

AGENDA

Committee of the Whole AGENDA FOR JULY 25, 2022 AT 5:30 PM



Lansing City Hall, Tony Benavides Lansing City Council Chambers
124 W. Michigan Avenue, 10th Floor

To provide input or ask questions on any item that is listed on the agenda,
members of the public may contact the City Council at city.council@lansingmi.gov or (517) 483-4177 prior to the meeting.

Council Member Hussain, Chairperson
Council Member Wood, Vice Chairperson

1. **Call to Order**
2. **Roll Call**
3. **Minutes**
 - A. July 11, 2022
 - B. July 19, 2022
4. **Public Comment on Agenda Items (Up to 3 Minutes)**
5. **Presentations:**
 - C. Board of Water and Light Annual Report, Budget for Fiscal Year 2023, and Capital Forecast for Fiscal Years 2023-2028
6. **Discussion/Action:**
 - D. DISCUSSION - Board of Water and Light Rules of Procedure
 - E. RESOLUTION - Ballot Proposal; Public Safety Building and Equipment Bond Proposal
 - F. RESOLUTION - Process for ARPA Fund Allocation
7. **Other**
8. **Adjourn**

Persons with disabilities who need an accommodation to fully participate in these meetings should contact the City Council Office at 517-483-4177 (TTY 711) 24 hour notice may be needed for certain accommodations. An attempt will be made to grant all reasonable accommodation requests.

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MINUTES

Committee of the Whole

Monday, July 11, 2022 @ 5:30 p.m.

Tony Benavides Lansing City Council Chambers

CALL TO ORDER

Council President Hussain called the meeting to order at 5:35 p.m.

PRESENT

Councilmember Adam Hussain
Councilmember Carol Wood
Councilmember Peter Spadafore
Councilmember Patricia Spitzley
Councilmember Jeremy Garza
Councilmember Brian T. Jackson
Councilmember Jeffrey Brown
Councilmember Brian Daniels

OTHERS PRESENT

Sherrie Boak, Council Office Manager
Jane DiSessa, Deputy Mayor
Jim Smiertka, OCA
Mark Lawrence, Mayor's Office
Lisa Hagen, OCA
Nicole Noll-Williams, Capital Region Airport Authority
Heather Shawna, LBWL
Calvin Jones, LBWL
Scott Taylor, LBWL
Mayor Schor – left the meeting at 6:14 p.m. and returned to the meeting at 6:21
Loretta Stanaway
Pastor Sean Holland
Daphnee Whitfield
Amy Morris Hall, Potter Park Zoo Society
Rachel Eldridge
Joshua Gillespie
PJ Puchalla, YMCA
Heather Kim, YMCA
Dale Copedge
Priscilla Bordayo, YMCA
Michael Mercer
Casey Thompson, YMCA
Cheri Schimmel, YMCA
Theresa Nanasy

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Kevin McGraw, River Caddis
John McGraw, River Caddis

Minutes

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE MINUTES FROM JUNE 27, 2022 AS PRESENTED. MOTION CARRIED 8-0.

Public Comment

Ms. Stanaway spoke in opposition to the ballot proposal and asked them to consider buildings in stages designed to expand.

Pastor Holland spoke in protest against the resolution for the ARPA 2nd Tranche demanding that \$24 million be released back to the community.

Ms. Whitfield spoke on the ARPA 2nd Tranche Resolution and outlined a program Woman's Opportunity House asking for funding to be provided to the program.

Ms. Morris-Hall spoke on support of the Potter Park Zoo Society and the funding that was proposed to them from the ARPA Resolution which was no longer included, noting to the Committee that their Society is not funded by the Ingham County.

Ms. Eldridge spoke in opposition to the ARPA agenda item and asked them to reinstate the PILOT housing program.

Mr. Gillespie spoke on funding he was promised by the Mayor and voiced his concerns with the withdrawal of that funding.

PJ Puchalla spoke on behalf of the YMCA of Lansing and the funding they expected that they were not getting now.

Ms. Kim spoke on behalf of the YMCA of Lansing and funding that was in the ARPA funding that is no longer there.

Ms. Bordayo spoke on the funding support for the YMCA from the ARPA funds they thought they were getting and is now no longer in the resolution.

Ms. Shimmel spoke in support of the funding for the YMCA

Casey Thompson spoke in support of the funding for the YMCA.

Ms. Nanasy spoke on crime and safety concerns in her area, and then asked Council to vote down the resolution on the ARPA funding.

Mr. Copedge spoke on the ARPA funding and the groups that submitted proposals to the Mayor with their ideas or projects. He then noted his concerns that the funding is proposed to municipal projects and asked for more funding to go back to the projects that went to the Mayor along with youth projects and housing.

Mr. Mercer spoke in opposition to the ballot proposal.

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Presentations

Capital Region Airport Authority

Ms. Nolls- Williams began going through the presentation in the packet and provided updates on upcoming projects and updates since she began in May 2021.

Council Member Garza stepped away from the meeting at 6:17 p.m.

Ms. Nolls-Williams went through the Authority Board of Directors and the Executive Summary.

Council Member Garza returned to the meeting at 6:18 p.m.

Ms. Nolls-Williams highlighted key priorities, location in three counties, the details for Mason Jewett Field Airport and Port Lansing,

Council Member Daniels stepped away from the meeting at 6:21 p.m.

Ms. Nolls – Williams spoke about container freight station, and then moved to development overview and updates. And cargo ramp expansion in the future

Council member Daniels returned to the meeting at 6:24 p.m.

The presentation moved into site plans and utility infrastructure projects.

Council Member Jackson stepped away from the meeting at 6:29 p.m.

Ms. Nolls- Williams concluded with the master plan update.

Council Member Jackson returned to the meeting at 6:32 p.m.

Council Member Spadafore acknowledged Ms. Nolls-Williams for her presentation and how vital the airport is to Lansing and what it is bringing to the community.

Council Member Spitzley ask how they are approaching the larger corporations in the City to think about using Capital City Airport and how the cargo expansion will work into the larger master plan. Ms. Nolls- Williams acknowledged the community support is necessary and the coalition is key and part of their policy. Regarding the cargo expansion, she stated they are continuing meetings and discussions with all the carriers.

Council Member Wood asked if Clinton or Eaton counties are contributing to the airport, and which Ms. Nolls-Williams responded that she is having discussions with both, but currently they are telling her they are not ready to put it on the ballot, but she asked for encouraging from the City of Lansing to make people aware that the airport is an economic tool for the entire region and appreciated any support.

Discussion/Action

RESOLUTION – Reappointments; Patty Farhat, Samuel Brewster, Trevor Benoit, John Shaski and Diane Sanborn

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE RESOLUTION FOR THE REAPPOINTMENTS NOTING THE APPROPRIATE SIGN OFFS HAVE BEEN MADE BY THE MAYORS OFFICE THEREFORE THEY MEET THE CRITERIA.. MOTION CARRIED 8-0.

DRAFT

RESOLUTION – Lansing Board of Water and Light (LBWL) Return on Equity Agreement, Amendment #6

Council President Hussain recapped that this Return on Equity goes back to 1972 in lieu of taxes, and in 1992 there was a formal agreement that has been amended 5 times for expiration dates, percentages from BWL and most recently set amounts.

Ms. Shawa stated that Amendment 6 is a two year agreement through 6/30/2024, at which BWL recommended quarterly payments instead of biannual, at 6% of gross revenue with no cap.

Council Member Spadafore asked if previous was set amounts and if this was a percentage, and Ms. Shawa confirmed.

Council President Hussain asked if this proposed percentage would exceed the amount they would get if it was a set amount, and Ms. Shawa stated that the forecast has been adjusted for the new battery plan and so the average should be shortly over that.

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE RESOLUTION FOR THE LBWL RETURN ON EQUITY AMENDMENT NO. 6. MOTION CARRIED 8-0.

RESOLUTION – Ballot Proposal; Public Safety Building and Equipment Bond Proposal

Council President Hussain summarized that the ballot language is proposing up to \$175 million to address fire, police, courts and public safety investments. He then read the language of the ballot from the packet:

for the purpose of: erecting, acquiring and equipping new public safety buildings and the sites for such buildings, including but not limited to, police department facilities and fire department stations and training centers, court(s), detention and other related facilities; rehabilitating and updating existing such public safety buildings; acquiring and installing instructional/public safety technology and instructional/public safety technology equipment for new and existing public safety buildings; equipping and re-equipping existing public safety buildings; and developing, equipping and improving facilities, parking areas, driveways, infrastructure and sites?

Mayor Schor added that the program is a build, design aspects that has to be worked out however the longer the City waits the more expensive it will be. He added that at this time he still does not have a location but once he knows he will make it public.

Council Member Spadafore asked about the costs; cost per square feet of construction, noting there was nothing given to Council on any renovation costs. So in turn he asked Mr. McGraw what kind of investments it will be for the 3 stations that will be renovated. Mr. McGraw responded that they have an audit looking at what problems exist at those stations, but they have not looked at all problems in each and every station. In that case, they anticipate a contingency of the square footage with the same price per square foot giving each one an allowance. Council Member Spadafore voiced his concern that there are no renderings or costs so that Council and the public will know what they are getting out of the money. Mr. McGraw reiterated to Council that in the last 3-4 years the City has gone under space studies looking at facilities and trying to understand for what needs to be done now or in the future. The needs keep on increasing, however he assured the Council that since the last meeting have met with fire, police and court staff, noting their needs are increasing. He also assured them that they have taken a problematic approach to historical data from other cities like Lansing based on other studies done in the past..

Council Member Brown stepped away from the meeting at 6:56 p.m.

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Council Member Spadafore again stated his concerns because there will always be daily changes, and Council understands the need, however Council's concerns is that there are no lists of the renovations and funds to explain to the people. At this time he asked for more language for the public. Mr. McGraw attempted to explain that they started with the police, added in a contingency, did the same with fire, but fire at the time they added the contingency and inflation to approach most of the problems.

Council Member Brown returned to the meeting at 6:59 p.m.

Council Member Spitzley asked for the same details that Council member Spadafore asked for.

Mayor Schor acknowledged the serious needs and the administration will specify and share with the public. He assured Council they would have the list, be specific and can have both the fire and police Chief's in to talk more about it.

Council Member Daniels concurred with Council Members Spadafore and Spitzley on the concern of not knowing what the funds are going to and how important transparency on where every dollar is.

Council Member Garza supported earlier comments from other Council Members. He then asked Mr. McGraw to provide names of other projects they have done that are similar and if they use local labor. Mr. McGraw briefly provided historical data on their company which was started in 2008, and noted they have done developments in several states from retail to office, mixed use, student housing, affordable housing, public housing, and have done State, local and Federal projects. He then assured Council Member Garza they would use local labor. They added they did Fresh Thyme on Trowbridge in East Lansing, and were involved in the early 1990's with TIFA projects and MEDC projects. Lastly they assured Council again that they will know what the costs are before the bonds are issued. Council Member Garza again asked for a list of projects and if they use union labor. He then asked the Mayor if this will fall under the universal agreement, and the Mayor stated that it is a City project and the City will not sign a universal agreement with itself.

Council Member Wood noted that the ballot language speaks to equipment, and asked the Mayor if that equipment included vehicles. Mayor Schor confirmed it was equipment for the buildings.

Council Member Wood asked Mr. McGraw to confirm that when they speak to Station 1 of the LFD, that the Station is not going anywhere, it is the administrative portion is moving from that station and Mr. McGraw confirmed.

MOTION BY COUNCIL MEMBER WOOD TO TABLE ACTION UNTIL THE COMMITTEE OF THE WHOLE MEETING ON JULY 25, 2022. MOTION CARRIED 8-0.

Mayor Schor asked Council to send a list of questions to Ms. Boak to forward to his office so they can get them to the contractor for responses.

DISCUSSION – US Department of Housing and Urban Development Letter of Findings for Non-Compliance with CDBG Housing Rehabilitation Requirements CDBG Program
This discussion was moved to the July 25, 2022 Committee of the Whole meeting.

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RESOLUTION – American Rescue Plan Act (ARPA) 2nd Tranche Budget Appropriation

Council President Hussain spoke briefly to the public on what the ARPA funds are, the amount awarded so far in \$24,962,332 and the balance of \$24,962,332 the City will get. The Mayor's office referred their spending plan and it went before the Committee on Ways and Means. After review by the Committee the Mayor amended his referred resolution and that is what is front of the Committee today.

