



CITY COUNCIL WORKSHOP AGENDA **September 4, 2024, 4:00 p.m.**

*This is an in-person meeting at Saugatuck City Hall, 102 Butler St, Saugatuck, MI 49453.
The meeting will also be available live, virtually on Zoom.*

- 1. Call to Order**
- 2. Roll Call**
- 3. Agenda Changes** *(Additions/Deletions)*
- 4. Guest Speaker**
- 5. Public Comment on Agenda Items Only** *(Limit 3 minutes)*
- 6. Discussion Items:**
 - A. Rate Proposal from Republic Services** *Pg.2*
 - B. Proposed Tri-Community Wildlife Committee** *Pg.15*
 - C. Agreement with Bendzinski & Co. for Water and Sewer** *Pg.20*
Agreement Consulting Services
 - D. Review of Policy on Ethical Standards of Conduct** *Pg.25*
- 7. Public Comments** *(Limit 3 minutes)*
- 8. Correspondence**
 - A. Board Vacancy Notice** *Pg.33*
- 9. Council Comments**
- 10. Adjourn**

NOTICE:

Join online by visiting:
<https://us02web.zoom.us/j/2698572603>

Join by phone by dialing:
**(312) 626-6799 -or-
(646) 518-9805**

Then enter "Meeting ID":
2698572603

Please send questions or comments regarding meeting agenda items prior to meeting to:
rcummins@saugatuckcity.com

Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact Saugatuck City Clerk at 269-857-2603 or jwolters@saugatuckcity.com for further information.



City Council Agenda Item Report

FROM: Ryan Cummins

MEETING DATE: September 4, 2024

SUBJECT: Rate Proposal from Republic Services

DESCRIPTION:

In 2008, the City amended its Garbage and Rubbish Ordinance to provide for a designated contractor to perform certain waste services:

§ 50.08 CONTRACTS.

(A) *Grant of exclusive contract.* The city shall by resolution grant an exclusive, revocable contract to a designated collector, giving it the right, power and authority to collect domestic solid waste, recyclable materials, bulk refuse and yard waste as described herein within the city. The designated collector shall receive no compensation from the city but shall be permitted to enter into private contracts for the collection of solid domestic waste and other services authorized herein.

(B) *Renewal of contract.* Any agreement the city enters into with the designated collector, or renewal extension or amendment thereto, is subject to revocation at the will of the City Council.

The City Council initially selected Chef Container as the contractor. Chef Container later merged with Republic Services. Republic Services has been providing waste management services since.

The current five-year service agreement with Republic Services is set to expire October 1. In June, City Council discussed whether to seek competitive bids or negotiate another extension. Council requested a survey from residents to evaluate whether residents were satisfied with the current services.

Trash Services Survey Results

- The City received 159 responses to the trash and recycling services survey.
- 70% of respondents expressed that they are very satisfied or satisfied with the current trash collection services. 12% were neutral and 18% were dissatisfied.

- Full results are attached.

Rate Proposal from Republic

On July 8, with the trash satisfaction results, I advised Council that I planned to work on negotiating an extension with Republic. Since that time:

- Republic has agreed to increase recycling pickup to bi-monthly which will meet the most requested service improvement.
- Household hazardous waste disposal was discussed as an option. Republic is willing to offer this, but customers would have to drive to Holland for this annual offering. The County has recently offered this service at no cost.
- Republic has proposed the attached rates for five years. Highlights include:
 - The year 1 rate of \$20.50 would be 28.3% higher than current rates, but include more frequent recycling pickup.
 - The rates would increase each year by 6%
 - The proposed rate is \$2 higher per month than the rates Douglas is at.
 - The proposed year 1 rate is substantially lower than the competitive bid rate that Douglas received from Arrow Waste in 2022. That rate was \$19/month for trash and \$7.25/month for recycling for a combined rate of \$26.25/month.
 - Rear yard service will increase to \$20/month from \$15/month.

Staff has met with Republic to try to obtain a rate more similar to Douglas. Republic has advised they are firm with their proposal as it accounts for a higher inflationary environment and that competitive bids would likely result in much higher market offers from both them and competitors.

LEGAL REVIEW:

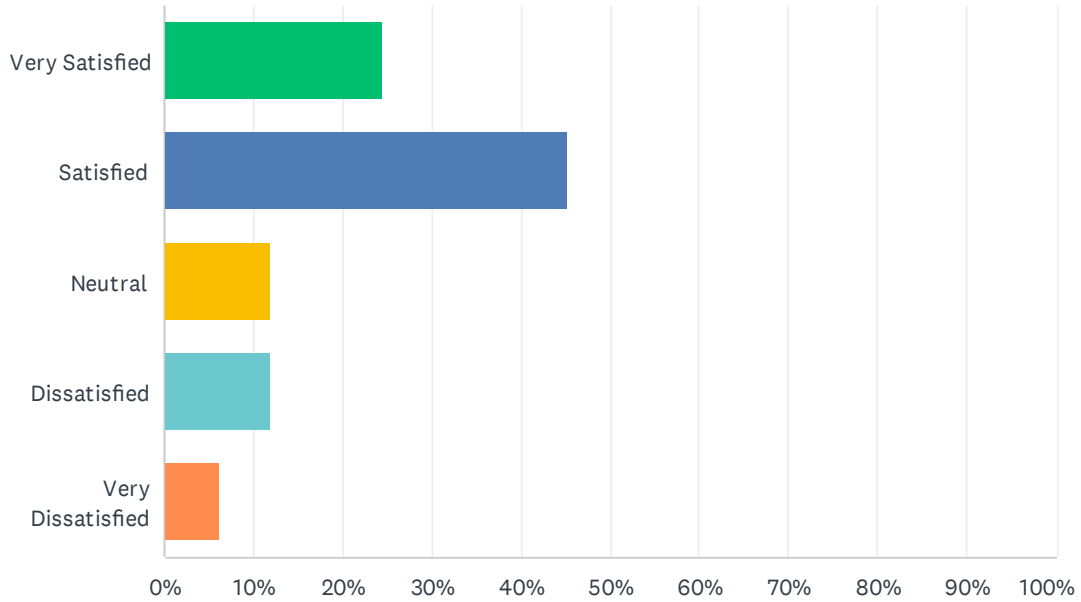
Legal reviewed and advised competitive bidding is not required.

SAMPLE MOTION:

Work session item only.

Q1 Overall Satisfaction: How satisfied are you with the current trash collection services?

