

HOME RULE CHARTER



ADOPTED SEPTEMBER 15, 1981

TO TAKE EFFECT MAY 3, 1982

CITY OF PONTIAC, MICHIGAN

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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.

ARTICLE 1 – 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.

1.102 Boundaries

The boundaries of the City when this charter takes effect shall continue unless 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 and 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 City Council.

2.102 Elections

Regular City primary and general elections shall be held on Tuesday following the second Monday in September and Tuesday following the first Monday in November of odd years. City elections are non-partisan.

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. City Attorney
3. City Treasurer

The Commission has general supervision of all elections in the City and may hire assistants, inspectors, and other election personnel.

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 any penalty prescribed for failure to obey a subpoena or order, the Commission shall apply to the appropriate court.

All meetings of the Commission shall be open to the public.

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

Amended March 2016.

2.106

Electoral Districts and Re-Appportionment

The City is divided into seven (7) electoral districts. The district 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 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.

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 for nomination to the City Council shall contain the signatures of at least 50 and not more than 100 registered electors of the district involved.

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

Amended August 2016

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 equal number of votes, 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 two (2) 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 the duties of office, 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,”

and shall file that oath, duly certified by the officer before whom it was taken, in the office of the City Clerk.

ARTICLE III – LEGISLATIVE BRANCH
Chapter 1 – City Council

3.101 Local Legislature

A City Council of seven (7) members is hereby 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

Each district of the City shall be represented by one Council member. The member from each district shall be nominated and elected by the electors of the district. To be eligible for the office of Council member for a district, a person must have been a resident of the District for one year immediately before the term commences.

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

Amended November 2005

3.103 Beginning of Term

The term of each Council member begins at noon on the first business day after January 1st following the election.

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 President and President Pro-Tem of the Council have been selected. The President of the Council 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.

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 once a week. The Mayor, or any two (2) members of the Council may call special meetings of the Council, upon at least 10 hours' written notice to each member, served personally or left at the member's place of residence. 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, without such written 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.

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

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 absent members 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 membership is a part-time position.

A Council member may be paid by the City the sum of \$100.00 for each official meeting of the Council attended by the member. However, no member of the Council shall receive more than \$5,200.00 in any one year.

3.111 Appointment of Clerk

The Council shall appoint a City Clerk for an indefinite period. The Clerk is removable by vote of 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 summary of the proposed ordinance in a newspaper of general circulation 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) The adoption of any ordinance by the Council shall require a majority of Council members serving.

(d) The effective date of an ordinance shall be stated therein. The effective date shall not be less than 10 days from the date of adoption. No ordinance may be adopted on the day it is introduced.

(e) 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.

(f) 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 only at a meeting within one week after receipt of the Mayor's veto. Five Council members may adopt the ordinance or resolution over the Mayor's veto.

(g) An ordinance shall be published once after its adoption in a newspaper of general circulation in the City. 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 of publication and the newspaper in which the ordinance was published. This certificate shall be prima facie evidence that legal publication of an ordinance was made.

(h) The Clerk shall maintain a record of all ordinances. After an ordinance is adopted, it shall be authenticated by the Clerk. The record and 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.

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

(j) 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.

(k) 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 or any personalty of the City, except such personalty as may have been defined by ordinance as minor, without approval, after public notice and hearing, 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.

3.114 City Hospital

The City, by ordinance shall, provide for the governance of the City hospital
Section 6.103 shall apply to appointees and employees of the hospital.

3.115 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.

3.116 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 of thereof shall give any order or direction, either publicly or privately, to any appointee or employee of the executive branch.

3.117 Investigative Powers

The Council may subpoena witnesses, administer oaths, take testimony and require the productions 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 the appropriate court.

3.118 Vacancies

A vacancy on the Council may be filled by appointment of a registered elector of the 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.

3.119 Effect of Absences

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

3.120 Control of City Payroll

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

3.121 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 aid 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 filled, 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.

Chapter 2
City Clerk

3.201 Functions of Clerk

The City Clerk is responsible for:

- a) registration of electors residing in the City and the conduct of elections in the City.
- b) serving as clerk of the Council, giving required public notices, and keeping a record of all ordinances, resolutions and other proceedings.
- c) maintaining a record of all existing and proposed rules, regulations, policies and procedures of the City.
- d) certifying, under corporate seal, when requested, copies of all official papers and records of the City and making them available to the public as provided by law.

