

City of Lansing Charter Commission

Regular Meeting Agenda



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

March 25, 2025 at 6:30 PM

1. Call to Order

2. Roll Call

3. Adopt the Agenda

4. Approval of Minutes

- A. March 18, 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/0103e892-a46f-42ef-ab05-7499302d9566@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. Presentation

- A. Lori Welch and Jeremiah Kilgore from Public Service

8. Old Business

- A. Article 4: Line-by-Line Review
- B. Article 5: Line-by-Line Review

9. Public Comment

10. Commissioner Remarks

11. Adjournment

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

Charter Commission Packet

Meeting Date: March 25, 2025

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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

Article 5

- 5-205.2
 - Rates, public hearings
- 5-206.3
 - Collection and Hearing Procedure, dispute resolution
- Chapters 1, 3, 4, 5, and 6 have not been reviewed

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 -& 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).

Article 5: Pending Adoption following amendments

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, **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. (03/18/2025)

5-202 ~~Director~~ General Manager, Internal Auditor, Secretary

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

5-203 Powers of the Board

- .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~~ **a 2/3 majority of** City Council Members **elected** and subject to the limitations on the sale of real property by the City contained in this Charter.
- .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 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.~~

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 City Controller.~~
- .3 Whenever warrants are issued and there is no money for the payment of the warrant, the ~~City Treasurer~~ **Board** 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 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.

Minutes for the City of Lansing Charter Commission

Regular Meeting | Tuesday, March 18, 2025, 6:30 PM

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

Present: Commissioners Adams Simon, Anderson (6:37), Bauer, Boyd, Dowd, Jeffries, Lopez, Qawwee (6:32),
Washington

Absent: None.

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

Call to Order

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

Roll Call

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

Adopt the Agenda

Moved by Commissioner Bauer to adopt the agenda as presented.

Motion carried.

Approval of Minutes

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

Motion carried.

Public Comment

Derrick Quinney spoke about the importance of the BWL as a public utility.

Jan Simpson, a retiree of BWL, spoke about the BWL as an employer and the BWL Board of Commissioners.

Lillian Speers, a BWL employee, spoke about the importance of the BWL.

Linda Keefe spoke on behalf of the customers of BWL who are struggling to pay their bills.

Katie Abraham, Executive Director of the Michigan Municipal Electric Association, spoke about the importance of the BWL as a public utility.

Loretta Stanaway spoke about increasing transparency, implementing term limits for all appointments to boards and commissions, the effects of rate increases.

Surae Eaton spoke about the importance of the BWL as a public utility.

Calvin Jones spoke about the importance of the BWL as a public utility.

Randy Dykhuis talked about effective governance regarding the BWL.

Stan Shuck spoke about experiences as a BWL customer.

Steven Perry, business manager for IBEW Local 352, spoke about the importance of the BWL as a public utility.

Tammie Arend, a BWL customer, spoke about the effects of rate increases.

Al Maywood spoke about the downtown Lansing boundary.

Officer Reports

Chair

No report.

Vice-Chair

No report.

Clerk

Clerk Swope acknowledged written communications and late additions in the packet.

Old Business

A. Article 5: Line-by-line Review

Commissioners discussed Article 5 Chapter 2, about the Board of Water and Light. Dick Peffley, general manager, and Mark Matus, general counsel, from the Board of Water and Light, sat before the commission to answer questions.

Moved by Commissioner Boyd to amend 5-201 to read ... “exclusive management of the water, **chilled water, thermal energy, including** heat **or hot water and** steam”...

Motion carried.

Moved by Vice-Chair Adams Simon to amend 5-202.1 to replace “Director” with “**General Manager**”

Motion carried.

5-202.2 and 5-202.3 approved as presented by unanimous consent.

5-203.1 and 5-203.2 approved as presented by unanimous consent.

GM Peffley and Counsel Matus confirmed the Board follows City procedure for real property.

Moved by Commissioner Washington to amend 5-203.3 to read “a majority of Council Members elected”

Moved by Commissioner Bauer to amend the motion to require 2/3 vote to approve.

Motion carried 8-1 by the following roll call vote:

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

NAYS: Commissioner Washington

Motion carried.

5-203.4 and 5-203.5 approved as presented by unanimous consent.

GM Peffley confirmed the six-year cycle for capital improvement plan is industry standard.

5-203.6, 5-203.7, and 5-203.8 approved as presented by unanimous consent.

Moved by Commissioner Boyd to amend 5-203.9 to read “The Board may conduct whatever audits of **Board of Water and Light** activities it deems appropriate and shall **be responsible for the cost of such audits.**”

Motion carried.

5-203.10 and 5-203.11 approved as presented by unanimous consent.

5-204

Vice-Chair Adams Simon asked for clarification on proposed changes.

Counsel Matus explained that the proposal aligns with current practice that dates back to 1988.

5-204.1 adopted as amended by unanimous consent. 5-204.1 now reads “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.”

Moved by Commissioner Qawwee to amend 5-204.2 to read “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.”~~

Motion carried.

5-204.3 adopted as amended by unanimous consent; the amendment replaces “City Treasurer” with “Board” to align with current practice.

5-204.4 approved as presented by unanimous consent.

Commissioners discussed with GM Peffley and Counsel Matus potential language for return on equity, the functionality of smart meters, and rate increases.

Commissioner Washington suggested adding language to the charter to require the GM to meet with the public to increase transparency in communications.

5-205.1 approved as presented by unanimous consent.

Commissioner Qawwee suggested for 5-205.2 that the board shall conduct multiple hearings including day and evening and weekend and increase the 30 days’ notice to 45 and the 45 days’ notice to 60. Additionally, multiple announcements about upcoming meetings shall be sent to all aspects of the community.

Commissioner Anderson suggested aligning 5-205.2 with the current definition of publish.

No action taken, pending further proposed language to review.

5-206.1 and 5-206.2 approved as presented by unanimous consent.

Proposed language for 5-206.3 will be brought forth at a subsequent meeting.

5-207 approved as presented by unanimous consent.

Commissioners discussed the Board of Commissioners seats and training for members of the Board.

The Commission took a brief recess.

