conduct constitutes sexual harassment whether it occurs between people of the same or opposite sex.

Educational association means the fact of being enrolled or not enrolled at any educational institution.

Employer means a person employing five or more persons.

Familial status means the state of being related by blood or affinity to the fourth degree.

Housing facility means any dwelling unit or facility used for a person to regularly sleep and keep personal belongings including, but not limited to, a house, apartment, roominghouse, housing cooperative, hotel, motel, tourist home, retirement home or nursing home.

Income means, without limitation, any of the following:

(1)
Commissions, earnings, salaries, wages, and other income due or to be due in the future to an individual from his employer and successor employers.

(2)

A payment due or to be due in the future to an individual from a profit-sharing plan, a pension plan, an insurance contract, an annuity, social security, unemployment compensation, supplemental unemployment benefits, or worker's compensation.

(3)

An amount of money that is due to an individual as a debt of another individual, partnership, association, or private or public corporation, the United States or a federal agency, the state or a political subdivision of the state, another state, or another legal entity that is indebted to the individual.

(4)

Housing vouchers issued to an individual by the government of the United States, a federal agency, the State of Michigan, or any political subdivision thereof. This shall include, without limitation, vouchers issued by the United States Department of Housing and Urban Development pursuant to [42](#) USC §1437f.

(5)

Student loans, grants, or scholarships provided to an individual by any legal entity.

Marital status means the state of being married, unmarried, divorced, separated or widowed.

Place of public accommodation means an educational, governmental, health, day care, entertainment, cultural, recreational, refreshment, transportation, financial institution, accommodation, business or other facility of any kind, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold or otherwise made available to the public, or which receives financial support through the solicitation of the general public or through governmental subsidy of any kind.

Sexual orientation shall mean, emotional, romantic, and/or sexual attractions, or the absence thereof, to people. Sexual orientation also refers to a person's sense of identity based on those attractions, related behaviors, and membership in a community of others who share those attractions.

Gender identity shall mean, shall be defined as, an individual's internal sense of their own sex and a defining component of sex.

Gender expression shall be defined as, a gender-based appearance, expression, or behavior of an individual, regardless of the individual's assigned sex at birth.

(Ord. No. 865, § II, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017; [Ord. No. 1321](#), § 1, 8-28-2018)

Cross reference— Definitions generally, [§ 1-2](#).

- **Sec. 58-63. - Discriminatory housing practices.**

(a)

No person shall discriminate in leasing, selling or otherwise making available any housing facilities.

(b)

No person shall discriminate in the terms, conditions, maintenance or repair in providing any housing facility.

(c)
No person shall refuse to lend money for the purchase or repair of any real property solely because of the location in the city of such real property.

(d)
No person shall promote real estate transactions by representing that changes are occurring or will occur in an area with respect to actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression age, marital status, disability status, familial status, educational association, source of income, height or weight.

(e)
No person shall place a sign or other display on any real property which indicates that the property is for sale or has been sold when it is not for sale or has not recently been sold.

(Ord. No. 865, § III, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-64. - Discriminatory public accommodation practices.**

No person shall discriminate in making available full and equal access to all goods, services, activities, privileges and accommodations of any place of public accommodation.

(Ord. No. 865, § IV, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-65. - Discriminatory employment practices.**

(a)
No employer shall discriminate in the employment, compensation, work classifications, conditions or terms, promotion or demotion, or termination of employment of any person.

(b)
No person shall discriminate in limiting membership, conditions of membership or termination of membership in any labor union or apprenticeship program.

(Ord. No. 865, § V, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

Cross reference— Businesses, [ch. 22](#).

- **Sec. 58-66. - Other prohibited practices.**

(a)
No person shall adopt, enforce or employ any policy or requirement, publish, post or broadcast any advertisement, sign or notice which discriminates or indicates discrimination in providing housing, employment or public accommodations.

(b)
No person shall discriminate in the publication or distribution of advertising material, information or solicitation regarding housing, employment or public accommodations.

(c)

No agent, broker, labor union, employment agency or any other intermediary shall discriminate in making referrals, listings or providing information with regard to housing, employment or public accommodations. A report of the conviction of any such person for a violation of this article shall be made to the applicable licensing or regulatory agency for such person or business.

(d)

No person shall coerce, threaten or retaliate against a person for making a complaint or assisting in the investigation regarding a violation or alleged violation of this article, nor require, request, conspire with, assist or coerce another person to retaliate against a person for making a complaint or assisting in an investigation.

(e)

No person shall conspire with, assist, coerce or request another person to discriminate in any manner prohibited by this article.

(Ord. No. 865, § VI, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-67. - Information and investigation.**

(a)

All persons claiming to be aggrieved by a discriminatory or unfair practice may, by themselves or by counsel, file with the city attorney a verified, written complaint which shall state the details, name and address of the person or entity alleged to have committed the discriminatory or unfair practice.

(b)

After the filing of a verified complaint, a true copy shall be served within ten days by certified mail on the person against whom the complaint [is] filed, by the complainant.

(c)

The city attorney shall refer this complaint to appropriate city departmental units and agencies for investigation as to the basis of the complaint.

(d)

After sufficient review and determination, the city attorney shall issue a written opinion to the human relations commission whether probable cause exists to believe a discriminatory practice or practices occurred as alleged by the complainant.

(e)

For an investigation, a person may be required to produce books, papers, records or other documents that may be relevant to a violation or alleged violations of this article. If such person does not comply with such request, the city attorney may apply to county circuit court for an order requiring production of such materials.

(f)

If it is determined that no probable cause exists, the city attorney shall notify the complainant and respondent in writing of the dismissal of the complaint.

(g)

All complaints received by the human relations commission shall retained for three years.

(Ord. No. 865, § VII, 12-16-1997; Ord. No. 947, 9-18-2001; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-68. - Conciliation agreements and mediation.**

(a)

If probable cause has been determined, the human relations commission shall notify the complainant and respondent of mediation. Participation in mediation is voluntary, and either party may reject the offer to mediate. If the mediation request is accepted, the notice shall inform the parties of the identity of the mediator and shall request a time for the mediation to occur, no later than 45 days from the date probable cause was determined. Mediation shall be an informal process conducted by the human relations commission in accordance with the procedures established by the city council.

(b)

Mediation sessions are not open to the public, but any resolution of the dispute reached through mediation shall not be final until released by the human relations commission. Violations of such agreements shall be violations of this article.

(Ord. No. 865, § VIII, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-69. - Injunctions.**

Nothing in this article shall prohibit an aggrieved person from commencing civil action to obtain injunctive relief to prevent discrimination prohibited by this article.

(Ord. No. 865, § IX, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-70. - Discriminatory effects.**

No person shall adopt, enforce or employ any policy or requirement which has the effect of creating unequal opportunities according to race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression, age, marital status, disability status, familial status, educational association, source of income, height or weight, felony or misdemeanor conviction (unless there is a direct relationship between the conviction offense and the housing, the job, the opportunity or unless hiring or accepting the person would create an unreasonable risk to property or safety). for a person to obtain housing, employment or public accommodation, except for a bona fide business necessity. Such a necessity does not arise due to a mere inconvenience or because of suspected or actual objection to such a person by neighbors, customers, or other persons.

(Ord. No. 865, § X, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-71. - Exceptions.**

Notwithstanding anything contained in this article, the following practices shall not be violations of this article:

(1)

This article shall not be construed to prohibit or interfere with the exercise of a person's First Amendment rights.

(2)
For a religious organization or institution to restrict any of its facilities of housing or accommodations which are operated as a direct part of religious activities to persons of the denomination involved or to restrict employment opportunities for officers, religious instructors and clergy.

(3)
For the owner of an owner-occupied one-family or two-family dwelling, or a housing facility or public accommodation facility, respectively, devoted entirely to the housing and accommodation of individuals of one sex, to restrict occupancy and use on the basis of sex.

(4)
To limit occupancy in a housing project or to provide public accommodations or employment privileges or assistance to persons of low income, over 55 years of age or who are handicapped.

(5)
To discriminate based on a person's age when state, federal or local law requires such discrimination.

(6)
To refuse to enter into a contract with an unemancipated minor.

(7)
To refuse to admit to a place of public accommodation serving alcoholic beverages a person under the legal age for purchasing alcoholic beverages.

(8)
To refuse to admit person under 18 years of age to a business providing entertainment or selling literature or merchandise of a sexually explicit matter as defined by section 3 of Act No. 33 of the Public Acts of Michigan of 1978 (MCL 722.673).

(9)
For an educational institution to limit the use of its facilities to those affiliated with such institution.

(10)
To provide discounts on products or services to students, minors and/or senior citizens.

(11)
For a person to discriminate in any arrangement for the sharing of his own dwelling unit in which that person resides.

(12)
To restrict use of lavatories and locker room facilities on the basis of sex.

(13)
To use marital status limitations in health or pension plans if they conform to federal and state laws and regulations.

(14)
Any action required or mandated by law.

(Ord. No. 865, § XI, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-73. - Penalties.**

(a)
A violation of any provision of this article is a civil infraction punishable by a fine of not more than \$500.00 plus all costs of the action. A court of competent jurisdiction may issue and enforce any judgment, writ, or order necessary to enforce this article. This may include, but is not limited to, reinstatement, payment of lost wages, hiring, or promotion, sale, exchange, lease or sublease of real property, admission to a place of public accommodation, or other relief deemed appropriate.

(b)
Nothing contained in this article shall be constituted to limit in any way the remedies, legal or equitable, which are available to the city or any other person for the prevention or correction of discrimination.

(Ord. No. 865, § XIII, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-74. - Private actions for damages or injunctive relief.**

(a)
An individual who is the victim of discriminatory action in violation of this article may bring a civil action for appropriate injunctive relief or damages or both against the person who acted in violation of this article.

(b)
As used in this article, the term "damages" includes any injury or loss caused by each violation of this article, including, but not limited to, reasonable attorney's fees.

(c)
Private actions and remedies under this section are in addition to any actions for violations that the city may take.

(Ord. No. 865, § XIV, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-75. - Limitation of action.**

No complaint shall be accepted nor action taken unless filed within one year from the date of the alleged unlawful practice. Where the alleged unlawful practice is of a continuing nature, the limitation period shall not commence to run until the unlawful practice has ceased.

(Ord. No. 865, § XV, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-76. - Immunity concerning performance of city duties.**

This article shall not apply to the following persons concerning the performance of their official city duties:

(1)
Mayor.

(2)

- Mayor pro tem. (3)
 - City council members. (4)
 - City attorney and all assistants. (5)
 - All employees and staff of the city attorney. (6)
 - All members of the human relations commission and the clerk and secretary thereof. (6)
- (Ord. No. 947, 9-18-2001; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-77. - Immunity concerning actions or non-actions concerning performance of city duties.**

The following persons shall have absolute immunity concerning their actions or non-actions for the performance of their duties concerning this article:

- Mayor. (1)
 - Mayor pro tem. (2)
 - City council members. (3)
 - City attorney and all assistants. (4)
 - All employees and staff of the city attorney. (5)
 - All members of the human relations commission and the clerk and secretary thereof. (6)
- (Ord. No. 947, 9-18-2001; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-78. - Appeal.**

An aggrieved party may appeal a decision made pursuant to this article to the circuit court by filing a claim of appeal within 21 days of the date of the order or action appealed from.

(Ord. No. 947, 9-18-2001; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-79. - Complaints against city attorney or human relations commission members.**

In the event of a complaint against the city attorney, assistant city attorneys, or human relations commission members in other than the official capacity, the matter shall be referred to the city manager for review. The city manager shall make a determination as to whether or not probable cause exists. If probable cause does exist, the city manager shall refer the matter to the human relations commission for action. If probable cause does not exist, the city manager shall so determine and notify the human relations commission and the parties. If the complaint is against a human relations commission member, the member shall not serve on the commission until determination of such complaint.

(Ord. No. 947, 9-18-2001; Ord. No. 1279, § 1, 1-24-2017)

Editor's note— A portion of Ord. No. 947, adopted Sept. 18, 2001, did not specifically amend the Code and has been codified herein as [§ 58-79](#) at the discretion of the editor.

