

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

34th Session
SPECIAL MEETING AGENDA
March 20, 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. Approval of the Minutes**
February 22, 2024
- VI. Public Comment**
- VII. Review Correspondence from Governor's Office and Attorney General's Office**
- VIII. Review Revised 2024 Proposed Charter Presentation from Commissioner Ybarra III and the Outreach Subcommittee Team**
- IX. Closing Comments**
- X. Adjournment**

V.

Minutes

**Official Proceedings
2022 Pontiac Charter Revision Commission
33rd Session**

Call to order

A Meeting of the 2022 Charter Revision Commission of Pontiac, Michigan was called to order by Chair Tameka Ramsey at the City Hall Council Chambers, 47450 Woodward Ave Pontiac, MI 48342 on Thursday, February 22, 2024, at 6:32 p.m.

Roll Call

Members Present – Gill Garrett, Lucy Payne, Tameka Ramsey, Scott Stewart, and Jose Ybarra III.

A quorum was announced.

Excuse Commissioners

24-260 **Motion to excuse Commissioner Norbert Burrows, Bryan Killian, Bruce Turpin, and Kermit Williams for personal reasons.** Moved by Commissioner Stewart and second by Commissioner Garrett.

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

No: None

Motion Carried

Amendments and or Approval of the Agenda

24-261 **Motion to add Outline of Charter talking points from Commissioner Jose Ybarra III and the Outreach Subcommittee Team as the new item #7.** Moved by Commissioner Stewart and second by Commissioner Ybarra III.

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

No: None

Motion Carried

24-262 **Motion to approve agenda as amended.** Moved by Commissioner Stewart and second by Commissioner Ybarra III.

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

No: None

Motion Carried

Approval of Minutes

24-263 **Motion to approve the minutes for February 8, and February 10, 2024.** Moved by Commissioner Stewart and second by Commissioner Ybarra III.

Ayes: Stewart, Ybarra III, Garrett, and Payne

No: None

Abstain: Ramsey

Motion Carried

Public Comment – None

February 22, 2024, Draft

Outline of Charter Talking Points – Commissioner Jose Ybarra III

Review Correspondence from Governor’s Office and Attorney General’s Office

Closing Comments – Commissioner Garrett, and Chair Tameka Ramsey made closing comments

Adjournment

Chair Tameka Ramsey adjourned the meeting at 7:25 p.m.

Sheila R. Grandison
Deputy City Clerk

VII.

Correspondence

TO: Pontiac Charter Commission

FROM: D. Christ

RE: *Draft highlighting Assistant Attorney General's suggested [revised] ' edits/comments to 2024 Proposed Charter*

DATE: March 13, 2024

Dear Charter Commissioners:

Last Thursday and Friday, I spent several hours discussing every section, paragraph, and word of the proposed 2024 Charter the Pontiac Charter Commission resolved to forward to the Attorney General and Governor at its meeting on February 10, 2024. It is my suggestion the Charter Commission should schedule a meeting at its earliest convenience to discuss these proposed edits and comments.

- The Assistant Attorney General suggested adding a Table of Contents to the 2024 Proposed Charter. [Enclosed]
- Timing of Election issue – proposed effective date July 1, 2025
- Interplay with change proposed for 2.102 to state gubernatorial (even year) election cycle. 2.102 requires City Council consider resolution, after public notice, to change. Timing is very tight with primary election which would otherwise be scheduled for August 2025. It would seem consideration should be given to changing effective date to earlier in 2025?

2024 Proposed Charter

TABLE OF CONTENTS

PREAMBLE	1
ARTICLE I – GENERAL PROVISIONS.....	1
1.101 City Government.....	1
1.102 Boundaries.....	1
1.103 General Powers	1
1.104 Strong Mayor Plan	1
ARTICLE II – ELECTIONS	1
2.101 Elective Officers	1
2.102 Elections	2
2.103 Voters.....	2
2.104 Conduct of Elections.....	2
2.105 Election Commission	2
2.106 Electoral Districts and Re-Appportionment.....	3
2.107 Candidates for Nomination	3
2.108 Primary Election.....	3
2.109 Nomination and Election.....	3
2.110 Recall.....	4
2.111 Effect of Recall.....	4
2.112 Oath of Office.....	4
ARTICLE III – LEGISLATIVE BRANCH.....	4
Chapter 1 – Council	4
3.101 Local Legislature	4
3.102 District Representation; Term of Office	4
3.103 Beginning of Term	5

2024 Proposed Charter

3.104 Organizational Meeting.....	5
3.105 Meetings.....	5
3.106 Public Access; Rules	5
3.107 Quorum.....	6
3.108 Voting.....	6
3.109 Council Action.....	6
3.110 Compensation.....	6
3.111 Appointment of Clerk	6
3.112 Ordinance Procedure.....	6
3.113 Transfer of City Property; Contracts	8
3.114 Staff.....	8
3.115 Relations with Executive Branch	8
3.116 Investigative Powers.....	9
3.117 Vacancies.....	9
3.118 Effect of Absences	9
3.119 Control of City Payroll	9
3.120 Bonds	9
Chapter 2 – City Clerk	10
3.201 Functions and Duties of the Clerk.....	10
3.202 Chief Assistant Clerk	10
Chapter 3 – Department of Council	10
3.301 Establishment and Purpose	10
3.302 Department Head and Staff.....	11
3.303 Duties and Responsibilities.....	11

2024 Proposed Charter

3.304 Accountability and Cooperation.....	11
3.305 Funding.....	11
ARTICLE IV – EXECUTIVE BRANCH.....	12
Chapter 1 – Mayor	12
4.101 The Mayor	12
4.102 Duties of the Mayor	12
4.103 Deputy Mayor	12
4.104 Relations with Council	13
4.105 Staff of the Office of Mayor	13
4.106 Appointment of Department Heads; Failure to Act on Appointments	13
4.107 Duties of Department Heads.....	14
4.108 Succession to Office	14
Chapter 2 – City Attorney	14
4.201 City Attorney.....	14
4.202 Duties of City Attorney.....	14
4.203 Settlements.....	15
4.204 Option of Council.....	15
Chapter 3 – Finance Department.....	15
4.301 Finance Department.....	15
4.302 Treasurer.....	16
4.303 Purchasing Division.....	16
4.304 Centralized Purchasing; Competitive Bidding.....	16
4.305 Restrictions on Purchases.....	16
4.306 Duties of Purchasing Agent.....	16

2024 Proposed Charter

4.307 Assessment Division, City Assessor, or Assessment Services.....	16
4.308 Assessor's Duties.....	16
Chapter 4 – Police Department	17
4.401 Police Department (Police Services)	17
4.402 Powers and Duties	17
4.403 Powers and Duties of Police Chief	17
4.404 Citizens Review Board	17
Chapter 5 – Fire Protection Services.....	17
4.501 Fire Department (Fire Protection Services)	17
4.502 Emergency Power	18
4.503 Powers of Fire Chief	18
Chapter 6 – Remainder of the Executive Branch.....	18
4.601 Other Departments.....	18
4.602 Assignment of Administrative Functions	18
4.603 Initial Continuation of Departments, Boards and Commissions.....	18
ARTICLE V – FINANCIAL PROCEDURES	19
Chapter 1 – Budget	19
5.101 Fiscal Year	19
5.102 Mayoral Budget and Appropriation Ordinance.....	19
5.103 Veto	19
5.104 Budget to Be Balanced.....	19
5.105 Budget to Be Adopted.....	19
5.106 Transfers and Supplemental Appropriations	20

2024 Proposed Charter

Chapter 2 – Taxation and Special Assessments	20
5.201 Property Tax Levy.....	20
5.202 Other Revenue.....	20
5.203 Duties of Clerk.....	20
5.204 Lien	20
5.205 Tax Limits.....	20
5.206 Special Assessment Financing.....	21
5.207 Limits on Incurring Obligations.....	21
Chapter 3 – Accounting Controls and Audits.....	21
5.301 Accounting.....	21
5.302 Payments.....	21
5.303 Cash Management.....	22
5.304 Establishing Funds.....	22
5.305 Annual Independent Audit	22
Chapter 4 – Assessment of Taxes	22
5.401 Assessment of Property; Subject of Taxation.....	22
5.402 Board of Review.....	22
5.403 Correction of Errors	23
5.404 Meetings of Board Review	23
5.405 Board's Completion of Roll.....	23
5.406 Equalization.....	23
5.407 City Property Taxes	24
5.408 Due Date.....	24
5.409 Publication.....	24

2024 Proposed Charter

5.410 Liens	24
5.411 School and County Taxes.....	24
5.412 Receipt of Roll by Treasurer	24
5.413 Notice of Other Taxes Due	24
5.414 Collection of Taxes	25
5.415 Payment to School Board and County	25
5.416 Applicable Law	25
5.417 Part Payment	25
5.418 Fees and Penalties.....	25
5.419 Records of Ownership	25
Chapter 5 – Bonds	26
5.501 Borrowing Authority	26
5.502 Purpose of Bonds	26
5.503 Bond Issuance.....	26
5.504 Providing for Principal and Interest.....	26
5.505 Special Assessment Borrowing.....	26
Chapter 6 – Special Assessments.....	26
5.601 Power Granted	26
5.602 Petition by Owners	26
5.603 Council Resolution for Special Assessment	27
5.604 Procedure by Ordinance.....	27
5.605 Liens	27
ARTICLE VI – GENERAL PROVISIONS	27
Chapter 1 – Personnel Matters	27

2024 Proposed Charter

6.101 Non-Discrimination.....	27
6.102 Employee Serving in Management.....	28
6.103 Local Officers' Compensation Commission.....	28
6.104 Vacancy.....	28
6.105 Filling of Vacancies.....	28
6.106 Conflict of Interest.....	28
6.107 Retirement Plans Continued.....	29
6.108 Removal for Cause.....	29
Chapter 2 – Specific Powers and Miscellaneous Provisions	29
6.201 Enabling Legislation.....	29
6.202 Rents, Tolls, Excises and Taxes.....	30
6.203 Eminent Domain.....	30
6.204 Penalties.....	30
6.205 Subsequent Grade Changes.....	30
6.206 Definitions.....	30
Chapter 3 – Rule Making.....	30
6.301 Administrative Rules.....	30
6.302 Emergency Rules.....	31
Chapter 4 – Initiative and Referendum.....	31
6.401 Initiative.....	31
6.402 Duties of Council and Petitions.....	31
6.403 Referendum.....	31
6.404 Powers of Council.....	32
6.405 Conflicting Provisions.....	32

2024 Proposed Charter

6.406 Publication.....	32
6.407 State Law to Apply	32
6.408 Effect of Vote	32
Chapter 5 – Franchises, Licenses and Permits; Municipal Utilities.....	32
6.501 Occupancy or Use by Private Concern	32
6.502 Limitations on Grant	33
6.503 Revocable Permits	33
6.504 Manner of Grant.....	33
6.505 Electoral Approval	33
6.506 Expenses of Certain Special Elections	33
6.507 Exclusivity Prohibited	33
6.508 Restrictions on Transfer.....	33
6.509 Restriction on Modifications.....	33
6.510 Subordinate to Police Power	34
6.511 Co-Occupancy	34
6.512 Compensation to City.....	34
6.513 Restrictions on Transfer of Municipality Owned Utilities.....	34
Chapter 6 – Separately Incorporated Bodies	34
6.601 Authorities or Other Agencies Separately Incorporated	34
6.602 Conflicts Prohibited.....	34
Chapter 7 – Rules of Interpretation	35
6.701 Severability.....	35
6.702 Number or Gender	35
6.703 Tense	35

