City of Lansing Charter Commission Regular Meeting Agenda

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

November 26, 2024 at 6:30 PM

1. Call to Order

2. Roll Call

3. Adopt the Agenda

4. Approval of Minutes

A. November 12, 2024 Minutes

5. 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/c8870bbd-c2fb-4e8b-998cd8f51ac2499d@87509dee-095b-4ff8-ba5a-0035cdfc715d

6. Officer Reports

A. Chair

B. Vice-Chair

C. Clerk

7. Old Business

A. Article 1-302: Non-Discrimination and Civil Rights

B. City Council Structure

8. New Business

A. Article 1: Line-by-Line Review

9. Public Comment

10. Commissioner Remarks

11. Adjournment

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

Minutes for the City of Lansing Charter Commission

Regular Meeting | Tuesday, November 12, 2024, 6:30 PM
Tony Benavides City Council Chambers,
Lansing City Hall, 10th floor, 124 W. Michigan Ave.

Present: Commissioners Adams Simon, Anderson, Bauer, Dowd, Jeffries, Lopez, Qawwee (6:33), Washington
Absent: Commissioner Boyd (excused)
Staff Present: City Clerk Swope, Deputy Clerk Drever, Attorney Rewa

Call to Order

The meeting was called to order by Chair Jeffries at 6:30 PM.

Roll Call

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

Adopt the Agenda

Moved by Commissioner Dowd to adopt the agenda as presented.

Motion Carried.

Approval of Minutes

A. October 22, 2024, Minutes

Moved by Commissioner Lopez to approve the October 22, 2024, minutes as presented.

Motion Carried.

Public Comment

Randy Dykhuis spoke about listening to people outside of known power structures.

Loretta Stanaway spoke about the decision to keep a strong mayor government and the Board of Water and Light. Then she suggested a City Council structure of 5 wards and 2 at-large members.

Heath Lowry spoke about expanding ward-based representation on the City Council.

Amarah Tiller spoke about fluoride in the City's water.

Mike Marriott spoke about a nine-member City Council, with four ward members, four district members, and one at-large member.

Dierdre Thompson spoke about fluoride in the City's water.

Fredric McLaughlin spoke about focusing on community development in the City Charter.

Officer Reports

Chair- No Report.
Vice Chair- No Report.
Clerk- No Report.

Presentations

A. Board of Water and Light

David Price, Board of Commissioners Chair, and Dick Peffley, General Manager, from the Board of Water and Light, presented about the role of the Board of Water and Light. Then they took questions from the commissioners about hydropower, fluoride, rate increases, the board composition, solar power, transparency and communication, and budget.

Old Business

A. City Council Structure

i. Legal Opinion

Attorney Rewa explained in open session that there is not a conflict of interest present for Commissioners with relatives on the current City Council.

ii. Discussion

Vice-Chair Adams Simon: for the purposes of discussion, I move to amend the charter to adopt a new Council structure of 4 wards and 3 at-large.

Commissioner Anderson: I would like to thank the people who spoke today and did public comment specifically about this. I think there is a lot of validity in expanding the number of wards to ensure that there is more representation, and I think Heath mentioned a higher diversity of perspectives.
I know there was a conversation point last meeting about our at-large council members are the most diverse council, I would encourage us to look beyond racial diversity and look at socioeconomics, varying levels of ability, etc. This is the first time I've ever seen at-large as diverse as it is, and that's not a guarantee going forward.
Most of the time I've paid attention to local government, most of the at-large lived in the same neighborhood, had similar socioeconomic status, similar races, similar genders, etc. I would encourage us to look beyond that, I don't think that reducing or getting rid of at-large seats means people have less representation. Just because you're elected for a ward doesn't mean you only care about your ward, you still care about the city as a whole. It allows for more direct representation.

Commissioner Washington: I served on Council when half of the council was from the same ward, plus the mayor plus the city clerk, and that's the danger. As far as the at-large seats having diversity, the reality doesn't support that narrative: every person on council is from a protected group.
I will still fight that people in lower socioeconomic groups are only going to get proper representation from their people that understand their way of life. As Commissioner Anderson said it's not just about race, it's about age, it's about diversity of thought, diversity of experience. We need the middle class, we need the higher class, they need representation too. These at-large seats, you cannot guarantee diversity. I served when there were seven women and one man: it's always a mix-up. The at-large seats don't make sense for true representation of people that aren't getting true representation.
It is cost prohibitive for somebody in public housing units to run for office; they will never be able to run to represent their neighborhoods. It is no slam against anybody that ever ran for office and got at-large. We're not doing this charter for days gone by, we're doing this charter for five years, ten years, maybe 20 and if we continue the way we're continuing, we are not going to be sitting at 112,000 people. The hope is the city will grow, and with that we are bringing in a lot of low-income people that deserve proper representation from their people.

[Commissioner Washington]: I have had a lot of conversations with people, I'm everywhere, Commissioner Anderson is everywhere. And frankly, the idea of these at-large seats is not washing. It may have been good for days gone by, but those days are gone. It's time to think progressively, to think about true representation. We have a more diverse population, a poorer population, and we have people that deserve representation from their people. I don't think lessening the amount of council members is the answer. I truly believe expanding the wards and having ward members only.

Commissioner Lopez: I would like to have conversation about the various proposals; If we make this decision right now, we really haven't looked at the potential of other proposals. I have thought about districts, larger districts than wards. I think we owe the community a conversation of each proposal, and then come to a decision, whatever that is. At least we've taken the community's thought, advice, and proposals to heart. At the end of the day if we don't agree, that's another story, but at least we paid attention and moved on those things, looked at the pros and cons, and then came to a decision. It may still be the same decision, but at least we looked at their recommendations. I would hope that we kind of take a step back and look at the various proposals, what makes sense what doesn't is there a rule and regulation that doesn't allow that. My main point is that we should give each recommendation its due review.

Commissioner Qawwee: I think we should table this and have further discussion. As far as us expanding, the population of Lansing is not expanding. We want it to, and that's the objective. I would hate for us to expand it and we don't move that way for another 15-20 years. I do believe it should be an odd number, whatever we come up with. I'm not going to the at-large or ward. We could maybe put in a provision, if the City gets to 150,000 citizens, then it triggers an addition of council members. As far as us expanding it to nine right now, I don't agree with that.

Commissioner Bauer: I support everyone who has said we should not be voting on this tonight. This issue is more important to the people, than the strong mayor issue. The number, but more than that the ward/at-large. I would hope that we might say something so that the public knows that this is before us, that we are going to be talking about it during our meetings. So, if they want their feelings heard, they let us know. I would hate to make any decisions quickly even though we've been talking about it. I think the public does not realize that part, so I feel strongly that we need to get that word out that this is a topic that's going to be addressed soon.

Vice-Chair Adams Simon: I agree with what everyone saying about this, and I know that the public has come down, they've spoken on it time and again and we appreciate it. Like we did with the strong mayor decision, we need solid research. We've all done our own research and have our own opinions but understanding that outside opinion: what would it look like if we expanded the wards. We need to look at the numbers and how the districts and the representation of those districts shape up. My concern is, and I can be corrected, right now there are three people on council form the third ward. We need to have representation of the entire city. I would like that information first. I've done my own research, and I've listened to the public, but I don't want a situation where someone comes back and says, you didn't listen to the public. I don't think there's any more we can do, the public has sent in information, and they've come to meetings. It's more important to get some solid data and numbers regarding what our city and what our future looks like.

Commissioner Washington: I don't think this is as critical as deciding on the strong mayor. At the end of the day, we are going to have a council, it's just what does that look like.

Commissioner Qawwee: I move to table.

Motion Carried.

New Business

A. January – June 2025 Meeting Schedule

Commissioner Dowd moved to approve the schedule.

Motion carried.

B. Article 1-302: Nondiscrimination and Civil Rights

Attorney Rewa: There is a legal letter opinion with the language and some of the law that may pertain to this. There has been some direction, it seems that the direction the Commission is going, they would like to add some revised language to section 1-302, and I need further guidance in terms of what the scope of that is. Some of the discussion that's been had in the past is on the characteristics that are listed in the current language, which is outdated and incomplete as it pertains to what the current civil rights laws state. It's not just what's listed as the characteristics, but also what is the scope in terms of how you think that this should be drafted.

As it currently stands, Article 1-302 says "In the exercise of its powers or in the performance of its duties the City and all of its agencies shall ensure," so, the scope of this provision as it currently exists is limited to public service discrimination type laws, and ensuring against public service discrimination as the city delivers its services, but when we look at civil rights laws in general and antidiscrimination laws in general, there tends to be various buckets that the laws apply to, employment, public services, public accommodation, housing, education, etc. It's broad.

Some discussion needs to be had and some direction for me, what is the scope of the revision you are envisioning putting into this? Is it simply an updated list of characteristics, or something more broad? To that end I did provide a couple ideas at least to get this started. These are not the only options. To the extent you're looking at this as a cleanup and modernization, we did propose language to add more recent terminology, so instead of handicapped we have disability, because that is the current language in federal and state law. We added to the characteristic language, all characteristics which apply to public services which would include the City as defined in state law. We did not delete any characteristic, so the recommended option one would be to have the list of characteristics be 'race, religion [which would be new], creed, political orientation, color, national origin, marital status, sex, sexual orientation (which would be new), gender identity or expression, age, disability, breastfeeding a child or is expressing human milk.'

The other thing you may wish to consider as well is this is an area of law which constantly evolves. So perhaps adding some language to allow for this to encompass any additional characteristics as determined by the law as something that needs to be protected. You're sort of incorporating what an ordinance, state law, or federal law may provide.

