

PONTIAC CHARTER REVISION COMMISSION

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PONTIAC

The HEART of Oakland County



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Sheila Grandison, MiPMC, Deputy City Clerk

25th Session
SPECIAL MEETING AGENDA
January 18, 2024, at 6:00 p.m.
Meeting Location: City Council Conference Room 2nd 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. Public Comment**
- VI. Communication from Councilwoman Kathalee James**
- VII. Amendments to the 2013 Charter**
- VIII. Closing Comments**
- IX. Adjournment**

VI.

Communication

Park Land

Protection

December 21, 2023

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

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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.

VII.

Amendments

to the 2013

Charter

(b) The Mayor and City Council members are prohibited:

- a. From soliciting, during working hours or at the place(s) of work, appointees, appointive officers, employees and contracted entities' staff, to work on political campaign activities,
- b. From soliciting, during working hours or at the place(s) of work, financial contributions from appointees, appointive officers, employees and contracted entities' staff,
- c. Using City property for political campaign activities.

(c) No appointee, appointive officer, employee or contracted entities' staff can be required or pressured to work on or financially contribute to campaigns as a condition of their hiring or continued employment.

Chapter 2 – Office of Public Integrity

7.201 – Establishment of Office

There shall be established an independent Office of Public Integrity (OPI) within the government of the City of Pontiac. The Public Integrity Officer shall head the office. The purpose of the Office of Public Integrity is to ensure honesty and integrity in City government by rooting out waste, abuse, fraud, and corruption.

7.202 – Appointment, Removal, Term of Office and Vacancy

(a) The Public Integrity Officer shall be appointed by a majority (51%) of City Council members serving for a term of six (6) years.

(b) The Public Integrity Officer may be removed for cause by a three-fourths (3/4) vote of City Council members serving. The Public Integrity Officer may only be removed from the office for cause, such as gross misconduct or incompetence.

(c) If a vacancy occurs in the Office of Public Integrity, the City Council shall, within ninety (90) days, fill the office for a full term.

7.203 – Minimum Qualifications

The Public Integrity Officer shall be a person who:

1. Has a bachelor's degree from an accredited institution of higher learning.
2. Has at least five (5) years of experience in any one, or combination of, the following fields:
 - a. As a federal, state or local law enforcement officer;
 - b. As a federal, state or local government attorney, including a public defender;
 - c. As a federal or state court judge;
 - d. Progressive supervisory experience in an investigative public agency similar to an inspector general or public integrity office;
 - e. Has managed and completed complex investigations involving allegations of fraud, theft, deception and conspiracy; and
 - f. Has demonstrated the ability to work with local, state and federal law enforcement agencies and the judiciary.

7.204 – Limitations; Prohibited Activities

(a) During his or her term, the Public Integrity Officer may not engage in an occupation for profit, except for teaching, or hold any other government office outside the duties of the Public Integrity Officer.

(b) Subject to applicable law, the Public Integrity Officer shall not solicit votes or raise monetary or in-kind contributions for any candidate for an elective office.

(c) Any person who has held the position of Public Integrity Officer is not eligible for re-appointment. Subject to applicable law, the Public Integrity Officer may not hold any elective city office until two (2) years after leaving the position.

7.205 – Powers and Duties; Jurisdiction

(a) The powers and duties of the Public Integrity Officer and their office shall extend to the conduct of any Public Servant and City agency, program or official act, contractors and subcontractors providing goods and services to the City, and business entities seeking contracts or certification of eligibility for city contracts.

(b) The Office of Public Integrity shall have the authority and responsibility to conduct independent and objective investigations into allegations of fraud, waste, abuse, corruption, or misconduct in the administration of city programs and operations.

(c) The Public Integrity Officer may subpoena witnesses, administer oaths, take testimony, require the production of evidence relevant to a matter under investigation, enter and inspect premises within the control of any city agency during regular business hours. The Public Integrity Officer may enforce a subpoena or order for production of evidence. The Public Integrity Officer may work with the appropriate court and law enforcement agency to impose any penalty prescribed for failure to obey a subpoena or order.

(b) The Public Integrity Officer shall serve as the liaison for challenges between elected officers of the city, including between members of City Council, the Mayor, and other necessary positions.

(c) The Public Integrity Officer shall provide oversight of the Board of Ethics, including providing necessary documentation, agendas, and other necessary information for effective operations. The office shall serve as support to ensure effective operations of the Board.

(d) The Public Integrity Officer shall be the City Official in charge of the transition process, in cooperation with the City Clerk, to ensure effective maintenance of records, ethical standards are addressed, and necessary processes and procedures are followed for a smooth transition between elected and appointed officers of the City.

(c) The Office of Public Integrity shall conduct audits and reviews of city agencies, departments, and programs to ensure compliance with applicable laws, regulations, and policies, and to promote efficiency and effectiveness in city government. As part of this process, the office shall ensure compliance with ethical standards and policies and procedures of all city vendors and contractors.

(d) The Office of Public Integrity shall submit reports outlining findings and recommendations to the relevant city authorities, including the Mayor and City Council, detailing any corrective actions necessary and advising on the implementation of best practices to prevent future issues.

(e) If the Public Integrity Officer has probable cause to believe that any Public Servant or any person doing or seeking to do business with the City has committed or is committing an illegal act, then he or she shall promptly refer the matter to the appropriate prosecuting authorities.