- **Secs. 58-80—58-90. - Reserved.**
- **DIVISION 2. - FAIR HOUSING^[3]**

Footnotes:

--- (3) ---

Cross reference— *Businesses, ch. 22.*

State Law reference— *Similar provisions, MCL 37.2501 et seq.*

- **Sec. 58-91. - Definitions.**

The following words, terms and phrases when used in this division shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Handicap means a determinable physical or mental characteristic of an individual or a history of the characteristic which may result from disease, injury, congenital condition of birth, or functional disorder which is unrelated to the individual's ability to acquire, rent or maintain property.

Housing accommodations means improved or unimproved real property, or a part thereof, which is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence of one or more persons. Housing accommodations shall include unimproved real property located in any residentially zoned area of the city.

Manager means a person authorized by the owner to sell, rent, transfer or lease any real property, housing accommodations, or any interest therein.

Owner means possessor of any interest in real property including lessor, sublessor, assignor, or other person having the right of ownership or possession or the right to sell, rent, transfer, or lease any real property, housing accommodations or any interest therein.

Real estate broker or salesperson means a person, whether licensed or not, who, for or with the expectation of receiving consideration:

(1)
Lists, sells, purchases, exchanges, rents or leases real property, housing accommodations, or an interest therein;

(2)
Negotiates or attempts to negotiate any listing, sale, purchase, exchange, rental or lease of real property, housing accommodations, or an interest therein;

(3)
Holds himself as listing, selling, purchasing, exchanging, renting or leasing real property, housing accommodations, or an interest therein;

(4)
Negotiates or attempts to negotiate a loan secured or to be secured by a mortgage or other encumbrance on real property, housing accommodations, or an interest therein; or

(5)
Engages in the business of listing real property, housing accommodations, or an interest therein in publications.

The term "real estate broker or salesperson" shall include a person employed, acting as an independent contractor, or otherwise acting on behalf of a real estate broker or salesperson.

Real estate transaction means the sale, purchase, exchange, rental, lease, transfer, assignment or sublease of real property, housing accommodations, or an interest therein or the listing thereof for such purpose.

Real property means property used or zoned for residential purposes including a building, structure, mobile home, unimproved real estate, land, leasehold or an interest in a real estate cooperative or condominium.

Sexual orientation means male or female homosexuality, heterosexuality or bisexuality, by preference or practice.

(Code 1983, § 6.200; Ord. No. 1279, § 1, 1-24-2017)

Cross reference— Definitions generally, [§ 1-2](#).

- **Sec. 58-92. - Discrimination prohibited.**

Except as otherwise provided in this division, no person engaging in a real estate transaction concerning housing accommodations, and no real estate broker or salesperson, shall, wholly or

partly for reasons of actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression age, marital status, disability status, familial status, educational association, source of income, height or weight, felony or misdemeanor conviction (unless there is a direct relationship between the conviction offense and the housing, the job, the opportunity or unless hiring or accepting the person would create an unreasonable risk to property or safety) or any other protected classification specified by state or federal law:

Refuse to engage in a real estate transaction with a person; (1)

Discriminate against a person in the terms, conditions or privileges of a real estate transaction or in the furnishing of facilities, maintenance or services in connection therewith; (2)

Refuse to receive from a person or to transmit to a person a bona fide offer to engage in a real estate transaction; (3)

Refuse to negotiate for real estate transaction with a person; (4)

Represent to a person that real property or an interest therein is not available for inspection, lease, sale and rental when in fact it is so available, or knowingly fail to bring a listing of real property to a person's attention, or refuse to permit a person to inspect real property; (5)

Print, post, circulate, mail or otherwise cause to be published a statement, advertisement, notice or sign, or use a form of application for a real estate transaction, or make a record of inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a preference, limitation, specification or discrimination with respect to actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression age, marital status, disability status, familial status, educational association, source of income, height or weight., or any other protected classification specified by state or federal law; (6)

Offer, solicit, accept, use, or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith; (7)

Deny a person access to or membership or participation in multiple listing services, real estate broker's organizations or other real estate services; (8)

Place a sign or other display on any real property which indicates that the property is for sale or lease, or has been sold or leased when it is not for sale or lease or has not recently been sold or leased. (9)

(Code 1983, § 6.201; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-93. - Exemptions.**

Notwithstanding anything contained in this division, the following practices shall not be violations of this division:

(1)
For a religious organization or institution to restrict any of its facilities of housing or accommodations which are operated as a direct part of religious activities to persons of the denomination or having membership in the organization involved.

(2)
A housing facility operated by a student organization recognized by the university dean of students, devoted entirely to the housing and accommodation of individuals of one sex, to restrict occupancy and use on the basis of sex.

(3)
To limit occupancy in a housing project to persons of low income, over 55 years of age or who are handicapped.

(4)
To discriminate based on a person's age when such discrimination is required by state, federal or local law.

(5)
To refuse to engage in a real estate transaction with a unemancipated minor.

(6)
For an educational institution to limit the use of its housing facilities to those affiliated with such institution.

(7)
For the owner of an owner occupied, single-family dwelling to limit the gender of the renter.

(Code 1983, § 6.202; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-94. - Discrimination by financial or insurance institutions.**

(a)
Except as otherwise provided in this division, a person to whom application is made for financial assistance or financing in connection with a real estate transaction or in connection with the insurance, construction, rehabilitation, repair, maintenance or improvement of real property, or an interest therein, which is utilized for housing accommodations, or a representative or such person shall not:

(1)
Discriminate against the applicant because of actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression age, marital status, disability status, familial status, educational association, source of income, height or weight, felony or misdemeanor conviction (unless there is a direct relationship between the conviction offense and the housing, the job, the opportunity or unless hiring or accepting the person would create an unreasonable risk to property or safety).

or any other protected classification specified by state or federal law; or

(2)

Use a form of application for insurance or financial assistance of financing, or make or keep a record or inquiry in connection with an application for financial assistance or financing, which indicates, directly or indirectly, a preference, limitation, specification or discrimination based on actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression age, marital status, disability status, familial status, educational association, source of income, height or weight, or any other protected classification specified by state or federal law.

(b)

Subsection (a)(2) of this section shall not apply to a form of application for financial assistance prescribed for the use of a lender regulated as a mortgagee under the National Housing Act, as amended, being 12 USC 1701 to 1750(g), as amended, or by a registration board or officer acting under the statutory authority of the state or the United States.

(c)

Nothing in this division shall be deemed to prohibit an owner, lender, or an agent from requiring that an applicant who seeks to buy, rent, lease, or obtain financial assistance for housing accommodations supply information concerning the applicant's financial, business, or employment status or other information designed solely to determine the applicant's financial, business, or employment status or other information designed solely to determine the applicant's credit worthiness, but not concerning handicaps for reasons contrary to the provisions or purposes of this division.

(Code 1983, § 6.203; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-95. - Unlawful representations to induce transaction.**

It shall be unlawful for a person, for the purpose of inducing a real estate transaction from which that person may benefit financially, to represent that a change has occurred or will or may occur in the composition of an area with respect to the actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression age, marital status, disability status, familial status, educational association, source of income, height or weight, felony or misdemeanor conviction (unless there is a direct relationship between the conviction offense and the housing, the job, the opportunity or unless hiring or accepting the person would create an unreasonable risk to property or safety).

, or any other protected classification specified by state or federal law, of the owners or occupants in the block, neighborhood or area in which the real property is located, or to represent that this change will or may result in the lowering of property values, an increase in criminal or anti-social behavior or a decline in the quality of schools in the block, neighborhood or area in which the real property is located.

(Code 1983, § 6.204; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-96. - Property offered to public.**

Nothing in this division shall require an owner to offer property to the public at large before selling or renting it, nor shall this division be deemed to prohibit owners from giving preference to

prospective tenants or buyers for any reason other than actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression age, marital status, disability status, familial status, educational association, source of income, height or weight, or any other protected classification specified by state or federal law.

(Code 1983, § 6.205; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-97. - Enforcement.**

(a)
Report of violation. Any person claiming a violation of this division shall make a written complaint to the city manager or his designee setting forth the details, including location of the property, names, dates, witnesses and other factual matter. All such complaints shall be verified by the claimant. Such complaints shall be filed with the city manager's office within 120 days after the alleged commission of the offense.

(b)
Investigation of complaints. Within 30 days after a written, verified complaint is received, the city manager or his designee shall make a full investigation of the alleged violation. After such investigation, or at the end of such 30-day period, whichever occurs first, the city manager or his designee shall be given written notice to the person accused of the violation that he shall have 30 days within which to submit a written statement of his version of the facts or schedule a meeting with the city manager or the manager's designee to attempt to resolve the matter by conciliation.

(c)
Conciliation agreements. The city manager may enter into agreements whereby persons agree to methods of terminating discrimination or to reverse the effects past discrimination. Such agreement shall be made in writing and approved as to form by both parties. Violations of such agreement shall be violations of this division.

(Code 1983, § 6.206; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-98. - Injunctions.**

The city attorney or the city attorney's designee may commence a civil action to obtain injunctive relief to prevent discrimination prohibited by this division, to reverse the effects of such discrimination or to enforce a conciliation agreement.

(Code 1983, § 6.207; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-99. - Related prohibitions.**

(a)
No person shall provide false or substantially misleading information to any authorized person investigating a complaint regarding a violation of this division, or sign a complaint for a violation of this division based upon false or substantially misleading information.

(b)
No person shall coerce, threaten, or retaliate against any individual or organization for making a complaint or assisting in an investigation regarding a violation or alleged violation of this division or

require, request, conspire with, assist or coerce another person to retaliate against any individual or organization for making a complaint or assisting in any investigation pursuant to this division.

(c)

No person shall conspire with, aid, assist, compel, coerce or request another person to discriminate in any manner prohibited by this division.

(d)

No person shall attempt directly or indirectly to commit an act prohibited by this division.

(Code 1983, § 6.208; Ord. No. 1279, § 1, 1-24-2017)

- **Secs. 58-100—58-120. - Reserved.**
- **ARTICLE IV. - LANDLORD AND TENANT RELATIONS^[4]**

Footnotes:

--- (4) ---

Cross reference— Businesses, ch. 22.

State Law reference— Rent control prohibited, MCL 123.411; general provisions pertaining to rent, MCL 554.131 et seq.; security deposits, MCL 554.601 et seq.; truth in renting, MCL 554.631 et seq.

- **DIVISION 1. - GENERALLY**
- **Sec. 58-121. - Landlord's duty to specify responsibility for property maintenance.**

(a)

Generally. It shall be the duty of every landlord leasing residential or commercial property, when he does not live on the property, to specify in the lease agreement between the landlord and the tenant, the responsibilities of landlord and/or tenant for the maintenance of the premises, both interior and exterior, in compliance with this Code.

(b)

Litter. If the landlord does not specify that the tenant shall keep the premises free from litter, except the temporary storage of litter in waste receptacles, then the landlord shall be responsible for fulfilling the requirements of article II, division 3 of [chapter 42](#), and shall be held responsible under sections [42-68](#) and [42-69](#). It shall be the duty of every landlord who requires the tenant to so keep the premises free from litter to notify the city building inspection department of such an agreement prior to the expiration of the time limit stated in [section 42-69](#).

(Code 1983, § 9.41)

- **Sec. 58-122. - Lease or license of residential premises.**

In every lease or license of residential premises, the lessor or licensor covenants: (a)

That the premises and all common areas are fit for the use intended by the parties. (1)

To keep the premises in reasonable repair during the term of the lease or license, and to comply with the applicable health and safety laws of the state and of the city, except when the disrepair or violation of the applicable health or safety laws has been caused by the tenants wilful or irresponsible conduct or lack of conduct. Any residential premises failing to have a valid certificate of compliance from the city building inspection department is not in compliance with the health and safety laws of the city. (2)

The parties to the lease or license may modify the obligations imposed by this section where the lease or license has a current term of at least one year. (b)

The provisions of this section shall be liberally construed, and the privilege of a prospective lessee or licensee to inspect the premises before concluding a lease or license shall not defeat his right to have the benefit of the covenants established herein. (c)

No lessee or licensee shall be obligated to pay rent for any time periods that the lessor or licensor is in violation of this section. Such violation shall be a complete defense for any lessee or licensee sued for nonpayment of rent for such period. (d)

(Ord. No. 854, § 6.300, 5-6-1997)

State Law reference— Untenantable buildings, MCL 554.201.

