

CITY OF LANSING - BOARD OF ETHICS

SPECIAL MEETING

June 6, 2023 5:30 P.M.

ELECTION UNIT TRAINING ROOM

2500 SOUTH WASHINGTON

AGENDA

CALL TO ORDER

ROLL CALL

- ☐ Keith Kris
- ☐ Jim DeLine
- ☐ Jim Cavanagh
- ☐ Trini Lopez-Pehlivanoglu

- ☐ 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: May 30, 2023

NEW BUSINESS

CITY ATTORNEY'S REPORT:

CHAIR'S REPORT:

TABLED ITEMS:

UNFINISHED BUSINESS

Complaint 2023-001

ADJOURNMENT

Persons with disabilities who need an accommodation to fully participate in this meeting should contact the City Clerk's Office at (517) 483-4131 (TTY 711). 24 hour notice may be needed for certain accommodations. An attempt will be made to grant all reasonable accommodation request.

**DRAFT MINUTES
LANSING CITY BOARD OF ETHICS
REGULAR MEETING
May 30, 2023 5:30 PM**

Election Unit Training Room
South Washington Office Complex
2500 S. Washington

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

MEMBERS PRESENT:

R Cole Bouck, Chairperson
Janielle Houston, Vice-Chairperson
Keith Kris
Jim DeLine
John Folkers
Trini Lopez-Pehlivanoglu

ABSENT: Jim Cavanagh

A QUORUM WAS PRESENT

OTHERS PRESENT:

Joe Abood, City Attorney's Office
Chris Swope, City Clerk
Brian P Jackson, City Clerk's Office
Grace Hocking, City Clerk's Office
Eric Doster, Doster Law Offices
Brendon Basiga, Basiga Law Firm
Trayshawn Holbrook

PUBLIC COMMENT:

Brendon Basiga spoke about Complaint 2023-001.

APPROVAL OF AGENDA:

MOVED by Janielle Houston to approve the agenda as submitted.

MOTION CARRIED

SECRETARY'S REPORT:

Approval of Minutes

MOVED by Janielle Houston to approve the Minutes of May 9, 2023, with one correction.

MOTION CARRIED

NEW BUSINESS

Updated Statement of Financial Interest, Melissa Horste, HRCS Board Member

MOVED by Keith Kris to place Melissa Horste's Updated Statement of Financial Interest on file, having found no violation of the Ethics Ordinance or other issues to further debate or discuss at this time.

MOTION CARRIED

CITY ATTORNEY'S REPORT:

Lansing Lugnuts Disclosure Opinion

Deputy City Attorney Joe Abood gave an update regarding the Lansing Lugnuts ticket disclosure requirement for Elected Officials.

As stated in a City Attorney opinion, Lugnuts tickets do not have to be disclosed on their Statements of Financial Interest form, as the stadium is owned by the City of Lansing, and tickets are dispersed to each department.

Analysis on Complaint 2023-001

Deputy City Attorney Joe Abood presented the Preliminary Written Analysis to the board.

MOVED by Janielle Houston to accept the Preliminary Written Analysis and for the Analysis to become a public record.

MOTION CARRIED

Deputy City Attorney Joe Abood presented the Investigation Summary Report to the board.

MOVED by Keith Kris to accept the Investigation Summary Report onto public record with typographical corrections.

MOTION CARRIED

MOVED by Keith Kris to schedule a Special Board of Ethics meeting for June 6, 2023, at 5:30 p.m. at the South Washington Election Unit to further review Complaint 2023-001.

MOTION CARRIED

CHAIR'S REPORT:

Chairperson Bouck reminded the Board of the upcoming election of Chair and Co-Chair at the July meeting, and that he is ineligible per bylaws from being the Chair for another term.

TABLED ITEMS: None.

UNFINISHED BUSINESS:

Jim DeLine provided a summary of the recent Detroit Board of Ethics Conference.

ADJOURNED 6:50 p.m.

TO: James Smiertka, City of Lansing, City Attorney

RE: Ethics Complaint

DATE: May 12, 2023

INTRODUCTION

On March 27, 2023, the Lansing City Clerk received an ethics complaint against Council Member Jeffrey Brown. The complaint alleges that Council Member Brown violated Sections 290.04(b), 290.04(d), and/or 290.04(i) of the City of Lansing Ethics Ordinance ("Ethics Ordinance"). Specifically, the complaint alleges:

- Council Member Brown violated Section 290.04(b) of the Ethics Ordinance during a conversation with a representative of a developer (Jeff Deehan), in which Council Member Brown indicated that he would vote favorably on resolutions relating to the Ovation project if, in exchange, Mr. Deehan's company or the mayor agreed to pay first and last month's rent for a constituent's apartment.
- Council Member Brown violated Section 290.04(b) of the Ethics Ordinance during a conversation with the Executive Director of the Lansing Housing Commission ("LHC") Doug Fleming, in which Council Member Brown referred to an alleged LHC "slush fund" and suggested that he would vote favorably on resolutions relating to the LHC if the LHC paid tenant related fees for a citizen who had voiced a complaint during public comment.
- Council Member Brown violated Sections 290.04(d) and 290.04(i) of the Ethics Ordinance by requesting, ostensibly on behalf of the City of Lansing, "Community Project Funding" for two (2) projects from Congresswoman Elissa Slotkin, although City Council had not passed resolutions authorizing these requests nor had the Mayor included these projects in his funding requests to Congresswoman Slotkin.

The ethics complaint was submitted by five (5) members of City Council: City Council President Carol Wood, City Council Vice President Jeremy Garza, City Council Member Adam Hussain, City Council Member Peter Spadafore, City Council Member Patricia Spitzley, and Mayor Andy Schor. A copy of the ethics complaint is attached as Exhibit A. A copy of the relevant portions of the Ethics Ordinance is attached as Exhibit B.

I was assigned to investigate the complaint. Below is a summary of my investigation and my findings.

SUMMARY OF INVESTIGATION

Interview of Council Member Jeremy Garza

Council Member Jeremy Garza was interviewed by phone on May 3, 2023.

Council Member Garza stated that he was not personally present for the conversation between Council Member Brown and the representative from Mr. Deehan's company, nor was he personally present for the conversation between Council Member Brown and Mr. Fleming. He stated that he signed off on the ethics complaint with the understanding that it would be noted he had heard these allegations second or third hand.

Council Member Garza stated that the Mayor originally advised him about the allegations relating to the request for funding from Congresswoman Slotkin. The Mayor told Council Member Garza that it was not his intention that Council Member Brown speak on these issues. Council Member Garza stated that there were no discussions during Council meetings regarding the Ladybug Center project or the International Center project, although there were some discussions about them during leadership meetings. Council Member Garza could not recall whether Council passed any resolutions to request funding for these projects from Congresswoman Slotkin's office.

Regarding the other allegations of the ethics complaint, Council Member Garza reiterated that he only heard about these allegations "second or third hand." He stated that no one has complained or reported to him that Council Member Brown was trying to buy votes.

Interview of Doug Fleming

Doug Fleming was interviewed by phone on May 4, 2023.

Mr. Fleming is the Executive Director of the Lansing Housing Commission. He stated that the LHC is independent of the City, although the Mayor appoints members to the LHC Board. He stated that the LHC often has business in front of City Council.

Mr. Fleming explained that LHC provides subsidies for qualified tenants, whereby LHC pays a portion of the tenant's rent; the tenant is responsible for the remainder. Due to administrative error, occasionally LHC's portion of the rent may be delayed, resulting in the tenant being assessed late fees. When that occurs, and LHC is at fault, LHC will pay the late fees for the tenant.

Mr. Fleming stated that he was aware of a public comment made by a tenant during a City Council meeting, in which the tenant claimed that she was charged late fees as a result of delays caused by LHC, and that she was also charged utility fees by her management company. Mr. Fleming stated he was not present for this meeting, but he heard about the tenant's complaint from Council Member Spitzley. Tenants often complain to City Council, either privately or at public comment, and Council Member Spitzley has previously brought these complaints to Mr. Fleming for investigation. Mr.

Fleming stated that it is not unusual for a tenant to misrepresent what has happened or omit pertinent information; Council Member Spitzley is aware of that, and so she notifies Mr. Fleming of the complaints so that LHC can look into it. That's what happened in this case.

Mr. Fleming stated that his father had passed away during this time period, and therefore, the investigation into the tenant's complaint was delayed as he was dealing with his father's death. Council Member Brown called Mr. Fleming while he was on the way to the funeral¹ – this was after Council Member Spitzley apprised him of the complaint, but before Mr. Fleming had a chance to investigate – and indicated that he had the tenant in his office. Council Member Brown started the conversation by stating to Mr. Fleming “this is another one of those” instances where LHC had caused a tenant to incur late fees; according to Mr. Fleming, Council Member Brown was already “drinking the Kool Aid” before the conversation started that LHC was at fault. Mr. Fleming indicated that he had not had a chance to look into the matter but would be doing so. Council Member Brown then asked whether LHC could pay the late fees out of the LHC “slush fund.” Mr. Fleming advised that there was no “slush fund” and reiterated that he would have to look into the matter. This angered Council Member Brown, who accused Mr. Fleming of being disrespectful. Council Member Brown then hung up on Mr. Fleming.

Mr. Fleming stated that he believed Council Member Brown's phone call was an attempt to impress the constituent, who was in Council Member Brown's office during the call. When Mr. Fleming would not give him the answer he wanted, Council Member Brown became upset.

Mr. Fleming stated that he did look into the matter and discovered that the tenant had misrepresented the facts and omitted important details. The late fees were caused by the tenant being late on her portion of the rent; LHC was not at fault. In addition, the tenant had misrepresented the amount of late fees she was assessed, as she had claimed to Council that the amount was \$150 when in fact it was \$100. As to the utility fees, Mr. Fleming advised that LHC had already provided the tenant money for the utilities, which she was to use to pay the management company. She evidently had not done so, which resulted in the management company paying them on her behalf. When the management company sought reimbursement from her, the tenant claimed LHC was responsible, even though LHC had already provided her the money. Mr. Fleming stated that the tenant was trying to obtain a double payment. Mr. Fleming reported his findings in an email to Council Members Brown, Spitzley, and Hussain; and reiterated that LHC did not have a “slush fund.” (See Exhibit A, attachment March 22, 2023 Email). Mr. Fleming stated that he did not believe Council Member Brown substantively responded to his email, although he may have acknowledged its receipt.

Mr. Fleming stated that the only discussions he had with Council Member Brown regarding this matter were the phone call and email. He denied the allegation in the ethics complaint that Council Member Brown suggested that he would vote favorably on LHC. Mr. Fleming stated that he did not know if Council Member Brown was aware that his father had died or that he was going to his funeral when he called.

resolutions if LHC paid the fees for the tenant. Mr. Fleming stated that he had heard the opposite, that Council Member Brown had said that he would *not* vote in favor of any LHC resolutions because he believed Mr. Fleming had been rude and disrespectful on the phone call. Mr. Fleming stated that Council Member Brown never said this to him directly, but that he heard about this from multiple people. Mr. Fleming declined to identify the individuals who told him this.

Mr. Fleming stated that Council Member Brown has never told him or suggested to him that he would or would not support LHC resolutions based on LHC doing him or a constituent a favor.

Interview of Council Member Carol Wood

Council Member Carol Wood was interviewed by phone on May 5, 2023.

Council Member Wood stated that she was not personally present for the conversation between Council Member Brown and the representative from Mr. Deehan's company, nor was she personally present for the conversation between Council Member Brown and Mr. Fleming. She stated that she only heard "hearsay information" that Council Member Brown was suggesting a quid pro quo for his votes to Mr. Fleming and Mr. Deehan. She stated that she heard about the allegations from the Mayor and Council Member Hussain.

Council Member Wood stated that the normal practice with respect to requesting Congressional earmark/funding is that the Mayor will make a recommendation to Council regarding the projects on which funding should be requested. Council reviews these recommendations during open session, discusses them, and votes on them, passing a resolution on which projects to request funding for. Council Member Wood stated that Council speaks as a body through its resolutions, and no individual council member can say they represent the Council or even suggest that they represent the Council.

Council Member Wood stated that, in this case, the normal practice was not followed. Council Member Wood stated that she was told that the Mayor and Council Member Brown talked about requesting funding for the Ladybug Center and International Center projects, but there was no recommendation from the Mayor to Council on them, Council never discussed them in open session, and there was never a resolution passed authorizing a request for funding on these projects. Council Member Wood Stated that Council Member Brown just sent the requests on his own to Congresswoman Slotkin's office. She stated this has never happened before and it is not a practice of the City for individual council members to request congressional funding without a resolution by the City. She stated that she was told that Congresswoman Slotkin's office contacted Council Member Brown and told him that these projects were not being supported by the City, which the Mayor confirmed.

Council Member Wood stated that this is Council Member Brown's second year on Council and he went through the earmark process last year. After these events, the City went through its earmark process, with the Mayor making recommendations to Council,

Council discussing them, and then voting on them. The Ladybug Center and International Center projects Council Member Brown had put forward were not included in this request for funding.

Council Member Wood stated that Council Member Brown was upset by this situation, as he felt he was blindsided and made to look stupid. He told Council Member Wood he would never support anything that the Mayor brought forward again.

Council Member Wood stated that Council receives ethics training from the HR Director and City Attorney at the start of every year.

Interview of Council Member Adam Hussain

Council Member Adam Hussain was interviewed by phone on May 5, 2023.

Council Member Hussain was not present for the conversations at issue between Council Member Brown and Mr. Deehan and Council Member Brown and Mr. Fleming. He stated he heard about the conversation with Mr. Deehan from Council Member Spitzley, who stated that Council Member Brown told Mr. Deehan that if he got the Mayor to help out with a constituent, he (Council Member Brown) would get the Mayor to help out on the Ovation project. Council Member Hussain stated that he heard there was some mention of a slush fund with regard to the conversation with Mr. Fleming. He stated that he had “fifth and sixth information” about these two conversations.

Council Member Hussain stated that he had some discussions with Council Member Brown regarding the issue involving the funding request to Congresswoman Slotkin’s office. It was Council Member Hussain’s understanding that the Mayor was putting together a list of items to submit to Congresswoman Slotkin’s office for funding. He stated that a council member could submit to the Mayor an idea for projects to be funded. He stated that Council Member Brown told him he spoke to the Mayor about his ideas, and based on that conversation, he believed that he could send his idea directly to Congresswoman Slotkin’s office, with the Mayor’s blessing. When Council Member Brown sent his proposals to Congresswoman Slotkin’s office, someone from her office reached out to the Mayor to confirm whether the Mayor was in support of the proposals. The Mayor said no. Council Member Hussain stated that Council Member Brown was angry and humiliated by this.

Council Member Hussain stated that no vote or resolution was required in order for a council member to suggest a proposal for funding. But once the list was put together, Congresswoman Slotkin’s office asked that Council vote on the proposals from that list that the City wanted to request funding for. So there was a vote by Council authorizing the proposals to be submitted. The proposals Council Member Brown had suggested were not included, but he did vote in favor of the resolution.

Council Member Hussain stated that, based on his conversation with Council Member Brown, it seemed to him that the issue involving Congresswoman Slotkin’s office was just

a misunderstanding. He stated that Council Member Brown is relatively new to office. He twice stated that the process for requesting funding from Congresswoman Slotkin's office has not been done the same way.

Interview of Council Member Peter Spadafore

Council Member Peter Spadafore was interviewed by phone on May 5, 2023.

Council Member Spadafore stated he was not present for the conversation between Council Member Brown and a member of Mr. Deehan's company; he stated he heard about the conversation from the Mayor and that it sounded like Council Member Brown had suggested a quid pro quo.

Council Member Spadafore stated he was not present for the conversation between Mr. Fleming and Council Member Brown, although Mr. Fleming called him afterwards. Mr. Fleming told him that Council Member Brown wanted him to use LHC resources, which Council Member Brown referred to as a "slush fund," to pay the tenant's fees as a favor to him. Council Member Spadafore stated that Mr. Fleming did not specifically say that Council Member Brown was seeking a quid pro quo, but from the context, it may have been implied.

Council Member Spadafore stated that the City speaks through its resolutions and any official requests on behalf of the City are done by resolution. He agreed with Council Member Wood regarding the normal practice with respect to requesting Congressional earmark/funding, *i.e.*, that the Mayor makes a recommendation to Council, Council reviews these recommendations during open session, and then votes on them. Council Member Spadafore stated that this process was not followed with respect to the funding requests Council Member Brown made and that Council never passed any resolutions authorizing Council Member Brown to submit those requests. Council Member Spadafore stated that in his six (6) years on Council, he has never witnessed a council person going around the official governing body. Council Member Spadafore stated that when the Mayor submitted funding requests to Congresswoman Slotkin's office, it was done by way of a resolution.

Interview of Mayor Andy Schor

Mayor Andy Schor was interviewed by phone on May 5, 2023.

Mayor Schor was not personally present for the conversation between Council Member Brown and a member of Mr. Deehan's company. He stated he heard second hand from Mr. Deehan that Council Member Brown stated, "I'll only vote for the Ovation project if the Mayor's office pays first and last month's rent" for a constituent.

Mayor Schor stated he was not present for the conversation between Council Member Brown and Mr. Fleming.

Mayor Schor stated that the City has projects that it submits to Congresswoman Slotkin's office to request grant funding. Council Member Brown knew about this, and apparently spoke to Congresswoman Slotkin's office about projects he was interested in. Council Member Brown then spoke to Mayor Schor and shared that he was involved in a "homelessness" project that Congresswoman Slotkin was also committed to. Mayor Schor stated that he told Council Member Brown to send him information about the project to determine whether it could be added to the list of projects the City was going to seek funding for. On the day the requests were due, the City submitted 6-7 projects. These were established projects that the City was supporting. Council Member Brown, without telling anyone, wrote up two (2) proposals that he sent to Congresswoman Slotkin's office, both of which were for a significant amount of money: \$2 million and \$3-5 million. Mayor Schor stated that these requests weren't from the City, but Council Member Brown represented on the proposals that it was from "the City of Lansing." One of the proposals was also for a concept, not an actual established project. Mayor Schor stated that he called Council Member Brown and told him, you can't submit this on behalf of the City, it wasn't approved by Council. Council Member Brown was very upset and said, you told me I could do this.

Mayor Schor stated that Council speaks as a body, not as individuals. He stated that these requests are for grant funding that Congresswoman Slotkin has asked the City to apply for. He stated that Congresswoman Slotkin's office asked the City to approve the specific funding requests it was seeking by a majority vote of Council. This vote was held, but Council Member Brown's proposals were not included in this vote.

Mayor Schor stated he recently spoke to Council Member Brown who stated that he had only been there a year, and wasn't sure what he was doing and that maybe he had been a little naïve. Mayor Schor stated that the City Attorney's Office provides ethics training to Council. He also stated that there is a little part of him that thinks Council Member Brown needs a job and needs an income, since he's currently unemployed, and that he may have submitted these grant requests for that purpose.

Interview of Council Member Jeffrey Brown

Council Member Jeffrey Brown was interviewed remotely by Zoom on May 8, 2023. He was represented by his attorneys, Brendon Basiga and Eric Doster.

Prior to the interview, Mr. Basiga and Mr. Doster formally requested a copy of this report and asked that the request be noted in this report.

Council Member Brown stated that he has been on City Council since January 1, 2022. He stated that the City Attorney's Office and the HR department provided training on sex harassment, confidentiality, and conflicts of interest, but could not recall if ethics training was also provided. Council Member Brown stated that training is provided at the start of every calendar year. He has received training twice since joining Council. He agreed that Council acts through its resolutions.

Council Member Brown stated that he knows Jeff Deehan, but does not know the name of his company. He knows that Mr. Deehan is a developer in the City who has something to do with the City's Ovation project. Council Member Brown's understanding is that Ovation is owned by the City and is a City project.

Council Member Brown stated that he did have a conversation with Mr. Deehan about the Ovation project. Mr. Deehan reached out to him and told him he was the Project Manager for the project. Council Member Brown told Mr. Deehan that he had concerns about the project including 1) that there was no accountability when things happened that deviated from resolutions Council has passed; 2) the long-term financial stability of the project; and 3) the location of the project. Council Member Brown stated that there are other developments in the City, including the Lansing Center, the Lugenuts baseball stadium, and the Groesbeck golf center, that the City developed and is now subsidizing because they are not financially successful. He stated that he was concerned that the Ovation project might end up also being financially unsuccessful, and that the City would also have to subsidize it. He stated that the Lansing Center is very close to the Ovation development, and could be used for the concert venue that is to be built in the Ovation development. He stated that the City is in a structural deficit and as a fiduciary to the City, he was concerned about how the City was going to pay for everything if the Ovation project was unsuccessful. Mr. Deehan indicated that he understood Council Member Brown's concerns and offered to have a meeting with him and Dominick Cochran; Council Member Brown stated that it was his understanding that Mr. Cochran is a City employee and is a "media guy." This meeting subsequently occurred, and Mr. Deehan and Mr. Cochran explained that there was a specific source of funding that can only be used for entertainment which could be used for the Ovation project.

Council Member Brown denied the allegations in the complaint – he stated "absolutely not" – that he indicated to Mr. Deehan that he would support resolutions regarding the Ovation project if Mr. Deehan's company or the Mayor paid rent for a constituent. He stated that he does not know who the constituent is and that he represents over 112,000 people. Council Member Brown stated why would he ask someone to pay a few hundred dollars in rent in exchange for a \$40 million project? "It doesn't make any sense."

