

Proposal Number: 24

Name of Proposed Section: {Proposal contains multiple sections}

Suggested Article: Executive Branch

Introduced by: Commissioner Phaneuf

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Date Reported for Third Reading:

Date Passed:

Text:

Sec. 4-101 MAYOR.

The Mayor is the chief executive officer of the City and shall have such powers and duties as are granted by State law or this Charter.

Sec. 4-102 TERM OF OFFICE.

The Mayor shall serve for a period of four (4) years commencing at 12 o'clock noon on Monday following the regular **CERTIFICATION OF THE**¹ Mayoral general election **AND SHALL SERVE IN THAT OFFICE UNTIL THE NEXT GENERAL ELECTION AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIED.**

Sec. 4-103 OBLIGATION OF LEADERSHIP.

The Mayor shall take care that the laws be enforced and shall recommend to the City Council from time to time proposals for dealing with the problems of the City. At least once a year, the Mayor shall present at the State of the City Address to the City Council and to the public-at-large.

Sec. 4-201 CITY ADMINISTRATOR.

~~A. The Mayor, with the approval of the City Council, shall appoint a City Administrator who shall be the Chief Administrative Officer of the City.~~

~~B. The City Administrator shall serve at the pleasure **WILL**² of the Mayor.~~

¹ Amended in Committee of the Whole 1/19/2017 and 3/2/2017

² Amended in Committee of the Whole 6/14/2016

THE CITY ADMINISTRATOR SHALL BE APPOINTED BY THE MAYOR WITH THE APPROVAL BY CITY COUNCIL IN ACCORDANCE TO SEC. 1-501 AND SHALL SERVE AT THE WILL OF THE MAYOR.³

Sec. 4-202 EXECUTIVE STAFF.

- A. The Mayor shall, in accordance with law appoint **FIVE (5) EXECUTIVE STAFF, INCLUDING THE CITY ADMINISTRATOR APPOINTED IN ACCORDANCE TO SEC. 1-501 WHO** ~~the principal officials responsible for budget, personnel, planning, legal counsel, and administrative services; they⁴~~ shall serve at the pleasure **WILL⁵** of the Mayor.
- B. ~~Other principal staff officials and their responsibilities may be created by the City by law.~~
- C. ~~There shall be no more than ten FIVE (10-5)⁶ principal staff officials serving at the pleasure WILL⁷ of the Mayor.~~

Sec. 4-203 EXECUTIVE DEPARTMENTS.

- A. **THE CITY SHALL CREATE THE FOLLOWING EXECUTIVE DEPARTMENTS:**
~~The City shall, in accordance with law, create such executive departments as may be necessary to administer the responsibilities of the City for public safety, public works, utilities, parks and recreation, transportation including aviation, finance, community development, and environmental protection.~~
 - 1. **THE DEPARTMENT OF LEGAL AFFAIRS WHICH SHALL HEADED BY THE CITY ATTORNEY.**
 - 2. **THE DEPARTMENT OF HUMAN RESOURCES WHICH SHALL BE HEADED BY THE HUMAN RESOURCE DIRECTOR.**
 - 3. **THE DEPARTMENT OF FINANCE WHICH SHALL BE HEADED BY THE CHIEF FINANCIAL OFFICER.**
- B. **THE CITY SHALL, IN ACCORDANCE WITH LAW, CREATE OTHER SUCH EXECUTIVE DEPARTMENTS AS MAY BE NECESSARY TO ADMINISTER THE RESPONSIBILITIES OF THE CITY FOR PUBLIC SAFETY, PUBLIC WORKS, PUBLIC HEALTH, UTILITIES, PARKS AND RECREATION, TRANSPORTATION, COMMUNITY DEVELOPMENT, BLIGHT ELIMINATION, PLANNING, ENVIRONMENTAL PROTECTION AND OTHERS AS NECESSARY.⁸**

³ Amended in Committee of the Whole 1/19/2017

⁴ Amended in Committee of the Whole 1/19/2017

⁵ Amended in Committee of the Whole 6/14/2016 and 2/28/2017

⁶ Amended in Committee of the Whole 6/14/2016

⁷ Amended in Committee of the Whole 6/14/2016

⁸ Amended in Committee of the Whole 1/19/2017

- C. The City may, in accordance with law, on recommendation of the Mayor, create and reorganize departments as may be necessary to meet the needs of the citizens for public services and facilities.
- D. The head of each department shall be appointed by the Mayor in **THE MANNER REQUIRED BY THIS CHARTER** ~~accordance with law and with the approval of the City Council⁹~~ and shall serve at the pleasure **WILL¹⁰** of the Mayor **UNLESS OTHERWISE INDICATED IN THIS CHARTER.**
- E. There shall be no more than ~~ten (10)~~ **EIGHT (8)¹¹** executive departments.
- F. **DEPARTMENT DIRECTORS SHALL BE RESPONSIBLE FOR THE ADMINISTRATION AND MANAGEMENT OF THEIR DEPARTMENT IN ACCORDANCE WITH THIS CHARTER, THE CITY OF FLINT ORDINANCES, RESOLUTIONS AND/OR POLICIES; THE LAWS OF THE STATE OF MICHIGAN AND THE UNITED STATES AS APPLICABLE. THE DEPARTMENT ADMINISTRATION MAY INCLUDE THE DEVELOPMENT AND OR MANAGEMENT OF GOALS, OBJECTIVES, AND OPERATIONAL POLICIES; OF THE BUDGET PREPARATION, MANAGEMENT AND EXPENDITURE AUTHORIZATION; OF THE DEPARTMENT EMPLOYEE ASSIGNMENTS, SUPERVISION AND DISCIPLINE; AND FOR THE REPORTING ON THE DEPARTMENT'S ACTIVITIES, FUNCTIONS AND ACCOMPLISHMENTS TO THE MAYOR, CITY COUNCIL AND THE CITIZENS OF THE CITY OF FLINT.**

