

Proposed 2017

# FLINT

## City Charter



**City of Flint Charter Review Commission  
May 9, 2017 Version**



## **City of Flint Charter Review Commission**

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**This Charter will be placed on the August 8, 2017 ballot for the residents of the City of Flint to vote on in the form of the following question:**

**Shall the Charter proposed by the Flint Charter Revision Commission be adopted?**

**Yes / No**

This proposed Charter was unanimously approved by the City of Flint Charter Review Commission on May 9, 2017.

This Charter has been reviewed by the State of Michigan Attorney General's Office as is required by state law.

A copy of the Charter with a summary of major changes is available on the Charter Commission's website [www.flintcitycharter.com](http://www.flintcitycharter.com)

# Proposed 2017 Flint City Charter

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## **PREAMBLE**

We the people of the City of Flint, under the constitution and laws of the State of Michigan, in order to secure the benefits of local self-government and to provide for an honest, transparent, and accountable government do hereby adopt this charter and confer upon the city the following powers, subject to the following restrictions, and prescribed by the following procedures and governmental structure. By this action, we secure the benefits of home rule and affirm the values of equality, freedom, justice, representative democracy, professional management, strong political leadership, citizen participation, environmental justice, and effective government.

## **DECLARATION OF RIGHTS**

1. The people of the City of Flint have in this Charter reaffirmed their faith in fundamental human rights and in the equal rights of men and women. They have determined to promote social progress and to guarantee that City government serves the citizenry. The people of Flint have mandated that the City shall provide for public peace and health and for the safety of persons and property in the City; and they require that City officers promote respect for these rights and freedoms.
2. The people have a right to and city officers shall pledge themselves to assure residents and businesses a clean, safe, blight free environment, safe and decent housing; job opportunities; clean air, access to safe drinking water, clean waterways and a sanitary City; health care; safe roadways, sidewalks and convenient public transportation; recreational activities and facilities; and cultural enrichment.
3. The City has an affirmative duty to secure the equal protection of the law for each person and to insure equality of opportunity and social equity for all persons. No person shall be denied the enjoyment of civil or political rights or be discriminated against in the exercise thereof. It is the intent of the City of Flint that no individual be denied equal protections of the laws, nor shall an individual be denied the enjoyment of his or her civil rights or be discriminated against because of religion, race, ethnicity, national origin, age, political orientation, sex, sexual orientation, gender identity, height, weight, disability, familial status, marital status, economic status, or any status protected by the laws of the State of Michigan or United States of America.
4. A person shall have reasonable access to all files and records of the City which relate to his or her rights and duties.
5. The people shall have the right to know the rules and regulations governing dealings between the City and the public and shall have access to review procedures on administrative decisions.

6. The City shall endeavor to secure application of the principle: of one person one vote for any regional policy making body which taxes or provides any service to City residents or takes any action affecting the City's interest.
7. Only such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare of the City shall limit the exercise of individual rights and freedoms.
8. The rights and freedoms set forth in this Declaration may in no case be exercised contrary to the purposes and principles of this Charter.
9. The enumeration in this Charter of certain rights shall not be construed to deny or disparage others retained by the people.
10. The City may enforce this Declaration of Rights and other rights retained by the people.

## **ARTICLE 1 – IN GENERAL**

### **Sec. 1-101 NAME**

The Municipal Corporation previously created and presently existing, known and designated as the “City of Flint” shall continue as a corporate body under the same name.

### **Sec. 1-201 BOUNDARIES**

The boundaries of the City of Flint existing when this Charter takes effect shall continue in force until changed in accordance with law.

### **Sec. 1-301 FORM OF GOVERNMENT**

The voters of the City of Flint shall elect a Chief Executive for the City of Flint and a Legislative Body for the City of Flint under this Charter. This Charter may be amended pursuant to the law in order to improve the form of government stated in this section.

### **Sec. 1-401 POWERS OF THE CITY**

- A. The City of Flint has comprehensive home rule powers and all other powers conferred by the Michigan Constitution and State law. The City of Flint’s powers are subject only to the limitations contained in this Charter or State law.
- B. To the extent allowed by law, the City of Flint may establish, or enter into an agreement to establish, as permitted by law, an insurance system to provide, support, supplement or otherwise assist in the provision of automobile and/or property insurance for home owners and renters for City of Flint residents. No less than sixty (60) days prior to any legislative action, the City Attorney shall advise the City Council and Mayor, in writing, on the legal requirements necessary to implement the insurance systems contemplated by this chapter and whether there exists any legal prohibition to implementing the insurance system.

No insurance system shall be implemented without the Mayor and City Council jointly commissioning a feasibility study that must demonstrate the ability of the City of Flint to fund, sustain, and operate the insurance system in a fiscally responsible manner. Any insurance system implemented by the City of Flint shall be done pursuant to ordinance adopted no less than 30 day after introduction of such ordinance and a public hearing no less than 30 days prior to adoption of such ordinance, and in accordance with applicable laws.

City Council may, by ordinance, with reasons stated therein, discontinue the operation of any insurance program implemented under this section. Notice of proposed discontinuation shall be mailed by first class postage to the premises insured or as shown on the insurance policy.

#### Sec. 1-402 LIBERAL CONSTRUCTION

The powers of the City of Flint under this Charter shall be construed liberally in favor of the City of Flint. The specific mention of particular powers in this Charter shall not be construed as limiting in any way the general power of the City of Flint stated in Section 1-401.

#### Sec. 1-403 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.

#### Sec. 1-404 OPEN MEETINGS AND OPEN RECORDS

As required by law, the City, its officials and employees shall comply with, the Open Meetings Act, 1976 PA 267, MCL 15.261 *et seq.*, as amended, and the Freedom of Information Act, and 1976 PA 442, MCL 15. 231 *et seq.* as amended.

#### Sec. 1-405 DEFINITIONS

**AGENCY.** "Agency" means any department, office, multiple member body or other organization of City of Flint government and includes any elective officer, appointee, or person acting or purporting to act in the exercise of official duties.

