



MINUTES
Committee on Ways and Means
Tuesday, November 1, 2016 @ 8:15 a.m.
10th Floor Conference Room, City Hall

CALL TO ORDER

The meeting was called to order at 8:15 a.m.

ROLL CALL

Councilmember Judi Brown Clarke, Chair
Councilmember Carol Wood, Vice Chair
Councilmember Tina Houghton, Member-arrived at 8:24 a.m.

OTHERS PRESENT

Sherrie Boak, Council Staff
Jim Smiertka, City Attorney
Angie Bennett, Finance Director
Denis Prisk, LPD
Eric Brewer, Council Internal Auditor
Anethia Brewer, District Court Administrator
Danielle Strouse, District Court

Minutes

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE MINUTES FROM OCTOBER 5, 2016 AS PRESENTED. MOTION CARRIED 2-0.

Public Comment on Agenda Items

No Public Comment.

Discussion/Action:

RESOLUTION – Grant Appropriation; FY2017 Sobriety Court Grant

Ms. Brewer briefly outlined the program which is in its 16th year, and 1 of 5 amongst the District Courts in the County, and one in a few Michigan. The program takes 3rd offense drunk driving offenses into the program if they meeting the criteria, and go through the provisions and oversight.

Ms. Strouse distributed a brochure on the program and highlighted some aspects of the program. The program consists of phases with phase 1-4 in the first year, and phase 5 in the 2nd year of the two (2) year program. The program has recently expanded to include Felony OWI offenses in program. Ms. Strouse then highlighted the financial aspect of the grant. The

revenue had not changed from the previous year, still at \$45,997.65. Ms. Strouse then broke down that amount into \$26,100 for temporary help and \$1,996.65 fringe benefits for the person that backs-up the court and probation officer. The amount for Contractual services of \$16,790.00 covers treatment and testing. Everyone starts with extensive outpatient services, there is \$400 for testing, and in Phase 1 there are 16 weeks, and one breathalyzer per day. Phase 1 also includes a weekly drug test. The supply item addresses just \$226 to supplement what the Court already contributes. Lastly the training item of \$885 addresses a Michigan Association of Treatment Core Professionals conference for the judge and probation. Lastly Ms. Strouse outlined the history of the program and the number of participants and graduates. The program started in 2005, since that time there have been 163 cases, 25 are currently active, there are 97 graduates, with the next potential graduation set for December 8th, 2016. Out of the 97 graduates there are 84 successful completions.

Council Member Brown Clarke asked what the second year, Phase 5 consists of. Ms. Strouse stated that requires probation visits once a-month, if they have "Interlock" they still have daily breathalyzer testing. If there is no "Interlock" they have random weekly and monthly testing, and they all meet with a judge every 8 weeks. Council Member Brown Clarke asked if they have leverage over the family environment. Ms. Strouse confirmed they do not, but they do provide them with a health living plan, require them to inform them of people they may be around that might cause them to have a problem with sobriety, and any health issues they ignored with the addiction. After a year they are asked what they have done to change that environment. If their behavior has not changed, then they have to leave the program.

Ms. Brewer informed the Committee of the success rate of 85% amongst the Courts in Ingham County.

Council Member Wood asked if they had statistics on repeat participants of those involved and those moved away. Ms. Strouse acknowledged they do follow up annually with the State data base, and that rate of repeat is 10.34%.

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE GRANT APPROPRIATION FOR THE FY2017 SOBRIETY COURT GRANT. MOTION CARRIED 3-0.

RESOLUTION- Grant Appropriation; FY2017 VOCA/CARE Grant

Mr. Prisk outlined the grant which was in its' 21st year. The grant is a service, risk assessment, education program for victims and addresses safety, advocacy needs and visits to residences and hospitals. The program runs under 3 staff and up to 42 volunteers. The fund amount is at \$190,000 with \$155,000 funds received in the grant. There are 35 hours of volunteer sessions per year, and every volunteer has 60 hours of probation. The grant cycle is 10/1/2016 – 9/30-2017 and is now run by the newly hired program director Kathleen Miller. Lastly, Mr. Prisk acknowledged that in the past that was a cash portion for the City %, but this time there is no funds out of pocket on the City side.

Council Member Houghton asked if criminal back ground checks are performed on the volunteers. Mr. Prisk was not aware of those checks, but would confirm and let the Committee know. If they are not being performed Mr. Prisk will also find out why not.

Council Member Brown Clarke asked if there is travel expenses for the volunteers, but Mr. Prisk assured them the travel expense are only paid for the full time employees.

Council Member Brown Clarke asked if they capture any trend data. Mr. Prisk stated it was not required for the grantor, but they do report general hours, volunteer hours, and informal reporting.

MOTION BY COUNCIL MEMBER HOUGHTON TO APPROVE THE GRANT APPROPRIATION FOR THE FY 2017 VOCA/CARE GRANT. MOTION CARRIED 3-0.