B. Article 2: Line-by-Line Review

Attorney Rewa overviewed the legal opinion that addresses 2-104 Compensation of Officers.

Commissioners discussed the aspects of a per diem payment structure, including the logistics of equitable committee assignments.

Commissioner Boyd expressed opposition for a per diem structure for Council.

Vice-Chair Adams Simon expressed support for a per diem structure for Council, for accountability.

Commissioner Lopez expressed he required more information regarding a per diem structure for Council.

Commissioner Bauer expressed opposition for a per diem structure for Council.

Commissioner Anderson expressed support for a per diem structure for Council.

Commissioners will decide on 2-104 at the April 1 meeting.

C. Article 4: Line-by-Line Review

Business suspended.

Public Comment

Linda Appling spoke about right to counsel provided by the city for people facing evictions. Then, she spoke about the BWL rate increases.

Loretta Stanaway spoke about the BWL; the role of legal counsel for the City and City Council.

Randy Dykhuis spoke about auditing the BWL, and timelines for rate increases.

Commissioner Remarks

None.

Adjournment

The meeting was adjourned by Chair Jeffries at 9:18 PM.

Drever, Emery

From: Mitch Rice <ricem1957@gmail.com>
Sent: Tuesday, March 18, 2025 1:08 PM
To: Chartercommission; Clerk, City
Subject: [EXTERNAL] Charter Commission input for 3-18 meeting

Dear Charter Commissioners:

Here is input for agenda item 7 Old Business item A.

Article 5 Boards & Commissions:

We need an additional requirement for effective boards and commissions. In the section of General Provisions the charter needs to have a provision for training. Language should include a requirement that each new member complete basic education and training specific and relevant to his/her board or commission in the first 2 years of serving. For current and continuing members: complete at least 3 hours of training relevant to his/her board or commission during the term of service. Also, language that mandates the City Council & Mayor will provide access and payment for appropriate & adequate training for each member of the boards & commissions.

Additionally, for Article 3 Legislative Branch: a training requirement for City Council members is also recommended. Language could be similar, or identical as in Article 5.

Regards,

Mitch Rice

Ward 2 resident

Drever, Emery

From: Kost, Ryan
Sent: Tuesday, March 18, 2025 9:11 PM
To: Chartercommission
Subject: Re: Attendance of council in the news

Thank you all for the discussion. I am working with the city attorney as we speak on a attendance policy for council. It has been a mistake to not have one and hope to have it done before summer.

Thanks again,

Ryan Kost
1st ward city council
517-512-5196
Lansing is Rising

From: Kost, Ryan
Sent: Tuesday, March 18, 2025 9:00:46 PM
To: Chartercommission <Chartercommission@lansingmi.gov>
Subject: Attendance of council in the news

Fyi

<https://www.fox47news.com/neighborhoods/downtown-old-town-reo-town/how-was-lansing-city-councils-attendance-for-2024>

Ryan Kost
1st ward city council
517-512-5196
Lansing is Rising

Drever, Emery

From: Steve Japinga <sjapinga@lansingchamber.org>
Sent: Tuesday, March 18, 2025 3:00 PM
To: Chartercommission
Cc: Swope, Chris; tdaman@lansingchamber.org
Subject: [EXTERNAL] Lansing Regional Chamber Comments on the Lansing City Charter Review Process
Attachments: LRCC Comments on Lansing City Charter Review Process_3-18-2025.pdf

Dear Lansing City Charter Commissioners,

On behalf of the Lansing Regional Chamber of Commerce (LRCC), we want to extend our sincere appreciation for your ongoing commitment to the Lansing City Charter review process. Your dedication to this important work ensures that the City of Lansing is positioned for long-term success, fostering a governance structure that best serves residents, businesses, and employees for generations to come.

Since the voters authorized this process in 2023, we have closely followed your work, recognizing the significance of the discussions and decisions taking place. We commend your thoughtful approach, engagement with subject matter experts, and diligence in reviewing key governance structures that impact the city's future.

The LRCC remains committed to supporting policies that promote economic growth and efficient governance, and we appreciate the opportunity to contribute to this process. Thank you for your time, effort, and leadership in shaping Lansing's future.

Please do not hesitate to reach out if we can be of further assistance.



Steve Japinga
Senior Vice President, Public Affairs
www.lansingchamber.org
[Twitter](#) | [LinkedIn](#) | [Facebook](#) | [Instagram](#) | [YouTube](#)

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

March 18, 2025

Subject: Comments on Lansing City Charter Review Process

Dear Commissioners,

On behalf of the Lansing Regional Chamber of Commerce (LRCC), I would like to express our sincere gratitude for your commitment and dedication to the Lansing City Charter review process. Your thorough and thoughtful approach ensures that Lansing is well-positioned for success in the years to come. We recognize the significance of this effort and appreciate the time and expertise you have devoted to engaging with the community and evaluating the best governance structure for our city.

Since Lansing voters authorized this process in 2023, the LRCC has actively followed the Commission's work, understanding its critical implications for the business community and the city's future growth. We have engaged experts, including former Director of the MSU Extension Center for Local Government Finance & Policy, Dr. Eric Scorsone, to better understand the role the business community should play in this discussion. Additionally, we commend the Commission for inviting Dr. Mark Skidmore, the current director of the MSU Extension Center for Local Government Finance & Policy, to present research on governance structures and city council compositions across Michigan and other U.S. capital cities.

As part of this process, we would like to share our perspectives on several key areas of the charter review that are important to Lansing's future economic and governmental stability:

1. Strong Mayor Form of Government

After significant research and internal discussions, the LRCC supports maintaining Lansing's strong mayor form of government. The mayoral role is essential for providing strategic vision, regional leadership, and the executive authority necessary to ensure continuity and economic stability. Research shows that capital cities across the country tend to favor strong mayor systems due to the need for a central executive who can advocate for economic growth and regional partnerships. We also appreciate the Commission's inclusion of language ensuring that the Mayor's Office must articulate a strategic vision for the city, an idea initially proposed by former Mayor David Hollister.

