

AGENDA

Committee of the Whole AGENDA FOR JULY 24, 2023 AT 5:30 PM



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

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

Council Member Wood, Chairperson
Council Member Garza, Vice Chairperson

- 1. Call to Order**
- 2. Roll Call**
- 3. Minutes**
 - A. July 10, 2023
- 4. Public Comment on Agenda Items (Up to 3 Minutes)**
- 5. Discussion/Action:**
 - B. RESOLUTION - Fireworks; Lansing Lugnuts
 - C. RESOLUTION - Setting a Public Hearing; Ordinance to amend uses of Council Chambers and Conference Room
 - D. RESOLUTION - Setting a Public Hearing; Ordinance to itemize Chief Strategy Officer duties
 - E. DISCUSSION - Ethics Complaint 2023-01 Investigation Summary Report
 - i. Communication from Mitch Rice regarding Council Member Brown's ethics violation
 - F. DISCUSSION - Communication - People's Council, July 10, 2023 - Ethics Inquiry
 - G. PLACE ON FILE - Communication from Kathy Krafft regarding the Cooley-Haze House
- 6. Other**
 - H. Update by the Administration- South Washington Complex (SWOC) Current City Department(s) Relocations (Temporary and Permanent) & Financial Impact
- 7. Adjourn**

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

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MINUTES **Committee of the Whole** **Monday, July 10, 2023 @ 5:30 p.m.** **Tony Benavides Lansing City Council Chambers**

CALL TO ORDER

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

PRESENT

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

OTHERS PRESENT

Sherrie Boak, Council Office Manager
Jim Smiertka, City Attorney
Lisa Hagen-Lawrence, City Attorney
Emily Linden, Internal Auditor
Shelbi Frayer, Chief Strategy Officer
Benjamin Kohrman
Dick Peffley, BWL
Heather Shawa, BWL
Scott Duimstra, CADL
Chris Swope, City Clerk
Brian Jackson, Deputy Clerk
Casey Cooper, TCOA
Melissa Cole, CADL
Michael Lynn
Erika Lyn

Minutes

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM JUNE 26, 2023.
MOTION CARRIED 7-0.

Public Comment

Mr. Lynn spoke on an ethics complaint that he filed and a legal opinion from the OCA on campaign financing. He expanded with his concern on the OCA opinions.

Ms. Lynn read an email that was sent regarding an ethics complaint:

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To All Members of the Lansing City Council,

I am reaching out to seek your support and signature on an ethics complaint that we will be filing against Mayor Schor at EOD tomorrow 7/11. During the 06/12/23 City Council meeting, I raised serious concerns during my public comments, regarding potential ethics violations involving the mayor's misuse of his title and public assets for personal and political benefit. I strongly urged for a thorough investigation into these matters.

I want to emphasize that the City Council were publicly made aware of these potential violations through the public comment session during the mentioned City Council meeting. Furthermore, Mike Lynn also expressed similar concerns in his public comments. Given the unanimous awareness among council members about these potential violations, it is important that you recognize your duty to support and sign onto this ethics complaint.

Mayor Schor's alleged actions, such as using his title and public assets for personal and political gain, are matters that require prompt and thorough investigation. By signing onto this ethics complaint, you are not making any accusations, nor assuming guilt in any way. You are simply acknowledging that there is a question of fact on whether any ethics violations have occurred, and merely this question warrants an investigation by the City of Lansing's Board of Ethics. Most importantly you are demonstrating your commitment to upholding transparency, accountability, and the trust of our community.

I kindly request your prompt attention to this matter, together, I believe that we can ensure that our city's integrity and ethical standards are upheld.

Thank you.

Sincerely,

Erica Lynn

(Attachments were added to this meeting packet)

Presentations

Capital Area District Library (CADL) Annual Report

Council Member Hussain stepped away at 5:37 p.m.

Mr. Duimstra presented on the annual report and was joined by Ms. Cole.

Council Member Hussain returned to the meeting at 5:38 p.m.

Mr. Duimstra acknowledged the CADL board and the appointments made by the Council. He then spoke briefly on the annual report. Ms. Cole then outlined projects and programs the library has been initiating along with partnerships with other organizations and in 2022 650,000 check outs of books, eBooks and digital.

Council Members Kost, Brown and Spitzley acknowledged CADL for all the options they offer, services and programs, and diversity in all the locations.

Council Member Hussain spoke in support of the south location and large participation, and then asked how long the lease goes. Ms. Cole stated it is a 5-year lease, with last year is 2026 and they would negotiate again in 2025. Council Member Hussain then asked if they have mobile services. Mr. Duimstra confirmed they have a mobile library, but it is close to retirement because met its life expectancy. They will convert to two vans, and if they know in advance, they can have vehicles brought to events.

Council President Wood highlighted they have mobile hot spots, sewing machines, games to utilize for family events, metal detectors, and other items the people are encouraged to looking at.

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Board of Water and Light Budget, FY 2024 and Capital Forecast for FY 2024-2029

Ms. Shawa highlighted the budget forecast goals which is meeting key metrics. She then went through the documents in the packet. This included summary on operating revenues on electric, water, steam and chilled water. It was noted that the forecast does have the full amp of the Altium Battery plant on target. For rate increases, the next one is scheduled for November 1, 2023, and any increases after 2024 is forecasted only and any additional increases will be addressed through the process of public hearings, etc. Regarding cash flow, they continue to receive the gas pipeline payment refunds of \$5,562,903. In the capital portfolio, the planned forecast spend is \$80 million.

Ms. Linden asked for clarification on the ROE to the City, the budget just passed shows a discrepancy of \$500,000. Mr. Peffley stated currently this year there is a conservative hold, but they will honor the amount in the budget.

Council Member Jackson stated tomorrow there is an All-Source RFP meeting at 5:30 p.m. at the REO Town Depot. Mr. Peffley stated there is a Gold Standard for all source, and they did receive over 100 from the RFP, and the results will be presented to the Commission on July 11, 2023. Council Member Jackson asked if the forecast if for 2024-2029, what happens with the meeting tomorrow. Ms. Shawa stated any assumption from the RFP is not factored into this forecast but will be in the next forecast period.

Council Member Spitzley asked about Wise Road and Pleasant Grove activity. Mr. Peffley stated it is work on a new sub station replacing the one across the street. The project is progressing on time and budget and will be done within the next 12 months.

Council Member Garza noted the chillers have been removed from the Eckert Plant, and what the next steps are. Mr. Peffley stated they are working over the next 10 year to make sure they can move to all the other plants and will continue to make it look like an office in the city and not look abandoned.

Council Member Hussain asked about the Pleasant Grove project and if there are any aesthetic considerations for that substation. Mr. Peffley stated they are considering and if there are issues, they would be happy to address it.

Council Member Jackson stepped away from the meeting at 6:05 p.m.

Council Member Hussain asked when the city will be at 8 miles per year, and who determines where it starts. Mr. Peffley stated that replacement usually follows the city projects CSO, and the intent is to have 6 miles by BWL employees and will have to hire because currently they only do a mile and ½. The projection is 8 miles in 2028 for the BWL to do.

Council Member Jackson returned to the meeting at 6:07 p.m.

Council Member Spitzley asked about rate increases, and Mr. Peffley stated their portfolio does set standards and they are at 18% differential between BWL and competitor's. Ms. Shawa stated they have applied for \$100 million in grants to assist as well.

Council Member Jackson referenced the Pleasant Grove property and the tree removal, he then asked about their tree replacement plan for each one removed in addition. Mr. Peffley stated their tree replacement program is strong and they do continue to replenishing, and open to planting more trees.

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Council President Wood noted property in Pennsylvania and if they are considering selling it. Mr. Peffley stated they are working on something and would plan to speak to it later this summer. They are looking at plans to make the best decision.

Council President Wood noted the 8 miles of water main, and the ordinance that states fire hydrants need to be done by BWL employees. Mr. Peffley confirmed and are happy to continue to do that.

City Clerk Chris Swope Election Process Change Updates

Mr. Swope outlined the changes that are currently underway. Since the passage there has been time spent with election committees, local municipalities, and legislative committees. In the packet was the ballot language in 2022 and he outlined those, which included the postmark by election day, how the tabulation will be taken, right to validate by identification or statement, voters right to have single application to vote absentee in all elections, but every four years there will be a “party” selection form, another change is regarding State funded ballot drop boxes and they are looking at getting six (6) new ones replacing some of the older ones they have had issues with and the State will reimburse installation costs, there are State funded for application and ballot postage and in the case where there are envelopes with pre-paid postage they will reimburse the City, and the biggest change is the requirement of 9 days of early voting for State and Federal elections. That change will requirement two weeks, and so since current locations are schools, they may have to make the 9-day precinct options in the City owned buildings. In conclusion he made them aware he will be coming forward to Council for a resolution to address the 9 early voting and those locations.

Council Member Garza asked for clarification when legislature will enact. Mr. Swope stated that end of next session but then 90 days after that so could be March – April 2024.

