

# City of Lansing Charter Commission

## Regular Meeting Agenda

Tony Benavides Lansing City Council Chambers  
Lansing City Hall, 10<sup>th</sup> floor  
124 W. Michigan Avenue



**May 20, 2025 at 6:30 PM**

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### **1. Call to Order**

### **2. Roll Call**

### **3. Adopt the Agenda**

### **4. Approval of Minutes**

- A. May 13, 2025 Minutes

### **5. Public Comment**

- A. People commenting virtually must sign up by 6PM at this link:

<https://events.gcc.teams.microsoft.com/event/649cf38a-470a-4c79-bdea-023215e58d0a@87509dee-095b-4ff8-ba5a-0035cdfc715d>

People commenting in person at the meeting may sign up when they arrive to the meeting.

### **6. Officer Reports**

- A. Chair
- B. Vice-Chair
- C. Clerk

### **7. Old Business**

- A. Article 2: Officers and Elections
- B. Article 3: Legislative Branch
- C. Article 4: Executive Branch
- D. Article 5: Boards and Commissions
- E. Article 8: Regulatory Powers and Contracts

### **8. New Business**

- A. Article 9: Transition

### **9. Public Comment**

### **10. Commissioner Remarks**

### **11. Adjournment**

Persons with disabilities who need an accommodation to fully participate in this meeting should contact the City Clerk's Office at (517) 483-4131 (TTY 711). 24 hour notice may be needed for certain accommodations. An attempt will be made to grant all reasonable accommodation request.

This packet contains:

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# Minutes for the City of Lansing Charter Commission

Regular Meeting | Tuesday, May 13, 2025, 6:30 PM

Tony Benavides City Council Chambers,  
Lansing City Hall, 10th floor, 124 W. Michigan Ave.

Present: Commissioners Adams Simon, Anderson, Boyd, Dowd, Jeffries, Lopez, Qawwee, Washington

Absent: Commissioner Bauer (excused)

Staff Present: City Clerk Swope, Deputy Clerk Drever, Attorney Rewa

## Call to Order

The meeting was called to order by Chair Jeffries at 6:31 PM.

## Roll Call

Clerk Swope called the roll of the Commission. A quorum was present.

## Adopt the Agenda

Moved by Vice-Chair Adams Simon to adopt the agenda as presented.

Motion carried.

## Approval of Minutes

Moved by Commissioner Dowd to adopt the May 6, 2025 minutes as presented.

Motion carried.

## Public Comment

No comments were made.

## Officer Reports

### Chair

No report.

### Vice-Chair

No report.

### Clerk

Clerk Swope acknowledged written communications in the packet and introduced intern Jessica Herrera.

## Presentation

### A. Amanda Castillo and Sam Burton, Ethical Investment Clause Co-authors

Amanda Castillo and Sam Burton presented an overview of the proposed ethical investment clause. Then, they took questions from the Commissioners on current investments for the City, alternative plans for pensions, implementation of the clause, procurement, and additional avenues to codify the clause.

### B. Crystal Thomas, Chief Financial Officer for the City of Lansing

Crystal Thomas, the City's Chief Financial Officer, introduced herself and made herself available to answer questions about Article 7. The Commissioners asked her questions as they went through Article 7.

## New Business

### A. Article 2: Line-by-line Review

Following the advice of CFO Crystal Thomas, the following provisions in Article 7 were **adopted as presented unanimously**:

**Chapter 1- Budget:** 7-101 Submission of Budget, 7-102 Council Budget Priorities, 7-103.2 Budget Message, 7-105.2 Adoption of Budget Resolution, 7-106 Item Veto; 7-107.1, .2, and .4 Effect of Appropriation; 7-108 Supplemental Appropriations; 7-109.1 and .4 Capital Improvements Plan; 7-110 Control of Expenditures, and 7-111 Uniform System of Accounts.

The following Chapter 1 provisions are pending further information:

7-103.1, .3, .4, .5, .6, and .7 Budget Message; 7-104 Budget Hearing; 7-105.1 Adoption of Budget Resolution, 7-107.3 Effect of Appropriation, and 7-109.2 and .3 Capital Improvements Plan.

**Chapter 2- Taxation:** 7-201 Power to Tax; Tax Limit, 7-202 Subjects of Taxation, 7-203 Exemptions, 7-204 Duties of the City Assessor, 7-205.1, .3, .4, .5, .6, and .7 Board of Review; 7-206 Taxes Become Lien, 7-207 State, City, County, School And Community College Taxes, 7-208 Collection of Taxes, 7-209 Delinquent Tax Collection Procedure.

The following Chapter 2 provision is pending further information: 7-205.2 Board of Review.

**Chapter 3- Borrowing:** 7-301 General Borrowing Power, 7-302 Limitations on Borrowing, 7-303 Use of Borrowed Funds, 7-305 Special Assessment Bonds.

The following Chapter 3 provision is pending further information: 7-304 Excuse of Obligations.

**Chapter 4- Special Assessments:** 7-401 Power to Assess, 7-402 Procedure Ordinance, 7-403.1 Additional Assessments, 7-404 Contest of Assessments, 7-405 Lien and Collection of Special Assessments, 7-406 Postponement of Payments, 7-407 Special Assessment Accounts, 7-408 All Property Liable for Special Assessment

Moved by Commissioner Washington to amend 7-403.2 to require a 2/3 vote by Council to confirm.  
Motion carried.

## Public Comment

Kayla Makela spoke about the proposed ethical investment clause.

Nik Finch spoke about the proposed ethical investment clause and technological accessibility of the City.

## Commissioner Remarks

Commissioner Boyd asked about the business at the next meeting

Chair Jeffries talked about the plan to review the remaining pending items in the Charter to be done by June 3.

Commissioner Lopez spoke about Ordinance 206.23 that is topical for the Ethical Investment Clause.

## Adjournment

The meeting was adjourned by Chair Jeffries at 8:16 PM.

From: Scott Bean, Director of Communications and Senior Advisor to Mayor

To: Charter Commission

RE: Proposed Changes for 5-106 Advisory Board Functions

.....

After careful review by several Department Directors and staff, we recommend the following changes:

## 5-106 Advisory Board Functions

.1 Each advisory Board shall at its regular meetings review the progress and planning of ~~the head of~~ the agency it serves to insure that all activities are in accordance with City policy. Each board may propose changes in agency operations for the purpose of making its program more effective.

**Reasoning:** As it currently reads, it implies they would only review the Department Director, and not the Department as a whole.

.2 Proposed policies and programs or changes in existing policies or programs requiring Council action ~~shall may~~ be submitted by an agency head to the appropriate advisory board prior to submission to the Mayor and Council for action. The advisory board's written recommendations concerning the proposals shall be submitted to the Mayor along with the agency's proposal. When the Mayor submits the proposal to the Council for action, the board's recommendations shall also be transmitted to the Council along with that of the Mayor.

**Reasoning:** The advisory board is supposed to assist and advise the department to provide a citizen perspective. For proposed policies, it should be up to the board members on how they do it.

.3 An agency's budget material, including capital improvement proposals, ~~shall may~~ be submitted to the advisory board before submission to the Mayor and the board's written recommendations shall be submitted to the Mayor along with the agency's recommendations. The Mayor ~~shall transmit may consider~~ the board's recommendations before transmitting the budget material to the Council ~~along with budget material~~ for that agency.

**Reasoning:** The advisory board should submit ideas to the department head, who can then combine that with the agency recommendations of the professional staff and provide them both to the Mayor for consideration. The Mayor, as part of the strong mayor system, proposes a balanced budget and can decide which recommendations they include in the budget proposal that is sent to council.

.4 Each advisory board ~~shall may~~, prior to December 1, ~~prepare a written report evaluating review and evaluate~~ the effectiveness ~~of~~ and ~~analyzeing~~ the status and priorities for services and activities of the agency it advises to assist the agency in the development of their annual report. ~~Copies thereof shall be filed with the Mayor, the Council and the Clerk.~~

**Reasoning:** The advisor board is supposed to assist and advise the department to provide a citizen perspective. How they do it should be up to them. In addition, each city agency is required to submit an annual report to the Mayor to be compiled and presented to Council. It is redundant to have department staff work on both a departmental annual report and an advisory board annual report.

.5 Each advisory board may develop its own proposals for new or altered policies and programs and transmit these to the agency head it serves and the Mayor ~~and City Council~~.

**Reasoning:** Under our system of government, agencies and their advisory boards fall under the executive branch of government, overseen solely by the Mayor.

.6 Each City officer, or their designee, who directs an agency or activity within the scope of an advisory board shall attend all of its meetings and may supply necessary secretarial services when needed.

**Reasoning:** For a variety of reasons Department Directors may occasionally need to send another official from their agency to a meeting in their place.

Thank you for your thoughtful consideration of these changes.

# 1 Chapter 3 VACANCIES

## 2-302 Forfeiture And Removal For Cause

.1 The City Council shall declare the forfeiture of the office of any elective officer or appointee and may remove for cause any person elected or appointed to an office for a fixed term. In every case there shall be a public hearing before the City Council with notice published in the same manner as notices of proposed ordinances. A Council member charged with conduct constituting grounds for forfeiture is permitted to attend and speak at the hearing may not participate in the hearing as a council member or vote on the resolution of the charge. (01/21/2025)

.2 The position of an elective City officer or an appointee shall be forfeited if ~~he or she~~the officer:

(a) lacks at any time any qualifications required by this Charter.

(b) is convicted of a felony while holding the office or appointment.

(c) violates a provision of this Charter punishable by forfeiture.

(d) is determined by City Council to have engaged in misconduct in the performance of official duties of the office. (01/21/2025)

.3 Decisions made by the City Council under this section are not ~~review-able~~reviewable by the Mayor but are subject to judicial review in a hearing de novo. Any resident of the City may petition an appropriate court to require the City Council to hold a public hearing on the forfeiture of an office if the City Council has unreasonably refused to proceed. (01/21/2025)

### 3-206 Investigations

.1 The City Council, or any person or committee authorized by it for the purpose, may make investigations into the affairs of the City and the conduct of any City agency.

.2 The City Council, or any person or committee authorized by it for the purpose, may subpoena witnesses, administer oaths, take testimony and require the production of evidence in any matter pending before it.

.3 To enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order, the City Council, or any person or committee authorized by it for the purpose, shall apply to the appropriate court. (01/07/2025)

### 3-207 Rights And Responsibilities Of Council Members

.1 Members of the City Council shall have all of the rights appropriate to city legislators as established by this Charter or by statute, including the right to compel the attendance of City officers at its meetings and the right to make inquiries of City officers and employees and receive specific information in response. (01/21/2025)

.2 The responsibilities and activities shall be to establish policy of the City and shall be legislative in nature.

.3 Except as may otherwise be provided by law or this Charter, the administrative activities of the City Council and its members shall be limited to its own staff and they shall give no direct orders to any other city officer or employee.

.4 It shall be the duty of every officer and employee to cooperate with any inquiry or investigation of the City Council. Such cooperation shall include the compilation and production of any information requested by the City Council as authorized by this Charter unless the information requested is exempt from disclosure under the applicable state law.

.5 No person shall willfully and without justification or excuse obstruct or interfere with an investigation or inquiry of the City Council authorized by this Charter. A person who violates this Chapter may be subject to one or more of the following:

a. If an employee, a recommendation that the employee be reviewed for disciplinary action;

b. If an officer, removal or forfeiture proceedings;

c. Prosecution by the City's law department;

d. Any other penalty defined by the City Council through ordinance or rule. (01/21/2025)

.6 No employee shall be discharged, threatened, or otherwise discriminated against regarding the employee's compensation, terms, conditions, location, or privileges of employment because the employee is requested by the City Council to participate in an investigation, hearing, or inquiry of the City Council, or participates in same. (02/04/2025)



ATTORNEYS AND COUNSELORS AT LAW

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Kristen L. Rewa  
krewa@cnda-law.com

May 16, 2025

***Via Email***

Mr. Brian C. Jeffries  
Chairperson  
Lansing Charter Commission  
124 W. Michigan Ave., 9<sup>th</sup> Floor  
Lansing, MI 48933  
[Brian.Jeffries@lansingmi.gov](mailto:Brian.Jeffries@lansingmi.gov)

**Re: Art 3-206 and 3-207 Council Investigations and City Employees**

Dear Mr. Jeffries:

This letter addresses requested changes to the Council's investigatory powers provided in Article 3-206 and 3-207 as revised by the Charter Commission in January and February 2025. Notably, a correspondence from representatives of unions objects to changes to any provisions on investigation language. Based on the discussion at the May 6, 2025 meeting, the Charter Commission wishes to reconsider the revised language. As such, proposed modifications to the revised language revert the language back to the current language.