The other option two, if you're looking at something more broad in terms of a policy statement of anti-discrimination in general, we looked to the Human Rights Ordinance, which is the most recent legislative policy of the City of Lansing: "All forms of discrimination adversely affect citizens of Lansing." Putting that language in and having you look at is it something more broad that you'd like to do. You may want to consider keeping some statement providing for equal protection of the laws. When we're talking about antidiscrimination, it's not just looking at characteristics, but also respecting people engaging in their fundamental rights, so freedom of speech and things like that: putting that proviso "or other characteristic as defined by law" to allow for this to continue to expand.

Remember the charter sets a floor, not a ceiling. You are setting the floor which is the base area that should guide city policy and city ordinance, but also allowing it to expand as the years go on.

Commissioner Dowd: Between option one and two, it is pretty great our city has a robust Human Rights Ordinance, and it seems to me that it would be a no-brainer option to put that as the floor. You're proposing language that would allow this to adapt as we move forward without having to make changes in language. So, it would include any additional protections identified by law?

Attorney Rewa: Under option two, the language would be, or other characteristic as defined by law. If you look up in option one, you could also say, or other characteristic as defined by law or ordinance. Allowing that additional statement in there understands that this continues to evolve.

Commissioner Qawwee: I had a question because there are a couple that I would like to add. Can I send those to you, and you can add them?
The one I had here had, in concurrence to applicable laws, there shall be no discrimination against any employee with respect to compensation, terms/conditions, privilege or opportunity for employment, race, color, religion, sex, including pregnancy, gender, gender identity, gender expression, veteran status, medical condition, and has including genetic characteristics, sexual orientation, age, national origin, disabilities as defined in ADA, linguistic characteristics such as accent or limited English, English proficiency where not substantially job related, marital status, or any other basis prohibited by law.

Chair Jeffries: Send that to us, and we will pass it around. Any other questions or comments?
Okay so from here we are going to get that additional information, we are going to address Commissioner Dowd's concern and make sure that's taken care of, and then you'll [Attorney Rewa] bring back to us final language and we can deal with it at the next meeting.

C. Article 2-103: Ineligibility for Office

Attorney Rewa: There's another opinion laying out the current provision in the City Charter regarding felonies and looking at some of the law as it pertains to this. Preemption is going to be an issue you need to know about, because it will apply in provisions we discuss later, but this is not one of them. The current provision in the charter is not preempted by what is in the state constitution. Preemption generally speaking means a local law cannot allow what state law prohibits, and a local law cannot prohibit what state law allows. In this case, the state constitution provides that these things are the floor. A local elected official cannot have these types of felonies. There is a specific provision in the constitution which says you can have additional regulations and qualifications. You can go above it if you want, but you don't have to.
To the extent you want to adopt what the state constitution provides, there are a few options. You can simply just strike the felony provision, then it's just the state constitution that's going to apply, or you can modify the language that's currently in the charter to reflect what is in the state constitution. One thing that's nice about striking or adopting state law is that also allows the benefit of having case law that interprets the state constitution apply to provisions here. There is not a lot of case law about challenging provisions of a candidate's eligibility for office. There is one potential weakness that had been discovered, in that when you are interpreting the application of the constitutional prohibition, it does not apply to felony behavior conducted while in office of a federally recognized tribal nation. That's the only defined limitation.
We do have some proposed language that would adopt the constitutional provision exactly as it would apply to the City of Lansing.

Chair Jeffries: I was trying to understand the relationship between Article 5-103: Appointment of Board Members, as it relates to the elective office and 2-103. The way I read it, 5-103 pertains just to board and commission members. A limitation for appointment to board and commissions, there's no prohibition against a felony conviction.

Attorney Rewa: Correct. Currently, the provision we are looking at, 2-103: Ineligibility for Office, says any person that has been convicted of these things shall not be able to hold city office. City Office is not defined, but officer is. The way officer is defined, keep this in mind, officer includes elected officials of the city, which does include members of boards and commissions, their executive staff, all heads of department and divisions. That's why we have to look at the charter as a whole. When we get to 5-103: Appointment of Board Members, there is a specific carve out that the felony prohibition does not apply to those appointed boards and commissions, it's just the elected officials, the executive staff of members of boards and commissions, and heads of departments and divisions.

Chair Jeffries: Would it make sense to amend both provisions then to include the constitutional language?

Attorney Rewa: I don't know that you necessarily need to do that. If we're doing line by line, we can look at that when we get to that point. The other thing to keep in mind is, if you're adopting the Michigan constitutional provision, it only applies to local elected officials. It wouldn't apply to appointed boards or employees, only the specific identified employees listed in the constitution.
I'm always going to put an asterisk when we talk about employees because there's going to be preemption that comes up about employee rights and collective bargaining. I don't think those apply in this situation given the high level of employee the constitutional provision applies to.
I think if you adopt this, I don't think you necessarily need to preserve it, but that should be a cleanup later.

Chair Jeffries: I think it makes sense for both provisions to say if you're running for office or for an appointment, it's the same criteria.

Attorney Rewa: That would be broader than the Michigan constitution currently requires, in terms of scope of who it applies to.

Chair Jeffries: The particular language in 5-103 was an amendment that passed through City vote in 2022, so we should keep that in mind as we look at it.

Commissioner Qawwee: so, the add-on of 20 years was passed in 2022?

Chair Jeffries: The 5-103 that took away the felony issue for board and commission appointments, that was taken out by the voters.
In terms of where we are, what are you [Attorney Rewa] looking for from us?

Attorney Rewa: If the commission wants me to come back with language that would include the application of this limitation, or this definition of the 20-year felonies, to also apply to the appointed boards and commissions, then let me know that and I can look at how to draft that.

Commissioner Qawwee: I think we were looking at the opposite, removing that 20-year felony part.

Chair Jeffries: I think the conversation has been with the public; they're pointing out the constitutional language which includes the 20-year felony but for very limited acts …

Attorney Rewa: Dishonesty, deceit, fraud, or breach of public trust.

Vice Chair Adams Simon: Like you stated earlier, if we strike it totally, it would default to state constitution.

Attorney Rewa: It would default to state constitution. So we understand, the state constitutional language applies to local elected officials, so anyone subject to election: it's a felony specifically within the deceit, dishonesty, fraud, provision; and the facts are such that the deceit happened within the scope of employment

[Attorney Rewa]: of a public office.
In the one case I mentioned, this Paquin case, there was an individual who was a police chief and on the board of directors of a Tribal Nation that was convicted of a felony for doing some shady things with federal funds. Later, he goes on to be a candidate for a local office for a city. Originally, he was denied being a candidate for the city, and he fought it, and it went to the courts. The court said the plain and unambiguous language of how the constitutional provision applies did not apply to him because the felony had to happen within the scope of engaging in duties public office, which is defined as a local, state, or federal government, and a tribal government does not fall within that.
For example, if you have a candidate convicted of embezzlement for a local nonprofit, and it was 2 years ago, the state constitution does not prohibit that person from running, so that person can still be eligible to run.
You have to look at who is this applying to within the structure of city government, and what types of laws and conditions of the laws are you looking to have this apply to.

Chair Jeffries: How do we want to move on this?

Commissioner Anderson: I move to have the language written in the charter and aligned with what is in the state constitution.

Chair Jeffries: So, we are going to use the constitutional language and replace the language in 2-103.1.

Attorney Rewa: For clarification, because the exact language of the state constitution is a little different than we prepared, are you talking specifically about the language in Option 2?

Chair Jeffries: Yes

Motion Carried.

Public Comment

Randy Dykhuis spoke about the roles of the Board of Water and Light's Board of Commissioners in management and governance.

Loretta Stanaway spoke about a proposed City Council structure of 5 wards and 2 at-large members.

Fredric McLaughlin spoke about Donald Shoup's book, The High Cost of Free Parking.

Nicholas Pigeon spoke about campaign finance and redistricting.

Mike Lynn spoke about antidiscrimination policy and action; Article 2-103 Ineligibility for Office; and increasing the number of council members.

Heath Lowry spoke about UNC School of Governance as a source of research for a City Council structure.

Ryan Kost spoke about the experience of representing a large ward as an individual and the cost of running a campaign.

Commissioner Remarks

No remarks were made.

Adjournment

The meeting was adjourned by Chair Jeffries at 9:02 PM.

Drever, Emery

From: Bob Worthy <bob@worthycompany.com>
Sent: Monday, November 11, 2024 12:28 PM
To: Jeffries, Brian; Chartercommission
Cc: Boyd, Elizabeth
Subject: [EXTERNAL] Revision of section 5-102-12 of the city charter
Attachments: LBWL charter revision suggestion.docx

Brian and Lansing Charter revision committee:

Back in July, I submitted a proposal for a very minute revision to the Lansing city charter concerning the board for commissioners for the Lansing Board of Water and Light. In its simplest terms I am asking for the removal of all language that prevents the three commissioners form the Board's service outside the city limits from voting and granting the one commissioner with a one-year term a four-year term, which will provide that all commissioners have the exact same authority and not having the three classes of commissioners we now have by charter.
My goal was to stop in and make a in personal presentation, but my schedule has a lot of moving pieces, and that has not worked out to date.
Thuse I would like to forward the Commission my thought process in support on my proposal, and some relevant background to better understand how we got the current charter language.
My support document is attached above:
I will try to attend your November 26th meeting, to answer your questions in person.
Best regards,

Bob Worthy
Delta Township resident and LBWL customer
517-204-6430
8650 W MT Hope Hwy
Grand Ledge, Michigan 48837

LBWL charter revision suggestion

Who:

I am a lifelong Lansing area resident, born in Lansing and have lived in Lansing's west side or Delta Township my entire life. I am making this suggestion as an individual, but I am a Commissioner for the LBWL from Delta Township. Neither the LBWL or Delta Township has authorized me to talk on their behalf.

