

PONTIAC CITY COUNCIL

Mike McGuinness, District 7
President
William A. Carrington, District 6
President Pro Tem



Melanie Rutherford, District 1
Brett Nicholson, District 2
Mikal Goodman, District 3
Kathalee James, District 4
William Parker, Jr., District 5

It is this Council's mission "To serve the citizens of Pontiac by committing to help provide an enhanced quality of life for its residents, fostering the vision of a family-friendly community that is a great place to live, work and play."

47450 Woodward Pontiac, MI 48342

Phone: (248) 758-3200

Sheila Grandison, CMC, MiPMC
Deputy City Clerk

62nd Session of the 11th Council

December 6, 2022 at 6:00 P.M.

Meeting Location: City Council Chambers 47450 Woodward Pontiac, MI 48342

Meeting Agenda

Call to Order

Invocation

Pledge of Allegiance to the Flag of the United States

Moment of Silence

Roll Call

Authorization to Excuse Councilmembers from the Meeting

Amendments to and Approval of the Agenda

Approval of the Consent Agenda

November 29, 2022 City Council Meeting Minutes

Recognition of Elected Officials

Agenda Address (Two Minutes Time Limit)

Agenda Items

Resolutions

Department of Public Works (DPW)

1. Resolution to approve Notre Dame Preparatory Marist Academy Public Right of Way Usage Request.

Finance

2. Resolution to approve the proposed Budget Amendment for Budget Year 2022-2023, Increase the budget appropriation in the General Fund GL account 101-201-818.000 – Other Professional Service in the amount of \$80,000.

Human Resources (HR)

3. Resolution to approve the updated Title VI Non-Discrimination Plan for the City of Pontiac. **(This item was postponed for one week at the November 29, 2022 Council Meeting.)**
4. Resolution to Authorize the City Clerk to publish the proposed Budget Amendment for Budget Year 2022-2023, Increase the budget appropriation in the following General Fund GL accounts 101-270-702.000 salaries

and wages, 101-270-715-000 F.I.C.A., 101-270-716-000 Medical Insurance, 101-270-717-000 Life Insurance, 101-270-718-500 MERS Employer Contributions, 101-270-719-000 Workers Compensation Insurance, 101-270-719-001 Dental Insurance.

5. Resolution establishing the position of Payroll Clerk.

Treasury

6. Resolution to authorize the City Clerk to publish the proposed budget amendment for Budget Year 2022-2023, temporary / part-time labor – treasury, Increase the budget appropriation in the following General Fund GL account 101-253-819-000 Contractual Temp/PT Labor by \$6,000.

Ordinances

7. City of Pontiac Adult-Use Marihuana Business Ordinance (**First reading**)

Discussion

Community Development Block Grant 2023 Program Year

Public Comment (Three Minutes Time Limit)

Closed Session

8. Resolution to go into Closed Session to discuss Real Estate Negotiations.

Communications

City Council

9. Grave Blankets at Oak Hill Cemetery and Ottawa Park Cemetery are still available for ordering, contact (248) 623-7705 for more information; grave blankets are able to be laid out starting November 15, 2022 per cemetery rules and regulations
10. Ottawa Park Cemetery Tree Lighting Event, December 8, 2022 at 6:30 pm, held at the Ottawa Park Chapel, 6180 Dixie Highway, Clarkston 48346, prayers will be offered and the names of those laid to rest will be read, with refreshments to follow
11. Matthew Morrow Performs Live at Pontiac's Little Arts Theatre, December 9, 2022, 7:00 pm; the PLAT is at 47 N. Saginaw Street, Pontiac 48342
12. RSVP Deadline for Yankee Swap at Ruth Peterson Senior Center is December 9, 2022, with the event happening on December 14, 2022, RDVP by calling (248) 758-3277
13. Oakland History Center Holiday Open House, December 10 and 11, 2022 from 12:00 to 4:00 pm each day, held at the Oakland History Center, 405 Cesar E. Chavez Avenue, Pontiac 48342 free to open to all attendees
14. Pontiac Eastside (District Seven) Monthly Meeting with Holiday Potluck, December 12, 2022 from 7:00 to 9:00 pm, held at Prospect Missionary Baptist Church, 351 Prospect Street, Pontiac 48341
15. CARE House of Oakland County Seeds of Hope Tour, December 13, 2022 from 12:00 to 1:00 pm, located at 44765 Woodward Avenue, Pontiac 48341
16. Pontiac Meals on Wheels Foundation Christmas Brunch, December 15, 2022 at 12:00 pm, held at Ruth Peterson Senior Center, 900 Joslyn Road, Pontiac 48340
17. Senior Christmas Luncheon at Ruth Peterson Senior Center, December 17, 2022 at 12:00 pm, sponsored by Labor Council for Latin American Advancement Oakland County Chapter, Ruth Peterson Senior Center is

located at 990 Joslyn Road, Pontiac 48340

18. Pre-New Year's Night of Jazz with the Phillips / Stewart Quintet, December 30, 2022 from 7:00 to 9:00 pm, held at Pontiac's Little Art Theatre, 47 N. Saginaw Street, Pontiac 48342, tickets \$26.50, available at [bit.ly / psqpontiac](https://bit.ly/psqpontiac)
19. Pontiac Regional Chamber of Commerce Fruitful Toast, January 6, 2023
20. Pontiac Regional Chamber of Commerce "Prosperity Pontiac" Annual Event, March 29, 2023
21. Pontiac Community Foundation 5-Year Anniversary Celebration, May 19, 2023

Mayor's Office

22. Winter Festival, Saturday January 14, 2023 from 5pm to 9pm, City Hall Grounds 47450 Woodward Ave Pontiac, Michigan. For more information call (248) 758-3037

Closing Comments

Mayor Greimel (Seven Minutes Time Limit)
Clerk and City Council (Three Minutes Time Limit)

Adjournment

CONSENT AGENDA

**Official Proceedings
Pontiac City Council
61st Session of the Eleventh Council**

Call to order

A Meeting of the City Council of Pontiac, Michigan was called to order at the City Hall Council Chambers, 47450 Woodward Ave Pontiac, MI 48342 on Tuesday, November 29, 2022 at 6:00 p.m. by Council President Mike McGuinness.

Invocation – Rev. Dustin McClellan, Pontiac Michigan

Pledge of Allegiance to the Flag of the United States

Moment of Silence

Roll Call

Members Present – William Carrington, Mikal Goodman, Kathalee James, Mike McGuinness, Bret Nicholson, William Parker, Jr and Melanie Rutherford

Mayor Greimel was present
A quorum was announced.

Amendments to and Approval of the Agenda

Motion to approve the agenda. Moved by Councilperson Rutherford and second by Councilperson Nicholson. Discussion.

Motion to postpone item # 3 (An Ordinance to amend Ordinance 2360) for one week. Moved by Councilperson Rutherford and second by Councilperson Goodman.

Ayes: Goodman, James, McGuinness, Nicholson, Parker, Rutherford and Carrington

No: None

Motion Carried

Motion to remove item #2 (City of Pontiac Adult-Use Marihuana Business Ordinance) from the agenda. Moved by Councilperson Goodman and second by Councilperson Carrington.

Ayes: James, McGuinness, Nicholson, Parker, Rutherford, Carrington and Goodman

No: None

Motion Carried

Motion to add Special Presentation on Adult-Use Marihuana Business to the agenda. Moved by Councilperson Goodman and second by Councilperson Rutherford.

Ayes: McGuinness, Nicholson, Parker, Rutherford, Goodman and James

No: Carrington

Motion Carried

The vote was taken to approve the agenda as amended

Ayes: Carrington, Goodman, James, McGuinness, Nicholson, Parker and Rutherford

No: None

Motion Carried

Consent Agenda

22-318 **Resolution to approve the consent agenda for November 29, 2022.** Moved by Councilperson Parker and second by Councilperson Rutherford.

Whereas, the City Council has reviewed the consent agenda for November 29, 2022.

Now, Therefore, Be It Resolved that the City Council approves the consent agenda for November 29, 2022 including the November 22, 2022 City Council Meeting Minutes.

Ayes: Nicholson, Parker, Rutherford, Carrington, Goodman, James and McGuinness

No: None

Resolution Passed

Special Presentation

Introducing the City of Pontiac's New Planning Manager and Economic Development Manager
Presenter: Rachel Loughrin, Community Development Director

Adult-Use Marihuana Business (Agenda Add-on)

Presenter: Clark Hill

Recognition of Elected Officials – None

Agenda Address

1. Dr. Deidre Waterman addressed item #2
2. Iola Miller addressed item #2

Agenda Items

Resolutions

Finance

22-319 **Resolution to authorize the City Clerk to publish the proposed Budget Amendment for Budget Year 2022-2023 to increase the budget appropriation in the following General Fund GL accounts 101-447-749-001 Motor Fuel, Oils & Lubricants; 101-447-806-002 Asset Management, 101-447-806-004 Plan review; 101-458-932-004 Services – Maintenance – vehicles; 101-818-749-001 Motor Fuel, Oils & Lubricants, 101-447-806-000, engineering services, 101-818-914-000, Insurance Property Coverage and increase the budget in the following Special Revenue Fund accounts 202-463-749-001 Motor Fuel, Oils & Lubricants; 202-463-749-002 Tools & Supplies; 202-463-806-002 Asset Management; 202-478-749-001 Motor Fuel, Oils & Lubricants; 203-463-749-001 Motor Fuel, Oils & Lubricants; 203-463-749-002 Tools & Supplies, 203-463-806-002 Asset Management; 203-478-719-000 Workers Compensation Insurance and increase the budget in the following Capital Improvement Fund GL accounts 445-265-974-021 City Hall Lot Repairs; Building Additions & Improvements. Reduce the budget appropriation in General Fund Engineering Department GL accounts 101-447-702-000 salaries & wages, 101-447-702-004 Overtime Wages; 101-447-707-003 Cell Phone Stipend; 101-447-715-000 FICA – City Contribution; 101-447-716-000 Medical Insurance; 101-447-718-500 MERS Employer Contributions; 101-447-719-000 Workers Compensation Insurance; 101-447-719-001 Dental Insurance; and 101-447-721-010 Healthcare Waiver.** Moved by Councilperson Parker and second by Councilperson Nicholson.

Whereas, City Council appropriated funds for the Department of Public Works to begin on July 1, 2022; and,

Whereas, that appropriation assumed certain variables that did not come into being; and,

Whereas, that appropriation did not include enough allocation for motor fuels and asset management software and services:

Now Therefore, Be It Resolved, that the City Council hereby authorizes the City Clerk to publish in a newspaper the proposed budget amendment for Fiscal Year 2022-23 as requested by the Administration as given below:

Ayes: Parker, Carrington, Goodman, James, McGuinness and Nicholson

No: None

Resolution Passed

Councilwoman Melanie Rutherford was absent during the vote

****Please see Exhibit A Budget Appropriation after the Minutes****

Grants

22-320 Resolution to approve the subcontract between Oakland University and the City of Pontiac for the purpose of park site planning as a result of a sub recipient award through Pontiac Collective Impact Partnership from the Michigan Health Endowment Fund. Moved by Councilperson Carrington and second by Councilperson Nicholson.

WHEREAS, the City of Pontiac's Department of Grants and Philanthropy worked with Dr. Jennifer Lucarelli in her capacity with the Pontiac Collective Impact Partnership (PCIP) to submit a grant application to the Michigan Health Endowment Fund (MHEF), and;

WHEREAS, the grant application titled Pontiac STEPS was awarded to PCIP and the portion that was written in collaboration with the City of Pontiac allows for \$150,000 for Pontiac park site planning, and;

WHEREAS, the subgrant award will allow for park site planning for up to five Pontiac parks, and;

WHEREAS, Oakland University is the fiduciary for PCIP and is making the subgrant award to the City of Pontiac, and;

WHEREAS, this grant award has no matching requirement.

NOW THEREFORE, be resolved that the Pontiac City Council hereby authorizes Mayor Tim Greimel to execute the subcontract with Oakland University for the purpose of Pontiac park site planning as a subrecipient of a grant award to PCIP/Oakland University from the Michigan Health Endowment Fund.

Ayes: Rutherford, Carrington, Goodman, James, McGuinness, Nicholson and Parker

No: None

Resolution Passed

22-321 Resolution to schedule a Public Hearing for Community Development Block Grant Program year 2023. Moved by Councilperson Parker and second by Councilperson Rutherford.

WHEREAS, the City of Pontiac is a subrecipient of Community Development Block Grant (CDBG) funds for program year 2023; and,

WHEREAS, the City of Pontiac is required to submit an application for the programming of the aforementioned funds to Oakland County by December 23rd, 2022; and,

WHEREAS, the City of Pontiac is required to host a Public Hearing to allow for feedback from Pontiac Residents regarding the programming of 2023 CDBG funds; and,

WHEREAS, the City of Pontiac wishes to schedule the CDBG Program Year 2023 Public Hearing on December 13, 2022.

November 29, 2022 Draft

NOW THEREFORE, BE IT RESOLVED that the Pontiac City Council authorizes the City of Pontiac Clerk to schedule a Public Hearing for Community Development Block Grant Program Year 2023 on December 13, 2022, and to issue formal Notice of Public Hearing.

Ayes: Carrington, Goodman, James, McGuinness, Nicholson, Parker and Rutherford
No: None

Resolution Passed

Human Resources (HR)

~~22-322~~ **Resolution to approve the updated Title VI Non-Discrimination Plan for the City of Pontiac.** Moved by Councilperson Carrington and second by Councilperson Rutherford. Discussion.

Motion to postpone item #7 (Resolution to approve the updated Title VI Non-Discrimination Plan for the City of Pontiac) for one week. Moved by Councilperson Rutherford and second by Councilperson Goodman.

Ayes: James, McGuinness, Nicholson, Parker, Rutherford, Carrington and Goodman
No: None

Motion Carried

Public Comment

1. Chuck Johnson
2. Billie Swazer
3. Tameka Ramsey
4. Portia McIntosh Cade
5. Dr. Deirdre Waterman
6. Chuck Johnson

Communications

City Council and Mayor's Office

Mayor, Clerk and Council Closing Comments

Mayor Greimel, Deputy Mayor Stephens, Councilwoman Rutherford, Councilman Nicholson, Councilman Goodman, Councilman Parker, Councilwoman James, Council President Pro-Tem Carrington and Council President Mike McGuinness made closing comments.

Adjournment

Motion to adjourn the meeting. Moved by Councilperson Nicholson and second by Councilperson Parker.

Ayes: McGuinness, Nicholson, Parker, Rutherford, Carrington, Goodman and James
No: None

Motion Carried

Council President Mike McGuinness adjourned the meeting at 8:47 p.m.

