The City Charter

The Charter of the City of Lansing was adopted by the voters of Lansing on August 8, 1978 and is included in full including amendments adopted in 1993 and 1994.

LANSING CITY CHARTER
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Charter Commission Statement

To the Citizens of Lansing:

At the general election on November 4, 1975, Lansing voters elected nine persons to serve on the Lansing Charter Commission. State Law provides for persons elected to the Charter Commission to serve a term of three years, or place a Charter proposal on the ballot for the voters' consideration on a maximum of three occasions.

Prior to the Commission's election, four citizen study groups, a professional study, and a unanimous resolution of the Lansing City Council had encouraged revision of the City Charter to establish clear lines of accountability and responsibility in the operation of City Government and the specific delineation of the roles of the Mayor, City Council, City Boards and City Departments.

Since the Commission's November 1976, and June 1977, Charter Proposals were not approved by the voters, the Commission has met with citizens and elected officials to determine the issues contained in those proposals which were not acceptable to the voters.

The Commission found that the bulk of objections to the prior drafts concerned rather specific additional items which are not essential to the basic revision for an accountable structure. Accordingly, the Charter Commission has responded to voter desires and deleted from the present draft the features previously objected to such as the City employee residency requirement, has simply retained in the present proposal the existing eight member City Council and leaves reorganization of city departments to the initiative of the Mayor and Council. A number of other earlier changes have either been modified or eliminated.

The present proposal retains many sections and ideas from the existing Charter, sometimes in identical language and sometimes in language which is briefer and more understandable. The most significant changes specifically delineate the roles and authority of the Mayor, City Council, City Boards and City departments, assign clear lines of accountability and responsibility to each, and establish safeguards which protect citizens against the misuses of authority.

To make clear what changes the proposed Charter will make, we summarize its most important provisions as follows:

Executive: The Mayor, elected by the City at large for a four year term, is, for the first time, responsible for implementation and administration of City policy as

established by City Council, with authority to supervise, coordinate and direct activities of City Departments and Agencies and appoint most Department Heads.

Legislative: The City Council consists of 8 members, 4 elected at large and 1 from each of the four wards. The City Council will determine City policy by passage of resolutions and ordinances,and adoption of the City budget and it has the authority to investigate City depts. The Council President will preside at City Council meetings but the Mayor or his Executive Assistant will attend all Council meetings to make reports or proposals and to respond to questions from Council members and citizens.

Citizen Boards: The Board of Water and Light will continue to be an administrative Board. The Police and Fire Boards will be advisory to the Mayor and City Council with additional administrative authority. All other citizen boards will be advisory with the responsibility of recommending policy to the Mayor and City Council.

Departments: The structure of City Departments will continue as it currently exists within the 1955 City Charter; however, this proposed Charter encourages departmental reorganization by the Mayor and the City Council. The Commission believes that City departments should be reorganized according to their major purpose and functions in order to provide services as efficiently, effectively and economically as possible.

Non-Discrimination: Discrimination by all City agencies is prohibited and affirmative action programs are required.

Expiration of ordinances: The Sunset Concept. When a City Council establishes, by ordinance, a new agency or service of the City, the ordinance will contain an expiration date of not more than 10 years.The Council must then act prior to expiration either to discontinue the agency or service, or re-enact it. The Charter Commission intent is that the Council will be required periodically to review and re-evaluate City agencies and services.

Ethics: A Board of Ethics will be created to establish standards of conduct for City employees, elected officials and City board members.

Purchase and Sale of Real Property: The proposed Charter requires a vote by the people prior to the sale of any park, recreational, cemetery, or riverfront property. All other property purchased or sold by the City with an assessed value of $50,000 or more will be subject to a public hearing prior to the purchase or sale.

Initiative and Referendum: The number of petition signatures for an initiative or referendum is reduced to about 4,000 instead of the present Charter requirement of approximately 12,000 signatures.

Charter Revision: The proposed Charter provides that the question of Charter Revision will automatically come before the Lansing voters in the general election every 12 years.

ARTICLE 1 GENERAL
Chapter 1. GOVERNMENT

1-101 ESTABLISHMENT OF GOVERNMENT: The people of the City of Lansing, by adoption of this home rule Charter, create and continue a body corporate known as the "City of Lansing" and provide for continuing control of their municipal corporation.

1-102 BOUNDARIES: The boundaries of the City existing when this Charter takes effect continue in effect until changed in accordance with law.

Chapter 2. INTERPRETATION OF CHARTER

1-201 POWERS OF THE CITY: The City has the comprehensive home rule power conferred upon it by the Michigan Constitution, subject only to the limitations on the exercise of that power contained in the Constitution or this Charter or imposed by statute. The City also has all other powers, which a city may possess under the Constitution and laws of this State.

1-202 LIBERAL CONSTRUCTION: The powers of the City under this Charter shall be construed liberally in favor of the City. The specific mention of particular powers in the Charter shall not be construed as limiting in any way the powers of the City as stated in Section 1-201.

1-203 SEVERABILITY: If any provision of this Charter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions of applications of the Charter.

1-204 ARTICLE, CHAPTER AND SECTION HEADINGS: The article, chapter and section headings and catch lines used in this Charter are for convenience only, and shall not add or subtract from the meaning of the words of this Charter.

1-205 DEFINITIONS: The definitions provided in this section shall control the interpretation of the defined words when used in this Charter unless the context clearly indicates otherwise.

AGENCY means any board, commission, department, division, office or other organization of City government and includes any elective officer, appointee, or person acting or purporting to act in the exercise of official duties.

AGENCY OF THE EXECUTIVE BRANCH means those instrumentalities of government under the direction of the Mayor in Article 4 of this Charter and does not refer to any elected officer.

BOARD means a group of persons organized for governmental purpose and includes commissions and committees.

ELECTORS means persons registered to vote in the City. Percentages of electors shall be determined as of the most recent election.

FRANCHISE means the grant of a right by the City pursuant to law. The Board of Water and Light as a permanent agency of Lansing City Government is not the recipient of a franchise of the City of Lansing.

INQUIRY means a request for information. There is no intention in this Charter to distinguish between inquiries made by City officials and inquiries made by private citizens.

LAW refers to principles of conduct, which must be obeyed. There is no intention in this Charter to distinguish among those jurisdictions with power to declare the law unless specific reference is made to federal law, state law or local law. There is no intention to limit the meaning of LAW to those laws in effect on the effective date of the Charter.

MEMBERS ELECT means that all seats are counted in determining an ordinary or extraordinary majority.

MEMBERS PRESENT means that neither vacant seats nor seats of absent members are counted in determining an ordinary or extraordinary majority.

MEMBERS SERVING means that seats of absent members are counted in determining an ordinary or extraordinary majority, but vacant seats are not counted.

OFFICER includes, but is not limited to, the elected officials of the City, the members of boards and commissions, and their executive staffs, all heads of departments and divisions.

ORDINANCE means a local law enacted by the legislative body of the City of Lansing either prior to the effective date of this Charter or subsequently.

PERSON means both men and women and artificial entities, recognized as persons by state law.

PUBLISH means making something public in the manner stated in or authorized by this Charter, or if no direction is given in this Charter, in one or more newspapers circulated in the City or by posting on the official bulletin boards of the City.

