



MINUTES
Committee on Ways and Means
September 5, 2017 @ 3:30 p.m.
10th Floor Conference Room, City Hall

CALL TO ORDER

The meeting was called to order at 3:33 p.m.

ROLL CALL

Councilmember Jody Washington, Chair
Councilmember Kathie Dunbar, Vice Chair-arrived at 3:38 p.m.
Councilmember Carol Wood, Member

OTHERS PRESENT

Sherrie Boak, Council Staff
Jim Smiertka, City Attorney
Gregory Venker, Assistant City Attorney
Elaine Womboldt
Kathy Miles
Denise Estee
Susan Brownlee
Steve Maloney
Joseph Abood, Chief Assistant City Attorney

Minutes

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE MINUTES FROM THE AUGUST 15, 2017 MEETING AS PRESENTED. MOTION CARRIED 2-0.

Public Comment

Public Comment will be made at each agenda item.

Discussion/Action

RESOLUTION – Appointment; Tom Donaldson; At-Large Member of EDC/TIFA/LBRA Board; Term Expire 2/28/2022

Council Member Washington informed the Committee that Mr. Donaldson would be replacing a vacancy left by Mr. Garcia who resigned. Mr. Donaldson would be filling the term to expire 2022. It was also noted that it was confirmed by the City Attorney that even though he was appointed recently to the Saginaw Corridor Authority, he can sit on both Boards because they do pose a conflict or requirement that he cannot.

Mr. Donaldson was not present so the Committee chose to hold his appointment until the next meeting on September 19th so he could be present to answer any questions.

RESOLUTION – Budget Amendments; HRCS Connect 4 Kids Program

Council Staff confirmed that Dr. Joan Jackson Johnson was invited to attend to explain the need for the budget amendment. Council Member Washington reviewed the resolution and Council Member Wood inquired into the amount and if it was a single donation or multiple donations. Council staff was asked to reach out to Dr. Jackson Johnson office for the information prior to approval at Council. (See later in the minutes where information was provided by HRCS staff).

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE RESOLUTION FOR THE BUDGET AMENDMENTS TO THE HRCS BUDGET FOR THE CONNECT 4 KIDS PROGRAM. MOTION CARRIED 2-0.

DISCUSSION/RESOLUTION – Introduction and Set the Public Hearing; Ordinance to Add Section 286.16; Retiree Summary of Benefits

Council Member Wood asked if the ordinance amendments would be for the ERS Pension System and the Police and Fire System referencing line 9. She also recapped from the last meeting that there was discussion that there would be a changed to address employees in the Defined Contribution and those in the Defined Benefit Pension Plan.

Mr. Smiertka read from an email from Mr. Roberts in the Attorney Office. It was stated to the Committee that “the proposed ordinance that would require all retirees’ receive a summary of benefits upon leaving City employment also provides that it is to be given to employees who are members of either the P & F Pension System or the ERS. This classification by pension membership is a way to be sure the ordinance will cover all regular full-time City employees (excluding elected officials). This identification of employees does not need to include Defined Contribution members because there are no Defined Contribution members who are not also in a Defined Benefit pension plan (although there are some employees who are in the Defined Benefit plans that are not in the Defined Contribution Plan).” Therefore, his determination was that there was no reason to place that label in the ordinance amendment.

Council Member Wood asked that “by registered mail” is placed on line 18 of the amendment.

After further consideration, Mr. Smiertka stated he saw no reason that he could not add “Defined Contribution” to the ordinance, regardless of the earlier read statement of Mr. Roberts.

Ms. Estee referred the Committee to line 12, where it states “written summary” and asked if it could also state that the written summary will be signed and dated by the retiree and a City representative. Secondly she referred to line 15, where it states “when benefits are changed” if it could also state “if applicable and covered by a Union and/or collective bargaining unit”. Mr. Venker stated the language that was used was the broadest language, and the ordinance does not cover how the benefits are changed. Council Member Wood noted that not every employee is in a collective agreement, and Council Member Dunbar pointed out to law that those that are, want assurance that the only way things can change will be through collective bargaining. Mr. Smiertka proposed that Law could add to the end of the ordinance “either pursuant to neither collective bargaining nor policy whichever is applicable”. Ms. Estee agreed to the suggestion, and Council Member Washington reminded Law that Council wants to make sure things cannot change by policy. Ms. Brownlee asked that the ordinance be clear that the changes are to the health care benefits not the payroll retirement benefits. Council Member Wood pointed out that the ordinance states “benefits” and that covers all benefits. Mr. Smiertka stated he would check

the complete Chapter 286 to see if there is a definition for “Benefits”, and assured them that this ordinance would be about non-retirement allowance benefits and is only relative to OBEP Benefits.

