

**From:** [REDACTED]  
**To:** [janelumm@comcast.net](mailto:janelumm@comcast.net)  
**Subject:** Proposed Eligibility Charter Amendment(s)  
**Date:** Saturday, July 19, 2014 5:23:35 PM

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Dear Jane,

I'm very concerned about the twists and turns that the charter amendment proposal is taking. The latest version I've seen consists of two amendments, the passage of one linked to the passage of the other. I think that this definitely is the wrong way to go. Down that road lies unnecessary voter confusion and a greater likelihood of defeat. Where is this latest approach originating?

I think it's very important to keep in mind that what might seem like smart drafting and charter "updating" to an attorney in the Attorney's Office may not be the best proposal to get the voters' approval. The latter requires a feel for political principles and voter behavior that an attorney without experience in that area will not adequately figure into the equation.

I understand the inclination to deal with the appointive officers issue while the overall section is being looked at, but that inclination should be resisted. There is a real need to fix the elective offices portion, because the city presently (and for the past 42 years) has had no effective requirements to run for office.

By contrast, there is no need to deal with the appointive officers language right now. For the foreseeable future, state law will govern paid appointive officers, so the charter language is dormant. It's like Section 12.6, which provides for no pay for Council Members, but which was overridden years ago by state law. Leaving it in there causes no harm, because everyone in City Hall knows how it works.

Adding the sentence, "Residency eligibility requirements for paid appointed officers shall be in accordance with state law," serves no purpose at all. Everything the city does must be in accordance with state law, or the city doesn't have the authority to do it.

The only "substantive" thing the two-amendment approach accomplishes is to replace the dormant language about paid appointive officers with totally superfluous language about paid appointive officers. This adds nothing but confusion.

I really don't understand the charter language that would result if Amendment 1 passes, but Amendment 2 doesn't.

**Here is the language that I would propose (very similar to your previous version):**

Whereas, The City's durational residency and registered voter eligibility requirements for elective officers have been determined invalid and unenforceable by decisions of the United States District Court; and

Whereas, It is necessary to establish valid and enforceable eligibility requirements for elective officers;

RESOLVED That the following amended charter provision be placed on the ballot and submitted to the voters at the next general city election:

### **Eligibility for City Office-General Qualifications**

SECTION 12.2. Except as otherwise provided in this charter, a person is eligible to hold an elected City office if the person is a registered elector of the City, and, in the case of a Council Member, a registered elector of the ward from which election is sought, at the time of filing of that person's nominating petition for election, or at the time of nomination by a party which nominates by caucus. To be eligible for appointment to fill a vacancy in an elected office, a person must be a registered elector of the City, and, in the case of a Council Member, of the ward, on the date of appointment. A person is eligible to hold an appointive city office if the person has been a registered elector of the City, or of territory annexed to the City, or both, for at least one year immediately preceding appointment. This requirement is waived by a resolution concurred in by not less than seven members of the Council.

RESOLVED, That November 4, 2014, be designated as the day for holding an election on the proposed Charter amendment;

RESOLVED, That the Clerk shall transmit a copy of the proposed amendment to the Attorney General and the Governor of Michigan and shall perform all other acts required by the law for holding the election;

RESOLVED, That the proposed Charter amendment shall appear on the ballot in the following form, which includes the statement of purpose:

#### **ANN ARBOR CITY CHARTER AMENDMENT ESTABLISHING ELIGIBILITY REQUIREMENTS FOR ELECTED CITY OFFICES**

Shall the Charter be amended to require a person seeking an elective City office to be a registered elector of the City, and in the case of a candidate for Council, the ward they are seeking to represent, at the time they file their nominating petition with the City Clerk, at the time of nomination by a party caucus, or at the time of appointment to fill a vacancy?

Yes No

## STATEMENT OF PURPOSE

The proposed amendment to Section 12.2 would impose on a person desiring to qualify as a candidate for elective City office the requirement of being a registered voter of the City, and in the case of a Council position, a resident of the ward to be represented, at the time they file their nominating petitions with the City Clerk, are nominated by a party caucus or are appointed to a vacancy in an elected office by Council.

Perhaps, at another time, when this problem is fixed, Council could take another look at appointive positions, at least the ones not controlled by state law. For example, is it really necessary to require appointees to various boards and commissions to be residents and/or registered voters, or, more to the point, to get 7 votes instead of 6 if they're not. Sometimes needed expertise is found outside the city, and Council can always say "no" if it doesn't think going outside the City is necessary, or even a good idea. Similarly, we have a number qualified long-time City residents who cannot yet become registered voters or may choose to maintain foreign citizenship (and cannot vote). Council can consider these factors if deemed important.

But this is a subjective for another time. Let's make sure that we clean up this decades-old elective officers problem this November, and look at the other issues later. A single, simple amendment is the best way to do that.

Tom Wieder

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Yes No

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Tom Wieder

**From:** [Eaton, Jack](#)  
**To:** [REDACTED]  
**Cc:** [Lumm, Jane](#)  
**Subject:** City Attorney employment contract  
**Date:** Thursday, October 2, 2014 11:50:46 AM  
**Attachments:** [postemacontractOCR.pdf](#)

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Tom,

I promised to give you a copy of the City Attorney's employment contract. The attached document is the original 2003 contract with the subsequent amending resolutions. The last amendment included is from 2009. I seem to recall that in late 2013, the contract was further amended to remove his car allowance.

Section 4.2 of the 2003 agreement says the Attorney will receive 180 days of pay and benefits if the City terminates the contract without cause or if the Attorney terminates the contract with cause. It also defines "cause".

I am cc'ing Jane because she was also interested in having a copy of this contract.

Best wishes,  
Jack

Jack Eaton  
Ward 4 Council Member  
734-662-6083

Email communication to me or from me is subject to the Michigan Freedom of Information Act.

**EMPLOYMENT AGREEMENT**

between

**THE CITY OF ANN ARBOR**

and

**STEPHEN K. POSTEMA**

**THIS AGREEMENT is between the City of Ann Arbor a municipal corporation chartered under the laws of the State of Michigan (the "City"), and Stephen K. Postema ("Employee").**

**PRELIMINARY STATEMENT**

1. The City is a municipal corporation under the laws of the State of Michigan whose legislative body is the Council and Mayor ("Council"), consisting of eleven members elected pursuant to Chapter 13 of the Charter for the City of Ann Arbor.
2. Under the provisions of Chapter 12 of the Charter of the City of Ann Arbor, the Council appoints a City Attorney who serves at its pleasure as the Attorney and Counsel for the City.
3. Employee has the special expertise, experience and knowledge necessary to perform as the City Attorney and will serve as the head of the legal department.

**COPY**



**ARTICLE I**  
**EMPLOYMENT**

**Section 1.1 Employment.** The City and the Employee agree that the terms and conditions of this Agreement shall govern Employee's employment as City Attorney. The Employee, as the City Attorney, shall be an employee at will who serves at the pleasure of the Council as provided in the Section 12.4(b) of the City Charter, notwithstanding any personnel regulations, practices, or representations to the contrary.

**Section 1.2 Term.** The term of employment shall commence on the date specified below and shall then continue until terminated in accordance with the provision of Article IV of this Agreement. The commencement date of the term shall be as specified by the Employee by written notice to the Council, with such notice delivered at least ten (10) days prior to the effective date of commencement; provided, however, that if the term of employment is not commenced by April 7, 2003 and if the City and the Employee have not mutually agreed in writing to extend that date, then the City, by written notice to the Employee, may declare this Agreement null and void and, upon such notice, all rights and obligations of the City and the Employee under this Agreement will be cancelled.

**Section 1.3 Best Efforts.** During the term of his Agreement, Employee shall devote his best efforts to advance the interests of the City and shall perform his duties to the best of his ability, subject to the instruction, direction, judgment and control of the Council.

**Section 1.4 Exclusive Employment.** During the term of this Agreement and any extensions, Employee agrees to be employed exclusively by the City.

**Section 1.5 Personnel Duties.** Except as provided otherwise in this Agreement, Employee shall be subject to the personnel rules of the City of Ann Arbor.

**ARTICLE II**  
**COMPENSATION**

**Section 2.1 Salary.** During the first year of this Agreement, the City shall pay Employee at the rate of \$127,000 annually, to be paid in accordance with the standard City personnel practices and procedures. The Council may adjust Employee's salary as it deems appropriate following an evaluation of Employee by Council in accordance with Article V of this Agreement.

**Section 2.2 Business Expenses.** Employee is authorized to incur such reasonable budgeted travel, cell phone expenses, entertainment and other professional expenses as are necessary in the performance of his duties. The City will reimburse Employee for such expenses in accordance with standard City procedures.

