



AGENDA
Committee of the Whole
Monday, February 27, 2017 – 5:30 p.m.
City Council Chambers, City Hall 10th Floor

Council Member Spitzley, Chairperson
Council Member Wood, Vice Chair

1. **Call to Order**
2. **Roll Call**
3. **Minutes**
 - February 13, 2017
 - February 20, 2017
4. **Public Comment on Agenda Items (limited to 3 minutes)**
5. **Presentation/Introduction:**
 - Tri County Regional Planning Commission Annual Report
 - FY2017 2nd Quarter General Fund Status Report & Vacancy Report (Angie Bennett)

{CLOSED SESSION}
RESOLUTION – Workers Compensation Redemption (Settlement);
Claim # WC-2062876-00997

{RECONVENE}
6. **Discussion/Action:**
 - A.) RESOLUTION – Workers Compensation Redemption (Settlement);
Claim # WC-2062876-00997
 - B.) DISCUSSION - City Council Performance Measures for FY2017 Budget
 - C.) ORDINANCE – Transparency in Bidding and Opening of Bids for Projects that Receive Certain Economic Incentives Approved by the Lansing City Council
7. **Adjourn**

The City of Lansing's Mission is to ensure quality of life by:

- I. Promoting a vibrant, safe, healthy and inclusive community that provides opportunity for personal and economic growth for residents, businesses and visitors
- II. Securing short and long term financial stability through prudent management of city resources.
- III. Providing reliable, efficient and quality services that are responsive to the needs of residents and businesses.
- IV. Adopting sustainable practices that protect and enhance our cultural, natural and historical resources.
- V. Facilitating regional collaboration and connecting communities



MINUTES
Committee of the Whole
Monday, February 13, 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
Councilmember Tina Houghton
Councilmember Adam Hussain
Councilmember Patricia Spitzley
Councilmember Jody Washington-excused
Councilmember Carol Wood
Councilmember Jessica Yorko

OTHERS PRESENT

Sherrie Boak, Council Staff
Jim Smiertka, City Attorney
Randy Hannan, Mayor Executive Assistant- arrived 6:24 p.m.
Eric Brewer, Council Internal Auditor
Angela Bennet, Finance Director
Stephen Blann, CPA, CGFM, CGMA, Principal Rehmann Robson
Paul Matz, CPA, CGFM, Assurance Principal Rehmann Robson
Denis Prisk, LPD
Dr. Joan Jackson Johnson
Jim DeLine
Jeremy Behr
Caroline Wong
David Douglass
Tyler Wood
Seth Kalis
Sam Ingot
Randy Eberhard
Carolyn Condell
L. LaShawn Erby
Megan Thompson
Lucas Anthony
Eugene Yacobson

Leslie Hunger
Oscar Castared
John Westra
Mary M. Mine
Kathy Ignasiak
Mikey Taylor
Ed Montemayor
Elva Reyes
Nino Rodriguez
Eve Brown
Frances Holt
Ed Bowman
Betsy Riley
Diego Bonesatti
Angela Austin
Duncan Tarr
Olivia Guislain
Rachel Recker
Melissa Moorehead
John Krohn
Stephanie Ondeichauin
Chris Jackson
Michael Mercer
Dilhara Muthukuda
Jonathan Evans
Thasin Sardar
Jordan Evens
Zoe Steinfield
Linda Gordon
Josephine Mask
Leslie Hunter

Minutes

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE MINUTES FROM JANUARY 30, 2017 AS PRESENTED. MOTION CARRIED 7-0.

Public Comment on Agenda Items 6. A., 6 B., 6 C. limited to 2 minutes

Mr. DeLine acknowledge Mr. Eric on his audit report.

Presentation

Comprehensive Annual Financial Report (CAFR)

Ms. Bennett acknowledged the CAFR was presented to the Council and it was on the website. She then did a quick overview of the report and introduced Mr. Blann and Mr. Matz with Rehmann Robson.

Mr. Blann provided an overview of the audit process. The purpose of the document is to answer one simple question, with the 200 pages of data the City is responsible to prepare, and then Rehmann Robson answers the questions on if Council can rely on the data. The Committee was referred to page 11-12 on their opinion. In conclusion Mr. Blann assured Council that they believe the information is reliable. The audit not designed to find small errors but look at big items.

Council Member Brown Clarke asked for the matrix for the monetary and breakdown in procedure. Mr. Blann noted that for material there is a two part focus; 1) dollars and cents and sense, and with the planning perspective starting with a 1%. Even though some are not large in dollar, it could be large.

Council President Spitzley asked if they found any material weaknesses. Mr. Blann admitted that the financial statement audit notes material errors, but it does not answer how they got it, so they do another report. In that report it does focus on material weaknesses. He continued by noting that it is possible to have no material misstatements but have material weaknesses. Any material audit adjustments they work with management. Rehmann Robson did note that in regards to the Pension and OPEP the process is time consuming and the City needs to move things quicker. There are also yearend spreadsheets that are done manually and they are suggesting another set of eyes. Council Member Brown Clarke asked if there has to be reconciliation with human eyes, why they have not purchased software to speak to each other. Mr. Blann explained there are nuances and calculations that require customizing it for Lansing

Mr. Blann referred the Committee to page 28 noting that for a City the size of Lansing, a small list in their conclusion is good news.

Council Member Wood asked what programs and tests were done. Mr. Blann stated it is a single audit every year and rotation. The financial statement audit covers all accounts. Council Member Wood referenced past audits where Rehmann Robson would test an account from the report provided by the Finance Department to make sure the numbers are correct, and then asked which account they tested this year. Mr. Blann stated they always test multiple accounts.

Council Member Wood then asked Ms. Bennett about the reserve account that is utilized for supplies ahead of time, and Ms. Bennett acknowledged it was the Budget Stabilization Fund and those funds are unassigned. In the General Fund there were Committees with carry forwards, inventories, etc. In the 2016 CAFR there is about \$930,000 that is fund balance restricted.

Council Member Wood asked Ms. Bennett what the plan is if East Lansing decides to start an income tax. Ms. Bennett stated that that a resident would pay ½% in Lansing and ½% in East Lansing, and at this time they are not sure what the impact of that will be.

Council Member Wood asked Rehmann Robson if they look at anything that deals with performance based budgeting or make recommendations to that. Mr. Blann stated they do not.

Council President Spitzley asked Ms. Bennett to do a comparison between the CAFR letter in 2015 to the recent 2016, and provide an updated on the material weaknesses that appear in both years. One of those weaknesses was the need for additional staff. Ms. Bennett stated the positions have been posted and they hope to start interviewing soon. Mr. Brewer was asked to research how many years the comments have been repeat comments from Rehmann Robson. Council President Spitzley noted to Ms. Bennett those questions would be asked again during the budget.

Council Member Brown Clarke pointed out that on the 2016 Carry Forward, with the pension study they re-appropriated \$100,000, and asked was allocated unspent, and the FHT had stated the study would be done in 2016. Ms. Bennett stated she could address that during the discussion on the Carry Forward Resolution.

Mr. Brewer went through his CAFT analysis, confirming he came up with the same conclusion as Rehmann Robson.

Council Member Yorko stepped away from the meeting at 6:16 p.m.

DISCUSSION/ACTION

Mr. Blann and Mr. Matz left the meeting.

Council Member Dunbar stepped away from the meeting at 6:23 p.m.

RESOLUTION – FY2016 Budget Carry Forwards

Ms. Bennett outlined the items in the resolution, noting that the amounts were planned to be spent for that year, but didn't take place by that June 30, 2016 so those were requested as carry forwards. In regards to the General Fund Pension & Retiree Healthcare Study, the \$100,000 was not spent and also a carry forward. Council Member Brown Clarke asked why the work was started in 2016, but the billing is in 2017. Ms. Bennett detailed that it took a while for the RFP, and work was performed but the billing came in after the fiscal year. The timeline was pushed back and the retiree health care and pension is complex and they are looking at options. Council President Spitzley reminded Ms. Bennett of a request during the budget last year, where Council asked for a "road map" to roll out the report, and draft recommendations, along with the process on the draft recommendations in a report at a public forum. Ms. Bennett stated she believe it would be presented to the City in late March or early April. The work will start in July, but the recommendations could take some time.

Council Member Dunbar returned to the meeting at 6:29 p.m.

Dr. Joan Jackson Johnson outlined the eleven (11) items from HRCS that were on the Carry Forward Resolution. The amounts were affected due to donations from outside agencies, and Project Homeless Connect was taken over by another agency.

Council Member Yorko returned to the meeting at 6:31 p.m.

Council Member Wood asked after the RFP for the Youth RFP Program if they were able to get anyone and that was the reason for the carry forward. Dr. Jackson Johnson stated they used a portion to add on and expand some programs. They are working with ITECH for this coming year. Council Member Wood then asked about the Women's Supportive Initiative, which Dr. Jackson Johnson stated that with the help from St. Thomas Aquinas, who received a donation, they did not have to spend it.

Council Member Wood then asked Ms. Bennett about the uncompleted Storm Sewer project. Ms. Bennett stated that the storm sewer amount is for the annual storm water MDEQ permit fee and a grant match for from the Army Core of Engineers was completed by June 30. Any other funds on the sheet are for major streets, final maintenance that was related to outstanding purchase orders and contracts.

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE RESOLUTION FOR THE FY2016 BUDGET CARRY FORWARDS. MOTION CARRIED 7-0.

RESOLUTION – Special Operations Budget Appropriations

Council Member Houghton stepped away from the meeting at 6:35 p.m.

Mr. Prisk outlined the resolution which was an increase to the Special Operations from the LPD Drug Forfeiture in the amount to \$47,500. This will address three (3) areas; a vehicle, a GPS tracker update and warehouse and facility repairs. Council Member Wood asked how

much was left in the State and Local forfeiture fund. Mr. Prisk stated there was \$266,600 at the close of FY16. Council Member Wood asked if the project for the repair of lighting has utilized the BWL assets. Mr. Prisk acknowledged he was aware of the grant programs with BWL but has not approached them.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR SPECIAL OPERATIONS BUDGET APPROPRIATIONS. MOTION CARRIED 6-0.

RESOLUTION – Special Assessment Capital Project Fund Deficit Elimination Plan

Ms. Bennett informed the Committee that these funds are where the City fronts the fund, and then does a special assessment to get re-paid.

Council Member Dunbar stepped away from the meeting at 6:40 p.m.

Ms. Bennett continued by outlining the criteria changes with the stated and different types of funding.

Council Member Dunbar and Houghton returned to the meeting at 6:41 p.m.

Ms. Bennett noted that the amounts are deferred revenue and in some funds it is recognized, and some funds cannot be recognized in the long term. Because certain criteria is excluded they are not able to receive them as an asset.

MOTION BY COUNCIL MEMBER DUNBAR TO APPROVE THE RESOLUTION FOR THE SPECIAL ASSESSMENT CAPITAL PROJECT FUND DEFICIT ELIMINATION PLAN. MOTION CARRIED 7-0.

RESOLUTION – Proposed Welcoming/Safe Community

Public Comment on Agenda Items 6. D

Council President Spitzley gave an overview of the then recognized Council Member Dunbar, Wood, Deputy City Attorney Abood, City Attorney Jim Smiertka and Mayors Executive Assistant Randy Hannan.

