

**FORMAL SESSION**

**AGENDA**

**ITEMS**

**FOR**

**12-11-12**

*Referral*  
*12-11-12*

# **INTERNAL OPERATIONS STANDING COMMITTEE**



CITY OF DETROIT  
LAW DEPARTMENT

DETROIT  
CITY CLERK

2012 DEC -5 A 11:42

FIRST NATIONAL BUILDING  
660 WOODWARD AVENUE, SUITE 1800  
DETROIT, MICHIGAN 48226-3535  
PHONE 313•224•4550 TTY:311  
FAX 313•224•5505  
WWW.DETROITMI.GOV

December 3, 2012



Detroit City Council  
1340 Coleman A. Young  
Municipal Center  
Detroit, Michigan


**RE: Proposed Ordinance to Amend Chapter 13 of the 1984 Detroit City Code, *Civil Service and Personnel Regulations*, Article II, *Hours of Work and Method of Payment*, to Provide for Reduction in Hours for Non-Union Executive and Legislative Branch City Employees Necessitated By Shortfall in Revenue**

Honorable City Council:

The above-referenced proposed ordinance was requested by the Mayor's Office. The proposed ordinance has been approved as to form.

Pursuant to the applicable provisions of the 2012 Detroit City Charter, the above-referenced proposed ordinance is being submitted to Your Honorable Body for consideration and passage. This proposed ordinance amends Chapter 13 of the 1984 Detroit City Code, *Civil Service and Personnel Regulations*, Article II, *Hours of Work and Method of Payment*.

In particular, this proposed ordinance will amend Chapter 13 of the 1984 Detroit City Code, *Civil Service and Personnel Regulations*, Article II, *Hours of Work and Method of Payment*, by amending Section 13-2-18, *Reduction in hours for City employees due to revenue shortfall; authorization and implementation; parity required for non-union Executive and Legislative Branch City employees; section not applicable to City elected officials; commensurate action on 36<sup>th</sup> District Court budget*, to authorize a continuation of reduction in hours for all non-union Executive Branch and Legislative Branch City employees to terminate not later than December 31, 2013, at 11:59 p.m., which: 1) will continue the policy established under this section for the prior reduction in hours that the Mayor and the City Council cooperate to ensure that the reduction in hours is shared by both branches of City government so that all non-union Executive Branch City employees and all non-union Legislative Branch City employees receive the same reduction in hours during the effective dates of any Executive Order and of any City Council resolution; 2) will reiterate that this section does not apply to City elected officials whose compensation is determined by the Elected Officials Compensation Commission, but that City elected officials may voluntarily return a commensurate portion of their salary, as a gift, to the City's General Fund; and 3) will continue the policy established under this section for the prior reduction in hours that, while this section is implemented through Executive Order of the Mayor for non-union Executive Branch City employees and through resolution of the City Council for non-union Legislative Branch City employees, the City is required, as the funding unit for the 36<sup>th</sup> District Court, to take action, in accordance with Sections 8-201



Detroit City Council

December 3, 2012

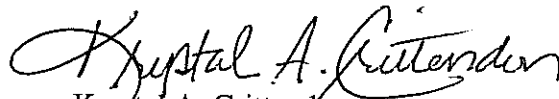
Page 2

through 8-213 of the 2012 Detroit City Charter, to decrease the Court's budget in an amount that is commensurate and reflective of a twenty percent (20%) reduction in hours for the Court's non-judicial employees, provided, that the 36<sup>th</sup> District Court remains solely responsible, as required by the Michigan Revised Judicature Act, being MCL 600.1 *et seq.*, and Michigan Supreme Court Administrative Order No. 1998-5, for allocating appropriated City funds for Court operations; and to eliminate the requirement that step increases and merit increases continue during the reduction in hours.

The Administration has requested that this proposed ordinance be introduced at your Special Session, which is scheduled for December 11, 2012. Further, the Administration has requested that, at your December 11, 2012 Special Session, a public hearing for this proposed ordinance be scheduled for January 8, 2013.

We are available to answer any questions that you have concerning this proposed ordinance. Thank you for your consideration.

Respectfully,



Krystal A. Crittendon  
Corporation Counsel

## S U M M A R Y

This proposed ordinance amends Chapter 13 of the 1984 Detroit City Code, *Civil Service and Personnel Regulations*, Article II, *Hours of Work and Method of Payment*, by amending Section 13-2-18, *Reduction in hours for City employees due to revenue shortfall; authorization and implementation; parity required for non-union Executive and Legislative Branch City employees; section not applicable to City elected officials; commensurate action on 36<sup>th</sup> District Court budget*, to authorize a continuation of reduction in hours for all non-union Executive Branch and Legislative Branch City employees to terminate not later than December 31, 2013, at 11:59 p.m., which: 1) will continue the policy established under this section for the prior reduction in hours that the Mayor and the City Council cooperate to ensure that the reduction in hours is shared by both branches of City government so that all non-union Executive Branch City employees and all non-union Legislative Branch City employees receive the same reduction in hours during the effective dates of any Executive Order and of any City Council resolution; 2) will reiterate that this section does not apply to City elected officials whose compensation is determined by the Elected Officials Compensation Commission, but that City elected officials may voluntarily return a commensurate portion of their salary, as a gift, to the City's General Fund; and 3) will continue the policy established under this section for the prior reduction in hours that, while this section is implemented through Executive Order of the Mayor for non-union Executive Branch City employees and through resolution of the City Council for non-union Legislative Branch City employees, the City is required, as the funding unit for the 36<sup>th</sup> District Court, to take action, in accordance with Sections 8-201 through 8-213 of the 2012 Detroit City Charter, to decrease the Court's budget in an amount that is commensurate and reflective of a twenty percent (20%) reduction in hours for the Court's non-judicial employees, provided, that the 36<sup>th</sup> District Court remains solely responsible, as required by the Michigan Revised Judicature Act, being MCL 600.1 *et seq.*, and Michigan Supreme Court Administrative Order No. 1998-5, for allocating appropriated City funds for Court operations; and to eliminate the requirement that step increases and merit increases continue during the reduction in hours.

1     **BY COUNCIL MEMBER \_\_\_\_\_:**

2             **AN ORDINANCE** to amend Chapter 13 of the 1984 Detroit City Code, *Civil Service and*  
3     *Personnel Regulations*, Article II, *Hours of Work and Method of Payment*, by amending Section 13-  
4     2-18, *Reduction in hours for City employees due to revenue shortfall; authorization and*  
5     *implementation; parity required for non-union Executive and Legislative Branch City employees;*  
6     *section not applicable to City elected officials; commensurate action on 36<sup>th</sup> District Court budget,*  
7     to authorize a continuation of reduction in hours for all non-union Executive Branch and Legislative  
8     Branch City employees to terminate not later than December 31, 2013, at 11:59 p.m., which: 1) will  
9     continue the policy established under this section for the prior reduction in hours that the Mayor and  
10    the City Council cooperate to ensure that the reduction in hours is shared by both branches of City  
11    government so that all non-union Executive Branch City employees and all non-union Legislative  
12    Branch City employees receive the same reduction in hours during the effective dates of any  
13    Executive Order and of any City Council resolution; 2) will reiterate that this section does not apply  
14    to City elected officials whose compensation is determined by the Elected Officials Compensation  
15    Commission, but that City elected officials may voluntarily return a commensurate portion of their  
16    salary, as a gift, to the City's General Fund; and 3) will continue the policy established under this  
17    section for the prior reduction in hours that, while this section is implemented through Executive  
18    Order of the Mayor for non-union Executive Branch City employees and through resolution of the  
19    City Council for non-union Legislative Branch City employees, the City is required, as the funding  
20    unit for the 36<sup>th</sup> District Court, to take action, in accordance with Sections 8-201 through 8-213 of  
21    the 2012 Detroit City Charter, to decrease the Court's budget in an amount that is commensurate and  
22    reflective of a twenty percent (20%) reduction in hours for the Court's non-judicial employees,

provided, that the 36<sup>th</sup> District Court remains solely responsible, as required by the Michigan Revised Judicature Act, being MCL 600.1 *et seq.*, and Michigan Supreme Court Administrative Order No. 1998-5, for allocating appropriated City funds for Court operations; and to eliminate the requirement that step increases and merit increases continue during the reduction in hours.

**IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:**

**Section 1.** Chapter 13 of the 1984 Detroit City Code, *Civil Service and Personnel Regulations*, Article II, *Hours of Work and Method of Payment*, be amended by amending Section 13-2-18, *Reduction in hours for City employees due to revenue shortfall; authorization and implementation; parity required for non-union Executive and Legislative Branch City employees; section not applicable to City elected officials; commensurate action on 36<sup>th</sup> District Court budget*, to read as follows:

**CHAPTER 13. CIVIL SERVICE AND  
PERSONNEL REGULATIONS**

**ARTICLE II. HOURS OF WORK  
AND METHOD OF PAYMENT**

**Sec. 13-2-18. Reduction in hours for City employees due to revenue shortfall; authorization and implementation; parity required for non-union Executive and Legislative Branch City employees; section not applicable to City elected officials; commensurate action on 36<sup>th</sup> District Court budget.**

(a) Due to fiscal difficulties incurred by an actual or a projected shortfall in revenue, all non-union Executive and Legislative Branch City employees shall be required to take a reduction in hours, through budget-required furlough, as defined in Section 13-2-1 of this Code, which shall be implemented as follows:

1           (1)     The pay period to commence reduction in hours, the percentage in reduction of hours,  
2                     and the pay period to terminate reduction in hours shall be delineated:

3           (a)     For non-union Executive Branch City employees by the Mayor through the  
4                     issuance of an Executive Order; and

5           (b)     For non-union Legislative Branch City employees by the City Council  
6                     through adoption of a resolution;

7           (2)     The resulting reduction in pay from the reduction in hours shall not reduce the City  
8                     employee's hourly pay rate set forth in the current Official Compensation Schedule,  
9                     as amended, or the applicable Official Compensation Schedule that is in effect during  
10                    the next fiscal year;

11          (3)     The implementation of this section shall not change the accrual of vacation leave  
12                     time, sick leave time, and non-banked time, including holiday, excused-time days,  
13                     funeral leave, and jury duty for any City employee who is affected by this section;

14          (4)     Where hours to be worked are reduced, the resulting reduction in compensation or  
15                     wages shall not exceed ~~ten (10)~~ twenty percent (20%) of the actual compensation  
16                     established by the Official Compensation Schedule of the affected City employee as  
17                     of July 1<sup>st</sup> of the current fiscal year, or the actual compensation established by the  
18                     Official Compensation Schedule for the affected City employee as of July 1<sup>st</sup> of the  
19                     next fiscal year, if the reduction in hours is extended as provided for in Subsection  
20                     (a)(7) of this section;

21          (5)     ~~All non-union City employees shall continue to receive step increases or merit~~  
22                     ~~increases as specified in the current Official Compensation Schedule as amended, or~~



1 ~~in the applicable Official Compensation Schedule if the reduction in hours is~~  
2 ~~extended as provided for in subsection (a)(7) of this section, based upon the~~  
3 ~~compensation rate or compensation as set forth in the Official Compensation~~  
4 ~~Schedule for the affected employee as of July 1<sup>st</sup> of the current fiscal year, or the~~  
5 ~~actual compensation established by the Official Compensation Schedule for the~~  
6 ~~affected employee as of July 1<sup>st</sup> of the next fiscal year, if the reduction in hours is~~  
7 ~~extended as provided for in Subsection (a)(7) of this section, provided, that the~~  
8 ~~compensation, compensation rate, or actual compensation for the affected City~~  
9 ~~employee shall be adjusted to reflect the reduction in hours after the merit increase~~  
10 ~~or step increase is added to the previous compensation, compensation rate, or actual~~  
11 ~~compensation;~~

12 (6)(5) The implementation of this section shall not be a factor for purposes of pension  
13 computation under Chapter 47 of this Code, *Retirement Systems*, for any non-union  
14 City employee who is affected by this section ~~1~~ and ~~7~~

15 (7)(6) Any reduction in hours implemented pursuant to this section shall terminate not later  
16 than ~~June 30, 2012~~ December 31, 2013, at 11:59 p.m.

17 (b) It is the intent of this section that all non-union Executive Branch City employees and  
18 all non-union Legislative Branch City employees receive a reduction in hours for the same length  
19 of time during the effective dates of any Executive Order or any City Council resolution and that the  
20 Mayor and the City Council cooperate to ensure that the reduction in hours is taken by City  
21 employees in both branches of City government for the same length of time, provided, that the  
22 Mayor and the City Council may elect to place their administrators, administrative personnel, and

1 other non-union City employees on different schedules for their reduction in hours.

2 (c) This section shall not apply to City elected officials whose compensation is determined  
3 by the Elected Officials Compensation Commission in accordance with Section 5c of the Michigan  
4 Home Rule City Act, MCL 117.5c, and Chapter 2, Article III, Division 2, of this Code, provided, that  
5 neither state law nor this Code prohibit City elected officials from voluntarily returning their salary,  
6 or a portion thereof, that is commensurate with the reduction in hours for administrators,  
7 administrative personnel, and other non-union employees, as a gift to the City's general fund.

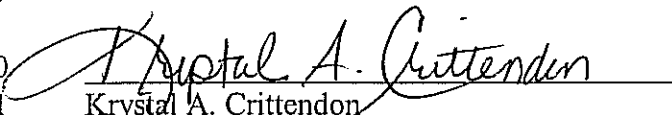
8 (d) When this section is implemented through Executive Order of the Mayor for non-union  
9 Executive Branch City employees and through resolution of the City Council for non-union  
10 Legislative Branch City employees, the City, as the funding unit for the 36<sup>th</sup> District Court, shall take  
11 action, in accordance with Sections 8-201 through ~~8-211~~ 8-213 of the ~~1997~~ 2012 Detroit City  
12 Charter, to decrease the Court's budget in an amount that is commensurate and reflective of a ~~ten~~  
13 twenty percent (~~10%~~) (20%) reduction in hours for the Court's non-judicial employees, provided,  
14 that the 36<sup>th</sup> District Court remains solely responsible, as required by the Michigan Revised  
15 Judicature Act, being MCL 600.1 *et seq.*, and by Michigan Supreme Court Administrative Order No.  
16 1998-5, for allocating appropriated City funds for Court operations.

17 **Section 2.** All ordinances, or parts of ordinances, that conflict with this ordinance are  
18 repealed.

19 **Section 3.** This ordinance is declared necessary for the preservation of the public peace,  
20 health, safety, and welfare of the People of the City of Detroit.  
21

1           **Section 4.** Where this ordinance is passed by a two-thirds ( $\frac{2}{3}$ ) majority of City Council  
2 Members serving, it shall be given immediate effect and shall become effective upon publication in  
3 accordance with Section 4-118(1) of the 2012 Detroit City Charter. Where this ordinance is passed  
4 by less than two-thirds ( $\frac{2}{3}$ ) majority of City Council Members serving, it shall become effective  
5 thirty (30) days after publication in accordance with Section 4-118(2) of the 2012 Detroit City  
6 Charter.

7  
8 Approved as to form:

9  
10   
11 Krystal A. Crittendon  
12 Corporation Counsel

DAM



FINANCE DEPARTMENT  
PURCHASING DIVISION



November 8, 2012

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

2871984 100% City Funded – To Provide Underground Sprinkler Maintenance and Repair – RFQ #46150 - Agar Lawn Sprinkler Systems, Inc., 18055 Van Dyke, Detroit, MI 48234 – **Savings: Potential Savings: \$5,980.00/One (1) Year** - Contract Period: December 1, 2012 through November 30, 2015, with Three (3), One (1) Year Renewal Options – (2) Items – Unit Prices Range from: \$26.00/Hour To \$39.00/Hour – Lowest Bid – Estimated Cost: \$325,000.00/ Three (3) Years **CITYWIDE**

Respectfully submitted,

Andre DuPerry, Director/Chief  
Finance Dept./Purchasing Division

BY COUNCIL PRESIDENT PRO TEM COCKREL, JR.

**RESOLVED**, that Contract No. 2871984 referred to in the foregoing communication dated November 8, 2012, be hereby and is approved.

11-13-12 - Move to Formal  
Without Recommendation  
per KC

11-20-12 Move to 12-11-12  
Special Session per CP

**FINANCE DEPARTMENT  
PURCHASING DIVISION**

3

December 6, 2012

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

**2842386** 100% City Funded – CHANGE ORDER NO. #5 – To Provide Accounting Services—Services to be performed under the direction of the City's General Manager, Plante & Moran will act as the Project Manager for the City of Detroit – Plante & Moran, PLLC, 27400 Northwestern Highway, PO Box 307 Southfield, MI 48037 – Contract Period: Upon Notice to Proceed through completion on December 31, 2014 – Contract Increase: \$2,277,680.00 – Contract Amount Not to Exceed: \$3,300,000.00.

**FINANCE**

Respectfully submitted,

Andre DuPerry, Chief Procurement Officer  
Finance Dept./Purchasing Division

BY COUNCIL MEMBER COCKREL, JR.

**RESOLVED**, that Contract No. **2842386** referred to in the foregoing communication dated December 6, 2012, be hereby and is approved.

**FINANCE DEPARTMENT  
PURCHASING DIVISION**

4

December 6, 2012

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

**2872931** 50% State Funding; 50% City Funding – To Conduct a Worker's Compensation Fraud Audit of the City of Detroit's Self-Insured and Self-Administered Workers Compensation Program to include the Alternate Benefit Program for Uniform Employees in accordance with the Michigan's Worker's Disability Compensation Act of 1969 Act 317 of 1969 – Michael G. Kessler & Associates, DBA Kessler International, 45 Rockefeller Plaza, Suite 2000, New York, NY 10111 – **Potential Savings: \$24,500.00** - Contract Period: December 14, 2012 through December 13, 2013, with One (1), One (1) Year Renewal Option – Contract Amount Not to Exceed: \$350,000.00. **FINANCE**

Respectfully submitted,

Andre DuPerry, Chief Procurement Officer  
Finance Dept./Purchasing Division

BY COUNCIL MEMBER COCKREL, JR.

**RESOLVED**, that Contract No. **2872931** referred to in the foregoing communication dated December 6, 2012, be hereby and is approved.

