

**PONTIAC CHARTER REVISION COMMISSION**

**Chair, Tameka Ramsey**  
**Vice Chair, Kermit Williams**  
**Norbert Burrows**  
**Gill Garrett**  
**Bryan Killian**  
**Lucy Payne**  
**Scott Stewart**  
**Bruce Turpin**  
**Jose Ybarra III**



47450 Woodward Ave. Pontiac, MI 48342 Phone: (248) 758-3200 Website: <http://www.pontiac.mi.us>  
Sheila Grandison, MiPMC, Deputy City Clerk

**24<sup>th</sup> Session**  
**SPECIAL MEETING AGENDA**  
**January 11, 2024, at 6:00 p.m.**  
**Meeting Location: City Council Conference Room 2<sup>nd</sup> Floor**  
**Pontiac City Hall**  
**47450 Woodward Ave. Pontiac, MI 48342**

- I. Call to Order**
- II. Roll Call**
- III. Authorization to Excuse Commissioners**
- IV. Amendments to and Approval of the Agenda**
- V. Approval of the Minutes**  
December 14, 2023
- VI. Public Comment**
- VII. Special Presentation from Hafeli, Staran & Christ, P.C. Proposal for Charter Revision Commission Legal Services**
- VIII. Resolution to approve Legal Counsel with Hafeli, Staran & Christ, P.C.**
- IX. Recommendations from Mayor Tim Greimel**
- X. Communication from Councilwoman Kathalee James**
- XI. Discussion on the Governor's Charter Revision Deadline Dates**
- XII. Discussion and approve the Charter Revision 2024 Meeting Schedule**
- XIII. Amendments to the 2013 Charter – Start at Chapter 7 – Rules of Interpretation, Article VII, Ethical Standards, Section 7.102 -Disclosures**
- XIV. Closing Comments**
- XV. Adjournment**

**V.**

# **Minutes**

December 14, 2023, Draft

**Official Proceedings  
2022 Pontiac Charter Revision Commission  
23<sup>rd</sup> Session**

**Call to order**

A Meeting of the 2022 Charter Revision Commission of Pontiac, Michigan was called to order by Vice Chair Kermit Williams at the City Hall Council Chambers, 47450 Woodward Ave Pontiac, MI 48342 on Thursday, December 14, 2023, at 6:05 p.m.

**Roll Call**

**Members Present** – Norbert Burrows, Gill Garrett, Bryan Killian, Bruce Turpin, and Kermit Williams.

A quorum was announced.

**Excuse Commissioners**

23-168        **Motion to excuse Commissioners Lucy Payne, Tameka Ramsey, Scott Stewart, and Jose Ybarra III for personal reasons.** Moved by Commissioner Garrett and second by Commissioner Killian.

Ayes: Garrett, Killian, Turpin, Williams, and Burrows

No: None

**Motion Carried**

**Amendments and or Approval of the Agenda**

23-169        **Motion to approve the agenda.** Moved by Commissioner Garrett and second by Commissioner Killian.

Ayes: Killian, Turpin, Williams, Burrows, and Garrett

No: None

**Motion Carried**

**Approval of the Minutes**

23-170        **Motion to approve meeting minutes from November 16, 2023.** Moved by Commissioner Killian and second by Commissioner Burrows.

Ayes: Turpin, Williams, Burrows, Garrett, and Killian

No: None

**Motion Carried**

**Public Comment** – None

**Amendments to the 2013 Charter**

23-171        **Motion to keep Article VI, General Provisions, Chapter 1- Personal Matters, Section 6.102 – Employee Serving in Management as is.** Moved by Commissioner Turpin and second by Commissioner Garrett.

Ayes: Turpin, Williams, Burrows, Garrett, and Killian

No: None

**Motion Carried**

23-172        **Motion to keep Article VI, General Provisions, Chapter 1 Personnel Matters, Section 6.103 – Residency as is.** Moved by Commissioner Killian and second by Commissioner Burrows. Discussion. Commissioner Killian rescind his motion and Commissioner Burrows rescind his second.

23-173        **Motion to postpone Article VI, General Provisions, Chapter 1 Personnel Matters, Section 6.103 – Residency for further legal interpretation.** Moved by Commissioner Garrett and second by Commissioner Killian.

Ayes: Turpin, Williams, Burrows, Garrett, and Killian  
No: None  
**Motion Carried**

23-174        **Motion to keep Article VI, General Provisions, Chapter 1 - Personnel Matters, Section 6.104 – Local Officers' Compensation Commission as is.** Moved by Commissioner Garrett and second by Commissioner Turpin.

Ayes: Williams, Burrows, Garrett, Killian, and Turpin  
No: None  
**Motion Carried**

23-175        **Motion to amend Article VI, General Provisions, Chapter 1 - Personnel Matters, Section 6.105 – Vacancy.** Moved by Commissioner Killian and second by Commissioner Burrows.

The position of any officer or appointee shall become vacant upon death, resignation, permanent disability, removal from City residence or, in the case of a Council member, removal from district residence, or dismissal from the position in any manner authorized by Law and this Charter.

Ayes: Burrows, Garrett, Killian, Turpin, and Williams  
No: None  
**Motion Carried**

23-176        **Motion to keep Article VI, General Provisions, Chapter 1 - Personnel Matters, Section 6.106 – Filling of Vacancies as is.** Moved by Commissioner Garrett and second by Commissioner Killian.

Ayes: Burrows, Garrett, Killian, Turpin, and Williams  
No: None  
**Motion Carried**

23-177        **Motion to keep Article VI, General Provisions, Chapter 1 - Personnel Matters, Section 6.107 - Conflict of Interest - a (1) as is.** Moved by Commissioner Turpin and second by Commissioner Burrows.

Ayes: Garrett, Killian, Turpin, Williams, and Burrows  
No: None  
**Motion Carried**

23-178        **Motion to keep Article VI, General Provisions, Chapter 1 - Personnel Matters, Section 6.107 - Conflict of Interest - a (2) as is.** Moved by Commissioner Garrett and second by Commissioner Killian.

Ayes: Killian, Turpin, Williams, Burrows, and Garrett

No: None

**Motion Carried**

23-179        **Motion to keep Article VI, General Provisions, Chapter 1 - Personnel Matters, Section 6.107 - Conflict of Interest - a (3) as is.** Moved by Commissioner Turpin and second by Commissioner Burrows.

Ayes: Turpin, Williams, Burrows, Garrett, and Killian

No: None

**Motion Carried**

23-180        **Motion to keep Article VI, General Provisions, Chapter 1 - Personnel Matters, Section 6.107 - Conflict of Interest - (b) as is.** Moved by Commissioner Killian and second by Commissioner Garrett.

Ayes: Turpin, Williams, Burrows, Garrett, and Killian

No: None

**Motion Carried**

Point of Privilege to Kathalee James, Councilwoman of District 4 Pontiac, Michigan. She would like the Charter Revision Commission to add a clause (City Property cannot be sold without a vote from the Council and/or the Citizens of the City of Pontiac) to Article III – Legislative Branch, Chapter 1 – City Council Section 3.113 – Transfer of City Property, - Contracts.

Commissioner Jose Ybarra III arrived at 6:40 p.m.