2024 Proposed Charter

Chapter 8 – Boards and Commissions	35
6.801 Public Engagement Philosophy	35
6.802 Establishment and Purpose	35
6.803 Composition	36
6.804 Terms of Office	36
6.805 Powers and Responsibilities.....	37
6.806 Meetings and Procedures.....	37
6.807 Accountability, Reporting, and Transparency	37
6.808 Youth Commission	37
6.809 Charter Review Board	38
ARTICLE VII – ETHICS AND PUBLIC INTEGRITY	38
Chapter 1 – General Ethical Standards.....	38
7.101 Ethical Standards of Conduct.....	38
7.102 Disclosures.....	40
7.103 Lobbying Registration and Reporting.....	41
7.104 Gifts and Gratuities.....	41
7.105 One Year Post-Employment Prohibition.....	41
7.106 Contracts Voidable and Rescindable	42
7.107 Campaign Activities.....	42
Chapter 2 – Office of Public Integrity	42
7.201 Establishment of Office	42
7.202 Appointment, Removal, Term of Office, and Vacancy	43
7.203 Minimum Qualifications	43
7.204 Limitations; Prohibited Activities.....	43

2024 Proposed Charter

7.205 Powers and Duties; Jurisdiction	44
7.206 Independence; Retaliation, Confidentiality, and Immunity	45
7.207 Funding; Office Staffing.....	45
7.208 Reporting and Transparency; Consultation Required.....	46
Chapter 3 – Board of Ethics	46
7.301 Board of Ethics Creation and Membership	46
7.302 Member Appointment, Terms, and Removals	46
7.303 Rules and Procedures.....	47
7.304 Powers and Duties	47
7.305 Board of Ethics Funding	48
ARTICLE VIII – TRANSITIONAL PROVISIONS.....	48
8.101 Effect on Existing City Legislation	48
8.102 Continuation of Public and Private Rights.....	48
8.103 Rights and Liabilities Continued	48
8.104 Rights of Officers and Employees	49
8.105 Successor Officers	49
8.106 Amendments and Revisions.....	49
8.107 Compensation.....	49
8.108 Headings	49
8.109 Transitional Provision.....	49
ARTICLE IX - SCHEDULE	49
9.101 Electoral Vote and Effective Date.....	49
9.102 Ballot Question.....	50

2024 Proposed Charter

PREAMBLE

We, the people of the City of Pontiac, adopt this Charter to protect our rights and to promote a just, honorable and efficient government.

The City of Pontiac is a City with a strong history, settled in 1818 and formally incorporated in 1861. As with previous charters for this historic City, the citizens have forged this Charter to ensure our great City of Pontiac thrives for many generations of current and future residents.

ARTICLE I

GENERAL PROVISIONS

1.101 City Government

The people of the City of Pontiac hereby provide for the establishment and continuation of their municipal government as set forth in this home rule Charter and as provided by law.

1.102 Boundaries

The boundaries of the City when this Charter takes effect shall continue unchanged until changed in accordance with state law.

1.103 General Powers

The City possesses the home rule powers and all other powers conferred by the Michigan Constitution of 1963 and provided at law. The specific mention of a particular power in the Charter shall not be construed as limiting in any way these general powers. These powers shall be liberally interpreted and construed in favor of the City.

1.104 Strong Mayor Plan

The plan of municipal government provided by this Charter is known as the "Strong Mayor Plan."

ARTICLE II

ELECTIONS

2.101 Elective Officers

The elective officers of the City are the mayor and the seven (7) members of the Council. Six (6) Council members shall be elected by district and one (1) at-large Council member shall be elected Citywide.

2024 Proposed Charter

2.102 Elections

~~Regular City primary and general elections shall be held on the same date as regular state gubernatorial primary and general elections. After the effective date of this Charter, the City Council shall consider a resolution changing the date of regular City primary and general elections to the same date as regular state gubernatorial primary and general elections in accordance with Michigan Election Law, MCL §168.642a(4) and MCL §168.642(7)(a)(ii). The City Council shall, prior to consideration of the resolution, hold at least one public hearing on the proposed resolution in accordance with MCL §168.642(7)(b) and the City Council shall give a public notice provided in a manner designed to reach the largest number of City qualified electors in a timely fashion in accordance with MCL §168.642(7)(c). After adoption by the City Council of the resolution, the City Council shall file a certified copy of the resolution with the Michigan Secretary of State in accordance with MCL §168.642(7)(e).~~ City elections shall occur in accordance with state and federal law. City elections are non-partisan. ~~If the regular election date for holding a jurisdiction's regular election has changed in accordance with the Michigan Election Law, the term of an official who was elected before the effective date of the change continues until its successor is elected and qualified at the next regular election.~~

2.103 Voters

Electors of the City shall be registered as provided by law.

2.104 Conduct of Elections

City primary and general elections shall be conducted and votes canvassed as provided by law.

2.105 Election Commission

The City Election Commission is composed of:

1. City Clerk
2. An employee of the City to be appointed by the Mayor
3. City Treasurer
4. Two residents appointed by Council

The Commission has general supervision of all elections in the City, shall be advised by the City Attorney, and may hire assistants, inspectors, and other election personnel and an independent attorney or law firm, subject to appropriation in an approved budget.

Except as otherwise provided by this Charter or ordinance, the Commission shall perform all duties required of election commissions by law. It may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. To enforce a subpoena or order for production of evidence or to impose and penalty prescribed for failure to obey a subpoena or order, the Commission shall apply to the appropriate court.

2024 Proposed Charter

All meetings of the Commission shall comply with state law.

In case of any doubt concerning election procedure, the Commission shall prescribe the procedure to be followed.

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

2.106 Electoral Districts and Re-Appportionment

The City is divided into six (6) electoral districts. The districts shall be contiguous, compact and as nearly of equal population as is practicable. 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. Districts shall be designated by ordinance pursuant to law and this Charter. The ordinance shall be adopted as soon as possible after official release of census figures and at least four (4) months prior to the City primary election to which it first applies. The effective date of representation of the new districts shall be the date for taking office of the first Council members elected therefrom, unless otherwise provided by this Charter.

2.107 Candidates for Nomination

Any person desiring to become a candidate for nomination to any City office shall, prior to the City primary election, file with the Clerk nominating petitions as provided by law. Nominating petitions of a candidate seeking nomination to a Council at-large seat shall contain the signatures of at least 250 and not more than 400 registered electors of the City. Nominating petitions of a candidate for nomination to a Council district seat shall contain the signatures of at least 100 and not more than 150 registered electors from that district.

Nominating petitions of candidates seeking nomination for Mayor shall contain the signatures of at least 250 and not more than 400 registered electors of the City.

2.108 Primary Election

Nominations for each elective office shall be made at a City primary election. However, whenever not more than two (2) persons file for nomination to an office, there shall be no primary election for the office, the City Clerk shall certify such persons as duly nominated for that office, and the name(s) of the persons who filed shall be placed on the general election ballot for the office.

2.109 Nomination and Election

The two (2) candidates for nomination to each office receiving the most votes in the City primary for the office are nominated. The nominee for each office receiving the most votes in the City general election for the office is elected. If two (2) or more candidates for a nomination or two (2) or more nominees for an office receive an

2024 Proposed Charter

equal number of votes in the certified results, the Council shall determine by lot which person is nominated or elected.

2.110 Recall

An elective officer of the City may be recalled by registered electors as provided by law.

2.111 Effect of Recall

No person, who has been recalled from an office, or who has resigned from office while recall proceedings were pending, shall be appointed by the City to any office within four (4) years after such recall or resignation.

2.112 Oath of Office

Every elected officer and other officers as prescribed by ordinance shall, before entering upon their duties, take and subscribe the following oath:

~~"I do solemnly swear (or affirm) that I will support the Constitution of the United States and of this State and the Charter of the City of Pontiac and that I will faithfully discharge the duties of office to the best of my ability, I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of this State, and that I will faithfully discharge the duties of the office of according to the best of my ability."~~

Commented [DLH21]: Required text from Michigan Constitution, Art. XI, Sec. 1 needs to be consistent with Michigan Constitution of 1963 provision.

The oath, duly certified by the officer before whom it was taken, shall be filed in the office of the City Clerk.

ARTICLE III

LEGISLATIVE BRANCH

Chapter 1 Council

3.101 Local Legislature

A Council of seven (7) members is created. The Council is the legislative body of the City and possesses such other powers as may be provided by law or this Charter.

3.102 District Representation: Term of Office

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

2024 Proposed Charter

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 qualification of its members.

3.103 Beginning of Term

The term of each Council member begins at 8:00 a.m. on the first business day two weeks post certification of election by Oakland County.

3.104 Organizational Meeting

The first business of the first meeting in each new term of the Council shall be its organization. The meeting shall be held in the Council Chambers and shall be presided over by the City Clerk or a temporary presiding officer until the Council President and President Pro-Tem of the Council have been selected. The Council President shall preside at meetings of the Council. The President Pro-Tem shall perform the duties of the Council President during the absence or temporary disability of the Council President.

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 Pro-Tem. 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.

3.105 Meetings

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.

3.106 Public Access: Rules

As provided by law, all meetings of the Council shall be public and any citizen may have access to the minutes and records thereof at all reasonable times.

2024 Proposed Charter

The Council shall determine its own rules and order of business and shall keep a journal of its proceedings, in English and reproduced in Spanish.

3.107 Quorum

A majority of all Council members serving constitutes a quorum, but a lesser number may adjourn from day to day and compel the attendance of an absent member in such manner and under such penalties as prescribed by ordinance.

3.108 Voting

Except as otherwise required by this Charter, no action of the Council shall be effective unless adopted by a majority of Council members serving.

On all ordinances, and in all other matters on the demand of one or more members of the Council, a roll call vote shall be taken.

3.109 Council Action

The Council shall act for the City only by ordinance or resolution.

3.110 Compensation

Council is a part-time position, except for the Council President, which is considered full-time.

Council shall be paid by the City as determined by ordinance, this Charter and law.

3.111 Appointment of Clerk

The Council shall appoint a City Clerk for an indefinite period upon an evaluation by a majority vote of Council; the Clerk shall continue its appointment with a yearly evaluation. The Clerk is removable by five (5) members of the Council.

3.112 Ordinance Procedure

(a) The enacting clause of all ordinances shall read, "The City of Pontiac ordains", but this clause may be omitted when the ordinances are published in a compilation.

(b) Upon introduction, the Clerk shall distribute a copy to each Council member and to the Mayor, and shall file a reasonable number of copies in the office of the Clerk and such other public places as the Council may designate, and shall publish a copy of the ordinance or a summary of the ordinance, determined by the Clerk, by means established by ordinance to achieve widespread dissemination to the public in the City together with a notice of the time and place for consideration by the Council. Thereafter, the Council may amend and adopt the proposed ordinance without further pre-adoption publication.

(c) A proposed ordinance shall be introduced at a regularly scheduled Council meeting. Any ordinance shall require two readings by the Council and two

2024 Proposed Charter

opportunities for public comment at regularly scheduled Council meetings prior to being adopted.

(d) The adoption of any ordinance by the Council shall require a majority of Council members serving.

(e) The effective date of an ordinance shall be stated. The effective date shall not be less than 10 business days from the date of publication. No ordinance, except an emergency ordinance, shall be adopted on the same day that it is introduced.

(f) An emergency ordinance, which shall contain a statement of its urgency, must be necessary for the immediate preservation of the public peace, property, health, safety or for the usual daily operation of a department. 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 and three other public places in the City, as determined by the Clerk, who shall maintain a record of the locations of postings. Adoption of an emergency ordinance requires an affirmative vote of two-thirds of Council members serving.

Commented [DLH22]: Attorney General suggests more than just one location.

(g) Every ordinance or resolution of the Council, except quasi-judicial acts of the Council, appointments by the Council, matters relating to the internal organization of the Council or of a ceremonial nature, or such action as may be expressly exempted from veto by other sections of this Charter, shall be presented by the Clerk to the Mayor within four (4) business days after adjournment of the meeting at which the ordinance or resolution is adopted.

