

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF INGHAM

ASSOCIATED BUILDERS AND
CONTRACTORS, GREATER MICHIGAN
CHAPTER, a Michigan
Non-Profit Corporation,

Plaintiff,

Case No.: 12-406-CZ

12

12-406-CZ

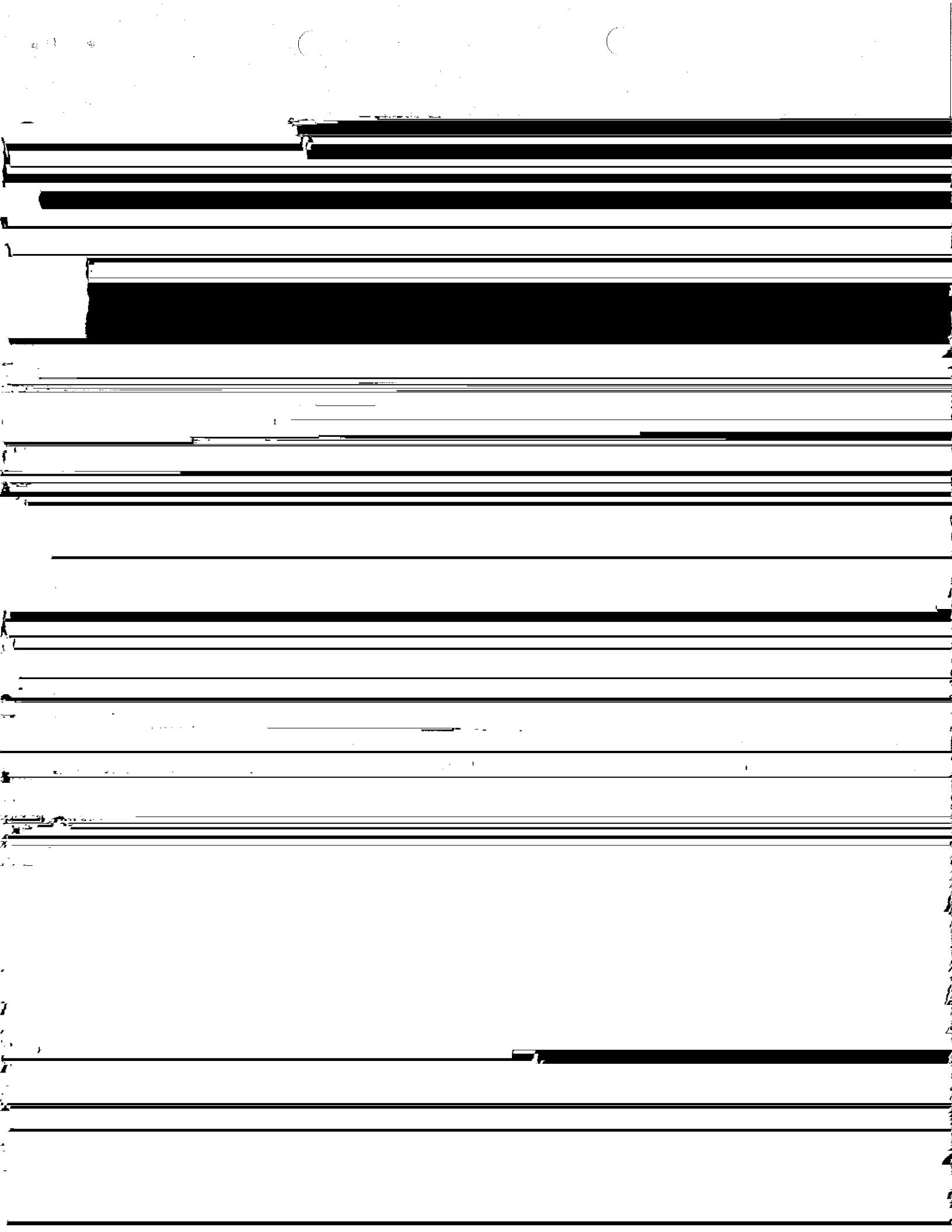
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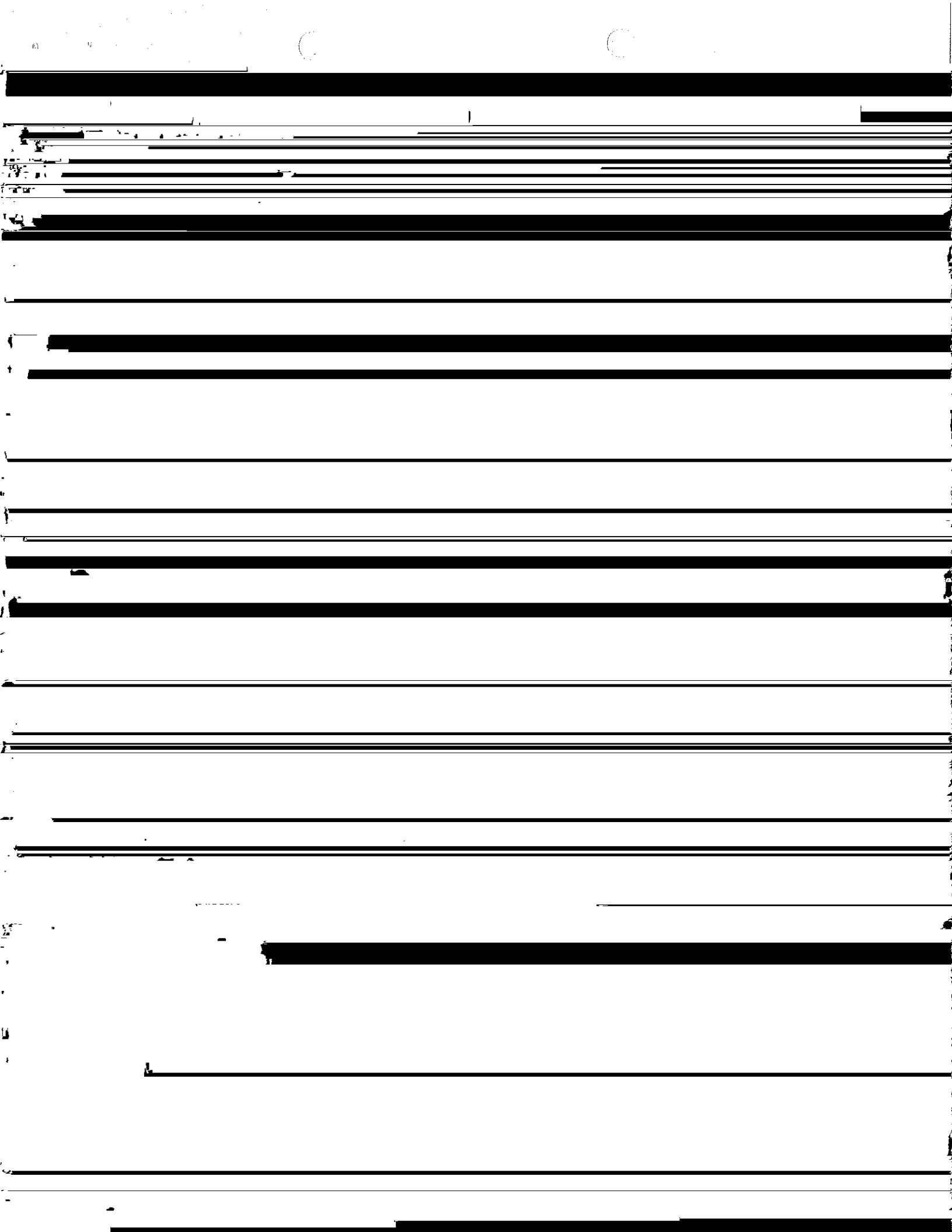
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INTRODUCTION

