

City of Lansing Charter Commission

Regular Meeting Agenda



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

March 18, 2025 at 6:30 PM

1. Call to Order

2. Roll Call

3. Adopt the Agenda

- A. Table of Contents

4. Approval of Minutes

- A. March 4, 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/7f6ba226-dee7-4b87-b964-ad27d991599c@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 5: Line-by-Line Review
- B. Article 2: Line-by-Line Review
- C. Article 4: Line-by-Line Review

8. Public Comment

9. Commissioner Remarks

10. 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.

Charter Commission Packet

Meeting Date: March 18, 2025

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NOTE LATE ADDITIONS AT END

- Letter from BWL Board of Commissioners
- Communication from D. Horwitt
- Communication from L. Keefe
- Attachment D from Dick Peffley, November 2024 Letter to Commission

To: Charter Commissioners

From: Emery Drever, Deputy Clerk

Re: Pending Actions

The following sections are pending action by the Commission:

Article 2

- 2-104 Compensation of Officers

Article 4

- 4-102 Obligations of Leadership
 - Report deadlines
 - Updating affirmative action language
- 4-303.2; 4-307.2
 - Appointment of Fire and Police Chiefs
- 4-304 City Attorney
- 4-401 Heads of Departments

The following actions have been taken by the Commission.

Article 1: Adopted as Amended

1-205 Interpretation of the Charter, Definitions

- **ADD:** DEFAULT TO THE CITY means the omission or failure to timely perform a legal or contractual duty owed to the City of Lansing. This includes, but is not limited to, failure to pay any monetary obligation, including taxes, fees, or fines. Default to the City includes failure to pay property taxes for property located in the City, regardless whether the tax liability is owed to the City or the County. (1/7/2025)
- PERSON means a human being regarded as an individual and artificial entities recognized as persons by state law. ~~means both men and women 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. ~~means making something public in the manner stated in or authorized by this Charter, or if no direction is given in this Charter, in one or more newspapers circulated in the City or by posting on the official bulletin boards of the City.~~ (12/17/2024)
- **ADD:** VOTERS means ELECTORS. (12/17/2024)

1-301 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 for inspection during regular business hours~~ **and shall be available pursuant to law.** (12/3/2024)

1-302 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. ~~In the exercise of its powers or in the performance of its duties the City and all of its agencies shall ensure that no person or group engaged in the conduct of official business or seeking to do business with the City is discriminated against because of race, creed, political orientation, color, national origin, marital status, sex, age, handicap or for any cause not reasonably related to the accomplishment of a legitimate governmental purpose, and shall take whatever action is necessary to accomplish this purpose.~~ (11/26/2024)
- **ADD:** .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)

Article 2: Pending Adoption following amendments

2-101 Elective Officers

- .1 The elective officers shall be the Mayor, ~~eight~~ **seven** members of the City Council and the City Clerk. (02/18/2025)
- .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, **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.** (02/04/2025)

2-203 Wards

- .1 The City of Lansing shall be divided into ~~four~~ **five** wards, from each of which a member of the City Council shall be nominated and elected. (02/18/20204)

2-302 Forfeiture and Removal for Cause

- .1 The City Council shall declare the forfeiture of the office of any elective officer or appointee and may remove for cause any person **elected or** appointed to an office for a fixed term. In every case there shall be a public hearing before the City Council with notice published in the same manner as notices of proposed ordinances. A Council member charged with conduct constituting grounds for forfeiture **is permitted to attend and speak at the hearing** may not participate in **the hearing as a council member or vote on** the resolution of the charge. (01/21/2025)
- .2 The position of an elective City officer or an appointee shall be forfeited if ~~he or she~~ **the officer**:
 - (a) lacks at any time any qualifications required by this Charter.
 - (b) is convicted of a felony while holding the office or appointment.
 - (c) violates a provision of this Charter punishable by forfeiture.
 - **ADD: (d) is determined by City Council to have engaged in misconduct in the performance of official duties of the office.** (01/21/2025)
- .3 Decisions made by the City Council under this section are not ~~reviewable~~ **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. (01/21/2025)

2-304 Temporary Absence of Mayor

- **ADD:** .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)

2-401 Recall

- Any official holding an elective office may be recalled and the office be filled in the manner provided by law. ~~Any official holding an elective office may be recalled and the vacancy created be filled in the manner provided by law.~~

2-406 Special Elections

- .1 Special City elections shall be held when called by resolution of the City Council at least ~~50~~ **90** days in advance of the election, or ~~when~~ **longer as otherwise** required by this Charter or state law. Any resolution calling a special election shall set forth the purpose of such election.
- .2 Special elections to fill vacancies shall be called at least 90 days before the general election, **or longer as otherwise required by state law**. A special primary election shall be held at least ~~25~~ **45** days before the special general election. (01/07/2025)

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. (12/17/2024)
- ~~The question of whether there shall be a general revision of the City Charter shall be submitted to the voters of the City of Lansing at the November general election held in 1987 and every 12 years thereafter and may be submitted at other times in the manner provided by law.~~

Article 3: Pending Adoption following amendments

3-202 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~~ **hbe personally notified; and shall verify receipt of notification by each Council Member.** (01/07/2025) ~~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.~~

3-203 Quorum

- A majority of the number of Council members elected (01/21/2025) 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.(01/07/2025) ~~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~~

3-205 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.~~ (01/21/2025)

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. (01/07/2025)

3-207 Rights and Responsibilities of Council Members

- .1 Members of the City Council shall have all of the rights appropriate to city legislators as established by this Charter or by statute, including **the right to compel the attendance of City officers at its meetings** and the right to make inquiries of City officers and employees and receive specific information in response. (01/21/2025)
- **ADD:** .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.
- **ADD:** .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. (01/21/2025)
- **ADD:** .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. (02/04/2025)

3-305 Veto

- .2 No ordinance or resolution of the City Council subject to review by the Mayor shall have any force or effect if the Mayor prepares and signs a notice in writing suspending the operation of such ordinance or resolution which sets forth reasons for the veto, and the notice is filed in the office of the City Clerk before five o'clock on the afternoon of the ~~third~~ **ninth** (12/17/2024) working day following the adoption of the ordinance or resolution.
- .3 If a notice of veto is filed, the ordinance or resolution shall not become law without further affirmative vote of two-thirds of the Council members serving at a meeting held within ~~two~~ **three** (12/17/2024) weeks of the notice of veto.

3-306 Effective Date of Ordinance

- .1 Every published ordinance shall become effective at 12:01 a.m. on the ~~1430~~th day after enactment or at any later date specified.

3-307 STRIKE AND RENUMBER SUBSEQUENT

- ~~3-307 Expiration Of Ordinances~~
- ~~.1 Every ordinance which creates a regulatory function, an agency of the City or provided for a service to be rendered to the public shall state that it shall expire on a specific date not more than ten years after the date of adoption.~~
- ~~.2 Six months prior to the expiration date of each such ordinance the Clerk shall notify the Council of the expiration date.~~
- ~~.3 Two months prior to the expiration date the Council shall take formal action, either to re-enact the ordinance, or by resolution, state its intent that the ordinance shall expire.~~

- ~~.4 The failure of the Clerk or Council to act shall not extend the life of any ordinance covered by this section~~ (12/17/2024)
- **3-307** ~~3-308~~ Emergency Ordinances
- **3-308** ~~3-309~~ Codification of Ordinances
- **3-309** ~~3-310~~ Public Peace, Health and Safety

3-308 Codification of Ordinances

- **.1 As of the effective date of this charter, the Codified Ordinances in existence shall remain in effect.** ~~Within three years after the effective date of this Charter and at least every 10 years thereafter, the City Council shall provide for and adopt a codification of all City ordinances.~~
- ~~.2 The codification~~ **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 This~~ **The** compilation **described in sub-sections .1 and .2** shall be known as the Lansing City Code and copies shall be: furnished to City officers, placed in libraries and public offices for free public reference, and made available for purchase by the public at a reasonable price fixed by the City Council.
- **.4 No less than once per year the Clerk shall cause the Codified Ordinances to be updated to reflect amended, added, or repealed City Ordinances.** ~~After publication of the first Lansing City Code under this Charter, the ordinances and Charter amendments shall be printed in a form suitable for integration with the Code currently in effect.~~ (01/21/2025)

Article 4: Pending Adoption following amendments

- Maintain current form of government (10/22/2024)

4-102 Obligations of Leadership

- The Mayor, or the ~~Executive Assistant~~ **Deputy** 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
- **ADD: .4** 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. (02/04/2025)
- Adding **.4** Renumbers all subsequent subsections. **.4-.12** become **.5-.13** respectively.

- .9 -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. **The report shall be presented to the City Council no later than the last regular City Council meeting of each year.** (02/18/2025)
- .10 -9 The Mayor shall be responsible for **enforcing anti-discrimination ordinances. The Mayor may also develop programs and initiatives that resolve disputes and foster mutual understanding among the residents of the community.** (02/18/2025) ~~reducing any unlawful discrimination and increasing mutual understanding among the residents of the community.~~

4-201 Deputy Executive Assistant to the Mayor (02/04/2025)

- Change all references to “Executive Assistant to the Mayor” to **“Deputy to the Mayor”**

4-301 Organization of Departments

- .2 (D) ~~Law Department~~ **Office of City Attorney** (Section 4-304) (02/18/2025)
 - Change all references to “Law Department” to **“Office of City Attorney”**
- (F) **Economic Development and Planning Department** (Section 4-306) (02/18/2025)
 - Change all references to “Planning Department” to **“Economic Development and Planning Department”**
- .3 strike the list of agencies
- .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.~~ (02/04/2025)

4-303 Fire Department

- .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.** (02/04/2025) ~~The Department shall maintain and operate such ambulance, inhalator, and other life saving and emergency services as the welfare of the inhabitants of the City may require and as the Council may direct.~~

4-306 Economic Development and Planning Department

- .5 The director shall be responsible for providing the ~~Planning Board~~ **Commission** with staff and all information necessary for the ~~Board~~ **Commission** to carry out its assigned duties under Sections 5-601 and 5-602 of this Charter. (03/04/2025)

4-402 Heads of Agencies

- .4 Notwithstanding the provisions of any ordinance, the Mayor shall appoint the Treasurer, the Assessor, and the ~~Chief Personnel officer~~ **Human Resources Director** (03/04/2025).

Minutes for the City of Lansing Charter Commission

Regular Meeting | Tuesday, March 4, 2025, 6:30 PM

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

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

Absent: none

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

Call to Order

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

Roll Call

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

Adopt the Agenda

Moved by Commissioner Qawwee to adopt the agenda as presented.

Motion carried.

Approval of Minutes

Moved by Commissioner Dowd to approve the February 4, 2025, minutes as presented.

Motion carried.

Public Comment

Dick Peffley spoke about the Board of Water and Light.

Curtis Hertel spoke about the importance of maintaining the Board of Water and Light as a strong independent public utility.

Angela Witwer spoke about the importance of maintaining the Board of Water and Light as a strong independent public utility.

Tim Daman spoke about the Chamber of Commerce supporting maintaining the Board of Water and Light as a strong independent public utility.

Randy Dykhuis spoke about transparency in the appointments process for Boards and Commissions, and implementing term limits for appointees to Boards and Commissions.

Elisha Franco spoke about her role as the Internal Auditor for the Board of Water and Light.

Mike McDaniel spoke about his role on the Review Team for the Board of Water and Light following the December 21, 2013, storm.

Linda Keefe spoke about residents struggling to pay their Board of Water and Light bills.

Joy Gleason spoke about transparency for the Board of Water and Light, with regards to appointments to the board and financial decisions.

Loretta Stanaway spoke about a proposal for per diems for City Council and implementing term limits for Board of Water and Light board members.

Officer Reports

Chair

Chair Jeffries overviewed the Commission's schedule for upcoming meetings: March 18 will address the Board of Water and Light; March 25 will address a Sustainability Office with a presentation from the Public Service Department; April 1 will have a presentation from the Internal Auditor.

Vice-Chair

No Report.

Clerk

Clerk Swope acknowledged written communications in the packet and acknowledged a handout representing data of City Clerk responsibilities across the state.

Old Business

A. Article 2: Line-by-line Review

Commissioners discussed per diems for City Council.

B. Article 4: Line-by-line Review

Commissioners discussed updating outdated language referencing affirmative action programs and the organization of departments.

Motion failed, to keep the language in 4-304.1 the same, by the following roll call vote

YEAS: Commissioners Adams Simon, Bauer, Jeffries, Qawwee

NAYS: Commissioners Anderson, Boyd, Dowd, Lopez, Washington

Commissioners Boyd and Dowd explained their nay votes are due to not yet having a decision on the role of City Attorney: selection process and relationship to Council and Mayor.

Commissioner Washington expressed support for an elected City Attorney.

Commissioner Boyd expressed opposition for an elected City Attorney.

Commissioner Bauer expressed support for the framework for the City Attorney in 4-304 .1-.4.

Commissioner Qawwee expressed the potential barriers to removing a City Attorney from office if the position were elected.

Commissioner Lopez inquired about if the removal of all Department Heads would be brought before the Council, should the termination of City Attorney require Council approval.

No action taken.

Moved by Commissioner Qawwee to amend 4-306.5 to read "Planning Commission" not Planning Board.

Motion carried.

Commissioner Washington expressed interest in separating building safety and code compliance out of the Economic Development and Planning Department.

Motion carried, by unanimous consent, to correct a typo in 4-307.5 to read “by law”.

Moved by Commissioner Boyd to amend 4-308.3 to read “The person appointed to serve as the City Engineer shall be a registered Professional Engineer of the State of Michigan.”

No action taken.

Moved by Commissioner Boyd to amend 4-402.4 to read “Human Resources Director” instead of Chief Personnel Officer.

Motion carried.

Clerk Swope provided data about how City Clerks function as support to City Council across the state.

Commissioners discussed the role of the City Clerk.

New Business

A. Article 5: Line-by-Line Review

Commissioners decided not to take further action at this meeting.