23-181        **Motion to keep Article VI, General Provisions, Chapter 1 - Personnel Matters, Section 6.107 - Conflict of Interest - (c) as is.** Moved by Commissioner Garrett and second by Commissioner Turpin.

Ayes: Turpin, Williams, Ybarra III, Burrows, Garrett, and Killian

No: None

**Motion Carried**

23-182        **Motion to keep Article VI, General Provisions, Chapter 1 - Personnel Matters, Section 6.108 – Retirement Plans Continued - as is.** Moved by Commissioner Ybarra III and second by Commissioner Garrett.

Ayes: Turpin, Williams, Ybarra III, Burrows, Garrett, and Killian

No: None

**Motion Carried**

23-183        **Motion to keep Article VI, General Provisions, Chapter 1 - Personnel Matters, Section 6.109 – Removal for Cause - as is.** Moved by Commissioner Killian and second by Commissioner Burrows.

Ayes: Williams, Ybarra III, Burrows, Garrett, Killian, and Turpin

No: None

**Motion Carried**

23-184        **Motion to table Article VI, General Provisions, Chapter 2 – Specific Powers and Miscellaneous Provisions – Section 6.201 through Section 6.206, Chapter 3 – Rule Making – Section 6.301 and Section 6.302, and Chapter 4 – Section 6.401 through Section 6.409 for further direction from Mayor Tim Greimel.** Moved by Commissioner Killian and second by Commissioner Garrett.

Ayes: Killian, Turpin, Williams, Ybarra III, Burrows, and Garrett

No: None

**Motion Carried**

23-185        **Motion to keep Article VI, General Provisions, Chapter 5 – Franchises, Licenses and Permits; Municipal Utilities – Section 6.501 – Occupancy or Use by Private Concern as is.** Moved by Commissioner Garrett and second by Commissioner Ybarra III.

Ayes: Burrows, Garrett, Killian, Turpin, Williams, and Ybarra

No: None

**Motion Carried**

23-186        **Motion to keep Article VI, General Provisions, Chapter 5 – Franchises, Licenses and Permits; Municipal Utilities – Section 6.502 – Limitations on Grant as is.** Moved by Commissioner Garrett and second by Commissioner Ybarra III.

Ayes: Garrett, Killian, Turpin, Williams, Ybarra III, and Burrows

No: None

**Motion Carried**

23-187        **Motion to keep Article VI, General Provisions, Chapter 5 – Franchises, Licenses and Permits; Municipal Utilities – Section 6.503 – Revocable Permits as is.** Moved by Commissioner Garret and second by Commissioner Ybarra III.

Ayes: Killian, Turpin, Williams, Ybarra III, Burrows, and Garrett

No: None

**Motion Carried**

23-188        **Motion to amend Article VI, General Provisions, Chapter 5 – Franchises, Licenses and Permits; Municipal Utilities – Section 6.504 – Manner of Grant.** Moved by Commissioner Ybarra III and second by Commissioner Garrett.

Every franchise or modification thereof shall be granted by Ordinance. A License or any modification thereof may be granted by resolution. Any such ordinance or resolution shall ~~be~~ become effective until all terms and conditions thereof have been accepted in writing by the grantee. Such acceptance shall be filed with the Clerk. Any non-compliance with this section shall automatically cancel such franchise or license granted.

Ayes: Turpin, Williams, Ybarra III, Burrows, Garrett, and Killian

No: None

**Motion Carried**

23-189        **Motion to keep Article VI, General Provisions, Chapter 5 – Franchises, Licenses and Permits; Municipal Utilities – Section 6.505 – Electoral Approval as is.** Moved by Commissioner Ybarra III and second by Commissioner Killian.

Ayes: Turpin, Williams, Ybarra III, Burrows, Garrett, and Killian  
No: Ramsey  
**Motion Carried**

23-190        **Motion to keep Article VI, General Provisions, Chapter 5 – Franchises, Licenses and Permits; Municipal Utilities – Section 6.506 – Expenses of Certain Elections as is.** Moved by Commissioner Garrett and second by Commissioner Turpin.

Ayes: Turpin, Williams, Ybarra III, Burrows, Garrett, and Killian  
No: None  
**Motion Carried**

23-191        **Motion to keep Article VI, General Provisions, Chapter 5 – Franchises, Licenses and Permits; Municipal Utilities – Section 6.507 – Exclusivity Prohibited as is.** Moved by Commissioner Killian and second by Commissioner Ybarra III.

Ayes: Turpin, Williams, Ybarra III, Burrows, Garrett, and Killian  
No: None  
**Motion Carried**

23-192        **Motion to keep Article VI, General Provisions, Chapter 5 – Franchises, Licenses and Permits; Municipal Utilities – Section 6.508 – Restrictions on Transfer as is.** Moved by Commissioner Garrett and second by Commissioner Killian.

Ayes: Williams, Ybarra III, Burrows, Garrett, Killian, and Turpin  
No: None  
**Motion Carried**

23-193        **Motion to keep Article VI, General Provisions, Chapter 5 – Franchises, Licenses and Permits; Municipal Utilities – Section 6.509 – Restriction on Modifications as is.** Moved by Commissioner Garrett and second by Commissioner Ybarra III.

Ayes: Ybarra III, Burrows, Garrett, Killian, Turpin, and Williams  
No: None  
**Motion Carried**

23-194        **Motion to keep Article VI, General Provisions, Chapter 5 – Franchises, Licenses and Permits; Municipal Utilities – Section 6.510 – Subordinate to Police Power as is.** Moved by Commissioner Garrett and second by Commissioner Ybarra III.

Ayes: Burrows, Garrett, Killian, Turpin, Williams, and Ybarra III  
No: None  
**Motion Carried**

23-195        **Motion to amend Article VI, General Provisions, Chapter 5 – Franchises, Licenses and Permits; Municipal Utilities – Section 6.511 – Co-Occupancy.** Moved by Commissioner Garrett and second by Commissioner Burrows.

The City may, by resolution, require any person or firm holding a franchise from the City to allow the use of its tracks, poles, wireless, and wires by any other person or firm to which the City shall grant a franchise, subject to reasonable regulations and upon the payment of a reasonable rental therefor.

Ayes: Garrett, Killian, Turpin, Williams, Ybarra III, and Burrows

No: None

**Motion Carried**

23-196        **Motion to keep Article VI, General Provisions, Chapter 5 – Franchises, Licenses and Permits; Municipal Utilities – Section 6.512 – Compensation to City as is.** Moved by Commissioner Ybarra III and second by Commissioner Killian.

Ayes: Killian, Turpin, Williams, Ybarra III, Burrows, and Garrett

No: None

**Motion Carried**

23-197        **Motion to amend Article VI, General Provisions, Chapter 5 – Franchises, Licenses and Permits; Municipal Utilities – Section 6.513 – Restrictions on Transfer of Municipality Owned Utilities.** Moved by Commissioner Ybarra III and second by Commissioner Killian.

The City may make a contract to purchase, operate, and maintain any public utility property for supplying heat, light, power, ~~or~~ water, or transportation to the City and its inhabitants. No such contract shall bind the City unless a proposition therefore receives the affirmative vote of 3/5 of the electors voting thereon at a regular or special election.

