

City of Lansing Charter Commission

Regular Meeting Agenda



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

May 6, 2025 at 6:30 PM

1. Call to Order

2. Roll Call

3. Adopt the Agenda

4. Approval of Minutes

- A. April 29, 2025 Minutes

5. Public Comment

- A. People wishing to share public comment virtually may do so. The deadline to register to comment this way is 6PM, 30 minutes before the start of the meeting. Sign up at this link: <https://events.gcc.teams.microsoft.com/event/42cf312e-853b-4865-a802-0ec2b454fbef@87509dee-095b-4ff8-ba5a-0035cdfc715d>

6. Officer Reports

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

7. Old Business

- A. Article 3: Legislative Branch *3-207*
- B. Article 4: Executive Branch *4-304; 4-308*
- C. Article 5: Boards and Commissions
- D. Article 6: City Employees *6-301*

8. New Business

- A. Article 8: Regulatory Powers and Contracts

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 29, 2025, 6:30 PM

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

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

Absent: Commissioner Bauer (excused)

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 Dowd to adopt the April 15, 2025 minutes as presented.

Motion carried.

Moved by Commissioner Dowd to adopt the April 22, 2025 minutes as presented.

Motion carried.

Public Comment

No comments were made.

Officer Reports

Chair

No report.

Vice-Chair

No report.

Clerk

Clerk Swope acknowledged written communications in the packet and provided a budget update: the Commission has spent \$ 215,723.09 with a remaining balance of \$284,276.91. Finally, he acknowledged intern Nick Saba's work as this is his last meeting with the Commission.

Old Business

A. Article 5: Line-by-line Review

Attorney Rewa overviewed the April 25 legal opinion that addresses Article 5: Boards and Commissions.

Commissioners discussed transparency in applications and the appointments process.

Moved by Commissioner Dowd to amend 5-105.10 to read “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 shall 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.”~~

Motion carried.

Attorney Rewa overviewed the April 25, 2025 legal opinion that addresses Article 5 Chapter 5: Board of Ethics.

Commissioner Dowd suggested the Commission add the clause “hereinafter referred to as Board” in this chapter to maintain consistency across the Charter.

Moved by Commissioner Qawwee to amend 5-501.1 to read: “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 **of Ethics** and provide such administrative services to the Board **of Ethics** as may be necessary; however, neither shall be eligible for appointment as board members.”

Commissioner Washington expressed that she will not support the motion because she is against lessening the representation on Council, but keeping representation on boards the same.

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

5-503.1, .2, .3, .4, .5, and .6 were approved as presented.

Moved by Vice-Chair Adams Simon to strike “within one year from the effective date of this section” from 5-503.7.

Motion Carried. 5-503.7 now reads “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.”

Attorney Rewa overviewed the April 25 legal opinion that addresses Article 5 Chapter 6: Planning Commission.

Moved by Vice-Chair Adams Simon to adopt 5-601.2, with the change of “board” to “commission” as previously amended.

Motion carried.

Moved by Vice-Chair Adams Simon to amend 5-601.3 to read “.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.”~~

Motion carried.

Moved by Vice-Chair Adams Simon to adopt 5-602.3 with a correction of “Capitol” to “Capital”.

Motion carried.

Moved by Vice-Chair Adams Simon to amend 5-602.4 to read “The Board **Commission** shall develop and maintain **make and approve** 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.”

Motion carried.

New Business

A. Article 6: City Employees

Attorney Rewa overviewed the April 25 legal opinion that addresses things to keep in mind in Article 6.

6-101.1 and .2 were adopted as presented by unanimous consent.

6-102.1 and .2 were adopted as presented by unanimous consent.

Moved by Commissioner Dowd to amend 6-102.3 to read “All persons hired by the City, other than those stated in **6-102.1** ~~of the section~~ shall be processed through the ~~office of personnel~~ **Human Resources Department** and the ~~chief personnel officer~~ **Human Resources Director** shall evaluate the level of competency of each candidate against standards established prior to the evaluation.”

Motion carried.

6-201.1, .2, .3, and .4 were adopted as presented by unanimous consent.

Moved by Vice-Chair Adams Simon to strike “These limitations shall not apply to contracts established prior to January 1, 2016.” From 6-401.

Motion carried.

B. Article 7: Taxation and Finance

Chair Jeffries advised that the Commission will review Article 7 once they have a presentation from City staff.

Commissioners discussed the City’s investment practices.

Public Comment

Amanda Castillo spoke about the proposed ethical investment clause.

Commissioner Remarks

Commissioner Boyd asked about inviting a member supporting the ethical investment clause to present to the Commission.