- **Sec. 58-123. - Information to be provided at occupancy.**

new

At the time occupancy is given to a tenant of a residential premises, the landlord shall provide each tenant with specific information regarding voting and elections, discrimination, and tenants' rights and responsibilities in the City of Ypsilanti. Such specific information shall be approved by resolution of city council. The city clerk shall make the information approved by city council available to local landlords and their agents to pick-up without charge for distribution by landlords to tenants. The city shall make available to landlords sufficient copies of the information to permit landlords to comply with this section. A landlord shall be deemed to have furnished a tenant a copy of the information if the landlord mails it to the tenant or gives a copy of the information to the tenant in person. Tenants and prospective tenants may also pick up a copy of the information at the city clerk's office without charge.

The failure of a landlord to comply with this section shall not be construed to affect the validity of the lease or the enforcement of any provisions of a lease. A violation of this section shall be deemed a municipal civil infraction, subject to payment of a civil fine as set forth in [section 70-38](#).

Repeat offenses under this article shall be subject to increased fines as set forth in [section 70-38](#). The words, terms, and phrases used in this section shall have the meanings ascribed to them in division 2, [section 58-136](#) of this article, except where the context clearly indicates a different meaning.

([Ord. No. 1320](#) , § 1, 9-11-2018)

- **Secs. 58-124—58-135. - Reserved.**

new

- **DIVISION 2. - TENANT'S RIGHT TO PRIVACY**

[SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD \(DOCX\) OF SECTIONEMAIL SECTIONCOMPARE VERSIONS](#)

- **Sec. 58-136. - Definitions.**

The following words, terms and phrases when used in this division shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agent means any employee, or any person with implied or apparent authority or acting under color of authority of the landlord or of a housing cooperative board or other governing entity.

Dwelling unit means a structure or the part of a structure that is used as a home, residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

Imminent danger means a condition exists which, if not curtailed immediately, will cause serious structural damage or expense.

Landlord means the owner, lessor or sublessor of residential premises; or his agent, or any person authorized by him to manage the premises or to receive rent from a tenant under a rental agreement.

Rental agreement means any agreement or lease, written or oral, which establishes or modifies the terms, conditions, rules, regulations or any other provisions concerning the use and occupancy of residential premises.

Residential premises means a dwelling unit for residential use and occupancy and the structure of which it is a part, the facilities and appurtenances therein, and the grounds, areas and facilities for the use of the tenant generally or the use of which is promised the tenant.

Tenant means the person entitled under a written or oral rental agreement to the use and occupancy of rental or cooperative residential premises.

(Code 1983, § 6.100)

Cross reference— Definitions generally, [§ 1-2](#).

- **Sec. 58-137. - Privacy rights.**

- (a)
- Tenant's right to privacy includes, but is not limited, to the following:
- (1)
- Right to exclusive use and occupancy of the dwelling unit.
- (2)
- Right to no entries by landlord or agent without notice and tenant's permission except in case of an extreme condition.
- (3)
- Right to respect for their personal possessions when the landlord or the agent has legally entered the unit.
- (4)
- Right to be free from sexual harassment by the landlord or his agent.
- (5)
- Right to require identification of any person seeking to enter the unit.
- (6)
- Right to install additional locks.
- (b)
- A tenant is entitled to both agreed upon or legally required maintenance and repairs and to privacy. A tenant may not be evicted or denied services or repairs for asserting his right to privacy.
(Code 1983, § 6.101)

- **Sec. 58-138. - Regulation of entry.**

- (a)
- The landlord or agent may enter the dwelling unit only after the landlord:
- (1)
- Gives any tenant in the dwelling unit a three-day written notice (72 hours); or 24 hours' written notice if the building is for sale, or the lease term is within its last three months; or
- (2)
- Gains the permission of any tenant in the dwelling unit.
- (b)
- The tenant may not unreasonably withhold permission.
- (c)
- The landlord and tenant may agree to a notice period of less than 72 hours for a particular entry, but a general waiver of the 72-hour notice is prohibited.
- (d)

The landlord shall include in the notice the reason for entry, the person making the entry, the approximate time of entry and a notice of tenant's right to privacy as found in [section 58-142](#).

(e)

The landlord or agent shall not abuse the right of access or use it to harass the tenant. Repeated demands for entry otherwise lawful, but which have the effect of harassing the tenant, shall constitute a violation of this division.

(f)

The landlord or agent shall not look through personal possessions of the tenant.

(g)

When an entry is made after proper notice and the tenant is not present, the landlord or person making entry shall leave a notice indicating the time of entry, the person making entry and actions taken.

(h)

City officials entering the unit under the provisions of articles V and VI of [chapter 18](#) shall provide notice as required therein. When the tenant is not present during the entry, the city official shall leave a notice pursuant to this section.

(Code 1983, § 6.102)

- **Sec. 58-139. - Proof of identification.**

The person requesting entry shall have been identified by the landlord in the notice and shall provide proof of identification at the time of entry. If the person fails to provide such proof and is not known to the tenant, the tenant shall be presumed reasonable in denying access to the unit.

(Code 1983, § 6.103)

- **Sec. 58-140. - Right to be free from sexual harassment.**

(a)

As used in this section the term "tenant" means the person entitled under a written or oral rental agreement to the use and occupancy of rental or cooperative residential premises, and their guests.

(b)

If a landlord or agent requests or demands that the tenant perform or permit sexual activities, this shall be an invasion of the right of privacy and shall be considered a violation of this division.

(c)

Sexual activities includes unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communication of a sexual nature.

(d)

In cases of sexual harassment, a tenant shall have the right to obtain:

(1)

Injunctive relief:

Restraining order; a.
Termination of lease; b.
Damages as provided in this act; and (2)
Such additional damages as may be provided in other local, state and federal laws. (3)
(Code 1983, § 6.104)

- **Sec. 58-141. - Entry in event of extreme condition.**

The notice provisions in [section 58-138](#) shall not apply in extreme conditions when: (a)

Entry is made solely to preserve life or limb; or (1)

When property is in imminent danger. (2)

(b)
If a tenant is not present when entry is made, the landlord or person making entry shall provide the tenant with a written notice within 24 hours of the entry describing reason for entry, the person making entry, time of entry and actions taken.

(Code 1983, § 6.105)

- **Sec. 58-142. - Notice in lease.**

The following notice shall be included in the lease or, if there is no written lease, provided to the tenant at the time of rental. Such notice should be in bold type no smaller than 14-point:

YOU HAVE THE RIGHT TO PRIVACY IN YOUR RENTAL HOME. CITY LAW PERMITS THE LANDLORD TO ENTRY ONLY IF THE LANDLORD HAS:

PROVIDED THREE DAYS' (72 HOURS') WRITTEN NOTICE UNLESS THE BUILDING IS FOR SALE OR THE LEASE TERM IS IN ITS FINAL THREE MONTHS, IN WHICH CASE 24 HOURS' WRITTEN NOTICE; OR (1)

GAINED YOUR PERMISSION AS REQUIRED BY CITY LAW. (2)

A LANDLORD MAY ONLY ENTER WITHOUT NOTICE TO RESPOND TO AN EXTREME CONDITION.

(Code 1983, § 6.106)

- **Sec. 58-143. - Additional locks.**

(a)
The tenant has the right to install additional locks at any time provided the installation is done in a manner that does not damage the structure, is in compliance with all applicable city codes, and a key is provided to the landlord.

(b)
All locks so installed shall be installed by a licensed locksmith. Notice must be given to the landlord prior to installation. The landlord shall approve the placement and style of the locks on the door. If this cannot be agreed upon, then either party may appeal to the building code board of appeals.

(c)
The landlord must rekey locks between tenancy.
(Code 1983, § 6.107)

- **Sec. 58-144. - Damages for illegal entry.**

(a)
Upon written notice to the landlord of an entry by the landlord or agent not permitted under this division, the tenant may:

(1)
Deduct one month's rent and place it in an escrow account to be held by the city treasurer, pursuant to sections [58-145](#), [58-146](#) and [58-147](#). This amount shall be deposited on the date that the month's rent is due; or

(2)
May bring an action for damages which shall be the greater of one month's rent, \$500.00 or actual damages, plus actual attorney's fees.

(b)
Upon written notice of a second entry and any additional entries by the landlord or agent not permitted by this division, tenant shall have the right to:

(1)
The greater of actual damages, three times one month's rent or \$1,500.00, and actual attorney's fees;

(2)
Terminate the lease; and

(3)
Any other relief provided by local, state or federal law.

(c)
If rent is withheld, the landlord may bring suit under state law for nonpayment of rent. The tenant may defend the suit by citing violation of this division.

(d)

A tenant, tenants' union or group of tenants may bring an action for injunctive relief for threatened or actual violation of this division.

(e)

In addition, after a court judgment deciding the landlord or agent has violated this division or after an undisputed deduction by the tenant for violation of this division, the tenant shall have the right to install additional locks on windows and/or doors in the unit to improve their security. Upon request by the landlord, if additional locks are installed, the tenant shall furnish a key that shall be sealed in an envelope and signed across the seal. The landlord shall open the envelope to use the key only in the event of an extreme condition, as explained in this division.

(Code 1983, § 6.108)

• **Sec. 58-145. - Escrow agent.**

The city treasurer or authorized agent is hereby authorized to act as escrow agent and to receive all monies deposited as security for damages pursuant to a standard landlord-tenant escrow agreement signed by the tenant or tenants (where a single apartment or housing unit is leased or rented to more than one tenant) and filed with the city treasurer.

(Code 1983, § 6.109)

• **Sec. 58-146. - Escrow agreement; information.**

The standard landlord-tenant escrow agreement, which shall be prepared by the city treasurer, shall include the following items of information, authorizations and instructions for action by the city treasurer or authorized agent:

(1)

The date of execution of the agreement.

(2)

The names and addresses of the landlord and the tenant or tenants respectively.

(3)

The location of the leased or rented premises to which the agreement applies.

(4)

The dates of beginning and of termination of the tenancy to which the agreement applies.

(5)

The amount of money deposited under the agreement.

(6)

Instructions for the city treasurer or authorized agent to deposit the amount received by the city treasurer pursuant to the agreement in a special account in a local savings institution, to be known as the landlord-tenant escrow account, wherein it may be commingled and authorization for the city treasurer to use any interest earned on such deposit for defraying costs of maintaining the escrow account.

(7)

Instructions for the city treasurer or authorized agent to pay out the amount deposited in this fashion:

a.

If the landlord and tenant shall jointly instruct the city treasurer or authorized agent in writing to pay out some or all of the money to a certain person, this joint instruction shall be obeyed.

b.

If the landlord instructs the city treasurer or authorized agent in writing to pay out some or all the money to the tenant, this instruction shall be obeyed.

c.

If the tenant instructs the city treasurer or authorized agent in writing to pay out some or all the money to the landlord, this instruction shall be obeyed, except that in instances of leasing to more than one tenant, the instruction must come from all tenants.

d.

If the landlord files a verified written statement with the city treasurer or authorized agent that the tenant or tenants have withheld rent other than in accordance with [section 58-144](#), and more than 60 days has elapsed since the lease terminated, the city treasurer or authorized agent shall pay to the landlord that portion of the deposit equal to the withheld rent.

e.

In accordance with instructions of the court.

f.

If tenant files a copy of the notice of violation which was served upon the landlord with the city treasurer showing that more than 60 days has elapsed since the notice was provided to the landlord and the tenant provides a verified statement to the city treasurer stating that he has not been served and to the best of his knowledge no action has been filed by the landlord against him for nonpayment of rent or any other claim arising out of the tenancy, the city treasurer shall pay to the tenant the amount held in escrow, less interest.

g.

Failure to escrow money voids claim.

(Code 1983, § 6.110)

- **Sec. 58-147. - Defraying cost of escrow service.**

The city treasurer or authorized agent is authorized to use the interest paid on the landlord-tenant escrow to defray the cost of providing the escrow service authorized by this division.

