

City of Lansing Charter Commission

Regular Meeting Agenda



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

February 4, 2025 at 6:30 PM

1. Call to Order

2. Roll Call

3. Adopt the Agenda

4. Approval of Minutes

- A. January 21, 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/799037d7-ef43-4e27-8182-8be978397d9c@87509dee-095b-4ff8-ba5a-0035cdfc715d>
People sharing public comment in person at the meeting may sign up when they arrive to the meeting.

6. Officer Reports

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

7. Old Business

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

8. New Business

- A. Article 4: 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 21, 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: Commissioner Anderson (excused)

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

Call to Order

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

Chair Jeffries took a moment to congratulate Commissioner Dowd on his engagement and Commissioner Bauer on her birthday.

Roll Call

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

Adopt the Agenda

Moved by Commissioner Qawwee to adopt the agenda as presented.

Motion Carried.

Approval of Minutes

Moved by Commissioner Bauer to approve the January 7, 2025, minutes as presented.

Motion Carried.

Public Comment

Nicklas Zande spoke about the elected officers of the City: recommendations for an elected city attorney, and to move away from at-large representation on the City Council to increase the wards that align with the established neighborhoods.

Randy Dykhuis spoke about restructuring the Board of Water and Light's audit procedure by expanding the annual report guidelines and involving the City's auditor.

Officer Reports

Chair

No Report.

Vice-Chair

No Report.

Clerk

Clerk Swope acknowledged written communications in the packet, late additions to the packet, the new intern Nick Saba, and he provided a budget update: the Commission has spent approximately \$164,666 with a remaining balance of approximately \$335,334.

Presentations

City Council President Kost and Member Hussain presented to the Commission on the City Council Structure: an odd number of Council members, increasing the number of wards, and expanding diverse representation across neighborhoods in the City; transparency with the City in Department Head hiring and information necessary to legislative processes; updates to the City Attorney's hiring process; expanding staff with more internal auditors and a policy analyst for Council; the role of money in elections; the City's bidding processes and sole source provisions; and checks and balances across the government.

Then they took questions from Commissioners about Council meeting attendance, per diems for Council members, annual reviews for department heads, legal counsel and support staff to the Council, the City Council structure, staggered elections.

Old Business

A. January – June 2025 Meeting Schedule

Commissioners discussed plans for the remaining articles to review. No action taken.

B. Article 2: Line-by-Line Review

Attorney Rewa overviewed the legal opinion which addresses 2-103.2 Ineligibility for Office: Default

Moved by Commissioner Qawwee to amend 2-103.2 to read “No person who is in default to the City shall be eligible to hold any City office, unless such default is eliminated within 30 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.”

Discussion followed regarding when default provisions take effect.

With no objections, the motion was withdrawn to wait for further language.

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

Moved by Commissioner Dowd to amend 2-302 to read “.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 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 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.”

Motion carried.

C. Article 3: Line-by-Line Review

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

Moved by Commissioner Dowd to amend 3-205 to read “.1 An action of the Council shall become effective with an affirmative vote of a majority of the number of Council members elected, 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 elected. 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.”

Motion carried, 7-1 with Commissioner Boyd against.

Chair Jeffries called to the Commission’s attention the language in 3-203 Quorum.

Moved by Commissioner Bauer to amend 3-203 to read “A majority of the council members elected”

Motion carried.

Attorney Rewa overviewed the legal opinion that addresses 3-307 Rights and Responsibilities of Council Members.

Discussion followed about protections for employees and the scope of compelling attendance.

Moved by Vice-Chair Adams Simon to amend 3-307.1 and add 3-307.4 and 3-307.5 to read “.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. ...
.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.”

Discussion continued.

Motion carried 5-3, with Commissioners Bauer, Boyd, and Lopez against.

Chair Jeffries overviewed the proposed language for 3-309 from the Law Department.

Moved by Commissioner Washington to approve the proposed language to read “.1 As of the effective date of this charter, the Codified Ordinances in existence shall remain in effect.
.2 Any future codification or re-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 within the enacting ordinance.

.3 The compilation described in sub-sections .1 and .2 shall be known as the Codified Ordinances of the City of Lansing and shall be available electronically to all members of the public.

.4 No less than once per year the Clerk shall cause the Codified Ordinances to be updated to reflect amended, added, or repealed City Ordinances.”

Motion carried.

Public Comment

No comments.

Commissioner Remarks

Commissioner Bauer reminded the commissioners that former Mayor Hollister is available for discussion on the Charter.

Adjournment

The meeting was adjourned by Chair Jeffries at 9:42 PM.

First Name	Leslie
Last Name	Arnell
(Optional) Contact information is optional, but providing it will make it easier for potential follow up.	
Email	kitchenwitch64@yahoo.com
Zip Code	48906

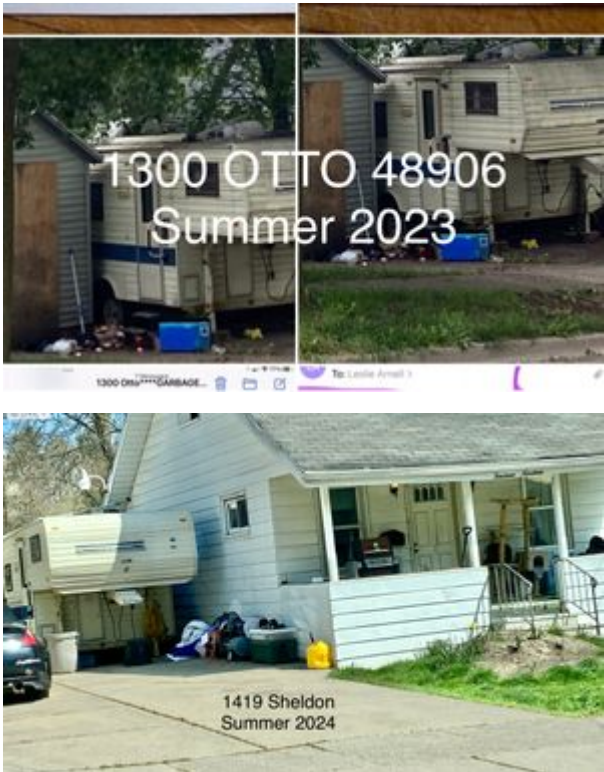
Comment

TRASH 1.21 6:30

Schor's code compliance left a numerously reported camper with a tenant living in the driveway in our hood for almost a year. The trailer then moved two doors down where it remained for another 7 months and when it got hauled away, the tenant left her four intact female cats behind which has resulted in yet more strays that we are now dealing with. I don't know if any of you have ever had to deal the Animal Control or LPD regarding such an issue but they put the blame on each other and nothing gets done. Animal control will work with code IF code contacts them...how is this a charter problem? It's my understanding one of our commissioners is utterly confused and doesn't understand the assignment so, we gone learn today! 🤔

Take the ordinance and rewrite it so the city bears responsibility in aiding with the problem. You can rewrite an ordinance to make code ACCOUNTABLE when they do not act in a timely fashion. If any of you have ever had to put a violation through the lanning dot gov connect app, you'd know it's like trudging through wet sand in skiboots to get them to act. Another reason TRASH is a charter problem is because it's a city problem and you were literally hired to invest your paid time. Those of us who pay you voted FOR you to WORK. example...trash continues to litter our entire town bc the Schor admin prioritizes developer\$ over our safety and that makes it a PUBLIC SAFETY issue not to mention a blight on our capital city. Let me explain as I again, there was confusion as to the subject of trash at our last meeting. See, trash is gross and is rotting rubbish-that's a public safety issue- period. Also: trash begets trash which is why some areas collect more and Lansing is FULL OF IT. And then there's the corrupt trash on Moore's River Drive who think they're doing this town a favor by their mere presence as a commissioner and you know who you are as do we. Attached are two pictures.

(Optional) Additional materials to be sent with your comment



Lansing City Charter Commission Comment Submission Form

01/21/2025 1:43 PM (EST)

First Name	LORETTA
Last Name	STANAWAY
(Optional) Contact information is optional, but providing it will make it easier for potential follow up.	
Email	Soswop@aol.com
Phone	5176485730
Street Address	546 Armstrong Rd

Lansing City Charter Commission Comment Submission Form

Topic	Transparency
Comment	If the commission members intend to be as transparent and available to the public as possible, they need to have more than an email address that they can be accessed via. They should have a posted phone number and social media availability for more immediate and interactive communication.

