

AGENDA

Committee on Equity, Diversity & Inclusion AGENDA FOR MAY 5, 2021 AT 6:00 PM



Access the meeting via: <https://us02web.zoom.us/j/88223124424> ; ID 882 2312 4424; Dial In (301) 715-8592 email
comments prior to the meeting at sherrie.boak@lansingmi.gov

All Councilmembers will participate virtually & may be contacted prior to the meeting at
city.council@lansingmi.gov 483-4177

Council Member Spitzley, Chairperson
Council Member Jackson, Vice Chairperson
Council Member Dunbar, Member

1. **Call to Order**
2. **Roll Call**
3. **Minutes**
 - A. April 14, 2021
4. **Discussion/Action:**
 - B. ORDINANCE Repeal Chapter 622, Section 622.01, a criminal misdemeanor under the general offenses code of the codified ordinances to eliminate drug paraphernalia.
 - C. ORDINANCE; Repeal Chapter 630, Section 630.12, a criminal misdemeanor under the general offenses code of the codified ordinances to eliminate loitering in places where controlled substances or drug paraphernalia is sold, used, etc
 - D. ORDINANCE; Repeal Chapter 650, Section 650.05, a criminal misdemeanor under the general offenses code of the codified ordinances to eliminate parental responsibility.
 - E. ORDINANCE; Repeal Chapter 664, Section 664.02, a criminal misdemeanor under the general offenses code of the codified ordinances to eliminate that no person shall disturb, without lawful authority, any public assembly or meeting of persons.
 - F. RESOLUTION -Support for House Bill 4275 - Amend Michigan Elliott Larsen Civil Rights Act
 - G. DISCUSSION - FY2021/2022 Budget Policies
5. **Public Comment on Agenda Items (Up to 3 Minutes)**
6. **Other**
7. **Adjourn**

To mitigate the spread of COVID-19 and to provide essential protections to vulnerable Michiganders and this State's health care system and other critical infrastructure, it is crucial that all Michiganders take steps to-limit in-person

contact, particularly in the context of large groups. Therefore, the above meetings will be conducted via audio/video conference.

The meetings are being held virtually in accordance with the Open Meetings Act, as amended in an effort to protect the health and safety of the public. Members of the public wishing to participate in the meeting may do so by logging into or calling into the meetings using the website or phone number above, and meeting ID provided. To provide input or ask questions on any item that is listed on the agenda, members of the public may contact the email address listed above under the meeting link.

Persons with disabilities who need an accommodation to fully participate in these meetings should contact the City Council Office at 517-483-4177 (TTY 711) 24 hour notice may be needed for certain accommodations. An attempt will be made to grant all reasonable accommodation requests.



Minutes

Committee on Equity, Diversity & Inclusion

Wednesday, April 14, 2021 @ 6:00 p.m.

<https://us02web.zoom.us/j/88223124424> ; ID: 882 2312 4424; Dial In: (301) 715-8592

Held virtually in an effort to protect the health and safety of the public & to mitigate the spread of COVID 19

CALL TO ORDER

Council Member Spitzley called the meeting to order at 6:02 p.m.

PRESENT via audio/video

Council Member Spitzley, Chair remotely from Lansing, Michigan

Council Member Jackson, Vice-Chair remotely from Lansing, Michigan

Council Member Dunbar, Member remotely from Lansing, Michigan

OTHERS PRESENT via audio/video

Sherrie Boak, Council Staff

Jim Smiertka, City Attorney

Lisa Hagen, OCA

Heather Sumner, OCA- arrived at 6:11 p.m.

MINUTES

MOTION BY COUNCIL MEMBER JACKSON TO APPROVE THE MINUTES FROM MARCH 31, 2021 AS PRESENTED. ROLL CALL VOTE, MOTION CARRIED 3-0.

DISCUSSION

DISCUSSION – Resolution on National Youth HIV & AIDS Awareness Day

MOTION BY COUNCIL MEMBER SPITZLEY TO APPROVE THE RESOLUTION. ROLL CALL VOTE, MOTION CARRIED 3-0.

ORDINANCE- Repeal Chapter 630, Section 630.14, a criminal misdemeanor under the general offenses code of the codified ordinances to eliminate loitering in places where prostitution or solicitation for lewd conduct occurs.