Commissioner Lopez commended the Lansing Public Media Department for providing audio assistive technology and encouraged others to use it.

Adjournment

The meeting was adjourned by Chair Jeffries at 7:47 PM.

Drever, Emery

From: Zeinab Zorkot <zzzorkot@gmail.com>
Sent: Friday, April 25, 2025 3:24 PM
To: Chartercommission
Subject: [EXTERNAL] Make Michigan Apartheid Free

Hello,

I am a Michigan State student, and I have grown to love the Lansing community. However, I want a government reflects it's constituents and has respect for them, especially the struggles facing MENA communities at the moment. That is why I email you to urgently and sincerely ask that you support the ethical investment clause to refuse to invest in:

"Nation-states engaged in illegal occupation, annexation, and apartheid .
Weapons manufacturing and military technology systems .
Private prisons and detention centers .
Industries that are dangerous to human life and contribute to the destruction of our natural resources."

This refers to the Ethical Investment Clause revision proposal for Article 7.

I urge the city of Lansing to also show public support for Palestinian rights and communities, as well as the people under seige and genocide in Gaza. We need to see Lansing make public statements calling for a ceasefire and the end to the blockade on Gaza. Such statements are vital as human rights continue to fall under threat.

Thank you,
Zeinab Zorkot

From: Stan Shuck <stanshuck@gmail.com>
Sent: Friday, May 2, 2025 3:05 PM
To: Chartercommission
Subject: [EXTERNAL]

Categories: important

I'm not sure if you all are watching the budget hearings or not. But it seems the charter commission is dead set against City Manager language in the charter. When I was running for the charter commission that's all I heard from people in my conversations. Now, if you were watching the budget hearings. The departments are asking for new positions. Business managers!. Even the departments see the need for business management. Instead of having several new positions and benefit packages. It seems one city manager would be a better and a more economic choice than one per department. Without city manager language in the charter. I see no way for voter approval of any of the proposed changes in the language. Thanks for your consideration.

~~vote of two-thirds of the Council members serving is required, an affirmative vote of five Council members shall be sufficient to adopt. (01/21/2025)~~

.2 Each member of the Council shall vote on each question before the Council for a determination, unless excused there from by the affirmative vote of two-thirds of the members serving, except that no member shall vote on any question upon which that member has a conflict of interest or a financial interest other than as a citizen of the City. If a conflict of interest question is raised under this section at any Council meeting, such question shall be determined by a majority of those Council members present and qualified to vote before the main question shall be voted on, but the Council member affected shall not vote on such determination.

.3 The affirmative and negative votes shall be taken and recorded on all ordinances, and whenever requested by one or more Council members, on any other matter.

3-206 Investigations

.1 The City Council, or any person or committee authorized by it for the purpose, may make investigations into the affairs of the City and the conduct of any City agency.

.2 The City Council, or any person or committee authorized by it for the purpose, may subpoena witnesses, administer oaths, take testimony and require the production of evidence in any matter pending before it.

.3 To enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order, the City Council, or any person or committee authorized by it for the purpose, shall apply to the appropriate court. (01/07/2025)

3-207 Rights And Responsibilities Of Council Members

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

.2 The responsibilities and activities shall be to establish policy of the City and shall be legislative in nature.

.3 Except as may otherwise be provided by law or this Charter, the administrative activities of the City Council and its members shall be limited to its own staff and they shall give no direct orders to any other city officer or employee.

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

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

a. If an employee, a recommendation that the employee be reviewed for disciplinary action;

b. If an officer, removal or forfeiture proceedings;

c. Prosecution by the City's law department;

d. Any other penalty defined by the City Council through ordinance or rule. (01/21/2025)

1 .6 No employee shall be discharged, threatened, or otherwise discriminated against regarding the
2 employee's compensation, terms, conditions, location, or privileges of employment because the
3 employee is requested by the City Council to participate in an investigation, hearing, or inquiry of the
4 City Council, or participates in same. (02/04/2025)

5 Chapter 3. LEGISLATION

6 3-301 City Action Requiring An Ordinance

7 .1 In addition to other acts required by law or by specific provision of this Charter to be done by
8 ordinance, those acts of the City shall be by ordinance which:

- 9 (a) provide a penalty or establish a rule or regulation for violation of which a penalty is imposed;
10 (b) provide for the levying and collecting of rents, tolls, excises and taxes, except for taxes levied in
11 the annual appropriation resolution; or
12 (c) amend or repeal any ordinance previously adopted.

13 .2 Other Council actions may be taken either by ordinance or resolution.

