



MINUTES
Committee of the Whole
Monday, February 5, 2024 @ 5:30 p.m.
City Council Conference Room

CALL TO ORDER

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

PRESENT

Councilmember Peter Spadafore
Councilmember Adam Hussain
Councilmember Tamera Carter
Councilmember Trini Pehlivanoglu
Councilmember Jeffrey Brown
Councilmember Ryan Kost
Councilmember Jeremy Garza
Councilmember Brian T. Jackson

OTHERS PRESENT

Sherrie Boak, Council Staff
Emily Linden, Internal Auditor
Elizabeth O'Leary, HR Director
Courtney Roberts, HR
Kyla Moore, HR
Jim Smiertka, OCA
Lisa Hagen-Lawrence, OCA
Greg Venker, OCA
Matt Staples, OCA
Joseph Abood, OCA

Public Comment

No public comment at this time.

Presentations

Human Resources Training Presentation on Workplace Harassment & Workplace Violence
Ms. O'Leary provided a brief introduction.

Ms. Roberts went through a presentation on sexual harassment identifiers, illegal employment discrimination, and reporting of both. The presentation then went onto workplace violence prevention, assessment of reported behavior and resolution.

Council President Garza asked if the "zero tolerance" has been implemented, providing an example with a Code Enforcement Manager. Ms. O'Leary stated she would not get into

specifics on a situation or person, but there is “zero tolerance” and all complaints taken into consideration with bargaining agreements.

There was then a video shared.

Council Member Brown asked if all employees get the training, and if now there are more people reporting. Ms. O’Leary stated all employees are aware of policy, do receive annual training and at this time did not bring any data.

Ms. Roberts started the video on preventing harassment, and the video ran into technical issues near the end.

There were no questions on the presentation.

City Attorney Office Training Presentation on Elected Official Training to City Council Members
Mr. Smiertka began the presentation with Fiduciary Duties, duty of liability, duty of care, desirable conduct, forfeiture of office, removal of cause and rights of responsibilities of Council members.

Mr. Venker spoke to the Council on Ethics, but first provided a disclosure from the OCA on the training.

The City of Lansing Ethics ordinance was noted on the slide, spoke on penalties, and prohibitions. This section also spoke to the definition of “gift”, what gifts should not be accepted, and then the presentation spoke to Conflicts of Interest, which noted if a conflict is raised, it will be determined by the City Council at that meeting. Regarding the Affidavit of Disclosure, Mr. Venker summarized examples of when a Council Member should file a disclosure. Lastly, Mr. Venker spoke on financial interests, and misuse of the position of City Council.

Council Member Garza asked about the \$50 limit, and asked if that amount will change. Mr. Venker stated that per City ordinances that speak to dollar amounts, and several were set over 25 years ago, and it is up to the governing body to amend that, to possibly keep with inflation.

Council Member Kost asked about information provided to press, and asked for clarification on if everything Council gets is confidential. Mr. Venker stated not to assume everything, but it depends how they get it. If the only reason came into the knowledge was as a council member. If it says “disseminate to the public”, then. Council Member Carter asked if the same thing applies to social media.

Council Member Hussain stepped away at 6:30 p.m.

Mr. Venker stated again is how they receive the information.

Council Member Jackson stepped away at 6:31 p.m.

Mr. Smiertka stated if it is marked from OCA is confidential, and closed sessions are confidential. Anything at a public meeting is not.

Council Member Hussain returned to the meeting at 6:32 p.m.
Council Member Brown stepped away from the meeting at 6:32 p.m.

Mr. Abood stated if Council has any questions on if any specific information can be released, the City Attorney office is available to assist with that.

Council Member Jackson returned to the meeting at 6:33 p.m.

Ms. Hagen – Lawrence spoke on the Open Meetings Act (MCL 15.263) Included in that she spoke on public body, quorum, meeting and decision.

Council Member Brown returned to the meeting at 6:35 p.m.
Council Member Kost stepped away from the meeting at 6:35 p.m.

Council President Garza asked if Council is at an outside agency group and there are five (5) Council Members present. Ms. Hagen -Lawrence stated they cannot deliberate as members, but informational gathering of that agency.

