

City of Lansing Charter Commission

Regular Meeting Agenda



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

January 21, 2025 at 6:30 PM

1. Call to Order

2. Roll Call

3. Adopt the Agenda

4. Approval of Minutes

- A. January 7, 2025 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/14cdacfa-30ab-4f42-81be-b28bf6be1bd0@87509dec-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. City Council President Kost and Council Member Hussain

8. Old Business

- A. January - June 2025 Meeting Schedule
- B. Article 2: Line-by-Line Review
- C. Article 3: Line-by-Line Review

9. Public Comment

10. Commissioner Remarks

11. Adjournment

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

Minutes for the City of Lansing Charter Commission

Regular Meeting | Tuesday, January 7, 2025, 6:30 PM

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

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

Absent: none

Staff Present: City Clerk Swope, Deputy Clerk Drever, Attorney Rewa

Call to Order

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

Roll Call

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

Adopt the Agenda

Moved by Vice-Chair Adams Simon to adopt the agenda as presented.

Motion carried.

Approval of Minutes

Moved by Commissioner Bauer to approve the December 17, 2024, minutes as presented.

Motion carried.

Public Comment

Nicklas Zande spoke about a City Council structure that increases the number of wards and divides the wards by the established neighborhoods.

Heath Lowry spoke about a City Council structure that increases the number of wards.

Leslie Arnell echoed Nicklas Zande's comments and spoke about an ordinance issue.

Officer Reports

Chair

No report.

Vice-Chair

No report.

Clerk

Clerk Swope acknowledged written communications in the packet.

Presentations

David Hollister, former mayor of the City of Lansing, presented to the Commission on his recommendations for the Charter. He then took questions from Commissioners about regionalism, strategic planning, sustainability.

Peter Spadafore, Council Member of the City of Lansing, and the Chair of the ad hoc Committee on audit, presented to the Commission on audits in the City. Then, he took questions on the size of the audit staff, the internal auditing process, the language in the Charter relative to audits, and audits of quasi-government organizations.

Old Business

A. Article 2: Line-by-Line Review

Attorney Rewa overviewed the legal opinion that addresses Article 2-103 Ineligibility for Office.

Commissioners discussed processes for determining default for current officers and candidates, and accountability and sufficient notification of default.

Moved by Vice-Chair Adams Simon to amend the adopted 1-205 to add “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.”

Motion carried.

Attorney Rewa overviewed the legal opinion that addresses Article 2-302 Forfeiture and Removal for Cause.

Moved by Commissioner Dowd to amend 2-302.1 to read “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.”

Commissioners discussed implementing timelines of notice and positions covered by this provision.

No vote taken, by unanimous consent. Chair Jeffries requested proposed language at a future meeting which clarifies the scope of application, procedures for forfeiture, and meaning of cause.

Attorney Rewa overviewed the legal opinion that addresses Article 2-406 Special Elections and compliance with state law.

Moved by Vice-Chair Adams Simon to amend 2-406.1 to read “.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.”

Motion carried.

Moved by Commissioner Qawwee to amend 2-406.2 to read “.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.”

Motion carried.

Chair Jeffries started a discussion on the timeline of the Commission's work. Commissioners discussed ways to meet their intended timeline.

B. Article 3: Line-by-Line Review

Commissioners discussed the feasibility of the proposed language for Article 3-202.2 Special Meetings.

Moved by Commissioner Bauer to amend 3-202.2 to read "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."

Motion carried.

Attorney Rewa overviewed the legal opinion that addresses Article 3-203 Quorum.

Moved by Commissioner Qawwee to amend 3-203 with the second option of proposed language, which reads: "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."

Motion carried 7-2, with Commissioners Washington and Dowd voting against.

Attorney Rewa overviewed the legal opinion that addresses Article 3-205 Voting.

No action taken.

Attorney Rewa overviewed the legal opinion that addresses Article 3-206 Investigations.

Commissioner Qawwee left at 9:00 PM.

Commissioners discussed the proposed language.

Moved by Commissioner Washington to amend 3-206.1 to read "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."

Motion carried 7-1 with Commissioner Boyd voting against.

Moved by Commissioner Dowd to amend 3-206.2 to read "The City Council may subpoena witnesses, administer oaths, take testimony and require the production of evidence in any matter pending before it."

Motion carried 7-1 with Commissioner Boyd voting against.

Moved by Commissioner Washington to amend 3-206.3 to read "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."

Motion carried 7-1 with Commissioner Boyd voting against.

Commissioners discussed Article 3-207 Rights and Responsibilities of Council Members, with Attorney Rewa.

Attorney Rewa overviewed the legal opinion on 3-306 Effective Date of Ordinance. Discussion followed.

Moved by Commissioner Washington to amend 3-306 to read ".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.”

Motion carried 7-1, with Commissioner Boyd voting against.

Chair Jeffries entertained a motion to address new business at a future meeting, which passed by unanimous consent.

Public Comment

No comments were made.

Commissioner Remarks

Commissioner Washington encouraged her fellow commissioners to treat everyone with respect.

Commissioner Anderson verified that comments and tags are not being deleted from the Facebook page.

Adjournment

The meeting was adjourned by Chair Jeffries at 9:32 PM.

Drever, Emery

From: Mitch Rice <ricem1957@gmail.com>
Sent: Tuesday, January 7, 2025 9:06 AM
To: Chartercommission; Clerk, City
Subject: [EXTERNAL] input and resource for article 4 review
Attachments: model city charter for Lansing city charter article 4.pdf

Dear commissioners:

In your new business review of article 4, I have attached chapters from the National Civic League model city charter 9th edition as a reference for streamlining language. Some of the listing of departments is unnecessary and extensive. Eliminating a list allows for more general flexibility for future administrations and councils; which is better.

I understand this document recommends a city manager versus a mayor administrative branch but the duties section is useful for a mayor as chief administrator.

I am in favor of a charter change that increases responsibility and accountability of the mayor's "Executive Assistant" to the City Council that encourages or guides more reporting and planning duties with council.

Regards,
Mitch Rice
2nd ward resident

Article III CITY MANAGER

Introduction.

In the council-manager plan, the city manager is continuously responsible to the city council, the elected representatives of the people.

Section 3.01. Appointment; Qualifications; Compensation.

The city council by a majority vote of its total membership shall appoint a city manager for an indefinite term and fix the manager's compensation. The city manager shall be appointed solely on the basis of education and experience in the accepted competencies and practices of local government management. Attention should be given to how the city manager expresses support for and enacts social equity. The manager need not be a resident of the city or state at the time of appointment but may reside outside the city while in office only with the approval of the council.