Council Member Brown stated that he is the Ad-Hoc Committee Chair to the Homelessness and Solutions Committee. This committee invited individuals to come and give testimony regarding systemic issues with the various agencies involved (federal and state), including the LHC. One of the individuals, Jessica Verlinde, approached him for help. He suggested meeting with the Continuum of Care Chair, Rawley Van Fossen. Ms. Verlinde, her two (2) children, Mr. Van Fossen, and Council Member Brown all met in the latter's office. Ms. Verlinde told them that LHC was behind on paying her rent, and so she was assessed late fees. Ms. Verlinde was crying. Council Member Brown called Mr. Fleming. As soon as he mentioned that he was calling about Ms. Verlinde, Mr. Fleming "went off." Council Member Brown stated that he was calm, but Mr. Fleming was upset and angry. Council Member Brown stated that Ms. Verlinde had made other complaints about Mr. Fleming/LHC and that was why Mr. Fleming was so upset. Council Member Brown told Mr. Fleming that he just needed to know who to talk to in order to get

her some help, and that he hadn't jumped to any conclusions. He stated that Mr. Fleming was very defensive. Council Member Brown felt that Mr. Fleming was demoralizing him and being disrespectful, so he told Mr. Fleming "never mind, I'm not going to be abused by you" and ended the call.

Council Member Brown stated that he never mentioned anything about a "slush fund" nor did he suggest that he would vote favorably on LHC resolutions in exchange for Mr. Fleming paying Ms. Verlinde's late fees out of an alleged "slush fund." He stated that he was just trying to get Mr. Fleming to help, but will not speak to him anymore outside official channels based on how he was treated. He stated that after the exchange, he emailed Mr. Fleming on March 20, 2023 and repeated that he would not be spoken to like that and would not deal with Mr. Fleming except through official channels. Council Member Brown provided a copy of that email during the interview.

Council Member Brown was asked whether he responded to Mr. Fleming's March 22, 2023 email, in which he states that Council Member Brown inquired about a "slush fund." Council Member Brown stated that he reattached his March 20, 2023 email and sent it to Mr. Fleming and the other recipients of Mr. Fleming's email.

Council Member Brown stated that Congresswoman Slotkin approached him at the MLK lunch to discuss his interest in homelessness issues. She told him to speak to her staff and they would tell him what to do to request federal funding. Council Member Brown stated that he spoke to Ann Brown from Congresswoman Slotkin's office and she told him to work with the Mayor's office because they apply for the projects. She also sent him a webinar that explained the process. Council Member Brown then advised the Mayor that Congresswoman Slotkin had approached him about requesting funds for the homeless project. The Mayor told him, "great, let's do it." Council Member Brown stated that last year, the Mayor wanted to support the International Center with ARPA funding, but it was not eligible for funding, so the Mayor told him they would try to find another source of funding.

Council Member Brown stated that he spoke to Slotkin's office about the process, completed the proposal, and told the Mayor that he was going to apply. The Mayor said, "Great, we'll see what happens." So Council Member Brown sent the email with the two (2) proposals and cc'd the Mayor on the email. He stated that Congresswoman Slotkin's office responded and indicated that his proposals had been selected to move to the next round of the application process. Council Member Brown provided a copy of that email. Council Member Brown stated that he then spoke to the Mayor to discuss the application process. The Mayor now indicated that he did not support these projects because he had his own list of projects that he was supporting. Council Member Brown told him that was fine and that he wasn't going to argue about it. Council Member Brown did not complete the application process for his projects.

Council Member Brown stated that he had no training on this process, no staff to help out on it. He stated, "How do I know there's a whole other process? How would I know to ask what the process is when people are telling me something else?" He stated that he did

not believe that Council had to pass a resolution in order to submit proposals to Congresswoman Slotkin's office. He stated that the resolution Council passed happened after the submissions were made by the Mayor's office and that he believed the resolution had to do with appropriating the funding, if it was awarded.

Council Member Brown stated that he never actually applied for the funding, he just sent proposals indicating interest in order to initiate the process. Once the Mayor indicated he would not support his proposals, Council Member Brown did not complete the application process.

Council Member Brown stated that he "100%" believed he was following the process by working with the Mayor's office. He stated, "If I didn't, why would I cc the Mayor if I was trying to be ethically rogue?"

At the conclusion of the interview, Mr. Doster asked that it be noted in this report that unless the complaint is dismissed, Council Member Brown was asking for a reasonable opportunity to respond.

Interview of Council Member Patricia Spitzley

Council Member Spitzley was interviewed by phone on May 9, 2023.

Council Member Spitzley stated she was not present for Council Member Brown's conversations with Mr. Deehan or Mr. Fleming. She stated she heard about the situation with Mr. Deehan third hand, but could not recall how she heard about it. Regarding the situation with Mr. Fleming, Council Member Spitzley stated that she is on the Ad Hoc Committee on Homelessness with Council Member Brown. The tenant in question was at the Ad Hoc Committee, and Council Member Spitzley tried to help her. Council Member Brown also tried to help her by making several phone calls on her behalf. One of those calls was to Mr. Fleming.

Council Member Spitzley stated that her understanding of the issue with Council Member Brown – whether it was with Mr. Deehan or Mr. Fleming or someone else – is that when he gets an answer he doesn't like, he takes the position of "don't come back to me for votes, you're not helping me so I'm not going to help you." She stated that she personally spoke to Council Member Brown who told her that he spoke to the Mayor asking for certain considerations in exchange for his (Council Member Brown's) votes on the Ovation project. The Mayor told her the same thing, that Council Member Brown was mad at him because he had asked for these considerations and did not think he was going to get what he wanted. The Mayor told Council Member Spitzley that he was going to talk to Council Member Brown to try to work things out. Council Member Spitzley stated that she told Council Member Brown, "you need to be careful, you can't trade votes, you can't imply favors for votes." She stated that City Council must stay above that kind of behavior and that is why she signed the ethics complaint.

Council Member Spitzley stated that Council Member Brown has been on Council for two (2) years and that Council Members receive ethics training.

Council Member Spitzley stated that the process for requesting funding is that Congresswoman Slotkin sends out a notice of the deadline to submit requests. The Mayor then advises Council of the deadline and to let him know if a council member wants a project submitted. She stated that funding requests go through the Mayor. She stated that individual council members can't go directly to Congresswoman Slotkin, the Mayor must submit the requests. Because Council acts through its resolutions, there is a vote on the proposals that are going to be submitted. This vote happens before the proposals are submitted.

In this case, the Mayor came to Council and asked them to submit proposals. Council Member Brown, however, submitted a project on his own but in the name of City Council. Council Member Spitzley stated that Council Member Brown claimed that the Mayor told her to submit projects on his own, but this surprised her because that's not how the process works. She stated that Congresswoman Slotkin's office reached out to the Mayor to ask if Council Member Brown's projects were approved, and he said no. This upset Council Member Brown, who told Council Member Spitzley that the Mayor was disrespecting him and that it would be a "no" for anything the Mayor brings to Council.

Second Interview of Mayor Schor

Mayor Schor was interviewed for a second time on May 9, 2023 by phone.

Mayor Schor was asked about Council Member Spitzley's statements regarding Council Member Brown asking Mayor Schor for certain conditions in exchange for his support on the Ovation project. He stated that Council Member Brown did approach him about his support on the two (2) projects he wanted to submit for funding – the Lady Bug Center and the International Center – but there was never a quid pro quo proposed regarding Council Member Brown's support for the Ovation project.

Mayor Schor was asked again to clarify the process regarding submitting funding requests to Congresswoman Slotkin's office. He stated that the process has only been in place for two (2) years, and it was slightly different last year. He stated that this year, Congresswoman Slotkin sent an email to the cities, villages, counties within her congressional district to advise that there would be an opportunity to request funding. The Mayor's office called Congresswoman Slotkin's office for more information, and thereafter, collected a number of projects/proposals to send to Congresswoman Slotkin's office. Once that was done, Congresswoman Slotkin's office selected the eight (8) proposals that the City was to submit and asked that Council pass a resolution approving selection of the eight. Mayor Schor stated that this all happened in a very short amount of time, just two (2) weeks.

Mayor Schor stated that Council Member Brown initially told him that he had spoken with Congresswoman Slotkin about his homelessness project and that she was in support,

Mayor Schor did not realize that Council Member Brown was considering seeking funding under this process. He stated that he did not know he was going to submit a proposal directly to Congresswoman Slotkin and never told him he could submit a proposal. He stated that the proposals come out of the Mayor's office because that office is responsible for submitting grants. He stated that Council Member Brown could have certainly requested that Council consider one of his proposals in lieu of one of the proposals the Mayor put forward, but Council Member Brown never did that. Mayor Schor stated that he did advise Council Member Brown that he could put forward a funding request to Senator Peters on his own, but to make sure it was clear it was coming from him and not from the City.

Interview of Jeff Deehan

Jeff Deehan was interviewed on May 10, 2023 by phone.

Mr. Deehan stated that he is involved with a project for the community, the Ovation project. He called Council Member Brown to ask for his support on the project and to clarify or answer any questions Council Member Brown may have. He stated that he ended up meeting with Council Member Brown, sometime in early March. During that meeting, Council Member Brown expressed his frustration with the Mayor/administration. Council Member Brown told Mr. Deehan that the Mayor/administration lacked integrity. Council Member Brown told Mr. Deehan that he would not support anything that the Mayor/administration was supporting because they were unsupportive of an initiative he had put forward, which was to find housing or pay for housing for an individual in the community. Council Member Brown told Mr. Deehan that unless the Mayor/administration started supporting his initiatives, he was going to vote against everything they put forward.

Mr. Deehan was asked about the allegations in the ethics complaint. He stated that Council Member Brown did not say exactly what is alleged in the complaint. He stated that Council Member Brown did not indicate a direct quid pro quo, but that he "walked very close to that line. I don't know if he crossed it, but he danced around it." He stated that his impression of what Council Member Brown was saying was that he was frustrated and that if the Mayor/administration wanted his support on anything, then they would have to earn his support by paying closer attention to what he wanted.

Mr. Deehan stated that he walked away from the conversation with Council Member Brown feeling "weird." He stated that the interaction left him with questions and that he was concerned about his own exposures based on what Council Member Brown was suggesting. Mr. Deehan stated that he actually called his own attorney because of his concerns.

Review of Other Documents and Information

As part of the investigation, I received and reviewed the following documents which were attached to the ethics complaint (Exhibit A).

- A March 22, 2023 email from Mr. Fleming to Council Members Hussain, Brown, and Spitzley. Among other things, this email states that the LHC “do[es] not have a ‘slush fund’ as asked by Councilman Brown to take care of these issues.”
- A March 9, 2023 email from Council Member Brown to an email address associated with the office of Congresswoman Slotkin. The email states, in relevant part, “Please see the attached Community Project Funding request...” and contains two (2) attachments, both of which appear to be requests for funding for the City of Lansing.

I also received and reviewed the Ethics Ordinance. (Exhibit B).

Council Member Brown sent me the following Exhibits during my interview of him:

- A March 20, 2023 email exchange between Council Member Brown and Mr. Fleming. In this email exchange, Mr. Fleming indicates that he knows Council Member Brown was frustrated “with my non-committal of resolution to your questions” and explains that he needs to do further investigation before a resolution can be suggested. Council Member Brown responds that he is “simply asking to be treated with dignity and respect” and that he will no longer be contacting Mr. Fleming because “I will not be attacked by you because I am trying to get answers.” A copy of this email is attached as Exhibit C.
- A March 14, 2023 email from Korey Calloway of Congresswoman Slotkin’s office. This email indicates that Council Member Brown’s proposals have been selected to move onto the next round of the application process and lists the requirements to be completed and a deadline to complete them. Council Member Brown advised that he did not complete these requirements because the Mayor indicated he was not going to support Council Member Brown’s proposals. This email is attached as Exhibit D.

I also reviewed the March 27, 2023 minutes of the Committee of the Whole (“COW”) meeting and the March 27, 2023 minutes of the City Council meeting, which are attached as Exhibits E and F respectively. During its meeting, the COW passed a resolution supporting eight (8) funding proposals for Congresswoman Slotkin to advocate. Discussion on the resolution indicated that the Mayor and the administration “team” selected and submitted the eight (8) proposals. During its meeting, City Council passed a resolution “fully and completely support[ing]” the eight (8) funding proposals. Both sets of minutes indicate that the projects Council Member Brown put forward – the Lady Bug Center and the International Center – were not included in the eight (8) proposals.

FINDINGS

The ethics complaint alleges that Council Member Brown violated Sections 290.04(b), 290.04(d), and/or 290.04(i) of the Ethics Ordinance. In relevant part, these sections provide that:

- No officer shall directly or indirectly solicit or accept any payment, contribution, money, or other thing of value based on any agreement or understanding with a person that a vote or official action or decision of an officer would be influenced thereby. (Exhibit B, Section 290.04(b)).
- No officer shall falsely represent his personal opinion to be the official position or determination of the governmental body of which he is a member. (Exhibit B, Section 290.04(d)).
- No officer shall act on behalf of the City by making any policy statements, promising to authorize or to prevent any future action, agreement or contract, when such officer has no authority to do so. (Exhibit B, Section 290.04(i)).

As a sitting member of the City Council, Council Member Brown is undisputedly subject to the above provisions. (See Section 290.02 (defining, in relevant part, an “officer” as “an elected or appointed officer...of a governmental body of the City.”))

Regarding the first allegation in the ethics complaint – that Council Member Brown allegedly indicated to a representative of Mr. Deehan’s company that he would vote favorably on resolutions involving the Ovation project if Mr. Deehan’s company or the Mayor paid rent for a constituent – I cannot substantiate the allegation as presented. Council Member Brown flatly denied the allegation. Mr. Deehan also denied that Council Member Brown made the comments as they are described in the ethics complaint. Since both participants to the conversation denied the allegation, I cannot substantiate it. Therefore, I do not find that Council Member Brown violated Section 290.04(b) in this instance.

Regarding the second allegation in the ethics complaint – that Council Member Brown allegedly inquired about a LHC “slush fund” and suggested to Mr. Fleming that he would vote favorably on resolutions involving the LHC if the LHC paid tenant related fees for a constituent out of the “slush fund” – Mr. Fleming and Council Member Brown have different recollections of the conversation. Mr. Fleming remembers that he was polite but firm that he would not commit to a resolution until further investigation had been done; he also remembers that Council Member Brown inquired about a “slush fund.” Council Member Brown, on the other hand, remembers that Mr. Fleming was disrespectful and angry, and that there was no discussion about a “slush fund.” The email exchanges following this conversation appear to support each party’s memory of events. (See March 22, 2023 Email attached to Exhibit A; Exhibit C). However, both were united in their recollection that Council Member Brown did not suggest or indicate that he would vote favorably on LHC resolutions in exchange for LHC paying the tenant’s fees (whether out

of an alleged “slush fund” or not”). Since both participants to the conversation denied the allegation, I cannot substantiate it. Therefore, I do not find that Council Member Brown violated Section 290.04(b) in this instance.

However, while I do not find that Council Member Brown engaged in the conduct as specifically alleged in paragraphs 1 and 2 of the ethics complaint, I do substantiate that Council Member Brown has suggested that his support on matters is based upon whether he has received reciprocal support on a matter of importance to him. Mr. Deehan, Council Member Spitzley, and, to some extent, Mr. Fleming, all provided examples of this. In addition, both Council Member Spitzley and Mr. Deehan expressed concern about Council Member Brown’s comments, with Mr. Deehan indicating that he was concerned enough to consult with his own attorney and Council Member Spitzley indicating that she was concerned enough to warn Council Member Brown.

Having substantiated that Council Member Brown has suggested that his support hinges on others supporting him, I turn to the question of whether this violates Section 290.04(b). That section states that no officer shall “...indirectly solicit...any...other thing of value based on any...understanding with a person that a vote or official action or decision of an officer would be influenced thereby.” While it is a close question, I find that Council Member Brown’s comments could be viewed as an indirect solicitation of a thing of value (*i.e.*, support on matters of importance to him), with the understanding that his support would be reciprocally influenced thereby. I therefore find that Council Member Brown violated Section 290.04(b) with regard to these comments.

Regarding the final allegation – that Council Member Brown requested funding on two (2) projects from Congresswoman Slotkin, even though City Council had not approved these funding requests nor had the Mayor included them in his funding requests – there was conflicting testimony. Based on a careful review of the evidence, I substantiate this allegation. Nearly all the witnesses (Council Members Wood, Spadafore, and Spitzley, and Mayor Schor) stated that the Mayor was responsible for submitting the proposals; nearly all the witnesses (Council Members Wood, Spadafore, Spitzley, and Hussain, and Mayor Schor) stated that Council had to pass a resolution regarding the proposals for which the City was requesting funding. While Council Member Brown expressed some confusion about the process and indicated that he was under the belief that he was permitted to submit proposals directly to Congresswoman Slotkin’s office on his own, he was the only witness who made this claim; and he also acknowledged that Council acts through its resolutions. Here, the March 27, 2023 COW and City Council meeting minutes demonstrate that the proposals were selected by the Mayor/administration, that a resolution was passed regarding what proposals to seek funding for, and the proposals Council Member Brown put forward were not included in that resolution.

Having substantiated these allegations, I also find that Council Member Brown’s actions in this instance violate Sections 290.04(d) and 290.04(i) of the Ethics Ordinance. Those sections state, respectively, that no officer shall “falsely represent his...personal opinion to be the official position or determination of the governmental body of which he...is a member” or act “on behalf of the City by making any policy statements...when such

officer...has, in fact, no authority to do so.” (Exhibit B). I find that Council Member Brown’s submission of two (2) funding proposals identifying the City of Lansing as the applicant could be viewed as an official position or policy statement of the City, *i.e.*, that it was the City’s position or policy to support these projects and to seek funding for them. Since Council Member Brown was not authorized to submit these proposals on behalf of the City and was not authorized to represent that it was the official position or policy of the City to request funding for these projects, I find that he violated Sections 290.04(d) and 290.04(i) in this instance.

CONCLUSION

Thank you for allowing me to assist you in this matter. Please let me know if you have any questions regarding the above or wish to discuss this matter further.

Very truly yours,

/s/Gouri G. Sashital
Gouri G. Sashital, Esq.

EXHIBIT A

Chris Swope
Lansing City Clerk
124 W. Michigan Ave, 9th Floor
Lansing, MI 48909

March 27, 2023

RE: City of Lansing Ethics Complaint related to conduct by Council Member Jeffrey Brown

Dear Mr. Swope:

Please allow this written communication to serve as a formal complaint regarding allegations of multiple violations of the City of Lansing Ethics Ordinance Sections 290.04(b), 290.04(d) and/or 290.04(i) by Council Member Jeffrey Brown. The factual background relating to each separate and distinct alleged violation is explained fully in the following paragraphs. While much of the information related to these complaints was gained indirectly through various verbal conversations, we – the undersigned – believe that it is our duty and obligation to notify the Ethics Board of any potential violation so that a comprehensive investigation can be conducted related to each allegation.

I. Violation of 290.04(b) relating to the City of Lansing Ovation Development Project

Upon information and belief, Council Member Brown engaged in a conversation with a representative of a developer (Jeff Deehan) relating to the City of Lansing Ovation project. During that conversation, Council Member Brown allegedly indicated that he would make a decision, and ultimately support by voting yes on resolutions in front of Council that are related to the Ovation project if in return either Mr. Deehan's company or the mayor would agree to pay first and last month's rent for a constituent's apartment.

II. Violation of Lansing Ethics Ordinance 290.04(b) related to the Lansing Housing Commission

Upon information and belief, Council Member Brown spoke with the Executive Director of the Lansing Housing Commission ("LHC"), Doug Fleming relating to a public comment made during a Committee meeting. During that conversation, Council Member Brown allegedly requested that Mr. Fleming find money in a LHC "slush fund" and use it to pay for various tenant related fees. Mr. Fleming prepared a written communication addressing LHC's investigation of the tenant fees and indicated that no such "slush fund" exists. Upon information and belief, during that conversation it was suggested that Council Member Brown's decisions and any further support by voting yes on LHC resolutions that may come before City

Council was dependent on these fees being paid by LHC. A copy of this email is attached to this complaint as Exhibit A. For privacy reasons, the identity of the resident discussed between Mr. Fleming and Council Member Brown and some city employee email addresses have been redacted. If the Board of Ethics requires an unredacted copy, the Office of the City Attorney will provide it upon request of the Board.

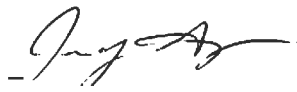
- III. Violation of Lansing Ethics Ordinance 290.04(d) and/or 290.04(i) related to a submission to Congresswoman Elissa Slotkin requesting grant funding on behalf of the City of Lansing

Upon information and belief, on March 9, 2023, Council Member Brown sent an email to Congresswoman Elissa Slotkin with "Community Project Funding" requests. The email contained two attachments, which appear to be a request for project funding, identifying the applicant as the "City of Lansing." At the time of the request, City Council had not passed a resolution supporting or authorizing a request for funding of these community projects – and the mayor had not included these two community projects in his funding requests to Congresswoman Slotkin. The email correspondence and attachments contained in the emails are included in this complaint as Exhibit B. For privacy reasons, some city employee email addresses have been redacted. If the Board of Ethics requires an unredacted copy, the Office of the City Attorney will provide it upon request of the Board.

