

CITY OF LANSING - BOARD OF ETHICS

REGULAR MEETING

March 23, 2023 5:30 P.M.

CONFERENCE ROOM

2500 SOUTH WASHINGTON

AGENDA

CALL TO ORDER

ROLL CALL

☐ Keith Kris
☐ Jim DeLine

☐ R Cole Bouck, Chairperson
☐ Janielle Houston, Vice-Chairperson
☐ John Folkers

A Quorum is: ☐ Present

☐ Not Present

☐ Others Present:

PUBLIC COMMENT (TIME LIMIT OF 5 MINUTES PER SPEAKER)

APPROVAL OF AGENDA ☐ As Submitted ☐ With Changes Noted

SECRETARY'S REPORT ☐ Approval of Minutes:

Resignation of Brendon Basiga

Reschedule of August 8th Meeting from Primary Election Night

Lugnut Tickets – Picking a Night for the Mayor's Suite

NEW BUSINESS

Letter Regarding Sister Cities Commission, Andy Schor, Mayor

Statement of Financial Interests, Rev. Thomas Woods, Human Relations and Community Service Board

Statement of Financial and Personal Interests, Melissa Horste, Human Relations and Community Service Board

CITY ATTORNEY'S REPORT

CHAIR'S REPORT:

Detroit Board of Ethics Conference – Interest Inventory

TABLED ITEMS:**UNFINISHED BUSINESS****ADJOURNMENT**

**MINUTES
LANSING CITY BOARD OF ETHICS
REGULAR MEETING
January 10, 2023 5:30 PM**

Conference Room
South Washington Office Complex
2500 S. Washington

The meeting was called to order at 5:30 p.m.

MEMBERS PRESENT: Jim DeLine
Brendon Basiga
John Folkers
Janielle Houston, Vice-Chairperson

ABSENT: R Cole Bouck, Chairperson - Excused
Keith Kris

A QUORUM WAS PRESENT

OTHERS PRESENT: Chris Swope
Amany Williams
Jim Smiertka

PUBLIC COMMENT:

There was no public comment

APPROVAL OF AGENDA:

Moved by John Folkers to approve the agenda as submitted.

MOTION CARRIED

SECRETARY'S REPORT:

Approval of Minutes

Moved by Jim DeLine to approve the Minutes of Nov. 15, 2022 with 2 corrections.

MOTION CARRIED

New Business:

1. Statement of Financial Interests, Ryan Kost Council Member

Moved by Brenda Basiga to place Statement of Financial Interests on file and no further action required.

Motion Carried

CITY ATTORNEY'S REPORT: City Attorney Jim Smiertka introduced Attorney Amany Williams who will be providing legal counsel to the Board of Ethics.

CHAIR'S REPORT: None.

TABLED ITEMS: None.

UNFINISHED BUSINESS: None.

ADJOURNED 5:41 p.m.



Honorable Mayor Andy Schor
Office of the Mayor of the City of Lansing
124 W. Michigan Ave., 9th Floor
Lansing, MI 48933

February 10, 2023

Dear Honorable Mayor Andy Schor, and to the Board of Ethics for the City of Lansing

Re.: My Resignation from the Board of Ethics for the City of Lansing

After much contemplation and consultation, it is with a profound sadness that I must tender my resignation from the Board of Ethics for the City of Lansing, effective immediately.

As I had previously disclosed, there was a possibility that my obligations as a lawyer could have caused a potential conflict with my service on the Board of Ethics. Given that my law firm and I are now in active litigation against the Lansing Police Department and the City of Lansing itself, there is a probability of a conflict of interest. Although, in my opinion, this is not a direct conflict of interest, I am resigning in order to avoid even the semblance of impropriety.

It has been a great honor and privilege to have served our beloved City alongside such wonderful members of the community. I cannot sufficiently express how grateful I am to have met the dedicated Board of Ethics Members; I praise their work and admire their commitment to the City of Lansing. I will greatly miss their camaraderie.

