



AGENDA
Committee of the Whole
Monday, July 13, 2020 @ 5:00 p.m.

Via ZOOM audio/video: <https://us02web.zoom.us/j/84190955157>; Mtg ID 841 9095 5157

Dial in option: (301)715-8592

Email comments prior to the meeting to sherrie.boak@lansingmi.gov

Council Member Spadafore, Chairperson
Council Member Hussain, Vice Chairperson

1) Call to Order

2) Roll Call

3) Minutes

- June 22, 2020

4) Public Comment on Agenda Items (Up to 3 Minutes)

5) Presentations:

- Downtown Lansing Inc. Assessments (Treasury)

6) Discussion/Action:

A.) RESOLUTION – Reappointments:

- Clyde D. Carnegie; 4th Ward; Board of Police Commission; Term Expire 6/30/2024
- Georgina Nelson; 4th Ward; Board of Fire Commissioners; Term Expire 6/30/2024
- Rodney Singleton; At Large; Board of Fire Commissioners; Term Expire 6/30/2024
- Larry Leatherwood; At Large; Lansing Entertainment & Public Facilities Authority; Term Expire 6/30/2023
- Melissa C. Jeffries; At Large; Board of Review; Term to Expire 6/30/2023

B.) RESOLUTION – Introduction & Set Public Hearing; Ordinance to modify members of the Employees Retirement System Board of Trustees

C.) RESOLUTION – Substantial Amendment – CDBG-CV/ESG-CV

D.) RESOLUTION – Council Rule Change – Rule 16- Committee on Equity, Diversity and Inclusion – Introduction

E.) RESOLUTION – Amend Resolution 2019-309 for 2020 Council Meeting Location

F.) DISCUSSION – Social Districts

G.) DISCUSSION – Council Powers and Duties

7.) Other

8.) Adjourn

With Executive Order 2020-4, Governor Whitmer declared a statewide State of Emergency due to the spread of the novel coronavirus (COVID-19). To mitigate the spread of COVID-19 and to provide essential protections to vulnerable Michiganders and this State's health care system and other critical infrastructure, it is crucial that all Michiganders take steps to limit in-person contact, particularly in the context of large groups. Therefore, the above meetings will be conducted via audio/video conference.

The meetings are being held electronically in accordance with the Open Meetings Act in an effort to protect the health and safety of the public. Members of the public wishing to participate in the meeting may do so by logging into or calling into the meetings using the website or phone number above, and meeting ID provided. Michigan Executive Order 2020-129 provides temporary authorization of remote participation in public meetings and hearings.

Persons with disabilities who need an accommodation to fully participate in these meetings should contact the City Council Office at 517-483-4177 (TTY 711) 24 hour notice may be needed for certain accommodations. An attempt will be made to grant all reasonable accommodation requests.

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 Special Meeting Monday, June 22, 2020 @ 5:00 p.m.

Via Zoom Meeting: <https://us02web.zoom.us/j/81780379590>
Meeting ID: 817 8037 9590

CALL TO ORDER

Council President Spadafore called the meeting to order at 5:00 p.m.

PRESENT- via audio/video

Councilmember Peter Spadafore
Councilmember Adam Hussain
Councilmember Carol Wood
Councilmember Patricia Spitzley – arrived on 5:01 p.m.
Councilmember Kathie Dunbar
Councilmember Brandon Betz
Councilmember Jeremy Garza
Councilmember Brian T. Jackson

MEMBERS PRESENT- via audio/video

Sherrie Boak, Council Staff
Mayor Schor
Samantha Harkins, Deputy Mayor
Jim Smiertka, City Attorney
Lisa Hagen, Assistant City Attorney
Heather Shawa, BWL
Calvin Jones, BWL
Dick Peffley, BWL
Judge Cynthia Ward
Captain Backus, LPD
Joe McClure, LPD
Doris Witherspoon, Economic Development & Planning
Don Kulhanek, Economic Development & Planning
Brian McGrain, Economic Development & Planning
Shelbi Frayer, Chief Strategy Officer
Jack Brower, Budget Director
Chief Green, LPD
Breina Pugh, BWL

Minutes

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM JUNE 8, 2020 AS PRESENTED. ROLL CALL VOTE, MOTION CARRIED 8-0.

Public Comment

No public Comment

Presentation**54-A District Court on Domestic Violence-Judge Cynthia Ward**

Judge Ward presented on the court policies and procedures, and confirmed there is a grant that allows for a domestic court. The grant was written to be effective in the community, and recently with the LPD STOP grant, and how that supports the work for the domestic court. Judge Ward went on to explain that she worked with LPD and the Ingham County Prosecutors, and they chose to work with the Domestic Violence Court. The STOP Grant allows LPD to have the resources to support the court and the domestic violence probation officer. This officer conducts home visits and was specifically written into the grant. The grant is a competitive grant, with all other law enforcement grants, therefore was worthy of the funding to support the domestic violence court. Council Member Jackson asked if this would benefit just the City of Lansing or if it is a County specialty court, and he also noted that the LPD is a critical support of the Ingham County Prosecutors, so he supported the grant. Judge Ward responded to the question that the grant is only for the 54A Domestic Violence court, and on the City. They do not accept transfers.

Council Member Wood recapped from the last meeting that they did not take action because there was a question on the funding and if the City should use the funding for a police officer or detective in this position. It was also noted that the position was already getting paid for the last 9 months and there is only 3 months left on the grant. She asked Chief Green if the Council chose not to accept the grant, how it would impact the LPD budget since the work was done and already paid. Chief Green noted that the City needs 260 offices based on their population, and based on the number of average investigations, the City needs to double their staff. That being said, Chief Green noted the City is well below what they need, and without this grant they could not sustain this position, and it will have an impact on the LPD. Council Member Wood then asked if it is rejected what the likelihood it would be offered a grant in the future. Judge Ward stated the grant is a 3-year grant with 2 renewable terms. She anticipated they would continue to apply for subsequent years to support the position. Council Member Betz stated at the last meeting he had asked for statistics on what this detective has solved, how many calls, and what that position has done. Chief Green apologized stating he was not made aware of the request but could get those statistics. Judge Ward added to the discussion that the Domestic Violence court is currently only six months old, so she was not sure if there was enough data to report. Currently there was only 1 in violation of probation, no new assaults, so they believe that is a success so early in the program. This item was moved out of Committee at the previous meeting.

