

Approved, SCAO

Original - Court **B. CHRIS CHRISTENSON**
1st copy - Defendant
P-61009
2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN 7th Genesee		JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY	SUMMONS	CASE NO. <i>23-119357-AW</i>
Court address 900 S. Saginaw Street, Flint, MI 48502		Court telephone no. (810) 424-4355		
Plaintiff's name, address, and telephone no. Eric B. Mays Flint City Councilman 1101 S. Saginaw Street, Room 310 Flint, MI 48501 (810) 766-7418, x. 3160		Defendant's name, address, and telephone no. Flint City Council 1101 Saginaw Street, Room 310 Flint, MI 48502 (810) 766-7418		
Plaintiff's attorney, bar no., address, and telephone no. John A. Fernandez, Esquire (P68029) LENTO LAW GROUP, P.C. The Ferris Wheel 615 Saginaw Street, Flint, MI 4850 (810) 962-8200				

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (MC 21) listing those cases.
- It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in this court, _____ Court, where

it was given case number _____ and assigned to Judge _____

The action remains is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT:

In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside of Michigan).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date <i>8/1/23</i>	Expiration date* <i>10/31/23</i>	Court clerk <i>Denise Jordan</i>
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*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

STATE OF MICHIGAN
IN THE 7TH JUDICIAL CIRCUIT COURT FOR GENESEE COUNTY

ERIC B. MAYS

Plaintiffs,

v.

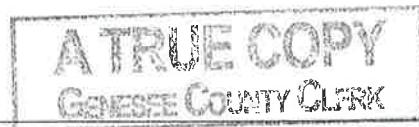
FLINT CITY COUNCIL,

Defendant.

No. 23- 119357- AW

HON.

B. CHRIS CHRISTENSON
P-61009



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jafernandez@lentolawgroup.com
Attorney For Plaintiff

Joseph Cannizzo Jr., Esquire
AL State Bar No. 3584057X
(Pro Hac Vice Admission to Be Applied For)
LENTO LAW GROUP, P.C.
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jcannizzo@lentolawgroup.com
Attorney For Plaintiff

**VERIFIED COMPLAINT FOR EXPEDITED INJUNCTION UNDER
THE OPEN MEETINGS ACT**

OTHER LITIGATION

1. There is no other pending or resolved civil action arising out of the transaction or occurrence alleged in this Verified Complaint.

CIRCUMSTANCES NECESSITATING EXPEDITED RELIEF

2. Plaintiff incorporates by reference the full recitation of the facts as articulated in the "Facts" section of Plaintiff's Combined Verified Motion and Brief for Expedited Injunction under the Open Meetings Act, which is filed concurrently herewith.

3. In short, however, Plaintiff, ERIC B. MAYS (“Mays”) was suspended from his seat on the Flint City Council, following the passage of Resolution 230236 at the Special City Council Meeting of Monday, July 31, 2023, thus suspending Councilman Mays from his seat on the Flint City Council from July 31, 2023, to September 1, 2023, or effectively, the entire month of August 2023.

4. Councilman Mays seeks expedited relief to enjoin enforcement of Resolution 230236 so that he may perform his official functions as a member of the Flint City Council at all meetings scheduled, or to be scheduled, during the period of his unlawful suspension – from July 31, 2023, to September 1, 2023.

VERIFICATION

5. Plaintiff, ERIC B. MAYS’ Verification Affidavit is incorporated into this Verified Complaint and annexed hereto.

PARTIES

6. Plaintiff, ERIC B. MAYS, is an adult resident citizen of the Genesee County, specifically, residing within the City of Flint and State of Michigan.

7. At all times relevant herein, Plaintiff Mays is a duly-elected member of the Flint City Council.

8. Defendant FLINT CITY COUNCIL, is a legislative body of a city incorporated under Const. 1963, Art. 7, §21, and is a “public body” for purposes of the Open Meetings Act, specifically, MCL 15.262(a), which defines a “public body” to include, “any... local legislative or governing body...”