The Mayor, within seven (7) days of receipt of an ordinance or resolution, may return it to the Clerk with a veto and a written statement explaining the veto. However, with respect to an emergency ordinance, the Mayor shall notify the Council of a veto in any reasonable manner within 24 hours after the Mayor's office receives written notice from the Clerk that the emergency ordinance has been adopted.

An ordinance or resolution vetoed by the Mayor can be reconsidered by the Council no later than the next regularly scheduled meeting after the receipt of the Mayor's veto. Five Council members may readopt the ordinance or resolution over the Mayor's veto.

(h) An ordinance shall be published once after its adoption in a newspaper of general circulation in the City as provided in this Charter. Except for an emergency ordinance, such publication shall be before the ordinance's effective date. The Clerk shall certify on the record of ordinances the date and method of publication which shall be prima facie evidence that legal publication of an ordinance was made.

2024 Proposed Charter

(i) The Clerk shall maintain a record of all ordinances. After an ordinance is adopted, it shall be authenticated by the Clerk. The record and the authentication shall be done within one week after adoption of an ordinance, but failure to so record and authenticate an ordinance does not invalidate it or suspend its operation.

(j) A repealed ordinance may not be revised, except by re-enactment of the whole or so much as is intended to be revived. When any section or part of a section of an ordinance is amended, the whole section as amended shall be re-enacted.

(k) Prosecution for violation of an ordinance of the City shall be commenced within two (2) years after the commission of the offense. This limitation only applies to violations penal in nature, and is not a limitation of the City's right to forfeit any franchise, grant or license for violation of the terms and conditions thereof.

(l) A violation of an ordinance of the City shall be prosecuted as provided by law or ordinance.

3.113 Transfer of City Property; Contracts

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. The City may not sell any other personal property that may have been defined by ordinances as a minor, without approval by resolution of the Council. Nor may the City enter into a contract if there is not a sufficient unencumbered appropriation available to discharge fully the City's obligation thereunder, without approval by the Council.

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.

3.114 Staff

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.

3.115 Relations with Executive Branch

The Council and each of its members may make inquiries of, or request information and records from, the Mayor, the appointees or the employees of the executive branch. However, neither the Council nor any member thereof shall give any order or direction, either publicly or privately, to any appointee or employee of the executive branch.

2024 Proposed Charter

3.116 Investigative Powers

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.~~

3.117 Vacancies

A vacancy on the Council may be filled by appointment of a registered elector of the City or district affected by a majority of Council members remaining. The appointee serves out the unexpired term or until a successor is elected. However, the term of a member may not be extended by resignation and subsequent appointment.

3.118 Effect of Absences

Absence from five (5) regular meetings during a 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. Any Council member that is absent for over one half of any regularly scheduled meetings during one full calendar year, regardless of whether the absence is excused, shall operate to vacate the seat of the Council member.

3.119 Control of City Payroll

No compensation or salary shall be paid to appointees, members of boards or commissions, volunteers, or employees of the City except as approved by the Council.

3.120 Bonds

The Council may require any appointee or employee to give a bond for the faithful performance of duty, in such amount as it may determine, and the premium thereof shall be paid the City.

An appointee or employee, required by law, this Charter, ordinance or resolution to give a bond, shall not enter upon or continue duties of the office or employment until such bond has been duly filed, approved and recorded.

All bonds shall be approved by the Council and filed with the Clerk, except the bond of the Clerk, which shall be filed with the Treasurer.

All required bonds shall be surety company bonds licensed in the State of Michigan.

2024 Proposed Charter

Chapter 2
City Clerk

3.201 Functions and Duties of the Clerk

- a) The Clerk shall be clerk of the Council and shall attend all meetings of the Council and keep a permanent journal of its proceedings in the English language and Spanish language.
- b) The Clerk shall provide and publish required public notices in the manner provided by this Charter.
- c) The Clerk shall provide for the registration of electors residing in the City and conduct of all elections in the City as required by law.
- d) The Clerk shall maintain a record of all existing and proposed rules, regulations, policies, and procedures of the City.
- e) The Clerk shall certify by their signature all ordinances and resolutions enacted or passed by the Council and make them available to the public as provided by law.
- f) The Clerk shall administer oaths and take affidavits and exercise other powers and duties as provided by law, this Charter, or ordinance.
- g) The Clerk shall provide and maintain in their office a supply of forms for all petitions to be filed for any purpose by the provisions of this Charter.
- h) The Clerk shall ensure reasonably accessible polling locations throughout the City for the purpose of conducting elections.
- i) The clerk shall ensure safekeeping, retention, and public accessibility of documents in accordance with law.
- j) The Clerk shall exercise other powers and duties as provided by law, this Charter, Ordinance, or Resolution.

3.202 Chief Assistant Clerk

The Clerk may, with approval of Council, appoint a chief assistant who serves at the pleasure of the Clerk and performs the duties of the office in the absence or disability of the Clerk.

Chapter 3
Department of Council

3.301 Establishment and Purpose

The Department of Council, hereinafter referred to as the "Department," shall be established to provide administrative support and assistance to the Council in fulfilling its legislative functions and serving the residents of the City. The Department may provide administrative, research, and clerical support for the Council.

2024 Proposed Charter

3.302 Department Head and Staff

- (a) The Department may employ clerical, research, and administrative staff as necessary to fulfill its functions, subject to budgetary constraints and applicable laws.
- (b) The Council shall identify a lead staff member to serve as the Department Head that is responsible for overseeing the day-to-day operations of the Department. All staff members will report to the Department Head.

3.303 Duties and Responsibilities

The Department may:

- (a) Provide administrative support to Council members, including organizing meetings, maintaining records, and managing correspondence. This includes support for Council committees.
- (b) Conduct research on matters of legislative concern, providing Council members with relevant information to make informed decisions.
- (c) Assist in drafting ordinances, resolutions, and other legislative documents as directed by Council members.
- (d) Facilitate communication between the Council and the public, disseminating information about Council meetings, decisions, and public hearings. This may include community outreach.
- (e) Other duties and responsibilities may be assigned as outlined by ordinance of Council.

3.304 Accountability and Cooperation

- (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.
- (b) The Department shall cooperate fully with Council members and shall respond promptly to requests for information, research, or administrative support.

3.305 Funding

The 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.

2024 Proposed Charter

ARTICLE IV

EXECUTIVE BRANCH

Chapter 1

Mayor

4.101 The Mayor

The Mayor is the chief executive of the City and as provided by this Charter, has charge of and is accountable for the executive branch of the City government. The Mayor shall serve a four (4) year term, commencing on the first business day after certification of election by Oakland County.

To be eligible for the office of Mayor, an individual:

- (a) Shall have established a primary residence in the City for ~~two~~ one years immediately preceding the filing deadline for the office and shall maintain a primary City residence.
- (b) Shall be a registered elector within the City on the first day of the term in office and during the entire period of the term in office.

Commented [DLH23]: See Attorney General opinion.

4.102 Duties of the Mayor

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

- a) Seeing those laws, this Charter and ordinances are faithfully executed and enforced;
- b) Presenting the proposed annual balanced budget at least 75 days prior to the start of the new fiscal year as provided by ordinance, this Charter and law; and
- c) Presenting an annual state of the City address in conjunction with submitting the proposed budget;
- d) Supervising expenditures of all sums appropriated to and the attainment of all objectives established for departments of the executive branch.
- e) Providing monthly regular financial reports of revenues and expenditures to the legislative branch and quarterly financial statements provided by independent auditors of the City to the legislative branch.

4.103 Deputy Mayor

The Mayor shall appoint, with the approval of the Council, a Deputy Mayor who serves at the pleasure of the Mayor and performs the duties of the office during the absence or temporary disability of the Mayor. If the Deputy Mayor appointment is not approved by the Council within 30 days after the submission of the appointment

2024 Proposed Charter

to the Council, the Mayor has the right to re-submit the approval of the denied candidate or bring forth another candidate to Council.

A person serving in the position of Deputy Mayor shall have a bachelor's or master's degree in public administration, business administration, or related field, with a master's degree preferred. Experience with municipal finance, community and economic development, project manager, and supervisory skills. Good written and oral communications skills.

4.104 Relations with Council

The Mayor or the Deputy Mayor shall attend all meetings of the Council and respond to questions from Council members and citizens, make reports and present proposals by the following regular Council meeting. Failure to present and respond to Council members or citizens may be investigated by the Public Integrity Officer.

The Mayor and the Deputy Mayor may designate a City administrative officer to attend meetings of the Council on their behalf when they are temporarily absent due to an emergency, disability, or extenuating circumstances.

4.105 Staff of the Office of Mayor

The Mayor may, within appropriations provided in the adopted budget, hire such staff of the offices of Mayor as may be reasonably necessary, all of whom shall serve at the pleasure of the Mayor.

4.106 Appointment of Department Heads: Failure to Act on Appointments

Except as otherwise required by law or this Charter, the Mayor shall appoint for each department of the executive branch a director who serves at the pleasure of the Mayor as head of the department. Each appointment shall be subject to approval of the Council.

If a mayoral appointment is not approved by the Council within 30 calendar days after the submission of the appointment to the Council, then the Mayor has the right to re-submit the approval of denied candidate or bring forth another candidate to Council.

- a. The interim appointee may not serve more than 65 days without Council approval.
- b. Any extension of the interim role is subject to approval by vote of the Council at the following next regular meeting after the 65-day period.

2024 Proposed Charter

4.107 Duties of Department Heads

Each department head shall:

- a. Consistent with law, this Charter, ordinance and any labor agreement, hire, promote, supervise, discipline, and remove employees of the department.
- b. Assign duties of the employees of the department and supervise the performance of these duties and the attainment of the objectives of the department.
- c. Shall perform other duties consistent with job description.

4.108 Succession to Office

If a vacancy occurs in the office of Mayor, the Council President shall succeed to the office until a new Mayor is elected.

If the vacancy occurs in the office of Mayor more than one (1) year before the next regular City general election, the Council shall order a special primary election and a special general election to fill the vacancy for the unexpired term.

If the vacancy occurs in the office of Mayor and the Council President is unable to succeed that office, the President Pro-Tem shall succeed to the office of the Mayor until a new Mayor is elected.

If the vacancy occurs in the office of Mayor less than one (1) year before the next regular City general election the first business of the first Council meeting after the Mayor has been sworn in shall be the selection of a Council President or President Pro-Tem depending on who has succeeded to the position of Mayor.

If a dispute arises concerning whether a vacancy in the office of Mayor has occurred, a majority of Council may petition the appropriate court for a determination of this fact question.

Chapter 2
City Attorney

4.201 City Attorney

The City shall maintain a City Attorney, who shall be either an attorney or law firm with attorneys licensed to practice in Michigan and versed in municipal law. The City Attorney shall serve in the executive branch of City government.

4.202 Duties of City Attorney

The City Attorney is responsible for:

- a) Supervising the conduct of all the legal business of the City and its departments;

2024 Proposed Charter

- b) May draft ordinance proposals and approve language as to form as directed by Council;
- c) Preparing and advising on leases, deeds, contracts, or other papers as may be required by the Mayor, Council or any department;
- d) Furnishing written legal opinions when requested by the Mayor, the Council or any department;
- e) Instituting and conducting, on behalf of the People, all cases arising from the provisions of this Charter or ordinances and, when authorized by law, cases under the state law;
- f) Defending all actions or proceedings against the City;
- g) Prosecuting all civil actions to which the City is a party or in which the City has an interest, when directed to do so by the Mayor; notice of any such action shall immediately be given to the Council;
- h) Representing any elective *officer or appointee of the City* in any action or proceeding involving ~~any action or proceeding involving~~ official duties;
- i) Ensuring that all laws, this Charter, and ordinances are legally executed and enforced;
- j) Attending meetings of the Council as requested by Mayor or Council; and
- k) Performing other duties assigned by resolution.

4.203 Settlements

No civil litigation of the City may be settled without the consent of Council.