5

**Resolution of Detroit City Council demanding of the State Treasurer  
payment of bond proceeds from the City of Detroit's Refunding Bonds**

**By Council Member JoAnn Watson**

**Whereas, The City of Detroit has issued various Refunding Bonds on which the  
proceeds are due now to the City of Detroit; and**

**Whereas, The Treasurer of the State of Michigan has indicated he will not release  
the bond proceeds unless the City Council approves a contract for the law firm of  
Miller , Canfield ;and**

**Whereas, The Treasurer does not have the authority under the Restricted Escrow  
Agreement, Escrow Release Milestone Agreement, Municipal Finance Act or any  
other state law or federal law to withhold the bond proceeds; THEREFORE BE IT**

**Resolved, That the Detroit City Council demands of Andy Dillon, Treasurer of the  
State of Michigan, that he release said Refunding Bond proceeds to the City of the  
Detroit forthwith; and BE IT FURTHER**

**Resolved, That the Detroit City Council directs that the Law Department and its  
Research and Analysis Division prepare immediately a demand letter to be sent to  
the State Treasurer; AND BE IT FURTHER**

**Resolved, That the Detroit City Council directs the City Council President to send  
that demand letter to the State Treasurer without delay; AND BE IT FINALLY**

**Resolved , That the Detroit City Council requests the Corporation Counsel to  
appoint Special Counsel to represent the City Council and , in the case of the failure  
of the State Treasurer to comply with its demand, to file a Writ of Mandamus  
against the Treasurer of the State of Michigan to enforce its demand for payment of  
the aforementioned Refunding Bond proceeds.**

Received @ table 12/4/12 (special session)

BBOW  
12-11-12

Vote  
12-11-12

# **INTERNAL OPERATIONS STANDING COMMITTEE**





CITY OF DETROIT  
FINANCE DEPARTMENT  
PURCHASING DIVISION



DETROIT  
CITY CLERK



COLEMAN A. YOUNG MUNICIPAL CENTER  
2 WOODWARD AVE., SUITE 1008  
DETROIT, MICHIGAN 48226  
PHONE 313•224•4600  
FAX 313•628•1160  
WWW.DETROITMI.GOV

November 26, 2012

2012 NOV 26 A 11:01

HONORABLE CITY COUNCIL:

**MAYOR'S OFFICE**

2870456 100% City Funding – The engagement is to provide legal advice and litigation representation pertaining to implementing the City's ongoing restructuring as contemplated in the financial Stability Agreement among the City, the Michigan Department of Treasury, and the Review Team for the City of Detroit("FSA"). – Miller Canfield Paddock & Stone PLC, 150 West Jefferson, Suite 2500, Detroit, MI 48226 –  
Contract Period: August 1, 2012 through June 30, 2014 – Contract Amount Not to Exceed \$300,000.00

Hourly Rate has been changed from \$350.00 Per Hour to \$275.00 Per Hour

Contract period has been changed start date changed from January 1, 2012 to August 1, 2012, end date changed from December 31, 2015 to June 30, 2014.

Scope of services was amended on November 15, 2012 to strike the following clause *"including but not limited to the subjects comprising Annex B to the FSA as the same may be amended from time to time"*

Noting this contract has \$68,999.75 in unpaid invoices.

Service Date	Invoice Date	Payment Status	Amount	Total
August-31-12	September-13-12	Unpaid	14,785.00	
September-30-12	October-18-12	Unpaid	54,214.75	68,999.75

The Purchasing Division of the Finance Department recommends contracts as outlined above.

The approval of your Honorable Body and a waiver of reconsideration are requested.

Respectfully submitted,

  
Andre DuPerry  
Chief Procurement Officer

AD/ssl/rj  
cc: Adam Hollier  
Boysie Jackson

BY COUNCIL MEMBER: \_\_\_\_\_

RESOLVED, that, CPO #2870456 referred to in the foregoing communication dated November 26, 2012, be hereby and is approved.

2012 NOV 26 A 11:03

**Amendment to Contract No. 2870456**

- 2.01 Amend section 2.01 changing the start date from January 1, 2012 to August 1, 2012 and changing the end date from December 31, 2015 to June 31, 2014. The new section should read as follows:

Performance of this Contract shall commence on August 1, 2012 and shall continue through June 31, 2014.

**EXHIBIT A**

**SCOPE OF SERVICES**

Amend the Scope of Services by striking the following phrase: *"including but not limited to the subjects comprising Annex B to the FSA as the same may be amended from time to time"* from line 4 and 5 of the Scope of services. The new section should read as follows:

The engagement is to provide legal advice and litigation representation pertaining to implementing the City's ongoing restructuring as contemplated in the Financial Stability Agreement among the City, the Michigan Department of Treasury, and the Review Team for the City of Detroit ("FSA"). The firm shall represent the Mayor in connection with the FSA and the ongoing city restructuring described above. The firm will act under the direction of the Mayor's office in respect of these matters and will accept direction from the Mayor's office as to the precise tasks to be assigned under this engagement.

\* \* \*

**EXHIBIT B**

**SCHEDULE OF FEES AND REIMBURSABLE EXPENSES**

Amend the fee schedule changing the billable hourly rate from \$350.00 to \$275.00  
The new fee schedule should read as follows:

**II. Fee Schedule**

CLASSIFICATION

BILLABLE HOURLY RATE

Attorneys

\$275.00 (Blended rate)

Attorney:

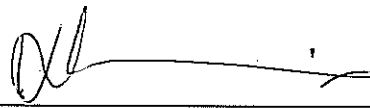


By Michael P. McGee

Its: Principal

Dated: November 26, 2012

City of Detroit - Office of the Mayor

By 

Its: ~~Dave Bing~~ Mayor Kirk J. Lewis  
Acting As Mayor

Dated: 11-26-12

**FINANCE DEPARTMENT  
PURCHASING DIVISION**

①

December 6, 2012

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

**2871967**      100% City Funded – To Provide Dependent Eligibility Audit – Hewitt Associates LLC, 100 Half Day Road, Lincolnshire, IL 60069 – Contract Period: Upon City Council Approval, through One (1) Year Thereafter – Contract Amount Not to Exceed: \$185,850.00. **LABOR RELATIONS**

Respectfully submitted,

Andre DuPerry, Chief Procurement Officer  
Finance Dept./Purchasing Division

**BY COUNCIL MEMBER**                     **JONES**                    

**RESOLVED**, that Contract No. **2871967** referred to in the foregoing communication dated December 6, 2012, be hereby and is approved.

**City of Detroit**  
OFFICE OF THE CITY CLERK

8

Janice M. Winfrey  
City Clerk

Vivian A. Hudson  
Deputy City Clerk

November 26, 2012

Honorable City Council

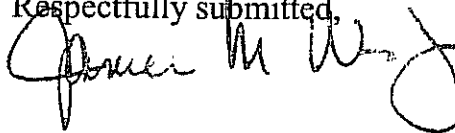
Re: Petition No.2620- Focus: Hope, requesting resolution from your Honorable Body for a raffle license.

On this date, your Honorable Body referred the above petition to this office for investigation. Petitioner wishes to be recognized as a nonprofit organization in order to receive a raffle license from the Bureau of State Lottery.

Be advised that the organization meets the criteria for such recognition as established by the City Council on May 15, 2012.

Therefore, approval of this petition is recommended and an appropriate resolution is attached.

Respectfully submitted,



Janice M. Winfrey  
City Clerk

JMW:ea

## RESOLUTION

By Council Member: \_\_\_\_\_

Whereas, Focus: Hope (1355 Oakman Blvd., Detroit, MI 48238) requests recognition as a nonprofit organization and;

Whereas, The organization meets the criteria for such recognition as established by the City Council on May 15, 2012.

Therefore, Be It Resolved, That the Detroit City Council recognizes Focus: Hope (1355 Oakman Blvd., Detroit, MI 48238) as a nonprofit organization for the sole purpose of obtaining a raffle license from the Bureau of State Lottery.

**City of Detroit**  
OFFICE OF THE CITY CLERK

Janice M. Winfrey  
City Clerk

Vivian A. Hudson  
Deputy City Clerk

**DEPARTMENTAL REFERENCE COMMUNICATION**

*Monday, November 26, 2012*

*To: The Department or Commission Listed Below*

*From: Janice M. Winfrey, Detroit City Clerk*

---

The following petition is herewith referred to you for report and recommendation to the City Council.

In accordance with that body's directive, kindly return the same with your report in duplicate within four (4) weeks.

---

OFFICE OF THE CITY CLERK

**2620**     *Focus: Hope, requesting resolution from your Honorable Body for a charitable gaming license.*





Charitable Gaming Division  
Box 30023, Lansing, MI 48909  
OVERNIGHT DELIVERY:  
101 E. Hillsdale, Lansing MI 48933  
(517) 335-5780  
www.michigan.gov/cg

## LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

(Required by MCL 432.103(9))

At a \_\_\_\_\_ meeting of the \_\_\_\_\_  
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by \_\_\_\_\_ on \_\_\_\_\_  
DATE

at \_\_\_\_\_ a.m./p.m. the following resolution was offered:  
TIME

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

that the request from \_\_\_\_\_ of \_\_\_\_\_  
NAME OF ORGANIZATION CITY

county of \_\_\_\_\_, asking that they be recognized as a  
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for \_\_\_\_\_  
APPROVAL/DISAPPROVAL

### APPROVAL

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

### DISAPPROVAL

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the \_\_\_\_\_ at a \_\_\_\_\_  
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL

meeting held on \_\_\_\_\_  
DATE

SIGNED: \_\_\_\_\_  
TOWNSHIP, CITY, OR VILLAGE CLERK

PRINTED NAME AND TITLE

ADDRESS

COMPLETION: Required.  
PENALTY: Possible denial of application.

