



Agenda

Regular Meeting of the City Commission

City of Kalamazoo

Monday, March 4, 2013

7:00 p.m.

City Commission Chambers – 241 West South Street

A. CALL TO ORDER/ROLL CALL

B. OPENING CEREMONY

1. Invocation: **Pastor Greg Jennings Sr.**
2. Pledge of Allegiance
3. Introduction of Guests
4. Proclamations

C. ADOPTION OF FORMAL AGENDA

D. COMMUNICATIONS

1. The public is invited to attend the following meetings of boards and commissions:
 - a. The **Parks and Recreation Advisory Board** will meet on Tuesday, March 5, 2013 at 5:20 p.m., in the Parks and Recreation Community Room at Mayors' Riverfront Park, located at 251 Mills Street.
 - b. The **Dangerous Buildings Board** will meet on Thursday, March 7, 2013 at 2:00 p.m., in the City Commission Chambers at City Hall.
 - c. The **Kalamazoo Historic Preservation Commission** will meet on Tuesday, March 12, 2013 at 7:00 p.m., in the Third Floor Conference Room at City Hall.
 - d. The **Friends of Recreation Board** will meet on Thursday, March 14, 2013 at 8:15 a.m., in the Parks and Recreation Community Room at Mayors' Riverfront Park, located at 251 Mills Street.
 - e. The **Traffic Board** will meet on Thursday, March 14, 2013 at 2:00 p.m., in the Public Services Conference Room, located at 415 Stockbridge Avenue.

- f. The **Community Development Act Advisory Committee** will meet on Thursday, March 14, 2013 at 6:30 p.m., in the Community Room at City Hall.
 - g. The **Zoning Board of Appeals** will meet on Thursday, March 14, 2013 at 7:00 p.m., in the City Commission Chambers at City Hall.
 - h. The **Downtown Development Authority** will meet on Wednesday, March 20, 2013 at 3:00 p.m., in the Commission Chambers at City Hall.
2. The City is accepting applications for appointment to various city Commission advisory boards and commissions. Interested citizens are encouraged to contact the City Clerk's Office at 337-8792 to request an application form or to obtain additional information on board vacancies.

E. PUBLIC HEARINGS

F. CONSENT AGENDA (Action: Motion to approve items "1-4")

1. Consideration of a recommendation to approve a Small Business Revolving Loan to Sarkozy Bakery, LLC in the amount of \$40,000.
2. Consideration of a recommendation to offer for first reading ORDINANCE 22-65 of the City Code, to make it illegal for a person to enter a parked vehicle to which that person has no lawful right to enter.
3. Consideration of a recommendation to adopt a RESOLUTION authorizing the issuance of Capital Improvement Bonds in an amount not to exceed \$4,200,000.
4. Consideration of a recommendation to confirm the appointments of Chris Falk and Margaret Strzelecki to the Downtown Noise Task Force.

G. REGULAR AGENDA

H. REPORTS AND LEGISLATION

1. City Clerk's Report
2. City Manager's Report

I. UNFINISHED BUSINESS

J. POLICY ITEMS

1. City Manager Search Update

- K. NEW BUSINESS**
- L. CITIZEN COMMENTS**
- M. MISCELLANEOUS COMMENTS AND CONCERNS BY COMMISSIONERS**
- N. CLOSED SESSION**
- O. ADJOURNMENT**

ADDITIONAL INFORMATION

Questions regarding agenda items may be answered prior to the meeting by contacting the City Manager's Office at 269.337.8047.

Persons with disabilities who need accommodations to effectively participate in City Commission meetings should contact the City Clerk's Office at 337-8792 a week in advance to request mobility, visual, hearing or other assistance.

Agendas for the regular meetings of the Kalamazoo City Commission are available on the Internet at: [**www.kalamazoocity.org**](http://www.kalamazoocity.org)

The Kalamazoo City Commission meetings are held the first, third Mondays at 7:00 p.m. and are shown live on the Public Media Network on Channel 98. The meetings are rebroadcast on Tuesday at 1:00 a.m. and 2:00 p.m., Saturday at 11:00 a.m. and Sunday at 8:00 p.m. on Channel 98.

GUIDELINES FOR PUBLIC PARTICIPATION AT CITY COMMISSION MEETINGS

Welcome to the Kalamazoo City Commission meeting, and thank you for your participation in Kalamazoo local government. The City Commission recognizes that citizens who make the effort to attend a Commission meeting often feel passionately about an issue. The following guidelines are not meant to discourage individual expression; rather, they exist to facilitate the orderly conduct of business and to ensure that all citizens who wish to address the City Commission are able to do so in an atmosphere of civility and respect, without fear or intimidation.

1. Out of respect for business being conducted during the meeting, please turn off all cell phones and pagers prior to the start of the meeting.
2. In an effort to maintain order and to allow a respectful discussion, please do not make comments from the audience area. Audience members should also refrain from applause or other audible noise at times not formally recognized as appropriate by the meeting chair.
3. Citizens have opportunities to address the Commission at the following times during a meeting:
 - a. Consideration of Regular Agenda items. Citizens are permitted to speak to the Commission on Regular Agenda and Unfinished Business prior to the City Commission voting, except those votes setting a public hearing. (Note: The Consent Agenda is a list of items proposed for City Commission approval to be voted upon all at one time. This is a time-saving procedure as most Consent Agenda items are housekeeping measures. A citizen may request an item be removed from the Consent Agenda for individual consideration or discussion.) Comments must be germane to the specific item under consideration.
 - b. The Citizen Comment period near the end of the meeting is for comment on Agenda or Non-Agenda items.

4. To address the City Commission, please sign in at the podium near the Clerk's station and then proceed to the podium directly in front of the dais when invited by the meeting chair. Before beginning your comments, please clearly state your name for the record and whether you reside within the city limits. Comments are limited to four minutes.
5. Citizen comment periods are a time for citizens to make comments; they are not intended as a forum for debate or to engage in question-answer dialogues with the Commission or staff. Commissioners are encouraged not to directly respond to speakers during citizen comment periods. At the conclusion of a speaker's remarks, the Mayor or individual Commissioners may refer a question to City staff, if appropriate. Also, individual Commissioners may choose to respond to speakers during "Miscellaneous Comments and Concerns of Commissioners."
6. Signs, placards and banners are permitted in Chambers during open meetings but only along the perimeter of the room (side and back walls) and only if they do not obstruct the vision of others.

