MINUTES
Committee of the Whole
Monday, July 26, 2021 @ 5:00 p.m.
Lansing City Hall, Tony Benavides Lansing City Council Chambers

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
Councilmember Kathie Dunbar
Councilmember Brandon Betz
Councilmember Jeremy Garza
Councilmember Brian T. Jackson

OTHERS PRESENT
Sherrie Boak, Council Staff
Mark Lawrence, Mayor's Office
Jim Smiertka, City Attorney
Lisa Hagen, City Attorney
Eric Brewer, Council Internal Auditor
Dr. Paul Elam
Kim Coleman, HRCS Director
Linda Sanchez-Gazella, HR Director
Mayor Schor
Kate Long, TCOA
Jim DeLine
Calvin Jones, BWL
Loretta Stanaway
James Lancaster, Representative from Rank MI Vote Ballot Committee
Max Donovan
Greg Venker, OCA
Guadalope Ayala, HRCS
Willard Walker

Minutes
MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM JULY 12, 2021 AS PRESENTED. MOTION CARRIED 8-0.

Public Comment
Mr. DeLine spoke on agenda items G. and H. for Discussion on Rank Choice Voting Charter Amendments and ballot proposal. Mr. DeLine spoke acknowledged the due diligence of the City and spoke in opposition to the letters in the packet from Barb Byrum, Ingham County Clerk and the Secretary of the State Director of Elections.

Ms. Stanaway spoke on the ballot language for the charter amendments on rank choice voting. She then asked where the funds were coming from, what is the timeline, and how much.

Mr. Lynn read a resolution on the serious concerns with racial discrepancies in the City of Lansing. Mr. Lynn offered to send the document he read to Council.

Mr. Lancaster spoke in support of the proposed charter amendment ballot language for Rank Choice Voting, highlighting Michigan Constitutional Articles, and Sections 321 and 323 of the Election Code.

Mr. Donovan spoke on the letters from the County Clerk and the Secretary of State in the packet on the language of ballot language to change the Charter for Rank Choice Voting.

Presentation
Ms. Sanchez- Gazelle stated that Dr. Elam was not presented yet, and asked for the presentation and action on the resolution be moved on the agenda.

DISCUSSION
RESOLUTION – AMEND THE 2021 CITY COUNCIL MEETING SCHEDULE; RESOLUTION 2020-2038
MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION TO AMEND THE 2021 CITY COUNCIL AND COMMITTEE OF THE WHOLE MEETING SCHEDULE. MOTION CARRIED 8-0.

RESOLUTION – Tri County on Aging Fiscal Year 2022 Annual Implementation Plan
MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION ON THE TRI-COUNTY ON AGING FISCAL YEAR 2022 ANNUAL IMPLEMENTATON PLAN.

Council Member Wood asked if there were any significant changes in the plan to point out especially with the impact of COVID. Ms. Long stated there were no changes but a continuation of the multi-year plan, with a few additions from the last annual plan. They added a goal of emergency preparedness response, but that is just capturing their existing efforts. Council Member Wood asked if there was any additional funding. Ms. Long confirmed there were COVID relief funds that were passed through to them, and those mostly went to Meals on Wheels, the meal pick up program through the congregate program. There are other programs that benefited as well. Council Member Wood asked about the congregate program and if it has started back up. Ms. Long confirmed some are expected to open back up in August, and once they have those dates confirmed they hope to have that information updated on their website.

Council President Spadafore clarified that the packet did include the cover letter from Ms. Long and the correct resolution, however the plan was Tri County Planning report. He then cited the Tri County on Aging website, www.tcoa.org for the report posting.

MOTION CARRIED 8-0.

RESOLUTION – Appointment Semone James, 1st Ward Member Board of Water and Light; Term to Expire June 30, 2025

MOTION BY COUNCIL MEMBER HUSSAIN TO APPOINTMENT SEMONE JAMES, 1ST WARD MEMBER OF THE BOARD OF WATER AND LIGHT.

