

City of Lansing Charter Commission

Regular Meeting Agenda



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

April 29, 2025 at 6:30 PM

1. Call to Order

2. Roll Call

3. Adopt the Agenda

4. Approval of Minutes

- A. April 15, 2025 Minutes
- B. April 22, 2025 Minutes

5. Public Comment

- A. People wishing to share public comment virtually must sign up by 6PM at this link:
<https://events.gcc.teams.microsoft.com/event/36431b6a-5f96-461c-9503-d2f9c5d88a10@87509dee-095b-4ff8-ba5a-0035cdfc715d>
People sharing public comment in person at the meeting may sign up when they arrive to the meeting.

6. Officer Reports

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

7. Old Business

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

8. New Business

- A. Article 6: Line-by-Line Review
- B. Article 7: Line-by-Line Review
- C. Article 8: Line-by-Line Review

9. Public Comment

10. Commissioner Remarks

11. Adjournment

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

Minutes for the City of Lansing Charter Commission

Regular Meeting | Tuesday, April 15, 2025, 6:30 PM

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

Present: Commissioners Adams Simon, Anderson (6:33), Bauer, Boyd, Dowd, Jeffries, Lopez, Qawwee, Washington (6:33)

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 Dowd to adopt the agenda as presented.

Motion carried.

Approval of Minutes

Moved by Commissioner Bauer to approve the April 1, 2025, minutes as presented.

A typo was corrected by unanimous consent.

Motion carried.

Public Comment

Randy Dykhuis spoke about BWL communications and appointments to Boards and Commissions.

Amanda Castillo spoke about the proposed ethical investment clause.

Officer Reports

Chair

Chair Jeffries reported that members of the Police and Fire Boards of Commissioners will be in attendance on April 22, to answer questions.

Vice-Chair

Vice-Chair Adams Simon reported that Eastside Neighborhood Organization and Southwest Action Group are always open to hearing updates from the Commissioners at their meetings.

Clerk

No report.

Old Business

A. Article 5: Line-by-line Review

Attorney Rewa overviewed the April 10 legal opinion that addresses 5-204.

Moved by Commissioner Boyd to amend 5-204 to add .5, which reads “Consistent with generally accepted practice in the municipal utility industry and in acknowledgement that the Board of Water and Light is a City owned public utility, which receives City services without cost and utilizes City property in the fulfillment of its purposes, the Board shall continue to be authorized to contribute payments to the City. All existing agreements for payments shall remain in full force and effect upon adoption of this Charter. Future agreements for payments shall be documented in writing, based on a formula and terms mutually acceptable to the City and Board and comply with this Charter and state law. In determining the formula, the City and Board shall consider the following factors, but not to the exclusion of other factors that may be or become relevant: the financial burden of the payment on the Board or its ratepayers, the financial burden of use of services and property on the City or its taxpayers, and any and all shared services or infrastructure.”

Motion carried.

5-101 was adopted as presented unanimously.

Commissioner Lopez asked if the Charter needs language about ad hoc commissions created by the mayor.

5-102.1, .3, .4, .5, and .6 were adopted as presented unanimously. 5-102.2 has an outstanding question about the naming of certain boards and commissions.

Commissioner Anderson asked if 5-103.1 still needed language about felony convictions.

5-103.1 was adopted as presented unanimously.

Commissioner Washington expressed opposition to the mayor making all appointments to boards.

Commissioner Boyd suggested that the Council make nominations for the mayor to decide.

Vice-Chair Adams Simon suggested all board appointments work like the Board of Ethics- each ward council member appoints one person, and the mayor appoints the at-large.

Commissioners Qawwee, Lopez, Anderson, Adams Simon, Bauer, and Washington discussed the role of Council in the appointments process, and transparency in the appointment process.

Commissioner Washington expressed support for an appointment process similar to the Board of Ethics process.

Commissioners noted that the lists of current Board and Commission members and applicants are available on the City’s website. They also discussed the role of a strong mayor.

Commissioner Washington expressed support for a City Manager form of government.

Commissioners discussed term limits for boards and commissions.

5-103.4 was adopted as presented unanimously.

Commissioner Lopez suggested informational sessions about the various boards.

Vice-Chair Adams Simon expressed support for offering training to members of boards and commissions.

Commissioner Bauer echoed support for training.

Commissioner Washington echoed support for training.

5-103.6, .7, and .11 were adopted as presented unanimously.

Commissioners discussed the implications of allowing City employees to sit on boards and commissions.

Vice-Chair Adams Simon moved to adopt 5-104 as presented, with a typo correction.

Motion carried 7-2 with Commissioners Boyd and Dowd against.

5-105.1, .2, .3, .5, .6, .7, and .9 were adopted as presented.

Proposed language is forthcoming for 5-105.1, .4, .8, .10, and .11 to align with other Charter provisions and current procedure.

Commissioners discussed where to put language for training members of boards and commissions.

5-106.1 was adopted as presented.

5-107.1 was adopted as presented.

5-108.1, .2, and .3 were adopted as presented.

Vice-Chair Adams Simon discussed adding language to enforce Board of Ethics recommendations.

5-501.1 and .2 were adopted as presented.

5-502.3 and .4 were adopted as presented.

Moved by Commissioner Boyd to change all references of “Board” in Chapter 5 to Board of Ethics.
Motion carried.

5-502.5, .6, and .7 were adopted as presented.

Commissioners discussed enforcement of Board of Ethics recommendations.

5-504.1, .2, and .3 were adopted as presented.

5-505.1, .2, and .3 were adopted as presented.

Moved by Commissioner Bauer to change all charter references to “Planning Board” to Planning Commission.
Motion carried.

5-601.1 was adopted as presented.

5-602.1 and .2 were adopted as presented.

Public Comment

Randy Dykhuis spoke about adding sustainability advisory board to the Charter and the timeline of appointments.

Fred McLaughlin spoke about opportunities for engagement with boards and commissions.

Commissioner Remarks

No remarks.

Adjournment

The meeting was adjourned by Chair Jeffries at 8:12 PM.

Minutes for the City of Lansing Charter Commission

Regular Meeting | Tuesday, April 22, 2025, 6:30 PM

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

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

Absent: none

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

Call to Order

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

Roll Call

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

Adopt the Agenda

Moved by Commissioner Dowd to adopt the agenda as presented.

Motion carried.

Public Comment

Jon Scott spoke against term limits for members of Boards and Commissions.

Officer Reports

Chair

No report.

Vice-Chair

No report.

Clerk

No report.

Presentation

- A. Steve Purchase, Chair, and Jon Scott, At Large Member, Board of Fire Commissioners
- B. DeYeya Jones, Chair, and Sam Brewster, Vice-Chair, Board of Police Commissioners

The presenters overviewed the work of their respective Commissions, including hiring chiefs, reviewing policies, and providing transparency. Then, they took questions from [Charter] Commissioners on annual reports, complaints and investigations, disciplinary procedures, hiring and promotion of chiefs, term limits, advisory functions, meeting procedures, and training for Commission members.

The Commission took a brief recess and resumed business at 7:40 PM.

Old Business

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

Attorney Rewa overviewed the April 17 legal opinion that addresses Article 5.

Commissioner Washington asked whether eligibility to serve is affected for people on felony probation or parole.

Commissioners discussed term limits for appointees to boards and commissions.

Commissioner Washington expressed opposition to adding term limits to the Charter.

Commissioner Boyd expressed opposition to adding term limits to the Charter.

Commissioner Lopez suggested increased public education about boards and commissions and a limit of three four-year terms.

Commissioner Dowd expressed concern about not being able to review returning members to boards and commissions.

Commissioner Washington suggested evaluating all applicants when a term expires, instead of an automatic reappointment.

Vice-Chair Adams Simon shared she did not experience a formal reappointment during her time on the Board of Ethics.

Commissioner Bauer expressed support for detailing the reappointments process.

Commissioner Washington expressed support for both the Council and the Mayor making appointments, mirroring the current appointments process for the Board of Ethics.

5-105

Moved by Commissioner Washington to amend 5-105.1 to read “Each board shall organize itself for the conduct of its business and select its own officers.”

Motion carried.

Moved by Commissioner Boyd to amend 5-105.4 to read “.4 The rules shall require that public notice of all meetings shall be given in the manner provided by statute for meetings of public bodies. **Notice shall also be posted 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.**”

Motion carried.

Moved by Commissioner Qawwee to amend 105.8 to read “All rules of procedure shall be submitted to the City Attorney for approval as to form. The rules shall then be submitted to the City Clerk for transmission to the City Council. **The rules shall be effective at the conclusion of the next regularly scheduled Council meeting following the meeting in which they were received unless the Council directs otherwise.**”

Motion carried.

Commissioners discussed appropriate timelines for placing minutes on file for 5-105.10. No action was taken.

Moved by Commissioner Qawwee to amend 5-105.11 to read “Members of advisory boards shall serve without compensation, **but may be reimbursed for the actual and necessary expenses as authorized in the annual budget or as otherwise approved by City Council.**”

Motion carried.

5-202

By unanimous consent, the Commission restored the previous language about a secretary in 5-202.3 and moved the new language about quarterly meetings to 5-202.4. This was following an interpretation error of the motion at the April 1 meeting.

4-308

Moved by Commissioner Anderson to keep the language in 4-308.3 as it is written.

Motion carried.

Chair Jeffries extended an invitation to labor leaders in the City for the discussions on Article 6: City Employees.

Public Comment

Amanda Castillo spoke about the proposed ethical investment clause.

Commissioner Remarks

No remarks were made.

Adjournment

The meeting was adjourned by Chair Jeffries at 8:37 PM.

RE: Charter Commission Question - Registered Professional Engineers

From Kilpatrick, Andrew <Andrew.Kilpatrick@lansingmi.gov>

Date Tue 4/22/2025 3:13 PM

To Jeffries, Brian <Brian.Jeffries@lansingmi.gov>

Cc Chartercommission <Chartercommission@lansingmi.gov>; Swope, Chris <Chris.Swope@lansingmi.gov>; Drever, Emery <emery.drever@lansingmi.gov>; Jackson, Brian <Brian.Jackson@lansingmi.gov>

Brian,

The City Engineer needs to be a registered professional engineer. I do believe there should be a minimum of two in the City and the requirement for the 2nd one could be either the Director or Deputy Director.

