

City of Lansing Charter Commission

Regular Meeting Agenda



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

December 3, 2024 at 6:30 PM

1. Call to Order

2. Roll Call

3. Adopt the Agenda

4. Public Comment

- A. People wishing to share public comment virtually may do so. The deadline to register to comment this way is 6PM, 30 minutes before the start of the meeting. Sign up at this link: <https://events.gcc.teams.microsoft.com/event/8a4c8e93-d4a8-4ebe-a998-b9e7a53a8499@87509dec-095b-4ff8-ba5a-0035cdfc715d>

5. Officer Reports

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

6. Presentations

- A. Jake Brower, City of Lansing Chief Strategy Officer

7. Old Business

- A. Article 1: Line-by-Line Review

8. New Business

- A. Article 2: 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.

November 23 , 2024

Commissioner Brian Jeffries
City Charter Commissioners
Lansing City Hall – 9th Floor
Lansing, Michigan 48933

Dear Commissioner Jeffries:

Enclosed are four Charter recommendations for your consideration.

They are based on my observations and experiences over the years as Lansing's Delegate to the Michigan Constitutional Convention, Chairperson of the Ingham County Board of Commissioners, City Attorney of Lansing, an attorney practicing municipal law and a life-long Lansing resident. •

Thank you for your consideration. I look forward with pleasure to your producing a new and much improved Lansing City Charter.

With every good wish,

Sincerely,



Eugene G. Wanger

Enclosures:

Transparency of Operations

Charitable Audit Depository

BWL Leadership

BWL City Priority

ARTICLE ___, Sec. ___

Transparency of Operations

The City Council by a majority vote of its members shall appoint and may remove a City Transparency Officer who after public hearing shall establish and may amend minimum standards for annual reports to be issued by every department, office and agency of the City, including the Mayor and the Board of Water and Light, at such times as the standards provide, which standards shall be as uniform as possible. The cost of timely compliance with these standards shall be a first lien on the appropriation of each city department, office and agency. The City Council shall establish mandatory penalties for failure to timely comply with such standards, which shall be enforced by the City Transparency Officer, going to court if he or she finds it necessary. Any registered voter of the City may sue to enforce such compliance. The appointment, removal, compensation and budget appropriations of the City Transparency Officer and the above penalties shall not be subject to the approval of or veto by the Mayor.

EGW

ARTICLE____, Sec. ____

Charitable Audit Depository

The City Clerk shall maintain a file called the Charitable Audit Depository for the annual audit reports filed by those charities which solicit contributions from Lansing citizens, which file shall be open to public inspection. The filing of the audits by the charities shall be voluntary.

[Each charity will almost always have an annual CPA Audit which shows a good deal of information about the charity's operation and advises whether or not it is following proper financial procedures. This Charter language will provide a convenient opportunity for Lansing charities to make this information readily available.]

EGW

ARTICLE ____,Sec. ____

BWL Leadership

The head of the Board of Water and Light shall be a registered engineer.

[Until recent years the head of the Board of Water and Light was always a registered engineer, which assured that he (they were all men) not only knew the actual operations of the Board, but also the scientific principles on which they were based. The new City Charter's Schedule can provide that this change would not affect the position's present incumbent.]

EGW

ARTICLE____,Sec.____

BWL City Priority

In the event that the resources available to the Board of Water and Light are insufficient to provide for the needs of all its customers the Board, may in its discretion in allocating those resources, give priority to services which the Board provides within the boundaries of the City of Lansing.

[The City of Lansing owns and is responsible for operating and maintaining the Board of Water and Light and its citizens should have the benefit of this advantage in the event of future shortages.]

EGW

From: Scott Hughes <contactscotthughes@gmail.com>
Sent: Monday, November 25, 2024 12:19 PM
To: Chartercommission
Subject: [EXTERNAL] Let's sustain Lansing's electoral system

Lansing's electoral system doesn't need seismic changes - such as the proposed elimination of city-wide election districts and council positions, or the creation of tiny new wards. I encourage the Commission to keep "four plus four" on the Council, so that half of the City Council continues to be elected from neighborhood-based wards and the other half by the entire city.