How we got here:

The LBWL originally had 8 commissioners from the wards and at-large positions just like every other commission within the City of Lansing. In 2014, after the devastating ice storm of 2012-2013 three additional commissioners were added, one for East Lansing with a 4 year term, one for Delta with a 4 year term, and all the other areas served by the Board with have one commissioner with a one year term. The added commissioners are specified as non-voting or advisory commissioners. Which is what needs to be changed.

Basic question to be answered:

Is there any reason to have two classes of commissioners or why are the commissioners discriminated against based on where they live?

LBWL originally provided power and water for the citizens of only Lansing. But over the years, LBWL added service areas outside the city to reduce the rates for the city consumers due to economies of scale. In doing this, LBWL created stakeholders of all the consumers from outside areas as well as the city consumers. And a basic American principal is that all stakeholders deserve full representation on the LBWL commission. Which is what I am proposing. The only way we can ensure full representation is if all commissioners are allowed to vote.

How can non-Lansing citizens serve on a Lansing commission?

All the pushback I have received with this suggestion goes like this: the city owns the Board; thus, you can't vote because you don't live I the city. This argument sounds good on its surface but is really a false analogy.

The LBWL's commission is unlike any other city commission. Take the Parks and Recreation commission (P&R). The P&R commission receives the bulk of its operating budget from Lansing city tax dollars. While LBWL receives **NO** money from tax dollars, in fact LBWL sends an enormous check each year due to the city's ownership of the Board. The P&R commission is a part of city government; thus, it can only pass resolutions that can have an effect within the city boundaries. While LBWL is a municipal corporation which is owned by the city of Lansing, but NOT part of the city of

Lansing, and can pass resolutions that have effect wherever the corporation has customers regardless of city boundaries.

My proposal just is saying all stakeholders in LBWL should have a voice in the direction of the LBWL, not just the ones who live in the city. Where one lives is not important. The current charter says the commissioners need to be in the Boards service area, so all are required to be stakeholders, that is what is important here.

A Look at discrimination:

Discrimination is normally something to be avoided and frowned on, but it can be reasonable under certain conditions.

Let's look at the P&R commission again. Because this commission receives the bulk of its funding from the Lansing taxpayers, P&R charges non-Lansing city residents a fee to enter a city park while not charging city residents. But this discrimination seems reasonable as P&R commission is providing a service for the city residents, and if others want to use this service it seems reasonable to charge them a modest fee.

LBWL discriminates against commissioners based on where they live citing the above logic, but LBWL receives **no** tax dollars from the city like the P&R commission and all the other Lansing commissions. This discrimination is in no way defensible by the same logic. The LBWL's commissioners are tasked with giving direction to the LBWL, and unless all stake holders are fully represented the commission cannot accomplish that.

The one-year term for one commissioner representing all outside service areas other than East Lansing and Delta:

This provision is really the height of hypocrisy, if the addition of this commissioner was to give the outside areas representation, it cannot work on any level based a one-year term, because the LBWL is a colossal entity with hundreds of employees, four highly complicated operating business units and billions of dollars of assets. My experience is you need to be on the board for a year and a half to have a basic functional understanding of the Board's operation, thus you can never really offer any helpful suggestions ever if all you have is a one-year term.

Conclusion:

The current system provides no real representation for non-city jurisdictions, who have stakeholders in the Board's operation. It is hard to argue with a system that treats all commission members equally and gives equal representation to the commissioners of all stakeholders. The current system promotes a sense of hostility between the members due to the difference in authority and a board without such distractions will function much more smoothly.

I really believe the addition of the 3 commissions in 2014 was a political band-aid to solve the lack of representation for the outlying service areas that the storm made apparent but cannot really be addressed unless the charter is again revised to give all commissioners equal authority to vote and equal terms of service.

One of the major tenants of the LBWL is diversity and inclusion. How can an entity which prides itself on these principles condone the discrimination contained in the city charter that discriminates on the level of a commissioner's authority based on where they live? All stakeholders deserve equal representation. This should not be a novel concept.

Thank you for your time and consideration, I hope to attend your November 26 committee meeting and answer any questions or concerns you may have. Please feel free to reach out to me via email, text or phone in the meantime.

Best regards,

Bob Worthy

517-204-6430

Drever, Emery

From: Mitch Rice <ricem1957@gmail.com>
Sent: Monday, November 11, 2024 2:36 PM
To: Chartercommission; Clerk, City
Subject: [EXTERNAL] 11-12 meeting agenda items 9 B & C

to all Commissioners:

for agenda items 9 B & C: our input

B. Article 1-302: Non-Discrimination and Civil Rights - add these categories: sexual orientation & gender orientation.

C. Article 2-103: Ineligibility for Office : remove the word felony from the article.

Regards,

Mitch & Candy Rice
2nd Ward residents

Drever, Emery

From: Olivia Vaden <oliviamaevaden@gmail.com>
Sent: Monday, November 11, 2024 8:06 PM
To: Chartercommission
Subject: [EXTERNAL] Lansing Charter Commission Meeting
Attachments: Screenshot 2024-11-11 at 7.56.38 PM.png; Screenshot 2024-11-11 at 7.57.44 PM.png; Screenshot 2024-11-11 at 7.57.05 PM.png; Lansing Charter Commission - Data Trasnparency.docx; Lansing Charter Commission - City Council Configuration .docx; Lansing Charter Commission - Public Meeting Notice.docx

Good evening,

In preparation for tomorrow's Charter Commission meeting, I have provided input on three key areas of interest: data transparency, city council configuration, and public meeting notices. The documents are attached. Please let me know if you have any questions.

I would also like to point out that it is 8:02 p.m., less than 24 hours before the meeting, and the calendar on the City of Lansing website does not include the charter commission meeting, nor does the City of Lansing official Facebook account. Screenshots are included.

Kindly,
Olivia Vaden

To: Lansing Charter Commission
From: Olivia Vaden
Date: November 11, 2024
RE: Data transparency standards

In the United States, several cities are making significant strides in promoting data transparency. They provide residents, developers, and organizations with access to a wide array of datasets. These cities use data to improve governance, enhance services, and foster innovation.

The City of Lansing should be held to a high standard of data transparency to ensure residents have a full understanding of how their rising property taxes have been spent, how each city department is investing (or maybe underinvesting) in their neighborhoods, and whether or not elected officials vote along the values they campaigned on. Unless the charter reflects a standard of radical transparency, the administration decides what level information-sharing standards it wants to operate under.

The City of Lansing's open data platform is outdated and lacks a user-friendly design. For example, the portal utilizes links to direct users to other sites. This design defeats the purpose of a portal. https://data-lansing.opendata.arcgis.com/

Creating stronger transparency guidelines that aim to create an all-encompassing data portal that is user-friendly and consistently updated will lead to more residents' involvement, data-informed decision-making, and stronger long-term outcomes for the city.

Robust data transparency standards must be adopted for Lansing to compete in the 21st-century economy and respond to emerging issues.

For your convenience, I have outlined common themes and best practices surrounding data transparency understood by many municipalities worldwide.

I have highlighted key points for your consideration.

Key Benefits of Data Transparency:

- **Improved Governance**: Public access to data promotes accountability and allows citizens to hold governments accountable for decisions and spending.
- **Increased Trust**: Transparency in data builds trust between governments and citizens, especially when the data is used to address societal challenges.
- **Sustainability and Smart City Initiatives**: Many cities use data transparency to drive sustainable urban development and improve the quality of life through smart technologies.
- **Civic Innovation**: Open data allows developers, entrepreneurs, and civil society to create new solutions to urban problems. This includes, but is not limited to:

    - **Research and Analysis**: Researchers can use open data for academic, environmental, health, and economic studies, driving insights that benefit society.
    - **Efficiency**: Governments can use open data to streamline operations, improve service delivery, and optimize resource allocation, informed by data-driven insights.
    - **Innovation**: Open data fuels innovation by enabling developers, startups, and researchers to create new applications, technologies, and services. For instance, open transportation data might help developers create apps to optimize public transit routes.

Common Themes in U.S. Cities Promoting Data Transparency:

- **Open Data Platforms**[1]: Most cities provide centralized online portals for accessing public data. These portals are designed to be user-friendly and provide easy access to government datasets. Examples include but are not limited to:
    - **San Francisco**: https://datasf.org/opendata/
    - **Chicago:** https://data.cityofchicago.org/
    - **Philadelphia:** https://opendataphilly.org/ and https://www.phila.gov/programs/open-data-program/
    - **Minneapolis:** https://opendata.minneapolismn.gov/
    - **Cleveland:** https://data.clevelandohio.gov/
    - **Detroit:** https://data.detroitmi.gov/
- **Public Safety and Services**: Common datasets often include crime statistics, public health data, traffic patterns, and information on government services such as 311 requests and building permits.
- **Civic Engagement**: Cities that have adopted open data platforms emphasize using open data to engage citizens in city planning, budgeting, and policymaking. Events like hackathons, data challenges, and workshops are commonly used to facilitate collaboration.
- **Smart City Initiatives**: Cities are increasingly using open data to develop smart city solutions, focusing on sustainability, energy efficiency, and urban mobility.

[1] These data platforms are examples. They are not perfect examples without flaw and should not be taken as such.

