

**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 R. Grandison, MiPMC, Deputy City Clerk

**22<sup>nd</sup> Session**

**MEETING AGENDA**

**November 16, 2023, at 6:00 p.m.**

**Meeting Location: City Council Chambers**

**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**  
November 9, 2023
- VI. Public Comment**
- VII. Amendments to the 2013 Charter – Start at Section 5.301 (Accounting)**
- VIII. Upcoming Meeting Dates – 11/18/2023 at 9:00 a.m. and 12/14/2023 at 6:00 p.m.**
- IX. Schedule Additional Meeting Dates**
- X. Closing Comments**
- XI. Adjournment**

**V.**

# **Minutes**

**Official Proceedings  
2022 Pontiac Charter Revision Commission  
21<sup>st</sup> Session**

**Call to order**

A Meeting of the 2022 Charter Revision Commission of Pontiac, Michigan was called to order by Vice Chair Kermit Williams at the City Hall Council Chambers, 47450 Woodward Ave Pontiac, MI 48342 on Thursday, November 9, 2023, at 6:00 p.m.

**Roll Call**

**Members Present** – Norbert Burrows, Lucy Payne, Scott Stewart, Bruce Turpin and Kermit Williams.

A quorum was announced, and Vice Chair Kermit Williams assumed the meeting.

**Excuse Commissioners**

23-121        **Motion to excuse Commissioners Gill Garrett, Byran Killian, Temeka Ramsey and Jose Ybarra III for personal reasons.** Moved by Commissioner Stewart and second by Commissioner Turpin.

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

No: None

**Motion Carried**

**Amendments and or Approval of the Agenda**

23-122        **Motion to approve the agenda.** Moved by Commissioner Stewart and second by Commissioner Burrows.

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

No: None

**Motion Carried**

**Approval of the Minutes**

23-123        **Motion to approve meeting minutes from November 4, 2023.** Moved by Commissioner Payne and second by Commissioner Stewart.

Ayes: Payne, Stewart, Turpin, Williams and Burrows

No: None

**Motion Carried**

**Public Comment – None**

**Amendments to the 2013 Charter**

23-124        **Motion to table Article IV Executive Branch, Chapter 3 – Finance Department, Section 4.307 – Assessment Division (City Assessor) and Section 4.308 – Assessor’s Duties until the next meeting.** Moved by Commissioner Stewart and second by Commissioner Burrows.

Ayes: Stewart, Turpin, Williams, Burrows and Payne

No: None

**Motion Carried**

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Council President Mike McGuinness is recognized and speaks.

Commissioner Byran Killian arrived @ 6:11 p.m.

Commissioner Jose Ybarra III arrived @ 6:30 p.m.

Commissioner Tameka Ramsey arrived @7:04 p.m.

23-125        **Motion to keep Article IV Executive Branch, Chapter 4 – Police Department, Section 4.401 – Police Department (Police Services) as is.** Moved by Commissioner Payne and second by Commissioner Stewart.

Ayes: Stewart, Turpin, Williams, Ybarra III, Burrows, Killian, Payne, and Ramsey

No: None

**Motion Carried**

23-126        **Motion to keep Article IV Executive Branch, Chapter 4 – Police Department, Section 4.402 – Powers and Duties as is.** Moved by Commissioner Willaims and second by Commissioner Stewart.

Ayes: Turpin, Williams, Ybarra III, Burrows, Killian, Payne, Ramsey, and Stewart

No: None

**Motion Carried**

~~23-127~~        **Motion to amend Article IV Executive Branch, Chapter 4 – Police Department, Section 4.403 – Powers and Duties of Police Chief.** Moved by Commissioner Payne and second by Commissioner Ybarra III.

The Chief of Police **or contracted 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. 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 agency head** shall define the duties of police officers and prescribe rules relative to the performance thereof.

Commissioner Ybarra III rescinds his second.

23-127        **Motion to amend Article IV Executive Branch, Chapter 4 – Police Department, Sections 4.403 – Powers and Duties of Police Chief.** Moved by Commissioner Payne and second by Commissioner Ybarra III.