Ms. Hagen confirmed the OCA does not have any objection to repeal the Ordinance.

MOTION BY COUNCIL MEMBER JACKSON TO APPROVE THE ORDINANCE TO REPEAL CHAPTER 630.14. ROLL CALL VOTE, MOTION CARRIED 3-0.

ORDINANCE - Repeal Chapter 650, Section 650.04, a criminal misdemeanor under the general offenses code of the codified ordinances to eliminate playing in streets.

Ms. Hagen confirmed the OCA has no objection to the repeal of the Ordinance.

MOTION BY COUNCIL MEMBER JACKSON TO APPROVE THE ORDINANCE TO REPEAL CHAPTER 650.04. ROLL CALL VOTE, MOTION CARRIED 3-0.

ORDINANCE - Repeal Chapter 656, Section 656.04, a criminal misdemeanor under the general offenses code of the codified ordinances to eliminate prohibition of bicycles on riverfront park during an organized event.

Ms. Hagen confirmed the OCA has no objection to repealing this ordinance.

Council Member Spitzley confirmed there was public comment on all these ordinance amendments.

MOTION BY COUNCIL MEMBER JACKSON TO APPROVE THE ORDINANCE TO REPEAL CHAPTER 656.04. ROLL CALL VOTE, MOTION CARRIED 3-0.

ORDINANCE - Repeal Chapter 658, Section 658.03, a criminal misdemeanor under the general offenses code of the codified ordinances to eliminate annoying persons.

Ms. Hagen noted the OCA determined that "stalking" is defined under "annoying persons".

Council Member Jackson acknowledged the explanation and the conduct, agreed there might be a case where people walk up and ask for money. There is always a question on what does "annoyance" mean.

Council Member Dunbar asked OCA on how often this is prosecuted, and is it for a police officer to determine annoyance, or is it a complaint called in. Ms. Sumner stated that when this was written it was used because they did not have "sexual harassment" for definition, and used for types of harassment and annoyance. This would be where the victim stated it, and it would not be in the discretion of the officer. Council Member Dunbar asked if this was what covered street behavior harassment, and Ms. Sumner stated this would be the only charged used. Ms. Hagen confirmed they do occasionally see, but not often or used frequently. Council Member Dunbar confirmed to get rid of if not being used, but if an officer cannot make the call. Council Member Spitzley provided an example of "Cat-call" and feel threatened, is there nothing else on the books to address that, and Ms. Hagen stated that is correct, just this one. Council Member Jackson stated an ordinance can be created. Council Member Spitzley provided another example that if someone is walking down the street and feels threatened this would address that. Council Member Dunbar added it could also be written to address not just "cat-calling" but verbal debates. Council Member Spitzley asked if the Human Rights ordinance can address, and Ms. Sumner stated it would fall on the victim and could be a civil infraction, and that remedies are different then in the criminal justice system. Council Member Dunbar asked if the victim calls the police, is the aggressor still there. Council Member Jackson stated they might not call the police because it would be a onetime instant, but if it is reoccurring daily they could call the police, but he stated he could not speak directly to it. Ms. Sumner stated maybe it is not the ordinance but the name of it. Ms. Hagen stated that "annoyance" is not defined, and it could fall on the facts. Council Member Dunbar asked for the definition of accosting. Council Member Jackson asked about amending the ordinance to "willful harassment". Council Member Spitzley asked if the Committee would be interested on working more. Council Member Jackson asked the OCA to make the changes. Council Member Jackson acknowledged he was okay with working on this before passage. Ms. Sumner recommended leaving in "willful" but use something other than annoyance. Ms. Hagen stated the OCA could define in this ordinance what the synonym is. Council Member Jackson spoke on the need or lack of need for the whole ordinance. Council Member Spitzley suggested repealing this and work on something to replace in the event someone feels they are harassed they have something. Council Member Jackson concurred because in a situation where it occurs more than once it could be stalking. Council Member Dunbar we are trying to clean books of unnecessary contact with officers and residents, and get rid of petty charges, and over-policing. In this instance it is not up to the police to determine, but there has to be a person to call it in. Do not want to leave that opportunity for someone is being harassed and they don't have anything to address it. Council

