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:

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.

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.

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.

<u>City Clerk Chris Swope Election Process Change Updates</u>

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 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 form 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 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.

<u>OTHER</u>

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

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.

<u>Adjourn</u>

The meeting adjourned at 7:06 p.m.
Respectfully Submitted by,
Sherrie Boak, Recording Secretary, Lansing City Council
Approved by the Committee on July 24, 2023