Lansing City Charter Commission Comment Submission Form

01/23/2025 3:40 PM (EST)

First Name	Kasey
Last Name	Wilson
(Optional) Contact information is optional, but providing it will make it easier for potential follow up.	
Email	kasey.wilson12@gmail.com
Phone	5175821590
Street Address	1621 Drexel Rd

Lansing City Charter Commission Comment Submission Form

Topic	Comment on wards and
Comment	I am a resident of Ward 4, in the Westside Neighborhood. I wish to comment in support of changing Article 2 to get rid of the At-Large council seats in favor of an expanded ward system based on population, making sure they are contiguous in shape. Having smaller constituencies will create more direct representation including accountability for council members, particularly for those who aren't responsive to the needs of their representatives. I also wish to respond to Commissioner Boyd's assertion at the January 21 meeting that people voted for review, not for change based on who they elected to the commission. Voters clearly want things to change but speaking for myself, I voted to see well considered change from a balanced group of people from around the city. The assertion is further challenged since this commission of 'mainstream folks' as she termed it, has chosen to remove a regular cycle of potential review in favor of politically contentious solutions, 2/3 council votes or citizen initiatives. The latter of which could potentially cost the city even more than a regular review process with legal proceedings and challenges. It will also entrench problems that exist from your work, even if unintended, and limit voters ability to request changes in the future. I can understand a consideration to extend the period of automatic review but the fact that it took nearly 50 years to stand up another commission as currently written shows that voters are not quick to demand an overhaul.

(Optional) If your message relates to a specific article(s) in the Charter please select it here:	ARTICLE 2 – OFFICERS AND ELECTIONS
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Lansing City Charter Commission Comment Submission Form

01/27/2025 3:20 PM (EST)

First Name	Ana
Last Name	Henriques
(Optional) Contact information is optional, but providing it will make it easier for potential follow up.	
Email	helenata.op@gmail.com
Phone	5179442355
Street Address	420 S Jenison Ave

Lansing City Charter Commission Comment Submission Form

Topic	Voting permissions
Comment	Dear Commissioner, I am a green card holder working for MSU as an academic specialist as well as my husband. My family of soon to be 3 is living in Lansing, we purchased a house and love the city and our neighborhood. Like us, there are several others highly educated people living in Lansing. However as soon as people have children of school age, they move to the east, either East Lansing or Okemos, for their schools. This makes Lansing loose greatly, for not allowing for the contribution of these individuals to their town. I propose that Lansing allows permanent residents to vote for their town elections. This will attract permanent residents as they will be able to be part of the town that has welcomed them. It will also make Lansing a more diverse, welcoming and open city. Several European counties allow for residents to vote, some with only one year of residence. Note, in the US the current time to obtain a green card is now of 3-4 years. I hope you take this suggestion with an open-mind and possibly complement it or propose other changes. Best regards, Ana

(Optional) If your message relates to a specific article(s) in the Charter please select it here:	• ARTICLE 2 – OFFICERS AND ELECTIONS
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TO: Lansing City Charter Commission

From: Emery Drever, Deputy City Clerk

Date: January 31, 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 ○ .2 Default to the City
Pending	2. Election of Officers • 104 Compensation of Officers • 203 Wards ○ .1 number of wards
Pending	3. Vacancies
Pending	4. Ballot Issues

Article 3- Legislative Branch: pending	
Status	Chapter
Pending	2. Meetings of Council • 207 Rights and Responsibilities of Council Members
Pending	3. Legislation
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 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 <u>is permitted to attend and speak at the hearing</u> may not participate in <u>the hearing as a council member or vote on</u> the resolution of the charge. ○ .2 The position of an elective City officer or an appointee shall be forfeited if <u>the officer:</u> (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. <u>(d) is determined by the City Council to have engaged in misconduct in the performance of official duties of the office.</u> ○ .3 Decisions made by the city Council under this section are not <u>reviewable</u>. • 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 <u>90</u> days in advance of the election, or when <u>longer as otherwise</u> 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, <u>or longer as otherwise required by state law</u>. A special primary election shall be held at least <u>45</u> 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.

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. • 203 Quorum ○ A majority of the number of Council members elected 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. • 205 Voting ○ .1 An action of the Council shall become effective with an affirmative vote of a majority of the number of council members elected, 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 two-thirds of the number of members elected. 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. • 206 Investigations ○ .1 The City Council, <u>or any person or committee authorized by it for the purpose</u>, may make investigations into the affairs of the City and the conduct of any City agency. ○ .2 The City Council, <u>or any person or committee authorized by it for the purpose</u>, 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, <u>or any person or committee authorized by it for the purpose</u>, shall apply to the appropriate court. • 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, <u>including the right to compel the attendance of City officers at its meetings and</u> the right to make inquiries of City officers and employees and receive specific information in response. ○ .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.
Amendments adopted;	3. Legislation • 305 Veto

need vote on chapter.	○ .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 <u>ninth</u> 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 <u>three</u> 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 <u>14th</u> 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 ● 308 Codification of Ordinances ○ .1 As of the effective date of this charter, the Codified Ordinances in existence shall remain in effect. ○ .2 Any future codification or re-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 within the enacting ordinance. ○ .3 The compilation described in sub-sections .1 and .2 shall be known as the Codified Ordinances of the City of Lansing and shall be available electronically to all members of the public. ○ .4 No less than once per year the Clerk shall cause the Codified Ordinances to be updated to reflect amended, added, or repealed City Ordinances.
	4. Internal and External Audits
Adopted as presented	5. Council Staff



ATTORNEYS AND COUNSELORS AT LAW

2851 CHARLEVOIX DRIVE, S.E., SUITE 203 • GRAND RAPIDS, MICHIGAN 49546 • PHONE: (616) 975-7470 • FACSIMILE: (616) 975-7471

Kristen L. Rewa
krewa@cnda-law.com

January 31, 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 21, 2025 Charter Commission meeting during its review of outstanding business in Article 2 and Article 3.

I. Section 2-103.2, Default

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.”

Recall that the Commission 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.

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. Additionally,

the Commission indicated its desire to see language included in this section clarifying that the condition of default is an eligibility requirement for an elected officer at the time the paperwork is filed. The proposed new language would clarify that candidates cannot be in default at the time they file paperwork or during their candidacy for or term in office.

No person seeking elective office shall be in default to the City at the time such person files for office or any time during the person's candidacy or term of office.

Proposed language:

2-103.2:

No person who is in default to the City shall be eligible to hold any City office. No person seeking elective office shall be in default to the City at the time such person files for office or any time during the person's candidacy or term of 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 (shortened 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. No person seeking elective office shall be in default to the City at the time such person files for office or any time thereafter during the person's candidacy or term of 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.

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

Proposed changes to this section were voted on and passed at the last meeting. However, concern was raised at the last meeting regarding protecting employees from retaliation for providing information to the City Council under this section.

Employees have protections against retaliation under the Whistleblower Protection Act, which prohibits an employer from firing, threatening, or discriminating against an employee in the terms and conditions of their employment when the employee either (1) has been requested by a public body (which includes the City Council) to participate in an investigation, hearing, or inquiry held by that public body or (2) reports or is about to report a violation or suspected violation of a law or rule of this state or a political subdivision of this state (like a city ordinance or charter provision), to a public body (which includes the City Council). MCL 15.362. The protections of the WPA are more comprehensive than any language that would exist in a City Charter, because the WPA allows the employee to file a lawsuit for a violation of the act.

However, to the extent the Commission wishes to include protections against retaliation specifically for participation in a City Council process, new language could be added as new subsection .6.

Proposed language

3-207 Rights And Responsibilities Of Council Members

...

.6 No employee shall be discharged, threatened, or otherwise discriminated against regarding the employee's compensation, terms, conditions, location, or privileges of employment because the employee is requested by the City Council to participate in an investigation, hearing, or inquiry of the City Council, or participates in same.

Alternatively (or additionally), an anti-retaliation clause can be added to Article 6 on employees. Proposed language can be presented when the Commission reviews Article 6.

Very truly yours,

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



Kristen L. Rewa

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

Drever, Emery

From: Simon, Lori
Sent: Wednesday, January 22, 2025 11:12 AM
To: Chartercommission
Cc: Kristen Rewa
Subject: Per Diem For Council Members
Attachments: CH Allegan - per meeting yearly cap.pdf; CH Battle Creek - per meeting yearly cap by LOCC.pdf; CH Ferndale - per meeting-yearlyccap.pdf; CH Frankenmuth - per meeting attended.pdf; CH Garden City - per meeting-yearly cap.pdf; CH Hazel Park - per meeting-yearly cap.pdf; CH Iron Mountain - per meeting yearly cap.pdf; Clerk report on historic Council configuration.pdf; 94-352.pdf; 2024 EOCC Council Members.pdf

Good morning Commissioners:

I reached out to Mark Skidmore (MSU) and the MI Municipal League to research cities that pay council per diem.

