

**CITY OF EAST LANSING  
REGULAR COUNCIL MEETING  
MINUTES  
February 7, 2012**

Present: Beard, Loomis, Power, Triplett, Goddeeris  
Absent: None

The meeting was called to order at 7:30 p.m. by Mayor Goddeeris. The meeting was held in Council Chambers of the 54-B District Court, 101 Linden Street, East Lansing.

**Item 1** **Approval of the Agenda**

---

It was moved by Goddeeris and seconded by Power to approve the agenda with the following addition:

**CONSENT AGENDA**

**Item #13 – New Item**

- Approval of the appointment of Andrew McGlashen to the Commission on the Environment for a full term expiring on December 31, 2014. Renumber subsequent items.

ALL YEAS  
MOTION CARRIED

**Item 2** **Approval of the Minutes**

---

It was moved by Beard and seconded by Triplett to approve the minutes of the January 17, 2012 regular meeting.

ALL YEAS  
MOTION CARRIED

**Item 3** **Special Presentations**

---

- Board and Commission members whose terms expired in 2011 and had served at least two full terms were thanked by Council and given a citation for community service and a personalized City of East Lansing padfolio.

Councilmember Power and David Lee, City Assessor, recognized Charlotte Sprinkel for her service on the Board of Review.

Councilmember Power and Howard Asch, Director of Code Enforcement and Neighborhood Conservation, recognized Liz Harrow for her service on the Building Board of Appeals.

Councilmember Power and Tim McCaffrey, Director of Parks, Recreation and Arts, recognized John Goddeeris for his service on the Parks and Recreation Advisory Commission.

Councilmember Power and Tim McCaffrey, Director of Parks, Recreation and Arts, recognized Charles Pearl for his service on the Parks and Recreation Advisory Commission.

Councilmember Loomis and Tim Schmitt, Historic Preservation Officer, recognized Paula Koppisch for her service on the Historic District Commission.

Councilmember Beard and Darcy Schmitt, Planning and Zoning Administrator, recognized Rebecca DeVooght for her service on the Planning Commission.

Councilmember Beard and Kelly Arndt, Prime Time Seniors' Program Director, recognized Ella (E.J.) Buss for her service on the Seniors' Commission.

- Juli Liebler, East Lansing Police Chief, introduced recently promoted Sergeant Tresha Neff, Sergeant Steve Gonzalez, and Officer Steve Naert.
- Juli Liebler, East Lansing Police Chief, and Officer Jay Young presented an overview of CrimeMapping.com, a program which pinpoints where, when, and what types of crimes have been committed in a geographical area. Chief Liebler said residents will be able to access this information.

#### **Item 4**

#### **Written Communication**

Between January 26 and February 7, 2012, Council received written communication:

- Tim Daman regarding regional cooperation
- Eliot Singer regarding reform agenda
- Roger Stuart regarding reissue and sale of 2012 DDA notes
- Thank you letter from Darnell Earley, City Manager finalist

#### **Item 5**

#### **Communication from Audience**

None

#### **Item 6**

#### **Communication from Mayor and Council Members**

Councilmember Power:

- No Report

Councilmember Loomis:

- No Report

Councilmember Beard:

- No Report

Mayor Pro Tem Triplett:

- Asked residents to submit recommendations via City website or City staff for Crystal Awards which will be held in April.

Mayor Goddeeris:

- Distributed to Council:
  - Map showing neighborhood borders
  - Organizational chart of East Lansing Police Department

**Item 7**

**Review of Work Session Actions**

Mayor Goddeeris reviewed the following actions taken at the work session of January 31, 2012:

1. Approved resolution opposing Public Act 297 and supporting action to preserve East Lansing’s “Other Eligible Individuals” policy.
2. Approved resolution in support of Medical Amnesty Legislation set forth in Michigan House of Representatives Bill 4393.
3. Approved employment contract between George Lahanas and the City Council of the City of East Lansing.

**Item 8**

**City Manager’s Report**

City Manager George Lahanas:

- Reported on 10<sup>th</sup> anniversary celebration of East Lansing Hannah Community Center.

**Item 9**

**City Attorney’s Report**

City Attorney Dennis McGinty:

- No Report

**Item 10**

**Public Hearing – Ordinance No. 1275**

Consideration of Ordinance No. 1275; an Ordinance to amend Section 2-362 of Division 6 – Human Relations Commission – of Article V – Boards and Commissions – of Chapter 2 – Administration, and Sections 22-31, 22-32, 22-33, 22-34, 22-35 and 22-39 of Article II – Civil Rights – of Chapter 22 – Human Relations, and Section 42-73 of Division 2 – Cable and Telecommunication Commission – of Article II – Administration and Enforcement – of Chapter 42 – Telecommunications – of the Code of the City of East Lansing.

Triplett said this Ordinance is recommended by the Human Relations Commission to clean up legal language, striking “transgender” and inserting “gender identity or expression.”

Goddeeris opened the public hearing on Ordinance No. 1275.

Seeing no one come forward, Goddeeris closed public hearing on Ordinance No. 1275.

It was moved by Triplett and seconded by Power to approve Ordinance No. 1275 as included in February 7, 2012 agenda packet.

ALL YEAS  
MOTION CARRIED

CITY OF EAST LANSING

ORDINANCE NO. 1275

AN ORDINANCE TO AMEND SECTION 2-362 OF DIVISION 6 - HUMAN RELATIONS COMMISSION - OF ARTICLE V - BOARDS AND COMMISSIONS - OF CHAPTER 2 - ADMINISTRATION AND SECTIONS 22-31, 22-32, 22-33, 22-34 22-35 AND 22-39 OF ARTICLE II - CIVIL RIGHTS - OF CHAPTER 22 - HUMAN RELATIONS - AND SECTION 42-73 OF DIVISION 2 - CABLE AND TELECOMMUNICATION COMMISSION - OF ARTICLE II - ADMINISTRATION AND ENFORCEMENT - OF CHAPTER 42 - TELECOMMUNICATIONS - OF THE CODE OF THE CITY OF EAST LANSING

**THE CITY OF EAST LANSING ORDAINS:**

Section 2-362 of Division 6 - Human Relations Commission - of Article V - Boards and Commissions - of Chapter 2 - Administration and Sections 22-31, 22-32, 22-33, 22-34 22-35 and 22-39 of Article II - Civil Rights - of Chapter 22 - Human Relations - and Section 42-73 of Division 2 - Cable and Telecommunication Commission - of Article II - Administration and Enforcement - of Chapter 42 are hereby amended to read as follows.