Plaintiff, Associated Builders and Contractors, Greater Michigan Chapter ("ABC"), is a Michigan non-profit corporation comprising various employers operating in the construction industry. Defendant, the City of Lansing ("Lansing") is a "body corporate" established pursuant to the Home Rule City Act, MCL § 117.1 *et seq.* ("Home Rule Act"). On behalf of its members, ABC is challenging Lansing's Prevailing Wage and Benefit Standards Ordinance and Lansing's Living Wage Ordinance on the basis that they unlawfully regulate the payment of

enterprise and to encourage open competition and free market principles in the expanding and

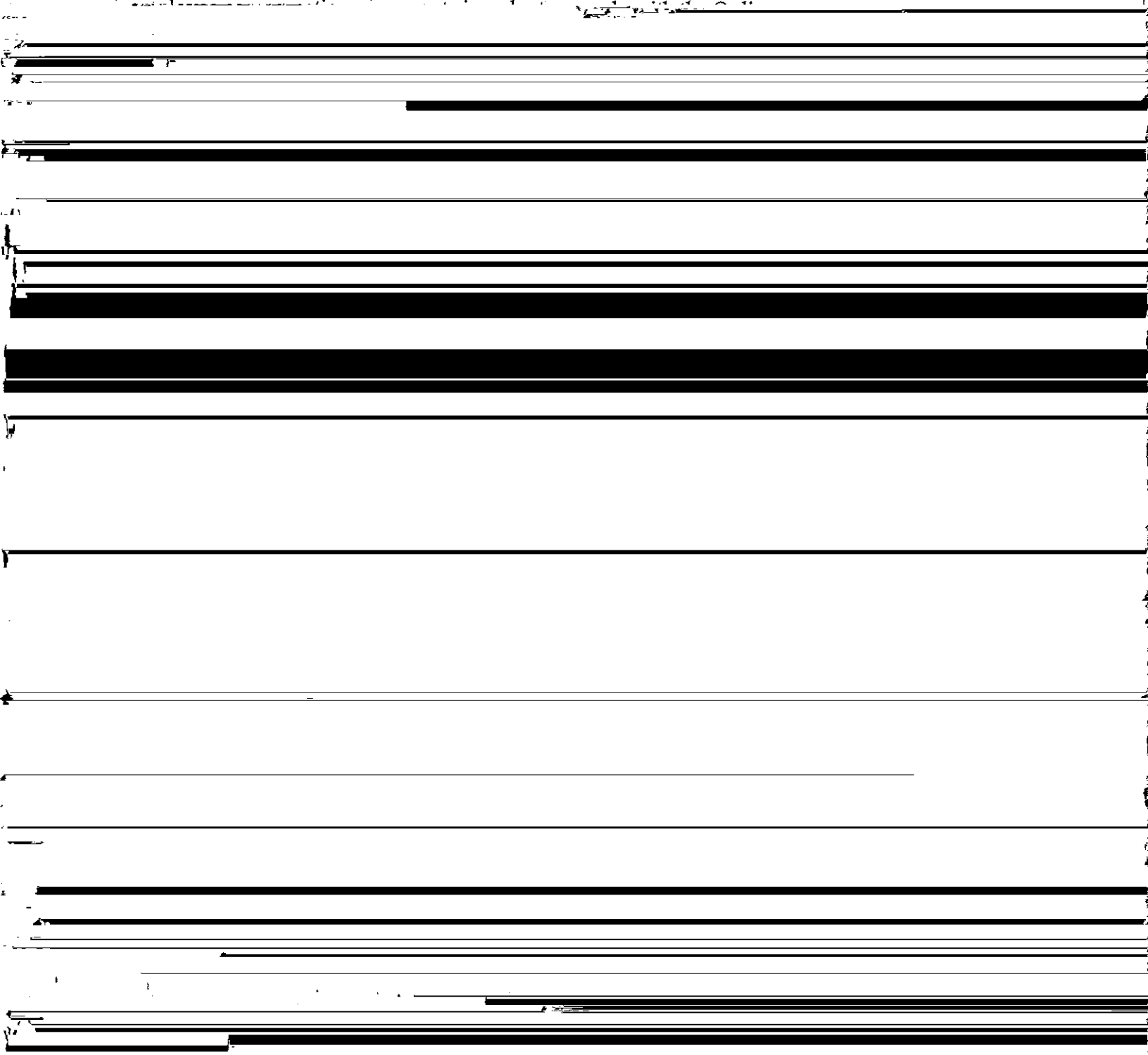


costs paid by the employer for an employee health care benefits may be

[REDACTED]