**AGENCY OF THE EXECUTIVE BRANCH.** "Agency of the executive branch" includes all of the above persons and organizations except for the Board of Hospital Managers and persons and organizations directly responsible to the City Council rather than the Mayor.

**AT-WILL EMPLOYMENT.** "At-will employment" is a term used in U.S. labor law for contractual relationships in which an employee can be dismissed by an employer for any reason (that is, without having to establish "just cause" for termination), and without warning.

**FOR CAUSE.** "For Cause" refers to an action, such as the termination of a contract or a relationship of employment, that it is based on a breach, misfeasance, or other inappropriate action of the other party.

**GROSS NEGLIGENCE.** "Gross negligence" is negligence that is marked by conduct that presents an unreasonably high degree of risk to others and by a failure to

exercise even the slightest care in protecting them from it and that is sometimes associated with conscious and willful indifference to their rights

**IMMEDIATE FAMILY MEMBER.** “Immediate family member” means a person who is living in the same household or related to a public servant as a spouse or as any of the following, whether by marriage, blood or adoption: parent, child, brother, sister, uncle, aunt, nephew, niece, first cousin, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, brother-in-law, or sister-in-law.

**INQUIRY.** An “inquiry” is a request for information. There is no intention in this Charter to make a distinction between inquiries made by City of Flint officials and inquiries made by private citizens.

**LAW.** “Law” refers to the principles of conduct which must be obeyed. Unless the contrary is expressly stated, there is no intention to distinguish between laws in existence on the effective date of this Charter and laws subsequently declared. “State law” refers to the laws of the State of Michigan.

**MEMBERS SERVING, PRESENT AND ELECT.** In calculating an ordinary or extraordinary majority of:

1. **MEMBERS SERVING**, vacant seats are not included.
2. **MEMBERS PRESENT**, neither vacant seats nor those of absent members are included.
3. **MEMBERS ELECT**, all seats are included.

Thus a majority of members elect of a nine (9) person body is five (5) regardless of vacancies or absences.

**MULTIPLE MEMBER BODY.** “Multiple member body” means any board, commission, ad hoc committee, advisory committee and any group however designated, composed of more than one person, and acting, or purporting to act, in the exercise of official duties. The City Council is not a multiple member body.

**ORDINANCE.** An “ordinance” is a local law enacted by the legislative body of the City of Flint either prior to the effective date of this Charter or subsequently.

**PARK.** A “park” is any City of Flint owned land or rights in land that are either designated as a park, in use as a park, previously used as a park, or identified in an approved City of Flint parks and recreation plan or comprehensive plan.

**PRINCIPAL OFFICERS.** “Principal Officers” are those persons appointed to the positions of City Administrator, City Attorney, City Treasurer, City Assessor,

Department Directors, City Clerk, Ombudsperson and those designated Chief Planning Officer and Head of Labor Relations.

**PUBLIC SERVANT.** “Public servants” are all persons employed or otherwise engaged by the corporation of the City of Flint to conduct business on its behalf including but not limited to elected officials, appointed employees, members of boards and commissions, classified employees, contractual employees, and volunteers.

**“Publish” and “Publication.”** See also §1-804, Public Notice.

(a) In addition to what is otherwise required by state law, the requirement contained in this Charter for the publishing or publication of notices, ordinances or proceedings of City Council or other City boards, commissions or authorities, shall be in the following manners:

- (i) By posting in at least three (3) conspicuous places within the City, and
- (ii) By posting on the City’s website, cable site and/or the Internet, and
- (iii) By sending notice to individuals who wish to receive public notices from the City of Flint. The City Clerk shall keep a list of individuals who wish to receive public notices from the City of Flint in a manner as provided by the Freedom of Information Act, 1976 PA 442, MCL 15. 231 *et seq.* as amended. Notices shall be in an expeditious manner, as determined by the City Clerk. The City Clerk shall add to the list, any individual who requests so. The City Clerk may require that individuals confirm their desire to be maintained on the list on a yearly basis.

(b) Prima facie evidence of such publication shall be in the form of an affidavit of the printer or publisher of the newspaper, or the foreman or principal clerk attached to a copy of the notice.

(c) In the case in which the Charter requires or permits the mailing or posting of notices around the city or on the internet, the affidavit of the officer or employee responsible for such mailing or posting, that such notice was mailed or posted shall be prima facie evidence of such mailing or posting.

**STATUTE.** A “statute” is a public act of the Michigan Legislature either in existence on the effective date of this Charter or enacted subsequently.

#### Sec. 1-501 QUALIFICATIONS OF PRINCIPAL OFFICERS

- A. All Principal Officers of the City of Flint shall possess, maintain and document the background and experience appropriate to the position. In such instances where official certification or license is required of a Principal Officer for the City of Flint, the officer shall be required to demonstrate possession of said certificate and maintain the certification for as long as they remain in the

position. Evidence of the background and experience appropriate to the position as well as required certificates shall be presented to City Council. City Council must review the Principal Officer's background, experience, and certifications prior to confirmation of the appointment. The documentation shall be maintained by the City of Flint and made available for public inspection.

- B. The job description and qualifications for each Principal Officer position shall be set forth by ordinance proposed by the Mayor. The ordinance shall describe the duties and responsibilities of each position as well as required qualifications, training, credentials, licensing and experience the Principal Officers must possess. The ordinance shall comply with all applicable laws and any qualifications required by this charter. The City Council must act on the proposed ordinance(s) required in this section within 30 days of introduction.
- C. City council consent of appointments, except the Clerk, City Attorney and the Ombudsperson, which are provided for elsewhere in this Charter:
  - 1. Principal Officer appointments shall be made with the consent of Council. A vote of consent shall be held within 90 days from the time of appointment.
  - 2. If the Principal Officer appointment receives the consent of a majority of City Council members in attendance at a city council meeting, then the appointment is approved.
  - 3. If City Council fails to take a vote for consent within 90 days from the time of the appointment, then the appointment shall become approved.
  - 4. The Mayor may not make and the City Council may not consent to any Principal Officer appointment if there is not a job description and qualifications for the position set forth in ordinance.
  - 5. Appointments shall not take effect until City Council consent or 90 days after the appointment has been made.
- D. Interim appointments, except as to the Clerk, City Attorney, and Ombudsperson, which are provided for elsewhere in this Charter:
  - 1. The appointing officer or body may appoint a Principal Officer as an interim for a time period not to exceed ninety (90) days while the city council reviews the appointment.
  - 2. The person appointed as an interim cannot be re-appointed following the expiration of the appointment period.

