

City of Lansing Charter Commission

Regular Meeting Agenda



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

January 7, 2025 at 6:30 PM

1. Call to Order

2. Roll Call

3. Adopt the Agenda

4. Approval of Minutes

- A. December 17, 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/5aafe216-e3b2-4381-992f-e689700cb25d@87509dee-095b-4ff8-ba5a-0035cdfc715d>
People sharing public comment in person at the meeting may sign up when they arrive to the meeting.

6. Officer Reports

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

7. Presentations

- A. Former Mayor Hollister
- B. Council Member Peter Spadafore, Chairperson, Audit Ad Hoc Committee regarding City Charter Article 3 Chapter 4

8. Old Business

- A. Article 2: Line-by-Line Review
- B. Article 3: Line-by-Line Review

9. New Business

- A. Article 4: Line-by-Line Review

10. Public Comment

11. Commissioner Remarks

12. 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, December 17, 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: none

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

Call to Order

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

Roll Call

Chair Jeffries took a moment of personal privilege to thank everyone for their regards.

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

Adopt the Agenda

Moved by Commissioner Qawwee to adopt the agenda as presented.

Motion carried.

Approval of Minutes

Moved by Commissioner Boyd to approve the November 26, 2024, minutes as presented.

Motion carried.

Moved by Commissioner Dowd to approve the December 3, 2024, minutes as presented.

Motion carried.

Public Comment

Randy Dykhuis spoke about audits for the City and the Board of Water and Light.

Sam Iyer spoke about the proposed ethical investment clause.

Dominic Finch spoke about the proposed ethical investment clause.

Anna Martinez-Hume spoke about the proposed ethical investment clause.

Luqa Zoughbi spoke about the proposed ethical investment clause.

Mat T spoke about the proposed ethical investment clause.

Officer Reports

Chair

Chair Jeffries yielded to Commissioner Bauer.

Commissioner Bauer updated the commission on communications with former Mayor Hollister regarding his presentation.

Vice-Chair

No report.

Clerk

Clerk Swope acknowledged written communications in the packet, provided a budget update: \$143,600.18 spent with \$356,399.82 remaining; and thanked intern Lexi Hodges, whose last meeting is today.

Old Business

A. Article 1: Line-by-Line Review

1-205

Attorney Cross recommended leaving the definition of officer unchanged.

Moved by Commissioner Qawwee to keep the definition of officer unchanged.

Motion carried.

Attorney Cross introduced proposed language for the definition of publish.

Clerk Swope recommended against narrowing the determiner of widespread dissemination to the Clerk.

Moved by Commissioner Qawwee to approve the proposed language as is.

Motion carried.

Moved by Vice-Chair Adams Simon to amend 1-205 to add "VOTERS means ELECTORS."

Motion carried.

Moved by Commissioner Qawwee to adopt chapter 2 as amended.

Motion carried.

1-300

Moved by Commissioner Bauer to adopt chapter 3 as amended.

Motion carried.

1-500

Moved by Commissioner Qawwee to approve Chapter 5 as presented.

Motion carried.

Moved by Vice-Chair Adams Simon to approve Article 1 as amended.

Motion carried.

B. Article 2: Line-by-line Review

Attorney Cross explained that there is no prohibition to making the City Attorney elected, though there are no other cities in the state that do so.

Commissioner Washington explained that benefits to electing a city attorney are accountability to the public rather than to the mayor or council, independent and impartial stances without political pressure, and building more confidence from the public.

Discussion followed from Commissioners Bauer, Washington, Qawwee, Anderson, Boyd, Lopez, and Jeffries regarding logistics of elected city attorneys.

Chair Jeffries explained his opposition to electing the attorney and explained some alternative provisions to increase accountability.

2-101.2

Attorney Cross explained the simplified language for 2-101.2 which reads “Term of Office. The term of every elective city officer is four (4) years and commences at noon on the first (1st) day of January after the regular city general election.”

Moved by Commissioner Boyd to adopt the proposed language.

Motion carried.

2-101.3

Attorney Cross explained the proposed language, noting that if the Commission moves to end staggering of terms, the years in the proposed language will need to be adjusted to later years to account for the timing of

Moved by Commissioner Dowd to end staggering of terms and adopt the proposed language which reads “In 2025, there will be four (4) vacancies upon the council to be filled. The four (4) qualified candidates receiving the highest number of votes shall be elected to a term of office of two (2) years. Beginning in 2027, each councilperson shall be elected to a four-year term.”

Moved by Vice Chair Adams Simon to amend the language to change 2025 to 2027, and 2027, to 2029.

Motion carried.

Motion carried.

2-102

Moved by Commissioner Dowd to adopt the proposed language, which reads “A person seeking elective office must be a citizen of the United States, a resident, and a qualified and registered voter of the City of Lansing for one(1) year by the deadline for filing for office, and retain that status throughout their tenure in any such elective office. In addition, a ward Council Member shall be a resident of the ward from which elected or chosen for one (1) year by the deadline for filing for office, and retain that status throughout their tenure as a ward Council Member.”

Motion carried.

2-103.2

Attorney Cross talked about options for clarifying the term “default”, by adding a definition in 1-205 or clarifying within 2-103.2.

Clerk Swope suggested defining default to the City to include property tax transferred to the County.

Vice-Chair Adams Simon clarified that it would apply to all counties in the City.

Chair Jeffries suggested clarifying default in the City by adding “at any time”.

Commissioners decided to review language further before moving anything.

2-301; 2-302

Commissioners Washington, Qawwee, Boyd, Adams Simon and Jeffries discussed the importance of clarity in this language.

Attorney Cross reminded commissioners about the complications of first amendment rights in defining reasons for forfeiture.

2-304

Moved by Commissioner Qawwee to adopt 2-304.6, which reads: “For purposes of this section, “temporary absence of the Mayor from the City or inability of the Mayor to perform the duties of office” shall mean such an absence, condition, sickness, or other cause that renders the Mayor incapable for the time being of performing the act that may be in question, which act must present such a necessity for immediate attention as to require it to be then executed.”

Motion carried.

2-401

Moved by Commissioner Dowd to amend the language to “Any official holding an elective office may be recalled and the office be filled in the manner provided by law.”

Motion carried.

2-410

Commissioner Washington spoke against a standing charter commission because of cost and potentials for resistance to change.

Commissioner Washington expressed support for automatically submitting the question of revision to the people, and the importance of combining the question and the candidates on the same ballot.

Vice-Chair Adams Simon expressed opposition to the 12-year cycle because of its length. She suggested removing a timeline and combining the elections.

Commissioner Boyd expressed support for combining the elections for the question and the candidates. She then suggested 16 years as a timeline, in line with the State’s timeline.

Commissioner Anderson expressed support for combining the elections for the question and the candidates because of increased awareness.

Vice-Chair Adams Simon: I move to adopt the following language for 2-410: “.1 The question of whether there shall be a general revision of the City Charter may be submitted to the voters in the manner provided by law. .2 When the question of having a general revision of this Charter shall be submitted to the voters as required pursuant to subsection .1, the charter commission shall be selected at the same election at which the proposition to revise is submitted; the selection shall be void if the proposition to revise is not adopted. .3 No city officer or employee, whether elected or appointed, shall be eligible to a place on the commission.”

Motion carried.

Commissioners Dowd and Washington voted no due to the barrier to transparency.

New Business

A. Article 3: Line-by-Line Review

Commissioner Bauer asked for more input from current and recent council members.

Vice-Chair Adams Simon stated that City Council members have been invited.

Commissioner Boyd asked for additional information from the internal auditor as it relates to the Board of Water and Light, and on the City's investment practices.

Commissioner Washington suggested the retirement board as a source of information for investment.

Moved by Commissioner Bauer to adopt Chapter 1 as presented.

Motion carried.

3-202.2

Clerk Swope acknowledged the dated provision of being served personally. He proposed "to receive actual notice of the meeting."

Commissioner Boyd expressed the importance of receipt for notification.

Commissioners discussed using broad language like majority instead of using specific numbers.

3-305

Moved by Commissioner Boyd to change the veto timeline to nine (9) working days and three (3) weeks.

Motion carried.

3-306

Clerk Swope explained how the timeline in this section conflicts with state law.

3-307

Clerk Swope explained the negative impacts of this section, and that the City is rare in having this provision.

Commissioner Dowd suggested a provision for optional expiration dates, which could be indefinite. Brief discussion was held by the attorney and commissioners about removing this section.

Moved by Commissioner Dowd to remove 3-307 and renumber the remaining sections in this chapter.

Motion carried.

3-401

Clerk Swope explained that the City has a new auditor, so the Council has established an ad hoc committee on audit, which may become a regular Committee.

Chair Jeffries ended discussion, pending a revisit once input from Council is received.

3-501

Moved by Vice-Chair Adams Simon to adopt Chapter 5 as presented.

Motion carried.

Public Comment

Amanda Castillo spoke about the ethical investment clause and the importance of community.

Commissioner Remarks

Commissioners wished each other happy holidays.

Adjournment

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

Lansing City Charter Commission Comment Submission Form

First Name

Nicholas

Last Name

Travelbee

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

Email

njtravelbee@yahoo.com

Lansing City Charter Commission Comment Submission Form

Topic

General Comments

Hello Commissioners,

Thank you for taking the time to read my comments and for taking the time to do this important work for our city. It has been so great to see the amount of care you have been putting into inclusion. As someone from a community that fails to value inclusion this is something that makes me want to stay here. I feel that being inclusive and fair to all is what will ultimately determine if Lansing thrives or continues to survive.

There is only one area I feel we need to do a bit better on the inclusion piece and that was revolving around English Proficiency. There are large numbers of Lansing residents who do not speak English, and I think that we must be extremely cautious in the language used here to ensure these people have equal opportunities. What are the criteria to make English required for a specific position? I would especially like to see that they have an equal right to run for office as I feel like it would be wrong to not allow representation from other groups within our community. I liked the emphasis on the ability to use translators as a reasonable accommodation.

There has been a lot of discussion on the BWL. We do have a good public utility, and I don't think major changes are needed. but more oversight wouldn't harm the BWL. It seemed like they were actively campaigning against any oversight using the fact that they have improved so much as the reason, however, this is the same charter that allowed them to not be so great in the past. Allow them to continue to operate independently but provide for some more checks.

The most important change for City Council would be to make it an odd number, 7 or 9. I would be more in favor of more wards and less or no at large members. I felt like there were some great arguments for the cost of running campaigns and keeping money from being a factor in whose running our city. I was glad to hear the commission was waiting until January to make any decisions regarding this because I think that needs to be debated further, and you need to hear from different members of the public. I would encourage the chair to be more open to what's being said on this issue in the future, it felt like he was personally offended and shut the conversation down previously.

Finally, there has been a ton of talk about transparency. I feel like this issue runs deep and requires multiple solutions.

First, we have to review the city's merit system and how the people in charge are in charge. I think any positions that can be elected should be. I know that we don't want to get too specific in the charter, but it feels like we currently are not specific enough relating to how employees and leadership are chosen and what standards of service they are required to provide. I found the charter commission because I was upset that multiple departments in the city just don't respond or provide the information you need in responses. City employees should be held accountable just like anyone in the private sector has to respond to people, so should they.