4.204 Option of Council

Notwithstanding the above, the Council may engage independent legal counsel on a temporary basis where the Council is seeking enforcement of a Council subpoena or order, suing, or being sued by any City agency or officer, or defending against any action or proceedings involving the Council's official duties. Further, the Council may obtain the opinion or advice of independent legal counsel in any matter pending before it.

Chapter 3

Finance Department

4.301 Finance Department

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.

2024 Proposed Charter

4.302 Treasurer

The Head of the Finance Department, with the consent of the Mayor, shall appoint a City Treasurer within budgeted appropriations, who shall serve at the pleasure of the department head. The Treasurer shall perform all the duties required of treasurers by law, this Charter and ordinance.

4.303 Purchasing Division

A division of Purchasing is created in the Finance Department. The Head of the Finance Department shall, with the consent of the Mayor, appoint within budgeted appropriations a Purchasing Agent who serves at the pleasure of the Finance Director.

4.304 Centralized Purchasing: Competitive Bidding

All purchases and contracts of departments and agencies of the City shall be made through the purchasing division, except as may otherwise be provided by ordinance. All purchases and contracts for procurement which exceed a dollar amount fixed by ordinance shall be made only pursuant to competitive bidding as prescribed by ordinance. 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.

4.305 Restrictions on Purchases

No purchases shall be made, except on a signed requisition by the head of a department, countersigned by the Head of the Finance Department and approved by the Purchasing Agent. No purchases shall be made in excess of appropriations. All requisitions shall be filed within 30 days.

4.306 Duties of Purchasing Agent

The duties of the Purchasing Agent and rules and regulations relative thereto shall be as provided by law, this Charter and ordinance.

4.307 Assessment Division, City Assessor, or Assessment Services

The City shall appoint a City Assessor, or the City may contract for assessment services.

4.308 Assessor's Duties

The City Assessor's powers and duties shall be as provided by law, this Charter and ordinance.

2024 Proposed Charter

Chapter 4 **Police Department**

4.401 Police Department (Police Services)

The City shall provide for the safety of its residents.

A Police Department may be created in the executive branch of City government. If a Police Department is created, the Chief of Police shall be the head of the department and serves under the supervision of the Mayor.

The City may contract for police services with appropriate law enforcement agencies, as provided by law.

4.402 Powers and Duties

The Chief of Police and police officers of the department or contracted law enforcement agency shall possess powers conferred by law.

4.403 Powers and Duties of Police Chief

The Chief of Police or contracted law enforcement agency head is responsible for the public safety, peace and order and the enforcement of the criminal laws of Michigan and ordinances of the City, ~~by ordinance~~. (Other departments of the City may be given concurrent enforcement jurisdiction for ordinances which cover technical fields of municipal operations. The Chief of Police or contracted law enforcement agency head shall define the duties of police officers and prescribe rules relative to the performance thereof.

4.404 Citizens Review Board

A complaint by a citizen against a member of the Police Department (or contracted law enforcement agency) shall be made to the Chief of Police (or contracted law enforcement agency head). However, if the citizen is dissatisfied with the disposition of the complaint made by the Chief of Police or agency head, or if no disposition is made within 10 days, the citizen may make a complaint to a Citizen Review Board, which shall be established by ordinance and in accordance with any collective bargaining agreements.

Chapter 5 **Fire Protection Services**

4.501 Fire Department (Fire Protection Services)

The City shall provide for fire protection services for its residents.

A Fire Department may be created in the executive branch of City government. If a Fire Department is created, the Fire Chief shall be the head of the department and serves under the supervision of the Mayor.

2024 Proposed Charter

The City may contract for fire protection services with appropriate fire protection service agencies, as provided by law.

4.502 Emergency Power

The Fire Chief or the person of the department or contracted agency in charge at any fire may cause any building to be razed or destroyed, when necessary, in order to arrest the progress of a fire or ensure the public safety, and no action shall be maintained against any person or against the City therefor. This shall be done with the concurrence by the City building official and notification to the Mayor and Council President.

4.503 Powers of Fire Chief

The Fire Chief or contracted agency head possesses all powers conferred by law, this Charter or ordinance, and the Fire Chief or contracted agency head shall assign firemen to fire-based services in accordance with their qualifications on a daily basis.

Chapter 6

Remainder of the Executive Branch

4.601 Other Departments

Other departments not created by this Charter, for performance of executive and administrative functions may be created in the executive branch by ordinance, consistent with this Charter.

4.602 Assignment of Administrative Functions

Responsibility for performance of all executive or administrative functions shall be assigned by ordinance to departments of the executive branch.

4.603 Initial Continuation of Departments, Boards and Commissions

All departments, boards and commissions existing under the previous Charter or by ordinance performing executive or administrative functions shall continue to exist, unless reorganized, consolidated, or abolished by ordinance. Provisions for such departments are hereby modified, if necessary, to comply with this Charter.

2024 Proposed Charter

ARTICLE V

FINANCIAL PROCEDURES

Chapter 1
Budget

5.101 Fiscal Year

The fiscal year of the City shall commence on the first day of July in each year and end on June 30th of the following year.

5.102 Mayoral Budget and Appropriation Ordinance

At least 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. To assist the Mayor in preparing such budget and ordinance, the departments of City government shall furnish the Mayor with detailed estimates of expenses, according to a classification which is nearly uniform as possible. Proceedings on the proposed budget and the appropriation ordinance and the adoption thereof shall be as provided by law.

5.103 Veto

The veto power of the Mayor, set forth in Section 3.112 (g) of this Charter, shall, to the maximum extent permitted by law, apply to the budget and the appropriation ordinance on an item-by-item basis.

5.104 Budget to Be Balanced

The total amount of appropriations shall not exceed the estimated revenues of the City. No liabilities shall be incurred by any elective officer, appointee or employee of the City, except in accordance with the provisions of the appropriation ordinance, or under continuing contracts and loan authorized under this Charter.

5.105 Budget to Be Adopted

An annual budget and appropriation ordinance shall be adopted at least thirty (30) days before each new fiscal year.

5.106 ~~Interim Authority~~

~~If City officers fail to satisfy this requirement, the Council, on request in writing from the Mayor, may make an appropriation for a department's current expenses to an amount sufficient to cover the minimum necessary expenses of the affected department until the appropriation ordinance is in force, or may borrow such money as may be necessary therefor.~~

Commented [DLH24]: Assistant Attorney General is concerned no legal authority for this provision.

2024 Proposed Charter

5.10~~7~~⁶ Transfers and Supplemental Appropriations

After adoption of the annual budget and appropriations ordinance, and upon at least one week's notice by means established by ordinance to achieve widespread dissemination to the public, the Council, ~~is~~ in an ordinance supported by at least five (5) Council members, may amend such ordinance to authorize the transfer of an unused balance appropriated for one purpose to another purpose, or to appropriate available revenues not previously appropriated.

Chapter 2

Taxation and Special Assessments

5.201 Property Tax Levy

The City shall determine such portion of revenues as may be necessary from property taxes to meet: (a) the appropriations made, (b) all sums required by law to be raised on account of City debt, and (c) such additional sum not exceeding 5% of total appropriations in the budget, as may be necessary to meet commissions, fees, and abatements in the estimates of taxes, and shall, by ordinance, levy the property taxes so determined.

5.202 Other Revenue

The City shall have such authority to raise revenue by additional taxation as provided by law.

5.203 Duties of Clerk

All sums to be raised from property taxes in any year shall forthwith be certified by the Clerk to the City Assessor or contracted agency and shall be levied and collected upon the assessed valuation of taxable property within the City.

5.204 Lien

All taxes, charges, and penalties, other than special assessments, ordered to be spread on any tax roll, shall become a lien upon the property assessed, on and after the first day provided for the collection of such roll as provided by ordinance and in accordance with law.

5.205 Tax Limits

The total amount of taxes which may be levied against property for City purposed in any one year shall not exceed \$10.00 on each \$1,000.00 of the assessed valuation. An additional tax of \$1.50 on each \$1,000.00 assessed valuation may be levied for capital improvements or to pay principal and interest on bonds therefor; and a further additional tax of \$2.00 on each \$1,000.00 of assessed valuation may be levied to be utilized for salaries benefits, or other expenses of firemen assigned to duty as required by Section 4.504 of this Charter, in addition to such other revenues as may be regularly utilized for those purposed. The provisions of this

2024 Proposed Charter

section shall not prevent the levy and collection on the full amount of taxes required by law for the payment of debts.

5.206 Special Assessment Financing

The City may also raise, by special assessment, in a special assessment district sums necessary for any improvement which may by law be financed by special assessment as provided by ordinance and in accordance with law.

5.207 Limits on Incurring Obligations

Except as otherwise provided by this Charter, no public work or improvement shall be commenced, nor expenditure made, nor any contract authorized until an appropriation has been made or a special assessment levied to pay the cost and expenses thereof. No such work or improvement shall be paid for, or contracted to be paid for except from the proceeds of the appropriation or special assessment of from proceeds from bonds or other obligations issued in anticipation of the collection of the appropriation or special assessment.

Chapter 3

Accounting Controls and Audits

5.301 Accounting

Accounts shall be kept by the Finance Department or contracted agency showing all assets and liabilities of the City and the financial transactions for all departments of the City. The accounts and the forms therefor shall conform to any uniform system required by law or ordinance. Financial reports shall be prepared for each month, each quarter, and each fiscal year. Those financial reports shall be provided to the Mayor and the Council.

5.302 Payments

Payments by the City shall be made only in accordance with procedures prescribed by ordinance.

Each draft, check, order or warrant shall specify the fund from which it is payable. The Finance Director or contracted agency head shall examine all payrolls, bills and other claims and demands against the City, except claims for unliquidated damages, and shall make no payment unless the Finance Director finds that: (a) the claim is in proper form, correctly computed and duly certified, and justly and legally due and payable; (b) an appropriation has been made therefor which has not been exhausted or that the payment has been otherwise legally authorized; and (c) there is money in the City treasury to make payment. The Finance Director may investigate any claim, and for such purposes, may examine witnesses under oath. If the Finance Director finds such bill, claim or demand is fraudulent, erroneous or otherwise invalid, the Finance Director shall not pay without authorization by resolution of the Council.

2024 Proposed Charter

All payments shall have two authorized signatures to be valid.

5.303 Cash Management

All taxes, special assessments, license fees, or other sums accruing to the City shall be collected by the Treasurer. All money belonging to the City received by any elective officer, appointee, employee, or contracted agency employee of the City shall be given promptly to the Treasurer and deposited with such responsible banking institution as have been designated by the Council and furnishing such security as the Council may determine. All interest shall accrue to the benefit of the City. The City shall provide by ordinance for the prompt and regular daily deposit of all City monies as required by this section. All fees received by any elective officer, appointee, employee, or contracted agency employee for City services shall belong to the City.

5.304 Establishing Funds

The revenues received for general taxation upon all property in the City, from borrowing to be repaid by such taxation, or from other sources shall be divided into such funds as the City may determine by ordinance or resolution.

5.305 Annual Independent Audit

An independent annual audit shall be conducted within 180 days after the end of the fiscal year. The audit of the City accounts of all elective officers, appointees, departments, and contracted agencies of City government shall be conducted by certified public accountants, who have no personal interest, direct or indirect, in the financial affairs of the City or any of its departments, contracted agencies, elective officers, appointees or employees. In addition to the annual audit, the Council or the Mayor may, at any time, provide for such examination or audit of the City accounts of any department, contracted agency, elective officer, appointee, or employee of City government as the Council or Mayor may determine.

Chapter 4 **Assessment of Taxes**

5.401 Assessment of Property: Subject of Taxation

All property subject to ad valorem taxation shall be assessed as provided by law. On completing the assessment roll, the City's Assessor or a contracted assessing agency shall sign and transmit it to the Clerk for consideration by the Board of Review. The subjects of taxation for municipal purposes are the same as for State, Country or School purposes under law.