SUBJECT MATTER JURISDICTION AND VENUE

9. Plaintiff Mays seeks injunctive relief under § 11 of the Open Meetings Act, MCL §15.271, to compel compliance with the Open Meetings Act and enjoin enforcement of Resolution 230236.

10. This Court has subject matter jurisdiction and is a proper venue pursuant to §11(2) of the Open Meetings Act, MCL §15.271(2), which provides, in relevant part, that “[a]n action for injunctive relief against a local public body shall be commenced in the circuit court, and venue is proper in any county in which the public body serves.”

STANDING

11. In Lansing Schools Education Ass'n v. Lansing Board of Education, 487 Mich. 349, 372 (2010), the Court held that a litigant has standing if he or she has a special injury or right, or substantial interest, that will be detrimentally affected in a manner different from the citizenry at large.

12. Plaintiff Mays has a substantial interest that will be detrimentally affected in a manner different from the citizenry at large because:

- a. Mays is a resident of the City of Flint;
- b. Mays is a member of the Flint City Council;
- c. Mays is the senior-member of the Flint City Council;
- d. Mays seeks injunctive relief under § 11 of the Open Meetings Act, MCL § 15.271, to compel the Flint City Council's compliance with the Open Meetings Act and to enjoin enforcement of Resolution 230236; and
- e. As a result, the circumstances under which Mays participates in deliberations and decisions of the Flint City Council affect him different than the citizenry at large.

13. Additionally, as to standing, Plaintiff Mays directs the Court to the matter of Fields v. Flint City Council, in which the Court found that the plaintiff therein had standing in a matter nearly identical to the instant matter.

FACTS

14. At all times relevant herein, Plaintiff ERIC B. MAYS, is an adult resident citizen of the City of Flint, County of Genesee, State of Michigan, and serves as a Member of the Flint City Council, representing the 1st Ward.

15. In his capacity as Flint City Councilman, Councilman Mays has become aware of a resolution which fellow members of the Flint City Council had intended to introduce at the Special Affairs Committee Meeting of July 24, 2023, but which did not make it to the floor for a vote before the meeting was adjourned for the evening.

16. Annexed hereto as **EXHIBIT “A”**, find a true and correct copy of the Meeting Agenda for the Special Affairs Committee Meeting of July 24, 2023, referring at the bottom of page four (4) to the specific resolution at issue in this matter – Resolution 230236.

17. Specifically, **Ex. “A”** indicates that Resolution 230236 is a:

Resolution resolving that the Flint City Council, pursuant to its authority under Section 3-103 of the Flint City Charter, hereby suspends Councilmember Eric Mays, effective immediately and through and including September 1, 2023, AND resolving that while suspended, Councilmember Eric Mays is prohibited from taking his seat or participating, in any meeting of the City Council or its committees, in his official capacity as a City Councilmember.

18. A true and correct copy of Resolution 230236, approved as to form and signed by City Attorney William Kim, is annexed here to as **EXHIBIT “B”**.

19. As a result of Resolution 230236 not reaching the floor for a vote at the Special Affairs Committee Meeting of July 24, 2023, Resolution 230236 was then placed on the Special City Council Meeting of Monday, July 31, 2023, being the first resolution to be heard at the meeting.

20. At the Special City Council Meeting of Monday, July 31, 2023, Resolution 230236 was voted on and passed by a vote of 5 yea - 4 nay, thus suspending Councilman Mays from his seat on the Flint City Council from July 31, 2023, to September 1, 2023, or effectively, the entire month of August 2023.

COUNT I
EXPEDITED INJUNCTIVE RELIEF
FOR VIOLATION OF SECTION 3(5) OF THE OPEN MEETINGS ACT,
MCL §15.263(5)

21. MCL §15.263(5) of the OMA, provides, in pertinent part, as follows:

A person must be permitted to address a meeting of a public body under rules established and recorded by the public body.

22. While the OMA does not define the term “person”, the word is so commonly used in Michigan statutes that the Legislature has seen fit to standardize its use.

23. To that end, MCL 8.3 provides that “[i]n the construction of the statutes of this state, the rules stated in sections 3a to 3w shall be observed, unless such construction would be inconsistent with the manifest intent of the legislature.”