If you have any questions, please feel free to contact the City Clerk's Office at 269.337.8792



Commission Agenda Report

City of Kalamazoo

Date: **03/04/13**

Item **F1**

TO: Mayor Hopewell, Vice Mayor McKinney, and City Commissioners

FROM: Kenneth P. Collard, City Manager, ICMA-CM, P.E.
Prepared By: Jerome R. Kisscorni, Executive Director of the EDC

DATE: February 26, 2013

SUBJECT: Approval of a \$40,000 Small Business Revolving Loan to Sarkozy Bakery, LLC

RECOMMENDATION

It is recommended that the City Commission approve a loan commitment to Sarkozy Bakery, LLC in the amount of \$40,000 from the Small Business Revolving Loan Fund (SBRLF) to assist in funding renovations and equipment related the reopening of Sarkozy Bakery at a leased facility at 305 East Michigan Avenue.

BACKGROUND

Sarkozy Bakery is a 34-year-old downtown institution that over the years developed a reputation for extremely high-quality European style breads, pastries, cookies and appetizers. The bakery became a meeting place for a broad spectrum of people from Kalamazoo, Kalamazoo County and Southwest Michigan. The bakery operated out of a storefront located at 335 North Burdick Street. In early 2012, a fire at the bakery destroyed the building and equipment.

Since the fire, the Kalamazoo community has come together to encourage Judy Sarkozy to reopen the bakery. A "Save the Bakery" fund was started, which has raised approximately \$75,000. Based on the community and other local business support, Judy is going to reopen the bakery at a new location in downtown Kalamazoo – 350 East Michigan Avenue.

Financing Structure of the Project

The recommended SBRLF loan fills a \$40,000 gap in the financing structure of the project. The total project cost is estimated to be \$667,000. Approximately \$343,000 is to be used for building improvements, approximately \$305,000 for equipment (all of the SBRLF funds will be used to purchase equipment), and \$19,000 for inventory.

The term of the SBRLF loan will be ten years at 3.5% interest, with 6 months of interest-only payments of \$166.67 and the remainder of the 114 months of principal and interest

payments of \$412.94. The loan is to be secured by a third position on equipment, personal guarantee, a key person insurance policy on the principal borrower and a blanket lien on all other business assets.

Job Creation

Within the first six months of operation, the plan is to employ five full-time positions. Four of the new positions should meet the income levels to qualify for low- to moderate- income jobs under current U.S. Department of Housing and Urban Development (HUD) guidelines.

COMMUNITY RESOURCES CONSULTED

The Small Business Revolving Loan Fund Review Committee, consisting of an EDC board member and two area commercial loan officers, reviewed the loan application and recommended approval of the application. The attached loan terms and conditions reflect the deliberations, comments and contingencies of the loan.

FISCAL IMPACT

Sufficient funds are available in the city's SBRLF for the full amount of the loan. The fund balance as of December 31, 2012 was \$554,757.

ALTERNATIVES

The City Commission can approve the loan recommendation as presented by staff, reject the loan request, or instruct staff to revise the terms and/or conditions of a loan in accordance with desired objectives.

ATTACHMENT

Recommended Loan Terms and Conditions

SARKOZY BAKERY, LLC
Proposed SBRLF Terms and Conditions

LOAN

Amount: \$40,000
Rate: 3.5%
Term: 10 Years
Repayment: Interest-only payments of \$166.67 for first 6 months
P&I (months 7-120) = \$412.94/month (\$4,955.28/year)

COLLATERAL AND GUARANTEES

- 3rd position on business assets
- Key person life insurance on Judith R. Sarkozy with policy assignment equal to the SBRLF loan
- Personal Guarantee from Judith R. Sarkozy

COVENANTS AND CONDITIONS

- Contingent upon the execution of all loan documents
- Loan commitment not assignable
- Business Hazard Insurance
- Evidence of commitment of other funds
- Annual tax returns for Sarkozy Bakery, LLC
- Annual personal financial statements for Judith R. Sarkozy



Commission Agenda Report

Date: **03/04/13**

Item **F2**

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor McKinney, and City Commissioners

FROM: Clyde J. Robinson, City Attorney
Prepared By: Randall S. Schau, Deputy City Attorney

DATE: February 15, 2013

SUBJECT: New Ordinance prohibiting entering parked vehicles

RECOMMENDATION

It is recommended that the City Commission offer for first reading new ordinance 22-65 of the City Code, which, if adopted, would make it illegal for a person to enter a parked vehicle to which that person has no lawful right to enter.

BACKGROUND

For most crimes, it is illegal not only to commit a particular act but to *attempt* to commit that act (e.g. attempted murder). State statute currently makes it illegal to steal something from a parked vehicle, but there is no prohibition for the attempt to do so. As a result, a person can lawfully enter a parked vehicle, look around for something to steal but, finding nothing, exit the vehicle and move on. The proposed ordinance would make such an act illegal. More specifically, the proposed ordinance would make it illegal to enter a parked car for any purpose, unless that person:

1. Is the owner or lessee of the vehicle, or has some other contractual interest in the vehicle that would entitle the person to enter the vehicle;
2. Is the owner or lessee of the real property upon which the vehicle is located; or
3. Has permission to enter from an owner, a lessee, or an authorized operator of the motor vehicle, or the owner or lessee of the real property upon which the vehicle is located.

When this ordinance was first requested last fall by Public Safety, it was discussed with then-Prosecutor Jeff Fink. He supported the adoption of the proposed ordinance, there being no applicable state statute.

COMMUNITY RESOURCES CONSULTED

The County Prosecutor's Office approved of the concept.

FISCAL IMPACT

None.

ALTERNATIVES

If the City Commission declines to adopt the ordinance it will remain legal for a person to enter a parked car to which he has no connection so long as he does not do damage or steal something.

ATTACHMENTS

The proposed new ordinance.

