

Ann Arbor City Council Regular Session: March 7, 2022
Email Redactions List Pursuant to Council Resolution R-09-386

	A	B	C	D	E	F
1	<u>Sent Time</u>	<u>TO</u>	<u>From</u>	<u>CC</u>	<u>Redactions</u>	<u>Reason for Redaction</u>
2	7:13 PM	Peter Nelson	Elizabeth Nelson		Personal Contact Information	Privacy
3	7:33 PM	Jen Eyer	Amy Cell		Personal Contact Information	Privacy
4	8:33 PM	Brent Schomaker	Davang Shah	Linh Song; Carol Clyde; Chris Schulte; Dan Morgan; Darrin Wager; Ed Heberlein	Personal Contact Information	Privacy
5	9:30 PM	Elizabeth Nelson	Jordan Schreier		Personal Contact Information	Privacy

From: [Disch, Lisa](#)
To: [Lenart, Brett](#)
Subject: Re: Do I have this right (for 350 So 5th):
Date: Monday, March 7, 2022 7:00:36 PM

Thank you! I'm really glad I asked. Now I understand. I suppose we could speak in probabilities in that it is unlikely that we'd see fewer than 40 units affordable in the affordable phase. But I take your point that we have not established a minimum number of on-site units. This is tricky because I think the public favors literal on-site units particularly given the location.

Lisa Disch | Ward One City Council Representative

City of Ann Arbor
301 E. Huron Street
Ann Arbor, MI 48107-8647

ldisch@a2gov.org | Watch City Council Live
At: <https://www.a2gov.org/departments/communications/ctn/Pages/watch.aspx>

From: Lenart, Brett <BLenart@a2gov.org>
Sent: Monday, March 7, 2022 5:45 PM
To: Disch, Lisa <LDisch@a2gov.org>
Subject: RE: Do I have this right (for 350 So 5th):

Yes and no.

Yes, the more units that developed in the market rate phase, the greater the number must be affordable. 20% of the units are required if of a total of 100 total units (20 of which affordable) or 300 total units (60 of which affordable).

Yes, together the two phases must yield 100 units. But no, there is no minimum amount that must be provided on site, as the number in the affordable phase could vary.

Yes, the total development could yield up to 145 units or more. There is no cap on the number of affordable units, only a floor.

Does this help? Let me know if you'd like to discuss further.

Brett Lenart, AICP | Planning Manager

City of Ann Arbor Planning Services
301 E. Huron Street, P.O. Box 8647
Ann Arbor, MI 48107-8647

blenart@a2gov.org | Direct (734) 794-6000 #42606 | General (734) 794-6265 | www.a2gov.org

From: Disch, Lisa <LDisch@a2gov.org>
Sent: Monday, March 07, 2022 4:43 PM

To: Lenart, Brett <BLenart@a2gov.org>

Subject: Do I have this right (for 350 So 5th):

Dear Mr. Lenart:

Double-checking to be sure I've got this, and grateful if you have a moment to verify/correct:

- The terms of the PUD are structured so that the more market rate units the developer wants to provide, they must also provide a greater number of affordable units.
 - Together the two towers *must* yield no fewer than 100 units--90 units on site, with 10 provided either on-site or by payment in lieu.
 - They *may* yield up to 145 affordable units.

Lisa

Lisa Disch | Ward One City Council Representative

City of Ann Arbor

301 E. Huron Street

Ann Arbor, MI 48107-8647

ldisch@a2gov.org | Watch City Council Live

At: <https://www.a2gov.org/departments/communications/ctn/Pages/watch.aspx>

From: [Nelson, Elizabeth](#)
To: [REDACTED]
Subject: FW: ANN ARBOR CITY COUNCIL: BLOODTHIRSTY AND MONEY HUNGRY
Date: Monday, March 7, 2022 7:13:00 PM

From: Mozhgan Savabieasfahani [REDACTED]
Sent: Monday, March 7, 2022 4:56 PM
To: Taylor, Christopher (Mayor) <CTaylor@a2gov.org>; Grand, Julie <JGrand@a2gov.org>; ryanstanton@mlive.com; news@michigandaily.com; Osama Siblani <osiblani@arabamericannews.com>; annie@mondoweiss.net; mslagter@mlive.com; apmichigan@ap.org; Arab America E-News <info@arabamerica.com>; kkozlowski@detroitnews.com; djesse@freepress.com; Ramlawi, Ali <ARamlawi@a2gov.org>; Hayner, Jeff <JHayner@a2gov.org>; Griswold, Kathy <KGriswold@a2gov.org>; Nelson, Elizabeth <ENelson@a2gov.org>; newsroom office <newsroomoffice@gmail.com>; Dan Korobkin <dkorobkin@aclumich.org>; Rana Elmir <relmir@aclumich.org>; margaret.kimberley@blackagendareport.com; Glen Ford <glen.ford@blackagendareport.com>; SAFEboard <SAFEboard@umich.edu>; msa-eboard@umich.edu; cnouhan@umich.edu; isaac.stanley-becker@washpost.com; Ann Arbor Human Rights Commission <HRC@a2gov.org>; Jeanes, Denise <DJeanes@a2gov.org>; Jorge Avellan [REDACTED]; McKenna Ross <mross@mlive.com>; Matthew Haugen [REDACTED]; Megan Berkobien [REDACTED]; Aaron Stark [REDACTED]; Kai Wang [REDACTED]; ericfreef [REDACTED]; Harrison, Venita <VHarrison@a2gov.org>; Steven Marowski <SMarowski@mlive.com>; Postema, Stephen <SPostema@a2gov.org>; Rebecca Esselman <resselman@HRWC.ORG>; dbrown@hrwc.org; jfrenzel@hrwc.org; jkangas@hrwc.org; klaramie@hrwc.org; rlawson@hrwc.org; Olsson, Kris <kolsson@hrwc.org>; apaine@hrwc.org; wpalms@hrwc.org; psteen@hrwc.org; maciejewskij@washtenaw.org; shinks@washtenaw.org; beemans@washtenaw.org; brabecf@washtenaw.org; jamnickr@washtenaw.org; jeffersonr@washtenaw.org; labarrea@washtenaw.org; morganj@washtenaw.org; scottk@washtenaw.org; JKnowles@sciotownship.org; depalmer@sciotownship.org; KKnol@sciotownship.org; cgreen@sciotownship.org; dread@sciotownship.org; imartin@sciotownship.org; jflintoft@sciotownship.org; Congresswoman.Dingell@mail.house.gov; Eyer, Jen <JEyer@a2gov.org>; Song, Linh <LSong@a2gov.org>; Briggs, Erica <EBriggs@a2gov.org>; Disch, Lisa <LDisch@a2gov.org>; Radina, Travis <TRadina@a2gov.org>; [REDACTED]; sdodge@mlive.com
Subject: ANN ARBOR CITY COUNCIL: BLOODTHIRSTY AND MONEY HUNGRY

This message was sent from outside of the City of Ann Arbor. Please do not click links, open attachments, or follow directions unless you recognize the source of this email and know the content is safe.

ANN ARBOR CITY COUNCIL: BLOODTHIRSTY AND MONEY HUNGRY

From: [Sharon Sodorff](#)
To: [Radina, Travis](#)
Subject: Travis | Grow your Career with PMP Certification
Date: Monday, March 7, 2022 7:17:15 PM

You don't often get email from sharon.sodorff@projectcertkart.com. [Learn why this is important](#)

This message was sent from outside of the City of Ann Arbor. Please do not click links, open attachments, or follow directions unless you recognize the source of this email and know the content is safe.

PMP Certification Training

Hello Travis,

The **Project management Professional (PMP)** Certification is designed to help the participants to gain internationally recognized Certification from the Project Management institute (**PMI**).

PMP is a Certification of international standing. Professionals having **PMP** Certification foster credibility with the clients for possessing a solid foundation of project management knowledge, which can be productively applied in the Workplace.

Upcoming Training Details:

Mar 22-25,2022 || Apr 12-15,2022 || Apr 26-29,2022

Place: Ann Arbor, Michigan

Key Features: -

- 4 Days of In-person & Online training by our experienced PMP certified instructors
- Accredited and approved course material as per PMBOK 6th Edition
- 90 Days e-Learning Access Included
- 35 contact hours' certificate at successful training completion
- Assistance in PMP exam application and scheduling process
- Doubt clarification classes up on request
- 24x7 Support available
- Industry based case studies
- 100% Money back guarantee

Note: We also provide corporate training at all locations for the following

Courses: PMP | ITIL | PMI ACP | Six Sigma | Big Data Hadoop | Agile | CAPM | Conflict Management | Business Case Writing |

Warm Regards,
Sharon Sodorff
Sr. Sales executive

From: Amy@amycelltalent.com
To: [Eyer, Jen](#)
Subject: Re: Interim City Administrator feedback
Date: Monday, March 7, 2022 7:33:04 PM

This message was sent from outside of the City of Ann Arbor. Please do not click links, open attachments, or follow directions unless you recognize the source of this email and know the content is safe.

Hi Jen,

Milton has commented on the feedback, and I have shared it with the admin committee. Perhaps you could suggest any changes or adjustments during the meeting tomorrow?

Cheers,

Amy Cell
Amy@AmyCellTalent.com


On Mar 6, 2022, at 8:53 PM, Eyer, Jen <JEyer@a2gov.org> wrote:

Is it possible to alter my feedback?

From: Amy Cell <amy@amycelltalent.com>

Date: Sunday, March 6, 2022 at 7:07 AM

To: Dohoney Jr., Milton <MDohoney@a2gov.org>, Taylor, Christopher (Mayor) <CTaylor@a2gov.org>, McDonald, Kevin <KMcDonald@a2gov.org>, Eyer, Jen <JEyer@a2gov.org>, Grand, Julie <JGrand@a2gov.org>, Griswold, Kathy <KGriswold@a2gov.org>, Postema, Stephen <SPostema@a2gov.org>, Radina, Travis <TRadina@a2gov.org>

Subject: Interim City Administrator feedback

This message was sent from outside of the City of Ann Arbor. Please do not click links, open attachments, or follow directions unless you recognize the source of this email and know the content is safe.

Good morning,

Attached is the feedback summary and detail from the recent 360 degree evaluation and all employee survey. We had a completion rate of 89% of Council and key staff, and 99 responses on the all employee survey.

Mr. Dohoney had an opportunity to review the findings and has provided a response which is included in the summary.

I am looking forward to discussing it at the Tuesday admin committee meeting. Please let me know if you have any questions.

Warm regards from warmer winds blowing, days lengthening, shamrocks invading Michigan!

Amy Cell

President & Chief Matchmaker



Amy@AmyCellTalent.com

she/her/hers



Building custom HR solutions and finding key talent since 2015.

From: [Hayner, Jeff](#)
To: [Scot Greig](#); [Nick Caron](#)
Subject: FW: S. State St. Traffic Control Plan to Begin March 14
Date: Monday, March 7, 2022 7:46:00 PM
Attachments: [Temporary Traffic Control Plan SState MAP 2022-03-14.pdf](#)

Fyi neighborhood street closures next week around downtown

From: Satterlee, Joanna <JESatterlee@a2gov.org>
Sent: Monday, March 7, 2022 4:34 PM
To: Satterlee, Joanna <JESatterlee@a2gov.org>
Cc: Woodward, Nichole <NXWoodward@a2gov.org>; ralburtus@eeifield.com
Subject: S. State St. Traffic Control Plan to Begin March 14

Dear news media and community:

A temporary traffic control plan will begin Monday, March 14, while utility work takes place on South State Street between East Washington and East Liberty streets. Please see the attached map and the news release, below and online at <https://www.a2gov.org/departments/engineering/traffic/Pages/Road-and-Lane-Closure.aspx>, for details.

We hope you will share this information with your audience.

Thank you for your consideration,

Joanna E. Satterlee

City of Ann Arbor | Communications Manager | Larcom City Hall • 301 E. Huron St., Third Floor • Ann Arbor • MI • 48104
734.794.6110, extension 41105 (O) | jesatterlee@a2gov.org | www.a2gov.org | www.facebook.com/thecityofannarbor
| <http://twitter.com/a2gov>

A2 Be Safe. Everywhere. Everyone. Every day.
a2gov.org/A2BeSafe

PRESS RELEASE

For Immediate Release

March 7, 2022

City Media Contact: Nichole Woodward, Project Manager, 734-794-6410 ext. 43909 | nxwoodward@a2gov.org

Project Contact: Ron Alburtus, Superintendent, Eagle Excavating, 810-961-2160 | ralburtus@eeifield.com

**Notice of Temporary Traffic Control Plan:
South State Street between East Washington Street and East
Liberty Street;
9 a.m. Monday, March 14– 3 p.m. Saturday, April 2, 2022**

Location and Limits of Affected Area:

All traffic lanes of South State Street between East Washington Street and East Liberty Street.

Description of Work:

Eagle Excavating will be installing utility leads for a private development across all lanes of South State Street. Construction will take place between 7:30 a.m. and 3:30 p.m. during each weekday the closure is in effect.

Temporary Traffic Control Plan:

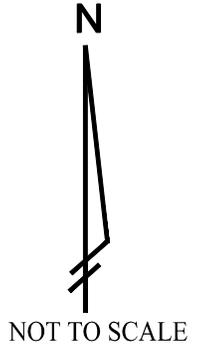
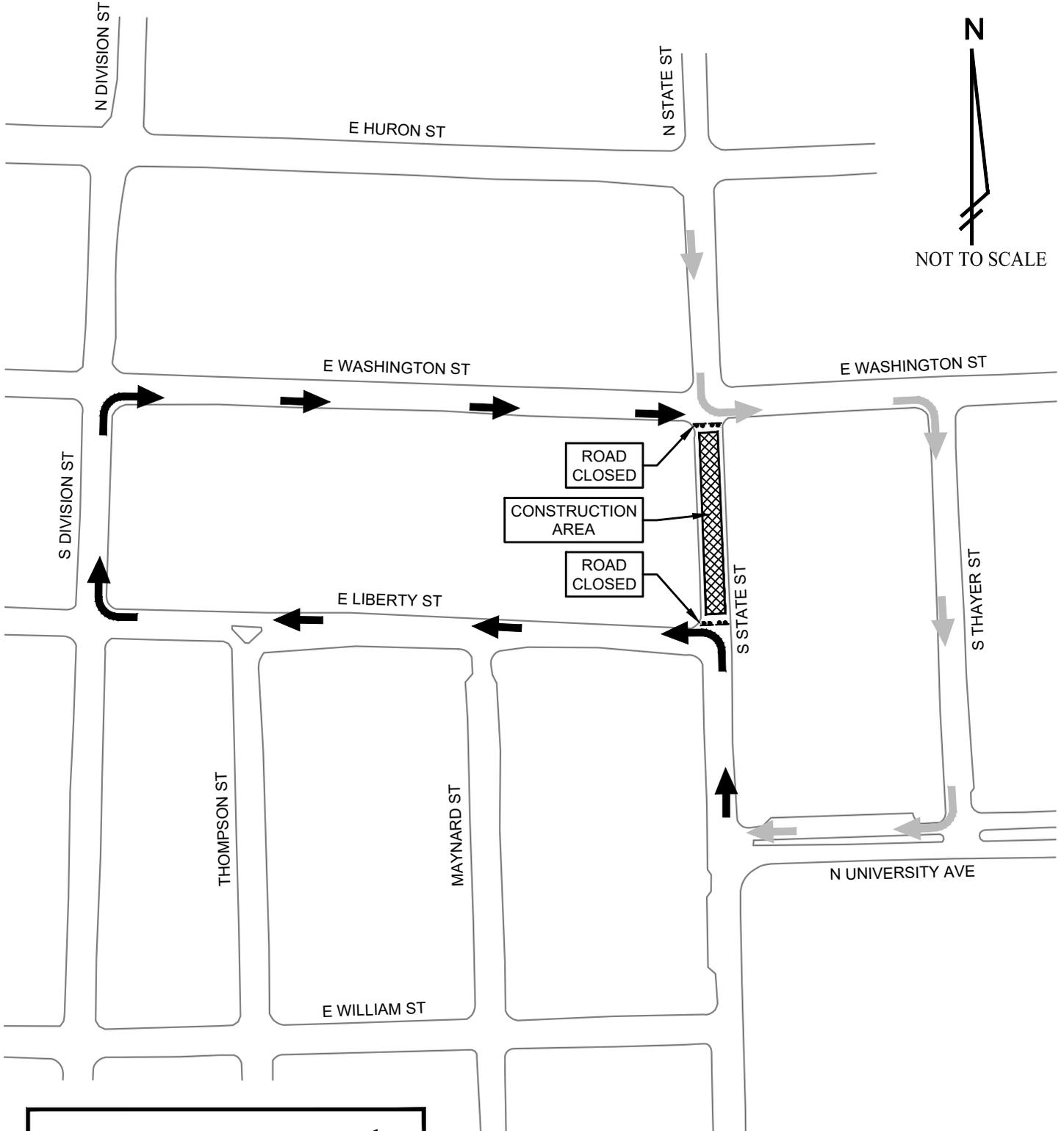
Beginning at 9 a.m. on Monday, March 14, northbound South State Street traffic will be detoured west onto East Liberty Street, then north on South Division Street, then east on East Washington Street back to South State Street. Southbound South State Street traffic will be detoured east onto East Washington Street, then south on South Thayer Street, then west on North University Avenue back to South State Street. Local businesses will have access maintained at all times. Pedestrian traffic will be maintained on the east side of South State Street. Emergency vehicles are advised to follow the posted detour.

