

City of Lansing Charter Commission

Regular Meeting Agenda

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



May 27, 2025 at 6:30 PM

1. Call to Order

2. Roll Call

3. Adopt the Agenda

4. Public Comment

- A. People wishing to share public comment virtually may do so. The deadline to register to comment this way is 6PM, 30 minutes before the start of the meeting. Sign up at this link: <https://events.gcc.teams.microsoft.com/event/3b123475-8549-450c-be56-5a1f4d81ed7c@87509dee-095b-4ff8-ba5a-0035cdfc715d>
People sharing public comment in person at the meeting may sign up when they arrive to the meeting.

5. Officer Reports

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

6. Old Business

- A. Article 4: Executive Branch
- B. Article 2: Officers and Elections
- C. Article 5: Boards and Commissions
- D. Article 3: Legislative Branch
- E. Article 7: Taxation and Finance
- F. Article 9: Transition

7. Public Comment

8. Commissioner Remarks

9. 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.



ATTORNEYS AND COUNSELORS AT LAW

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Kristen L. Rewa
krewa@cnda-law.com

May 22, 2025

Via Email

Mr. Brian C. Jeffries
Chairperson
Lansing Charter Commission
124 W. Michigan Ave., 9th Floor
Lansing, MI 48933
Brian.Jeffries@lansingmi.gov

Re: Article 4, Outstanding Matters, City Attorney

Dear Mr. Jeffries:

This letter addresses a request for Charter language concerning the City Attorney provisions contained in Article 4, as discussed at the April 1, 2025 meeting and a prior Legal Opinion Letter contained in the April 1, 2025 agenda packet (attached). Below are provisions for your review and consideration on the provisions concerning the City Attorney.

I. Office of the City Attorney

On February 18, 2025, the Commission approved changing the “Department of Law” to “Office of City Attorney”, which appears in Sec 4-301, and 4-304. We recommend that the Commission adopt a slight modification to “Office of the City Attorney.” This is consistent with other provisions of the Charter (see, e.g., Sec 4-501 referring to “Office of the City Clerk”) and the language the City Attorney is using currently.

We have provided the additional language for the Commission’s consideration. These proposed language changes have been reviewed and prepared with the input of the City Attorney.

Proposed Language

4-304 - Law Department.

.1 The City Attorney may be appointed by the Mayor and confirmed by the City Council. The City Attorney shall be the administrative head of the Department of Law and shall be responsible to the Mayor and the City Council to see that the legal affairs of the City are properly managed.

.2 The City Attorney shall be the prosecutor for the people of the City for all cases arising under this Charter and ordinances of the City and, when authorized to do so by law, cases arising under State law.

.3 The City Attorney shall advise the officers and agencies of the City, in writing, on matters relating to their official duties upon request.

.4 The City Attorney shall prepare or approve as to form, all bonds, contracts, ordinances and other written instruments in which the City is concerned.

.5 The City Attorney shall prosecute or defend all cases in which the City is a party or has a legal interest, and may, upon request, and with City Council approval, represent any officer or employee of the City in any action or proceeding involving official duties.

.6 No agency, board, or officer ~~shall~~ may employ or retain special counsel in any matter relating to the affairs of the City without first securing the approval of such employment or retainer by the City Council. The City Council ~~shall act~~ may approve such special counsel only after ~~requesting~~ receiving the City Attorney's written opinion on the matter.

.7 No civil litigation may be settled without the recommendation of the City Attorney and the consent of the City Council, except and to the extent that risks are covered by insurance.

.8 When the City Council has received the opinion or advice of the City Attorney on a matter and concludes that there is a conflict of interest between the City Council and another branch of City government, as determined by a two-thirds majority vote of the City Council, the City Council has the authority to retain special legal counsel to represent the City Council in the matter. Such special counsel must be licensed to practice law in Michigan and shall not represent the City as a municipal corporation in any legal proceedings.

.9 The City Attorney may be suspended or removed by the Mayor or by a vote of two-thirds of Council members serving. Notice of such action shall be filed with the City Clerk. A suspension or removal by City Council is subject to veto by the Mayor as provided in Sec. 3-305, except Sec. 3-305.3 shall not apply. A suspension or removal by the mayor is subject to veto by the City Council as provided in Sec. 4-401.5

We have highlighted language in .9 because the Commission may wish to further discuss keeping the standard Council override to the mayoral veto in this instance.

Very truly yours,

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



Kristen L. Rewa

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



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Kristen L. Rewa
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March 28, 2025

Via Email

Mr. Brian C. Jeffries
Chairperson
Lansing Charter Commission
124 W. Michigan Ave., 9th Floor
Lansing, MI 48933
Brian.Jeffries@lansingmi.gov

Re: Article 4, Outstanding Matters, City Attorney

Dear Mr. Jeffries:

This letter addresses a request for Charter language concerning the City Attorney provisions contained in Article 4, as discussed at the March 25, 2025 Meeting.

I. City Attorney

Below are three provisions for your review and consideration on the provisions concerning the City Attorney.

A. Removal of the City Attorney

Section 4-304 does not specify how the City Attorney may be removed from office. As such, Sec. 4-401.5 applies, which provides that department heads may be suspended or removed by the mayor. Within 30 days of receiving notice of that action, City Council may reinstate that department head by a two-thirds vote.

For your consideration is language which permits the Mayor or City Council to remove the City Attorney but providing for a veto to that action by the other branch. City Council action would require a two-thirds vote, consistent with Sec. 4-401.5. The proposed language refers to existing veto procedures. This would be a new section to Sec. 4-304, which can be placed after the existing sections.

Proposed Language

The City Attorney may be suspended or removed by the Mayor or by a vote of two-thirds of Council members serving. Notice of such action shall be filed with the City Clerk. A suspension or removal by City Council is subject to veto by the Mayor as provided in Sec. 3-305, except Sec 3-305.3 shall not apply. A suspension or removal by the Mayor is subject to veto by the City Council as provided in Sec. 4-401.5.

B. City Council Attorney

The Commission has also discussed representation of City Council separate from the City Attorney. We were unable to find any other city in Michigan which provides its legislative body its own in-house legal counsel separate from the City Attorney's Office. If the Commission desires to add language of this nature, we recommend adding a provision that makes clear the scope of this representation is limited to the City Council as a body – the attorney does not represent the municipality. We believe such language is necessary to clearly delineate who represents the municipal corporation – that should be the City Attorney.

Proposed Language:

The City Council may hire or retain an attorney of its own selection other than and in addition to the City Attorney on such matters involving the Council's official duties and for such periods of time as it may deem necessary for the best interests of the City. The attorney must be licensed to practice law in Michigan and shall not represent the City as a municipal corporation in any legal proceeding. The attorney shall serve at the pleasure of the City Council.

C. City Council may hire outside attorney

Several charters provide language to permit the legislative body to retain separate counsel for specific needs. The City of Pontiac's language was offered as suggested language for inclusion in the City of Lansing's Charter.

Proposed Language

Notwithstanding the above, the City Council may engage independent legal counsel on a temporary basis where the Council is seeking enforcement of a Council subpoena or order, suing, or being sued by any City agency or officer, or defending against any action or proceedings involving the Council's official duties. Further, the Council may obtain the opinion or advice of independent legal counsel in any matter pending before it.

Pontiac 4.204—Option of Council

Notwithstanding the above, the Council may engage independent legal counsel on a temporary basis where the Council is seeking enforcement of a Council subpoena or order, suing, or being sued by any City agency or officer, or defending against any action or proceedings involving

the Council's official duties. Further, the Council may obtain the opinion or advice of independent legal counsel in any matter pending before it.

Several other cities have similar language:

Detroit, Sec. 4-121. Special Counsel.

The City Council may obtain the opinion or advice of an outside law firm or outside attorney in any matter pending before it. Where there exists a conflict of interest between the City Council and another branch of government, the City Council has the authority to retain an outside law firm or outside attorney who shall represent the City Council in legal proceedings, in accordance with section 4.5-208 (Intra-Government Dispute Resolution). The attorney must be licensed to practice law Michigan and shall not represent the city as a municipal corporation in any legal proceeding.

Ann Arbor, Sec 5.2(c)

Upon the Attorney's recommendations, or upon its own initiative, the Council may retain special legal Counsel to handle any matter in which the City has an interest, or to assist the Attorney herein.

Sterling Heights, 7.07(F)

Upon recommendation of the attorney, the council may retain special legal counsel to handle any matter in which the city has an interest, or to assist and counsel with the city attorney therein.

Dearborn, Sec 9.19. Special Counsel.

Upon recommendation of the Corporation Counsel, approved by the Mayor, the Council may retain special legal counsel to handle any matter to which the City is a party or in which the City has an interest, or to assist and co-counsel with the Corporation Counsel therein, for such limited time and purpose as the Mayor shall specify.

The Council may retain an attorney of its own selection other than and in addition to the Corporation Counsel on such matters and for such periods of time as it may deem necessary for the best interests of the City.

Flint, 4-604(G)

Special counsel for the Mayor or the City Council -- the City Council and the Mayor shall, in special instances, have the right to secure independent legal services when either deems it necessary and proper.

Livonia, Section 14(h)

Upon recommendation of the City Attorney, approved by the Mayor, or upon its own motion the Council may retain special legal counsel to handle any matter to which the City is a party or in which the City has an interest, or to assist and co-counsel with the City Attorney, for such limited time and purpose as the Mayor shall specify.

Very truly yours,

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



Kristen L. Rewa

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

4-304 Office of City Attorney (02/18/2025)

.1 The City Attorney may be appointed by the Mayor and confirmed by the City Council. The City Attorney shall be the administrative head of the Office of City Attorney and shall be responsible to the Mayor and the City Council to see that the legal affairs of the City are properly managed.

.2 The City Attorney shall be the prosecutor for the people of the City for all cases arising under this Charter and ordinances of the City and, when authorized to do so by law, cases arising under State law.

.3 The City Attorney shall advise the officers and agencies of the City, in writing, on matters relating to their official duties upon request,

.4 The City Attorney shall prepare or approve as to form, all bonds, contracts, ordinances and other written instruments in which the City is concerned.

.5 The City Attorney shall prosecute or defend all cases in which the City is a party or has a legal interest, and may upon request, and with City Council approval, represent any officer or employee of the City in any action or proceeding involving official duties.

.6 No board or officer shall employ or retain special counsel in any matter relating to the affairs of the city without first securing the approval of such employment or retainer by the City Council. The City Council shall act only after requesting the City Attorney's written opinion.