CITY OF KALAMAZOO, MICHIGAN

ORDINANCE NO. _____

AN ORDINANCE CREATING SECTION 22-65
OF THE KALAMAZOO CITY CODE REGARDING
BREAKING AND ENTERING OF A MOTOR VEHICLE

THE CITY OF KALAMAZOO ORDAINS:

Section 1. Section 22-65 of the Kalamazoo City Code is hereby created to read as follows:

“Sec. 22-65 Breaking and Entering of a Motor Vehicle

- A. It shall be unlawful for any person to enter a motor vehicle unless the person:
1. Is the owner or lessee of the vehicle, or has some other contractual interest in the vehicle that would entitle the person to enter the vehicle;
 2. Is the owner or lessee of the real property upon which the vehicle is located; or
 3. Has permission to enter from an owner, a lessee, or an authorized operator of the motor vehicle, or the owner or lessee of the real property upon which the vehicle is located.
- B. This section shall not apply to:
1. A law-enforcement officer acting within the scope of the officer's duties.
 2. A motor vehicle that is lawfully being moved because it is abandoned, inoperable, or improperly parked.
 3. An employee or agent of an entity that possesses a valid lien on a motor vehicle and who is expressly authorized by the lien holder to repossess the motor vehicle based upon the failure of the owner or lessee of the motor vehicle to abide by the terms and conditions of the loan or lease agreement.

C. As used in this section:

1. "Enter" includes, but is not limited to, opening a door, trunk or hood of a vehicle, or inserting any part of one's body, or any object connected with the body, into a vehicle, which act shall include breaking the plane of an opened door, window, trunk or engine area.
2. "Motor vehicle" or "vehicle" shall mean any vehicle that falls within the definition of "motor vehicle" in the state's Michigan Vehicle Code."

Section 2. Repealer.

All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 3. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date.

Pursuant to Section 13(a) of the City Charter, this ordinance shall take effect from and after 10 days from the date of its passage.

CERTIFICATE

The foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Kalamazoo at a regular meeting held on _____, 2013. Public notice was given and the meeting was conducted in full compliance with the Open Meetings Act, (PA 267, 1976). Minutes of the meeting will be available as required by the Act, and the ordinance was duly recorded, posted and authenticated by the Mayor and City Clerk as required by the Charter of said City.

Bobby J. Hopewell, Mayor

Scott Borling, City Clerk



Commission Agenda Report

Date: **03/04/13**

Item **F3**

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor McKinney, and City Commissioners

FROM: Kenneth P. Collard, City Manager, ICMA-CM, P.E.
Reviewed By: Thomas C. Skrobola, Director of Management Services/CFO
Prepared By: Patsy Moore, Deputy Director of Management Services/Comptroller

DATE: February 21, 2013

SUBJECT: Resolution Authorizing the Issuance of 2013 Capital Improvement Bonds

RECOMMENDATION

It is recommended that the City Commission approve the attached Resolution Authorizing the issuance of Capital Improvement Bonds in an amount not to exceed of \$4,200,000.

BACKGROUND

The Adopted FY 2013 Budget calls for certain capital improvements to be undertaken by debt financing to pay all or part of the costs of: a) acquiring and constructing major street and local street improvements, including intersections and traffic signal upgrades; b) acquiring and constructing park improvements; c) acquiring and constructing golf course clubhouse improvements and equipment; and d) acquiring, constructing, furnishing and equipping, public safety facility and pool improvements; including all related equipment, site improvements, appurtenances and attachments.

COMMUNITY RESOURCES CONSULTED

At the January 22, 2013, City Commission meeting, a Notice of Intent Resolution relative to these bonds was adopted. The resolution allowed for a forty-five (45) day referendum period and as of this date no petition has been filed with the Clerk. Assuming no petition calling for a referendum is received, the next step in the process is the adoption of the Authorizing Resolution and Notice of Sale Resolution.

FISCAL IMPACT

The City's debt limit is capped by statutory and constitutional debt provisions to 10% of the City's State Equalized Valuation (SEV). The SEV as of December 31, 2012 is 1,610,952,614 resulting in a debt limit of \$161,095,261 for the City. The current outstanding debt, not including exempt debt is \$57,320,000, which is 35.6% percent of the debt limit.

The annual debt service on this bond issue is included in the City's FY 2013 Adopted Budget and fiscal plan.

ALTERNATIVES

If the debt is not issued, general capital maintenance will fall behind desirable levels, as the use of cash financing is not recommended.

ATTACHMENTS

Authorizing Resolution

**RESOLUTION AUTHORIZING
2013 CAPITAL IMPROVEMENT BONDS
(LIMITED TAX GENERAL OBLIGATION)**

**CITY OF KALAMAZOO
COUNTY OF KALAMAZOO, STATE OF MICHIGAN**

Minutes of a regular meeting of the City Commission of the City of Kalamazoo, County of Kalamazoo, State of Michigan (the "City"), held on March 4, 2013, at 7:00 o'clock p.m., Eastern Daylight Time.

PRESENT: Members: _____

ABSENT: Members: _____

The following preamble and resolution were offered by Member _____ and supported by Member _____:

WHEREAS, the City does hereby determine that it is necessary to pay all or part of the costs of certain public improvements in the City, including a) acquiring and constructing major street and local street improvements, including intersection and traffic signal upgrades; b) acquiring and constructing park improvements; c) acquiring and constructing golf course clubhouse improvements and equipment; and d) acquiring, constructing, furnishing and equipping public safety facility and pool improvements; including all related equipment, site improvements, appurtenances and attachments (the "Projects"); and

WHEREAS, the cost of the Projects are estimated to be approximately Four Million Two Hundred Thousand Dollars (\$4,200,000); and

WHEREAS, to finance the cost of the Projects, the City Commission deems it necessary to borrow the principal amount of not to exceed Four Million Two Hundred Thousand Dollars (\$4,200,000) and issue capital improvement bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended ("Act 34") to pay the cost of the Projects; and

WHEREAS, a notice of intent for bonds was published in accordance with Act 34 which provides that the capital improvement bonds may be issued without a vote of the electors of the City unless a proper petition for an election on the question of the issuance of the bonds is filed with the City Clerk within a period of forty-five (45) days from the date of publication and as of this date no petition has been filed with the Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Authorization of Bonds; Bond Terms. Bonds of the City designated 2013 CAPITAL IMPROVEMENT BONDS (LIMITED TAX GENERAL OBLIGATION) (the "Bonds") are authorized to be issued in the aggregate principal sum of not to exceed Four Million Two Hundred Thousand

Dollars (\$4,200,000) for the purpose of paying the cost of the Projects, including the costs incidental to the issuance, sale and delivery of the Bonds. The issue shall consist of bonds in fully-registered form of the denomination of \$5,000, or multiples thereof not exceeding for each maturity the maximum principal amount of that maturity, numbered consecutively in order of registration, dated as of the date of delivery. The Bonds shall bear interest, mature and be payable at the times and in the manner set forth in Sections 6 and 7 hereof.

The Bonds shall be sold at public sale at a price not less than 98.5% of the principal amount thereof.