SECTION means the basic unit of this Charter. RELATED

SECTIONS are grouped into CHAPTERS. RELATED CHAPTERS are grouped into nine ARTICLES.

STATUTE means a Public Act of the State of Michigan as it exists at the time the provision containing the word STATUTE is to be applied.

Chapter 3 RIGHTS OF PUBLIC

1-301 CITY RECORDS TO BE PUBLIC:

.1 All records of the City shall be public, in accordance with State law, and shall be kept in City offices, except when required for official reasons to be elsewhere, and shall be available for inspection during regular business hours.

.2 No person shall dispose of, mutilate, or destroy any records of the City, except as provided by law.

1-302 NON-DISCRIMINATION AND CIVIL RIGHTS:

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

.2 The City and all its agencies shall ensure that the civil and constitutional rights of all persons are not denied or abridged.

Chapter 4. GOVERNMENTAL COOPERATION

1-401 INTERGOVERNMENTAL COOPERATION:

.1 The City shall, whenever it is feasible and beneficial, adopt a cooperative intergovernmental approach to the solution of urban problems. For this purpose the City shall have the power to join with any unit of government whether local, state or federal, or with any number or combination thereof, by contract or otherwise, as may be permitted by law, in the financing, ownership, operation or performance, jointly or by one or more on behalf of all, of any property, facility or service which each would have the power to own, operate or perform separately.

.2 The City may participate in organizations, both governmental and non-governmental in or beyond the corporate limits of the City. The participation of the City in those organizations is not subject to the limitations of this Charter. The City shall endeavor to secure the application of the principle of one person, one vote in any regional body. The City appointees to such organization shall file a report on their activities with the Mayor and City Council at least

once a year.

1-402 INTERGOVERNMENTAL SERVICES AND AGREEMENTS:

.1 In addition to other services the City shall have the authority to extend police and fire protection to property owned by any unit of government.

.2 The City may enter into any agreement or contract with any unit of government providing for the availability of police or fire services or for the compensation of the City for police or fire services.

1-403 JUDICIARY: Judicial authority shall be organized and exercised pursuant to State law.

Chapter 5 PENALTIES

1-501 PENALTIES FOR VIOLATION OF CHARTER: Any person found guilty of an act constituting a violation of this Charter may be punished by a fine not exceeding five hundred dollars or by imprisonment for not to exceed 90 days, or both, in the discretion of the court. This section shall not operate to limit or prejudice the power to remove officers or discharge employees as provided in this Charter.

ARTICLE 2
OFFICERS AND ELECTIONS

Chapter 1. OFFICERS

2-101 ELECTIVE OFFICERS:

.1 The elective officers shall be the Mayor, eight members of the City Council and the City Clerk.

.2 Each officer shall have a term of four years terminating at 12 Noon on January first and shall serve until the election and qualification of a successor.

.3 The terms of office of the Council Members shall be staggered so that two City Council Members elected from wards shall stand for elections every two years and two City Council Members elected at large shall stand for election every two years.

2-102 QUALIFICATIONS FOR ELECTIVE OFFICE: Every city official holding elective office shall be a registered elector in the City of Lansing and shall have been a resident of the city for one year prior to taking office. A ward Council Member shall be a resident of the ward from which elected or chosen.

2-103 INELIGIBILITY FOR OFFICE

.1 Any person who has been convicted of either a violation of the election laws of this City, this State or the United States of America or a violation of a public trust or any

felony shall not be eligible to hold any City office for a period of 20 years from the date of the conviction.

.2 No person who is in default to the City shall be eligible to hold any City office.

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

2-104 COMPENSATION OF OFFICERS:

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

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

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

2-105 BONDS OF OFFICERS:

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

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

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

2-106 OATH OF OFFICE: Every elective officer and every appointee before entering on official duties shall take and subscribe the following oath: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of this State and that I will faithfully discharge the office of, according to the best of my ability," and shall file that oath, duly certified by the officer before whom it was taken, in the office of the City Clerk.

Chapter 2. ELECTION OF OFFICERS

2-201 TIME OF ELECTIONS: The primary and general elections for all City offices shall be at the time provided by State law.

2-202 NON-PARTISAN BALLOT: The Clerk shall prepare ballots which shall conform to the provisions of law. No party vignette or emblem or other designation shall appear on the ballot in regard to City officers.

2-203 WARDS:

.1 The City of Lansing shall be divided into four wards, from each of which a member of the City Council shall be nominated and elected.

.2 Each ward shall have the same boundaries as shall exist on the effective date of this Charter until changed in accord with law.

.3 The Election Commission shall revise the boundaries of the wards within 60 days after the figures from the Federal decennial census becomes available. New ward boundaries created within 120 days of a City primary election shall become effective after the general election.

.4 The Election Commission shall, to the greatest extent possible, establish wards that are compact, contiguous and of equal population.

2-204 METHOD OF NOMINATION:

.1 The method of nomination for all elective offices in the City shall be by petition, or by a candidate submitting a filing fee. A primary election shall be held on those occasions when the number of persons submitting valid nominating petitions or filing fees exceeds twice the number of positions to be filled in the office.

.2 Nominating petitions submitted by candidates for offices to be filled by voters of a ward shall be signed by at least one hundred (100), but no more than one hundred fifty (150), of the persons registered to vote in the ward in which the election is to be held.

.3 Nominating petitions submitted by candidates for offices to, be filled by the voters of the City at large shall be signed by at least four hundred (400), but no more than six hundred (600), of the registered electors of the City.

.4 In lieu of submitting nominating petitions, a candidate may nominate himself or herself for City office by submitting a filing fee of one hundred dollars ($100.00). The filing fee shall be nonrefundable.

.5 The City Clerk shall assist members of the public by providing information regarding the requirements for candidacy, and in the preparation of petitions.

.6 Neither nominating petitions, nor filing fees shall be accepted unless accompanied by an affidavit sworn to or affirmed by the candidate, stating that the candidate possesses the legal qualifications for the office and requesting that the candidate's name be printed on the ballot.

2-205 ELECTION COMMISSION:

.1 The conduct of City elections shall be the responsibility of the Election Commission consisting of the City Clerk, the City Attorney and the Assessor. The City Clerk shall preside.

.2 The Election Commission shall prescribe the procedures to be followed in the conduct of City elections in accord with state law.

2-206 STATE LAW TO APPLY: The general election laws of the state as supplemented by the provisions of this Charter and relevant ordinances shall apply to the qualifications and registration of voters, the filing for office by candidates, and the conduct and canvass of City elections.

Chapter 3 VACANCIES

2-301 ABSENCE FROM OFFICE: Whenever an elective officer of the City has failed to perform the duties of the office for 60 consecutive days or more, the Council shall vote to excuse or not to excuse the inability at each Council meeting until the officer resumes the duties of the office. If the Council does not excuse the inability at any meeting, after the 60 days have lapsed, the office shall be forfeited at the close of the meeting.

2-302 FORFEITURE AND REMOVAL FOR CAUSE:

.1 The City Council shall declare the forfeiture of the office of any elective officer or appointee and may remove for cause any person appointed to an office for a fixed term. In every case there shall be a public hearing before the City Council with notice published in the same manner as notices of proposed ordinances. A Council member charged with conduct constituting grounds for forfeiture may not participate in the resolution of the charge.