Thank you for your attention



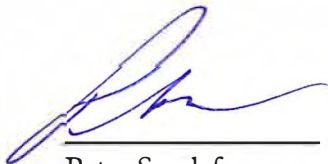
Carol Wood
City Council President



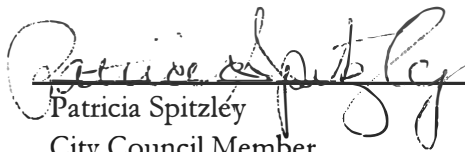
Jeremy Garza
City Council Vice President



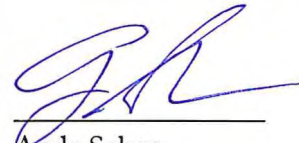
Adam Hussain
City Council Member



Peter Spadafore
City Council Member



Patricia Spitzley
City Council Member



Andy Schor
Mayor

EXHIBIT A

From:
Sent: Friday, March 24, 2023 10:16 AM
To:
Subject: Fwd: [EXTERNAL] Jessica Verlinde

FYI

Begin forwarded message:

From: Doug Fleming <DFleming@lanshc.org>
Date: March 22, 2023 at 10:44:37 AM EDT
To: "Hussain, Adam" <Adam.Hussain@lansingmi.gov>, "Brown, Jeffrey" <Jeffrey.Brown@lansingmi.gov>, "Spitzley, Patricia" <Patricia.Spitzley@lansingmi.gov>
Subject: [EXTERNAL]

Council,

This is a follow up to an inquiry made by Councilwomen Spitzley related to testimony by Ms. Verlinde made during Homeless Committee and subsequently information she provided to Councilmen Brown in his office last Friday. Ms. Verlinde made comments that her past due balance was related to a late payment(s) made by LHC concerning her Section 8 contract we administer with MSHDA to her current management company Superior Management. After contacting the management company, we have completed our investigation.

Here is a breakdown of our findings. Our MSHDA team obtained a rent register from the Management Company. First only \$100 of the amount owed was due to late fees and not the \$150 that was communicated to me that Ms. Verlinde was claiming. All payments from MSHDA/LHC were paid timely after the initial payment in August 2022 and NO late fees were assessed due to payments or lack of payment by LHC. The reason for the late fees were Ms. Verlinde not paying HER portion of her rent from lease up until November. In November she paid only \$123 of the 206.67 that she owed at that time. In addition, she is responsible for electric and did not get her unit put in her name per her lease agreement, so the management company also added the amount of \$571.58 to her account for her costs from move in through September 1st as they had paid the electric on her behalf for that timeframe. She now has a credit in the amount of \$120 after she made a payment in the amount of \$936.25 to cover the rent she had not paid, the late fees and the electric charges. It should also be noted, that Ms. Verlinde's rent is adjusted for a utility allowance to cover those costs.

As I indicated to Councilman Brown on Friday, and as we have several times for other council members, we are always happy to investigate all claims made relative to LHC. We will never give guidance or make

promises at the time of inquiry until we have completed this type of investigation. This case is a reminder of why we adhere to this policy as what is put in the “public space” often does not match with the facts. We do not have a “slush fund” as asked by Councilman Brown to take care of these issues. What we will do is investigate all claims made by our tenants/clients and based on HUD guidance, LHC policy and Fair Housing rules we will adjudicate a resolution as required by one or more of these programs.

Douglas E. Fleming
Executive Director
Lansing Housing Commission
517-487-6550 (o)
517-331-1009 (cell)



Housing is our Mission – LHC is hiring – Please go to <http://www.lanshc.org> and click on employment opportunities.

"This message is intended only for the use of the intended recipient(s) and it may be privileged and confidential. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of the company. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any review, retransmission, conversion to hard copy, copying, circulation or other use of this message is strictly prohibited and may be illegal. If you are not the intended recipient, please notify me immediately by return email and delete this message from your system. Thank you."

EXHIBIT B

From:
Sent: Friday, March 17, 2023 10:24 AM
To:
Cc:
Subject: Fw: Addressing homelessness & creating a cross cultural bridge within the City of Lansing and district for our international residents
Attachments: The International Center 7th Distrstic Congressional Community Project Funding Request.docx; City of Lansing Lady Bug Center Addressing Homelessness.docx

FYI

From: Schor, Andy <Schor.Andy@lansingmi.gov>
Sent: Thursday, March 16, 2023 7:06 PM
To: Wood, Carol <Carol.Wood@lansingmi.gov>; Garza, Jeremy <Jeremy.Garza@lansingmi.gov>
Subject: Fwd: Addressing homelessness & creating a cross cultural bridge within the City of Lansing and district for our international residents

Andy Schor
Mayor
City of Lansing

From: Brown, Jeffrey <Jeffrey.Brown@lansingmi.gov>
Sent: Thursday, March 9, 2023 3:47:37 PM
To: Slotkin.CPF@mail.house.gov <Slotkin.CPF@mail.house.gov>
Cc: Schor, Andy <Schor.Andy@lansingmi.gov>; Brown, Anne <Anne.Brown@mail.house.gov>
Subject: Addressing homelessness & creating a cross cultural bridge within the City of Lansing and district for our international residents

Good afternoon,

Please see the attached Community Project Funding request to assist in addressing Homelessness and to create an economic hub for the international population throughout the City of Lansing and the surrounding district.

Thank you for your support and advocacy!

Jeffrey Brown
Lansing City Council, At-Large
124 W. Michigan Ave. | Lansing, MI 48933
O: 517-483-4177 | C: 517-512-9410 | jeffrey.brown@lansingmi.gov



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Applicant: City of Lansing **Project Title:** The Ladybug Center "Addressing Homelessness"
Total Project Cost: \$3.5 - \$4MM

Project Summary: The Ladybug Center is a resource center located within an urban agri-community where farming is offered as an amenity. Job creation, affording housing, employment services, supportive services will be provided to help those at risk or facing homelessness. The mission is to empower the community to feed its neighbors and itself through embracing collective economics and sustainable green practices. The resource center will facilitate community education and support services for low-income/disabled adults who may be at risk of homelessness. The Ladybug Center embraces a model of integration versus segregation to ensure that all abilities and incomes are reflective within the community. This philosophy of supporting diversity will be reflected in both people who will be served and treatment of the land. The Center will include a 1-acre organic community farm which will embrace a low/ no-till all-natural model around land treatment and food integrity. The Ladybug Center will be a hub for education, community collaboration, and supportive services.

Agri-communities are housing developments centered around community farming in either a rural, suburban, or urban space. They offer farm-to-table living with an onsite farm and a Community Supported Agriculture (CSA) program. Residents can walk out of their door and get their groceries. The aim is to help children and families plant seeds for the future while rebuilding the local food system. A key component of these types of communities are community centers where resident can access various amenities and services. The Ladybug Center is a hub that will offer space for communal dining, educational classes around organic farming, nutrition and food preparation, homeownership support, and supportive services for at risk residents. At the Center residents and community members gain access to community support that allow them to address physical, mental, and substance health related issues. Furthermore, the Center will welcome those from all paths of life: families with children, young professionals, as well as vulnerable populations including adults with disabilities and at risk of homelessness.

Community Support: Through letter of support from elected community leaders; articles in the newspaper highlight the need; support from editorial boards; evidence projects listed on State intended use plans, community development plans, or other available planning documents; or Resolutions passed by city councils or boards.

Community Impact: By embracing a farm-to-table strategy of setting a farm directly within a mixed-income housing community, farmers overcome supply chain issues around getting their produce to market. Economic development and quality affordable housing will empower residents' quality of life, safety, and health.

Developing and training the next generation of farmers/ gardeners to respond to labor shortages. Also exposing this industry to historically underserved groups that have been locked out of farming due to lack of access to land.

Taxpayer Dollars: Many communities also report decreased crime rates, as well as increased pride and community ownership over these spaces. Research has also shown that the creation of community gardens can lead to an increase in neighborhood property values. Amongst other returns on investment.

Cost Breakdown: \$3,893,400

Did you apply for funding last year? No

Applicant: City of Lansing
Project Title: The International Center
Requested Project Cost: \$2,000,000

Project Summary: The International Center will serve as a catalyst for international growth and as a guide to the world's cultural landscape, while helping 7th district residents and businesses recognize the benefit of the diversity and cultures of their neighbors and co-workers from around the world and the indigenous community. The Center will also promote events that enrich life by celebrating cultural diversity and expression and showcase the growing number of nationalities in the city, district, and state. Economic Development, Small Business Development, Cross Cultural Training, DEI forums will be provided to international residents along with local residents to spear head relationships, culture, business, and community building. Additionally, culturally sensitive in-person and virtual training sessions will be provided to assist immigrant, migrant and refugee program participants to become self-sufficient, increase their socio-economic status and become tax paying contributors to the 7th District. Training will include job readiness, and citizenship sessions. Business owners seeking global markets will have opportunities to learn cultural protocols. International exchanges and field experiences will also be offered. Forums will be provided using international and local residents, professional, business, governmental, and educational experts to encourage cross cultural dialogue and understanding, and exposure to various topics that serve to strengthen the target population. An annual international forum will be held drawing businesses and dignitaries from across the world to recognize community leaders and business owners that provide global opportunities for Michigan residents.

Community Support: Community support will be demonstrated through letters of support from elected officials local, county, and state, community leaders, articles, resolutions, data and research, community non-profits and community business owners amongst other constituencies.

Community Impact: The 7th District is a very diverse district with nearly 40% minorities and internationals from nearly 20 different countries of origin. The international bridge building and economic empowerment is a priority for 7th district community residents, and business owners in as they seek to benefit from the skills and experiences of their global neighbors. Immigrants, refugees, and the international community will be aided in their ability to obtain employment as they are immersed in Michigan culture. Additional benefits include access to a diversity of ideas for problem solving, increased opportunities to contribute financially to the communities where they reside and an opportunity to showcase the diversity of cultures in the state.

Taxpayer Dollars: This is a good use of taxpayer dollars because it sparks local economic development, increases jobs and tax capture. Additionally, it provides cultural inclusion fostering attractiveness for residents to continue to invest in their community and opportunity for small business growth as well.

Cost Breakdown: \$2,000,000 – facility, subject matter experts, equipment, and technology.

Did you apply for funding last year? NO

EXHIBIT B

290.04. Prohibitions.

- (a) No person, including any administrative board established under Article V, Chapter 2 of the City Charter, shall directly or indirectly offer or give to any officer, employee or candidate; a member of the immediate family of any officer, employee or candidate; or a business with which any officer, employee or candidate is associated any gift, loan, money, goods, services, contribution, reward, employment or other thing of value based on an agreement or understanding that a vote or official action or decision of an officer, employee or candidate would be influenced thereby.
- (b) No officer, employee or candidate, a member of the immediate family of an officer, employee or candidate, or a business with which an officer, employee or candidate is associated shall directly or indirectly solicit or accept any payment, gift, loan, contribution, money, goods, services, reward, employment or other thing of value based on any agreement or understanding with a person, including any administrative board established under Article V, Chapter 2 of the City Charter, that a vote or official action or decision of an officer, employee or candidate would be influenced thereby.
- (c) It shall be presumed that a non-monetary gift having a value of less than \$50.00 does not evidence a violation of paragraphs (a) and (b) of this section or of Code Section 206.15. Paragraphs (a) and (b) of this section do not prohibit communication between an individual or organization and a candidate regarding the candidate's views, record or plans for future action regarding an issue or measure in an attempt to determine a candidate's viewpoints or how the candidate plans to act in the future, if such communication results in an endorsement of the candidate, a decision not to endorse the candidate, or a contribution or expenditure required to be recorded or reported under Public Act 388 of 1976, as amended.
- (d) No officer or employee shall falsely represent his or her personal opinion to be the official position or determination of the governmental body of which he or she is a member or employee. This subsection shall not apply to statements by elected officials made in the course of fulfilling the responsibilities of their office or in running for election to office, nor shall it apply to the professional opinions of City Officers or employees rendered in the course of performing their duties, provided that such opinions are clearly identified as professional opinions.
- (e) No officer or employee shall divulge to any unauthorized person confidential information acquired in the course of holding his or her position in advance of the time prescribed by the governmental body of which he or she is a member or employee for its authorized release to the public.
- (f) No officer or employee shall use, or allow others to use, the authority, title, or prestige of his or her public office for the attainment of the officer or employee's, or that of a member of his or her immediate family's, private financial benefit in any manner that is inconsistent with public interests.
- (g) An officer or employee shall not use personnel, resources, property or funds under his or her official care and control to obtain personal financial gain in addition to his or her official remuneration as an officer or employee for himself or herself, a member of his or her immediate family, or a business with which either is associated.
- (h) No officer or employee shall act as an attorney, agent or representative of a person other than himself or herself, before the governmental body of which such officer or employee is a member or employee. This provision shall not prevent an officer or employee from performing his or her responsibilities as an officer or employee.
- (i) No officer or employee shall act on behalf of the City by making any policy statements, promising to authorize or to prevent any future action, agreement or contract, when such officer or employee has, in fact, no authority to do so.

-
- (j) No officer or employee shall engage in a business transaction in which the officer, employee, a member of his or her immediate family, or a business with which either is associated, may profit from his or her official position or authority, or benefit financially from confidential information which the officer or employee has obtained or may obtain by reason of that position or authority. This subsection shall not prohibit employment or a contract to conduct instruction which is not done during regularly scheduled working hours, except for annual leave or vacation time, if the officer or employee does not have any direct dealing with or influence on the employing or contracting person or entity in performing his or her official duties for the City.
 - (k) Except as otherwise provided by law, no officer or employee shall participate in, vote upon or act upon, contracts, the making of loans or grants of public funds, the granting of subsidies, fixing or rates, issuance of permits or certificates, or other regulation or supervision relating to any business in which the officer or employee, or a member of his or her immediate family, or any business with which either is associated has a financial or personal interest, other than an interest as a citizen, officer or employee of the City.
 - (l) In addition to the provisions set forth in Charter Section 5-505.1, no officer or employee, shall fail to disclose in writing to the Board of Ethics a conflict of interest or any financial interest other than as a citizen of the City in any matter prior to any action by the City in that matter. Nothing in this section shall prohibit the request of an informal opinion by an officer or employee from the Ethics Board regarding a potential conflict of interest. Neither the filing of a request for an informal opinion, nor the making of a statement concerning a potential conflict of interest pursuant to Section 290.05(a), shall create a presumption or inference that an officer or employee actually has a conflict of interest concerning the matter filed with the Ethics Board or disclosed on the public record.
 - (m) No person shall directly or indirectly solicit, agree, aid or assist any officer or employee to violate this chapter.
 - (n) The provisions and prohibitions set forth in this section 290.04 shall not be construed to prohibit or restrict City employees from negotiating, entering into or enforcing a collective bargaining agreement between the City and a labor union to which the employee belongs pursuant to State or Federal Law.
 - (o) The provisions and prohibitions set forth in this section 290.04 are subject to the applicable provisions and procedures of the State Statute entitled "Contracts of Public Servants with Public Entities," being MCL 15.321 et seq. As the same may be amended from time to time. In the event of a conflict between this section 290.04 and the State Statute in any particular case, the State Statute shall prevail.

(Ord. No. 953, 8-26-96)

EXHIBIT C

From: Brown, Jeffrey <Jeffrey.Brown@lansingmi.gov>
Sent: Monday, May 08, 2023 8:11 AM
To: Gouri Sashital
Cc: eric@ericdoster.com; brendon@basigalawfirm.com
Subject: Re: Tenant issues

From: Brown, Jeffrey <Jeffrey.Brown@lansingmi.gov>
Sent: Monday, March 20, 2023 1:35 PM
To: Doug Fleming <DFleming@lanshc.org>
Subject: Re: Tenant issues

Thank you for your email I was not trying to get a commitment and do understand process. For nearly 20 years I have worked with vulnerable populations. I was simply asking to be treated with dignity and respect and asking if you could help get answers and resolution to a situation where your organization was in question. I think that's fair if you are the CEO.

Believe me you won't have to worry about me calling you again. I will not be attacked by you because I am trying to get answers to problems that people are having with Lansing Housing Commission under your leadership.

I will take a formal route going forward in writing to the funding source and Board.

I am a person who also deserves to be treated with dignity and respect not yelled at your bullied.

You did not take a moment to listen to what I was actually saying and that's unfortunate.

DJB

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From: Doug Fleming <DFleming@lanshc.org>
Sent: Monday, March 20, 2023 1:00:54 PM
To: Brown, Jeffrey <Jeffrey.Brown@lansingmi.gov>
Subject: [EXTERNAL] Tenant issues

Councilman Brown:

I just wanted to drop you a note to follow up on our conversation on Friday. I know you were frustrated with my non-committal of resolution to your questions. To help you understand my position you need to know that we get several requests every week direct from tenants and from other agencies advocating on behalf of themselves or for others. The housing business and in turn the subsidies we provide are sometimes complicated. Each case because of the nature of our business can and often is very different from any other case. The only way that our agency can determine the true status and thus reach a resolution is to investigate each case based on its own merits.

Thus, while I welcome you advocating on behalf of your constituents we will never commit to any resolution over the phone until a investigation is completed. Not only do we have to determine what program they are in (we have over 6 different vouchers programs alone), we also need to determine the facts of the case. As much as our clients like to outline the situation, we often find omissions of certain information that can change/modify our response and potential action. So, while I will never give a resolution to you or any other individual or agency at the time of inquiry, I will commit to getting to the facts and responding to you or them in a timely manner. This is the best we can do with the complicated business in which we operate to ensure fairness to the client, meet the rules of the program they are involved in and be assured we are not in violation of the national fair housing act.

As I said on the phone on Friday if you get me the information, I will look in the situation you were talking about and get you and the client a response to their concerns. As always if we can help, we are glad to be of assistance.

Douglas E. Fleming
Executive Director
Lansing Housing Commission
517-487-6550 (o)
517-331-1009 (cell)



Housing is our Mission – LHC is hiring – Please go to <http://www.lanshc.org> and click on employment opportunities.

"This message is intended only for the use of the intended recipient(s) and it may be privileged and confidential. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of the company. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any review, retransmission, conversion to hard copy, copying, circulation or other use of this message is strictly prohibited and may be illegal. If you are not the intended recipient, please notify me immediately by return email and delete this message from your system. Thank you."

EXHIBIT D

From: Brown, Jeffrey <Jeffrey.Brown@lansingmi.gov>
Sent: Monday, May 08, 2023 8:40 AM
To: Gouri Sashital
Subject: FW: FY24 Community Project Funding- Second Round Application

Jeffrey Brown

Lansing City Council, At-Large
124 W. Michigan Ave. | Lansing, MI 48933
O: 517-483-4177 | C: 517-512-9410 | jeffrey.brown@lansingmi.gov



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From: Calloway, Korey <Korey.Calloway@mail.house.gov>
Sent: Tuesday, March 14, 2023 8:55 PM
To: Calloway, Korey <Korey.Calloway@mail.house.gov>
Cc: Stanard, Alexa <Alexa.Stanard@mail.house.gov>; Mukomel, Lynsey <Lynsey.Mukomel@mail.house.gov>; Girelli, Austin <Austin.Girelli@mail.house.gov>; Calloway, Korey <Korey.Calloway@mail.house.gov>; Brown, Anne <Anne.Brown@mail.house.gov>; Most, Danielle <Danielle.Most@mail.house.gov>
Subject: [EXTERNAL] FY24 Community Project Funding- Second Round Application

Good evening,

I am pleased to inform you that your proposal(s) have been selected to move to the second round of the Community Project Funding FY24 application process. Congratulations on clearing this initial hurdle, but there is still much work to be done. That work begins with completing the full application for your project. The full application will require letters of community support, estimated project dates, and a full cost estimate, among other requirements.

Your second-round, final application, along with all supporting documents and materials, must be completed **no later than noon on March 21, 2023**. Please submit your application through the appropriate online forms below.

Application portals, by subject:

- USDA - Rural Community Facilities Program - [Application Form](#)
- USDA - ReConnect - [Application Form](#)

- USDA - Distance Learning and Telemedicine Grants - [Application Form](#)
- USDA - Rural Water and Waste Disposal Grants - [Application Form](#)
- USDA - Agricultural Research Service - [Application Form](#)
- USDA - Natural Resources Conservation Service - [Application Form](#)
- EPA - STAG - Clean Water State Revolving Fund - [Application Form](#)
- EPA - STAG - Drinking Water State Revolving Fund - [Application Form](#)
- HUD - Economic Development Initiative - [Application Form](#)
- DOT - Transit Infrastructure Grants - [Application Form](#)
- DOT - Highway Infrastructure Projects - [Application Form](#)
- DOT - Airport Improvement Program - [Application Form](#)
- DOT - Port Infrastructure Development Program - [Application Form](#)
- DOT - Consolidated Rail Infrastructure and Safety Improvements (CRISI) Projects - [Application Form](#)
- DOJ - Byrne Justice Assistance Grants - [Application Form](#)
- DOJ - Community Oriented Policing Services -Technology and Equipment - [Application Form](#)
- NASA - Safety, Security, and Mission Service - [Application Form](#)
- DOC - NIST - Scientific and Technical Research - [Application Form](#)
- DOC - NOAA - Coastal Zone Management - [Application Form](#)
- DHS - FEMA - Pre-Disaster Mitigation - [Application Form](#)
- DHS - FEMA - Emergency Operations Centers - [Application Form](#)
- Army Corps of Engineers (Civil Works) - [Application Form](#)
- DOD - Military Construction - [Application Form](#)
- DOI - Water and Related Resources - [Application Form](#)

A couple of final notes:

- **Community engagement and support is crucial in determining which projects are worthy of Federal funding.** Community support may be demonstrated through letters of support from elected community leaders; articles in the newspaper highlighting the need; support from newspaper editorial boards; evidence that the projects listed on State intended use plans, community development plans, or other publicly available planning documents; or Resolutions passed by city councils or boards.
- Please note that **only one file can be uploaded.** Applicants should combine evidence of community support (i.e multiple letters or articles) into a single document (doc/docx/pdf) no larger than 10MB and upload it to the application form.