The ability to follow the charter is another massive issue we need to address. There was talk about how many of the provisions in the charter just don't happen, that can't be the case with the new charter. If it isn't something the city is going to do, we need to eliminate it. Two things stuck out to me as provisions in the charter that seemed important but not followed and that was reviewing ordinances every 10 years as well as boards and commissions providing annual reports. I feel like if it's too many ordinances for Council to review every 10 years its too many ordinances for an average citizen to have to abide by. I would like to see the annual reports from boards and commissions publicly available and enforced.

Third, there also needs to be different levels of discipline for breaking the charter in different ways. The current charter states that the mayor's office has to reply to contact within a reasonable timeframe. The mayor's office has broken that, does that mean he should be jailed? absolutely not, but there should be some recourse for the citizens. In one of the meetings there was discussion about an ongoing charter commission and also a transparency commission. I think these two things could be rolled into the same thing. Somewhere where residents can submit feedback for anything they would like changed and the commission can look at amending the charter on specific issues as needed. This same commission could handle complaints when citizens feel their charter rights have been violated.

Thanks again for taking the time to read my comments, I look forward to continuing to watch the work you are all doing for our city.

Lansing City Charter Commission Comment Submission Form

12/17/2024 9:40 AM (EST)

Lansing City Charter Commission Comment Submission Form

First Name	Nicholas
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Last Name	Gareiss
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(Optional) Contact information is optional, but providing it will make it easier for potential follow up.

Email	nic.gareiss@gmail.com
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Lansing City Charter Commission Comment Submission Form

Topic	Apartheid free investment clause
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Comment	I am urging the charter commission to adopt an ethical investment clause that will help keep Lansing apartheid-free. It's important that the city invest ethically in ways that will not harm our constituents or the environment. In September, a fully drafted ethical commitment clause was submitted for consideration. I wholeheartedly support it and am asking you to as well. Please adopt this apartheid-free investment clause in the upcoming city charter.
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Drever, Emery

From: Breina Pugh <Breina.Pugh@LBWL.COM>
Sent: Monday, January 6, 2025 10:36 AM
To: Jeffries, Brian
Cc: Drever, Emery; Dick Peffley; Smiljana Williams
Subject: [EXTERNAL] Charter Commission - Audits
Attachments: 2021-03-05 BWL External Auditor Recommendation Resolution 2021.pdf

Hi Chair Jeffries:

Happy New Year! Hope it's off to a great start.

At the last Charter Commission meeting on Tuesday, December 17 a question came up regarding BWL compliance with Article 3, Chapter 4. The exact language is as follows:

3-404 External Audit . 1 An independent audit shall be made of all accounts of the City government, including the Board of Water and Light, at the close of each fiscal year, and shall be completed by October 15th. Special independent audits may be made at any time that the Council may designate. All such audits shall be made by a Certified Public Accountant designated by the Council. The results of each such audit shall be made public in the manner that the Council determines and copies thereof shall be placed in the office of the Clerk for public inspection.

Our legal team has reviewed this language and believes our current practice satisfies the Charter's requirement. BWL does have an independent audit conducted annually by October 15. The audit is conducted by a Certified Public Accountant designated by the City Council. Resolution 2021-03-05 (see attached) designates Baker Tilly to perform the audit through 2025. Additionally, BWL provides an annual presentation to City Council on the audit results and answers any pertinent questions.

Additionally, there has been discussion regarding the BWL Internal Auditor position. This position is created by the City Charter and is appointed by the BWL Board of Commissioners. This ensures the Internal Auditor operates independently of BWL management. The Internal Auditor operates under their own BWL Internal Audit Charter which was most recently updated and approved by the BWL Board of Commissioners in September 2024. The Charter establishes that the Internal Auditor will adhere to the Institute of Internal Auditors' International Professional Practices Framework which are the Global Internal Audit Standards and Topical Requirements. There is regular reporting to the BWL Board of Commissioners at each Finance Committee meeting, providing status updates on the internal audit function and the department's activities. Between the Internal Auditor and the Board of Commissioners, traditionally the Finance Committee, a series of audits on processes, operations and financials are approved each fiscal year to be completed. Audit results and findings are reported at BWL Board of Commissioners meetings as audits are completed. This shows the independent and transparent nature of the Internal Auditor position.

I hope this helps provide some more clarity. As always, the BWL is open to answering any questions the Commission has. Thank you!

Breina Pugh

Government & Community Relations Manager
Lansing Board of Water & Light
Cell: 989-948-1164
Email: breina.pugh@lbwl.com



RESOLUTION 2021-03-05

Lansing Board of Water & Light External Auditor Recommendation

WHEREAS, Lansing City Charter Section 3-404.1 requires an independent audit of all accounts of the City government, including the Board of Water and Light (BWL), at the close of each fiscal year, and all such audits shall be made by a Certified Public Accountant designated by the City Council; and

WHEREAS, BWL staff engaged in its normal public procurement process for the purpose of soliciting and evaluating proposals from a variety of independent public accounting firms that have municipal utility audit experience to perform an audit of the BWL as required by Lansing City Charter Section 3-404 for fiscal years ending June 30 on the following respective years: 2021, 2022, 2023, 2024, and 2025; and

WHEREAS, based on the public procurement evaluation of the proposals received, the BWL staff recommends the firm of Baker Tilly to perform these BWL audits; and

RESOLVED, that the Board of Commissioners support BWL staff's recommendation; and

FURTHER RESOLVED, the Board of Commissioners recommends that Lansing City Council approve and designate Baker Tilly to perform the annual financial audit for each of the fiscal years ending June 30 on the following respective years: 2021, 2022, 2023, 2024, and 2025 in accordance with Lansing City Charter 3-404.1; and

FURTHER RESOLVED, that the Corporate Secretary is hereby directed to submit this resolution on behalf of the Board of Commissioners to City Council requesting their approval of Baker Tilly as recommended by the Board of Commissioners.

Motion by Commissioner Lenz, **Seconded** by Commissioner Mullen, to approve the Resolution for Lansing Board of Water & Light External Auditor Recommendation.

Roll Call Vote:

Yeas: Commissioners David Price, Beth Graham, Deshon Leek, David Lenz, Tony Mullen, Ken Ross, Tracy Thomas, and Sandra Zerkle.

Nays: None.

Action: Motion Carried.

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

MEMORANDUM

TO: Lansing Charter Review Commission
FROM: David C. Hollister
DATE: December 16, 2024
SUBJECT: Comments & Recommendations on City Charter

As a former mayor with a 50+ year career in public service (teacher, county commissioner, legislator, mayor, state cabinet director and NGO president), I appreciate the opportunity to share some thoughts and suggestions on charter revisions that I believe will help future city leaders address the critical issues facing all communities in this country.

I want to thank you for the significant work you are undertaking and for the time and energy you are committing to this important work. Your work is in the tradition of our founding fathers' desire to assure that "We the People" have a say in and give consent to how we are governed and that checks and balances are in place to prevent abuse of power. Every generation is guaranteed a vote to determine the governing structure. The task that you have undertaken might seem trivial and inconsequential at times. But I can assure you that this is an opportunity of a lifetime and that your forthcoming recommendations will have a profound impact for years to come. As Thomas Jefferson said, "The best cure for an ailing democracy, is more democracy." In the past a periodic tweaking of the charter may have been sufficient. But with today's multiple complex, accelerating, disruptive and high-stakes social, political and economic challenges, this is not a time for tinkering. The times call for more bold, visionary, action-oriented, strategic and creative thinking.

I want to support Mayor Schor's thoughtful analysis and recommendations for a strong Mayor-Council governance structure. We are the state capital and people expect a strong, knowledgeable, trusted leader who unites the region and influences the policy debate. A mayor's role is to communicate a compelling vision and plan for the city and translate that vision into reality. Given all the disrupters affecting cities---e.g., impact of pandemic on social and economic conditions, ongoing economic uncertainty, housing crisis, climate change, artificial intelligence and population trends---it is more critical than ever that we have a comprehensive plan for how we address these and other 21st-century challenges.

After reading the Skidmore report, Mayor Schor's analysis, and the 2021 National Civic League Model City Charter report, I will focus my recommendations on strategies for addressing the larger issues facing our communities.

PREAMBLE

Many cities include a preamble in their charters. A preamble gives citizens a sense of a city's vision and values. Below is a draft preamble for your consideration.

We the people of the capital City of Lansing, Michigan, pursuant to the constitution and laws of the state of Michigan, and in order to secure the benefits of local self-government and to provide for a transparent, accountable and efficient Mayor-Council government, do hereby adopt this charter and confer upon the city the following powers, subject to the following restrictions, and prescribed by the following procedures and governmental structure. By this action, we secure the benefits of home rule and affirm the values of representative democracy, professional management, economic vitality, diversity and inclusiveness, justice, transparency, equality, equity, efficiency, quality service, public participation, environmental stewardship and regional collaboration to address shared goals.

Strategic Plan

Almost all public and private enterprises engage in ongoing strategic planning, including educational institutions like Michigan State University ("Boldness by Design," Project 2030), and cities like Madison, Wisconsin (Comprehensive Plan). A strategic plan lays out a vision, goals, objectives and measurement tools. It enables citizens, city employees and business and community partners to understand where a city is going, what strengths and challenges it faces, and how and when it will get there. It helps citizens hold a mayor accountable for the plan. Such a plan should be developed collaboratively and be made available to the public.

We must stop being modest about our talents and strengths and tell our story to the world, e.g. our educated and skilled workforce; our historic and strong position in the advanced manufacturing, scientific, finance, insurance and IT sectors; our rich and deep concentration of educational facilities and talent; and our collaborative and creative reputation for successful community-based problem-solving as demonstrated by our success in keeping such valuable partners as GM and Jackson in the region and win the federal government international competition to build the FRIB at MSU.

By engaging our business, educational, community and regional partners in a strategic planning process, innovative, collaborative, entrepreneurial solutions and strategies will follow and lead to a better future for our city and region. It will ensure that the major challenges facing Lansing will be named, analyzed, addressed and shared and that citizens and stakeholders will have had a say in the process. I believe citizens will rally in support of this idea because they will feel more empowered, engaged, trusting, and hopeful about their government and their future. As Michigan's capital city, we need to be a model for how cities can thrive and survive in the 21st Century. To do less, invites apathy, cynicism, negativity, and reduced quality of life.

To assure this planning process takes place and a Mayor is held accountable, I am recommending that Sec. 4-102 Obligations of Leadership be amended to require

the Mayor to present to the Council and public a written three-year strategic plan for the city. The plan would not call for Council approval. The plan should be included on the City of Lansing website and updated as progress is made. Below is a draft amendment for your consideration:

PROPOSED Amendment to Sec. 4-102 Obligations of Leadership

Add a new obligation between 3 and 4 to read:

Within one year of being sworn in, the Mayor shall present to the Council and public a written three-year strategic plan for the City of Lansing that provides a vision, goals and objectives, and how progress will be measured. The plan shall include 1) comprehensive data on and analysis of the city's current situation, including demographic and economic trends; environmental and health threats and trends; technological trends; regional factors and opportunities; education needs; land use and transportation; neighborhoods and housing, and the social landscape ; 2) active involvement of citizens, community organizations, local businesses, other government agencies, and internal staff from all levels and functions; 3) high-level strategic goals that are Specific, Measurable, Achievable, Relevant, and Time-bound (SMART); 4) detailed strategies and action plans for achieving the goals; and 5) a system for regularly measuring and reviewing progress and publicly reporting on the implementation of the plan. The Mayor shall report on the progress of creating and implementing the plan at the annual State of the City Address and in the annual budget presented to the City Council.