Clerk Swope addressed the Commission about the composition of Boards and Commissions being tied to the number of wards.

Public Comment

Randy Dykhuis spoke about the timeline for appointments to Boards and Commissions.

Joy Gleason spoke about transparency in the appointments process and accountability for the Board and Water and Light.

Loretta Stanaway spoke about Council committee assignments and per diems, and legal counsel to the City Council.

Tirstan Walters spoke about eligibility requirements for the police chief.

Commissioner Remarks

No remarks.

Adjournment

The meeting was adjourned by Chair Jeffries at 8:40 PM.

Drever, Emery

From: Dawn Fleming <flemingd@cooley.edu>
Sent: Saturday, March 1, 2025 9:44 AM
To: Chartercommission
Subject: [EXTERNAL] Lansing should have a Sustainability and Environmental Department

I agree with every point of the written statement from the Capital Area Friends of the Environment (CAFE) regarding this matter. Lansing needs to be forward thinking and consider future challenges as we revise our City Charter. Environmental and sustainability issues will become greater concerns to the health and welfare of our citizens in the very near future. Please read and consider CAFE's well written statement, which can be found here:

Sustainability Department
517cafe.org



Thank you for caring about the future of our health and welfare as you tackle the important and difficult task of rewriting our City Charter.

Sincerely,
Dawn Fleming
223 S Hayford Ave
Lansing, Mi 48912
517-974-8186

Find passion, purpose, and presence every day of your life.

From: Nancy Mahlow <nmahlow2012@gmail.com>
Sent: Tuesday, March 4, 2025 3:03 PM
To: charter.commission@lansingmi.gov; Chartercommission
Subject: [EXTERNAL] Comment On Chapter 2 BWL

I am sending this email with my comments regarding Chapter 2 the Board of Water and Light (BWL)

5-201 - sentence states "utility services of the city of Lansing as may be agreed upon by the Board and City Council." The next sentence says "responsible to the Mayor and City Council". For consistency it should just say City Council.

5-202 .1 - Who is the Director? Is it one of the Board Commissioners? Will there be interviews and will the City Council be notified?

5-202 .2 - will there be interviews? Discussion with City Council? I know there has been talk about the City having its own auditor. Who would pay for this?

5-202-.3 - Secretary - Same questions as above.

503- .1 - Power of the Board - The City Council should at least be notified of all contracts and litigation.

.2 - Should provide information to the city council regarding such properties.

.5 - It states ""modifications the board may adopt from time to time." Are these modifications made available to the City Council for review and consideration?

.7 - It states "other agencies" Should it state that there be a list of agencies? Maybe say "but not limited to" so there is room for additions.

.8 - "shall furnish timely information" Should have a specific time frame.

504-.3 - Why 6 percent?

5-205 - Rates - There should be a discussion with the City Council regarding rate increases. We all know many are not happy with the last rate hike.

.2 Doesn't mention anything about city council

506 - Collection - Right now BWL will shut off water before electric. There has to be a better way to handle this. Residents need water.

I will say that our BWL has provided excellent service regarding new technology and bringing our city forward. We are lucky that the residents of Lansing own this board and can have a say in decisions.

Thank you

--

Nancy Mahlow

nmahlow2012@gmail.com

517-372-3249

CAPITAL AREA FRIENDS OF THE ENVIRONMENT (CAFE) AGENDA WRONG FOR LANSING

Dear Trade Members, Business Owners, and Community Leaders,

We would like to bring your attention to a small group in the Lansing area known as Capital Area Friends of the Environment (CAFE), whose message and mission are deeply concerning. Their goal appears to be hindering economic growth and job creation in our community, which could have serious repercussions for Lansing's future.

One recent example of their misguided efforts is a campaign to raise funds for installing air monitoring stations in Delta Township, targeting the new Ultium battery plant and the BWL facility. This initiative is not only unnecessary but also risks spreading confusion and misinformation among our citizens. It undermines the work of the State's Department of Environment, Great Lakes, and Energy (EGLE), which has already granted an air quality permit for the BWL plant, ensuring it meets state standards.

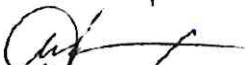
The Ultium battery plant, with its potential to create thousands of jobs, could have chosen any location across the country but decided to invest in our community. It's crucial that we welcome Ultium and its new workforce with open arms, rather than with unwarranted opposition.

While environmental concerns are important, and there are many reputable organizations working toward positive change, CAFE's approach is not constructive. We strongly advise against supporting CAFE and encourage you to share this message with others.

Undersigned are the labor union, organizations, and Lansing Regional Chamber of Commerce who have joined forces in supporting this effort.

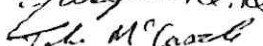
 IBEW Local 352

 BM/FST Sheet Metal Local 7

 BM/FS IBEW Local 665

 President Michigan Building Trades

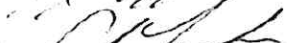
 Int. Rep. IBEW 10th District Council

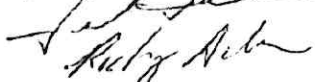
 Carpenters Local 1004

 DECSH/M.A.A

 - LU. 333

 UAW Local 602 President

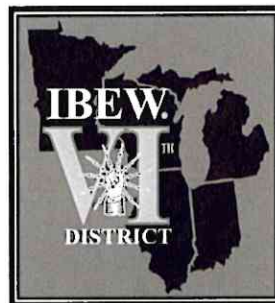
 IUPAT DCIM LU 845

 IUPAT DCIM Glaziers LU #826

Organizations Supporting

Carpenters Local 1004
 Greater Lansing Labor Council AFL-CIO
 IBEW 6th District International Rep
 IBEW Local 665
 IBEW Local 352
 International Union of Painters and Allied Trades Glaziers Local 826
 International Union of Painters and Allied Trades Local 845

Laborers Union Local 499
 Lansing Economic Area Partnership
 Lansing Regional Chamber of Commerce
 Michigan Building Trades (President)
 PECSH and the Michigan Nurses Association
 Plumbers and Pipe Fitters Local 333
 Sheet Metal Workers Local 7
 UAW Local 602 (President)



Drever, Emery

From: Phil Perkins <philp3238@gmail.com>
Sent: Tuesday, March 4, 2025 10:23 AM
To: Chartercommission
Subject: [EXTERNAL] Letter of Support - Lansing Board of Water & Light Internal Audit Department

Dear Chair Jeffries & Commissioners,

I served as the Board of Water & Light's Director of Internal Audit from April 2009 - August 2019. During that time, I appreciated that our Internal Audit Department was organizationally in alignment with recommended guidance from the Institute of Internal Auditors, an American and international organization dedicated to providing policy guidance to the internal auditing profession.

The most salient aspect of this alignment is that the Director of Internal Audit reports to the BWL Board of Commissioners and not to BWL management, thus ensuring the independence and objectivity the auditor must possess in order to perform effectively. The Board of Commissioners provides general oversight, approves the internal auditor's annual plan, and ensures that the internal auditor has the resources needed to perform the job at a high level. During my tenure, working relationships with Board members as well as senior executives were excellent, in part because all parties understood the internal auditor's mission and there were clear communication lines established.

I strongly recommend that the existing model of BWL's Internal Audit Department reporting to BWL's Board of Commissioners remains in place as part of the updated City Charter.

Sincerely,

Philip L. Perkins
BWL Director of Internal Audit 2009-2019 (Retired)

Lansing City Charter Commission Comment Submission Form

03/06/2025 10:10 AM (EST)

Lansing City Charter Commission Comment Submission Form

First Name	Concerned
Last Name	Citizen
(Optional) Contact information is optional, but providing it will make it easier for potential follow up.	
Zip Code	48911

Topic	New Departments
Comment	Contrary to what one commissioner stated you should take into account the impact of your recommendations on city finances. So far I have heard of three new departments being proposed....our taxes our way too high and how will you fund these new departments? We can't even fund our current retirement/pension liabilities adequately. When compared to home value we are the 17th highest tax rate in the nation! For those families in the middle to upper portion of a "middle class income family" why would one want to move to the city of Lansing? Higher taxes, poor performing schools (but they are improving), less services (we can't even plow/salt our streets), more crime; compared to the surrounding communities it is a no brainer those areas make more sense to live. Please refrain from expanding our city government even more... Thank you for your hard work and service, I don't envy the role you have. A concerned citizen.

(Optional) If your message relates to a specific article(s) in the Charter please select it here:	• ARTICLE 1 - GENERAL • ARTICLE 7 – TAXATION AND FINANCE
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Drever, Emery

From: Breina Pugh <Breina.Pugh@LBWL.COM>
Sent: Friday, March 7, 2025 9:31 AM
To: Jeffries, Brian
Cc: Drever, Emery; Dick Peffley; Smiljana Williams
Subject: [EXTERNAL] Follow Up from Public Comment on March 4

Good Morning:

Please see the below message sent on behalf of BWL General Manager Dick Peffley:

I I'd like to correct some statements that were provided during public comment at the Charter Commission meeting on March 5, 2025, regarding the Lansing Board of Water & Light (BWL).

PA 95 Surcharge. The first is a comment related to the \$0.88 surcharge on customers' bills. The fee that is being referenced is the Low-Income Energy Assistance Fund (LIEAF) surcharge that is charged to all BWL electric customers. As the commenter stated, it does go into a statewide fund to help eligible customers with financial assistance. The fund was established by Public Act 95, which requires us to participate and charge all customers a \$0.87 fee. The fee is established by the Michigan Public Service Commission (MPSC) annually and they are currently proposing an increase to \$1.25 in accordance with new statewide legislation that would be effective in the fall. BWL does not determine the fee. We simply add the fees to bills to comply with state law.

Smart Meters. The second is related to a comment about municipalities opting out of smart meters. There are no Michigan municipalities that fully opt-out of smart meters. Smart meter programs are run by utilities and many of the mentioned municipalities are within DTE or Consumers Energy's territories. The resolutions these counties or cities passed vary, but most speak to wanting their utility company to allow an opt-out option for individual customers, not the entire county or city. Most of the resolutions date back to 2012 when smart meters were fairly new to communities and the Michigan legislature was considering bills related to customer opt-out. Like other utilities, BWL offered an opt-out program to customers during our initial install of meters as was best practice. This same commenter also discussed testing of smart meters. BWL smart meters are thoroughly tested throughout the engineering and manufacturing process for accuracy and security. These meters meet the National Electric Testing Association and the American National Standard Institute's (ANSI) accuracy standard. We purchase our electric meters from Honeywell, the most experienced, and only OEM-certified provider of American Meter testing in the world.

We welcome feedback about the BWL through public comments, but feel it is necessary to correct misinformation. If you have any questions, please contact me.

Drever, Emery

From: Brian T. Jackson <btjackson2012@gmail.com>
Sent: Thursday, March 13, 2025 2:22 PM
To: Chartercommission
Subject: [EXTERNAL] Letter from Brian T. Jackson Re: BWL & suggested Charter revisions
Attachments: Letter to Charter Commission from Brian T. Jackson RE. BWL.docx

I also tried to attach this letter to the "public comment submission form" on the website, but I was unable to determine whether the attachment was added or not.

Please add the attached letter to the 3/18 Meeting packet.

Thank you,

--

Brian Jackson Esq.

This email is intended for addressee only and may be subject to attorney client privilege.
If you receive in error, you should contact me immediately and destroy the email.
This does not constitute legal advice.

March 13, 2025

Lansing Charter Commission
124 W. Michigan Avenue
Lansing, MI 48933

Dear Charter Commission Members:

At your March 4 meeting, you heard from several public officials who proclaimed that the Lansing Board of Water and Light performs flawlessly and that nothing should be changed in the charter with regards to their operation. I would like to offer a different perspective.

While it is true that BWL seems to manage quite well on a day-to-day basis, i.e. the lights come on when a switch is flipped and clean water comes out of the tap when turned on, this is a very low bar for a utility. I would like to call your attention to three examples where BWL has come up short.

First, when touting their Clean Energy program in 2023, BWL included a fossil-fuel fired power plant that in fact will emit not only a significant amount of greenhouse gases but also a host of other noxious chemicals. It was not until mid-2024 that BWL admitted that this plant was not really clean energy after all. They claimed that they were using the term “clean” because prior Michigan law said that natural gas was clean energy but that with the new laws that were put in place in late 2023 that changed. One might ask why, if this were true, did it take BWL almost six months to discover their error? Whatever the reason, it was a failure of management and definitely mis-led the public about the nature of the plan.

Second, in early 2022 City Pulse published a series of stories about groundwater contamination at the Erickson Station Power plant. From 2017 to 2020 BWL did not monitor the Erickson site, as it was required to do by the US Environmental Protection Agency. When questioned about this egregious oversight, the chair of the Board of Commissioners said he knew nothing about the contamination. BWL management had never bothered to inform its own Board of Commissioners about the violation. In the intervening three years, this violation of federal law has never been adequately explained.

Third, in 2024, the Board of Commissioners raised rates with almost zero justification from management. In contrast the rate-setting process used at the Michigan Public Service Commission where investor-owned utilities are required to go through a lengthy and thorough review process, BWL can simply tell the Board of Commissioners that it wants to raise rates a certain percentage and the Board complies.

I believe both cases are indicative of a company that is neither transparent, even with its own Board of Commissioners, nor accountable to the real owners of BWL, the residents of

Lansing. This must change. Below are some changes that I believe will have a major impact on better management and governance at BWL.

- The internal auditor should report to city council rather than the Board of Commissioners. This would ensure that the auditor can offer a truly independent opinion when investigating processes and controls within BWL. With this change in place, issues such as the groundwater contamination and 2024 rate hikes could be thoroughly scrutinized by a completely impartial auditor.
- Reform the processes for rate setting and capital funding for large projects. The way rates hikes are announced and set provides for almost no input from the public. BWL should be forced to provide much more information about the reason for rate hikes, and the information should be made public several months before the Board of Commissioners votes on the rates. Similarly, major capital projects, such as the construction of new power plants, should be subject to public scrutiny well before the Board of Commissioners votes on them.
- City Council and the administration should share responsibility for the appointment of members to all boards and commissions. The current process is opaque and does not serve the residents well. A more open process will ensure better representation on all boards and commissions.
- Members of boards and commissions should serve no more than two consecutive terms. No board member should be able to serve an indefinite number of consecutive terms. This is not only bad for governance, it also prevents other members of the community from serving.

