



APPROVED

**CITY OF YPSILANTI
COUNCIL SPECIAL MEETING AGENDA
COUNCIL CHAMBERS - ONE SOUTH HURON ST.
YPSILANTI, MI 48197
TUESDAY, OCTOBER 10, 2017
7:00 P.M.**

I. CALL TO ORDER –

The meeting was called to order at 7:10 p.m.

II. ROLL CALL –

Council Member Bashert	Present	Council Member Robb	Present
Mayor Pro-Tem Brown	Present	Council Member Vogt	Present
Council Member Murdock	Present	Mayor Edmonds	Present
Council Member Richardson	Present		

III. INVOCATION –

Council Member Richardson asked all to stand for a moment of silence.

IV. PLEDGE OF ALLEGIANCE –

"I pledge allegiance to the flag, of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all."

V. INTRODUCTIONS –

None

VI. AGENDA APPROVAL –

Council Member Vogt moved, seconded by Council Member Bashert to approve the agenda.

Council Member Murdock moved, seconded by Council Member Robb to change the order of the hearings; City Manager first, Economic Development Director second, Police Chief third, Mayor Pro-Tem Brown fourth, and the Mayor fifth.

Council Member Bashert moved to add a section in which the Assistant City Attorney Dan DuChene would explain the rules of procedure for the hearings to Council.

On a voice vote, the motion carried, and the agenda was approved as submitted.

VII. RULES OF PROCEDURE –

Assistant City Attorney Dan DuChene explained the rules of procedure to Council.

Mr. DuChene asked if the five individuals should be questioned individually, or at the same time. Council responded hearings should be held separately.

Mr. DuChene asked for the order of hearings be repeated for the record. Council Member Richardson responded the City Manager, Economic Development Director, the Chief of Police, Mayor Pro-Tem, and Mayor.

Mr. DuChene asked if Council would like to recall the individuals after they have been questioned. Council Member Vogt responded in the affirmative.

Mr. DuChene asked if the individuals should be allowed to provide a statement prior to questioning. Council responded in the affirmative. Mr. DuChene asked Council would like to set any restrictions on that statement. Council Member Murdock responded the statement should be a synopsis for what was provided. Mr. DuChene asked if a time limit should be imposed. Council Member Richardson stated the statement should not last longer than five minutes. Council Member Robb stated the chair should have the authority to end a statement if it runs too long. Council Member Vogt added statements should be no longer than three to five minutes.

Mr. DuChene asked Council if they would like to ask their own questions or determine them in advance. Council Member Murdock responded Council will ask their own questions.

Mr. DuChene asked if Council should ask questions one at a time, or at will. Council Member Robb responded on at a time. Council Member Murdock agreed.

Mr. DuChene asked if any limitations should be set on Council when asking questions. Council Member Bashert responded that should be left to the discretion of the chair. Council Member Murdock added Council should be allowed more than one question at a time. Ms. Bashert suggested allowing one round of each Council Member asking a question followed by a round of follow-up questions, and then questions at will. Council Member Robb stated he was thinking each Council Member is allowed five minutes for the initial question followed by a second round with a two minute limit. Council Member Vogt agreed.

Mr. DuChene asked Council should only be permitted to ask questions, or should they be allowed to make statements. He advised to limit hearings to questions. Council Member Vogt agreed, and said until the end of this process Council should not make statements.

Mr. DuChene asked if the hearings should be conducted with the individuals under oath. Council responded in the affirmative. Mr. DuChene asked the purpose to have questions answered under oath. Council Member Bashert responded if questions are not answered under oath the public might not trust the answers, while if they are under oath the message is Council does not trust its colleagues. Since it is a "lose" "lose" scenario it is best to have the questions answered under oath.

Mr. DuChene stated he will read the parameters just set by Council followed by a vote to approve said parameters.

Mr. DuChene stated the following; the individuals are to be questioned separately in the following order; City Manager Darwin McClary, Economic Development Director Beth Ernat, Police Chief Tony DeGiusti, Mayor Pro-Tem Nicole Brown, and Mayor Amanda Edmonds. Individuals be recalled after everyone has been questioned, individuals will be permitted to make a brief statement with its length be at the discretion of the chair, Council Members will ask their own questions and questions shall be asked one at a time

with the first round being five minutes and the second being two minutes. Council Members will only ask questions during the hearings portion of the agenda and the individuals will answer questions under oath.

Council Member Robb moved, seconded by Council Member Bashert to approve the parameters of the hearing.

On a roll call, the vote to approve parameters of the hearings was as follows:

Council Member Robb	Yes
Council Member Murdock	Yes
Council Member Richardson	Yes
Council Member Bashert	Yes
Council Member Vogt	Yes

VOTE:

YES: 5 NO: 0 ABSENT: 0 VOTE: Carried

Mr. DuChene provided a synopsis of why the hearings are being held.

VIII. AUDIENCE PARTICIPATION –

1. Ralph Lange, 1232 Oak Tree Ct, Ohio, stated his daughter Melissa Lange has signed up in the second slot and has delegated her three minutes to him. He is here to support Economic Development Director Beth Ernat and Police Chief Tony DeGiusti, and allowing the International Village development to proceed to the point of a development agreement. He was the City Manager of Ypsilanti from 2012 to 2016 with a record of accomplishments. He supervised both Ms. Ernat and Chief DeGiusti and has been supervising economic development and police chiefs for some time. Ms. Ernat and Chief DeGiusti are among the best, if not the best, he has worked with through his career. The city has been attempting to find a developer for Water Street for ten years, with the only thing to show for it is Family Dollar. The revenue this development could create will not be known until a final agreement is proposed. If the Attorney's Office determines there was a violation he offered to pay the expense of Chief DeGiusti and Ms. Ernat's travel expenses himself.
2. Jerri Dodge stated she would like Council and community members to go through mediation. Evil people create situations like this in which accusations are made with defensive statements in response. This does not allow a chance for back and forth about this issue. For the past month she is not certain on what side she is on for this topic, and prefers to trust those with more experience to make that decision. She would like to see Ypsilanti become a more supportive community with a more supportive city council.
3. Katie Clark, 430 S. Adams, asked why the Mayor is not present while others under investigation are not. This implies that they do not care what the public has to say during public comment. It has been interesting to read emails and it seems the Community Development Director should be fired. There are a lot of inconsistencies found in the emails. She asked for this process to be taken seriously. The developers clearly do not take the ethics rules seriously and the city should not follow through with this development.

4. Amber Fellows, Jarvis, thanked the City Manager for raising the question of ethics and the City Attorney issuing a statement quickly regarding the ethical issue with accepting gifts from developer. The community is doing the work of Council and the City Attorney's Office because it does not trust they will complete investigation.
5. Dave Hiekinen, business owner 133 W. Michigan Ave, stated he has the greatest respect for Council and staff. He doesn't always agree with them but they are always open to conversation and he trusts them. He believes in the International Village development and others throughout this city that are in support of the development. He said it is very sad this hearing is being held because nobody took any money illegally, and this should have been fixed on the front end. The City should have financed this trip and its Council Members and staff should have been able to go to investigate the development. Stated it should not matter if the International Village Development should paid for the trip because they are a business partner of the city.
6. Lisa Volker stated page 115 and 116 of the emails appears that text has been removed. Regardless of the reasons it removed it raises red flags.
7. Nathanael Romero, W. Cross, stated he appreciates the City Manager stated the city holds itself to a higher standard than a business. He thanked the City Manager and City Attorney for bringing up this issue back in May. He finds it suspicious the developer transferred the funds. He said the Economic Development Director had the closest ties to the developer. He has questions about the Mayor receiving a message via her LinkedIn account which informed her Global Capital financed the trip.
8. Rae stated she lives in Ypsilanti because it is a small town. She asked that the City not be run like a business. Big development brings pollution which ruins the environment. The air, water, and food need to be put above everything else. There is incredible wildlife on Water Street and she asked once the debt is paid off can it be maintained as open space.
9. Quinn Phillips stated she has concerns about the inconsistencies in the emails included in the packet. The Mayor had a VPN so she would have had access to her emails. The emails indicate Ms. Ernat was aware of the trips funding earlier then she originally claimed. She asked for additional information regarding the trip and text messages. It bothers her the Mayor has so many that support her and she essentially lied to their faces.
10. Devan Leatherman, 300 Block of Jarvis, stated a appreciates this is a divisive issue but if there were more input sessions regarding this development were held much of this could have been avoided.
11. Mike Davis, 905 Grant St., stated he wants Council to think about the fact the community puts its trust in it with its vote. The most damaging part of the email is there seems to be a lack of decision making.
12. Deanna White, Ypsilanti Township, stated she has known Mayor Edmonds for eighteen years as a family friend. She has known very few people as honest, hardworking, transparent, smart, wise, and well intentioned. Her hope is that through this process truth and justice will prevail.