Ayes: Turpin, Williams, Ybarra III, Burrows, Garrett, and Killian

No: None

**Motion Carried**

~~23-198–~~        **Motion to keep Article VI, General Provisions, Chapter 6 – Separately Incorporated Bodies – Section 6.601 - Authorities or Other Agencies Separately Incorporated as is.** Moved by Commissioner Turpin, no second. Discussion.

23-198        **Motion to table Article VI, General Provisions, Chapter 6 – Separately Incorporated Bodies – Section 6.601 - Authorities or Other Agencies Separately Incorporated.** Moved by Commissioner Killian and second by Commissioner Burrows.

Ayes: Turpin, Williams, Ybarra III, Burrows, Garrett, and Killian

No: None

**Motion Carried**

23-199        **Motion to table Article VI, General Provisions, Chapter 6 – Separately Incorporated Bodies – Section 6.602 – Conflicts Prohibited, Chapter 7 – Rules of Interpretation Section 6.701 through 6.703 for legal interpretation.** Moved by Commissioner Garrett and second by Commissioner Killian.

Ayes: Turpin, Williams, Ybarra III, Burrows, Garrett, and Killian

No: None

**Motion Carried**

23-200        **Motion to keep Article VII – Chapter 7 – Rules of Interpretation – Section 7.101 Ethical Standards of Conduct as is.** Moved by Commissioner Garrett and second by Commissioner Ybarra.



December 14, 2023, Draft

Ayes: Turpin, Williams, Ybarra III, Burrows, Garrett, and Killian

No: None

**Motion Carried**

23-201      **Motion to schedule the next City Charter Revision Commission meeting on Thursday, December 21, 2023, at 6:00 p.m. in City Council Chambers on the second floor at City Hall.** Moved by Commissioner Garrett and second by Commissioner Ybarra III.

Ayes: Williams, Ybarra III, Burrows, Garrett, and Killian

No: Turpin

**Motion Carried**

**Closing Comments** – Commissioner Bruce Turpin, Commissioner Jose Ybarra III, Commissioner Norbert Burrows, Commissioner Gill Garrett, Commissioner Bryan Killian, and Vice- Chair Kermit Williams made closing comments.

**Adjournment**

Vice-Chair Kermit Williams adjourned the meeting at 7:38 p.m.

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Sheila R. Grandison  
Deputy City Clerk

# **VII.**

# **Special**

# **Presentation**



Attorneys at Law  
2055 Orchard Lake Road  
Sylvan Lake, Michigan 48320  
www.hsc-law.com

Main (248) 731-3080  
Fax (248) 731-3081

P. Daniel Christ  
Direct (248) 731-3085  
dchrist@hsc-law.com

December 22, 2023

City of Pontiac  
Charter Revision Commission  
c/o Garland Doyle, City Clerk  
47450 Woodward Avenue  
Pontiac, Michigan 48342

*Email Only*  
*gdoyle@pontiac.mi.us*

Re: *Proposal for City of Pontiac Charter Revision Commission Legal Services*

Dear Mr. Doyle:

It was a pleasure speaking with you earlier this week regarding the City of Pontiac Charter Revision Commission. We are pleased to have this opportunity to submit our Proposal to Provide Legal Services to the City of Pontiac Charter Revision Commission. Hafeli Staran & Christ, P.C. has considerable experience and expertise representing and advising local government clients, and take great pride in providing the highest quality legal services to local government agencies in southeastern Michigan. Our firm has been awarded an AV rating (highest possible) in the *Martindale-Hubbell Law Directory* in recognition of our firm's commitment to high professional and ethical standards, and our attorneys are individually rated AV and are named in *Super Lawyers*, as well. Our collective experience and qualifications in local government law and related fields distinguish us as leaders in this specialized area of law, and allow us to offer current and prospective public clients legal services that are reliable, economical and practical.

We look forward to hearing further from you. Meanwhile, I will welcome any questions requests for additional information you may have concerning our proposal and qualifications.

Very truly yours,

P. Daniel Christ

PDC/dh  
Enclosure

**PROPOSAL TO PROVIDE LEGAL  
SERVICES  
TO  
CITY OF PONTIAC CHARTER REVISION COMMISSION**



**Hafeli Staran & Christ, P.C.  
2055 Orchard Lake Road  
Sylvan Lake, Michigan 48320  
(248) 731-3080**

**December 22, 2023**

## Firm Profile

Hafeli Staran & Christ, P.C. ("HSC"), located in Oakland County at 2055 Orchard Lake Road, Sylvan Lake, Michigan 48320, is a law firm committed to providing prompt and superior legal services to our clients in the metro-Detroit area in an efficient, effective and economical manner. Our clients benefit from our broad knowledge base and experience. We strive to develop creative solutions to achieve our clients' goals and objectives. Our attorneys adhere to the strictest personal and professional ethics as evinced by the firm's and our individual AV peer-review ratings in the *Martindale Hubbell Law Directory*. Members have been featured in *Super Lawyers* and *DBusiness* Top Lawyers edition. Our attorneys are committed to the needs of our clients and focus on each client's circumstances and needs with respect to every matter and service provided.

We work on a variety of legal matters covering a number of practice fields. However, we specialize in advising and representing municipal and local government agencies, boards, and commissions. Our local government attorneys have acquired considerable expertise in local government law matters including advising boards and commissions and attending their meetings, annexation, cable television, charter amendment, civil rights, code enforcement, construction, contract drafting and negotiation, elections, eminent domain, environmental, Freedom of Information and Open Meetings Acts, historic preservation, intergovernmental cooperation, land division, litigation, ordinance drafting, property taxation, prosecutions, public finance, real estate transactions, special assessments, telecommunications, and zoning and land use. HSC currently serves as the City Attorneys for Berkley, Ferndale and Rochester Hills. In addition, HSC attorneys have served, in recent years, as counsel and special counsel for other local government agencies including the Road Commission for Oakland County, the City of Eaton Rapids, Village of Franklin, City of Lake Angelus, City of Pontiac, City of Ypsilanti and Charter Township of West Bloomfield. HSC has advised and counseled the Berkley, Ferndale, Oxford and Walled Lake Downtown Development Authorities, and the Rochester-Avon Recreation Authority. We provide prosecution enforcement for municipal ordinance violations for some of our municipal clients in the 43<sup>rd</sup>, 44<sup>th</sup> and the 52-3<sup>rd</sup> District Courts. We also have served as legal advisor to the Clawson City Charter Commission and City of Ludington Charter Commission. We are well-versed and experienced in municipal charter issues and amendments, having on multiple occasions drafted charter amendments and guided our municipal clients through the charter amendment process and provided counsel on the charter revision process.

Integrity, communication, responsiveness and quality are cornerstones for effective legal service. It is HSC's policy to reply promptly to client calls and emails. We strive to provide same-day responses. Once a legal issue is framed and discussed with our client, we commonly provide a time estimate for when our client may expect the legal service to be completed. HSC's office is open for business 8:30 a.m. to 5:00 p.m., Monday through Friday, however, our attorneys regularly attend to client matters before or after regular business hours and on weekends, as necessary, to respond to and fulfill our clients' needs.

We anticipate that if selected to provide legal services for the City of Pontiac Charter Revision Commission, P. Daniel Christ will be the primary contact and lead attorney responsible for coordinating and overseeing legal services, assisted by John D. Staran. Dan's and John's résumés are included with this proposal.