**Sec. 2-362. Duties.**

The human relations commission shall:

- (1) Protect and promote human dignity and respect for the rights of all individuals and groups within the city.
- (2) Study problems arising between groups or individuals in the city which may result in tensions, discrimination, or harassment on account of religion, race, color, national origin, age, height, weight, disability, sex, marital status, sexual orientation, gender identity or expression, student status, or because of the use by an individual of adaptive devices or aids.
- (3) Issue reports and make recommendations to the city council based upon its studies and findings from public hearings.
- (4) Formulate and carry out programs of community education, by itself or in cooperation with other agencies, organizations, or associations, public and private, for the purpose of discouraging and eliminating any such tensions, discrimination, harassment, or prejudice.
- (5) Review the status of social services provided to East Lansing residents, including the nature, quality, effectiveness, availability, and accessibility thereof. To this end, the commission shall maintain a liaison with appropriate local, county, and state government agencies, as well as private community service organizations.

- (6) Make recommendations concerning programs, and seek the establishment of programs that will provide a better quality of life in the areas of mental health and general health services, substance abuse services, and other services for the various populations of the city.
- (7) Establish procedures to mediate disputes between individuals, neighbors, and groups within the city which arise from discrimination contrary to the rights set forth in chapter 22, article II of this Code or any rules promulgated pursuant to this Code, or from tensions or prejudice.
- (8) Establish and implement procedures to receive, initiate, investigate, mediate, conciliate, adjust, dispose of, issue orders, and hold hearings on complaints as provided in section 22-38 of this Code alleging a violation of chapter 22, article II of this Code or any rules promulgated pursuant to this Code.
- (9) Recommend to the city council measures, including legislation, directed toward improving human relations within and among the various population groups of the city.
- (10) Recommend to the city council a written citizen participation plan for development of the annual community development program application to HUD.
- (11) Participate in the development of the annual community development application and recommendations with respect to the application and its supporting documentation to the city council.
- (12) Conduct at least one annual initial planning public hearing and one pre-submission public hearing on the development of the annual community development application.
- (13) Conduct at least one annual hearing on the performance of the community development program.
- (14) Submit the commission's assessment of the community development program's performance to the city council in an annual report.
- (15) Work with other units of government to meet the commission's duties and responsibilities and accomplish its goals.

**Sec. 22-31. Public policy.**

It is hereby declared to be contrary to the public policy of the City of East Lansing for any person to deny any other person the enjoyment of his/her civil rights or for any person to discriminate against any other person in the exercise of his/her civil rights or to harass any person because of religion, race, color, national origin, age, height, weight, disability, sex, marital status, sexual orientation, gender identity or expression, student status, or because of the use by an individual of adaptive devices or aids.

**Sec. 22-32. Definitions.**

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, except as otherwise provided by law.

*Commission* means the East Lansing Human Relations Commission.

*Disability* means that term as defined at section 103(d) of the Persons With Disabilities Civil Rights Act, Public Act No. 220 of 1976 (MCL 37.1103(d)).

*Gender identity or expression* means a person's actual or perceived gender, including a person's self-image, appearance, expression, or behavior, whether or not that self-image, appearance, expression, or behavior is different from that traditionally associated with the person's biological sex as assigned at birth.

*Marital status* means being single, divorced, widowed, separated or married, and the conditions associated therewith, including pregnancy and parenthood.

*National origin* includes the national origin of an ancestor, and shall include persons who are not naturalized citizens.

*Sex* includes, but is not limited to, pregnancy, childbirth, or a medical condition related to pregnancy, or childbirth. Discrimination because of sex includes sexual harassment which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of 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 public services, education, 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 public services, education, or housing.
- (3) Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education, or housing; or creating an intimidating, hostile, or offensive employment, public accommodation, public service, educational or housing environment.

*Sexual orientation* means being or regarded as being heterosexual, homosexual, bisexual, or having a history of such identification.

*Student status* refers to a person enrolled in an educational institution recognized by the State of Michigan in pursuit of a recognized degree.

*To harass* means to have physical conduct or communication which refers to an individual protected under this article, when such conduct or communication demeans or dehumanizes and has the purpose or effect of substantially interfering with an individual's

employment, public accommodations or public services, education, or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, public services, educational, or housing environment.

**Sec. 22-33. Employment.**

(a) As used in this section:

*Employer* means a person who has one or more employees and includes any agent of that person.

*Employment agency* means a person regularly undertaking, with or without compensation, to procure, refer, recruit, or place an employee for an employer, or to procure, refer, recruit, or place for an employer or person the opportunity to work for an employer and includes any agent of that person.

*Labor organization* includes an organization of any kind, an agency or employee representation committee, group, association, or plan in which employees participate and which exists for the purpose, in whole or in part, of dealing with employees concerning grievances, labor disputes, wages, rate of pay, hours, or other terms or conditions of employment.

(b) It is unlawful for an employer to:

(1) Limit, segregate, classify, fail or refuse to hire, to recruit, to discharge, or otherwise discriminate against an individual with respect to employment, compensation, or a term, condition, or privilege of employment, including a benefit plan or system, because of religion, race, color, national origin, age, disability, sex, height, weight, marital status, sexual orientation, gender identity or expression, or student status, or because of the use by an individual of adaptive devices or aids.

(2) Fail or refuse to hire, recruit, or promote an individual on the basis of physical or mental examinations that are not directly related to the requirements of the specific job.

(3) Discharge or take other discriminatory action against an individual on the basis of physical or mental examinations that are not directly related to the requirements of the specific job.

(4) Fail or refuse to hire, recruit, or promote an individual when adaptive devices or aids may be utilized thereby enabling that individual to perform the specific requirements of the job.

(5) Discharge or take other discriminatory action against an individual when adaptive devices or aids may be utilized thereby enabling that individual to perform the specific requirements of the job.

(6) Discriminate against a person with respect to hire, tenure, terms, conditions, or privileges of employment because of an arrest, detention, or disposition of a violation of a misdemeanor, felony, or local ordinance substantially corresponding to state law, when a conviction did not result,

other than employment by a law enforcement agency. This prohibition shall not apply to persons who have been convicted of a crime constituting a sexual offense, which shall include criminal sexual conduct in any degree, or a child abusive commercial activity, or child cruelty or child torture, or any act of violence against a child, or attempts to commit such offenses and who are employed or seeking employment with a licensed child care center or child caring institution, or who are employed or seeking employment with a licensed foster care facility or a facility contracted with by the community mental health board, or to persons who are employed or seeking employment with any business licensed by the city if the person will be in direct contact alone with a child or children. This section shall not apply to information relative to a felony charge before a charge is dismissed in cases where the charges involve a child victim or a mentally ill victim or a developmentally disabled victim and are still pending.