.2 The position of an elective City officer or an appointee shall be forfeited if he or she:

(a) lacks at any time any qualifications required by this Charter.

(b) is convicted of a felony while holding the office or appointment.

(c) violates a provision of this Charter punishable by forfeiture.

.3 Decisions made by the City Council under this section are not review able by the Mayor but are subject to judicial review in a hearing de novo. Any resident of the City may petition an appropriate court to require the City Council to hold a public hearing on the forfeiture of an office if the City Council has unreasonably refused to proceed.

2-303 FILLING VACANCIES:

.1 Whenever a vacancy occurs in the office of Mayor, the President of the City Council shall fill the office until January first following the earliest November general election at which a successor can be elected to fill the office for the rest of the term. If the Council President should decline to serve as Mayor, after receiving notice of the vacancy, the Council by a majority of Council members serving shall select one of its members to fill the office of Mayor.

.2 Whenever a vacancy exists in the office of the City Clerk or member of the City Council, the Council, by a majority vote of members serving, shall appoint a qualified

person to fill the office until January first following the earliest November general election at which a successor can be elected to fill the office for the rest of the term.

2-304 TEMPORARY ABSENCE OF MAYOR:

.1 During the temporary absence of the Mayor from the City or the inability of the Mayor to perform the duties of the office, the President of the City Council shall be considered the temporary Mayor of the City for the purpose of performing statutory duties of the office.

.2 Whenever the City Council, by a vote of two-thirds of the members serving, declares that the temporary absence of the Mayor from the City or the inability of the Mayor to perform the duties of the office has created a need for administrative leadership and direction, the City Council may request the President of the City Council to assume the full-time obligations of leadership under 4-102 for as long as the Council deems necessary or until the elected Mayor resumes the office whichever is the first to occur.

.3 If the President at any time declines to serve as Acting Mayor, the Council may designate another of its members to serve as Acting Mayor.

.4 Any appointment or removals by an Acting Mayor are subject to confirmation by the permanent Mayor.

.5 The Acting Mayor shall possess the veto power provided in this Charter but shall not vote while Acting Mayor.

Chapter 4. BALLOT ISSUES

2-401 RECALL: Any official holding an elective office may be recalled and the vacancy created be filled in the manner provided by law.

2-402 INITIATIVE AND REFERENDUM: The people reserve to themselves the power to propose ordinances and to enact and reject ordinances, called the initiative, and the power to approve or reject ordinances enacted by the City Council, called the referendum.

2-403 PETITIONS FOR INITIATIVE AND REFERENDUM:

.1 Initiative and referendum petitions must be signed by a number of City electors equivalent to at least 5 percent of registered electors of the City.

.2 Petitions shall set forth in full the measure to be initiated or referred. The circulators may submit the petitions to the City Attorney for approval as to form before circulating, but they are not required to do so.

.3 Signers of petitions shall be registered electors of the City. Each shall sign his or her name indelibly and shall indicate his or her residence and the date of signing. Each petition shall contain a sworn affidavit of the circulator stating that each signature is, to the knowledge of the circulator, the genuine signature of a registered elector and the person whose name it

purports to be; and that it was affixed in the presence of the circulator.

.4 Signatures obtained more than 90 days before the petition is filed with the Clerk shall not be counted.

.5 The City Clerk shall, within 15 days, canvass the signatures and shall present the petition, if found sufficient and proper, to the City Council at its next regular meeting.

.6 If the City Clerk determines the petition lacks sufficient signatures or is otherwise improper, the City Clerk shall forthwith notify the person filing such petition by regular mail of the deficiency and 10 days shall be allowed for filing supplemental petition papers.

2-404 SUSPENSION OF REFERRED ORDINANCE: A referendum petition must be filed with the City Clerk within 30 days after the enactment of an ordinance. The filing of a referendum petition containing signatures equal to the required amount will delay or suspend the operation of the ordinance until the City Clerk has made a report that the petition does not contain a sufficient number of valid signatures or, if the City Clerk finds the petition to be sufficient, until final determination by the voters.

2-405 COUNCIL ACTION ON PETITIONS:

.1 Upon receiving an initiative or referendum petition from the City Clerk, the City Council shall within 30 days either:

(a) if it is an initiative petition

(1) adopt the ordinance as submitted in the petition, or

(2) direct the submission of the proposal to the electors; or

(b) if it is a referendum petition,

(1) repeal the ordinance to which the petition refers, or

(2) direct the submission of the proposal to the electors.

.2 Submission to the voters shall take place at the next regular election, or at a special election held prior to the next regular election.

2-406 SPECIAL ELECTIONS:

.1 Special City elections shall be held when called by resolution of the City Council at least 50 days in advance of the election, or when required by this Charter or state law. Any resolution calling a special election shall set forth the purpose of such election.

.2 Special elections to fill vacancies shall be called at least 90 days before the general election. A special primary election shall be held at least 25 days before the special general election.

.3 Any election to, fill a vacancy in an elective City office shall be held on election day in November and

shall be preceded by a primary election. No general election to fill a vacancy may be held unless the vacancy occurred at least six months prior to the general election.

.4 Whenever a vacancy in the office of Mayor, City Clerk or City Council exists for 30 days and the City Council has failed to fill the vacancy, the Election Commission shall schedule a special election to fill the vacancies at the earliest possible time. The date of the election shall not be subject to the provisions of Section 2-406.3.

2-407 SUBMISSION BY COUNCIL: The City Council may, on its own motion, by a vote of five City Council members, submit to the voters any proposed ordinances or any proposal for the repeal or amendment of an ordinance in the manner and with the effect in this Chapter for submission of proposals initiated by petition.

2-408 DETERMINING RESULT OF ELECTION:

.1 Except as otherwise required by law, the result of any initiative or referendum election shall be determined by a majority of the voters voting on the question.

.2 If two or more inconsistent initiative or referendum measures are submitted to the voters at the same election, the measure receiving the highest number of affirmative votes shall prevail to the extent of their inconsistency.

2-409 AMENDMENT, REPEAL AND REENACTMENT:

.1 An ordinance adopted by the voters through initiative proceedings may not be amended or repealed by the City Council for a period of two years after the date of the election at which it was adopted.

.2 An ordinance nullified by the voters through referendum proceedings may not be re-enacted by the City Council for a period of two years after the election at which it was nullified.

2-410 CHARTER REVISION QUESTION: The question of whether there shall be a general revision of the City Charter shall be submitted to the voters of the City of Lansing at the November general election held in 1987 and every 12 years thereafter and may be submitted at other times in the manner provided by law.

2-411 CHARTER AMENDMENTS:

.1 This Charter may be amended by a majority vote of the electors in the manner provided by statute.

.2 Petitions for Charter amendments may be submitted to the City Attorney for approval as to form in the same manner as petitions for initiative and referendum.

.3 If two or more amendments adopted at the election have inconsistent provisions, the amendment

receiving the largest affirmative vote shall prevail to the extent of their inconsistency.

ARTICLE 3
LEGISLATIVE BRANCH

Chapter 1. STRUCTURE

3-101 CITY COUNCIL: The legislative power of the City is vested in the City Council. The City Council shall have the powers and duties provided by law or this Charter.