Council Member Spadafore presented to the Committee the time line of this resolution which began April, 2022. The original resolution accepted the funds and place them in general fund. He then noted that the Committee on Ways and Means met on May 4, 2022 and he listed the people in attendance and the request given for more details; May 23, 2022 and the people in attendance; June 6, 2022 and the people in attendance and June 13, 2022 and the people in attendance. People in attendance included representatives from Finance, Budget, Mayor's Office, Public Service, the Fire and Police Chief's and union steward representation on the fleet. Council Member Spadafore then noted that on June 16, 2022 the Mayor proposed a counter proposal which is what Council has in front of them now, and the OCA has informed Council that under the uniform budgeting act, since this is a supplement appropriation, Council's options are to accept or to reject. The original proposal Council did not believe was passable, and in the spirit of compromise the Mayor sent Council another option, the document in front of them now. Council Member Spadafore assured the public that what was sent to the Mayor from the Committee on Ways and Means was a working document proposal and no funds were cut or promised. Council Member Wood made it clear to the public nothing was removed, but they stated there were things that they could not support. Council Member Spadafore went through a spreadsheet in the packet speaking to ever item from what was originally proposed by the Mayor for programs, what Ways and Means considered and what the Mayor's 2nd proposal was. Council Member Spadafore noted the revenue losses that are ARPA eligible expenditures, with a few adjustments from the original, because of how the budget passed out, in all intensive purposes the City will be spending \$20.8 million for GF revenue loses for FY 2022/2023 and FY 2023/2024 in parking fund to allocate \$5 million for FY 2023/2024. City Council projects originally was proposed at \$2 million for Council to provide input on, and Committee instead provided input on the overall proposal and so removed that \$2 million, but instead provided the Mayor with \$1.09 million for him to determine what that should be spent on with the hopes he uses the same process he has done in the past for the original proposal.

Meeting recessed at 7:41 p.m. due to building alarms and evacuation.

Meeting reconvened at 8:10 p.m.

Council Member Spadafore summarized the spreadsheet he was going through before the recess.

MOTION BY COUNCIL MEMBER SPADAFORE TO APPROVE THE RESOLUTION FOR THE 2ND TRANCHE OF ARPA FUNDS.

Council President Hussain noted this would be an up or down vote, and in Committee it will require 5 votes to move out of Committee, but at Council it will need 6 votes to be approved.

Council Member Jackson arrived back to the meeting at 8:13 p.m.

Council Member Jackson asked about the fleet spending and eligible funds, and pre-COVID there were fleet issues already, should these funds be instead spent on household assistance PILOT program. Mr. Smiertka stated the funds are bound by Federal Law and Michigan

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Constitution and cannot “lend” a public credit. Council Member Jackson asked what “lend” is. Mr. Smiertka stated “lend” is a give away funds without any consideration unless there is a authority under the State statue. Council Member Jackson then spoke in support of the work done by organizations in the City, and since ARPA reads it can assist small businesses, households and non-profits, he stated his struggle that these groups met with the Mayor, vetted and brough forth and was told to him that some of these organizations were going to rely on what they were told by the Administration they would get.

Council Member Spitzley acknowledged the Committee on Ways and Means work and supported what they had proposed, but noted her strong concern is the misinformation that was given to the community, because Council cannot pick “winners” or “losers”, and there are more than 1,000 people who need assistance in the City. The proposals are worthy, but Council has to be careful, and she questioned if the organizations were not told Council had to approve this, and disappointed that these groups were told it was approved. She noted she has received calls from groups asking why Council is cutting their budget, and being told by the Administration that Council is taking money away was disappointing and misleading. She continued that there were groups that were not included in that original proposal that do worthy outreach, and when they reach out to the Administration they are directed to Council because being told it is Council doing this. The Mayor can distribute and allocate as he sees fit, and the money has not been washed away, and the statements being told to the groups are being told that Council is taking away their budget is wrong. The Mayor still has a funding source where organizations can appeal to the Mayor for funding an the Mayor in his discretion can allocate funding. Council Member Spitzley voiced her concern that funding groups but there are low income population that have Section 8 housing that can't find landlords to accept them, and funding the Lansing School Districts when they too got ARPA funding also.

Council Member Spadafore responded to Council Member Jackson inquiry on appropriated of funds from COVID funding which were distributed to rental assistance, BWL waiving shut off fees, CDBG funds, COVID 19 testing and vaccination clinics, and Council did act for a fiduciary for the region. These funds are one time investments, there have been deferred spending for infrastructure, and this was not binding, but Committee work after comprise. He concluded his belief that a vote against this is a vote against every single priority. Council Member Jackson restated that he believes Council does pick winners or losers, and he looks at this as partnerships where they do services for the residents in Lansing.

Mayor Schor addressed the process; they did a public forum and took input. After the input they reached out to anyone who came to them, telling them they were able to give funds to them even though they could not give them as much as they wanted. They did inform them of the funds that Finance determined they could be given. When Ways and Means passed their plan, they contacted the groups informing them of what Ways and Means removed and they provided them the Ways and Means resolution, agreeing there would be dollars available to them.

Council President Hussain recapped that the groups were under the impression they were “given” the funds. Council Member Wood stated that immediately after the Committee on Ways and Means passed their resolution, they were informed they could not pass a resolution, that this was an up or down decision, and since the Mayor did not agree with it, then it was a matter of an up or down on his original proposal. The OCA should have told the Mayor that the Committee resolution was not worth it. Council Member Spadafore there was debate before but it was a “late in the game” discovery in Committee by OCA.

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Council Member Wood asked for clarification. Council President Hussain stated a vote to in support is out of Committee to Council for action.,

MOTION CARRIED 7-1.

Other

No other topics discussed.

Adjourn

The meeting adjourned at: 8:35 p.m.

Respectfully Submitted by,

Sherrie Boak, Recording Secretary,

Lansing City Council

Approved by the Committee



MINUTES
Committee of the Whole & BWL Commissioners
Tuesday, July 19, 2022
REO Town Depot

CALL TO ORDER

Council Member Hussain and Commission Member Price called the meeting called to order at 5:30 p.m. with brief introductions.

PRESENT

Councilmember Adam Hussain
Councilmember Carol Wood- excused
Councilmember Jeremy A. Garza
Council Member Brian T. Jackson
Councilmember Peter Spadafore-excused
Councilmember Patricia Spitzley
Councilmember Brian Daniels- excused
Councilmember Jeffrey Brown
Commission Member Price
Commission Member James
Commission Member Graham
Commission Member Leek
Commission Member Zerkle
Commission Member Mullen
Commission Member Horwitt
Commission Member Thomas
Commission Member Merrill
Commission Member Jester- excused

OTHERS PRESENT

Sherrie Boak, Council Staff
LaVella Todd, Corporate Secretary
Lisa Hagen, OCA
Jim Smiertka, City Attorney
Jane Bais-DeSessa, Mayor's Office
Dick Peffley, BWL General Manager
Mark Matus, BWL General Counsel
Heather Shawa, BWL Chief Financial Officer
Steve Serkaian, BWL Customer Operations & Communications
Brandi Ekren, BWL Strategic Planning & Development

Breina Pugh, BWL Community Relations
Calvin Jones, Government Relations
Maria Koutisoukos, BWL
Kellie Christensen, Strategic Planning

PUBLIC COMMENT

No public comment.

DISCUSSION/ACTION:

Status/Update on Current city/LBWL Projects (i.e. Update on GM Battery Plant contract)

Mr. Peffley updated the group that they have broken ground and the contract with BWL is still being negotiated. The project is a 30% load increase for BWL. In addition they are currently working with 12 other companies who have voiced interest in working in the City.

Mr. Peffley added that they are embarking on a watermain project, looking to replace all the water infrastructure, increasing to 8 miles a year. This will begin in phases with 1 mile, 3 miles, 5 miles working their way up to 8 miles. This is removing streets, putting in infrastructure and then replacing. Most work will be in house workforce.

Mr. Leek asked Mr. Peffley asked what percentage of watermain will be in house, and Mr. Peffley stated 7 miles in house.

Council President Hussain asked if removal is full removal of road. Mr. Peffley said it will be the location of the main.

Possibility of Joint Annual Trainings Between LBWL and City (i.e., Anti-Harassment/Sensitivity, etc.)

Commissioner James stated she asked this to be on the agenda because of questions raised during her interview with Council for the Board. She voiced her interest any trainings they can participate with. Council President Hussain stated Council has annual in house training from OCA, and during interviews when asked, Council was hoping that BWL Board members were also participating in similar trainings. Chairman Price stated they do the same ethics training. Mr. Smiertka confirmed and stated if the Boards wants to have the same training as Council they can do that. Commissioner James confirmed they have had ethics and DEI training, asking for additional training. Mr. Smiertka stated if Mr. Mattus wanted to submit a list to the OCA they can put something together.

Status of Implementation of LBWL Strategic Plan

Ms. Kellie Christenson spoke briefly about the restructuring the division. Topics include plan recommendations, update resource plans for the new loads, and focus on energy reduction plans. Ms. Christenson added details on electric vehicle plans, solar plans, and will look at new programs for carbon neutrality. Council Member Jackson asked for suggestions for carbon neutrality. Ms. Christenson said pursuing programs with being creative for measuring, and also looking at other states out west on their experience. Council Member Garza asked if there are any thoughts of harnessing electricity from the Grand River. Mr. Peffley said they look at it, but the flow on the river is too slow. Commissioner Zerkle asked if BWL submits the strategic plan to Council annually, and it was confirmed.

Erickson Update

Mr. Peffley updated the group on the Erickson plant; in 2020 they started evaluating the soils and since then have installed 17 wells on site and are working with EGLE. Of 23 wells they offered alternative drinking water, 17 accepted, and they are in close contact with them. Erickson site is not having any impact on the BWL drinking system or BWL customers. So far

the ground water investigation does not point to BWL. Most of the levels were below the action level for adults, but somewhat higher for a child should drink of boron lithium. They have taken the ash off site, and feel confident that 10 years ago they spent \$10 million removing the source. He reiterated they are working with the home owners, compiling with what EGLE has asked. They still need more time to figure out the cause. Commissioner James asked Mr. Peffley if he anticipates there will be any legal action brought against the board, and Mr. Peffley stated he does not believe that will happen. He confirmed it is not the BWL problem, this is owned by Delta and Diamondale. Commissioner James asked how long, and she was told 2 years for resolution by Mr. Peffley.

Five Year Tree Trimming Cycle Update

Mr. Peffley confirmed they are in year 3, and trimming 5-6 years growth, and anything they cut, they are chipping and not having to leave wood left on sites. Tree removals now are being requested by the homeowner. Commissioner Mullen asked if they are moving to inhouse crews, and Mr. Peffley stated they are up to 3 inhouse crews. Council Member Jackson asked the BWL replanting process. Mr. Peffley confirmed they will provide trees if someone calls and asks for some, and now are more in the management of trees. Council Member Jackson asked if any neighborhoods have asked for some, and BWL stated there is a neighborhood grant program, and this year they did 60 trees. There were some on the west side, south Lansing near Alfred Schmidt, Frandora Hills for example. There are usually 60 per neighborhood, and one neighborhood was turned down because the request was too large.

Council Member Garza asked who was the first in outage restore. Mr. Peffley stated it is based on the average outage time per year, BWL 15 minutes 30 seconds, and Holland average is 15 minutes. He then provided information on when the train took down power lines at Hagadorn; 24 poles which effected 4200 customers. BWL was able to replace 24 poles in 18 hours.

Rolling Blackouts Imposed by Regional Power Grid Regulator

Mr. Peffley stated that the regulation agency, some states rely on energy sources and they are nervous on the month of July. BWL did put out the press release and held a meeting, outlining what is required, and the plan. Ohio has already had one where they did two days with rolling black outs of 12 hours. BWL spoke to staff and suggested 20 minutes rolling black outs as options since BWL is only getting 30 minute notice. The intent is to shed a circuit and after 20 minutes they would shed a new circuit and bring the first one back on, they would not shed circuits that are contiguous, it will not be on the outage map because they do not want to broadcast where there will be outages. Mr. Peffley concluded by stating probability is low this year, but wanted to be transparent. Again he stated the governmental regulation authority is not giving BWL options, it has to be done. Council Member Garza asked about the impact with electronic vehicles being more popular would there be more rolling black outs. Mr. Peffley stated if there are rolling blackout in Lansing, because someone hasn't planned adequately, it is not fair for that energy to be taken. Commissioner Zerkle asked if there is a safety system with the City to make them aware it will happen so LPD can address traffic lights, etc. Mr. Peffley confirmed they do have excellent communications with the City and the surrounding townships and County. Council President Hussain asked what would be the impact, if any, the plan for hospitals. Mr. Peffley stated they will not turn off critical infrastructure. Commissioner Price asked if it is possible BWL would ask the larger manufacturers to shed more. Mr. Peffley stated if there is more of a notice than 30 minutes they could consider asking. Commissioner Leek asked about adult foster care, and Mr. Peffley stated that is more problematic with manual circuit shut off, and mostly likely they will go out and there would be no liability because it is mandate by the Federal government. Commissioner Zerkle asked about residents that have oxygen in their home they need. Mr. Peffley stated there is a list people can get on with BWL, but they will be advised for 20-25 minutes

without power. Council Member Brown asked if BWL has the opportunity to connect with licensed service providers, to inform them so they can organizational prepare if it happened. Mr. Peffley when press release went out they met one on one with people who contacted them, but those were mostly commercial customers. He stated he could look into that and consider another press release with those licensed service facilities.