Discussion/Action

RESOLUTION – Appointment; Benjamin Kohrman; At Large Member; Elected Officers Compensation Commission (EOCC) ; Term to Expire 10/1/2029.

Mr. Kohrman briefly spoke on his past experience and why he wishes to serve on this Board. He has been a Lansing resident for 30 years, prior to that East Lansing and currently lives on the west side. Mr. Kohrman currently works as a consultant in the City of Detroit. He was approached for his interest in serving on a Board and Commission and responded to the mayor that he would be interested.

Council Member Jackson spoke in support of Mr. Kohrman and his appointment.

Council Member Spitzley spoke in support of Mr. Kohrman and the position on this Board.

Council Member Jackson asked what his thoughts would be if the EOCC did the work and made a recommendation, and Council did not agree with the recommendation. Mr. Kohrman stated that if the decision is arrived at, and adhere to the process described or determined, he would be confident that the process was followed as a decision he would be comfortable with.

MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE RESOLUTION FOR THE APPOINTMENT OF BENJAMIN KOHRMAN TO THE EOCC WITH A TERM TO EXPIRE OCTOBER 1, 2029. MOTION CARRIED 7-0.

RESOLUTION – Tri County Office on Aging (TCOA) FY24 Annual Implementation Plan

Council President Wood noted that this item is also up for referral and action tonight per the request from TCOA in order to make the deadline they need.

Ms. Cooper stated that the plan outlines the plans in order to meet the requirements in order to provide services in the area. There are no new goals or changes in 2024 and will continue from the

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current year. The board did approve on June 26, 2023, and acknowledge the timing was not excellent and appreciate action that Council can take.

MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE RESOLUTION FOR TCOA FY24 ANNUAL IMPLEMENTATION PLAN. MOTION CARRIED 7-0.

DISCUSSION – Executive Directive 2023-02; Citizen Complaint Oversight Committee (CCOC) and Commission Investigator

Council President Wood informed the Committee that there are some questions for the OCA, and therefore it was not just placed on file. Under the Boards and Commissions, per Charter Article 5, they develop their own rules on implementation of their committees. Since this is not an ordinance or reorganization, she asked the OCA why did this not come through the Board of Police Commissioners as making an amendment to their rules.

Council Member Spitzley asked the OCA about the Charter language under 5-105 which speaks to board organizations, along with 5-301 which speaks specifically to the Board of Police Commissioners, and what this document addresses with the formal process.

Mr. Smiertka stated this is not an amendment of their rules, but an Executive Directive to create an advisory body. It goes with the ordinance that creates the police investigator. Council President Wood clarified to Mr. Smiertka that in the LPD Commission rules there is already a committee set up, so in reading this directive, she asked if they are adding another member to it, which she did not object to, but is questioning this procedure of an Executive Directive. She then asked why the mayor did not make a recommendation to the LPD Board of Commissions to change their rules, instead of creating his own Executive Directive. Mr. Smiertka could only respond that this was an executive request from the mayor that was drafted and approved by the mayor. With the absence of the Mayor, Ms. Frayer was asked for information on why this was done, and Ms. Frayer did not have any information, noting it would need to be asked of the mayor. Council President Wood asked that Council provide questions to be turned back over to the City Attorney. Mr. Smiertka asked for questions to be asked in advanced in the future, and Council President Wood acknowledged this is an open discussion. Mr. Smiertka stated for efficiency if he knew where this was headed, he could have a based, but will agree to answer the questions.

Council Member Spitzley noted it would have been nice to have someone here from the Administration (HRCS) to speak to this request, and Council President Wood acknowledged she was asked by Ms. Frayer if HRCS should attend and she stated no, at the time. Council Member Spitzley noted again that this is an Executive Directive from the Mayor's office and someone from the mayor's office should be at this meeting to explain why. She then asked the Administration and OCA what was wrong with the past subcommittee with the LPD Board of Commissioners and why the mayor is proposing a new one, and how are these new subcommittee members will be picked.

Council Member Jackson read the directive which noted it was in response to the death of George Floyd, and that is how they came up with plans. He asked what the DEI officer limitations were and what was the outcome of the community wide discussions. He noted it also stated there were MRJEA had goals, so what are those. Lastly, what is wrong with the current citizen oversight committee. He detailed his understanding is that instead of going through the LPD Board of Commissioners, it makes the HRCS Director the lead, and the purpose would be to establish a COCC (Citizen Complaint Oversight Committee) in the Board replacing the current subcommittee. He also asked if this would comply with the Charter.

Council Member Hussain asked the OCA and Administration to provide for a comprehensive presentation in the near future. He also asked for clarification on who would chair the Committee, if there is anything pertaining to the Charter or ordinances that would prohibit this. Lastly is this

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something the mayor has the power to do, because it appears to be about perception. He made a statement to the OCA that questions should have been anticipated.

Mr. Smiertka stated the Board is empowered in the Charter under Article 5, Chapter 3, 5-301.2, 5-301.3, and 5-301.4, and they are not an advisory board, but those sections speak to the rules they create in consultation with the mayor. He concluded by assuring the Committee that this directive came out of the MRJEA objectives, and the Charter clearly allows it.

Council Member Spitzley referenced the Directive where it spoke to Citizen Complaint Oversight Committee and asked where it states “newly-names COCC replaces the current Citizen Complaint Subcommittee” would be the existing members of the commissioners, but no new public. It was explained that the existing members will be, but not a citizen’s board that citizens are appointed to. The LPD Board is made up of citizens. Council Member Spitzley noted that in the spirit of the goal that is not what the people intended when they asked for this complaint committee. Council Member Spitzley referred back to the Charter 5-301 asking if this directive is a modification of the existing rules, and Mr. Smiertka read 5-301.4 “The Board in their rules shall establish a procedure for receiving and resolving any complaint concerning the operation of the department. He added that this is an Executive Management Directive. Council Member Spitzley spoke in opposition to his explanation stating is a “stretch” to allow them to do this.

Council Member Jackson referred back to page 2 of the Directive, where it says the CI is located within the Department of Human Relations and Community Services (HRCS) which brings them under the leadership of the HRCS director, and questioned why the HRCS Director deal with City related issues have which is outside of their expertise. Council President Wood pointed out that the ordinance already says the CI is housed in HRCS and under that director for day-to-day activities. However, they are supposed to be responsive to the Board of Police Commissioners.

Council Member Hussain reiterated the earlier question of if there is the authority to do this, and even if there was, how does this enhance to add transparency and accountability in the process.

Council President Wood asked Council Members to provide any additional questions to Ms. Boak by Wednesday, July 12th at noon and she will forward those to OCA and the Administration for the next meeting. Council Member Spitzley asked for it to be presented and discussed at the August 14th meeting because she would not be at the July 24th meeting.

OTHER

Update by the Administration – South Washington Complex (SWOC) Current City Department(s) Relocations (Temporary and Permanent) & Financial Impact

Ms. Frayer updated the Committee from the last meeting on potential relocations:

Ovation staff into the new building

City TV staff into the former Gibson’s Book Store

311 to the former 911 Center in City Hall 5th Floor

The City Clerk into the REO area, and the Clerk confirmed the parking at that location would work.

Currently staff are going through documents that are currently being stored there.

Outbuildings are being cleaned out and relocating.

Council Member Wood asked for a cost breakdown on these moves at the next meeting of the August 14th meeting.

Adjourn

The meeting adjourned at 7:06 p.m.

Respectfully Submitted by,

Sherrie Boak, Recording Secretary, Lansing City Council

Approved by the Committee

Action History (UTC-06:00) Central Time (US & Canada)

Submit

by Anonymous User 6/28/2023 4:08:07 PM (Form Submission)

Submit

by Scott, Tracy 6/29/2023 9:55:29 AM (License Desk Approval)

- The task was assigned to Scott, Tracy 6/28/2023 4:08:10 PM

Submit

by Diller, Melissa 7/6/2023 8:15:12 AM (Treasury Approval)

- An error occurred when trying to assign the task 6/29/2023 9:55:33 AM
- The task was assigned to Diller, Melissa 7/6/2023 7:56:18 AM

Submit

by Kirkland, Desiree A. 7/6/2023 8:23:49 AM (Treasurer Approval)

- The task was assigned to Kirkland, Desiree A. 7/6/2023 8:15:13 AM

Submit

by Watkeys, Andrew 7/10/2023 12:20:13 PM (Police Approval)

- The task was assigned to Watkeys, Andrew 6/29/2023 9:55:32 AM

Submit

by Burger, Mark A 7/11/2023 10:05:01 AM (Fire Marshal Approval)

■ This display is an addition to the displays already being held at the stadium for 2023. The display will have the same hot and fall out zones of the other displays and have previously been approved. A map of those zones will not be required for this permit.