With these changes, I believe we can put BWL on a track to be much more accountable and transparent. Thank you for your consideration.

Sincerely,

Brian T. Jackson
4th Ward Council Representative

Chapter 2. BOARD OF WATER AND LIGHT

5-201 Board Of Water And Light

The Board of Water and Light, hereinafter known as the Board, shall have the full and exclusive management of the water, heat, steam and electric services and such additional utility services of the City of Lansing as may be agreed upon by the Board and City Council. The board shall be responsible to the Mayor and the City Council for the provision of these services in a manner consistent with the best practices.

5-202 Director, Internal Auditor, Secretary

.1 The Board shall appoint a Director who shall be responsible to the Board for carrying out the duties assigned by the Board and shall serve at its pleasure.

.2 The Board shall appoint an Internal Auditor who shall report directly to the Board. The Internal Auditor shall serve at the pleasure of the Board.

.3 The Board shall appoint its own Secretary who shall be responsible to the Board and shall serve at its pleasure.

5-203 Powers Of The Board

.1 The Board shall make all contracts pertaining to the conduct of the Board of Water and Light business and shall have the authority to settle litigation involving the Board of Water and Light.

.2 The Board shall have the power to acquire property, both real and personal, and interests in property in the name of the City for purposes of the Board of Water and Light.

.3 The Board shall have the power to sell real property and interests in real property not needed for the operation of the Board of Water and Light, subject to the approval of six City Council Members and subject to the limitations on the sale of real property by the City contained in this Charter.

.4 The Board shall adopt policies and procedures to assure fairness in procuring personal property and services and disposing of personal property. These policies and procedures of the Board shall parallel the policies and procedures adopted by the Council for the purchase and sale of personal property and services unless the Board makes a specific finding that a City policy or procedure is not consistent with the best practices for public utility operation.

.5 The Board shall prepare and adopt its annual budget by June 1 of each year, and implement it with whatever modifications the Board may adopt from time to time. The budget and any amendments shall be filed with the City Clerk within 10 days after adoption.

.6 The Board shall submit to the Mayor, prior to October 1 of each year, its capital improvements plan for the next six years pursuant to Section 7-109.

.7 In the best interest of the City, the Board and other agencies of the City are encouraged to cooperate on projects deemed to be beneficial and to utilize each other's services.

.8 The Board of Water and Light may utilize the streets, alleys, bridges and other public places of the City for the furnishing of public utility services. In the exercise of this right, the Board of Water and Light shall furnish timely information about proposed uses to the officials of the City and to the agencies which will be most directly affected by the use.

.9 The Board may conduct whatever audits of the activities it deems appropriate and shall compensate the City for the cost of that portion of the annual audit of the City which covers the Board of Water and Light.

1 .10 The Board may provide for the pensioning of any employee of the Board of Water and Light or the
2 surviving spouse or dependent of any deceased employee.

3 .11 The Board, except as otherwise provided in this Charter, shall be responsible for and have
4 authority over the compensation, benefits, bonding, conditions of employment, and labor
5 management activities for all employees of the Board of Water and Light.

6 5-204 Withdrawal Of Funds

7 .1 The funds and revenues of the Board of Water and Light shall be deposited in the City Treasury
8 and shall be credited only to the funds and accounts of the Board of Water and Light. They shall not
9 be withdrawn or used for any other purpose whatsoever. The Board shall have and exercise full
10 control over all of the funds of the Board of Water and Light in the City Treasury.

11 .2 All warrants drawn for the payment of money under the authority of the Board shall be signed by
12 the Secretary of the Board and countersigned by the City Controller.

13 .3 Whenever warrants are issued and there is no money for the payment of the warrant, the City
14 Treasurer shall, upon presentation of the, warrant, stamp the date of presentation on the face of the
15 warrant, together with a statement that the warrant will bear interest thereafter at the rate of 6 percent
16 per year. The interest shall cease after notice has been given to the holder, in the manner determined
17 by the Board, that there is sufficient money of the Board of Water and Light on hand to pay the
18 warrant with interest. Warrants of the Board of Water and Light are not general obligations of the City.

19 .4 The Council may provide by ordinance procedures for the disbursement of monies of the Board of
20 Water and Light by check issued by the Secretary of the Board in accordance with the ordinance.

21 5-205 Rates

22 .1 The Board may fix just and reasonable rates and other charges as it may deem advisable for
23 services furnished by the Board of Water and Light.

24 .2 The Board shall conduct a public hearing at least 30 days prior to the effective date of any changes
25 in rate structure. At least 45 days before the public hearing, the Board shall file with the City Clerk a
26 statement explaining the new rates and charges together with a notice of the public hearing. Notice to
27 the public shall be given in the same manner as is required for proposed ordinances.

28 5-206 Collection And Hearing Procedure

29 .1 Upon the request of the Board, the City Council shall provide by ordinance for the collection of
30 unpaid charges for public utility services furnished by the Board of Water and Light and for the
31 imposition and enforcement of liens upon property served by the Board of Water and Light.

32 .2 When any person fails or refuses to pay any sums due on utility bills, the service upon which the
33 delinquency exists may be discontinued and suit may be brought for the collection of the money
34 owed.

35 .3 The Board shall establish a procedure for the resolution of disputes between the Board of Water
36 and Light and any of its customers concerning services or billing for services furnished in accordance
37 with filed rates, rules and regulations, and established Board policies and procedures. The procedure
38 shall incorporate the designation of an independent hearing officer. The hearing officer shall report to
39 the Board and the Mayor the results of each hearing conducted and shall make recommendations to
40 the Board on any hearing, which has not been resolved. The Mayor may make recommendations to
41 the Board on each unresolved hearing. The Board shall report its final action on any unresolved

1 dispute, together with the hearing officer's report and recommendations to the Mayor and the City
2 Council.

3 5-207 Sale Or Exchange Of Facilities

4 The Board shall not, unless approved by the affirmative vote of three - fifths of the electors voting
5 thereon at a regular or special City election, sell, exchange, lease, or in any way dispose of any
6 property, easement, equipment, privilege, or asset needed to continue the operation of the Board of
7 Water and Light. The restrictions of this section shall not apply to the sale or exchange of articles of
8 machinery or equipment of the Board of Water and Light, which are no longer useful or which are
9 replaced by new machinery for the operation of the Board of Water and Light, or to the exchange of
10 property or easements for other needed property or easements.



November 7, 2024

Lansing City Charter Commission
City Hall
124 W. Michigan Avenue
Lansing, MI 48933
chartercommission@lansingmi.gov

Sent via Email and U.S. Mail

Lansing City Charter Commission,

This letter presents two proposals the Lansing Board of Water & Light (BWL) would like the Charter Commission to consider as it deliberates whether amendments to the Lansing City Charter provisions related to the BWL are needed. First, the BWL has a long and prosperous history under the leadership of the existing system of an independent, appointed board of commissioners and there is no sound rationale for altering this very successful method of governance. Secondly, the BWL proposes some simple Charter amendments designed to align current and updated practices with the Charter's provisions pertaining to the BWL.

I. Governance by an Independent Board is a Best Practice for Municipal Utilities and Has Served the BWL and the City Well Since the BWL's Inception

A. Fast Facts

Originally formed as the Water Board of the City of Lansing in March of 1885 to provide water for safe drinking and fire protection, in 1892 the BWL took control of a local power plant and began to provide street lighting. Steam service was added in 1919 with the acquisition of Michigan Heat and Power Company. The BWL further diversified revenues in 2001 when it began the sale of chilled water.

From modest beginnings the BWL grew to become Michigan's largest municipally owned utility, and every day the BWL safely and reliably delivers all four utility services to about 100,000 discrete residential, commercial and industrial customers in the Lansing region. Much like other successful businesses in the community the BWL plays a significant role in the local economy with: operating revenues for the last three fiscal years of \$397,149,164; \$448,876,759; and \$417,434,840, respectively; gross capital spend totaling \$424 Million over the past three years; assets totaling \$2 Billion; retirement plans valued at \$300 Million with both plans fully funded; bond ratings of AA-(S&P), Aa3 (Moody's); 830 budgeted employees and 755 retirees.

B. Governance

The BWL is governed by an eight-member Board of Commissioners. The Mayor appoints the Commissioners for staggered terms of four years and appointments require confirmation by Lansing's City Council. A 2014 amendment to the Charter added three additional non-voting commissioners who represent the utility customer communities

outside Lansing's city limits, one member each from the City of East Lansing and Delta Township, each serving four-year terms, and one member representing the Townships of Meridian, Delhi, Dewitt, and Lansing serving annually on a rotating basis.

This governance structure of an administrative board of appointed commissioners with exclusive authority over the operation of the utility has been in place from the beginning. Though ultimately responsible to the Mayor and City Council, the BWL has consistently been independent from direct oversight or management by the City. For example, one hundred fourteen years ago the 1912 version of the Charter became effective and included a comprehensive statement of the exclusive authority of the Board over the utility:

Said board [of water-works and electric lighting] shall have *full, complete and entire charge, management, maintenance, repair, and control of the planning, constructing, operating, maintaining and repairing, all works of every kind already built, and hereafter to be built*, and used for the purpose of supplying the city, and the inhabitants thereof, with water, heat, electric lighting and electric power; said board shall purchase all materials and supplies therefor, including the right of way for water pipes, electric light poles, grounds for location for all necessary buildings, including wells to supply water, and make all contracts pertaining thereto. [Emphasis added. Lansing Charter § 298 (1912)]

The 1912 Charter also expressly prohibited members of the City Council from serving on the utility's board:

The water-works and electric light commissioners shall receive no compensation for their services as members of said board, and they shall not be subject to removal from office except as prescribed in this charter. Any vacancy in the board of commissioners shall be filled for the unexpired term by the mayor. *No member of the board shall, during his term of office, be a member of the city council . . .* [Emphasis added. Lansing Charter § 298 (1912)]

This governance by an autonomous Board carries through to the present Charter using a more modern economy of words that still sets forth the same independent governance:

The Board of Water and Light¹¹, hereinafter known as the Board, shall have the *full and exclusive management* of the water, heat, steam and electric services and such additional utility services of the City of Lansing as may be agreed upon by the Board and City Council. . . . [Emphasis added. Lansing Charter, § 5-201 (1978)]

¹¹ The name change to "Lansing Board of Water and Light" first appears in the 1955 edition of the Charter.

Governance by an Independent Board is a Best Practice for Municipal Utilities Like the BWL. Like most municipally owned electric utilities the BWL is a member of the American Public Power Association (APPA) which describes itself on its website as:

The American Public Power Association is the voice of not-for-profit, community-owned utilities that power 2,000 towns and cities nationwide. We represent public power before the federal government to protect the interests of the more than 54 million people that public power utilities serve, and the 96,000 people they employ. We advocate and advise on electricity policy, technology, trends, training, and operations.

Over the years members of BWL management and many commissioners have attended APPA governance training courses and made use of APPA publications which are widely considered to be best-in-class. One such APPA publication is the “Model City Charter Provisions” which, after acknowledging that some municipalities do not have an independent governing body, nonetheless presents the independent commission form of governance as the model:

There is hereby created the Board of Public Utilities Commissioners of the city (the “Board”), which shall have *exclusive jurisdiction*, control, and policymaking responsibility of the Authority and all its operations and facilities. The Board shall have *all powers and duties possessed by the city* to construct, acquire, expand and operate municipal utility services, and to do any and all acts or things that are necessary, convenient, or desirable in order to operate, maintain, enlarge, extend, preserve and promote an orderly, reliable, economic and prudent administration and provision of such utility services.

The Authority, under the supervision and control of the Board, shall operate as a separate unit of city government, except as otherwise provided in this charter. Both the Board and the Authority *shall be free from the jurisdiction, direction, and control of other city officers and of the city council, except as otherwise provided herein*. [Emphasis added. Model City Charter Provisions for a Public Utilities Authority, p 1 (2018)]

A copy of the Model City Charter Provisions is attached and though the Lansing Charter is not identical it is very much consistent with the tenants of the Model. See Attachment A. Neither the Charter nor the APPA expound on the rationale for independent governance of the municipal utility, but the practical effect is the creation of an entity that, though ultimately beholden to the City, is nonetheless free to operate like the business it is without direct or day-to-day decision making and direction from elected officials. Rate making may illustrate this point in that increasing rates to maintain and improve the utility is never a popular program and it is made all the more difficult when the persons who are responsible for that decision do not have a degree of separation from the electorate who will bear the cost of that decision. Ultimately of course, a

board with the authority to raise rates must answer to the elected officials, but one level of separation allows them to make an unbiased business decision free from electoral pressures.

The independent governance model has served the City of Lansing and the BWL well for many years and it should not be altered.

II. The BWL Recommends Several Amendments to Article 5, Chapter 2 - Board of Water and Light, to Align the Charter with Contemporary Practices

The BWL proposes the following amendments to five sections of Article 5, Chapter 2 of the Charter which are intended to update the provisions pertaining to the BWL without departing from the overall construct and substance of the current Chapter.

1. Section 5-201 General Responsibility

Two amendments to Section 5-201 are proposed for the purpose of:

(a) adding “Chilled Water” to the list of utility services consistent with prior approval by the BWL and City Council in 1989 and 1999, respectively (Attachment B – Chilled Water Resolutions), and

(b) adding the term “thermal energy” to encompass the current references to “heat” and “steam” as well as expressly including “hot water” as a thermal energy resource. The BWL’s aging steam system is likely to be replaced over the years by a much more efficient heat or hot water system.

The Board of Water and Light, hereinafter known as the Board, shall have the full and exclusive management of the water, chilled water, thermal energy, including heat, hot water and steam, and electric services and such additional utility services of the City of Lansing as may be agreed upon by the Board and City Council. The Board shall be responsible to the Mayor and the City Council for the provision of these services in a manner consistent with the best practices.