We know that completing these applications in such a condensed time frame is a heavy lift, however the potential benefits to your community are significant. As always, my staff is available to answer any questions you may have or to assist in whatever way we can as you move through this process. Thank you again for your partnership, and we look forward to seeing your full application in the coming weeks.

If you have any questions, please email Slotkin.CPF@mail.house.gov or call 202-225-4872.

Sincerely,

Korey Calloway
Community Project Funding Coordinator
Office of Congresswoman Elissa Slotkin

EXHIBIT E



MINUTES
Committee of the Whole
Monday, March 27, 2023 @ 5:30 p.m.
Tony Benavides Lansing City Council Chambers

CALL TO ORDER

Council President Wood called the meeting to order at 5:32 p.m.

PRESENT

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

OTHERS PRESENT

Sherrie Boak, Council Office Manager
Lisa Hagen- Lawrence, OCA
Jim Smiertka, OCA
Emily Linden
Alan Fox, Ingham County Treasurer
Amanda O'Boyle OCA
Mr. Dickson, TMO
Peter Froyan, CFO with Diamond Baseball Holdings
Elaine Fischhoff
Michael Lynn
Erica Lynn
David Mittleman

Minutes

MOTION BY COUNCIL MEMBER SPADAFORE TO APPROVE THE MINUTES FROM THE MARCH 13TH, 2023 AND MARCH 20, 2023 AS PRESENTED. MOTION CARRIED 6-0.

Public Comment

Ms. Fischhoff spoke on the necessity to address green house gases and spoke in opposition to the minutes from the COW/BWL joint meeting on March 20, 2023.

Mr. Lynn spoke on items scheduled for the closed sessions on the agenda.

Ms. Lynn spoke on items scheduled for the closed session and an interest in the Mayor's Annual Report.

Presentations

Ingham County Treasurer – Alan Fox

Council Member Jackson stepped away from the meeting at 5:43 p.m.

Mr. Fox introduced himself and began speaking on red tag issues and housing issues in the City and the County, and noted historically they have not tried to give landlords of red tag properties leniency.

Council Member Jackson returned to the meeting at 5:44 p.m.

Mr. Fox expanded on housing and discussions in his office on enforcement of property tax collection, new foreclosures, and putting housing back into a productive use. Because daily they see foreclosures, they spend time on foreclosure prevention staff for foreclosure issues. They are actively reducing the foreclosures to under 80 in the City.

Mr. Fox then spoke on the Landbank, the role on providing additional housing in the City.

Council Member Jackson stepped away from the meeting at 5:49 p.m.

He admitted that the Landbank gets, what he has determined as “worthless”, and in 2022 they acquired nothing. Two years prior they acquired only vacant lots, or property that needed to be demolished. This is not the situation the Landbank dealt with years ago. The Landbank has been before the city with a proposal to build on vacant land in the City and will continue to come back.

Council Member Jackson returned to the meeting at 5:51 p.m.

Some plans are to take adjacent lots and combine them together into condominiums, one of those being a proposal for 5 units on Saginaw across from the former St. Lawrence. Mr. Fox continued speaking about housing from the Landbank, the options to acquire the available properties.

Council Member Spitzley asked about the concrete steps they have been taken to address the housing resources that could help red tag properties. She asked about the Landbank process because she is aware of people who are trying to contact them and there is no response, and people are interested in property. Mr. Fox acknowledged they are working on reclassifying properties so they are correct contact and information on the website which is a priority. He admitted that his office is also working on having to decide what to do with tenants at red tag properties when there are no other properties for them to go to. He is encouraged to work together, and has a meeting with MSDHA March 28, 2023 and other government agencies to talk about housing strategy in the region.

Council Member Brown asked what he believed was an actual tangible way to make sure housing is available, and additional requirements for qualifications or will they maintain status quo. Mr. Fox stated they work with credit unions that are based in the community and understand the community. They have existing programs that have lower credit score requirements, and review case by case analysis that is needed to make it work. He added that the secondary thing that needs to be done is having the Landbank to subsidize the housing, and have building requirements in place to encourage people to stay in the house. Another option he suggested would be to put all the homes on the open market, but work towards having a qualified home buyer in advance. There was a Housing Trust created with ARPA funds, and there are \$2 million available in competitive grants, and they will work with people to work with contractors who have not qualified in the past but help them apply, so people have assistance with obtaining grants to build.

Council Member Kost pointed out to Mr. Fox that the City has 706 red tags, and asked him about the short fix living in sub standard housing. He also asked, outside of Lansing, how many properties are deemed substandard, in Ingham County. Mr. Fox stated most units in Ingham County do not have the rental registration other than City of Lansing and East Lansing. Council Member Kost asked how many affordable housing is in placed such as Okemos and Meridian Township. Mr. Fox said the Tri County Regional Planning report would have that information. Council Member Kost stated East Lansing has no rental districts, and asked if that perpetuates the rentals in Lansing, and Mr. Fox admitted that it keeps the students out of the neighborhoods.

Council Member Spadafore spoke about what is attainable in terms of housing and asked Mr. Fox if he was aware of any programs where people can afford rent but not a mortgage. Asking if there are programs that could help and allow for people to get into mortgage and stable housing. Mr. Fox was not aware of any programs but noted the critical point is to work with lenders locally that have an interest in doing that. Adding that there is a lot of opportunity to do that, but neither the City nor the County have the capacity or legal ability to direct people to specific lenders. Council Member Spadafore encouraged a discussion on how to talk about housing, attainability and define affordability.

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

Mayor's 2022 Annual Report

Council President Wood confirmed that the Administration was asked to speak on this agenda item, and then read into the record the Mayor's response.

In the two months since we submitted this, I have received zero questions about this document from council. We had a state of the city that hit on the highlights of this document, which was compiled in working with many department heads. There is not one person that can comment on all items of the hundred or so page document. And the state of city update to the public, with highlights from the year, was shown on city TV and YouTube.

If there are questions that Councilmembers have that they would like answers to, they can provide them to us and we can attempt to answer them. But we don't have a presentation short of reading the document or watching the state of the city.

If there are any questions that people have before Monday, please send them to Jane and she can work with department directors to do their best to answer them either at COW or in writing afterwards.

Council Member Spitzley asked if it was referred in January.

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

Council President Wood confirmed it was referred January 23, 2023 and when Council staff went to find on the Mayor's Annual Report website it was not there. (It was recently added March 23, 2023). It was available on the Clerk's page under Documents Placed on File.

Council Member Spitzley acknowledged the information and stated she will have questions and will ask those of the departments during the budget sessions. Council President Wood reiterated that the Mayor stated he would not be speaking on it tonight.

Discussion

RESOLUTION – Assignment of Stadium License, Lease and Service Agreement rights and obligations from Take Me Out to the Ballgame, LLC to Diamond Baseball Holdings, LLC
Council President Wood referenced the presentation in the packet from the last meeting.

Mr. Froyn, DBH CEO, introduced himself and briefly spoke on his commitment to Lansing and experience which includes only 15 other teams.

Council President Wood asked the OCA if there was anything to add, and Mr. Smiertka assured the Council that they have been dealing with both TMO and DBH attorneys to put together the documents and address the City's interest. The documents and resolution will actively effect the transfer, and the transfer will be assigned through 2038. The liquor license transfer is forth coming, per confirmation from Ms. Hagen-Lawrence.

Council Member Jackson questioned their resources since this will be their 16th team. The CEO confirmed there are a lot of public private partnerships and this is a hyper local business with business and staff all local. He added that there is an opportunity to bring in other events, and they have worked with entertainment agencies in the past for other events. Council Member Jackson asked them how long they have been in the baseball business. Mr. Froyn himself has been involved for over a decade, and before creating DBH he owned 3 teams , so this is a long term venture for them. With the MLB requirements, this will ensure baseball will stay in Lansing for a long time. Council Member Jackson voiced his concern that if they have to downgrade the number of teams, who decides if the Lugnuts will no longer exist. The CEO reiterated that they are here to stay, they cannot afford to downgrade, if MLB decreases, they are committed to not letting that happen.

MOTION BY COUNCIL MEMBER SPADAFORE TO APPROVE THE RESOLUTION ASSIGNING THE STADIUM LICENSE, LEASE AND SERVICE AGREEMENT RIGHTS AND OBLIGATIONS TO DIAMOND BASEBALL HOLDINGS, LLC. MOTION CARRIED 6-0.

RESOLUTION – Support of Eight (8) Funding Proposals for Congresswoman Slotkin to Advocate

Ms. DiSessa summarized the resolution outlining each of the eight (8) projects covered in the memo and resolution in the packet. She noted that this year the applications were narrow in scope, projects that were recommended are listed in the resolution and the Administration is hoping they will be considered at the federal legislation.

Wastewater Treatment Plant Upgrade - \$5.5 million
Residential Footing Drain Disconnect Program - \$100K-\$1 million
Combined Sewer Overflow Support - \$15 million
City-owned Fiber Replacement - \$1.5 million
Michigan Ave. Corridor Enhancements - \$9.8 million
Public Safety Complex Construction - \$10 million
Kalamazoo Street Flood Barrier- \$100,000
Universally Accessible Playground at Adado Park - \$800,000

Council President Wood confirmed that the residential footing drain project is something the City has been working on in the past.

Ms. DiSessa concluded by stating the Congresswoman Slotkin is looking for broad based support.

Council Member Brown asked if these community funded projects were selected by Congresswoman Slotkin's office, and if how many applications were submitted. Ms. DiSessa did not know all the numbers. Ms. Linden stated the Mayor submitted eight (8) and all were selected. Council Member Brown stated his belief that there were other areas of needs of the people for housing, not just infrastructure, and asked if those projects were applied for. Ms. DiSessa stated those projects were not submitted, but some of those would be submitted to the Senate. Council Member Brown asked why the Administration did not submit for projects that would benefit residents directly. Ms. DiSessa again stated they will look at Senate

applications. Council Member Brown acknowledged an email he had that said the City of Lansing applied for housing and the Administration did not support that application. He added in that email he had, the proposed project was to address housing. He explained to the Administration and Council that Ms. Slotkin stated to him they would support housing and homelessness and however were told that the City would not support that project. Ms. DiSessa stated she will look into housing projects and see if they qualify.

Council Member Kost noted that the public safety facility construction already has \$10 million in funding, and asked Ms. DiSessa why they couldn't ask for funding for the Moores River Pool. Ms. DiSessa acknowledged they did not consider that project. Council Member Kost voiced his frustration with the City closing facilities, but their intentions to ask for and use \$10 million on a public safety building. He believed that it appears that the City needs funds for police because Lansing is dangerous. Lastly, Council Member Kost added a statement that there are items in the eight (8) that already have funding.

Council Member Jackson stepped away from the meeting at 6:44 p.m.

Ms. DiSessa replied that the Administration believes wastewater is important.

Council President Wood added to the discussion that there are items on the list that the City has funded, but this would reduce what the City would have to fund from either the GF or bonds, and in turn reduce any bonding.

Council Member Jackson returned to the meeting at 6:45 p.m.

Council President Wood expanded on the discussion stating that with the CSO, currently the sewer fee pays for that, and is increased 4% every year. This \$1.5 million requested for Combined Sewer Overflow Support would reduce what the fees would have to be increased by.

Council Member Spadafore referenced the playground at Adado Park and the \$1.2 million raised already by Capital Regional Community Foundation. Noting that with this request it would be another \$800,000 which keeps making the cost higher than what the City was told initially the universal park would cost. Ms. DiSessa could not explain why the cost is getting higher, but did state that the Administration wants it done. Council Member Spadafore asked her if there will be a match by someone for the \$800,000 will be matched and Ms. DiSessa confirmed she was not aware of a match.

Council President Wood reminded Ms. DiSessa that the Administration has asked for action tonight at City Council, so any information she cannot provide she will need shortly. Ms. DiSessa admitted action is timely and respectively asked Council to approve.

Council President Wood asked if this will come back to Council for appropriation, and Mr. Smiertka confirmed.

Council Member Brown asked if they appropriate funds, then they will never get a chance to see it again, and asked if they approve the application, but not appropriating them. Mr. Smiertka clarified that in some resolutions, when Council takes actions on projects, it also states "and appropriates", in this case it does not, so the appropriation will come back to Council.

Council Member Brown asked for justification for no application for the Moores River Pool, but they would put in an application for Adado Park. Ms. DiSessa stated she would have to speak to Park Board. She expanded that the application choices was a team decision and they thought they were the best projects to go through the process. She stated again she would have to speak to the Parks department as to why no application for the Moores Park pool.

Council Member Brown asked her to reiterate to the Administration and the “team” that with public transparency these are federal dollars for community funding.

Council President Wood explained to Committee that Council in the past approved funds for a study for the pool rehabilitation, and at this time she was unsure if that study was completed, so Parks Department might not be sure of what the cost is. They could have asked for funds and it might not have been enough.

Council Member Spitzley expressed to Ms. DiSessa that she would have appreciated projects that were people oriented. She explained the process to the Committee and public that once it is voted out of Council it goes to the Federal level. At that point the only time Council will see it again will be to vote on appropriating the funds or not. Council cannot change the projects at that time, which was frustrating.

Council Member Brown asked Mr. Smiertka if the statement just made by Council Member Spitzley was true. Mr. Smiertka reiterated his earlier statement that at this time the City is not appropriating. Council Member Brown asked if Council can reject one of the projects of the eight presented. Mr. Smiertka stated this resolution is to support all eight (8) projects, and it is speculation what will happen at the Federal level and if the City will even get the total \$8 million they are asking for.

MOTION BY COUNCIL MEMBER SPADAFORE TO APPROVE THE RESOLUTION TO SUPPORT EIGHT FUNDING PROPOSALS FOR CONGRESSWOMAN SLOTKIN TO ADVOCATE. MOTION CARRIED 5-1.

PLACE ON FILE – Boards and Commissions Term Expirations
PLACED ON FILE.

Closed Session

Request and granted by Deputy City Attorney, Deputy Mayor and Finance Director to attend MOTION BY COUNCIL MEMBER SPADAFORE AT 6:58 p.m. Pursuant to MCL 15.268(e), I hereby move that we recess into closed session to consult with the City Attorney in connection with the following specific pending litigation. An open meeting will have a detrimental financial effect on the litigating or settlement position of the City of Lansing concerning these cases.

City of Lansing, et al. v. Purdue Pharma, et al.
--

ROLL CALL VOTE, MOTION CARRIED 6-0.

MOTION BY COUNCIL MEMBER SPADAFORE Pursuant to MCL 15.268(e), I hereby move that we recess into closed session to consult with the City Attorney in connection with the following specific pending litigation. An open meeting will have a detrimental financial effect on the litigating or settlement position of the City of Lansing concerning these cases.

Atkinson, et al. v. City of Lansing, et al.

Charter Township of Lansing v. City of Lansing, et al.
--

City of Lansing v. OCOF Nonprofit Housing Corp
--

City of Lansing, et al. v. Purdue Pharma, et al.
--

City of Lansing v. Holmes Apartments, Simtob Management & Investment, Good Life Apartments, Richard Simtob, and Bradley Simtob
--

DePrekel v. City of Lansing, et al.

Freeman v. City of Lansing

Hardy, Gregory v. City of Lansing, et al.

Hulon v. City of Lansing, et al.

Isaia v. Lansing Police Department

Khorrami v. City of Lansing, et al.

Legacy Five LLC v. City of Lansing

Lynn v. City of Lansing

Phillips v. City of Lansing, et al.

Stewart v. City of Lansing, et al.
Taft v. City of Lansing, et al.
United States of America and Coleman v. City of Lansing
LJE Jolly Cedar LLC v. City of Lansing
Robinson Memorial Church of God in Christ v. City of Lansing
ROLL CALL VOTE, MOTION CARRIED 6-0.

Reconvene

Council Member Spadafore (acting Vice President) reconvened the meeting at 7:36 p.m.

Other

No other topics of discussion.

Adjourn

The meeting adjourned at 7:37 p.m.

Respectfully Submitted by,
Sherrie Boak, Recording Secretary,
Lansing City Council

Approved by the Committee April 3, 2023

EXHIBIT F



**Official Proceedings of the City Council
City of Lansing
March 27, 2023**

Tony Benavides Lansing City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:44 p.m. by President Wood.

PRESENT: Council Members Brown, Jackson, Kost, Spadafore, Spitzley, Wood

ABSENT: Council Members Hussain, Garza

A quorum was present.

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Wood.

Special Ceremonies

Appointment; Emily Linden as the Internal Auditor

Resolution #2023-053

By the Committee on Personnel
Resolved by the City Council of the City of Lansing

WHEREAS, on March 14, 2023 and March 15, 2023 the Committee on Personnel held interviews for the selection of an Internal Auditor for the City of Lansing; and

WHEREAS, on March 15, 2023 the Committee on Personnel made the selection of Emily Linden to fill the vacancy of Internal Auditor for the City of Lansing; and

WHEREAS, Emily Linden has been vetted by the Human Resource Department and meets all the requirements.

NOW THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, appoints Emily Linden to the position of Internal Auditor for the City of Lansing to begin on March 27, 2023.

By Council Member Wood

Motion Carried

City Clerk Swope administered the Oath of Office to Emily Linden as the Internal Auditor for the City of Lansing.

Support of the City of Lansing's Community Funded Project Requests to Congresswoman Elissa Slotkin

Mayor Schor gave an overview of the Community Funded Project Requests sent to Congresswoman Elissa Slotkin to obtain federal funding.

Comments by Council Members and the City Clerk

Council Member Spitzley spoke about the Red Tagging of 922 Holmes and the impact on residents. She requested a special meeting of the Committee of the Whole.

Council Member Wood spoke about the special Committee of the Whole meeting. She also spoke about the Red Tagging of 922 Homes.

Council Member Kost spoke about the Red Tagging of 922 Holmes and his First Ward constituent meeting.

Community Event Announcements

Nick Zande spoke about the meeting for rejuvenating South Lansing and the meeting for the Old Everett Neighborhood Association.

Erica Lynn spoke about the Village of Lansing session for teen financial education.

Guillermo Lopez spoke about the 14th Annual Memorial Celebration for Cesar Chavez.

Speaker Registration for Public Comment on Legislative Matters

City Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

Mayor's Comments

Mayor Schor spoke about code compliances and the Red Tagging of 922 Holmes. He congratulated Emily Linden for her appointment as Internal Auditor and Jeff Scharnowske for his retirement from the City. Mayor Schor announced that the Groesbeck Golf Course is open for the season, the Crosstown Showdown baseball game at Jackson Stadium between the Lansing Lugnuts and Michigan State University Baseball team, the Seasonal Employment Career Day hiring event, yard waste drop off events, the Hairball Concert, the Cesar Chavez Memorial Ceremonies.

Lastly, the Mayor provided highlights of his proposed FY 2023-2024 Budget.

Show Cause Hearings

Orders to Make Safe or Demolish to the owners of property located at 651 E. Jolly Rd.

- Comment on Scheduled Show Cause Hearings:

No one from the public spoke on the Show Cause Hearing

Referred to the Committee on Public Safety

Public Comment on Legislative Matters

Public Comment on Legislative Matters:

Mike Lynn spoke about the appointment of an internal auditor.

Erica Lynn spoke about the City of Lansing's Community Funded Project Requests to Congresswoman Elissa Slotkin.

Legislative Matters

Resolution #2023-054

By Councilmember Hussain

Resolved by the City Council of the City of Lansing

WHEREAS, the 3rd Ward Councilmember Adam Hussain has recommended the appointment of Trinidad Pehlivanoglu, of 3408 Inverary Dr., Lansing Michigan, 48911 to fill the vacancy of the 3rd Ward Member position on the Board of Ethics with a term to expire June 30, 2023 and for her reappointment to the term to expire June 30, 2027; and

WHEREAS, the recommendation has been vetted and meets all Charter Requirements.

NOW, THEREFORE BE IT RESOLVED the Lansing City Council, hereby, appoints Trinidad Pehlivanoglu, of 3408 Inverary Dr., Lansing Michigan, 48911 to fill the vacancy of the 3rd Ward Member on the Board of Ethics with a term to expire June 30, 2023 and reappoints Trinidad Pehlivanoglu as the 3rd Ward Member of the Board of Ethics with a term to expire June 30, 2027.

By Council Member Wood

Motion Carried

City Clerk Chris Swope administered the Oath of Office to Trinidad Pehlivanoglu as a Member of the Board of Ethics.