- The task was assigned to Burger, Mark A 6/29/2023 9:55:32 AM

Submit

by Staples, Matthew 6/29/2023 9:59:23 AM (Attorney Approval)

- The task was assigned to Elie, Holly 6/29/2023 9:55:31 AM
- Elie, Holly reassigned the task to Staples, Matthew 6/29/2023 9:57:06 AM

Submit

by Swope, Chris 7/11/2023 11:38:13 AM (Clerk Final Approval)

- The task was assigned to Swope, Chris 7/11/2023 10:05:03 AM



Application for Fireworks Display

Instructions

General

- It is highly recommended to have all the documents ready for uploading prior to submission.
- All attachments must be in a PDF format.
- PDF files should be compressed to the smallest size possible.
- If you need more time to get additional documents together, please save your application as a draft and come back to it when you are ready.
- Applications left open for more than 24 hours will need to be started over.
- If you have submitted the wrong document prior to submission of the application, or wish to update a document after submission of the application, please notify the Clerk's Office in writing at city.clerk@lansingmi.gov.
- It is the responsibility of the submitter to ensure they receive an email confirming the receipt of their application. If they do NOT receive an email with a confirmation number within 24 hours of submitting the application, it is the submitter's responsibility to notify the Clerk's Office in writing at city.clerk@lansingmi.gov.

Payments

- Payment fee must be RECEIVED by the Clerk's Office before the application will be reviewed. Failure to remit payment in a timely manner may result in denial of your application.
- Cash, Credit Card, Debit Card, Check, Electronic Check (ACH) & Money Order are accepted.
- Electronic Checks (ACH), Credit and Debit cards are accepted through the City's Point and Pay site. There is a 3% convenience fee for credit and debit card transactions.

Application Information

Annual non-refundable License fee: \$150.00

Application for a license required by this section shall be made in writing to the City Clerk at least 30 business days before the proposed date of the use or display unless application within a shorter period of time is approved by the Fire Marshal. Fill out and submit this form. Bring the materials listed below to the City Clerk's office to complete the application process.

Materials

1. Non-Refundable License fee of \$150
2. Proof of an insurance policy naming the City as co-insured, available for the payment of any damages arising out of an act or omission of the licensee or his agents, employees, or subcontractors, covering the following: (a) At least \$500,000.00 for property damage; and (b) at least \$500,000.00 for injury to one person and \$1,000,000.00 for injury to two or more persons resulting from the same occurrence.
3. Copies of State issued identification for each person who will operate the display.
4. If the applicant is a nonresident person, written appointment of a resident agent to serve as legal representative upon whom all process in an action or proceeding against the person may be served.

(City Codified Ordinances - Chapter 1615.01-1615-06)

<http://mi-lansing.civicplus.com/171/Business-Licenses>

Applicant Information

Applicant Name * Michael Falk

Address *

Street Address
4369 E SUMMIT WOODS DR NE
Address Line 2
City
ROCKFORD
Postal / Zip Code
49341

State / Province / Region
MI
Country
United States

Phone 6164270377 **Email *** mfalk@pyrotecnico.com

Business Information

Business Name * Pyrotecnico Fireworks

Same Address as above? * ☒ Yes ☐ No

Business Owner Information

Same as Applicant? * ☐ Yes ☒ No

Business Owner Name * Stephen Vitale

Address *

Street Address
4369 E SUMMIT WOODS DR NE
Address Line 2
City
ROCKFORD
Postal / Zip Code
49341

State / Province / Region
MI
Country
United States

Phone **Email *** mfalk@pyrotecnico.com

Business Owner Date of Birth * [REDACTED] 1972

Display Information

Liability Information

Bond or Insurance (at least one required) ☐ Bond

☒ Insurance

Insured by (Documentation Attached) ^{*} Acrisure

Insurance Amount ^{*} \$ 10,000,000.00

Expiration Date ^{*} 10/14/2023

Event Information

Date of Display ^{*} 7/29/2023

Start Time of Display ^{*} 10:45:00 PM

Exact Location of Display ^{*} Jackson Field, 505 E. Michigan Ave., Lansing MI 48912

Type and Quantity of Fireworks to be used in Display ^{*} Approx 500 aerial display shells - 19mm to 2.5" diameter
Approx 25 close proximity special effects

Manner and location of the storage of the fireworks prior to the display ^{*} No storage - Delivery on date of display

Operators

List all Persons who will Operate the Display

Name [*]	Age [*]	Description of Relevant Experience [*]
Blane Quilhot	■	30 years experience / 250+ displays
Michael Falk	■	33 years experience / 400+ displays

^{*} Has the applicant, any person with an ownership interest in the applicant, or any person who will operate the display had any citation or conviction for, or guilty plea to, a violation of the laws of the United States, any State, or any local unit of government regulating the sale, use, or possession of fireworks? If yes, please include details

☐ Yes

☒ No

Electronic Signature Agreement ^{*}

By checking the "I agree" box below, you agree and acknowledge that 1) your application will not be signed in the sense of a traditional paper document, 2) by signing in this alternate manner, you authorize your electronic signature to be valid and binding upon you to the same force and effect as a handwritten signature, and 3) you may still be required to provide a traditional signature at a later date.

☒ I agree

Signature

I certify that neither the Applicant nor any person with ownership interest is in default to the City of Lansing. By my signature, I swear or affirm that all information provided in this application is true. I understand that a false statement on this application may result in either a denial of this application or subsequent revocation if the license is granted.

Michael Falk

Date Submitted 6/28/2023

Attachments

Attach your completed Treasury form using the **Attach** button, below. If you do not have one, you may download it [here](#).

Treasury Form*	img-230621164627.pdf	342.92KB
Certificate of Insurance*	Capitol Collective updated COI.pdf	105.19KB
Insurance Endorsement Pages*	Additional insured endorsement.pdf	50.8KB

Initials I confirm that the City of Lansing is named as an Additional Insured Party on BOTH the Insurance Endorsement AND the Certificate of Insurance documentation.



Copy of ID*	Michael Falk Drivers License.jpg	777.65KB
	Copy of Photo ID	

Approvals

Please choose your approval decision on the appropriate line and click **Submit**. If you deny, please provide a comment as to why.

License Desk	☒ Approved	☐ Denied
Attorney	☒ Approved	☐ Denied
Police	☒ Approved	☐ Denied
Fire_Marshal	☒ Approved	☐ Denied
Treasury	☒ Approved	☐ Denied
Treasurer Approval	☒ Approved	☐ Denied
City Clerk *	☒ Approved	☐ Denied



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

6/28/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Acrisure, LLC dba Britton Gallagher & Associates One Cleveland Center, Floor 30 1375 East 9th Street Cleveland OH 44114	CONTACT NAME: PHONE (A/C, No, Ext): 216-658-7100 E-MAIL ADDRESS: info@brittongallagher.com FAX (A/C, No): 216-658-7101
INSURED Pyrotecnico Fireworks Inc. P.O. Box 149 299 Wilson Road New Castle PA 16103	INSURER(S) AFFORDING COVERAGE INSURER A: Everest Indemnity Insurance Co. NAIC # 10851 INSURER B: Everest Denali Insurance Company 16044 INSURER C: Continental Indemnity Company 28258 INSURER D: Arch Speciality Ins Co 21199 INSURER E: INSURER F:

COVERAGES**CERTIFICATE NUMBER:** 864361636**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PRO-JECT ☐ LOC	Y	Y	SI8ML00891-231	1/14/2023	10/14/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
B	AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ ALL OWNED AUTOS ☒ HIRED AUTOS ☐ SCHEDULED AUTOS ☒ NON-OWNED AUTOS	Y	Y	SI8CA00141-231	1/14/2023	10/14/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
D	UMBRELLA LIAB ☒ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED RETENTION \$	Y	Y	UXP1035252-03	1/14/2023	10/14/2023	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 4,000,000
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N	N / A	82-872096-04-32	6/7/2023	6/7/2024	☒ WC STATUTORY LIMITS E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	Excess Liability #2			SI8EX01314-231	1/14/2023	10/14/2023	Each Occ/ Aggregate Total Limits \$5,000,000 \$10,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Additional Insured extension of coverage is provided by above referenced General Liability policy where required by written agreement.

FIREWORKS DISPLAY DATE: July 29, 2023

LOCATION: Jackson Field, 505 E. Michigan Ave., Lansing MI

ADDITIONAL INSURED: City of Lansing; Jackson National Life Stadium; The Capitol Collective DBA Lansing 5:01

CERTIFICATE HOLDER**CANCELLATION**

The Capitol Collective DBA Lansing 5:01
1820 Dennison Road
East Lansing MI 48823

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)
ANY PERSON OR LEGAL ENTITY IN WHICH YOU HAVE A WRITTEN CONTRACT, AGREEMENT, OR PERMIT WHICH REQUIRES THAT YOU NAME THE CONTRACTING PARTY AS AN ADDITIONAL INSURED. City of Lansing; Jackson National Life Stadium; The Capitol Collective DBA Lansing 5:01
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

- A. Section II – Who Is An Insured** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" but only to the extent caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:
1. In the performance of your ongoing operations; or
 2. In connection with your premises owned by or rented to you.
- B.** The insurance afforded to an additional insured shall only include the insurance required by the terms of the written agreement and shall not be broader than the coverage provided within the terms of the Coverage Part.
- C.** The Limits of Insurance afforded to an additional insured shall be the lesser of the following:
1. The Limits of Insurance required by the written agreement between the parties; or
 2. The Limits of Insurance provided by this Coverage Part.
- D.** With respect to the insurance afforded to an additional insured, the following additional exclusion applies:
- This insurance does not apply to "bodily injury", "property damage" or "personal and advertising injury" arising out of any act or omission of an additional insured or any of its employees.