Council Member Dunbar asked for people not to sign in if they wanted to speak. Council President Spitzley stated they will need to sign in if they want to speak at public comment.

Council Member Yorke acknowledge all the public, encouraged decorum and suggested they could offer other options of their show of support, and provided examples. Council President Spitzley then stated she too respected everyone's opinion, however the rules of Council and decorum stand, and she prefers they sign their name on the sign in sheet if they want to speak.

Council Member Hussain stepped away from the meeting at 6:47 p.m.

Mr. Smiertka began the outline of his memo and the three (3) components. As the Council legal counsel, he advised them that a Sanctuary City Resolution would place the City in jeopardy in number of front, and they should not move forward until courts have made a decision. The resolution Law looked at initially directed officers to do things that crossed lines between their roles and policies. Another component was the items related to immigration and dealing with immigration officials, this would have place the City at risk.

Council Member Hussain returned to the meeting at 6:50 p.m.

Lastly, his memo speaks to the Executive Order of the President, and in which he speaks to the Sanctuary City designation. Until that definition is defined or the Executive Order is clarified, he sees no reason to move forward

Council Member Houghton stepped away from the meeting at 6:51 p.m.

Mr. Smiertka spoke about the current resolution in front of the Committee, noting that there was a lot of work on the resolution, and it does not invade the Executive Order by asking law enforcement to do or not do something, and does not declare the City to be a Sanctuary City, but instead declares it a Welcoming City. Lastly it does not direct employees of the LPD to do things that would put them in jeopardy of the Federal law.

Council Member Yorko pointed out that there are certain things that are permissible under Michigan Law, but not under Federal Law; example of Medical Marihuana. She then asked if the Federal government can say something is not legal, how can this situation be any different.

Council Member Houghton returned to the meeting at 6:52 p.m.

Mr. Smiertka pointed out that there are Federal Officials in Michigan and arrest people in violation of Federal law and gave an example. The matter of enforcement is if the Federal law is enforced.

Council Member Dunbar asked if local law was assisting the Federal officers with the raids that were given as an earlier example, and if the LPD would become arms of the Federal Government. Mr. Smiertka confirmed that his earlier example, it was the local County officers that assisted. Council Member Dunbar then went into a brief history of her work on the resolution and research, lastly stating she did not agree with City Attorney memo. She noted that she had proposed language but it was not included, however she did collaborate on the current resolution. There is a legal precedence for taking a stand on this, and this executive order has not' been tested, and her opinion was that it appeared someone was "bullying" from Washington, DC. Council Member Dunbar concluded by stating that the sooner the City stands up the sooner the bully goes away.

Council President Spitzley informed the public that when the current resolution was drafted there was collaboration and they did get advisement from LPD and the City Attorney office. The City Council does not have authority to direct LPD to do things, and therefore for Council to include direction to the LPD to do something, it is out of the scope of Council's role, per the City Attorney. Council President Spitzley concluded by stating she believed the resolution reflects what Council can do.

Council Member Brown Clarke detailed her work on the draft resolution and communications to other communities, noting that there are some items being used as the best protocol in making borders. This intent is not the end all, but what can be done right now.

Council Member Hussain asked to hear the public comment.

Council Member Yorko asked to speak on 5-6 amendments she had for the resolution, and understood that Council cannot direct the LPD, but they can be clear on their desires.

Mr. Behr acknowledge Council Member Dunbar and supported her disappointment that her version of the resolution had been torn apart. Mr. Behr went on to speak in support of a

sanctuary city, but opposed to the resolution the way it was currently written because his belief is it would not protect immigrants.

Ms. Wong spoke in support of a sanctuary city, and that the City should shield people from undocumented.

Mr. Douglass spoke as BMM, asking Council to take a stand.

Mr. Wood spoke in support of a sanctuary city.

Mr. Kalis spoke in opposition to the resolution the way it was written, with his opinion that the resolution does nothing and that Council is backing off.

Mr. Inglot spoke about families being torn apart, asking Council to research and consider a resolution that has “teeth”.

Mr. Eberhard spoke in opposition to a sanctuary city.

Ms. Erby on behalf of Black Lives Matter spoke in support of Council in hopes they understand that it is important to keep families together.

Ms. Thompson spoke in opposition of deputized LPD for enforcement, and asked for stronger policies.

Mr. Anthony spoke in support of the immigrants and opposition of the resolution thus far.

Council Member Wood stepped away from the meeting at 7:28 p.m.

Mr. Yacobson acknowledged Council Member Yorko and Dunbar for their work on the resolution and in support of a sanctuary city.

Mr. Castaede spoke on behalf of Action for Greater Lansing, and supported making the City a sanctuary city.

Council Member Wood returned to the meeting at 7:33 p.m.

Mr. Westoff cited the Oath of Office Council is given noting it states they will “support the Constitution of the United States” and that same oath is given to naturalized citizens. Mr. Westoff spoke in support of a welcoming city.

Ms. Ignasiak spoke in support of immigrants when they follow State and Federal, and in opposition to those that enter illegally. Ms. Ignasiak stated her opinion that BMM was bullying Council.

Ms. Taylor stated her opinion that the resolution meant nothing, and in opposition that the Mayor was not present at the meeting.

Mr. Montemayo spoke in opposition to what was being proposed by the President of the United States, and that he also had sent Council emails with information.

Ms. Reyes spoke in opposition to just seeing the resolution at 5:30 p.m., not allowing the public time to respond. She then referenced the earlier resolution submitted by Mr. Lopez to the Ad Hoc on Diversity group, noting all that language was removed. Ms. Reyes asked the

Committee of the Whole to table the resolution so her group could speak to their immigration attorneys. Ms. Reyes concluded by speaking in opposition to a welcoming resolution, wanting a safe resolution

Mr. Rodriquez spoke in support of a stronger resolution.

Ms. Brown spoke on personal experience of growing up in a family of immigration. Mr. Holt spoke in support of a welcoming city, and also asked for more “teeth” in the resolution.

Ms. Riley spoke on the proposed budget amount of \$6.5 million the City could lose.

Council Member Brown Clarke stepped away from the meeting at 7:52 p.m.

Mr. Bonesatti spoke in support of a sanctuary city, and noted that the issue is not to ask about their status if it is not mandated by law.

Council Member Brown Clarke returned to the meeting at 7:54 p.m.

Ms. Austin, on behalf of Black Lives Matter quoted Dr. Martin Luther King.

Mr. Tarr spoke in opposition to what Council was doing, and referencing the resolution stated his opinion it was not a sanctuary city resolution.

Mr. Mercer referenced a recent article where the Mayor stated he would veto anything to make the City a sanctuary city.

Ms. Muthukuda spoke in support of a resolution for the safety and security all. Ms. Muthukuda then referred back to the speech by Mayor Bernero on January 30th, then he reversed his opinion shortly later and went to a “stripped down” version of the earlier proposed resolution.

Mr. Evans acknowledged Council for their work on the resolution.

Mr. Sardar spoke in opposition to a resolution that is not sanctuary.

Mr. Montemayor spoke in opposition to the ban.

Council Member Yorko stepped away from the meeting at 8:09 p.m.

Ms. Moorehead spoke in support of a sanctuary city.

Council Member Yorko returned to the meeting at 8:12 p.m.

Mr. Krohn supported Council in doing the right thing, asking them to be a leader and become a sanctuary city.

Council President Spitzley acknowledged that the Council was aware there were people sitting and watching the meeting live in the City Hall lobby, and the Clerk’s office was making sure anyone who wanted to speak could come up.

Ms. Oudichanin spoke in opposition to the sanctuary city.

Mr. Jackson spoke in support of sanctuary city.

Council President Spitzley passed the gavel and stepped away from the meeting at 8:17 p.m.

Ms. Steinfield asked Council to stand for something.

Council Member Wood passed the gavel back to Council President Spitzley at 8:18 p.m.

Council President Spitzley assured the Committee and public again that the public in the City Hall lobby were asked again if they wanted to speak.

Mr. Clinkenburger asked the resolution to address a separate reference for each group of immigrants. Mr. Clinkenburger stated his opinion that undocumented is a political corrector for illegal immigrants and asked where the line drawn on illegal activity.

Ms. Leroy spoke in support of a sanctuary city.

Ms. Mask spoke in support of Law, Council and the Mayor, then spoke in opposition to immigrants coming in un-vetted, stating that if there is no way to vet them, then there is no way to let them in.

Ms. Gordon spoke in support of a sanctuary city, and asked the Committee to postpone the vote.

Mr. Hunter spoke on the topic of the earlier resolutions on bills.

Ms. Evans asked Council to be accountable to the residents and tell the Mayor what to do.

Council President Spitzley closed the public comment of the meeting and acknowledged all who spoke. She went on to state that the Committee was at a cross roads based on comments, and then requested the Committee also consider tabling any action on the resolution for additional comments. Council President Spitzley pointed out that some things will not change because Council cannot direct the LPD on their tasks that is the role of the Police Commission who sets policy and procedures for the LPS. When the Committee talks about revisions, there is a struggle to address them and Council does not have the authority. She concluded that it would be a disservice to continue to work on a document that will not reflect what the public wants to see. She stated "shall and "shall not" in a resolution is something the Council does not have the authority to do.

Council Member Yorko addressed an earlier statement by someone from the public that if someone enters the US without correct documents it is a criminal violation, she clarified it is not, it is a civil violation. Council Member Yorko then asked to introduce her amendments.

Council President Spitzley acknowledged Council Member Yorko but pointed out again that there are things Council can and cannot do.

Council Member Dunbar spoke briefly on what appears to be the people targeted in raids, and that they are talking about going after people that are not illegal. She then referenced a watch list by FAIR, which is a conservative anti-immigration website where it already listed Lansing as an area to watch, and therefore Lansing needs to do something. She then lead into details on her original resolution and a conference call at 1:30 p.m. on 2/14/2017 with the ACLU. Council Member Dunbar asked that the resolution be pulled until more information can be gathered from experts.

Council President Spitzley pointed out that it appears that the City is not on a Federal list, but a conservative list so for Council Member Dunbar to reference that is inappropriate. It is

misleading to tell people Lansing is on the list, and then she asked for the list Council Member Dunbar was referencing. Council President Spitzley approached the Committee on pulling the resolution from both agendas until more work can be done with Council, Law and the Administration.

Council Member Brown Clarke pointed out to the public the reason they did not get the resolution until 5:30 is because the entire Council was providing input and some things cannot change. Somethings could get strengthened, but they need to hear from policy conference call Council Member Dunbar mentioned earlier, and Law needs to hear that call also. The Council needs to work with the aspect of where to make recommendations where they have control. She spoke in support of not moving forward.

Council Member Wood reminded the Committee that on January 30, 2017 the City Attorney asked for more time to collect information, however there was a plea from some Council Members to move forward immediately. Law needs adequate time to review anything they research, comments and suggestions from Council Members. She suggested that Council staff compile all Council comments.