The Chief of Police **or contracted 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. 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 agency head** shall define the duties of police officers and prescribe rules relative to the performance thereof.

Ayes: Williams, Ybarra III, Burrows, Killian, Payne, Ramsey and Stewart

No: Turpin

**Motion Carried**

23-128        **Motion to keep strike through of Article IV Executive Branch, Chapter 4 – Police Department, Sections 4.404 - Probationary Employment, 4.405 – Police Trial Board, 4.406 – Case**



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**Panels and 4.407 – Rules and Regulations.** Moved by Commissioner Williams and second by Commissioner Stewart.

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

23-129        **Motion to keep Article IV Executive Branch, Chapter 4 – Police Department, Section 4.408 – Citizens Review Board (Now 4.404) as is.** Moved by Commissioner Williams and second by Commissioner Ybarra III.

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

23-130        **Motion to keep strike through of Article IV Executive Branch, Chapter 4 – Police Department, Sections 4.409 – Commencement of Proceedings, 4.410 – Taking of Proofs and Decision and 4.411 – Proceedings to Be Public.** Moved by Commissioner Williams and second by Commissioner Stewart.

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

23-131        **Motion to keep Article IV Executive Branch, Chapter 5 – Fire Protection Services, Section 4.501 – Fire Department (Fire Protection Services) as is.** Moved by Commissioner Williams and second by Commissioner Burrows.

Ayes: Payne, Ramsey, Stewart, Turpin, Williams, Ybarra III, and Burrows  
No: None  
Abstain: Killian  
**Motion Carried**

23-132        **Motion to keep Article IV Executive Branch, Chapter 5 – Fire Protection Services, Section 4.503 – Emergency Power as is.** Moved by Commissioner Williams and second by Commissioner Stewart.

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

23-133        **Motion to keep Article IV Executive Branch, Chapter 5 – Fire Protection Services, Section 4.504 – Powers of Fire Chief as is.** Moved by Commissioner Williams and second by Commissioner Payne.

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

November 9, 2023, Draft

23-134        **Motion to amend Article IV Executive Branch, Chapter 6 – Remainder of the Executive Branch, Section 4.601 – Other Departments, Boards and Commissions to get rid of boards and commissions.** Moved by Commissioner Stewart and second by Commissioner Williams.

Other Departments, ~~Boards and Commissions~~

Other departments, ~~boards and commissions~~, not created by this charter, for performance of executive and administrative functions may be created in the executive branch by ordinance, consistent with Sections 4.106—4.109 of this Charter.

Ayes: Turpin, Williams, Ybarra III, Burrows, Killian, Payne, Ramsey and Stewart

No: None

**Motion Carried**

23-135        **Motion to keep Article IV Executive Branch, Chapter 6 – Remainder of the Executive Branch, Section 4.602 – Assignment of Administrative Functions as is.** Moved by Commissioner Stewart and second by Commissioner Payne.

Ayes: Williams, Ybarra III, Burrows, Killian, Payne, Ramsey, Stewart and Turpin

No: None

**Motion Carried**

23-136        **Motion to keep Article IV Executive Branch, Chapter 6 – Remainder of the Executive Branch, Section 4.603 – Initial Continuation of Departments, Boards and Commissions as is.** Moved by Commissioner Williams and second by Commissioner Turpin.

Ayes: Ybarra III, Burrows, Killian, Payne, Ramsey, Stewart, Turpin and Williams

No: None

**Motion Carried**

23-137        **Motion to keep Article IV Executive Branch, Chapter 6 -Mayor, Section 4.109 – Boards and Commission as new Section 4.108, move Boards and Commission and Article IV, Chapter 7, changing Arts Commission to Commissions under Article VI – General Provisions.** Moved by Commissioner Stewart and second by Commissioner Williams.

Ayes: Ybarra III, Burrows, Garrett, Payne, Ramsey, Stewart, Turpin, and Williams

No: None

**Motion Carried**

23-138        **Motion to keep Article V Financial Procedures, Chapter 1 - Budget, Section 5.101 – Fiscal Year as is.** Moved by Commissioner Stewart and second by Commissioner Burrows.