**Section 2.3 Vacation.** Employee shall be entitled to twenty (20) working days per year as paid vacation leave days, the time of such leave to be determined by the mutual agreement of the parties. Such leave shall be accrued bi-weekly in accordance with standard City personnel practices and procedures. In the first year of employment, Employee may use vacation time prior to actual accrual if necessary.

**Section 2.4 Holidays.** In addition to the vacation leave specified in Section 2.3, Employee shall be entitled to all legal holidays provided under the City personnel practices and procedures.

**Section 2.5 Sick Leave.** Employee shall be entitled to sick leave days in accordance with standard City personnel practices and procedures.

**Section 2.6 Personal Leave.** Employee shall be entitled to personal leave days in accordance with standard City personnel practices and procedures.

**Section 2.7 Health Insurance.** The City shall provide Employee and his immediate family with comprehensive health insurance, including hospitalization, medical, dental, and major

medical insurance in accordance with and subject to standard City personnel practices and procedures.

**Section 2.8 Life Insurance.** The City shall provide Employee with term life insurance equal to two times his annual salary, subject to an employee contribution in accordance with standard City personnel practices and procedures.

**Section 2.9 Pension Plan.** Employee may participate in the Employees Retirement System in accordance with and to the extent authorized by the City's pension ordinance, personnel practices, and procedures.

**Section 2.10 Professional Organizations.** The City agrees to budget for and pay for professional dues, bar association dues, reasonable travel and subsistence expenses for Employee's participation in professional organizations which are necessary for him to perform his duties as City Attorney, or which will enhance his ability to perform his duties and benefit the City.

**Section 2.11 Continuing Legal Education.** Employee shall be entitled to reasonable expenses for seminars and professional conferences and the time to participate in these activities.

**Section 2.12 Professional Development.** Notwithstanding Section 1.4 above, Employee is specifically allowed to serve as a mediator, case evaluator, facilitator, and arbitrator in community disputes (which are not adverse to the City of Ann Arbor) as referred from the Washtenaw County Bar Association, the Dispute Resolution Center, the courts, or from other sources. Such service should not exceed an average of 8 hours per month, not including any vacation time or other personal time used for this purpose, and shall be scheduled in a reasonable manner given other duties.

**Section 2.13 Parking.** Employee shall receive a parking place at no charge on the City Hall property or in a comparable location in the event of any construction or renovation to the City facilities.

**Section 2.14 Car Allowance.** Employee shall receive a car allowance calculated at \$330/per month.

**Section 2.15 Computer.** Employee shall receive a laptop computer for use outside the office.

### **ARTICLE III**

#### **DUTIES**

**Section 3.1 General Duties.** Employee shall be engaged as the City Attorney and as such shall be the Attorney and Counsel for the City. He shall be responsible for management of the Office of the City Attorney, shall have all the duties described in the Charter of the City of Ann Arbor and shall perform such other duties as required by him by Council.

### **ARTICLE IV**

#### **TERMINATION**

**Section 4.1 Termination.** This Agreement, and the appointment of the Employee with the City, may be terminated as follows:

- (a) The Council may terminate this Agreement at any time, with or without cause (as defined below), in accordance with the provisions of Section 12.4(b) of Chapter 12 of the Charter for the City of Ann Arbor.
- (b) The Employee may terminate this Agreement at any time, with or without cause (as defined below), by delivery of written notice to the Council at least ninety (90) days prior to the effective date of termination.
- (c) Unless waived in writing by the Council, this Agreement shall automatically terminate if the Employee is precluded by any mental or physical disability from

performing substantially all of his duties hereunder in competent and professional manner for a continuous period of sixty (60) days, effective as of the last day of such 60-day period.

- (d) This Agreement shall automatically terminate upon the death of the Employee, effective as of the date of death.

**Section 4.2 Rights and Duties upon Termination.** Upon termination of this Agreement, the rights and duties of the City and the Employee shall be as follows:

- (a) Upon termination in all circumstances: (i) the Employee shall be entitled to his regular salary and benefits (payable when and as otherwise due) through the effective date of termination and the Employee shall be required to perform all services as herein required through the effective date of termination; (ii) the Employee shall be paid (when and as due) for all accumulated but unused vacation time, sick leave time and personal leave time in accordance with standard City personnel procedures; and (iii) the Employee shall be paid any contributions due to him from the City Retirement Fund in accordance with standard City procedures.
- (b) Upon termination by the City pursuant to Section 4.1(a) , unless the termination was with "cause" (as defined below), the Employee shall be entitled as severance, in addition to his regular salary (when and as otherwise due), for the period of 180 days following the effective date of the termination of this Agreement. Employee shall also be eligible for all benefits during this 180 day period. Such severance shall not be payable by the City if the termination was with "cause."
- (c) Upon termination by the Employee, if the termination was with "cause" (as defined below), then the Employee shall be entitled as severance to his regular salary (payable when and as otherwise due) payment and benefits for the period of 180 days following the effective date of termination. No severance will be payable to the Employee if he terminates this Agreement without "cause."

- (d) Upon termination due to the disability of the Employee, the Employee shall be entitled as severance to his regular salary and benefits (payable when and as otherwise due) for the period following the effective date of termination through the 180th day following the onset of the Employee's disability; provided, however, that if the Employee receives any benefits under any disability insurance policy during such period, then the amount payable by the City to the Employee shall be reduced by the amount of such benefits.

For purposes of this Section 4.2, the City will have "cause" for termination if the Employee is in breach of material obligation specified in this Agreement and fails to remedy such breach within thirty (30) days after written demand by the City; if the Employee is guilty of any material misrepresentation to the City, either in connection with the signing of this Agreement or the performance by the Employee of his duties under this Agreement; if the Employee is guilty of willful misconduct or willful insubordination in the performance of his duties under this Agreement; if the Employee commits any act of moral turpitude; if the Employee is convicted of a felony or of any misdemeanor which reflects negatively upon the City (including, but without limitation, any offense involving drug abuse or sexual misconduct). The Employee will have "cause" for termination if the City breaches any material obligation specified in this Agreement (including, but not limited to, decreasing the salary of the City Attorney position) and fails to remedy such breach within thirty (30) days after written demand. Any party seeking to terminate this Agreement with "cause" shall, in the notice of termination to the other party, state specifically the "cause" for such termination.

**Section 4.3 Dispute Resolution.** If any dispute arises as to whether the Employee is afflicted with a disability, that dispute will be submitted to and conclusively resolved by a panel of three licensed physicians, the first of whom shall be selected (and compensated) by the Employee, the second of whom shall be selected (and compensated) by the City, and the third of whom shall be selected by the two physicians first selected (and compensated in equal shares by the Employee and the City). If any dispute arises as to whether a party has "cause" for termination of this Agreement, then the City and the Employee may mutually agree to submit that dispute for resolution by a panel of three licensed attorneys, the first of whom shall be selected (and compensated) by the Employee, the second of whom shall be selected (and compensated) by the

City, and the third of whom shall be selected by the two attorneys first selected (and compensated in equal shares) by the employee and the City. In either instance, the determination by the selected panel shall be conclusive and binding upon the City and the Employee and shall not be subject to challenge of appeal.

**ARTICLE V**  
**EVALUATION**

**Section 5.1 General.** The Council will review and evaluate the performance of the Employee. The first evaluation should be completed within one year after the anniversary date of the beginning of employment and thereafter annually not later than the anniversary date of the Employee.

The Council and the Employee shall jointly develop specific criteria as soon as possible that will be used by the Council in the evaluation. The criteria may be revised periodically by the Council and the Employee. The results of the evaluation shall be in writing and shall be discussed with the Employee in closed session.

**ARTICLE VI**  
**OTHER TERMS AND CONDITIONS**

**Section 6.1 Indemnification.** The City shall defend, save harmless and indemnify Employee against any tort or professional liability claim or demand or any other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Employee's duties as City Attorney. The City may, at its discretion, compromise and settle any claim or suit and pay the amount of any settlement or judgment rendered thereon. Indemnification shall not be provided to the Employee by the City if the claim, demand or other

legal action results from the willful misconduct or willful insubordination of the Employee or if the claim, demand or legal action involves any proceeding where the Employee is the plaintiff or an adverse party to the City. Employee agrees to fully cooperate with the City in its defense of Employee pursuant to this Agreement.

**Section 6.2 Miscellaneous Provisions.** All provisions of the City Charter and Code, general policies, regulations and rules of the City relating to vacation, sick leave, holiday and other fringe benefits as they now exist or hereafter may be amended, also shall apply to Employee as they would to other employees of the City in addition to the benefits enumerated specifically for the benefit of the Employee as herein provided.