13. Julia Bayha, 401 Michigan Ave., stated she has invested her whole life to this area in people and causes. She read aloud from a document regarding the "Seven Generations" principle of the Iroquois Tribe. By approving the debt millage this city was trying to become more sustainable. This current development process is not sustainable.
14. Max, Ypsilanti Township, stated he has worked with Mayor Edmonds closely through the summer regarding youth civic engagement. He said Mayor Edmonds initially appeared to be a caring person who cares about the concerns of community youth. However, through what has been brought to light from this process that does not appear to be the case. This is a very serious issue and more should be done to help the people already in this community.
15. Emory stated the developers funded a vacation. He asked what type of Chinese culture the travelers were exposed to on this trip. The reason for the question is given the size of China it would be impossible to understand much of the culture in only a week. This was a vacation and it is clear that more compact working class neighborhoods were examined.
16. James Blair, 500 Block of 2nd St., stated since moving here he is glad to see the economic development that has occurred in his neighborhood. The downside to living in Ypsilanti is the high tax rate, and if this development is successful it should decrease taxes and lower the cost of living. Over 40% of the parcels in the city are non-profit, or tax exempt and without a development such as this the city will not be able to sustain these businesses. While there might have been unethical behavior most likely there was not illegal behavior, and the investigation will vet that one way or another.
17. Isaac Levigne stated Mayor Edmonds is funded by a real estate development. He pointed out differences between for the International Village and those against it. He is troubled by the fact that the Mayor, Mayor Pro-Tem, and Economic Development Director are not present. If they refuse to respond to questions they should be subpoenaed. He added the City Manager should not appoint the investigator.
18. Geneva Shariff, local school administrator, stated it is important to operate with a sense of integrity and root ourselves in facts and sense of maturity. It is important to investigate impropriety but it is also important to preserve the integrity of these individuals until they have been found guilty, or charges have been filed. As community members we will not always agree, but we need to respect ourselves and others.
19. Ka'Ron Gaines, 833 Armstrong, stated this situation would not have become what it has if questions were answered at the beginning of this process. He asked what would have happened if the Human Relations Commission had not passed a resolution requesting a special meeting be held regarding the International Village Development. It is scary to think what might have happened.
20. Veronica Irving, 1564 Billings Ln., stated her concern is the status of the visas and wants to understand why the visas were for tourism when the travelers were there on business.
21. Peyton, Commons, stated the land and relations should be used to build a public trust.

22. Tyrone Bridges, Ypsilanti Resident, stated he was a candidate for Mayor running against Mayor Edmonds and Council Member Murdock. This situation puts a black eye on the city. There is a lot of violence occurring in the city and the city and the township should be working together to solve these issues. He wants to hear from the Mayor and let the investigation go where it may.
23. Ezra Trombly stated Ypsilanti is a great community with most of us having everyone best interest in mind. The city should not be run like a business.
24. Audience Member stated it doesn't make sense to use the Water Street site for the International Village. The site should be used to benefit the community that is here. It seems the return from this development will low because of the tax breaks it would take for this development. The jobs created by this development will only be minimum wage service jobs.

IX. REMARKS BY THE COUNCIL MEMBER –

- Council Member Richardson thanked all those that spoke

X. HEARINGS –

- Investigative Hearings regarding financing of city officials trip to China.
 - o Mayor Amanda Edmonds
 - o Mayor Pro-Tem Nicole Brown
 - o City Manager Darwin McClary
 - o Economic Development Director Beth Ernat
 - o Police Chief Tony DeGiusti

City Clerk Frances McMullan swore in City Manager Darwin McClary.

Council Member Murdock

Council Member Murdock asked if he had any involvement in the planning of the trip to China. Mr. McClary responded in the affirmative.

Council Member Murdock stated after the May meeting when the trip was initially discussed you asked for an opinion from the Attorney's Office. The Attorney's Office opinion was it would be an ethical violation if this trip would be funded by the developer. Mr. McClary responded in the affirmative.

Council Member Murdock asked if that was sent to Council and others directly involved. Mr. McClary responded that opinion was sent to department heads and the City Attorney asked that the City Clerk provide that to Council.

Council Member Murdock asked if the City Manager first learned that the Wayne State Chinese Student Scholars Association (CSSA) was going to fund the trip at the beginning of September. Mr. McClary responded in the affirmative.

Council Member Murdock asked if Mr. McClary asked Ms. Ernat if the CSSA was at all linked to the International Village. Mr. McClary responded in the affirmative.

Council Member Murdock asked what Ms. Ernat response was. Mr. McClary responded her response was there was no connection.

Council Member Murdock stated on September 9th, or shortly thereafter, Mr. McClary received emails from Ms. Ernat reiterating the offer of the student group to fund the trip, and the letter from CSSA offering funding and a request to get authorization from City Council, which was forwarded on September 11th. This was the first time Council was informed officially of the trip, who was going, and the student group was funding it. The letter from CSSA was dated September 7th but was not sent directly to the city, it was sent to Amy Foster who then forwarded it to Wayne Hoffman, Spence Brothers, who sent it to Ms. Ernat who in turn give it to the City Manager. He asked if the direct connection between the developer and the invitation from CSSA raise concerns given the City Attorney's opinion on funding. Mr. McClary clarified he did not see the emails that were sent on September 9th because at that time his husband was in the hospital. He explained he received a call from Ms. Ernat who read the email to him and asked for authorization to send it to Council which he gave.

Council Member Murdock asked if he was aware the letter passed through the developer, not directly to the city. Mr. McClary responded he was not.

Council Member Murdock asked when Mr. McClary received the written exchange did that raise concern. Mr. McClary responded he did not initially notice the bottom of the email that it came from the Spence Brothers.

Council Member Murdock stated the first the City Manager heard the Chinese Consulate was funding the trip was through a conversation with Amy Foster during the September 19th Council meeting. Mr. McClary responded no that is not when he first was told that information. Mr. Murdock asked when he was made aware. Mr. McClary responded when he received a phone call from the City Attorney who was contacted by Tom Perkins of the Metro Times soliciting a comment regarding the funding. Mr. Murdock stated Mayor Edmonds and Ms. Ernat's stated they were informed by the development team on September 19th. He asked if the City Manager was involved in that conversation. Mr. McClary responded no.

Council Member Murdock stated on September 25th the City Manager received an inquiry regarding the source of funding was from the Chinese Consulate through CSSA and informed Council. On September 27th the City Manager stated he was informed by Ms. Ernat that the funding was a grant from the Chinese Consulate and a check was given to the International Village Developers. The City Manager informed Ms. Ernat that the funding at the very least was inappropriate and the Chinese Consulate should have sent the funds directly to CSSA, or Wayne State University. The City Manager was then told statements would not come from either CSSA or the Chinese government, instead statements would be made through Wayne State University. He asked if a statement was ever received from Wayne State. Mr. McClary responded no.

Council Member Murdock asked why the City Manager did not seek City Council approval for the trip and its funding. Mr. McClary responded Council and he both received the same information regarding the trip. The letter from CSSA indicated they were a non-profit and the funding were scholarships and along with the information he had from Ms. Ernat he did not have concerns at that time. He knew that letter was given to City Council and he did not receive feedback from Council that it was something that should be placed on the next agenda.