Member Dunbar did not agree to repeal, but keep working on it, and which point set a new hearing with amendments. Council Member Spitzley stated if they can't come to resolution they will move to repeal. Council Member Jackson asked OCA to work on an amendment on harassing, and describes the contacts that rise to the level. Council Member Spitzley noted the name of the ordinance is problematic and subjective. Ms. Hagen confirmed they would work on it and bring back, and based on the discussion they would not include definitions. Council Member Jackson asked for a sentence that does not define but examples. Council Member Dunbar stated it has to be the engagement part, and Council Member Jackson asked them to look at "reasonable person".

ORDINANCE - Repeal Chapter 658, Section 658.06, a criminal misdemeanor under the general offenses code of the codified ordinances to eliminate that no person shall beg in any public place or go door-to-door requesting donations for personal gain.

Ms. Hagen stated the OCA has no objection to repealing this ordinance. Council Member Dunbar asked if there are any issues where people go door to door asking for money just for themselves, and Council Member Spitzley stated she has. Ms. Sumner stated that in terms of prosecution, that might be a crime they don't call the police about. Ms. Hagen if someone comes and you tell them no, and ask them to leave and they don't then it is trespassing. Council Member Jackson asked if it is unconstitutional to have a no-begging ordinance. Ms. Sumner state the case law spoke to aggressive pan-handling ordinance because it didn't go anywhere. Council Member Jackson asked if there was a Supreme Court case law that states it, noting he found on in 2016 vs. Willis, stating sidewalks are public places and you cannot tell people they can't.

MOTION BY COUNCIL MEMBER JACKSON TO APPROVE THE ORDINANCE TO REPEAL CHAPTER 658.06. ROLL CALL VOTE, MOTION CARRIED 3-0.

ORDINANCE - Repeal Chapter 680, Section 680.03, a criminal misdemeanor under the general offenses code of the codified ordinances to eliminate using profane language in a building or on any property adjacent to any building in the city occupied as public, private or parochial school.

Ms. Hagen stated the OCA has no objection to repealing this ordinance.

MOTION BY COUNCIL MEMBER JACKSON TO APPROVE THE ORDINANCE TO REPEAL CHAPTER 680.03. ROLL CALL VOTE, MOTION CARRIED 3-0.

ORDINANCE - Repeal Chapter 680, Section 680.06, a criminal misdemeanor under the general offenses code of the codified ordinances to eliminate borrowing money or a thing of value from a student at any school.

Ms. Hagen confirmed the OCA has no objection to repealing.

MOTION BY COUNCIL MEMBER JACKSON TO APPROVE THE ORDINANCE TO REPEAL CHAPTER 680.06. ROLL CALL VOTE, MOTION CARRIED 3-0.

ORDINANCE - Repeal Chapter 696, Section 696.02, a criminal misdemeanor under the general offenses code of the codified ordinances to eliminate that no person shall carry any firearm, air rifle, bow and arrow, slingshot, crossbow or other dangerous weapon in any public place.

Ms. Hagen noted the OCA does have concerns with the appeal, and in prosecuting has seen cases where people are walking down the street with swords, and machete's. Some weapons are preempted by State law. Council Member Jackson stated there is a City ordinances that speaks to "knife". Ms. Hagen stated it speaks only to knife, not sword or other weapons. Council Member Spitzley noted that "dangerous weapons" can be subjective. Council Member Dunbar asked Council Member Jackson what his original intent was with this, and has there been a systematic pattern where people were carrying. Council Member Jackson confirmed no, but he was looking at the ordinances where State laws pre-empt it. He then asked what else is