**Section 6.3 Transition Issues.** Notwithstanding Section 1.4 above, Employee can assist his former law firm and clients in transitioning his cases after the effective date of employment with the City, but only to the extent that such assistance is done after business hours or on personal time (to the extent possible), is done without compensation from his law firm or clients, requires minimal time, and does not involve matters adverse to the City.

## **ARTICLE VII**

### **CONCLUDING PROVISIONS**

**Section 7.1 Entire Agreement.** This Agreement contains the entire understanding of the parties. There are no oral understandings, terms or conditions, and no party has relied on any representations, express or implied, not contained in this Agreement. This Agreement may be changed on by a written amendment signed by parties. Michigan law shall govern this Agreement.

**Section 7.2 Effective Date.** This Agreement shall be effective upon its signing by both parties.

**Section 7.3 Notices.** Any notice permitted or required under this Agreement shall be in writing and shall be deemed delivered when sent to the addressed at the following address (or such other address as may be hereafter specified in writing.):

If to City: CITY OF ANN ARBOR



100 North Fifth Avenue  
Ann Arbor, MI 48104

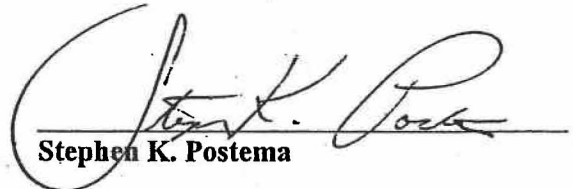
Attention: Mayor

If to Employee: Stephen K. Postema



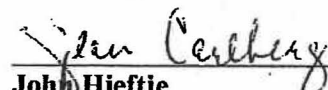
Any notice delivered by mail shall be by certified mail, return receipt requested, and shall be deemed delivered on the third after confirmed deposit with the U. S. Postal Service. Any notice delivered by courier shall be deemed delivered on the next business day following the date of confirmed delivery. Any notice delivered in person shall be deemed delivered on the date of actual delivery to the addressee.

Dated: 4/2/03

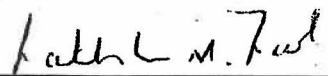
  
Stephen K. Postema

CITY OF ANN ARBOR, a Michigan  
municipal corporation

Dated: 4/3/03

By:   
John Hieftje  
Mayor Pro Tem

Dated: 4/3/03

By:   
Kathleen M. Ford  
City Clerk



# City of Ann Arbor

## Council Action

Resolution: R-09-444

100 N. Fifth Avenue.  
Ann Arbor, MI 48104  
[http://a2gov.legistar.com/  
Calendar.aspx](http://a2gov.legistar.com/Calendar.aspx)

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File Number: 09-1102

Enactment Number: R-09-444

### Resolution to Amend the City Attorney's Employment Contract

Whereas, the City Council Administration Committee established qualitative criteria to evaluate the overall job performance of the City Attorney; and

Whereas, the City Council Administration Committee solicited comments and input regarding the City Attorney's job performance from every member of the City Council;

THEREFORE, BE IT RESOLVED, that the City Attorney's employment contract be amended for fiscal year 2010 as follows: the City Attorney may, at his discretion on or before June 30, 2010, cash-in up to 120 hours of accumulated paid time off.

Submitted by: Councilmembers Greden, Higgins, Rapundalo, Teall, and Mayor Hieftje

At a meeting of the City Council on 11/5/2009, a motion was made by Leigh Greden, seconded by Christopher Taylor, that this Resolution R-09-444 be Approved. The motion passed.



# City of Ann Arbor

100 N. Fifth Avenue  
Ann Arbor, MI 48104  
www.a2gov.org

## Council Action

Resolution: R-08-451

File Number: 08-0991

Enactment Number: R-08-451

Resolution Approving Amendment to the Employment Agreement between the City of Ann Arbor and Stephen Postema

WHEREAS, Stephen Postema serves as City Attorney and his employment relationship is governed by an employment agreement between Mr. Postema and the City of Ann Arbor;

WHEREAS, The City Council Administration Committee has completed Mr. Postema's annual performance review and recommends an amendment to his Employment Agreement;

THEREFORE, BE IT RESOLVED, that the Employment Agreement between Stephen Postema and the City of Ann Arbor is amended as follows:

- Mr. Postema shall be paid a one-time lump sum payment equal to 2.75% of his annual salary, on or before December 1, 2008;
- Mr. Postema may, on or before June 30, 2009, and at his exclusive discretion, cash in up to 150 hours of unused vacation, sick, or personal time; and
- Mr. Postema's employment agreement shall include the following language: "Notwithstanding anything in this Agreement, Postema is also entitled to use his time outside of work to engage in outside legal work activities, including teaching, consulting, and mediating, so long as such activities do not conflict in any manner with his full time work as the City Attorney."

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are authorized and directed to execute the amendment to the Employment Agreement with Stephen Postema, and Human Resources Services is directed to make the necessary financial adjustments to implement this amendment.

Submitted by: City Council Administration Committee

At a meeting of the City Council on 10/20/2008, a motion was made by Margie Teall, seconded by Joan Lowenstein, that this Resolution R-08-451 be Approved. The motion passed.



# City of Ann Arbor

100 N. Fifth Avenue  
Ann Arbor, MI 48104  
www.a2gov.org

## Master

File Number: 07-0404

File ID: 07-0404	Type: Resolution	Status: Passed
Version: 2	Reference:	Controlling Body: City Council
		File Created Date: 11/05/2007
* File Name: 11/5		Final Action: 11/05/2007

**Title:** Resolution Approving 5th Amendment to the Employment Agreement between the City of Ann Arbor and Stephen Postema

**Notes:**

<b>Sponsors:</b>	<b>Enactment Date:</b> 11/05/2007
<b>Attachments:</b>	<b>Enactment Number:</b> R-07-560
<b>Drafter/Contact:</b>	<b>Hearing Date:</b>
<b>* Admin/Mgr:</b>	<b>Effective Date:</b>

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	11/05/2007	Approved				Pass

### Text of Legislative File 07-0404

Resolution Approving 5th Amendment to the Employment Agreement between the City of Ann Arbor and Stephen Postema

Whereas, City Council appointed Stephen Postema as City Attorney;

Whereas, The City Council Administrative Committee has completed Mr. Postema's annual review and recommends a change to his Employment Agreement; and

Whereas, The amendment will provide:

- A 2.75% merit increase to his base annual salary; effective July 1, 2007
- A one time market increase of 1.25% equaling \$1,746.25 to his base annual salary; effective July 1, 2007
- Increase annual vacation days from 20 to 25 days per year; effective July 1, 2007

RESOLVED, That the Mayor, City Clerk and CFO are authorized and directed to execute the amendment to the 5th Employment Agreement with Stephen Postema.

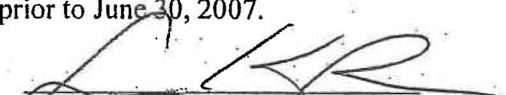
Submitted by: Councilmembers Easthope, Greden, Rapundalo, Teall and Higgins  
As Amended by City Council on November 5, 2007

**EMPLOYMENT AGREEMENT MODIFICATION**

**4th Amendment to Employment Agreement  
Between the City of Ann Arbor and  
Stephen K. Postema ("Agreement") Dated April 3, 2003**


I. Under the Agreement's Section 3 Vacation, the City Attorney is entitled to cash in up to 150 hours of accumulated vacation time, at his discretion prior to June 30, 2007.

Dated: \_\_\_\_\_

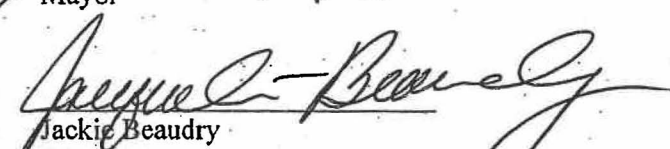
  
Stephen K. Postema

CITY OF ANN ARBOR, a  
Michigan municipal corporation

Dated: 3/12/07

  
John Hieftje  
Mayor

Dated: 3/19/07

  
Jackie Beaudry  
City Clerk

R-106-3-06 APPROVED

RESOLUTION TO AMEND THE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF ANN ARBOR AND THE CITY ATTORNEY

Whereas, An Employment Agreement between the City of Ann Arbor and the City Attorney governs the terms and conditions of the City Attorney's employment with the City;

Whereas, The City Council is committed to a fair and equitable compensation system that rewards good job performance and is consistent with compensation paid to comparable positions;

RESOLVED, That the Employment Agreement between the City Attorney and the City of Ann Arbor is amended to include the following statement:

"The City Attorney may, at his discretion, cash-in (and therefore receive equivalent cash compensation based on his annual rate of pay) up to eighty (80) hours of accrued but unused vacation time on or before June 30, 2006."