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.

3.203 Voter Registration

The Clerk shall maintain reasonably accessible voter registration sites throughout the City on a year-round basis.

3.204 Other Duties of Clerk

The Clerk may administer oaths and take affidavits and exercise other powers and duties as provided by law, this charter, or ordinance.

Chapter 3
Auditor

3.301 Authority to Establish Auditor

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.

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 January 1st following the election. To be eligible for Mayor, a person must have been a resident of the City for one year immediately before the term commences.

4.102 Duties of the Mayor

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

- a) seeing that laws and ordinances are faithfully executed;
- b) presenting the proposed annual budget and a state of the City address;
- c) supervising expenditures of all sums appropriated to and the attainment of all objectives established for departments of the executive 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.

4.104 Council Attendance

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 letter filed with the City Clerk, the Mayor or the Deputy Mayor may designate a qualified City Administrative Officer to attend all meetings of the Council and respond to questions from Council members and Citizens, make reports and present proposals during the Mayor and Deputy Mayor's temporary absence due to an emergency or disability.

Amended November 2005.

4.105 Staff of the Office of Mayor

The Mayor may, within appropriations provided in the budget, appoint such assistants and secretaries to the staff of the office of Mayor as may be reasonably necessary, all of whom serve at the pleasure of the Mayor.

4.106 Appointment of Directors; 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 is subject to approval by the council.

If a mayoral appointment is not disapproved by the Council within 30 days, the appointment is effective.

4.107 Appointment of Chief Assistants

Except as otherwise required by law or this charter, a department director may, with the consent of the Mayor, appoint a chief assistant, who serves at the pleasure of the department director.

4.108 Duties of Directors

Each department director shall:

1. consistent with law, this charter, ordinance and any labor agreement, hire, promote, supervise, discipline, and remove employees of the department.
2. assign duties to the employees of the department and supervise the performance of these duties and the attainment of the objectives of the department.

4.109 Boards and Commissions

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 and members of boards and commissions are appointed by and serve at the pleasure of the Mayor. Reappointment of a person to the same board or commission for an additional consecutive term is subject to approval by the Council. Except as otherwise required by law or this charter, all boards and commissions are advisory.

4.110 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 a vacancy occurs in the office of Mayor less than one (1) year before the next regular City General Election, the Council president shall succeed to the office of Mayor to complete the balance of the unexpired term of that office and shall resign their Council membership.

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

If a 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 City Council meeting after the Mayor has been sworn in shall be to select a President or President Pro-Tem depending on which position had assumed the position of Mayor.

If a dispute arises concerning whether a vacancy in the office of Mayor has occurred, any four (4) members of the Council may petition the appropriate court for a determination of this fact question. Amended November 2005.

Chapter 2
Law Department

4.201 Law Department

A law department is created in the executive branch of City government

4.202 Duties of City Attorney

The director of the law department must be an attorney licensed to practice in Michigan and shall be called the "City Attorney". The City Attorney is responsible for:

- a) supervising the conduct of all the legal business of the City and its departments;
- b) drafting all ordinance proposals or approving them as to form;
- c) preparing such 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 arising 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 City Council;
- h) representing any elective officer or appointee of the City in any action or proceeding involving official duties; and
- i) performing other duties assigned by resolution.

4.203 Settlements

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

4.204 Option of City 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 Finance Director shall have direct supervision over the finance department and the administration of the financial affairs of the City, including the keeping of accounts and financial records, the collection of taxes, special assessments and other revenue, and such other duties as may be prescribed by ordinance.

4.302 Treasurer

The Finance Director, with the consent of the Mayor, shall appoint a City Treasurer, who shall serve at the pleasure of the Finance Director. The Treasurer shall perform all the duties required of treasurers by law, this charter or ordinance.

4.303 Purchasing Division

A division of Purchasing is created in the finance department. The Finance Director shall, with the consent of the Mayor, appoint 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 division of purchasing, 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 or this charter.

4.305 Restrictions on Purchases

No purchases shall be made, except on a requisition by the head of a department, countersigned by the Finance Director and approved by the Purchasing Agent. No purchases shall be made in excess of appropriations.

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 or ordinance.