Best Practices for Open Data Portals:

- **Data Standardization**: Ensuring that data is structured and standardized allows for easier access and analysis. Consistent formats, units, and terminology make it easier for users to interpret and use data.
- **Public Engagement**: Successful open data portals engage the public, researchers, and developers through events like hackathons, workshops, and challenges. This encourages new applications and creative solutions based on the data.
- **Data Quality and Maintenance**: Keeping datasets up-to-date and ensuring the quality and accuracy of the data is crucial. Many portals include version control and allow for data corrections when necessary.
- **User Support**: Offering clear documentation, tutorials, and support resources helps users understand how to access and use the data effectively. Providing examples of how data can be applied to real-world problems is also helpful.
- **Licensing**: Open data should be accompanied by clear licensing, typically permissive licenses (e.g., Open Data Commons, Creative Commons) that allow users to reuse, redistribute, and build upon the data.

References

1. https://www.clearpointstrategy.com/blog/technology-local-government-transparency

2. https://www.opendatasoft.com/en/blog/the-importance-of-data-governance-to-municipal-data-portal-success/
3. https://www.govpilot.com/blog/local-government-data-driven-decision-making
4. https://www.governing.com/finance/a-chance-to-make-government-financial-data-transparent-and-user-friendly
5. https://closup.umich.edu/news/2022/new-law-data-transparency-will-improve-governance-leiser

To: Lansing Charter Commission
From: Olivia Vaden
Date: November 11, 2024
RE: City Council Configuration

TLDR; A city council should have an **odd number of members** to ensure that decisions can be made without deadlocks, foster clear decision-making, and better reflect the community's interests.

Summary of Key Benefits:

- **Clear majority**: An odd number of members guarantees that votes are settled without ties.
- **Encourages collaboration**: Promotes coalition-building and consensus among council members.
- **Avoids gridlock**: Reduces the likelihood of decision-making being stalled by deadlock.
- **Balanced representation**: Ensures that the final decisions reflect the views of the majority of council members.
- **Decisive leadership**: Provides clearer leadership roles and accountability, especially in case of tie-breaking situations.
- **Democratic integrity**: Strengthens the principle of majority rule in decision-making.
- **Increased efficiency**: Leads to more effective and faster decision-making, ensuring city governance is responsive.

The question of the City of Lansing's government structure was one of the most discussed topics surrounding the vote to open the charter and eventually elect residents

to the commission. This brief will focus on the at-large council seats and ward configuration.

In the past, Lansing residents have seen a city council that had overrepresentation from a single ward. Overrepresentation from one ward is dangerous and can lead to inequitable funding and policy outcomes that affect the entire city.

To ensure this doesn't happen moving forward, the commission should seriously consider a shift in council configuration language within the city charter. This can be accomplished in several ways, including, but not limited to:

1. Increasing the number of wards from four to seven and reducing the number of at large seats from four to two,
2. Eliminating at large seats altogether and increasing the number of wards from four to five or seven, or by
3. Increasing the number of councilmembers per ward from one to two and reducing the number of at large seats from four to three.

The commission must consider a reconfiguration that reduces the possibility of overrepresentation from one ward and creates a council with an odd number of members. Below, I have outlined why an odd number of council members is in the best interest of residents and key stakeholders.

1. **Prevents Ties in Voting**
    a. An odd number of council members ensures that there is always a **clear majority** for votes, preventing the possibility of a tie. In councils with an **even number of members**, a split vote (e.g., 4-4) could result in deadlock, where no decision can be made unless a special tie-breaking mechanism is in place (such as a mayor's casting vote). However, even a tie-breaking vote can lead to disputes or frustration over the lack of clear consensus.

2. **Encourages Collaboration and Consensus-Building**
    a. **Focus on cooperation**: With an odd number of members, council members must work harder to build coalitions and seek common ground to achieve a majority. This helps avoid the polarization or stagnation that can arise in even-numbered councils where compromise can be more difficult. In a 7 or 9-member council, members may need to collaborate and engage in more dialogue, ensuring that the final decision reflects the views and needs of a broader segment of the community rather than a narrow group.

3. **Reduces the Risk of Gridlock**

a. **Avoids paralysis**: Deadlocks in council voting are particularly problematic because they can delay important decisions, such as budget approvals, policy changes, or emergency responses. Having an odd number of members ensures that the council will always be able to break ties and make decisions promptly, avoiding unnecessary delays. Whether it's passing ordinances, approving contracts, or making urgent decisions, consistently achieving a majority vote is essential to smooth governance. An even number of members creates a higher likelihood of **gridlock**, which could undermine effective city management.

4. **Reflects a Balanced Representation**
   a. **Fairer decision-making**: In a well-structured city council, it's important that all voices are heard, but that decisions are made in a way that reflects the collective will of the majority. With an odd number of members, there is a more straightforward mechanism for determining the majority, ensuring that decisions are based on a clear consensus rather than a tie or stalemate.

5. **Enhances Leadership and Accountability**
   a. **Clear leadership roles**: An odd number of members helps to clarify the role of the council president or mayor, especially if there is a **casting vote** for the mayor in the event of a tie. This ensures that there is a definitive process for resolving disputes and ensures accountability for decisions.

      The presence of a tie-breaker role can add clarity and provide a mechanism for ensuring that decisions are not indefinitely delayed by a deadlock.

6. **Promotes Stronger Decision-Making**
   a. **More decisive governance**: An odd-numbered council reduces the likelihood of weak decisions, where neither side of an issue gets enough votes to pass their agenda. With a majority vote, the decision-making process is generally quicker and more decisive, which is crucial in fast-paced urban governance where quick responses to issues (such as zoning changes, public health measures, or emergency responses) are needed.

      A clear majority vote helps avoid scenarios where a deadlock could result in the postponement of critical decisions, such as dealing with a public safety crisis or approving vital city development plans.

7. **Reflects Democratic Principles**
   a. **Majority rule**: One of the cornerstones of democracy is the concept of **majority rule**—decisions should be made by the majority of elected representatives. An odd number of members ensures that a true majority

is reached, making it clear who has the support of the most council members.

8. **Increases Efficiency in Meetings**
    a. **Simpler decision-making**: With an odd number of council members, the process of decision-making tends to be more streamlined. There is less time spent deliberating on **deadlocked votes** or trying to reach a consensus, leading to quicker resolutions and more effective governance. This helps ensure that city councils can address issues efficiently and avoid unnecessary delays.

       Meetings tend to be more productive because members are encouraged to work toward building a majority rather than simply adhering to a strict divide.

To: Lansing Charter Commission
From: Olivia Vaden
Date: November 11, 2024
RE: Public meeting notifications and limitations of the Open Meetings Act

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TLDR; Broadly notifying the public about meetings is not just about compliance with the law—it's a fundamental practice to ensure that **government actions remain open**, **inclusive**, and **responsive** to the needs of the entire community. By prioritizing broad notification, agencies demonstrate that they value transparency, accountability, and public engagement. This approach helps ensure decisions reflect the input of all affected parties, fostering better governance and stronger civic trust.

To ensure that public meetings are broadly notified, agencies can utilize multiple channels to reach a wide audience, including:

- **Website Posting**: Agencies should post meeting details on their official website.
- **Social Media**: Using platforms like Facebook, Twitter, Instagram, or Nextdoor helps reach a diverse, often younger audience.
- **Email Alerts**: Agencies can maintain a mailing list of interested residents or stakeholders and send out email notifications about upcoming meetings.
- **Traditional Media**: Press releases in local newspapers, TV stations, and radio stations can help reach people who may not be as digitally connected.
- **Community Outreach**: Posting flyers in public spaces (libraries, community centers, etc.), organizing reminder calls, or engaging local community leaders can help reach underserved groups.
- **Language Access**: Offering translation and interpretation services for non-English speakers ensures all community members are included.

Requiring agencies to broadly notify residents about public meetings is crucial for ensuring that government processes are **transparent**, **inclusive**, and **accountable**. Unfortunately, the standard for what qualifies as proper notification is insufficient.

According to section 15.264 of the Michigan Open Meetings Act (OMA), a public notice for a public body shall always be posted at its principal office and any other locations considered appropriate by the public body.

Although the OMA requires meetings to be open and accessible to the public, its enforcement mechanisms are often seen as weak. For instance, violations of the law typically result in **declaratory rulings or** potential civil fines, but there are limited legal tools to immediately stop improper actions or compel government bodies to follow the law.
Without more substantial penalties or enforcement tools, the OMA's effectiveness can be diminished. Public bodies may be more inclined to engage in "gray area" practices or disregard transparency requirements without significant consequences. Even if violations are identified, the process of holding government officials accountable can be slow and cumbersome.

The OMA does require that public bodies provide adequate **notice of** meetings, but the **timeliness** and **method** of notification can be insufficient. For example, public bodies are required to post notices in public places or on their websites, **but the law does not mandate that notices be widely distributed or accessible through modern digital platforms like social media.**

This lack of modernized notification standards means that many members of the public, especially those not actively monitoring the agency's website or physical bulletin boards, may not be informed about upcoming meetings. Furthermore, **last-minute meetings** or changes in scheduling may not be adequately communicated, leading to the public being excluded from the decision-making process.

While the OMA ensures that meetings are open to the public, it does not always require public bodies to make **documents and records related to meetings** publicly available. The Act primarily governs meeting transparency, but there are no blanket requirements for making meeting-related documents (e.g., agendas, minutes, reports) **easily accessible** to the public beforehand.

The lack of clear requirements for access to meeting materials reduces transparency. Citizens might not have the information they need to make informed comments or understand the context of a meeting's discussions. This is especially important for meetings where complex decisions are made, and **advance notice of materials** could help the public engage more meaningfully.

