



MINUTES
Committee of the Whole
Monday, June 27, 2016 @ 5:30 p.m.
Council Chambers

CALL TO ORDER

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

PRESENT

Councilmember Brown Clarke
Councilmember Jessica Yorke
Councilmember Patricia Spitzley
Councilmember Adam Hussain - excused
Councilmember Kathie Dunbar
Councilmember Carol Wood
Councilmember Jody Washington
Councilmember Tina Houghton –excused

OTHERS PRESENT

Sherrie Boak, Council Staff
Joseph Abood, Interim City Attorney
Randy Hannan, Mayor Executive Assistant
Ange Bennett, Finance Director
Jim Smiertka
Elaine Womboldt
Barbara Lance
Mark Mello
James Harrington
Carolyn Condell
Sharon Burton
Chris Hackbarth, MML
Bob Kleine, GLEC, former Dir. Of Michigan House Fiscal Agency
Mitch Bean, GLEC; former State Treasurer
Mary Ann Prince
Chad Gamble, Public Service
Christopher Mumby, Public Service
George Yarzabek, IT

Minutes

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE MINUTES FROM MAY 9, 2016 AS PRESENTED. MOTION CARRIED 6-0.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE MINUTES FROM MAY 23, 2016 AS PRESENTED. MOTION CARRIED 6-0.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE MINUTES FROM JUNE 13, 2016 AS PRESENTED. MOTION CARRIED 6-0.

Public Comment

Ms. Womboldt spoke in support of pursuing the findings of the settlement agreement for former city attorney McIntyre, and requested that Council ask Mr. Smiertka if he will be representing Council in the future.

Ms. Prince spoke in support of the appointment of Mr. Smiertka.

Mr. Mello voiced his frustration with FOIA requests thru the City Attorney office.

Ms. Lance spoke on behalf of her spouse who was a City employee, whose vehicle was damaged by paint over spray from a City contractor on a City parking lot. The issue included no results from the City Attorney office on the claim since November 2015.

Presentations

Michigan Municipal League (MML)

Present was Mr. Hackbarth with MML, Bob Kleine with GLEC and Mitch Bean with GLEC. They distributed a power point hand out and noted that the plan was what the MML used on the path of the project over the last year, and it is a way to educate the Legislature on the system municipalities work with. They have also have engaged outside parties to provide a third party on the structure. Mr. Kleine then went thru the report highlighting that Michigan cities were hit hard over the last years because of the restructure of auto industry, other cuts. There was a revenue decline in Michigan, and Michigan was the only state 2002-2012 with a revenue decline. In 2016 it was estimated they would be \$580 million below funding.

The Committee was referred to the power point which broke down the \$7.5 Billion in lost revenue sharing since 2002, which noted Lansing at \$63,552,853; Detroit at \$827,670,297; Flint at \$62,047,234; and Kalamazoo at \$38,302,529 to name a few.

Council President Brown Clarke noted that there are things that Council can and cannot control, so they need to make decisions from their perspective at the tax base and look at the basics to still grow. This will impact the policies they make. Council Member Washington added that Council needs to take care of the property tax and income tax, then asked the presenters if there was a projection for the next few years, or if it is going to continue to lose money, where is business tax cut going. Mr. Bean noted that in the last 10-15 years, the first cuts have been to the cities, so legislatures don't have to cut at the state level, and it will get worse. Council Member Washington then asked how the cities will be affected by the Flint water crisis and the assistance that was given the Detroit Public Schools. Mr. Hackbarth stated that the legislature has not announced their policies, what it will cost or what the liability will be to the cities. They did put in an effect an infrastructure fund at about \$5 million; however this is an economic recovery period, so most reserves are gone.

Council Member Dunbar asked for advice on how to explain to the residents at the local level, and if the MML has information on the cuts and how there is still no job growth. Mr. Kleine

agreed better education is needed, and that Michigan is growing at the same rate as the National economy but investing money in wrong places is catching up so it needs to change.

Council Member Wood asked the presenters where they see things going with cities such as Lansing that have given out and created tax incentives for businesses. Mr. Hackbarth acknowledged that Lansing was not the only community that did and is doing that, and they too are reaching the breaking point. Council Member Wood then asked if there are any studies on abatements that have been given where at the end of their time; the businesses are just moving to another community and starting the incentive process again. Mr. Hackbarth acknowledged that the MML has not done a study for that.

Council Member Wood asked the MML representatives for any suggestions for Council. Council President Brown Clarke asked Mr. Hollister to speak on behalf of the FHT, and Mr. Hollister referred to his study in 2015 noting they are continuing to look at resolutions. Council President Brown Clarke asked the Council to review all the information for a future meeting discussion.

