

From: Dan Greer <danielpgreer@yahoo.com>

Date: February 5, 2017 at 2:41:16 PM EST

To: "Scott B. McIntosh" <SCOTT.MCINTOSH@cmsenergy.com>

Subject: Re: Thank You

Thanks, Scott. I appreciate you taking time away from your family to meet with me.

Be assured, I wouldn't forward this to anyone. I consider what we spoke about to be between you and I.

I look forward to Jackson's future and the great things we can accomplish here together.

Best Regards,

Daniel Greer
Third Ward Councilmember
City of Jackson

Sent from my iPad

On Feb 5, 2017, at 1:55 PM, Scott B. McIntosh <SCOTT.MCINTOSH@cmsenergy.com> wrote:

Dan:

I would like to thank you for taking the time on Friday to discuss the City's NDO and your concerns regarding its passage. One of the primary concerns that I heard from you was concern around the City potentially opening itself up to being sued. For example, you said, "what if we determine that there is no grounds for discrimination and we get sued?" You said, "we have just now started to get financially healthy" and that you are worried about a lawsuit wiping out the City.

I reached out to Consumers' legal team to see if we could alleviate your concerns in this regard. They graciously worked on this for me yesterday and gave me the conclusion just this morning. I am not an attorney and forgive me for boiling down the answer in this simple manner. **The conclusion is this: we believe that "there is no reason to believe that the passage of this ordinance as drafted increases the City's liability in any way."**

The primary reason for this conclusion is that the City has immunity from being sued in performing the "ministerial" or every day obligations of running the City. But as you know the City can always be sued and the NDO would not change that. But unless the City has engaged in gross negligence there would be no grounds to suing the City and it would have immunity protection. An example of gross negligence in the case of the NDO would be if for example the City received a claim of discrimination that it never actually reviewed but made a determination in favor of the defendant. In other words, as long as the City does its job in enforcing the NDO, it should have no fear of a lawsuit that could wipe out the City.

You said on Friday that you have a "fiduciary responsibility" to make the best decision for the City and that the answer to this question could make a "major impact" on how you voted. I hope you find this information to be helpful in your determination of how you ultimately vote on Tuesday. I hope this alleviates your concerns that a yes vote could set the City up to be wiped out

financially. As you know, I believe that a yes vote instead helps continue the City's recent growth and development.

I'd ask that you not forward this email on without talking to me first. I don't want to get my attorneys in trouble. **I would also suggest that you talk to Patrick and Bethany to make sure that they agree with the conclusion.** It's always better to get an answer from a couple of sources to make sure it's right.

I look forward to continuing to partner with you and others to make the City better.

Respectfully,

Scott

Scott McIntosh, CPA

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