(Code 1983, § 6.111)

- **ARTICLE V. - SOLICITATION OF IMMIGRATION STATUS**

- **Sec. 58-200. - Statement of purpose.**

It is the policy of the City of Ypsilanti to respect the rights of, and provide equal services to, all persons regardless of appearance, ethnicity, immigration status, manner of dress, national origin, physical characteristics, race, religious beliefs, sexual orientation, or gender identity or expression; to ensure the enforcement of rights under the United States Constitution, including due process and equal protection; to promote community safety; to encourage victims of crime and witnesses to cooperate with law enforcement authority without regard to immigration status; to prevent bias-based policing; and to promote acceptance. In order to permit members of immigrant communities to access services that are provided by the City of Ypsilanti government to which they are entitled; and to ensure that city public servants are acting consistent with federal law regarding local governments cooperating with federal immigration authorities, the City of Ypsilanti enacts this article as an effective way to guide city public servants in adhering to rights under the United States Constitution, including due process and equal protection, and under federal law, while protecting the safety and health of all members of the Ypsilanti community.

(Ord. No. 1281, § 1, 2-7-2017)

- **Sec. 58-201. - Definitions.**

Public servant means the mayor, members of the city council, the city clerk, any member of any city agency, board, commission, or other voting body that is established by the Ypsilanti City Charter or by this Code, and any appointee, any employee, or any individual who provides services to the City of Ypsilanti within or outside of its offices or facilities pursuant to a personal services contract.

(Ord. No. 1281, § 1, 2-7-2017)

- **Sec. 58-203. - Bias-based policing by public servants, who are police officers, on the basis of appearance, ethnicity, immigration status, manner of dress, national origin, physical characteristics, race, religious beliefs, sexual orientation, or gender identity or expression prohibited.**

A public servant, who is a police officer, shall not exercise differential treatment of individuals in rendering police services based on a person's appearance, ethnicity, immigration status, manner of dress, national origin, physical characteristics, race, religious beliefs, or sexual orientation, or gender identity or expression. A public servant, who is a police officer, shall not base reasonable suspicion for an investigative detention, probable cause for an arrest, or any other police action, on a person's appearance, ethnicity, immigration status, manner of dress, national origin, physical characteristics, race, religious beliefs, sexual orientation, or gender identity or expression. A public servant, who is a police officer, may take into account the reported appearance, ethnicity, immigration status, manner of dress, national origin, physical characteristics, race, religious beliefs, sexual orientation, or gender identity or expression for the purpose of identifying a described individual.

(Ord. No. 1281, § 1, 2-7-2017)

- **Sec. 58-204. - Solicitation of immigration status by public servants, prohibited; exceptions.**

(a)
Prohibited. A public servant, while acting within the scope of public service employment and/or authority shall not:

(1)
Solicit information concerning immigration status for the purpose of ascertaining a person's compliance with federal immigration law; or

(2)
Solicit information for the purpose of determining immigration status from a person who is seeking police services, or is a victim, or is a witness; or

(3)
Inquire into the immigration status of any person, or engage in activities for the purpose of ascertaining the immigration status of any person.

(b)
Exceptions. Notwithstanding the prohibitions set forth in subsection (a) of this section, public servants, are expressly permitted to engage in the following activities, which shall not constitute a violation of this article:

(1)
Solicitation of information concerning immigration status when performing public safety functions while assisting federal law enforcement in the investigation of a criminal or civil offense; or

(2)
Solicitation of information concerning immigration status from the subject of an investigation only when relevant to the investigation or prosecution of a criminal offense, or when processing an arrested person; or

(3)
Solicitation of information concerning immigration status where specifically required by any federal, state, or city law or program as a condition of eligibility for the service sought; or

(4)
Solicitation of information concerning immigration status for the purpose of completing I-9 Forms, and, when relevant, in making hiring and payroll withholding decisions, including, but not limited to, completing I-9 Forms, questioning a person to complete the I-9 Form, obtaining documents that support the I-9 Form, and allowing federal authorities to audit an I-9 Form in accordance with law; or

(5)
Solicitation of information concerning immigration status for a subpoena issued in a criminal proceeding, civil litigation, or an administrative proceeding for the production of city documents or for testimony of a public servant, including where related to immigration issues or other security issues.

(Ord. No. 1281, § 1, 2-7-2017)

- **Sec. 58-205. - Violations and penalties.**

Where a public servant is alleged to have violated this article, the matter shall be referred, as appropriate, to the city council or to the department director or agency head, for review, investigation, and disposition. Any disciplinary action shall be carried out in accordance with the provisions of the Ypsilanti City Charter and other laws, city personnel rules, civil service rules, union contracts, or other departmental or agency rules and regulations.

The city manager shall provide an annual report to city council of all violation complaints of this article and their disposition.



REQUEST FOR LEGISLATION

TO: Mayor and City Council
FROM: John Barr
DATE: October 20, 2020
SUBJECT: Revision of Weed Ordinance

DESCRIPTION:
Revision of Weed Ordinance

SUMMARY:

The City has a noxious weed ordinance that has been on the books for many years. Lately some residents want a revision of the ordinance to permit the growing of native and pollinating plants to help preserve the native plant species and to provide plant nectar for bees and other beneficial insects and for the visual beauty of flowering plants.

The present ordinance limits general vegetation (grass, etc.) to 10 inches.

Councilmember Brian Jones-Chance and Sommerville have requested changes in the ordinance and are requesting the ordinance be changed to allow native plants and increase the general height to 12 inches and allow gardens of native and pollinating plants (Bee Gardens) over 12 inches and remove any fee for the Bee Garden permit.

We worked with staff to provide a draft of a suggested ordinance change to provide for a permit process to allow Bee Gardens. Councilmember Brian Jones-Chance has provided edits that increase the allowable height outside of Bee Gardens to 12 inches.

A draft of the proposed amendment is attached for consideration of council.

RECOMMENDED ACTION: Review proposed amendments to noxious weed ordinance.

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



**CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No.**

An ordinance to amend the Noxious Weed Ordinance, Article IV. Weed Control, Section 110-80 et seq of the Ypsilanti City Code

1. THE CITY OF YPSILANTI HEREBY ORDAINS that the Noxious Weed Ordinance, Article IV. Weed Control, Section 110-80 et seq of the Ypsilanti City Code be amended to read as follows:

• **ARTICLE IV. - WEED CONTROL** ^[4] ...

State Law reference— Control and eradication of noxious weeds, MCL 247.61 et seq.

• **Sec. 110-80. - Noxious weeds, grass and brush determined to be a nuisance.**

In order to preserve the public health, safety, and welfare of the citizens of Ypsilanti, the council determines that the existence of grass, weeds, and brush more than ten inches in height within the city constitutes a nuisance for the reason that the said grass, weeds, and brush provides a hiding place for vermin, is unsightly and unkempt, and is more likely to be a dumping ground for trash than otherwise.

(Ord. No. 981, § 1, 5-22-2003)

• **Sec. 110-81. - Duty to remove; penalty.**

(a)

The city council determines that the existence of weeds, brush and grass over ten inches in height, or any other noxious weeds as defined by MCL. 247.61 et seq. on private property within the city poses a threat to the public health, safety and welfare, and is noxious and a nuisance per se, because weeds, brush and grass over ten inches in height is likely to attract and harbor vermin, provide cover for wild animals, encourage trash, attract criminal activity and lower property value, and noxious weeds as defined by the State are hazards to health and the environment.

(b)

No owner, possessor or occupier shall permit weeds, grass or brush at a height greater than twelve inches, or any noxious weeds defined by MCL 247.61 et seq on any private property. The provisions of this section are in addition to and cumulative with any and all other remedies or requirements which may be provided to the city by law or any provision of this Code or other ordinance of the city, and nothing in any provision of this Code or other ordinance of the city shall be deemed to impair the full effectiveness of this section.

Exception. An owner, possessor or occupier of land in the City of Ypsilanti may plant and grow native vegetation, as defined by the Michigan Natural Shoreline Partnership or similar agencies and organizations as a garden or rain garden on their land in the City of Ypsilanti on the following terms and conditions:

- a. Application and permit issued by the Economic Development Department showing the area to be cultivated.
- b. No permit planting on the City Right of Way or the lawn extension between the sidewalk and street;
- c. Planting shall not invade or encroach on any adjacent property.
- d. (c)

Blight violation. A person who violates any provision of this section is responsible for a blight violation, subject to payment of a civil fine as set forth in [section 71-73](#). Repeat offenses under this section shall be subject to increased fines as set forth in [section 71-73](#).

(Code 1983, § 9.61; Ord. No. 981, § 1, 5-22-2003; Ord. No. 1132, § 1, 9-21-2010)

- **Sec. 110-82. - Publication and contents of general notice to remove.**

It shall be the duty of the city manager to give general notice at least once each year of required weed cutting by publication in a newspaper in the same manner as is required for the publication of other city notices. Such notice shall set forth the fact that all such weeds, brush and grass must be cut on or before the date therein designated and the publishing of such notice shall take place at least ten days prior to the date upon which such weeds, brush or grass must be cut.

(Code 1983, § 9.62)

- **Sec. 110-83. - Removal by city.**

(a)
In the event the owner, possessor or occupant of land or the person having charge of any such land refuses or neglects to comply with the aforementioned notice to cut the weeds, brush or grass on or before the date stated in the notice such person is responsible for a blight violation, subject to payment of a civil fine as set forth in [section 71-73](#). Repeat offenses under this section are subject to increased fines as set forth in [section 71-73](#).

(b)
It is the duty of the city manager or his/her designee to enter upon such land and to cause all such weeds, brush and grass to be cut down and the city manager or other authorized person doing this work shall not be liable in any action of trespass therefor.

(Code 1983, § 9.63; Ord. No. 1234, § 1, 12-2-2014)

- **Sec. 110-84. - Payment of costs.**

It shall be the duty of the city manager to keep an accurate account of the costs incurred in carrying out the provisions of [section 110-83](#) and to file a statement thereof in the office of the city clerk. The owner, possessor or occupant of any parcel or lot on which noxious weeds, brush or grass have been cut by city employees under the direction of the city manager, in the manner herein prescribed, is required to pay the costs so incurred. The city clerk shall bill each such

owner, possessor or occupant for the costs charged against each parcel or lot. Payment may be made at the office of the city clerk, who is hereby authorized to receive it and to receipt therefor in the name of the city.

(Code 1983, § 9.64)

- **Sec. 110-85. - Lien for costs.**

In the event the owner, possessor or occupant of any parcel or lot on which noxious weeds, brush or grass have been cut by the city fails to pay the aforementioned bill from the city clerk within 30 days from the date of the billing, the city clerk shall thereupon place the entire sum, plus a collection charge as set by resolution of the city council, on the tax rolls as an assessment against the parcel or lot, the assessment to be collected as other taxes are levied and collected. Such charges shall be added to the general city tax roll, and to the total of the taxes levied on such parcel or lot the same year and shall be a lien on the parcel until fully paid.

(Code 1983, § 9.65)

- **Sec. 110-86. - Appeal.**

(a)
The owner, possessor, or occupant of any parcel of lot billed for cutting noxious weeds pursuant to this article has the right to appeal the bill.

(b)
Appeal must be taken within ten days of receipt of the bill, but in no case later than 30 days from the date of billing, to the city manager. The appeal must be in writing, signed by the appellant, and specify the reason for the appeal.

(c)
The city manager will consider the appeal and make a decision in writing, within ten days of receipt of the appeal. A copy of the decision will be filed with the city clerk and sent to the appellant by first class mail.

(d)
An adverse decision of the city manager may be appealed to the circuit court.

(Ord. No. 981, § 1, 5-22-2003; Ord. No. 1234, § 1, 12-2-2014)

2. Severability. If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that

the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

3. Repeal. All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

4. Savings Clause. The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

5. Copies to be available. Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS _____ DAY OF _____, 2020.

Andrew Hellenga, City Clerk

Attest

I do hereby confirm that the above Ordinance No. _____ was published according to Section 11.13 of the City Charter on the _____ day of _____, 2020.