BY THE COMMITTEE ON CITY OPERATIONS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City Clerk has forwarded an application for City Licenses, which have been routinely processed without objection, and is ready for final action by this Council; and

WHEREAS, all required signatures have been obtained supporting the application for multiple fireworks display licenses.

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves the application for City Licenses as follows:

FIREWORKS DISPLAY LICENSE:

Pyrotecnico Fireworks Inc. for public displays of fireworks in the City of Lansing at Jackson Field to be held on the following dates: July 29, 2023

INTRODUCTION OF ORDINANCE

Council Member Wood introduced:

An ordinance of the City of Lansing, Michigan, to amend the Lansing Codified Ordinances by amending Chapter 210, Section 210.02 of the Lansing Codified Ordinances to amend the uses of the tenth floor Council Chambers and Conference Room.

The Ordinance is read a first time by its title and referred to the Committee of the Whole.

Resolution #2023-###

By the Committee of the Whole

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 August 14, 2023 at 7 p.m. in the Tony Benavides Lansing City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of amending the Lansing Codified Ordinances Chapter 210, Section 210.02 of the Lansing Codified Ordinances to amend the uses of the tenth floor Council Chambers and Conference Room.

ORDINANCE NO.

An ordinance of the City of Lansing, Michigan, to amend Chapter 210 of the Lansing Codified Ordinances Section 210.02 to update language regarding the use of the tenth floor Council Chambers and Conference Room.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 210 Section 210.02 of the Codified Ordinances of the City of Lansing, Michigan be and is hereby amended to read as follows:

210.02- Use of **Tony Benavides Lansing City Council Chambers** council chambers and conference room.

The following comprehensive policy on the use of the **Tony Benavides Lansing City Council Chambers** ~~Tenth Floor Council Chambers~~ and Conference Room ("**Council Facilities**") is hereby adopted:

(a) Priorities for Scheduling Use of Facilities.

(1) Council functions, including **CityTV Channel 28**;

(2) Other City functions, including citizen boards; and

(3) All outside functions, as approved in advance by Council **leadership in conjunction with the Council Office Manager.**

Scheduling the use of the **Council Facilities** ~~Chambers and Conference Room~~ shall be done in consultation with the Council Staff and shall include time for pre-event set-up and post-event clean-up. Council Staff shall maintain a master calendar, primarily based on a first-come, first-served schedule for the **Council Facilities** ~~Chambers and Conference Room~~. However, in extraordinary circumstances, Council may need to pre-empt a scheduled use of **Council Facilities** ~~Tenth Floor facilities~~ for Council business.

(b) Conditions for Use of **Council Facilities** by Non-City Groups.

(1) Any non-City individual or group desiring use of the **Council Facilities** ~~Council Chambers or Conference Room~~ for a governmental purpose shall request permission from Council at least 30 days in advance of the event. Such request

shall be considered as soon as possible by the Committee of the Whole. ~~The Chambers and Conference Room~~ **Council Facilities** shall not be made available to non-City individuals or groups for private, nongovernmental events.

(2) Non-City individuals or groups granted permission by Council **Leadership** for use of the **Council Facilities** ~~Chambers or Conference Room~~ shall sign a statement acknowledging responsibility for the conduct of their event within the following restrictions:

A. Councilmember and Staff offices, desks, telephones and supplies shall not be used by event organizers or participants, including media representatives.

B. Refreshments shall be the responsibility of event organizers.

C. Requests for use of the Tenth Floor sound system, audio recording equipment, video equipment or other logistical arrangements shall be made **directly with CityTV** at the time permission to schedule the facility is requested.

D. The movement of tables, chairs and other equipment shall be done by event organizers under the direction of the Council Staff.

E. No event shall be allowed to interfere with regular Tenth Floor activities.

F. No event shall be allowed during times when City Hall is closed unless the organizers receive written permission from the Mayor prior to Council consideration of the request to schedule use of Tenth Floor facilities.

G. Event participants shall not congregate anywhere on the ~~Tenth Floor~~ outside the **Council Facilities** ~~Chambers or Conference Room~~ for the purpose of caucuses or continuation of event discussions.

H. Event organizers shall clean up the **Council Facilities** ~~Chambers and/or Conference Room~~ and move equipment to original locations after the event.

I. Event organizers shall be responsible for any City costs, including Staff overtime, **security and maintenance** incurred due to their event, as determined by Council.

J. Event organizers shall indemnify and hold the City harmless from all liability for any damage suffered by event participants.

K. Event organizers unable to conduct their event and control their participants within these restrictions and conditions shall be barred from future use of **Council Facilities** ~~Tenth Floor facilities.~~

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

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, 2032.

INTRODUCTION OF ORDINANCE

Council Member _____ introduced:

An ordinance of the City of Lansing, Michigan, for the purpose of amending the Lansing Codified Ordinances by amending Chapter 288 Section 288.21. Itemize duties and require bi- monthly in person reporting to the City Council at a public meeting.

The Ordinance is referred to the Committee _____

RESOLUTION SETTING PUBLIC HEARING BY CITY COUNCIL

Resolved by the City Council of the City of Lansing that a public hearing be set for _____, 2023 at 7 p.m. in the Tony Benavides Lansing City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of amending the Lansing Codified Ordinances by amending Chapter 288 Section 288.21. Itemize duties and require bi- monthly in person reporting to the City Council at a public meeting.

Interested Persons are invited to attend this Public Hearing

ORDINANCE NO.

An ordinance of the City of Lansing, Michigan to amend the Lansing Codified Ordinances by amending Chapter 288 Section 288.21. Itemize duties and require bi- monthly in person reporting to the City Council at a public meeting.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 288, Section 288.21 of the Codified Ordinances of the City of Lansing, Michigan, be and is hereby amended to read as follows:

(c) Duties. Included but no limited to reviewing departments for efficiencies, redundancy, and make recommendations on how to reduce cost and generate revenues, in addition to developing a five-year strategic plan for budgeting.

(d) Recommendations. In recognition of the provisions set forth in Charter Sections 3-207.1, 3-207.2, and 3-207.3 wherein the City Council is the policy making body for the City of Lansing and "shall have all of the rights appropriate to City legislators as established by this Charter or by statute, including the right to make inquiries of City officers and employees and receive specific information in response" and further that "the responsibilities and activities shall be to establish policy of the City and shall be legislative in nature," and, stating further, in recognition that the Mayor is the administrator of the City and employees and "except as may otherwise be provided by law or this Charter, the administrative activities of the City Council and its members shall be limited to its own staff and they shall give no direct orders to any other City officer or employee", the City Council and the Mayor, or mayoral designee, and the Chief Strategy Officer shall ~~conference on a mutually agreeable regular schedule to review any policy recommendations of the Chief Strategy Officer.~~ **will report in person bi-monthly to the City Council at a public meeting on but not limited to the City of Lansing financial forecast, investment of**

1 **public funds, strategic planning and execution efforts, in addition to**
2 **budgeting.**

3 Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or
4 rules in consistent with the provisions are repealed.

5 Section 3. Should any section, clause or phrase of this ordinance be declared to
6 be invalid, the same shall not affect the validity of the ordinances as a whole, or any part
7 thereof other than the part so declared to be invalid.

8 Section 4. This ordinance shall take effect on the 30th day after enactment
9 unless given immediate effect by City Council, and shall expire December 31, 2032

10

City of Lansing - Board of Ethics

June 7, 2023

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

Dear President and Council Members:

On behalf of the Board of Ethics, I want to notify you of the referral of Ethics Complaint 2023-01. At a Special Meeting on June 6, 2023 the Board of Ethics made the following determination:

Adopt finding of the Ethics Complaint 2023-01 Investigation Summary Report and submit to City Council for review of the third allegation and recommend training for Council Member Brown on funding requests on behalf of City Council and Council members.

The Investigation Summary Report 2023-01 and related documents are available online at <https://mi-lansing3.civicplus.pro/227/Public-Notices-Documents-on-File>

If you have any questions about this determination, please feel free to contact me or Assistant City Attorney Joe Abood.

Sincerely,



Chris Swope, MMC/MiPMC
Lansing City Clerk

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

Chris Swope, City Clerk
 Ethics Complaint
 Page 2

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.