2. Section 5-202 Director, Internal Auditor, Secretary.

"General Manager" is the title commonly used by municipal utilities for the Chief Executive Officer of the utility. For example, the APPA’s Model City Charter Provisions uses General Manager, Attachment A, p 3. Therefore, replacing the title “Director” with “General Manager” is recommended.

.1 The Board shall appoint a General Manager ~~Director~~ who shall be responsible to the Board for carrying out the duties assigned by the Board and shall serve at its pleasure.

3. Section 5-203 Powers of the Board

The City and the BWL have for many years completed their own separate audits at their own expense and this section should reflect this contemporary practice.

.9 The Board may conduct whatever audits of the Board of Water and Light activities it deems appropriate and shall be responsible for the cost of such audits ~~compensate the City for the cost of that portion of the annual audit of the City which covers the Board of Water and Light.~~

4. 5-204 Withdrawal of funds.

The BWL manages its funds separately from the City. If there was ever a time when the BWL deposited its funds with the City no records or memories of such a practice have been found. Although this lack of evidence as to whether the practice set forth in the Charter was ever put into practice or some explanation as to why the practice came to an end is not ideal, on a positive note what can be said is that the actual practice of the BWL managing its own funds has worked well and after many separate independent audits of both City and BWL finances, there has never been an adverse finding related to the practices of separate funding and banking practices. On the contrary, each year, as part of the external financial audit, the external auditors are required to consider the BWL's internal control over financial reporting for the purpose of expressing opinions on BWL's financial statements. This annual audit, in which cash and investments are a key area of focus, is consistently completed without any finding of deficiencies in BWL's internal control that would constitute a material weaknesses.

Moreover, the complicated Withdrawal of Funds protocols as currently set forth are at best cumbersome and at worst unworkable. Given the lack of any trouble with the current system of separate accounting, it is appropriate to amend the Section to comport with current practices that are working well. The BWL therefore recommends that this section be amended to expressly authorize the BWL to maintain and manage its own funds consistent with current practices.

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

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

.3 Whenever warrants are issued and there is no money for the payment of the warrant, the Board City Treasurer shall, upon presentation of the warrant, stamp the date of presentation on the face of the warrant, together with a statement that the warrant will bear interest thereafter at the rate of six (6) percent per year. The interest shall cease after notice has been

given to the holder, in the manner determined by the Board, that there is sufficient money of the Board of Water and Light on hand to pay the warrant with interest. Warrants of the Board of Water and Light are not general obligations of the City.

~~.4 The Council may provide, by ordinance, procedures for the disbursement of moneys of the Board of Water and Light by check issued by the Secretary of the Board in accordance with the ordinance.~~

5. 5-206 Collection and Hearing Procedure

The BWL has a procedure for the resolution of billing or service disputes that comports with the City Charter. A copy of Rule 8 – Disputes and Hearing Procedure, for electric services is attached but the rules is the same across all four utilities. See Attachment C. It is rarely necessary to invoke the dispute resolution process because such disputes are resolved without resort to the relatively complex protocol of Rule 8.

Lansing Ordinances, 8-304.3, however, takes a much simpler approach to dispute resolution requiring that “The City shall establish a procedure for the resolution of disputes between the City and any of its customers concerning public utility services other than electric, water, and steam services.” The following amendment is proposed to align the BWL’s dispute resolution process with that of the City Ordinance:

The Board shall establish a procedure for the resolution of disputes between the Board of Water and Light and any of its customers concerning services or billing for services furnished in accordance with filed rates, rules and regulations, and established Board policies and procedures. ~~The procedure shall incorporate the designation of an independent hearing officer. The hearing officer shall report to the Board and the Mayor the results of each hearing conducted and shall make recommendations to the Board on any hearing which has not been resolved. The Mayor may make recommendations to the Board on each unresolved hearing. The Board shall report its final action on any unresolved dispute, together with the hearing officer's report and recommendations to the Mayor and the City Council.~~

A redline and clean version of these amendments to Article 5, Chapter 2 are attached, Attachment D.

In conclusion, thank you for considering the BWL’s point of view and please let me know if you have any questions.

Sincerely,



Richard R. Peffley

ARTICLE 2 – OFFICERS AND ELECTIONS

Chapter 1. OFFICERS

2-101 Elective Officers

.1 The elective officers shall be the Mayor, ~~eight~~seven members of the City Council and the City Clerk. (02/18/2025)

~~.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, 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. (02/04/2025)-

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

2-104 Compensation Of Officers

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

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

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

2-105 Bonds Of Officers

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

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

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

2-106 Oath Of Office

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

Chapter 2. ELECTION OF OFFICERS

2-201 Time Of Elections

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

2-202 Non-Partisan Ballot

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

2-203 Wards

.1 The City of Lansing shall be divided into ~~four~~ five wards, from each of which a member of the City Council shall be nominated and elected. (02/18/20204)



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Kristen L. Rewa
krewa@cmda-law.com

March 14, 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, Sec. 2-104 Compensation of Officers (per diem council pay)
and Article 3, assignment of Councilmembers to Committees**

Dear Mr. Jeffries:

This letter addresses a request for Charter language requiring City Council members' compensation to be based in part on per diem attendance at public meetings. This letter also addresses the Charter language relating to assignments of members of City Council to committees.

Committee Assignments

Currently, the Charter permits the Council to establish committees. The Council President names the members and chair of each committee. The Charter Commission expressed concern that council members are not assigned to committees on an equitable basis. Some council members serve on more boards than others.

We reviewed several charters from other cities in Michigan. We did not locate a charter that dictated how the council president allocate committee assignments. Congress and Michigan Legislature limit the number of committees a particular official may serve, as well as the number of committees a particular official may serve as chair.

Robert's Rules of Order provides that members of a "standing committee should be chosen so as to provide the strongest possible group for the handling of any task that may arise within the province of the committee." Roberts Rules of Order, 12th Ed. § 50:18.

The City Charter currently provides, at Sec. 3-102, in pertinent part:

.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.

City Council rules, established by ordinance further provides:

Rule 4. Appointment of Committee Members; Creation of Ad-Hoc Committees. The President shall appoint all Council Members to the standing committees, any Council Ad-Hoc Advisory Committee and to any outside agency (see Section 3-102.6 of the City Charter). The President shall appoint the Chairperson and Vice-Chairperson of each standing committee and any ad-hoc advisory committee. Each standing committee of City Council shall consist of not less than three nor more than four Council Members. Should any issue referred to a four member committee result in a tie vote, the issue shall automatically be referred to the Committee of the Whole, and the standing committee shall be discharged of that issue. Two members of any standing committee will constitute a quorum with action taken by a majority of the committee members present. The President may, at his or her discretion, create or discharge any ad-hoc advisory committees. [Ordinance 120.01]

Further, Rule 16 currently provides for seven standing committees: Equity Diversity & Inclusion, Public Safety, City Operations, Ways and Means, Development & Planning, Council Personnel, and Municipal Audit.

It is difficult to craft or enforce language that requires parity of committee assignments because the committees do not have equal work or meet the same number of times. Similarly, language that requires equity can provide guidance to the Council President, but would be difficult to enforce because equity has a level of subjectivity in the analysis. Language is more readily enforceable where it sets forth objective requirements or limits. Some potential action could include:

- Language that requires committee assignments be selected by the council president but subject to approval by the Council. This would allow members to raise issues about the committee selections. However, the committee appointments could also be subject to gridlock, if the majority does not approve. Language could require the appointments be “subject to approval by a majority of Council members present”.
- Language that limits the number of standing committees to which a council member can be assigned. However, a limitation can pose issues if the City Council establishes more standing committees than what currently exists. Currently, seven standing committees comprised of three members would allow for each council member to serve on three committees. However, placing a cap on assignments could hinder creation of additional standing committees. A new sentence could be added to .4 to state “Council

members may serve on no more than four standing committees at one time.”

We recommend that the Charter not address these issues, leaving them for the Council to regulate by ordinance and rule. However, language for Sec. 3.102.6 has been drafted that includes provisions for the Commission to review and consider, based on the discussion above.

.6 The Chairperson and members of each committee established by Council shall be named by the Council President *subject to approval by a majority of Council members present* not later than the next regular City Council meeting after the establishment of the committee. *Council members may serve on no more than four standing committees at one time.*

Compensation of Officers

The compensation of the City’s officers is a mandatory provision which must be included in the City’s Charter. MCL 117.3(d). Alternatively, the HRCA allows a city to create a local officers compensation commission “which shall determine the salaries of each local elected official.” MCL 117.5c(a). The HRCA provides for this alternative to alleviate the need for a city to have to amend its charter each time it wished to change the compensation of elected officials. *Hunt v City of Ann Arbor*, 77 Mich App 304, 308; 258 NW2d 81 (1977). Because officer compensation is a mandatory charter provision and an LOCC is an alternative, we see no legal prohibition to revising the City Charter to require city councilmember compensation to include per diem pay for council meetings attended, but leaving the specific salary and per diem rate to the election officers compensation commission.

Several cities in Michigan specifically provide for per diem payments for members of their city council. The payments range from \$5 to \$60 per meeting. For many of these cities, this per diem is the only wage provided to the members of the legislative bodies (with some providing fringe benefits and/or expense reimbursement). Most, but not all, cities with per diem payments also put an annual cap on the total payments received by a single council member. These annual caps ranged from \$270 to \$4,000 per year

To the extent the Commission wishes to revise the method of compensation for members of City Council, we recommend that the Charter provide the general direction, but leave the specifics to be set by the EOCC. That way, the EOCC could recommend a change in the amount of the per diem based on current circumstances, just as it does the base salary. If the per diem amount is specified in the Charter, it could only be changed by charter amendment.

If the Commission wishes to make a change to 2-104, there are some practical issues to consider. First, it is possible that this change could result in a reduction in pay to the City Council. The HRCA only prohibits reduction in pay for sitting judges. MCL 117.5. As such, the HRCA does not prohibit a city from reducing the pay of an elected city council member. An elected office is not property protected by the due process clause of the constitution. *Taylor v. Beckham*, 178 U.S. 548, 576 (1900); *Moncier v. Haslam*, 570 F. App’x 553, 559 (6th Cir. 2014). Moreover, elected officials in Michigan do not have a contractual right to compensation or continuation in their salaries. *Porter v. City of Highland Park*, No. 263470, 2006 WL 1479909,

at *3 (Mich. Ct. App. May 30, 2006) (citing *Attorney Gen v. Jochim*, 99 Mich. 358, 367 (1894)). In *Porter*, for example, the Court of Appeals determined that there was no statutory or constitutional violation when an emergency financial manager used statutory authority to reduce a mayor's salary to zero. *Porter, supra*. If an elected official's salary "is reduced below what seems to him reasonable, it may be a hardship, but it is not a legal wrong." *Jochim, supra*.

Another consideration is how this provision will be applied to councilmembers that are on staggered terms. It would be inequitable to provide that the change applies only upon the next term of office because such a provision would only apply to half of the council (with potentially the other half maintaining the current pay structure). We recommend that the Commission provide guidance that the change to compensation take place at the same time for all council members, such as the next year the EOCC is required to meet following approval of this language.

Language was developed to provide a maximum amount of meetings that qualify for per diem payment, to allow for proper budgeting. The proposed number was based on a council member attending the regular council and 4 standing committee meetings twice per month, for a total of 130 meetings (Ingham County caps per diem compensation at 80 meetings). The Commission should consider whether this number needs to be adjusted. Additionally, language was developed to require that the per diem payments provide a meaningful amount of a member's overall compensation – 25% is suggested, but certainly open to discussion. Further language was developed in Article 9 to assist the EOCC in creating this blended compensation with guidance that it is anticipated that the base salary will be reduced and reallocated into per diem payments. However, we added language to clarify to the EOCC that it may increase the total overall compensation in that first year (to account, for example, for cost of living raises, or an increase in pay based on increased duties).

Chapter 280, the elected officer's compensation commission ordinance provides that the EOCC meets in even-numbered years. The City Council can "veto" the EOCC determination by a 2/3 vote, in which case, the prior compensation remains in place. We have drafted language in 9-102 to prohibit a veto in the first year to ensure that the new compensation model is enacted.

Proposed Language:

2-104 Compensation Of Officers

.1 The City shall, by ordinance, determine the compensation or the procedure for determining the compensation of all officers and employees of the City, *except as provided in this Charter*.

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

.3 The compensation of city council members shall be based on an annual base salary and a per diem payment for each officially called standing

committee and council meeting for which the official is a member up to a maximum of 130 meetings per year; provided however, that a council member shall not be entitled to more than one per diem per day regardless of the number of meetings attended. The elected officers compensation commission shall establish the annual base salary and per diem rate; provided, however, that the maximum per diem compensation shall account for at least twenty-five percent of the total annual compensation, excluding any fringe benefits.

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

And

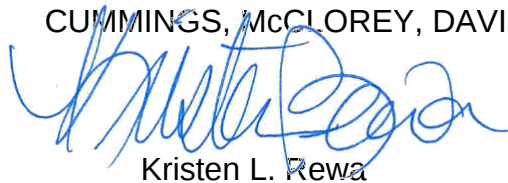
9-102 Compensation Of Officers

.1 Except as otherwise provided herein, the compensation of all persons holding office under this Charter shall continue according to the schedule of compensation in existence prior to the effective date of this Charter. Any change in compensation shall be made in the manner determined by law.

.2 The elected officers compensation commission shall establish the compensation of City Council members in compliance with Section 2-104.3 in the first even-numbered year immediately following approval of this Charter revision. The previous annual salary of members of City Council shall not serve as the base salary. The base salary shall be reduced and any such reduction shall be reallocated to per diem compensation consistent with the provisions of this Charter; provided however, nothing in this Charter prohibits the compensation commission from establishing an increase in the overall compensation. The City Council shall not reject the compensation established for members of City Council by the elected officers compensation commission in the first even-numbered year immediately following approval of this Charter revision.