For the safety of all, please reduce speeds and drive cautiously through the detour route. The city thanks motorists in advance for their patience.

More information can be found at www.a2gov.org/roads. Visitors to the road or lane closure webpage can also sign up for alerts, via the envelope icon, and can use the WAZE map for a visual representation of closures. In addition, the WAZE app can be downloaded to a phone or other mobile device.

#####

S. STATE STREET TEMPORARY DETOUR ROUTE



NORTH BOUND DETOUR	
SOUTH BOUND DETOUR	
CONSTRUCTION BARRICADE	



From: leslie@lesliestambaugh.com
To: meadowpj@aol.com; wink625@gmail.com; ketacowan@gmail.com; leslie@lesliestambaugh.com; ayeshag@umich.edu; dadas@umich.edu; judahgarber@gmail.com; Dianac@jimtoycenter.org; sovaaida@umich.edu; [Jeanes, Denise](#)
Cc: [Radabaugh, Margaret](#); [Radina, Travis](#); [Nelson, Elizabeth](#)
Subject: Wednesday, March 9: HRC Meeting Materials Part I
Date: Monday, March 7, 2022 7:46:11 PM
Attachments: [2203 Agenda Full.doc](#)
[AA HRC TRAFFIC STOP DATAFF edits.docx](#)
[NDO Updates - Religion 180 days Definitions 3-7-2022.docx](#)
[Trespass - Recommendations from HRC and ICPOC -3.3.2022.docx](#)
[Key to Trespass Notice Recommendations.pdf](#)
[Trespass AAPD Policy and Procedural Order 041-026 3-25-19.pdf](#)

This message was sent from outside of the City of Ann Arbor. Please do not click links, open attachments, or follow directions unless you recognize the source of this email and know the content is safe.

Commissioners! Yes, we are meeting on Wednesday and have an interesting meeting – unfortunately in Council Chambers as we met in February. And with new name cards! This month’s guest will be Lisa Jackson, chair of the Independent Citizens Police Oversight Commission (ICPOC) who will talk to us, first about unarmed response, a subject she and her commission have been doing a lot of research about and, especially, will have a lot of information about what is working for other communities and what she is beginning to conclude about Ann Arbor’s needs. Remember that last year, City Council passed a resolution asking for movement in either establishing a City program for unarmed response or explaining why that wouldn’t work here – and they got an indication that at least some unarmed response practices will be installed – but it wasn’t clear what. Second, we will vote on a resolution requiring the continued collection of traffic stop data by the AAPD and asking that that data be made available to the public. We are supporting ICPOC’s special interests here, but as we discussed in the past, traffic stop bias is also a human rights issue. Next, we will look at a few changes we are hoping to make to the Non-Discrimination Ordinance (NDO) and will talk a little about the idea of posting it at least for landlords and perhaps, employers. Finally, we will do a quick scan to see what is happening to the other things going on through the HRC. One of these, our work on the police policies and practices around Trespass (and especially the reading of Trespass) – something that is now a joint effort with ICPOC. A memo is going on to AAPD Chief Michael Cox and Ann Arbor City Attorney Stephen Postema explaining the changes we would like to discuss and calling for a meeting in which to discuss them. A copy of the memo (and the key to reading it and the written police policy for enforcing Trespass) are attached (but will probably not be discussed in the meeting. Please let me know, as always, if you will not be able to attend this meeting. Hope to see you all!

Leslie

Leslie Krauz Stambaugh, Chair
Ann Arbor Human Rights Commission
Voice: 734.769.6300
Email: leslie@lesliestambaugh.com

Attachment 2203 Agenda Full.doc (59392 Bytes) cannot be converted to PDF format.

Attachment AA HRC TRAFFIC STOP DATAFF edits.docx (24713 Bytes) cannot be converted to PDF format.

An Ordinance to Amend Chapter 112 (Non-Discrimination), Sections 9:150, 9:151, 9:156, and 9:159, Title IX of the Code of the City of Ann Arbor To Update Definitions of Gender Expression, Gender Identity, and Sexual Orientation; Reorder Definitions; Add Definition of Religion to Include Prohibition Against Religious-Based Hair and Head Coverings Discrimination; and To Remove Requirement that Complaint be Filed within 180 Days.

The City of Ann Arbor Ordains:

Section 1. That Sections 9:150, 9:151, 9:156, and 9:159 of Chapter 112 of Title IX of the Code of the City of Ann Arbor be amended to read as follows:

9:150. Intent.

It is the intent of the city that no individual be denied equal protection of the laws; nor shall any individual be denied the enjoyment of his or her civil or political rights or be discriminated against because of actual or perceived age, arrest record, color, disability, educational association, ethnicity, familial status, family responsibilities, gender expression, gender identity, genetic information, height, HIV status, marital status, national origin, political beliefs, race, religion, sex, sexual orientation, source of income, veteran status, victim of domestic violence or stalking, or weight.

9:151. Definitions.

As used in this chapter, the following words and phrases have the following meanings:

- (1) *Age*. Chronological age.
- (2) *Arrest record*. Information indicating that an individual has been questioned, apprehended, taken into custody or detention, held for investigation, arrested, charged with, indicted or tried for any felony, misdemeanor, or other offense by any law enforcement or military authority.
- (3) *Bona fide occupational qualification*. An otherwise protected characteristic which is reasonably necessary to the normal performance of the particular position in a particular business or enterprise.
- (4) *Contractor*. As defined in Title I, Section 1:312(5) of this Code.
- (5) *Disability*. A determinable physical or mental characteristic of an individual, which may result from disease, injury, congenital condition of birth, or functional disorder, if the characteristic:
 - (a) for purposes of employment, substantially limits 1 or more of the major life activities of that individual and is unrelated to the individual's ability to perform the duties of a particular job or position or substantially limits 1 or more major life activities of that individual

and is unrelated to the individual's qualifications for employment or promotion;

- (b) for purposes of public accommodations, is unrelated to the individual's ability to utilize and benefit from a place of public accommodation or public service;
- (c) for purposes of housing, substantially limits 1 or more of that individual's major life activities and is unrelated to the individual's ability to acquire, rent or maintain property.

Discrimination based on actual or perceived disability includes discrimination because of the use by an individual of adaptive devices or aids.

Disability does not include a determinable physical or mental characteristic caused by the current illegal use of a controlled substance by that individual. It also does not include a determinable physical or mental characteristic caused by the current use of alcoholic liquor by that individual, if that physical or mental characteristic negatively impacts that individual's ability to perform the duties of his or her job.

- (6) *Discriminate*. To make a decision, offer to make a decision or refrain from making a decision based in whole or in part on an individual's or his or her relatives' or associates' actual or perceived age, arrest record, color, disability, educational association, ethnicity, familial status, family responsibilities, gender expression, gender identity, genetic information, height, HIV status, marital status, national origin, political beliefs, race, religion, sex, sexual orientation, source of income, veteran status, victim of domestic violence or stalking, or weight.

Discrimination includes the use of facially neutral practices that have an adverse impact on members of a protected class (See 9:156 of this chapter).

Discrimination also includes harassment based upon any protected class, including, but not limited to sexual harassment.

- (7) *Educational association*. The fact of being enrolled or not enrolled at any educational institution.
- (8) *Ethnicity*. A heritage which is socially distinguishable from other groups that has developed its own subculture which can include nationality, religion and language.
- (9) *Employer*. A person or agent of that person, who, for compensation, employs 3 or more individuals.

- (10) *Familial status.* One or more children under the age of 18 residing with a parent or other individual having, or in the process of securing, legal custody of the child or children; or 1 or more children under the age of 18 residing with the designee of the parent or other individual having or securing custody, with the written permission of the parent or other individual.
- (11) *Family responsibilities.* Being a provider of care and/or support, or being perceived to be a provider of care and/or support for a family member.
- (12) *Gender expression.* An individual's actual or perceived gender-related appearance, expression, or behavior, regardless of the individual's assigned sex at birth.
- (13) *Gender identity.* An individual's internal sense of their own sex and a defining component of sex. Sex includes, but is not limited to, an individual's gender, gender identity, and gender expression.
- (14) *Genetic information.* Information about an individual's genetic tests and the genetic tests of an individual's family members (e.g., family medical history), and the manifestation of a disease or disorder in family members of such individual. A genetic test is an analysis of DNA, RNA, chromosomes, proteins, or metabolites that detects genotypes, mutations or chromosomal changes.
- (15) *Harassment.* A form of discrimination in which conduct is based upon an individual's membership in a protected class which:
 - (a) Unreasonably interferes with that individual's work, or ability to utilize and benefit from a place of public accommodation or public service, or ability to obtain or maintain housing; and/or
 - (b) Creates a hostile environment at work, at a place of public accommodation or public service, or where that individual lives.
- (16) *HIV status.* The state of blood sero-positivity or sero-negativity with respect to the human immunodeficiency virus (HIV), including, but not limited to, diagnoses of acquired immunodeficiency syndrome (AIDS).
- (17) *Housing facility.* Any dwelling unit or facility in which it is intended individuals regularly will sleep and keep personal belongings including, but not limited to, a house, apartment, rooming house, housing cooperative, homeless shelter, hotel, motel, tourist home, retirement home or nursing home.
- (18) *Individual.* A human being, as distinguished from a person, as defined under this Code.
- (19) *Marital status.* The state of being married, unmarried, divorced or widowed.

- (20) *Minority*. An individual who is Asian, Black or African American, Hispanic or Latino, Native Hawaiian or Other Pacific Islander, Native American, or Alaskan native.
- (21) *Perceived*. Refers to the perception of the person who acts and not to the perception of the individual for or against whom the action is taken.
- (22) *Person*. As defined in Title I, Section 1.8 of this Code.
- (23) *Place of public accommodation*. An educational, governmental, health, day care, entertainment, cultural, recreational, refreshment, transportation, financial institution, accommodation, business or other facility of any kind, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold or otherwise made available to the public, or which receives financial support through the solicitation of the general public or through governmental subsidy of any kind.
- (24) *Political beliefs*. One's opinion, whether or not manifested in speech or association, concerning the social, economic, and governmental structure of society and its institutions. This chapter shall cover all political beliefs, the consideration of which is not preempted by state, federal or local law. With regard to employment, an individual's political beliefs that interfere or threaten to interfere with his or her job performance are specifically excluded from this protection.
- (25) *Race*. Inclusive of traits historically associated with race, including, but not limited to, hair texture and protective hairstyles. For purposes of this definition, "protective hairstyles" includes, but is not limited to, such hairstyles as braids, locks, twists, and headwraps.
- (26) *Religion*. Includes, but is not limited to, hairstyles and the use of head coverings associated with an individual's religious beliefs, observance, or practice, unless they cannot reasonably be accommodated because of bona fide health, safety, or security concerns.
- (27) *Sex*. Includes, but is not limited to, an individual's gender, gender identity, gender expression, pregnancy, childbirth, and medical conditions related to pregnancy or childbirth. An individual's sex shall be defined by that individual's gender identity; and use and/or occupancy of, access to and/or participation in sex-segregated facilities and/or entities shall be granted on that basis. Such sex-segregated facilities and/or entities include, but are not limited to, dwellings, housing, public accommodations, lavatories, locker rooms, instructional programs, athletic events and athletic teams.
- (28) *Sexual harassment*. A type of sex discrimination. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when:

- (a) Submission to such conduct or communication is made a term or condition either explicitly or implicitly to obtain employment, public accommodations or housing.
 - (b) Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual's employment, public accommodations or housing.
 - (c) Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, or housing environment.
- (29) *Sexual orientation.* An individual's emotional, romantic, and/or sexual attractions, or the absence thereof, to people including but not limited to actual or perceived homosexuality, heterosexuality, pansexuality, or bisexuality. Sexual orientation also means an individual's sense of identity based on those attractions, related behaviors, and membership in a community of others who share those attractions.
- (30) *Source of income.* Any lawful source of money paid directly to an individual or family or indirectly on behalf of an individual or family, including, but not limited to:
- (a) Money derived from any lawful profession or occupation.
 - (b) Money derived from any contract, agreement, loan, or settlement; from any court order, such as court-ordered child support or alimony; from any gift or bequest; or from any annuity or life insurance policy.
 - (c) Money derived from any benefit or subsidy program, including, but not limited to, any housing assistance, such as Housing Choice Vouchers, Veterans Affairs Supportive Housing (VASH) Vouchers, or any other form of housing assistance payment or credit whether or not paid or attributed directly to a landlord; public assistance; emergency rental assistance; veterans benefit; Social Security or other retirement program; supplemental security income; or other program administered by any federal, state, or local agency or nonprofit entity. Any monthly housing assistance administered by any federal, state, or local agency or nonprofit entity shall be treated as income in the amount of 3× the value of that monthly rental assistance.
- (31) *Veteran status.* Having served in any unit of the United States Armed Forces or their reserve components, including the National Guard and the Coast Guard.

- (32) *Victim of domestic violence or stalking.* An individual who is a victim of domestic violence as defined in MCL § 400.1501 or a victim of stalking as defined in MCL § 750.411h and § 750.411i.

9:156. Discriminatory effects.

No person shall adopt, enforce or employ any policy or requirement which has the effect of creating unequal opportunities according to actual or perceived age, arrest record, color, disability, educational association, ethnicity, familial status, family responsibilities, gender expression, gender identity, genetic information, height, HIV status, marital status, national origin, political beliefs, race, religion, sex, sexual orientation, source of income, veteran status, victim of domestic violence or stalking, or weight for an individual to obtain housing, employment or public accommodation, except for a bona fide business necessity. Such a necessity does not arise due to a mere inconvenience or because of suspected objection to such a person by neighbors, customers or other persons.

9:159. Complaint procedure.

- (1) A complaint about a violation of this chapter should be made to the Ann Arbor Human Rights Commission. The complaint may be submitted in person, by telephone, by mail, or electronically.
- (2) Upon receipt, the Human Rights Commission will review the complaint, provide notice of the complaint to the City Attorney's Office, communicate with the complainant, and take appropriate action with respect to the matter, including, but not limited to:
 - (a) Mediating the matter between the involved parties;
 - (b) Referring the complainant to other local, state or federal entities for investigation and remedy;
 - (c) Referring the complaint to the City Attorney for further investigation and action pursuant to this chapter;
 - (d) Dismissing the complaint, after review with the City Attorney, if the allegations do not constitute a violation of this chapter.
- (3) With respect to complaints filed by current city employees, the Human Rights Commission will refer such employees to any applicable processes contained in collective bargaining agreements and/or the City Human Resources Policies and Procedures. If a current employee has exhausted any such processes, he/she may file a complaint with the Human Rights Commission in accordance with subparagraphs (1) through (3) of this section.