Discussion/Action**DISCUSSION-Board of Water & Light Budget for Fiscal Year Ending June 30, 2021 and Capital Forecast for Fiscal Years 2021-2026**

Ms. Shawna went through the FY2021 budget by utility and noted the focus on the totals on revenues, operating expenses, with total operating at \$52,924,262 with net income at \$1,498,728. It was noted that they did not factor in a rate increase for the next fiscal year, but the last forecast they did forecast a rate increase. Based on the impacts of COVID they have elected to recommend a rate increase, and after looking at a rate competitiveness with the reduced operating budget by \$2.5 million, and its outcome showing a lower net income then they would normally budget. With the return on assets at 4.14% for 3 of the 4 utilities, they have achieved their target by 2025. There was a brief overview of the high level cash flow with total

sources of cash at \$232,952,670 and ending cash at \$80,090,233. Regarding the Delta Plant, which is currently under construction, they have a 3 year plan, will borrow in the 3rd phase, and have issued revenue bonds for those

Council Member Jackson asked about their training budget. Mr. Peffley confirmed each department manages their own training budget, there is an enhancement training, refresher training, new employee training and immersing trainers training. Council Member Wood asked if there were utility payments put on hold for non-shut off during COVID, and if so what that figure was. She also asked what the impact will be with companies putting employees on furlough, and reducing staff. Mr. Peffley confirmed they worked with people even before the Governor's orders on any shut offs, and have suspended it for the entire service territory. Recently they have sent out letters to 6,000 customers, and 80% of those have responded with an interest in a payment plan. Council Member Wood asked if there were any projections the commercial side due to COVID. Mr. Peffley noted that their experts say that 25% of the commercial industry will not back, and in the City 20% of the customers are commercial.

RESOLUTION – Board of Water & Light Return on Equity Agreement; Fifth Amendment

Mr. Smiertka noted that on return on equity, there is a lot of case law that supports it, and that the Idea is that the City, through the GF or other sources, has funded the capital investment of the utility. Case law states that the municipality is entitled to get a return on that. The BWL agreement was negotiated with a fixed rate, and the current document is a 2 year agreement, which the OCA supports. Ms. Frayer noted there is a fixed portion of the contract, and in the years past there was a variable payment. Council President Spadafore asked if the BWL Board had approved the agreement yet, and Ms. Shawa confirmed they did on May 26th.

Council Member Hussain referred the Committee to the 4th WHEREAS, asking that “2020” be removed. Ms. Frayer agreed there was no projection for 2020, and going forward they would be doing a fixed and both parties agreed to 3% and fixed for the next 2 fiscal years. Council President Spadafore referred to the agreement itself noting the same as Council Member Hussain in the resolution that there are 2 years, and concurred with removal of 2020 from the Resolution.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR THE BOARD OF WATER & LIGHT RETURN ON EQUITY AGREEMENT FIFTH AMENDMENT WITH THE REQUESTED CHANGE TO THE 4TH WHEREAS REMOVING “2020”. ROLL CALL VOTE TAKEN, MOTION CARRIED 8-0.

RESOLUTION – Citizen Participation Plan for Community Development Block Grants (CDBG), HOME and Emergency Solutions Grants (ESG) Programs

Mr. Kulhanek stated that they were asking to amend the Citizen Participation Plan, because as part of the CARES Act they received additional funding. HUD wants the funds to be programmed as quickly as possible, and they have waived normal regulations, one being the time period for public comment to 5 days. Therefore, HUD has now requested the City amend the citizen plan to reduce that time period 5 days.

Council President Spadafore noted that on the July 13th Committee and Council meetings they will see and take action on the passage of the amendment itself.

Council Member Jackson asked when people will get to decide how it is spent. Mr. Kulhanek stated at the July 13th meetings, in addition the public can make comments any time on the plan. Ms. Witherspoon added that they sent out notices and it was posted on the website. Since HUD was looking at getting it done in 5 days, they did not have time to publish in the paper, but did send out to list of interested parties, and noticed to contact her.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE CDBG AND ESG PROGRAM CITIZEN PARTICIPATION PLAN. ROLL CALL VOTE TAKEN, MOTION CARRIED 8-0.

RESOLUTION – Declaration that Racism is a Public Health Crisis

Council President Spadafore set the guidelines that the Committee would begin review of the document at this time (6:00 p.m.) and continue until 6:40 p.m. at which point if there is no action they will move it to the next agenda. He then shared the document on the screen for the Committee and public. Council Member Spitzley voiced the question on if the City Council even had the authority to declare a “public crisis” or if they should call it “call for action”. She then went through the document she draft with Council President Spadafore using the recent Ingham County declaration as their template.

MOTION BY COUNCIL MEMBER SPITZLEY TO APPROVE THE RESOLUTION ON DECLARATION THAT RACISM AS A PUBLIC HEALTH CRISIS.

Council Member Betz asked the document be changed to reflect “Equity, Diversity and Inclusion” where ever it stated “Equity and Diversity”.

Council Member Wood that it include what the Ad Hoc on Diversity and Inclusion that was created in 2013 was able to accomplish. This would demonstrate that it was initiated in 2013 and that they addressed LPD and LFD hiring practices, discussion on ICW, trainings for City employees on diversity, worked with the administration on diverse board appointments, and work on the amendments to the Human Rights Ordinance.

Council Member Jackson asked that the document be changed to reflect “and brown” everywhere “Black” was noted, except where the slavery clause is stated.

Council Member Hussain asked that the 7th WHEREAS, 3rd sentence to be changed to: “Black citizens across the state of Michigan have been limited to areas with restricted access to healthy foods, clean water, and other essential resources, in addition to being subjected to a disproportionate amount of convenience and liquor stores, leading to a variety of other health issues, including reduced life expectancy, higher rates of infant and maternal mortality, and higher rates of lead poisoning; and”

COUNCIL MEMBER SPITZLEY ACCEPTED ALL ADDITIONS AND AMENDMENTS TO THE DOCUMENT AND HER MOTION. ROLL CALL VOTE TAKEN, MOTION CARRIED 8-0.

RESOLUTION – Budget Amendment for Fiscal Year 2019/2020

Mr. Brower presented on the budget amendment dated June 18th, noting there was a fee change that was missed in the earlier version, and the budget reflects the recent 4-day work week work share program. Council President Spadafore asked if the current budget could be amended with a fee change for the next fiscal year budget, and Mr. Brower stated it could however the OCA was asked for their opinion. It was determined to remove the fee change and create a separate resolution for that change to take action on. Mr. Brower confirmed they had been in discussions with the FHT on the budget and it still projects a fund balance to \$6.8 million. Council Member Spitzley asked Mr. Brower what the change was from the 6/8/2020 version and the recent 6/18/2020 version. Mr. Brower responded stated there was a change in the Downtown Lansing fund subsidy. It was noted that the assessment was missed earlier. Mr. Smiertka added to the explanation that the question to be asked is if this budget is consistent with government accounting standards. Mr. Brower informed the Council that they looked at research and contacted an auditing firm, and there is a possibility to take revenue received after July and accrue it back to the current (previous) fiscal year. This comes with

consideration into the timing. The method to make this happen is informal, not a loan but in advance of the subsidy they would have received. This Downtown Lansing subsidy of \$178,000 the City would receive back in the FY 2020/2021 under a separate resolution. Council Member Spitzley asked Mr. Brower if this is the standard accounting practice, and Mr. Brower replied by stating it is an unusual circumstances, but he believed it did follow it. Council President Spadafore asked Mr. Brower if there were other assessments not assessed, and Mr. stated he was not aware of any. After no further questions on that amendment, Mr. Brower briefly outlined the expenditure changes with a savings of \$1,330,000, which makes an increase from the projected ending fund balance by \$71,895 from the March budget amendments.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR BUDGET AMENDMENTS FOR FISCAL YEAR 2019/2020, WITH THE REMOVAL OF THE FEES FOR THE NORTH GRAND RAMP.