**3-206 Investigations (current)**

- .1 The City Council may make investigations into the affairs of the City and the conduct of any City agency.
- .2 The City Council may subpoena witnesses, administer oaths, take testimony and require the production of evidence in any matter pending before it.
- .3 To enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order, the City Council shall apply to the appropriate court.

### 3-206 Investigations (as revised)

- .1 The City Council, **or any person or committee authorized by it for the purpose**, may make investigations into the affairs of the City and the conduct of any City agency.
- .2 The City Council, **or any person or committee authorized by it for the purpose**, may subpoena witnesses, administer oaths, take testimony and require the production of evidence in any matter pending before it.
- .3 To enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order, the City Council, **or any person or committee authorized by it for the purpose**, shall apply to the appropriate court.

### Proposed Language

The Commissions initial revisions are noted in red font. Proposed changes to the language (including revisions) is noted in green font.

### 3-206 Investigations (proposed)

- .1 The City Council, ~~or any person or committee authorized by it for the purpose~~, may make investigations into the affairs of the City and the conduct of any City agency.
- .2 The City Council, ~~or any person or committee authorized by it for the purpose~~, may subpoena witnesses, administer oaths, take testimony and require the production of evidence in any matter pending before it.
- .3 To enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order, the City Council, ~~or any person or committee authorized by it for the purpose~~, shall apply to the appropriate court.

### 3-207 Rights and Responsibilities of Council Members (current)

- .1 Members of the City Council shall have all of the rights appropriate to city legislators as established by this Charter or by statute, including the right to make inquiries of City officers and employees and receive specific information in response.
- .2 The responsibilities and activities shall be to establish policy of the City and shall be legislative in nature.
- .3 Except as may otherwise be provided by law or this Charter, the administrative activities of the City Council and its members shall be limited to its own staff and they shall give no direct orders to any other city officer or employee.

### 3-207 Rights And Responsibilities Of Council Members (as revised)

- .1 Members of the City Council shall have all of the rights appropriate to city

legislators as established by this Charter or by statute, including **the right to compel the attendance of City officers at its meetings and** the right to make inquiries of City officers and employees and receive specific information in response.

.2 The responsibilities and activities shall be to establish policy of the City and shall be legislative in nature.

.3 Except as may otherwise be provided by law or this Charter, the administrative activities of the City Council and its members shall be limited to its own staff and they shall give no direct orders to any other city officer or employee.

**.4 It shall be the duty of every officer and employee to cooperate with any inquiry or investigation of the City Council. Such cooperation shall include the compilation and production of any information requested by the City Council as authorized by this Charter unless the information requested is exempt from disclosure under the applicable state law.**

**.5 No person shall willfully and without justification or excuse obstruct or interfere with an investigation or inquiry of the City Council authorized by this Charter. A person who violates this Chapter may be subject to one or more of the following:**

**a. If an employee, a recommendation that the employee be reviewed for disciplinary action;**

**b. If an officer, removal or forfeiture proceedings;**

**c. Prosecution by the City's law department;**

**d. Any other penalty defined by the City Council through ordinance or rule.**

**.6 No employee shall be discharged, threatened, or otherwise discriminated against regarding the employee's compensation, terms, conditions, location, or privileges of employment because the employee is requested by the City Council to participate in an investigation, hearing, or inquiry of the City Council, or participates in same.**

## Proposed Language

The Commissions initial revisions are noted in red font. Proposed changes to the language (including revisions) is noted in green font.

### 3-207 Rights And Responsibilities Of Council Members (as revised)

.1 Members of the City Council shall have all of the rights appropriate to city legislators as established by this Charter or by statute, including ~~the right to compel the attendance of City officers at its meetings and~~ the right to make inquiries of City officers and employees and receive specific information in response.

.2 The responsibilities and activities shall be to establish policy of the City and shall be legislative in nature.

.3 Except as may otherwise be provided by law or this Charter, the administrative activities of the City Council and its members shall be limited to its own staff and they shall give no direct orders to any other city officer or employee.

**.4 - .6 [delete these provisions]**

Alternatively, if the Commission wishes to maintain Sec 3-207.5(c), we recommend changing "Prosecution by the City's law department;" to be consistent with the revised language in Sec 4-301 and 4-304, which uses the term "Office of City Attorney" in lieu of "Department of Law"

Very truly yours,

CUMMINGS, McCLOREY, DAVIS & ACHO, P.L.C.



Kristen L. Rewa

cc: Vice Chair Lori Adams Simon ([lori.simon@lansingmi.gov](mailto:lori.simon@lansingmi.gov))  
Chris Swope, MMC/MiPMC ([Chris.Swope@lansingmi.gov](mailto:Chris.Swope@lansingmi.gov))  
Brian P. Jackson, MiPMC, ([Brian.Jackson@lansingmi.gov](mailto:Brian.Jackson@lansingmi.gov))

To: Charter Commission

From: Emery, Deputy City Clerk

Re: Articles 3 and 4 Outstanding Sections Requiring Approval

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There are outstanding sections in Article 3: Legislative Branch and Article 4: Executive Branch on which the Commission has not yet voted. These sections have no pending questions, concerns, or amendments from the Commissioners' review.

Article 3: Legislative Branch

- A. 3-201.1, .2, and .3 – Meetings of Council
- B. 3-202.1, and .3 – Special Meetings
- C. 3-204.1 and .2 – Attendance at Meetings
- D. 3-205.2 and .3 – Council Voting
- E. 3-301.1 and .2 – City Action Requiring an Ordinance
- F. 3-302.1, .2, .3, .4, .5, and .6 – Introduction of Ordinances
- G. 3-303.1, .2, .3, and .4 – Public Hearings on Ordinance
- H. 3-304.1, .2, .3, and .4 – Publication after Enactment
- I. 3-305.1 – Veto
- J. (renumbered) 3-307.1, .2, .3, and .4 – Emergency Ordinances
- K. (renumbered) 3-309 – Public Peace, Health, and Safety

Article 4: Executive Branch

- A. 4-101 – Mayor
- B. 4-102.12 – Obligations of Leadership
- C. 4-401.5 – Heads of Departments
- D. 4-402.3 – Heads of Agencies

Article 3: Legislative Branch

**A. 3-201.1, .2, and .3 – Meetings of Council**

3-201 Meetings

- .1 The City Council shall meet at least 26 times each year, at such times and places as shall be stated in the Council rules. The public shall have a reasonable opportunity to be heard.
- .2 Meetings of the City Council shall be open to the public except in those limited instances where State law authorizes closed meetings.
- .3 Notices of all meetings of the City Council shall be posted at City Hall and such other locations considered appropriate by the Council and shall set forth the topics of business to be discussed, the dates, times and locations of the meetings.

**B. 3-202.1, and .3 – Special Meetings**

3-202 Special Meetings

- .1 Special meetings of the Council shall be held at the call of the Clerk upon the written request of the Mayor or any two members of the Council.
- .3 No business shall be transacted at any special meeting of the Council except that stated in the notice of the meeting.

**C. 3-204.1 and .2 – Attendance at Meetings**

3-204 Attendance At Meetings

- .1 The City Council may compel the attendance of absent members at a duly called meeting by a majority vote of the Council members present whether or not quorum is present.
- .2 The City Council may by ordinance provide penalties for non-attendance, including the penalty of forfeiture of office.

**D. 3-205.2 and .3 – Voting**

3-205 Voting

- .2 Each member of the Council shall vote on each question before the Council for a determination, unless excused there from by the affirmative vote of two-thirds of the members serving, except that no member shall vote on any question upon which that member has a conflict of interest or a financial interest other than as a citizen of the City. If a conflict of interest question is raised under this section at any Council meeting, such question shall be determined by a majority of those Council members present and qualified to vote before the main question shall be voted on, but the Council member affected shall not vote on such determination.
- .3 The affirmative and negative votes shall be taken and recorded on all ordinances, and whenever requested by one or more Council members, on any other matter.

**E. 3-301.1 and .2 – City Action Requiring an Ordinance**

3-301 City Action Requiring An Ordinance

- .1 In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the City shall be by ordinance which:
  - (a) provide a penalty or establish a rule or regulation for violation of which a penalty is imposed;
  - (b) provide for the levying and collecting of rents, tolls, excises and taxes, except for taxes levied in the annual appropriation resolution; or

- (c) amend or repeal any ordinance previously adopted.
- .2 Other Council actions may be taken either by ordinance or resolution

**F. 3-302.1, .2, .3, .4, .5, and .6 – Introduction of Ordinances**

3-302 Introduction Of Ordinances

- .1 Every proposed ordinance shall be introduced in writing.
- .2 No ordinance may contain more than one subject, which shall be clearly stated in its title.
- .3 The enacting clause shall be "The City of Lansing ordains ....."
- .4 An ordinance which only amends the schedules related to the regulation of traffic and parking need not be republished in full. The sections to be amended of all other ordinances shall be re-enacted and published in their entirety clearly indicating the matter to be omitted and the matter to be added.
- .5 An ordinance which repeals an existing ordinance may state the number, title, a brief description of the ordinance and the reasons for the repeal without restating the text of the ordinance being repealed.
- .6 Objections to the form of an ordinance, which are raised for the first time after the effective date of the ordinance shall not invalidate the ordinance.

**G. 3-303.1, .2, .3, and .4 – Public Hearing on Ordinance**

3-303 Public Hearing On Ordinance

- .1 Upon introduction of any ordinance, the City Clerk shall distribute a copy to each Council Member and to the Mayor. A reasonable number of copies shall be filed in the office of the City Clerk and such other public places as the City Council may designate.
- .2 Notice to the public of a public hearing on the consideration of the proposed ordinance shall be given by publication or in the manner determined by the City Council.
- .3 The public hearing may be held not sooner than five days after the public has been provided notice of the hearing. The public hearing may be held separately or at a regular or special meeting of the City Council.
- .4 All interested persons shall have an opportunity to be heard.

**H. 3-304.1, .2, .3, and .4 – Publication after Enactment**

3-304 Publication After Enactment

- .1 The City Clerk shall authenticate by signature and record all ordinances and resolutions in a properly indexed book kept for the purpose.
- .2 After enactment of any ordinance or resolution having the effect of law, the City Clerk shall have it published as soon as possible, in a newspaper of general circulation in the City together with a notice of its adoption.
- .3 No ordinance or emergency ordinance shall be effective until it has been published.
- .4 Every ordinance or resolution having the effect of law, and amendment to this Charter, shall be printed after enactment and copies shall be distributed or sold to the public at reasonable prices to be fixed by the City Council.

**I. 3-305.1 – Veto**

3-305 Veto

- .1 Every ordinance and resolution passed by the City Council is subject to veto by the Mayor.

**J. (renumbered) 3-307.1, .2, .3, and .4 – Emergency Ordinances**

**3-307 Emergency Ordinances**

- .1 Emergency ordinances may be enacted to meet a public emergency affecting life, health, property or the public peace. However, an emergency ordinance may not levy taxes; grant, renew or extend a franchise; or regulate the rate charged by any public utility for its services.
- .2 An emergency ordinance shall be introduced in the form and manner required for ordinances generally, except that it shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.
- .3 An emergency ordinance may be adopted and given immediate effect at the meeting at which it is introduced by an affirmative vote of two-thirds of Council Members present.
- .4 No emergency ordinance shall be effective for more than 60 days.

**K. (renumbered) 3-309 – Public Peace, Health, and Safety**

**3-309 Public Peace, Health And Safety**

The City shall take such action, and adopt such ordinances, as shall be necessary to provide for the public peace and health and for the safety of persons and property within the City.

**Article 4: Executive Branch**

**A. 4-101 – Mayor**

**4-101 Mayor**

The Mayor shall be the chief executive officer of the City of Lansing and shall devote full time to the service of the City. The Mayor shall exercise all of the powers and duties granted to the Mayor by law or this Charter.