The OMA provides that if a meeting is improperly closed, the decision made during that meeting is **voidable**. Still, this process is often difficult to initiate, and the law does not mandate automatic accountability for violations.
While the law offers some remedies, the burden often falls on the public to **challenge violations**. This can discourage citizens from seeking redress, as the process may be time-consuming or costly. Public bodies may also be less motivated to comply if the consequences of violating the law are perceived as weak.

The OMA applies primarily to **governmental bodies with decision-making authority** (such as city councils, school boards, or county commissions). Still, it may not fully cover **advisory boards or commissions**. While advisory bodies are often composed of public members, they may not be subject to the same level of oversight or transparency under the OMA.

This allows **informal decision-making processes** to occur in spaces with less public oversight. Advisory boards may discuss issues that will later be formalized in a decision-making body. Still, their meetings may not be subject to the same public meeting requirements, which could create a gap in transparency.

While Michigan's Open Meetings Act is an important step toward transparency, these flaws limit its effectiveness in promoting true public participation and government accountability. Addressing these issues—such as broadening the definition of a meeting, strengthening enforcement, updating notification methods, and ensuring broader access to meeting documents—would significantly enhance the public's ability to engage with and hold government officials accountable for their decisions.

I encourage the Lansing City Charter Commission to consider adopting language that sets a high standard of transparency for City of Lansing public meetings to ensure equitable public participation in policymaking.

Additional requirements of the Michigan Open Meetings Act, guidance regarding public notice, internet postings as notice, and timeframes in which public notice must be provided can be found here: https://legislature.mi.gov/Laws/MCL?objectName=MCL-15-265 and here: https://mml.org/resources-research/information/oma_foia/

Drever, Emery

From: Swope, Chris
Sent: Monday, November 11, 2024 9:57 PM
To: Olivia Vaden; Chartercommission
Subject: RE: [EXTERNAL] Lansing Charter Commission Meeting

Thanks for your note. I will leave the substantive issues for the Charter Commissioners to address if they wish. As to the transparency of the meetings:

- The Charter Commission has its own Facebook page where tomorrow's meeting is posted. Please see https://www.facebook.com/profile.php?id=61562558933301, The general City of Lansing Facebook page relates to the administration of the City, not the Charter Commission.
- The Charter Commission meeting is posted on the City's main website. It appears the calendar you were looking at was filtered to show only Council Committees; the Charter Commission is not a committee of the City Council. If you hover over the "government" tab at the top of the City page you will find the Charter Commission.

Sincerely,

Chris Swope, MMC/MiPMC level 3 | pronouns: He/Him
Lansing City Clerk

Michigan Association of Municipal Clerks (MAMC), Past President

Lansing City Clerk's Office
City Hall/Main Office | 124 W. Michigan Ave. | 9th Floor | Lansing MI 48933
Reo Elections Office | 1221 Reo Rd. | Lansing MI 48910
Main: (517) 483-4131
Direct: (517) 483-4130 | Mobile: (517) 230-1566
chris.swope@lansingmi.gov
Website | Facebook | Twitter

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From: Olivia Vaden <oliviamaevaden@gmail.com>
Sent: Monday, November 11, 2024 8:06 PM

To: Chartercommission <Chartercommission@lansingmi.gov>
Subject: [EXTERNAL] Lansing Charter Commission Meeting

Good evening,

In preparation for tomorrow's Charter Commission meeting, I have provided input on three key areas of interest: data transparency, city council configuration, and public meeting notices. The documents are attached. Please let me know if you have any questions.

I would also like to point out that it is 8:02 p.m., less than 24 hours before the meeting, and the calendar on the City of Lansing website does not include the charter commission meeting, nor does the City of Lansing official Facebook account. Screenshots are included.

Kindly,
Olivia Vaden

Drever, Emery

From: Anna Stouffer <stoufferhopkins2@gmail.com>
Sent: Thursday, November 14, 2024 10:43 AM
To: Chartercommission
Subject: [EXTERNAL] A proposal on Council policy

Dear commissioners,

I appreciate you taking the time to review thoroughly the make up of city council. I know you have a lot of choices to look at with this, but I wanted to add an idea to your list. You have a unique opportunity to not only change the make up of the city council, but also limit how money manipulates our local politics.

Here is my proposal:
7 ward members, 2 at-large members
Each ward member would represent roughly 15k people;
But make it so every time the population rises by between 20k to 40k, 2 new ward members are added. This allows our council to transform with the population, and you don't have to rely on the next charter commission(s) to change it.

I know there are concerns with the at-large seats being 'bought' so to avoid this you could include a provision restricting campaign finance to keep big money out of our local elections. This doesn't have to be limited to the council either.
Restricting contrubutions to 30% of what the state currently allows, would be a huge step in the right direction. Lansing can lead by example of what we feel the state and federal elections should look like. If you want to be at-large, or even mayor, then you have to meet the people of the city, not buy the seat.

The state limits are outlined here:
https://www.michigan.gov/sos/-/media/Project/Websites/sos/CFR-Limits/Local-Level-Office-Contribution-Limits-Jan2023.pdf?rev=58617cbfc1cb4888912b348317fab3c1&hash=2A1ECF52B05C974F637AE596E8760E9C

As always thank you for your time and consideration in these matters.

-Anna, citizen and observer

November 14, 2024

Hometown People. Hometown Power.

Sent via Email and U.S. Mail

Lansing City Charter Commission
City Hall
124 W. Michigan Avenue
Lansing, MI 48933
chartercommission@lansingmi.gov

Lansing City Charter Commission,

At the Charter Commission meeting on November 12, 2024, the Lansing Board of Water & Light (BWL) committed to provide additional information regarding the BWL's proposed amendments to Charter Section 5-204. Withdrawal of Funds.

As stated at the meeting, an ordinance (copy attached) was adopted in 1988 that authorizes the BWL to disperse funds from its own depository bank with the General Manager and Secretary of the Board (or designee) as signatories:

> In accordance with Section 5-204.4 of the City Charter, the Board of Water and Light is hereby authorized to disburse moneys of the Board by checks issued by the Board, through the Secretary, on a designated depository bank, and signed by not less than two of the following: the Secretary of the Board and the Director and General Manager or his or her designated representative. Lansing Ordinances, §248.01.

The ordinance invoked Section 5-204.4 of the Charter which authorized the City Council to adopt an alternative to the deposit and withdrawal procedure set forth in subsections .1 - .3 of Section 5-204:

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

The BWL's current practice for deposit and disbursement of BWL funds is consistent with the 1988 ordinance, and the proposed amendment to Section 5-204 is likewise supported by the ordinance. In short, the BWL has been and will remain in compliance with both the ordinance and the Charter, as updated by the ordinance.

Sincerely,

Mark Matus

Mark Matus
General Counsel

CHAPTER 245. CITY MARKET*

245.01. Designation of area.

In conjunction with Article 4, Section 301.3(4), of the City Charter, which affirms the City Market as an agency of the City, on and after the completion of the New City Market Facility the permanent location of the City Market is hereby established as the area encompassed within the boundaries of Riverfront Park South of East Shiawassee Street and north of vacated Mill Street.

Provided that the establishment of this location shall not restrict the use or development of the air space above the horizontal plane of the parcels or the subsurface below the parcels. The City Market location shall not change until completion of the new City Market Facility on Riverfront Park.
(Ord. No. 946, 5-6-96; Ord. No. 1150, § 1, 12-14-09)

TITLE 8. BOARDS, COMMISSIONS AND AUTHORITIES

CHAPTER 248. BOARD OF WATER AND LIGHT†

248.01. Disbursement of funds.

In accordance with Section 5-204.4 of the City Charter, the Board of Water and Light is hereby authorized to disburse moneys of the Board by checks issued by the Board, through the Secretary, on a designated depository bank, and signed by not less than two of the following: the Secretary of the Board and the Director and General Manager or his or her designated representative.
(Ord. No. 776, 4-18-88)

CHAPTER 250. PLANNING BOARD

Editor's note—Provisions relating to the Planning Board are codified in Chapter 1212 of Part Twelve - the Planning and Zoning Code.

CHAPTER 251. BOARD OF ZONING APPEALS

Editor's note—Provisions relating to the Board of Zoning Appeals are codified in Chapter 1244 of Part Twelve - the Planning and Zoning Code.

CHAPTER 252. BUILDING BOARD OF APPEALS

Editor's note—The Building Board of Appeals is established by Section 204 of the Uniform Building Code, as adopted by Section 1420.01 and amended by Section 1420.02 of Part Fourteen - the Building and Housing Code.

CHAPTER 254. PLUMBING, ELECTRICAL AND MECHANICAL BOARDS

Editor's note—Provisions relating to the Plumbing, Electrical and Mechanical Boards are codified in Chapters 1422, 1424 and 1426, respectively, of Part Fourteen - the Building and Housing Code.

CHAPTER 255. BOARD OF PUBLIC SERVICE

255.01. Powers and duties.

The Board of Public Service shall continue as it existed on August 8, 1978. Additionally, the Board of Public Service shall carry out the functions formerly performed by the Traffic Board, which is hereby abolished.
(Ord. No. 1192, § 1, 10-27-14)

Editor's note—This chapter has been established to provide a place for cross references and any future legislation.

Cross references—Department of Public Service - see CHTR. Sec. 4-308; ADM. Ch. 226; Boards generally - see CHTR. Art. V; As Review Board for appeals from Stormwater Enterprise Fund charges - see S.U. & P.S. 1052.08.