Council Member Wood noted her concerns with Downtown Inc. budget portion and her opposition to keeping it in.

ROLL CALL VOTE TAKEN, MOTION CARRIED 6-2.

RESOLUTION – Establish the Equity and Anti-Racism Fund

Mayor Schor explained the resolution creates funds for the next couple months and are funds from the current fiscal year that would be distributed. Council President Spadafore asked if action needed to be taken at this meeting, and Ms. Frayer confirmed they were from the current fiscal year and need appropriation by June 30. However, if they were not, those funds would move into the fund balance and carry forward into FY 2020/2021.

Mr. Smiertka noted to the Committee that with the 6-2 vote of the previous item, there needs to be a balanced budget. Council President Spadafore added that since that action was taken, if they passed this the budget would not be balanced, therefore continue the discussion at the July 13, 2020 meeting and do a resolution to appropriate out of the general fund.

Council Member Hussain concurred. Council Member Jackson asked if the funds can be taken from the LPD budget instead of multiple departments as proposed. Council President Spadafore asked for more details when it is reviewed at the July 13th meeting.

MOTION BY COUNCIL MEMBER SPITZLEY TO TABLE ACTION ON THE RESOLUTION FOR DISCUSSION ON JULY 13, 2020. ROLL CALL VOTE TAKEN, MOTION CARRIED 7-1.

Council Member Wood stated to the Committee that the only way to make changes to that budget is if the Mayor brings it to Council as a budget amendment. Council does not have prerogative to do anything once the budget has passed.

Other

No other topics of discussion.

Adjourn

The meeting adjourned at 7:15 p.m.

Respectfully Submitted by,
Sherrie Boak, Recording Secretary

Lansing City Council

Approved by the Committee

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointments to various Boards as stated below:

Board of Police Commissioners:

Clyde D. Carnegie as 4th Ward Board Member for a term to expire June 30, 2024.

Board of Fire Commissioners:

Georgina (Gina) Nelson as 4th Ward Board Member for a term to expire June 30, 2024.

Rodney Singleton as an At-Large Board Member for a term to expire June 30, 2024.

Lansing Entertainment & Pub. Facility Authority:

Larry Leatherwood as an At-Large Board Member for a term to expire June 30, 2023.

Board of Review:

Melissa C. Jeffries as an At-Large Board Member for a term to expire June 30, 2023.

WHEREAS, the Mayor's office has verified that the nominees have been vetted and meet the qualifications as required by the City Charter; and

WHEREAS, the Committee of the Whole met on July 13, 2020 and took affirmative action.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointments to various Boards as stated below:

Board of Police Commissioners:

Clyde D. Carnegie as 4th Ward Board Member for a term to expire June 30, 2024.

Board of Fire Commissioners:

Georgina (Gina) Nelson as 4th Ward Board Member for a term to expire June 30, 2024.

Rodney Singleton as an At-Large Board Member for a term to expire June 30, 2024.

Lansing Entertainment & Pub. Facility Authority:

Larry Leatherwood as an At-Large Board Member for a term to expire June 30, 2023.

Board of Review:

Melissa C. Jeffries as an At-Large Board Member for a term to expire June 30, 2023.

From: noreply@civicplus.com
Sent: Wednesday, May 20, 2020 1:03 PM
To: Plummer, Marilyn; Mayor Intern; Tim.Hilton@lansingmi.gov
Subject: [EXTERNAL] Online Form Submittal: Application for Appointment to Board or Commission

Application for Appointment to Board or Commission

Thank you for your interest in serving on a Lansing Board, Commission or Committee.

Certain boards, commissions or committees require appointees to be a registered elector in the City of Lansing (Charter Section 2-102) and be a resident of Lansing for one year prior to taking office (Charter Section 2-102).

Appointees to every board, commission or committee must not be in default to the City at the time of taking office (Charter Section 2-103.2) and not have been convicted, within 20 years of taking office, of a violation of the election laws of the City of Lansing, State of Michigan, or the United States; a violation of public trust; or any felony (Charter Section 2-103.1).

Lansing City Charter, Section 5-104, Ineligibility For Boards, restricts certain City employee activities on some boards: "No person holding another City office or activity employed by the City shall be eligible to be a voting member on any board."

(Section Break)

Date	5/5/2020
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First Name	Clyde
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Middle	David
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Last Name	Carnegie
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Other name(s) by which you have been known, including maiden names	Field not completed.
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Date of Birth	
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Address	1616 West Michigan Ave
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City	Lansing
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State	Michigan
Zip Code	48915
Email	ccrac@comast.net
Gender	Male
Find my ward:	Lansing Neighborhoods Ward Map
Ward	4
Precinct	Absantee Ballot
Best phone number to contact you	5173721206
Last 4 digits of social security number	
In what year did you move to Lansing?	1960
Additional information regarding experience and credentials	Pastor Friendship Baptist Church (Lansing Michigan.) Chaplain Lansing Police Department (23 years.)
Occupational Background	Principal, Sexton High School (22 years.) Lansing School District (32 years.)
Educational Background	BS, MA, PhD, Michigan State University
Previous Appointments	NONE
Current Appointments	Commissioner (Lansing Police Department)
Please attach a resume if available	<i>Field not completed.</i>
First choice for board to serve on	Police Commissioners
Second choice of a board to serve on	<i>Field not completed.</i>
Third choice of a board to serve on	<i>Field not completed.</i>
Fourth choice of a board to serve on	<i>Field not completed.</i>

Please comment briefly on why you wish to serve on a particular board or commission. Please be specific as to your goals and ideas about how you wish to contribute to the work of the board or commission

To serve the citizens of Lansing.

Qualifications and Eligibility – At this time, if you do not meet one or more of the qualifications or eligibility requirements listed at the top, please state here the requirement to be met and explain how you will be qualified or eligible before you would be sworn in to an appointed office

I have served the city of Lansing as a commissioner for 16 years. And have served on commission committees.