Ms. Bais- DeSessa formally introduced herself.

ADJOURN

The meeting adjourned at 6:25p.m.

Respectfully Submitted by,
Sherrie Boak, Recording Secretary
Lansing City Council
Approved by the Committee on



Chris Swope

Lansing City Clerk

July 8, 2022

President and Council Members
10th Floor City Hall
Lansing, MI 48933

Dear President and Council Members:

Pursuant to Article 5, Chapter 2, Section 5-203.5 and Section 5-203.6 of the Lansing City Charter, on July 5 2022 my office received and placed on file:

Board of Water and Light Annual Report, Budget for Fiscal Year 2023, and Capital Forecast for Fiscal Years 2023-2028

Sincerely,

Chris Swope, MMC/MiPMC
Lansing City Clerk



Lansing Board of Water and Light
P.O. Box 13007
1201 S. Washington Avenue
Lansing, MI 48910

Electronic Delivery

July 5, 2022

Chris Swope, City Clerk
City of Lansing
124 W. Michigan Avenue, 9th Floor
Lansing, MI 48933

RE: Budget for Fiscal Year Ending June 30, 2023
Capital Forecast for Fiscal Years 2023-2028

Dear Mr. Swope:

In accordance with provisions of the Lansing City Charter, Article 5, Chapter 2, Section 5-203.5, and Section 5-203.6, a copy of the Lansing Board of Water and Light Budget for Fiscal Year ending June 30, 2023, and a copy of the Lansing Board of Water and Light Capital Improvement Plan for Fiscal Years 2023-2028 are attached for filing with your office.

The Board of Commissioners adopted the Budget and accepted the Capital Forecast for Fiscal Years 2023-2028 at a regular board meeting held May 24, 2022.

Respectfully submitted,

LaVella J. Todd
Corporate Secretary

PDF Attachment

Electronic Copy:

Dick Peffley, General Manager
Heather Shawa, Chief Financial Officer
Andy Schor, Mayor City of Lansing, MI
LBWL Commissioners
Lansing City Council President Adam Houssein, and Councilmembers

FY 2023 Income Statement by Utility

FY 2023 Income Statement	Electric	Water	Steam	Chilled Water	Total
Sales (MWh, ccf, Mlb, ton-hrs)	3,330,219	8,241,032	579,159	9,284	
Operating Revenue					
Residential	\$ 82,397,876	\$ 20,285,434	\$ 16,345	\$ -	\$ 102,699,655
Commercial	\$ 130,401,758	\$ 16,647,724	\$ 9,622,011	\$ 5,837,807	\$ 162,509,300
Industrial	\$ 37,880,677	\$ 1,796,479	\$ 2,725,188	\$ -	\$ 42,402,344
Wholesale	\$ 86,397,402	\$ 4,127,965	\$ -	\$ -	\$ 90,525,368
Other	\$ 16,663,488	\$ 7,432,641	\$ 18,652	\$ -	\$ 24,114,781
Total Operating Revenue	\$ 353,741,202	\$ 50,290,243	\$ 12,382,195	\$ 5,837,807	\$ 422,251,447
Operating Expenses					
Fuel & Purchased Power	\$ (133,562,005)	\$ (5,401,005)	\$ (3,641,642)	\$ -	\$ (142,604,652)
Depreciation	\$ (55,409,905)	\$ (9,808,953)	\$ (3,778,721)	\$ (1,687,589)	\$ (70,685,168)
Other Operating Expenses	\$ (107,307,817)	\$ (31,780,277)	\$ (5,784,279)	\$ (4,885,911)	\$ (149,758,283)
Total Operating Expenses	\$ (296,279,727)	\$ (46,990,235)	\$ (13,204,641)	\$ (6,573,500)	\$ (363,048,103)
Total Operating Income	\$ 57,461,475	\$ 3,300,008	\$ (822,446)	\$ (735,693)	\$ 59,203,344
Non Operating Income/(Expenses)					
Return on Equity to City	\$ (20,847,485)	\$ (2,963,819)	\$ (729,736)	\$ (344,047)	\$ (24,885,087)
Interest Expense	\$ (22,861,557)	\$ (1,503,961)	\$ (1,764,566)	\$ (248,860)	\$ (26,378,943)
Other Non Operating Income/(Expenses)	\$ (2,818,611)	\$ 691,116	\$ (209,407)	\$ 265,193	\$ (2,071,708)
Total Non Operating Income/(Expenses)	\$ (46,527,653)	\$ (3,776,664)	\$ (2,703,708)	\$ (327,714)	\$ (53,335,739)
Total Net Income/(Loss)	\$ 10,933,823	\$ (476,656)	\$ (3,526,154)	\$ (1,063,407)	\$ 5,867,605
Forecasted Rate Increase	2.05%	9.50%	9.95%	4.00%	
Return on Assets	3.88%	0.33%	-2.74%	-4.46%	2.63%
Target Return on Assets	4.01%	4.01%	4.01%	4.01%	4.01%

FY 2023 Consolidated Cash Flow

FY 2023 Cash Flow	FY 2023
Beginning Cash (O&M & Receiving Fund)	\$ 132,524,878
Net Income	\$ 5,867,605
Depreciation	\$ 70,685,168
Loss on Disposal of Assets	\$ 5,292,113
DB and VEBA	\$ (16,605,094)
Commodity Cost Adjustment	\$ 602,838
Environmental	\$ (4,681,464)
Gas Pipeline Payment Refunds	\$ 7,001,546
Total Sources of Cash	\$ 68,162,711
Principal Payments on Bonds	\$ (13,410,000)
Principal Payments on Other Debt (CSO)	\$ (808,533)
Capital Expenditures	\$ (71,804,326)
REP	\$ (275,838)
Decommissioning	\$ (2,850,000)
Total Uses of Cash	\$ (89,148,696)
Net Cash Increase (Decrease)	\$ (20,985,985)
Ending Cash (O&M & Receiving Fund)	\$ 111,538,894
Days Cash on Hand	194
Minimum Cash Reserve Requirement	166

FY 2023 Capital Budget Summary

Capital by Utility and Location		FY 2023
Utility		
Electric		\$ 48,749,960
Water		\$ 12,879,162
Steam		\$ 1,797,085
Chilled Water		\$ 51,500
Common		\$ 8,326,619
Total Capital Portfolio		\$ 71,804,326
Location		
REO Plant		\$ 2,261,832
Delta Energy Park		\$ 2,000,000
Water Production		\$ 3,269,162
Electric T&D		\$ 43,221,038
Water T&D		\$ 9,150,000
Steam T&D		\$ 1,245,900
Chilled Water T&D		\$ 51,500
Other		\$ 10,604,894
Total Capital Portfolio		\$ 71,804,326

FY 2023-2028 Capital Improvement Plan

6-Year Capital by Utility and Location	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	Forecast Total
Utility							
Electric	\$ 48,749,960	\$ 42,282,331	\$ 48,138,534	\$ 47,079,164	\$ 45,009,986	\$ 41,594,924	\$ 272,854,899
Water	\$ 12,879,162	\$ 15,914,519	\$ 14,501,390	\$ 17,046,000	\$ 18,298,000	\$ 19,334,819	\$ 97,973,890
Steam	\$ 1,797,085	\$ 1,898,605	\$ 3,452,557	\$ 3,074,241	\$ 3,316,253	\$ 2,076,741	\$ 15,615,482
Chilled Water	\$ 51,500	\$ 53,045	\$ 54,636	\$ 56,275	\$ 57,964	\$ 1,247,889	\$ 1,521,309
Common	\$ 8,326,619	\$ 8,687,252	\$ 6,910,602	\$ 6,435,917	\$ 6,167,375	\$ 7,337,106	\$ 43,864,870
Total Capital Portfolio	\$ 71,804,326	\$ 68,835,752	\$ 73,057,719	\$ 73,691,597	\$ 72,849,578	\$ 71,591,478	\$ 431,830,450
Location							
REO Plant	\$ 2,261,832	\$ 1,500,000	\$ 2,956,400	\$ 4,708,500	\$ 1,500,000	\$ 1,500,000	\$ 14,426,732
Delta Energy Park	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ 12,000,000
Water Production	\$ 3,269,162	\$ 3,594,519	\$ 3,601,855	\$ 2,410,365	\$ 2,715,097	\$ 2,052,386	\$ 17,643,384
Electric T&D	\$ 43,221,038	\$ 37,270,831	\$ 38,461,967	\$ 36,047,004	\$ 31,159,860	\$ 24,191,411	\$ 210,352,111
Water T&D	\$ 9,150,000	\$ 12,320,000	\$ 10,899,535	\$ 14,635,635	\$ 15,582,903	\$ 17,282,433	\$ 79,870,506
Steam T&D	\$ 1,245,900	\$ 1,849,527	\$ 3,452,557	\$ 3,074,241	\$ 2,016,253	\$ 2,076,741	\$ 13,715,219
Chilled Water T&D	\$ 51,500	\$ 53,045	\$ 54,636	\$ 56,275	\$ 57,964	\$ 59,703	\$ 333,123
Other	\$ 10,604,894	\$ 10,247,830	\$ 11,630,769	\$ 10,759,577	\$ 17,817,501	\$ 22,428,805	\$ 83,489,376
Total Capital Portfolio	\$ 71,804,326	\$ 68,835,752	\$ 73,057,719	\$ 73,691,597	\$ 72,849,578	\$ 71,591,478	\$ 431,830,450



Chris Swope
Lansing City Clerk

July 8, 2022

President Hussain and Council Members
124 W. Michigan Ave., 10th Floor
Lansing, MI 48933

Dear President Hussain and Council Members:

Pursuant to Article 5, Section 5-105.8 of the Lansing City Charter, the attached Rules of Administrative Procedure for the Board of Water and Light Board of Commissioners have been approved as to form by the City Attorney and placed on file in my office.

The Charter stipulates that these rules will be effective at the conclusion of the Council meeting at which they are received unless the Council directs otherwise.

The Charter further allows the Council to object to the rules in whole or in part and to return them to the board proposing their adoption with a statement of its objections and recommendations.

Sincerely,

Chris Swope, MMC/MiPMC
Lansing City Clerk

**BOARD OF WATER AND LIGHT
OF THE CITY OF LANSING, MICHIGAN
RULES OF PROCEDURE
APPROVED BY BWL COMMISSION: ~~MAY 26, 2015~~ MARCH 22, 2022
CITY COUNCIL EFFECTIVE: ~~JUNE 8, 2015~~ _____, 2022**

1. MEETINGS

1.1 Regular Meetings

1.1.1 The **Lansing** Board of Water and Light (BWL) **Board of Commissioners (Board)** shall hold regular bi-monthly meetings on the fourth Tuesday of the month ~~in~~ **at** the REO Depot, 1201 S. Washington Ave., Lansing, Michigan 48910 or at such other place, as the Board shall determine, unless a regular meeting is rescheduled as provided herein.

1.1.2 A schedule of dates, places and times for each regular bi-monthly meeting to be held in the **next** calendar year shall be adopted by the Board ~~during~~ **in** November of the preceding year.

1.2 Special Meetings

1.2.1 Special Meetings of the Board shall be called by the General Manager or **Corporate** Secretary ~~on the~~ **upon** request of the Chair**person** of the Board or ~~on the~~ **upon** request of any ~~two~~ **four (4)** Voting Members.

1.2.2 Members of the Board shall have at least **eighteen (18)** hours written notice of a Special Meeting designating the time and purpose of such meeting. The notice shall be ~~delivered personally~~ **provided** to each Member of the Board ~~or left at his or her usual place of residence or business~~ by the **Corporate** Secretary or someone designated by the **Corporate** Secretary. **Acknowledgement of notice is required from each member of the Board and may be in the form of an electronic communication (i.e., email).**

1.3 Rescheduled Meetings

1.3.1 The Chair**person** may reschedule any regular or Special Meeting.

1.3.2 Notice of any rescheduled meeting shall be given ~~as required~~ pursuant to Section 1.2.2; and Section 2.2.

1.4 Conflicting Times

The schedule of regular Board **and Special Meetings** shall not conflict with regular meetings of the Lansing City Council.

1.5 Committee of the Whole Meetings

- 1.5.1 The Board may convene as a Committee of the Whole upon call by the Vice Chair**person** or any ~~two~~ **four (4)** Voting Members of the Board.
- 1.5.2 Notice shall be provided in accordance with ~~the provisions for Special Meetings~~ **Section 1.2** and State law.
- 1.5.3 The Committee of the Whole shall report its recommendations, if any, for consideration by the Board at a regular or Special Meeting.

