



MINUTES
Committee of the Whole
Monday, May 3, 2021 @ 5:30 p.m.

<https://us02web.zoom.us/j/85940036219>; ID: 859 4003 6219; or Dial in: (646) 876 9923

Held virtually in an effort to protect the health and safety of the public & to mitigate the spread of COVID 19

CALL TO ORDER

Council President Spadafore called the meeting to order at 5:30 p.m.

PRESENT- via audio/video

Councilmember Peter Spadafore remotely from Lansing, Michigan
Councilmember Adam Hussain remotely from Lansing, Michigan
Councilmember Carol Wood remotely from Lansing, Michigan
Councilmember Patricia Spitzley remotely from Pensacola, Florida
Councilmember Kathie Dunbar remotely from Lansing, Michigan- arrived at 5:34 p.m.
Councilmember Brandon Betz remotely from Lansing, Michigan
Councilmember Jeremy Garza remotely from Lansing, Michigan
Councilmember Brian T. Jackson remotely from Lansing, Michigan

MEMBERS PRESENT- via audio/video

Sherrie Boak, Council Staff
Mark Lawrence, Mayors Representative
Lisa Hagen, City Attorney
Jim Smiertka, City Attorney
Eric Brewer, Council Internal Auditor
Robert Widigen, Finance Director
Jake Brower, Budget Director
Jim DeLine
Hugh McNichol
Loretta Stanaway
Don Kulhanek, EDP
Doris Witherspoon, EDP

Minutes

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM APRIL 26, 2021 AS AMENDED. ROLL CALL VOTE, MOTION CARRIED 7-0.

Presentations:

Budget Presentation – Chief Strategy Officer

Council President Spadafore stated this discussion will be moved to May 10, 2021, he then acknowledged Mr. Brewer for his work with the Finance Department on the budget. He then encouraged all the Committees to continue to work on the Budget Policies, and this Committee would bring them back to begin discussion on May 10th. Council Member Spitzley asked if this would all for making amendments on May 17th when they pass the budget, and Council President Spadafore acknowledged the discussion would continue on May 10th and May 17th.

Public Comment

Ms. Stanaway spoke in opposition to Rank Choice voting.

Discussion/Action:

RESOLUTION – CDBG Budget Adoption

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR THE CDBG BUDGET.

No discussion or questions from the Committee.

ROLL CALL VOTE, MOTION CARRIED 8-0.

RESOLUTION – Ballot Language, Charter Amendment Article 2 Chapter 2; 2-201, 2-204, 2-205; Installment of Rank Choice (Automatic Runoff) Voting

Council President Spadafore noted this was discharged from the Committee on City Operations.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR THE BALLOT LANGUAGE TO AMEND THE CHARTER ARTICLE 2, CHAPTER 2; 2-201,2-204,2-205.

Council Member Dunbar noted the Committee felt it was important to have a discussion in Committee of the Whole for all Council Members to participate in.

Council Member Betz asked for clarification on the language on page 2.

Mr. DeLine shared his screen and Mr. McNichol provide the presentation. The presentation was on Bringing Ranked Choice Voting to Lansing, and began with a sample ballot of ranked choice voting noting this will add run-offs to provide for a winner over 50%. A list was provided in the presentation of other cities currently using it, those in Michigan included Ann Arbor and East Pointe. With this proposal, Mr. McNichol noted would be for City Elections of the Mayor, Council and Clerk, and the first race would be 2023. Mr. McNichol then went into stating the benefits they found were no lower turnout, financial savings, more choices in November, and voters are empowered because their preferences matter more. The next step after Council approves the resolution is for it to be presented to the Attorney General Office and Governor to approve the language. Once it is approved at that level, it will appear on ballot in November. If the public votes in support, then the City would adopt and put in motion. Lastly, Mr. McNichol confirmed there is no new equipment purchase needed, and the voters do not need to rank every candidate of every race.

Council Member Dunbar asked if the person who gets the least amount of first place votes, and removing that option, if the other votes that a person gets is in the majority of the second place votes, the question has been asked are those tallied by a number value. Mr. McNichol that would have a different outcome. There are multiple forms of voting, that example was score voting, and not used by any Cities so it has been challenged. Rank Choice voting has

been challenged and upheld in courts. Mr. McNichol stated that the reason why this voting method does not care about a second or third preference, is "later no harm", because by ranking more you never hurt your first candidate choice. There is no splitting up a vote. Council Member Dunbar asked what it would take to make score voting legal, and Mr. Smiertka confirmed they have not been asked, so they would have to look at the Charter, and see if it is supported by case law. Council President Spadafore confirmed the deadline for placing this on the ballot is not today, but time needs to be considered because it also has to go before the Attorney General before it can appear on the ballot. Ms. Boak confirmed the deadlines for the November ballot is August 9th.