The Bonds shall be subject to redemption prior to maturity in the manner and at the times and prices set forth in Sections 6 and 7 hereof and if term bonds are selected by the original purchaser of the bonds, then the bonds will be subject to mandatory redemption in accordance with the foregoing maturity schedule at par.

Interest shall be payable to the registered owner of record as of the 15th day of the month prior to the payment date for each interest payment. The record date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the City to conform to market practice in the future. Interest shall be payable to the registered owner of record as of the 15th day of the month preceding the payment date for each interest payment. The principal of the Bonds shall be payable at The Bank of New York Mellon Trust Company, N.A., Detroit, Michigan who is hereby selected to act as the transfer agent for the bonds (the "Transfer Agent").

The Bonds shall be issued in book-entry only form through The Depository Trust Company in New York, New York ("DTC") and the City Manager and Director of Management Services and Chief Financial Officer are each authorized to execute such custodial or other agreement with DTC as may be necessary to accomplish the issuance of the Bonds in book-entry only form and to make such changes in the Bond Form within the parameters of this resolution as may be required to accomplish the foregoing.

2. Execution of Bonds. The Bonds of this issue shall be executed in the name of the City with the manual or facsimile signatures of the Mayor and City Clerk of the City and shall have the seal of the City, or a facsimile thereof, printed or impressed on the Bonds. No Bond shall be valid until authenticated by an authorized officer or representative of the Transfer Agent. The Bonds shall be delivered to the Transfer Agent for authentication and be delivered by the Transfer Agent to the purchaser or other person in accordance with instructions from the Director of Management Services and Chief Financial Officer of the City upon payment of the purchase price for the Bonds in accordance with the bid therefor when accepted.

3. Transfer of Bonds. The Transfer Agent shall keep the books of registration for this issue on behalf of the City. Any Bond may be transferred upon such registration books by the registered owner of record, in person or by the registered owner's duly authorized attorney, upon surrender of the Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any Bond or Bonds shall be surrendered for transfer, the City shall execute and the Transfer Agent shall authenticate and deliver a new Bond or Bonds, for like aggregate principal amount. The Transfer Agent shall require the payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer.

Unless waived by any registered owner of Bonds to be redeemed, official notice of redemption shall be given by the Transfer Agent on behalf of the City. Such notice shall be dated and shall contain at a minimum the following information: original issue date; maturity dates; interest rates; CUSIP numbers, if any; certificate numbers (and in the case of partial redemption) the called amounts of each certificate; the place where the Bonds called for redemption are to be surrendered for payment; and that interest on the Bonds or portions thereof called for redemption shall cease to accrue from and after the redemption date.

In addition, further notice shall be given by the Transfer Agent in such manner as may be required or suggested by regulations or market practice at the applicable time, but no defect in such further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as prescribed herein.

4. Limited Tax Pledge; Debt Retirement Fund; Defeasance of Bonds. The City hereby pledges its limited tax full faith and credit for the prompt payment of the Bonds. The City shall, each year budget the amount of the debt service coming due in the next fiscal year on the principal of and interest on the Bonds and shall advance as a first budget obligation from its general funds available therefor, or, if necessary, levy taxes upon all taxable property in the City subject to applicable constitutional, statutory and charter tax rate limitations, such sums as may be necessary to pay such debt service in said fiscal year.

The Treasurer is authorized and directed to open a depository account with a bank or trust company designated by the City Commission, to be designated 2013 CAPITAL IMPROVEMENT BONDS (LIMITED TAX GENERAL OBLIGATION) DEBT RETIREMENT FUND (the "Debt Retirement Fund"), the moneys to be deposited into the Debt Retirement Fund to be specifically earmarked and used solely for the purpose of paying principal of and interest on the Bonds as they mature.

In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay at maturity or irrevocable call for earlier optional redemption, the principal of, premium, if any, and interest on the Bonds, shall be deposited in trust, this resolution shall be defeased and the owners of the Bonds shall have no further rights under this resolution except to receive payment of the principal of, premium, if any, and interest on the Bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange Bonds as provided herein.

5. Construction Fund; Proceeds of Bond Sale. The Treasurer is authorized and directed to open a separate depository account with a bank or trust company designated by the City Commission, to be designated 2013 CAPITAL IMPROVEMENT BONDS (LIMITED TAX GENERAL OBLIGATION) CONSTRUCTION FUND (the "Construction Fund") and deposit into said Construction Fund the proceeds of the Bonds less accrued interest, if any, which shall be deposited into the Debt Retirement Fund. The moneys in the Construction Fund shall be used solely to pay the costs of the Projects and the costs of issuance of the Bonds.

6. Bond Form. The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF KALAMAZOO

CITY OF KALAMAZOO
2013 CAPITAL IMPROVEMENT BOND
(LIMITED TAX GENERAL OBLIGATION)

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
	April 1, _____	_____, 2013	

Registered Owner:

Principal Amount: _____ Dollars

The City of Kalamazoo, County of Kalamazoo, State of Michigan (the "City"), acknowledges itself to owe and for value received hereby promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Maturity Date specified above, unless prepaid prior thereto as hereinafter provided, with interest thereon (computed on the basis of a 360-day year consisting of twelve 30-day months) from the Date of Original Issue specified above or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, first payable on October 1, 2013 and semiannually thereafter. Principal of this bond is payable at the corporate trust office of The Bank of New York Mellon Trust Company N.A., Detroit, Michigan, or such other transfer agent as the City may hereafter designate by notice mailed to the registered owner not less than sixty (60) days prior to any interest payment date (the "Transfer Agent"). Interest on this bond is payable to the registered owner of record as of the fifteenth (15th) day of the month preceding the interest payment date as shown on the registration books of the City kept by the Transfer Agent by check or draft mailed to the registered owner of record at the registered address. For prompt payment of this bond, both principal and interest, the full faith, credit and resources of the City are hereby irrevocably pledged.

This bond is one of a series of bonds aggregating the principal sum of \$4,200,000, issued for the purpose of paying the cost of certain capital improvements for the City. This bond is issued under the provisions of Act 34, Public Acts of Michigan, 2001, as amended and a duly adopted resolution of the City.

Bonds of this issue maturing in the years 2014 to 2022, inclusive, shall not be subject to redemption prior to maturity. Bonds or portions of bonds of this issue in multiples of \$5,000 maturing in the year 2023 and thereafter shall be subject to redemption prior to maturity, at the option of the City, in any order of maturity and by lot within any maturity, on any date on or after April 1, 2022, at par and accrued interest to the date fixed for redemption.