#### Sec. 1-502 COMPENSATION OF ELECTED OFFICIALS

- A. A local Officers Compensation Commission is created which shall determine the total compensation of each local elected official. The commission shall consist of 7 members. The members shall be registered electors of the City of Flint, appointed by the Mayor subject to confirmation by a majority of the members elected and serving in the legislative body. The terms of office shall be 7 years, except that of the members first appointed: 1 each shall be appointed for terms of 1, 2, 3, 4, 5, 6, and 7 years. The first members shall be appointed within 30 days after the effective date of the Charter. Members other than the first members shall be appointed before October 1 of the year of appointment. Vacancies shall be filled for the remainder of the unexpired term. A member or employee of the legislative, judicial, or executive branch of government or a member of the immediate family of a member or employee of the legislative, judicial, or executive branch of government shall not be a member of the commission. Individuals who work for businesses or organizations that have a contract with the city or have received payment from the city for services or goods in the past 12 months may not be appointed or maintain membership in the local officers compensation commission.
- B. The Commission shall determine the total compensation of each local elected official. The determination shall be the total compensation unless the legislative body, by resolution adopted by 2/3 of the members elected to and serving on the legislative body, rejects it. The determination of the Commission shall be effective 30 days following its filing with the City Clerk unless rejected by the legislative body. If the determination is rejected, the existing total compensation shall prevail. The expense allowance or reimbursement paid to elected officials in addition to total compensation shall be for expenses incurred in the course of City of Flint business and accounted for to the City of Flint.
- C. When filing a determination with the City Clerk, the Commission shall also report on the total compensation of similar positions in cities of similar population.
- D. The Commission shall meet for not more than 15 session days in each odd numbered year and shall make its determination within 45 calendar days after its first meeting. A majority of the members of the Commission constitutes a quorum for conducting the business of the commission. The Commission shall not take action or make a determination without a concurrence of a majority of the members appointed and serving on the commission. The commission shall elect a chairperson from among its members. As used in this section, "session day" means a calendar day on which the commission meets and a quorum is present. The members of the commission shall not receive compensation, but shall be entitled to actual and necessary expenses incurred in the performance of official duties.

- E. The business which the Commission may perform shall be conducted at a public meeting of the Commission held in compliance with 1976 PA 267, MCL 15.261 to 15.275, as amended. Public notice of the time, date, and place of the meeting of the Commission shall be given in the manner required by 1976 PA 267, MCL 15.261 to 15.275, as amended.
- F. A writing prepared, owned, used, in the possession of, or retained by the Commission in the performance of an official function shall be made available to the public in compliance with 1976 PA 442, MCL 15.231 to 15.246, as amended.

#### Sec. 1-503 RETIREMENT BENEFITS

The City of Flint is authorized and empowered to provide by ordinance for pension benefits for City of Flint employees through the Municipal Employees Retirement System of Michigan authorized under 1984 PA 427, MCL 38.1501, as amended, or its successor organization.

#### Sec. 1-601 OATH OF OFFICE

Every elective officer and every appointee before entering on official duties shall take and subscribe the following oath:

“I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of ..... according to the best of my ability.” Provided in 1963 Const. Art. XI, § 1, and shall file that oath, duly certified by the officer before whom it was taken, in the office of the City Clerk.

#### Sec. 1-602 ETHICS

##### A. Purpose

The purpose of this section is to provide a method of protecting the public interest in the electoral and governmental affairs of this city. This section recognizes that the proper operation of the City of Flint’s government requires that all city public servants, as defined in this charter, be independent, impartial and responsible to the people; that decisions and policy be made in the proper channels of governmental structures; that public office or employment not be used for personal gain; that the integrity and operations of the city government be subject to scrutiny by the public; and that acts or actions not compatible with the best interest of the City of Flint be defined and prohibited.

All City of Flint ordinances not inconsistent with these sections and that effectuate its operation may be retained. Ordinances may be enacted which are

necessary to effectuate the operation of these sections. No ordinance shall be enacted which limits, contradicts or otherwise conflicts with the intent and purpose of these sections.

## B. Application

These standards of conduct apply to public servants including the Mayor, City Council members, any other elected official, appointed officers, appointees, employees, volunteers and contractors as defined in this charter.

To further enable enforcement of this section, the Human Resources department shall maintain a list of public servants who do not receive compensation from the city but that are authorized to conduct business on its behalf. Persons shall not conduct business on its behalf until the Human Resources department has been notified in writing.

## C. Standards

Except as otherwise provided by applicable law, a public servant shall not:

1. Willfully or grossly neglect the discharge of his or her duties;
2. Use or disclose confidential information concerning the property, government or affairs of the City of Flint or any office or department thereof, not available to members of the public and gained by reason of his or her official position;
3. Fail to report to their supervisor or the Office of Ombudsperson a reasonably suspected illegal action or activity in violation of these ethical standards;
4. Use City of Flint property for other than City purposes;
5. Engage in or accept private employment or render services when such employment or service is in conflict or incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of official duties;
6. Represent a private person, business or organization in any action or proceeding pending before the City of Flint or any office or department thereof, except:
  - a. A public servant may represent another person, business or organization before a City of Flint unit of government, office or department where such representation is a required part of his or her official duties;

