



MINUTES
Committee of the Whole
Monday, February 6, 2023 @ 5:30 p.m.
City Council Conference Room

CALL TO ORDER

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

PRESENT

Council Member Carol Wood
Council Member Jeremy Garza
Councilmember Adam Hussain
Councilmember Peter Spadafore
Councilmember Patricia Spitzley
Councilmember Brian T. Jackson
Councilmember Jeffrey Brown
Councilmember Ryan Kost

OTHERS PRESENT

Sherrie Boak, Council Office Manager
Jim Smiertka, City Attorney
Renee Richmond, Council Administrative Assistant
Lisa Hagen-Lawrence, OCA
Greg Venker, OCA
Matt Staples, OCA
Armany Williams, OCA
Elizabeth O'Leary, HR
Courtney Roberts, HR
Jane DeSessa, Deputy Mayor

Public Comment

No public present.

Council Member Brown stepped away from the meeting at 5:31 p.m.

Presentations

Human Resources Training Presentation on Workplace Harassment & Workplace Violence
Ms. O'Leary did brief introductions and provided a handout of a presentation.

Council Member Brown returned to the meeting at 5:32 p.m.

The presentation began with the policy on sexual harassment and non-discrimination. Ms. O'Leary outlined the process of an investigation.

Council President Wood asked what Council should do if an employee came to them with a complaint. Mr. Smiertka stated they should go directly to HR. Council Member Brown asked if

Council goes to HR or the employee goes to HR. Mr. Smiertka stated they should go to Council leadership then send them to HR.

Ms. O'Leary proceeded with presentation which moved onto workplace violence and reporting of it. Council Member Garza asked what happens if the employee goes to the director and the director does not report it. Ms. O'Leary stated HR needs to be notified and an investigation needs to occur.

Ms. O'Leary then spoke on false accusations and retaliation.

Council President Wood asked after new employees come in and are given training, what happens after employees have been here for a few years. Ms. O'Leary noted that she has been involved in training employees, but with COVID in person trainings got put on hold, but they are working on bringing those trainings back.

The HR Department presented a video on harassment.

Ms. O'Leary and Ms. Roberts left the meeting.

Office of the City Attorney Annual Elected Official Training to City Council Members

Mr. Smiertka began the presentation from the OCA with Fiduciary Duties. This included the definition of Fiduciary Duties and outlined what is in the City Ordinances. He then expanded on duty of loyalty, duty of care, and conduct. He concluded with removal for cause, responsibilities of Council and forfeiture of office. Examples given were disclosing information from closed session, using your position.

Council Member Spitzley asked if someone says breach of fiduciary OCA would not defend, and Mr. Smiertka stated it is on a case by case basis.

Ms. Williams spoke to the Council on the Ethics Ordinance as it relates to the City Council members. Outlined in the presentation was prohibitions on what they must not accept, and defined "gifts". Ms. Williams moved onto conflicts of interest and affidavit of disclosure.

Ms. Williams spoke on financial interests and directive on misuse of position or power.

Ms. Hagen-Lawrence went through the presentation on the Open Meetings Act and details on effect on the public body.

Council Member Garza stepped away from the meeting at 6:32 p.m.

Ms. Hagen-Lawrence spoke lastly on emailing, texting, postings, commenting, etc. in violation of the OMA, and then summarized consequences.

Council Member Garza returned to the meeting at 6:34 p.m.

Ms. DeSessa asked the OCA about if Council members, after a meeting or a public forum, can they be seen together. Ms. Hagen-Lawrence stated if they are discussing what is being up before action in front of the full Council, they should be advised not to.

Council President Wood passed the gavel and stepped away from the meeting at 6:36 p.m.

Ms. Hagen-Lawrence presented on Human Rights framework, role of the policy makers as it relates to Council.

Council Member Brown stepped away from the meeting at 6:38 p.m.

Council President Wood returned to the meeting at 6:39 p.m. and Council Member Garza passed the gavel.

Council Member Hussain stepped away from the meeting at 6:39 p.m.

Ms. Hagen-Lawrence spoke briefly on harassment and hostile workplace.

Mr. Staples spoke on FOIA requests.

Council Member Brown returned to the meeting at 6:41 p.m.

Mr. Staples highlighted what a FOIA defines and what is defined as a public record. The presentation outlined what Council should do when they are in receipt of a FOIA request. It outlined what steps are taken in OCA when they receive a FOIA.

Council Member Hussain returned to the meeting at 6:44 p.m.

Mr. Staples outlined what are common exemptions/redactions and appeals.

Mr. Venker presented on the City Charter as it relates to Officers and Elections.

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

The presentation by Mr. Venker spoke on what qualifies to be on the ballot for elections, including residency, eligibility affidavit, and election do's and don'ts. Mr. Venker spoke lastly on campaign finance act.

Council President Wood asked about employees running for office, and Mr. Venker clarified that they can be an employee while running for office, but once elected they can no longer be an employee.

Council President Wood summarized to the Council Members that they should not use city computers and City cell phones to personal issue, and this includes connecting to their personal iCloud. Council Member Spitzley also suggested not using the City cell phone as their personal cell phone, but keep separate.

Ms. DeSessa asked about personal mail in the office. Council President Wood emphasized again that anything that comes here is FOIA. Mr. Smiertka added that would be using City resources.

Ms. Richmond left the meeting.

Other

Council President Wood referenced an email from Ms. Japinga with Capital Area Region Airport looking for a letter from City Council in support of continuing the service from Lansing to Washington DC with American Airlines, and their need for an exemption from the FAA.

Council Member Garza asked if a letter was not written, when the service would stop and was told by Council Member Spadafore it would be October, 2023.

OCA noted Council speaks through resolution, and therefore Council President Wood stated that if that was the path OCA wanted Council could prepare a resolution to go with the letter. Council Member Spadafore stated he support an individual letter with no need for resolution.

Council President Wood asked Council Staff to draft a resolution and letter for action at the February 13, 2023 Council meeting.

Mr. Venker, Ms. Williams and Mr. Staples left the meeting.

Closed Session

MOTION BY COUNCIL MEMBER GARZA TO GO INTO CLOSED SESSION AT 7:07 p.m.

Pursuant to MCL 15.268(h) of the Open Meetings Act, City Council will hereby recess into closed session to consult with the City Attorney to consider material exempt from discussion or disclosure by state statute. Specifically, to discuss a written legal opinion from the City Attorney provided under attorney-client privilege and attorney work-product, and which is also exempt from disclosure under the Freedom of Information Act pursuant to MCL 15.243 (g).

Ms. DeSessa asked to be present, and Council President Wood agreed, but asked for it in advance in the future. Ms. DeSessa confirmed.

ROLL CALL VOTE, MOTION CARRIED 7-1.

Reconvene

Adjourn

The meeting adjourned at 7:11 p.m.

Respectfully Submitted by,

Sherrie Boak, Recording Secretary,

Lansing City Council

Approved by the Committee February 13, 2023