SEC 4-301 FINANCE DEPARTMENT

- A. **THE FINANCE DEPARTMENT SHALL ESTABLISH A SYSTEM OF FINANCIAL MANAGEMENT AND ADMINISTRATION THAT MEETS THE SOCIAL, ECONOMIC AND PROGRAM NEEDS OF THE PEOPLE OF THE CITY.**
- B. **THE FINANCE DEPARTMENT WILL PROVIDE PROPERTY ASSESSMENT, INCOME TAX ASSESSMENT, TAX COLLECTION, BUDGETING, TREASURY, INFORMATION TECHNOLOGY, ACCOUNTING, ACCOUNTS PAYABLE, PAYROLL, PURCHASING, GRANT REPORTING, AND RISK MANAGEMENT SERVICES. THE DEPARTMENT PREPARES THE STRATEGIC COMPREHENSIVE ANNUAL FINANCIAL REPORT AND THE CITY'S BUDGET. THE MAYOR MAY ASSIGN ADDITIONAL FINANCIAL AND ADMINISTRATIVE FUNCTIONS TO THE FINANCE DEPARTMENT AS MAY BE NECESSARY.**
- C. **CITY TREASURER AND CITY ASSESSOR**

⁹ Amended in Committee of the Whole 1/19/2017

¹⁰ Amended in Committee of the Whole 6/14/2016

¹¹ Amended in Committee of the Whole 1/19/2017

1. **THE CITY TREASURER AND THE CITY ASSESSOR ARE A FUNCTION OF THE FINANCE DEPARTMENT.**
2. **THE MAYOR SHALL APPOINT A CITY TREASURER AND A CITY ASSESSOR WITH THE APPROVAL BY CITY COUNCIL IN ACCORDANCE TO SEC. 1-501.**
3. **THEY SHALL PERFORM THE DUTIES REQUIRED BY LAW OR ASSIGNED TO THEM BY THE MAYOR OR ANY PERSON DESIGNATED BY THE MAYOR.**
4. **THEY SHALL NOT SERVE AT THE WILL OF THE MAYOR, BUT SHALL BE SUBJECT TO REMOVAL IN THE MANNER PROVIDED BY LAW OR THIS CHARTER.¹²**

Sec. 4-301401 ~~GENERAL PURPOSE OF PERSONNEL CHAPTER~~ HUMAN RESOURCES DEPARTMENT.

- A. ~~The general purpose of this Chapter is to establish a system of personnel administration that meets the social, economic, and program needs of the people of the City.~~ **THE HUMAN RESOURCES DEPARTMENT SHALL ESTABLISH A SYSTEM OF PERSONNEL ADMINISTRATION THAT MEETS THE SOCIAL, ECONOMIC, AND PROGRAM NEEDS OF THE PEOPLE OF THE CITY.¹³**
- B. This system shall provide means to recruit, select, develop and maintain an effective and responsive work force, and shall include policies and procedures for **VOLUNTEERS OR OTHERS ACTING ON BEHALF OF THE CITY OF FLINT**, employee hiring and advancement, training and career development, job classification, salary administration, retirement, fringe benefits, discipline, discharge, and other related activities.
- C. **EMPLOYEES OF THE CITY HAVE THE RIGHT TO COLLECTIVE ORGANIZATION AND COLLECTIVE BARGAINING.¹⁴**
- D. All appointments and promotions in the City of Flint shall be based on merit and fitness.
- E. ~~No City employee or applicant for employment, or any person or group engaged in the conduct of official business or seeking to be engaged in the conduct of official business, shall be discriminated against because of race, color, religion, national origin, age, political orientation, sex, or non-disabling handicap. It shall be the responsibility of the City to take affirmative action, as required by law, to assure that all levels of the Classified Service are reasonably representative of the minority and sex composition of the City.~~ **NO CITY EMPLOYEE OR APPLICANT FOR EMPLOYMENT MAY BE DISCRIMINATED AGAINST BECAUSE OF RELIGION, RACE, ETHNICITY, COLOR, NATIONAL ORIGIN, AGE, POLITICAL ORIENTATION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HEIGHT, WEIGHT, DISABILITY, FAMILIAL STATUS,**

¹² Amended in Committee of the Whole 1/19/2017

¹³ Amended in Committee of the Whole 1/19/2017

¹⁴ Amended in Committee of the Whole 1/19/2017

MARITAL STATUS, ECONOMIC STATUES OR ANY STATUS PROTECTED BY THE LAWS OF THE STATE OF MICHIGAN OR THE UNITED STATES OF AMERICA. THE HUMAN RESOURCES DEPARTMENT SHALL TAKE ALL ACTION PERMITTED BY LAW TO ENSURE FAIR AND EQUITABLE TREATMENT OF ALL EMPLOYEES AND APPLICANTS FOR EMPLOYMENT.