24. In Bonner v. City of Brighton, 495 Mich. 209, 221-222 (2014), the Court held that an enactment of a legislative body of a city – such as the Flint City Council’s passage of Resolution 230236 – is treated as a statute for purposes of interpretation and review.

25. Importantly, MCL 8.31 explicitly provides that the word “person” may “extend and be applied to bodies politic and corporate, as well as to individuals.”

26. Thus, applying both MCL 8.3 and MCL 8.31, the term “person” as used in the Open Meetings Act, must be deemed to refer to all “individuals” regardless of capacity – official or personal – and apply equally to both members of the public and members of a public body.

27. Councilman Mays, therefore, is certainly “a person” within the meaning of MCL §15.263(5), and there is nothing in the OMA to indicate that he is not such a person as the aforesaid section applies to.

28. Therefore, in passing Resolution 230236, and enforcing the suspension of Councilman Mays enacted thereby, Defendant Flint City Council is violating Section 3(5) of the Open Meetings Act, MCL §15.263(5), in that it is not permitting Councilman Mays, from addressing a meeting of a public body in his official capacity.

29. Section 11(1) of the Open Meetings Act, MCL § 15.271(1) provides that “[i]f a public body is not complying with this act... a person may commence a civil action to compel compliance or to enjoin further noncompliance with this act.”

30. Section 11(4) of the Open Meetings Act, MCL § 15.271(4), provides that “[i]f a public body is not complying with this act, and a person commences a civil action against the public body for injunctive relief to compel compliance or to enjoin further noncompliance with the act and succeeds in obtaining relief in the action, the person shall recover court costs and actual attorney fees for the action.”

31. In Kitchen v. Ferndale City Council, 253 Mich. App. 115,125 (2002), the Court held that the purposes of the Open Meetings Act are to promote governmental accountability by facilitating public access to official decision making and to provide a means through which the general public may better understand issues and decisions of public concern.

32. In Booth Newspapers v. University of Michigan Board of Regents, 444 Mich. 211, 223 n. 13 (1993), the Court held that “[t]o further the OMA's legislative purposes, the Court of Appeals has historically interpreted the statute broadly, while strictly construing its exemptions and imposing on public bodies the burden of proving that an exemption exists.”

33. In Kernen v. Homestead Development Company, 232 Mich. App. 503, 514-515 (1998), the Court identified the following factors in determining the propriety of issuing an injunction: (a) the nature of the interest to be protected; (b) the relative adequacy to the plaintiff of injunction and of other remedies; (c) any unreasonable delay by the plaintiff in bringing suit; (d) any related misconduct on the part of the plaintiff; (e) the relative hardship likely to result to defendant if an injunction is granted and to plaintiff if it is denied; (f) the interests of third parties and of the public; and (g) the practicability of framing and enforcing the order of judgment.

34. Expedited injunctive relief is warranted to enjoin enforcement of Resolution 230236 suspending Councilman Mays because:

- a. The nature of the interest to be protected is safeguarding a duly-elected City Councilman's ability to perform a governmental function, ensuring public access to official decision-making, and providing the general public a better understanding of issues and decisions of public concern, especially in Flint's 1st Ward which Plaintiff represents;
- b. There are no alternative legal remedies that will better ameliorate the suspension and exclusion of a Flint City Councilmember from a Council meeting, than the sought injunctive relief;
- c. Plaintiff has acted rapidly and diligently in bringing suit the very next day following passage of Resolution 230236 yesterday, on July 31, 2023;

- d. The alleged misconduct of Plaintiff identified in Resolution 230236 is a single, cherry-picked incident, for which Plaintiff was already punished by having been removed from the Special Affairs Committee Meeting of July 10, 2023, and the fact that Resolution 230236 was brought against Plaintiff in the first instance, demonstrates both the political motivations of various members of the Flint City Council and their grossly unequal application of the rules of decorum;
- e. The Flint City Council will not suffer hardship by allowing Councilman Mays to participate in Council Meetings, but Councilman Mays will suffer hardship by being denied the ability to serve his constituents at City Council & committee meetings;
- f. The public, and specifically Flint's 1st Ward, whom Councilman Mays was duly-elected to represent, will suffer hardship by being denied the benefit of Mays' service as a member of the City Council, and his advocacy on their behalf; and
- g. An expedited order enjoining enforcement of Resolution 230236 suspending Councilman Mays is straightforward, practicable, and within the contemplation of the Open Meetings Act.