1.6 Closed Meetings

- 1.6.1 Meetings that are closed to the public may be closed to the public only for those purposes permitted under the Michigan Open Meetings Act, as amended.
- 1.6.2 ~~No~~ **A** Non-voting Member shall participate in ~~any~~ **a** closed **session** meeting **unless** the subject of ~~which the Non-voting Member or the municipality(s) they represent~~ **has the closed meeting poses a conflict of interest to the Non-voting member or the municipality the Non-voting member represents** or a financial interest other ~~than as a citizen of the municipality~~. If a conflict of interest question is raised under this section at any Board meeting prior to going into closed session, such question shall be ~~determined~~ **resolved** by a majority **vote** of those Voting Members present and qualified to vote ~~before the main question shall be voted on. If the Non-voting Member is recused, they shall be prohibited from voting on or participating in the closed session.~~

2. NOTICE OF MEETINGS

2.1 Publication of Dates

A notice listing the dates of the regular **Board** meetings shall be published annually in a newspaper of general circulation in Ingham County, **Michigan** at least three **(3)** days prior to the time of the regularly scheduled meeting in January. ~~At the regularly scheduled meetings in November each year, the Board shall name the newspaper in which the notice shall be published.~~

2.2 Posting Notice

Notice of all meetings of the Board shall be posted in accordance with state law.

2.3 Designated Person

The **Corporate** Secretary shall be responsible for posting notices.

3. QUORUM FOR A REGULAR OR SPECIAL MEETING

3.1 Number Required

The presence of five **(5)** Voting Members of the Board **or the majority of Voting Members of the Board serving** shall ~~be~~ **constitute** a quorum for the transaction of business at all regular and Special Meetings.;

3.2 Lack of Quorum

In the absence of a quorum, those present may adjourn any meeting or hearing to a later date or **choose to** hold the meeting ~~for the purpose of considering such~~ **to discuss** matters ~~as are~~ on the agenda. **However, No** action taken in the absence of a quorum shall be valid or effective unless and until ratified and confirmed at a subsequent regular or Special Meeting at which a quorum is present and at which five **(5)** affirmative votes **or the majority of Voting Members of the Board serving** are given for ratification.

4. OFFICIAL ACTION AT REGULAR OR SPECIAL MEETINGS

4.1 Official Action

The concurring vote of the majority of all Voting Members of the Board serving shall be necessary for **all** official action and such vote may only take place at regular or Special Meetings of the Board on the following items:

- ~~4.1.1~~ a. Adopting the annual fiscal year budget and any amendments thereto.
- ~~4.1.2~~ b. Adopting rates for furnishing electric, water, and steam service.
- ~~4.1.3~~ c. Appointment or removal of the Director, Internal Auditor, and **Corporate** Secretary.
- ~~4.1.4~~ d. Purchase and sale of real property.
- ~~4.1.5~~ e. Sale or exchange of facilities as set forth in 5-207 of **the** Lansing's City Charter.
- ~~4.1.6~~ f. Providing compensation, benefits, conditions of employment, and retirement plans.
- ~~4.1.7~~ g. Removal of a Member from service as an officer, except at the expiration of the officer's term.

- ~~4.2~~ Except as may be required by law or by ~~sSection 10.1.4~~ **3**, all other matters considered by the Board shall require the affirmative vote of a majority of Voting Members present at a regular or Special Meeting.

4.2 Resolutions

~~4.3~~ The Board speaks through resolutions. A Member of the Board may only speak on the Board's behalf in accordance with its resolutions. *See 19.2.3.*

5. VOTING

5.1 Roll Call Vote

5.1.1 A **2/3** roll call vote shall be required for holding a closed ~~meeting session~~ as specified by the Open Meetings Act ~~or upon request of any Voting Member.~~

5.1.2 All Voting Members ~~and Non-voting Members~~ shall be required to participate in a vote to go into closed session as required by the Open Meetings Act.

5.2 Unanimous Consent

If there is no objection to the proposed action, the action may be taken by unanimous consent, except actions required by roll call vote pursuant to these ~~rules~~ **Rules of Procedure, Lansing City Charter**, ~~the Charter of the City of Lansing~~, or the laws of the State of Michigan.

5.3 Conflict of Interest

If a Board Member has a conflict of interest on an issue before the Board, he or she shall reveal the conflict, ~~not participate in discussion or any decision regarding the issue~~, and shall **recuse themselves from all discussions, deliberations and decisions related to the issue** ~~refrain from discussing the issue with any other Board Member or~~ **BWL staff. In no event will a Member of the Board vote on any issue upon which that Member has a conflict of interest or a financial interest other than as a citizen. If a conflict of interest is raised at any Board meeting, such issue shall be determined by a majority vote of the Voting Members present before the main issue shall be voted on, but the Member of the Board affected shall not vote on such determination.**

6. ANNUAL ORGANIZATION

The Board shall organize at its first regular meeting following July 1,st or as soon thereafter as is reasonably convenient, by selecting one of its Voting Members as **Chairperson** and, one of its Voting Members as **Vice Chairperson**, each of whom shall serve until the first regular meeting in the following July or **until** a successor has been selected.

A Commissioner who serves as Chairperson or Vice Chairperson of the Board cannot serve as the Chairperson of a Standing Committee other than the

Executive and Board Pension Fund Trustees Committees.

7. DUTIES OF OFFICERS

7.1 Chairperson

The **Chairperson** shall preside at all regular or Special Meetings of the Board ~~and as well as~~ public hearings conducted by the Board. **The Chairperson shall** see that all orders and regulations are executed and complied with, see that all legal contracts with the BWL for or in the name of the City are performed, and shall perform such other duties as may be from time to time lawfully required of the **Chairperson**. The **Chairperson** shall also be an ex officio member of all committees of the Board, unless the **Chairperson** is an official member of a Committee. If the **Chairperson** is an official member of a Committee, she or he shall possess all voting privileges. It shall not be necessary for the **Chairperson** to relinquish the ~~e~~**Chairperson position** for the purpose of participating in debate or for the making of routine motions and resolutions.

7.2 Vice Chairperson

In the absence of the **Chairperson**, the Vice **Chairperson** shall perform all the duties and have all the powers of the **Chairperson**. The Vice **Chairperson** shall also preside over meetings of the Committee of the Whole.

7.3 Past Chairperson

The most ~~immediate~~ **recent** past **Chairperson** of the Board who is not currently serving as **Chairperson** or Vice **Chairperson** of the Board shall be designated "Past **Chairperson**." If no Past **Chairperson** is serving on the Board, the Voting Members of the Board shall select a Voting Member to assume the duties of the Past **Chairperson** as set forth in these Rules of ~~Administrative~~ Procedure. The Past **Chairperson** shall assume the duties of the **Chairperson** when neither the **Chairperson** nor the Vice **Chairperson** ~~is~~ **are** present.

8. CHARTER POSITIONS

8.1 Director, **Corporate Secretary and Internal Auditor**

The Voting Members of the Board shall, at its first regular meeting following July 1st of each year, or as soon as practicable thereafter, appoint a Director, an Internal Auditor and a **Corporate** Secretary. The Director shall also be known as the General Manager, and shall be the highest executive officer of the ~~Board of Water and Light~~ **BWL**. The Internal Auditor shall also be known as the Director of Internal Audit. These positions shall be contract positions, shall report directly to the Board of Commissioners, and shall serve at the pleasure of the Board of Commissioners.

8.2 Contract Reviews

Unless otherwise determined by the Board of Commissioners, contract reviews for the Charter Position employees shall commence no later than sixty (60) days prior to the end of the fiscal year and be completed no later than the start of the next fiscal year.

8.3 Exit Interviews

Unless otherwise determined by the Board of Commissioners, an exit interview shall be offered by the Chairperson of the Human Resources Committee in accordance with the Board of Water & Light exit interview procedure two weeks prior to the departure or retirement of a Charter Position.

9. STANDING COMMITTEES

9.1 Committees

9.1.1 In order to carry out its policymaking obligations, the Board of ~~Water and Light~~ Commissioners shall meet as often as needed, as one or more standing committees or ~~ad hoc~~ **Ad Hoc** committees, in the REO Depot, 1201 S. Washington Ave., Lansing, Michigan 48910 or at such other place, as the Board shall determine. Notice of these meetings shall be provided in accordance with the Lansing City Charter and state law.

9.1.2 Committees shall have no authority to exercise the collective powers and duties of the Board of Commissioners except as expressly authorized by an adopted resolution of the Board of Commissioners.

9.2 Standing Committees

~~9.2.1~~ The following standing committees shall be appointed by the Chairperson **based upon the request of the appointed Commissioner** as provided in 9.4: **Finance, Human Resources, Nominating, and Executive.**

~~Finance~~

~~Human Resource~~

~~Nominating~~

~~EXECUTIVE~~

~~9.2.2~~ **9.2.1** The Finance Committee shall have ~~oversight~~ responsibility for financial performance measures and audits, capital expenditures and returns, bond indebtedness and credit rating, annual Operations & Maintenance budget, rate review, and the investment policies of the retirement plans.

~~9.2.3 The Nominating Committee shall at its first regular meeting following July 1st of each year, nominate a slate of officers at its annual organizational meeting and shall endeavor to rotate officers of the Board annually.~~

~~9.2.4~~ **9.2.2** The Human Resources Committee shall have oversight responsibility for non-bargaining salary adjustments, employee survey results, labor relations, performance appraisal review for Board-appointed positions, Board staff appointments, salary, wages, and employee benefits.

9.2.3 The Nominating Committee shall, at its first regular meeting following July 1 of each year, nominate a slate of officers and shall endeavor to rotate officers of the Board annually, pursuant to Section 6. Annual Organization.

~~9.2.5~~ **9.2.4** The Executive Committee shall, during the intervals between the Board of Commissioners' meetings, assist in the development of the BWL's position on major issues and submit and recommend the position to the Board for consideration and action. The Executive Committee shall consider and act upon such other activities as directed or referred to it by the Board or as otherwise specified in these Rules of Procedure.

9.3 Ad Hoc Committees

Ad Hoc committees shall convene whenever the need arises to address an issue or topic that would not appropriately fall within any of the other standing committees and would not require the attention of the Committee of the Whole.

9.4 Appointment of Standing and Ad Hoc Committees

The Chairperson shall appoint Members to the standing committees and such other ~~Ad Hoc~~ committees as the Board may ~~from time to time~~ establish. The first Voting Member named on each committee shall be the Chairperson of the committee.

Standing Committees: All standing committees, except the Executive Committee, shall have four (4) regular Voting Members and two (2) alternate Voting Members who shall serve in the absence of regular Voting Member(s). The Executive Committee shall have four (4) Voting Members, including the Chairperson, Vice Chairperson and Past Chairperson and one (1) Member elected by the Voting Members, whose term shall be concurrent with the terms of the Officers. The Chairperson may appoint additional Non-voting Members to any committee.

The Nominating Committee shall not consist of any Members who intends to run for an officer position.

Ad Hoc Committees: The Chair**person** shall appoint Members of any ~~a~~**Ad h**Hoc committee. An ~~a~~**Ad h**Hoc committee may have any number of Members.

9.5 Sub-Committees Authorized

The Executive Committee shall establish ~~such~~ sub-committees as deemed necessary.

9.6 Quorum for Committee Meetings

A quorum for a ~~s~~Standing or ~~a~~**Ad h**Hoc committee shall be three (3) Voting Members of the **committee** ~~Board~~.

9.7 Committee Meetings

~~Meetings of s~~Standing or ~~a~~**Ad h**Hoc committees **meetings** may be called by the General Manager or **Corporate** Secretary on the request of the Chair**person** of the Board, Chair**person** of a committee or any two **(2)** Voting Members on the committee.

9.8 Committee Reports

Each ~~s~~Standing or ~~a~~**Ad h**Hoc committee shall report its recommendation, if any, for consideration by the Board at a regular or Special Meeting.

Upon adoption of a motion to accept (or approve) a committee report, the recommendation of the committee becomes the action of the Board; provided, however, if any resolutions are necessary to carry out the report, they shall be enacted separately pursuant to ~~s~~Section 19.5.

9.9 Committee Resolutions

Committee reports recommending action by the Board shall ~~have incorporated in the report~~ **contain** the necessary resolutions or motions to accomplish the action.

~~9.10 Discharge of Consideration~~

~~A committee shall be discharged of any matter referred to it by an affirmative vote of two-thirds of the Board.~~

10. AGENDA FOR REGULAR MEETINGS

10.1 Order of Business

10.1.1 The order of business at any regular meeting of the Board shall be as follows:

1. Roll Call
2. Approval of Minutes

3. Public Comments on agenda items ~~shall be~~ (limited to three (3) minutes unless waived at the discretion of the Chair**person**)
4. Communications
5. Committee Reports
6. General Manager's Recommendations
7. Unfinished Business
8. New Business
9. Resolutions
10. Manager's Remarks
11. Remarks by Members of the Board.
12. Motion of Excused Absence
13. Public Comments on BWL-related matters ~~shall be~~ (limited to three (3) minutes unless waived at the discretion of the Chair**person**)
14. Adjournment

10.1.2 In the absence of any objection, the presiding officer shall have the discretion to vary the order of business.

~~10.1.3~~ **10.2** Preparation of Agenda

An agenda shall be prepared by **the Board Chairperson with the assistance of the Corporate Secretary, in consultation with the Committee Chairperson** and the General Manager and made available for distribution ~~three days preceding~~ **within eighteen (18) hours prior to** a regular or Special Meeting ~~for informational purposes only. However, the agenda is subject to unilateral change by the General Manager before the meeting.~~

~~10.1.4~~ **10.3** Changes to the Agenda

In the absence of any objection, the General Manager or any Voting Member of the Board may add or subtract an agenda item at a meeting. In the event of **an** objection, an affirmative vote of the majority of the Voting Members of the Board shall be required to add or subtract an agenda item.