Ideally it would be the Director, but a non-engineer could certainly run the department, as long as their deputy was an engineer. There are many qualified and competent engineers who haven't gone through the process to be licensed, but to guarantee a high level of competence, I think the City needs two professional engineers and they should be some of the highest level positions in the department.

So, I think the 1st position needs to be the City Engineer and the 2nd the Director or Deputy Director.

Andy

From: Jeffries, Brian <Brian.Jeffries@lansingmi.gov>

Sent: Tuesday, April 22, 2025 3:04 PM

To: Kilpatrick, Andrew <Andrew.Kilpatrick@lansingmi.gov>

Cc: Chartercommission <Chartercommission@lansingmi.gov>; Swope, Chris <Chris.Swope@lansingmi.gov>; Drever, Emery <emery.drever@lansingmi.gov>; Jackson, Brian <Brian.Jackson@lansingmi.gov>

Subject: Charter Commission Question - Registered Professional Engineers

Hey Andy:

Thanks for responding to the Commission's question regarding the Charter requirement for Registered Professional Engineers in the Public Service Department.

If I understand your response correctly, you believe it is necessary that there should always be at least two registered professional engineers in the Public Service Department. The current Charter language provides for that wherein it states:

"4-308.3 Persons appointed to serve as Director of Public Service and City Engineer shall be registered Professional Engineers of the State of Michigan."

In addition to the Director of Public Service, should the second registered professional engineer be the City Engineer or the Deputy Director of Public Service or one or the other? Sorry for all the questions.

Thanks,

Brian


PS - Sorry I missed the walk around the neighborhood with you, Nicole, and Mark. It sounds like it was productive. Thanks again.

Brian C. Jeffries
Chairperson
Lansing Charter Commission
124 W. Michigan Ave., 9th Floor
Lansing, Michigan 48933
E-Mail: brian.jeffries@lansingmi.gov
Website: lansingmi.gov/1233/Charter-Commission

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[EXTERNAL] Sustainability commission

From Randy Dykhuis <rwdykhuis@outlook.com>
on behalf of
Randy Dykhuis <randy@dykhuis.net>
Date Wed 4/23/2025 9:00 AM
To Chartercommission <Chartercommission@lansingmi.gov>

 1 attachment (280 KB)
sustainability commission lawyer language.pdf;

Dear Charter Commission Members:

The meeting packet for the April 1 meeting contained a letter from your attorney, Kristen Rewa, with language for two amendments to the charter. The first amended Article 4, Section 4-308 to include sustainability and environmental affairs within the Department of Public Service. This seems to be a very workable alternative to a free-standing Sustainability Department. The second added a Sustainability and Environmental Affairs Board to Article 5. This would become Chapter 7 in that article. For your convenience, I have attached the March 28 letter from Ms Rewa.

Neither of these amendments were discussed at the April 1 meeting or either of the subsequent meetings on April 15 and April 22.

While there is no Sustainability Department with which a board would work, neither is there an Ethics Department with which the Ethics Board works. Like ethics, sustainability cuts across departments. Every department in the city should take its environmental impact into account when making decisions. A Sustainability and Environmental Affairs Board could help make this a reality.

Sincerely,

Randy Dykhuis

1 .6 The Mayor shall file a list of appointments to the several boards prior to the first Council meeting in
2 May of each year and the Council shall act on each appointment at or prior to its first meeting in June.

3 .7 Appointments to fill vacancies shall be made upon the occurrence of the vacancy and each person
4 so appointed shall take office immediately upon the confirmation of the Council to serve for the
5 remainder of the unexpired term. In the event a vacancy is not filled within 60 days after the
6 occurrence of the vacancy, the Council shall appoint a committee of three of its members to act
7 instead of the Mayor in the making of such appointments.

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

11 (a) The First ward member shall have a term expiring in ~~1981~~2029 and every four years thereafter.

12 (b) The Second ward member shall have a term expiring in ~~1982~~2026 and every four years
13 thereafter.

14 (c) The Third ward member shall have a term expiring in ~~1979~~2027 and every four years thereafter.

15 (d) The Fourth ward member shall have a term expiring in ~~1980~~2028 and every four years thereafter.

16 (e) The Fifth ward member shall have a term expiring in 2029 and every four years thereafter.

17 .9 ~~The members~~One member from the City at-large shall have a term expiring in 2026 and every four
18 years thereafter. One member from the City at-large shall have a term expiring in 2027 and every four
19 years thereafter. One member from the City at-large shall have a term expiring in 2028 and every four
20 years thereafter~~be appointed to staggered terms, at least one of which shall expire each year.~~
21 (04/01/2025)

22 .10 Appointments to each board, commission and committee shall be made with regard to the
23 diversity of Lansing citizens, their variety of interests and the experience and expertise that each can
24 contribute to the common good of the City.

25 .11 An ordinance creating a board, commission or committee may set forth a different size for the
26 body or a different length of term for the members than required in this section if the Council finds that
27 the change is appropriate.

28 ~~.12 The Board of Water and Light Board Members shall include three non-voting advisory members~~
29 ~~representing utility customer communities outside the City of Lansing. Each non-voting advisory~~
30 ~~member shall be a Board of Water and Light customer, shall reside in and be appointed by the~~
31 ~~governing body of the municipality. One member shall represent the City of East Lansing and shall~~
32 ~~serve a term of four (4) years commencing July 1. One member shall represent Delta Township and~~
33 ~~shall serve a term of four (4) years commencing July 1. One member shall be at large and shall~~
34 ~~represent the remaining municipalities and shall serve a term of one (1) year commencing July 1. The~~
35 ~~at-large representative shall serve on a rotating annual basis and be appointed by the governing body~~
36 ~~of the following municipalities in succession: Meridian Township, Delhi Township, DeWitt Township~~
37 ~~and Lansing Township. Except as provided herein, Section 2-103, Section 5-105, or State law, the~~
38 ~~provisions of this Charter shall not apply to the non-voting advisory members of the Board of Water~~
39 ~~and Light.~~

40 5-104 Ineligibility For Boards

41 No person holding another City office or activity actively employed by the City shall be eligible to be a
42 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.~~ (04/22/2025)
- .2 Each board shall adopt its own rules of procedure consistent with this Charter.
- .3 The rules shall state the schedule of the regular board meetings. The schedule shall not conflict with regular meetings of the City Council.
- .4 The rules shall require that public notice of all meetings shall be given in the manner provided by statute for meetings of public bodies. Notice shall also be posted 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. (04/22/2025)
- .5 The rules shall require that the public have a reasonable opportunity to be heard at all regular meetings of the board.
- .6 All board meetings shall be required to be open to the public to the same extent as meetings of the City Council.
- .7 The rules shall define the extent to which nonattendance at meetings may be grounds for removal from office.
- .8 All rules of procedure shall be submitted to the City Attorney for approval as to form. The rules shall then be submitted to the City Clerk for transmission to the City Council. The rules shall be effective at the conclusion of the next regularly scheduled Council meeting following the meeting in which they were received unless the Council directs otherwise. (4/22/2025) ~~The rules shall be effective at the conclusion of the Council meetings at which they are received unless the Council directs otherwise.~~
- .9 The Council may object to the rules in whole or in part and may return them to the board proposing their adoption with a statement of its objections and recommendations.
- .10 The minutes of all board meetings; shall be filed in the office of the Clerk as a public record. No official action taken by any board at any meeting shall be valid or effective until a copy of the minutes at which the action was taken is filed with the Clerk.
- .11 Members of advisory boards shall serve without compensation, but may be reimbursed for the actual and necessary expenses as authorized in the annual budget or as otherwise approved by City Council. (4/22/2025) ~~but the City Council may authorize the payment of the actual and necessary expenses of board members.~~

5-106 Advisory Board Functions

- .1 Each advisory Board shall at its regular meetings review the progress and planning of the head of the agency it serves to insure that all activities are in accordance with City policy. Each board may propose changes in agency operations for the purpose of making its program more effective.
- .2 Proposed policies and programs or changes in existing policies or programs requiring Council action shall be submitted by an agency head to the appropriate advisory board prior to submission to the Mayor and Council for action. The advisory board's written recommendations concerning the proposals shall be submitted to the Mayor along with the agency's proposal. When the Mayor submits the proposal to the Council for action, the board's recommendations shall also be transmitted to the Council along with that of the Mayor.
- .3 An agency's budget material, including capital improvement proposals, shall be submitted to the advisory board before submission to the Mayor and the board's written recommendations shall be

1 submitted to the Mayor along with the agency's recommendations. The Mayor shall transmit the
2 board's recommendations to the Council along with budget material for that agency.

3 .4 Each advisory board shall, prior to December 1, prepare a written report evaluating the
4 effectiveness and analyzing the status and priorities for services and activities of the agency it
5 advises. Copies thereof shall be filed with the Mayor, the Council and the Clerk.

6 .5 Each advisory board may develop its own proposals for new or altered policies and programs and
7 transmit these to the Mayor and City Council.

8 .6 Each City officer who directs an agency or activity within the scope of an advisory board shall
9 attend all of its meetings and supply necessary secretarial services.

10 5-107 Continuation Of Existing Boards

11 .1 All City Boards not established in this Charter and existing on the effective date of this Charter,
12 whether established in the previous Charter or created by ordinance or resolution, shall continue as if
13 created under ordinance with the status provided in this Charter.

14 .2 The terms of all persons serving on boards on the effective date of this Charter shall continue in
15 accordance with law.

16 5-108 Limitation On Powers Of Boards

17 .1 The Board of Water and Light shall exercise administrative, executive and policy-making authority
18 over the operation of those City utility services assigned to it in accordance with the provisions of this
19 Charter.

20 .2 No other board, commission or committee shall exercise any administrative, appointive or policy
21 making authority except as permitted by this Charter or required by State law.

22 .3 Notwithstanding any other provision of this Charter, the Board of Water and Light shall be subject
23 to the emergency powers provided the Mayor by city ordinance and state law and shall include
24 administrative and executive authority.