SEC. 4- 402 DUTIES OF HUMAN RESOURCES DIRECTOR

THE HUMAN RESOURCES DIRECTOR SHALL HAVE THE DUTY TO:

- A. DEVELOP AND IMPLEMENT PERSONNEL POLICIES IN ACCORDANCE WITH SEC. 4-401.**
- B. ESTABLISH AND MAINTAIN RECORDS OF ALL CITY EMPLOYEES WHICH SHALL SET FORTH THE CLASS, TITLE, PAY OR STATUS, AND OTHER RELEVANT DATA FOR EACH EMPLOYEE.**
- C. DISSEMINATE COPIES OF ALL PERSONNEL POLICIES TO ALL INTERESTED PARTIES AND PROVIDE COPIES TO THE CITY CLERK FOR PUBLIC INSPECTION**
- D. CERTIFY THAT PERSONS NAMED IN PAYROLL VOUCHERS HAVE BEEN APPOINTED AND EMPLOYED IN ACCORDANCE WITH THE PROVISIONS OF THIS CHARTER. NO DISBURSING OR AUDITING OFFICER SHALL MAKE OR APPROVE, OR TAKE ANY PART IN MAKING OR APPROVING PAYMENT FOR PERSONAL SERVICE TO ANY CITY EMPLOYEE WITHOUT SUCH CERTIFICATION.**

SEC. 4-403 CLASSIFIED SERVICE

- A. THE HUMAN RESOURCES DIRECTOR SHALL PREPARE, MAINTAIN, AND FROM TIME TO TIME REVISE A CLASSIFICATION PLAN FOR ALL POSITIONS IN THE CLASSIFIED SERVICE. THE CLASSIFICATION PLAN SHALL INCLUDE AN APPROPRIATE TITLE FOR EACH CLASS AND A DESCRIPTION OF THE DUTIES AND RESPONSIBILITIES OF POSITIONS IN THE CLASS. THE HUMAN RESOURCES DIRECTOR MAY CONSULT WITH THE HEADS OF CITY AGENCIES IN THE PREPARATION OF THOSE DESCRIPTIONS.**
- B. ENTRY INTO THE CLASSIFIED SERVICE SHALL, AS NEARLY AS CONDITIONS OF GOOD ADMINISTRATION WARRANT, BE BY OPEN, COMPETITIVE EXAMINATION.**
- C. ORDINANCES SHALL GOVERN ENTRY INTO, AND CHANGE OF STATUS WITHIN, THE CLASSIFIED SERVICE. THE ORDINANCES SHALL BE PREPARED BY THE HUMAN RESOURCES DIRECTOR AND THE MAYOR.**

THE ORDINANCE SHALL BE PRESENTED TO CITY COUNCIL FOR THEIR ACTION IN ACCORDANCE WITH THIS CHARTER.

Sec. 4-404 RECRUTEMENT AND ADVANCEMENT

- A. THE HUMAN RESOURCES DIRECTOR SHALL PREPARE AND CARRY OUT POLICIES FOR THE RECRUITMENT OF CAPABLE PERSONS BASED ON MERIT AND QUALIFICATIONS FOR EMPLOYMENT BY THE CITY AND FOR EMPLOYEE ADVANCEMENT.**
- B. THESE POLICIES SHALL BE FILED WITH THE CITY CLERK AND SHALL BE A PUBLIC RECORD. THEY SHALL BECOME EFFECTIVE THIRTY (30) DAYS AFTER FILING, EXCEPT THAT, WITHIN THE THIRTY (30) DAY PERIOD, THE CITY COUNCIL MAY REVIEW THOSE POLICIES AND, AFTER GIVING THE HUMAN RESOURCES DIRECTOR A FULL HEARING, MAY MAKE CHANGES BY RESOLUTION IF IT FINDS UPON CLEAR AND CONVINCING EVIDENCE THAT THE POLICIES ARE INCONSISTENT WITH HUMAN RESOURCES PRACTICES.¹⁵**

Sec. 4-~~302~~ 405 DEVELOPMENT AND APPLICATION OF PERSONNEL POLICY.

- A. Personnel policy shall be developed by collective bargaining, ordinance, resolution and/or rules adopted in accordance with Sec. 1-801 of this Charter. Personnel policy shall include those factors listed in Sec. 4-301 and all other matters related to wages, hours, terms and conditions of employment.
- B. No disciplinary action may be taken against any member of the Classified Service unless the policy violated has been duly adopted and announced in accordance with the terms of this Charter.
- C. The Civil Service Commission shall have no authority to develop or define personnel policy. It shall adjudicate disputes arising under the application of the personnel policy. The Civil Service Commission may advise the Mayor, ~~Chief Personnel Officer~~ **HUMAN RESOURCES DIRECTOR**,¹⁶ City Council ~~or Board of Hospital Managers~~ as to any policy which it deems inappropriate, but it shall not have the power to develop personnel policy.