BSL-CG-1153(R10/06)



# Focus: HOPE

*Celebrating Diversity Since 1968*

November 21, 2012

VIA E-MAIL

Hon. City Council  
City of Detroit  
200 Coleman A. Young Municipal Center  
Detroit, MI 48226

2012 NOV 26 4:10:16

DETROIT  
CITY CLERK

Dear Council Members:

Focus: HOPE is a civil and human rights organization that has been operating in the City of Detroit for over 40 years. We are a recognized 501(c)(3) nonprofit corporation. We have recently been approached by a supporter who wants to hold a raffle on our behalf. In order to receive a Raffle License from the State of Michigan, the Bureau of State Lottery requires that we receive a resolution from our local government stating the Focus: HOPE is a recognized nonprofit organization in the community. In support of such a resolution, we have attached:

State of Michigan Form:

"Local Governing Body Resolution for Charitable Gaming Licenses"

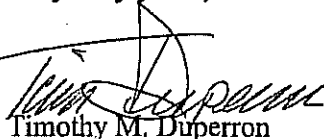
IRS 501(c)(3) Letter Recognizing Tax Exempt Status

Bylaws

Articles of Incorporation

We would greatly appreciate the Council's support in adopting this resolution for forwarding to the State. Please let me know if you require any further information. I can be reached at 313-494-4725. Thank you this matter

Very truly yours,



Timothy M. Duperron

Vice President/Chief Operating Officer

Focus: HOPE, 1355 Oakman Blvd., Detroit, Michigan 48238  
Tel: 313-494-4362; Fax: 313-494-4572; [www.focushope.edu](http://www.focushope.edu)

**Internal Revenue Service**

**Department of the Treasury  
P. O. Box 2508  
Cincinnati, OH 45201**

**Date:** September 24, 2003

Focus Hope  
1355 Oakman Blvd  
Detroit, MI 48238-2849

**Person to Contact:**  
Mr. Corbin-3100205  
Customer Service Specialist

**Toll Free Telephone Number:**  
8:00 a.m. to 6:30 p.m. EST  
877-829-5500

**Fax Number:**  
513-263-3756

**Federal Identification Number:**  
38-1948285

Dear Sir or Madam:

This is in response to your request of September 24, 2003 regarding your organization's tax-exempt status.

In November 1971 we issued a determination letter that recognized your organization as exempt from federal income tax. Our records indicate that your organization is currently exempt under section 501(c)(3) of the Internal Revenue Code.

Based on information subsequently submitted, we classified your organization as one that is not a private foundation within the meaning of section 509(a) of the Code because it is an organization described in section(s) 509(a)(2).

This classification was based on the assumption that your organization's operations would continue as stated in the application. If your organization's sources of support, or its character, method of operations, or purposes have changed, please let us know so we can consider the effect of the change on the exempt status and foundation status of your organization.

Your organization is required to file Form 990, Return of Organization Exempt from Income Tax, only if its gross receipts each year are normally more than \$25,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of the organization's annual accounting period. The law imposes a penalty of \$20 a day, up to a maximum of \$10,000, when a return is filed late, unless there is reasonable cause for the delay.

All exempt organizations (unless specifically excluded) are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of \$100 or more paid to each employee during a calendar year. Your organization is not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Organizations that are not private foundations are not subject to the excise taxes under Chapter 42 of the Code. However, these organizations are not automatically exempt from other federal excise taxes.

Donors may deduct contributions to your organization as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to your organization or for its use are deductible for federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Focus Hope  
38-1948285

Your organization is not required to file federal income tax returns unless it is subject to the tax on unrelated business income under section 511 of the Code. If your organization is subject to this tax, it must file an income tax return on the Form 990-T, Exempt Organization Business Income Tax Return. In this letter, we are not determining whether any of your organization's present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

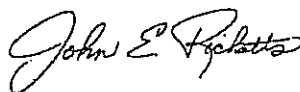
Section 6104 of the Internal Revenue Code requires you to make your organization's annual return available for public inspection without charge for three years after the due date of the return. The law also requires organizations that received recognition of exemption on July 15, 1987, or later, to make available for public inspection a copy of the exemption application, any supporting documents and the exemption letter to any individual who requests such documents in person or in writing. Organizations that received recognition of exemption before July 15, 1987, and had a copy of their exemption application on July 15, 1987, are also required to make available for public inspection a copy of the exemption application, any supporting documents and the exemption letter to any individual who requests such documents in person or in writing. For additional information on disclosure requirements, please refer to Internal Revenue Bulletin 1999 - 17.

Because this letter could help resolve any questions about your organization's exempt status and foundation status, you should keep it with the organization's permanent records.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

This letter affirms your organization's exempt status.

Sincerely,

A handwritten signature in cursive script, appearing to read "John E. Ricketts".

John E. Ricketts, Director, TE/GE  
Customer Account Services

# **BYLAWS**

## **OF**

### **Focus: HOPE**

## **I**

### **CORPORATION**

1.1 **NAME.** The name of the corporation is Focus: HOPE.

1.2 **PLACES OF BUSINESS.** The corporation shall have its principal place of business in Detroit, Michigan, and may have such other places of business as the Board of Directors may from time to time determine.

1.3 **PURPOSES.** The purposes for which the corporation is organized are as follows:

A. In response to the crisis of racism what we face as a nation, to broaden the training and education of people of good will and to establish and maintain facilities, programs and services in order to root out racism, poverty and injustice; to provide for the relief of the poor, the depressed and the underprivileged; to lessen neighborhood tensions; to eliminate prejudice and discrimination; to build a just society with black and white people working together; to foster integration; to improve education and job preparation, and to facilitate and promote community and economic development, including residential, commercial, and industrial development, as permitted for organizations described in Section 501(c)(3) of the Internal Revenue Code of 1986 or corresponding provisions of subsequent legislation (the "Code");

B. To own and operate licensed private occupation schools offering courses to become a skilled machinist and in allied fields and subjects; admission to said schools will not be denied on the basis of race, color, creed, sex, age or national origin;

C. To conduct such additional charitable, religious, educational and scientific activities, within the meaning of the Code, as the Board of Directors may determine from time to time;

D. To conduct activities, either directly, through related or subsidiary organizations or in cooperation with other organizations exempt from tax under Section 501(c)(3) of the Code, to raise funds and to further the purposes of the corporation;

E. In furtherance of the purposes of the corporation, to make gifts and grants to other organizations described in Section 501(c)(3) of the Code;

F. To acquire, to own, to dispose of and to deal with real and personal property and interests therein and to apply gifts, grants, bequests and devises and the proceeds thereof in furtherance of the purposes of the corporation; and

G. To do such things and to perform such acts to accomplish its purposes as are not forbidden by Section 501(c)(3) of the Code, with all the powers conferred on non-profit corporations by the laws of the State of Michigan.

**1.4 NONPROFIT OPERATION.** The corporation shall be operated exclusively for charitable, religious, educational and scientific purposes within the meaning of Section 501(c)(3) of the Code as a nonprofit corporation. No director of the corporation shall have any title to or interest in the corporate property or earnings in his or her individual or private capacity and no part of the net earnings of the corporation

shall inure to the benefit of any director, trustee, officer or any private shareholder or individual.

## II

### BOARD OF DIRECTORS

**2.1 BOARD OF DIRECTORS.** The business and affairs of the corporation shall be managed by a Board of Directors which is the governing body of the corporation. The corporation is organized on a nonstock, directorship basis and, except as otherwise provided by law, all matters which are subject to a membership vote or other action in the case of a Michigan nonprofit membership corporation shall be approved by action of the Board of Directors. The Board of Directors shall meet as often as necessary to conduct the business of the corporation, but at least annually.

**2.2 NUMBER AND SELECTION OF DIRECTORS.** The Board of Directors shall consist of not less than eight (8) or more than twenty-five (25) persons, as the Board of Directors shall from time to time determine. Directors shall be elected by the Board of Directors at its annual meeting and vacancies shall be filled in the manner specified in Section 2.4 below. Directors shall serve for three (3) year terms. In the event of an increase in the number of directors serving, terms shall be established so that the terms of approximately one-third (1/3) of the directors expire each year. Directors shall be eligible for re-election.

**2.3 REMOVAL.** Any Director may be removed from office with or without cause at any annual or special meeting of the Board of Directors by the affirmative vote of two-thirds (2/3) of the directors then in office.

**2.4 VACANCIES.** Vacancies occurring in the Board of Directors by reason of death, resignation, removal or other inability to serve shall be filled by the affirmative vote of a majority of the remaining directors although less than a quorum of the Board of Directors. A director elected to fill a vacancy shall serve for the unexpired portion of the term.

**2.5 ANNUAL MEETING.** The annual meeting of the Board of Directors shall be held at such place, date and time as the Board of Directors may determine from time to time. At the annual meeting, the Board of Directors shall elect Directors, elect officers and consider such other business as may be properly brought before the meeting. If less than a quorum of the directors appear for an annual meeting of the Board of Directors, the holding of such annual meeting shall not be required and matters which might have been taken up at the annual meeting may be taken up at any later regular, special or annual meeting or by consent resolution.

**2.6 REGULAR AND SPECIAL MEETINGS.** Regular meetings of the Board of Directors may be held at such time and places as the directors may from time to time determine at a prior meeting or approved by the vote or written consent of all directors. Special meetings of the Board may be called by the Chairperson, the President or by the Secretary, and shall be called by the Chairperson, the President or by the Secretary, upon written request of any two (2) directors.