added, such as cross-bow, machete, etc. Council Member Dunbar asked if they are searching for a solution that does not have a problem. Council Member Jackson, per OCA it does expose that if repealed it would eliminated something to address things that aren't guns. Council Member Spitzley provided an example of someone walking on the street with a cross bow, with no intent, they could be in violation of this ordinance, and asked OCA what the key is. Ms. Sumner stated never had a case where someone wasn't brandishing it against someone. Council Member Jackson questioned carrying the weapon and not committing the crimes, so is it an issue. He stated it should not be criminalized. Council Member Dunbar stated if someone is carrying a knife or machete unsheathed, there might be a concern. Ms. Hagen provided an example and the need for the ordinance to curb the behavior where it makes people uncomfortable. Council Member Spitzley asked if portions of this are unconstitutional. Ms. Hagen stated it is not because of the exemptions of where it states if the State law says you can do it, you can do it. Council Member Jackson acknowledged that is why he originally proposed to get rid of it. OCA was asked what other ordinances would cover the example of using a sling shot to shoot stones at trees, and they stated this would be the only one. Council Member Spitzley asked if there is an ordinance already on the books that speaks to brandishing and cross bows, and Ms. Hagen stated no. Council Member Spitzley stated she does not like the subjective of "other dangerous weapons", and believes there needs to be something. Council Member Dunbar asked would people call the police. Ms. Hagen clarified that using a sling shot would be covered under "discharging". Council Member Dunbar asked if this was ever used to prosecute. Ms. Sumner stated that is where the intent is hard. Council Member Jackson noted that carrying or possessing is not bad behavior, but once you cross the line there are laws. Council Member Dunbar noted that carrying the weapon and a mental illness is where it could be problematic. Council Member Jackson stated he would be willing to continue to work on. Council Member Spitzley noted her concerns with the subjective words. Council Member Jackson proposed bringing it to final action, and if Council votes no then it dies. Council Member Spitzley had misgivings and not want to support at this time, but would consider voting it out of Committee, and Council Member Dunbar concurred she too was not sure if she would support at Council for final passage.

MOTION BY COUNCIL MEMBER JACKSON TO APPROVE THE ORDINANCE TO REPEAL CHAPTER 696.02. ROLL CALL VOTE, MOTION CARRIED 3-0.

DISCUSSION – FY2021/2022 Budget Policies

Council Member Spitzley noted an email from Council Member Betz asking for taking the American Rescue Funds towards engaging the public in a community budgeting process that will prioritize and allocate funds provided by the American Rescue Plan that are not allocated to backfill deficits caused by the COVID-19 pandemic. Council Member Spitzley suggested reviewing the Budget Priorities from October. Council Member Jackson stated he was looking for more specifics such as high speed internet in Lansing Housing Commission properties. Council Member Dunbar noted, when Council votes on the budget, the changes to this document can be recommended, discussed and made. Council Member Spitzley stated that every Council member can bring forth suggestions on May 10th for Committee of the Whole, but at the May 5th meeting this Committee would review past Budget Policies for ideas.

Public Comment/Listening Session- Limited to 3 minutes; sign up to speak will end 15 minutes after the first speaker starts

No public comment at this time.

Adjourn

Adjourned at 7:15 p.m.

Submitted by, Sherrie Boak

Recording Secretary, Lansing City Council

Approved by the Committee

ORDINANCE NO. [REDACTED]

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO REPEAL CHAPTER 622, SECTION 622.01, A CRIMINAL MISDEMEANOR UNDER THE GENERAL OFFENSES CODE OF THE CODIFIED ORDINANCES TO ELIMINATE DRUG PARAPHERNALIA.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 622, Section 622.01, of the Code of Ordinances of the City of Lansing, Michigan be and is hereby repealed in their entirety and shall be null and void and of no effect.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with these provisions are hereby repealed in its entirety and shall be null and void and of no effect.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance repeal shall take effect on the 30th day after enactment unless given immediate effect by City Council.

Approved as to form:

City Attorney

Date: _____



Andy Schor, Mayor

City of Lansing

OFFICE OF THE CITY ATTORNEY

James D. Smiertka, City Attorney

TO: City Council Members

FROM: The Office of the City Attorney

DATE: May 5, 2021

RE: Analysis of potential substitute charges pertaining to ordinances up for repeal

The following ordinances are currently being considered for repeal. A council member requested that OCA prepare a short analysis of other ordinances/state statutes that may cover the potentially repealed ordinances. Accordingly, please see below. It is important to note, the ability of LPD to cite/arrest, or OCA/ICPO to prosecute an offense, depends heavily on the unique factual basis of the specific events at issue. In addition, please note that if an alternative statute (MCL) is identified as an alternative to the potentially repealed ordinance, the Office of the City Attorney does not have jurisdiction to prosecute. All substitute MCL's identified would be handled by the Ingham County Prosecutor's Office, and the City would not receive any portion of the fine imposed.