(Ex. B)

As a result of Lansing's Prevailing Wage and Benefit Standards Ordinance and Lansing's Living Wage Ordinance, contractors awarded construction contracts with Lansing are required to pay wage and fringe benefits to their employees at levels mandated by Lansing. Consequently, many of ABC's members seeking or doing business with Lansing are required to adjust their



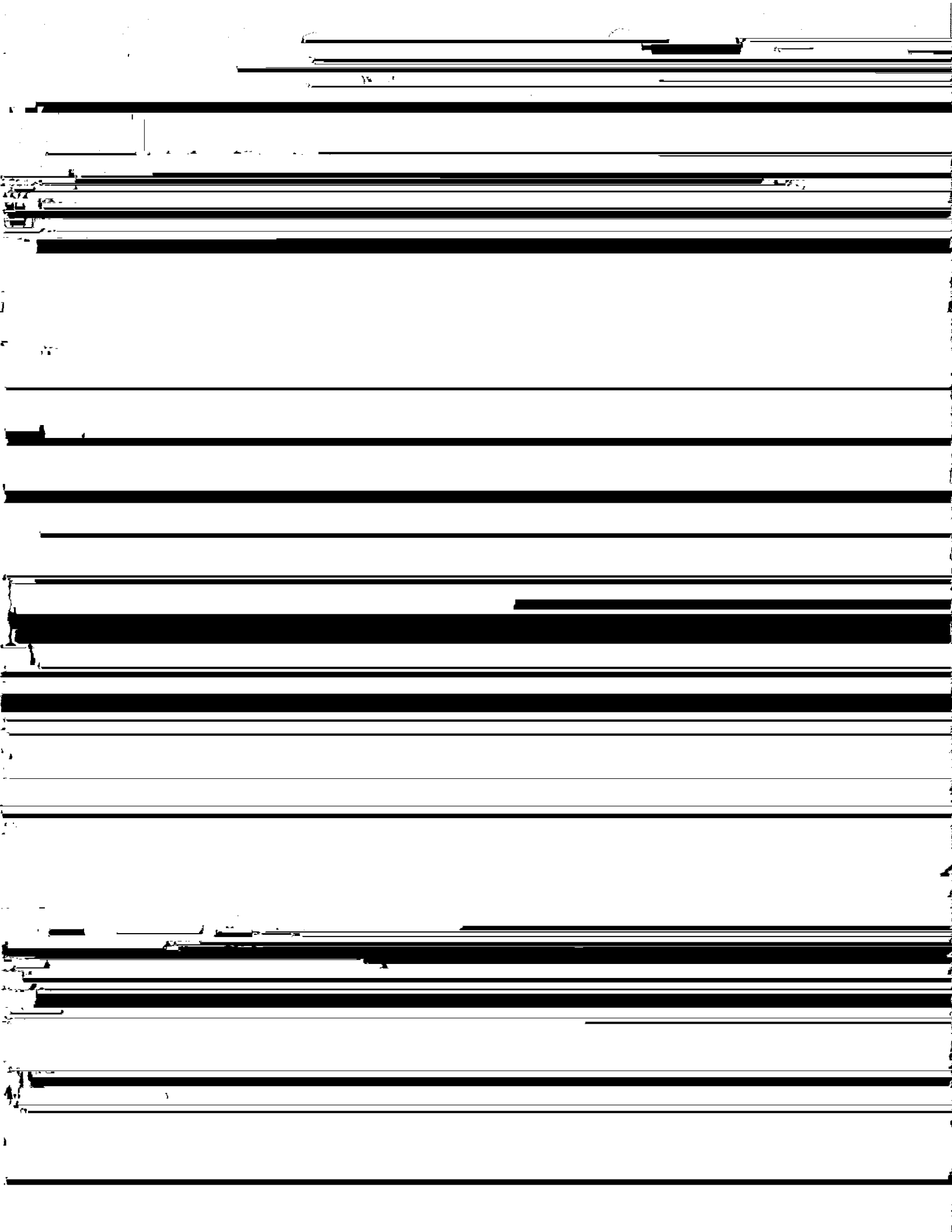
framework for the delegation of State power to municipalities, the current Michigan Constitution states in pertinent part at Article VII, Section 22:

similar to Lescage's (unofficially) exceeded the City of [redacted]

[redacted]

[redacted]

[redacted]



THE MICHIGAN COURT OF APPEALS RECENTLY REVERSED

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Id. Plaintiffs appealed the trial court's order granting summary disposition in favor of the contractor. *Id.*

On appeal the Court of Appeals first addressed its obligation to the doctrine of *stare*

facts;" thus, pronouncements which have no bearing on a legal conclusion are *dicta* and lack precedential value. *Smith v. Gribben*, 370 Mich. 208, 215, 16-150 N.W.2d 708 (1967). The

of the *Rudolph* Court was not necessary to the resolution of the case and it therefore remains

language of the Constitution and the Home Rule Act. On the other hand, the Supreme Court in

EXHIBIT A

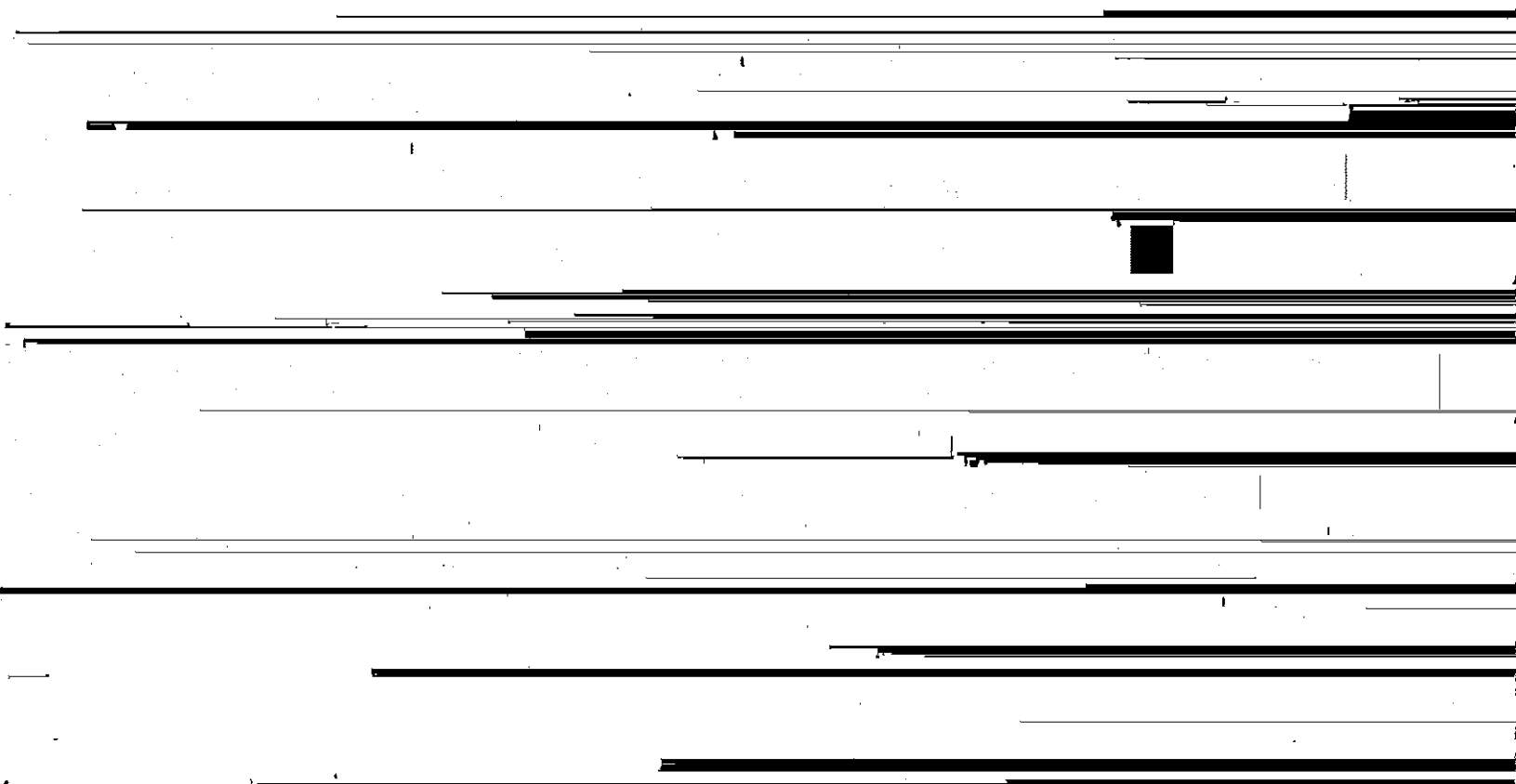


EXHIBIT B

[Redacted]

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[Redacted]

[Redacted]

[Redacted]

206 24 - Requiring employers that contract with the City or receive economic

(6)

"Employee" means any individual who is paid to work for an employer.

(7)

"Federal poverty guideline" means the official poverty guideline for a family of four published and updated annually in the federal register by the United States Department of Health and Human Services under authority of 42 U.S.C. 9902(2).

(8)

"Full-time employee" means an employee who is employed for not less than 40 hours in a calendar week.

(9)

"Grantee" means a recipient of an I.F.T certificate.

(10)

"Health care benefits" means the right or rights granted to an employee under a contract, certificate, or policy of insurance to have payment made by a

(2)

The implementing department shall calculate and publish an annual bulletin stating the minimum living wage rates within 30 days of the publication of the federal poverty guideline in the federal register. The implementing department shall, with the assistance of the purchasing division of the finance department, notify each contractor or grantee of such changes in writing by regular United States mail. Such adjustment shall become immediately effective upon publication of the annual bulletin for new contracts and become effective at the time of contract renewal for existing contracts.