Council Member Bashert

Council Member Bashert asked if when Ms. Ernat read the email chain to Mr. McClary while he was out of the office. Mr. McClary responded no.

Council Member Bashert asked what part of the email was read. Mr. McClary responded Ms. Ernat only read the email she wished to forward to Council.

Council Member Bashert asked if the City Manager had no knowledge of where that email originated at the time. Mr. McClary responded no. Ms. Bashert stated absent of any communication from the

consulate was very striking. She asked if there was other communication from the consulate not included in the information provided. Mr. McClary responded he is not aware of any communication with the Chinese Consulate.

Council Member Bashert asked if Ms. Ernat ever informed the City Manager the entire content of the email chain. Mr. McClary responded no.

Council Member Bashert asked if the City Manager ever saw the check to pay for the trip. Mr. McClary responded not until it was included in this packet.

Council Member Bashert asked if that ever came to the city, or did it directly to the travel agency. Mr. McClary responded he does not have firsthand information, and cannot answer that question.

Council Member Bashert asked how the City Manager would describe his involvement in arranging the trip. Mr. McClary responded he had no involvement other than the information he received via Ms. Ernat, and discussions regarding that the developer could not fund the trip. He was aware Ms. Ernat was speaking with the MEDC, LDFA, and SPARK to secure funding for the trip. At one point he was told one of those organizations was going to fund the trip, and he was surprised to find out the CSSA would be funding the trip. He explained it was a surprise because he did not understand what the CSSA's interest was in Ypsilanti.

Council Member Bashert asked if Mr. McClary first learned of CSSA funding the trip verbally, or was it written. Mr. McClary responded it was a telephone call.

Council Member Bashert asked if there were any follow up questions regarding the CSSA funding the trip. Mr. McClary responded there was no conversation regarding the source of the funding. His assumption was that CSSA was providing the funding, however, at that time he did ask if CSSA had a connection to the International Village. He also asked Ms. Ernat why CSSA was offering funding, to which she indicated CSSA was interested in fostering a cultural exchange.

Council Member Bashert asked if Ms. Ernat offered any evidence, or verification the money did not come from the International Village. Mr. McClary responded Ms. Ernat only indicated there was no connection.

Council Member Vogt

Council Member Vogt asked what could have done better by staff, the Council Members that went on the trip, and the remainder of Council to avoid this situation. Mr. McClary responded when individuals face these situations they reflect back on what could have done to avoid this situation. He explained staff could have looked more deeply into the CSSA organization trying to acquire additional financial information, and checked their non-profit status. There are steps staff could have taken to verify what was claimed in the letter from CSSA.

Council Member Vogt asked if staff should have contacted the Chinese Consulate earlier. Mr. McClary responded at that point he was not aware the consulate was involved in the funding of the trip.

Council Member Vogt asked if Mr. McClary was aware of any facts that any city official knew, prior to the trip, the funding for the trip passed through the developer. Mr. McClary responded he has not seen anything that would indicate that any city official had knowledge prior to the trip.

Council Member Vogt asked if Mr. McClary had any information that a city official had an agreement, or understanding, with the developer to trade funding for the trip for either a vote, or decision on an International Village issue. Mr. McClary responded he does not have any such information.

Council Member Robb

Council Member Robb stated on September 27th Mr. McClary sent an email about being informed of additional information regarding funding. He asked if the emails about funding being passed through International Village prior to CSSA. Mr. McClary responded he was informed by Ms. Ernat, by phone on 9:31 a.m. on Tuesday, September 26th, that International Village had applied for a grant through the Chinese Consulate and that grant was awarded. He explained a check was cut to the International Village who would transfer that to the CSSA.

Council Member Robb stated since the story broke the Chinese Consulate has denied providing funding for this trip. He asked if the City Manager had contacted, or directed anyone from staff to make contact with Ms. Foster regarding this discrepancy. Mr. McClary responded he had not. He asked if he plans to, or have staff, contact Ms. Foster to better understand this discrepancy. Mr. McClary responded he does not because the Council is now involved in an investigation into this and it is better handled through that process.

Council Member Robb stated Council is updated through meetings, memos, and Council Information Letters. Through those communications Council is informed about revenue generated from various programs and other happenings in the city. In all of these opportunities to update Council information was never provided that visas had been applied for, why was Council not made aware. Mr. McClary responded he does not have an answer for that question.

Council Member Richardson

Council Member Richardson stated in the City Manager's memorandum provided to Council, and a part of this packet the phrase "to the best of my knowledge" was used consistently. She said she could understand why for some of the questions that was the case but now all. However, an email was sent concerning the legitimacy of the payment the City Manager's claim was he did not know. She stated as City Manager do you not see it is your responsibility to know what is going on, as much as possible. A City Manager's job is to take care of the city, and oversee staff so it bothers her when claims are made that he had no knowledge of certain aspects of this trip. She asked does Mr. McClary feel he should have known what was going on. Mr. McClary responded he does believe he should have been more aware of what was happening. He hopes the Council understands the limitations posed by the limited staff of the city, but he agrees he should have been better informed. Ms. Richardson stated the city's limited staff levels is all the more reason why the City Manager would want to know what is happening to avoid these situations.

City Clerk Frances McMullan swore in Economic Development Beth Ernat.

Council Member Robb

Council Member Robb stated based on the information given to Council disclosed to Council Ms. Ernat received a communication from the President of the CSSA offering to fund the trip. He asked was the CSSA asked how they became aware of the city's desire to travel. Ms. Ernat responded in the affirmative.

Council Member Robb asked what CSSA's response was to that question. Ms. Ernat responded the representative informed her he has aware of the city's desire to travel and his organization is dedicated to providing cultural exchange with China, and would be willing to provide scholarships for the trip. Mr. Robb stated his question was not answered, and asked again if Ms. Ernat asked how CSSA became aware of the city wanting to travel to China. Ms. Ernat responded she did not.

Council Member Robb asked if there are any written communications with the President of CSSA. Ms. Ernat responded no.

Council Member Robb asked if there was any further communication with the President of CSSA between when Ms. Ernat spoke with him at the end of August and when the scholarship letter was sent. Ms. Ernat responded in the affirmative, the CSSA asked her to review a letter. The letter was sent by text and was reviewed and was returned.

Council Member Robb asked if Ms. Ernat asked CSSA the source of the funding. Ms. Ernat responded she did not.

Council Member Robb stated Ms. Ernat said tickets were purchased on September 10th, but based on what was disclosed to Council tickets were purchased on September 5th. The award letter from CSSA was received on September 7th even though it was dated September 6th. Mr. Robb asked if it seemed strange the tickets were purchased prior to the award letter being sent. Ms. Ernat responded it is not to her knowledge the tickets were purchased on September 5th. Mr. Robb stated the information in the packet regarding the tickets was sent on the fifth. Ms. Ernat responded that was to review names, and spellings of those names, and dates. Mr. Robb stated that communication includes a reservation code.

Council Member Robb asked how it was learned the consulate funds had passed through the developer to the CSSA. Ms. Ernat responded while she was in China she received a text from the City Manager who directed her to discuss this with the development team. At that time she was informed consulates typically fund student organizations, which was the case.

Council Member Vogt

Council Member Vogt asked what should have Ms. Ernat done differently to prevent this situation. Ms. Ernat responded she believes that is an opinion question, and she would not like to get involved with personnel matters. However, a general answer would be to have received the funds from the LDFA.

Council Member Vogt asked if funding should have been examined more specifically. Ms. Ernat responded she would prefer to answer questions than provide opinions.

Council Member Vogt asked if Ms. Ernat had any agreement or understanding with anyone to exchange the trip with providing influence regarding the International Village Development. Ms. Ernat responded absolutely not. Mr. Vote asked if Ms. Ernat has any facts that someone else did so. Ms. Ernat responded no.