5.402 Board of Review

The Board of Review consists of the three electors of the City, to be appointed annually by the Council before the date of the first meeting prescribed by law. Two alternate Board of Review members shall also be appointed annually by the Council.

2024 Proposed Charter

No City elective officer, candidate for elective officer, employee or contracted agency staff shall be eligible for Board of Review membership. Except as otherwise provided by this Charter, the Board of Review possesses all powers and duties provided by law. 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.

5.403 Correction of Errors

The Board of Review shall examine the assessment roll, and correct any errors or deficiencies found therein.

5.404 Meetings of Board Review

Notice of the time and place of meetings of the Board of Review shall be given by the City's Assessor as prescribed by law. The Board of Review shall select one member as chairperson, and continue in session at least six (6) hours per day for four (4) days successively, and as much longer as may be necessary to complete the review. Any person may examine his or her assessment on such roll and may show cause why the valuation should be changed. The board shall decide each case and, except as provided by law, its decision is final.

The board may examine, on oath, any person concerning an assessment. The chairperson or any member of the board may administer oaths. It shall keep a record of its proceedings, and all changes made in the roll shall be entered upon the record. The record shall be deposited with the City's Assessor. All questions before the board shall be decided by a majority of the board. After the Board of Review has completed the revision of the roll, the Clerk shall certify that it is the general assessment roll of the City for the year, as approved by the Board of Review.

5.405 Board's Completion of Roll

Upon the completion of the roll and its certification, it shall be returned to the City's Assessor and shall, except as otherwise provided by law, be conclusively presumed to be valid. The omission of the certification shall not affect the validity of the roll.

5.406 Equalization

The City's Assessor shall present the original assessment roll to the Board of Commissioners of Oakland County as provided by ordinance and in accordance with law. After equalization by the Board of Commissioners, such roll shall be the assessment roll of the City for all assessment purposes whatsoever except for the taxes levied in July as provided in Section 5.408.

2024 Proposed Charter

5.407 City Property Taxes

City property taxes as levied by the Council shall be spread upon the assessment roll by the City's Assessor. The City's Assessor shall then deliver to the City's Treasurer a certified copy of the assessment roll.

5.408 Due Date

City property taxes for each fiscal year are due and payable each July 1, and may be paid at any time during July and August without any collection fee, or additional charge. An additional charge to be specified by ordinance shall be added to all unpaid general City taxes on September 1st and on the first day of each succeeding month during which taxes remain unpaid, until return thereof, together with accrued penalties or charges.

5.409 Publication

The City Treasurer shall give notice ~~in a~~ by means established by ordinance to achieve widespread dissemination to the public for six (6) business days immediately preceding July 1 that: (a) City property taxes may be paid at any time through August 31 without any collection fee therefor, and (b) an additional charge (and the amount thereof) will be made on September 1 and on the first day of each succeeding month during which taxes remain unpaid until return to the County Treasurer. Failure to give this notice shall not invalidate the tax, nor release the persons or property assessed from the penalty.

5.410 Liens

City property taxes so levied constitute a lien upon the property and a charge against the persons owning the property, as provided by law.

5.411 School and County Taxes

On November 1, as provided by ordinance and in accordance with law, the City's Assessor shall spread upon the assessment roll ~~as all~~ school and county taxes, certified by the Board of Commissioners or otherwise, and such other taxes as are legally required to be spread on the roll.

5.412 Receipt of Roll by Treasurer

Within 30 days after November 1, the City's Assessor shall deliver a certified copy of the assessment roll to the City Treasurer.

5.413 Notice of Other Taxes Due

Upon receiving the assessment roll, the City Treasurer shall give notice by means established by ordinance to achieve widespread dissemination to the taxpayers of the City for six (6) business days immediately preceding December 14 that: (a) such school, county, and other property taxes levies may be paid at any time through February 14 without any collection fee therefor, and (b) an additional charge (and the amount thereof) will be made on February 15 and on the first day of each

2024 Proposed Charter

succeeding month during which taxes remain unpaid until return to the County Treasurer. Failure to give this notice shall not invalidate the tax, nor release the persons or property assessed from the penalty.

5.414 Collection of Taxes

For the collection of all unpaid taxes after each August 31 and February 14, the Treasurer possesses the same power and authority as conferred by law upon township treasurers. The Treasurer shall exhaust all legal remedies for the collection of unpaid taxes before the return thereof.

5.415 Payment to School Board and County

The City Treasurer shall, within 10 days after the expiration of the time limited in the warrant, or in case of extension of time for collecting such taxes, within 10 days after such time has expired, pay over to the treasurers of all authorized taxing authorities the amount which by law is so payable, and on March 1, or within 10 days thereafter, shall pay to the County Treasurer the balance which by law is so payable, and shall make returns as provided by law.

5.416 Applicable Law

~~General Law shall govern the assessing, levying, collection and return of taxes except as otherwise provided by this Charter.~~

The assessment, levy, collection and return of taxes shall be governed consistent with this Charter and law.

5.417 Part Payment

For each parcel in the City, partial payment of property taxes shall be governed by state law.

5.418 Fees and Penalties

The fees and penalties provided by this Charter or law for collection of taxes shall belong to the City and shall be deposited by the City Treasurer into the City Treasury.

5.419 Records of Ownership

The City's Assessor shall maintain a current record of the changes of ownership of real property in the City as shown by the Records of the Oakland County Register of Deeds.

2024 Proposed Charter

Chapter 5 **Bonds**

5.501 Borrowing Authority

The City may borrow money and issue bonds on the full faith and credit and revenues of the City subject to the limitations established by law.

5.502 Purpose of Bonds

Bonds may be issued for any municipal improvement necessary to advance the peace, health, safety and welfare of the City or its inhabitants or for any other purpose not prohibited by ordinance, Charter, or law. No bonds shall be issued to defray any general operating or administrative costs and expenses of the City.

5.503 Bond Issuance

Bonds of the City shall not be issued without approval of a majority of registered electors voting on the question except as otherwise provided by law.

5.504 Providing for Principal and Interest

All bonds and interest shall be payable as provided by ordinance, Charter, and law.

5.505 Special Assessment Borrowing

The City may raise money by borrowing in anticipation of the payments from special assessments for the purpose of defraying costs of the improvement for which the assessment was levied. Such borrowing shall not exceed the assessments made to complete the whole work, nor shall such borrowing be made until after the special assessment roll has been confirmed. The City may pledge the full faith and credit of the City for the payment of such borrowing.

Chapter 6 **Special Assessments**

5.601 Power Granted

The City may provide for the payment of all or any part of the cost of construction, reconstruction, repair, operating or maintenance of any public structure or improvement, by levying and collecting special assessments upon property specially benefitted.

5.602 Petition by Owners

If the owners of the majority of the frontage of lands liable to be assessed in any special assessment district or part of the City, which may be constituted a special assessment district, petition the Council for any public improvement, the City may order such improvement to be made. In other cases, public improvements may be made at the discretion of the Council by resolution.

2024 Proposed Charter

5.603 Council Resolution for Special Assessment

When the Council determines to make any public improvement or repairs and defrays the whole or part of the cost and expenses thereof, by special assessment, it shall so declare by resolution. The resolution shall state the nature of the improvement, the portion of the expenses which shall be paid by special assessment, and the portion, if any, which shall be paid from the City's general fund and shall designate the lands and premises included in the district upon which the special assessment is levied.

5.604 Procedure by Ordinance

The complete special assessment procedure to be used, including the preparing of plans and specifications; estimated costs; the preparation, hearing and correction of the special assessment roll; the filing by interested persons of objections to the special assessment roll as confirmed and the hearing and decision upon such objections; the collection of special assessments; the assessment of single lots or parcels; and any other matters concerning the making of improvements by the special assessment method, shall be provided by ordinance. The ordinance shall authorize additional assessments, if the prior assessment proves insufficient to pay for the improvement or is determined to be invalid in whole or in part. The ordinance shall also provide for the refund of excess assessments. However, if the excess is less than 3% of the total cost as defined by ordinance, it may be placed in the City's general fund.

5.605 Liens

From the date of confirmation of any roll levying any special assessment, the full amount of the assessment and all interest thereon shall constitute a lien on the property and a debt of the person owning the property until paid and in case of delinquency, may be collected as delinquent City property taxes.

ARTICLE VI

GENERAL PROVISIONS

Chapter 1

Personnel Matters

6.101 ~~Affirmative Action~~Non-Discrimination

City government shall provide equal opportunity in employment for all persons; prohibit discrimination in employment because of race, color, religion, sex, age, national origin, handicap, marital status, sexual orientation, height, or weight.

Commented [DLH25]: Suggests substituting it with "Non-Discrimination".

2024 Proposed Charter

6.102 Employee Serving in Management

Management consists of elective officers and appointees as defined in Section 6.206. Rules shall be established by ordinance or resolution which permits any person holding employment covered by a bargaining unit or a civil service classification plan who is selected for an appointment to take a leave of absence from such covered employment for the period of the appointment.

6.103 Local Officers' Compensation Commission

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.

6.104 Vacancy

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.

6.105 Filling of Vacancies

If a vacancy occurs in any appointive position, it shall be filled by appointment (for the unexpired term, if any) in the matter provided for the original appointment.

6.106 Conflict of Interest

Except as otherwise required by law:

(1) An elective officer, appointee, or employee who has a conflict between personal interest and the public interest as defined by law, this Charter, or ordinance shall disclose fully to the City Attorney the nature of the conflict, who shall provide the Mayor, City Council, and the Office of Public Integrity with a summary of the stated conflict. Except as provided by law or ordinance, ~~no~~ elective officer, appointee, or employee of the City may participate in or act upon or vote upon any matter if a conflict of interest exists. The City Council shall adopt an ordinance providing for penalties for violation of this section.

(2) ~~Any elective officer, appointee, or employee who has a 1% financial interest, direct or indirect or by reason of ownership of a 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.~~

2024 Proposed Charter

~~(3) — Violation of this subsection with the knowledge, express or implied, of the person or corporation contracting with or making a sale to the City shall render the contract or sale voidable by the Mayor or the Council.~~

~~(b) — 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.~~

~~(c) — No elective officer shall hold any appointive position, which was created or the compensation for which was fixed or increased during his or her incumbency, until one year after such person's leaving office.~~

Commented [DLH26]: Attorney General suggests considering possible adoption of ordinance detailing conflict of interest process and consequences. Assistant Attorney General is not sure of authority to provide penalty in the Charter as opposed to ordinance adopted by Council.

Commented [DLH27]: The Assistant Attorney General is not sure of purpose of this section.

6.107 Retirement Plans Continued

The City may establish, by ordinance, its retirement plans consistent with law that does not extend liability beyond the current fiscal year. The existing governing bodies for administering those plans, the benefit schedules for those plans, and the terms for accruing rights to and receiving benefits under those plans shall have ordinance status under this Charter.

6.108 Removal for Cause

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.

Chapter 2

Specific Powers and Miscellaneous Provisions

6.201 Enabling Legislation

The City may enact any ordinance authorized by law or necessary to carry out the provisions of any section of this Charter.

2024 Proposed Charter

6.202 Rents, Tolls, Excises and Taxes

The City may provide for the laying and collecting of rents, tolls, excises and taxes in accordance with the law.

6.203 Eminent Domain

The City has the power of eminent domain and, to the extent permitted by the law, may condemn private and public property located within or outside of the City for any public purpose.

6.204 Penalties

The City shall, by ordinance, provide punishment, to the extent permitted by law, for the violation of any provision of this Charter or any ordinance.

6.205 Subsequent Grade Changes

Expenses for improvements related to changes in the grades of streets, alleys, public highways, pavements, sidewalks, or curbs may be financed by special assessments, or charged to and paid by the City.

6.206 Definitions

As used in this Charter

- (1) "Director" means the administrative head of a department, notwithstanding that another title may, by this Charter or ordinance, be given to the position.
- (2) (a) "Appointee" and "appointment" refer to persons either (i) serving on boards and commissions or (ii) holding upper level positions included in the management of City government and outside any civil service system or collective bargaining unit; and
(b) "Employee" and "hiring" refer to persons holding positions in City government below the management level.
- (3) "Shall" is mandatory; "may" is discretionary.