25 Chapter 2. BOARD OF WATER AND LIGHT

26 5-201 Board Of Water And Light

27 The Board of Water and Light, hereinafter known as the Board, shall have the full and exclusive
28 management of the water, chilled water, thermal energy, including heat or hot water and, steam and
29 electric services and such additional utility services of the City of Lansing as may be agreed upon by
30 the Board and City Council. The board shall be responsible to the Mayor and the City Council for the
31 provision of these services in a manner consistent with the best practices. (03/18/2025)

32 5-202 DirectorGeneral Manager, Internal Auditor, Secretary

33 .1 The Board shall appoint a DirectorGeneral Manager who shall be responsible to the Board for
34 carrying out the duties assigned by the Board and shall serve at its pleasure.

35 .2 The Board shall appoint an Internal Auditor who shall report directly to the Board. The Internal
36 Auditor shall serve at the pleasure of the Board.

37 .3 The Board shall appoint its own Secretary who shall be responsible to the Board and shall serve at
38 its pleasure.

1 .4 The General Manager or a designee shall hold a public meeting at least quarterly to interact with
2 the public and ratepayers on the services provided by the Board. Notice for the meeting shall be
3 published by posting to the Board's website and by any means determined by the Board to achieve
4 widespread dissemination to the general public within the Board's service area to inform on matters of
5 municipal concerns. (04/01/2025)
6

7 5-203 Powers Of The Board

8 .1 The Board shall make all contracts pertaining to the conduct of the Board of Water and Light
9 business and shall have the authority to settle litigation involving the Board of Water and Light.

10 .2 The Board shall have the power to acquire property, both real and personal, and interests in
11 property in the name of the City for purposes of the Board of Water and Light.

12 .3 The Board shall have the power to sell real property and interests in real property not needed for
13 the operation of the Board of Water and Light, subject to the approval of ~~six-a~~ 2/3 majority of City
14 Council Members elected and subject to the limitations on the sale of real property by the City
15 contained in this Charter.

16 .4 The Board shall adopt policies and procedures to assure fairness in procuring personal property
17 and services and disposing of personal property. These policies and procedures of the Board shall
18 parallel the policies and procedures adopted by the Council for the purchase and sale of personal
19 property and services unless the Board makes a specific finding that a City policy or procedure is not
20 consistent with the best practices for public utility operation.

21 .5 The Board shall prepare and adopt its annual budget by June ~~1~~ of each year, and implement it
22 with whatever modifications the Board may adopt from time to time. The budget and any
23 amendments shall be filed with the City Clerk within 10 days after adoption.

24 .6 The Board shall submit to the Mayor, prior to October 1 of each year, its capital improvements plan
25 for the next six years pursuant to Section 7-109.

26 .7 In the best interest of the City, the Board and other agencies of the City are encouraged to
27 cooperate on projects deemed to be beneficial and to utilize each other's services.

28 .8 The Board of Water and Light may utilize the streets, alleys, bridges and other public places of the
29 City for the furnishing of public utility services. In the exercise of this right, the Board of Water and
30 Light shall furnish timely information about proposed uses to the officials of the City and to the
31 agencies which will be most directly affected by the use.

32 .9 The Board may conduct whatever audits of Board of Water and Light ~~the~~ activities it deems
33 appropriate and shall be responsible for the cost of such audits. ~~compensate the City for the cost of~~
34 ~~that portion of the annual audit of the City which covers the Board of Water and Light.~~

35 .10 The Board may provide for the pensioning of any employee of the Board of Water and Light or the
36 surviving spouse or dependent of any deceased employee.

37 .11 The Board, except as otherwise provided in this Charter, shall be responsible for and have
38 authority over the compensation, benefits, bonding, conditions of employment, and labor
39 management activities for all employees of the Board of Water and Light.

40 5-204 Withdrawal Of Funds

41 .1 The funds and revenues of the Board of Water and Light shall be deposited in the City Treasury
42 and shall be credited only to the funds and accounts of the Board of Water and Light. ~~They shall not~~

1 ~~be withdrawn or used for any other purpose whatsoever.~~ The Board shall have and exercise full
2 control over all of the funds of the Board of Water and Light ~~in the City Treasury.~~

3 .2 All warrants drawn for the payment of money under the authority of the Board shall be signed by
4 the General Manager and countersigned by the Secretary of the Board ~~and countersigned by the City~~
5 ~~Controller.~~

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

13 .4 The Council may provide by ordinance procedures for the disbursement of monies of the Board of
14 Water and Light by check issued by the Secretary of the Board in accordance with the ordinance.

15 .5 Consistent with generally accepted practice in the municipal utility industry and in
16 acknowledgement that the Board of Water and Light is a City owned public utility, which receives City
17 services without cost and utilizes City property in the fulfillment of its purposes, the Board shall
18 continue to be authorized to contribute payments to the City. All existing agreements for payments
19 shall remain in full force and effect upon adoption of this Charter. Future agreements for payments
20 shall be documented in writing, based on a formula and terms mutually acceptable to the City and
21 Board and comply with this Charter and state law. In determining the formula, the City and Board
22 shall consider the following factors, but not to the exclusion of other factors that may be or become
23 relevant: the financial burden of the payment on the Board or its ratepayers, the financial burden of
24 use of services and property on the City or its taxpayers, and any and all shared services or
25 infrastructure. (4/15/2025)

26 5-205 Rates

27 .1 The Board may fix just and reasonable rates and other charges as it may deem advisable for
28 services furnished by the Board of Water and Light.

29 .2. The Board shall conduct at least two public hearings at least 30-45 days prior to the effective date
30 of any changes in rate structure. The public hearings shall be held at different times of say to
31 maximize the opportunity for public attendance. At least 45-60 days before the first public hearing, the
32 Board shall file with the City Clerk a statement explaining the new rates and charges together with a
33 notice of the public hearings. Notice shall also be published by posting to the City's and the Board's
34 website and by any means determined by the Board of Water and Light to achieve widespread
35 dissemination to the general public within the Board's service area to inform on matters of municipal
36 concern. (04/01/2025) ~~Notice to the public shall be given in the same manner as is required for~~
37 ~~proposed ordinances.~~

38 5-206 Collection And Hearing Procedure

39 .1 Upon the request of the Board, the City Council shall provide by ordinance for the collection of
40 unpaid charges for public utility services furnished by the Board of Water and Light and for the
41 imposition and enforcement of liens upon property served by the Board of Water and Light.

1 .2 When any person fails or refuses to pay any sums due on utility bills, the service upon which the
2 delinquency exists may be discontinued and suit may be brought for the collection of the money
3 owed.

4 .3 The Board shall establish a procedure for the resolution of disputes between the Board of Water
5 and Light and any of its customers concerning services or billing for services furnished in accordance
6 with filed rates, rules and regulations, and established Board policies and procedures. The procedure
7 shall incorporate the designation of an independent hearing officer. ~~The hearing officer shall report to
8 the Board and the Mayor the results of each hearing conducted and shall make recommendations to
9 the Board on any hearing, which has not been resolved. The Mayor may make recommendations to
10 the Board on each unresolved hearing. The Board shall report its final action on any unresolved
11 dispute, together with the hearing officer's report and recommendations to the Mayor and the City
12 Council.~~

13 5-207 Sale Or Exchange Of Facilities

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

21 Chapter 3. BOARD OF POLICE COMMISSIONERS

22 5-301 Duties

23 .1 The Board of Police Commissioners, hereinafter known as the Board, is established pursuant to
24 Article 5, Chapter I of this Charter and shall have all the powers, duties and responsibilities of
25 advisory boards in addition to the following duties:

26 .2 The Board shall establish administrative rules for the organization and overall administration of the
27 department including promotional and training procedures in consultation with the Chief of Police and
28 Mayor. These administrative rules shall not be effectuated in accordance with Section 5-105. 8 of this
29 Charter but shall become effective upon filing with the City Clerk.

30 .3 The Board shall approve rules and regulations for the conduct of the members of the Department,
31 in consultation with the Chief of Police and the Mayor.

32 .4 The Board in their rules shall establish a procedure for receiving and resolving any complaint
33 concerning the operation of the department.

34 .5 The Board shall review and approve the departmental budget before its submission to the Mayor.

35 .6 The Board shall act as the final authority of the City in imposing or reviewing discipline of the
36 department employees consistent with the terms of State law and applicable collective bargaining
37 contracts.

38 .7 The Board shall render an annual report to the Mayor and City Council, which shall include a
39 description and evaluation of the department's activities during the previous year, including the
40 handling of crime and complaints, if any, and proposals for future plans.

1 **5-302 Investigatory Power**

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

5 **Chapter 4. BOARD OF FIRE COMMISSIONERS**

6 **5-401 Duties**

7 .1 The Board of Fire Commissioners, hereinafter known as the Board, is established pursuant to
8 Article 5, Chapter 1, of this Charter and shall have all the powers duties and responsibilities of
9 advisory boards in addition to the following duties.

10 .2 The board shall establish administrative rules for the organization and overall administration of the
11 Department, in consultation with the Chief of the Fire Department and the Mayor. These
12 administrative rules shall not be effectuated in accordance with Section 5105.8 of this Charter but
13 shall become effective upon the filing with the City Clerk.

14 .3 The Board shall approve rules and regulations for the conduct of the members of the Department,
15 in consultation with the Chief of the Fire Department and the Mayor.

16 .4 The Board, in their rules, shall establish a procedure for receiving and resolving any complaint
17 concerning the operation of the department.

18 .5 The Board shall review and approve the departmental budget before its submission to the Mayor.

19 .6 The Board shall act as final authority of the City in imposing or reviewing discipline of the
20 department employees consistent with the terms of the State law and applicable collective bargaining
21 contracts.

22 .7 The Board shall render an annual report to the Mayor and City Council, which shall include a
23 description and evaluation of the department's activities during the previous year, including the
24 handling of complaints, if any, and proposals for future plans.

25 **CHAPTER 5. BOARD OF ETHICS**

26 **5-501 Standards Of Conduct**

27 .1 The people of this City recognize that the continuation of the proper operation of the City requires
28 that public officers and employees be independent, impartial and responsible to the people; that
29 decisions and policy be made in the proper channels of governmental structure; that members of the
30 public have access to information upon which decisions affecting their City are made; that public
31 office and employment not be used for personal gain; that the integrity and operation of City
32 government to be subject to scrutiny of the public; and that acts or actions not compatible with the
33 best interests of the City be defined and prohibited.

34 .2 In order to provide an orderly procedure for consideration and review of the issues, which may
35 arise concerning questions of standards of conduct for public officers and employees, a Board of
36 Ethics is created.