~~10.1.5~~ **10.4** Public Comments

The time limits of Sections 10.1.1.3 **and 10.1.1.13** apply to all Public Comments. Immediately following Approval of Minutes, the Chair**person** will announce that members of the public are invited to address the Board regarding any item on the agenda. Anyone wishing to comment on any matter not on the agenda may do so immediately prior to adjournment. The Chair**person** may exercise its discretion in prescribing how members of the

public will seek recognition, or extending time limits for comments under the circumstances, or in limiting remarks to the subject matter under discussion as provided in **Sections 10.1.1.3 and 10.1.1.13.**

~~10.1.6~~ **10.5** Reports and Recommendations of ~~Director and~~ General Manager

The ~~Director and~~ General Manager shall advise the Board ~~by mail~~ of Reports and Recommendations to be considered at each regular meeting.

11. AGENDA FOR COMMITTEE MEETINGS

11.1 Order of Business

11.1.1 The order of business at any committee meeting of the Board shall be as follows:

1. Roll Call
2. Public comment on agenda items ~~shall be~~ (limited to three (3) minutes unless waived at the discretion of the ~~Chairperson~~)
3. Agenda Topics
4. Other
5. Adjourn

11.1.2 A concurring vote of a majority of Voting Members on the committee present shall be necessary to move a recommendation to the Board.

12. PUBLIC HEARINGS

12.1 Date

The Board shall hold a public hearing at least thirty **(30)** days before the effective date of any changes in rate structure. The Board shall comply with the requirements of **Lansing City** Charter, Section 5-205.2 for public hearings regarding changes in the rate structure. The Board may also choose to hold **a** public hearing on other topics as necessary or appropriate.

12.2 Location

Although the Board will generally hold its public hearings in the REO Depot, 1201 S. Washington Ave., Lansing, Michigan 48910, the Board may conduct public hearings at such places that it determines will best serve the public interest.

12.3 Notice

Notice of the hearing will be placed in at least one (1) newspaper of general circulation in the Lansing, Michigan area, no less than fourteen (14) days

before the public hearing. The notice shall state the date, time, place and subject of the hearing. Notice shall also be posted electronically on the LBWL's website.

12.4 **Quorum**

A quorum of the Board shall be necessary to conduct a public hearing.

12.5 **Ex Parte Communications**

No Member shall engage in ex parte conversations about the topics of the public hearing, either before or after the hearing, until the full Board takes action on the topic.

12.6 **Open Meetings**

Public hearings shall be open to the public, in accordance with the Open Meetings Act.

12.7 **Public Comment**

Individuals and organizations are invited to comment on the topic of the public hearing, either orally or in writing. Written comments should be addressed to the **Corporate** Secretary and should be presented on or before the date of the hearing. Oral comments shall be presented at the public hearing. The Chair**person** may set reasonable limits on the length of oral presentations. Comments or conduct that disrupt the orderly conduct of meetings or hearings shall not be permitted.

12.8 **Transcript**

A transcript or recording of the hearing shall be **permanently maintained unless otherwise set forth in the BWL's approved Record Retention and Disposal Schedule** ~~made and kept for no less than three (3) years.~~

12.9 **Public Hearing on Rates**

In the case of a rate hearing, the Board may hold a separate meeting or meetings after the rate hearing to discuss the proposed changes to the rate structure and vote on the proposed changes. If the Board's discussions after the rate hearing indicate that it intends to raise any customer's rate higher than proposed during the public hearing, the Board shall hold an additional public hearing on the proposed higher rate in accordance with this section before voting on the rates. The Board is not required to hold any additional hearings in order to approve a rate lower than the rate proposed at the public hearing.

12.10 **Resolution Action**

If the Board acts on the topic discussed at the public hearing, it shall do so at a public meeting and shall approve a written resolution describing its

action.

13. MEMBERS OF THE BOARD

13.1 Attendance

Each Member of the Board shall attend all meetings of the Board in person unless otherwise excused. Each Member must attend at least fifty (50) percent of regular or Special Meetings of the Board and fifty (50) percent of assigned committee meetings during any fiscal year. Failure to do so may be grounds for removal by the City from the office as a Member of the Board.

13.2 Disqualification to Vote

Any Voting Member of the Board having a direct or indirect financial interest in any matter before the Board, or who may stand to gain or lose financially or otherwise due to action of the Board on any matter, shall indicate such interest to the Board and may be disqualified from voting on such matter as set forth in the Lansing City Charter.

13.3 Ethics

All Board Members are subject to Article 5, Chapter 5 of the Lansing City Charter (Ethics) and the **City of Lansing Ethics Ordinance**.

14. RECONSIDERATION OF ACTION

Any Voting Member may move to reconsider a previous action of the Board. Such motion to reconsider shall be made not later than the next regular Board meeting.

15. MINUTES

15.1 Preparation and Filing

The **Corporate** Secretary shall keep minutes of regular and Special Meetings of the Board and committees and shall file a copy of the Board minutes in the office of the City Clerk as a public record. No official action taken by the Board shall be valid or effective until a copy of the minutes of the meeting at which such action was taken is filed with the City Clerk.

15.2 Corrections

Corrections in the regular or Special Meeting or committee minutes shall be made not later than the next meeting after the meeting to which the minutes refer. The corrected minutes shall show both the original entry and the correction.

15.3 Delivery to Members

The **Corporate** Secretary shall provide each Member of the Board with a copy of the regular or Special Meeting minutes as soon as they are filed with the City Clerk. Corrected minutes shall be available no later than the next subsequent meeting after correction.

15.4 Public Inspection

Proposed minutes will be available for public inspection not more than eight (8) business days after the meeting to which the minutes refer. Approved minutes will be available for public inspection not later than five (5) business days after the meeting at which the minutes are approved. Copies of the minutes will be made available to the public at a reasonable estimated cost for printing or copying. (1976 Public Act 267).

16. CONFIDENTIALITY

16.1 Communications

Members of the Board shall treat all information marked “confidential” or “privileged” accordingly and shall not release such information to unauthorized individuals, unless disclosure is required by law. All such information shall be returned to the **Corporate** Secretary.

16.2 Closed Session

All written and verbal information obtained and/or discussed in Closed Session shall be confidential and never discussed or shared outside of Closed Session, unless otherwise specified by law.

17. CONTRACT LIMITATIONS

The Board shall not have the power to make any contract with or give any official position to any person who is known to be in default to the City.

18. AMENDMENTS

Any Voting Member of the Board may initiate amendments to the Rules of ~~Administrative~~ Procedure by presenting them in writing at any regular meeting. All Members of the Board must be notified of such amendments. **The amendments must be mailed-submitted** at least four (4) days before the amendment is to be voted upon. An affirmative **vote from** a majority of ~~the~~ Voting Members serving shall be required to amend the ~~Rules of p~~Procedure, after which the proposed revisions shall be forwarded to the City in compliance with **Lansing City** Charter, Section 5-105.8.

19. MISCELLANEOUS

19.1 Parliamentary Procedure

All questions of procedure not covered by these ~~Rules of Procedure~~ or the **Lansing** City Charter ~~of the City of Lansing~~ shall be governed by the

provisions in "*Robert's Rules of Order*."

19.2 News Media Regulations

19.2.1 Members of the news media shall be provided with a table in the Board Room for their use. They shall have made available to them, upon request, a copy of the General Manager's Recommendations and any data accompanying the recommendations not marked "*Confidential*" ~~at~~ **by** 10:00 a.m. one **(1)** working day prior to the date of the meeting.

19.2.2 Following the adjournment of a Board meeting, members of the news media may request interviews of Members of the Board.

19.2.3 All policy statements shall be made on behalf of the Board by the Chair**person**. *See 4.3.*

19.3 Vacancy, Resignation, Absence of Elected Officers

19.3.1 In the event the office of Chair**person** shall become vacant by death, resignation or otherwise, the Vice Chair**person** shall assume the office of Chair**person**, and the most immediate Past Chair**person** shall assume the office of Vice Chair**person**.

19.3.2 In the absence of the Chair**person**, Vice Chair**person** and Past Chair**person**, a Temporary Chair**person** shall be elected, who would hold office during the session, until the return or election of the Chair**person**, Vice Chair**person** or Past Chair**person**.

19.4 Freedom of Information Act

It shall be the policy of this Board to follow the provisions of Public Act 442, **of** 1976, as it may be amended by legislative enactment or judicial decision.

19.5 Resolutions

Any Voting Member of the Board may sponsor a resolution. Any resolution may be co-sponsored by other Voting Members of the Board. A resolution must be submitted for placement on the Agenda as specified under ~~Section Article X~~ **Section 10 - Agenda For Regular Meetings**. The sponsor of a resolution may withdraw the resolution at any time prior to enactment. Consent ~~to withdraw from~~ **to withdraw from** of the co-sponsors ~~to withdrawal~~ is not required.

19.6 Hiring Consultants

The Board of Commissioners may hire external consultants, such as accountants, but not outside legal counsel. The full Board will meet before a consultant is hired to determine the scope of the issues to be addressed by the consultant, the consultant's budget, and the scope of contact with the Board. One Board Member may be authorized as the primary contact with the consultant. If time constraints preclude a meeting of the full Board to discuss hiring the consultant, the Executive Committee may meet to approve the initial contact with the consultant, but may not authorize an expenditure of more than **one thousand dollars (\$1,000)** to a consultant without the approval of the full Board. The consultant's work product shall be written and shall be immediately transmitted to all Board Members upon completion of the requested work. All payments to consultants hired by the Board shall be deducted from the Board's budget. Board funds may not be expended to address an issue only applicable to one Member.

In general, Aall outside legal counsel must be hired by in-house counsel and in accordance with the Lansing City Charter. However, if a majority of Voting Members of the Board present at a regular or Special Board Meeting, as expressed by a vote of the Members, believe that there could be a conflict of interest between the Board and Management of the BWL, the in-house counsel shall be recused. The Board shall then request the Lansing City Attorney and/or the City Attorney's Deputies, not including the BWL's in-house counsel, to hire outside legal counsel.

19.7 Reimbursement of Board Member Expenses

19.7.1 Board Member Travel Expenses: The Board recognizes the value of membership and attendance at conferences, workshops, and ~~meetings~~ **seminars** at the state, regional, and national levels that are appropriate and ~~necessary~~ **useful** to ~~carry out Board of Water and Light business~~ **fulfill the Board's role**. ~~As such, t~~The Board **therefore** encourages:

1. The attendance of its Members in at least one out-of-state and one in-state conference, **workshop, or** seminar per year.
2. Each newly appointed Member of the Board is encouraged to attend a formal workshop on governance as offered by the American Public Power Association.

Additional travel must be pre-approved by the ~~Executive Committee~~ **Board**.

Travel expenses shall be reimbursed in accordance with the ~~Board~~ **BWL's Travel Expense & Reimbursement Policy**.

19.7.2 Board Member Miscellaneous Expenses: Members of the Board may incur additional business expenses while representing the ~~Board of~~

~~Water and Light~~ **BWL** in the community. Business expenses such as cell phone, business luncheons, and parking are such examples of legitimate business expenses. Upon filing a claim in the prescribed form, each Member of the Board shall be reimbursed for reasonable and necessary expenses incurred in the discharge of the Board Member's official duties, in accordance with the ~~Board BWL's~~ **Travel & Expense Reimbursement Policy and petty cash fund guidelines.**

The Executive Committee shall review Member expenses on a quarterly basis.

19.8 Definitions

As used herein, the following terms mean:

Member: Any member of the Board, including Voting Members and Non-voting Members.

Voting Member: Any Member of the Board appointed pursuant to Lansing City Charter, Section 5-103.2

Non-voting Member: Any Member of the Board appointed pursuant to Lansing City Charter, Section 5-103.12.

Adopted by the Board 5/8/79, and amended 8/14/79, 11/14/79, 3/11/80, 11/11/80, 7/14/81, 8/11/81, 7/13/82, 7/26/83, 6/26/84, 3/5/85, 12/18/90, 1/5/91, 3/3/08, ~~and 5/26/15, and 3/22/22.~~

From: elainedifi <elainedifi@gmail.com>
Sent: Sunday, July 10, 2022 10:32 PM
To: City Council
Subject: [EXTERNAL] LBWL

Below is my letter to the Lansing City Council regarding my objections to parts of the LBWL Board of Commissioners Rules of Administrative Procedure that I ask be the basis for the Council objecting to portions of the Rules as new limitations on the ability of the public to access information necessary to evaluate and provide public comment to the Board.