Andrew Hellenga, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the _____ day of _____, 2020.

Andrew Hellenga, City Clerk

Notice Published: _____

First Reading: _____

Second Reading: _____

Published: _____

Effective Date: _____

S:\Clerk's Office\CITY COUNCIL MEETINGS\CITY COUNCIL MEETINGS\2020 City Council Meetings\10-20-2020\2nd Weeds\Ord to amend Noxious Weed Ordinance 2020 remove 3 foot section 100720.doc

RESOLUTION NO. 17-_____

, 2017

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "" be approved on first reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



REQUEST FOR LEGISLATION

TO: Mayor and City Council
FROM: Scott Slagor
DATE: October 20, 2020
SUBJECT: Memorandum of Understanding between the City of Ypsilanti and Highland Cemetery Association.

DESCRIPTION:

Memorandum of Understanding between the City of Ypsilanti and Highland Cemetery Association.

SUMMARY:

The City of Ypsilanti has agreed to support the ongoing restoration of the Starkweather Chapel in Highland Cemetery, through application for a Certified Local Government rehabilitation grant through the Michigan State Historic Preservation Office (SHPO). Council authorized the City to pursue this grant in a resolution on September 15, 2020.

The grant application was submitted on October 1, 2020. Part of the application requirements was a Memorandum of Understanding (MOU) between the City and Highland Cemetery Association, detailing the terms of the grant and partnership. The grant format is based on a template provided by SHPO to include all of the required details.

SHPO staff said the City could submit the MOU after the grant application was submitted, as an amendment. Planning Department staff have committed to submitting the amendment by November 1, 2020. SHPO is expected to decide on grant awards in spring 2021 and execute grant agreements in July 2021.

RECOMMENDED ACTION: Approval

ATTACHMENTS: (MOU Final Draft)

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____

Memorandum of Understanding
By and Between Highland Cemetery and the City of Ypsilanti, Michigan
Starkweather Memorial Chapel stained glass windows

Certified Local Government (CLG) Application

Agreement Scope

The Highland Cemetery Association, a Michigan non-profit federally tax exempt 501c13 corporation of 943 North Rivers Street, Ypsilanti MI 48198, and the City of Ypsilanti, a Michigan Home Rule City of 1 South Huron Street, Ypsilanti MI 48197, voluntarily agree to enter into a cooperative arrangement as described in the balance of this Memorandum of Understanding (MOU) with regard to the 2021 Certified Local Government (CLG) grant program for the rehabilitation of the Starkweather Memorial Chapel stained glass windows. The MOU is intended by the parties to assist them in the coordination of mutually beneficial activities and to serve as a written record of the intentions and responsibilities of each party at the time of the signing of the MOU, stated in good faith and with as much accuracy as possible. It is not intended that this document should confer contractual rights on any party or serve as the basis for any legal claim.

The Highland Cemetery Association will designate the City of Ypsilanti as the administrative agent to act as fiduciary for the Grant. As the administrator, the City of Ypsilanti will be authorized and directed to file an application with the Highland Cemetery Association for the Grant, with additional responsibilities assumed by each of the parties, including the Highland Cemetery Association which owns the Starkweather Memorial Chapel at 943 North River Street in Ypsilanti, Michigan, noted in this MOU.

The Michigan State Historic Preservation Office (SHPO) will provide a 2021 CLG Grant award for the Starkweather Chapel window project of Forty-Five Thousand dollars (\$45,000), the total estimated cost of the project.

All grant administration requirements as outlined in the grant manual must be followed by the designated parties.

Agreement Period

This MOU is effective October 1, 2020, until September 30, 2022, by and between the Highland Cemetery Association, having its principal place of business at 943 North River Street, Ypsilanti, MI 48198, by and between the City of Ypsilanti, having its principal place of business at 1 South Huron Street, Ypsilanti, MI 48197.

This MOU may be modified or amended in writing upon agreement by both parties to this MOU.

Agreement Components

As a partner of the Starkweather Memorial Chapel window project

The City of Ypsilanti will:

1. Consult with Highland Cemetery Association on an ongoing basis to facilitate the administration of the grant agreement.
2. Participate in initial site visit with SHPO staff and Highland Cemetery.
3. Prepare and submit quarterly progress reports to SHPO describing the project work completed and accounting for any deviation from the approved performance schedule and budget.
4. Execute the bidding process including, but not limited to: writing RFPs, organizing public bid openings, and creating a selection committee comprised of representatives of Highland Cemetery to evaluate bids and select a consultant.
5. Submit documentation of bidding process and consultant contracts, and recommend consultant selection to SHPO.
6. Execute contract agreement between City of Ypsilanti and the selected consultant for the performance of work necessary to complete the Grant Project. Submit copy of consultant contract to SHPO.
7. Set up regular meetings to ensure that the work is proceeding according to the project scope and timetable.
8. Provide approval of all pay requests.
9. Pay all invoices and project expenses and submit copies to Highland Cemetery Association for their records.
10. Keep Highland Cemetery Association informed of the progress of the Grant Project. Notify or seek approval from SHPO of any proposed changes in the scope of work or budget prior to implementing the change.
11. Prepare and submit final reimbursement request to SHPO.
12. Prepare and submit final completion report to SHPO.
13. Indemnification of Highland Cemetery Association by requiring all selected consultants to indemnify Highland Cemetery Association as well as list Highland Cemetery Association as additional insured.

Highland Cemetery Association will:

1. File a joint grant application with the City of Ypsilanti and submit to SHPO for Grant Project.
2. Supply ownership documentation to City of Ypsilanti as outlined in the CLG grant manual.
3. Provide contact person(s) for the Grant Project who will attend regularly scheduled meetings and provide site observation.

4. Provide access, as required to complete the Grant Project, to the building and surrounding grounds.
5. Provide assistance with issuing RFPs, advertising for bids, and participation in a selection committee to evaluate bids and select a contractor.
6. Indemnify the City of Ypsilanti and require that all selected consultants indemnify the City of Ypsilanti as well as list the City of Ypsilanti as additional insured.

Agreed this ___ day of _____, 2020

City of Ypsilanti

By: _____
Lois E. Richardson, Mayor

By: _____
Andrew Hellenga, City Clerk

Highland Cemetery Association

By: _____
Barry LaRue, Secretary

Approved as to form:

John M. Barr, Ypsilanti City Attorney



REQUEST FOR LEGISLATION

TO: Mayor and City Council
FROM: Frances McMullan
DATE: October 20, 2020
SUBJECT: Parkridge Community Center MOU

DESCRIPTION:
Parkridge Community Center MOU

SUMMARY:

The City entered into a Memorandum of Understanding (MOU) with Washtenaw Community College (WCC) in October of 2014, with several extensions since its inception. The current MOU is set to expire soon and the new agreement will begin November 1, 2020. City Council is being presented with an agreement extending to December 31, 2021.

In the MOU, WCC has agreed to provide and fund programming for Parkridge Community Center. The programming has proven to be a huge benefit for Ypsilanti's Ward 1 residents, Ypsilanti Community Schools and the community at large. The City enters into the agreement agreeing to continue to fund operations which include heat, lights, cleaning, insurance and two (2) part-time staff members. A copy of the agreement is attached.

RECOMMENDED ACTION: Approval

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____

MEMORANDUM OF UNDERSTANDING
BETWEEN WASHTENAW COMMUNITY COLLEGE AND THE CITY
OF YPSILANTI REGARDING PARKRIDGE CENTER

This agreement is made and effective as of the 1st day of November, 2020 by and between the City of Ypsilanti, a Michigan Home Rule City, located at 1 South Huron Street, Ypsilanti, MI 48197 ("City"), and Washtenaw Community College, located at 4800 E. Huron River Drive, Ann Arbor, Michigan 48105 ("College").

Whereas, the City and the College have cooperated in the operation of educational, recreational, and community programs at the Parkridge Center, located at 591 Armstrong Drive in Ypsilanti ("Center"); and

Whereas, the City and the College are interested in continuing to work together to create viable educational and community training opportunities at the Center for youth, adults and seniors; and

Whereas, the City and the College desire to set out in writing their respective obligations and responsibilities;

Now therefore, in consideration of the mutual promises set forth herein, the parties agree as follows:

A. College Responsibilities:

1. The College agrees to provide a full-time administrator ("Center Administrator") who will be on-site at Parkridge to provide oversight of educational and training programming and scheduling as well as coordination of all programming at the Center, including the use of the facility by community groups, outside agencies, and individuals within the community. Educational and training programming may include, but is not limited to, college classes, after-school tutoring, financial literacy, nutrition, decision-making, career and essential skills coaching, health and wellness as well as educational programming.

2. The College will use reasonable efforts to make the Center open and available to the community from 8:30 a.m. to 8:30 p.m. Monday through Friday during the school year, and for reduced hours during the summer months. However, the College will have no liability to the City or to any third party should the Center not be open, for any reason, during those hours. Notice of closure will be posted on the Parkridge Community Center Doors. The College shall report any closure for more than 3 days should be reported to the City Manager's office so residents can be properly notified. The College acknowledges that Parkridge Center is a community center, and that the City has utilized funding that requires that the Center be open to the public regularly each year. If, for any reason, the College is unable to keep the Center open to the public as contemplated herein, the College will notify the City so that alternative arrangements can be made.

3. The Center Administrator may develop and publish reasonable rules and guidelines for the use of the Center by participants, community members, and outside agencies. Such rules and guidelines may include, but are not limited to, minimum age of users unaccompanied by an adult, hours of operation, seasonal schedule, general etiquette, proper behavior and use of Center amenities, and general use of the Center facility. The Center administrator should coordinate outside requests for use of Parkridge Park or for larger events in the Center and the Park with the City's Special Events Coordinator.

4. The College agrees to provide computer equipment and computer maintenance services at the Center computer lab, with equipment and service level to be determined, in its sole discretion, by the College.

5. The College will maintain workers' compensation, fringe benefits, and unemployment insurance as appropriate for its employees.

6. The parties agree that the College may, in its sole discretion, charge a fee for any educational programs that it offers at the Center.

7. The College will provide coordination of services for related programming in the Center, including neighborhood group meetings, rental space, as well as welcoming other programming partners not in conflict with the College's mission. If there is a question as to whether or not a conflict exists, the administrator will seek feedback from the City Manager and Director of Community Development.

8. The College will provide seasonal activity reports to the City for distribution as well as an annual report.

B. City Responsibilities:

1. The City will take responsibility for the repair and maintenance and any and all upgrades, renovations, or alterations of the Center facility.

2. The City will provide custodial services, snow plowing, lawn mowing, and waste removal for the facility.

3. The City will provide heating and cooling, telephone service, and all utilities at the Center.

4. The City will provide police support as needed.

5. The City will provide a part-time coordinator and part-time recreation aide to assist at the Center, including appropriate workers' compensation and unemployment insurance. The scheduling of the hours to be worked by these personnel will be the responsibility of the Center Administrator. The City understands and agrees that the City's failure to provide these staff positions may necessitate closure of the Center due to inadequate staffing.

6. The City will provide the Center Administrator and associated College staff with full key and alarm code access to the building.

7. The City will provide General liability and Premises Liability insurance coverage for the Center, commensurate with the insurance maintained by the City on its other properties which are used by the general public, and the City will name the College as an additional insured on such policies.

C. General Provisions:

1. Community Committees: The parties agree that the City may convene a Program Review Committee and/or a Center Development and Community Advisory Committee as it determines appropriate. These committees shall be advisory to the Center Administrator.

2. Authority of the Center Administrator: The parties agree that the Center Administrator shall have management control of the center and the authority to coordinate all programming, including the scheduling of facility rental, and may refuse access to groups whose purpose or proposed activity is not aligned with the mission of the Center.

3. Funding Support. The College understands that outside funding may be utilized to meet the City's obligation for funding staff, utilities and other items listed above.

4. Term and Termination: The initial term of this agreement shall commence on November 1, 2020 and end on December 31, 2021. After the initial term, this agreement shall automatically renew annually for an additional one-year term unless terminated by either party upon 60 days' written notice. However, either party may terminate this agreement at any time for any or no reason upon 60 days' written notice to the other party.