3-102 ORGANIZATION OF COUNCIL:

.1 The City Council shall meet and organize each year at its first regularly scheduled meeting in January.

.2 At its annual organizational meeting the City Council shall select from its members a presiding officer and a person to act in the absence of the presiding officer. They shall be known as the Council President and the Council Vice-President, respectively, and each shall serve a one year term.

.3 The City Clerk shall preside until the City Council has chosen a Council President. Thereafter, the Council President shall preside at all formal sessions of the City Council when present.

.4 The Council may establish special or ad hoc committees limited in time and purpose.

.5 The Council may also establish such other committees as it may deem appropriate. For the performance of its legislative responsibilities, standing committees may be established. No standing committee shall be administrative in nature, nor shall it parallel the administrative structure of City government.

.6 The Chairperson and members of each committee established by Council shall be named by the Council President not later than the next regular City Council meeting after the establishment of the committee.

.7 The City Council may, at any of its Meetings deliberate as a committee of the whole.

3-103 RULES:

.1 The Council shall by resolution adopt rules of procedure for the orderly conduct of its meetings.

.2 The rules shall direct the City Clerk to prepare the agenda for the Council meetings and make it public in the manner set forth in the rules.

.3 The rules shall provide that there shall be a time on the agenda of each Council meeting for a report from the Mayor and a time for the Mayor or a representative of the Mayor to respond to questions.

.4 The rules shall provide a reasonable opportunity for members of the public to be heard at Council meetings.

3-104 MAINTENANCE OF ORDER: The City Council shall have the authority to maintain order at meetings of the Council and its committees, and shall have the assistance of City police whenever the Council deems it necessary.

Chapter 2. MEETINGS OF COUNCIL

3-201 MEETINGS:

.1 The City Council shall meet weekly at least 50 weeks a year, at such times and places as shall be stated in the Council rules. The public shall have a reasonable opportunity to be heard.

.2 Meetings of the City Council shall be open to the public except in those limited instances where State law authorizes closed meetings.

.3 Notices of all meetings of the City Council shall be posted at City Hall and such other locations considered appropriate by the Council and shall set forth the topics of business to be discussed, the dates, times and locations of the meetings.

3-202 SPECIAL MEETINGS:

.1 Special meetings of the Council shall be held at the call of the Clerk upon the written request of the Mayor or any two members of the Council.

.2 At least 18 hours before the meeting, the clerk shall give public notice of the meeting and shall cause each Council member to he served personally with a notice of the meeting or shall cause the notice to be left at the usual place of residence of the Council member.

.3 No business shall be transacted at any special meeting of the Council except that stated in the notice of the meeting.

3-203 QUORUM: Five members of the Council shall be a quorum for the transaction of business at all of its meetings. In the absence of a quorum, any number less than a quorum may recess any meeting or hearing to a later time.

3-204 ATTENDANCE AT MEETINGS:

.1 The City Council may compel the attendance of absent members at a duly called meeting by a majority vote of the Council members present whether or not quorum is present.

.2 The City Council may by ordinance provide penalties for non-attendance, including the penalty of forfeiture of office.

3-205 VOTING

.1 An action of the Council shall become effective with an affirmative vote of five Council members voting,

except as otherwise provided by this Charter for the filling of vacancies and resolving a conflict of interest of a Council member. A vote of two-thirds of the Council members serving shall require the affirmative vote of six of the eight serving Council members. If there are one or more vacancies existing on the Council and a vote of two-thirds of the Council members serving is required, an affirmative vote of five Council members shall be sufficient to adopt.

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

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

3-206 INVESTIGATIONS:

.1 The City Council may make investigations into the affairs of the City and the conduct of any City agency.

.2 The City Council 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 shall apply to the appropriate court.

3-207 RIGHTS AND RESPONSIBILITIES OF COUNCIL MEMBERS:

.1 Members of the City Council shall have all of the rights appropriate to city legislators as established by this Charter or by statute, including the right to make inquiries of City officers and employees and receive specific information in response.

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

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

Chapter 3. LEGISLATION

3-301 CITY ACTION REQUIRING AN ORDINANCE:

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

(a) provide a penalty or establish a rule or regulation for violation of which a penalty is imposed;

(b) provide for the levying and collecting of rents, tolls, excises and taxes, except for taxes levied in the annual appropriation resolution; or

(c) amend or repeal any ordinance previously adopted.

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

3-302 INTRODUCTION OF ORDINANCES:

.1 Every proposed ordinance shall be introduced in writing.

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

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

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

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

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

3-303 PUBLIC HEARING ON ORDINANCE:

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

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

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

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

3-304 PUBLICATION AFTER ENACTMENT:

.1 The City Clerk shall authenticate by signature and record all ordinances and resolutions in a properly indexed

book kept for the purpose.

.2 After enactment of any ordinance or resolution having the effect of law, the City Clerk shall have it published as soon as possible, in a newspaper of general circulation in the City together with a notice of its adoption.

.3 No ordinance or emergency ordinance shall be effective until it has been published.

.4 Every ordinance or resolution having the effect of law, and amendment to this Charter, shall be printed after enactment and copies shall be distributed or sold to the public at reasonable prices to be fixed by the City Council.

3-305 VETO:

.1 Every ordinance and resolution passed by the City Council is subject to veto by the Mayor.

.2 No ordinance or resolution of the City Council subject to review by the Mayor shall have any force or effect if the Mayor prepares and signs a notice in writing suspending the operation of such ordinance or resolution which sets forth reasons for the veto, and the notice is filed in the office of the City Clerk before five o'clock on the afternoon of the third working day following the adoption of the ordinance or resolution.

.3 If a notice of veto is filed, the ordinance or resolution shall not become law without further affirmative vote of two-thirds of the Council members serving at a meeting held within two weeks of the notice of veto.

3-306 EFFECTIVE DATE OF ORDINANCE:

.1 Every published ordinance shall become effective at 12:01 a.m. on the 30th day after enactment or at any later date specified.

.2 The City Council may give immediate effect to any ordinance by an affirmative vote of two-thirds of the Council members serving whenever it finds that there is a public necessity for eliminating delay in making an ordinance effective.

3-307 EXPIRATION OF ORDINANCES:

.1 Every ordinance which creates a regulatory function, an agency of the City or provided for a service to be rendered to the public shall state that it shall expire on a specific date not more than ten years after the date of adoption.

.2 Six months prior to the expiration date of each such ordinance the Clerk shall notify the Council of the expiration date.

.3 Two months prior to the expiration date the Council shall take formal action, either to re-enact the ordinance, or by resolution, state its intent that the

ordinance shall expire.

.4 The failure of the Clerk or Council to act shall not extend the life of any ordinance covered by this section.

3-308 EMERGENCY ORDINANCES:

.1 Emergency ordinances may be enacted to meet a public emergency affecting life, health, property or the public peace. However, an emergency ordinance may not levy taxes; grant, renew or extend a franchise; or regulate the rate charged by any public utility for its services.

.2 An emergency ordinance shall be introduced in the form and manner required for ordinances generally, except that it shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.

.3 An emergency ordinance may be adopted and given immediate effect at the meeting at which it is introduced by an affirmative vote of two-thirds of Council Members present.

.4 No emergency ordinance shall be effective for more than 60 days.