Let's sustain Lansing's electoral system so that every voter chooses a majority of their Councilmembers.

The balance of at-large and ward council members best represents Lansing's diversity and its shared interest in both neighborhood development as well as city-wide planning.

While it's traditionally believed that ward council members do more constituent service, in practical terms the at-large members have the entire city as their district and constituency. At-large council representation ensures that every voter has five members who they can hold accountable, not just one. .

I have seen recent discussions speculating that a city-wide council election costs 50 to 70 thousand dollars for each competitive candidate. But spending in council races fluctuates. For example, in 2019 Patricia Spitzley was elected city-wide by a margin of over 2,000 votes while spending about \$12,000.

Now there has been talk that "name ID" would have helped a candidate like Ms. Spitzley given her track record of service. But **name ID cuts both ways**. A candidate who has made a favorable impression throughout their career of service should rightfully be considered for their background. They may be preferable to one who has recently mailed or "lit-dropped" a few precincts.

Local campaigns can be expensive, admittedly. The biggest factor that has increased local campaign spending is increased election turnout. With the expansion of absentee and early voting, more Lansingites are casting ballots in local elections. Absentee voting certainly increases the costs of mailing to active city voters, but it also produces a more active and engaged citizenry. Direct mailing is expensive but it is not the only way to contact voters. In fact candidates can win on a limited budget by using the internet and social media, and/or getting their personal networks involved. In the 2022 Lansing school board election, for example, Rosalyn Williams was elected despite filing a "reporting waiver" and spending under \$1,000 district-wide.

There has also been talk about how the local Chamber of Commerce benefits their endorsed candidates, with the supposition that the charter should somehow be amended specifically to limit their impact on local elections. .

I don't believe the city charter should be revised to help or harm any political organization. The voters of Lansing can ably consider which endorsements if any they value. Political organizations are free to

endorse and advocate for their positions but at the end of the day our electorate is responsible for choosing its leaders.

The Chamber does have an impressive record of success with their endorsements. But that endorsement and support is one of many factors. For example, in the recent Charter Commission election, the Chamber endorsed nine candidates - and they received a range of votes from 2,760 to 6,217. The same office, election and endorsement, yet one endorsee had more than twice the vote of another. I believe that's an example of how the Chamber's endorsement is valuable among the numerous factors that influence an election.

I do not support creating a map filled with tiny wards and eliminating the districts of our at-large representatives.

Smaller and smaller districts do not automatically result in good government. Eight wards would result in city council primaries where a candidate needs only a few hundred votes to advance. That's more like a **student council** election than anything else. It would favor those who have small pockets of family and friends located within a few blocks. That sounds like a way to elect precinct captains, not leaders.

Tiny wards would **greatly limit the number of potential candidates** in every Council election. As it currently stands, half of council districts include all Lansing residents and the other half include a quarter of them. In most but not all ward elections, there are enough candidates in each 27,000-ish resident district to field a competitive election. Often there are exactly two who file. With eight tiny wards, each Lansing resident would be eligible for only one council position, not five; the field of potential candidates would be reduced by either half, or by 87%, for all council positions. **By limiting the field of candidates, tiny wards would diminish the quality of our council and its elections.**

Eliminating the council districts of at-large members would in time **remove from office** half of our current Councilmembers: **Peter Spadafore, Jeffrey Brown, Tamera Carter, and Trini Lopez Pehlivanoglu.**

Keeping the current electoral system would allow voters a referendum on their Councilmembers. **It would be truly misguided to eliminate an elected official's district simply due to a whim or a questionable philosophical theory.**

And lastly, I discourage the Commission from arbitrarily choosing an odd number of Councilmembers, just to prevent potential 4-4 voting deadlocks. Under the current system, there are many issues where a majority of Councilmembers are in agreement if not outright consensus. Creating a system that encourages 4-3 or 5-4 votes on important issues would only encourage factionalism, divisiveness, and power struggles on our council. I believe that if our elected leaders truly have a good proposal, it should hopefully garner the support of a majority whether the body has seven, eight or nine members.

Thank you for your attention and best wishes on your continued service. Our city is truly fortunate to have such a wealth of knowledge, wisdom and experience working on behalf of the public.

