

**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

**33<sup>rd</sup> Session**

**MEETING AGENDA**

**February 22, 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**
  - February 8, 2024
  - February 10, 2024
- VI. Public Comment**
- VII. Review Correspondence from Governor's Office and Attorney General's Office**
- VIII. Closing Comments**
- IX. Adjournment**

**V.**

# **Minutes**

**Official Proceedings  
2022 Pontiac Charter Revision Commission  
31<sup>st</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, February 8, 2024, at 6:05 p.m.

**Roll Call**

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

A quorum was announced.

**Excuse Commissioners**

24-192        **Motion to excuse Commissioner Tameka Ramsey, Scott Stewart, and Ybarra III for personal reasons.** Moved by Commissioner Killian and second by Commissioner Garrett.

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

No: None

**Motion Carried**

**Amendments and or Approval of the Agenda**

24-193        **Motion to approve the agenda.** Moved by Commissioner Garrett and second by Commissioner Turpin.

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

No: None

**Motion Carried**

**Minutes**

24-194        **Motion to approve the minutes for January 27, 2024, and February 1, 2024.** Moved by Commissioner Killian and second by Commissioner Burrows.

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

No: None

**Motion Carried**

**Public Comment** – None

**Amendments to the 2013 Charter**

24-195        **Motion to amend Article II, Elections, Section 2.105 (2) – Election Commission.** Moved by Commissioner Garrett and second by Commissioner Killian.

2. ~~City Attorney,~~ **A Non-Attorney employee of the city to be appointed by the Mayor.**

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

No: None

**Motion Carried**

24-196        **Motion to add last sentence in Article II, Elections, Section 2.105 – Election Commission.** Moved by Commissioner Payne and second by Commissioner Garrett.

**The City Clerk shall serve as chair of the Election Commission.**

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

No: None

**Motion Carried**

24-197        **Motion to add “census” in Article II, Elections, Section 2.106 – Electoral Districts and Re-Appportionment.** Moved by Commissioner Garrett and second by Commissioner Killian.

In no event shall the population of any district vary by more than 1% from that of any other district, based upon the most recent official United States decennial **census**.

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

No: None

**Motion Carried**

24-198        **Motion to strike Article III – Legislative Branch, Chapter 1 – Council, Section 3.102 - District Representation: Term of Office.** Moved by Commissioner Garrett and second by Commissioner Burrows.

Each member of the Council elected under this charter shall serve for (4) years and until a successor qualifies. The Council shall be the sole judge of the **election and** qualification of its members.

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

No: None

**Motion Carried**

24-199        **Motion to strike Article III – Legislative Branch, Chapter 1 – Council, Section 3.105 - Meetings.** Moved by Commissioner Garrett and second by Commissioner Payne.

However, any special meeting at which all members of the Council are present or have given written consent shall be a legal meeting for all purposes set forth in the notice. **without such written notice.**

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

No: None

**Motion Carried**

24-200        **Motion to strike Article III – Legislative Branch, Chapter 1 – Council, Section 3.111 – Appointment of the Clerk.** Moved by Commissioner Garrett and second by Commissioner Payne.

The Clerk is removable by five (5) members of the Council. **or Council President and three additional members of Council.**

Ayes: Garrett, Killian, Payne, and Turpin

No: Burrows, and Williams

**Motion Carried**



24-201        **Motion to amend Article III – Legislative Branch, Chapter 1 – Council, Section 3.112 (f) – Ordinance Procedure.** Moved by Commissioner Killian and second by Commissioner Garrett.

An emergency ordinance may be adopted on the day it is introduced, publication of a summary thereof before adoption is not required, and an emergency ordinance may be given immediate effect **after posting of a notice of adoption at city hall.**

Ayes: Payne, Ramsey, Stewart, Turpin, and Ybarra III

No: None

**Motion Carried**

24-202        **Motion to amend Article III – Legislative Branch, Chapter 1 – Council, Section 3.113 – Transfer of City Property: Contracts.** Moved by Commissioner Payne and second by Commissioner Killian.

The City may not sell, lease, exchange, or in any way dispose of any real property of the City **without approval, after public notice and hearing, by resolution of the council.**

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

No: None

**Motion Carried**

24-203        **Motion to table Article III – Legislative Branch, Chapter 1 – Council, Section 3.115 – Staff for legal counsel review.** Moved by Commissioner Garrett and second by Commissioner Killian.

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

No: Payne

**Motion Carried**

24-204        **Motion to amend Article III – Legislative Branch, Chapter 1 – Council, Section 3.117 – Effective of Absences.** Moved by Commissioner Garrett and second by Commissioner Killian.

The Council may subpoena witnesses, administer oaths, take testimony, and require the production of evidence in any matter pending before it. To enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order, the Council shall apply to the appropriate court and/or appropriate board or commission and **empowered with** investigative powers to the appropriate board or commission.

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

No: None

**Motion Carried**

24-205        **Motion to amend Article III – Legislative Branch, Chapter 1 – Council, Section 3.119 – Investigative Powers.** Moved by Commissioner Garrett and second by Commissioner Killian.