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

No: None

**Motion Carried**

Commissioner Williams was absent from the vote.

Vice Chair Kermit Williams left the meeting.



**23-139 Motion to keep Article V Financial Procedures, Chapter 1 – Budget, Section 5.102 – Mayoral Budget and Appropriation Ordinance as is.** Moved by Commissioner Stewart and second by Commissioner Killian.

Commissioner Stewart withdrew his motion and commissioner Killian withdrew his second.

**23-139 Motion to amend Article V Financial Procedures, Chapter 1 – Budget, Section 5.102 – Mayoral Budget and Appropriation Ordinance.** Moved by Commissioner Stewart and second by Commissioner Ybarra III.

At least ~~thirty (30) sixty (60)~~ **ninety (90)** 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 provided by law.

Ayes: Killian, Payne, Ramsey, Stewart, Turpin, Williams, Ybarra III and Burrows

No: None

**Motion Carried**

**23-140 Motion to keep Article V Financial Procedures, Chapter 1 – Budget, Section 5.103 – Veto as is.** Moved by Commissioner Stewart and second by Commissioner Turpin.

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

No: None

**Motion Carried**

**23-141 Motion to remove Article V Financial Procedures, Chapter 1 – Budget, Section 5.104 – Budget to Be Balanced and have its own section.** Moved by Commissioner Stewart and second by Commissioner Payne.

**Budget to Be Balance**

~~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.~~

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

No: None

**Motion Carried**

**23-142 Motion to add Article V Financial Procedures, Chapter 1 – Budget, Section 5.104 – Budget to Be Adopted as the new Section 5.105.** Moved by Commissioner Stewart and second by Commissioner Turpin.

**Budget to Be Adopted**

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

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

No: None

**Motion Carried**

23-143        **Motion to keep Article V Financial Procedures, Chapter 1 – Budget, Section 5.105 – Interim Authority as is as the new Section 5.106.** Moved by Commissioner Stewart and second by Commissioner Payne.

Ayes: Turpin, Ybarra III, Burrows, Killian, Payne, Ramey and Stewart

No: None

**Motion Carried**

23-144        **Motion to keep Article V Financial Procedures, Chapter 1 – Budget, Section 5.106 – Transfers and Supplemental Appropriations as is as the new Section 5.107.** Moved by Commissioner Stewart and second by Commissioner Killian.

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

No: None

**Motion Carried**

23-145        **Motion to table Article V Financial Procedures, Chapter 2 – Taxation and Special Assessments, Section 5.201 – Property Tax Levy until the next meeting.** Moved by Commissioner Killian and second by Commissioner Ybarra III.

Ayes: Ybarra III, Burrows, Killian, Payne, Ramsey and Turpin

No: None

**Motion Carried**

Commissioner Scott Stewart was absent for the vote.

Commissioner Scott Stewart left the meeting at 8:07 p.m.

23-146        **Motion to keep Article V Financial Procedures, Chapter 2 – Taxation and Special Assessments, Section 5.202 – Other Revenue as is.** Moved by Commissioner Killian and second by Commissioner Ybarra III.

Ayes: Burrows, Killian, Payne, Ramsey, Turpin, and Ybarra III

No: None

**Motion Carried**

23-147        **Motion to keep Article V Financial Procedures, Chapter 2 – Taxation and Special Assessments, Section 5.203 – Duties of Clerk as is.** Moved by Commissioner Turpin and second by Commissioner Payne.

Ayes: Killian, Payne, Ramsey, Turpin, Ybarra III and Burrows

No: None

**Motion Carried**

23-148        **Motion to keep Article V Financial Procedures, Chapter 2 – Taxation and Special Assessments, Section 5.204 – Lien as is.** Moved by Commissioner Payne and second by Commissioner Ybarra III.



Ayes: Killian, Payne, Ramsey, Turpin, Ybarra III, and Burrows

No: None

**Motion Carried**

23-149        **Motion to table Article V Financial Procedures, Chapter 2 – Taxation and Special Assessments, Section 5.205 – Tax Limits until the next meeting.** Moved by Commissioner Killian and second by Commissioner Payne.