Lansing City Charter Commission Comment Submission Form

First Name Brad

Last Name Jorae

(Optional) Contact information is optional, but providing it will make it easier for potential follow up.

Email preslocal421@gmail.com

Phone (517)-719-9403

Topic Fire Dept. Amend Section 4-303.5 number 5. (EMS)

Comment

The current language in Section 4-303.5 of the City of Lansing Charter is outdated and does not accurately reflect the capabilities, contributions, and community investments made in the Lansing Fire Department (LFD). Specifically, the term

“ambulance, inhalator and other lifesaving and emergency services” is antiquated and fails to encompass the advanced life support (ALS) care and other modern emergency services provided by LFD.

This proposal seeks to amend Section 4-303.5 to accurately describe and affirm LFD’s role as the primary provider of emergency medical services within Lansing. It emphasizes the advanced care and community-focused service that LFD delivers, which private companies have not been able to match.

Outdated Language:

The term “inhalator” is no longer relevant to modern emergency medical services. Advanced technologies and treatments, such as ALS, cardiac monitoring, defibrillation, and medication administration, are now the standard. The language must reflect the progressive evolution of EMS care to properly represent LFD's capacity and expertise.

Unmatched Level of Care:

LFD provides Advanced Life Support (ALS) services, which represent the gold standard in emergency medical care. Private ambulance companies often lack the training, resources, and infrastructure to deliver comparable care.

LFD operates with licensed paramedics and equipment capable of addressing critical medical emergencies, offering Lansing residents the highest level of service.

Community Investment:

Lansing citizens have consistently invested in LFD, enabling it to maintain its high standards of care, training, and equipment.

This investment reflects the community’s expectation that LFD continues to serve as the primary EMS provider, delivering advanced and reliable emergency services.

Accountability and Integration:

LFD's integration with other city services ensures accountability to Lansing residents and seamless coordination in times of crisis.

Private companies, driven by profit motives, lack the same level of oversight and commitment to the community's welfare.

Proposed Amendment to Section 4-303.5

Current Language:

“The Department shall maintain and operate such ambulance, inhalator and other lifesaving and emergency services as the welfare of the inhabitants of the City may require and as the Council may direct.”

Example Of Proposed Language:

“The Department shall maintain and operate ambulance services, advanced life support (ALS), and other lifesaving and emergency services necessary for the welfare of the inhabitants of the City. The Lansing Fire Department is designated

as the primary provider of emergency medical services, ensuring the highest standards of care, as directed by the Council.”

Benefits of the Amendment

Modernization:

Aligns the City Charter with contemporary EMS practices and terminologies.

Continuity of Excellence:

Reinforces LFD’s role in delivering consistent, high-quality EMS care to Lansing residents.

Community Assurance:

Solidifies LFD’s position as the community’s trusted and invested EMS provider. Clarity and Direction:

Eliminates ambiguity about the role of LFD and ensures long-term stability in the delivery of emergency services.

Conclusion

Amending Section 4-303.5 is essential to reflect the modern capabilities of the Lansing Fire Department and reaffirm its critical role in providing emergency medical services. This amendment is not merely a linguistic update but a necessary affirmation of LFD’s value to Lansing’s residents, ensuring that their investments in public safety yield continued excellence in EMS care.

The proposed language change will empower LFD to uphold its mission and enable Lansing to remain a model city for emergency medical services.

Respectfully submitted,

Brad Jorae

President, IAFF Local 421 Lansing

Preslocal421@gmail.com

(517)-719-9403

(Optional) If your message relates to a specific article(s) in the Charter please select it here: • ARTICLE 4 – EXECUTIVE BRANCH



ATTORNEYS AND COUNSELORS AT LAW

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Kristen L. Rewa
krewa@cnda-law.com

November 27, 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 questions that arose during the November 26, 2024 Charter Commission meeting during its review of Article 1 of the Charter for which attorney advice was sought. The questions are taken in the order of where the language appears in the Charter.

To assist with this review, it is helpful to know how courts interpret language of a charter.