.7 No civil litigation may be settled without the recommendation of the City Attorney and the consent of the City Council, except and to the extent that risks are covered by insurance.



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Kristen L. Rewa
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May 23, 2025

Via Email

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Chairperson
Lansing Charter Commission
124 W. Michigan Ave., 9th Floor
Lansing, MI 48933
Brian.Jeffries@lansingmi.gov

Re: Article II – Officers and Elections

Dear Mr. Jeffries:

This letter addresses outstanding matters in Article 2 that need approval.

Sec 2-105. These are common provisions in city charters. We recommend leaving it as written.

Sec 2-106, This is also a common provision found in city charters. We recommend leaving it as written.

Sec 2-201, This is a mandatory charter provision. MCL 117.3(c). The language should remain as written.

Sec 2-202, The HRCA requires the Charter to state whether elections are partisan or non-partisan. MCL 117.3(b). If the City desires to keep its elections nonpartisan, this language should remain as written.

2-203 Wards [.2, .3, .4 outstanding, .1 as revised 2/18/25]

The HRCA requires “establishment of 1 or more wards, and if the members of the city’s legislative body are chosen by wards, for equal representation for each ward in the legislative body.” MCL 117.3(e). Apportionment of wards is governed by MCL 117.27a. The local legislative body, i.e. the City Council, apportions wards based on the federal census. The apportionment plan “shall provide for wards which are as nearly of equal population as is practicable and contiguous and compact.” 27a(4).

The Lansing Charter states that the Election Commission revises and establishes wards. Functionally, the Election Commission does the work and submits the plan to the City Council for approval, consistent with the requirements of this statute. We recommend a revision to state that the City Council approves the apportionment.

We also recommend that Article 9 contain language which will provide for the establishment of 5 wards from 4 wards consistent with these provisions and on a timeline that allows for apportionment prior to the general election 2026.

Proposed Language

.1 The City of Lansing shall be divided into five wards, from each of which a member of the City Council shall be nominated and elected.

.2 Each ward shall have the same boundaries as shall exist on the effective date of this Charter until changed in accord with law.

.3 The Election Commission shall revise the boundaries of the wards within 60 days after the figures from the Federal decennial census becomes available. The City Council shall approve and file the apportionment plan in accord with state law. New ward boundaries created within 120 days of a City primary election shall become effective after the general election.

.4 The Election Commission shall, to the greatest extent possible, establish wards that are compact, contiguous and of equal population.

Sec. 2-204.1, .2, .3, .5, .6. Method of nomination is a mandatory charter provision. MCL 117.3(b). There are no legal issues with the provisions as written.

Sec. 2-205.1, .2. There are no legal issues with the provisions as written. The Charter provisions are consistent with Election Law, which provides:

Notwithstanding any other provision of law to the contrary, unless otherwise provided by a charter adopted by a majority vote of the people voting on the adoption thereof, the city clerk, the city attorney and the city assessor shall constitute the board of city election commissioners for each city, 2 of whom shall be a quorum for the transaction of business. The city clerk shall act as chairman of the board. Should only 1 of said officers be in attendance on the day appointed for a meeting of the board, the officer in attendance shall appoint a qualified and registered elector of said city to act in the absentee's stead, during the period of nonattendance. [MCL 168.25]

Sec. 2-206 The manner and means of elections, and registration, are mandatory charter provisions. MCL 117.3(c). The language should remain as written.

Sec 2-301. We see no legal issue with this section.

Sec 2-303. We see no legal issue with this section.

Sec 2-304. We see no legal issue with this section.

Sec 2-402. This is a common permissive provision in charters. MCL 117.4i(g). We see no legal issue with this section.

Sec 2-403. We recommend the following changes to make the timelines in this section consistent with those in the HRCA, MCL 117.25.

Proposed Language

2-403 Petitions For Initiative And Referendum

.1 Initiative and referendum petitions must be signed by a number of City electors equivalent to at least 5 percent of registered electors of the City.

.2 Petitions shall set forth in full the measure to be initiated or referred. The circulators may submit the petitions to the City Attorney for approval as to form before circulating, but they are not required to do so.

.3 Signers of petitions shall be registered electors of the City. Each shall sign his or her name indelibly and shall indicate his or her residence and the date of signing. Each petition shall contain a sworn affidavit of the circulator stating that each signature is, to the knowledge of the circulator, the genuine signature of a registered elector and the person whose name it purports to be; and that it was affixed in the presence of the circulator.

.4 Signatures obtained more than ~~90 days~~ one year before the petition is filed with the Clerk shall not be counted.

.5 The City Clerk shall, within ~~15~~ 45 days, canvass the signatures and shall present the petition, if found sufficient and proper, to the City Council at its next regular meeting.

.6 If the City Clerk determines the petition lacks sufficient signatures or is otherwise improper, the City Clerk shall forthwith notify the person filing such petition by regular mail of the deficiency and 10 days shall be allowed for filing supplemental petition papers.

Sec 2-404. We see no legal issue with this section.

Sec 2-405. We see no legal issue with this section.

Sec 2-407. We see no legal issue with this section.

Sec 2-408. We see no legal issue with this section.

Sec 2-409. We see no legal issue with this section.

Sec 2-411. We see no legal issue with this section.

We look forward to discussing these matters in further detail.

Very truly yours,

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



Kristen L. Rewa

KLR/car

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

ARTICLE 2 – OFFICERS AND ELECTIONS

Chapter 1. OFFICERS

2-101 Elective Officers

.1 The elective officers shall be the Mayor, seven members of the City Council and the City Clerk. (02/18/2025)

.2 Term of Office. The term of every elective city officer is four (4) years and commences at noon on the first (1st) day of January after the regular city general election. (12/17/2024)

.3 In 2027, there will be four (4) vacancies upon the council to be filled. The four (4) qualified candidates receiving the highest number of votes shall be elected to a term of office of two (2) years. Beginning in 2029, each councilperson shall be elected to a four-year term. (12/17/2024)

2-102 Qualifications For Elective Office

A person seeking elective office must be a citizen of the United States, a resident, and a qualified and registered voter of the City of Lansing for one (1) year by the deadline for filing for office, and retain that status throughout their tenure in any such elective office. In addition, a ward Council Member shall be a resident of the ward from which elected or chosen for one (1) year by the deadline for filing for office, and retain that status throughout their tenure as a ward Council Member. (12/17/2024)

2-103 Ineligibility For Office

.1 A person is ineligible for election or appointment as any elective officer and ineligible to hold an employment position within the City that is policy-making or that has discretionary authority over public assets if, within the immediately preceding 20 years, the person was convicted of a felony involving dishonesty, deceit, fraud, or a breach of the public trust and the conviction was related to the person's official capacity while the person was holding any elective office or position of employment in local, state, or federal government. (11/12/2024)

.2 No person who is in default to the City shall be eligible to hold any City office, unless such default is eliminated within 15 days after written notice thereof by the City Clerk. No person seeking elective office shall be in default to the City at the time such person files for office or any time thereafter during the person's candidacy or term of office. Any officer in default to the City during the term of office is subject to forfeiture or dismissal. The City shall develop, through ordinance, such procedures to ensure that the

provisions of this section continue to be met during an officer's term in office.
(02/04/2025)

.3 A person who holds or has held any elective City office shall not be eligible for appointment to a non-elective office or employment for which compensation is paid by or through any agency of the City until the person has been out of office for one year.

2-104 Compensation Of Officers (maintain this language 04/01/2025)

.1 The City shall, by ordinance, determine the compensation or the procedure for determining the compensation of all officers and employees of the City.

.2 The elected officers compensation commission previously created by ordinance may continue to determine the compensation of all elected officials after the effective date of this Charter. The compensation commission ordinance shall be amended to provide a procedure for calling the compensation commission together at a time to be determined by the City Council.

.3 The City may, by ordinance, at any time alter any procedure for determining compensation of any officers or employees.

2-105 Bonds Of Officers

.1 All officers and employees who receive, distribute or are responsible for City funds, shall be bonded in the sum determined by the City Council.

.2 The City Council may require bonds from other officers and employees.

.3 All bonds shall be approved by the City Attorney and filed with the City Clerk.

2-106 Oath Of Office

Every elective officer and every appointee before entering on official duties shall take and subscribe the following oath: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of this State and that I will faithfully discharge the office of _____, according to the best of my ability," and shall file that oath, duly certified by the officer before whom it was taken, in the office of the City Clerk.

Chapter 2. ELECTION OF OFFICERS

2-201 Time Of Elections

The primary and general elections for all City offices shall be at the time provided by State law.

2-202 Non-Partisan Ballot

The Clerk shall prepare ballots which shall conform to the provisions of law. No party vignette or emblem or other designation shall appear on the ballot in regard to City officers.

2-203 Wards

.1 The City of Lansing shall be divided into five wards, from each of which a member of the City Council shall be nominated and elected. (02/18/20204)

.2 Each ward shall have the same boundaries as shall exist on the effective date of this Charter until changed in accord with law.

.3 The Election Commission shall revise the boundaries of the wards within 60 days after the figures from the Federal decennial census becomes available. New ward boundaries created within 120 days of a City primary election shall become effective after the general election.

.4 The Election Commission shall, to the greatest extent possible, establish wards that are compact, contiguous and of equal population.

2-204 Method Of Nomination

.1 The method of nomination for all elective offices in the City shall be by petition, or by a candidate submitting a filing fee. A primary election shall be held on those occasions when the number of persons submitting valid nominating petitions or filing fees exceeds twice the number of positions to be filled in the office.

.2 Nominating petitions submitted by candidates for offices to be filled by voters of a ward shall be signed by at least one hundred (100), but no more than one hundred fifty (150), of the persons registered to vote in the ward in which the election is to be held.

.3 Nominating petitions submitted by candidates for offices to, be filled by the voters of the City at large shall be signed by at least four hundred (400), but no more than six hundred (600), of the registered electors of the City.

.4 In lieu of submitting nominating petitions, a candidate may nominate himself or herself for City office by submitting a filing fee of one hundred dollars (\$100.00). The filing fee shall be nonrefundable. (maintain filing fee 12/3/24)

.5 The City Clerk shall assist members of the public by providing information regarding the requirements for candidacy, and in the preparation of petitions.

.6 Neither nominating petitions, nor filing fees shall be accepted unless accompanied by an affidavit sworn to or affirmed by the candidate, stating that the candidate possesses

the legal qualifications for the office and requesting that the candidate's name be printed on the ballot.