- (4) The Human Rights Commission will take action on the complaint within 90 days of receipt of the complaint. If additional time is necessary, the Human Rights Commission will notify the complainant of the need for additional time. All communications with the complainant regarding actions taken or additional time necessary will be in writing, with a copy to the City Attorney.
- (5) The City Attorney will notify the Human Rights Commission in writing of actions taken by the City Attorney's Office on complaints referred to that office by the Human Rights Commission.
- (6) All complaints received by the Human Rights Commission and responses from the Human Rights Commission will be retained by the City of Ann Arbor for at least 3 years.
- (7) The Human Rights Commission will provide an annual report to City Council regarding the complaints received and actions taken.
- (8) No individual shall provide false information to any authorized individual investigating a complaint regarding a violation of this chapter.
- (9) For an investigation, the City Attorney may request a person to produce books, papers, records or other documents which may be relevant to a violation or alleged violation of this chapter. If said person does not comply with such request, the City Attorney may apply to Washtenaw County Circuit Court for an order requiring production of said materials.

Section 2: In the event any court of competent jurisdiction shall hold any provision of this Ordinance invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision thereof.

Section 3: This Ordinance shall take effect ten days after passage and publication.

MEMO

To: Chief Michael Cox and City Attorney Stephen Postema

From: HRC and ICPOC

Date: March 3, 2022

Re: Recommendations for Changes to the City's Trespass Notice and Policy and Procedural Order 041-026 on Trespassing

Before the Independent Community Police Oversight Commission (ICPOC) was created, the Human Rights Commission (HRC) was made aware of the need for some changes to the reading of Trespass in Ann Arbor. After discussions with previous AAPD leaders, and in consultation with Deputy City Attorney Arianne Slay, a few of those changes were made. Information was added to the Trespass Notice about how to appeal the Notice and how to contact the HRC if the Notice was issued for impermissibly discriminatory reasons, for example. But we all knew more changes were needed.

With the creation of ICPOC, a team of its commissioners joined the HRC commissioners in reviewing the AAPD's Trespass Policy (Procedural Order 041-026 on Trespassing) and the Trespass Notice that is used when someone is "read trespass." The team identified a number of ways in which each of these could be further improved. Our recommendations are briefly described below.

Most of our recommendations for revising the Trespass Notice are aimed at making it more accurate and comprehensible, but some of them also involve reconsidering policy. For example, we are particularly concerned about the length of time a person who is read trespass is banned from a property without regard to input from the property owner, the character of the triggering incident, or the impact that a full one-year ban from the property might have on the alleged trespasser.

We also have a number of questions about the current Policy and Procedural Order 041-026 on Trespassing. Most of these arise from what appears to be a lack of detail and clarity about how officers should respond to requests for

the issuance of Trespass Notices that might lead to misunderstanding and/or unfair consequences for the receiver.

Below, we have summarized the questions and suggested changes we would like to discuss with you. We hope to schedule a meeting for that discussion soon.

Trespass Notice

Below are the questions about and suggested changes to the Trespass Notice itself. To help you navigate the recommendations below, a Key (i.e., a copy of the Trespass Notice annotated to highlight the issues discussed) is attached to this memo.

- Allow property owners to determine the length of time that the person being trespassed must stay away from their property. Currently, everyone who is read trespass, regardless of the circumstances or wishes of the property owner, is banned from returning for a full year. (See, in the attached Key, the underlined phrase in Section C.) One year is the maximum amount of time allowed under the law and is unnecessarily long in many cases. Instead, property owners should be permitted either to write on the Trespass Notice the amount of time they wish the person to stay away (up to a year) or choose from a series of options: 24 hours, one week, one month, three months, six months, or one year, for example. (Also note that the circled word in that same line, the word “immediately,” is misspelled.)
- Ensure that the automatic one-year ban does not apply to quasi-public places like Blake Transit Center and the Ann Arbor District Libraries, except where it can be shown to be necessary. Consider limiting the reentry ban to 24 hours wherever possible, as is the case for public parks.

- Both the length of the ban and consequences of returning to the property before the expiration of the ban are important and yet are printed in a very tiny, difficult-to-read font. (Look again at the last text printed in Section C of the Key.) These messages should be much easier to see on the Trespass Notice than they are now. Rather than trying to squeeze all necessary information (in tiny print) onto the one-page Notice, an additional page should be added. The officer preparing the Notice should be required to provide information on the second page as well as the first so that the second page is not overlooked. The second page could, for example, contain clear information about how to appeal the issuance of the Notice and the name and contact information of the property owner or agent to whom to appeal. In some cases, the person requesting the issuance of the Trespass Notice is not the same person who would decide whether to allow the person back on to the property and request that the Notice be rescinded. A link to online information about Trespass could also be included on the form.
- The last line of text in Section C now reads: *This notice is hereby given by the Ann Arbor Police authority as an agent granted by the above described property owner or occupant.* That statement is unclear and misleading and we think it should be changed. Not only can the term “agent” not be granted, but it is questionable whether “agency” is an accurate way of describing the relationship of the responding officer with most private property owners? (We understand that there are some properties where the police are indeed the contractual agents of the property owners.) This is especially confusing since the agent of the property owner (of a property where the police are not the contractually appointed agents) may also be the person requesting the officer to read trespass.
- Currently, the circled portion of Section F directs the officer to give the “offender” the pink copy of the Trespass Notice. The pink copy of the Notice, however, removes all the information entered into Section E (i.e., the property owner’s, agent’s, or occupant’s name, position, and

contact information). That information, along with the email address of the property owner/agent/occupant, is necessary for any appeal and should be shared with the trespassed person. The appeal process is described in very small print in Section F and assumes this information is indeed available to the “offender.”

- In Section D, consider adding to the Notice a list of typical legal reasons for reading trespass (from which police officers can choose), along with enough space for further explanation. This could help AAPD keep useful data, educate offenders, and make a fair appeal possible.
- The trespassed person’s race and/or ethnicity should be specified (in Section A). Again, this change will better enable the collection of data on who is trespassed and for what reasons.
- The term “ethnicity” should be added to the list of protected classes under Ann Arbor’s Non-Discrimination Ordinance (see Section B). Ethnicity was recently added to that list.
- On the Trespass Notice, the term “Reportee” in Sections E and F should be replaced with a term like “reporter,” “requester,” or “authorizer” (meaning the person who has requested the issuance of the Trespass Notice). The term should be changed on the two places it appears on the form: “Reportee Information” and “Yellow-Reportee.” In addition, in Section E, rather than being asked for their position, the person requesting the Trespass Notice should be asked whether they are the owner, agent, or occupant of the property, so that it is clear to both the police and the trespassed person by what authority they have requested the issuance of the Notice.
- On the final line of the Notice, in Section F, the phrase “in violation with” should be changed to “in violation of.”

Policy and Procedural Order 041-026, Trespassing

- Section II, Policy: The list of classes protected from discrimination by the City's Non-Discrimination Ordinance is incomplete and should be corrected. Those missing include "age," "arrest record," "color," "ethnicity," "familial status," "gender expression," "sex," and "religion." "Familial responsibilities" should read "family responsibilities." As on the Trespass Notice, an asterisk may be placed next to "arrest record" with the explanation that "prior arrests at the property where this Trespass Notice was issued may be considered."
- Section III, Procedures
 - Officers should be required to ensure that the person requesting the issuance of the Trespass Notice is an owner, agent or occupant of the property and indeed authorized to make that request.
 - Why do the procedures (in the first sentence of Section III) state that the "owner, co-owner, occupant, agent or **servant** of the owner or occupant" may request the reading of trespass when the law refers only to the "owner or occupant or the agent of the owner or occupant"? Might "servant" here be mistakenly interpreted by officers to refer to any employee of the property owner, whether authorized or not to ask for someone's removal from the property?
 - These procedures seem to indicate that officers must "read trespass" if requested to do so. May officers choose not to? And if so, when? Should the procedures offer more guidance on how officers should use what if any discretion they have in these cases? And what sort of training is and/or should accompany this?

- Officers should be affirmatively instructed in the procedures to refrain from reading trespass if there is clear evidence that the request is being made at a public accommodation solely for impermissible discriminatory reasons.
- Section III F (3): Does this mean that if a property owner, agent, or occupant tells police that the trespassed person returned to the property, the police may “submit for a trespass charge as a warrant request” even if they themselves did not see the person on the property and verify his identity? What if the property owner, agent, or occupant mistakes one person for another? The HRC has received multiple complaints from people who suffered unfair treatment of other kinds from business owners based on mistaken identity. Unless the officers verify, with information other than just the property owner’s statement, that the person who returned to the property is in fact the person who had been read trespass, the procedures should require that no action be taken.
- Section III J: Where the AAPD is contractually authorized by particular property owners to decide who to allow on the property and who not and when to read trespass, what if any guidelines must the officers follow? They should be included in the procedures. And should there be some educational information given to property owners who assign the AAPD as their agent about what police can and cannot use as reasons to read trespass and about the property owners’ responsibilities in the event of an appeal?
- Procedures for rescinding a Trespass Notice at the property owner/agent/occupant’s request (per the appeals process stated on the Trespass Notice) should be added. It is important

to ensure that such rescissions are properly handled by the police so that there is no confusion over which Trespass Notices are still in effect and which are not.

- Additional procedures regarding notification of parents and/or guardians in cases where minors are read trespass should be added.
- Should officers be instructed to point out the appeal option on the Notice when giving the alleged offender the pink copy of the Notice? If the Notice contains clear, visible information about the appeal process and the person to whom to appeal, this would be less necessary.
- Section III E (6) and (7): When if at all would bond money be taken by the City in these cases?
- The procedures will need to be changed where appropriate to reflect changes made to the Trespass Notice.

Other Related Questions

- What can the AAPD do to ensure that better data is kept, and accessible to ICPOC and the public, about the issuance of Trespass Notices?
- Might there be a useful role for the Dispute Resolution Center (mediation) in resolving disputes between the parties in these matters?
- Are additional policies needed to enable an appeal, especially in cases where AAPD officers act as agents for the owner?

We appreciate your taking the time to consider our suggestions and questions and look forward to discussing them with you.

DRAFT



TRESPASS NOTICE

Ann Arbor Police Department | 301 E. Huron St., Ann Arbor, MI 48104 | 734.794.6920

Sections
↓

Incident No.	Time Reported	Date Reported	Officer	Badge	Assisting Officer	Badge
Circle Incident Type Below Business Private Residence Other		Time/Date		And	Time/Date	
Incident Address			District	Companion Number		
Name (Last, First)		Birth Date		Race/ ETHNICITY		Sex
Street Number and Name		City		State	Zip	
OPS #Number			Social Security #Number			

A

Height	Weight	Hair Color and Hair Length	Eye Color
--------	--------	----------------------------	-----------

"A person shall not do any of the following: (a) Enter the lands or premises of another without lawful authority after having been forbidden to do so by the owner or occupant or the agent of the owner or occupant. (b) Remain without lawful authority on the land or premises of another after being notified to depart by the owner or occupant or the agent of the owner or occupant. A person who violates this subsection, is guilty of a misdemeanor..." MCL 750.552; Ann Arbor City Code, Chapter 108, Section 9:69.

B

A notice or charge of trespass cannot be based on actual or perceived age, arrest record* color, disability, educational association, **ethnicity**, familial status, family responsibilities, gender expression, gender identity, genetic information, height, HIV status, marital status, national origin, political beliefs, race, religion, sex, sexual orientation, source of income, veteran status, victim of domestic violence or stalking or weight. Ann Arbor City Code, Chapter 112, Section 9:1565. *Prior arrests at the property where this TRESPASS NOTICE was issued may be considered.

TAKE NOTICE: You are hereby ordered to immediately depart from and not return to the following premises:

C

Name of Business/Apartment Complex, etc. _____, located within the City of Ann Arbor including but not limited to:

Legal Address or Property Description _____

THIS NOTICE INCLUDES ALL PARKING LOTS AND COMMON AREAS OF THE PROPERTY DESCRIBED ABOVE. FURTHER NOTICE WILL NOT BE GIVEN!
 Failure to immediately depart from said premises, or entry upon said premises within one year of the date of this notice will subject you to immediate arrest and prosecution for Trespass.
 This notice is hereby given by the Ann Arbor Police authority as an agent granted by the above described property owner or occupant.

PROOF OF SERVICE:

D

I, _____, certify that on _____ Date Served at _____ Location

I served a copy of this TRESPASS NOTICE on the person described above by personally handing the notice to him/her. The facts, circumstances and/or activities relevant to the issuance of this TRESPASS NOTICE are as follows: _____

REPORTEE INFORMATION:

E

First and Last Name	Contact Number
Location Name/Private Residence	Position Title

APPEALING THIS NOTICE: If you have been read trespass and provided with this TRESPASS NOTICE, you may seek the property owner's permission to return to the location prior to the end of the period of time stated on this form. The request should only be made by telephone or in writing (mailed or emailed) to the above described property owner. For the trespass to be cancelled, the cancellation must be verified by the owner/agent with the AAPD. If the City of Ann Arbor is the owner of the property, you may send your appeal to the City Administrator's Office, 301 E. Huron St., P.O. Box 8647, Ann Arbor, MI 48107 or email to TrespassAppeal@a2gov.org. The request should NOT be made by returning to the premises in person. If you believe that the property owner or property owner's agent had this TRESPASS NOTICE issued for discriminatory reasons in violation with the City's Non-Discrimination Ordinance, please contact the Ann Arbor Human Rights Commission at 734.794.6141.

F

Check box if the offender refuses their copy of this trespass notice.

RW Time	Reviewed By	Badge	Class	Disposition	Review Date
---------	-------------	-------	-------	-------------	-------------

White - Police
 Yellow - Reportee
 Pink - Offender

	POLICY AND PROCEDURAL ORDER		041-026
	Trespassing		Page 1 of 5
	Issued By: I/Chief Robert Pfannes		CALEA Standards 
Effective: 02/08/2005	Updated: 03/25/2019		
Last Reviewed: 02/03/2017			

I. Purpose

The purpose of this order is to outline the procedures for handling trespassers.

II. Policy

It is the policy of the Ann Arbor Police Department to respond to complaints involving trespassing and handle those persons believed to be trespassing in a manner consistent with the law and all civil rights afforded them. A trespass may not be based on the subject's race, disability, educational association, familial responsibilities, gender identity, genetic information, height, HIV status, marital status, national origin, political beliefs, sexual orientation, source of income, veteran status, victim of domestic violence or stalking status or weight as outlined in the Ann Arbor City Code, Chapter 112; Section 9:1565.

III. Procedures

In situations where an unauthorized, unwanted individual or group of individuals are present on a property they do not own, lease or rent, against the wishes of the owner, co-owner, occupant, agent or servant of the owner or occupant, and are still present or in the area on the arrival of patrol officers, the following will be done:

- A. The responding officer(s) will determine the circumstances of the call and take appropriate action regarding any criminal acts.
- B. The officer will consult with the caller to determine if they desire the subject(s) to immediately leave, want them read trespass (Informational Trespass), or if the person(s) has been previously trespassed and is currently committing Criminal Trespass.
- C. If the subject(s) do not have an active Trespass in effect at the location, at the request of the property owner/agent, the officer will complete and serve the Trespass Notice form (PC-1152) to the offender(s).
 1. The service of a trespass notice is legally in effect for one year from the date of service unless the agent / business owner etc... rescinds the Trespass.
 2. The officer will serve the offender with the pink copy of the Trespass Notice form.
 - a. The officer shall then instruct the offender to leave immediately and inform the offender that failure to do so will result in immediate arrest.
 - b. If the offender refuses their copy of the form, the officer will note the refusal on the Trespass Notice form (use check box if available) and in the case report.
 - c. The notice has a Resource Guide printed on the back of the Offender's copy with contact information for available community assistance and resources. When issuing, officers shall bring the guide to the attention of the offender.
 3. Give the yellow copy of the trespass form to the person authorizing/requesting the trespass.