7.206 – Independence; Retaliation, Confidentiality, and Immunity

(a) The Public Integrity Officer and their office shall operate independently from other city agencies and officials in the performance of duties to ensure impartiality and objectivity in investigations and audits.

(b) It shall be the duty of every Public Servant, contractor and subcontractor and licensee of the city, and every applicant for certification of eligibility for a city contract or program, to cooperate with the Office of Public Integrity in any investigation pursuant to this Article. Any Public Servant who willfully and without justification or excuse obstructs an investigation of the Public Integrity Officer by withholding documents or testimony is subject to forfeiture of office, discipline, debarment or any other applicable penalty. This requirement and associated penalty shall be incorporated into all contracts and subcontracts to the extent necessary to make them effective against such entities or persons.

(c) No person shall retaliate against, punish or penalize any other person for complaining to, cooperating with or assisting the Public Integrity Officer in the performance of his or her duties. Any person who violates this provision shall be subject to a fine of not less than \$300 and not more than \$500 for each violation and any other penalties under applicable law.

(d) Subject to any applicable state law, all investigative files of the Office of Public Integrity shall be confidential and shall not be divulged to any person or agency, except to the United States Attorney, the Michigan Attorney General or Oakland County Prosecutor's Office, or as otherwise provided in this Charter.

(e) The Public Integrity Officer and their staff shall be, to the full extent permitted by law, immune from any suit based on any report or communication within the scope of official duties.

7.207 – Funding; Office Staffing

(a) The budget of the Office of the Inspector General shall be separate from the budgets of other city agencies and the City Council shall annually appropriate funds sufficient to enable the Office of Public Integrity to fulfill its duties and responsibilities as outlined in this charter.

7.208 – Reporting and Transparency; Consultation Required

(a) The Public Integrity Officer shall submit regular reports to the Mayor and City Council summarizing the activities, findings, and recommendations of the Office of Public Integrity. These reports shall be made available to the public, ensuring transparency and accountability.

(b) Where there exists a conflict of interest between the Inspector General and another branch of City government, the Public Integrity Officer has the authority to retain necessary consultative services, including but not limited to retention of an attorney licensed to practice law in Michigan who shall represent the Public Integrity Officer in legal proceedings. Such attorney shall not represent the City as a municipal corporation in any legal proceeding.

(c) No report or recommendation that criticizes an official act shall be announced until every agency or person affected is allowed a reasonable opportunity to be heard and consulted as part of the investigative process. A copy of any statement made by the agency or individual affected shall accompany the report. A meeting may be requested of the Board of Ethics by the Public Integrity Officer and/or the agency or individual affected to review the report and provide a response.

Chapter 3 – Board of Ethics

7.301 - Board of Ethics 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, a Board of Ethics for the City, is hereby created:

- a. The Board of Ethics shall consist of five (5) 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 by the Mayor and City Council;
- e. Such appointments shall be made after applications are received, reviewed and interviews conducted.

7.302 - Member Appointment, Terms, and Removals

(a) Members of the Board of Ethics shall be City residents. All terms shall be five (5) years, except for the initial terms. The initial terms shall be one Mayoral appointment for three (3) years, one Council appointment for three (3) years and all other appointments for five (5) years. Thereafter, all terms shall be for five (5) years each.

(b) No person shall serve more than two (2) full terms.

(c) No City Council member, appointive officer, appointee or employee of 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 (2) years prior to their appointment or two (2) years after their term.

(d) 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.

(e) Members of the Board of Ethics are subject to removal for cause by two-thirds (2/3) majority vote of the Board.

7.303 – Rules and Procedures

(a) 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 (1) year.

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

(c) All meetings of the Board of Ethics shall be subject to the Michigan Open Meetings Act MCL 15.261, et al., and open to the public unless an individual involved in the matter to be addressed requests in writing that the meeting be closed, or unless otherwise provided by ordinance and consistent with state law.

(d) The Board of Ethics shall be supported by the Office of Public Integrity and Public Integrity Officer.

7.304 – Powers and Duties

The Board of Ethics shall:

(a) Issue advisory opinions regarding the meaning and application of provisions of the Charter, city ordinances or other laws or regulations establishing standards of conduct for elected and appointed officials. Advisory opinions shall be rendered upon written request by a Public Servant regarding his or her own actions. The advisory opinions shall not disclose the identity of the Public Servant concerned.

(b) Receive and resolve complaints arising under Article VII of this Charter. The Board of Ethics shall work in cooperation with the Office of Public Integrity to conduct investigations on its own initiative, subpoena witnesses, administer oaths, take testimony, require the production of evidence relevant to a matter under investigation, appoint independent counsel when necessary, and to perform other functions essential to ensure the integrity of City government.

(c) Work in cooperation with the Office of Public Integrity to prepare an annual report for submission to the Mayor and City Council. Consistent with state law, the Board of Ethics may recommend improvements in the standards of conduct to ensure the ethical behavior of City elective officers, appointees and employees, or in the organization and procedures related to the administration and enforcement of those standards.

(d) Work with the Public Integrity Officer to provide training for the Mayor, City Council, Clerk, appointive officers and appointees and employees who exercise significant authority in the execution of his or her official duties.

7.305 - Board of Ethics Funding

The City shall annually appropriate funds sufficient to enable the Board of Ethics to perform its duties. Funding shall be in accordance with this Charter.

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 ~~a~~ **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__