

AGENDA FOR THE COMMITTEE OF THE WHOLE AND REGULAR SESSION
MONDAY, SEPTEMBER 8th, 2014 7:00 PM
PRESIDING: THE HONORABLE MAYOR JOSEPH R. PETERSON
CHAIRPERSON OF THE EVENING: THE HONORABLE LAWRENCE S. STEC

ROLL CALL: FRICKE, GALESKI, MICIURA, SABUDA, SCHULTZ, STEC

COMMUNICATIONS MISCELLANEOUS:

1. Communication from the American Legion Post 217 thanking Mayor and Council for their assistance with their lease.

PERSONS IN THE AUDIENCE:

COMMUNICATIONS FROM CITY AND OTHER OFFICIALS

2. Communication from Mayor Peterson submitting an appointment of an alternate Hearing Officer to assist the Engineering Department.

3. Communication from Mayor Peterson submitting an appointment to the Downtown Development Authority.

4. Communication from the Assistant General Manager of Municipal Service regarding the Notice of Intent to Issue Electric Revenue Bonds and Right of Referendum.

5. Communication from the Power Systems Supervising Engineer relative to the approval to award a bid for Substation 6 Expansion-69KV Underground to Rauhorn Electric.

6. Communication from the Power Systems Supervising Engineer regarding the approval to award a bid for the Power Plant Stack testing to Network Environmental.

7. Communication from the Downtown Development Authority Director submitting the Contract between the Downtown Development Authority and the Business Association (WBA) - Promotional Services.

8. Communication from the City Administrator relative to the revocation of the Commercial Redevelopment District at 3061/63 Biddle Avenue.

9. Communication from the Department of Legal Affairs submitting the report relative to a Standard of Conduct investigation.

10. Communication from the City Clerk regarding a liquor license; MAGDALENO BRO'S LLC (152 Elm) .

11. Communication from the City Clerk regarding a liquor license; FORMER ROCKERY (1175 Eureka).

12. Communication from the Special Event Coordinator regarding the Wyandotte Boat Club-Blitzen the Dotte race to take place prior to the Christmas Parade, November 22, 2014.

13. Communication from the Special Event Coordinator relative to the Wyandotte Christmas Parade to take place on Saturday, November 22, 2014.

14. Communication from the City Engineer regarding the 2014 HMA Parking Lot Resurfacing Program.

15. Communication from the City Engineer relative to the Neighborhood Stabilization Homes (NSP3)-Sales Price.

16. Communication from the City Engineer regarding File # 4604 Roof Repairs and Coating at 1100 Biddle Avenue.

17. Communication from the Deputy Treasurer/Assistant Finance Director regarding 2014 Fiscal Year Budget Amendments.

18. Communication from the Deputy Treasurer/Assistant Finance Director relative to the 2015 Fiscal Year City Operating Budget.

CITIZENS PARTICIPATION:

HEARINGS:

HEARING RELATIVE TO
THE 2015 FISCAL YEAR CITY
OPERATING BUDGET

HEARING REGARDING THE
COMMERICAL FACILITIES EXEMPTION CERTIFICATE
FOR 3233 BIDDLE AVENUE
WYANDOTTE, MICHIGAN

FIRST READING OF ORDINANCES:

AN ORDINANCE ENTITLED
"AN ORDINANCE TO AMEND SECTION 26-5 ENTITLED
"BICYCLE RIDING PROHIBITED" OF THE CODE
OF ORDINANCES OF THE
CITY OF WYANDOTTE

CITY OF WYANDOTTE
2015 FISCAL YEAR BUDGET
ORDINANCE

REPORTS AND MINUTES:

Retirement Commission Meeting	August 21, 2014
Fire Commission Meeting	July 8, 2014
Police Commission Meeting	August 12, 2014
Police Commission Meeting	August 26, 2014



WYANDOTTE CITY CLERK

2014 SEP -5 A 8:02

September 3, 2014

Dear Mayor Peterson and Wyandotte City Council;

We, the American Legion Post 217, would like to whole heartedly thank you for your tireless work on our new fifty (50) year lease.

Our appreciation is beyond words, and you and your staff will always be a part of our American Legion family.

Know that our Post will continue to work on Veteran issues, and keep the high tradition of Americanism's alive and well in the great City of Wyandotte.

From the Commander, officers, and the members of Post 217, we Thank You.

Commander
Ed Gorecki

Adjutant
Jeff McGinnis

American Legion Post 0217
2817 Van Aistyne Blvd.
Wyandotte, MI 48192

OFFICIALS

Thomas Woodruff
CITY ASSESSOR

William R. Griggs
CITY CLERK

Todd M. Browning
TREASURER



COUNCIL

Sheri M. Sutherby-Fricke
Daniel E. Galeski
Tadeusz Miciura Jr.
Leonard T. Sabuda
Donald Schultz Jr.
Lawrence S. Stec

**JOSEPH R. PETERSON
MAYOR**

September 3, 2014

The Honorable City Council
City of Wyandotte
3200 Biddle Avenue – Ste. 300
Wyandotte MI 48192

RE: APPOINTMENT OF ALTERNATE HEARING OFFICER

Gentlemen and Madam:

The BOCA National Property Maintenance Code stipulates that “a hearing officer shall be appointed by the Mayor and approved by the City Council to serve at his/her pleasure. The hearing officer shall be a person who has expertise in housing matters including but not limited to an engineer, architect, building contractor, building inspector, or member of a community housing organization. An employee of the enforcing agency shall not be appointed as hearing officer.” The current Hearing Officer is Lou Parker.

I am recommending that William Butch, 1034 16th Street, Wyandotte, be appointed as Alternate Hearing Officer. Mr. Butch currently serves on the Building Code Board of Appeals and has been a Code Compliance Official. Because of his extensive background, I believe Mr. Butch is qualified to serve as Alternate Hearing Officer.

Sincerely,

Joseph R. Peterson
Mayor

CITY OF WYANDOTTE
REQUEST FOR COUNCIL ACTION

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MEETING DATE: August 18, 2014

AGENDA ITEM #

ITEM: Appointment to the Downtown Development Authority

PRESENTER: Mayor Joseph R. Peterson



INDIVIDUALS IN ATTENDANCE: n/a

BACKGROUND: Due to the resignation of Patrick VanDeyHey, I am requesting that the City appoint Anne Majlinger to fill the unexpired term. Term to expire June 2015.

STRATEGIC PLAN/GOALS: n/a

ACTION REQUESTED: Adopt a resolution to concur with the Mayor's request to appoint Anne Majlinger to the Downtown Development Authority.

BUDGET IMPLICATIONS & ACCOUNT NUMBER: n/a

IMPLEMENTATION PLAN: n/a

COMMISSION RECOMMENDATION: n/a

CITY ADMINISTRATOR'S RECOMMENDATION: n/a

LEGAL COUNSEL'S RECOMMENDATION: n/a

MAYOR'S RECOMMENDATION:

LIST OF ATTACHMENTS: Resignation letter from Patrick VanDeHey and resume of Anne Majlinger.

MODEL RESOLUTION:

RESOLUTION

Wyandotte, Michigan
Date: September 8, 2014

RESOLUTION by Councilperson _____

RESOLVED by the City Council that Council hereby ACCEPTS the resignation of Patrick VanDeHey from the Downtown Development Authority and thanks Mr. VanDeHey for his service; and

BE IT FURTHER RESOLVED the City Council that Council hereby CONCURS with the recommendation of Mayor Peterson to appoint Anne Majlinger to the Downtown Development Authority. Term to expire June 2015.

I move the adoption of the foregoing resolution.

MOTION by Councilperson _____

Supported by Councilperson _____

<u>YEAS</u>	<u>COUNCIL</u>	<u>NAYS</u>
_____	Fricke	_____
_____	Galeski	_____
_____	Miciura	_____
_____	Sabuda	_____
_____	Schultz	_____
_____	Stec	_____

From: Patrick VanDeHey
To: Mayor
Subject: Re: DDA Quorum Issues
Date: Tuesday, August 19, 2014 8:31:06 AM

Joe

I think that I will need to step down from the DDA board. My increase in responsibilities at office have cut back on my free time and the board needs someone who has more time than I.

Patrick VanDeHey

Sent from my iPhone

On Aug 14, 2014, at 9:55 AM, "Mayor" <mayor@wyan.org> wrote:

DDA Board Members,

As you know, the DDA is a very active board and I appreciate your wiliness to dedicate your time and energy to the board and the city. With that being said, it is imperative that we have a quorum to conduct business.

If things have changed with your schedule and you are unable to commit the required time to the DDA Board, please contact my office.

I also understand that things come up from time to time and ask that if you are unable to attend a meeting, to let Natalie know as soon as possible so we know in advance if we do not have a quorum.

Again, thank you for your dedication.

Mayor Joseph R. Peterson

From: Natalie Rankine [<mailto:nrankine@wyan.org>]
Sent: Tuesday, August 12, 2014 6:37 PM
To: Todd Drysdale; FOIA; Gerry Lucas; gilbertlaw@sbcglobal.net; John Jarosa; leo_stevenson@ml.com; Mayor Peterson; mayor@wyan.org; Patrick VanDeHey; Patt Slack; Peter Rose; vmilucas@sbcglobal.net; whgeojeffjr@aol.com
Subject: DDA Meeting for August 12th rescheduled to August 19th

Greetings DDA Board Members:

We attempted to meet tonight, but did not have a quorum.

Once again, certain board members have not been diligent about informing me if they were not going to attend tonight's meeting. It is unprofessional and embarrassing for the DDA that we have outside representatives show up to conduct business when don't have a quorum. Additionally, we have business that is imperative that we

conduct before the end of the fiscal year. Had I known about absences, I would have cancelled the meeting earlier today. Moreover, I am your part-time employee and it is challenging for me to juggle my personal schedule when I have to reschedule meetings. Over the course of the past 15 months, we have had 3 meetings cancelled due to a lack of quorum. We held an additional 2 meetings and could not vote at the meetings due to lack of quorum.

I am pleading with you - as your director - to please have respect for this organization and the seriousness of your commitment as board members.

We will meet next Tuesday, August 19th at 5:30 pm in Council Chambers. The Grant Subcommittee will meet immediately following the DDA meeting in Mayor's Conference Room, due to the fact that the School Board Meeting begins at 7:00 pm.

PLEASE LET ME KNOW IF YOU WILL NOT BE THERE.

Thank you.

Natalie Rankine, RA
Downtown Development Director
The City of Wyandotte
3200 Biddle Avenue, Suite 300
Wyandotte, Michigan 48192
1-734-324-7298
nrankine@wyan.org
www.wyandotte.net/dda

Visit our website at www.wyandotte.net and sign up for our E-News Service to find out what's happening in the City of Wyandotte. Follow us on [Facebook](#) and [Twitter](#)!

ANNE MAJLINGER

525 Vinewood
Wyandotte, MI 48192

Cell: (734) 355-4566
E-mail: hairasart@aol.com

WORK EXPERIENCE

Mane Floor Salon – Hairstylist 2004 to Present
2955 Biddle, Wyandotte, MI 48192

G.P. Cole Salon – Hairstylist & Artistic Director 1983-2004

SKILLS

35 years of experience in cutting, styling, chemical services, cosmetics and product knowledge.
People oriented, strong service ideals/commitment.
Excellent communication skills and solid basic technology skills.
Time conscientious.

EDUCATION

Graduate of Woodhaven High School, Class of 1979

WHS Vocational Cosmetology Program 1977-79. License in Cosmetology - 1979 to Present
Continued education/classes/seminars in all phases of my career field.

EXTRACURRICULAR BUSINESS EXPERIENCE

Wyandotte Business Association Board – Trustee 2013 to Present

WBA 3rd Friday Accomplishments:

Chairperson for April '14 – “Girls Night Out”
Chairperson for January '13 – “Cake Contest”

3rd Friday Organizing Committees:

September '14 – “Beer Fest”
August '14 – “Wine Crawl”
May '14 – “Mayor Peterson’s Rib Throwdown”

Also initiated and responsible for decorations lining Biddle Avenue for both the February '14
“Fire & Ice” Festival and the October '13 “Fall Fest/Chili Cook-off”.

HOBBIES AND INTERESTS:

- ❖ Accomplished cook and foodie
- ❖ Travel
- ❖ Spontaneous adventures and discovering new places including shops, art fairs, festivals and restaurants
- ❖ Entertaining and party/event planning
- ❖ Enjoy nature and hiking trails
- ❖ Great love of animals

PERSONAL COMMENTS:

Even though I was not raised in Wyandotte, I have always had a great love for this charming town. I choose to live here and have been a resident for the last 28 years.

I believe Wyandotte has so much to offer its residents and visitors who come into town to experience the waterfront, fine businesses, neighborhoods and great people that make up the culture which is Wyandotte. It is the "Jewel of Downriver" and I believe its future is great.

I believe with a creative vision and optimistic strategy, the 'dotte has the potential to become "the place to be"- a destination city like Birmingham, Royal Oak, Plymouth or Rochester.

I consider myself an "idea" girl. I look forward to learning and sharing with the DDA and being a part of the future and growth of our community.

I am thrilled to have the opportunity to join the DDA and I thank you for your consideration.

CITY OF WYANDOTTE
REQUEST FOR COUNCIL ACTION

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MEETING DATE: September 8, 2014

AGENDA ITEM # _____

ITEM: Notice of Intent to Issue Electric Revenue Bonds and Right of Referendum

PRESENTER: Paul LaManes - Assistant GM *PLM*

INDIVIDUALS CONSULTED: Rod Lesko - GM, Charlene Hudson – PSSE *CH*

BACKGROUND: The formal process for issuance of Revenue Bonds requires the determination of a “Not to Exceed” amount and subsequent authorization for Notice of Intent to Issue Bonds. Once authorized, the Notice of Intent is published in a local newspaper and a 45-day referendum period commences during which voters could petition for a referendum vote on the issuance of bonds for project financing. For purposes of this request, the “Not to Exceed” amount is \$ 26,000,000 which includes all estimated project costs for system improvements including bond issuance and contingency costs as noted in the attached Estimate of Cost. It is anticipated that with authorization, the Notice of Intent would be published in the News Herald on September 11, 2014 and the Right of Referendum period would expire on October 26, 2014. Subsequent to the expiration of the referendum period, a request for authorizing the issuance of Revenue Bonds and Bond Anticipation Notes (BAN’s) would be made of the Wyandotte City Council. It is proposed that BAN’s (Short-term financing repaid from bond proceeds) will be closed on and delivered at or near November 25, 2014 and that the bond issue will be dated April 1, 2015. Proceeds from the bond issue will be used to repay the BAN’s.

STRATEGIC PLAN/GOALS: Improving our power generation and distribution facilities, both current and future, to ensure they continue to meet or exceed all state and federal regulatory and legal requirements.

ACTION REQUESTED: Approval of the Notice of Intent to issue Electric Revenue Bonds

BUDGET IMPLICATIONS: No impact on the FY 2014 budget. The authorized Bond issuance is an integral part of the multi-year business plan for the Electric Utility that ultimately impacts each future budget year.

IMPLEMENTATION PLAN: Subsequent to approval by the Wyandotte City Council of the Notice of Intent to Issue Bonds, publish Notice of Intent in Local Paper. Balance of proposed Implementation Plan on attached Schedule of Events.

MAYOR REVIEW: *JLP*

CITY ADMINISTRATOR REVIEW: *SDunsdale*

LEGAL COUNSEL REVIEW: Miller, Canfield, Paddock & Stone P.L.C. serving as Bond Counsel

LIST OF ATTACHMENTS:

- Estimate of Cost
- Proposed Schedule of Events

RESOLUTION

City of Wyandotte City of Wayne, State of Michigan

NOTICE OF INTENT RESOLUTION ELECTRIC UTILITY SYSTEM REVENUE BONDS

A RESOLUTION TO APPROVE:

- Notice of Intent to Issue Bonds and Right of Referendum for up to \$26,000,000 of Electric Revenue Bonds for improvements for the Electric Utility System.
- 45-day referendum period during which voters could petition for referendum beginning when the Notice is published in *The News-Herald*.
- Bonds to be payable solely from net revenues of the Electric Utility System.

PREAMBLE

WHEREAS, the City of Wyandotte, City of Wayne, State of Michigan (the "City"), has established the Electric Utility System of the City (the "Electric Utility System"), including all electric generating units, plants, works, instrumentalities and properties, used or useful in connection with the generation and distribution of electricity and all additions, extensions and improvements and all facilities for distribution of steam or hot water produced from the boilers of the Electric Utility System; and

WHEREAS, the City Charter provides that the Municipal Service Commission (the "Commission") constructs, manages, supervises and controls the Electric Utility System; and

WHEREAS, the Commission has proposed that the City acquire, install, and construct improvements to the Electric Utility System, including, but not limited to, acquisition and installation of new generation equipment including an auxiliary boiler; upgrades of geographic, outage management and other data control software, a second transformer and 69kV and 40kV circuit upgrades, a redundant 120kV feed and all associated transformers, breakers and related equipment, repairs to Steam Turbine Generator 5, and other approved improvements, together with any appurtenances and attachments thereto and any related site improvements (collectively, the "Project"); and

WHEREAS, the City determines it to be necessary for the public health, safety and welfare of the City and its residents to acquire and construct the Project; and

WHEREAS, the Revenue Bond Act, Act 94, Public Acts of Michigan, 1933, as amended ("Act 94"), permits a City to borrow money to finance the acquisition, construction, improvement, enlargement, extension, and repair of public improvements through the issuance of revenue bonds; and

WHEREAS, the issuance of revenue bonds under Act 94 payable from revenues of the City's Electric Utility System in an amount to be determined prior to the sale of the revenue bonds, but in any event not to exceed Twenty-Six Million Dollars (\$26,000,000) (the "Revenue Bonds") for the purpose of financing the acquisition and construction of the Project, the funding of reserve funds, and paying capitalized interest and costs of issuing the Revenue Bonds appears to be the most practical means to that end; and

WHEREAS, a notice of intent to issue revenue bonds must be published before the issuance of the Revenue Bonds in order to comply with the requirements of Section 33 of Act 94.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to publish a notice of intent to issue the Revenue Bonds in *The News-Herald*, a newspaper of general circulation in the City. The notice of intent shall be published as a one-quarter (1/4) page display advertisement in substantially the following form:

NOTICE TO ELECTORS OF THE CITY OF WYANDOTTE
AND TO USERS OF THE CITY'S ELECTRIC UTILITY SYSTEM OF
INTENT TO ISSUE ELECTRIC UTILITY SYSTEM REVENUE BONDS
PAYABLE FROM THE REVENUES OF THE ELECTRIC UTILITY SYSTEM
AND RIGHT OF REFERENDUM THEREON

PLEASE TAKE NOTICE that the City Council of the City of Wyandotte intends to issue and sell the City's Electric Utility System Revenue Bonds pursuant to Act 94, Public Acts of Michigan, 1933, as amended, in the maximum aggregate principal amount of Twenty-Six Million Dollars (\$26,000,000) (the "Revenue Bonds"), for the purpose of paying costs to acquire, install, and construct improvements to the Electric Utility System, including, but not limited to, acquisition and installation of new generation equipment including an auxiliary boiler; upgrades of geographic, outage management and other data control software, a second transformer and 69kV and 40kV circuit upgrades, a redundant 120kV feed and all associated transformers, breakers and related equipment, repairs to Steam Turbine Generator 5, and other approved improvements, together with any appurtenances and attachments thereto and any related site improvements. Costs financed with proceeds of the Revenue Bonds shall include funding of required bond reserve funds, capitalized interest and costs of issuance. The Revenue Bonds will mature in annual installments not to exceed the maximum permitted by law, with interest on the unpaid balance from time to time remaining outstanding on the Revenue Bonds at interest rates to be determined at sale of the Revenue Bonds but in no event to exceed such rates as may be permitted by law. The Revenue Bonds may be issued in one or more series and may be combined with bonds issued for other purposes as shall be determined by the City Council.

SOURCE OF PAYMENT OF REVENUE BONDS

THE PRINCIPAL OF AND INTEREST ON SAID REVENUE BONDS SHALL BE PAYABLE solely from the revenues received by the City from the operations of the Electric Utility System and facilities for distribution of steam or hot water (the "Electric Utility System"). Said revenues will consist of rates, fees and charges billed to the users of the Electric Utility System, a schedule of which is presently on file in the offices of the Department of Municipal Service and posted at www.wyan.org. Said rates, fees and charges may from time to time be revised to provide sufficient revenues to provide for the expenses of operating and maintaining the Electric Utility System, to pay the principal of and interest on the Revenue Bonds and any other bonds of the Electric Utility System, and to pay other obligations of the Electric Utility System.

RIGHT OF REFERENDUM

THE REVENUE BONDS WILL BE ISSUED WITHOUT VOTE OF THE ELECTORS UNLESS A VALID PETITION REQUESTING AN ELECTION ON THE QUESTION OF ISSUING THE REVENUE BONDS, SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS OF THE CITY, IS FILED WITH THE CITY CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. If such petition is filed, the Revenue Bonds cannot be issued unless approved by a majority vote of the electors of the City voting on the question of their issuance.

THIS NOTICE is given pursuant to the requirements of Section 33 of Act 94, Public Acts of Michigan, 1933, as amended. Additional information may be obtained at the offices of the City Clerk and the Department of Municipal Service.

William R. Griggs, City Clerk
City of Wyandotte

ADOPTED this 8th of September, 2014

MOTION by
Councilperson _____

Supported by
Councilperson _____

YEAS

COUNCIL

NAYS

Stec
Sabuda
Sutherby-Fricke
Galeski
Schultz
Miciura, Jr.