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)

ARTICLE 4 – EXECUTIVE BRANCH (maintain current form 10/22/24)

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~~Deputy~~ 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 + (02/04/2025) from time to time, proposals for meeting the needs and addressing the problems of the City.

.4 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. (02/04/2025)

~~.5~~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.

~~.6~~5 The Mayor shall be responsible for the development and preparation of the budget.

.76 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.

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

.98 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. The report shall be presented to the City Council no later than the last regular City Council meeting of each year. (02/18/2025)

.910 The Mayor shall be responsible for enforcing anti-discrimination ordinances. The Mayor may also develop programs and initiatives that resolve disputes and foster mutual understanding among the residents of the community. (02/18/2025)~~reducing any unlawful discrimination and increasing mutual understanding among the residents of the community.~~

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

.124 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.

.132 The Mayor may delegate any of the duties described in Sections 4-102.65, 4-102.78 (02/04/2025), 4-102.910 and 4-102.124 (02/18/2025) to another officer of the city by filing notice of specific delegation with the City Clerk.

Chapter 2. EXECUTIVE STAFF

4-201 ~~Executive Assistant Deputy~~ To The Mayor (02/04/2025)

.1 The Mayor shall have ~~a Deputyan 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 Deputy~~ 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 Deputy~~ 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 Deputy~~ pursuant to this Charter, or which may be assigned to the ~~Executive Assistant Deputy~~ 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 Deputy~~ 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.

1 .2 The following agencies of the City shall have the power and duties described in this Charter:

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

3 (B) Finance Department (Section 4-302)

4 (C) Fire Department (Section 4-303)

5 (D) ~~Law Department~~Office of City Attorney (Section 4-304) (02/18/2025)

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

7 (F) Economic Development and Planning Department (Section 4-306) (02/18/2025)

8 (G) Police Department (Section 4-307)

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

10 .3 Other agencies of the City previously established by ordinance, or otherwise, shall continue in
11 existence subject to reorganization in accord with this charter.

12 ~~These include:~~

13 ~~(1) Air Pollution~~

14 ~~(2) Building Inspection and Safety~~

15 ~~(3) Central Garage~~

16 ~~(4) City Market~~

17 ~~(5) Civic Center~~

18 ~~(6) Community Development~~

19 ~~(7) Data Processing~~

20 ~~(8) Emergency Services~~

21 ~~(9) Housing Commission~~

22 ~~(10) Housing and Redevelopment~~

23 ~~(11) Human Relations~~

24 ~~(12) Human Resources~~

25 ~~(13) Municipal Parking System~~

26 ~~(14) Personnel~~

27 ~~(15) Program Coordinator~~

28 ~~(16) Property Management~~

29 ~~(17) Purchasing~~

30 ~~(18) Safety~~

31 ~~(19) Traffic~~

32 ~~(20) Weights and Measures~~ (02/04/2025)

33 .4 Except as otherwise provided by this Charter; services, agencies and instrumentalities of the City
34 shall be organized as far as practicable according to their major purpose and function in order to
35 provide service as efficiently, effectively and economically as possible.

36 .5 To the extent permitted by law, the City may, by ordinance, establish, abolish and reorganize
37 departments, other than the Fire Department, Police Department and the Board of Water and Light.

38 .6 The Fire Department and Police Department may be assigned, by ordinance, additional duties
39 compatible with the general purposes of the departments. The Board of Water and Light may be
40 assigned added duties by agreement between the Board and the City Council. No agency of the
41 executive branch shall have any administrative authority over the Board of Water and Light.

42 ~~.7 The Mayor may prepare one or more executive reorganizational plans which, consistent with law~~
43 ~~and this Charter, provide for reorganization of one or more agencies of the executive branch, and~~
44 ~~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.~~
(02/04/2025)

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

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

.3 The Mayor may suspend the Fire Chief and shall notify the Board of Fire 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 Fire Chief may be removed by the Mayor only with the concurrence of a majority of the Board serving.

.4 Each member of the Fire 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 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. (02/04/2025) The Department shall maintain and operate such ambulance, inhalator, and other life saving and emergency services as the welfare of the inhabitants of the City may require and as the Council may direct.~~

4-304 ~~Law Department~~Office of City Attorney (02/18/2025)

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

1 .2 The City Attorney shall be the prosecutor for the people of the City for all cases arising under this
2 Charter and ordinances of the City and, when authorized to do so by law, cases arising under State
3 law.
4 .3 The City Attorney shall advise the officers and agencies of the City, in writing, on matters relating to
5 their official duties upon request,
6 .4 The City Attorney shall prepare or approve as to form, all bonds, contracts, ordinances and other
7 written instruments in which the City is concerned.
8 .5 The City Attorney shall prosecute or defend all cases in which the City is a party or has a legal
9 interest, and may upon request, and with City Council approval, represent any officer or employee of
10 the City in any action or proceeding involving official duties.
11 .6 No board or officer shall employ or retain special counsel in any matter relating to the affairs of the
12 city without first securing the approval of such employment or retainer by the City Council. The City
13 Council shall act only after requesting the City Attorney's written opinion.
14 .7 No civil litigation may be settled without the recommendation of the City Attorney and the consent
15 of the City Council, except and to the extent that risks are covered by insurance.

16 4-305 Parks And Recreation Department (adopted as presented 03/04/25)

17 .1 The Director of Parks and Recreation shall be the administrative head of the Department of Parks
18 and Recreation and shall be responsible to the Mayor for the provisions of parks, recreation and
19 leisure services of the City in a manner consistent with the best practices therefore.
20 .2 The Department of Parks and Recreation shall be in charge of those agencies and programs
21 responsible for cemetery services and facilities, forestry, parks, and recreation.

22 4-306 Economic Development and Planning Department

23 .1 The Director of Economic Development and Planning shall be the administrative head of the
24 Department of Economic Development and Planning and shall be responsible to the Mayor for the
25 planning activities of the City.
26 .2 Any agency with the knowledge of the Director of Economic Development and Planning may
27 undertake the study of any development matter within the scope of its duties,
28 .3 The Department of Economic Development and Planning shall receive all reports concerning
29 development matters and other information, which it requests.
30 .4 The director shall, with the head of any agency involved, evaluate all reports and information
31 received by the department in the light of the policies, programs and priorities of the adopted master
32 plan.
33 .5 The director shall be responsible for providing the Planning Board-Commission with staff and all
34 information necessary for the Board-Commission to carry out its assigned duties under Sections 5-
35 601 and 5-602 of this Charter. (03/04/2025)
36 .6 The department shall administer and enforce the zoning ordinances of the City and prepare plans
37 for the City and its various departments when such plans involve the character, location and extent of
38 activities and facilities which impact on the social, physical and economic development of the City.

39 4-307 Police Department

40 .1 The Chief of Police shall be the administrative head of the Police Department and shall be
41 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 by law, 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~~Human Resources Director (03/04/2025).

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.

.3 The City Clerk shall be the custodian of all papers, documents, surety bonds and records which pertain to the City, the custody of which is not otherwise provided.

.4 The signature of the City Clerk shall be the official certification for all ordinances, resolutions and other actions by the Council.

.5 The City Clerk shall make the records of the City, including all Council actions, available to the public during regular business hours.

.6 The City Clerk shall have custody of the City Seal and shall affix it to all documents requiring the seal and shall attest the documents and instruments.

.7 The City Clerk shall have the power to administer any oath required for municipal purposes by law.

.8 The office of the City Clerk shall have a supply of forms required to be filed with the City for any purpose either by the provisions of this Charter, by ordinance or by law.

.9 The City Clerk shall be the chief elections officer of the City.

4-502 Chief Deputy City Clerk

The City Clerk shall designate one member of the office of the City Clerk to be the Chief Deputy City Clerk who shall retain that designation at the pleasure of the City Clerk.

In the absence or disability of the City Clerk, or while the position is vacant pending action by the City Council, the Chief Deputy City Clerk shall exercise all powers and perform all of the duties of the City Clerk to the full extent permitted by law.

Drever, Emery

From: Mumby, Christopher
Sent: Friday, March 14, 2025 3:16 PM
To: Drever, Emery
Cc: Lawrence, Mark
Subject: RE: Charter Questions for Mayor's Office

After speaking with Mayor Schor, City Attorney, and several department heads, here are our recommendations.

For 4-102.4

The State of the City report is due at the end of January. Our recommendation would be for that to be amended to allow for this to be complete by the end of February, as that gives more time to compile.

For 4-102.8

Our recommendation for the itemized real property would for it to be included in the budget presentation

For 4-102.10.

Affirmative Action: the 2006 Amendment regarding the ban on affirmative action applies to all government, not just schools. The only way to retain that language would be to include a clause that says "this section will not be enforceable until allowed by a change or repeal of Art. I, sec 26, of the Michigan Constitution of 1963."

For Police and Fire Chiefs: No reason they need to be different, appears to be a carry-over of separately evolved processes from the long history of the City.

Christopher Mumby

Deputy Mayor

City of Lansing - Office of Mayor Andy Schor

124 W. Michigan Ave. | Lansing, MI 48933

O: 517-483-4107 | E: christopher.mumby@lansingmi.gov

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#)



Andy Schor, Mayor

From: Bean, Scott <Scott.Bean@lansingmi.gov>

Sent: Friday, March 7, 2025 11:51 AM

To: Drever, Emery <emery.drever@lansingmi.gov>; Mumby, Christopher <Christopher.Mumby@lansingmi.gov>

Subject: RE: Charter Questions for Mayor's Office

Hey Emery,

Thanks for these questions. I talked to the Mayor and he asked me to get you with Christopher Mumby on them.

I definitely have a lot of thoughts on the Annual Report items. Less on the appointments, but many of my thoughts are based from my years in the Michigan Senate doing advice & consent for Gubernatorial appointments.

I have included Christopher here so you can connect with him directly. Thanks.

Scott

Scott Bean

Director of Communications

Senior Advisor to the Mayor

City of Lansing, Mayor Andy Schor

124 W. Michigan Ave. | Lansing, MI 48933

C: 517-582-3480 | E: scott.bean@lansingmi.gov

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#)

From: Drever, Emery <emery.drever@lansingmi.gov>

Sent: Friday, March 7, 2025 11:35 AM

To: Bean, Scott <Scott.Bean@lansingmi.gov>

Subject: Charter Questions for Mayor's Office

Good morning, Scott,

I am reaching out on behalf of the Charter Commission with some questions relative to Mayoral operations and charter provisions.

First, Article 4-102 Obligations of Leadership outlines several reports the Mayor must make to Council and/or the public. The Commissioners are interested in implementing deadlines for the reports to encourage compliance and transparency. Can you let me know whether the timelines are feasible for the following reports, or if there is a proposed alternative that more closely matches your workflow:

Charter Section	Type of Report	Deadline
4-102.4	State of the City	Last Council Meeting in January
4-102.8	Itemized real property	<i>n/a, proposed Last Council Meeting of each year</i>
4-102.10	Status of affirmative action programs	<i>n/a, proposed Last Council Meeting of each year</i>

Second, there is a question about the appointments of Fire Chief and Police Chief.

4-303.2 reads “The Fire Chief shall be appointed by the Mayor from candidates recommended by the Board of Fire Commissioners”

4-307.2 reads “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 of the members of the Board of Police Commissioners serving.”

How are the respective recommendations and consultations handled? Is the difference between these processes necessary? Do you know why there is a difference?

Please let me know if you need further explanation of the questions. I will send your response to the Commission.

Sincerely,

Emery Drever | pronouns: they / them
Elections & Licensing Clerk
Lansing City Clerk’s Office

Chris Swope, MMC/MiPMC
Lansing City Clerk

City Hall/Main Office | 124 W. Michigan Ave. | 9th Floor | Lansing MI 48933
Reo Elections Office | 1221 Reo Rd. | Lansing MI 48910
Main: [\(517\) 483-4131](tel:5174834131)



ATTORNEYS AND COUNSELORS AT LAW

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Kristen L. Rewa
krewa@cmda-law.com

March 14, 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, Outstanding Matters

Dear Mr. Jeffries:

This letter addresses a request for Charter language concerning article 4 provisions reviewed at the February 4 meeting.

I. Affirmative Action References in Article 4

We recommend that the Commission revise or remove references to affirmative action contained in this article due to Art I, § 26 of the Michigan Constitution, which prohibits public entities from “discriminat[ing] against, or grant[ing] preferential treatment to, any individual group on the basis of race, sex, color, ethnicity or national origin in the operation of public employment, public education, or public contracting.” §26(2).

A question was raised whether revised language that references diversity, or equity, or similar goals runs afoul of two “DEI executive orders” (EO 1413 and 14173) issued in January 2025. The Executive Orders relate to federal grants. Notably, these Executive Orders are currently in litigation and subject to a nation-wide preliminary injunction that blocks enforcement of most aspects of those Executive Orders because the Plaintiffs are likely to prevail on their claims that the EOs are unconstitutionally vague. *Nat’l Assn of Diversity Officers in Higher Ed., et al., v. Donald J. Trump, et al.*, 1:25-cv-00333-ABA (D.Md, Feb. 21, 2025). This litigation is ongoing and unsettled.

Removing language that references affirmative action is the most risk-averse approach to responding to this evolving federal landscape. To the extent that concepts of diversity, equity, inclusion, or similar goals of embracing a pluralistic society are important to the citizens of Lansing, who will ultimately vote on whether to accept charter revisions, we believe that the

offending language can be revised with defensible language, so long as the language comports with the Michigan Constitution and is executed in accordance with law. But such language does not eliminate all risk of a negative reaction by the federal government.

Because the Michigan Constitution has prohibited discrimination and preferential treatment in employment and public contracting for nearly twenty years, the impact of the DEI Executive Orders, is not as pronounced in this state. However, there may still be an impact on the ability to receive federal funds. The impact of the DEI Executive Orders remains unknown at this time given the ongoing litigation and lack of further guidance from the federal government as to their scope and meaning.

