



# City of Ann Arbor

301 E. Huron St.  
Ann Arbor, MI 48104  
<http://a2gov.legistar.com/Calendar.aspx>

## Action Minutes

### Energy Commission

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Tuesday, February 12, 2019

6:00 PM

Larcom City Hall, 301 E Huron St,  
Second floor, City Council Chambers

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#### CALL TO ORDER

The chair called the meeting to order at 6:12 PM.

#### ROLL CALL

**Present:** 9 - Mike Shriberg, Mark Clevey, Wayne Appleyard, Noah Levin, John Mirsky, Carlene Colvin-Garcia, Jack Eaton, Jeff Hayner, and Jay Zocher

**Absent:** 4 - Charles Hookham, Brigit Macomber, Shoshannah Lenski, and Charlotte Jameson

#### APPROVAL OF AGENDA

A motion was made by Mirsky, seconded by Clevey, that the agenda be Approved. On a voice vote, the Chair declared the motion carried.

#### APPROVAL OF MINUTES

A motion was made by Mirsky, seconded by Clevey, that the minutes be Approved. On a voice vote, the Chair declared the motion carried.

#### PUBLIC INPUT

Citizen Larry Kerber referred to a Crain's Detroit article on Michigan energy companies' use of tens of millions of dollars of "dark money" funneled through 501(c)(4) non-profits to influence political campaigns. According to Kerber, the article laid out how this approach was specifically used to fund an attack on a sitting member of the Michigan House of Representatives. In response, the Michigan Public Service Commission prohibited Consumers Energy from giving any money to 501(c)(4)s for the remainder of this year. Citizen Kerber asked the commission to approve a resolution advocating for a permanent solution preventing monopoly utilities from manipulating the political system without disclosure.

**ENERGY REPORT - NEWS FROM THE ENERGY OFFICE AND COMMISSIONERS**

Staff MacDonald informed the commission of a lecture on Advancing Climate Action in 2019 and Beyond on Thursday, March 14th at 5 PM by Christiana Figures at Hill Auditorium. Commissioner Mirksy informed the commission that the speaker is widely regarded as an architect of the Paris Agreement, and encouraged those interested to register online. Staff MacDonald informed the commission that A2 STEAM received a Sustaining Ann Arbor Together Grant for its solar curriculum. Commissioner Colvin-Garcia discussed the format of the hands-on, project-based, solar-powered curriculum for grades K-8. Staff MacDonald informed the commission of three student groups working for the Office of Sustainability and Innovation ranging from time of marketing energy audits to resilience hubs. Staff MacDonald informed the commission of progress on volunteer installation of solar on Fire Station 6. Staff MacDonald informed the commission of a Sustainability Forum on Tuesday, February 19 at 7pm, on Adapting to Climate Change at the Downtown Library.

**Budget Presentation**

Staff Stults, presented on the City of Ann Arbor budget. Staff Stults provided information giving context to the budgeting process, and requested feedback from the commission to share with the City Administrator.

The City budgeting process takes into account the needs and aspirations provided individually by each department, which are presented and adjusted through City Council meetings and work sessions. A full budget presentation in April incorporates feedback and a public hearing in May.

40% of property in the City of Ann Arbor is tax exempt, largely made up of City, University of Michigan, and AAPS properties. The budget is on a two year cycle, with FY 20 and FY 21 currently being programmed. Over 50% of the General Fund of the budget is represented by safety services, including fire and police.

Budgets for Sustainability and Innovation are addressed through the general, energy, water, sewer, stormwater, solid waste, and county millage funds.

Council Member Eaton explained that the General Fund does not cover capital improvements, while Building Maintenance under the Capital Fund does.

Commissioner Mirsky informed the commission that the Office of Sustainability and Innovation does not have capital assets under its budget, and thus does not have capital related funds.

Staff Stults discussed issues of concern of the City, including water quality, and resource reduction, recovery, recycling, and reuse.

Commissioner Mirsky reminded the commission that the FY 19 budget originated from the Energy and Environmental Commission with input from the Office of Sustainability and Innovation, and ultimately approved by City Council, demonstrating that budget amendments are possible, and should be possible in the future. Commissioner Zocher discussed the County Millage rebate. Staff Stults explained that the Office of Sustainability and Innovation's proposed budget adhered to direction provided by City Council.

Commissioner Colvin-Garcia discussed the regionalization of solid waste management. Staff Stults informed the commission that the Environmental Commission passed a resolution asking City Council to sign up the City to a

regionalization plan. Council Member Hayner informed the commission that Western Washtenaw has already regionalized solid waste management, while Eastern Washtenaw is getting started.

Commissioner Mirksy suggested that the City provide information on how a budget request aligns with the department's key performance indicator targets, and not just what goal numbers they tie to. If the key performance indicators correlate well with goals then an increase in a budget may be warranted if targets are not being met and, likewise, a decrease might be appropriate if indicator targets are being achieved. Staff Stults informed the commission that all departments started planning their budget based on a cut from previous years, and planned accordingly to achieve their workplan.

Council Member Hayner informed the commission that a combined impact sheet shared with strategic plan goals and sustainability framework goals is used. He indicated he evaluated the necessity of line items without an association, and tries to identify what actions can be taken working within City codes and resolutions.

Commissioner Zocher discussed how the future savings from energy projects are captured, and where they are allocated. Staff Stults discussed the Energy Fund, which captures energy savings to provide loans for energy and efficiency improvements.

Chair Appleyard discussed that, based on the City's commitment to addressing climate change, a Climate Change fund should reflect that priority and urgency.