Absence from five (5) regular meetings during one full **calendar** year shall operate to vacate the seat of a Council member, unless the absence is excused by the Council by resolution setting forth the excuse and entered upon the journal.

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

No: None

**Motion Carried**

24-206        **Motion to amend Article III – Legislative Branch, Chapter 1 – Council, Section 3.201 (i) – Functions and Duties of the Clerk.** Moved by Commissioner Payne and second by Commissioner Garrett.

i)        **The clerk shall** ensure safekeeping, retention, and public accessibility of documents in accordance with law.

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

No: None

**Motion Carried**

24-207        **Motion to keep Council instead of City Council throughout the whole Charter.** Moved by Commissioner Garrett and second by Commissioner Payne.

Ayes: Garrett, Killian, and Payne

No: Williams, Burrows, and Turpin

**Motion Failed**

24-208        **Motion to keep City Council instead of Council throughout the whole Charter.** Moved by Commissioner Turpin, and second by Commissioner Burrows.

Ayes: Burrows, Turpin, and Williams

No: Garrett, Killian, and Payne

**Motion Failed**

24-209        **Recall the motion to keep Council instead of City Council throughout the whole Charter.** Moved by Commissioner Garrett and second by Commissioner Payne.

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

No: Killian

**Motion Carried**

24-210        **Motion to amend Article IV- Executive Branch, Chapter 1- Mayor, Section 4.101 – The Mayor.** Moved by Commissioner Payne and second by Commissioner Turpin.

a. Shall have established a primary residence in the City for two years immediately preceding the filing deadline for the office and shall maintain a primary ~~Pontiac~~ **City** residence.

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

No: Burrows

**Motion Carried**

24-211        **Motion to amend Article IV- Executive Branch, Chapter 1- Mayor, Section 4.106 – Appointment of Department Heads: Failure to Act on Appointments.** Moved by Commissioner Burrows and second by Commissioner Payne.

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If a mayoral appointment is not dis approved by the Council within 30 calendar days after the submission of the appointment to the Council, then the Mayor have has the right to re-submit the approval of denied candidate or bring forth another candidate to Council. ~~The interim appointee may not serve more than 65 days without Council approval.~~

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

No: None

**Motion Carried**

24-212      **Motion to amend Article IV- Executive Branch, Chapter 1- Mayor, Section 4.107 c – Duties of Department Heads.** Moved by Commissioner Garrett and second by Commissioner Burrows.

- c. Shall perform other duties as consistent with job description.

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

No: None

**Motion Carried**

24-213      **Motion to amend Article IV – Executive Branch, Chapter 2, City Attorney, Section 4.202 c – Duties of City Attorney.** Moved by Commissioner Garrett and second by Commissioner Burrows.

- c. May draft ordinance proposals and approve language as to form as directed by City Council.

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

No: None

**Motion Carried**

24-214      **Motion to amend Article IV – Executive Branch, Chapter 2, City Attorney, Section 4.202 d – Duties of City Attorney.** Moved by Commissioner Garrett and second by Commissioner Turpin.

- d. Preparing and approving advising on leases, deeds, contracts, or other papers as may be required by the Mayor, Council, or any department.

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

No: None

**Motion Carried**

Commissioner Killian was absent for the vote.

24-215      **Motion to amend Article IV – Executive Branch, Chapter 3, Finance Department, Section 4.301 – Finance Department.** Moved by Commissioner Payne and second by Commissioner Burrows.

A Finance Department is created in the executive branch of City government. The Head of the Finance Department shall have direct supervision over the finance department and the administration of the financial affairs of the City, including but not limited to the keeping of accounts and financial records, the collection of taxes, special assessments and other revenue, the communication of financial records to Mayor and Council and such other duties as may be prescribed by ordinance.

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



No: None

**Motion Carried**

24-216 **Motion to amend Article IV – Executive Branch, Chapter 3, Finance Department, Section 4.304 – Centralized Purchasing: Competitive Bidding.** Moved by Commissioner Garrett and second by Commissioner Payne.

The City may contract only with persons or firms that are equal opportunity employers and observe the principles set forth in Section 6.101 of this Charter. The Council shall enact a purchasing ordinance. ~~that ensures competitive bidding for all bids on all goods and services.~~

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

No: Killian

**Motion Carried**

24-217 **Motion to amend Article IV – Executive Branch, Chapter 3, Finance Department, Section 4.307 – Assessment Division, City Assessor, or Assessment.** Moved by Commissioner Burrows and second by Commissioner Killian.

The City shall ~~maintain~~ **appoint** a City Assessor or the City may contract for assessment services.

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

No: None

**Motion Carried**

24-218 **Motion to amend Article V – Financial Procedures, Chapter 1, Budget, Section 5.102 – Mayoral Budget and Appropriation Ordinance.** Moved by Commissioner Garrett and second by Commissioner Payne.

At least ~~thirty (30)-sixty (60) days ninety (90) days~~ **seventy-five (75) days** before the end of each fiscal year, the Mayor shall prepare and submit to the Council a proposed annual budget and proposed annual appropriation ordinance for the next fiscal year.