Elaine Dierwa Fischhoff

2536 Windbreak, Lansing, MI 48910
517-449-9713, ElaineDiFi@gmail.com

July 10, 2022

President Hussain and Council Members
124 W. Michigan Ave., 10th Floor
Lansing, MI. 48933

Re: Objections, in part, to the Lansing Board of Water and Light proposed Board Rules of Administrative Procedure

Dear President Hussain and Council Members:

The Lansing Board of Water and Light's proposed Board Rules of Administrative Procedure are **Item 25** on the **July 11, 2022 City Council Meeting Agenda**. According to the City Clerk's cover letter, the Lansing City Counsel may approval the Rules or object, in whole or in part, and return the Rules with a statement of objections and recommendations.

I believe the LBWL Board has approved language in its Rules that discourages, not encourages, public review and comment of its actions and policies. The Lansing City Council should exercise its power to object to that language. That is the premise supporting most of my proposed objections.

I respectfully request that the Council object in part to portions of the Rules for the reasons stated below. For clarity, the proposed Rule is quoted with LBWL's changes in boldface and deletions bracketed [], followed by a separate paragraph explaining each proposed change and my reasoning.

"1. MEETINGS

1.1 Regular Meetings

1.1.1 The Lansing Board of Water [and]/& Light (BWL) Board of Commissioners (Board) shall hold regular bi-monthly meetings on the fourth Tuesday

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of the month [in]/at the REO Depot, 1201 S. Washington Ave., Lansing, Michigan 48910 or at such other place as the Board shall determine, unless a regular meeting is rescheduled as provided herein."

I propose using acronym LBWL in this document, instead of BWL, to recognize that this institution continues to belong to the City of Lansing and its residents.

I also propose a provision allowing the Board to pass a resolution to meet via video-conferencing if allowed under State law. I further propose that any such resolution require providing a means for the public to "attend" and comment. We've experienced a pandemic that made **video-conferencing** necessary. The Rules should explicitly provide for such action.

" 1.5 Committee of the Whole Meetings

1.5.1 The Board may convenes a Committee of the Whole upon call by the Vice Chairperson or by any [two]/four (4) Voting Members of the Board."

I propose objecting to doubling the number of Voting Members of the Board — let it **remain at two** instead of raising the bar to 50% of the whole Board. I've never heard that there has been any abuse of the existing rule. Doubling the number impedes consideration of some action that two Members might choose to propose. It would be a greater restraint on Board Member action without any justification, to my knowledge, other than the recommendation of the LBWL's executive staff.

"2. NOTICE OF MEETINGS

2.1 Publication of Dates

A notice listing the dates of the regular **Board** meetings shall be published annually in a newspaper of general circulation in Ingham County, **Michigan** at least three (3) days prior to the time of the regularly scheduled meeting in January. ..."

I propose requiring the dates of the regular Board meetings to be **posted electronically on the LBWL's website**. The Internet has replaced printed newspapers for the most part. The Rules should recognize that.

Page 2

"4. OFFICIAL ACTION AT REGULAR OR SPECIAL MEETINGS

...

4.2. Resolutions

[formerly 4.3] The Board speaks through resolutions. A member of the Board may only speak on the Board's behalf in accordance with its resolution. *See 19.2.3.*" {News Media Regulations, italics in the original}

I propose adding a sentence here and/or in 19.2.3 explicitly recognizing **the right of any Board member to voice their personal opinions** on any matter related to the LBWL to avoid the perception that these Rules preclude such.

"10. AGENDA FOR REGULAR MEETINGS

...

10.1.2. Preparation of Agenda

An agenda shall be prepared by **the Board Chairperson with the assistance of the Corporate Secretary, in consultation with the Committee Chairperson and** the General Manager and made available for distribution [3 days preceding] **within 18 hours prior to** a regular or Special Meeting [for informational purposes only. However the agenda is subject to unilateral change by the General Manager before the meeting.]"

I propose retaining the 3 days notice requirement. The phrase "**within 18 hours**" is ridiculous as it means that the agenda need only be made available **18 HOURS OR LESS preceding the meeting**. Making it available 5 minutes before the meeting would conform to this provision but deprive the public of any meaningful opportunity to prepare and make comment at the meeting. LBWL should be increasing not decreasing its transparency. LBWL should be making easier, not more difficult, for the public to inform itself and comment on LBWL's actions and policies. LBWL shouldn't be allowed to make rules reducing public review.

For the same reasons, **I propose rejecting any suggestion that substituting the language "18 hours preceding a regular or Special meeting" be approved.** An 18 hour minimum preceding a meeting allows distribution to occur at 12:00 pm midnight the day before the meeting — with notice effectively becoming only 12 hours — assuming that someone gets up at 5:30 am, otherwise less — for the public to become

Page 3

aware of matters that will be considered and prepare any comment. LBWL should be increasing, not decreasing, its transparency. LBWL shouldn't be allowed to make rules reducing public review.

I also propose requiring the Agenda to appear electronically on the LBWL website at least 3 days before the meeting to, again, increase LBWL's transparency.

I also propose adding the **requirement that any documents supporting the Agenda** that will be provided to the Board, and thus become a document subject to a FOIA request, **accompany the Agenda** and also be required to be posted electronically on the LBWL website.

"10.5. Reports and Recommendations of the [Director and] General Manager

The [Director and] General Manager shall advise the Board [by mail] any Reports and Recommendations to be considered at each regular meeting."

I propose rejecting elimination of "by mail" as it permits the General Manager to provide his information and recommendation verbally to the Board. Without a document containing the information and recommendation, FOIA is not available. That decreases the public's access to information that will be considered by the Board in its decision making.

I also propose that any of the General Manager's Reports and Recommendations be reduced to written form and posted electronically on the LBWL website with the Agenda.

"12 PUBLIC HEARINGS

...

12.3 Notice

Notice of the hearing will be placed in at least one (1) newspaper of general circulation in the Lansing, Michigan area, no less than fourteen (14) days before the public hearing. The notice shall state the date, time, place and subject of the hearing. Notice shall also be posted electronically on the [L]BWL's website."

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I propose adding a requirement that the Notice provide **a link to any information pertaining to the subject of the hearing and also be posted** electronically on the website.

Thank you for considering my proposals.

Sincerely yours,

Elaine Dierwa Fischhoff

cc: Board of Commissioners for the Lansing Board of Water and Light (LBWL)
LEAT (Lansing Environmental Action Team) c/o Chair Randy Dykhuis
LWV Lansing Area, Environmental Advocacy Group c/o Chair Ellen Link
City Pulse
Lansing State Journal

**City of Lansing
Counties of Ingham and Eaton, State of Michigan**

RESOLUTION SUBMITTING THE ERECTING, ACQUIRING AND EQUIPPING NEW PUBLIC SAFETY BUILDINGS AND THE SITES FOR SUCH BUILDINGS, INCLUDING BUT NOT LIMITED TO, POLICE DEPARTMENT FACILITIES AND FIRE DEPARTMENT STATIONS AND TRAINING CENTERS, COURT(S), DETENTION AND OTHER RELATED FACILITIES; REHABILITATING AND UPDATING EXISTING SUCH PUBLIC SAFETY BUILDINGS; ACQUIRING AND INSTALLING INSTRUCTIONAL/PUBLIC SAFETY TECHNOLOGY AND INSTRUCTIONAL/PUBLIC SAFETY TECHNOLOGY EQUIPMENT FOR NEW AND EXISTING PUBLIC SAFETY BUILDINGS; EQUIPPING AND RE-EQUIPPING EXISTING PUBLIC SAFETY BUILDINGS; AND DEVELOPING, EQUIPPING AND IMPROVING FACILITIES, PARKING AREAS, DRIVEWAYS, INFRASTRUCTURE AND SITES, INCLUDING RELATED SITE IMPROVEMENTS AND APPURTENANCES, BOND PROPOSAL

Resolution #2022-###

By the Committee of the Whole
Resolved by the City Council of the City of Lansing

WHEREAS, the City Council of the City of Lansing (the “City”) has determined that it is in the best interest of the City and its residents and property owners of the City for erecting, acquiring and equipping new public safety buildings and the sites for such buildings, including but not limited to, police department facilities and fire department stations and training centers, court(s), detention and other related facilities; rehabilitating and updating existing such public safety buildings; acquiring and installing instructional/public safety technology and instructional/public safety technology equipment for new and existing public safety buildings; equipping and re-equipping existing public safety buildings; and developing, equipping and improving facilities, parking areas, driveways, infrastructure and sites, including related site improvements and appurtenances (the “Project”); and

WHEREAS, the City Council has determined that the City should borrow money in an amount not-to-exceed One Hundred Seventy-Five Million Dollars (\$175,000,000) and issue general obligation bonds of the City in one or more series for the purpose of paying the cost of the Project; and

WHEREAS, the City Council wishes to place a proposal to issue bonds for the Project before the qualified electors of the City at the general election to be held in the City on Tuesday, November 8, 2022 (the “Election Date”); and

WHEREAS, in order for the bond proposal to be submitted to the City’s electors on the Election Date, it is necessary for the City Council to certify the ballot wording of the proposal to the City and County Clerks as required by Act 116, Public Acts of Michigan, 1954, as amended (the “Michigan Election Law”).

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The bond proposal attached to this Resolution as Exhibit A (the "Bond Proposal") shall be submitted to a vote of the qualified electors of the City on the Election Date.
2. The ballot wording of the Bond Proposal is hereby certified to the City and County Clerks for submission to the City's electors on the Election Date. The City Clerk is hereby authorized and directed to file this Resolution and/or complete any such forms, certificates or documents as may be required by the County Clerk to evidence the foregoing certification and/or submission as required by the Michigan Election Law.
3. The City Clerk and the County Clerk are hereby directed to (a) post and publish notice of last day of registration and notice of election for the Election Date in the manner required by the Michigan Election Law, and (b) have prepared and printed, as provided by the Michigan Election Law, ballots for submitting the Bond Proposal on the Election Date, which ballots may include other matters presented to the electorate on the same date.
4. The estimated first year millage rate and simple average annual millage rate set forth in the Bond Proposal are reasonable estimates of such millage rates based on current assumptions.
5. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:
 - (a) As of the date hereof, the City reasonably expects to reimburse itself with the proceeds of debt to be incurred by the City for costs of the Project that were or will be paid subsequent to sixty (60) days prior to the date hereof.
 - (b) The maximum principal amount of debt expected to be issued for the Project is \$175,000,000.
 - (c) The expenditures described above are "capital expenditures" as defined in Treasury Regulation § 1.150-1(b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).
6. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

RESOLUTION DECLARED ADOPTED THIS 25th DAY OF JULY, 2022, BY ROLL CALL VOTE.

AYES _____

NAYS _____

EXHIBIT "A"

BALLOT PROPOSAL

Shall the City of Lansing, Ingham and Eaton Counties, Michigan, be authorized to borrow the sum of not to exceed One Hundred Seventy-Five Million Dollars (\$175,000,000) and issue its general obligation unlimited tax bonds therefor, in one or more series, for the purpose of:

erecting, acquiring and equipping new public safety buildings and the sites for such buildings, including but not limited to, police department facilities and fire department stations and training centers, court(s), detention and other related facilities; rehabilitating and updating existing such public safety buildings; acquiring and installing instructional/public safety technology and instructional/public safety technology equipment for new and existing public safety buildings; equipping and re-equipping existing public safety buildings; and developing, equipping and improving facilities, parking areas, driveways, infrastructure and sites?

The estimated millage that will be levied for the proposed bonds in [2023] is (3.90 on each \$1,000 of taxable valuation). The maximum number of years the bonds of any series may be outstanding, exclusive of any refunding, is thirty (30) years. The estimated simple average annual millage anticipated to be required to retire this bond debt is 3.90 mills (\$3.90 on each \$1,000 of taxable valuation).

Boak, Sherrie

From: lan48910 <lan48910@protonmail.com>
Sent: Monday, June 27, 2022 3:58 PM
To: Lansing Mayor; City Council
Subject: [EXTERNAL] Public Safety Bond Issue

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

I just saw the ballot language for the bond issue, is there more data that can be shared for this \$175M proposal? I did watch the committee of the whole meeting regarding this proposal. I agree the current buildings are in bad shape and most of the time was spent reviewing that; little time was spent on the cost of the project. What other info is available besides a program and single line item cost? I am concerned about the burden of this increased millage rate for Lansing residents. Let's be honest we have the worst performing schools in the area (yes we are trying to improve) and we have one of the highest tax rates. What compels a family to live here vs. one of the outlying cities that have lower taxes and better schools? This is going to make Lansing less attractive as compared to nearby cities for families.

Why is a developer being used and what is that costing the city? Is this developer providing land or do they have some unique expertise in this market? This East Lansing based developer has experience in student housing and retail but has none in this type of development. Why burden the cost of a project with a developer fee unless they are taking on some type of risk, providing land, etc. (from the presentation it looked like none).

I am asking you table this vote until some more due diligence can be done; this seems to be rammed through the system without much transparency.

