

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE February 10, 2025**

The meeting was called to order at 6:00 p.m. by Mayor Henry in the Swartz Creek City Council Chambers, 8083 Civic Drive.

Invocation and Pledge of Allegiance.

Councilmembers Present: Gilbert, Hicks, Krueger, Knickerbocker, Henry.

Councilmembers Absent/approved: Spillane, Melen.

Staff Present: City Manager Adam Zettel, Clerk Renee Kraft.

Others Present: Jeff Kelley, Dennis Cramer

APPROVAL OF MINUTES

Resolution No. 250210-01

(Carried)

Motion by Councilmember Krueger
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday January 27, 2025, to be circulated and placed on file.

YES: Gilbert, Hicks, Krueger, Knickerbocker, Henry.
NO: None. Motion Declared Carried.

APPROVAL OF AGENDA

Resolution No.250210-02

(Carried)

Motion by Mayor Pro Tem Hicks
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Agenda as printed for the Regular Council Meeting of February 10 2025, to be circulated and placed on file.

YES: Gilbert, Hicks, Krueger, Knickerbocker, Henry.
NO: None. Motion Declared Carried.

CITY MANAGER’S REPORT

Resolution No. 250210-03

(Carried)

Motion by Councilmember Gilbert
Second by Mayor Pro Tem Hicks

I Move the Swartz Creek City Council accept the City Manager’s Report of February 10, 2025, including reports and communications to be circulated and placed on file.

Discussion Ensued.

YES: Hicks, Krueger, Knickerbocker, Henry, Gilbert.
NO: None. Motion Declared Carried.

MEETING OPENED TO THE PUBLIC:

Dennis Cramer: Invited everyone to a tour of the Looking Glass Brewery in March.

COUNCIL BUSINESS:

RESOLUTION TO APPROVE COMMISSION APPOINTMENTS

Resolution No. 250210-04

(Carried)

Motion by Councilmember Knickerbocker
Second by Mayor Pro Tem Hicks

WHEREAS, the laws of the State of Michigan, the Charter and Ordinances of the City of Swartz Creek, interlocal agreements in which the City of Swartz Creek is a member, and previous resolutions of the City Council require and set terms of officers for various appointments to City boards and commissions, as well as appointments to non-city boards and commissions seeking representation by City officials; and

WHEREAS, there exist vacancies in such positions; and

WHEREAS, said appointments are Mayoral appointments, subject to affirmation of the City Council.

NOW, THEREFORE, BE IT RESOLVED, the Swartz Creek City Council concur with the Mayor and City Council appointments as follows:

#250210-8A1 MAYOR APPOINTMENT:

Matt Bade

FANG - Alternate
Remainder of two year term, expiring November 23, 2026

#250210-8A2 **MAYOR APPOINTMENT:** **David Krueger**
Metro Police Authority of Genesee County
Three year term, expiring January 31, 2028

#250210-8A3 **MAYOR APPOINTMENT:**
ZBA Alternate
Remainder of Three year term, expiring June 30, 2025

#250210-8A4 **MAYOR APPOINTMENT:**
Board of Review Authority - Alternate
Remainder of three year term, expiring June 30, 2026

Discussion Ensued.

YES: Krueger, Knickerbocker, Henry, Gilbert, Hicks.
NO: None. Motion Declared Carried.

RESOLUTION TO AFFIRM THE CURRENT INVESTMENT POLICY AND UPDATE THE DESIGNATION DEPOSITORY LIST, AS AMENDED.

Resolution No. 250210-05 **(Carried)**

Motion by Councilmember Krueger
Second by Councilmember Knickerbocker

WHEREAS, the city maintains a policy to manage invested public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the City of Swartz Creek and conforming to all State statutes and local ordinances governing the investment of public funds; and

WHEREAS, the policy includes a listing of eligible banking institutions that may change from time to time based upon the rating of such institutions; and

WHEREAS, the city treasurer has updated the designation of depository list to reflect the current ratings; and

WHEREAS, there are no changes to the investment policy at this time.