Council Member Jackson asked why elections of the 54-A Court Judges were no in their proposal for the ballots. Mr. DeLine stated they did not make the decision. Council President Spadafore asked the OCA to speak to that. Mr. Smiertka stated they have not been asked that question before and Ms. Hagen confirmed they have not been asked to include the courts, but just Council, Mayor and Clerk. Mr. McNichol stated there is less case law on judicial cases, and not used a lot in those races. Mr. Smiertka stated they could look into the issue.

Council Member Dunbar left the meeting at 6:03 p.m.

Council Member Betz asked for OCA to look at line 12-15 on page 2, and lines 17-19 which appear to be amending earlier lines, and asked them to clarify the language in the document. He then asked the OCA to consider adding "duly elected to that office" to page 2, line 9.

Council Member Spitzley asked for clarification on if score voting and rank choice are two different tracks and two options, therefore should not be included in one discussion. Mr. Smiertka stated he did not intend to merge anything into one document.

Council Member Hussain concurred with Council Member Betz question on the clarification for page 2 lines 12-19, also asking OCA to clarify. He then asked what the disadvantage is, and Mr. McNichol noted peoples concern with more candidates and but in his opinion, with rank choice voting it allows the public to make more choices. In his opinion Rank Choice voting allows for incentive to know all the candidates.

Council Member Dunbar returned to the meeting at 6:13 p.m.

COUNCIL MEMBER HUSSAIN WITHDREW HIS MOTION.

Council President Spadafore stated the discussion on this would continue on May 10th.

RESOLUTION – Ballot Proposal; Essential Services Millage Restoration Proposal

Mr. Smiertka stated there was delay in this resolution on ballot language because they were waiting on the Headlee number from County Equalization, which came in at 18.865.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR THE BALLOT LANGUAGE FOR THE ESSENTIAL SERVICES MILLAGE RESTORATION PROPOSAL.

Council Member Betz proposed an amendment to change the allocation from 3 mills to 2.5 for essential services, bringing it to .5 mills for police protection and 2 mills for fire protection, and taking 1.5 mills for continuation of essential services for road and sidewalk maintenance.

COUNCIL MEMBER BETZ MADE A MOTION TO AMEND THE BALLOT LANGUAGE IN THE 8TH AND 9TH WHEREAS TO THREE (3 ~~2.5~~) MILLS OF THE PROPOSED 19.44 MILLAGE WOULD PERMIT THE CONTINUATION OF ESSENTIAL SERVICES THAT INCLUDE ONE-HALF(.5) MILLS FOR POLICE PROTECTION AND TWO (2) MILLS FOR FIRE PROTECTION; AND WHEREAS, IF APPROVED, ONE (1.5) MILL....

Council Member Hussain asked Council Member Betz how he determined the changes and the financial impact on the departments and Council Member Betz deferred to the Budget Director. Mr. Brower explained that cutting the police from 1.5 to .5 is a \$1.2 million cut, .5 is \$600,000 and that would be reallocated to fire and the balance to roads.

Council Member Wood made the Committee aware that during the Committee on Public Safety, when they discussed the proposed millage ballot language, the LPD Chief stated that if the potential millage did not pass, it would result in a loss funds that would cause them to lay off approximately 43 officers.

Council Member Dunbar outlined calculations she made based on the raise in the first year of \$2,770,894 divided by 4 mills resulting in \$629,723 each mill, moving from police reducing \$692,000 moving into fire increases \$140,000, and increase road by \$340,000. She went on to state to her it was a priority issue, and by asking for more money into the Fire Department, that is where she would like to see social workers. Council Member Dunbar supported the proposed amendments to the ballot language.

Council Member Betz explained that his amendments were to address every ones concerns and meet the possibility of obtaining 51% of the vote to pass, but there are people who are concerned with the LPD, and so to make this feasible and get it passed, the best way to was to reduce mills to the LPD and disburse those to the LFD and streets. Council Member Betz noted that this amendments also addresses clarifying the disbursements of the mills, which the current language does not do.