	POLICY AND PROCEDURAL ORDER		041-026
	Trespassing		Page 2 of 5
	Issued By: I/Chief Robert Pfannes		CALEA Standards 
Effective: 02/08/2005	Updated: 03/25/2019		
Last Reviewed: 02/03/2017			

4. Submit the original (white copy) to AAPD Records.
 - a. Records will upload the form to the AAPD Trespass List in the Shared Documents section of the Department's internal website within one business day so that it may be viewed by Metro Dispatch and AAPD personnel.
 - b. Records will attach the form to the associated report after the report is written.

- D. If the offender refuses to leave after being issued a Trespass Notice or being verbally instructed to leave, he/she will be arrested and removed from the property.
 1. Officers will transport the suspect to police security for identification, booking and bonding. Fingerprinting is not required for a Trespass charge

- E. Effective 2-17-19, Trespass cases will normally be charged under Ann Arbor City Ordinance 9:69 (30 Day Misdemeanor) by the Ann Arbor City Attorney's Office.
 1. The case may be charged via a Code Citation issued to the offender or by a warrant request. A Code Citation may be issued to the offender on scene or at AAPD Headquarters.
 2. If the case involves an additional MI State law charge, the entire case will be submitted as a Warrant Request to the Prosecuting Attorney's Office.
 - a. Example: Subject committed an MDOP and was trespassing, both would be charged under MI State law through the Prosecuting Attorney's Office.
 - b. State law trespass cannot be charged via citation.
 3. If the trespassing is part of a case assigned to a detective, the detective will submit the entire case to the appropriate prosecuting office.
 4. If charging via a City Code Violation, set an appearance date 10 business days out, during the court's walk in arraignment hours.
 - a. Example: 0900 on 2-8-19 (a Friday).
 - b. If a warrant is being requested, advise the offender that the court will notify them when to appear for arraignment.
 - 1) If the subject does not have a mailing address, they may later contact the 15th District Court to determine if a warrant has been issued and when they are to appear for arraignment.
 5. Fingerprints are not required for a trespass City Ordinance or State Law charge.

	POLICY AND PROCEDURAL ORDER		041-026
	Trespassing		Page 3 of 5
	Issued By: I/Chief Robert Pfannes		CALEA Standards 
Effective: 02/08/2005	Updated: 03/25/2019		
Last Reviewed: 02/03/2017			

6. If bond money is taken, issue an Interim Bond Receipt in addition to a citation.
 7. If released on a personal recognizance bond do not issue a Bond Receipt.
- F. If a suspect was served trespass at a location, leaves, then returns to the same location at a later time (or date):
1. Responding officers must ensure the suspect had been served with a trespass notice, verbally apprised of the trespass statute or ordered to leave and not return by an officer.
 2. If the offender was observed by officers on the property, they may be arrested. If officers have a reasonable belief that the offender will depart the area and if safe to do so, they may release him/her at the scene after obtaining sufficient information to complete the case report and issue a City Ordinance Code Violation citation.
 3. If the offender was not located by officers on the property or in the area, submit for a trespass charge as a warrant request.
 4. For Briarwood Mall trespassers see section H. below.
- G. Officers will generate a new case report in CLEAR for Informational Trespass or Criminal Trespass Incidents.
1. If a person is served Trespass in conjunction with another complaint (i.e. Retail Fraud where the store wants the suspect served), the information will be included in the original report. A separate report is not needed.
 - a. Add the charge of 'Trespass – Info Only' in the report in addition to the criminal charge (i.e. Retail Fraud 2nd Degree, Trespass – Info Only).
 2. A new Criminal Trespass incident cannot be reported under the original Informational Trespass report unless it occurs contemporaneous with the prior incident.
 - a. Refer to the original case report number/notice to in the report narrative.
 - b. Prior case numbers may be obtained from CLEAR, the owner/agent, or from the AAPD "Trespass List" on the A2 Central SharePoint site.
 3. Classify Informational Trespass as Charge Code 'L3515 Trespass – Info Only –AA'.
 4. Classify all Criminal Trespass with Charge Code '5707 – Trespass (Other)'.
- H. Briarwood Mall Procedures
1. Follow the procedures below in situations where an officer is dispatched to Briarwood Mall reference a suspect who has been read trespass by Briarwood Security:

	POLICY AND PROCEDURAL ORDER		041-026
	Trespassing		Page 4 of 5
	Issued By: I/Chief Robert Pfannes		CALEA Standards 
Effective: 02/08/2005	Updated: 03/25/2019		
Last Reviewed: 02/03/2017			

- a. If a suspect is served trespass at Briarwood Mall, leaves then returns to Briarwood Mall at a later time (or date), he/she may be arrested for trespass.
 - b. Officer will make contact with Briarwood Security to ensure the suspect had been properly served with their (Briarwood) Trespass Notice.
 - c. Officer will acquire a copy of Briarwood Security's original trespass report at the scene.
 - d. If the Officer is confident the subject will leave the property and not return they may issue a City Ordinance Code Violation and release the subject at the scene. If the Officer is not confident the subject will leave and not return, they will transport suspect to police security for identification and booking. After the booking process is complete the subject will be issued a City Code Violation and released when safe to do so
1. Officer will generate an original report on CLEAR for Criminal Trespass and attach the Briarwood Security's original Trespass Report.
 2. If the trespasser departed prior to the officer arrival, officers will complete a case report and request a warrant.
- I. City Parks
1. Per City Ordinance 3:5, a police officer, Community Services Area Administrator, Public Services Administrator (or designee) may bar for up to 24 hours any person who, *while in a park, violates park regulations, other ordinances or laws, or engages in activity which unreasonably interferes with the peaceful use of parks or neighboring property by others.*

If the subject fails to leave, or returns within 24 hours, they may be arrested and/or issued a misdemeanor code violation for *Person excluded from Park.*
 2. *An order excluding a person for more than 24 hours must be approved by the Community Services Area Administrator, Public Services Administrator or designee.*
- J. Authorized Agent Status
1. AAPD maintains a list of properties that have signed an 'Authorized Agent' form giving AAPD Officers authority to act as an agent of the property owner for Trespassing issues.
 2. Signed Authorized Agent forms will be placed in the Authorized Agent bin by the AAPD Front Desk.
 3. The Police Service Specialist (PSS) assigned to the Front Desk will check the Authorized Agent Bin daily.

	POLICY AND PROCEDURAL ORDER		041-026
	Trespassing		Page 5 of 5
Issued By: I/Chief Robert Pfannes		CALEA Standards 	
Effective: 02/08/2005	Updated: 03/25/2019		
Last Reviewed: 02/03/2017			

- a. Signed forms found in the bin will be scanned and uploaded into the 'Trespass Authorized Agent List' folder in the A2Central Shared Documents section.
 - b. The scanned form will be titled by Location/Address and expiration date.
4. Once scanned and uploaded, the signed form will be placed in the Authorized Agent binder, located near the bin.

From: [Your Burns Park neighbors](#)
To: [Taylor, Christopher \(Mayor\)](#)
Subject: Helping Ukraine
Date: Monday, March 7, 2022 7:48:40 PM

This message was sent from outside of the City of Ann Arbor. Please do not click links, open attachments, or follow directions unless you recognize the source of this email and know the content is safe.



Helping Ukraine Ukrainie... I am collecting items that will be sent to Poland... [See more](#)



 Jennifer Jensen

 2   7  Share

 Andy Pritchard & 1 other replied

[View post](#)

This message is intended for ctaylor@a2gov.org. [Unsubscribe here](#). Nextdoor, 420 Taylor Street, San Francisco, CA 94102

From: [Nick Caron](#)
To: [Hayner, Jeff](#); [Scot Greig](#)
Subject: Re: FW: S. State St. Traffic Control Plan to Begin March 14
Date: Monday, March 7, 2022 7:55:03 PM

This message was sent from outside of the City of Ann Arbor. Please do not click links, open attachments, or follow directions unless you recognize the source of this email and know the content is safe.

Thanks this is helpful will notify staff

On Mon, Mar 7, 2022 at 7:46 PM Hayner, Jeff <JHayner@a2gov.org> wrote:

Fyi neighborhood street closures next week around downtown

From: Satterlee, Joanna <JESatterlee@a2gov.org>
Sent: Monday, March 7, 2022 4:34 PM
To: Satterlee, Joanna <JESatterlee@a2gov.org>
Cc: Woodward, Nichole <NXWoodward@a2gov.org>; ralburtus@eeifield.com
Subject: S. State St. Traffic Control Plan to Begin March 14

Dear news media and community:

A temporary traffic control plan will begin Monday, March 14, while utility work takes place on South State Street between East Washington and East Liberty streets. Please see the attached map and the news release, below and online at <https://www.a2gov.org/departments/engineering/traffic/Pages/Road-and-Lane-Closure.aspx>, for details.

We hope you will share this information with your audience.

Thank you for your consideration,

Joanna E. Satterlee

City of Ann Arbor | Communications Manager | Larcom City Hall • [301 E. Huron St.](#), Third Floor • Ann Arbor • MI • 48104

734.794.6110, extension 41105 (O) | jesatterlee@a2gov.org | www.a2gov.org | www.facebook.com/thecityofannarbor | <http://twitter.com/a2gov>

A2 Be Safe. Everywhere. Everyone. Every day.

PRESS RELEASE

For Immediate Release

March 7, 2022

City Media Contact: Nichole Woodward, Project Manager, 734-794-6410 ext. 43909 | nxwoodward@a2gov.org

Project Contact: Ron Alburtus, Superintendent, Eagle Excavating, 810-961-2160 | ralburtus@eeifield.com

Notice of Temporary Traffic Control Plan:

South State Street between East Washington Street and East Liberty Street;

9 a.m. Monday, March 14– 3 p.m. Saturday, April 2, 2022

Location and Limits of Affected Area:

All traffic lanes of South State Street between East Washington Street and East Liberty Street.

Description of Work:

Eagle Excavating will be installing utility leads for a private development across all lanes of South State Street. Construction will take place between 7:30 a.m. and 3:30 p.m. during each weekday the closure is in effect.

Temporary Traffic Control Plan:

Beginning at 9 a.m. on Monday, March 14, northbound South State Street traffic will be detoured west onto East Liberty Street, then north on South Division Street, then east on

East Washington Street back to South State Street. Southbound South State Street traffic will be detoured east onto East Washington Street, then south on South Thayer Street, then west on North University Avenue back to South State Street. Local businesses will have access maintained at all times. Pedestrian traffic will be maintained on the east side of South State Street. Emergency vehicles are advised to follow the posted detour.

For the safety of all, please reduce speeds and drive cautiously through the detour route. The city thanks motorists in advance for their patience.

More information can be found at www.a2gov.org/roads. Visitors to the road or lane closure webpage can also sign up for alerts, via the envelope icon, and can use the WAZE map for a visual representation of closures. In addition, the WAZE app can be downloaded to a phone or other mobile device.

#####

--

516 E. Liberty

Ann Arbor, MI, 48104

734.994.5835

VIP Reservations: vip@necto.com

www.necto.com

From: [Radina, Travis](#)
To: [Higgins, Sara](#)
Subject: Read: City Administrator's Report - March 7, 2022
Date: Monday, March 7, 2022 8:11:31 PM

Your message

To: *City Council Members (All)
Cc: Dohoney Jr., Milton; Beaudry, Jacqueline; Cox, Michael; Delacourt, Derek; Forsberg, Jason; Forsyth, Doug; Fournier, John; Kennedy, Mike; Metzger, Aimee; Praschan, Marti; Shewchuk, Tom; Steglitz, Brian; Stults, Missy; Thompson, Marc; Wondrash, Lisa; Postema, Stephen; McDonald, Kevin; Spencer, Colin
Subject: City Administrator's Report - March 7, 2022
Sent: 3/7/2022 11:33 AM
was read on 3/7/2022 8:12 PM.

From: [Davang Shah](#)
To: [Brent Schomaker](#)
Cc: [Song, Linh](#); [Carol Clyde](#); [Chris Schulte](#) ([REDACTED]); [Dan Morgan](#); [Darrin Wagner](#); [Ed Heberlein](#) ([REDACTED]); [Pat Johnston](#); [Sarah Finnane](#)
Subject: Re: Racquet Club of Ann Arbor sidewalks
Date: Monday, March 7, 2022 8:33:03 PM

This message was sent from outside of the City of Ann Arbor. Please do not click links, open attachments, or follow directions unless you recognize the source of this email and know the content is safe.

Hi Linh,

Following back on Brent's request. Appreciate your help and guidance on what next steps are as we're looking to move forward.

Davang

On Thu, Feb 24, 2022 at 10:22 AM Brent Schomaker <BSchomaker@a2racquet.com> wrote:

Hi Linh,

Just following up on this again. Any word from City staff?

Thanks,

Brent Schomaker, GM

Racquet Club of Ann Arbor

From: Song, Linh <LSong@a2gov.org>
Sent: Wednesday, February 9, 2022 11:48 AM
To: Brent Schomaker < [REDACTED] >
Cc: Carol Clyde [REDACTED] >; Chris Schulte [REDACTED])
< [REDACTED] >; Dan Morgan < [REDACTED] >; Darrin Wagner
< [REDACTED] >; Davang Shah [REDACTED] >;
[REDACTED] >; Ed Heberlein ([REDACTED]) < [REDACTED] >;
Pat Johnston [REDACTED] >; Sarah Finnane < [REDACTED] >
Subject: Re: Racquet Club of Ann Arbor sidewalks

Brent,

Thank you for your message. I've forwarded it along to the City Administrator, Milton Dohoney, along with Brett Lenart, in Planning. I'm happy to meet and help come to an agreement. I just need to see who on City staff is available and most appropriate, such as whether we should have reps from the City Attorney's office in hand as well. I'll follow-up with City staff the rest of this week and hope to update you on Friday.

Best regards,

Linh Song, MSW

Ward 2

Ann Arbor City Council

From: Brent Schomaker <[REDACTED]>
Sent: Wednesday, February 2, 2022 6:07 PM
To: Song, Linh <LSong@a2gov.org>
Cc: Carol Clyde <[REDACTED]>; Chris Schulte ([REDACTED]) <[REDACTED]>; Dan Morgan <[REDACTED]>; Darrin Wagner <[REDACTED]>; Davang Shah <[REDACTED]>; Ed Heberlein ([REDACTED]) <[REDACTED]>; Pat Johnston <[REDACTED]>; Sarah Finnane <[REDACTED]>
Subject: Racquet Club of Ann Arbor sidewalks

This message was sent from outside of the City of Ann Arbor. Please do not click links, open attachments, or follow directions unless you recognize the source of this email and know the content is safe.

Ms. Song,

Racquet Club has a final site plan including sidewalks submitted to the City for administrative approval. As part of the submittal, we have spoken with various City staff about an opportunity to negotiate terms of the sidewalks being required. City staff has stated they have no authority to work with us beyond the City Council decision. We are proposing the following:

Racquet Club would be willing to provide easement for a sidewalk to be installed on our property along Geddes Ave., in consideration of cost sharing or other agreed benefit to be negotiated by both parties. We are asking to have a meeting with Council members, or City administration authorized to make such decisions. We would like to agree to a plan so that Racquet Club may receive final permits for construction before

September 2022.

--



Davang Shah

Senior Director, Ads Marketing

davang@google.com

- I *don't* expect responses outside your working hours

- If urgent, please ping

From: [Beaudry, Jacqueline](#)
To: [*City Council Members \(All\)](#)
Cc: [Dohoney Jr., Milton](#); [Wilhelm, Tim](#); [McDonald, Kevin](#); [Hutchinson, Nicholas](#); [Postema, Stephen](#)
Subject: FW: Amendment to DC-2
Date: Monday, March 7, 2022 9:09:25 PM
Attachments: [Amendment of resolution to award to Bailey\[32\].docx](#)

Jacqueline Beaudry, City Clerk (she/her/hers)

2nd Vice President, Michigan Association of Municipal Clerks

2019 Michigan City Clerk of the Year

Ann Arbor City Clerk's Office | Guy C. Larcom City Hall | 301 E. Huron, 2nd Floor · Ann Arbor · MI · 48104

734.794.6140 (O) · 734.994.8296 (F) | Internal Extension 41401

jbeaudry@a2gov.org | www.a2gov.org



Think Green! Please don't print this e-mail unless absolutely necessary.