Council Member Spitzley stepped away from the meeting at 6:24 p.m.

Council Member Wood acknowledged that recent studies by the AARP that the senior population and income are increasing with entrepreneurs, and they are staying in Lansing more than the millennium generation.

Council Member Spitzley returned to the meeting at 6:25 p.m.

Council President Brown Clarke asked the Committee to consider the next steps and what the FHT is going to do to guide them.

CITYWORKS

Mr. Hannan stepped away from the meeting at 6:29 p.m.

Mr. Gamble provided introductions of his staff present, and began the power point presentation. Council Member Wood asked for handouts of the power point. Mr. Gamble and Mr. Yarzabek stated they did not and could not provide handouts because they created a power point that was too detailed, interactive and had a video embedded in it. The group then watched the presentation, and Council President Brown Clarke asked how many intake workers the City has taking the complaints since they have to be called in and are customer generated. Mr. Gamble stated there are five (5) O & M and multiple people in Public Service. Council Member Spitzley asked when the initial complaint comes in and entered in the field, if someone comes back into the office reenter information. Mr. Yarzabek stated that is all up to the user, and how Public Service will decide since it is a business management decision. Council Member Spitzley then asked if Cityworks can take other departments information and populate it into Cityworks. Mr. Gamble confirmed however noted not personal information. As for the BWL information, it does take their name and address to populate a complaint, thus lowering time to have office clerk to put in.

Council Member Wood asked if anyone with the City can access the web base at look into the system to see if a complaint had been filed and the status. Mr. Yarzabek stated they would have to be given access, and Mr. Gamble added that currently the Council does not just the administrative, and if there is information Council needs they provide that to them. Currently right not Council cannot view to see if a complaint has been entered or if it has been addressed. Council Member Wood informed them of a tree down blocking the road at Edwin and Blair. She then asked if, without having access to enter information, she can look at something to see if it has already been sent in, and Mr. Yarzabek stated that can be viewed in

the public portal. Council Member Wood then asked to view the map function, at which Mr. Yarzabek stated they were just beginning to set that up and it is only being used internally.

Council Member Washington stepped away from the meeting at 6:55 p.m.

RESOLUTION – 2015/2016 Budget Amendment

Ms. Bennett outline the amendment which includes allocations the budgeted vacancy factor, reimbursement amounts for the special elections to offset those election costs, additional appropriations for information technology security enhancements, facility repair costs, Downtown Lansing promotion expenditures that exceeded the budgeted amount and street lighting.

Council Member Washington returned to the meeting at 6:57 p.m.

The changes in the vacancy factor are being proposed to be used to offset the cost of 10 patrol cars and 1 ambulance.

Mr. Hannan returned to the meeting at 7:00 p.m.

Council Member Wood asked what the amount of the vacancy factor was currently, and Ms. Bennett was not able to provide the current amount but stated in mid-May it was \$825,000. Council Member Wood asked what the \$430,000 facility repairs at Public Service would be, and Ms. Bennett clarified those are for various repairs to the City buildings. Council Member Wood then asked if it had to do with the recent NAPA contract addition, and Ms. Bennett stated no. Council Member Wood then asked if the dollars were from the public safety millage, and Ms. Bennett stated that the budget actually exceeded the millage, so this was a way to fund it. Council Member Wood asked them to roll those dollars over and front load to the Fire Department because the recent 10 retirees for Fire that they will now have positions to fill. Ms. Bennett stated the public safety millage is up in 2017, and the hiring should be done in 2017. Ms. Bennett added that the current positions are budgeted for in 2017, so there is no need to carry forward funds to fill the positions.

Council Member Dunbar asked Ms. Bennett who asked for or recommended getting 10 new police cars and one ambulance, or were they a projection. Ms. Bennett stated both the LPD and LFD requested them. Council Member Spitzley asked if there were already vehicles budgeted for in 2017 or are these additional. Ms. Bennett confirmed these are additional, and in FY2017 there is a sizable appropriation, but now there is additional money making those investments possible.

Council Member Spitzley asked for examples of facility repairs for the \$430,000 requested, and Ms. Bennett provided an example of a boiler leak and minor items that add up.

Council Member Wood asked why the vehicle funds were coming out of the General Fund instead of the fleet fund. Ms. Bennett detailed that the fleet fund is funded by various funds, and does not generate money this will be a General Fund contribution to the fleet fund.

Council Member Washington asked how many vehicles are in the LPD fleet, and how many will be replaced. Ms. Bennett could not provide the exact number but guessed around 16. She was asked to ask Public Safety for the number.

Council President Brown Clarke stated her opinion that this was not the best model to address vehicles and asked for a percentage of the vacancies are being covered by overtime.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION FOR THE FY2016 BUDGET AMENDMENTS. MOTION FAILED 5-1.