Above all else, I hope to make clear that my resignation from the Board of Ethics is in no way meant to be a negative reflection upon the Honorable Mayor Andy Schor and the incredible work that has been done under his leadership. I have and will continue to be a vocal supporter of Mayor Andy Schor. Perhaps, at a later date, I may yet again be of use to the City and His Honor. For now though, I believe it is in everyone's best interests that I relinquish my position.

I wish each and every Board of Ethics Member my very best. May 2023 bring all of you many blessings and good tidings.

Yours most truly

BASIGA LAW FIRM, PC

Brendon G. Basiga (P69369)
Date: 2023.02.10 17:14:44
-05'00'

Brendon G. Basiga
Barrister, Solicitor, and Attorney at Law

Office: Lansing, Michigan
909 N. Washington Avenue
Lansing, MI 48906

Office: Charlotte, Michigan
114 E Lawrence Avenue #140
Charlotte, MI 48813
By appointment only

W: basigalawfirm.com

P: 517.708.7830

F: 517.913.6343



Chris Swope
Lansing City Clerk

DRAFT REVISED

**CITY OF LANSING
BOARD OF ETHICS
2023 MEETING SCHEDULE**

Second Tuesday of the Month at 5:30 p.m. unless otherwise notified.

January 10, 2023

February 14, 2023

March 23, 2023

April 11, 2023

May 9, 2023

June 13, 2023

July 11, 2023 Election of Chairperson and Vice Chairperson

August ~~8~~ **15**, 2023

September 12, 2023

October 10, 2023

November 14, 2023

December 12, 2023

The Board of Ethics will meet at the South Washington Election Unit, 2500 S. Washington at 5:30 p.m. unless otherwise notified.

Lansing City Clerk's Office
Ninth Floor, City Hall, 124 W. Michigan Ave., Lansing, MI 48933-1695
517-483-4131 517-377-0068 FAX

Andy Schor
Mayor



City Hall - 9th Floor
124 W. Michigan Avenue
Lansing, MI 48933-1694
PH: 517.483.4141 – FAX: 517.483.6066
Lansing.Mayor@lansingmi.gov

Andy Schor, Mayor

OFFICE OF THE MAYOR
CITY OF LANSING, MICHIGAN

February 16, 2023

City of Lansing Board of Ethics
R Cole Bouck, Chair
2500 S Washington, Lansing, MI 48910

Dear Chair Bouck & Board Members:

Please be advised that my spouse, Erin Schor, has joined the Lansing Regional Sister Cities Board of Commissioners

Sincerely,

A handwritten signature in blue ink, appearing to read "AS", is written over the printed name of Andy Schor.

Andy Schor
Mayor

FEB16'23 1PMCLERK



MEMO

To: Jim Smiertka

From: Gregory S. Venker

Re: Ethics Disclosure by Mayor for Sister Cities Commission

Date: March 22, 2023

QUESTIONS PRESENTED

What does the Ethics Ordinance require when the Mayor's wife is appointed as a director to the board of an outside entity that receives grant funding from the City?

SHORT ANSWER

The Mayor should disclose the relationship, both he and his wife need to recuse themselves from the process of seeking/approving City grant funds, and Mayor needs to recuse himself from oversight of the grant funds as well as any disputes that may arise between the entities.

ANALYSIS & EXPLANATION

Relevant Definitions

Chapter 290 of the Lansing Codified Ordinances contains the City's ethics requirements for its officers and employees. The relevant definitions in 290.02 are as follows: "immediate family" includes someone's spouse; "officer or employee" includes an elected officer of the City, such as the Mayor or a Councilmember; and "business" is defined very broadly to include nearly all legal entities, profit or nonprofit, that are not governments.