4.307 Assessment Division

A division of Assessment is created in the Finance Department. The Mayor, with the approval of the Council, shall appoint a City Assessor for a term of six (6) years. If such mayoral appointment is not disapproved by the Council within 30 days, the appointment is effective. The City Assessor may be removed by the Mayor for cause only.

4.308 Assessor's Duties

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

Chapter 4 – Police Department

4.401 Police Department

A Police Department is created in the executive branch of City government. The Chief of Police is the head of the Police Department.

4.402 Powers and Duties

The Chief of Police and police officers of the department possess powers conferred by law.

4.403 Powers and Duties of Police Chief

The Chief of Police is responsible for the public 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 shall define the duties of police officers and prescribe rules relative to the performance thereof.

4.404 Probationary Employment

Every person hired by the police department shall be first hired as a probationary member, for a period not to exceed 18 months.

4.405 Police Trial Board

A Police Trial Board is hereby created. It shall consist of 15 members appointed by the Mayor. The Mayor shall endeavor to make the Trial Board as representative of the entire City as reasonably possible. The members of the Trial Board shall serve without compensation. Each member shall serve a staggered three (3) year term. The first appointments after the effective date of this charter to the Trial Board may be for varying terms less than the length prescribed in order that thereafter not more than 1/3 of the terms shall expire in any year.

4.406 Case Panels

A panel of the Trial Board consisting of five (5) members chosen at random by lot shall serve as the Trial Board in a given case to hear and determine a complaint against an accused member or members of the department.

4.407 Rules and Regulations

The Trial Board shall adopt rules and regulations relative to the conduct of proceedings before the Trial Board and Case Panels thereof.

4.408 Citizen Complaints

A complaint by a citizen against a member of the Police Department shall be made to the Chief of Police. However, if the citizen is dissatisfied with the disposition of the complaint made by the Chief of Police or if no disposition is made within 10 days, the citizen may make a complaint to the Trial Board.

4.409 Commencement of Proceedings

Proceedings before the Trial Board shall be instituted by a formal complaint, under oath. The complaint shall contain sufficient information so that both the Board and the accused member may be informed of the nature of the offense. A copy of the complaint shall be served on the accused member and the trial shall be commenced, before a Trial Board Panel selected as provided in 4.406, within 10 days after the filing of such complaint. Upon such filing, the accused may be immediately suspended by the Chief of Police. Any such suspension shall be without pay but, if acquitted of the charge, the accused shall suffer no loss of pay for the period of suspension.

4.410 Taking of Proofs and Decision

A trial board panel shall hear the evidence and may determine judgment and pronounce penalties under its rules and regulation. A trial board panel 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, a trial board panel shall apply to the appropriate court. A trial board panel's decision shall be final. A trial board panel, on any case brought before it for determination, shall make a stenographic record of all proceedings.

4.411 Proceedings to Be Public

Proceedings before the Trial Board and case panels shall be public and an accused employee and any person who has filed a complaint shall be given reasonable advance notice of the time and place of any proceedings and copies of decisions.

Chapter 5
Fire Department

4.501 **Fire Department**

A Fire Department is created in the executive branch of City government. The Fire Chief is the head of the fire department and serves under the supervision of the Mayor.

4.502 **Retention of Fire Department Civil Service**

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.

4.503 **Emergency Power**

The Fire Chief or the person of the department 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, and no action shall be maintained against any person or against the City therefor.

4.504 ***Powers of Fire Chief**

The Fire Chief possesses all powers conferred by law, this charter or ordinance, provided, however, that the Fire Chief shall assign firemen to actual duty for emergency medical services on a daily basis, in accordance with their qualifications, in addition to firemen assigned to actual duty for fire suppression on a daily basis, in a total number on each shift for all duties which is not less than one (1) fireman for every 2,000 residents of the City of Pontiac.

Amended November 2, 1982

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 Sections 4.106-4.109 of 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

All departments existing under the old 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 Sections 4.106-4.109 of this charter.

Chapter 7
Arts Commission

4.701 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 participation by all citizens in cultural activities carried on in the City.

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.

5.102 Mayoral Budget and Appropriation Ordinance

At least two months before the end of each fiscal year, effective this fiscal year ending June 30, 2008, 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.

Amended January 2008.