37 **5-502 Membership**

38 .1 The Board of Ethics shall be a review board and shall consist of eight members; four members
39 shall be appointed by the City Council, one from each city ward, and four shall be appointed by the

1 Mayor. The City Attorney shall assist and advise the Board of Ethics, and the City Clerk shall serve as
2 Recording Secretary to the Board of Ethics and provide such administrative services to the Board of
3 Ethics as may be necessary; however, neither shall be eligible for appointment as board members.

4 .2 Of the members appointed to the initial Board of Ethics, the Mayor and the City Council shall each
5 appoint members for a one-year, a two-year, a three year, and a four-year term. A member shall hold
6 office until a member's successor is appointed. Thereafter each Mayoral-appointed member and each
7 Council-appointed member shall serve for a term of four years. An appointment to fill a vacancy shall
8 be made by the Mayor to fill a vacant Mayoral appointed member position and by the City Council to
9 fill a vacant Council-appointed member position. Persons serving as members of the Board of Ethics
10 on the effective date of this section shall continue as members until the expiration of their original
11 terms.

12 .3 Members of the Board of Ethics shall be residents of the City and shall hold no elected public office
13 and no other City office or employment.

14 .4 The Board of Ethics shall adopt rules governing its procedure and the holding of regular meetings,
15 subject to the approval of City Council. Special meetings may be held when called in the manner
16 provided in the rules of the Board of Ethics. The Board of Ethics shall select its own presiding officer
17 from among its members.

18 .5 If any issue before the Board of Ethics involves any member of the Board of Ethics, such member
19 may not participate in Board of Ethics deliberations pertaining to the member's issue nor shall such
20 involved member be eligible to vote on any actions concerning the issue.

21 .6 All City employees and elected or appointed officials of the City shall cooperate with any
22 investigations by the Board of Ethics; such cooperation shall include the compilation and production
23 of any information requested by the Board of Ethics during an investigation unless the information
24 requested is exempt from disclosure under the applicable state law.

25 .7 If any issue before the Board of Ethics involves the office of the City Attorney, the Board of Ethics
26 may engage the services of outside counsel upon terms and arrangements approved by City Council.

27 5-503 Duties

28 .1 At the request of a person, the Board of Ethics may render an informal opinion with respect to the
29 prospective conduct of such person. An informal opinion need not be written and may be provided
30 directly to the requestor of such opinion. All written opinions of the Board of Ethics shall be filed with
31 the City Clerk and are open to public inspection. Written informal opinions shall be drafted in such a
32 way as not to reveal information exempt from public disclosure under the applicable state law.

33 .2 The Board of Ethics on its own initiative or upon request may render and publish a formal opinion
34 on any matter within the scope of the Board of 'sEthics' authority which it may deem appropriate.

35 .3 The Board of Ethics does not have the authority to reverse or modify a prior action of the Mayor,
36 City Council, or an officer or employee of the City. If the Board of Ethics finds a prior action of the
37 Mayor, Council, officer, or employee to have been ethically improper, the Board of Ethics may advise
38 the appropriate party or parties that the action should be reconsidered. Upon such advice by the
39 Board of Ethics, the action shall be reconsidered by the appropriate person or public body. If the
40 Board of Ethics determines an existing City contract to be ethically improper, after such determination
41 and advice from the Board of Ethics the City may void or seek termination of the contract if legally
42 permissible. The Board of Ethics may refer a matter to the City Attorney for review and consideration

1 for appropriate action. Upon completion of review and consideration, the City Attorney shall report its
2 findings to the Board of Ethics.

3 .4 The Board of Ethics may recommend to the Council standards of conduct for officers and
4 employees of the City and changes in the procedures related to the administration and enforcement
5 of those standards.

6 .5 The Board of Ethics shall review, at least annually, any documents required to be filed under
7 ordinances adopted by the City for the purpose of establishing standards of conduct for officers and
8 employees.

9 .6 The Board of Ethics, when it deems it appropriate, may request the City Attorney's Office for
10 assistance in compelling the production of documents and witnesses to assist the Board of Ethics in
11 the conduct of any investigation.

12 .7 Within one year from the effective date of this section the City shall provide an ethics manual for
13 the use of all City officers and employees. Such manual shall first be approved by the Board of Ethics
14 before distribution. Each City officer and employee shall acknowledge receipt of said manual.

15 .8 Proceedings before the Board of Ethics are subject to the applicable state law regarding the
16 conduct of public meetings. Records of the Board of Ethics shall be filed with the City Clerk and are
17 available for public review as required by state law.

18 5-504 Protection Of Public Interest

19 .1 The City shall adopt, by ordinance, such standards for the conduct of public affairs as may be
20 deemed necessary to protect the public, including the ordinances referred to in this section.

21 .2 The City shall adopt, by ordinance, no later than one year after the effective date of this section,
22 restrictions similar to those enacted by the State of Michigan by statute, prescribing standards of
23 conduct for City officers and employees. To the extent permitted by law, the ordinance shall generally
24 include, but not be limited to, prohibiting the use of City office or employment for the private benefit of
25 any person; prohibiting the divulging of confidential information in advance of the time prescribed for
26 its authorized release to the public; prohibiting the use of City personnel resources for private gain;
27 prohibiting the profit from an official position and acceptance of things of value by City officers or
28 employees; requiring the financial disclosure by City officers and employees; and requiring lobbyist
29 disclosure for all City officers and employees.

30 .3 Any violations of ordinances dealing with matters in this section shall be punishable to the
31 maximum extent permitted by law and may be made punishable by forfeiture of office or position.

32 5-505 Conflict Of Interest

33 .1 At least ten (10) days prior to the first of any of the events set forth in (A), (B), (C), (D), and (E)
34 below, a City officer or employee who may derive any income or benefit, directly or indirectly, from a
35 contract with the City or from any City action, shall file an affidavit with the City Clerk detailing such
36 income and benefit to be derived:

37 (A) The bidding of the contract;

38 (B) The negotiation of the contract;

39 (C) The solicitation of the contract;

40 (D) The entry into the contract;

41 (E) Any City action by which the City officer or employee may derive any income or benefit, directly or
42 indirectly.

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

9 .2 An officer or employee who has any other conflict between a personal interest and the public
10 interest as defined by State law, this Charter, or ordinance shall fully disclose to the City Attorney the
11 nature of the conflict.

12 .3 Except as provided by law, no elective officer, appointee or employee of the City may participate in,
13 vote upon or act upon any matter if a conflict exists.

14 Chapter 6. PLANNING BOARD

15 5-601 Planning Board Commission

16 .1 There shall be a Planning Board Commission.

17 .2 The members of the Planning Board Commission shall be appointed and confirmed in the manner
18 set forth in Section 5-103 of this Charter.

19 .3 In addition to the regular members of the Planning Board Commission, the City Council shall
20 nominate and appoint two Council members who shall serve as ex-officio members of the
21 Board Commission, without a vote, for a one-year term commencing on July 1 of each year.

22 5-602 Powers And Duties

23 .1 The Planning Board Commission shall have all of the powers and duties granted to municipal
24 planning commissions by statute and all the powers and duties of advisory boards provided by this
25 Charter, together with such additional powers and duties as may be provided by this Charter or
26 ordinance.

27 .2 The Planning Board Commission is entitled to assistance from the staff of the Economic
28 Development and Planning Department in evaluating or preparing any proposal relating to planning or
29 development. All elective and appointive officers shall furnish to the Planning Board Commission,
30 within a reasonable time, available information required by the Planning Board Commission.

31 .3 The Planning Board Commission shall review and make recommendations on the Economic
32 Development and Planning Department draft of the Capitol Improvement Plan prior to its submission
33 to the Mayor and Council.

34 .4 The Board Commission shall develop and maintain a master plan for the orderly development of
35 the City. The plan shall include the consideration of the impact of social, physical, and economic
36 factors.



ATTORNEYS AND COUNSELORS AT LAW

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

Kristen L. Rewa
krewa@cmda-law.com

April 25, 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—Boards and Commissions

Dear Mr. Jeffries:

This letter addresses Article 5 and provides proposed draft language for the Charter Commission’s review based on the discussion from the April 23 meeting.

I. 5-103 Appointment of Board Members

The Commission requested language regarding (1) making the applicant names public; (2) ensuring commission access to the application information and (3) the re-appointment process.

Proposed Language 5-103

.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.

* * *

.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. **The names of individuals seeking membership on City boards shall be public. The Council shall have access to the application and eligibility information of all individuals seeking membership on City boards.**

Proposed Language 5-105 (Reappointment)

Individuals seeking reappointment to a board shall submit a new application. Consideration for reappointment may include the individual's attendance, years of service, and the needs of the board.

Language regarding the process for reappointment could be added to .5 or it could be assigned a new section number. Currently 5-102.12 is open.

Proposed Language 5-105.12 (Term Limits)

A person who holds or has held an appointment to a board for two consecutive terms shall not be eligible for reappointment to the same board until the person has been out of office for one year. Serving more than two years of a term to which some other person was appointed shall be considered a term.

Language regarding term limits, if desired, should be assigned a new section number. Currently 5-102.12 is open.

II. 5-105 Organization Of Boards – Rules Of Procedure

A. 5-105.10 Board Minutes

.10 The minutes of all board meetings; shall be filed in the office of the Clerk as a public record. No official action taken by any board at any meeting shall be valid or effective until a copy of the minutes at which the action was taken is filed with the Clerk.

The Clerk asked that the Commission consider language providing a timeframe in which a board must submit its minutes to the Clerk's Office. Additionally, we recommend removal of a typo (an errant ";").

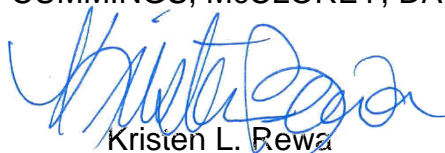
Proposed Language

.10 The minutes of all board meetings; shall be filed in the office of the Clerk as a public record. Proposed meeting minutes shall be available for public inspection within 8 business days after the meeting. Approved minutes must be available within 5 business days after approval. ~~No official action taken by any board at any meeting shall be valid or effective until a copy of the minutes at which the action was taken is filed with the Clerk.~~

The Open Meetings Act requires that proposed meeting minutes be available for public inspection within 8 business days after the meeting. Approved minutes must be available within 5 business days after approval. MCL 15.269. Since city boards do not meet with the same regularity, the due date for final minutes may vary.

