



MINUTES
Committee of the Whole
Council Training
Monday, February 20, 2017 @ 5:30 p.m.
City Council Chambers

CALL TO ORDER

Council President Spitzley called the meeting to order at 5:30 p.m.

PRESENT

Councilmember Brown Clarke
Councilmember Kathie Dunbar- arrived at 7:00 p.m.
Councilmember Tina Houghton
Councilmember Adam Hussain
Councilmember Patricia Spitzley
Councilmember Jody Washington
Councilmember Carol Wood
Councilmember Jessica Yorko- left the meeting at 8:15 p.m.

OTHERS PRESENT

Sherrie Boak, Council Staff
Jim Smiertka, City Attorney
Kelly Rossman-McKinney, Rossman
Joseph Abood, Deputy City Attorney
Brandon Waddell, Assistant City Attorney
Mark Dotson, Deputy City Attorney
Billie O'Berry, Assistant City Attorney
Heather Sumner, Assistant City Attorney
Nicole Maison, City Attorney Office
Elizabeth O'Leary, Human Resources
Eric Brewer, Council Internal Auditor
LaSondra Crenshaw, Council Staff

Public Comment

No public comment

Presentations

Media Tips(optional attendance required)

Kelly Rossman-McKinney distributed handouts that spoke to Key Messages, talking points, semantics on good vs. bad, capturing media attention, media phone calls, tips on preparing and talking to the media, and TV tips. The challenge was noted that Council needs to come

together as a body and an individual council member. A key message, she noted, should be supported by proof positive points. If there is an action moved as Council, then every Council Member needs to say the same thing. The message should be clear, consistent, and continuing to deliver the message in every venue so everyone can remember that message.

Ms. Rossman-McKinney provided advice when setting the stage before it comes before Council and how to announce what is going to happen at the meeting to capture media attention. Preparation was also recommended for when speaking to the reporters and all parties that are involved, including being the source before the subject, have a media policy, and key people should be notified so they know there is a story in the works, do not respond to any reference of what your opinion was, if the reporter is asking a question, they already know the answer. Highlighted in the presentation she stated that the Council Member should repeat their key messages at the end of the conversation.

Ms. Rossman-McKinney's final recommendation to Council Members was to be mindful when speaking to a reporter, their own words could be used against them, and there is nothing wrong to state you made a mistake. Lastly, if there is a disagreement between members, keep to a minimum and not in the public.

Council Member Spitzley acknowledged Ms. Rossman-McKinney, and added that on the DIAS the Council needs to be professional and mindful because setting an image.

Recess at 6:00 p.m.

Council President Spitzley called the meeting back to order at 6:05 p.m.

Human Resources

Ms. O'Leary presented the annual video on sexual harassment and non-discrimination, then reviewed the City Policy No. 6. Council President asked what the procedures are since the Council is elected and not an employee, if they were found to have created harassment or discriminated against someone. Mr. Smiertka stated they would be removed from office, have to resign or forfeit their office. There were no further questions from Council Members. Council Member Spitzley made note that any Council Members not present at the time of this presentation will need to schedule an appointment with HR.

City Attorney

Mr. Smiertka introduced his attorneys and staff that were present and handed out the power point presentation. The overview began with the Fiduciary Duties as defined in the Lansing Code of Ordinances, Section 290.01 Included in the overview he covered Duty of Loyalty and Duty of Care. Outlined in Duty of Loyalty was the conflict of interest and "self-dealing". In the slide on Duty Care spoke to statutory duties and acting in good faith and with reasonable care. Council President Spitzley reminded her fellow Council Members that if they are unsure if a conflict exists, assume the conflict does exist and disclose it.

Ethics Ordinance

Ms. Sumner went through the ordinance listing the purpose, the penalty which would be a misdemeanor, and prohibitions. The prohibitions included but were not limited to non-monetary gifts valued over \$50, using the position to obtain financial gain, participating in a business transaction that allows the member to profit, and offer, give or solicit any item of value with the understanding that the vote will be influenced. Council Member Wood asked if the \$50 mentioned was per incident or combined for the year. Ms. Sumner advised Council that if in doubt doesn't do it, and Mr. Smiertka stated if it becomes a pattern, then there is a subjective issues. Council Member Wood asked about a Council Member running a non-profit and if a developer could come and give funds to the non-profit. Ms. Sumner stated it

should be disclosed. Mr. Smiertka stated it should also be disclosed during the budget and then recuses them from the vote.

The group moved onto the discussion on Conflict of Interest, and the slide detailed when a Council Member should file an affidavit, and disclose information. Council President Spitzley asked if as President she should ask for the disclosure from the Council Member if there is a situation of conflict. Ms. Sumner stated that the Council Member should disclose the conflict and asked to be recused, but Mr. Smiertka stated the President can call for it, and then the Council will vote for that member to be recused.

Council Member Spitzley informed the Council Members they could ask the City Attorney for an opinion if they are not sure if there is a conflict, but they should not "shop for an attorney". Inquiries should go through the City Attorney himself so he can direct his staff. Mr. Smiertka assured the Members that if they want to reach out to the attorney on their committee, which ever one they sit on, they can do that also, if it pertains to that Committee.