COUNT II
EXPEDITED INJUNCTIVE RELIEF
FOR VIOLATION OF SECTION 3(6) OF THE OPEN MEETINGS ACT,
MCL §15.263(6)

35. MCL §15.263(6) of the OMA, provides, in pertinent part, as follows:

A person must not be excluded from a meeting otherwise open to the public except for a breach of the peace actually committed at the meeting.

36. Once again, Councilman Mays is "a person" within the meaning of the OMA, particularly given MCL 8.3 and MCL 8.31, and, given the liberality with which the OMA is to be interpreted,

there is nothing in the OMA to indicate that he is not such a person as the aforesaid section applies to.

37. As such, Councilman Mays cannot be excluded from Flint City Council meeting which is otherwise open to the public.

38. The only instance in which Councilman Mays could be excluded, under MCL §15.263(6), as aforesaid, is for a “breach of the peace actually committed at the meeting”.

39. Given that Resolution 230236 was introduced in response to conduct which had already transpired and not at “the meeting” from which Mays’ exclusion was sought – specifically, the July 31, 2023, meeting during which Resolution 230236 was passed – excluding Mays from participating in meetings throughout the month of August for conduct on July 10th – conduct which Plaintiff by no means concedes constitutes a “breach of the peace” – violates MCL §15.263(6).

40. Further, given again that the OMA’s use of “person” includes persons in both their individual and official capacity, given its interpretation in light of MCL 8.31’s explicit inclusion of a body politic in its definition of “person”, to exclude Councilman Mays from an open public meeting in his official capacity, even if he may nonetheless attend in his individual capacity, violates MCL §15.263(6).

PRAYER FOR RELIEF

Given the foregoing, Plaintiff, Eric B. Mays, respectfully asks this Court to:

- (1) enter an Order enjoining enforcement of Resolution 230236, which was passed on July 31, 2023, became effective on said date, and otherwise remains in effect up to and including September 1, 2023;
- (2) enter an order awarding court costs and actual attorney’s fees for prosecuting this action, as provided for in §11(4) of the Open Meetings Act, MCL § 15.271(4); and

(3) impose any other legal or equitable relief it deems appropriate.

Respectfully Submitted,

LENTO LAW GROUP, P.C.



Dated: August 1, 2023

JOHN A. FERNANDEZ, ESQUIRE
MI State Bar No. P68029
Attorney for Plaintiff

LENTO LAW GROUP, P.C.



Dated: August 1, 2023

JOSEPH CANNIZZO JR., ESQUIRE
AL State Bar No. 3584057X
(Pro Hac Vice Admission to be Applied For)
Attorney for Plaintiff

EXHIBIT
“A”

City of Flint, Michigan

*Third Floor, City Hall
1101 S. Saginaw Street
Flint, Michigan 48502
www.cityofflint.com*



Meeting Agenda - FINAL

Monday, July 24, 2023

4:30 PM

GENESEE COUNTY ADMINISTRATION BUILDING

SPECIAL AFFAIRS COMMITTEE

Ladel Lewis, Chairperson, Ward 2

*Eric Mays, Ward 1
Judy Priestley, Ward 4
Tonya Burns, Ward 6
Dennis Pfeiffer, Ward 8*

*Quincy Murphy, Ward 3
Jerri Winfrey-Carter, Ward 5
VACANT, Ward 7
Eva L. Worthing, Ward 9*

Davina Donahue, City Clerk

ROLL CALL**REQUEST FOR CHANGES AND/OR ADDITIONS TO AGENDA****PUBLIC SPEAKING**

Members of the public shall have no more than two (2) minutes to address the City Council on any subject.