NOW, THEREFORE, BE IT RESOLVED, the Swartz Creek City Council accept the Investment Policy and Designation of Depository for City Funds as follows:

I. POLICY

It is the policy of the City of Swartz Creek to invest public funds in a manner which will provide the highest investment return with the maximum security

while meeting the daily cash flow demands of the City of Swartz Creek and conforming to all State statutes and local ordinances governing the investment of public funds.

II. SCOPE

This investment policy applies to all short term operating funds of the City of Swartz Creek and any new fund created by the local unit, unless specifically exempted by the City Council. These assets are accounted for in the City of Swartz Creek's annual financial report.

III. INVESTMENT OBJECTIVES

The following investment objectives, in priority order, will be applied in the management of the City of Swartz Creek's funds.

Safety

The primary objective of the City of Swartz Creek's investment activities is the preservation of capital in the overall portfolio and the protection of investment principal.

The authorized investment staff will employ mechanisms to control risks and diversify investments regarding specific security types or individual financial institutions.

Liquidity

The investment portfolio will remain sufficiently liquid to enable the City of Swartz Creek to meet operating requirements, which might be reasonably anticipated.

Return on Investment

The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow characteristics of the portfolio. Return on investments shall be of secondary importance compared to the safety and liquidity objectives above.

IV. PRUDENCE

In managing its investment portfolio, City of Swartz Creek officials shall avoid any transaction that might impair public confidence. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the

management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

The above standard is established as the standard for professional responsibility and shall be applied in the context of managing the overall portfolio. Investment officers of the City of Swartz Creek, acting in accordance with State statute, this Investment policy, written procedures as may be established, and exercising due diligence, shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided that deviations from expectations are reported in a timely fashion, and appropriate action is taken to control adverse developments.

V. DELEGATION OF AUTHORITY

Authority to manage the City of Swartz Creek's investment program is derived from State statutes.

Responsibility for the investment program is hereby delegated to the City Manager, or his designated representative hereinafter referred to as investment officer, who shall establish written procedures for the operation of the investment program consistent with this investment policy. The Investment Officer shall be responsible for all transactions undertaken, and shall establish a system of controls to regulate the activities of subordinate officials.

VI. ETHICS AND CONFLICTS OF INTEREST

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair--or create the appearance of an impairment on--their ability to make impartial investment decisions. Employees and investment officials shall disclose to the City Manager any material financial interests in financial institutions that conduct business with the unit, and they shall further disclose any large personal financial investment positions that could be related to the performance of the City of Swartz Creek's portfolio. Employees and officers shall subordinate their personal investment transactions to those of the City of Swartz Creek, particularly with regard to the time of purchases and sales.

VII. SAFEKEEPING AND CUSTODY

1. Authorized Financial Dealers and Institutions - The Investment Officer will maintain a list of financial institutions. In addition, a list will also be maintained of approved security broker/dealers selected by credit-worthiness, who maintain an office in the State of Michigan or who are

"primary" dealers or regional dealers that qualify under Securities and Exchange Commission rule 15C3-1 (uniform net capital rule.) No public deposit shall be made except in a qualified public depository as established by State law.

All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the Investment Officer with the following: audited financial statements for the most recent fiscal year; certification of having read and agreeing to abide by the City of Swartz Creek's investment policy and the pertinent State statutes; proof of National Association of Security Dealers certification; and proof of State registration, where applicable.

An annual review of the financial condition and registration of qualified bidders will be conducted by the Finance Director. Information indicating a loss or prospective loss of capital on existing investments must be shared with the City Manager of the City of Swartz Creek immediately upon notification.

2. Internal Controls - The Investment Officer shall establish a system of internal controls, documented in writing, which is designed to prevent losses of public funds arising from fraud, employee error, and misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by employees and officers of the City. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefit likely to be derived and (2) the valuation of costs and benefits requires estimates and judgments by management.

All securities purchased by the City of Swartz Creek under this section shall be properly designated as an asset of the City and held in safekeeping by a third party custodial bank or other third party custodial institution, chartered by the United States government or the State of Michigan, and no withdrawal of such securities, in whole or in part, shall be made from safekeeping except by the Investment Officer as authorized herein, or by respective designees.