Commentary.

Six of the twelve items in the Code of Ethics established by the International City/County Management Association (ICMA) for members of the city management profession refer to the manager's relationships to the popularly elected officials and to the community: ⁶

We believe professional management is essential to efficient and democratic local government by elected officials.

Demonstrate by word and action the highest standards of ethical conduct and integrity in all public, professional, and personal relationships in order that the member may merit the trust and respect of the elected and appointed officials, employees, and the public.

Submit policy proposals to elected officials; provide them with facts, and technical and professional advice about policy options; and collaborate with them in setting goals for the community and organization.

Recognize that elected representatives are accountable to their community for the decisions they make; members [of ICMA, i.e., city managers] are responsible for implementing those decisions.

Refrain from all political activities, which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body [including the mayor].

Keep the community informed on local government affairs; encourage communication between residents and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

(The ICMA Code of Ethics can be found online at <https://icma.org/icma-code-ethics-guidelines>. The other items in the code refer to the manager's personal and professional beliefs and conduct.)

⁶ The review of the ICMA Code now in progress would add language related to equity, diversity, inclusion, and engagement. It will be early to mid-2022 before the revision is completed. This language reflects the 2020 version.

The ethical commitments of members of ICMA advance the values promoted in the Model City Charter.

As a professional administrator, the manager must be trained and experienced in the effective and equitable management of public service delivery. The manager must use this expertise to efficiently and effectively execute the policies adopted by the elected city council. Furthermore, the manager's breadth of knowledge and experience in the increasingly complex areas of local government operations obligates him or her to assist the elected council in the policy-making process. The policy role of managers has been central to the definition of the manager's position from the beginning and continues to be readily acknowledged.

Appointment of the manager by majority vote of the entire membership of the council, not simply a majority of a quorum, assures undisputed support for the appointee. Appointment "for an indefinite term" discourages contracting for a specified term or an arrangement that reduces the discretion of the council to remove a manager.

The requirement that the manager be "appointed solely on the basis of education and experience in the accepted competencies and practices of local public management" was added to the Eighth Edition to stress the basic principle of the council-manager form that the manager is a qualified professional executive. The precise level of education and experience required for the manager will vary from one municipality to the other depending on such factors as size of population and finances.

A useful guideline for the minimum qualifications for a city manager would be:

A master's degree with a concentration in public administration, public affairs or public policy and two years' experience in an appointed managerial or administrative position in a local government or a bachelor's degree and 5 years of such experience (for more information see ICMA's voluntary credentialing program at www.icma.org).

While it is preferable for a manager to live in the community during employment, the Model does not require it. This flexible approach allows communities to attract and retain the most qualified individuals and accommodates the problem of housing availability and cost. It also enables two or more communities to employ a single manager.

Increasingly, appointment of the manager involves an employment agreement between the municipality and the manager. These agreements can cover all aspects of the manager's job, including salary, other forms of compensation, duties, performance standards, evaluation, and severance procedures. Employment agreements provide mutual protection for the manager and the local government. However, they are not tenure agreements and do not impede the council's power to remove the manager. (A model employment agreement can be found at <https://icma.org/documents/icma-model-employment-agreement-editable>)

Section 3.02. Removal.

If the city manager declines to resign at the request of the city council, the city council may suspend the manager by a resolution approved by the majority of the total membership of the city council. Such resolution shall set forth the reasons for suspension and proposed removal. A copy of such resolution shall be served immediately upon the city manager. The city manager shall have fifteen days in which to reply thereto in writing, and upon request, shall be afforded a public hearing, which shall occur not earlier than ten days nor later than fifteen days after such hearing is requested. After the public hearing, if one is requested, and after full consideration, the city council by a majority vote of its total membership may

adopt a final resolution of removal. The city manager shall continue to receive full salary until the effective date of a final resolution of removal.

Commentary.

This section provides an orderly removal procedure when a manager declines to resign at the request of the council. This section does not protect the city manager's tenure. However, it assures that any unjust charges will come to light and be answered, by providing for presentation to the manager of a statement of reasons for removal in the preliminary resolution and the opportunity for the manager to be heard if he or she so requests. As an additional protection, this section requires a vote of a majority of all the members to pass a removal resolution, thereby preventing a minority from acting as the majority in a quorum. The council may delay the effective date of the final removal resolution in order to provide for termination pay. When an employment agreement exists between the city and the city manager, termination pay should be covered in that agreement.

Section 3.03. Acting City Manager.

By letter filed with the city clerk, the city manager shall designate a city officer or employee to exercise the powers and perform the duties of city manager during the manager's temporary absence or disability; the city council may revoke such designation at any time and appoint another officer of the city to serve until the city manager returns.

Commentary.

To remove doubt as to the identity of the acting city manager, the manager must designate a city officer or employee to serve as acting city manager during the temporary absence or disability of the manager. The council is free, of course, to replace the acting city manager if it is dissatisfied with performance. The acting city manager is not entitled to the protection of the removal procedure afforded the manager by § 3.02.

Section 3.04. Powers and Duties of the City Manager.

The city manager shall be the chief executive officer of the city, responsible to the council for the management of all city affairs placed in the manager's charge by or under this charter. The city manager shall:

- (1) Appoint and suspend or remove all city employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. The city manager may authorize any administrative officer subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;
- (2) Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this charter or by law;
- (3) Attend all city council meetings. The city manager shall have the right to take part in discussion but shall not vote;
- (4) See that all laws, provisions of this charter and acts of the city council, subject to enforcement by the city manager or by officers subject to the manager's direction and supervision, are faithfully executed;

- (5) Prepare and submit the annual (or biennial) budget and capital program to the city council, and implement the final budget approved by council to achieve the goals of the city;
- (6) Submit to the city council and make available and accessible to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year and provide information needed by the council for its annual evaluation of performance;
- (7) Make available and accessible such other reports as the city council may require concerning operations;
- (8) Keep the city council fully advised as to the financial condition and future needs of the city;
- (9) Make recommendations to the city council concerning the affairs of the city and facilitate the work of the city council in developing policy;
- (10) Provide staff support services for the mayor and council members;
- (11) Assist the council to develop long term goals for the city and strategies to implement these goals;
- (12) Encourage and provide staff support for partnerships with community organizations and for regional and intergovernmental cooperation and equitable programming;
- (13) Promote partnerships among council, staff, and community members in developing public policy and building a sense of community; and
- (14) Perform such other duties as are specified in this charter or may be required by the city council.