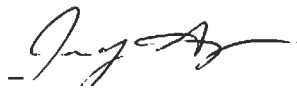
- III. Violation of Lansing Ethics Ordinance 290.04(d) and/or 290.04(i) related to a submission to Congresswoman Elissa Slotkin requesting grant funding on behalf of the City of Lansing

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



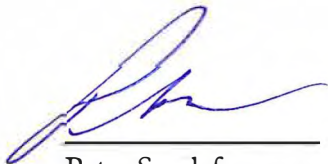
Carol Wood
 City Council President



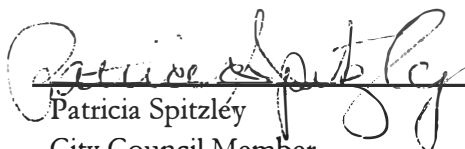
Jeremy Garza
 City Council Vice President



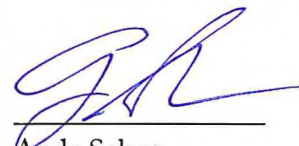
Adam Hussain
 City Council Member



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



CONFIDENTIALITY NOTICE: This e-mail contains information from the sender that may be CONFIDENTIAL, LEGALLY PRIVILEGED, PROPRIETARY or otherwise protected from disclosure. This e-mail is intended for use only by the person or entity to whom it is addressed. If you are not the intended recipient, any use, disclosure, copying, distribution, printing, or any action taken in reliance on the contents of this e-mail, is strictly prohibited. If you received this e-mail in error, please contact the sending party by replying in an e-mail to the sender, delete the e-mail from your computer system and shred any paper copies of the e-mail you printed.

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. Packet Page # 41

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 "Parks" 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.
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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.
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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.	Packet Page # 44
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

March 27, 2023**Council Proceedings****2**

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 MattersPublic 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

March 27, 2023**Council Proceedings****3**

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

March 27, 2023**Council Proceedings****4****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

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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

March 27, 2023**Council Proceedings****6****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:

<u>Priority</u>	<u>Project</u>	<u>Funding Category</u>
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

March 27, 2023**Council Proceedings****7**

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

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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

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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

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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

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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

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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:

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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,

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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.

March 27, 2023

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Chris Swope, City Clerk



Basiga Law Firm
professional corporation

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

Office: Lansing, Michigan
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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

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brendon@basigalawfirm.com

June 02, 2023

Date:

Eric Doster

Eric Doster (P41782)

Co-Counsel for Jeffrey Brown

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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

Chris Swope, City Clerk
 Ethics Complaint
 Page 2

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



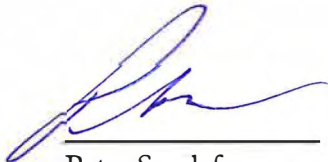
Carol Wood
 City Council President



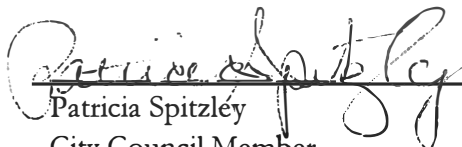
Jeremy Garza
 City Council Vice President



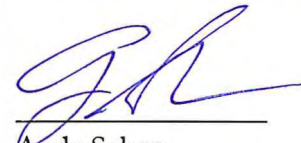
Adam Hussain
 City Council Member



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



CONFIDENTIALITY NOTICE: This e-mail contains information from the sender that may be CONFIDENTIAL, LEGALLY PRIVILEGED, PROPRIETARY or otherwise protected from disclosure. This e-mail is intended for use only by the person or entity to whom it is addressed. If you are not the intended recipient, any use, disclosure, copying, distribution, printing, or any action taken in reliance on the contents of this e-mail, is strictly prohibited. If you received this e-mail in error, please contact the sending party by replying in an e-mail to the sender, delete the e-mail from your computer system and shred any paper copies of the e-mail you printed.

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

Jackson, Brian

From: Mitch Rice <ricem1957@gmail.com>
Sent: Thursday, July 6, 2023 4:11 PM
To: Wood, Carol; Hussain, Adam; Garza, Jeremy; Spitzley, Patricia; Jackson, Brian T.; Spadafore, Peter; Kost, Ryan; Clerk, City
Subject: [EXTERNAL] Jeffrey brown ethics violation

Dear Councilmembers:

At the last City Council meeting on June 26, I made a public comment challenging the City Council to take action in response to the city attorney's investigative report on the confirmed ethic's violation by Jeffrey Brown. Leadership integrity is vital in government and especially as elected officials. If no action is taken, this council will lose credibility and trust. Therefore, I encourage action regarding the ethics violation to regain citizen confidence, in this current city council.

Regards,
Mitch Rice
2nd ward Lansing resident

Boak, Sherrie

From: People's Council <thepeoplescounciloflansing@gmail.com>
Sent: Monday, July 10, 2023 3:41 PM
To: Wood, Carol; Garza, Jeremy; Brown, Jeffrey; Spadafore, Peter; Spitzley, Patricia; Kost, Ryan; Hussain, Adam; Jackson, Brian T.; City Council
Subject: [EXTERNAL] Urgent Request: Support Needed for Ethics Complaint Against Mayor Schor
Attachments: Schor Ethics Complaint FINAL.pdf; Schor Leadership Fund Solicitation VISUAL AID.pdf; Schor Leadership Fund Payment Page.jpeg; Schor Leadership Fund Solicitation.pdf

To All Members of the Lansing City Council,

I am reaching out to seek your support and signature on an ethics complaint that we will be filing against Mayor Schor at EOD tomorrow 7/11. During the 06/12/23 City Council meeting, I raised serious concerns during my public comments, regarding potential ethics violations involving the mayor's misuse of his title and public assets for personal and political benefit. I strongly urged for a thorough investigation into these matters.

I want to emphasize that the City Council were publicly made aware of these potential violations through the public comment session during the mentioned City Council meeting. Furthermore, Mike Lynn also expressed similar concerns in his public comments. Given the unanimous awareness among council members about these potential violations, it is important that you recognize your duty to support and sign onto this ethics complaint.

Mayor Schor's alleged actions, such as using his title and public assets for personal and political gain, are matters that require prompt and thorough investigation. By signing onto this ethics complaint, you are not making any accusations, nor assuming guilt in any way. You are simply acknowledging that there is a question of fact on whether any ethics violations have occurred, and merely this question warrants an investigation by the City of Lansing's Board of Ethics. Most importantly you are demonstrating your commitment to upholding transparency, accountability, and the trust of our community.

I kindly request your prompt attention to this matter, together, I believe that we can ensure that our city's integrity and ethical standards are upheld.

Thank you.

Sincerely,

Erica Lynn

The People's Council of Lansing
thepeoplescounciloflansing@gmail.com
07/10/23

City Clerk Chris Swope CC: City of Lansing Board of Ethics
124 W. Michigan Ave
Lansing, MI, 48933

RE: Ethics Complaint Against Mayor Andy Schor

City Clerk Swope,

We are writing to lodge a formal ethics complaint against Mayor Andy Schor, for various violations of Chapter 5 of Article V of the City Charter. This complaint pertains to a solicitation email/letter sent to constituents and potential donors, where Mayor Schor solicits contributions for his leadership fund; "Schor's Leadership Fund", in exchange for favorable treatment and influence over city decisions. This conduct raises concerns about the independence, impartiality, and responsible use of his position for personal gain, which is explicitly prohibited by our city's ethics code.

The letter in question, dated 06/12/23, contains verbiage, usage of the Mayors title/office, and several statements and solicitations that demonstrate many violations of the Codified Ordinances of Lansing, Michigan, pursuant to the City Charter:

Section 5-501 - Standards of conduct: This section highlights the importance of independent, impartial, and responsible public officers and employees who are accountable to the people. It stresses that public office and employment should not be used for personal gain.