Councilmember Greden moved, seconded by Councilmember Rapundalo, that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried.

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EMPLOYMENT AGREEMENT MODIFICATIONS BETWEEN  
THE CITY OF ANN ARBOR AND STEPHEN K. POSTEMA  
(AMENDMENT NO. 2)

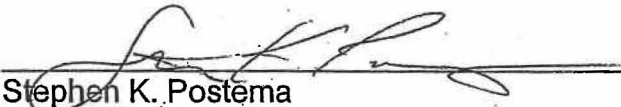
Amendment to Employment Agreement Between the City of Ann Arbor and  
Stephen K. Postema ("Agreement") Dated April 3, 2003;

1. Under the Agreement Section 2.1 Salary, the annual salary of the City Attorney shall be increased by an amount up to 3% of current salary, to be determined by the City Attorney.
2. Under the Agreement Section 2.3, this addition shall be made: As a one-time bonus in recognition of the accomplishments of the City Attorney over the past two years, the City Attorney shall be given 80 hours of vacation to be added to his vacation bank.

These amendments are effective retroactively to April 3, 2005.

All other provisions of the Agreement shall remain the same.

DATED Oct. 18, 2005

  
Stephen K. Postema  
City Attorney

DATED 10/18/05

  
John Hieftje  
Mayor

DATED 10/18/05

  
Jacqueline Beaudry  
City Clerk

Date: October 17, 2005



EMPLOYMENT AGREEMENT MODIFICATION

**Amendment to Employment Agreement  
Between the City of Ann Arbor and  
Stephen K. Postema ("Agreement") Dated April 3, 2003**

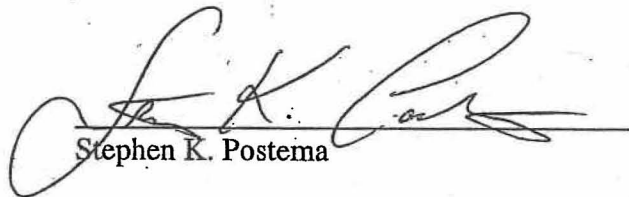
1. Under the Agreement's Section 2.1 Salary, the annual salary shall be increased by 3%, which is the amount of \$3,810.00. The annual salary shall be \$130,810.

2. Under the Agreement's Section 2.3, the paid vacation days shall be increased by 2 days. The paid vacation days shall now be twenty-two (22) days.

This amendment is effective retroactively to April 3, 2004.

All other provisions of the Agreement shall remain the same.

Dated: Sept 13, 2007

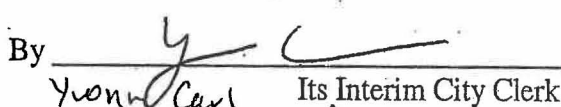
  
Stephen K. Postema

CITY OF ANN ARBOR, a Michigan  
Municipal Corporation

Dated: 9/13/04

By   
John Hieftje, Its Mayor

Dated: 9/14/04

By   
Yvonne Carl  
Its Interim City Clerk  
Co

**From:** [REDACTED]  
**To:** [Eaton, Jack](#)  
**Subject:** Re: City Attorney employment contract  
**Date:** Friday, October 3, 2014 10:14:51 AM

---

Thanks, Jack.

In a message dated 10/2/2014 11:50:58 A.M. Eastern Daylight Time, JEaton@a2gov.org writes:

Tom,

I promised to give you a copy of the City Attorney's employment contract. The attached document is the original 2003 contract with the subsequent amending resolutions. The last amendment included is from 2009. I seem to recall that in late 2013, the contract was further amended to remove his car allowance.

Section 4.2 of the 2003 agreement says the Attorney will receive 180 days of pay and benefits if the City terminates the contract without cause or if the Attorney terminates the contract with cause. It also defines "cause".

I am cc'ing Jane because she was also interested in having a copy of this contract.

Best wishes,  
Jack

Jack Eaton  
Ward 4 Council Member  
734-662-6083

Email communication to me or from me is subject to the Michigan Freedom of Information Act.

**From:** [REDACTED]  
**To:** [janelumm@comcast.net](mailto:janelumm@comcast.net); [Lumm, Jane](#)  
**Subject:** Ballot Proposals  
**Date:** Monday, October 6, 2014 5:29:57 PM

---

Jane-

I sent you the email below on 9/22. Did you get it?

Tom Wieder

Jane-

Is anything being done to promote the Charter change ballot proposal? Although it's very uncontroversial, people often vote against things they haven't been sold on. Is there any city money to send a simple informational brochure to voters or run an add or two? If these things aren't available, any sugar daddy who might foot the bill?

At the very least, we should try to get the News and Daily to write stories about it, perhaps tied to an interview with you or others and ask for their endorsement. Also the Dem Party might endorse, and the LWV will endorse in ballot raises.

Your thoughts?

Tom Wieder

[REDACTED]

**From:** [REDACTED]  
**To:** [Eaton, Jack](#)  
**Subject:** Bagged meters  
**Date:** Wednesday, February 4, 2015 3:08:40 PM

---

I've got a separate question for you - the policies around the use of bagged parking meters. I have always understood their purpose as reserving spots for construction vehicles adjacent to or near construction sites where onsite parking isn't available. It has always been my understanding that the bags simply reserve the metered spaces during hours when meters are enforced and are paid for by the construction companies. Outside of those hours, other motorists are free to use them. I've followed that assumption for many years, and never got a ticket for parking at a bagged meter outside meter hours. It seems that the city has suddenly changed the practice and is now issuing \$25 "no parking anytime" tickets for people parking at the bagged meters at any hour. I've encountered other drivers who have had the same experience as I've had, shocked to return to their cars after an evening movie to find such tickets issued. I'm not sure what ordinance or regulations govern this, and whether there's been a change in either, but it certainly seems like there's been a change in practice - an unnecessary, harsh and annoying one. Could you check into this?

(I have seen the bags used in a different way in recent years, which causes some confusion. For instance, the construction of one of the student apartment towers required taking a lane of the street. In order for there to be one lane in each direction, parking had to be eliminated on the other side of the street. This was done was bagging the meters on that side. No one was paying to use those spaces, and no one was allowed to park there until the street returned to normal.)

This seems like a very aggressive and unnecessary approach by the city which further limits parking for evening uses such as dining and entertainment for no good reason.

Please let me know what you find out.

Tom

**From:** [Eaton, Jack](#)  
**To:** [REDACTED]  
**Subject:** FW: Bagged meters  
**Date:** Friday, March 6, 2015 2:19:15 PM

---

Tom,

Please accept my apology for the delay in forwarding Chief Seto's answer to you.

His response suggests that a ticket requires (1) a complaint from the person who purchased the bag, and (2) consent to ticket or impound from the person who purchased the bag.

I note that you originally asked if the policy had changed recently. I did not get an answer to that part of your inquiry. Before I follow up with that question, let me know if there is anything else you would like me to ask.

Chief Seto mentioned that he could give more information if he had the ticket number. I would guess that we might learn who complained, if you provide your ticket number.

Best wishes,  
Jack

Jack Eaton  
Ward 4 Council Member  
734-662-6083

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-----Original Message-----

**From:** Seto, John  
**Sent:** Thu 2/5/2015 4:52 PM  
**To:** Eaton, Jack; Pollay, Susan  
**Cc:** Powers, Steve  
**Subject:** RE: Bagged meters

CM Eaton,

Yes, the police do have a policy on the handling of bagged meter enforcement. When a person purchases a "meter bag" to reserve a metered parking space, we treat it very similar to a "private property parking" complaint. When we get a complaint from the person who purchased the meter bag, we will take enforcement action (impound and ticket) only after the person gives us consent.

As for when the "meter bag" may be enforced, once the bag is in place, the police will follow the procedure above on any complaints received.

Ms. Pollay may be able to provide information on when the bags are actually placed on the meters.

It sounds like the incident referenced below occurred in the evening. Without additional information, I will not be able to determine the circumstances in which the ticket was issued. If the resident could provide the ticket number, I may be able to get additional information. The person is also welcomed to give me a call and I will do my best to resolve what occurred.