## Qualifications

The following HSC attorneys are available to assist in providing legal services:

**Ann D. Christ** (associate), rated AV Preeminent (highest rating) by *Martindale Hubbell*, concentrates her practice principally representing municipal clients in ordinance enforcement and prosecutions. Ms. Christ also supports and provides other general municipal legal services and attends municipal meetings. She is a member of the Oakland County Bar Association, State Bar of Michigan and Women Lawyers Association of Michigan. Ms. Christ graduated from Michigan State University and received her Juris Doctor from the University of Detroit.

**P. Daniel Christ** (principal), rated AV Preeminent (highest rating) by *Martindale Hubbell* and named in *Super Lawyers*, 2013 – 2022, concentrates his practice in local government, zoning and land use, construction law, business and general commercial litigation. He is the City Attorney for the City of Ferndale and assistant City Attorney and prosecuting attorney for the City of Berkley. He has advised various government clients on election matters and has represented government clients before District and Circuit Courts; the Michigan Court of Appeals, U.S. District Court, U.S. Court of Appeals, the Michigan Tax Tribunal, Michigan State Board of Education, Michigan Liquor Control Commission, and other administrative agencies. He has lectured and written on matters concerning the Michigan Freedom of Information Act, Michigan Open Meetings Act and zoning and land use matters. He is a member of the Oakland County Bar Association's Municipal Law Committee, Michigan Association of Municipal Attorneys, and is a past President of the Michigan Council of School Attorneys. He is a member of the Public Corporation and Real Property Law Sections of the State Bar of Michigan. Mr. Christ graduated from Michigan State University and earned his Juris Doctor at the University of Detroit.

**John D. Staran** (principal), rated AV Preeminent (highest rating) by *Martindale Hubbell* and named in *Super Lawyers*, 2009 – 2022, concentrates his practice in most aspects of local government law. He also maintains a general civil practice, with areas of concentration including civil litigation, business, construction, zoning and land use, environmental, historic preservation, property taxation, and real property law matters. Mr. Staran is the City Attorney for the Cities of Berkley and Rochester Hills. He is the legal advisor to the Clawson City Charter Commission. He is former chairperson of the Oakland County Bar Association Municipal Law Committee. He has written and lectured at seminars and conferences on zoning and land use, land division, historic preservation, sign regulation, ordinance enforcement, property taxation and other municipal topics. Mr. Staran has represented local government agencies in District and Circuit Courts, Michigan Court of Appeals, Michigan Supreme Court, U.S. District Court, U.S. Court of Appeals, Michigan Tax Tribunal, State Tax Commission, State Historic Preservation Review Board and other administrative agencies. He is a member of the Local Government Law and Real Property Law Sections of the State Bar of Michigan, and the Municipal Law Committee of the Oakland County Bar Association. Mr. Staran graduated from the University of Michigan-Dearborn (with distinction) and earned his Juris Doctor from the University of Notre Dame.

As part of our team, HSC also employs skilled and courteous administrative assistants to provide prompt and efficient support for our legal services to our local government clients.

We believe our experience representing and advising our local government clients is second to none. HSC has represented its municipal and governmental clients in administrative hearings and litigation matters at all levels of State and Federal Courts.

## **References**

Mr. Matt Baumgarten  
City Manager  
City of Berkley  
3338 Coolidge Highway  
Berkley, MI 48072  
(248) 224-5738

Mr. Bryan K. Barnett  
Mayor  
City of Rochester Hills  
1000 Rochester Hills Drive  
Rochester Hills, MI 48309  
(248) 656-4664

Ms. Melanie Piana  
Mayor  
City of Ferndale  
300 E. Nine Mile Road  
Ferndale, MI 48220  
(248) 546-2525

Ms. Laura Slowinski  
Clawson City Charter  
Commission  
425 North Main Street  
Clawson, MI 48017  
(248) 435-4500

Mr. Mark Barnett, Mayor  
City of Ludington  
Charter Commission  
400 s. Harrison Street  
Ludington, MI 49431  
(231) 845-6237

## **Agreement and Fee Structure**

We propose to provide legal services at an hourly rate of \$200 per hour, billed monthly. Costs advanced on behalf of the Charter Revision Commission for filing fees, document reproduction, and other authorized and customarily reimbursable expenses would be in addition to the basic hourly fee and reimbursed at cost without any mark-up (HSC does not propose to be reimbursed for its own overhead and administrative expense such as phone, facsimile, computer, or ordinary copying charges).

We invoice our clients toward the beginning of every month for the legal services provided in the previous month. Our monthly statements will contain an itemized statement describing the services performed and reflecting the time expended (in 1/4 hour increments). Reimbursable costs will be reflected on the monthly statement.

## **Insurance**

HSC maintains professional and commercial liability insurance coverages. A copy of our certificate of insurance will be provided upon request.

## **Conflict of Interest**

We are not aware of any existing conflicts of interest in connection with our providing legal services for the Charter Commission. We are vigilant about avoiding conflicts of interest or even the appearance of a conflict, and we take appropriate steps to check for conflicts whenever a new matter or client arises. We do not accept engagement by prospective clients who we foresee may have

dealings or potential for dispute with our municipal clients and which may lead to a conflict of interest or require us to take a legal position or advocate for a result that may be adverse to our municipal clients' interests.

## **Lawsuits**

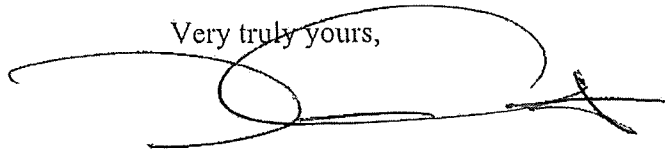
None of our HSC attorneys have ever been sued by a client for improper representation, nor has our firm or our attorneys been in bankruptcy, reorganization, or receivership.

## **Our Approach**

If fortunate enough to be selected by the Charter Revision Commission, we would like to familiarize ourselves as quickly as possible with the Commission's needs and goals.

If you have any questions or comments with respect to our firm or this proposal, please feel free to contact P. Daniel Christ at (248) 731-3085 ([dchrist@hsc-law.com](mailto:dchrist@hsc-law.com)) or John D. Staran at (248) 731-3088 ([jstaran@hsc-law.com](mailto:jstaran@hsc-law.com)).

Very truly yours,

A handwritten signature in black ink, appearing to be 'P. Daniel Christ', with a large, sweeping loop at the end.

P. Daniel Christ

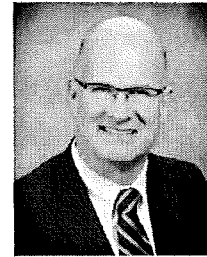


**P. DANIEL CHRIST**  
**HAFELI STARAN & CHRIST, P.C.**

**CONTACT  
INFORMATION:**

Hafeli Staran & Christ, P.C.  
2055 Orchard Lake Road  
Sylvan Lake, MI 48320

Direct: (248) 731-3085  
Fax: (248) 731-3085  
Mobile: (248) 227-5421  
Email: [dchrist@hsc-law.com](mailto:dchrist@hsc-law.com)



Dan Christ (principal), rated AV Preeminent (highest rating) by *Martindale Hubbell* and named in Michigan *Super Lawyers*, concentrates his practice on local government law, real estate and general business matters. He has experience in Freedom of Information Act and Open Meetings Act, zoning and land use and general civil and criminal litigation. He is a member of the Governmental and Real Property Law sections of the State Bar of Michigan and a member of the Oakland County Bar Association Municipal Law Committee.