Very truly yours,

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



Kristen L. Rewa

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



ATTORNEYS AND COUNSELORS AT LAW

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

Kristen L. Rewa
krewa@cnda-law.com

April 25, 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 5, Board of Ethics

Dear Mr. Jeffries:

This letter addresses the Board of Ethics as discussed in the April 15, 2025 meeting. Specifically, the Commission asked that minor updates be made to conform with previously approved changes and to spell out “Board of Ethics” in full through this chapter. Additionally, the Commission asked for additional information to assess the duties and enforcement abilities of the board.

I. CHAPTER 5: BOARD OF ETHICS

The proposed language changes the board make up to reflect five wards. The language also spells out “Board of Ethics” to add clarity.

Proposed Language

5-502 Membership

.1 The Board of Ethics shall be a review board and shall consist of eight members; ~~four~~**five** members shall be appointed by the City Council, one from each city ward, and ~~four~~**three** shall be appointed by the Mayor. The City Attorney shall assist and advise the Board **of Ethics** 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 **of Ethics**, 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 of Ethics 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 of Ethics. The Board of Ethics shall select its own presiding officer from among its members.

.5 If any issue before the Board of Ethics 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 of Ethics; 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 of Ethics 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.

.3 The Board of Ethics does not have the authority to reverse or modify a prior action of the Mayor, City Council, or an officer or employee of the City. If the Board finds a prior action of the Mayor, Council, officer, or employee to have been ethically improper, the Board may advise the appropriate party or parties that the action should be reconsidered. Upon such advice by the Board of Ethics, the

action shall be reconsidered by the appropriate person or public body. If the Board of Ethics determines an existing City contract to be ethically improper, after such determination and advice from the Board the City may void or seek termination of the contract if legally permissible. The Board may refer a matter to the City Attorney for review and consideration for appropriate action. Upon completion of review and consideration, the City Attorney shall report its findings to the Board.

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

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

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

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

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

II. Duties and Enforcement Capabilities of the Board of Ethics

Pursuant to the terms of the Charter, and the companion ordinance, the Board of Ethics may render informal opinions to officials who request it to help guide their conduct. Charter, Sec 5-503.1. The Board may render a formal opinion on its own initiative or when requested. Charter, Sec 5-503.2. The Board does not have the authority to reverse or modify a prior action, but may advise that the action should be reconsidered. Charter, Sec 5-503.3. Based on a review of the City of Lansing's current charter and ordinance provisions, its Board of Ethics is consistent with the authority provided to other ethics boards in the state. The City of Detroit's board also has the ability to issue a censure to an official that has violated the ethics ordinance. The Commission could consider adding a similar provision. A survey of various boards of ethics is provided below.

The City's Ethics ordinance is contained at Chapter 290. Regarding the complaint process, once a complaint has been filed and the City Attorney has provided a preliminary written analysis, the Board may:

- (1) Request the City Attorney to investigate the complaint and report all findings back to the Board; or
- (2) Schedule the complaint for further review and consideration; or

- (3) Refer the complaint to the City Attorney for criminal prosecution consideration;
or
- (4) Issue such reports; opinions and findings as the Board deems advisable under the circumstances and in accordance with the City Charter and ordinances; or
- (5) Dismiss the complaint based on any of the following grounds:
 - a. Lack of jurisdiction in the Board of Ethics;
 - b. Failure of the complaint to state a claim of a violation of the ethics provisions contained in the Charter, law or ordinances;
 - c. Failure of the complainant to cooperate in the Ethic Board's review and consideration of the complaint; or
- (6) Take such other action which the Board deems necessary and as authorized by the Charter or ordinance. [Sec 290.03].

Additionally, the Charter at Sec 5-504.3 provides “[a]ny violations of ordinances dealing with matters in this section shall be punishable to the maximum extent permitted by law and may be made punishable by forfeiture of office or position.” The ordinance provides that violation of the Ethics ordinance is a misdemeanor and may be grounds for forfeiture of office. Sec 290.10.

We reviewed the law (statute, charter, or ordinance) on the powers of other boards of ethics in Michigan. The City of Lansing’s structure is consistent with the authority provided to other boards.

The State Board of Ethics has jurisdiction to review matters concerning the executive branch state employees and public officers appointed by the Governor (or other executive officials). The function of this board “shall be advisory and investigatory and the board is not empowered to take direct action against any person or agency.” MCL 15.343. When complaints are filed, the Board has the ability to issue investigative reports with recommendations. When a classified employee is concerned, the appointing authority “shall initiate appropriate proceedings in accordance with such recommendation and pursuant to the rules of the civil service commission.” MCL 15.345(3). When the employee is an unclassified employee or appointee, the appointing authority “shall take appropriate disciplinary action which may include dismissal.” MCL 15.345(4).

The City of Dearborn’s board of ethics is established by charter. Dearborn, Charter Sec 3.4. It’s “primary function” is to render advisory opinions and conduct investigations. The board may issue subpoenas for documents and witnesses. The board may recommend improvements to the city’s standards of conduct.

The City of Detroit’s board of ethics is governed by charter and statute. The board has the power to receive and resolve complaints, during which investigations it can subpoena witnesses and evidence. Detroit, Sec 2-106.9. An intentional, willfully negligent or grossly negligent violation of the charter ethics rules can result in the board of ethics issuing a public admonishment, a recommendation for disciplinary action (if an employee), a recommendation that the city council initiate removal or forfeiture

proceedings (if elected or appointed), an administrative sanction, recommendation that a contractor be reviewed for suspension/disbarment, or prosecution by the city's law department. The board does not have the authority to reverse or modify a prior decision of any official or other public servant. Detroit Ordinance, Sec. 2-6-92.

The City of Livonia's board of ethics is established by ordinance. Its "objective . . . is to issue written opinions regarding ethical, not legal, questions and to engage in activities which will promote ethical behavior." (Livonia, 2.200.070(B). It cannot subpoena witnesses or records. It has no authority to adjudicate any complaints concerning employees covered by a collective bargaining agreement or who is within the city's civil service system. The board's actions are to issue a written advisory opinion, deem no action is required, or refer the matter to an authority within the city authorized to act. Id. at (E). The ordinance is not intended to be a punitive measure. The opinions are not binding on the city. At most, a violation of the ethics ordinance is a \$100 municipal civil infraction.

The City of Ypsilanti, upon receipt an investigation of a complaint may refer the matter to another appropriate agency, including a law enforcement agency. The board may issue a report and recommendation, but it does not bind or limit the action that can be taken by the employer. It may recommend arbitration in appropriate cases.

Very truly yours,

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



Kristen L. Rewa

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



ATTORNEYS AND COUNSELORS AT LAW

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

Kristen L. Rewa
krewa@cnda-law.com

April 25, 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 6, Planning Commission

Dear Mr. Jeffries:

This letter addresses the Planning Commission as discussed in the April 15, 2025 meeting.

Chapter 6: PLANNING COMMISSION BOARD

The language in Article 5, Chapter 6 has been updated to change “board” to “commission.” Notably, Lansing Ordinance Chapter 1212, Sec. 1212.01 provides that all references to the “Planning Board” are now deemed references to the “Planning Commission.”

The Commission asked that the language regarding selection of the ex-officio members be updated to reflect that the Council President select the members and does so at the same time council committee assignments are made. The proposed language does that.

The Commission also asked whether the language 5-602.4 that the planning commission shall “develop and maintain” is appropriate. Specifically, the Charter Commission asked whether it was the planning commission that undertook this work. The Michigan Planning Enabling Act states “[a] planning commission shall make and approve a master plan as a guide for development within the planning jurisdiction” as provided by that act. MCL 125.3831. As such, the current language “develop and maintain” is consistent with the language of the MPEA. However, the Commission could consider modifying the language to “make and approve” to mirror the statutory language, as has been done in the proposed language below.

Proposed Language

5-601 Planning ~~Commission Board~~

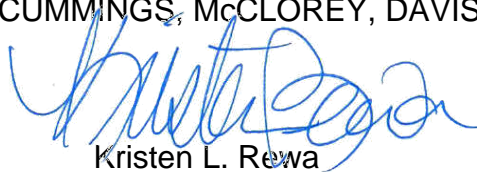
- .1 There shall be a Planning ~~Commission Board~~.
- .2 The members of the Planning ~~Commission Board~~ shall be appointed and confirmed in the manner set forth in Section 5-103 of this Charter.
- .3 In addition to the regular members of the Planning ~~Commission Board~~, the City Council ~~President~~ shall ~~nominate and~~ appoint two Council members who shall serve as ex-officio members of the ~~Commission Board~~, without a vote, for a one-year term ~~in the manner set forth in Section 3-102.6 of this Charter commencing on July 1 of each year.~~

5-602 Powers And Duties

- .1 The Planning ~~Commission 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 ~~Commission 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 ~~Commission Board~~, within a reasonable time, available information required by the Planning ~~Commission Board~~.
- .3 The Planning ~~Commission Board~~ shall review and make recommendations on the Economic Development and Planning Department draft of the ~~Capital Improvement Plan~~ prior to its submission to the Mayor and Council.
- .4 The ~~Commission Board~~ shall ~~make and approve 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.

Very truly yours,

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



Kristen L. Rewa

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

ARTICLE 6 – CITY EMPLOYEES

Chapter 1. MERIT SYSTEM

6-101 Personnel Merit System

.1 The City shall, by ordinance, establish a personnel merit system that meets the social, economic and program needs of the City of Lansing.

.2 The personnel merit system ordinance shall provide procedures to recruit, select, develop and maintain an effective work force.

6-102 Administration Of Personnel Merit System

.1 The Personnel Merit System shall not cover any employees of the Board of Water and Light, or appointees of the Mayor, the City Council and the Internal Auditor.

.2 The ~~chief personnel officer~~ Human Resources Director (03/04/2025) shall determine by competitive examination, exclusively on the basis of merit, efficiency and ability, the qualifications of all candidates for positions within the Personnel Merit System; make, promulgate and distribute rules and regulations covering all personnel transactions; and administer all conditions of employment within the Personnel Merit System.