Garland S. Doyle
City Clerk

		2022-23	Requested	Amended	
GL NUMBER	DESCRIPTION	Original Bud	Amendment	Budget	Details
Fund 101 - General Fund					
Dept 447 - Engineering					
101-447-702.000	Salaries & Wages	677,514.00	(305,000.00)	372,514.00	Reduction in Wages and Fringes anticipated as the staff not hired due to difficult job market. This necessitated increase in Engineering cost
101-447-702.004	Overtime Wages	16,380.00	(4,417.50)	11,962.50	
101-447-707.003	CELL PHONE STIPEND	5,400.00	(3,000.00)	2,400.00	
101-447-715.000	F.I.C.A. - City Contribution	55,420.00	(23,332.50)	32,087.50	
101-447-716.000	MEDICAL INSURANCE	66,204.00	(32,000.00)	34,204.00	
101-447-718.500	MERS EMPLOYER CONTRIBUTIONS	32,025.00	(15,250.00)	16,775.00	
101-447-719.000	Workers Compensation Insurance	19,800.00	(15,000.00)	4,800.00	
101-447-719.001	Dental Insurance	4,950.00	(2,000.00)	2,950.00	
101-447-721.010	Health Care Waiver	30,553.00	(20,000.00)	10,553.00	
101-447-806.000	Engineering Services	80,000.00	420,000.00	500,000.00	Reallocation of funds from salaries and fringes to contracted services. The City has not yet been able to hire engineers. This moves funds from the salary and wages column (that have not been expended to the proper column for contracted services. The total amount moved is a little less than seven months of unspent wages in budgeted positions
101-447-749.001	Motor Fuel, Oil & Lubricants	4,000.00	6,000.00	10,000.00	Additional funds requested because of the increased activity in DPW
101-447-806.002	ASSET MANAGEMENT	0.00	40,000.00	40,000.00	This is the portion of these services that can be attributed to the general fund. The remaining (\$160,000 will be split between major and local streets. This covers the cost of software and computing services used to manage maintenance of streets, lights, signs, etc., and the cost of contracted services to assist with capturing and inputting the data necessary
101-447-806.004	PLAN REVIEW	0.00	80,000.00	80,000.00	This will appropriate funds from fund balance to initially cover the cost of outsourcing plan review functions. All of those costs will be captured in revenue (we charge for plan review) and returned, but they must be appropriated in order for us to use them.
Dept 458 - PUBLIC WORKS OPERATIONS					
101-458-932.004	Services - Maintenance-Vehicles	81,010.00	19,000.00	100,010.00	As we have added to the fleet, we need to schedule additional funds to be able to maintain vehicles when they need routine repairs. This is allocated to the different eligible locations
Dept 818 - PARKS GROUNDS MAINTENANCE					
101-818-749.001	Motor Fuel, Oil & Lubricants	0.00	10,000.00	10,000.00	No funds were scheduled in the original budget to cover the cost of fuel for parks maintenance.
101-818-914.000	Insurance Property Coverage	971.00	6,600.00	7,571.00	Not enough funds were scheduled in the original budget to cover the cost of Insurance Property Coverage.
		1,074,227.00	161,600.00	1,235,827.00	
BEG. FUND BALANCE (Based on FY 2021-22 Budget)			23,975,349.69		
FY 2022-23 Budgeted Excess of Revenue over Expnditure			6,218,037.00		
Requested Budget Amenment			(161,600.00)	1	
END FUND BALANCE			30,031,786.69		

		2022-23	Requested	Amended	
GL NUMBER	DESCRIPTION	Original Budget	Amendment	Budget	Details
Fund 202 - MAJOR STREETS					
Dept 463 - Rountine Maintenance Roads					
202-463-749.001	Motor Fuel, Oil & Lubricants	0.00	15,000.00	15,000.00	No funds were scheduled in the original budget to cover the cost of fuel for routine maintenance on major streets
202-463-749.002	Tools & Supplies	0.00	10,000.00	10,000.00	As we have added to the fleet, we need to schedule additional funds to be able to maintain vehicles when they need routine repairs. This is allocated to the different eligible locations.
202-463-806.002	Asset Management	0.00	80,000.00	80,000.00	This is the portion of these services that can be attributed to the general fund. The remaining (\$120,000 will be split between general fund and local streets. This covers the cost of software and computing services used to manage maintenance of streets, lights, signs, etc., and the cost of contracted services to assist with capturing and inputting the data necessary.
Dept 478 - Winter Maintenance					
202-478-749.001	Motor Fuel, Oil & Lubricants	0.00	28,500.00	28,500.00	No funds were scheduled in the original budget to cover the cost of fuel for winter maintenance on major streets
		0.00	133,500.00	133,500.00	
BEG. FUND BALANCE (Based on FY 2021-22 Projected)			6,763,555.75		
FY 2022-23 Budgeted Excess of Revenue over Expnditure			(4,489,518.00)		
Requested Budget Amenement			(133,500.00)		
END FUND BALANCE			2,140,537.75		

		2022-23	Requested	Amended	
GL NUMBER	DESCRIPTION	Original Budget	Amendment	Budget	Details
Fund 203 - Local Streets					
Dept 463 - Routine Maintenance Roads					
203-463-749.001	Motor Fuel, Oil & Lubricants	0.00	15,000.00	15,000.00	No funds were scheduled in the original budget to cover the cost of fuel for routine maintenance on local streets
203-463-749.002	Tools & Supplies	0.00	10,000.00	10,000.00	As we have added to the fleet, we need to schedule additional funds to be able to maintain vehicles when they need routine repairs. This is allocated to the different eligible locations
203-463-806.002	Asset Management	0.00	80,000.00	80,000.00	This is the portion of these services that can be attributed to the general fund. The remaining (\$120,000 will be split between general fund and Major streets. This covers the cost of software and computing services used to manage maintenance of streets, lights, signs, etc., and the cost of contracted services to assist with capturing and inputting the data necessary.
Dept 478 - Winter Maintenance					
203-478-719.000	Workers Compensation Insurance	4,554.00	18,000.00	22,554.00	No funds were scheduled in the original budget to cover the cost of fuel for winter maintenance on local streets.
		4,554.00	123,000.00	127,554.00	
BEG. FUND BALANCE (Based on FY 2021-22 Projected)			1,690,069.94		
FY 2022-23 Budgeted Excess of Revenue over Expenditure			(451,529.00)		
Requested Budget Amendment			(123,000.00)		
END FUND BALANCE			1,115,540.94		
Fund 445 - Capital Improvements Fund					
Dept 265 - Building Maintenance					
445-265-974.021	City Hall Lot Repairs	0.00	150,000.00	150,000.00	These funds were to have been rolled over from the previous fiscal year
Dept 273 - Cemetery Ottawa Park					
445-273-976.001	Building Additions & Improvements	0.00	115,000.00	115,000.00	These funds were to have been rolled over from the previous fiscal year. This is to make repairs at Ottawa Park Cemetery (minor roof repairs, tree maintenance, and road repairs).
		0.00	265,000.00	265,000.00	
BEG. FUND BALANCE (Based on FY 2021-22 Projected)			3,675,261.78		
FY 2022-23 Budgeted Excess of Revenue over Expenditure			(839,915.00)		
Requested Budget Amendment			(265,000.00)		
END FUND BALANCE			2,570,346.78	9	

#1

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Finance

TO: Honorable City Council President and City Council

FROM: Khalfani Stephens, Deputy Mayor

CC: Mayor Tim Greimel

DATE: December 1, 2022

RE: **Resolution approving Notre Dame Preparatory Marist Academy**

This resolution allows the city to enter into agreement with Notre Dame Preparatory Marist Academy (NDPMA), which allows NDPMA to install beacons to increase the safety of crossing Giddings Rd. between their properties. All of the costs of purchasing, installing and maintaining the equipment will be the responsibility of NDPMA as laid out in the agreement. Additionally, should the city need to have the equipment removed to service the sidewalk, road, or other public location/ improvement, then the cost of removing the installed safety measure is also the responsibility of NDPMA.

WHEREAS, Notre Dame Preparatory Marist Academy is concerned about the safety of students crossing the road between their two campuses and;

WHEREAS, Notre Dame Preparatory Marist Academy has offered to pay for the installation and maintenance of safety devices and;

WHEREAS, The City's engineer team has determined that the proposed devices are appropriate;

NOW, THEREFORE,
BE IT RESOLVED, The Pontiac City Council approves entering into an agreement with Notre Dame Preparatory Marist Academy to allow the same to install and maintain at their costs safety devices to cross Giddings road between their facilities.

#2

RESOLUTION



Council Resolution to approve the proposed budget amendment for Budget Year 2022-2023,

Increase the budget appropriation in the General Fund GL account 101-201-818.000 – Other Professional Service in the amount of \$80,000

WHEREAS City council appropriated \$120,000 to pay for the Forensic audit service and to hire a Consulting firm as needed to assist the Finance staff to prepare the work papers and schedules for the year end audits as well as to assist Finance staff on special projects; and,

WHEREAS, the current appropriation in the amount of \$120,000 in the 101 – General Fund GL account 101-201-818.000 is not sufficient to cover the expenditure for the entire Budget Year; and,

WHEREAS, this requested increase in appropriation reduce the fund balance in the amount of \$80,000; and,

WHEREAS, in order to ensure that the budgeted appropriations in compliance with the City's Charter, the Budget Ordinance and the State Law, the Administration is proposing a budget amendment for the 101-General Fund; and,

WHEREAS, the administration is increasing the appropriation in the amount of \$80,000 in the 101-General Fund GL account 101-201-818.000.

NOW THEREFORE, BE RESOLVED, that the City Council approves the proposed budget amendment for Fiscal Year 2022-23 as requested by the Administration as given below:

Budget Year 2022-23			
GL Account	Original Budget	Requested Increase	Amended Budget
<u>Appropriation</u>			
101-201-818.000 - Other Professional Services	\$ 120,000	\$ 80,000	\$ 200,000

#3

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable City Council President and City Council

FROM: Mayor Tim Greimel

DATE: November 29, 2022

RE: Updated Title VI Non-Discrimination Plan

Honorable City Council:

Because the City of Pontiac receives federal highway funds through the State of Michigan, the City is required to comply with Title VI of the Civil Rights Act.

First, the Act requires that the City of Pontiac adopts a Limited English Proficiency Plan. Second, the Act requires that the City of Pontiac adopts a Title VI Non-Discrimination Plan that will be forthcoming.

The content of both plans is strictly regulated. The plan will be submitted to the State of Michigan for approval. Any changes required by the State to be made to the original draft will be Incorporated. Failure to adopt the plans will result in the inability of the City of Pontiac to receive Federal highway funds.

At this time, the City Council is requested to adopt the following resolution to adopt the Title VI Non-Discrimination Plan;

WHEREAS, in accordance with Title VI non-discrimination laws in regard to providing appropriate access to services and activities provided by federal agencies and recipients of federal assistance, the Title VI Non-Discrimination Plan was drafted to define how the City of Pontiac will proactively work to ensure that no individual faces discrimination and how; and the steps for individuals to aggrieve such discrimination if it exists.

WHEREAS, every individual has the right to be treated fairly and without partiality; and that no individual should be denied an opportunity to participate in federally financially assisted services their due to their race, color or national origin.

NOW, THEREFORE, BE IT RESOLVED that the Pontiac City Council approve and adopts the Title VI Plan for the City of Pontiac.

At this time, the City Council is requested to adopt the following resolution 'to adopt' the Title VI Non-Discrimination Plan:

WHEREAS, the City of Pontiac reaffirms its policy to allow all individuals the opportunity to participate in federally financially assisted services;

NOW, THEREFORE, BE IT RESOLVED that the Pontiac City Council approves and adopts the Title VI Non-Discrimination Plan for the City of Pontiac.

City of Pontiac

TITLE VI NON-DISCRIMINATION PLAN

**47450 Woodward Avenue
Pontiac, MI 48342
Phone: 248-758-3300
Fax: 248-758-3292
Website: <https://www.pontiac.mi.us>**

**Title VI Coordinator:
Angela Benitez, HR Director
Phone: 248-758-3143
Fax: 248-758-3292
Email: Abenitez@pontiac.mi.us**

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**CITY OF PONTIAC
ORGANIZATION CHART**

Commented [LL(LL)1]: Please insert your organization chart here, before the Introduction Page.

INTRODUCTION

The Michigan Department of Transportation (MDOT) was organized under Sections 16.450 – 16.458 of the *Michigan Compiled Laws* (sections of the Executive Organization Act of 1965), and established to provide the people of Michigan with a safe, efficient, environmentally sound, comprehensive, and cost-effective transportation system. The City of Pontiac serves all people of the state of Michigan, including minority populations, low-income populations, the elderly, persons with disabilities, and those who traverse the City of Pontiac. City of Pontiac recognizes its responsibility to provide fairness and equity in all of its programs, services, and activities, and that it must abide by and enforce federal and state civil rights legislation.

Commented [FW2]: This is language from MDOT's Title VI plan that you can use as a guide to draft your own introduction. **You will need to revise the highlighted language to fit your entity.** You may include any historical or current information that you would like to include to introduce your entity.

Title VI of the Civil Rights Act of 1964, is the overarching civil rights law which prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures that, "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance." Title VI has been broadened by related statutes, regulations and executive orders. Discrimination based on sex is prohibited by Section 324 of the Federal-Aid Highway Act, which is the enabling legislation of the Federal Highway Administration (FHWA). The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibit unfair and inequitable treatment of persons as a result of projects which are undertaken with Federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of federal-aid recipients and contractors whether those programs and activities are federally funded or not.

In addition to statutory authorities, Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," signed in February of 1994, requires federal agencies to achieve Environmental Justice as part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. Environmental Justice initiatives are accomplished by involving the potentially affected public in the development of transportation projects that fit within their communities without sacrificing safety or mobility. In 1997, the U.S. Department of Transportation (USDOT) issued its DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations to summarize and expand upon the requirements of Executive Order 12898 on Environmental Justice. Also, Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency (LEP)," provides that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance.

As a recipient of federal financial assistance, the City of Pontiac must provide access to individuals with limited ability to speak, write, or understand the English language. The City of Pontiac will not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs or projects. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of their race, color, or national origin, or have the effect of

defeating or substantially impairing accomplishment of the objectives of the program because of race, color or national origin. Therefore, the primary goals and objectives of the City of Pontiac's Title VI Program are:

1. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives;
2. To ensure that people affected by the City of Pontiac's programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, sex, or disability;
3. To prevent discrimination in the City of Pontiac's programs and activities, whether those programs and activities are federally funded or not;
4. To establish procedures for identifying impacts in any program, service, or activity that may create illegal adverse discrimination on any person because of race, color, national origin, age, sex, or disability; or on minority populations, low-income populations, the elderly, and all interested persons and affected Title VI populations;
5. To establish procedures to annually review Title VI compliance within specific program areas within the City of Pontiac.
6. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in the City of Pontiac's services, programs or activities.

As a sub-recipient of federal transportation funds, the City of Pontiac must comply with federal and state laws, and related statutes, to ensure equal access and opportunity to all persons, with respect to transportation services, facilities, activities, and programs, without regard to race, color, national origin, sex, socio-economic status, or geographical location. Every effort will be made to prevent discrimination in any program or activity, whether those programs and activities are federally funded or not, as guaranteed by the Civil Rights Restoration Act of 1987.

The City of Pontiac shall also ensure that their sub-recipients adhere to state and federal law and include in all written agreements or contracts, assurances that the sub-recipient must comply with Title VI and other related statutes. The City of Pontiac, as a sub-recipient who distributes federal transportation funds, shall monitor their sub-recipients for voluntary compliance with Title VI. In the event that non-compliance is discovered, the City of Pontiac will make a good faith effort to ensure that the sub-recipient corrects any deficiencies arising out of complaints related to Title VI; and that sub-recipients will proactively gauge the impacts of any program or activity on minority populations and low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations.

Discrimination under Title VI

There are two types of illegal discrimination prohibited under Title VI and its related statutes. One type of discrimination which may or may not be intentional is “disparate treatment.” Disparate treatment is defined as treating similarly situated persons differently because of their race, color, national origin, sex, disability, or age.

The second type of illegal discrimination is “disparate impact.” Disparate impact discrimination occurs when a “neutral procedure or practice” results in fewer services or benefits, or inferior services or benefits, to members of a protected group. With disparate impact, the focus is on the consequences of a decision, policy, or practice rather than the intent.