**EDUCATION:**

University of Detroit School of Law, Detroit, MI; Juris Doctorate 1991  
London Law Program, Regent's Park, England; Study of International law and EEC.  
Michigan State University, East Lansing, MI; B.A. Arts and Letters 1987

**LAW PRACTICE AREAS:**

Municipal/School/Governmental; real estate; zoning and land use matters; general commercial and construction litigation; title disputes and construction liens; Open Meetings Act and Freedom of Information Act litigation; property annexation matters; property taxation; election matters.

**REPRESENTATIVE CLIENTS:**

Cities of Berkley, Eaton Rapids, Ferndale and Rochester Hills, Sentech Services,  
Extended Stay America, Netco Title, Oakland County Road Commission

**SEMINARS/PUBLICATIONS:**

National Business Institute, 1997; School Law Seminar  
Lorman Education Services, 2002; Public Records and Open Meetings  
Lorman Education Services, 2006; Zoning and Land Use in Michigan

**PROFESSIONAL MEMBERSHIPS / AFFILIATIONS:**

Oakland County Bar Association  
State Bar of Michigan  
Michigan Council of School Attorneys (Past President (2000-2001))  
Oakland County Municipal Law Committee

**PROFESSIONAL REFERENCES:**

Available upon request

**JOHN D. STARAN**  
**HAFELI STARAN & CHRIST, P.C.**

**CONTACT  
INFORMATION:**

Hafeli Staran & Christ, P.C.  
2055 Orchard Lake Road  
Sylvan Lake, Michigan 48320

Office: (248) 731-3080  
Direct: (248) 731-3088  
Fax: (248) 731-3081  
Mobile: (248) 760-3281  
Email: [jstaran@hsc-law.com](mailto:jstaran@hsc-law.com)



**EDUCATION:**

University of Notre Dame Law School, J.D.  
University of Michigan-Dearborn, B.A., with distinction

**PRACTICE  
AREAS:**

Municipal, eminent domain, land use and zoning, real estate, property taxation, historic preservation, construction, business, environmental and general civil law.

**EXPERTISE:**

Experienced practitioner in all aspects of municipal law, including advice, representation and litigation on behalf of public officials, boards and commissions. General practice includes business transactions, zoning and land use, environmental, real estate, property taxation, construction, and general civil.

**LEGAL  
EMPLOYMENT:**

Co-Founder and Principal of Hafeli Staran & Christ, P.C., Sylvan Lake, Michigan -- September 2005 to present  
Principal of Beier Howlett, P.C., Bloomfield Hills, Michigan -- December 1987 to August 2005  
Associate of Patterson & Patterson, Whitfield, Manikoff, Ternan & White -- November 1983 to November 1987

**MEMBERSHIPS/  
ASSOCIATIONS:**

U.S. District Court  
State Bar of Michigan  
Local Government Law Section  
Real Property Law Section  
Oakland County Bar Association  
Municipal Law Committee (past chairperson)

**CREDENTIALS:**

Martindale Hubbell Rating: AV Preeminent (Highest Rating)  
Michigan Super Lawyers 2008-21 (Peer and achievement recognition given to top 5% of lawyers in the state)

**SPEAKING  
ENGAGEMENTS /  
SEMINAR  
PRESENTATIONS:**

"Zoning and Land Use in Michigan," Lorman Education Services; "Historic Preservation in Michigan: Easements, Tax Incentives and Litigation," Lorman Education Services; "Michigan Land Use: Current Issues in Subdivision Annexation and Zoning Law," National Business Institute; "Home Rule," League of Women Voters - Oakland Area; and others.

**PERSONAL  
INFORMATION:**

Born in Framingham, Massachusetts. Resides in Farmington Hills, Michigan. Happily married with two adult children. Bicycling enthusiast; Long-time youth ice hockey and baseball coach; Former House Director of Farmington Hills Hockey Association.

**VIII.**

**Approve Legal  
Counsel**

## Resolution of the Pontiac Charter Revision Commission



Resolution to approve Hafeli, Staran and Christ, P.C. to serve as legal counsel

Whereas, the 2022 Charter Revision Commission of the City of Pontiac (the "Commission") is a public body organized pursuant to the affirmative vote of the people of the City of Pontiac at an election held Tuesday, August 3, 2021 to propose certain revisions to the City Charter of the City of Pontiac (the current Charter being effective as of May 3, 1982), and;

Whereas, the Charter Revision Commission seeks the assistance of legal counsel to review its proposed changes to the City of Pontiac Charter, and;

Whereas, Hafeli, Staran and Christ, P.C. has submitted a proposal to provide legal services to the Pontiac Charter Revision Commission, and;

Whereas, Hafeli, Staran and Christ, P.C. attorneys have extensive local government law experience including serving as legal counsel to the City of Clawson Charter Commission, and;

Whereas, the City of Pontiac allocated \$25,000 in the 2023-24 Fiscal Year Budget for legal services for the Charter Commission.

Now, Therefore, Be It Resolved, the Pontiac Charter Revision Commission approves Hafeli, Staran and Christ, P.C. to serve as its legal counsel at an hourly rate of \$200.00 not to exceed \$25,000.

**X.**

**Communication  
Park Land  
Protection**

## **CITY OF PONTIAC CHARTER REVISION - PARK LAND PROTECTION**

**Preamble:** The protection of park land within the City of Pontiac is recognized as a public trust, The City acknowledges the importance of safeguarding these valuable assets for current and future generations. This charter revision aims to establish clear guidelines and safeguards to ensure the integrity and accessibility of public park, recreation, and playground areas.

### **Article I: Definitions**

**1.1 Park Land:** For the purpose of this charter revision, park land is defined as any public park, recreation or playground area, square, plaza, vacant land or building or facility thereon, within the city, owned or maintained by the city as a public park, or recreation or playground area, whether or not such areas have been formally dedicated, or developed to such purpose.

### **Article II: Protection and Usage of Park Land**

**SECTION 2.1: Prohibition of Sale** Park land shall not be sold, transferred, or diverted to any other use unless approved by a majority of voting electors. A public hearing shall take place no less than 90 days before placing the issue on the ballot.

**SECTION 2.2: Easements and Shared Agreements** All easements pertaining to and on park lands must be evaluated with the future development of the park or space in mind and must be approved by the city council. The City of Pontiac shall encourage the use of shared use agreements, such as opening school playgrounds for neighborhoods during after-school hours. The City shall not approve the adoption of any shared parkland, intergovernmental agreement, or joint-use agreement unless the terms of use and the conditions for access by the public are explicitly defined. The agreement must be approved by the city council.

**SECTION 2.3: Construction Approval** The City of Pontiac shall not construct or allow construction of any buildings, fields, gardens, ponds, or any amenities on park property which would deny access to the public. All construction in a public park is subject to approval by the city council.