4-102.11 (currently .10) [affirmative action annual report]

The Commission should consider (1) removing this provision from the charter altogether; or (2) revising the language to refer to permissible considerations. Based on research conducted by the City Clerk's Office, it is our understanding that an affirmative action report has not been completed in decades. Should the Commission wish to maintain a reporting requirement on diversity initiatives, proposed language is provided below.

Proposed Language

.11 The Mayor shall make an annual report on the status of ~~affirmative action programs of the City~~ initiatives and programs of the City that promote opportunity, diversity, and inclusion. Such report shall include, to the extent permitted by law, information concerning the demographics of city officers and employees, including promotions, hiring, and turnover, and demographics of persons holding contracts with the City.

4-401.4 Heads of Departments

Again, the reference to affirmative action could either be removed completely or modified to language that is permissible under the Michigan Constitution. Should the Commission wish to include language regarding diversity, proposed language is provided below.

Proposed Language Option 1 (removal)

.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.

Proposed Language Option 2 (revision)

.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~~ pursuit of

openness and diversity in hiring and promotion within the department in accordance with law, as expressed in the ordinances and resolutions of the City Council.

II. Appointment of Heads of Departments for an indefinite term

4-401.5 provides:

.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.

This is the only reference in the charter to an “indefinite” term. However, there are references to appointments done for a “fixed term.” Section 2-302 provides the procedure for removal for cause “any person appointed to an office for a fixed term.” All other officials identified in the charter are elected or appointed for fixed terms. Accordingly, the purpose of the phrase “indefinite term” in 4-401.5 is to make clear that heads of departments are not officials subject to the Charter’s removal of office procedures in Sec. 2-302. Rather, these appointees can be removed by the Mayor, subject to a veto by the City Council, unless a more specific process applies (see, e.g., removal of police and fire chiefs, discussed below). Whether these individuals have other rights as a matter of contract or employment laws is beyond the scope of the Charter review. We recommend leaving in place the language regarding “an indefinite term”.

III. Appointment and termination of Fire Chief and Police Chief

4-403 outlines the appointment and termination of the fire chief:

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

.3 The Mayor may suspend the Fire Chief and shall notify the Board of Fire 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 Fire Chief may be removed by the Mayor only with the concurrence of a majority of the Board serving.

4-407 outlines the appointment and termination of the police chief:

.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.

Earlier versions of the charter provided for a Police and Fire Board, which served as the “administrative head” of the Public Safety Department and appointed both chiefs, which was the case in the 1955 Charter.

Department of Public Safety.

Section 7. 15. (a) The administrative head of the Department of Public Safety shall be the Police and Fire Board. The Board of Police and Fire Commissioners, as constituted and existing at the effective date of this charter, shall continue under this charter and constitute the Police and Fire Board as herein provided. The Board shall be responsible to the Mayor for the conduct of the administration of the police and fire service of the city and to the Council for the putting into effect of the policies of the Council which relate to the functions of the Department. The Board shall organize and conduct

the police and fire services of the city in a manner consistent with the best practices.

(b) The city shall have authority to afford fire and police protection to property owned by the State of Michigan and the United States of America and may enter into any agreement or contract providing for compensation to the city for such services or the availability thereof.

(c) The Board shall appoint the Police Chief and the Fire Chief who shall be the executive officers of the Department of Public Safety and directly responsible to the Board.

(d) Each member of the police and fire department shall, before entering upon the duties of his office or employment, take an oath of office similar to that required by officers and shall file a copy thereof, subscribed by him with the Clerk.

(e) The Board shall maintain and operate such ambulance, inhalator, and other life saving and emergency services as the welfare of the inhabitants of the city may require.

In 1967, the Charter was amended to divide the Police and Fire Board into two separate boards. However, the ballot language maintained the Boards as the administrative heads of these departments, with the authority to hire their respective chiefs. A note to the 1979 Charter indicates that an overarching goal of the revisions that resulted in the current Charter was to clearly delineate the responsibilities between the Council, the Mayor, and the boards. The statement went on to say that the “police and fire boards will be advisory to the mayor and City Council with additional administrative authority.” Thus, it appears that the Charter’s current provisions for consultation and/or approval of these boards in the hiring and firing of the chiefs is a vestige of the Boards’ former authority. As of this writing, our research has not uncovered why the current version of the charter contains a different procedure for the

appointment/removal of the fire chief from the police chief.

If the Charter Commission wishes to revise these provisions so that the processes for appointment and removal of these chiefs is the same, it could certainly do so. If change is desired, additional guidance is needed to direct drafting of revised language.

IV. City Attorney

The 1955 Charter stated the City Attorney was “directly responsible to the Council.” 1955 Charter, Sec 7.7(a). However, the City Attorney was also listed as a member of the Mayor’s Cabinet. Sec. 7.4. The Mayor appointed the City Attorney subject to approval by the City Council. Sec. 7.3. Similar to the current Charter, the 1955 Charter also prohibited boards and officers from “employ[ing] or retain[ing] special counsel in any matter relating to the affairs of the city without first securing the approval of such employment or retainer by the Council.” Sec. 7.7(b).

The current Charter provides the City Attorney “may” be appointed by the Mayor confirmed by the City Council. The City Attorney “shall be responsible to the Mayor and the City Council to see that the legal affairs of the City are properly managed.” Removal of the City Attorney is subject to the provisions of 4-401.5 (see above).

Guidance is needed regarding whether the Commission wishes to revise the manner in which the City Attorney is selected. If the Commission votes to proceed with establishing an elected City Attorney, Article 2 will require additional revision. The Commission should provide guidance on qualifications for office, including whether the person is licensed attorney. For example, state law requires candidates for county prosecutor be authorized to practice law in the state of Michigan. MCL 600.916. As previously discussed, however, 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 for City Attorney set forth in Ordinance Chapter 288 will likely not be valid for an elected position.

If the Commission wishes to keep the City Attorney as an appointed position, guidance is needed on whether the Commission would like to change the manner in which the City Attorney is appointed and removed. The Commission has broad discretion in crafting this language. In many cities, the City Attorney is selected by the legislative body, particularly in a council-manager form of government. We recommend that the selection language use “shall” instead of the current “may”. Sec. 4-304.1.

The Commission has also discussed representation of City Council separate from the City Attorney. We were unable to locate any other Charter that provided for a full-time legal council to a city’s legislative body that was separate from the City Attorney’s Office. However, several charters provide language to permit the legislative body to retain separate council for specific needs.

While we believe the current Charter language in Sec 4-304.6 implicitly provides the City

Council the authority to obtain special council, the language could certainly be strengthened. We recommend leaving in place the language in .6 that requires other officials and boards to obtain approval from City Council before retaining outside counsel. However, additional language could be added as a new section, .8, specifically giving Council the ability to obtain independent legal counsel.

The City of Pontiac's language was offered as suggested language for inclusion in the City of Lansing's charter:

Pontiac 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.

Several other cities have similar language. :

Detroit, Sec. 4-121. Special Counsel.

The City Council may obtain the opinion or advice of an outside law firm or outside attorney in any matter pending before it. Where there exists a conflict of interest between the City Council and another branch of government, the City Council has the authority to retain an outside law firm or outside attorney who shall represent the City Council in legal proceedings, in accordance with section 4.5-208 (Intra-Government Dispute Resolution). The attorney must be licensed to practice law Michigan and shall not represent the city as a municipal corporation in any legal proceeding.

Ann Arbor, Sec 5.2(c)

Upon the Attorney's recommendations, or upon its own initiative, the Council may retain special legal Counsel to handle any matter in which the City has an interest, or to assist the Attorney herein.

Sterling Heights, 7.07(F)

Upon recommendation of the attorney, the council may retain special legal counsel to handle any matter in which the city has an interest, or to assist and counsel with the city attorney therein.

Dearborn, Sec 9.19. Special Counsel.

Upon recommendation of the Corporation Counsel, approved by the Mayor, the Council may retain special legal counsel to handle any matter to which the City is a party or in which the City has an interest, or to assist and co-counsel with the Corporation Counsel therein, for such limited time and purpose as the Mayor shall specify.

The Council may retain an attorney of its own selection other than and in addition to the Corporation Counsel on such matters and for such periods of time as it may deem necessary for the best interests of the City.

Flint, 4-604(G)

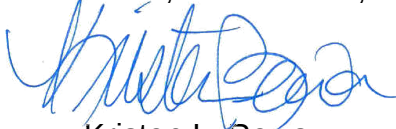
Special counsel for the Mayor or the City Council -- the City Council and the Mayor shall, in special instances, have the right to secure independent legal services when either deems it necessary and proper.

Livonia, Section 14(h)

Upon recommendation of the City Attorney, approved by the Mayor, or upon its own motion the Council may retain special legal counsel to handle any matter to which the City is a party or in which the City has an interest, or to assist and co-counsel with the City Attorney, for such limited time and purpose as the Mayor shall specify.

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)

March 12, 2025

Lansing City Charter Commission
City Hall
124 W Michigan Avenue
Lansing, MI 48933

City of Lansing Charter Commission:

I am writing today on behalf of the Board of Water & Light's (BWL) Board of Commissioners. Our Board appreciates your commitment to the city by serving on this important commission and we understand the gravity of the task at hand. We have been paying close attention to the Commission's work and the potential impact on the BWL.

We feel strongly that there are no changes necessary to the BWL governance structure. The BWL Board of Commissioners is appointed by the Mayor and approved by the City Council, and is responsible to both as stated in section 5-201 of the charter which reads 'The Board shall be responsible to the Mayor and the City Council for the provision of these services in a manner consistent with best practices'. This structure allows for feedback from the Council, the Mayor and the public through the public meeting process. According to the American Public Power Association, this governance structure is best practice for public power utilities.

We also feel very confident in our internal auditor and the process through which BWL audits are conducted. The Internal Auditor is one of the three positions reporting directly to our Board, which means we have the authority to hire and fire them. This also means the auditor operates independently from BWL management and outside management influence. Our Board helps to select the audits performed annually and also has the power to direct particular audits should that be deemed necessary. The results speak for themselves. Recently our Internal Auditor did an audit of the BWL security deposit process. She identified an issue with deposits being held for multiple years due to lack of on-time payments. This result was provided to the Board and BWL management, and the policy was changed to allow security deposits to be returned to customers without a non-pay shut off for twelve months. \$3.2 million was given back to our customer as a result of this change in policy. This shows our auditor is working hard for the Board and for our customers.

Lastly, we are tasked with difficult decisions on rate increases. This is a task that none of the Board takes lightly. The budget is provided to the Board with potential increases in early spring and over the course of those months we ask tough questions of the staff regarding why these increases are needed. We host a public hearing in addition to our regular board meetings held every other month. We believe this decision should not be shifted to City Council as it will make an already tough decision a political one. We are a non-partisan group not seeking election. Many of us have served on the Board for years. These decisions are best made by an apolitical independent governing body that is responsible, but not directly controlled, by elected officials.

We hope you will take our observations into consideration as you review the BWL at your March 18 meeting. Thank you for your hard work on behalf of Lansing citizens.

Thank you,
Board of Water & Light Board of Commissioners



Christopher M. Harkins



Drever, Emery

From: Breina Pugh <Breina.Pugh@LBWL.COM>
Sent: Monday, March 17, 2025 4:34 PM
To: Jeffries, Brian
Cc: Drever, Emery; Smiljana Williams; Mark Matus
Subject: [EXTERNAL] Letter from BWL Commissioners
Attachments: Commissioners Letter to Charter Commission March2025.pdf

Good Afternoon:

Please see the attached letter submitted by the BWL Commissioners.

Thank you!

Breina Pugh

Government & Community Relations Manager

Lansing Board of Water & Light

Cell: 989-948-1164

Email: breina.pugh@lbwl.com



Drever, Emery

From: Dusty Horwitt <dustyorwitt@gmail.com>
Sent: Tuesday, March 18, 2025 10:03 AM
To: Chartercommission
Subject: [EXTERNAL] Comment on Modifying City Charter Provisions for BWL Internal Auditor

Dear City of Lansing Charter Commission:

I am a former commissioner on the Lansing Board of Water & Light (BWL) Board of Commissioners. I served from October 2021 until July 2023, filling the remainder of the term of another commissioner who had resigned.

Based on my experience, I urge you to modify the Lansing City Charter so that the Lansing City Council, and not the BWL's Board of Commissioners, hires and directs the BWL's internal auditor. Under the current charter in which the board of commissioners hires and directs the internal auditor, there are multiple conflicts of interest which are likely to result in avoidance of audits that could be controversial. Though such audits might be uncomfortable for the commissioners and BWL, such audits are critical to maintaining trust toward the BWL and ensuring that the BWL most effectively serves the community.

The internal auditor is one of the most important positions at the BWL because the auditor has the authority and the time to rigorously analyze decision making by management and the board of commissioners. Through these reviews, the auditor can ensure that management and the board are following proper practices and procedures and are operating the BWL in the best interests of the city and ratepayers. As I know from experience, the board of commissioners is an all-volunteer board. Though I worked hard as a commissioner, and other commissioners did, too, commissioners must balance their responsibilities overseeing the BWL with jobs and other personal activities. This reality leaves limited time for commissioners to assess whether the BWL is properly making complex, multi-million-dollar decisions such as its recent utility rate increase, its \$750 million expansion of electric generation, or its decision to install gas turbines at Delta Energy Park which were apparently so defective that BWL sued the turbines' manufacturer. The auditor serves as an in-depth researcher for the board and the public, working full-time to conduct the type of reviews which the board lacks the time to conduct. Based on the auditor's findings, the board and its supervisors including the mayor, city council, and general public can make informed decisions to best direct the BWL's operations.