**2.7 NOTICE OF MEETINGS OF THE BOARD OF DIRECTORS.** Written notice of the time and place of all meetings of the Board shall be given to each director at least three (3) days before the date of the meeting, either personally or by mailing such notice to each director at the address designated for such purposes, or if



none is designated, at the director's last known address. Notices of special meetings shall state the purpose or purposes of the meeting, and no business may be conducted at a special meeting except the business specified in the notice of the meeting. Notice of any meeting of the Board may be waived in writing before or after the meeting.

**2.8 ACTION WITHOUT A MEETING.** Any action required or permitted at any meeting of the Board of Directors or a committee thereof may be taken without a meeting, without prior notice and without a vote, if all of the directors or committee members entitled to vote thereon consent in writing. Said written consents shall be filed with the minutes of the proceedings and shall have the same effect as a vote for all purposes.

**2.9 QUORUM AND VOTING REQUIREMENTS.** One-third (1/3) of the directors then in office and a majority of any committee appointed by the Board constitutes a quorum for the transaction of business. The vote of a majority of the directors or committee members present at any meeting at which there is a quorum shall be the acts of the Board or the committee, except as a larger vote may be required by the laws of the State of Michigan, these bylaws or the Articles of Incorporation. A member of the Board or of a committee may participate in a meeting by conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear one another. Participation in a meeting in this manner constitutes presence in person at the meeting.

**2.10 POWERS OF THE BOARD OF DIRECTORS.** The Board of Directors shall have charge, control and management of the business, property, affairs and funds of the corporation and shall have the power and authority to do and perform all

acts and functions permitted for an organization described in Section 501(c)(3) of the Code not inconsistent with these bylaws, the Articles of Incorporation or the laws of the State of Michigan; in addition to and not in limitation of all powers, express or implied, now or hereafter conferred upon boards of directors of nonprofit corporations, and in addition to powers mentioned in and implied from Section 1.3, the Board of Directors shall have the power to borrow or raise money for corporate purposes, to issue bonds, notes or debentures, to secure such obligations by mortgage or other lien upon any and all of the property of the corporation, whether at the time owned or thereafter acquired, and to guarantee the debt of any affiliated or subsidiary corporation or other entity, whenever the same shall be in the best interests of the corporation and in furtherance of its purposes.

**2.11 COMPENSATION.** Directors shall receive no compensation for their services on the Board of Directors. The preceding shall not, however, prevent the corporation from purchasing insurance as provided in Section 4.1 nor shall it prevent the Board of Directors from providing reasonable compensation to a director for services which are beyond the scope of his or her duties as director or from reimbursing any director for expenses actually and necessarily incurred in the performance of his or her duties as a director.

**2.12 EXECUTION OF CONVEYANCES, MORTGAGES AND CONTRACTS.** All conveyances and mortgages of real estate, assignments or discharges of mortgages and material written contracts shall be executed and, if need be, acknowledged in the name of the corporation by the Chairperson, the Vice Chairperson, the President or a Vice President and the Secretary or Treasurer or their assistants.

### III

#### OFFICERS

3.1 **OFFICERS.** The officers shall be a Chairperson of the Board, a President, a Secretary and a Treasurer. There may also be a Vice Chairperson, one or more Vice Presidents, including an Executive Vice President, and such assistant and other officers as the Board of Directors deems appropriate. The Chairperson and Vice Chairperson shall be members of the Board of Directors but other officers need not be.

3.2 **ELECTION AND TERM OF OFFICE.** All officers shall be elected for a term of four (4) years (or until their successors have been elected) by the Board of Directors at an annual meeting. No person may execute, acknowledge or verify an instrument in more than one capacity if the instrument is required by law or by the Articles of Incorporation or these bylaws to be executed, acknowledged or verified by two (2) or more officers.

3.3 **REMOVAL.** Any officer may be removed with or without cause by a vote of a majority of the directors then in office at any regular or special meeting of the Board of Directors.

3.4 **VACANCIES.** In the event of the death, resignation, removal or other inability to serve of any officer, the Board of Directors shall elect a successor who shall serve until the expiration of the normal term of such officer or until his or her successor shall be elected.

3.5 **CHAIRPERSON OF THE BOARD.** If a Chairperson of the Board has been elected, the Chairperson shall preside at meetings of the Board of Directors and

shall have such other powers, duties and authority as the Board of Directors shall determine from time to time.

**3.6 VICE CHAIRPERSON.** If a Vice Chairperson has been elected, the Vice Chairperson shall have all of the power and authority of the Chairperson in the absence of the Chairperson or shall have such other powers, duties and authority as the Board of Directors shall determine from time to time.

**3.7 PRESIDENT.** The President shall be the chief executive officer and Executive Director of the corporation, and, as such, under the direction of the Board of Directors, shall have power, on behalf of the Board of Directors, to perform all acts, execute and deliver all documents and take all steps that the President may deem necessary or desirable in order to effectuate the actions and policies of the Board. The President shall preside at meetings of the Board of Directors in the absence of the Chairperson and Vice Chairperson or if no Chairperson or Vice Chairperson have been elected.

**3.8 VICE PRESIDENTS.** There may be one or more Vice Presidents who shall have such duties as determined from time to time by the Board of Directors or the President. When more than one Vice President has been elected, one such Vice President shall be designated as Executive Vice President and shall perform the duties of the President in the President's absence.

**3.9 SECRETARY.** The Secretary (or, in the Secretary's absence or incapacity, an Assistant Secretary) shall send or cause to be sent all required notices of meetings of the Board of Directors, shall receive and attend to all correspondence of the Board of Directors, shall have custody of all documents belonging to the corporation

(except as otherwise provided in these bylaws) and of the corporate seal (if any), and shall perform such other duties as usually pertain to the office or as shall be determined from time to time by the Board of Directors.

**3.10 TREASURER.** The Treasurer (or, in the Treasurer's absence or incapacity, an Assistant Treasurer) shall have charge of the funds of the corporation, except for such funds as the Board of Directors may designate; shall see that an accounting system is maintained which will give a true and accurate accounting of the financial transactions of the corporation; and shall render reports from time to time as requested by the Board of Directors of his or her activities and the financial condition of the corporation. All funds received by the Treasurer shall immediately be deposited in a depository designated by the Board of Directors.

**3.11 CHIEF EXECUTIVE OFFICER AND CHIEF OPERATING OFFICER.** The President as Chief Executive Officer and Executive Vice President as Chief Operating Officer shall be responsible for the daily operation of the organization. The Board shall be responsible for the hiring of the Chief Executive Officer and the Chief Operating Officer and shall establish a procedure for such hiring by policy.

#### IV

#### INDEMNIFICATION

**4.1 INDEMNIFICATION.** Each person who is or was a director or an officer of the corporation and each person who serves or has served at the request of the corporation as a director, trustee, officer, agent or committee member of any other corporation, partnership, joint venture, trust or other enterprise, shall be indemnified by the corporation to the fullest extent permitted by the corporation laws of the State of

Michigan as they may be in effect from time to time. The corporation may purchase and maintain insurance on behalf of any such person whether or not the corporation would have the power to indemnify the person against such liability under the laws of the State of Michigan.

## V

### MISCELLANEOUS

**5.1 COMMITTEES.** The Board of Directors may establish such standing or special committees from time to time as it shall deem appropriate and shall define the powers and responsibilities of such committees. The Board of Directors may establish one or more executive committees within the limits prescribed by law.

**5.2 AMENDMENTS.** These bylaws may be amended at any meeting of the Board of Directors by the affirmative vote of a majority of the members of the Board of Directors then in office. No amendment inconsistent with the Articles of Incorporation shall be effective prior to amendment of the Articles of Incorporation.

743093

FILED

RESTATED ARTICLES OF INCORPORATION

JUL 17 1989

OF

JUL 12 1989

MICHIGAN DEPT. OF COMMERCE

FOCUS: HOPE

Administrator  
MICHIGAN DEPARTMENT OF COMMERCE  
Corporation & Securities Bureau

(A Nonprofit Corporation)

Pursuant to the provisions of Act 162, Public Acts of 1982, as amended, the undersigned corporation executes the following Restated Articles:

1. The present name of the corporation is FOCUS: HOPE.
2. The corporation identification number (CID) assigned by the bureau is 743-093.
3. The corporation has no former names.
4. The date of filing the original Articles of Incorporation was August 21, 1968.

The following Restated Articles of Incorporation supersede the Articles of Incorporation as amended and shall be the Articles of Incorporation for the corporation:

## ARTICLE I

The name of the corporation is Focus: HOPE.

