

Minutes for the City of Lansing Charter Commission

Regular Meeting | Tuesday, October 8, 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, Washington

Absent: Commissioner Boyd (excused)

Staff Present: City Clerk Swope, Deputy Clerk Drever, Deputy Clerk Hodges

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.

Public Comment

Jim Dravenstatt-Moceri spoke about the Board of Water and Light as a former employee.

Calvin Jones spoke about the Board of Water and Light as a current employee.

Randy Dykhuis agreed with Commissioner Boyd's opposition to term limits and spoke against Council overseeing the Board of Water and Light.

Gregory Wise spoke about amending Article 2-103 to align with state law.

Approval of Minutes

A. Moved by Commissioner Bauer to approve the September 24, 2024, minutes as presented.

Motion Carried.

Officer Reports

Chair

Chair Jeffries gave an update on the collaboration with the Lansing School Junior Board.

Vice-Chair

No report

Clerk

Clerk Swope acknowledged written communications in the packet.

Presentations

A. Mayor Schor

Mayor Andy Schor gave a presentation on the City Charter. [see attached remarks]

Mayor Schor answered questions from the commissioners about models of government; mayoral support staff; transparency; the relationship between Mayor and City Council; accountability for employees; quasi-government organizations Lansing Entertainment & Public Facilities Authority (LEPFA), Lansing Economic Development Corporation (LEDC), and Downtown Lansing Incorporated (DLI); appointments to boards and commissions; diversity; the Board of Water and Light; tax and budget; and the City Attorney.

B. Carol Wood

Former Council President Carol Wood gave a presentation on the City Charter. [see attached remarks]

Carol Wood answered questions from the commissioners about the Internal Auditor; boards and commissions; hiring for police and fire; and the City Attorney.

C. Future Presentation for Oct. 22, 2024, from MSU Professor Mark Skidmore

Chairperson Jeffries acknowledged the attached report and prepared commissioners for the upcoming presentation from Mark Skidmore.

Old Business

A. Form of Government – Discussion

No comments were made.

Commissioner Remarks

No remarks were made.

Public Comment

No comments were made.

Adjournment

The meeting was adjourned by Chair Jeffries at 8:53 PM.

Andy Schor
Mayor



Andy Schor, Mayor

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OFFICE OF THE MAYOR
CITY OF LANSING, MICHIGAN

TO: Charter Commission

FR: Andy Schor, Mayor

DT: October 10, 2024

RE: Comments

It was an honor to speak to you to offer my comments and respond to your questions with my opinions. These opinions come from almost seven full years of being the Mayor of Lansing.

As mentioned, I have been generally happy with the charter the way it is but I believe there are some tweaks that can be made.

I believe Lansing has an opportunity to change a variety of things that should be changed, without blowing up the system. And that is what I heard from folks who voted to re-open the charter. I heard that the charter should be reviewed and updated, and that is a good exercise to go through.

Here are my suggestions:

Strong Mayor:

I favor a strong mayor system and always have, similar to how the President and Governor are elected. I believe that City Council should be legislative and make the laws. And the Mayor should be administrative. With this, Section 3-207 is important to be left as it is. In .1, it says that City Council has the right to make inquiries of city officers and employees and receive specific information in response. Then in .2 it clarifies that this right is limited to establishing of the city that is legislative in nature. Then in .3 it says the administrative activities of the City Council and its members shall be limited to its own staff and they shall give no direct orders to any other city officer or employee.

Role of Mayor:

- I think its good for the Mayor to attend council meetings, but that should be a decision of the Mayor. If the Mayor is required to attend council meetings in charter, then he/she/they should also be part of the discussions and debate at city council. Currently, that is not guaranteed. The Mayor is only guaranteed spots to talk at the start and end of council meetings. Having the Mayor as a non-voting part of council would ensure that the administration position is included in the debate on issues as it happens. Or, don't require the Mayor to be at city council meetings. But it should be one or the other.
- Temporary absence of the Mayor language in the charter should reflect technology, and match judicial interpretation. Council President should take over for statutory purposes only if the mayor is incapacitated.
- Veto timing should increase from the 3rd day to 7th working day, to give the mayor more time to evaluate actions and repercussions
- If there is a desire for a senior staff member in the Charter, the Executive Assistant language can be changed to require a senior executive officer that assists the Mayor in administration of the city. This could be a Deputy Mayor or Chief Administrative Officer or Chief of Staff or whatever the Mayor chooses to call it.