However, due to several conflicts of interest under the current governance structure, it is unlikely that the auditor will consistently provide the type and quality of information necessary to ensure that the BWL operates most effectively. Perhaps the most obvious conflict of interest is between the commissioners' interest in the BWL's success through their administrative authority and the commissioners' interest in holding the BWL accountable through their oversight authority. The commissioners' administrative authority largely involves hiring the general manager who runs the utility on a daily basis, approving or disapproving the manager's proposals, and setting the terms under which the manager and his staff operate. The commissioners' oversight authority is exercised through hiring and supervising the auditor. Because the commissioners are effectively in charge of the BWL's operations through their administrative authority, they will tend to want the BWL not only to be effective, but also to appear to be effective in the eyes of the public. Such an appearance would reflect well on the commissioners. Directing the internal auditor to review controversial issues such as rate increases could result in critical

findings by the auditor such as a finding that a particular rate increase was unjustified. Such findings could make the BWL and commissioners look bad even if the findings were accurate and could help the commissioners and BWL improve decision making. To be sure, commissioners could put aside their interest in making the BWL look effective and request audits of controversial issues in order to detect and address problems, knowing that the audits could be critical. However, considering that all of us generally like to cast ourselves in a favorable light, requesting such audits is likely to be rare.

This tension between administrative and oversight functions likely explains why the city charter provides that for all other city departments, the mayor holds the administrative authority, hiring and supervising department heads such as the police chief, while the city council holds the oversight authority, hiring and supervising the internal auditor. The BWL should be governed with a similar separation of administrative and oversight power.

Compounding the conflicts at the BWL is the fact that the general manager was significantly involved in my appointment and mentioned that he was involved in the appointments of at least some other commissioners. After I applied to become a commissioner, but before the mayor nominated me to serve on the board, the mayor asked me to interview with the general manager. I proceeded with the interview, but felt uncomfortable knowing that the general manager was involved in selecting at least one of his own supervisors. While serving on the board, the general manager once commented to me and other commissioners that he had helped win reappointment for some of the other commissioners. The general manager's influence in selecting commissioners may be especially strong because only one person, the mayor, appoints commissioners, and it is often unknown to the public which candidates are being considered for appointment until an appointment is made. In this low-visibility process, BWL's management can exert outside influence on the mayor to select or replace certain commissioners based on what type of audits they might request, or have already requested. If commissioners know that the general manager has been instrumental in their appointment, they may be less likely to request audits of issues that could result in criticism of the general manager, knowing that such criticism could upset the general manager and prompt him to oppose commissioners for reappointment, that the manager's opinion carries great weight with the mayor and perhaps with city councilmembers, and that other members of the public with alternative viewpoints are not likely to be involved in the appointment or reappointment process. This dynamic is likely to influence commissioners to steer the internal auditor away from audits that could upset the manager but that could be important for improving the BWL.

The potential for the general manager or others at the BWL to compromise the independence of an auditor hired and directed by the city council is lower. To be sure, the general manager or his colleagues could try to influence city council members to avoid requesting certain audits, but council members are insulated from such pressure because they are elected by thousands of people who could counteract the influence of the general manager. An auditor hired by, and directed by, the city council would be more likely to be responsive to the public as a whole. Such an auditor would be more likely to undertake potentially controversial audits and share with elected officials and the public important results, whether these results cast BWL in a positive or negative light. This type of independent, impartial auditing is critical to improving the BWL's operations.

I appreciate this opportunity to submit comments. Please let me know if you have any questions.

Sincerely,

Dusty Horwitt

Drever, Emery

From: Linda Keefe <lmkeefe@outlook.com>
Sent: Tuesday, March 18, 2025 11:23 AM
To: Clerk, City
Subject: [EXTERNAL] Materials to be emailed to Charter Commission members
Attachments: Proposal regarding BWL section in Charter.docx; Lansing Residents Suffering High BWL Bills.docx; Percentage of Income Payment Plans Lower Shutoff Rates.docx; PIPP Programs 1.xlsx; Becca Geller.docx; cover sheet for charter cmsn mar 18 2025.docx

Hello,

Linda Keefe here.

Attached you will find several documents to be emailed to the Charter Commission, please, in advance of tonight's meeting.

My documents:

- 1 Cover Letter Lansing Charter Commission
- 2 Lansing Residents Suffering High BWL Bills
- 3 Percentage of Income Payment Plans Lower Shutoff Rates
- 4 Percentage of Income Payment Plans Excel Sheet
- 5 Becca Geller Lansing BWL customer document
- Proposal to the Lansing Charter Commission

Thank you very much,
Linda Keefe

517-881-9808
lmkeefe@outlook.com

Linda Keefe
6215 Sommerset Rd
Lansing, MI 48911

March 18, 2025

Lansing Charter Commission
Lansing City Hall
124 W. Michigan Avenue
Lansing, MI 48933

Dear Charter Commission Members,

Congratulations on being elected by the citizens of Lansing, and thank you for the tremendous, timely, and necessary work that you are all doing to revise Lansing's City Charter on our behalf.

Attached you will find **testimony from BWL consumer Becca Geller about BWL's high electricity rates** and her experiences with BWL.

Also attached you will find research from me:

Lansing Residents Suffering From High BWL Bills
Percentage Of Income Payment Plans Lower Shutoff Rates
Percentage Of Income Payment Plan Excel Sheet
Proposal to the Lansing Charter Commission

You will be doing the residents of Lansing a great service if you will read these documents before your Charter Commission meeting this evening. I strongly encourage you to take this information and research into account as you make these very important decisions that will improve life for Lansing City Residents.

Sincerely,

Linda Keefe

Lansing Residents Suffering High BWL Bills

Researched by Linda Keefe
March 17, 2025

Lansing residents are experiencing high BWL bills, interest charges, surcharges and fees, shutoffs, including shutoffs days before the BWL bill is due, security deposits, and reconnect fees. Tasha Canty spoke before the Charter commission and stated that she had paid \$9,600 in BWL bills last year.

Science Daily published an article headlined: Electronic Energy Meters' False Readings Almost Six Times Higher Than The Actual Energy Consumption. The University of Twente (Netherlands), in collaboration with the Amsterdam University of Applied Sciences, determined in their study that smart meters can give false readings that are up to 582% higher than the actual electricity usage.

In their study, five of the nine meters gave readings much higher than the actual amount of power consumed. "The greatest inaccuracies were seen when dimmers combined with energy saving light bulbs and LED bulbs were connected to the system."

The smart meter's design, paired with the increasing use of modern, often energy efficient switching devices on electronics, like a TV, contribute to inaccurate meter measurement of electricity used, the study said.

Why Are There No U.S. Studies on Smart Meter Health Effects and Consumer Affordability

While researching smart meters, I was baffled because European studies were reporting the inaccuracy of smart meters, but the U.S., not so much.

The magazine GQ (Gentleman's Quarterly) published an article in February 2010 titled Warning: Your Cell Phone May Be Hazardous To Your Health, by Christopher Ketcham. Ketcham explained why radiation, from cell phones and wireless transmitters such as the smart meter, was being studied abroad but concerns were not seriously being raised here in the states.

In 1960, a 25 year old neuroscientist named Allan Frey worked at General Electric's Advanced Electronics Center at Cornell University and was interested in the electrical nature of the human body, and specifically, how electrical fields affect neural functioning.

A technician, whose job was to measure the signals emitted by radar stations, contacted Frey and said that he could "hear" radar at one of the sites. Frey stood in the radar field and he also could "hear" radar, describing it as a persistent low level hum. Frey established that electromagnetic (EM) radiation from radar could be heard by humans. However, the hearing wasn't through normal sound waves, but it did occur somewhere in the brain as electromagnetic waves interacted with the brain's cells, which generate tiny electrical fields. This became known as the Frey Effect.

It was assumed that only microwaves, and not nonionizing waves, could do biological damage. It was also assumed that the only way microwaves could have a damaging effect was if one increased the purity of their signals and concentrated them like sword points. Hence, the first microwave oven was produced in 1967. Other than this engineered thermal effect, the microwave signals were assumed to be safe.

With the burgeoning field of Bioelectromagnetics, Frey found grave nonthermal effects from microwave frequencies. In 1975, the Annals of New York Academy of Sciences published Frey's study, that concluded that microwaves that pulsed at certain modulations could induce "leakage," and breach the blood-brain barrier, which is a serious health matter. The brain's environment must be extremely stable for nerve cells to function properly, and can be perturbed, in all kinds of dangerous ways.

Frey said that his work came under assault from the federal government. The pentagon hired and funded scientists and claimed that the scientists failed to replicate Frey's findings, and they refused to share the data or methodology behind their research. Frey wrote at that time that this was "a most unusual action in science."

The Office of Naval Research, who for more than 15 years had given Frey almost unrestricted funding, told him to conceal his blood-brain barrier work, or that they would cancel his contract. Since then, the U.S. has not done any meaningful research on microwaves' effect on the blood-brain barrier.

According to the Smart Meter Education Network, the radio waves put out by the smart meters are similar to the ones put out by cell phones. However, the strength of their signal and their power density, combined with the amplification of numerous other signals in an area, make smart meters more powerful than cell phones, and even cell towers, by a factor of 100-150.

Smart Meters are Programmed to OVERCHARGE CONSUMERS

Bill Bathgate, Pinckney, MI resident and professional mechanical and electrical engineer, was interviewed by WestViewNews. He has testified on behalf of utility customers before the Michigan legislature's energy committee and he has tested smart meters from over 1,000 homes. His overall findings show that the smart meters:

- 1) are programmed to OVERCHARGE CONSUMERS,
- 2) are vulnerable to cyber attack,
- 3) emit excessive levels of Electromagnetic Frequency (EMF) Radiation that are damaging to health,
- 4) and harm the environment by consuming energy, unlike their predecessors, the Analog meters.

In the article, Bathgate addresses the fact that smart meters are programmed to overcharge consumers and said: "With the AMI (smart) meter when a light or appliance is first turned on, there is a high but extremely quick surge of power and that level is what is recorded until the next cycle begins. For example, if you open a fridge door and you cause the compressor to turn on you will be billed at the peak consumption rate of that appliance from that moment for the next 15 minutes or until the next measurement. This alone can add hundreds of dollars a year to your bill."

Bathgate says that those who claim that smart meters are more accurate than analog meters are doing so falsely. He says: "The smart meter is populated with dozens of electronic components that have a tolerance swing of up to 10% which varies with temperature and humidity. The analog meters must meet the same ANSI (American National Standards Institute) C12 specs as AMI (smart) meters, but there are no electronic components."

Bathgate, according to his legislative testimony, was astounded to discover that when the smart meters are tested, the **electronic components are removed** from the meter, so it is not an accurate test. Also

astounding to him was that the industry funded group ANSI did the testing, rather than the federally charged NIST (National Institute of Standards and Technology).

Bathgate also reports that unlike the analog meters, smart meters use electricity to in order operate and that this cost falls upon the consumer. In addition, analog meters are transparent – a customer can verify their bill by looking at the meter. Smart meters and digital meters' calculations and algorithms are known only to the utility company and cannot be verified by the customer. Contrary to utility company and smart meter manufacturer claims, the customer is NOT in control of their bill.

Bathgate has run tests that show that both the smart meter, and opt out smart meter, are wildly inaccurate, but the analog meter is accurate and gives repeatable results.

According to the Michigan group Smart Meter Education network, many Michigan counties, cities, villages, and townships have passed resolutions barring the smart meters, due to inaccurate meters, privacy issues and hacking, health issues, and fire hazards. They determined that it was more prudent for citizens to keep their analog meter – a safe, functional, and proven technology - than to risk harm to the health and well being of their citizens.

County Resolutions Against Smart Meters

- Allegan
- Macomb
- Oakland

City, Village, and Township Resolutions Against Smart Meters

- Allen Park
- Almont
- Brighton
- Brighton Twp
- Caro
- Dearborn Heights
- Fairgrove
- Farmington Hills
- Grosse Pointe Shores
- Grosse Pointe Woods
- Harrison Twp
- Lincoln Park
- Livonia
- Madison Heights
- Northfield
- Oak Park
- Reese
- Rochester
- Rochester Hills
- Romulus
- Royal Oak Twp
- Shelby Twp

- Southfield
- Sterling Heights
- Taylor
- Troy
- Vassar
- Vassar Twp
- Van Buren Twp
- Warren
- Ypsilanti

As stated earlier, smart meters see a 15 minute window and the highest voltage is measured. The smart meter sees the spike in voltage and applies that measurement to the entire 15 minute period.

As noted earlier, the University of Twente (Netherlands), in collaboration with the Amsterdam University of Applied Sciences, determined in their study that smart meters can give false readings that are up to 582% higher than the actual electricity usage. **People are paying for electricity that they are not consuming.** Even opt out smart meters, without the electronics installed in the meter, have been studied and have been shown to increase residents' bills by about 15%, according to Bathgate.

It is unacceptable for Lansing residents to suffer these high BWL bills. BWL must produce accurate electric bills, in combination with a Percentage of Income Payment Plan (PIPP), which is addressed in my accompanying research.

Anything less is unfair and unjust to our citizens and it is unbecoming of a municipally owned utility.

Percentage of Income Payment Plans Lower Shutoff Rates

Researched by Linda Keefe

March 17, 2025

Lansing families deserve long term solutions so that they may eradicate their inordinately high BWL bills. Families are consistently paying an outsized portion of their income toward their electric bills. At least one single mom with three kids who has suffered a shutoff has resorted to pay day loans to help keep her lights on.

There were energy burdens before the installation of the smart meters, but now the BWL bills are so outrageous that some residents are falling behind on their mortgages. High energy burdens are defined as no greater than 6% of income, according to the American Council for an Energy Efficient Economy (ACEEE) and the Applied Public Policy Research Institute for Study and Evaluation (APPRISE). Tasha Canty spoke before the Charter Commission recently and said that she had paid BWL a total of \$9,600.00 last year.

Census figures for 2019-2023, report that 53.9% of Lansing residents live in owner occupied housing and that the rest are renters. MSHDA (Michigan State Housing Development Authority) reports that about 50% of renters have a high housing cost burden. And 26% of renters were severely housing cost burdened, leaving even less money for necessities, such as food and electricity. The ACEEE reports that the national median of energy burden of low income families is three times that of higher income families.