Internal controls will also encompass at a minimum the additional issues:

Separation of functions including transaction authority from accounting and record-keeping, delegation of authority to subordinate staff members written confirmation of telephone transactions, specific guidelines regarding securities losses and remedial action, documentation of decisions made at the committee level and avoidance of physical delivery securities. Further

all confirming written transactions shall be signed by the Investment Officer or Finance Director.

3. Delivery vs. Payment – all trades will be executed by delivery vs. payment to ensure that securities are deposited in an eligible financial institution prior to release of funds. Securities will be held by a third-party custodian as evidenced by safekeeping receipts.

The City of Swartz Creek will execute third party custodial agreement(s) with its bank(s) and depository institution(s). Such agreements will include letters of authority from the City of Swartz Creek, details as to responsibilities of each party, notification of security purchases, sales, delivery, repurchase agreements and wire transfers, safekeeping and transactions costs, procedures in case of wire failure or other unforeseen mishaps including liability of each party.

VIII. AUTHORIZED AND SUITABLE INVESTMENTS

1. The City of Swartz Creek is empowered by State statute (1988 Public Act 239, M.C.L. 129.91) to invest in the following types of securities:

a. Bond, securities, and other obligations of the United States, or an agency or instrumentality of the United States including securities issued or guaranteed by the Government National Mortgage Association;

b. Certificates of deposit, savings accounts, deposit accounts, or depository receipts of a bank which is a member of the federal deposit insurance corporation or a savings and loan which is a member of the federal savings and loan insurance corporation or a credit union which is insured by the national credit union administration, but only if the bank, savings and loan or credit union is eligible to be a depository of surplus funds belonging to the state under section 5 or 6 of Act No. 105 of the Public Acts of 1855, as amended;

c. In United States government of federal agency obligation repurchase agreements.

d. In banker's acceptances of United States banks;

e. Mutual funds registered under the investment company act of 1940, title I of chapter 686, 54 Stat. 789, 15 U.S.C. 80a-1 to 80a-3 and 80a-4 to 80a-64, with the authority to purchase only investment vehicles that are legal for direct investment by the City. This authorization is limited to securities whose intention is to maintain a net asset value of \$1.00 per share.

f. Investment pools through an interlocal agreement under the urban cooperation act of 1967, 1967 (Excess) PA 7, MCL 124.501 to 124.512. All of the pools are limited to investments described in Sections a-f.

g. Investment pools organized under the surplus funds investment pool act, 1982 PA 367, 129.111 to 129.118. All of the pools are limited to investments described in Sections a-f.

2. The Investment Officer is restricted to investments which meet the statutory restrictions above and limitations on security issues and issuers as detailed below:

a. Repurchase agreements shall be negotiated only with dealers or financial institutions with whom the City has negotiated a Master Repurchase Agreement or with the City of Swartz Creek's primary bank. Repurchase Agreements must be signed with the bank or dealer and must continue provisions similar to those outlined in the Public Security Association's model Master Repurchase Agreement.

b. Certificates of Deposit shall be purchased only from financial institutions, which qualify under Michigan law and are consistent with Opinion No. 6168, Opinions of the Attorney General (1982).

c. To the extent possible, the investing officer will attempt to match investments with anticipated cash flow requirements. Specific City Council approval is necessary for investments exceeding eighteen months. Unless matched to a specific cash flow requirement, the City of Swartz Creek will not directly invest in securities maturing more than 10 years from the date of purchase. No more than 25 percent of the City of Swartz Creek's total investment portfolio shall be placed in securities maturing in more than 10 years. No more than 50 percent of investment vehicles maturing in any given month shall be of non-liquid nature (non-negotiable CD's, commercial paper, etc.)

d. No more than 50 percent of any one fund's surplus operating cash may be invested in commercial paper rated at the time of purchase within the 2 highest classifications established by not less than 2 standard rating services and which matures not more than 270 days after the date of purchase; Commercial Paper held in the portfolio which subsequently receives a reduced rating shall be closely monitored and sold immediately if the principal invested may otherwise be jeopardized.

e. Investments will be diversified by security type and institutions. With the exception of U.S. treasury securities and authorized investment pools (as a

long term investment program), no more than 50 percent of the total investment portfolio will be invested in a single security type or with a single financial institution. With the exception of using affiliates of the major Banking Institute and upon receipt of written confirmation that funds are fully insured when held by the affiliates.