By using the letter to promote and solicit funds for specific candidates, Mayor Schor is compromising the independence, impartiality, and responsibility expected of public officers and employees. The letter outlines a clear personal agenda and undermines the proper channels of governmental structure for decision-making. The usage of Mayor Schor's official title references his position of governance, and a logo strikingly similar to the City of Lansing's official logo, demonstrates a clear attempt to use his position and influence for personal benefit, thereby compromising the integrity of City government. The letter's intent and actions raise concerns about the integrity and operation of our City government, making it subject to scrutiny by the public by promoting acts or actions that are not compatible with the best interests of the City. ([See 5-501.1](#))

In the letter, the title "mayor" is used consistently to refer to Andy Schor. This frequent reference and usage highlights Mayor Schor's position of authority and reinforces his association with the city's governance and his position of power within it. It serves to remind recipients of the letter that their support has contributed to his current mayoral role and implies a sense of obligation towards the Mayor; IE "I am serving as Mayor because of you..." The repeated usage of the title "Mayor", coupled with the solicitation of contributions for the

Schor Leadership Fund, creates an impression that the solicitation is an official request sanctioned by the City and its governance. This is a clear conflict of interest and abuse of the position of Mayor. This blurs the lines of Mayor Schor's personal political agenda and his role as an elected official, and most concerning, places his personal political goals above the people's right to have a fair and impartial government. ([See 5-501.1](#))

Additionally, the Schor Leadership Fund logo, prominently displayed on the letter sent to constituents and potential donors, bears a clear resemblance to the official City of Lansing logo, as used on the City's website, literature, and official communications from the City of Lansing. The similarities in word placement, font choice, and overall design are evident and cannot be dismissed as mere coincidence. This resemblance raises concerns regarding the inappropriate use of the City of Lansing's official logo for personal and political purposes. As an elected official, Mayor Schor has an obligation to uphold the integrity and impartiality of the City's image. By utilizing a logo that closely mirrors the official City logo, Mayor Schor is misleading constituents and potential donors into believing that his leadership fund is an official city initiative or endorsed by the City itself. ([See 5-501.1](#))

Schor Leadership Fund



City of Lansing Website



Section 5-504 - Protection of public interest: This section outlines the measures that the City of Lansing must adopt to safeguard the public interest in the conduct of public affairs. These include enacting ordinances to establish standards of conduct for City officers and employees, similar to those mandated by the State of Michigan. The ordinances aim to prevent various forms of misconduct, such as prohibiting the use of City office or employment for the private benefit of any person, utilizing City resources for private gain, profiting from an official position, and accepting things of value. Violations of these ordinances may lead to legal repercussions, including the possibility of forfeiting one's office or position ([See 5-504.3](#)).

The letter solicits contributions for the Schor Leadership Fund, which is a personal political endeavor of Mayor Schor. By using his position as Mayor to actively seek contributions to

support specific candidates for the City Council that will “continue my vision into the future”, “so I can make sure we have the right partners”, and “will help me support candidates”, Mayor Schor is utilizing his position and influence as Mayor to solicit funds to support and promote individuals who align with his personal political agenda, for his own benefit. This is using his position within City office for the private benefit of both himself and of those candidates. The letter explicitly requests contributions from recipients, which would be considered a thing of value. By accepting these contributions, Mayor Schor may personally profit from his official position, and by actively supporting and funding specific candidates through these funds, Mayor Schor is using his official position to influence the outcome of a City Council election. This potential influence, coupled with accepting contributions for the purpose of promoting certain candidates, violates the prohibition on profiting from an official position and accepting things of value. The repeated usage of the title of “Mayor”, and the usage of the strikingly similar logo (as outlined in the above 5-501 violations) also violates this section. ([See 5-504.2](#))

RE: Sections 5-501 and 5-504, Specific personal benefit and/or personal gain:

Enhanced political power: By supporting specific candidates, the mayor is exerting influence over the composition and decision-making process of the city council. This allows the mayor to shape the direction and policies of the council according to his personal agenda, increasing his political power and influence within the city.

Alignment with personal political goals: Supporting candidates who align with the mayor's personal political goals ensures that his vision and priorities are furthered within the city council. This alignment leads to the advancement of the mayor's political agenda, benefiting him personally in terms of reputation, support, and future political prospects.

Strengthening of political alliances: By providing financial support to candidates, the mayor is cultivating relationships and alliances that can be beneficial in future political endeavors. The support can lead to reciprocal loyalty and collaboration, enabling the mayor to leverage his position for personal gain and political influence.

Maintenance of control and power dynamics: The mayor's support for specific candidates helps to maintain or strengthen their influence and/or control over the city council. This allows the mayor to shape decision-making processes, garner support for his initiatives, and potentially secure favorable outcomes for himself and his preferred stakeholders. It takes away the objectivity of a city council member's objectivity through coercion of power.

Sections 5-505 - Conflict of interest: This section aims to promote transparency, prevent conflicts of interest, and ensure that City officers and employees act in the best interest of the public.

By actively soliciting funds for specific city council candidates, Mayor Schor has created a conflict between his personal political interest and the public interest which should have been fully disclosed to the City Attorney. ([See 5-505.2](#))

By soliciting funds to support specific candidates through the letter, Mayor Schor is involved in a matter with a potential conflict of interest, violating the prohibition on participation in matters with conflicts. ([See 5-505.3](#))

Overall, Mayor Schor's use of his public office's authority, title, and prestige to attain personal gain by soliciting contributions in exchange for influencing city decisions, as stated in our city's ethics code, is inconsistent with the public interest. Mayor Schor is compromising the integrity of his position and using city resources for his private benefit. Mayor Schor's actions are compromising the integrity of the political process and undermining the public's trust in their elected officials. This type of behavior erodes the fundamental principles of transparency, accountability, and equal representation that are crucial for a functioning democracy. It is evident that these actions are in direct violation of our city's ethics code, which mandates that public officers and employees act in the best interests of the City and not for personal gain. The people have a right to expect that their elected officials will prioritize the public interest over personal agendas and that their decisions and actions will be made independently and impartially.

In light of these violations, it is imperative that the Ethics Committee thoroughly investigates this matter and takes appropriate measures to address all aspects of the conflicts of interest and abuse of power displayed by Mayor Schor. The committee must ensure that elected officials are held accountable for their actions and that necessary steps are taken to restore the public's trust in our City's governance. The ethical standards outlined in our city's code of conduct exist to safeguard the best interests of the City and its residents.

We formally request that the Ethics Committee conduct a thorough investigation into these matters, regardless of the outcome of the City Attorney's opinion, to determine the extent of the violations and take appropriate actions as outlined in our city's ethics guidelines. We believe it is imperative to maintain the public's trust in our government and ensure that our elected officials adhere to the highest standards of ethical conduct.

We have attached various supporting documents for your reference. If any further information or clarification is required, please do not hesitate to contact us at the provided contact information.

Attachments:

Schor Leadership Fund Solicitation- Original letter/solicitation.

Schor Leadership Fund Solicitation VISUAL AID- Highlights of concerns.

Schor Leadership Fund Payment Page- The page that the solicitation link directs to.

Codes Index:

5-501.1: The people of this City recognize that the continuation of the proper operation of the City requires that public officers and employees be independent, impartial and responsible to the people; that decisions and policy be made in the proper channels of governmental structure; that members of the public have access to information upon which decisions affecting their City are made; that public office and employment not be used for personal gain; that the integrity and operation of City government to be subject to scrutiny of the public; and that acts or actions not compatible with the best interests of the City be defined and prohibited.

5-504.2: The City shall adopt, by ordinance, no later than one year after the effective date of this section, restrictions similar to those enacted by the State of Michigan by statute, prescribing standards of conduct for City officers and employees. To the extent permitted by law, the ordinances shall generally include, but not be limited to, **prohibiting the use of City office or employment for the private benefit of any person**; prohibiting the divulging of confidential information in advance of the time prescribed for its authorized release to the public; prohibiting the use of City personnel resources for private gain; prohibiting profit from an official position and **acceptance of things of value by City officers or employees**; requiring the financial disclosure by City officers and employees and requiring lobbyist disclosure for all City officers and employees.

5-504.3: Any violations of ordinances dealing with matters in this section shall be punishable to the maximum extent permitted by law and may be made punishable by forfeiture of office or position.

5-505.2: An officer or employee who has any other conflict between a personal interest and the public interest as defined by State law, this Charter, or ordinance, shall fully disclose to the City Attorney the nature of the conflict.

5-505.3: Except as provided by law, no elective officer, appointee or employee of the City may participate in, vote upon or act upon any matter if a conflict exists.

Thank you for your attention to this matter, and we trust that the Ethics Committee will take appropriate action to address the violations of our city's ethics code.

Sincerely,

The People's Council of Lansing signing members, and supporting Lansing City Council Members:

The People's Council of Lansing

Council President Wood

At Large Council Brown

At Large Council Sptizley

At Large Council Spadafore

1st Ward Council Kost

Vice President Garza

3rd Ward Council Hussain

4th Ward Council Jackson



Fwd: Update: Please Read | Lansing's Future

1 message

Mon, Jun 12, 2023 at 1:52 PM



----- Original Message -----

From: Mayor Andy Schor <heather@andyschor.com>



Date: 06/12/2023 10:45 AM EDT

Subject: Update: Please Read | Lansing's Future



Dear 

Thank you for all your support. I am serving as Mayor now because of you and others like you who have supported my vision for our Capital City. I'm turning to you again to ask for your help to continue my vision into the future.

As we implement our vision of growth for the city, we need partners that will help. Please contribute to my leadership fund so I can make sure that we have the right partners growing our city. With two open seats up for grabs, I am working to help elect a new generation of leaders to our City Council. These folks will help our shared vision of Lansing to be a reality. Contributions to the leadership fund will help me support candidates to achieve our shared vision.

Please join me in supporting my vision for Lansing and a council that will work to achieve that goal.

Thank you,



Andy Schor
Mayor

Paid for by Schor Leadership Fund

Schor Leadership Fund
P.O. Box 13073
Lansing MI 48901 United States

If you believe you received this message in error or wish to no longer receive email from us, please [unsubscribe](#).