TABLE 1

CITY OF WYANDOTTE
COUNTY OF WAYNE, STATE OF MICHIGAN
ELECTRIC SYSTEM REVENUE BONDS

ESTIMATE OF COST

	FINANCINGS	
	(1) 2014 BAN	2015 BONDS
Construction Estimates		
Phase 1A- New 120k Feed from ITC	\$751,576	\$0
Phase 1B- 2nd 50 MVA Transformer & 69kV Relay	1,583,810	0
Fencing and Ground Prep	400,000	0
Phase 2- 4-69kV Breaker Replacements	322,853	0
Phase 4- 5-69kV Breaker Replacements	0	448,500
Phase 9- Transformer, Retrofills, 6902, 6904 & 190S	0	450,000
Purchase and Installation of Aux. Boilers	0	12,000,000
Steam Line Metering Upgrade/Bypass Installation	0	300,000
Turbine 5 Rebuild	958,595	0
316B Legislation for Screen House Upgrades?	0	640,000
Security Upgrades	0	771,950
Environmental/Engineering	0	400,000
69 kV Pole Replacement (5)	0	400,000
69 kV Static Line Installation (51,211 ft)	0	1,000,000
Replacement Metering Test Unit	0	75,000
GIS, SCADA, AMI & OM Upgrades	0	3,520,000
Total Construction Costs	\$4,016,834	\$20,005,450
Contingencies	\$4,950	\$610,725
Revenue Reserve Funding	\$1,366	\$819,550
Cost of Issuance		
Bond Counsel	\$30,000	\$80,000
Financial Advisor	24,000	70,000
Official Statement	3,500	4,000
Rating Fees	10,000	28,000
MAC Fee	0	400
Bond Discount	41,350	195,000
Printing and Publishing	2,000	2,500
Misc.	1,000	1,000
Total Cost of Issuance	\$111,850	\$390,900
Capitalized Interest	\$0	\$0
Other:		
Principal on Bond Anticipation Note	\$0	\$4,135,000
Interest on Bond Anticipation Note	0	38,421
Total Project Cost	\$4,135,000	\$28,000,046
Less:		
Interest Earnings on Bond Funds	\$0	-\$48
Funds on Hand	0	0
	\$0	-\$48
Amount of Bond Issues	\$4,135,000	\$28,000,000

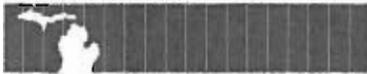
(1) All BAN Costs will be reimbursed from 2015 Bonds.

REVISED 9/02/2014

615 Griswold Street, Suite 1225, Detroit, Michigan 48226-3997

PHONE: (313) 961-8222 FAX: (313) 961-8220

The information contained herein was derived from sources generally recognized as reliable and does not make any representations as to correctness or completeness and has in no way been altered except to the extent that some information may be summarized, and is in no way intended to be a solicitation for orders.



CITY OF WYANDOTTE
COUNTY OF WAYNE , STATE OF MICHIGAN
ELECTRIC SYSTEM BOND ANTICIPATION NOTE, SERIES 2014

PROPOSED SCHEDULE OF EVENTS

<u>Date</u>	<u>Activity/Event</u>	<u>Participants</u>
April 1, 2014	City receives qualified status with Treasury (for 2013)	CITY
August 28, 2014	Determined the "Not to Exceed" Amount for Notice	CITY/RMA/BC
September 3, 2014	Municipal Service Commission Adopts Resolution for Notice of Intent to Issue Bonds	CITY/RMA/BC
September 8, 2014	City Council Adopts Resolution Authorizing Notice of Intent to Issue Bonds	CITY/RMA/BC
September 11, 2014	Notice of Intent is Published in Local Paper	CITY
September 18, 2014	Distribute Draft Request for Quotations (RFQ) for BAN	RMA
September 25, 2014	Receive Comments on Draft of BAN RFQ from Group	CITY/RMA/BC
September 30, 2014	Determine the Final Amount of the BAN	CITY/RMA/BC
October 1, 2014	Distribute Final Draft of BAN RFQ	RMA
October 26, 2014	Right of Referendum Expires	CITY
October 27, 2014	City Council Adopts Ordinance Authorizing the Issuance of Revenue Bonds and BAN	BC/CITY
October 28, 2014	Distribute BAN RFQ to Potential Bidders	RMA
November 11, 2014	Receive bids on BAN RFQ and Make Award	CITY/RMA/BC
November 13, 2014	Distribute Closing Memo for BAN	RMA
November 25, 2014	Close and Deliver BAN	CITY/RMA/BC

Legend

CITY	=	City of Wyandotte
RMA	=	Registered Municipal Advisor - Bendzinski & Co.
BC	=	Bond Counsel – Miller, Canfield, Paddock & Stone, P.L.C.

CITY OF WYANDOTTE
REQUEST FOR COUNCIL ACTION

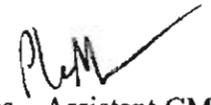
MEETING DATE: September 8, 2014

AGENDA ITEM #

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ITEM: Concur with Municipal Services Commission Approval to award bid for Substation 6 Expansion - 69kV Underground to Rauhorn Electric

PRESENTER: ^{CH} Charlene Hudson, Power Systems Supervising Engineer

INDIVIDUALS CONSULTED: ^{RL} Rod Lesko- General Manager, Paul LaManes – Assistant GM 

BACKGROUND: Wyandotte Municipal Services has a radial 120kV connection to the ITC Transmission System. ITC has approved the expansion of their system to provide the City of Wyandotte and Wyandotte Municipal Services a redundant feed at this location. This portion of work is necessary to underground the current 69 kV overhead feed to Substation 8. This line needs to be removed for construction of the ITC station. The full project detail is outlined in the Commission and Council approved resolution. (Commission resolution 7-2014-06)

Four contractors were offered the opportunity to bid. Rauhorn Electric was the lowest qualified bidder. Funding for the entire project was anticipated from operations in the current Electric Department Business Plan in Fiscal 2017 however the cost of the project will now be funded through the issuance of Bond Anticipation Notes (BAN)/Bonds issued with the proper Commission/Council approvals and required referendum period.

STRATEGIC PLAN/GOALS: Improvement of Power Generation and Distribution Facilities.

ACTION REQUESTED: To concur with the Municipal Services Commission approval and award of the bid for an amount not to exceed \$119,700 to Rauhorn Electric for the undergrounding of this 69 kV line along with an estimated owner furnished material of cable and terminations of \$100,000 acquired through our Vendor Managed Inventory (VMI), resulting in a total construction cost estimated at \$ 219,700. This bid award is recommended by WMS Management.

BUDGET IMPLICATIONS: Neutral impact on budget based on capital funding provided by anticipated BAN issue, ultimately funded by issuance of Bonds in April 2015. Bonds structured for interest only payments through 2017 at which time principal payments will commence that coincide with the drop off of existing debt creating what is forecasted to be a neutral impact on rates for the T&D component of the bond issue.

IMPLEMENTATION PLAN: Upon City Council concurrence award the 69 kV Underground bid to the lowest qualified bidder, Rauhorn Electric.

MAYOR'S RECOMMENDATION -



CITY ADMINISTRATOR'S RECOMMENDATION -



LEGAL COUNSEL'S RECOMMENDATION - N/A

LIST OF ATTACHMENTS -

- Bid Tabulation
- Approved Municipal Services Commission Resolution # 09-2014-02

RESOLUTION

WHEREAS, the City of Wyandotte City Council and Municipal Services Commission understand the need and supports the project plans for a redundant feed to ITC, and,

WHEREAS, in order to keep on schedule for a March 2015 cutover to the new ITC 120kV breaker, now,

THEREFORE BE IT RESOLVED by the City of Wyandotte City Council that Council concurs with the Municipal Services Commission authorizing the General Manager to award the bid for the 69kV Underground work for an amount not to exceed \$119,700 to the lowest qualified bidder Rauhorn Electric and to utilize Vendor Managed Inventory (VMI) cable and terminations estimated to be \$100,000 for the project, resulting in an overall project cost estimated at \$ 219,700, as recommended by WMS management.

ADOPTED this 8th of September, 2014

MOTION by
Councilperson _____

Supported by
Councilperson _____

<u>YEAS</u>	<u>COUNCIL</u>	<u>NAYS</u>
	Stec	
	Sabuda	
	Sutherby-Fricke	
	Galeski	
	Schultz	
	Miciura, Jr.	

BID TABULATION

OWNER:
 CITY OF WYANDOTTE
 3200 BIDDLE AVE
 WYANDOTTE, MI 48192

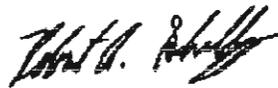
SUBSTATION NO.6 UNDERGROUND

ENGINEER:
 GRP ENGINEERING, INC.
 660 CASCADE W PARKWAY SE
 SUITE 65
 GRAND RAPIDS, MI 49546

BIDDERS	BID SECURITY	TOTAL CONTRACTOR BASE BID PRICE	OWNER FURNISHED MATERIAL	TOTAL CONSTRUCTION COST	REMARKS
Rauhorn Electric, Inc. 17171 23 Mile Rd. Macomb, MI 48042	5%	\$119,700.00	\$100,000.00	\$219,700.00	
The Hydaker-Wheatlake Company 420 N. Roth Street Read City, MI 49677	5%	\$196,650.00	\$100,000.00	\$296,650.00	Clairification Letter
Newkirk Electric, Inc. 1875 Roberts Street Muskegon, MI 49442					No Bid
Kent Power 90 Spring St Kent City, MI 49330					No Bid

This is to certify that at 2:00p.m., local time on Tuesday, August 19, 2014, the bids tabulated herein were publicly opened and read.

GRP Engineering, Inc.

By: 

 Robert A. Shelley, P.E.

RESOLUTION # 09-2014-02

WHEREAS, the City of Wyandotte – Department of Municipal Services Commission understands the need and supports the project plans for a redundant feed to ITC, and

WHEREAS, in order to keep on schedule for a March 2015 cutover to the new ITC 120kV breaker; now

THEREFORE BE IT RESOLVED that the City of Wyandotte – Department of Municipal Services Commission authorizes the General Manager to award the bid for the 69kV Underground work for an amount not to exceed \$119,700 to the lowest qualified bidder Rauhorn Electric and to utilize VMI cable and terminations estimated to be \$100,000 for the project, resulting in an overall project cost estimated of \$ 219,700 as recommended by WMS management.

ADOPTED this 3rd of September 2014

MOTION by
Commissioner

JERRI

Supported by
Commissioner

LESLIE

YEAS

✓
✓
✓
✓
✓

COMMISSIONER

Sadowski
Lupo
Cole
Alderman
Hughes

NAYS

ATTEST:

WYANDOTTE MUNICIPAL SERVICE COMMISSION

By:

Michael Sadowski
President

Leslie Hughes
Secretary

CITY OF WYANDOTTE
REQUEST FOR COUNCIL ACTION

6

MEETING DATE: September 8, 2014

AGENDA ITEM #

ITEM: Concur with Municipal Services Commission Approval to award bid for Power Plant Stack Testing to Network Environmental

PRESENTER: ^{CH} Charlene Hudson, Power Systems Supervising Engineer

INDIVIDUALS CONSULTED: ^R Rod Lesko- General Manager, ^{PLM} Paul LaManes – Assistant GM

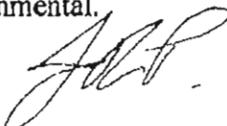
BACKGROUND: Wyandotte Municipal Services owns and operates power generation facilities that require mandated testing to ensure Local, County, State and Federal environmental compliance. All boilers must go through stack testing to ensure compliance. Three vendors were offered the opportunity to bid. Network Environmental was the lowest qualified bidder. Funding for this project was anticipated and budgeted.

STRATEGIC PLAN/GOALS: Improvement of Power Generation and Distribution Facilities.

ACTION REQUESTED: To concur with the Municipal Services Commission approval and award of the bid for an amount not to exceed \$50,700 to the lowest qualified bidder, Network Environmental, to perform the required stack testing as recommended by WMS Management.

BUDGET IMPLICATIONS: Budgeted in acct. # 591-003-521-575 Emission Monitors General – current remaining budget is \$ 45,905. Other General Department (003) line items have sufficient budget to cover the difference, a zero balance budget amendment for \$ 4,795 will be submitted prior to issuing the PO.

IMPLEMENTATION PLAN: Upon City Council concurrence award the stack testing bid to the lowest qualified bidder, Network Environmental.

MAYOR'S RECOMMENDATION - 

CITY ADMINISTRATOR'S RECOMMENDATION - 

LEGAL COUNSEL'S RECOMMENDATION - N/A

LIST OF ATTACHMENTS -

- Summary of Bids and Barr Engineering recommendation
- Approved Municipal Services Commission Resolution # 09-2014-01

RESOLUTION

WHEREAS, the City of Wyandotte City Council and Municipal Services Commission understand the need and support the community owned generation facilities, and,

WHEREAS, in order to maintain our commitment to the required testing for environmental compliance, now,

THEREFORE BE IT RESOLVED by the City of Wyandotte City Council that Council concurs with the Municipal Services Commission with awarding the bid to Network Environmental, the lowest qualified bidder, for an amount not to exceed \$ 50,700, as recommended by WMS Management.

ADOPTED this 8th of September, 2014

MOTION by
Councilperson _____

Supported by
Councilperson _____

<u>YEAS</u>	<u>COUNCIL</u>	<u>NAYS</u>
	Stec	
	Sabuda	
	Sutherby-Fricke	
	Galeski	
	Schultz	
	Miciura, Jr.	

WMS Stack Testing RFP - Bid File #4643

	BTEC Inc. 2949 Kumbia Royal Oak, MI 48073	Network Environmental 2629 Kumbia, Ste Suite 3 Grand Rapids, MI 49519	TRC Environmental Corporation 7331 Brook Hill Road Burr Ridge, IL 60527
Cost	Fixed Fee	Lump Sum Breakout	Lump Sum Breakout
Item 1: Unit 5 RATA (NOx, flow, CO2, bias)		\$ 3,950	\$ 7,250
Item 2: Unit 7 RATA (NOx, flow, CO2, bias) - 2 loads Unit 8 RATA (NOx, SO2, flow, CO2, CO bias) Unit 7 PM Unit 8: PM/PM10, VOC, Pb, Cd		\$ 26,250	\$ 21,500
Item 3: Engines 1 - 3 (NOx 1 engine, CO 3 engines)		\$ 5,750	\$ 8,500
Item 4: Unit 7 CO		Included in lump sum for items 1 - 3	\$ 5,500
Item 5: Unit 8: PM2.5, HCl, TSM, Hg		\$ 14,750	\$ 20,750
TOTAL	\$ 96,900	\$ 50,700	\$ 43,500
Downtime Rate	\$85/man-hour, equipment rental \$950/day	\$280 per crew (4-man) (\$70/man-hour) plus expenses - Reschedule fee of \$2850 if cancel within 1 week of test	Not Included
Qualifications	Part 75 Qualified Individual (QI)	Part 75 QI	Accredited through Stack Testing Accreditation Council; Part 75 QI
Adheres to Scope	- Also included SO2 RATA on Unit 7 (not requested) - No breakout of costs as requested	- Also included SO2 RATA on Unit 7 (not requested - fixed in update) - Does not include VOC for Unit 8 (fixed in update) - Does not include CO for engines (fixed in update)	- Indicated 3 vs 4 hard copies of report
Scope Assumptions	- RATA to 9 - 12 runs (21 minute min runs) - Performs Unit 7 CO with RATA - Performs Unit 8 VOC with RATA - 3 2-hour runs for PM/PM10/PM2.5 & metals - 3 1-hour runs for HCl - 3 1-hour runs for engines NOx, CO - Assumed 681 man-hours and \$21,400 expenses - Electrical service within 100 feet (480V, single phase) - Safe and easy access to sampling locations - WMS On-site Coordinator	- RATA to 7.5% accuracy or max 20 runs (25 minute min runs) - Performs Unit 7 CO with RATA - 3 2-hour runs for PM/PM10/PM2.5 & metals - 3 1-hour runs for HCl - 3 1-hour runs for VOC - 3 1-hour runs for CO, NOx for engines - Assumes 4 days for RATAs and 4 days for other stack testing	- RATA to 10 - 12 runs (21 minute min runs) - Performs Unit 7 CO with RATA - Performs Unit 8 VOC with RATA - 3 1-hour runs for PM/PM10/ - 3 90-minute runs for PM2.5/ - 3 2-hour runs for metals - 3 1-hour runs for HCl - 3 1-hour runs for engines NOx, CO - Assumed 1 week of testing with 8 staff (3 crews) which may be logistic issue for WMS; increasing timing to 2 weeks will increase costs. - Electrical service within 200 feet (minimum of 2 110 V circuits at each test location) - Safe and easy access to sampling locations - WMS On-site Coordinator - 4 inch or larger test port (6 inch for 201A) with loosened covers - certification that elevators are safety-checked - scaffolding (OSHA compliant) or aerial man-lift as needed - copies of process flow diagrams and as-built drawings for test protocols - Small lab workspace for processing samples
Timing	- 4Q2014 testing - final report within 30 days of receipt of lab results	Available last 2 weeks of Sept and weeks of October 13 - October 20	Tentative Sept 2014
Comprehensiveness	No collusion affidavit or bid bond submitted	Collusion affidavit submitted Bid Bond submitted	Bid bond submitted No collusion affidavit
Experience	Experience with DTE, Lansing BWL	Current RATA Vendor at WMS	Large national firm with utilities experience; Experience with Lansing BWL
Safety	No info	No info	DOT; EMR 0.74 for 2013, 2012, 2011; training; allocated 1 hour safety orientation on-site
Accept T&C	No exceptions noted	No exceptions noted	See proposal for mark-up exceptions to WMS General T&C

RECOMMENDATION:

Based upon the criteria of cost, completeness of scope, availability for completion of work in early 4Q14 and qualifications, Barr Engineering recommends selection of Network Environmental as the vendor for the 2014 stack testing RFP. In addition, Network Environmental has performed RATA testing at the facility over the last several years which was accepted by MDEQ. Network has an understanding of the logistics and layout of the facility. The next lowest bid from TRC assumed completion of the testing within a 5-day period involving simultaneous firing and testing of boilers which may present logistical issues for WMS depending upon load demand. In addition, TRC indicated exceptions to the WMS general terms and conditions which would require additional contract negotiation and review. Network did not not any exemptions to contract terms and submitted the required collusion affidavit and bid bond. The proposal from BTEC contained costing which was not competitive with either Network or TRC and did not follow the requested cost breakout format.

RESOLUTION # 09-2014-01

WHEREAS, the City of Wyandotte -- Department of Municipal Services Commission understands the need and supports the community owned generation facilities and,

WHEREAS, in order to maintain our commitment to the required testing for environmental compliance, now,

THEREFORE BE IT RESOLVED that the City of Wyandotte -- Department of Municipal Services Commission authorizes the General Manager to award the bid for the stack testing work for an amount not to exceed \$50,700.00 to the lowest qualified bidder, Network Environmental, as recommended by WMS Management.

ADOPTED this 3rd of September 2014

MOTION by
Commissioner

JERRY

Supported by
Commissioner

BRYAN

YEAS

✓
✓
✓
✓
✓

COMMISSIONER

Sadowski
Lupo
Cole
Alderman
Hughes

NAYS

ATTEST:

WYANDOTTE MUNICIPAL SERVICE COMMISSION

By:

Michael Sadowski
President

By:

Robert Hughes
Secretary

CITY OF WYANDOTTE
REQUEST FOR COUNCIL ACTION

MEETING DATE: September 8th, 2014

AGENDA ITEM # 7

ITEM: Contract between Downtown Development Authority (DDA) and Wyandotte Business Association (WBA) - Promotional Services

PRESENTER: Natalie Rankine, Downtown Development Authority Director

INDIVIDUALS IN ATTENDANCE: Natalie Rankine, Downtown Development Authority Director

BACKGROUND: The Downtown Development Authority contracts with the WBA to perform services related to the execution of Third Friday events in the Downtown District each third Friday of the month throughout the year.

STRATEGIC PLAN/GOALS: This action is consistent with the Goals and Objectives identified in the City of Wyandotte's Strategic Plan 2010-2015 that identifies a commitment to *enhancing the community's quality of life*.

ACTION REQUESTED: Adopt a resolution authorizing the approval to authorize the DDA and WBA to sign the proposed contract for the upcoming fiscal year.

BUDGET IMPLICATIONS & ACCOUNT NUMBER: This contract is in accordance with the adopted 2015 DDA Budget. The amount reflected in this budget is \$30,000.00, payable quarterly. Account number 499-200-925-730-797.

IMPLEMENTATION PLAN: The approved contract will be forwarded to the WBA to sign.

COMMISSION RECOMMENDATION: Concur

CITY ADMINISTRATOR'S RECOMMENDATION: Concur *Shupdal*

LEGAL COUNSEL'S RECOMMENDATION: Concur

MAYOR'S RECOMMENDATION: Concur *J.P.*

MODEL RESOLUTION:

RESOLUTION

Wyandotte, Michigan

Date: 09/08/2014

RESOLUTION by Councilperson _____

RESOLVED by the City Council that that the communication from Natalie Rankine, Director of the Downtown Development Authority is hereby received and placed on file. AND BE IT FURTHER RESOLVED that Council hereby CONCURS in the conditions of the contract between the Downtown Development Authority and the Wyandotte Business Association for the purchase of promotional services from the WBA. in the amount of \$30,000 to be paid in four (4) equal payments of \$7,500 quarterly. AND BE IT FURTHER RESOLVED that all conditions of said Agreement be adhered to as outlined and that the Mayor is hereby directed to execute the contract on behalf of the City of Wyandotte.

I move the adoption of the foregoing resolution.

MOTION by
Councilmen _____

Supported by Councilman _____

<u>YEAS</u>	<u>COUNCIL</u>	<u>NAYS</u>
	Fricke	
	Galeski	
	Miciura	
	Sabuda	
	Schultz	
	Stec	

WYANDOTTE BUSINESS ASSOCIATION SERVICES AGREEMENT

The WYANDOTTE DOWNTOWN DEVELOPMENT AUTHORITY (DDA) has determined that a qualified contractor to perform event and marketing promotions within the Downtown Development District boundary is needed. This agreement between the DDA and the Wyandotte Business Association (WBA) will be the authorizing document to procure the promotional services of the WBA.

NOW THEREFORE, the parties enter the following agreement made this day of Month, Date, Year, by and between the DDA, party of the first part, hereinafter referred to as the "Owner" and the Wyandotte Business Association (WBA), party of the second part, hereinafter referred to as the "Contractor".

ARTICLE I – THE WORK

It is agreed that the Contractor shall furnish all labor, materials and equipment relative to the event and marketing services procured by the DDA and outlined in **Attachment 'A'**.

In addition the Contractor shall:

- a. In no manner impede current DDA District businesses from doing business during contracted events or associated with contracted services being delivered to the Owner.
- b. Provide a link to the Owner's website: www.wyandotte.net from the Contractor's Third Friday page on the WBA website and add the following language: *Events are funded by the City of Wyandotte Downtown Development Authority and implemented by the Wyandotte Business Association.*
- c. Provide the Owner with a current WBA member list and business contact information of members located within the DDA District, to be submitted quarterly. This list and information is proprietary to the WBA and not to be shared with third parties including, but not limited to solicitors unless required by law under the Freedom of Information Act.
- d. Be current on any and all fees and/or payments owed to City of Wyandotte departments.

It is also agreed that the Contractor shall work to actively promote business in the City of Wyandotte through a variety of methods, including but not limited to:

- a. Obtain and supply the DDA with feedback about Contractor run events and programs from DDA District businesses and attendees.

- b. Obtain and supply the DDA with demographic information and email addresses from attendance at Contractor run events. This list and information is proprietary to the WBA and DDA and is not to be shared with third parties including, but not limited to solicitors unless required by law under the Freedom of Information Act.

