



MINUTES
Committee of the Whole
Monday, February 7, 2022 @ 5:30 p.m.
Tony Benavides Lansing City Council Chambers
Council Conference Room

CALL TO ORDER

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

PRESENT

Councilmember Adam Hussain
Councilmember Carol Wood
Councilmember Peter Spadafore- left at 6:15 p.m.
Councilmember Patricia Spitzley
Councilmember Jeremy Garza
Councilmember Brian T. Jackson
Councilmember Jeffrey Brown
Councilmember Brian Daniels

OTHERS PRESENT

Sherrie Boak, Council Office Manager
Linda Sanchez-Gazelle, HR
Eric Brewer, Internal Auditor
Renee Richmond, Council Admin
Jim Smiertka, OCA
Joseph Abood, OCA
Greg Venker, OCA
Lisa Hagen, OCA
Amanda O'Boyle, OCA
Mary Bowen, OCA
Jamie Trieweller, IT
Katie Black, Civic Clerk
Chris Swope, City Clerk
Yarenis Martinez, HR

Public Comment

No public comment at this time.

Trainings

Civic Clerk – held in Tony Benavides Lansing City Council Chambers

Ms. Black did a presentation via ZOOM on the Civic Clerk Board Portal for meeting agendas and packets. There was a focus on electronic voting.

The Committee discussed with the OCA if note taking would be FOIA. Mr. Smiertka stated it would be.

Council President Hussain asked IT to work with Council staff on minute taking training, election and work with City TV on displaying the voting on the TV for the public to see.

Council President Hussain amended agenda to allow Human Resources before the City Attorney.

Human Resources – held in Council Conference Room

Ms. Sanchez-Gonzella and Ms. Martinez presented a video on sexual harassment.

Council Member Wood stepped away from the meeting at 6:30 p.m.

Council Member Wood returned to the meeting at 6:33 p.m.

After the video Ms. Martinez went through a handout distributed on sexual harassment training key points, which Council members signed.

Council Member Wood asked the OCA about Council since they are all supervisors. Mr. Smiertka stated Council members can go to the City Attorney office. Council Member Spitzley noted also that as supervisors if they witness anything they can report it to the City Attorney office as well.

City Attorney Office- held in Council Conference Room

Mr. Smiertka began with a power point on fiduciary duties, duty of care, desirable conduct and forfeiture of office. These definitions and examples were also provided in a handout in the packet. Mr. Smiertka moved the presentation to rights and responsibilities of Council Members as noted in the Charter. Council Member Jackson asked if Council can order employees to answer questions, and Mr. Smiertka stated they can per the Charter.

Ms. O'Boyle presented and spoke on ethics, conflicts of interests, gifts, disclosures, statement of financial interest. This portion of the presentation was also in the packet.

Council Member Brown stepped away at 7:03 p.m.

Council Member Garza asked if the monetary amount for ethics was \$50, and Mr. Smiertka stated the ordinance is over 20 years, but used for those years. Council Member Wood asked if \$50 is a single event, or is cumulative over period of the reporting year. Ms. O'Boyle stated it comes down to what is implied.

Ms. Hagen outlined the open meetings act and also include a presentation.

Council Member Brown returned to the meeting at 7:08 p.m.

Council Member Hussain asked for definition of deliberation. MR. Smiertka stated a Committee is not subject, it is the OCA. Council Member Wood asked why OCA enforces 5 members in Committee and Mr. Smiertka stated there are 5 deliberating. Council Member Spitzley asked what about members who are observing. Ms. Hagen stated if not in there observing you could be called to deliberate, so there could be a violation.

Council Member Patricia asked if advisory boards are subject to OMA, and Ms. Hagen stated the Mayor Advisory Boards are not, but Council boards are.

Ms. Hagen then went into an overview on public access to meetings and minutes. Mr. Smiertka referred to the Charter 5-105 that spoke to open to the public. Council Member Hussain asked OCA to communicate to the departments on posting board meetings and minutes. Council Member Garza asked what recourse there is if the boards and committees are not doing it. Mr. Smiertka referred to the Charter.

Ms. Hagen then spoke on the OMA and the ADA, if there is a qualified individual whether the body or member of the public, then reasonable accommodations must be made. The AG determined that could be a virtual meeting. As requests are being made then it will be analyzed and determined if there is a qualifying disability it would be considered. OMA applies to the public body not the public, and determination is made by leadership.

Mr. Abood began his presentation on Human Rights.

Mr. Venker spoke on the presentation on FOIA.

Council President Hussain stepped away at 7:31 p.m.

Council President Hussain returned at 7:33 p.m.

Mr. Venker went through what a public request for public records and not. Council Member Spitzley noted that personal notes are not subject to FOIA, but notes on a computer could be FOIA. Ms. Hagen that would be discussed later. Mr. Venker added that notes to one self are not, but if there are notes taken during a meeting that are potentially. Any work done on personal items is subject to FOIA.

Council Member Garza inquired into the cost. Mr. Venker stated that under 15 minutes is no charge, after 30 minutes they charge every 15 minutes and based on the lowest paid employee capable to fill it.

Mr. Venker then spoke on the documents subject and ones that are subject to be redacted.

Ms. Bowen covered training on the elections of City officials based on qualifications of the Charter. There was an overview of Michigan Campaign Finance details.

Mr. Smiertka briefed the Committee on the role of Lisa Hagen as Council liaison. Ms. Hagen stated she takes direction from Council leadership and also attends all Council Committee meetings. Outside of that, the recommendation is for Council Members to go to Mr. Smiertka who will direct it on which attorney will address each request.

Mr. Abood stated that the OCA speaks with one voice, and generally the same answer. Mr. Smiertka added there is a staff meeting on Friday, and chat on Monday to go through all items to be analyzed.

Council Member Wood assured the Committee that OCA keeps the two branches; Administration and City Council, separate.

Council Member Hussain noted Ms. Hagen will also be the back bone on items as it comes through. Council Member Wood recapped for the Chair of the Committees and there are issues the Committee is working on, Ms. Hagen is working for Council on different charges from the Committee.

Adjourn

The meeting adjourned at: 8:01 pm

Respectfully Submitted by,

Sherrie Boak, Recording Secretary,
Lansing City Council

Approved by the Committee February 14, 2022