The City of Pontiac’s efforts to prevent such discrimination must address, but not be limited to, a program’s impacts, access, benefits, participation, treatment, services, contracting opportunities, training, investigation of complaints, allocation of funds, prioritization of projects, and the overarching functions of planning, project development and delivery, right-of-way, construction, and research.

The City of Pontiac has developed this Title VI Plan to assure that services, programs, and activities of the City of Pontiac are offered, conducted, and administered fairly, without regard to race, color, national origin, sex, age, or disability of the participants or beneficiaries of federally funded programs, services, or activities (see Title VI Assurances).

**CITY OF PONTIAC
NON-DISCRIMINATION POLICY STATEMENT**

The City of Pontiac reaffirms its policy to allow all individuals the opportunity to participate in federal financially assisted services and adopts the following provision:

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” In applying this policy, the City of Pontiac and its sub-recipients of federal funds shall not:

1. Deny any individual with any service, opportunity, or other benefit for which such individual is otherwise qualified;
2. Provide any individual with any service, or other benefit, which is inferior (in quantity or quality) to, or which is provided in a different manner from that which is provided to others;
3. Subject any individual to segregated or disparate treatment in any manner related to such individual's receipt of services or benefits;
4. Restrict an individual in any way from the enjoyment of services, facilities or any other advantage, privilege or other benefit provided to others;
5. Adopt or use methods of administration, which would limit participation by any group of recipients or subject any individual to discrimination;
6. Address any individual in a manner that denotes inferiority because of race, color, or national origin;
7. Permit discriminatory activity in a facility built in whole or in part with federal funds;
8. Deny any segment of the population the opportunity to participate in the operations of a planning or advisory body that is an integral part of a federally funded program;
9. Fail to provide information in a language other than English to potential or actual beneficiaries who are of limited English speaking ability, when requested and as appropriate;
10. Subject an individual to discriminatory employment practices under any federally funded program whose objective is to provide employment;
11. Locate a facility in any way, which would limit or impede access to a federally-funded service or benefit.

The City of Pontiac will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance. If irregularities occur in the administration of the program's operation, procedures will be promptly implemented to resolve Title VI issues all within a period not to exceed 90 days.

The City of Pontiac designates Angela Benitez, HR Director as the Title VI Coordinator. The HR Director will be responsible for initiating and monitoring Title VI activities and other required matters, ensuring that the City of Pontiac complies with the Title VI regulations and pursues prevention of Title VI deficiencies or violations. Inquiries concerning the City of Pontiac and Title VI may be directed to the HR Director at 248-758-3143 or Abenitez@pontiac.mi.us

Timothy Greimel
Mayor

Angela Benitez, MSA, SPHR
HR Director / Title VI Coordinator

City of Pontiac
TITLE VI ASSURANCES

The City of Pontiac (hereinafter referred to as the "Recipient") hereby agrees that as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d-42 USC 2000d-4 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-Assisted Programs for the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations") and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient received Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and hereby gives assurances that it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7 (a) (1) and (b) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurance with respect to the Federal Aid Highway Program:

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal Aid Highway Programs and, in adapted form in all proposals for negotiated agreements:

"The (Recipient), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, SubTitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal Aid Highway Program.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom it delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, sub-contractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

City of Pontiac

Tim Greimel, Mayor

Date

AUTHORITIES

Title VI of the Civil Rights Act of 1964, 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h);

Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color, or national origin (including Limited English Proficiency), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (please refer to 23 CFR 200.9 and 49 CFR 21). Related statutes have broadened the grounds to include age, sex, low income, and disability.

The Civil Rights Restoration Act of 1987 also broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [S. 557] March 22, 1988).

Federal Aid Highway Act of 1973, 23 USC 324: No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.

Age Discrimination Act of 1975, 42 USC 6101: No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving federal financial assistance.

Americans With Disabilities Act of 1990 PL 101-336: No qualified individual with a disability shall, by reason of his/her disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination by a department, agency, special purpose district or other instrumentality of a state or local government.

Section 504 of the Rehabilitation Act of 1973: No qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance.

USDOT Order 1050.2: Standard Title VI Assurances

EO12250: Department of Justice Leadership and coordination of Non-discrimination Laws.

EO12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

28 CFR 50.3: Guidelines for the enforcement of Title VI of the Civil Rights Act of 1964.

EO13166: Improving Access to Services for Persons with Limited English Proficiency.

DEFINITIONS

Adverse Effects – The totality of significant individual or cumulative human health or environmental effects including interrelated social and economic effects, which may include, but are not limited to: (See Appendix E for additional discussion of “significant”)

- Bodily impairment, infirmity, illness or death
- Air, noise and water pollution and soil contamination
- Destruction or disruption of man-made or natural resources
- Destruction or diminution of aesthetic values
- Destruction or disruption of community cohesion or community’s economic vitality
- Destruction or disruption of the availability of public and private facilities and services
- Adverse employment effects
- Displacement of person’s businesses, farms or non-profit organizations
- Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community
- Denial of, reduction in, or significant delay in the receipt of benefits of the City of Pontiac programs, policies and activities

Federal Assistance – Includes grants and loans of federal funds; the grant or donation of federal property and interests in property; the detail of federal personnel, federal property or any interest in such property without consideration or at a nominal consideration or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and any federal agreement, arrangement or other contract which has, as one of its purposes, the provision of assistance.

Limited English Proficiency - Individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service or benefit provided by the City of Pontiac.

Low-Income – A person whose median household income is at or below the Department of Health and Human Service Poverty guidelines (see <http://aspe.hhs.gov/poverty/>).

Low-Income Population – Any readily identifiable group of low-income persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed City of Pontiac program, policy or activity.

Minority – A person who is:

- a. Black – A person having origins in any of the black racial groups of Africa;
- b. Hispanic – A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
- c. Asian American – A person having origins in any of the original people of the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Islands; or

- d. American Indian and Alaskan Native – A person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.

Minority Population – Any readily identifiable groups of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed City of Pontiac program, policy or activity.

Non-Compliance – A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all the requirements of Title VI and related statutes.

Persons – Where designation of persons by race, color or national origin is required, the following designation ordinarily may be used; “White not of Hispanic origin”, “Black not of Hispanic origin”, “Hispanic”, “Asian or Pacific Islander”, “American Indian or Alaskan Native”. Additional sub-categories based on national origin of primary language spoken may be used, where appropriate, on either a national or a regional basis.

Program – Includes any road or park project including planning or any activity for the provision of services financial aid or other benefits to individuals. This includes education or training, work opportunities, health welfare, rehabilitation, or other services, whether provided directly by the recipient of federal financial assistance or provided by others through contracts or other arrangements with the recipient.

Recipient - Any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof, but does not include any ultimate beneficiary under any such program.

Significant Adverse effects on Minority and Low-Income Populations – An adverse effect that:

- a. is predominantly borne by a minority population and/or a low-income population, or
- b. will be suffered by the minority population and/or low-income population and is shown to be appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

Sub-Recipient – Any agency such as a council of governments, regional planning agency, or educational institution, for example, that received Federal Highway Administration (FHWA) funds through the State DOT and not directly from the FHWA. Other agencies, local governments, contractors, consultants that receive these funds are all considered sub-recipients.

ADMINISTRATION – GENERAL

The City of Pontiac designates Angela Benitez, HR Director as the Title VI Coordinator (hereinafter referred to as the “Title VI Coordinator”). Ms. Benitez shall have lead responsibility for coordinating the administration of the Title VI and related statutes, programs, plans, and assurances.

Complaints: If any individual believes that he/she or any other program beneficiaries have been the object of unequal treatment or discrimination as to the receipt of benefits and/or service, or on the grounds of race, color, national origin (including Limited English Proficiency), sex, age or disability, he/she may exercise his/her right to file a complaint with the City of Pontiac. Complaints may be filed with the Title VI Coordinator. Every effort will be made to resolve complaints informally at the lowest level.

Data Collection: Statistical data on race, color, national origin, English language ability and sex of participants in and beneficiaries of the City of Pontiac programs; e.g., impacted citizens and affected communities will be gathered and maintained by the City of Pontiac. The gathering procedures will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI program.

Program Reviews: Special emphasis program reviews will be conducted based on the annual summary of Title VI activities, accomplishments, and problems. The reviews will be conducted by the Title VI Coordinator to assure effectiveness in their compliance of Title VI provisions. The Title VI Coordinator will coordinate efforts to ensure the equal participation in all their programs and activities at all levels. The City of Pontiac does have special emphasis programs at this time.

Title VI Reviews on Sub-Recipients: Title VI compliance reviews will be conducted annually by the Title VI Coordinator. Priority for conducting reviews will be given to those recipients of federal (U.S. Department of Transportation) funds with the greatest potential of impact to those groups covered by the Act. The reviews will entail examination of the recipients’ adherence to all Title VI requirements. The status of each review will be reported in the annual update and reported to relevant U.S. Department of Transportation (USDOT) modes upon request.

Annual Reporting Form: The Title VI Coordinator will be responsible for coordination, compilation, and submission of the annual reporting form data to the Michigan Department of Transportation (MDOT), Civil Rights Program Unit via the Sub-Recipient Annual Certification Form (MDOT form #0179) by October 5th.

Title VI Plan Updates: If updated, a copy of Title VI Plan will be submitted to the MDOT, Civil Rights Program Unit, as soon as the update has been completed, or as soon as practicable, and no later than 30 days if significant changes are made.

Public Dissemination: The City of Pontiac will disseminate Title VI Program information to the City of Pontiac employees and to the general public. Title VI Program information will be submitted to sub-recipients, contractors and beneficiaries. Public dissemination will include

inclusions of Title VI language in contracts and publishing the City of Pontiac's Title VI Plan within 90 days of approval on the main page of the City of Pontiac's internet website, at www.pontiac.mi.us.

Remedial Action: The City of Pontiac through the Title VI Coordinator, will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When deficiencies are found, procedures will be promptly implemented to correct the deficiencies and to put in writing the corrective action(s). The period to determine corrective action(s) and put it/them in writing to effect compliance may not exceed 90 days from the date the deficiencies are found.

LIMITED ENGLISH PROFICIENCY (LEP)

On August 11, 2000, President William J. Clinton signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiencyⁱ, to clarify Title VI of the Civil Rights Act of 1964. It had as its purpose, to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language.

This executive order stated that individuals who do not speak English well and who have a limited ability to read, write and speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounterⁱⁱ. These individuals are referred to as being limited in their ability to speak, read, write, or understand English, hence the designation, "LEP," or Limited English Proficient. The Executive Order states that:

"Each federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities."

Not only are all federal agencies required to develop LEP plans as a condition of receiving federal financial assistance, recipients have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided as well.

Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Recipients of federal funds range from state and local agencies, to nonprofits and organizations. Title VI covers a recipient's entire program or activity. This means all parts of a recipient's operations are covered, even if only one part of a recipient's organization receives the federal assistance. Simply put, any organization that receives federal financial assistance is required to follow this Executive Order.

The City of Pontiac receives funds from the US Department of Transportation via the Federal Highway Administration.

For more information regarding our policies on LEP, copy of our LEP plan can be found on our website at www.pontiac.mi.us or requested from:

City of Pontiac
Attn: Angela Benitez
47450 Woodward Avenue
Pontiac, MI 48342
Phone: 248-758-3143
Fax: 248-758-3292
Email: abenitez@pontiac.mi.us

ENVIRONMENTAL JUSTICE (EJ)

Compliance with Title VI includes ensuring that no minority or low income population suffers “disproportionately high and adverse human health or environmental effect” due to any “programs, policies and activities” undertaken by any agency receiving federal funds. This obligation will be met by the City of Pontiac in the following ways:

- When planning specific programs or projects, identifying those populations that will be affected by a given program or project.
- If a disproportionate effect is anticipated, following mitigation procedures.
- If mitigation options do not sufficiently eliminate the disproportionate effect, discussing and, if necessary, implementing reasonable alternatives.

Disproportionate effects are those effects which are appreciably more severe for one group or predominantly borne by a single group. The City of Pontiac will use U.S. Census data to identify low income and minority populations.

Where a project impacts a small number or area of low income or minority populations, the City of Pontiac will document that:

- Other reasonable alternatives were evaluated and were eliminated for reasons such as the alternatives impacted a far greater number of people or did greater harm to the environment; etc.
- The project’s impact is unavoidable;
- The benefits of the project far out-weigh the overall impacts; and
- Mitigation measures are being taken to reduce the harm to low income or minority populations.

If it is concluded that no minority and/or low income population groups are present in the project area, the City of Pontiac will document how the conclusion was reached. If it is determined that one or more of these population groups are present in the area, the City of Pontiac will administer a potential disproportionate effects test.

The following steps will be taken to assess the impact of projects on minorities and/or low income population groups:

STEP ONE: Determine if a minority or low income population is present within the project area. If the conclusion is that no minority and/or low income population is present within the project area, document how the conclusion was reached. If the conclusion is that there are minority population groups and/or low income population groups present, proceed to Step Two.

STEP TWO: Determine whether project impacts associated with the identified low income and minority populations are disproportionately high and adverse. In doing so, refer to the list of potential impacts and questions contained in Appendix E. If it is determined that there are disproportionately high and adverse impacts to minority and low income populations, proceed to Step Three.

STEP THREE: Propose measures that will avoid, minimize and/or mitigate disproportionately high and disproportionate adverse impacts and provide offsetting benefits and opportunities to enhance communities, neighborhoods and individuals affected by proposed project.

STEP FOUR: If after mitigation, enhancements and offsetting benefits to the affected populations, there remains a high and disproportionate adverse impact to minority or low income populations, then the following questions must be considered:

Question 1: Are there further mitigation measures that could be employed to avoid or reduce the adverse effect to the minority or low income population?

Question 2: Are there other additional alternatives to the proposed action that would avoid or reduce the impacts to the low income or minority populations?

Question 3: Considering the overall public interest, is there a substantial need for the project?

Question 4: Will the alternatives that would satisfy the need for the project and have less impact on protected populations (a) have other social economic or environmental impacts that are more severe than those of the proposed action (b) have increased costs of extraordinary magnitude?

STEP FIVE: Include all findings, determinations or demonstrations in the environmental document prepared for the project.

FILING A TITLE VI COMPLAINT

I. Introduction

The Title VI complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the City of Pontiac programs, activities, and services as required by statute.

II. Purpose

The purpose of the discrimination complaint procedures is to describe the process used by the City of Pontiac for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes.

III. Roles and Responsibilities

The Title VI Coordinator has overall responsibility for the discrimination complaint process and procedures. The Title VI Coordinator may, at his/her discretion assign a capable person to investigate the complaint.

The designated investigator will conduct an impartial and objective investigation, collect factual information and prepare a fact-finding report based upon information obtained from the investigation.

IV. Filing a Complaint

The complainant shall make himself/herself reasonably available to the designated investigator, to ensure completion of the investigation within the timeframes set forth.

Applicability: The complaint procedures apply to the beneficiaries of City of Pontiac programs, activities, and services, including but not limited to: the public, contractors, sub-contractors, consultants, and other sub-recipients of federal and state funds.

Eligibility: Any person who believes that he/she has been excluded from participation in, denied benefits or services of any program or activity administered by the City of Pontiac or its sub-recipients, consultants, and contractors on the basis of race, color, national origin (including Limited English Proficiency), sex, age or disability may bring forth a complaint of discrimination under Title VI.

Time Limitation on Filing Complaints: Title VI complaints may be filed with the Title VI Coordinator's office. In all situations, the employees of the City of Pontiac must contact the Title VI Coordinator immediately upon receipt of Title VI related complaints.