In case less than the full amount of an outstanding bond is called for redemption, the Transfer Agent, upon presentation of the bond called in part for redemption, shall register, authenticate and deliver to the registered owner of record a new bond in the principal amount of the portion of the

original bond not called for redemption.

Notice of redemption shall be given to the registered owner of any bond or portion thereof called for redemption by mailing of such notice not less than thirty (30) days prior to the date fixed for redemption to the registered address of the registered owner of record. A bond or portion thereof so called for redemption shall not bear interest after the date fixed for redemption provided funds are on hand with the Transfer Agent to redeem said bond or portion thereof.

This bond is transferable only upon the registration books of the City kept by the Transfer Agent by the registered owner of record in person, or by the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new registered bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the resolution authorizing this bond and upon the payment of the charges, if any, therein prescribed.

This bond, including the interest thereon, is payable as a first budget obligation from the general funds of the City, and the City is required, if necessary, to levy ad valorem taxes on all taxable property in the City for the payment thereof, subject to applicable constitutional, statutory and charter tax rate limitations.

It is hereby certified and recited that all acts, conditions and things required by law to be done, precedent to and in the issuance of this bond and the series of bonds of which this is one, exist and have been done and performed in regular and due form and time as required by law, and that the total indebtedness of the City, including this bond, does not exceed any constitutional, statutory or charter debt limitation.

This bond is not valid or obligatory for any purpose until the Transfer Agent's Certificate of Authentication on this bond has been executed by the Transfer Agent.

IN WITNESS WHEREOF, the City of Kalamazoo, by its City Commission, has caused this bond to be signed in the name of the City by the facsimile signatures of its Mayor and City Clerk and a facsimile of its corporate seal to be printed hereon, all as of the Date of Original Issue.

CITY OF KALAMAZOO
County of Kalamazoo
State of Michigan

By: _____
Its: Mayor

By: _____
Its: City Clerk

(SEAL)

MILLER, CANFIELD, PADDOCK AND STONE, P.L.L.C.

(Form of Transfer Agent's Certificate of Authentication)

DATE OF AUTHENTICATION:

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the within-mentioned resolution.

The Bank of New York Mellon Trust Company, N.A.
Detroit, Michigan
Transfer Agent

By: _____
Authorized Signatory

[Bond printer to insert form of assignment]

7. Notice of Sale. The City Clerk is authorized to fix a date of sale for the Bonds and to publish a notice of sale of the Bonds in *The Bond Buyer*, New York, New York, which notice of sale shall be in substantially the following form:

OFFICIAL NOTICE OF SALE

\$4,200,000

CITY OF KALAMAZOO
COUNTY OF KALAMAZOO, STATE OF MICHIGAN
2013 CAPITAL IMPROVEMENT BONDS
(LIMITED TAX GENERAL OBLIGATION)

SEALED BIDS for the purchase of the above bonds will be received by the undersigned at the Offices of the Director of Management Services and Chief Financial Officer located at the Kalamazoo City Hall, 241 W. South Street, Kalamazoo, Michigan 49007 on Tuesday, the 26th of March, 2013 until 11:00 a.m., prevailing Eastern Time, at which time and place said bids will be publicly open and read.

SEALED BIDS will also be received in the alternative on the same date and until the same time at the offices of the Municipal Advisory Council of Michigan (the "MAC"), Buhl Building, 535 Griswold, Suite 1850, Detroit, Michigan 48226, when, simultaneously, the bids will be opened and read.

FAXED BIDS: Signed bids may be submitted by fax to the City at fax number (269) 337-8448, Attention: City Clerk and by MAC members only to the MAC at (313) 963-0943, provided that faxed bids must arrive before the time of sale and the bidder bears all risks of transmission failure and the GOOD FAITH DEPOSIT MUST BE MADE AND RECEIVED as described in the Section "GOOD FAITH" below.

ELECTRONIC BIDS: Electronic bids will also be received on the same date and until the same time by Bidcomp/Parity as agent of the undersigned. Further information about Bidcomp/Parity, including any fee charged, may be obtained from Bidcomp/Parity, Anthony Leyden or CLIENT SERVICES, 1359 Broadway, Second Floor, New York, New York 10010, (212) 849-5021. IF ANY PROVISION OF THIS NOTICE OF SALE SHALL CONFLICT WITH INFORMATION PROVIDED BY BIDCOMP/PARITY, AS THE APPROVED PROVIDER OF ELECTRONIC BIDDING SERVICES, THIS NOTICE SHALL CONTROL.

Bidders may choose any means or location to present bids but a bidder may not present a bid in more than one location or by more than one means.

BOND DETAILS: The bonds will be registered bonds of the denomination of \$5,000 or multiples thereof not exceeding for each maturity the maximum principal amount of that maturity, originally dated as of the date of initial delivery, numbered in order of registration, and will bear interest from their date payable on October 1, 2013, and semiannually thereafter.

The bonds will mature on the 1st day of April in each of the years, as follows:

2014	255,000
2015	260,000
2016	260,000
2017	260,000
2018	265,000
2019	270,000
2020	270,000
2021	275,000

2022	280,000
2023	285,000
2024	290,000
2025	295,000
2026	305,000
2027	310,000
2028	320,000

INTEREST RATE AND BIDDING DETAILS: The bonds shall bear interest at rate or rates not exceeding 6% per annum, to be fixed by the bids therefor, expressed in multiples of 1/8 or 1/20 of 1%, or both. The interest on any one bond shall be at one rate only and all bonds maturing in any one year must carry the same interest rate. The difference between the highest and lowest interest rates bid shall not exceed three percent (3%) per annum. THE INTEREST RATE FOR EACH SERIAL OR TERM BOND MATURITY SHALL BE EQUAL TO OR GREATER THAN THE PRECEDING SERIAL OR TERM BOND MATURITY. No proposal for the purchase of less than all of the bonds or at a price less than 98.50% of their par value will be considered.

PRIOR REDEMPTION OF BONDS: Bonds maturing in the years 2014 to 2022 inclusive, shall not be subject to redemption prior to maturity. Bonds or portions of bonds in multiples of \$5,000 maturing in the year 2023 and thereafter shall be subject to redemption prior to maturity, at the option of the City, in any order of maturity and by lot within any maturity, on any date on or after April 1, 2022, at par and accrued interest to the date fixed for redemption.