“When reviewing the provisions of a home rule city charter, we apply the same rules that we apply to the construction of statutes. *Detroit v. Walker*, 445 Mich. 682, 691, 520 N.W.2d 135 (1994). The provisions are to be read in context, with the plain and ordinary *414 meaning given to every word. *Driver v. Naini*, 490 Mich. 239, 247, 802 N.W.2d 311 (2011). Judicial construction is not permitted when the language is clear and unambiguous. *Id.* Courts apply unambiguous statutes as written. *Id.*

Alternately, when we “interpret” a statute, the primary goal must be to ascertain and give effect to the drafter’s intent, and the judiciary should presume that the drafter intended a statute to have the meaning that it clearly expresses. *Klooster v. City of Charlevoix*, 488 Mich. 289, 296, 795 N.W.2d 578 (2011). This Court determines intent by examining the language used. *United States Fidelity Ins. & Guaranty Co. v. Mich. Catastrophic Claims Ass’n (On Rehearing)*, 484 Mich. 1, 13, 795 N.W.2d 101 (2009).

Barrow v. City of Detroit Election Comm’n, 301 Mich. App. 404, 414, 836 N.W.2d 498, 505 (2013).

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.

Discussion: does the phrase “unless the context clearly indicates otherwise” create problematic ambiguity or “wobble room” for interpretation of the Charter? Is there a section where this exception applies to the definition of an otherwise defined word? Do other charters have similar language?

Response: There are provisions where this “wobble room” makes sense. Consider use of the word “officer”, which is a defined word within 1-205. Now consider the language of Section 2-101 Elective Officers which states “The elective officers shall be the Mayor, eight members of the City Council and the City Clerk.” The Sec. 1-205 general definition of “officer” (and reproduced under the next section) is broader than the ten people discussed in Sec. 2-101. In this context, the word “officer” in 2-101 clearly means something more specific than the more general definition provided in 1-205. Similarly, 3-102.2 provides that “At its annual organizational meeting the City Council shall select from its members a presiding officer and a person to act in the absence of the presiding officer.” Likewise, Section 4-101 describes the mayor as the “chief executive officer” of the City. Once again, this are provisions of the Charter where the context clearly requires the word “officer” to mean something other than the general definition provided in 1-205. The phrase “unless the context clearly indicates otherwise” prevents application of the general definitions in ways that would amount to absurd results.

We reviewed several Michigan charters for similar language, including Pontiac (small definition section, no similar language); Detroit (definition section, no similar language); Warren (has definition section, no similar language); Grand Rapids (no definition section, no similar language); Dearborn (has definition section, no similar language). However, all of these cities have one or more ordinances with definition sections that contain the phrase “except where the context clearly indicates a different meaning” or similar language.

Two cities of similar size to Lansing have similar charter language: Ann Arbor (“SECTION 2.1. Except as otherwise specifically provided or indicated by the context of this charter”) and Sterling Heights (definition section, 20.1 “(D) Words referring to the several offices where not preceded by the word “city” shall be deemed to mean such offices of the city unless the context implies otherwise”).

Our recommendation: Keep the language “unless the context clearly indicates otherwise.”

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.

Discussion: a suggestion was made to remove the language “the members of boards and commissions” because those individuals are not paid by the City, they are volunteers. Does removal of that section create any issues with the later provisions of the Charter?

Response: We will provide a response to this matter for the December 17 agenda.

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.

Discussion: whether to expand the definition beyond newspaper and bulletin boards to include electronic means (e.g. city website, social media, etc.).

Response: While the Commission considers expanding this topic, it is important to note that some types of notice are required by state law to be published in specific ways.

For example, the Open Meetings Act requires meeting notices to be physically posted at the public body's principal office. MCL 15.264(b). For rescheduled, special, or electronic meetings, it must also post notice on a "portion of the public body's website that is fully accessible to the public." MCL 15.263(4), 15.263a(4). However OMA also allows posting via cable television (in addition to the other required methods). MCL 15.264(b). Some notices are required to be published in a newspaper. See, e.g., MCL 117.4g (HRCA, rapid transit charter amendments); MCL 117.5(1)(g) (HRCA, 117.5, letting municipal bonds); (HRCA, 117.5e(b) (notice of public hearings on municipal water/sewer rate increases). As the Commission moves through the Charter, it should ensure that the Charter language complies with state law regarding how notice is to be published for specific types of municipal actions. This should be done when reviewing provisions on public notice for election matters, enacting ordinances, charter amendments, borrowing (bonds), and special assessments.