Commentary.

Although this section equips the manager with the necessary legal authority to discharge administrative responsibilities, the manager's authority may be limited in some states by provisions of state constitutions or laws. The listing of the manager's powers and duties assumes that the manager will not only perform managerial duties in the city's operations but will also have a significant role in the development of policy. There are important policy implications in the manager's duties to prepare and submit the budget; to report on the city's finances, administrative activities, departmental operations and future needs; and to make recommendations on city affairs. The duty to provide staff support for the mayor and council members includes providing information on policy issues before the council.

The expanded duties listed in items 9, 11, and 13 of the eighth edition reflect the complex responsibilities assigned to managers to make the processes of governance work in the community. Constructive interactions among the local government, businesses, non-profits, faith-based and special interest organizations and neighborhood groups define a successful community. In a similar manner, the responsibilities anticipated in item 12 charge the manager with placing each community in the context of its region and promoting both community and regional interests. Managers must inform and receive input from members of the community but also encourage their active engagement in city affairs.

Article IV DEPARTMENTS, OFFICES, AND AGENCIES

Introduction.

This Article provides for the creation of the departments, offices, and agencies which perform the day-to-day operations of the city. It provides that the city manager appoint and supervise department heads. It makes exceptions in the case of the city attorney, acknowledging the close relationship of the department of law and the city council in some cities. Finally, the Article addresses planning, focusing on environmentally sensitive planning that takes the needs of the surrounding region into account, and social equity, paying careful attention to race, ethnicity, and other social characteristics when analyzing problems, looking for solutions, and defining success throughout the organization.

Section 4.01. General Provisions.

(a) Creation of Departments. The city council may establish city departments, offices, or agencies in addition to those created by this charter and may prescribe the functions of all departments, offices, and agencies. No function assigned by this charter to a particular department, office, or agency may be discontinued or, unless this charter specifically so provides, assigned to any other.

(b) Direction by City Manager. All departments, offices, and agencies under the direction and supervision of the city manager shall be administered by an officer appointed by and subject to the direction and supervision of the manager. With the consent of council, the city manager may serve as the head of one or more such departments, offices, or agencies or may appoint one person as the head of two or more of them.

Commentary.

This section authorizes the city council to establish city departments, offices, and agencies. It neither enumerates the operating departments nor details their internal organization. It provides that the manager appoint, direct, and supervise the officer who administers city departments, thus precluding administration by a board or commission. The number of departments will vary in accordance with local needs as well as the distribution of functions among units of local government; for example, in some cases, cities or special districts will be responsible for services elsewhere performed by counties.

An administrative code adopted by the council is the appropriate place for the details of departmental organization and operating rules and regulations; this allows for change without necessitating a charter amendment. In addition, many aspects of the internal organization of specific departments or divisions should be governed by administrative order rather than by council action.

In a full-service city, operating departments typically will include public works, parks and recreation, police, fire, health, library, water and other utilities. In large cities, public works may be subdivided into separate departments such as transportation, buildings, and sanitation. State law generally will prescribe the organizational arrangement for housing and urban renewal functions.

The staff departments—such as finance, personnel, planning and law—likewise should be covered by the administrative code. To varying degrees, their organization may depend upon state law. For example, it may not be possible to provide for an integrated finance department which includes all aspects of finance administration. Instead, it may be necessary to provide for a city assessor and tax collector.

Adopting an equity lens will reshape decisions and activities across all departments and programs, and advancing equity through local governments requires a fundamental reorientation of day-to-day operations. To support such efforts, municipalities may consider creating a department, office, or agency whose sole task is to provide support to other divisions in local government with respect to the adoption of an equity lens. Given the breadth of implementation required for an equity lens – and the stated urgency of the issue – an equity office is best organized as a direct report to the City Manager’s office.

Social equity will be best advanced through the organization if each unit has designated an individual or a small team to serve as a lead resource within their department and a liaison to the City Manager’s equity office. This office should be tasked with supporting the implementation of an equity lens, through the development of trainings, tools, communications, and other activities related to equity. The city manager is the chief equity officer, and that role could be delegated to another office of the organization as appropriate. Still, the city manager should be the person responsible for equitable administration.

Section 4.02. Personnel System.

(a) Merit Principle. All appointments and promotions of city officers and employees shall be made solely on the basis of merit and fitness demonstrated by a valid and reliable examination or other evidence of competence.

(b) Merit System. Consistent with all applicable federal and state laws, the city council shall provide by ordinance for the establishment, regulation, and maintenance of a merit system governing personnel policies necessary to effective administration of the employees of the city's departments, offices and agencies, including but not limited to classification and pay plans, examinations, force reduction, removals, working conditions, provisional and exempt appointments, in-service training, grievances and relationships with employee organizations.

Commentary.

The personnel provisions are designed to provide a flexible system which will encourage the development of competent staff. As personnel systems are increasingly controlled by state law and are subject to federal regulatory authority, the charter should not impose additional constraints and details affecting personnel administration. It should, however, strongly state the commitment to the merit principle. The Model states that commitment and calls on the council to provide, by ordinance, for the organization and procedures of the personnel system. It lists subjects that may be covered by personnel policies. Particularly in smaller jurisdictions, state law may cover some of these adequately, and their inclusion in the local ordinance could be unnecessary. Cities should consider conducting an equity analysis in its personnel system, for example in terms of recruitment, retention, hiring, and promotion policies and practices. This type of audit can highlight the gaps in human resources that limit or undermine diversity and inclusion.

Section 4.03. City Attorney.

Alternative I – Full time City Attorney – sole counsel to city.

The city manager shall appoint a city attorney, subject to confirmation by the council. The city attorney shall be the chief legal officer of the city, conduct all the law business of the city, be the legal advisor to the council, the city manager, all departments, and other instrumentalities of the city government. The city attorney shall represent the city in all actions in which the city is a party and shall have the authority to settle claims and compromise debts in amounts not to exceed {***} and to settle claims and compromise debts in greater amounts with the consent of the city manager. The city attorney and the staff of the office

shall engage in no other law practice. The city attorney may, with the approval of the council, temporarily employ special legal counsel to work on problems of an extraordinary nature when the work to be done is of such character or magnitude as to require services in addition to those regularly provided by the city attorney. The city attorney shall serve until removed from office by the joint action of the city manager and the Council.

Alternative II – Full time City Attorney – sole counsel to city – removal by Council only.