## ARTICLE II

The purposes for which the corporation is organized are as follows:

- A. In response to the crisis of racism that we face

as a nation, to broaden the training and education of people of good will and to establish and maintain facilities, programs and services in order to root out racism, poverty and injustice; to provide for the relief of the poor, the depressed and the underprivileged; to lessen neighborhood tensions; to eliminate prejudice and discrimination; to build a just society with black and white people working together; to foster integration; to encourage community development; and to improve education and job preparation;

B. To own and operate licensed private occupation schools offering courses to become a skilled machinist and in allied fields and subjects; admission to said schools will not be denied on the basis of race, color, creed, sex, age or national origin;

C. To conduct such additional charitable, religious, educational and scientific activities, within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986 or corresponding provisions of subsequent legislation (the "Code"), as the Board of Directors may determine from time to time;

D. To conduct activities, either directly, through related or subsidiary organizations or in cooperation with other organizations exempt from tax under Section 501(c)(3) of the Code, to raise funds and to further the purposes of the corporation;

E. In furtherance of the purposes of the corporation,



to make gifts and grants to other organizations described in Section 501(c)(3) of the Code;

F. To acquire, to own, to dispose of and to deal with real and personal property and interests therein and to apply gifts, grants, bequests and devises and the proceeds thereof in furtherance of the purposes of the corporation; and

G. To do such things and to perform such acts to accomplish its purposes as are not forbidden by Section 501(c)(3) of the Code, with all the powers conferred on non-profit corporations by the laws of the State of Michigan.

#### ARTICLE III

The corporation is organized on a nonstock, directorship basis, without members. The description and value of the assets which the corporation possesses are:

Real property: Approximately \$7,600,000

Personal property: Approximately \$2,900,000

The corporation is financed under the following general plan: contributions and grants from individuals and organizations, income from investments, payments for services rendered and other sources which may be available.

#### ARTICLE IV

1. The street and mailing address of the current registered office is 1355 Oakman Boulevard, Detroit, Michigan 48238.

2. The name of the resident agent at the registered office is William T. Cunningham.

#### ARTICLE V

The Board of Directors of the corporation shall have charge, control and management of the business, property, affairs and funds of the corporation and shall have the power and authority to do and perform all acts and functions permitted for an organization described in Section 501(c)(3) of the Code not inconsistent with these Articles of Incorporation or with the laws of the State of Michigan; in addition to, and not in limitation of, all powers, express or implied, now or hereafter conferred upon boards of directors of nonprofit corporations, and in addition to the powers mentioned in and implied from Article II, the Board of Directors shall have the power to borrow or raise money for corporate purposes, to issue bonds, notes or other obligations, to secure such obligations by mortgage, security interest or other lien upon any or all property of the corporation, whether at the time owned or thereafter acquired, and to guarantee the debt of any affiliated or subsidiary corporation or other entity, whenever the same shall be in the best interests of the corporation and in furtherance of its purposes.

#### ARTICLE VI

A. The corporation shall be operated exclusively for

charitable, religious, educational and scientific purposes as a nonprofit corporation. No director of the corporation shall have any title to or interest in the corporate property or earnings in his or her individual or private capacity and no part of the net earnings of the corporation shall inure to the benefit of any director, officer, member, shareholder or any other private individual. No substantial part of the activities of the corporation shall consist of carrying on propaganda or otherwise attempting to influence legislation, nor shall the corporation participate in or intervene in any political campaign on behalf of (or in opposition to) any candidate for public office.

B. Upon dissolution, the property remaining after providing for debts and obligations of the corporation shall be distributed to such organization or organizations exempt from tax under Section 501(c)(3) of the Code as the Board of Directors shall determine. Any such assets not so disposed of shall be distributed to such organization or organizations exempt from tax under Section 501(c)(3) of the Code as the Circuit Court for Wayne County, Michigan, shall determine.

#### ARTICLE VII

A. No member of the Board of Directors of the corporation who is a volunteer director, as that term is defined in the Michigan Nonprofit Corporation Act (the "Act"), shall be personally liable to this corporation or its share-

holders or members, if any, for monetary damages for a breach of the director's fiduciary duty; provided, however, that this provision shall not eliminate or limit the liability of a director for any of the following:

1. A breach of the director's duty of loyalty to the corporation or its shareholders or members, if any;
2. Acts or omissions not in good faith or that involve intentional misconduct or a knowing violation of law;
3. A violation of section 551(1) of the Act;
4. A transaction from which the director derived an improper personal benefit;
5. An act or omission occurring before filing these Restated Articles of Incorporation.
6. An act or omission that is grossly negligent.

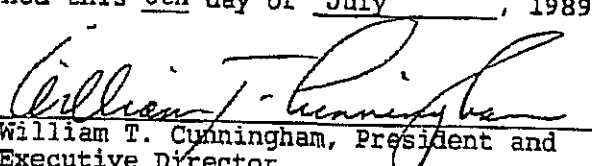
B. The corporation hereby assumes all liability to any person other than the corporation or its shareholders or members, if any, for all acts or omissions of a director who is a volunteer director as defined in the Act occurring on or after January 1, 1988, incurred in the good faith performance of the director's duties as such; provided, however, that the corporation shall not be considered to have assumed any liability to the extent such assumption is inconsistent with the status of the corporation as an organization described in Section 501(c)(3) of the Code.

C. If the Act is amended after filing these Restated Articles of Incorporation to authorize the further elimination

or limitation of the liability of directors of nonprofit corporations, then the liability of members of the Board of Directors, in addition to the limitation, elimination and assumption of personal liability contained in this Article VII, shall be assumed by the corporation or eliminated or limited to the fullest extent permitted by the Act as so amended, except to the extent such limitation, elimination or assumption of liability is inconsistent with the status of the corporation as an organization described in Section 501(c)(3) of the Code. No amendment or repeal of this Article VII shall apply to or have any effect on the liability or alleged liability of any member of the Board of Directors of this corporation for or with respect to any acts or omissions of such director occurring prior to the effective date of any such amendment or repeal.

These Restated Articles of Incorporation were duly adopted on the 29th day of June, 1989, in accordance with Section 642 of the Act. These Restated Articles of Incorporation restate, integrate and do further amend the provisions of the Articles of Incorporation and were duly adopted by the vote of the members. The necessary number of votes were cast in favor of these Restated Articles of Incorporation.

Signed this 6th day of July, 1989.

By:   
William T. Cunningham, President and  
Executive Director

## RESOLUTION OF THE BOARD OF DIRECTORS OF Focus: HOPE

RESOLVED, that Article II of the Articles of Incorporation of the Corporation be amended effective upon filing with the State of Michigan, to read as follows:

### ARTICLE II

The purposes for which the corporation is organized are as follows:

- A. In response to the crisis of racism what we face as a nation, to broaden the training and education of people of good will and to establish and maintain facilities, programs and services in order to root out racism, poverty and injustice; to provide for the relief of the poor, the depressed and the underprivileged; to lessen neighborhood tensions; to eliminate prejudice and discrimination; to build a just society with black and white people working together; to foster integration; to improve education and job preparation, and to facilitate and promote community and economic development, including residential, commercial, and industrial development, as permitted for organizations described in Section 501(c)(3) of the Internal Revenue Code of 1986 or corresponding provisions of subsequent legislation (the "Code");
- B. To own and operate licensed private occupation schools offering courses to become a skilled machinist and in allied fields and subjects; admission to said schools will not be denied on the basis of race, color, creed, sex, age or national origin;
- C. To conduct such additional charitable, religious, educational and scientific activities, within the meaning of the Code, as the Board of Directors may determine from time to time;
- D. To conduct activities, either directly, through related or subsidiary organizations or in cooperation with other organizations exempt from tax under Section 501(c)(3) of the Code, to raise funds and to further the purposes of the corporation;
- E. In furtherance of the purposes of the corporation, to make gifts and grants to other organizations described in Section 501(c)(3) of the Code;

- F. To acquire, to own, to dispose of and to deal with real and personal property and interests therein and to apply gifts, grants, bequests and devises and the proceeds thereof in furtherance of the purposes of the corporation; and
- G. To do such things and to perform such acts to accomplish its purposes as are not forbidden by Section 501(c)(3) of the Code, with all the powers conferred on non-profit corporations by the laws of the State of Michigan.

Effective Date: February 23, 2001

DAVID D. WHITAKER  
Director  
(313) 224-4946


**City of Detroit**  
CITY COUNCIL

DIVISION OF RESEARCH & ANALYSIS  
Coleman A. Young Municipal Center  
2 Woodward Avenue, Suite 216  
Detroit, Michigan 48226  
(313) 224-4946  
FAX: (313) 224-0368

9

ELIZABETH IRBY  
Deputy Director  
(313) 224-4946

TO: The Honorable City Council

FROM: David Whitaker 

DATE: December 6, 2012

RE: ***Bing v Detroit City Council (Wayne County Circuit Court No. 11-000304-CZ)***

Please find enclosed a resolution authorizing the Director of the Research and Analysis Division (RAD), which is listed as legal counsel of record for this Honorable Body, to execute on its behalf a Stipulation for Entry of Order Vacating Consent Judgement in the above-referenced mater.

RAD would like this resolution to be considered at the December 11, 2012, Formal Session. If you have any questions please do not hesitate to contact my office.

Thank you.

Attachments

2012 DEC -6 P 2:51

DETROIT  
CITY CLERK





## RESOLUTION

BY COUNCIL MEMBER \_\_\_\_\_

**WHEREAS,** On March 8, 2011, the Honorable John H. Gillis, Jr. entered a Consent Judgment in the matter of *Dave Bing v Detroit City Council (Case No 11-000304-CZ)*, which provided for the operation and maintenance of the City of Detroit television channels; and

**WHEREAS,** The 2012 Detroit City Charter, effective Jan. 1, 2012, at Section 7-1402 *Executive Oversight and Management* provides for the operation and maintenance of the City's television channels; and

**WHEREAS,** In order to adhere to the 2012 Detroit Charter, the Consent Judgment must be vacated by the parties; and

**WHEREAS,** The Bing Administration through its legal counsel has executed an order to vacate the consent judgment in this matter; **Now, Therefore be it**

**RESOLVED,** That David Whitaker, director of Research and Analysis Division, is hereby authorized to have executed on behalf of City Council the Order vacating the Consent Judgment.