Right now is a terrible time to procure construction services given the current market supply issues. I would support programming and designing a project so that when the market takes a turn there is a shovel ready project to capture that downturn.

Please take a pause and do a little more due diligence.

Thanks!

Sent with [Proton Mail](#) secure email.



July 21, 2022

Adam Hussain
City Council President
City of Lansing, Michigan

RE: Lansing City Council RFI to River Caddis Development for the Public Safety Campus

City Council President,

Please see the following question and answers through a request for information from multiple members of the council. We plan to walk through these in more detail and welcome additional questions immediately following our brief presentation Monday, July 25. We remain grateful for the thoughtfulness of these questions in getting to foundation of this project and hope our role is made clear that we are looking to be work with the City to create savings and efficiency in an exceedingly complicated process.

1. How much of the \$175 million will be **dedicated** to fire stations 1, 2, & 8?

As seen in the following table:

Police	Total Cost
General Construction - Hard Cost	\$ 57,138,120
Indirect - Soft Cost	\$ 16,115,880
Total Cost	\$ 73,254,000

Fire	
Station# 9 Replacement	\$ 13,739,400
Fire Training	\$ 2,502,600
Executive Admin	\$ 10,133,400
Station #1 Renovation	\$ 4,803,800
Station # 2 Renovation	\$ 2,490,000
Station # 8 Renovation	\$ 3,706,200
General Construction - Hard Cost	\$ 29,152,812
Indirect - Soft Cost	\$ 8,222,588
Total Cost	\$ 37,375,400

Courts & Lock-up	
Courts	\$ 25,322,400



Lock-Up	\$	7,755,000
General Construction - Hard Cost	\$	25,800,372
Indirect - Soft Cost	\$	7,277,028
Total Cost	\$	33,077,400

Total		
Total Hard and Soft Cost	\$	143,706,800
Owner Contingency (Approx. 10%)	\$	14,370,680
Inflation (Approx. 12%)	\$	16,580,543
Total Budget	\$	174,658,023

2. Will those funds be **prioritized** to ensure that the largess of the taxpayers is distributed across the city, **even if it means the scope of the central complex must be sacrificed to ensure promises made are promises kept?** The fire station renovations are important as well and are likely easily accomplished in early stages of the proposed project.

The prioritization of funds will come from the City. River Caddis will facilitate and organize a Steering Committee to assist in providing recommendations. This committee will be comprised of individuals who Build, Use, and Appropriate funds for this project. We will include the trade unions (who Build), the Police/Fire/Court Departments (who Use), and finally the elected officials of the City (who appropriate funds). This steering committee will be provided all of the necessary information needed to provide recommendations in prioritizing the funds and ensure the money is being used as planned, and in agreeable areas. The City will then take the recommendations into consideration while making final decisions on how the funds are allocated/prioritized. River Caddis is a representative of the City and will not be making the decisions for the City.

3. Has River Caddis ever worked on a project that hinged on the passage of a voter approved bond project? *I'm not curious about their ability to pass a bond, that's for others to worry about, but more have any of their P3 deals in other communities and states involved a bond that must be sold to voters to partially/fully finance a project of this scale?*

River Caddis has not worked on a project hinged on a voter approved bond project. However, River Caddis has engaged Grassroots Midwest (GRMW) to oversee the Campaign in its entirety.

River Caddis will also hold an RFQP/RFP with the City to engage and contract with Construction Managers, Architects/Engineers (Delivery Partners). These Delivery Partners, contracted by the City, will be overseen by River Caddis as an Owners Representative. All delivery Partners will need to provide ample qualifications showing completed municipal construction and design projects in Lansing, Michigan and beyond.



4. Why wasn't the full needs assessment (which appears to be ongoing), conducted before the proposal was made public?

Below, we have provided the assessments conducted and which ones are still ongoing.

The Stations needs assessment that have not been completed, were made aware after this project was made public. In the COW meeting taking place on the 25th, River Caddis will explain their role, and why this process is atypical from what the City and Council is accustomed to.

1. **The following needs assessment has been completed prior to being made Public**
 - a. **Police Department**
 - b. **Courts**
 - c. **Lock-up**
 - d. **Fire Station #9**
 - e. **Fire Station #8**
 - f. **Fire Training Center**
 2. **The following was not completed before made public: These stations were given a budgetary number used in similar projects in the State of Michigan. These studies will be completed prior to the ballot.**
 - a. **Fire Station # 1**
 - b. **Fire Station # 2**
-
5. Do we have a location? People want to know if it will be centrally located, a property that we have under our control now, a site that we don't own and don't have control over, etc?
 1. **We do not have a location under contract, we are currently working on getting control of a privately owned piece of property and is in an ongoing negotiation. Releasing this information would be detrimental to the negotiation.**
 6. 268k sq ft at \$175 million; what types of investments are we looking at for stations 1, 2, and 8 as they are not listed along with replacement schedule for others?

As seen in the foregoing table, located on page one.

7. With regard to renderings, projects and costs per facility, will this detail be available before the ballot? Does council consideration of this as a ballot proposal provide enough certainty for the development team to drill down on specifics in terms of what can most reasonably be done with the dollar amount, including contingency and consideration of inflation.

As stated within, River Caddis has engaged Grassroots Midwest as the advocacy campaign team. Grassroots Midwest will run an advocacy campaign asking voters to support. The City will separately educate the public on the need and benefit but will not advocate.





Information/Education provided to the public will contain the following information (but not limited to):

- 1. FAQ's**
 - 2. Project Scope**
 - 1. New development**
 - 2. Renovations**
 - 3. Project Timeline**
 - 4. Project Budget (Itemized per department/project)**
 - 5. The Need**
 - 6. What the Citizens are getting for the millage**
 - 7. Conceptual layout**
8. With regard to River Caddis Development, a.) provide examples of other similar projects that have been worked on by this firm; b.) provide information regarding historical use of local labor and keeping jobs and money local, as well as use of union labor and project-labor agreements; we understand this is a city project and the development team has to abide by our process, but more background and track record info for developer is desired c.)

Please see # 11 below.

9. The equipment discussed as part of the proposal pertains to building equipment and not vehicle purchases, correct?

Yes, correct.

10. Fire station 1 is not going anywhere, but rather the administration is moving to the new, centralized location, correct?

Yes, correct.

11. I know that you have represented municipalities for legal work, but Have you done a development deal like this for other public entities? What was the contractual structure for those projects?

The following is a list of projects River Caddis Development and/or their staff has completed:

MUNICIPAL:

- **West Side Fire Station, City of Charlotte, MI**
 - New 3,600 square feet fire house building
 - We were construction consultant for GC
- **Kalamazoo County Jail Expansion, Kalamazoo, MI**
 - 30,000 square feet two-story addition, new service and emergency drive
 - We were construction consultant for Kalamazoo County





- **Mason Fire Station, City of Mason, MI**
 - New 9,800 square feet fire station, drives, and parking
 - We were construction consultant for the City of Mason
- **Mason City Hall and Police Station, City of Mason, MI**
 - New 20,700 square feet two-story city hall and police station
 - We were construction consultant for the City of Mason
- **Woodhull Township Fire Station, City of Shaftsbury, MI**
 - New 8,500 square feet fire station, drives and parking
 - Architect hired us as Construction Consultant
- **Summit Township Fire Station, Jackson, MI**
 - New 5,400 square feet fire station, drives, and parking
 - Architect hired us as Construction Consultant
- **Parking Structure for County Courthouse, Ada County, ID**
 - Ada County in Idaho partnered with River Caddis to construct a 400-stall parking structure for their County Courthouse. RCD was the Developer on the project in a design, build, finance role. They completed the project on time and on budget to the County. The County took over ownership through a condominium structure at project completion and close out.

PRIVATE:

- **ALRO Steel** –Nationwide Owners Representative
 - Milwaukee/Oshkosh/Tulsa/York, PA/St. Louis/Louisville/Kalamazoo/Pottersville/Buffalo NY
- **Herbrucks** – Poultry Processing/Industrial – Owners Representative
- **Texas A&M** - Developer & Owners Representative
 - Student Housing/Mixed Use –1,017 bedroom community
- **Waco, TX/Baylor University** –Developer & Owners Representative
 - Student Housing
 - 500+bedrooms
- **Ames, Iowa/Iowa State University** –Developer & Owners Representative
 - 500+ bedrooms/mixed use/retail/hotel
 - Parking structure
- **East Lansing/MSU** – Developer & Owners Representative
 - 100 bedrooms/mixed use building
 - Rehabbed 63,000 sf of retail
- **Boise, Idaho** – Developer & Owner's Representative
 - Public Private Partnership with Ada County





- Constructed public parking lot of 400 spaces and 174 Unit Multifamily
- **Meridian, Idaho** – Developer & Owner's Representative (underway)
 - Awarded RFP to construct public parking structure, community center
 - Constructing 180 residential units on top
- **Cleveland, OH** – Owner's Representative
 - Rehabbed former Cleveland YMCA, built in 1911
 - 150 Units - Student Housing.
- **Grand Haven, MI** –Developer & Owners Representative
 - Owner's Representative
 - 125-unit Market Rate Multifamily
- **Atlanta, GA** – Owner's Representative
 - Multifamily 170+ units.

12. How do you get paid during this process?

River Caddis responded to an RFP in February 2021, where they submitted a proposal as a developer's representative on multiple projects (infrastructure, facilities, and entertainment). Our vision was to be true partner of the City and assist as their representative in development projects City-wide. We had noticed the City had numerous projects needed to be completed but lacked the workforce or resources to complete them. River Caddis was compensated for 6 months at \$25,000 per month, and a total of \$150,000.00; and utilized these funds to over the term to develop numerous project proposals. The compensation for River Caddis was paid by River Caddis to multiple construction management, legal, and financial third-party consultants/entities in developing these proposals.

River Caddis has expended several hundred thousand dollars in addition to the above for third party costs, which does not include any compensation for time spent by River Caddis or their employees. This is atypical for most, if not all Cities. However, we uncovered an incredible need for new facilities and had a fervent desire to have influence in the place we live and work. We will walk through the difference in a typical municipal project and our River Caddis model in the coming meeting. River Caddis will be compensated by through a Market Based Fee through an Owners Representative (at Risk) Role. This fee has not been negotiated or agreed upon by the Office of the City Attorney. We believe this will show the vision of the Mayor and why the City chose us to assist them in development of their Municipal Facilities.

13. Who will be the owner of the finished product? If you then do you anticipate selling it back to the City or leasing back to the City? For example, the State of Michigan Building downtown was developed and built by Ferguson and then leased back to the State of Michigan.

This is a City owned Project. River Caddis will have no ownership interest in any portion of this project.





Sincerely,
RIVER CADDIS DEVELOPMENT

JOHN MCGRAW
DIRECTOR OF DEVELOPMENT



**combined
public
safety
campus**



**Police Department
Fire Department
54-A District Court**

efficient. safe. optimized.

contents

- **Role, Experience & Why River Caddis?**
- **Efficient. Safe. Optimized.**
- **Approach**
- **Project Scope**
- **Renovation Scope**
- **Estimated Budget**
- **Timeline**
- **Summary**
- **Questions**

**role,
experience,
and why?**



**combined
public
safety
campus**

holistic objective

efficient.

safe.

optimized.