2-205 Election Commission

.1 The conduct of City elections shall be the responsibility of the Election Commission consisting of the City Clerk, the City Attorney and the Assessor. The City Clerk shall preside.

.2 The Election Commission shall prescribe the procedures to be followed in the conduct of City elections in accord with state law.

2-206 State Law To Apply

The general election laws of the state as supplemented by the provisions of this Charter and relevant ordinances shall apply to the qualifications and registration of voters, the filing for office by candidates, and the conduct and canvass of City elections.

Chapter 3 VACANCIES

2-301 Absence From Office

Whenever an elective officer of the City has failed to perform the duties of the office for 60 consecutive days or more, the Council shall vote to excuse or not to excuse the inability at each Council meeting until the officer resumes the duties of the office. If the Council does not excuse the inability at any meeting, after the 60 days have lapsed, the office shall be forfeited at the close of the meeting.

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 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. .3 Decisions made by the

City Council under this section are not 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)

2-303 Filling Vacancies

.1 Whenever a vacancy occurs in the office of Mayor, the President of the City Council shall fill the office until January first following the earliest November general election at which a successor can be elected to fill the office for the rest of the term. If the Council President should decline to serve as Mayor, after receiving notice of the vacancy, the Council by a majority of Council members serving shall select one of its members to fill the office of Mayor.

.2 Whenever a vacancy exists in the office of the City Clerk or member of the City Council, the Council, by a majority vote of members serving, shall appoint a qualified person to fill the office until January first following the earliest November general election at which a successor can be elected to fill the office for the rest of the term.

2-304 Temporary Absence Of Mayor

.1 During the temporary absence of the Mayor from the City or the inability of the Mayor to perform the duties of the office, the President of the City Council shall be considered the temporary Mayor of the City for the purpose of performing statutory duties of the office.

.2 Whenever the City Council, by a vote of two-thirds of the members serving, declares that the temporary absence of the Mayor from the City or the inability of the Mayor to perform the duties of the office has created a need for administrative leadership and direction, the City Council may request the President of the City Council to assume the fulltime obligations of leadership under 4-102 for as long as the Council deems necessary or until the elected Mayor resumes the office whichever is the first to occur.

.3 If the President at any time declines to serve as Acting Mayor, the Council may designate another of its members to serve as Acting Mayor.

.4 Any appointment or removals by an Acting Mayor are subject to confirmation by the permanent Mayor.

.5 The Acting Mayor shall possess the veto power provided in this Charter but shall not vote while Acting Mayor.

.6 For purposes of this section, “temporary absence of the Mayor from the City or inability of the Mayor to perform the duties of office” shall mean such an absence, condition, sickness, or other cause that renders the Mayor incapable for the time being of performing the act that may be in question, which act must present such a necessity for immediate attention as to require it to be then executed. (12/17/2024)

Chapter 4. BALLOT ISSUES

2-401 Recall

Any official holding an elective office may be recalled and the office be filled in the manner provided by law. (12/17/2024)

2-402 Initiative And Referendum

The people reserve to themselves the power to propose ordinances and to enact and reject ordinances, called the initiative, and the power to approve or reject ordinances enacted by the City Council, called the referendum.

2-403 Petitions For Initiative And Referendum

.1 Initiative and referendum petitions must be signed by a number of City electors equivalent to at least 5 percent of registered electors of the City.

.2 Petitions shall set forth in full the measure to be initiated or referred. The circulators may submit the petitions to the City Attorney for approval as to form before circulating, but they are not required to do so.

.3 Signers of petitions shall be registered electors of the City. Each shall sign his or her name indelibly and shall indicate his or her residence and the date of signing. Each petition shall contain a sworn affidavit of the circulator stating that each signature is, to the knowledge of the circulator, the genuine signature of a registered elector and the person whose name it purports to be; and that it was affixed in the presence of the circulator.

.4 Signatures obtained more than 90 days before the petition is filed with the Clerk shall not be counted.

.5 The City Clerk shall, within 15 days, canvass the signatures and shall present the petition, if found sufficient and proper, to the City Council at its next regular meeting.

.6 If the City Clerk determines the petition lacks sufficient signatures or is otherwise improper, the City Clerk shall forthwith notify the person filing such petition by regular mail of the deficiency and 10 days shall be allowed for filing supplemental petition papers.

2-404 Suspension Of Referred Ordinance

A referendum petition must be filed with the City Clerk within 30 days after the enactment of an ordinance. The filing of a referendum petition containing signatures equal to the required amount will delay or suspend the operation of the ordinance until the City Clerk has made a report that the petition does not contain a sufficient number of valid signatures or, if the City Clerk finds the petition to be sufficient, until final determination by the voters.

2-405 Council Action On Petitions

.1 Upon receiving an initiative or referendum petition from the City Clerk, the City Council shall within 30 days either:

(a) if it is an initiative petition

(1) adopt the ordinance as submitted in the petition, or

(2) direct the submission of the proposal to the electors; or

(b) if it is a referendum petition,

(1) repeal the ordinance to which the petition refers, or

(2) direct the submission of the proposal to the electors.

.2 Submission to the voters shall take place at the next regular election, or at a special election held prior to the next regular election.

2-406 Special Elections

.1 Special City elections shall be held when called by resolution of the City Council at least 90 days in advance of the election, or longer as otherwise required by this Charter or state law. Any resolution calling a special election shall set forth the purpose of such election.

.2 Special elections to fill vacancies shall be called at least 90 days before the general election, or longer as otherwise required by state law. A special primary election shall be held at least 45 days before the special general election. (01/07/2025)

.3 Any election to fill a vacancy in an elective City office shall be held on election day in November and shall be preceded by a primary election. No general election to fill a vacancy may be held unless the vacancy occurred at least six months prior to the general election.

.4 Whenever a vacancy in the office of Mayor, City Clerk or City Council exists for 30 days and the City Council has failed to fill the vacancy, the Election Commission shall schedule a special election to fill the vacancies at the earliest possible time. The date of the election shall not be subject to the provisions of Section 2-406.3.

2-407 Submission By Council

The City Council may, on its own motion, by a vote of five City Council members, submit to the voters any proposed ordinances or any proposal for the repeal or amendment of an ordinance in the manner and with the effect in this Chapter for submission of proposals initiated by petition.

2-408 Determining Result Of Election

.1 Except as otherwise required by law, the result of any initiative or referendum election shall be determined by a majority of the voters voting on the question.

.2 If two or more inconsistent initiative or referendum measures are submitted to the voters at the same election, the measure receiving the highest number of affirmative votes shall prevail to the extent of their inconsistency.

2-409 Amendment, Repeal And Reenactment

.1 An ordinance adopted by the voters through initiative proceedings may not be amended or repealed by the City Council for a period of two years after the date of the election at which it was adopted.

.2 An ordinance nullified by the voters through referendum proceedings may not be re-enacted by the City Council for a period of two years after the election at which it was nullified.

2-410 Charter Revision Question

.1 The question of whether there shall be a general revision of the City Charter may be submitted to the voters in the manner provided by law.

.2 When the question of having a general revision of this Charter shall be submitted to the voters as required pursuant to subsection .1, the charter commission shall be selected at the same election at which the proposition to revise is submitted; the selection shall be void if the proposition to revise is not adopted.

.3 No city officer or employee, whether elected or appointed, shall be eligible to a place on the commission. (12/17/2024)

2-411 Charter Amendments

.1 This Charter may be amended by a majority vote of the electors in the manner provided by statute.

.2 Petitions for Charter amendments may be submitted to the City Attorney for approval as to form in the same manner as petitions for initiative and referendum.

.3 If two or more amendments adopted at the election have inconsistent provisions, the amendment receiving the largest affirmative vote shall prevail to the extent of their inconsistency.

To: Charter Commission

From: Emery, Deputy City Clerk

Re: Articles 2 and 5 Outstanding Sections Requiring Approval

There are outstanding sections in Article 2: Officers and Elections and Article 5: Boards and Commissions on which the Commission has not yet voted.

Article 2: Officers and Elections

- A. 2-105.1, .2, .3 – Bonds of Officers
- B. 2-106 – Oath of Office
- C. 2-201 – Time of Elections
- D. 2-202 – Non-Partisan Ballot
- E. 2-203.2, .3, and .4 – Wards
- F. 2-204.1, .2, .3, .5, and .6 – Method of Nomination
- G. 2-205 – Election Commission
- H. 2-206 – State Law to Apply
- I. 2-301 – Absence from Office
- J. 2-303 – Filling Vacancies
- K. 2-304.1, .2, .3, .4, .5 – Temporary Absence of Mayor
- L. 2-402 – Initiative and Referendum
- M. 2-403 – Petitions for Initiative and Referendum
- N. 2-404 – Suspension Of Referred Ordinance
- O. 2-405 – Council Action On Petitions
- P. 2-407 – Submission By Council
- Q. 2-408 – Determining Result Of Election
- R. 2-409 – Amendment, Repeal And Reenactment
- S. 2-411 – Charter Amendments

Article 5: Boards and Commissions

- A. 5-103.2, .3, .5, .10 – Appointment of Board Members
- B. 5-502.2, .7 – Board of Ethics Membership
- C. 5-503 – Board of Ethics Duties

Article 2: Officers and Elections

A. 2-105.1, .2, and .3 – Bonds of Officers

2-105 Bonds Of Officers

.1 All officers and employees who receive, distribute or are responsible for City funds, shall be bonded in the sum determined by the City Council.

.2 The City Council may require bonds from other officers and employees.

.3 All bonds shall be approved by the City Attorney and filed with the City Clerk.

B. 2-106 – Oath of Office

2-106 Oath Of Office

Every elective officer and every appointee before entering on official duties shall take and subscribe the following oath: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of this State and that I will faithfully discharge the office of _____, according to the best of my ability," and shall file that oath, duly certified by the officer before whom it was taken, in the office of the City Clerk.

C. 2-201 – Time of Elections

2-201 Time Of Elections

The primary and general elections for all City offices shall be at the time provided by State law.

D. 2-202 – Non-Partisan Ballot

2-202 Non-Partisan Ballot

The Clerk shall prepare ballots which shall conform to the provisions of law. No party vignette or emblem or other designation shall appear on the ballot in regard to City officers.

E. 2-203.2, .3, and .4 – Wards

2-203 Wards

.2 Each ward shall have the same boundaries as shall exist on the effective date of this Charter until changed in accord with law.

.3 The Election Commission shall revise the boundaries of the wards within 60 days after the figures from the Federal decennial census becomes available. New ward boundaries created within 120 days of a City primary election shall become effective after the general election.