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

MAYOR OF DETROIT, DAVE BING

Plaintiff,

v.

DETROIT CITY COUNCIL

Defendant.

---

Morley Witus (P30895)  
Erica Fitzgerald (P64080)  
BARRIS, SOTT, DENN & DRIKER  
P.L.L.C.  
Attorneys for Plaintiff  
211 West Fort Street, 15<sup>th</sup> Floor  
Detroit, MI 48226-3281

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Michael D. Russell (P52681)  
Detroit City Council  
Research & Analysis Division  
2 Woodward Avenue, Room  
Detroit, MI 48226  
(313) 224-4946

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**STIPULATION FOR ENTRY OF ORDER VACATING CONSENT JUDGEMENT**

Plaintiff and Defendant, by and through their respective counsel, hereby stipulate and agree to entry of Order Vacating Order of Consent Judgement, attached hereto, in the above-referenced matter.

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Morley Witus (P30895)  
Erica Fitzgerald (P64080)  
BARRIS, SOTT, DENN & DRIKER  
P.L.L.C.  
Attorneys for Plaintiff  
211 West Fort Street, 15<sup>th</sup> Floor  
Detroit, MI 48226-3281

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David D. Whitaker (P40299)  
Research & Analysis Division  
DETROIT CITY COUNCIL  
2 Woodward Ave. Room 216  
Detroit, MI 48226

**STATE OF MICHIGAN**  
**IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE**

MAYOR OF DETROIT, DAVE BING

Plaintiff,

v.

DETROIT CITY COUNCIL

Defendant.

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Morley Witus (P30895)  
Erica Fitzgerald (P64080)  
BARRIS, SOTT, DENN & DRIKER  
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**ORDER VACATING ORDER OF CONSENT JUDGEMENT**

At a session of said Court held in  
the City-County Building, City  
of Detroit, County of Wayne,  
Michigan on

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PRESENT: Honorable: \_\_\_\_\_  
Circuit Court Judge

Upon the reading and the filing of Stipulation for Entry of Order Vacating Order OF  
Consent Judgement, annexed hereto, and the Court having been duly advised in the premises;

**NOW, THEREFORE:**

**IT IS HEREBY ORDERED** that the Order of Consent Judgement is vacated; and

**IT IS FURTHERED ORDERED** that Article 7, Chapter 14, *Television Channels*, of the 2012 Detroit City Charter shall control the operation and maintenance of cable television channels of the City of Detroit.

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Circuit Court Judge

**FORMAL SESSION – NOVEMBER 20, 2012**



**PLANNING AND ECONOMIC DEVELOPMENT STANDING COMMITTEE**

**UNFINISHED BUSINESS**

Council Member Saunteel Jenkins moved to take from the Table an ordinance to amend Chapter 61 of the 1984 Detroit City Code, 'Zoning,' commonly known as the Detroit Zoning Ordinance, by amending Article XVII, District Map No. 7, to show an M2 (Restricted Industrial District) zoning classification where M4 (Intensive Industrial District), M3 (General Industrial District), and R2 (Two-Family Residential District) zoning classifications are currently shown on property generally bounded by Marquette Avenue to the north, Grand Truck Railroad to the south, Rosa Parks Avenue to the west, and Commonwealth Avenue to the east.

**EFFECTIVE ON THE EIGHTH (8<sup>TH</sup>) DAY AFTER PUBLICATION ROLL CALL**

**(REPORTED OUT OF PLANNING AND ECONOMIC DEVELOPMENT STANDING COMMITTEE WITH CONDITIONAL RECOMMENDATION ON 11/15/12)**

11-20-12 Mre to 12-11-12  
Special Session per CP

## **TAKEN FROM THE TABLE**

Council Member Saunteel Jenkins moved to take from the Table an ordinance to amend, Chapter 61 of the 1984 Detroit City Code, '*Zoning*,' commonly known as the Detroit Zoning Ordinance, by amending Article XVII, District Map No. 7, to show an M2 (Restricted Industrial District) zoning classification where M4 (Intensive Industrial District), M3 (General Industrial District), and R2 (Two-Family Residential District) zoning classifications are currently shown on property generally bounded by Marquette Avenue to the north, Grand Truck Railroad to the south, Rosa Parks Avenue to the west, and Commonwealth Avenue to the east, **laid on the table October 23, 2012, which motion prevailed.**

The Ordinance was then placed on the order of third reading.

### THIRD READING OF ORDINANCE.

The title to the Ordinance was read a third time.

The Ordinance was then read.

The question being "Shall this Ordinance Now Pass"?

The Ordinance was passed, a majority of the Council Members present voting

therefore as follows:

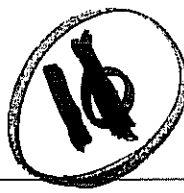
ADOPTED AS FOLLOWS:  
COUNCIL MEMBERS...

	YEAS	NAYS	YEAS	NAYS
Gary BROWN			√	
Kenneth V. COCKREL, JR			√	
Saunteel JENKINS			√	
Brenda JONES			√	
Kwame KENYATTA			√	
Andre L. SPIVEY			√	
James TATE			√	
Jo Ann WATSON			√	
Charles PRESIDENT PUGH				

\* PRESIDENT PRO TEM.

TITLE TO THE ORDINANCE WAS CONFIRMED	9	0
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November 20, 2012

Honorable Detroit City Council  
Planning and Economic Development Standing Committee  
1340 Coleman A. Young Municipal Center  
Detroit, Michigan 48226

Re: David Whitney Building Façade Easement

Dear Honorable Council Members:

On Thursday, November 15, 2012, Your Honorable Planning and Economic Development Committee discussed Petition 2380, the request from Whitney Partners, LLC and the Roxbury Group for the removal of the Historic Preservation Façade Easement on the David Whitney Building, 1553 Woodward Avenue.

As a result of ongoing discussion with Corporate Counsel, Planning and Development Department and City Planning Commission staff as well as others, I have attached a resolution for the consideration of Your Honorable Body in support of termination of the Whitney Building façade easement. This is a complicated issue with a number of legal and technical issues to be resolved. To address this complexity, the resolution contains language providing some level of detail for the process moving forward.

Thank you for your attention to this matter. I am available at your convenience to respond to any questions you may have.

Respectfully submitted,

Robert Anderson, Director  
City of Detroit Planning and Development Department

cc: Timothy A. Beckett, Supervising Assistant Corporation Counsel  
John M. Nader, Senior Assistant Corporation Counsel, Law Department  
Susan McBride, PDD

Move to 12-11-12  
Special Session  
PDD CP

## **RESOLUTION**

**BY: COUNCIL MEMBER \_\_\_\_\_:**

**WHEREAS**, the City of Detroit Historic District Commission has the duty under Chapter 25 of the Detroit City Code and under the Local Historic Districts Act to review and evaluate development projects that affect historic resources; and

**WHEREAS**, the City has received a request from the Roxbury Group, on behalf of the Whitney Partners, LLC, owner of the David Whitney Building located at 1553 Woodward Avenue, Detroit, MI, to terminate the Deed of Architectural Façade and Historic Preservation Easement (Façade Easement) granted to the City on April 25, 2000; and

**WHEREAS**, the Roxbury Group and Whitney Partners are pursuing the release of the Façade Easement as they have indicated to the City that the termination is necessary to obtain the financing required to further the rehabilitation of the building; and

**WHEREAS**, the Façade Easement designates the Historic District Commission as the agency through which the City acts with respect to the Façade Easement; and

**WHEREAS**, the Planning and Development Department provides staff for the Historic District Commission, and is also the agency of the City generally responsible for conveying real property interests of the City; and; and

**WHEREAS**, the Façade Easement is a real property interest of the City; and

**WHEREAS**, the rehabilitation of the historic David Whitney Building will be a benefit to the City and to the public;

### **NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The rehabilitation of the David Whitney Building is in the interests of the public welfare and the welfare of the City.
2. The City is in favor of assisting the Roxbury Group, and the Whitney Partners, in rehabilitating the historic David Whitney Building.
3. The Director of the City of Detroit Planning and Development Department, or his designee, is hereby requested to cause its Staff to schedule a presentation before the Detroit Historic District Commission at its regularly scheduled December 12, 2012 meeting in order for the Detroit Historic District Commission

to evaluate the application of Roxbury Group, and the Whitney Partners, in terminating the Deed of Architectural Facade and Historic Preservation Easement (Facade Easement) granted to the City on April 25, 2000.