From: Radina, Travis <TRadina@a2gov.org>
Sent: Monday, March 07, 2022 12:58 PM
To: Beaudry, Jacqueline <JBeaudry@a2gov.org>
Cc: Taylor, Christopher (Mayor) <CTaylor@a2gov.org>; Wilhelm, Tim <TWilhelm@a2gov.org>; Dohoney Jr., Milton <MDohoney@a2gov.org>
Subject: Amendment to DC-2

Clerk Beaudry,

All Members of Council have previously been provided with this language by Mr. Wilhelm, but I wanted to give you advanced notice that I plan to offer this language as an amendment to DC-2 at tonight's meeting and would ask that you please re-circulate to all of Council at that time.

Thanks so much!,
Travis

--

Travis Radina
Councilmember, Ward 3
(he|him|his)

City of Ann Arbor
301 E. Huron St.
Ann Arbor, MI 48104
<https://www.a2gov.org/>

The land the City of Ann Arbor occupies is the ancestral, traditional, and contemporary lands of the Anishinaabeg – (including Odawa, Ojibwe and Boodewadomi) and Wyandot peoples. Our City stands, like almost all property in the United States, on lands obtained, generally in unconscionable ways, from indigenous peoples. The taking of this land was formalized by the Treaty of Detroit in 1807.

Knowing where we live, work, study, and recreate does not change the past, but a thorough understanding of the ongoing consequences of this past can empower us in our work to create a future that supports human flourishing and justice for all individuals.

DC-2 – Amended Resolution

..Title

Resolution to Award a Construction Contract to Bailey Excavating, Inc. for the Third & Mosley Water Main and Resurfacing Project (\$1,360,502.72) (ITB No. 4702)

..Memorandum

Attached for your approval is a resolution to award a construction contract to Bailey Excavating, Inc. (Bailey), in the amount of \$1,360,502.72), for the Third & Mosley Water Main and Resurfacing Project.

Project Description

The existing water mains along Third and Mosley Streets between Main Street and Madison Street are in poor condition and undersized, and thus are in need of replacement. This project will replace the existing water main with approximately 1,710 feet of new water main. The condition of the street surfaces are also in poor condition, and therefore also included in this project is the resurfacing of the streets, replacement of some curb and gutter, and Americans with Disabilities Act (ADA) compliant sidewalk ramps. The construction of the project is scheduled to begin in April of 2022 and to be completed in July 2022.

Plans and specifications were advertised through BidNet (ITB No. 4702). Five bids were received and opened on January 13, 2022. It is advisable and in the best interest of the City to award the contract to Bailey who's bid was in the amount of \$1,360,502.72 which is 18% below the Engineer's Estimate.

Bailey submitted all required Responsible Contractor Criteria, Non-Discrimination, Prevailing Wage, Living Wage, and Conflict of Interest Disclosure forms; and complies with the requirements of the City's Responsible Bidder, Non-Discrimination, and Living Wage ordinances.

Budget/Fiscal Impact: The current Capital Improvements Plan (CIP) includes funding for the Third & Mosley Water Main and Resurfacing Project (UT-WS-16-05). Total project costs are estimated to be \$1,725,000.00 with an estimated spending split of 75% Water Supply System funding and 25% Street, Bridge, and Sidewalk funding. Funding for the project is included in the approved capital budgets of the Water Supply System and the Street, Bridge, and Sidewalk Millage Funds.

..Staff

Prepared by: Nicholas Hutchinson, P.E., City Engineer
Reviewed by: Craig Hupy, Public Services Area Administrator
Approved by: Milton Dohoney Jr., Interim City Administrator

..Body

Whereas, The existing water mains along Third and Mosley Streets are in poor condition and undersized and are in need of replacement;

Whereas, The street surfaces of Third and Mosley Streets are in poor condition and are in need of resurfacing;

Whereas, The Capital Improvements Plan includes sufficient funds available in the respective Water Supply System and Street, Bridge and Sidewalk Millage Fund approved Capital Budgets;

Whereas, Competitive bids were received by Procurement on January 13, 2022 (ITB No. 4702) and it is advisable and in the best interest of the City to award the contract to Bailey Excavating, Inc. with a submitted bid of \$1,360,502.72;

Whereas, The proposed contract sets forth the services to be performed and the payments to be made, all of which are agreeable to the City;

Whereas, It is now appropriate to enter into a Contract with said company for this construction project; and

Whereas, Bailey Excavating, Inc. has submitted all required Responsible Contractor Criteria, Non-Discrimination, Prevailing Wage, Living Wage, and Conflict of Interest Disclosure forms and complies with the requirements of the City's Responsible Bidder, Non-Discrimination, and Living Wage ordinances;

RESOLVED, That City Council approves a construction contract with Bailey Excavating, Inc. in the amount of \$1,360,502.72 for the construction of the Third & Mosley Water Main and Resurfacing project (ITB No. 4702);

RESOLVED, That a contingency amount of \$136,000.00 be established within the project budget and that the City Administrator be authorized to approve change orders to the construction contract with Bailey Excavating, Inc. not to exceed that amount, in order to satisfactorily complete this Project;

RESOLVED, That the City make the following declaration for the purpose of complying with the reimbursement rules of Treasury Regulations 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended, that the City reasonably expects to reimburse itself for expenditures for the costs of the Project with proceeds of Bonds;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute said contract after approval as to form by the City Attorney and approval as to substance by the Public Services Area Administrator and City Administrator; and

RESOLVED, That the City Administrator be authorized to take the necessary administrative actions to implement this resolution including approval of needed Traffic Control Orders, night work authorizations, and other similar administrative approvals as required for the construction of the project.

From: [Griswold, Kathy](#)
To: [Dohoney Jr., Milton](#)
Subject: FW: Supplemental Information Regarding Agenda Item DC-2 / 22-0118 for City Council Meeting, 2022.03.07
Date: Monday, March 7, 2022 9:20:20 PM
Attachments: [image001.png](#)
[DC-2 22-0118 Supplemental Information Packet.pdf](#)

From: CityClerk <CityClerk@a2gov.org>
Date: Monday, March 7, 2022 at 5:05 PM
To: "Briggs, Erica" <EBriggs@a2gov.org>, "Disch, Lisa" <LDisch@a2gov.org>, "Eyer, Jen" <JEyer@a2gov.org>, "Grand, Julie" <JGrand@a2gov.org>, "Griswold, Kathy" <KGriswold@a2gov.org>, "Hayner, Jeff" <JHayner@a2gov.org>, "Nelson, Elizabeth" <ENelson@a2gov.org>, "Radina, Travis" <TRadina@a2gov.org>, "Ramlawi, Ali" <ARamlawi@a2gov.org>, "Song, Linh" <LSong@a2gov.org>, "Taylor, Christopher (Mayor)" <CTaylor@a2gov.org>
Cc: "Beaudry, Jacqueline" <JBeaudry@a2gov.org>
Subject: FW: Supplemental Information Regarding Agenda Item DC-2 / 22-0118 for City Council Meeting, 2022.03.07

City Council Members and Mayor Taylor –
Please see the attachment per request of John Niemiec who will be speaking at Public Comment Reserved Time tonight.

Regards,
Rachel

City of Ann Arbor Clerk's Office

City of Ann Arbor | Guy C. Larcom City Hall | 301 E. Huron, 2nd Floor · Ann Arbor · MI · 48104
734.794.6140 (O) · 734.794.8296 (F)
cityclerk@a2gov.org | www.a2gov.org

From: John Niemiec <jniemiec@mackenzieco.com>
Sent: Monday, March 7, 2022 11:15 AM
To: CityClerk <CityClerk@a2gov.org>
Cc: John Niemiec <jniemiec@mackenzieco.com>
Subject: Supplemental Information Regarding Agenda Item DC-2 / 22-0118 for City Council Meeting, 2022.03.07

You don't often get email from jniemiec@mackenzieco.com. [Learn why this is important](#)

This message was sent from outside of the City of Ann Arbor. Please do not click links, open attachments, or follow directions unless you recognize the source of this email and know the content is safe.

To Whom It May Concern:

I have attached a document to this transmittal containing supplemental information that will be covered in my 3 minute council presentation this evening. Please distribute this information to all City Council members and the Mayor prior to the Council meeting this evening. Please let me know if you have any questions.

Sincerely,



John Niemiec

E.T. MacKenzie Company – Ann Arbor Division
(734) 761.5050 ofc | www.mackenzieco.com



M

MACKENZIE
companies



Equal Opportunity Employer

E.T. MacKenzie Company - Ann Arbor

One of The MacKenzie Companies

8197 Jackson Road
Ann Arbor, MI 48103
Phone: (734) 761.5050
www.mackenzieco.com



SUPPLEMENTAL INFORMATION PACKAGE

ITB 4702 THIRD AND MOSLEY WATER MAIN RESURFACING PROJECT

DC-2 / 22-0118

MARCH 7TH, 2022

CONTENTS:

- EXHIBIT 1 E.T. MacKenzie Company Contract / Project History with the City of Ann Arbor
- EXHIBIT 2 OSHA Violation History, E.T. MacKenzie Company
- EXHIBIT 3 OSHA Violation History, Bailey Excavating, Inc.
- EXHIBIT 4 EMR Rating Definition
- EXHIBIT 5 EMR Rating, E.T. MacKenzie Company
- EXHIBIT 6 EMR Rating, Bailey Excavating, Inc.

EXHIBIT 1 E.T. MacKenzie Company Contract / Project History with the City of Ann Arbor



Equal Opportunity Employer

E.T. MacKenzie Company - Ann Arbor

One of The MacKenzie Companies

8197 Jackson Road
Ann Arbor, MI 48103
Phone: (734) 761.5050
www.mackenzieco.com



E. T. MACKENZIE COMPANY, PROJECT HISTORY, CITY OF ANN ARBOR CAPITAL PROJECT (SINCE 2008)

YEAR	PROJECT / CONTRACT NAME	PROJECT / CONTRACT VALUE
2008	MILLER / MAPLE TRANSMISSION WATER MAIN	\$ 4,092,597.77
2012	ITB 4207 WILLARD STREET PERMEABLE PAVEMENT PROJECT	\$ 196,504.28
2013	ITB 4280 SOUTH FOURTH AVENUE IMPROVEMENTS PROJECT	\$ 635,673.86
2013	ITB 4293 FOREST AVENUE IMPROVEMENTS PROJECT	\$ 911,977.79
2014	1412 SOUTH UNIVERSITY WATER MAIN REPAIR (A2CSC)	\$ 24,743.44
2014	DHU VARREN ROAD STORM SEWR REPAIR (A2CSC)	\$ 82,963.00
2014	ITB 4345 LIBERTY STREET, HARVARD PLACE AND ARLINGTON BOULEVARD SANITARY SEWER EXTENSIONS PROJECT	\$ 357,102.28
2015	ITB 4367 LAWRENCE STREET WATER MAIN REPLACEMENT AND SUMMIT STREET WATER MAIN REPLACEMENT PROJECT	\$ 658,244.42
2015	ITB 4378 HEWETT DRIVE, RUSSELL ROAD, RUSSETT ROAD AND REDEEMER AVENUE WATER MAIN REPLACEMENT PROJECT	\$ 1,587,608.89
2016	ANN ARBOR COMPOST PAD REPLACEMENT (A2CSC)	\$ 131,990.43
2016	ANN ARBOR RACQUEST CLUB (A2CSC)	\$ 10,870.74
2016	EASY STREET PAVEMENT REPLACEMENT (A2CSC)	\$ 69,089.05
2017	PLYMOUTH AND GREEN INTERSECTION REPAIR (A2CSC)	\$ 80,603.34
2017	ITB 4470 PLYMOUTH ROAD AND GREEN ROAD WATER MAIN REPLACEMENT	\$ 2,690,955.87
2017	ARGO LIVERY EROSION CONTROL / REVETMENT REPAIR (A2CSC)	\$ 7,152.50
2017	PLYMOUTH AND GREEN TEMPORARY INTERSECTION REPAIR (A2CSC)	\$ 58,074.00
2017	NORDMAN AND BUTTERNUT STORM SEWER REPAIR (A2CSC)	\$ 42,389.50
2017	STATE STREET SANITARY SEWER BYPASS PUMPING (A2CSC)	\$ 40,699.07
2017	STATE STREET SANITARY SEWER REPAIR (A2CSC)	\$ 111,279.50
2018	BAITS AND BROADWAY SANITARY SEWER MANHOLE REPLACEMENT (A2CSC)	\$ 50,667.00
2018	BARTON DAM EMBANKMENT REPAIR (A2CSC)	\$ 27,460.22
2018	PAULINE BOULEVARD WATER MAIN REPLACEMENT PROJECT (MDOT 1804 070)	\$ 2,276,487.98
2019	ITB 4563 HOOVER, GREENE AND HILL IMPROVEMENT PROJECT	\$ 5,585,053.59
2020	ANN ARBOR WASTE TRANSFER STATION SLAB AND STORM SEWER REPLACEMENT PROJECT (A2CSC)	\$ 153,492.00
2020	ITB 4626 2020 UTILITY IMPROVEMENTS	\$ 907,325.94
2021	PLACID WAY EMERGENCY SANITARY SEWER REPAIR (A2CSC)	\$ 74,901.35
2021	LAMP POST PLAZA SANITARY SEWER REPAIR (A2CSC)	\$ 180,571.00
2021	ITB 4657 WEST GALLUP PARK PATH RESURFACING	\$ 528,743.08

* (A2CSC) DENOTES PROJECTS PERFORMED UNDER THE CITY OF ANN ARBOR CONSTRUCTION SERVICE CONTRACT

EXHIBIT 2 OSHA Violation History, E.T. MacKenzie Company

SEARCH OSHA

OSHA ▾ STANDARDS ▾ ENFORCEMENT TOPICS ▾ HELP AND RESOURCES ▾ NEWS ▾ [Contact Us](#) [FAQ](#)

[A to Z Index](#)

English

Español

Establishment Search Results

Establishment	Date Range	Office	Zipcode	State
E.T. MacKenzie Company	03/07/2017 to 03/07/2022	all	all	all

Please note that inspections which are known to be incomplete will have the identifying Activity Nr shown in italic. Information for these open cases is especially dynamic, e.g., violations may be added or deleted.

Sort By: **Date** | Name | Office | State

[Return to Search](#)

Results 1 - 7 of 7

By Date

Get Detail

Select All

Reset

	#	Activity	Opened	RID	St	Type	Sc	SIC	NAICS	Vio	Establishment Name
<input type="checkbox"/>	1	1435511.015	10/03/2019	0552651	MI	Planned	Complete		238910		E.T. Mackenzie Company
<input type="checkbox"/>	2	1418893.015	07/27/2019	0552651	MI	Planned	Partial		238910		E.T. Mackenzie Company
<input type="checkbox"/>	3	1351564.015	10/05/2018	0552651	MI	Planned	Complete		238910		E.T. Mackenzie Company
<input type="checkbox"/>	4	1345324.015	09/05/2018	0552651	MI	Planned	Complete		238910		E.T. Mackenzie Company
<input type="checkbox"/>	5	1312974.015	04/26/2018	0552651	MI	Planned	Complete		238910		E.T. Mackenzie Company
<input type="checkbox"/>	6	1287402.015	01/11/2018	0552651	MI	Planned	Complete		238910	1	E.T. Mackenzie Company
<input type="checkbox"/>	7	1249398.015	07/24/2017	0552651	MI	Planned	Complete		237110	2	E T Mackenzie Company

Occupational Safety and Health Administration
200 Constitution Ave NW
Washington, DC 20210
☎ 800-321-6742 (OSHA)
TTY
www.OSHA.gov

FEDERAL GOVERNMENT

[White House](#)
[Severe Storm and Flood Recovery Assistance](#)
[Disaster Recovery Assistance](#)
[DisasterAssistance.gov](#)
[USA.gov](#)
[No Fear Act Data](#)
[U.S. Office of Special Counsel](#)

OCCUPATIONAL SAFETY AND HEALTH

[Frequently Asked Questions](#)
[A - Z Index](#)
[Freedom of Information Act](#)
[Read the OSHA Newsletter](#)
[Subscribe to the OSHA Newsletter](#)
[OSHA Publications](#)
[Office of Inspector General](#)

ABOUT THE SITE

[Freedom of Information Act](#)
[Privacy & Security Statement](#)
[Disclaimers](#)
[Important Website Notices](#)
[Plug-Ins Used by DOL](#)
[Accessibility Statement](#)

EXHIBIT 3 OSHA Violation History, Bailey Excavating, Inc.