LEGAL OPINION – UNION CONTRACTS

Mr. Smiertka outlined his understanding of the request to Law that with the process of union contracts vested in the Mayor's office, and designee to negotiate. There is collective bargaining, and an agreement is ratified by Council. In the process, there are temporary agreements that have concepts and the principals that have been agreed upon between the union and the City. Council gets the tentative agreement, and then the tentative agreement ends up being formalized and finalized. Council Member Brown Clarke asked what the time frame on all that should be. Mr. Smiertka stated could not give a specific time, but reiterated that once Council approves the tentative agreement, then sometime after that the City and union will work out the language. At some point the union takes the same thing Council has seen and ratifies it. Ms. Bennett corrected it and stated that upon tentative agreement, the union 1st ratifies, and then the summary goes to Council to ratify. Mr. Smiertka acknowledged that where things fall off is if there is a dispute over the CBA.

Council Member Brown Clarke asked Mr. Smiertka for clarification on the Council role and what the expectations are. Currently Council approves the tentative agreement, which has been ratified by the union, and Council assumes and feels lead to believe that the union thinks it is in final form also.

Ms. Bennett outlined her understanding that after the tentative agreement is adopted by the union, then it goes to Council, then after Council ratifies it, the two parties discuss the final language, and that language effectuates the principals in the agreement. If there were to be some different than the understanding, then it will go back to Council. Council Member Brown Clarke asked Mr. Smiertka why Council would get it if the Union's legal advisors had not seen it yet. Once the Union ratifies it their legal advisors should review it before it goes to Council. Currently there is an assumption that the Union signed off, their legal signed off, and Council was the last stop. Ms. Bennett stated her belief that after Council approval it is just the final language that is being done. Mr. Smiertka answered that Council is looking at it as a contract, however what is happening and he was not able to confirm how long it had been going on, Administration is sending a temporary agreement to Council and Union, and working out the final document out later and that could cause problems. Council Member Brown Clarke added that when Council approves what is in front of them the resolution says "final" however it is tentative with no end date on the "final".

Committee asked Mr. Smiertka why Council is reviewing and approving what appears to be tentative and then never seeing the final, and having no role in negotiation on the final. Mr. Smiertka stated in the past when we was a former employee there was a designated person at the table the whole time from legal. Ms. Bennett stated they are working with HR to re-institute that practice make sure a City attorney is at the table from the beginning. Council Member Brown Clarke stated there should not be a gap if negotiations are still continuing, and the existing CBA should continue until it has been replaced. Ms. Bennett stated that under PA 54 they cannot do retro-active pay increases. Council Member Brown Clarke noted that the Union representatives have to address that.

Council Member Wood recapped her experience in the past with contracts, and the Council got bullet points of the changes, but they had already worked out all the language, and language

changes were part of the list. Within 30 days after written contract, then it came back to Council for ratification.

Council Member Brown Clarke acknowledged that she did not feel comfortable voting on something in the “perception” it is in the final form.

Council Member Wood asked of the contracts that Council has approved, how many have been signed. Mr. Smiertka admitted he too had asked for that information from HR and had not gotten an answer, and was working on figuring out why some aren't signed yet.

The Committee had Council Staff pull up the City INTRANET and reviewed the contracts on record that stating the last dates on them. FOP Non-Supervisory expired June 30, 2015; FOP Supervisory expired July 15, 2015; Fire expired June 30, 2016; UAW expired September 30, 2013; Teamsters 214 will expire December 31, 2018; and Teamsters 243 expired January 31, 2016.

Council Member Houghton asked why the most recent ones were not in the program, and Ms. Bennett stated they were still negotiating.

Council Member Brown Clarke stated that Council needs to be better, not better than the worst. The employees should be able to go into their contracts, even if they are retired, and see where the status is, if extended, if ratified or if tentative. Council is aware they do not negotiate however they do need to manage the role they do have.

Mr. Brewer outlined his experience in the State of Tennessee, outlined a time line tracking system that logged begin date and end date, so if no end date with procurement, there was also language to extend contract a contract for final language.

Mr. Smiertka outlined his legal principles that the Mayor handles the negotiations, and then HR directs the document to Council to ratify before it becomes effective. Council can state they want only the final form and want to see a summary. In practicality, with negotiations, the tentative agreement could come to Council and if Council desires, the can approve the final contract.

The Committee agreed that if they accept a tentative agreement that has been ratified they will now need to ask for time line on when Council will see the final. The timeline allotted can be 60 days, and that would be for the final and up on the Intranet.

Council Member Wood asked Ms. Bennett if there were any contracts planned to be addressed before the end of the year, and Ms. Bennett stated there is the potential.

ADJOURN

Adjourn at 9:23 a.m.

Submitted by,

Sherrie Boak, Recording Secretary Lansing City Council

Approved by the Committee on February 14, 2017