Council Members

- This should be an odd number (7 or 9) to be more effective.
- Or, if it stays an even number, the Mayor should have tie-break ability.

Advisory Boards and Commissions

- Advisory boards should be advisory to the mayor and council. They are volunteers and not professionals, and should not be part of hiring or firing or have administration abilities.
- The City Clerk should have to maintain a list of boards and commissions, just as they currently do. With that, the mayor shouldn't have to present a yearly report to council. It is all online in real time.
- City employees should be able to serve on boards and commissions. They are Lansing residents oftentimes, and they should be able to serve. Maybe mayor staff

and council staff shouldn't be able to serve because they report to the mayor and council directly. But others should be able to. Other employees have collective bargaining agreements that prevent them from being fired for not doing what an elected official tells them to do.

- Board of Review should allow for alternate members to ensure we have the members that we need to review tax complaints.
- I believe term limits here would be a mistake. The mayor proposes and the council approves members. Sometimes we want new people with fresh ideas, and sometimes we want people with experience on the board. A mix of experience and fresh ideas is best, and term limits would negatively affect that mix.
- I like that members continue to serve after their term is up, until someone new is appointed. If you have the term be set then the position be vacated, then it would create vacancies in some boards and commissions and prevent them from doing work. Sometimes people are stuck in vetting because they have minor tax issues that need to be cleared up. Sometimes we have people that want to be on boards then change their minds and we have to find new people. Sometimes we can't find
- people who want to serve, and we don't send reappointments because we want time to find the right candidates for the board.

BWL

- Continue as appointed Administrative Board, appointed by Mayor and approved by Council.

Clerk and Elections

- Special elections should match state law (timing, etc)
- If there is a primary (more than 2 candidates), winning the primary with more than 50% should result in a win. This give more time for winners to organize, especially the Mayor who has to set an Administration.
- City Clerk should not have to maintain a "printed" journal, as they should be able to use electronic resources.

Administration

- The Public Service Director shouldn't have to be an engineer. We have a City Engineer who must be an engineer. Sometimes the City Engineer is the director, and sometimes it isn't.

Other Provisions

- In the prohibition against discrimination provision, we should add sexual orientation, gender identity, housing, and other factors to the nondiscrimination and civil rights clause
- Director contracts should allowed to be 3 or 4 years. That way a mayor can hire someone for the full mayoral term. And longer contracts is a hiring tool to get great talent. We have used it for police and fire and should be able to use it for others.
- Budget - the administration should be allowed to submit total budgets per department to the council, instead of breaking out personnel and operating (as is required now). This will make it easier for departments to move money as needed and provide services. And it is recommended by the auditor and will remove a yearly negative audit finding.
- We should allow employees to purchase equipment from the city in certain instances. It is strange that people can't purchase their cell phones or computers when they leave or the technology is upgraded. There could be some sort of limit on this, but they should be able to do this instead of requiring all equipment to be sold at auction.
- Supplemental appropriations should require a majority vote and not $\frac{2}{3}$. The budget passes on majority vote. When we get more money and want to appropriate it mid-year, it is the same as when we do the budget and the vote should be the same.
- The tax limit should match state law.

To: Lansing Charter Commission Members

From: Carol Wood

Date: October 2, 2024

I have been asked to put together my thoughts on the Lansing Charter and any suggestions for changes. In putting together my thoughts, I looked at areas that I believed could benefit from more transparency and clarity, where, in my beliefs, they were open to interpretation. The Charter must also lay out a clear path if it is violated. Lastly, even though there is the opportunity to make numerous changes, this body must always ask, will the voters approve these changes?

Section 2-103 Ineligibility for Office

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

The City Attorney's Office has interpreted this section in several ways over the years.

A candidate was running for a Council position when Marilyn Slate was City Clerk; the person owed the City property taxes. Ms. Slate moved to have the candidate removed from the ballot, and the city attorney's office took the case on behalf of the Clerk. Billie Jo O'Berry presented the Clerk in court, and the court decided the candidate was ineligible to be on the ballot.

More recently, Brigham Smith, City Attorney, interpreted this section to allow a candidate to be on the ballot for election. If the person was elected and the taxes were paid before taking the oath of office, this person was eligible to run and hold office.

In another case, a sitting Council Member was delinquent with his property taxes, and the City Treasurer had turned the matter over to the County by the time this was discovered. The City Attorney's office stated that the elected official was no longer in default to the city because the delinquent taxes were now in the hands of the county.