*__Cross references__—Agencies of the City - see CHTR. Sec. 4-301.3; Advertising, billposting and handbills - see GEN. OFF. Ch. 606; Nuisances - see GEN. OFF. Ch. 655; Littering; unlawful deposits - see GEN. OFF. 676.01, 676.02; Downtown Mall and Environs - see B.R. & T. Ch. 812; Peddlers, solicitors and transient merchants - see B.R. & T. Ch. 844.

†__Cross references__—Water quality - see Mich. Const. Art. 4, Secs. 22, 52; M.C.L.A. Secs. 67.38, 323.1 et seq.; Water supply generally - see Mich. Const. Art. 7, Sec. 24; M.C.L.A. Secs. 46.171 et seq., 123.111 et seq., 325.201 et seq., 486.51 et seq., 486.101 et seq.; Electricity generally - see Mich. Const. Art. 7, Secs. 24, 25; M.C.L.A. Secs. 486.201 et seq.; Electrical Code in home rule cities - see M.C.L.A. Secs. 117.3, 117.4b et seq., 117.4f; Municipally owned utilities; home rule cities - see M.C.L.A. Secs. 117.4b, 117.4c, 117.4e, 117.4f, 117.4h, 117.35; Water supply in home rule cities - see M.C.L.A. Secs. 117.4b, 117.4e, 117.4f, 117.35, 123.115; Boards generally - see CHTR. Art. V; Board of Water and Light generally - see CHTR. Art. V, Ch. 2.

November 15, 2024

Lansing City Charter Commission
City Hall
124 W. Michigan Avenue
Lansing, MI 48933
chartercommission@lansingmi.gov

Sent via Email and U.S. Mail

Lansing City Charter Commission,

At the Charter Commission meeting on November 12, 2024, the Lansing Board of Water & Light (BWL) committed to providing additional information on several of the Charter Commission's follow-up questions. On November 14, 2024, a response regarding the ordinance authorizing BWL to disburse funds from own account, was sent to the Charter Commission electronically, and a copy was placed in the U.S. mail. This letter addresses the outstanding questions from the meeting, which are outlined in the headings below.

Rate Strategy Communication Plan
2024 rate increase copied previous communication plans for rate strategies, which were recognized by public relations professionals with an excellence award in 2023. This year, rate increases were discussed beginning in May at an open meeting with the BWL Board of Commissioners, where the budget and forecasted rates were available in the meeting's packet, and again in July as an informational update ahead of the special meeting in August. In addition, a press release was issued to all local media and posted to the BWL website on August 20 ahead of the BWL Board Special meeting and on August 27 immediately following the Board's approval of the increase, which outlined the rate increases. A public notice was also published in the Lansing State Journal for awareness of the special meeting. Additionally, we supported over 20 news articles to local TV, radio, and print outlets on rates stories.

Our tenth Community Resource Fair was held on Wednesday, October 2, where BWL customer service representatives were on-site to personally assist customers with bill questions, concerns, and connect customers who are struggling to dollars and resources in the community. This date was specifically chosen immediately after the increase to ensure that we could promptly respond to questions or concerns from customers.

We also opened our doors to all customers for a "Bright Idea Series" on Thursday, September 19, and again on Thursday, October 10, to first share information on the Hometown Energy Savers program and ways to save, and then to talk about time of use rates and how customers can use them to their benefit. The on-bill messaging for all customers in September promoted the upcoming resource fair ahead of the expected increase. The October on-bill messaging reflected the approved increase, and November provided information on resources to seniors over 65 and low-income customers on protection plans.

The new rates were published on the BWL website two weeks before going into effect, and BWL's rate calculators were all updated to 2024 rates ahead of October 1, so customers could see the change. BWL leverages social media to promote ways customers can engage with us to save money and energy, and where to go for help if they're struggling.

Observed Time-of-Use Holidays
BWL's time-of-use holidays are determined by the North American Electric Reliability Corporation (NERC) and the Midcontinent Independent System Operator (MISO), and include New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. Holidays that the City of Lansing recognizes that are not included in the off-peak rate are Martin Luther King Jr. Day, Good Friday, Juneteenth, Veterans Day, Day After Thanksgiving, Christmas Eve, and New Year's Eve. These holidays are provided on our website:
https://www.lbwl.com/customers/pay-bill/understanding-time-use-rates

Billing of Water Hydrants to Municipalities
The BWL provides fire hydrant service under rate code W06 which details the annual fire hydrant service charge per hydrant in a public or private service territory. Fire hydrant service for municipals is contracted between the BWL and each municipality that it serves, outlining billing frequency, billing reconciliations, true-ups, and surcharge arrangements on behalf of the municipality. In addition to the fire service charge, the municipality is billed for excessive use of water for fire system testing and any water used by the fire service for non-fire-fighting purposes.

Process For Customers to Purchase Bonds.
Customers may either purchase bonds on the primary market, becoming the initial owner of a bond(s), or on the secondary market, becoming an owner of a resold bond(s). In either case, the customer must establish, or already have, a brokerage account allowing them to buy investments. Bonds are typically sold in denominations of $5,000, however, $1,000 denominations were made available for the 2019B bonds and could be made available again as needed or requested before issuance.

For a primary market purchase, the process is generally as follows:

- Public notice is posted on Electronic Municipal Market Access (EMMA) or published by the BWL, including the Preliminary Official Statement, which customers may download to learn more about the issuance.
- Customer must have a brokerage account with one of the underwriting banks listed on the EMMA notice or the cover of the Preliminary Official Statement. If the customer does not have a brokerage account with one of these banks, they could establish one.

- Depending on the services available through their brokerage account, the customer may be able to make the purchase using only online account access or may need to contact their broker directly with the details of the purchase.
- The purchase is initiated a few days before the actual sale of the bonds.

For a secondary market purchase, the process is generally as follows:

- Customer must have a brokerage account or establish one.
- Depending on the services available through their brokerage account and the inventory of investments available for their account, the customer may be able to make the purchase using only online account access or may need to contact their broker directly with the details of the purchase such as the bond identification number.

We want to thank you once again for the opportunity to present to the Charter Commission on November 12. We hope this information answers your questions. If there are any additional questions, please don't hesitate to reach out.

Sincerely,

Richard R. Peffley

Richard R. Peffley

Drever, Emery

From: Carol Jo Kelley <caroljokelley@gmail.com>
Sent: Saturday, November 16, 2024 3:08 PM
To: Chartercommission
Subject: [EXTERNAL] BWL

As a retiree of Lansing Board of Water & Light , I want to express my STRONG opinion that the BWL remain an INDEPENDENT body and essentially STAY THE SAME as it is now!

The citizens of Lansing deserve the best rates and service the BWL has.been providing for many, many years. If it were not to remain an independent entity and were sold, then our retirement funds would be at risk. DO NOT LET THIS HAPPEN!

The BWL MUST NOT BE SOLD!!!

R.N. Kelley
Retiree

Drever, Emery

From: Pat Sickler <pasickler@yahoo.com>
Sent: Monday, November 18, 2024 2:30 PM
To: Chartercommission
Subject: [EXTERNAL] Comments about BWL

Dear Charter Commissioners,

As a retiree of the BWL, I feel that the BWL should stay an independent body. BWL Board of Commissioners' appointments should be made by the Mayor. BWL Board of Commissioners should be confirmed by the council.. Please keep BWL the same as it is now.

With all respect,
Patricia Sickler, Retiree

Lansing City Charter Commission Comment Submission Form

11/19/2024 5:47 PM (EST)

Lansing City Charter Commission Comment Submission Form

First Name	David
Last Name	Riddle

Lansing City Charter Commission Comment Submission Form

Topic	Definitions, Due Process, and Enforceability
Comment	Please rein in the so-called Public Service Department. They assess what are called "fees" or "billing" as a consequence of an alleged violation of a city ordinance without any court action. They change the definitions of words without any City Council action. Suggestion #1: Other than taxes, a "fee" is a result of citizen action (building permit, any licensing, etc.). A non-tax charge initiated by government is a "fine" requiring court action (due process of law). Presently, the "Public Service" department assesses a charge of $75 for accusing a property of two violations in a calendar year. And they are NEVER WRONG. It's like the Police sitting in judgment of an arrest and should NOT be allowed. They send private contractors to a property without a court order and the crew destroys landscaping (called weeds) and steals outdoor furniture, a storm door, and empties the recycle bin (all called trash) and "bills" the property owner's taxes. All for an alleged ordinance violation. Suggestion #2: The Mayor (Executive Branch) shall NOT change the common definitions of words without approval of the City Council (Legislative Branch). "Snow that has fallen" should NOT include snow placed on the sidewalk by snowplows (1020.06 and Bernero letter). "Weeds" should NOT include landscaping plants. City Council please define "trash" (see above). In December 2023 the City sent a crew that destroyed landscaping at my son's home (rose bush, English ivy, euphorbia, and more) and "billed" him for the destruction. With no court action. Because they are always right. Lansing is a dictatorship. When I owned the property, yarrow was declared a "weed" by "Public Service" and it took 18 months to reverse that determination. "Billing" appeared on my taxes. I was guilty until I proved my innocence. NOT due process. Ideally, the City Council would produce a list of plants declared to be "weeds". Don't allow changes to common definitions. Suggestion #3: Please provide an enforcement process for violations of the City Charter. A citizen should NOT have to hire an attorney for restoration of their rights. I'm not sure what that process should look like, but please try to include something specific for restorative justice. Thank you.--Dave Riddle

Drever, Emery

From: Hector Valdez <valdez.hector@hotmail.com>
Sent: Wednesday, November 20, 2024 1:43 PM
To: Chartercommission
Subject: [EXTERNAL] Board of Water and Light

Dear members of the Charter Commision:

Thank you in advance for you kind attention to this matter.
I simply write in support of keeping the Lansing Board of Water and Light in its current governing form. The Boards' fiscally responsible, efficient, and community-oriented service model has served it's owners; the citizens of Lansing, well.