Council Member Washington asked Mr. Smiertka to have the information available at the next meeting, September 19th, and Mr. Smiertka confirmed he would have it available by September 14th for the Committee packet, allowing them to see it before the meeting.

HRCS Budget Amendment

HRCS staff arrived at 3:48 p.m., and clarified the earlier question on donations. It was confirmed the amount for \$1,355.00 in the resolution spoke to the multiple donations the City receives when residents delegate a donation on their income taxes.

DISCUSSION/RESOLUTION – Introduction and Set the Public Hearing; Ordinance to Amend Section 206.05; Sole Source Procurement

Mr. Smiertka confirmed the question from the last meeting on this amendment was regarding “Hay Group”. He informed the Committee the language was currently under Grievance with the 243 Sups group. The second question from the last meeting asked of Law was to add a time line for submission of the Sole Source to 60 days.

Council Member Dunbar asked if item (6) on line 30 was regarding a “non-compete” vendor clause, and Mr. Smiertka confirmed.

Mr. Smiertka then recapped that all the amendments were drawn from other municipalities or private organizations, and is written so that whoever is procuring would have a check off list to complete and justification is required.

Council Member Wood asked Mr. Smiertka that if it is determined that based on information received, that a purchase does not meet the criteria of a sole source, other than a civil infraction, what would the enforcement be. Mr. Smiertka stated that the Council would have to believe that the Administrative body was not performing right, and assuming it was not criminal, the Committee would have to sue, unless it is determined as a constant violation then they could pursue that the Administrative body forfeiture of office. Also, it was noted that if it is determined there is a claim of a violation of the ordinance, the contract would be void. Mr. Smiertka referred to the current ordinance 206.17 which spoke to the issue if a sole source is not approving the contract would be voidable. *(Except as otherwise provided in this chapter, no City officer, employee or official shall order or enter into the purchase of supplies, services or construction items other than through the Director and according to the procedure specified in this chapter. Any purchase or contract made contrary to the provisions of this chapter shall not be approved by City officials and the City shall not be bound thereby.)* To void the contract he stated Council could declare by Resolution that in effect anyone who enters into a contract believes it is not solid and in violation of the ordinance. Mr. Smiertka then suggested that he could add to the current amendments that the provisions of this amended section will be subject to 206.17.

Council Member Wood asked if it needed to be stated that they have to have findings that the vendor is the only sole source. Mr. Smiertka stated it could be added under 206.05 (a). He also confirmed that he could add that a written report would be required to be submitted to Council within 30 days. Council Member Dunbar asked what the difference was between a “report” and a “check list of specifications”. Mr. Smiertka stated that an Emergency Sole Source currently is the only one that requires a report, and he will now add it to this amendment that a written report be required within 30 days.

Council Member Washington asked Mr. Smiertka to provide the new drafts for the meeting on September 19, 2017 and provide to Council Staff by September 14th for the packet.

PENDING

Teamsters 580 Retiree Healthcare Coverage

Council Member Washington stated this will continue to stay on the agenda as “pending” until the new administration in 2018.

Public Comment

Ms. Estee asked why Ms. Thelen from HR was not present. Council Member Washington stated Ms. Thelen was on vacation and would be invited to the September 19, 2017 meeting. Ms. Estee then asked for a status update on a report that Mr. Brewer was supposed to do and forward to the City Attorney regarding the viably option that the City could make the retirees whole. Ms. Estee then referred the Committee back to the August 14th minutes where Mr. Smiertka stated he had reached out to the Union but had not gotten a response, and inquired as to the topic he wanted to speak to the Union on. Mr. Smiertka stated it related to the current ordinance the Committee is reviewing, and he confirmed again he left a message with Ms. Meade and did not get a return call. Ms. Estee stated again her confusion on the understanding of the ordinance amendments for Chapter 286 in regards to the reference to the benefits.

OTHER

No other topics were discussed.

ADJOURN

Adjourn at 4:08 p.m.

Submitted by,

Sherrie Boak, Recording Secretary

Lansing City Council

Approved by the Committee on September 19, 2017