Council Member Bashert

Council Member Bashert asked for further explanation about conversations with the CSSA regarding the funding source. Ms. Bashert asked why Ms. Ernat did not ask where the CSSA received funding for the trip. Ms. Ernat responded that is not a typical practice for her. She clarified the city receives grants on a regular basis and she has not previously investigated funding sources for those grant. Ms. Bashert stated this is different because it involves an ethics issue related to both careers and projects. Ms. Ernat stated the student group is associated with Wayne State University, and under their Charter, which provided her the solace to trust in their organization. She assumed they were regulated by the university, which she believes are held to the same ethical standards as a municipality.

Council Member Bashert stated at the beginning of the trip it was her understanding the trip was funded by the student organization. She then heard it was really funded by the Chinese Consulate and there is no information in the packet regarding the consulate. She asked to Ms. Ernat's knowledge was the Chinese Consulate ever involved in funding the trip to China. Ms. Ernat responded she does not have direct knowledge of their involvement. Ms. Bashert asked from where the city gained the impression the trip was funded by the Chinese Consulate. Ms. Ernat replied from a discussion with the development team she was informed the consulate often funds student organizations and their activities.

Council Member Bashert asked for further explanation regarding the LDFA funding the trip to China. Ms. Ernat replied per her conversation with the MEDC traveling would be a soft cost of the LDFA, and therefore eligible under funding rules. Ms. Bashert asked why Ms. Ernat did not pursue that funding. Ms. Ernat replied in her opinion she saw using LDFA funds would still be using public funds to finance the trip. She felt an educational group would have been the better choice.

Council Member Bashert asked what concerns Ms. Ernat had about using public funds for the trip. Ms. Ernat responded there has been scrutiny over the use of public funds she felt it safer to use a separate funding source. Ms. Bashert responded that doesn't make much sense to her but she will move away from that line of questioning.

Council Member Bashert asked if Ms. Ernat had ever seen the check that was sent to the travel agency. Ms. Bashert responded in the affirmative. Ms. Bashert asked if Ms. Ernat had seen the check physically. Ms. Ernat responded no, she only received a copy of the check. Ms. Bashert asked when she received that copy. Ms. Ernat responded September 8th. Ms. Bashert stated it is a certified check and does not say who it is from, she asked if Ms. Ernat knew where the check came from at that time, and how was it delivered. Ms. Ernat responded she does not know how the check was delivered to the travel agency. Ms. Bashert asked if the check went to the travel agency without the city ever seeing it. Ms. Ernat responded in the affirmative, and she only received a copy of the check.

Council Member Murdock

Council Member Murdock stated the certified check was not from the student group. Ms. Ernat responded she is not aware of that. Mr. Murdock stated anyone with that money could have provided the check, and is not from the student account. Ms. Ernat stated the check that was provided lists the treasurer of the CSSA's name in the subject section. She added the check in the packet is not a clear copy, but there is an account number on the check. Mr. Murdock responded that was not clear in the copy of the check provided to Council.

Council Member Murdock stated Ms. Ernat claimed she first knew of the involvement of the Chinese Consulate from the development team the night of the September 19th Council meeting. The Mayor also said she was informed of that fact during the same meeting, and the City Manager said he was not informed until later. Mr. Murdock asked if that is the earliest she was made aware the trip was being funded by the Chinese Consulate. Ms. Ernat responded in the affirmative. Mr. Murdock stated she was made aware through a conversation with the developer. Ms. Ernat responded in the affirmative. Mr. Murdock stated Council was not informed of the possible connection until the travelers were already in China. Ms. Ernat responded in the affirmative.

Council Member Murdock asked if to Ms. Ernat's knowledge neither she, nor any other city official had direct contact with the Chinese Consulate regarding funding. Ms. Ernat responded she had no contact with the Chinese Consulate. Mr. Murdock stated the only discussion regarding the Chinese Consulate was with the developers. Ms. Ernat responded in the affirmative.

Council Member Murdock stated Council learned through information given by the City Manager that the developer received funding from the Chinese Consulate and was supposed to go to CSSA, but staff was not aware if it did. Ms. Ernat responded that is not her recollection of the conversation. She recalls International Village has had contact with the Chinese Consulate, which funds student groups. She is not aware of a specific check. Mr. Murdock stated he believes Ms. Ernat asked them to contact the Chinese Consulate, and asked what she was told about that conversation. Ms. Ernat responded that the Consulate would not be making any statements regarding the funding of student operations. Mr. Murdock asked if that raised concern. Ms. Ernat responded in the affirmative.

Council Member Murdock stated it seems the Chinese Consulate did not provide a grant to fund this trip, and the LinkedIn message sent to the Mayor states the funding came from Global Capital. He asked if

this information changed Ms. Ernat's thinking of the funding of this trip. Ms. Ernat responded in the affirmative, and it makes her very concerned.

Council Member Richardson

Council Member Richardson asked who exactly were a part of the development team. Ms. Ernat responded the development team she is referring to is the International Village. Ms. Richardson asked who that included. Ms. Ernat responded Amy Foster, Hal Edwards, Allen Green, and Wayne Hoffman of Spence Brothers. Ms. Richardson asked if the development team was those four individuals and Ms. Ernat. Ms. Ernat responded she does not refer to herself as a part of the development team.

Council Member Richardson stated through the materials provided it appears the City Manager okayed pursuing funding through the LDFA, however, you preferred not to use public funds. Ms. Ernat responded in the affirmative.

Council Member Richardson asked if Ms. Ernat specifically spoke with a CSSA representative. Ms. Ernat responded in the affirmative. Ms. Richardson asked if Ms. Ernat ever asked where CSSA received funding for the trip. Ms. Ernat responded she did not. Ms. Richardson stated some of the concerns were this organization did not have the funding available to finance this trip, and it never occurred to Ms. Ernat to ask from where the funding derived. Ms. Ernat responded no.

Council Member Richardson asked if Ms. Ernat had to do it over again would she do it the exact same. Ms. Ernat responded no. Ms. Richardson asked why. Ms. Ernat responded she would prefer to not give opinion based answers, but as she said earlier she would have pursued funding by the LDFA. Ms. Richardson asked what has caused her to think that. Ms. Ernat responded the unknown sources of funding.

Council Member Richardson asked if Ms. Ernat and the other travelers ever speak about the trips funding, and how were the four travelers selected. Ms. Ernat responded the group was decided following the May 23rd meeting, in which traveling to China was first discussed. The decision was there should be representation from City Council, city staff, and public safety. Ms. Richardson asked who has privy to that conversation. Ms. Ernat responded after the May 23rd meeting Council Members and the City Manager were present. Ms. Ernat stated there were conversation with the Mayor and Mayor Pro-Tem regarding funding for the trip and the conversation involved information that CSSA would be funding the trip. Ms. Richardson asked if the Chief of Police was privy to those conversations. Ms. Ernat responded not to her recollection.

Council Member Richardson recalled at the Town Hall meeting she hosted over the summer was the first time she heard any mention of a trip to China. At that meeting she said Ms. Ernat told her two individuals would be making the trip, and asked when the other two travelers were added. Ms. Ernat responded she recalls that question, but by her recollection she said travel was being researched, and the number of travelers was not mentioned.

Council Member Richardson stated Council received final information regarding the trip on September 11th. She asked why Council was not kept informed of the trip throughout its planning. Ms. Ernat responded she isn't sure why Council was not kept informed throughout the trips planning, however, it was not kept secret and discussed by email following the City Attorney's opinion on the trips funding.

Council Member Bashert (follow up questions)

Council Member Bashert stated Ms. Ernat claimed the communication regarding the trip was delayed because the City Manager was away from the office. Ms. Bashert asked if during her phone conversation with Mr. McClary she read him the entire email chain, including the source of the original email. Ms. Ernat responded she prepared an email and sent it to the City Manager, but he was not receiving emails. She called him by phone the next day and read the email she was going to send to Council to him.

Council Member Murdock (follow up questions)

Council Member Murdock stated there was a letter from the student group that went to Amy Foster and then on to Ms. Ernat. He asked if that email chain was read to the City Manager in its entirety. Ms. Ernat responded she received the letter via text message, and then received it by email. That email was not read in its entirety to the City Manager.