14 3-302 Introduction Of Ordinances

15 .1 Every proposed ordinance shall be introduced in writing.

16 .2 No ordinance may contain more than one subject, which shall be clearly stated in its title.

17 .3 The enacting clause shall be "The City of Lansing ordains"

18 .4 An ordinance which only amends the schedules related to the regulation of traffic and parking need
19 not be republished in full. The sections to be amended of all other ordinances shall be re-enacted and
20 published in their entirety clearly indicating the matter to be omitted and the matter to be added.

21 .5 An ordinance which repeals an existing ordinance may state the number, title, a brief description of
22 the ordinance and the reasons for the repeal without restating the text of the ordinance being
23 repealed.

24 .6 Objections to the form of an ordinance, which are raised for the first time after the effective date of
25 the ordinance shall not invalidate the ordinance.

26 3-303 Public Hearing On Ordinance

27 .1 Upon introduction of any ordinance, the City Clerk shall distribute a copy to each Council Member
28 and to the Mayor. A reasonable number of copies shall be filed in the office of the City Clerk and such
29 other public places as the City Council may designate.

30 .2 Notice to the public of a public hearing on the consideration of the proposed ordinance shall be
31 given by publication or in the manner determined by the City Council.

32 .3 The public hearing may be held not sooner than five days after the public has been provided notice
33 of the hearing. The public hearing may be held separately or at a regular or special meeting of the
34 City Council.

35 .4 All interested persons shall have an opportunity to be heard.

36 3-304 Publication After Enactment

37 .1 The City Clerk shall authenticate by signature and record all ordinances and resolutions in a
38 properly indexed book kept for the purpose.



ATTORNEYS AND COUNSELORS AT LAW

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Kristen L. Rewa
krewa@cnda-law.com

May 2, 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: Art 3-206 Council Investigations and City Employees

Dear Mr. Jeffries:

This letter addresses changes to the Council's investigatory powers provided in Article 3-206 as revised by the charter. Specifically, you asked for a review of whether and how the revisions may impact employee's rights under collective bargaining agreements and other relevant labor laws, including *Weingarten* and *Gerrity* rights. The revised Charter language is attached.

Weingarten Rights refer to the case *N.L.R.B. v. J. Weingarten, Inc.*, 420 U.S. 251 (1975) which give the right for an employee covered by a collective bargaining agreement to have a union representative with her during any investigative interview in which the employee has a reasonable basis to believe that she might be disciplined as a result of that meeting. This right applies only to union employees.

Garrity Rights refer to *Garrity v New Jersey*, 385 U.S. 493 (1967). There, the Supreme Court held that the Fifth Amendment protects public employees from incriminating themselves during an internal investigation. A public employee can be compelled, under threat of termination, to answer the employer's narrowly tailored questions relating to their job performance for purposes of an internal investigation. However, these compelled statements cannot be used against that public employee in a criminal proceeding. This right applies to all employees, regardless of union affiliation.

As it stands, the City Council currently has the authority "to make investigations into the affairs of the City and the conduct of any city agency." Sec 3-206.1. New language added at 3-206.4 requires officers and employees to cooperate in a Council investigation or inquiry, which can include providing requested information. New language at Sec 3-206.5 prohibits a person

from “willfully and without justification or excuse” obstructing or interfering with a Council investigation. Finally, new language at 3-206.6 subjects those that willfully violate this section to a variety of penalties. For an employee, that can include a recommendation that the person be reviewed for discipline.

As an initial matter, any changes to the City Charter which touch upon a mandatory subject of collective bargaining (wages, hours, discipline terms and conditions of employment), 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). As such, if voters approve the language in its current revised state, collective bargaining obligations remain. Even if the language change is not considered a “mandatory” subject of collective bargaining, it may be a “permissive” subject that both the city and the labor union agree to discuss.

The Charter language gives Council the authority to investigate the affairs of the City or a City agency; it does not specifically provide for the authority to investigate an employee. City Council is not management for most employees. It may hire and direct its own staff, but is otherwise prohibited from giving administrative direction to city employees. See Sec 3-207.3. As such, it cannot be said that all Council investigations come with them a reasonable basis to believe that an employee called before the Council may be subject to discipline based on the investigation. An employee cannot invoke *Weingarten* and refuse to appear if there is no reasonable basis for doing so. See *AFSCME, Michigan Council, Loc. 574-A v. City of Troy*, 185 Mich. App. 739, 743, 462 N.W.2d 847, 849 (1990) (upholding insubordination suspension for asserting *Weingarten* without any basis in fact). However, it is not outside the realm of possibility that a Council investigation could have *Weingarten* implications, if for example, the topic of the investigation or the information requested of the employee could reasonably lead to discipline for that employee. But the issue must be addressed on the particular facts and circumstances. If *Weingarten* does apply to a particular fact scenario, then the employee could insist on having union representation present. It is no different than a person subpoenaed by the City Council (see 3-206.2) appearing with an attorney representative.