(7) Make, keep, or use an oral inquiry, form of application, or record that elicits or attempts to elicit information concerning the religion, race, color, national origin, age, disability, sex, height, weight, marital status, sexual orientation, gender identity or expression, student status or because of the use by an individual of adaptive devices or aids except where applicable under federal and state law, or local ordinance.

(c) An employer, labor organization, or employment agency shall not print, circulate, post, mail, or otherwise cause to be published a statement, advertisement, notice, or sign relating to employment by the employer, or relating to membership in or a classification or referral for employment by the labor organization, or relating to a classification or referral for employment by the employment agency, which indicates a preference, limitation, specification, or discrimination, based on religion, race, color, national origin, age, disability, sex, height, weight, marital status, sexual orientation, gender identity or expression, student status or use by an individual of adaptive devices or aids.

(d) This section shall not apply to the employment of an individual by his/her parent, spouse, or child.

(e) A person subject to this section may apply to the commission for an exemption on the basis that religion, national origin, age, sex, height, weight, marital status, sexual orientation, gender identity or expression, or student status is a bona fide occupational qualification reasonably necessary to the normal operation of the business or enterprise. Upon sufficient showing, the commission may grant an exemption to this section. An employer who does not obtain an exemption for such bona fide occupational qualification shall have the burden of establishing that the qualification is reasonably necessary to the normal operation of the business.

(f) An individual seeking employment shall not publish, or cause to be published, a notice or advertisement that specifies or indicates the individual's religion, race, color, national origin, age, sex, height, weight, marital status, disability, sexual orientation, gender identity or expression, student status, use by an individual of adaptive devices or aids, or expresses a preference, specification, limitation, or discrimination as to the religion, race, color, national origin, age, disability, height, weight, sex, marital status, sexual orientation, gender identity or expression, student status or use by an individual of adaptive devices or aids of a prospective employer.

(g) A contract to which the city, a political subdivision, or an agency thereof, is a party shall contain a covenant by the contractor and his/her subcontractors not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, including a benefit plan or system or a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, marital status, disability, sexual orientation, gender identity or expression, student status or use by an individual of adaptive devices or aids. Breach of this covenant may be regarded as a material breach of the contract.

(h) This section is also applicable to labor organizations, employment agencies, apprenticeships, and job training programs. In addition, a labor organization shall not discriminate in its membership practices nor fail to fairly represent its membership in a grievance process because of religion, race, color, national origin, age, disability, sex, height, weight, marital status, sexual orientation, gender identity or expression, student status or use by an individual of adaptive devices or aids.

#### **Sec. 22-34. Housing.**

(a) As used in this section:

*Housing accommodation* includes 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 the home or residence of one or more persons.

*Real estate broker or salesperson* means a person, whether licensed or not, who, for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents, or leases real property; negotiates or attempts to negotiate any of those activities; who holds himself/herself out as engaged in those activities; who negotiates or attempts to negotiate a loan secured or to be secured by a mortgage or other encumbrance upon real property; who is engaged in the business of listing real property in a publication; or a person employed by or acting on behalf of a real estate broker or salesperson.

*Real estate transaction* means the sale, exchange, rental, or lease of real property, or an interest therein.

*Real property* includes a building, structure, mobile home, real estate, land, mobile home park, trailer park, tenement, leasehold, or an interest in a real estate cooperative or condominium.

(b) The opportunity to purchase, lease, sell, hold, use, and convey dwelling houses or dwelling units or engage in any other type of real estate transaction as protected in this section or under state and federal law is hereby recognized and declared to be a civil right. This includes, but is not limited to seeking, inspecting, advertising, offering, or listing of real property without discrimination because of religion, race, color, national origin, age, height, weight, disability, sex, marital status, sexual orientation, gender identity or expression, student status, use of adaptive devices or aids, or legal source of income, except with respect to age or income only, where necessary to meet the requirements of federal, state, or local programs.

(c) It shall not be a violation of this section for the owner of an owner-occupied, one-family dwelling to restrict occupancy in the rental unit, or to the rental of a housing accommodation for not more than 12 months by the owner or lessor where it was occupied by him/her for at least three months immediately preceding occupancy by the tenant and is temporarily vacated while maintaining legal residence.

(d) A person to whom application is made for financial assistance or financing in connection with a real estate transaction or in connection with the construction, rehabilitation, repair, maintenance, or improvement of real property, or a representative of that person, shall not:

(1) Discriminate against the applicant because of the religion, race, color, national origin, age, height, weight, disability, sex, marital status, sexual orientation, gender identity or expression, student status, legal source of income, or the use by an individual of adaptive devices or aids of the applicant or a person residing with the applicant.

(2) Use a form of application for financial assistance or financing or make or keep a record of inquiry in connection with an application for financial assistance or financing which indicates, directly or indirectly, a preference, limitation, specification, or discrimination as to the religion, race, color, national origin, age, height, weight, disability, sex, marital status, sexual orientation, gender identity or expression, student status, source of legal income, or the use by an individual of adaptive devices or aids of the applicant or a person residing with the applicant, except that information relative to the age, marital status, or source of income may be obtained when necessary for the preparation of a deed or other recordable instrument or to meet the requirements of a federal, state, or local housing program.

(3) Subsection (d)(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 1750g (Supp. 1973) or by a regulatory board or officer acting under the statutory authority of this state or the United States.

(e) A person shall not represent, for the purpose of inducing a real estate transaction from which the person may benefit financially, that a change has occurred or will or may occur in the composition with respect to religion, race, color, national origin, age, height, weight, disability, sex, marital status, sexual orientation, gender identity or expression, student status, use by an individual of adaptive devices or aids, or legal source of income of the owners or occupants in the block, neighborhood, or area in which the real property is located, or represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located.

#### **Sec. 22-35. Public accommodations or services.**

(a) Definitions. As used in this section:

*Place of public accommodation* means a business, or an educational, refreshment, entertainment, recreation, health or transportation facility, or institution of any kind, whether

licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

*Public service* means a public facility, department, agency, board or commission, owned, operated, or managed by or on behalf of the state, a political subdivision, or an agency thereof, or a nonprofit organization, or a tax-exempt private agency established to provide service to the public.