In conclusion, I encourage you to think creatively, to be innovative, to look at best practices, to take advantage of university expertise, and to ensure there are clear strategies for moving the city and region forward. I encourage the commission to spend the next 18 months educating itself and the public about the art of governing in a high-risk, hyper-speed environment. Yes we need a tuneup but we can also create a forum where we think big and allow for new and creative strategies for governing efficiently and effectively.

I would be happy to discuss the above with you in more detail if you wish.

Thank you again for this opportunity.

From: Boyd, Elizabeth <Elizabeth.Boyd@lansingmi.gov>
Sent: Monday, December 30, 2024 2:17 PM
To: Jeffries, Brian <Brian.Jeffries@lansingmi.gov>
Cc: Swope, Chris <Chris.Swope@lansingmi.gov>; Simon, Lori <Lori.Simon@lansingmi.gov>; Bauer, Joan <Joan.Bauer@lansingmi.gov>
Subject: Comments from Mayor Hollister, Bob Swanson

Brian,

As promised, I'm sending my notes that I took when I met with Mayor Hollister and Bob Swanson regarding the city charter.

Note: when elected I started meeting with people to get their ideas on what the commission should be doing. I met with lots of people. Former officials like the two mentioned above plus Mayor Bernero, Carol Wood and Patricia Spitzley. I met with former charter commission candidates like Jerry Norris and Sam Klahn. I met with interested citizens like Loretta Stanaway and Nancy Mahlow. I also met with Chad Gamble before my travels and surgery got me off track.

At any rate, I asked everyone the same questions: Strong mayor vs. city manager; city council makeup; city attorney – what to do; the charter revision question; boards of commissions who should appoint, etc. The people I met with not only answered the questions, but it often lead to deeper conversation as you can imagine.

I thought this background would be helpful in reviewing the comments I'm forwarding. I will say at the beginning that almost to a person, everyone agreed that no matter what form of government Lansing pursues, it comes down to leadership and the people who assume those roles, which we know!

Mayor Hollister:

Absolutely supports a strong mayor.
Has no problem with an even numbered council; ambivalent about the at-large members.
Believes the city attorney should be hired by the mayor.
Elections: leave as is, staggered terms in odd year elections.

Miscellaneous (most of which is out of our control:)

Our city government is not dysfunctional
We have to pursue regionalism
Need to promote schools and education.
Best cure for an ailing democracy is more democracy.
Have to promote a skilled workforce.
Have to stimulate innovation.

Bob Swanson (former Finance Director:)

Absolutely supports a strong mayor form of government. He said half of what Hollister did could not have been done without some kind of mandate.

Supports an odd numbered council.

City elections: Fine the way they are now; believes you have a more informed electorate in the off-year cycle.

Comfortable with the charter question and the number of council meetings.

Council makeup: Not a hill to die on. Believes ward council members do most work and represent citizens best; okay with three at-large members; wards could go to six.

In none of my discussions did I get a sense for overall change in our city government. A couple people support the manager concept and a couple (the same people) support nine city wards as opposed to the 4-4 split we have now. Only one person supported electing the city attorney.

Let me know if you have any questions. Here is to a happy and health New Year for you and everyone.

Liz

To: Charter Commissioners
 From: Emery Drever, Deputy Clerk
 Date: December 30, 2024
 Re: Actions Update

The Commission has taken the following actions on the text of the Charter:

Article 1- General: Adopted as Amended	
Status	Chapter
Adopted as presented	1. Government
Adopted as Amended	2. Interpretation of Charter - PERSON means a human being regarded as an individual and artificial entities recognized as persons by state law. (11/26/24) - PUBLISH means making something public in the manner stated in or authorized by this Charter or law, or if no direction is given in this Charter, by posting to the City's website and by any means determined by the City to achieve widespread dissemination to the general public in the City to inform on matters of municipal concerns. (12/17/2024) - VOTERS means ELECTORS. (12/17/2024)
Adopted as Amended	3. Rights of 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 pursuant to law. (12/3/2024) .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.. (11/26/2024) .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. (11/26/24)
Adopted as presented	4. Governmental Cooperation
Adopted as presented	5. Penalties

Article 2- Officers and Elections: pending	
Status	Chapter
Pending	1. Officers <i>101.1; .3 suspended until the conversation of wards is revisited after the holidays, to allow for additional public comment</i> <i>101.1 pending enumeration of elective officers</i> <i>103.2 definition of default</i>
Amended	1. Officers • 101.2 Term of Office. The term of every elective city officer is four (4) years and commences at noon on the first (1st) day of January after the regular city general election. • 101.3 In 2027, there will be four (4) vacancies upon the council to be filled. The four (4) qualified candidates receiving the highest number of votes shall be elected to a term of office of two (2) years. Beginning in 2029, each councilperson shall be elected to a four-year term. (12/17/2024) • A person seeking elective office must be a citizen of the United States, a resident, and a qualified and registered voter of the City of Lansing for one (1) year by the deadline for filing for office and retain that status throughout their tenure in any such elective office. In addition, a ward Council Member shall be a resident of the ward from which elected or chosen for one (1) year by the deadline for filing for office and retain that status throughout their tenure as a ward Council Member. • 103.1 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.(11/12/2024)
Pending	2. Election of Officers <i>2-203 Wards: suspended until the conversation of wards is revisited after the holidays, to allow for additional public comment</i>
Pending	3. Vacancies <i>301; 302 pending reviews of legal opinion</i> <i>304 pending reviews of attorney-proposed language</i>
Amended	3.Vacancies • 2-304.6: For purposes of this section, “temporary absence of the Mayor from the City or inability of the Mayor to perform the duties of office” shall mean such an absence, condition, sickness, or other cause that renders the Mayor incapable for the time being of performing the act that may be in question, which act must present such a necessity for immediate attention as to require it to be then executed.
Pending	4. Ballot Issues <i>406 pending reviews of legal opinion</i>
Amended	4.Ballot Issues • 2-401 Recall: Any official holding an elective office may be recalled and the office be filled in the manner provided by law • 2-410: .1 The question of whether there shall be a general revision of the City Charter may be submitted to the voters in the manner provided by law. .2 When the question of having a general revision of this Charter shall be submitted to the voters as required pursuant to subsection .1, the charter commission shall be selected at the

	same election at which the proposition to revise is submitted; the selection shall be void if the proposition to revise is not adopted. .3 No city officer or employee, whether elected or appointed, shall be eligible to a place on the commission.
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Article 3- Legislative Branch: pending	
status	Chapter and details
Adopted as presented	1. Structure
pending	2. Meetings of Council <i>3-202.2 pending language from clerk</i> <i>3-203 pending language from attorney</i> <i>3-205 numbers pending council structure</i> <i>3-206 independent investigator- pending language from attorney</i>
amended	3. Legislation - the ninth working day following the adoption of the ordinance or resolution. .3 If a notice of veto is filed, the ordinance or resolution shall not become law without further affirmative vote of two-thirds of the Council members serving at a meeting held within three weeks of the notice of veto. 3-307 removed; 3-308 – 3-310 renumbered accordingly
pending	3.Legislation <i>3-306 pending language from attorney</i>
pending	4. Internal and External Audits <i>Pending commentary from Council</i>
Adopted as presented	5. Council Staff



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Kristen L. Rewa
krewa@cmda-law.com

January 3, 2025

Via Email

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

Re: Article II – Officers and Elections

Dear Mr. Jeffries:

This letter addresses questions that arose during the December 17, 2024 Charter Commission meeting during its review of Article 2 of the Charter for which attorney advice was sought. The questions are taken in the order of where the language appears in the Charter.

2-103 Ineligibility for Office

Section 2-103.2 currently states “[n]o person who is in default to the City shall be eligible to hold any City office.” As stated in a prior memorandum, we recommended an addition to Sec. 1-205 (Definitions) to define “default to the city”. Based on the discussion at the December 17, 2024, we added further language to include nonpayment of property taxes for any property located within the City, whether the tax debt is currently owed to the City or the relevant county.

DEFAULT TO THE CITY means the omission or failure to timely perform a legal or contractual duty owed to the City of Lansing. This includes, but is not limited to, failure to pay any monetary obligation, including taxes, fees, or fines. Default to the City includes failure to pay property taxes for property located in the City, regardless whether the tax liability is owed to the City or the County.

Additional concerns were raised by Commission members regarding the timeframe of the default (“at any time” when such person is seeking or holding office) and whether the person knows of the default. The phrase “at any time” we located language in another city charter that

provided an opportunity for the affected individual to remedy the issue. City of Ann Arbor Charter, Sec 12.10 states a city office is vacant when the officer is in “default to the City, unless such default is eliminated within thirty days after written notice thereof by the Clerk upon the direction of the Council, or, unless the officer in good faith contests liability for the default”. We provide the following proposed language for the Commission’s review and consideration.

.2 No person shall be eligible to hold any City office at any time such person is in default to the City, unless such default is eliminated within thirty days after written notice thereof by the City Clerk.

2-302 - Forfeiture and removal for cause.

The Commission asked for further clarification and clean up to the proposed language. Based on discussions at the last meeting, the proposed language is clarified to indicate a council member subject to a forfeiture hearing may attend and speak, but their participation is not that of a council member. In other words, the member cannot sit at the dais with the other council members and participate in the deliberation, nor can the council member vote. Thus, if the Commission wishes to amend 2-302.1, we suggest the following language:

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

2-406 Special Elections

Under Michigan law, “special election” is defined as “an election to elect an individual to, or nominate an individual for, a partial term in office or to submit a ballot question to the electors.” MCL 168.4(f). The Clerk recommended looking at the number of days required to fill the vacancies under this section of the Charter due to changes in state law.

Whenever a vacancy occurs in an elective city office, it must be filled in the manner provided by the law or charter governing the filling of vacancies in the city in which the vacancy occurs. MCL 201.37. Michigan Election Law provides, “Except as otherwise provided in this subsection and subsection (4)[neither of which apply to city elections], **a special election shall be held on a regular election date.**” MCL 168.641(3). A “regular election date” is the date set aside for elections in May, August, and November. MCL 168.641(1). A special primary election must be held at least 45 days before the special election date. MCL 168.631. State law defines “general election” and “general November election” to mean “the election held on the November

regular election date in an even numbered year.” MCL 168.2(k). However, state law also references an “odd year general election” as the “election held on the November regular election date in an odd numbered year” and generally requires cities to hold their general elections in an odd numbered year. MCL 168.3(e); see also MCL 168.642.