Please see the attached sample charter provisions. Also, I've included the clerk's report on historic council configuration, the Ingham County Resolution, and the current salary for councilmembers.

I would like the commission to develop language to include a per diem provision for council in our charter.

Thank you and be well!

Lori

Lori Adams Simon, MPA, CDM, CTA

Vice-Chairperson

City of Lansing Charter Commission

Lori.Simon@lansingmi.gov

517.449-5309

From: Kim Cekola <kcekola@mml.org>
Sent: Wednesday, January 15, 2025 2:51 PM
To: Simon, Lori <Lori.Simon@lansingmi.gov>
Subject: RE: [EXTERNAL] Per Diem For Council Members

Hi Lori,

Here are sample charter provisions from other cities that pay their councils per meeting rather than a yearly sum.

Please let me know if you need anything further.

Best,
Kim Cekola

Kim Cekola
Research Specialist/Editor

Member & Affiliate Engagement Department
Ph: 734-669-6321 | Fax: 734-663-4496
1675 Green Road, Ann Arbor MI 48105
www.mml.org

Have you set up your profile on the new League Portal? It's now the place to register for events and much more. Sign up and log in [here](#).

The information contained in this email is provided solely for general informational purposes and should not be interpreted as legal advice. The League encourages municipal officials to consult with their legal counsel on questions of law.

From: Simon, Lori <Lori.Simon@lansingmi.gov>
Sent: Thursday, January 9, 2025 4:50 PM
To: Kim Cekola <kcekola@mml.org>
Cc: Dan Gilmartin <dpg@mml.org>; Skidmore, Mark <mskidmor@msu.edu>
Subject: RE: Per Diem For Council Members

All:
Thank you!
Lori

Thank you and be well!

Lori

**Lori Adams Simon, MPA, CDM, CTA
Vice-Chairperson
City of Lansing Charter Commission
Lori.Simon@lansingmi.gov
517.449-5309**

From: Kim Cekola <kcekola@mml.org>
Sent: Thursday, January 9, 2025 4:37 PM
To: Simon, Lori <Lori.Simon@lansingmi.gov>
Cc: Dan Gilmartin <dpg@mml.org>; Skidmore, Mark <mskidmor@msu.edu>
Subject: RE: [EXTERNAL] Per Diem For Council Members

Hi Lori,

Most definitely this is something I can help you with. The Michigan Municipal League has a charter database, and I will see if I can procure some sample language from other cities on paying councilmembers per meetings attended.

Please expect an email from me in a few days.

Sincerely,
Kim Cekola

Kim Cekola
Research Specialist/Editor
Member & Affiliate Engagement Department
Ph: 734-669-6321 | Fax: 734-663-4496
1675 Green Road, Ann Arbor MI 48105
www.mml.org



The information contained in this email is provided solely for general informational purposes and should not be interpreted as legal advice. The League encourages municipal officials to consult with their legal counsel on questions of law.

From: Dan Gilmartin <dpg@mml.org>
Sent: Thursday, January 9, 2025 4:11 PM
To: Skidmore, Mark <mskidmor@msu.edu>; Simon, Lori <Lori.Simon@lansingmi.gov>
Cc: Kim Cekola <kcekola@mml.org>
Subject: Re: Per Diem For Council Members

I'm looping Kim onto this email. She should be able to provide some comparables for you.

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Skidmore, Mark <mskidmor@msu.edu>
Sent: Thursday, January 9, 2025 2:51:33 PM
To: Simon, Lori <Lori.Simon@lansingmi.gov>
Cc: Dan Gilmartin <dpg@mml.org>
Subject: RE: Per Diem For Council Members

Hi Lori,

I don't have any immediate information about such language, but I will have a look.

In the meantime, Perhaps Dan Gilmartin of the Michigan Municipal League will have a suggestion.

Dan, please meet Lori Simon who is serving on the Lansing Charter Commission. As outlined in her message below, she is looking for template language about paying council member on a per diem basis as opposed to a base salary.

Best regards,

Mark

From: Simon, Lori <Lori.Simon@lansingmi.gov>
Sent: Thursday, January 9, 2025 2:46 PM
To: Skidmore, Mark <mskidmor@msu.edu>
Subject: Per Diem For Council Members

Good afternoon Mr. Skidmor:

I have been trying to research language or examples of MI cities that pay their councilmembers a per diem by meeting attendance instead of a base salary.

Would you have any information or know of a resource I can use to develop language for the charter?

Thank you and be well!

Lori

Lori Adams Simon, MPA, CDM, CTA

Vice-Chairperson

City of Lansing Charter Commission

Lori.Simon@lansingmi.gov

517.449-5309

Section 5.9. - The mayor and mayor pro tempore.

The council at its first meeting following each regular city election shall elect one of its members as mayor and one mayor pro tem by an affirmative vote of a majority of its members, and who shall serve for one year or until their successors are elected. The mayor shall be chief executive of the city, shall preside at all meetings of the council, and shall speak and vote at such meetings as any other councilmember. For all ceremonial purposes and for purposes of military law, the mayor shall be recognized as head of the city government and shall possess all powers and duties as otherwise provided by statute, but shall have no administrative duties. The mayor pro tem shall act as mayor during the absence or disability of the mayor.

Section 5.10. - Compensation for councilmembers.

(a)

The councilmembers shall receive twenty-five dollars (\$25.00) per meeting up to a maximum of eight hundred dollars (\$800.00) in total remuneration per year. The mayor shall receive thirty dollars (\$30.00) per meeting up to a maximum of nine hundred sixty dollars (\$960.00) per year. Such compensation shall be paid quarterly, or more often as the council directs, and shall be the only compensation which may be paid councilmembers for the discharge of any official duties as a councilmember for or on behalf of the city during their tenure in office, except that they may be reimbursed for necessary expenses actually incurred by them on city business. Such reimbursement must be approved by council. The council may establish and provide in advance, a per diem rate to meet basic expenses. Whenever timely, requests for travel should be submitted for council approval in advance.

(b)

A local officers compensation commission is created which shall determine the salaries of each local elected official. The commission shall consist of five (5) members. The members shall be registered electors of the city, appointed by the mayor subject to confirmation by a majority of the members elected and serving in the council. The terms of office shall be five (5) years except that of the members first appointed, one each shall be appointed for terms of one (2), two (2), three (3), four (4), and five (5) years. The first members shall be appointed within thirty (30) days after the effective date of the charter. Members other than the first members shall be appointed before October 1 of the year of appointment. Vacancies shall be filled for the remainder of the unexpired term. A member or employee of the legislative, judicial, or executive branch of government or a member of the immediate family of a member or employee of the legislative, judicial, or executive branch of government shall not be a member of the commission.

(c)

The commission shall determine the salary of each local elected official. The council, by resolution adopted by roll call vote by 5/7 of the members elected to and serving on the council shall approve it. The determination of the commission shall be effective thirty (30) days following approval by the council. If the determination is rejected, the existing salary shall prevail. The expense allowance or reimbursement paid to elected officials in addition to salary shall be for expenses incurred in the course of city business and accounted for to the city.

(d)

The commission shall meet for not more than fifteen (15) session days in each odd-numbered year and shall make its determination within forty-five (45) calendar days after its first meeting. A majority of the members of the commission constitutes a quorum for conducting the business of the commission. The commission shall not take action or make a determination without a concurrence of a majority of the members appointed and serving on the commission. The commission shall elect a chairperson from among its members. As used in this section, "session day" means a calendar day on which the commission meets and a quorum is present. The members of the commission shall not receive compensation, but shall be entitled to actual and necessary expenses incurred in the performance of official duties.

(e)

The business which the commission may perform shall be conducted at a public meeting of the commission held in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting of the commission shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

(f)

CHAPTER 2: COMMISSION xx

Battle Creek Code of Ordinances

Section 2.10 Compensation.

Each member of the City Commission shall be compensated at the rate of \$20 per regular or special meeting attended, but not to exceed \$1,200 per year. The Mayor shall receive the sum of \$50 per month in addition to his compensation as Commissioner.

(EDITOR'S NOTE: On October 14, 1997, the Local Officers Compensation Commission of the City voted to increase compensation of City Commissioners to \$75.00 per Commission meeting attended, and of the Mayor to \$75.00 per Commission meeting attended plus \$150.00 per month salary. Provision was also made for reimbursement of out-of-pocket expenses, including mileage expense of 31¢ per mile, to the Mayor and City Commissioners for expenses incurred in the course of City business and accounted for to the City.)

passage of any ordinance or resolution, unless in any given case a greater number is required by this charter or state

Section 7. [Election by commission of mayor and mayor pro tem].