However, the current definition of "publish" recognizes that more specific direction may be given elsewhere in the Charter. Thus the definition's general default "in one or more newspapers circulated in the City or by posting on the official bulletin boards of the City" is a "catch all" definition that provides further guidance to City officials and employee on how to achieve publication when direction is not provided in another section of the Charter or state law. We believe this portion of the definition can be expanded without contradicting state law, if the Commission so desires. Some considerations include:

- Consider adding "or law" after Charter, to encompass any other legal publication requirements;
- Consider adding language that encourages publishing in more than one format. This can be done by adding language "one or more of the following methods". Currently, the word "or" means only one method (newspaper *or* bulletin board) is required.
- Provide a more general statement to allow City officers and employees the ability to provide notice using means that are effective at that time and for the matter at issue. This language can include "by any other means determined by the City appropriate to properly inform the general public in matters of municipal concerns".
- Care should also be taken to ensure that the language is workable for the City staff and officials that will have to comply with these provisions.

Below are examples of more modern charter language allowing for publication of certain notices using methods beyond just newspaper and physical posting:

- Ann Arbor Charter ordinance procedure (amendments added in 2009),
 - 7.3 (zoning ordinance enactment) “A zoning ordinance or an amendment or revision thereof shall be published in one or more newspapers of general circulation in the City or any other media otherwise permitted by law, and opportunity for a public hearing allowed thereon before final action is taken by the Council
 - Sec 7.4 (ordinance enactment) The full text thereof may be published in a newspaper of general circulation in the City of Ann Arbor or by posting to the City’s website or by any other means or method determined by City Council appropriate to properly inform the general public in matters of municipal concerns,
- City of Pontiac Charter (Revised 2024), 3.112 ordinance procedure:
 - (b) Upon introduction, the Clerk shall distribute a copy to each Council member and to the Mayor, and shall file a reasonable number of copies in the office of the Clerk and such other public places as the Council may designate, and shall publish a copy of the ordinance or a summary of the ordinance, determined by the Clerk, by means established by ordinance to achieve widespread dissemination to the public in the City together with a notice of the time and place for consideration by the Council. Thereafter, the Council may amend and adopt the proposed ordinance without further pre-adoption publication.
 - (h) An ordinance shall be published once after its adoption in a newspaper of general circulation in the City as provided in this Charter

Recommendation: More modern methods of information dissemination can be included in the definition of “publish”. We need more guidance from the Commission regarding desired language.

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.

Discussion: what is the meaning of the phrase “as it exists at the time the provision containing the word STATUTE is to be applied.”

Response: This phrase makes clear to future readers that the intent of the Charter is to look at and interpret a referenced statute in the condition as it currently exists, not as the statute may have existed at the time the Charter was adopted by voters. This phrase also recognizes that it is the intent for this Charter’s references to state law to evolve with state law as it changes. This phrase can assist in the defense of the charter against claims of preemption in areas where Michigan law can change rapidly.

How does this apply in practice? Consider 2-411.1 on Charter Amendments, which states “This Charter may be amended by a majority vote of the electors in the manner provided by statute.” Here, “by statute” must be read in conjunction with the definition in 1-205 to mean that the method in which charter amendments may be amended is done pursuant to *current* Michigan election law, that is, the time that the date the amendment may be put before the electors, not election law as it existed in 1978 (the time the Charter was enacted).

Recommendation: Keep the referenced phrase in the definition.

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.

Discussion: whether to change “in accordance with State law” to specifically reference FOIA; whether “shall be available for inspection during regular business hours” should be changed to “by appointment” or other consideration when public records are not available”; whether to add a provision that requires the City to publish a comprehensive list of all data sets in a digital format that is easily accessible and searchable, and establish a definitive timelines for response time and associated fees for public record requests which would include language delineating a clear process and response time for submitting FOIA requests and complaints from citizens online. Also, whether to establish a Transparency Commission in the Charter to ensure the city's compliance with open data and public records.