Council Member Yorko proposed 5 amendments to the Resolution in front of the Committee, acknowledging that if there was a vote and it failed, it does not preclude a future consideration. MOTION BY COUNCIL MEMBER YORKO INCLUDING THE amendments read as:

1. Lansing officials, officers and employees do not ask nor record information about a person's immigration status, except as required by Federal or State statute or court decision.
2. Lansing police officers do not pressure, detail, question or arrest any person based solely on his or her immigration status.
3. Lansing officials, officers and employees do not assist Federal immigration officers attempting to pursue, detain, question or arrest any person based solely on his or her immigration status.
4. Lansing officials, officers and employees do not provide Federal immigration officers nonspecific access to municipal or court documents or jail records for the sole purpose of identifying undocumented immigrants.
5. Lansing police officers may assist Federal immigration officers and honor ICW detainers when a) presented with a criminal warrant or court order; b) the individual sought has been convicted of a crime; or c) there is a probable cause to believe the individual sought has committed a crime.

BE IT FURTHER RESOLVED, the above policies in no way affect the City of Lansing's commitment or ability to maintain a safe community for all residents. Lansing officials, officers and employees and employees will continue coordinating with and assisting other law enforcement agencies to pursue, detain, arrest and prosecute all persons, including undocumented immigrants, who commit or are suspected of committing crimes in our community, with the understanding that undocumented status is not in and of itself a crime.

Council Member Brown Clarke stated that all Committee members may have input on their own language and she would like to wait on a motion until all that can be given to the City Attorney office.

Council Member Hussain spoke briefly on his encounter with diversity during his campaign in 2015 and spoke in support of taking a pause for the opportunity to weigh in. There are levels that can be because the City is proactive, but certain things cannot do. There may never be a point when people are happy.

Council Member Houghton acknowledged all Council Members for their work thus far on the resolution and Council Member Yorko on her recent amendments. The current process is ever changing and the City needs to be cognizant of all constituents.

Council Member Dunbar supported tabling the resolution.

Council President Spitzley asked Council Member Yorko what her action would be. Council Member Yorko stated her intention was to move the Resolution with the amendments. Council President Spitzley stated her preference to pull the resolution for more input, and ask the City Attorney to participate in the conference call on Tuesday, along with asking Council to forward comments and questions to Council Staff. Council Member Yorko state she would not rescind her motion and again called to move the resolution with the amendments. Mr. Smiertka reminded Council President Spitzley that if it was pulled from this Committee agenda it would not be on the Council agenda later in the evening, because it would not have come out of Committee. If something occurs and it is desired to be acted on at the Council meeting then it will have to be a Late Item and in need of 6 votes to get on the Council agenda later.

Council President Spitzley called for a vote on the motion.

Council Member Wood stated she had not received copies of the amendments and they had not been reviewed by Law either.

Law left the room and made copies.

Council President Spitzley called for a recess at 9:08 p.m.

Council President Spitzley called the meeting back to order at 9:12 p.m.

Council Staff distributed Council Member Yorko's previously stated amendments.

Council President Spitzley reminded the Committee there was a motion on the floor to add amendments to the resolution, and then opened it up for comments from the Committee before the call for a vote. Council Member Yorko clarified her intention that her motion was to approve the presented resolution with the amendments, all in one motion.

Council Member Dunbar acknowledged that the amendments were the similar language she had proposed in her original and were taken out, nothing they should be added in not as new "Whereas", but as "Now therefore be it resolved". Council President Spitzley pointed out that those items were vetted by law, LPD and the administration and that confirmed that Council does not have the authority to direct those policies and then referred to the Charter under the Police Commission.

ROLL CALL VOTE TAKE ON THE MOTION BY COUNCIL MEMBER YORKO FOR THE RESOLUTION WITH HER AMENDMENTS, AND THE MOTION FAILED 3-4. YAY – DUNBAR, HOUGHTON, YORKO; NAY – SPITZLEY, BROWN CLARKE, HUSSAIN, WOOD.

Council Member Brown Clarke pointed out that her vote of no was not against the resolution but against language that the Committee did not get a lot of time to consider.

Council Member Wood made a motion to pull the resolution and asked if Council Member Yorko's amendments, along with any other Council Members suggestions be sent onto to Council Staff to coordinate with the City Attorney for his review.

Council President Spitzley stated there would be no need for a motion to pull it, she as President was pulling it, charging the City Attorney office to listen to the conference call referenced earlier by Council Member Dunbar, and compile all the Committee member suggestions.

The question was raised as to which conference call to utilize and what number, also if it was a public participation. Council Member Dunbar stated it was with Michigan United and all can participate. The representative from the Michigan United Organization Committee stepped up to the microphone in the audience and stated the conference call was not public, but he would reach out to his supervisor to get the information on the call that would be for public participation. Council President Spitzley asked that representative to inform the Council as soon as he was aware so that the City Attorney office and any Council members could participate.

Adjourn

Adjourned at 9:21 p.m.

Respectfully Submitted by,
Sherrie Boak, Recording Secretary
Lansing City Council
Approved by Committee on



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



TRI-COUNTY REGIONAL PLANNING COMMISSION

Planning Mid-Michigan's Future Together Since 1956

ANNUAL REPORT



MISSION

The Tri-County Regional Planning Commission (TCRPC) is a voluntary organization of the local governments and agencies of Clinton, Eaton, and Ingham counties in mid-Michigan. We are organized to foster a cooperative effort in resolving problems, policies, and plans that are common and regional with the greatest benefit to citizens of the Tri-County area while maximizing the efficient use of resources.

The TCRPC facilitates participation in regionally significant planning and development with a strong core commitment to concepts, education, and practices that support regional sustainability, wise growth, and community resilience.

PURPOSES

To prepare and/or coordinate the development of plans and aid in the implementation of agreed upon plans and services within the mid-Michigan tri-county region.

To furnish general and technical aid to member governments and organizations relative to regional issues and opportunities.

To encourage and assist in the development of region-wide policies for coordinating land use, transportation, environmental protection, human services, and other related physical planning programs among area local governments.

To review and coordinate federal, state, and local programs of regional importance. To assist local governments, agencies and individuals in securing federal and state funding programs that would have regional significance.

To encourage region wide cooperation between the public and private sectors that can enhance economic opportunity in development, expansion, attraction, and retention of business and industry.

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**TRI-COUNTY REGIONAL
PLANNING COMMISSION**
Planning Mid-Michigan's Future Together Since 1966



2016 COMMISSIONERS

CLINTON COUNTY

David Pohl
Adam Stacey
Gail Watkins, Secretary

EATON COUNTY

Kent Austin
Roger A. Eakin
Howard Spence
Darrell Tennis

INGHAM COUNTY

Teri Banas
Robin Case-Nayert
Brian McGrain, Treasurer

CITY OF LANSING

Judi Brown Clark
Shirley M. Rogers
Chris Swope
Jessica Yorko

CITY OF EAST LANSING

Shanna Draheim

DELTA TOWNSHIP

Kenneth Fletcher, Chairperson

MERIDIAN TOWNSHIP

John Veenstra

CAPITAL AREA TRANSIT AUTHORITY

Robin Lewis, Vice-Chairperson

MICHIGAN DEPARTMENT OF TRANSPORTATION

Denise B. Jones

EXECUTIVE DIRECTOR

Susan M.C. Pigg, CEcD



**TRI-COUNTY REGIONAL
PLANNING COMMISSION**

Planning Mid-Michigan's Future Together Since 1956

A Letter from the Executive Director

Dear Commissioners, Partners, & Friends:

Thank you to all of our members, partners, clients, and friends for a great year! 2016 was full of opportunities for success and we accomplished much. This report offers a glimpse of our many activities this year. We maintained a strong financial position. We secured and leveraged public funding for many regional projects. We finished some projects and started new ones. We held dynamic dialog about the issues that face our region. And we continued planning for a more sustainable regional future.

Vietnamese spiritual leader Thich Nhat Hanh wrote, "We have more possibilities available in each moment than we realize." Helping the municipalities and citizen's groups in our region to realize their many possibilities is one of the most rewarding aspects of working with the TCRPC. And, in a world of possibilities, sustainable regional success requires good planning. Whether it is sharing a regional profile of water protection programs, funding entrepreneurship and education projects, or sharing data across agencies to coordinate transportation improvements, the leadership and commitment of the TCRPC board and its staff make our region a better place.

We look forward to 2017 with excitement. We anticipate many new opportunities. The joint vision of TCRPC Commissioners combined with the expertise of staff carries our region forward to realize more possibilities. We look forward to planning for a more sustainable future with you in the coming year.

Susan M.C. Pigg, Executive Director

Tri-County Regional Planning Commission

STAFF

Susan M. C. Pigg, CEcD., Executive Director

Paul Dionne, Transportation Planner

Rachel Elsinga, Economic Development Planner

Ken Hall, Land Use Planner

Greg Hoffman, Finance & Personnel Coordinator

Meghan Martin, Outreach & Communications Coordinator

Jim Snell, Chief Transportation Planner

Andrea Strach, Transportation-TIP Coordinator

Laura Tschirhart, Senior Transportation Planner

Linda Thomas-Boyd, Administrative Assistant/Clerk

Tri-County Regional Planning Commission

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www.facebook.com/TriCountyPlanning

2016

TCRPC by the Numbers

TCRPC has a mission to actively engage local governments, citizens, and stakeholder groups to plan projects that guide the growth and development of our region. By convening collaboration, TCRPC supports implementation of regionally shared visions and goals. TCRPC facilitates many standing committees, project work groups, and

104
hosted &
facilitated
gatherings
& work
sessions

task forces. It also hosts some region-wide events each year and partners with other area organizations to facilitate such events. In addition to convening the full board of the Commission each month, TCRPC committees, work groups, and task forces meet regularly to plan actions that address issues in our lead program areas of Transportation, Economic Development, Environmental Protection, and Land Use planning. For some committees, the membership is prescribed with representatives of member municipalities assigned by their community. In other cases, TCRPC staff facilitate meetings that seek and encourage input from concerned or impacted stakeholders. The public and any interested people are welcome to attend and comment at any

meeting of the TCRPC or its committees and work groups.

TCRPC in 2017

The TCRPC Agency Wide Annual Work Plan summarizes key initiatives and activities for the coming year. The 2017 Plan includes the many ongoing activities and projects required by our funding and recommended by our role in the region. In transportation, we will update long and short term plans and seek federal recertification. The new Land Use Committee will put feet under regional recreation and green space projects. The Economic Development program continues forward momentum in its many projects to achieve regional prosperity. With new staff coming onboard, our Environmental programs will re-boot and reinvigorate. They will continue technical assistance to area municipal stormwater managers and well head protection plans. And, TCRPC will take on administration of the Greater Lansing Area Clean Air Coalition. Administratively, we continue to tighten and streamline our procedures while we expand our digital access. And, in 2017, while we employ our new logo and brand, we will increase our effective communications to be more educational. We continue to expand and improve our role as a resource for regional data including current contacts for the region's municipalities and public works authorities.