Because renters don't own their homes, potential energy efficiency upgrades from programs like weatherization, are not an option, and there is little incentive for landlords to make the upgrades.

DTE and Consumers energy have each conducted two year Percentage of Income Payment Plans (PIPP) pilot programs. PIPPs are programs that allow low income families to pay a percentage of their income, generally between 2% and 6%, on their utility bill each month. DTE has reported success with the program, and Consumers Energy is scheduled to submit their report to the Michigan Public Service Commission (MPSC) this spring.

According to the MPSC, DTE started a PIPP pilot program two years ago and recently reported success with it. DTE conducted an extensive benchmarking with other states to identify best practices and existing programs. DTE determined from this that an optimal affordable level for customers was 6% of income. DTE's PIPP targets families earning up to 200% of the federal poverty level. Their PIPP is called the Payment Stability Plan (PSP), and compared to the plan it already had in place, called the Low Income Self Sufficiency Plan (LSP), the PSP had a **significantly lower shutoff rate**. According to the MPSC, "DTE is a strong advocate of the PIPP model, which enhances bill affordability by aligning customers as a percentage of customer income. The approach effectively addresses affordability challenges, ensuring service stability for those in need."

In "Energy Insecurity and Health: America's Hidden Hardship," Diane Hernandez, June 29, 2023, [healthaffairs.org](https://www.healthaffairs.org), writes that energy insecurity is detrimental to health. She said that multiple studies have linked energy insecurity with adverse outcomes for mental health, respiratory health, thermal stress, sleep quality, and child health.

According to the Michigan group Smart Meter Education Network, in addition to energy insecurity being linked to poor health, the smart meters themselves have caused health issues due to the Electromagnetic Frequency (EMF) waves that are emitted, particularly to those who are EMF sensitive.

BWL is not an investor owned utility – it is municipally owned, by us - the residents of Lansing. Our voices need to be heard.

To confound the unaffordability of energy, smart meters are producing inaccurate readings. For example, Lansing resident Tasha Canty reported on February 10, 2025 to the Charter Commission during public comment that her BWL bills tallied up to \$9,600 for 2024 – an average of \$800 per month. And there are many more like her throughout Lansing.

Twenty-six states, including our neighbors Ohio and Illinois, and the District of Columbia, have Percentage of Income Payment Plans (Center on Global Energy Policy at Columbia University). And now our own state has, with the DTE and Consumers Energy pilot programs, Percentage of Income Payment Plans. These PIPP programs have been around for decades, with the first PIPP starting in 1983 in Ohio.

According to the American Public Power Association, municipal utilities started in the 1880s and “They are an expression of the American ideal of local people working together to meet local needs. Like schools, parks, libraries, police, and fire protection, public power utilities are part of local government. They are governed locally and operated to provide an **essential public service at a reasonable price.**”

It is time for BWL - a municipal utility of the citizens of Lansing - to get back to its roots. BWL needs to enact a Percentage of Income Payment Plan, like DTE and Consumers Energy have. And for the PIPP to work, citizens must have **accurate meters**, so that Lansing families may afford their BWL bills.

Attached is an Excel sheet with PIPP descriptions of various states that most closely align with the PIPP model. This information was garnered from the LIHEAP (Low Income Home Energy Assistance Program) Clearinghouse.

State	Percentage of Income	Admin. Agency	Created by	Funding
MI	Pilot - 6% of income	DTE	2023-MPSC ordered	LIHEAP
MI	Pilot -report to MPSC due in spring	Consumers Energy	2023-MPSC ordered	LIHEAP
OH	6% or \$10 whichever is higher	LIHEAP Off.	1983 Public Utilities Cmsn of OH ordered; 1999 Legislature updated	1983-LIHEAP/Meter Charge; Universal Service Fund
IL	no greater than 6% of income	People's Gas	1985 - Legislature	LIHEAP
NJ	no greater than 6% of income	Dept of Community Affairs	2003-Universal Service Fund	LIHEAP, Universal Service Fund, surcharge
NH	typically 4.5% of income	Community Action Agcy	2002- Legislature	LIHEAP/System Benefits Charge on elec. bill
CO	as low as 2% of income	Regulated Utilities	2012-Regulated Utilities	Ratepayer surcharges
PA	% of bill or % of income	Regulated Utilities	Legislature	Mandatory Universal Service Program
NV	low income receive one yearly benefit if electric heat up to 10% of income; other heat source, up to 6% of income	DHHS	Legislature	LIHEAP/utility asses.(universal energy charge)
VA	Electric Lifeline Program; benefit up to \$1200 per year	Dept of Social Svcs	Legislature	Universal Service Fee
ME		Central Maine Power	1991-Legislature	LIHEAP
3/17/2025	Linda Keefe			

Becca Geller
Lansing BWL customer

In 2020 I started having issues with my electricity bill being extremely high, at about the time BWL introduced the smart meters. I was told about them, I said "no thank you." I came home to a new meter. Called them and told them I didn't approve the installation and they said "oh well."

Bills kept gradually going up. Fast forward to 2024 (continued to have issues, called multiple times, they kept telling me "we will come check it but there's nothing wrong with our equipment and you'll get charged a fee").

Beginning of 2024 I was in a payment arrangement with my dhs, who was going to pay my bill and was also using the old way of communicating with BWL, because coincidentally BWL was switching that too. They shut me off a week before I was even required to have my portion of the arrangement paid. BWL told me "oh well" charged me a reconnect and a deposit and made me sit in the dark for four hours in the middle of January.

Mind you I was just getting back to life and walking, as I was previously bed bound for 7 months in 2023 because I broke my ankle in 13 places.

I have reported my bill being high multiple times. My meter always reads ERR and BWL tells me it's not their equipment it's something in my house, and the last time I called we hadn't been home for 2 weeks, other than to sleep.

Never got the deposit back and my bill is ridiculous every month. I'm paying \$1,000 every 2 months and we are only home after 5 Monday thru Friday. Wednesdays are my day off, then Saturday and Sunday. There is no reason for my bill to be that high. It's a basic need, not a hot commodity.

I guarantee you that I have paid BWL probably about \$50,000+ since 2016.

I just had to pay \$234 to avoid a shut off today and still owe \$270 before the next bill comes out. It's a vicious cycle.

Becca Geller

Proposal to the Lansing Charter Commission

Submitted by Linda Keefe
March 17, 2025

A proposal regarding Charter Amendments to the BWL section to rescript BWL to operate in the spirit of it's inception as a municipal utility.

If the goal of the Lansing Charter Commission is to amend the BWL charter section to make electricity both affordable and safe for Lansing residents under the Charter, the Charter Commission needs to keep these things in mind.

BWL, particularly because it is municipally owned, should offer its residents both affordable and safe electricity. Smart meters have been studied and have been proven to produce electricity that is neither affordable nor safe. (Research attached).

The Lansing Charter Commission needs to amend the Charter to create an oversight board and to change the Charter language that says that "the BWL has FULL and EXCLUSIVE MANAGEMENT of the water heat, steam and electric services..."

The Charter Commission, in order to ensure that BWL provides affordable and safe electricity, needs to amend the Charter and needs to create an oversight board including Lansing BWL consumers in order to:

- 1) Ensure that BWL addresses the outrageous electric charges that have occurred since BWL installed the smart meters, and the health issues that are likely accompanying the use of the meters. (Research attached).
- 2) Ensure that BWL sets up a Percentage of Income Payment Plan. DTE has set up a successful PIPP pilot, reducing shutoffs and helping customers to afford their bills. (Research attached).
- 3) Ensure that BWL discontinues shutoffs, interest charges, reconnect fees, security deposits and any other practices that harm Lansing residents.
- 4) Ensure that BWL reduces surcharges, etc., so that they are not multiple times higher than the actual electricity and water usage.
- 5) Ensure that the City of Lansing creates a Sustainability and Environmental Affairs Department.

Attachment D

Lansing Charter Article 5, Chapter 2

CHAPTER 2. - BOARD OF WATER AND LIGHT

BWL PROPOSED EDITS – November 2024

5-201 - General responsibility.

The Board of Water and Light, hereinafter known as the Board, shall have the full and exclusive management of the water, chilled water, thermal energy, including heat or hot water and, steam and electric services and such additional utility services of the City of Lansing as may be agreed upon by the Board and City Council. The Board shall be responsible to the Mayor and the City Council for the provision of these services in a manner consistent with the best practices.

5-202 – 21806 DirectorGeneral Manager, Internal Auditor, Secretary.

- .1 —The Board shall appoint a DirectorGeneral Manager who shall be responsible to the Board for carrying out the duties assigned by the Board and shall serve at its pleasure.
- .2 —The Board shall appoint an Internal Auditor who shall report directly to the Board. The Internal Auditor shall serve at the pleasure of the Board.
- .3 —The Board shall appoint its own Secretary who shall be responsible to the Board and shall serve at its pleasure.

5-203 - Powers.

- .1 The Board shall make all contracts pertaining to the conduct of the Board of Water and Light business and shall have the authority to settle litigation involving the Board of Water and Light.
- .2 The Board shall have the power to acquire property, both real and personal, and interests in property in the name of the City for purposes of the Board of Water and Light.
- .3 The Board shall have the power to sell real property and interests in real property not needed for the operation of the Board of Water and Light, subject to the approval of six (6) City Council members and subject to the limitations on the sale of real property by the City contained in this Charter.
- .4 The Board shall adopt policies and procedures to assure fairness in procuring personal property and services and disposing of personal property. These policies and procedures of the Board shall parallel the policies and procedures adopted by the Council for the purchase and sale of personal property and services unless the Board makes a specific finding that a City policy or procedure is not consistent with the best practices for public utility operation.
- .5 The Board shall prepare and adopt its annual budget by June 1 of each year, and implement it with whatever modifications the Board may adopt from time to time. The budget and any amendments shall be filed with the City Clerk within ten (10) days after adoption.
- .6 The Board shall submit to the Mayor, prior to October 1 of each year, its capital improvements plan for the next six (6) years pursuant to Section 7-109.
- .7 In the best interest of the City, the Board and other agencies of the City are encouraged to cooperate on projects deemed to be beneficial and to utilize each other's services.

- .8 The Board of Water and Light may utilize the streets, alleys, bridges and other public places of the City for the furnishing of public utility services. In the exercise of this right, the Board of Water and Light shall furnish timely information about proposed uses to the officials of the City and to the agencies which will be most directly affected by the use.
- .9 The Board may conduct whatever audits of Board of Water and Light the activities it deems appropriate and shall be responsible for the cost of such audit~~secompensate the City for the cost of that portion of the annual audit of the City which covers the Board of Water and Light.~~
- .10 The Board may provide for the pensioning of any employee of the Board of Water and Light or the surviving spouse or dependent of any deceased employee.
- .11 -The Board, except as otherwise provided in this Charter, shall be responsible for and have authority over the compensation, benefits, bonding, conditions of employment, and labor management activities for all employees of the Board of Water and Light.

5-204 - Withdrawal of funds.

- .1 The funds and revenues of the Board of Water and Light shall be deposited in the ~~City Treasury and shall be credited only to the funds and accounts of the Board of Water and Light. They shall not be withdrawn or used for any other purpose whatsoever.~~ The Board shall have and exercise full control over all of the funds of the Board of Water and Light ~~in the City Treasury.~~
- .2 All warrants drawn for the payment of money under the authority of the Board shall be signed by the General Manager and countersigned by the Secretary of the Board and countersigned ~~by the General Manager of the Board~~City Controller.
- .3 Whenever warrants are issued and there is no money for the payment of the warrant, the Board~~City Treasurer~~ shall, upon presentation of the warrant, stamp the date of presentation on the face of the warrant, together with a statement that the warrant will bear interest thereafter at the rate of six (6) percent per year. The interest shall cease after notice has been given to the holder, in the manner determined by the Board, that there is sufficient money of the Board of Water and Light on hand to pay the warrant with interest. Warrants of the Board of Water and Light are not general obligations of the City.
- ~~.4 The Council may provide, by ordinance, procedures for the disbursement of moneys of the Board of Water and Light by check issued by the Secretary of the Board in accordance with the ordinance.~~

5-205 - Rates.

- .1 The Board may fix just and reasonable rates and other charges as it may deem advisable for services furnished by the Board of Water and Light.
- .2 The Board shall conduct a public hearing at least thirty (30) days prior to the effective date of any changes in rate structure. At least forty-five (45) days before the public hearing, the Board shall file with the City Clerk a statement explaining the new rates and charges together with a notice of the public hearing. Notice to the public shall be given in the same manner as is required for proposed ordinances.

5-206 - Collection and hearing procedure.

- .1 Upon the request of the Board, the City Council shall provide by ordinance for the collection of unpaid charges for public utility services furnished by the Board of Water and Light and for the imposition and enforcement of liens upon property served by the Board of Water and Light.
- .2 When any person fails or refuses to pay any sums due on utility bills, the service upon which the delinquency exists may be discontinued and suit may be brought for the collection of the money owed.
- .3 The Board shall establish a procedure for the resolution of disputes between the Board of Water and Light and any of its customers concerning services or billing for services furnished in accordance with filed rates, rules and regulations, and established Board policies and procedures. The procedure shall incorporate the designation of an independent hearing officer. ~~The hearing officer shall report to the Board and the Mayor the results of each hearing conducted and shall make recommendations to the Board on any hearing which has not been resolved. The Mayor may make recommendations to the Board on each unresolved hearing. The Board shall report its final action on any unresolved dispute, together with the hearing officer's report and recommendations to the Mayor and the City Council.~~

5-207 - Sale or exchange of facilities.

The Board shall not, unless approved by the affirmative vote of three-fifths of the electors voting thereon at a regular or special City election, sell, exchange, lease, or in any way dispose of any property, easement, equipment, privilege, or asset needed to continue the operation of the Board of Water and Light. The restrictions of this section shall not apply to the sale or exchange of articles of machinery or equipment of the Board of Water and Light which are no longer useful or which are replaced by new machinery for the operation of the Board of Water and Light, or to the exchange of property or easements for other needed property or easements.