Ms. James outlined her career with the Bureau of Investments since 2017, and prior to that her time with the Landbank Authority. Ms. James also served in the early 2000's on the Board of Water and Light. Council Member Betz spoke in support of the appointment. Council Member Jackson asked her if she had any thoughts to share from her time serving on this same board 2009. Ms. James stated that in that era, while serving, she did not like how things were working and now supports the new administration with assisting the Board moving forward. Council Member Jackson asked about the past action of the Board when she served, and she noted she did not support spending funds that were spent during that tenure on the Board. Council Member Wood asked how she intended to make sure members of the 1st Ward are represented. Ms. James stated she will be open to any communication and seeks to hear their concerns. Council Member Wood asked her to reach out to all Council Members to attend their neighborhood meetings. She then asked if Ms. James was interested keeping BWL public or selling. Council Member Hussain acknowledged Ms. James for what she has done so far.

MOTION CARRIED 8-0.

Presentations

Dr. Paul Elam – MRJEA

Ms. Sanchez- Gazelle spoke on how the internal scan, survey and forum were held with City employees.

Council President Spadafore passed the gavel to Council Vice President Hussain and stepped away.

Dr. Elam began his presentation included in the packet.

Council Vice President Hussain passed the gavel to Council President Spadafore.

Council Member Betz stepped away from the meeting at 5:35 p.m.

Dr. Elam highlighted the work that was done and began with the background.

Council Member Betz returned to the meeting at 5:37 p.m.

The presentation noted the purpose of the survey was to look at City of Lansing departments, the goal being to gather data regarding perceptions and working experiences. The details were provided to the City Attorney. Dr. Elam outlined the three-phase approach beginning in January 2021 to phase 3 in March, 2021. The participation was 239 in the City wide survey, and 36 employees in the focus group. Dr. Elam outlined the assessment questions on employee perceptions and the RQ1 Overall Perception. Continuing with the presentation were slides on perceptions of diversity, perceptions of equity, perceptions of inclusivity, and the four (4) themes that emerged. Dr. Elam concluded by highlighting the list of employee recommendations and the MPHI Recommendations for Action.

Council Member Garza asked about the focus groups, and if there is a breakdown on how many of the different ethnic communities are members in the staff numbers. He then asked if there is an equal training for all ethnic groups. Dr. Elam, stated they can provide information on who participated in the group however they were all promised anonymity. He added that they do have demographics in City staff, bi-races and ethnicity in the final report. Council Member Garza further expanded his question to ask for the numbers of Latinos, Asians, and other ethnicities that are employees. Ms. Sanchez Gazelle stated she could provide that information.
Council Member Spitzley asked about the 36 employees in the focus group, questioning if that is enough people to make their recommendation since there are over 800 employees. Dr. Elam it is in the quantitative method they used for a representation of employees. The focus group was not to represent everyone, but used to get the overall representation from all people. Council Member Spitzley noted since there was a low number and a reluctance to participate, she wanted to know his opinion on why the participation was low. Council Member Spitzley then referenced question 1 and the overall perception and clarification on the 60%, and was told it was 60% of the 239. Council Member Spitzley asked his recommendation for more participation, and Dr. Elam stated those that want to have the dialogue appreciate the survey and the communication. Council Member Spitzley then asked about perception of diversity, and if the leaders are more informed in how they are trying to accomplish, and asked if the determination was made that management understands but the information is not being forwarded down to all employees. Dr. Elam acknowledged that if there was more time and money he could have delved deeper into the issues. Council Member Spitzley then asked about the lack of focus on sexism and would appreciate more time in the discussion on that. Lastly Dr. Elam was asked by Council Member Spitzley if he signed a non-disclosure agreement with the Mayors Diversity group. Dr. Elam was not able to recall, but Ms. Coleman stated she believe he had.
Council Member Wood asked who determined the questions in the project.

Council Member Betz stepped away from the meeting at 6:19 p.m.

Dr. Elam confirmed the group did a co create and worked with the leadership team. Council Member Wood then referred to the resolution and the document presented, noting that as part of the initial discussion and resolution Council was to hear the different perspectives on how the money was going to be spent and so they could have a clear understanding.

Council Member Betz returned to the meeting at 6:20 p.m.