The Commission, at its first regular meeting following the first election under this charter and following each regular municipal election thereafter, shall elect one of its members as Mayor, who shall be the presiding officer of the Commission and executive head of the City, and who shall perform such other duties as are or may be imposed or authorized by the laws of the State and this charter. In times of public danger or emergency, he may take command of the police, and such other departments and subordinates of the City as may be deemed necessary by the Commission, and maintain order and enforce laws. The Commission shall also, at the said first regular meeting, elect by ballot, another member of the Commission as Mayor Pro Tem, who, during the absence or disability of the Mayor to perform his duties, shall act in his stead and shall, during the time of such absence or disability, exercise all the duties and possess all the powers of the Mayor. In the absence or disability of the Mayor Pro Tem, the Commission may temporarily appoint one of its members to that office. The Mayor and Mayor Pro Tem shall receive compensation only as Commissioners. The Mayor as a member of the Commission shall have the right to vote upon all matters before the Commission and shall possess all the other rights and powers of members of that body. He shall not have the right of veto.

Editor's note—Reference to election of the mayor by the commission does not agree with section 4, as amended, and is therefore not correct. The mayor is elected by the qualified electors of the city.

Section 8. [Commission compensation; relation to administrative branch].

Each Commissioner shall be paid for his services the sum of \$10.00 for each and every meeting of the Commission

CH Ferndale - per meeting yearly cap (2/2)

Ch. III, § 8

FERNDAL CODE

attended by such member; provided, however, that no member of the Commission shall be entitled to receive more than \$500.00 in any one year and pro rata for any portion of year. Except as to Divisions and Departments under the direction of the Commission and except for the purpose of inquiry, the Commission and each of its members shall deal with the administrative branch of the City government solely through the Manager and neither the Commission nor any member thereof shall give any order or direction either publicly or privately to any of the subordinates of the Manager.

State law reference—Provision in Charter for compensation of officers is mandatory, MSA § 5.2073.

Section 9. [Vacancies in elective offices].

A vacancy in any elective office shall within thirty days after such vacancy occurs be filled by appointment by a majority of the members of the Commission, or of the remaining members of the Commission when the vacancy is in the Commission. Such appointee shall hold office until the next regular municipal election taking place more than sixty days after such vacancy occurs, at which election a successor shall be elected for the unexpired term of the member in whose office the vacancy occurs. Provided, however, that the term of no member shall be lengthened by his resignation and subsequent appointment. When a vacancy occurs in any office to which a person has been appointed for a definite term, such vacancy shall within 30 days be filled for the unexpired term, by appointment made in the manner provided for full term appointments to such office.

Section 10. [Absenteeism of commission members].

Absence from five consecutive regular meetings shall automatically operate to vacate the seat of a member of the Commission, unless the absence is excused by the Commission, by resolution setting forth such excuse and entered upon the journal.

CH Frankenmuth - per meeting attended

CHAPTER 5 THE CITY COUNCIL

City Governing Body.

Section 5.1. All legislative or policy forming powers of the city shall be vested in, exercised, and determined by a Council of seven members, including the Mayor.

Election of Council.

Section 5.2. At each regular city election there shall be elected a Mayor and three Councilmen from the city at large.

Judge of Qualifications of Members.

Section 5.3. The Council shall be the judge of the eligibility and qualification of its own members according to the terms of this charter, subject only to review by the courts.

Remuneration of Member of the Council.

Section 5.4. Each member of the Council, including the Mayor, shall receive a per diem of \$5.00 for each regular meeting of the Council actually attended by him for his services to the city during any term of office to which he has been elected. Upon authorization of the Council, reasonable expenses may be allowed to its members when actually incurred on behalf of the city.

Functional Duties of the Mayor.

Section 5.5. The Mayor shall, in addition to any powers and duties otherwise provided or required of him by law, have powers and duties as follows:

- (1) He shall be the ceremonial head and chief officer of the city;
- (2) He shall be the presiding officer of the Council;
- (3) He shall have all of the powers and duties of a Councilman, including the power and duty to vote;
- (4) He shall give the Council information concerning matters concerning the legislative and policy functions of the Council and give his recommendations thereon;
- (5) He shall, in emergencies, have the powers conferred by law upon peace officers and shall exercise such powers to correlate the work of the city's officers and departments to prevent disorder, to preserve the public peace and health, and to provide for the safety of persons, and
- (6) He shall execute or authenticate by his signature such instruments of the city as the Council, this charter, or any State or Federal law may require, and
- (7) He shall make appointments of members of committees, boards, and commissions of the city which are authorized by law or direction of the Council.

Selection of Mayor Pro Tem.

Section 5.6. The Council shall, at its first regular meeting following each regular city election, select one if its members to serve as Mayor Pro Tem. The Mayor Pro Tem shall perform the duties of the Mayor when, on account of absence from the city, disability, or otherwise, the Mayor is temporarily unable to perform the duties of his office, and in case of vacancy in the office of Mayor, until such vacancy is filled by the Council. The Mayor Pro

CHARTER
OF THE
CITY OF GARDEN CITY, MICHIGAN
ADOPTED 1975

ARTICLE I: INCORPORATION,
BOUNDARIES, AND POWERS

Sec. 1.01 INCORPORATION.

The municipal corporation, now existing and known as the "City of Garden City", shall be and continue a municipal corporation under the laws of the State of Michigan.

Sec. 1.02 BOUNDARIES.

The boundaries of the city shall be those presently on file with the office of the Secretary of State of Michigan, together with such territory or territories as may from time to time be annexed thereto and less such territory as may from time to time be detached therefrom in the manner prescribed by law.

Sec. 1.03 POWERS OF THE CITY.

The city shall have all powers possible for a city to have under the constitution and laws of this state as fully and completely as though they were specifically enumerated in this Charter. The specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power stated in this article.

Sec. 1.04 INTERGOVERNMENTAL RELATIONS.

The city may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or the United States or any agency thereof, as provided by law.

ARTICLE II: CITY COUNCIL

Sec. 2.01 GENERAL POWERS AND DUTIES.

All powers of the city shall be vested in a Council, except as otherwise provided by law or this Charter, and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law.

Sec. 2.02 THE COUNCIL.

The Council shall consist of seven members, one of whom shall be the Mayor, nominated and elected at large in a nonpartisan election.

Sec. 2.03 THE MAYOR.

At each regular election, a Mayor, who shall be the chief executive officer of the city, shall be elected for a term of two years. He shall have an equal voice and vote in the proceedings of the Council, but shall have no veto power. The Mayor shall preside at meetings of the Council, shall be recognized as head of the city government for all ceremonial purposes, and by the governor for purposes of military law, but shall have no administrative duties. The Council member receiving the highest number of votes in each general election shall act as Mayor Pro-Tem during the absence or disability of the Mayor and, if a vacancy occurs, shall become Mayor for the remainder of the unexpired term.

Sec. 2.04 QUALIFICATIONS.

Only qualified voters (Sec. 11.01) of the city shall be eligible to hold the office of Council member or Mayor.

Sec. 2.05 TERM OF OFFICE.

Four Council members shall be elected every two years. The two candidates receiving the largest number of votes shall be elected to four-year terms. The candidates receiving the third and fourth largest number of votes shall be elected to two-year terms.
(Amendment adopted by electorate, 11-8-83)

Sec. 2.06 COMPENSATION AND EXPENSES.

(A) The Council. Each member of the Council shall receive as compensation an amount equal to \$60 per regular meeting attended not to exceed \$2,880 in any one fiscal year. Councilmembers shall be compensated for up to four absences per year. Compensation shall be paid monthly. Councilmembers shall also receive \$10,000 of group term life insurance during their term of office.
(Effective 7-1-85)

(B) The Mayor. The Mayor shall receive compensation in the amount of \$4,000 per fiscal year. Compensation shall be paid monthly. The Mayor shall also receive \$10,000 of group term life insurance during his or her term of office.
(Effective 7-1-85)

(C) Expenses. The Mayor and Council members shall receive actual and necessary expenses incurred in the performance of their duties of office. Expenditures in excess of \$100 must have prior approval by a majority of the Council. A public report of all expenditures detailing items of expense, stating the purpose of the expense, and, when appropriate, the value received by the city, shall be presented at the next regular Council meeting for approval by a majority of the Council.