Ayes: Payne, Ramsey, Turpin, Ybarra III, Burrows, and Killian

No: None

**Motion Carried**

23-150        **Motion to keep Article V Financial Procedures, Chapter 2 – Taxation and Special Assessments, Section 5.206 – Special Assessment Financing as is.** Moved by Commissioner Turpin and second by Commissioner Killian.

Ayes: Ramsey, Turpin, Ybarra III, Burrows, Killian and Payne

No: None

**Motion Carried**

23-151        **Motion to keep Article V Financial Procedures, Chapter 2 – Taxation and Special Assessments, Section 5.207 – Limits on Incurring Obligations as is.** Moved by Commissioner Ybarra III and second by Commissioner Killian.

Ayes: Turpin, Ybarra III, Burrows, Killian, Payne and Ramsey

No: None

**Motion Carried**

**Closing Comments** – Commissioner Lucy Payne, Commissioner Bruce Turpin, Commissioner Jose Ybarra III, Commissioner Bryan Killian, Commissioner Norbert Burrows, and Chair Tameka Ramsey made closing comments.

#### **Adjournment**

Chair Tameka Ramsey adjourned the meeting at 8:32 p.m.

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Jonathan Starks  
Deputy City Clerk

**VII.**

**Amendments  
to the 2013  
Charter**

# **Pontiac City Charter** **Updated Provisions for Consideration**

## **Provisions on Department of City Council:**

### **Article III: Legislative Branch**

#### **Chapter 3 – Department of City Council**

##### **3.301 - Establishment and Purpose**

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

##### **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 City 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 – Authority to Establish Auditor**

~~(a) The Council may, by ordinance, provide for the office of Legislative Auditor and shall, by not less than five (5) affirmative votes appoint the Auditor for a term of not less than four (4) years. The Auditor may be removed by not less than five (5) Council members only for cause.~~

##### **3.303 – Duties and Responsibilities**

The Department may:

(a) Provide administrative support to City 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 City Council members with relevant information to make informed decisions.

(c) Assist in drafting ordinances, resolutions, and other legislative documents as directed by City Council members.

(d) Facilitate communication between the City 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 City Council.

##### **3.304 – Accountability and Cooperation**

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

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

##### **3.305 – Funding**

The City shall 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.



## **Provisions on Board and Commissions:**

### **Article VI – General Provisions**

#### **Chapter 7 – Boards and Commissions**

##### **6.701 – 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.

##### **6.702 – 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) The 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 municipal concern. 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.

(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.

##### **6.703 – Composition**

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

(b) Members of the Boards and Commissions shall consist of appointments made by both the Mayor and the City Council. All Mayoral appointments shall receive final approval by the City Council. The process for City Council appointments shall be identified through the official approved ordinance for each 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.

#### 6.704 - Terms of Office

(a) Except as otherwise required by law or this Charter, the term 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.

(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.

#### 6.705 - Powers and Responsibilities

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

(b) The Boards and Commissions shall operate in accordance with this Charter and any specific enabling ordinances or resolutions established by the City 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 City Council reserves the right to dissolve or modify the powers and responsibilities of any Board or Commission through appropriate legislative processes.

#### 6.706 - Meetings and Procedures

(a) The Boards and Commissions 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 City Council or as specified in the enabling ordinances of each Board or Commission.

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

#### 6.707 – Accountability, Reporting, and Transparency

The Boards and Commissions shall provide periodic reports to the City Council, summarizing their activities, findings, and recommendations. These reports shall be made available to the public.



#### 6.708 – Arts Commission

An Arts Commission whose membership and term thereof shall be determined by ordinance shall be created. The Commission shall act as an advisory body to the Mayor and the Council and as an advocate for the arts and aesthetics in all aspects of city life. It shall advise and support cultural institutions and groups interested in cultural activities. It shall encourage, develop, and support a wide variety of programs which reflect the cultural needs and experiences of all citizens and shall encourage participations by all citizens in cultural activities carried on in the City.