Complaints must be filed within 180 days of the alleged discrimination. If the complainant could not reasonably be expected to know that the act was discriminatory within the 180 day period,

he/she will have 60 additional days after becoming aware of the illegal discrimination to file the complaint.

Complaints must be in writing, and must be signed by the complainant and/or the complainant's representative. The complaint must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted in converting the verbal complaint into a written complaint. All complaints, however, must be signed by the complainant and/or by the complainant's representative.

Items that should not be considered a formal complaint: (unless the items contain a signed cover letter specifically alleging a violation of Title VI) include but are not limited to:

1. An anonymous complaint that is too vague to obtain required information
2. Inquiries seeking advice or information
3. Courtesy copies of court pleadings
4. Newspaper articles
5. Courtesy copies of internal grievances

V. Investigation

Investigation Plan: The investigator shall prepare a written plan, which includes, but is not limited to the following:

- Names of the complainant(s) and respondent(s)
- Basis for complaint
- Issues, events or circumstances that caused the person to believe that he/she has been discriminated against
- Information needed to address the issue
- Criteria, sources necessary to obtain the information
- Identification of key people
- Estimated investigation time line
- Remedy sought by the complainant(s)

Conducting the Investigation:

- The investigation will address only those issues relevant to the allegations in the complaint.
- Confidentiality will be maintained as much as possible.
- Interviews will be conducted to obtain facts and evidence regarding the allegations in the complaint. The investigator will ask questions to elicit information about aspects of the case.
- A chronological contact sheet is maintained in the case file throughout the investigation.
- If a Title VI complaint is received on a MDOT related contract against the City of Pontiac, MDOT will be responsible for conducting the investigation of the complaint. Upon receipt of a Title VI complaint filed against the City of Pontiac, the complaint and any pertinent information should immediately be forwarded to the MDOT, Civil Rights Program Unit.

Investigation Reporting Process:

- Complaints made against a City of Pontiac sub-recipient should be investigated by the Title VI Coordinator following the internal complaint process.
- Within 40 days of receiving the complaint, the investigator prepares an investigative report and submits the report and supporting documentation to the office of Angela Benitez for review.
- The Title VI Coordinator reviews the file and investigative report. Subsequent to the review, the Title VI Coordinator makes a determination of "probable cause" or "no probable cause" and prepares the decision letter.

Retaliation:

The laws enforced by this City prohibit retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by these laws. If you experience retaliation or intimidation separate from the discrimination alleged in this complaint please contact:

Angela Benitez
City of Pontiac
47450 Woodward Avenue
Pontiac, MI 48342
Phone: 248-758-3143
Fax: 248-758-3292
Email: abenitez@pontiac.mi.us

Reporting Requirements to an External Agency

A copy of the complaint, together with a copy of the investigation report and final decision letter will be forwarded to the MDOT, Civil Rights Program Unit within 60 days of the date the complaint was received.

Records

All records and investigative working files are maintained in a confidential area. Records are kept for three years.

APPENDIX A - [TO BE INSERTED IN ALL FEDERAL-AID CONTRACTS]

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees, as follows:

1. **Compliance with Regulations:** The contractor shall comply with Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials in the discrimination prohibited by Section 21.5 of the Regulation, including employment practices when the contractor covers a program set for in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations, or directives issues pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State Highway Department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State Highway Department or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event the contractor's noncompliance with the nondiscrimination provisions of this contract, the State Highway Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. Withholding payments to the contractor under the contract until the contractor complies and/or

b. Cancellation, termination or suspension of the contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor shall include provisions of paragraphs (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the State Highway Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the State Highway Department to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B - TRANSFER OF PROPERTY

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the State of Michigan, will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4) does hereby remise, release, quitclaim and convey unto the State of Michigan all the right, title and interest of the Department of Transportation in and to said lands described Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)*

TO HAVE AND TO HOLD said lands and interests therein unto the State of Michigan, and its successors forever, subject, however, the covenant, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the State of Michigan, its successors and assigns.

The State of Michigan, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part, on, over, or under such lands hereby conveyed (,) (and)*(2) that the State of Michigan shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (,) and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and

the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this deed.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

APPENDIX C - PERMITS, LEASES AND LICENSES

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Michigan Department of Transportation, pursuant to the provisions of Assurance 7(a).

The grantee, licensee, lessee, permittee, etc., (as appropriate) for himself, his heirs, personal representative, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases, add, "as a covenant running with the land") that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall remain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to terminate the license, lease, permit, etc., and to re-enter and repossess said land and the facilities thereon, and hold the same as if said license, lease, permit, etc., had never been made or issued.

(Include in deeds)*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to re-enter lands and facilities hereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the State of Michigan Department of Transportation and its assigns.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of the Title VI of the Civil Rights Act of 1964 and the Civil Rights Act of 1987.

APPENDIX D - TITLE VI COMPLAINT FORM

**City of Pontiac
TITLE VI COMPLAINT FORM**

Title VI of the Civil Rights Act of 1964 states that "No person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or otherwise be subjected to discrimination in any program, service, or activity receiving federal assistance."

This form may be used to file a complaint with the City of Pontiac based on violations of Title VI of the Civil Rights Act of 1964. You are not required to use this form; a letter that provides the same information may be submitted to file your complaint. **Complaints should be filed within 180 days of the alleged discrimination. If you could not reasonably be expected to know the act was discriminatory within 180 day period, you have 60 days after you became aware to file your complaint.**

If you need assistance completing this form, please contact Angela Benitez by phone at 248-758-3143 or via e-mail at abenitez@pontiac.mi.us

Name: _____ Date: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ (home) _____ (work)

Individual(s) discriminated against, if different than above (use additional pages, if needed).

Name: _____ Date: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ (home) _____ (work)

Please explain your relationship with the individual(s) indicated above: _____

Name of agency and department or program that discriminated:

Agency or department name: _____

Name of individual (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

Date(s) of alleged discrimination:

Date discrimination began _____ Last or most recent date _____

ALLEGED DISCRIMINATION:

If your complaint is in regard to discrimination in the delivery of services or discrimination that involved the treatment of you by others by the agency or department indicated above, please indicate below the basis on which you believe these discriminatory actions were taken.

____ Race	____ Disability	____ Sex
____ Color	____ Religion	____ Income
____ Age	____ National Origin	____ Retaliation

Explain: Please explain as clearly as possible what happened. Provide the name(s) of witness(es) and others involved in the alleged discrimination. (Attach additional sheets, if necessary, and provide a copy of written material pertaining to your case).

Signature: _____ Date: _____

Please return completed form to: Angela Benitez, 248-758-3143, abenitez@pontiac.mi.us, 47450 Woodward Avenue, Pontiac, MI 48342.

Note: *The City of Pontiac prohibits retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by policies of the City of Pontiac. Please inform the person listed above if you feel you were intimidated or experience perceived retaliation in relation to filing this complaint.*

APPENDIX E - DETERMINE/DISTINGUISH SIGNIFICANT/NON-SIGNIFICANT EFFECTS

“Significant” requires considerations of both context and intensity:

- (a) *Context.* This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, nation), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the local area rather than in the world as a whole. Both short-and long-term effects are relevant.
- (b) *Intensity.* This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:
 - (1) Impacts that may be both beneficial and adverse. A significant effect may exist even if, on balance, the effect would be beneficial.

“Non-significant effect” means no substantial change to an environmental component and this has no material bearing on the decision-making process.

Scientific, technical, institutional, the public’s value, and the local economic conditions influence the meaning of significant effect.

If an alternative would provide a beneficial effect, then the alternative would cause no significant adverse effect. If an alternative would provide an adverse effect, the effect might be significant or the effect might be non-significant.

Determinations of “significant” and “non-significant” effects will be made by the Title VI Coordinator.

**APPENDIX F - PROGRAM COMPLIANCE/PROGRAM REVIEW GOALS FOR
CURRENT PLAN YEAR**

1. The City of Pontiac's Title VI Plan will be communicated to each City Department Head who will review the plan with departmental employees. All City of Pontiac employees will be trained or made aware of the Title VI and LEP policies and complaint procedures.
2. The City of Pontiac's Title VI Plan will be published on the main page of the City's website www.pontiac.mi.us within 90 days of approval.
3. Appendix A will be included in all City of Pontiac contracts as outlined in the Title VI Plan.
4. The language in Number 2 of the City of Pontiac's Title VI Assurances will be included in all solicitations for bids for work or material subject to the Regulations and in all proposals for negotiated agreements.
5. The procedure(s) for responding to individuals with Limited English Proficiency will be implemented.
6. A review of the City of Pontiac facilities will be conducted in reference to compliance with the American Disabilities Act.
7. The following data will be collected and reviewed by the Title VI Coordinator and included, where appropriate, in the annual report submitted to MDOT.
 - a. **Boards and Commissions:** The number of vacancies; how vacancies are advertised and filled; the number of applicants; the representation of minorities will be evaluated.
 - b. **Public Meetings:** The number of open meetings; how meeting dates and times are communicated to the general public and to individuals directly affected by the meeting.
 - c. **Construction Projects:** The number of construction projects and minority contractors bidding and the number selected; verification that Title VI language was included in bids and contracts for each project.
 - d. **LEP Needs:** The number of requests for language assistance that were requested or required; the outcome of these requests.
 - e. **Complaints:** The number of Title VI complaints received; nature of the complaints; resolution of the complaints.
 - f. **Timeliness of Services:** The number of requests for services; amount of time from request to when service was delivered; number of requests denied.
 - g. **Right of Way/Eminent Domain:** The number of such actions and diversity of individual(s) affected.
 - h. **Program Participants:** Racial data of program participants where possible.

ⁱ The executive order verbatim can be found online at <http://www.usdoj.gov/crt/cor/Pubs/eolep.htm>.

ⁱⁱ Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons. Federal Register: December 14, 2005 (Volume 70, Number 239)

#4

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Finance

TO: Honorable City Council President and City Council

FROM: Khalfani Stephens, Deputy Mayor

CC: Mayor Tim Greimel

DATE: December 1, 2022

RE: **Council Resolution to authorize the City Clerk to publish the proposed budget amendment for Budget Year 2022-2023, (HR payroll clerk position)**

Increase the budget appropriation in the following General Fund GL accounts 101-270-702.000 salaries and wages, 101-270-715.000 F.I.C.A., 101-270-716.000 Medical Insurance, 101-270-717.000 Life Insurance, 101-270-718.500 MERS Employer Contributions, 101-270-719.000 Workers Compensation Insurance, 101-270-719.001 Dental Insurance.

This budget amendment allocates funds in the correct categories to facilitate the creation of the new position of Payroll Clerk. With the expansion of staff and rebalancing of activities, there is a need for added assistance in the Human Resources area to process payroll. This budget amendment adds funds to all that to happen.

Take \$32,726 from general fund balance sheet 101-000-390.000 and add it to the accounts below.

Increase the budget appropriation in the following GL accounts:

101-270-702.000	salaries and wages	\$21,500
101-270-715.000	F.I.C.A.	\$1,645
101-270-716.000	Medical Insurance	\$7,863
101-270-717.000	Life Insurance	\$330
101-270-718.500	MERS Employer Contributions	\$1,075
101-270-719.000	Workers Compensation Insurance	\$43
101-270-719.001	Dental Insurance	\$270

Total requested increase in the budget appropriation \$32,726

This item cannot be approved until after the resolution to authorize the city clerk to publish the notice of the budget amendment has been approved and one week after the publication of the notice.



Council Resolution to authorize the City Clerk to publish the proposed budget amendment for Budget Year 2022-2023,

101-270-702.000 salaries and wages (\$21,500), 101-270-715.000 F.I.C.A. (\$1,645), 101-270-716.000 Medical Insurance (\$7,863), 101-270-717.000 Life Insurance (\$330), 101-270-718.500 MERS Employer Contributions (\$1,075), 101-270-719.000 Workers Compensation Insurance (\$43), 101-270-719.001 Dental Insurance (\$270).

WHEREAS City council approved the creation of a new position of Payroll Clerk; and,

WHEREAS, funding needs to be appropriated for that position; and,

WHEREAS, this budget amendment will decrease the fund balance in the Fund 101 – General Fund by \$32,726;

NOW THEREFORE, BE RESOLVED, that the City Council hereby authorizes the City Clerk to publish in a newspaper the proposed budget amendment for Fiscal Year 2022-23 as requested by the Administration as given below:

Increase the budget appropriation in the following GL accounts:

101-270-702.000	salaries and wages	\$21,500
101-270-715.000	F.I.C.A.	\$1,645
101-270-716.000	Medical Insurance	\$7,863
101-270-717.000	Life Insurance	\$330
101-270-718.500	MERS Employer Contributions	\$1,075
101-270-719.000	Workers Compensation Insurance	\$43
101-270-719.001	Dental Insurance	\$270

Total requested increase in the budget appropriation	\$32,726
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#5

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Finance

TO: Honorable City Council President and City Council

FROM: Khalfani Stephens, Deputy Mayor

CC: Mayor Tim Greimel

DATE: November 23, 2022

RE: **Resolution establishing the position of Payroll Clerk**

This resolution establishes the new position of Payroll Clerk. With the expansion of staff and rebalancing of activities, there is a need for added assistance in the Human Resources area to process payroll. A trial was conducted to determine if this position was in fact necessary using temporary assistance. It has been determined that without the added assistance, the existing HR staff would not be able to competently conduct business.

WHEREAS, The City of Pontiac has been working to modernize the Human Resource (HR) Department and;

WHEREAS, The City of Pontiac has increased its workforce by over 30% and is still growing and;

WHEREAS, The City has determined that additional assistance is needed in the HR area to complete assignments competently;

NOW, THEREFORE,
BE IT RESOLVED, The Pontiac City Council approves The addition of Payroll clerk to the list of city positions with an inaugural salary of \$43,000.



JOB DESCRIPTION PAYROLL/HR CLERK

SUPERVISION

Supervision Received: This position reports to the Director of Human Resources

FLSA: Hourly/Non-exempt

DESCRIPTION

The Payroll/HR Clerk will be responsible for oversight of running payroll for City and Court employees. He or she will also be responsible for completion of any reporting related to payroll, and for resolving any payroll issues; trains all staff on how to utilize the payroll system, enters new hire information into the system, conducts ongoing internal personnel file and data audits, and assists the HR department with various tasks.