**SECTION 2.4: Commercial and Non-Park Related Uses** The use of Pontiac City Parks for non-park related commercial purposes, exploration, production, extraction of oil, minerals, soil, sand, or other related natural resources is prohibited. For other non-park related requests such as cell phone towers and related activities, the city council shall establish rules and regulations to allow restricted use, ensuring the protection and preservation of park land.

## **CITY OF PONTIAC CHARTER REVISION - PARK LAND RECORDING AND DEEDING**

### **Article III: Recording and Deeding of Park Land**

**SECTION 3.1: Recording Requirement** All park lands, as defined in Article I of this charter revision, shall be officially recorded and deeded as park land in the City of Pontiac's records. The City shall maintain an accurate and up-to-date inventory of all park lands, including their boundaries, features, and any associated easements.

**SECTION 3.2: Sale Restrictive Clause** Upon recording and deeding, a sale restrictive clause shall be incorporated into the official records for each designated park land. This clause shall explicitly

December 21, 2023

prohibit the sale, transfer, or diversion of the park land to any other use, in accordance with the provisions outlined in Article II, Section 2.1 of this charter revision.

**SECTION 3.3: Enforcement of Sale Restrictive Clause** The sale restrictive clause shall be legally binding and enforceable. Any attempt to contravene this clause shall be deemed null and void, and the City shall take appropriate legal action to rectify such violations, ensuring the continued protection of the designated park land.

**SECTION 3.4: Notification to Relevant Parties** Upon the recording and deeding of park land, the City shall notify relevant parties, including but not limited to city departments, local authorities, and the public, of the recorded status and the sale restrictive clause. This information shall be made publicly accessible and communicated through appropriate channels.

**SECTION 3.5: Review and Update** The City shall periodically review and update the records of park lands to ensure their accuracy and relevance. Any changes, additions, or modifications to the park land inventory shall be recorded promptly, and the sale restrictive clause shall be applied accordingly.

**Conclusion:** This charter revision aims to establish a comprehensive framework for the protection, usage, and development of park land within the City of Pontiac. By enshrining the principles outlined herein, we seek to uphold the public trust vested in these invaluable spaces, ensuring they remain accessible, vibrant, and integral to the community's well-being.

Respectfully Submitted by Councilwoman Kathalee James

Chairperson, Parks Recreation and Public Works Subcommittee

President and Founder, Friends of the Pontiac Parks Association

## **CITY OF PONTIAC CHARTER REVISION - ELECTED OFFICIAL ORIENTATION**

**Preamble:** Recognizing the importance of informed governance and a comprehensive understanding of the City of Pontiac Charter, this charter establishes a mandatory orientation program for each newly elected mayor and city council member.

### **Article I: Elected Official Orientation Program**

**SECTION 1.1: Overview Session Requirement** Each newly elected mayor and city council member shall be required to attend an orientation session within 60 days of assuming office. This session shall provide a comprehensive overview of their responsibilities, duties, and obligations as outlined in the City of Pontiac Charter.

**SECTION 1.2: Orientation Content** The orientation program shall cover key aspects of the city charter, including but not limited to:

a. Roles and powers of the mayor and city council members. b. Procedural guidelines for city council meetings. c. Budgetary responsibilities and financial oversight. d. Ethical standards and conflict of interest regulations. e. Interaction with city departments and personnel.

### **Article II: Implementation and Oversight**

**SECTION 2.1: Coordination with City Administration** The City of Pontiac Administration shall be responsible for coordinating and conducting the orientation sessions. Experienced personnel, including legal advisors and seasoned city officials, may be involved in facilitating the program.

**SECTION 2.2: Documentation of Attendance** Attendance at the orientation session shall be documented, and a record of completion shall be maintained by the City Clerk's office. Non-compliance with the orientation requirement may result in sanctions as determined by the city council.

**SECTION 2.3: Periodic Review and Updates** The city council shall periodically review and, if necessary, update the content and structure of the orientation program to ensure its relevance and effectiveness in aligning with the evolving needs of the city government.



**XI.**

**Discussion on  
Governor's  
Deadline Dates**



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
OFFICE OF THE GOVERNOR  
LANSING

GARLIN GILCHRIST II  
LT. GOVERNOR

August 30, 2021

**VIA EMAIL**

Michigan Association of Municipal Clerks  
120 N. Washington Square  
Suite 110A  
Lansing, MI 48933

**RE: Charter Amendments and Revisions**

Dear Colleagues,

I am writing to request your assistance in notifying municipalities across Michigan of our administration's policy and recommendations regarding charter amendments and revisions.

Under the Home Rule City Act (MCL 117.22) the Governor has the responsibility to review all proposed charter amendments and revisions before any such amendment or revision is presented to the electors. Separately, under Michigan Election Law (MCL 168.646a) municipalities must submit ballot language regarding a proposed charter amendment or revision to the local clerk for certification not later than 4 p.m. on the twelfth Tuesday before the election.

It is a priority of Governor Whitmer's administration to review and respond to proposals by or before this first election filing deadline. It has also been our practice to request the Department of Attorney General review all submissions to our office for compliance with state law. This review takes time and historically guidance has recommended materials be submitted 60 – 90 days prior to the filing deadline to ensure sufficient time to review.

Starting in 2022, our office **will not approve proposed charter amendments or revisions after 4 p.m. on the twelfth Tuesday before the election.** (We will approve changes that fix scrivener's errors for charter amendments and revisions already approved by the deadline.)

We therefore strongly recommend submission of all proposed charter amendments to our office at least **60 days prior** to the filing deadline and strongly recommend submission of all proposed charter revisions to our office at least **90 days prior** to the filing deadline. We are requesting your assistance in notifying municipalities across Michigan of this policy and request.



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
OFFICE OF THE GOVERNOR  
LANSING

GARLIN GILCHRIST II  
LT. GOVERNOR

Proposed amendments and revisions can be sent to our office via email at  
[Gretchen.Whitmer@michigan.gov](mailto:Gretchen.Whitmer@michigan.gov).

While we prefer email submission, we will also accept submissions sent via mail to:

Governor Gretchen Whitmer  
ATTN: Legal Division  
George W. Romney Building  
111 S. Capitol Avenue  
Lansing, MI 48933

Please note, the Department of Attorney General has an independent obligation to review proposed ballot language under the Home Rule City Act. The Department of Attorney General will continue using their historical process moving forward. For questions about the Department of Attorney General's process, please contact Assistant Attorney General George Elworth at (517) 335-7573 or [ElworthG@michigan.gov](mailto:ElworthG@michigan.gov).

Thank you for your hard work on behalf of Michiganders and for your continued partnership and commitment to improving the lives of residents. If you have questions on the Governor's process, please feel free to contact Kristina Gierhart, Executive Assistant for the Governor's Office of Legal Counsel, at [GierhartK1@michigan.gov](mailto:GierhartK1@michigan.gov).