.3 All persons hired by the City, other than those stated in .1 of the section shall be processed through the office of personnel and the ~~chief personnel officer~~ Human Resources Director (03/04/2025) shall evaluate the level of competency of each candidate against standards established prior to the evaluation.

Chapter 2. LABOR RELATIONS

6-201 Labor Management Activities

.1 The Mayor shall have the overall responsibility for all of the labor relations of the City.

.2 The Mayor shall designate the chief labor negotiator for the City with the advice and consent of the City Council. The chief labor negotiator shall serve at the pleasure of the Mayor and shall have charge of the role of the City in collective bargaining contract negotiations.

.3 Collective bargaining contracts shall become effective when ratified by the City Council in accord with State law.

.4 The ~~chief personnel officer~~ Human Resources Director (03/04/2025) shall be responsible for the implementation of collective bargaining contracts.

Chapter 3. PROHIBITION AGAINST DISCRIMINATION

6-301 Non-Discrimination

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

1 Chapter 4 EMPLOYMENT CONTRACTS

2 6-401 Limitation on Employment Contracts

3 All employment contracts for all at-will employees, including Mayoral appointees, City department
4 directors, and at-will employees of any and all agencies, boards, and commissions of the City, shall
5 be limited to a maximum term of one year. Furthermore, no such employment contract shall include
6 terms that provide for a payment at the time of separation from employment in excess of any
7 compensation derived from vested or accrued benefits, or payments required by law. If a department,
8 agency, board, or commission cannot reasonably fill a position with a qualified individual under these
9 limitations, a position may be exempted from one or more of these limitations upon written
10 recommendation of the Mayor and the approval of City Council by resolution. These limitations shall
11 not apply to contracts established prior to January 1, 2016.



ATTORNEYS AND COUNSELORS AT LAW

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

Kristen L. Rewa
krewa@cnda-law.com

April 25, 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 6, City Employees

Dear Mr. Jeffries:

This letter addresses Article 6, City Employees. As the Commission reviews the employment section, please keep the following legal considerations in mind:

- Any amendments or changes to a City Charter which touch upon a mandatory subject of collective bargaining (wages, hours, discipline terms and conditions of employment), if voted into law by the electorate, must still undergo the collective bargaining process before the provisions are implemented by the City. ***Senior Accts., Analysts & Appraisers Ass'n v. City of Detroit***, 218 Mich. App. 263, 271, 553 N.W.2d 679, 683 (1996).
- The duty to bargain collectively on mandatory subjects of collective bargaining and to perform in accordance with the terms of a collective bargaining agreement overrides a conflicting provision of the charter of a home-rule city. ***Pontiac Police Officers Ass'n v. City of Pontiac***, 397 Mich. 674, 246 N.W.2d 831 (1976).
- The Home Rule Cities Act prohibits a charter from setting a minimum staffing requirement for city employees. MCL 117.5(2).
- State law generally prohibits the city from requiring employees live within the city. MCL 15.602.

Very truly yours,

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



Kristen L. Rewa

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

ARTICLE 7 – TAXATION AND FINANCE

Chapter 1. BUDGET

7-101 Submission Of Budget

On or before the fourth Monday in March of each year, the Mayor shall submit to the City Council a proposal for the annual estimate of all City revenues and annual appropriation of expenditures for all City agencies except the Board of Water and Light, for the next fiscal year beginning on July first.

7-102 Council Budget Priorities

The City Council shall adopt a statement of City-wide budget Policies and priorities each year and shall transmit it to the Mayor no later than October 1.

7-103 Budget Message

.1 The Mayor shall submit with the Budget a message containing the necessary information for understanding the budget.

.2 The message shall explain how the proposal addresses the priorities proposed by the City Council

.3 The budget message shall contain detailed estimates with supporting explanations of proposed expenditures of each agency of the City except the Board of Water and Light. All such estimates shall show the actual appropriations and expenditures for corresponding items for the last preceding fiscal year, in full, and appropriations for the current fiscal year together with the expenditures for the current fiscal year to January 1 and estimated expenditures for the balance of the current fiscal year.

.4 The budget message shall state the bonded and other indebtedness of the City, showing the bond redemption and interest requirements of the debt authorized and unissued, and the condition of the sinking funds if any.

.5 The budget message shall contain detailed estimates of all anticipated revenues of the City from sources other than taxes with a comparative statement of the amounts estimated for and actually received from each of the same or similar sources for the last preceding fiscal year, in full, for the current fiscal year to January 1, and estimated revenues for the balance of the current fiscal year.

.6 The budget message shall state the estimated accumulated cash and unencumbered balance, or deficits, at the end of the current fiscal year.

.7 The budget message shall contain an estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues, which together with available unappropriated surplus and revenues, from other sources, will be necessary to meet the proposed expenditures.

7-104 Budget Hearing

.1 The budget of the Mayor, together with all supporting schedules, information and messages, shall be a public record and shall be reviewed by the Council as a committee of the whole.

.2 A public hearing on the annual appropriations shall be held in the manner provided by law and at such additional times as the Council shall direct.

1 **7-105 Adoption Of Budget Resolution**

- 2 .1 Not later than the third Monday in May of each year, the Council shall, by resolution, adopt a
3 budget for the ensuing fiscal year and make an appropriation of the money needed therefore.
4 .2 The resolution shall designate the sum to be raised by taxation for the general purpose of the City
5 and for the payments of principal and interest on its indebtedness. The adoption of the budget
6 resolution shall constitute appropriations of the amounts specified from the funds indicated and a levy
7 for the property tax specified.

8 **7-106 Item Veto**

- 9 .1 The Mayor may veto any item which has the effect of appropriating money contained in any action
10 of the City Council.
11 .2 The veto procedure in Section 3-305 of this Charter shall control when an item veto has been
12 exercised.

13 **7-107 Effect Of Appropriation**

- 14 .1 No money shall be drawn from the Treasury of the City except in accordance with an appropriation
15 for that purpose or except as provided in this section.
16 .2 This section does not apply to funds in the account of the Board of Water and Light.
17 .3 Whenever an agency of the City reports to the Finance Director that the funds appropriated for a
18 particular purpose will be exhausted before the close of the fiscal year, and the agency has an
19 unencumbered appropriation balance, the Mayor may authorize additional spending for that purpose
20 within the total appropriation for the agency, but the additional expenditure may not exceed 15
21 percent of the Council's appropriation being added to or \$5,000.00, whichever is less. The Finance
22 Director shall report the transfer to the City Clerk for transmission to the City Council at the next
23 regular meeting of the City Council.
24 .4 The appropriation of money for any purpose does not constitute a mandate to spend the money.
25 Each remaining unencumbered appropriation balance at the end of each fiscal year shall revert to the
26 general fund.

27 **7-108 Supplemental Appropriations**

- 28 .1 At any time during the fiscal year, the City Council may consider appropriations which modify the
29 previously adopted annual appropriation to:
30 (a) transfer an unencumbered balance in whole or in part from any account or;
31 (b) provide for the expenditures of revenues in excess of those in the budget or;
32 (c) meet a public emergency affecting life, health, property or the public peace, which may require
33 emergency appropriations as provided by law.
34 .2 Supplemental appropriations shall be adopted by the affirmative vote of two-thirds of the Council
35 members serving and the Finance Director shall give notice of such appropriations to all affected
36 agencies within one week after Council action.

37 **7-109 Capital Improvements Plan**

- 38 .1 The Capital Improvements Plan shall be prepared by the Planning Department in accordance with
39 applicable State law.

1 .2 The Mayor shall prepare within four months and the City Council shall adopt within six months of
2 the effective date of this Charter, an ordinance that specifies a detailed planning and budgeting
3 process for the Capital Improvements Plan.

4 .3 The Planning ~~Board~~ Commission through the Economic Development and Planning Department
5 and other City departments, agencies and boards shall annually review and submit to the Mayor and
6 City Council a Capital Improvements Plan for the ensuing six years.

7 .4 The City Council shall conduct a Public Hearing on the Capital Improvements Plan concurrent with
8 the Public Hearing on the Annual City Budget.

9 7-110 Control Of Expenditures

10 During the months of October, January and April in each fiscal year, the Director of Finance shall
11 submit to the Mayor and City Council data showing the relationship between the estimated and actual
12 revenues and expenditures to date. If it shall appear that the revenues are less than anticipated, the
13 City Council may, by resolution, reduce appropriations, except amounts required for debts and
14 interest charges, to such a degree as may be necessary to keep expenditures within the revenues.

15 7-111 Uniform System Of Accounts

16 The system of accounts of the City shall conform to such uniform system as may be required by law.

17 Chapter 2. TAXATION

18 7-201 Power To Tax; Tax Limit

19 .1 The City shall have the power to assess taxes and to levy and collect rents, tolls and excises. The
20 annual general ad valorem tax levy for municipal purposes shall not exceed 2 percent of the
21 assessed value of all real and personal property in the City.

22 .2 Within three days after the Council has made the appropriations for the ensuing year, the Clerk
23 shall certify to the Assessor the total amount which the Council determines shall be raised by general
24 ad valorem tax.

25 7-202 Subjects Of Taxation

26 .1 The subjects of ad valorem taxation for municipal purposes shall be the same as for the state,
27 county, and school purposes under the general law.

28 7-203 Exemptions

29 The power of taxation shall never be surrendered or suspended by any grant or contract to which the
30 City shall be a party. No exemptions from taxation shall be allowed, except such as are expressly
31 required or permitted by State Law.

32 7-204 Duties Of The City Assessor

33 .1 The City Assessor shall assess all real and personal property in the City of Lansing in the manner
34 provided by State law.

35 .2 The Assessor shall prepare and certify the current assessment roll to the Board of Review on or
36 before the date provided by ordinance.

1 .3 The Assessor shall prepare and extend all tax rolls and deliver them to the Treasurer on or before
2 the date provided by ordinance and in the manner provided by State law.

3 .4 At least one week prior to the Assessor's certification of the assessment roll, the Assessor shall
4 complete a tentative assessment roll for public inspection and give notice to the owner as shown on
5 the assessment roll, by first class mail, of any changes in the assessed value of any property as
6 compared with the previous year or the addition of any property to the roll. The notice shall advise the
7 property owner that the change in valuation or addition of property may be discussed at the office of
8 the Assessor prior to the meeting of the Board of Review. The failure to give notice shall not invalidate
9 any assessment roll or assessment thereon.