I hope this helps.  
Thanks,  
John

John Seto  
Chief of Police  
City of Ann Arbor  
301 E. Huron  
Ann Arbor, MI 48104  
(734) 794-6910 x 49101  
JSeto@a2gov.org

-----Original Message-----

From: Eaton, Jack  
Sent: Wednesday, February 04, 2015 4:31 PM  
To: Pollay, Susan; Seto, John  
Cc: Powers, Steve  
Subject: FW: Bagged meters

Ms. Pollay and Chief Seto,

A resident asked about our policy regarding "bagged meters" in the email below. I am not sure which of you can answer these questions and so I am including both of you.

1. Do we have a written policy about the enforcement of bagged parking meters? If we do, may I have a copy of that policy?
2. Does the bagging of a meter mean that parking is prohibited at that site 24 hours per day, 7 days per week? The resident is under the impression that until recently, we did not enforce bagged meters in the evening (after meter enforcement ends) and on weekends. Has there been a recent change in policy?
3. If we have a policy of enforcing bagged meters 24/7, what would it take to change that policy to reflect the actual need that led to the meter being bagged?

Thank you for your attention to these questions.

Best wishes,  
Jack

Jack Eaton  
Ward 4 Council Member  
734-662-6083

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-----Original Message-----

Sent: Wed 2/4/2015 3:08 PM  
To: Eaton, Jack  
Subject: Bagged meters

I've got a separate question for you - the policies around the use of bagged parking meters. I have always understood their purpose as reserving spots for construction vehicles adjacent to or near construction sites where onsite parking isn't available. It has always been my understanding that the bags simply reserve the metered spaces during hours when meters are enforced and are paid for by the construction companies. Outside of those hours, other motorists are free to use them. I've followed that assumption for many years, and never got a ticket for parking at a bagged meter outside meter hours. It seems that the city has suddenly changed the practice and is now issuing \$25 "no parking anytime" tickets for people parking at the bagged meters at any hour. I've encountered other drivers who have had the same experience as I've had, shocked to return to their cars after an evening movie to find such tickets issued. I'm not sure what ordinance or regulations govern this, and whether there's been a change in either, but it certainly seems like there's been a change in practice - an unnecessary, harsh and annoying one. Could you check into this?

(I have seen the bags used in a different way in recent years, which causes some confusion. For instance, the construction of one of the student apartment towers required taking a lane of the street. In order for there to be one lane in each direction, parking had to be eliminated on the other side of the street. This was done by bagging the meters on that side. No one was paying to use those spaces, and no one was allowed to park there until the street returned to normal.)

This seems like a very aggressive and unnecessary approach by the city which further limits parking for evening uses such as dining and entertainment for no good reason.

Please let me know what you find out.

**From:** [REDACTED]  
**To:** [Eaton, Jack](#)  
**Subject:** Re: FW: Bagged meters  
**Date:** Friday, March 6, 2015 2:32:50 PM

---

Jack-

I'm a little skeptical about the claim that the ticketing is done solely on a bag-holder-complaint basis. I saw a number of people get ticketed for bags in different locations and job-sites around the Michigan Theater at the same time. I've never seen this after-hours ticketing before. There was no evidence that any work was going on in the evening at these job sites. So, it's very strange that a whole bunch of tickets got issued on a complaint basis at the same time. I'm suspicious that this is being done as a revenue enhancer. My citation is #2030010471, issued on 1/28/15 at 18:46. It might be worth checking for other citations issued in the immediate vicinity about that time to verify that there were, indeed, complaints prompting each. Thanks for your help.

Tom

In a message dated 3/6/2015 2:19:16 P.M. Eastern Standard Time, JEaton@a2gov.org writes:

Tom,

Please accept my apology for the delay in forwarding Chief Seto's answer to you.

His response suggests that a ticket requires (1) a complaint from the person who purchased the bag, and (2) consent to ticket or impound from the person who purchased the bag.

I note that you originally asked if the policy had changed recently. I did not get an answer to that part of your inquiry. Before I follow up with that question, let me know if there is anything else you would like me to ask.

Chief Seto mentioned that he could give more information if he had the ticket number. I would guess that we might learn who complained, if you provide your ticket number.

Best wishes,  
Jack

Jack Eaton  
Ward 4 Council Member  
734-662-6083

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From: Seto, John  
Sent: Thu 2/5/2015 4:52 PM  
To: Eaton, Jack; Pollay, Susan  
Cc: Powers, Steve  
Subject: RE: Bagged meters

CM Eaton,



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I hope this helps.

Thanks,  
John

John Seto  
Chief of Police  
City of Ann Arbor  
301 E. Huron  
Ann Arbor, MI 48104  
(734) 794-6910 x 49101  
JSeto@a2gov.org

-----Original Message-----

From: Eaton, Jack  
Sent: Wednesday, February 04, 2015 4:31 PM  
To: Pollay, Susan; Seto, John  
Cc: Powers, Steve  
Subject: FW: Bagged meters

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Thank you for your attention to these questions.

Best wishes,  
Jack

Jack Eaton  
Ward 4 Council Member  
734-662-6083

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-----Original Message-----

Sent: Wed 2/4/2015 3:08 PM  
To: Eaton, Jack  
Subject: Bagged meters

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(I have seen the bags used in a different way in recent years, which causes some confusion. For instance, the construction of one of the student apartment towers required taking a lane of the street. In order for there to be one lane in each direction, parking had to be eliminated on the other side of the street. This was done was bagging the meters on that side. No one was paying to use those spaces, and no one was allowed to park there until the street returned to normal.)

This seems like a very aggressive and unnecessary approach by the city which further limits parking for evening uses such as dining and entertainment for no good reason.

Please let me know what you find out.

**From:** [Lumm, Jane](#)  
**To:** "[Jane Klingsten](#)"  
**Cc:** "[Tom Wieder](#)"; "[Kate Redman](#)"; "[Wendy Carman](#)"; [REDACTED]  
"[nixonarea@arborwatch.org](mailto:nixonarea@arborwatch.org)"; "[board@arbor-hills.org](mailto:board@arbor-hills.org)"  
**Bcc:** "[janelumm@comcast.net](mailto:janelumm@comcast.net)"  
**Subject:** RE: City Responded to "Project Planning Concerns with Nixon Farms North and Nixon Farms South" document  
**Date:** Saturday, December 19, 2015 4:51:00 PM

---

Dear Jane,

I am sorry that the responses are not satisfactory, and also regret that the meeting at Huron H.S. was more "informational" rather than an opportunity to obtain feedback on ways to improve/change the plan. I think that the tone/opportunity was unfortunately limited from the outset when it was announced that the meeting would not be an opportunity for folks to state their dissatisfaction with the plan, and understand why those kinds of parameters and the limitations on the exchange of suggestions for addressing the concerns the neighbors have raised was not helpful. We need to do a better job of "give and take" and utilizing these opportunities for gathering input when it comes to community engagement.

I sincerely appreciate your and all the neighbors' due diligence and considerable efforts to improve the Nixon Farms projects in a way that addresses the quality of life issues that impact you all directly, and regret how this process has damaged the public's trust. I look forward to your response.

Thanks again for all your efforts, Jane

---

**From:** Jane Klingsten [REDACTED]  
**Sent:** Saturday, December 19, 2015 2:19 PM  
**To:** CityCouncil  
**Cc:** Tom Wieder; Kate Redman; Wendy Carman; [REDACTED]  
[nixonarea@arborwatch.org](mailto:nixonarea@arborwatch.org); [board@arbor-hills.org](mailto:board@arbor-hills.org); Crawford, Tom; Beaudry, Jacqueline  
**Subject:** Fwd: City Responded to "Project Planning Concerns with Nixon Farms North and Nixon Farms South" document

Dear Mayor Taylor and City Council,

Attached is the City staff response to our concerns on Nixon Farms. Much appreciated is the multitude of support we have received from City Council on the proper address of concerns.

At first glance, I would like to express my sincere disappointment at the nature of some of the responses. Instead of simply addressing the issues, many were given answers weakly attempting to circumventing them.

A number of the issues in the zoning and site planning of Nixon Farms remain unresolved, including several related regulatory codes and standards, quality of life, and the environment.

In addition, we tolerated an "informational" meeting for the Nixon Farms sites at which some of these questions were supposed to be answered. Yet the meeting was restricted to off site questions only, and the scope of the topics cut back and limited. No participants were allowed to speak, even to inquire about conflicting information or to correct questions misunderstood

or read out of context.

We've had feedback that the meeting left people frustrated or confused by conflicting information, some with more concerns than before.

Given the amount of due diligence on the public's part and how much that had been accepted in good faith that has turned out to be insufficient, this is a major break in the public's trust.

We will be submitting a response to the City staff document.