Council Member Murdock asked why the letter from the student group offering to fund the trip not come directly to the city. Ms. Ernat replied she received the letter by text. She wasn't concerned at the time because for the purpose of travel arrangements she put the student group in contact with the developers and travel agency.

Council Member Vogt (follow up questions)

Council Member Vogt asked if the letter from CSSA was sent to several different parties. Ms. Ernat responded in the affirmative. Mr. Vogt stated the interested parties included both the city and the developer. Ms. Ernat responded in the affirmative.

Council Member Vogt stated there were two times that funding for the trip was brought up, during the September 19th Council meeting and while on the trip. Ms. Ernat responded in the affirmative. Mr. Vogt asked who informed Ms. Ernat. Ms. Ernat responded she, the Mayor, Allen Green, Hal Edwards, and Amy Foster were involved in the conversation. Mr. Vogt asked if there was anyone else not involved in the conversation. Ms. Ernat responded not to her recollection. Mr. Vogt asked who was involved in the conversation when the information came to light while in China. Ms. Ernat responded herself, Amy Foster, and Hal Edwards. Mr. Vogt asked of those people you provided the information regarding funding for the trip. Ms. Ernat responded it was Amy Foster.

Council Member Robb (follow up questions)

Council Member Robb stated based on the information provided to Council it appears the tickets were purchased on the fifth of September. The tickets were not sent to Ms. Ernat until September 10th and then sent to the individual travelers. Mr. Robb asked if an email was omitted in which the travelers sent confirmation regarding the spelling of their names. Ms. Ernat responded she checked the names for spelling errors.

Council Member Vogt (follow up questions)

Council Member Vogt asked if Ms. Ernat had ever met the CSSA representative in person. Ms. Ernat responded no. Mr. Vogt asked if Ms. Ernat knew any other information regarding the representative. Ms. Ernat responded she does not. Mr. Vogt asked if Ms. Ernat had any sense of his experience in communications regarding business matters. Ms. Ernat responded her experience is the contact is a college student, which indicates a slim amount of experience.

Council Member Murdock (follow up questions)

Council Member Murdock asked if on the date September 19th if Ms. Ernat informed the City Manager that the Consulate would be funding the trip. Ms. Ernat responded no.

Council Member Bashert (follow up questions)

Council Member Bashert asked why the City Manager was not informed the Consulate would be funding the trip. Ms. Ernat responded she did not see a need because she did not see a concern since it is normal for the Consulate to fund student organizations.

Council Member Robb moved, seconded by Council Member Vogt to extend the meeting until midnight.

On a voice vote, the motion carried, and the meeting was extended until midnight.

City Clerk Frances McMullan swore in Police Chief Tony DeGiusti.

Council Member Vogt

Council Member Vogt asked Chief DeGiusti become involved with going on the trip. Chief DeGiusti responded in February, during a meeting with Ms. Ernat, Amy Foster, and Hal Edwards regarding a possible development. At that point he was involved in conversations because of perceived safety issues of the development team. He met with the development team several times from then until present. Mr. Vogt asked if the developer was concerned about public safety in Ypsilanti. Chief DeGiusti responded in the affirmative. Mr. Vogt asked if the developer mentioned investor concern regarding safety. Chief DeGiusti responded in the affirmative.

Council Member Vogt asked if anyone directed Chief DeGiusti to become involved with the development. Chief DeGiusti responded no, he was invited by Ms. Ernat.

Council Member Vogt asked if Chief DeGiusti had any factual knowledge that anyone from the city had an agreement, or understanding to make a certain decision in return for this trip. Chief DeGiusti responded no, he did not.

Council Member Bashert

Council Member Bashert stated the impression she gets is the Police Chief was further out of the loop than the other travelers. She asked if the Chief had any questions when he was told CSSA would be funding the trip. Chief DeGiusti responded he has loose recollection of what was exactly said, but at the time he was not aware it was a student organization. However, he did know the funding was through Wayne State University by a group involving Chinese studies. He did not question it further because he has known Ms. Ernat to be an honest person, and had no reason to question what she told him.

Council Member Bashert asked what Chief DeGiusti learned about the funding and when he learned it. Chief DeGiusti responded in a loose timeframe in August there was talk about confirmed dates for the trip, immunizations, and customs that should be observed when in China. He believes on September 10th he received an email that included a flight itinerary.

Council Member Bashert asked if Chief DeGiusti was told how the trip was paid for. Chief DeGiusti responded no.

Council Member Richardson

Council Member Richardson asked if Chief DeGiusti began meeting with the developers in February. Chief DeGiusti responded in the affirmative. Ms. Richardson asked if that was a result of the developer's request. Chief DeGiusti stated he is not certain but he was invited to the meeting to address safety concerns. Ms. Richardson asked if the meeting was with Ms. Ernat and the developers. Chief DeGiusti responded in the affirmative.

Council Member Richardson asked if the developers asked Chief DeGiusti to make the trip to China. Chief DeGiusti responded no, not directly.

Council Member Richardson asked Chief DeGiusti when he knew there was concern regarding the financing of the trip. Chief DeGiusti responded he wants to say four to five days into the trip. He heard about an article written in the Metro Times, which started a conversation regarding the trip in the

community. He was aware an email was sent to advise Council and the City Manager knew about the trip, and he had no reason to think there was any issue with the financing.

Council Member Richardson stated once the City Attorney informed city officials that the developer could not finance the trip other funds became available. She asked if anything about that struck the Police Chief as strange. Chief DeGiusti responded no, because he knew there were other funding options available.

Council Member Robb

Council Member Robb asked if Chief DeGiusti was ever sent the letter from the CSSA announcing the scholarships. Chief DeGiusti responded no.

City Clerk Frances McMullan swore in Mayor Pro-Tem Brown

Council Member Bashert

Council Member Bashert stated she is interested in verbal conversations outside of the distributed materials. She asked when Mayor Pro-Tem Brown was first invited on the trip. Mayor Pro-Tem Brown responded the first invitation came after the initial presentation was made in May.

Council Member Bashert asked when the Mayor Pro-Tem found out she would be one of the travelers. Mayor Pro-Tem Brown responded she officially found out when she was asked to provide her information for a visa. However, there was conversation after the May meeting, and during that meeting a question was posed if any of Council would like to make that trip which she responded she was.

Council Member Bashert asked when Mayor Pro-Tem Brown was made aware CSSA would be funding the trip. Mayor Pro-Tem Brown responded she was informed verbally when being asked about potential travel dates.

Council Member Bashert asked if Mayor Pro-Tem Brown was aware of the Consulate funding the trip. Mayor Pro-Tem Brown responded on the fourth day of the China trip. Ms. Bashert stated that information was given at the September 19th meeting, and asked if she was part of that conversation. Ms. Brown responded she was not involved in that conversation.

Council Member Murdock

Council Member Murdock asked the timeframe Mayor Pro-Tem Brown was made aware of CSSA funding the trip. Mayor Pro-Tem Brown responded in late August when discussion potential dates for the trip.

Council Member Vogt

Council Member Vogt stated the speculations that have resulted from this trip are unpleasant. He asked if there is something either Mayor Pro-Tem Brown, or anyone else in city government could have done to avoid this situation. Mayor Pro-Tem Brown responded if she had have performed greater due diligence regarding the funding source. Since she has been a Council Member she has trusted staff, and did not think they would steer her in the wrong direction, or do anything unethical. She doesn't know if she would call that a mistake because she trusts staff and their expertise. Mr. Vogt asked if there was anything else anyone involved in city government could have done to avoid this. Mayor Pro-Tem Brown responded it was a misstep of the entire Council to only find out about the funding while in China. She said some of these questions must have been known prior to the trip, especially if the questions involved possible ethics violation. She said Council as a whole needs to become better at communicated.

Council Member Vogt asked if Mayor Pro-Tem Brown had an agreement with anyone that could have affected her vote, or influence considering the International Village development. Mayor Pro-Tem Brown responded absolutely not. He asked if she had any facts that anyone else did. Ms. Brown responded no.