Chapter 3 Rule Making

6.301 Administrative Rules

Except for rules otherwise adopted pursuant to law, before adopting any rule governing dealings between the City and the public, or establishing hearing procedures for resolving matters in dispute, a City department or agency shall give notice of a deadline for comment by publication.

2024 Proposed Charter

No rule shall become effective until it has been posted by the City Clerk by means established by ordinance to achieve widespread dissemination to the public. All effective rules shall be printed in a book of City rules.

6.302 Emergency Rules

Notwithstanding the preceding section, in the case of an emergency defined by state law declared in writing by the Mayor or the Council, a proposed rule may be given effect for a period not to exceed 60 days pending completion of the required procedure.

Commented [DLH28]: Assistant Attorney General is not sure what emergency might be referred to or defined by state law?

Chapter 4 Initiative and Referendum

6.401 Initiative

A proposed ordinance may be submitted to the Council upon petitions signed by registered electors of the City. After submission, the Clerk shall promptly ascertain and certify the number of signers.

6.402 Duties of Council and Petitions

If such certificate shows that the number of registered electors signing the is not less than 10% but less than or equal to 15% of the electors voting at the preceding Presidential election, the Council shall within 20 days thereafter either:

Commented [DLH29]: Petition signed by minimum number of registered electors is understandable but why is there a ceiling on those electors? Doesn't this make more work to ascertain the top end? What purpose?

- (a) adopt the ordinance without alteration (subject to the referendum provided by Charter); or
- (b) at the next election to be held in accordance with state law, the proposed ordinance shall be submitted without alteration to the voters.

6.403 Referendum

No ordinance, except an emergency ordinance, shall take effect before 10 days after adoption. If, within these 10 days, 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 20 days after its adoption. If, within these 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 20-day period. If, within the 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 presidential election are presented to the Council, the ordinance is suspended from taking effect. The Council shall immediately reconsider the ordinance. If the ordinance is not entirely repealed, the Council shall submit it to an electoral vote at the next scheduled election in the City.

2024 Proposed Charter

and the ordinance shall not take effect unless approved by a majority of the registered electors voting thereon. These referendum provisions do not apply to:

- (a) an ordinance required, or exempted from referendum, by law or this Charter;
- (b) an emergency ordinance; however, grant of a franchise may not be deemed an emergency ordinance.

6.404 Powers of Council

The Council may, of its own motion, submit to electoral vote for adoption or rejection at an election in the City a proposed ordinance or a proposition for the repeal or amendment of an ordinance.

6.405 Conflicting Provisions

If the provisions of two (2) or more ordinances approved at the same election are inconsistent, then the ordinance provision receiving the highest affirmative votes shall prevail.

6.406 Publication

Whenever an ordinance is required to be submitted to an electoral vote, the Council shall have the ordinance published by the City Clerk by means established by ordinance to achieve widespread dissemination to the public ~~in~~ each week for two (2) successive weeks immediately preceding the election.

6.40~~8~~7 State Law to Apply

The form of petition and the conduct of the electoral vote for initiative and referendum measures shall, as near as may be, be the same as that provided by law for exercise of initiative and referendum by State electors.

6.40~~9~~8 Effect of Vote

An ordinance approved by electoral vote shall not thereafter be repealed or amended by the Council for 18 months, except by electoral vote.

Chapter 5

Franchises, Licenses and Permits; Municipal Utilities

6.501 Occupancy or Use by Private Concern

A person or firm may be granted permission to occupy or use a street, alley or public place within the City for public utility purposes only under a City franchise, license or permit. As used in this chapter, "franchise", "license" and "permit" refer only to grants of permission for such public utility occupancy or use.

2024 Proposed Charter

6.502 Limitations on Grant

No franchise shall be granted by the City for a longer period than 30 years. No license shall be granted by the Council for a longer period than one year.

6.503 Revocable Permits

The City also may by resolution grant a permit at any time, in or upon any street, alley, or public place but such permit shall be revocable by the City at its pleasure at any time.

6.504 Manner of Grant

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 not 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.

6.505 Electoral Approval

No franchise which is not revocable at the will of the Council shall be granted or become operative until it has been referred to electoral vote and has received the approval of a majority of the registered electors voting thereon.

6.506 Expenses of Certain Special Elections

No franchise, license or permit shall be submitted to the electors at a special election, unless the expense of holding the election, as determined by the Council shall first be paid by the grantee to the Treasurer.

6.507 Exclusivity Prohibited

No person or firm shall ever be granted any exclusive franchise, license, or permit.

6.508 Restrictions on Transfer

No franchise, granted by the City, shall ever be leased, assigned, or otherwise transferred except in accordance with the express provisions of the franchise. All franchises granted by the City shall provide how, and in what manner, and under what conditions the franchise may be leased, assigned, or transferred. No dealing by the City, nor part performance by any lessee, assignee or transferee shall be deemed to operate as consent by the City.

6.509 Restriction on Modifications

No modification of any franchise or license shall be made, except in the manner and subject to all conditions provided by this Charter for an original grant of a franchise or license.

2024 Proposed Charter

6.510 Subordinate to Police Power

The grant of every franchise, license or permit shall be subject to the police power of the City, whether in terms reserved or not, to make all regulations which may be necessary to provide for the public health, safety and welfare of the people of the City.

6.511 Co-Occupancy

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.

6.512 Compensation to City

No franchise, license or permit to use the streets, alleys or public places of the City shall be granted by the City without fair compensation to the City therefor. No such compensation by the grantee shall ever be in lieu of any other lawful taxation upon its property, income or activities. Where the franchise, license or permit fixes the rate to be charged for the service or the commodity furnished by the grantee, such rate shall be subject to review and change in such manner and form as provided in the franchise, license or permit.

6.513 Restrictions on Transfer of Municipality Owned Utilities

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 a~~ 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.

Chapter 6

Separately Incorporated Bodies

6.601 Authorities or Other Agencies Separately Incorporated

Any authority or other agency that is separately incorporated by the City or by the City and other governmental bodies shall furnish to the City comprehensive accountings of its receipts and disbursements and all other financial statements concerning its assets and operations, in such detail, on such reporting forms, and at such intervals as the Council may require.

6.602 Conflicts Prohibited

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 authorized by law.

2024 Proposed Charter

Chapter 7 Rules of Interpretation

6.701 Severability

If any provision of this Charter ~~of or~~ the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions ~~s~~ or applications of the Charter.

6.702 Number or Gender

The singular form of a word includes the plural, the plural form of a word includes the singular, and the masculine gender includes the feminine gender and the neuter.

6.703 Tense

This Charter is to be regarded as speaking in the present and continuously. Thus, for example, the phrase "as provided by law" will incorporate the provisions of law as they change from time to time.

Chapter 8 Boards and Commissions

6.801 Public Engagement Philosophy

(a) The City shall treat public engagement as an integral part of effective and trusted governance, not just as an occasional process or activity.

(b) The City shall treat engagement as a multi-channel endeavor that includes face-to-face meetings, virtual interactions, and other online communications. Public engagement and input shall be encouraged in the work of the boards and commissions, with opportunities for community members to provide feedback and participate in the decision-making process.

(c) The departments of City government shall encourage collaboration in public engagement efforts with other government jurisdictions and authorities, anchor institutions, community-based organizations, civic groups, and individual residents.

6.802 Establishment and Purpose

(a) The City of Pontiac shall 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.

(b) Boards and commissions may be created to address various areas of municipal governance, including but not limited to: Planning Commission, Arts Commission, Historical Commission, Parks and Recreation Commission, and other matters of

2024 Proposed Charter

municipal concern. A process for establishing and eliminating boards and commissions shall be defined by ordinance passed by Council. Unless otherwise empowered by this Charter, ordinances, or law, all boards and commissions are advisory.

(c) Unless otherwise provided, all members of boards and commissions shall serve without compensation as members thereof. Reimbursement, stipends or other payment mechanisms may be allowed for City trainings, meals, or other required needs as part of their official duties.

~~(d) All boards and commissions existing at the time of the adoption of this Charter shall be continued and the members serving thereon shall remain in office for the duration of the term for which they were appointed. All boards and commissions not provided for in this Charter are dissolved.~~

Commented [DLH210]: Why keep boards and commissions if they are eliminated by this new Charter?

6.803 Composition

(a) Each board or commission shall consist of a specific number of members, as determined by Council through ordinance, which may vary based on the nature and scope of the issues under consideration.

(b) Unless otherwise provided by law or this Charter, members of boards and commissions shall consist of appointments made by both the Mayor and the Council. Processes for all appointments shall be identified through the approved ordinance or this Charter for each board or commission.

(c) Composition of each board or commission shall consist of at least 51 percent Mayoral appointments, which shall be outlined in the enabling ordinance.

(d) The appointment process shall be carried out in a transparent manner, ensuring diversity, inclusivity, and equitable representation of the community to be outlined in ordinance.

(e) All reappointments must be confirmed by the Council.

6.804 Terms of Office

(a) Except as otherwise required by law, ordinance, or this Charter, the terms of members on all boards and commissions in City government is four (4) years.

(b) The expiration of terms shall be staggered, so that no more than twenty-five (25) percent of the board or commission membership terms expire during a calendar year.

(c) Except as otherwise required by law, this Charter or ordinance, an individual shall be a resident of the City to be eligible for appointment.

2024 Proposed Charter

(d) In the event of a vacancy on a board or commission, the appointing authority shall fill the vacancy in accordance with the procedures set forth in this Charter, law, or ordinance.

6.805 Powers and Responsibilities

(a) The board and commission shall have the authority to conduct studies, research, and hearings related to their respective areas of responsibility. The board and commission may make recommendations to the Council and other City officials on relevant policy matters and other issues as they deem necessary.

(b) The board and commission shall operate in accordance with this Charter and any specific enabling ordinances or resolutions established by the Council. They shall not have legislative or executive powers but shall serve in an advisory capacity, unless otherwise provided in this Charter or law.

(c) The Council reserves the right to dissolve or modify the powers and ~~responsibilities of any board or commission as provided by establishing ordinances~~ subject to this Charter.

6.806 Meetings and Procedures

(a) The board and commission shall meet regularly, as specified in their enabling ordinances, and conduct open and public meetings in compliance with the state's open meetings laws.

(b) Quorum requirements, voting procedures, and other operational rules shall be established by the Council or as specified in the enabling ordinances of each board or commission.

(c) The operations of the board and commission shall be conducted transparently, with meetings, agendas, and relevant documents made easily accessible to the public.

(d) The board and commission meetings shall be recorded by the City of Pontiac's cable department or professional contracted media services and televised on public access within two (2) business days and be accessible to the public.

6.807 Accountability, Reporting, and Transparency

The board and commission shall provide reports quarterly to the Council, summarizing their activities, findings, and recommendations. These reports shall be made available to the public.

6.808 Youth Commission

The Council may establish a Youth Commission by ordinance for individuals between 13-18 years old at time of appointment, ~~with appointees with two (2) year~~

2024 Proposed Charter

~~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.~~

Commented [DLH211]: Seems easier to have details of appointment process in ordinance?

6.809 Charter Review Board

(a) The 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 Council, by a vote of a majority of its members and ordinance, may call for such a Board.

Commented [DLH212]: Isn't this potentially confusing to voters in that they will have just adopted a new Charter? Seems this entire section could be replaced by an ordinance or resolution of Council.

(b) The purpose of the Charter Review Board is to identify and recommend potential revisions to the City Charter, to be addressed as outlined by law and this Charter. Recommendations would be provided for review and approval by the Council for voter approval or for the recommendation to begin the process of a formal Charter Revision Commission, as outlined by applicable laws and statutes.