COUNCIL RESPONSE

Councilpersons may respond to any public speaker, but only one response and only when all public speakers have been heard. Individual council response is limited to two (2) minutes and is subject to all rules of decorum and discipline.

CONSENT AGENDA

Per the amended Rules Governing Meetings of the Flint City Council (as adopted by the City Council on Monday, February 27, 2023), the Presiding Officer or Chair may request the adoption of a "Consent Agenda". After a motion to adopt a Consent Agenda is made and seconded, the Presiding Officer or Chair shall ask for separations. Any agenda item on a Consent Agenda shall be separated at the request of any Councilmember. After any separations, there is no debate on approving the Consent Agenda - it shall be voted on or adopted without objection.

RESOLUTIONS (POSTPONED)

[NOTE: Resolutions No. 230211, 230213, 230217, 230225, 230226, 230227, and 230229 were POSTPONED from the 7/19/2023 Council Committee Meetings to this Special Affairs Agenda due to the lack of a quorum.]

230211 Ritz Safety Supplies/Speed Humps
Resolution resolving that the Division of Purchases & Supplies is hereby authorized to issue a purchase order to Ritz Safety Supplies for additional speed humps and associated hardware for the FY24 fiscal year in the amount not to exceed \$125,430.00.

230213 Greater Flint Health Coalition/Flint ReCAST Program Implementation
Resolution resolving that the appropriate City Officials are authorized to do all things necessary to enter into a contract with Greater Flint Health Coalition in the amount not-to-exceed \$506,991.67 over the second 12-month period, September 30, 2022 through September 29, 2023.

230217 Jack Doheny Company/Vactor Repairs/Budget Amendment/Insurance Settlement Funds
Resolution resolving that that the Purchasing Division is hereby authorized to issue a purchase order to Jack Doheny Company in the amount of \$239,198.15 for Vactor #7406 repairs, AND, resolving that the appropriate officials are hereby authorized to do all things

necessary to amend the FY2023 City of Flint budget by transferring insurance settlement funds in the amount of \$214,198.15 from the Insurance Fund #677 to Sewer Fund #590.

230225 **Public Hearing Date/Brownfield Redevelopment Plan/Flint Commerce Center**

Resolution resolving that the Flint City Council will hold a public hearing on the above request at 5:30 p.m. on August 14, 2023 at wherever location the Flint City Council will meet on that date, AND, resolving that the governing body shall provide notice of the hearing to the taxing jurisdictions that levy taxes subject to capture under this Act and shall fully inform the taxing jurisdictions about the fiscal and economic implications of the proposed brownfield plan.

230226 **Award/ARPA Funds/Flint Homeowners Assistance**

Resolution resolving that the appropriate City officials are authorized to do all things necessary to amend the FY24 budget to provide funding to the six community organizations listed and appropriate funding for revenue and expenditures in future fiscal years, for as long as funds are available. Funds will be paid from the American Rescue Plan Act fund (287). Before funds are spent, the City of Flint's ARPA administration, compliance, and implementation firm shall review and ensure compliance with the latest US Department of Treasury final rules, as follows: Home Repair Grants - Metro Community Development: \$1,500,000; External Paint Project - Court St. Village: \$175,000; Assistance program for water bills, property taxes and home insurance - Habitat for Humanity: \$875,000; City-wide Emergency Repair Program - Habitat for Humanity: \$1,500,000; Home Repair Grants to residents - GCCARD: \$800,000; Roof replacement and Home repair grants to residents - Court St. Village: \$150,000. TOTAL = \$5,000,000.

230227 **American Leak Detection/Leak Detection Services**

Resolution resolving that the Proper City Officials are authorized to enter into a contract American Leak Detection for water line leak detection in an amount not to exceed of \$151,528.00

230229 **Investigative Hearing/Downtown Development Authority (DDA)/Credit Card Usage**

Resolution resolving that Flint City Council will schedule an Investigative Hearing regarding the credit card policies of the Downtown Development Authority (DDA) for _____, 2023, at _____ p.m., in order to acquire more in-depth information as it relates to the Downtown Development Authority's credit card usage.

