



**MINUTES**  
**Committee of the Whole**  
**Annual Training**  
**Tuesday, January 16, 2018 @ 5:30 p.m.**  
**City Council Chambers**

**CALL TO ORDER**

Council President Wood called the meeting called to order at 5:32 p.m.

**PRESENT**

Councilmember Kathie Dunbar- arrived at 5:40 pm and left the meeting at 7:18 p.m.  
Councilmember Jeremy A. Garza  
Councilmember Adam Hussain  
Council Member Brian T. Jackson- arrived at 6:17 pm  
Councilmember Peter Spadafore  
Councilmember Patricia Spitzley  
Councilmember Jody Washington  
Councilmember Carol Wood

**OTHERS PRESENT**

Sherrie Boak, Council Staff  
Eric Brewer Internal Auditor  
LaSondra Crenshaw, Council Staff  
Jim Smiertka, City Attorney  
Joe Abood, Chief Deputy City Attorney  
Nike Tate, Assistant City Attorney  
Amanda, O'Boyle, Assistant City Attorney  
Brandon Waddell, Assistant City Attorney  
Heather Sumner, Assistant City Attorney  
Greg Venker, Assistant City Attorney  
Kathy Miles  
Elizabeth O'Leary, Labor Specialist  
Linda Sanchez-Gazella, HR Director

Council President Wood noted for the record that Council Member Jackson stated he would be late and any other Council Members not present would be considered unexcused. Any missed trainings will be rescheduled for those Councilmembers and Council President Wood stated she would sit in on those trainings also.

### Human Resources

Ms. Sanchez-Gazella did introductions and then presented their most recent video on Sexual Harassment. After the video the Committee had questions and answers.

Council President Wood asked how to address when a resident comes in and harasses an employee. Mr. Smiertka noted it can be addressed would be considered harassment if it is let to be continued after it is reported. Council President Wood asked how Council Member can address if they are harassed since they are elected and not employees. Mr. Smiertka noted there is a City policy on sexual harassment and they need to report it to Human Resources. The City Policy #6 on Sexual Harassment was distributed to the Council from HR. Council President Wood noted that if there is an instance where there is an issue with Council staff, the employer can take it to HR not just the President of Council. Mr. Smiertka added that they need to be a tune to comments, because they might not be direct, so once it is brought to their attention they must file a complaint. Council Member Hussain asked if the issue was with Human Resources they then go to Law, and it was confirmed. Council Member Spadafore asked what the recourse is on a Council Member since they are elected and cannot be fired. Mr. Smiertka replied that it would lead to an ethics violation, which could lead to forfeiture of office.

### City Attorney

Mr. Smiertka distributed a handout to all Councilmembers and began his department presentation. The presentation began with fiduciary duties, and continued with ethics, Open Meetings Act, Human Rights; Principals and Values, FOIA, and the Charter Officers and Elections. (The handout is attached to the minutes).

The Council discussed the examples of a default, which Mr. Smiertka noted could be taxes, even if they have gone to the County. Councilmember Dunbar questioned if it would still be default if it went to the County, because the City would be paid off by the County when they start to collect. Mr. Smiertka answered that if taxes are not paid by the due date, they are in default. Council Member Dunbar then inquired on the item of a parking ticket, and if that is considered in default. Mr. Smiertka answered that if you owe the City, you are in default, period. Council Member Washington asked if you owe on a BWL bill, it would be considered default, and Mr. Smiertka noted BWL is listed in the Charter and therefore are the City and you would be considered in default to the City.

Ms. Sumner presented the topic of the Ethics Ordinance to the Council. Covered under this, included mention of Ordinance Chapter 290 which identifies ethical conduct and also penalties. She noted the ordinance identifies minimum standards, provides a process for public servants and promotes public confidence. The slide show also listed items the Council should not, including but not limited to accepting non-monetary gifts with a value greater than \$50, using their position to obtain financial gain, act on behalf of the City by making a policy statement when they do not have the authority and divulge confidential information before it is authorized for release. Ms. Sumner highlighted examples of what are "gifts", what would be a misuse of power.

Mr. Venker presented to the Committee the topic on Open Meetings Act. The policy itself and definitions were highlighted and the public notice requirements were recapped. Mr. Venker then went through a slide on emailing, texting, tweeting, posting and commenting. The key point highlighted in the presentation was that during a public meeting they are to turn off their cell phone, log off of their email and social media sites and do not talk to other Council members privately about Council matters. They were reminded that any cell phone usage at the dais would be subject to FOIA request related to communications.

Council Member Dunbar left the meeting at 7:18 p.m.

Mr. Waddell reviewed Human Rights: Principals and Values with the Committee. They discussed 42 US Code 1983 and why human rights are important.

Council Member Spitzley left the meeting at 7:23 p.m. and returned at 7:26 p.m.

Mr. Waddell recapped some of the discussion held earlier on sexual harassment and hostile work environment.

Ms. O'Boyle went through the process on a FOIA request, what is required of Council and what is exempt from FOIA. She also provided statistics that the Building Safety Office, Clerk and LPD are the top departments where FOIA is sought. Costs estimates are based on more than 15 minutes to process, and including copying, mailing, copies on USB/CD and redaction time. Lastly, she noted if a FOIA is appealed, the current Council President responds to the appeal.

Mr. Tate concluded the presentation from Law with Candidate and Campaign Information. Covered under this was the Michigan Campaign Finance Act.

Council Member Wood asked Law if iPads and computers could be allowed on the dais as long as they are not responding or writing emails. Mr. Smiertka suggested she make an announcement to the public before the first meeting where they will be used, and inform the public and Council that knows they are not to be in violation. Council Member Wood informed the Committee that Council staff will forward to all of them the Computer Policy that was adopted by Council in May, 2013.

Council Member Washington asked if the Council phone can be their only phone or if they should have a personal cell phone. Mr. Smiertka recommended that they not use the City phone for their only phone, but also have a personal phone. If not they will open themselves up for questions. Council Member Washington asked Council Member Wood to provide Council with a phone number they can provide to their families to call during meeting. Council Member Wood stated she would provide them with the Council Office Manager phone number for use during meetings.

#### **ADJOURN**

The meeting was adjourned at 8:25 p.m.

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

Approved by the Committee on February 5, 2018