4. Prior to the December 12, 2012, Detroit Historic District Commission meeting, the Roxbury Group, and the Whitney Partners shall submit the following to Staff, to be given to the Detroit Historic District Commission, to be used by the Commission in its evaluation of the application: a) an appraisal of the Whitney Building, to include separately the value of the easement; b) and any and all other documents that the Roxbury Group, and the Whitney Partners wish to include in support of their application.
5. The City of Detroit Law Department, and the City of Detroit Research and Analysis Division of City Council are hereby requested to continue their research on this issue with, among others, the Internal Revenue Service, the State of Michigan Attorney General's Office, and the State Historic Preservation Officer to determine the legality of the termination of the easement and the procedures that must be followed if such a termination is determined to be in the City's best interests in accomplishing the rehabilitation of the David Whitney Building. Any termination of the easement shall require payment to the City of the appraised value of the easement and, unless the Corporation Counsel determines that court action is not required, will be accomplished through a court order from a court of appropriate jurisdiction.
6. If (a) the Historic District Commission determines that the termination of the easement is required in that termination is the only way that the renovation project can feasibly proceed, and (b) the City of Detroit Law Department, with the input from Research and Analysis Division of City Council, the Internal Revenue Service, the State of Michigan Attorney General's Office, and the State Historic Preservation Officer, determines that it is legal to terminate the easement, the parties will initiate appropriate legal action to accomplish this termination.
7. In accordance with the requirements of this resolution, including the determinations of the Historic District Commission and the Corporation Counsel, and receipt of payment of the appraised value of the easement, the Director of the Planning & Development Department, or his designee, is authorized to agree to the termination of the easement and to execute such documents as may be necessary or convenient to accomplish such action(s), including but not limited to receipt of appropriate indemnifications from the owner of the David Whitney Building.
8. Reconsideration of this Resolution is hereby waived.



CITY OF DETROIT  
PLANNING AND DEVELOPMENT DEPARTMENT

12



2300 CADILLAC TOWER  
DETROIT, MICHIGAN 48226  
PHONE 313-224-6380  
FAX 313-224-1629  
WWW.DETROITMI.GOV

November 14, 2012

Detroit City Council  
1340 Coleman A. Young Municipal Center  
Detroit, MI 48226

RE: **REVISED SALE OF SURPLUS PROPERTY TO HANTZ WOODLANDS, LLC**

Honorable City Council:

The Planning and Development Department (P&DD) hereby requests your approval for the sale of the surplus properties described in the attached Amended Exhibit "A" (the "Property") to Hantz Woodlands, LLC, a Michigan limited liability company ("Hantz Woodlands"), for the aggregate purchase price of approximately five hundred, twenty thousand dollars (\$520,000).

The Property is comprised of 1,558 parcels totaling 143.8 acres of surplus City-owned lots within an area defined by (a) Mack Avenue, Van Dyke Avenue, Kercheval Street, and Maxwell Street, on the west side of Indian Village, and (b) Mack Avenue, Fischer Street, E. Jefferson Avenue, and St. Jean Street, on the east side of Indian Village.

P&DD, through conversations with the City Planning Commission (CPC), Law Department and City Council, agree that certain parcels should be removed from "Attachment A" originally submitted for the Hantz Woodlands sale. The removed parcels include: 66 parcels in the Kercheval-McClellan Urban Renewal area, 151 parcels associated with the St. Jean berm Jefferson-Connor Revitalization Project along the Chrysler Jefferson North Plant, two (2) fire department parcels, three (3) Recreation Department parcels (need to declare surplus first), two (2) Detroit Public School Parcels (unclear who owns them), three (3) "City of Detroit-taxable" parcels, and all parcels associated with defunct development agreements with Greater Faith Assembly, Jefferson Avenue Housing Development Corporation, and Project Redemption Community Outreach.

The amended attachment reflects the removal of the above-mentioned parcels. Some parcels on this list may not be sold to Hantz Woodlands due to the property being sold to adjacent neighbors, P&DD removing parcels for strategic reasons, or problems found from further title research by P&DD and Hantz Woodlands.



Detroit City Council

RE: REVISED SALE OF SURPLUS PROPERTY TO HANTZ WOODLANDS, LLC

November 14, 2012

Page 2

Hantz Woodlands proposes to purchase the Property outright, and intends to develop the Property for the purpose of planting and maintaining hardwood trees and conifers, and conducting such other uses as are or will be consistent with applicable law, regulations and ordinances, including zoning. If this Honorable Body subsequently adopts a zoning ordinance that will permit commercial agriculture and Hantz Woodlands desires to change the current use, it will be required to follow the City's standard procedures to secure the necessary City Council approvals to effect the change.

If zoning for commercial agriculture is not established - or, if established, Hantz Woodlands' request to change the current use is denied - then Hantz Woodlands will continue its development of the Property as a use by right under existing zoning.

We therefore request that your Honorable Body adopt the attached resolution approving the sale of the Property to Hantz Woodlands and authorizing the execution of deeds and other documents necessary or convenient to effect the sale. In order to facilitate an expeditious consummation of the transaction and permit Hantz Woodlands adequate time to which to order and obtain a sufficient quantity of trees in furtherance of its development of the Property, **a waiver of reconsideration is requested.**

Respectfully submitted,

Robert A. Anderson  
Director

Attachments

CC: Adam Hollier, Mayor's Office  
Marja Winters, P&DD  
John Saad, P&DD  
Val Upshaw, P&DD  
Greg Holman, P&DD



By Council Member \_\_\_\_\_

**RESOLVED**, that, in accordance with the foregoing communication, the sale of the Property more particularly described on the attached Exhibit A to Hantz Woodlands, LLC, a Michigan limited liability company, for the aggregate purchase price of approximately five hundred and twenty thousand dollars (\$520,000), is hereby approved; and be it further

**RESOLVED**, further, the Director, of the Planning and Development Department or his designee be and is hereby authorized to execute an agreement between the City and Hantz Woodlands LLC, for the City's sale and Hantz Woodlands, LLC's purchase of the Property more particularly described in the attached Exhibit A, in accordance with and upon such other terms and conditions as are consistent with the foregoing communication; provided, that any such agreement must provide that all vacant residential lots included on Exhibit A hereto that are eligible for the "Adjacent Vacant Lot Program" approved on May 1, 2012, be made available for purchase by eligible purchasers, and if not sold to an eligible purchaser within a reasonable period of time then may be sold in accordance herewith; and be it further

**RESOLVED**, further, that the Property more particularly described on the attached Exhibit A may be sold, transferred and conveyed to Hantz Woodlands, LLC, in whole or in parts, by one or more quit claim deeds; and in the event of the conveyance of less than the entire Property by one single instrument, then the partial consideration for the portion of the Property being conveyed shall be determined by multiplying not less than \$0.0833 per square foot; provided, however, that the aggregate purchase price for all of the Property shall be approximately five hundred and twenty thousand dollars (\$520,000); and be it further

**RESOLVED**, further, the Director of the Planning and Development Department or his designee be and is hereby authorized to execute and deliver one or more quit claim deeds and such other documents as may be necessary or convenient to effect the sale of the Property more particularly described on the attached Exhibit A to Hantz Woodlands, LLC, in accordance with these resolutions and be it further

**RESOLVED**, that the Director of the Planning and Development Department is authorized to execute any required instruments to make and incorporate technical amendments or changes to the purchase and sale agreement authorized hereby (including but not limited to corrections to or confirmations of legal descriptions, or timing of tender of possession of particular parcels) in the event that changes are required to correct minor inaccuracies or are required due to unforeseen circumstances or technical matters that may hereafter arise, provided that the changes do not materially alter the substance or terms of such agreement and are not otherwise inconsistent with the approval given or the authority granted by these resolutions; and be it further

**RESOLVED**, that the agreement be considered confirmed when executed by the Director of the Planning and Development Department or his designee, and approved by the Corporation Counsel as to form.

WAIVER OF RECONSIDERATION IS REQUESTED

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## Testimonial Resolution for CATHERINE C. BLACKWELL INSTITUTE

### Submitted By Council President Charles Pugh

- WHEREAS** It is with great pleasure that we, the members of the Detroit City Council, pause to join Catherine C. Blackwell Institute in recognizing and bestowing due honors as you celebrate your 20<sup>th</sup> Anniversary; **and**
- WHEREAS** With dynamic leadership and highly trained teachers, *The Catherine C. Blackwell Institute* has been successful in transforming Detroit's children from ordinary to visionary. Keeping the spirit of their namesake *The Catherine C. Blackwell Institute* is an African-Centered, Multicultural, Internationally focused technical community. It is designed to prepare students academically and socially to compete globally; **and**
- WHEREAS** *The Catherine C. Blackwell Institute* has achieved many goals over the years. Their MEAP scores are reflective of their ability to produce students who possess first-rate cognitive and communication skills. Having met AYP for consecutive academic years (2003 – 2012), the school has joined the ranks of institutes recognized by the State of Michigan as a high performing, phase zero school; **and**
- WHEREAS** *The Catherine C. Blackwell Institute* is training children to be future leaders through an outstanding sports program, mentoring and extracurricular activities, including music, art, and honors classes. Students can also take advantage of tutoring, playworks, accelerated reading and math, the National Junior Honor Society, book and science clubs, gardening, cheerleading, student council, and Junior Beta Club; **and**
- WHEREAS** The staff of *Catherine C. Blackwell Institute* is committed to high student achievement. Within a student center environment, the staff guide students to solve problems independently by using technology and interpreting data competently, by demonstrating social civic, and personal wellness responsibilities, displaying global awareness and cross-cultural understanding; through these skills the children are being prepared for success as high school students. **NOW THEEFORE BE IT**
- RESOLVED** That the Detroit City Council hereby salutes and commends *THE CATHERINE C. BLACKWELL INSTITUTE* for having an outstanding record of education and community service. We further extend our best wishes on the celebration of your 20<sup>th</sup> Anniversary.

CB – December 5, 2012

2012 DEC - 6 P 2: 51  
DETROIT  
CITY CLERK