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

No: None

**Motion Carried**

24-219 **Motion to amend Article IV- Executive Branch, Chapter 1- Mayor, Section 4.102 b – Duties of the Mayor.** Moved by Commissioner Payne and second by Commissioner Turpin.

- b. Presenting the proposed annual balanced budget at least ~~90 days~~ **75 days** prior to the start of the new fiscal year as provided by ordinance, this Charter and law; and

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

No: None

**Motion Carried**

24-220 **Motion to amend Article VI – General Provisions, Chapter 1 – Personnel Matters, Section 6.106 (2) – Conflict of Interest.** Moved by Commissioner Payne and second by Commissioner Burrows.



(2) Any elective officer, appointee, or employee who has a ~~substantial~~ 1% financial interest, direct or indirect or by reason of ownership of a ~~substantial~~ 1% amount of stock in any corporation, in any contract with the City or in the sale of any land, materials, supplies or services to the City or to a contractor supplying the City, shall make known that interest and shall refrain from voting upon or otherwise participating as an elective officer, appointee, or employee in the making or performance of the contract or sale.

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

No: None

**Motion Carried**

24-221 **Motion to table Article VI – General Provisions, Chapter 1 – Personnel Matters, Section 6.106 (b) – Conflict of Interest for legal counsel review.** Moved by Commissioner Killian and second by Commissioner Garrett.

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

No: None

**Motion Carried**

Commissioner Burrows was absent for the vote.

Vice-Chair Kermit Williams recessed at 8:05 p.m.

Meeting reconvened at 8:15 p.m.

24-222 **Motion to accept the concept of the language of the Park Land Charter addition submitted by Councilwoman Kathalee James subject to the legal advice of Mr. Christ.** Moved by Commissioner Garrett and second by Commissioner Payne.

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

No: None

**Motion Carried**

24-223 **Motion to amend Article VI – General Provisions, Chapter 4 – Initiative and Referendum, Section 6.403 – Referendum.** Moved by Commissioner Killian and second by Commissioner Garrett.

No ordinance, except an emergency ordinance, shall take effect before 10 days after adoption. If, within these 10 days, ~~100~~ 500 registered electors of the City file with the Clerk a notice in writing of their intention to circulate a petition for referring the ordinance to the electors for their adoption or rejection, then the ordinance does not become effective until 30 days after its adoption.

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

No: None

**Motion Carried**

24-224 **Motion to amend Article VI – General Provisions, Chapter 4 – Initiative and Referendum, Section 6.403 – Referendum.** Moved by Commissioner Killian and second by Commissioner Garrett.

If, within the 30 days, however, petitions protesting the ordinance signed by registered electors of the City equal in number to at least 10% of the electors voting at the preceding City ~~general~~ **presidential** election are presented to the Council, the ordinance is suspended from taking effect.

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

No: None

**Motion Carried**

24-225      **Motion to amend Article VI – General Provisions, Chapter 4 – Initiative and Referendum, Section 6.403 – Referendum.** Moved by Commissioner Garrett and second by Commissioner Burrows.

No ordinance, except an emergency ordinance, shall take effect before 10 days after adoption. If, within these 10 days, 100 registered electors of the City file with the Clerk a notice in writing of their intention to circulate a petition for referring the ordinance to the electors for their adoption or rejection, then the ordinance does not become effective until ~~30 days~~ **20-days** after its adoption. If, within these ~~30 days~~, **20-days**, petitions containing the number of signatures required by this Charter are not filed in accordance with such written notice, the ordinance shall become effective upon the expiration of the ~~30-day~~ **20-day** period. If, within the ~~30 days~~, **20-days**, however, petitions protesting the ordinance signed by registered electors of the City equal in number to at least 10% of the electors voting at the preceding City general election are presented to the Council, the ordinance is suspended from taking effect.

Ayes: Burrows, Garrett, Payne, Turpin, Williams

No: None

**Motion Carried**

24-226      **Motion to table Article VI – General Provisions, Chapter 5 – Franchises, Licenses and Permits: Municipal Utilities, Section 6.513 – Restrictions on Transfer of Municipality Owned Utilities for legal counsel review.** Moved by Commissioner Garrett and second by Commissioner Burrows.

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

No: None

**Motion Carried**

Councilman Killian was absent for the vote.

24-227      **Motion to amend Article VI – General Provisions, Chapter 8 – Boards and Commissions, Section 6.802 – Public Engagement Philosophy.** Moved by Commissioner Garrett and second by Commissioner Payne.

(b) The City of Pontiac ~~shall~~ **may** establish and maintain various Boards and Commissions to advise, assist, and oversee specific areas of municipal governance. These bodies shall serve as essential components of the city's decision-making and policy development process. Boards and Commissions may be established by Ordinance and in accordance with provisions within this Charter.

Ayes: Payne

No: Garrett, Killian, Turpin, Williams, and Burrows

**Motion Failed**



24-228        **Motion to amend Article VI – General Provisions, Chapter 8 – Boards and Commissions, Section 6.808 – Youth Commission.** Moved by Commissioner Garrett and second by Commissioner Burrows.