Council Member Robb

Council Member Robb asked if Mayor Pro-Tem Brown received the funding letter from CSSA. Mayor Pro-Tem Brown responded no.

Council Member Richardson

Council Member Richardson stated Mayor Pro-Tem Brown stated she learned she was going on the trip in late August. Mayor Pro-Tem Brown responded in the affirmative.

Council Member Richardson stated there has been much discussion regarding transparency, and Council was not privy to all of what was happening pertaining to this trip. She asked if it bothered the Mayor Pro-Tem that Council was not receiving the communications regarding the trip during its planning. Mayor Pro-Tem Brown responded to be honest she did not think about it because the idea of the trip was expressed to all of Council. However, that information could have been shared with the entire Council. She added the majority of emails she received were sent to all of Council other than hotel information. Much of her emails were replying to another emails and did not require consideration of Council. Ms. Richardson stated simply because the emails did not require the consideration of Council they could have been shared to keep Council informed.

Council Member Richardson asked when the travelers made a firm decision on the dates of the trip. Mayor Pro-Tem Brown responded either later in the same day, but she did not know for sure until she received the ticket and itinerary.

Council Member Richardson asked when Mayor Pro-Tem Brown received the ticket and itinerary. Mayor Pro-Tem Brown responded on September 10th. Ms. Richardson stated Council Member Robb previously mentioned an email listing September 5th as the purchase date. Ms. Brown stated she saw that date in the email chain, but she did not receive anything until September 10th.

Council Member Richardson stated there were several emails included in the packet that did not include a message.

Council Member Richardson asked if while on the trip there was conversation with the development team regarding who financed the trip. Mayor Pro-Tem Brown responded she was not a part of any conversation regarding financing. She found out the Chinese Consulate was involved through conversation with the Mayor.

Council Member Richardson asked how Mayor Pro-Tem Brown learned of the issues regarding the trip. Mayor Pro-Tem Brown responded she heard from the Mayor and the Economic Development Director.

Council Member Richardson asked if the four travelers ever spoke about issues regarding the trip's financing. Mayor Pro-Tem Brown responded no.

Council Member Murdock (follow up questions)

Council Member Murdock stated the Mayor Pro-Tem mentioned she would have liked these questions posed prior to the trip. However, Council only received two communications regarding this trip; the May 24th Attorney's Opinion and the September 11th memo stating the trip was happening, and the student group was paying for it. This issue came up during the trip when the City Manager informed Council regarding a communication from Tom Perkins of the Metro Times asking about the funding source.

Mayor Pro-Tem Brown asked for clarification regarding the blank spaces on emails. Council Member Richardson responded she cannot pinpoint who sent the email, but she did follow up with the Clerk Department and there are several emails without content. Ms. Brown stated she forwarded her responses directly to the Attorney's Office and is not aware how content could be missing.

Mr. DuChene stated the individuals provided the information to the Attorney's Office who then scanned the documents and sent them to the Clerk. The clarity of the check might have been caused through an issue with the Attorney's Office copier. Through his knowledge there should not have been an issue with blank spaces, but he will investigate further.

City Clerk Frances McMullan swore in Mayor Edmonds.

Council Member Robb

Council Member Robb stated Mayor Edmonds was not informed the tickets were purchased until September 10th, but did receive an email showing the tickets as being purchased on September 5th. He asked if it seemed unusual the tickets were purchased prior to the scholarships being awarded. Mayor Edmonds responded she did not notice that date until afterwards.

Council Member Robb asked if the Mayor learned the scholarship funds passed through the developer on the evening of Tuesday, September 26th. Mayor Edmonds responded she was made aware sometime during the trip by Ms. Ernat. However, she does not remember the exact time of day.

Council Member Robb stated a FOIA was filed on September 13th, and the Mayor was the first person to respond. He stated an email was then forwarded to the student organization regarding the source of funding. Mayor Edmonds stated she did some research for the organization and found one generic email address.

Council Member Robb stated also on that day the Mayor responded to a LinkedIn message to a specific person. Mayor Edmonds responded she also found that information on a website because the award letter did not include a contact information.

Council Member Robb said when the FOIA was requested only the email was forwarded, not the LinkedIn message. He asked did this not trigger you to think to check your messages for a response. Mayor Edmonds stated she was out of town and does not use LinkedIn on her phone.

Council Member Robb asked when the LinkedIn message was finally read. Mayor Edmonds responded Tuesday, October 3rd. She added she has been informed LinkedIn has settings that can make that verifiable.

Council Member Vogt

Council Member Vogt asked what Mayor Edmonds could have done differently, by herself or anyone other agent of the city to prevent any misunderstandings, or suspicion. Mayor Edmonds replied the trip did not exist until there was funding, which was not confirmed until very shortly before the trip. She would have liked funding to be secured sooner for planning purposes. Her first question to Ms. Ernat was if the funding did not originate through the International Village. She felt the public would want to know the funding source and reached out to get that information. If she had more time she would have done more, and if anyone had questions regarding the trip she was not asked.

Council Member Vogt asked if the Mayor knew anything about the CSSA, or the people in that organization. Mayor Edmonds responded she did not, however, she did visit their website and Facebook page but was unable to obtain much information, but she did not have any previous knowledge. She researched CSSA organizations nationwide to get a better understanding.

Council Member Vogt asked when the idea the Chinese Consulate providing funding was first told to the Mayor. Mayor Edmonds responded prior to the trip she contacted Amy Foster who informed her an application was submitted to the Chinese Consulate for funding, which matched process she learned during research of the CSSA.

Council Member Vogt asked if there was additional conversation during the Council meeting about that issue. Mayor Edmonds responded there was no further information given during the meeting other than informing Ms. Ernat of what she learned during that phone call with Amy Foster.

Council Member Vogt asked if the Mayor remembers any other conversation about the consulate providing funding. Mayor Edmonds responded while in China Ms. Ernat informed her the consulate money had passed through the International Village before it went to CSSA.

Council Member Vogt asked who was involved with that conversation. Mayor Edmonds responded she does not recall who was present other than herself and Ms. Ernat, but the Mayor Pro-Tem could have been present.

Council Member Vogt asked if that information was discussed with Ms. Foster, or anyone else on the development team. Mayor Edmonds responded she did not have any further conversations with Ms. Foster, and she presumed Ms. Foster is the one who informed Ms. Ernat.

Council Member Vogt asked if the Mayor had an agreement with the developer, or anyone else to influence your vote, or decision making with this trip. Mayor Edmonds responded no. Mr. Vogt asked if the Mayor had any facts to indicate someone else did. Ms. Edmonds responded no.

Council Member Bashert

Council Member Bashert asked if the Mayor was aware of Ms. Ernat efforts in securing money with the LDFA. Mayor Edmonds responded it is her understanding Ms. Ernat was pursuing money from multiple sources, and she knew the LDFA was one of the agencies.

Council Member Bashert asked if any follow-up information was given regarding the LDFA funding the trip. Mayor Edmonds responded she knew Ms. Ernat was pursuing funding through the LDFA.

Council Member Bashert asked if there was a conversation on September 19th with the development team. Mayor Edmonds responded she does not believe she had any further conversations on that night.

Council Member Bashert asked how Amy Foster phrased that the consulate would be funding the trip through CSSA during the Mayor and Ms. Foster's phone conversation. Mayor Edmonds responded she does not recall how exactly Ms. Foster explained the consulate funding the trip.

Council Member Bashert asked the Mayor's response to hearing the consulate would be funding the trip. Mayor Edmonds responded what Ms. Foster told her made sense because it was backed by the research she performed on the CSSA.

Council Member Bashert asked if the Mayor sought opinion for the City Attorney if the Chinese Consulate funding the trip would constitute an ethics violation. Mayor Edmonds responded no, because both a government and university sourced funds seemed inline.

Council Member Bashert stated Council has been informed the funds passed through the International Village. Mayor Edmonds responded it was not ideal but if it originated with the Chinese Consulate is what was ultimately important.

Council Member Bashert asked why the city was not made aware that funding passed though the International Village in advance. Mayor Edmonds responded does not know.