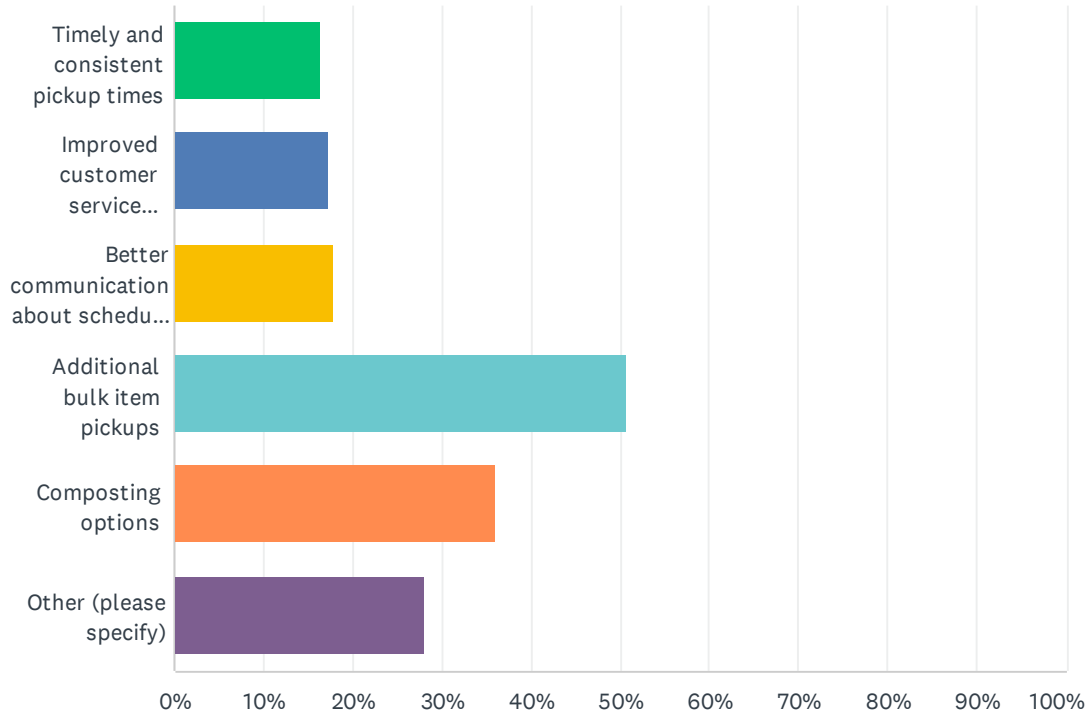
Answered: 159 Skipped: 0



ANSWER CHOICES	RESPONSES
Very Satisfied	24.53%
Satisfied	45.28%
Neutral	11.95%
Dissatisfied	11.95%
Very Dissatisfied	6.29%
TOTAL	

Q2 Service Improvement: What improvements would you like to see in our trash collection services? (Select all that apply)

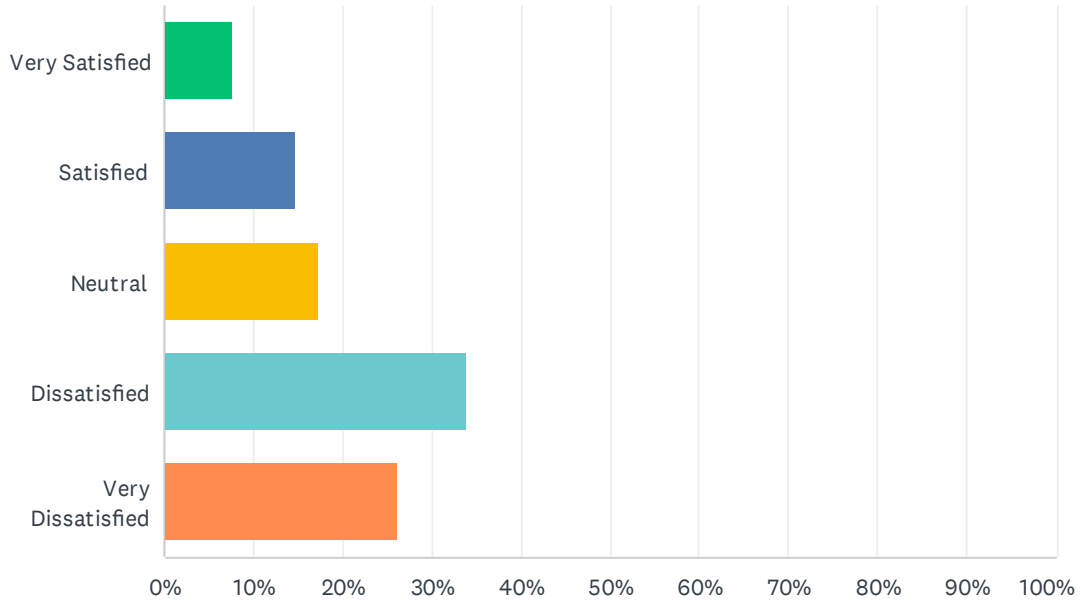
Answered: 128 Skipped: 31



ANSWER CHOICES	RESPONSES
Timely and consistent pickup times	16.41%
Improved customer service assistance	17.19%
Better communication about schedules and changes	17.97%
Additional bulk item pickups	50.78%
Composting options	35.94%
Other (please specify)	28.13%
Total Respondents: 128	

Q3 Recycling Services: How satisfied are you with the current recycling pickup frequency?

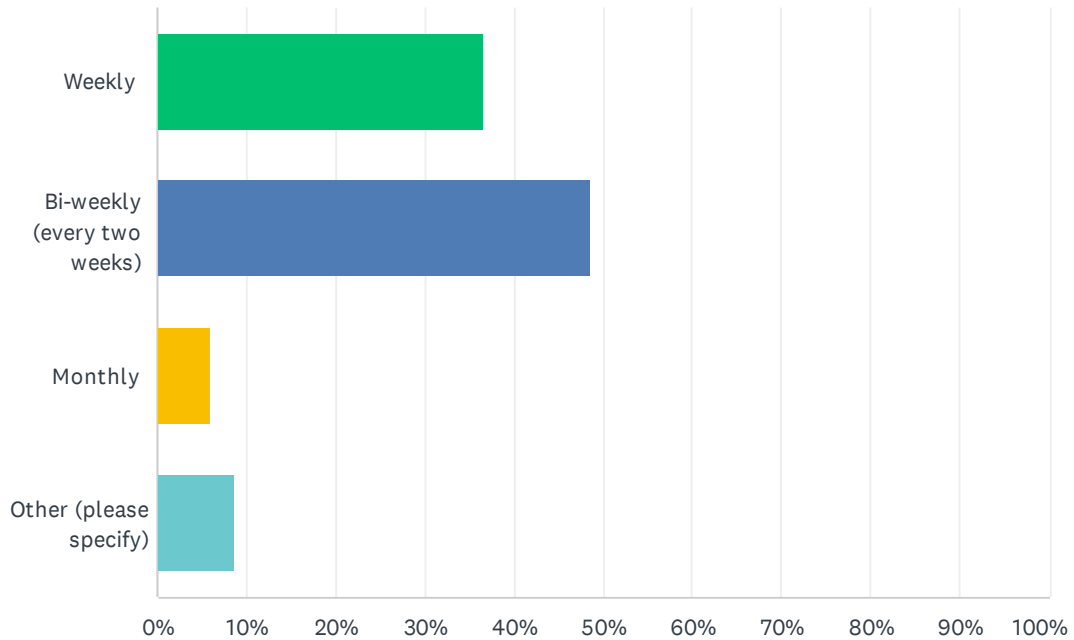
Answered: 156 Skipped: 3



ANSWER CHOICES	RESPONSES
Very Satisfied	7.69%
Satisfied	14.74%
Neutral	17.31%
Dissatisfied	33.97%
Very Dissatisfied	26.28%
TOTAL	

Q4 Recycling Frequency Preferences: How often would you prefer recycling to be picked up?