2. Composition of City Council

The composition of the City Council is a fundamental aspect of governance efficiency. Dr. Skidmore's research indicates that the most effective councils typically have between five and

seven members. While Lansing's current council structure includes eight members, we support the Commission's recommendation to move toward an odd-numbered structure, which helps avoid gridlock and facilitates decision-making.

Regarding representation, we acknowledge the merits of both ward-based and at-large council members. While we believe that a structure of four at-large and three ward representatives would best serve the residents by balancing city-wide vision with neighborhood representation, we respect the Commission's recommendation of two at-large and five ward-based seats.

3. Lansing Board of Water & Light (BWL)

The LRCC strongly believes that BWL should remain an independent entity, separate from direct political influence, while maintaining accountability through its governance structure. BWL plays a crucial role in economic development by providing stable and affordable utility services, which have been instrumental in attracting major employers like General Motors and LG Energy.

We support the following governance structure for BWL:

- BWL should continue operating as an independent entity.
- The Mayor should retain authority to appoint BWL Board of Commissioners members.
- City Council should confirm these appointments.

This structure ensures that BWL remains reliable, insulated from political pressures, and continues to serve as a stable economic driver for Lansing.

4. Board and Commission Appointments

If the Commission recommends maintaining a strong mayor system, we believe the Mayor's Office should have the authority to submit board and commission appointments, with final approval by City Council. This governance model ensures accountability while preventing unnecessary bureaucratic barriers that could hinder efficiency.

5. Ensuring Future Growth & Avoiding Barriers to Governance

As the Commission continues its deliberations, we urge a forward-thinking approach that removes obstacles to business and economic growth. Lansing's charter should position the city for future success by fostering a governance structure that is efficient, responsive, and encourages economic development. Any new provisions should aim to improve, rather than complicate, the ability of businesses and city government to work together effectively.

The Lansing Regional Chamber of Commerce appreciates the opportunity to provide input into this important process. We remain committed to supporting policies and governance structures

that position Lansing as a leader in economic development and regional collaboration. Thank you for your diligent work and for considering our perspectives.

Sincerely,



Tim Daman
President & CEO
Lansing Regional Chamber of Commerce

Drever, Emery

From: soswop <soswop@aol.com>
Sent: Tuesday, March 18, 2025 11:42 PM
To: Chartercommission
Subject: [EXTERNAL] Per Diem council members wages
Attachments: 20250318_233955.jpg

What I proposed at the meeting on March 4th was the following pay structure for city council members:

A basic salary of \$75/hour for attendance at COW and Council meetings; assuming an average of 2 hours per meeting for each times 26 meetings is a base of \$7800 per year. If meetings ran longer or shorter, adjustments would be made accordingly.

Committee, board and commission meetings typically are less than an hour long but are also typically during the work day and are where most actual work gets done, so \$125 per meeting attended times 150 meetings per year is \$18,750 per year.

This gives a base wage package of \$26,550 annually, supplemented by COW or council meetings running longer than 2 hours, which likely would bring total compensation into line with existing wages.

By the way, Lansing pays exceptionally well compared to other municipalities. (See attached screenshot)

Loretta S. Stanaway
Soswop@aol.com
546 Armstrong Rd.
Lansing, MI. 48911
517-648-5730
Make things happen
Watch things happen or
Wonder what happened
Sent from my Verizon Wireless 4G LTE smartphone

[Home](#) / [Michigan Salaries](#)[/ City of Lansing Salaries](#)[/ Council Member Salary](#)

City of Lansing council member salary

The average City of Lansing **council member salary** was \$26,879, which is 1490 percent higher than the average salary for this job in Michigan, and 567 percent higher than the average salary for this job nationwide. There are 5

Lansing City Charter Commission Comment Submission Form

03/18/2025 8:40 PM (EDT)

Lansing City Charter Commission Comment Submission Form

First Name	Marilyn
Last Name	Rogers
(Optional) Contact information is optional, but providing it will make it easier for potential follow up.	
Email	Marilynd.rogers1@gmail.com
Phone	517 402-2927
Street Address	3601 Lucie Street
City	Lansing
State	MI
Zip Code	48911

Lansing City Charter Commission Comment Submission Form

Topic	Support of the Lansing Board of Water & Light
Comment	-I'm in favor of the continuation of the LWBL as a public power entity servicer for the city of Lansing. -I support the vision for Clean Renewal Energy per their environmental leadership of providing 50% clean energy by the year 2030 and carbon neutrality by 2040. -1 Support the Pennies for Power Program that assists BWL customers to help families in need to pay their utility bills and urge all who can to participate in this worthy program.

(Optional) Additional materials to be sent with your comment	 BWL Statement to Charter Commission.docx
--	---

Marilyn D. Rogers
3601 Lucie Street
Lansing, MI 48911
(517) 402-2927

March 18, 2025

Dear Charter Commission,

Thank you for the opportunity to share with you my input as you are hearing concerns and input from the citizens of Lansing to determine should the city of Lansing Charter be amended and changed.

My input as a Lansing resident, former BWL Board Commissioner, a public service employee working as a constituent services representative for the House of Representatives, back then, District 68, Lansing. Advocate of the Lansing Juneteenth Celebration of 32 years strong in Lansing. Former Community Outreach Coordinator, Office of the Mayor, Andy Schor. My experience with community outreach projects and programs in addition to being the staff person working with Mayor Schor on Appointments for Boards & Commissions.

These are my expressions I wish to share with you as related to the Lansing Board of Water & Light.

I am in support of continuing to have a public local municipal power company.

1. Governance – LBW & Light Board of Commissioners. The process already established is working and has been enhanced by providing public disclosure of candidates who have applied is available on the Boards & Commissions webpage at the city of Lansing's website which is monitor by our City Clerk. (It has been mentioned in previous testimony as I listened to the hearing of March 18, 2025). [List of Applicants to City Boards and Commissions](#). Also available, is the monthly listing of [Boards and Commissions - Current Members and Pending Appointments \(pdf\)](#). Communications.