(b) Prohibited practices. Except where permitted by law, a person shall not:

(1) Deny an individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation or public service because of religion, race, color, national origin, age, height, weight, disability, sex, marital status, sexual orientation, gender identity or expression, student status, or because of the use by an individual of adaptive devices or aids.

(2) Print, calculate, post, mail, or otherwise cause to be published a statement, advertisement, notice, or sign which indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation or public service will be refused, withheld from, or denied an individual because of religion, race, color, national origin, age, height, weight, sex, disability, marital status, sexual orientation, gender identity or expression, or student status, or because of an individual's use of adaptive devices or aids, or that an individual's patronage of, or presence at a place of public accommodation, is objectionable, unwelcome, unacceptable, or undesirable because of religion, race, color, national origin, age, height, weight, disability, sex, marital status, sexual orientation, gender identity or expression, or student status or because of the use by an individual of adaptive devices or aids.

#### **Sec. 22-39. Posting requirements.**

(a) Employer posting requirements. The city shall provide a notice as set forth in subparagraph (c) to all employers with places of business within the City of East Lansing which the employer shall post in a conspicuous area of their place of business, readily visible to employees.

(b) Rental unit posting requirements. The city shall include on all rental unit licenses the notice described in sub-paragraph (c) of this section. All owners of rental units and/or their legal agents required to display a rental unit license pursuant to provision ES-1005.11 of section 6-175 of chapter 6 of this Code, shall display the rental license in a manner that the notice contained in subparagraph (c) of this section is visible. Owners of class V rental licenses shall display the license and notice contained in subparagraph (c) of this section in their rental offices in a place readily visible to prospective tenants.

(c) Notice. The notice prepared by the city for posting pursuant to sub-paragraph (a) shall be capitalized, in no less than 12-point type and shall read as follows:

EAST LANSING ORDINANCES PROHIBIT DISCRIMINATION IN  
EMPLOYMENT, HOUSING, PUBLIC ACCOMMODATION AND PUBLIC

SERVICE BECAUSE OF RELIGION, RACE, COLOR, NATIONAL ORIGIN, AGE, HEIGHT, WEIGHT, DISABILITY, SEX, MARITAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, STUDENT STATUS, USE OF ADAPTIVE DEVICES OR AIDS OR LEGAL SOURCE OF INCOME.

PERSONS DENIED EQUAL OPPORTUNITY BECAUSE OF THESE REASONS MAY FILE A COMPLAINT WITH THE EAST LANSING HUMAN RELATIONS COMMISSION WITHIN 180 DAYS OF THE INCIDENT OF DISCRIMINATION. SEE ARTICLE II OF CHAPTER 22 OF THE CODE OF THE CITY OF EAST LANSING FOR DETAILS, OR CONSULT A LEGAL REPRESENTATIVE.

(d) Penalty. A person who violates this section is responsible for a civil infraction and is punishable as provided in section 1-13 of this Code.

**Sec. 42-73. Functions.**

The commission, in addition to any functions assigned to it elsewhere in this chapter, shall have the following functions:

- (1) To advise the council on cable, internet, technology and telecommunication policy as well as other issues involving any form of electromagnetic data transmission and telecommunications within the city of East Lansing rights-of-way.
- (2) To provide a public forum for East Lansing citizens relating to the provision of different cable and telecommunications services.
- (3) Upon request by the city council, to conduct public hearings on cable, internet, technology and telecommunication issues including, but not limited to, disagreements among franchisees, subscribers, and public and private users of a system. The

commission shall submit a report of its findings and recommendations to the city council following each public hearing.

- (4) To maintain a knowledge of current developments in cable, technology and telecommunications issues.
- (5) To review, monitor, and evaluate general policies relating to cable, internet, and telecommunication services provided to subscribers and the operation and use of public access to maximize the diversity of programs and services to East Lansing subscribers.
- (6) To promote and encourage use of public access channels and the internet among the widest range of institutions, groups, and individuals. Categories of users shall include, but not be limited to:
  - a. Local educational uses including libraries, schools, Lansing Community College, Michigan State University, and other institutions of higher learning.
  - b. Public users providing local programming under public control with guaranteed access without regard to race, religion, color, national origin, age, gender, marital status, sexual orientation, gender identity or expression, student status, disability, height or weight.

- c. Government users including city council and commissions and public safety users including police, fire, and disaster response departments.
  - d. Information retrieval and professional communication.
- (7) To encourage and cooperate with other systems and the interconnection of systems.
  - (8) To promote, encourage, and participate in the development and operation of a regional community media center with the advice and consent of the city council.
  - (9) To submit an annual report to the council regarding the commission's mission, work plan, and accomplishments, to include statistical information to the extent that it is available.
  - (10) To provide an annual account of franchise fees received and distributed, and the utilization of public channels, to include statistical information to the extent that it is available.
  - (11) To assume such additional responsibilities as may be assigned to it from time to time by the council.

## **Item 11**

## **Consent Agenda**

City Manager George Lahanas reviewed the Consent agenda:

1. Approval of the City Manager to sign a one (1) year renewal agreement with Hundred Acre Woods, Inc. of Williamston, Michigan and award a purchase order in the amount of \$68,788 for a Grounds Maintenance contract.
2. Approval of an engineering contract of Phase I of the new interceptor to the WWTP (Waste Water Treatment Plant) and the addition of the siphon to Hubbell, Roth & Clark, Inc. in the amount of \$551,642.70.
3. Approval of the appointment of Andrew McGlashen to the Commission on the Environment for a full term ending December 31, 2014.

It was moved by Beard and seconded by Power to approve the Consent agenda.

ALL YEAS  
MOTION CARRIED

## **Item 12**

## **Business Agenda**

### **1. Consideration of the Oakhill neighborhood sewer design study.**

Todd Sneathen, Director of Public Works and Environmental Services, briefed Council and answered questions on the need for an engineering study to determine the effect development will have on the existing infrastructure. Sneathen said the City's sewer fund would pay for the cost of the study.

Alice Dreger, 621 Sunset Lane, spoke regarding the need for a sewer study at this time.

Sneathen said there are capacity issues in this area and the study would provide data for the City to make good decisions.

It was moved by Triplett and seconded by Goddeeris to approve the Oakhill neighborhood sewer design study, to be paid for with City sanitary sewer funds.

Loomis said the study can be delayed 60 to 90 days, which would allow Council to have a clearer idea of development in the area.