622.01 – Drug Paraphernalia

- Ordinance Language:
 - (a) Drug Paraphernalia Defined.
 - (1) As used in this section, "drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of State or local law. It includes, but is not limited to:
 - A. Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances;
 - B. Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances;
 - C. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances;

- D. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances;
 - E. Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance;
 - F. Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;
 - G. Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived;
 - H. Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:
 - I. Air-driven pipes;1.Bongs;2.Carburetion tubes and devices;3.Carburetor pipes;4.Chamber pipes;5.Chillums;6.Electric pipes;7.Ice pipes or chillers;8.Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without screens, permanent screens, hashish heads or punctured metal bowls;9.Minature cocaine spoons and cocaine vials;10.Roach clips, meaning objects used to hold burning materials, such as marijuana cigarettes, that have become too small or too short to be held in the hand;11.Smoking and carburetion masks; and12.Water pipes;
 - J. Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances;
 - K. Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or otherwise cleaning or refining, marijuana; and
 - L. Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
- (2)In determining whether an object is "drug paraphernalia," a court or other authority shall consider, in addition to all other logically relevant factors, the following:
- A. Statements by an owner or by anyone in control of the object concerning its use;
 - B. Prior convictions, if any, of an owner or of anyone in control of the object, under any State or Federal law relating to controlled substances;
 - C. The proximity of the object, in time and space, to a direct violation of State law;
 - D. The proximity of the object to controlled substances;

- E. The existence of any residue of controlled substances on the object;
 - F. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object to deliver it to persons whom he or she knows intends to use the object to facilitate a violation of State or local law. The innocence of an owner or of anyone in control of the object, as to a direct violation of State law, shall not prevent a finding that the object is intended for use or designed for use as drug paraphernalia.
 - G. Instruction, oral or written, provided with the object concerning its use;
 - H. Descriptive materials accompanying the object which explain or depict its use;
 - I. National and local advertising concerning its use;
 - J. The manner in which the object is displayed for sale;
 - K. Whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor of or dealer in tobacco products;
 - L. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;
 - M. The existence and scope of legitimate uses for the object in the community; and
 - N. Expert testimony concerning its use.
- O (b) Possession. No person shall use, or possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of State or local law.
- O (c) Manufacture, Delivery or Sale. No person shall deliver, sell, process with intent to deliver or sell, or manufacture with intent to deliver or sell, drug paraphernalia, knowing that it will be used to plant, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of State law.
- O (d) Advertisement. No person shall place in any newspaper, magazine, handbill, sign, poster or other publication, any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.
- O (e) Exceptions. This section shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropractors, veterinarians, pharmacists and embalmers in the normal legal course of their respective business or profession, nor to persons suffering from diabetes, asthma or any other medical condition requiring self-injection; nor include drug paraphernalia sold, offered for sale, or given away by a Federal, State or local governmental agency, including a County Health Department or a nonprofit

corporation designated by the County Health Department, to prevent the transmission of infectious agents.

- (f) Civil Forfeiture. Any drug paraphernalia used, sold, possessed with intent to use or sell, or manufactured with intent to sell, in violation of this section, shall be seized and forfeited and may be destroyed after 60 days.
- Ordinances/statutes that may cover the above:
 - No ordinance or statute *directly on point* as it pertains to possession of drug paraphernalia
 - MCL 333.7453 addresses the sale of drug paraphernalia – directed toward sales – not possession. In addition, requires a notice period as follows: “(2) Before a person is arrested for a violation of subsection (1), the attorney general or a prosecuting attorney shall notify the person in writing, not less than 2 business days before the person is to be arrested, that the person is in possession of specific, defined material that has been determined by the attorney general or prosecuting attorney to be drug paraphernalia. The notice also shall request that the person refrain from selling or offering for sale the material and shall state that if the person complies with the notice, no arrest will be made for a violation of subsection (1).”

630.12 – Loitering in places where controlled substances or drug paraphernalia is sold, used, etc.