Sec. 4-~~303~~ DUTIES AND RESPONSIBILITIES OF THE CHIEF PERSONNEL OFFICER.

- ~~A. The Chief Personnel Officer shall have the duty to:~~
 - ~~1. Develop and implement personnel policies in accordance with Sec. 4-302 A.~~

¹⁵ Amended in Committee of the Whole 1/19/2017

¹⁶ Amended in Committee of the Whole 1/19/2017

2. ~~Establish and maintain records of all City employees which shall set forth the class, title, pay or status, and other relevant data for each employee.~~
 3. ~~Disseminate copies of all personnel policies to all interested parties and provide copies to the City Clerk for public inspection.~~
- B. ~~The Chief Personnel Officer or his authorized agent shall be responsible for certifying that persons named in payroll vouchers have been appointed and employed in accordance with the provisions of this Charter. No disbursing or auditing officer shall make or approve, or take any part in making or approving payment for personal service to any City employee without such certification.~~

Sec. 4-304 **406** LABOR RELATIONS DUTIES AND RESPONSIBILITIES.

- A. The Mayor shall appoint **DESIGNATE** either the ~~Chief Personnel Officer~~ **HUMAN RESOURCES DIRECTOR**¹⁷ or another person as head of Labor Relations.
- B. The person named as head shall hold the position at the ~~pleasure~~ **WILL**¹⁸ of the Mayor.
- C. The head of Labor Relations shall act for the City, under the direction of the Mayor, in the negotiation and administration of collective bargaining contracts.
- D. **THE MAYOR SHALL SUBMIT TO THE CITY COUNCIL FOR APPROVAL ALL COLLECTIVE BARGAINING CONTRACTS AND AMENDMENTS THERE TO BEFORE THEY BECOME EFFECTIVE.**¹⁹ ~~The City Council must approve any collective bargaining contract before it becomes effective.~~
- E. The terms of ~~any~~ **ALL** collective bargaining contracts shall take precedence over any inconsistent rules, ordinances or resolutions setting forth personnel policy.

Sec. 4-305 ~~407~~ UNLAWFUL ACTS PROHIBITED.

- A. No person shall make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under any portion of this chapter or in any manner commit or attempt to commit any fraud preventing the impartial execution of this Chapter and policies.
- B. No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the Classified Service.

¹⁷ Amended in Committee of the Whole 1/19/2017

¹⁸ Amended in Committee of the Whole 6/14/2016

¹⁹ Amended in Committee of the Whole 1/19/2017

- C. No employee of the Office of Personnel, examiner, or other person shall defeat, deceive or obstruct any person in his right to examination, eligibility, certification or appointment under this chapter, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the Classified Service.
- D. Any person who willfully violates any provision of this chapter shall be guilty of a misdemeanor.
- E. Any person who is convicted of a violation under this chapter, shall, for a period of five (5) years, be ineligible for appointment to or employment in a position in the Classified Service, and if such person is an elected or appointed officer or employee of the City, he or she shall forfeit the office or position.

~~Sec. 4-401 APPOINTMENT OF CITY TREASURER AND CITY ASSESSOR.~~

- ~~A. The Mayor shall appoint a City Treasurer and a City Assessor. They shall perform the duties required by law or assigned to them by the Mayor or any person designated by the Mayor.~~
- ~~B. They shall not serve at the pleasure **WILL**²⁰ of the Mayor, but shall be subject to removal in the manner provided by law or this Charter.~~

Sec. 4-501 PLANNING AND DEVELOPMENT

THE CITY OF FLINT SHALL PLAN FOR THE DEVELOPMENT OF THE CITY. THE TERM PLANNING AND DEVELOPMENT AS USED IN THIS CHARTER INCLUDES:

- A. THE COMPREHENSIVE PLAN FOR SOCIAL, ECONOMIC AND PHYSICAL DEVELOPMENT AND CONSERVATION;**
- B. THE CAPITAL IMPROVEMENT PLAN AND CAPITAL BUDGET IMPROVEMENT PLAN;**
- C. ANY DEVELOPMENT OR RENEWAL PROJECT ON OR AFFECTING PUBLIC REAL PROPERTY OR PUBLIC INTERESTS IN REAL PROPERTY, OR REQUIRING PUBLIC ASSISTANCE;**
- D. PROPOSED ORDINANCES FOR THE REGULATION OF DEVELOPMENT OR CONSERVATION;**
- E. PROPOSALS FOR THE DEMOLITION, DISPOSITION OR RELINQUISHMENT OF, OR ENCROACHMENTS UPON, PUBLIC REAL PROPERTY OR PUBLIC INTERESTS IN REAL PROPERTY;**