ARTICLE II – TERM

It is agreed that the Contractor shall work under this Agreement during the 2015 Fiscal Year of the DDA (October 1st, 2014 to September 30th, 2015).

ARTICLE III – MINIMUM PARTICIPATION STANDARDS

In addition to satisfying Article VI Section I of the DDA By-laws (Attachment A) the following standards shall be met:

- a. Certificate of good standing as a Non-profit for the Wyandotte Business Association shall be provided to the DDA Director and the Board of Directors.
- b. Quarterly reports of activity shall be submitted to the Director for disbursement to the DDA Board of Directors and any other information requested by the DDA according to the schedule below. Information contained in these quarterly reports shall consist of detailed expense information (receipts, contracts, etc.) as well as samples of the services provided (newspaper advertisements, press releases, etc.) for the past quarter.
Quarterly Reporting Schedule:

First Quarter (October 1 – December 31): Report due the first Thursday of February

Second Quarter (January 1 – March 31): Report due the first Thursday of May

Third Quarter (April 1 – June 30): Report due the first Thursday of August

Fourth Quarter (July 1 – September 30): Report due the first Thursday of November

- c. Provide the Owner with a year-long report of demographic information relative to attendance at events, business owner feedback, etc. Report should outline challenges and ways to improve future events. Report shall be received by Owner no later than December 31st of the following calendar year.
- d. A Third-Party CPA prepared end-of-the-year review shall be submitted by November 30th each year. Budget proposal information for the forthcoming fiscal year shall also be required to be supplied by the date outlined in yearly DDA funding requests for distribution to the DDA Board for their annual budget workshop process.

ARTICLE IV – AMENDMENTS

No amendment to the Agreement shall be effective and binding upon the parties hereto unless it expressly makes reference to this Agreement, is in writing, and is signed by duly authorized representatives of both parties.

ARTICLE V – AGREEMENT SUM

It is agreed upon that in consideration of the faithful and entire performance by the Contractor of its obligations under this Agreement the Owner shall pay the Contractor, at the time and manner hereinafter stipulated an amount as follows:

Net amount - \$30,000.00

It is also agreed upon that the four (4) equal payments of \$7,500.00 shall be made quarterly given the full satisfaction of aforementioned requirements identified in Article III (b) of this agreement and also according to the City of Wyandotte payment schedule.

ARTICLE VI – TERMINATION

Either party may terminate this Agreement upon providing ninety (90) days written notice to the other. The Contractor shall be paid for those services rendered and costs incurred prior to the notice of termination.

IN WITNESS WHEREOF, the Owner and the Contractor, by and through their duly authorized representatives, have executed this Agreement as of the year and date first above written.

WITNESS:

OWNER:

CITY OF WYANDOTTE DDA

By: _____

Date: _____

Date: _____

RATIFICATION:

CONTRACTOR:

CITY OF WYANDOTTE

WYANDOTTE BUSINESS ASSOCIATION

Date: _____

Date: _____

Date: _____

Date: _____

ATTACHMENT 'A'

1. THIRD FRIDAY

The Contractor shall perform all labor, materials, equipment and means to host twelve (12) Third Friday Events and one (1) Cinco de Mayo event centrally located in the DDA Development District. The Contractor shall:

- a. Work together with the DDA to develop a comprehensive listing of proposed Third Friday event themes and tentative work plans when requesting DDA funding for the upcoming fiscal year.
- b. Coordinate initial work plans with Complete Special Events application and review initial plans with Special Events Coordinator application at least 2 weeks prior to event to ensure timely approval of road closures, power needs and approval from Mayor and City Council.
- c. Provide the DDA Director with a projected layout, timeline and work plans for setup and activities for all events no later than the Monday prior to the event date.
- d. Request all road closures for procured events from City Council no later than 60 days in advance.
- e. Open all closed roadways, parking lots and parking spaces no later than 1:00 am on the night of said event.
- f. Provide all labor and means or contract the services of a third-party to clean-up after events. Clean-up must be completed no later than 1:00 am on the date of said event.
- g. Create event themes and activities that encourage foot traffic to DDA District businesses.
- h. Unforeseen circumstances that shorten or otherwise alter the above schedules must be communicated in writing to the owner immediately upon discovery of same.

CITY OF WYANDOTTE
REQUEST FOR COUNCIL ACTION

⑧

MEETING DATE: September 8th, 2014

AGENDA ITEM #

ITEM: Revocation of the Commercial Redevelopment District at 3061/63 Biddle Avenue.

PRESENTER: Todd A. Drysdale, City Administrator *T. Drysdale*

INDIVIDUALS IN ATTENDANCE: Natalie Rankine, DDA Director

BACKGROUND: As you are aware, the property located at 3061/3063 was not sold to Hotel Sterling as originally planned, but instead to Mr. Joe Daly for redevelopment. A Commercial Facilities Exemption Certificate (CFEC) was granted to Hotel Sterling for this property on June 25th, 2013. Mr. Daly will be seeking a CFEC for this project and in order to do so, the certificate for the Hotel Sterling must be revoked via City Council resolution.

STRATEGIC PLAN/GOALS: Commitment to fostering the revitalization and preservation of older areas of the City as well as developing and redeveloping new areas.

ACTION REQUESTED: Approve the attached resolution revoking the Commercial Facilities Exemption Certificate for 3061/63 Biddle Avenue.

BUDGET IMPLICATIONS & ACCOUNT NUMBER: N/A

IMPLEMENTATION PLAN: N/A

COMMISSION RECOMMENDATION: N/A

CITY ADMINISTRATOR'S RECOMMENDATION: Concur

LEGAL COUNSEL'S RECOMMENDATION: N/A

MAYOR'S RECOMMENDATION:

J.P.

LIST OF ATTACHMENTS

1. Original council resolution establishing the CFEC dated June 24th, 2013.
2. CFEC Certificate for 3061/3063 Biddle Avenue dated June 25th, 2013.

MODEL RESOLUTION:

RESOLUTION

Wyandotte, Michigan
Date: September 8th, 2014

RESOLUTION by Councilman _____

RESOLVED BY THE CITY COUNCIL THAT: by the City Council hereby revokes the Commercial Facilities Exemption Certificate granted to Hotel Sterling, LLC for the property located at 3061 and 3063 Biddle Avenue said property more fully described as:

The following described parcel(s) of land situated in the City of Wyandotte, Wayne County, and State of Michigan, to wit:

SOUTH 10 FEET OF LOT 9 AND ALL OF LOTS 10,11, 12, 13 AND 14, EUREKA IRON AND STEEL WORKS RE-SUBDIVISION, AS RECORDED IN LIMBER 22, PAGE 49 OF PLATS, WAYNE COUNTY RECORDS

Parcel Number: 82-57-011-15-0009-002

I move the adoption of the foregoing resolution.

MOTION by

Councilmen _____

Supported by Councilman _____

YEAS

COUNCIL

NAYS

Fricke
Micuira
Galeski
Sabuda
Schultz
Stec

CITY OF WYANDOTTE
REQUEST FOR COUNCIL ACTION

MEETING DATE: September 8, 2014

AGENDA ITEM #

9

ITEM: Standard of Conduct

PRESENTER: William R. Look, City Attorney

INDIVIDUALS IN ATTENDANCE:

BACKGROUND: Complaints were filed alleging that the City Assessor provided the Veteran's Property Tax Exemption files to a City Councilman without complying with the city's Freedom of Information Policy. The City Council directed that the files in questions be maintained in the City Clerk's office for secure storage. The Police chief investigated the matter and determined the files in questions were provided by the City Assessor without redacting exempt material. The complaints, exhibits and Chief's investigation and my legal analysis are included with this item.

STRATEGIC PLAN/GOALS:

ACTION REQUESTED: Refer the city's FOIA Policy to the City Clerk and City Attorney for review and report back to the City Council with recommendations for the policy.

BUDGET IMPLICATIONS & ACCOUNT NUMBER:

IMPLEMENTATION PLAN:

COMMISSION RECOMMENDATION:

CITY ADMINISTRATOR'S RECOMMENDATION:

LEGAL COUNSEL'S RECOMMENDATION:

MAYOR'S RECOMMENDATION:

LIST OF ATTACHMENTS:

MODEL RESOLUTION:

RESOLUTION

Wyandotte, Michigan

Date:

RESOLUTION by Councilperson _____

BE IT RESOLVED that the City Clerk and City Attorney are directed to review the city's current Freedom of Information Policy and to report back to the City Council with their recommendations.

I move the adoption of the foregoing resolution.

MOTION by Councilperson _____

Supported by Councilperson _____

<u>YEAS</u>	<u>COUNCIL</u>	<u>NAYS</u>
_____	Fricke	_____
_____	Galeski	_____
_____	Miciura	_____
_____	Sabuda	_____
_____	Schultz	_____
_____	Stec	_____

LOOK, MAKOWSKI AND LOOK
PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS AT LAW
2241 OAK STREET
WYANDOTTE, MICHIGAN 48192

(734) 285-6500
FAX (734) 285-4160

WILLIAM R. LOOK
STEVEN R. MAKOWSKI

RICHARD W. LOOK
(1912 - 1993)

September 4, 2014

To: Honorable Mayor and City Council
From: Department of Legal Affairs
Re: Standards of Conduct Complaint and Investigation

Dear Mayor and City Council:

SUMMARY OF COMPLAINT

Under Article X “Standards of Conduct and Disclosure Statements for Elected Officials, Appointees, and Department Heads”, of the City Code of Ordinances, I received a complaint addressed to the City Clerk by Todd Drysdale and Richard Miller against Councilman Daniel Galeski and the City Assessor, Thomas Woodruff.ⁱ The nature of the complaint is that on January 30, 2014, the City Assessor, Thomas Woodruff, permitted Councilman Daniel Galeski to review the Veteran’s Tax Exemption files without first filing a Freedom of Information Request. Subsequent to this event, the City Council on February 3, 2014, directed by resolution that the veterans files be moved to the City Clerk’s office for secure storage.

By way of background, Mr. Drysdale indicated that on January 29, 2014, he was advised by Susan Walker from the Assessor’s office that Councilman Daniel Galeski was requesting to see documentation associated with the Board of Review actions regarding Veteran’s Exemption for disabled Veterans. Mr. Drysdale indicated he advised her that Councilman Galeski should file a Freedom of Information Request and she indicated that she advised the City Assessor of Mr. Drysdale’s decision.

City Assessor, Thomas Woodruff, and Councilman, Daniel Galeski, submitted written responses through their attorney.ⁱⁱ A summary of their response is that the City Councilman is required to confirm assessment rolls, ensure that Disabled Veterans Exemptions are accurate, and the Councilman is not subject to the FOIA policy when carrying out his duties. In addition, their response noted that the Freedom of Information Act (“FOIA”) may exempt material from disclosure but does not require exempting material. Finally, both City Assessor, Thomas Woodruff, and Councilman Daniel Galeski stated that Councilman Galeski did not view or inspect any of the Disabled Veteran’s Exemption records.

Subsequent to receiving the responses, I was provided communication from City Clerk, William R. Griggs, Susan L. Walker, Deputy Assessor, James Mosek, Rich Thornton, Bonnie Thornton, Troy F. Schielein, Sr., and Mayor Joseph R. Peterson.ⁱⁱⁱ

As a result of the varying accounts concerning whether the veteran's files were submitted to Councilman Daniel Galeski by City Assessor, Thomas Woodruff, in my Notice of Determination dated March 20, 2014, which was provided to the complaints and respondents, I recommended an investigation by the Chief of Police in accordance with the city ordinance.^{iv} The attorney for Councilman Daniel Galeski asked that any investigation be delayed until she could meet and discuss the matter with her client who was hospitalized at the time.

Subsequently I was advised by counsel for Thomas Woodruff and Daniel Galeski that they had no objection to the investigation and I subsequently turned over all communications to Chief Daniel Grant who then conducted an investigation.

I have received and reviewed the Standards of Conduct investigation submitted by Chief Daniel Grant. This report consists of 31 pages.^v The Chief's findings including the following:

1. The City Assessor did provide the Veteran's Exemption files to the City Councilman without requiring a FOIA Request.
2. There was no redaction of information contained in the files.
3. Had the request for the records been handled under the FOIA Policy, the information which was personal would likely have been redacted.

Section 2-307 prohibits a public official to divulge to any unauthorized person confidential information acquired in the course of holding their position except as permitted by law. In reviewing this matter, I have reviewed the FOIA Law and City FOIA Policy, the Veteran's Exemption Law and the City Standard of Conduct Ordinance.

FOIA LAW AND FOIA POLICY

Section 3 of the FOIA states:

"Upon providing a public body's FOIA coordinator with a written request that describes a public record sufficiently to enable the public body to find the public record, a person has a right to inspect, copy, or receive copies of the requested public record of the public body."

There are two types of requests for records under the Freedom of Information Act (FOIA) and the city's FOIA policy. The first request is for copies of records to be made and the city's FOIA policy states in part:

"A person has the right to submit a written request for public records from the city and its departments. The request must sufficiently describe the public record to enable the FOIA Coordinator (City Clerk) to identify the requested public records."

"Person" is identified as "an individual, corporation, organization, or other legal entity, as modified by the Act." The FOIA policy does not make a distinction between elected officials and

other persons. I attended a seminar in July of this year on FOIA, and the attorneys indicated from their experience they have not encountered a FOIA policy that distinguishes between elected officials and the general public.

The second type of request under the FOIA policy is the right to examine public records. The policy reads in part:

“Upon request a person will be provided with a reasonable opportunity to examine the public records provided by the public body.”

With regards to the examination of public records, the city’s policy says the City Clerk (FOIA Coordinator) shall provide reasonable facilities and opportunities to inspect the records. The policy further states the City Clerk may prepare and submit to the City Council for its approval rules to regulate the time and manner in which the records are reviewed in order to protect the records and to prevent excessive interference with the public body’s normal function.

Requests for records and their examination are to be made to the FOIA Coordinator (City Clerk or his designee). The only exception to this rule is requests for police records and the city’s policy states requests in that instance shall be submitted directly to the police department.

EXEMPTIONS

The state FOIA indicates a public body may exempt from disclosure certain matters that are identified in the law, but these exemptions from disclosure do not prevent disclosure. Prohibitions against disclosure must have a basis independent from the FOIA. Tobin vs. Michigan Civil Service Commission, 416 Mich. 661, 331 NW2d 184 (1982) Bradley vs. Saranac Community Schools 455 Mich 285, 565 NW2d 650 (1997). However the Michigan Supreme Court also noted:

“We can accept plaintiff’s argument that most information exempted from disclosure under FOIA should not be routinely disclosed without accepting the argument that the FOIA absolutely prohibited such disclosures.” Tobin, supra

The Michigan courts have noted that while the purpose of the FOIA is to focus on a citizen’s right to be informed about what the government is doing, “that purpose, however, is not fostered by disclosure of information about private citizens that is accumulated in various governmental files but that reveals little or nothing about an agency’s own conduct.” Mager vs. State of Michigan, Department of State Police, 460 Mich 134, 595 NW2d 142, 148

While the exemption in the FOIA does not require the city to withhold the information, this law does not permit the release of information that is prohibited from disclosure by other laws. Some examples are in Social Security Privacy Act, the General Property Tax Act, Health Insurance Portability and Accountability Act (HIPAA), Federal Privacy Act, and Physician-Patient Privilege. The Attorney General noted in an opinion issued in 1979 that a person releasing information in violation of a law, including the common law, may be exposed to liability.

The State Tax Commission has issued directives to the Assessors pertaining to the confidentiality of certain information. For example, on February 4, 1994, the state indicated that the homestead exemption affidavit (now referred to as the Principal Residence Exemption) contains social security numbers and such information is confidential and must not be provided to anyone not involved in administering the homestead affidavit. It further pointed out that Federal Law provides for severe penalties (imprisonment up to 5 years and/or a fine up to \$5,000) for willful, unauthorized disclosure of a social security number.

The commission recommended local property tax officials to store completed affidavits with security measures in place. Also, state law requires personal property statements filed with the Assessor and for review of the Board of Review to be used solely for the purpose of making assessments. The State Tax Commission in 1989 directed the Assessors to keep these records confidential.

Michigan recognizes the common-law right of privacy. There are at least four different types of invasion of privacy under the common law.

- 1) Intrusion upon the person's seclusion or solitude, or into his or her private affairs.
- 2) Public disclosure of embarrassing private facts about a person.
- 3) Publicity which places a person in a false light.
- 4) Appropriation of a person's name or likeness for personal gain.

(Tobin v Michigan Civil Service Commission, 416 Mich 661)

Michigan also recognizes the Restatement of torts (see Tobin, supra) which defines "Intrusion" as an actionable claim civilly for invasion of privacy as "one who intentionally intrudes physically or otherwise, upon the solitude or seclusion of another or his private affairs or concerns, is subject to liability to the other for invasion of his privacy, if the intrusion would be highly offensive to a reasonable person." Restatement Second, Torts § 652.

The city's current FOIA policy does not provide direction to the City Clerk as to how the city wants him to respond regarding information that may be exempted from disclosure.

Some examples of records that the FOIA law says "may" be exempt from disclosure are:

1) Records of a public body's security measures, including security plans, security codes and combinations, passwords, passes, keys and security procedures, to the extent that the records relate to the ongoing security of the public body.

2) The following records of the police department (unless the public interest in disclosure outweighs the public interest in nondisclosure):

- a) Identity of an informant
- b) Disclose the address and telephone numbers of active or retired police officers or their family members
- c) Identity of residences that the police department is requested to check in the absence of their owners or tenants.

Does the city want the City Clerk, in his own discretion, to decide whether to exempt this material from disclosure or does the city want to make it part of the policy that any record that may be exempt from disclosure should be exempt from disclosure in order to recognize the citizen's right to privacy and recognizing the Michigan Supreme Court's analysis "that most information exempted from disclosure should not be routinely disclosed"?

When city officials or employees seek information, does the city want to have such requests go through a particular person due to the fact there are laws which prohibit disclosure of certain records and to prevent excessive interference with the department's normal function?. The Michigan Municipal League in a 2011 article in response to a question about a recommended procedure for a city in handling requests for information and records from elected officials stated the following:

"Many municipalities encourage councilmembers to work through their managers to secure information, both to assure that all members of the council have the same information and to assure that several employees are not working on duplicate inquiries from different members of council." (The Review, March/April 2011, Page 46)

At the FOIA seminar that I attended, it was recommended that requests for information by a Councilperson be shared with the entire City Council. The Michigan Supreme Court notes that while FOIA does not prevent disclosure, the public body must consider other "substantive limitations on disclosure" that may exist under other laws. Tobin, supra Bradley, supra

MCL 15.244 of the FOIA reads as follows:

15.244 Exempt and nonexempt material, separation

Sec. 14. (1) If a public record contains material which is not exempt under section 13, as well as material which is exempt from disclosure under section 13, the public body shall separate the exempt and nonexempt material and make the nonexempt material available for examination and copying.

(2) When designing a public record, a public body shall, to the extent practicable, facilitate a separation of exempt from nonexempt information. If the separation is readily apparent to a person requesting to inspect or receive copies of the form, the public body shall generally describe the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

The Michigan Supreme Court has noted some examples when redaction of exempt material should be considered:

"If details in the Plaintiff's file had revealed intimate or embarrassing details of the Plaintiff's lives, such as information relating to a medical condition, redaction

would be appropriate.” Bradley v Board of Education Saranac v Lansing school District 455 Mich 285

VETERAN’S EXEMPTION

The law providing the exemption of real property used and owned as homestead by a disabled veteran requires the filing of an affidavit showing that the claimant has been determined by the United States Department of Veteran’s Affairs to be permanently and totally disabled as a result of military service and entitled to veteran’s benefits at 100% rate or have a certificate from the United States Veteran’s Administration certifying he is receiving pecuniary assistance due to disability for specially adapted housing or has been rated by the United States Department of Veteran’s Affairs as individually unemployable. The state tax commission indicates that individuals in addition to the filing of the affidavit must provide a copy of a letter from the Veteran’s Administration indicating they have a 100% service connected disability and are entitled to receive benefits. The affidavit shall be open to inspection. It is the function of the Veteran’s Administration to determine disability and the city does not need to possess or review private medical records that the Veteran’s Administration has reviewed. In the case of specially adapted housing the veteran must supply a copy of the certificate from the Veteran’s Administration indicating they are receiving pecuniary assistance due to disability for specially adapted housing and with regards to the un-employability, the veteran must supply a copy of the letter from the Veteran’s Administration indicating they are individually unemployable. The State Tax Commission has determined that the Board of Review has the authority to review and grant Disable Veterans Exemptions. The Michigan courts have held even though a person may disclose confidential information to one party that does not constitute a waiver of the privilege of confidentiality to other persons. It is reasonable to believe that a veteran who provided the required affidavit and letter from the Veterans Department to establish qualification for a real property tax exemption would expect that any other medical information or their Social Security number contained in their application would not be disclosed to a third party. It appears that some individuals may have provided more records to the Assessor than was required.

CONCLUSION

Based upon the findings of Chief Grant, it appears the city’s FOIA policy and Section 2-307 were not complied with by the City Assessor.

With regards to the city’s FOIA policy, it would be my recommendation that the policy be referred to the City Clerk and City Attorney for a review and recommendation, including the following matters:

- 1) Specifically address whether it is the city’s intent to require elected officials and city employees who wish to request copies of records or to examine records, to first file a written request in all instances or only when the files may contain information exempt from disclosure.
- 2) Adopt a policy with input from the city clerk’s office on reasonable rules to regulate the time and manner in which records may be reviewed.

3) Include in the policy the city's position on information that should be exempted from disclosure by the City Clerk under FOIA.

4) Have the City Clerk notify those veterans who filed for the property tax exemption that any records they provided to the city which are not required to be maintained by the city to qualify for the tax exemption maybe retrieved by them in accordance with procedures established by the City Clerk.

Respectfully submitted,
Department of Legal Affairs
LOOK, MAKOWSKI and LOOK
Professional Corporation



William R. Look

WRL:mag

-
- ⁱ Complaint dated January 31, 2014 by Todd Drysdale and Complaint of Richard Miller dated February 3, 2014
- ⁱⁱ Responses dated February 24, 2014 by Daniel Galeski and Thomas Woodruff and listed as attachments 1 through 4
- ⁱⁱⁱ Letter dated March 13, 2014 from City Clerk (attachment 5); letter dated March 11, 2014 from Susan L. Walker (attachment 6); email dated March 10, 2014 from James Macek (attachment 7); email dated March 10, 2014 from Rick Thornton (attachment 8); letter from Bonnie Thornton (attachment 9); letter from Troy F. Schielein, Sr., dated March 10, 2014 (attachment 10); letter from Joseph R. Peterson dated March 18, 2014 (attachment 11).
- ^{iv} Notice of Determination from William Look dated March 20, 2014
- ^v Standards of Conduct Investigation of Chief Daniel Grant dated August 1, 2014

OFFICIALS

William R. Griggs
CITY CLERK

Todd M. Browning
CITY TREASURER

Thomas Woodruff
CITY ASSESSOR



TODD A. DRYSDALE, C.P.A.
CITY ADMINISTRATOR

MAYOR
Joseph R. Peterson

COUNCIL
Sheri M. Sutherby-Fricke
Daniel E. Galeski
Ted Miciura, Jr.
Leonard T. Sabuda
Donald Schuitz
Lawrence S. Stec

Memorandum

DATE: January 31, 2014
TO: William R. Griggs, City Clerk
FROM: Todd A. Drysdale, City Administrator *Drysdale*
RE: Report on Inappropriate Activity

This correspondence is intended to report inappropriate activity by two (2) elected officials of the City of Wyandotte – City Assessor Thomas R. Woodruff and City Councilman Daniel E. Galeski.