3-309 CODIFICATION OF ORDINANCES:

.1 Within three years after the effective date of this Charter and at least every 10 years thereafter, the City Council shall provide for and adopt a codification of all City ordinances.

.2 The codification shall be enacted by ordinance and shall be published promptly in loose leaf form, together with this Charter and commentary and any amendments, pertinent provisions of the State Constitution and other laws of Michigan, and other rules and regulations as the City Council may specify.

.3 This compilation shall be known as the Lansing City Code and copies shall be: furnished to City officers, placed in libraries and public offices for free public reference, and made available for purchase by the public at a reasonable price fixed by the City Council.

.4 After publication of the first Lansing City Code under this Charter, the ordinances and Charter amendments shall be printed in a form suitable for integration with the Code currently in effect.

3-310 PUBLIC PEACE, HEALTH AND SAFETY: The City shall take such action, and adopt such ordinances, as shall be necessary to provide for the public peace and health and for the safety of persons and property within the City.

Chapter 4 - INTERNAL AND EXTERNAL AUDITS

3-401 INTERNAL AUDITOR

.1 The City Council shall appoint a qualified person as the Internal Auditor.

.2 The Internal Auditor shall be responsible to the City Council and may be removed by a majority of the City Council members serving.

3-402 POWERS AND DUTIES:

.1 The Internal Auditor shall devote full time to the services of the City and shall assist the City Council in evaluating the planning and budgeting affairs of the City in order to develop and maintain unified City policies.

.2 The Internal Auditor shall make audits of financial transactions of all City agencies at least once every year or as otherwise directed by the City Council. The Internal Auditor shall have access to the financial and other records of all City agencies at any time.

.3 The Internal Auditor shall make a full report to the City Council of each individual audit and file a copy with the Mayor and City Clerk. The report shall include any or all of the following as directed by Council:

(a) An examination of financial transactions, accounts, contracts and reports, including an evaluation of compliance with applicable laws and regulations;

(b) a review of efficiency and economy in the use of resources with recommendations for improvement;

(c) a report as to whether desired results are effectively achieved in City programs, services and activities.

.4 As soon as possible after the close of each fiscal year, the Internal Auditor shall provide an analysis of the financial position of the City. The report shall be a public record.

.5 The Internal Auditor shall review the administration and performance of any City agency and report findings and recommendations to the City Council and file a copy with the Mayor and the Clerk.

.6 Whenever appropriate the Internal Auditor shall promptly make a report to the City Council on City agencies or any irregularities of practice and erroneous accounting methods with recommendations for improving the accounting procedures and systems of the agency. A copy of each report on irregularities and erroneous accounting methods shall be referred to the Mayor.

.7 The Internal Auditor shall evaluate the Capital Improvement Plan.

.8 The Internal Auditor shall have no authority to audit the activities of the Board of Water and Light except as requested in writing by the Board.

.9 The Internal Auditor may be authorized by City Council to hire adequate staff to perform the internal auditing functions. The staff shall serve at the pleasure of the Internal Auditor.

3-403 LIMITATIONS: Except as otherwise provided in this Charter, the Internal Auditor shall not have any connection with any City agency, nor be custodian of any cash or

securities belonging to the City.

3-404 EXTERNAL AUDIT:

.1 An independent audit shall be made of all accounts of the City government, including the Board of Water and Light, at the close of each fiscal year, and shall be completed by October]5th. Special independent audits may be made at any time that the Council may designate. All such audits shall be made by a Certified Public Accountant designated by the Council. The results of each such audit shall be made public in the manner that the Council determines and copies thereof shall be placed in the office of the Clerk for public inspection.

.2 The External Auditor shall report on the activities and accounts of the Internal Auditor.

Chapter 5. COUNCIL STAFF

3-501 COUNCIL STAFF:

.1 The City Council may employ staff and contract for services as it may deem necessary to assist it in its functions.

.2 Persons appointed by the Council shall serve at the pleasure of the Council.

ARTICLE 4
EXECUTIVE BRANCH

Chapter 1. MAYOR

4-101 MAYOR: The Mayor shall be the chief executive officer of the City of Lansing and shall devote full time to the service of the City. The Mayor shall exercise all of the powers and duties granted to the Mayor by law or this Charter.

4-102 OBLIGATIONS OF LEADERSHIP

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

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

.3 The Mayor shall recommend to the City Council I from time to time, proposals for meeting

the needs and addressing the problems of the City.

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

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

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

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

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

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

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

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

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

Chapter 2. EXECUTIVE STAFF

4-201 EXECUTIVE ASSISTANT TO THE MAYOR:

.1 The Mayor shall have an Executive Assistant who shall perform such duties and functions as may be required

by this Charter or directed by the Mayor for the efficient operation of administrative services and functions.

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

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

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

CHAPTER 3 DEPARTMENTS

4-301 Organization of Departments

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

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

(A) Board of Water and Light (Sections 5-201 to 5-207)
(B) Finance Department (Section 4-302)
(C) Fire Department (Section 4-303)
(D) Law Department (Section 4-304)
(E) Parks and Recreation Department (Section 4-305)
(F) Planning Department (Section 4-306)
(G) Police Department (Section 4-307)
(H) Public Service Department (Section 4-308)

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

(1) Air Pollution
(2) Building Inspection and Safety
(3) Central Garage
(4) City Market
(5) Civic Center
(6) Community Development
(7) Data Processing
(8) Emergency Services
(9) Housing Commission
(10) Housing and Redevelopment
(11) Human Relations
(12) Human Resources
(13) Municipal Parking System
(14) Personnel

(15) Program Coordinator
(16) Property Management
(17) Purchasing
(18) Safety
(19) Traffic
(20) Weights and Measures

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

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

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

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

4-302 FINANCE DEPARTMENT

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

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

4-303 FIRE DEPARTMENT

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

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

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

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

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

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

4-304 LAW DEPARTMENT

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

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

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

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

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

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

.7 No civil litigation may be settled without the

recommendation of the City Attorney and the consent of the City Council, except and to the extent that risks are covered by insurance.

4-305 PARKS AND RECREATION DEPARTMENT

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

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

4-306 PLANNING DEPARTMENT

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

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

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

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

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

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

4-307 POLICE DEPARTMENT

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

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

.3 The Mayor may suspend the Chief of Police and

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

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

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

4-308 PUBLIC SERVICE DEPARTMENT

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

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

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

Chapter 4 - DEPARTMENT AND AGENCY HEADS

4-401 HEADS OF DEPARTMENTS:

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

.2 Unless otherwise stated in this Charter, the Mayor

shall appoint a qualified person as head of each City department.

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

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

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

4-402 HEADS OF AGENCIES:

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

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

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

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

Chapter 5. CLERK

4-501 CITY CLERK.

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

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

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

.4 The signature of the City Clerk shall be the

official certification for all ordinances, resolutions and other actions by the Council.

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

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

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

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

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

4-502 CHIEF DEPUTY CITY CLERK: The City Clerk shall designate one member of the office of the City Clerk to be the Chief Deputy City Clerk who shall retain that designation at the pleasure of the City Clerk.

