

January 27, 2024, Approved Minutes

**Official Proceedings  
2022 Pontiac Charter Revision Commission  
28<sup>th</sup> Session**

**Call to order**

A Meeting of the 2022 Charter Revision Commission of Pontiac, Michigan was called to order by Commissioner Scott Stewart at the City Hall Council Chambers, 47450 Woodward Ave Pontiac, MI 48342 on Saturday, January 27, 2024, at 10:33 a.m.

**Roll Call**

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

A quorum was announced.

**Excuse Commissioners**

24-117 **Motion to excuse Commissioner Gill Garrett, Bryan Killian, Tameka Ramsey, and Kermit Williams for personal reasons.** Moved by Commissioner Payne and second by Commissioner Ybarra III.

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

No: None

**Motion Carried**

**Amendments and or Approval of the Agenda**

24-118 **Motion to approve the agenda.** Moved by Commissioner Ybarra III, and second by Commissioner Burrows.

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

No: None

**Motion Carried**

**Public Comment** – None

**Amendments to the 2013 Charter**

24-119 **Motion to amend Article III, Transitional Provisions, Chapter 8, Sections 8.101 – 8.109.** Moved by Commissioner Turpin and second by Commissioner Ybarra III.

8.101 Effect on Existing City Legislation

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

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

8.102 Continuation of Public and Private Rights

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

8.103 Rights and Liabilities Continued

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

8.104 Rights of Officers and Employees

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

8.105 Successor Officers

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

8.106 Amendments and Revisions

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

8.107 Compensation

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

8.108 Headings

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

8.109 Transitional Provision

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

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

No: None

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24-120 **Motion to amend Article IX, Schedule, Chapter 9, Section 9.101 a-e, Electoral Vote and Effective Date.** Moved by Commissioner Payne and second by Commissioner Ybarra III.

9.101 Electoral Vote and Effective Date

- (a) This charter shall be submitted to the people of Pontiac for adoption at a ~~special~~ election to be held on ~~November 4, 2014.~~ **August 6, 2024.**
- (b) If this charter is adopted, this charter shall take effect on ~~May 1, 2015.~~ ~~except that subpart (d) below shall have immediate effect.~~ **July 1, 2025.**
- (c) City Council and the Mayor serving in office under the previous charter shall continue to serve as a member of the City Council under this Charter for **their entire previous elected four (4) year term with the provisions for City Council taking effect for the next regular City Council Election.** ~~extended terms which expire on the first business day following January 1, 2019.~~
- (d) ~~The Mayor serving in office under the previous charter shall continue to serve as Mayor following this Charter taking effect.~~  
~~City Commissioners elected at the general election, to be held November 3, 1981, under the old charter, shall continue to serve as member of the City Council under this new charter for extended terms which expire on the first business day following January 1, 1986.~~
- (e) ~~A special general election to elect the first Mayor of the City of Pontiac under this charter shall be held on Monday, April 5, 1982. The ballot for such special election for Mayor shall contain as candidates the names of all persons who shall have filed non-partisan nominations signatures of not less than 400 nor more than 800 registered voters of the City. Provisions of state law shall, to the extent not inconsistent herewith, apply to and govern the conduct of the special election. The person elected Mayor shall take office May 3, 1982 and shall serve a term expiring on the first business day following January 1, 1986.~~

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

No: None

**Motion Carried**

24-121 **Motion to amend Article IX, Schedule, Chapter 9, Section 9.102 – Ballot Question.** Moved by Commissioner Turpin and second by Commissioner Burrows.

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

Yes \_\_\_

No \_\_\_

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

No: None

**Motion Carried**

24-122 **Motion to amend Article IV – Executive Branch, Chapter 1, Mayor, Section 4.102 – Duties of the Mayor noted by the Charter Legal Counsel.** Moved by Commissioner Turpin and second by Commissioner Ybarra III.

The Mayor possesses all powers and duties inherent in being the chief executive officer of the executive branch, including:

- a) Seeing that laws, this Charter and ordinances are faithfully executed and enforced;

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- b) Presenting the proposed annual balanced budget at least four months 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 ~~their~~ 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) ~~Seeing that~~ **Providing** monthly regular financial reports of revenues and expenditures ~~be provided~~ to the legislative branch and quarterly financial statements provided by independent auditors of the City to the legislative branch.