The City Council may establish a Youth Commission by ordinance for individuals between 13-18 years old **at the time of appointment** with appointees with two (2) year terms eligible for reappointment. The purpose of the Youth Commission may be to discuss policy issues that affect youth in the city, inclusive of identifying a youth policy platform, and identifying leadership pathways for youth in city government. Formal roles on the Youth Commission will be rotated every two (2) years.

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

No: None

**Motion Carried**

24-229        **Motion to amend Article VI – General Provisions, Chapter 8 – Boards and Commissions, Section 6.809 a – Charter Review Board.** Moved by Commissioner Garrett and second by Commissioner Payne.

(a) The City Council shall establish a Charter Review Board in the first three (3) months following approval of this charter. The Charter Review Board shall be established every five (5) years and at any time the City Council, by a vote of a majority of its members and ordinance, **may** call for such a Board.

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

No: None

**Motion Carried**

24-230        **Motion to amend Article VI – General Provisions, Chapter 8 – Boards and Commissions, Section 6.809 e – Charter Review Board.** Moved by Commissioner Garrett and second by Commissioner Burrows.

The Charter Review Board shall report its findings and recommendations regarding revisions to the Charter, if any, within one (1) year of appointment. **to the City Council.** City Council may, at its discretion, submit any of the proposed amendments, in whole or in part, to a vote of the people in the manner provided for by applicable laws and statutes.

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

No: None

**Motion Carried**

Commissioner Killian was absent during the vote.

24-231        **Motion to amend Article VII – Ethics and Public Integrity, Chapter 2 – Office of Public Integrity, Section 7.202 a – Appointment, Removal, Term of Office, and Vacancy.** Moved by Commissioner Garrett and second by Commissioner Payne.

The Public Integrity Officer shall be appointed by a majority of Council members **with concurrence of the Mayor in writing within 5 days of Council approval** serving for a term of six (6) years.

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

No: None

**Motion Carried**

24-232        **Motion to amend Article VII – Ethics and Public Integrity, Chapter 3 – Board of Ethics, Section 7.301 d – Board of Ethics Creation and Membership.** Moved by Commissioner Garrett and second by Commissioner Payne.

- a. One (1) shall be appointed by the Election Commission; **by a 4/5 vote of members serving;**

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

No: None

**Motion Carried**

24-233        **Motion to amend Article II, Elections, Section 2.107 – Candidates for Nomination.** Moved by Commissioner Garrett and second by Commissioner Payne.

Nominating petitions of a candidate seeking nomination to a City Council at-large seat shall contain the signatures of at least ~~150~~ **250** and not more than ~~250~~ **400** registered electors of the City. Nominating petitions of a candidate for nomination to a City Council district seat shall contain the signatures of at least 100 and not more than 150 registered electors from that district.

Ayes: Burrows, Garrett, Payne, and Turpin

No: Williams, and Killian

**Motion Carried**

24-234        **Motion to amend Article III – Legislative Branch, Chapter 1 – Council, Section 3.102 - District Representation: Term of Office.** Moved by Commissioner Payne and second by Commissioner Turpin.

The member from each district shall be nominated and elected by the electors of the district. One (1) Council member at-large shall be nominated and elected by the electors of the entire City **except for Council members already serving at the time this Charter is approved in 2024.** To be eligible for the office of Council member for a district, a person must have been a resident of that district in question for one year immediately before the filing deadline for the office. To be eligible for the office of Council member at-large, a person must have been a resident of the City for one year immediately before the filing deadline for the office. Each member of the Council elected under this Charter shall serve for (4) years and until a successor qualifies. The Council shall be the sole judge of the ~~election and~~ qualification of its members.

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

No: None

**Motion Carried**

24-235        **Motion to amend Article III – Legislative Branch, Chapter 1 – Council, Section 3.104 – Organizational Meeting.** Moved by Commissioner Payne and second by Commissioner Garrett.

The procedural and organizational rules for the Council shall be established by the Council at that first meeting of the new term. The rules shall establish who presides at meetings of the Council in the absence of the Council President and President ProTem. The rules shall be written and accessible to the **public and may be amended by the majority of Council.**

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

No: None

**Motion Carried**



24-236      **Motion to amend Article III – Legislative Branch, Chapter 1 – Council, Section 3.105 – Meetings.** Moved by Commissioner Payne and second by Commissioner Garrett.

The Council shall meet at such times as prescribed by ordinance or resolution, except that it shall meet regularly not less than twice per month. The Mayor, or any two (2) members of the Council may call special meetings of the Council, posted in accordance with the Michigan Open Meetings Act, and written notice is given to each member, **and to the Mayor and Deputy Mayor**, served personally, electronically, or left at the **individual** place of residence at least eighteen (18) hours prior to the meeting time. However, any special meeting at which all members of the Council are present or have given written consent shall be a legal meeting for all purposes set forth in the notice.