Section 2-406.2 contradicts the timelines provided in Michigan Election Law, MCL 168.641(3) and MCL 168.631, insofar as it calls for special primary elections to be held “at least 25 days” before the election, not the 45 days provided by state law. It appears the intent of the current special election process is to allow for the City Council to appoint individuals to vacant elected offices when the seat is vacant for at least six months prior to the November general election, with the remainder of that term being filled at that election. Sec. 2-303, Sec. 2-406.3. However, per 2-406, when the City Council does not fill a vacancy for 30 days, the Election Commission schedules a special election to fill the vacancy “at the earliest possible time”. To keep this intent but also comply with state law, we recommend language outlined below.

Additionally, Michigan election law also provides the deadlines for local ballot questions. MCL 168.646a provides, in relevant part:

(2) If a ballot question of a political subdivision of this state including, but not limited to, a county, city, village, township, school district, special use district, or other district is to be voted on at a regular election date or special election, the ballot wording of the ballot question must be certified to the proper local or county clerk not later than 4 p.m. on the twelfth Tuesday before the election. If the wording is certified to a clerk other than the county clerk, the clerk shall certify the ballot wording to the county clerk at least 82 days before the election. Petitions to place a county or local ballot question on the ballot at the election must be filed with the clerk at least 14 days before the date the ballot wording must be certified to the local clerk.

(3) The provisions of this section apply to and control the filing deadlines for candidates for local office to be elected at the general November election and for all ballot questions of a political subdivision of this state at any regular election, primary election, or special election notwithstanding any provisions of law or charter to the contrary.

The timeline provided in MCL 168.646a requires a minimum of twelve weeks (84 days) for the ballot language to be certified to the City Clerk. Under the HRCA, special elections for proposed charter amendments require at least 60 days after the city council proposed the amendment, and if submitted by an initiatory petition, not less than 90 days from filing the petition. MCL 117.21. Based on review of these statutes, it is unclear whether there is ever a situation where 50 days is sufficient to present a ballot-based question to be placed on a special election.

State law makes clear that the City’s special elections must occur during a regular election in May, August, or November. State law does not prohibit the City from holding a special election to fill the remainder of a vacant term that has been temporarily filled by an appointment will be held at a general November election. Nor is state law offended by charter language that allows a vacancy that was not temporarily filled by the council to be filled by a special election held “at

the earliest possible time”, as long as “earliest possible time” means a special election held in May, August, or November and all state law deadlines for the ballot has been met, including a special primary election held at least 45 days before the special election.

If the commission wishes to keep this general structure for special elections in place, but remove the language that conflicts with state law, we recommend:

2-406 Special Elections

.1 Special City elections shall be held when called by resolution of the City Council at least 90 days in advance of the election, or longer as otherwise 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, or longer as otherwise required by state law. A special primary election shall be held at least 45 days before the special general election.

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

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

We look forward to discussing these matters in further detail.

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 Term of Office. The term of every elective city officer is four (4) years and commences at noon on the first (1st) day of January after the regular city general election. (12/17/2024)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 In 2027, there will be four (4) vacancies upon the council to be filled. The four (4) qualified candidates receiving the highest number of votes shall be elected to a term of office of two (2) years. Beginning in 2029, each councilperson shall be elected to a four-year term. 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(12/17/2024).~~

2-102 Qualifications For Elective Office

~~A person seeking elective office must be a citizen of the United States, a resident, and a qualified and registered voter of the City of Lansing for one(1) year by the deadline for filing for office, and retain that status throughout their tenure in any such elective office. In addition, a ward Council Member shall be a resident of the ward from which elected or chosen for one (1) year by the deadline for filing for office, and retain that status throughout their tenure as a ward Council MemberEvery 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. (12/17/2024)~~

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. Any person who has been convicted of either a violation of the election laws of this City, this State or the United States of America or a violation of a public trust or any felony shall not be eligible to hold any City office for a period of 20 years from the date of the conviction.-(11/12/2024)~~

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

1 .3 A person who holds or has held any elective City office shall not be eligible for appointment to a
2 non-elective office or employment for which compensation is paid by or through any agency of the
3 City until the person has been out of office for one year.

4 **2-104 Compensation Of Officers**

5 .1 The City shall, by ordinance, determine the compensation or the procedure for determining the
6 compensation of all officers and employees of the City.

7 .2 The elected officers compensation commission previously created by ordinance may continue to
8 determine the compensation of all elected officials after the effective date of this Charter. The
9 compensation commission ordinance shall be amended to provide a procedure for calling the
10 compensation commission together at a time to be determined by the City Council.

11 .3 The City may, by ordinance, at any time alter any procedure for determining compensation of any
12 officers or employees.

13 **2-105 Bonds Of Officers**

14 .1 All officers and employees who receive, distribute or are responsible for City funds, shall be
15 bonded in the sum determined by the City Council.

16 .2 The City Council may require bonds from other officers and employees.

17 .3 All bonds shall be approved by the City Attorney and filed with the City Clerk.

18 **2-106 Oath Of Office**

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

24 **Chapter 2. ELECTION OF OFFICERS**

25 **2-201 Time Of Elections**

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

27 **2-202 Non-Partisan Ballot**

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

30 **2-203 Wards**

31 .1 The City of Lansing shall be divided into four wards, from each of which a member of the City
32 Council shall be nominated and elected.

33 .2 Each ward shall have the same boundaries as shall exist on the effective date of this Charter until
34 changed in accord with law.

1 .3 The Election Commission shall revise the boundaries of the wards within 60 days after the figures
2 from the Federal decennial census becomes available. New ward boundaries created within 120 days
3 of a City primary election shall become effective after the general election.

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

6 2-204 Method Of Nomination

7 .1 The method of nomination for all elective offices in the City shall be by petition, or by a candidate
8 submitting a filing fee. A primary election shall be held on those occasions when the number of
9 persons submitting valid nominating petitions or filing fees exceeds twice the number of positions to
10 be filled in the office.

11 .2 Nominating petitions submitted by candidates for offices to be filled by voters of a ward shall be
12 signed by at least one hundred (100), but no more than one hundred fifty (150), of the persons
13 registered to vote in the ward in which the election is to be held.

14 .3 Nominating petitions submitted by candidates for offices to, be filled by the voters of the City at
15 large shall be signed by at least four hundred (400), but no more than six hundred (600), of the
16 registered electors of the City.

17 .4 In lieu of submitting nominating petitions, a candidate may nominate himself or herself for City
18 office by submitting a filing fee of one hundred dollars (\$100.00). The filing fee shall be
19 nonrefundable. (maintain filing fee 12/3/24)

20 .5 The City Clerk shall assist members of the public by providing information regarding the
21 requirements for candidacy, and in the preparation of petitions.

22 .6 Neither nominating petitions, nor filing fees shall be accepted unless accompanied by an affidavit
23 sworn to or affirmed by the candidate, stating that the candidate possesses the legal qualifications for
24 the office and requesting that the candidate's name be printed on the ballot.

25 2-205 Election Commission

26 .1 The conduct of City elections shall be the responsibility of the Election Commission consisting of
27 the City Clerk, the City Attorney and the Assessor. The City Clerk shall preside.

28 .2 The Election Commission shall prescribe the procedures to be followed in the conduct of City
29 elections in accord with state law.

30 2-206 State Law To Apply

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

1 Chapter 3 VACANCIES

2 2-301 Absence From Office

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

8 2-302 Forfeiture And Removal For Cause

9 .1 The City Council shall declare the forfeiture of the office of any elective officer or appointee and
10 may remove for cause any person appointed to an office for a fixed term. In every case there shall be
11 a public hearing before the City Council with notice published in the same manner as notices of
12 proposed ordinances. A Council member charged with conduct constituting grounds for forfeiture may
13 not participate in the resolution of the charge.

14 .2 The position of an elective City officer or an appointee shall be forfeited if he or she:

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

18 .3 Decisions made by the City Council under this section are not review able by the Mayor but are
19 subject to judicial review in a hearing de novo. Any resident of the City may petition an appropriate
20 court to require the City Council to hold a public hearing on the forfeiture of an office if the City
21 Council has unreasonably refused to proceed.

22 2-303 Filling Vacancies

23 .1 Whenever a vacancy occurs in the office of Mayor, the President of the City Council shall fill the
24 office until January first following the earliest November general election at which a successor can be
25 elected to fill the office for the rest of the term. If the Council President should decline to serve as
26 Mayor, after receiving notice of the vacancy, the Council by a majority of Council members serving
27 shall select one of its members to fill the office of Mayor.

28 .2 Whenever a vacancy exists in the office of the City Clerk or member of the City Council, the
29 Council, by a majority vote of members serving, shall appoint a qualified person to fill the office until
30 January first following the earliest November general election at which a successor can be elected to
31 fill the office for the rest of the term.

32 2-304 Temporary Absence Of Mayor

33 .1 During the temporary absence of the Mayor from the City or the inability of the Mayor to perform
34 the duties of the office, the President of the City Council shall be considered the temporary Mayor of
35 the City for the purpose of performing statutory duties of the office.

36 .2 Whenever the City Council, by a vote of two-thirds of the members serving, declares that the
37 temporary absence of the Mayor from the City or the inability of the Mayor to perform the duties of the
38 office has created a need for administrative leadership and direction, the City Council may request
39 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.

.6 For purposes of this section, "temporary absence of the Mayor from the City or inability of the Mayor to perform the duties of office" shall mean such an absence, condition, sickness, or other cause that renders the Mayor incapable for the time being of performing the act that may be in question, which act must present such a necessity for immediate attention as to require it to be then executed. (12/17/2024)

Chapter 4. BALLOT ISSUES

2-401 Recall

Any official holding an elective office may be recalled and the office be filled in the manner provided by law. Any official holding an elective office may be recalled and the vacancy created be filled in the manner provided by law. (12/17/2024)

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.

1 **2-404 Suspension Of Referred Ordinance**

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

7 **2-405 Council Action On Petitions**

8 .1 Upon receiving an initiative or referendum petition from the City Clerk, the City Council shall within
9 30 days either:
10 (a) if it is an initiative petition
11 (1) adopt the ordinance as submitted in the petition, or
12 (2) direct the submission of the proposal to the electors; or
13 (b) if it is a referendum petition,
14 (1) repeal the ordinance to which the petition refers, or
15 (2) direct the submission of the proposal to the electors.
16 .2 Submission to the voters shall take place at the next regular election, or at a special election held
17 prior to the next regular election.

18 **2-406 Special Elections**

19 .1 Special City elections shall be held when called by resolution of the City Council at least 50 days in
20 advance of the election, or when required by this Charter or state law. Any resolution calling a special
21 election shall set forth the purpose of such election.
22 .2 Special elections to fill vacancies shall be called at least 90 days before the general election. A
23 special primary election shall be held at least 25 days before the special general election.
24 .3 Any election to, fill a vacancy in an elective City office shall be held on election day in November
25 and shall be preceded by a primary election. No general election to fill a vacancy may be held unless
26 the vacancy occurred at least six months prior to the general election.
27 .4 Whenever a vacancy in the office of Mayor, City Clerk or City Council exists for 30 days and the
28 City Council has failed to fill the vacancy, the Election Commission shall schedule a special election
29 to fill the vacancies at the earliest possible time. The date of the election shall not be subject to the
30 provisions of Section 2-406.3.