(c) The Charter Review Board shall be composed of five (5) qualified electors of the City for a one (1) year term. Members of the commission shall not hold any other office or employment in the government of the City and shall serve without compensation. Members shall be identified as follows:

- a. Two (2) members appointed by the Council
- b. Two (2) members appointed by the Mayor
- c. One (1) member jointly appointed by the Council President and the Mayor, such member serving as chair of the commission.

(d) Vacancies shall be filled in the same manner as prescribed for in this section.

(e) The Charter Review Board shall report its findings and recommendations to Council regarding revisions to the Charter, if any, within one (1) year of appointment. 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.

ARTICLE VII

ETHICS AND PUBLIC INTEGRITY

Chapter 1

General Ethical Standards

7.101 Ethical Standards of Conduct

These standards of conduct apply to public servants including the Mayor, Council members, appointive officers, appointees, employees and contracted entities and

2024 Proposed Charter

their employees working on behalf of the City, as defined in this Charter. The purpose of applying and enforcing these standards is to ensure that governmental decisions are made in the public's best interest by prohibiting City officials and employees from participating in matters that impact their personal or financial interests.

All City ordinances not inconsistent with these sections and that effectuate its operation may be retained. Ordinances may be enacted which are necessary to effectuate the operation of these sections. No ordinance shall be enacted which limits, contradicts, or otherwise conflicts with the intent and purpose of these sections.

Except as otherwise provided by applicable law, including MCL §15.328, a public servant shall not knowingly:

- a. Willfully or grossly neglect the discharge of their duties;
- b. Use or disclose confidential information concerning the property, government or affairs of the City or any office, department, or agency thereof, not available to members of the public and gained by reason of their official position;
- c. Use property of the City except in accordance with policies and procedures of the City;
- d. Engage in or accept private employment or render services when such employment or service is in conflict or incompatible with the proper discharge of their official duties or would tend to impair their independence of judgment or action in the performance of official duties;
- e. Represent a private person, business or organization in any action or proceeding pending before the City or any office, department, or agency thereof, except:
 - i. A public servant may represent another person, business, or organization before a City agency where such representation is a required part of his or her official duties.
 - ii. A public servant who is an uncompensated member of a City board, commission or other voting body may act as an agent, attorney or representative for another person, business or organization in a matter that is pending before a City agency, other than the board, commission, or other voting body on which they are a member; or
 - iii. A public servant who is compensated by the City may act as an agent, attorney or representative for another 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

2024 Proposed Charter

contract, as long as they do so without compensation and on their leave time.

- f. Vote regarding 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 member has a financial interest; or
- g. Use their official position, in violation of applicable law, to improperly influence a decision of the Mayor, Council members, appointees or employees.

A public servant in the course of their duties shall not:

- a. Solicit or accept a loan, payment or gift 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, including MCL §15.328, a public servant shall disclose:

- a. Any financial interest, direct or indirect, that they or an immediate family member has in any contract or matter pending before 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, regarding City proposals or City elections, 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 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.

2024 Proposed Charter

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, as approved by ordinance.

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, including MCL §15.328, for one (1) year after employment with the City, a public servant shall not lobby or appear before the Council or any City

2024 Proposed Charter

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 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. 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

The Mayor, Council members, appointees, appointive officers, and employees are prohibited from engaging in campaign activities using City property. Engaging in political activities during working hours is prohibited.

The Mayor and 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.

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.

2024 Proposed Charter

7.202 Appointment, Removal, Term of Office, and Vacancy

- a. 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.
- b. The Public Integrity Officer may be removed for cause by a three-fourths (3/4) vote of Council members serving. The Public Integrity Officer may only be removed from the office for cause, as outlined in Section 6.108.
- c. If a vacancy occurs in the Office of Public Integrity, the Council shall, within ninety (90) days, fill the office for a full term.
- d. This position is subject to recall provisions as outlined in this City Charter.

7.203 Minimum Qualifications

The Public Integrity Officer shall be a person who:

1. Has an associate degree from an accredited institution of higher learning.
2. Has at least five (5) years of experience in any 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.
 - g. Related field of experience.

7.204 Limitations; Prohibited Activities

- (a) During his or her term, the Public Integrity Officer may only engage in an occupation for profit, as approved by the Board of Ethics. The Public Integrity Officer may not hold any other government office outside the duties of the Public Integrity Officer and shall follow all conflict-of-interest provisions outlined in this Charter.
- (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) Subject to applicable law, the Public Integrity Officer may not hold any elective City office until two (2) years after leaving the position.

2024 Proposed Charter

7.205 Powers and Duties: Jurisdiction

(a) The powers and duties of the Public Integrity Officer and their office shall focus on conduct related to fraud, waste, and corruption of any Public Servant and City agency, program, or official act. These powers and duties extend to contractors or 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.

(d) The Public Integrity Officer shall serve as liaison between elected officers of the City, including any public servants.

(e) The Public Integrity Officer shall provide support to the Board of Ethics, including providing necessary documentation, agendas, and other information for effective operations.

(f) 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, City documents, and property, that ethical standards are adhered to, and necessary processes and procedures are followed for a smooth transition between elected and appointed officials of the City.

(g) 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 to promote. As part of this process, the office shall ensure compliance with ethical standards, policies, and procedures of all City vendors and contractors.

(h) The Office of Public Integrity shall submit reports outlining findings and recommendations on a regular basis to the Board of Ethics and may provide reports as requested by the Council and Mayor. The process shall detail any recommended corrective actions and advice on the implementation of best practices to mitigate future issues.

2024 Proposed Charter

(i) If the Public Integrity Officer has probable cause to believe that any Public Servant, person, or entity providing services or seeking to do business with the City has performed an alleged 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. The Public Integrity Officer and their office shall report directly to the Board of Ethics.

(b) It shall be the duty of public servants, contractors, subcontractors, or licensees of the City, and applicants 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 person or entity who willfully, and without justification or excuse, obstructs an investigation of the Public Integrity Officer by withholding documents or testimony is subject to appropriate penalty prescribed by law, ordinance, or this Charter. 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 person or entity for complaining to, cooperating with, or assisting the Public Integrity Officer in the performance of his or her duties. Any person that violates this provision shall be subject to a fine outlined in rules and procedures by the Board of Ethics for each violation and any other penalties under applicable law, ordinance, or this Charter. The complainant is subject to whistleblower protections as provided by law or regulation.

(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 by law, regulation, or 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

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.

2024 Proposed Charter

7.208 Reporting and Transparency: Consultation Required

(a) The Public Integrity Officer shall submit regular reports to the Board of Ethics, the Mayor, Council, and the residents of Pontiac summarizing the activities, findings, and recommendations of the Office of Public Integrity. These reports shall be made available to the public with proper redactions.

(b) Where there exists a conflict of interest between the Office of the Public Integrity Officer, another branch of City government, person, or entity, 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 Office of Public Integrity in legal proceedings, as approved by the Board of Ethics. Such attorney shall not represent the City as a municipal corporation in any other legal proceedings.

(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 Council;
- c. Two (2) shall be appointed by the Mayor;
- d. One (1) shall be appointed by the Election Commission; by a 4/5 vote of members serving;
- 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. Appointees are eligible to serve additional time until their replacement is confirmed.

2024 Proposed Charter

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

(c) No elected official, appointive officer, or employee of any City agency, nor any person serving in an elective office at any level, 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 one (1) year after their term. Any individual serving on the Board of Ethics may not hold elective office while serving.

(d) If any issue before the Board of Ethics involves any member of the board, the Election Commission shall appoint an additional member or members to sit for the purpose of that determination in place of that member or members involved.

(e) Members of the Board of Ethics are subject to removal for cause as defined by Section 6.108 of this Charter, upon conclusion of investigation, 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 at least two (2) years.

(b) The Board of Ethics shall adopt its own rules and procedures consistent 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. Work in cooperation with the Office of Public Integrity to prepare an annual report for submission to the Mayor, City, Council, and Election Commission. The Board of Ethics may recommend improvements in addressing ethical behaviors for City elective officers, appointees, and employees in establishing standards of conduct, this Charter, City ordinances, and other laws or regulations, including procedures related to the administration and enforcement of those standards.
- 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

2024 Proposed Charter

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 with the Public Integrity Officer to provide training related to ethical standards for all elective officers, appointive officers, and employees.
- d. The Board of Ethics shall provide direct oversight over the Public Integrity Officer.

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'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, 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.

2024 Proposed Charter

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 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 and 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 August 6, 2024.
- (b) If this Charter is adopted, this Charter shall take effect on July 1, 2025.
- (c) Council and the Mayor serving in office under the previous Charter shall continue to serve under this Charter for their entire previously elected four

2024 Proposed Charter

(4) year term, with the provisions for these elective offices taking effect for the next regular City election after adoption.

9.102 Ballot Question

This Charter shall be submitted to the electors on August 6, 2024, for adoption in the manner and with the effect prescribed by law as follows:

Shall the 2024 Charter proposed by the Pontiac Charter Revision Commission be adopted?

Yes ☐ No ☐

VIII.

**2024 Proposed
Charter
Presentation**

THE CHARTER HAS BEEN REVISED!

Here's What You Need To Know!

OUR TIMELINE

- August 2021: Proposal approval by Pontiac voters
- May 2022: Election of nine resident Charter Commissioners
- June 2022: Commission's work begins focused on Charter Revision
- June 2023: Timeline adjustment
- February 14, 2024: Finalization deadline
- August 6, 2024: Vote by Pontiac public

OUR PLAN

- Focus on the 2013 Proposed Charter Revision
- 8 months left to finish the revised charter

2013 Charter Revision

- Solid foundation but insufficient publicity
- Dr. Bruce Turpin, a 2013 member, offered insights.

What our Charter Commission Envisioned

- Priority on community education
- Ensuring Voters are well-informed about proposed changes

KEY REVISIONS

- Reflect modern times and impact future generations.
- Focused on balanced power distribution between branches.
- Improving ethics and transparency.
- Boosting resident influence and authority.

Updating the Charter to Reflect Current City Dynamics

Revitalization of the Preamble

- Revitalized Preamble to reflect the city's purpose and intentions.
- Emphasizes protection of rights and promotion of efficient government.
- Highlights Pontiac's strong history, settled in 1818 and incorporated in 1861.
- Charter forged to ensure Pontiac thrives for current and future generations.

Updated Election Language

- Elections to coincide with state's gubernatorial elections.
- Ensures compliance with state and federal laws.
- Clarified that city elections are non-partisan.

Updated Election Commission Language

- Hiring assistants, inspectors, election personnel, independent attorney or law firm.
- City Clerk serves as Chair for the Election Commission.

Updated Organizational Meeting Language

- Council establishes rules at the first meeting of the new term.
- Rules address governance, orientation, communication, and coordination.
- Council meets regularly twice per month.
- Special meetings called by Mayor or two members with 18 hours' notice.
- Proceedings are kept in a journal in English and Spanish.

Updating Transfer of City Property; Contacts

- City property cannot be sold without approval.
- Contracts need council approval if funds are insufficient.
- Park land cannot be sold without elector majority vote.
- Enhances resident involvement in city property decisions.
- Removed exception for minor property classification.

Police Department Section Revisions

- Potential establishment of Police Department within executive branch.
- Chief of Police to be supervised by Mayor.
- Allows contracting external law enforcement agencies.
- Ensures compliance with legal provisions for services

Fire Department Section Revisions

- City mandated to provide fire protection services.
- Option to establish Fire Department within executive branch.
- Fire Chief operates under Mayor's supervision.
- Permits contracting with external agencies for fire services.

Revised Budget Section

- Fiscal year starts July 1, ends June 30.
- Mayor submits budget proposal 75 days before fiscal year.
- Budget must be balanced, no excess expenditures.
- Independent annual audit of City's accounts.

Assessment of Taxes Chapter Updates

- Board of Review includes Finance Director, City Attorney.
- Board has legal powers to adjust assessments.
- Property taxes due July 1, payable without penalty.
- Additional charge for unpaid taxes from September 1.
- Notices about tax payments published in newspaper..