CH Hazel Park - per meeting yearly cap

SALARIES, ABSENCES

SECTION 4.12. (a) The salary of each member of the council shall be five dollars (\$5.00) per Council meeting attended, but not to exceed one hundred eighty dollars (\$180.00) in any one fiscal year, except that of the Mayor, who shall receive seven dollars and fifty cents (\$7.50) per Council meeting attended, but not to exceed two hundred seventy dollars (\$270.00) in any one fiscal year. Such salaries shall be payable monthly and shall constitute the only salary or wages which may be paid for services performed by such officers of the city for the performance of any official duty or duties for and on behalf of the city during their term of office. Upon authorization of the Council, reasonable expenses may be allowed for expenses incurred for and on behalf of the city.

(b) Absence of a member of the Council from four (4) consecutive regular meetings of the Council, unless authorized or excused by a majority vote of the members thereof, shall operate to vacate the seat of such member.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the qualifications, duties and compensation of its officers, see MCL §117.3(d).)

DISCIPLINE

SECTION 4.13. The Council may, by a vote of not less than two (2) of its members, compel the attendance of its members, and other officers of the city at its regular meetings and enforce orderly conduct therein; and any member of the Council or other officer of the city who refuses to attend such meetings and conduct himself/herself in an orderly manner thereat shall be deemed guilty of misconduct in office.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the duties of its officers, see MCL §117.3(d).)

PUBLICATION

SECTION 4.14. The proceedings of the Council may be published once in a legal newspaper, having a general circulation in the city, after a contract shall have been entered into with such newspaper; but if no contract can be so made that shall be satisfactory to the Council, it shall publish said proceedings in such other manner as it may prescribe.

(ft.nt.- For statutory provisions requiring cities to provide by charter for the keeping of a journal of its legislative body, see MCL §117.3(m); for provisions authorizing cities to provide by charter for the administration of municipal government, see MCL §117.4j(3).)

CH Iron Mountain - per meeting yearly cap

sister, half-sister, or the spouse of any of them. All relationships shall include those arising from adoption. This section shall in no way disqualify such relatives or their spouses who are appointive officers of employees of the city at the time of the election or appointment of said official or employed by the city at the time of adoption of this Charter.

Sec. 4.10. - Compensation for councilmen.

- (a) The Councilmen shall receive ten dollars (\$10.00) per meeting up to a maximum of five hundred (\$500.00) dollars in total remuneration per year. The mayor shall receive an additional one hundred twenty-five (\$125.00) dollars per year. Such compensation shall be paid quarterly, or more often as the Council directs, and shall be the only compensation which may be paid Councilmen for the discharge of any official duties as a Councilman for or on behalf of the city during their tenure in office, except that they may be reimbursed for necessary expenses actually incurred by them on city business. Such reimbursement must be approved by Council. The Council may establish and provide in advance, a per diem rate to meet basic expenses. Whenever timely, requests for travel should be submitted for Council approval in advance.
- (b) Provisions of this section shall not be subject to review by a compensation commission.

Sec. 4.11. - Judge qualifications of members.

The Council shall be the judge of the election and qualifications of its members and of the grounds of forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths and require production of evidence. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one (1) or more newspapers for general circulation in the City at least one (1) week in advance of the hearing. Decisions made by the Council under this section shall be subject to review by the courts.

Sec. 4.12. - Organization of the council; mayor and mayor pro tem.

The Council at its first meeting following each regular city election shall elect one (1) of its members as mayor and one (1) mayor pro tem by an affirmative vote of a majority of its members, and who shall serve for two (2) years or until their successors are elected. The mayor

Clerk report on Historic Council Configuration (1/3)

To: Lansing City Charter Commission

From: Chris Swope, Lansing City Clerk

Re: Configuration of City Council

Commissioners,

As you consider the configuration of the Lansing City Council, I want to provide some historical information. Prior to 1955, all Council Members were elected by Ward for 2-year terms, with one member elected annually to each Ward. The number of Wards went from 3 to 8 over time, so the Council ranged from 6 to 16 members. The current configuration of 8 members with 4 at large and 4 ward seats began with the 1955 Charter when the City population was around 100,000. Note: the City Charter has always provided for an even number of Council Members. The attached chart shows the City's population at each census along with the Council configuration in place at the time.

Additionally, I would like to bring to your attention that the staggering of Ward seats into different election years has caused gaps in elected representation. Per the Charter, Council Members serve staggered 4-year terms, so two ward seats and two at-large seats are up for election at a time, on alternating odd years. The Home Rule Cities Act provides for the reapportionment of wards every ten years to balance the population.

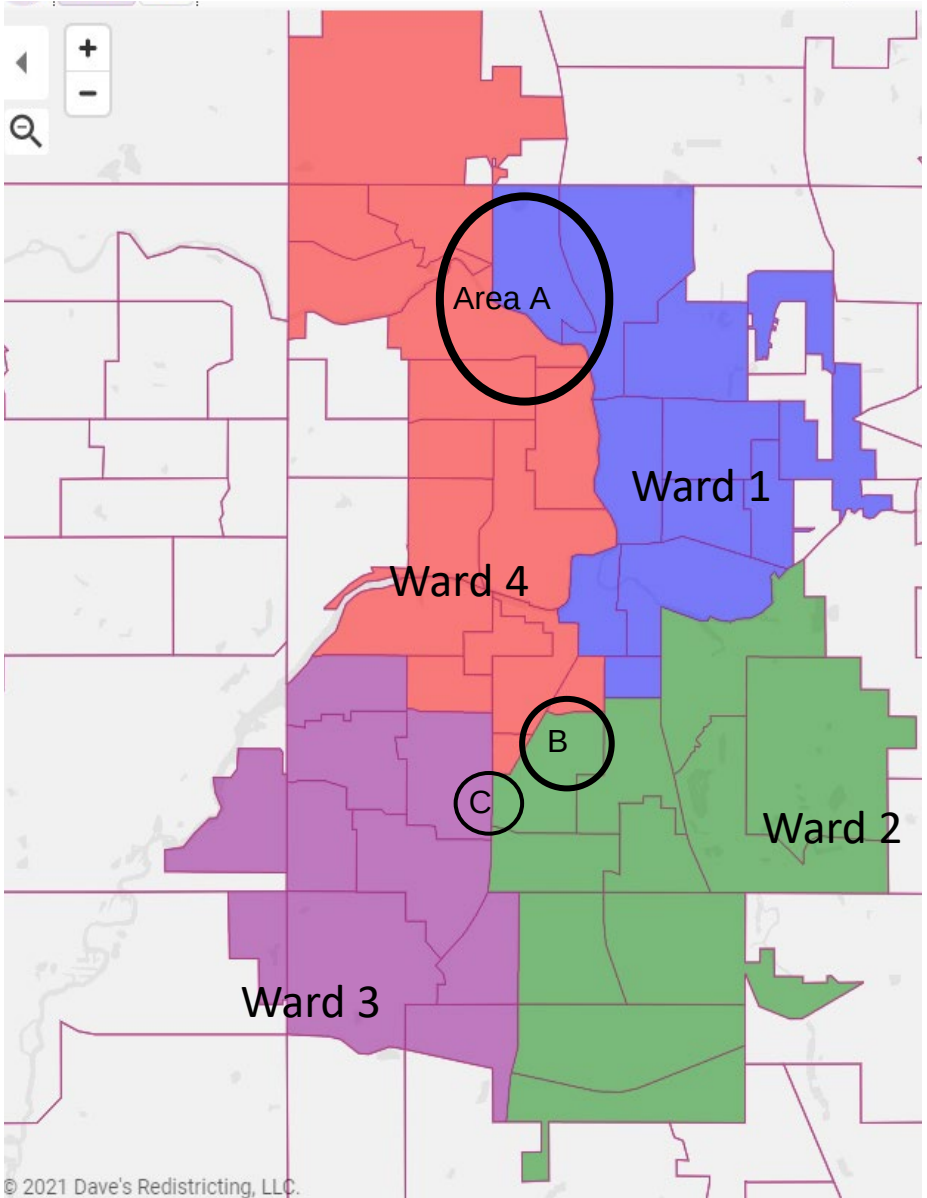
My concern is the offset terms causes inequity in representation for some voters. The most recent reapportionment was adopted at the end of 2021; please see the attached map.

- Area A went from Ward 4 to Ward 1; voters were able to vote for the Ward 4 Council Member in 2021 and also vote for the Ward 1 Council Member in 2023.
- Area B went from Ward 1 to Ward 4; voters were not able to vote for a Ward Council Member in 2021 or 2023.
- Area C went from Ward 3 to Ward 4; these voters, like Area B, have not had a say in their Ward Council Member since 2019.