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

No: Killian

**Motion Carried**

24-237      **Motion to amend Article III – Legislative Branch, Chapter 3 – Department of Council, Section 3.304 a – Accountability and Cooperation.** Moved by Commissioner Garrett and second by Commissioner Payne.

(a) The Department shall be accountable to the Council and shall provide regular reports on the **Department's** activities, budget utilization, and any other relevant matters as required by the Council.

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

No: None

**Motion Carried**

24-238      **Motion to amend Article III – Legislative Branch, Chapter 3 – Department of Council, Section 3.305 – Funding.** Moved by Commissioner Killian and second by Commissioner Payne.

The ~~City shall~~ **Council may** allocate sufficient funds in the city budget to ensure the effective functioning of the Department. The Department shall manage its resources efficiently and effectively, ensuring responsible use of public funds.

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

No: None

**Motion Carried**

24-239      **Motion to amend Article IV – Executive Branch, Chapter 1 – Mayor, Section 4.102 – Duties of the Mayor.** Moved by Commissioner Garrett and second by Commissioner Burrows.

The Mayor possesses all powers and duties inherent in being the chief executive officer of the executive branch, including, **but not limited to:**

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

No: None

**Motion Carried**

24-240      **Motion to have Mr. Christ flesh out language in the transitional provision to have orientation and training for city elected officials.** Moved by Commissioner Payne and second by Commissioner Burrows.

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

24-241 **Motion to have 2024 Charter instead of 2024 Charter Revision Amendments as the heading of every page of the Charter.** Moved by Commissioner Payne and second by Commissioner Garrett.

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

24-242 **Motion to amend Article V - Financial Procedures, Chapter 4, Assessment of Taxes, Section 5.402 – Board of Review.** Moved by Commissioner Payne and second by Commissioner Burrows.

A majority of the board shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day. The Board of Review shall review and equalize the assessment roll of the City. **With notice to the property owner**, on its own motion, with good cause shown, it may reduce or increase the valuation of any property found on the roll and shall add thereto any taxable property in the City omitted therefrom. The City's Assessor, or their designee, shall attend all meetings of the Board of Review.

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

24-243 **Motion to amend Article VI – General Provisions, Chapter 1, Personnel Matters, Section 6.104 – Vacancy.** Moved by Commissioner Garrett and second by Commissioner Killian.

The position of any elective officer or appointee shall become vacant upon death, resignation, **absences**, 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, Payne, Turpin, and Williams  
No: None  
**Motion Carried**

24-244 **Motion to amend Article VI – General Provisions, Chapter 5, Franchises, Licenses and Permits: Municipal Utilities, Section 6.511 – Vacancy.** Moved by Commissioner Payne and second by Commissioner Garrett.

The City may, by resolution, require any person or firm holding a franchise from the City to allow the use of its tracks, poles, internet, 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, **to the extent authorize at law.**

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

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24-245        **Motion to amend Article VI – General Provisions, Chapter 6, Separately Incorporated Bodies, Section 6.602 – Conflicts Prohibited.** Moved by Commissioner Payne and second by Commissioner Killian.

No person shall serve on the governing body of any authority or agency referred to in Section 6.601 when a conflict of interest as defined in Section 6.107 of this Charter exists, **except as authorize by law.**

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

No: None

**Motion Carried**

24-246        **Motion to move the Saturday, February 10, 2024, meeting from 10:00 a.m. to 9:00 a.m.** Moved by Commissioner Turpin and second by Commissioner Payne.

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

No: None

Abstain: Killian

**Motion Carried**

Closing Comments – None

#### **Adjournment**

Vice Chair Kermit Williams adjourned the meeting at 10:54 p.m.

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Sheila R. Grandison  
Deputy City Clerk



**Official Proceedings  
2022 Pontiac Charter Revision Commission  
32<sup>nd</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 Saturday, February 10, 2024, at 9:18 a.m.

**Roll Call**

**Members Present** – Norbert Burrows, Lucy Payne, Bruce Turpin, Kermit Williams, and Jose Ybarra III.

A quorum was announced.

**Excuse Commissioners**

24-247        **Motion to excuse Commissioner Gill Garrett, Bryan Killian, Tameka Ramsey, and Scott Stewart for personal reasons.** Moved by Commissioner Ybarra III and second by Commissioner Payne.

Ayes: Payne, Turpin, Williams, Ybarra III, and Burrows

No: None

**Motion Carried**

**Amendments and or Approval of the Agenda**

24-248        **Motion to approved agenda.** Moved by Commissioner Payne and second by Commissioner Ybarra III.

Ayes: Payne, Turpin, Williams, Ybarra III, and Burrows

No: None

**Motion Carried**

**Approval of Minutes**

24-249        **Motion to approve the minutes for February 3, 2024.** Moved by Commissioner Payne and second by Commissioner Ybarra III.

Ayes: Payne, Turpin, Williams, Ybarra III, and Burrows

No: None

**Motion Carried**

**Public Comment** – None

**Amendments to the 2013 Charter**

24-250        **Motion to amend Article III, Legislative Branch, Chapter 1, Council - Section 3.104 – Organizational Meeting.** Moved by Commissioner Payne and second by Commissioner Ybarra III.