Sincerely,

Jane Klingsten  
Nixon Area Neighborhood Alliance

Begin forwarded message:

**From:** "Slotten, Cresson" <[CSlotten@a2gov.org](mailto:CSlotten@a2gov.org)>  
**Date:** December 18, 2015 at 4:58:14 PM EST  
**To:** Jane Klingsten [REDACTED]  
**Cc:** "Crawford, Tom" <[TCrawford@a2gov.org](mailto:TCrawford@a2gov.org)>, "Higgins, Sara" <[SHiggins@a2gov.org](mailto:SHiggins@a2gov.org)>  
**Subject:** City Responded to "Project Planning Concerns with Nixon Farms North and Nixon Farms South" document

Jane,

Attached is a document with responses from City staff to the items in the above-mentioned document that you e-mailed to me last week on 12/9/15.

Sincerely,

**Cresson Slotten, P.E.**  
**Manager**

**City of Ann Arbor | Public Services - Systems Planning Unit**

301 E. Huron Street | Ann Arbor, MI 48104  
(734) 794-6430 x43701 | (734) 994-1744 (fax)

**From:** [Lumm, Jane](#)  
**To:** ["Jane Klingsten"](#)  
**Cc:** ["nixonarea@arborwatch.org"](mailto:nixonarea@arborwatch.org); ["Tom Wieder"](#); ["Kate Redman"](#)  
**Subject:** RE: Nixon Farms staff planning responses  
**Date:** Monday, December 21, 2015 11:41:00 AM

---

Thank you, Jane. I sincerely appreciate all your indepth analysis of the plans and your summaries of issues which pose concerns. We are supposed to submit our council agenda questions before 10 a.m. on Monday, so I didn't touch on all of these, and hope tonight's discussion and public hearing will delve further into these issues. I did submit questions re: the conditional zoning and the roads.

Will forward the responses when received (usually around 5 p.m.). Thanks again! Jane

-----Original Message-----

**From:** Jane Klingsten [REDACTED]  
**Sent:** Monday, December 21, 2015 10:04 AM  
**To:** CityCouncil  
**Cc:** nixonarea@arborwatch.org; Tom Wieder; Kate Redman  
**Subject:** Nixon Farms staff planning responses

Dear Mayor Taylor and City Council,

Please see the attached draft of concerns that are still yet unresolved. We have had limited time to pull this together especially as planning document updates continued to come in through the weekend.

Thank you for your consideration and apologies for the rough form.

Sincerely,

Jane Klingsten  
Nixon Area Neighborhood Alliance

**From:** [REDACTED]  
**To:** [Eaton, Jack](#)  
**Subject:** Vote on DDA parking agreement  
**Date:** Thursday, April 7, 2016 9:32:19 AM

---

Jack-

I don't understand why you voted against reopening the parking agreement. I think that reopening the agreement would be great. Why not do so and try to get some beneficial changes? I realize that changes could be for the worse, but only if Council is stupid enough to give up even more authority to the DDA (well, I guess that stupidity is not unknown here). In any event, I think that voting against opening it up conveys the message that you find the agreement to be fine just as it is. I don't think that's your position.

BTW, if you think the blowback was bad about eliminating 20 free parking spaces for taxi stands, just wait to see what would happen if parking enforcement hours were extended. Visitors may be substantial users of downtown parking, but they don't vote here.

Tom Wieder

**From:** [Eaton, Jack](#)  
**To:** [REDACTED]  
**Subject:** RE: Vote on DDA parking agreement  
**Date:** Thursday, April 7, 2016 9:45:59 AM

---

Hi Tom,

I hope all is well with you.

The reason I opposed the resolution to reopen the City's parking contract with the DDA is the likelihood that the parties will agree to extend parking meter enforcement to 9:00 pm. The reason offered for opening the agreement was to address the recommendations made by the DDA's consultant. The major change recommended in the consultant's report was the extension of enforcement to 9:00 pm. Of course, another possible change would be to decrease or increase the amount of parking revenue the DDA turns over to the City. I don't think that should change, either. If we agree to reduce the City's share, that will simply give the DDA more money. If we agree to increase the City's share, it acknowledges that we are using our downtown parking system as a profit center, instead of a means of controlling parking.

With the current composition of Council, I do not foresee any positive changes to the agreement. If the consultant's recommendations had included any changes that I could support, I would have voted to approve the resolution.

Best wishes,  
Jack

---

**From:** [REDACTED] [REDACTED]  
**Sent:** Thursday, April 07, 2016 9:32 AM  
**To:** Eaton, Jack  
**Subject:** Vote on DDA parking agreement

Jack-

I don't understand why you voted against reopening the parking agreement. I think that reopening the agreement would be great. Why not do so and try to get some beneficial changes? I realize that changes could be for the worse, but only if Council is stupid enough to give up even more authority to the DDA (well, I guess that stupidity is not unknown here). In any event, I think that voting against opening it up conveys the message that you find the agreement to be fine just as it is. I don't think that's your position.

BTW, if you think the blowback was bad about eliminating 20 free parking spaces for taxi stands, just wait to see what would happen if parking enforcement hours were extended. Visitors may be substantial users of downtown parking, but they don't vote here.

Tom Wieder

**From:** [REDACTED]  
**To:** [Eaton, Jack](#)  
**Subject:** Re: Vote on DDA parking agreement  
**Date:** Thursday, April 7, 2016 10:37:51 AM

---

Hi Jack,

I guess I was being too optimistic, or just plain naive, to think that this Council would do anything to improve the contract from our perspective. Hope springs eternal.

If you knew the resolution was going to pass, regardless of your vote, I think it might have been better optics if you looked "open-minded" and voted for it, but now I'm just quibbling.

I'd like to talk to you at greater length, sometime, about parking and other DDA issues. I'll give you a call.

Thanks for responding quickly and thoroughly. Hell, you could have said: "I don't have time to talk to you, asshole. You don't even live in the city." LOL

Tom

In a message dated 4/7/2016 9:46:01 A.M. Eastern Daylight Time, JEaton@a2gov.org writes:

Hi Tom,

I hope all is well with you.

The reason I opposed the resolution to reopen the City's parking contract with the DDA is the likelihood that the parties will agree to extend parking meter enforcement to 9:00 pm. The reason offered for opening the agreement was to address the recommendations made by the DDA's consultant. The major change recommended in the consultant's report was the extension of enforcement to 9:00 pm.

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Best wishes,  
Jack

---

**From:** [REDACTED]  
**Sent:** Thursday, April 07, 2016 9:32 AM  
**To:** Eaton, Jack  
**Subject:** Vote on DDA parking agreement

Jack-

I don't understand why you voted against reopening the parking agreement. I think that reopening the agreement would be great. Why not do so and try to get some beneficial changes? I realize that changes could be for the worse, but only if Council is stupid enough to give up even more authority to the DDA (well, I guess that stupidity is not unknown here). In any event, I think that voting against opening it up conveys the message that you find the agreement to be fine just as it is. I don't think that's your position.



BTW, if you think the blowback was bad about eliminating 20 free parking spaces for taxi stands, just wait to see what would happen if parking enforcement hours were extended. Visitors may be substantial users of downtown parking, but they don't vote here.

Tom Wieder

**From:** [REDACTED]  
**To:** [Eaton, Jack](#)  
**Subject:** Revised  
**Date:** Tuesday, November 1, 2016 10:38:29 AM  
**Attachments:** [PRESS RELEASE.docx](#)

---

Jack,

See revised press release, attached. We can get it out as soon as you approve.

Tom

## **PRESS RELEASE**

A2Accountability.org represents Ann Arbor voters who oppose the passage of the Ann Arbor City Charter amendment proposal on the November 8<sup>th</sup> ballot. The amendment would double the length of the terms for the Mayor and City Council from two to four years, reducing the accountability of City Council to the city's voters.

The proposed amendment does nothing for the citizens of Ann Arbor. It would only benefit the city's elected officials. The proposed change comes from a portion of the Council, not from any citizens.

Fourth Ward Councilmember Jack Eaton is the spokesman for A2Accountability.org. Eaton voted against the proposal on Council. Eaton says: "There is no question that the amendment would reduce accountability of the Council to the voters. We would have to face the judgment of our constituents only half as often as we do now."

"Running for election every two years is a plus," Eaton says. While campaigning, I have personal contact with thousands of individual voters, meeting them at their doors. They have the opportunity to be heard by me, and I learn from them. Every year, voters have a chance to affect the makeup of half of the Council," Eaton says. "Four years is too long for a local official to go without directly accountability to the voters."

Two-year terms are used for the U.S. House, the Michigan House and County Commissions.