**B. 4-102.12 – Obligations of Leadership**

**4-102 Obligations Of Leadership**

.12 The Mayor shall receive, investigate, and respond to all requests for information and all complaints concerning the operation of the City government in a prompt and efficient manner.

**C. 4-401.5 – Heads of Departments**

**4-401 Heads Of Departments**

.5 Unless otherwise stated in this Charter, every person appointed by the Mayor to an indefinite term may be suspended or removed by the Mayor. The Mayor shall file a notice of every suspension or removal with the City Clerk for delivery to the City Council. If the City Council determines by a vote of two-thirds of Council members serving within 30 days of the notice of its receipt of suspension or removal that the action was not in the best interest of the City, the person may, in the discretion of the City Council, be reinstated to office without loss of compensation.

**D. 4-402.3 – Heads of Agencies**

**4-402 Heads Of Agencies**

.3 Whenever an agency or division head is appointed by the Mayor, the appointment shall be subject to the provisions of Section 4-401 of this Charter.

## Chapter 4 - INTERNAL AND EXTERNAL AUDITS

### 3-401 Internal Auditor

- .1 The City Council shall appoint a qualified person as the Internal Auditor.
- .2 The Internal Auditor shall be responsible to the City Council and may be removed by a majority of the City Council members serving.

### 3-402 Powers And Duties

- .1 The Internal Auditor shall devote full time to the services of the City and shall assist the City Council in evaluating the planning and budgeting affairs of the City in order to develop and maintain unified City policies.
- .2 The Internal Auditor shall make audits of financial transactions of all City agencies at least once every year or as otherwise directed by the City Council. The Internal Auditor shall have access to the financial and other records of all City agencies at any time.
- .3 The Internal Auditor shall make a full report to the City Council of each individual audit and file a copy with the Mayor and City Clerk. The report shall include any or all of the following as directed by Council:
  - (a) An examination of financial transactions, accounts, contracts and reports, including an evaluation of compliance with applicable laws and regulations;

(b) a review of efficiency and economy in the use of resources with recommendations for improvement;

(c) a report as to whether desired results are effectively achieved in City programs, services and activities.

.4 As soon as possible after the close of each fiscal year, the Internal Auditor shall provide an analysis of the financial position of the City. The report shall be a public record.

.5 The Internal Auditor shall review the administration and performance of any City agency and report findings and recommendations to the City Council and file a copy with the Mayor and the Clerk.

.6 Whenever appropriate the Internal Auditor shall promptly make a report to the City Council on City agencies or any irregularities of practice and erroneous accounting methods with recommendations for improving the accounting procedures and systems of the agency. A copy of each report on irregularities and erroneous accounting methods shall be referred to the Mayor.

.7 The Internal Auditor shall evaluate the Capital Improvement Plan.

.8 The Internal Auditor shall have no authority to audit the activities of the Board of Water and Light except as requested in writing by the Board.

.9 The Internal Auditor may be authorized by City Council to hire adequate staff to perform the internal auditing functions. The staff shall serve at the pleasure of the Internal Auditor.

### 3-403 Limitations

Except as otherwise provided in this Charter, the Internal Auditor shall not have any connection with any City agency, nor be custodian of any cash or securities belonging to the City.

### 3-404 External Audit

.1 An independent audit shall be made of all accounts of the City government, including the Board of Water and Light, at the close of each fiscal year, and shall be completed by October 15th. Special independent audits may be made at any time that the Council may designate. All such audits shall be made by a Certified Public Accountant designated by the Council. The results of each such audit shall be made public in the shall be placed in the office of the Clerk for public inspection.

.2 The External Auditor shall report on the activities and accounts of the Internal Auditor.

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21 **4-303 Fire Department**

22 .1 The Fire Chief shall be the administrative head of the Fire Department and shall be responsible to  
23 the Mayor for the provision of its fire protection services, fire prevention services and such other  
24 services as may be assigned to it by the City. All services shall be rendered to the city in a manner  
25 consistent with the best standards and practices.

26 .2 The Fire Chief shall be appointed by the Mayor from candidates recommended by the Board of  
27 Fire Commissioners.

28 .3 The Mayor may suspend the Fire Chief and shall notify the Board of Fire Commissioners of the  
29 reasons for the suspension. The Board shall convene at the earliest opportunity after the suspension  
30 and shall determine, by a majority of the Board serving, whether the suspension shall continue. The  
31 Fire Chief may be removed by the Mayor only with the concurrence of a majority of the Board serving.

32 .4 Each member of the Fire Department shall, before entering upon the duties of the office or  
33 employment, take an oath of office similar to that required of other officers of the City. A copy of the  
34 oath shall be subscribed in the presence of the City Clerk and filed in the office of the City Clerk.

35 .5 The department shall maintain and operate ambulance services, advanced life support (ALS), and  
36 other lifesaving and emergency services necessary for the welfare of the residents of the city of  
37 Lansing. The Lansing Fire Department is designated as the primary provider of emergency medical  
38 services, ensuring the highest standards of care, as directed by the Council. (02/04/2025) The  
39 ~~Department shall maintain and operate such ambulance, inhalator, and other life-saving and~~  
40 ~~emergency services as the welfare of the inhabitants of the City may require and as the Council may~~  
41 ~~direct.~~

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#### 4-307 Police Department

.1 The Chief of Police shall be the administrative head of the Police Department and shall be responsible to the Mayor for the provision of Police service to the City.

.2 The Chief of Police shall be appointed by the Mayor in consultation with the Board of Police Commissioners and subject to confirmation by a majority of the members of the Board of Police Commissioners serving.

.3 The Mayor may suspend the Chief of Police and shall notify the Board of Police Commissioners of the reasons for the suspension. The Board shall convene at the earliest opportunity after the suspension and shall determine, by a majority of the Board serving, whether the suspension shall continue. The Chief of Police may be removed by the Mayor only with the concurrence of a majority of the Board serving.

.4 Each member of the Police Department shall, before entering upon the duties of the office or employment, take an oath of office similar to that required of other officers of the City. A copy of the oath shall be subscribed in the presence of the City Clerk and filed in the office of the City Clerk.

.5 The police officers shall have and exercise all the immunities, privileges and powers of peace officers granted by law, for the preservation of quiet, good order and for the safety of persons and property. They shall possess and exercise the powers of arrest granted to peace officers by law, and shall promptly take any person who is arrested before the proper magistrate or court to be dealt with according to law. Violations of City ordinances shall be deemed to be misdemeanors for the purpose of establishing the power of police officers in making arrests.



ATTORNEYS AND COUNSELORS AT LAW

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Kristen L. Rewa  
krewa@cnda-law.com

May 16, 2025

***Via Email***

Mr. Brian C. Jeffries  
Chairperson  
Lansing Charter Commission  
124 W. Michigan Ave., 9<sup>th</sup> Floor  
Lansing, MI 48933  
[Brian.Jeffries@lansingmi.gov](mailto:Brian.Jeffries@lansingmi.gov)

**Re: Articles 4 and 5, Police and Fire**

Dear Mr. Jeffries:

This letter addresses language in Article 4 and Article 5 concerning the Police Chief, Fire Chief, and the Boards of Police and Fire Commissioners.

The Police Board of Commissioners recommended that the language regarding selection of the Chief of Police be modified to more closely align with the language governing selection of the Fire Chief.

**I. Fire Department and Board of Fire Commissioners**

**4-303 Fire Department (current)**

.1 The Fire Chief shall be the administrative head of the Fire Department and shall be responsible to the Mayor for the provision of its fire protection services, fire prevention services and such other services as may be assigned to it by the City. All services shall be rendered to the city in a manner consistent with the best standards and practices.

.2 The Fire Chief shall be appointed by the Mayor from candidates recommended by the Board of Fire Commissioners.

.3 The Mayor may suspend the Fire Chief and shall notify the Board of Fire Commissioners of the reasons for the suspension. The Board shall convene at the earliest opportunity after the suspension and shall determine, by a majority of the Board serving, whether the suspension shall continue. The Fire Chief may be removed by the Mayor only with the concurrence of a majority of the Board serving.

### 5-401 Duties (current)

.1 The Board of Fire Commissioners, hereinafter known as the Board, is established pursuant to Article 5, Chapter 1, of this Charter and shall have all the powers duties and responsibilities of advisory boards in addition to the following duties.

.2 The board shall establish administrative rules for the organization and overall administration of the Department, in consultation with the Chief of the Fire Department and the Mayor. These administrative rules shall not be effectuated in accordance with Section 5105.8 of this Charter but shall become effective upon the filing with the City Clerk.

.3 The Board shall approve rules and regulations for the conduct of the members of the Department, in consultation with the Chief of the Fire Department and the Mayor.

.4 The Board, in their rules, shall establish a procedure for receiving and resolving any complaint concerning the operation of the department.

.5 The Board shall review and approve the departmental budget before its submission to the Mayor.

.6 The Board shall act as final authority of the City in imposing or reviewing discipline of the department employees consistent with the terms of the State law and applicable collective bargaining contracts.

.7 The Board shall render an annual report to the Mayor and City Council, which shall include a description and evaluation of the department's activities during the previous year, including the handling of complaints, if any, and proposals for future plans.

### Proposal

We recommend no substantive change to Sec 4-303 or 5-401. Rather, the proposal is to modify the language concerning police to align with the fire language. One typo should be corrected in 5-401.2 to add a hyphen to Section 5105.8 (to 5-105.8).

## II. Police Department and Board of Police Commissioners

The Board of Police Commissioners recommended modification of the current police chief selection process to align more with the process in which the Fire Chief is selected. Additionally, we crafted language regarding the licensure of candidates for the Police Chief, as discussed by the Commission at a prior meeting. We added that language to 4-307.2. Alternatively, the language could be added as a new .3 and the remaining provisions be re-numbered accordingly (current .3 through .5 would become .4 through .6).

### 4-307 Police Department (current)

.1 The Chief of Police shall be the administrative head of the Police Department and shall be responsible to the Mayor for the provision of Police service to the City.

.2 The Chief of Police shall be appointed by the Mayor in consultation with the Board of Police Commissioners and subject to confirmation by a majority of the members of the Board of Police Commissioners serving.

.3 The Mayor may suspend the Chief of Police and shall notify the Board of Police Commissioners of the reasons for the suspension. The Board shall convene at the earliest opportunity after the suspension and shall determine, by a majority of the Board serving, whether the suspension shall continue. The Chief of Police may be removed by the Mayor only with the concurrence of a majority of the Board serving.

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## Proposed Language

### 4-307 Police Department

#### .1 [no change]

**.2 The Chief of Police shall be appointed by the Mayor ~~in consultation with from candidates recommended by~~ the Board of Police Commissioners, ~~in consultation with the Board~~, and subject to confirmation by a majority of the members of the Board of Police Commissioners serving. ~~Candidates for the Chief of Police shall be licensed by the Michigan Commission on Law Enforcement Standards or shall possess comparable licensure from another state and agree to obtain licensure by the Michigan Commission on Law Enforcement Standards following confirmation as the Chief of Police.~~**

**.3 The Mayor may suspend the Chief of Police and shall notify the Board of Police Commissioners of the reasons for the suspension. The Board shall convene at the earliest opportunity after the suspension and shall determine, by a majority of the Board serving, whether the suspension shall continue. The Chief of Police may be removed by the Mayor only with the concurrence of a majority of the Board serving.**

Very truly yours,

CUMMINGS, McCLOREY, DAVIS & ACHO, P.L.C.



Kristen L. Rewa

cc: Vice Chair Lori Adams Simon ([lori.simon@lansingmi.gov](mailto:lori.simon@lansingmi.gov))  
Chris Swope, MMC/MiPMC ([Chris.Swope@lansingmi.gov](mailto:Chris.Swope@lansingmi.gov))  
Brian P. Jackson, MiPMC, ([Brian.Jackson@lansingmi.gov](mailto:Brian.Jackson@lansingmi.gov))

# ARTICLE 5 – BOARDS AND COMMISSIONS

## Chapter 1. GENERAL PROVISIONS FOR BOARDS

### 5-101 Citizen Involvement In Government

.1 The people of the City of Lansing have placed the basic responsibility for the management of this City in their elected officials. This Charter recognizes the important role that individual citizens play in reviewing and evaluating the needs of the City through the structure of boards and commissions. For this reason, boards, commissions and advisory committees shall be encouraged by the City of Lansing.

.2 Citizen involvement for the operation of the City shall be provided through three types of boards: an administrative board, review boards and advisory boards.