Response: This section of the Charter does two things. First it describes city records as “public records”. Second, it dictates that City records must be maintained in City offices.

Changing “in accordance with State law” to specifically reference FOIA. As noted during the meeting, the Freedom of Information Act was newly enacted (1976) at the time the current Charter became effective (1978). FOIA is not the only law affecting public records. There are several laws that state whether specific records or information in a public body's possession are considered “public records” under FOIA, or what portions of those records are considered exempt from FOIA, including the Body Worn Camera Privacy Act, the Crime Victim Rights Act, Election law (certain voter information), to name just a few examples. As such, we recommend keeping the broader reference “in accordance with State law”.

On-site inspections of records. FOIA provides that:

“A public body shall furnish a requesting person a reasonable opportunity for inspection and examination of its public records, and shall furnish reasonable facilities for making memoranda or abstracts from its public records during the usual business hours. A public body may make reasonable rules necessary to protect its public records and to prevent excessive and unreasonable interference with the discharge of its functions. A public body shall protect public records from loss, unauthorized alteration, mutilation, or destruction.” MCL 15.233(3).

However, there are many records for which an in-person inspection of a city record is not feasible because information contained on the record is exempt from public disclosure and must be redacted before it can be provided for public consumption.

Our recommendation is to change “and shall be available for inspection during regular business hours” to “and shall be available pursuant to law”. Given the wide breadth of record types, how they are made available can be different. Some records may make sense to be available for drop-in review. Some may require an appointment. Practically speaking, most FOIA requests

are completed by mailing or emailing copies of the record to the requester. The Charter is not the best place to set this level of specificity.

Publication of comprehensive list of all data sets and Transparency Commission. More information is needed concerning this concept in order to provide a full legal review. What is considered a “data set?” If the Commission believes that the Charter should contain provisions espousing a general policy directive for more transparency and dissemination of information in the aggregate outside of FOIA, consider adding an additional section within Chapter 3 to provide the general policy statement regarding transparency/open data. Keep in mind that data collection and methods of data storage will continue to evolve at a pace faster than the Charter will change, so we recommend that any statement be more general, and that more specific provisions be effectuated by ordinance or policy. Additionally, certain data sets will contain information that is confidential or exempt from public disclosure under FOIA. To the extent the Commission believes a Transparency Commission is appropriate to establish through the Charter, we recommend that the Commission consider developing that language as a new Chapter in Article 5 (Boards and Commissions).

Establishing “definitive” timelines and fees for public record requests and citizen complaints. FOIA sets the timelines and fees for production of records. The fee that can be charged depends on the circumstances; FOIA permits charge of labor costs by using the wage of the lowest paid employee capable of processing the request. MCL 15.234. This calculation depends on the particular record and the employee with the access/ability to do the work. Further, employee wages change at a rate far quicker than the Charter will be amended or revised. FOIA requires the City to develop a FOIA policy and publish it on its website, which is currently available, <https://www.lansingmi.gov/214/Freedom-of-Information-Act-FOIA> and <https://content.civicplus.com/api/assets/1985f4c2-169d-460d-98af-b83deb9adb95>. Lansing’s FOIA policy also establishes an administrative procedure allowing the requestor to appeal a FOIA denial or the fee imposed on a FOIA request to the city council, as permitted by FOIA. MCL 15.240; MCL 15.240a (fee appeal). The Charter is not the best place to outline the definitive timelines or fees for public record requests.

In terms of responding to citizen complaints, it will depend on the type of citizen complaint at issue, as certain types of complaints are already governed by other provisions of the Charter or ordinance (See, e.g., Article 4, 1-101.11 requires the Mayor to receive, investigate, and respond to complaints concerning the operation of city government “in prompt and efficient manner”; Article 5, Chapter 5, Board of Ethics required creation of an ordinance, which establishes a complaint procedure; Chapter 3, Board of Police Commissioners shall establish a process for handling complaints concerning the police department). Resolution of citizen complaints is beyond the scope of Sec. 1-301. If the Commission believes citizen complaints should be addressed in the Charter, it could be done as a new section of Chapter 3, (e.g., 1-303) or handled elsewhere in the Charter.