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

ARTICLE 5
BOARDS AND COMMISSIONS

Chapter 1. GENERAL PROVISIONS FOR BOARDS

5-101 CITIZEN INVOLVEMENT IN GOVERNMENT:

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

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

5-102 TYPES OF BOARDS:

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

.2 Review boards include those boards, which are not administrative or advisory and whose recommendations or

decisions have legal significance. Examples of review boards are the Planning Board, the Board of Review and the Board of Zoning Appeals. The City may create review boards by ordinance.

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

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

.5 All other boards shall be advisory boards.

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

5-103 APPOINTMENT OF BOARD MEMBERS:

.1 Every member of a board, commission or committee established by Charter or ordinance shall be an officer of the City and shall possess the qualifications required by this Charter for holding office.

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

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

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

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

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

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

.8 Each Board established by this Charter shall be

composed of eight members. Four members shall be from the City at-large and one member shall be appointed from each of the four wards of the City in the following pattern:

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

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

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

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

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

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

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

5-104 INELIGIBILITY FOR BOARDS: No person holding another City office or activity employed by the City shall be eligible to be a voting member on any board.

5-105 ORGANIZATION OF BOARDS - RULES OF PROCEDURE:

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

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

.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.

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

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

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

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

5-107 CONTINUATION OF EXISTING BOARDS:

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

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

5-108 LIMITATION ON POWERS OF BOARDS:

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

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

Chapter 2. BOARD OF WATER AND LIGHT

5-201 BOARD OF WATER AND LIGHT: The Board of Water and Light, hereinafter known as the Board, shall have the full and exclusive management of the water, heat, steam and electric services and such additional utility services of the City of Lansing as may be agreed upon by the Board and City Council. The board shall be responsible to the Mayor and the City Council for the provision of these services in a manner consistent with the best practices.

5-202 DIRECTOR, INTERNAL AUDITOR, SECRETARY:

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

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

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

5-203 POWERS OF THE BOARD:

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

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

.3 The Board shall have the power to sell real property and interests in real property not needed for

the operation of the Board of Water and Light, subject to the approval of six City Council Members and subject to the limitations on the sale of real property by the City contained in this Charter.

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

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

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

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

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

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

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

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

5-204 WITHDRAWAL OF FUNDS:

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

City Treasury.

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

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

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

5-205 RATES:

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

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

5-206 COLLECTION AND HEARING PROCEDURE:

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

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

.3 The Board shall establish a procedure for the resolution of disputes between the Board of Water and Light and any of its customers concerning services or billing for services furnished in accordance with filed rates, rules and regulations, and established Board policies and procedures. The procedure shall incorporate the designation of an independent hearing officer. The hearing officer shall report to the Board and the Mayor the results of each hearing conducted

and shall make recommendations to the Board on any hearing, which has not been resolved. The Mayor may make recommendations to the Board on each unresolved hearing. The Board shall report its final action on any unresolved dispute, together with the hearing officer's report and recommendations to the Mayor and the City Council.

5-207 SALE OR EXCHANGE OF FACILITIES:

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

Chapter 3. BOARD OF POLICE COMMISSIONERS

5-301 DUTIES:

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

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

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

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

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

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

.7 The Board shall render an annual report to

the Mayor and City Council, which shall include a description and evaluation of the department's activities during the previous year, including the handling of crime and complaints, if any, and proposals for future plans.

5-302 INVESTIGATORY POWER: Whenever necessary to carry out its assigned duties, the Board of Police Commissioners shall have the same power to subpoena witnesses, administer oaths and require the production of evidence as the City Council.

Chapter 4. BOARD OF FIRE COMMISSIONERS

5-401 DUTIES

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

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

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

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

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

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

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

CHAPTER 5. BOARD OF ETHICS

5-501 STANDARDS OF CONDUCT

.1 The people of this City recognize that the

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

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

5-502 MEMBERSHIP

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

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

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

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

.5 If any issue before the Board involves any member of the Board, such member may not participate in Board deliberations pertaining to the

member's issue nor shall such involved member be eligible to vote on any actions concerning the issue.

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

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

5-503 DUTIES

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

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

.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, the action shall be reconsidered by the appropriate person or public body. If the Board 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, 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 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.

5-504 PROTECTION OF PUBLIC INTEREST

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

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

.3 Any 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.

5-505 CONFLICT OF INTEREST

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

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

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

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

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

Chapter 6. PLANNING BOARD

5-601 PLANNING BOARD:

.1 There shall be a Planning Board.

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

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

5-602 POWERS AND DUTIES:

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

this Charter or ordinance.

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

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

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

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 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 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 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.

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 thin 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.

7-105 ADOPTION OF BUDGET RESOLUTION

.1 Not later than the third Monday in May of each year, the Council shall, by resolution, adopt a budget for the ensuing fiscal year and make an appropriation of the money needed therefore.

.2 The resolution shall designate the sum to be raised by taxation for the general purpose of the City and for the payments of principal and interest on its indebtedness. The adoption of the budget resolution shall constitute appropriations of the amounts specified from the funds indicated and a levy for the property tax specified.

7-106 ITEM VETO:

.1 The Mayor may veto any item which has the effect of appropriating money contained in any action of the City Council.

.2 The veto procedure in Section 3-305 of this Charter shall control when an item veto has been exercised.

7-107 EFFECT OF APPROPRIATION:

.1 No money shall be drawn from the Treasury of the City except in accordance with an appropriation for that purpose or except as provided in this section.

.2 This section does not apply to funds in the account of the Board of Water and Light.

.3 Whenever an agency of the City reports to the Finance Director that the funds appropriated for a particular purpose will be exhausted before the close of the fiscal year, and the agency has an unencumbered appropriation balance, the Mayor may authorize additional spending for that purpose within the total appropriation for the agency, but the additional expenditure may not exceed 15 percent of the Council's appropriation being added to or $5,000.00, whichever is less. The Finance Director shall report the transfer to the City Clerk for transmission to the City Council at the next regular meeting of the City Council.

.4 The appropriation of money for any purpose does not constitute a mandate to spend the money. Each remaining unencumbered appropriation balance at the end of each fiscal year shall revert to the general fund.

7-108 SUPPLEMENTAL APPROPRIATIONS:

.1 At any time during the fiscal year, the City Council may consider appropriations which modify the previously adopted annual appropriation to:

(a) transfer an unencumbered balance in whole or in part from any account or;

(b) provide for the expenditures of revenues in excess of those in the budget or;

(c) meet a public emergency affecting life, health, property or the public peace, which may require emergency appropriations as provided by law.

.2 Supplemental appropriations shall be adopted by the affirmative vote of two-thirds of the Council members serving and the Finance Director shall give notice of such appropriations to all affected agencies within one week after Council action.

7-109 CAPITAL IMPROVEMENTS PLAN:

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

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

.3 The Planning Board through the Planning Department

and other City departments, agencies and boards shall annually review and submit to the Mayor and City Council a Capital Improvements Plan for the ensuing six years.

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

7-110 CONTROL OF EXPENDITURES: During the months of October, January and April in each fiscal year, the Director of Finance shall submit to the Mayor and City Council data showing the relationship between the estimated and actual revenues and expenditures to date. If it shall appear that the revenues are less than anticipated, the City Council may, by resolution, reduce appropriations, except amounts required for debts and interest charges, to such a degree as may be necessary to keep expenditures within the revenues.