In case less than the full amount of an outstanding bond is called for redemption, the transfer agent, upon presentation of the bond called for redemption, shall register, authenticate and deliver to the registered owner of record a new bond in the principal amount of the portion of the original bond not called for redemption.

Notice of redemption shall be given to the registered owner of any bond or portion thereof called for redemption by mailing of such notice not less than thirty (30) days prior to the date fixed for redemption to the registered address of the registered owner of record. A bond or portion thereof so called for redemption shall not bear interest after the date fixed for redemption provided funds are on hand with the transfer agent to redeem said bond or portion thereof.

TERM BOND OPTION: The initial purchaser of the bonds may designate any one or more maturities from April 1, 2014 through the final maturity as term bonds and the consecutive maturities on or after the year 2014 which shall be aggregated in the term bonds. The amounts of the maturities which are aggregated in a designated term bond shall be subject to mandatory redemption on April 1 of the years and in the amounts set forth in the above maturity schedule at a redemption price of par, plus accrued interest to the date of mandatory redemption. Term bonds or portions thereof mandatorily redeemed shall be selected by lot. Any such designation must be made at the time bids are submitted and must be listed on the bid.

BOOK-ENTRY ONLY: The bonds will be issued in book-entry only form as one fully registered bond per maturity and will be registered in the name of Cede & Co., as bondholder and nominee for The Depository Trust Company (“DTC”), New York, New York. DTC will act as securities depository for the bonds. Purchase of the bonds will be made in book-entry-only form, in the denomination of \$5,000 or any multiple thereof. Purchasers will not receive certificates representing their interest in bonds purchased. It will be the responsibility of the purchaser to obtain DTC eligibility.

Failure of the purchaser to obtain DTC eligibility shall not constitute cause for a failure or refusal by the purchaser to accept delivery of and pay for the bonds.

TRANSFER AGENT AND REGISTRATION: Principal shall be payable at the principal corporate trust office of The Bank of New York Mellon Trust Company, N.A., Detroit, Michigan, or such other transfer agent as the City may hereafter designate by notice mailed to the registered owner of record not less than 60 days prior to an interest payment date. Interest shall be paid by check mailed to the registered owner of record as shown on the registration books of the City as of the 15th day prior to an interest payment date. The bonds will be transferred only upon the registration books of the City kept by the transfer agent.

PURPOSE AND SECURITY: The bonds are authorized for the purpose of paying the cost of acquiring and constructing certain capital improvements for the City. The bonds will be a first budget obligation of the City, payable from the general funds of the City including the collection of ad valorem taxes on all taxable property in the City subject to applicable constitutional, statutory and charter tax rate limitations. The rights or remedies of bondholders may be affected by bankruptcy, insolvency, fraudulent conveyance or other laws affecting creditors' rights generally now existing or hereafter enacted and by the application of general principles of equity including those relating to equitable subordination.

GOOD FAITH: A good faith deposit in the form of a certified or cashier's check drawn upon an incorporated bank or trust company, or wire transfer, in the amount of \$84,000 payable to the order of the Treasurer of the City will be required of the successful bidder. The successful bidder is required to submit its good faith deposit to the City as instructed by the City not later than Noon, prevailing Eastern Time, on the next business day following the sale. The good faith deposit will be applied to the purchase price of the bonds. In the event the purchaser fails to honor its accepted bid, the good faith deposit will be retained by the City. No interest shall be allowed on the good faith check. The good faith check of the successful bidder will be cashed and payment for the balance of the purchase price of the bonds shall be made at the closing.

AWARD OF BONDS: The bonds will be awarded to the bidder whose bid produces the lowest true interest cost determined in the following manner: the lowest true interest cost will be the single interest rate (compounded on October 1, 2013 and semi-annually thereafter) necessary to discount the debt service payments from their respective payment date to March 26, 2013, in an amount equal to the price bid, excluding accrued interest. Each bidder shall state in its bid the true interest cost to the City, computed in the manner specified above.

TAX MATTERS: In the opinion of Miller, Canfield, Paddock and Stone, P.L.C., bond counsel, under existing law, assuming compliance with certain covenants, interest on the bonds is excludable from gross income for federal income tax purposes as described in the opinion, and the bonds and interest thereon are exempt from all taxation by the State of Michigan or any taxing authority within the State of Michigan except inheritance and estate taxes and taxes on gains realized from the sale, payment or other disposition thereof. The successful bidder will be required to furnish, at delivery of the bonds, a certificate in a form acceptable to bond counsel as to the "issue price" of the bonds within the meaning of Section 1273 of the Internal Revenue Code of 1986, as amended (the "Code"). Such certificate will include (i) for those maturities where 10% of each such maturity of the bonds has been sold to members of the general public (excluding underwriters, brokers and dealers) prior to delivery of the bonds, the price at which the first 10% of each such maturity was sold to members of the general public, and (ii) for those maturities where 10% of such maturity has not been sold to members of the general public

(excluding underwriters, brokers and dealers) prior to delivery of the bonds, an agreement by the successful bidder to provide bond counsel with the prices at which the first 10% of each such maturity is ultimately sold to members of the general public.

“QUALIFIED TAX EXEMPT OBLIGATIONS”: The City has designated the bonds as “Qualified Tax Exempt Obligations” for purposes of the deduction of interest expense by financial institutions pursuant to the Code.

LEGAL OPINION: Bids shall be conditioned upon the approving opinion of Miller, Canfield, Paddock and Stone, P.L.C., attorneys of Detroit, Michigan, a copy of which opinion will be furnished without expense to the purchaser of the bonds at the delivery thereof. The fees of Miller, Canfield, Paddock and Stone, P.L.C. for services rendered in connection with such approving opinion are expected to be paid from bond proceeds. Except to the extent necessary to issue its approving opinion as to validity of the above bonds, Miller, Canfield, Paddock and Stone, P.L.C. has not been requested to examine or review and has not examined or reviewed any financial documents, statements or materials that have been or may be furnished in connection with the authorization, issuance or marketing of the bonds, and accordingly will not express any opinion with respect to the accuracy or completeness of any such financial documents, statements or materials.