Background Check Authorization

I agree

Please type your name in this box to signify that you can serve on a board or commission and the information in this application is accurate to the best of your knowledge

Clyde Carnegie

Date & Time

5/20/2020 1:00 PM

Email not displaying correctly? [View it in your browser.](#)

From: noreply@civicplus.com
Sent: Thursday, May 21, 2020 1:21 PM
To: Plummer, Marilyn; Mayor Intern; Tim.Hilton@lansingmi.gov
Subject: [EXTERNAL] Online Form Submittal: Application for Appointment to Board or Commission

Application for Appointment to Board or Commission

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Lansing City Charter, Section 5-104, Ineligibility For Boards, restricts certain City employee activities on some boards: "No person holding another City office or activity employed by the City shall be eligible to be a voting member on any board."

(Section Break)

Date	5/21/2020
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First Name	Georgina
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Middle	Field not completed.
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Last Name	Nelson
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Other name(s) by which you have been known, including maiden names	Gina
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Date of Birth	
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Address	605 W Shiawassee St
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City	Lansing
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State	MI
Zip Code	48933
Email	nelsonginam@gmail.com
Gender	Female
Find my ward:	Lansing Neighborhoods Ward Map
Ward	4
Precinct	<i>Field not completed.</i>
Best phone number to contact you	5179271239
Last 4 digits of social security number	
In what year did you move to Lansing?	1994
Additional information regarding experience and credentials	I have served for 3 years on the Fire Commission and would be honored to continue to serve. I currently serve as Vice Chair and I am heading the Annual Report Committee. I have participated in assisting with Be a Tourist in Your Own Town and served on the interview panel for prospective new employees among other activities. I believe that I have missed only 1 meeting during this time.
Occupational Background	Retired after 39 years with the State of Michigan in the Department of Health and Human Services
Educational Background	Attended Bay de Noc Community College, Lake Superior State and Lansing Community College
Previous Appointments	Lansing Housing Commission and Lansing Planning Board
Current Appointments	Lansing Fire Commission
Please attach a resume if available	<i>Field not completed.</i>
First choice for board to serve on	Fire Commissioners
Second choice of a board to serve on	Police Commissioners

Third choice of a board to serve on	Tri County Office on Aging Advisory Council
Fourth choice of a board to serve on	Mayor's Diversity Advisory Council
Please comment briefly on why you wish to serve on a particular board or commission. Please be specific as to your goals and ideas about how you wish to contribute to the work of the board or commission	I wish to continue serving on the Fire Commission first and foremost. I truly believe in our administration and our staff and the service they provide to our community. Especially with the upcoming budget concerns we will be facing I believe the experience I have garnered will be crucial to the Department.
Qualifications and Eligibility – At this time, if you do not meet one or more of the qualifications or eligibility requirements listed at the top, please state here the requirement to be met and explain how you will be qualified or eligible before you would be sworn in to an appointed office	Same as above
Background Check Authorization	I agree
Please type your name in this box to signify that you can serve on a board or commission and the information in this application is accurate to the best of your knowledge	Georgina Nelson
Date & Time	5/21/2020 1:15 PM

Email not displaying correctly? [View it in your browser.](#)

From: noreply@civicplus.com
Sent: Monday, May 18, 2020 4:02 PM
To: Plummer, Marilyn; Mayor Intern; Tim.Hilton@lansingmi.gov
Subject: [EXTERNAL] Online Form Submittal: Application for Appointment to Board or Commission

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Lansing City Charter, Section 5-104, Ineligibility For Boards, restricts certain City employee activities on some boards: "No person holding another City office or activity employed by the City shall be eligible to be a voting member on any board."

(Section Break)

Date	5/18/2020
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First Name	Rodney
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Middle	Kevin
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Last Name	Singleton
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Other name(s) by which you have been known, including maiden names	Field not completed.
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Date of Birth	
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Address	820 Riverview Avenue
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City	Lansing
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State	MI
Zip Code	48915
Email	rsingletonsr@gmail.com
Gender	Male
Find my ward:	Lansing Neighborhoods Ward Map
Ward	4
Precinct	<i>Field not completed.</i>
Best phone number to contact you	5177498806
Last 4 digits of social security number	
In what year did you move to Lansing?	1971
Additional information regarding experience and credentials	Past Chair Person Lansing Fire
Occupational Background	Reitred from State of Michigan,
Educational Background	Masters Degree from Spring Arbor University
Previous Appointments	<i>Field not completed.</i>
Current Appointments	Lansing Fire Commission
Please attach a resume if available	<i>Field not completed.</i>
First choice for board to serve on	Fire Commissioners
Second choice of a board to serve on	Human Relations and Community Services Board (HRCS)
Third choice of a board to serve on	Medical Marihuana Commission
Fourth choice of a board to serve on	<i>Field not completed.</i>

Please comment briefly on why you wish to serve on a particular board or commission. Please be specific as to your goals and ideas about how you wish to contribute to the work of the board or commission	I wish to continue working on the Fire Commission to acheive the goals and objectives we are currently working on.
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Qualifications and Eligibility – At this time, if you do not meet one or more of the qualifications or eligibility requirements listed at the top, please state here the requirement to be met and explain how you will be qualified or eligible before you would be sworn in to an appointed office	<i>Field not completed.</i>
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Background Check Authorization	I agree
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Please type your name in this box to signify that you can serve on a board or commission and the information in this application is accurate to the best of your knowledge	Rodney Singleton
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Date & Time	5/18/2020 4:00 PM
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Email not displaying correctly? [View it in your browser.](#)

From: noreply@civicplus.com
Sent: Monday, May 18, 2020 5:17 PM
To: Plummer, Marilyn; Mayor Intern; Tim.Hilton@lansingmi.gov
Subject: [EXTERNAL] Online Form Submittal: Application for Appointment to Board or Commission

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(Section Break)

Date	5/18/2020
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First Name	Larry
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Middle	Lee
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Last Name	Leatherwood
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Other name(s) by which you have been known, including maiden names	Field not completed.
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Date of Birth	
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Address	812 Canton Dr.,
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City	Lansing
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State	Michigan
Zip Code	48917
Email	larrlth@aol.com
Gender	Male
Find my ward:	Lansing Neighborhoods Ward Map
Ward	Regional
Precinct	Not a resident of Lansing (Delta Township)
Best phone number to contact you	517.321.0132
Last 4 digits of social security number	
In what year did you move to Lansing?	0000
Additional information regarding experience and credentials	Served as a Commissioner on the Lansing Public Facilities and Entertainment Authority board for one term
Occupational Background	Retired Deputy Director Michigan Department of Transportation
Educational Background	Masters of Public Administration, Senior Executive Consultant Harvard University
Previous Appointments	See Bio to be provided.
Current Appointments	Same
Please attach a resume if available	LARRY Bio-2-3 (1) (1) (2) (3).docx
First choice for board to serve on	Lansing Entertainment and Public Facilities (LEPFA)
Second choice of a board to serve on	Board of Water and Light
Third choice of a board to serve on	Lansing Entertainment and Public Facilities (LEPFA)
Fourth choice of a board to serve on	<i>Field not completed.</i>

Please comment briefly on why you wish to serve on a particular board or commission. Please be specific as to your goals and ideas about how you wish to contribute to the work of the board or commission

My interest is to continue serving on the LEPFA board because the work of the board and staff contributes vastly to opportunities for the citizens of Lansing and elsewhere to have a location to host various types of events that are beneficial to the City of Lansing as well as the State of Michigan.