- b. A public servant who is an uncompensated member of a City of Flint unit of government, board, commission or other voting body may act as an agent, attorney or representative for another person, business or organization in a matter that is pending before a City of Flint department, other than the board, commission or other voting body on which he or she is a member; or
  - c. As long as a City of Flint compensated public servant does so without City of Flint compensation or on his or her leave time from the City of Flint, he or she may act as an agent, attorney or representative for another person, business or organization in a matter that is pending before a City of Flint unit of government, board, commission or other voting body, other than the board, commission or other voting body on which he or she serves as an appointee or as an employee or under a personal services contract.
7. Use his or her official position, in violation of applicable law, to improperly influence a decision of the Mayor, City Council members, Clerk, appointees or employees;
8. A public servant shall not accept gifts, gratuities, honoraria, or other things of value from any person or company doing business or seeking to do business with the City of Flint, seeking official action from the City of Flint, having interests that could be substantially affected by the performance of the public servant's official duties, or who is known to the Public Servant as a registered lobbyist. This prohibition shall not apply to:
- a. An award publicly presented to a public servant by an individual, governmental body or non-governmental entity or organization in recognition of public service.
  - b. Complimentary copies of trade publications, books, reports, pamphlets, calendars, periodicals or other informational materials.
  - c. A gift received from a public servant's relative or immediate family member, provided that the relative or immediate family member is not acting as a third party's intermediary or an agent in an attempt to circumvent this article.
  - d. Admission or registration fee, travel expenses, entertainment, meals or refreshments that are furnished to the public servant:
    - i. By the sponsor(s) of an event, appearance or ceremony which is related to official city business in connection with such an event,

appearance or ceremony and to which one (1) or more of the public are invited; or

- ii. In connection with teaching, a speaking engagement or the provision of assistance to an organization or another governmental entity as long as the City of Flint does not compensate the public servant for admission or registration fees, travel expenses, entertainment, meals or refreshments for the same activity.

9. A public servant who, in the course of his or her duties, exercises significant authority shall not:

- a. Solicit or accept a loan or payment from an individual who is providing service to, receiving tax abatements, credits or exemptions from the City of Flint; or
- b. Unduly influence any decision to fill a position in City of Flint government with an immediate family member.

#### D. Disclosures

1. Except as preempted by State Law, any public servant who in the discharge of official duties would be required to take an official action or make an official decision that would substantially affect the public servant's financial interests or those of an associated business or immediate family member as defined in this Charter must take the following actions:

- a. Prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict of interest
- b. Deliver copies of the statement to the employee's immediate superior, if any; and
- c. If an elected official or appointed official, deliver copies to the City Clerk.
- d. If a potential conflict of interest presents itself and there is insufficient time to comply with clauses (a) to (c), the public servant must orally inform the superior or the official body of service or committee of the body of the potential conflict

2. Except as preempted by State Law:

- a. The superior must assign the matter, if possible, to another employee who does not have a potential conflict of interests.

- b. If there is no immediate superior, the public servant must abstain, if possible, from influence over the action or decision in question.
- c. If the public servant is a member of the City Council, Councilperson is excused from taking part in the action or decision in question.
- d. If the public servant is not permitted or is otherwise unable to abstain from action in connection with the matter, the public servant must file a statement describing the potential conflict and the action taken with the City Clerk.
- e. The statement must be filed within a week of the action taken.

3. The City Clerk shall maintain records of all filings made under this section and post them to the City of Flint's website

E. One year post-employment prohibition.

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

2. Subject to State Law, for a period of one (1) year after employment with the City of Flint, a public servant shall not accept employment with any person or company that did business with the City of Flint during the former public servant's tenure if that public servant was in any way involved in the award or management of that contract. They shall also not disclose confidential information that they may have gained during their employment.

F. Lobbying Registration and Reporting

1. "Lobbying" means all communications with a Public Servant for the purpose of influencing legislative or executive action.

2. "Lobbyist" means with respect to lobbying city government:

a. a person whose expenditures for lobbying are more than \$1,000.00 in value in any 12-month period;

b. a person whose expenditures for lobbying are more than \$250.00 in value in any 12-month period, if the amount is expended on lobbying a single public official; or

c a registered lobbyist under applicable laws, who lobbies Flint city government.

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

a. A lobbyist, as defined by this Charter, who lobbies within the City government shall be required to register with the City and file a report of his or her lobbying activity with the City and its personnel.

b. All documents filed by lobbyists shall be filed with the City Clerk, be a public record and additionally published electronically or by other formats as to provide access to the reports.

c. A fee may be assessed to each lobbyist.

G. Campaign activities using City of Flint property or during working hours

City of Flint public servants and volunteers are prohibited from engaging in campaign activities using City of Flint property or engaging in such activity during working hours and shall comply with 1976 PA 388, MCL 169.201 *et seq.*, as amended. Elected city officials are prohibited from soliciting City of Flint public servants to work on political campaign activities using City of Flint property or during working hours and shall comply with 1976 PA 388, MCL 169.201 *et seq.*, as amended.

H. Campaign finance reports.

Every elective officer or candidate for election shall make public their campaign contributions and expenditures by filing a report or reports thereof as required by State Law.

I. Notice

Every public servant, volunteer and city contractor is to receive training and be provided with a copy of these ethical standards upon passage of this Charter or at time of appointment and or hire or the commencement of services. An updated orientation as may be necessary from time to time. An appropriate record shall be kept.

#### Sec. 1-603 FORFEITURE OF OFFICE AND REMOVAL FOR CAUSE

A. Except for the Ombudsperson who serves at the will of the Ethics and Accountability Board, and the City Attorney, the City Council shall declare the

forfeiture of the office of any elective officer or appointee and may remove for cause any person appointed to an office for a fixed term. In every case there shall be a public hearing before the City Council with public notice published in the manner set forth in this Charter. A City Council member charged with conduct constituting grounds for forfeiture may not participate in the resolution of the charge.

- B. The position of an elective City of Flint officer or an appointee shall be forfeited if he or she:
  - 1. Lacks at any time any qualifications required by law or this Charter; or
  - 2. Violates any provisions of this Charter; or
  - 3. Is convicted of a felony while holding the office or appointment.
- C. The position of City of Flint elective officer or an appointee may be forfeited if he or she violates any provisions of this charter as determined in court.
  - 1. Any resident of the City of Flint and the Ombudsperson shall have standing to file suit in circuit court for a finding of a violation of this Charter on the part of an elected official or appointed officer
  - 2. The court shall determine if a violation of this Charter has occurred and any corrective action that should occur
  - 3. In the event that the elected or appointed officer does not take the corrective action required by the court within 90 days, the court may order the City Council to hold a hearing to consider forfeiture of office
- D. Decisions made by the City Council under this section are not reviewable by the Mayor but are subject to judicial review in a hearing de novo.