As for being compelled to cooperate, the section recognizes there are legitimate justifications for not responding to a Council’s information request under Sec 3-207. Invoking one’s Fifth Amendment right against self-incrimination is certainly justification. Indeed, a person subpoenaed by the Council has the same ability to invoke their Fifth Amendment rights. Based on this review, the language as written does not run afoul of *Weingarten* or *Garrity*. Finally, if the voters approve the Charter with the language as currently revised, collective bargaining obligations remain for the City and the unions.

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)

Revised Sec 3-207

21 3-207 Rights And Responsibilities Of Council Members

22 .1 Members of the City Council shall have all of the rights appropriate to city legislators as established
 23 by this Charter or by statute, including the right to compel the attendance of City officers at its
 24 meetings and the right to make inquiries of City officers and employees and receive specific
 25 information in response. (01/21/2025)

26 .2 The responsibilities and activities shall be to establish policy of the City and shall be legislative in
 27 nature.

28 .3 Except as may otherwise be provided by law or this Charter, the administrative activities of the City
 29 Council and its members shall be limited to its own staff and they shall give no direct orders to any
 30 other city officer or employee.

31 .4 It shall be the duty of every officer and employee to cooperate with any inquiry or investigation of
 32 the City Council. Such cooperation shall include the compilation and production of any information
 33 requested by the City Council as authorized by this Charter unless the information requested is
 34 exempt from disclosure under the applicable state law.

35 .5 No person shall willfully and without justification or excuse obstruct or interfere with an investigation
 36 or inquiry of the City Council authorized by this Charter. A person who violates this Chapter may be
 37 subject to one or more of the following:

38 a. If an employee, a recommendation that the employee be reviewed for disciplinary action;

39 b. If an officer, removal or forfeiture proceedings;

40 c. Prosecution by the City's law department;

41 d. Any other penalty defined by the City Council through ordinance or rule. (01/21/2025)

1 .6 No employee shall be discharged, threatened, or otherwise discriminated against regarding the
 2 employee's compensation, terms, conditions, location, or privileges of employment because the
 3 employee is requested by the City Council to participate in an investigation, hearing, or inquiry of the
 4 City Council, or participates in same. (02/04/2025)

1 **4-304 ~~Law Department~~Office of City Attorney (02/18/2025)**

2 .1 The City Attorney may be appointed by the Mayor and confirmed by the City Council. The City
3 Attorney shall be the administrative head of the ~~Department of Law~~Office of City Attorney and shall be
4 responsible to the Mayor and the City Council to see that the legal affairs of the City are properly
5 managed.

6 .2 The City Attorney shall be the prosecutor for the people of the City for all cases arising under this
7 Charter and ordinances of the City and, when authorized to do so by law, cases arising under State
8 law.

9 .3 The City Attorney shall advise the officers and agencies of the City, in writing, on matters relating to
10 their official duties upon request,

11 .4 The City Attorney shall prepare or approve as to form, all bonds, contracts, ordinances and other
12 written instruments in which the City is concerned.

13 .5 The City Attorney shall prosecute or defend all cases in which the City is a party or has a legal
14 interest, and may upon request, and with City Council approval, represent any officer or employee of
15 the City in any action or proceeding involving official duties.

16 .6 No board or officer shall employ or retain special counsel in any matter relating to the affairs of the
17 city without first securing the approval of such employment or retainer by the City Council. The City
18 Council shall act only after requesting the City Attorney's written opinion.

19 .7 No civil litigation may be settled without the recommendation of the City Attorney and the consent
20 of the City Council, except and to the extent that risks are covered by insurance.

21 **4-305 Parks And Recreation Department (adopted as presented 03/04/25)**

22 .1 The Director of Parks and Recreation shall be the administrative head of the Department of Parks
23 and Recreation and shall be responsible to the Mayor for the provisions of parks, recreation and
24 leisure services of the City in a manner consistent with the best practices therefore.

25 .2 The Department of Parks and Recreation shall be in charge of those agencies and programs
26 responsible for cemetery services and facilities, forestry, parks, and recreation.

27 **4-306 ~~Economic Development and~~ Planning Department**

28 .1 The Director of ~~Economic Development and~~ Planning shall be the administrative head of the
29 Department of ~~Economic Development and~~ Planning and shall be responsible to the Mayor for the
30 planning activities of the City.