DELIVERY OF BONDS: The City will furnish bonds ready for execution at its expense. Bonds will be delivered without expense to the purchaser through DTC in New York, New York, or such other place to be agreed upon. The usual closing documents, including a certificate that no litigation is pending affecting the issuance of the bonds, will be delivered at the time of delivery of the bonds. If the bonds are not tendered for delivery by twelve o’clock noon, prevailing Eastern Time, on the 45th day following the date of sale, or the first business day thereafter if said 45th day is not a business day, the successful bidder may on that day, or any time thereafter until delivery of the bonds, withdraw its proposal by serving notice of cancellation, in writing, on the undersigned in which event the City shall promptly return the good faith deposit. Payment for the bonds shall be made in Federal Reserve Funds. Accrued interest to the date of delivery of the bonds shall be paid by the purchaser at the time of delivery.

CUSIP NUMBERS: It is anticipated that CUSIP identification numbers will be printed on the bonds, but neither the failure to print such numbers on any bonds nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with terms of the purchase contract. All expenses in relation to the printing of CUSIP numbers on the bonds shall be paid for by the City; provided, however, that the CUSIP Service Bureau charge for the assignment of such numbers shall be the responsibility of and shall be paid for by the purchaser.

OFFICIAL STATEMENT: A preliminary Official Statement that the City deems to be final as of its date, except for the omission of information permitted to be omitted by Rule 15c2-12 of the Securities and Exchange Commission, has been prepared and may be obtained from Robert W. Baird & Co. Incorporated, financial advisors to the City, at the address and telephone listed under FINANCIAL ADVISOR below. Robert W. Baird & Co. Incorporated, will provide the winning bidder with 100 final Official Statements within 7 business days from the date of sale to permit the purchaser to comply with Securities and Exchange Commission Rule 15c2-12. Additional copies of the Official Statement will be supplied by Robert W. Baird & Co. Incorporated, upon request and agreement by the purchaser to Robert W. Baird & Co. Incorporated, within 24 hours of the time of sale.

BOND INSURANCE AT PURCHASER'S OPTION: If the Bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of the bidder/purchaser, the purchase of any such insurance policy or the issuance of any such commitment shall be at the option and expense of the purchaser of the Bonds. Any and all increased costs of issuance of the Bonds resulting from such purchase of insurance shall be paid by the purchaser, except that if the City has requested and received a rating on the Bonds from a rating agency, the City shall pay the fee for the requested rating. Any other rating agency fees shall be the responsibility of the purchaser. FAILURE OF THE MUNICIPAL BOND INSURER TO ISSUE THE POLICY AFTER THE BONDS HAVE BEEN AWARDED TO THE PURCHASER SHALL NOT CONSTITUTE CAUSE FOR FAILURE OR REFUSAL BY THE PURCHASER TO ACCEPT DELIVERY OF THE BONDS FROM THE CITY.

CONTINUING DISCLOSURE: As described more fully in the Official Statement, the City has agreed to provide or cause to be provided, in accordance with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission, on or prior to the sixth month after the end of each fiscal year commencing with the fiscal year ended December 31, 2012, (i) certain annual financial information and operating data, including audited financial statements for the preceding fiscal year, generally consistent with the information contained or cross-referenced in the Official Statement relating to the bonds, (ii) timely notice of the occurrence of certain material events with respect to the bonds and (iii) timely notice of a failure by the City to provide the required annual financial information on or before the date specified in (i) above.

FINANCIAL CONSULTANT: Further information relating to the bonds may be obtained from Robert W. Baird & Co. Incorporated, 1001 Bay Street, Traverse City, Michigan 49684. Telephone (231) 933-8447. Fax (231) 933-8448.

ENVELOPES containing the bids should be plainly marked "Proposal for 2013 Capital Improvement Bonds (Limited Tax General Obligation)."

Scott A. Borling
City Clerk
City of Kalamazoo

8. Useful Life of Project. The estimated period of usefulness of the Projects is hereby declared to be not less than fifteen (15) years.

9. Tax Covenant. The City shall, to the extent permitted by law, take all actions within its control necessary to maintain the exclusion of the interest on the Bonds from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditures and investment of Bond proceeds and moneys deemed to be Bond proceeds.

10. Official Statement; Qualification for Insurance; Ratings. The City Manager and Director of Management Services and Chief Financial Officer are each authorized and directed to cause the preparation and circulation of a preliminary and final Official Statement with respect to the Bonds; to procure qualification of the Bonds for a policy of municipal bond insurance; and to obtain ratings on the Bonds.

11. Continuing Disclosure. The City agrees to enter into a continuing disclosure undertaking for the benefit of the holders and beneficial owners of the Bonds in accordance with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission, and the City Manager and Director of Management Services and Chief Financial Officer are each hereby authorized to execute such undertaking prior to delivery of the Bonds.

12. Authorization of Other Actions. The City Manager and Director of Management Services and Chief Financial Officer are each hereby authorized to adjust the final Bond details set forth herein to the extent necessary or convenient to complete the transaction authorized herein, and in pursuance of the foregoing are authorized to exercise the authority and make the determinations authorized pursuant to Section 315(1)(d) of Act 34, Public Acts of Michigan, 2001, as amended, including but not limited to, determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, the place of delivery and payment, and other matters within the parameters described in this resolution. The City Manager and Director of Management Services and Chief Financial Officer are each authorized and directed to take all other actions necessary or advisable, and to make such other filings with any parties, including the Michigan Department of Treasury, to enable the sale and delivery of the Bonds as contemplated herein.

13. Award of Sale of Bonds. The City Manager and Director of Management Services and Chief Financial Officer are each hereby authorized on behalf of the City to award the sale of the Bonds to the bidder whose bid meets the requirements of law and which produces the lowest true interest cost to the City computed in accordance with the terms of the Official Notice of Sale as published.



Commission Agenda Report

City of Kalamazoo

Date: **03/04/13**

Item **F4**

TO: Vice Mayor McKinney, and City Commissioners
FROM: Mayor Bobby J. Hopewell
DATE: March 1, 2013
SUBJECT: Confirmation of Appointments to the Downtown Noise Task Force

RECOMMENDATION

It is recommended that the City Commission confirm the appointments of Chris Falk and Margaret Strzelecki to the Downtown Noise Task Force.

BACKGROUND

On September 17, 2012 the Downtown Development Authority (DDA) considered a request from the Downtown Development Area Citizens' Council to address the issue of, "late night noise and the growing number of venues and their late night entertainment." Several citizens addressed the DDA and some suggested limiting the ending time for events at the Arcadia Creek Festival Place to 10:00 p.m. Sunday-Thursday and 11:00 p.m. on Friday and Saturday. Discussion followed regarding the City's noise ordinance and how to address the concerns of the Citizens' Council. The DDA then approved a motion "to request that the Mayor convene a group of stakeholders to address the late night noise issue."