Clerk Report on historic council configuration (2/3)

year	population	Lansing population and Council configuration			election
		council size	configuration		
1860	3074	6	3 wards, 2 per ward	1 per ward elected annually for 2 year terms	
1870	5241	8	4 wards, 2 per ward	1 per ward elected annually for 2 year terms	
1880	8319	12	6 wards, 2 per ward	1 per ward elected annually for 2 year terms	
1890	13102	12	6 wards, 2 per ward	1 per ward elected annually for 2 year terms	
1900	16485	12	6 wards, 2 per ward	1 per ward elected annually for 2 year terms	
1910	31229	12	6 wards, 2 per ward	1 per ward elected annually for 2 year terms	
1920	57327	16	8 wards, 2 per ward	1 per ward elected annually for 2 year terms	
1930	78397	16	8 wards, 2 per ward	1 per ward elected annually for 2 year terms	
1940	78753	16	8 wards, 2 per ward	1 per ward elected annually for 2 year terms	
1950	92129	16	8 wards, 2 per ward	1 per ward elected annually for 2 year terms	
1960	107807	8	4 wards, 4 at-large	2 wards and 2 at-large elected every 2 years for 4 year terms	
1970	131403	8	4 wards, 4 at-large	2 wards and 2 at-large elected every 2 years for 4 year terms	
1980	130414	8	4 wards, 4 at-large	2 wards and 2 at-large elected every 2 years for 4 year terms	
1990	126932	8	4 wards, 4 at-large	2 wards and 2 at-large elected every 2 years for 4 year terms	
2000	119766	8	4 wards, 4 at-large	2 wards and 2 at-large elected every 2 years for 4 year terms	
2010	114326	8	4 wards, 4 at-large	2 wards and 2 at-large elected every 2 years for 4 year terms	
2020	112796	8	4 wards, 4 at-large	2 wards and 2 at-large elected every 2 years for 4 year terms	

Clerk report on historic Council Configuration (3/3)



Resolution No: 94-352
December 13, 1994

Ingham County Resolution (1/2)

AS AMENDED

Agenda Item: 19
Date Received: _____

Ingham County Board of Commissioners



RESOLUTION

RESOLUTION TO ESTABLISH COMMISSIONERS' COMPENSATION AND MILEAGE REIMBURSEMENT EFFECTIVE JANUARY 1, 1995

Introduced by the Administrative Services/Personnel
Committee

WHEREAS, the present Board of Commissioners is empowered to establish the compensation for the Board of Commissioners, which must take effect after a general election; and

WHEREAS, the Board has not adjusted its compensation since 1989; and

THEREFORE BE IT RESOLVED, that the compensation for Ingham County Board of Commissioners shall remain:

Board Chair	\$14,000
Chair Pro Tem, Vice Chair Pro Tem and all Standing Committee Chairs	\$10,000
Remaining Committee Members	\$ 9,100

BE IT FURTHER RESOLVED that each Commissioner shall also be paid a \$30 per diem for attending each officially called Standing Committee and Board meeting of which the Commissioner is a member, including Committee of the Whole and Board Leadership to a maximum of 80 per year; provided, however, that a Commissioner shall not be entitled to more than one per diem per day regardless of the number of meetings attended.

BE IT FURTHER RESOLVED that the Board of Commissioners Chairperson, as an Ex-Officio of all Committees, shall be paid a per diem subject to a maximum of 80 per year.

BE IT FURTHER RESOLVED that the above stated salaries for Ingham County Commissioners shall not preclude a Commissioner from receiving a per diem payment when he/she is appointed to a statutory board and/or agency by the County Board of Commissioners. Commissioners shall receive the same per diem as non-Commissioner members appointed by the Board of Commissioners to statutory boards and/or agencies, in addition to the above stated salary, provided that a per diem Commissioner payment is not prohibited by the specific statute in question.



19

BE IT FURTHER RESOLVED that the Administrative Assistant to the Board shall be responsible for periodically preparing appropriate vouchers for the payment of per diem for each Commissioner, based on the approved minutes of each Standing Committee, Committee of the Whole, and Board Leadership meeting, and that said voucher shall be approved and signed by the individual Commissioners prior to its submission for payment.

BE IT FURTHER RESOLVED that Commissioners shall receive mileage reimbursement for travel outside Ingham County only for actual miles traveled on County business, at a rate as provided by the Internal Revenue Service, beginning January 1, 1995; provided, however, that said mileage reimbursement is not more than that set for State officers as determined by the State Officers Compensation Commission. In the event that the above stated mileage reimbursement exceeds the mileage rate established by the State Officers Compensation Commission, then under such circumstances the rate established by the State Officers Compensation Commission shall supersede the above stated rates. This paragraph shall apply to out-of-county travel only. Commissioners shall not receive mileage reimbursement for intracounty travel, except when in the process of traveling out of the county as stated above and as otherwise provided hereunder.

BE IT FURTHER RESOLVED that effective January 1, 1995, each commissioner shall be reimbursed for each mile necessarily traveled in going to and returning from each meeting, session or function attended by said member on County business, at the rate provided by the Internal Revenue Service, but only for miles traveled in excess of 2,000 per year; provided, however, that said mileage reimbursement rate shall not exceed the mileage reimbursement set for state officers as determined by the State Officers Compensation Commission; then, under such circumstances, the rate established by the State Officers Compensation Commissioner shall supersede the above-stated rates. This paragraph shall apply to intracounty travel only.

BE IT FURTHER RESOLVED that each Commissioner may, at his/her own expense, purchase health insurance, including dental and vision, as now or in the future provided by the County to its Managers.

BE IT FURTHER RESOLVED that the reimbursement for expenses associated with conferences and conventions shall be as provided for Commissioners in the Ingham County Travel Policy.

BE IT FURTHER RESOLVED that all prior resolutions inconsistent with the above are repealed as of January 1, 1995.

ADMINISTRATIVE SERVICES/PERSONNEL

FINANCE

Yeas: Jackson, Goulet,
Stid, Grebner

Yeas: Grebner, Schafer

Nays: Czarnecki

Nays: Wilbur, Czarnecki, Bernero

Absent: Gallagher

Absent: Sims

Approved 12/6/94

Failed 12/7/94



Elected Officers Compensation Commission

MAR11'24 3PMCLERK

March 11, 2024

Mr. Chris Swope
Lansing City Clerk
Ninth Floor, City Hall
Lansing, Michigan 48933

Dear Mr. Swope:

As Secretary to the City of Lansing Elected Officers Compensation Commission, I hereby submit the attached 2024-25 Salary Determination Letter and 2024 Elected Officials Summary of Fringe Benefits for filing as the 2024-25 determinations of the Elected Officers Compensation Commission for the City Council Members, Council President and Council Vice President.

If you have any questions with respect to this filing, please do not hesitate to contact me.

Thank you for your assistance.

Sincerely,

A handwritten signature in blue ink, which appears to read "Sherrie Boak". The signature is fluid and cursive, with the first name "Sherrie" and the last name "Boak" clearly distinguishable.

Sherrie Boak
City Council Office Manager
Elected Officers Compensation Commission Recording Secretary



Elected Officers Compensation Commission

March 11, 2024

Council President Jeremy Garza
Members of the Lansing City Council
Tenth Floor City Hall
Lansing, Michigan 48933

Dear President Garza and Councilmembers:

The Elected Officers Compensation Commission (EOCC) met during February and March 2024. The EOCC reviewed internal economic and financial documents and the current salary and benefit compensation packages of the Mayor, City Clerk, and members of the City Council. In addition, the EOCC compared various salary structures held by similar officers in comparable communities across Michigan and neighboring states. The following people attended the Commission meetings to answer questions and share their thoughts; Elizabeth O’Leary, Jake Brower, Clerk Swope, and Mayor Schor.

Our determination is based on the national and state economic climate, the current financial condition of the City, our review of executive and legislative responsibilities, and salary/benefit comparisons with other Michigan communities and with recent compensation changes in the city work force. The Commission considered the compensation history for all relevant positions going back as far as 1991, and considered the feedback from various executive officers and City staff.