²⁰ Amended in Committee of the Whole 6/14/2016

F. ANY OTHER ITEMS ADDED BY ORDINANCE.

~~Sec. 4-501~~ **502 DUTIES AND RESPONSIBILITIES OF THE CHIEF PLANNING OFFICER.**

- A. **THE MAYOR SHALL DESIGNATE A CHIEF PLANNING OFFICER WHOSE DESIGNATION SHALL BE SERVE AT THE WILL OF THE MAYOR AND WILL PROVIDE FOR THE PLANNING AND DEVELOPMENT OF THE CITY.** ~~The Chief Planning Officer shall obtain all information and conduct all studies required by the Mayor and the heads of agencies in the preparation of proposals relative to development matters.~~
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- B. The Chief Planning Officer shall have continuing liaison with all agencies of the executive branch **WITH APPROVAL OF THE MAYOR.** ~~, and may assign any relevant study to any agency. Any agency, with the knowledge and consent of the Chief Planning Officer, may undertake the study of any development matter within the scope of its duties.~~²²
- C. The Chief Planning Officer shall receive all reports concerning development matters and other information which it requests. The Chief Planning Officer shall, with the head of any agency involved, evaluate all reports and information in light of the policies, programs and priorities of the Mayor and the ~~Master~~ **COMPREHENSIVE**²³ Plan.

~~Sec. 4-502~~ **DEVELOPMENT MATTERS.**

~~The term DEVELOPMENT MATTERS as used in this Charter includes:~~

- A. ~~The master plan for social, economic and physical development and conservation;~~
- B. ~~The annual capital agenda and capital budget;~~
- C. ~~Any development or renewal project on or affecting public real property or public interests in real property, or requiring public assistance;~~
- D. ~~Proposed ordinances for the regulation of development or conservation;~~
- E. ~~Proposals for the demolition, disposition or relinquishment of, or encroachments upon, public real property or public interests in real property;~~
- F. ~~Any other items added by ordinance.~~

~~Sec. 4-503~~ **PURPOSE OF PLAN.**

²¹ Amended in Committee of the Whole 1/19/2017 and 2/28/2017

²² Amended in Committee of the Whole 1/19/2017

²³ Amended in Committee of the Whole 1/19/2017

~~PLAN or MASTER PLAN has the same meaning as COMPREHENSIVE PLAN. The plan shall be a set of guidelines to assist the Mayor and others in evaluating and implementing specific proposals for the total development of the City and its residents.²⁴~~

~~Sec. 4-504~~ **503 COMPREHENSIVE PLAN.**

~~The Mayor shall propose and the City Council, after review by the Planning Commission, shall approve, with the modifications the Council deems necessary, a comprehensive plan of policies for the social, economic and physical development and conservation of the City.~~ **THE CITY OF FLINT PLANNING COMMISSION SHALL MAKE AND APPROVE A COMPREHENSIVE PLAN FOR THE CITY OF FLINT AS A GUIDE FOR DEVELOPMENT WITHIN THE CITY OF FLINT IN ACCORDANCE WITH THE STATE OF MICHIGAN PLANNING AND ENABLING ACT 33 OF 2008. THE COMPREHENSIVE PLAN WILL HAVE THE SAME MEANING AS MASTER PLAN AS STATED IN STATE LAW.**

- A. THE PLAN SHALL BE A SET OF GUIDELINES TO ASSIST THE MAYOR AND OTHERS IN PREPARING AND IMPLEMENTING SPECIFIC PROPOSALS FOR THE TOTAL DEVELOPMENT OF THE CITY AND ITS RESIDENTS.**
- B. THE CITY PLANNING COMMISSION, IN ACCORDANCE WITH STATE LAW SHALL PROPOSE AND THE CITY COUNCIL SHALL APPROVE THE COMPREHENSIVE PLAN.**
- C. THE CITY PLANNING COMMISSION, IN ACCORDANCE WITH STATE LAW SHALL REVIEW EVERY FIVE YEARS THE COMPREHENSIVE PLAN AND RECOMMEND TO CITY COUNCIL ANY AMENDMENTS NECESSARY TO KEEP THE PLAN CURRENT. THE MAYOR MAY PROPOSE ANY AMENDMENTS TO THE COMPREHENSIVE PLAN TO THE PLANNING COMMISSION WHO SHALL CONSIDER THE MAYOR'S PROPOSED AMENDMENTS AND MAKE THE MODIFICATIONS THAT IT DEEMS NECESSARY.**
- D. IN COMPLIANCE WITH STATE LAW, INTERESTED PERSONS AND GROUPS SHALL BE GIVEN NOTICE AND AN OPPORTUNITY TO BE HEARD BY THE PLANNING COMMISSION AND THE CITY COUNCIL BEFORE APPROVAL OF THE PLAN OR ANY AMENDMENTS TO THE PLAN.²⁵**

~~Sec. 4-505 PERIODIC REVIEW OF PLAN.~~

~~After approval of the plan, the Mayor shall annually propose any amendments necessary to keep the plan current; and the City Council, after review by the Planning Commission, shall consider the Mayor's proposed amendments and make the modifications in the plan that it deems necessary.~~

²⁴ Amended in Committee of the Whole 1/19/2017

²⁵ Amended in Committee of the Whole 1/19/2017

~~Sec. 4-506 PUBLIC HEARINGS.~~

~~Interested persons and groups shall be given notice and an opportunity to be heard by the Planning Commission and the City Council before approval of the plan or any amendments to the plan. The City Council shall conclude its action on the plan annually no later than the date set by ordinance or, in the absence of ordinance, by the first Monday in March.²⁶~~

Sec. 4-507 PROHIBITION ON SALE OF PARK LAND.

