

Minutes for the City of Lansing Charter Commission

Regular Meeting | Tuesday, November 26, 2024, 6:30 PM

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

Present: Commissioners Adams Simon, Anderson, Bauer, Boyd, Dowd, Jeffries, Lopez, Qawwee, Washington

Absent: none

Staff Present: City Clerk Swope, Deputy Clerk Drever, Attorney Rewa (virtual)

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. Moved by Commissioner Dowd to approve the November 12, 2024, minutes as presented.

Motion Carried.

Public Comment

Nicklas Zande spoke about the structure of City Council: removing at-large seats and having nine wards.

Bob Worthy spoke about the Board of Water and Light's Board of Commissioners.

Officer Reports

Chair

No report.

Vice-Chair

No report.

Clerk

Clerk Swope acknowledged written communications in the packet and provided a budget update: the Commission has spent \$141,553.39, with an available balance of \$358,446.61. Then, he gave an historical overview of the City Council Structure.

Old Business

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

Commissioner Boyd: Does what we are going to vote for match what the State of Michigan requires?

Chair Jeffries: As I understand it, it is some of the most comprehensive language for a provision like this. This incorporates everything we have looked at in terms of the authority that exists.

Attorney Rewa explained the newly proposed language for 1-302, which reads:

- .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.

Commissioner Boyd: I have a question that comes down to linguistics. As it relates to English proficiency, if somebody cannot speak English, how is it that we cannot discriminate against them; I don't want to discriminate against anyone, but if someone can't speak English, how are they going to be able to do a job?

Commissioner Qawwee: We can provide interpretive services for someone who can perform a job but doesn't have English proficiency.

Attorney Rewa: In employment, an employer can require a degree of proficiency to perform a job, such as a 911 dispatcher. For a position that does not require language usage, it can be discrimination to require a certain level of proficiency for the job.

Moved by Commissioner Qawwee to approve the new language for 1-302.

Motion carried.

B. City Council Structure

Chair Jeffries explained no action will be taken on this issue while the Commission reviews recently submitted documents.

Commissioner Washington requested that the vote on this issue be delayed until after the holidays to allow for further public comment.

New Business

A. Article 1: Line-by-Line Review

Chair Jeffries explained the Commission will vote on the sections chapter by chapter.

Moved by Commissioner Washington to approve Article 1 Chapter 1 as presented.

Motion Carried.

Vice-Chair Adams Simon: I propose that “person means a human being regarded as an individual and artificial entities recognized as persons by state law.”

Commissioner Boyd: Under Officer, my recommendation is that we remove “boards and commissions” from the definition of officer, because they are not paid employees and should not be treated as such.

Commissioner Anderson: I would want our board and commission members to be held to the same standard as our officers, such as for ethics training.

Attorney Rewa will weigh in on the impact of Commissioner Boyd’s proposal.

Commissioner Qawwee: I think that we should alter the definition of publish. Is newspaper circulation still relevant? Perhaps adding language of some sort of electronic communication.

Vice-Chair Adams Simon: Maybe putting in the wording “the City’s official website”.

Commissioner Anderson: I would recommend language that refers to forms of media that are of no cost.

Commissioner Dowd: I would like to see in addition to where is that there is the expectation of a concerted effort to make the public aware.

Chair Jeffries: when it says “unless the context clearly indicates otherwise” is this language commonly in charters? I am interested in the attorney’s answer.

Attorney Rewa: Some notices are still required to be posted in newspapers by law, but you can certainly add language to encourage posting in additional ways.

Chairperson Jeffries: in the definition of statute, where it says “as it exists at the time that the provision containing the word statute is to be applied” does that mean if we had a law enacted in 1978 and was amended in 2020, is it the 2020 version or the initial version?

1-301

Vice-Chair Adams Simon: I propose that the charter includes a provision that requires the city to publish a comprehensive list of all datasets in a digital format that is easily accessible and searchable, and establish a definitive timelines for response time and associated fees for public record request which would include language delineating a clear process and response time for submitting Freedom of Information Act (FOIA) requests and complaints from citizens online. The charter could create a transparency commission to ensure the city’s compliance with open data and public records.

I will submit this language to all the commissioners for further review.

Clerk Swope: the thing I think is vague and could be tightened up is “shall be available for inspection during regular business hours.” People have had the expectation of walking in and being able to review documents, which does not reflect reality.

Commissioner Washington: Where it says “shall be available for inspection during regular business hours” it’s imperative that we put “by appointment” because people by reading this would have the expectation that they can just show up.

Commissioner Lopez: Should “in accordance with state law” be stated?

Chair Jeffries: I think we are going to revisit this, and clarification is required.

1-401

Chair Jeffries: It talks about “appointees to the organizations shall file a report on their activities with the mayor and City Council at least once a year.” Does that get done?

Clerk Swope: I think as things arise; they’re reported on.

Commissioner Bauer: We should enforce it or drop it.

Commissioner Washington: It should be incumbent on the mayor or the council to ensure that these are done.

Chair Jeffries ordered a motion to adopt this chapter as presented, with the understanding that it will be revisited when discussing Boards and Commissions.

Moved by Commissioner Washington.

Motion Carried.

1-501

Vice-Chair Adams Simon: Moving forward with inflation, I would propose raising it to \$1,000.

Chair Jeffries: In here they don’t say it’s a misdemeanor. In Michigan, misdemeanors max out at \$500. Do we want to make it a misdemeanor?

Commissioner Dowd: Does this mean that City employees are exempt from violations of the Charter? Who does this apply to, and who does not.

Commissioner Washington: I think there needs to be teeth to this. If you violate our human rights ordinance that’s in the charter, you need to be charged. There is never any accountability.

Commissioner Lopez: Could we also say, “or as permitted by state law?” or is the court the state law?

Chair Jeffries: This reads like a misdemeanor would read- money, potential prison or both. To Commissioner Dowd’s point, we could expand it to talk about civil penalties, or what those penalties would be for. I would also like the Commission to consider raising the 90 days to 93 days. At 93 days there’s a fingerprint requirement that goes into the record, and you automatically get a public attorney to represent you.

Commissioner Lopez: It says, “shall not operate to limit or prejudice power to remove officers or discharge employees provided in this charter”. The penalties for 30 or 90 days, how does it fit into this language?

Commissioner Boyd: I’d like to know the history of this section’s addition to the Charter.

Public Comment

Nicklas Zande spoke about the motivations behind creation of at-large seats of council in the 1950s.

Linda Appling spoke in opposition to increasing the number of wards.

Commissioner Remarks

Commissioner Washington spoke about the population trajectory of Lansing and diversity on Council.

Commissioner Boyd spoke about keeping 4 wards and moving to 3 at-large seats.

Adjournment

The meeting was adjourned by Chair Jeffries at 8:00 PM.