I believe there needs to be stronger language that requires elected officials, people running for office, and Board member appointments to be current with their obligations to the City, whether that be taxes, permits, or other such issues. It is unfair for someone to receive taxpayer dollars or make decisions about those dollars if they are not current with their obligations.

2-302 Forfeiture And Removal For Cause

*.2 The position of an elective City officer or an appointee shall be forfeited if he or she:
(a) lacks at any time any qualifications required by this Charter.an annual*

An annual reporting system is needed to ensure that the elected and appointed officials comply with the Charter. This report should be due February 1st before taxes are turned over to the county.

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.

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

I have mixed feelings about changing the ward and at-large positions. As a former At-Large Council Member, I see this position as valuable. My concern about creating eight ward positions is the potential for an ever-changing population in smaller geographic areas, which would require changing the boundaries more frequently.

At-large, members of the Council should interact with Ward Council Members and serve the needs of Lansing residents.

You could consider electing two At-large members from the 1st and 4th Wards, who would have to live in one of those wards. For example, two other At-large members could be elected from the 2nd and 3rd Wards.

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.

A better definition of "temporary absence of the Mayor from the City " is needed. Several incidents have occurred when the Mayor has been temporarily absent from the City and has not notified the President of the City Council.

3-207 Rights And Responsibilities Of Council Members

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

Numerous times over my career, the Council as a body, Committees, and individual Council members have asked questions of City officers and employees and been told they are not allowed to answer. There are no provisions spelled out in this section if they fail to do so. Language needs to be added to this section to ensure accountability. If a supervisor directs the employee not to provide Council members with information, the supervisor must be held accountable.

3-301 City Action Requiring An Ordinance

.1 In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the City shall be by ordinance which:

(a) provide a penalty or establish a rule or regulation for violation of which a penalty is imposed;

Any new or changed ordinance that the enforcing department undergoes should require training on the ordinance and enforcement. If, for any reason, the Department deems the ordinance unclear or unable to be enforced, the Department Director must send a notice to the Council within 45 days of the passage and enactment of the ordinance explaining the issues. The Director can be penalized if a Department does not enforce an ordinance and has not reported to the Council.

4-401 Heads Of Departments

.2 Unless otherwise stated in this Charter, the Mayor shall appoint a qualified person as head of each City department.

There needs to be a section within this portion of the Charter that requires the City Council to do an annual review of each Department head's contract and performance based on the objectives laid out within their contract. This review should also include how they have worked with the City Council. It should be done by December 1st of each year. No new contract should be let until the review is completed.

4-304 Law Department

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

A provision should be added to this section that would allow the Council to get outside legal advice when they feel the information they receive from the City Attorney's office is inadequate or could be interpreted differently. The Council must have confidence in the information they are being provided when making decisions for the city.

5-103 Appointment Of Board Members

When the Mayor appoints a member to a Board, the Council confirms that appointment with a resolution and defines the term of the appointment in the resolution. The Mayor should be required to notify the Council 30 days before the completion of the term if a reappointment or new appointment is not forthcoming and why. We have two Board of Light members whose terms end on June 30, 2024, and the Mayor has failed to submit reappointments or new appointments. When asked, the Mayor was concerned about one of the appointments and decided not to proceed with either appointments. This has allowed Board Members to continue to serve until a replacement or reappointment is given to the Council according to the advice of the City Attorney. Council's resolution that approves the appointments specified the term, and at the end of the term, without action, that position should be declared empty.

5-106 Advisory Board Functions

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

No City officer who directs an agency or activity within the scope of an advisory board should be responsible for running the meetings, putting the agendas together, or dictating how the Board should function.

5-204 Withdrawal Of Funds

.1 The funds and revenues of the Board of Water and Light shall be deposited in the City Treasury and shall be credited only to the funds and accounts of the Board of Water and Light. They shall not be withdrawn or used for any other purpose whatsoever. The Board shall have and exercise full control over all of the funds of the Board of Water and Light in the City Treasury.

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

I am not sure this is being done.

7-105 Adoption Of Budget Resolution

.1 Not later than the third Monday in May of each year, the Council shall, by resolution, adopt a budget for the ensuing fiscal year and make an appropriation of the money needed therefore.

.2 The resolution shall designate the sum to be raised by taxation for the general purpose of the City and for the payments of principal and interest on its indebtedness. The adoption of the budget resolution shall constitute appropriations of the amounts specified from the funds indicated and a levy for the property tax specified.

The budget resolution shall include each department's staffing levels. If those levels increase over the fiscal year, the Council shall approve funding for the positions and the increase in the number of positions.