2. Community Involvement: Pennies for Power Program is established to help Lansing's families in need of help with assistance with their utility bills. More than 4,000 BWL customers, myself included participate in this program with contributions totaling nearly \$50,000 each year. Early option was to donate by rounding up your monthly utility bill to the next whole dollar. Also available is the option to round-up to the next whole dollar and add an additional \$1 each month to the program. You can also choose to set a default at \$1 or increase to any amount. One-time donations are also accepted. I recently learned that these funds are under the direction of the emergency assistance program.
3. Environmental Stewardship – Is important to me as well as others who think about the future of your children and grandchildren. The practices and policies used at BWL are an ongoing process to include all utilities, facilities, employees, residential, commercial and industrial customers. All are considered for involvement of the sustainability policy for renewable energy. The BWL's leadership in renewal energy was recognized by the State of Michigan as one of the first utilities in Michigan to be committed to a 50% clean energy portfolio. This is visionary in long-term commitment and planning to evaluate renewal energy alternatives.

Even though I am no longer employed to provide assistance as a constituent services staff person, I will continue to assist Lansing's citizens when they reach out to me for guidance when they are faced with not knowing who to contact or what resources are available. I will always try to assist when I can as I have a heart of giving and helping to guide people to resources for solutions of the issues and concerns.

There is always room for improvement on public transparency and open disclosure of information relating to financial information. Openness in changes to policy and rates to be communicated more frequently as related to public hearings and Board meetings. Communication is always the key to resolving concerns and issues.

Sincerely,

Marilyn Rogers



Chris Swope

Lansing City Clerk

March 21, 2025

MEMO

To: Lansing Charter Commission
From: Lansing City Clerk's Office
RE: Sustainability Departments

Background:

The Lansing Charter Commission has requested information regarding sustainability departments within other Michigan municipalities as they determine the role a similar department might play within Lansing's local government. The following information was gathered from multiple cities.

Ann Arbor - The City's Office of Sustainability and Innovations has a current budget of \$10,000,000. This budget is a combination of funding from the general fund, a few small enterprise funds, a dedicated climate millage (authorized by the voters in November of 2022), and a lot of grant funding. The breakdown for Fiscal Year 2025 roughly is as follows:

- \$1,300,000 from General Fund
- \$1,000,000 in Major Grants
- \$1,100,000 in a local millage (that goes away in terms of sustainability support in FY26)
- \$7,000,000 in a local climate action millage (that was adopted in 2022 and goes for 20 years)

They are authorized to be a 19.5 FTE office but are currently staffed at 16 FTE.

Marquette - The City does not specifically have a sustainability department and does not have funds earmarked in the budget. However, the city does recognize the importance of sustainability through environmental resiliency efforts and has taken multiple steps to be a more sustainable community.

In 2021 the City Commission passed a Climate Action Resolution and adopted the 2023 [Climate Action Report](#)¹ - a supplement of the 2024 Community Master Plan.

The City participated in a [MiNextCities program](#)² which focused on the development and jump start of a fleet electrification program that entailed funding the installation of charging infrastructure, vehicles, and a future fleet plan.

Prior to these things the city had a sustainability committee, and current sustainability efforts are accomplished across multiple departments and are not the task of one specific department.

¹ <https://www.marquettemi.gov/wp-content/uploads/2024/02/Marquette-Strategy-Memo-Climate-Action-Planning.pdf>

² <https://minextcities.org/marquette/>

Detroit - The Office of Sustainability currently employs 6 FTE, 4 funded through general fund and 2 grant funded. They have 2 more grant funded positions coming online in q2. They are situated inside the Mayor's Office and work across all departments on sustainable projects and emissions reporting. Their operations are hard to quantify as the bulk of the work happens in multiple departments. They have thus structured their office into multiple divisions:

- Climate Action
- Clean Energy and Energy Efficiency
- Waste Reduction
- Urban Ag & Nature Based Solutions
- Sustainable Mobility

Grand Rapids - The Office of Sustainability began drafting a [climate action and adaptation plan](#)³. The Grand Rapids Climate Action & Adaptation Plan will act as a roadmap to reach these high impact metrics. Consumers Energy will also play as a key role in achieving community-wide goals as they work to decarbonize the electricity grid as laid out in Consumers' [Clean Energy Plan](#)⁴.

They have used scientific analysis to come up with sustainability targets which include:

- 80% electricity grid decarbonization by 2030
- 10% vehicle miles traveled reduction by 2030
- 4.5% annual growth of on-road electric vehicle adoption
- 22.5% of vehicle miles traveled is with electric vehicles by 2030
- 10% of all existing commercial buildings reduce energy 20% per year
- 5% of existing commercial buildings are electrified per year
- 5% of all existing residential buildings reduce energy 20%
- All new residential buildings and 1% of existing buildings will meet IECC 2018
- All new residential buildings and 11% of existing buildings are electrified per year

We have not yet received specific information regarding funding. The Sustainability website lists 5 employees. The office is funded through the Executive Office, which includes the City Manager and staff, the Office of Sustainability, the Office of Legislative Affairs, and the Office of Special Events.

³ <https://www.grandrapidsmi.gov/Government/Departments/Sustainability/Climate-Change/Climate-Action-and-Adaptation-Plan>

⁴ <https://www.consumersenergy.com/about-us/who-we-are/clean-energy>

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.



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)

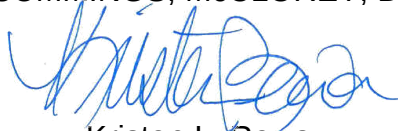
Special counsel for the Mayor or the City Council -- the City Council and the Mayor shall, in special instances, have the right to secure independent legal services when either deems it necessary and proper.

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)
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ARTICLE 5 – BOARDS AND COMMISSIONS

Chapter 1. GENERAL PROVISIONS FOR BOARDS

5-101 Citizen Involvement In Government

.1 The people of the City of Lansing have placed the basic responsibility for the management of this City in their elected officials. This Charter recognizes the important role that individual citizens play in reviewing and evaluating the needs of the City through the structure of boards and commissions. For this reason, boards, commissions and advisory committees shall be encouraged by the City of Lansing.

.2 Citizen involvement for the operation of the City shall be provided through three types of boards: an administrative board, review boards and advisory boards.