Current salary for council members (3/3)

Determination

The Commission determines that annual salaries and respective effective dates, shall be as follows:

	<u>January 1, 2024</u>	<u>January 1, 2025</u>
City Council President	\$29,834.98	\$30,730.03
City Council Vice President	\$28,155.09	\$28,999.74
Council Members	\$27,327.14	\$28,146.95

Fringe Benefits

The Commission adopts by reference the Elected Officials Summary of Fringe Benefits 2024, attached. The benefits are to be provided for the elected officials as set forth therein. Of note, the current health care made available to elected officials comports with the three-tier optional plan provided to employees of the City. The intention of this change is to comply with Public Act 152 of 2011, which capped the amount the City can pay for health care premiums. This change will provide elected officers the same coverage employees are provided. Pursuant to the 2017 EOCC recommendation, Council members may purchase health care at their own expense.

Other Compensation

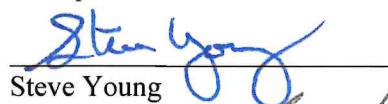
It is acknowledged that none of the elected officers earn compensatory, vacation, or sick time, and upon termination, they are not entitled to any compensation for the same.

TRANSMITTAL

We, the members of the Elected Officers Compensation Commission, respectfully, adopt the collective determinations now transmitted.

ELECTED OFFICERS COMPENSATION COMMISSION

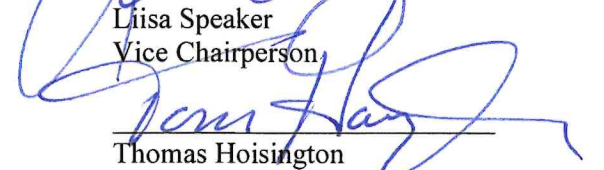

Derek Melot
Chairperson

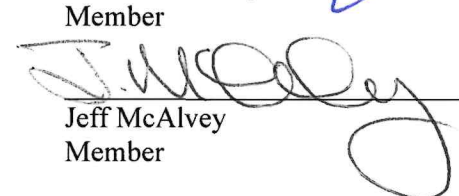

Steve Young
Member


Holli Seabury
Member


Ben Kohrman
Member


Liisa Speaker
Vice Chairperson


Thomas Hoisington
Member


Jeff McAlvey
Member

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.

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 elected 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~~ a majority of the number of Council members ~~voting~~ elected, 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 elected. 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. ~~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 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.



ATTORNEYS AND COUNSELORS AT LAW

2851 CHARLEVOIX DRIVE, S.E., SUITE 203 • GRAND RAPIDS, MICHIGAN 49546 • PHONE: (616) 975-7470 • FACSIMILE: (616) 975-7471

Kristen L. Rewa
krewa@cmda-law.com

January 3, 2025

Via Email

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

Re: Article 4 – Executive Branch

Dear Mr. Jeffries:

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

I. City Attorney.

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

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

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

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

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

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

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

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

II. 4-102 Obligations of Leadership

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

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

III. 4-301 Departments

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

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

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

IV. References to Affirmative Action

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

Article 4, Chapter 1, Section 4-102.10:

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

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

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

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

6-301 Non-Discrimination

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

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

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

Very truly yours,

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

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

Kristen L. Rewa

KLR/car

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



ATTORNEYS AND COUNSELORS AT LAW

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Kristen L. Rewa
krewa@cnda-law.com

January 31, 2025

Via Email

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

Re: Article 4

Dear Mr. Jeffries:

This letter addresses proposals offered to the Commission on Article 4, in advance of the Commission's line-by-line review.

I. Commissioner Boyd Proposals re: Article 4.

We have reviewed and provided preliminary legal analysis and in some instances proposed charter language related to Commissioner Boyd's proposals for Article 4.

1. Sec 4-102.2 – Removal of Requirement for Mayor/assistant to Attend Council Meetings

There are no requirements in the HRCA for the chief executive to attend council meetings when that person is not a member of council (i.e. a strong mayor or city manager).

Notably, the Commission recently approved charter language in Sec 3-207 that authorizes the City Council to require attendance of any official at their meetings. Accordingly, if this the attendance requirement in 4-102.2 is removed or altered to "may", Council would still have the ability to compel attendance.

2. Sec 4-102.4 - Changing the Timing of the State of the City Report.

We have no legal concerns with this proposal. If change is desired, further guidance is needed regarding when the report should be delivered. The Charter can provide a different date, or leave it simply to “at least once a year”.

3. In Section 4-102.8 - Remove the Annual Report on Real Property.

We have no legal concerns with this proposal. If the Commission wishes to remove this requirement, we recommend removing all language in .8.

4. 4-201.1-.4 – Changing Executive Assistant to Chief Administrative Officer or Deputy Mayor

We have no legal concerns with this proposal. Further guidance from the Commission is needed regarding which title is desired before proposed language can be drafted.

5. Chapter 4-301.3 - Removing “other agencies”

We have no legal concerns in removing this entire section. Section 4-301.1 currently provides the same treatment.

6. Chapter 4-302.2, Change to Director Finance to work with, not oversee, Accounting and other Divisions Listed

There is no legal requirement that the Charter contain this language. But a discussion should be had on the structural implications.

Subsection .2 appears to organize several divisions under the Finance Department. Other provisions of Article 4 do the same thing with other Directors (see Sec.4-305.2, Parks and Recreation Director, Sec 4-308.2, Public Services Director).

Heads of agencies/divisions are appointed by the department head unless otherwise provided in the Charter or Ordinance. Sec. 4-402.2. As it pertains to finance, the Charter requires the Treasurer and Assessor to be appointed by the Mayor. Sec. 4-402.4.

7. Chapter 4-303.2 & .3 Hiring/Removal of Fire Chief

We have no legal concerns with this proposal.

8. Chapter 4-304.5 – Remove Requirement for City Council Approval on City Attorney Representation.

There is no legal requirement that this language remain in the charter. There may be situations when the City Attorney would be required to obtain City Council approval on a representation (seeking a conflict waiver, for example).

9. Chapter 4-303.2 & .3. hiring/removal of Police Chief

We have no legal concerns with this proposal.

10. Chapter 4-308.3. Remove professional engineer requirement from Director of Public Service

We have no legal concerns with this proposal.

11. Chapters 4-401.1 & .5 and 4-402.3 – Charter provisions regarding qualifications of Department Heads.

The HRCA requires the charter to provide for “[t]he qualifications, duties, and compensation of the city’s officers.” MCL 117.3(d). The City Charter defines Officer to include the heads of departments. Sec. 1-201. Accordingly, the Charter must address the qualifications of department heads. The current language at 4-401.2 minimally meets the requirements of MCL 117.3(d) by stating the Mayor appoints a “qualified person.” The more specific qualifications of department heads stated in other sections of Article 4 can be changed or removed, if desired.

There is no legal concern with removing the Council’s ability to reinstate department heads.

12. Chapter 4-501.2. remove “publish”

The Home Rule Cities Act requires the Charter to provide for “[k]eeping in the English language a written or printed journal of each session of the legislative body.” MCL 117.3(m). The language in 4-501.2 mirrors that required language. We recommend leaving this language in place.

13. Chapter 4-501.2 Allow Clerk to send designee to council meetings.

There is no legal concern with the Commission including language to allow for the City Clerk to send a designee to City Council meetings.

II. Mayor Hollister Proposal re: Sec 4-102

We have no legal concerns regarding the proposed amendment to Sec 4-102 that would add a section to require the Mayor to develop and present a strategic plan.

III. IAFF Proposal re: 4-303.5

Brad Jorae, on behalf of the International Association of Firefighters suggested an example of proposed language to 4-303.5 as follows:

The Department shall maintain and operate ambulance services, advanced life support (ALS), and other lifesaving and emergency services necessary for the inhabitants of the City. The Lansing Fire Department is designated as the primary provider of emergency medical services, ensuring the highest standards of care, as directed by the Council.

State law allows local governments to operate EMS alone or with other local governments, or to contract for the services. MCL 333.20948(1). The statute provides that the local unit of government may enact an ordinance regulating EMS operations. MCL 333.20948(3). We have no concerns modernizing the language to reflect modern terminology. However, we recommend maintaining language tying the services to what the City requires, to ensure the City and Council maintain the ability to authorize and change such services as the circumstances dictate. For the same reasons, we do not recommend inclusion of the last sentence.

If the Commission wishes to change the language of this provision, we recommend re-wording the proposed language as follows:

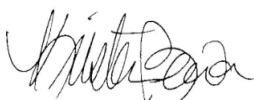
The Department shall maintain and operate ambulance services, advanced life support (ALS), and other lifesaving and emergency services as the welfare of the City may require and as the City Council may direct.

IV. Council Legal Representation

City of Pontiac Charter provision 4.204 was offered as suggested language for inclusion in the Lansing City Charter. We see no legal issue with inclusion of this language or language substantially similar into the Lansing Charter.