The campaign for the proposal is fundamentally misleading and relies on factual distortions and misstatements. The proponents call themselves Citizens for Voter Turnout ("CVT"), but the proposed amendment would do nothing to increase participation in electing City Council. It would actually do the opposite. CVT's website barely even mentions the doubling of the length of terms, and its yard signs say nothing about it. "It is dishonest to suggest that the amendment would empower voters when it would decrease accountability," Eaton says.

Because Ann Arbor is so overwhelmingly Democratic, almost all Council positions are decided in August Democratic primaries. The proposal would change the present system of two odd-year primaries and two even-year primaries every four years to just two even-year primaries over the same period. "There would actually be fewer votes cast in selecting the Mayor and Council over four years than under the present system," says Eaton.

CVT says, without any support, whatsoever, that even-year primary voters are more diverse than odd-year voters, and that odd-year elections may disadvantage African-Americans, Asians and Latinos. “There is about as much factual support for these claims as Donald Trump’s claims about rigged elections,” argues Eaton.

CVT even attempts to exploit outrage over the shooting of Michael Brown in Ferguson, Missouri, as well as nationwide Republican voter suppression tactics. CVT bizarrely suggests that Ann Arbor’s current election system has some connection to those situations. “This is pure demagoguery,” Eaton says.

How does the tragic shooting in Ferguson, Missouri figure into this? It doesn’t. CVT suggests that what happened in Ferguson somehow relates to this proposal, because Ferguson also has odd-year elections. Ferguson has odd-year-only, city-only, nonpartisan elections, totally unlike Ann Arbor’s system. Because African-Americans, who are a majority in Ferguson, tend to vote less than whites in those elections, they have been underrepresented on the city council. “CVT cynically tries to sell its proposal to liberal Ann Arborites based on this nonsensical comparison,” Eaton says.

CVT also tries to peddle the bizarre claim that Ann Arbor’s present election system can be equated with “politicians introducing voter suppression measures...to keep the electorate smaller and more favorable to them.” (CVT website.) “This makes absolutely no sense. It’s just more demagoguery,” Eaton says.

The Treasurer and spokeswoman for CVT is Joan Lowenstein, a one-time Ann Arbor councilmember. She also sits on the Board of the powerful, but unelected, Ann Arbor Downtown Development Authority (“DDA”). She told [The Michigan Daily](#) (October 13, 2016) that four-year terms would allow councilmembers to cast votes that their constituents don’t like, while avoiding a challenge at the polls for a longer period of time. “It was probably a slip, but Lowenstein revealed the real reason for the proposed change – allowing elected officials to be less accountable to their constituents for their votes on Council,” Eaton states.

“This is a top-down, self-interested proposal of some members of Council which involved no voter input. No study committee, no public hearing, nothing,” Eaton says.

Any cost savings from the change would be miniscule. It would save about fifty-thousand dollars a year out of a total city budget of about 380 million dollars.

**From:** Thomas Wieder  
**To:** [REDACTED]  
**Cc:** [Lumm, Jane](mailto:Jane.Lumm@a2gov.org)  
**Subject:** Re: Q about the safe passing ordinance  
**Date:** Saturday, January 7, 2017 12:24:17 PM

---

Jane,

I've been involved with Jim on this issue for a number of years, and I also have discussed it somewhat with Jack Eaton. I told Jack that I would send him some background material. I will also get it to you. Perhaps, then, the four of us could get together, as well as others who might be interested.

Tom Wieder

Sent from my iPad

On Jan 7, 2017, at 9:48 AM, [REDACTED] wrote:

Hi Jane,

As you know, I have many differences with Mr. Postema.

We need to get together, perhaps with a couple of other people, to explain what the new set of speed limit bills will mean to A2. I was materially involved in the process of crafting these bills and negotiating the various compromises within them. HB4423-4427 which became Public Acts 445-449 of 2016 on 1/5/2017 with immediate effect will close many of the loopholes left in PA85 of 2006.

It might be helpful for you to understand the implications in advance.

Regards,

Jim Walker

-----Original Message-----

From: Lumm, Jane <[JLumm@a2gov.org](mailto:JLumm@a2gov.org)>  
To: jcwconsult [REDACTED]  
Sent: Sat, Jan 7, 2017 9:03 am  
Subject: Re: Q about the safe passing ordinance

Jim, he never responded to my Q (see Dec. 6th email), but Ryan included a comment reflecting info. he rec'd. from the City, a comment which answered this Q. Perhaps I should try asking Q's under the name Ryan Stanton..... very frustrating ....

Sent from my iPhone

On Jan 6, 2017, at 9:50 PM, [REDACTED] wrote:

I did not find a definitive answer from the city attorney on this.

Regards,

Jim Walker

-----Original Message-----

From: Lumm, Jane <[JLumm@a2gov.org](mailto:JLumm@a2gov.org)>

To: Postema, Stephen <[SPostema@a2gov.org](mailto:SPostema@a2gov.org)>; Larcom, Kristen <[KLarcom@a2gov.org](mailto:KLarcom@a2gov.org)>

Cc: Lazarus, Howard <[HLazarus@a2gov.org](mailto:HLazarus@a2gov.org)>; Higgins, Sara <[SHiggins@a2gov.org](mailto:SHiggins@a2gov.org)>; Taylor, Christopher (Mayor) (Mayor) <[CTaylor@a2gov.org](mailto:CTaylor@a2gov.org)>; Kailasapathy, Sumi <[SKailasapathy@a2gov.org](mailto:SKailasapathy@a2gov.org)>;

Westphal, Kirk <[KWestphal@a2gov.org](mailto:KWestphal@a2gov.org)>; Grand, Julie

<[JGrand@a2gov.org](mailto:JGrand@a2gov.org)>; Ackerman, Zach <[ZAckerman@a2gov.org](mailto:ZAckerman@a2gov.org)>; Krapohl,

Graydon <[GKrapohl@a2gov.org](mailto:GKrapohl@a2gov.org)>; Eaton, Jack <[JEaton@a2gov.org](mailto:JEaton@a2gov.org)>; Smith,

Chip <[ChSmith@a2gov.org](mailto:ChSmith@a2gov.org)>; Warpehoski, Chuck

<[CWarpehoski@a2gov.org](mailto:CWarpehoski@a2gov.org)>

Sent: Fri, Jan 6, 2017 6:43 pm

Subject: Re: Q about the safe passing ordinance

Dear Stephen,

Just circling back to say I now have an answer to this Q (Ryan included this information in an article in today's M-Live), so no need to get back to me on this email/Q I sent last month.

Jane

Sent from my iPhone

On Dec 6, 2016, at 4:14 PM, Lumm, Jane <[JLumm@a2gov.org](mailto:JLumm@a2gov.org)> wrote:

Stephen/Kristen,

I am following-up on a clarifying Q I rec'd., and I think this may involve a legal opinion, and hence my referral to you.

The Q: Is it OK to cross a double-yellow center striped line to provide the required five feet? Would this be permissible or would it be a traffic violation?

Thank you, Jane

**From:** [Lumm, Jane](#)  
**To:** [Tom Wieder](#); [Jim Walker](#)  
**Cc:** [Eaton, Jack](#)  
**Subject:** Fwd: MIRS Article-Law Upping Speed Limits Signed Into Law  
**Date:** Monday, January 9, 2017 10:00:40 AM

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Sent from my iPhone

Begin forwarded message:

**From:** GCSI <[gcsi@gcsionline.com](mailto:gcsi@gcsionline.com)>  
**Date:** January 9, 2017 at 9:19:08 AM EST  
**To:** Undisclosed recipients;;  
**Subject:** **MIRS Article-Law Upping Speed Limits Signed Into Law**

***Per the request of Kirk Profit:***

**MIRS Article – Thursday, January 5, 2017**

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Along with the speed limit hike, the bills also allow local governments more control over speeds on gravel roads and set in place an 85th percentile rule for determining speed limits on all roadways. In theory, this could allow for limits to be raised on any road, where it is state or municipally controlled.

But for Jacobsen, the key is having a consistent tool for measuring what is a "safe" speed for a particular roadway, noting that speed outliers are more dangerous in traffic than the speed of traffic itself. "It uses scientific standards for setting speeds limits, rather than emotions," Jacobsen said.

"Ensuring that all Michiganders are safe while operating vehicles on our state's roadways is critically important, and these bills allow for appropriately increased speed limits on certain roadways after safety studies are conducted," Snyder said.

In other news, Michigan's cities will no longer need to kick in money for state expressway projects that run through their borders, under legislation the Governor

signed today.