7-111 UNIFORM SYSTEM OF ACCOUNTS: The system of accounts of the City shall conform to such uniform system as may be required by law.

Chapter 2. TAXATION

7-201 POWER TO TAX; TAX LIMIT:

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

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

7-202 SUBJECTS OF TAXATION:

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

7-203 EXEMPTIONS

7-203 EXEMPTIONS: The power of taxation shall never be surrendered or suspended by any grant or contract to which the City shall be a party. No exemptions from taxation shall be allowed, except such as are expressly required or permitted by State Law.

7-204 DUTIES OF THE CITY ASSESSOR:

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

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

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

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

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

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

7-205 BOARD OF REVIEW:

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

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

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

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

.5 Unless otherwise provided by ordinance,

the Board of Review shall convene on the second Monday in March and sit for at least five calendar days.

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

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

7-206 TAXES BECOME LIEN:

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

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

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

7-207 STATE, CITY, COUNTY, SCHOOL AND COMMUNITY COLLEGE TAXES:
State, city, county, school and community college taxes shall be levied, collected and returned, as provided by ordinance, in conformity with State law.

7-208 COLLECTION OF TAXES:

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

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

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

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

7-209 DELINQUENT TAX COLLECTION PROCEDURE:

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

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

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

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

Chapter 3. BORROWING

7-301 GENERAL BORROWING POWER:

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

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

7-302 LIMITATIONS ON BORROWING:

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

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

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

7-303 USE OF BORROWED FUNDS:

.1 Each obligation shall contain on its face a statement of the purpose for which it is issued.

.2 All proceeds from the issue of an obligation shall be expended for the purpose for which the obligation was issued until the purpose has been accomplished, and then for the retirement of other obligations of the City.

.3 The Council may authorize the remaining

unexpended and unencumbered proceeds for use in any manner permitted by State law.

7-304 EXECUTION OF OBLIGATIONS: All obligations issued by the City shall be executed with the signature of the Mayor and the City Clerk, unless otherwise provided by ordinance, and shall bear the Seal of the City. Interest coupons may be executed with the facsimile signatures of the Mayor and the City Clerk.

7-305 SPECIAL ASSESSMENT BONDS:

.1 The Council shall, subject to the general laws of the State, have authority to borrow money in anticipation of the payment of special assessments made for the purpose of defraying the cost of any public improvement, or in anticipation of the payment of any combination of such special assessments, and to issue bonds therefore.

.2 Such special assessment bonds may be an obligation of the special assessment district or districts or may be both an obligation of the special assessment district or districts and a general obligation of the City.

.3 All collections on each special assessment roll or combination of rolls shall be set apart in a separate fund for the payment of the principal and interest of the bonds issued in anticipation of the payment of such special assessments, and shall be used for no other purpose.

Chapter 4. SPECIAL ASSESSMENTS

7-401 POWER TO ASSESS:

.1 The City Council shall have the power to make public improvements within the City and, as to public improvements which are of such a nature as to benefit especially any property or properties within a district, the Council shall have the power to determine, by resolution, that the whole or any part of the expense of any public improvement shall be defrayed by special assessment upon the property in districts especially benefited, in proportion to the benefits derived or to be derived.

.2 If, prior to the adoption of a resolution finally authorizing the making of a public improvement to be financed by special assessment, written objections to the proposed improvement have been filed by the owners of property in the district, which according to estimates will be required to bear more than 50 percent of the amount of such special assessments, no resolution finally determining to proceed with such improvement shall be adopted, except by the affirmative vote of two-thirds of the Council Members serving.

7-402 PROCEDURE ORDINANCE: The Council shall prescribe, by ordinance, the complete special assessment procedure governing the initiation of projects, preparation of plans and cost estimates, creation of special assessment districts, notices and hearings, making and confirming of special assessment rolls, correction of errors in such rolls, the number of installments in which special assessments may be paid, collection of special assessments, refunds, and any other matters concerning the making and financing of improvements by the special assessment method.

7-403 ADDITIONAL ASSESSMENTS:

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

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

7-404 CONTEST OF ASSESSMENTS:

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

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

7-405 LIEN AND COLLECTION OF SPECIAL ASSESSMENTS:

.1 Upon the confirmation of each special assessment roll, the special assessments thereon shall become a debt to the City from the persons to whom they are assessed and" until paid shall be a lien upon the property assessed, for the amount of such assessments and all interest and charges thereon. Such lien shall be of the same character

and effect as created by this Charter for City taxes.

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

7-406 POSTPONEMENT OF PAYMENTS: The Council may provide that persons who, in the opinion of the Assessor and Council, by reason of-poverty, are unable to contribute toward the cost of the making of a public improvement may execute to the City an instrument creating a lien for the benefit of the City on all or any part of the real property owned by them and benefitted by any public improvement, which lien will mature and be effective from and after the execution of such instrument and shall be enforceable in the event that title to such property is thereafter transferred in any manner whatsoever. The Council shall establish the procedure for making this section effective by ordinance.

7-407 SPECIAL ASSESSMENT ACCOUNTS: Monies raised by special assessment for any public improvement shall be credited to a special assessment account and shall be used to pay for the costs of the improvement for which the assessment was levied and of expenses incidental thereto, to repay any principal or interest on money borrowed therefore, and to refund excessive assessments.

7-408 ALL PROPERTY LIABLE FOR SPECIAL ASSESSMENT: All real property, including such as is exempt from taxation by law or exempted by the Board of Review, and with or without valuation placed thereon, shall be liable for the cost of public improvements benefiting such property, unless exempted there from by law, the same as other property, as provided in Section 7-402, and such special assessments shall be levied, collected, and returned, and the said premises may be sold or forfeited in the same manner as for nonpayment of 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 ties filed 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.

.2 The City may, with respect to any public utility franchise granted, whether or not so provided in the granting ordinance:

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

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

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

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

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

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

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

Chapter 3. PUBLIC UTILITIES

8-301 PUBLIC UTILITY SERVICES OF CITY: The City shall have all the powers granted by law to own, operate, improve, enlarge, extend, repair, and maintain public utilities, either within or without its corporate limits and either within or without the corporate limits of counties in which the City may lie, including, but not by way of limitation, public utilities for supplying water and water treatment, sewage disposal and treatment, electric light and power, gas, steam, heat, public transportation, or any similar service to the municipality and the inhabitants thereof; and shall also have the power to sell these services beyond its corporate limits as authorized by law.

8-302 DISPOSAL OF MUNICIPAL UTILITY PLANTS AND PROPERTY: Unless approved by the affirmative vote of three fifths of the electors voting thereon at a regular or special

City election, the City shall not sell, exchange, lease, or in any way dispose of any property, easement, equipment, privilege, or asset needed to continue the operation of any municipal public utility. All contracts, grants, leases, or other forms of transfer in violation of this section shall be void and of no effect as against the City. The restrictions of this section shall not apply to the sale or exchange of machinery or equipment of any municipally owned public utility, which is no longer useful or which is replaced by new machinery or equipment, or to the leasing of property not necessary for the operation of the utility, or to the exchange of property or easements for other needed property or easements.