Background

On Wednesday, January 29, 2014, I received a call from Sue Walker of the Assessor's Office stating that Councilman Galeski was requesting to see the documentation associated with the recent Board of Review actions regarding the Veteran's Exemption. She asked how she should respond. I indicated that she should have Councilman Galeski file a Freedom of Information Act (FOIA) request in accordance with our city policy. I advised that this was the appropriate action to protect the City and the Councilman from accusations of any wrongdoing.

On Thursday morning, January 30, 2014, I spoke with City Clerk William R. Griggs regarding this issue. He shared a conversation that he had with City Attorney Bill Look regarding the same issue. He reiterated that the City Attorney also recommended that a FOIA request be made and that Councilman Galeski was present in his office when the conversation with the City Attorney was taking place. We also discussed many of the potential concerns regarding this information as it contains information that is exempt from FOIA disclosure. It was agreed that the proper course of action was to receive the FOIA, compile the documents, and redact the information that was exempt from disclosure prior to distribution to any party filing the FOIA.

Later on that same day, Bill Look and I discussed this same issue. The City Attorney reiterated the conversation that was held between him and the City Clerk and also acknowledged that he was aware that Councilman Galeski was in the office at that time. The City Attorney confirmed that he recommended the course of action regarding FOIA requests for the Veteran's Exemption as specified above.

No part of the recommended procedure outlined for handling this FOIA request is different than our current practice. After receipt of the FOIA request by the Clerk's Office, the appropriate

department would compile the information and review any exemptions outlined in the law. This review is coordinated with the Department of Legal Affairs. Upon concurrence of the eligibility for release of the information, the documentation is forwarded back to the City Clerk's Office (the appointed FOIA Coordinator) for distribution to the requestor.

Incident Report

Late in the afternoon on that same day, I was on the second floor of City Hall and noticed Councilman Galeski in the City Assessor's office. I stuck my head in the door and saw him with an open file in front of him with a stack of stapled papers. The City Assessor was sitting across from him at his desk. I asked him what he was looking at and he responded to the effect, "You know what I am looking at". Upon glancing at the file, I immediately noticed that it was the complete file with the Veteran's Exemption information. Councilman Galeski then stated "just go away". I asked the City Assessor if he had given the file to Councilman Galeski and he stated to the effect, "Yes, I do what I want". I asked Councilman Galeski if he had filed a FOIA and he waved his left hand and said, "Here is my FOIA". I asked the City Assessor if he had redacted the exempt information and he stated, "No, I do as I want". I stated that this was wrong and reminded the City Assessor that the City Attorney recommended that a FOIA be filed and the documents reviewed. He indicated that Mr. Look did not state this at which point I questioned if he was calling our City Attorney a liar. The City Assessor began making a telephone call from his mobile phone and demanded that I leave his office. I responded by stating that this was wrong and again asked Councilman Galeski what he was doing when he stated, "My job. If you don't like it, file a complaint". I reminded Councilman Galeski that reviewing potentially confidential information was not his job as a councilperson. The City Assessor then left his seat, bowed his chest, and charged towards me at the door. He yelled, "Get out of my office". When I objected and again reiterated that what they were doing was wrong, he forcibly closed the door which violently struck my upper torso. I pushed the door back open and, realizing the futile position I was in, left the office.

I immediately went to the City Clerk's Office in the hopes of getting help in stopping the wrongful actions of the City Assessor and Councilman Galeski. Rose Kiczenski indicated that the City Clerk was gone for a minute but would be right back. I returned to my office and ran into the City Clerk in the hallway on the 3rd Floor. I asked him to come into my office and I reported the activity and informed him that I would be filing this report.

Shortly thereafter, Councilman Galeski entered my office. I vehemently indicated to him that I did not want him in my office and that he should leave. Instead, he sat down and told me to call the police if I wanted him to leave. I dialed the Police Chief's telephone number but reached his voicemail. At that point, I let Councilman Galeski stay in my office and left telling him I expected him to be gone when I got back. Upon return to my office, Councilman Galeski was no longer there.

Summary

I am appalled at the intentional and willful ignorance of the law, city policy, and our citizen's rights. In my tenure as an employee of the City of Wyandotte, I have never observed such unethical and deliberate actions that were contrary to the vision of our organization and the respect we should have for both authority and our citizen's rights. The sheer unprofessionalism of the parties in ignoring professional advice from City staff, failure to review and follow the law, and failure to follow the FOIA policy adopted by the City Council left me with few options but to initiate a confrontation.

With that, I leave it up to the process to investigate and mete out any consequences.

STANDARDS OF CONDUCT, ORDINANCE #976

Submitted by:

RICHARD MILLER
1202 SECOND STREET
WYANDOTTE, MI 48192
734-934-1766

Concerning:

Tom Woodruff
Assessor
City of Wyandotte

WYANDOTTE CITY CLERK
2014 FEB -4 A 8:36

VIOLATION ALLEGED:

SECTION 2.308 (b) Official Policies

(b) No public officer or employee shall act on behalf of the City of Wyandotte In the making of policy statements, IN AUTHORIZING ANY ACTION, agreement or contract or in promising to prevent any future action, when such officer has, in fact. No authority to do so.

DETAILS OF COMPLAINT:

1. Assessor Tom Woodruff without authority to do so, provided to, and allowed, Councilman Dan Galeski to inspect and read Veterans medical documents in Violation of the laws of this State and the laws of the United States. Infraction occurred Thursday, January 30, 2014.

Note: Witnessed by Todd Drysdale, City Administrator.

FILED February 3, 2014

STANDARDS OF CONDUCT, ORDINANCE #976

Submitted by:

RICHARD MILLER
1202 SECOND STREET
WYANDOTTE, MI 48192
734-934-1766

Concerning:

Dan Galeski
Councilman
City of Wyandotte

WYANDOTTE CITY CLERK
2014 FEB -4 A 8:36

VIOLATION ALLEGED:

SECTION 2.308 (b) Official Policies

(b) No public officer or employee shall act on behalf of the City of Wyandotte In the making of policy statements, IN AUTHORIZING ANY ACTION, agreement or contract or in promising to prevent any future action, when such officer has, in fact. No authority to do so.

DETAILS OF COMPLAINT:

1. Councilman Dan Galeski without authority to do so. Inspected and read Veterans medical documents in Violation of the laws of this State and the laws of the United States. Date of infraction: Thursday, January 30, 2014

Note: Witnessed by Todd Drysdale, City Administrator.

FILED February 3, 2014

LOGAN, HUCHLA & WYCOFF, P.C.
ATTORNEYS AND COUNSELLORS AT LAW
13900 SIBLEY ROAD
P.O. BOX 2148
RIVERVIEW, MICHIGAN 48193

CHARLES E. WYCOFF
CASSANDRA L. BOOMS

KENNETH J. LOGAN
(1906-2008)
JOHN H. HUCHLA, JR.
(1927-1992)

Telephone
(734) 283-5300

Fax
(734) 407-5229

February 24, 2014

HAND DELIVERED

William R. Look, Esq.
City of Wyandotte, City Attorney
2241 Oak Street
Wyandotte, MI 48192

RE: Thomas Woodruff's Response to Standards of Conduct Complaint
Complaint Submitted by Richard Miller

Dear Mr. Look:

Please be advised that this office represents Mr. Thomas Woodruff. This correspondence will serve as his response to the Standards of Conduct Complaint submitted by Mr. Richard Miller on February 3, 2014 and which was forwarded to him via correspondence dated February 4, 2014. While Mr. Miller's Complaint is unsigned in violation of Section 2-312(a) and it is unknown whether or not it was filed with the City Clerk as required by Section 2-312(a) I will assume these irregularities were just an inadvertent oversight on your behalf and to avoid undue delay I will treat this Complaint as if it was properly submitted under the Ordinance.

As the integrity of the City's Ordinances and its elected and appointed officials will be scrutinized during this investigation we strongly encourage the City to apply the Ordinances in a fair and consistent manner and to require compliance with all provisions of the Ordinances, including Section 2-312(a).

Section 2-312(a) of the City's Ordinances allows an individual to file a complaint if he believes Article X of Chapter 2 of the City's Ordinances was violated.¹ Mr. Miller's Complaint alleges that Mr. Woodruff violated Section 2-308(b), which states:

No public officer or employee shall act on behalf of the City of Wyandotte in the making of policy statements, in authorizing any action, agreement or contract, or in promising to prevent any further action, when such officer or employee has, in fact, no authority to do so. (emphasis added.)

¹ Section 2-312(a) states that "any individual who believes that a violation exists as prohibited by this article may make a complaint which shall be a written formal signed complaint which shall be filed with the city clerk's office."

First, Mr. Woodruff has not acted on behalf of the City in making a policy statement without the authority to do so and Mr. Miller has not alleged that he has done so. Second, Mr. Woodruff has not acted on behalf of the City in authorizing any action, agreement or contract without the authority to do so and Mr. Miller has not alleged that he has done so. Third, Mr. Woodruff has not acted on behalf of the City in promising to prevent any further action without the authority to do so and Mr. Miller has not alleged that he has done so.

To reiterate, Mr. Woodruff has authorized no action on behalf of the City. Authorize meaning to give legal authority, invest especially with legal authority, or formally approve. See Black's Law Dictionary, 9th ed., and Merriam-Webster.

In fact, Mr. Miller has not alleged that Mr. Woodruff took any action on behalf of the City. Instead, Mr. Miller alleges that Mr. Woodruff, "without authority to do so, provided to, and allowed Councilman Dan Galeski to inspect and read Veterans medical documents in violation of the laws of this State and the laws of the United States."

While Mr. Miller does not indicate which state and federal laws Mr. Woodruff allegedly violated it should be noted that a violation of state or federal law is not a proper basis for a complaint made pursuant to Section 2-312.

While I am loath to speculate what Mr. Miller's Complaint is really about so that I may fully defend Mr. Woodruff, or so Mr. Woodruff may defend himself, the fact of the matter is that I can not address every possible concern of Mr. Miller. Further, I feel that even though I have already addressed his Complaint on its face I am compelled to provide further explanation in an attempt to defend against Mr. Miller's defamatory allegations.

Most important to note is that Mr. Woodruff did not violate any state or federal law in allowing Councilman Galeski to question him on January 30, 2014 regarding the January 13, 2014 Board of Review Minutes and the Disabled Veterans Exemptions. Further, Councilman Galeski did not view or inspect any of the records regarding the Disabled Veterans Exemptions. There is nothing illegal in Councilman Galeski questioning the accuracy of the Disabled Veterans Exemptions which were granted and which he as a councilman was required to vote on.

As Assessor, it is Mr. Woodruff's duty, as he has taken the oath of office, to accurately perform all such duties in relation to assessing property and levying taxes as prescribed by the City's Charter and the laws of this State. See Section 20 of Chapter V of the Charter, Section 8 of Chapter VII of the Charter; Chapter XIII of the Charter. Further he is bound by Section 2-307(a) from disclosing confidential information. There is nothing illegal in checking the accuracy of the granted Disabled Veterans Exemptions, in fact it is his duty to do so if an inquiry were to arise.

In the event there is a question regarding the application of the Michigan Freedom of Information Act you should be aware that Councilman Galeski did not view or inspect any of the records regarding the Disabled Veterans Exemptions. It is true the records were on a table; however, it is not a violation of the FOIA for the City Assessor to view his own records. Second,

William R. Look, Esq.
City of Wyandotte, City Attorney
February 24, 2014
Page 3 of 3

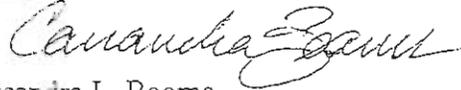
the FOIA provides an individual the right to inspect public documents in person and while it allows a public body to exempt certain material, the exemption is not mandatory. MCL 15.233(1) and MCL 15.243(1). Lastly, there is no City policy requiring councilpeople to submit FOIA requests in an effort to carry out their duties just as there is no City policy requiring the City Administrator to submit FOIA requests.²

Mr. Miller has also accused Mr. Woodruff of violating the Health Information Privacy Act. Because no federal law by this name exists, we will assume he meant the Health Insurance Portability and Accountability Act. There was absolutely no violation of HIPAA since Councilman Galeski did not view or inspect any of the records regarding the Disabled Veterans Exemptions, including any medical records. City Clerk Griggs has even confirmed that he believes there are no protected medical records in the Disabled Veterans Exemptions documents submitted to and/or reviewed by the Board of Review.³

Mr. Woodruff urges you to dismiss this frivolous, untrue, demeaning, and defamatory Complaint and find that he has not violated any provision of Article X of Chapter 2 of the City's Ordinances. Thank you for your time and attention to this matter.

Very truly yours,

LOGAN, HUCHLA & WYCOFF, P.C.



Cassandra L. Booms

"I declare that the above statements are true to the best of my information, knowledge and belief."

Dated:

2/24/2014



Thomas Woodruff

² Mr. Todd Drysdale requested "copies of all the documentation used to grant the Veteran's Exemptions" via email on January 15, 2014, from Mr. Woodruff. Mr. Drysdale did not submit a FOIA request, had another employee remove and copy the files before Mr. Woodruff could even respond, and took these actions even though they are completely unrelated to his job description.

³ See News Herald, Wednesday, February 5, 2014.

LOGAN, HUCHLA & WYCOFF, P.C.

ATTORNEYS AND COUNSELLORS AT LAW

13900 SIBLEY ROAD

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February 24, 2014

HAND DELIVERED

William R. Look, Esq.
City of Wyandotte, City Attorney
2241 Oak Street
Wyandotte, MI 48192

Re: Thomas Woodruff's Response to Standards of Conduct Complaint
Complaint Submitted by Todd A. Drysdale

Dear Mr. Look:

Please be advised that this office represents Mr. Thomas Woodruff. This correspondence will serve as his response to the Mr. Todd Drysdale's Memorandum dated January 31, 2014 and which was forwarded to him via correspondence dated February 3, 2014. It is clear that this Memorandum does not state anywhere that it is intended to be a written formal signed complaint pursuant to Section 2-312(a) and it is unknown whether it was filed with the City Clerk as required by 2-312(a); however, we understand from Mr. Look's February 3, 2014 correspondence that he is treating it as a complaint made pursuant to Section 2-312(a) and thus to avoid unnecessary delay we will treat this Memorandum as if it were a Complaint properly submitted under the Ordinance.

As the integrity of the City's Ordinances and its elected and appointed officials will be scrutinized during this investigation we strongly encourage the City to apply the Ordinances in a fair and consistent manner and to require compliance with all provisions of the Ordinances, including Section 2-312(a).

Section 2-312(a) of the City's Ordinances states:

Any individual who believes that a violation exists as prohibited by this article may make a complaint which shall be a written formal signed complaint which shall be filed with the city clerk's office.

Mr. Drysdale's Memorandum does not allege that Mr. Woodruff violated any provision of Article X of Chapter 2 of the City's Ordinances. It is impossible to respond to this "Complaint," made pursuant to Section 2-312(a) when no violation of Article X, Chapter 2 is alleged. In other words, there is no alleged violation to respond to.

Assuming that the answer stated above will be insufficient for the purposes of this investigation, we will speculate that Mr. Drysdale's "Complaint" does not concern Article X of Chapter 2 but instead is meant to complain about the "sheer unprofessionalism of the parties in ignoring professional advice from City staff, failure to review and follow the law, and failure to follow the FOIA policy adopted by the City Council." It should be noted that none of these allegations are a proper basis for a complaint made pursuant to Section 2-312.

In regards to the allegations of unprofessionalism; as Assessor it is Mr. Woodruff's duty, as he has taken the oath of office, to accurately perform all such duties in relation to assessing property and levying taxes as prescribed by the City's Charter and the laws of this State. See Section 20 of Chapter V of the Charter, Section 8 of Chapter VII of the Charter; Chapter XIII of the Charter. **Further, he is bound by Section 2-307(a) from disclosing confidential information.** There is nothing unprofessional in checking the accuracy of the granted Disabled Veterans Exemptions, in fact it is his duty to do so if an inquiry were to arise.

What is unprofessional is removing records from Mr. Woodruff's office without permission, barging into Mr. Woodruff's office uninvited, screaming at elected officials, holding oneself out to be the City's FOIA coordinator when he has no authority to do so, refusing to leave Mr. Woodruff's office when asked to do so, and physically attacking Mr. Woodruff; all of which Mr. Drysdale has done.

In regards to violating the law; just as we have seen with Mr. Miller's Complaint, Mr. Drysdale also fails to identify any state or federal law that Mr. Woodruff has violated.

What is unlawful is Mr. Drysdale's actions to harass and seek reprisals against Mr. Woodruff for Mr. Woodruff's actions in attempting to hold the City government accountable through conscientious disclosure of unlawful or improper City policies and actions. Section 2-306. As previously stated, Mr. Woodruff's duty as Assessor requires him to accurately perform all such duties in relation to assessing property and levying taxes as prescribed by the City's Charter and the laws of this State. When the accuracy of his decisions are questioned he has the duty to investigate and take the issue to council if necessary. See Section 2-306(a), Section 20 of Chapter V of the Charter, Section 8 of Chapter VII of the Charter; Chapter XIII of the Charter.

Mr. Woodruff's duty as Assessor includes ensuring the granted Disabled Veterans Exemptions are accurate. Mr. Drysdale's harassing and violent attempts to prevent Mr. Woodruff from investigating the accuracy of the Disabled Veterans Exemptions, Mr. Drysdale's attempts to have Mr. Woodruff punished for violating a nonexistent FOIA policy that applies to councilpeople attempting to carry out their duties, and Mr. Drysdale's efforts in seeking reprisals against Mr. Woodruff are clear violations of Section 2-306(b).

In regards to the City's FOIA policy; the City does not have a policy requiring councilpeople to submit FOIA requests in an effort to carry out their duties just as there is no City policy requiring the City Administrator to submit FOIA requests.¹ It is true records related to the granted Disabled Veterans Exemptions were on a table; however, it is not a violation of the FOIA for the City Assessor to view his own records. Second, the FOIA provides an individual the right to inspect public documents in person and while it allows a public body to exempt certain material, the exemption is not mandatory. MCL 15.233(1) and MCL 15.243(1). Lastly, City Clerk Griggs has even confirmed that he believes there are no protected medical records in the Disabled Veterans Exemptions documents submitted to and/or reviewed by the Board of Review.²

Transparency in government is good public policy that the City should adopt and foster not smother. In general, elected officials can not fulfill their duties and their oath of office without having access to records, public or not, that legitimately pertain to council agendas and legislative actions. This concept has obviously been considered by the City as officials and employees are prohibited from disclosing confidential information. Section 2-307(a).

Mr. Woodruff urges you to dismiss this frivolous, untrue, demeaning, and defamatory Complaint and find that Mr. Woodruff has not violated any provision of Article X of Chapter 2 of the City's Ordinances. Thank you for your time and attention to this matter.

Very truly yours,

LOGAN, HUCHLA & WYCOFF, P.C.

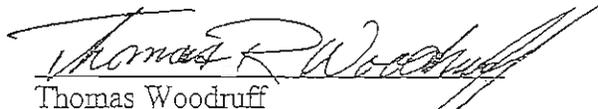


Cassandra L. Booms

"I declare that the above statements are true to the best of my information, knowledge and belief."

Dated:

2/24/2014



Thomas Woodruff

¹ Mr. Todd Drysdale requested "copies of all the documentation used to grant the Veteran's Exemptions" via email on January 15, 2014, from Mr. Woodruff. Mr. Drysdale did not submit a FOIA request, had another employee remove and copy the files before Mr. Woodruff could even respond, and took these actions even though they are completely unrelated to his job description.

² See News Herald, Wednesday, February 5, 2014.

LOGAN, HUCHLA & WYCOFF, P.C.

ATTORNEYS AND COUNSELLORS AT LAW

13900 SIBLEY ROAD

P.O. BOX 2148

RIVERVIEW, MICHIGAN 48193

CHARLES E. WYCOFF
CASSANDRA L. BOOMS

KENNETH J. LOGAN
(1906-2008)

JOHN H. HUCHLA, JR.
(1927-1992)

Telephone
(734) 283-5300

Fax
(734) 407-5229

February 24, 2014

William R. Look, Esq.
City of Wyandotte, City Attorney
2241 Oak Street
Wyandotte, MI 48192

RE: Councilman Daniel Galeski's Response to Standards of Conduct Complaint
Complaint Submitted by Richard Miller

Dear Mr. Look:

Please be advised that this office represents Councilman Daniel Galeski. This correspondence will serve as his response to the Standards of Conduct Complaint submitted by Richard Miller on February 3, 2014, and which was forwarded to Councilman Galeski via correspondence dated February 4, 2014. While Mr. Miller's Complaint is unsigned in violation of Section 2-312(a) and it is unknown whether or not it was filed with the City Clerk as required by Section 2-312(a), I will assume these irregularities were just an inadvertent oversight on your behalf and to avoid undue delay I will treat this Complaint as if it was properly submitted under the Ordinance.

As the integrity of the City's Ordinances and its elected and appointed officials will be scrutinized during this investigation we strongly encourage the City to apply the Ordinances in a fair and consistent manner and to require compliance with all provisions of the Ordinances, including Section 2-312(a).

Section 2-312(a) of the City's Ordinances allows an individual to file a complaint if he believes Article X of Chapter 2 of the City's Ordinances was violated.¹ Mr. Miller's Complaint alleges that Councilman Galeski violated Section 2-308(b), which states:

¹ Section 2-312(a) states that "any individual who believes that a violation exists as prohibited by this article may make a complaint with shall be a written formal signed complaint which shall be filed with the city clerk's office."

No public officer or employee shall act on behalf of the City of Wyandotte in the making of policy statements, in authorizing any action, agreement or contract, or in promising to prevent any further action, when such officer or employee has, in fact, no authority to do so. (emphasis added.)