The city manager shall appoint a city attorney, subject to confirmation by the council. The city attorney shall be the chief legal officer of the city, conduct all the law business of the city, be the legal advisor to the council, the city manager, all departments, and other instrumentalities of the city government. The city attorney shall represent the city in all actions in which the city is a party and shall have the authority to settle claims and compromise debts in amounts not to exceed {***} and to settle claims and compromise debts in greater amounts with the consent of the city manager. The city attorney and the staff of the office shall engage in no other law practice. The city attorney may, with the approval of the council, temporarily employ special legal counsel to work on problems of an extraordinary nature when the work to be done is of such character or magnitude as to require services in addition to those regularly provided by the city attorney. The city attorney shall serve until removed from office by the council.

Alternative III – Part time City Attorney

The City Manager shall appoint an attorney or law firm as independent contractors to act as city attorney, subject to confirmation by the council. When a law firm is hired as city attorney, the firm must designate an attorney to act as the city attorney for purposes of any requirement in law or otherwise that the city have a person filling that office; the person so designated must be approved by both the city manager and council. The city attorney shall be the chief legal officer of the city, conduct all the law business of the city, be the legal advisor to the council, the city manager, all departments, and other instrumentalities of the city government. The city attorney shall represent the city in all actions in which the city is a party and shall have the authority to settle claims and compromise debts in amounts not to exceed {***} and to settle claims and compromise debts in greater amounts with the consent of the city manager. The city attorney may, with the approval of the council, temporarily employ special legal counsel at other law firms to work on problems of an extraordinary nature when the work to be done is of such character or magnitude as to require services in addition to those regularly provided by the city attorney. The city attorney shall serve until removed from office by the joint action of the city manager and the council.

Alternative IV – Part time City Attorney- removal by Council action only

The city manager shall appoint an attorney or law firm as independent contractors to act as city attorney, subject to confirmation by the council. When a law firm is hired as city attorney, the firm must designate an attorney to act as the city attorney for purposes of any requirement in law or otherwise that the city have a person filling that office; the person so designated must be approved by both the city manager and council. The city attorney shall be the chief legal officer of the city, conduct all the law business of the city, be the legal advisor to the council, the city manager, all departments, and other instrumentalities of the city government. The city attorney shall represent the city in all actions in which the city is a party and shall have the authority to settle claims and compromise debts in amounts not to exceed {***} and to settle claims and compromise debts in greater amounts with the consent of the city manager. The city attorney may, with the approval of the council, temporarily employ special legal counsel at other law firms to work on problems of an extraordinary nature when the work to be done is of such character or magnitude as to require services in addition to those regularly provided by the city attorney. The city attorney shall serve until removed from office by the council.

Commentary.

The role of the city attorney fulfills both the legal requirement and the practical requirement that the legal entity have counsel. As counsel to the organization, the attorney must offer legal counsel to the organization as a legal entity and not to the council, manager, or agencies of the government as separate clients. The Rules of Professional Conduct for Lawyers, as adopted throughout the United States in various forms and versions, considers in Rule 1.13 these duties and obligations and offers the ethical rubric under which attorneys must act. Obligating the attorney to act on behalf of the organization rather than individual constituent members of the organization requires the attorney to provide counsel in the best interest of the entity, not the interest of one inquiring source.

- a. Models 1 & 3 require that the attorney be nominated by the manager and confirmed by the council and serve until removed by the joint action of both council and manager. Requiring action by both council and manager is designed to limit concern that the attorney's advice is tilted to either the legislative or executive branch. Oftentimes, a council or manager will ask for the attorney's legal opinion and this requirement provides an element of protection for the attorney when that advice conflicts with the goals of either the council or the manager. In any of these options mayor can be substituted for manager.
- b. Models 2 & 4 require that the attorney be nominated by the manager and confirmed by the council and serve until removed by the council. These models are the more common practice but create conflicts between the attorney's duty to the organization as the legislative and executive branches may disagree on whether the attorney's advice favors one branch or the other. In any of these options Mayor can be substituted for manager.
- c. Where the position is full-time, the attorney should not be allowed to have a private practice but may be able to engage in other activities such as teaching or charitable work subject to the city's ethics laws.
- d. In option 1, the city attorney holds sole responsibility for the legal work of the city. This option offers the city a single resource for legal analysis and advice. Should agencies, including the council or manager, feel they need a second opinion from another source, they must get both the approval of the city attorney and the council. By creating this process, shopping for legal opinions will be constricted but will also be available when appropriate and necessary.
- e. Options 3 & 4 address part time city attorneys who represent the city as part of a private practice.
- f. Each option includes an authority to settle or compromise claims and debts. Those matters should be handled by the attorney with some specific authority and by both the attorney and manager beyond that authority. There may be a need to address the issue in the Finance section as well. Moving settlements of cases outside the council process can help to resolve more claims and eliminate the political posturing in cases of sensitivity.

Section 4.04. Land Use, Development, and Environmental Planning.

Consistent with all applicable federal and state laws with respect to land use, development, and environmental planning, the city council shall:

- (1) Designate an agency or agencies to carry out the equitable planning function and such decision-making responsibilities as may be specified by ordinance;

- (2) Adopt an inclusive and comprehensive plan and determine to what extent zoning and other land use control ordinances must be consistent with the plan;
- (3) Determine to what extent an inclusive and comprehensive plan and zoning and other land use ordinances must be consistent with regional plan(s); and
- (4) Adopt development regulations, to be specified by ordinance, to implement the plan.

The designated agency, the city manager, and the mayor and council shall seek to act in cooperation with other jurisdictions and organizations in their region to promote integrated approaches to regional issues.

Commentary.

Regulation of land use and development is a council function and an important aspect of home rule, allowing local governments to manage growth and enhance quality of life in the community. However, land use and development decisions have not always been made through a social equity lens, which has resulted in differential benefits and burdens for community members. Furthermore, in many instances land use regulations have been employed to, explicitly, exclude marginalized groups. Therefore, we recommend that the designated agency, the city manager, and the mayor and council incorporate social equity concerns into land use, development, and environmental planning activities. For example, comprehensive plans, land use ordinances, zoning codes, and development decisions, should be assessed in terms of the impact they have on disenfranchised groups, particularly neighborhoods and people of color. Moreover, federal and state laws on land use, development, and environmental protection impose not only regulation, but also, in some cases, specific procedures on local governments. The Model provision provides the needed flexibility for the city to establish workable structures and procedures.