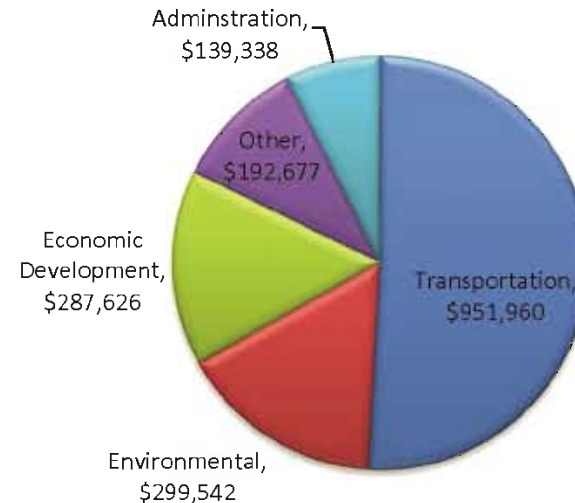
1,807
estimated
people in
meeting
& event
attendance

2016 Finances

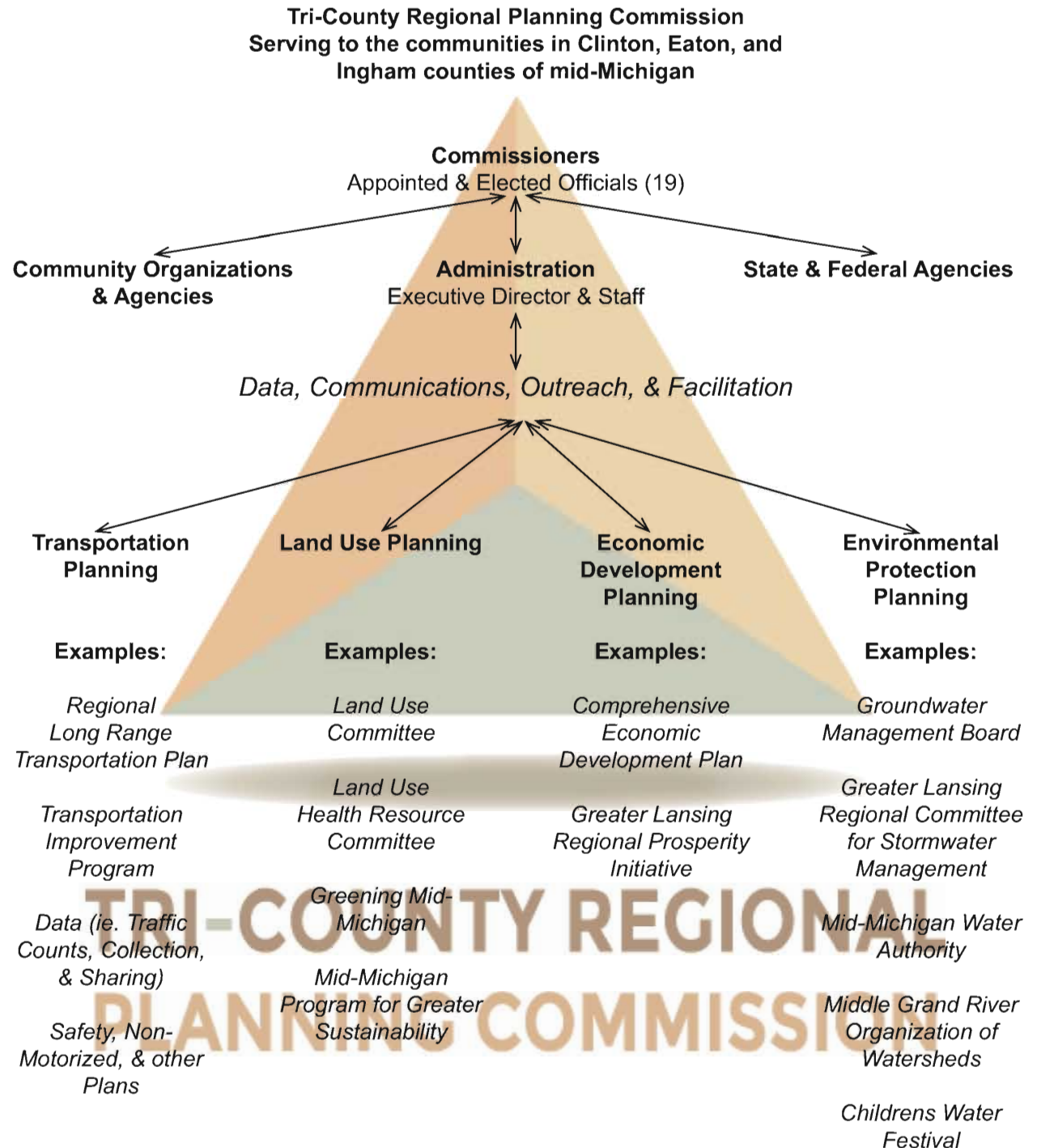
Revenue by Funding Source



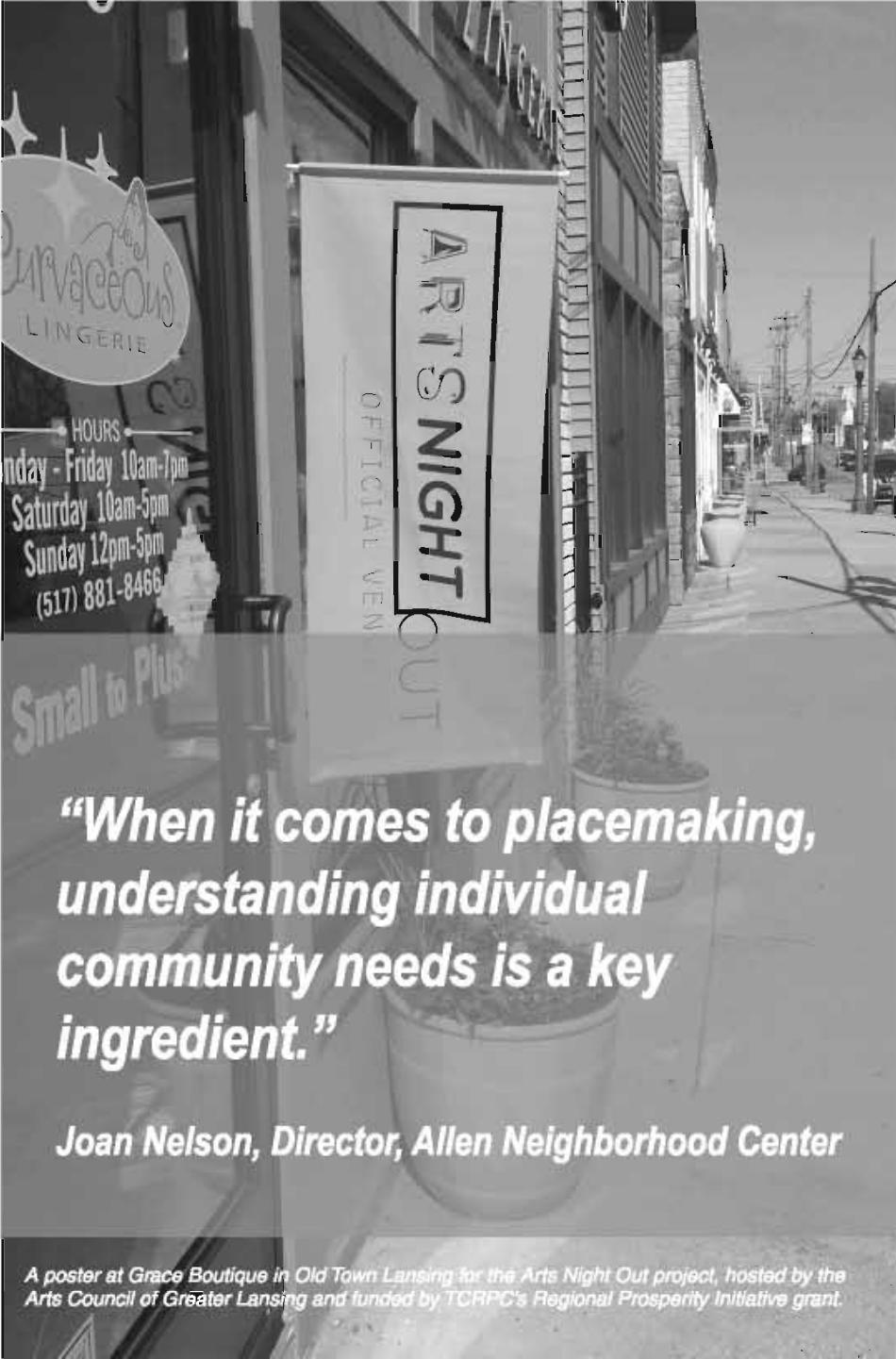
Expenditures by Program



STRUCTURE AND FUNCTIONS OF THE TRI-COUNTY REGIONAL PLANNING COMMISSION



Economic Development



“When it comes to placemaking, understanding individual community needs is a key ingredient.”

Joan Nelson, Director, Allen Neighborhood Center

The TCRPC supports and fosters sustainable economic development planning. As an Economic Designated District, appointed and certified by the U.S. Department of Commerce, Economic Development Administration (EDA), TCRPC receives a planning grant which provides planning services and technical assistance to municipalities in the region.

TCRPC Planners provide data and analysis; coordinate regional meetings of development professionals; host national speakers and share best practices to improve and support economic developers' practice in the region; and facilitate regional planning for economic development.

TCRPC maintains the Comprehensive Economic Development Strategy (CEDS) that provides eligibility for communities to apply for funds from the EDA to support infrastructure and programs that enhance business attraction and job creation.

A poster at Grace Boutique in Old Town Lansing for the Arts Night Out project, hosted by the Arts Council of Greater Lansing and funded by TCRPC's Regional Prosperity Initiative grant.

Economic Development in 2016

The Economic Development Program focused on extending economic development planning throughout the region by building effective partnerships for region-wide economic development success, bringing in expert resources, and funding initiatives to further economic prosperity.

TCRPC staff and partners worked together to update our region's Comprehensive Economic Development Strategy (CEDS). Discussions of our region's vision for economic prosperity focused on talent, education, regional revitalization, transit services, and placemaking. We renewed our Partnership Planning Program with the Economic Development Administration and were awarded a three-year grant \$157,884 for regional economic development planning programs. TCRPC hosted nationally-recognized urban strategist Michele Reeves for work sessions with Downtown Development Authorities. She emphasized revitalizing commercial districts. TCRPC organized a bus tour for development professionals and local elected officials to explore urban infill and density impacts. The day trip to Marshall and Battle Creek included guided walking tours and sit-down discussions with community leaders, development professionals, and local business owners in those communities.

In 2016, Economic Development Planner Rachel Elsinga facilitated the Greater Lansing Regional Prosperity Initiative (GLRPI), our regional partnership of community and economic development professionals. Local development officials joined members of area development firms, non-profit organizations, community groups, and businesses. We expanded public and private partnerships through monthly gatherings held throughout the region.

With support from GLRPI leaders, particularly LEAP, Capital Area Michigan Works!, Michigan State University, and Lansing Community College, we secured a third round of Initiative funding from the State of Michigan (DTMB) and applied for year 4. The grant of \$185,500 was immediately implemented to support regional initiatives in talent and education with funding for Capital Area Michigan Works! Teach, Talent, Thrive (T3) program that is creating a network of STEAM opportunities. We funded a regional Youth Entrepreneurship program hosted by LEAP and were the title sponsor for a Talent Summit led by the IT Council and the Capital Area Manufacturers Council. We initiated a study of latent demand for transit and the economic impact of transit access in the region. TCRPC's GLRPI group was a title sponsor of the Creative Placemaking Summit II and Greater Lansing's Arts Night Out events hosted by the Greater Lansing Arts Council. And, to continue outreach and revitalization efforts, funding supported purchase of a site selection mapping tool hosted on the LEAP website to attract business locations. maintenance of a regional dashboard of progress toward regional prosperity (at www.micapitalregion.com).