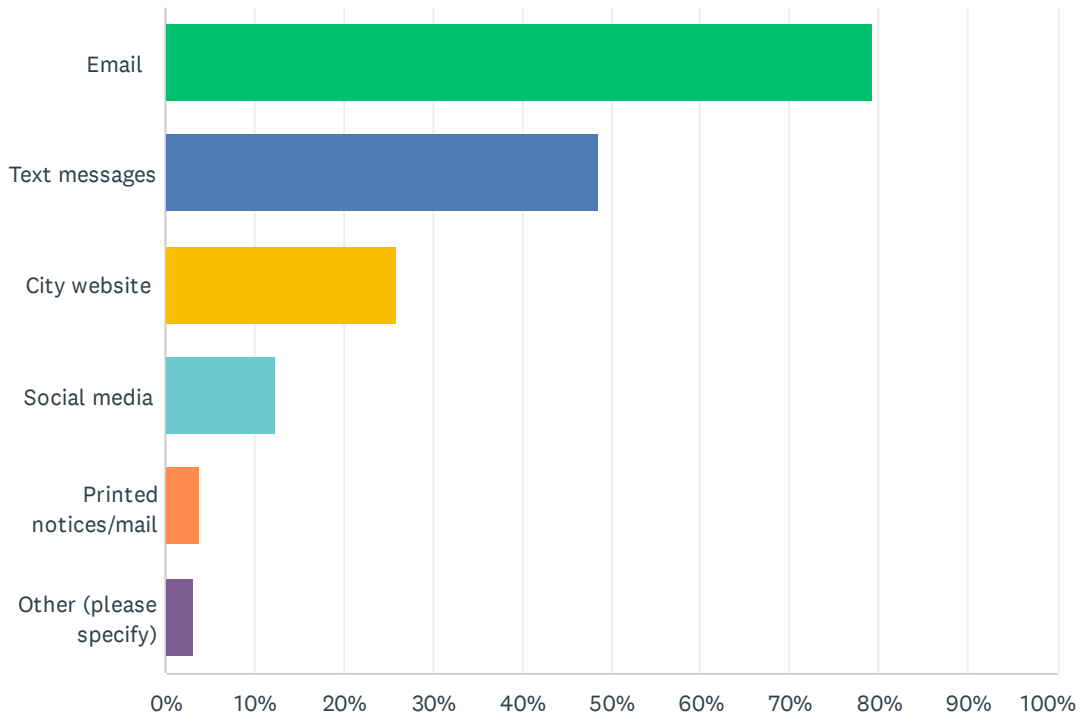
Answered: 150 Skipped: 9



ANSWER CHOICES	RESPONSES
Weekly	36.67%
Bi-weekly (every two weeks)	48.67%
Monthly	6.00%
Other (please specify)	8.67%
TOTAL	

Q5 Communication and Information: How do you prefer to receive update and information about trash and recycling services? (Select all that apply)

Answered: 154 Skipped: 5



ANSWER CHOICES	RESPONSES
Email	79.22%
Text messages	48.70%
City website	25.97%
Social media	12.34%
Printed notices/mail	3.90%
Other (please specify)	3.25%
Total Respondents: 154	

Q6 Additional Comments:

Answered: 44 Skipped: 115

#	RESPONSES	DATE
1	PLEASE increase the recycling pickup to weekly or at least bi-weekly. We personally are happy to pay more for this service and many other residents we speak to feel the same.	6/23/2024 4:03 PM
2	I'd like to see quarterly pickup of other discarded larger items which is now done once a year by the city in May	6/22/2024 8:42 AM
3	Chef was so much more responsive to our needs as a small resort town. New Republic is way too rigid and refuses to take any responsibility when their drivers miss stops or leave trash all over. The monthly recycling is laughable for a Great Lakes state. We should be recycling more than trashing, but often I find myself trashing recycling because my bin has been full for 3 weeks. Find a smaller hauler that can focus resources on making Saugatuck part of their business. There are tons of small haulers. Don't lock us in with another large scale conglomerate that just wants to raise prices for substandard service.	6/20/2024 8:55 PM
4	Need updates about what can & cannot be recycled.	6/20/2024 9:14 AM
5	It is absolutely Ridiculous that we have recycling pick up once a month... Most of our disposal is 2/3 recyclable and we are trying to do the right thing	6/18/2024 9:24 PM
6	Republic has the absolute worst customer service of any vendor second to Comcast. Please find another vendor and send Republic down the road.	6/18/2024 9:05 PM
7	I wish there was an option for less frequent trash pick up. Most times, twice a month would be adequate for us.	6/18/2024 7:53 PM
8	Cost saving ideas!	6/18/2024 7:15 PM
9	As a long-time homeowner near the downtown business district, and on behalf of people who reside in upstairs apartments in the downtown business district, the noise of garbage trucks servicing downtown businesses - some mornings as early as 4:30 AM - denies homeowners and renters quiet enjoyment of their properties. Could meeting the trash collection needs of downtown businesses not be accomplished between 6:00 and 7:00 AM while also not inconveniencing their commercial needs? Please feel free to contact me. Thank you, Steve Waugh, 346 Griffith Street. 616-291-8000	6/18/2024 6:08 PM
10	Stop the 1 hauler policy	6/18/2024 5:58 PM
11	When the current contract was entered into with only once every 4 weeks recycling, Kirk Harrier assured me that it was an easy adjustment to change the frequency. We must go to at least every 2 weeks. I am literally climbing into my bin to squish it all down once a month so it can get picked up. Surely not a huge additional cost? Or, go back to yellow bags in the weekly trash pick up but I understand the garbage company was not in favor of that.	6/18/2024 4:58 PM
12	Recycling is a joke when your bin is full at two weeks or less	6/18/2024 4:13 PM
13	I would not want to pay more for this additional service. But if recycling can become efficient enough to allow every 2 weeks instead of monthly that would be great	6/18/2024 3:16 PM
14	Republic Services is so difficult to deal with. They charge ridiculous amounts for container delivery/pick up and overages. If our dumpster lid isn't flush close, it is an additional \$85 per pick up. That is MORE than service for a month. Once a month recycling is also out of step in our community. We need weekly pick up!	6/18/2024 3:13 PM
15	We have monthly recycling and have to call every month after Republic missed our pickup. If we don't call, they won't come. They seem to have made a decision to purposely skip our	6/18/2024 3:04 PM

City Trash Collection and Recycling Services Survey

street (Vine) since there are so few addresses. Also, in this day and age, everyone should be required to recycle. Some on our block have turned back their recycling bin years ago.