Drever, Emery

From: Amarah Tiller <amarahtiller@icloud.com>
Sent: Thursday, January 16, 2025 1:43 PM
To: Chartercommission
Subject: [EXTERNAL] Inquiry Regarding Discussion on Fluoride in Water Supply

Dear City Charter Commission Members,

I hope this message finds you well. My name is Amarah Tiller, and I am a resident of Lansing. I am reaching out to inquire about the possibility of discussing the removal of fluoride from our city's water supply during an upcoming meeting of the City Charter Commission.

Recently, I have observed that a majority of municipalities in Florida are moving towards the removal of fluoride from their water supplies, citing concerns about public health and safety. Given this trend, I believe it is crucial for our community to engage in an open discussion about the implications of fluoride in our drinking water.

I would like to understand the process for bringing this issue to the attention of the commission and how I might be able to present my concerns, as well as gather support from other residents.

Could you please provide information on how I can formally request to be included in an agenda for discussion? Additionally, I would appreciate any guidance on how the committee members can be encouraged to vote on this important issue.

Thank you for your time and consideration. I look forward to your response.

Best regards,

Amarah Tiller
5174897381

Lansing City Charter Commission Comment Submission Form

01/10/2025 6:54 PM (EST)

Lansing City Charter Commission Comment Submission Form

First Name	christopher
Last Name	greene-szmadzinski
(Optional) Contact information is optional, but providing it will make it easier for potential follow up.	
Email	christopher.blue@gmail.com

Lansing City Charter Commission Comment Submission Form

Topic	please consider odd number of councilors
Comment	Good afternoon charter commission, Please consider creating a charter that requires an odd number of councilors, such as 7 or 9, so there is less likely to be a tie vote. Proposals often fail due to ties, they should pass or fail based on the merits of the proposal, not because of a deadlock. Many states and cities do have odd numbers on their councils for this reason. For example, the Oregon Municipal Handbook recommends even numbers on all commission for this very reason. Thank you, christopher South Side

January – June 2025 Proposed Meeting Schedule - Detail

Each month, the first meeting will bring a new article. The second meeting is for adoptions of proposed language in that article, outstanding presentations on that article, and preemptive presentations for the next month's article. Flexibility will be employed as needed depending on the availability of presenters and commissioners.

Week Of	Tuesdays	Agenda Items	Deadlines for packets
1/6/2025	7-Jan		
1/13/2025	14-Jan		
1/20/2025	21-Jan	presentation; articles 2 and 3	
1/27/2025	28-Jan		1/30: article 4 proposals
2/3/2025	4-Feb	article 4	
2/10/2025	11-Feb		
2/17/2025	18-Feb	presentations and adoptions City Council Structure Vote	
2/24/2025	25-Feb		2/27: article 5 proposals
3/3/2025	4-Mar	article 5	
3/10/2025	11-Mar		
3/17/2025	18-Mar	presentations and adoptions	
3/24/2025	25-Mar		3/27: articles 6 and 8 proposals
3/31/2025	1-Apr	articles 6 and 8	
4/7/2025	8-Apr		
4/14/2025	15-Apr	presentations and adoptions	
4/21/2025	22-Apr		4/24: article 7 proposals
4/28/2025	29-Apr	article 7	
5/5/2025	6-May		
5/12/2025	13-May	presentations and adoptions	
5/19/2025	20-May		5/22 article 9, preamble proposals
5/26/2025	27-May	article 9; preamble	
6/2/2025	3-Jun		
6/9/2025	10-Jun		
6/16/2025	17-Jun		
6/23/2025	24-Jun		

TO: Lansing City Charter Commission

From: Emery Drever, Deputy City Clerk

Date: January 9, 2025

Re: Actions Update

The following chapters are pending approval:

Article 2- Officers and Elections: pending	
Status	Chapter
pending	1. Officers • 101 Elective Officers ○ .1 enumeration of elective officers ○ .3 pending # of vacancies • 103 Ineligibility for Office
Pending	2. Election of Officers • 203 Wards ○ .1 number of wards
Pending	3. Vacancies • 302 Forfeiture and removal for cause
Pending	4. Ballot Issues

Article 3- Legislative Branch: pending	
Status	Chapter
Pending	2. Meetings of Council • 205 Voting ○ Number of council members • 207 Rights and Responsibilities of Council Members
Pending	3. Legislation • 3-309 Pending language from Law Department
Pending	4. Internal and External Audits

The following actions have been taken:

Article 1- General: Adopted as Amended	
Status	Chapter
Adopted as presented	1. Government
Adopted as Amended	2. Interpretation of Charter: 205, Definitions • 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. (1/7/2025) • 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 • 301 City Records to be Public ○ .1 All records of the City shall be public, in accordance with State law, and shall be kept in City offices, except when required for official reasons to be elsewhere, and shall be available pursuant to law. (12/3/2024) • 302 Non-Discrimination and Civil Rights ○ .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: actions	
Status	Chapter
Amendments adopted; need vote on chapter.	1. Officers 101 Term of Office. .2 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) .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) 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 Member. (12/17/2024) 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.(11/12/2024)
	2. Election of Officers
Amendments adopted; need vote on chapter.	3. Vacancies 302 Forfeiture and Removal for Cause .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 may not participate in the hearing as a council member or vote on the resolution of the charge. 304 Temporary Absence of 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)
Amendments adopted; need vote on chapter.	4. Ballot Issues 401 Recall - Any official holding an elective office may be recalled and the office be filled in the manner provided by law 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 when 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. ● 2-410 Charter Revision Question ○ .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: actions	
Status	Chapter
Adopted as presented	1. Structure
Amendments adopted; need vote on chapter.	2. Meetings of Council ● 202 Special Meetings ○ .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 personally notified; and shall verify receipt of notification by each Council Member. ● ● 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, or any person or committee authorized by it for the purpose, 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, or any person or committee authorized by it for the purpose, shall apply to the appropriate court.
Amendments adopted; need vote on chapter.	3. Legislation ● 305 Veto ○ .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 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.

	• 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 • Remove 3-307; renumber subsequent sections ○ 3-307 Emergency Ordinances ○ 3-308 Codification of Ordinances ○ 3-309 Public Peace, Health and Safety
	4. Internal and External Audits
Adopted as presented	5. Council Staff



ATTORNEYS AND COUNSELORS AT LAW

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Kristen L. Rewa
krewa@cnda-law.com

January 17, 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 2 (Officers/Elections), Article 3 (Legislation)

Dear Mr. Jeffries:

This letter addresses questions that arose during the January 7, 2025 Charter Commission meeting during its review of outstanding business in Article 2 and Article 3.