*Imagine Mid-Michigan Bus Tour:
Presentation from City of Marshall (Above)
Walking tour through Battle Creek (Below)*



Environmental Protection Planning



"Each municipality is not an island. We have a place in the region and the actions that we take, impact our neighbors."

Julie Brixie
Treasurer, Meridian Township

Environmental Planner Erin Campbell teaches kids about topography and runoff at the 2016 Michigan State University Science Week.

The TCRPC Environmental Planning Programs develop technical resources; facilitate work groups and committees, and offer outreach and education to protect our region's groundwater and surface water resources. They focus on protecting the quality and health of our region's ground and surface waters. Through the Groundwater Management Board, the Greater Lansing Committee for Stormwater Management (GLRC), the Middle of the Grand River Organization of Watersheds (MGROW) and the Mid-Michigan Water Authority, TCRPC helps develop watershed and wellhead protection plans and offers education programs for residents and schoolchildren. TCRPC staff members assist municipalities and non-profit groups to meet permit requirements, to identify challenges and opportunities and to coordinate regional water protection efforts.

Environmental Protection Planning in 2016

The TCRPC environmental staff provided direct technical assistance to area municipalities on groundwater protection. They made presentations to area municipalities on an environmental permits checklist, an audit tool to evaluate their water protection practices. They shared a regionally specific water protection program and policy guide that summarizes the region's water protection programs and practices. They conducted audits of municipal practices to recommend sustainable water protection actions. And, they worked with municipal staff to draft, revise, and submit grant funding applications to support wellhead protection, watershed management, and a special study of the potential impacts of memorial gardens on nearby water quality.

Environmental staff, along with the rest of TCRPC staff, installed a rain garden at the edge of our parking lot with funds from the Great Lakes Communities Network. TCRPC Environmental planning staff worked with the Alliance for the Great Lakes on a policy guide for elected officials and participated in an advisory group on integrated watershed management at Grand Valley State University's Annis Water Resources Institute. The resulting final report addresses some the Michigan Drain code. They offered sessions on water resources during the Michigan State University Science Week to educate middle school youth. They worked with area watershed protection groups to develop implementation activities for watershed protection plans covering the Middle Grand River watershed (Eaton County area) and the Red Cedar River watershed (Ingham County area).

Also in 2016, environmental staff coordinated the MidMichigan Buying Consortium. The Consortium is in the process of accepting bids for chemicals and lime removal for water and wastewater utilities for FY 2018. It continues to grow, adding members from the mid-Michigan area. It saves utilities thousands of dollars annually through group purchasing power. The Lansing Board of Water and Light continues to coordinate the bidding and award process, while TCRPC and the East Lansing Meridian Water & Sewer Authority facilitate the overall process, guiding the Consortium's goals and answering member questions. The Consortium continues to be an excellent example of regional cooperation resulting in economies of scale.

(Right) A topography lesson at a 2016 Arbor Day celebration.

(Below) TCRPC's Rain Garden, installed in 2016, by TCRPC staff and friends.

The Rain Garden will serve as a natural filter for run-off from our parking lot. This project was funded by a grant from the Great Lakes Clean Communities Network.



Land Use Planning

“Creating awareness for responsible construction, management of our infrastructure and green space, health and welfare, connectivity, and making sure we have a balance of style and affordability in our housing are keys to making sure we have a community that thrives economically.”

Brent Forsberg, President & Broker, Forsberg Real Estate

TCRPC's Land Use Planning Program provides land use planning and education focused on implementing regional goals of sustainable development. The Program encourages the integration of sustainable development approaches into municipal planning policies and procedures. The TCRPC Land Use Planner introduces best practices for developing green infrastructure, promotes our regional parks and recreation resources, and links healthy community initiatives with non-motorized transportation planning.

To accomplish program goals, the Land Use Planner actively engages citizens, agencies, and local governments to examine the implications of regional land use and growth trends on the region's future. TCRPC is formulating consensus on a shared vision that assures a regional quality of life, economic competitiveness, resilience, and sustainability.

Old Town Lansing, MI: Sustainable land use planning for our region ensures the cohesion of spaces used by the region's residents and businesses.

Land Use Planning in 2016

The Land Use Program took on new energies this year under the direction of Ken Hall, land use planner, who joined us in April. He continued some program initiatives already underway and geared up to start some new projects. Imagine Mid-Michigan is our name for the peer exchange program facilitated by Portland State University's Sustainable Planning Program in Oregon. Through that effort, we took teams of regional leaders on intensive tours to learn about sustainable land use practices, infrastructure investment, housing, and economic development approaches. Local municipal officials, private sector developers, public health workers, and local land use planning staff joined TCRPC commissioners and staff on trips to Sacramento, CA and Portland OR. We also held a Michigan exchange with leaders in Marshall and Battle Creek. And, via phone, skype, and emails, TCRPC staff shared program materials and techniques with Portland State leaders and our 2016 cohort partner, the Truckee Meadows region of Sparks/Reno NV.

Efforts continue to improve and expand the use of a web-based health impact assessment tool. Building on the technical geographic information system tool released in 2015, Ken has been working to collect and insert updated data into the tool. Data about land parcels, public infrastructure, natural resources and the built environment along with proposed development characteristics such as sidewalks or green spaces, are assessed together to evaluate the potential public health impacts of development. When data gaps are filled and the functionality improved, the HIA tool will offer a helpful perspective on the impacts of proposed developments. When fully employed, the tool can guide locations and design of development projects to offer the greatest positive impact on public health.

In October 2016, the Land Use program renewed and refreshed its commitment to enhance regional land use planning by holding a Summit. Over forty area land use related agencies and organizations were represented in this half day discussion about shared goals and opportunities. The Regional Land Use Summit brought together a diverse crowd to give valuable input on how we can work together. Private and public leaders, parks and recreation and land use zoning staff and stakeholder groups of cyclists, walkers, and paddlers all participated in identifying shared goals for the region. With the Summit results, the TCRPC Commission established the Regional Land Use Project and Programs group to plan and implement land use enhancements and conduct sustainability planning programs for the region.

With the monthly Tri-County Brown Bag Lunch Series, TCRPC continued offering a forum for working land use professionals to share resources and best practices amongst their peers. At the 2016 lunches, participants discussed topics ranging from medical marijuana and land use regulations to food trucks to aging-in-place planning. In late 2016, the TCRPC Land Use Planning program joined with the Transportation program to launch the development of a regional non-motorized transportation plan. TCRPC staff are integrating land use planning focused on a healthy environment with development of a non-motorized transportation plan.



IMAGINE Mid-Michigan



Transportation Planning

“In today’s terminology, we’re like the ‘geek agency,’ in that we do all the data work, we collect information, we collect numbers; because these days, that’s how you get funding.”

Shirley M. Rodgers, City of Lansing

TCRPC is the federal and state designated center for Transportation Planning in the region’s urbanized and non-urbanized areas. Certified by the Federal Highways Administration and the Federal Transit Administration, TCRPC is the Metropolitan Planning Organization for the greater Lansing region. The TCRPC staff work closely with MDOT also. We are often the bridge that links local roads and transit agencies with state and federal funding for transportation improvements and operations. Federal and state-funded transportation projects are coordinated through TCRPC.

TCRPC transportation planning staff members facilitate regular public meetings and work closely with area roads and transit agencies to identify and plan for roads, public transit services, and non-motorized pathways. TCRPC coordinates and facilitates regional planning for federal and state investments in surface transportation.

In 2016, TCRPC staff set up traffic counters around the region to monitor traffic flow.

Transportation Planning in 2016

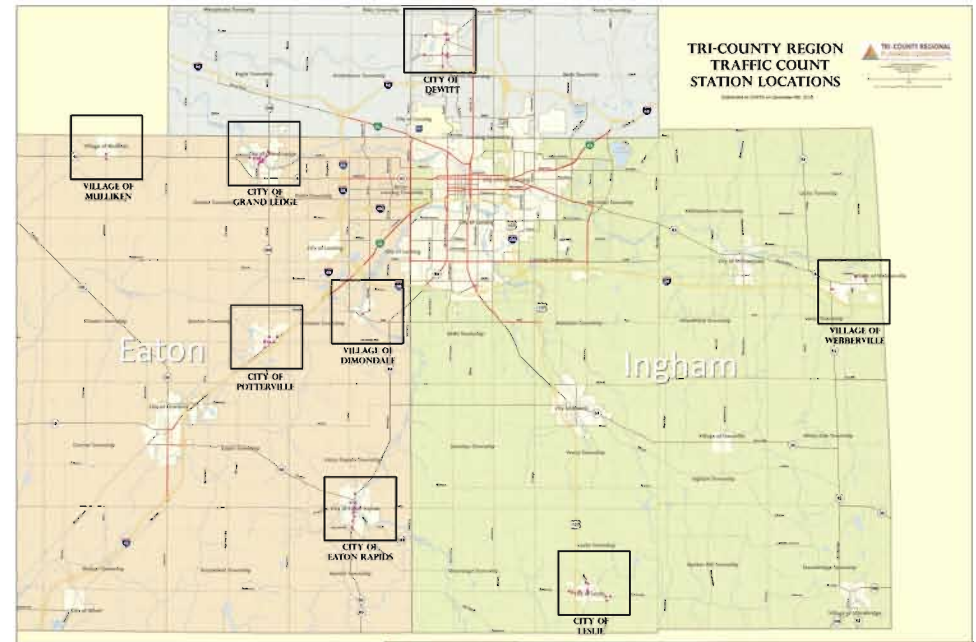
In 2016, Transportation planning staff began implementing goals set out in the 2040 regional transportation plan. They worked with MDOT technical support and the region's road agencies to develop a Local Road Safety Plan. Considered Phase I of a regional safety plan process, the plan document outlines safety related issues specific to our region along with possible solutions. TCRPC staff also completed work on an MDOT University Region Bicycle Map. A guide to bike paths and routes in 7 Michigan counties, it will go to print and distribution in early 2017.

TCRPC's transportation planning committees and staff completed on schedule the region's new three-year Transportation Improvement Program (TIP), a coordinated program of transportation projects of \$544 Million of transportation investments for the region.

TCRPC's transportation staff made notable improvements to regional data collection and reporting that improved its timeliness and accuracy. They initiated reliable, weekly reports on road construction activity. They established an electronic portal with a new project management software to streamline entering projects into regional plans. And, they adjusted the region's Metropolitan Area Boundary to account for US Census findings to reflect population density that impacts regional planning. TCRPC invested in equipment so that staff could begin to supplement traffic counting in the region. TCRPC staff are gathering traffic volume and speed information at up to 320 locations region-wide to supplement and enhance real transportation data to inform good planning.