YEAS – 4

NAYS – 1, Loomis

MOTION CARRIED

**2. Consideration of a resolution authorizing issuance and sale of 2012 Downtown Development Refunding Notes.**

Mary Haskell, Finance Director, reviewed the timetable of issuing 2009 Downtown Development Bond Anticipation Notes (BANs) which are due April 1, 2012. Haskell said, after consultation with bond counsel and financial consultant, options of long term and short term borrowing and recommendations of what is best for the City at the best price are presented to Council.

Warren Creamer, financial consultant, Baird and Associates, outlined re-financing options.

Council discussed rate, flexibility, risk, uncertainty of property use and ownership, and timing of decision.

Alice Dreger, 621 Sunset Lane, read correspondence from Chesterfield Hills resident Eliot Singer regarding issuance of Bond Anticipation Notes.

It was moved by Triplett and seconded by Beard to approve resolution authorizing issuance and sale of 2012 Downtown Development Refunding Notes, as included in February 7, 2012 Council agenda packet.

Council discussed impact on residents, flexibility and caution, short call and low rate on notes, and uncertain future.

ALL YEAS

MOTION CARRIED

**City of East Lansing**  
**Counties of Ingham and Clinton, State of Michigan**  
**RESOLUTION AUTHORIZING ISSUANCE AND SALE OF**  
**2012 DOWNTOWN DEVELOPMENT REFUNDING NOTES**

A RESOLUTION TO APPROVE:

- Up to \$6,000,000 of Notes to refund the 2009 Bond Anticipation Notes issued to purchase land for public infrastructure for City Center II;
- Director of Finance authorized to apply to State Treasury for necessary approval to issue the Notes;
- City to pay Notes from Downtown Development Bonds, when issued, or DDA Revenues;
- Pledge of City's Limited Tax Full Faith and Credit;

- Director of Finance authorized to sell Notes without further Council Resolution;
- Other matters relative to sale and delivery of Notes.

### **PREAMBLE**

WHEREAS, the City of East Lansing, Michigan (the “City”) has previously established the Downtown Development Authority of the City of East Lansing (the “DDA”) pursuant to Act 197, Public Acts of Michigan, 1975, as amended (the “DDA Act”); and

WHEREAS, the City Council has approved the DDA’s City Center Amended and Restated Tax Increment Financing and Development Plan #2 (“DDA Plan #2”); and

WHEREAS, as part of the DDA’s development program described in DDA Plan #2, the DDA is undertaking to acquire and construct public infrastructure improvements for the mixed use development project known as City Center II including parking structures, pedestrian walkways, public theater and exhibition space, water, sewer, street, streetscape, sidewalk, and related site acquisition (the “Public Infrastructure Project”); and

WHEREAS, the City intends to issue bonds to finance the Public Infrastructure Project as authorized by Section 16(1) of the DDA Act (the “Bonds”), and to pay the principal of and interest on the Bonds from DDA tax increment revenues; and

WHEREAS, the City published a Notice of Intent to issue the Bonds in an amount not to exceed \$30,000,000 and right of referendum in *The Lansing State Journal* on Thursday, September 18, 2008 in compliance with the requirements of Section 5(g) of Act 279, Public Acts of Michigan, 1909, as amended, and no referendum on issuance of the Bonds is required; and

WHEREAS, in June 2009 the City financed acquisition of a portion of the site for the Public Infrastructure Project by issuing the \$5,495,000 2009 Downtown Development Bond Anticipation Note (the “2009 Note”) in anticipation of issuance of the Bonds; and

WHEREAS, due to unexpected events, the Bonds will not be delivered prior to April 1, 2012, the maturity date of the 2009 Note; and

WHEREAS, the City still anticipates that the Public Infrastructure Project will be constructed and financed through issuance of the Bonds; and

WHEREAS, under the provisions of the Revised Municipal Finance Act, Act 34, Public Acts of Michigan, 2001, as amended (“Act 34”), a City may issue its notes to refund a short-term municipal security such as the 2009 Note; and

WHEREAS, the City Council deems it necessary to borrow the estimated principal amount of not to exceed Six Million Dollars (\$6,000,000) and issue notes pursuant to the provisions of Act 34 for the purpose of refunding the 2009 Note; and

WHEREAS, prior to selling a note to refund the 2009 Note, the City will need to apply to State Treasury for an exception from certain requirements of Act 34, and the City Council wishes to authorize the Director of Finance to submit the necessary application; and

WHEREAS, Act 34 permits the City to authorize, within limitations which shall be contained in the authorization resolution of the governing body, an officer of the City to sell,

deliver, and receive payment for municipal securities and to approve fixed interest rates, variable interest rates, or methods for fixing interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights at the option of the City or the holder, the place of delivery and payment, and other matters and procedures necessary to complete the transactions authorized; and

WHEREAS, the City Council wishes to authorize the Director of Finance to sell and deliver and receive payment for the proposed issue of notes through negotiated sale without the necessity of the City Council taking further action prior to sale and delivery of the notes.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Issuance of Refunding Notes. The City shall issue its notes designated as the 2012 DOWNTOWN DEVELOPMENT REFUNDING NOTES (the "Notes") in the aggregate principal sum of not-to-exceed Six Million Dollars (\$6,000,000) for the purpose of paying costs of refunding the 2009 Note, including the costs incidental to the issuance, sale and delivery of the Notes.

The Notes shall be issued as fully registered notes to be dated the date of delivery thereof or such other date as may be determined by the Director of Finance at the time of sale of the Notes. The Notes shall bear interest at a fixed or variable rate or rates as determined by the Director of Finance at the time of sale of the Notes. The maximum average annual interest rate on the Notes shall not exceed the maximum interest rate per annum imposed by Section 305 of Act 34. The Notes shall be payable in the principal amounts, at the times and in the manner determined by the Director of Finance at the time of sale of the Notes; provided, however, that the final principal payment shall be due not later than the earlier of three years from the date of issuance or 60 days after the expected date of issuance of the Bonds.

The principal of the Notes shall be payable at the City Treasurer's office or at a bank or trust company to be designated by the Director of Finance as registrar and transfer agent for the Notes (the "Transfer Agent"). The Notes shall be registered as to principal and interest and shall be in the denomination of \$5,000 or integral multiples of \$5,000 not exceeding for each maturity the maximum principal amount of such maturity, dated as of the date of delivery thereof or such other date as may be determined by the Director of Finance at the time of sale of the Notes, and numbered as determined by the Transfer Agent. The Notes may be issued in book-entry-only form through The Depository Trust Company in New York, New York ("DTC").