ESSENTIAL FUNCTIONS

The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment of the position:

- Enters new hire employee pay and tax information into payroll system; updates as needed
- Process bi-weekly payroll for City and Court employees
- Correct any payroll errors in a timely manner
- Maintain accurate records of payments made to employees and any adjustments to pay
- Quarterly audit of employee fringe benefits
- Handle confidential information including completion of I9 forms.
- Trains all staff on how to enter time into payroll system
- Troubleshoots issues with payroll for employer and employee
- Completes all governmental reporting and provides payroll reports to department heads as requested
- Process all employment verifications
- Inputs all requisitions into BS&A
- Conducts exit interviews with departing staff
- Back-up facilitator for new hire orientation
- Participates in job interviews as needed
- Prepares HR new hire packets; updates forms and documents as needed
- Maintains all employee personnel files to include filing documents and copying files as requested
- Handles HR inquiries in-person and via phone

KNOWLEDGE, SKILLS, & ABILITIES

- Strong mathematical skills
- Great organization and time management skills
- Ability to train others on payroll procedures
- Ability to problem solve
- Ability to respond to high-volume workplace

QUALIFICATIONS

- Associates Degree in General Studies
- At least one-year experience working in an office setting
- At least one-year experience processing payroll preferred

CITY OF PONTIAC HUMAN RESOURCES STRUCTURE AND DUTIES

HR Director

Title VI Coordinator
HR Strategic Planning
Oversight of pension plans
Employment law compliance
EEOC claims management
Safety/Mandatory Trainings/OSHA
Employee Relations
Employee/Training & Development
Attend unemployment hearings
Provides oversight to HR team
Mandatory Reporting
Back up for payroll processing
Oversight of general liability insurance claims

HR Generalist

Conduct new hire orientation
Employee background checks
Process Workers Compensation claims/reporting
Investigating work injury site
Benefits Enrollment
Handles FMLA/ADA leaves
Chair Diversity, Equity and Inclusion Committee
Chair, Rewards and Recognition Committee
Lead recruiter/Post job openings
Process unemployment claims
Processing garnishments
Oversee volunteer/intern placement
Attend job fairs
Back-up for entering PO's into BS&A

Payroll/HR Assistant

Greets and services customers
Processes payroll bi-weekly into ADP/resolve payroll issues
Enter new hire information into ADP
Training employees on how to use ADP
Ongoing auditing of files and data
Employment verifications
Conduct exit interviews
Job candidate reference checks
Participates in job interviews
Attend job fairs
Back-up for New Hire Orientation
Enters PO's into BS&A
Insurance billing review

#6

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Finance

TO: Honorable City Council President and City Council

FROM: Khalfani Stephens, Deputy Mayor

CC: Mayor Tim Greimel

DATE: December 1, 2022

RE: **Council Resolution to authorize the City Clerk to publish the proposed budget amendment for Budget Year 2022-2023, (temporary / part-time labor – treasury)**

Increase the budget appropriation in the following General Fund GL account 101-253-819.000 Contractual Temp/ PT Labor by \$6,000.

This budget amendment allocates funds to cover the cost of contractual temporary employment that was needed as the city staffed up the treasury department. That department is now fully staffed and includes an individual who is bilingual English/ Spanish.

Increase the budget appropriation in the following GL account:

101-253-819.000	Contractual Temp/ PT Labor	\$6,000
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This budget amendment will decrease the fund balance in the Fund 101 - General Fund by \$6,000.

This item cannot be approved until after the resolution to authorize the city clerk to publish the notice of the budget amendment has been approved and one week after the publication of the notice.



Council Resolution to authorize the City Clerk to publish the proposed budget amendment for Budget Year 2022-2023,

101-253-819.000 Contractual Temp/ PT Labor by \$6,000

WHEREAS City council appropriated funds for part time/ temporary work in the treasurer's office; and,

WHEREAS, that funding needs to be increased to cover the cost of providing a temporary worker until the department was completely staffed; and

WHEREAS, the department is now fully staffed; and

WHEREAS, this budget amendment will decrease the fund balance in the Fund 101-General Fund by \$6,000;

NOW THEREFORE, BE RESOLVED, that the City Council hereby authorizes the City Clerk to publish in a newspaper the proposed budget amendment for Fiscal Year 2022-23 as requested by the Administration as given below:

Increase the budget appropriation in the following GL account:

101-253-819.000	Contractual Temp/ PT Labor	\$6,000
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#7

ORDINANCE

TO: Honorable Tim Greimel, Mayor
Pontiac City Council

FROM: Charles Murphy
Joseph W. Colaianne

DATE: November 29, 2022

SUBJECT: **Proposed - Adult-Use Marihuana Ordinance**

We were requested to present a draft ordinance that would permit certain Adult-Use Marijuana establishments within the City in accordance with Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA"). The purpose of the ordinance is to establish standards and procedures for the issuance, regulation, renewal, suspension, and revocation of business licenses for adult-use marihuana establishments so as to protect the public health, safety, and welfare of residents of the City by setting forth the manner in which adult-use marihuana businesses can be operated in the City.

The proposed ordinance mirrors in several ways the process for permitting medical marihuana facilities under the City's existing Medical Marihuana Facilities Ordinance, Article XXX, Section 26.1491 et seq.. However, there are significant distinctions. The Adult-Use Marihuana Ordinance authorizes and defines "Marihuana Business" as the following adult-use marihuana establishments: (a) grower and excess grower, (b) safety compliance facility, (c) processor, (d) retailer, (e) secure transporter, (f) Class A microbusiness, (g) Designated Consumption Establishment, (h) marihuana event organizer or (i) temporary marihuana event. Similar to provisioning centers, the ordinance restricts the number of permits issued for Retailers, Class A Microbusiness, and Consumption Lounges, and further restricts where the location of marihuana related businesses may be located within the City. Under Michigan law, the permitting process requires a competitive process. The proposed ordinance prescribes the process that an applicant must follow to obtain a permit from the City.

The proposed ordinance restricts the number of permits for certain Adult-Use Marihuana Businesses in the City. Below is a summary of the available permits:

Type of Establishment

Grower	No limit
Processor	No limit
Secure transporter	No limit

Retailer	20
Social Equity Retailer	4
Class A Microbusiness	3
Safety compliance facility	No limit
Designated Consumption Establishment-North of Huron Street	3
Designated Consumption Establishment-South of Huron Street	3
Marihuana event organizer	No limit
Temporary marihuana event	No limit
Excess grower	No limit

A Retailer is a licensee that obtains marihuana from marihuana establishments and sells or otherwise transfers marihuana to marihuana establishments and to individuals who are 21 years of age or older in accordance with MRTMA. This is similar to a provisioning center under the City's medical marihuana facilities ordinance. In conjunction with this ordinance, it is proposed that the City's Zoning Ordinance be amended to establish three (3) Adult-Use Marihuana Business Overlay Districts, and that no more than five Retailers are to be located in any one of the three overlay districts. The overlay districts mirror the overlay districts established for medical marihuana facilities. In addition to Adult-Use Marihuana Business Overlay District locations, it is proposed that Retailers would also be permitted in C-1, C-3, C-4, M-1 and M-2 zoning districts subject to all requirements of the City's zoning ordinance. Finally, the ordinance proposes to set aside no more than 4 permits for Retailers that qualify as a Social Equity Retailer. A "Social Equity-Qualified Business" is a marihuana establishment operated by an applicant that qualifies for the benefits offered under the social equity program administered by either the Department or the City.

A Designated Consumption Establishment is a marihuana-related business authorized to permit individuals 21 years of age and older to consume marihuana products on the licensed commercial premises located in the C-2 Downtown Overlay District No. 3. The ordinance limits the number of consumption lounge permits to six (6), and further requires that no more than 3 shall be located north of Huron Street; and 3 south of Huron Street.

A Class A Microbusiness is a marihuana establishment authorized to operate at a single location and cultivate not more than 300 mature marihuana plants; package marihuana; purchase marihuana concentrate and marihuana-infused products from licensed marihuana processors; sell or transfer marihuana and marihuana-infused products to individuals 21 years of age and older; and transfer marihuana to a safety compliance facility for testing. The location of microbusinesses would also be limited by the City's zoning ordinance.

The foregoing is a brief overview of the proposed ordinance. We will be present tonight to discuss in greater detail.

CITY OF PONTIAC
ORDINANCE NO. # _____

AN ORDINANCE TO ALLOW ADULT-USE MARIHUANA ESTABLISHMENTS TO OPERATE IN THE CITY OF PONTIAC PURSUANT TO THE MICHIGAN REGULATION AND TAXATION OF THE MARIHUANA ACT, INITIATED LAW 1 OF 2018, MCL 333.27951 ET SEQ.; TO PROVIDE FOR STANDARDS AND PROCEDURES TO PERMIT AND REGULATE ADULT-USE MARIHUANA ESTABLISHMENTS; TO PROVIDE FOR THE IMPOSITION OF PERMIT APPLICATION FEES AND RENEWAL FEES; AND TO IMPOSE CONDITIONS FOR THE OPERATION OF ADULT-USE MARIHUANA ESTABLISHMENTS.

THE CITY OF PONTIAC ORDAINS:

ARTICLE _____. ADULT-USE MARIHUANA BUSINESS LICENSING

Sec. _____. Title.

The title of this ordinance shall be the "City of Pontiac Adult-Use Marihuana Business Ordinance."

Sec. _____. Purpose and Intent.

A. Purpose. The purpose of this Ordinance is to establish standards and procedures for the issuance, regulation, renewal, suspension, and revocation of business licenses for adult-use marihuana establishments in accordance with the Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA") so as to protect the public health, safety, and welfare of residents of the City by setting forth the manner in which adult-use marihuana businesses can be operated in the City. Further the purpose of this Ordinance is to:

(1) Protect the health, welfare and safety of the public through reasonable regulations on marihuana business operations as it relates to noise, odor, air and water quality, food safety, public safety, security for the establishments and its personnel, and other health and safety concerns;

(2) Protect residential zoned properties and neighborhoods by limiting the location and the concentration of types of Marijuana Businesses to specific areas of the City;

(3) Establish application and license fees to defray and recover the City's costs for administering and enforcing this ordinance;

(4) Recognize that the City of Pontiac has been identified by the State of Michigan's Cannabis Regulatory Agency as a city that has been disproportionately impacted by marihuana prohibition and enforcement and that social equity in the marihuana industry is necessary to address the historical disproportionate impact of marihuana prohibition and enforcement upon Pontiac residents and to positively impact the Pontiac community;

(5) Minimize the adverse effects from growing, processing, dispensing and storage of marihuana;

(6) Minimize the adverse effects from excessive consumption and use of marihuana;

(7) Coordinate with state laws and regulations addressing Marihuana Businesses; and

(8) To restrict the issuance of Marihuana Business permits only to those individuals and entities that demonstrate an intent and ability to fully comply with this Ordinance and the laws of the City and the State of Michigan.

B. Legislative Intent. This ordinance authorizes the establishment of adult-use marihuana businesses within the City of Pontiac consistent with the provisions of MRTMA, subject to the following:

(1) Use, distribution, cultivation, production, possession, and transportation of marihuana remains illegal under federal law, and marihuana remains classified as a "controlled substance" by federal law. Nothing in this ordinance is intended to promote or condone the production, distribution, or possession of marihuana in violation of any applicable law. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under state or federal law. This ordinance does not protect the owners of properties on which a marihuana commercial operation is occurring from prosecution or having their property seized by federal law enforcement authorities.

(2) This ordinance is to be construed to protect the public health, safety and welfare over commercial adult-use marihuana business interests. The operation of a permitted adult-use marihuana business in the City is a revocable privilege and not a right in the City. Nothing in this ordinance is to be construed to grant a property right for an individual or business entity to engage, obtain, or have renewed a City-issued permit to engage in the use, distribution, cultivation, production, possession, transportation or sale of adult-use marihuana as a commercial enterprise

in the City. The City determines that the commercialization of marihuana is a “closely regulated industry” as that term is used in U.S. Supreme Court jurisprudence.

(3) Any individual or business entity which purports to have engaged in the use, distribution, cultivation, production, possession, transportation or sale of marihuana as a commercial enterprise in the City without obtaining the required authorization required by this ordinance is deemed to be an illegally established nuisance, and as such is not entitled to legal nonconforming status under this ordinance, the City zoning ordinance, or state statutory or common law.

(4) Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty or sanction for the cultivation, manufacture, possession, use, sale, distribution or transport of marihuana in any form that is not in strict compliance with the MRTMA and the Marihuana Tracking Act, and all applicable administrative rules promulgated by the State of Michigan regarding the commercialization of marihuana. Strict compliance with all applicable state laws and regulations is deemed a requirement for the issuance or renewal of any permit issued under this ordinance, and noncompliance with any applicable state law or regulation is grounds for the revocation or nonrenewal of any permit issued under the terms of this ordinance.

C. Indemnification of the City.

(1) By accepting a permit issued pursuant to this ordinance, the holder waives and releases the City, its officers, elected officials, and employees from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of marihuana business owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.

(2) By accepting a permit issued pursuant to this ordinance, the holder agrees to indemnify, defend and hold harmless the City, its officers, elected officials, employees, and insurers, against all liability, claims or demands arising on account of any claim of diminution of property value by a property owner whose property is located in proximity to a licensed operating marihuana business arising out of, claimed to have arisen out of, or in any manner connected with the operation of a marihuana business or any claim based on an alleged injury to business or property by reason of a claimed violation of the federal Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. § 1964(c).

D. Reservation of legislative prerogative.

(1) The City Council reserves the right to amend or repeal this ordinance in any manner, including, but not limited to, the complete prohibition of any type of adult-use marihuana business or limiting the number and types of adult-use marihuana businesses authorized to operate in the City.

(2) Nothing in this ordinance is to be construed to grant or grandfather any marihuana business a vested right, license, permit or privilege for continued operations within the City.

Sec. _____. Definitions.

Unless defined by this ordinance, any term used in this Section that is defined by the MRTMA, or the Administrative Rules promulgated by the Michigan Department of Licensing and Regulatory Affairs addressing marihuana shall have the definition given in MRTMA and in the Rules.

As used in this Section, the following terms shall have the meanings indicated:

"Applicant" means a person who applies for a City-issued permit to operate a Marihuana Business in accordance with the terms of this Ordinance and the City zoning ordinance. With respect to disclosures in an application for a permit issued pursuant to this Ordinance for purposes of ineligibility for a permit and the transfer of an interest in an issued permit, the term "applicant" includes a managerial employee of the applicant, any person who holds any direct or indirect ownership interest in the Marihuana Business, and the following true parties of interest for each type of applicant:

- (1) For an individual or sole proprietorship: the proprietor and spouse.
- (2) For a partnership and limited liability partnership: all partners and their spouses.
- (3) For a limited partnership and limited liability limited partnership: all general and limited partners, and their spouses.
- (4) For a limited liability company: all members and managers, and their spouses.
- (5) For a privately held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, and their spouses.

(6) For a publicly held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, and their spouses.

(7) For a multilevel ownership enterprise: any entity or person that receives or has the right to receive gross or net profits from the enterprise during any full or partial calendar or fiscal year.

(8) For a nonprofit corporation: all individuals and entities with membership or shareholder rights in accordance with the articles of incorporation or the bylaws and their spouses.

(9) For a trust: all trustees, any individual or body able to control and direct affairs of the trust, and any beneficiary who receives or has the right to receive the gross or net profit distributions of the trust during any full or partial calendar or fiscal year, and their spouses.

"City" means the City of Pontiac, Michigan.

"Co-Locate" or "Co-Location" means any combination of growers, processors, and/or retailer establishments that may operate as separate marihuana businesses at the same physical location.

"Class A marihuana grower" means a grower licensed to grow not more than 100 marihuana plants.

"Class A Microbusiness" means a marihuana establishment authorized to operate at a single location and cultivate not more than 300 mature marihuana plants; package marihuana; purchase marihuana concentrate and marihuana-infused products from licensed marihuana processors; sell or transfer marihuana and marihuana-infused products to individuals 21 years of age and older; and transfer marihuana to a safety compliance facility for testing.

"Class B marihuana grower" means a grower licensed to grow not more than 500 marihuana plants.

"Class C marihuana grower" means a grower licensed to grow not more than 2,000 marihuana plants.

"Cultivate" means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.

"Department" means the State of Michigan Department of Licensing and Regulatory Affairs (LARA), including without limitation, the Cannabis Regulatory Agency, or its successor agency.

"Designated Consumption Establishment " means a marihuana-related business authorized to permit individuals 21 years of age and older to consume marihuana products on the licensed commercial premises located in the C-2 Downtown Overlay District No. 3.

"Disqualifying conviction" means a conviction that makes an applicant ineligible to receive a license under MRTMA and the Rules.