Council Member Wood referred back to the presentation on June 7th, noting that Mr. Butler stated he had wished his community would have done the same approach as us, then asked Dr. Elam if he had reviewed the draft plan on the funding sources, and if so what his opinion was and would it meet the needs he has outlined.

Council Member Garza stepped away from the meeting at 6:20 p.m.

Council Member Wood also asked if Dr. Elam was satisfied with the sources enough for the City to start and Dr. confirmed his details and stated he was satisfied with the proposed.

Council Member Garza returned to the meeting at 6:22 p.m.

Council Member Wood asked that before it goes out to the community there needs to be a common language that City Employees and management are talking. Dr. Elam acknowledged that her statement was a clear understanding and he envisions everyone who comes into the City gets incorporated in the vision. Council Member Wood then asked if there was a plan to report back to Council on when they move forward. Mayor Schor acknowledged that they can update Council as things happen, or quarterly. In addition he stated as they establish trainings Council can be updated and provided information when needed. Mayor Schor concluded by confirming they will work with the unions to get information out, and keep all employees informed.

Council Member Dunbar asked Dr. Elam what he learned from the Phase 2. Dr. Elam referred to slide 17, and in terms of recommendations, item 6 addresses that. When the final report is released there is an addendum where a gap analysis was, and what the policy says and the recommendation on how to improve outcomes. The OCA has the information and will let them know when the report will be released. Once it is released the group can come back to Council and provide his interpretation on where the policies fall short. He admitted there is information now, but not pulled together for this report. Council Member Dunbar referenced his recommendation #6 noting the policies need to change but the practice needs to change also. She then sked if the group looked at the report by the Mayors Diversity Inclusion Council that came out in November 2019. That report, she noted, had some substantial recommendations that should be included, and in her opinion the accountability piece was missing in this recent report. Dr. Elam admitted he has never seen the 2019 report, and regarding her statement on policies, procedures and practices this report was strong in using those terms. Regarding accountability and follow through, Dr. Elam noted he is not part of the administration, but if they look at all 3 levels the language should emerge within. Ms. Coleman confirmed she was aware of the 2019 report and did review it. Council Member Dunbar suggested Dr. Elam review the first survey and report from 2019. Council Member Dunbar then referenced earlier comments that some departments are worse and asked for the list of departments that need the most work. Dr. Elam clarified they specifically looked at police and fire, and then the City in general, and the final report will be able to address that request. Council Member Dunbar asked how it was determined who was aware of the policies in the department with the managers and front line workers, and was it determined that if the department managers were aware those were the departments that had lower problems. Dr. Elam explained if it was a supervisor that responded to focus groups they were more inclined to know, compared to staff. However, they did hear that staff was not sure what was going on. Council member Dunbar asked about the recommendations from staff, and if they were drop down options or they were free written suggestions. Dr. Elam confirmed they were open ended questions and answered for individual suggestions.

Council Member Betz referenced the recommendations for action, specifically #2, and after approaching the OCA on what it would look like, his initial goal would be to model the board after Equity Diversity Inclusion to exam resolutions and recommendations to Council. He then asked Dr. Elam on his recommendation to create and design the board, who should the members be, etc. Dr. Elam confirmed that is the next phase of the work and he will work with leadership. Council Member Betz asked for a full Council discussion on how the board should look.

Council Member Dunbar asked about the $300,000 breakdown, noting there was an item labeled “TBD”, and asked what items would be lower to cover that line item, to keep the total still at $300,000. Ms. Coleman stated that item #9 will not affect the breakdown and the intent is not to adjust any items lower.

Council Member Jackson stepped away from the meeting at 6:46 p.m.

Discussion/Action- Continued
RESOLUTION – Racial Justice and Equity Plan

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR RACIAL JUSTICE AND EQUITY PLAN.

Council Member Jackson returned to the meeting at 6:47 p.m.