.4 The Election Commission shall, to the greatest extent possible, establish wards that are compact, contiguous and of equal population.

F. 2-204.1, .2, .3, .5, and .6 – Method of Nomination

2-204 Method Of Nomination

.1 The method of nomination for all elective offices in the City shall be by petition, or by a candidate submitting a filing fee. A primary election shall be held on those occasions when the number of

persons submitting valid nominating petitions or filing fees exceeds twice the number of positions to be filled in the office.

.2 Nominating petitions submitted by candidates for offices to be filled by voters of a ward shall be signed by at least one hundred (100), but no more than one hundred fifty (150), of the persons registered to vote in the ward in which the election is to be held.

.3 Nominating petitions submitted by candidates for offices to, be filled by the voters of the City at large shall be signed by at least four hundred (400), but no more than six hundred (600), of the registered electors of the City.

.5 The City Clerk shall assist members of the public by providing information regarding the requirements for candidacy, and in the preparation of petitions.

.6 Neither nominating petitions, nor filing fees shall be accepted unless accompanied by an affidavit sworn to or affirmed by the candidate, stating that the candidate possesses the legal qualifications for the office and requesting that the candidate's name be printed on the ballot.

G. 2-205 – Election Commission

2-205 Election Commission

.1 The conduct of City elections shall be the responsibility of the Election Commission consisting of the City Clerk, the City Attorney and the Assessor. The City Clerk shall preside.

.2 The Election Commission shall prescribe the procedures to be followed in the conduct of City elections in accord with state law.

H. 2-206 – State Law to Apply

2-206 State Law To Apply

The general election laws of the state as supplemented by the provisions of this Charter and relevant ordinances shall apply to the qualifications and registration of voters, the filing for office by candidates, and the conduct and canvass of City elections.

I. 2-301 – Absence from Office

2-301 Absence From Office

Whenever an elective officer of the City has failed to perform the duties of the office for 60 consecutive days or more, the Council shall vote to excuse or not to excuse the inability at each Council meeting until the officer resumes the duties of the office. If the Council does not excuse the inability at any meeting, after the 60 days have lapsed, the office shall be forfeited at the close of the meeting.

J. 2-303 – Filling Vacancies

2-303 Filling Vacancies

.1 Whenever a vacancy occurs in the office of Mayor, the President of the City Council shall fill the office until January first following the earliest November general election at which a successor can be elected to fill the office for the rest of the term. If the Council President should decline to serve as

Mayor, after receiving notice of the vacancy, the Council by a majority of Council members serving shall select one of its members to fill the office of Mayor.

.2 Whenever a vacancy exists in the office of the City Clerk or member of the City Council, the Council, by a majority vote of members serving, shall appoint a qualified person to fill the office until January first following the earliest November general election at which a successor can be elected to fill the office for the rest of the term.

K.2-304.1, .2, .3, .4, .5 – Temporary Absence of Mayor

2-304 Temporary Absence Of Mayor

.1 During the temporary absence of the Mayor from the City or the inability of the Mayor to perform the duties of the office, the President of the City Council shall be considered the temporary Mayor of the City for the purpose of performing statutory duties of the office.

.2 Whenever the City Council, by a vote of two-thirds of the members serving, declares that the temporary absence of the Mayor from the City or the inability of the Mayor to perform the duties of the office has created a need for administrative leadership and direction, the City Council may request the President of the City Council to assume the fulltime obligations of leadership under 4-102 for as long as the Council deems necessary or until the elected Mayor resumes the office whichever is the first to occur.

.3 If the President at any time declines to serve as Acting Mayor, the Council may designate another of its members to serve as Acting Mayor.

.4 Any appointment or removals by an Acting Mayor are subject to confirmation by the permanent Mayor.

.5 The Acting Mayor shall possess the veto power provided in this Charter but shall not vote while Acting Mayor

L. 2-402 – Initiative and Referendum

2-402 Initiative And Referendum

The people reserve to themselves the power to propose ordinances and to enact and reject ordinances, called the initiative, and the power to approve or reject ordinances enacted by the City Council, called the referendum.

M.2-403 – Petitions for Initiative and Referendum

2-403 Petitions For Initiative And Referendum

.1 Initiative and referendum petitions must be signed by a number of City electors equivalent to at least 5 percent of registered electors of the City.

.2 Petitions shall set forth in full the measure to be initiated or referred. The circulators may submit the petitions to the City Attorney for approval as to form before circulating, but they are not required to do so.

.3 Signers of petitions shall be registered electors of the City. Each shall sign his or her name indelibly and shall indicate his or her residence and the date of signing. Each petition shall contain a sworn affidavit of the circulator stating that each signature is, to the knowledge of the circulator, the genuine signature of a registered elector and the person whose name it purports to be; and that it was affixed in the presence of the circulator.

.4 Signatures obtained more than 90 days before the petition is filed with the Clerk shall not be counted.

.5 The City Clerk shall, within 15 days, canvass the signatures and shall present the petition, if found sufficient and proper, to the City Council at its next regular meeting.

.6 If the City Clerk determines the petition lacks sufficient signatures or is otherwise improper, the City Clerk shall forthwith notify the person filing such petition by regular mail of the deficiency and 10 days shall be allowed for filing supplemental petition papers.

N. 2-404 – Suspension Of Referred Ordinance

2-404 Suspension Of Referred Ordinance

A referendum petition must be filed with the City Clerk within 30 days after the enactment of an ordinance. The filing of a referendum petition containing signatures equal to the required amount will delay or suspend the operation of the ordinance until the City Clerk has made a report that the petition does not contain a sufficient number of valid signatures or, if the City Clerk finds the petition to be sufficient, until final determination by the voters.

O. 2-405 – Council Action on Petitions

2-405 Council Action On Petitions

.1 Upon receiving an initiative or referendum petition from the City Clerk, the City Council shall within 30 days either:

(a) if it is an initiative petition

- (1) adopt the ordinance as submitted in the petition, or
- (2) direct the submission of the proposal to the electors; or

(b) if it is a referendum petition,

- (1) repeal the ordinance to which the petition refers, or
- (2) direct the submission of the proposal to the electors.

.2 Submission to the voters shall take place at the next regular election, or at a special election held prior to the next regular election.

P. 2-407 – Submission by Council

2-407 Submission By Council

The City Council may, on its own motion, by a vote of five City Council members, submit to the voters any proposed ordinances or any proposal for the repeal or amendment of an ordinance in the manner and with the effect in this Chapter for submission of proposals initiated by petition.

Q. 2-408 – Determining Result of Election

2-408 Determining Result Of Election

.1 Except as otherwise required by law, the result of any initiative or referendum election shall be determined by a majority of the voters voting on the question.

.2 If two or more inconsistent initiative or referendum measures are submitted to the voters at the same election, the measure receiving the highest number of affirmative votes shall prevail to the extent of their inconsistency.

R. 2-409 – Amendment, Repeal, and Reenactment

2-409 Amendment, Repeal And Reenactment

.1 An ordinance adopted by the voters through initiative proceedings may not be amended or repealed by the City Council for a period of two years after the date of the election at which it was adopted.

.2 An ordinance nullified by the voters through referendum proceedings may not be re-enacted by the City Council for a period of two years after the election at which it was nullified.

S. 2-411 – Charter Amendments

2-411 Charter Amendments

.1 This Charter may be amended by a majority vote of the electors in the manner provided by statute.

.2 Petitions for Charter amendments may be submitted to the City Attorney for approval as to form in the same manner as petitions for initiative and referendum.

.3 If two or more amendments adopted at the election have inconsistent provisions, the amendment receiving the largest affirmative vote shall prevail to the extent of their inconsistency.

Article 5: Boards and Commissions

A. 5-103.2, .3, .5, .10 – Appointment of Board Members

5-103 Appointment Of Board Members

.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.

.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.

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

B. 5-502.2, .7 – Membership

5-502 Membership

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

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

C. 5-503 – Duties

5-503 Duties

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

.2 The Board of Ethics on its own initiative or upon request may render and publish a formal opinion on any matter within the scope of the Board of Ethics' authority which it may deem appropriate.

.3 The Board of Ethics does not have the authority to reverse or modify a prior action of the Mayor, City Council, or an officer or employee of the City. If the Board of Ethics finds a prior action of the Mayor, Council, officer, or employee to have been ethically improper, the Board of Ethics may advise the appropriate party or parties that the action should be reconsidered. Upon such advice by the Board of Ethics, the action shall be reconsidered by the appropriate person or public body. If the Board of Ethics determines an existing City contract to be ethically improper, after such determination and advice from the Board of Ethics the City may void or seek termination of the contract if legally permissible. The Board of Ethics may refer a matter to the City Attorney for review and consideration for appropriate action. Upon completion of review and consideration, the City Attorney shall report its findings to the Board of Ethics.

.4 The Board of Ethics may recommend to the Council standards of conduct for officers and employees of the City and changes in the procedures related to the administration and enforcement of those standards.

.5 The Board of Ethics shall review, at least annually, any documents required to be filed under ordinances adopted by the City for the purpose of establishing standards of conduct for officers and employees.

.6 The Board of Ethics, when it deems it appropriate, may request the City Attorney's Office for assistance in compelling the production of documents and witnesses to assist the Board of Ethics in the conduct of any investigation.

.7 The City shall provide an ethics manual for the use of all City officers and employees. Such manual shall first be approved by the Board of Ethics before distribution. Each City officer and employee shall acknowledge receipt of said manual. (04/29/2025)

.8 Proceedings before the Board of Ethics are subject to the applicable state law regarding the conduct of public meetings. Records of the Board of Ethics shall be filed with the City Clerk and are available for public review as required by state law.



ATTORNEYS AND COUNSELORS AT LAW

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Kristen L. Rewa
krewa@cmda-law.com

April 25, 2025

Via Email

Mr. Brian C. Jeffries
Chairperson
Lansing Charter Commission
124 W. Michigan Ave., 9th Floor
Lansing, MI 48933
Brian.Jeffries@lansingmi.gov

Re: Article 5—Boards and Commissions

Dear Mr. Jeffries:

This letter addresses Article 5 and provides proposed draft language for the Charter Commission’s review based on the discussion from the April 23 meeting.

I. 5-103 Appointment of Board Members

The Commission requested language regarding (1) making the applicant names public; (2) ensuring commission access to the application information and (3) the re-appointment process.

Proposed Language 5-103

.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.