The rules shall be written and accessible to the public and may be amended by the majority of Council. The rules shall address Council governance, Council orientation, Council communication and coordination with City administration and such other information Council deems appropriate.



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

24-251 **Motion to amend Article III, Legislative Branch, Chapter 1, Council - Section 3.113 – Transfer of City Property: Contracts.** Moved by Commissioner Ybarra III and second by Commissioner Turpin.

The city shall not sell, transfer, or divert to any other use park land unless approved by a majority of electors. Park land shall include any public park, public recreation area or public playground area owned by the City, within the City.

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

24-252 **Motion to amend Article III, Legislative Branch, Chapter 1, Council - Section 3.115 – Staff.** Moved by Commissioner Burrows and second by Commissioner Payne.

The Council may, within appropriations provided in the budget, appoint staff or contract for services. Staff or persons engaged pursuant to contract serve at the pleasure of the Council and shall take direction from Council and not be under direct supervision of the Mayor, appointee of the Mayor or other staff from the executive branch.

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

24-253 **Motion to amend Article VI, General Provisions, Chapter 1, Personnel Matters, Section 6.103 – Local Officers' Compensation Commission.** Moved by Commissioner Turpin and second by Commissioner Burrows.

Notwithstanding any other provision of this Charter, the compensation of elective officers may be revised pursuant to law by the Local Officers' Compensation Commission which shall be established by ordinance.

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

24-254 **Motion to amend Article VI, General Provisions, Chapter 1, Personnel Matters, Section 6.106 b – Conflict of Interest.** Moved by Commissioner Ybarra III and second by Commissioner Payne.

An elective City officer or an appointee who is a relative of an applicant for employment by the City being the individual's parent, grandparent, child, grandchild, sibling, or spouse thereof, shall immediately be disqualified from, and shall not participate in any way in, the hiring process for that applicant. After complaint made by any City resident, referred to the Office of Public Integrity, and, if litigated, it is determined by a court of competent jurisdiction, that, in the hiring of any person, this provision was violated, the employment of such person shall be a nullity, and such violation shall be cause for a recall or

dismissal of the City officer or appointee involved. Further, a city officer or appointee violating this provision is guilty of a misdemeanor subject to a fine of \$500.00, or imprisonment of 90 days or both.

Ayes: Ybarra III, Burrows, Payne, Turpin, and Williams

No: None

**Motion Carried**

24-255 **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 Payne.

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

Ayes: Burrows, Payne, Turpin, Williams, and Ybarra III

No: None

**Motion Carried**

24-256 **Motion to amend Article VII, Ethics and Public Integrity, Chapter 2, Office of Public Integrity, Section 7.207 – Funding: Office Staffing.** Moved by Commissioner Ybarra III and second by Commissioner Burrows.

The budget of the Office of Public Integrity shall be separate from the budgets of other City agencies. The Council shall annually appropriate funds ~~in an amount not less than the budgeted amount for the purchasing department~~, sufficient to enable the Office of Public Integrity to fulfill its duties and responsibilities as outlined in this Charter.

Ayes: Payne, Williams, Ybarra III, and Burrows

No: Turpin

**Motion Carried**

24-257 **Motion to amend Article VI, General Provisions, Chapter 1, Personnel Matters, Section 6.108 – Removal for Cause.** Moved by Commissioner Ybarra III and second by Commissioner Turpin.

Any appointee subject to removal for cause may be removed by the appointing authority for lack of qualifications, incompetency, neglect of duties, misconduct, conviction of a felony, or a violation of this Charter. ~~or any job-related ordinance, rule or regulation~~. An appointee may not be removed under this subsection without an opportunity for a public hearing before the appointing authority. A copy of the charges shall be furnished at least 10 days in advance of the hearing.

Ayes: Payne, Turpin, Williams, Ybarra III, and Burrows

No: None

**Motion Carried**

24-258 **Resolution to approve the 2024 Proposed Charter.** Moved by Commissioner Ybarra III, and second by Commissioner Turpin.

February 10, 2024, Draft

Be It Resolves, the 2022 Pontiac City Charter Revision Commission pass a resolution to approve the 2024 Proposed Charter.

Ayes: Turpin, Williams, Ybarra III, Burrows, and Payne

No: None

**Resolution Passed**

24-259      **Motion to have legal counsel Mr. Christ prepare the 2024 proposed charter, once he receive the final approved version to make any necessary grammatical correction of a non-substive matter prior to submitting it to the Attorney General and Governor. Moved by Commissioner Ybarra III, and second by Commissioner Payne.**

Ayes: Turpin, Williams, Ybarra III, Burrows, and Payne

No: None

**Motion Carried**

Closing Comments – Commissioner Lucy Payne, Commissioner Turpin, Commissioner Jose Ybarra III, Commissioner Norbert Burrows, and Commissioner Kermit Williams

**Adjournment**

Vice Chair Kermit Williams adjourned the meeting at 10:06 a.m.