5-102 Types Of Boards

.1 The Board of Water and Light is an administrative board and has been delegated executive and policymaking responsibilities necessary to the proper operation of the agency.

.2 Review boards include those boards, which are not administrative or advisory and whose recommendations or decisions have legal significance. Examples of review boards are the Planning Board, the Board of Review and the Board of Zoning Appeals. The City may create review boards by ordinance.

.3 Advisory boards include boards, commissions and committees established by ordinance or this Charter and composed of citizens sharing the common goal of improving the general welfare through their advice and assistance to the elected and appointed full time City officials.

.4 The Board of Fire Commissioners and the Board of Police Commissioners shall act as advisory boards with the additional responsibilities described in this Charter.

.5 All other boards shall be advisory boards.

.6 The provisions of this Chapter shall not apply to the boards established for the purpose of managing employee retirement systems.

5-103 Appointment Of Board Members

.1 Every member of a board, commission or committee established by Charter or ordinance shall be an officer of the City and shall possess the qualifications required by this Charter for holding office, except that a felony conviction shall not render an individual ineligible for appointment or membership.

.2 Except as otherwise specifically provided in this Charter or State law, the Mayor shall appoint persons to all such boards, commissions and committees with the advice and consent of the Council. No such appointment shall be effective until the Council has confirmed it.

.3 The terms of the boards established in this Charter or by ordinance shall be four years commencing July 1, unless otherwise provided.

.4 The City Clerk shall report to the Mayor and Council, prior to the first Council meeting in March, a list of the terms on City Boards which shall end on June 30.

.5 The Mayor shall establish and make public a procedure, which will provide for receiving either applications or recommendations of individuals for membership on City boards, commissions or committees.

.6 The Mayor shall file a list of appointments to the several boards prior to the first Council meeting in May of each year and the Council shall act on each appointment at or prior to its first meeting in June.

.7 Appointments to fill vacancies shall be made upon the occurrence of the vacancy and each person so appointed shall take office immediately upon the confirmation of the Council to serve for the remainder of the unexpired term. In the event a vacancy is not filled within 60 days after the occurrence of the vacancy, the Council shall appoint a committee of three of its members to act instead of the Mayor in the making of such appointments.

.8 Each Board established by this Charter shall be composed of eight members. Four members shall be from the City at-large and one member shall be appointed from each of the four wards of the City in the following pattern:

(a) The First ward member shall have a term expiring in 1981 and every four years thereafter.

(b) The Second ward member shall have a term expiring in 1982 and every four years thereafter.

(c) The Third ward member shall have a term expiring in 1979 and every four years thereafter.

(d) The Fourth ward member shall have a term expiring in 1980 and every four years thereafter.

.9 The members from the City at-large shall be appointed to staggered terms, at least one of which shall expire each year.

.10 Appointments to each board, commission and committee shall be made with regard to the diversity of Lansing citizens, their variety of interests and the experience and expertise that each can contribute to the common good of the City.

.11 An ordinance creating a board, commission or committee may set forth a different size for the body or a different length of term for the members than required in this section if the Council finds that the change is appropriate.

.12 The Board of Water and Light Board Members shall include three non-voting advisory members representing utility customer communities outside the City of Lansing. Each non-voting advisory member shall be a Board of Water and Light customer, shall reside in and be appointed by the governing body of the municipality. One member shall represent the City of East Lansing and shall serve a term of four (4) years commencing July 1. One member shall represent Delta Township and shall serve a term of four (4) years commencing July 1. One member shall be at-large and shall represent the remaining municipalities and shall serve a term of one (1) year commencing July 1. The at-large representative shall serve on a rotating annual basis and be appointed by the governing body of the following municipalities in succession: Meridian Township, Delhi Township, DeWitt Township and Lansing Township. Except as provided herein, Section 2-103, Section 5-105, or State law, the provisions of this Charter shall not apply to the non-voting advisory members of the Board of Water and Light.

5-104 Ineligibility For Boards

No person holding another City office or activity employed by the City shall be eligible to be a voting member on any board.

5-105 Organization Of Boards - Rules Of Procedure

.1 Each board shall organize itself for the conduct of its business and select its own officers including a Secretary who shall take the minutes of the board meetings.

.2 Each board shall adopt its own rules of procedure consistent with this Charter.

- 1 .3 The rules shall state the schedule of the regular board meetings. The schedule shall not conflict
2 with regular meetings of the City Council.
- 3 .4 The rules shall require that public notice of all meetings shall be given in the manner provided by
4 statute for meetings of public bodies.
- 5 .5 The rules shall require that the public have a reasonable opportunity to be heard at all regular
6 meetings of the board.
- 7 .6 All board meetings shall be required to be open to the public to the same extent as meetings of the
8 City Council.
- 9 .7 The rules shall define the extent to which nonattendance at meetings may be grounds for removal
10 from office.
- 11 .8 All rules of procedure shall be submitted to the City Attorney for approval as to form. The rules shall
12 then be submitted to the City Clerk for transmission to the City Council. The rules shall be effective at
13 the conclusion of the Council meetings at which they are received unless the Council directs
14 otherwise.
- 15 .9 The Council may object to the rules in whole or in part and may return them to the board proposing
16 their adoption with a statement of its objections and recommendations.
- 17 .10 The minutes of all board meetings; shall be filed in the office of the Clerk as a public record. No
18 official action taken by any board at any meeting shall be valid or effective until a copy of the minutes
19 at which the action was taken is filed with the Clerk.
- 20 .11 Members of advisory boards shall serve without compensation, but the City Council may
21 authorize the payment of the actual and necessary expenses of board members.