(e)

Equal employment opportunity. To the greatest extent feasible, a contractor or grantee shall make good faith efforts to fill all new positions created as a result of

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Mass and hour violation. This section shall not be construed to limit an employee's

Living Wage Advisory Committee. The Living Wage Advisory Committee is established to review the effectiveness of this section to create and retain living wage jobs in Lansing and to promote access to living wage jobs for low and moderate income residents of Lansing; review the implementation and enforcement of this section; and make recommendations from time to time in connection with the purpose and applicability of this section.

(l)

Composition of Advisory Committee. The Living Wage Advisory Committee shall

Complaint. Anyone with knowledge of a violation of this section may file a complaint with the implementing department, which will have 90 days to investigate and make a determination regarding the complaint. The implementing department shall provide any contractor or grantee, alleged to be in violation of this section, the opportunity to present appropriate documentation to demonstrate its compliance. A contractor or grantee determined by the implementing department to be in violation of this section shall have the right to appeal accorded by law.

(o)

~~Penalty for violation. A contractor or grantee who is determined by the~~

implementing department to be in violation of the living wage requirement shall be

~~penalized as follows: (1) For each violation, the contractor shall be fined not more than \$10,000, or~~

(5)

Nothing contained in this section shall be construed to limit in any way the

11- EVIDENCE C

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



 Caution

RICHARD RUDOLPH, DAN GRIFFIN, CHRIS WELLS, and CAROLYN ALLEN,
Plaintiffs-Annellants v GUARDIAN PROTECTIVE SERVICES INC a/k/a

[REDACTED]

that these allegations regarding powers not expressly granted were expressly and unmistakably granted.

[REDACTED]

[REDACTED]

[REDACTED]

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