31 **2-407 Submission By Council**

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

35 **2-408 Determining Result Of Election**

36 .1 Except as otherwise required by law, the result of any initiative or referendum election shall be
37 determined by a majority of the voters voting on the question.
38 .2 If two or more inconsistent initiative or referendum measures are submitted to the voters at the
39 same election, the measure receiving the highest number of affirmative votes shall prevail to the
40 extent of their inconsistency.

1 2-409 Amendment, Repeal And Reenactment

- 2 .1 An ordinance adopted by the voters through initiative proceedings may not be amended or
3 repealed by the City Council for a period of two years after the date of the election at which it was
4 adopted.
5 .2 An ordinance nullified by the voters through referendum proceedings may not be re-enacted by the
6 City Council for a period of two years after the election at which it was nullified.

7 2-410 Charter Revision Question

- 8 .1 The question of whether there shall be a general revision of the City Charter may be submitted to
9 the voters in the manner provided by law.
10 .2 When the question of having a general revision of this Charter shall be submitted to the voters as
11 required pursuant to subsection .1, the charter commission shall be selected at the same election at
12 which the proposition to revise is submitted; the selection shall be void if the proposition to revise is
13 not adopted.
14 .3 No city officer or employee, whether elected or appointed, shall be eligible to a place on the
15 commission.
16 ~~The question of whether there shall be a general revision of the City Charter shall be submitted to the~~
17 ~~voters of the City of Lansing at the November general election held in 1987 and every 12 years~~
18 ~~thereafter and may be submitted at other times in the manner provided by law.~~

19 2-411 Charter Amendments

- 20 .1 This Charter may be amended by a majority vote of the electors in the manner provided by statute.
21 .2 Petitions for Charter amendments may be submitted to the City Attorney for approval as to form in
22 the same manner as petitions for initiative and referendum.
23 .3 If two or more amendments adopted at the election have inconsistent provisions, the amendment
24 receiving the largest affirmative vote shall prevail to the extent of their inconsistency.

25



ATTORNEYS AND COUNSELORS AT LAW

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Kristen L. Rewa
krewa@cnda-law.com

January 3, 2025

Via Email

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

Re: Article 3 – Legislation

Dear Mr. Jeffries:

This letter addresses questions that arose during the December 17, 2024 Charter Commission meeting during its review of Article 3 of the Charter for which attorney advice was sought. The questions are taken in the order of where the language appears in the Charter.

I. Section 3-203, Quorum

This section currently defines quorum as five members of council. It further provides that, in the absence of quorum, any number may recess any meeting or hearing to a later time.

The Commission asked whether five can be changed to a percentage to allow for some flexibility in the event the number of seats on the City Council are changed. Yes, such a change can be made. In the absence of any statute, bylaw or ordinance specifying a quorum, the common-law rule is that a quorum is a majority of the members of a body entitled to vote on all matters. 4 McQuillin, Law of Municipal Corporations, sec. 13.34 (3d ed.). A quorum is often defined as a “majority”. Examples include:

- City of Pontiac: “A majority of all Council members serving constitutes a quorum, but a lesser number may adjourn from day to day and compel the attendance of an absent member in such manner and under such penalties as prescribed by ordinance.” (Pontiac Charter, Sec. 3.107).
- Sterling Heights, “The majority of the council shall constitute a quorum for the transaction of business at all meetings of the council, but in the absence of a

quorum two (2) or more members may adjourn any regular or special meeting to a later date.” (Sterling Heights Charter, Sec. 5.09)

- Detroit: “A majority of City Council members serving constitutes a quorum, but a smaller number may adjourn from time to time and may compel attendance of absent members in the manner and subject to the penalties provided by rule of the City Council.” (Detroit Charter, Sec. 4-107)
- Other cities of similar size also define quorum of their City Council by number. (Warren Charter, Sec 5.1, 5.3); Ann Arbor defines quorum by number. (Ann Arbor Charter, Sec 4.4(d)).

However, defining quorum as “majority” can create ambiguity, especially when there is a vacant seat on the Council. Unless stated otherwise, the general rule is that “where vacancies occur, the whole number entitled to membership must be counted and not merely the remaining members.” 4 McQuillin Mun. Corp. § 13:40 (3d ed.). However, use of the term “serving” would mean that vacancies are excluded from the quorum calculation. Some laws define quorum (or the number necessary for a successful vote on a matter) as members “elected and serving,” which is a more narrow definition that would exclude non-elected members. In the case of the City Council, use of the term “elected and serving” could have the effect of excluding from the calculation a council member that was appointed to fill a vacancy. We have drafted two options. Option 1 uses the term “serving.” Option 2 keeps quorum defined as a majority of the whole number of possible seats.

The Commission also asked what the impact of a recess of a meeting would be versus an adjournment. According to Robert’s Rules of Order, 12th Edition, a recess “is a short intermission in the assembly’s proceedings, commonly of only a few minutes, which does not close the meeting and after which business will immediately be resumed at exactly the point where it was interrupted.” *Id.*, at §20:1, p.217. On the other hand, “to adjourn means to close the meeting. . . . The adoption of any motion to adjourn closes the meeting immediately unless the motion specifies a later time for adjourning”. *Id.*, at §21:1, p.220.

The Open Meetings Act, MCL 15.265(5), states “[a] meeting of a public body that is recessed for more than 36 hours shall be reconvened only after public notice that is equivalent to that required under subsection (4) has been posted.”

A recess technically does not close the meeting. So, for example, if the City Council lost quorum for a short span of time, it could recess and reconvene to resume the same meeting, without need to re-post the meeting under the OMA. In practice, a local governing body that loses quorum, typically loses quorum for the rest of that day, resulting in an adjournment. Other city charters with similar provisions tend to use the term “adjourn” rather than “recess”.

Proposed option 1 (“serving”)

3-203 Quorum

A majority of the Council members serving shall be a quorum for the transaction of business at all of its meetings. In the absence of a quorum, any number less than a quorum may recess or adjourn any meeting or hearing to a later time.

Proposed option 2 (all seats)

3-203 Quorum

A majority of the number of Council members established by this Charter shall be a quorum for the transaction of business at all of its meetings. In the absence of a quorum, any number less than a quorum may **recess or adjourn** any meeting or hearing to a later time.

II. Section 3-205, Voting

Related to the above, the request has been made to remove any reference to a specific number of votes required and instead refer to a percentage or ratio of members to allow flexibility to change the number of City Council seats.

Below are proposed alternative changes to this section for the Commission's consideration. Notably, the current language in 3-205 permits a two-thirds vote of five members when there are vacancies on the board (otherwise, two-thirds is defined as 6 members). While this can be captured in Option 1, which calculates based on members "serving", Option 2 does not capture this lower threshold,

Option 1 ("serving")

3-205 Voting

.1 An action of the Council shall become effective with an affirmative vote of a majority of Council members serving, except as otherwise provided by this Charter for the filling of vacancies and resolving a conflict of interest of a Council member. A vote of two-thirds of the Council shall require an affirmative vote of two-thirds of the members serving. If there are one or more vacancies existing on the Council and a vote of two-thirds of the Council members serving is required, an affirmative vote of five Council members shall be sufficient to adopt.

Option 2 (all seats)

3-205 Voting

.1 An action of the Council shall become effective with an affirmative vote of a majority of the number of Council members established by this Charter, except as otherwise provided by this Charter for the filling of vacancies and resolving a conflict of interest of a Council member. A vote of two-thirds of the Council shall require an affirmative vote of two-thirds of the number of members established by this Charter. If there are one or more vacancies existing on the Council and a vote of two-thirds of the Council members serving is required, an affirmative vote of two-thirds of the Council members serving shall be sufficient to adopt.

III. Section 3-206:

The request was made to provide language to expand or clarify who may conduct an investigation. The language in Section 3-206 is common and found in many Charters. See, e.g., Pontiac Charter, 3.116; Detroit Charter, Sec. 4-110; Grand Rapids Charter, Title XVIII, ¶ 271; Traverse City Charter, Sec. 41; Midland Charter, Sec. 4.8; Flint Charter, Sec. 3-205. We recommend that the Commission maintains these powers in the City Council. There are situations when it is necessary and appropriate for the City Council to conduct investigations as part of its duties and powers. Midland's charter contains additional language that specifically permits its governing body to authorize another person/committee to conduct an investigation on its behalf. That language may alleviate the Commission's concerns. Proposed language is outlined below.

3-206 Investigations

.1 The City Council, or any person or committee authorized by it for the purpose, may make investigations into the affairs of the City and the conduct of any City agency.

.2 The City Council may subpoena witnesses, administer oaths, take testimony and require the production of evidence in any matter pending before it.

.3 To enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order, the City Council shall apply to the appropriate court.

IV. Section 3-207, Rights and Responsibilities of Council Members

The Commission asked how this section's provisions, which empower the City Council to make inquiries of city officers and employees, on the one hand, interact with the limitation that the City Council shall give no direct orders to any officer or employee, on the other hand? This provision makes clear that the Council's right to this information is for policy-making and legislative purposes. The Council may not "direct" or give orders to a City employee as a supervisor or manager of that employee. This provision assists in the "checks and balances" between the legislative body and the executive functions of city government. We do not believe there is a conflict between these provisions.

V. Section 3-306, Effective Date

A question was asked whether this section could be amended to allow for shorter effective dates of ordinances than current default of 30 days. For example, the Zoning Enabling Act permits zoning laws to become effective "7 days after publication . . . or at such later date after publication as may be specified by the legislative body or charter." MCL 125.3401(6). The short answer is, yes, the Charter can provide a shorter date.

Some city charters provide for immediate effect on all ordinances unless a specific date is provided in the ordinance. See Sterling Heights Charter, Sec 6.04. Other charters provide

for immediate effect upon a showing of public necessity or emergency. Pontiac Charter, Sec. 3.112(f).

Further guidance is needed from the Commission. The language could be changed to lower the default effective date for all ordinances, allowing for later effective dates if specified in the enacting resolution. However, the Commission recently approved changes to Sec. 3-305, which gives the mayor 9 working days to implement a veto. Consideration should be given to the interaction between the longer veto timeline with a potentially shorter effective date.

Below are two options of proposed language for the Board's consideration.

Option 1:

3-306 Effective Date Of Ordinance

.1 Every published ordinance shall become effective at 12:01 a.m. on the 14th day after enactment or at any later date specified.

.2 The City Council may give immediate effect to any ordinance by an affirmative vote of two-thirds of the Council members serving whenever it finds that there is a public necessity for eliminating delay in making an ordinance effective.

Option 2:

3-306 Effective Date Of Ordinance

.1 Every published ordinance shall become effective at 12:01 a.m. on the 30th day after enactment or at any later date specified.

.2 The City Council may give immediate effect or a shorter effective date to any ordinance by an affirmative vote of two-thirds of the Council members serving whenever it finds that there is a public necessity for eliminating delay in making an ordinance effective.