Relevant Prohibition

Section 290.04 lists several prohibitions for officers and employees as it relates to money, goods, or services received from outside entities and money, goods, or services from the City to outside entities. Most deal with what we consider "quid pro quo" type transactions, where an officer or employee is receiving a *personal* benefit in exchange for favor to an outside entity, which is not at issue in this situation. The operative prohibition is found in 290.04(k):

"...no officer or employee shall participate in, vote upon or act upon ... the making of ... grants of public funds ... or other regulation or supervision relating to any business in which ... a member of [an officer or employee's] immediate family ... has a financial or personal interest, other than an interest as a citizen"

The Potential Conflict

Under the Ethics Ordinance, the Mayor is an elected officer of the City, the Mayor's wife is part of his immediate family, and the outside entity is a business. The Mayor's wife, as a director of an outside board or commission has a fiduciary interest in seeing the goals of that entity achieved, definitionally beyond the interest of a citizen. The potential for conflict exists because the Mayor is the chief executive of the City, and the entity has received or will receive grant funds from the City, even though the entity is entirely external to the City and she was not appointed by the City. In this instance, the holder of the potential conflict is the Mayor, not his wife, because he is the officer of the City and his obligation is to the City.

Voluntary Disclosure and Other Steps

Section 290.08 of Ethics Ordinance only requires disclosure by certain City officers and employees, and technically only as to financial interests, not all potential conflicts. However, the Mayor is the chief executive and signer of all contracts and grant agreements for the City, so the prohibition against "participat[ing] in or act[ing] upon" any such grant is functionally presumed. For this reason, our office recommends that the Mayor disclose the potential for conflict, and then take all necessary steps to remove himself from execution or oversight of any grant or agreement involving an entity when his wife is on the board of directors.

CONCLUSION

Under the City's Ethics Ordinance, there is a potential conflict when the Mayor's wife is appointed as a director of an outside entity, when that entity receives grant funds from the City. It is manageable and avoidable so long as the Mayor is not involved in the negotiation, execution, or oversight of any grant or agreement. Given the significant authority and power held by the Mayor as the chief executive of the City, our office recommends that he disclose this potential conflict voluntarily, and then ensure that he is not involved in negotiation, execution, or oversight of the grant or agreement with that entity.

In the immediate instance, this is easily accomplished, since the grant funds at issue are allocated by determination of the director of HRCS and overseen by the same department, without Mayor's involvement. The only other necessary precaution would be that the Mayor designate someone else to be the ultimate signer on behalf of the City for any such grant agreement.

Although not legally required by the Ethics Ordinance, it is also strongly advised that Mayor's wife recuse herself from any deliberation or vote by the entity about any grant from or agreement with the City.

CITY OF LANSING STATEMENT OF FINANCIAL INTEREST AND PERSONAL INTEREST

This statement must be completed by you and filed with the Lansing City Clerk no later than **May 1 of each year.**

Each and every part of this form must be completed. If you have no information to report, you must note that in that part of the form. If you feel a part is not applicable, you must state your reasoning. Forms with missing or incomplete information will be returned for completion.

The full text of the Financial Interests section 290.08 of the Ethics Ordinance and the Conflict-of-Interest section 5-505 of the City Charter are attached to this disclosure to assist in the full completion of this form. For additional guidance, please contact the Office of the City Attorney.

Reporting Individual to Complete – Basic Filing Information

Name of Reporting Individual Rev. Dr. Thomas L. Woods

Job Title N/A Name of Supervisor N/A

Principal Address of Reporting Individual 616 N. Jenison Ave. Lansing, MI 48915

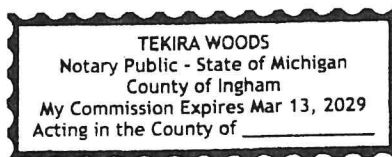
Contact Numbers: 517.862.4467

I, make the foregoing disclosure parts I-IX under oath and assert the statements are true and accurate to the best of my knowledge, information, and belief.

Dr. Thomas L. Woods.
Signature

01/11/23
Date

STATE OF MICHIGAN)
)ss.
COUNTY OF _____)



The foregoing instrument was acknowledged before me this 12th day of January

2023 (year), by _____
(Name of Reporting Individual)

Tekira Woods (Notary Signature)

Tekira Woods (Print Name) Notary

Public, Ingham County,

Acting in Ingham County,

My Commission Expires: March 13, 2029

JAN25'23 1PMCLERK

Report Terms

For purpose of your disclosures in this form, the following words have the defined meaning:

1. "Benefit" includes the receipt, directly or indirectly, of any payment, gift, grant, pass through to another, forbearance, service, good, real property, personal property, or any other right, title or interest of value.
2. "Organization," includes for profit and nonprofit corporation, partnership, association, club, limited liability company, any group acting as a unit, or any other legal entity.
3. "Past" means the preceding calendar year (past 12 months) from the time this disclosure is filed.
4. "Present" means at the time this disclosure is filed.
5. "City" means City of Lansing
6. "Immediate Family" means a child of an individual, a spouse of an individual, or an individual claimed by that individual or individual's spouse as a dependent under the Internal Revenue Code, or the parents, parents-in-law, brothers, sisters, sisters-in-law, brothers-in-law, stepparents, stepbrothers or stepsisters of an individual.

Part I

List each and every organization (other than the City) in which you are an officer, director, associate, partner, proprietor or employee, or served in any advisory capacity and from which any income in excess of \$2500 was derived during the preceding calendar year (past 12 months).

Organization's Name	Address	Type of Organization	Your Function/Title	Past 12 Months or Present
N/A				

Do any of the organizations listed above receive any funding or have any contracts with the City of Lansing?

☐

YES

☒

NO

If yes, then please review Part X for additional details on documentation required for submission.

Part II

List any capital asset located within the city of Lansing, including the address or legal description of real estate, from which you realized a capital gain of \$5,000 or more in the past (12 months). Do not include any gain from the sale of your principal place of residence.

Asset	Description
N/A	

Part III

List each and every past (12 months) and present unit of government, other than the City, for which you are or have been employed.

Unit of Government	Past 12 Months or Present
N/A	

Part IV

List each and every person, or organization from which you received in the past (12 months), or that has presently promised you, one or more gifts or honoraria having an aggregate value in excess of \$500. This does not include gifts from relatives, nor a campaign contribution or expenditure required to be recorded or reported under the Michigan Campaign Finance Act.

Name	Address of Principle Residence	Nature of Gift	Value of Gift	Past 12 Months or Present
N/A				

Do any of the organizations listed above receive any funding or have any contracts with the City of Lansing?

☐ YES ☒ NO

If yes, please provide additional information on the nature of the Financial Interest.

Part V

List each and every name of and instrument of ownership in any organization conducting business within the city of Lansing in which you, or a member of your Immediate Family had or have a financial interest in the past (12 months) or present. Ownership interests in publicly held corporations need not be disclosed.

Name	Address	Instrument of Ownership	Past 12 Months or Present
N/A			

Part VI

Identify each and every parcel of real property, past (12 months) or present, and describe your right, title or interest, or your financial interest in the parcel if the city of Lansing may also possess a real property interest or maintain public utility improvements in the parcel. Include all forms of your direct ownership or indirect ownership such as partnerships or trusts of which the corpus consists primarily of real estate. Do not include your principal place of residence. Include real property both within and outside the city of Lansing.

Address or Description of Real Estate	Nature of Right or Interest	Past 12 Months or Present
None		

Part VII

List each and every person or organization that has applied to the City for a license, franchise, or permit, or requested annexation, zoning or rezoning of real property, past (12 months) or present, if you, or a member of your Immediate Family has a financial interest in such a person or organization. Include the nature of the City action requested.

Name of Contracting Person or Organization	Names of Applicable Immediate Family Member(s)	Nature of Interest	Past 12 Months or Present
N/A			

Part VIII

List each and every person or organization doing independent contracting business with the City in which you, or a member of your immediate family, had (within the past 12 months) or currently have a financial interest or personal interest. Include the title and description of any position held by you, or the member of your Immediate Family, in the organization.

Name of Person or Organization	Nature of Financial Interest	Title or Description of Position Held by Reporting Individual or Immediate Family	Past 12 Months or Present
N/A			

If yes, please provide additional information on the nature of the Financial Interest.