Sincerely,
Hector Valdez

1. HV

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2851 CHARLEVOIX DRIVE, S.E., SUITE 203 ▪ GRAND RAPIDS, MICHIGAN 49546 ▪ PHONE: (616) 975-7470 ▪ FACSIMILE: (616) 975-7471

Kristen L. Rewa
krewa@cmda-law.com

November 22, 2024

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

Re: Section 1-302 Non-Discrimination And Civil Rights

Dear Mr. Jeffries:

This letter addresses Article I, Chapter 3, Section 1-302 in the City Charter and provides proposed language for the Commission to review, based on Commissioner comments at the November 12, 2024 meeting. This letter is in addition to the previous letter, dated November 7, 2024.

City Charter, Article I, Chapter 3, §1-302 Non-Discrimination And Civil Rights provides:

> 1-302 Non-Discrimination And Civil Rights
>
> .1 In the exercise of its powers or in the performance of its duties the City and all of its agencies shall ensure that no person or group engaged in the conduct of official business or seeking to do business with the City is discriminated against because of race, creed, political orientation, color, national origin, marital status, sex, age, handicap or for any cause not reasonably related to the accomplishment of a legitimate governmental purpose, and shall take whatever action is necessary to accomplish this purpose.
>
> .2 The City and all its agencies shall ensure that the civil and constitutional rights of all persons are not denied or abridged.

Based on the Commission's discussions at the November 12, 2024 meeting, it appears the Commission is inclined toward a more robust anti-discrimination statement, in line with the City's Human Rights Ordinance. Commissioners provided the following comments:

Commissioner Qawwee: I had a question because there are a couple that I would like to add. Can I send those to you, and you can add them?

The one I had here had, in concurrence to applicable laws, there shall be no discrimination against any employee with respect to compensation, terms/conditions, privilege or opportunity for employment, race, color, religion, sex, including pregnancy, gender, gender identity, gender expression, veteran status, medical condition, and has including genetic characteristics, sexual orientation, age, national origin, disabilities as defined in ADA, linguistic characteristics such as accent or limited English, English proficiency where not substantially job related, marital status, or any other basis prohibited by law.

Commissioner Dowd also addressed wanting to make sure language included "any additional protections identified by law"

Commissioner Dowd: Between option one and two, it is pretty great our city has a robust Human Rights Ordinance, and it seems to me that it would be a no-brainer option to put that as the floor. You're proposing language that would allow this to adapt as we move forward without having to make changes in language. So, it would include any additional protections identified by law?

The language read by Commissioner Qawwee's are related to the employment context, but can have applicability generally. This language should also be considered when the Commission reviews Art 6, Chapter 3, Sec 6-301 Non-Discrimination in the employment context. Additionally, the originally offered "option 2" did not include language related to protections for breastfeeding, which has now been corrected. In light of the above comments, below is modified language for the Commission's consideration:

.1 It is the intent of the City that no person or group be denied the equal protection of the laws; nor shall any person be denied the enjoyment of their civil rights or be discriminated against because of their actual or perceived race, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation, gender identity or expression, pregnancy, breastfeeding a child or expressing human milk, veteran status, medical condition including genetic characteristics, HIV status, source of income, ancestry, student status, housing status, political affiliation or belief, service in armed forces in sovereign nations, linguistic characteristics such as accent or limited English, English proficiency, ~~or other characteristic as defined by law,~~or any other basis prohibited by law, including any additional protections identified by law, as all forms of discrimination adversely affect Lansing citizens and the quality of life and opportunities available to all people.

.2 The City and all its agencies shall ensure that the civil and constitutional rights of all persons are not denied or abridged.

.3 The City shall take such action, and shall adopt such ordinances, as shall be necessary to accomplish the purpose of this section.

Very truly yours,

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

Kristen L. Rewa

KLR/car

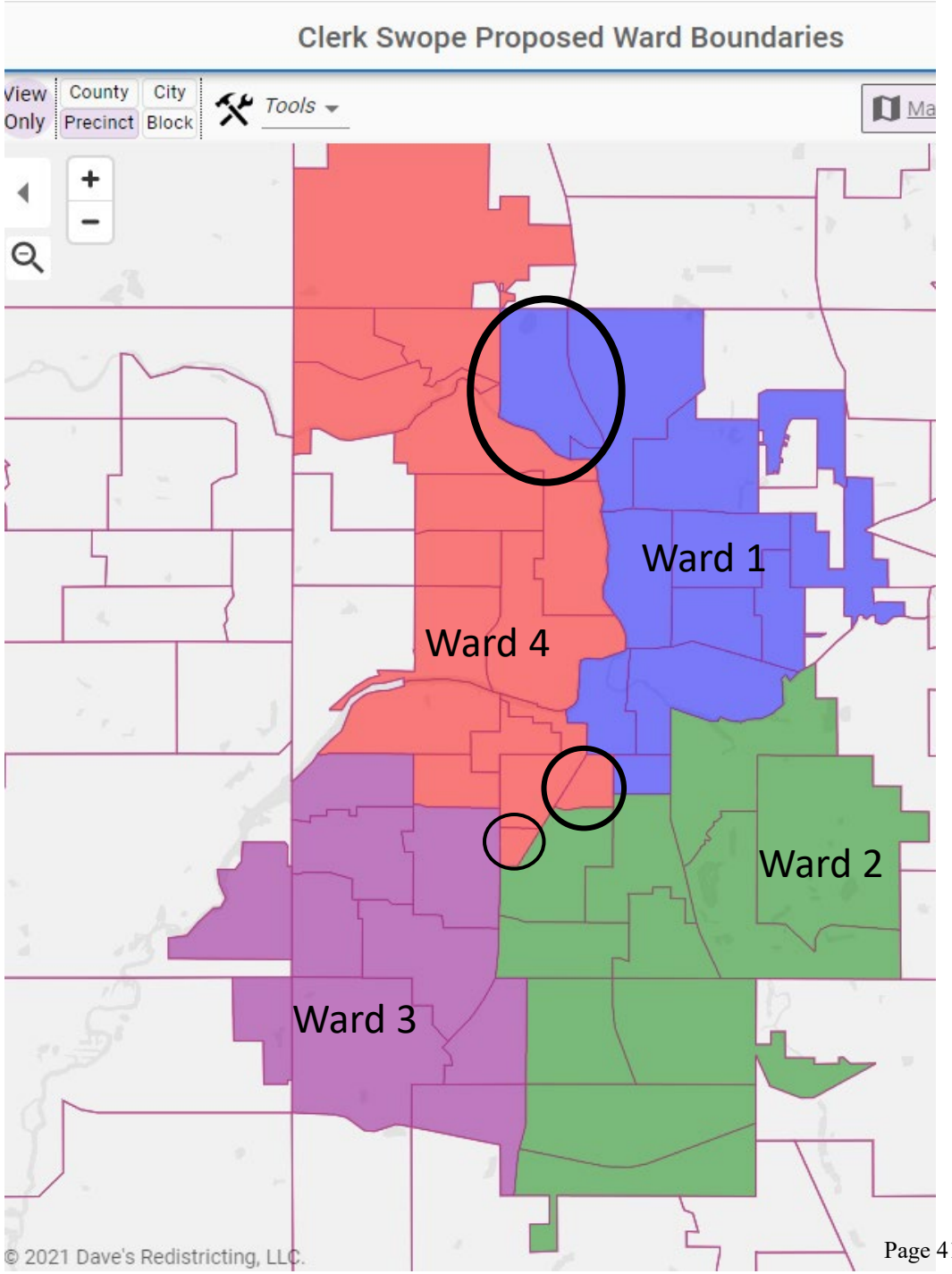
cc: Vice Chair Lori Adams Simon (lori.simon@lansingmi.gov)
Chris Swope, *MMC/MiPMC* (Chris.Swope@lansingmi.gov)
Brian P. Jackson, *MiPMC*, (Brian.Jackson@lansingmi.gov)