Consent Agenda

By Council Member Spadafore

To approve items 5 to 10, 12 to 15, and 18 to 19 on the Consent Agenda

Motion Carried

Resolution #2023-055

By Council Members Brown, Garza, Hussain, Jackson, Kost, Spadafore, Spitzley, Wood

Resolved by the City Council of the City of Lansing

WHEREAS, Kristen D. Simmons is the wife of Spencer Simmons, she was appointed in 2019, devoted to keeping our community safe, dedicated to equal justice, and committed to access and transparency within the courts; and

WHEREAS, Judge Simmons brings robust litigation and trial court experience to the bench, litigating countless legal matters within Ingham County and

across the State. She has practiced law extensively within the United States Federal Courts, argued successfully before the Michigan Court of Appeals, and is sworn-in to practice before the United States Supreme Courts; and

WHEREAS, previously she was the former Litigation Manager for the MDOC, Litigation Attorney in the Office of the Michigan Attorney General, served in the Office of the Lansing City Attorney as a 54-A District Court Prosecutor, Legal Advisor to the Lansing Police Department and Police Board of Commissioners, as well as experience as a Public Defender in Ingham County; and

WHEREAS, Judge Simmons is an award-winning legal advocate receiving awards such as, Nation's Best Advocates (2021), Top 40 under Forty (2020), Scott-Hawkins Leadership Fellow (2020), Ingham County's Top 5 Attorney under 35 (2017), and Rising Star Attorney (2015); and

WHEREAS, in addition Judge Simmons is a member of the Lansing Chapter of Alpha Kappa Alpha Sorority, Inc., The Lansing-East Lansing Chapter of The Links, Inc., Association of Black Judges-MI, Michigan District Judges Association, National Bar Association, Women's Lawyer Association MI, Ingham County Bar Association, and Past-President of the Davis-Dunnings Bar Association.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby, wishes to express its appreciation to the Honorable Kristen D. Simmons for her contributions to the Lansing community through her persistent strive to help others. Congratulations on being chosen as the recipient of the "Sojourner Truth" Award from the Greater Lansing Area Club of the National Association of Negro Business and Professional Women's Clubs, Inc. We wish you continued success!

Adopted as part of the Consent Agenda

Resolution #2023-056

By Council Members Brown, Garza, Hussain, Jackson, Kost, Spadafore, Spitzley, Wood
Resolved by the City Council of the City of Lansing

WHEREAS, Nikki Thompson Frazier has a BA in Journalism from Indiana University and MS Communications from Ball State University. Living in Lansing with her husband Terrence Frazier, two daughters Melia and Madison, and guardianship of sister Shona, who has Down Syndrome; and

WHEREAS, Nikki considers herself a mompreneur, prior to starting her business she was executive director of a non-profit, worked in corporate communications, and training and development. She served on several non-profit boards ranging in Board President to Publicity Chair. One of her proudest accomplishments is competing on Food Network's Bakers vs. Fakers in 2017; and

WHEREAS, in 2015, Nikki opened Sweet Encounter, initially an online and wholesale bakery specializing in quality gluten free desserts, starting the bakery as both her daughters have food allergies. When the pandemic started in 2020, Nikki pivoted and offered virtual and in person cooking classes for all ages; and

WHEREAS, in 2021, Nikki won Lansing Built to Last Business Competition allowing her to open her first storefront in Lansing, MI on February 16, 2022. She continues offering gluten free treats, eats and cooking classes for all ages including corporate team building cooking classes.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby, wishes to express its appreciation to Nikki Thompson Frazier for her contributions to the Lansing community through her persistent strive to help others. Congratulations on being chosen as the recipient of the "Business Excellence" Award from the Greater Lansing Area Club of the National Association of Negro Business and Professional Women's Clubs, Inc. We wish you continued success!

Adopted as part of the Consent Agenda

Resolution #2023-057

By Council Members Brown, Garza, Hussain, Jackson, Kost, Spadafore, Spitzley, Wood
Resolved by the City Council of the City of Lansing

WHEREAS, Clinton Canady III is married to Rita Proctor Canady, and is the father of daughter Tara Lynn Canady-Doss and son Clinton Canady IV, and proud grandfather to four grandchildren; and

WHEREAS, Clinton Canady III practiced with Stuart J. Dunnings Jr. for 13 years before starting his own practice, Canady Law Offices in 1987. He was in general practice for a total of 37 years, until his election to the Ingham County Circuit Court in November 2010, assuming office on January 1, 2011; and

WHEREAS, Judge Canady previously held positions with the State Bar of Michigan, National Bar Association, Wolverine Bar Association, and was co-founder of the Lansing Black Lawyers Association now the Davis-Dunnings Bar Association; and

WHEREAS, Judge Canady also served on the Lansing Regional Chamber of Commerce as a Director, Commissioner of the Lansing Board of Water and Light, many other community organizations including Kappa Alpha Psi and Sigma Pi Phi Fraternities. Former member of the Board of Directors of the Ingham County Bar Association and served as a State Bar of Michigan Commissioner.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby, wishes to express its appreciation to the Honorable Clinton Canady III for his continued contributions to the Lansing community through his persistent strive to help others. Congratulations on being chosen as the recipient of the "Frederick Douglass" Award from the Greater Lansing Area Club of the National Association of Negro Business and Professional Women's Clubs, Inc. We wish you continued success!

Adopted as part of the Consent Agenda

Resolution #2023-058

By Council Members Brown, Garza, Hussain, Jackson, Kost, Spadafore, Spitzley, Wood
Resolved by the City Council of the City of Lansing

WHEREAS, Carmen Y. Turner was born in Rome, GA and moved to Detroit, MI at age four. Ms. Turner has two daughters, the oldest is an alumna of the University of Notre Dame, and the youngest is an alumna of Harvard University. In 1982 she was accepted to Michigan State University and graduated with a B.A. in Marketing/Communication; and

WHEREAS, after graduation, Carmen returned to Detroit for a position with NBD Bank (now Chase Bank), after seven years she was promoted to Branch Manager for the Wayne State University office and became involved in the Junior Achievement Program along with other youth programs in the community. In July 2001 Carmen returned to Lansing as President of the Boys & Girls Club; and

WHEREAS, wherever Carmen has lived she has been involved in the community and local organizations including, to name a few, Lansing Rotary Club Board of Directors, Lansing Rotary Foundation Board of Directors, Blue Cross Blue Shield Advisory Committee, MCAN Board of Directors, CAPCAN Board of Directors, MLK Commission, Boys & Girls Clubs of America State Ambassador, and Commissioner for Delta Township Parks & Recreation; and

WHEREAS, Carmen Y. Turner has received many honors and awards including, to name a few, Youth Advocate of the Year (2006), Spirit of Scouting Service Aware (2007), Tribute to Women Aware (2011), and received a certificate of achievement for the Boys & Girls Clubs of America's Executive Leadership Program (2004).

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby, wishes to express its appreciation to Carmen Y. Turner for her contributions to the Lansing community through her persistent strive to help others. Congratulations on being chosen as the recipient of the "Community Service" Award from the Greater Lansing Area Club of the National Association of Negro Business and Professional Women's Clubs, Inc. We wish you continued success!

Adopted as part of the Consent Agenda

Resolution #2023-059

By Council Members Brown, Garza, Hussain, Jackson, Kost, Spadafore, Spitzley, Wood
Resolved by the City Council of the City of Lansing

WHEREAS, Auset Pope is the daughter of Mr. Larry and Mrs. Ramona Byrd-Pope, and the granddaughter of Mr. George Byrd. Auset is a senior at East Lansing High School; and

WHEREAS, Auset's school activities include, American Sign Language Club, Black Student Union, K-pop Club, Latinx Club, Multicultural Club, Theatre Tech Crew, Marching and Symphonic Band, and Writing and Photography for Portrait (school newspaper). She has attended pre-college programs (HSSI Health Sciences Scholarship Institute) at MSU and Art at the University of Michigan Stamps School of Art & Design; and

WHEREAS, while in leadership positions, she has had the opportunity to serve as Vice President (ASL Club), Co-founder of K-pop, and Treasurer of GLAC Youth Club. While in Les Meres et Debutantes Club of Greater Lansing she served as Debutante President and Secretary; and

WHEREAS, Auset has gained leadership experience from her employment at MDOT Youth Development & Mentoring Program and One Level Global Youth. Auset has also had the opportunity to volunteer at Delta Sigma Theta Sorority Inc. Delta Games, GLAC NBPW Youth Club, Grit, Glam and Guts, MLK Jr. Holiday Commission Luncheon, and 96.5 FM School Backpack Giveaway. She has made various items for the Salvation Army, hospitals and nursing homes, and beaded support bracelets for parents of babies in Sparrow NICU.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby, wishes to express its appreciation to Auset Pope for her continued contributions to the Lansing community through her persistent strive to help others. Congratulations on being chosen as a recipient of the "Youth on the Move" Award from the Greater Lansing Area Club of the national Association of Negro Business and Professional Women's Clubs, Inc. We wish you continued success!

Adopted as part of the Consent Agenda

Resolution #2023-060

By Council Members Brown, Garza, Hussain, Jackson, Kost, Spadafore, Spitzley, Wood
Resolved by the City Council of the City of Lansing

WHEREAS, Zachary Isaiah Aloysius Barker is a junior at Okemos High School who is a student leader with a passion for athletics and the arts. He has excelled in football, starting as a member of the Okemos High School Varsity team since 10th grade, he is an outstanding shot put and discus thrower setting school records; and

WHEREAS, at school Zachary serves as a direct mentor for incoming special abled peers through the LINKs program, helping students safely navigate high school, making them feel welcome in an intimidating environment and attending classes with them and advocates for them; and

WHEREAS, at the age of 4, Zachary began collecting socks for sick children in Sparrow Hospital to make treatment times more bearable, his passion to ensure all children had warm feet, inspired him to start his LLC Sock it to Sickness. Also, participating in the Ronald McDonald House, Boys and Girls Club of Greater Lansing, and It's A Breast Thing; and

WHEREAS, Zachary is a member of the Greater Lansing Chapter, Jack and Jill of America, Inc. having served as Vice President, Foundation Chair, and Chaplain. He is also a member of Kappa League and Turning Point, wherever there is an opportunity to serve, Zachary is ready.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby, wishes to express its appreciation to Zachary Isaiah Aloysius Barker for his

continued contributions to the Lansing community through his persistent strive to help others. Congratulations on being chosen as a recipient of the "Youth on the Move" Award from the Greater Lansing Area Club of the National Association of Negro Business and Professional Women's Clubs, Inc. We wish you continued success!

Adopted as part of the Consent Agenda

Resolution #2023-061

By the Committee on Ways and Means
Resolved by the City Council of the City of Lansing

WHEREAS, the City of Lansing Department of Economic Development and Planning is the fiduciary of the Michigan State Housing and Development Authority Emergency Solutions Federal Grant HML-2023-City of-384-ESF; and

WHEREAS, the Michigan State Housing and Development Authority Emergency Solutions Federal Grant (ESF); and

WHEREAS, the City of Lansing has been awarded \$283,372 in MSHDA ESF funds for FY2023 (October 1, 2022 to September 30, 2023) to provide services to the homeless and/or those at risk of homelessness, more specifically to provide street outreach, emergency shelter, rapid re-housing, Homeless Management and Information System (HMIS) and administration; and

WHEREAS, administration and HMIS (Homeless Management and Information System) costs will be utilized not to exceed 7.5% and 10% respectively; and

WHEREAS, the MSHDA ESF funds in combination with the MSHDA ESM funds awarded to the Department of Economic Development and Planning will be sufficient to complete the activities proposed with no additional funds from the City; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lansing approves the acceptance of the \$283,372 Emergency Solutions grant award by MSHDA for the purpose funding eligible services.

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves acceptance of the Michigan State Housing Development Authority-Emergency Solutions Grant for the purposes of services to homeless individuals and families and those at-risk of homelessness.

BE IT FINALLY RESOLVED that Andy Schor of the City of Lansing is authorized to receive the funds, create the necessary accounts, and make necessary transfers for administration in accordance with the requirements of the grantor.

Adopted as part of the Consent Agenda

Resolution #2023-062

By the Committee on Ways and Means
Resolved by the City Council of the City of Lansing

WHEREAS, the City of Lansing Department of Economic Development and Planning is the fiduciary of the Michigan State Housing and Development Authority Emergency Solutions Match Grant HML-2023-City of-384-ESM; and

WHEREAS, the Michigan State Housing and Development Authority Emergency Solutions Match Grant (ESM); and

WHEREAS, the City of Lansing has been awarded \$249,000 in MSHDA ESM funds for FY2023 (October 1, 2022 to September 30, 2023) to provide services to the homeless and/or those at risk of homelessness, more specifically to provide emergency shelter, homelessness prevention services, Homeless Management and Information System (HMIS) and administration and

WHEREAS, administration and HMIS (Homeless Management and Information System) costs will be utilized not to exceed 7.5% and 10% respectively; and

WHEREAS, this MSHDA ESM grant provides 100% of the required match for the MSHDA ESF funds awarded to the Department of Economic Development and Planning will be sufficient to complete the activities proposed with no additional funds from the City; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lansing approves the acceptance of the \$249,000 Emergency Solutions grant award by MSHDA for the purpose funding eligible services.

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves acceptance of the Michigan State Housing Development Authority-Emergency Solutions Grant for the purposes of services to homeless individuals and families and those at-risk of homelessness.

BE IT FINALLY RESOLVED that Andy Schor of the City of Lansing is authorized to receive the funds, create the necessary accounts, and make necessary transfers for administration in accordance with the requirements of the grantor.

Adopted as part of the Consent Agenda

Resolution #2023-063

By the Committee on Ways and Means
Resolved by the City Council of the City of Lansing

RESOLUTION APPROVING APPLICATION TO MICHIGAN DEPARTMENT OF TRANSPORTATION FOR LOCAL BRIDGE PROGRAM FUNDING

WHEREAS the Michigan Department of Transportation (MDOT) is currently soliciting applications for candidate projects for the Local Bridge Program to be funded in the 2026 fiscal year; and

WHEREAS April 3, 2023 is the deadline for submitting the applications; and

WHEREAS up to four funding applications per agency for bridge projects can be submitted in accordance with the MDOT Call for Projects; and

WHEREAS multiple preventative maintenance projects can be bundle together as one application; and

WHEREAS the City of Lansing, Public Service Department, intends to submit Local Bridge Program funding applications to MDOT for the following three projects listed in the order of priority and funding category:

Priority	Project	Funding Category
1.	E Elm Street over Red Cedar River	Replacement
2.	Mt Hope Avenue over Sycamore Creek (bundle)	Preventative Maintenance
	Pennsylvania Avenue over Red Cedar River (bundle)	Preventative Maintenance
3.	Kalamazoo Street over the Grand River (bundle)	Preventative Maintenance
	Beech Street over Red Cedar River (bundle)	Preventative Maintenance

WHEREAS, if successful, the City would receive state or federal funding to finance 95% of construction cost, and the City would fund 5% of the construction and 100% of the engineering costs for any bridge project selected; and

WHEREAS the estimated construction cost of the above listed projects and City's share of construction and engineering costs are tabulated below; and

#	Project	Estimated Construction Cost	City's Share		
			Match 5%	Engineering 25%	TOTAL
1	E Elm St over Red Cedar River	\$5,046,000	\$253,3000	\$1,261,500	\$1,513,800
2	Mt Hope Avenue over Sycamore Creek	\$205,000	\$10,250	\$51,250	
	Pennsylvania Ave over Red Cedar River	\$774,000	\$38,700	\$193,500	\$293,700
3	Kalamazoo St over the Grand River	\$258,000	\$12,900	\$77,400	
	Beech Street over Red Cedar River	\$110,000	\$5,500	\$27,500	\$110,400

WHEREAS, any one or any combination of the above four projects could be approved for 2026 funding.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves the submittal of the FY 2026 funding applications for the MDOT's Local Bridge Program as listed in the priority above.

BE IT FURTHER RESOLVED that upon grant award, the Mayor is authorized through the Public Service Director to administratively appropriate the necessary accounts for City costs associated with any bridge project selected, which will be budgeted with Act 51 funds.

Adopted as part of the Consent Agenda

Resolution #2023-064

By the Committee on Ways and Means
Resolved by the City Council of the City of Lansing

WHEREAS, the Public Service Department received approval for 2023 Federal Transportation Alternatives Program funding through the Tri-County Regional Planning Commission subject to completion of a grant application process with the Michigan Department of Transportation; and

WHEREAS; the Ranney Park Pathway/Coolidge Road/Grand River Avenue project would construct new sidewalk and replace existing substandard driveway approaches and sidewalk to connect portions of the city north of Saginaw Street to the Ranney Park Pathway and River Trail; and

WHEREAS; the East Street Pathway project would construct a pathway within the East Street public right of way adjacent the CSX railway between May Street and Shiawassee Street and a connection to the Saginaw Street bike lanes at the intersection of Saginaw Street and Center Street; and

WHEREAS the City requested \$242,000 in federal funding with a required local match of \$60,500 for a total estimated project cost of \$302,500 to construct the Ranney Park Pathway/Coolidge Road/Grand River Avenue project; and

WHEREAS; the City requested \$192,536 in federal funding with a required local match \$48,134 for a total estimated project cost of \$240,670 to construct the East Street Pathway project; and

WHEREAS; the required local match will come from the City's Act 51 funds and the City will be responsible for all engineering, permit, administration and

other costs not covered by the grant funds; and

WHEREAS, the Administration and the City Council recognize the importance and need for safe, alternate modes of transportation for all users and the proposed enhancements are within the scope of the City's Complete Streets ordinance; and

WHEREAS, the City of Lansing recognizes the importance of the continued maintenance of these and other enhancements and commits to owning the constructed facilities and implementing a maintenance plan/program over the design life of the facilities constructed with this grant funding and has budgeted specific monies to ensure the continued maintenance of the enhancements.

NOW, THEREFORE, BE IT RESOLVED, if the City of Lansing is awarded Michigan Department of Transportation Local Transportation Alternatives Program grant funding for these projects, the Lansing City Council, hereby, approves acceptance of this funding and the use of the City's Act 51 funding for the required match.

BE IT FURTHER RESOLVED that Mitch Whisler is authorized to act as the City's representative during project development and Mayor Schor will sign the project agreements upon receipt of grant funding awards.

BE IT FINALLY RESOLVED, the Administration is authorized to receive the grant funds, create the necessary accounts, and make necessary transfers for administration in accordance with the requirements of the grantor.

Adopted as part of the Consent Agenda

Resolution #2023-065

By the Committee on Development and Planning
Resolved by the City Council of the City of Lansing

Resolution Setting a Public Hearing to Establish an Industrial Development District

WHEREAS, pursuant to PA 198 of 1974, as amended, the City Council of the City of Lansing seeks has received a request from Consumers Energy Company to create Lansing Industrial Development District (IDD-01-23) encompassing property commonly known as 7000 North Canal Rd., Dimondale, Michigan 48821 and legally described as:

A parcel of land in the North 1/2 of the Northwest 1/4 of Section 10, Township 3 North, Range 3 West, Windsor Township, Eaton County, Michigan described as follows: Beginning at the North 1/4 corner of said Section; thence South 00 degrees 44 minutes 21 seconds East, on the North & South 1/4 line of said Section, 1332.08 feet to the North 1/8 line of said Section; thence North 89 degrees 46 minutes 39 seconds West, on said North 1/8 line, 2646.67 feet to the West line of said Section; thence North 00 degrees 13 minutes 11 seconds West, on said West Section line, 325.28 feet; thence North 89 degrees 46 minutes 49 seconds East, perpendicular to said West Section line, 60.00 feet; thence North 00 degrees 13 minutes 11 seconds West, parallel with said West Section line, 459.79 feet to a point of curvature; thence 246.15 feet on a curve to the left, having a radius of 878.51 feet, a central angle of 16 degrees 03 minutes 13 seconds, and a long chord which bears North 08 degrees 14 minutes 47 seconds West, 245.35 feet to the beginning of an existing Limited Access Right of Way; thence North 23 degrees 05 minutes 11 seconds East, on said Limited Access Right of Way line, 127.96 feet; thence North 64 degrees 59 minutes 25 seconds East, on said Limited Access Right of Way line, 66.86 feet to the end of said Limited Access Right of Way; thence continuing North 64 degrees 59 minutes 25 seconds East, 45.87 feet to a point of curvature; thence 332.12 feet on a curve to the right, having a radius of 758.51 feet, a central angle of 25 degrees 05 minutes 15 seconds, and a long chord which bears North 77 degrees 32 minutes 03 seconds East, 329.47 feet; thence North 00 degrees 04 minutes 40 seconds East, perpendicular to the North line of said Section, 60.00 feet to said North Section line; thence South 89 degrees 55 minutes 20 seconds East, on said North Section line, 2133.55 feet to the point of beginning; and,

WHEREAS, prior to acting on this request, it is necessary to hold a public hearing on the proposed creation of an Industrial Development District, to allow for all owners of real property within the proposed Industrial Development District, residents, taxpayers and other interested persons the right to appear and be heard;

NOW, THEREFORE, BE IT RESOLVED, that a public hearing be held on April 10, 2023 at 7:00 p.m. in the Tony Benavides Lansing City Council Chambers, 10th Floor, Lansing City Hall, 124 W. Michigan Avenue, Lansing, Michigan.

BE IT FINALLY RESOLVED that the City Clerk cause to be published notice of such hearing in a publication of general circulation when all persons interested may attend and be heard and make any objection they may have to the proposed Industrial Development District (IDD-01-23), and that the City Clerk also cause the owners of real property located within the proposed amended district to be notified of the request and the scheduled public hearing as required by PA 198 of 1974, as amended.