1-401 Intergovernmental Cooperation

.2 “The City appointees to such [governmental and non-governmental] organization shall file a report on their activities with the Mayor and City Council at least once a year”

Discussion: Not currently enforced, can the commission do anything to inform the appointees of this provision to enforce it? Or should it be stricken?

Response: It is not within the jurisdiction or power of the Charter Commission to inform appointees or enforce this provision. Whether it should be stricken is more of a policy determination than a legal determination.

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.

Discussion:

- a. Proposed language defining violation as misdemeanor
- b. Raise the fee to 1,000?
- c. Change imprisonment to 93 days, because it mandates fingerprinting and appointment of attorney
- d. Who is liable to violation of the Charter?
 - i. Is it possible to hold city officers and elected officials, accountable under such a provision?
- e. Civil and criminal penalties? And what does the last sentence mean regarding removal and discharge?

Response: We will provide a response to these questions for inclusion in the December 17, 2024 agenda packet.

Very truly yours,

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



Kristen L. Rewa

KLR/car

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

ARTICLE 2 – OFFICERS AND ELECTIONS

Chapter 1. OFFICERS

2-101 Elective Officers

.1 The elective officers shall be the Mayor, eight members of the City Council and the City Clerk.

.2 Each officer shall have a term of four years terminating at 12 Noon on January first and shall serve until the election and qualification of a successor.

.3 The terms of office of the Council Members shall be staggered so that two City Council Members elected from wards shall stand for elections every two years and two City Council Members elected at large shall stand for election every two years.

2-102 Qualifications For Elective Office

Every city official holding elective office shall be a registered elector in the City of Lansing and shall have been a resident of the city for one year prior to taking office. A ward Council Member shall be a resident of the ward from which elected or chosen.

2-103 Ineligibility For Office

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

.2 No person who is in default to the City shall be eligible to hold any City office.

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

2-104 Compensation Of Officers

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

.2 The elected officers compensation commission previously created by ordinance may continue to determine the compensation of all elected officials after the effective date of this Charter. The compensation commission ordinance shall be amended to provide a procedure for calling the compensation commission together at a time to be determined by the City Council. .3 The City may, by ordinance, at any time alter any procedure for determining compensation of any officers or employees.

2-105 Bonds Of Officers

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

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

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

2-106 Oath Of Office

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

Chapter 2. ELECTION OF OFFICERS

2-201 Time Of Elections

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

2-202 Non-Partisan Ballot

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

2-203 Wards

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

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

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

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

2-204 Method Of Nomination

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

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

1 .3 Nominating petitions submitted by candidates for offices to, be filled by the voters of the City at
2 large shall be signed by at least four hundred (400), but no more than six hundred (600), of the
3 registered electors of the City.

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

7 .5 The City Clerk shall assist members of the public by providing information regarding the
8 requirements for candidacy, and in the preparation of petitions.

9 .6 Neither nominating petitions, nor filing fees shall be accepted unless accompanied by an affidavit
10 sworn to or affirmed by the candidate, stating that the candidate possesses the legal qualifications for
11 the office and requesting that the candidate's name be printed on the ballot.

12 2-205 Election Commission

13 .1 The conduct of City elections shall be the responsibility of the Election Commission consisting of
14 the City Clerk, the City Attorney and the Assessor. The City Clerk shall preside.

15 .2 The Election Commission shall prescribe the procedures to be followed in the conduct of City
16 elections in accord with state law.

17 2-206 State Law To Apply

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

21 Chapter 3 VACANCIES

22 2-301 Absence From Office

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

28 2-302 Forfeiture And Removal For Cause

29 .1 The City Council shall declare the forfeiture of the office of any elective officer or appointee and
30 may remove for cause any person appointed to an office for a fixed term. In every case there shall be
31 a public hearing before the City Council with notice published in the same manner as notices of
32 proposed ordinances. A Council member charged with conduct constituting grounds for forfeiture may
33 not participate in the resolution of the charge.

34 .2 The position of an elective City officer or an appointee shall be forfeited if he or she:

- 35 (a) lacks at any time any qualifications required by this Charter.
- 36 (b) is convicted of a felony while holding the office or appointment.
- 37 (c) violates a provision of this Charter punishable by forfeiture.