16	Both garbage & recycling seem to be going well!	6/18/2024 2:51 PM
17	I would like the recycling pick up to be the same as garbage. I would like them to be able to get it from the driveway and return the bin to the driveway.	6/18/2024 2:47 PM
18	Picking up recycling monthly is absolutely ridiculous. Not everyone in town is a visitor/short term resident. PLEASE add additional pickups for recycling.	6/18/2024 2:24 PM
19	Debris should be picked up from streets every other day at least	6/18/2024 2:16 PM
20	Please move to weekly recycling.	6/18/2024 2:15 PM
21	Everyone, but especially STR's should be required to have recycling service. The STR next to me does not.	6/18/2024 2:10 PM
22	I feel that Republic does a great job. Whenever there has been a problem they fix it immediately. I simply run out of space in the recycling container each month. Then I throw the recycling in the trash...	6/18/2024 1:10 PM
23	A cardboard recycling drop off would be great - I often have to throw it in the trash because I'm out of room in the recycling bin	6/18/2024 1:03 PM
24	Residential customers are at your mercy. We are charged too much. Please give us a choice to pick our own company. The city is doing us a disservice by allowing one company to charge too much for pickup. Bob Cline 269.217.2549 1007 Holland St	6/18/2024 12:50 PM
25	called twice last year because they forgot me all together.	6/18/2024 12:46 PM
26	Thanks for asking!!	6/18/2024 12:45 PM
27	Recycling should be no charge We already pay a large fee	6/18/2024 12:22 PM
28	Please we need competition. The trash companies run their truck daily up and down the streets. Please change your ordinance to allow 2 trash companies. Thank you	6/18/2024 12:13 PM
29	About compost, I lived in a suburb of Detroit before here where the consolidated service that picked up our leaves/branches then composted them (along with cut grass from the city parks) and THEN made that available to the community for free. I know that would cut into the private services that provide this, but why not?	6/18/2024 12:13 PM
30	Should have a city recycling center.	6/18/2024 12:07 PM
31	The company is fine and the pricing seems ok. The mixed use of old cans (black) and new cans (blue with different lids) is super confusing. And monthly recycling is way too infrequent and makes it impossible to use.	6/18/2024 11:57 AM
32	Allow residents to select service provider as is done in other communities. You're creating a monopoly by forcing the use of Republic.	6/18/2024 11:54 AM
33	Thanks for asking	6/18/2024 11:51 AM
34	Fuel charge is very high even though they make numerous stops in Saugatuck. It is a way to capture additional moneys not included in the residential contact.	6/18/2024 11:46 AM
35	Republic's customer service is pretty bad, at least when I've had to contact them. Recycling pick up once per month is inadequate.	6/18/2024 11:39 AM
36	There is the option to have the trash can returned next to the house, but not the recycling bin. As part time residents this is inconvenient as we are not always there to take the recycling bin back from the street.	6/18/2024 11:38 AM
37	Recycling really needs to be improved. Every other place I've lived in the last 20 years has had weekly pick up. Given the nature of our community I get why it might be less frequent, but only once a month is problematic	6/18/2024 11:30 AM
38	Keep up the good work. Our driver is always friendly and accommodating.	6/18/2024 11:27 AM

City Trash Collection and Recycling Services Survey

39	Thanks for asking!	6/18/2024 11:18 AM
40	In a resort town with vacation rentals Recycling must be picked up at the same time as the trash every week. If it is not then the guest will put trash into the recycle bin if the trash gets too full.	6/18/2024 11:17 AM
41	Recycling weekly	6/18/2024 11:16 AM
42	The recycling service is not reliable. We have to call several times a year because they have missed us. Each time we call they respond promptly.	6/18/2024 11:13 AM
43	We are only in Saugatuck about 3 days/week--and it's sometimes difficult to remember the one recycling week. We typically generate more recycling than trash, so I would love to see a weekly (or at least bi-weekly) service. That seems to promote the right practices. Also, it would be nice if you could stack a few extra broken down boxes to the side and have them p/u for recycling, too. We end up bringing bigger things to be recycled back to Chicago with us, which is a bit of a pain.	6/18/2024 11:11 AM
44	Service is very inconsistent and drivers will not pick up anything extra or not in the tote. Very poor service.	6/18/2024 11:11 AM



2471 Wilshire Drive P.O. Box 109 Jenison, MI 49428
 616.693.2274 616.669.2992 republicservices.com

⑤

**Exhibit A
 Rate Sheet
 Effective October 1, 2019**

Rates for <u>City of Saugatuck</u> Collection and Disposal of Rubbish/Refuse/Garbage and Collection and Recycling of Recyclable Materials.					
2019-2024					
Monthly Service Rate per Residential Customer for 12-Months					
Pickup Frequency	Year 1 2019-2020	Year 2 2020-2021	Year 3 2021-2022	Year 4 2022-2023	Year 5 2023-2024
32 GAL WEEKLY (Curbside)	\$ 12.47	\$ 12.91	\$ 13.36	\$ 13.83	\$ 14.31
96 GAL WEEKLY (Curbside)	\$ 13.92	\$ 14.41	\$ 14.91	\$ 15.43	\$ 15.97
REAR YARD P/UP (Additional Cost)	\$ 9.70	\$ 10.04	\$ 10.39	\$ 10.75	\$ 11.13
YARD WASTE (April thru November)	\$ 142.19	\$ 147.17	\$ 152.32	\$ 157.65	\$ 163.17
96 GAL RECYCLE (1x Every 4 Weeks)	Included	Included	Included	Included	Included

Note: Price are based on current fuels cost based on \$4.75 per gallon for diesel

**** Seasonal trash service is available for a minimum period of six months.
 Seasonal service must be paid in advance.**



Sustainability in Action

August 28, 2024

City of Saugatuck
Ryan Cummins
102 Butler St.
Saugatuck, MI 49453

Ryan,

We appreciate the opportunity to continue our relationship with the city and their residents, on the next page is a quote for the next agreement, numbers represent per month rates. I believe I addressed the information that we discussed in our meeting, however if you see something that I missed please let me know and I will do what I can to update the sheet.

Again, please let me know if you need anything else.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Brown".