Very truly yours,

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



Kristen L. Rewa

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)

To: Charter Commissioners

From: Emery Drever, Deputy Clerk

Re: Proposed Language for 3-202.2

At least 18 hours before the meeting, the clerk shall publish notice of the meeting in the manner/s pursuant to law; shall cause each Council Member to be personally notified and shall verify receipt of notification by each Council Member.

ARTICLE 3 – LEGISLATIVE BRANCH

Chapter 1. STRUCTURE

3-101 City Council

The legislative power of the City is vested in the City Council. The City Council shall have the powers and duties provided by law or this Charter.

3-102 Organization Of Council

.1 The City Council shall meet and organize each year at its first regularly scheduled meeting in January.

.2 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. They shall be known as the Council President and the Council Vice-President, respectively, and each shall serve a one year term.

.3 The City Clerk shall preside until the City Council has chosen a Council President. Thereafter, the Council President shall preside at all formal sessions of the City Council when present.

.4 The Council may establish special or ad hoc committees limited in time and purpose.

.5 The Council may also establish such other committees as it may deem appropriate. For the performance of its legislative responsibilities, standing committees may be established. No standing committee shall be administrative in nature, nor shall it parallel the administrative structure of City government.

.6 The Chairperson and members of each committee established by Council shall be named by the Council President not later than the next regular City Council meeting after the establishment of the committee.

.7 The City Council may, at any of its Meetings deliberate as a committee of the whole.

3-103 Rules

.1 The Council shall by resolution adopt rules of procedure for the orderly conduct of its meetings.

.2 The rules shall direct the City Clerk to prepare the agenda for the Council meetings and make it public in the manner set forth in the rules.

.3 The rules shall provide that there shall be a time on the agenda of each Council meeting for a report from the Mayor and a time for the Mayor or a representative of the Mayor to respond to questions.

.4 The rules shall provide a reasonable opportunity for members of the public to be heard at Council meetings.

3-104 Maintenance Of Order

The City Council shall have the authority to maintain order at meetings of the Council and its committees, and shall have the assistance of City police whenever the Council deems it necessary.

Chapter 2. MEETINGS OF COUNCIL

3-201 Meetings

.1 The City Council shall meet at least 26 times each year, at such times and places as shall be stated in the Council rules. The public shall have a reasonable opportunity to be heard.

.2 Meetings of the City Council shall be open to the public except in those limited instances where State law authorizes closed meetings.

.3 Notices of all meetings of the City Council shall be posted at City Hall and such other locations considered appropriate by the Council and shall set forth the topics of business to be discussed, the dates, times and locations of the meetings.

3-202 Special Meetings

.1 Special meetings of the Council shall be held at the call of the Clerk upon the written request of the Mayor or any two members of the Council.

.2 At least 18 hours before the meeting, the clerk shall give public notice of the meeting and shall cause each Council member to be served personally with a notice of the meeting or shall cause the notice to be left at the usual place of residence of the Council member.

.3 No business shall be transacted at any special meeting of the Council except that stated in the notice of the meeting.

3-203 Quorum

Five members of the Council shall be a quorum for the transaction of business at all of its meetings. In the absence of a quorum, any number less than a quorum may recess any meeting or hearing to a later time.

3-204 Attendance At Meetings

.1 The City Council may compel the attendance of absent members at a duly called meeting by a majority vote of the Council members present whether or not quorum is present.

.2 The City Council may by ordinance provide penalties for non-attendance, including the penalty of forfeiture of office.

3-205 Voting

.1 An action of the Council shall become effective with an affirmative vote of five Council members voting, except as otherwise provided by this Charter for the filling of vacancies and resolving a conflict of interest of a Council member. A vote of two-thirds of the Council members serving shall require the affirmative vote of six of the eight serving Council members. If there are one or more vacancies existing on the Council and a vote of two-thirds of the Council members serving is required, an affirmative vote of five Council members shall be sufficient to adopt.

.2 Each member of the Council shall vote on each question before the Council for a determination, unless excused there from by the affirmative vote of two-thirds of the members serving, except that no member shall vote on any question upon which that member has a conflict of interest or a financial interest other than as a citizen of the City. If a conflict of interest question is raised under this section at any Council meeting, such question shall be determined by a majority of those Council members

present and qualified to vote before the main question shall be voted on, but the Council member affected shall not vote on such determination.

.3 The affirmative and negative votes shall be taken and recorded on all ordinances, and whenever requested by one or more Council members, on any other matter.

3-206 Investigations

.1 The City Council may make investigations into the affairs of the City and the conduct of any City agency.

.2 The City Council may subpoena witnesses, administer oaths, take testimony and require the production of evidence in any matter pending before it.

.3 To enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order, the City Council shall apply to the appropriate court.

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.

.2 The responsibilities and activities shall be to establish policy of the City and shall be legislative in nature.

.3 Except as may otherwise be provided by law or this Charter, 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.

Chapter 3. LEGISLATION

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;

(b) provide for the levying and collecting of rents, tolls, excises and taxes, except for taxes levied in the annual appropriation resolution; or

(c) amend or repeal any ordinance previously adopted.

.2 Other Council actions may be taken either by ordinance or resolution.

3-302 Introduction Of Ordinances

.1 Every proposed ordinance shall be introduced in writing.

.2 No ordinance may contain more than one subject, which shall be clearly stated in its title.

.3 The enacting clause shall be "The City of Lansing ordains"

.4 An ordinance which only amends the schedules related to the regulation of traffic and parking need not be republished in full. The sections to be amended of all other ordinances shall be re-enacted and published in their entirety clearly indicating the matter to be omitted and the matter to be added.

.5 An ordinance which repeals an existing ordinance may state the number, title, a brief description of the ordinance and the reasons for the repeal without restating the text of the ordinance being repealed.

.6 Objections to the form of an ordinance, which are raised for the first time after the effective date of the ordinance shall not invalidate the ordinance.

3-303 Public Hearing On Ordinance

.1 Upon introduction of any ordinance, the City Clerk shall distribute a copy to each Council Member and to the Mayor. A reasonable number of copies shall be filed in the office of the City Clerk and such other public places as the City Council may designate.

.2 Notice to the public of a public hearing on the consideration of the proposed ordinance shall be given by publication or in the manner determined by the City Council.

.3 The public hearing may be held not sooner than five days after the public has been provided notice of the hearing. The public hearing may be held separately or at a regular or special meeting of the City Council.

.4 All interested persons shall have an opportunity to be heard.

3-304 Publication After Enactment

.1 The City Clerk shall authenticate by signature and record all ordinances and resolutions in a properly indexed book kept for the purpose.

.2 After enactment of any ordinance or resolution having the effect of law, the City Clerk shall have it published as soon as possible, in a newspaper of general circulation in the City together with a notice of its adoption.

.3 No ordinance or emergency ordinance shall be effective until it has been published.

.4 Every ordinance or resolution having the effect of law, and amendment to this Charter, shall be printed after enactment and copies shall be distributed or sold to the public at reasonable prices to be fixed by the City Council.

3-305 Veto

.1 Every ordinance and resolution passed by the City Council is subject to veto by the Mayor.

.2 No ordinance or resolution of the City Council subject to review by the Mayor shall have any force or effect if the Mayor prepares and signs a notice in writing suspending the operation of such ordinance or resolution which sets forth reasons for the veto, and the notice is filed in the office of the City Clerk before five o'clock on the afternoon of the ~~third-ninth~~ working day following the adoption of the ordinance or resolution.

.3 If a notice of veto is filed, the ordinance or resolution shall not become law without further affirmative vote of two-thirds of the Council members serving at a meeting held within ~~two-three~~ weeks of the notice of veto.

3-306 Effective Date Of Ordinance

.1 Every published ordinance shall become effective at 12:01 a.m. on the 30th day after enactment or at any later date specified.

.2 The City Council may give immediate effect to any ordinance by an affirmative vote of two-thirds of the Council members serving whenever it finds that there is a public necessity for eliminating delay in making an ordinance effective.

~~3-307~~ Expiration Of Ordinances

~~.1 Every ordinance which creates a regulatory function, an agency of the City or provided for a service to be rendered to the public shall state that it shall expire on a specific date not more than ten years after the date of adoption.~~

~~.2 Six months prior to the expiration date of each such ordinance the Clerk shall notify the Council of the expiration date.~~

~~.3 Two months prior to the expiration date the Council shall take formal action, either to re-enact the ordinance, or by resolution, state its intent that the ordinance shall expire.~~

~~.4 The failure of the Clerk or Council to act shall not extend the life of any ordinance covered by this section.~~

3-3078 Emergency Ordinances

.1 Emergency ordinances may be enacted to meet a public emergency affecting life, health, property or the public peace. However, an emergency ordinance may not levy taxes; grant, renew or extend a franchise; or regulate the rate charged by any public utility for its services.

.2 An emergency ordinance shall be introduced in the form and manner required for ordinances generally, except that it shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.

.3 An emergency ordinance may be adopted and given immediate effect at the meeting at which it is introduced by an affirmative vote of two-thirds of Council Members present.

.4 No emergency ordinance shall be effective for more than 60 days.

3-3089 Codification Of Ordinances

.1 Within three years after the effective date of this Charter and at least every 10 years thereafter, the City Council shall provide for and adopt a codification of all City ordinances.

.2 The codification shall be enacted by ordinance and shall be published promptly in loose leaf form, together with this Charter and commentary and any amendments, pertinent provisions of the State Constitution and other laws of Michigan, and other rules and regulations as the City Council may specify.

.3 This compilation shall be known as the Lansing City Code and copies shall be: furnished to City officers, placed in libraries and public offices for free public reference, and made available for purchase by the public at a reasonable price fixed by the City Council.

.4 After publication of the first Lansing City Code under this Charter, the ordinances and Charter amendments shall be printed in a form suitable for integration with the Code currently in effect.

3-30910 Public Peace, Health And Safety

The City shall take such action, and adopt such ordinances, as shall be necessary to provide for the public peace and health and for the safety of persons and property within the City.

Chapter 4 - INTERNAL AND EXTERNAL AUDITS

3-401 Internal Auditor

.1 The City Council shall appoint a qualified person as the Internal Auditor.

.2 The Internal Auditor shall be responsible to the City Council and may be removed by a majority of the City Council members serving.

3-402 Powers And Duties

.1 The Internal Auditor shall devote full time to the services of the City and shall assist the City Council in evaluating the planning and budgeting affairs of the City in order to develop and maintain unified City policies.

.2 The Internal Auditor shall make audits of financial transactions of all City agencies at least once every year or as otherwise directed by the City Council. The Internal Auditor shall have access to the financial and other records of all City agencies at any time.

.3 The Internal Auditor shall make a full report to the City Council of each individual audit and file a copy with the Mayor and City Clerk. The report shall include any or all of the following as directed by Council:

(a) An examination of financial transactions, accounts, contracts and reports, including an evaluation of compliance with applicable laws and regulations;

(b) a review of efficiency and economy in the use of resources with recommendations for improvement;

(c) a report as to whether desired results are effectively achieved in City programs, services and activities.

.4 As soon as possible after the close of each fiscal year, the Internal Auditor shall provide an analysis of the financial position of the City. The report shall be a public record.