The principal of and interest on the Notes shall be payable, by check drawn on the Transfer Agent mailed to the registered owner at the registered address, as shown on the registration books of the City maintained by the Transfer Agent. Interest shall be payable to the registered owner of record as of the fifteenth day of the month prior to the payment date for each interest payment. The date of determination of the registered owner for purposes of payment of interest as provided in this paragraph may be changed by the City to conform to market practice in the future. The principal of the Notes shall be payable at the designated trust office of the Transfer Agent upon presentation and surrender of the Notes. Notwithstanding the foregoing, if the Notes are held in book-entry form by DTC, payment shall be made in the manner prescribed by DTC.

The Director of Finance is authorized to execute an agreement with the Transfer Agent on behalf of the City. The City may designate a new Transfer Agent by notice mailed

to the registered owner of each of the Notes at such time outstanding not less than sixty (60) days prior to an interest payment date.

The Director of Finance is authorized to execute such custodial or other agreement with DTC as may be necessary to accomplish the issuance of the Notes in book-entry-only form.

The Notes shall be subject to redemption prior to maturity at the option of the City or the noteholders as determined by the Director of Finance at the time of sale of the Notes. Unless waived by any registered owner of Notes to be redeemed, official notice of redemption shall be given by the Transfer Agent on behalf of the City and shall conform to the requirements set forth in the Notes. Such notice shall be dated and shall contain at a minimum the following information: original issue date; maturity dates; interest rates; CUSIP numbers, if any; certificate numbers (and in the case of partial redemption) the called amounts of each certificate; the redemption date; the redemption price or premium; the place where Notes called for redemption are to be surrendered for payment; and that interest on Notes or portions thereof called for redemption shall cease to accrue from and after the redemption date.

In addition, further notice shall be given by the Transfer Agent in such manner as may be required or suggested by regulations or market practice at the applicable time, but no defect in such further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as prescribed herein.

The Notes shall be executed in the name of the City with the manual or facsimile signatures of the Mayor and the City Clerk, and the corporate seal of the City shall be manually impressed or a facsimile thereof shall be printed on the Notes. No Note authorized under this resolution shall be valid until authenticated by an authorized representative of the Transfer Agent unless the purchaser thereof does not require the Notes to be authenticated. If the Notes are not authenticated, then at least one signature on the Notes shall be a manual signature. The Notes shall be delivered to the Transfer Agent for authentication and be delivered by the Transfer Agent to the purchaser or other person in accordance with instructions from either the Director of Finance or the Treasurer of the City upon payment of the purchase price for the Notes in accordance with the purchase contract for the Notes. Executed blank Notes for registration and issuance to transferees may simultaneously, and from time to time thereafter as necessary, be delivered to the Transfer Agent for safekeeping.

2. Pledge for Payment of Notes. The principal of and interest on the Notes shall be paid from proceeds of the Bonds. The City intends to pay the principal and interest of the Notes which become due before the issuance of the Bonds from DDA Revenues transferred to the City. In the event of the insufficiency of DDA Revenues, the limited tax full faith and credit and resources of the City are hereby pledged for the prompt payment of principal of and interest on the Notes, and the Notes shall be payable as a first budget obligation from the general funds of the City and, if necessary, the City shall levy taxes upon all taxable property in the City subject to applicable constitutional, statutory and charter tax rate limitations. As additional security for the Notes, the City hereby pledges for payment of principal and interest on the Notes all payments made to the City by the DDA from the DDA Revenues.

3. Note Form. The Notes shall be substantially in the following form with such changes as may be necessary to conform the Notes to the final terms of sale, including, but

not limited to, conversion to a single fully-registered nonconvertible note and interest rate provisions if the Notes are sold at a variable rate:

United States of America  
State of Michigan  
Counties of Ingham and Clinton

CITY OF EAST LANSING  
2012 DOWNTOWN DEVELOPMENT REFUNDING NOTE  
(GENERAL OBLIGATION LIMITED TAX)

<u>Interest Rate</u>	<u>Date of Maturity</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
_____ %	_____ 1, _____	_____ 1, 2012	
Registered Owner:	_____		
Principal Amount:	_____ (\$_____,000) Dollars		

The CITY OF EAST LANSING, Counties of Ingham and Clinton, State of Michigan (the "City"), acknowledges itself to owe and for value received, hereby promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Date of Maturity specified above, unless prepaid prior thereto as hereinafter provided, with interest thereon (computed on the basis of a 360-day year consisting of twelve 30-day months) from the Date of Original Issue specified above or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, first payable on \_\_\_\_\_ 1, 201\_\_ and semiannually thereafter. Principal of this note is payable upon presentation and surrender hereof at the principal corporate trust office of \_\_\_\_\_, \_\_\_\_\_, Michigan, or such other transfer agent as the City may hereafter designate by notice mailed to the registered owner of record not less than sixty (60) days prior to any interest payment date (the "Transfer Agent"). Interest on this note is payable by check or draft mailed by the Transfer Agent to the person or entity who or which is as of the fifteenth (15th) day of the month preceding each interest payment date, the registered owner of record, at the registered address.

This note is issued by the City under Act 34, Public Acts of Michigan, 2001, as amended ("Act 34") and a resolution of the City Council adopted on \_\_\_\_\_, 201\_\_ , in anticipation of bonds to be issued by the City pursuant to Act 197, Public Acts of Michigan, 1975, as amended, for the purpose of refunding a note previously issued to pay part of the costs of acquiring property (the "Project") as part of the development program described in Amended and Restated City Center Tax Increment Financing Plan #2 of the Downtown Development Authority of the City of East Lansing (the "Tax Increment Financing Plan").

This note, including the interest thereon, is payable from the proceeds of bonds to be issued by the City to pay the costs of the Project and to redeem this note. The City has also pledged its full faith and credit for the payment of this note, which is payable as a first budget obligation from the general fund of City and from taxes imposed on all taxable property in the City subject to applicable constitutional, statutory and charter tax rate limitations. As additional security for the payment of this note, the City has pledged revenues to be received

by the City from the Downtown Development Authority of the City of East Lansing pursuant to its Tax Increment Financing Plan.

This note or portions hereof in multiples of \$5,000 shall be subject to redemption at the option of the City by lot on any date on or after \_\_\_\_\_ 1, 20\_\_ at par plus accrued interest to the date fixed for redemption.

In case less than the full amount of the outstanding note is called for redemption, the Transfer Agent, upon presentation of this note for redemption, shall register, authenticate and deliver to the registered owner a new note of the same maturity and in the principal amount of the portion of the original note not called for redemption.