Fwd: Update: Please Read | Lansing's Future

1 message

Mon, Jun 12, 2023 at 1:52 PM



----- Original Message -----

From: Mayor Andy Schor <heather@andyschor.com>



Date: 06/12/2023 10:45 AM EDT

Subject: Update: Please Read | Lansing's Future



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[Please join me in supporting my vision for Lansing and a council that will work to achieve that goal.](#)

Thank you,



Andy Schor
Mayor

Paid for by Schor Leadership Fund

Schor Leadership Fund
P.O. Box 13073
Lansing MI 48901 United States

If you believe you received this message in error or wish to no longer receive email from us, please [unsubscribe](#).

Schor Leadership Fund

I am serving as Mayor now because of you and others like you who have supported my vision for our Capital City. I'm turning to you again to ask for your help to continue my vision into the future.

As we implement our vision of growth for the city, we need partners that will help. Please contribute to my leadership fund so I can make sure that we have the right partners growing our city. With two open seats up for grabs, I am working to help elect a new generation of leaders to our City Council. These folks will help our shared vision of Lansing to be a reality.

Please join me in supporting my vision for Lansing and a council that will work to achieve that goal.

Choose an amount:

Your contribution will benefit Andy Schor.

\$50

\$100

\$250

\$500

\$1,000

\$1,500

\$



CITY ATTORNEY OPINION _____
City of Lansing
OFFICE OF THE CITY ATTORNEY

James D. Smiertka, City Attorney

To: Council President, Carol Wood
Council Vice President, Jeremy Garza
Members of City Council

From: James D. Smiertka 

Re: Campaign Finance Act and Mayor Activity

Date: July 10, 2023

Several concerns regarding a fundraising communication have been raised as follows:

QUESTIONS PRESENTED

- 1) May the Mayor campaign and seek donations to oppose or endorse candidates in other races?
- 2) May the Mayor reference the City and that he is the Mayor in such communications?
- 3) Is the logo in his email too similar to the City's logo?
- 4) Are campaign funding communications a violation of the City's Ethics Ordinance?

SHORT ANSWERS

- 1) Yes. The fundraising communication is explicitly permitted by the Michigan Campaign Finance Act;
- 2) Yes. It is both factually correct, and reference to his office and the City is implicitly permitted by the Campaign Finance Act and acknowledged by AG Opinions and US Supreme Court cases.
- 3) No, since the logos are not the same and there is no use of public resources at issue.
- 4) No. The Ethics Ordinance explicitly does not address Election Law or Campaign Finance Law, and as such, the City's Ethics Board has no jurisdiction over campaign finance issues such as those raised.

ANALYSIS AND DISCUSSION

Examinations of campaign activity are focused on what resources are expended to fund the activity. The limitation most relevant to campaigning and the City is the Michigan Campaign Finance Act's limitation on the use of public resources to endorse candidates or ballot questions; see generally MCL 169.257.

First Question

Regarding the first question, as an elected policy making officer, the Mayor is allowed to express political ideas, per MCL 169.257(1)(a), and explicitly allowed to oppose or endorse candidates in races other than his own (and positions on ballot questions) so long as he does so on his own time and with non-City resources, per MCL 169.257(1)(f).

The fundraising communication in question clearly states it was paid for by the Schor Leadership Fund, not with any City resources. The Schor Leadership Fund is an Independent Political Action Committee formed in 2013 under Michigan Law.

Independent Committees are expressly authorized and have the explicit purpose of "mak[ing] expenditures ... in support of or in opposition to 3 or more candidates for nomination to or election to an elective office in the same calendar year." MCL 169.208(3).

Second Question

As part of the activities permitted by MCL 169.257(1)(a), the Mayor can reference both the City of Lansing and that he is the Mayor. The communication in question references that support of voters and donors helped him become the Mayor of Lansing, which is true, and that he is hoping for additional support in the form of votes and donations to affect a political vision.

Such political speech by elected officials has long been recognized by the Courts. Cases touching on this deal with much more contentious activity than campaigning, but the legal conclusions are clear. The Supreme Court cases of *Wood v. Georgia*, 370 U.S. 35 (1962), and *Bond v. Floyd*, 385 U.S. 116 (1966), hallmarks on the matter of speech rights by elected officials, were both recognized by the State in Attorney General Opinion 4647 in 1969. *Wood* dealt with an elected sheriff in his capacity as the sheriff publicly criticizing elected judges who had empaneled a grand jury to investigate potential voter fraud. *Bond* dealt with an elected state representative being interviewed on critical comments he made regarding the Vietnam conflict and explicitly discussing how his statements impacted his oath of office as an elected representative. Suffice to say in both instances the elected officials were not acting on behalf of their institutions, but their position was inextricably linked to their comments.

Third Question

Although the logo in the Mayor's email is somewhat similar to the City's servicemark, they are clearly different. More importantly, nothing in the communications indicates that it is sent by the City, and the possibility for confusion is eliminated by the explicit statement that the communication is funded by the IPAC discussed above.

Fourth Question

The communication only seeks contributions for political campaign purposes. The City's Ethics Ordinance states that campaign contributions and expenditures are not to be included in statements of financial interest, per Lansing Codified Ordinance 290.08(£)(4), and thus not within the purview of the Board of Ethics. Therefore, the Lansing Board of Ethics does not have jurisdiction over campaign finance complaints.

CONCLUSION

There is nothing impermissible or illegal about the Mayor's communication that was sent for review. He is permitted to campaign and raise funds for other races or ballot questions, and he is allowed to reference both his elected office and the City. He is not allowed to use City resources or explicitly say that he will use his office for the benefit of a potential donor but neither of those circumstances are presented here. If you have further questions on this matter, please let me know.



Draft 1
July 24, 2023

City of Lansing

OFFICE OF THE CITY ATTORNEY

James D. Smiertka, City Attorney

To: City Council

From: James D. Smiertka

Re: Political Advocacy

Date: July 24, 2023

The City Attorney has provided recent guidance to Council relative to the prohibitions on political advocacy pursuant to state law MCL 169.257, more commonly known as Section 57 of the Michigan Campaign Finance Act (see attached).

As requested by Council members, this memo is to more specifically point out what is permissible for a public body to express without violating Section 57.

First, it needs to be mentioned that an elected or appointed public official or an employee of a public body who, when not acting for a public body but is on his or her own personal time, is expressing his or her own personal views, is expending his or her own personal funds, or is providing his or her own personal volunteer services, is not in violation of Section 57. This was a basis of the analysis of the City Attorney opinion requested by Council relative to a recent Political Action Committee fundraising correspondence.

Second, a violation of Section 57 occurs when a public body or an elected official of that public body uses public funds/resources to advocate a political message. Every communication must be considered carefully to ensure that it does not violate the express advocacy prohibitions.

Third, the prohibitions of Section 57 do not apply to the following:

- The expression of views by an elected or appointed public official who has policy-making responsibilities. (As stated in the first point, as long as the elected or appointed public official does not advocate a political position on City time or use City resources.)
- The production or dissemination of factual information concerning issues relevant to the function of the public body.
- The production or dissemination of debates, interviews, commentary, or information by a broadcasting station, newspaper, magazine, or other periodical or publication in the regular course of broadcasting or publication. This exemption does not apply to the dissemination of an advertisement of a candidate.
- The use of a public facility owned or leased by or on behalf of a public body if any candidate or committee has an equal opportunity to use the public facility.
- The use of a public facility owned or leased by or on behalf of a public body if that facility is primarily used as a family dwelling and is not used to conduct a fund raising event.
- An elected or appointed public official or an employee of a public body who, when not acting for a public body but is on his or her own personal time, is expressing his or her own views, is expending his or her own personal funds, or is providing his or her own personal volunteer services.

Finally, it is impossible to anticipate every question that may be asked on this issue, however, if you have further questions, please don't hesitate to direct your queries to the Law Department.

MICHIGAN CAMPAIGN FINANCE ACT (EXCERPT)
Act 388 of 1976

169.257 Contributions, expenditures, or volunteer personal services; prohibitions; civil action; use of public funds or resources for communication referencing local ballot questions; violation as misdemeanor; penalty.

Sec. 57. (1) A public body or a person acting for a public body shall not use or authorize the use of funds, personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, or other public resources to make a contribution or expenditure or provide volunteer personal services that are excluded from the definition of contribution under section 4(3)(a). The prohibition under this subsection includes, but is not limited to, using or authorizing the use of public resources to establish or administer a payroll deduction plan to directly or indirectly collect or deliver a contribution to, or make an expenditure for, a committee. Advance payment or reimbursement to a public body does not cure a use of public resources otherwise prohibited by this subsection. This subsection does not apply to any of the following:

(a) The expression of views by an elected or appointed public official who has policy making responsibilities.

(b) Subject to subsection (3), the production or dissemination of factual information concerning issues relevant to the function of the public body.