.5 The Internal Auditor shall review the administration and performance of any City agency and report findings and recommendations to the City Council and file a copy with the Mayor and the Clerk.

.6 Whenever appropriate the Internal Auditor shall promptly make a report to the City Council on City agencies or any irregularities of practice and erroneous accounting methods with recommendations for improving the accounting procedures and systems of the agency. A copy of each report on irregularities and erroneous accounting methods shall be referred to the Mayor.

.7 The Internal Auditor shall evaluate the Capital Improvement Plan.

.8 The Internal Auditor shall have no authority to audit the activities of the Board of Water and Light except as requested in writing by the Board.

.9 The Internal Auditor may be authorized by City Council to hire adequate staff to perform the internal auditing functions. The staff shall serve at the pleasure of the Internal Auditor.

3-403 Limitations

Except as otherwise provided in this Charter, the Internal Auditor shall not have any connection with any City agency, nor be custodian of any cash or securities belonging to the City.

3-404 External Audit

.1 An independent audit shall be made of all accounts of the City government, including the Board of Water and Light, at the close of each fiscal year, and shall be completed by October 15th. Special independent audits may be made at any time that the Council may designate. All such audits shall be made by a Certified Public Accountant designated by the Council. The results of each such audit shall be made public in the shall be placed in the office of the Clerk for public inspection.

.2 The External Auditor shall report on the activities and accounts of the Internal Auditor.

1 Chapter 5. COUNCIL STAFF

2 3-501 Council Staff

3 .1 The City Council may employ staff and contract for services as it may deem necessary to assist it
4 in its functions.

5 .2 Persons appointed by the Council shall serve at the pleasure of the Council.



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Kristen L. Rewa
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January 3, 2025

Via Email

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

Re: Article 4 – Executive Branch

Dear Mr. Jeffries:

This letter addresses Article 4 of the Charter in preparation for the January 7, 2025 meeting.

I. City Attorney.

Questions have been raised regarding how the City Attorney is selected. As stated in a previous memorandum, The HRCA provides that the City Charter must include for “[t]he election of a mayor..., and of a body vested with legislative power, and for the **election or appointment** of a clerk, a treasurer, an assessor or board of assessors, a board of review, **and other officers considered necessary**.” MCL 117.3(a) (emphasis added).

Currently, Article 4, section 4-304 provides the general description of the appointment of the City Attorney and the general duties of the City Attorney. The City also has an ordinance, Chapter 288, which provides for the minimum qualifications required for several city department heads, including the City attorney. These qualifications may only be waived upon recommendation of the Mayor and approval of the City Council.

There is no prohibition on establishing the City Attorney as an elected official. No other Michigan cities have an elected City Attorney. We need further guidance whether the Commission wishes to change the selection of the City Attorney to be by election. If so, language will need to be developed in Article 2 and Article 4.

Should the Commission decide to establish the City Attorney as an elected office, the Charter will be more limited on the qualifications that may be placed on an elected office than

an appointed office. Qualifications for an elective office must serve a compelling governmental interest and be the least burdensome method to achieve those interests. For example, there is at least one case in which a court declared unconstitutional a City Charter provision that required a candidate for municipal judge to have practiced law in Michigan for five years before filing his nominating petitions. *Castner v Clerk of City of Grosse Pointe Park*, 86 Mich App 482, 496 (1978). As such, the qualifications set forth in Ordinance Chapter 288 will likely not be valid for an elected position.

Other potential alternatives are to have the City Attorney appointed by the City Council. Several city attorneys are hired/fired by their legislative body, including Ann Arbor, Kalamazoo, Grand Rapids, and several smaller cities. The City of Flint has a hybrid process whereby the City Attorney is nominated by the mayor and approved by the city council. The Flint City Attorney can be removed by the city council after recommendation or consultation of the mayor.

Aside from the matters of how the City Attorney is selected, the Commission has also discussed the City Council's authority to hire outside council. Based on the Commission's discussions during the December 17, 2024 meeting, it appears there is a belief or practice that City Council cannot retain an attorney. Charter Section 4-304.6 provides that no board or office may retain an attorney relating to the affairs of the city without obtaining approval from the City Council. City Council cannot act on the request until after requesting a written opinion from the City Attorney. It is our opinion that the City Council currently has the authority to hire outside attorneys, although the language could be stated more affirmatively.

As the Commission considers the language regarding the City Attorney, it may be helpful to consider what role the City Attorney plays in the organization and the interplay between that role and an attorney's ethical duties. This begins with recognizing that for a municipal attorney, the City as an organization is the client, not any particular board, employee, or official. As such, the City Attorney owes a duty to the organization, which could put the City Attorney at odds with the highest authorities in the organization. The City Attorney also has special responsibilities as a prosecutor and independent prosecutorial discretion.

II. 4-102 Obligations of Leadership

.3 appears to have a typo, "to the City Council I from time to time". We recommend removing the "I" from this phrase.

.12 appears to have a typo. "4102.7" should read "4-102.7".

III. 4-301 Departments

Sec 4-301.3 provides a list of City agencies and departments that "Shall continue in existence subject to reorganization in accord with this charter." A list of 20 agencies or departments is then listed. However, many of the listed agencies no longer appear to be in existence. We recommend removing the list as it is not necessary.

Section 4-301.7 provides a procedure for the mayor to create an executive reorganization plan. To the extent this process still makes sense for the City, it can be left in. However, we recommend removal of the sentence "The Mayor shall submit an initial reorganizational plan

not later than January 31, 1979” because it is obsolete.

IV. References to Affirmative Action

Provisions within the City Charter refer to “affirmative action.” At the time the Charter was drafted, affirmative action was recognized in lawful manner in which to remedy past discriminatory conduct. However, the Michigan Constitution was amended in 2006 to prohibit the use of affirmative action within public education and government in Michigan. Mich Const of 1963, Art I, § 26. Upon review of the City of Lansing Charter, the following provisions refer to affirmative action:

Article 4, Chapter 1, Section 4-102.10:

.10 The Mayor shall make an annual report on the status of affirmative action programs of the City.

Article 4, Chapter 3 (DEPARTMENTS), Section 4-401 (Heads Of Departments)

.4 The head of each department of the City shall be responsible to the Mayor for the administration of the department and shall, under direction of the Mayor, implement the policies, including affirmative action, as expressed in the ordinances and resolutions of the City Council.

Article 6 (City Employees), Chapter 3 (Prohibition Against Discrimination)

6-301 Non-Discrimination

No City employee or applicant for employment shall be discriminated against because of race, religion, national origin, age, political orientation, marital status, sex, handicap, or for any cause not reasonably related to the accomplishment of a legitimate governmental purpose. The City shall take affirmative action for the recruitment and advancement of members of groups under represented on any level of City employment as compared to the minority and sex composition of the City.

Although the affirmative action program’s references are contained throughout the document, we recommend that the Commission change the language to comply with state law but also be consistent with such City initiatives as are permissible. Such proposed language could be changed to “diversity, equity, and inclusion.”

We recommend that the Commission strike the affirmative action language and replace it with language that reflects initiatives that are consistent with the City of Lansing’s current and future expectations regarding such policy choices but also in a manner that complies with state and federal law.

Very truly yours,

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

A handwritten signature in black ink, appearing to read 'Kristen L. Rewa', written in a cursive style.

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 4 – EXECUTIVE BRANCH

Chapter 1. MAYOR

4-101 Mayor

The Mayor shall be the chief executive officer of the City of Lansing and shall devote full time to the service of the City. The Mayor shall exercise all of the powers and duties granted to the Mayor by law or this Charter.

4-102 Obligations Of Leadership

.1 The Mayor shall exercise supervision and coordination over the several departments of government, and see that the laws, ordinances, and regulations of the City are enforced and for that purpose, the Mayor shall be a conservator of the peace. The Mayor may exercise within the City the powers conferred upon sheriffs to suppress disorder and enforce the laws of the State and the ordinances and regulations of the City.

.2 The Mayor, or the Executive Assistant to the Mayor, shall attend all regular and special meetings of the City Council to submit such reports and proposals to the City Council as are appropriate, and to respond to questions of the Council members and citizens.

.3 The Mayor shall recommend to the City Council from time to time, proposals for meeting the needs and addressing the problems of the City.

.4 No later than the last regular City Council meeting in January of each year, the Mayor shall present a state of the City report to the City Council and to the public, outlining the activities of each of the departments and agencies of the City, their existing programs and services and an analysis of their adequacy. The report shall contain the Mayor's observations on the effectiveness of the organization of the several departments and agencies of the City and any recommendations for reorganization to increase efficiency, effectiveness and economy of operation. The report shall also contain a summary of the financial conditions of the city.

.5 The Mayor shall be responsible for the development and preparation of the budget.

.6 The Mayor shall respond to any Internal Auditor report on irregularities or erroneous accounting methods. Such response shall be made in writing to the City Council within 30 days of receipt and shall contain the Mayor's recommendations for the elimination or correction of the indicated irregularities or errors.

.7 The Mayor shall be responsible for the management of real property owned by the City in accord with Section 8-403 of this Charter.

.8 The Mayor shall make an annual report to the City Council which shall itemize all the interests in real property owned by the City. The report shall include the status of all parcels and an analysis and recommendation for the appropriate management and use of each.

.9 The Mayor shall be responsible for reducing any unlawful discrimination and increasing mutual understanding among the residents of the community.

.10 The Mayor shall make an annual report on the status of affirmative action programs of the City.

.11 The Mayor shall receive, investigate, and respond to all requests for information and all complaints concerning the operation of the City government in a prompt and efficient manner.

.12 The Mayor may delegate any of the duties described in Sections 4-102.5, 4102.7, 4-102.9 and 4-102.11 to another officer of the city by filing notice of specific delegation with the City Clerk.

Chapter 2. EXECUTIVE STAFF

4-201 Executive Assistant To The Mayor

.1 The Mayor shall have an Executive Assistant who shall perform such duties and functions as may be required by this Charter or directed by the Mayor for the efficient operation of administrative services and functions.

.2 The Mayor may direct the Executive Assistant to act on behalf of the Mayor with other officers of the City for the purpose of coordinating departments, the development of the budget, communication with City Council, and in carrying out the ordinances and policies of the City.

.3 The Executive Assistant shall be appointed solely on the basis of the person's ability to exercise the powers and perform the duties conferred upon the Executive Assistant pursuant to this Charter, or which may be assigned to the Executive Assistant by the Mayor. This ability shall have been demonstrated by relevant executive or administrative experiences in a federal, state or municipal government or by equivalent experiences in a field other than government.

.4 The Executive Assistant shall be appointed by the Mayor and shall serve at the pleasure of the Mayor.

Chapter 3 DEPARTMENTS

4-301 Organization Of Departments

.1 All departments, divisions of departments and agencies of the City in existence on the effective date of this Charter, whether created by the previous Charter or by ordinance, shall continue as if created by ordinance until changed in accordance with this Charter.