TCRPC secures funding for regional transportation planning through the Michigan Department of Transportation and the Federal Transportation agencies—FHWA and FTA. The scope of work for those funds was re-established with more accountability measures. As in past years, TCRPC developed and successfully implemented the annual Unified Planning Work and Regional Planning Work Programs to cover required planning activities and budgets. This year, the TCRPC adopted a Fiscal Constraint Policy which will help assure that our region accesses the most possible transportation funding while meeting federal and state fiscal constraint requirements. The policy addresses how to ease uncertainty in programming of projects in a given fiscal year without creating delays caused by projects with higher than anticipated costs.

The Economic Development Program and Transportation Program staff joined to undertake a Transit Demand and Economic Prosperity Study. Research began in 2016 to identify transit needs and gaps particularly focused on getting employees to employers region-wide.



(Above): A TCRPC-produced map of areas where TCRPC staff collected traffic counts in 2016.

(Right): Executive Director Pigg introduces the Study of Transit Demand and Economic Prosperity at the October Kick-Off Meeting.



1956

1956: TCRPC Founded

1966

1973: Designated a federal
Metropolitan Planning Organization

1976

1977: First Long Range Transportation
Plan completed

1986

1986: Designated an Economic
Development District by US EDA

1996

1996: Designated a national
Groundwater Guardian Community by
the Groundwater Foundation

2006

2003: Adopted Regional Growth:
Choices for our Future Regional vision
plan

2016

2012: Designated a Sustainable
Community by US HUD

TCRPC Celebrates 60 Years



Director Pigg greets guests at the 60th Anniversary Gala at the Eli & Edythe Broad Art Museum in East Lansing.

"Since the time of TCRPC's founding, they've taken on leadership around environmental planning, land use planning, transportation planning, as well as assisting local municipalities in using best practices to make their communities stronger, safer, and more vibrant." Julie Powers, Greater Lansing Housing Coalition Director



Guests of the TCRPC 60th Anniversary Gala gather to reflect on 60 years of regional facilitation and cooperation.



TRI-COUNTY REGIONAL PLANNING COMMISSION

E.O.E. Publicly Supported.

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Virg Bernero, Mayor

OFFICE OF THE MAYOR

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(517) 483-6066 (Fax)

JAN 31 2017

A handwritten signature, likely of the Mayor, is written in black ink over the date stamp.

TO: City Clerk Chris Swope
FROM: Mayor Virg Bernero
DATE: January 31, 2017
RE: FY 2017 2nd Quarter General Fund Status Report

Pursuant to Section 7-110 of the City Charter, attached please find the General Fund Status Report for the second quarter of Fiscal Year 2017.

General Fund Status Report – FY 2017 2nd Quarter

Please see accompanying summary detail (page 3)

Revenues

In total, General Fund revenues collected in the first half of Fiscal Year 2017 (July – December) were higher than the average of the past three years' second quarter collection rates, as a percentage of year-end amounts, at 57.6% compared to 56.5%.

- The vast majority of **Property Taxes** are collected in the first month of the fiscal year. At the end of the second quarter of the fiscal year, they were higher as a percentage of budget, at 100.7%, compared to the average of the past three year's second quarter collection rates of 98.5%. Part of the difference was due to a change in timing recognition of certain infrastructure fee agreement receipts. Additionally, State reimbursement of phased-out personal property taxes for the current and two previous years was received in the second quarter and exceeded purposefully-conservative budget estimates. It should be noted that property tax collections exceed budget at this time of year, but are subject to tax appeals and other adjustments throughout the year.
- As a percentage of budget, **Income Tax** collections were higher than the average collection rate for the past three years, at 33.8% of budget, compared to 32.3%. It should be noted that income tax revenues fluctuate from previous trends due to timing differences in remittances; however, the trend is consistent with that of the past several quarters.
- **State Revenue Sharing** were on target as of the second quarter, and Fire Protection/Bad Driver Fees, received once per year, were \$413,000 higher than anticipated. State Revenue Sharing and Fire Protection/Bad Driver fees are dependent on State revenue collections.
- **Charges for Services** were somewhat lower than collection rates from the average of the same period for the last three years, at 39.5% of budget compared to 42.9% in prior years, due mainly to timing of grant administration revenues. Licenses and permits make up only 7% of General Fund revenues.
- In total, **Licenses and Permits** revenues were also on par with the average collection rate of the same period for the last three years as a percentage of year-end totals, at 24.4% of budget, compared to 24.2%. Licenses and permits make up only 1.5% of General Fund revenues.
- Collection rates for **Fines and Forfeiture** for the second quarter were lower as a percentage of year-end totals for the average of the last three years, at 31.1% of the budget compared to 41.6%, due to reductions in traffic tickets and penal case revenues.
- The City's **Return on Equity** payment from the Board of Water and Light (BWL) for the first half of the year exceeded budgetary expectations at 53% of the budget, compared to 50%.
- As a category, **Interest and Rents** were behind previous years' trends due to a change in the timing of cell tower revenue payments from previous years. Interest revenue is posted as investments mature, the timing of which varies from year-to- year.

- **Other Revenues** were lower as of the second quarter-end, at 29.1%, compared to previous years' averages of 38.2% because of small one-time grants received in previous years.

Expenditures

In total, taking into account the vacancy factor, expenditures for General Fund operating departments (excluding debt service and transfers to other funds) were within the budgetary target -- at 47.6% as of December 31, compared to a budgetary target (taking into account the timing of payroll dates) of 48.9%. All departments were within budgetary targets as of December 31, with the exception of Human Relations & Community Services, resulting from work involved from the announcement of the closing of the Magnuson Hotel; the City Clerk's Office, due to timing of elections; and the Financial Empowerment Center, due to supplies for events. Budget adjustments may be needed for the three departments, depending on reimbursements and grant amounts received.

Summary

For the first half of the fiscal year, total General Fund revenues were ahead of budgetary expectations, and expenditures were, with three exceptions, within budgetary expectations.

General Fund Status Report – FY 2017 (as of December 31, 2016)

Revenues	Annual Budget	Actual as of 12/31/16	Percent of Budget	Avg. Percent of Year-End Actuals as of December 31 FY 2014 - 2016
Property Taxes	\$ 38,952,000	39,228,991	100.7%	98.5%
Income Taxes	33,150,000	11,202,610	33.8%	32.3%
Revenue Sharing	15,655,900	4,192,670	26.8%	24.6%
Licenses & Permits	1,652,500	403,574	24.4%	24.2%
Charges for Services	9,153,500	3,618,550	39.5%	44.9%
Fines & Forfeitures	2,960,100	920,963	31.1%	41.6%
Interest & Rent	38,500	16,004	41.6%	53.5%
Return on Equity	22,000,000	11,651,819	53.0%	50.6%
Other Revenue	437,500	127,325	29.1%	38.2%
Total Revenues	\$ 124,000,000	\$ 71,362,506 ⁽¹⁾	57.6%	56.5%
Less: Addition to Reserves	(500,000)			
	<u>\$ 123,500,000</u>			

Expenditures	Annual Budget	Actual as of 12/31/16	Percent of Budget	12/31/16 Budgetary Target
Council	\$ 675,800	\$ 285,540	42.3%	47.7%
Internal Audit	202,200	60,001	29.7%	47.0%
Courts	6,247,400	2,720,349	43.5%	47.6%
Mayor's Office	1,050,200	491,399	46.8%	47.3%
Media Center	415,600	175,051	42.1%	47.0%
Financial Empowerment Center	182,100	121,940	67.0%	48.0%
Clerk's Office	1,018,700	589,624	57.9%	54.2%
Planning & Neighborhood Development	1,091,500	498,126	45.6%	49.6%
Finance	5,083,800	2,069,863	40.9%	47.6%
Human Resources	2,139,000	1,027,307	48.0%	48.1%
Attorney's Office	1,880,700	748,588	39.8%	46.9%
Vacancy Factor	(800,000)			
Police	38,952,900	18,612,547	47.8%	49.0%
Fire	33,612,300	16,435,116	48.9%	49.3%
Public Service	10,867,100	5,246,418	48.3%	49.7%
Human Relations & Community Service	1,249,200	632,420	50.6%	47.2%
Parks & Recreation	7,893,900	3,500,826	44.3%	48.5%
Subtotal - Departmental Budgets	\$ 111,742,400	\$ 53,215,115	47.6%	48.9%
Human Services & City Supported Agencies	\$ 1,868,900	\$ 794,455	42.5%	
Library Lease	165,000	72,228	43.8%	
Debt Service	1,045,200	74,815 ⁽²⁾	7.2%	
Transfers	8,678,500	8,518,047	98.2%	
Subtotal - Non-departmental Budgets	11,757,600	9,459,545		
Total General Fund	<u>\$ 123,500,000</u>	<u>\$ 62,674,660 ⁽¹⁾</u>		

Please see Pages 1 and 2 for an explanation of revenues and expenditures.

⁽¹⁾ Note: Year-to-date revenue is greater than expenditures at this time of year, as property taxes, accounting for 31% of General Fund revenues, are collected at the beginning of the year. Property taxes include delinquent amounts that will be reimbursed by the counties upon settlement. Property tax collections exceed budget at this time of year, but are subject to tax appeals and other adjustments throughout the year.

⁽²⁾ The majority of General Fund debt service is paid in the fourth quarter of the fiscal year.



CITY OF LANSING

INTERNAL AUDITOR

124 W MICHIGAN AVE FL 10

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Disclaimer

This document is work product produced by the Internal Auditor and will in no way imply any explicit or implicit meaning on behalf of either the Administration or City Council. In addition, items addressed in this review are believed to be obtained from reliable sources by the Internal Auditor and all information contained in this review is provided "as is" with no guarantee of completeness, accuracy, timeliness or of the results obtained from the use of this information without warranty of any kind, express or implied.

Support Review

Date: 2-22-2017

Subject: Review of FY 2017 2nd Quarter General Fund Status Report dated January 31, 2017

Revenues Summary of Actual to Benchmark (Largest to Smallest Variance %)

Invest and Rents (11.9% Below)

"...were behind previous years' trends due to a change in the timing of cell tower revenue payments from previous years."

Fines & Forfeitures (10.5% Below)

"...due to reductions in traffic tickets and penal case revenues."

Other Revenue (9.1% Below)

"...because of small one-time grants received in previous years."

Changes for Service (5.4% Below)

"...due mainly to timing of grant administration revenues."

Expenditures Summary of Actual to Benchmark (Largest to Smallest Variance %)

Financial Empowerment Center (Above 19.0%)

"...due to supplies for events..."