Lansing City Ward Reapportionment Proposal

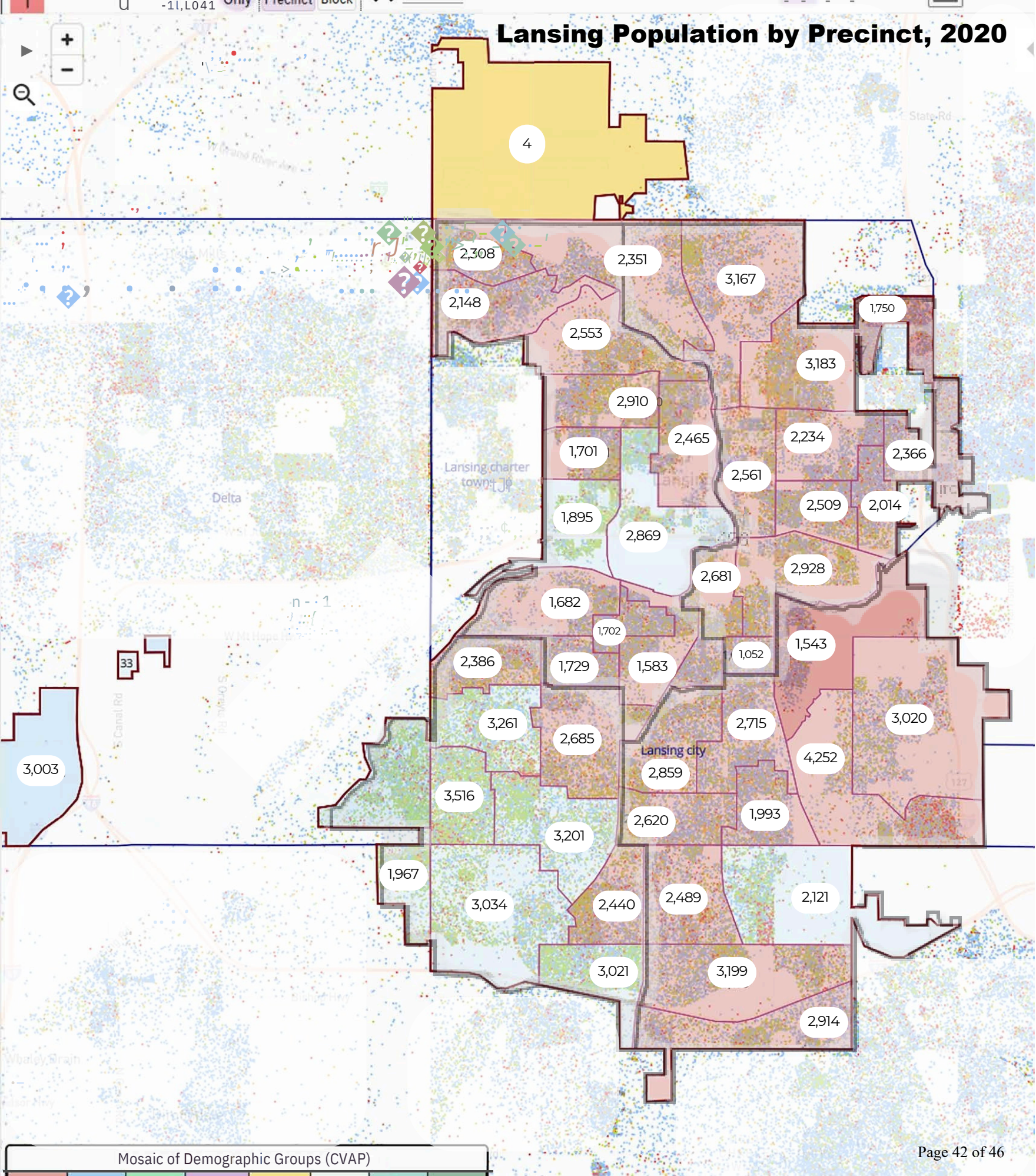
	Current for Nov. 2, 2021	Proposed for 2022	Adjustment if Approved
Ward 1 NE	26,491	26,918	427
Ward 2 SE	29,725	29,725	0
Ward 3 SW	28,514	28,110	-404
Ward 4 NW	27,900	27,877	-23
Total population	112,630		
Average population Per Ward	28,158		

Note: the Proposed Map would reduce the difference in # of voters between the Biggest Ward and Smallest Ward in proposed map by over 400 voters

[Proposed Map is available at https://davesredistricting.org/join/af521761-680a-4804-af00-3cd26c1e9891](https://davesredistricting.org/join/af521761-680a-4804-af00-3cd26c1e9891)



Lansing Population by Precinct, 2020



Mosaic of Demographic Groups (CVAP)

To: All Commissioners

From: Brian Jeffries, Chairperson

RE: Line by Line Charter Revision

We will be moving into a line-by-line revision of the Charter, now that we have made some crucial decisions about the structure of government.

As we address each article, please be prepared with any revisions and amendments before the meetings. If you have a section you would like to amend, please notify myself and Emery by the Thursday before the meeting, so they can include information in the packet.

We will discuss and vote on any amendments brought forward. If there are no proposed changes to a chapter, we should move to adopt the current language of that chapter. If necessary, we can circle back to a section to amend it further.

Sincerely,

Brian C. Jeffries
Chairperson, Charter Commission

ARTICLE 1 – GENERAL

Chapter 1. GOVERNMENT

1-101 Establishment Of Government

The people of the City of Lansing, by adoption of this home rule Charter, create and continue a body corporate known as the "City of Lansing" and provide for continuing control of their municipal corporation.

1-102 Boundaries

The boundaries of the City existing when this Charter takes effect continue in effect until changed in accordance with law.

Chapter 2. INTERPRETATION OF CHARTER

1-201 Powers Of The City

The City has the comprehensive home rule power conferred upon it by the Michigan Constitution, subject only to the limitations on the exercise of that power contained in the Constitution or this Charter or imposed by statute. The City also has all other powers, which a city may possess under the Constitution and laws of this State.

1-202 Liberal Construction

The powers of the City under this Charter shall be construed liberally in favor of the City. The specific mention of particular powers in the Charter shall not be construed as limiting in any way the powers of the City as stated in Section 1-201.

1-203 Severability

If any provision of this Charter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions of applications of the Charter.

1-204 Article, Chapter And Section Headings

The article, chapter and section headings and catch lines used in this Charter are for convenience only, and shall not add or subtract from the meaning of the words of this Charter.

1-205 Definitions

The definitions provided in this section shall control the interpretation of the defined words when used in this Charter unless the context clearly indicates otherwise.

AGENCY means any board, commission, department, division, office or other organization of City government and includes any elective officer, appointee, or person acting or purporting to act in the exercise of official duties.

AGENCY OF THE EXECUTIVE BRANCH means those instrumentalities of government under the direction of the Mayor in Article 4 of this Charter and does not refer to any elected officer.

BOARD means a group of persons organized for governmental purpose and includes commissions and committees.

ELECTORS means persons registered to vote in the City. Percentages of electors shall be determined as of the most recent election.

FRANCHISE means the grant of a right by the City pursuant to law. The Board of Water and Light as a permanent agency of Lansing City Government is not the recipient of a franchise of the City of Lansing.

INQUIRY means a request for information. There is no intention in this Charter to distinguish between inquiries made by City officials and inquiries made by private citizens.

LAW refers to principles of conduct, which must be obeyed. There is no intention in this Charter to distinguish among those jurisdictions with power to declare the law unless specific reference is made to federal law, state law or local law. There is no intention to limit the meaning of LAW to those laws in effect on the effective date of the Charter.

MEMBERS ELECT means that all seats are counted in determining an ordinary or extraordinary majority.

MEMBERS PRESENT means that neither vacant seats nor seats of absent members are counted in determining an ordinary or extraordinary majority.

MEMBERS SERVING means that seats of absent members are counted in determining an ordinary or extraordinary majority, but vacant seats are not counted.

OFFICER includes, but is not limited to, the elected officials of the City, the members of boards and commissions, and their executive staffs, all heads of departments and divisions.

ORDINANCE means a local law enacted by the legislative body of the City of Lansing either prior to the effective date of this Charter or subsequently.

PERSON means both men and women and artificial entities, recognized as persons by state law.

PUBLISH means making something public in the manner stated in or authorized by this Charter, or if no direction is given in this Charter, in one or more newspapers circulated in the City or by posting on the official bulletin boards of the City.

SECTION means the basic unit of this Charter. RELATED SECTIONS are grouped into CHAPTERS. RELATED CHAPTERS are grouped into nine ARTICLES.

STATUTE means a Public Act of the State of Michigan as it exists at the time the provision containing the word STATUTE is to be applied.

Chapter 3 RIGHTS OF PUBLIC

1-301 City Records To Be Public

.1 All records of the City shall be public, in accordance with State law, and shall be kept in City offices, except when required for official reasons to be elsewhere, and shall be available for inspection during regular business hours.

.2 No person shall dispose of, mutilate, or destroy any records of the City, except as provided by law.

1-302 Non-Discrimination And Civil Rights

.1 In the exercise of its powers or in the performance of its duties the City and all of its agencies shall ensure that no person or group engaged in the conduct of official business or seeking to do business with the City is discriminated against because of race, creed, political orientation, color, national origin, marital status, sex, age, handicap or for any cause not reasonably related to the accomplishment of a legitimate governmental purpose, and shall take whatever action is necessary to accomplish this purpose.

.2 The City and all its agencies shall ensure that the civil and constitutional rights of all persons are not denied or abridged.

Chapter 4. GOVERNMENTAL COOPERATION

1-401 Intergovernmental Cooperation

.1 The City shall, whenever it is feasible and beneficial, adopt a cooperative intergovernmental approach to the solution of urban problems. For this purpose the City shall have the power to join with any unit of government whether local, state or federal, or with any number or combination thereof, by contract or otherwise, as may be permitted by law, in the financing, ownership, operation or performance, jointly or by one or more on behalf of all, of any property, facility or service which each would have the power to own, operate or perform separately.

.2 The City may participate in organizations, both governmental and non-governmental in or beyond the corporate limits of the City. The participation of the City in those organizations is not subject to the limitations of this Charter. The City shall endeavor to secure the application of the principle of one person, one vote in any regional body. The City appointees to such organization shall file a report on their activities with the Mayor and City Council at least once a year.

1-402 Intergovernmental Services And Agreements

.1 In addition to other services the City shall have the authority to extend police and fire protection to property owned by any unit of government.

.2 The City may enter into any agreement or contract with any unit of government providing for the availability of police or fire services or for the compensation of the City for police or fire services.

1-403 Judiciary

Judicial authority shall be organized and exercised pursuant to State law.

Chapter 5 PENALTIES

1-501 Penalties For Violation Of Charter

Any person found guilty of an act constituting a violation of this Charter may be punished by a fine not exceeding five hundred dollars or by imprisonment for not to exceed 90 days, or both, in the discretion of the court. This section shall not operate to limit or prejudice the power to remove officers or discharge employees as provided in this Charter.