~~Notwithstanding any provision of the Master Plan, No CITY OF FLINT OWNED land which is in use as a park OR WAS USED AS A PARK shall be sold, TRANSFERRED or diverted to any use unless approved by a majority of the electors voting thereon at any general or special election. A PUBLIC HEARING SHALL TAKE PLACE NO LESS THAN 90 DAYS PRIOR TO PLACING THE ISSUE ON THE BALLOT.²⁷~~

~~Sec. 4-601 RESPONSIBILITIES AND DUTIES OF CHIEF LEGAL OFFICER.²⁸~~

- ~~A. The individual appointed to the position of Chief Legal Officer shall direct the legal affairs of the City and shall appoint all assistants. The assistant may be attorneys and other persons employed by the City and attorneys under contract to the City. **THE TITLE OF CITY'S CHIEF LEGAL OFFICER SHALL BE THE CITY ATTORNEY FOR THE MUNICIPAL CORPORATION OF THE CITY OF FLINT.²⁹**~~
- ~~B. The Chief Legal Officer shall be the attorney for the City and shall direct the management of all legal matters in which the City is interested. **THE CITY ATTORNEY SHALL BE THE ATTORNEY AND COUNSELOR REGARDING ALL LEGAL MATTERS IN WHICH THE CITY HAS AN INTEREST OR IS A PARTY. THE CITY ATTORNEY SHALL MANAGE AND DIRECT THOSE MATTERS NOT ONLY IN THE INTERESTS OF THE MAYOR OR OF THE CITY COUNCIL, BUT ALSO IN THE BEST INTERESTS OF THE CITY OF FLINT.³⁰**~~
- ~~C. The Chief Legal Officer shall, either personally or through assistants, represent the interests of the City in all actions or proceedings by or against the City or its officers and employees. **THE CITY ATTORNEY SHALL PERSONALLY, OR THROUGH ASSISTANTS, THE REPRESENT INTERESTS OF THE CITY IN ALL ACTIONS OR PROCEEDINGS BY OR AGAINST THE CITY OR ITS PUBLIC SERVANT, WHILE THEY ARE ACTING IN THE SCOPE AND COURSE OF THEIR EMPLOYMENT. IF THE CITY ATTORNEY APPOINTS ASSISTANTS, THEY**~~

²⁶ Amended in Committee of the Whole 1/19/2017

²⁷ Amended in Committee of the Whole 1/26/2017

²⁸ Amended in Committee of the Whole 11/3/2016

²⁹ Amended in Committee of the Whole 11/3/2016

³⁰ Amended in Committee of the Whole 11/3/2016

MAY BE EMPLOYEES OF THE CITY, CONTRACTUAL EMPLOYEES, OR TEMPORARY ON AN AS NEED BASIS.³¹

- D. Notwithstanding the above, the Board of Hospital Managers may contract for legal services and legal representation.
- E. **IN THE EVENT UNUSUAL CIRCUMSTANCES ARISE, THE OMBUDSPERSON MAY RETAIN SPECIAL LEGAL COUNSEL, WHEN CONFLICTS OF INTEREST ARISE, SUCH AS ACTIONS AGAINST AN ELECTED OFFICIAL.³²**

Sec. 4-602 ~~FORM OF DOCUMENTS~~ QUALIFICATIONS³³.

~~All contracts, bonds or legal documents in which the City is concerned shall be prepared by or submitted to the Chief Legal Officer for approval; and the officer shall keep a proper registry of all contracts bonds and legal documents.³⁴~~

- A. **UPON APPOINTMENT, THE CITY ATTORNEY SHALL BE LICENSED TO PRACTICE LAW IN THE STATE OF MICHIGAN, A MEMBER IN GOOD STANDING OF THE STATE BAR OF MICHIGAN ~~BAR ASSOCIATION~~³⁵; HAVE PRACTICED MUNICIPAL LAW AS THE PRINCIPAL VOCATION FOR NO LESS THAN SEVEN YEARS, AND HAVE THE HIGHEST REPUTATION OF INTEGRITY AND ETHICAL PRACTICE AND BEHAVIOR.**
- B. **UPON APPOINTMENT, THE ASSISTANTS CITY ATTORNEY SHALL BE LICENSED TO PRACTICE LAW IN THE STATE OF MICHIGAN, A MEMBER IN GOOD STANDING OF THE STATE BAR OF MICHIGAN ~~BAR ASSOCIATION~~³⁶; AND HAVE THE HIGHEST REPUTATION OF INTEGRITY AND ETHICAL PRACTICE AND BEHAVIOR.**
- C. **THE CITY ATTORNEY OR AN ASSISTANTS CITY ATTORNEY WHO CEASES TO HAVE THESE QUALIFICATIONS SHALL BE SUBJECT FOR REMOVAL.³⁷**