#### Sec. 1-701 INTERGOVERNMENTAL RELATIONS

- A. The City of Flint shall have the power to join with any unit of government whether local, state or federal, or with any number or combination thereof, by contract or otherwise, as may be permitted by law, in the ownership, operation or performance, jointly or by one or more on behalf of all, of any property, facility or service which each would have the power to own, operate or perform separately.
- B. Any property or service operated or provided by a governing board or commission established by this Charter may be joined with or transferred to any governing body other than the City of Flint, upon passage of an ordinance

and in accordance with law, notwithstanding any contrary provision of this Charter.

#### Sec. 1-801 RULEMAKING PROCEDURE

- 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 notice of a hearing in a manner required by this Charter at least two (2) weeks in advance of the hearing.
- C. The public 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 notice of hearing shall be sent to all persons who have made their interest known, or representatives thereof; and
  - 2. Copies shall be filed with the City Clerk for public inspection.
- 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 is publically available at the city clerk's office and/or on the city website.
- 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.

#### Sec. 1-802 COMPILATION OF RULES, POLICIES, AND PROCEDURES

- A. Within one (1) year of the effective date of this Charter, the City of Flint shall compile all rules, policies and procedures in effect at that time whether or not adopted in accordance with Sec. 1-801 of this Charter.
- B. Thereafter, new rules, policies and procedures shall be incorporated as soon as practicable after their adoption.
- C. Copies of said compiled rules, policies and procedures shall be (1) furnished to City of Flint officers, (2) placed in libraries and public offices for free public reference, and (3) made available to the public on the City of Flint's website.

#### Sec. 1-803 HEARING PROCEDURE

Hearing procedures for resolving matters in dispute shall be established in accordance with Sec. 1-801 of this Charter.

#### Sec. 1-804 PUBLIC NOTICES

- A. Public notices required in this Charter shall be published by the City of Flint following the same requirements as set forth in §1.405 of this Charter.

## ARTICLE 2 – ELECTIONS

### Sec. 2-101 QUALIFICATIONS FOR ELECTIVE OFFICE.

Every elected City official shall:

Be a registered elector of the City for one year prior to the filing deadline for that office and a resident of the ward for which they serve and continue that residency until the end of their term.

If appointed to the elected office, be a registered elector of the City for one year prior to the filing deadline for that office and a resident of the ward for which they serve and continue that residency until the end of their term.

The City Clerk shall determine the eligibility of candidates for office.

### Sec. 2-201 WARDS.

The City of Flint shall be divided into nine (9) wards, each of which shall nominate and elect a member of the City Council.

Charter Commissioners elected for a revision of this Charter shall be elected in a nonpartisan election from the nine wards established for city council elections, each of which shall nominate and elect a member of the Charter Commission.

### Sec. 2-202 BOUNDARIES OF WARDS.

- A. Each ward shall have the same boundaries as shall exist on the effective date of this Charter until changed in accordance with law.
- B. The City Council shall hold a community meeting prior to the conclusion of the election commission's work on revising boundaries of wards.
- C. The City Council shall revise the boundaries of the wards within the time period required by law. Subsequent to the community meeting the election commission shall establish a public hearing to elicit input from the electorate on the reapportionment of boundaries.
- D. The City shall be divided into nine (9) electoral districts or wards. The wards shall be contiguous, compact and as nearly of equal population as is practicable.
  - a. In no event shall the population of any wards vary by more than one (1) percent from that of any other ward, based upon the most recent official United States decennial census or other census permitted by law.
  - b. Wards shall be apportioned by ordinance pursuant to law and this Charter.

- c. An apportionment ordinance shall be adopted after the release of each U.S. Decennial Census thereafter and at least six (6) months prior to the City primary election to which it first applies.

#### Sec. 2-203 BOUNDARIES OF PRECINCTS

The City Clerk shall revise the boundaries of precincts in accordance with statute and whenever necessary for the orderly administration of elections.

#### Sec. 2-301 TIME OF ELECTIONS.

Commencing in 2026, the voters of the City shall elect a Mayor and a City Council in a primary election and general election to be held upon the same dates as the State of Michigan primary election and the general election in which the voters of the state normally elect a Governor for a four-year term, until 2026 the time for elections is governed by §9-102.

#### Sec. 2-302 NONPARTISAN BALLOT.

The City Clerk shall prepare ballots, which shall conform to the provisions of law. However, no party designation or emblem shall appear on the ballot in regard to City of Flint offices.

#### Sec. 2-303 METHOD OF NOMINATION.

- A. The method of nomination to all elective offices in the City of Flint shall be by petition. A primary election shall be held on those occasions when the number of persons submitting valid nominating petitions exceeds twice the number of vacancies to be filled.
- B. The City Clerk shall receive nominating petitions filed in accordance with the provisions of this charter and statute. Nominating petitions for special primary elections for the filling of vacancies shall be filed with the city clerk as is provided by statute.
- C. The City Clerk shall, prior to every election, publish notice of the last day permitted for filing nominating petitions and of the number of persons to be nominated or elected to each office at least one week and not more than three weeks before the last day on which petitions can be filed.
- D. Nominating petitions submitted by candidates for the office of City Council member shall be signed by at least seventy five (75) of the registered voters of the City of Flint who shall be residents of the ward in which the election is to be held.
- E. Nominating petitions submitted by candidates for the office of Charter Review Commission shall be signed by at least seventy five (75) of the registered voters of the City of Flint who shall be residents of the ward in which the election is to be held.

- F. Nominating petitions submitted by candidates to the office of Mayor shall be signed by at least six hundred (600) registered voters of the City of Flint.
- G. No nominating petitions shall be accepted for filing unless accompanied by an affidavit sworn to by the candidate stating:
  - 1. That the candidate possesses the legal qualifications for the office and requesting that the candidate's name be printed on the ballot
  - 2. Any current direct business interests with the City of Flint by the candidate or a candidate's immediate family member (see definitions sec 1-404), and
  - 3. Any current default on taxes or fees to the City of Flint or any government agency.