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Sheila R. Grandison  
Deputy City Clerk

**VII.**

# **Correspondence**



## Sheila Grandison

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**From:** Deborah Hansche <dhansche@hsc-law.com>  
**Sent:** Wednesday, February 14, 2024 11:25 AM  
**To:** Gierhart, Kristina  
**Cc:** Elworth, George (AG); graneye@michigan.gov; clerk@oakgov.com; Tim Greimel; Garland Doyle; Tameka Ramsey; Sheila Grandison; P. Daniel Christ  
**Subject:** City of Pontiac Charter  
**Attachments:** Ltr to Governor Gretchen Whitmer re 2024 Proposed Pontiac City Charter (2024.02.14)-SIGNED.pdf; 2024 Proposed Charter with Resolution-FINAL (2024.02.14).pdf; 1982 COP Home Rule Charter Edit (Pontiac) (2024.01.05).pdf

Some people who received this message don't often get email from dhansche@hsc-law.com. [Learn why this is important](#)

Ms. Gierhart,

Attached is a letter to Governor Whitmer with the 2024 proposed Charter for the City of Pontiac, City of Pontiac Charter Revision Commission resolution approving the 2024 proposed Charter, along with a copy of the current City Charter for the City of Pontiac. Hard copies of the documents are being sent U. S. First Class Mail today. Should you have any problems opening the attachments or have any questions concerning them, please let me know.

Thank you.

Deb Hansche



**Deb L. Hansche, Legal Assistant**

2055 Orchard Lake Road  
Sylvan Lake, MI 48320  
Direct (248) 731-3095  
[dhansche@hsc-law.com](mailto:dhansche@hsc-law.com)  
[www.hsc-law.com](http://www.hsc-law.com)

Confidentiality Notice: This communication, including any attachments, is for the exclusive use of the intended recipient and may contain confidential and legally privileged information. If you are not the intended recipient, please promptly notify us by return e-mail, permanently delete this e-mail and any attachments, and destroy any printouts.

Treasury Circular 230 Disclosure: This communication is not intended or written to be used, nor may it be used or relied upon, by a taxpayer for the purpose of avoiding tax penalties that may be imposed under the Internal Revenue Code, as amended.



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
OFFICE OF THE GOVERNOR  
LANSING

GARLIN GILCHRIST II  
LT. GOVERNOR

February 14, 2024

P. Daniel Christ  
Hafeli Staran & Christ, P.S.  
Attorneys at Law  
2055 Orchard Lake Rd.  
Sylvan Lake, MI 48320

**Re: Proposed City Charter - City of Pontiac**

Dear Mr. Christ,

On behalf of Governor Whitmer, I am responding to your correspondence dated February 14, 2024. I am forwarding your information to the Attorney General's Office for legal review of the proposed charter for the City of Pontiac. Our office will respond upon completion of that review and recommendation.

Please contact me if you have any questions or concerns.

Sincerely,

*/s/Kristina Gierhart*

Kristina Gierhart  
Executive Assistant for Legal Services  
Office of Governor Whitmer  
(517) 241-5630

c: Attorney General's Office, State Operations Division

# Attachment





GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
OFFICE OF THE GOVERNOR  
LANSING

GARLIN GILCHRIST II  
LT. GOVERNOR

August 30, 2021

***VIA EMAIL***

Michigan Department of State  
Bureau of Elections  
ATTN: Jonathan Brater  
P.O. Box 20126  
Lansing, MI 48901-0726

**RE: Charter Amendments and Revisions**

Dear Mr. Brater,

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 Municipal Clerks  
Michigan Association of County Clerks  
Michigan Association of Municipal Attorneys  
State Bar of Michigan, Government Law Section  
Department of Attorney General, State Operations Division

STATE OF MICHIGAN  
DEPARTMENT OF ATTORNEY GENERAL



P.O. Box 30212  
LANSING, MICHIGAN 48909

DANA NESSEL  
ATTORNEY GENERAL

January 24, 2022

**By email only**

Michigan Department of State  
Bureau of Elections  
ATTN: Jonathan Brater  
P.O. Box 20126  
Lansing, MI 48901-0726

Re: Charters and Charter Amendments

Dear Mr. Brater:

I am sending you this letter regarding the procedures for review by the Attorney General of proposed charters and charter amendments of cities and villages. This letter is intended to be a companion to the letter of the Governor's office of August 30, 2021, regarding the Governor's policies for review of charters and charter amendments proposed for election this year. (Enclosure—August 30, 2021 letter.)

**City charter amendment reviews**

The Attorney General reviews the ballot question and any additional ballot language for a charter amendment pursuant to Section 21(2) of the Home Rule City Act (HRCA), MCL 117.1 *et seq.*, for accuracy, impartiality, and being limited to not more than 100 words (“... not more than 100 words, exclusive of caption, that shall consist of a true and impartial statement of the purpose of the amendment or question in language that does not create prejudice for or against the amendment or question.”).