"Equivalent License" means any of the following state operating licenses when held by a single licensee:

- (1) Grower licenses of any class under both the MMFLA and MRTMA.
- (2) Processor licenses under both the MMFLA and MRTMA.
- (3) Secure transporter licenses under both the MMFLA and MRTMA.
- (4) Safety compliance facility licenses under both the MMFLA and MRTMA.
- (5) A provisioning center license under the MMFLA and a retailer license under the MRTMA.

"Excess Grower" means a license issued to a person holding five Class C marihuana grower licenses under MRTMA and licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

"Grower" means a licensee establishment that cultivates, dries, trims, or cures and packages marihuana for sale or transfer to a processor, retailer, or another grower. The term also includes a licensed excess grower.

"Industrial Hemp" means the term as defined at MCL 333.27953 (c).

"License" means a license that is issued by the Department under MRTMA that allows the licensee to operate an adult-use marihuana establishment in the City.

"Marihuana" means the term as defined at MCL 333.27953. For purposes of this Ordinance marihuana does not include industrial hemp.

"Marihuana accessories" means the term as defined at MCL 333.27953 (g).

"Marihuana concentrate" means the resin extracted from any part of the plant of the genus cannabis.

"Marihuana Business" means the following adult-use marihuana establishments, whether operated for profit or not for profit: (a) grower and excess grower, (b) safety compliance facility, (c) processor, (d) retailer, (e) social-equity retailer, (f) secure transporter, (g) Class A microbusiness, (h) Designated Consumption Establishment, (i) marihuana event organizer or (j) temporary marihuana event.

"Marihuana establishment" means a location at which a permittee is permitted to operate under this Ordinance and MRTMA.

"Marihuana Event Organizer" means a person licensed to apply for a temporary marihuana event license.

"Marihuana-Infused Product" means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.

"Marihuana Tracking Act" or "MTA" means Public Act 282 of 2016, MCL 333.27901, et seq., as amended and all future amendments.

"Michigan Regulation and Taxation of Marihuana Act" or "MRTMA" means, Initiated law 1 of 2018, MCL 333.27951, et. seq., as amended and all future amendments.

"Permit" means the permit issued pursuant to this ordinance authorizing the operation of a Marihuana Business in the City.

"Permittee" means a person who receives and holds a permit to operate a Marihuana Business issued by the City under this ordinance.

"Person" means an individual, sole proprietorship, partnership, limited partnership, limited liability limited partnership, corporation, limited liability company, trust, or other legal entity, and includes persons within the definition of "applicant" as that term is used in this Ordinance.

"Processor" means a person licensed to purchase or obtain marihuana from a grower establishment and who processes the marihuana and sells or transfers it in packaged form to a retailer, class A microbusiness, or another processor. A processor is not prohibited from handling, processing, marketing or brokering industrial hemp pursuant to the Industrial Hemp Research and Development Act.

"Retailer" means a licensee that obtains marihuana from marihuana establishments and sells or otherwise transfers marihuana to marihuana establishments and to individuals who are 21 years of age or older in accordance with MRTMA.

"Rules" means the unified administrative rules promulgated and from time to time amended by the Department to implement the MMFLA and MRTMA.

"Safety Compliance Facility" means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

"Secure Transporter" means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

"School" means and includes buildings and grounds used for school purposes to provide instruction to children and youth in grades pre-kindergarten through 12 by a public, private, denominational, or parochial school.

"Social Equity-Qualified Business" mean a marihuana establishment operated by an applicant that qualifies for the benefits offered under the social equity program administered by either the Department or the City.

"Stakeholder" means, with respect to a trust, the trustee and beneficiaries; with respect to a limited liability company, all members and managers; with respect to a corporation, whether profit or non-profit, all stockholders, directors, corporate officers or persons with equivalent titles; and with respect to a partnership or limited liability partnership, all general and limited partners.

"State" means the State of Michigan.

"State Operating License" means a license that is issued by the Department under MRTMA that allows the licensee to operate an adult-use marihuana establishment, as specified in the license.

"Temporary Marihuana Event" means a license held by a marihuana event organizer for an event where the onsite sale or consumption of marihuana products, or both, are authorized at the location indicated on the state license during the dates indicated on the state license.

Sec. _____. Creation of Marihuana Business Commission.

There is hereby created a Marihuana Business Commission. For purposes of this Ordinance, the medical marihuana commission established by the City of Pontiac's Medical Marihuana Facilities Ordinance, Article XXX, Section 26.1491 et seq., shall be the Marihuana Business Commission, and shall include the same quorum requirements, commission membership, appointments, term, vacancies, compensation, powers, duties, and adoption of rules and regulations as it deems necessary to govern its proceedings and deliberations as set forth in Sections 26.1493 through 26.1496.

Sec. _____. Marihuana Business Rules and Regulations.

(a) In addition to the Rules promulgated by the Department and the statutes of the State of Michigan, the operations of a Marihuana Business shall be conducted in accordance with the provisions of this ordinance and the City Code of Ordinances, including the zoning ordinance.

(b) Retailer establishments and Social Equity Retailer establishments located outside of the C-2 Downtown Adult-Use Marihuana Business Overlay District shall be closed for business, and no sale or other distribution of marihuana in any form shall occur upon the premises, between the hours of 10:00 p.m. and 7:00 a.m.

(c) Delivery of a marihuana product for sale or transfer to marihuana customers by Retailer Establishment and Social Equity Retailer Establishments is prohibited.

(d) Drive-thru windows at Retailer Establishment and Social Equity Retailer Establishments are prohibited.

Sec. _____. Licensing of Adult-Use Marihuana Businesses.

(a) Number of permitted adult-use Marihuana Businesses.

Type of Establishment

Grower	No limit
Processor	No limit
Secure transporter	No limit
Retailer	20
Social Equity Retailer	4
Class A Microbusiness	3
Safety compliance facility	No limit
Designated Consumption Establishment-North of Huron Street	3
Designated Consumption Establishment-South of Huron Street	3
Marihuana event organizer	No limit
Temporary marihuana event	No limit
Excess grower	No limit

Sec. _____. City Marihuana Business Permit and Annual Fee Required.

(a) No person shall establish or operate a Marihuana Business located in the City without first meeting all of the requirements set forth in this Ordinance, obtaining a permit from the City Clerk, and obtaining a State Operating License. Permits and State Operating Licenses shall be kept current and publicly displayed within the business. Failure to maintain or display current state licenses and City permits is a violation of this ordinance. A Marihuana Business operating without a City permit under this Ordinance or without a State license is declared to be a public nuisance.

(b) There shall be an initial application fee of \$5,000.00 and an annual nonrefundable renewal of permit fee of \$5,000.00 to defray the administrative and enforcement costs associated with marihuana businesses located in the City.

(c) The City permit fee requirement set forth in this ordinance shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by the Department and any other state regulatory agency, or by City ordinance, including, by way of example, and not limited to, any applicable fees for site plan review, zoning review, inspections, or building permits.

(d) A separate permit is required for each Marihuana Business located at a premises from which an adult-use marihuana commercial business is operated. Operation of a grower, processor, and retailer establishment at the same location is authorized, provided that each establishment is

separately licensed and permitted. Operation of a retailer at the same location as a grower or processing facility is authorized when in conformity with the City zoning ordinance.

Sec. _____. Location Criteria.

- (a) No marihuana business is eligible to receive a permit unless at the time the application for the marihuana business operating permit is submitted, the location of the proposed business operation complies with the requirements set forth in the City zoning ordinances as required for the specific type of marihuana commercial business for which the permit is being sought.
 - (b) Mobile marihuana businesses and limited contact transaction operations, except for curbside service in a designated area at a marihuana sales location in compliance with applicable Department-issued rules and the City zoning ordinance, are prohibited.
 - (c) A permittee shall not operate a marihuana business at any location in the City other than at the address provided in the application on file with the City Clerk. A permit issued under this ordinance may be transferred to a different location upon receiving written approval from the City Clerk. In order to request approval to transfer the location of a permit, the licensee must make a written request to the City Clerk, indicating the current license location and the proposed license location. Upon receiving the written request, the City Clerk will forward a copy of the request to affected service areas and departments of the City to determine whether the proposed location complies with all applicable laws, rules and regulations. No location transfer will be approved unless the proposed location meets the standards identified in this ordinance and the City zoning ordinances.
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Sec. _____. General Permit Application Requirements.

- (a) An applicant seeking a permit pursuant to the provisions of this ordinance and licensure by the state under MRTMA must submit an application in writing to the City Clerk on forms provided by the City Clerk. At the time of application, the application must be accompanied by a nonrefundable application fee of \$5,000.00 to defray the costs incurred by the City for processing of the application. In addition, the applicant shall present copies of government-issued photographic identification to accompany the application.

The applicant shall submit one printed and one electronic copy of the application and supporting information and documents to the City Clerk.

(b) An application shall be complete and made under the penalty of perjury and shall contain all of the following:

(1) The applicants, all of its stakeholders, and the proposed manager's full name, date of birth, residential and business address, email address, and telephone numbers including emergency contact information, and a copy of a government-issued photographic identification card of the applicant and all stakeholders:

(a) If the applicant is an individual or sole proprietorship, the proprietor and their spouse, if any, shall provide their name, address, date of birth, business address, business telephone number, email address, social security number, and, if applicable, federal tax identification (EIN) number.

(b) If the applicant is not an individual or sole proprietorship, the applicant shall provide information regarding the business entity, including, without limitation, the name and address of the entity, website address (if any), type of business organization, proof of registration with, or a certificate of good standing from, the State of Michigan, as applicable, and the names, dates of birth, residential and business addresses, email addresses, phone numbers of each applicant, each stakeholder and their spouses, and the federal tax identification number of the business entity.

(2) The identity of every person having an ownership or beneficial interest in the applicant with respect to which the license is sought, including the ownership structure of the entity that identifies the ownership percentage held by each stakeholder; provided, however, a social equity-qualified business entity who is an applicant must be able to demonstrate 51% or more ownership by qualifying applicants, including ownership structure of the entity that identifies the ownership percentage held by each stakeholder.

(3) If the applicant is not an individual, the articles of incorporation or organization, federal tax identification number and confirmation letter, and the limited liability company's operating agreement, the corporation's shareholder agreement and bylaws, and the partnership agreement for a partnership or limited partnership, as applicable.

(4) A copy of the applicant's notice of prequalification status issued by the Department to operate an adult-use marihuana establishment. If the applicant does not have adult-use prequalification status from the Department, the application will not be processed by the City.

(5) The name and address of the proposed Marihuana Business and any additional contact information deemed necessary by the City Clerk, including the following:

(a) A copy of the deed reflecting the applicant's ownership of the proposed permitted premises, or a purchase agreement or option to purchase the proposed permitted premises.

(b) A copy of the lease reflecting the right of the applicant to possess, or an agreement or option reflecting the applicant's right to lease, the proposed permitted premises, and a notarized statement from the owner of such property authorizing the use of the property for a marihuana business.

(6) For the applicant and every stakeholder, affirmation that each is at least 21 years of age.

(7) A criminal background report of the applicant's criminal history from the Internet Criminal History Access Tool (ICHAT) or a Michigan State Police report for applicants residing in Michigan. For applicants who reside in other states or have resided in other states within 5 years prior to the date of the application a certified state sponsored or authorized criminal history report. The applicant is responsible for all charges incurred in requesting and receiving the criminal history report and the report must be dated within thirty (30) days of the date of the application.

(8) Written consent authorizing the City to obtain a criminal background check from the Michigan State Police or the Federal Bureau of Investigation, or other applicable state or local police agency, to ascertain whether the applicant and stakeholders have any disqualifying convictions or convictions involving dishonesty, theft, fraud, or controlled substances.

(9) A current organization chart that includes position descriptions and the names of each person holding such position, which shall include date of birth, address, copy of photo

identification, and email address for any operator, manager, or employee if other than the applicant.

(10) A complete list of all marihuana related business permits and licenses held by applicant.

(11) An attested disclosure whether the applicant or operator has ever had a business license revoked or suspended, and if revoked or suspended, the reason for such revocation or suspension and copies of the orders of revocation or suspension.

(12) An attestation that no applicant or stakeholder is ineligible from holding a state license to operate a marihuana commercial business.

(13) An attestation that the applicant consents to inspections, examinations, searches and seizures required or undertaken pursuant to enforcement of this ordinance.

(14) A statement that no applicant is in default to the City for any property tax, special assessment, utility charges, fines, fees or other financial obligation owed to the City.

(15) For the applicant and for each stakeholder a resume that includes a business history and any prior experience with a marihuana-related business.

(16) The proposed business plan of the applicant, which shall include without limitation, the following:

(a) A description of the type of the proposed adult-use marihuana commercial operation and its physical address; and

(b) A staffing plan which describes the anticipated or actual number of employees, including an estimate of the number and type of jobs that the business is expected to create, the amount and type of compensation (including benefits) expected to be paid for such jobs, and the goals and objectives to recruit, hire and promote residents of the City; and

(c) A staff training and education plan that the applicant will provide to employees; and

(d) The financial structure, source of financing, development and build-out budget and projected initial operating budget of the proposed Marihuana Business; and

(e) Short and long-term goals and objectives; and

(f) An explanation, with supporting factual data, of the economic benefits to the City and the job creation for local residents to be achieved by the facility, the amount and type of compensation expected to be paid for such jobs, including plans for community outreach and worker training programs;

(g) If co-location of Marihuana Businesses is proposed, provide an explanation of the integration of such businesses, including a drawing showing the relationship between the businesses being co-located, including floor area and the separation provided between such facilities, including identification of any points of entry, ingress or egress, and controls at each location; and

(h) A neighborhood communication/education plan and strategies; and

(i) Any charitable plans and strategies whether through financial donations or volunteer work.

(17) A lighting plan showing the lighting outside of the marihuana business for security purposes and compliance with applicable City outdoor lighting requirements;

(18) A security plan, including, but not limited to, lighting, alarms, barriers, recording/monitoring devices, safes, and/or security guard arrangements proposed for the facility and premises. The security plan must contain the specification details of each item of security equipment.

(19) A to-scale diagram of the proposed licensed premises, no larger than 11 inches by 17 inches, showing, without limitation, building floor plan and layout, all entryways, doorways, or passageways, and means of public entry and exits to the proposed licensed premises, loading zones, available on-site parking spaces, including handicapped accessible spaces, fencing at the premises, and all areas in which marihuana will be stored, grown, manufactured or dispensed;

(20) Any proposed elevation drawings, and photographs or other depiction of materials to be visible on the exterior of the proposed Marihuana Business.

(21) A proposed marketing, advertising, and business promotion plan for the proposed Marihuana Business.

(22) A description of planned tangible capital investment in the City for each proposed Marihuana Business.

(23) A social equity plan that (a) promotes and encourages participation and ownership in the marihuana industry by local residents that have been disproportionately impacted by marihuana prohibition and enforcement, and that (b) positively impacts local residents.

(24) A depiction of any proposed signage, text or graphic materials to be shown on the exterior of the proposed Marihuana Business.

(25) A sanitation plan designed to protect against any marihuana being ingested on the premises by any person or animal, describing how the waste and byproduct will be stored and disposed of, and how any marihuana will be rendered unusable upon disposal. The sanitation plan shall include a copy of the contract between the Applicant and sanitation waste provider.

(26) A proposed inventory and recordkeeping plan that will track payment method, amount of payment, time of sale, product quantity, and other product descriptors and compliant with the requirements of the Department.