Adopted as part of the Consent Agenda

Resolution #2023-066

By the Committee on Development and Planning
Resolved by the City Council of the City of Lansing

Resolution Setting a Public Hearing for a New Personal Property Exemption

WHEREAS, pursuant to Public Act 328 of 1998 (PA 328 of 1998), as amended, Consumers Energy Company, has made Application to the City of Lansing for a New Personal Property Exemption (PPE-01-23) for property located at 7000 North Canal Rd., Dimondale, Michigan 48821 which is within Lansing Industrial Development District IDD 01-23 and the jurisdiction of the City of Lansing and legally described as:

A parcel of land in the North 1/2 of the Northwest 1/4 of Section 10, Township 3 North, Range 3 West, Windsor Township, Eaton County, Michigan described as follows: Beginning at the North 1/4 corner of said Section; thence South 00 degrees 44 minutes 21 seconds East, on the North & South 1/4

line of said Section, 1332.08 feet to the North 1/8 line of said Section; thence North 89 degrees 46 minutes 39 seconds West, on said North 1/8 line, 2646.67 feet to the West line of said Section; thence North 00 degrees 13 minutes 11 seconds West, on said West Section line, 325.28 feet; thence North 89 degrees 46 minutes 49 seconds East, perpendicular to said West Section line, 60.00 feet; thence North 00 degrees 13 minutes 11 seconds West, parallel with said West Section line, 459.79 feet to a point of curvature; thence 246.15 feet on a curve to the left, having a radius of 878.51 feet, a central angle of 16 degrees 03 minutes 13 seconds, and a long chord which bears North 08 degrees 14 minutes 47 seconds West, 245.35 feet to the beginning of an existing Limited Access Right of Way; thence North 23 degrees 05 minutes 11 seconds East, on said Limited Access Right of Way line, 127.96 feet; thence North 64 degrees 59 minutes 25 seconds East, on said Limited Access Right of Way line, 66.86 feet to the end of said Limited Access Right of Way; thence continuing North 64 degrees 59 minutes 25 seconds East, 45.87 feet to a point of curvature; thence 332.12 feet on a curve to the right, having a radius of 758.51 feet, a central angle of 25 degrees 05 minutes 15 seconds, and a long chord which bears North 77 degrees 32 minutes 03 seconds East, 329.47 feet; thence North 00 degrees 04 minutes 40 seconds East, perpendicular to the North line of said Section, 60.00 feet to said North Section line; thence South 89 degrees 55 minutes 20 seconds East, on said North Section line, 2133.55 feet to the point of beginning.; and,

WHEREAS, prior to acting on this request, it is necessary to hold a public hearing on the application for a New Personal Property Exemption PPE-01-23, to allow the assessor, all representatives of affected taxing units, and all other residents and taxpayers of the City of Lansing and other interested persons the right to appear and be heard.

NOW, THEREFORE, BE IT RESOLVED, that a public hearing be held in the Tony Benavides Lansing City Council Chambers of the City of Lansing, 10th Floor, Lansing City Hall, Lansing, Michigan, on April 10, 2023 at 7:00 p.m.

BE IT FINALLY RESOLVED that the City Clerk cause to be published notice of such hearing in a publication of general circulation when all persons interested may appear and be heard regarding the application for a New Personal Property Exemption PPE-01-23, and that the City Clerk also cause the assessor and the legislative body of each taxing unit that levies ad valorem taxes on the aforementioned property to be notified of the application and the scheduled public hearing as required by PA 328 of 1998, as amended.

Adopted as part of the Consent Agenda

Resolutions

Resolution #2023-067

By the Committee on City Operations
Resolved by the City Council of the City of Lansing

WHEREAS, the Lansing City Council by resolution adopted a policy in 1987 for the Claims Review Committee to administratively handle certain claims up to a limit of \$500; and

WHEREAS, the Lansing City Council by resolution approved March 27, 1989 raised the amount to be considered by the Claims Review Committee to \$1,000; and

WHEREAS, the Lansing City Council by resolution approved March 10, 2014 raised the amount to be considered by the Claims Review Committee to \$2,500; and

WHEREAS, a review of the claims being filed for assessments such as the abatement of trash/weed violations; false alarms; board-ups; multiple code violations; recycling charges; property tax transfer fees and other nuisance assessments ("Claims") have increased; and

WHEREAS, on March 22, 2004 Council adopted a committee report establishing a limitation on the time for filing a Claim listed on the tax roll.

WHEREAS, the purpose of the Claims Review Committee is to handle administratively claims that would otherwise be filed in the Small Claims Division of the District Court; and

WHEREAS, the jurisdictional level of the Small Claims Division of the District Court has increased to \$6,500.

WHEREAS, to be consistent with the jurisdictional authority of the Small Claims Division of the District Court, it is recommended that Claims of \$6,500 or less be handled by the Claims Review Committee.

NOW, THEREFORE, BE IT RESOLVED that Council reaffirms the continuation of the policy allowing the consideration of Claims by the Claims Review Committee comprised of representatives of the City Attorney, the Mayor, and City Council Internal Auditor.

BE IT FURTHER RESOLVED that Claims of \$6,500 or less will continue to be referred to the Claims Review Committee to be administratively handled.

BE IT FURTHER RESOLVED that Claims placed as assessments on the real property tax roll shall be filed within thirty (30) days after the due date of the tax bill upon which the assessment is listed.

By Council Member Spadafore to adopt a substitute

Motion Carried

By Council Member Spadafore to adopt the resolution as substitutes

Motion Carried

Resolution #2023-068

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

Resolution in Support of the City of Lansing's Community Funded Project Requests to Congresswoman Elissa Slotkin

WHEREAS, the City of Lansing is committed to enhancing the quality of life for its residents using all avenues that become available; and

WHEREAS, the office of Congresswoman Elissa Slotkin is accepting applications for Community Funded Projects through the federal government appropriations process; and

WHEREAS, the City of Lansing has submitted eight applications for funding through this program; and

WHEREAS, the applications include, Michigan Avenue enhancements, City-owned fiber redundancy, wastewater treatment plant upgrades, CSO funding, footing drain disconnect program, public safety complex funding, Kalamazoo Street flood barrier, and funding for a universally accessible playground at Adado park; and

WHEREAS, Michigan Avenue is an iconic Lansing corridor that after decades of unintended neglect has fallen into a severe state of disrepair; and

WHEREAS, there has been some success in securing funding for much needed infrastructure improvements, but more is needed; and

WHEREAS, this historic investment will improve public safety and make traveling in the corridor by any means more efficient; and

WHEREAS, with the seat of state government on one end and a Big Ten university on the other, Michigan Avenue is truly "Michigan's Avenue". The entire Lansing community as well as lawmakers, tourists, and local businesses will all benefit from bringing "Michigan's Mainstreet" back to life; and

WHEREAS, the Lansing City Council fully supports the administration's application for funding for this project and views the rehabilitation of Michigan Ave. as a vitally important project to preserve and enhance the connectivity between East Lansing and Lansing; and

WHEREAS, the City of Lansing has numerous underground infrastructure opportunities for improvement related to our network between key facilities; and

WHEREAS, City facilities are all connected by a combination of City owned and leased fiber connections. Several of the City owned fiber connections need redundancy or replacement; and

WHEREAS, having improved fiber connection at City properties will allow city government to serve the residents of Lansing more efficiently; and

WHEREAS, Adado Riverfront Park and the Lansing Center are both also heavily used for large community events that often request WIFI; and

WHEREAS, the Lansing City Council fully supports the administration's application for funding for this project and views the robustness and security of city-related data to be of the utmost importance; and

WHEREAS, the City is proposing to make process improvements to its wastewater treatment plant, including bringing its digester back on line; and

WHEREAS, this project would result in utility and operational savings; and

WHEREAS, to remediate the existing digester facility, which was decommissioned in the 1970's and install new equipment would cost approximately \$5.5 million; and

WHEREAS, due to the financial burden of the federally mandated CSO program and the need to meet affordability standards with respect to median income levels, this project is currently not budgeted; and

WHEREAS, having an efficient and wastewater treatment plant drastically improves the quality of life for all residents and would have a long-term positive impact on costs and rates, which would positively impact taxpayers; and

WHEREAS, the Lansing City Council fully supports this request as maintaining a high level of service to Lansing Residents at an affordable cost is what helps contribute to making Lansing an attractive place to live, work, and raise a family, and

WHEREAS, the City currently has 13 years remaining on its combined sewer overflow project. The estimated cost of the remaining work is between \$250 million and \$300 million in today's dollars; and

WHEREAS, although the City is utilizing state revolving fund loans and is eligible for principal forgiveness due to its status as a disadvantaged community, funding for the project will require that sewer rates continue to increase 3%-4% per year for the next 20 to 30 years until the project costs are paid off; and

WHEREAS, the City is requesting \$15 million which would allow the City to reduce the use of sewer funds for another year, lowering the necessary rate increases and making sure the City can continue to meet affordability criteria; and

WHEREAS, having a combined sewer overflow that is effective and efficient drastically improves the quality of life for all residents. Poorly maintained combined sewer overflow can cause sewage backup into basements, causing property damage and creating health problems; and

WHEREAS, combined sewer overflows contain not only storm water but also untreated human and industrial waste and are a major pollution and public

health concern if not properly built and maintained. The additional funding will ensure that the City is providing safe and effective infrastructure for years to come; and

WHEREAS, the Lansing City Council values the health and safety of city residents above all and as such supports this project for federal funding; and

WHEREAS, Lansing's sanitary sewer infrastructure is rapidly aging and in need of significant upgrades to keep home values high and to preserve the quality of life for residents; and

WHEREAS, implementing a footing drain disconnection program in areas with higher probabilities of sanitary sewer backups would accomplish this goal; and

WHEREAS, the project would disconnect footing drains from combined and sanitary sewers, reducing the potential for sewage backups into basements during heavy rain events; and

WHEREAS, the City of Lansing Public Service Board and the Lansing Sustainability Commission have passed resolutions supporting this project; and

WHEREAS, the project will reduce basement flooding both for residents whose footing drains are disconnected and others that are within the areas impacted by sewer surcharging; and

WHEREAS, this proposal will complement the City's existing basement backup prevention program, allowing more footing drains to be disconnected by installation of a back flow valve and sump pump. When implemented in a targeted manner, footing drain disconnection can be a cost-effective alternative to sewer main upsizing; and

WHEREAS, the Lansing City Council fully supports the administration's application for funding for this project to protect homeowners' property and reduce the likelihood of backups; and

WHEREAS, the City of Lansing has requested a special appropriation of Community Development Block Grant funds for the construction of a new combined public safety facility; and

WHEREAS, the voters of the City of Lansing authorized the City to sell bonds in order to finance the project; and

WHEREAS, upon receipt of these federal funds, taxpayers will see a decrease in their financial liability for this project; and

WHEREAS, the facility will house the 54A District Court, Fire Station No. 9, Police Department headquarters including a lockup facility as well as much-needed renovations to fire stations 1, and 3 including the renovation of living quarters to include enhanced safety standards and gender-inclusive facilities; and

WHEREAS, the Lansing City Council supports this effort that will improve the safety of the public, public employees and enhance the City's ability to recruit and retain Police and Fire employees; and

WHEREAS, as a result of the construction of I-496 and US-127, a dike was created around the Urbandale area of Lansing/Lansing Township; and

WHEREAS, as a result, during river flooding events, the area is protected until the water level reaches Kalamazoo Street at US-127; and

WHEREAS, once water crosses this area, it flows into the Urbandale Neighborhood, inundating it with up to 4 feet of water; and

WHEREAS, installation of a barrier system and storm sewer overflow would protect this area up to another 2' of flooding depth, minimizing the chance of flooding and allowing residents time to protect property in the area; and

WHEREAS, the Lansing City Council believes that the return on this relatively low investment of funds could be significant in this era of climate change when another flood could be just weeks or months away that has the potential to result in hundreds of thousands, if not millions of dollars, in property losses and insurance claims; and

WHEREAS, the City of Lansing is partnering with the Capital Region Community Foundation to build Play Michigan!, the first universally-accessible playground in the region, designed to promote inclusivity and the health and wellbeing of all children; and

WHEREAS, the project has broad community support thanks to the \$1.2 million that has been raised privately to fund its construction; and

WHEREAS, because the playground will be fully accessible, parents and grandparents who have physical limitations will be able to enjoy playing with their children and grandchildren; and

WHEREAS, this nearly \$3 million playground-park on the downtown Lansing riverfront will be a destination for families throughout our region and beyond; and

WHEREAS, designers have far exceeded ADA requirements to create a completely barrier-free environment where all children and adults, regardless of ability, can play side-by-side throughout the entire park; and

WHEREAS, the Lansing City Council shares the administration's commitment to equity and inclusion for all residents and non-residents alike through this project.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council fully and completely supports these eight funding proposals and respectfully requests

that Congresswoman Slotkin strongly advocate for their funding.

BE IT FINALLY RESOLVED that the Lansing City Clerk forward a copy of this resolution to Congresswoman Slotkin's Lansing and Washington, DC offices.

By Council Member Spadafore

Motion Carried with Council Member Kost voting nay

Resolution #2023-069

By the Committee of the Whole

Resolved by the City Council of the City of Lansing

WHEREAS, in 2014 the City of Lansing entered into a Stadium License, Lease, and Service Agreement ("Agreement") with Take Me Out to the Ballgame, LLC ("TMO") for the Lansing Lugnuts ("Team") to play minor league baseball games at the City owned stadium; and

WHEREAS, since 2014, the Stadium License, Lease, and Service Agreement has been amended twice, and currently runs through 2038; and

WHEREAS, TMO desires to sell the Team to Diamond Baseball Holdings, LLC ("DBH"), which includes the rights and obligations under the Agreement and subsequent amendments; and

WHEREAS, the Agreement requires that the City consent to any assignment or transfer of the rights and obligations contained in the agreement.

NOW, THEREFORE BE IT RESOLVED, that the Lansing City Council hereby consents to the assignment of TMO's rights and obligations under the Agreement and subsequent amendments to DBH.

BE IT FINALLY RESOLVED, the Mayor is authorized to sign the appropriate assignment documents, subject to approval as to form by the City Attorney.

By Council Member Spitzley

Motion Carried

Resolution #2023-070

By the Committee on City Operations

Resolved by the City Council of the City of Lansing

CONFIRMATION GLENBURNE GRASS & TRASH ASSESSMENT ROLL SUMMER 2023

WHEREAS, pursuant to resolution 2023-035, adopted by this Council, the City Council held a public hearing on March 13, 2023, regarding Assessment Roll GB-2022 for the removal of trash and grass in the Glenburne Commons are adjacent to certain properties; and

WHEREAS, the cost incurred between April 25, 2022, and November 6, 2022, by the City totals \$22,230.00; and

WHEREAS, the Committee on City Operations met on March 27, 2023, to review the public hearing findings; and

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council hereby directs that special assessment roll number GB-2022 as returned by the City Assessor, be ratified, and confirmed.

FURTHER BE IT RESOLVED, the Lansing City Council hereby directs the City Assessor notify the owners of properties affected by this roll in accordance with City Ordinance 1020.06.

Contiguous Boundaries of properties benefitted to include all the parcels within the following subdivisions in their entirety as follows:

Glenburne Subdivision

Glenburne Subdivision No. 2

Glenburne Subdivision No. 3

Glenburne Subdivision No. 4

Glenburne Subdivision No. 5

Part of the North ½ and South East ¼ of Section 36, T4N, R3W

City of Lansing, Eaton County, Michigan

BE IT FURTHER RESOLVED THAT Special Assessment Roll No. GB-2022 as presented and as returned by the City Assessor, is hereby ratified, and confirmed, and the Mayor is authorized to affix within ten days his warrant directing the City Treasurer to collect this special assessment tax. If payment is not received by May 31, 2023; this special assessment tax will be placed on the July 2023 tax roll without interest or penalty.

By Council Member Spadafore

Motion Carried

Ordinances for Introduction

Introduction of Ordinance

The Committee on Development & Planning introduced:

An ordinance of the City of Lansing, Michigan, to amend Chapter 812, Section 812.02 of the Lansing Codified Ordinances to increase the number of members of the Principal Shopping District Board from eight to nine and clarify the requirements for board composition.

The Ordinance is read a first time by its title and referred to the Committee on Development and Planning.

Resolution #2023-071

By the Committee on Development & Planning
Resolved by the City Council of the City of Lansing

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, April 10, 2023, at 7 p.m. in the Tony Benavides Lansing City Council Chambers, 124 W. Michigan Avenue, Lansing Michigan, for the purpose of:

Approving or opposing the amendment to Chapter 812, Section 812.02 of the Lansing Codified Ordinances to increase the number of members of the Principal Shopping District Board from eight to nine and clarify the requirements for board composition.

By Council Member Spitzley

Motion Carried

Introduction of Ordinance

Council Member Spadafore introduced:

An ordinance of the City of Lansing, Michigan, to amend the Lansing Codified Ordinances by amending Chapter 206, Section 206.16 to increase the maximum contract amount for which a Lansing-based bidder has an opportunity to match the lowest bid from a non-Lansing based business.

The Ordinance is read a first time by its title and referred to the Committee on Ways and Means.

Resolution #2023-072

By the Committee on Ways and Means
Resolved by the City Council of the City of Lansing

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, April 10th, 2023 at 7 p.m. in Tony Benavides Lansing City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of increasing the maximum contract amount for which a Lansing-based bidder has an opportunity to match the lowest bid from a non-Lansing based business.

By Council Member Spadafore

Motion carried

Ordinances for Passage

Passage of Ordinance

An Ordinance of the City of Lansing, Michigan, to amend the Lansing Codified Ordinances by amending Chapter 1212, to add Section 1212.01 that provides for the renaming of the City Planning Board to the "Planning Commission" pursuant to Section 11 of the Michigan Planning Enabling Act, being MCL 125.3811.

Was read a second time by its title and adopted by the following roll call vote:

Yeas: Council Members Brown, Kost, Jackson, Spitzley, Wood

Nays: Council Member Spadafore

By Council Member Spitzley to give the Ordinance immediate effect

Motion Carried

Ordinance #1312

An ordinance of the City of Lansing, Michigan, to amend the Lansing Codified Ordinances by amending Chapter 1212, to add Section 1212.01 that provides for the renaming of the City Planning Board to the "Planning Commission" pursuant to Section 11 of the Michigan Planning Enabling Act, being MCL 125.3811.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 1212 of the Code of Ordinances of the City of Lansing, Michigan be and is hereby amended to add Section 1212.01, to read as follows:

CHAPTER 1212

1212.01. Pursuant to the Michigan Planning Enabling Act, 2011 PA 31, et seq. and specifically Section 11 of said act, being MCL 125.3811, the City of Lansing planning board shall now officially be named the “planning commission.” All reference to the planning board in the City charter, ordinances, resolutions, regulations and all other documents and instruments shall hereafter refer to and be synonymous with the planning commission name and the planning commission shall have and retain all the powers and duties of the planning board under all City and State laws.

Section 2. If any portion of this Ordinance is held invalid for any reason, that holding will not affect the validity of the remaining portions of this Ordinance, which will continue in full force and effect.

Section 3. Any ordinances in conflict with this Ordinance are repealed, but only to the extent necessary to give this Ordinance full force and effect.

Section 4. This ordinance shall take effect on the 30th day after enactment, unless given immediate effect by City Council and shall expire December 31, 2031.

Speaker Registration for Public Comment on City Government Related Matters

City Clerk Swope announced that the public comment registration form(s) for those intending to address Council on City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

Reports From City Officers, Boards, and Commissions; Communications and Petitions; and Other City Related Matters

Council Member Spitzley discussed the Economic Development Planning Department during the Development and Planning Meeting

By Council Member Spadafore that all items be considered as being read in full and that President Wood make the appropriate referrals

Motion Carried

- Reports from City Officers, Boards and Commissions:

Letter(s) from the City Clerk re:

Minutes of Boards and Commissions placed on file in the Clerk's Office
PLACED ON FILE

Fireworks Display License; Lansing Lugnuts & Pyrotecnico Fireworks Inc. at Jackson Field, 505 E. Michigan Avenue on various dates
Referred to the Committee on City Operations

Liquor License Transfer; RYKY LLC dba Leo's Lodge request for Class C License and a Sunday Sales (PM), Outdoor Service, Entertainment, SDM Permits at 2525 E Jolly Rd
Referred to the Committee on City Operations

Tri-County Regional Planning Commission Audits and Financial Statements
Referred to the Committee on Development and Planning

Letter(s) from the Mayor re:

Support of the City of Lansing's Community Funded Project Requests to Congresswoman Elissa Slotkin
Referred to the Committee of the Whole and Placed on File

Reappointment; Michael McKissic as an At-Large member of the Economic Development Corporation / Tax Increment Finance Authority / Lansing Brownfield Redevelopment Authority Board of Directors for a term to expire February 28, 2029
Referred to the Committee on Development and Planning

Community Development Block Grant (CDBG) Annual Action Plan for Fiscal Year 2023-2024
Referred to the Committee of the Whole and to the Internal Auditor

Setting a Public Hearing on the Community Development Block Grant (CDBG) Annual Action Plan for Fiscal Year 2023-2024
Referred to the Committee of the Whole and to the Internal Auditor

Z-1-2023; 4111 Aurelius Road, Rezoning from MX-1, Neighborhood Mixed-Use Center to R-2, Suburban Detached Residential District
Referred to the Committee on Development and Planning

Setting a Public Hearing on Z-1-2023; 4111 Aurelius Road, Rezoning from MX-1, Neighborhood Mixed-Use Center to R-2, Suburban Detached Residential District
Referred to the Committee on Development and Planning

Z-3-2023; 818, 820, 908, 914, May Street, 817, 821, 823, 827, 843 & 903 E. Saginaw Street, 711, 713, 714, 0, 717, 718, 0, 721, 722, 723, 724, 725,

727, East Park Terrace, 709, 713, 714, 718, 717, 721, 722, 725, 729 Quaker Court, and 711, 715, 721, 727 & 737 N. Pennsylvania Avenue , Rezoning from "R-MX" Residential Mix to "DT-2" Urban Flex District
Referred to the Committee on Development and Planning

Setting a Public Hearing in consideration of Z-3-2023; 818, 820, 908, 914, May Street, 817, 821, 823, 827, 843 & 903 E. Saginaw Street, 711, 713, 714, 0, 717, 718, 0, 721, 722, 723, 724, 725, 727, East Park Terrace, 709, 713, 714, 718, 717, 721, 722, 725, 729 Quaker Court, and 711, 715, 721, 727 & 737 N. Pennsylvania Avenue , Rezoning from "R-MX" Residential Mix to "DT-2" Urban Flex District
Referred to the Committee on Development and Planning

Act-1-2023; East Michigan Avenue, Right of Way Easements
Referred to the Committee on Development and Planning

LS-4-2023; Lot Split Application for 4512 & 4524 Ingham Street
Referred to the Committee on Development and Planning

LS-7-2023; Lot Split Application for 4720 Ballard Road
Referred to the Committee on Development and Planning

SLU-1-2023; Special Land Use Permit, 109 E. Randolph Street
Referred to the Committee on Development and Planning

Setting a Public Hearing on SLU-1-2023; Special Land Use Permit, 109 E. Randolph Street
Referred to the Committee on Development and Planning

Fiscal Year 2023- 2024 Budget
Referred to the Committee of the Whole and to the Internal Auditor

Setting a Public Hearing on Fiscal Year 2023-2024 Budget
Referred to the Committee of the Whole

- Communications and Petitions, and Other City Related Matters:

Communication from Karen Henderson about City trees and plants
Referred to the Parks Board Committee

Notice from the Michigan Liquor Control Commission; Old Bag Of Nails Pub – Lansing, LLC request for Conditional License; New SDM License Issued Under MCL 436.1533(5); New Sunday Sales Permit (AM/PM);SDM License – Mixed Spirit Drink located at 3214 East Michigan Ave Suite B (RID # (RQ-2301-00698)
Referred to the Committee of City Operations

Motion of Excused Absence

By Council Member Spadafore to excuse Council Members Garza and Hussain from tonight's proceedings.