5. Notice: Notice shall be provided as follows:

To the College:

Associate Vice President of Workforce & Community
Development
Washtenaw Community College
4800 Huron River Drive
Ann Arbor, Michigan 48105

With a copy to the EVP & Chief Financial Officer

To the City:

City Manager's Office, 4th floor
City of Ypsilanti
1 S. Huron St.
Ypsilanti, MI 48198

6. Legal Compliance and Nondiscrimination: Each party agrees and represents that it will comply with all applicable laws and regulations, including nondiscrimination laws, in the provision of services and fulfillment of its obligations under this memorandum.

7. Indemnification: Each party, to the fullest extent permitted by the laws of the State of Michigan and decisions thereunder, shall be liable for all personal injury and property damage (excluding attorneys' fees) which are attributable to the intentional or negligent actions or omissions of its officers, agents, or employees. To the extent allowed by law, each party agrees to indemnify and hold harmless the other party from all claims, actions, damages, and liability arising from the intentional or negligent actions or omissions of its officers, agents, or employees. Nothing in this provision shall be construed as a waiver of the sovereign immunity of either party.

8. Entire Agreement: This memorandum constitutes the entire agreement of the parties with regard to the subject matter covered herein. This agreement may not be altered or amended except in writing and signed by both parties.

CITY OF YPSILANTI

WASHTENAW COMMUNITY COLLEGE

By: _____

By: _____

Frances McMullan
City Manager

Dr. Rose Bellanca
President

Date: _____

Date: _____



REQUEST FOR LEGISLATION

TO: Mayor and City Council
FROM: Frances McMullan
DATE: October 20, 2020
SUBJECT: Discussion on PA 152 of 2011 Healthcare Cost Contributions for 2021

DESCRIPTION:

Discussion on PA 152 of 2011 Healthcare Cost Contributions for 2021

SUMMARY:

Each year, the City is required to comply with the Michigan Public Act 152 of 2011, as amended, in regard to employer paid health care benefits for employees. The "Act" provides the City with three options to comply with the law.

Option #1 – Take no action and comply with the Hard Cap Limits established by the state.

Option #2 – By majority vote, approve a 20% cost sharing by the employees.

Option #3 - By 2/3 vote of Council, elect the Opt Out Option and exempt itself from the requirements of the Act.

Option #1 would cost the City approximately \$1,108,430 and the employees approximately \$54,182 annually. (See Funding Options Graph)

Option #2 would cost the City approximately \$930,090 and the employees approximately \$232,522 annually.

Option #3 would cost the City approximately \$1,035,823.37 and the employees approximately \$126,789 annually.

Administration recommends Option #3 to Opt Out, thereby exempting itself from the requirements of the Act. This recommendation is due to the use of "Illustrative Rates" whereby the cost for retiree healthcare is not included in the calculation of the total cost for active employees. (Please see attachment regarding *Shelby Township v Command Officers Association of Michigan*.) Administration is recommending a 15% cost sharing by the employees of the illustrative rates which will keep the City within its budget allocation and at the same time not heavily burdening City employees.

Compared to last year, the City's total premium went down significantly due to the overall good health of our employees. By opting out, both the City and City employees will benefit from this decreased cost.

Recommended Action: Adopt the Opt Out Option as the City's choice of compliance with PA 152 of 2011, as amended, for 2021.

Attachments: Resolution, Funding Options, *Shelby Township v Command Officers Association of Michigan* Article

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Michigan Supreme Court Affirms Michigan Court of Appeals Decision in Case Regarding PA 152, Shelby Township v Command Officers Association of Michigan

November 9th, 2017

On November 1, 2017, the Michigan Supreme Court affirmed the December 15, 2015 Court of Appeals' judgment, which had affirmed the decision of the Michigan Employment Relations Commission (MERC) in the matter of *Shelby Township v Command Officers of Michigan*, 29 MPER ¶ 38 (2014). Among the issues that were decided: (1) whether the calculation and/or allocation of payments for medical benefit plan costs among represented employees under Michigan Public Act 152 of 2011 (PA 152) is a mandatory subject of bargaining pursuant to the Public Employee Relations Act, MCL §§ 423.201, *et seq.* ("PERA"), and (2) whether PA 152, alone or in conjunction with PERA, precludes a public employer's use of illustrative [insurance](#) rates (that include retiree [health insurance](#) costs) when calculating employer and employee contributions toward the cost of [health insurance](#) under PA 152.

This decision affirms the MERC ruling that, even though the employer's choice under PA 152 between the 80/20, hard cap, or opt-out options is not a mandatory subject of bargaining, once that choice is made, the public employer has a duty to bargain about the calculation of the Union members' premium shares, and how the total employee contributions are to be allocated between bargaining units.

Furthermore, the Supreme Court decision affirms that the public employer is prohibited from using blended [insurance rates](#) that include both active and retiree health insurance costs when calculating employer and employee contributions toward the cost of health insurance under PA 152. With respect to the bundled insurance rates, the Court of Appeals held: "[W]e conclude that MERC did not err as a matter of law when it determined that the Township could not use a rate for its employees' premiums that included benefits for retired employees. The definition of 'medical benefit plan' specifically excludes benefits to retired employees. The bundled rate used in this case included retirees' costs."



REQUEST FOR LEGISLATION

TO: Mayor and City Council
FROM: Kim Jones
DATE: October 20, 2020
SUBJECT: Current Health Care Plans for Employees and Retirees

DESCRIPTION:

Current Health Care Plans for Employees and Retirees

SUMMARY:

The City currently provides active employee and retiree health care benefit plans. The City is proposing the following plans for active employees:

BCBS Community Blue PPO – The City self-funds the first \$4,000/\$8,000 of this plan and the prescription coverage is self-funded by the City, through EHIM who administers the program. Employees pay a co-pay on each prescription. The out of pocket maximum for each employee is paid by the City. This option is only available to members of the IAFF as per their collective bargaining agreement.

BCBS Simply Blue PPO 3000 – This is a high deductible (\$3,000/\$6,000) plan and the City contributes to an H.S.A. depending on collective bargaining agreement.

BCN HMO H.S.A. – This is a high deductible (\$3,000/\$6,000) plan and the City contributes to an H.S.A. (\$2,000/\$4,000) regardless of collective bargaining agreement.

The retirees are covered by several different plans, depending on the collective bargaining agreement that the employee retired with, or Medicare eligibility. Retirees under age 65 and those not entitled to Medicare Part B are covered by a BCBS plan, with the prescription plan self-funded by the City. Depending on the retiree's plan, they may pay prescription copays, and some up front out of pocket deductibles. Retirees over age 65 that are eligible for Medicare Parts A & B are enrolled in a fully insured BCBS Medicare Advantage plan.

Recommended Action: Approval

Attachments: Resolution

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____

COY Illustrative Rates 2021 **ACTIVES**

Rates before Illustrative Rate Calculation Per Month							EMPLOYER	EMPLOYEE	HARD CAP	EMPLOYER	EMPLOYEE	80/20	EMPLOYER	EMPLOYEE	85/15			
Active							PA 152	PA 152	BIWEEKLY	ANNUAL	ANNUAL	BIWEEKLY	ANNUAL	ANNUAL	BIWEEKLY			
<i>PPO 4000 Plan with EHIM RX and WRAP</i>							2021	2021	2021	2021	2021	2021	2021	2021	2021			
	MONTHLY	ANNUAL	ANNUAL				HARD CAP	HARD CAP	EE CONTRIB	80/20	80/20	EE CONTRIB	85/15	85/15	EE CONTRIB			
	2021	2021	2021	ILLUSTRATIVE			2021	2021	2021	2021	2021	2021	2021	2021	2021			
	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total			
Single	Med	RX	WRAP	\$540.37	\$20.27	\$43.35	\$603.99	\$7,247.88	\$5,453.04	\$7,043.89	\$203.99	\$7.85	\$6,157.27	\$1,090.61	\$41.95	\$6,429.92	\$817.96	\$31.46
2 Person				\$1,296.89	\$48.66	\$78.85	\$1,424.40	\$17,092.80	\$12,785.28	\$14,730.96	\$2,361.84	\$90.84	\$14,535.74	\$2,557.06	\$98.35	\$15,175.01	\$1,917.79	\$73.76
Family				\$1,621.11	\$60.82	\$94.06	\$1,775.99	\$21,311.88	\$15,927.48	\$19,210.66	\$2,101.22	\$80.82	\$18,126.38	\$3,185.50	\$122.52	\$18,922.76	\$2,389.12	\$91.89
<i>BCN HSA 3000</i>							2021	2021	2021	2021	2021	2021	2021	2021	2021			
	Med/RX	HSA \$\$		Total	Total	ILLUSTRATIVE	HARD CAP	HARD CAP	EE CONTRIB	80/20	80/20	EE CONTRIB	85/15	85/15	EE CONTRIB			
Single				\$419.73	\$166.66	\$546.39	\$7,043.89	\$0.00	\$0.00	\$4,308.24	\$728.52	\$28.02	\$4,490.37	\$546.39	\$21.02			
2 Person				\$1,007.37	\$333.33	\$1,340.70	\$14,730.96	\$0.00	\$0.00	\$10,339.97	\$1,748.47	\$67.25	\$10,777.09	\$1,311.35	\$50.44			
Family				\$1,259.20	\$333.33	\$1,592.53	\$19,210.66	\$0.00	\$0.00	\$12,924.82	\$2,185.58	\$84.06	\$13,471.21	\$1,639.19	\$63.05			
<i>PPO HSA 3000</i>							2021	2021	2021	2021	2021	2021	2021	2021	2021			
	Med/RX	HSA \$\$		Total	Total	ILLUSTRATIVE	HARD CAP	HARD CAP	EE CONTRIB	80/20	80/20	EE CONTRIB	85/15	85/15	EE CONTRIB			
Single				\$572.82	\$250.00	\$822.82	\$7,043.89	\$0.00	\$0.00	\$5,879.59	\$994.25	\$38.24	\$6,128.15	\$745.69	\$28.68			
2 Person				\$1,374.77	\$500.00	\$1,874.77	\$14,730.96	\$1,766.28	\$67.93	\$14,111.04	\$2,386.20	\$91.78	\$14,707.59	\$1,789.65	\$68.83			
Family				\$1,718.46	\$500.00	\$2,218.46	\$19,210.66	\$1,410.86	\$54.26	\$17,638.75	\$2,982.77	\$114.72	\$18,384.44	\$2,237.08	\$86.04			



REQUEST FOR LEGISLATION

TO: Mayor and City Council
FROM: Ron Akers
DATE: October 20, 2020
SUBJECT: Purchase of Bobcat L28 Small Articulated Loader for \$33,054.40

DESCRIPTION:

Purchase of Bobcat L28 Small Articulated Loader for \$33,054.40

SUMMARY:

The Department of Public Service (DPS) has scheduled vehicle purchases in the budget to increase our capacity to perform certain tasks. One of those purchases is for a Bobcat L28 Small Articulated Loader to assist with our sidewalk snow removal operations. City Council made a decision last year to prioritize clearing our sidewalks within twenty-four (24) hours after the end of the snow event and this additional equipment is intended to help support that decision. One of the primary advantages of purchasing this equipment is its narrow width. The narrow width allows for our staff to more safely clear the snow off our bridges which have narrower sidewalks than most areas of the City.

The City of Ypsilanti is a member of the MiDeal program which is the State of Michigan's extended purchasing program which allows municipalities and other public agencies to purchase certain goods and services at State bid pricing. Purchasing programs like these comply with the City's purchasing policy and we are proposing to purchase the Bobcat L28 under this program.

RECOMMENDED ACTION:

Staff recommends City Council authorizes the purchase of a Bobcat L28 Small Articulated Loader for a purchase price of \$33,054.40.