First, Councilman Galeski has not acted on behalf of the City in making a policy statement without the authority to do so and Mr. Miller has not alleged that he has done so. Second, Councilman Galeski has not acted on behalf of the City in authorizing any action, agreement or contract without the authority to do so and Mr. Miller has not alleged that he has done so. Third, Councilman Galeski has not acted on behalf of the City in promising to prevent any further action without the authority to do so and Mr. Miller has not alleged that he has done so.

To reiterate and emphasize, Councilman Galeski has made no statement, no promise, and has taken no action on behalf of the City.

In fact, Mr. Miller has not alleged that Councilman Galeski did anything on behalf of the City in violation of Section 2-308(b). Instead, Mr. Miller alleges that Councilman Galeski, "without authority to do so. Inspected and read Veterans medical documents in Violation of the laws of this State and the laws of the United States. [sic]"

While Mr. Miller does not indicate which state and federal laws Councilman Galeski allegedly violated it should be noted that a violation of state or federal law is not a proper basis for a complaint made pursuant to Section 2-312.

With no violation of Article X of Chapter 2 of the City's Ordinances alleged it is impossible to respond to Mr. Miller's Complaint. We will, however, assume that this answer will be deemed insufficient for purposes of this investigation and are thus forced to speculate regarding Mr. Miller's Complaint in an effort to defend against his defamatory allegations.

Most important to note is that Councilman Galeski did not violate any state or federal law in questioning Mr. Woodruff, the Assessor, on January 30, 2014 regarding the January 13, 2014 Board of Review Minutes and the Disabled Veterans Exemptions. Councilman Galeski did not view or inspect any of the records regarding the Disabled Veterans Exemptions and there is nothing illegal in Councilman Galeski questioning the accuracy of the Disabled Veterans Exemptions which were granted and which he as a councilman was required to vote on.

As a councilman, it is Mr. Galeski's duty, as he has taken the oath of office, to carry out his functions as councilman as prescribed by the City's Charter and Ordinances. More specifically, the legislative authority of the City is vested in the council, the council controls the City's finances and property, and "the council shall correct any error in the assessment

roll...increase or decrease any assessment” and “shall fully and finally confirm the assessment roll.” See Section 1 of Chapter VI the Charter, Section 10 of Chapter VI of the Charter, and Section 2-45 of the Ordinances. Further as an elected official he “may take part in all proceedings and deliberations of the council” and is bound by Section 2-307(a) from disclosing confidential information. See Section 9 of Chapter VI the Charter.

Since Councilman Galeski, as a councilman, is responsible for the City’s finances and is required to correct and confirm the assessment roll, it is clear that there is nothing illegal in checking the accuracy of the granted Disabled Veterans Exemptions. In fact it is his duty to do so.

In the event there is a question regarding the application of the Michigan Freedom of Information Act you should be aware that Councilman Galeski did not view or inspect any of the records regarding the Disabled Veterans Exemptions. However, even if he had, he would not have been violating the FOIA or a City policy requiring councilpeople to submit FOIA requests in an effort to carry out their duties, as no such policy exists. Most important to note, and City Clerk Griggs can confirm, is that up until this incident Councilman Galeski has always had access to City records, which were relevant to City Council agenda items, without making a FOIA request.

The FOIA does not govern all scenarios regarding the production of public records and it does not limit a councilperson’s access, in their official capacity, to public records. Further, there is no City policy requiring councilpeople to submit FOIA requests in an effort to carry out their duties just as there is no City policy requiring the City Administrator to submit FOIA requests.² Lastly, the FOIA allows a public body to exempt certain material, but does not mandate the exemption. MCL 15.243(1). In other words, the FOIA does not demand exemption and thus there can be no violation for a failure to exempt.

Mr. Miller has also accused Councilman Galeski of violating the Health Information Privacy Act. Because no federal law by this name exists, we will assume he meant the Health Insurance Portability and Accountability Act. There was absolutely no violation of HIPAA since Councilman Galeski did not view or inspect any of the records regarding the Disabled Veterans Exemptions, including any medical records. City Clerk Griggs has even confirmed that he believes there are no protected medical records in the Disabled Veterans Exemptions documents submitted to and/or reviewed by the Board of Review.³

² Mr. Todd Drysdale requested “copies of all the documentation used to grant the Veteran’s Exemptions” via email on January 15, 2014, from Mr. Woodruff. Mr. Drysdale did not submit a FOIA request, had another employee remove and copy the files before Mr. Woodruff could even respond, and took these actions even though they are completely unrelated to his job description.

³ See News Herald, Wednesday, February 5, 2014.

William R. Look, Esq.
City of Wyandotte, City Attorney
February 24, 2014
Page 4 of 4

Councilman Galeski urges you to dismiss this frivolous, untrue, demeaning, and defamatory Complaint and find that he has not violated any provision of Article X of Chapter 2 of the City's Ordinances. Thank you for your time and attention to this matter.

Very truly yours,

LOGAN, HUCHLA & WYCOFF, P.C.



Cassandra L. Booms

"I declare that the above statements are true to the best of my information, knowledge and belief."

Dated: 02-24-14



Councilman Daniel Galeski

LOGAN, HUCHLA & WYCOFF, P.C.

ATTORNEYS AND COUNSELLORS AT LAW

13900 SIBLEY ROAD

P.O. BOX 2148

RIVERVIEW, MICHIGAN 48193

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KENNETH J. LOGAN

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JOHN R. HUCHLA, JR.

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February 24, 2014

Fax

(734) 407-5229

William R. Look, Esq.
City of Wyandotte, City Attorney
2241 Oak Street
Wyandotte, MI 48192

Re: Councilman Daniel Galeski's Response to Standards of Conduct Complaint
Complaint Submitted by Todd A. Drysdale

Dear Mr. Look:

Please be advised that this office represents Councilman Galeski. This correspondence will serve as his response to Mr. Todd Drysdale's Memorandum dated January 31, 2014 and which was forwarded to him via correspondence dated February 3, 2014. It is clear that this Memorandum does not state anywhere that it is intended to be a written formal signed complaint pursuant to Section 2-312(a) and it is unknown whether it was filed with the City Clerk as required by 2-312(a); however, we understand from Mr. Look's February 3, 2014 correspondence that he is treating it as a complaint made pursuant to Section 2-312(a) and thus to avoid unnecessary delay we will treat this Memorandum as if it were a Complaint properly submitted under the Ordinance.

As the integrity of the City's Ordinances and its elected and appointed officials will be scrutinized during this investigation we strongly encourage the City to apply the Ordinances in a fair and consistent manner and to require compliance with all provisions of the Ordinances, including Section 2-312(a).

Section 2-312(a) of the City's Ordinances states:

Any individual who believes that a violation exists as prohibited by this article may make a complaint which shall be a written formal signed complaint which shall be filed with the city clerk's office.

Mr. Drysdale's Memorandum does not allege that Councilman Galeski violated any provision of Article X of Chapter 2 of the City's Ordinances. It is impossible to respond to this "Complaint," made pursuant to Section 2-312(a) when no violation of Article X, Chapter 2 is alleged. In other words, there is no alleged violation to respond to.

Assuming that the answer stated above will be insufficient for the purposes of this investigation, we will speculate that Mr. Drysdale's "Complaint" does not concern Article X of Chapter 2 but instead is meant to complain about the "sheer unprofessionalism of the parties in ignoring professional advice from City staff, failure to review and follow the law, and failure to follow the FOIA policy adopted by the City Council." It should be noted that none of these allegations are a proper basis for a complaint made pursuant to Section 2-312.

In regards to the allegations of unprofessionalism; as a councilman who has taken the oath of office, Councilman Galeski is responsible for the City's finances, is required to correct and confirm the assessment roll, and is bound by Section 2-307(a) from disclosing confidential information. See Section 10 of Chapter VI of the Charter and Section 2-45 of the Ordinances. There is nothing unprofessional in checking the accuracy of the granted Disabled Veterans Exemptions, in fact it is his duty.

What is unprofessional is removing records from the Assessor's office without permission, barging into the Assessor's office uninvited, screaming at elected officials, holding oneself out to be the City's FOIA coordinator when he has no authority to do so, refusing to leave the Assessor's office when asked to do so, and physically attacking the Assessor; all of which Mr. Drysdale has done.

In regards to violating the law; just as we have seen with Mr. Miller's Complaint, Mr. Drysdale also fails to identify any state or federal law that Councilman Galeski has violated.

What is unlawful is Mr. Drysdale's actions to harass and seek reprisals against Councilman Galeski for Councilman Galeski's actions in attempting to hold the City government accountable through conscientious disclosure of unlawful or improper City policies and actions. Section 2-306. As previously stated, Councilman Galeski's duty as a councilman makes him responsible for the City's finances and requires him to correct and confirm the assessment roll. When the accuracy of his decisions are questioned he has the duty to investigate and take the issue to council if necessary. See Section 2-306(a).

Councilman Galeski's duty as a councilman includes ensuring the granted Disabled Veterans Exemptions are accurate as these exemptions have a direct impact on the City's finances and the assessment roll. Mr. Drysdale's harassing and violent attempts to prevent Councilman Galeski from investigating the accuracy of the Disabled Veterans Exemptions, Mr. Drysdale's attempts to have Councilman Galeski punished for violating a nonexistent FOIA policy that applies to councilpeople attempting to carry out their duties, and Mr. Drysdale's efforts in seeking reprisals against Councilman Galeski are clear violations of Section 2-306(b).

In regards to the City's FOIA policy; the City does not have a policy requiring councilpeople to submit FOIA requests in an effort to carry out their duties just as there is no City policy requiring the City Administrator to submit FOIA requests.¹ In fact, Councilman Galeski, and City Clerk Griggs can confirm, up until this incident, has always had access to City records, which were relevant to City Council agenda items, without making a FOIA request.

While, the FOIA allows a public body to exempt certain material, it does not mandate the exemption. MCL 15.243(1). In other words, the FOIA does not demand exemption and thus there can be no violation for a failure to exempt. Lastly, City Clerk Griggs has even confirmed that he believes there are no protected medical records in the Disabled Veterans Exemptions documents submitted to and/or reviewed by the Board of Review.²

Transparency in government is good public policy that the City should adopt and foster not smother. In general, elected officials can not fulfill their duties and their oath of office without having access to records, public or not, that legitimately pertain to council agendas and legislative actions. This concept has obviously been considered by the City as officials and employees are prohibited from disclosing confidential information. Section 2-307(a).

Councilman Galeski urges you to dismiss this frivolous, untrue, demeaning, and defamatory Complaint and find that he has not violated any provision of Article X of Chapter 2 of the City's Ordinances. Thank you for your time and attention to this matter.

Very truly yours,

LOGAN, HUCHLA & WYCOFF, P.C.



Cassandra L. Booms

"I declare that the above statements are true to the best of my information, knowledge and belief."

Dated: 02-24-14


Councilman Daniel Galeski

¹ Mr. Todd Drysdale requested "copies of all the documentation used to grant the Veteran's Exemptions" via email on January 15, 2014, from Mr. Woodruff. Mr. Drysdale did not submit a FOIA request, had another employee remove and copy the files before Mr. Woodruff could even respond, and took these actions even though they are completely unrelated to his job description.

² See News Herald, Wednesday, February 5, 2014.

OFFICIALS

William R. Griggs
CITY CLERK

Todd M. Browning
CITY TREASURER

Thomas R. Woodruff
CITY ASSESSOR



JOSEPH PETERSON
MAYOR

COUNCIL

Sheri M. Sutherby-Fricke
Daniel E. Galeski
Ted Miciura Jr.
Leonard T. Sabuda
Donald C. Schultz
Lawrence S. Stec

March 13, 2014

William R. Look, City Attorney
2241 Oak Street
Wyandotte, Michigan 48192

RE: PA 1.61- 2013

Dear Mr. Look:

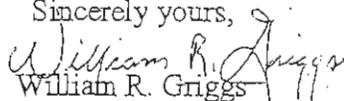
In response to your request for information relative to the internal incident that occurred on Thursday, January 30, 2014 between Mr. Drysdale, City Administrator; Mr. Woodruff, City Assessor; and Mr. Galeski, Councilman in the Assessors Office; on the 2nd floor; 3200 Biddle Avenue, Wyandotte, Michigan.

The undersigned met Mr. Drysdale on the 3rd floor of City Hall on the above date where based on observation, he appeared extremely distraught. He indicated that an incident with the City Assessor and Councilman Galeski, had just occurred in the office of the Assessor, at which time he was advised by the Assessor to leave his office and was physically pushed along with the door being slammed into his chest by the Assessor.

Following the above discussion, Mr. Drysdale informed the undersigned that he would file a formal complaint, with myself as the FOIA Director against the Assessor and Councilman Galeski.

I left Mr. Drysdale's office and went directly to the Assessors Office. Upon entering, I viewed Councilman Galeski reviewing a file sitting on his lap. Due to the chaos I assumed he was inspecting the Veterans Affidavits, for property tax exemptions, required under P.A. 161 of 2013. However, since I did not see the contents of the file, or view any markings on the outside of the file I have no idea what Councilman Galeski was reading and/or inspecting. The Assessor only indicated that he had asked Mr. Drysdale to leave his office; wherein I informed all parties that this issue is out of control, and left the office.

Sincerely yours,


William R. Griggs

City Clerk

March 11, 2014

Mayor Peterson
3200 Biddle Ave, Ste 300
Wyandotte MI 48192

Mayor Joseph R. Peterson,

On January 30, 2014 at about 3:30pm I was working at Christine Kuhn's desk in the cubical in front of Assessor Woodruff's office pulling property cards for updating drawings. Councilman Galeski was in Assessor Woodruff's office. Assessor Woodruff asked me for the Veteran's Exemption files from the December Board of Review. I told him that the files were no longer in my office that they were in the lateral files in his own office. He went to his office and took the files out and handed them to Councilman Galeski who placed them on the edge of the desk in front of him and opened the files. I went back to my office then and didn't see anything more of what they were looking at at the time.

Sincerely,

A handwritten signature in cursive script that reads "Susan L. Walker". The signature is written in dark ink and is positioned below the word "Sincerely,".

Susan L. Walker

Julie Sadlowski

From: James Macek [pumperdog2003@yahoo.com]
Sent: Monday, March 10, 2014 6:43 PM
To: mayor@wyan.org

Honorable Mayor Joseph Peterson,

I am a US veteran receiving a 100% disability rating through the VA and I also filed for the tax exemption granted by the State of Michigan. After watching the replay of the city council meeting where Mr. Patrick talked about the tax break given to disabled veterans I became concerned about the privacy of the information I gave pertaining to this matter.

I called the city Assessors office a few days later to discuss my concerns with him about this matter. I was told he was not in his office at that time and I asked for him to call me at his convenience. Mr. Woodruff called me back the next morning. During our conversation I stated my concerns about the privacy of the information I filed. I questioned who has access to this information Mr. Woodruff told me the board of review has to verify my claim and they have access to information I filed. I also asked if anyone else has access to my file and he stated anyone has access to the affidavit but the city council has access to any information because they have the right as an elected official. Mr. Woodruff also stated that councilman Galeski asked to see the files and he gave the councilman permission to do so. I let Mr. Woodruff know my feelings on this issue by saying I didn't think any council member has the right to see personnel papers I or any other person has filed(ex. DD214 VA award letter)

I thanked him for his time and ended our conversation.

Thank you,
James Macek
1049 6th
Wyandotte Mi


Attachment 7

Julie Sadlowski

From: Rick Thornton [rjthornton01@hotmail.com]
Sent: Monday, March 10, 2014 6:01 PM
To: mayor@wyan.org
Subject: Fw: Stop Government Tyranny
Attachments: To whom it may concern.docx; To Whom it May Concer1.docx

Sent from Windows Mail

From: Rick Thornton
Sent: Monday, March 10, 2014 5:39 PM
To: mayor@wyan.org

Sent from Windows Mail

From: Jack Cunningham via Causes
Sent: Monday, March 10, 2014 11:09 AM
To: Rick Thornton

A message from the campaign



"Americans Working Together" To STOP The
War On The U.S. Constitution And Other
American Values

Stop Government Tyranny

Stop Government Tyranny

Pledge to call your members of Congress
<http://links.causes.com/s/clQnju?r=P9Ni>



To whom it may concern,

3/10/2014

One afternoon a couple of weeks ago I received a call from Tom Woodruff, city assessor and longtime friend. Tom, explained to me that he was sitting in his office going over the files of the disabled veteran's that are eligible for the property tax exemption and that Dan Galeski, city councilmen was also in his office I said OK but why was Galeski in the office? Tom said he was entitled to see the files because he suspected wrong doing and that unfortunately my file was on top of the pile. Tom called me to tell me about this incident before it came from anyone else because of our friendship. He said he had also called a couple of other guys that he knew to let them know of what happened with their files and the incident with Galeski. Then Tom told me about someone coming into his office yelling at him about the files being on his desk with Galeski there and he and Tom got in to a shoving match and that Tom was knocked to the floor and that Tom was filing charges against this person. Then Tom told me I would probably hear from Richard Miller. I said, oh great, I know Richard Miller and I told Tom a story of when Richard use to help us with our RHS Alumni Wild Game Dinner Charity Events. I said thanks for calling me and that I would talk to you later.

Rick Thornton

To Whom it May Concern:

After Rick received a phone call from Tom Woodruff, he told me what was said. We also found the letter in the mail box we received from Richard Miller so I had a lot of questions and proceeded to call Tom back.

I asked him to repeat what he had told Rick which was that he had called to let us know that he had shown our records concerning the tax exemption to Dan Galeski, a Wyandotte City Councilperson. I asked what right did Galeski have seeing them and Tom said because he was an elected official he could see them. I asked him about our privacy and he said Dan was "investigating" an issue of possible fraudulent filing. He said he had tried to assure Dan that he knew half the applicants and there was no fraud but Dan insisted so he showed the records to him and he wanted us to know that Rick's records were on the top of the pile so were seen for sure and he wanted us to hear it from him. He also told me that the city administrator had interrupted his meeting with Galeski and was screaming like a maniac and pushed him (Woodruff) and he had filed assault charges.

I questioned him again about privacy of our records and that there was a lot of very personal information in those papers and he again assured me that Galeski had a right to see them but that he had put in place a policy for future filings that any personal information that wasn't needed to apply would be blackened out at the time of application so this didn't happen again. I told him I thought that was a great idea as I wasn't comfortable having that info laying around for anyone to see.

Since he had mentioned the letter that Richard Miller had send to us when he spoke to rick prior to speaking to me I advised him we had received it and he laughed and said that wasn't it amazing that Richard knew all about the situation and wasn't even there? He also made some comments about the mayor being a "pencil pusher" when he was in the military and he didn't understand how he had become disabled to which I replied I had no clue.

Tom at some point told me he was not going to the upcoming council meeting at the advice of his attorney. He also assured me that he wouldn't do anything to hurt the vets and reminded me he was one himself and wanted only good for them.

The conversation was approximately 5 minutes long. We had more to say about the above but remembering exact words is not possible but the gist I have stated above. If asked a direct question about the conversation, I would probably remember if it was discussed or not.

Sincerely,

Bonnie Thornton



WAYNE COUNTY VETERAN SERVICES DIVISION
28 W. ADAMS, SUITE 1710, 17TH FLOOR, DETROIT, MICHIGAN 48226
(313)224-5045 FAX (313)224-8179
DIVISION DIRECTOR
T. F. SCHIELEIN, 1STSGT, USMC (RET)



10 March 2014

From; Troy F. Schielein Sr., Director, Wayne County Veterans Services

To; Mr. Joseph Peterson, Mayor, Wyandotte Michigan

Via; Mr. Kevin Kelley, Director, Wayne County Seniors and Veterans Services

Subj: STATEMENT IN REGARD TO JOE PETERSON AND HIS VA PENSION INQUIRY

Good evening sir,

I Troy F. Schielein, Division Director make this statement voluntarily and at my own free will. The following are the facts as I know them to be true;

1. I was approached by Mr. Thomas Woodruff and I was asked if I could validate/confirm a 100% disability rating for the Mayor. I stated that I did not have access but I would contact the Vietnam Veterans Service Officer, Phil Smith.
2. It was my assumption that Mr. Woodruff was inquiring due to being the tax accessor for Wyandotte and due to the new property tax exemption for 100% disabled Veterans, he needed to confirm.
3. At no time did Mr. Woodruff inquire about Mr. Peterson's detailed medical information. He only desired a confirmation on the 100% disability rating.
4. We did have a conversation between one another related to the Bronze Star awarded to Mr. Peterson. Mr. Woodruff had wondered how a non-infantry MOS service member would rate that award. I simply stated that there are 2 categories of the Bronze Star...with or without Valor. Mr. Woodruff did not ask me to have any records researched related to this award.
5. I contacted Phil Smith, the Director of the Vietnam Veterans of American in Detroit. I asked if he would be able to verify the rating on the disability. Phil Smith informed me to acquire a name and SSN and he would look it up.
6. Phil Smith called me to inform me that yes the rating was indeed 100%. During this conversation, Phil Smith without a request, informed me in detail of Mayor Peterson's personal medical information to include the additional compensation for being 'homebound.'
7. This HIPPA information was at no time requested from myself.
8. In any case that anyone would request that information, it is the responsibility of the individual given the authority to research a Veteran's record to deny that information being provided.
9. Phil Smith is the only representative involved that had and still has the authority to open Mayor Peterson's VA file. As the Director, I will not have the training or the authority to handle VA pension claims until mid June of this year.
10. When I informed Mr. Woodruff of the confirmation on the rating, there have been no further requests from Mr. Woodruff or any discussion related to this situation.

In closing, I as the Division Director of Wayne County Veterans Services am serving in a capacity to ensure that all Veterans are provided all the assistance they have earned. From the knowledge that is known to me, Mr. Peterson has more than earned his benefits having served as a Veteran of the Vietnam War. Both Mr. Peterson and Mr. Woodruff have always been very gracious to me and any support I need in reference to supporting our Veteran Community.

I will also add that as a fellow Veteran, I believe it to be a shame that any Veteran's as a Corps of America's freedom providers, are experiencing any conflict between one another. We have fought our hellish wars; some of us decades ago and some of us only a few years ago. Vietnam Veterans stood shoulder to shoulder, put aside any differences and no matter what some political statistic may claim, Vietnam Veterans won those battles...day in and day out. Upon their return they endured treatment from their fellow Americans that is merely a disgrace and a huge 'black eye' to our history as Americans. It is because of that experience, that Vietnam Veterans once again stood shoulder to shoulder and fought another enemy..."both foreign and domestic" to ensure Veterans such as myself would never be treated in such a manner.

The last thing that should ever divide any comrade is a lack of brotherly support for each Veteran's service or any politically related agenda. That within itself would be a shame. I see all involved parties great Americans and heroes to this great Nation. Semper Fidelis

Sincerely,

Troy F. Schielein Sr.