10 .5 The Assessor may change the assessment roll during the period of public inspection before
11 certification but only as a result of information obtained after completion of the tentative roll as a result
12 of an inquiry or otherwise.

13 .6 Notice of the time and place of the meetings of the Board of Review shall be published by the
14 Assessor not less than one week prior to the first meeting thereof.

15 7-205 Board Of Review

16 .1 A Board of Review for property tax assessment is created.

17 .2 The Mayor shall appoint, subject to Council confirmation, five members serving staggered terms of
18 three years each. In order to increase the membership of the Board of Review created under the
19 previous Charter to five public members, one member shall be appointed to a term of at least two
20 years expiring July 1, 1981, and one member shall be appointed to a term of at least one year
21 expiring on July 1, 1980. Public members serving terms of three years at the time of the adoption of
22 this Charter shall continue until the expiration of their term.

23 .3 The members of the Board of Review shall be appointed on the basis of their knowledge and
24 experience in property valuation.

25 .4 No member of the Board of Review shall hold any other public office or public employment in any
26 local unit of government supported by Lansing property taxes in whole or in part. All members of the
27 Board of Review shall be residents of the City.

28 .5 Unless otherwise provided by ordinance, the Board of Review shall convene on the second
29 Monday in March and sit for at least five calendar days.

30 .6 The Board of Review shall have such powers and duties as may be provided by law. The Board of
31 Review shall adopt rules for its Conduct of business.

32 .7 The Board of Review shall adopt rules for its conduct of business.

33 7-206 Taxes Become Lien

34 .1 City property taxes shall become a debt due by the persons liable for them on the tax day as
35 provided by State law. The debt shall become payable and a lien upon the property on July 1 next
36 following, or as provided by State law.

37 .2 All personal taxes shall be a first lien, prior, superior, and paramount on all personal property of
38 such persons as assessed. Such lien shall take precedence over all other claims, encumbrances, and
39 liens, to the extent provided by statute, and shall continue until such taxes, interest, and charges are
40 paid.

41 .3 Personal Tax Lien and due dates may be accelerated by Jeopardy Assessment, as provided by
42 State law.

1 **7-207 State, City, County, School And Community College Taxes**

2 State, city, county, school and community college taxes shall be levied, collected and returned, as
3 provided by ordinance, in conformity with State law.

4 **7-208 Collection Of Taxes**

5 .1 The Council shall provide, by ordinance, for the method of payment of taxes and charges and for
6 fees, penalties, and interest, or any of them, for the late payment or non-payment of same.

7 .2 The ordinance herein required shall not be amended in such manner or at such time as to change
8 the provisions thereof relative to any city tax collection commencing on the first day of July in the
9 calendar year in which such ordinance is amended.

10 .3 There shall be no fee, penalty, or interest charged during the first thirty-one days of the collection
11 period, and the total fees, penalties, and interest charged before March 1 of the following year shall
12 not exceed eight percent of such taxes and penalties. Such fees, penalties, and interest shall
13 constitute a charge and shall be a lien against the property to which the taxes themselves apply,
14 collectable in the same manner as the taxes to which they are added.

15 .4 If any person shall neglect or refuse to pay any tax on personal property assessed, the Treasurer
16 shall collect the same as provided and required by State statute.

17 **7-209 Delinquent Tax Collection Procedure**

18 .1 The City may provide by ordinance for the enforcement and collection of delinquent taxes.

19 .2 The ordinance shall make provision for notice, disposition, judgment, a period of redemption and
20 the purchase of the City's interest by the owner of an interest in the property.

21 .3 If no ordinance is in effect regulating the enforcement and collection of delinquent taxes, such
22 taxes shall be returned to the County Treasurer pursuant to the general tax laws.

23 .4 Except as otherwise provide by this Charter or ordinance, the rights, duties, powers, immunities
24 and procedures established by the general laws shall apply in the collection and enforcement of City
25 property taxes.

26 **Chapter 3. BORROWING**

27 **7-301 General Borrowing Power**

28 .1 The City may borrow money for any purpose within the scope of its powers, may issue bonds or
29 other evidence of indebtedness, and may, when permitted by law, pledge the full faith and credit of
30 the City for the payment of those obligations.

31 .2 The enumeration of specific kinds of bonds or other borrowing in this Charter shall not be deemed
32 to exclude other kinds of bonds or other borrowing permitted by State law.

33 **7-302 Limitations On Borrowing**

34 .1 The net bonded indebtedness for general obligations of the City shall not exceed 10 percent of the
35 assessed value of all the real and personal property in the City.

36 .2 No obligation shall be sold to obtain funds for any purpose or purposes other than that for which
37 those obligations were specifically authorized.

38 .3 If any bonds are not sold within three years after authorization, the authorization shall be null and
39 void.

1 **7-303 Use Of Borrowed Funds**

- 2 .1 Each obligation shall contain on its face a statement of the purpose for which it is issued.
- 3 .2 All proceeds from the issue of an obligation shall be expended for the purpose for which the
- 4 obligation was issued until the purpose has been accomplished, and then for the retirement of other
- 5 obligations of the City.
- 6 .3 The Council may authorize the remaining unexpended and unencumbered proceeds for use in any
- 7 manner permitted by State law.

8 **7-304 Execution Of Obligations**

9 All obligations issued by the City shall be executed with the signature of the Mayor and the City Clerk,
10 unless otherwise provided by ordinance, and shall bear the Seal of the City. Interest coupons may be
11 executed with the facsimile signatures of the Mayor and the City Clerk.

12 **7-305 Special Assessment Bonds**

- 13 .1 The Council shall, subject to the general laws of the State, have authority to borrow money in
- 14 anticipation of the payment of special assessments made for the purpose of defraying the cost of any
- 15 public improvement, or in anticipation of the payment of any combination of such special
- 16 assessments, and to issue bonds therefore.
- 17 .2 Such special assessment bonds may be an obligation of the special assessment district or districts
- 18 or may be both an obligation of the special assessment district or districts and a general obligation of
- 19 the City.
- 20 .3 All collections on each special assessment roll or combination of rolls shall be set apart in a
- 21 separate fund for the payment of the principal and interest of the bonds issued in anticipation of the
- 22 payment of such special assessments, and shall be used for no other purpose.

23 **Chapter 4. SPECIAL ASSESSMENTS**

24 **7-401 Power To Assess**

- 25 .1 The City Council shall have the power to make public improvements within the City and, as to
- 26 public improvements which are of such a nature as to benefit especially any property or properties
- 27 within a district, the Council shall have the power to determine, by resolution, that the whole or any
- 28 part of the expense of any public improvement shall be defrayed by special assessment upon the
- 29 property in districts especially benefited, in proportion to the benefits derived or to be derived.
- 30 .2 If, prior to the adoption of a resolution finally authorizing the making of a public improvement to be
- 31 financed by special assessment, written objections to the proposed improvement have been filed by
- 32 the owners of property in the district, which according to estimates will be required to bear more than
- 33 50 percent of the amount of such special assessments, no resolution finally determining to proceed
- 34 with such improvement shall be adopted, except by the affirmative vote of two-thirds of the Council
- 35 Members serving.

36 **7-402 Procedure Ordinance**

37 The Council shall prescribe, by ordinance, the complete special assessment procedure governing the
38 initiation of projects, preparation of plans and cost estimates, creation of special assessment districts,
39 notices and hearings, making and confirming of special assessment rolls, correction of errors in such

1 rolls, the number of installments in which special assessments may be paid, collection of special
2 assessments, refunds, and any other matters concerning the making and financing of improvements
3 by the special assessment method.

4 7-403 Additional Assessments

5 .1 Additional pro rata assessments may be made when any special assessment roll proves
6 insufficient to pay for the improvement for which it was levied and the incidental expenses thereof or
7 to pay the principal and interest on bonds issued in anticipation of such assessment rolls.

8 .2 Additional pro rata assessment shall not exceed 25 percent of the assessment as originally
9 confirmed unless confirmed by vote of the City Council at a meeting for which notice has been given
10 in the same manner as the original special assessment.

11 7-404 Contest Of Assessments

12 .1 Any person owning property specially assessed shall have 60 days from the mailing of a notice of
13 confirmation of the special assessment roll to notify the City Clerk in writing of any claimed illegality in
14 the special assessment process. The City shall presume that any person who neglects or refuses to
15 assert a claim within the 60 day period has withheld his or her claim for the purpose of unjustly
16 obtaining a special benefit to the property to the detriment of the general taxpayers of the City.

17 .2 If the City Attorney submits a written opinion finding the special assessment roll illegal, in whole or
18 in part, the City Council may revoke its confirmation, correct the illegality, if possible, and reconfirm it.
19 No property shall be assessed more than was imposed upon the original confirmation without further
20 notice and hearing.

21 7-405 Lien And Collection Of Special Assessments

22 .1 Upon the confirmation of each special assessment roll, the special assessments thereon shall
23 become a debt to the City from the persons to whom they are assessed and" until paid shall be a lien
24 upon the property assessed, for the amount of such assessments and all interest and charges
25 thereon. Such lien shall be of the same character and effect as created by this Charter for City taxes.

26 .2 The Council may provide by ordinance for fees, penalties, and interest for the late payment or non
27 payment of special assessments, which fees, penalties, and interest shall be a lien and shall be
28 collectable as are similar charges upon City taxes. The Council may provide that delinquent special
29 assessments be placed upon the tax roll, together with any accrued fees, penalties, and interest
30 thereon, to be collected in all respects as are City taxes on such roll, or may make other provisions
31 for the lien created by such special assessments.

32 7-406 Postponement Of Payments

33 The Council may provide that persons who, in the opinion of the Assessor and Council, by reason of
34 poverty, are unable to contribute toward the cost of the making of a public improvement may execute
35 to the City an instrument creating a lien for the benefit of the City on all or any part of the real property
36 owned by them and benefitted by any public improvement, which lien will mature and be effective
37 from and after the execution of such instrument and shall be enforceable in the event that title to such
38 property is thereafter transferred in any manner whatsoever. The Council shall establish the
39 procedure for making this section effective by ordinance.

1 **7-407 Special Assessment Accounts**

2 Monies raised by special assessment for any public improvement shall be credited to a special
3 assessment account and shall be used to pay for the costs of the improvement for which the
4 assessment was levied and of expenses incidental thereto, to repay any principal or interest on
5 money borrowed therefore, and to refund excessive assessments.