31 .2 Any agency with the knowledge of the Director of ~~Economic Development and~~ Planning may
32 undertake the study of any development matter within the scope of its duties,

33 .3 The Department of ~~Economic Development and~~ Planning shall receive all reports concerning
34 development matters and other information, which it requests.

35 .4 The director shall, with the head of any agency involved, evaluate all reports and information
36 received by the department in the light of the policies, programs and priorities of the adopted master
37 plan.

38 .5 The director shall be responsible for providing the Planning ~~Board-Commission~~ with staff and all
39 information necessary for the ~~Board-Commission~~ to carry out its assigned duties under Sections 5-
40 601 and 5-602 of this Charter. (03/04/2025)

1 .6 The department shall administer and enforce the zoning ordinances of the City and prepare plans
2 for the City and its various departments when such plans involve the character, location and extent of
3 activities and facilities which impact on the social, physical and economic development of the City.

4 4-307 Police Department

5 .1 The Chief of Police shall be the administrative head of the Police Department and shall be
6 responsible to the Mayor for the provision of Police service to the City.

7 .2 The Chief of Police shall be appointed by the Mayor in consultation with the Board of Police
8 Commissioners and subject to confirmation by a majority of the members of the Board of Police
9 Commissioners serving.

10 .3 The Mayor may suspend the Chief of Police and shall notify the Board of Police Commissioners of
11 the reasons for the suspension. The Board shall convene at the earliest opportunity after the
12 suspension and shall determine, by a majority of the Board serving, whether the suspension shall
13 continue. The Chief of Police may be removed by the Mayor only with the concurrence of a majority
14 of the Board serving.

15 .4 Each member of the Police Department shall, before entering upon the duties of the office or
16 employment, take an oath of office similar to that required of other officers of the City. A copy of the
17 oath shall be subscribed in the presence of the City Clerk and filed in the office of the City Clerk.

18 .5 The police officers shall have and exercise all the immunities, privileges and powers of peace
19 officers granted by law, for the preservation of quiet, good order and for the safety of persons and
20 property. They shall possess and exercise the powers of arrest granted to peace officers by law, and
21 shall promptly take any person who is arrested before the proper magistrate or court to be dealt with
22 according to law. Violations of City ordinances shall be deemed to be misdemeanors for the purpose
23 of establishing the power of police officers in making arrests.

24 4-308 Public Service Department

25 .1 The Director of Public Service shall be the administrative head of the Department of Public Service
26 and shall be responsible to the Mayor for the maintenance and operation of the public works and
27 service facilities of the City in a manner consistent with the best practices therefore.

28 .2 The Department of Public Service shall be in charge of those agencies and programs responsible
29 for the provision of construction, engineering, maintenance, sewage and waste disposal services and
30 facilities, and traffic.

31 .3 Persons appointed to serve as Director of Public Service and City Engineer shall be registered
32 Professional Engineers of the State of Michigan. (04/22/2025)

33 Chapter 4 - DEPARTMENT AND AGENCY HEADS

34 4-401 Heads Of Departments

35 .1 The City Council shall adopt ordinances setting forth the qualifications for each head of a
36 department, division or agency to be appointed by the Mayor. Such ordinances shall be adopted
37 before any person may be considered for the position and no later than 30 days after the creation of a
38 position. No amendment of an ordinance on qualifications shall affect the status of any person holding
39 office at the time consideration of the amendment is commenced.



ATTORNEYS AND COUNSELORS AT LAW

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Kristen L. Rewa
krewa@cnda-law.com

March 28, 2025

Via Email

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

Re: Article 4, Article 5, Sustainability

Dear Mr. Jeffries:

This letter provides proposed sustainability language for Art. 4-308 (Public Service Department) and a new sustainability board in Article 5 for the Charter Commission's review and consideration.

I. Sec 4-308 Public Service Department

The proposed language incorporates sustainability into the responsibilities of this department.

Proposed Language:

.2 The Department of Public Service shall be in charge of those agencies and programs responsible for the provision of construction, engineering, maintenance, sewage and waste disposal services and facilities, ~~and~~ traffic, and sustainability, including environmental affairs activities and environmental justice within the City.

II. Article 5, Chapter 7, Sustainability and Environmental Affairs Board

The proposed language provides for a Sustainability and Environmental Affairs Board, which would be established by Charter, but the scope of the work would be directed by ordinance.

Chapter 7. Sustainability and Environmental Affairs Board

5-701 Sustainability and Environmental Affairs Board

.1 There shall be a Sustainability and Environmental Affairs Board to advise the City on sustainability, environmental affairs activities, and environmental justice within the City.