Sec. 4-603 ~~DRAFTING~~ APPOINTMENT, REMOVALS, OR SUSPENSION.³⁸

- A. ~~Upon the request of the City Council, any Council member or the Mayor, the Chief Legal Officer shall prepare, or assist in preparing, any ordinance or resolution for introduction before the City Council.~~ **THE MAYOR SHALL NOMINATE A QUALIFIED CANDIDATE FOR CITY ATTORNEY, AND SHALL BE APPROVED BY AT**

³¹ Amended in Committee of the Whole 11/3/2016

³² Amended in Committee of the Whole 11/3/2016

³³ Amended in Committee of the Whole 11/3/2016

³⁴ Amended in Committee of the Whole 11/3/2016

³⁵ Amended in Committee of the Whole 1/19/2017

³⁶ Amended in Committee of the Whole 1/19/2017

³⁷ Amended in Committee of the Whole 11/3/2016

³⁸ Amended in Committee of the Whole 11/3/2016

LEAST FIVE MEMBERS OF THE CITY COUNCIL. IF COUNCIL DOES NOT DISAPPROVE THE MAYOR'S NOMINEE, IN 60 DAY OF THE SUBMISSION OF THE NOMINATION, THE NOMINEE SHALL BE APPOINTED.³⁹

B. ~~However, the City Council shall in special instances have the right to secure independent legal services when it deems it necessary and proper.~~ THE CITY ATTORNEY SHALL SERVE UNTIL RESIGNATION OR REMOVAL.

- 1. WHEN IT IS NO LONGER THE WILL OF THE CITY TO HAVE THE CITY ATTORNEY SERVE AS SUCH, THE CITY ATTORNEY MAY BE REMOVED, AFTER CONSULTATION WITH THE MAYOR, BY A VOTE OF NO LESS THAN FIVE MEMBERS OF THE COUNCIL OR ON RECOMMENDATION OF THE MAYOR, BY A VOTE OF NO LESS THAN FIVE MEMBER OF THE COUNCIL. IN THE EVENT THE MAYOR VETO THE COUNCIL'S ACTION, SIX MEMBERS OF THE COUNCIL MAY OVERRIDE THE VETO. IN ADDITION, CONVICTION BY PLEA, TRIAL, OR OTHERWISE OF A FELONY OR A MISDEMEANOR RELATING TO MATTERS OF THE CITY OR IF THE CITY ATTORNEY NO LONGER POSSESSES THE REQUIREMENT FOR OFFICE, SHALL BE THE BASIS FOR REMOVAL.**
- 2. THE CITY ATTORNEY MAY BE SUSPENDED AFTER CONSULTATION WITH THE MAYOR, BY A VOTE OF NO LESS THAN FIVE MEMBERS OF THE COUNCIL. IN THE EVENT THE MAYOR VETOES THE COUNCILS ACTION, SIX MEMBERS OF THE COUNCIL MAY OVERRIDE THE VETO.**
- 3. ASSISTANTS CITY ATTORNEY AND OTHER LAW DEPARTMENT STAFF MEMBERS MAY BE APPOINTED, SUSPENDED OR REMOVED AT THE WILL OF THE CITY ATTORNEY.**
- 4. IN THE ABSENCE OR DURING THE DISABILITY OF THE CITY ATTORNEY TO SERVE THE CHIEF DEPUTY CITY ATTORNEY, IF ONE IS DESIGNATED, SHALL SERVE. OTHERWISE, THE ASSISTANT CITY ATTORNEY WITH THE LONGEST SERVICE AS ATTORNEY IN THE OFFICE SHALL SERVE.**

Sec. 4-604 ~~SETTLEMENT OF LITIGATION DUTIES.~~

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

A. GENERALLY -- CITY ATTORNEY SHALL, SHALL EITHER PERSONALLY OR THROUGH ASSISTANTS, BE THE ATTORNEY AND COUNSELOR TO THE MUNICIPAL CORPORATION OF THE CITY OF FLINT, ITS COMMISSIONS,

³⁹ Amended in Committee of the Whole 11/3/2016

AGENCIES, AND OTHER LEGAL BODIES OF THE CITY, ITS MAYOR, ITS CITY COUNCIL AND DEPARTMENT HEADS AND AS SUCH BE RESPONSIBLE FOR ALL THE LEGAL AFFAIRS OF THE CITY.