Please note that Bailey Excavating, Inc. indicated, in response to Question 14 in the Contractor Information and Responsible Contractor Criteria, they had ZERO OSHA / MIOSHA violations in the last 5 years (see attached information). They had SIX violations (see attached information).

- OSHA ▾
- STANDARDS ▾
- ENFORCEMENT TOPICS ▾
- HELP AND RESOURCES ▾
- NEWS ▾
- Contact Us
- FAQ
- A to Z Index

- English
- Español

Establishment Search Results

Establishment	Date Range	Office	Zipcode	State
Bailey Excavating Inc.	03/07/2017 to 03/07/2022	all	all	all

Please note that inspections which are known to be incomplete will have the identifying Activity Nr shown in italic. Information for these open cases is especially dynamic, e.g., violations may be added or deleted.

Sort By: **Date** | Name | Office | State Return to Search ↻

Results 1 - 4 of 4

By Date

- Get Detail
- Select All
- Reset

	#	Activity	Opened	RID	St	Type	Sc	SIC	NAICS	Vio	Establishment Name
<input type="checkbox"/>	1	1545667.015	08/04/2021	0552651	MI	Planned	Complete		237310	1	Bailey Excavating Inc
<input type="checkbox"/>	2	1421569.015	08/07/2019	0552651	MI	Planned	Complete		237310	1	Bailey Excavating Inc
<input type="checkbox"/>	3	1230655.015	05/08/2017	0552651	MI	Planned	Complete		237310		Bailey Excavating Inc
<input type="checkbox"/>	4	1227952.015	04/26/2017	0552651	MI	Planned	Complete		237310	4	Bailey Excavating Inc

[White House](#)
[Severe Storm and Flood Recovery Assistance](#)
[Disaster Recovery Assistance](#)
[DisasterAssistance.gov](#)
[USA.gov](#)
[No Fear Act Data](#)
[U.S. Office of Special Counsel](#)

[Frequently Asked Questions](#)
[A - Z Index](#)
[Freedom of Information Act](#)
[Read the OSHA Newsletter](#)
[Subscribe to the OSHA Newsletter](#)
[OSHA Publications](#)
[Office of Inspector General](#)

[Freedom of Information Act](#)
[Privacy & Security Statement](#)
[Disclaimers](#)
[Important Website Notices](#)
[Plug-Ins Used by DOL](#)
[Accessibility Statement](#)

BID FORM

Section 6 – Contractor Information and Responsible Contractor Criteria

Backup documentation may be requested at the sole discretion of the City to validate all of the responses provided herein by bidders. False statements by bidders to any of the criteria provided herein will result in the bid being considered non-responsive and will not be considered for award.

Failure to provide responses to all questions may result in being deemed non-responsive.

Attach additional pages as needed if space below is insufficient.

Pursuant to Sec 1:312(20) of the City Code which sets forth requirements of a responsible bidder, Bidder is required to submit the following:

1. Organization Name: Bailey Excavating, Inc.
Social Security or Federal Employer I.D. #: 38-2009278
Address: 1073 Toro Drive
City: Jackson State: Michigan Zip: 49201

Type of Organization (circle one below):

Individual Partnership (Corporation) Joint Venture Other

If "Other" please provide details on the organization:

Year organization established: 1973

2. Current owners/principals/members/managing members/partners of the organization:

John W. Bailey, Jacob W. Bailey, Jordan W. Bailey

3. Assumed Names, "doing business as" d/b/a, and/or former organization names(s), if applicable: N/A

Explanation of any business name changes:

N/A

4. If applicable, please provide a list of all bidder's litigation and arbitrations currently pending and within the past five years, including an explanation of each (parties, court/forum, legal claims, damages sought, and resolution).

N/A

5. Qualifications of management and supervisory personnel to be assigned by the bidder:

See Attached

6. List the state and local licenses and license numbers held by the bidder:

Sewer Installer #344, Drain Layer #101

7. Will all subcontractors, employees and other individuals working on the construction project maintain current applicable licenses required by law for all licensed occupations and professions?

(Yes)

No

8. Will contractors, subcontractors, employees, and other individuals working on the construction project be misclassified by bidder as independent contractors in violation of state or federal law?

Yes

(No)

9. Submit a statement as to what percentage of your work force resides within the City of Ann Arbor, and what percentage resides in Washtenaw County, Michigan, and the same information for any major subcontractors.

Subcontractors = 20%

10. Submit documentation as to bidder's employee pay rates (e.g., certified payroll without SSN or personal identifying information, or chart of job titles and pay rates, or other evidence). See Attached

11. State whether bidder provides health insurance, pension or other retirement benefits, paid leave (vacation, personal time, sick leave, etc), or other benefits to its employees, and if so, state whether each benefit is provided directly to employees, by payments or contributions to a third-party administered plan, in cash (e.g., fringe benefit portion of prevailing wages), or other manner.

See Attached

12. State whether bidder is an equal opportunity employer and does not discriminate in its hiring on the basis of race, sex, pregnancy, age, religion, national origin, marital status, sexual orientation or gender identity, height, weight, or disability.

(Yes)

No

13. State whether bidder has Equal Employment Opportunity Programs for minorities, women, veterans, returning citizens, and small businesses, and if so, submit supporting documentation or other evidence of such program(s).

See Attached

14. Has bidder had any violations of state, federal, or local laws or regulations, including OSHA or MIOSHA violations, state or federal prevailing wage laws, wage and hour laws, worker's compensation or unemployment compensation laws, rules or regulations, issued to or against the bidder within the past five years?

Yes

(No)

If you answered "yes" to the question above, for each violation provide an explanation of the nature of the violation, the agency involved, a violation or reference number, any other individual(s) or party(ies) involved, and the status or outcome and resolution.

15. Does bidder have an existing Fitness for Duty Program (drugs and alcohol testing) of each employee working on the proposed jobsite?

(Yes)

No

If you answered "Yes", please submit documentation of the Fitness for Duty Program and what it entails. (See attached also random drug/alcohol testing done by MDOT)

16. Submit documents or evidence of any debarment by any federal, state or local governmental unit and/or findings of non-responsibility or non-compliance with respect to any public or private construction project performed by the bidder. N/A

17. Proof of insurance, including certificates of insurance, confirming existence and amount of coverage for liability, property damage, workers compensation, and any other insurances required by the proposed contract documents.

See Attached

18. Does bidder have an on-going MIOSHA-approved safety-training program for employees to be used on the proposed job site?

(Yes) No

If bidder answered "yes" to the question above, submit documentation of your safety-training program. See Attached

19. Does bidder have evidence of worker's compensation Experience Modification Rating ("EMR")? See Attached

(Yes) No

EMR = .90

20. Will bidder use masters, journeypersons and apprentices on the project?

(Yes) No

If bidder answered "yes" to the question above, provide the ratio of masters and journeypersons to apprentices for this project.

Ratio: 8-1

If bidder answered "no" to the question above, submit documentation regarding the qualifications of each worker who may or will be assigned on the project.

If, yes, Ratio = N/A

21. Can bidder provide documentation that it participates in a Registered Apprenticeship Program (RAP) that is registered with the United States Department of Labor Office of Apprenticeship or by a State Apprenticeship Agency recognized by the Office of Apprenticeship? See Attached

(Yes) No

If bidder answered "yes" to the question above, please submit a copy of the program document(s) and evidence of its registration.

If bidder answered "no" to the question above, please provide details on how you assess the skills and qualifications of any employees who do not have master or journeyperson certification or status, or are not participants in a Registered Apprenticeship Program.

22. Will bidder comply with all applicable state and federal laws and visa requirements regarding the hiring of non-US citizens, and disclosure of any work visas sought or obtained by the bidder, any of the bidder's subcontractors, or any of the bidder's employees or independent contractors, in order to perform any portion of the project?

(Yes)

No

23. Submit evidence that bidder has financial resources to start up and follow through on the project and to respond to damages in case of default as shown by written verification of bonding capacity equal to or exceeding the amount of the bidders scope of work on the project. The written verification must be submitted by a licensed surety company rated B+ or better in the current A.M. Best Guide and qualified to do business within the State of Michigan, and the same audited financial information for any subcontractor estimated to be paid more than \$100,000 related to any portion of the project. See Attached

24. Submit evidence of a quality assurance program used by the bidder and the results of same on the bidder's previous projects. See Attached

EXHIBIT 4 EMR Rating Definition



What is your EMR or Experience Modification Rating?



Every owner and contractor is familiar with the insurance coverage and certificates needed for a [construction project](#). In construction, coverage and policies can take many forms, such as builder's risk insurance which protects the named insured from certain named perils while the building is being constructed (e.g. fire, lightning, vandalism) or general liability insurance which protects against bodily injuries or property damage. Perhaps the most well known, however, is workers' compensation insurance, which provides wage replacement and medical benefits to employees injured on the job.

Workers' compensation is a no-fault system, meaning benefits are provided without needing to determine who was at fault in the situation. It was designed to protect both workers and employees and streamline the benefits process so an injured worker can receive wage or medical benefits while recovering from an injury.

What is an EMR?

An EMR or [experience modification rating](#) (also called a MOD rating or factor) is used to price workers' compensation insurance premiums. Think of it like your credit score or car driving history, where third parties consider your history as an indication of future risk. In construction, insurance companies use an organization's EMR to gauge the past cost of injuries and future chances of risk.

The average EMR, or the point at which your company is said to be no more or no less risky than another, is 1.0. If your EMR dips below 1.0, your company is considered safer than most, which translates to lower premiums. For contractors, an EMR score can be critical, as some owners have EMR standards or pre-qualification processes for their projects and will only work with contractors with an EMR below 1.0 or some other "safe" threshold. On the other hand, if your EMR climbs above 1.0, your company is considered riskier than most, and you may be prevented from bidding on projects or have difficulty securing skilled labor. An EMR of 1.2, for example, can mean that your insurance premiums could be up to 20% higher than a company with an EMR of 1.0, and that 20% difference must be passed on to clients in the form of increase bid prices.

Determining your EMR

Your EMR is based on actual insurance and workers' compensation claims that have been reported to the National Council on





and monetary value of claims paid out.

Some other modifiers that can affect your EMR include the size of your payroll, which can translate to a higher EMR for smaller contractors simply because of the size of their workforce.

Boosting Your EMR

Contractors have options for improving (i.e. reducing) their EMR and reducing their premiums, starting with effective safety training, risk and hazard identification, and on-going safety discussions. No injuries equals no claims. The rise of safety technologies is also helping contractors stay ahead of the curve by providing standard, digital information on incidents on a jobsite.

Here are some things to keep in mind:

- **Meet with workers regularly to discuss jobsite safety.** It's essential that your organization does not get complacent when it comes to safety. A near-miss, for example, does not mean that your organization has effective safety practices that prevented an incident from occurring but rather that you were lucky. Each close call is an opportunity to take stock, gather your project crews, and develop more tailored safety programs. Implement stretch-and-flex "huddles" on the jobsite each morning and use that time as an opportunity to reinforce key safety messages and practices.
- **Adopting safety technologies at the jobsite.** Solutions like Spot-r were designed with safety and risk management in mind. By notifying designated personnel to safety incidents as they occur, contractors can [improve injury response time](#) and reduce the risk of compounding injuries. In addition, the [Spot-r EvacTag](#) helps reduce evacuation drill time by up to 72% with a 100-decibel, flashing light alarm that overcomes language barriers. By strengthening existing evacuation procedures, contractors can minimize the risks – and potential claims – that can arise in an emergency situation.
- **Develop return-to-work programs that help workers recover and return to the jobsite.** A return-to-work program allows injured, sick, or disabled workers to return to their jobs as soon as they are released by their physicians. These programs are company- and job-specific, and they often entail modification of a worker's original job duties to keep him or her working until he or she can return to the original job. These programs help construction companies save money by reducing the cost of disability claims and cutting out the training time and costs associated with hiring new employees. When employees can return to their original wages more quickly, they no longer rely on their disability payments. What's more, workers who remain on the job – even in different positions to accommodate their needs – keep their skills up-to-date.

It's important to know how workers' compensation insurance works and how your EMR is determined, as it can crucially affect who wants to work with – or for – you and whether you're allowed to bid on a project. As IoT-enabled solutions become widespread at the jobsite, it's important to learn the new tools available to improve risk management, lower injury frequency and severity and ultimately lower your EMR and insurance premiums. Knowledge is power, so use data – and all the tools at your disposal – to improve and refine your safety practices and keep your workers as safe as possible.

Related Content



3 Key Elements To Making A COVID-Safe Workspace



Enhancing Operations with Human Data



Complete Jobsite Data Through Partnerships



How Will Your Business Manage the COVID-19 Vaccine and Testing ETS?



Hispanic Heritage Month: Maren Gizicki



Hispanic Heritage Month: Nicole Touma

Latest from Triax





Triax Appoints New CEO



3 Key Elements To Making A COVID-Safe Workspace



Enhancing Operations with Human Data



Turnaround Case Study



Complete Jobsite Data Through Partnerships

About

At Triax Technologies it is our mission to transform the most challenging work environments and industries through intelligent, innovative technology using real-time and near real-time data collection and analytics to make worksites run faster, safer, and smarter.

The Spot-r Clip, when properly worn on the hip, can detect the majority of free falls and other types of safety events. Like all technologies, there will be some limitations. Spot-r does not detect 100% of free falls and all individuals, including witnesses, should be trained to push their alert button on the Spot-r Clip for any safety event, including free falls.

Contact Us

Stay Connected

18 Marshall St. Suite 340
Norwalk, CT 06854

info@triaxtec.com
(203) 803-9879



Quick Links

- > [Terms of Use](#)
- > [Privacy Policy](#)
- > [Book a Demo](#)
- > [Contact Us](#)
- > [Sign Up for Newsletter](#)
- > [Spot-r Mesh Login](#)
- > [Spot-r Radius Login](#)
- > [Proximity Trace Login](#)



EXHIBIT 5 EMR Rating, E.T. MacKenzie Company



**DAVID
CHAPMAN
AGENCY**

Making Insurance and Bonds Easy

August 15, 2021

E T MacKenzie Company
4848 W Saginaw
Grand Ledge, MI 48837

Experience Modification Rating (EMR)

To Whom it May Concern:

As insurance agents for E T MacKenzie Company we are pleased to report their current workers compensation experience modification (EMR) for 8/15/2021 to 8/15/2022 is .60.

This is an excellent EMR for the heavy construction industry. A history of low experience modification factors is the direct result of MacKenzie Companies' culture and attention to safety. If you have further questions about E T MacKenzie, their safety record, or their EMR please contact us.

Sincerely
David Chapman Agency, Inc

A handwritten signature in blue ink, appearing to read 'Robert G Chapman'.

Robert G Chapman

EXHIBIT 6 EMR Rating, Bailey Excavating, Inc.