On February 18, 2013 the City Commission created a Downtown Noise Task Force and appointed seven members. In response to citizen comments made at that time and the subsequent discussion by Commissioners, I am recommending the City Commission confirm the appointments of Mr. Chris Falk and Ms. Margaret Strzelecki. These appointments will broaden the representation on the Task Force to include downtown event planners. Mr. Falk is an event coordinator, owns Kzoo Music Scene, LLC, and serves on entertainment/event committees for Downtown Kalamazoo, Inc. and the Arts Council of Greater Kalamazoo. Ms. Strzelecki is the President of the Irish American Club of Kalamazoo and an organizer of the St. Patrick's Day Parade and Irish Fest events.

COMMUNITY RESOURCES CONSULTED

Mr. Falk attended the February 18th City Commission meeting and asked to be on the Task Force. Downtown Kalamazoo Incorporated recommended Ms. Strzelecki for membership on the Task Force.

FISCAL IMPACT

There is no direct fiscal impact associated with the confirmation of these appointments.

ALTERNATIVES

The City Commission could choose not to confirm these appointments.

ATTACHMENTS

None

Date: **03/04/13**

Item **H1**



City Clerk's Report

March 4, 2013

Request for Action

The City Commission has received a [request from Mr. Brad Allison](#) to adopt a resolution supporting the federal Uniting American Families Act.

Borling, Scott

From: Brad Allison
Sent: Wednesday, February 20, 2013 4:33 PM
To: Borling, Scott
Subject: Resolution to support UAFA
Attachments: Resolution_UAFA_Kalamazoo2013.docx

Mr Borling:

Thank you for taking your time in speaking with me on the telephone just now. I am attaching the sample resolution that I would like the City of Kalamazoo to support. This is legislation that was just reintroduced to both the House and Senate called the Uniting American Families Act.

Briefly, I am in a same-sex bi-national relationship. My soon-to-be husband lives in Montevideo, Uruguay. As you might have heard on the news, the Defense of Marriage Act (DOMA) prevents me from sponsoring him to be with me here in the United States. DOMA is going to be challenged in the Supreme Court in March with a ruling expected in June. However, it is also important that Congress pass this legislation that would allow direct the immigration service to sponsor my same-sex couple. I have personally had the fortune to speak briefly to both Senator Stabenow (last year) and more recently Rep Fred Upton. I have also contacted Senator Levin's office. All of my representatives I have called and e-mailed and asked them to sponsor this pending bill. This bill could stand alone or eventually become part of a larger immigration reform bill.

I think if the City of Kalamazoo were to pass this resolution, it would send another clear message to Representative Upton to be part of this bipartisan legislation.

I thank you again for explaining to me what I need to do and I will plan on being at the meeting on March 4 and offer my comments at the end of the meeting.

Brad Allison
Kalamazoo, Michigan

Resolution in Support of The Uniting American Families Act (HR 519/S 296)

WHEREAS, A driving goal under U.S. immigration law is family unification and the ability of families and individuals to reside legally in the U.S., engaging fully in our country's rich civil traditions and form of government; and,

WHEREAS, The City of Kalamazoo celebrates and respects all immigrant groups and all families, including those of same-sex gay and lesbian partners; and,

WHEREAS, Current U.S. immigration law discriminates against a U.S. citizen or lawful permanent resident and his or her foreign-born partner by not allowing the sponsorship of the foreign partner for immigration benefits, although an opposite-sex couple would have the right to do so; and,

WHEREAS, This form of discrimination and unfair treatment under the law has devastating and life-altering consequences for same-sex partners; and,

WHEREAS, The inability to sponsor a same-sex partner leaves the couple with the following limited options: 1. Choose to remain in a costly long-distance international relationship; 2. Choose to live abroad in the foreign partner's country, if allowable; 3. Seek a visa, independent of the partnership, for the foreign-born partner, creating a limited duration of legal stay; 4. Choose to allow the foreign-born partner to remain undocumented or allow a visa to lapse, creating daily uncertainty and fear of deportation; or, 5. Terminate the relationship; and,

WHEREAS, The limited legal options for same-sex partners to keep their relationship unified exacts an enormous emotional, financial, and mental toll, disproportionate to opposite-sex couples in bi-national relationships; and,

WHEREAS, Beyond the personal challenges to same-sex couples, the City of Kalamazoo and the entire country risk a great loss of talent should the foreign partner and/or the U.S. citizen or lawful permanent resident be forced to depart the U.S. to keep the relationship whole in another country; and,

WHEREAS, Currently pending in the United States Congress is the Uniting American Families Act (H.R. 519/S.296), reintroduced on by Representative Jerrold Nadler (D-NY-10) and Senator Patrick Leahy (D-VT). The purpose of this bill is "to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships"; and,

WHEREAS, The Uniting American Families Act would allow same-sex relationships to be treated no differently from opposite sex relationships and all legal requirements of

qualifying under the statute and proving the good faith nature of their relationship would remain; and,

WHEREAS, The Uniting American Families Act would bring U.S. immigration law in line with the 31 other countries that already recognize same sex partnerships for immigration purposes, including: Australia, Austria, Belgium, Brazil, Canada, Czech Republic, Denmark, Finland, France, Germany, Iceland, Ireland, Israel, the Netherlands, New Zealand, Norway, Portugal, South Africa, Spain, Sweden, Switzerland, and the United Kingdom; and,

WHEREAS, The City of Kalamazoo fully supports the measures of Congress to allow gay and lesbian partners to access immigration benefits in an equal and fair manner, equivalent to opposite sex partners who currently enjoy such legal rights;

NOW THEREFORE BE IT RESOLVED that we, the members of Kalamazoo City Council, do hereby express our strong support for the passage of the Uniting American Families Act, or other laws that will end discrimination for bi-national same-sex partners under the immigration laws and will allow gay and lesbian residents of the City of Kalamazoo fair and equal access to immigration benefits through their permanent partnerships.

BE IT FURTHER RESOLVED That suitable copies of this resolution be prepared and sent to the Kalamazoo Congressional Delegation; Honorable Fred Upton, United States Representative; Honorable Carl Levin, United States Senator; Honorable Debbie Stabenow, United States Senator; Honorable John Boehner, Speaker of the United States House of Representatives; Honorable Harry Reid, Leader of the Senate, and Honorable Joseph Biden, Vice-President of the United States and President of the United States Senate.