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

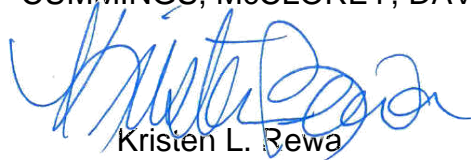
5-702 Powers And Duties

.1 The Sustainability and Environmental Affairs Board shall have all of the powers and duties of advisory boards provided by this Charter, together with such additional powers and duties as shall be established by ordinance.

.2 The Board is entitled to assistance from the staff of the Public Service Department, and any other city department so directed by the Mayor, in fulfilling its duties. All elective and appointive officers shall furnish, within a reasonable time, available information required by the Board.

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 5 – BOARDS AND COMMISSIONS

Chapter 1. GENERAL PROVISIONS FOR BOARDS

5-101 Citizen Involvement In Government

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

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

5-102 Types Of Boards

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

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

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

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

.5 All other boards shall be advisory boards.

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

5-103 Appointment Of Board Members

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

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

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

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

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

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. Proposed meeting minutes shall be available for public inspection within 8 business days after the meeting. Approved minutes shall 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. (04/29/2025)

.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.

1 .3 An agency's budget material, including capital improvement proposals, shall be submitted to the
2 advisory board before submission to the Mayor and the board's written recommendations shall be
3 submitted to the Mayor along with the agency's recommendations. The Mayor shall transmit the
4 board's recommendations to the Council along with budget material for that agency.

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

8 .5 Each advisory board may develop its own proposals for new or altered policies and programs and
9 transmit these to the Mayor and City Council.

10 .6 Each City officer who directs an agency or activity within the scope of an advisory board shall
11 attend all of its meetings and supply necessary secretarial services.

12 5-107 Continuation Of Existing Boards

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

16 .2 The terms of all persons serving on boards on the effective date of this Charter shall continue in
17 accordance with law.

18 5-108 Limitation On Powers Of Boards

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

22 .2 No other board, commission or committee shall exercise any administrative, appointive or policy
23 making authority except as permitted by this Charter or required by State law.

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

27 Chapter 2. BOARD OF WATER AND LIGHT

28 5-201 Board Of Water And Light

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

34 5-202 ~~Director~~General Manager, Internal Auditor, Secretary

35 .1 The Board shall appoint a ~~Director~~General Manager who shall be responsible to the Board for
36 carrying out the duties assigned by the Board and shall serve at its pleasure.

37 .2 The Board shall appoint an Internal Auditor who shall report directly to the Board. The Internal
38 Auditor shall serve at the pleasure of the Board.

1 .3 The Board shall appoint its own Secretary who shall be responsible to the Board and shall serve at
2 its pleasure.

3 .4 The General Manager or a designee shall hold a public meeting at least quarterly to interact with
4 the public and ratepayers on the services provided by the Board. Notice for the meeting shall be
5 published by posting to the Board's website and by any means determined by the Board to achieve
6 widespread dissemination to the general public within the Board's service area to inform on matters of
7 municipal concerns. (04/01/2025)
8

9 5-203 Powers Of The Board

10 .1 The Board shall make all contracts pertaining to the conduct of the Board of Water and Light
11 business and shall have the authority to settle litigation involving the Board of Water and Light.

12 .2 The Board shall have the power to acquire property, both real and personal, and interests in
13 property in the name of the City for purposes of the Board of Water and Light.

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

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

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

26 .6 The Board shall submit to the Mayor, prior to October 1 of each year, its capital improvements plan
27 for the next six years pursuant to Section 7-109.

28 .7 In the best interest of the City, the Board and other agencies of the City are encouraged to
29 cooperate on projects deemed to be beneficial and to utilize each other's services.

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

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

37 .10 The Board may provide for the pensioning of any employee of the Board of Water and Light or the
38 surviving spouse or dependent of any deceased employee.

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

1 **5-204 Withdrawal Of Funds**

2 .1 The funds and revenues of the Board of Water and Light shall be deposited in the ~~City Treasury~~
3 ~~and shall be credited only to the funds and~~ accounts of the Board of Water and Light. ~~They shall not~~
4 ~~be withdrawn or used for any other purpose whatsoever.~~ The Board shall have and exercise full
5 control over all of the funds of the Board of Water and Light ~~in the City Treasury.~~

6 .2 All warrants drawn for the payment of money under the authority of the Board shall be signed by
7 the General Manager and countersigned by the Secretary of the Board ~~and countersigned by the City~~
8 ~~Controller.~~

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

16 .4 The Council may provide by ordinance procedures for the disbursement of monies of the Board of
17 Water and Light by check issued by the Secretary of the Board in accordance with the ordinance.