Motion Carried

Remarks by Council Members

Council Member Wood asked Council Member Spitzley to discuss with Council Member Kost when the Development and Planning items are on the agenda.

Council Member Brown spoke about red tagged houses and thanked other Council Members for their diligence on the issue.

Public Comment on City Government Related Matters

Daniel Arnold spoke about vacant properties.

Jerry Norris spoke about overnight stays and warming centers.

Nicklas Zande spoke about various City matters.

Farhan Sheikh Omar spoke about housing issues.

Mike Lynn spoke about Mayor Schor

Erica Lynn spoke about City Council related issues.

Adjourned Time 9:14 P.M.

Chris Swope, City Clerk



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June 2, 2023

Board of Ethics for the City of Lansing
c/o Brian P. Jackson, Chief Deputy City Clerk
City Hall
124 W. Michigan Ave., 9th Floor
Lansing, MI 48933

BY EMAIL ONLY

RE: Request to Dismiss Ethics Complaint

Dear Ethics Board Members:

This office represents Council Member Jeffrey Brown with respect to the Ethics Complaint (the “Ethics Complaint”) filed against Council Member Jeffrey Brown on March 27, 2023. Dr. Brown, a minister who holds a Doctor of Ministry in Christian Leadership from Kingdom University International, is an unapologetic advocate for the homeless, for the poor, and for anyone else who just needs a helping hand. Because Dr. Brown is currently performing missionary work in the Philippines, he was not present for the May 30 Special Meeting of the Ethics Board and will also miss the June 6 Meeting of the Ethics Board.

A rookie member of the City Council, Dr. Brown is not afraid to take on the *status quo* to benefit the citizens of Lansing. As the saying goes, “No good deed goes unpunished” and Dr. Brown’s good deeds to protect Lansing are certainly being punished by the mere filing of a frivolous Ethics Complaint signed by the Mayor and a majority of the City Council. While it appears that Dr. Brown has ruffled some political feathers here, the Ethics Complaint represents an abuse of the ethics process. Therefore, as discussed in more detail below, each of the three allegations of the Ethics Complaint should be dismissed by this Board because:

1. Allegations #1 and #2 of the Ethics Complaint are false, as confirmed by the investigator in the report (the “Report”) dated May 12, 2023 and submitted to this Board on May 30, 2023 (see Report, Pages 14-15).
2. Allegation #3 of the Ethics Complaint is false because Dr. Brown never applied for funding with Congresswoman Slotkin’s office. Although the investigator admitted being given conclusive documentation that this application was NOT completed (see Report, Pages 10, 13, Exhibit D), the investigator ignored this definitive evidence without explanation.
3. The investigator found that Dr. Brown did not commit any ethical violations as contained in Allegations #1 and #2 of the Ethics Complaint; however, the investigator went beyond the allegations contained in the Ethics Complaint to recommend ethical violations by Dr. Brown based primarily on unsubstantiated hearsay evidence from a single interview which was contradicted by the other nine interviews (see Report, Page 15). Not only is the investigator’s recommendation here contrary to the overwhelming

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evidence in her own Report, but neither the investigator nor this Board have the authority to go beyond the four corners of the Ethics Complaint to find an ethical violation against Dr. Brown.

Accordingly, Dr. Brown's reputation is being threatened because of flimsy, speculative, and nonexistent hearsay evidence. We greatly appreciate the Board's willingness to review Dr. Brown's side of this serious matter. As the remainder of this Request demonstrates, Dr. Brown committed no ethical violations as alleged in the Ethics Complaint or even as referenced in the Report.

THE ETHICS COMPLAINT CONTAINS NO ALLEGATIONS OF PERSONAL BENEFIT TO DR. BROWN AND THE REPORT DID NOT FIND OTHERWISE

According to Section 290.01 of the Lansing Code of Ordinances, the purpose of the ethics provisions is to prevent personal gain:

"290.01. Declaration of purpose; findings.

The People of the City of Lansing declare public office and public employment are held as a public trust and any effort to realize personal gain through official conduct is a violation of that trust. It is the finding of Council that all City Officers and employees are trusted with public functions for the good of the public, that their official powers are fiduciary and are to be used to protect, advance and promote the public interest and not their own; that the people of the City want legislation to ensure that conflicts of interest of officers and employees are eliminated to the fullest extent possible and that violations of rules of ethical conduct are appropriately corrected." (Emphasis added)

As observed by the State Board of Ethics:

"The concept of personal gain or benefit requires some substance, some definable or tangible gain or benefit." *Russell v. Dempsey*, ETH 78-ED-3 (July 11, 1978). Consequently, where there is no personal gain or benefit, ethics complaints are dismissed. See, for example, *Moore v. Davis*, ETH 78-ED-1 (February 21, 1978); *Moore v. Wissman*, ETH 78-ED-2 (February 21, 1978).

Significantly, the Ethics Complaint filed against Dr. Brown makes no allegations that Dr. Brown received any personal gain or benefit.

In Allegation #1, Dr. Brown is falsely accused of asking "Mr. Deehan's company or the mayor [to] agree to pay first and last month's rent for a constituent's apartment."

In Allegation #2, Dr. Brown is falsely accused of requesting that "Mr. Fleming find money in a LHC 'slush fund' and use it to pay various tenant related fees" for a housing assistance recipient named "Ms. Verlinde".

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In Allegation #3, Dr. Brown is falsely accused of “requesting grant funding on behalf of the City of Lansing.”

Similarly, the Report contains no findings that Dr. Brown received any personal gain or benefit.

As incredible as it sounds, the Ethics Complaint is actually attacking Dr. Brown for attempting to obtain assistance for a constituent (see Allegation #1), a housing assistance recipient (see Allegation #2), and the City of Lansing (see Allegation #3) ---nothing for his personal gain or benefit. Although one would expect that a City Council Member should take action to benefit citizens in need, the Ethics Complaint filed against Dr. Brown takes a different view. Because the Ethics Complaint filed against Dr. Brown makes no allegations that Dr. Brown received any personal gain or benefit and neither does the Report, for this reason alone, the Ethics Complaint must be dismissed.

THE FEW “FACTS” REFERENCED IN THE ETHICS COMPLAINT ARE DEMONSTRABLY FALSE

In Allegation #1, Dr. Brown is falsely accused of asking “Mr. Deehan’s company or the mayor [to] agree to pay first and last month’s rent for a constituent’s apartment.”

As the Report concluded, both Jeff Deehan and Dr. Brown expressly denied that Dr. Brown made these statements. See Report, Page 14.

Consequently, Allegation #1 is false.

In Allegation #2, Dr. Brown is falsely accused of suggesting that “Council Member Brown’s decisions and any further support by voting yes on LHC resolutions that may come before City Council was dependent” on “Mr. Fleming find[ing] money in a LHC ‘Slush fund’ and use it to pay various tenant related fees” for a housing assistance recipient named “Ms. Verlinde”. As the Report concluded, both Doug Fleming and Dr. Brown expressly denied that Dr. Brown made these statements. See Report, Pages 14-15.

Consequently, Allegation #2 is false.

In Allegation #3, Dr. Brown is falsely accused of “requesting grant funding on behalf of the City of Lansing.”

This allegation is outrageous. Dr. Brown is the Chair of the Ad Hoc Committee on Homelessness and Solutions. After Dr. Brown was approached to apply for grants by Congresswoman Slotkin herself at an MLK luncheon (see Report, Page 9), he initiated the process to obtain a federal grant to address homelessness for the people of Lansing. These noble actions were not done in secret. In fact, Dr. Brown initiated this process with the Mayor’s knowledge and assistance. As the Ethics Complaint itself demonstrates by the mere fact that the Mayor was copied on Dr. Brown’s initial email on March 9, 2023 to Representative Slotkin’s office, the Mayor was fully advised at all times. Moreover, what the Ethics Complaint fails to disclose is that Dr. Brown’s initial

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email on March 9, 2023, was not a request or application for funding. Instead, as Representative Slotkin's office stated in a subsequent March 14, 2023, email:

"Congratulations on clearing this initial hurdle, but there is still much work to be done. That work begins with completing the full application for your project. The full application will require letters of community support, estimated project dates, and a full cost estimate, among other requirements." See Attachment 1.

Significantly, the Report acknowledges the receipt of this March 14, 2023 email (Attachment #1) (see Report, Page 13 and Exhibit D to the Report); however, the Report ignores – without explanation -- that this March 14, 2023 email (Attachment #1) demonstrates that Dr. Brown never applied for the funding as referenced in Allegation #3 and in the Report. Further, as the basis for its finding that Dr. Brown committed an ethical violation here, the Report relies upon the actions of City Council taken on March 27, 2023; however, as the March 14, 2023 email (Attachment #1) demonstrates, Dr. Brown terminated any efforts to apply for funding on March 14, 2023. Therefore, the basis of the Report's finding is flawed in many respects.

Moreover, it is deeply troubling that the Report could conclude any unethical conduct by Dr. Brown based on the following uncontradicted statements included within the Report itself:

"Council Member Brown stated that he never actually applied for the funding, he just sent proposals indicating interest in order to initiate the process. Once the Mayor indicated he would not support his proposals, Council Member Brown did not complete the application process.

Council Member Brown stated that he "100%" believed he was following the process by working with the Mayor's office. He stated, "If I didn't, why would I cc the Mayor if I was trying to be ethically rogue?"

Therefore, the Report confirms that Dr. Brown thought that he was acting within the rules, and once he became aware that the Mayor would not support these proposals, he immediately discontinued any efforts to obtain funding for Lansing's homeless from Representative Slotkin. What else could Dr. Brown have done under the circumstances?

Consequently, Allegation #3 is outrageous.

Accordingly, the few "facts" set forth in the Ethics Complaint filed against Dr. Brown are demonstrably false.

THE REPORT INAPPROPRIATELY INVESTIGATED MATTERS BEYOND THE ETHICS COMPLAINT ITSELF TO INCORRECTLY FIND AN ETHICS VIOLATION AGAINST DR. BROWN

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As a prerequisite to the jurisdiction of this Board, Section 290.03(a) of the Lansing Code of Ordinances requires:

“Any person may file a signed written complaint with the City Clerk alleging a violation of Chapter 5 of Article V of the City Charter or of this chapter.”

Unless a person complies with Section 290.03(a) above, this Board must dismiss a complaint for lack of jurisdiction pursuant to Section 290.03(a)(5)(a) of the Lansing Code of Ordinances. The Lansing Code of Ordinances clearly indicates that the Report/City Attorney’s analysis is limited to the “complaint” itself. Section 290.03(a). Similarly, the Lansing Code of Ordinances clearly indicates that the Board’s opinion is limited to the “complaint” itself. Section 290.03(d). Even the Report itself states:

“I was assigned to investigate the complaint.” (See Report, Page 1)

However, it is beyond dispute that the Report went well beyond the allegations of the Ethics Complaint. According to Page 15 of the Report:

“However, while I do not find that Council Member Brown engaged in the conduct as specifically alleged in paragraphs 1 and 2 of the ethics complaint, I do substantiate that Council Member Brown has suggested that his support on matters is based upon whether he has received reciprocal support on a matter of importance to him. Mr. Deehan, Council Member Spitzley, and, to some extent, Mr. Fleming, all provided examples of this. In addition, both Council Member Spitzley and Mr. Deehan expressed concern about Council Member Brown's comments, with Mr. Deehan indicating that he was concerned enough to consult with his own attorney and Council Member Spitzley indicating that she was concerned enough to warn Council Member Brown.”

In other words, after the Report recommended dismissal of Allegations #1 and #2 of the Ethics Complaint, the Report then relied upon matters outside of the Ethics Complaint to find an ethical violation. Although the next section of this Request will demonstrate that this finding is factually flawed, the Lansing Code of Ordinances cited above clearly prevents the consideration of matters outside of the Ethics Complaint itself.

If the Report or this Ethics Board are allowed to base its findings on matters not within a complaint itself (as the Report attempts to do), then what are the limits of an ethical investigation or why even have a mandatory written complaint requirement?

In this regard, please note the mandate contained in Section 290.03(c) of the Lansing Code of Ordinances:

“No person shall knowingly make a false or misleading statement in any complaint filed with the City Clerk pursuant to this chapter.”

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The Ethics Complaint is subject to Section 290.03(c) above and each of the six signers of the Ethics Complaint is subject to this “false or misleading” requirement. As the Report concluded with respect to Allegations #1 and #2, Jeff Deehan, Doug Fleming, and Dr. Brown each expressly denied that Dr. Brown made these statements as claimed in the Ethics Complaint. See Report, Pages 14-15. Significantly, each of the six signers of the Complaint admitted that they had no personal knowledge of these allegations. See Report, Page 1 (Garza), Page 4 (Wood), Page 5 (Hussain), Page 6 (Spadafore), Page 6 (Schor), Page 10 (Spitzley). And yet, each declared that “upon information and belief”, that these false statements were actually true.

The point here is that if the Report is allowed to render a finding on matters outside of the Ethics Complaint, then why are not the six signers of the Ethics Complaint also held responsible for their false or misleading statements? The answer is that the Lansing Code of Ordinances cited above clearly prevents the consideration of matters outside of the Ethics Complaint itself.

THE REPORT IGNORES THE OVERWHELMING WEIGHT OF EVIDENCE CONTAINED WITHIN THE REPORT ITSELF TO INCORRECTLY FIND AN ETHICS VIOLATION AGAINST DR. BROWN

According to Page 15 of the Report:

“However, while I do not find that Council Member Brown engaged in the conduct as specifically alleged in paragraphs 1 and 2 of the ethics complaint, I do substantiate that Council Member Brown has suggested that his support on matters is based upon whether he has received reciprocal support on a matter of importance to him. Mr. Deehan, Council Member Spitzley, and, to some extent, Mr. Fleming, all provided examples of this. In addition, both Council Member Spitzley and Mr. Deehan expressed concern about Council Member Brown's comments, with Mr. Deehan indicating that he was concerned enough to consult with his own attorney and Council Member Spitzley indicating that she was concerned enough to warn Council Member Brown.”

Contrary to the foregoing “findings”, Mr. Deehan stated that “Council Member Brown did not indicate a direct quid pro quo” (see Report, Page 12) and “Mr. Fleming stated that Council Member Brown has never told him or suggested to him that he would or would not support LHC resolutions based on LHC doing him or a constituent a favor.” (See Report, Page 4). Mayor Schor “stated that Council Member Brown did approach him about his support on the two (2) projects he wanted to submit for funding - the Lady Bug Center and the International Center - but there was never a quid pro quo proposed regarding Council Member Brown's support for the Ovation project.” (See Report, Page 11). Five of the other interviewed people never even mentioned these alleged “quid pro quo” statements supposedly made by Dr. Brown. And of course, Dr. Brown denied making any such statements. (See Report, Pages 7-10).

So that just leaves the solitary hearsay statements of Council Member Spitzley against the statements of the other nine interviewed people. And yet, against the overwhelming weight of evidence contained within the

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Report itself, the Report somehow states that this is a “close question” (see Report, Page 15) and makes the factual conclusion that Dr. Brown made these “quid pro quo” statements.

We can only hope that the Board finds this aspect of the Report to be as deeply troubling as we do.

THE FAILURE OF THE ETHICS COMPLAINT TO STATE A CLAIM OF A VIOLATION OF THE ETHICS PROVISIONS CONTAINED IN THE LANSING CHARTER, LAW, OR ORDINANCES, REQUIRES ITS DISMISSAL

According to Section 290.03(a)(5)(b), this Board must dismiss an ethics complaint based on the following grounds:

“Failure of the complaint to state a claim of a violation of the ethics provisions contained in the Charter, law or ordinances.”

In each of the three “allegations” set forth in the Ethics Complaint filed against Dr. Brown, even if the few facts asserted against Dr. Brown are true (which they certainly are not), then these “allegations” fail to state a claim of a violation of the ethics rules.

In Allegation #1, Dr. Brown is falsely accused of indicating that “he would make a decision, and ultimately support by voting yes on resolutions in front of Council that are related to the Ovation project if in return either Mr. Deehan’s company or the mayor agree to pay first and last month’s rent for a constituent’s apartment.”

With respect to Allegation #1, the Ethics Complaint claims that Dr. Brown’s actions were actually a violation of Lansing Ethics Ordinance 290.04(b) which reads as follows:

“(b) No officer, employee or candidate, a member of the immediate family of an officer, employee or candidate, or a business with which an officer, employee or candidate is associated shall directly or indirectly solicit or accept any payment, gift, loan, contribution, money, goods, services, reward, employment or other thing of value based on any agreement or understanding with a person, including any administrative board established under Article V, Chapter 2 of the City Charter, that a vote or official action or decision of an officer, employee or candidate would be influenced thereby.”

However, the Ethics Complaint does not claim that Dr. Brown solicited or accepted anything for his personal benefit.

Therefore, Allegation #1 fails to state a claim of a violation of Lansing Ethics Ordinance 290.04(b).

In Allegation #2, Dr. Brown is falsely accused of suggesting that “Council Member Brown’s decisions and any further support by voting yes on LHC resolutions that may come before City Council was dependent” on “Mr.

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Fleming find[ing] money in a LHC ‘slush fund’ and use it to pay various tenant related fees” for a housing assistance recipient named “Ms. Verlinde”.

With respect to Allegation #2, the Ethics Complaint claims that Dr. Brown’s actions were actually a violation of Lansing Ethics Ordinance 290.04(b) which reads as follows:

“(b) No officer, employee or candidate, a member of the immediate family of an officer, employee or candidate, or a business with which an officer, employee or candidate is associated shall directly or indirectly solicit or accept any payment, gift, loan, contribution, money, goods, services, reward, employment or other thing of value based on any agreement or understanding with a person, including any administrative board established under Article V, Chapter 2 of the City Charter, that a vote or official action or decision of an officer, employee or candidate would be influenced thereby.”

However, the Ethics Complaint does not claim that Dr. Brown solicited or accepted anything for his personal benefit. Therefore, Allegation #2 fails to state a claim of a violation of Lansing Ethics Ordinance 290.04(b).

In Allegation #3, Dr. Brown is falsely accused of “requesting grant funding on behalf of the City of Lansing.”

With respect to Allegation #3, the Ethics Complaint and the Report both claim that Dr. Brown’s actions were actually a violation of Lansing Ethics Ordinance 290.04(d) and/or 290.04(i) which read as follows:

“(d) No officer or employee shall falsely represent his or her personal opinion to be the official position or determination of the governmental body of which he or she is a member or employee. This subsection shall not apply to statements by elected officials made in the course of fulfilling the responsibilities of their office or in running for election to office, nor shall it apply to the professional opinions of City Officers or employees rendered in the course of performing their duties, provided that such opinions are clearly identified as professional opinions.”

“(i) No officer or employee shall act on behalf of the City by making any policy statements, promising to authorize or to prevent any future action, agreement or contract, when such officer or employee has, in fact, no authority to do so.”

Lansing Ethics Ordinance 290.04(d) speaks in terms of “opinions”. However, at no time does the Ethics Complaint even allege nor did Dr. Brown render any “opinions” by initiating (but not completing) the process to obtain a federal grant to address homelessness for the people of Lansing. Lansing Ethics Ordinance 290.04(i) speaks in terms of “policy statements” and “agreements”. However, at no time does the Ethics Complaint even allege nor did Dr. Brown make any “policy statements” and “agreements” by initiating (but not completing) the process to obtain a federal grant to address homelessness for the people of Lansing.