Jack Brown
Republic services



Sustainability in Action

RATE SHEET
EFFECTIVE OCTOBER 1, 2024 - September 30, 2029
Monthly Service Rate per Residential Customer for 12 - Months

Service	Pickup Frequency	Year 1 10/1/2024 - 9/30/2025	Year 2 10/1/2025 - 9/30/2026	Year 3 10/1/2026 - 9/30/2027	Year 4 10/1/2027 - 9/30/2028	Year 5 10/1/2028 - 9/30/2029
Trash	96-GAL Cart - Trash (Weekly)	\$ 20.50	\$ 21.73	\$ 23.03	\$ 24.42	\$ 25.88
Recycle	96-GAL Cart - (Every Other Week)	Included in Trash Price	Included in Trash Price	Included in Trash Price	Included in Trash Price	Included in Trash Price
Rear Yard Pickup	Per container / per Month Additional	\$ 20.00	\$ 21.20	\$ 22.47	\$ 23.82	\$ 25.25
Yard Waste	Yard Waste Service (April thru November)	\$ 165.00	\$ 174.90	\$ 185.39	\$ 196.52	\$ 208.31
Yard Waste	Rear Yard Pickup	\$ 325.00	\$ 344.50	\$ 365.17	\$ 387.08	\$ 410.31
Additional Carts Trash/Recycle (each)	Trash/Recycle	\$ 8.50	\$ 9.01	\$ 9.55	\$ 10.12	\$ 10.73
* Bulk Pickup	Upon Request	\$ 34.50	TBD	TBD	TBD	TBD

* See Guidelines for Bulk Items



City Council Agenda Item Report

FROM: Ryan Cummins, City Manager

MEETING DATE: September 4, 2024

SUBJECT: Tri-Community Wildlife Committee

DESCRIPTION:

Staff has been receiving complaints regarding the urban deer population within the community. Concerns have been expressed about the negative impact of deer on vegetation, including the noticeable lack of understory in Tallmadge Woods. The City of Douglas and Saugatuck Township have received similar concerns.

To address these concerns and develop effective wildlife management strategies, the City of Douglas has proposed the creation of a Tri-Community Wildlife Management Committee. This committee would involve representatives from Douglas, Saugatuck Township, and Saugatuck City, working together to develop comprehensive solutions.

Attached is a draft of proposed by-laws for the Tri-Community Wildlife Management Committee. These by-laws outline the committee's purpose, structure, and operational guidelines. Key components include:

- **Purpose:** To manage deer and other wildlife populations within the tri-community area and make recommendations for potential culling during hunting seasons.
- **Membership:** Representatives from each community and citizen members with relevant expertise.
- **Meetings:** Regular and special meetings to discuss wildlife management issues.
- **Responsibilities:** Evaluating wildlife populations, developing management strategies, and making recommendations to the respective councils and boards.
- **Powers:** Requesting data, collaborating with wildlife authorities, and making recommendations.

Staff believes this committee will provide a valuable platform for collaboration and effective wildlife management within our region. By working together, we can address the concerns and protect our natural resources.

LEGAL REVIEW:

N/A at this time.

SAMPLE MOTION:

Motion to approve partnering with the City of the Village of Douglas and Saugatuck Township to create a Tri-Community Wildlife Management Committee.

Suggested by-laws for a tri-community wildlife committee involve outlining the purpose, structure, and operational guidelines for the group.

DRAFT FROM CITY OF DOUGLAS

BY-LAWS OF THE TRI-COMMUNITY WILDLIFE COMMITTEE

ARTICLE I: NAME AND PURPOSE

Section 1: Name

The name of the organization shall be the "Tri-Community Wildlife Committee" (hereafter referred to as "the Committee"), created by the City Councils of Douglas and Saugatuck and the board of trustees for Saugatuck Township.

Section 2: Purpose

The purpose of the Committee is to seek options and make recommendations to manage the overgrowth of deer and other wildlife within the jurisdictions of the City of Douglas, Saugatuck Township, and the City of Saugatuck. The Authority will discuss wildlife management strategies, particularly focusing on the hunting season time frames set by the State of Michigan for culling purposes and make recommendations to the respective councils and boards of each community.

ARTICLE II: MEMBERSHIP

Section 1: Composition

The Committee shall consist of:

- Three (3) representatives, one from each of the City of Douglas, Saugatuck Township, and the City of Saugatuck. These representatives shall be selected by their respective councils or boards.
- Three (3) to four (4) citizens, selected based on their knowledge, interest, or expertise in wildlife management or related fields. These citizens shall be appointed by mutual agreement of the councils and boards of the three communities.

Section 2: Term of Office

- Representatives from the councils or boards shall serve a term of two (2) years, renewable upon the discretion of their respective councils or boards.
- Citizen members shall serve a term of two (2) years, with the possibility of reappointment.

Section 3: Vacancies

In the event of a vacancy, the respective council, board, or community shall appoint a new representative or citizen member to serve for the remainder of the term.

ARTICLE III: OFFICERS

Section 1: Officers

The officers of the Committee shall include a Chairperson, Vice-Chairperson, and Secretary.

Section 2: Election and Term of Officers

Officers shall be elected by the members of the Committee at the first meeting of each calendar year. Officers shall serve a one-year term and may be re-elected for successive terms.

Section 3: Duties of Officers

- **Chairperson:** Presides over all meetings, sets agendas, and represents the Committee in official communications.
- **Vice-Chairperson:** Assists the Chairperson and presides over meetings in the absence of the Chairperson.
- **Secretary:** Records and maintains minutes of all meetings, handles correspondence, and keeps records of the Committee's activities.

ARTICLE IV: MEETINGS

Section 1: Regular Meetings

The Committee shall hold regular meetings once a month (or as needed) at a time and place determined by the members.

Section 2: Special Meetings

Special meetings may be called by the Chairperson or by a majority of the members as needed.

Section 3: Quorum

A quorum for conducting business shall consist of a simple majority of the total members of the Committee.

Section 4: Voting

Each member of the Committee shall have one vote. Decisions shall be made by a simple majority of those present and voting.

ARTICLE V: RESPONSIBILITIES AND POWERS

Section 1: Responsibilities

The Committee shall:

- Discuss and evaluate the overgrowth of deer and other wildlife within the tri-community area.
- Develop and recommend wildlife management strategies, including potential culling's during hunting seasons as permitted by the State of Michigan.
- Engage with community members to gather input and provide education on wildlife management issues.

- Present recommendations to the councils and boards of the City of Douglas, Saugatuck Township, and the City of Saugatuck.

Section 2: Powers

The Committee shall have the power to:

- Request and review data and reports related to wildlife populations and management.
- Collaborate with state and local wildlife management authorities.
- Make recommendations, but not enforce policies or regulations. Final decisions rest with the respective councils and boards of the participating communities.

ARTICLE VI: AMENDMENTS

Section 1: Amendments

These by-laws may be amended by a two-thirds majority vote of the Committee members, if notice of the proposed amendment(s) has been given at least one meeting prior to the vote.