### 5-102 Types Of Boards

.1 The Board of Water and Light is an administrative board and has been delegated executive and policymaking responsibilities necessary to the proper operation of the agency.

.2 Review boards include those boards, which are not administrative or advisory and whose recommendations or decisions have legal significance. Examples of review boards are the Planning ~~Board~~Commission, the Board of Review and the Board of Zoning Appeals. The City may create review boards by ordinance.

.3 Advisory boards include boards, commissions and committees established by ordinance or this Charter and composed of citizens sharing the common goal of improving the general welfare through their advice and assistance to the elected and appointed full time City officials.

.4 The Board of Fire Commissioners and the Board of Police Commissioners shall act as advisory boards with the additional responsibilities described in this Charter.

.5 All other boards shall be advisory boards.

.6 The provisions of this Chapter shall not apply to the boards established for the purpose of managing employee retirement systems.

### 5-103 Appointment Of Board Members

.1 Every member of a board, commission or committee established by Charter or ordinance shall be an officer of the City and shall possess the qualifications required by this Charter for holding office, except that a felony conviction shall not render an individual ineligible for appointment or membership.

.2 Except as otherwise specifically provided in this Charter or State law, the Mayor shall appoint persons to all such boards, commissions and committees with the advice and consent of the Council. No such appointment shall be effective until the Council has confirmed it.

.3 The terms of the boards established in this Charter or by ordinance shall be four years commencing July 1, unless otherwise provided.

.4 The City Clerk shall report to the Mayor and Council, prior to the first Council meeting in March, a list of the terms on City Boards which shall end on June 30.

.5 The Mayor shall establish and make public a procedure, which will provide for receiving either applications or recommendations of individuals for membership on City boards, commissions or committees.

1 .6 The Mayor shall file a list of appointments to the several boards prior to the first Council meeting in  
2 May of each year and the Council shall act on each appointment at or prior to its first meeting in June.

3 .7 Appointments to fill vacancies shall be made upon the occurrence of the vacancy and each person  
4 so appointed shall take office immediately upon the confirmation of the Council to serve for the  
5 remainder of the unexpired term. In the event a vacancy is not filled within 60 days after the  
6 occurrence of the vacancy, the Council shall appoint a committee of three of its members to act  
7 instead of the Mayor in the making of such appointments.

8 .8 Each Board established by this Charter shall be composed of eight members. ~~Four~~ Three  
9 members shall be from the City at-large and one member shall be appointed from each of the ~~four~~  
10 five wards of the City in the following pattern:

11 (a) The First ward member shall have a term expiring in ~~1981~~ 2029 and every four years thereafter.

12 (b) The Second ward member shall have a term expiring in ~~1982~~ 2026 and every four years  
13 thereafter.

14 (c) The Third ward member shall have a term expiring in ~~1979~~ 2027 and every four years thereafter.

15 (d) The Fourth ward member shall have a term expiring in ~~1980~~ 2028 and every four years thereafter.

16 (e) The Fifth ward member shall have a term expiring in 2029 and every four years thereafter.

17 .9 ~~The members~~ One member from the City at-large shall have a term expiring in 2026 and every four  
18 years thereafter. One member from the City at-large shall have a term expiring in 2027 and every four  
19 years thereafter. One member from the City at-large shall have a term expiring in 2028 and every four  
20 years thereafter~~be appointed to staggered terms, at least one of which shall expire each year.~~  
21 (04/01/2025)

22 .10 Appointments to each board, commission and committee shall be made with regard to the  
23 diversity of Lansing citizens, their variety of interests and the experience and expertise that each can  
24 contribute to the common good of the City.

25 .11 An ordinance creating a board, commission or committee may set forth a different size for the  
26 body or a different length of term for the members than required in this section if the Council finds that  
27 the change is appropriate.

28 ~~.12 The Board of Water and Light Board Members shall include three non-voting advisory members~~  
29 ~~representing utility customer communities outside the City of Lansing. Each non-voting advisory~~  
30 ~~member shall be a Board of Water and Light customer, shall reside in and be appointed by the~~  
31 ~~governing body of the municipality. One member shall represent the City of East Lansing and shall~~  
32 ~~serve a term of four (4) years commencing July 1. One member shall represent Delta Township and~~  
33 ~~shall serve a term of four (4) years commencing July 1. One member shall be at large and shall~~  
34 ~~represent the remaining municipalities and shall serve a term of one (1) year commencing July 1. The~~  
35 ~~at-large representative shall serve on a rotating annual basis and be appointed by the governing body~~  
36 ~~of the following municipalities in succession: Meridian Township, Delhi Township, DeWitt Township~~  
37 ~~and Lansing Township. Except as provided herein, Section 2-103, Section 5-105, or State law, the~~  
38 ~~provisions of this Charter shall not apply to the non-voting advisory members of the Board of Water~~  
39 ~~and Light.~~

## 40 5-104 Ineligibility For Boards

41 No person holding another City office or activity actively employed by the City shall be eligible to be a  
42 voting member on any board.

## 5-105 Organization Of Boards - Rules Of Procedure

.1 Each board shall organize itself for the conduct of its business and select its own officers, ~~including a Secretary who shall take the minutes of the board meetings.~~ (04/22/2025)

.2 Each board shall adopt its own rules of procedure consistent with this Charter.

.3 The rules shall state the schedule of the regular board meetings. The schedule shall not conflict with regular meetings of the City Council.

.4 The rules shall require that public notice of all meetings shall be given in the manner provided by statute for meetings of public bodies. Notice shall also be posted to the City's website and by any means determined by the City to achieve widespread dissemination to the general public in the City to inform on matters of municipal concerns. (04/22/2025)

.5 The rules shall require that the public have a reasonable opportunity to be heard at all regular meetings of the board.

.6 All board meetings shall be required to be open to the public to the same extent as meetings of the City Council.

.7 The rules shall define the extent to which nonattendance at meetings may be grounds for removal from office.

.8 All rules of procedure shall be submitted to the City Attorney for approval as to form. The rules shall then be submitted to the City Clerk for transmission to the City Council. The rules shall be effective at the conclusion of the next regularly scheduled Council meeting following the meeting in which they were received unless the Council directs otherwise. (4/22/2025)~~The rules shall be effective at the conclusion of the Council meetings at which they are received unless the Council directs otherwise.~~

.9 The Council may object to the rules in whole or in part and may return them to the board proposing their adoption with a statement of its objections and recommendations.

.10 The minutes of all board meetings; shall be filed in the office of the Clerk as a public record. Proposed meeting minutes shall be available for public inspection within 8 business days after the meeting. Approved minutes shall be available within 5 business days after approval. No official action taken by any board at any meeting shall be valid or effective until a copy of the minutes at which the action was taken is filed with the Clerk. (04/29/2025)

.11 Members of advisory boards shall serve without compensation, but may be reimbursed for the actual and necessary expenses as authorized in the annual budget or as otherwise approved by City Council. (4/22/2025) ~~but the City Council may authorize the payment of the actual and necessary expenses of board members.~~

## 5-106 Advisory Board Functions

.1 Each advisory Board shall at its regular meetings review the progress and planning of the head of the agency it serves to insure that all activities are in accordance with City policy. Each board may propose changes in agency operations for the purpose of making its program more effective.

.2 Proposed policies and programs or changes in existing policies or programs requiring Council action shall be submitted by an agency head to the appropriate advisory board prior to submission to the Mayor and Council for action. The advisory board's written recommendations concerning the proposals shall be submitted to the Mayor along with the agency's proposal. When the Mayor submits the proposal to the Council for action, the board's recommendations shall also be transmitted to the Council along with that of the Mayor.

1 .3 An agency's budget material, including capital improvement proposals, shall be submitted to the  
2 advisory board before submission to the Mayor and the board's written recommendations shall be  
3 submitted to the Mayor along with the agency's recommendations. The Mayor shall transmit the  
4 board's recommendations to the Council along with budget material for that agency.

5 .4 Each advisory board shall, prior to December 1, prepare a written report evaluating the  
6 effectiveness and analyzing the status and priorities for services and activities of the agency it  
7 advises. Copies thereof shall be filed with the Mayor, the Council and the Clerk.

8 .5 Each advisory board may develop its own proposals for new or altered policies and programs and  
9 transmit these to the Mayor and City Council.

10 .6 Each City officer who directs an agency or activity within the scope of an advisory board shall  
11 attend all of its meetings and supply necessary secretarial services.

## 12 5-107 Continuation Of Existing Boards

13 .1 All City Boards not established in this Charter and existing on the effective date of this Charter,  
14 whether established in the previous Charter or created by ordinance or resolution, shall continue as if  
15 created under ordinance with the status provided in this Charter.

16 .2 The terms of all persons serving on boards on the effective date of this Charter shall continue in  
17 accordance with law.

## 18 5-108 Limitation On Powers Of Boards

19 .1 The Board of Water and Light shall exercise administrative, executive and policy-making authority  
20 over the operation of those City utility services assigned to it in accordance with the provisions of this  
21 Charter.

22 .2 No other board, commission or committee shall exercise any administrative, appointive or policy  
23 making authority except as permitted by this Charter or required by State law.

24 .3 Notwithstanding any other provision of this Charter, the Board of Water and Light shall be subject  
25 to the emergency powers provided the Mayor by city ordinance and state law and shall include  
26 administrative and executive authority.

## 27 Chapter 2. BOARD OF WATER AND LIGHT (approved)

## 28 Chapter 3. BOARD OF POLICE COMMISSIONERS

### 29 5-301 Duties

30 .1 The Board of Police Commissioners, hereinafter known as the Board, is established pursuant to  
31 Article 5, Chapter I of this Charter and shall have all the powers, duties and responsibilities of  
32 advisory boards in addition to the following duties:

33 .2 The Board shall establish administrative rules for the organization and overall administration of the  
34 department including promotional and training procedures in consultation with the Chief of Police and  
35 Mayor. These administrative rules shall not be effectuated in accordance with Section 5-105. 8 of this  
36 Charter but shall become effective upon filing with the City Clerk.

37 .3 The Board shall approve rules and regulations for the conduct of the members of the Department,  
38 in consultation with the Chief of Police and the Mayor.

1 .4 The Board in their rules shall establish a procedure for receiving and resolving any complaint  
2 concerning the operation of the department.

3 .5 The Board shall review and approve the departmental budget before its submission to the Mayor.

4 .6 The Board shall act as the final authority of the City in imposing or reviewing discipline of the  
5 department employees consistent with the terms of State law and applicable collective bargaining  
6 contracts.

7 .7 The Board shall render an annual report to the Mayor and City Council, which shall include a  
8 description and evaluation of the department's activities during the previous year, including the  
9 handling of crime and complaints, if any, and proposals for future plans.

## 10 5-302 Investigatory Power

11 Whenever necessary to carry out its assigned duties, the Board of Police Commissioners shall have  
12 the same power to subpoena witnesses, administer oaths and require the production of evidence as  
13 the City Council.

## 14 Chapter 4. BOARD OF FIRE COMMISSIONERS

### 15 5-401 Duties

16 .1 The Board of Fire Commissioners, hereinafter known as the Board, is established pursuant to  
17 Article 5, Chapter 1, of this Charter and shall have all the powers duties and responsibilities of  
18 advisory boards in addition to the following duties.

19 .2 The board shall establish administrative rules for the organization and overall administration of the  
20 Department, in consultation with the Chief of the Fire Department and the Mayor. These  
21 administrative rules shall not be effectuated in accordance with Section 5105.8 of this Charter but  
22 shall become effective upon the filing with the City Clerk.

23 .3 The Board shall approve rules and regulations for the conduct of the members of the Department,  
24 in consultation with the Chief of the Fire Department and the Mayor.

25 .4 The Board, in their rules, shall establish a procedure for receiving and resolving any complaint  
26 concerning the operation of the department.

27 .5 The Board shall review and approve the departmental budget before its submission to the Mayor.

28 .6 The Board shall act as final authority of the City in imposing or reviewing discipline of the  
29 department employees consistent with the terms of the State law and applicable collective bargaining  
30 contracts.

31 .7 The Board shall render an annual report to the Mayor and City Council, which shall include a  
32 description and evaluation of the department's activities during the previous year, including the  
33 handling of complaints, if any, and proposals for future plans.