5.103 Veto

The veto power of the Mayor, set forth in Section 3.112 (f) 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 Interim Authority

An annual budget and appropriation ordinance shall be adopted at least one week before each new fiscal year. If City officers fail to satisfy this requirement, the Council, on request in writing of 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.

5.106 Transfers and Supplemental Appropriations

After adoption of the appropriations ordinance, and upon at least one week's notice in a newspaper of general circulation in the City, the Council, by a resolution of five (5) 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 other 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 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.

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

(*As amended November 2, 1982)

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.

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 therefor let or made 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 or 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 showing all assets and liabilities of the City and the financial transaction 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 quarter and each fiscal year and for such other periods as may be required by the Mayor or 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 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.

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 or 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 deposit of all City moneys as required by this section. All fees received by any elective officer, appointee or employee 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 by ordinance or resolution determine.

5.305 Annual Independent Audit

At least 120 days after each fiscal year, the Mayor shall provide for an annual audit of the accounts of all elective officers, appointees and departments of City government by public accountants, who have no personal interest, direct or indirect, in the financial affairs of the City or any of its departments, 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 accounts of any department, 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 Assessor 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 Finance Director, the City Attorney, or their designees, and three electors of the City, to be appointed annually by the Council before the date of the first meeting prescribed by law. 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. On its own motion, or on 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.

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 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 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 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 Assessor shall present the original assessment roll to the Board of Commissioners of Oakland County at its October meeting. 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 5.407.

5.407 City Property Taxes

City property taxes as levied by the Council shall be spread upon the assessment roll by the City Assessor. The City Assessor shall then deliver to the 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 31st and subject to additional charge beginning on the first business day of September and on the first business day of each month during which the taxes remain unpaid.

Amended August 2016.

5.409 Publication

The City Treasurer shall give notice in a daily newspaper of general circulation in the City for six (6) secular days immediately preceding July 1 that: (a) City property taxes may be paid at any time through July 31 without any collection fee therefor, and (b) an additional charge (and the amount thereof) will be made on August 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, the City Assessor shall spread upon the assessment roll 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 Assessor shall deliver a certified copy of the assessment roll to the City Treasurer.

5.413 Notice of Taxes Due

Upon receiving the assessment roll, the Treasurer shall give notice to the taxpayers of the City that the roll has been delivered, and that such school, county, and other property taxes levied can be paid at any time from December 10 until the next January 10 without any charge for collection, but that a 4% collection fee will be collected upon all taxes remaining unpaid after January 10. The notice shall be given six (6) successive times in a newspaper of general circulation in the City. Any defect in the notice, or any non-compliance with the provisions of this section, does not invalidate the assessment roll or any measure taken to enforce collection of taxes.

5.414 Collection of Taxes

For the collection of all unpaid taxes after each July 31 and January 10, 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 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 treasurer of the board of education 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 General Law

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

5.417 Part Payment

Any person owning an undivided share or other part of real property, assessed in one description, may pay on the share or part owned to the whole parcel. The partial payor shall accurately describe the share or part being paid and the receipt given and the record of the receiving officer shall show such description and by whom paid.

In case of sale of the remaining share or part for non-payment of taxes, the partial

payor may purchase in like manner as any disinterested person. These provisions shall include all taxes that may be made against real property, including special assessments.

5.418 Fees and Penalties

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

5.419 Records of Ownership

The City Assessor shall, at least monthly, make and keep a corrected record of the changes of ownership of real property in the City as shown by the Records of the Oakland County Register of Deeds.

Chapter 5

Bonds

5.501 Borrowing Authority

The City may borrow money and issue bonds therefor on the faith and credit of the City subject to the limits fixed 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 law, charter or ordinance. No bonds shall be issued to defray operating and 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 shall be payable as provided by law. The bonds and the coupons evidencing interest upon the bonds shall be executed as provided by ordinance.

5.505 Special Assessment Borrowing

The City may raise money by borrowing in anticipation of the receipts from special assessments for the purpose of defraying the 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 faith and credit of the City for the payment of such borrowings.

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 shall order such improvement to be made. In other cases public improvements may be made in the discretion of the Council by resolution.

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 5% 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

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 or weight; 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.

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 permit 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 Residency

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.

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.

6.104 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.

6.105 Vacancy

The position of any elective officer or appointee shall become vacant upon death, resignation, 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 or this charter.