The topic concluded with a discussion on not using the Council offices for personal business, using of City property for personal business including phones and stationary, or leaking confidential information to the press or others who are not privy to the information.

Elections

Ms. O'Berry referenced the Charter Section Ch. 1 2-102 and 2-103. This outlined the qualifications to be in the elective office of Council and the ineligibility for office.

Council Member Spitzley stepped away at 7:01 p.m.

Ms. O'Berry detailed candidate and campaign information, and referred them to the City website also where the material is also listed.

Council Member Spitzley returned to the meeting at 7:04 p.m.

The topic then addressed the Michigan Campaign Finance Act and discussions on co-mingling funds. Council President Spitzley reminded the Members they cannot announce their campaign related events on the Dias or at their monthly neighborhood meetings. Ms. O'Berry advised the Members to keep everything completely separate. This would include no campaign material in the office because it is a public building and they are in the building as representatives of the City, so it is not permitted. Ms. O'Berry added to the presentation that Council Members should remember they are perceived as Council Members 24/7.

Human Rights

Mr. Waddell outlined the Human Rights ordinance, the values and principals, and referenced 42 U.S. Code 1983. Council President Spitzley asked if there should be a written policy on abiding by someone's human rights, and Mr. Waddell confirmed it does not have to be, it can be a customary practice. It was suggested that if there is a policy to implement, the best practice before going to the public is to vet it with the City Attorney office.

Open meetings

Mr. Abood outlined the Open Meetings Act and the State Statute. The policy of the OMA is to strengthen the right of all Michigan citizens to know what goes on in government by requiring public bodies to conduct nearly all business at open meetings. The Charter does speak to everyone being present for deliberations and the vote. The advice of legal counsel in many communities is that there should be no electronic devices at the Dias. Council Members discussed using their phones to text their family members during the meeting or researching information on a topic on the agenda. Mr. Abood stated that the use of a device on the Dias is

the matter of the public feeling comfortable that they are aware of what is going on. Council Member Washington noted that she has heard that there are many cities that have banned any electronic devices on the Dias. Council Member Dunbar stated her knowledge that Ingham County only uses computers for their meetings, their members no longer get paper copies. Council President Spitzley reminded the members that the City of Lansing currently does not have any rule or policy, and the presentation by Mr. Abood is to make them all aware of the possibilities and liabilities. Council Member Hussain added that every member would open themselves for public back trust at their own risk. Council Member Washington reminded the Members based on the earlier discussions, that using a personal computer on the Dias is an ethics issue because it would be using the City offices and utilities for their personal business. Council Member Dunbar asked what the purpose would be if someone FOIA the cell phone. Mr. Smiertka stated the phone would have to be turned over to the City Attorney office and information would have to be redacted, this would involve working with the IT Department also. A FOIA does not have to be subject specific, but can be vague as in a date and time relative to any device a member had with them during a discussion or vote.

FOIA

Mr. Dotson outlined the City's FOIA practices, procedures and requirements. The person requesting the information, must ask for the specific documents, the City does not create documents.

The presentation went into the exemptions, redactions, standards and appeal process.

Council Member Yorko stepped away from the meeting at 8:11 p.m.

Mr. Dotson stated that the FOIA Log is updated monthly and posted on their website.

Mr. Smiertka stated he could have the recent FOIA log emailed to the Council, and concluded by letting Council know he will continue to rotate attorneys at their meetings, and Law will continue with their ongoing training.

Council President Spitzley then turned the topic to the recent Sanctuary City resolution, stating that as Council President she will not be placing it back on any agenda in the near future.

Council Member Yorko returned to the meeting at 8:14 p.m.

Council President Spitzley acknowledged that the City Attorney is still looking at House Bills, revisions, and the effect at the national and local level. She asked that all recommendations from Council Member be sent through Council Office Manager Sherrie Boak who will compile them and forward them to the City Attorney office.

Council Member Yorko left the meeting at 8:15 p.m.

Council Member Washington acknowledged Council President Spitzley for taking leadership on the topic and taking a step back.

Council Member Dunbar informed the Committee that she has gotten information from other attorneys, and has been hearing that there is an issue in what is legal, and what is possible or not possible. She confirmed she would forward that information onto all Council Members. She did acknowledge she understands the Presidential Executive Order, however is not concerned with the State and we are becoming reactionary. Council President Spitzley, interjected and stated that the City has already been reactionary, and now they are being thoughtful. Council needs to let the City Attorney do their job. Council Member Dunbar reminded the group that the State House Bill had died 3 times and if it does come out it will be

challenged. She concluded by stating her fear to stop create something at this level because of a threat that is over reached and over broad, that will stop something happening in the City at all. Council President Spitzley acknowledged Council Member Dunbar's statements but again clarified she will be following laws direction. Council Member Houghton confirmed she is still gathering information and will forward to Ms. Boak when she has something.

Council Member Brown Clarke asked Council President Spitzley to make a statement to the public to remind them what the City currently does have in place. There is currently an assumption that the City does not have anything however there is a Human Rights Ordinance in place.

Adjourn

Adjourned at 8:21 p.m.

Respectfully Submitted by,
Sherrie Boak, Recording Secretary
Lansing City Council

Approved by Committee on March 13, 2017