* * *

.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. **The names of individuals seeking membership on City boards shall be public. The Council shall have access to the application and eligibility information of all individuals seeking membership on City boards.**

Proposed Language 5-105 (Reappointment)

Individuals seeking reappointment to a board shall submit a new application. Consideration for reappointment may include the individual's attendance, years of service, and the needs of the board.

Language regarding the process for reappointment could be added to .5 or it could be assigned a new section number. Currently 5-102.12 is open.

Proposed Language 5-105.12 (Term Limits)

A person who holds or has held an appointment to a board for two consecutive terms shall not be eligible for reappointment to the same board until the person has been out of office for one year. Serving more than two years of a term to which some other person was appointed shall be considered a term.

Language regarding term limits, if desired, should be assigned a new section number. Currently 5-102.12 is open.

II. 5-105 Organization Of Boards – Rules Of Procedure

A. 5-105.10 Board Minutes

.10 The minutes of all board meetings; shall be filed in the office of the Clerk as a public record. 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.

The Clerk asked that the Commission consider language providing a timeframe in which a board must submit its minutes to the Clerk's Office. Additionally, we recommend removal of a typo (an errant ";").

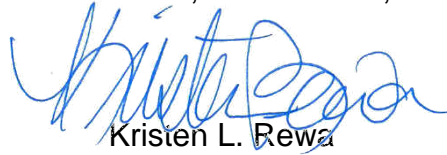
Proposed Language

.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 must 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.~~

The Open Meetings Act requires that proposed meeting minutes be available for public inspection within 8 business days after the meeting. Approved minutes must be available within 5 business days after approval. MCL 15.269. Since city boards do not meet with the same regularity, the due date for final minutes may vary.

Very truly yours,

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



Kristen L. Rewa

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

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

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

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

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

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

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

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

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

.9 One member from the City at-large shall have a term expiring in 2026 and every four years thereafter. One member from the City at-large shall have a term expiring in 2027 and every four years thereafter. One member from the City at-large shall have a term expiring in 2028 and every four years thereafter(04/01/2025).10 Appointments to each board, commission and committee shall be made with regard to the diversity of Lansing citizens, their variety of interests and the experience and expertise that each can contribute to the common good of the City.

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

.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.

5-104 Ineligibility For Boards

No person holding another City office or actively employed by the City shall be eligible to be a 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. . (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)

.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. (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) .



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Kristen L. Rewa
krewa@cnda-law.com

April 25, 2025

Via Email

Mr. Brian C. Jeffries
Chairperson
Lansing Charter Commission
124 W. Michigan Ave., 9th Floor
Lansing, MI 48933
Brian.Jeffries@lansingmi.gov

Re: Article 5, Chapter 5, Board of Ethics

Dear Mr. Jeffries:

This letter addresses the Board of Ethics as discussed in the April 15, 2025 meeting. Specifically, the Commission asked that minor updates be made to conform with previously approved changes and to spell out “Board of Ethics” in full through this chapter. Additionally, the Commission asked for additional information to assess the duties and enforcement abilities of the board.

I. CHAPTER 5: BOARD OF ETHICS

The proposed language changes the board make up to reflect five wards. The language also spells out “Board of Ethics” to add clarity.

Proposed Language

5-502 Membership

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

.2 Of the members appointed to the initial Board of Ethics, the Mayor and the City

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

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

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

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

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

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

5-503 Duties

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

.2 The Board of Ethics on its own initiative or upon request may render and publish a formal opinion on any matter within the scope of the Board's authority which it may deem appropriate.

.3 The Board of Ethics does not have the authority to reverse or modify a prior action of the Mayor, City Council, or an officer or employee of the City. If the Board finds a prior action of the Mayor, Council, officer, or employee to have been ethically improper, the Board may advise the appropriate party or parties that the action should be reconsidered. Upon such advice by the Board of Ethics, the

action shall be reconsidered by the appropriate person or public body. If the Board of Ethics determines an existing City contract to be ethically improper, after such determination and advice from the Board the City may void or seek termination of the contract if legally permissible. The Board may refer a matter to the City Attorney for review and consideration for appropriate action. Upon completion of review and consideration, the City Attorney shall report its findings to the Board.

.4 The Board of Ethics may recommend to the Council standards of conduct for officers and employees of the City and changes in the procedures related to the administration and enforcement of those standards.

.5 The Board of Ethics shall review, at least annually, any documents required to be filed under ordinances adopted by the City for the purpose of establishing standards of conduct for officers and employees.

.6 The Board of Ethics, when it deems it appropriate, may request the City Attorney's Office for assistance in compelling the production of documents and witnesses to assist the Board in the conduct of any investigation.

.7 Within one year from the effective date of this section the City shall provide an ethics manual for the use of all City officers and employees. Such manual shall first be approved by the Board of Ethics before distribution. Each City officer and employee shall acknowledge receipt of said manual.

.8 Proceedings before the Board of Ethics are subject to the applicable state law regarding the conduct of public meetings. Records of the Board shall be filed with the City Clerk and are available for public review as required by state law.

II. Duties and Enforcement Capabilities of the Board of Ethics

Pursuant to the terms of the Charter, and the companion ordinance, the Board of Ethics may render informal opinions to officials who request it to help guide their conduct. Charter, Sec 5-503.1. The Board may render a formal opinion on its own initiative or when requested. Charter, Sec 5-503.2. The Board does not have the authority to reverse or modify a prior action, but may advise that the action should be reconsidered. Charter, Sec 5-503.3. Based on a review of the City of Lansing's current charter and ordinance provisions, its Board of Ethics is consistent with the authority provided to other ethics boards in the state. The City of Detroit's board also has the ability to issue a censure to an official that has violated the ethics ordinance. The Commission could consider adding a similar provision. A survey of various boards of ethics is provided below.

The City's Ethics ordinance is contained at Chapter 290. Regarding the complaint process, once a complaint has been filed and the City Attorney has provided a preliminary written analysis, the Board may:

- (1) Request the City Attorney to investigate the complaint and report all findings back to the Board; or
- (2) Schedule the complaint for further review and consideration; or

- (3) Refer the complaint to the City Attorney for criminal prosecution consideration;
or
- (4) Issue such reports; opinions and findings as the Board deems advisable under the circumstances and in accordance with the City Charter and ordinances; or
- (5) Dismiss the complaint based on any of the following grounds:
 - a. Lack of jurisdiction in the Board of Ethics;
 - b. Failure of the complaint to state a claim of a violation of the ethics provisions contained in the Charter, law or ordinances;
 - c. Failure of the complainant to cooperate in the Ethic Board's review and consideration of the complaint; or
- (6) Take such other action which the Board deems necessary and as authorized by the Charter or ordinance. [Sec 290.03].

Additionally, the Charter at Sec 5-504.3 provides “[a]ny violations of ordinances dealing with matters in this section shall be punishable to the maximum extent permitted by law and may be made punishable by forfeiture of office or position.” The ordinance provides that violation of the Ethics ordinance is a misdemeanor and may be grounds for forfeiture of office. Sec 290.10.

We reviewed the law (statute, charter, or ordinance) on the powers of other boards of ethics in Michigan. The City of Lansing’s structure is consistent with the authority provided to other boards.

The State Board of Ethics has jurisdiction to review matters concerning the executive branch state employees and public officers appointed by the Governor (or other executive officials). The function of this board “shall be advisory and investigatory and the board is not empowered to take direct action against any person or agency.” MCL 15.343. When complaints are filed, the Board has the ability to issue investigative reports with recommendations. When a classified employee is concerned, the appointing authority “shall initiate appropriate proceedings in accordance with such recommendation and pursuant to the rules of the civil service commission.” MCL 15.345(3). When the employee is an unclassified employee or appointee, the appointing authority “shall take appropriate disciplinary action which may include dismissal.” MCL 15.345(4).

The City of Dearborn’s board of ethics is established by charter. Dearborn, Charter Sec 3.4. It’s “primary function” is to render advisory opinions and conduct investigations. The board may issue subpoenas for documents and witnesses. The board may recommend improvements to the city’s standards of conduct.

The City of Detroit’s board of ethics is governed by charter and statute. The board has the power to receive and resolve complaints, during which investigations it can subpoena witnesses and evidence. Detroit, Sec 2-106.9. An intentional, willfully negligent or grossly negligent violation of the charter ethics rules can result in the board of ethics issuing a public admonishment, a recommendation for disciplinary action (if an employee), a recommendation that the city council initiate removal or forfeiture

proceedings (if elected or appointed), an administrative sanction, recommendation that a contractor be reviewed for suspension/disbarment, or prosecution by the city's law department. The board does not have the authority to reverse or modify a prior decision of any official or other public servant. Detroit Ordinance, Sec. 2-6-92.

The City of Livonia's board of ethics is established by ordinance. Its "objective . . . is to issue written opinions regarding ethical, not legal, questions and to engage in activities which will promote ethical behavior." (Livonia, 2.200.070(B). It cannot subpoena witnesses or records. It has no authority to adjudicate any complaints concerning employees covered by a collective bargaining agreement or who is within the city's civil service system. The board's actions are to issue a written advisory opinion, deem no action is required, or refer the matter to an authority within the city authorized to act. Id. at (E). The ordinance is not intended to be a punitive measure. The opinions are not binding on the city. At most, a violation of the ethics ordinance is a \$100 municipal civil infraction.

The City of Ypsilanti, upon receipt an investigation of a complaint may refer the matter to another appropriate agency, including a law enforcement agency. The board may issue a report and recommendation, but it does not bind or limit the action that can be taken by the employer. It may recommend arbitration in appropriate cases.

Very truly yours,

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



Kristen L. Rewa

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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 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.

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

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

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

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

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

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

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

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

.9 One member from the City at-large shall have a term expiring in 2026 and every four years thereafter. One member from the City at-large shall have a term expiring in 2027 and every four years thereafter. One member from the City at-large shall have a term expiring in 2028 and every four years thereafter(04/01/2025).10 Appointments to each board, commission and committee shall be made with regard to the diversity of Lansing citizens, their variety of interests and the experience and expertise that each can contribute to the common good of the City.

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

.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.

5-104 Ineligibility For Boards

No person holding another City office or actively employed by the City shall be eligible to be a 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. . (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)

.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. (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) .

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.

.3 An agency's budget material, including capital improvement proposals, shall 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 the board's recommendations to the Council along with budget material for that agency.