.2 The following agencies of the City shall have the power and duties described in this Charter:

(A) Board of Water and Light (Sections 5-201 to 5-207)

(B) Finance Department (Section 4-302)

(C) Fire Department (Section 4-303)

(D) Law Department (Section 4-304)

(E) Parks and Recreation Department (Section 4-305)

(F) Planning Department (Section 4-306)

(G) Police Department (Section 4-307)

(H) Public Service Department (Section 4-308)

.3 Other agencies of the City previously established by ordinance, or otherwise, shall continue in existence subject to reorganization in accord with this charter.

These include:

(1) Air Pollution

(2) Building Inspection and Safety

(3) Central Garage

(4) City Market

(5) Civic Center

(6) Community Development

- (7) Data Processing
- (8) Emergency Services
- (9) Housing Commission
- (10) Housing and Redevelopment
- (11) Human Relations
- (12) Human Resources
- (13) Municipal Parking System
- (14) Personnel
- (15) Program Coordinator
- (16) Property Management
- (17) Purchasing
- (18) Safety
- (19) Traffic
- (20) Weights and Measures

.4 Except as otherwise provided by this Charter; services, agencies and instrumentalities of the City shall be organized as far as practicable according to their major purpose and function in order to provide service as efficiently, effectively and economically as possible.

.5 To the extent permitted by law, the City may, by ordinance, establish, abolish and reorganize departments, other than the Fire Department, Police Department and the Board of Water and Light.

.6 The Fire Department and Police Department may be assigned, by ordinance, additional duties compatible with the general purposes of the departments. The Board of Water and Light may be assigned added duties by agreement between the Board and the City Council. No agency of the executive branch shall have any administrative authority over the Board of Water and Light.

.7 The Mayor may prepare one or more executive reorganizational plans which, consistent with law and this Charter, provide for reorganization of one or more agencies of the executive branch, and assign authorized programs, services and activities to each agency. The Mayor shall submit an initial reorganizational plan not later than January 31, 1979. A reorganizational plan, as proposed by the Mayor, shall be submitted to the City Council and made public. The City Council shall study and conduct public hearings on the plan and may request the Mayor to make modifications in it. Ninety days after the submission of a plan to the City Council, the plan shall become effective and shall become operational as stated in the plan, with such modifications as are accepted by the Mayor, unless disapproved by a resolution adopted by two-thirds of the City Council members serving.

4-302 Finance Department

.1 The Director of Finance shall be the administrative head of the Department of Finance and shall be responsible to the Mayor for the provision of financial services to the City in a manner consistent with the best practices therefore.

.2 The Department of Finance shall be in charge of the divisions of Accounting, Assessments, Budget Management, Income Tax, and Treasury.

4-303 Fire Department

.1 The Fire Chief shall be the administrative head of the Fire Department and shall be responsible to the Mayor for the provision of its fire protection services, fire prevention services and such other

1 services as may be assigned to it by the City. All services shall be rendered to the city in a manner
2 consistent with the best standards and practices.

3 .2 The Fire Chief shall be appointed by the Mayor from candidates recommended by the Board of
4 Fire Commissioners.

5 .3 The Mayor may suspend the Fire Chief and shall notify the Board of Fire Commissioners of the
6 reasons for the suspension. The Board shall convene at the earliest opportunity after the suspension
7 and shall determine, by a majority of the Board serving, whether the suspension shall continue. The
8 Fire Chief may be removed by the Mayor only with the concurrence of a majority of the Board serving.

9 .4 Each member of the Fire Department shall, before entering upon the duties of the office or
10 employment, take an oath of office similar to that required of other officers of the City. A copy of the
11 oath shall be subscribed in the presence of the City Clerk and filed in the office of the City Clerk.

12 .5 The Department shall maintain and operate such ambulance, inhalator, and other life saving and
13 emergency services as the welfare of the inhabitants of the City may require and as the Council may
14 direct.

15 4-304 Law Department

16 .1 The City Attorney may be appointed by the Mayor and confirmed by the City Council. The City
17 Attorney shall be the administrative head of the Department of Law and shall be responsible to the
18 Mayor and the City Council to see that the legal affairs of the City are properly managed.

19 .2 The City Attorney shall be the prosecutor for the people of the City for all cases arising under this
20 Charter and ordinances of the City and, when authorized to do so by law, cases arising under State
21 law.

22 .3 The City Attorney shall advise the officers and agencies of the City, in writing, on matters relating to
23 their official duties upon request,

24 .4 The City Attorney shall prepare or approve as to form, all bonds, contracts, ordinances and other
25 written instruments in which the City is concerned.

26 .5 The City Attorney shall prosecute or defend all cases in which the City is a party or has a legal
27 interest, and may upon request, and with City Council approval, represent any officer or employee of
28 the City in any action or proceeding involving official duties.

29 .6 No board or officer shall employ or retain special counsel in any matter relating to the affairs of the
30 city without first securing the approval of such employment or retainer by the City Council. The City
31 Council shall act only after requesting the City Attorney's written opinion.

32 .7 No civil litigation may be settled without the recommendation of the City Attorney and the consent
33 of the City Council, except and to the extent that risks are covered by insurance.

34 4-305 Parks And Recreation Department

35 .1 The Director of Parks and Recreation shall be the administrative head of the Department of Parks
36 and Recreation and shall be responsible to the Mayor for the provisions of parks, recreation and
37 leisure services of the City in a manner consistent with the best practices therefore.

38 .2 The Department of Parks and Recreation shall be in charge of those agencies and programs
39 responsible for cemetery services and facilities, forestry, parks, and recreation.

4-306 Planning Department

.1 The Director of Planning shall be the administrative head of the Department of Planning and shall be responsible to the Mayor for the planning activities of the City.

.2 Any agency with the knowledge of the Director of Planning may undertake the study of any development matter within the scope of its duties,

.3 The Department of Planning shall receive all reports concerning development matters and other information, which it requests.

.4 The director shall, with the head of any agency involved, evaluate all reports and information received by the department in the light of the policies, programs and priorities of the adopted master plan.

.5 The director shall be responsible for providing the Planning Board with staff and all information necessary for the Board to carry out its assigned duties under Sections 5-601 and 5-602 of this Charter.

.6 The department shall administer and enforce the zoning ordinances of the City and prepare plans for the City and its various departments when such plans involve the character, location and extent of activities and facilities which impact on the social, physical and economic development of the City.

4-307 Police Department

.1 The Chief of Police shall be the administrative head of the Police Department and shall be responsible to the Mayor for the provision of Police service to the City.

.2 The Chief of Police shall be appointed by the Mayor in consultation with the Board of Police Commissioners and subject to confirmation by a majority of the members of the Board of Police Commissioners serving.

.3 The Mayor may suspend the Chief of Police and shall notify the Board of Police Commissioners of the reasons for the suspension. The Board shall convene at the earliest opportunity after the suspension and shall determine, by a majority of the Board serving, whether the suspension shall continue. The Chief of Police may be removed by the Mayor only with the concurrence of a majority of the Board serving.

.4 Each member of the Police Department shall, before entering upon the duties of the office or employment, take an oath of office similar to that required of other officers of the City. A copy of the oath shall be subscribed in the presence of the City Clerk and filed in the office of the City Clerk.

.5 The police officers shall have and exercise all the immunities, privileges and powers of peace officers granted bylaw, for the preservation of quiet, good order and for the safety of persons and property. They shall possess and exercise the powers of arrest granted to peace officers by law, and shall promptly take any person who is arrested before the proper magistrate or court to be dealt with according to law. Violations of City ordinances shall be deemed to be misdemeanors for the purpose of establishing the power of police officers in making arrests.

4-308 Public Service Department

.1 The Director of Public Service shall be the administrative head of the Department of Public Service and shall be responsible to the Mayor for the maintenance and operation of the public works and service facilities of the City in a manner consistent with the best practices therefore.

.2 The Department of Public Service shall be in charge of those agencies and programs responsible for the provision of construction, engineering, maintenance, sewage and waste disposal services and facilities, and traffic.

.3 Persons appointed to serve as Director of Public Service and City Engineer shall be registered Professional Engineers of the State of Michigan.

Chapter 4 - DEPARTMENT AND AGENCY HEADS

4-401 Heads Of Departments

.1 The City Council shall adopt ordinances setting forth the qualifications for each head of a department, division or agency to be appointed by the Mayor. Such ordinances shall be adopted before any person may be considered for the position and no later than 30 days after the creation of a position. No amendment of an ordinance on qualifications shall affect the status of any person holding office at the time consideration of the amendment is commenced.

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

.3 The head of each department may also serve as a head of an agency or division.

.4 The head of each department of the City shall be responsible to the Mayor for the administration of the department and shall, under direction of the Mayor, implement the policies, including affirmative action, as expressed in the ordinances and resolutions of the City Council.

.5 Unless otherwise stated in this Charter, every person appointed by the Mayor to an indefinite term may be suspended or removed by the Mayor. The Mayor shall file a notice of every suspension or removal with the City Clerk for delivery to the City Council. If the City Council determines by a vote of two-thirds of Council members serving within 30 days of the notice of its receipt of suspension or removal that the action was not in the best interest of the City, the person may, in the discretion of the City Council, be reinstated to office without loss of compensation.

4-402 Heads Of Agencies

.1 The head of an agency or division may also serve as the head of a department.

.2 The head of each agency or division within a department shall be appointed by the department head unless this Charter or an ordinance provides for appointment by the Mayor.

.3 Whenever an agency or division head is appointed by the Mayor, the appointment shall be subject to the provisions of Section 4-401 of this Charter.

.4 Notwithstanding the provisions of any ordinance, the Mayor shall appoint the Treasurer, the Assessor, and the Chief Personnel officer.

Chapter 5. CLERK

4-501 City Clerk.

.1 The City Clerk shall be the administrative head of the Office of the City Clerk and shall be responsible to the people of the City of Lansing for the proper maintenance of the records of the City and for the orderly conduct of elections.

.2 The City Clerk shall be the Clerk of the City Council and shall keep a printed journal in the English language of its proceedings. The City Clerk shall attend all meetings of the City Council.

1 .3 The City Clerk shall be the custodian of all papers, documents, surety bonds and records which
2 pertain to the City, the custody of which is not otherwise provided.
3 .4 The signature of the City Clerk shall be the official certification for all ordinances, resolutions and
4 other actions by the Council.
5 .5 The City Clerk shall make the records of the City, including all Council actions, available to the
6 public during regular business hours.
7 .6 The City Clerk shall have custody of the City Seal and shall affix it to all documents requiring the
8 seal and shall attest the documents and instruments.
9 .7 The City Clerk shall have the power to administer any oath required for municipal purposes by law.
10 8 The office of the City Clerk shall have a supply of forms required to be filed with the City for any
11 purpose either by the provisions of this Charter, by ordinance or by law.
12 .9 The City Clerk shall be the chief elections officer of the City.

13 4-502 Chief Deputy City Clerk

14 The City Clerk shall designate one member of the office of the City Clerk to be the Chief Deputy City
15 Clerk who shall retain that designation at the pleasure of the City Clerk.
16 In the absence or disability of the City Clerk, or while the position is vacant pending action by the City
17 Council, the Chief Deputy City Clerk shall exercise all powers and perform all of the duties of the City
18 Clerk to the full extent permitted by law.