In addition, each proposal for a charter amendment must be confined to a single subject which may involve changes to numerous sections of a charter due to the subject involved, such as when restating a charter in gender neutral terms, dropping or adding a primary election, or going from or to council members elected at large or by district. See Section 21(3) of the HRCA (“A proposed charter amendment shall be confined to 1 subject. If the subject of a charter amendment



includes more than 1 related proposition, each proposition shall be separately stated to afford an opportunity for an elector to vote for or against each proposition.”).

During this review, the Attorney General is also reviewing the legality of the proposed amendment at the request of the Governor, which continues a custom of previous Governors requesting such a review by the Attorney General.

As soon as a review is completed, the Attorney General sends a letter to the Governor with copies to the city officials setting forth the conclusions of the Attorney General as to whether a proposed amendment and the proposed ballot language for that amendment are consistent with the requirements of the HRCA.

### **Village charter amendment reviews**

There is no requirement for review of ballot language by the Attorney General in the Home Rule Village Act (HRVA), MCL 78.1 *et seq.* However, the Attorney General does conduct a review of the legality of a proposed amendment at the request of the Governor who has continued the tradition of previous governors requesting such reviews. As soon as this review is completed, the Attorney General sends a letter to the Governor, with copies to the village officials, setting forth the conclusions of the Attorney General as to whether a proposed amendment is consistent with the requirements of the HRVA, which include notice and publication of such amendments prior to their adoption by a village council per Section 17 of the HRVA (“When the amendment originates in the legislative body [of the village], it shall be published and remain on the table for 30 days before action is taken thereon. The form in which any proposed amendment to a village charter shall be submitted on the ballot, unless provided for in the initiatory petition, shall be determined by resolution by the legislative body [of the village].”).

### **City and Village charter reviews**

The Attorney General conducts reviews of proposed city and village charters at the request of the Governor who has continued the practice of previous Governors in seeking a legal review by the Attorney General. As soon as this review is completed, the Attorney General sends a letter to the Governor, with copies to the charter commission and its advisor, setting forth the conclusions of the Attorney General as to whether a proposed charter is consistent with the requirements of the applicable act—the HRCA for proposed city charters, and the HRVA for proposed village charters.

### **Additional Considerations**

First, the Attorney General will conduct reviews as expeditiously as is feasible under the circumstances until completed unless the request for review is withdrawn by a city or village governing body that proposed a charter amendment or a charter commission that proposed a charter. With respect to amendments proposed by initiative petition, the Attorney General will review all such petitions referred to the Attorney General by the Governor for review until completion or the Governor's closing out of a pending request for review to the Attorney General due to intervening circumstances such as a determination of insufficient valid signatures in support of the initiative petition by the city or village clerk.

Second, Assistant Attorneys General in the State Operations Division will continue to provide informal comments and questions during a review to an attorney representing the governing body of a city or village that has adopted and submitted to the Governor and Attorney General a proposed charter amendment and to an attorney or advisor to a charter commission that has adopted and submitted to the Governor and Attorney General a proposed charter.

Third, Assistant Attorneys General in the State Operations Division will continue to provide informal comments and questions to city and village attorneys regarding proposed charter amendment resolutions that they are drafting to the extent feasible since such informal comments and questions help to expedite the formal review process of a proposed city or village charter amendment adopted by a city or village governing body.

Fourth, it is not realistic to anticipate that the review of the Attorney General will occur within less than 30 days for even the most straight forward charter amendment or in less than 90 days for a proposed charter. For charter amendments, the length of time for a review tends to be longer where numerous, novel, or complex amendments are being proposed. Similarly, for a charter, the review time is generally much longer than 90 days.

Fifth, for questions or concerns regarding reviews conducted by the Attorney General, city and village officials should contact AAG George Elworth of the State Operations Division, at 517-335-7573 or [elworthg@michigan.gov](mailto:elworthg@michigan.gov).

### **Conclusion**

Thank you for your assistance in making this information available to election officials of cities and villages as well as to county election officials, and others working with the Bureau of Elections in the administration of elections in

Bureau of Elections, MDOS  
Page 4  
Charters and Charter Amendments  
January 24, 2022

this state. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

*John VanDeventer*

John VanDeventer  
Chief Legal Counsel

Enc. Letter of August 30, 2021, from Alicia Moon—Deputy Legal Counsel to the Governor—to Jonathan Brater, Bureau of Elections, MDOS

cc by email only, with enc.:

Alicia Moon, Governor's Deputy Legal Counsel  
Kristina Gierhart, Executive Assistant, Governor's Office  
Michigan Municipal League, [info@mml.org](mailto:info@mml.org)  
Michigan Association of Municipal Clerks, President Mary Clark,  
[MClark@DeltaMi.gov](mailto:MClark@DeltaMi.gov)  
Michigan Association of Municipal Attorneys, Chris Johnson,  
[CJohnson@mml.org](mailto:CJohnson@mml.org)  
State Bar of Michigan, Government Law Section, Chairperson Helen Mills,  
[hmills@fsbrlaw.com](mailto:hmills@fsbrlaw.com)  
Heather Meingast, Division Chief of Attorney General Civil Litigation,  
Elections, and Employment Division  
Jessica McGivney, Division Chief of Attorney General State Operations  
Division