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

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

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

5-107 Continuation Of Existing Boards

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

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

5-108 Limitation On Powers Of Boards

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

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

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

Chapter 2. BOARD OF WATER AND LIGHT (approved)

5-201 Board Of Water And Light

.1 The Board of Water and Light, hereinafter known as the Board, shall have the full and exclusive management of the water, chilled water, thermal energy, including heat or hot water and steam and electric services and such additional utility services of the City of Lansing as may be agreed upon by the Board and City Council. The board shall be responsible to the Mayor and the City Council for the provision of these services in a manner consistent with the best practices. (03/18/2025)

.2 In addition to the training requirements set forth in Section 5-102.12, members of the Board of Water and Light shall undergo training consistent with that required of employees, as well as training related to governance of municipal utilities (05/20/2025)

5-202 General Manager, Internal Auditor, Secretary

.1 The Board shall appoint a General Manager who shall be responsible to the Board for carrying out the duties assigned by the Board and shall serve at its pleasure.

.2 The Board shall appoint an Internal Auditor who shall report directly to the Board. The Internal Auditor shall serve at the pleasure of the Board.

.3 The Board shall appoint its own Secretary who shall be responsible to the Board and shall serve at its pleasure.

.4 The General Manager or a designee shall hold a public meeting at least quarterly to interact with the public and ratepayers on the services provided by the Board. Notice for the meeting shall be published by posting to the Board's website and by any means determined by the Board to achieve widespread dissemination to the general public within the Board's service area to inform on matters of municipal concerns. (04/01/2025)

5-203 Powers Of The Board

.1 The Board shall make all contracts pertaining to the conduct of the Board of Water and Light business and shall have the authority to settle litigation involving the Board of Water and Light.

.2 The Board shall have the power to acquire property, both real and personal, and interests in property in the name of the City for purposes of the Board of Water and Light.

.3 The Board shall have the power to sell real property and interests in real property not needed for the operation of the Board of Water and Light, subject to the approval of a 2/3 majority of City Council Members elected and subject to the limitations on the sale of real property by the City contained in this Charter.

.4 The Board shall adopt policies and procedures to assure fairness in procuring personal property and services and disposing of personal property. These policies and procedures of the Board shall parallel the policies and procedures adopted by the Council for the purchase and sale of personal property and services unless the Board makes a specific finding that a City policy or procedure is not consistent with the best practices for public utility operation.

.5 The Board shall prepare and adopt its annual budget by June 1 of each year, and implement it with whatever modifications the Board may adopt from time to time. The budget and any amendments shall be filed with the City Clerk within 10 days after adoption.

.6 The Board shall submit to the Mayor, prior to October 1 of each year, its capital improvements plan for the next six years pursuant to Section 7-109.

.7 In the best interest of the City, the Board and other agencies of the City are encouraged to cooperate on projects deemed to be beneficial and to utilize each other's services.

.8 The Board of Water and Light may utilize the streets, alleys, bridges and other public places of the City for the furnishing of public utility services. In the exercise of this right, the Board of Water and Light shall furnish timely information about proposed uses to the officials of the City and to the agencies which will be most directly affected by the use.

.9 The Board may conduct whatever audits of Board of Water and Light activities it deems appropriate and shall be responsible for the cost of such audits..

.10 The Board may provide for the pensioning of any employee of the Board of Water and Light or the surviving spouse or dependent of any deceased employee.

.11 The Board, except as otherwise provided in this Charter, shall be responsible for and have authority over the compensation, benefits, bonding, conditions of employment, and labor management activities for all employees of the Board of Water and Light.

5-204 Withdrawal Of Funds

.1 The funds and revenues of the Board of Water and Light shall be deposited in the accounts of the Board of Water and Light. The Board shall have and exercise full control over all of the funds of the Board of Water and Light.

.2 All warrants drawn for the payment of money under the authority of the Board shall be signed by the General Manager and countersigned by the Secretary of the Board.

.3 Whenever warrants are issued and there is no money for the payment of the warrant, the Board shall, upon presentation of the, warrant, stamp the date of presentation on the face of the warrant, together with a statement that the warrant will bear interest thereafter at the rate of 6 percent per year. The interest shall cease after notice has been given to the holder, in the manner determined by the Board, that there is sufficient money of the Board of Water and Light on hand to pay the warrant with interest. Warrants of the Board of Water and Light are not general obligations of the City.

.4 The Council may provide by ordinance procedures for the disbursement of monies of the Board of Water and Light by check issued by the Secretary of the Board in accordance with the ordinance.

.5 Consistent with generally accepted practice in the municipal utility industry and in acknowledgement that the Board of Water and Light is a City owned public utility, which receives City services without cost and utilizes City property in the fulfillment of its purposes, the Board shall continue to be authorized to contribute payments to the City. All existing agreements for payments shall remain in full force and effect upon adoption of this Charter. Future agreements for payments shall be documented in writing, based on a formula and terms mutually acceptable to the City and Board and comply with this Charter and state law. In determining the formula, the City and Board shall consider the following factors, but not to the exclusion of other factors that may be or become relevant: the financial burden of the payment on the Board or its ratepayers, the financial burden of use of services and property on the City or its taxpayers, and any and all shared services or infrastructure. (4/15/2025)

5-205 Rates

.1 The Board may fix just and reasonable rates and other charges as it may deem advisable for services furnished by the Board of Water and Light.

.2. The Board shall conduct at least two public hearings at least 45 days prior to the effective date of any changes in rate structure. The public hearings shall be held at different times of day to maximize the opportunity for public attendance. At least 60 days before the first public hearing, the Board shall file with the City Clerk a statement explaining the new rates and charges together with a notice of the public hearings. Notice shall also be published by posting to the City's and the Board's website and by any means determined by the Board of Water and Light to achieve widespread dissemination to the general public within the Board's service area to inform on matters of municipal concern. (04/01/2025)5-206 Collection And Hearing Procedure

.1 Upon the request of the Board, the City Council shall provide by ordinance for the collection of unpaid charges for public utility services furnished by the Board of Water and Light and for the imposition and enforcement of liens upon property served by the Board of Water and Light.

.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.

.3 The Board shall establish a procedure for the resolution of disputes between the Board of Water and Light and any of its customers concerning services or billing for services furnished in accordance with filed rates, rules and regulations, and established Board policies and procedures. The procedure shall incorporate the designation of an independent hearing officer.

5-207 Sale Or Exchange Of Facilities

The Board shall not, unless approved by the affirmative vote of three - fifths of the electors voting thereon at a regular or special City election, sell, exchange, lease, or in any way dispose of any property, easement, equipment, privilege, or asset needed to continue the operation of the Board of Water and Light. The restrictions of this section shall not apply to the sale or exchange of articles of machinery or equipment of the Board of Water and Light, which are no longer useful or which are replaced by new machinery for the operation of the Board of Water and Light, or to the exchange of property or easements for other needed property or easements.

Chapter 3. BOARD OF POLICE COMMISSIONERS

5-301 Duties

.1 The Board of Police Commissioners, hereinafter known as the Board, is established pursuant to Article 5, Chapter I 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 including promotional and training procedures in consultation with the Chief of Police and Mayor. These administrative rules shall not be effectuated in accordance with Section 5-105. 8 of this Charter but shall become effective upon 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 Police 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 the final authority of the City in imposing or reviewing discipline of the department employees consistent with the terms of 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 crime and complaints, if any, and proposals for future plans.

5-302 Investigatory Power

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

Chapter 4. BOARD OF FIRE COMMISSIONERS

5-401 Duties

.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 5-105.8 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.

CHAPTER 5. BOARD OF ETHICS

5-501 Standards Of Conduct

.1 The people of this City recognize that the continuation of the proper operation of the City requires that public officers and employees be independent, impartial and responsible to the people; that decisions and policy be made in the proper channels of governmental structure; that members of the public have access to information upon which decisions affecting their City are made; that public office and employment not be used for personal gain; that the integrity and operation of City government to be subject to scrutiny of the public; and that acts or actions not compatible with the best interests of the City be defined and prohibited.

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

5-502 Membership

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

.2 Of the members appointed to the initial Board of Ethics, the Mayor and the City Council shall each appoint members for a one-year, a two-year, a three year, and a four-year term. A member shall hold office until a member's successor is appointed. Thereafter each Mayoral-appointed member and each Council-appointed member shall

serve for a term of four years. An appointment to fill a vacancy shall be made by the Mayor to fill a vacant Mayoral appointed member position and by the City Council to fill a vacant Council-appointed member position. Persons serving as members of the Board of Ethics on the effective date of this section shall continue as members until the expiration of their original terms.

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

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

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

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

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

5-503 Duties

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

.2 The Board of Ethics on its own initiative or upon request may render and publish a formal opinion on any matter within the scope of the Board of Ethics' authority which it may deem appropriate.

.3 The Board of Ethics does not have the authority to reverse or modify a prior action of the Mayor, City Council, or an officer or employee of the City. If the Board of Ethics finds a prior action of the Mayor, Council, officer, or employee to have been ethically improper, the Board of Ethics may advise the appropriate party or parties that the action should be reconsidered. Upon such advice by the Board of Ethics, the action shall be reconsidered by the appropriate person or public body. If the Board of Ethics determines

an existing City contract to be ethically improper, after such determination and advice from the Board of Ethics the City may void or seek termination of the contract if legally permissible. The Board of Ethics may refer a matter to the City Attorney for review and consideration for appropriate action. Upon completion of review and consideration, the City Attorney shall report its findings to the Board of Ethics.

.4 The Board of Ethics may recommend to the Council standards of conduct for officers and employees of the City and changes in the procedures related to the administration and enforcement of those standards.

.5 The Board of Ethics shall review, at least annually, any documents required to be filed under ordinances adopted by the City for the purpose of establishing standards of conduct for officers and employees.

.6 The Board of Ethics, when it deems it appropriate, may request the City Attorney's Office for assistance in compelling the production of documents and witnesses to assist the Board of Ethics in the conduct of any investigation.

.7 The City shall provide an ethics manual for the use of all City officers and employees. Such manual shall first be approved by the Board of Ethics before distribution. Each City officer and employee shall acknowledge receipt of said manual. (04/29/2025)

.8 Proceedings before the Board of Ethics are subject to the applicable state law regarding the conduct of public meetings. Records of the Board of Ethics shall be filed with the City Clerk and are available for public review as required by state law.

5-504 Protection Of Public Interest

.1 The City shall adopt, by ordinance, such standards for the conduct of public affairs as may be deemed necessary to protect the public, including the ordinances referred to in this section.