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

29 **5-205 Rates**

30 .1 The Board may fix just and reasonable rates and other charges as it may deem advisable for
31 services furnished by the Board of Water and Light.

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

5-206 Collection And Hearing Procedure

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

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

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

5-207 Sale Or Exchange Of Facilities

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

Chapter 3. BOARD OF POLICE COMMISSIONERS

5-301 Duties

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

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

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

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

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

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

1 .7 The Board shall render an annual report to the Mayor and City Council, which shall include a
2 description and evaluation of the department's activities during the previous year, including the
3 handling of crime and complaints, if any, and proposals for future plans.

4 5-302 Investigatory Power

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

8 Chapter 4. BOARD OF FIRE COMMISSIONERS

9 5-401 Duties

10 .1 The Board of Fire Commissioners, hereinafter known as the Board, is established pursuant to
11 Article 5, Chapter 1, of this Charter and shall have all the powers duties and responsibilities of
12 advisory boards in addition to the following duties.

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

17 .3 The Board shall approve rules and regulations for the conduct of the members of the Department,
18 in consultation with the Chief of the Fire Department and the Mayor.

19 .4 The Board, in their rules, shall establish a procedure for receiving and resolving any complaint
20 concerning the operation of the department.

21 .5 The Board shall review and approve the departmental budget before its submission to the Mayor.

22 .6 The Board shall act as final authority of the City in imposing or reviewing discipline of the
23 department employees consistent with the terms of the State law and applicable collective bargaining
24 contracts.

25 .7 The Board shall render an annual report to the Mayor and City Council, which shall include a
26 description and evaluation of the department's activities during the previous year, including the
27 handling of complaints, if any, and proposals for future plans.

28 CHAPTER 5. BOARD OF ETHICS

29 5-501 Standards Of Conduct

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

37 .2 In order to provide an orderly procedure for consideration and review of the issues, which may
38 arise concerning questions of standards of conduct for public officers and employees, a Board of
39 Ethics is created.

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 of Ethics and provide such administrative services to the Board of Ethics 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 of Ethics, such member may not participate in Board of Ethics 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 of Ethics 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 of Ethics 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 of Ethics'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 of Ethics finds a prior action of the Mayor, Council, officer, or employee to have been ethically improper, the Board of Ethics 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

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

6 .4 The Board of Ethics may recommend to the Council standards of conduct for officers and
7 employees of the City and changes in the procedures related to the administration and enforcement
8 of those standards.

9 .5 The Board of Ethics shall review, at least annually, any documents required to be filed under
10 ordinances adopted by the City for the purpose of establishing standards of conduct for officers and
11 employees.

12 .6 The Board of Ethics, when it deems it appropriate, may request the City Attorney's Office for
13 assistance in compelling the production of documents and witnesses to assist the Board of Ethics in
14 the conduct of any investigation.

15 .7 ~~Within one year from the effective date of this section-~~the City shall provide an ethics manual for
16 the use of all City officers and employees. Such manual shall first be approved by the Board of Ethics
17 before distribution. Each City officer and employee shall acknowledge receipt of said manual.

18 (04/29/2025)

19 .8 Proceedings before the Board of Ethics are subject to the applicable state law regarding the
20 conduct of public meetings. Records of the Board of Ethics shall be filed with the City Clerk and are
21 available for public review as required by state law.

22 5-504 Protection Of Public Interest

23 .1 The City shall adopt, by ordinance, such standards for the conduct of public affairs as may be
24 deemed necessary to protect the public, including the ordinances referred to in this section.

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

34 .3 Any violations of ordinances dealing with matters in this section shall be punishable to the
35 maximum extent permitted by law and may be made punishable by forfeiture of office or position.

36 5-505 Conflict Of Interest

37 .1 At least ten (10) days prior to the first of any of the events set forth in (A), (B), (C), (D), and (E)
38 below, a City officer or employee who may derive any income or benefit, directly or indirectly, from a
39 contract with the City or from any City action, shall file an affidavit with the City Clerk detailing such
40 income and benefit to be derived:

41 (A) The bidding of the contract;

42 (B) The negotiation of the contract;

- 1 (C) The solicitation of the contract;
- 2 (D) The entry into the contract;
- 3 (E) Any City action by which the City officer or employee may derive any income or benefit, directly or
- 4 indirectly.

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

13 .2 An officer or employee who has any other conflict between a personal interest and the public
14 interest as defined by State law, this Charter, or ordinance shall fully disclose to the City Attorney the
15 nature of the conflict.