Troy F. Schielein Sr, 1stSgt/USMC (ret)
Director of Wayne County Veteran Services

OFFICIALS

Thomas Woodruff
CITY ASSESSOR

William R. Griggs
CITY CLERK

Todd M. Browning
TREASURER



JOSEPH R. PETERSON
MAYOR

COUNCIL

Sheri M. Sutherby-Fricke
Daniel E. Galeski
Tadeusz Miciura Jr.
Leonard T. Sabuda
Donald Schultz Jr.
Lawrence S. Stec

DATE: March 18, 2014
TO: City Attorney William Look
FROM: Mayor Joseph R. Peterson
SUBJECT: Veteran's Property Tax Exemption

On January 30, 2014, I received a call from Todd Drysdale, City Administrator, who reported to me a disturbance that occurred in the City Assessor's Office. He indicated to me that the issue became very heated and it occurred as a result of him witnessing Councilman Dan Galeski reviewing the documentation submitted by veterans who were approved for the property tax exemption. He indicated that the incident included a verbal tirade which concluded with Tom Woodruff, City Assessor, pushing the door closed on him.

On January 31, 2014, I called Tom Woodruff relative to this incident. He indicated to me that the City Administrator had come to his office "like a bull" and was questioning his decision to allow Councilman Dan Galeski access to the veteran's files. I asked why he thought that the City Administrator was upset about the incident and he responded by stating that he was earlier advised by the City Administrator to have the councilperson file a Freedom of Information request for the documents but he didn't think that the councilperson should have to. Tom Woodruff stated that he felt that the councilman was entitled to the information because he had taken an oath of office so he allowed him to review the files in his office. He also said that he went to the police station that morning and filed a complaint against the City Administrator for pushing him.

I later received information from David Polczynski that Tom Woodruff had made contact with the Vietnam Veterans of America (VVA), for the purpose of questioning my 100% disability and asking information about the nature of my disability. After receiving this information, I called Phil Smith of the VVA who confirmed that an inquiry was made about my disability. He stated that the person who called was First Sergeant Troy Schielein. Mr. Smith provided me the contact information for Troy Schielein.

Memo to City Attorney
Veteran's Property Tax Exemption
Pg. 2

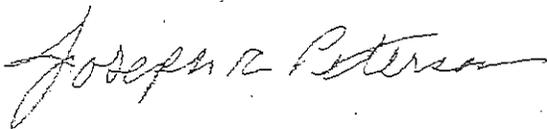
I then called First Sergeant Troy and asked why he was inquiring about my disability. He indicated that he sits on the Wayne County Board for Veterans along with Tom Woodruff. He said that Tom Woodruff asked him to check on my disability. Troy indicated that he did not have the access to this information but did contact Phil Smith who provided the information. When I asked Troy why Tom wanted this information, he replied that Tom stated that he was investigating my 100% disability. Troy also indicated that Tom Woodruff also inquired as to how I could have earned a Bronze Star with a classification of a clerk typist.

I informed Troy that he violated my privacy. Troy responded that he realizes that fact now and stated that he didn't know why Tom Woodruff would put him in that position. I requested that Troy cease from releasing any more of my personal information. I also asked Troy to have Tom Woodruff removed from the Wayne County Veterans Board for violating my privacy. Troy indicated that he would have to report the incident to his Lieutenant Colonel. Subsequently, I received a telephone call from Kevin Kelly who is the supervisor of the Wayne County Veterans Board. He indicated that he would check into the issue with the person who appointed him to the board. That action satisfied me.

My concern is that Tom Woodruff could only receive the information he based his inquires on by looking at my DD 214 which was supplied as a part of my application for the Veteran's property tax exemption. This information would have had my MOS and the fact that I received a Bronze Star for my service. The only pertinent information that Tom Woodruff should have reviewed was the affidavit that was attached to my property tax exemption. I feel that Tom Woodruff violated the Privacy Act and HIPAA law for inquiring about this information. Since that time, I have spoken to other veterans and their spouses about this invasion of privacy. One person, Bonnie Thornton, stated that Tom Woodruff stated that I was nothing but a "pencil-pusher in Vietnam". This is clearly evidence that Tom Woodruff is sharing personal information that can only be derived from my DD 214 with other parties.

In closing, it should be noted that all of this "investigation" was conducted AFTER the approval of my property tax exemption. It is obvious that this inquiry has nothing to do with Tom Woodruff's position as City Assessor but is a blatant invasion of my privacy and federal laws.

Respectfully,



Joseph R. Peterson
Mayor

LOOK, MAKOWSKI AND LOOK

PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS AT LAW

2241 OAK STREET

WYANDOTTE, MICHIGAN 48192

(734) 285-6500

FAX (734) 285-4160

WILLIAM R. LOOK
STEVEN R. MAKOWSKI

RICHARD W. LOOK
(1912 - 1993)

March 20, 2014

Daniel Galeski
c/o Casandra L. Booms

Thomas Woodruff
c/o Casandra L. Booms

Todd Drysdale

Richard Miller

Re: Notice of Determination Concerning Complaints Filed by Todd Drysdale and Richard Miller Against Thomas Woodruff and Daniel Galeski

Under Article X "Standards of Conduct and Disclosure Statements for Elected Officials, Appointees, and Department Heads", of the City Code of Ordinances, I received complaints addressed to the City Clerk by Todd Drysdale and Richard Miller against Councilman Daniel Galeski and the City Assessor, Thomas Woodruff. The nature of the complaint is that on January 30, 2014, Mr. Drysdale stated he observed Councilman Galeski with an open file in front of him with a stack of stapled papers in the Assessor's office and the Assessor was sitting across from Mr. Galeski. Mr. Drysdale upon glancing at the file noticed it was the complete file with the Veteran's Exemption information.¹

Mr. Drysdale states he asked the Assessor whether he had given the file to Councilman Galeski and also asked whether the Assessor had redacted the exempt information. Mr. Drysdale's complaint states the Assessor admitted providing the file to Councilman Galeski and indicating he did not redact any material. Mr. Drysdale says he asked Councilman Galeski if he filed a FOIA request and says Councilman Galeski waived his left hand and said "Here is my FOIA."

By way of background, Mr. Drysdale indicated that on January 29, 2014, he was advised by Susan Walker from the Assessor's office that Councilman Daniel Galeski was requesting to see documentation associated with the Board of Review actions regarding Veteran's Exemption for disabled Veterans. Mr. Drysdale indicated he advised her that Councilman Galeski should file a Freedom of Information Request.

Councilman Daniel Galeski and City Assessor, Thomas Woodruff, filed written responses to both complaints (attachments 1-4) and each of them stated in part:

¹ While not stated in Mr. Drysdale's complaint, the response of Councilman Galeski to the complaint filed by Todd Drysdale on page 3 (footnote 1) indicates Mr. Drysdale had previously requested from the City Assessor copies of all documents used to grant veterans exemptions via e-mail from the City Assessor and had an employee remove and copy the files. Apparently Mr. Drysdale had familiarity with the file in question.

“Councilman Galeski did not view or inspect any of the records regarding Disabled Veteran’s Exemptions...”

City Assessor, Thomas Woodruff also stated at the council meeting on March 10, 2014, that he never disclosed the Veteran’s Exemption files to anyone.

Each respondent indicates that they did not violate the ordinance in question or any state or federal law and that Councilman Galeski did not view or inspect any of the records regarding Disabled Veterans Exemptions. The responses also assert the city’s FOIA Policy does not require a councilman to submit a FOIA request.

City Clerk, William R. Griggs, submitted a written summary of the events (attachment 5) which indicates right after the events described in the complaint and responses that occurred on January 30, 2014, he viewed Councilman Galeski reviewing a file on his lap in the Assessor’s Office. Mr. Griggs did not see the contents of the file or view any markings on the file and cannot say what Councilman Galeski was reading.

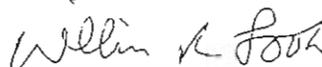
Susan L. Walker submitted a written statement (attachment 6) which indicates on January 30, 2014, while Councilman Galeski was in the Assessor’s office, the City Assessor asked her for the Veteran’s Exemption files and she indicated the files were in the Assessor’s office. She stated she observed the Assessor take the files and hand them to Councilman Galeski who placed the files on the desk in front of him and opened the files.

I have also received the attached communications concerning statements alleged to have been made by City Assessor, Thomas Woodruff, regarding the veteran’s files to third parties:

- A) James Macek (March 10, 2014 - attachment 7)
- B.) Rich Thornton (March 10, 2014 - attachment 8)
- C.) Bonnie Thornton (undated – attachment 9)
- D.) Troy F. Schielein, Sr. (March 10, 2014 – attachment 10)
- E.) Mayor Joseph Peterson (March 18, 2014 – attachment 11)

DETERMINATION

Due to the varying accounts provided to my office of what took place, it is my determination that pursuant to Sec. 2-312(a)(3)(4) that this matter should be referred to the Chief of Police to conduct an investigation concerning whether the Veteran’s Exemption files and/or their contents were provided to Councilman Galeski by Assessor, Thomas Woodruff, and if so, whether the City Assessor first redacted any personal information that by law is exempt from disclosure, and whether Councilman Galeski viewed the contents of the files. If this determination that an investigation is warranted is not appealed to the City Council within ten (10) days, then this matter will be referred to the Chief of Police for an investigation. The results of the investigation would then be forwarded to my office for review.



William R. Look, City Attorney

MAYOR
Joseph R. Peterson

CITY CLERK
William R. Griggs

TREASURER
Todd M. Browning

CITY ASSESSOR
Thomas R. Woodruff



CITY COUNCIL
Sheri Sutherby Fricke
Daniel E. Galeski
Ted Miciura, Jr.
Leonard T. Sabuda
Donald C. Schuitz
Lawrence S. Stec

DANIEL J. GRANT
CHIEF OF POLICE

TO: William R. Look, City Attorney

DATE: August 1, 2014

FROM: Daniel J. Grant, Chief of Police

SUBJECT: STANDARDS OF CONDUCT COMPLAINT FILED AGAINST ELECTED
CITY OFFICIALS

INFORMATION:

On Friday June 27, 2014 at 10:45 am, we met at the Wyandotte Police Department in the administrative offices. The purpose of our meeting was to discuss a Standards of Conduct complaint which was filed by City Administrator Todd Drysdale and resident Richard Miller in relation to allegations that the City Assessor Thomas Woodruff had released documents to City Councilman Daniel Galeski which contained confidential information relating to military veterans exemptions of property taxes. I was familiar with the case as a result of a criminal complaint being filed relative to the same incident as highlighted in Wyandotte Police Department case 14-0415. Prior to our meeting, I was aware that complaints had been filed in accordance with our Standards of Conduct ordinance in relation to this incident yet had never observed the documents and was unaware of their content.

The complaints were reviewed and we agreed that the appropriate section of the City of Wyandotte ordinance which is applicable to the complaints would be section 2-307 (a) which states:

Sec. 2-307. Public officials or employees; disclosure of information.

(a)

No public officer or employee shall divulge to any unauthorized person confidential information acquired in the course of holding his or her position in advance of the time prescribed by the governmental body for its authorized release to the public, except as otherwise required or permitted by law.

You provided me with copies of the ethics complaints, correspondence from witnesses involved in this matter, and letters from Attorney Cassandra L. Booms who represents City Assessor Tom Woodruff and City Councilman Dan Galeski.

INVESTIGATION:

Despite this complaint being filed on January 31, 2014, there was a delay in the matter being referred to the Police Department for investigation as one of the respondents, Daniel Galeski, had some significant health issues and was hospitalized for several months. It is my understanding that the City Attorney had contact with the Attorney representing both respondents and it was agreed to delay this matter until Councilman Galeski's health had improved at which time further inquiry into this incident could possibly be made.

As this matter is assigned to the Wyandotte Police Chief in accordance with the ordinance, it is my intentions to attempt to have taped interviews of the pertinent witnesses in this matter and have transcripts of the interviews completed and added to this investigative document. Once the interviews are completed, the results of the investigation will be "referred back to the city attorney for review and recommendation with a copy to the complainant and respondent", which is in accordance with the city ordinance.

INTERVIEW TODD DRYSDALE – CITY ADMINISTRATOR – JULY 2, 2014:

Grant: Today's date is July the 2nd, 2014 and the time is 11:15 a.m. I am Daniel Grant, Chief of Police, for the City of Wyandotte and in the room with me is City Administrator, Todd Drysdale. Could you please identify yourself for the record please.

Drysdale: Todd Drysdale, City Administrator.

Grant: We are located in the Administrative conference room on the 3rd floor of the City Hall and the purpose of today's interview is to briefly review the complaint that was filed for the ethics violation in relation to an incident that occurred on Thursday, January the 30th 2014. I do have several statements that I had obtained that are included in the written complaint that was filed by the City Administrator, Todd Drysdale and filed with the City Clerk for the City of Wyandotte in compliance with the City ordinance. Also, I have statements that pertain to this incident that are included in a police report taken by the Wyandotte Police Department in relation to allegations of an assault as highlighted under Mich... or under the police report number 14-0415 which was filed by the City Assessor on January the 31st 2014. There are several things I want to clarify on this that relate to the documents as noted in the ethics complaint. So, I will focus primarily on the information that was obtained in the information from January the 30th 2014 and, one of the things I wanted to indicate to you as the City Administrator, are your role, is your role as the City Administrator, and in your job description, can you highlight or do you know off the top of your head basically what your role

would be in relation to documents for the City of Wyandotte in relation to a FOIA, things along that line?

Drysdale: My, one of my responsibilities would be to enforce all the charter ordinance, resolution requirements and policy requirements established by the City government or the City Council in that matter. And we do have a FOIA policy that which was adopted by the City Council. So, under my job description is my responsibility to ensure that they're enforced properly.

Grant: And the FOIA policy does that in fact make the City Clerk's Department basically the clearing house for all FOIA requests submitted to the City of Wyandotte?

Drysdale: Yes, the City Clerk is identified as our FOIA Coordinator in accordance with the law.

Grant: And in your role as City Administrator, is it part of your job to be familiar with law, a law such as FOIA and to be up on the rules in relation to FOIA and submission of documents?

Drysdale: That's correct.

Grant: This rule or the rules relating to the Freedom of Information Request are applicable to not only residents, but would also include, in your opinion, all employees and appointees and politicians of the City of Wyandotte?

Drysdale: In, in my opinion, yes, and in enforcing the FOIA law we always err on the side of conservatism. So, if you're unsure who it applies to we always request that a FOIA be filed.

Grant: So, any Department head, any employee an, anybody that's involved with the City of Wyandotte, they don't have exemptions to FOIA regardless of being elected to office, such as a Mayor or City Council?

Drysdale: Not in my opinion and I believe if anyone has that opinion they would certainly have a desire to abuse the law.

Grant: And the information that many times can be found in documents that are held by the City of Wyandotte, despite somebody being elected to office those are, are concerns many times that are privacy matters so there are no exemptions in your opinion?

Drysdale: Not for an elected official, no.

Grant: Ok. Speaking specifically the documents here that cause concern in your complaint, how would you label those documents or what are the descriptions of these documents?

Drysdale: I, I would label them the requests for property tax exemption for the veterans, eligible veterans of the City. And it really is information submitted in accordance with the law that was passed in October of 2013 which would allow an eligible veteran of the United States military service to not have to pay local property tax.

Grant: Do you know off the top of your head how many veterans in the City of Wyandotte have fallen into that role and have been allowed that exemption?

Drysdale: I, I believe there was either 14 or 15 that were granted that exemption in January of 2014.

Grant: Ok, and somewhere it came to your knowledge that specifically, City Councilman, Dan Galeski, had an interest in finding information from those documents?

Drysdale: Yes.

Grant: And how did that come about to your knowledge?

Drysdale: I, I received a phone call from the Deputy Assessor, Susan Walker, on Wednesday the 29th of January inquiring what to do in a matter because Councilman Galeski had approached her and wanted to review the veterans' files. So, I was, I had advised her to have him file a Freedom of Information request and we would process it in accordance with our policy.

Grant: Ok. Do you know if, do you have any direct knowledge that you told Councilman Galeski or the City Assessor Tom Woodruff directly that they are in violation of presenting those documents unless a FOIA is presented and the proper information is redacted?

Drysdale: I, I did not have the conversation with them after advising Ms. Walker, of what they should do. I had a subsequent conv, subsequent conversation the next day with the City attorney and the City Clerk who both indicated that they had a sit down meeting with Mr. Galeski and Mr. Woodruff and concurred with the opinion that they should file a FOIA.

Grant: Do you have any idea exactly what they were looking for in those files?

Drysdale: I, I have a hunch what they were looking for but I never had a conversation with them regarding their desire or with Mr. Galeski regarding his desire to review them or Mr. Woodruff's desire to release that information. So

Grant: Ok, the afternoon of Thursday, January the 30th, you had an occasion to go into the Assessor's office because you received information that they were reviewing those files. Correct?

Drysdale: I was on the 2nd floor, in the afternoon on the 30th and I saw Councilman Galeski in the City Assessor's office. I peaked my head in there and said "what are you doing?" and then that's when the uh, it kind of escalated to a point of no return.

Grant: I know in your complaint that you filed in accordance with the ordinance relating to the ethics violation, you made a statement that there was a response to you, you know what I'm looking at.

Drysdale: Correct.

Grant: Who made that response? Was that the Assessor or the Councilman?

Drysdale: Councilman Galeski.

Grant: Ok. And you asked basically if he had a FOIA request and what was the response?

Drysdale: He, he flippantly raised his left hand, I'm not so sure if there was anything in his left hand or if an envelope was in his left hand but he, he raised his left hand and said here's my FOIA request right here.

Grant: Have you ever seen a Freedom of Information Request signed by Councilman Galeski for any of the information that he was requesting?

Drysdale: No.

Grant: So, you know, have no knowledge of any existence of any such request?

Drysdale: No.

Grant: When you were in the room can you say with certainty what they were looking at or were you close enough to see the file or how can you identify it?

Drysdale: It, it clearly was the veterans' file. I had reviewed that file probably a week and a half earlier in response to a number of allegations I received that the City Assessor or the Board of Review was granting those exemptions to people who didn't deserve them. So, I believe it was on, uh, January 20th or so I had requested from the City Assessor to review those files to ensure that there was no, there was no problems with the granting of the exemptions that were approved by the Board of Review and subsequently by City Council. So, I know exactly what that file looks like and Councilman Galeski was reviewing that file.

Grant: That file, was it in a manila folder, was it in a hanging file

Drysdale: it wa

Grant: or was it labeled on the outside?

Drysdale: It was a, just a manila folder. It had a number of black paper clipped sections inside the file for each of the applicants. And he probably had two or three of them on the left side presumably already reviewed while he was reviewing another one right in front of him.

Grant: So, you're absolutely certain that that was the file containing the veterans' exemption files?

Drysdale: Absolutely. And obviously to me they confirmed it by admitting that's what they were looking at an you know Mr. Woodruff indicated after a direct response or a direct question from me. I asked him if he had given that file to Mr. Galeski, and he said I can do what I want and I asked him if he redacted the information that was ineligible or exempt from disclosure and he again says I can do whatever I want.

Grant: What information on there would you feel would be exempt from disclosure?

Drysdale: Social security numbers, there was, I don't know if it's confidential but I would assume that some of these people wouldn't want their medical information disclosed to random people. So there was, there was medical diagnosis from the VA in those documents. Those primarily were the two items that, that I noticed would not be eligible for disclosure. And the law specifically says the only items eligible for disclosure under the Veteran's Exemption Act is the affidavit, affidavit filed saying that they met, met the requirements of the exemption. So...

Grant: In your review I believe you said you thought it might've been on January the 20th, did you find any forms in that file that did indicate that there were people given the exemption that had not earned it?

Drysdale: No. There, everything was in order.

Grant: So, in your mind everything was in order and the people that got the exemptions deserved those exemptions?

Drysdale: Yes.

Grant: And everything that you've done here in review of those files, uh, you feel is part of your job description as appointed and approved by the City Council?

Drysdale: That's correct. One of the other aspects of my job description is to monitor and coordinate day to day operations of the government and also to monitor supervisory performance for all city government staff. When I'd hear an allegation that a possible department head or a body in the city is, is doing something illegal it's my duty to investigate. That's what I did. I found no wrong doing. The case was closed in my opinion.

Grant: So, basically it is one of your many jobs, would be to obviously if you get indication that there's activity that would be criminal in nature is to look into it. But at the same time to minimize liability and litigation directed toward the City of Wyandotte.

Drysdale: Absolutely, yes.

Grant: Very good. Well, I have no further questions. Do you have any statement you'd like to make prior to the conclusion of our interview?

Drysdale: No, other than I believe I succinctly memorialized what happened on that day at the Assessor's office. It, it was clear that they were reviewing the file. They were reviewing the file in defiance of my recommendation and the opinion of the City attorney, as far as what the consequences for doing that are I'm not sure, but I certainly know what I saw.

Grant: Very good. Well, I appreciate your comments and we will conclude this interview. And the time right now is 11:29 a.m. Thank you.

Drysdale: Thanks.

INTERVIEW SUSAN WALKER – ASSISTANT CITY ASSESSOR – JULY 2, 2014:

Grant: Today's date is July the 2nd, 2014 and the time is noon sharp. And I am in the Administrative Conference room on the 3rd floor at the Wyandotte City Hall. I am Chief Daniel Grant of the Wyandotte Police Department. And in the room with me is Susan Walker from the Assessing Department. Just to establish a record, Susan, can you please identify yourself for the taped record.

Walker: Susan Walker, Deputy Assessor.

Grant: Thank you. And just prior to us rolling tape on there, I made it very clear to you so you could understand what the purpose was for this interview and indicated that I was investigating in accordance with the City ordinance for the City of Wyandotte a complaint that was filed in relation to an ethics violation. Specifically relating to the conduct of City Councilman Dan Galeski and City Assessor Tom Woodruff in an incident that occurred in January where there were records looked at. Was that explained to you prior to the start of this interview?

Walker: Yes, it was.

Grant: Ok, specifically with you Susan, what I would like to talk about is there was a time where you became aware that somebody, specifically City Councilman Dan Galeski, wanted to review what were labeled as military exemption records for people that were on a list or on a in a file that received tax break consideration as a result of disabilities with the military. Is that correct?

Walker: That's correct.

Grant: When, if you know, do you recall that Councilman Galeski had an interest in looking at these files?

Walker: I don't recall a specific date because we get so many requests to review information. Most of their requests come through Mr. Griggs' office and this request did as well. Mr. Griggs called my office mid January and asked if those files can be looked at. I said I don't believe they're public information but I would have to check that. And he said thank you very much, that's all I need to know, hung up. Couple of days after that, he called again and said that it was one of the members of council, didn't identify the person, just said it was one of the members of council that wanted to review the files and he thought, Mr. Griggs thought that he should be able to review them. I said I will find out specifically if he can, just look at them or if he has to FOIA them. I called Todd Drysdale's office and he said that he believed they would have to be FOIAed. I called Mr. Griggs back and told him that. Within a day or two again after that Mr. Look, the City attorney, came to my office and mentioned just that they should be FOIAed no matter who was looking at them and it would only be the form that is filled out by the veteran, not any of the backup information. It would just be that top form. And

Grant: And the backup information would contain information relating

Walker: their

Grant: to their medical conditions?