.2 The City shall adopt, by ordinance, no later than one year after the effective date of this section, restrictions similar to those enacted by the State of Michigan by statute, prescribing standards of conduct for City officers and employees. To the extent permitted by law, the ordinance shall generally include, but not be limited to, prohibiting the use of City office or employment for the private benefit of any person; prohibiting the divulging of confidential information in advance of the time prescribed for its authorized release to the public; prohibiting the use of City personnel resources for private gain; prohibiting the profit from an official position and acceptance of things of value by City officers or employees; requiring the financial disclosure by City officers and employees; and requiring lobbyist disclosure for all City officers and employees.

.3 Any violations of ordinances dealing with matters in this section shall be punishable to the maximum extent permitted by law and may be made punishable by forfeiture of office or position.

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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Kristen L. Rewa
krewa@cnda-law.com

May 22, 2025

Via Email

Mr. Brian C. Jeffries
Chairperson
Lansing Charter Commission
124 W. Michigan Ave., 9th Floor
Lansing, MI 48933
Brian.Jeffries@lansingmi.gov

Re: Article 7

Dear Mr. Jeffries:

This letter addresses language in Article 7 based on the Commission's prior review and discussion.

I. 7-104 and -105 Budget Hearing and Adoption

The Commission has requested a revision requiring City Council to complete all budget hearings within a fixed period of time before City Council votes to adopt the budget. This is also a requirement under the Budget Hearings of Local Governments Act. See MCL 141.413 (providing that "[e]ach local unit shall hold such public hearing prior to final adoption of its budget"). While the Commission discussed the proposed language for Sec 7-105.1, we believe the language is better suited to 7-104.2.

Proposed Language

7-104 Budget Hearing

.1 [same]

.2 A public hearing on the annual appropriations shall be held in the manner provided by law and at such additional times as the Council shall direct. **Council shall not vote to adopt the budget until at least one (1) week after completion of the last required budget hearing.**

II. 7-107 Effect Of Appropriation

We reviewed a few legal matters that came up under this section. First, the Commission discussed whether the City may prepare 2-year or 3-year budgets. The Uniform Budgeting and Accounting Act (UBAA) requires annual budgets. MCL 141.434(2) (requiring the chief administrative officer to “prepare the recommended annual budget for the ensuing fiscal year...”). Some communities’ budgets include projected numbers for subsequent fiscal years, but each year the City of Lansing has to adopt an annual budget for the ensuing fiscal year.

The second question concerned the 15% or \$5,000 provision in 7-107.3. We confirmed there is no state law that limits how much an appropriation transfer can be. The UBAA simply provides that “[t]he legislative body in a general appropriations act may permit the chief administrative officer to execute transfers within limits stated in the act between appropriations without the prior approval of the legislative body.” MCL 141.439(2). The City of Lansing’s general appropriation act includes its “Budget Policies” which simply refer back to the City Charter, stating “[a]uthority to transfer between appropriations is dictated by City Charter...”

As it currently stands, the Mayor has authority to transfer up to \$5,000. Authorizing spending beyond that limit must be accomplished by amending the general appropriations act. See MCL 141.437(1).

III. 7-109 Capital Improvements Plan

The Commission asked (1) whether 7-109.2 can be deleted and (2) whether the Capital Improvements Plan can be a shorter period of time than the six years provided in Sec. 7-109.3.

The Planning Enabling Act provides:

To further the desirable future development of the local unit of government under the master plan, **a planning commission, after adoption of a master plan, shall annually prepare a capital improvements program of public structures and improvements, unless the planning commission is exempted from this requirement by charter or otherwise. If the planning commission is exempted, the legislative body either shall prepare and adopt a capital improvements program, separate from or as a part of the annual budget, or shall delegate the preparation of the capital improvements program to the chief elected official or a nonelected administrative official, subject to final approval by the legislative body.** The capital improvements program shall show those public structures and improvements, in the general order of their priority, that in the commission's judgment will be needed or desirable and can be undertaken **within the ensuing 6-year period.** The capital improvements program shall be based upon the requirements of the local unit of government for all types of public structures and improvements. Consequently, each agency or department of the local unit of government with authority for public structures or improvements shall upon request furnish the planning commission with lists, plans, and estimates of time and cost of those public structures and improvements. [MCL 125.3865(1)].

The above language specifically requires the capital improvements plan to cover a six-year period. MCL 125.3865(1). As such, .3 is consistent with this statute and should remain unchanged.

As for .2, there does not appear to be an ordinance in place. Rather, the City appears to rely on the Planning Enabling Act and the Charter. See Sec 5-602.3 (Planning Department and Commission); see also, City of Lansing CIP, 2021-2026. As such, we see no issue removing .2. In the alternative, the

Proposed Language:

.1 The Capital Improvements Plan shall be prepared by the Planning Department in accordance with applicable State law.

~~.2 The Mayor shall prepare within four months and the City Council shall adopt within six months of the effective date of this Charter, an ordinance that specifies a detailed planning and budgeting process for the Capital Improvements Plan.~~

~~.3~~ .2 The Planning Commission through the Economic Development and Planning Department and other City departments, agencies and boards shall annually review and submit to the Mayor and City Council a Capital Improvements Plan for the ensuing six years.

~~.4~~ .3 The City Council shall conduct a Public Hearing on the Capital Improvements Plan concurrent with the Public Hearing on the Annual City Budget.

IV. 7-205 Board Of Review

This section provides, in relevant part:

.2 The Mayor shall appoint, subject to Council confirmation, **five** members serving staggered terms of three years each. In order to increase the membership of the Board of Review created under the previous Charter to five public members, **one member shall be appointed to a term of at least two years expiring July 1, 1981, and one member shall be appointed to a term of at least one year expiring on July 1, 1980.** Public members serving terms of three years at the time of the adoption of this Charter shall continue until the expiration of their term.

In an effort to simplify this provision, the commission has asked whether the highlighted language can be deleted and, if so, whether new language should be inserted in its place.

The General Property Tax Act simply provides that “[t]he size, composition, and manner of appointment of the board of review of a city may be prescribed by the charter of a city. In the absence of or in place of a charter provision, the governing body of the city, by ordinance, may establish the city board of review in the same manner and for the same purposes as provided by this section for townships.” MCL 211.28(4).

In addition to the above provision in the City Charter, the City of Lansing has provisions in its Code of Ordinances that relate to the Board of Review, which provide:

(a) A Board of Review for reviewing property tax assessments in the City is established, as provided by City Charter and Public Act 539 of 1982, as amended; being MCL 211.28.

(b) The Mayor shall appoint, subject to Council confirmation, **three** members serving staggered terms of three years each, who shall constitute a Board of Review for the City of Lansing. All public members who are serving terms of three years at this time shall continue until the expiration of their term. Two of the three members of the Board of Review constitute a quorum for transacting business and performing the duties and responsibilities of the Board. A majority of the Board of Review membership shall indorse the assessment roll and must agree for the Board to take action. Code of Ordinances, Sec. 257.01 (emphasis added).

Clearly, the City Charter and Code of Ordinances are in conflict as to the number of members (five in the charter and three in the ordinance). The City is apparently following the ordinance provision since there are currently only three members of the Board of Review. To clean up this inconsistency as to the number of members and the arguably superfluous highlighted language in the City Charter, I recommend amending Sec. 7-205 of the City Charter to read as follows:

Proposed Language

7-205 Board Of Review

.1 [same]

.2 The Mayor shall appoint members to the Board of Review, subject to Council confirmation, as provided by ordinance. ~~five members serving staggered terms of three years each. In order to increase the membership of the Board of Review created under the previous Charter to five public members, one member shall be appointed to a term of at least two years expiring July 1, 1981, and one member shall be appointed to a term of at least one year expiring on July 1, 1980. Public members serving terms of three years at the time of the adoption of this Charter shall continue until the expiration of their term.~~

.3 - .7 [same]

This approach has the benefit of removing the superfluous highlighted language, replacing it with a reference to the Code of Ordinances. It also allows future City Councils to more easily expand upon the number of members of the Board of Review via-ordinance amendment, which

is far less burdensome than amending the City Charter.

V. 7-303 Use Of Borrowed Funds

.1 Each obligation shall contain on its face a statement of the purpose for which it is issued.

.2 All proceeds from the issue of an obligation shall be expended for the purpose for which the obligation was issued until the purpose has been accomplished, and then for the retirement of other obligations of the City.

.3 The Council may authorize the remaining unexpended and unencumbered proceeds for use in any manner permitted by State law.

The commission has requested some clarity as to the meaning of subsection .3. This clarity can best be achieved through an example.

If the City of Lansing wanted to renovate a city-owned building, it may issue capital improvement bonds to fund those renovations. Those bonds must include a statement of the purpose for which they are issued as required by .1. See also MCL 141.2517(2). The proceeds from the issuance of the bonds must be used specifically for renovations to the city-owned building until the renovations are complete (.2) and if the renovations are completed and surplus funds remain, those funds may be used for the retirement of other city bonds/obligations (*id.*). If there are no other city bonds/obligations to expend those funds on, or if surplus funds remain even after retiring those bonds, City Council may authorize the remaining funds to be used in any manner permitted by law. The permissible uses will vary depending on the bonds involved.

Although the current language is a bit more succinct, we found the following alternative language from the City of Caro that at least arguably provides a bit more clarity:

Each bond or other evidence of indebtedness shall contain on its face a statement of the purpose for which the same is issued and no officer of the city shall use the proceeds thereof for any other purpose, except that whenever the proceeds of any bond issue, or a part thereof, remain unexpended and unencumbered for the purpose for which said bond issue was made, the council may authorize the use of such unexpended and unencumbered funds as provided in this section, which use shall be subject to the approval of the Michigan Department of Treasury where required:

(a) For an additional extension or improvement of facility or project for which the bond issue was made;

(b) For the retirement of such bond issue;

(c) If such bond issue has been fully retired or funds are segregated which are adequate for such purpose, then for the retirement of

other bonds or obligations of the city;

(d) If there is no other indebtedness, or funds are segregated which are adequate for such purpose, then for such other purposes as may be permitted by law.¹

VI. 7-304 Execution Of Obligations

All obligations issued by the City shall be executed with the signature of the Mayor and the City Clerk, unless otherwise provided by ordinance, and shall bear the Seal of the City. Interest coupons may be executed with the **facsimile signatures** of the Mayor and the City Clerk.

The commission has asked whether the above highlighted “autopen” language needs to be included and, if so, whether there are other areas in the City Charter where it should be included.