RESOLUTIONS

230208 **CO#5/Contract/Rowe, Inc./Comprehensive Zoning Services**

Resolution resolving that City Officials are authorized to do all things necessary to enter into Change Order #5 to Contract 20-044 with Rowe Inc until June 30,

2024 and add \$90,000 to continue their provision of comprehensive zoning services with funds in the amount of \$30,000 available from account #101-701.000-801.000; and funds in the amount of \$60,000 to be made available from account #296-172.000-801.000 LCSM-23-FRTA, for a total new contract amount of \$350,000.00.

230233 CO#1/Contract/Complete Towing Service/Police Department Towing and Storage Services
Resolution resolving that that the Proper City Officials are authorized to enter into a change order with Complete Towing for towing and storage services, for an additional \$45,147.50, for an aggregate total of \$330,147.50.

230234 CO#4/Contract/Genesee County Land Bank/Demolition Reimbursements/Fire Insurance Escrow Funds
Resolution resolving that the appropriate City officials are authorized to do all things necessary to complete and execute Change Order #4 with the Genesee County Land Bank to increase the contract with GCLB by \$5,989.79 for a new contract total of \$341,323.23 and to extend the contract by 2.5 years to December 31, 2025.

230235 Grant Acceptance/State of Michigan (SOM)/Financially Distressed Cities, Villages and Townships Grant/Budget Amendment
Resolution resolving that the appropriate City officials are authorized to participate in the FDCVT Grant for the City of Flint's essential Services Buildings project on behalf of the City of Flint. Proper City officials are authorized to provide this resolution indicating its approval to the State of Michigan, and to submit and execute documents requested by the State of Michigan relating to the FDCVT requirements, AND, resolving that the appropriate City officials do all things necessary to accept the grant funds in the amount of \$129,720.00 and abide by the terms of Grant# 210129 23, to appropriate revenue and expenditure amount;; and to make the grant funds available in the current and any subsequent fiscal years that funding continues to remain available by the grantor.

230236 Suspension/Conduct Unbecoming a City Councilmember/Councilmember Eric Mays
Resolution resolving that the Flint City Council, pursuant to its authority under Section 3-103 of the Flint City Charter, hereby suspends Councilmember Eric Mays, effective immediately and through and including September 1, 2023, AND, resolving that while suspended, Councilmember Eric Mays is prohibited from taking his seat or participating, in any meeting of the City Council or its committees, in his official capacity as a City Councilmember.

230237 Grant Award/Michigan EGLE Recycling Infrastructure Grant/Procurement of Recycling Carts and Educational Material
Resolution resolving that appropriate City Officials are authorized to do all

things necessary to accept and appropriate grant award funding, and upon final approval by EGLE, sign and abide by the terms and conditions of the grant award agreement from the State of Michigan Department of Environment, Great Lakes, and Energy, in the total not to exceed amount of \$1,000,000.00, AND, resolving that the City Administrator and the Department of Transportation Director be authorized as signatories and representatives for all activities associated with the projects related to the grant listed above. The acceptance of this grant is contingent upon acceptance of the grant from The Recycling Partnership, Inc. and a contract extension with Priority Waste Services.

230238 Grant Acceptance/The Recycling Partnership, Inc./Recycling and Trash Carts
Resolution resolving that the appropriate City Officials are authorized to do all things necessary to accept and appropriate grant award funding from The Recycling Partnership, Inc. to support the purchase and distribution of recycling and trash carts in the amount of \$2,492,000.00, as well as in-kind services that are valued up to \$125,000.00 (associated goods and services) and a donation of resin valued at \$900,000.00 in support of recycling carts and trash carts, in the total aggregate amount (including grant and in-kind services) not to exceed \$3,517,000.00, AND, resolving that the City Administrator and Department of Transportation Director be authorized as signatories and representatives for all activities associated with the projects related to the grant listed above. The acceptance of this grant is contingent upon acceptance a grant from EGLE and a contract extension with Priority Waste Services.