(27) Proof of insurance covering the business and naming the City of Pontiac, its elected and appointed officials, employees, and agents, as additional insured parties, primary and non-contributory available for the payment of any damages arising out of an act or omission of the applicant or its stakeholders, agents, employees, or subcontractors, in the amount of:

a. at least Two Million Dollars (\$2,000,000) for property damage;

b. at least Two Million Dollars (\$2,000,000) for injury to one (1) person; and

- c. at least Two Million Dollars (\$2,000,000) for injury to two (2) or more person
resulting from the same occurrence.
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The insurance policy underwriter must have a minimum A.M. Best Company insurance ranking of B+, consistent with state law. The policy shall provide that the City shall be notified by the insurance carrier thirty (30) days in advance of any cancellation or reduction in coverages.

(28) A signed acknowledgement that the applicant understands that all matters related to marihuana cultivation, possession, dispensing, testing, transporting, distribution and use are subject to federal and state laws and regulations, and that the approval of a permit hereunder does not exonerate or excuse the applicant from abiding by the provisions and requirements and penalties associated therewith. Further, the applicant completely releases and forever discharges the city and its respective employees, agents, facilities, insurers, indemnors, successors, heirs and/or assigns from any and all past, present or future claims, demands, obligations, actions, causes of action, wrongful death claims, rights, damages, costs, losses of services, expenses and compensation of any nature whatsoever, whether based on a tort, contract or other theory or recovery, which the applicant or its stakeholders may now have, or which may hereafter accrue or otherwise be acquired, on account of, or may in any way arise out of the applicant or stakeholders' application for a permit and, if issued a permit, the applicant or stakeholders' operation of a Marihuana Business.

(29) A scaled location area map that identifies the relative locations of, and distances from, Schools, childcare centers, public parks containing playground equipment, and religious institutions, as measured along the centerline of the street or streets of address between two fixed points on the centerline determined by projecting straight lines, at right angles to the centerline, from the primary point of ingress to the school, childcare center, or religious institution, or, for a public park, from the playground equipment nearest to contemplated location, and from the primary point of ingress to the contemplated location.

(30) If the applicant is applying for a permit to operate a Retailer, a Social Equity Retailer, a Class A Microbusiness or a Designated Consumption Establishment, a description of drug and alcohol awareness programs to be provided by the applicant to customers and the public.

(31) If the applicant is applying for a permit to operate a grower, a cultivation plan that includes a description of the cultivation methods to be used, including whether the grower plans to grow outdoors consistent with the rules promulgated by the Department. Outdoor grows are prohibited.

(32) If the applicant is applying for a permit to operate a grower, a chemical and pesticide storage plan that complies with the requirements of the Department.

(33) An applicant for a Marihuana Secure Transporter license shall provide copies of the vehicle registration for all commercial motor vehicles that will be used to transport marihuana or marihuana-infused products. A secure transporter must provide proof of no-fault automobile insurance with a company licensed to do business in Michigan with limits of liability not less than \$1,000,000 per occurrence combined single limit for bodily injury and property damage.

(34) Any other information requested by the City Clerk considered to be relevant to the processing or consideration of the application.

(c) An applicant may apply for multiple Marihuana Business permits of the same or different nature, except that Social Equity Retailer permits are limited to Social Equity Qualified applicants.

Sec. _____. Marihuana Business Permit Application Process.

(a) Upon receipt of a completed application meeting the requirements of this ordinance and payment of the permit application fee, the Clerk shall refer a copy of the application to the fire department and the Community Development Department, the planning division, and other affected departments for review and compliance with the City Code.

(b) No application for a permit shall be approved unless:

(1) The fire department and the Community Development Department and other affected departments have inspected the proposed location for compliance with all state and local building, electrical, fire, mechanical and plumbing requirements.

(2) The Community Development Department, the planning division, and other affected departments have confirmed that the proposed location complies with the zoning ordinance.

- (3) The proposed Marihuana Business has been issued a certificate of occupancy and, if necessary, a building permit.
- (4) The City Treasurer confirms the applicant and each stakeholder and the proposed location of the Marihuana Businesses are not in default to the City.
- (c) After this ordinance becomes effective, the Clerk shall begin accepting adult-use Marihuana Business applications within 60 days.
- (d) The Clerk shall award a permit to any applicant for a permit to operate a grower, processor, secure transporter, or safety compliance facility upon the determination by the Clerk that the application is complete, the applicant receives the approvals required in this ordinance, and the applicant meets all of the requirements of this ordinance and the City Code, including the zoning ordinance. If the City Clerk identifies, or is informed of, a deficiency in an application, the applicant has two (2) weeks to correct the deficiency after notification by the City Clerk.
- (e) Retailer, Social Equity Retailer, Class A Microbusiness and Designated Consumption Establishment Applications. After sixty (60) days from the effective date of this ordinance, the Clerk shall set a 21-day application window period during which applicants may apply for a Retailer, Social Equity Retailer (limited to Social Equity Qualified applicants), Class A Microbusiness and Designated Consumption Establishment permits. After the 21-day application window closes, the Clerk shall assess, evaluate, score and rank all applications for permits to operate a Retailer, Social Equity Retailer, Class A Microbusiness and Designated Consumption Establishment submitted during the twenty-one (21) day application window period. The Clerk shall review all submitted applications for completeness.
- (f) In its application assessment, evaluation, scoring, ranking, and deliberations related to permits to operate a Retailer, Social Equity Retailer, Class A Microbusiness, and Designated Consumption Establishment, the Clerk shall assess, evaluate, score, and rank each application based upon a point-based scoring and ranking procedure developed by the Clerk consistent with the requirements, conditions, and provisions of this ordinance in each of the following categories:
- (1) The content and sufficiency of the information required to be in the application under this ordinance. Applicant must have submitted all required materials for each category in a professional, organized manner with clear labeling of all required items. The maximum number of scoring points in this category shall be five (5) points.

(2) Whether the proposed Marihuana Business will have a detrimental impact on the surrounding area and neighborhood including the distance of the establishment to properties zoned or used residentially; traffic patterns, traffic mitigation and resident safety; plans for litter control, loitering, noise mitigation, odor mitigation. Applicant shall submit a traffic impact study by a professional traffic engineer. The maximum number of scoring points in this category shall be twenty (20) points.

(3) Neighborhood Communication/Education Plan on behalf of the proposed Marihuana Business. The plan should include meetings, at least once per year, with the neighborhood organizations, residents and general public, and to provide a contact for on-going public information, questions and concerns. Written notice to all property owners within 1500 feet of the marihuana business location, neighborhood organizations and City Clerk shall be provided. In addition, to other methods of notice, the written notice shall be sent by mail at least two (2) weeks before the public meeting. The maximum number of scoring points in this category shall be ten (10) points.

(4) Whether the applicant or its stakeholders have made, or plan to make, significant physical investment and improvements to the building where the proposed Marihuana Business is to be located, including the applicant's proposed tangible capital investment; the current and proposed condition of the proposed location; and the applicant's ownership stake in the physical location of the establishment. The maximum number of scoring points in this category shall be ten (10) points.

(5) Whether the applicant and all of its stakeholders have a record of acts that are not detrimental to the public health, security, safety, morals, good order, or general welfare prior to the date of the application; applicant shall demonstrate and document a history of regulatory with all federal, state and local laws and regulations, and shall disclose all complaints, judgments, convictions, administrative and regulatory decisions, permit and license suspensions, revocations and fines, rendered by any federal, state and local government agencies, including but not limited to wage and hour laws, anti-discrimination and civil rights laws, and occupational, health and safety laws. The maximum number of scoring points in this category shall be ten (10) points.

(6) Whether the applicant has disclosed and documented sufficient financial resources and total amount of capitalization to develop, operate and maintain a Retailer, Social Equity

Retailer, Class A Microbusiness or Designated Consumption Establishment, and demonstrates the requisite business experience to execute, the submitted business plan and other plans required this ordinance. The applicant should disclose and document sources and total amount of capitalization to operate and maintain a Retailer establishment, a Social Equity Retailer, Class A Microbusiness and Designated Consumption Establishment, and include a CPA attested financial statement, a valid pro forma for three years, attest that the applicant or any of its owners have not filed bankruptcy in the last seven (7) years, have not had liens placed upon financial accounts or property by the Internal Revenue Service or state Treasuries, and has filed personal and/or corporate income tax returns for the past five (5) years. The maximum number of scoring points in this category shall be twenty (20) points.

(7) Description of staffing plan that includes the number of full-time and part-time positions the applicant intends to create; the hourly wages or salaries the applicant intends to pay employees; whether the applicant has articulated plans and strategies to recruit, hire and mentor for career advancement, a percentage of diverse residents from the City of Pontiac, including those residents who are veterans, low income and/or have a prior controlled substance record (excluding distribution of a controlled substance to a minor); and whether the applicant has articulated plans to provide employee health and welfare benefit plans, including, but not limited to, sick leave, maternity leave, and paternity leave. The applicant shall maintain and provide data to the City Clerk supporting its staffing plan which shall be considered at the time of renewal of any permit issued pursuant to this ordinance to determine compliance. The maximum number of scoring points in this category shall be ten (10) points.

(8) Planned philanthropic initiatives and community improvement programs aimed at the City of Pontiac. The maximum number of scoring points in this category shall be ten (10) points.

(9) Whether the applicant received conditional approval for a medical marihuana provisioning center permit pursuant to City of Pontiac's Medical Marihuana Facilities Ordinance, Article XXX, Section 26.1491 et seq., is not currently in default of compliance with Article XXX, and has received site plan approval from the City's Community Development Department and has started construction of the medical marihuana

provisioning center subject to receipt of a valid building permit from the City before or not less than 90 days prior to the application for Marihuana Retailer permit. The maximum number of scoring points in this category shall be five (5) points.

(10) Whether the applicant will rehabilitate and/or redevelop an existing building by demolishing and rebuilding or completely renovating a building that has been vacant as registered with the City for 1 year or more before the submittal of the application under this ordinance. The maximum number of scoring points in this category shall be ten (10) points.

(11) Whether the applicant will rehabilitate and/or redevelop an existing building by demolishing and rebuilding or completely renovating a building that has been cited as blighted or dangerous (as such term is defined in the City's Code of Ordinances). The maximum number of scoring points in this category shall be ten (10) points.

(12) Whether an applicant proposes a social equity plan that promotes and encourages social equity participation and ownership in the marihuana industry by persons who reside in disproportionately impacted communities in those Michigan communities designated by the State of Michigan, who have been disproportionately impacted by marijuana prohibition and enforcement, and to positively impact those communities, in accordance with MCL 333.27958(1)(j).

(g) Overall scoring and ranking shall be conducted and applied by the Clerk on the basis of assigned points from zero (0) points to _____ () points with the lowest overall total score as zero (0) points and the highest possible total score being _____ () points.

(h) At the conclusion of the twenty-one (21) day application period, the Clerk shall begin processing applications for permits to operate retailer establishments, awarding permits to the twenty (20) highest scoring applicants. In the event of an evaluation scoring tie, which causes there to be more than twenty (20) applicants who achieve scores sufficient to qualify for a permit, the scoring-tied applicants will be entered into a random draw and the tie will be resolved through a blind lottery drawing to determine which applicant will receive recommendation for approval. Those applications randomly selected shall be eligible to receive a permit to operate a Retailer. In the event that the number of Retailer permits subsequently falls below the maximum number authorized under this ordinance, the clerk shall not be required to score applicants. Instead, the clerk shall evaluate applications in the order that they are submitted and shall award permits for

Retailers to an applicant who submits a complete application, receives the approvals required in this section, and meets the requirements of this ordinance. However, in no event shall the number of Retailer permits exceed the maximum number authorized under this ordinance.

(i) At the conclusion of the twenty-one (21) day application period, the Clerk shall begin processing applications for permits to operate Class A Microbusinesses, awarding permits to the three (3) highest scoring applicants. In the event of an evaluation scoring tie, which causes there to be more than three (3) applicants who achieve scores sufficient to qualify for a permit, the scoring-tied applicants will be entered into a random draw and the tie will be resolved through a blind lottery drawing to determine which applicant will receive recommendation for approval. Those applications randomly selected shall be eligible to receive a permit to operate a Class A Microbusiness. In the event that the number of Class A Microbusiness permits subsequently falls below the maximum number authorized under this ordinance, the Clerk shall not be required to score applicants. Instead, the Clerk shall evaluate applications in the order that they are submitted and shall award permits for Class A Microbusinesses to an applicant who submits a complete application, receives the approvals required in this section, and meets the requirements of this ordinance. However, in no event shall the number of Class A Microbusiness permits exceed the maximum number authorized under this ordinance.

(j) At the conclusion of the twenty-one (21) day application period, the Clerk shall begin processing applications for permits to operate Designated Consumption Establishments, awarding permits to the three (3) highest scoring applicants for the North of Huron locations. In the event of an evaluation scoring tie, which causes there to be more than three (3) applicants who achieve scores sufficient to qualify for a permit, the scoring-tied applicants will be entered into a random draw and the tie will be resolved through a blind lottery drawing to determine which applicant will receive recommendation for approval. Those applications randomly selected shall be eligible to receive a permit to operate a Designated Consumption Establishment. In the event that the number of Designated Consumption Establishment permits subsequently falls below the maximum number authorized under this ordinance, the Clerk shall not be required to score applicants. Instead, the Clerk shall evaluate applications in the order that they are submitted and shall award permits for Designated Consumption Establishment to an applicant who submits a complete application, receives the approvals required in this section, and meets the requirements of this ordinance. However, in no event shall the number of Designated Consumption Establishment permits exceed the maximum number authorized under this ordinance.

(k) At the conclusion of the twenty-one (21) day application period, the Clerk shall begin processing applications for permits to operate Designated Consumption Establishments, awarding permits to the three (3) highest scoring applicants for the South of Huron locations. In the event of an evaluation scoring tie, which causes there to be more than three (3) applicants who achieve scores sufficient to qualify for a permit, the scoring-tied applicants will be entered into a random draw and the tie will be resolved through a blind lottery drawing to determine which applicant will receive recommendation for approval. Those applications randomly selected shall be eligible to receive a permit to operate a Designated Consumption Establishment. In the event that the number of Designated Consumption Establishment permits subsequently falls below the maximum number authorized under this ordinance, the Clerk shall not be required to score applicants. Instead, the Clerk shall evaluate applications in the order that they are submitted and shall award permits for Designated Consumption Establishment to an applicant who submits a complete application, receives the approvals required in this section, and meets the requirements of this ordinance. However, in no event shall the number of Designated Consumption Establishment permits exceed the maximum number authorized under this ordinance.

(l) At the conclusion of the twenty-one (21) day application period, the Clerk shall begin processing applications for permits to operate Social Equity Retailer establishments, awarding permits to the four (4) highest scoring applicants. In the event of an evaluation scoring tie, which causes there to be more than four (4) applicants who achieve scores sufficient to qualify for a permit, the scoring-tied applicants will be entered into a random draw and the tie will be resolved through a blind lottery drawing to determine which applicant will receive recommendation for approval. Those applications randomly selected shall be eligible to receive a permit to operate a Social Equity Retailer. In the event that the number of Social Equity Retailer permits subsequently falls below the maximum number authorized under this ordinance, the clerk shall not be required to score applicants. Instead, the clerk shall evaluate applications in the order that they are submitted and shall award permits for Social Equity Retailers to an applicant who submits a complete application, receives the approvals required in this section, and meets the requirements of this ordinance. However, in no event shall the number of Social Equity Retailer permits exceed the maximum number authorized under this ordinance.

(m) Nothing in this section is intended to confer a property or other right, duty, privilege or interest in a permit of any kind or nature whatsoever, including, but not limited to, any claim of entitlement.