Qualifications and Eligibility – At this time, if you do not meet one or more of the qualifications or eligibility requirements listed at the top, please state here the requirement to be met and explain how you will be qualified or eligible before you would be sworn in to an appointed office

Field not completed.

Background Check Authorization

I agree

Please type your name in this box to signify that you can serve on a board or commission and the information in this application is accurate to the best of your knowledge

Larry Lee. Leatherwood

Date & Time

5/18/2020 5:15 PM

Email not displaying correctly? [View it in your browser.](#)

From: noreply@civicplus.com
Sent: Wednesday, May 20, 2020 3:55 PM
To: Plummer, Marilyn; Mayor Intern; Tim.Hilton@lansingmi.gov
Subject: [EXTERNAL] Online Form Submittal: Application for Appointment to Board or Commission

Application for Appointment to Board or Commission

Thank you for your interest in serving on a Lansing Board, Commission or Committee.

Certain boards, commissions or committees require appointees to be a registered elector in the City of Lansing (Charter Section 2-102) and be a resident of Lansing for one year prior to taking office (Charter Section 2-102).

Appointees to every board, commission or committee must not be in default to the City at the time of taking office (Charter Section 2-103.2) and not have been convicted, within 20 years of taking office, of a violation of the election laws of the City of Lansing, State of Michigan, or the United States; a violation of public trust; or any felony (Charter Section 2-103.1).

Lansing City Charter, Section 5-104, Ineligibility For Boards, restricts certain City employee activities on some boards: "No person holding another City office or activity employed by the City shall be eligible to be a voting member on any board."

(Section Break)

Date	5/20/2020
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First Name	Melissa
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Middle	Carol
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Last Name	Jeffries
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Other name(s) by which you have been known, including maiden names	Field not completed.
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Date of Birth	
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City	Lansing
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State	Michigan
Zip Code	48911
Email	melissa_561@hotmail.com
Gender	Female
Find my ward:	Lansing Neighborhoods Ward Map
Ward	3
Precinct	<i>Field not completed.</i>
Best phone number to contact you	5178878528
Last 4 digits of social security number	
In what year did you move to Lansing?	1968
Additional information regarding experience and credentials	<i>Field not completed.</i>
Occupational Background	<i>Field not completed.</i>
Educational Background	<i>Field not completed.</i>
Previous Appointments	<i>Field not completed.</i>
Current Appointments	<i>Field not completed.</i>
Please attach a resume if available	Melissa JeffriesProducer0318.pdf
First choice for board to serve on	Review Board
Second choice of a board to serve on	Mayor's Diversity Advisory Council
Third choice of a board to serve on	<i>Field not completed.</i>
Fourth choice of a board to serve on	<i>Field not completed.</i>

Please comment briefly on why you wish to serve on a particular board or commission. Please be specific as to your goals and ideas about how you wish to contribute to the work of the board or commission

Having been born and raised in the Greate Lansing region and to be apart of its growth and development is my pleasure.

Qualifications and Eligibility – At this time, if you do not meet one or more of the qualifications or eligibility requirements listed at the top, please state here the requirement to be met and explain how you will be qualified or eligible before you would be sworn in to an appointed office

Previously served on the boards mentioned above.

Background Check Authorization

I agree

Please type your name in this box to signify that you can serve on a board or commission and the information in this application is accurate to the best of your knowledge

Melissa Carol Jeffries

Date & Time

5/20/2020 4:00 PM

Email not displaying correctly? [View it in your browser.](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE
LANSING CODIFIED ORDINANCES BY AMENDING CHAPTER 292, SECTION 292.04,
TO PROVIDE FOR THE APPOINTMENT OF A MEMBER OF THE EMPLOYEES'
RETIREMENT SYSTEM (ERS) BOARD OF TRUSTEES, WHO IS A CITY OF LANSING
RESIDENT BUT WHO IS NOT AN ERS MEMBER NOR ELIGIBLE TO RECEIVE ERS
RETIREMENT PAYMENTS.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 292, Section 292.04, of the Code of Ordinances of the City of
Lansing, Michigan be and is hereby amended to read as follows:

292.04 BOARD OF TRUSTEES; TERMS OF OFFICE.

(a) The Board of Trustees shall consist of TEN trustees, as follows:

(1) The Mayor.

(2) A member of Council to be selected by, and to serve at the pleasure of, Council;

(3) The City Treasurer;

(4) The Human Resources Director;

(5) Three members of the retirement system to be elected by the members of the system under
such rules and regulations as may from time to time be adopted by the Board;

(6) A resident of Michigan appointed by the Mayor, by and with the consent of the City Council,
who is not a member of the retirement system and is not presently eligible to receive benefits
payable by the retirement system;

(7) A RESIDENT OF LANSING, MICHIGAN, APPOINTED BY THE MAYOR, BY AND
WITH THE CONSENT OF CITY COUNCIL WHO IS NOT A MEMBER OF THE
RETIREMENT SYSTEM AND IS NOT PRESENTLY ELIGIBLE TO RECEIVE BENEFITS
PAYABLE BY THE RETIREMENT SYSTEM; AND

~~(7)~~ (8) A resident of Michigan appointed by the Mayor, by and with the consent of City Council,
who is a retiree of the retirement system.

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

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

Section 4. This ordinance shall take effect on the 30th day after enactment unless given
immediate effect by City Council and shall expire December 31, 2028.

Approved as to form:

City Attorney

Dated: _____

INTRODUCTION OF ORDINANCE

Council Member Spadafore introduced:

An ordinance of the City of Lansing, Michigan, for the purpose of providing for the appointment of a member of the Employees' Retirement System (ERS) Board of Trustees, who is a City of Lansing resident but who is not an ERS member nor eligible to receive ERS retirement payments.

The Ordinance is referred to the Committee of the Whole

RESOLUTION SETTING PUBLIC HEARING BY CITY COUNCIL

Resolved by the City Council of the City of Lansing that a public hearing be set for July 27, 2020 at 7 p.m. in Tony Benavides Lansing City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of providing for the appointment of a member of the Employees' Retirement System (ERS) Board of Trustees, who is a City of Lansing resident but who is not an ERS member nor eligible to receive ERS retirement payments.