16 .3 Except as provided by law, no elective officer, appointee or employee of the City may participate in,
17 vote upon or act upon any matter if a conflict exists.

18 Chapter 6. PLANNING BOARD

19 5-601 Planning ~~Board~~ Commission

20 .1 There shall be a Planning ~~Board~~ Commission.

21 .2 The members of the Planning ~~Board~~ Commission shall be appointed and confirmed in the manner
22 set forth in Section 5-103 of this Charter.

23 .3 In addition to the regular members of the Planning ~~Board~~ Commission, the City Council President
24 shall ~~nominate and~~ appoint two Council members who shall serve as ex-officio members of the
25 Board Commission, without a vote, for a one-year term in the manner set forth in Section 3-102.6 of
26 this Charter commencing on July 1 of each year. (04/29/2025)

27 5-602 Powers And Duties

28 .1 The Planning ~~Board~~ Commission shall have all of the powers and duties granted to municipal
29 planning commissions by statute and all the powers and duties of advisory boards provided by this
30 Charter, together with such additional powers and duties as may be provided by this Charter or
31 ordinance.

32 .2 The Planning ~~Board~~ Commission is entitled to assistance from the staff of the Economic
33 Development and Planning Department in evaluating or preparing any proposal relating to planning or
34 development. All elective and appointive officers shall furnish to the Planning ~~Board~~ Commission,
35 within a reasonable time, available information required by the Planning ~~Board~~ Commission.

36 .3 The Planning ~~Board~~ Commission shall review and make recommendations on the Economic
37 Development and Planning Department draft of the ~~Capital~~ Capital Improvement Plan prior to its
38 submission to the Mayor and Council.

39 .4 The ~~Board~~ Commission shall ~~develop and maintain~~ make and approve a master plan for the orderly
40 development of the City. The plan shall include the consideration of the impact of social, physical, and
41 economic factors. (4/29/2025)

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 6-102.1 of the section shall be processed through the ~~office of personnel~~Human Resources Department 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.



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Kristen L. Rewa
krewa@cnda-law.com

May 2, 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, Sec 6-301, Non-discrimination (employment)

Dear Mr. Jeffries:

We recommend that the Commission revise or remove references to affirmative action contained in this article due to Art I, § 26 of the Michigan Constitution, which prohibits public entities from “discriminat[ing] against, or grant[ing] preferential treatment to, any individual group on the basis of race, sex, color, ethnicity or national origin in the operation of public employment, public education, or public contracting.” §26(2). We have provided proposed revised language that tracks the City of Lansing Human Rights Ordinance other changes to the Charter. Recall that the Commission modified the general non-discrimination clause in 1-302 on November 26, 2024 as follows:

.1 It is the intent of the City that no person or group be denied the equal protection of the laws; nor shall any person be denied the enjoyment of their civil rights or be discriminated against because of their actual or perceived race, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation, gender identity or expression, pregnancy, breastfeeding a child or expressing human milk, veteran status, medical condition including genetic characteristics, HIV status, source of income, ancestry, student status, housing status, political affiliation or belief, service in armed forces in sovereign nations, linguistic characteristics such as accent or limited English, English proficiency, or other characteristic as defined by law, or any other basis prohibited by law, including any additional protections identified by law, as all forms of discrimination adversely affect Lansing citizens and the quality of life and opportunities available to all people.

In the employment context there are some circumstances in which an employer may legally

consider bona fide occupational qualifications. Bona fide occupational qualifications are defined by the Human Rights Ordinance as “[c]haracteristics that are reasonably necessary for the proper performance or evaluation of an occupation or the normal operation of a business.” While the ordinance generally prohibits discrimination, it provides an exception for bona fide occupational qualifications, which can include consideration on source of income. 297.08(a)(2). Additionally, the ordinance allows preferential treatment of veterans and spouses as permitted by state and federal law.

The current language of 6-301 reads as follows:

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.

Proposed Language

No City employee or applicant for employment shall be discriminated against because of actual or perceived race, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation, gender identity or expression, pregnancy, breastfeeding a child or expressing human milk, veteran status, medical condition including genetic characteristics, HIV status, source of income, ancestry, student status, housing status, political affiliation or belief, service in armed forces in sovereign nations, linguistic characteristics such as accent or limited English, English proficiency, or other characteristic as defined by law, or any other basis prohibited by law, including any additional protections identified by law. Notwithstanding the above, nothing in this section prohibits consideration of a bona occupational qualification as defined by law. It is permissible to give preferential treatment in hiring to veterans and their relatives as required by federal or state law.

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 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.