22 5-106 Advisory Board Functions

- 23 .1 Each advisory Board shall at its regular meetings review the progress and planning of the head of
24 the agency it serves to insure that all activities are in accordance with City policy. Each board may
25 propose changes in agency operations for the purpose of making its program more effective.
- 26 .2 Proposed policies and programs or changes in existing policies or programs requiring Council
27 action shall be submitted by an agency head to the appropriate advisory board prior to submission to
28 the Mayor and Council for action. The advisory board's written recommendations concerning the
29 proposals shall be submitted to the Mayor along with the agency's proposal. When the Mayor submits
30 the proposal to the Council for action, the board's recommendations shall also be transmitted to the
31 Council along with that of the Mayor.
- 32 .3 An agency's budget material, including capital improvement proposals, shall be submitted to the
33 advisory board before submission to the Mayor and the board's written recommendations shall be
34 submitted to the Mayor along with the agency's recommendations. The Mayor shall transmit the
35 board's recommendations to the Council along with budget material for that agency.
- 36 .4 Each advisory board shall, prior to December 1, prepare a written report evaluating the
37 effectiveness and analyzing the status and priorities for services and activities of the agency it
38 advises. Copies thereof shall be filed with the Mayor, the Council and the Clerk.
- 39 .5 Each advisory board may develop its own proposals for new or altered policies and programs and
40 transmit these to the Mayor and City Council.
- 41 .6 Each City officer who directs an agency or activity within the scope of an advisory board shall
42 attend all of its meetings and supply necessary secretarial services.

5-107 Continuation Of Existing Boards

.1 All City Boards not established in this Charter and existing on the effective date of this Charter, whether established in the previous Charter or created by ordinance or resolution, shall continue as if created under ordinance with the status provided in this Charter.

.2 The terms of all persons serving on boards on the effective date of this Charter shall continue in accordance with law.

5-108 Limitation On Powers Of Boards

.1 The Board of Water and Light shall exercise administrative, executive and policy-making authority over the operation of those City utility services assigned to it in accordance with the provisions of this Charter.

.2 No other board, commission or committee shall exercise any administrative, appointive or policy making authority except as permitted by this Charter or required by State law.

.3 Notwithstanding any other provision of this Charter, the Board of Water and Light shall be subject to the emergency powers provided the Mayor by city ordinance and state law and shall include administrative and executive authority.

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, 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. (03/18/2025)

5-202 ~~Director~~General Manager, Internal Auditor, Secretary

.1 The Board shall appoint a Director~~General 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 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-a 2/3 majority of City Council Members elected 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 1st 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 Board of Water and Light the 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.~~

.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 City Controller.~~

.3 Whenever warrants are issued and there is no money for the payment of the warrant, the City Treasurer Board 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 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 monies 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 30 days prior to the effective date of any changes in rate structure. At least 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.

Chapter 3. BOARD OF POLICE COMMISSIONERS

5-301 Duties

.1 The Board of Police Commissioners, hereinafter known as the Board, is established pursuant to Article 5, Chapter I of this Charter and shall have all the powers, duties and responsibilities of advisory boards in addition to the following duties:

.2 The Board shall establish administrative rules for the organization and overall administration of the department including promotional and training procedures in consultation with the Chief of Police and Mayor. These administrative rules shall not be effectuated in accordance with Section 5-105. 8 of this Charter but shall become effective upon filing with the City Clerk.

.3 The Board shall approve rules and regulations for the conduct of the members of the Department, in consultation with the Chief of Police and the Mayor.

.4 The Board in their rules shall establish a procedure for receiving and resolving any complaint concerning the operation of the department.

.5 The Board shall review and approve the departmental budget before its submission to the Mayor.

.6 The Board shall act as the final authority of the City in imposing or reviewing discipline of the department employees consistent with the terms of State law and applicable collective bargaining contracts.

.7 The Board shall render an annual report to the Mayor and City Council, which shall include a description and evaluation of the department's activities during the previous year, including the handling of crime and complaints, if any, and proposals for future plans.

5-302 Investigatory Power

Whenever necessary to carry out its assigned duties, the Board of Police Commissioners shall have the same power to subpoena witnesses, administer oaths and require the production of evidence as the City Council.

Chapter 4. BOARD OF FIRE COMMISSIONERS

5-401 Duties

.1 The Board of Fire Commissioners, hereinafter known as the Board, is established pursuant to Article 5, Chapter 1, of this Charter and shall have all the powers duties and responsibilities of advisory boards in addition to the following duties.

.2 The board shall establish administrative rules for the organization and overall administration of the Department, in consultation with the Chief of the Fire Department and the Mayor. These administrative rules shall not be effectuated in accordance with Section 5105.8 of this Charter but shall become effective upon the filing with the City Clerk.

.3 The Board shall approve rules and regulations for the conduct of the members of the Department, in consultation with the Chief of the Fire Department and the Mayor.

.4 The Board, in their rules, shall establish a procedure for receiving and resolving any complaint concerning the operation of the department.

.5 The Board shall review and approve the departmental budget before its submission to the Mayor.

.6 The Board shall act as final authority of the City in imposing or reviewing discipline of the department employees consistent with the terms of the State law and applicable collective bargaining contracts.

.7 The Board shall render an annual report to the Mayor and City Council, which shall include a description and evaluation of the department's activities during the previous year, including the handling of complaints, if any, and proposals for future plans.

CHAPTER 5. BOARD OF ETHICS

5-501 Standards Of Conduct

.1 The people of this City recognize that the continuation of the proper operation of the City requires that public officers and employees be independent, impartial and responsible to the people; that decisions and policy be made in the proper channels of governmental structure; that members of the public have access to information upon which decisions affecting their City are made; that public office and employment not be used for personal gain; that the integrity and operation of City

government to be subject to scrutiny of the public; and that acts or actions not compatible with the best interests of the City be defined and prohibited.

.2 In order to provide an orderly procedure for consideration and review of the issues, which may arise concerning questions of standards of conduct for public officers and employees, a Board of Ethics is created.

5-502 Membership

.1 The Board of Ethics shall be a review board and shall consist of eight members; four members shall be appointed by the City Council, one from each city ward, and four shall be appointed by the Mayor. The City Attorney shall assist and advise the Board and the City Clerk shall serve as Recording Secretary to the Board and provide such administrative services to the Board as may be necessary; however, neither shall be eligible for appointment as board members.