Notice of redemption shall be given to the registered owner of this note by mailing such notice not less than thirty (30) days prior to the date fixed for redemption to the registered owner at the address of the registered owner as shown on the registration books of the City. This note may be redeemed in part in multiples of \$5,000. The notice of redemption for this note if redeemed in part shall state that, upon surrender of the note for redemption, a new note in the principal amount equal to the unredeemed portion of the note shall be issued to the registered owner thereof with the same interest rate and maturity. No further interest on this note or portion hereof called for redemption shall accrue after the date fixed for redemption, whether the note has been presented for redemption or not, provided funds are on hand with the Transfer Agent to redeem the note or portion thereof.

This note may be transferred by the person in whose name it is registered, in person or by the registered owner's duly authorized attorney or legal representative, upon surrender of the note to the Transfer Agent for cancellation, together with a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever this note is surrendered for transfer, the Transfer Agent shall authenticate and deliver a new note in like principal amount, interest rate and maturity. The Transfer Agent shall require the noteholder requesting the transfer to pay any tax or other governmental charge required to be paid with respect to the transfer. The Transfer Agent shall not be required to issue, register the transfer of, or exchange this note during a period beginning at the opening of business 15 days before the day of the mailing of a notice of redemption and ending at the close of business on the day of that mailing.

It is hereby certified and recited that all acts, conditions and things required to be done, exist and happen, precedent to and in the issuance of this note, in order to make it a valid and binding obligation of the City have been done, exist and have happened in regular and due form and time as provided by law, and that the total indebtedness of the City, including this note, does not exceed any constitutional, statutory or charter debt limitation.

This note is not valid or obligatory for any purpose until the Transfer Agent's Certificate of Authentication on this note has been executed by the Transfer Agent.

IN WITNESS WHEREOF, the City, by its Council, has caused this note to be signed in the name of the City by [the facsimile signatures of] its Mayor and Clerk, and a facsimile of its corporate seal to be [manually impressed/printed] hereon, all as of the Date of Original Issue.



5. Prior Redemption of 2009 Note. At the discretion of the Director of Finance, the City may call the 2009 Note for redemption prior to maturity, and in this event the Director of Finance shall direct the Transfer Agent for the 2009 Note to take all steps necessary to call the 2009 Note for redemption prior to maturity.

6. Purchase of Securities to Refund 2009 Note. The Director of Finance is hereby authorized to purchase, or cause to be purchased, from proceeds of the Notes government obligations including, but not limited to, United States Treasury Obligations – State and Local Government Series (SLGS), in an amount sufficient to pay the principal of and interest 2009 Note at maturity or prior redemption.

7. Escrow Fund. At the discretion of the Director of Finance, the City may designate a bank or trust company to serve as escrow trustee (the “Escrow Agent”) and enter into an Escrow Agreement (the “Escrow Agreement”) with the Escrow Agent in order to secure payment of the 2009 Note. The Escrow Agreement will provide for the creation of an escrow fund (the “Escrow Fund”) and shall irrevocably direct the Escrow Agent to hold the Escrow Fund in trust for the payment of the principal of and interest on the 2009 Note. The Director of Finance is hereby authorized to execute and deliver the Escrow Agreement. The Director of Finance is hereby authorized to transfer monies from the 2009 Downtown Development Bond Anticipation Notes Debt Retirement Fund to the Escrow Fund to be invested as provided in the Escrow Agreement and to be used, together with proceeds of the Notes, to pay principal of and interest on the 2009 Note.

8. Proceeds of Notes. The Director of Finance shall deposit the accrued interest and premium, if any, received from proceeds of sale of the Notes in the 2012 Debt Retirement Fund to be used to pay interest on the Notes on the first interest payment date, provided, however, that at the discretion of the Director of Finance, all or a portion of any premium received upon delivery of the Notes may be deposited in the Escrow Fund.

The Director of Finance shall next deposit from Note proceeds to the Escrow Fund, if an Escrow Agent is appointed, and otherwise to the 2009 Downtown Development Bond Anticipation Notes Debt Retirement Fund, an amount which, together with investment proceeds to be received thereon, will be sufficient, without reinvestment, to pay the principal of and interest 2009 Note at maturity or prior redemption. These proceeds may be invested in government obligations as provided in this Resolution.

The remaining proceeds of the Notes shall be used to pay the costs of issuance of the Notes and any costs of refunding the 2009 Note. At the option of the Director of Finance, the costs of the issuance and costs of refunding the 2009 Note may be paid from a fund established for that purpose in the Escrow Agreement. Any monies remaining after payment of costs of issuance and costs of refunding the 2009 Note shall be transferred to the 2012 Debt Retirement Fund.

9. Tax Covenant. The City shall not invest, reinvest or accumulate any moneys deemed to be proceeds of the Notes pursuant to the Internal Revenue Code in such a manner as to cause the Notes to be “arbitrage bonds” within the meaning of the Internal Revenue Code. The City hereby covenants that, to the extent permitted by law, it will take all actions within its control and that it shall not fail to take any action as may be necessary to maintain the exemption of interest on the Notes from gross income for federal income tax purposes, including but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure and investment of Note proceeds and moneys deemed to be Note

proceeds, all as more fully set forth in the Non-Arbitrage and Tax Compliance Certificate to be delivered by the City on the date of delivery of the Notes. The City Council hereby determines that it reasonably expects to finance the Public Infrastructure Project within three years of adoption of this resolution through issuance of the Bonds with an expected maturity of 20 years.

10. Bank Qualification. If the Director of Finance determines that the City does not intend to issue, or to authorize to be issued on its behalf, tax-exempt obligations in the aggregate amount of \$10,000,000 or more within the 2012 calendar year, then the City designates the Notes as “qualified tax-exempt obligations” for purposes of deduction of interest expense by financial institutions under the Internal Revenue Code. Only the amount of the Notes in excess of the amount of the 2009 Note is taken into account for purposes of the \$10,000,000 limit. Designation of the Notes as “qualified tax-exempt obligations” as described in this section shall be evidenced by execution of the Non-Arbitrage and Tax Compliance Certificate or other certificate to be delivered by the City in connection with delivery of the Notes.

11. Application to Michigan Department of Treasury. The Director of Finance is hereby authorized to file such applications or other documents with the Michigan Department of Treasury or other parties as may be necessary or advisable to effectuate the sale and delivery of the Notes, including an application to the Michigan Department of Treasury for exception from the requirements of Section 611(1) of Act 34.