BE IT FURTHER RESOLVED, due to COVID -19, the public hearing may be held electronically in accordance with the Open Meetings Act in an effort to protect the health and safety of the public. Members of the public wishing to participate in the meeting may do so by logging into or calling into the meetings using the website or phone number and Meeting ID provided on the July 13, 2020 meeting agenda. Michigan Executive Order 2020-129 provides for temporary authorization of remote participation in public meetings and hearings.

Interested Persons are invited to attend this Public Hearing

MEMORANDUM

Date: June 19, 2020

To: Andy Schor, Mayor, City of Lansing, MI
President/Members of Lansing City Council Members

cc: Donald Kulhanek, Development Manager, Economic Development and Planning

Fr: Doris Witherspoon, Senior Planner, Economic Development and Planning

Re: Approval to submit the City of Lansing's Substantial Amendment – CDBG-CV/ESG-CV

The City of Lansing Department of Economic Development and Planning is requesting the Lansing City Council's approval of the resolution to submit the substantial amendment to the Department of Housing and Urban Development (HUD), for the Coronavirus Aid, Relief and Economic Security Act (CARES ACT), Public Law 116-136, funding of CDBG-CV and ESG-CV.

In preparation for submitting the substantial amendment, city staff have met with community organizations involved with community development, housing, economic development, homelessness issues, etc. to identify demonstrated needs and the most effective use of these funds to prevent, prepare for and respond to the coronavirus pandemic. The city followed its amended Citizen Participation Plan, which relaxed some of the required regulations, to implement the five-day comment period, June 8, 2020 – June 16, 2020, of which all comments received will be submitted with the substantial amendment. Also, the information has been posted on the city's website and notices were e-mailed to interested parties on the proposed use of funds. Since all of the requirements have been met, the city is ready to submit the amendment to HUD, with approval from the Lansing City Council.

A resolution approving this amendment accompanies this memo.

If you have any specific questions, please feel free to contact me at doris.witherspoon@lansingmi.gov

The CARES ACT made available \$1,203,450 in CDBG-CV funds and \$608,455 in ESG funds for the City of Lansing. Below is a summary of the proposed use of funds:

Proposed CDBG-CV funds \$1,203,455

Activity	Project Description	Proposed Units of service	Proposed funding
Grants to for-profit businesses	Lansing Area Economic Partnership (LEAP): LEAP shall grant CDBG CV funds to businesses that employ low and moderate income residents as working capital to retain jobs. Grants will be available to small businesses located within CDBG eligible areas	30 small businesses TA to assist 30 businesses in establishing emergency plan	\$600,000 program delivery \$60,000 admin. costs
Homeless prevention Assistance for persons with income between 51% and 80% of Area Median Income.	Capitol Area Housing Partnership (CAHP) Funds available to CAHP will be used to prevent homelessness for residents whose income is between 51% and 80% of AMI and will include the payment of housing expenses such as mortgage payments, rent and utilities for up to 3 months on behalf of these households. CAHP will leverage these funds as match for available FEMA funding.	80 Households will be assisted	\$262,600 program delivery \$26,260 HRCS admin. costs
Home based services provided to those who are isolating or quarantined because of Covid-19.	Michigan Women Forward Entrepreneur Institute (MWFEI) Counseling and microloans to establish and/or expand microenterprises located in Lansing, to provide home health care, delivery services, cleaning and other services required to support home health and quarantine.	MWFEI will establish, stabilize or expand at least 10 new microenterprises in Lansing	\$100,000 program delivery \$10,000 admin. costs
City of Lansing Development Office	Administration costs will be utilized to contract, oversee, report, reimburse and monitor sub recipients as required by HUD	N/A	\$144,390

Proposed ESG-CV funds \$608,455

Activity	Project Description	Proposed Units of service	Proposed funding
Street Outreach	Street outreach to reach out to encampments, provide PPE, COVID screenings, and referral to COVID health-related services such as testing, isolation and contagion centers. The CoC has engaged in ongoing consultation with the Emergency Operations Centers, both City and County, FEMA, local public health, united way, and a host of other local human service providers.	620 people	\$103,323
Emergency Shelter	Activities include de-congregating shelters to create social distancing and enhance safety, moving high-risk for COVID-19 people to non-congregate settings such as hotels, establishing a very low barrier outreach shelter for street homeless who cannot function well in other shelters,	640 people	\$417,885
Homelessness Prevention	A shared screening tool was created and will be used by local agencies with the Coordinated Entry and 211 as points of entry to prevent homelessness and rapidly rehouse sheltered guests. When the eviction moratorium is lifted, the CoC has prepared a homeless prevention resource flier and a resource guide in cooperation with legal services, homeless providers, and rental assistance programs.	12 persons	\$26,402
Administration	Administration costs will be utilized to contract, oversee, report, reimburse and monitor sub recipients as required by HUD	N/A	\$60,845

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) requires that the City of Lansing submits the Annual Action Plan (AAP) in order to receive Community Development fund resources, including Community Development Block Grant (CDBG), HOME and Emergency Solutions Grant (ESG) program funds on an annual basis; and

WHEREAS, in accordance with the City of Lansing's Citizen Participation Plan (CPP) if there are any minor or substantial changes to the Consolidated Plan/Annual Action Plan, the City of Lansing needs to make amendments and resubmit the plan; and

WHEREAS, there is a coronavirus pandemic impacting the world, resulting in loss of lives, jobs, businesses, housing, impacting the homeless, etc.; and

WHEREAS, in efforts to relieve some of the losses, the federal government has introduced the Coronavirus Aid, Relief and Economic Security Act (CARES) to prevent, prepare for and respond to the coronavirus pandemic (COVID19); and

WHEREAS, the City of Lansing will receive funds in the amount of \$1,203,250 for CDBG-CV to assist small businesses, provide technical assistance to businesses/microenterprises and homelessness prevention for persons 51%-80% of AMI of those impacted by the coronavirus and \$608,455 in ESG-CV to assist the homeless or those receiving homeless assistance and homelessness prevention activities to mitigate the impacts of COVID19; and

WHEREAS, the City is required to submit a substantial amendment to its FY 2019 Annual Action Plan in order to receive the CARES ACT (COVID19) funds of CDBG-CV and ESG-CV; and

WHEREAS, there are several flexibilities and regulations relaxed to make it easier and quicker to receive the funds to address the coronavirus pandemic; and

WHEREAS, the City of Lansing has posted the substantial amendment information on its website for public review and comments; and

WHEREAS, Federal regulations require the City to make certain certifications and assurances to HUD as a part of the City's application and Annual Action Plan substantial amendment;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lansing adopts the Annual Action Plan substantial amendment for the City of Lansing that includes activities to prevent, prepare for and respond to the coronavirus pandemic; and

BE IT FURTHER RESOLVED that the Mayor, as the City's Chief Executive Officer, or his designee is hereby authorized to sign the Annual Action Plan and application for FY 2019 substantial amendment, including all understandings, assurances and certifications contained therein, and to submit the grant application to the Department of Housing and Urban Development; and

BE IT FINALLY RESOLVED that the Mayor or his designee is authorized, as the official representative of the City of Lansing, to set-up budget line items, provide any and all information, to act in connection with the Annual Action Plan application and to execute all agreements, contracts and legal documents, including the agreement between the City and the Department of Housing and Urban Development, to secure CDBG-CV and ESG funding and implement the Annual Action Plan programs.