6 **7-408 All Property Liable For Special Assessment**

7 All real property, including such as is exempt from taxation by law or exempted by the Board of
8 Review, and with or without valuation placed thereon, shall be liable for the cost of public
9 improvements benefiting such property, unless exempted there from by law, the same as other
10 property, as provided in Section 7-402, and such special assessments shall be levied, collected, and
11 returned, and the said premises may be sold or forfeited in the same manner as for nonpayment of
12 City taxes.

ARTICLE 8 – REGULATORY POWERS AND CONTRACTS

Chapter 1. LICENSING

8-101 Regulatory Power

.1 The City may, as provided by law, exercise its police powers to regulate, prohibit, or prohibit except as authorized by permit, license or franchise, any trade, occupation, amusement, business or other activity within the City.

.2 The City shall provide by ordinance, for the review of decisions of City agencies under this section in any case where such review is not provided for by this Charter or by law.

8-102 Issuance Of Licenses

The City Council shall provide, by ordinance, a procedure for the issuance of licenses and permits. The ordinance shall, to the greatest extent possible, place the responsibility for the issuance of licenses and permits under one official in order that persons requesting specific licenses and permits will not have to contact more than one City office.

Chapter 2. FRANCHISES

8-201 Limitations On Franchise

.1 A franchise, and all renewals, amendments and extensions of it, may be granted only by ordinance.

.2 The City may approve such ordinance only after a public hearing has been held on it and after the grantee named in it files with the City Clerk its unconditional acceptance of all the terms of the franchise.

.3 The ordinance may not take effect unless it has been approved by the voters of the City, where State law so requires, or, unless it has been approved by the affirmative vote of two-thirds of the Council Members serving where approval of the voters is not required by State law.

.4 When approval of the voters of the City is required, the ordinance as approved by the City shall be published in a daily newspaper of general circulation in the City not less than 30 days before the election at which it is submitted to the voters. The City may not call a special election unless the expense of holding the election has first been paid to the City Treasurer by the grantee.

.5 A franchise for the use of the streets or other public places of the City or for the transaction of a local business may not be sold or transferred in any manner nor may a party other than the grantee use the franchise, unless the City consents by ordinance.

.6 The grantee of a public utility franchise shall have the right to mortgage the franchise, with the approval of the City Council, which approval shall not be unreasonably withheld. The purchaser at a foreclosure sale shall have the right to operate the franchise subject to the terms of the franchise and provisions of this Charter.

8-202 Standard Provisions Of Public Utility Franchise

.1 A public utility franchise shall include provisions for fixing and periodically readjusting rates and charges at the direction of the City and for requiring the holder to supply necessary information and access to records and property.

1 .2 The City May, With Respect To Any Public Utility Franchise Granted, Whether Or Not So Provided
2 In The Granting Ordinance

3 (a) Repeal the franchise for violation of or failure to comply with any of its provisions, misuse or non-
4 use, or failure to comply with any regulation imposed under authority of Federal law, State law or this
5 Charter;

6 (b) Require proper and adequate extension and maintenance of plant facilities at the highest
7 practicable standard of efficiency;

8 (c) Establish reasonable standards of service and quality of products, and prevent unjust
9 discrimination in service or rates;

10 (d) Require continuous and uninterrupted service to the public in accordance with the terms of the
11 franchise throughout the entire period of the franchise,

12 (e) Impose other regulations determined by the City to be conducive to the health, safety, welfare and
13 convenience of the public,

14 (f) Require the public utility to pay any part of the cost of improvement or maintenance of the streets,
15 alleys, bridges and public places of the City that arises from its use thereof and to protect and save
16 the City harmless from all damages arising from such use;

17 (g) Require the public utility to permit joint use its property and equipment, located in the streets and
18 public places of the City, by the City and other utilities, insofar as joint use may be reasonably
19 practicable. In the absence of agreement and upon application by the public utility, the City may
20 provide for arbitration of the terms and conditions for joint use.

21 Chapter 3. PUBLIC UTILITIES

22 8-301 Public Utility Services Of City

23 The City shall have all the powers granted by law to own, operate, improve, enlarge, extend, repair,
24 and maintain public utilities, either within or without its corporate limits and either within or without the
25 corporate limits of counties in which the City may lie, including, but not by way of limitation, public
26 utilities for supplying water and water treatment, sewage disposal and treatment, electric light and
27 power, gas, steam, heat, public transportation, or any similar service to the municipality and the
28 inhabitants thereof; and shall also have the power to sell these services beyond its corporate limits as
29 authorized by law.

30 8-302 Disposal Of Municipal Utility Plants And Property

31 Unless approved by the affirmative vote of three fifths of the electors voting thereon at a regular or
32 special City election, the City shall not sell, exchange, lease, or in any way dispose of any property,
33 easement, equipment, privilege, or asset needed to continue the operation of any municipal public
34 utility. All contracts, grants, leases, or other forms of transfer in violation of this section shall be void
35 and of no effect as against the City. The restrictions of this section shall not apply to the sale or
36 exchange of machinery or equipment of any municipally owned public utility, which is no longer useful
37 or which is replaced by new machinery or equipment, or to the leasing of property not necessary for
38 the operation of the utility, or to the exchange of property or easements for other needed property or
39 easements.

1 **8-303 Rates**

2 .1 The provisions for setting rates and charges for electric, water, and steam services shall be in
3 conformity with the Revenue Bond Act (P.A. 94, of 1933, and Section 5-205.1 of this Charter.

4 .2 The Council may set just and reasonable rates and such other charges as may be deemed
5 advisable for supplying all other municipal services to the inhabitants of the City and others.

6 **8-304 Collection Of Municipal Utility Charges**

7 .1 The City Council may provide by ordinance for the collection of unpaid charges for public utility
8 services furnished by the City and for the imposition and enforcement of liens upon property served
9 by the City.

10 .2 When any person fails or refuses to pay any sums due on utility bills, the service upon which the
11 delinquency exists may be discontinued and suit may be brought for the collection of the money
12 owed. When any person fails or refuses to pay any sums due for sewage disposal services furnished
13 by the City, the payment for such sewage disposal services may be enforced by the termination of the
14 sewage disposal services by discontinuing the water service to the affected premises,
15 notwithstanding that the water service for the collection of sewage charges shall be in addition to any
16 other lawful enforcement remedy.

17 .3 The City shall establish a procedure for the resolution of disputes between the City and any of its
18 customers concerning public utility services other than electric, water, and steam services.

19 **Chapter 4. PROPERTY**

20 **8-401 Purchases Of Personal Property And Services**

21 .1 The City shall establish procedures, by ordinance, to protect the interests of the City and to assure
22 fairness in procuring personal property and services. The ordinance shall require competitive bidding
23 for purchases but there may be exceptional cases, clearly defined in the ordinance in which
24 competitive bidding is not required. The ordinance shall define "lowest responsible bidder" in a
25 manner that will result in the lowest overall cost to the City.

26 .2 No purchase may be made by the City unless the office of the controller advises that there is an
27 unencumbered balance in the appropriation against which the appropriation is to be charged to pay
28 for the purchase.

29 **8-402 Sales Of Personal Property**

30 .1 The City shall establish procedures by ordinance to protect the interests of the City and to assure
31 fairness in disposing of personal property which has become unsuitable for public use. The ordinance
32 shall require competitive bidding for all sales, leases and transfers but may provide for exceptional
33 cases, clearly defined in the ordinance in which competitive bidding is not required.

34 .2 The ordinance shall define those dispositions of public property which are not in the ordinary
35 course of City operations and shall set forth the procedure for such disposition.

36 **8-403 Purchase And Sale Of Real Property**

37 .1 The City shall establish procedures by ordinance to protect the interest of the City and to assure
38 fairness and consistency in the acquisition and disposition of interests in real property acquired by

1 purchase, gift, condemnation, lease or otherwise either within or without the corporate limits of any
2 county in which the City is located for any public use or purpose within the powers of the City.

3 .2 The ordinance on acquisition shall provide the following procedures, which are similar in intent and
4 purpose to the acquisition provisions of Title III of Public Law 91-646, known as the Uniform
5 Relocation Assistance and Real Property Acquisition Policies Act of 1970:

- 6 (a) an appraisal before negotiation;
- 7 (b) every reasonable effort made to acquire property expeditiously by negotiation;
- 8 (c) the establishment of a just amount for compensation not less than the fair market value stated in
9 the appraisal;
- 10 (d) a prohibition against the sale of the property for less than the established price except for reasons
11 spelled out in the ordinance;
- 12 (e) adequate notice to quit the premises after receipt of compensation;
- 13 (f) permission for the occupant to remain in possession in certain instances by payment of the fair
14 market rental;
- 15 (g) a prohibition on coercive actions to compel agreement on the price;
- 16 (h) a provision concerning the institution of condemnation proceedings;
- 17 (i) a provision for the acquisition of uneconomic remnants, which might remain after the acquisition of
18 the property;
- 19 (j) provisions for the payment of the expenses of the proceedings in appropriate cases.

20 .3 The ordinance on disposition of real property shall require a public hearing at least one week prior
21 to Council action on the issue of sale. Complete documentation on the details of the sale shall be on
22 file in the office of the City Clerk at least 30 days prior to the public hearing. The document shall
23 include a statement of necessity of the property for public purposes. This subsection shall not apply to
24 real property to be sold for less than \$50,000.

25 .4 No interest in real property may be sold by the City without either the affirmative vote of the people
26 or the affirmative vote of two-thirds of the Council members serving.

27 .5 Any interest in real property which is being used or occupied by the Board of Water and Light, or
28 which indicates in the deed that the property was acquired for the purposes of the Board of Water and
29 Light, shall not be sold without the approval of the Board of Water and Light.

30 .6 No park, recreation, cemetery, or waterfront land may be sold without the approval, by a majority
31 vote, of the elector of the City voting on the question at a regular or special election.

32 Chapter 5. MARIJUANA

33 8-501 Applicability of Code of Ordinances to Marijuana

34 Nothing in the Code of Ordinances shall apply to the use, possession or transfer of less than 1 ounce
35 of marijuana, on private property, by a person who has attained the age of 21 years.