ATTACHMENTS: Quote

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Bobcat

Product Quotation

Quotation Number: HMM-22535

Date: 2020-08-07 15:11:40

Customer Name/Location	Bobcat Delivering Dealer	ORDERS TO BE PLACED WITH: Contract Holder/Manufacturer
CITY OF YPSILANTI Attn: GARY BURCHWELL ONE SOUTH HURON STREET YPSILANTI, MI 48197 Phone: (734) 483-1421 Fax: (734) 483-1018	Diuble Equipment Inc, Ann Arbor, MI 4365 SOUTH PARKER ROAD ANN ARBOR MI 48103-9318 Phone: (734) 994-1313 Fax: (734) 994-7872	Clark Equipment Company dba Bobcat Company PO Box 6000, 250 E Beaton Dr West Fargo, ND 58078 Ph# 701-241-8719 Fax# 855.608.0681 Heather Messmer E Mail: heather.messmer@doosan.com

Description	Part No	Qty	Price Ea.	Total
Bobcat L28 Small Articulated Loader 24.8 HP Tier 4 Diesel Engine Telescopic Lift Arm (24" extension)Auxiliary Hydraulics: Variable Flow 12 GPM Articulation Lock Bar Backup Alarm Bob-Tach Operator Interlock Control System - Integrated in Left Arm Rest Controls: Forward & Reverse foot pedals with joystick controlled workgroup functions Engine/Hydraulic Systems Shutdown Glow Plugs (Automatically Activated) Horn Instrumentation: Engine Temperature & Fuel Gauges, Hourmeter, RPM and Warning Lights	M1403	1	\$28,664.80	\$28,664.80
Lift Arm Support Device LED Work Lights, 2-Front & 1-Rear Operator Canopy <ul style="list-style-type: none"> Includes: Cup holder, Adjustable Suspension Seat, Retractable Seat Belt Roll Over Protective Structure (ROPS) meets ISO 3471 Falling Object Protective Structure (FOPS) meets ISO 3449, Level I Parking Brake: Spring Applied, Pressure Released (SAPR) Tires: 23-10.50 x12 Turf (47" wide) Warranty: 1 years, or Unlimited hours whichever occurs first				
Heated Cab Comfort Package Heated enclosed cab wiper / washer	M1403-P01-C02	1	\$2,365.60	\$2,365.60
Power Bob-Tach	M1403-R06-C02	1	\$879.20	\$879.20
23X8.50-12 TURF	M1403-R09-C01	1	\$0.00	\$0.00
Radio	M1403-R26-C02	1	\$426.40	\$426.40
Traction Assist	M1403-R60-C02	1	\$718.40	\$718.40
Total of Items Quoted				\$33,054.40
Dealer Assembly Charges				\$0.00
Quote Total - US dollars				\$33,054.40

Notes:

ORDER ACCEPTED BY:

SIGNATURE

DATED

PRINT NAME AND TITLE

PURCHASE ORDER #

SHIP TO ADDRESS: _____

BILL TO ADDRESS (if different than Ship To): _____

Please include Tax Exempt Certificate with placed order.

****Prices per the Michigan Contract***

****Terms Net 30 Days. Credit cards accepted.***

****FOB Destination within the 48 Contiguous States.***

****Delivery: 60 to 90 days from ARO.***

****State Sales Taxes apply.***

****Please include Tax Exempt Certificate with placed order.****

****TID# 38-0425350***

****ORDERS MUST BE PLACED WITH: Clark Equipment Company dba Bobcat Company, Govt Sales,
PO Box 6000, 250 E. Beaton Drive, West Fargo, ND 58078.***

Prices & Specifications are subject to change. Applies to factory ordered units only.





REQUEST FOR LEGISLATION

TO: Mayor and City Council
FROM: Christopher Jacobs
DATE: October 20, 2020
SUBJECT: Sidewalk Café Extension Request

DESCRIPTION:

Sidewalk Café Extension Request

SUMMARY:

Since restaurants have reopened from the height of the COVID-19 pandemic there has been a steep increase in the number and size of outdoor dining areas in backlots, alleys, sidewalks, and utilizing the street closures. Although the street closures are set to expire on November 1, 2020 staff is still fielding requests about what is needed to continue outdoor dining in these other areas permitted under the sidewalk café permit. This is regulated by ordinance "§94-193 Sidewalk Cafes" and allows for this use until November 1, 2020. The attached resolution is needed to continue allowing for these outdoor dining options beyond October in areas except for the street which is still planned to reopen on November 1, 2020. Currently, only one restaurant is seeking to offer outdoor dining options under the sidewalk café permit beyond October and plans to use heat and ventilation in outdoor dining igloos. Others have expressed interest, but have concerns about the cost per square ft. to build such enclosures and keep patrons comfortable throughout a sometimes harsh Michigan winter. Many cities across the country and in our own state have allowed for outdoor dining beyond the traditional seasons because of the pandemic. Notably in Chicago, they have even offered a prize to crowdfund the best outdoor dining designs to handle an equally harsh climate this winter.

Staff recognizes the importance of outdoor dining this year as reports have indicated up to 80% of traffic now comes seeking outdoor dining options. These offerings have allowed our local restaurants to survive during a challenging year and there have been no outbreaks of COVID-19 tied to restaurants locally or within Washtenaw County. Although there is not currently a broad adoption of winter outdoor dining planned

locally, the City may consider allowing for it and it very well could gain popularity as consumer preferences and creative solutions like these are rapidly evolving.

RECOMMENDED ACTION: Staff is seeking Council to approve the resolution provided to extend the Sidewalk Café Permits issued in 2020 through May 2021 when the next application cycle of 2021 is set to begin.

ATTACHMENTS:

Resolution to extend sidewalk café permits

COMMENDED ACTION: (Approval)

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



REQUEST FOR LEGISLATION

TO: Mayor and City Council
FROM: Christopher Jacobs
DATE: October 20, 2020
SUBJECT: Residential Lot Program – 440 Second Ave and 448 S Huron St

DESCRIPTION:

Residential Lot Program – 440 Second Ave and 448 S Huron St

SUMMARY:

On January 19, 2016, the City adopted a property disposition policy allowing the city to sell city-owned vacant properties. Per this policy, City owned residential properties are made for sale and both 440 Second Ave and 448 S Huron Street meet the definitions of a "Sidelot" under the program. That is defined as a parcel of land with no structure that is zoned for residential use and that is abutted on no less than one side by a residential lot with a habitable structure. Under this same policy, preference for sale shall be given to the adjoining property owners that (1) own and have Homestead status on an adjoining parcel; (2) are current and have a record of staying current on all property taxes; and (3) have no outstanding tickets or property violations within the City of Ypsilanti. Furthermore, if more than one adjoining parcels meets the above criteria, the City shall split the City owned parcel 50/50 between the adjoining parcels. Adjoining property owners shall be able to purchase the sidelots for the amount of \$1 plus the cost of closing due prior to the closing of the property.

After options for sidelot sales have been explored, parcels may be sold to any interested party meeting the following conditions (1) Purchaser agrees if property is to be developed it will be maintained as a homestead use; (2) Purchaser is current on all property taxes and shall have no outstanding tickets or property violations in the City of Ypsilanti; (3) Purchaser agrees to repair or restore to any structure to habitable conditions within 1 year of purchase. Should the purchaser fail to meet these requirements, the City would be able to reclaim the property within the first year at the expense of the purchaser.

The purchase price of the property shall be the value \$1,000 plus closing costs and legal fees for preparation of the contract. Properties will be sold "as is" and hold no warranties. The applications will also be processed in the order they are received and will be first come first served. An application fee of \$50.00 will be taken when the application is submitted and will be taken out of the purchase price of the lot.

RECOMMENDED ACTION: Staff is seeking Council to approve the addition of 440 Second Ave and 448 S Huron to the Residential Lot Program.

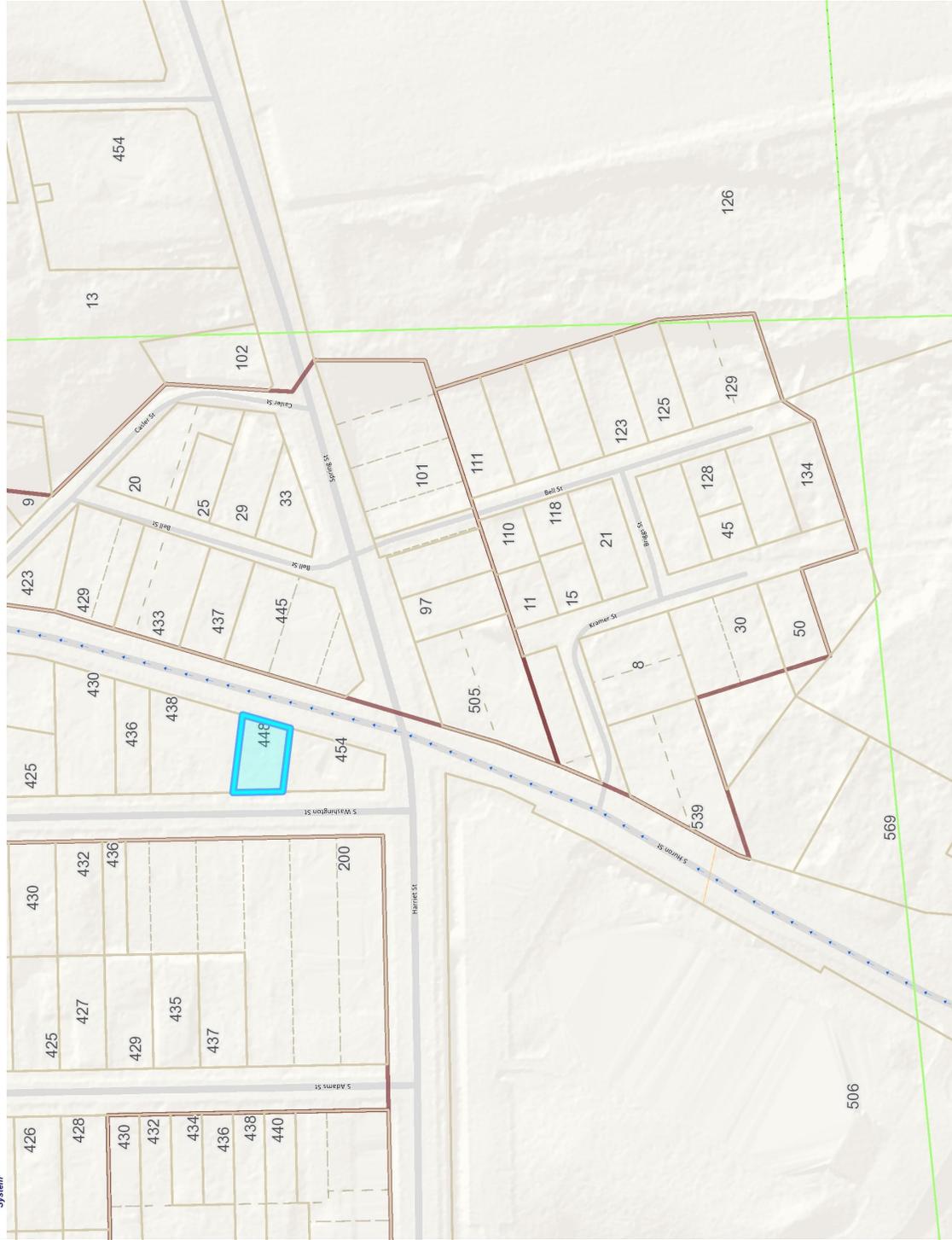
ATTACHMENTS:

Resolution to add 440 Second Ave and 448 S Huron to the Residential Lot Program

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



- Legend**
- Tax Parcel
 - Lot and Units
 - Quarter Sections
 - Sections
 - University and College
 - K12 Schools
 - Police Stations
 - Fire Stations
 - County Buildings
 - Local Unit Offices
 - Railroad
 - Close Roads OneWay
 - To-From
 - From-To
 - <all other values>
- Road Centerlines_2K**
- Collector
 - Freeway
 - Highway
 - Local
 - Major Arterial
 - Ramp

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NOTE: Parcels may not be to scale.
10/15/2020

Notes

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Resolution No. 2020-227
October 20, 2020

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, the United States of America, the State of Michigan and especially the City of Ypsilanti have been in a state of medical emergency because of the Covid 19 pandemic, and

Whereas, the Michigan Open Meetings Act (OMA) was amended by SB-1108 in response to said medical emergency to allow for virtual meetings of public bodies, and

Whereas, SB-1108 in section 3.(2) requires a public body to establish procedures for virtual meetings in accordance with the OMA,

Now Therefore, the following procedures are established in accordance with SB-1108 for all meetings of Ypsilanti City public bodies including City Council and all City boards and commissions:

1. **All meetings shall comply with the OMA.**
2. **All meetings shall be held in person except as stated below.**
3. **All meetings shall allow two-way communication with the public.**
4. **All meetings shall be Zoom virtual meetings until December 31, 2020.**
5. **All actions of Ypsilanti City Council at Zoom virtual meetings before this date are approved and ratified.**
6. **Meetings from January 1, 2021 to December 31, 2021 may be Zoom virtual meetings for reasons specified in the OMA including military duty, a medical condition or a statewide or local state of emergency or state of disaster that would risk personal health or safety of the members of the public and/or the public body if the meeting were held in person.**
7. **Any member of the public body (member) attending the meeting virtually from a location outside the state of Michigan for any reason other than medical shall publicly announce the fact at the beginning of**

#Resolution No. 2020-227

by Jennifer Rigterink <<http://blogs.mml.org/wp/inside208/?author=25>>

The Senate has concurred in Senate Bill 1108, as passed earlier today by the House of Representatives, and granted immediate effect. It will now be enrolled, printed and presented to the Governor for signature.

