

MEMORANDUM

TO: Charlotte City Council

FROM: Thomas M. Hitch, City Attorney

RE: **CITY ATTORNEY REPORT**

DATE: December 10, 2015

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The following is my report to the City Council on several issues in which our office has been engaged since the last Council meeting:

1. Personnel Issues. The Circuit Court held a hearing on the forfeiture of a portion of Carrie Bowerman's retirement benefits on December 9, 2015. Pursuant to calculations prepared by the Michigan Employee Retirement System, the Court was presented with a stipulation, agreed to by Ms. Bowerman and the Prosecutor's Office, that would reduce her monthly pension by \$73.92 per month over her lifetime. As a result of the forfeiture, she will be refunded \$779.71, which is required by the Forfeiture Statute.

On account of this forfeiture, the City will save \$6,298.51 in the funding of Ms. Bowerman's pension. As a consequence, that amount is being credited against the judgment which the City has against Ms. Bowerman for the embezzlement of City funds.

At this stage in the proceedings, it is anticipated that there will be no more motions or hearings before the Court that would involve the City. City officials have been advised that Ms. Bowerman will be released from jail on January 17, 2016.

2. Rockafellow v City of Charlotte. As the Council may remember, the Circuit Court granted the City's motion for summary disposition dismissing the lawsuit filed by Mr. Rockafellow, a former DPW employee of the City. Mr. Rockafellow was bringing his claims based upon violations of the Michigan Handicappers Civil Rights Act.

Mr. Rockafellow took an appeal to the Michigan Court of Appeals and on November 25, 2015, attorneys for Mr. Rockafellow filed their brief on appeal with the Court of Appeals. Pursuant to appellate procedure, the City will have 42 days within which to file its brief, unless an extension is sought; at this point in time, it is not anticipated that an extension will be necessary. Based on our latest experience with appeals in the Michigan Court of Appeals, I would anticipate oral argument to occur approximately one year from now.

3. In Mold Solutions Tax Delinquency. I have contacted the attorney for In Mold and provided him with a copy of the complaints that have been prepared. I will keep the Council apprized on the ongoing discussions.

TMH:ddy