## 34 CHAPTER 5. BOARD OF ETHICS

### 35 5-501 Standards Of Conduct

36 .1 The people of this City recognize that the continuation of the proper operation of the City requires  
37 that public officers and employees be independent, impartial and responsible to the people; that  
38 decisions and policy be made in the proper channels of governmental structure; that members of the  
39 public have access to information upon which decisions affecting their City are made; that public

1 office and employment not be used for personal gain; that the integrity and operation of City  
2 government to be subject to scrutiny of the public; and that acts or actions not compatible with the  
3 best interests of the City be defined and prohibited.

4 .2 In order to provide an orderly procedure for consideration and review of the issues, which may  
5 arise concerning questions of standards of conduct for public officers and employees, a Board of  
6 Ethics is created.

## 7 5-502 Membership

8 .1 The Board of Ethics shall be a review board and shall consist of eight members; ~~four~~five members  
9 shall be appointed by the City Council, one from each city ward, and ~~four~~three shall be appointed by  
10 the Mayor. The City Attorney shall assist and advise the Board of Ethics and the City Clerk shall serve  
11 as Recording Secretary to the Board of Ethics and provide such administrative services to the Board  
12 of Ethics as may be necessary; however, neither shall be eligible for appointment as board members.

13 .2 Of the members appointed to the initial Board of Ethics, the Mayor and the City Council shall each  
14 appoint members for a one-year, a two-year, a three year, and a four-year term. A member shall hold  
15 office until a member's successor is appointed. Thereafter each Mayoral-appointed member and each  
16 Council-appointed member shall serve for a term of four years. An appointment to fill a vacancy shall  
17 be made by the Mayor to fill a vacant Mayoral appointed member position and by the City Council to  
18 fill a vacant Council-appointed member position. Persons serving as members of the Board of Ethics  
19 on the effective date of this section shall continue as members until the expiration of their original  
20 terms.

21 .3 Members of the Board of Ethics shall be residents of the City and shall hold no elected public office  
22 and no other City office or employment.

23 .4 The Board of Ethics shall adopt rules governing its procedure and the holding of regular meetings,  
24 subject to the approval of City Council. Special meetings may be held when called in the manner  
25 provided in the rules of the Board of Ethics. The Board of Ethics shall select its own presiding officer  
26 from among its members.

27 .5 If any issue before the Board of Ethics involves any member of the Board of Ethics, such member  
28 may not participate in Board of Ethics deliberations pertaining to the member's issue nor shall such  
29 involved member be eligible to vote on any actions concerning the issue.

30 .6 All City employees and elected or appointed officials of the City shall cooperate with any  
31 investigations by the Board of Ethics; such cooperation shall include the compilation and production  
32 of any information requested by the Board of Ethics during an investigation unless the information  
33 requested is exempt from disclosure under the applicable state law.

34 .7 If any issue before the Board of Ethics involves the office of the City Attorney, the Board of Ethics  
35 may engage the services of outside counsel upon terms and arrangements approved by City Council.

## 36 5-503 Duties

37 .1 At the request of a person, the Board of Ethics may render an informal opinion with respect to the  
38 prospective conduct of such person. An informal opinion need not be written and may be provided  
39 directly to the requestor of such opinion. All written opinions of the Board of Ethics shall be filed with  
40 the City Clerk and are open to public inspection. Written informal opinions shall be drafted in such a  
41 way as not to reveal information exempt from public disclosure under the applicable state law.

- 1 .2 The Board of Ethics on its own initiative or upon request may render and publish a formal opinion  
2 on any matter within the scope of the Board of Ethics's authority which it may deem appropriate.
- 3 .3 The Board of Ethics does not have the authority to reverse or modify a prior action of the Mayor,  
4 City Council, or an officer or employee of the City. If the Board of Ethics finds a prior action of the  
5 Mayor, Council, officer, or employee to have been ethically improper, the Board of Ethics may advise  
6 the appropriate party or parties that the action should be reconsidered. Upon such advice by the  
7 Board of Ethics, the action shall be reconsidered by the appropriate person or public body. If the  
8 Board of Ethics determines an existing City contract to be ethically improper, after such determination  
9 and advice from the Board of Ethics the City may void or seek termination of the contract if legally  
10 permissible. The Board of Ethics may refer a matter to the City Attorney for review and consideration  
11 for appropriate action. Upon completion of review and consideration, the City Attorney shall report its  
12 findings to the Board of Ethics.
- 13 .4 The Board of Ethics may recommend to the Council standards of conduct for officers and  
14 employees of the City and changes in the procedures related to the administration and enforcement  
15 of those standards.
- 16 .5 The Board of Ethics shall review, at least annually, any documents required to be filed under  
17 ordinances adopted by the City for the purpose of establishing standards of conduct for officers and  
18 employees.
- 19 .6 The Board of Ethics, when it deems it appropriate, may request the City Attorney's Office for  
20 assistance in compelling the production of documents and witnesses to assist the Board of Ethics in  
21 the conduct of any investigation.
- 22 .7 ~~Within one year from the effective date of this section~~ The City shall provide an ethics manual for  
23 the use of all City officers and employees. Such manual shall first be approved by the Board of Ethics  
24 before distribution. Each City officer and employee shall acknowledge receipt of said manual.  
25 (04/29/2025)
- 26 .8 Proceedings before the Board of Ethics are subject to the applicable state law regarding the  
27 conduct of public meetings. Records of the Board of Ethics shall be filed with the City Clerk and are  
28 available for public review as required by state law.

## 29 5-504 Protection Of Public Interest

- 30 .1 The City shall adopt, by ordinance, such standards for the conduct of public affairs as may be  
31 deemed necessary to protect the public, including the ordinances referred to in this section.
- 32 .2 The City shall adopt, by ordinance, no later than one year after the effective date of this section,  
33 restrictions similar to those enacted by the State of Michigan by statute, prescribing standards of  
34 conduct for City officers and employees. To the extent permitted by law, the ordinance shall generally  
35 include, but not be limited to, prohibiting the use of City office or employment for the private benefit of  
36 any person; prohibiting the divulging of confidential information in advance of the time prescribed for  
37 its authorized release to the public; prohibiting the use of City personnel resources for private gain;  
38 prohibiting the profit from an official position and acceptance of things of value by City officers or  
39 employees; requiring the financial disclosure by City officers and employees; and requiring lobbyist  
40 disclosure for all City officers and employees.
- 41 .3 Any violations of ordinances dealing with matters in this section shall be punishable to the  
42 maximum extent permitted by law and may be made punishable by forfeiture of office or position.

1 **5-505 Conflict Of Interest**

2 .1 At least ten (10) days prior to the first of any of the events set forth in (A), (B), (C), (D), and (E)  
3 below, a City officer or employee who may derive any income or benefit, directly or indirectly, from a  
4 contract with the City or from any City action, shall file an affidavit with the City Clerk detailing such  
5 income and benefit to be derived:

6 (A) The bidding of the contract;

7 (B) The negotiation of the contract;

8 (C) The solicitation of the contract;

9 (D) The entry into the contract;

10 (E) Any City action by which the City officer or employee may derive any income or benefit, directly or  
11 indirectly.

12 The above provisions shall not apply to individual or collective bargaining agreements pursuant to  
13 which a City officer or employee directly or indirectly receives income or benefits in the form of official  
14 remuneration as an officer or employee, or any City action pursuant to which a City officer or  
15 employee directly or indirectly receives income or benefit as a member of the public at large or any  
16 class thereof. At the first regularly scheduled City Council meeting following the filing of an affidavit  
17 pursuant to this section, the City Clerk shall notify the City Council of such filing. In particular cases  
18 and for good cause shown, the Board of Ethics may waive the ten (10) day prior notice requirement  
19 contained herein.

20 .2 An officer or employee who has any other conflict between a personal interest and the public  
21 interest as defined by State law, this Charter, or ordinance shall fully disclose to the City Attorney the  
22 nature of the conflict.

23 .3 Except as provided by law, no elective officer, appointee or employee of the City may participate in,  
24 vote upon or act upon any matter if a conflict exists.

25 **Chapter 6. PLANNING BOARD**

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33



ATTORNEYS AND COUNSELORS AT LAW

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Kristen L. Rewa  
krewa@cnda-law.com

May 16, 2025

***Via Email***

Mr. Brian C. Jeffries  
Chairperson  
Lansing Charter Commission  
124 W. Michigan Ave., 9<sup>th</sup> Floor  
Lansing, MI 48933  
[Brian.Jeffries@lansingmi.gov](mailto:Brian.Jeffries@lansingmi.gov)

**Re: Art 3 and Art 5 - Training**

Dear Mr. Jeffries:

This letter provides requested changes regarding training of Council and Board members based on the research of Vice-Chairperson Adams Simon.

**A. City Council**

We recommend putting training language in the next available section of 3-207, Rights and Responsibilities of Council Members.

**Proposed Language**

**In addition to the training requirements set forth in Sec 5-105.12, members of City Council shall undergo training on drafting ordinances and municipal finance which shall be completed within sixth months of taking office.**

**B. Boards and Commissions**

We recommend adding a new subsection to 5-105 Organization of Boards – Rules of Procedure.

**Proposed Language**

**.12 Members of all boards and commissions shall undergo training on laws, rules, and municipal matters relevant to the duties of the board served. At**

a minimum, all members shall complete training on the Michigan Constitution, the City Charter, the Open Meetings Act, the Home Rule Cities Act, the Ethics Ordinance, parliamentary procedure, and such general topics provided to City employees upon hire, including harassment, implicit bias, and privacy. Training shall be completed within six months of appointment.

### C. Board of Water and Light

We recommend that the Charter language not refer to specific organizations or training modules. Organizations may change names, dissolve, or new organizations may form and provide comparable—or better—training opportunities.

#### Proposed Language

**In addition to the training requirements set forth in Sec 5-105.12, members of the Board of Water and Light shall undergo training on such general topics provided to Board of Water and Light employees upon hire. Members shall also undergo annual training on utility governance and training provided by an organization for community-owned utilities.**

We look forward to discussing these matters with you.

Very truly yours,

CUMMINGS, McCLOREY, DAVIS & ACHO, P.L.C.



Kristen L. Rewa

cc: Vice Chair Lori Adams Simon ([lori.simon@lansingmi.gov](mailto:lori.simon@lansingmi.gov))  
Chris Swope, MMC/MiPMC ([Chris.Swope@lansingmi.gov](mailto:Chris.Swope@lansingmi.gov))  
Brian P. Jackson, MiPMC, ([Brian.Jackson@lansingmi.gov](mailto:Brian.Jackson@lansingmi.gov))

# ARTICLE 8 – REGULATORY POWERS AND CONTRACTS

## Chapter 1. LICENSING

### 8-101 Regulatory Power (approved)

.1 The City may, as provided by law, exercise its police powers to regulate, prohibit, or prohibit except as authorized by permit, license or franchise, any trade, occupation, amusement, business or other activity within the City.

.2 The City shall provide by ordinance, for the review of decisions of City agencies under this section in any case where such review is not provided for by this Charter or by law.

### 8-102 Issuance Of Licenses (approved)

The City Council shall provide, by ordinance, a procedure for the issuance of licenses and permits. The ordinance shall, to the greatest extent possible, place the responsibility for the issuance of licenses and permits under one official in order that persons requesting specific licenses and permits will not have to contact more than one City office.

## Chapter 2. FRANCHISES

### 8-201 Limitations On Franchise (pending)

.1 A franchise, and all renewals, amendments and extensions of it, may be granted only by ordinance.

.2 The City may approve such ordinance only after a public hearing has been held on it and after the grantee named in it files with the City Clerk its unconditional acceptance of all the terms of the franchise.

.3 The ordinance may not take effect unless it has been approved by the voters of the City, where State law so requires, or, unless it has been approved by the affirmative vote of two-thirds of the Council Members serving where approval of the voters is not required by State law.

.4 When approval of the voters of the City is required, the ordinance as approved by the City shall be published in a daily newspaper of general circulation in the City not less than 30 days before the election at which it is submitted to the voters. The City may not call a special election unless the expense of holding the election has first been paid to the City Treasurer by the grantee.

.5 A franchise for the use of the streets or other public places of the City or for the transaction of a local business may not be sold or transferred in any manner nor may a party other than the grantee use the franchise, unless the City consents by ordinance.