(c) The production or dissemination of debates, interviews, commentary, or information by a broadcasting station, newspaper, magazine, or other periodical or publication in the regular course of broadcasting or publication.

(d) The use of a public facility owned or leased by, or on behalf of, a public body if any candidate or committee has an equal opportunity to use the public facility.

(e) The use of a public facility owned or leased by, or on behalf of, a public body if that facility is primarily used as a family dwelling and is not used to conduct a fund-raising event.

(f) An elected or appointed public official or an employee of a public body who, when not acting for a public body but is on his or her own personal time, is expressing his or her own personal views, is expending his or her own personal funds, or is providing his or her own personal volunteer services.

(2) If the secretary of state has dismissed a complaint filed under section 15(5) alleging that a public body or person acting for a public body used or authorized the use of public resources to establish or administer a payroll deduction plan to collect or deliver a contribution to, or make an expenditure for, a committee in violation of this section, or if the secretary of state enters into a conciliation agreement under section 15(10) that does not prevent a public body or a person acting for a public body to use or authorize the use of public resources to establish or administer a payroll deduction plan to collect or deliver a contribution to, or make an expenditure for, a committee in violation of this section, the following apply:

(a) The complainant or any other person who resides, or has a place of business, in the jurisdiction where the use or authorization of the use of public resources occurred may bring a civil action against the public body or person acting for the public body to seek declaratory, injunctive, mandamus, or other equitable relief and to recover losses that a public body suffers from the violation of this section.

(b) If the complainant or any other person who resides, or has a place of business, in the jurisdiction where the use or authorization of the use of public resources occurred prevails in an action initiated under this subsection, a court shall award the complainant or any other person necessary expenses, costs, and reasonable attorney fees.

(c) Any amount awarded or equitable relief granted by a court under this subsection may be awarded or granted against the public body or an individual acting for the public body, or both, that violates this section, as determined by the court.

(d) A complainant or any other person who resides, or has a place of business, in the jurisdiction where the use or authorization of the use of public resources occurred may bring a civil action under this subsection in any county in which venue is proper. Process issued by a court in which an action is filed under this subsection may be served anywhere in this state.

(3) Except for an election official in the performance of his or her duties under the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, a public body, or a person acting for a public body, shall not, during the period 60 days before an election in which a local ballot question appears on a ballot, use public funds or resources for a communication by means of radio, television, mass mailing, or prerecorded telephone message if that communication references a local ballot question and is targeted to the relevant electorate where the local ballot question appears on the ballot.

(4) A person who knowingly violates this section is guilty of a misdemeanor punishable, if the person is an

individual, by a fine of not more than \$1,000.00 or imprisonment for not more than 1 year, or both, or if the person is not an individual, by 1 of the following, whichever is greater:

(a) A fine of not more than \$20,000.00.

(b) A fine equal to the amount of the improper contribution or expenditure.

History: Add. 1995, Act 264, Eff. Mar. 28, 1996;—Am. 1996, Act 590, Eff. Mar. 31, 1997;—Am. 2001, Act 250, Eff. Mar. 22, 2002;—Am. 2012, Act 31, Imd. Eff. Feb. 28, 2012;—Am. 2015, Act 269, Imd. Eff. Jan. 6, 2016.

Compiler's note: Section 2 of Act 264 of 1995 provides:

"If any portion of this amendatory act or the application of this amendatory act to any person or circumstance is found to be invalid by a court, the invalidity does not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if those remaining portions are not determined by the court to be inoperable. To this end, this amendatory act is declared to be severable."

Enacting section 1 of Act 31 of 2012 provides:

"Enacting section 1. It is the policy of this state that a public body shall maintain strict neutrality in each election and that a public body or a person acting on behalf of a public body shall not attempt to influence the outcome of an election held in the state. If there is a perceived ambiguity in the interpretation of section 57, that section shall be construed to best effectuate the policy of strict neutrality by a public body in an election."

[Records Center] City - FOIA Request :: C017252-071123

LANSING MI Records Center <lansingmi@govqa.us>
To: "merica20tolife@gmail.com" <merica20tolife@gmail.com>

Fri, Jul 14, 2023 at 2:09 PM



Dear Michael Lynn,

The City has received your request for public records under the Michigan Freedom of Information Act (FOIA).

In order to determine whether the City possesses records responsive to your request, we are extending the time for responding to your request by ten (10) business days, as permitted under MCL 15.235, Section 5(2)(d). Therefore, a written response will be issued on or before August 02, 2023.

If you have any questions concerning this matter, please feel free to contact our office by replying to this email or phone number below.

Please be advised that the City has adopted Procedures and Guidelines and a Written Public Summary, both of which are available on the City's website at:

<https://content.civicplus.com/api/assets/5d087b72-e05a-4ed7-924a-1fedd81b3643>

Request Details:

Reference # C017252-071123

Description of Records Requested: **All Email correspondence from email domain (heather@andyschor.com) to any recipient of the City of Lansing with the domain/email extension: (@lansingmi.gov) between the dates of 1-1-2018 to 7-11-2023**

All Email correspondence from email domain (@andyschor.com) to any recipient of the City of Lansing with the domain/email extension: (@lansingmi.gov) between the dates of 1-1-2018 to 7-11-2023

All Email Correspondence from Andy.schor@lansingmi.gov to heather@andyschor.com and to any other domain/email extension ending in @andyschor.com between the dates of 1-1-2018 to 7-11-2023

All Email Correspondence from Lansing.mayor@lansingmi.gov to heather@andyschor.com and to any other domain/email extension ending in @andyschor.com between the dates of 1-1-2018 to 7-11-2023

All Email Correspondence from Domain/email extension @lansingmi.gov to domain/email extension @andyschor.com between the dates of 1-1-2018 to 7-11-2023

If you have any further questions, please contact me at my office.



**Remit To:**

City of Lansing
Attn: FOIA Department
124 W Michigan Avenue
5th Floor
Lansing, MI 48933-1603

Bill To:

Michael Lynn
3200 S. Cedar st
Lansing, MI 48910

**Estimate Summary**

Invoice No: INV23-C017252-1
Request Reference Number: C017252-071123
Invoice Date: 7/19/2023
Due Date: 9/2/2023
Status: Estimate
Balance Due: \$602.35

Category	Description	Details	Cost	Unit	Add Overhead	Total Quantity	Quantity Waived	Quantity Charged	Total
City Attorney - Review	City Attorney Office - Retrieval and Review for Exempt Material		\$45.46	Per Hour		13.25	0.00	13.25	\$602.35

Comments:**Totals:**

Total: \$602.35
Payments: \$0.00
Balance Due: **\$602.35**



The City of
LANSING
City Council

TO: City Clerk
FROM: Sherrie Boak, Council Office Manager
DATE: June 26, 2023
SUBJECT: REFERRAL - Council Meeting Date 7/10/2023

Council Member Wood is submitting the attached email on the Cooley-Haze House for referral.

Please place on the Council agenda July 10, 2023 for referral.

Boak, Sherrie

From: Wood, Carol
Sent: Monday, June 26, 2023 4:54 PM
To: Boak, Sherrie
Subject: FW: [EXTERNAL] Cooley-Haze house

Please give to Chris Swope for referral for the July 10th meeting.

Carol

-----Original Message-----

From: Kathy Krafft <kathykrafft724@yahoo.com>
Sent: Monday, June 26, 2023 4:42 PM
To: City Council <City.Council@lansingmi.gov>
Subject: [EXTERNAL] Cooley-Haze house

Greetings city council,

On Oct of 2018, the city council voted 7-0 to sell the Cooley Haze house to Mr. Vitale. His proposal at the time, was to make the house into a classroom/ business/ workshop for learning techniques about repairing old houses(please correct me if I misunderstood). But since that time(almost 5 years later) little, if not anything has been done to fix up the house let alone start a business.

When it was reported to me that I was not the winning bidder for the house, though disappointed, I took it with as much grace as I could and in my heart wished the very best for Mr Vitale and of-course, the Cooley Haze house. But when I saw a recent picture on Facebook(last fall) and Mr Vitale citing the pandemic for the delay and that he was going to be working on the house in the spring, I was shocked! I couldn't help thinking, "if I had been the winning bidder, would they have been as patient with me?"

Well, Spring is over and today, I had an opportunity to see your fair city and drive by the Cooley Haze house and what I saw was appalling. The house is still in disrepair and there are large trees growing up along side of the house next to the foundation!!!

I understand that I an outsider to your town and after all I am a woman, and what could a woman possibly know about home repairs and historical renovations? I know that they need to get done! That's what!

All I ask of you is to keep this gentleman accountable to the agreements that I would have been accountable to, if I would have been the winning bidder. After all, it's not about me or Mr Vitale that's important, it's what's best for the house. Hopefully, the house will still be standing long after we are gone.

Thank you for your time.

Sincerely,
Kathy Krafft

Sent from my iPhone