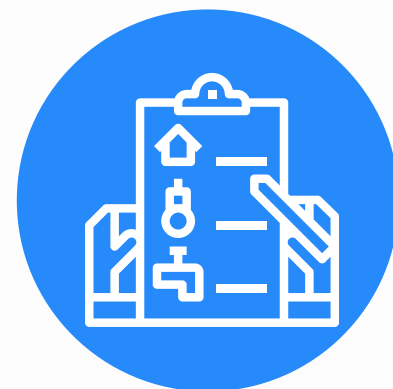
our approach



Review Historical
Studies/Audits



Compile in Universal
Document



Facility
Inspection/Audit



Interviews with
Departments and
Space Confirmation

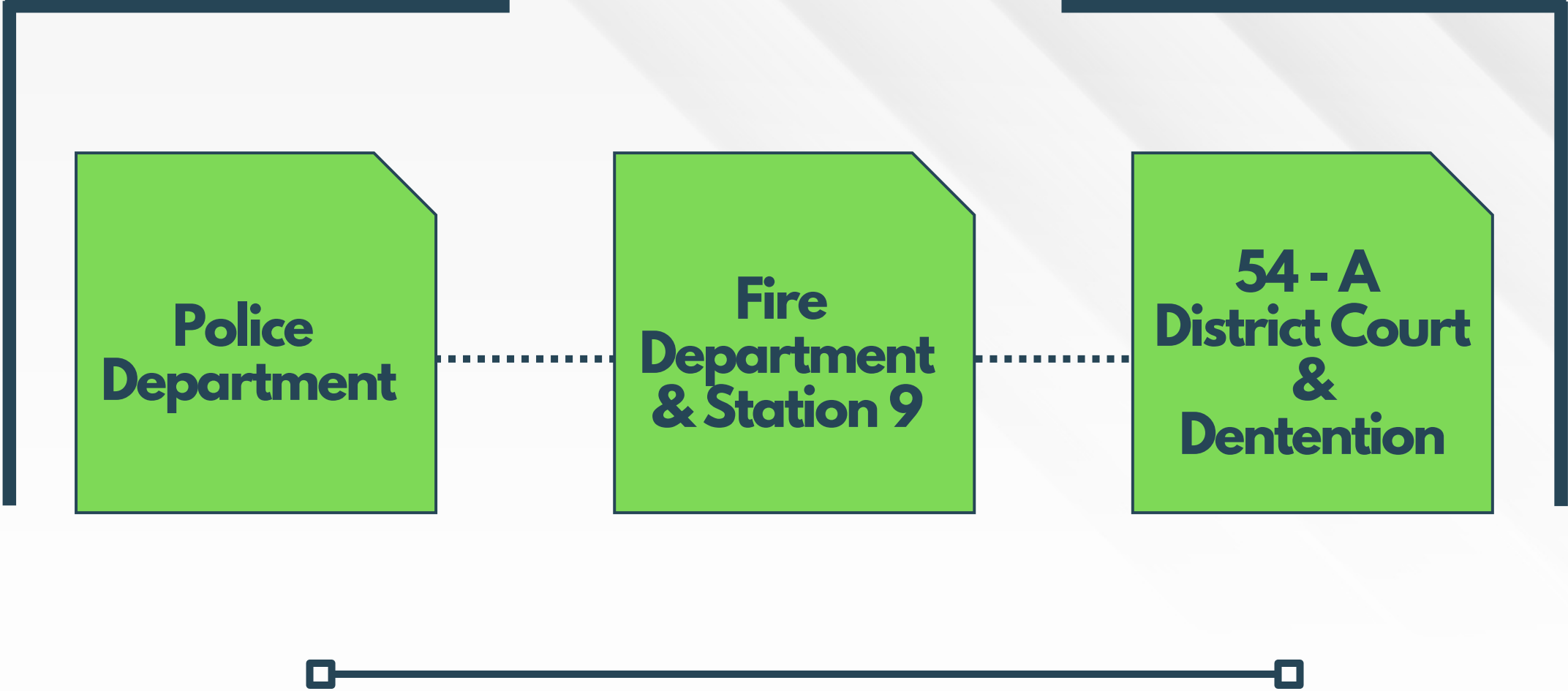


Financial Analysis/
Budget Design



Verification of
Budget

**new facility
scope**



**existing
renovation
scope**



renovation scope of work



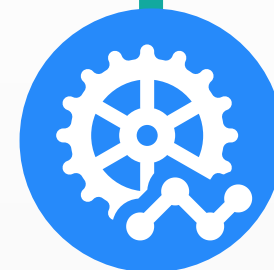
MEP System update



Health and Safety Issues



Accessibility Update



Functionality Update



Building Code Update

estimated budget

Police		Total Cost
General Construction - Hard Cost	\$	57,138,120
Indirect - Soft Cost	\$	16,115,880
Total Cost	\$	73,254,000
Fire		
Station# 9 Replacement	\$	13,739,400
Fire Training	\$	2,502,600
Executive Admin	\$	10,133,400
Station #1 Renovation	\$	4,803,800
Station # 2 Renovation	\$	2,490,000
Station # 8 Renovation	\$	3,706,200
General Construction - Hard Cost	\$	29,152,812
Indirect - Soft Cost	\$	8,222,588
Total Cost	\$	37,375,400
District Court & Detention		
Courts	\$	25,322,400
Detention/Lockup	\$	7,755,000
General Construction - Hard Cost	\$	25,800,372
Indirect - Soft Cost	\$	7,277,028
Total Cost	\$	33,077,400
Total		
Total Hard and Soft Cost	\$	143,706,800
Owner Contingency (Approx 10%)	\$	14,370,680
Inflation (Approx 12%)	\$	16,580,543
Total Budget	\$	174,658,023

next steps

**why not wait
until next
election**



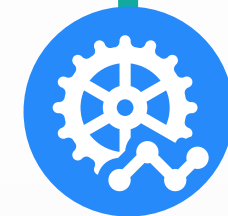
MEP System Issues



Health and Safety Issues



Accessibility Issues



Functionality Issues



Building Code Issues



Substantial Rising Costs

summary



state of facilities - the need

54-A DISTRICT COURT
POLICE DEPARTMENT
FIRE DEPARTMENT
FINANCE DEPARTMENT

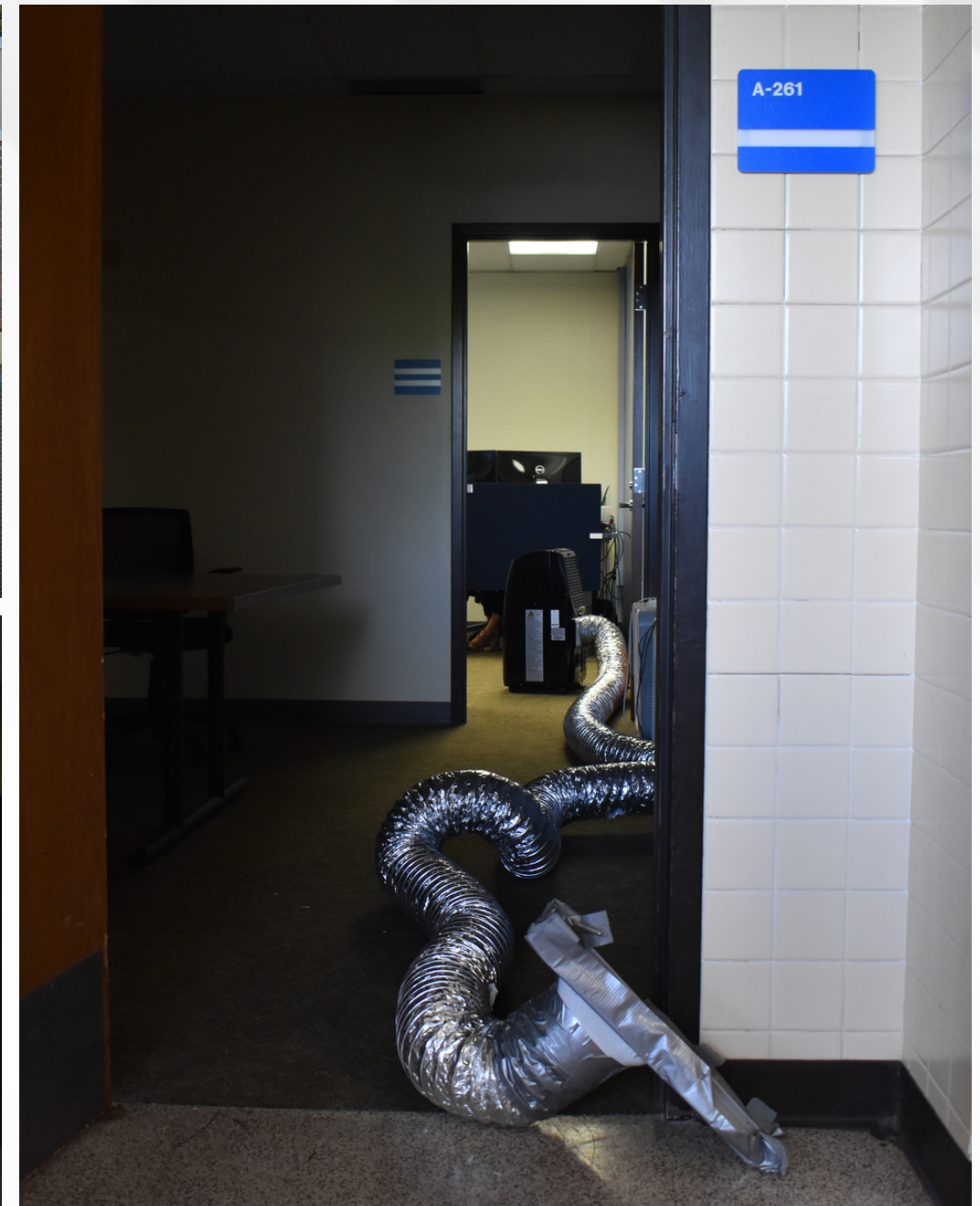
**Opportunity for Questions to the
Departments.**

Why now?

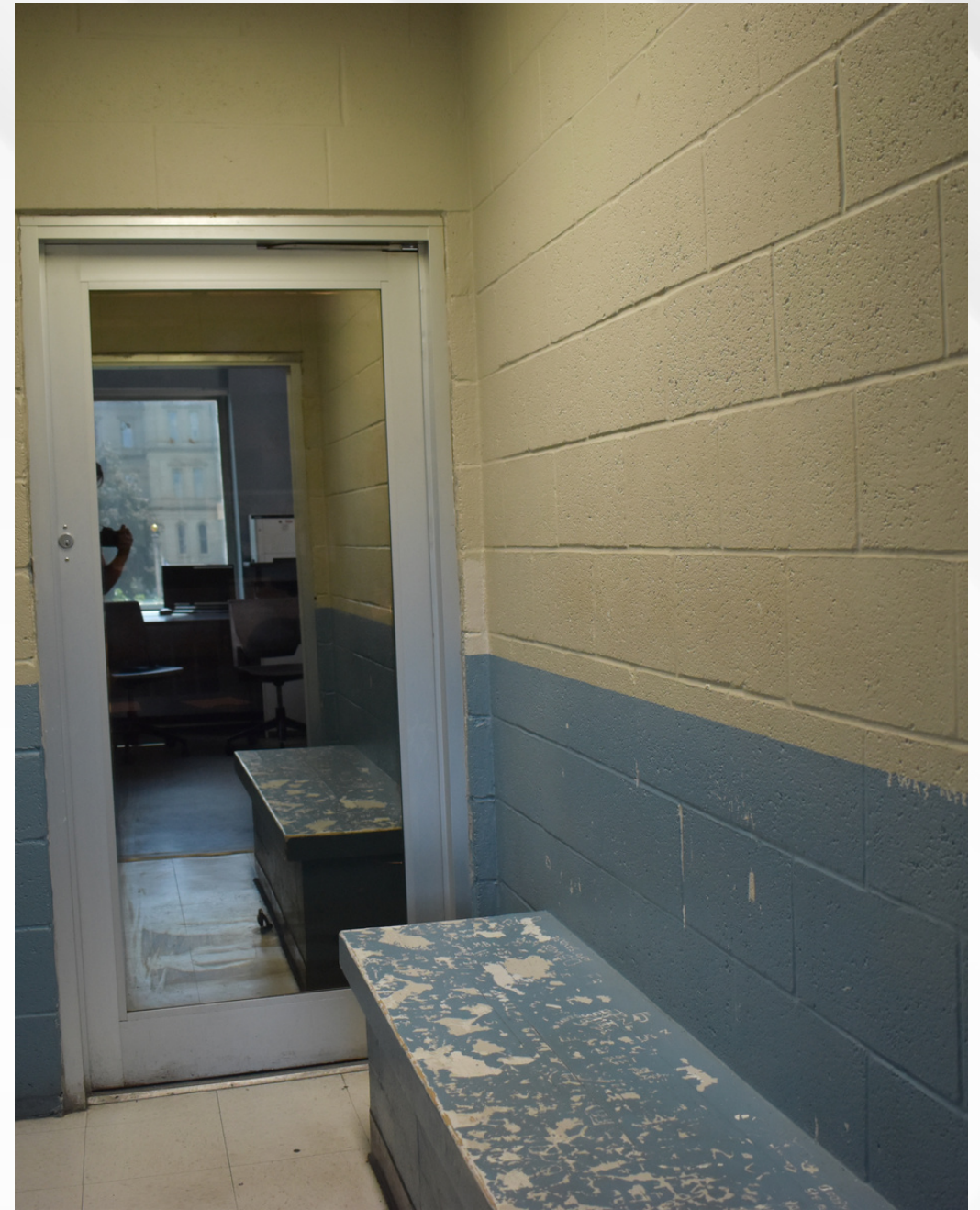
Why not later?

questions?

thank you!









This uneven area is directly near the handicap parking for the unsecure lot which is concerning for any individuals that require handicap parking that need services at OPS. Additionally, this is the main thoroughfare for subjects walking through the lot to enter and exit OPS.











RESOLUTION #2022-

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing City Council has approved the appropriation of the second tranche of funds provided to the City of Lansing under the 2021 American Rescue Plan Act (ARPA); and

WHEREAS, the supplemental appropriation approved by City Council contained approximately \$1.9 million dollars to be distributed for public health and economic impacts; provision of government services; and necessary investments in water, sewer, or broadband infrastructure, as determined by the Mayor; and

WHEREAS, City Council wishes to express its desire that the process for engaging community groups throughout Lansing and the issuing of these funds to community groups for the above purposes be fair, transparent, equitable, and far-reaching.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby encourages Mayor Schor to commit to a process that is transparent, fair, and equitable. for selecting community groups to receive a portion of the remaining \$1.9 million dollars in ARPA funds.