12. Sale of Notes. The City Council hereby determines to sell the Notes at a negotiated sale instead of a competitive sale for the reason that a negotiated sale will permit the City to obtain Note proceeds more quickly and permit negotiation of more favorable terms for prepayment prior to maturity.

If Robert W. Baird & Co. Incorporated (“Baird”) offers to act as managing underwriter for Notes, then the City Council hereby authorizes the Director of Finance, at her discretion, to name Baird as managing underwriter for the Notes and to negotiate sale of the Notes to Baird.

The Director of Finance is hereby authorized in her discretion to negotiate private placement sale of the Notes to one or more financial institutions or other purchasers with experience in the municipal bond market. If Baird offers to act as placement agent to assist the City in arranging the sale of the Notes to a financial institution or other purchaser with experience in the municipal bond market, then the City Council hereby authorizes the Director of Finance, at her discretion, to name Baird as placement agent for the Notes.

By adoption of this resolution the City assumes no obligations or liability to Baird or the purchasers of the Notes for any loss or damage that may result to Baird or any purchaser of the Notes from the adoption of this resolution, and all costs and expenses incurred by Baird or the purchasers of the Notes in preparing for sale of the Notes shall be paid from the proceeds of the Notes, if the Notes are issued, except as may be otherwise provided in the purchase agreement or placement agreement to be signed by the Director of Finance at the time of sale of the Notes.

13. Note Counsel. The City hereby requests Miller, Canfield, Paddock and Stone, P.L.C. to continue to serve the City as note counsel with respect to the Notes, notwithstanding representation by Miller, Canfield, in matters unrelated to the Notes, of financial institutions or underwriters which might be potential purchasers of the Notes or

which might act as Transfer Agent for the Notes. The City Council hereby acknowledges that Miller, Canfield, Paddock and Stone, P.L.C., represents Robert W. Baird & Co. Incorporated and many other municipal bond underwriters, banks, and financial institutions in connection with matters unrelated to issuance of the Notes.

14. Ratings and Insurance. The Director of Finance is hereby authorized in her discretion to apply for ratings on the Notes from such municipal bond rating agencies as she deems appropriate. If Baird recommends that the City consider purchase of municipal bond insurance, then the Director of Finance is hereby authorized and directed to negotiate with insurers, and, in consultation with the Baird, to select an insurer and determine which Notes, if any, shall be insured.

15. Preliminary Official Statement. The Director of Finance is authorized to approve circulation of a Preliminary Official Statement describing the Notes and to deem such Preliminary Official Statement “final” for purposes of compliance with Securities and Exchange Commission Rule 15c2-12 (“Rule 15c2-12”). In the event that the Notes are sold through private placement, then in place of a Preliminary Official Statement the Director of Finance may provide potential purchasers of the Notes with a private placement memorandum or offering circular or other information on the City as she may determine will enable the potential purchasers to make the investment decision to purchase the Notes.

16. Sale of Notes. The Director of Finance is hereby authorized, on behalf of the City, subject to the provisions and limitations of this resolution, to negotiate sale of the Notes and to accept an offer to purchase the Notes without further resolution of this City Council. This authorization includes, but is not limited to, determination of original principal amount of the Notes, interest rates or method for fixing interest rates, the prices at which the Notes are sold; underwriter’s discount for the Notes, the fee of the placement agent, the date of the Notes; the maturity date; the provisions for early redemption; and payment dates.

The net interest cost of the Notes shall not exceed 5.00% per annum if the Notes are sold at a fixed rate. If the Notes are sold at a variable rate, then the maximum average annual interest rate on the Notes shall not exceed the maximum interest rate per annum imposed by Section 305 of Act 34. The underwriter’s discount for the Notes shall not be greater than 1.00% of the principal amount of the Notes.

In making such determinations the Director of Finance is authorized to rely upon data and computer runs provided by Baird. Approval of the matters delegated to the Director of Finance under this resolution may be evidenced by execution by the Director of Finance of a purchase agreement or other acceptance of an offer to purchase the Notes, a placement agreement, Official Statement or private placement memorandum or offering circular.

The Director of Finance is authorized to sign a purchase agreement or other acceptance of an offer to purchase the Notes on behalf of the City. If the Notes are sold through a placement agent, the Director of Finance is authorized to sign a placement agreement with Baird.

17. Final Official Statement. After sale of the Notes, the Director of Finance is authorized to prepare, execute and deliver a final Official Statement, private placement memorandum or offering circular describing the Notes, provided that an Official Statement does not need to be prepared if the Notes are sold through private placement and the purchasers of the Notes do not require an Official Statement.

18. Continuing Disclosure Undertaking. The Director of Finance is authorized to execute a Continuing Disclosure Undertaking on behalf of the City in such form as she shall, in consultation with Note counsel, determine appropriate in order to permit the purchasers of the Notes to comply with the requirements of Rule 15c2-12.

19. Verification Agent. The Director of Finance is hereby authorized, at her discretion, to select an independent certified public accountant to serve as verification agent to verify that the securities and cash to be deposited to the Escrow Fund or the 2009 Downtown Development Bond Anticipation Notes Debt Retirement Fund will be sufficient to provide, at the times and in the amounts required, sufficient moneys to pay the principal of and interest on the 2009 Note.

20. Issuance of 2009 Note. Council hereby determines that issuance of the 2009 Bond Anticipation Note constituted the issuance of bonds of the City under Chapter 12 of the City Charter, and the Notes and any bonds issued to refund the Notes are refunding bonds authorized by Act 34.

21. Other Actions. In the event that the Director of Finance is not available to undertake responsibilities delegated to her under this resolution, then the Treasurer or other city official designated by the Director of Finance is authorized to take such actions. The officers, administrators, agents and attorneys of the City are authorized and directed to take all other actions necessary and convenient to facilitate issuance and sale of the Notes, and to execute and deliver all other agreements, documents and certificates and to take all other actions necessary or convenient to complete the issuance, sale and delivery of the Notes in accordance with this resolution, and to pay costs of issuance including but not limited to bond insurance, transfer agent fees, escrow agent fees, verification agent fees, note counsel fees, rating agency fees, placement agent fees, costs of printing the Notes and the preliminary and final official statements or private placement memorandum or offering circular, publication of notices, and any other costs necessary to accomplish sale and delivery of the Notes.

22. Conflicting Resolutions. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

**Item 13**

**Adjournment**

It was moved by Power and seconded by Beard to adjourn.

ALL YEAS  
MOTION CARRIED

There being no further business the meeting was adjourned at 9:43 p.m.

---

Diane Goddeeris  
Mayor

---

Nancy O. Wagner  
Administrative Secretary