SB 1068 is a reworked version of legislation Snyder vetoed July 1 because it exempted 45 large Michigan cities from needing to kick in money for all state highway projects. However, the new version, sponsored by Sen. Marty **KNOLLENBERG** (R-Troy), applies only to limited access freeways (See "[Senate, Gov Cut Deal So Cities Won't Pay For Freeway Improvements.](#)" 12/7/16).

Snyder signed 10 additional bills affecting Michigan's roadways.

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- SB 0541, sponsored by Sen. John **PROOS** (R-St. Joseph), requires the Secretary of State to ask everyone who applies for a new or renewal driver license if they would like to be added to the organ donor registry.

- SB 0595, sponsored by Sen. Tom **CASPERSON** (R-Escanaba), eliminates the current requirement for a volunteer firefighter or government employee to obtain a medical waiver before being allowed to operate a commercial motor vehicle owned by their governmental entity. This change will align state statute with federal law.

- SB 0702, also sponsored Casperson, removes the 50-mile limit on towing a disabled truck to a safe place for repair.

- SB 0706, SB 0707 and SB 0708, sponsored by Casperson, helps generate consistency among county road commission policies related to timber harvesting companies' usage of roadways.

- SB 0879, sponsored by Sen. Mike **SHIRKEY** (R-Clarklake), helps create greater efficiency in building Michigan's infrastructure by updating the processes used to generate and implement lifecycle cost analyses for road construction.

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SB 1089, sponsored by Casperson, allows road construction and maintenance workers to wear only a lap safety belt and not both a lap belt and a shoulder harness while performing duties in a work zone. It is now Public Act 460 of 2016.

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"Adapting to innovation in technology is critically important to Michigan's overall success," Snyder said. "These bills help modernize the way certain licenses are displayed, making outdoor recreational activities more convenient for Michiganders."

The three-bill package led by SB 1073 and sponsored by Sens. Arlan **MEEKHOF** (R-West Olive), Dale **ZORN** (R-Ida) and Wayne **SCHMIDT** (R-Traverse City), respectively, allow individuals who have received a small game hunting, fishing, waterfowl or fur harvester's license to display the license electronically. The bill also requires the Michigan Department of Natural Resources to create an electronic license on or before March 1, 2018. Gov. Snyder also signed 16 additional bills:

- SB 0506, SB 1051, SB 1052, SB 1053 and SB 1179, sponsored by Sen. Mike **GREEN** (R-Mayville), provide a streamlined fee structure for petroleum dealers. The legislation raises the current regulatory fee on each gallon of refined petroleum product sold for resale from 7/8 cent to 1 cent, while eliminating the underground



storage tank fee and the retail license fee.

The net result will could be a projected increase of around \$4 million in revenue to the Refined Petroleum Fund. This fund is used to support storage tank oversight and cleanup efforts. The bills also exempt aboveground storage tanks from certain installation application fees and update necessary industry references.

- SB 0521 and SB 5022, sponsored by Sens. Ken **HORN** (R-Frankenmuth) and Margaret **O'BRIEN** (R-Portage), respectively, change the make-up and responsibilities of the Michigan Historical Commission. It also creates the Michigan Historical Center within the Department of Natural Resources. The center would consist of the archives of the state as well as the Michigan Historical Museum.

- SB 0908, SB 0909, SB 0910, SB 0911, SB 0912 and SB 0913, sponsored by Schmidt, O'Brien, Horn, Sen. David **KNEZEK** (D-Dearborn Heights), and Casperson, streamline and create consistency between existing laws governing the state's brownfield redevelopment program. The bills will assist with increasing the ability for brownfield properties to be redeveloped, while effectively managing the environmental risk associated with these properties.

- SB 1093, sponsored by Sen. Mike **KOWALL** (R-White Lake), temporarily postpones the deadline for the Departments of Natural Resources and Agriculture and Rural Development to develop a "permitted species list" relative to commercial trade and aquaculture. The extended timeline will provide the departments additional time to seek industry input as the list is developed.

**From:** [REDACTED]  
**To:** [Lumm, Jane](#); [REDACTED]  
**Cc:** [Eaton, Jack](#)  
**Subject:** Re: MIRS Article-Law Upping Speed Limits Signed Into Law  
**Date:** Monday, January 9, 2017 10:30:32 AM

---

Jane,

Thanks for getting back to us. Jim and I are putting together some info, not just about the recent amendments, but also about the state's efforts - over the last 10 years and the strong support of the MSP - to make speed limits safer and more rational and to prevent use of speed traps. BTW, A2 has defiantly violated those laws the entire time, maintaining illegal limits, even though speeding tickets issued under those illegal limits have been repeatedly thrown out by our local courts.

Tom

In a message dated 1/9/2017 10:00:43 A.M. Eastern Standard Time, JLumm@a2gov.org writes:

FYI. Would be happy to meet, Tom and Jim. And, thank you for offering. -Jane

Sent from my iPhone

Begin forwarded message:

**From:** GCSI <gcsi@gcsionline.com>  
**Date:** January 9, 2017 at 9:19:08 AM EST  
**To:** Undisclosed recipients;;  
**Subject:** MIRS Article-Law Upping Speed Limits Signed Into Law

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**From:** [Lumm, Jane](#)  
**To:** [REDACTED]  
**Cc:** [Eaton, Jack](#)  
**Subject:** RE: MIRS Article-Law Upping Speed Limits Signed Into Law  
**Date:** Monday, January 9, 2017 11:30:00 AM

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Thanks again, Jim and Tom! Appreciate your providing us more info. AA residents, I've come to appreciate, generally prefer lower speed limits around town, but also think understanding the changes and what we can/not enforce and how these changes impact behavior are all important aspects of this issue we need to understand. Best, Jane

**From:** [REDACTED]  
**Sent:** Monday, January 9, 2017 11:03 AM  
**To:** Lumm, Jane <JLumm@a2gov.org>; [REDACTED]  
**Cc:** Eaton, Jack <JEaton@a2gov.org>  
**Subject:** Re: MIRS Article-Law Upping Speed Limits Signed Into Law

This is a brief summary, and I will work up a list of changes with a bit more detail.

The hardest thing to teach, of course, is that the actual travel speeds for most drivers will not change by any amount that would be significant.

Regards,

Jim Walker

-----Original Message-----

**From:** Lumm, Jane <JLumm@a2gov.org>  
**To:** Tom Wieder <[REDACTED]> Jim Walker <[REDACTED]>  
**Cc:** Eaton, Jack <JEaton@a2gov.org>  
**Sent:** Mon, Jan 9, 2017 10:00 am  
**Subject:** Fwd: MIRS Article-Law Upping Speed Limits Signed Into Law

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The three-bill package led by SB 1073 and sponsored by Sens. Arlan **MEEKHOF** (R-West Olive), Dale **ZORN** (R-Ida) and Wayne **SCHMIDT** (R-Traverse City), respectively, allow individuals who have received a small game hunting, fishing, waterfowl or fur harvester's license to display the license electronically. The bill also requires the Michigan Department of Natural Resources to create an electronic license on or before March 1, 2018. Gov. Snyder also signed 16 additional bills:

- SB 0506, SB 1051, SB 1052, SB 1053 and SB 1179, sponsored by Sen. Mike **GREEN** (R-Mayville), provide a streamlined fee structure for petroleum dealers. The legislation raises the current regulatory fee on each gallon of refined petroleum product sold for resale from 7/8 cent to 1 cent, while eliminating the underground storage tank fee and the retail license fee.

The net result will could be a projected increase of around \$4 million in revenue to the Refined Petroleum Fund. This fund is used to support storage tank oversight and cleanup efforts. The bills also exempt aboveground storage tanks from certain installation application fees and update necessary industry references.

- SB 0521 and SB 5022, sponsored by Sens. Ken **HORN** (R-Frankenmuth) and Margaret **O'BRIEN** (R-Portage), respectively, change the make-up and responsibilities of the Michigan Historical Commission. It also creates the Michigan Historical Center within the Department of Natural Resources. The center would consist of the archives of the state as well as the Michigan Historical Museum.

- SB 0908, SB 0909, SB 0910, SB 0911, SB 0912 and SB 0913, sponsored by Schmidt, O'Brien, Horn, Sen. David **KNEZEK** (D-Dearborn Heights), and Casperson, streamline and create consistency between existing laws governing the state's brownfield redevelopment program. The bills will assist with increasing the ability for brownfield properties to be redeveloped, while effectively managing the environmental risk associated with these properties.

- SB 1093, sponsored by Sen. Mike **KOWALL** (R-White Lake), temporarily postpones the deadline for the Departments of Natural Resources and Agriculture and Rural Development to develop a "permitted species list" relative to commercial trade and aquaculture. The extended timeline will provide the departments additional time to seek industry input as the list is developed.