RESOLUTION –Confirmation of the Appointment of a City Attorney

Mr. Smiertka made himself available for questions, and acknowledged the Council for their time and earlier conversations. Council Member Washington asked his opinion on the LGBTQ

community and addressing their concerns and Mr. Smiertka stated he will follow the Law for all residents, noting that the City Attorney does not make policy, Council makes policy. All Law will do is find out what that Law is and inform Council. Council Member Wood asked Mr. Smiertka who he will represent as City Attorney. Mr. Smiertka cited the Charter which states the City Attorney is responsible to the Mayor and Council and legal affairs are properly managed. He continued by stating that Council is responsible for legislative matters, and the City Attorney will represent Council on those matters. The City Attorney represents the Mayor for Administrative matters. Mr. Smiertka did acknowledge that sometimes legislative and administrative overlap, at which point the City Attorney will use experience and wisdom to find a solution. Council Member Wood asked Mr. Smiertka to pledge that he would not make any support contribution to a Council Member or the Mayor. Mr. Smiertka answered that as a professional he recognizes it is difficult for local elected officials, but does not believe in writing a check for personal gain, and Council believes it would provide a conflict he would be willing to commit to that statement.

MOTION BY COUNCIL MEMBER DUNBAR TO APPROVE THE RESOLUTION FOR THE CONFIRMATION OF THE APPOINTMENT OF CITY ATTORNEY TO JAMES SMIERTKA.
MOTION CARRIED 6-0.

FOIA POLICY

Council Staff distributed the FOIA Log provided by Mr. Abood prior to the meeting. Council President Brown Clarke then referred everyone to the current FOIA Policy that was adopted in 2015, and page 10 which spoke to procedures for tracking received, protocol, etc. Mr. Abood outlined the FOIA log, noting the document was broken down by items with cost estimates, no responses, and pending. The majority of the pending work LPD FOIA's. Mr. Abood then referred to the earlier public comment on FOIA and status, and stated that one was treated as a claim, and he will follow up on that. Council Member Spitzley acknowledged Mr. Abood for the information and his work on the FOIA, however noted there is a concern with the delay in the FOIA since the purpose of a FOIA is so citizens can have insight into the city workings. Law is preventing them from getting information they are due under the law, and the City is setting themselves up for legal challenges. Council Member Spitzley then asked Mr. Abood if there was a central FOIA data base. Mr. Abood stated that LPD reviews the FOIA requests then Law reviews them also to redact any inappropriate information. This review also requires review of car video, car audio and body cameras. There is currently a new case out there that addresses FOIAs which will help the City moving forward. Council Member Spitzley asked Mr. Abood to continue to update the Council, and asked Council President Brown Clarke if she has access to the log, and Council President Brown Clarke stated no, she is only informed when there is an appeal to the FOIA denial or supplied information. Council Member Wood asked for a monthly update on the FOIA log so Council can address any questions they are approached with. Mr. Abood agreed, and also agreed that there needs to be a procedure in place where all FOIA requests are responded to in 10 days, even if just with an extension. Council President Brown Clarke asked Mr. Abood to have Law update Council on a monthly basis at their COW meetings.

BUDGET OUTLOOK 2017/2018

Asked committee to look at the process as a draft, and the Committee will discuss at the next meeting.

PLACE ON FILE

- Communication on Peace of Mind Elite Club, LLC. - Placed on file.

RESOLUTION – 2015/2016 Budget Amendment

Mr. Abood informed the Council that after review of the Charter, the FY2016 Budget Amendment does not need to pass in Committee by 6 votes, it only needs 5.

MOTION PASSED 5-1 FOR THE FY2016 BUDGET AMENDMENTS.

Council Member Dunbar inquired as to the Resolution on the Budget Amendment should be placed on the Council agenda for the same night, since it will require 6 votes at that meeting and if will fail. Council President Brown Clarke confirmed it can be pulled from the agenda. Mr. Hannan reminded the Committee that if there is a delay they will not be able to transfer the amounts in the FY budget, and this would be come notes in the annual audit. Council Member Wood asked how under another resolution on the Council agenda for tonight, the Finance Department and HRCS are asking for carryforwards 10 months after the FY2015 year end, and yet the Administration cannot wait 2 weeks for a full Council on this one. Ms. Bennett noted her understanding that those carryforwards from FY2015 are going into the current FY2016 year so she saw no concern or similarity.

ADJOURN

The meeting was adjourned at 7:45 p.m.
Respectfully Submitted by, Sherrie Boak
Recording Secretary, Lansing City Council
Approved by the Committee on August 8, 2016