Part X

If you, your Immediate Family, or any organization you are required to disclose under Part I, had or have in the past (12 months) or present, a contract, agreement, arrangement or participate in a program with the City that directly or indirectly benefits you, your Immediate Family, or the organization you must provide:

- A written statement containing a detailed description and explanation of the contract, agreement, arrangement or program and the nature of involvement and participation therein by you, your Immediate Family or the organization and describe all the beneficiaries thereof.
- Provide separate written statements for each contract agreement, arrangement and program and include a full and complete statement of the program, performance, beneficiaries, compensation, duties and obligations therein.

Please note that this disclosure is intended to include contracts, agreements, and arrangements that are formal or informal, written or oral, and direct or indirect.

CITY OF LANSING STATEMENT OF FINANCIAL INTEREST AND PERSONAL INTEREST

This statement must be completed by you and filed with the Lansing City Clerk no later than **May 1 of each year.**

Each and every part of this form must be completed. If you have no information to report, you must note that in that part of the form. If you feel a part is not applicable, you must state your reasoning. Forms with missing or incomplete information will be returned for completion.

The full text of the Financial Interests section 290.08 of the Ethics Ordinance and the Conflict of Interest section 5-505 of the City Charter are attached to this disclosure to assist in the full completion of this form. For additional guidance, please contact the Office of the City Attorney.

Reporting Individual to Complete – Basic Filing Information

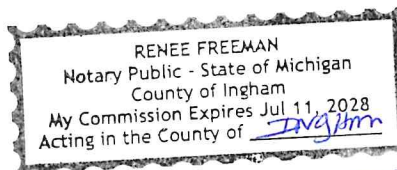
Name of Reporting Individual Melissa Horste
 Job Title HRC Board Member Name of Supervisor _____
 Principal Address of Reporting Individual 210 Regent Street, Lansing
 Phone Numbers: Personal: 517-282-5998 Work: _____

I, make the foregoing disclosure parts I-IX under oath and assert the statements are true and accurate to the best of my knowledge, information and belief.

Melissa Horste
 Signature

1/27/2023
 Date

STATE OF MICHIGAN)
)ss.
 COUNTY OF Ingham



The foregoing instrument was acknowledged before me this 27 day of January, 2023 (year), by RENEE FREEMAN (Notary Signature)
Renee Freeman (Print Name)

Notary Public, Ingham County,

Acting in Ingham County,

My Commission Expires: 7-11-28

Report Terms

For purpose of your disclosures in this form, the following words have the defined meaning:

1. "Benefit" includes the receipt, directly or indirectly, of any payment, gift, grant, pass through to another, forbearance, service, good, real property, personal property, or any other right, title or interest of value.
2. "Organization," includes for profit and nonprofit corporation, partnership, association, club, limited liability company, any group acting as a unit, or any other legal entity.
3. "Past" means the preceding calendar year (past 12 months) from the time this disclosure is filed.
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6. "Immediate Family" means a child of an individual, a spouse of an individual, or an individual claimed by that individual or individual's spouse as a dependent under the Internal Revenue Code, or the parents, parents-in-law, brothers, sisters, sisters-in-law, brothers-in-law, stepparents, stepbrothers or stepsisters of an individual.

Part I

List each and every organization (other than the City) in which you are an officer, director, associate, partner, proprietor or employee, or served in any advisory capacity and from which any income in excess of \$2500 was derived during the preceding calendar year (past 12 months).

Organization's Name	Address	Type of Organization	Your Function/Title	Past 12 Months or Present
Voters Not Politicians	P.O. Box 16180 Lansing, MI 48901	501 c 4	Development Director	Present
Voters Not Politicians Education Fund	P.O. Box 16180 Lansing, MI 48901	501 c 3	Development Director	Present

Part II

List any capital asset located within the city of Lansing, including the address or legal description of real estate, from which you realized a capital gain of \$5,000 or more in the past (12 months). Do not include any gain from the sale of your principal place of residence.

Asset	Description
NA	

Part III

List each and every past (12 months) and present unit of government, other than the City, for which you are or have been employed.

Unit of Government	Past 12 Months or Present
Michigan State univ NA	

Part IV

List each and every person, or organization from which you received in the past (12 months), or that has presently promised you, one or more gifts or honoraria having an aggregate value in excess of \$500. This does not include gifts from relatives, nor a campaign contribution or expenditure required to be recorded or reported under the Michigan Campaign Finance Act.