Council Member Spitzley referenced the presentation by Jonathon Butler, Esq. (Equity Manager, San Antonio, Texas on June 7, 2021, and spoke in opposition to the proposed resolution believing the plan needs to be presented and transparent. Council Member Spitzley added that she did support his recommendations, but do not believe if a member has to sign a non-disclosure then it would not be appropriate. Mayor Schor summarized the funds would be $300,000 for training in the proposed budget plan for the racial and justice strategies, noting they did have several community meetings, and took significant feedback. Council Member Dunbar voiced her concern with the term "immediately", and asked what they did with the first recommendations that were given in November 2019. The group, she noted, was a group of citizens that met, came up with findings, presented them, and finally got a response 8 months later in June 2020, however it does not appear any of those recommendations are on the presented list. Secondly she spoke in opposition to self-suggesting surveys. Lastly, Council Member Dunbar stated her opposition to the resolution and spending of $300,000. Council Member Jackson asked for the plan. Council Member Wood stated there was a draft financial budget plan in March during the budget process, and Ms. Boak distributed that draft March document.

MOTION 6-2.

<u>DISCUSSION – Resolution 2021-149; Ballot Language Charter Amendment; Ranked Choice Voting</u>
<u>DISCUSSION – Resolution 2021-150; Charter Amendment Ballot Language; Elimination of Primary Elections</u>
Mayor Schor and Mr. Lawrence left the meeting at 6:55 p.m.

Council President Spadafore referenced letters in the packet from the State of Michigan Secretary of State Director of Elections and Ingham County Clerk Barb Byrum, stating based on that recommending he was asking the Council to pulling the vote back and wait for a presentation from Ms. Byrum at the next meeting. Council Member Wood asked if he was looking for a motion to reconsider at this time, and Council President Spadafore confirmed it was just a discussion at this meeting, the motion to reconsider would be at Council later in the evening. Council Member Wood asked for Mr. Smiertka respond to the letters since the letters were sent to the Office of the City Attorney.

Council President Spadafore passed the gavel to Vice President Hussain and stepped away from the meeting at 6:56 p.m.

Mr. Smiertka provide a brief history of the process so far; when the proposal first came to the OCA, they did an analysis and could not find any case law. He did note that there is a decision in Eastpointe which was a Federal Civil Rights decision. The analysis issues are in the Charter and the Home Rules Act cities the Act. The resolution has provisions to amend the Charter and steps for to create the questions. The document will then go to the AG and in turn they will provide to the Governor if it is correct. When the OCA submitted the document to the AG the feedback was not positive and they actually got feedback to create the second ballot language resolution the Council saw and acted on July 12, 2021.

Council President Spadafore returned to the meeting at 6:58 p.m. and Council Vice President Hussain passed the gavel.

Mr. Smiertka continued his details noting that the week of July 12th communications came to the City from the Ingham County Clerk and the State of Michigan Office of Elections. Since the timing of those letters, and the timing of submittal to the Attorney General and their response, along with the objections in those letters, he recommended City Council pull back on the proposed changes to the Charter, via the ballot language they passed on July 12th.

Mr. Lawrence returned to the meeting at 6:59 p.m.

Council Member Wood asked if the OCA was recommending the Council pull back, reconsider the vote and table action. Mr. Smiertka stated that in the Council rules it stated they have to reconsider action at the same meeting or the first meeting thereafter. Therefore the recommendation is to reconsider each one at Council, then he recommended to table action on both, noting these are 5 vote items. Council Member Betz asked what the deadline was on submission on the ballot, and Council President Spadafore stated August 10th, and the next Council meeting is August 9th. Council Member Jackson asked for more details since it appears the highest authority is the AG, and they have already provided their input before Council voted July 12th. Council President Spadafore responded that the OCA has stated the review by the AG prior to July 12th was an informal review, and they did not look at it for election law. Mr. Smiertka added that the attorney in the AG office they worked with was with municipal law, however they have been in constant communication. Council Member Jackson supported not stopping the motion now, but if it is not correct they could always bring it back. He also referenced the letter from the County Clerk which cited equipment and election costs, inquiring if Ms. Byrum had any further information. Council President Spadafore noted that is why Ms. Byrum would be at the next meeting. Mr. Smiertka clarified an earlier statement that the attorney they had been in communication with in the AG office was Mr. Elworth who is in municipal affairs, not in the election law unit of the Attorney General office, so it was determined the final AG decision would come from the election unit.

Council Member Betz asked if the Governor corresponded with the Elections Unit on this. Mr. Smiertka responded that his experience with the AG office is that after review of the Charter amendment then the letter comes from Municipal Affairs Office endorsed by the Governor.