Walker: DD-214, a copy of their driver's license and their medical information. Some of them, some of the veterans gave us their entire file and wanted it, that they get from the VA that says what their, their medical disability is. Some of them just gave and all they're required to was just give us the one form from them that says I am 100% disabled or unemployable. We really only need that form. Some of them offered to give all of it because they wanted to make sure that they were eligible for the exemption. So some of the, some of the forms had attachments to them that had medical information in it.

Grant: Ok. Do you recall, uh, how many residents of the City of Wyandotte are included in that file?

Walker: That was the December 2013 Board of Review. All veterans didn't know about the exemption yet. I believe there were 17. The veterans that had applied for it at that time.

Grant: And to your knowledge everybody in that file met the qualifications to receive the exemption?

Walker: Absolutely did, yes.

Grant: Was one of those people in that file, uh, Mayor Joseph Peterson?

Walker: Yes, it was.

Grant: Ok. If I tell you the date of the incident where there was a confrontation between City Administrator, Todd Drysdale, when he went into the Assessor's office and was met by the Assessor and Councilman Dan Galeski, that date was Thursday, January the 30th. Would that sound possible?

Walker: That sounds absolutely, that date I do remember.

Grant: Ok, so some time before this date that's when that information came about that you realized after talking to the City attorney confirming that in fact to receive this information a Freedom of Information Request would have to be submitted regardless of whether or not it was a City councilman.

Walker: That's correct.

Grant: Ok. Where were those files located and was there a time prior to that date that somebody else had looked at those files?

Walker: Um, there was, there was a request by the City Administrator, Todd Drysdale to see the files cause he wanted to see what was in them that a person would be able to look at. I brought, I emailed him and told him that I wasn't able to scan or send them to him so I brought the files up to his office and asked him why he wanted to see them, what's specifically in those records he would want to see. I felt as the City Administrator that he would have some deeper reason than just who are the people or what value was being exempted. So, I asked him why and somewhere along the lines he wanted to make sure that all of the information that was in there was correct, everyone had the proper backup to it. And I, I said I guarantee that it is. I'm the one who went through it and I will stake my job on it. Essentially that everything is in here and everything is correct. He said I don't need to see it. I take your word for it. You have done a fine job. And that's it.

Grant: So the information that he requested you feel would be in line with his role as the City Administrator?

Walker: I felt so, yes.

Grant: Ok. And then what did you do with the file?

Walker: I, uh, brought the file back down, the files had been in my office. I just felt uneasy about them, they have to maintain behind locked doors or a locked cabinet. So, my cabinet, in my office had a lock on it that was functioning and had keys to it. I don't believe some of the other cabinets in the City Assessor's office had keys to it. I don't believe he had keys to it. So, I kept them in my office to that point. We have very few things in our office, that aren't public

information, but the ones that aren't, we, we do keep locked up according to the State Tax Commission guidelines.

Grant: Ok.

Walker: So on that day that, January 30th, on that day, in the morning those records were all in my office. I felt as a Deputy in my position that I shouldn't necessarily be the one making the calls for who is or is not looking at them. So, I took them to the Assessor's office and put them in the cabinet along with all the rest of our Board of Review information. So, sometime mid day they ended up in the Assessor's office.

Grant: Ok. And then later in the day was there a time somebody asked to retrieve that file?

Walker: The City Assessor came to me and asked me for the file and I said that I had returned it to his file cabinet in his office.

Grant: Was he alone at the time?

Walker: When he came to me he was alone but Councilman Galeski was in his office. I saw him go into his office just prior to that.

Grant: How certain are you that that was the same file he grabbed a hold of?

Walker: Ah, absolutely certain.

Grant: 100%?

Walker: 100% certain.

Grant: And how can you be a 100% certain? Was there markings on that file?

Walker: There are. Yeah, there are. We tend to keep things in kind of a color coded system, yellow file folders for certain Boards of Review, blue for others. Uh, it just makes it easier to assemble the files. So, I am, I am a 100% certain that that was the file he was looking at.

Grant: And you observed him grab that file physically and set down with it? And

Walker: I did. I happen to step out of my office to do some other work. There's another cubicle in front of me that faces directly towards the Assessor's office. I was at that cubicle looking through some paperwork from some other files when I saw the two of them in the office. The Assessor handed that file to Councilman Galeski. They opened the file on the Assessor's desk and were looking through it. I can't guarantee he looked past the first page of that, but, but they were definitely flipping pages.

Grant: Ok. Do you have any knowledge that the Assessor, Tom Woodruff, was told by anybody in a position of authority or if the City attorney that that should be subject to FOIA before it's released?

Walker: I, I had told him that it was subject to FOIA. I told him he should call Mr. Griggs. I told the Assessor he should call Mr. Griggs because that was my understanding of it. I, I don't know if he took that action if he did call the Clerk or I, I did find out afterwards that he was told by the City attorney but that was just you know information passed along to me. I don't, I don't know specifically.

Grant: Ok. Do you have any direct knowledge that Councilman Galeski was ever told that he needed a FOIA request to look at that?

Walker: Only because I heard his voice in the background on the phone conversation that I had with Mr. Griggs that he did have to FOIA it. Other, other than that and Mr. Griggs repeated so that would have to be FOIAed.

Grant: Ok. So you, you were in hearing shot of

Walker: Yes.

Grant: that being said over the phone an

Walker: Yes.

Grant: Councilman Galeski would've been able to hear that.

Walker: Yes. I believe so.

Grant: And both of them you're certain again you indicated you can't say what forms they looked at but you're certain that that was the Veterans' Exemption file that they were

Walker: I'm

Grant: looking at?

Walker: positive. Yes.

Grant: When you had mentioned to the City Assessor about having to have a FOIA request, did he give you any response or acknowledge that he had that information from you?

Walker: Um, somewhere along the line he, the words that he indicated that he didn't believe that should happen because he, he as an elected official also saw those forms so he believed other elected officials should be able to see them. Wyandotte is very unique that our Board consists of elected officials. So, but they

wear two different hats. They wear a, the hat of the board member, which is very different from the hat of the Assessor.

Grant: Board, referring to the Board of Review?

Walker: The Board of Review.

Grant: Ok.

Walker: Yes. So, even, even though the Board members are part of the elected body in the City, they are privy to certain information that any other elected official wouldn't be. In, in other cities that their board members are um, just tax paying members on their board, those people are not allowed to give that information to any elected official. Wyandotte's just unique that we, we have those lines crossed in our City.

Grant: Ok. Is Councilman Dan Galeski a member of the Board of Review?

Walker: Not at all.

Grant: So, in your opinion, he should not have had access to that file?

Walker: I believe so.

Grant: Ok. Do you have any statements that you'd like to make prior to the conclusion of our interview?

Walker: Hmmmm...no, I don't think so. I think that covered it.

Grant: Very good. Well I thank you very much for your time and we will conclude this interview at 12:12 p.m. Thank you, Susan.

Walker: You're very welcome.

INTERVIEW TROY SCHIELEIN, SR. – DIR. OF WAYNE CO. VETERAN SERVICES:

Grant: Ok, today's date is July the 17th, 2014 and the time is 2:42 p.m. I have spoken with First Sergeant Troy Schielein, who is the Director of the Wayne County Veterans Services Division who is in his office located at 28 West Adam, Suite 1710, 17th floor, Detroit, Michigan. Prior to this being taped, I spoke with him indicating what the content of my questions will be as to the reasons why I was making those questions relating to an investigation that I've been directed to conduct by the City Attorney for the City of Wyandotte in relation to a letter that was written by the Director on March the 10th, 20 the 14th. Does that sound like an accurate summation of what I indicated prior to this being recorded, sir?

Schielein: Yes, sir.

Grant: Ok. And just for the record if you would identify yourself.

Schielein: I'm Troy Schielein. I'm the Director of Wayne County Veteran Services Division.

Grant: Thank you sir. And I indicated to you that I had a letter that was written by you dated March the 10th, 20 the 14th, that was addressed to Mr. Joseph Peterson, the Mayor of Wyandotte, Michigan. Do you recall such a letter, sir?

Schielein: Oh, yes.

Grant: Ok. And on that letter you indicated that you had spoken directly with Thomas Woodruff who is the Assessor for the City of Wyandotte. Is that correct, sir?

Schielein: Correct.

Grant: And during that conversation he indicated that he had questions relating to the validity of the disability of the Mayor. Does that sound accurate?

Schielein: As far as his disability?

Grant: Yes, his disability in relation to possibly receiving an exemption from taxes in accordance with the law.

Schielein: Correct.

Grant: Ok. And you were eventually able to make some phone calls and confirm that he was in fact 100% disabled.

Schielein: Yes.

Grant: Were there questions related to anything else? I know in your letter you indicated that he had some questions relating to his achieving a Bronze Star.

Schielein: It wasn't really, it wasn't stated as a question. It was more so as, you know discussion between two veterans. He was asking, you know, uh, with the gentleman with a non combative occupation in the military how we would receive that. I just said (inaudible) well there's two kinds of Bronze Stars. There's one for valor and there's one without valor. So, you know, in Vietnam you know, they as well as Iraq and Afghanistan that you got enough bodies gone they're gonna take a uh, they're gonna take anyone they can get you know, you know what I'm saying

Grant: Very good. Did he make any questions regarding any other veterans? Was he specifically speaking regarding Joseph Peterson?

Schielein: Just the Mayor only.

Grant: Ok. Did he make any indication to you as to who he was making that inquiry for or any reason why he was making that inquiry?

Schielein: No, I, had just assumed that it was because of the tax, you know as a new tax law out and this was right after the law came out and knowing that he was a tax assessor I thought it was you know related to proof of, just for tax purposes, to be tax exempt, you know. Lesson learned on me at this point, but, cause there's other ways to find out, that I've learned, but it was just, I assumed just for tax purposes.

Grant: Very good. Well, that's all the questions that I have First Sergeant and I, do you have any statements you'd like to make to me prior to me concluding this tape?

Schielein: No sir. Anytime you need anything you can call me and you know I'll help any way I can.

Grant: Very good. I'm going to conclude the tape portion of this at 2:45 p.m. If you'd stay on the line for one moment I would certainly appreciate it.

Schielein: Ok.

Grant: Thank you.

INTERVIEW – JAMES MACEK – JULY 17, 2014:

Grant: Ok, today's date is July the 17th, 2014, and the time right now is 3:05 p.m. I'm located at the residence of Jim, is it Macek?

Macek: Macek.

Grant: Macek, Macek at 1049 Sixth Street, City of Wyandotte. And prior to starting this tape I have met with Jim and indicated to him that in accordance with the City ordinance of Wyandotte and under the direction of the City Attorney I have conducted an investigation and have made a determination that I would like to interview him regarding an email that I had received and information pertaining to a conversation that he had with City Assessor, Tom Woodruff. Prior to rolling this tape I indicated to him what the line of questioning would be and he indicated to me that he had no problem conducting the interview with me while the information is being taped. For the record sir, if you could indicate your name.

Macek: James Macek.

Grant: Thank you, James, I indicated to you that there was an email that I had possession of and it looks like it was addressed to the Mayor's office from you and it's dated

March the 10th 2014 at 6:43 p.m. You had a chance to look at that and verify that that is in fact your email.

Macek: Yes.

Grant: Ok. And, and very briefly you had a conversation as indicated in that email that you had spoken with Mr. Woodruff who is the City Assessor for the City of Wyandotte and that was subsequent to receiving information that there were questions regarding people that had looked at the veterans' files relating to those who received exemptions for disabilities. Is that correct?

Macek: Correct.

Grant: At some time prior to this email you had a conversation with Tom Woodruff. I presume that was by telephone?

Macek: Yes.

Grant: Ok. During that conversation you had questions as to who had access to those files that contained the information as to the veterans in the City of Wyandotte who had received consideration under the new law for taxes. Correct?

Macek: Correct.

Grant: And what was his indication when you asked who had access to the file?

Macek: His, uh, he told me that he had access to the files and that also that that Councilman Galeski had access to the files. And my concern at that time was why would Councilman Galeski have access to know the personal files that we turned in. And I stated to him that my DD-214 and my, the VA award letter, I had that has personal information on there and I questioned why Mr. Galeski was allowed to look at it. And I was told he was allowed to look at it because he was an elected official for the City of Wyandotte as a Councilman.

Grant: So, in your opinion it was his feelings that because somebody's elected to office, say a councilman, they can look at any files they want?

Macek: Correct.

Grant: Did he indicate who asked to see the files? That is was just simply Councilman Galeski?

Macek: That's all it was, was Councilman Galeski. He said no, he, he never mentioned anybody else's name in our conversation I had with him on the phone.

Grant: Did he indicate at any time that he did actually give access to those files to Councilman Galeski?

Macek: Yes, he told me he let him look at them.

Grant: Did he make any indication what was looked at within those files?

Macek: No.

Grant: And did he give you any reason as to why he was looking at those files?

Macek: Why Councilman was looking at em?

Grant: Yes.

Macek: What my, my take on what Mr. Woodruff said was that because he requested to look at them and he was an elected official so he let him look at them. That's my take on what Mr. Woodruff told me.

Grant: So, from what he told you, you just assumed he had access to all the files? No particular file, in general, just looking at all of them.

Macek: That was my opinion, yes.

Grant: Ok. You have any statement you'd like to make prior to me concluding with this interview?

Macek: Personally, well, like in my letter stated, you know, I was on, we were on vacation in Florida and when I came back I watched some old council meetings where Mr. Patrick was there and he had a lot of questions for the Mayor at that time about you know why is he getting the exemption when he's the Mayor and blah, blah, blah so. That raised concerns with me because if he knew that the Mayor was getting this I think he might have known that everyone, you know, the other people too that were getting it. So that's the reason I called Mr. Woodruff is to see if anything, cause I was never told by anybody that my files were looked at and when I called Mr. Woodruff he explained to me that what I just told you a little bit ago about having Councilman Galeski being able to look at the files.

Grant: Ok.

Macek: And then, and personally I think that's just you know that wasn't right. I know, I don't know. I'm sure you know what's in our records and there's a lot of personal information in there about our health issues and they shouldn't be looked at.

Grant: Yeah, it's my understanding that those files contain an affidavit that grants the exemption along with your DD-214s

Macek: Right. (inaudible)

Grant: And some may have medical...

Macke: it does

Grant: information

Macek: it does. The reason why you get that exemption. It has all the reasons, all the different things that are going on medical-wise. Now what he looked at I don't have a clue, but

Grant: Well, very good. Well, I thank you for your time and we will conclude this interview at 3:11 p.m.

Macek: Ok, thank you.

Grant: Thank you very much, James.

Macek: Thank you.

INTERVIEW – RICK AND BONNIE THORNTON – JULY 17, 2014:

Grant: Today's date is July the 17th, 2014, and right now I, Chief Daniel Grant, of the Wyandotte Police Department am located at the residence of Rick and Bonnie Thornton at 1145 Elm Street in the City of Wyandotte. Prior to arriving at their house I did make telephone contact with Bonnie and indicated to her that I would like to interview her and her husband regarding letters that were forwarded to the City of Wyandotte in relation to information that was released in files held by the City of Wyandotte in the Assessor's office relating to veterans who had exemptions on property taxes as a result of disabilities. Is that a fact that I did give you a rough idea of what we were going to talk about in this questioning?

B. Thornton: Yes.

R. Thornton: Yes.

Grant: And before we get started, for the record can you identify yourselves?

R. Thornton: Rick Thornton.

Grant: And also with us in the room is his wife.

B. Thornton: Bonnie Thornton.

Grant: Very good, thank you. I have two letters here, I have one that's shown to be yours, Rick. Does that look familiar? And can you say that that is a copy, a true copy of the letter that was forwarded to the City of Wyandotte and I believe you indicated that was sent via email.?

R. Thornton: That's correct. This is my letter.

Grant: Ok. Thank you. And Bonnie, I have a copy of a letter here, same thing, apparently was sent to the City of Wyandotte via email. Does that look like an accurate copy of the letter that was forwarded?

B. Thornton: Yes, it is.

Grant: Thank you. What I indicated is, I've been directed by the City Attorney to investigate a matter where there's allegations that information was released in relation to the files that we discussed earlier for veterans that are disabled that are receiving consideration on their property taxes in accordance of the Michigan law. And it's my understanding that you had a chance and both of you had a conversation with Tom Woodruff regarding the files that were apparently looked at by a person's other than the assessing office and the Board of Review that makes the determination for the exemption. Is that correct?

R. Thornton: That's correct.

Grant: Ok. We validated the letters and Tom it's my understanding that you, or I'm sorry, Rick, you had a conversation with Tom and it was indicating that there were files reviewed and can you indicate what was said to you from the City Assessor, Tom Woodruff?

R. Thornton: Ok, Tom had called me to let me know before it got to me from other sources that he and Dan Galeski were in his office and our files, our disability files that we had filed with the City for the, tax, complimentary tax, was on his desk and Galeski had seen them and mine had been on top. Tom had indicated that both he and Galeski had seen them. And I said ok, I said, but why is Galeski there looking at them and he told me that he had authority to look at them and I said oh, ok and, I didn't think too much about it. And then he indicated that he had called a few other guys that he knew to let them know that their files had also been looked at. And it sounded like it was an accident, but I said ok, and he said while you're probably going to receive a letter from Richard Miller in the mail and I said ok, fine. I said I know Richard and I've had some dealings with him in the past and that was pretty much it. I said ok, I'll talk to you later. And that was pretty much the end of my conversation with Tom. I turned to my wife to tell her the conversation and she had some questions that I couldn't answer, and I said why don't you call Tom back and ask him. So, at that point, my wife, Bonnie, called Tom back on the phone.

Grant: So, that was pretty much the extent of your conversation with Tom on that day?

R. Thornton: Yes.

Grant: Very good. Now, Bonnie, subsequent to that conversation you called back and spoke with Tom Woodruff?

B. Thornton: I did, we had also gotten a letter from Richard in the interim. So, we were aware of the whole story by then. We had gotten out of our mailbox and Rick had told me what had happened during the conversation and my first concerns were privacy and I wanted to know why someone other than the assessor was looking at our records. So, I called Tom back and asked him what the story was and he said that Mr. Galeski had looked at the records to, he was investigating a what he, what would could possibly be a fraudulent claim that he thought somebody had maybe fraudulently applied for this loan or for this exemption and that he was going, wanted to go through the records so that he could see the information that he was looking for and Tom told me that he had assured him that he knew like half the people and he was sure that they wouldn't do that but that he still wanted to see them. And I asked him if Mr. Galeski had the right to see them, meaning legally, because he was the, a councilman, that give him the right to look at these records and he said, he assured me that yes he did have the right to see them if he was investigating something that he thought was wrong or whatever. That he did have the right to see them and I questioned him thoroughly on that and he kept assuring me that Mr. Galeski had the right to see them. So, that was why he let him see them, but during that conversation he also told me that he was advised by someone at the City Hall that he should not be showing them, but that he felt he had the right to show them to Mr. Galeski anyway. So, he did.

Grant: So, he made no indication as to who made that statement to him as to not showing the files?

B. Thornton: I'm thinking it was Mr. Drysdale. Is he the.....

Grant: He's the City Administrator.

B. Thornton: Yes, Mr., the City Administrator, is I believe he was the one that Tom told me had advised him that he should not show those records to anyone and Mr. or the City assessor was under the impression that he had the final say on who saw what.

Grant: Ok.

B. Thornton: And I gave an example to him having been in the medical profession that in my job I had had the right, I had had the clearance to see quite a bit of information on patients, but I still didn't look at things because you have to have a darn good reason to do that and I wanted to make sure that what Mr. Galeski was doing was ok and he assured me that it was, that he was well within his bounds being an elected official to see these records. But he did tell me also that he was going to in the future to try to prevent really private things like how much disability you get, what was wrong with you, your DD-214 information, your social security, that he was going to have all that information blacked off. At the time your application was completed so that if these papers fell into anybody's hands they wouldn't have really private stuff. They would just have the affidavit basically and blanked out paper.

Grant: Did he make any indication as to why he was changing to that policy or said it was put into place but didn't indicate why it was being put into place?

B. Thornton: Because he agreed with me that it was very confidential information that was in these papers. And that it wasn't really necessary to see, see when you get a letter from veterans, it has everything and the reason it's given to you is for example if you want to get a loan on a house or a car or you're doing legal work. It states the income that states why you get it, it's like a summary of your medical claim with VA you get this yearly to use for legal purposes to prove that you do have this income coming in, that you do have these disabilities and you are entitled to certain things. But, it's very private stuff and you don't want everybody to see it. He agreed with me that that was very private stuff and that he didn't feel even the clerk that takes the application when you take it up to the desk should necessarily be seeing that stuff, and especially in a small town like this. You know you're always leery and he said he understood that, that he had already taken steps that in the future this information was going to be blacked out and no one would see it.

Grant: Ok.

B. Thornton: Not even him because it would be blacked out before he got it.

Grant: He never made to either one of you any indication as to what specific files he was looking at, just basically all the files?

B. Thornton: He told what he said to me and I can't, he said, he said, Rick told me the same thing but that I don't know if you call that hearsay. He told me that there was a stack of the veterans' applications and that Rick's was on the top and that it was seen for sure and that was the reason he was notifying us is he wanted us to have a heads up that this had happened.

Grant: Did he make a confirmation that Councilman Galeski did see the files?

B. Thornton: Yes he did.

Grant: I know in your letter, Bonnie, you make indication that he had a conversation relating to the Mayor of Wyandotte. What, what was that relating to?

B. Thornton: The only thing that I can really remember as I indicated in the note also we had a lengthy conversation probably 10-15 minutes and I can't remember every single thing unless you may jar my memory. Of what was said and then I could maybe come up with what the rest of my conversation with him because it was a lot of small talk. But, one of the things that he did say to me was that he didn't understand how the Mayor, I'm not sure if it was in reference to the medal that he received or if it in was in regard to his disability, but that he was just a, just a pencil pusher and he didn't understand how he could've gotten, I don't know the exact wording that I said but that's what he said to me. And that was what the regard of the conversation was.

Grant: Ok.

B. Thornton: But he used the word pencil pusher.

Grant: So at no time was there any indication as to what files exactly just the veterans' files in general but there was no indication as to what specific forms they were looking at, just that the files were given to Councilman Galeski?

B. Thornton: No, but I was given the impression that was the private paperwork that was all part of the pack. So, what's your DD-214 it's that letter that you get from VA and the affidavit that we had to sign. I got the feeling in talking to him that all that information was included there.