6.106 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 manner provided for the original appointment.

6.107 Conflict of Interest

(a) 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. 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 exists.

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

(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 by blood or marriage within the second degree of an applicant for employment by the City, shall immediately be disqualified from, and shall not participate in any way in, the hiring process for that applicant.

If it is established upon complaint made by any City resident 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 recall or dismissal of the City officer or appointee involved. Further, a City officer or appointee violating this provision is 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.

6.108 Retirement Plans Continued

The retirement plans of the City existing when this charter takes effect, including 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 and shall, in all respects, continue in existence exactly as before unless changed in accordance with law or by ordinance.

6.109 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.

6.202 Rents, Tolls, Excises and Taxes

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

6.203 Eminent Domain

The City has the power of eminent domain and, to the extent permitted by 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 subsequent grade changes in the grades of streets, alleys, public highways, pavements, sidewalks, or curbs, where the prior improvements were financed by special assessments, shall be 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 of (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 in a daily newspaper of general circulation in the City at least four (4) weeks in advance of the deadline.

The notice shall:

- a. contain the proposed rule or a statement of its substance;
- b. specify the elective officer, appointee or employee from whom additional information can be obtained; and

- c. specify the time, place and method for presentation of views by interested persons.

The department or agency shall give any interested person the opportunity to submit written recommendations and comments, copies of which shall be kept on file for 12 months and made available for public inspection.

No rule shall become effective until it has been published in a daily newspaper of general circulation in the City. 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 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.

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

If such certificate shows that the number of registered electors signing the petitions equals or exceeds 15% of the electors voting at the preceding City general election, the Council shall within 20 days thereafter:

- (a) adopt the ordinance without alteration (subject to the referendum provided by charter); or
- (b) call a special election to be held within 90 days; at the special election, the proposed ordinance shall be submitted without alteration to electoral vote.

6.403 Petitions

If the petitions are signed by registered electors equal to at least 5% but less than 15% of the electors voting at the preceding City general election and the proposed ordinance is not adopted without alteration by the City within 20 days, then the proposed ordinance, without alteration, shall be submitted by the Council to electoral vote at the next scheduled election in the City occurring at any time after 30 days from the date of the Clerk's certificate.

6.404 Referendum

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

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

6.405 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.

6.406 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.

6.407 Publication

Whenever an ordinance is required to be submitted to an electoral vote, the Council shall have the ordinance published in a newspaper of general circulation in the City, once in each week for two (2) successive weeks immediately preceding the election.

6.408

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.

6.409

Effect of Vote

An ordinance approved by electoral vote shall not thereafter be repealed or amended 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.

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 the 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.

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, 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.

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 transportation to the City and its inhabitants. No such contract 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.

Chapter 7

Rules of Interpretation

6.701 Severability

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

ARTICLE VII
TRANSITIONAL PROVISIONS

7.101 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 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.

7.102 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.

7.103 Rights and Liabilities Continued

At the time this charter takes effect, all property, moneys 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.

7.104 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 employees existing when this charter takes effect with respect to appointment, ranks, grades, tenure of office, promotions, removal, pension and retirement rights.

7.105 Successor Officers

Where 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 reference 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.

7.106 Amendments and Revisions
This charter may be amended or revised as provided by law.

7.107 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.

7.108 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.

7.109 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 VIII
SCHEDULE

8.101 Electoral Vote; Effective Date; First Officers

- (a) This charter shall be submitted to the people of Pontiac for adoption at a special election to be held on September 15, 1981.
- (b) If this charter is adopted, this charter shall take effect on May 3, 1982, except that subpart (d) below shall have immediate effect.
- (c) City Commissioners elected at the general election, to be held November 3, 1981, under the old charter, shall continue to serve as member of the City Council under this new charter for extended terms which expire on the first business day following January 1, 1986.
- (d) A special general election to elect the first Mayor of the City of Pontiac under this charter shall be held on Monday, April 5, 1982. The ballot for such special election for Mayor shall contain as candidates the names of all persons who shall have filed non-partisan nominating petitions for Mayor on or before February 1, 1982 containing the 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.

8.102

Ballot Question

This charter shall be submitted to the electors on September 15, 1981 for adoption in the manner and with the effect prescribed by law as follows:

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

Yes_

No_

Resolution of Adoption

27th day of May, 1981