B. DEFEND THE CITY – THE CITY ATTORNEY SHALL DEFEND ACTIONS AND LAWSUITS AGAINST THE CITY, ITS AGENCIES AND ITS PUBLIC SERVANTS, IN WHICH THE CITY OR PUBLIC SERVANTS ARE A PARTY, WHEN THEY ACT IN THEIR SCOPE AND COURSE OF THEIR EMPLOYMENT ~~OFFICIAL CAPACITY~~.⁴⁰ NO CIVIL LITIGATION OF THE CITY, INCLUDING THOSE FOR WHICH THERE IS INSURANCE, MAY BE SETTLED WITHOUT THE APPROVAL AND CONSENT OF THE CITY COUNCIL.⁴¹

C. INITIATE LEGAL ACTIONS -- THE CITY ATTORNEY IS THE PROSECUTOR FOR THE PEOPLE OF THE CITY OF FLINT AND SHALL EITHER PERSONALLY OR THROUGH ASSISTANTS:

- 1. INSTITUTE AND CONDUCT, ON BEHALF OF THE PEOPLE, ALL CASES ARISING UNDER THIS CHARTER OR CITY ORDINANCES AND WHEN AUTHORIZED TO DO SO BY LAW AND CASES ARISING UNDER STATE OR FEDERAL LAW.**
- 2. PROSECUTE ALL THESE CASES, INCLUDING ALL RECOGNIZANCES AND BAIL FORFEITURES, IN THE COURTS OF ORIGINAL JURISDICTION AND ON APPEAL.**
- 3. PROSECUTE ALL ACTIONS FOR THE RECOVERY OF FINES, PENALTIES AND OTHER MONIES ARISING OUT OF THESE OWED TO THE CITY.**
- 4. ENFORCE THE CITY’S ORDINANCES AND ITS CHARTER AND PROSECUTE VIOLATIONS OF THE CITY’S ORDINANCES AND ITS CHARTER**

D. ISSUE LEGAL OPINIONS – THE CITY ATTORNEY SHALL GIVE LEGAL OPINIONS TO THE CITY, ITS AGENCIES AND ELECTED AND APPOINTED OFFICIALS AND SHALL MAINTAIN A BOOK OF OPINIONS IN THE LAW OFFICE AND FILED WITH THE CITY CLERK. THE CITY ATTORNEY MAY RENDER ADVICE TO PUBLIC SERVANTS AND SUCH ADVICE IS SUBJECT TO ATTORNEY TO ATTORNEY CLIENT PRIVILEGE. ⁴²

⁴⁰ Amended in Committee of the Whole 1/19/2017

⁴¹ Amended in Committee of the Whole 11/3/2016

⁴² Amended in Committee of the Whole 1/19/2017

- E. DRAFT AND APPROVE LEGAL DOCUMENTS -- ALL CONTRACTS, BONDS OR LEGAL DOCUMENTS IN WHICH THE CITY IS CONCERNED SHALL BE PREPARED BY OR SUBMITTED TO THE CITY ATTORNEY FOR APPROVAL FOR LEGALITY AND FORM; AND THE OFFICER SHALL KEEP A PROPER REGISTRY OF ALL CONTRACTS BONDS AND LEGAL DOCUMENTS AND FILE A COPY WITH THE CITY CLERK.**
- F. DRAFT ORDINANCES AND RESOLUTIONS -- UPON THE REQUEST OF THE CITY COUNCIL, ANY COUNCIL MEMBER OR THE MAYOR, THE CITY ATTORNEY SHALL PREPARE, OR ASSIST IN PREPARING, ANY ORDINANCE OR RESOLUTION FOR INTRODUCTION BEFORE THE CITY COUNCIL.**
- G. SPECIAL COUNSEL FOR THE MAYOR OR THE COUNCIL -- THE CITY COUNCIL AND THE MAYOR SHALL, IN SPECIAL INSTANCES, HAVE THE RIGHT TO SECURE INDEPENDENT LEGAL SERVICES WHEN IT DEEMS IT NECESSARY AND PROPER.**
- H. MANAGEMENT OF THE LAW DEPARTMENT – THE CITY ATTORNEY SHALL BE RESPONSIBLE FOR THE MANAGEMENT OF THE LAW DEPARTMENT AND SHALL FOLLOW THE POLICIES OF THE CITY WHENEVER PRACTICAL. THE CITY ATTORNEY SHALL BE RESPONSIBLE FOR THE MANAGEMENT OF THE PERSONNEL OF THE DEPARTMENT.⁴³**

~~Sec. 4-605 ADVICE AND OPINIONS.~~

~~Upon the request of the Mayor, a member of the City Council or the head of any agency, the Chief Legal Officer shall give legal advice and opinions.~~

~~Sec. 4-606 PENAL MATTERS.~~

- ~~A. The Chief Legal Officer is the prosecutor for the people of this City and shall either personally or through assistants:
 - ~~1. Institute and conduct, on behalf of the people, all cases arising under this Charter or City ordinances and when authorized to do so by law, cases arising under State law.~~
 - ~~2. Prosecute all these cases, including all recognizances and bail forfeitures, in the courts of original jurisdiction and on appeal.~~
 - ~~3. Prosecute all actions for the recovery of fines, penalties and other monies arising out of these cases.~~~~

⁴³ Amended in Committee of the Whole 11/3/2016

~~B. The City may, by ordinance, provide fines, penalties or other punishment for the violation of this Charter or ordinance to the extent permitted by law.⁴⁴~~

⁴⁴ Amended in Committee of the Whole 11/3/2016