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Although the Report weakly suggests that initiating the process to obtain a federal grant “could be viewed as an official position or policy statement of the City” (see Report, Page 16) does this Board want to find an ethical violation based on such an uncertain statement? But again, this entire mental exercise is avoided because it is beyond dispute that Dr. Brown never applied for a federal grant to address homelessness for the people of Lansing.

Therefore, Allegation #3 fails to state a claim of a violation of Lansing Ethics Ordinance 290.04(d) and (i).

Accordingly, the failure of the Ethics Complaint or the Report to state a claim of a violation of the ethics provisions contained in the Lansing Charter, law or ordinances, requires the dismissal of the Ethics Complaint.

ANY ETHICS COMPLAINT THAT IS ENTIRELY BASED “UPON INFORMATION AND BELIEF” MUST BE DISMISSED

Each of the three allegations set forth in the Ethics Complaint filed against Dr. Brown is based entirely “upon information and belief” statements.

According to Section 290.10 of the Lansing Code of Ordinances, the filing of the Ethics Complaint could lead to criminal enforcement. Where criminal charges are involved, in order to obtain a conviction, a prosecutor must “prove the elements of [a charged] crime beyond a reasonable doubt.” *People v Nowack*, 462 Mich 392, 400 (2000). “The obvious corollary of this is that acquittal is necessary when the prosecutor has not proven the elements of a crime beyond a reasonable doubt.” *People v. Mahan*, Michigan Court of Appeals Case No. 344844 (2019). Evidence based “upon information and belief” is insufficient to support a prosecution proving guilt beyond a reasonable doubt. See, for example, *Metropolitan Life Insurance Company v. Reist*, 167 Mich App 112 (1988).

Accordingly, because the Ethics Complaint filed against Dr. Brown is based upon such inconclusive and wishy-washy “upon information and belief” allegations, it must be dismissed.

ANY ETHICS COMPLAINT WHICH ADMITS THAT “MUCH OF THE INFORMATION” CONTAINED THEREIN IS INADMISSIBLE HEARSAY EVIDENCE, MUST BE DISMISSED

In Michigan, so-called “hearsay” evidence is inadmissible subject to limited exceptions. See Rule 802 of the Michigan Rules of Evidence. Significantly, the Ethics Complaint filed against Dr. Brown sheepishly admits that “much of the information related to these complaints was gained indirectly through various verbal conversations”. In fact, the Report confirms each signer of the Ethics Complaint admitted that the statements made in the Ethics Complaint were hearsay statements made outside of their presence. See Report, Page 1 (Garza), Page 4 (Wood), Page 5 (Hussain), Page 6 (Spadafore), Page 6 (Schor), Page 10 (Spitzley). In other words, “much” of this Ethics Complaint is what is referred to as hearsay evidence. According to Rule 801(c) of the Michigan Rules of Evidence, “hearsay” is defined as a “statement, other than the one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.” To this

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point, neither Jeff Deehan (see Allegation #1) nor Doug Fleming (see Allegation #2) signed the Ethics Complaint falsely alleging that Dr. Brown made certain statements (which, in fact, Dr. Brown did not make). Instead, the six signers of the Ethics Complaint (not Deehan or Fleming) are falsely making claims that Dr. Brown made certain statements. Consequently, it is the signers of the Ethics Complaint who are making a “statement, other than the one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.”

Such hearsay evidence is inadmissible. Accordingly, we respectfully request this Ethics Board to recognize that the Ethics Complaint filed against Dr. Brown -- a serious matter -- is largely based on inadmissible and flimsy hearsay evidence. The Ethics Complaint -- which admits that “much of the information related to these complaints was gained indirectly through various verbal conversations” -- must certainly be dismissed on this basis alone.

CONCLUSION: THE ETHICS COMPLAINT IS BASED UPON CONJECTURE AND SPECULATION RATHER THAN FACT

According to the State Board of Ethics:

“It must be concluded, therefore, that the instant complaint is based upon conjecture and speculation rather than fact. Where the facts are too remote to find a violation, dismissal is proper.” *Michigan State AFL-CIO v Hunter*, 98-ED-3 (February 26, 1999).

As illustrated in this Response:

1. The Ethics Complaint filed against Dr. Brown makes no allegations that Dr. Brown received any personal gain or benefit and the Report did not find otherwise.
2. The few “facts” set forth in the Ethics Complaint filed against Dr. Brown are demonstrably false.
3. The Report inappropriately investigated matters outside of the Ethics Complaint itself to incorrectly find an ethics violation by Dr. Brown.
4. The Report ignores the overwhelming weight of evidence to incorrectly find an ethics violation by Dr. Brown.
5. The failure of the Ethics Complaint to state a claim of a violation of the ethics provisions contained in the Lansing Charter, law or ordinances, requires its dismissal.
6. The Ethics Complaint filed against Dr. Brown is based upon inconclusive and wishy-washy “upon information and belief” allegations.
7. The Ethics Complaint filed against Dr. Brown is largely based on inadmissible and flimsy hearsay evidence.

Consequently, the Ethics Complaint and the portion of the Report “finding” an ethical violation against Dr. Brown epitomize the definitions of “conjecture” (“the formation or expression of an opinion or theory without

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sufficient evidence for proof” See [Conjecture Definition & Meaning | Dictionary.com](#)) and “speculation” (“the [activity](#) of [guessing possible answers](#) to a [question](#) without having enough [information](#) to be [certain](#)” See [SPECULATION | definition in the Cambridge English Dictionary](#)). Therefore, in an effort to fix the Ethics Complaint’s fatal “conjecture” and “speculation” flaws, the signers of the Ethics Complaint seek a “comprehensive investigation...related to each allegation.” However, as recognized by the State Board of Ethics, the duty of this Ethics Board is not to fix the Ethics Complaint’s fatal “conjecture” and “speculation” flaws and conduct yet another fishing expedition, but to dismiss the Ethics Complaint.

We are deeply grateful that this Ethics Board is willing to consider our comments on this serious matter. The Ethics Complaint represents a risk to Dr. Brown’s status as a minister and to his unrelenting drive to assist Lansing’s most vulnerable citizens. For the reasons set forth in this Request to Dismiss, the only legal, factual, and fair outcome is to dismiss the Ethics Complaint in its entirety.

Respectfully submitted.

Brendon Basiga

Brendon Basiga (P69369)

Counsel for Jeffrey Brown

909 N. Washington Avenue, Lansing, MI 48906

517-708-7830

brendon@basigalawfirm.com

June 02, 2023

Date:

Eric Doster

Eric Doster (P41782)

Co-Counsel for Jeffrey Brown

2145 Commons Pkwy Okemos, MI 48864

517-977-0147

eric@ericdoster.com

June 02, 2023

Date:

Signature: *Eric Doster*

Eric Doster (Jun 2, 2023 12:03 EDT)

Email: eric@ericdoster.com

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Chris Swope
Lansing City Clerk
124 W. Michigan Ave, 9th Floor
Lansing, MI 48909

March 27, 2023

RE: City of Lansing Ethics Complaint related to conduct by Council Member Jeffrey Brown

Dear Mr. Swope:

Please allow this written communication to serve as a formal complaint regarding allegations of multiple violations of the City of Lansing Ethics Ordinance Sections 290.04(b), 290.04(d) and/or 290.04(i) by Council Member Jeffrey Brown. The factual background relating to each separate and distinct alleged violation is explained fully in the following paragraphs. While much of the information related to these complaints was gained indirectly through various verbal conversations, we – the undersigned – believe that it is our duty and obligation to notify the Ethics Board of any potential violation so that a comprehensive investigation can be conducted related to each allegation.

I. Violation of 290.04(b) relating to the City of Lansing Ovation Development Project

Upon information and belief, Council Member Brown engaged in a conversation with a representative of a developer (Jeff Deehan) relating to the City of Lansing Ovation project. During that conversation, Council Member Brown allegedly indicated that he would make a decision, and ultimately support by voting yes on resolutions in front of Council that are related to the Ovation project if in return either Mr. Deehan's company or the mayor would agree to pay first and last month's rent for a constituent's apartment.

II. Violation of Lansing Ethics Ordinance 290.04(b) related to the Lansing Housing Commission

Upon information and belief, Council Member Brown spoke with the Executive Director of the Lansing Housing Commission("LHC"), Doug Fleming relating to a public comment made during a Committee meeting. During that conversation, Council Member Brown allegedly requested that Mr. Fleming find money in a LHC "slush fund" and use it to pay for various tenant related fees. Mr. Fleming prepared a written communication addressing LHC's investigation of the tenant fees and indicated that no such "slush fund" exists. Upon information and belief, during that conversation it was suggested that Council Member Brown's decisions and any further support by voting yes on LHC resolutions that may come before City

Council was dependent on these fees being paid by LHC. A copy of this email is attached to this complaint as Exhibit A. For privacy reasons, the identity of the resident discussed between Mr. Fleming and Council Member Brown and some city employee email addresses have been redacted. If the Board of Ethics requires an unredacted copy, the Office of the City Attorney will provide it upon request of the Board.

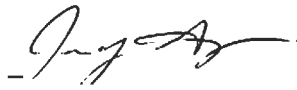
III. Violation of Lansing Ethics Ordinance 290.04(d) and/or 290.04(i) related to a submission to Congresswoman Elissa Slotkin requesting grant funding on behalf of the City of Lansing

Upon information and belief, on March 9, 2023, Council Member Brown sent an email to Congresswoman Elissa Slotkin with "Community Project Funding" requests. The email contained two attachments, which appear to be a request for project funding, identifying the applicant as the "City of Lansing." At the time of the request, City Council had not passed a resolution supporting or authorizing a request for funding of these community projects – and the mayor had not included these two community projects in his funding requests to Congresswoman Slotkin. The email correspondence and attachments contained in the emails are included in this complaint as Exhibit B. For privacy reasons, some city employee email addresses have been redacted. If the Board of Ethics requires an unredacted copy, the Office of the City Attorney will provide it upon request of the Board.

Thank you for your attention



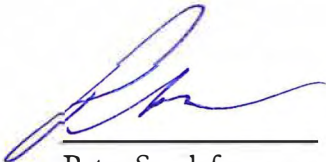
Carol Wood
City Council President



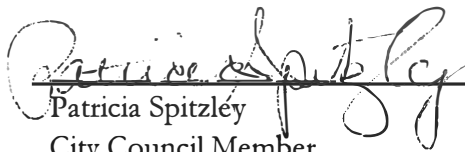
Jeremy Garza
City Council Vice President



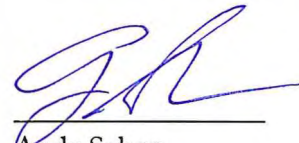
Adam Hussain
City Council Member



Peter Spadafore
City Council Member



Patricia Spitzley
City Council Member



Andy Schor
Mayor

EXHIBIT A

From:
Sent: Friday, March 24, 2023 10:16 AM
To:
Subject: Fwd: [EXTERNAL] Jessica Verlinde

FYI

Begin forwarded message:

From: Doug Fleming <DFleming@lanshc.org>
Date: March 22, 2023 at 10:44:37 AM EDT
To: "Hussain, Adam" <Adam.Hussain@lansingmi.gov>, "Brown, Jeffrey" <Jeffrey.Brown@lansingmi.gov>, "Spitzley, Patricia" <Patricia.Spitzley@lansingmi.gov>
Subject: [EXTERNAL]

Council,

This is a follow up to an inquiry made by Councilwomen Spitzley related to testimony by Ms. Verlinde made during Homeless Committee and subsequently information she provided to Councilmen Brown in his office last Friday. Ms. Verlinde made comments that her past due balance was related to a late payment(s) made by LHC concerning her Section 8 contract we administer with MSHDA to her current management company Superior Management. After contacting the management company, we have completed our investigation.

Here is a breakdown of our findings. Our MSHDA team obtained a rent register from the Management Company. First only \$100 of the amount owed was due to late fees and not the \$150 that was communicated to me that Ms. Verlinde was claiming. All payments from MSHDA/LHC were paid timely after the initial payment in August 2022 and NO late fees were assessed due to payments or lack of payment by LHC. The reason for the late fees were Ms. Verlinde not paying HER portion of her rent from lease up until November. In November she paid only \$123 of the 206.67 that she owed at that time. In addition, she is responsible for electric and did not get her unit put in her name per her lease agreement, so the management company also added the amount of \$571.58 to her account for her costs from move in through September 1st as they had paid the electric on her behalf for that timeframe. She now has a credit in the amount of \$120 after she made a payment in the amount of \$936.25 to cover the rent she had not paid, the late fees and the electric charges. It should also be noted, that Ms. Verlinde's rent is adjusted for a utility allowance to cover those costs.

As I indicated to Councilman Brown on Friday, and as we have several times for other council members, we are always happy to investigate all claims made relative to LHC. We will never give guidance or make

promises at the time of inquiry until we have completed this type of investigation. This case is a reminder of why we adhere to this policy as what is put in the "public space" often does not match with the facts. We do not have a "slush fund" as asked by Councilman Brown to take care of these issues. What we will do is investigate all claims made by our tenants/clients and based on HUD guidance, LHC policy and Fair Housing rules we will adjudicate a resolution as required by one or more of these programs.

Douglas E. Fleming
Executive Director
Lansing Housing Commission
517-487-6550 (o)
517-331-1009 (cell)



Housing is our Mission – LHC is hiring – Please go to <http://www.lanshc.org> and click on employment opportunities.

"This message is intended only for the use of the intended recipient(s) and it may be privileged and confidential. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of the company. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any review, retransmission, conversion to hard copy, copying, circulation or other use of this message is strictly prohibited and may be illegal. If you are not the intended recipient, please notify me immediately by return email and delete this message from your system. Thank you."

EXHIBIT B

From:
Sent: Friday, March 17, 2023 10:24 AM
To:
Cc:
Subject: Fw: Addressing homelessness & creating a cross cultural bridge within the City of Lansing and district for our international residents
Attachments: The International Center 7th Distrstic Congressional Community Project Funding Request.docx; City of Lansing Lady Bug Center Addressing Homelessness.docx

FYI

From: Schor, Andy <Schor.Andy@lansingmi.gov>
Sent: Thursday, March 16, 2023 7:06 PM
To: Wood, Carol <Carol.Wood@lansingmi.gov>; Garza, Jeremy <Jeremy.Garza@lansingmi.gov>
Subject: Fwd: Addressing homelessness & creating a cross cultural bridge within the City of Lansing and district for our international residents

Andy Schor
Mayor
City of Lansing

From: Brown, Jeffrey <Jeffrey.Brown@lansingmi.gov>
Sent: Thursday, March 9, 2023 3:47:37 PM
To: Slotkin.CPF@mail.house.gov <Slotkin.CPF@mail.house.gov>
Cc: Schor, Andy <Schor.Andy@lansingmi.gov>; Brown, Anne <Anne.Brown@mail.house.gov>
Subject: Addressing homelessness & creating a cross cultural bridge within the City of Lansing and district for our international residents

Good afternoon,

Please see the attached Community Project Funding request to assist in addressing Homelessness and to create an economic hub for the international population throughout the City of Lansing and the surrounding district.

Thank you for your support and advocacy!

Jeffrey Brown
Lansing City Council, At-Large
124 W. Michigan Ave. | Lansing, MI 48933
O: 517-483-4177 | C: 517-512-9410 | jeffrey.brown@lansingmi.gov



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Applicant: City of Lansing **Project Title:** The Ladybug Center "Addressing Homelessness"
Total Project Cost: \$3.5 - \$4MM

Project Summary: The Ladybug Center is a resource center located within an urban agri-community where farming is offered as an amenity. Job creation, affording housing, employment services, supportive services will be provided to help those at risk or facing homelessness. The mission is to empower the community to feed its neighbors and itself through embracing collective economics and sustainable green practices. The resource center will facilitate community education and support services for low-income/disabled adults who may be at risk of homelessness. The Ladybug Center embraces a model of integration versus segregation to ensure that all abilities and incomes are reflective within the community. This philosophy of supporting diversity will be reflected in both people who will be served and treatment of the land. The Center will include a 1-acre organic community farm which will embrace a low/ no-till all-natural model around land treatment and food integrity. The Ladybug Center will be a hub for education, community collaboration, and supportive services.

Agri-communities are housing developments centered around community farming in either a rural, suburban, or urban space. They offer farm-to-table living with an onsite farm and a Community Supported Agriculture (CSA) program. Residents can walk out of their door and get their groceries. The aim is to help children and families plant seeds for the future while rebuilding the local food system. A key component of these types of communities are community centers where resident can access various amenities and services. The Ladybug Center is a hub that will offer space for communal dining, educational classes around organic farming, nutrition and food preparation, homeownership support, and supportive services for at risk residents. At the Center residents and community members gain access to community support that allow them to address physical, mental, and substance health related issues. Furthermore, the Center will welcome those from all paths of life: families with children, young professionals, as well as vulnerable populations including adults with disabilities and at risk of homelessness.

Community Support: Through letter of support from elected community leaders: articles in the newspaper highlight the need: support from editorial boards; evidence projects listed on State intended use plans, community development plans, or other available planning documents; or Resolutions passed by city councils or boards.

Community Impact: By embracing a farm-to-table strategy of setting a farm directly within a mixed-income housing community, farmers overcome supply chain issues around getting their produce to market. Economic development and quality affordable housing will empower residents' quality of life, safety, and health.

Developing and training the next generation of farmers/ gardeners to respond to labor shortages. Also exposing this industry to historically underserved groups that have been locked out of farming due to lack of access to land.

Taxpayer Dollars: Many communities also report decreased crime rates, as well as increased pride and community ownership over these spaces. Research has also shown that the creation of community gardens can lead to an increase in neighborhood property values. Amongst other returns on investment.

Cost Breakdown: \$3,893,400

Did you apply for funding last year? No

Applicant: City of Lansing
Project Title: The International Center
Requested Project Cost: \$2,000,000

Project Summary: The International Center will serve as a catalyst for international growth and as a guide to the world's cultural landscape, while helping 7th district residents and businesses recognize the benefit of the diversity and cultures of their neighbors and co-workers from around the world and the indigenous community. The Center will also promote events that enrich life by celebrating cultural diversity and expression and showcase the growing number of nationalities in the city, district, and state. Economic Development, Small Business Development, Cross Cultural Training, DEI forums will be provided to international residents along with local residents to spear head relationships, culture, business, and community building. Additionally, culturally sensitive in-person and virtual training sessions will be provided to assist immigrant, migrant and refugee program participants to become self-sufficient, increase their socio-economic status and become tax paying contributors to the 7th District. Training will include job readiness, and citizenship sessions. Business owners seeking global markets will have opportunities to learn cultural protocols. International exchanges and field experiences will also be offered. Forums will be provided using international and local residents, professional, business, governmental, and educational experts to encourage cross cultural dialogue and understanding, and exposure to various topics that serve to strengthen the target population. An annual international forum will be held drawing businesses and dignitaries from across the world to recognize community leaders and business owners that provide global opportunities for Michigan residents.

Community Support: Community support will be demonstrated through letters of support from elected officials local, county, and state, community leaders, articles, resolutions, data and research, community non-profits and community business owners amongst other constituencies.

Community Impact: The 7th District is a very diverse district with nearly 40% minorities and internationals from nearly 20 different countries of origin. The international bridge building and economic empowerment is a priority for 7th district community residents, and business owners in as they seek to benefit from the skills and experiences of their global neighbors. Immigrants, refugees, and the international community will be aided in their ability to obtain employment as they are immersed in Michigan culture. Additional benefits include access to a diversity of ideas for problem solving, increased opportunities to contribute financially to the communities where they reside and an opportunity to showcase the diversity of cultures in the state.

Taxpayer Dollars: This is a good use of taxpayer dollars because it sparks local economic development, increases jobs and tax capture. Additionally, it provides cultural inclusion fostering attractiveness for residents to continue to invest in their community and opportunity for small business growth as well.

Cost Breakdown: \$2,000,000 – facility, subject matter experts, equipment, and technology.

Did you apply for funding last year? NO



City of Lansing

OFFICE OF THE CITY ATTORNEY

James D. Smiertka, City Attorney

CONFIDENTIAL/ATTORNEY-CLIENT PRIVILEGE

TO: Ethics Board Members

FROM: James D. Smiertka, City Attorney

DATE:

SUBJECT: Ethics Board Complaint No. 2023-001 Concerning Jeffrey Brown

PRELIMINARY WRITTEN ANALYSIS

This Preliminary Written Analysis is provided to the Ethics Board regarding the above referenced complaint pursuant to City of Lansing Ordinance Section §290.03(a).

It is understood that this legal analysis is solely for the Board's consideration and is preliminary to final Board action.

RECOMMENDATION

It is the Office of the City Attorney's recommendation to conduct a thorough investigation concerning the complaint. Pursuant to Lansing City Charter 4-304.1, the City Attorney "shall be responsible to the Mayor and to the City Council." To ensure the investigation is credible, independent, and avoid any appearance of bias or impropriety, the Office of the City Attorney recommends that the investigation be conducted through a Special Assistant City Attorney provided through Michigan Municipal Risk Management Authority (MMRMA). Following the investigation, a written report of the

findings will be submitted to the City Attorney. Those findings will be presented by the City Attorney to the Board of Ethics in order for the Board to make a determination as to the disposition of the complaint and any recommendations, as necessary.

Respectfully Submitted,

James D. Smiertka
City Attorney