- Ordinance Language:
 - (a) No person shall knowingly loiter about any building, house, vacant lot, street, curblawn, alley, yard, apartment store, automobile, boat, boathouse, airplane or other place where controlled substances or drug paraphernalia is illegally sold, used, dispensed, furnished, given away or stored.
 - (b) "Controlled substance" shall be defined as it is in the Controlled Substances Act of the State of Michigan, M.C.L.A. 333.7101 et seq., as amended.
 - (c) "Drug paraphernalia" means any item as defined in Section 622.01.
- Ordinances/Statutes that may cover the above:
 - Trespass – 660.02
 - Frequenting places where controlled substances are maintained, stored, etc. – 630.13

650.05 – Parental Responsibility

- Ordinance Language:
 - (a) No parent of any minor shall fail to exercise reasonable parental control over such minor, which failure results in the minor committing any criminal act, or allow or encourage any minor to commit any criminal act.
 - (b) No parent of a minor shall encourage or allow such minor to be in any street, highway, alley, park, vacant lot or other public place in violation of Section 650.01. Proof that a minor was upon or in any public street, highway, alley, park, vacant lot or other unsupervised public place in violation of Section 650.01 shall be prima-facie evidence that the minor's parent allowed or encouraged the minor to violate such section.
- Ordinances/Statutes that may cover the above:
 - Contributing to the delinquency of a minor – MCL 750.145

664.02 – Disturbance of assemblies

- Ordinance Language:
 - No person shall disturb, without lawful authority, any public assembly or meeting of persons.
- Ordinances/Statutes that may cover the above:
 - Disorderly; fighting; loud and boisterous conduct, breach of the peace – 664.01
 - **Please note, 664.01(b) loud or boisterous conduct is being considered for repeal
 - Trespass – 660.02

ORDINANCE NO. [REDACTED]

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO REPEAL CHAPTER 650, SECTION 650.05, A CRIMINAL MISDEMEANOR UNDER THE GENERAL OFFENSES CODE OF THE CODIFIED ORDINANCES TO ELIMINATE PARENTAL RESPONSIBILITY.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 650, Section 650.05, of the Code of Ordinances of the City of Lansing, Michigan be and is hereby repealed in their entirety and shall be null and void and of no effect.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with these provisions are hereby repealed in its entirety and shall be null and void and of no effect.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance repeal shall take effect on the 30th day after enactment unless given immediate effect by City Council.

Approved as to form:

City Attorney

Date: _____

ORDINANCE NO. [REDACTED]

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO REPEAL CHAPTER 664, SECTION 664.02, A CRIMINAL MISDEMEANOR UNDER THE GENERAL OFFENSES CODE OF THE CODIFIED ORDINANCES TO ELIMINATE THAT NO PERSON SHALL DISTURB, WITHOUT LAWFUL AUTHORITY, ANY PUBLIC ASSEMBLY OR MEETING OF PERSONS.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 664, Section 664.02, of the Code of Ordinances of the City of Lansing, Michigan be and is hereby repealed in their entirety and shall be null and void and of no effect.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with these provisions are hereby repealed in its entirety and shall be null and void and of no effect.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

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Approved as to form:

City Attorney

Date: _____

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing City Council is committed to ensuring equal opportunity and equal access to county services to all residents of Ingham County, Michigan and other members of the public; and

WHEREAS, the Lansing City Council recognize that people of color have historically been subjected to and continue to be subjected to discrimination based on hair texture and protective hairstyles; and

WHEREAS, the Lansing City Council recognize that a recent study found that Black women face the highest instances of hair discrimination, are more likely to be sent home from the workplace because of their hair, and that 80 percent of Black women felt they needed to switch their hairstyle to align with more conservative standards in order to fit in at work; and

WHEREAS, beginning in California in July 2019, The CROWN Act (“Creating a Respectful and Open Workplace for Natural Hair”) has now been adopted in at least seven states and legislation is under consideration in more than twenty other states, as well as in the United States Congress; and

WHEREAS, in Michigan, State Representative Sarah Anthony of Lansing introduced House Bill 4275 in February 2021 to amend Michigan’s Elliott Larsen Civil Rights Act (“ELCRA”), MCL 37.2101 et seq., to include the definition of “race” as “inclusive of traits historically associated with race, including . . . hair texture and protective hairstyles . . .”; and

WHEREAS, the Lansing City Council recognize that discrimination based on hair texture and protective hairstyles is a form of racial discrimination and social injustice and inconsistent with the Ingham County Board of Commissioners’ dedication to equal opportunity and equal access to county services to all residents of Ingham County, Michigan and other members of the public.