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, pursuant to Rule 41 of the Lansing City Council Rules, a proposed rule revision shall be placed on the Council Agenda for Council receipt and review, but “shall not be considered for adoption sooner than the next council meeting”;

THEREFORE BE IT RESOLVED that the City Council hereby amends the City Council Rule 16 Standing Committees by inserting the Committee on Equity, Diversity, and Inclusion as set forth below.

Rule 16 Standing Committees; the standing committees of Council and their functions are as follows:

COMMITTEE ON EQUITY, DIVERSITY, AND INCLUSION

The Committee on Equity, Diversity and Inclusion will establish relevant policies that improve health in the Black and brown communities, support local, state, and federal initiatives that advance social justice and racial equality, and continue the work which began in 2013 through the City Council’s Ad-Hoc Committee on Diversity and Inclusion.

The Committee will assess current and proposed laws (ordinances and health regulations) and policies, as well as their implementation, to promote health for Black and brown residents of the City of Lansing, will assess internal policies and procedures to ensure racial equity is a core element in all organizational practices, will report back through the Committee of Whole on the status of its work on not less than a quarterly basis.

Further, the Committee will develop budget recommendations and priorities and submit them to the City Council for consideration as part of the annual budgeting process to ensure City resources are expended toward public services that achieve the goals and charge of the Committee.

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, City Clerk Chris Swope submitted a recommended list of dates for the Lansing City Council meetings for 2020 to the Lansing City Council; and

WHEREAS, the City Council approved Resolution 2019-309 setting the Lansing City Council meetings for 2020 in the Tony Benavides Lansing City Council Chambers;

WHEREAS, the COVID-19 pandemic continues to be a health concern for residents;

WHEREAS, the Tony Benavides Lansing City Council Chambers does not have sufficient space to accommodate a large-sized crowd from the public, while still maintaining social distancing recommendations by the CDC and health officials;

WHEREAS, the South Washington Office Complex Drill Room has sufficient space to accommodate a large crowd, while still maintaining appropriate social distance;

NOW, THEREFORE BE IT RESOLVED, that the South Washington Office Complex Drill Room at 2500 S. Washington Avenue shall be designated as "Alternate Council Chambers."

NOW, THEREFORE BE IT RESOLVED, that, with the COVID-19 distancing requirement recommendations, the City Council meetings listed below will be relocated, if in person, to Alternate Council Chambers or will be held via virtual ZOOM meeting, with instructions for log-in listed on each week's agenda:

Monday, August 10, 2020

Monday, August 24, 2020

Monday, August 31, 2020

Monday, September 14, 2020

Monday, September 21, 2020; Budget Priorities - no later than October 1

Monday, October 12, 2020

Monday, October 26, 2020

Monday, November 9, 2020

Monday, November 30, 2020

Monday, December 14, 2020

BE IT FURTHER RESOLVED, all meetings will be at 7:00 p.m. and the Council shall meet as a Committee of the Whole prior to each meeting at 5:30 p.m.

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Andy Schor, Mayor

Memorandum

To: City Council

From: Judy Kehler, City Treasurer/Income Tax Administrator

Date: 7/8/2020

Re: Downtown Lansing, Inc. (DLI) 2019 Billing

Due to technical difficulties, I was unable to respond to your question regarding the 2019 DLI billing cycle during the Committee of the Whole (COW) zoom meeting on June 22, 2020.

The DLI (special assessment) invoices were not missed; they were mailed out a few weeks late. This delay occurred because Treasury and Finance staff were new to their positions and not aware of when the DLI billings needed to go out. Additionally, at that time, Finance and Treasury were not aware of the impact that the delayed billings would have on DLI's budget. Once discovered, we mailed out the invoices on 10/19/19 with a due date of 11/19/19. Typically, the unpaid DLI assessment would roll onto the winter tax roll. Unfortunately, the delay did not provide us with enough time to roll DLI assessments on to the winter tax roll. The unpaid invoices were, however, rolled onto the summer tax roll and billed out on July 1st.

Now that we understand the process, timing and impact that this billing has on DLI, all future invoices will go out in September each year and unpaid invoices will roll onto the winter tax roll to be consistent with past practice.

Submitted by mtg

RESOLUTION # _____
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the novel coronavirus (COVID-19), a respiratory disease that causes serious illness and death, and mitigation efforts implemented to contain the COVID-19 outbreak caused significant hardship to the restaurant and dining industry; and

WHEREAS, adjustments to the restaurant and dining experience are necessary mitigate further spikes of COVID-19 outbreaks in the community; and

WHEREAS, the State of Michigan has amended Section 551 of 1998 Public Act 58, to allow for local units of government to designate certain outdoor areas as social districts wherein a commons area may be established; and

WHEREAS, a commons area means an area within a social district designated by the governing body of the local unit of government that is shared by and abuts the premises of at least two (2) other on-premises licensees; and

WHEREAS, within a social district, establishments that are contained within the commons areas may apply for an annual social district permit from the Michigan Liquor Control Commission (MLCC);

WHEREAS, if said social district permit is obtained, the establishment would be permitted to sell alcoholic liquor for consumption on the premises within the confines of a commons area, subject to certain restrictions; and

WHEREAS, the Lansing City Council desires to establish social districts pursuant to the amended Section 551 1998 PA 58; and

THEREFORE, BE IT RESOLVED that for purposes of section 551 of 1998 PA 58, the Lansing City Council designates the following areas as social districts, which are designated areas located within District A of the Principal Shopping District, wherein licensed establishments may apply to the MLCC for an annual social district permit allowing for the sale consumption of alcoholic liquor within the commons area:

- The public alley which extends behind the entire 200 block of S. Washington Square, within the boundaries of Washtenaw and Allegan St.
- Along Michigan Ave., within the boundaries of Museum Drive and S. Cedar Street, extending specifically along the front public R.O.W. sidewalk area extending from 408 E. Michigan Ave. to the front of 420 E. Michigan Ave., leaving at least 5' of access for pedestrian access along the 400 block of E. Michigan Ave.;

and

*Submitted
@
msh*



City of Lansing

OFFICE OF THE CITY ATTORNEY

James D. Smiertka, City Attorney

TO: Council Member Spitzley

FROM: James D. Smiertka

DATE: July 8, 2020

SUBJECT: Discrimination Investigation of Mayor's Office

You have asked for my guidance on the generalized question of Council's authority to investigate for unspecified reasons discrimination in the Mayor's office. Although I have previously said to you that the answer will necessarily be governed by the facts and circumstances of any specific case presented, I am providing this overview on the subject to assist in handling such cases.

