



**CITY OF PONTIAC**  
**OFFICE OF THE EMERGENCY MANAGER**  
**LOUIS H. SCHIMMEL**

47450 Woodward Avenue  
Pontiac, Michigan 48342  
Telephone: (248) 758-3133  
Fax: (248) 758-3292

Dated: June 27, 2013

ORDER NO. S-294

**RE: Adopt ordinance to amend Section 2-376 of the Code of Ordinances regarding duties of the Planning Commission.**

**TO: Sherikia Hawkins, City Clerk**  
**Joseph M. Sobota, Director, Department of Community Development**

The Local Financial Stability and Choice Act (Act 436 of 2012/MCL 141.15411, et. seq.) in Section 10 empowers an Emergency Manager to issue orders to the appropriate local elected and appointed officials and employees, agents, and contractors of the local government a Manager considers necessary to accomplish the purposes of the Act and any such orders are binding on the local elected and appointed officials and employees, agents, and contractors of the local government to whom they are issued.

Section 12(1) of the Act provides that “[a]n emergency manager may take 1 or more of the following additional actions with respect to a local government that is in receivership, notwithstanding any charter provision to the contrary: (dd) [e]xercise solely, for and on behalf of the local government, all other authority and responsibilities of the chief administrative officer and governing body concerning the adoption, amendment, and enforcement of ordinances....”

WHEREAS, Emergency Manager Schimmel introduced the attached ordinance at a public meeting on June 24, 2013; and,

WHEREAS, the proposed ordinance was distributed to each member of the Council and the Mayor by the Clerk; and,

WHEREAS, a summary of the proposed ordinance and time and place of consideration by the Emergency Manager was published in the Oakland Press on June 25, 2013; and,

WHEREAS, the Emergency Manager at a public meeting on June 27, 2013 announced that he is adopting the proposed ordinance.

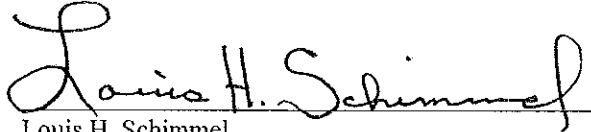
**It is hereby ordered:**

1. That the attached Ordinance No. 2298, an ordinance to amend Section 2-376 of the Code of Ordinances regarding duties of the Planning Commission, is adopted.
2. That the City Clerk shall take all actions required under the law to reflect the attached ordinance changes on the City books and records, including publication of the adopted ordinance.

The Order shall have immediate effect.

Copies of the documents referenced in this Order are to be maintained in the offices of the City Clerk and may be reviewed and/or copies may be obtained upon submission of a written request consistent with the requirements of the Michigan Freedom of Information Act and subject to any exemptions contained in that state statute and subject to any exemptions allowed under that statute (Public Act 442 of 1976, MCL 15.231, et. seq.).

This order is effective as indicated and is necessary to carry out the duties and responsibilities required of the Emergency Manager as set forth in the Local Financial Stability and Choice Act (Act 436 of 2012/MCL 141.15411, et. seq.) and the contract between the Local Emergency Financial Assistance Loan Board and the Emergency Manager.

A handwritten signature in black ink that reads "Louis H. Schimmel". The signature is written in a cursive style with a large initial "L".

Louis H. Schimmel  
City of Pontiac  
Emergency Manager

cc: State of Michigan Department of Treasury  
Mayor Leon B. Jukowski  
Pontiac City Council

## Ordinance No. 2298

### An ordinance to amend Section 2-376 of the Code of Ordinances regarding duties of the Planning Commission.

The City of Pontiac ordains:

#### Section 1. Amendments.

Section 2-376 of the Code of Ordinances shall be amended to read as follows:

##### 2-376 Additional duties.

The city planning commission shall:

- (a) Under the authority in Act No. 33 of the Public Acts of Michigan of 2008 (MCL 125.3801 et seq.), and other applicable planning statutes, the planning commission shall make a master plan as a guide for development within the City's planning jurisdiction;
- (b) Keep a public record of all resolutions, transactions, findings and determinations, including, but not limited to, making all final agendas and minutes available on the city planning commission's website; and
- (c) Make an annual written report to the mayor and city council of the city planning commission's operations and status of planning activities.
- (d) Be exempted from preparing the capital improvement program in accordance with MCL 125.3865. The capital improvement program shall be prepared by the Community Development Director, subject to final approval by the city council.

#### Section 2. Severability.

If any section, clause, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause, or provision declared to be unconstitutional, void, or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

### **Section 3. Saving Clause.**

A prosecution which is pending on the effective date of this ordinance and which arose from a violation of an ordinance repealed by this ordinance, or a prosecution which is started within one (1) year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance and which was committed prior to the effective date of this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

### **Section 4. Repealer**

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

### **Section 5. Publication**

The Clerk shall publish this Ordinance in a newspaper of general circulation.

### **Section 6. Effective Date**

This Ordinance shall be effective ten days after date of adoption.