.2 Of the members appointed to the initial Board, the Mayor and the City Council shall each appoint members for a one-year, a two-year, a three year, and a four-year term. A member shall hold office until a member's successor is appointed. Thereafter each Mayoral-appointed member and each Council-appointed member shall serve for a term of four years. An appointment to fill a vacancy shall be made by the Mayor to fill a vacant Mayoral appointed member position and by the City Council to fill a vacant Council-appointed member position. Persons serving as members of the Board of Ethics on the effective date of this section shall continue as members until the expiration of their original terms.

.3 Members of the Board of Ethics shall be residents of the City and shall hold no elected public office and no other City office or employment.

.4 The Board shall adopt rules governing its procedure and the holding of regular meetings, subject to the approval of City Council. Special meetings may be held when called in the manner provided in the rules of the Board. The Board shall select its own presiding officer from among its members.

.5 If any issue before the Board involves any member of the Board, such member may not participate in Board deliberations pertaining to the member's issue nor shall such involved member be eligible to vote on any actions concerning the issue.

.6 All City employees and elected or appointed officials of the City shall cooperate with any investigations by the Board; such cooperation shall include the compilation and production of any information requested by the Board during an investigation unless the information requested is exempt from disclosure under the applicable state law.

.7 If any issue before the Board involves the office of the City Attorney, the Board may engage the services of outside counsel upon terms and arrangements approved by City Council.

5-503 Duties

.1 At the request of a person, the Board of Ethics may render an informal opinion with respect to the prospective conduct of such person. An informal opinion need not be written and may be provided directly to the requestor of such opinion. All written opinions of the Board of Ethics shall be filed with the City Clerk and are open to public inspection. Written informal opinions shall be drafted in such a way as not to reveal information exempt from public disclosure under the applicable state law.

.2 The Board of Ethics on its own initiative or upon request may render and publish a formal opinion on any matter within the scope of the Board's authority which it may deem appropriate.

1 .3 The Board of Ethics does not have the authority to reverse or modify a prior action of the Mayor,
2 City Council, or an officer or employee of the City. If the Board finds a prior action of the Mayor,
3 Council, officer, or employee to have been ethically improper, the Board may advise the appropriate
4 party or parties that the action should be reconsidered. Upon such advice by the Board, the action
5 shall be reconsidered by the appropriate person or public body. If the Board determines an existing
6 City contract to be ethically improper, after such determination and advice from the Board the City
7 may void or seek termination of the contract if legally permissible. The Board may refer a matter to
8 the City Attorney for review and consideration for appropriate action. Upon completion of review and
9 consideration, the City Attorney shall report its findings to the Board.

10 .4 The Board of Ethics may recommend to the Council standards of conduct for officers and
11 employees of the City and changes in the procedures related to the administration and enforcement
12 of those standards.

13 .5 The Board of Ethics shall review, at least annually, any documents required to be filed under
14 ordinances adopted by the City for the purpose of establishing standards of conduct for officers and
15 employees.

16 .6 The Board, when it deems it appropriate, may request the City Attorney's Office for assistance in
17 compelling the production of documents and witnesses to assist the Board in the conduct of any
18 investigation.

19 .7 Within one year from the effective date of this section the City shall provide an ethics manual for
20 the use of all City officers and employees. Such manual shall first be approved by the Board of Ethics
21 before distribution. Each City officer and employee shall acknowledge receipt of said manual.

22 .8 Proceedings before the Board are subject to the applicable state law regarding the conduct of
23 public meetings. Records of the Board shall be filed with the City Clerk and are available for public
24 review as required by state law.

25 5-504 Protection Of Public Interest

26 .1 The City shall adopt, by ordinance, such standards for the conduct of public affairs as may be
27 deemed necessary to protect the public, including the ordinances referred to in this section.

28 .2 The City shall adopt, by ordinance, no later than one year after the effective date of this section,
29 restrictions similar to those enacted by the State of Michigan by statute, prescribing standards of
30 conduct for City officers and employees. To the extent permitted by law, the ordinance shall generally
31 include, but not be limited to, prohibiting the use of City office or employment for the private benefit of
32 any person; prohibiting the divulging of confidential information in advance of the time prescribed for
33 its authorized release to the public; prohibiting the use of City personnel resources for private gain;
34 prohibiting the profit from an official position and acceptance of things of value by City officers or
35 employees; requiring the financial disclosure by City officers and employees; and requiring lobbyist
36 disclosure for all City officers and employees.

37 .3 Any violations of ordinances dealing with matters in this section shall be punishable to the
38 maximum extent permitted by law and may be made punishable by forfeiture of office or position.

39 5-505 Conflict Of Interest

40 .1 At least ten (10) days prior to the first of any of the events set forth in (A), (B), (C), (D), and (E)
41 below, a City officer or employee who may derive any income or benefit, directly or indirectly, from a

contract with the City or from any City action, shall file an affidavit with the City Clerk detailing such income and benefit to be derived:

- (A) The bidding of the contract;
- (B) The negotiation of the contract;
- (C) The solicitation of the contract;
- (D) The entry into the contract;
- (E) Any City action by which the City officer or employee may derive any income or benefit, directly or indirectly.

The above provisions shall not apply to individual or collective bargaining agreements pursuant to which a City officer or employee directly or indirectly receives income or benefits in the form of official remuneration as an officer or employee, or any City action pursuant to which a City officer or employee directly or indirectly receives income or benefit as a member of the public at large or any class thereof. At the first regularly scheduled City Council meeting following the filing of an affidavit pursuant to this section, the City Clerk shall notify the City Council of such filing. In particular cases and for good cause shown, the Board may waive the ten (10) day prior notice requirement contained herein.

.2 An officer or employee who has any other conflict between a personal interest and the public interest as defined by State law, this Charter, or ordinance shall fully disclose to the City Attorney the nature of the conflict.

.3 Except as provided by law, no elective officer, appointee or employee of the City may participate in, vote upon or act upon any matter if a conflict exists.

Chapter 6. PLANNING BOARD

5-601 Planning Board

.1 There shall be a Planning Board.

.2 The members of the Planning Board shall be appointed and confirmed in the manner set forth in Section 5-103 of this Charter.

.3 In addition to the regular members of the Planning Board, the City Council shall nominate and appoint two Council members who shall serve as ex-officio members of the Board, without a vote, for a one-year term commencing on July 1 of each year.