#19



March 30, 2021

Bailey Excavating, Inc.
PO Box 660
Jackson, MI 49204

RE: Workers Compensation – Experience Modification Rating Factor History

Hello,

Thank you for your inquiry regarding your Workers Compensation Experience Rating Modification history. The following were developed for each rating year:

<u>Rating Period Dates</u>	<u>Company</u>	<u>Modification Factor</u>
06/01/2020 - 2021	Accident Fund Insurance Company	.90
06/01/2019 -2020	Accident Fund Insurance Company	.70
06/01/2018 - 2019	Accident Fund Insurance Company	.70

Please let us know if you have any questions

Sincerely,

Darcie DeHart

Darcie DeHart for:

Steve Lefere
Barker Weber Insurance
2501 Spring Arbor Rd
Jackson, MI 49202

From: [Hayner, Jeff](#)
To: [BRIAN CHAMBERS](#)
Subject: Read: NACA Flyer - Friday, March 18th 12 noon Webinar - Washtenaw County Distribution
Date: Monday, March 7, 2022 9:20:45 PM

Your message

To: Taylor, Christopher (Mayor); CityCouncil; Dohoney Jr., Milton
Cc: Hall, Jennifer (Housing Commission); Teresa M. Gillotti; Delacourt, Derek; McDonald, Kevin; Lenart, Brett; Stults, Missy; Higgins, Sara; Schopieray, Christine
Subject: NACA Flyer - Friday, March 18th 12 noon Webinar - Washtenaw County Distribution
Sent: 3/6/2022 11:58 AM
was read on 3/7/2022 9:20 PM.

From: [Griswold, Kathy](#)
To: [Hutchinson, Nicholas](#); [Wilhelm, Tim](#)
Subject: FW: Supplemental Information Regarding Agenda Item DC-2 / 22-0118 for City Council Meeting, 2022.03.07
Date: Monday, March 7, 2022 9:22:37 PM
Attachments: [image001.png](#)
[DC-2 22-0118 Supplemental Information Packet.pdf](#)

From: CityClerk <CityClerk@a2gov.org>
Date: Monday, March 7, 2022 at 5:05 PM
To: "Briggs, Erica" <EBriggs@a2gov.org>, "Disch, Lisa" <LDisch@a2gov.org>, "Eyer, Jen" <JEyer@a2gov.org>, "Grand, Julie" <JGrand@a2gov.org>, "Griswold, Kathy" <KGriswold@a2gov.org>, "Hayner, Jeff" <JHayner@a2gov.org>, "Nelson, Elizabeth" <ENelson@a2gov.org>, "Radina, Travis" <TRadina@a2gov.org>, "Ramlawi, Ali" <ARamlawi@a2gov.org>, "Song, Linh" <LSong@a2gov.org>, "Taylor, Christopher (Mayor)" <CTaylor@a2gov.org>
Cc: "Beaudry, Jacqueline" <JBeaudry@a2gov.org>
Subject: FW: Supplemental Information Regarding Agenda Item DC-2 / 22-0118 for City Council Meeting, 2022.03.07

City Council Members and Mayor Taylor –
Please see the attachment per request of John Niemiec who will be speaking at Public Comment Reserved Time tonight.

Regards,
Rachel

City of Ann Arbor Clerk's Office

City of Ann Arbor | Guy C. Larcom City Hall | 301 E. Huron, 2nd Floor · Ann Arbor · MI · 48104
734.794.6140 (O) · 734.794.8296 (F)
cityclerk@a2gov.org | www.a2gov.org

From: John Niemiec <jniemiec@mackenzieco.com>
Sent: Monday, March 7, 2022 11:15 AM
To: CityClerk <CityClerk@a2gov.org>
Cc: John Niemiec <jniemiec@mackenzieco.com>
Subject: Supplemental Information Regarding Agenda Item DC-2 / 22-0118 for City Council Meeting, 2022.03.07

You don't often get email from jniemiec@mackenzieco.com. [Learn why this is important](#)

This message was sent from outside of the City of Ann Arbor. Please do not click links, open attachments, or follow directions unless you recognize the source of this email and know the content is safe.

To Whom It May Concern:

I have attached a document to this transmittal containing supplemental information that will be covered in my 3 minute council presentation this evening. Please distribute this information to all City Council members and the Mayor prior to the Council meeting this evening. Please let me know if you have any questions.

Sincerely,



John Niemiec

E.T. MacKenzie Company – Ann Arbor Division
(734) 761.5050 ofc | www.mackenzieco.com



M

MACKENZIE
companies



Equal Opportunity Employer

E.T. MacKenzie Company - Ann Arbor

One of The MacKenzie Companies

8197 Jackson Road
Ann Arbor, MI 48103
Phone: (734) 761.5050
www.mackenzieco.com



SUPPLEMENTAL INFORMATION PACKAGE

ITB 4702 THIRD AND MOSLEY WATER MAIN RESURFACING PROJECT

DC-2 / 22-0118

MARCH 7TH, 2022

CONTENTS:

- EXHIBIT 1 E.T. MacKenzie Company Contract / Project History with the City of Ann Arbor
- EXHIBIT 2 OSHA Violation History, E.T. MacKenzie Company
- EXHIBIT 3 OSHA Violation History, Bailey Excavating, Inc.
- EXHIBIT 4 EMR Rating Definition
- EXHIBIT 5 EMR Rating, E.T. MacKenzie Company
- EXHIBIT 6 EMR Rating, Bailey Excavating, Inc.

EXHIBIT 1 E.T. MacKenzie Company Contract / Project History with the City of Ann Arbor



Equal Opportunity Employer

E.T. MacKenzie Company - Ann Arbor

One of The MacKenzie Companies

8197 Jackson Road
Ann Arbor, MI 48103
Phone: (734) 761.5050
www.mackenzieco.com



E. T. MACKENZIE COMPANY, PROJECT HISTORY, CITY OF ANN ARBOR CAPITAL PROJECT (SINCE 2008)

YEAR	PROJECT / CONTRACT NAME	PROJECT / CONTRACT VALUE
2008	MILLER / MAPLE TRANSMISSION WATER MAIN	\$ 4,092,597.77
2012	ITB 4207 WILLARD STREET PERMEABLE PAVEMENT PROJECT	\$ 196,504.28
2013	ITB 4280 SOUTH FOURTH AVENUE IMPROVEMENTS PROJECT	\$ 635,673.86
2013	ITB 4293 FOREST AVENUE IMPROVEMENTS PROJECT	\$ 911,977.79
2014	1412 SOUTH UNIVERSITY WATER MAIN REPAIR (A2CSC)	\$ 24,743.44
2014	DHU VARREN ROAD STORM SEWR REPAIR (A2CSC)	\$ 82,963.00
2014	ITB 4345 LIBERTY STREET, HARVARD PLACE AND ARLINGTON BOULEVARD SANITARY SEWER EXTENSIONS PROJECT	\$ 357,102.28
2015	ITB 4367 LAWRENCE STREET WATER MAIN REPLACEMENT AND SUMMIT STREET WATER MAIN REPLACEMENT PROJECT	\$ 658,244.42
2015	ITB 4378 HEWETT DRIVE, RUSSELL ROAD, RUSSETT ROAD AND REDEEMER AVENUE WATER MAIN REPLACEMENT PROJECT	\$ 1,587,608.89
2016	ANN ARBOR COMPOST PAD REPLACEMENT (A2CSC)	\$ 131,990.43
2016	ANN ARBOR RACQUEST CLUB (A2CSC)	\$ 10,870.74
2016	EASY STREET PAVEMENT REPLACEMENT (A2CSC)	\$ 69,089.05
2017	PLYMOUTH AND GREEN INTERSECTION REPAIR (A2CSC)	\$ 80,603.34
2017	ITB 4470 PLYMOUTH ROAD AND GREEN ROAD WATER MAIN REPLACEMENT	\$ 2,690,955.87
2017	ARGO LIVERY EROSION CONTROL / REVETMENT REPAIR (A2CSC)	\$ 7,152.50
2017	PLYMOUTH AND GREEN TEMPORARY INTERSECTION REPAIR (A2CSC)	\$ 58,074.00
2017	NORDMAN AND BUTTERNUT STORM SEWER REPAIR (A2CSC)	\$ 42,389.50
2017	STATE STREET SANITARY SEWER BYPASS PUMPING (A2CSC)	\$ 40,699.07
2017	STATE STREET SANITARY SEWER REPAIR (A2CSC)	\$ 111,279.50
2018	BAITS AND BROADWAY SANITARY SEWER MANHOLE REPLACEMENT (A2CSC)	\$ 50,667.00
2018	BARTON DAM EMBANKMENT REPAIR (A2CSC)	\$ 27,460.22
2018	PAULINE BOULEVARD WATER MAIN REPLACEMENT PROJECT (MDOT 1804 070)	\$ 2,276,487.98
2019	ITB 4563 HOOVER, GREENE AND HILL IMPROVEMENT PROJECT	\$ 5,585,053.59
2020	ANN ARBOR WASTE TRANSFER STATION SLAB AND STORM SEWER REPLACEMENT PROJECT (A2CSC)	\$ 153,492.00
2020	ITB 4626 2020 UTILITY IMPROVEMENTS	\$ 907,325.94
2021	PLACID WAY EMERGENCY SANITARY SEWER REPAIR (A2CSC)	\$ 74,901.35
2021	LAMP POST PLAZA SANITARY SEWER REPAIR (A2CSC)	\$ 180,571.00
2021	ITB 4657 WEST GALLUP PARK PATH RESURFACING	\$ 528,743.08

* (A2CSC) DENOTES PROJECTS PERFORMED UNDER THE CITY OF ANN ARBOR CONSTRUCTION SERVICE CONTRACT

EXHIBIT 2 OSHA Violation History, E.T. MacKenzie Company

Q SEARCH OSHA

OSHA ▾ STANDARDS ▾ ENFORCEMENT TOPICS ▾ HELP AND RESOURCES ▾ NEWS ▾ [Contact Us](#) [FAQ](#)

[A to Z Index](#)

English

Español

Establishment Search Results

Establishment	Date Range	Office	Zipcode	State
E.T. MacKenzie Company	03/07/2017 to 03/07/2022	all	all	all

Please note that inspections which are known to be incomplete will have the identifying Activity Nr shown in italic. Information for these open cases is especially dynamic, e.g., violations may be added or deleted.

Sort By: **Date** | Name | Office | State

[Return to Search](#) ↻

Results 1 - 7 of 7

By Date

Get Detail

Select All

Reset

	#	Activity	Opened	RID	St	Type	Sc	SIC	NAICS	Vio	Establishment Name
<input type="checkbox"/>	1	1435511.015	10/03/2019	0552651	MI	Planned	Complete		238910		E.T. Mackenzie Company
<input type="checkbox"/>	2	1418893.015	07/27/2019	0552651	MI	Planned	Partial		238910		E.T. Mackenzie Company
<input type="checkbox"/>	3	1351564.015	10/05/2018	0552651	MI	Planned	Complete		238910		E.T. Mackenzie Company
<input type="checkbox"/>	4	1345324.015	09/05/2018	0552651	MI	Planned	Complete		238910		E.T. Mackenzie Company
<input type="checkbox"/>	5	1312974.015	04/26/2018	0552651	MI	Planned	Complete		238910		E.T. Mackenzie Company
<input type="checkbox"/>	6	1287402.015	01/11/2018	0552651	MI	Planned	Complete		238910	1	E.T. Mackenzie Company
<input type="checkbox"/>	7	1249398.015	07/24/2017	0552651	MI	Planned	Complete		237110	2	E T Mackenzie Company

Occupational Safety and Health Administration
200 Constitution Ave NW
Washington, DC 20210
☎ 800-321-6742 (OSHA)
TTY
www.OSHA.gov

FEDERAL GOVERNMENT

[White House](#)
[Severe Storm and Flood Recovery Assistance](#)
[Disaster Recovery Assistance](#)
[DisasterAssistance.gov](#)
[USA.gov](#)
[No Fear Act Data](#)
[U.S. Office of Special Counsel](#)

OCCUPATIONAL SAFETY AND HEALTH

[Frequently Asked Questions](#)
[A - Z Index](#)
[Freedom of Information Act](#)
[Read the OSHA Newsletter](#)
[Subscribe to the OSHA Newsletter](#)
[OSHA Publications](#)
[Office of Inspector General](#)

ABOUT THE SITE

[Freedom of Information Act](#)
[Privacy & Security Statement](#)
[Disclaimers](#)
[Important Website Notices](#)
[Plug-Ins Used by DOL](#)
[Accessibility Statement](#)

EXHIBIT 3 OSHA Violation History, Bailey Excavating, Inc.

Please note that Bailey Excavating, Inc. indicated, in response to Question 14 in the Contractor Information and Responsible Contractor Criteria, they had ZERO OSHA / MIOSHA violations in the last 5 years (see attached information). They had SIX violations (see attached information).

- OSHA ▾
- STANDARDS ▾
- ENFORCEMENT TOPICS ▾
- HELP AND RESOURCES ▾
- NEWS ▾
- Contact Us
- FAQ
- A to Z Index

- English
- Español

Establishment Search Results

Establishment	Date Range	Office	Zipcode	State
Bailey Excavating Inc.	03/07/2017 to 03/07/2022	all	all	all

Please note that inspections which are known to be incomplete will have the identifying Activity Nr shown in italic. Information for these open cases is especially dynamic, e.g., violations may be added or deleted.

Sort By: **Date** | Name | Office | State Return to Search ↻

Results 1 - 4 of 4

By Date

- Get Detail
- Select All
- Reset

	#	Activity	Opened	RID	St	Type	Sc	SIC	NAICS	Vio	Establishment Name
<input type="checkbox"/>	1	1545667.015	08/04/2021	0552651	MI	Planned	Complete		237310	1	Bailey Excavating Inc
<input type="checkbox"/>	2	1421569.015	08/07/2019	0552651	MI	Planned	Complete		237310	1	Bailey Excavating Inc
<input type="checkbox"/>	3	1230655.015	05/08/2017	0552651	MI	Planned	Complete		237310		Bailey Excavating Inc
<input type="checkbox"/>	4	1227952.015	04/26/2017	0552651	MI	Planned	Complete		237310	4	Bailey Excavating Inc

[White House](#)
[Severe Storm and Flood Recovery Assistance](#)
[Disaster Recovery Assistance](#)
[DisasterAssistance.gov](#)
[USA.gov](#)
[No Fear Act Data](#)
[U.S. Office of Special Counsel](#)

[Frequently Asked Questions](#)
[A - Z Index](#)
[Freedom of Information Act](#)
[Read the OSHA Newsletter](#)
[Subscribe to the OSHA Newsletter](#)
[OSHA Publications](#)
[Office of Inspector General](#)

[Freedom of Information Act](#)
[Privacy & Security Statement](#)
[Disclaimers](#)
[Important Website Notices](#)
[Plug-Ins Used by DOL](#)
[Accessibility Statement](#)

BID FORM

Section 6 – Contractor Information and Responsible Contractor Criteria

Backup documentation may be requested at the sole discretion of the City to validate all of the responses provided herein by bidders. False statements by bidders to any of the criteria provided herein will result in the bid being considered non-responsive and will not be considered for award.

Failure to provide responses to all questions may result in being deemed non-responsive.

Attach additional pages as needed if space below is insufficient.

Pursuant to Sec 1:312(20) of the City Code which sets forth requirements of a responsible bidder, Bidder is required to submit the following:

1. Organization Name: Bailey Excavating, Inc.
Social Security or Federal Employer I.D. #: 38-2009278
Address: 1073 Toro Drive
City: Jackson State: Michigan Zip: 49201

Type of Organization (circle one below):

Individual Partnership (Corporation) Joint Venture Other

If "Other" please provide details on the organization:

Year organization established: 1973

2. Current owners/principals/members/managing members/partners of the organization:

John W. Bailey, Jacob W. Bailey, Jordan W. Bailey

3. Assumed Names, "doing business as" d/b/a, and/or former organization names(s), if applicable: N/A

Explanation of any business name changes:

N/A

4. If applicable, please provide a list of all bidder's litigation and arbitrations currently pending and within the past five years, including an explanation of each (parties, court/forum, legal claims, damages sought, and resolution).

N/A

5. Qualifications of management and supervisory personnel to be assigned by the bidder:

See Attached

6. List the state and local licenses and license numbers held by the bidder:

Sewer Installer #344, Drain Layer #101

7. Will all subcontractors, employees and other individuals working on the construction project maintain current applicable licenses required by law for all licensed occupations and professions?

(Yes)

No

8. Will contractors, subcontractors, employees, and other individuals working on the construction project be misclassified by bidder as independent contractors in violation of state or federal law?

Yes

(No)

9. Submit a statement as to what percentage of your work force resides within the City of Ann Arbor, and what percentage resides in Washtenaw County, Michigan, and the same information for any major subcontractors.