8-303 RATES:

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

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

8-304 COLLECTION OF MUNICIPAL UTILITY CHARGES:

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

.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. When any person fails or refuses to pay any sums due for sewage disposal services furnished by the City, the payment for such sewage disposal services may be enforced by the termination of the sewage disposal services by discontinuing the water service to the affected premises, notwithstanding that the water service for the collection of sewage charges shall be in addition to any other lawful enforcement remedy.

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

Chapter 4. PROPERTY

8-401 PURCHASES OF PERSONAL PROPERTY AND SERVICES:

.1 The City shall establish procedures, by ordinance,

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

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

8-402 SALES OF PERSONAL PROPERTY:

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

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

8-403 PURCHASE AND SALE OF REAL PROPERTY:

.1 The City shall establish procedures by ordinance to protect the interest of the City and to assure fairness and consistency in the acquisition and disposition of interests in real property acquired by purchase, gift, condemnation, lease or otherwise either within or without the corporate limits of any county in which the City is located for any public use or purpose within the powers of the City.

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

(a) an appraisal before negotiation;

(b) every reasonable effort made to acquire property expeditiously by negotiation;

(c) the establishment of a just amount for compensation not less than the fair market value stated in the appraisal;

(d) a prohibition against the sale of the property for less than the established price except for reasons spelled out in the ordinance;

(e) adequate notice to quit the premises after receipt of compensation;

(f) permission for the occupant to remain in possession in certain instances by payment of the fair market rental;

(g) a prohibition on coercive actions to compel agreement on the price;

(h) a provision concerning the institution of condemnation proceedings;

(I) a provision for the acquisition of uneconomic remnants, which might remain after the acquisition of the property;

(j) provisions for the payment of the expenses of the proceedings in appropriate cases.

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

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

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

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

ARTICLE 9 TRANSITION

Chapter 1. CONTINUITY OF OFFICERS

9-101 STATUS OF OFFICERS: Every person holding elective or appointive office on the effective date of this Charter shall continue in office, or equivalent office, until the election and qualification of a successor or unless removed in accordance with law or the provisions of this Charter.

9-102 COMPENSATION OF OFFICERS: The compensation of all persons holding office under this Charter shall continue according to the schedule of compensation in existence prior to the effective date of this Charter. Any change in compensation shall be made in the manner determined by law

9-103 FIRST ORDINANCES ON QUALIFICATIONS: The City Council shall, no later than six months after the effective date of this Charter, adopt ordinances on qualifications for each officer or department head pursuant to Section 4-401 of this Charter.

Chapter 2. CONTINUITY OF RIGHTS AND LEGISLATION

9-201 EXISTING CITY LEGISLATION AND RULES: All ordinances and resolutions of the City and all rules and regulations made by any officer or agency of the City which are not inconsistent in their content with this Charter shall remain in effect until changed by action taken under this Charter.

9-202 VESTED RIGHTS AND LIABILITIES:

.1 After the effective date of this Charter, the City shall be vested with all property, monies, contracts, rights, credits, effects, and the records, files, books, and papers belonging to it under and by virtue of its previous Charter.

.2 No right or liability, contract, lease, or franchise either in favor of or against the City, and no existing suit or prosecution of any character, shall be affected in any manner by any change resulting from the adoption of this Charter, but the same shall stand or proceed, as if no change had been made.

.3 All debts and liabilities of the City shall continue to be its debts and liabilities, and all debts to it and fines and penalties, imposed and existing at the time of such change, shall be collected by the City. All trusts, established for any municipal purpose, shall be continued in accordance with the terms thereof, subject to the cy pres doctrine.

9-203 PENSIONS: All pensions referred to in the previous Charter shall remain in effect with the same status established in the previous Charter, unless changed in the manner determined by law.

9-204 CHANGES OF TIME SCHEDULES: If the provisions in effect on the date of adoption of this Charter regarding the time of the City elections or the time of the start of the fiscal year are superseded by subsequent statute, the Council shall, by ordinance, adjust the affected times and dates in this Charter accordingly.

9-205 COUNCIL ACTION ON TRANSITION: In all cases not covered by this Charter, the Council shall by rule, resolution or ordinance prescribed procedures for transition from the government of the City under the previous Charter to that required under this Charter.

Chapter 3 COMMENCEMENT OF NEW CHARTER

9-301 EFFECTIVE DATE OF THIS CHARTER: Except as otherwise specifically provided herein, this Charter shall become effective for all purposes when filed after adoption with the Secretary of State and the County Clerk pursuant to statute.

9-302 FIRST ELECTION UNDER THIS CHARTER: The first regular election under this Charter shall be held at the same time as the election would have been held if this Charter had not been adopted. City officers to be elected at the next election in November, 1979, will be two Council Members from wards, one each from Ward One and Ward Three and two Council Members elected at large. At an election to be held in November, 1981, officers to be elected will be the Mayor, City Clerk, two Council Members from wards, one each from Ward Two and Ward Four, and two Council Members elected at large.

Chapter 4. ADOPTION OF CHARTER

9-401 SUBMISSION OF CHARTER TO ELECTORATE: This Charter shall be submitted to a vote of the qualified electors of the City of Lansing at the election on Tuesday, August 8, 1978. All provisions for submission of the question of adopting this Charter at the election shall be made in the manner provided by law.

9-402 FORM OF QUESTION: The voters of the City of Lansing shall vote on the following proposition:

Shall the Charter proposed by the Lansing Charter Commission be adopted?

YES ( )
NO ( )

LANSING CHARTER COMMISSION
Resolution of Adoption

At a meeting of the Lansing.- Charter Commission of the City of Lansing. held in the office of the Charter Commission, Room G-1 36, Lobby Floor. Lansing, City Hall, on June 5, 1978, the following members of the Charter Commission adopted the following resolution:
BE IT RESOLVED, that the Charter Commission of the City of Lansing does hereby adopt the foregoing Document as the proposed revised Charter of the City of Lansing, and the Clerk of this Commission is hereby instructed to transmit the proposed Charter to the Governor of the State of Michigan in accord with the provisions of Act No. 279 of the Public Acts of 1909, as amended.
The vote on the adoption of the Resolution:
Thomas C. Walsh, Chairperson YEA
Shirley Sliker, Vice Chairperson YEA
Nancy J. Baker, Member YEA
Claud R. Erickson, Member NAY
Dick Holmes, Member YEA
Knight D. McKesson, Member YEA

Malcolm L. Milks, Member ABSENT
C. R. Stebbins, Member NAY
Richard L. Zimmerman, Member YEA

Ayes: 6; Nays: 2; Abstaining: 0; Absent: 1 - Resolution declared adopted.

The Commissioners having attested to said Resolution as set forth above, the Proposed Charter Document is hereby adopted and placed on file with the office of the Lansing City Clerk to be submitted to the voters of the City of Lansing for their approval at the City Election to be held on August 8, 1978.

Dorothy Treska, Secretary to the Lansing Charter Commission and Deputy City Clerk. Dated: June 7, 1978

Amendments to the Charter

This Charter incorporates the following amendments:

Revisions to Article 5, Chapter 5 for the Board of Ethics, approved by the voters of Lansing at the election of November 8, 1994.

Revisions to Article 2, Chapter 2 - Election of Officers - Section 2-204 Method of Nomination, approved by the voters of Lansing at the election of November 2, 1993.

Marilynn Slade, Clerk of the City of Lansing Dated: July, 1995)