Received and Filed

### Approving Bylaws

The commission reviewed the Energy Commission's founding document and the latest copy of bylaws. The commission discussed whether Council Members participating in the commission are voting members. Commissioner Mirsky suggested approving the bylaws so that something is in place, but asked that the City Attorney reevaluate and provide guidance on Council Member voting privileges for all boards and commissions so that they are consistent based on a common underlying rationale.

The commission discussed defining and addressing conflicts of interest. Commissioner Mirksy mentioned input from Commissioner Lenski that other cities more clearly define a conflict of interest. Commissioner Mirksy stated that the new bylaws require commissioners with a conflict of interest to leave the meeting and abstain from voting, even though their opinions may still be valuable. Council Member Eaton suggested that if a commissioner has an economic stake in the matter being addressed, their participation in the discussion can impact how others vote, and that a stringent avoidance of conflict of interest requires those with conflicts to abstain from discussions. The commission discussed various instances where a conflict of interest may occur, and noted that many Energy Commissioners through the years have worked in the energy industry and nevertheless were appointed.

A motion was made by Commissioner Clevey, seconded by Commissioner Mirsky, to adopt the bylaws contingent on the appropriate City body accepting a modification to Article 441 including 2 City Council Members as voting members, seconded by Mirsky. Commissioner Mirsky recommended improving

the definition of conflicts of interest, which could be addressed at a later date. Commissioner Shriberg recommended changing language in Section 12.1 from Sustainability Office to the Office of Sustainability and Innovation. On a voice vote, the Chair declared the motion carried.

Received and Filed

## **Utility Dark Money Resolution**

A motion was made by Commissioner Mirsky, seconded by Commissioner Clevey, to approve the draft Dark Money Resolution. Commissioner Mirsky informed the commission that Citizen Kerber raised concern over the matter and originally drafted the resolution. Commissioner Mirsky suggested it may be necessary to change the term "Dark Money," which does not have legal definition. Commissioner Clevey suggested changing language of a "protected monopoly" to that of a "regulated utility with defined service territories." Commissioner Shriberg suggested broadening the resolution to address political contributions in general, as utilities with this status can directly influence legislation without disclosure of their activities. The commission discussed the matter of utilities granted this status lobbying for legislation that directly and singularly impacts those utilities, and implications of the resolution on free speech. Chair Appleyard informed the commission that the resolution addressed undisclosed lobbying. Commissioner Mirsky agreed to share the proposed resolution draft with the City Attorney's office via the Administrator and share its feedback with the Commission.

Received and Filed

## **COMMITTEE UPDATES**

Staff MacDonald informed the commission that all subcommittees have met on respective Tuesdays and laid out groundwork for action, including a Google Drive centralizing related resources.

### **100% Clean Municipal Operations**

Staff MacDonald informed the commission that the subcommittee addressed energy efficiency and renewable energy, and broke into smaller groups to address topics based on commissioner's specific interest and expertise.

### **Lighting Ordinance**

Commissioner Mirsky informed the commission that a draft ordinance is nearly complete, and that he is meeting with Council Member Griswold to address pedestrian safety issues. The Planning Commission and the Historic

Preservation Commission will both review the draft at their working sessions. Commissioner Mirsky informed the commission that the draft ordinance does not apply to street lighting and lighting in the right of way. The subcommittee agreed to first work on an ordinance and then address other Orange Book-related lightening in a second step.

Council Member Eaton informed the commission that City Council is approving a contract for \$500,000 of spending on street lights in the near future. The Commission discussed streetlight specifications that should be provided by the upcoming contract. Council Member Eaton suggested that Commissioner Mirsky address the topic with the Office of Sustainability and Innovation and the Administrator in their upcoming meeting.

#### **Energy Audit Disclosure Ordinance**

Staff MacDonald informed the commission that the subcommittee is reviewing a sample ordinance.

#### **EV Readiness Ordinance**

Staff MacDonald informed the commission that the subcommittee discussed the scope of the ordinance and certain parameters of locations, and is reviewing example documents.

#### **Outreach to Schools**

Commissioner Colvin-Garcia informed the commission of the recently awarded Sustaining Ann Arbor Together Grant supporting a solar curriculum at A2 STEAM.

#### **Report from Environmental Commission**

Commissioner Mirsky informed the commission that the City Administrator made the Budget Presentation given to the Energy Commission earlier today. Commissioner Mirsky informed the commission that the Environmental Commission approved a resolution in support of solid waste regionalization, with the authority set up so that each municipal entity has one vote, which Council will have to review and approve.

Commissioner Mirsky informed the commission that City Council approved a resolution asking the State of Michigan to harmonize nuclear preparedness policies with Canada and the Province of Ontario, such that potassium iodine tablets would be stock piled locally for quick distribution in the case of a nuclear accident, e.g., a nuclear power plant radiation release. The resolution was taken up by the Environmental Commission as there is a Sustainability Framework goal of protecting public health which is relevant to the Commission's work.

#### **PUBLIC INPUT**

No public input.

#### ITEMS FOR NEXT AGENDA

March Commission Meeting will be a Working Session:

- Dark Money Resolution City Attorney feedback
- Staff MacDonald informed the commission that the commission will have a DTE representative joining them in April for an update
- Staff MacDonald informed the commission that greenhouse gas emission inventories will be presented once completed, contingent on receiving data

#### ADJOURNMENT

The chair adjourned the meeting at 7:55 PM.

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City Clerk's Office  
301 E. Huron St.  
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Visit [www.a2energy.org](http://www.a2energy.org) for community energy information in Ann Arbor,  
or  
[www.a2gov.org/energy](http://www.a2gov.org/energy) to learn more about the City's Energy Programs

Regular meetings shown Live and replayed on CTN Channel 16 and at  
[www.a2gov.org/ctn](http://www.a2gov.org/ctn)