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

24-123 **Motion to strike Article IV – Executive Branch, Chapter 5, Fire Protection Services, Section 4.502 – Retention of Fire Department Civil Services noted by the Charter Counsel.** Moved by Commissioner Ybarra III, and second by Commissioner Burrows.

~~The civil service system for firemen created by approval of the electors of Pontiac pursuant to 1935 PA 78, shall continue after the effective date of the new charter.~~

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

24-124 **Motion to amend Article VI – General Provisions, Chapter 1, Personnel Matters, Section 6.101 – Affirmative Action noted by the Charter Legal Counsel.** Moved by Commissioner Ybarra III, and second by Commissioner Payne.

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, height, weight, or sexual orientation. ~~and promote the full realization of equal employment opportunity through a continuous affirmative action program in all departments of City government. The Mayor shall assure full implementation of this policy.~~

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

24-125 **Motion to strike Article VI – General Provisions, Chapter 1, Personnel Matters, Section 6.103 – Residency.** Moved by Commissioner Ybarra III, and second by Commissioner Payne.

~~An appointee (other than to a board or commission) or an employee of the City if not a resident at the time of appointment or hire, shall become a resident within one year thereafter and shall remain a resident while so employed. Violations of this requirement by an appointee or employee shall be grounds for dismissal from employment.~~

~~The continued employment of an employee employed before the effective date of this charter is not subject to this requirement, but compliance with the requirement shall be a condition to the promotion of any such employee.~~

**Commented [SS1]:** Tabled at Nov. 16 meeting - wanted legal view.

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Upon a specific finding that the interests of the City and its residents would be best served in a given case by granting relief from this section, five (5) members of the City Council, subject to the Mayoral veto contained in Section 3.112 (f), may grant appropriate relief:

**Commented [SS2]:** Tabled at Dec. 14 meeting - further legal interpretation

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

24-126 **Motion to keep Article VI – General Provisions, Chapter 7, Rules of Interpretation, Section 6.702 – Number or Gender as is.** Moved by Commissioner Ybarra III, and second by Commissioner Payne.

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

24-127 **Motion to amend Article VI – General Provisions, Chapter 7, Rules of Interpretation, Section 6.703 – Tense noted by the Charter Legal Counsel.** Moved by Commissioner Burrows and second by Commissioner Ybarra III.

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.

**Commented [SS3]:** Tabled at Dec. 14 meeting or not in the minutes - need to pick back up

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

Commissioner Stewart called for an intermission recess at 11:40 a.m.

Commissioner Bryan Killian arrived at 11:50 a.m.

Meeting reconvened at 12:10 p.m.

24-128 **Motion to amend Article VII – Ethics and Public Integrity, Chapter 2, Office of Public Integrity, Section 7.204a – Limitations: Prohibited Activities.** Moved by Commissioner Ybarra III, and second by Commissioner Payne.

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.**

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

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24-129 **Motion to amend Article VII – Ethics and Public Integrity, Chapter 2, Office of Public Integrity, Section 7.205a – Powers and Duties: Jurisdiction.** Moved by Commissioner Ybarra III, and Commissioner Payne.

The powers and duties of the Public Integrity Officer and their office shall focus on conduct related to fraud, waste, corruption of any Public Servant and City agency, program, or official act. These powers and duties extended to contractors or subcontractors providing goods and services to the City, and business entities seeking contracts or certification of eligibility for city contracts.

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

No: None

**Motion Carried**

24-130 **Motion to amend Article VII – Ethics and Public Integrity, Chapter 2, Office of Public Integrity, Section 7.205e – Powers and Duties: Jurisdiction.** Moved by Commissioner Burrows, and second by Commissioner Ybarra III.

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

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

No: None

**Motion Carried**

24-131 **Motion to amend Article VII – Ethics and Public Integrity, Chapter 2, Office of Public Integrity, Section 7.206b – Independence: Retaliation, Confidentiality, and Immunity.** Moved by Commissioner Ybarra III, and second by Commissioner Killian.

It shall be the duty of every Public Servants, contractors and subcontractors and licensee 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.

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

No: None

**Motion Carried**

24-132 **Motion to amend Article VII – Ethics and Public Integrity, Chapter 2, Office of Public Integrity, Section 7.207 – Funding: Office Staffing.** Moved by Commissioner Ybarra III, and second by Commissioner Payne.