Council Member Bashert stated the Mayor sent a message to CSSA via LinkedIn message and two days later a response was sent. However, the Mayor was out of town and based off passed history the Mayor does not do much communication while out of town. She asked when the Mayor returned to town. Mayor Edmonds responded late on September 15th.

Council Member Bashert asked why the Mayor did not notice the message. Mayor Edmonds responded generally she receives an email regarding LinkedIn messages, however, she did not see a notification.

Council Member Murdock

Council Member Murdock commended the Mayor for being the only one questioned concerned about the source of funding.

Council Member Murdock stated the Mayor was made aware the consulate was funding the trip on September 19th the night of the Council meeting. He said Ms. Ernat claimed prior to the meeting there was a discussion with the developers who informed her the consulate would be funding the trip. Mayor Edmonds responded prior to that meeting the development team was being introduced, however, she does not recall specifically a substantive conversation regarding details of funding.

Council Member Murdock stated the City Manager informed Council he was not made aware until he received the email from Tom Perkins inquiring about funding sources. He asked if this information is something City Council and the City Manager should have had. Mayor Edmonds responded she was answering these questions for herself and she made Ms. Ernat aware of her findings. When more information was made available it was the night of the September 19th Council meeting, which went until 1:30 a.m. and the trip was early the next day.

Council Member Murdock asked if the Mayor had any communication with the Chinese Consulate. Mayor Edmonds responded no.

Council Member Murdock stated it has been discussed that Ms. Ernat had the developer contact the consulate and through that communication the consulate responded it is not getting involved in local issues. Mayor Edmonds responded she was not involved in that, and Ms. Ernat informed her she learned the funds had passed from the consulate through the International Village and to the student group. Mr. Murdock stated it seems looking back there was not a commitment. Ms. Edmonds replied she read that and was shocked to learn that, and where that disconnect occurred is very concerning.

Council Member Murdock asked how to deal with a developer that appears to have mislead the city. Mayor Edmonds responded if that is what is learned through these investigation that is a great question.

Council Member Richardson

Council Member Richardson stated during the last Council meeting she asked for a complete vetting of the International Village and Global Capital. If it is learned they were involved in ethics violations would the Mayor be open to saying the City would not do business with them. Mayor Edmonds responded there are still many questions and she would like to see what facts are uncovered. If the investigation proves a knowing deception she would have real concerns working with them.

Council Member Richardson asked when the Mayor learned who would be going on the trip. Mayor Edmonds responded in May after the Council meeting a trip was mentioned, in June Ms. Ernat approached her regarding possible dates available for the trip, in mid-July was probably when who was going was known because that is when applications for visas were filed.

Council Member Richardson asked if it occurred to the Mayor in June to send a communication to all of Council inquiring about who would want to go. Mayor Edmonds responded she was under the impression Council was asked by Ms. Ernat. Ms. Richardson replied she was not asked, and said there needs to be

more openness with Council. Ms. Edmonds responded her understanding was conversations were taking place and Council Members were aware the trip was a possibility. However, these conversations were during the developer's due diligence period and it was a possibility the developer could have decided not to move forward with the project. Ms. Richardson stated a question regarding trip did come up during the July town hall she hosted. She explained her answer to the question was no one was going to China, and Ms. Ernat corrected her that a trip was being planned. That was the last she heard of the trip until September 11th, and asked if during that time it did not occur to the Mayor to take a poll of Council of who would like to go on the trip. Mayor Edmonds responded she was not aware Council was not informed.

Council Member Robb (follow up questions)

Council Member Robb asked what the Mayor's understanding is of where the funding originated. Mayor Edmonds responded Amy Foster told her on September 19th the funds originated from the Chinese Consulate. She received a letter from Wayne State that scholarships were being issued for travel. She added the basis of this investigation is to produce facts on where funding actually came. Until this facts are produced she, like everyone else, cannot say definitively where these funds originated.

Mayor Edmonds asked what the next step is in this process. Mr. DuChene responded Council decided upon the ability to call back witnesses, and may do so if it wishes. Otherwise the next agenda item is audience participation.

Council Member Bashert stated Council will need to have discussions about this investigation, and some of the questions will be about staff. She asked what the protocol is to hold this type of conversation. Mr. DuChene responded Council feels there will be additional questions for staff and others following this meeting. Council Member Vogt responded in the affirmative. Mr. DuChene responded this proceeding is at Council's discretion. There has been a Request for Proposals released for legal services with bids due no later than Friday, October 13th. It might be best to coordinate Council's questions through the outside investigation. Ms. Bashert asked if the suggestion is to close this session and wait for more information. Mr. DuChene replied when a special counsel is selected Council's specific questions can be coordinated through the special counsel's investigation. Council Member Richardson asked if the suggestion is to provide the City Attorney's Office with questions to provide to special counsel. Mr. DuChene responded the manner of delivery of said questions is entirely up to Council.

Council Member Bashert stated once all information is gathered and special counsel has concluded its investigation what is the procedure. Mr. DuChene responded once the investigation has been concluded Council should review the report and review with counsel. Ms. Bashert asked if that conversation should take place in Closed Session. Mr. DuChene responded he cannot answer that question at this point. Ms. Bashert explained she asked because of Human Resources policy. Mr. DuChene clarified because there are many possible outcomes he cannot provide a clear answer. Ms. Bashert asked that procedure be explored. Mr. DuChene responded in the affirmative.

Council Member Bashert asked when Council has compiled its questions for special counsel when should they be given to counsel. Mr. DuChene responded he would wait until special counsel is selected and have them inform Council on how to proceed.

Council Member Murdock asked if the bids are due Friday. Mr. DuChene responded in the affirmative. Council Member Murdock asked when City Council will select special counsel. Mr. DuChene responded as soon as possible. Mr. Murdock stated he asked because at the town hall recently held the City Manager indicated he would be selecting special counsel. Mr. DuChene replied the resolution approved by Council states the City Manager would select special counsel with the guidance of the Attorney's Office. Mr. Murdock stated it is Council's investigation. Mr. DuChene agreed, and has no objection to Council selecting special counsel. Council Member Vogt stated he would like to at least be consulted on who is selected. Mr. DuChene responded a contract could be brought to Council for review. Mr. Vogt asked if

that would likely be during the October 17, 2017 meeting. Mr. DuChene responded the contract would unlikely be ready by the next meeting.

Council Member Vogt asked if the Attorney's Office has advice on whether Council should discuss any of the issues brought forth tonight publically or otherwise. Mr. DuChene responded his advice is that Council make no decisions tonight, his concern is Council might make a determination prior to having all the facts. Mr. Vogt stated it is his opinion that it would be ill advised to have any conversation regarding the investigation until it is completed. That would include public comments, responses in emails, statements, and any other communications. He explained it would be very inappropriate for Council to do that individually, or otherwise. That rule should not be broken until consulted with the Attorney's Office and discussed among Council. His opinion is very strong on this matter because this is not a normal political process. Mr. DuChene responded if that is the will of Council he does not find issue. Council Member Robb agreed Council should not make judgments, but if someone asks him what happened during this meeting he won't say he cannot tell them until the investigation is complete. Mr. Vogt agreed, but he was referencing the content of the investigation. Mr. DuChene asked for the specific guidance being made by Council Member Vogt. Mr. Vogt clarified the contents of the investigation, Council's thinking about the investigation, testimony, what individual Council Members might decide, and so forth. As distinguished where Council is in the investigation such as process or procedure. Thoughts about the specifics, individuals, and potential conclusions. In other words Council should consider itself the jury and should not be deliberating before the trial is over, should not be discussing it before the investigation has concluded, should not be declaring any tentative decisions before the trial, or investigation has concluded. Council Member Robb asked if Council Member Vogt is under the impression the investigation has already begun. Mr. Vogt responded in the affirmative, and said these hearings were the beginning of the investigation. Mr. DuChene agreed the investigation has begun. Mr. Vogt added the investigation has more to go until its completion.