I. Section 2-103.2, Default

Recall that the Commission recently approved the addition of this definition of “default to the City” to Sec. 1-205:

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.

Further discussion was had on 2-103.2, which currently reads, No person who is in default to the City shall be eligible to hold any City office.” Prior Commission discussions concerned (1) ensuring that the language was clear that this provision applies at any time, and what mechanisms can be required to ensure this is the case; (2) clarification on whether this applied to all officers as defined in the charter (including department heads); and (3) whether there should be some sort of exception or timeframe for situations where the official may not have realized they were in default to the City.

The HRCA states a city does not have the power “t[]o make a contract with, or give an official position to, one who is in default to the city.” MCL 117.5(f).¹ An Attorney General Opinion² interpreted this provision to disqualify an individual from receiving a city contract or appointment if, at the point in time the contract or appointment is made or given, the person has failed to meet a financial, contractual, or other obligation to the city after adequate notice of the obligation and an opportunity to cure it were provided to the person and the obligation is not the subject of a pending judicial or administrative proceeding. OAG, 2010, No. 7241 (February 10, 2010). While the Attorney General opinion determined the statutory language applies at the time the appointment is made, it noted that cities can and have placed continuing obligations on officials to avoid default as a condition of holding office. See e.g., MCL 85.15 (4th class cities, “If any officer shall be a defaulter the office shall thereby be vacated.”).

Subsection .2 is not limited to elected office. Although “office” is not defined, “officer” is defined to mean “the elected officials of the City, the members of boards and commissions, and their executive staffs, all heads of departments and divisions.” Sec. 1-205. Furthermore, MCL 117.5(f) prohibits the city from giving “official position to” one who is in default to the city, but does not limit “official position” to only elected positions. As such, we believe a fair reading of 2-103.2 requires “default” to apply to all individuals that fall within the Charter definition of “Officer.”

The Charter’s use of the language “eligible to hold” is broader than the HRCA language “given” and can be read to include current officeholders. Notably, the verb “give” denotes an action that is set and completed in time, whereas the verb “hold” is an ongoing action. Nevertheless, the Charter can clarify that this subsection means while the person holds the office. The Commission’s concern appeared to be situations in which an official was in default at some point while holding office, but when such condition was discovered by the City, the individual was no longer in default. Use the present tense “is” will likely be interpreted as whether the officer older is in default at the time proceedings are instituted against the office holder. However, additional language can be added to prohibit default at any time while holding office. Further, language can be added to make clear that forfeiture or dismissal can result for a current officeholder. However, it will be up to the City Council to determine whether the facts and circumstances merit that action.

The Charter may provide for some ability of the individual to remedy the default. Indeed, other cities provide such language in their Charters. (See, e.g., 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”.) Discussions at the last meeting were (1) is this language necessary? And (2) can a shorter timeframe be provided. The language is not necessary. A shorter timeframe can be provided, if desired.

The question was also posed what can be done to timely identify when an individual is in default to the City. In terms of mechanisms for enforcement, the proposed additional language makes clear that an officer may be subject to forfeiture or dismissal. However, the

1 The Charter does not appear to contain any provision prohibiting making contracts with an individual in default to the City. The Commission may wish to address this when reviewing Article 8, Chapter 4.

2 Attorney General Opinions are not binding legal authorities on cities, but they are often considered persuasive authority.

specifics of how this is monitored and enforced is better left to City ordinance, rule, or policy. The Charter could provide that the City shall develop and maintain a process for enforcement. For example, the City Council rules require councilmembers to submit an affidavit certifying they are not ineligible.

Rule 47. Verification of Qualifications for Elective Office. Upon first taking office and annually not later than May 1 each year, each member of City Council must submit an affidavit to the City Clerk that the provisions of Lansing City Charter 2-102 continue to be met. In addition, the affidavit must also include a statement that each member of Council has no circumstance which would render that member ineligible for elective office pursuant to Lansing City Charter 2-103. The City Clerk shall notify Council leadership (Council President and Vice President) if any member of City Council fails to submit the required affidavit by the deadline, or if a member of Council is ineligible for office pursuant to Lansing City Charter provision 2-103.

Proposed language:

2-103.2:

No person who is in default to the City shall be eligible to hold any City office. Any officer in default to the City during the term of office is subject to forfeiture or dismissal. The City shall develop, through ordinance, such procedures to ensure that the provisions of this section continue to be met during an officer's term in office.

Optional language, if the Commission desires to add a timeframe (shorted to 15 days here, or other timeframe can be added):

.2 No person who is in default to the City shall be eligible to hold any City office, unless such default is eliminated within 15 days after written notice thereof by the City Clerk. Any officer in default to the City during the term of office is subject to forfeiture or dismissal. The City shall develop, through ordinance, such procedures to ensure that the provisions of this section continue to be met during an officer's term in office.

II. Section 2.302, Forfeiture and Removal for Cause

The Commission specifically asked for clarification on the language “and may remove for cause any person appointed to an office for a fixed term” including (a) the meaning of “removal for cause”; and (b) who is “any person appointed to an office for a fixed term”?

As described in more detail below, the current version of the charter could be interpreted to limit removal of elective officers to the conditions subject to forfeiture as defined by the Charter. The phrase “may remove for cause any person appointed to an office for a fixed term” applies only to those individuals that have been appointed to a position that has a duration specified by law (not elected officials). “Remove for cause” has a specific meaning in the law, but the City may benefit from additional clarity provided in the Charter or by ordinance.

2-302 Forfeiture And Removal For Cause, as it was recently modified at the January 7, 2025 meeting, provides:

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

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

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

Forfeiture means only those reasons articulated in Sec. 2.302.2 and those provisions of the Charter referenced in this section. Qualification provisions are found at Article 2, Chapter 1 and throughout the Charter, depending on the specific office at issue. Additional provisions of the Charter that make an offense punishable by forfeiture are: Sec 5-504 (Ethics violation, as authorized by ordinance, see Ordinance 290.10(b)); for City Council, Sec 2-301 (Absence from Office); for Boards, Sec 5-105.7 (nonattendance). Additional forfeiture provisions may be added through this revision process.

As discussed in a prior letter, the grounds for removal of an officer are particularly spelled out in the Charter and so the removals must be exercised under those express legal provisions. In other words, when a city charter specifies the grounds that will be sufficient for the removal of an officer, those grounds must be the basis of the dismissal as the city does not have the power to remove a person from office on any other ground. See e.g., *Dick v. City of Melvindale*, 271 Mich. 419 (1935) (removal proceeding was void where council removed an officer for lack of citizenship, but the council's jurisdiction was only to try officers for incompetency); MCL 168.321(1) ("the qualifications, nomination, election, appointment, term of office, and removal from office of a city officer must be in accordance with the charter provisions governing the city."). Additional conduct can be added to the conditions which may form the basis of a forfeiture if specified in the Charter or by ordinance.