THEREFORE BE IT RESOLVED, that the Lansing City Council hereby supports Representative Sarah Anthony’s House Bill 4275 to amend Michigan’s Elliott Larsen Civil Rights Act (“ELCRA”). MCL 37.2101 et seq., to include the definition of “race” as inclusive of traits historically associated with race, and to declare that the term “Race” or “race” as used in the revised Equal Opportunity Plan shall be defined as being inclusive of traits historically associated with race, including, but not limited to, hair texture and protective hairstyles. For purposes of this definition, “protective hairstyles” includes, but is not limited to, such hairstyles as braids, locks, and twists.

FY 2021/2022 Budget Policies

In accordance with the State Uniform Budget and Accounting Act (Public Act 2 of 1968), the City of Lansing's annual appropriations, as set forth in the annual budget resolution, shall be made in accordance with Generally Accepted Accounting Principles (GAAP) and shall apply to all funds except internal service funds, debt service funds, permanent funds, and trust and agency funds.

The City's fiscal year is July 1 through June 30. In accordance with the City Charter, on or before the fourth Monday in March, the Mayor submits to the City Council a proposed operating budget for the fiscal year commencing the following July 1. No later than the third Monday in May, the Council adopts the budget and sets the property tax rates for the ensuing fiscal year.

Appropriations are set forth in the annual budget resolution. Authority to transfer between appropriations is dictated by City Charter; however, additional administrative budget transfer authority is granted for the following instances. The Administration is requested to submit to Council quarterly reports of such transfers.

Wastewater Funds – the transfer residual State Revolving Fund (SRF) loan and/or bond proceeds between projects and project segments.

Flood Control – the transfer of funds for flood control and/or storm sewer purposes to address flooding or unanticipated storm sewer maintenance needs.

Major and Local Street (Act 51) Funding – Transfer authority is not limited by departmental allocation, and administrative authority is included for appropriation of MDOT special authorization funding.

Parking System – the transfer of capital project accounts from operating accounts is permitted to meet bid or unforeseen capital needs.

Debt Service Funds – the transfer of residual balances between general obligation bond debt service accounts.

Vacancy Factor/funded and unfilled Positions - The budget includes an attrition vacancy allowance in each department's budget. The Administration is requested to provide Council on a quarterly basis, thereafter, a list of vacant positions by department. The Administration is also requested to provide, on a quarterly basis, a detailed list by Department of all positions by title, FTE, wages and fringes, and impact on programs

and/or services which are included within this allowance. The personnel wages and fringes associated with all positions identified above, and any such position vacated, thereafter, shall be placed in a budget control account, and will require City Council approval for expenditure.

In addition, administrative authority is granted for the transfer of wage and fringe benefit reserves to departmental budgets upon settlement of a collective bargaining agreement.

Carryforwards

Authority is granted to reappropriate available capital project balances as of June 30, 2021 into the FY 2021/2022 budget. All non-capital balances require City Council approval to carryforward, except for encumbered (purchase order) obligations less than \$5,000 and not more than 8 months old.

- Human Services and Community Supported Agencies Funding

The plan for funding Agencies submitted to Council designate particular Agencies. If any agency does not apply for or use their funding, all funds will remain in their respective account(s) for additional appropriation and approval by Council for Human Services and Community Supported Agencies use pursuant to the Charter transfer authority. The Administration/Human Relations Community Services Department is requested to submit to Council a quarterly report on the status of the Human Services and Community Supported Agencies' funding. This report should include the accounting level detail appropriation; amount spent, balance, and a notation as to whether the balance of funds is expected to be spent by the end of the Fiscal Year; if not, why.

General Fund Reserve Policy

The City's General Fund reserves consist of the General Fund balance and the Budget Stabilization Fund. Use of and contributions to the Budget Stabilization Fund are dictated by Ordinance section 218.05.