Ms. Hagen- Lawrence moved onto the notice requirements, meeting postings, special meeting notices, rescheduled meeting posting requirement. Additional topics in this portion of the presentation spoke to public access to meetings and minutes. Regarding OMA in the era of COVID, and that was a short period of time for exceptions and those exceptions have expired.

Council Member Kost returned to the meeting at 6:40 p.m.

Regarding members of the public participating, and the OMA only applies to the public body, and Council does not have to provide virtual participation, and if they choose to they still have to offer a physical location.

Lastly Ms. Hagen-Lawrence spoke on closed sessions, emailing, texting, tweeting, posting, liking and commenting.

Council President Garza asked about group emails, and if one person did not respond are they still in violation. Ms. Hagen-Lawrence stated they would still be in violation. They should do an individual reply and then approach the City Attorney. It was also noted, that any cell phone communication during an open meeting could be subject to FOIA.

Ms. Hagen-Lawrence provided civic action examples on violations against MCL 15.270, MCL 15. 271, MCL 15. 272 and MCL 15.273.

Mr. Abood did his presentation on Human Rights Principles and Values, this included the framework, role of policy makers and deprivation of rights under 42 US Code 1983, with municipal liability. In addition to that Mr. Abood noted the City of Lansing Human Rights Ordinance and Michigan Civil Rights.

Council Member Pehlivanoglu stepped away from the meeting at 6:52 p.m.

Mr. Abood noted there are a couple harassment types that they focus on in civil rights, outlined in the presentation.

Council Member Pehlivanoglu returned to the meeting at 6:54 p.m.

Mr. Abood encouraged the Council to focus on the civil rights complaints with employees, which should go to HR as soon as possible. Council should not hold their own meetings and research because that then makes Council witnesses. Secondly, Mr. Abood noted, if Council becomes aware of a civil rights violation out side of the City structure, then those complaints go to the HRCS directly. The less involvement with City Council Mr. Abood stated is for best results. Council Member Brown stated there is a group with a civil rights complaint with HRCS, Counwould need to see what it was specifically to see what occurred.

Council Member Spadafore stepped away from the meeting at 6:58 p.m.

Mr. Abood stated they need to make sure that everything was done appropriately. Council Member Brown asked if the complaint he received to the OCA, and the complaint was to go to

the HRCS but they are concerned with how HRCS is handling. Mr. Smiertka asked Council Member Brown to speak to the OCA.

Council Member Hussain stepped away from the meeting at 7:00 p.m.

Council Member Spadafore returned to the meeting at 7:01 p.m.

Mr. Abood concluded by asking everyone to follow the procedures.

Mr. Staples provided a presentation on Freedom of Information, this began with the what is considered a public record.

Council Member Jackson stepped away from the meeting at 7:05 p.m.

His presentation addressed the process, cost estimates, common exemptions, redactions, and FOIA appeal processes.

Council Member Hussain returned to the meeting at 7:06 p.m.

Mr. Staples then concluded the OCA presentation on Lansing City Charter on Officers and Elections.

Council Member Jackson returned to the meeting at 7:08 p.m.

Mr. Staples spoke on eligibility affidavit, and election do's and don'ts.

Council Member Brown stepped away at 7:15 p.m.

Council President Garza asked who is responsible for removing anything from the telephone poles and right of way. Mr. Abood stated anyone can remove, but also public service can be contacted.

Mr. Smiertka stated OCA updates and reviews annually as they prepare for this presentation.

Council Internal Auditor Presentation

Ms. Linden went through her presentation on what the role of internal auditor is, how she can work for all Council Members overall duties, language of the Charter, and includes her role for budget, Council expenses, audits, role on LEPFA, Claims Review Committee and on the HRCS Advisory Board.

Council Member Brown returned to the meeting at 7:23 p.m.

Ms. Linden concluded by offering her assistance on budget, constituent concerns, data analysis questions and research gathering.

Adjourn

The meeting adjourned at: 7:25 pm

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

Approved by the Committee February 12, 2024