ARTICLE VII: ADOPTION

These by-laws shall become effective upon adoption by a majority vote of the Committee members and approval by the councils and boards of the City of Douglas, Saugatuck Township, and the City of Saugatuck.

This draft provides a structure for the Committee's operations and decision-making processes, ensuring that the group functions effectively in managing local wildlife concerns.



City Council Agenda Item Report

FROM: Ryan Cummins, City Manager

MEETING DATE: September 4, 2024

SUBJECT: Agreement with Bendzinski & Co. for Water and Sewer Agreement Consulting Services

DESCRIPTION:

Andy Campbell, who was previously with Baker Tilly, has been working with the City of Saugatuck, City of Douglas, and Saugatuck Township, on water and sewer agreement negotiations with Kalamazoo Lake Sewer & Water Authority (KLSWA). Mr. Campbell recently started in a new position with Bendzinski & Co. Municipal Finance Advisors. Baker Tilly has allowed each municipality to end the agreement with them, without any cost or billings, understanding that Mr. Campbell brings a wealth of knowledge and experience to the table as it pertains to these negotiations.

The attached agreement outlines the work that will be necessary to complete the negotiations. The proposed fees are the same as they were with Baker Tilly, which is \$13,500.00 for the City of Saugatuck.

I am requesting Council's approval to re-engage Andy Campbell, by approving the attached agreement with Bendzinski & Co. Municipal Finance Advisors, so that we can continue the work necessary to complete the water and sewer agreement with the KLSWA.

BUDGET ACTION:

The contractual service will exceed the line item and need to be adjusted, but sufficient dollars are appropriated in the water department fund.

LEGAL REVIEW: N/A at this time.

SAMPLE MOTION:

Motion to approve an agreement with Bendzinski & Company Municipal Finance Advisors in the amount of \$13,500.00 to assist with ongoing water and sewer agreement negotiations with the KLSWA.

August 20, 2024

RE: Kalamazoo Lake Water & Sewer Authority governance and contract negotiations with the City of the Village of Douglas, City of Saugatuck and Saugatuck Township

Dear All,

Bendzinski & Co. Municipal Finance Advisors would like to thank you for the opportunity to serve as advisor for the above referenced governance engagement. This below will confirm the scope and terms of our engagement:

- Review and analyze historical agreements between the entities.
 - Understand past responsibilities and facilitate discussion about future responsibilities.
 - Analyze current issues in the way the systems operate, discuss possible solutions and facilitate discussion around solutions to gain consensus.
- Discussions between entities regarding the following:
 - Operations, maintenance, repair and replacement of assets.
 - Asset responsibilities between entities.
 - Capacity allocations between entities.
 - Budgeting changes based on asset responsibilities.
 - Capital improvement planning changes based on asset responsibilities.
- Review and commenting on legal documents (no drafting included).
 - Comments and facilitation of discussion regarding contract details based on past knowledge and entity desires.
 - Suggest solutions based on discussions with the entities and past experience.
- Meetings
 - In-person attendance of meetings is included.
 - Virtual attendance of Teams meetings and/or calls is included.
- Memos and Presentations
 - Detailing governance recommendations, who should be responsible for what, contract scenarios and other important aspects of utility contracts

Bendzinski & Co.

August 20, 2024

Bendzinski & Co. proposes a fee of \$45,000. The typical billing method for this service is quarterly bills until completion, but this can be negotiated with the Client. To recognize the efforts, time and processes completed thus far, Bendzinski will be billing half of the fees after the September 4, 2024 meeting. The rest of the fees will be billed quarterly over the rest of the engagement period. The above fee shall be split in the following way:

Douglas City - \$13,500

Saugatuck City - \$13,500

Saugatuck Township - \$13,500

Kalamazoo Lake Sewer & Water Authority - \$4,500

It should be noted that the above fee and scope does not include rate studies or drafting of legal documents. This engagement is intended to serve purely as a governance engagement to reach consensus and agreement on the water and sewer agreements between the entities.

Bendzinski & Co. is registered as a “municipal advisor” pursuant to Section 15B of the Securities Exchange Act and rules and regulations adopted by the SEC and the MSRB. As part of this registration Bendzinski & Co. is required to disclose to the SEC information regarding any criminal actions, regulatory actions, investigations, terminations, judgments, liens, civil judicial actions, customer complaints, arbitrations and civil litigation involving Bendzinski & Co. Pursuant to MSRB Rule G-42, Bendzinski & Co. is required to disclose any legal or disciplinary event that is material to the Issuer’s evaluation of Bendzinski & Co. or the integrity of its management or advisory personnel. Bendzinski & Co. has determined that no such event exists as there are no criminal actions, regulatory actions, investigations, terminations, judgments, liens, civil judicial actions, customer complaints, arbitrations or civil litigation involving Bendzinski & Co. that were required to be reported to the SEC.

The MSRB has made available on its website (www.msrb.org) a municipal advisory client brochure that describes the protections that may be provided by MSRB rules and how to file a complaint with the appropriate regulatory authority.

Copies of Bendzinski & Co.’s filings with the SEC can currently be found by accessing the SEC’s EDGAR system Company Search Page, which is currently available at <https://www.sec.gov/edgar/searchedgar/companysearch.html> and searching for either Bendzinski & Co. or for our CIK number which is 1614475.

It is understood and agreed that either party to this contract of employment may terminate the contract for any reason upon thirty (30) days prior written notice to the other party. If our employment on this basis is agreeable to you, please endorse your acceptance hereof on this letter which will constitute our contract of employment.

Bendzinski & Co.

August 20, 2024

Should you have any questions or require any additional information, please do not hesitate to call.

Sincerely,

BENDZINSKI & CO.
Municipal Finance Advisors



Andy Campbell, CPA
Registered Municipal Advisor

CITY OF THE VILLAGE OF DOUGLAS, STATE OF MICHIGAN

Accepted: _____, 20__

By: _____

Title: _____

Signature: _____

CITY OF SAUGATUCK, STATE OF MICHIGAN

Accepted: _____, 20__

By: _____

Title: _____

Signature: _____

SAUGATUCK TOWNSHIP, STATE OF MICHIGAN

Accepted: _____, 20__

By: _____

Title: _____

Signature: _____

Bendzinski & Co.

August 20, 2024

KALAMAZOO LAKE SEWER & WATER AUTHORITY, STATE OF MICHIGAN

Accepted: _____, 20__

By: _____

Title: _____

Signature: _____



City Council Agenda Item Report

FROM: Ryan Cummins, City Manager

MEETING DATE: September 4, 2024

SUBJECT: Review of Policy on Ethical Standards of Conduct

DESCRIPTION:

Council Members Gardner and White are requesting a review of the City's ethics policy.