As an initial matter, “facsimile signatures” are expressly authorized in this scenario by statute. See MCL 129.101 (authorizing “facsimile signatures” on checks or orders for payment of money). However, this provision was arguably rendered superfluous by the passage of the Uniform Electronic Transactions Act (UETA), which provides far broader endorsement of executing documents via-electronic signature. See MCL 450.837(4) (providing that “[i]f a law requires a signature, an electronic signature satisfies the law”). This includes situations that call for notarized, acknowledged, verified, or signatures under oath. MCL 450.841.

Given the express statutory authorization of facsimile signatures, we see no need to revise this section. However, it does appear that the UETA makes the highlighted language unnecessary. If any revision is to be made, I recommend the following:

Proposed Language

All obligations issued by the City shall be executed with the signature of the Mayor and the City Clerk, unless otherwise provided by ordinance, and shall bear the Seal of the City. Interest coupons may be executed with the **facsimile** signatures of the Mayor and the City Clerk **as permitted by law**.

VII. Art 7, Chapter 5, Transparency

Finally, we reviewed draft language for a new chapter in Article 7, Chapter 5 relating to transparency. We see no legal issues with the proposed language.

¹ Available at:

https://library.municode.com/mi/caro/codes/code_of_ordinances?nodetid=PTICH_CHXIIBO_S12.6EXBO

Very truly yours,

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



Kristen L. Rewa

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

Chapter 5. TRANSPARENCY PROPOSED LANGUAGE

7-501 Publication of City Taxes and Debt Obligations

.1 The Mayor shall prepare within four months, and the City Council shall adopt within six months of the effective date of this Charter, an ordinance that establishes a Tax and Debt Dashboard for the purpose of providing a transparent and comprehensive overview of the City's tax millages, assessments, and debt obligations.

.2 The Tax and Debt Dashboard shall include an itemized breakdown and description of each millage assessed by the City including, but not limited to, the property tax millage, dedicated millages, debt millages, and special assessment millages. The description shall identify the type and purpose of each millage and contain the tax rates and amounts generated by each millage for each fiscal year it is levied.

.3 The Tax and Debt Dashboard shall include an itemized breakdown and description of each debt instrument issued by the City including, but not limited to, all bonds and special assessment bonds. The description shall identify the type and purpose of each debt instrument and contain the principal amount, interest rate and debt service payment amount, and maturity date for each fiscal year the indebtedness continues.

.4 The Tax and Debt Dashboard shall be updated semiannually and published on 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.

By: Brian Jeffries
Date: May 20, 2025

7-103 Budget Message

- .1 The Mayor shall submit with the Budget a message containing the necessary information for understanding the budget.
- .2 The message shall explain how the proposal addresses the priorities proposed by the City Council
- .3 The budget message shall contain detailed estimates with supporting explanations of proposed expenditures of each agency of the City except the Board of Water and Light. All such estimates shall show the actual appropriations and expenditures for corresponding items for the last preceding fiscal year, in full, and appropriations for the current fiscal year together with the expenditures for the current fiscal year to January 1 and estimated expenditures for the balance of the current fiscal year.
- .4 The budget message shall state the bonded and other indebtedness of the City, showing the bond redemption and interest requirements of the debt authorized and unissued, and the condition of the sinking funds if any.
- .5 The budget message shall contain detailed estimates of all anticipated revenues of the City from sources other than taxes with a comparative statement of the amounts estimated for and actually received from each of the same or similar sources for the last preceding fiscal year, in full, for the current fiscal year to January 1, and estimated revenues for the balance of the current fiscal year.
- .6 The budget message shall state the estimated accumulated cash and unencumbered balance, or deficits, at the end of the current fiscal year.
- .7 The budget message shall contain an estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues, which together with available unappropriated surplus and revenues, from other sources, will be necessary to meet the proposed expenditures.

7-104 Budget Hearing

- .1 The budget of the Mayor, together with all supporting schedules, information and messages, shall be a public record and shall be reviewed by the Council as a committee of the whole.
- .2 A public hearing on the annual appropriations shall be held in the manner provided by law and at such additional times as the Council shall direct.

7-105 Adoption Of Budget Resolution

- .1 Not later than the third Monday in May of each year, the Council shall, by resolution, adopt a budget for the ensuing fiscal year and make an appropriation of the money needed therefore.
- .2 The resolution shall designate the sum to be raised by taxation for the general purpose of the City and for the payments of principal and interest on its indebtedness. The adoption of the budget resolution shall constitute appropriations of the amounts specified from the funds indicated and a levy for the property tax specified.

7-107 Effect Of Appropriation

- .3 Whenever an agency of the City reports to the Finance Director that the funds appropriated for a particular purpose will be exhausted before the close of the fiscal year, and the agency has an unencumbered appropriation balance, the Mayor may authorize additional spending for that purpose within the total appropriation for the agency, but the additional expenditure may not exceed 15 percent of the Council's appropriation being added to or \$5,000.00, whichever is less. The Finance

Director shall report the transfer to the City Clerk for transmission to the City Council at the next regular meeting of the City Council.

7-109 Capital Improvements Plan

- .1 The Capital Improvements Plan shall be prepared by the Economic Development and Planning Department in accordance with applicable State law.
- .2 The Planning Commission through the Economic Development and Planning Department and other City departments, agencies and boards shall annually review and submit to the Mayor and City Council a Capital Improvements Plan for the ensuing six years.
- .3 The City Council shall conduct a Public Hearing on the Capital Improvements Plan concurrent with the Public Hearing on the Annual City Budget.

7-205 Board Of Review

- .1 A Board of Review for property tax assessment is created.
- .2 The Mayor shall appoint, subject to Council confirmation, five members serving staggered terms of three years each. In order to increase the membership of the Board of Review created under the previous Charter to five public members, one member shall be appointed to a term of at least two years expiring July 1, 1981, and one member shall be appointed to a term of at least one year expiring on July 1, 1980. Public members serving terms of three years at the time of the adoption of this Charter shall continue until the expiration of their term.
- .3 The members of the Board of Review shall be appointed on the basis of their knowledge and experience in property valuation.
- .4 No member of the Board of Review shall hold any other public office or public employment in any local unit of government supported by Lansing property taxes in whole or in part. All members of the Board of Review shall be residents of the City.
- .5 Unless otherwise provided by ordinance, the Board of Review shall convene on the second Monday in March and sit for at least five calendar days.
- .6 The Board of Review shall have such powers and duties as may be provided by law. The Board of Review shall adopt rules for its Conduct of business.
- .7 The Board of Review shall adopt rules for its conduct of business.

7-303 Use Of Borrowed Funds

- .1 Each obligation shall contain on its face a statement of the purpose for which it is issued.
- .2 All proceeds from the issue of an obligation shall be expended for the purpose for which the obligation was issued until the purpose has been accomplished, and then for the retirement of other obligations of the City.
- .3 The Council may authorize the remaining unexpended and unencumbered proceeds for use in any manner permitted by State law.

7-304 Execution Of Obligations

All obligations issued by the City shall be executed with the signature of the Mayor and the City Clerk, unless otherwise provided by ordinance, and shall bear the Seal of the City. Interest coupons may be executed with the facsimile signatures of the Mayor and the City Clerk.



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Kristen L. Rewa
krewa@cnda-law.com

May 23, 2025

Via Email

Mr. Brian C. Jeffries
Chairperson
Lansing Charter Commission
124 W. Michigan Ave., 9th Floor
Lansing, MI 48933
Brian.Jeffries@lansingmi.gov

Re: Article 9, Transition

Dear Mr. Jeffries:

This letter addresses Article 9 of the City Charter in anticipation of the Commission's review.

I. Chapter 1, Continuity of Officers

Sec 9-103, we recommend removing this section as it is not necessary. The City has ordinances detailing the qualifications of city officers. We recommend leaving all other provisions in this chapter as they are written.

II. Chapter 2, Continuity of Rights and Legislation

Sec 9-201.3 references the *cy pres* doctrine, which is used by courts to distribute charitable gifts "as near as possible" when the intended beneficiary of the gift is unavailable or no longer exists. We do not believe any changes are required in Chapter 2.

III. Chapter 3, Commencement of New Charter

9-301 Effective Date Of This Charter

The HRCA provides that a charter revision, once approved by the voters, takes effect either (1) when copies of the charter with the certified vote, within 30 days of the election, are filed with the secretary of state and the county clerk or (2) a different effective date is specifically stated

in the Charter. MCL 117.24. Currently, Section 9-301 complies with the first option. Other recent charter revisions contain similar language (e.g., City of Caro). The City of Detroit's current charter provided an effective date of January 1, 2012 (following a November 2011 election). We do not believe a revision of 9-301 is necessary.

9-302 First Election Under This Charter

The current language of Section 9-302 is unnecessary. Recall that the Commission added language to 2-101.3:

.3 In 2027, there will be four (4) vacancies upon the council to be filled. The four (4) qualified candidates receiving the highest number of votes shall be elected to a term of office of two (2) years. Beginning in 2029, each councilperson shall be elected to a four-year term. (12/17/2024)

As such, the proposed revised Charter contains a provision that solves the issue of implementing the switch to uniform (non-staggered) elections. We believe the current 9-302 language should be stricken.

However, the revised charter does not contain any language for the manner and timing of apportioning the City into five wards. We have developed such language for your review and placed it in Section 9-302. The timeline provided in 9-302 does not implement apportionment of City into five wards until the 2029 election, when all Council seats will be up for election. This timeline is proposed to avoid the issue of "over representation" if the re-districting occurs sooner: some voters will be represented by a ward council member that represents the current 4-ward system *and* a ward council member that represents the new 5-ward system, while other voters are represented by only one ward council member. We believe this proposal is the most straight forward, least disruptive way to phase out the staggered council elections while re-districting the City into five wards.

Proposed Language

~~9-302 First Election Under This Charter~~

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

9-302 Apportionment of Five Wards

.1 The Election Commission shall meet and prepare an apportionment plan for five wards, in accord with this Charter and State law.

.2 The City Council shall adopt the apportionment plan at least 120 days prior to the 2029 primary election.

.3 The effective date of representation of the new wards shall be the date for

taking office of the first Council members elected therefrom, unless otherwise provided by this Charter.

IV. Chapter 4, Adoption of Charter

9-401 Submission Of Charter To Electorate

Proposed Language

This Charter shall be submitted to a vote of the qualified electors of the City of Lansing at the election on Tuesday, ~~August 8, 1978~~ **November 4, 2025**. All provisions for submission of the question of adopting this Charter at the election shall be made in the manner provided by law.

Sec 9-402 states the proposed the ballot language. It tracks the language required by MCL 117.23. It should remain as written.

Very truly yours,

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



Kristen L. Rewa

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

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 ()