230239 CO#1/Contract/Priority Waste, LLC/Waste Collection Services
Resolution resolving that the Proper City Officials are hereby authorized to enter into change order #1 with Priority Waste LLC, for two more years beyond the original approved amount. This contract will be for the period ending June 30, 2028 in the amount not to exceed \$26,889,631.20 (and an aggregate amount of \$46,616,378.40: \$6,722,407.80 pending adoption of the FY25 budget; \$6,722,407.80 pending adoption of the FY26 budget; \$6,722,407.80 pending adoption of the FY27 budget; \$6,722,407.80 pending adoption of the FY28 budget. This agreement also comes with optional five (5), one year contract extensions increasing annually 3%. The acceptance of this agreement is contingent upon acceptance of a grant from The Recycling Partnership, Inc. and a grant from EGLE.

APPOINTMENTS (POSTPONED)

[NOTE: Appointments No. 230118, 230218, 230219, 230220, 230221, 230222, 230223, 230224, 230230, and 230231 were POSTPONED from the 7/19/2023 Council Committee Meetings to this Special Affairs Agenda due to the lack of a quorum.]

230118 Appointment/Hurley Board of Hospital Managers/Dr. Khalid M. Ahmed
Resolution resolving that the Flint City Council approves the appointment of Dr. Khalid M. Ahmed (2700 Robert T. Longway, Suite B, Flint, Michigan, 48503) to the Hurley Board of Hospital Managers for a five-year term, with such term

commencing April 30, 2023, and expiring April 30, 2028. [NOTE: Mayor Sheldon A. Neeley recommends the appointment of Dr. Ahmed to replace Frances Gilcreast, whose term on the Board expires April 30, 2023.

230218 Appointment/Gloria Coles Flint Public Library District Board/Melissa N. Brown
Resolution resolving that the Flint City Council approves the appointment of Melissa N. Brown (1410 Eldorado Drive Flint, MI 48504) to serve the remainder of a three-year term on the Gloria Coles Flint Public Library District Board, with such term commencing immediately and expiring on September 30, 2025.

230219 Appointment/Hurley Board of Hospital Managers/Mildred Silva-Zuccaro
Resolution resolving that the Flint City Council approves the appointment of Mildred Silva-Zuccaro (710 Loyola Drive Flint, MI 48503) to serve a five-year term on the Hurley Board of Hospital Managers, with such term commencing immediately and expiring on April 30, 2028.

230220 Appointment/Flint Planning Commission/Shawn Hairston
Resolution resolving that the Flint City Council approves the reappointment of Shawn Hairston, of 2038 Copeman Boulevard, Flint, MI 48504, to the Flint Planning Commission, to fill the remainder of the three--year term ending on March 31, 2026.

230221 Appointment/Flint Planning Commission/Carol-Anne Blower
Resolution resolving that the Flint City Council approves the reappointment of Carol-Anne Blower, of 3323 Holly Ave, Flint, MI 48506, to the Flint Planning Commission, to fill the remainder of the term ending on March 31, 2024.

230222 Re-Appointment/Economic Development Corporation Board of Directors/Derwin S. Munroe
Resolution resolving that the Flint City Council approves the [re]appointment of Derwin S. Munroe to serve the remainder of the six-year term on the Board of Directors for the Economic Development Corporation, with such term commencing immediately and expiring on August 7, 2024.

230223 Appointment/Economic Development Corporation Board of Directors/Karen Vance
Resolution resolving that the Flint City Council approves the appointment of Karen Vance, 926 Maxine St., Flint, MI 48503, to the Board of Directors for the Economic Development Corporation, to fill the remainder of the term ending on March 31, 2026.

230224 Appointment/Economic Development Corporation Board of Directors/Marsay Wells-Strozier
Resolution resolving that the Flint City Council approves the appointment of

Marsay Wells-Strozier to serve the remainder of the six-year term on the Board of Directors for the Economic Development Corporation, with such term commencing immediately and expiring on March 27, 2024.

230230 **Appointment/Ethics and Accountability Board/Joseph King**

Resolution resolving that the Flint City Council approves the reappointment of Joseph King (2401 Lawndale Avenue, Flint, MI, 48504 - 2nd Ward) to the Ethics and Accountability Board for the remainder of a six (6) year term, with such term commencing immediately and expiring June 25, 2028.