Sincerely,

Alicia Moon  
Deputy Legal Counsel  
Office of Governor Whitmer

- c: Michigan Municipal League  
Michigan Association of County Clerks  
Michigan Department of State, Bureau of Elections  
Michigan Association of Municipal Attorneys  
State Bar of Michigan, Government Law Section  
Department of Attorney General, State Operations Division

## Sheila Grandison

---

**From:** Garland Doyle  
**Sent:** Tuesday, December 12, 2023 3:03 PM  
**To:** tameka@tramseylc.com; Kermit Williams  
**Cc:** Sheila Grandison; Jonathan H. Starks  
**Subject:** Fw: Governor's Review Charter Revision Dates  
**Attachments:** Michigan Assn of Municipal Clerks- Notice Letter-for-attachment.pdf  
  
**Importance:** High

Chairperson Ramsey,

Please see below. **The Governor's Office will need to receive the charter revision no later than February 14, 2024** in order to review in time enough for it to be place on the August 7, 2024 ballot. Also, the three years for the Charter Revision Commission will end in August 2024.

Garland S. Doyle, M.P.A., MiPMC  
City Clerk  
City of Pontiac  
47450 Woodward Ave. Pontiac, MI 48342  
Office: 248.758.3200 | Fax: 248.758.3160  
Email: gdoyle@pontiac.mi.us | www.pontiac.mi.us




Click on a logo below for City of Pontiac City Clerk's updates via social media:



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**From:** Gierhart, Kristina <GierhartK1@michigan.gov>  
**Sent:** Tuesday, December 12, 2023 1:36 PM  
**To:** Garland Doyle <gdoyle@pontiac.mi.us>  
**Subject:** Charter Revision Dates

 You don't often get email from gierhartk1@michigan.gov. [Learn why this is important](#)

Clerk Doyle,

It was nice speaking with you earlier today. I did follow up with our Deputy Legal Counsel and he indicated that for charter revisions, we recommend sending us the proposal no later than 90 days before the deadline for sending language to local clerks under MCL 168.646a, which is the 12th Tuesday before the election. So, in total, we recommend sending us a charter revision proposal no later than 174 days before the election. For the August election (8/6/24), we'd recommend getting the proposal to our office by 2/14/24. Our recommended date for the May election was 11/15/23, which has already passed.

Our office sent out the attached letter in 2021, which may be a helpful reference going forward.

Please let me know if you need anything else. Thank you!

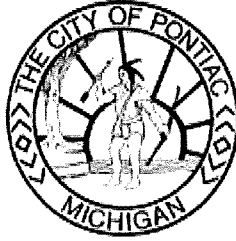
Kristina Gierhart  
Executive Assistant  
Office of the Governor, State of Michigan  
George W. Romney Building  
111 S. Capitol Avenue  
Lansing, Michigan 48909  
[Gierhartk1@michigan.gov](mailto:Gierhartk1@michigan.gov)  
(517) 241-5630



STATE OF MICHIGAN  
**OFFICE of the GOVERNOR**

**XII.**

**2024 Meeting  
Calendar**



The Pontiac Charter Revision Commission

Announces

**THE 2024 SCHEDULE OF MEETINGS OF THE PONTIAC CHARTER REVISION  
COMMISSION**

To comply with the Michigan Open Meeting Act (MCL 15.265)

The Pontiac Charter Revision Commission will hold its regular meeting on every 4<sup>th</sup> Thursday evenings at 6:00 p.m. in the Council Chambers of City Hall 47450 Woodward Ave Pontiac, Michigan 48342 unless otherwise noted.

Internet website where meetings are posted [www.pontiac.mi.us](http://www.pontiac.mi.us)

**The dates are as follows:**

Thursday, January 18, 2024, at 6:00 p.m.  
Thursday, January 25, 2024, at 6:00 p.m.  
Thursday, February 1, 2024, at 6:00 p.m.  
Thursday, February 8, 2024, at 6:00 p.m.  
Thursday, March 28, 2024, at 6:00 p.m.  
Thursday, April 25, 2024, at 6:00 p.m.  
Thursday, May 23, 2024, at 6:00 p.m.  
Thursday, June 27, 2024, at 6:00 p.m.  
Thursday, July 25, 2024, at 6:00 p.m.  
Thursday, August 29, 2024, at 6:00 p.m.

**City of Pontiac 47450 Woodward Avenue Pontiac, Michigan 48342 248-758-3200**

**XIII.**

**Amendments**

**to the 2013**

**Charter**



person, business or organization in a matter that is pending before a City board, commission or other voting body, other than the board, commission or other voting body on which he or she serves as an appointee or an employee or under a personal services contract, as long as they do so without compensation and on their leave time.

- f. Vote or otherwise participate in the negotiation of the making of any city contract, or any other type of transaction, with any business entity in which they or an immediate family members has a financial interest; or
- g. Use their official position, in violation of applicable law, to improperly influence a decision of the Mayor, City Council members, appointees or employees.

A public servant who, in the course of their duties, exercises significant authority shall not:

- a. Solicit or accept a loan or payment from an individual who is providing service to, receiving tax abatements, credits or exemptions from the City; or
- b. Unduly influence any decision to fill a position in City government with an immediate family member.

7.102

#### Disclosures

Except as otherwise provided by applicable law, a public servant who exercises significant authority shall disclose:

- a. Any financial interest, direct or indirect, that they or an immediate family member has in any contract or matter pending before City Council;
- b. Any financial interest, direct or indirect, that they or an immediate family member has in any contract or matter pending before or within any office, department or agency of the City;
- c. Any interest that they, or an immediate family member has in real and personal property that is subject to a decision by the City regarding purchase, sale, lease, zoning, improvement, special designation tax assessment or abatement or a development agreement;
- d. Campaign contributions and expenditures, in accordance with applicable laws; or
- e. The identity of any immediate family member employed by the City or who is making application to the City.

In addition to compliance with the above section, contractors and vendors shall disclose:

- a. The identity of all entities and persons with any financial interest, direct or indirect, in any contract or matter the vendor or contractor has pending before City Council; and
- b. The identity of all entities and persons with any financial interest, direct or indirect, in any contract or matter the vendor or contractor has pending before or within any office, department or agency of the City.

The above disclosures shall be made in writing and be made by sworn, notarized affidavit, in accordance with City ordinance and applicable laws.

**7.103      Lobbying Registration and Reporting**

A lobbyist, as defined by law, who lobbies within the city government shall be required to register with the City and file a report of his or her lobbying activity. All documents filed by lobbyists shall be filed with the City Clerk, be a public recording and additionally published electronically or other format as to provide access to the reports. A fee shall be assessed to each lobbyist.

**7.104      Gifts and Gratuities**

A public servant shall not accept gifts, gratuities, honoraria, or other things of value from any person or company doing business or seeking to do business with the City, is seeking official action from the City, has interests that could be substantially impacted by the performance of the public servant's official duties, or is registered as a lobbyist under applicable laws.

This prohibition shall not apply to:

- a. An award publicly presented to a public servant by an individual, governmental body or non-governmental entity or organization in recognition of public service;
- b. Complimentary copies of trade publications, books, reports, pamphlets, calendars, periodicals or other informational materials;
- c. A gift received from a public servant's relative or immediate family member, provided that the relative or immediate family member is not acting as a third party's intermediary or an agent in an attempt to circumvent this article;
- d. Admission or registration fee, travel expenses, entertainment, meals or refreshments that are furnished to the public servant:
  - i. By the sponsor(s) of an event, appearance or ceremony which is related to official City business in connection with such an event, appearance or

- ceremony and to which one (1) or more of the public are invited; or
- ii. In connection with teaching, a speaking engagement or the provision of assistance to an organization or another governmental entity as long as the City does not compensate the public servant for admission or registration fees, travel expenses, entertainment, meals or refreshments for the same activity.