(n) The Clerk may engage professional expert consultant assistance in performing the Clerk's duties and responsibilities under this Ordinance.

Sec. _____. Social Equity Retailers

- (a) The City has created a permit process to allow state social equity qualifiers to participate in businesses within the City limits. The City shall permit four (4) social equity retailer licenses for social equity applicants, including franchisees, who demonstrate and document 51% or more ownership by social equity qualifying applicants, including ownership structure of the entity that identifies the ownership percentage held by each stakeholder.
- (b) Social equity applicants may apply for other available adult-use permits including retailer establishment permits.

Sec. _____. Class A Microbusinesses

- (a) A Class A microbusiness is subject to all applicable provisions in this Ordinance related to growers, processors, and retailers.
- (b) All Class A Microbusinesses, shall comply with all applicable requirements of the City of Pontiac's zoning ordinance except where otherwise detailed in this Ordinance.
- (c) All Class A Microbusinesses shall be classified as Special Land Uses in the permitted zoning districts.
- (d) One (1) off-street parking space shall be required per every five hundred (500) square feet of gross floor area attributable to grower and processor operations. One (1) off-street parking space shall be required per every one hundred (100) square feet of gross floor area attributable to retail operations.
- (e) Ingress and egress points (driveways) shall be located no closer than one hundred (100) feet from the intersection of any two (2) streets (measured from the nearest right-of-way line). Points of vehicular ingress and egress shall be limited to the thoroughfare having industrial-zoned frontage only. The minimum distance between driveways providing off-

site ingress or egress shall be at least sixty-five (65) feet measured from the two (2) closest driveway curbs.

- (f) A masonry screen wall shall be provided along all property lines abutting property that is zoned for residential use, subject to the requirements of the Pontiac Code of Ordinances.
- (g) Buildings should be oriented so that automobile bays do not face onto any adjacent road.
- (h) Class A Microbusinesses are prohibited if the location is within 1,000 feet from any pre-existing School; (i) The distance separation requirement set forth above shall be measured from nearest property line of the Business Location to the nearest property line of the parcel on which the listed use is located, regardless of ownership of property or Permittee. A Class A Microbusiness shall not operate on the same parcel as any other Marihuana Business.

Sec. _____. Designated Consumption Establishments.

- (a) A Designated Consumption Establishment is subject to all applicable provisions in this Ordinance related to growers, processors, and retailers.
- (b) All Designated Consumption Establishments shall comply with all applicable requirements of the City of Pontiac's zoning ordinance except where otherwise detailed in this Ordinance.
- (c) Designated Consumption Establishments shall be limited to C-2 Downtown Adult-Use Marihuana Business Overlay District as identified in the City zoning ordinance and on the City Zoning Map, with three Designated Consumption Establishments permitted north of Huron Street and three Designated Consumption Establishments permitted south of Huron Street.
- (d) Designated Consumption Establishments shall be classified as Special Land Uses in the permitted zoning districts.

- (e) One (1) off-street parking space shall be required per every five hundred (500) square feet of gross floor area attributable to grower and processor operations. One (1) off-street parking space shall be required per every one hundred (100) square feet of gross floor area attributable to retail operations.
- (f) Ingress and egress points (driveways) shall be located no closer than one hundred (100) feet from the intersection of any two (2) streets (measured from the nearest right-of-way line). Points of vehicular ingress and egress shall be limited to the thoroughfare having industrial-zoned frontage only. The minimum distance between driveways providing off-site ingress or egress shall be at least sixty-five (65) feet measured from the two (2) closest driveway curbs.
- (g) A masonry screen wall shall be provided along all property lines abutting property that is zoned for residential use, subject to the requirements of the Pontiac Code of Ordinances.
- (h) Buildings should be oriented so that automobile bays do not face onto any adjacent road.
- (i) Designated Consumption Establishments are prohibited if the location is within 1,000 feet from any pre-existing School; (i) The distance separation requirement set forth above shall be measured from nearest property line of the Business Location to the nearest property line of the parcel on which the listed use is located, regardless of ownership of property or Permittee.
- (j) A Designated Consumption Establishment shall:
 - (1) Install and maintain an operable ventilation and filtration system to remove smoke to the outside of the building and eliminate odor at the property line of the premises;
 - (2) Prominently display a sign near the entrance of the business which carries the following warning:

WARNING: Marihuana use by pregnant or breastfeeding women, or by women planning to become pregnant, may result in fetal injury, preterm birth, low birth weight, or developmental problems for the child.

Sec. _____ . Marihuana Business Co-Location and Stacking.

(a) Separate Marihuana Business grower, processor and retailer uses, under common ownership, and with proper licensing issued by the Department for each use, shall be permitted to operate at the same location subject to permit approval for each use from the City. Co-locating establishments must have permit approval for each Marihuana Business type and use.

(b) Consistent with the MRTMA and the Rules, applicants for Class C grower permits shall be allowed to stack and receive multiple Class C grower permits, and an Excess Grower permit, and to operate under each permit in a single establishment.

Sec. _____. Transfer of Locations and Ownership.

(a) Transfer of Location. Permittees may transfer a permit issued under this ordinance to a different location after receiving written approval from the Clerk and the Department pursuant to the MRTMA and the Rules. The permittee must make a written request to the Clerk, indicating the current location of the Marihuana Business and the proposed new location. Upon receiving the written request, the Clerk shall refer a copy of the written request to the fire department and the Community Development Department, the planning division, and other affected departments. No location transfer shall be approved unless the Clerk and each such department gives written approval that the proposed location meets the standards identified in this ordinance and the City zoning ordinance and the Department approves the location transfer. The Clerk and planning division shall determine whether the proposed location in the City in relation to its proximity to other locations for Marihuana Businesses represents a reasonable and harmonious dispersion of Marihuana Businesses. All location transfers for retailers shall be subject to review and approval from each applicable City department or official, following any necessary inspections, that the proposed new location meets the standards identified in this Ordinance, MRTMA and the Rules.

(b) Transfer of Ownership or Assets. Permittees may apply to the Clerk to transfer ownership or assets of a permittee's business and the permit issued under this ordinance to a different individual or entity, subject to receiving in advance written approval from the Clerk and the Department pursuant to the MRTMA and the Rules. In order to request City approval to transfer ownership or assets and a permit to a different individual or entity, the permittee must make a written request to the Clerk, indicating the current permittee and the proposed permittee. The proposed permittee shall submit a complete application to the Clerk, and the Clerk shall grant the request so long as the proposed permittee meets all requirements outlined in this Ordinance and the Department authorizes the transfer pursuant to the MRTMA and the Rules. A sale or transfer

of an ownership interest of a social equity applicant shall be at a price no less than fair market value and the buyer or transferee shall be qualified as a social equity applicant.

(c) With submission of a complete transfer application, the permittee requesting a location transfer shall pay \$5,000.00 for a location transfer, and the proposed permittee for an ownership or asset transfer shall pay a nonrefundable application fee of \$5,000.00, in order to offset costs of the City associated with review of the proposed permittee's qualifications for a permitted marihuana business operation or the development of a new location.

Sec. _____. Permits Generally

- (a) Permittees shall report any material change in the required information to the Clerk within twenty four (24) hour and shall report any non-material change in the required information to the Clerk within ten (10) business days of the change. Failure to do so may result in suspension or revocation of the license.
- (b) Permit approval shall not be effective, and no Marihuana Business may operate, unless the Marihuana Business has obtained a State License, the site of the proposed use and proposed structure for the Marihuana Business is properly zoned for such use, and the proposed site plan has received approval from the Planning Commission.

Sec. _____. Term of Marihuana Business Permit.

- (a) Approval of a permit shall be for a period of one calendar year subject to continued compliance with this ordinance, the City Code and MRTMA and the Rules.
- (b) Each permit shall be displayed in a conspicuous spot in the location for that current year.
- (c) A permittee shall remove any expired permit on display and replace it with the current permit. A permittee shall not attempt nor act in any fraudulent manner in regard to the display of any permit.

Sec. _____. Annual Marihuana Business Permit Renewal.

- (a) Application for a permit renewal shall be made in writing to the Clerk at least 30 days prior to the expiration of an existing permit.
- (b) An application for permit renewal shall be made under oath on forms provided by the Clerk.

(c) An application for permit renewal shall be accompanied by a renewal fee of \$5,000.00 for each permit to help defray administrative and enforcement costs of the City associated with the operation of the Marihuana Business.

(d) Upon receipt of a completed application for renewal of a permit meeting the requirements of this ordinance and payment of the permit renewal fee, the Clerk shall refer a copy of the renewal application to the fire department and the Community Development Department, planning division, and other appropriate City departments and officials for review.

(e) No application for a permit renewal shall be approved unless:

(1) The fire department and the Community Development Department, planning division, and other appropriate departments have, within the past calendar year, inspected the proposed location for compliance with all state and local building, electrical, fire, mechanical and plumbing requirements.

(2) The Community Development Department, planning division, and other relevant departments have confirmed that the location complied with the zoning ordinance.

(3) The permittee possesses the necessary State Operating Licenses in good standing with the Department.

(4) The applicant has operated the Marihuana Business in accordance with the conditions and requirements of this ordinance and the City Code.

(5) The permittee has not been determined to be a public nuisance.

(6) An explanation, with supporting factual data, that the operations of the business have been consistent with the plans submitted with its application for a permit, including the staffing plan.

(7) An explanation, with supporting factual data, of the efforts and success achieved by the social equity plan of the business to promote and encourage participation in the marihuana industry by local residents that have been disproportionately impacted by marihuana prohibition and enforcement, and the positive impact of the social equity plan on local residents.

(9) The City Treasurer has confirmed that the applicant and each stakeholder is not in default to the City for any property tax, special assessment, utility charges, fines, fees or other financial obligation owed to the City.

(10) The City has reviewed the application and determined that the applicant has satisfied the requirements of this Ordinance with respect to the criminal background check and security plan.

(f) If written approval is given by each department or entity identified in this section, the Clerk shall issue renewal the permit renewal of the applicant. The renewal shall be deemed approved if the Clerk has not issued formal notice of denial within 60 days of the filing date of the application for renewal, unless the applicant is advised of non-compliance with this Ordinance, incompleteness of information, or failure of any required inspection during such period.

Sec. _____. Denial, Nonrenewal, Suspension, or Revocation of Marihuana Business Permit; Basis for Action; Appeal.

(a) Each Marihuana Business within the City for which a permit is granted shall be operated and maintained in accordance with all applicable City, State and federal laws, rules, and regulations. Any permit issued under this Ordinance may be revoked or suspended by the City after written notice and an administrative hearing if a City official finds and determines that grounds for revocation or suspension exist. Any grounds for revocation or suspension of a permit must be provided to the permittee at least ten (10) days prior to the date of the hearing by first class mail to the address given on the application or any address provided to the Clerk in writing subsequent to the filing of an application. The Clerk shall notify an applicant of the reasons for denial of an application for a permit, for permit renewal, or for suspension or revocation of a permit, or any adverse decision under this ordinance and provide the applicant or permittee an administrative hearing with the opportunity to be heard.

(b) In addition to any other reasons set forth in this ordinance, the City may refuse to issue a permit, may refuse to grant renewal of a permit, and may suspend or revoke a permit pursuant to Pontiac City Ordinance sections 1-24 or for any of the following reasons:

(1) A violation of any provision of this Ordinance, including, but not limited to, the failure to provide the information required by this Ordinance;

(2) Any disqualifying conviction or pattern of convictions by the permittee or any stakeholder of the permittee;

(3) Failure of the permittee to obtain or maintain a State Operating License;

(4) Commission of fraud or misrepresentation or the making of a false statement by the applicant, permittee, or any stakeholder of the applicant or permittee, while engaging in any activity for which this Ordinance requires a permit;

(5) The Marihuana Business is determined by the City to have become a public nuisance or otherwise is operating in a manner detrimental to the public health, safety or welfare;

(6) Any default in the payment of any charges, taxes, or fees, to the City if not cured upon thirty (30) days following notice sent by electronic means or mail to the address of the Marihuana Business. This cure period does not apply to scoring of initial applications for Retailer, Class A Microbusiness and Designated Consumption Lounge permits;

(7) Violation of any State law applicable to Marihuana Businesses.

(c) Appeal of denial of an application, denial of renewal, or revocation or suspension of a permit: Any applicant or permittee aggrieved by the denial, non-renewal, suspension or revocation of a permit or adverse decision under this ordinance may appeal to the Clerk, by filing with the Clerk, within fourteen (14) days after notice of the action complained of has been mailed to the applicant or to permittee's last known address on the records of the Clerk, a written statement setting forth fully the grounds for the appeal. The Clerk shall appoint a hearing officer to hear and evaluate the appeal and make a recommendation to the Clerk. The Clerk shall review the report and recommendation of the hearing officer and make a decision on the matter. The Clerk's decision may be appealed to the Marihuana Business Commission by appealing in writing to the Marihuana Business Commission no later than thirty (30) days after the Clerk's decision. The review on appeal of a denial, non-renewal, suspension, or revocation or adverse action shall be by the Marihuana Business Commission pursuant to this ordinance. Any decision by the Marihuana Business Commission on an appeal shall be final for purposes of judicial review. The Clerk may engage professional consultants to assist with the review and scoring of applications under this section.

(d) Following the denial of a permit to an applicant for a retailer permit, Class A microbusiness permit or designated consumption lounge permit, and any subsequent appeal during the recommendation and issuance process, the Clerk may move to recommend the application with the next highest number of scoring points as determined in the application process to be awarded a permit.

Sec. _____. Penalties; temporary suspension of a permit.

(a) The City may require an applicant or permittee of a Marihuana Business to produce documents, records, or any other material pertinent to the investigation of an applicant or permittee or to an alleged violation of this Ordinance. Failure to provide the required material may be grounds for application denial, or permit revocation.

(b) Any person in violation of any provision of this Ordinance, including the operation of a Marihuana Business without a permit shall be responsible for a misdemeanor and shall be subject to a civil fine and costs. Increased civil fines may be imposed for a repeat violation. As used in this Ordinance "repeat violation" shall mean a second or any subsequent infraction of the same requirement or provision committed by a person or establishment within any twenty-four (24) month period. Unless otherwise specifically provided in this Ordinance, the penalty schedule is as follows:

- (1) Seven Hundred Fifty Dollars (\$750), plus costs, for the first violation;
- (2) One Thousand Dollars (\$1,000), plus costs, for a repeat violation;
- (3) Three Thousand Dollars (\$3,000), plus costs per day, plus costs for any violation that continues for more than one day.

(c) The City may temporarily suspend a Marihuana Business permit without a prior hearing if the City finds that public safety or welfare requires emergency action affecting the public health, safety, or welfare. The City shall cause the temporary suspension by issuing a suspension notice in connection with institution of proceedings for notice and a hearing.

(d) If the City temporarily suspends a permit without a prior hearing, the permittee is entitled to a hearing within thirty (30) days after the suspension notice has been served on the permittee or posted on the permitted premises. The hearing shall be limited to the issues cited in the suspension notice.

(e) If the City does not hold a hearing within thirty (30) days after the date the suspension was served on the permittee or posted on the permitted premises, then the suspended permit shall be automatically reinstated and the suspension vacated.

(f) The penalty provisions herein are not intended to foreclose any other remedy or sanction that might be available to, or imposed by the City, including criminal prosecution.

Sec. _____. Severability Clause

Should any word, phrase, sentence, paragraph, or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

Sec. _____. Effective Date

This Ordinance shall become effective 30 days following the date of adoption.

Sec. _____. Publication

#22

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