This overview must start with a brief statement of the division of the duties and functions of the Mayor and Council under the Charter, commonly referred to as "separation of powers." This division of functions is provided because the Charter divides up Council and the Mayor's governing responsibilities and under separation of powers principle, each may not invade or take over the duties and responsibilities of the other.

A. Powers of Council

The Council is the legislative body for the City. Its powers are contained in the Charter under Article 3 - "Legislative Branch." Council's powers are succinctly stated in Section 3-101.

3-101 City Council

The legislative power of the City is vested in the City Council. The City Council shall have the powers and duties provided by law or this Charter.

Council responsibilities and activities shall be to establish policy of the City and shall be legislative in nature and Council's administrative activities are limited to its own staff (Charter, Section 3-207.3). The Council also has the power over the budget and appropriations as set forth in Article 7 of the Charter.

In summary, the City Council in Lansing is limited to law and policy matters and can only deal administratively with its own staff.

James D. Smiertka

B. Powers of the Mayor

The Mayor's powers and duties are primarily executive and administrative. The Mayor's powers are mostly found in the Charter under Article 4 – "Executive Branch." The Mayor is designated the City's Chief Executive Officer and is responsible for exercising supervision and coordination over the several departments of government. The Mayor is to see that the laws, ordinances, and regulations of the City are enforced. The Mayor is responsible for the development and preparation of the budget and is responsible for the management of real property. Throughout the balance of Article 4, strong executive and administrative powers are lodged in various Department Heads for the operation of municipal government. These Department Heads in turn report directly to the Mayor.

In summary, the Charter provides that the Mayor exercises practically all the executive and administrative powers of the City. This is commonly known as a "strong mayor" form of government.

C. In Practice

With these functions of Council and the Mayor in mind, we can now turn to certain Charter provisions that Council often refers to when it wants to receive information from the Mayor.

The first is Section 3-207.1.

3-207 Rights and Responsibilities of Council Members

.1 Members of the City Council shall have all of the **rights appropriate to city legislators** as established by this Charter or by statute, including the right to make inquiries of City officers and employees and receive specific information in response. (Emphasis added).

This section unambiguously restricts the inquiry - and thus the information - to that in furtherance of Council's legislative (law making) functions. Because your inquiry, as I understand it, is not focused on the proposed enactment of an ordinance or a formal City wide policy, I will not include further discussion of this section here.

The second section is Section 3-206.1.

3-206 Investigations

.1 The City Council may make investigations into the affairs of the City and the conduct of any City agency.

While at first glance this section appears to encompass the ability to investigate anything that happens concerning the governance of the City, such an interpretation fails to acknowledge the separation of powers that divide the responsibilities otherwise established by the Charter, i.e., legislative in Council and executive/administrative in the Mayor.

When reviewing Charter provisions, the general rules of statutory construction are applied. *Barrow v Detroit Election Comm*, 305 Mich App 649, 663 (2014). Consistent with the rules of statutory construction, a City Charter section is not interpreted in a vacuum but instead is considered within the context of the whole Charter. Language must be read in context and assigned such meaning as is “in harmony with the whole of the statute, construed in light of history and common sense.” *Sweatty v Dept of Corrections*, 468 Mich 172, 179 (2003).

Therefore, in interpreting Section 3-206, we must consider other specific Charter provisions and harmonize them. Of special importance in this regard are certain other specific Charter sections designating explicit responsibilities to the Mayor.

Charter Section 4-102.11 states:

4-102.11 The Mayor shall receive, investigate, and respond to all requests for information and all complaints concerning the operation of the City government in a prompt and efficient manner.

Harmonizing Section 3-206.1 with Section 4-102.11 means that the Council may ask direct questions of the Mayor concerning matters relating to the operation or administration of City.

However, Council’s ability to ask such questions of the Mayor is not unlimited and does not extend to all the things the Mayor does in fulfilling his duties of office. For example, just as the Mayor does not take part in how the Council selects and runs its office and staff, Section 3-206.1 does not permit, nor is it intended to permit, the Council to require the Mayor to explain or describe how he internally runs his office or how he directs his staff or department heads or how he divides up his executive/administrative responsibilities. The matters referred to in this paragraph are reserved to the Mayor’s best judgment. The Mayor’s authority to manage his own staff is also supported in the Code of Ordinances, under Title 10, Employment provisions and Ordinance Chapter 286.

Also, of importance is the distinct Charter provision that places the responsibilities for reducing unlawful discrimination explicitly under the Mayor’s duties rather than the Council.

Section 4-102.9 states:

4-102.9 The Mayor shall be responsible for reducing unlawful discrimination and increasing mutual understanding among the residents of the community.

Finally, the Charter makes it the responsibility of each of the City’s department heads to implement affirmative action under the Mayor’s direction.

4-401.4 The head of each department of the City shall be responsible to the Mayor for the administration of the department and shall, under direction of the

Mayor, implement the policies, including affirmative action, as expressed in the ordinances and resolutions of the City Council.

Therefore, to the extent that Council envisions taking action that would invade areas that are explicitly reserved to the Mayor under the Charter, such inquiries would be beyond Council's authority. The understanding that the separation of powers in the Charter exclude Council from certain areas of inquiry is further supported by the specific prohibition that Council is not to perform administrative activities except as it may relate to its own staff. Charter Section 3-207.3.

This analysis does not mean that an employee who believes he or she has been the subject of unlawful discrimination by the City is without recourse. The state of Michigan, pursuant to the Elliot-Larson Civil Rights Act, MCL 37.2101, et seq. provides ample avenues for such an aggrieved employee to seek duress, when proper, for discriminatory treatment, either through the Michigan Civil Rights Commission process or through the courts. In these forums, parties are allowed the opportunity to develop full and complete records that balance claims of true discriminatory practices against the possibility of adverse employment actions resulting from job performance problems to actual misconduct. The professionals in these forums are easily accessed and allow such matters to be resolved based on proof of facts rather than bias perceptions or rumors.

It is also worth noting that if the case sought to be reviewed involves a possible claim of financial discrimination, the Charter provides the Council with the assistance of the Internal Auditor. The Internal Auditor has the ability to examine financial transactions, accounts, contracts and reports. Charter Section 3-402.3(a).

While this response has been general in scope, this is because your initial question is so wide ranging. If you have a more specific case you wish for me to review, please advise and I will be glad to respond.

A handwritten signature in blue ink, appearing to read "J. J. Smith". The signature is fluid and cursive, with a large initial "J" and "S".