The Home Rule Cities Act provides: "The term of a public official shall not be shortened or extended beyond the period for which the official is elected or appointed, unless he or she resigns or is removed for cause, if the office is held for a fixed term." MCL 117.5(d)(emphasis added). The phrase "fixed term" means to appointment is for a specific duration. Due process is required before removal. Appointment to a position for a non-fixed term is at the pleasure of the appointing authority. When the term of office is not fixed, the power of removal is incident to the power of appointment. Any appointment or election to a position for a specified duration is for a "fixed term".

Applied to Sec 2.302, the intended meaning of the phrase “may remove for cause any person appointed to an office for a fixed term” is unclear. The intent may have been simply to reflect the limitations of MCL 117.5(d), that is, that a public official holding an office for a fixed term cannot have their term shortened in a way that violates the HRCA. On the other hand, the omission of “elective” from this half of the sentence could signal that this phrase means something different than, or in addition to, the forfeiture authorized by the first half of the sentence.

Although “office” is not defined, “officer” is defined by the Charter to mean “the elected officials of the City, the members of boards and commissions, and their executive staffs, all heads of departments and divisions.” Sec. 1-205. Based on this definition, we believe a fair reading of “any person appointed to an office for a fixed term” means only those individuals appointed to a fixed term of office – not elected and not non-fixed appointments. Not only does the language specify “appointed” in this phrase, the section also specifies “elective officer” in the first clause. As such, the omission of “elective” in the second half of this sentence must be interpreted as a deliberate choice to exclude elected officials from the “removal for cause” provision. However, the HRCA permits a charter to provide for elected and appointed officials to be removed for cause. As such, the Commission could change the language of this provision to allow for removal of elected or appointed officials for cause. There are valid policy decisions to include elected officials in this phrase, including enhancing government accountability. There are also valid policy decisions to not include elected officials within this provision, allowing the electors to vote on the matter by re-election or recall.

Additionally, the phrase “fixed term” limits the removal provision to only those appointments that have a specified duration. This would include members of boards and commissions as well as individuals appointed to fill a partial term of office, because the Charter or an ordinance establishes a fixed term for that appointment. See Sec. 2-303 (Filling Vacancies). However, appointed officials that do not have a specified duration to their appointment are not subject to this removal clause. This would include several executive level staff and department heads. See, e.g., Article 4. This makes sense considering the power to remove those holding non-fixed appointments is inherent in the appointing authority.

Generally, “for cause” means “for a legal reason or ground.” Black’s Law Dictionary (12th ed. 2024). The phrase “removed for cause” is not defined in the HRCA or the current Lansing Charter. However, courts have interpreted the phrase as used in the HRCA to require some direct connection between misconduct and the performance of official duties. *Kulak v City of Birmingham*, unpublished opinion of the Court of Appeals, issued April 13, 2006 (Docket No. 258905), 2006 WL 954178, p *4 (April 13, 2006) (citing *Wilson v. Council of Highland Park*, 284 Mich. 96, 97–98, 278 N.W. 778 (1938)). At a minimum, the conditions that can subject an officer to forfeiture constitute “for cause”. However, without any more detail, the ability to remove an official from office is limited. To the extent that the Commission would like to ensure that the City Council has the ability to seek removal of an elected or appointed official “for cause” as that term has been interpreted in the HRCA—that is, misconduct in office—we recommend that additional language be added.

In light of the above legal research and analysis, we have provided proposed language changes for your consideration.

2-302 Forfeiture and Removal for Cause

.1 The City Council shall declare the forfeiture of the office of any elective officer or appointee and may remove for cause any person **elected or** 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 The position of an elective City officer or an appointee shall be forfeited if **he or she the officer**:

(a) lacks at any time any qualifications required by this Charter.

(b) is convicted of a felony while holding the office or appointment.

(c) violates a provision of this Charter punishable by forfeiture.

(d) is determined by City Council to have engaged in misconduct in the performance of official duties of the office.

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

III. Section 3-205, Voting

Concern was expressed regarding the 2/3 vote language in this provision. Notably, several provisions of the Charter contain a 2/3 approval requirement for specific votes of the City Council. Sec 2-304.2, 3-205, 3-305, 3-306, 3-308, 4-301, 4-401, 7-108, 7-401, 8-201, and 8-403. A 2/3 voting requirement is common language to indicate that the approval must be by greater than a majority. See Robert's Rules of Order 12th Ed, § 1.7. State law requires 2/3 vote by state and local legislative bodies on a variety of topics. As it pertains to home rule cities, this includes, for example, the Zoning Enabling Act, MCL 125.3403 (An amendment to a zoning ordinance subject to protest petition requires at least a 2/3 vote of the legislative body, unless a larger vote, not to exceed a 3/4 vote, is required by ordinance or charter), and the Home Rule Cities Act, including MCL 117.5c(b) (council rejection of compensation recommendation by LOCC requires 2/3 vote); MCL 117.22 (charter amendment procedures). We recommend leaving the 2/3 language in place.

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, and leaves it as 2/3 of the members serving.

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.**

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

The Commission asked what recourse or enforcement mechanism is available to the City Council currently, or could be made available through modification to the Charter? The Commission expressed concern over situations where City Council has been denied access to information requested from city officers for a legislative purpose, for example, information relevant to the budget process.

Currently, there appears to be little the City Council can do to compel another city officer or employee to attend its meetings or respond to its legislative inquiries. Notably, the Charter requires City employees and officials to cooperate with any Board of Ethics investigation, including “the compilation and production of any information requested by the Board during an investigation unless the information requested is exempt from disclosure under the applicable state law.” Sec. 5-502.6. However, no similar language requires cooperation with City Council inquiries or investigations. Other city charters states that their city council can compel attendance not only of council members, but “other officers of the city” to attend meetings. (See, e.g., Ann Arbor, Sec 4.4(h), allowing council to compel “other officers”; City of Warren, sec 5.3, “all other officers and department heads of the city”; Dearborn, Sec. 7.9 may require the Mayor and any other officer of the City.).

The Charter Commission can define an intentional refusal of the City Council’s inquiry or investigation as a violation of the Charter, which is a misdemeanor offense. The Commission may also wish to allow for different penalties to allow the City Council flexibility in determining

how to handle a particular episode of recalcitrance. Below are some proposed changes for the Commission's review and discussion.