Sec. 2-304 NOMINEES.

The number of nominees for each elective City of Flint office selected at each primary election may not exceed twice the number of vacancies to be filled. The nominees are entitled to have their names printed on the general election ballot.

Sec. 2-305 STATE LAW TO APPLY.

Except as otherwise provided by this Charter or ordinance, State law applies to the qualifications and registration of voters, the filing for office by candidates, and the conduct and canvass of City of Flint elections.

Sec. 2-401 INITIATIVE AND REFERENDUM.

- A. The voters of the City of Flint reserve the power to enact City of Flint ordinances, called the "initiative" and the power to nullify s enacted by the City of Flint, called "referendum." However, these powers do not extend to the budget or any ordinance for the appropriation of money.
- B. Petitions for improvements
  - 1. Any number of persons may file petitions for making public improvements, the expense of which is to be borne by special assessments within a specified district. Such petitions shall be filed with the City Clerk and shall detail the proposed scope of improvements and the proposed boundaries of the assessment district. All such petitions shall be presented to the City Council within 60 days after being filed. All such petitions shall be deemed advisory only. Within 120 days after such petitions are filed with the City Clerk, the City Council shall determine, via vote:

- a. If the proposed public improvements are consistent and compatible with the land use, traffic, and other plans of the city.
  - b. If the proposed improvements and assessment are consistent with local, state, and federal law.
  - c. If the proposed improvements and assessment would improve public health, safety, and welfare of citizens.
  - d. If there is potential support within the area of the assessment for the creation of the assessment district for construction of the proposed improvements.
2. If the City Council determines that all of the above are accurate they shall draft an ordinance to create the proposed assessment districts and submit it to voters within the district for their approval at the next regularly scheduled election. If the City Council determines the residents cannot bear the cost of the assessment they shall investigate other funding options for the improvements.

Sec. 2-402 PETITIONS FOR INITIATIVE AND REFERENDUM.

- A. Initiative and referendum petitions must be signed by a number of City of Flint electors equivalent to at least three percent (3%) of the total number of votes cast for Mayor at the last regular Mayoral election.
- B. Petitions shall set forth in full the measure to be initiated or referred as well as a brief statement of its substance.
- C. Signers of petitions shall be voters of the City of Flint. Each signer shall sign his or her name indelibly and shall indicate his or her residence and the date of signing. Each petition paper shall contain a sworn affidavit of the circulator stating that each signature is, to the knowledge of the circulator, the genuine signature of a registered elector and the person whose name it purports to be; and that it was affixed in the presence of the circulator.
- D. The City Clerk shall within ten (10) days, canvass the signatures and present the petition, if found sufficient and proper, to the City Council at its next regular meeting.
- E. If the City Clerk does not find the petitions to be sufficient and proper, the City Clerk shall forthwith notify each circulator by mail of the deficiency.

Sec. 2-403 TIME OF FILING.

- A. An initiatory or referendary petition must be filed with the City Clerk not less than one hundred twenty (120) days before the election at which it is to be voted on. Any signature obtained one hundred twenty (120) days before filing of such petition with the Clerk shall not be counted or considered as a valid signature on the petition upon which it appears.
- B. In addition, a referendary petition must be filed with the City Clerk no later than thirty (30) days from the effective date of the ordinance with which it deals.

Sec. 2-404 COUNCIL ACTION ON INITIATORY OR REFERENDARY PETITIONS.

- A. Upon receiving an initiatory or referendary petition from the City Clerk, the City Council shall within thirty (30) days either:
  - 1. If it be an initiatory petition, adopt the ordinance as submitted in the petition or submit the proposal to the electors; or
  - 2. If it be a referendary petition, repeal the ordinance to which the petition refers or submit the proposal to the electors.
- B. Submission to the voters shall take place at the next election occurring in the city for any purpose or at a special election determined by the City Council, whichever occurs first.

Sec. 2-405 SUSPENSION OF ORDINANCE.

A referendary petition filed with the City Clerk and found to be sufficient shall suspend the operation of the ordinance in question pending repeal by the City Council or final determination by the voters of the City of Flint in the referendum election.

Sec. 2-406 AMENDMENT, REPEAL AND REENACTMENT.

- A. An ordinance adopted by the voters through initiative proceeding may not be amended or repealed by the City Council for a period of twelve (12) months after the date of the election at which it was adopted.
- B. An ordinance nullified by the voters through referendum proceedings may not be reenacted by the City Council for a period of twelve (12) months after the election at which it was defeated.

Sec. 2-407 SUBMISSION BY COUNCIL.

The City Council may, on the passage of its own motion by a two-thirds (2/3) majority of members elect, submit any proposed ordinance or any proposal for the

repeal or amendment of any ordinance to the voters in the manner and with the effect in this Charter for submission of proposals initiated by petition.

Sec. 2-408 DETERMINING RESULT OF ELECTION.

- A. Except as otherwise required by law, the result of any initiative or referendum election shall be determined by a majority of the voters voting on the question.
- B. If two or more initiative or referendum measures submitted to the voters of the City of Flint have conflicting provisions, or attempt to accomplish the same object, and more than one of these measures is approved by the voters, the measure receiving the highest number of affirmative votes shall prevail to the extent of their inconsistency.

Sec. 2-409 SPECIAL ELECTIONS.

- A. Special City elections shall be held when called by resolution of the City Council at least ninety (90) days in advance of such election, or when required by State law. Any resolution calling a special election shall set forth the purpose of such election.
- B. Where this Charter requires that a vacancy in the office of Mayor or City Council member be filled by special election, the special primary election to nominate candidates and the special general election to fill the office shall be called by a resolution of the City Council adopted at least ninety (90) days before the special primary election and at least ninety (90) days before the special general election. The special primary election shall be held at least ninety (90) days before the special general election.

Sec. 2-410 VACANCY IN THE OFFICE OF COUNCIL MEMBER.