RECOMMENDING TO NOT INCLUDE – ALLOW COUNCIL TO PASS ORDINANCE

#### 6.708 – Youth Commission

The City Council may establish a Youth Commission. 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. City Council may identify formal roles, responsibilities, terms, and eligibility criteria by ordinance.

PROPOSED BY COMMISSIONER PAYNE

#### 6.709 – Charter Review Board

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

(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 City 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.

(b) The Charter Review Board shall be composed of five 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 City Council

b. Two (2) members appointed by the Mayor

c. One (1) member jointly appointed by the City Council President and the Mayor, such member serving as chair of the commission.

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

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

## **Provisions on Ethical Standards**

### **Article VII – Ethics and Public Integrity**

#### **Chapter 1 – General Ethical Standards**

##### **7.101 - Ethical Standards of Conduct**

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

(b) 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.

(c) Except as otherwise provided by applicable law, 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
- 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, City Council members, appointees or employees.

(d) A public servant who, in the course of their duties, exercises significant authority 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

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

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

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

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

(c) 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

To the extent permitted by law, lobbyists shall register, file reports, and pay fees.

- a. A lobbyist, as defined by this Charter, who lobbies within the City government shall be required to register with the City and file a report of his or her lobbying activity with the City and its personnel.
- b. All documents filed by lobbyists shall be filed with the City Clerk, be a public record and additionally published electronically or by other formats as to provide access to the reports.
- c. A fee may be assessed to each lobbyist, as approved by ordinance.

#### 7.104 - Gifts and Gratuities



(a) A public servant shall not accept gifts, gratuities, honoraria, loans, 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.

(b) 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 immediate family member, provided that the 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

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

(b) 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.

(c) If it is found to be in the best interest of the City, the City Council may, following full disclosure, waive the application of this section in an individual circumstance.

#### 7.106 - Campaign Activities

(a) Appointees, appointive officers, employees and contracted entities' staff are prohibited from engaging in campaign activities using City property or engaging in such activity during working hours.

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

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

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

## **Chapter 2 – Office of Public Integrity**

### **7.201 – Establishment of Office**

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

### **7.202 – Appointment, Removal, Term of Office and Vacancy**

- (a) The Public Integrity Officer shall be appointed by a majority (51%) of City Council members serving for a term of six (6) years.
- (b) The Public Integrity Officer may be removed for cause by a three-fourths (3/4) vote of City Council members serving. The Public Integrity Officer may only be removed from the office for cause, such as gross misconduct or incompetence.
- (c) If a vacancy occurs in the Office of Public Integrity, the City Council shall, within ninety (90) days, fill the office for a full term.

### **7.203 – Minimum Qualifications**

The Public Integrity Officer shall be a person who:

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

### **7.204 – Limitations; Prohibited Activities**

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



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

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

#### 7.205 – Powers and Duties; Jurisdiction

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

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

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

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

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

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

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

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

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

#### 7.206 – Independence; Retaliation, Confidentiality, and Immunity



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

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

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

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

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

#### 7.207 – Funding; Office Staffing

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

#### 7.208 – Reporting and Transparency; Consultation Required

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

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

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



## **Chapter 3 – Board of Ethics**

### 7.301 - Board of Ethics Creation and Membership

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

- a. The Board of Ethics shall consist of five (5) members;
- b. Two (2) shall be appointed by the City Council;
- c. Two (2) shall be appointed by the Mayor;
- d. One (1) shall be jointly appointed by the Mayor and City Council;
- e. Such appointments shall be made after applications are received, reviewed and interviews conducted.

### 7.302 - Member Appointment, Terms, and Removals

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

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

(c) No City Council member, appointive officer, appointee or employee of the City or any other governmental unit shall be a Board of Ethics member. Members shall also not have been candidates for any elective City office for two (2) years prior to their appointment or two (2) years after their term.

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

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

### 7.303 – Rules and Procedures

(a) At the initial board meeting, the City Clerk shall convene the meeting and the first order of business will be for a Board Chair to be elected by a majority of the board. The term of board chair shall be one (1) year.

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

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

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

### 7.304 – Powers and Duties

The Board of Ethics shall:

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

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

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

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

#### 7.305 - Board of Ethics Funding

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