Proposed language:

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 compel the attendance of City officers at its meetings and** 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.

.4 It shall be the duty of every officer and employee to cooperate with any inquiry or investigation of the City Council. Such cooperation shall include the compilation and production of any information requested by the City Council as authorized by this Charter unless the information requested is exempt from disclosure under the applicable state law.

.5 No person shall willfully and without justification or excuse obstruct or interfere with an investigation or inquiry of the City Council authorized by this Charter. A person who violates this Chapter may be subject to one or more of the following:

- a. If an employee, a recommendation that the employee be reviewed for disciplinary action;**
- b. If an officer, removal or forfeiture proceedings;**
- c. Prosecution by the City's law department;**
- d. Any other penalty defined by the City Council through ordinance or rule.**

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

Chapter 3 VACANCIES

2-301 Absence From Office

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

2-302 Forfeiture And Removal For Cause

.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 may not participate in the hearing as a council member or vote on the resolution of the charge.

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

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

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

2-303 Filling Vacancies

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

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

2-304 Temporary Absence Of Mayor

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

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

long as the Council deems necessary or until the elected Mayor resumes the office whichever is the first to occur.

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

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

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

.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.

2-404 Suspension Of Referred Ordinance

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

2-405 Council Action On Petitions

.1 Upon receiving an initiative or referendum petition from the City Clerk, the City Council shall within 30 days either:

(a) if it is an initiative petition

(1) adopt the ordinance as submitted in the petition, or

(2) direct the submission of the proposal to the electors; or

(b) if it is a referendum petition,

(1) repeal the ordinance to which the petition refers, or

(2) direct the submission of the proposal to the electors.

.2 Submission to the voters shall take place at the next regular election, or at a special election held prior to the next regular election.

2-406 Special Elections

.1 Special City elections shall be held when called by resolution of the City Council at least ~~50-90~~ days in advance of the election, or ~~when 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 ~~25-45~~ 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.

2-407 Submission By Council

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

2-408 Determining Result Of Election

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

1 .2 If two or more inconsistent initiative or referendum measures are submitted to the voters at the
2 same election, the measure receiving the highest number of affirmative votes shall prevail to the
3 extent of their inconsistency.

4 2-409 Amendment, Repeal And Reenactment

5 .1 An ordinance adopted by the voters through initiative proceedings may not be amended or
6 repealed by the City Council for a period of two years after the date of the election at which it was
7 adopted.

8 .2 An ordinance nullified by the voters through referendum proceedings may not be re-enacted by the
9 City Council for a period of two years after the election at which it was nullified.

10 2-410 Charter Revision Question

11 .1 The question of whether there shall be a general revision of the City Charter may be submitted to
12 the voters in the manner provided by law.

13 .2 When the question of having a general revision of this Charter shall be submitted to the voters as
14 required pursuant to subsection .1, the charter commission shall be selected at the same election at
15 which the proposition to revise is submitted; the selection shall be void if the proposition to revise is
16 not adopted.

17 .3 No city officer or employee, whether elected or appointed, shall be eligible to a place on the
18 commission.

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

22 2-411 Charter Amendments

23 .1 This Charter may be amended by a majority vote of the electors in the manner provided by statute.

24 .2 Petitions for Charter amendments may be submitted to the City Attorney for approval as to form in
25 the same manner as petitions for initiative and referendum.

26 .3 If two or more amendments adopted at the election have inconsistent provisions, the amendment
27 receiving the largest affirmative vote shall prevail to the extent of their inconsistency.

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 personally notified; and shall verify receipt of notification by each Council Member. 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

~~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. 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, 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, or any person or committee authorized by it for the purpose, 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, or any person or committee authorized by it for the purpose, 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"

1 .4 An ordinance which only amends the schedules related to the regulation of traffic and parking need
2 not be republished in full. The sections to be amended of all other ordinances shall be re-enacted and
3 published in their entirety clearly indicating the matter to be omitted and the matter to be added.

4 .5 An ordinance which repeals an existing ordinance may state the number, title, a brief description of
5 the ordinance and the reasons for the repeal without restating the text of the ordinance being
6 repealed.

7 .6 Objections to the form of an ordinance, which are raised for the first time after the effective date of
8 the ordinance shall not invalidate the ordinance.

9 3-303 Public Hearing On Ordinance

10 .1 Upon introduction of any ordinance, the City Clerk shall distribute a copy to each Council Member
11 and to the Mayor. A reasonable number of copies shall be filed in the office of the City Clerk and such
12 other public places as the City Council may designate.

13 .2 Notice to the public of a public hearing on the consideration of the proposed ordinance shall be
14 given by publication or in the manner determined by the City Council.

15 .3 The public hearing may be held not sooner than five days after the public has been provided notice
16 of the hearing. The public hearing may be held separately or at a regular or special meeting of the
17 City Council.

18 .4 All interested persons shall have an opportunity to be heard.

19 3-304 Publication After Enactment

20 .1 The City Clerk shall authenticate by signature and record all ordinances and resolutions in a
21 properly indexed book kept for the purpose.

22 .2 After enactment of any ordinance or resolution having the effect of law, the City Clerk shall have it
23 published as soon as possible, in a newspaper of general circulation in the City together with a notice
24 of its adoption.

25 .3 No ordinance or emergency ordinance shall be effective until it has been published.

26 .4 Every ordinance or resolution having the effect of law, and amendment to this Charter, shall be
27 printed after enactment and copies shall be distributed or sold to the public at reasonable prices to be
28 fixed by the City Council.

29 3-305 Veto

30 .1 Every ordinance and resolution passed by the City Council is subject to veto by the Mayor.

31 .2 No ordinance or resolution of the City Council subject to review by the Mayor shall have any force
32 or effect if the Mayor prepares and signs a notice in writing suspending the operation of such
33 ordinance or resolution which sets forth reasons for the veto, and the notice is filed in the office of the
34 City Clerk before five o'clock on the afternoon of the ~~third-ninth~~ working day following the adoption of
35 the ordinance or resolution.

36 .3 If a notice of veto is filed, the ordinance or resolution shall not become law without further
37 affirmative vote of two-thirds of the Council members serving at a meeting held within ~~two-three~~
38 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 ~~1430~~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.

~~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.~~

~~3-307~~³⁻³⁰8 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.

~~3-308~~³⁻³⁰9 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.

~~3-309~~³⁻³⁰10 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.