Council Member Murdock stated these hearings were held in an open meeting and was broadcast through Facebook. It is difficult for Council to now say it will not talk about the hearings. Council Member Vogt disagreed it is not difficult to not talk about this investigation. Mr. Murdock stated there is enough information to make a decision the question should be where to go from here.

Council Member Vogt stated this is not a political process, it is process of determining fact and making a judgment of rule or law. The city could be sued if Council starts prejudicing conclusions before the city receives all the evidence. Because this is not a political process the same rules do not apply and Council needs to be more "tight lipped". Council can tell the public where the investigation in terms of process but not talk about conclusions. Until all the facts are known those being investigated could be prejudiced improperly and someone's life could be destroyed. It is accepted to make comments in a political sphere but this is not that. Council Member Murdock responded everything Council does it political because Council are politicians. Mr. Vogt replied he can speak with Council Member Murdock afterward if he wishes to debate this matter. Mr. Murdock responded hearings were just held in open session and Council is not supposed to talk about it. Mr. Vogt responded court proceedings occur in public, but a jury does not speak about the case in public, nor between the individual members, until the case is complete.

Council Member Robb stated Council Member Vogt is likening Council to a jury, and asked if Council decides to hire an outside investigator does that mean Council cannot ask special counsel to find our specific facts. Council Member Murdock stated Council would also not be able to speak with members of Council. Fundamentally, if the role of Council is as jury he does not understand how to speak with the investigator. Mr. DuChene responded the role of Council, in this situation, is to find facts. Mr. Robb asked if Mr. DuChene disagrees that Council should consider itself as a jury. Mr. DuChene responded it was an analogy. Mr. Robb stated the analogy doesn't fit because the process is different. In this scenario Council is trying to understand information, which is not the same as a jury. Council Member Vogt responded a better analogy would be a grand jury. Mr. DuChene stated as far as the legal implications of discussing this process, perhaps not the process but the material in itself is not a matter of research. Mr. Vogt stated asking questions of special counsel is not the same as debating, or making decisions about ultimate conclusion. Mr. DuChene asked if Council Member vote is referring to

communication amongst each other, or specific forms of communication that might express or infect bias. Mr. Vogt responded in the affirmative. Mr. DuChene stated he will research that, but cannot be certain there will be cases to reference.

Council Member Bashert stated she agrees to a great degree with Council Member Vogt, and she has made it clear she will not draw any conclusions until she has all the facts. There is too much at stake for both the city and the individuals under investigation. She believes it to be ethical, reasonable, and what her constituency would want her to do.

Mr. DuChene offered a hypothetical if he were representing an adverse party to the city of what might be a final result of this investigation, and he finds public statements were made that reached a conclusion before the completion of the investigation it would be brought up during proceedings.

Council Member Vogt moved, seconded by Council Member Bashert that Council Members should not discuss the contents of the investigation, information, or evidence that pertains so far, their thoughts or conclusions involving the investigation and its contents. Issues such as the credibility or accuracy of any of the testimony as distinguished from the process.

Council Member Bashert stated the motion seems overly broad because it includes the evidence that was just presented. The evidence and process is all public information, however, she agrees any conclusions or thoughts regarding the case should not be discussed. Council Member Vogt stated he would not want things discussed with the public much like in a trial evidence is known but what a jury thinks is not.

Council Member Robb agreed with Council Member Bashert the motion was very broad. However, Council should not be impugning anyone because it is wrong. He hopes a resolution is not necessary to avoid Council making comments such as those in public. However, when considering the information presented tonight he does not agree because it was made in a public setting. He added the motion is incredibly broad. Council Member Vogt responded necessarily so because it is a unique situation Council has never taken a part in, and requires a unique approach. This is to ensure the innocent are protected and the guilty until it is determined they are guilty by all the evidence.

Council Member Bashert offered a friendly amendment that the Resolution be limited to discussion of weight, conclusions, and credibility.

Council Member Vogt respectfully declined the friendly amendment.

Council Member Murdock called the question.

On a roll call, the vote to approve the motion was as follows:

Mayor Pro-Tem Brown	Absent	Council Member Robb	No
Council Member Murdock	No	Mayor Edmonds	Absent
Council Member Richardson	No	Council Member Vogt	Yes
Council Member Bashert	No		

VOTE:

YES: 1 NO: 4 (Richardson, Bashert, Robb, Murdock) ABSENT: 2 (Edmonds, Brown) VOTE: Carried

Council Member Vogt stated his point has been made regardless, and asked Council to keep this discussion in mind. Council Member Murdock stated there will be other opportunities to bring this up, but he would like to move on to audience participation.

XI. COMMUNICATIONS FROM THE MAYOR –

None

XII. COMMUNICATIONS FROM THE CITY MANAGER –

None

XIII. AUDIENCE PARTICIPATION -

1. Julia Bayha, 401 W. Michigan, stated it is a good thing for Council to be cautious and not speak about conclusions of this investigation. However, she has already jumped to one conclusion she is appalled in the lack of professionalism of the people involved in the hearing. City Council needs to step up processes of how developers are sought after, and she sees a team of people that took a trip and need to be accountable to the public.
2. Sue Melke, 330 Chidester #409, stated she agrees with Council Member Vogt that Council should not speak about its opinions on Facebook. It is not fair to people who work for the city to do so. She heard Council Member Murdock had already made his conclusions regarding this issue, so why even hold these hearings. Throughout this process the public took issue with those that recused themselves not being in the room, but when you recuse yourself you should not be in the room. It was wrong of Council to allow those claims to be made without defending why they weren't present. Unless all of the evidence has been presented how a person can be certain.
3. Rae, Ypsilanti, stated it seems unethical the City Manager, who is being investigated, would be a part of choosing Council. She was confused why the Mayor did not check with the Economic Development Director when vetting the CSSA. Concerned the city did not ask how the CSSA found out city officials were planning a trip to China. Said she was unable to find the screenshot of the time stamped LinkedIn message of when it was read was in the packet. Confused that Ms. Ernat did not know the Chinese Consulate funded the trip until they were in China, or on September 19th. While in the packet there is a statement from Ms. Ernat the Mayor informed her funding came from the consulate and researched that fact.
4. Isaac Levign, S. Hamilton, requested Council to reopen the questioning to ask Mayor Edmonds this question, "during the September 5th Council Meeting that on September 19th there will be a presentation by the developer and that is all she knows, and ask at the time did she know about the trip". He asked if it was known a purchase agreement was being presented during the September 19th meeting.
5. Quinn Phillips, Ypsilanti, stated during questioning regarding when she knew of the funding source the Mayor did not mention the LinkedIn message. Whether she read the message, or not she had the information that Global Capital was the funding source. Once the Mayor returned from the trip she claimed to have no knowledge of where the funding came, which is untrue. She would like to see verification of when that message was read.
6. Nathan Phillips, 509 N. Washington, apologized for being ignorant and he depends on Council to do the right thing for the citizens of this city. When he first moved here he told Council that Water Street is a Native American burial

ground. Selling sacred ground to the Chinese does not sit well with him. He hopes Council gets to the bottom of this investigation and inform the citizenry.

7. Kyle Hunter, 430 S. Adams St., stated the city should not move forward with this development because of the inconsistencies uncovered during this investigation.
8. Nathanael Romero, 413 W. Cross, stated the city should not go through with this development. He looks forward to the formation of a community benefit ordinance.
9. Steven Wilcox, 1728 Whittier, encouraged Council to move forward with the independent investigation.

XIV. REMARKS FROM THE COUNCIL MEMBER RICHARDSON -

- Those under investigation did recuse themselves but were not asked to leave.

Sue Melke responded her issue is Council did not state the Mayor and Mayor Pro-Tem were not present because they recused themselves. Council Member Richardson stated those under investigation were welcome to be present even if they recused themselves.

- The investigation will move forward through special counsel once Council selects the firm. Mr. Wilcox asked if Council would be selecting special counsel or Council.

XV. ADJOURNMENT -

OFFERED BY: Council Member Bashert

SECONDED BY: Council Member Vogt

On a voice vote, the motion carried, and the meeting adjourned at 11:39 p.m.