Very truly yours,

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



Kristen L. Rewa

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

Drever, Emery

From: Jeffries, Brian
Sent: Friday, January 17, 2025 10:26 AM
To: Drever, Emery
Cc: Boyd, Elizabeth; Simon, Lori; Swope, Chris; Jackson, Brian
Subject: FW: Article 4 Suggestions

Hey Emery:

Please include Commissioner Boyd's comments regarding Article 4 in our packet.

Thank you,

Brian

From: Boyd, Elizabeth <Elizabeth.Boyd@lansingmi.gov>
Sent: Monday, January 13, 2025 12:32 PM
To: Jeffries, Brian <Brian.Jeffries@lansingmi.gov>
Subject: Article 4 Suggestions

Brian,

As promised, I am forwarding some of my suggestions for Article 4. I think I have covered them but I reserve the right to add or subtract based on comments from our legal staff or other commissioners.

1. We should remove any requirement that the mayor and his/her deputy attend city council meeting. I suppose if people feel strongly the word "may" could be inserted in the existing language. He/she has no official role at these meetings so why mandate they attend.
2. The State of the City report should be required but not mandated to be delivered by the end of January. Many cities/mayors deliver the State of the City report into the year (including in February, March and April.)
3. In Section .8 we should remove the annual report on real property.
4. In Chapter 2 let's eliminate any reference to executive assistant and change that title to Chief Administrative Officer or Deputy Mayor – someone who assists the mayor in his/her duties.
5. Under "Departments" in Chapter 3, let's remove the "other agencies" listed. It's outdated.
6. In Chapter 4-302, Let's Say the Director Finance should work with accounting, etc. but not be in charge of them. The major is in charge and he/she should determine who reports to whom.
7. In Chapter 4-303 there should be some changes to the Fire Department language. They Fire Chief should not be hired by the Board of Fire Commissioners, nor should the board be allowed to reverse the mayor's decision.
8. Under the Law Department, the City Attorney should not need city council's approval on who he/she can represent.
9. I recommend the same action regarding Police as noted in #7 regarding the Fire Commissioner. The mayor is in charge, not a group of volunteers.
10. When it comes to Public Service, the director does not need to be a professional engineer since the City Engineer does.

11. We should not be outlining qualifications for department heads. Let's remove that wording. The mayor hires and fires. Further, city council should not have the right to reinstate people removed from their roles as department heads.
12. I think we've already addressed this issue but for the record, the word "printed" should be removed from .2
13. Finally, the clerk should be allowed to send his/her designee to attend city council meetings. Right now it's a burdensome requirement.

Finally, I believe Mayor Hollister's recommendation that the mayor create a strategic plan should be adopted. I'm not sure where that fits into Article 4. I assume that will be an item for discussion.

Liz

MEMORANDUM

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

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

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

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

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

PREAMBLE

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

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

Strategic Plan

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

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

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

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

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

PROPOSED Amendment to Sec. 4-102 Obligations of Leadership

Add a new obligation between 3 and 4 to read:

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

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

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

Thank you again for this opportunity.

Drever, Emery

From: Simon, Lori
Sent: Thursday, January 23, 2025 2:49 PM
To: Kristen Rewa
Cc: Jeffries, Brian; Jackson, Brian; Drever, Emery; Swope, Chris
Subject: Brad Jorae-Fire Department-4-303-.5

Please see the proposed language for 4-303.5.

The department shall maintain and operate ambulance services, advanced life support (ALS), and other lifesaving and emergency services necessary for the welfare of the residents of the city of Lansing. The Lansing Fire Department is designated as the primary provider of emergency medical services, ensuring the highest standards of care, as directed by the Council.

Thank you and be well!

Lori

Lori Adams Simon, MPA, CDM, CTA

Vice-Chairperson

City of Lansing Charter Commission

Lori.Simon@lansingmi.gov

517.449-5309

If the vacancy occurs in the office of Mayor and the Council President is unable to succeed that office, the President Pro-Tem shall succeed to the office of the Mayor until a new Mayor is elected.

If the vacancy occurs in the office of Mayor less than one (1) year before the next regular City general election the first business of the first Council meeting after the Mayor has been sworn in shall be the selection of a Council President or President Pro-Tem depending on who has succeeded to the position of Mayor.

If a dispute arises concerning whether a vacancy in the office of Mayor has occurred, a majority of Council may petition the appropriate court for a determination of this fact question.

Chapter 2 City Attorney

4.201 City Attorney

The City shall maintain a City Attorney, who shall be either an attorney or law firm with attorneys licensed to practice in Michigan and versed in municipal law. The City Attorney shall serve in the executive branch of City government.

4.202 Duties of City Attorney

The City Attorney is responsible for:

- a) Supervising the conduct of all the legal business of the City and its departments;
- b) May draft ordinance proposals and approve language as to form as directed by Council;
- c) Preparing and advising on leases, deeds, contracts, or other papers as may be required by the Mayor, Council or any department;
- d) Furnishing written legal opinions when requested by the Mayor, the Council or any department;
- e) Instituting and conducting, on behalf of the People, all cases arising from the provisions of this Charter or ordinances and, when authorized by law, cases under the state law;
- f) Defending all actions or proceedings against the City;
- g) Prosecuting all civil actions to which the City is a party or in which the City has an interest, when directed to do so by the Mayor; notice of any such action shall immediately be given to the Council;
- h) Representing any elective officer or appointee of the City in any action or proceeding involving official duties;
- i) Ensuring that all laws, this Charter, and ordinances are legally executed and enforced;

- j) Attending meetings of the Council as requested by Mayor or Council;
and
- k) Performing other duties assigned by resolution.

4.203 Settlements

No civil litigation of the City may be settled without the consent of Council.

4.204 Option of Council

Notwithstanding the above, the Council may engage independent legal counsel on a temporary basis where the Council is seeking enforcement of a Council subpoena or order, suing, or being sued by any City agency or officer, or defending against any action or proceedings involving the Council's official duties. Further, the Council may obtain the opinion or advice of independent legal counsel in any matter pending before it.

Chapter 3 Finance Department

4.301 Finance Department

A Finance Department is created in the executive branch of City government. The Head of the Finance Department shall have direct supervision over the finance department and the administration of the financial affairs of the City, including, but not limited to the keeping of accounts and financial records, the collection of taxes, special assessments and other revenue, the communication of financial records to Mayor and Council and such other duties as may be prescribed by ordinance.

4.302 Treasurer

The Head of the Finance Department, with the consent of the Mayor, shall appoint a City Treasurer within budgeted appropriations, who shall serve at the pleasure of the department head. The Treasurer shall perform all the duties required of treasurers by law, this Charter and ordinance.

4.303 Purchasing Division

A division of Purchasing is created in the Finance Department. The Head of the Finance Department shall, with the consent of the Mayor, appoint within budgeted appropriations a Purchasing Agent who serves at the pleasure of the Finance Director.

4.304 Centralized Purchasing; Competitive Bidding

All purchases and contracts of departments and agencies of the City shall be made through the purchasing division, except as may otherwise be provided by ordinance. All purchases and contracts for procurement which exceed a dollar amount fixed by ordinance shall be made only pursuant to competitive bidding as prescribed by ordinance. The City may contract only with persons or firms that are equal

ARTICLE 4 – EXECUTIVE BRANCH

Chapter 1. MAYOR

4-101 Mayor

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

4-102 Obligations Of Leadership

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 2. EXECUTIVE STAFF

4-201 Executive Assistant To The Mayor

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

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

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

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

Chapter 3 DEPARTMENTS

4-301 Organization Of Departments

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

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

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

(B) Finance Department (Section 4-302)

(C) Fire Department (Section 4-303)

(D) Law Department (Section 4-304)

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

(F) Planning Department (Section 4-306)

(G) Police Department (Section 4-307)

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

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

These include:

(1) Air Pollution

(2) Building Inspection and Safety

(3) Central Garage

(4) City Market

(5) Civic Center

(6) Community Development

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

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

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

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

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

4-302 Finance Department

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

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

4-303 Fire Department

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

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

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

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

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

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

15 4-304 Law Department

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

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

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

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

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

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

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

34 4-305 Parks And Recreation Department

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

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

4-306 Planning Department

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

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

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

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

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

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

4-307 Police Department

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

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

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

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

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

4-308 Public Service Department

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

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

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

Chapter 4 - DEPARTMENT AND AGENCY HEADS

4-401 Heads Of Departments

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

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

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

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

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

4-402 Heads Of Agencies

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

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

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

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

Chapter 5. CLERK

4-501 City Clerk.

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

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

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

13 4-502 Chief Deputy City Clerk

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