Councilmember Hussain asked if the \$2.7 million is the difference of the Headlee now and then. Mr. Brower stated the \$2.7 million difference on the operating millage and the 20 mills will be refreshed. So that leaves only 19.44 mills about \$1.3 on the upcoming budget. The corrected 1 mill \$2.2 million next year, \$1.3 million out of general fund to the roads. For the FY 2022 the proposal is \$750,000.

Council Member Jackson spoke on the proposed, concurring with the controls of the mills, but voiced his concerns that this language is late in the budget process where the departments and administration have proposed a budge in line with the millage passing. A concern noted that the Fire and Police are counting on the funds for the upcoming budget.

Council Member Dunbar made not to the Committee that if the millage did not pass, the Administration would have to propose an amendment to the budget to account for the loss. She then proposed making it 1.5 mills for Fire, 1.5 for Police and 1 to the Police.

Council Member Wood recited the last vote on the millage results of 68.94% supported it and 31.06% not in support.

ON THE AMENDMENTS PROPOSED BY COUNCIL MEMBER BETZ, A ROLL CALL VOTE WAS TAKEN AND FAILED; 2 IN SUPPORT AND 6 OPPOSED.

ON THE AMENDMENTS PROPOSED BY COUNCIL MEMBER DUNBAR, A ROLL CALL VOTE WAS TAKEN AND FAILED; 3 IN SUPPORT AND 5 OPPOSED.

ON THE MOTION BY COUNCIL MEMBER HUSSAIN ON THE ORIGINAL BALLOT LANGUAGE IN THE RESOLUTION; MOTION CARRIED 8-0.

Council Member Spitzley asked for clarification on the details of the millage in relation to the Headlee. Council President Spadafore noted the ballot language is inclusive for essential services. The millage intention is spelled out as a value statement. In 2011 it was presented to voters with 1.5 mills, 1.5 mills and 1 mill, then in 2016 the language is what is it now and what is being presented to the voters now. This is a continuation in a value stated in then 2016 resolution. Council Member Spitzley

Council Member Spitzley asked for clarification on the funding and flexibility, and reducing the allocation to different departments. She also asked how the funds are disbursed and how

were the mills allocated in the past. Council Member Spitzley added she would like to know if in the budget process if there is an opportunity to put forth amendments to address this.

Council Member Wood noted that the original resolution was 1.5 mills, 1.5 mills and 1 mill, and so asked the COA if this is a renewal what is binding. Mr. Smiertka stated that this is a restoration of the cap of 20 mills, and the WHEREAS clauses address it, therefore he did not believe it was binding. Council Member Wood then recalled the first time it was proposed it failed because the people did not believe it was going to go where it said it was going to go, then it was amended and the resolution listed where the dollars would go and then the public approved it. The renewal stated the same thing and a budget was put together on that same thing. Mr. Smiertka stated they cannot put in the proposal, because it would be an unlawful millage. Council Member Wood asked for it to be noted in the resolution, and Mr. Smiertka confirmed it was, noting however that this Council cannot bind future Council.

Council Member Dunbar asked Mr. Brower if the current budget outlined the intent for the proposed fire and police millage money collected and allocated. Mr. Brower stated the FY22 budget proposal does show the breakdown of property taxes, with 3.5 dedicated to police, 3.5 to fire and streets. Council Member Dunbar asked if funds raised from the millage goes to those departments pension, and Mr. Brower said it goes into the department as a whole. Unlike Parks, where the mills go entirely to capital projects. Council member Dunbar asked about Public Service, and Mr. Brower confirmed those millage funds go to the local streets fund. If the millage does not pass, then funds would have to be found elsewhere.

Council Member Betz asked if Council was misleading the public by not stating specifically where the mills were going, but only saying mills to fire, mills to police, and mills to streets and sidewalks. He then asked the OCA if there were legal issues with the language. Mr. Smiertka said there is no misleading of the public, it is a statement of intent of the City Council.

Council President Spadafore asked about page 11 in budget book, where it outlines that these are not binding but treated as such, and Mr. Brower confirmed they are dedicated in the budget book.

DISCUSSION – Responses to Council Questions on the Budget

Council President Spadafore asked the Finance to look Act 345 which is a levy for millage on police and fire pension and that impact on the OPEB and pension in the budget. Mr. Widigan confirmed that Act 345 does provide for options and he would provide that information to Council.

Adjourn

The meeting adjourned at 6:47 p m

Respectfully Submitted by,

Sherrie Boak, Recording Secretary

Lansing City Council

Approved by the Committee May 10, 2021