.6 The grantee of a public utility franchise shall have the right to mortgage the franchise, with the approval of the City Council, which approval shall not be unreasonably withheld. The purchaser at a foreclosure sale shall have the right to operate the franchise subject to the terms of the franchise and provisions of this Charter.

### 8-202 Standard Provisions Of Public Utility Franchise (pending)

.1 A public utility franchise shall include provisions for fixing and periodically readjusting rates and charges at the direction of the City and for requiring the holder to supply necessary information and access to records and property.

1 .2 The City May, With Respect To Any Public Utility Franchise Granted, Whether Or Not So Provided  
2 In The Granting Ordinance

3 (a) Repeal the franchise for violation of or failure to comply with any of its provisions, misuse or non-  
4 use, or failure to comply with any regulation imposed under authority of Federal law, State law or this  
5 Charter;

6 (b) Require proper and adequate extension and maintenance of plant facilities at the highest  
7 practicable standard of efficiency;

8 (c) Establish reasonable standards of service and quality of products, and prevent unjust  
9 discrimination in service or rates;

10 (d) Require continuous and uninterrupted service to the public in accordance with the terms of the  
11 franchise throughout the entire period of the franchise,

12 (e) Impose other regulations determined by the City to be conducive to the health, safety, welfare and  
13 convenience of the public,

14 (f) Require the public utility to pay any part of the cost of improvement or maintenance of the streets,  
15 alleys, bridges and public places of the City that arises from its use thereof and to protect and save  
16 the City harmless from all damages arising from such use;

17 (g) Require the public utility to permit joint use its property and equipment, located in the streets and  
18 public places of the City, by the City and other utilities, insofar as joint use may be reasonably  
19 practicable. In the absence of agreement and upon application by the public utility, the City may  
20 provide for arbitration of the terms and conditions for joint use.

## 21 Chapter 3. PUBLIC UTILITIES

### 22 8-301 Public Utility Services Of City (pending)

23 The City shall have all the powers granted by law to own, operate, improve, enlarge, extend, repair,  
24 and maintain public utilities, either within or without its corporate limits and either within or without the  
25 corporate limits of counties in which the City may lie, including, but not by way of limitation, public  
26 utilities for supplying water and water treatment, sewage disposal and treatment, electric light and  
27 power, gas, steam, heat, public transportation, or any similar service to the municipality and the  
28 inhabitants thereof; and shall also have the power to sell these services beyond its corporate limits as  
29 authorized by law.

### 30 8-302 Disposal Of Municipal Utility Plants And Property (approved)

31 Unless approved by the affirmative vote of three fifths of the electors voting thereon at a regular or  
32 special City election, the City shall not sell, exchange, lease, or in any way dispose of any property,  
33 easement, equipment, privilege, or asset needed to continue the operation of any municipal public  
34 utility. All contracts, grants, leases, or other forms of transfer in violation of this section shall be void  
35 and of no effect as against the City. The restrictions of this section shall not apply to the sale or  
36 exchange of machinery or equipment of any municipally owned public utility, which is no longer useful  
37 or which is replaced by new machinery or equipment, or to the leasing of property not necessary for  
38 the operation of the utility, or to the exchange of property or easements for other needed property or  
39 easements.

1 **8-303 Rates**

2 .1 (pending) The provisions for setting rates and charges for electric, water, and steam services shall  
3 be in conformity with the Revenue Bond Act (P.A. 94, of 1933, and Section 5-205.1 of this Charter.

4 .2 (approved) The Council may set just and reasonable rates and such other charges as may be  
5 deemed advisable for supplying all other municipal services to the inhabitants of the City and others.

6 **8-304 Collection Of Municipal Utility Charges (pending)**

7 .1 The City Council may provide by ordinance for the collection of unpaid charges for public utility  
8 services furnished by the City and for the imposition and enforcement of liens upon property served  
9 by the City.

10 .2 When any person fails or refuses to pay any sums due on utility bills, the service upon which the  
11 delinquency exists may be discontinued and suit may be brought for the collection of the money  
12 owed. When any person fails or refuses to pay any sums due for sewage disposal services furnished  
13 by the City, the payment for such sewage disposal services may be enforced by the termination of the  
14 sewage disposal services by discontinuing the water service to the affected premises,  
15 notwithstanding that the water service for the collection of sewage charges shall be in addition to any  
16 other lawful enforcement remedy.

17 .3 The City shall establish a procedure for the resolution of disputes between the City and any of its  
18 customers concerning public utility services other than electric, water, and steam services.

19 **Chapter 4. PROPERTY**

20 **8-401 Purchases Of Personal Property And Services**

21 .1 (pending) The City shall establish procedures, by ordinance, to protect the interests of the City and  
22 to assure fairness in procuring personal property and services. The ordinance shall require  
23 competitive bidding for purchases but there may be exceptional cases, clearly defined in the  
24 ordinance in which competitive bidding is not required. The ordinance shall define "lowest responsible  
25 bidder" in a manner that will result in the lowest overall cost to the City.

26 .2 (approved) No purchase may be made by the City unless the office of the controller advises that  
27 there is an unencumbered balance in the appropriation against which the appropriation is to be  
28 charged to pay for the purchase.

29 **8-402 Sales Of Personal Property (approved)**

30 .1 The City shall establish procedures by ordinance to protect the interests of the City and to assure  
31 fairness in disposing of personal property which has become unsuitable for public use. The ordinance  
32 shall require competitive bidding for all sales, leases and transfers but may provide for exceptional  
33 cases, clearly defined in the ordinance in which competitive bidding is not required.

34 .2 The ordinance shall define those dispositions of public property which are not in the ordinary  
35 course of City operations and shall set forth the procedure for such disposition.

36 **8-403 Purchase And Sale Of Real Property**

37 .1 (approved) The City shall establish procedures by ordinance to protect the interest of the City and to  
38 assure fairness and consistency in the acquisition and disposition of interests in real property  
39 acquired by purchase, gift, condemnation, lease or otherwise either within or without the corporate

1 limits of any county in which the City is located for any public use or purpose within the powers of the  
2 City.

3 § .2 (pending) The ordinance on acquisition shall provide the following procedures, which are similar in  
4 intent and purpose to the acquisition provisions of Title III of Public Law 91-646, known as the  
5 Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970:

- 6 (a) an appraisal before negotiation;
- 7 (b) every reasonable effort made to acquire property expeditiously by negotiation;
- 8 (c) the establishment of a just amount for compensation not less than the fair market value stated in  
9 the appraisal;
- 10 (d) a prohibition against the sale of the property for less than the established price except for reasons  
11 spelled out in the ordinance;
- 12 (e) adequate notice to quit the premises after receipt of compensation;
- 13 (f) permission for the occupant to remain in possession in certain instances by payment of the fair  
14 market rental;
- 15 (g) a prohibition on coercive actions to compel agreement on the price;
- 16 (h) a provision concerning the institution of condemnation proceedings;
- 17 (i) a provision for the acquisition of uneconomic remnants, which might remain after the acquisition of  
18 the property;
- 19 (j) provisions for the payment of the expenses of the proceedings in appropriate cases.

20 § .3 (pending) The ordinance on disposition of real property shall require a public hearing at least one  
21 week prior to Council action on the issue of sale. Complete documentation on the details of the sale  
22 shall be on file in the office of the City Clerk at least 30 days prior to the public hearing. The document  
23 shall include a statement of necessity of the property for public purposes. This subsection shall not  
24 apply to real property to be sold for less than \$50,000.

25 .4 No interest in real property may be sold by the City without either the affirmative vote of the people  
26 or the affirmative vote of two-thirds of the Council members serving.

27 .5 Any interest in real property which is being used or occupied by the Board of Water and Light, or  
28 which indicates in the deed that the property was acquired for the purposes of the Board of Water and  
29 Light, shall not be sold without the approval of the Board of Water and Light.

30 .6 No park, recreation, cemetery, or waterfront land may be sold without the approval, by a majority  
31 vote, of the elector of the City voting on the question at a regular or special election.

## 32 ~~Chapter 5. MARIJUANA~~

### 33 ~~8-501 Applicability of Code of Ordinances to Marijuana~~

34 ~~Nothing in the Code of Ordinances shall apply to the use, possession or transfer of less than 1 ounce~~  
35 ~~of marijuana, on private property, by a person who has attained the age of 21 years.~~



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Kristen L. Rewa  
krewa@cnda-law.com

May 16, 2025

***Via Email***

Mr. Brian C. Jeffries  
Chairperson  
Lansing Charter Commission  
124 W. Michigan Ave., 9<sup>th</sup> Floor  
Lansing, MI 48933  
[Brian.Jeffries@lansingmi.gov](mailto:Brian.Jeffries@lansingmi.gov)

**Re: Article 8**

Dear Mr. Jeffries:

This letter addresses matters concerning Article 8, which were raised at the Commission's meeting on May 6, 2025.

**I. Franchises**

A franchise is a legal agreement between a city and a utility or service provider allowing the provider to operate and use the city's rights-of-way. Common franchises include water, power, and transportation (street railway/tram railway). The provisions set forth in 8-201 are consistent with the provisions of the Michigan Constitution art 7 § 24-25, 29-30, and the Home Rule Cities Act (HRCA). The HRCA permits a city to allow for franchises within its charter (permissible charter provision) with some limitations provided by law. Treatment of franchises in recently revised city charters in Detroit (2012), Pontiac (2024), and Clawson (2023) are provided as an attachment to this letter. We do not believe any changes are required to Lansing's franchise provisions.

**8-201 Limitations On Franchise**

- .1 A franchise, and all renewals, amendments and extensions of it, may be granted only by ordinance.
- .2 The City may approve such ordinance only after a public hearing has been held on it and after the grantee named in it ties filed with the City Clerk its unconditional acceptance of all the terms of the franchise.
- .3 The ordinance may not take effect unless it has been approved by the voters

of the City, where State law so requires, or, unless it has been approved by the affirmative vote of two-thirds of the Council Members serving where approval of the voters is not required by State law.

.4 When approval of the voters of the City is required, the ordinance as approved by the City shall be published in a daily newspaper of general circulation in the City not less than 30 days before the election at which it is submitted to the voters. The City may not call a special election unless the expense of holding the election has first been paid to the City Treasurer by the grantee.

.5 A franchise for the use of the streets or other public places of the City or for the transaction of a local business may not be sold or transferred in any manner nor may a party other than the grantee use the franchise, unless the City consents by ordinance.

.6 The grantee of a public utility franchise shall have the right to mortgage the franchise, with the approval of the City Council, which approval shall not be unreasonably withheld. The purchaser at a foreclosure sale shall have the right to operate the franchise subject to the terms of the franchise and provisions of this Charter.

#### 8-202 Standard Provisions Of Public Utility Franchise

.1 A public utility franchise shall include provisions for fixing and periodically readjusting rates and charges at the direction of the City and for requiring the holder to supply necessary information and access to records and property.

.2 The City May, With Respect To Any Public Utility Franchise Granted, Whether Or Not So Provided In The Granting Ordinance

(a) Repeal the franchise for violation of or failure to comply with any of its provisions, misuse or non-use, or failure to comply with any regulation imposed under authority of Federal law, State law or this Charter;

(b) Require proper and adequate extension and maintenance of plant facilities at the highest practicable standard of efficiency;

(c) Establish reasonable standards of service and quality of products, and prevent unjust discrimination in service or rates;

(d) Require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period of the franchise,

(e) Impose other regulations determined by the City to be conducive to the health, safety, welfare and convenience of the public,

(f) Require the public utility to pay any part of the cost of improvement or maintenance of the streets, alleys, bridges and public places of the City that arises from its use thereof and to protect and save the City harmless from all damages arising from such use;

(g) Require the public utility to permit joint use its property and equipment, located in the streets and public places of the City, by the City and other utilities, insofar as joint use may be reasonably practicable. In the absence of agreement and upon application by the public utility, the City may provide for arbitration of the terms and conditions for joint use.

## II. Utilities

Below are proposed changes to reflect prior revisions made regarding BWL-related services.

## Proposed Language

### 8-301 Public Utility Services Of City

The City shall have all the powers granted by law to own, operate, improve, enlarge, extend, repair, and maintain public utilities, either within or without its corporate limits and either within or without the corporate limits of counties in which the City may lie, including, but not by way of limitation, public utilities for supplying water and water treatment, chilled water, thermal energy including heat or hot water and steam, electric services, sewage disposal and treatment, ~~power~~, gas, ~~steam, heat~~, public transportation, or any similar service to the municipality and the inhabitants thereof; and shall also have the power to sell these services beyond its corporate limits as authorized by law.