Attached is the City's current policy on ethical standards of conduct. The policy was last updated in 2008 with a conclusion that:

- The previous policy should be amended in the interest of more effective use of City personnel resources and taxpayer monies.
- State law ethical provisions and penalties are reliable safeguards against unethical or improper conduct by City staff and officials.
- City Council is a legislative body and is not vested with judicial powers and that as officials chosen by political process, Council members should generally avoid service in effect as judges of their own or other officials' conduct, except in cases where they are vested with that responsibility by law.
- Persons who believe that a failure of ethical conduct has occurred, or may occur, should bring that belief to the attention of the Council Member, appointed official, or in the case of a City employee, to the attention of the City Manager.
- Citizens who have concerns about serious unethical conduct should utilize procedures already available under Michigan law.

BUDGET ACTION: None at this time.

LEGAL REVIEW: N/A at this time.

SAMPLE MOTION:

Workshop item at this time.

**CITY OF SAUGATUCK
COUNTY OF ALLEGAN
STATE OF MICHIGAN**

RESOLUTION NO. 081110-C

**A RESOLUTION TO AFFIRM THE CITY'S COMMITMENT TO HIGHEST ETHICAL
CONDUCT STANDARDS BY OFFICIALS AND EMPLOYEES AND TO AMEND CURRENT
ETHICAL CONDUCT POLICY**

WHEREAS, on September 13, 2004, the City Council adopted an Ethical Standards of Conduct Policy (the "Policy") applying to City officials and employees;

WHEREAS, the Policy regulates municipal conduct that is substantially regulated, and in some cases prohibited, by existing State laws that apply to the City, its officers and employees;

WHEREAS, the Policy includes very detailed procedures for consideration of complaints under the policy, and for hearings and decisions on such complaints, all of which require considerable time and effort on the part of City staff and officials, together with potential taxpayer expense;

WHEREAS, the Council concludes that the State law ethical conduct provisions, and the penalties that can be imposed for improper conduct by municipal officials and employees, are reliable safeguards against unethical or improper conduct by City staff and officials; and

WHEREAS, the Council therefore concludes that the current Policy should be amended in the interest of more effective use of City personnel resources and taxpayer monies, and in view of the City's strict adherence to State law requirements on the proper and ethical conduct of City elected and appointed officials and employees.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

PART A

1. Our officials and employees alike seek to do their best for the City and they do so honestly and forthrightly, putting the City's interests ahead of personal advantage. When errors occasionally do occur, our officials and employees act promptly to correct them and pursue measures that will prevent similar errors in the future.

2. The Council therefore affirms with confidence the City's commitment to the highest standards of ethical conduct on the part of elective and appointive City officials and employees.

3. The laws of Michigan have for more than 40 years mandated high standards of ethical conduct on the part of municipal officials and employees. Local governments in Michigan, with very few exceptions, conduct themselves in accordance with these high standards. As a result, Michigan has largely been spared the corruption in local government that has sometimes been notorious in other states.

4. Among the Michigan laws protecting City residents against improper conduct in their local government are the following:

- Act 317 of 1968, the Public Servants' Conflict of Interest Act, which defines and prohibits conflicts of interest by local government officials and employees and provides strong penalties for violations.
- Act 196 of 1973, the Public Officials and Employees Ethical Conduct Act, which among other things, prohibits the following:
 - The use of public property or other public resources for personal gain or benefit.
 - The solicitation or acceptance of a gift, loan or other thing of value which tends to influence the performance of official duties.
 - The acceptance of private employment that is incompatible with the proper discharge of official duties.
 - The engaging in a business transaction in which a public officer or employee may profit from his or her official position or authority.
 - The divulging to unauthorized persons of confidential information acquired in the course of public business, before such information is authorized for release to the public.
 - Many other types of conflicts of interest and acts or omissions that are incompatible with public duty.
- Act 566 of 1978, the Incompatibility of Public Offices Act, which among other things prohibits public officials from holding a public office which may be incompatible with the duties of another public office, or which may result in the subordination of one public office to another.

All of these laws provide penalties for their violation, including in some cases criminal penalties and court actions by the county prosecuting attorney or the Attorney General, for injunctions or other court orders prohibiting the conduct and conflicts of interest regulated by the statutes.

5. While well-intentioned when adopted, the current Policy, in practice, necessarily involves an inordinate amount of time and effort by officials and staff in the case of complaints made under the Policy, regardless of whether the complaints may be brought for good cause, for political advantage or in efforts to harass or disrupt.

(a) Because both the Administration Committee and the Council are assigned the power to decide ethics complaints, this has the potential, if not the likelihood, of introducing political considerations into what should be factual or objective proceedings. We believe this approach is unwise and could result in decisions that, rightly or wrongly, are viewed disrespectfully or even cynically.

(b) There are many other provisions involving subpoena of witnesses, the compelling of production of evidence, formal investigations, required notifications and other matters, some of which we believe may be of doubtful validity under the law. In several instances, the procedures and requirements are ambiguous, leading to the possibility of errors in the procedures and possible subsequent complaints if complaining parties deem the procedures incorrect.

(c) In view of the complexity of the procedural requirements under the Policy, it is likely that the Council, the Administration Committee and officials complained against will need the counsel of the City's attorney, thus involving expenditure of taxpayer funds which might well be utilized on more significant City matters, in view of the State law protections already in place regarding ethics in local government.

6. While we respect the good intentions of the Council in adopting the Policy, and while we fully subscribe to the highest standards of honesty, integrity and fairness in the conduct of City business, we conclude that the public is well protected by the State law standards of ethical conduct in local government. We believe that the City can safely rely on these State law provisions, as is the case generally among many Michigan cities and other local governments.

PART B

Upon consideration of the above matters, and other matters brought forward in our discussion at this meeting, we therefore determine that the Ethical Standards of Conduct Policy, adopted by the Council on September 13, 2004, should be and it hereby is AMENDED to read in its entirety as stated in Exhibit A, attached hereto and made a part of this resolution.

As of the date of this Resolution, there are two complaints that have recently been submitted to the City under the Ethical Standards of Conduct Policy adopted September 13, 2004. One of these raises ethical concerns against two members of the Board of Review, but those members have since resigned from office and no public purpose would be served by further consideration of the complaints made against them. As to other matters raised in these recent complaints, we believe that no further City action is advisable, in view of the shortcomings of the current Policy described in Part A of this Resolution. The complainant may wish to consider the other available means of relief stated in the amended Policy.

The City Manager is directed to forward a copy of the amended Policy to the person who submitted these recent ethics complaints.