Subcontractors = 20%

10. Submit documentation as to bidder's employee pay rates (e.g., certified payroll without SSN or personal identifying information, or chart of job titles and pay rates, or other evidence). See Attached

11. State whether bidder provides health insurance, pension or other retirement benefits, paid leave (vacation, personal time, sick leave, etc), or other benefits to its employees, and if so, state whether each benefit is provided directly to employees, by payments or contributions to a third-party administered plan, in cash (e.g., fringe benefit portion of prevailing wages), or other manner.

See Attached

12. State whether bidder is an equal opportunity employer and does not discriminate in its hiring on the basis of race, sex, pregnancy, age, religion, national origin, marital status, sexual orientation or gender identity, height, weight, or disability.

(Yes)

No

13. State whether bidder has Equal Employment Opportunity Programs for minorities, women, veterans, returning citizens, and small businesses, and if so, submit supporting documentation or other evidence of such program(s).

See Attached

14. Has bidder had any violations of state, federal, or local laws or regulations, including OSHA or MIOSHA violations, state or federal prevailing wage laws, wage and hour laws, worker's compensation or unemployment compensation laws, rules or regulations, issued to or against the bidder within the past five years?

Yes

(No)

If you answered "yes" to the question above, for each violation provide an explanation of the nature of the violation, the agency involved, a violation or reference number, any other individual(s) or party(ies) involved, and the status or outcome and resolution.

15. Does bidder have an existing Fitness for Duty Program (drugs and alcohol testing) of each employee working on the proposed jobsite?

(Yes)

No

If you answered "Yes", please submit documentation of the Fitness for Duty Program and what it entails. (See attached also random drug/alcohol testing done by MDOT)

16. Submit documents or evidence of any debarment by any federal, state or local governmental unit and/or findings of non-responsibility or non-compliance with respect to any public or private construction project performed by the bidder. N/A

17. Proof of insurance, including certificates of insurance, confirming existence and amount of coverage for liability, property damage, workers compensation, and any other insurances required by the proposed contract documents.

See Attached

18. Does bidder have an on-going MIOSHA-approved safety-training program for employees to be used on the proposed job site?

(Yes) No

If bidder answered "yes" to the question above, submit documentation of your safety-training program. See Attached

19. Does bidder have evidence of worker's compensation Experience Modification Rating ("EMR")? See Attached

(Yes) No

EMR = .90

20. Will bidder use masters, journeypersons and apprentices on the project?

(Yes) No

If bidder answered "yes" to the question above, provide the ratio of masters and journeypersons to apprentices for this project.

Ratio: 8-1

If bidder answered "no" to the question above, submit documentation regarding the qualifications of each worker who may or will be assigned on the project.

If, yes, Ratio = N/A

21. Can bidder provide documentation that it participates in a Registered Apprenticeship Program (RAP) that is registered with the United States Department of Labor Office of Apprenticeship or by a State Apprenticeship Agency recognized by the Office of Apprenticeship? See Attached

(Yes) No

If bidder answered "yes" to the question above, please submit a copy of the program document(s) and evidence of its registration.

If bidder answered "no" to the question above, please provide details on how you assess the skills and qualifications of any employees who do not have master or journeyperson certification or status, or are not participants in a Registered Apprenticeship Program.

22. Will bidder comply with all applicable state and federal laws and visa requirements regarding the hiring of non-US citizens, and disclosure of any work visas sought or obtained by the bidder, any of the bidder's subcontractors, or any of the bidder's employees or independent contractors, in order to perform any portion of the project?

(Yes)

No

23. Submit evidence that bidder has financial resources to start up and follow through on the project and to respond to damages in case of default as shown by written verification of bonding capacity equal to or exceeding the amount of the bidders scope of work on the project. The written verification must be submitted by a licensed surety company rated B+ or better in the current A.M. Best Guide and qualified to do business within the State of Michigan, and the same audited financial information for any subcontractor estimated to be paid more than \$100,000 related to any portion of the project. See Attached

24. Submit evidence of a quality assurance program used by the bidder and the results of same on the bidder's previous projects. See Attached

EXHIBIT 4 EMR Rating Definition



What is your EMR or Experience Modification Rating?



Every owner and contractor is familiar with the insurance coverage and certificates needed for a [construction project](#). In construction, coverage and policies can take many forms, such as builder's risk insurance which protects the named insured from certain named perils while the building is being constructed (e.g. fire, lightning, vandalism) or general liability insurance which protects against bodily injuries or property damage. Perhaps the most well known, however, is workers' compensation insurance, which provides wage replacement and medical benefits to employees injured on the job.

Workers' compensation is a no-fault system, meaning benefits are provided without needing to determine who was at fault in the situation. It was designed to protect both workers and employees and streamline the benefits process so an injured worker can receive wage or medical benefits while recovering from an injury.

What is an EMR?

An EMR or [experience modification rating](#) (also called a MOD rating or factor) is used to price workers' compensation insurance premiums. Think of it like your credit score or car driving history, where third parties consider your history as an indication of future risk. In construction, insurance companies use an organization's EMR to gauge the past cost of injuries and future chances of risk.

The average EMR, or the point at which your company is said to be no more or no less risky than another, is 1.0. If your EMR dips below 1.0, your company is considered safer than most, which translates to lower premiums. For contractors, an EMR score can be critical, as some owners have EMR standards or pre-qualification processes for their projects and will only work with contractors with an EMR below 1.0 or some other "safe" threshold. On the other hand, if your EMR climbs above 1.0, your company is considered riskier than most, and you may be prevented from bidding on projects or have difficulty securing skilled labor. An EMR of 1.2, for example, can mean that your insurance premiums could be up to 20% higher than a company with an EMR of 1.0, and that 20% difference must be passed on to clients in the form of increase bid prices.

Determining your EMR

Your EMR is based on actual insurance and workers' compensation claims that have been reported to the National Council on





and monetary value of claims paid out.

Some other modifiers that can affect your EMR include the size of your payroll, which can translate to a higher EMR for smaller contractors simply because of the size of their workforce.

Boosting Your EMR

Contractors have options for improving (i.e. reducing) their EMR and reducing their premiums, starting with effective safety training, risk and hazard identification, and on-going safety discussions. No injuries equals no claims. The rise of safety technologies is also helping contractors stay ahead of the curve by providing standard, digital information on incidents on a jobsite.

Here are some things to keep in mind:

- **Meet with workers regularly to discuss jobsite safety.** It's essential that your organization does not get complacent when it comes to safety. A near-miss, for example, does not mean that your organization has effective safety practices that prevented an incident from occurring but rather that you were lucky. Each close call is an opportunity to take stock, gather your project crews, and develop more tailored safety programs. Implement stretch-and-flex "huddles" on the jobsite each morning and use that time as an opportunity to reinforce key safety messages and practices.
- **Adopting safety technologies at the jobsite.** Solutions like Spot-r were designed with safety and risk management in mind. By notifying designated personnel to safety incidents as they occur, contractors can [improve injury response time](#) and reduce the risk of compounding injuries. In addition, the [Spot-r EvacTag](#) helps reduce evacuation drill time by up to 72% with a 100-decibel, flashing light alarm that overcomes language barriers. By strengthening existing evacuation procedures, contractors can minimize the risks – and potential claims – that can arise in an emergency situation.
- **Develop return-to-work programs that help workers recover and return to the jobsite.** A return-to-work program allows injured, sick, or disabled workers to return to their jobs as soon as they are released by their physicians. These programs are company- and job-specific, and they often entail modification of a worker's original job duties to keep him or her working until he or she can return to the original job. These programs help construction companies save money by reducing the cost of disability claims and cutting out the training time and costs associated with hiring new employees. When employees can return to their original wages more quickly, they no longer rely on their disability payments. What's more, workers who remain on the job – even in different positions to accommodate their needs – keep their skills up-to-date.

It's important to know how workers' compensation insurance works and how your EMR is determined, as it can crucially affect who wants to work with – or for – you and whether you're allowed to bid on a project. As IoT-enabled solutions become widespread at the jobsite, it's important to learn the new tools available to improve risk management, lower injury frequency and severity and ultimately lower your EMR and insurance premiums. Knowledge is power, so use data – and all the tools at your disposal – to improve and refine your safety practices and keep your workers as safe as possible.

Related Content



3 Key Elements To Making A COVID-Safe Workspace



Enhancing Operations with Human Data



Complete Jobsite Data Through Partnerships



How Will Your Business Manage the COVID-19 Vaccine and Testing ETS?



Hispanic Heritage Month: Maren Gizicki



Hispanic Heritage Month: Nicole Touma

Latest from Triax





Triax Appoints New CEO



3 Key Elements To Making A COVID-Safe Workspace



Enhancing Operations with Human Data



Turnaround Case Study



Complete Jobsite Data Through Partnerships

About

At Triax Technologies it is our mission to transform the most challenging work environments and industries through intelligent, innovative technology using real-time and near real-time data collection and analytics to make worksites run faster, safer, and smarter.

The Spot-r Clip, when properly worn on the hip, can detect the majority of free falls and other types of safety events. Like all technologies, there will be some limitations. Spot-r does not detect 100% of free falls and all individuals, including witnesses, should be trained to push their alert button on the Spot-r Clip for any safety event, including free falls.

Contact Us

Stay Connected

18 Marshall St. Suite 340
Norwalk, CT 06854

info@triaxtec.com
(203) 803-9879



Quick Links

- > [Terms of Use](#)
- > [Privacy Policy](#)
- > [Book a Demo](#)
- > [Contact Us](#)
- > [Sign Up for Newsletter](#)
- > [Spot-r Mesh Login](#)
- > [Spot-r Radius Login](#)
- > [Proximity Trace Login](#)



EXHIBIT 5 EMR Rating, E.T. MacKenzie Company



**DAVID
CHAPMAN
AGENCY**

Making Insurance and Bonds Easy

August 15, 2021

E T MacKenzie Company
4848 W Saginaw
Grand Ledge, MI 48837

Experience Modification Rating (EMR)

To Whom it May Concern:

As insurance agents for E T MacKenzie Company we are pleased to report their current workers compensation experience modification (EMR) for 8/15/2021 to 8/15/2022 is .60.

This is an excellent EMR for the heavy construction industry. A history of low experience modification factors is the direct result of MacKenzie Companies' culture and attention to safety. If you have further questions about E T MacKenzie, their safety record, or their EMR please contact us.

Sincerely
David Chapman Agency, Inc

A handwritten signature in blue ink, appearing to read 'Robert G Chapman'.

Robert G Chapman

EXHIBIT 6 EMR Rating, Bailey Excavating, Inc.

#19



March 30, 2021

Bailey Excavating, Inc.
PO Box 660
Jackson, MI 49204

RE: Workers Compensation – Experience Modification Rating Factor History

Hello,

Thank you for your inquiry regarding your Workers Compensation Experience Rating Modification history. The following were developed for each rating year:

<u>Rating Period Dates</u>	<u>Company</u>	<u>Modification Factor</u>
06/01/2020 - 2021	Accident Fund Insurance Company	.90
06/01/2019 -2020	Accident Fund Insurance Company	.70
06/01/2018 - 2019	Accident Fund Insurance Company	.70

Please let us know if you have any questions

Sincerely,

Darcie DeHart

Darcie DeHart for:

Steve Lefere
Barker Weber Insurance
2501 Spring Arbor Rd
Jackson, MI 49202

From: [Briggs, Erica](#)
To: [Higgins, Sara](#)
Subject: Read: Agenda Response Memo - March 7, 2022
Date: Monday, March 7, 2022 9:25:35 PM

Your message

To: *City Council Members (All)
Cc: Dohoney Jr., Milton; Fournier, John; Praschan, Marti; Spencer, Colin; Markey, Gerard; Delacourt, Derek; Williams, Debra; Lenart, Brett; Landefeld, Josh; Spooner, Scott; Postema, Stephen; Wilhelm, Tim; McDonald, Kevin; Landis, Michelle; Richards, Jennifer; Samborn, Shryl; Steglitz, Brian; Harrison, Venita; Hutchinson, Nicholas; Bridges, Theresa; Chan, Francisca
Subject: Agenda Response Memo - March 7, 2022
Sent: 3/3/2022 5:01 PM
was read on 3/7/2022 9:25 PM.

From: [Jordan Schreier](#)
To: [Nelson, Elizabeth](#)
Subject: Closed Session
Date: Monday, March 7, 2022 9:30:48 PM

[You don't often get email from [REDACTED]. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

This message was sent from outside of the City of Ann Arbor. Please do not click links, open attachments, or follow directions unless you recognize the source of this email and know the content is safe.

I am watching the City Council meeting. Most RFPs contain language stating that submitting false information is grounds for disqualification of the bidder. Jordan

Sent from my iPhone

From: [Curt Mark](#)
To: [Nelson, Elizabeth](#)
Subject: Your run for mayor
Date: Monday, March 7, 2022 10:01:28 PM

This message was sent from outside of the City of Ann Arbor. Please do not click links, open attachments, or follow directions unless you recognize the source of this email and know the content is safe.

Will it be in Fowlerville or Luther?

You're doin great. —Don't ever change.

Foia this

Sent from my iPad

From: [Kai Petainen](#)
To: [CityCouncil](#); [Postema, Stephen](#)
Subject: Postema, thank you for your service!
Date: Monday, March 7, 2022 10:17:17 PM

This message was sent from outside of the City of Ann Arbor. Please do not click links, open attachments, or follow directions unless you recognize the source of this email and know the content is safe.

Hey I'm just Kai and I'm speaking on my behalf.

Part of what has made Ann Arbor great is due to those who have worked for the City itself. Stephen Postema is part of what has made Ann Arbor great and that service must be celebrated and thanked. I think Postema should be proud of the work that he has done and in my limited capacity, I'm proud of the work that he did. As a 3-minute-spectator of council, I felt he was usually rather quiet at council but I absolutely admired him when he would speak out and defend the work that he did — especially when some of you attacked him for purely political reasons. He was incredibly professional and he had incredible ethics — I admire that. I also couldn't help but cheer him on when some of you would start talking about things that you really weren't supposed to (or at least that was my perspective). And he would basically chime in and tell you to shut up and talk about things in closed session instead. (Ok so those weren't his exact words). In all seriousness I wish Stephen the very best going

forward and I came in-person tonight to wish him that. Ann Arbor is a great city and part of that great city is due to the great work that he did. Thank you Stephen for your service — you did an incredible job at making this city great.

On a different topic, in the future the city should double-check to see if large bids have OSHA violations, regardless of what the application says. I recognize that council might not like curve balls at the start of a meeting but part of 3-minute public speaking at the start of a meeting is to inform you of issues you may have over-looked. In my opinion, unlisted OSHA violations should be a factor in rejecting a contract. If a bid came under an old process then the old process should be followed.

Lastly, personally, it is really nice to see ALL of you, regardless of our politics, it is really nice to see all of you in-person. It's been a difficult time and so I wish everyone good health and best wishes in your personal lives. Take care and have a good night.

-just kai

Sent from my iPhone

From: [Taylor, Christopher \(Mayor\)](#)
To: [Dohoney Jr., Milton](#)
Cc: [Higgins, Sara](#); [Hall, Jennifer \(Housing Commission\)](#); [Delacourt, Derek](#); [Lenart, Brett](#)
Subject: C-1 | Supp Reg Question
Date: Monday, March 7, 2022 10:22:00 PM

Mr Dohoney,

It sounds as if an adjustment to the Supplemental Regulations to obligate 100 affordable units on site would involve a set of potential tradeoffs and a set of potential benefits. I'd be grateful for staff's evaluation of those potential tradeoffs and benefits, including staff's view as to whether such a change would increase, have no impact, or reduce the likelihood of a developer moving this project to completion.

I guess what I really want to know is, from Staff's perspective and based upon its professional judgment, is such an obligation wise or unwise if the goal is to increase the aggregate supply of affordable housing in Ann Arbor? Does this assessment change if the goal is to increase the supply of affordable housing on the site, even if it is at the expense of additional supply elsewhere in Ann Arbor?

Many thanks, as ever,

Christopher