Grant: Ok. Very good. Well, either one of you, are there any statements you'd like to make prior to the conclusion of this interview?

R. Thornton: The only other thing that was part of my letter that I can think of is that Tom had indicated someone had come into his office and was yelling at him that no one else can see those records and there was an argument ensued between him, between Tom and this person that would had entered his office. And I guess it even got to a point where this other fella and he told me his name but I don't remember actually pushed Tom to the floor and then Tom had indicated that he was probably going to assault, file assault charges against this person, but he told his name but I really don't remember who it was.

Grant: Ok. Very good.

B. Thornton: So

Grant: Bonnie, you are all set?

B. Thornton: Yes, I am.

Grant: Ok. We're going to conclude this taped interview. The time right now is 4:26 p.m. And again, we're on July the 17th, 2014. And I thank you both very much.

B. Thornton: You're welcome.

INTERVIEW - MAYOR JOSEPH PETERSON – JULY 24, 2014:

Grant: Today's date is July the 24th, 2014, and the time is 1:53 p.m. I am Chief Daniel Grant and I am in the, in my office, on the 2nd floor of the Wyandotte Police Department. And in the room with me right now is Mayor Joseph Peterson. For the record, Mayor Peterson, if you could identify yourself.

Peterson: Yeah, my name is Joseph Peterson. And I'm employed by the City of Wyandotte as an elected official as a, holding the position as Mayor.

Grant: As your aware, prior to us starting the tape, the purpose of my interview with you is a follow up investigation as indicated by the City Attorney, Bill Look, who was doing a preliminary investigation in to a complaint that was filed by City Administrator, Todd Drysdale and resident, Richard Miller, in regards to records that were shown to Councilman Dan Galeski allegedly by the City Assessor, Thomas Woodruff. Being somewhat familiar with the investigation as a result of a criminal investigation which was conducted by the Wyandotte Police Department, I have been tasked with the duties of looking into this case as a result of the city ordinance that indicates that should an investigation be substantiated by the City Attorney, it will be forwarded to the Chief of Police to assure that an investigation is conducted into the complaint. As a result of my investigation I have conducted numerous interviews and at this time we will conduct an interview with Mayor Joseph Peterson who is a witness into this case and I did indicate to you what the purpose was of this interview?

Peterson: Yes, you did.

Grant: Ok. First thing I'd like to do is I know that I have a letter here which is in memo format dated March the 18th, 2014, and it is addressed to city attorney, William Look from you, Mayor Joseph R. Peterson and the subject is indicating veterans' property tax exemption. And it is signed by you on the second page. Does this document look like an accurate depiction of the document that you supplied to the City Attorney?

Peterson: That is, that is the document. That is signed by me and dated March 18th, 2014.

Grant: Thank you. And if you need to refer to that document subsequent to any of the questions that I present to you, please feel free to do so.

Petersou: Thank you.

Grant: On that communication that was submitted to the City Attorney, you make a reference to a call that was received from the City Administrator, Todd Drysdale, on January the 30th. Can you basically highlight the contents of what the information was on that telephone call that was received?

Peterson: Mr. Drysdale was the, in a position called the City Administrator and notified me that there was a problem that took for, took place down in the City Assessor's office, that in the City Assessor's office that time, was Tom Woodruff, the City Assessor and Dan Galeski, a City Councilman. And at that time he saying that

the, he had seen them going through the, he had seen Dan Galeski going through the files. And when he told them to stop, that they needed a FOIA, that he, an altercation took place. And that Mr. Woodruff (inaudible) of, that told him that Councilman, any Councilman, could look at or any of these elected officials, and that goes for Councilman Galeski is that he sees nothing wrong, that, that he's an elected official, he can look at what he wants. And basically it, him and Todd had words. And he had come up to the next day, come up to tell me about the words that happened at there and the disagreement that the City Administrators told him that he would need a FOIA to look at those records. You can't do it as a City Councilman by yourself.

Grant: Very good. And subsequent to that conversation with Todd Drysdale, on the following day, which would've been January the 31st, did you personally have an opportunity to speak with Thomas Woodruff?

Peterson: Yeah, I did because I as the Mayor, I, I would think that something happened in the building, that I'm in charge of the everyday operations, I would've had some type of knowledge of an altercation that day. And I didn't, so I called him, the City Assessor, Tom Woodruff, and I inquired, you know, what's going on with this thing here about the information I received from Mr. Drysdale with Mr. Woodruff stated I've already taken care of my part. I went to the police station and I filed a formal complaint with the county. And I said to him, you know, well it'd been nice, I didn't know, you didn't tell me, but this is the first I'm hearing of this from Mr. Drysdale and I asked him why that he did what he did. Was it (inaudible) the thing that Mr. Drysdale said he'd seen Councilman Galeski looking at it, at the tax exemption files? And, at that time, Mr. Woodruff stated to me that as far as he's concerned, he's an elected official and he's free to look at whatever he wants and he had no problem with that.

Grant: During that conversation did he make a statement to you that he did in fact show those files from the veterans' exemption files to Councilman Dan Galeski?

Peterson: He stated to me that he had Dan, Councilman Galeski, Councilman Galeski looked at the files and he did not tell me what part of the files that he looked at. That you know, just that Councilman Galeski had looked at the files and reviewed the files.

Grant: Did he make any indication that in his opinion Councilman Galeski was in fact entitled to see those files?

Peterson: He made it very clear to me that Councilman Galeski was an elected official and any elected official could look at any files that they wanted to and that was his opinion. When I told him that was not the way it worked, he stated well that's his decision and he runs his Assessor's office and that in his opinion that he could, that he could do that. He can let him look at his records. Cause he was an elected official.

Grant: So at no time you personally, at no time did you personally observe Councilman Galeski looking at any particular files?

Peterson: No, I never seen anybody looking at them period.

Grant: Ok. Subsequent to that conversation you had a conversation with First Sgt. Troy Schielein, in regards to a call he had received from City Assessor, Tom Woodruff. And what was the content of that telephone call?

Peterson: Well, going before that, I received a phone call from another veteran who was one of the fifteen members that was, was a 100% disabled and said that he received good information that Tom Woodruff was inquiring about my 100% disability and he had made, and that I should call Phil Smith down on Michigan Avenue who's the head of the Vietnam Veterans' of America as a service officer because my records were being looked at, asked to be looked at. I called Phil Smith. Phil Smith told me yes, that did happen and that he received a phone call inquiring this from First Sergeant Troy and excuse me, I don't know how to say the last name it's, was, was first name was Troy, first of.....

Grant: Scheilein

Peterson: Scheilein. Ok, at that time, I called First Sergeant Troy Scheilein, and inquired what, what was he doing going through my records and he, he told me that that he sits on the Wayne County Veterans' Trust Fund, along with Mr. Woodruff and that Mr. Woodruff had asked him to check on my disability and also which further upset me to wondering if I had a bronze star and according to my MOS I'm a clerk typist, how could I get a bronze star and asked him if he, if he would check on that. And then, then I explained to him the dissatisfaction and I told him that that was against the law, that the only way that information could've been anywhere's close to Tom Woodruff is it had to come off my 214 which was submitted along with the tax exemption paperwork that was supplied from the State of Michigan for me to, to turn in to the Assessor's office in order to receive the tax exemption.

Grant: So, obviously whether or not you had a bronze star had no relevance whatsoever to you receiving an exemption on your property tax?

Peterson: Exactly. It was, it was irrelevant and it should have never even been looked at.

Grant: And nowhere else in your exemption file would that information be included anywhere but your DD-214?

Peterson: That, that is true. That is a correct statement. The only place that it would be is in my DD-214.

Grant: Do you have any direct knowledge of City Assessor, Tom Woodruff, or Councilman Dan Galeski being told that those files should not be reviewed without a Freedom of Information request being submitted?

Peterson: Mr. Drysdale had told me that and it is my belief that, that that is the way you would have to go is to get a Freedom of Information. I called up Mr. Bill Griggs, he's the City Clerk, and asked him, and I asked if he had called him to fill out the FOIA and the other thing that I found is that when Dan, when Todd Drysdale had walked in and did see Councilman Galeski and the City Assessor Woodruff and told him he needed a FOIA that Todd stated to me that Dan held up a piece of paper and says here's my FOIA right here which he had a piece of paper in hand and that was a statement coming from Mr. Drysdale. But that's all the information that I have on that.

Grant: But to your knowledge you or nobody within the City of Wyandotte has observed any such document that would be a Freedom of Information request as submitted by Councilman Dan Galeski?

Peterson: I asked Mr. Look, I asked Mr. Griggs, if one had been filed and he stated no.

Grant: Very good. Is there any statement you'd like to make prior to the conclusion of our taped interview?

Peterson: Yes, one thing that upsets me the part in there that my MOS which was a, a 71 LIMA, which is classi, which is a clerk typist by MOS is that once I received this I understand that other people, that Tom Woodruff had talked to other people, one of them being Bonnie Thornton, who her husband, Rick Thornton, is also a 100% disabled and I called and asked to talk to the Bonnie Thornton and Rick Thornton and I was really, really disturbed that it was said to her from Tom Woodruff, this comes from Bonnie Thornton, and she also provided me with a written statement, I asked her if she did, because I felt that my rights were violated. And she told me that he had told her, yes, you know he was, he was a pencil pusher. You know he's a clerk typist, you know, and was talking to her about stuff that was on my records that was not open for even her to know or have any knowledge, and I was shocked to find out that she had such knowledge. And I asked her if she would give me a statement, for me, for myself, because I plan on pursuing it. Well she did, she gave me one and I received statements from other individuals, that, I understand that had contact and that was to Woodruff had said these things to, including you know the bronze star. So Bonnie and several other people submitted letters to me which I did submit to the City Attorney's office.

Grant: Very good. Well, I appreciate your time Mayor Peterson and we will conclude this interview at 2:05 p.m. Thank you.

Peterson: Thank you.

INTERVIEW – WILLIAM GRIGGS, CITY CLERK – July 29, 2014:

Grant: Today's date is July the 29th, 2014, and I'm in the office of City Clerk, Bill Griggs, located at the Wyandotte City Hall and the time right now is 11:30 a.m. In his office, along with me, of course, is City Clerk, Bill Griggs. Bill, for the record if you could please just identify yourself.

Griggs: William R. Griggs, City Clerk.

Grant: Thank you, Prior to this interview, I gave you a rough idea what the content of the interview would be and the reason for it. You seem to have a clear understanding of that. I also did give you a letter that is dated March, the 13th, 20 the 14th that I asked you to validate as being a letter authored by you which is addressed to City Attorney, William Look. The letter that I gave to you, does this look like the letter that you prepared on that date as given?

Griggs: It does, Dan, that is communication that I set forth and thus, and transferred on to Bill Look at his request.

Grant: Thank you and I indicated to you that part of this interview, the reason for this interview is the result of an investigation that I was tasked with doing as a result of a complaint filed contrary to the City ordinance in relation to records that were alleged to be shown by our City Assessor to a City Councilman and you were understanding that was the purpose of our interview today?

Griggs: Correct.

Grant: Ok. Is there a time that you ever heard that somebody had requested to view the veterans' exemption files, per se, it was by Councilman Dan Galeski?

Griggs: There was discussion, per se, in relation to this particular issue. As you know this topic, was passed by the state legislature and then passed on to the local Board of Review to act upon. The initial review on all of the forms that were filed by the various veterans groups for disability consideration were reviewed by the City Assessor, Mr. Woodruff, that is his responsibility. He reviewed them, that became, if he came before the Board of Review at which point in time we discussed in general terms as to whether or not all of those individuals who had applied met the criteria set forth in the state statute. He indicated that they had. And at that point in time, none of us reviewed the information other than a cursory review of the applications per se. Other information that perhaps that is germane to this particular topic and on file in the Assessing Department was not reviewed by any of the members of the Board of Review. And following his recommendation that we approve all of the requests for it, consideration for tax abatement under the state statute. We granted all of the requests based upon the

fact that he had reviewed the initial content of the file of each of the individuals and we acted upon it accordingly in a positive fashion.

Grant: The Assessor would be tasked as a result of his job for the City of Wyandotte that he was elected into, this would be part of his role in accordance with the state law to validate that these veterans did meet the criteria for the said exemptions.

Griggs: Correct.

Grant: Ok. Was there any time that you received information that Councilman Dan Galeski was attempting to look at these files?

Griggs: I think that Councilman Galeski had indicated to myself that there was, you know, that he, he was wanting what information that could be reviewed by individuals and to the best of my knowledge I didn't have the answer to that. I think I sent him up to the City Assessor at which point in time he indicated that the applications which were presented to the Board of Review were public documents and could be reviewed. And I assumed that that was the information that what Dan was looking for.

Grant: He never made any indication to you specifically who he was looking at file-wise or the reason for his review of the files?

Griggs: I don't recall that.

Grant: Ok. And part of your position as the City Clerk, you are considered the FOIA Director or the Freedom of Information Act Director. And obviously as a result of your role, you're quite well versed in the Freedom of Information Act?

Griggs: Correct.

Grant: Do you know if Tom Woodruff or Dan Galeski were ever told by anybody that prior to these files being reviewed, that they should file a FOIA request?

Griggs: In that part, I don't recall any of them being indicated that they needed to file a FOIA request for information. I guess one of the things is that when you're an elected official and you're acting upon it on the horseshoe in a formal council meeting, you need information to substantiate that the information is correct. To the best of my knowledge, I think Dan accepted the fact from the Board of Review that it, they met the criteria. As to whether or not he had additional information that he was looking for within those files, I don't know. But as far as the initial applications, those were public records, without a problem whatsoever. Now, as to whether or not there was additional information on file in the Assessing Department which was under the purview of the City Assessor, I have no idea.

Grant: In your knowledge, do you know if persons elected to office such as City Council-members, are they exempt from the provisions of the Freedom of Information Act?

Griggs: According to my understanding as according to Bill Look, they are not. But it makes it difficult to do your job as an elected official when you don't have information. As to the depth of what they're required and responsible for coming up with, I don't recall anyone, you know, ever requesting anything that was above and beyond, but I was quite surprised when Bill Look indicated to myself two of the elected officials were required to comply with the FOIA requirement.

Grant: It's my understanding that Tom Woodruff in his role as the City Assessor would have the obligation and part of the job duty to look at these files to verify that everybody met the criteria. So, him looking at the files, in your opinion, would that be a violation of, of the Act?

Griggs: Not at all.

Grant: Did you ever, any time ever observe Councilman Dan Galeski looking at files that you could confirm as being the veterans' exemption files?

Griggs: No.

Grant: So, you have no direct knowledge of any files being reviewed by him that would be contrary to provisions of the Freedom of Information Act, HIPAA or any other laws?

Griggs: Correct.

Grant: Very good. Are there any statements you'd like to make prior to the conclusion of our interview?

Griggs: I don't think so. It, it's quite clear.

Grant: Very good. Well, I thank you very much. We will conclude this interview with the time being right now, 11:38 a.m. Thank you, sir.

Griggs: My pleasure.

STATEMENTS OF THOMAS WOODRUFF & DANIEL GALESKI:

On July 21, 2014 at 2:23 pm, I left a message with Attorney Cassandra L. Booms who is legal counsel for Thomas Woodruff and Daniel Galeski and indicated in the message that I would like to conduct an interview of her clients regarding this investigation. She returned a telephone call at 3:10 pm and stated that she would contact her clients and attempt to get a date and time that the interviews could be conducted.

On July 23, 2014 at 9:50 am, I received a telephone call from City Assessor Thomas Woodruff who confirmed that he was aware that I was attempting to schedule interviews with him and Daniel Galeski and that he would likely set the interviews for the following week noting that his Attorney may not be present. I advised him that his Attorney does not need to be present but I would have to confirm with her that she has no objection with the interviews proceeding without her. Mr. Woodruff stated he understood and would advise on the interview dates.

I received a telephone call from Attorney Cassandra Booms on Friday July 25, 2014 at 9:55 am and she stated that after speaking with her clients that she has recommended to them that no interview will be conducted. She further stated that she will forward their written statements to me early during the following week, likely on Monday.

On Monday July 28, 2014, I received an e-mail from Cassandra Booms containing the mentioned statements which were in fact the letters already received and dated February 24, 2014 containing the responses from Thomas Woodruff and Daniel Galeski.

DOCUMENTS REVIEWED:

1. State of Michigan Bulletin 22 of 2013 dated December 16, 2013, P.A. 161 of 2013 Disabled Veterans Exemption.
2. Recommendation from Mayor Peterson to City Council dated April 13, 2011 requesting appointment of Todd Drysdale to position of City Administrator.
3. City Council resolution dated April 19, 2011 appointing Todd Drysdale as City Admin.
4. City of Wyandotte City Administrator Job Description.
5. Copy of Wyandotte City Ordinance Sec. 2-300, Standards of Conduct.
6. Wyandotte Police Department incident report 14-00415.
7. Memo dated January 31, 2014 from Todd Drysdale to City Clerk re Report on Inappropriate Activity.
8. Standards of Conduct complaint filed by Richard Miller on February 3, 2014.
9. Letter dated February 24, 2014 from Attorney Cassandra Booms to City Attorney Look containing Councilman Galeski's response to Standards of Conduct Compliant submitted by Todd Drysdale.
10. Letter dated February 24, 2014 from Attorney Cassandra Booms to City Attorney Look containing Councilman Galeski's response to Standards of Conduct Complaint submitted by Richard Miller.
11. Letter dated February 24, 2014 from Attorney Cassandra Booms to City Attorney Look containing City Assessor Woodruff's response to Standards of Conduct Complaint submitted by Todd Drysdale.
12. Letter dated February 24, 2014 from Attorney Cassandra Booms to City Attorney Look containing City Assessor Woodruff's response to Standards of Conduct Complaint submitted by Richard Miller.
13. E-mail dated March 10, 2014 from James Macek to Mayor Joseph Peterson.
14. Letter dated March 10, 2014 from Troy F. Schielein Sr. to Mayor Joseph Peterson.
15. Undated letter addressed "To Whom it May Concern" from Bonnie Thornton.
16. Letter dated March 10, 2014 addressed "To Whom it May Concern" from Rick Thornton.
17. Letter dated March 11, 2014 addressed to Mayor Joseph Peterson from Susan Walker.

18. Letter dated March 13, 2014 addressed to City Attorney William Look from City Clerk William Griggs.
19. Memo dated March 18, 2014 from Mayor Joseph Peterson to City Attorney William Look regarding Veteran's Property Tax Exemption.
20. Letter dated March 20, 2014 from City Attorney William Look responding to complainants and respondents regarding the Standards of Conduct complaint.
21. Letter dated June 25, 2014 from Attorney Michael Rataj to Cassandra Booms noting his representation of Mayor Joseph Peterson.
22. Letter dated July 28, 2014 from Attorney Cassandra Booms to Chief Grant declining an investigative interview of client Thomas Woodruff.
23. Letter dated July 28, 2014 from Attorney Cassandra Booms to Chief Grant declining an investigative interview of client Daniel Galeski.
24. Undated memo from City Attorney William Look to Chief Grant regarding inquiry on Mayor's Veteran's Tax Exemption status.
25. City of Wyandotte FOIA Policy.

INVESTIGATION CONCLUSION:

As requested in correspondence from City Attorney William Look, I focused this investigation in relation to the following issues:

1. Whether the Veteran's Exemption files and/or their contents were provided to Councilman Daniel Galeski by Assessor Thomas Woodruff?
2. If the documents were provided, was any personal information redacted that by law is exempt from disclosure?
3. If the Mayor submitted the completed affidavit in compliance with the law, what prompted further inquiry on the Mayor's exemption status?
4. Did the City Assessor inquire as to any other veterans who received the exemption?

In relation to question one above, it think it is quite clear that City Assessor Thomas Woodruff did in fact make the Veteran's Exemption Files available for Councilman Daniel Galeski subsequent to his request to view the files. City Administrator Todd Drysdale observed Daniel Galeski while with Thomas Woodruff in his office on January 30, 2014 looking at files which he stated "it clearly was the Veteran's file". On the same date, Assistant Assessor Susan Walker stated that she was "100% certain" that she observed Thomas Woodruff hand the Veteran's Exemption files to Daniel Galeski and she further observed them flipping through the pages within the file. To further substantiate this conclusion, Wyandotte residents Rick Thornton, Bonnie Thornton, James Macek, and Mayor Joseph Peterson personally spoke with Assessor Thomas Woodruff who admitted to them that he did in fact allow Councilman Daniel Galeski to look at the Veteran's Exemption files. This information is also noted in their written correspondence and recorded statements.

In relation to question #2, since original files and not copies were handed to Councilman Daniel Galeski, there was no redaction of information from the originals as it was observed that the file was removed directly from the file cabinet. Also in his conversation with Bonnie Thornton, City Assessor Thomas Woodruff stated that in the future he would "have all the information blacked off". Had a FOIA request been submitted in accordance with the city policy, the information

which was personal and protected under the law would likely have been redacted. The Assistant Assessor advised Thomas Woodruff that a FOIA was needed and he responded to her that he did not believe that elected officials needed to do so.

No Freedom of Information Act form was filed or received by the City of Wyandotte in regards to Councilman Daniel Galeski's request to obtain the Veteran's Exemption files which was apparently part of his inquiry into possible fraudulent forms being filed. As a member of the City Council, if Daniel Galeski suspected any improprieties by a City Official, committee, or employee it would be proper for him to contact the appropriate Department Head and also consider the language from our city ordinance which states:

Sec. 2-306. Disclosure of unlawful or improper policies or actions.

(a)

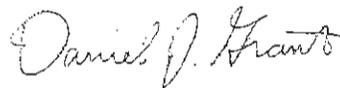
Public officials or employees who have a good faith belief that the public interest requires the disclosure of governmental policies or actions thought to be unlawful or improper should reveal their information to the city council.

The City of Wyandotte's City Administrator, the Board of Review, the City Assessor, and Assistant City Assessor all concluded that all of the Veterans who applied for the exemption and reside in the city had met the legal qualifications for receiving property tax exemptions due to their confirmed disabilities, which included the exemption as filed by Mayor Joseph Peterson. Without any written statements from the respondents Thomas Woodruff and Daniel Galeski which may address the reason for their inquiry into the Mayor's status along with my inability to conduct an interview of the respondents, I am unable to determine what prompted their inquiry.

Lastly, as noted in the written and recorded statements from Troy Schielein, Director of Wayne County Veteran's Services, Thomas Woodruff made an inquiry into Mayor Joseph Peterson's exemption status but did not request information on any of the other Veterans who had filed for exemption status with the City of Wyandotte.

This investigation along with all reviewed/attached documents will be forwarded to your office for review and disposition in accordance with the City of Wyandotte ordinance.

Daniel J. Grant



Chief of Police
August 1, 2014