### 8-303 Rates

- .1 The provisions for setting rates and charges for electric, water, chilled water, and thermal energy including heat or hot water and steam services shall be in conformity with the Revenue Bond Act (P.A. 94, of 1933, and Section 5-205.1 of this Charter.
- .2 The Council may set just and reasonable rates and such other charges as may be deemed advisable for supplying all other municipal services to the inhabitants of the City and others.

### 8-304 Collection Of Municipal Utility Charges

- .1 The City Council may provide by ordinance for the collection of unpaid charges for public utility services furnished by the City and for the imposition and enforcement of liens upon property served by the City.
- .2 When any person fails or refuses to pay any sums due on utility bills, the service upon which the delinquency exists may be discontinued and suit may be brought for the collection of the money owed. When any person fails or refuses to pay any sums due for sewage disposal services furnished by the City, the payment for such sewage disposal services may be enforced by the termination of the sewage disposal services by discontinuing the water service to the affected premises, notwithstanding that the water service for the collection of sewage charges shall be in addition to any other lawful enforcement remedy.
- .3 The City shall establish a procedure for the resolution of disputes between the City and any of its customers concerning public utility services other than ~~electric, water, and steam~~ utility services provided by the Board of Water and Light.

## III. Property Acquisition

The Commission asked to review changes to 8-401.1, and in particular, a proposed change to competitive bidding from the “lowest responsible bidder” to a “best value” system. Ann Arbor has a “best value” provision in its charter, which provides:

The Council shall by ordinance establish the procedures for contracts for all services and for the purchase and sale of personal property under the direction of the City Administrator. The ordinance shall provide the dollar limit

within which purchases of personal property may be made without the necessity of securing competitive bids, and the dollar limit within which purchases may be made and contracts for services entered into without the necessity of Council approval. The dollar limit within which purchases may be made and contracts for services entered into, without the necessity of Council approval shall, in no case, exceed \$75,000.00 (which City Council may by ordinance increase to account for inflation). The dollar limit within which purchases of personal property may be made without the necessity of securing competitive bids shall, in no case, exceed \$25,000. No purchase shall be made or service contract entered into unless a sufficient appropriation is available.

The Council shall by ordinance establish the procedure for contracts for emergency purchases, which shall be authorized under the direction of the City Administrator. (Added by election of November 2, 2021.)

\* \* \*

Except as provided by ordinance authorized by Section 14.2 of this chapter, each contract for public improvements or for supplies or materials shall be let to the bidder that provides the best value to the City, after reasonable opportunity for competitive bidding. All bids shall be opened in public by the City Administrator, or if the City Administrator is absent or incapacitated, by the City Clerk. The Council may reject any or all bids if deemed advisable. If all bids are rejected, or if no bids are received, the Council may obtain new bids or authorize the City Administrator to negotiate in the open market for a contract at a reasonable price, or to purchase in the open market, or to have the work performed by city employees. (Amended by election of November 2, 2021.) [Ann Arbor Charter, Sec 14.2 (a), (b), and 14.3(d)]

Proposed language changes are below. We recommend that the definition of “best value to the City” be left to the City Council to develop by ordinance. However, the proposed language provides some guidance on what this term means. The Michigan Procurement Policy Manual defines “Best value” by analyzing the components of the proposal such as price, quality, expertise, schedule, terms and conditions, product cost, supply situation, timeliness, expertise, Michigan economic impact, environmental and sustainability practices, compliance with labor laws, etc. and identifying the vendor who provides the best overall offer to the State

We also recommend that the Commission consider adding a new provision to this section that prohibits entering a contract with a person in default to the City. MCL 117.5(f) prohibits a city “[t]o make a contract with, or give an official position to, one who is in default to the city.” The Charter currently prohibits an officer or candidate for office from being in default, Sec 2.103.2. There is no Charter provision prohibiting contracts with those in default to the City.

## 8-401 Purchases Of Personal Property And Services

### Proposed Language

.1 The City shall establish procedures, by ordinance, to protect the interests of the City and to assure fairness in procuring personal property and services. The ordinance shall require competitive bidding for purchases **in a manner that provides the best value to the City** but there may be exceptional cases, clearly defined in the ordinance, in which competitive bidding is not required. ~~The ordinance shall define "lowest responsible bidder" in a manner that allows consideration of price among other factors that meet the needs of the City will result in the lowest overall cost to the City.~~

.2 No purchase may be made by the City unless the office of the controller advises that there is an unencumbered balance in the appropriation against which the appropriation is to be charged to pay for the purchase. **[approved 5/6]**

**.3 The City shall not make a contract with a person who is in default to the City.**

## 8-403 Purchase And Sale Of Real Property

Subsections .2 and .3 are pending further review. We reviewed .2 to ensure it is consistent with state law, particularly as it pertains to condemnation (eminent domain) proceedings. MCL 117.4e permits a charter to provide “[f]or the acquisition by purchase, gift, condemnation, lease or otherwise of private property, either within or without its corporate limits and either within or without the corporate limits of the county in which it is located, for any public use or purpose within the scope of its powers, whether herein specifically mentioned or not”. MCL 117.4e. Section 8-403 copies this provision of the HRCA in its drafting. The charter required the City to develop an ordinance modeled after the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, a federal law that dictates certain procedures be followed when property is condemned using federal funds. Of note, the federal law required a government agency to attempt to negotiate the sale before compelling it through a condemnation proceeding. The City enacted the required ordinance in 1979, currently contained in Chapter 208.

Michigan’s Uniform Condemnation Procedures Act (UCPA) states that “[a]ll actions for the acquisition of property by an agency under the power of eminent domain shall be commenced pursuant to and governed by this act...” MCL 213.75. UCPA was not passed until 1980, ten years after the current version of the Charter. Since its passage, the City of Lansing has used UCPA procedures in condemnation proceedings. See, e.g., *City of Lansing v. Edward Rose Realty, Inc.*, 442 Mich. 626, 630, 502 N.W.2d 638, 641 (1993) (condemnation case).

The provisions outlined in Sec 8-403 and the companion ordinance (Chapter 208) also govern acquisition of land through processes other than condemnation. Additionally, while the UCPA establishes the minimum procedures, other laws, like the referenced federal law, may be used to supplement (but not contradict) the procedures required by the UCPA. Based on this review, we do not believe any changes are required to .2.

Subsection .3 provides further guidance on what procedures the property ordinance must contain when the City sells property. Upon further review, we see no issue with this provision.

We look forward to discussing these matters with you.

Very truly yours,

CUMMINGS, McCLOREY, DAVIS & ACHO, P.L.C.

A handwritten signature in black ink, appearing to read "Kristen L. Rewa". The signature is fluid and cursive, with the first name being the most prominent.

Kristen L. Rewa

cc: Vice Chair Lori Adams Simon ([lori.simon@lansingmi.gov](mailto:lori.simon@lansingmi.gov))  
Chris Swope, MMC/MiPMC ([Chris.Swope@lansingmi.gov](mailto:Chris.Swope@lansingmi.gov))  
Brian P. Jackson, MiPMC, ([Brian.Jackson@lansingmi.gov](mailto:Brian.Jackson@lansingmi.gov))

approved by a majority of the registered electors voting thereon. These referendum provisions do not apply to:

- (a) an ordinance required, or exempted from referendum, by law or this Charter;
- (b) an emergency ordinance: however, grant of a franchise may not be deemed an emergency ordinance.

6.404 Powers of Council

The Council may, of its own motion, submit to electoral vote for adoption or rejection at an election in the City a proposed ordinance or a proposition for the repeal or amendment of an ordinance.

6.405 Conflicting Provisions

If the provisions of two (2) or more ordinances approved at the same election are inconsistent, then the ordinance provision receiving the highest affirmative votes shall prevail.

6.406 Publication

Whenever an ordinance is required to be submitted to an electoral vote, the Council shall have the ordinance published by the City Clerk by means established by ordinance to achieve widespread dissemination to the public each week for two (2) successive weeks immediately preceding the election.

6.407 State Law to Apply

The form of petition and the conduct of the electoral vote for initiative and referendum measures shall, as near as may be, be the same as that provided by law for exercise of initiative and referendum by State electors.

6.408 Effect of Vote

An ordinance approved by electoral vote shall not thereafter be repealed or amended by the Council for 18 months, except by electoral vote.

Chapter 5

Franchises, Licenses and Permits; Municipal Utilities



6.501 Occupancy or Use by Private Concern

A person or firm may be granted permission to occupy or use a street, alley or public place within the City for public utility purposes only under a City franchise, license or permit. As used in this chapter, "franchise", "license" and "permit" refer only to grants of permission for such public utility occupancy or use.

6.502 Limitations on Grant

No franchise shall be granted by the City for a longer period than 30 years. No license shall be granted by the Council for a longer period than one year.

6.503 Revocable Permits

The City also may by resolution grant a permit at any time, in or upon any street, alley, or public place but such permit shall be revocable by the City at its pleasure at any time.

6.504 Manner of Grant

Every franchise or modification thereof shall be granted by ordinance. A license or any modification thereof may be granted by resolution. Any such ordinance or resolution shall not become effective until all terms and conditions thereof have been accepted in writing by the grantee. Such acceptance shall be filed with the Clerk. Any non-compliance with this section shall automatically cancel such franchise or license granted.

6.505 Electoral Approval

No franchise which is not revocable at the will of the Council shall be granted or become operative until it has been referred to electoral vote and has received the approval of a majority of the registered electors voting thereon.

6.506 Expenses of Certain Special Elections

No franchise, license or permit shall be submitted to the electors at a special election, unless the expense of holding the election, as determined by the Council shall first be paid by the grantee to the Treasurer.

6.507 Exclusivity Prohibited

No person or firm shall ever be granted any exclusive franchise, license, or permit.

6.508 Restrictions on Transfer

No franchise, granted by the City, shall ever be leased, assigned, or otherwise transferred except in accordance with the express provisions of the franchise. All franchises granted by the City shall provide how, and in what manner, and under what conditions the franchise may be leased, assigned, or transferred. No dealing by the City, nor part performance by any lessee, assignee or transferee shall be deemed to operate as consent by the City.

6.509 Restriction on Modifications

No modification of any franchise or license shall be made, except in the manner and subject to all conditions provided by this Charter for an original grant of a franchise or license.

6.510 Subordinate to Police Power

The grant of every franchise, license or permit shall be subject to the police power of the City, whether in terms reserved or not, to make all regulations which may be necessary to provide for the public health, safety and welfare of the people of the City.

6.511 Co-Occupancy

The City may, by resolution, require any person or firm holding a franchise from the City to allow the use of its tracks, poles, internet, and wires by any other person or firm to which the City shall grant a franchise, subject to reasonable regulations and upon the payment of a reasonable rental therefor, to the extent authorize at law.

6.512 Compensation to City

No franchise, license or permit to use the streets, alleys or public places of the City shall be granted by the City without fair compensation to the City therefor. No such compensation by the grantee shall ever be in lieu of any other lawful taxation upon its property, income or activities. Where the franchise, license or permit fixes the rate to be charged for the service or the commodity furnished by the grantee, such rate shall be subject to review and change in such manner and form as provided in the franchise, license or permit.

6.513 Restrictions on Transfer of Municipality Owned Utilities

The City may make a contract to purchase, operate and maintain any public utility property for supplying heat, light, power, or water to the City and its inhabitants. No contract to sell or transfer a City utility shall bind the City unless a proposition therefor receives the affirmative vote of 3/5 of the electors voting thereon at a regular or special election.

Chapter 6

Separately Incorporated Bodies

6.601 Authorities or Other Agencies Separately Incorporated

Any authority or other agency that is separately incorporated by the City or by the City and other governmental bodies shall furnish to the City comprehensive accountings of its receipts and disbursements and all other financial statements concerning its assets and operations, in such detail, on such reporting forms, and at such intervals as the Council may require.

6.602 Conflicts Prohibited

No person shall serve on the governing body of any authority or agency referred to in Section 6.601 when a conflict of interest as defined in Section 6.107 of this Charter exists, except as authorized by law.