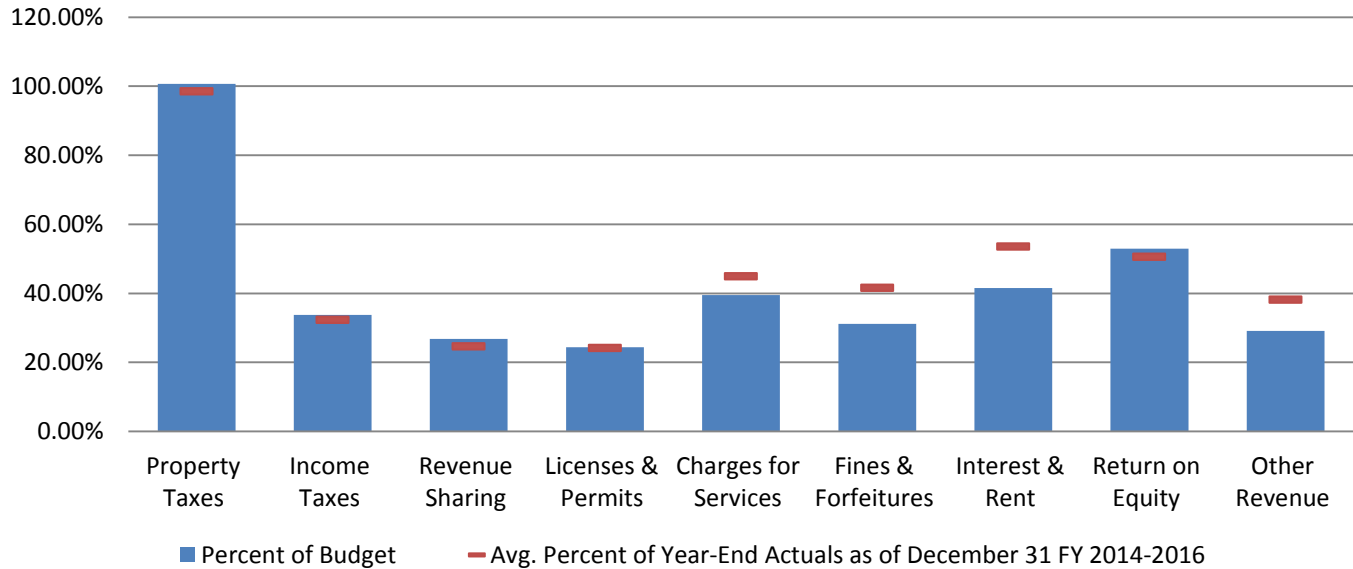
Clerk's Office (Above 3.7%)

"...due to timing of elections..."

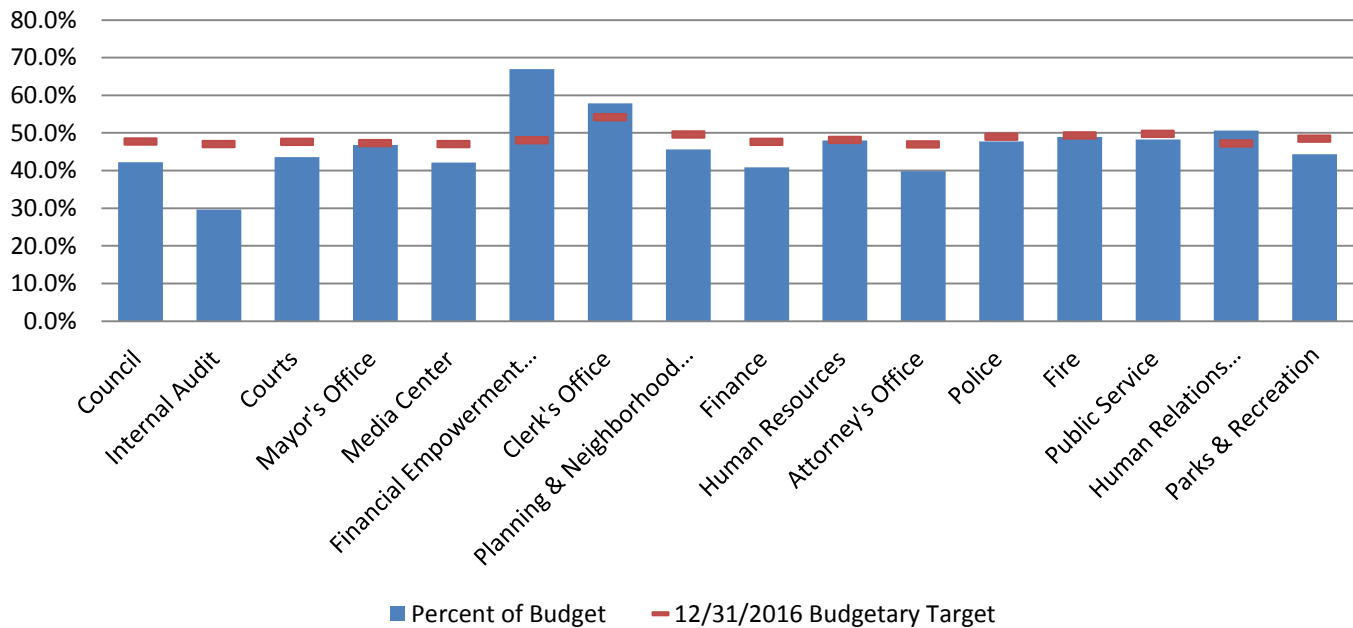
Human Relations & Community Services (Above 3.4%)

"...Human Relations & Community Services, resulting from work involved from the announcement of the closing of the Magnuson Hotel."

Revenues Compared to Benchmark



Department Expenditures Compared to Benchmark



Notes for Tables Below

- (1) "Note: Year-to-date revenue is greater than expenditures at this time of year, as property taxes, accounting for 31% of General Fund revenues, are collected at the beginning of the year. Property taxes include delinquent amounts that will be reimbursed by the counties upon settlement. Property tax collections exceed budget at this time of year, but are subject to tax appeals and other adjustments throughout the year."
- (2) The majority of General Fund debt service is paid in the fourth quarter of the fiscal year.

Revenues Verse Benchmarks

Revenues	Annual Budget	Actual as of 12-31-2016	Percent of Budget	Avg. Percent of Year-End Actuals as of December 31 FY 2014-2016	Below Benchmark Percentage
Property Taxes	\$38,952,000	\$39,228,991	100.7%	98.5%	
Income Taxes	\$33,150,000	\$11,202,610	33.8%	32.3%	
Revenue Sharing	\$15,655,900	\$4,192,670	26.8%	24.6%	
Licenses & Permits	\$1,652,500	\$403,574	24.4%	24.2%	
Charges for Services	\$9,153,500	\$3,618,550	39.5%	44.9%	5.4%
Fines & Forfeitures	\$2,960,100	\$920,963	31.1%	41.6%	10.5%
Interest & Rent	\$38,500	\$16,004	41.6%	53.5%	11.9%
Return on Equity	\$22,000,000	\$11,651,819	53.0%	50.6%	
Other Revenue	\$437,500	\$127,325	29.1%	38.2%	9.1%
Total Revenues	\$124,000,000	\$71,362,506 (1)	57.6%	56.5%	

Expenditures Verse Benchmarks

Expenditures	Annual Budget	Actual as of 12/31/16	Percent of Budget	12/31/2016 Budgetary Target	Above Benchmark Percentage
Council	\$675,800	\$285,540	42.3%	47.7%	
Internal Audit	\$202,200	\$60,001	29.7%	47.0%	
Courts	\$6,247,400	\$2,720,349	43.5%	47.6%	
Mayor's Office	\$1,050,200	\$491,399	46.8%	47.3%	
Media Center	\$415,600	\$175,051	42.1%	47.0%	
Financial Empowerment Center	\$182,100	\$121,940	67.0%	48.0%	19.0%
Clerk's Office	\$1,018,700	\$589,624	57.9%	54.2%	3.7%
Planning & Neighborhood Development	\$1,091,500	\$498,126	45.6%	49.6%	
Finance	\$5,063,800	\$2,069,863	40.9%	47.6%	
Human Resources	\$2,139,000	\$1,027,307	48.0%	48.1%	
Attorney's Office	\$1,880,700	\$748,588	39.8%	46.9%	
Vacancy Factor	-\$800,000				
Police	\$38,952,900	\$18,612,547	47.8%	49.0%	
Fire	\$33,612,300	\$16,435,116	48.9%	49.3%	
Public Service	\$10,867,100	\$5,246,418	48.3%	49.7%	
Human Relations & Community Service	\$1,249,200	\$632,420	50.6%	47.2%	3.4%
Parks & Recreation	\$7,893,900	\$3,500,826	44.3%	48.5%	
Subtotal - Departments Budgets	\$111,742,400	\$53,215,115	47.6%	48.9%	
Human Services & City Supported Agencies	\$1,868,900	\$794,455	42.5%		
Library Lease	\$165,000	\$72,228	43.8%		
Debt Service	\$1,045,200	\$74,815 (2)	7.2%		
Transfers	\$8,678,500	\$8,518,047	98.2%		
Subtotal - Non-department Budgets	\$11,757,600	\$9,459,545			

Total General Fund

\$123,500,000 \$62,674,660 (1)



City of Lansing

OFFICE OF THE CITY ATTORNEY

TO: Ways and Means Committee

FROM: F. Joseph Abood, Chief Deputy City Attorney

DATE: February ___, 2017

RE: 2062876-00997



CompOne Administrators, Inc. has evaluated this claim for settlement. We have negotiated a settlement of \$63,715.00 to release all past, present and future claims against the City of Lansing.

The Mayor, the Law Department and the Department of Human Resources support the recommendation for settlement and the Department of Human Resources advises that funds are available in the Workers Compensation Claims account. We are requesting your approval of the redemption of this case.

Please contact this office as soon as possible with any concerns you may have regarding the redemption of this claim.

cc: Mary P. Riley, Human Resources Director
Kathy Woodman, Health & Wellness Administrator
Elizabeth O'Leary, Employee and Labor Relations Specialist

BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, it is proposed that a claim be resolved by virtue of entering into a settlement agreement with claimant 2062876-00997, in which, the City of Lansing would agree to pay Plaintiff the sum of Sixty-Three Thousand, Seven Hundred Fifteen Dollars (\$63,715.00) in exchange for a complete redemption and release of the City from any past, present, and future liability regarding any alleged injuries/illnesses whatsoever;

WHEREAS, the proposed settlement is recommended by the Mayor, the Department of Human Resources Director, the City of Lansing's Fund Administrator, and the City Attorney;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby approves the payment of Sixty-Three Thousand, Seven Hundred Fifteen Dollars (\$63,715.00) pursuant to said proposed settlement agreement as a full and final settlement of said action.

BE IT FINALLY RESOLVED that the City Attorney is authorized to prepare and execute the requisite documents to complete settlement of the aforementioned lawsuit.

Approved for placement on the City Council
Agenda:

City Attorney

Date

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO ADD
SECTION 206.25 TO CHAPTER 206 OF THE LANSING CODIFIED ORDINANCES BY
REQUIRING TRANSPARENCY IN THE SOLICITATION, AWARDING, OPENING
AND SELECTION OF BIDS FOR PROJECTS THAT RECEIVE CERTAIN
ECONOMIC INCENTIVES APPROVED BY THE LANSING CITY COUNCIL.**

THE CITY OF LANSING ORDAINS:

Section. That Section 206.25 be added to Chapter 206 of the Codified Ordinances of the
City of Lansing, Michigan to read as follows:

(A) **PURPOSE.** THE PURPOSE OF THIS SECTION IS TO PROMOTE FAIRNESS IN
BIDDING ON DEVELOPMENTS AND CONSTRUCTION PROJECTS THAT RECEIVE
ECONOMIC INCENTIVES FROM THE CITY OF LANSING BY ENSURING
TRANSPARENCY IN THE SOLICITATION, AWARDING, OPENING, AND SELECTION
OF BIDS. THE ORDINANCE ADOPTING THIS SECTION CONSTITUTES A PUBLIC
PURPOSE OF THE CITY OF LANSING.