The budget of the Office of the Public Integrity shall be separate from the budgets of other city agencies and the ~~City Council~~ Local Officers Compensation Committee shall set the standard wages for the positions outlined in the budget. The City Council shall annually appropriate funds as identified by the Local Officers Compensation Committee and as reasonably requested by the Public Integrity Officer, sufficient to enable the Office of Public Integrity to fulfill its duties and responsibilities as outlined in this charter.

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

No: None

**Motion Carried**

24-133 **Motion to amend Article VI, General Provisions, Chapter 6 – Boards and Commission – Section 6.803 b – Composition.** Moved by Commissioner Payne and second by Commissioner Ybarra III.

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 City Council. Processes for all appointments shall be identified through the approved ordinance or this Charter for each Board or Commission.

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

No: None

**Motion Carried**

24-134 **Motion to amend Article VI, General Provisions, Chapter 6 – Boards and Commission – Section 6.805 c – Powers and responsibilities.** Moved by Commissioner Payne and second by Commissioner Ybarra III.

c. The City Council reserves the right to dissolve or modify the powers and responsibilities of any Board or Commission through appropriate legislative processes, provided by Ordinance.

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

No: None

**Motion Carried**

24-135 **Motion to accept the grammatical changes throughout the Charter provided by Charter Revision Legal Counsel.** Moved by Commissioner Killian and second by Commissioner Ybarra III.

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

No: None

**Motion Carried**

24-136 **Motion to amend section under Preamble in the revised 2013 City Charter.** Moved by Commissioner Ybarra III, and second by Commissioner Killian.

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.

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

No: None

**Motion Carried**

24-137 **Motion to amend Article II, Elections, Section 2.105 – Election Commission.** Moved by Commissioner Ybarra III, and second by Commissioner Payne. Discussion. Commissioner Ybarra III rescind his motion and Commissioner Payne rescind her second.

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24-138 **Motion to amend Article II, Elections, Section 2.105 – Election Commission.** Moved by Commissioner Ybarra III, and second by Commissioner Turpin.

The City Election Commission is composed of:

1. City Clerk
2. A non-attorney employee of the City to be appointed by the Mayor
3. City Treasurer
4. Two residents appointed by City Council

The Commission has general supervision of all elections in the City and may hire assistants, inspectors, and other election personnel and be consulted by an Attorney or Firm.

Except as otherwise provided by this Charter or ordinance, the Commission shall perform all duties required of election commissions by law. It may subpoena witness, 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.

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.

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

No: None

**Motion Carried**

24-139 **Motion to amend Article II, Elections, Section 2.106 – Electoral Districts and Re-Appointment.** Moved by Commissioner Ybarra III, and second by Commissioner Payne.

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, ~~or other census permitted by law.~~ Districts shall be ~~all-apportioned~~ designated by ordinance pursuant to law and this eCharter. 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.

**Commented [DLH14]:** Is reference to other census needed? Who would pick between censuses?

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

No: None

**Motion Carried**

24-140 **Motion to strike first sentence in Article III, Legislative Branch, Chapter 1 – City Council, Section 3.102 – District Representation: Term of Office.** Moved by Commissioner Payne, and second by Commissioner Ybarra III.



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~~Each district of the City shall be represented by one Council member for that district.~~ The member from each district shall be nominated and elected by the electors of the district. The one (1) Council member at-large shall be nominated and elected by the electors of the entire eCity. To be eligible for the office of Council member for a district, a person must have been a resident of that District in question for one year immediately before the filing deadline for the office. To be eligible for the office of Council member at-large, a person must have been a resident of the eCity for one year immediately before the filing deadline for the office.

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

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

No: None

**Motion Carried**

24-141 **Motion to amend Article III, Legislative Branch, Chapter 1 – City Council, Section 3.103 – Beginning of Term.** Moved by Commissioner Payne, and second by Commissioner Ybarra III.

The term of each Council member begins at ~~8:00 a.m.~~ noon on January 1.

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

No: None

**Motion Carried**

Closing Comments – Commissioner Lucy Payne

#### **Adjournment**

Commissioner Scott Stewart adjourned the meeting at 1:25 p.m.

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Sheila R. Grandison  
Deputy City Clerk