Council Member Spitzley voiced her concern that if it goes through the process and then gets to the Governor and it is not signed, what the next steps would be. Therefore she supported stepping back, waiting and clarifying so Council is positive. Mr. Smiertka stated that if Council proceeds, and the people vote for it, then it is determined to be non-valid, there would be law suits, and forfeiture of office of those that were all elected under the RCV. Council Member Spitzley reiterated that she would support waiting to make sure there is enough information and it is correct before moving forward.

Council Member Jackson again spoke in support of moving forward since it takes years to implement, and there would be time to address any issues.

Council Member Wood stated her concern for the record that this body would know there was information out there that there might be something that would make what they were proposing illegal, in addition she reiterated that the OCA had already recommended Council reconsider and table. By tabling today, and hearing Ms. Byrum on August 9th, there would be more information to take action on something that night if they so choose, and if they choose not to, then Council will have time to look into what needs to be done to make it happen. Based on the information in front of them at this time, Council Member Wood stated she felt Council needs to be prudent.

Council President Spadafore concurred with the hesitation of the other members, noting when the first voted they were not aware of the concerns and issues brought forth by the Council Clerk and the State.

Council Member Spitzley asked what the City Clerk's thoughts were on this subject, and Council President Spadafore state they could ask it of him at Council.

Council Member Betz concluded the discussion stated his agreement that there is hesitation to approve the language, pass it on the ballot, then have to come back with another charter amendment to align with the State law.

RESOLUTION – Intergovernmental Agreement; Montgomery Drain Drainage District-Red Cedar Development

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR THE INTERGOVERNMENTAL AGREEMENT; MONTGOMERY DRAIN DRAINAGE DISTRICT – RED CEDAR DEVELOPMENT.

Mr. Venker informed the Committee this was the last step in the agreement, and he explained that this is a component just on the Red Cedar property, and will benefit only them. Mr. Venker then listed the steps; the City ask the Drain District to perform the work, they then assess the City, the City then directs the assessment back to the Red Cedar Development. With this resolution the Council is authorizing the City to enter an agreement with the Drain District to do the work, then an agreement with the developer that they agree to be assessed for the work. Mr. Venker emphasized that the resolution in front of them is drafted in a way that the City cannot enter into the agreement with the Drain District until the agreement with the Red Cedar Development is in place. In the agreement with Red Cedar Development it will be stated that if something goes wrong they have to pay the assessment immediately. Council Member Spitzley asked for confirmation that the City would not be paying for this, and Mr. Venker agreed that the City would not. Council Member Wood asked if this was coming from the as surety bond, at which Mr. Venker it was not on this component, instead they have a direct payment guarantee with Frank Cass, Jon Lux and Joel Ferguson.
MOTION CARRIED 8-0.

<u>CLOSED SESSION</u>
MOTION BY COUNCIL MEMBER HUSSAIN AT 7:16 PM: Pursuant to MCL 15.268(c) of the Open Meetings Act, I hereby move that we recess into closed session for strategy and negotiation sessions connected with the negotiation of the Collective Bargaining Agreement between City of Lansing and the Teamsters 214, as requested by the City.

ROLL CALL VOTE. MOTION CARRIED 7-1.

<u>RECONVENE</u>
Council President Spadafore reconvened the meeting at 7:26 p.m.

<u>OTHER</u>
<u>RESOLUTION – Ratification of Teamsters Local 214 Supervisory and Teamsters Local 214 Clerical, Technical and Professional Collective Bargaining Agreements (CBA)</u>
MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR THE TEAMSTERS 214 SUPERVISORY CBA AND 214 CLERICAL, TECHNICAL AND PROFESSIONAL CBA.

Council Member Hussain detailed the CBA that reflected changes including a 2% increase, no retro-active pay, signing bonus, and elimination of specifics on adverse conditions.

MOTION CARRIED 8-0.

<u>Adjourn</u>
The meeting adjourned at 7:27 pm
Respectfully Submitted by,
Sherrie Boak, Recording Secretary
Lansing City Council
Approved by the Committee August 9, 2021