(B) **DEFINITIONS.** AS USED IN THIS SECTION:

(1) **“APPLICANT”** MEANS A PERSON, CORPORATION, PARTNERSHIP, OR OTHER
ENTITY THAT HAS APPLIED FOR AND RECEIVED ECONOMIC INCENTIVES
APPROVED BY THE LANSING CITY COUNCIL.

(2) **“BID”** MEANS A SEALED OFFER TO PROVIDE SERVICES PURSUANT TO A
SOLICITATION FOR BIDS.

1 **(3) “BID QUOTE”** MEANS THE TOTAL BID AMOUNT IN DOLLARS AS READ
2 ALLOUD AND RECORDED AT THE BID OPENING.

3 **(4) “CONSTRUCTION WORK”** MEANS THE ACT OF CONSTRUCTING A
4 BUILDING OR INFRASTRUCTURE (INCLUDING DEMOLITION WORK) OR CLEARING
5 A SITE WHICH REQUIRES A PERMIT FOR IMPROVEMENT OR ALTERATIONS.
6 CONSTRUCTION WORK DOES NOT REFER TO ANY OTHER ACT THAT MIGHT BE
7 ASSOCIATED WITH A PROJECT SUCH AS PLANNING AND/OR ARCHITECTURAL
8 WORK.

9 **(5) “ECONOMIC INCENTIVE(S)”** MEANS ANY OF THE FOLLOWING: PAYMENT
10 IN LIEU OF TAXES (PILOT) THAT IS CONTINGENT ON RECEIVING APPROVAL
11 FROM LANSING CITY COUNCIL; A TAX ABATEMENT ISSUED UNDER PUBLIC ACT
12 328 OF 1998; A BROWNFIELD APPROVED UNDER PUBLIC ACT 381 F 1996; OR, AN
13 OBSOLETE PROPERTY REHABILITATION ACT ABATEMENT ISSUED UNDER
14 PUBLIC ACT 146 OF 2000.

15 **(6) “PERMIT”** MEANS A BUILDING PERMIT, MECHANICAL PERMIT,
16 ELECTRICAL PERMIT, OR PLUMBING PERMIT, ISSUED BY THE LANSING BUILDING
17 SAFETY OFFICE.

18 **(7) “PROJECT”** MEANS A REAL ESTATE DEVELOPMENT IN THE CITY OF
19 LANSING WHICH IS RECEIVING AN ECONOMIC INCENTIVE AND THE
20 CONSTRUCTION WORK THAT WILL BE PERFORMED ON THE DEVELOPMENT
21 PURSUANT TO A PERMIT.

22 **(8) “PUBLICLY ACCESSIBLE LOCATION”** MEANS ONE OF THE FOLLOWING
23 LOCATIONS: LETTS COMMUNITY CENTER, ALFREDA SCHMIDT COMMUNITY

CENTER, GIER COMMUNITY CENTER, FOSTER COMMUNITY CENTER, LANSING CITY HALL-CITY COUNCIL CHAMBERS, OR A CITY-OWNED BUILDING DURING REGULAR BUSINESS HOURS.

(9) “PUBLICLY ADVERTISED” MEANS PUBLISHED AT LEAST SEVEN (7) CONSECUTIVE DAYS ON THE LOCAL BUILDERS EXCHANGE AND THE CITY OF LANSING WEBSITE BEGINNING NO LESS THAN FOURTEEN (14) DAYS PRIOR TO THE DEADLINE FOR BID SUBMISSIONS.

(10) “SOLICITATION OF BIDS” MEANS A PUBLICLY ADVERTISED REQUEST FOR BIDS THAT INCLUDES THE DATE, TIME, AND DEADLINE FOR SUBMISSION, AS WELL AS ALL RELEVANT SPECIFICATIONS NECESSARY TO CALCULATE A BID.

(11) “TRANSPARENT AND FAIR BIDDING PROCESS” MEANS A BIDDING PROCESS THAT ALLOWS ALL INTERESTED PARTIES THE OPPORTUNITY TO BID ON PROJECTS, MAKES PUBLICLY AVAILABLE A LIST OF ALL WHO SUBMIT BIDS, PROVIDES FOR A PUBLIC OPENING OF THE BIDS, AND IDENTIFIES THOSE AWARDED CONTRACTS.

(C) REQUIREMENTS FOR APPROVAL

EVERY PROJECT SUBMITTED TO THE LANSING CITY COUNCIL FOR APPROVAL OF AN ECONOMIC INCENTIVE SHALL INCLUDE THE APPLICANT’S PROPOSED DEVELOPMENT AGREEMENT WITH AN ADDENDUM THAT DECLARES AND DISCLOSES THE FOLLOWING:

- (1) APPLICANT AGREES TO PUBLICLY ADVERTISE ALL SOLICITATIONS FOR BIDS AS OUTLINED IN THIS ORDINANCE; AND,

(2) APPLICANT AGREES TO NOTIFY WHEN AND WHERE THE BID OPENING
WILL OCCUR; AND,

(3) APPLICANT AGREES TO PUBLISH A LIST OF ALL PARTIES THAT
SUBMITTED BIDS AND IDENTIFY THOSE AWARDED CONTRACTS; AND,

(4) APPLICANT UNDERSTANDS THAT FAILURE TO COMPLY WITH ONE OR
MORE OF THE REQUIREMENTS LISTED HEREIN MAY RESULT IN
REVOCATION OF ECONOMIC INCENTIVES; AND,

(5) CERTIFICATION THAT THE APPLICANT IS NOT IN FINANCIAL DEFAULT TO
THE CITY OF LANSING RELATING TO TAXES, LICENSES, PERMITS, OR
FEES WILL BE PROVIDED; AND,

(6) APPLICANT AGREES TO PROVIDE PROOF OF A VALID TAX
IDENTIFICATION NUMBER, REQUIRED LICENSES, AND CERTIFICATES OF
INSURANCE AS NECESSARY FOR THE PROJECT; AND,

(7) THE APPLICANT AGREES TO DISCLOSE ANY CITATION FOR A VIOLATION
OF A TRANSPARENT AND FAIR BIDDING PROCESS; AND,

(8) THE APPLICANT AGREES TO DISCLOSE ANY GOVERNMENTAL
DEBARMENT OR SUSPENSION FROM BIDDING OR CONTRACTING; AND,

(9) IF BIDS HAVE ALREADY BEEN SOLICITED, APPLICANT SHALL INCLUDE
INFORMATION TO DEMONSTRATE WHETHER, AND TO WHAT EXTENT,
THE APPLICANT ENGAGED IN A TRANSPARENT AND FAIR BIDDING
PROCESS PRIOR TO APPLICATION FOR INCENTIVES.

(D) SCOPE. THIS ORDINANCE SHALL APPLY TO PROJECTS FROM THE TIME
ECONOMIC INCENTIVES ARE REQUESTED THROUGH THE TIME OF PROJECT

COMPLETION AS DEFINED BY A DEVELOPMENT AGREEMENT BETWEEN THE APPLICANT AND THE CITY OF LANSING; OR, IF NO AGREEMENT EXISTS, BY THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY BY THE CITY OF LANSING. THE ACCEPTANCE OF AN APPLICATION BY THE CITY DOES NOT CONSTITUTE THE APPROVAL OF AN ECONOMIC INCENTIVE. THIS ORDINANCE SHALL ONLY APPLY TO ECONOMIC INCENTIVES THAT REQUIRE APPROVAL FROM THE CITY COUNCIL. THIS ORDINANCE SHALL NOT APPLY TO ANY ECONOMIC INCENTIVE OR PROJECT APPROVED PRIOR TO THE EFFECTIVE DATE OF THE ORDINANCE ADOPTED IN THIS SECTION.

THIS ORDINANCE SHALL NOT APPLY TO PROJECTS WITH A PRIVATE INVESTMENT UNDER \$750,000 OR FOR BID PACKAGES PROJECTED TO BE UNDER \$25,000. THIS ORDINANCE SHALL ALSO NOT APPLY TO INDUSTRIAL PROJECTS.

(E) PROJECT LABOR AGREEMENTS. NOTHING IN THIS ORDINANCE SHALL BE INTERPRETED TO PROHIBIT OR REQUIRE THAT A SUCCESSFUL BIDDER ENTER INTO A PROJECT LABOR AGREEMENT OR OTHER COLLECTIVE BARGAINING AGREEMENT AS A CONDITION OF CONTRACT AWARD.

(F) COMPLAINTS. ANY POTENTIAL BIDDER IN THE FIELD OF CONSTRUCTION WORK WHO ALLEGES VIOLATION(S) OF A PROJECT DEVELOPMENT AGREEMENT, PURSUANT TO SECTION 206.25, MAY SUBMIT A WRITTEN COMPLAINT THAT MUST CONTAIN SUPPORTING DOCUMENTATION TO THE OFFICE OF THE CITY ATTORNEY (OCA).

1 **(G) INVESTIGATION AND HEARING.** IF THE OCA DETERMINES THE
2 COMPLAINT AND PRELIMINARY EVIDENCE GATHERED INDICATE A PRIMA
3 FACIE VIOLATION OF THIS ORDINANCE, THE OCA WILL CONDUCT A
4 HEARING WITHIN SIXTY (60) DAYS AFTER THE INITIAL FINDING. THE
5 APPLICANT ALLEGED TO HAVE COMMITTED A VIOLATION (RESPONDENT)
6 AND THE CLAIMANT SHALL BE SENT BY REGULAR MAIL, AT LEAST
7 TWENTY-ONE (21) DAYS IN ADVANCE, NOTICE OF THE SCHEDULED DATE
8 AND TIME OF THE HEARING AND A REQUEST FOR EACH TO APPEAR.
9 TESTIMONY AT THE HEARING WILL BE ON THE RECORD, UNDER OATH,
10 AND RECORDED.

11 **(H) VIOLATIONS.** IN THE EVENT AN APPLICANT IS FOUND TO HAVE
12 VIOLATED THE REQUIREMENTS OF THIS ORDINANCE, THE CITY MAY TAKE
13 WHATEVER ACTION LEGALLY PERMISSIBLE TO REVOKE ANY ECONOMIC
14 INCENTIVE PURSUANT TO THE DEVELOPMENT AGREEMENT.

15 **(I) APPEAL.** IF THE CITY COUNCIL DENIES AN APPLICATION FOR
16 DEVELOPMENT INCENTIVES, THE APPLICANT MAY APPEAL THE
17 COUNCIL'S DECISION TO THE CIRCUIT COURT. IF THE CITY PURSUES
18 REVOCATION OF DEVELOPMENT INCENTIVES, THE APPLICANT MAY
19 APPEAL TO THE STATE TAX COMMISSION.

20 **(J) SUNSET.** THIS ORDINANCE SHALL EXPIRE ON A DATE FIVE YEARS FROM
21 THE DATE OF ENACTMENT.

22 Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules
23 inconsistent with the provisions hereof are hereby repealed.

January 4, 2017

1 Section 3. Should any section, clause or phrase of this ordinance be declared to be
2 invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof
3 other than the part so declared to be invalid.

4 Section 4. This ordinance shall take effect on the 30th day after enactment, unless given
5 immediate effect by City Council.

6 Approved as to form by the City Attorney on January 4, 2017

7 
8