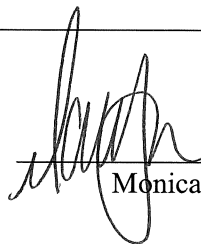
AYES: Council Members: Hess, Vettori, Bekken, Spangler, Verplank & Johnson

NAYS: Council Members: Simon

ABSTAIN: Council Members: None

ABSENT: Council Members: None

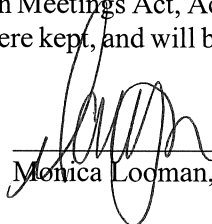
ADOPTED this 10th day of November, 2008



Monica Looman, City Clerk

CERTIFICATION

I, Monica Looman, the duly appointed clerk of the City of Saugatuck do hereby certify the foregoing is a true and complete copy of a resolution adopted by the Saugatuck City Council at a regular meeting held November 10, 2008, in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan, 1976 as amended. The minutes of the meeting were kept, and will be or have been made available as required by said Act.



Monica Looman, City Clerk

EXHIBIT A

CITY OF SAUGATUCK COUNTY OF ALLEGAN STATE OF MICHIGAN

POLICY ON ETHICAL STANDARDS OF CONDUCT

PART A – ETHICAL STANDARDS

1. The citizens of Saugatuck have entrusted our elected and appointed officials and employees with the good stewardship of their local government. In return, as we carry out our City responsibilities, we pledge to conduct ourselves so as always to justify and merit that trust.

2. Our City officials and employees shall act with fairness, integrity, impartiality and obedience to the law, as they carry out their City responsibilities.

3. We expect the highest ethical conduct as a matter of course, not merely because there are laws or rules mandating it. All citizens of the City are entitled to high ethical conduct in their local government, and Council members, appointed officials and City employees shall always act to honor that expectation.

4. Some examples of the high standards of ethical conduct we require of all elected and appointed officials and City employees are the following:

(a) We may not use our official positions to gain an advantage or preference that we would not otherwise be entitled to.

(b) We may not solicit or accept a gift of value offered or given for the purpose of influencing a vote, decision or other City action.

(c) We may not disclose public records or information that we receive in confidence in the performance of our City duties, except when authorized to do so and in compliance with the law.

(d) We may not vote upon or take other action with respect to a matter as to which we have a conflict of interest, as defined and determined by law. Council members and appointed officials shall disclose such conflicts, and act accordingly, in the manner required by law.

(e) We may not use City property for personal purposes except as authorized for such use on an incidental or emergency basis under current City policies or established practice.

(f) We may not use confidential City information or records for the purpose of personal financial advantage, whether in a business transaction or to enable others to profit or gain competitive advantage.

(g) We may not accept or engage in private employment that is in conflict with our official duties as a Council member, appointed official or City employee.

(h) We may not engage in other types of conduct in violation of the standards of this Policy.

5. This Policy is not intended to limit the normal and proper activities associated with the legislative responsibilities of Council members, the official duties of appointed officials and the job requirements of City employees. Rather, the Policy is adopted for the purpose of improving the governance of the City by emphasizing our long-standing commitment to high ethical standards by officials and employees, and determining the types of conduct that would not be consistent with those standards.

PART B – MEANS OF RESOLVING ETHICAL COMPLAINTS

1. While our officials and employees have always been prompt to correct actions which may fall short of the high ethical standards that the City expects, it is nevertheless important that there be procedures whereby citizens may raise concerns or take further action regarding conduct they believe to be in violation of this Policy.

2. We encourage persons who believe that a failure of ethical conduct has occurred, or may occur, to bring that belief to the attention of the Council member, appointed official or, in the case of a City employee, to the attention of the City Manager. In the ensuing exchange of views, correspondence or other contact, we believe that most such situations can be satisfactorily explained or resolved.

3. As to ethical concerns that may not be resolved by contact with the official or the City Manager, or in cases where a citizen may prefer not to contact the person involved, we believe that the matter may best be considered outside of City government. The City Council is a legislative body and is not vested with judicial powers. As officials chosen by political process, Council members should generally avoid serving in effect as judges of their own or other officials' conduct, except in cases where they are vested with that responsibility by law.

We encourage citizens who have concerns about serious unethical conduct to utilize procedures already available under Michigan law. There are several possible actions that citizens could take in this regard.

(a) *Reporting an Alleged Violation to a Supervisor or the Council.* Under the Public Officials and Employees Ethical Conduct Act, Act 196 of 1973, a City official or employee may report an alleged ethical violation to a supervisory person or to the Council; an employee reporting such an alleged violation is protected by the Act from dismissal or other reprisal.

(b) *Commencing a Lawsuit in the Circuit Court.* A citizen of the City may bring a civil action in the circuit court, alleging a violation of Act 196, and may request injunctive relief, actual damages or both, within the time limitation stated in the Act. If the court renders a judgment in favor of the complainant, the court has authority to award the complainant all or part of the costs of the civil action, including reasonable attorney fees.

(c) *Reporting an Alleged Violation to the County Prosecutor.* A public official, including a Council member, appointed official or City employee, who violates Act 317 of 1968, the Public Servants' Conflict of Interest Act, is guilty of a misdemeanor under that Act. Accordingly, citizens who believe that such a violation has occurred are encouraged to bring the matter to the attention of the County Prosecuting Attorney, who has authority to prosecute misdemeanors and other criminal offenses.

(d) *Requesting the County Prosecutor to Commence a Lawsuit.* In the case of a violation of Act 566 of 1978, the Incompatibility of Public Offices Act, the County Prosecuting Attorney has authority under that Act to commence an action in the circuit court against the alleged violator, for injunctive relief or other appropriate remedy in the discretion of the circuit court. Accordingly, citizens who believe that a

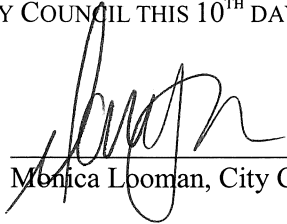
violation of the Act has occurred are encouraged to bring the matter to the attention of the County Prosecuting Attorney and request that the attorney take such action as may be warranted in the circumstances.

PART C

The Council may, from time to time, amend or supplement this policy.

The City Manager is directed to arrange for appropriate publicity concerning this policy, in order that citizens of the City may be more fully aware of the high ethical standards required in the course of City governance and the procedures available to citizens who believe that ethical violations have occurred.

THIS POLICY WAS ADOPTED BY THE CITY COUNCIL THIS 10TH DAY OF NOVEMBER 10, 2008.



Monica Looman, City Clerk



NOTICE

The CITY OF SAUGATUCK is accepting applications for appointments to the following Boards/Commissions:

Interurban Transit Authority Board:

Interurban's Board of Directors are appointed by Saugatuck Township, City of Saugatuck and City of Douglas. Each municipality appoints one member for a 4-year term every two years for a total of 6 members.

Meetings will be held on the third Tuesday of each month at the Interurban Transit Authority, 100 E Wiley Rd, Douglas.

The vacancy seat has a term starting 10/1/2024 and ending on 9/30/2028.

Jamie Wolters
Saugatuck City Clerk
Dated: 9/3/2024