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

2-303 Filling Vacancies

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

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

2-304 Temporary Absence Of Mayor

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

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

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

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

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

Chapter 4. BALLOT ISSUES

2-401 Recall

Any official holding an elective office may be recalled and the vacancy created be filled in the manner provided by law.

2-402 Initiative And Referendum

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

2-403 Petitions For Initiative And Referendum

- .1 Initiative and referendum petitions must be signed by a number of City electors equivalent to at least 5 percent of registered electors of the City.
- .2 Petitions shall set forth in full the measure to be initiated or referred. The circulators may submit the petitions to the City Attorney for approval as to form before circulating, but they are not required to do so.
- .3 Signers of petitions shall be registered electors of the City. Each shall sign his or her name indelibly and shall indicate his or her residence and the date of signing. Each petition shall contain a sworn affidavit of the circulator stating that each signature is, to the knowledge of the circulator, the genuine signature of a registered elector and the person whose name it purports to be; and that it was affixed in the presence of the circulator.
- .4 Signatures obtained more than 90 days before the petition is filed with the Clerk shall not be counted.
- .5 The City Clerk shall, within 15 days, canvass the signatures and shall present the petition, if found sufficient and proper, to the City Council at its next regular meeting.
- .6 If the City Clerk determines the petition lacks sufficient signatures or is otherwise improper, the City Clerk shall forthwith notify the person filing such petition by regular mail of the deficiency and 10 days shall be allowed for filing supplemental petition papers.

2-404 Suspension Of Referred Ordinance

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

2-405 Council Action On Petitions

- .1 Upon receiving an initiative or referendum petition from the City Clerk, the City Council shall within 30 days either:
 - (a) if it is an initiative petition
 - (1) adopt the ordinance as submitted in the petition, or
 - (2) direct the submission of the proposal to the electors; or
 - (b) if it is a referendum petition,
 - (1) repeal the ordinance to which the petition refers, or
 - (2) direct the submission of the proposal to the electors.
- .2 Submission to the voters shall take place at the next regular election, or at a special election held prior to the next regular election.

2-406 Special Elections

- .1 Special City elections shall be held when called by resolution of the City Council at least 50 days in advance of the election, or when required by this Charter or state law. Any resolution calling a special election shall set forth the purpose of such election.
- .2 Special elections to fill vacancies shall be called at least 90 days before the general election. A special primary election shall be held at least 25 days before the special general election.

1 .3 Any election to, fill a vacancy in an elective City office shall be held on election day in November
2 and shall be preceded by a primary election. No general election to fill a vacancy may be held unless
3 the vacancy occurred at least six months prior to the general election.

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

8 2-407 Submission By Council

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

12 2-408 Determining Result Of Election

13 .1 Except as otherwise required by law, the result of any initiative or referendum election shall be
14 determined by a majority of the voters voting on the question.

15 .2 If two or more inconsistent initiative or referendum measures are submitted to the voters at the
16 same election, the measure receiving the highest number of affirmative votes shall prevail to the
17 extent of their inconsistency.

18 2-409 Amendment, Repeal And Reenactment

19 .1 An ordinance adopted by the voters through initiative proceedings may not be amended or
20 repealed by the City Council for a period of two years after the date of the election at which it was
21 adopted.

22 .2 An ordinance nullified by the voters through referendum proceedings may not be re-enacted by the
23 City Council for a period of two years after the election at which it was nullified.

24 2-410 Charter Revision Question

25 The question of whether there shall be a general revision of the City Charter shall be submitted to the
26 voters of the City of Lansing at the November general election held in 1987 and every 12 years
27 thereafter and may be submitted at other times in the manner provided by law.

28 2-411 Charter Amendments

29 .1 This Charter may be amended by a majority vote of the electors in the manner provided by statute.

30 .2 Petitions for Charter amendments may be submitted to the City Attorney for approval as to form in
31 the same manner as petitions for initiative and referendum.

32 .3 If two or more amendments adopted at the election have inconsistent provisions, the amendment
33 receiving the largest affirmative vote shall prevail to the extent of their inconsistency.