Restructured Personnel Matters Chapter 1 (Article VI 6)

- Equal employment opportunity, no discrimination allowed.
- Vacancy in office due to various reasons.
- Conflict of interest rules for hiring.
- Violation can lead to job voidance, penalties.

Creating Balance Between Government Branches

1. Updated Council Structure

- a) City Council remains 7 members
 - i. 6 district members, 1 at-large
 - ii. Signature requirements for district and at-large seats
 - iii. Changes effective for 2025 election
- b) Effect of Recall: No appointment within 4 years after recall/resignation
- c) Beginning of Term: Council term starts 8:00 a.m., two weeks post-election certification.
- d) Updated Compensation:
 - i. Part-time Council, Full-time President.
 - ii. Payment determined by ordinance, Charter, law.
 - iii. Previously, \$100 per meeting, max \$5,200/year.

- e. Staffing Clarity: Council appoints staff, who serve at its pleasure, taking direction from the Council
- f. Effect of Absences:
 - i. 5 unexcused absences in a year vacate Council seat
 - ii. Over 50% absences in a year vacate seat excused or not
- g. Department of City Council: Purpose, duties, responsibilities, accountability, cooperation, and funding defined.
- h. Relations with City Council:
 - i. Mayor or Deputy Mayor attends, responds and presents at meetings
 - ii. Designation of a City officer in case of Mayor's absence

2. Updated Eligibility for Mayor

- Must have primary City residence for 2 years pre-filing.
- Must maintain primary City residence.
- Must be a registered elector in City on first day of term.
- Must remain a registered elector throughout the term.

3. Detailed Duties of the Mayor

Possesses all powers and duties being CEO of the executive branch including the following:

- Ensure laws, Charter, and ordinances are enforced.
- Present annual balanced budget 75 days pre-fiscal year.
- Deliver annual state of the City address with budget.
- Supervise executive branch departments' expenditures and objectives.
- Provide monthly financial reports and quarterly audited statements to the legislative branch..

4. Deputy Mayor Adjustments

Qualifications for Deputy Mayor:

- Bachelor's or master's degree (preferred) in relevant fields.
- Experience in municipal finance, community/economic development, Project management and supervisory skills required..

Approval Process:

- Council must approve Deputy Mayor within 30 days of submission.
- Mayor can re-submit denied candidate or present new candidate if not approved.

5. Updated Compensation Subsection

- Mayor and City Council compensation remains unchanged.
- Changes only by new ordinance or Charter amendments and Change of Law.

6. Clerk Office Updates

- City Clerk appointed indefinitely by Council majority vote
- Yearly evaluation required, removable by five Council members.

- **Functions and Duties of the Clerk:**
 - attends meetings, keeps journal in English and Spanish.
 - Publishes public notices as per Charter.
 - Manages elector registration and city elections.
 - Certifies and publicizes ordinances, resolutions.
 - Administers oaths, takes affidavits, exercises legal powers.
 - Provides forms for Charter-related petitions.
 - Ensures accessible polling locations.
 - Ensures document safekeeping, retention, and accessibility.
 - Exercises powers and duties per law, Charter, ordinance.

Ensuring Greater Ethics and Transparency

1. Creation of General Ethical Standards

Ethical Standards of Conduct Subsection:

- Ethical standards apply to all City public servants.
- Goal: Prioritize public interest, prevent conflicts.
- Maintenance of supporting City ordinances.
- Prohibitions: Neglecting duties, misusing information.
- Restrictions: Personal financial interests, improper influence.
- Rules ensure transparency, integrity in governance.

Created Lobbying Registration and Reporting:

- Lobbyists must register and report activities.
- Documentation with City Clerk, publicly accessible plus Electronic publication.
- Lobbyists subject to fee determined by ordinance.
- System fosters transparency, accountability in lobbying.

Created Gift and Gratuities Subsection:

- Public servants cannot accept gifts from certain entities.
- Exceptions include public service awards, informational materials.
- Gifts from family allowed if not bypassing rules.
- Expenses for official City events or activities allowed.
- Provisions ensure integrity, prevent conflicts of interest.

Created One year Post-Employment Prohibition:

- One-year post-employment restriction for public servants.
- Prohibited from lobbying or appearing before City bodies.
- No compensation for services related to past involvement.
- Cannot join entities with past City business ties.
- Prohibition maintains integrity and public trust.

Created Contracts Voidable and Rescindable:

- Contracts can be voided for undisclosed public servant interests.
- Voidable if prohibited gifts offered in contract connection.
- Contractors face fines for violations.
- Actions referred to prosecutors for further action.
- Clause ensures transparency, prevents conflicts in contracts.

Created Campaign Activities Subsection:

- City property use for campaigns strictly forbidden.
- Political campaigning during work hours prohibited.
- No requests for campaign participation or contributions.
- Coercion for campaign support forbidden for employment.
- Rules ensure professionalism, impartiality, and resource integrity..

2. Creation of Public Integrity Office

Establishment of Office Subsection:

- Independent Office of Public Integrity established in Pontiac.
- Headed by the Public Integrity Officer.
- Ensures honesty and integrity in City government.
- Aims to root out waste, abuse, fraud, and corruption.

Appointment, Removal, Term of Office and Vacancy Subsection:

- Public Integrity Officer appointed for six-year term.
- Appointment requires City Council majority and Mayor's concurrence.
- Removal requires three-fourths City Council vote.
- Vacancy filled within 90 days for new term.
- Position subject to recall provisions in City Charter.

Minimum Qualifications Subsection:

- Must possess an Associate's Degree from accredited institution.
- Five years of experience in specific areas required.
- Experience as law enforcement officer at any level.
- Experience as government attorney or public defender.
- Experience as a federal or state court judge.
- Supervisory roles in investigative public agencies.
- Managing complex investigations into fraud, theft, deception.
- Ability to collaborate with law enforcement and judiciary.

Limitations; Prohibited Activities:

- For-profit occupations require Board of Ethics approval.
- Cannot hold other government offices beyond appointed role.
- Must adhere to conflict of interest rules in Charter.
- Prohibited from soliciting votes or fundraising for candidates.
- Barred from holding elective City office for two years post-tenure.

Powers and Duties Subsection:

- Investigates misconduct within City programs and operations.
- Subpoena power, can inspect City agency premises.
- Liaison between City's elected officers and public servants.
- Supports Board of Ethics with documentation and information.
- Oversees transition process between City officials.
- Audits and reviews City agencies for legal and ethical compliance.
- Reports findings to Board of Ethics, City Council, and Mayor.
- Refers cases with probable cause to prosecuting authorities.

Independence; Retaliation, Confidentiality, and Immunity Subsection:

- PIO and office function independently, report to Board of Ethics.
- Cooperation required from City public servants and contractors.
- Penalties for obstructing investigations.
- Strict prohibitions against retaliation for cooperation.
- Investigative files kept confidential, disclosed only to legal authorities.
- PIO and staff granted immunity from lawsuits related to official duties.

Funding; Office Staffing:

- OPI has a separate budget from other City agencies.
- Compensation determined by Local Officers Compensation Committee.
- City Council required to allocate annual funding to OPI.
- Allocation must be at least equivalent to City's Purchasing Department budget.
- Funding structure ensures OPI's effective operation.

Reporting and Transparency; Consultation Required Subsection:

- Regular reporting to Board of Ethics, Mayor, City Council, and residents.
- Publicly accessible reports with confidentiality redactions.
- Authorized to hire consultative services for conflicts of interest.
- Pre-report consultation with affected parties for critical reports.
- Measures ensure independence, transparency, and accountability.

3. Creation of Board of Ethics

Board of Ethics Creation and Membership Subsection:

- Board of Ethics to have five members.
- Two members appointed by City Council.
- Two members appointed by Mayor.
- One member appointed by Election Commission with 4/5 vote.
- Selection involves applications, reviews, and interviews.

Member Appointment, Terms, and Removals:

- Members must be city residents, serving five-year terms.
- Term limits: No more than two consecutive terms.
- Eligibility: No current officials, recent candidates, or elective office holders.
- Conflict of interest: Temporary members appointed for impartiality.
- Removal for cause after investigation and Board vote.

Rules and Procedures Subsection:

- Initial meeting to elect Board Chair for two-year term.
- Board has autonomy to establish own rules and procedures.
- Meetings governed by Michigan Open Meetings Act for transparency.
- Operations supported by Office of Public Integrity and Officer..

Power and Duties:

- Collaborates with OPI for annual report preparation.
- Receives and addresses complaints under Article VII.
- Facilitates ethical standards training for City officials.
- Provides direct supervision to the Public Integrity Officer.

Boards of Ethics Funding:

- City to annually appropriate sufficient funds for Board of Ethics.
- Funding in accordance with Charter to enable Board's duties.

4. Updated Investigated Powers:

- Council can subpoena witnesses and administer oaths.
- Council can take testimony and require evidence production.
- To enforce subpoenas, Council applies to appropriate court.
- Empowers appropriate boards or commissions with investigative powers.

5. Creation of Boards and Commission Section

Public Engagement Philosophy Subsection:

- Public engagement seen as crucial for effective governance.
- Emphasizes continuous interaction over sporadic efforts.
- Advocates for diverse engagement channels, both in-person and online.
- Encourages community feedback in decision-making processes.
- Promotes collaboration with entities and individuals for enhanced public engagement.

Establishment and Purpose Subsection:

- Boards and Commissions provide guidance in specific governance areas.
- Established through ordinances, aligned with Charter provisions.
- Cover areas like planning, arts, historical matters, parks, and recreation.
- Creation and dissolution processes defined by City Council ordinances.
- Members typically serve voluntarily, reimbursements possible for official duties.
- Existing entities continue under new Charter until terms end.

Composition Subsection:

- Membership numbers set by City Council ordinances.
- Appointments made by Mayor and City Council.
- At least 51% of members appointed by Mayor.
- Transparent process promoting diversity, inclusivity, and community representation.
- Reappointments require City Council confirmation.

Terms of Office Subsection:

- Terms set at four years unless specified otherwise.
- Staggered terms ensure continuity, with no more than 25% expiring yearly.
- Appointment eligibility typically requires city residency.
- Vacancies filled by appointing authority following established procedures.

Powers and Responsibilities Subsection:

- Board and Commission Capacity to Conduct studies, research, and hearings.
- Make policy recommendations to City Council and officials.
- Governed by Charter and enabling ordinances or resolutions.
- Serve primarily in an advisory capacity.
- City Council can dissolve or alter powers and responsibilities.

Meetings and Procedures subsection:

- Board and commissions must hold regular meetings open to the public.
- Operational aspects like quorum and voting procedures determined by City Council.
- Operations must be transparent, with public access to meetings and documents.
- Meetings recorded and televised on public access channels within two business days.

Accountability, Reporting, and Transparency subsection:

- Board and commissions required to submit quarterly reports to City Council.
- Reports detail activities, findings, and recommendations.
- Reports are accessible to the public.

Youth Commission subsection:

- City Council can create Youth Commission through ordinance.
- Targets individuals aged 13-18 at time of appointment.
- Appointees serve two-year terms, with possibility of reappointment.
- Aims to address youth policy issues and develop youth policy platform.
- Explores leadership opportunities for young people in city government.
- Leadership roles within the commission rotated every two years

Charter Review Board Subsection:

- Charter Review Board established every five years or as needed.
- Role: Identify and suggest revisions to the City Charter.
- Recommendations submitted to City Council for review.
- Consists of five qualified city electors serving one-year terms.
- Members appointed by City Council, Mayor, and joint appointee.
- Board must report findings within one year of appointment.
- City Council may put proposed amendments to public vote.

Ballot Question

Conclusion

- Reflecting present realities, shaping future.
- Achieved balance of power, fortified ethics, transparency.
- Goal: Engage, educate community for passage.

THE END!