230231 **Appointment/Ethics and Accountability Board/Billie Dantzler**

Resolution resolving that the Flint City Council approves the appointment of Billie Dantzler (2833 Stevenson Street, Flint, MI, 48504 - Ward 6) to the Ethics and Accountability Board to fill a 6th Ward vacancy, for the remainder of a six (6) year term, with such term commencing immediately and expiring June 25, 2028.

SPECIAL ORDERS/DISCUSSION ITEMS

230204 **Special Order/Vacancy of the Office of 7th Ward Councilmember**

A Special Order as requested by Vice President Lewis to allow for a brief discussion about the council's process for accepting applications from persons interested in the 7th Ward Councilmember appointment.

ADJOURNMENT

EXHIBIT
“B”



RESOLUTION NO.: *700-2023*

PRESENTED: JUL 24 2023

ADOPTED: _____

Resolution Suspending Councilmember Eric Mays for Conduct Unbecoming a City Councilmember

Section 3-103 of the Flint City Charter provides that the City Council “may punish its own members for misconduct” and Section 3-104 of the Flint City Charter provides that City Councilmembers are “expected to conduct themselves with appropriate decorum [and] act respectfully with constituents, each other, and other public servants;”

At the July 10, 2023, meeting of the Special Affairs committee of the City Council, the chair of that committee, with the approval of a majority of the Councilmembers present, ordered Councilmember Eric Mays to leave the meeting for multiple violations of order;

After his appeal failed, Councilmember Mays, without being recognized, shouted profanities at the chair and the other councilmembers present, took over a minute to leave the room where the meeting was being held, and stopped multiple times while exiting to continue shouting at his colleagues on the City Council;

Councilmember Mays, on July 10, 2023, failed to conduct himself with appropriate decorum and acted disrespectfully towards other Councilmembers, in violation of the Flint City Charter and in a manner unbecoming a Flint City Councilmember;

BE IT RESOLVED that the Flint City Council, pursuant to its authority under Section 3-103 of the Flint City Charter, hereby suspends Councilmember Eric Mays, effective immediately and through and including September 1, 2023.

BE IT FURTHER RESOLVED that while suspended, Councilmember Eric Mays is prohibited from taking his seat or participating, in any meeting of the City Council or its committees, in his official capacity as a City Councilmember.

FOR THE CITY COUNCIL

APPROVED AS TO FORM:

Wm. Y. Kim
William Y. Kim, City Attorney

STATE OF MICHIGAN
IN THE 7TH JUDICIAL CIRCUIT COURT FOR GENESEE COUNTY

ERIC B. MAYS

Plaintiffs,

v.

FLINT CITY COUNCIL,

Defendant.

No. 23-

HON.

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jcannizzo@lentolawgroup.com
Attorney For Plaintiff

VERIFICATION AFFIDAVIT OF ERIC B. MAYS

I, ERIC B. MAYS, being of full age, and duly sworn, do hereby depose and say:

1. I am the Plaintiff in the above-encaptioned action.
2. The facts alleged in this affidavit, as well as in Plaintiff's Verified Complaint for Expedited Injunction under the Open Meetings Act, and Plaintiff's Combined Verified Motion and Brief for Expedited Injunction under the Open Meetings Act, are all true to the best of my knowledge.
3. If sworn as a witness, I can testify competently to the facts stated in the aforesaid documents.

4. The exhibits annexed to the aforesaid documents, specifically, Exhibit "A" and Exhibit "B", are true and correct copies of what they purport to be, namely, a true and correct copy of the Meeting Agenda for the Special Affairs Committee Meeting of July 24, 2023, and a true and correct copy of Resolution 230236, respectively.
5. These Exhibits are matters of public record in Genesee County and are in the possession of the Flint City Council.

ERIC B. MAYS, Plaintiff/Affiant

Dated: August 1, 2023

State of Michigan)
) SS:
County of Genesee)

Subscribed and sworn to before me on August 1, 2023.
Genesee County, Michigan.

My commission expires: _____.

Notary Public