5-602 Powers And Duties

.1 The Planning Board shall have all of the powers and duties granted to municipal planning commissions by statute and all the powers and duties of advisory boards provided by this Charter, together with such additional powers and duties as may be provided by this Charter or ordinance.

.2 The Planning Board is entitled to assistance from the staff of the [Economic Development and Planning Department](#) in evaluating or preparing any proposal relating to planning or development. All elective and appointive officers shall furnish to the Planning Board, within a reasonable time, available information required by the Planning Board.

.3 The Planning Board shall review and make recommendations on the [Economic Development and Planning Department](#) draft of the Capitol Improvement Plan prior to its submission to the Mayor and Council.

.4 The Board shall develop and maintain a master plan for the orderly development of the City. The plan shall include the consideration of the impact of social, physical, and economic factors.



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Kristen L. Rewa
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March 21, 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 5, Chapter 2, Board of Water and Light

Dear Mr. Jeffries:

This letter addresses the Commission's March 18, 2025 discussion on the Charter provisions in Article 5 concerning the Board of Water and Light (BWL).

I. 5-202 General Manager, Internal Auditor, Secretary

The Commission discussed adding a provision to the Charter requiring the BWL General Manager to meet with the public quarterly. If such language is desired, we believe adding a provision to Sec 5-202 is the most appropriate location. We have drafted language for your review and consideration.

.3 The General Manager shall hold a public meeting at least quarterly to interact with the public and ratepayers on the services provided by the Board. Notice for the meeting shall be published by posting to the Board's website and by any means determined by the Board to achieve widespread dissemination to the general public within the Board's service area to inform on matters of municipal concerns.

II. 5-205 Rates

The provision currently provides:

.2 The Board shall conduct a public hearing at least 30 days prior to the effective date of any changes in rate structure. At least 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.

Based on the Commission's discussions at the March 18, 2025 meeting, the below language was drafted for consideration and review. Proposed changes included increasing the number of days before a rate change becomes effective. Another proposed change seeks to add multiple public hearings held at different times of day. Because "multiple" can be open to interpretation, we recommend that the Commission be more specific by providing a minimum number of public hearings that are required. The proposed language suggests one public hearing in each ward. One of the proposed changes was to require the BWL to publish proposed rate changes using the newly revised Charter definition of "publish". Because that definition is general to the City, not the BWL, we offer two alternatives for your review.

Proposed language:

.2 The Board shall conduct at least one public hearing in each ward at least 30 45 days prior to the effective date of any changes in rate structure. The public hearings shall be held at different times of day to maximize the opportunity for public attendance. At least 45 60 days before the first 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 hearings. Notice to the public shall be given in the same manner as is required for proposed ordinances. Notice shall also be published as defined in this Charter.

Alternate last sentence:

Notice shall also be published by posting to the City's and the Board's website and by any means determined by the Board of Water and Light to achieve widespread dissemination to the general public within the Board's service area to inform on matters of municipal concerns.

III. 5-104 Withdrawal of Funds

The Commission discussed including language in the Charter addressing the Return on Equity Agreements, which the BWL provides for payments in lieu of taxes. We agree that language should be included in the Charter. We reviewed the current Agreement for Return on Equity, model charter language from the American Public Power Association, and state law. Proposed language is provided for your review and consideration.

Proposed language:

.5 It is generally accepted practice in the municipal utility industry for municipal utilities, being exempt from taxes, to make payments to the local government. The Board shall continue to contribute payments of a return on equity to the City. All existing agreements for return on equity payments shall remain in full force and effect upon adoption of this Charter. Future agreements shall be based on a formula and terms mutually acceptable to the City and Board, consistent with this Charter and state law. The formula shall not place an unreasonable financial burden on the Board or its ratepayers. Any shared services or infrastructure shall be accounted for to assure that the totality of value transferred from the Board to the City is consensual, appropriate, transparent, and recognized.

IV. 5-206 Collection and Hearing Procedure

The Charter currently provides the following direction on developing a dispute resolution procedure for the BWL:

.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.

The BWL proposal is:

~~.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.~~

The BWL's current dispute procedure is set forth in its water, electric, and chilled water regulations. Briefly, the process requires:

- the customer to provide a written notice disputing a bill or service
- The utility conducts an informal investigation and attempt to resolve the dispute.
- If no resolution is obtained, the customer may appear before the utility's Dispute Review Committee.
- If no resolution is obtained, the account is referred to the General Manager.
- If no resolution is obtained, the customer may request a hearing before an independent hearing officer, which is appointed by the Board.
- The independent hearing officer will conduct a hearing where both the customer and utility can be represented by an attorney of their choice, present evidence and testimony with the chance for cross-examination, and obtain a court reporter at the party's expense. The hearing officer will provide a written report outlining the decision.
- The utility or the Customer may appeal the hearing officer's decision to the Board of Water and Light, with notice to the Board and the Mayor. The Board reviews the hearing officer's ruling and receives the hearing officer's recommendation on the dispute. The decision of the Board is final.

By contrast, appeals of other city utility services or bills have their appeal procedure set by ordinance as required by Ordinance 1050.1. Additional ordinances provide specific appeal procedures for specific utilities. The appeal process for stormwater service charges is as follows:

1052.08. - Appeals; board of public service as review board.

Within thirty days of the mailing of a bill, a property owner may, in writing, appeal the billing to the Public Service Director. The property owner may appeal in person or submit the basis for appeal in writing at a time set by the Director. The decision of the Director may be appealed to the City Council within thirty (30) days. Upon appeal to the City Council, the matter may be referred to a Committee for consideration and recommendation to the full Council. The decision of the City Council regarding the appeal shall be final.

The only change to the BWL appeal process would be that the Charter would no longer require notice to the Mayor or City Council. By maintaining the use of an independent hearing officer, the BWL proposal maintains the basic structure of the appeal process currently stated in the Charter, providing ratepayers the ability to contest a potential error in a bill. We have no concerns with this process.

Very truly yours,

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



Kristen L. Rewa

cc: Vice Chair Lori Adams Simon (lori.simon@lansingmi.gov)
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