

Proposal Number: 15

Name of Proposed Section: Rulemaking Procedure

Suggested Article: In General

Introduced by: Commissioner Cherry

Date Introduced: 10/8/2015

Date Reported for Second Reading: 5/12/2016

Date of Second Reading: 5/26/2016

Date Reported for Third Reading:

Date Passed:

Text:

- A. Whenever this Charter requires the adoption of a rule, it shall be adopted in accordance with this section.
- B. The person having rulemaking authority, or an agent, shall give **PUBLIC**¹ notice of a hearing ~~by publication in a daily newspaper of general circulation in the City of Flint~~ **IN THE MANNER REQUIRED BY THIS CHARTER**² at least two (2) weeks in advance of the hearing.
- C. The **PUBLIC**³ notice of hearing shall:
 1. Contain the title and an abstract of the proposed rule; and
 2. Specify the officer or employee from whom additional information can be obtained; and
 3. Specify the time, place and method for presentation of views by the interested persons.
- D. At least two (2) weeks prior to said hearings:
 1. A copy of the **PUBLIC**⁴ notice of hearing shall be sent to all persons who have made their interest know, or representatives thereof; and
 2. Copies shall be filed with the City Clerk for public inspection.

¹ Amended in Committee of the Whole 3/24/2016

² Amended in Committee of the Whole 3/24/2016

³ Amended in Committee of the Whole 3/24/2016

⁴ Amended in Committee of the Whole 3/24/2016

- E. The hearing shall be fairly conducted and any interested person shall have the right to be heard.
- F. No rule shall become effective until it ~~has been published in a newspaper of general circulation in the City~~ **IS PUBLICALLY AVAILABLE AT THE CITY CLERK'S OFFICE AND/OR ON THE CITY WEBSITE.**⁵
- G. Any deletion or change in any rule must be effectuated in accordance with this procedure.
- H. Notwithstanding the preceding provision, if the Mayor or the City Council by an affirmative vote of a majority of the Council members elect declare in writing that an emergency requires the adoption of a specific rule, the proposed rule may be given immediate effect by the rulemaking authority for a period not to exceed sixty (60) days pending completion of the required procedure.
- I. If rules governing hearing procedures for resolving matters in dispute are adopted, those rules shall forbid the admission of any evidence where the admission would be contrary to due process of law.

⁵ Amended in Committee of the Whole 3/24/2016