Excluding the Property Tax Bank Account, with 100 percent of funds being deposited with the City of Swartz Creek's major Banking Institute with monies in the checking and Municipal Governmental Cash Investment Fund to be liquid and transferable to the respective taxing agencies on a biweekly basis during the tax collection period.

Excluding amounts pooled in the Commercial Sweep Account and held for less than 91 days which will remain liquid and transferable to meet financial obligations associated with daily operations.

IX. CASH MANAGEMENT

The City of Swartz Creek's Policy regarding cash management is based upon the realization that there is a time-value to money. Temporarily idle cash may be invested for a period of one day to an excess of one year depending upon when the money is needed. Accordingly, the Finance Director shall prepare a written cash management procedure which shall include, but not be limited to, the following:

Cash Forecast: At least annually, a cash forecast shall be prepared using expected revenue sources and items of expenditure to project cash requirements over the fiscal year. The forecast shall be updated from time to time to identify the probable investment balances that will be available.

Pooled Cash: Except for cash in certain restricted and special accounts, the investment officer may pool cash of various funds to maximize investment earnings. Investment income shall be allocated to the various funds based upon their respective participation.

X. INVESTMENT PERFORMANCE AND REPORTING

All investment transactions shall be recorded in the various funds of the City of Swartz Creek in accordance with Generally Accepted Accounting Principles as declared by the Government Accounting Standards Board.

The Investment Officer shall submit a semi-annual investment report to the City Manager that provides the principal and type of investment, annualized yield, earnings for the period, market price and a summary report of cash and investments maintained in each financial institution.

Performance of the portfolio shall be reported periodically and submitted to the City Manager. Reports shall include details of the characteristics of the portfolio as well as its performance for that period. Reports shall be submitted at a minimum on an annual basis. Material deviations from projected investment strategies shall be reported immediately to the city manager.

XI. INVESTMENT POLICY ADOPTION

The City of Swartz Creek investment policy shall be adopted by resolution of the City of Swartz Creek legislative authority. Modifications made at any time or when necessitated by State statutory revision must be approved by the legislative authority of the City of Swartz Creek. Investments conforming to the investment policy guidelines prior to any amendatory act are hereby validated.

Designation of Depository

The Swartz Creek City Council designates the following banking-financial institutions and their affiliates as depositories for City funds:

- Baker Tilly
- Bank of America
- Comerica Bank
- Dort Financial Credit Union
- Fifth Third Bank
- Financial Plus Credit Union
- Flagstar Bank – Troy
- Flagstar Bank – Troy CDARS Program
- Horizon Bank
- Huntington Bank
- Independent Bank
- JP Morgan Chase
- MBIA (Michigan) Class Client Services
- Mercantile Bank
- Merrill Lynch
- Morgan Stanley Wealth Management

Discussion Ensued.

YES: Knickerbocker, Henry, Gilbert, Hicks, Krueger.

NO: None. Motion Declared Carried.

MEETING OPENED TO THE PUBLIC:

None.

REMARKS BY COUNCILMEMBERS:

Councilmember Knickerbocker: Had a question regarding shoveling of sidewalks.

Mayor Pro Tem Hicks: Brett Quitquit stated we can put compost material in our yard waste.

Mayor Henry: Reminded everyone of the concert tonight.

ADJOURNMENT

Resolution No. 250210-06

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Krueger

I Move the Swartz Creek City Council adjourn the regular meeting at 6:21 p.m.

Unanimous Voice Vote.

Nate Henry, Mayor

Renee Kraft, CMC, MiPMC-2, City Clerk