Whenever a vacancy occurs on the City Council, the remainder of the unexpired term shall be filled as follows:

- A. If eighteen (18) months or less remains in any unexpired term, the City Council shall within thirty (30) days appoint a person having the same qualifications for such office to fill the remainder of the term.
- B. If more than eighteen (18) months remain in any unexpired term, the City Council shall:
  - 1. Within thirty (30) days appoint a person having the same qualifications for such office; and
  - 2. Schedule a special primary election as soon as possible to be followed by a special election to fill the office for the balance of the unexpired term, to be

conducted in the same manner as is practical for the nomination, primary, and general elections as is provided for in this Charter.

3. The person appointed by the City Council shall serve until the special election is held and a candidate certified as elected.

C. Temporary vacancy in the office of council member

When a Council Member is unable to perform the duties of their office the Council Member may request of City Council to be excused from duties for a period not to exceed forty-five (45) consecutive, calendar days and the City Council shall vote to excuse or not to excuse. If the Council Member does not request to be excused and the Council Member does not perform the duties of their office for forty-five (45) consecutive, calendar days or if the City Council votes not to excuse the Council Member or if the Council Member does not resume their duties at the end of the excused absence then upon public notice and hearing the city council shall vote on whether or not to declare the office vacant.

Sec. 2-411 VACANCY IN THE OFFICE OF MAYOR.

Whenever a vacancy occurs in the office of the Mayor, the remainder of the unexpired term, until the next election shall be filled as follows:

- A. If eighteen (18) months or less remain in the unexpired term or until the next election for a mayor, city council shall appoint an interim mayor.
  1. The Interim Mayor appointment shall be made according to the following order of succession:
    - a. If the City Administrator has been a resident and registered elector of the City for at least 365 days, the City Administrator shall succeed to the Office of Mayor.
    - b. If the City Administrator declines or is unable to succeed to the office, then the City Council shall appoint an elector of the City of Flint to succeed to the vacancy in the Office of Mayor
    - c. If the vacancy occurs in the Office of Mayor, the first order of business of the first City Council meeting after the succeeding Mayor has been sworn in shall be to fill any City Council vacancy created as provided for in section 2-410 (a) or section 2-410 (b) of this charter.
  2. The Interim Mayor shall possess all the powers of the Mayor as provided in this Charter, except the power to remove Mayoral appointees. The power to

remove appointees of the Mayor may not be exercised without the concurrence of the City Council.

3. The Interim Mayor shall receive the same compensation as provided for the office of Mayor.
- B. If more than eighteen (18) months remain in the unexpired term, the City Council, as soon as possible shall:
1. Order a special primary election and a special general election to fill the vacancy for the unexpired term, to be conducted in the same manner insofar as is practicable for the nomination, primary and general election as herein provided.
  2. Until a successor is elected, the vacancy shall be filled in the same manner as described in Section 2-411 (A)(1)
- C. Temporary vacancy in the Office of Mayor
1. Whenever the Mayor is unable to perform the duties of the office or is absent from the office for a period of forty-five consecutive days the City Council, by a vote of two-thirds of the members serving, may declare a temporary vacancy in the office of Mayor and appoint a Temporary Mayor in the same manner as described in section 2-411 (A)(1).
  2. When the Temporary Mayor is a serving City Council member, the City Council member will temporarily relinquish their City Council position for the length of time they serve as the Temporary Mayor and upon the return of the Mayor shall return to their City Council member position.
  3. The Temporary Mayor shall possess all the powers of the mayor as provided in the Charter, except the power to remove mayoral appointees; however, the appointees may be removed by the Temporary Mayor upon concurrence of two-thirds of City Council.
  4. The Temporary Mayor shall receive the same compensation as provided for the office of Mayor.

#### Sec. 2-412 RECALL ELECTIONS.

Any elected official may be recalled from office by the electors of his or her electoral district in the manner provided by State Law.

## **ARTICLE 3 – LEGISLATIVE BRANCH**

### **Sec. 3-101 CITY COUNCIL.**

The legislative power of the City of Flint is vested in a City Council. The City Council has the powers and duties provided by law or this Charter including enactment of ordinances and resolutions, enactment and monitoring of the budget, investigation and monitoring of the affairs of the city, and ensuring qualified and effective candidates fill appointed positions.

### **Sec. 3-102 TERM OF COUNCIL OFFICE.**

Commencing with the election in 2026 as provided in §9-102, which governs City Council terms until 2026, the Council members shall serve for a period of four (4) years commencing at 12 o'clock noon on Monday following the regular certification of the gubernatorial general election and shall serve in that office until the next general gubernatorial election and until a successor is elected and qualified.

### **Sec. 3-103 ORGANIZATION OF CITY COUNCIL.**

- A. Within thirty (30) days of taking office, the City Council shall elect from its members a presiding officer who shall be known as the President of the Council. The President shall be elected to a one (1) year term. The City Council may elect such other officers and appoint such committees and subcommittees as it deems necessary.
- B. The City Council shall determine its own rules of procedure, may compel attendance of members, and may punish its own members for misconduct.

### **Sec. 3-104 RESPONSIBILITIES OF CITY COUNCIL.**

As representatives of the citizens of the City of Flint, City Council members are expected to conduct themselves with appropriate decorum, act respectfully with constituents, each other, and other public servants, attend to the duties of their office as outlined in this charter, and become knowledgeable on the City of Flint Charter, on issues of importance to the City of Flint and the practices of City government.

### **Sec. 3-201 MEETINGS.**

- A. The City Council shall meet at the usual place for City Council meetings at 7:30 p.m., Eastern Standard Time, on the first Monday following certification of the election of its members.
- B. The City Clerk shall preside until the City Council has chosen a President. Thereafter the City Council shall meet at least two (2) times per month at such

times and places as shall be stated in the City Council rules. All meetings called for the purpose of discussing City of Flint business and all gatherings of three (3) or more City Council members at which City of Flint business is discussed shall be public and public notice shall be given in the manner provided by statute for meetings of public bodies.