SB 1108 <<https://www.legislature.mi.gov/documents/2019-2020/billengrossed/Senate/pdf/2020-SEBH-1108.pdf>> amends the Open Meetings Act. Several changes were made including, but not limited to:

- * Retroactive application to March 18, 2020 to cover virtual meetings that have taken place since then.
- * Allows for the continuation of virtual meetings for any circumstances through December 31, 2020.
- * Allows for remote participation between January 1, 2021 - December 31, 2021 for specified circumstances including military duty, a medical condition, or a statewide or local state of emergency or state of disaster that would risk personal health or safety of the members of the public or the public body if the meeting were held in person.
- * Specifies that only members absent due to military duty or a medical condition may participate remotely. Any member not on military duty or does not have a medical condition must be physically present at the meeting (unless a state of emergency or disaster has been declared).
- * Requires members of the public body attending a meeting remotely after December 31, 2020 to declare, and be included in the meeting minutes, that the member is attending remotely and from where. This does not apply to members participating remotely due to military duty.

The League thanks everyone who reached out to their legislators to urge the timely passing of this bill! Please thank them if they supported.

<http://blogs.mml.org/wp/inside208/files/2020/10/IMG_4568-1-scaled.jpg>

<http://blogs.mml.org/wp/inside208/files/2020/10/IMG_4571-002-scaled.jpg>

**SUBSTITUTE FOR
SENATE BILL NO. 1108**

A bill to amend 1976 PA 267, entitled
"Open meetings act,"
by amending section 3 (MCL 15.263), as amended by 2018 PA 485, and
by adding section 3a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) All meetings of a public body ~~shall~~**must** be open
2 to the public and ~~shall~~**must** be held in a place available to the
3 general public. All persons ~~shall~~**must** be permitted to attend any
4 meeting except as otherwise provided in this act. The right of a
5 person to attend a meeting of a public body includes the right to
6 tape-record, to videotape, to broadcast live on radio, and to
7 telecast live on television the proceedings of a public body at a
8 public meeting. The exercise of this right does not depend on the

1 prior approval of the public body. However, a public body may
2 establish reasonable rules and regulations in order to minimize the
3 possibility of disrupting the meeting.

4 (2) All decisions of a public body ~~shall~~**must** be made at a
5 meeting open to the public. For purposes of any meeting subject to
6 this ~~subsection,~~**section**, except a meeting of any state legislative
7 body **at which a formal vote is taken**, the public body shall,
8 **subject to section 3a**, establish the following procedures to
9 accommodate the absence of any member of the public body due to
10 military duty, **medical condition, or a statewide or local state of**
11 **emergency declared pursuant to law or charter by the governor or a**
12 **local official or local governing body that would risk the personal**
13 **health or safety of members of the public or the public body if the**
14 **meeting were held in person:**

15 (a) Procedures by which the absent member may participate in,
16 and vote on, business before the public body, including, ~~if~~
17 ~~feasible,~~**but not limited to**, procedures that ~~ensure 2-way~~**provide**
18 **for both of the following:**

19 (i) **Two-way** communication.

20 (ii) **For each member of the public body attending the meeting**
21 **remotely from a location outside this state for a reason unrelated**
22 **to obtaining medical treatment, a public announcement at the outset**
23 **of the meeting by that member, to be included in the meeting**
24 **minutes, that the member is in fact attending the meeting remotely**
25 **from a location outside this state. This subparagraph does not**
26 **require the member to identify specifically where he or she is**
27 **physically located at the time of the meeting.**

28 (b) Procedures by which the public is provided notice of the
29 absence of the member and information about how to contact that

1 member sufficiently in advance of a meeting of the public body to
2 provide input on any business that will come before the public
3 body.

4 (3) All deliberations of a public body constituting a quorum
5 of its members ~~shall~~**must** take place at a meeting open to the
6 public except as provided in this section and sections 7 and 8.

7 (4) A person ~~shall~~**must** not be required as a condition of
8 attendance at a meeting of a public body to register or otherwise
9 provide his or her name or other information or otherwise to
10 fulfill a condition precedent to attendance.

11 (5) A person ~~shall~~**must** be permitted to address a meeting of a
12 public body under rules established and recorded by the public
13 body. The legislature or a house of the legislature may provide by
14 rule that the right to address may be limited to prescribed times
15 at hearings and committee meetings only.

16 (6) A person ~~shall~~**must** not be excluded from a meeting
17 otherwise open to the public except for a breach of the peace
18 actually committed at the meeting.

19 (7) This act does not apply to the following public bodies,
20 but only when deliberating the merits of a case:

21 (a) The Michigan compensation appellate commission operating
22 as described in either of the following:

23 (i) Section 274 of the worker's disability compensation act of
24 1969, 1969 PA 317, MCL 418.274.

25 (ii) Section 34 of the Michigan employment security act, 1936
26 (Ex Sess) PA 1, 421.34.

27 (b) The state tenure commission created in section 1 of
28 article VII of 1937 (Ex Sess) PA 4, MCL 38.131, when acting as a
29 board of review from the decision of a controlling board.

1 (c) The employment relations commission or an arbitrator or
2 arbitration panel created or appointed under 1939 PA 176, MCL 423.1
3 to 423.30.

4 (d) The Michigan public service commission created under 1939
5 PA 3, MCL 460.1 to 460.11.

6 (8) This act does not apply to an association of insurers
7 created under the insurance code of 1956, 1956 PA 218, MCL 500.100
8 to 500.8302, or other association or facility formed under that act
9 as a nonprofit organization of insurer members.

10 (9) This act does not apply to a committee of a public body
11 that adopts a nonpolicymaking resolution of tribute or memorial, if
12 the resolution is not adopted at a meeting.

13 (10) This act does not apply to a meeting that is a social or
14 chance gathering or conference not designed to avoid this act.

15 (11) This act does not apply to the Michigan veterans' trust
16 fund board of trustees or a county or district committee created
17 under 1946 (1st Ex Sess) PA 9, MCL 35.602 to 35.610, when the board
18 of trustees or county or district committee is deliberating the
19 merits of an emergent need. A decision of the board of trustees or
20 county or district committee made under this subsection ~~shall~~**must**
21 be reconsidered by the board or committee at its next regular or
22 special meeting consistent with the requirements of this act.

23 "Emergent need" means a situation that the board of trustees, by
24 rules promulgated under the administrative procedures act of 1969,
25 1969 PA 306, MCL 24.201 to 24.328, determines requires immediate
26 action.

27 **(12) As used in subsection (2):**

28 **(a) "Formal vote" means a vote on a bill, amendment,**
29 **resolution, motion, proposal, recommendation, or any other measure**

1 on which a vote by members of a state legislative body is required
2 and by which the state legislative body effectuates or formulates
3 public policy.

4 (b) "Medical condition" means an illness, injury, disability,
5 or other health-related condition substantiated in writing by an
6 appropriate medical provider without disclosure of any specific
7 diagnosis or other private medical information.

8 Sec. 3a. (1) A meeting of a public body held, in whole or in
9 part, electronically by telephonic or video conferencing in
10 compliance with this section and, except as otherwise required in
11 this section, all of the provisions of this act applicable to a
12 nonelectronic meeting, is permitted by this act in the following
13 circumstances:

14 (a) Before **January 1, 2021** and retroactive to April 30, 2020,
15 any circumstances, including, but not limited to, any of the
16 circumstances requiring accommodation of absent members described
17 in section 3(2).

18 (b) On and after **January 1, 2021 through December 31, 2021**,
19 only those circumstances requiring accommodation **of members absent**
20 **due to a medical condition or statewide or local state of emergency**
21 **as described in section 3(2)**.

22 (c) On and after **January 1, 2021**, only in the circumstances
23 **requiring accommodation of members absent due to military duty as**
24 **described in section 3(2)**.

25 (2) A meeting of a public body held electronically under this
26 section must be conducted in a manner that permits 2-way
27 communication so that members of the public body can hear and be
28 heard by other members of the public body, and so that public
29 participants can hear members of the public body and can be heard

1 by members of the public body and other participants during a
2 public comment period. A public body may use technology to
3 facilitate typed public comments during the meeting submitted by
4 members of the public participating in the meeting that may be read
5 to or shared with members of the public body and other participants
6 to satisfy the requirement under this subsection that members of
7 the public be heard by others during the electronic meeting and the
8 requirement under section 3(5) that members of the public be
9 permitted to address the electronic meeting.

10 (3) A physical place is not required for an electronic meeting
11 held under this section, and members of a public body and members
12 of the public participating electronically in a meeting held under
13 this section that occurs in a physical place are to be considered
14 present and in attendance at the meeting for all purposes.

15 (4) If a public body directly or indirectly maintains an
16 official internet presence, the public body shall, in addition to
17 any other notices that may be required under this act, post advance
18 notice of a meeting held electronically under this section on a
19 portion of the public body's website that is fully accessible to
20 the public. The public notice on the website must be included on
21 either the homepage or on a separate webpage dedicated to public
22 notices for nonregularly scheduled or electronic public meetings
23 that is accessible through a prominent and conspicuous link on the
24 website's homepage that clearly describes its purpose for public
25 notification of nonregularly scheduled or electronic public
26 meetings. Subject to the requirements of this section, any
27 scheduled meeting of a public body may be held as an electronic
28 meeting under this section if a notice consistent with this section
29 is posted at least 18 hours before the meeting begins. Notice of a

1 meeting of a public body held electronically must clearly explain
2 all of the following:

3 (a) Why the public body is meeting electronically.

4 (b) How members of the public may participate in the meeting
5 electronically. If a telephone number, internet address, or both
6 are needed to participate, that information must be provided
7 specifically.

8 (c) How members of the public may contact members of the
9 public body to provide input or ask questions on any business that
10 will come before the public body at the meeting.

11 (d) How persons with disabilities may participate in the
12 meeting.

13 (5) Beginning on the effective date of the amendatory act that
14 added this section, if an agenda exists for an electronic meeting
15 held under this section, a public body that directly or indirectly
16 maintains an official internet presence shall make the agenda
17 available to the public on the internet at least 2 hours before the
18 electronic meeting begins. This publication of the agenda does not
19 prohibit subsequent amendment of the agenda at the meeting.

20 (6) A public body shall not, as a condition of participating
21 in an electronic meeting of the public body held under this
22 section, require a person to register or otherwise provide his or
23 her name or other information or otherwise to fulfill a condition
24 precedent to attendance, other than mechanisms established and
25 required by the public body necessary to permit the person to
26 participate in a public comment period of the meeting.

27 (7) Members of the general public otherwise participating in a
28 meeting of a public body held electronically under this section are
29 to be excluded from participation in a closed session of the public

1 body held electronically during that meeting if the closed session
2 is convened and held in compliance with the requirements of this
3 act applicable to a closed session.