**ARTICLE 9.**  
**MISCELLANEOUS PROVISIONS**  
**CHAPTER 3. REGULATORY POWER and REVIEW**

**Sec. 9-301. Regulatory Power.**

The City may, in exercise of its police power:

1. Regulate;
2. Prohibit; or
3. Prohibit except as authorized by permit, license or franchise any trade, occupation, amusement, business or other activity within the city.

**Sec. 9-302. Appellate Review.**

The City shall provide, by ordinance, for the review of administrative decisions of city agencies which are not within the appellate jurisdiction created by other sections of this Charter.

This section shall not be construed to diminish the right of any party to direct any immediate legal or equitable remedies in any court or other tribunal.

**Sec. 9-303. Limitations on a Franchise.**

An irrevocable franchise and all renewals, amendments and extensions of it, may be granted only by ordinance.

The City Council may approve such an ordinance only after a public hearing has been held on it and after the grantee named in it has filed with the City Clerk its unconditional acceptance of all the terms of the franchise.

The ordinance may not take effect unless it has been approved by the voters of the city, where state law so requires, or, unless it has been approved by a two-thirds (2/3) majority of City Council members serving, where approval of the voters is not required by state law.

When approval of the voters of the City is required, the ordinance as approved by the City Council shall be published in a daily newspaper of general circulation in the city not less than thirty (30) days before the election at which it is submitted to the voters. The City Council may not call a special election unless the expense (as determined by the City Council) of holding the election has first been paid to the Treasurer by the grantee.

A franchise for the use of the streets or other public places of the city or for the transaction of a local business may not be sold or transferred in any manner, nor may a party other than the grantee use the franchise, unless the city gives its consent by ordinance.

**Sec. 9-304. Standard Provisions of a Public Utility Franchise.**

Public utility franchises shall include provisions for fixing and periodically readjusting rates and charges at the direction of the City.

The City may, with respect to any public utility franchise granted by it, whether or not so provided in the granting ordinance:

1. Repeal the franchise for:
  - a. Violation of or failure to comply with any of its provisions,
  - b. Misuse or non-use, or
  - c. Failure to comply with any regulation imposed under authority of this Charter;
2. Require proper and adequate extension and maintenance of plant facilities at the highest practicable standard of efficiency;
3. Establish reasonable standards of service and quality of products, and prevent unjust discrimination in service or rates;
4. Require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period of the franchise;
5. Impose other regulations determined by the City Council to be conducive to the health, safety, welfare, and convenience of the public; or
6. Require the public utility to permit joint use of its property and equipment, located in the streets and public places of the City, by the City and other utilities, insofar as joint use may be reasonably practicable, and, in the absence of agreement, upon application by the public utility, provide for arbitration of the terms and conditions, for joint use.

**CHAPTER 13 FRANCHISES AND PUBLIC UTILITIES****Sec. 13.01 Franchises; council authority.**

The city council may grant franchises for public utilities and other purposes, subject to the limitations of the constitution and general laws of the State of Michigan and this charter. No ordinance granting a franchise shall be passed until after the expiration of thirty days from the date of its introduction.

**Sec. 13.02 Franchises; revocable at will; exception.**

No franchise of any kind, which is not subject to revocation at the will of the city council, shall be granted unless such proposition shall have first received the affirmative vote of three-fifths of the electors voting thereon at a regular or special election. No franchise shall be submitted to the electors at a special election unless the expense of holding the election, as determined by the city council, shall be paid to the city treasurer in advance by the grantee in said franchise.

**Sec. 13.03 Exclusive franchise prohibited; term, restriction.**

No exclusive franchises shall ever be granted by the city, and no person, firm or corporation shall ever be granted any franchise, license, right or privilege whatever, for a term exceeding thirty (30) years. No franchise or contract shall be renewed before one year prior to its expiration and no franchise shall ever be granted unless and until the holder thereof shall have given to the city a good and sufficient bond conditioned for the faithful performance of the terms and provisions of the said franchise to be approved by the city council and in an amount to be fixed by the city council, and the city council shall have the right to require new or additional sureties on said bond whenever in its discretion the interests of the said city so require.

**Sec. 13.04 Franchises; leases, assignments, etc.; restriction.**

No franchise granted by the city council shall ever be leased, assigned or otherwise alienated except in accordance with the express provisions of said franchise, and all franchises granted by the city council shall provide how and in what manner, and under what conditions said franchises may be leased, assigned or alienated and no dealings with the lessee or assignee shall be deemed to have operated as such consent.

**Sec. 13.05 Franchises; changes, modifications; restriction.**

No change or modification of any franchise or grant of rights or powers previously granted to any corporation, firm, person, or association of persons shall be made except in the manner and subject to all the conditions herein provided for, for the making of original grants and franchises.

**Sec. 13.06 Franchises; property, purchase by city.**

Every franchise hereafter granted for a public utility shall contain a provision that the city shall at any time have the right to purchase the property, exclusive of the franchises of the grantee, its successors or assigns, within this city, at a price to be agreed upon, determined by arbitration as provided in the franchise, but this right of purchase shall not apply to railroads other than street railroads. When such property in its entirety shall be sold to the city, the franchise shall be surrendered at no cost to the city.

**Sec. 13.07 Franchises; city rights, reservation.**

The grant of every franchise or privilege shall be subject to the right of the city, whether such right is expressly reserved in the terms thereof or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including among other things the right to pass and enforce ordinances to require proper and adequate extensions of the service of such grant and to protect the public from danger or inconvenience, in the operation of any work or business authorized by the grant of the franchise, and to control at all times the location and relocation of public utility fixtures, whether above or under the ground, or if the city council deems it necessary to prohibit or prevent the placing or maintaining of

telegraph, telephone or electric wires in the streets, alleys, avenues or public grounds of the city, above the ground, it may compel the placing of them underground.

**Sec. 13.08 Property; joint use, compensation.**

The city, by and through its city council, shall have the power to require any person holding a franchise from the city to allow the use of its tracks, poles, conduits and wires or any facilities that can be jointly used, by any other person to which the city shall grant a franchise, or by the city itself, upon the payment of reasonable compensation to the owner thereof.

**Sec. 13.09 Public utilities; supervision, control; council authority.**

The city council shall maintain general supervision over all public utility companies insofar as they are subject to municipal control. The city council shall cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violations of law, and may revoke, cancel or annul all franchises that may have been granted by the city, which have become in whole or in part for any reason illegal or void and not binding upon the city.

**Sec. 13.10 Franchises; provisions, enumeration not limitation.**

The enumeration and specification of particular matters in this charter which must be included in every franchise or grant shall never be construed as impairing the right of the city council to insert in such franchise or grant any other and further matters, conditions, covenants, terms, restrictions, limitations, burdens, taxes, assessments, rates, fares, rentals, charges, control forfeitures or any other provisions whatever, as the city council shall deem proper to protect the interest of the people.

**Sec. 13.11 Streets, public places, etc.; permits, issuance.**

The city council may grant permits at any time, in or upon any street, alley, easement or public place, provided such permit shall be revocable by the city council at its pleasure at any time whether such right to revoke be expressly reserved in said permit or not; provided, that when such a permit is granted for water mains, sewers or drains, it may be made irrevocable unless the grantee be a private person, firm or corporation.

**Sec. 13.12 Public utilities; acquisition, electors' approval required.**

Whenever the city council shall by resolution declare that it is expedient for the city to acquire by purchase or to construct works for the purpose of supplying the city and the inhabitants thereof for municipal or commercial purposes, or both, with gas, electric or other lights, or to purchase, construct or extend the waterworks of the city, then the city council shall have the power to take such action as it shall deem expedient to accomplish such purpose, and shall thereupon make or cause to be made an estimate of the expenses thereof and the question of raising the amount required for such purpose shall be submitted to the electors of the city at an annual or special election, and the city council shall be authorized to raise by tax or loan, or by both, the amount required, if at said election three-fifths of the electors voting thereon shall by ballot so decide. The city council shall have power to fix the time and place of the payment of the principal and interest of any debt contracted for the purchase or construction of said works and to issue bonds of the city therefor, provided that the total amount for the purchase or construction of such works shall not exceed the amount of the estimate of the expense determined at said election.

**Sec. 13.13 Public utilities; disposition, electors' approval required.**

The city shall not sell, exchange, lease, or in any way alienate or dispose of the property, easements, income or other equipment, privilege or asset belonging to and appertaining to any utility which it now owns or may acquire, unless and except the proposition for such purpose shall first have been submitted, at a regular election held for the purpose in the manner provided in this charter, to the qualified voters of the city and approved by them by a three-fifths majority vote of the electors voting thereon. All contracts, negotiations, grants, leases or other forms of transfer in violation of this provision shall be void and of no effect as against the city. The

# ARTICLE 9 – TRANSITION

## Chapter 1. CONTINUITY OF OFFICERS

### 9-101 Status Of Officers

Every person holding elective or appointive office on the effective date of this Charter shall continue in office, or equivalent office, until the election and qualification of a successor or unless removed in accordance with law or the provisions of this Charter.

### 9-102 Compensation Of Officers

The compensation of all persons holding office under this Charter shall continue according to the schedule of compensation in existence prior to the effective date of this Charter. Any change in compensation shall be made in the manner determined by law.

### 9-103 First Ordinances On Qualifications

The City Council shall, no later than six months after the effective date of this Charter, adopt ordinances on qualifications for each officer or department head pursuant to Section 4-401 of this Charter.

## Chapter 2. CONTINUITY OF RIGHTS AND LEGISLATION

### 9-201 Existing City Legislation And Rules

All ordinances and resolutions of the City and all rules and regulations made by any officer or agency of the City which are not inconsistent in their content with this Charter shall remain in effect until changed by action taken under this Charter.

### 9-202 Vested Rights And Liabilities

.1 After the effective date of this Charter, the City shall be vested with all property, monies, contracts, rights, credits, effects, and the records, files, books, and papers belonging to it under and by virtue of its previous Charter.

.2 No right or liability, contract, lease, or franchise either in favor of or against the City, and no existing suit or prosecution of any character, shall be affected in any manner by any change resulting from the adoption of this Charter, but the same shall stand or proceed, as if no change had been made.

.3 All debts and liabilities of the City shall continue to be its debts and liabilities, and all debts to it and fines and penalties, imposed and existing at the time of such change, shall be collected by the City. All trusts, established for any municipal purpose, shall be continued in accordance with the terms thereof, subject to the cy pres doctrine.

### 9-203 Pensions

All pensions referred to in the previous Charter shall remain in effect with the same status established in the previous Charter, unless changed in the manner determined by law.

1 **9-204 Changes Of Time Schedules**

2 If the provisions in effect on the date of adoption of this Charter regarding the time of the City  
3 elections or the time of the start of the fiscal year are superseded by subsequent statute, the Council  
4 shall, by ordinance, adjust the affected times and dates in this Charter accordingly.

5 **9-205 Council Action On Transition**

6 In all cases not covered by this Charter, the Council shall by rule, resolution or ordinance prescribed  
7 procedures for transition from the government of the City under the previous Charter to that required  
8 under this Charter.

9 **Chapter 3 COMMENCEMENT OF NEW CHARTER**

10 **9-301 Effective Date Of This Charter**

11 Except as otherwise specifically provided herein, this Charter shall become effective for all purposes  
12 when filed after adoption with the Secretary of State and the County Clerk pursuant to statute.

13 **9-302 First Election Under This Charter**

14 The first regular election under this Charter shall be held at the same time as the election would have  
15 been held if this Charter had not been adopted. City officers to be elected at the next election in  
16 November, 1979, will be two Council Members from wards, one each from Ward One and Ward Three  
17 and two Council Members elected at large. At an election to be held in November, 1981, officers to be  
18 elected will be the Mayor, City Clerk, two Council Members from wards, one each from Ward Two and  
19 Ward Four, and two Council Members elected at large.

20 **Chapter 4. ADOPTION OF CHARTER**

21 **9-401 Submission Of Charter To Electorate**

22 This Charter shall be submitted to a vote of the qualified electors of the City of Lansing at the election  
23 on Tuesday, August 8, 1978. All provisions for submission of the question of adopting this Charter at  
24 the election shall be made in the manner provided by law.

25 **9-402 Form Of Question**

26 The voters of the City of Lansing shall vote on the following proposition:  
27 Shall the Charter proposed by the Lansing Charter Commission be adopted?  
28 YES ( )  
29 NO ( )