Name	Address of Principle Residence	Nature of Gift	Value of Gift	Past 12 Months or Present
NA				

]

Part V

List each and every name of and instrument of ownership in any organization conducting business within the city of Lansing in which you, or a member of your Immediate Family had or have a financial interest in the past (12 months) or present. Ownership interests in publicly held corporations need not be disclosed.

Name	Address	Instrument of Ownership	Past 12 Months or Present
NA			

Part VI

Identify each and every parcel of real property, past (12 months) or present, and describe your right, title or interest, or your financial interest in the parcel if the city of Lansing may also possess a real property interest or maintain public utility improvements in the parcel. Include all forms of your direct ownership or indirect ownership such as partnerships or trusts of which the corpus consists primarily of real estate. Do not include your principle place of residence. Include real property both within and outside the city of Lansing.

Address or Description of Real Estate	Nature of Right or Interest	Past 12 Months or Present
NA		

Part VII

List each and every person or organization that has applied to the City for a license, franchise, or permit, or requested annexation, zoning or rezoning of real property, past (12 months) or present, if you, or a member of your Immediate Family has a financial interest in such a person or organization. Include the nature of the City action requested.

Name of Contracting Person or Organization	Names of Applicable Immediate Family Member(s)	Nature of Interest	Past 12 Months or Present
NA			

Part VIII

List each and every person or organization doing independent contracting business with the City in which you, or a member of your immediate family, had (within the past 12 months) or currently have a financial interest or personal interest. Include the title and description of any position held by you, or the member of your Immediate Family, in the organization.

Name of Person or Organization	Nature of Financial Interest	Title or Description of Position Held by Reporting Individual or Immediate Family	Past 12 Months or Present
NA			

Part IX

If you, your Immediate Family, or any organization you are required to disclose under Part I, had or have in the past (12 months) or present, a contract, agreement, arrangement or participate in a program with the City that directly or indirectly benefits you, your Immediate Family, or the organization you must provide:

- A written statement containing a detailed description and explanation of the contract, agreement, arrangement or program and the nature of involvement and participation therein by you, your Immediate Family or the organization and describe all the beneficiaries thereof.
- Provide separate written statements for each contract agreement, arrangement and program and include a full and complete statement of the program, performance, beneficiaries, compensation, duties and obligations therein.

Please note that this disclosure is intended to include contracts, agreements, and arrangements that are formal or informal, written or oral, and direct or indirect.

Detroit Board of Ethics Conference 2023

Event Timing: Tuesday, May 16, 2023

Event Address: Butzel Family Center, 7737 Kercheval, Detroit, MI 48214

Contact us at (313) 224-9521 or ethics@detroitethics.org



clerklan20@gmail.com (not shared) [Switch account](#)



*** Required**

Name *

Your answer

Job Title *

Your answer

Email *

Your answer



Organization *

Your answer

Organization Address *

Your answer

Phone Number (Cell)

Your answer

Phone Number (Office)

Your answer



Topics of Interest

*

What topics would you want to attend a session on at the conference?

- ☐ Open Meetings Act
- ☐ Investigation Resources & Techniques
- ☐ Community Outreach
- ☐ Board Recruitment
- ☐ Revising or Creating an Ethics Ordinance
- ☐ Ethics Ordinance Enforcement Options and Effectiveness
- ☐ Conflict of Interest Issues
- ☐ Data Driving Interactions with Regulated Individuals
- ☐ Other:

Are you interested in participating in a panel? *

- ☐ Yes. As a panelist.
- ☐ Yes. As a moderator.
- ☐ No. I will attend as a participant only.

Indicate Your Topic of Interest as a Moderator or Panelist

Your answer



Dietary restrictions *

- ☐ None
- ☐ Vegetarian
- ☐ Vegan
- ☐ Kosher
- ☐ Gluten-free
- ☐ Other:

Would you prefer lunch to be delivered or dining out with a Board of Ethics staff member? *

- ☐ Deliver Lunch
- ☐ Dine-Around with Board of Ethics staff

Submit

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