**7.105      One Year Post-Employment Prohibition**

Subject to law, for one (1) year after employment with the City, a public servant shall not lobby or appear before the City Council or any City department, agency, board, commission or body or receive compensation for any services in connection with any matter in which he or she was directly concerned, personally participated, actively considered or acquired knowledge while working for the City.

Subject to law, for a period of one (1) year after employment with the City, a public servant shall not accept employment with any person or company that did business with the City during the former public servant's tenure if that public servant was in any way involved in the award or management of that contract or the employment would require the sharing of confidential information.

**7.106      Contracts Voidable and Rescindable**

The City shall include language in its standard contract forms which provides that City contracts shall be voidable or rescindable at the discretion of the Mayor and City Council at any time if a public servant who is a party to the contract has an interest in such contract and fails to disclose such interest. Such contract shall also be voidable or rescindable if a lobbyist or employee of the contracting party offers a prohibited gift, gratuity, honoraria or payment to a public servant in relations to the contract. A fine shall be assessed to the contractor in the event of a violation of this section of the Charter. If applicable, the actions of the contractor, and its representative lobbyist or employee, shall be referred to the appropriate prosecuting authorities.

**7.107      Campaign Activities**

Appointees, appointive officers and employees are prohibited from engaging in campaign activities using City property or engaging in such activity during working hours.

The Mayor and City Council members are prohibited from soliciting appointees, appointive officers and employees to work on political

campaign activities or financially contribute to campaigns using City property or during working hours.

No appointee, appointive officer, employee or contracted entity can be required or pressured to work on or financially contribute to campaigns as a condition of their hiring or continued employment.

**7.108      Board of Creation and Membership**

In order to provide an orderly procedure for consideration and review of the issues which may arise concerning questions of standards of conduct for public servants, there is hereby created a Board of Ethics for the City:

- a. The Board of Ethics shall consist of five members;
- b. Two (2) shall be appointed by the City Council;
- c. Two (2) shall be appointed by the Mayor;
- d. One (1) shall be jointly appointed;
- e. No City Council member, appointive officer, appointee or employee or the City or any other governmental unit shall be a member.

**7.109      Member Appointment, Terms and Rules**

Members of the Board of Ethics shall be city residents. All terms shall be five years. No person shall serve more than one full five-year term.

At the initial board meeting, the City Clerk shall convene the meeting and the first order of business will be for a Board Chair to be elected by a majority of the board. The term of board chair shall be one year.

If any issue before the Board of Ethics involves any member of the board, the Mayor with majority consent of the City Council shall appoint an additional member or members to sit for the purpose of that determination in place of the member or members involved.

The Board of Ethics shall adopt its own rules of procedure not inconsistent with ordinances, this Charter and law.

No City Council member, appointive officer, appointee or employee or the City or any other governmental unit shall be a Board of Ethics member. Members shall also not have been candidates for any elective city office for two years prior to their appointment or two years after their term.

The Board of Ethics shall make studies of ethical problems in city government. The board shall from time to time make recommendations to the City Council for amendments to ordinances related to ethics and standards of conduct for public servants.

**ARTICLE VIII**  
**TRANSITIONAL PROVISIONS**

8.101      Effect on Existing City Legislation

All ordinances and resolutions of the City and all orders, rules and regulations made by any officer or agency of the City which are not inconsistent with this charter shall remain in effect, until changed by action taken under this charter.

The ~~City Attorney~~ **City's attorney** shall, as soon as practicable, recommend to the Council such changes as may be necessary to make the provisions of existing ordinances, resolutions, orders, rules and regulations consistent with this charter.

8.102      Continuation of Public and Private Rights

All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing when this charter takes effect shall continue unaffected except as modified in accordance with this charter.

8.103      Rights and Liabilities Continued

At the time this Charter takes effect, all property, ~~moneys~~ **monies**, contracts, rights, credits, effects, and records, files, books and papers of the City; all rights, liabilities or debts of the City; all suits or prosecutions of any character involving the City; all fines and penalties imposed and all taxes and assessments levied and uncollected and all licenses issued by the City shall be and remain the same as if such changes had not been made. However, when a new remedy is given in this Charter, or in any ordinance, which can be made applicable to any right existing at the time this Charter takes effect, it is cumulative to the remedies before provided, unless a newly provided remedy is declared exclusive.

8.104      Rights of Officers and Employees

Except as otherwise provided by this charter, no provision of this charter shall affect or impair the rights or privileges of City officers or employee existing when this charter takes effect with respect to appointment, ranks, grades, tenure of office, promotions, removal, pension and retirement rights.

8.105 Successor Officers

When an office or department no longer exists and a reference is made to that discontinued office or department in ordinances, resolutions, rules, regulations or orders which remain in effect under this charter, the references shall be understood as meaning the officer or department which has succeeded to ~~al~~ all or most of the functions of the discontinued office or department.

8.106 Amendments and Revisions

This charter may be amended or revised as provided by law.

8.107 Compensation

Except as otherwise provided by ordinance, ~~the Mayor shall be compensated equal to the salary, exclusive of fringe benefits, paid to the last City Manager before the effective date of this charter~~ **this Charter, the Mayor and Council shall remain compensated at existing levels prior to the effective date of this Charter, unless and until the compensation is changed by ordinance, this Charter or law.**

8.108 Headings

The article, chapter and section headings of this charter are provided merely for the convenience of the reader. They are not part of the charter and shall be given no legal effect.

8.109 Transitional Provision

If any question concerning transition from the old charter to this charter (for which this charter has not provided) arises, the City may provide for a resolution of the question by ordinance.

**ARTICLE IX**  
**SCHEDULE**

9.101 Electoral Vote and Effective Date

- (a) This charter shall be submitted to the people of Pontiac for adoption at a special election to be held on **November 4, 2014**.

- (b) If this charter is adopted, this charter shall take effect on **May 1, 2015.** ~~except that subpart (d) below shall have immediate effect.~~
- (c) **City Council members serving in office under the previous charter shall continue to serve as a member of the City Council under this Charter for extended terms which expire on the first business day following January 1, 2019.**
- (d) **The Mayor serving in office under the previous charter shall continue to serve as Mayor following this Charter taking effect.**

~~City Commissioners elected at the general election, to be held November 3, 1981, under the old charter, shall continue to serve as member of the City Council under this new charter for extended terms which expire on the first business day following January 1, 1986.~~

- ~~(d) — A special general election to elect the first Mayor of the City of Pontiac under this charter shall be held on Monday, April 5, 1982. The ballot for such special election for Mayor shall contain as candidates the names of all persons who shall have filed non-partisan nominations signatures of not less than 400 nor more than 800 registered voters of the City. Provisions of state law shall, to the extent not inconsistent herewith, apply to and govern the conduct of the special election. The person elected Mayor shall take office May 3, 1982 and shall serve a term expiring on the first business day following January 1, 1986.~~

9.102 Ballot Question

This charter shall be submitted to the electors on **November 4, 2014** for adoption in the manner and with the effect prescribed by law as follows:

Shall the City Charter proposed by the Pontiac Charter Revision Commission be adopted?

Yes \_\_ No\_\_