The targeted unrestricted balance for the combination of the General Fund balance and the Budget Stabilization Fund is a minimum of 12% of General Fund expenditures and a maximum of 15% of General Fund expenditures. Except when projected revenues (excluding transfers) are projected to decrease more than 0% in a given year, if events necessitate that the combined balances drop below 12% of General Fund expenditures, annual appropriations of a minimum of \$500,000 will be made until the 12% target is reached. In the event that combined reserves are projected to exceed 15% of General Fund revenues, the excess amount will be used to supplement pension and/or retiree healthcare prefunding.

Debt Management

Appropriations are made to adequately fund annual debt service obligations. Adherence will be made to required debt service reserves, where applicable, as well as to the provision of annual disclosures as required by outstanding bond obligations.

Investment Policy

Management of cash investments is governed by the City's investment policy and in accordance to State statute, with the objective being the maximization of return on the City's governmental funds through pooling of funds where appropriate and permitted, monitoring of interest rates and fee structures. Investments of the Employee Retirement System, the Police and Fire Retirement System, and the VEBA, are governed those respective boards and dictated by their respective investment policies.

Strategic Planning and Budget Development

In working toward the goal of the incorporation of strategic planning into the budget process, this next year, Administration is encouraged to work towards developing a multi-year budgeting process. This process should align the City's master plan, strategic goals, and performance metrics to short-term and long-term budget priority-setting by Council in accordance with Financial Health Team recommendations.

Civil Actions, Claims, and Damages

Whenever a claim is made or any civil action is commenced against the Mayor, a City Council member, a non-bargaining unit employee, or a Lansing retirement board trustee (collectively in this provision "the Employee") for damages caused by an act or acts of the Employee within the scope of his or her authority and while in the course of his or her employment with the City or his or her duties on behalf of the retirement board, the City will pay for, engage, or furnish the services of an attorney to advise the Employee as to the claim and to appear for and represent the Employees in the action. If the City Attorney does not provide the attorney services, the attorney selection shall be made by the City Attorney in the manner the City Charter requires. The City may compromise, settle, and pay a claim before or after the commencement of any civil action. Whenever any judgment for damages caused by the act or acts of the Employee covered under this provision is awarded against the Employee as the result of a civil action, the City will indemnify the Employee or will pay, settle, or compromise the judgment. The City's obligations under this provision, however, is contingent upon the Employee giving prompt notice of the commencement of the action and upon the Employee cooperating in the preparation, defense, and settlement of the action. The term "scope of authority" under this provision does not include any act or acts of Employee (i) fraud, (ii) dishonesty, (iii) willful,

intentional, or deliberate violation of the law or breach of fiduciary duty, (iv) criminal act, or (v) traffic violation; nor does this provision abrogate or diminish governmental immunity.

Grants

In order to receive timely Council consideration of the approval of any grant award, every application for any grant requiring legislative approval shall be submitted to Council, and, upon notification of the award of such a grant, the acceptance shall be submitted to Council. Once accepted administrative authority is granted to create necessary accounts and transfers in accordance with the requirements of the grantor. Any grant that can be applied for administratively should be submitted for Council review within 10 days of the application.

Transparency and Accountability in Government

Council will review, and when necessary, pass policies, procedures and ordinances to achieve improved transparency and accountability with respect to economic incentives, outsourcing of service and contracting within City government.

Non-Motorized Vehicle Safety

Public Service is encouraged to develop a strategy and program to protect bike lanes at busy intersections to increase rider safety and educate motorists on proper interaction with bike lanes at intersections. If possible, the barriers should be removable to facilitate street sweeping and snow plowing.

Environmental Stewardship

The City of Lansing is concerned about its environment and strives to be a good steward of such. The City recognizes the importance of sustainability and supports the Paris Agreement. The City recognizes to reduce the City's net emissions output, increase its energy efficiency and improve its wastewater treatment and waste management programs.

Lansing Home Ownership Program for Employees (L-Hope)

L-Hope shall cover these groups, all full time and part time year round employees, whose bargaining units have agreed to participate in the program, and the following non-bargaining employee groups: Executive Management Group, Non-Bargaining Group, Mayoral Staff, District Court employees, and the City Council Staff employees, and shall continue as funded.