#### Sec. 3-202 SPECIAL MEETINGS.

The Mayor or any two (2) members of the City Council may call a special meeting of the City Council upon twenty-four (24) hours notice to each City Council member and the public stating the purpose of the meeting.

#### Sec. 3-203 QUORUM.

A majority of the members elect of the City Council shall constitute a quorum, but a smaller number may convene and adjourn from time to time. The City Council may compel attendance of absent members in the manner and subject to the penalties provided by ordinance.

#### Sec. 3-204 VOTING.

- A. Except as otherwise provided by this Charter no action of the City Council shall be effective unless a majority of the members elect of the City Council vote in favor of the action.
- B. Whenever City Council shall hold a vote, all members shall be required to vote either "aye" or "no. All members shall vote on every matter before the City Council, unless the member has a conflict of interest precluding their vote, as set forth in Article 1 § 1-602 of this Charter or as provided by law.
- C. The affirmative and negative votes shall be taken and recorded on all ordinances and whenever requested by one (1) or more members of the Council.
- D. An abstention shall be considered a vote providing the Council member states a reason therefor.

#### Sec. 3-205 INVESTIGATION.

The City Council may make investigations into the affairs of the City of Flint and the conduct of any City of Flint agency pursuant to Sec. 3-206.

#### Sec. 3-206 INVESTIGATIVE POWERS.

- A. The City Council may subpoena witnesses, administer oaths, take testimony and require the production of evidence in any matter pending before it or any of its committees.
- B. 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 City Council shall apply to the appropriate court.

#### Sec. 3-207 PROHIBITION OF INTERFERENCE IN ADMINISTRATION.

Except for purposes of inquiries or investigations in accordance with Sec. 3-206 and regular departmental reporting under sec. 3-208, the City Council and its members shall communicate with City of Flint officers and employees who are subject to the direction and supervision of the Mayor solely through the Mayor, and neither the City Council nor its members shall give orders to any such officer or employee, either publicly or privately.

#### Sec. 3-208 REGULAR DEPARTMENTAL REPORTS.

Upon City Council's request, the Mayor shall require department heads to appear before and report to City Council on a quarterly basis on activities within their departments, progress on departmental budgets, progress on performance goals set in departmental budgets, and to answer questions from City Council.

#### SEC. 3-301 ORDINANCES AND RESOLUTIONS

In accordance with State Law and this Charter, ordinances shall be enacted to provide a permanent rule for the conduct of government, while resolutions shall be adopted to express a determination, to direct an action, or to approve a singular event.

#### Sec. 3-302 INTRODUCTION OF ORDINANCE OR RESOLUTION.

- A. Every proposed ordinance or resolution shall be introduced by a member of City Council or the Mayor. All ordinances shall be introduced in writing.
- B. No ordinance or resolution may contain more than one (1) subject, and the title of the ordinance or resolution must clearly express this subject.
- C. The enacting clause shall be: "It is hereby ordained by the People of the City of Flint . . ."
- D. Any ordinance which repeals or amends an existing ordinance or part of the City Code shall set out in full the ordinance, sections, or subsections to be repealed or amended, and shall clearly indicate matter to be omitted and new matter to be added.

Sec. 3-303 PUBLICATION OF SUMMARY BEFORE PUBLIC HEARING.

- A. Upon introduction of any ordinance, the City Clerk shall:
  - 1. Distribute a copy to each City Council member and to the Mayor;
  - 2. File a reasonable number of copies in the office of the City Clerk and such other public places as the City Council may designate; and
  - 3. Provide notice of the proposed ordinance including the title, the proposed ordinance, or summary thereof, including effective date, the time and place for a public hearing, and the time and date for its consideration by City Council.
- B. The public hearing may not be held sooner than five (5) days after the publication. The public hearing may be held separately or with a regular or special City Council meeting and may be convened from time to time.
- C. All interested persons shall have an opportunity to be heard.

Sec. 3-304 PUBLICATION OF ORDINANCES AND RESOLUTIONS AFTER ENACTMENT.

- A. The City Clerk shall keep a printed journal in the English language of every session of the City Council.
- B. The City Clerk shall authenticate by signature and record all ordinances and resolutions in a properly indexed book kept for the purpose.
- C. After enactment of any ordinance or resolution having the effect of law, the City Clerk shall have it published on the city's website and provide public notice of its adoption in the manner required by this charter.
- D. Every ordinance, resolution having the effect of law, and amendment to this Charter, shall be printed promptly after enactment and shall be made available to the public on the city's website.

Sec. 3-305 VETO.

- A. Every ordinance and resolution passed by the City Council is subject to review by the Mayor unless otherwise stated in this Charter.
- B. No ordinance or resolution of the City Council subject to review by the Mayor shall have any force or effect if:

1. The Mayor or person acting in his or her stead prepares a notice in writing suspending the operation of such ordinance or resolution which sets forth reasons therefor; and
  2. Such notice is filed in the office of the City Clerk within 168 hours after the delivery of the ordinance or resolution to the office of the Mayor by the City Clerk, or an agent of the City Clerk.
- C. If the ordinance is an emergency ordinance, the Mayor will have only twenty-four (24) hours to exercise the veto after receipt of written notice of adoption.
- D. In each case where such notice of veto is filed, such ordinance or resolution shall not become law without further affirmative vote of two-thirds (2/3) of the members elect on the City Council at a meeting held within two (2) weeks of the notice of veto.

If two-thirds (2/3) of the members elect vote in favor of overriding the veto, the ordinance or resolution shall be adopted without further review by the Mayor.

#### Sec. 3-306 EFFECTIVE DATE OF ORDINANCE.

- A. No ordinance shall be effective until published as provided in Sec. 3-303 of this Charter.
- B. Every ordinance which has been published shall become effective on the thirtieth (30th) day after enactment or at any later date specified.
- C. The City Council may, by an affirmative vote of two-thirds (2/3) of its members elect, provide that any ordinance take immediate effect after publication.

#### Sec. 3-307 EMERGENCY ORDINANCES.

- A. No emergency ordinance shall be effective until published as provided in Sec. 3-303 of this Charter.
- B. Emergency ordinances may be enacted to meet a public emergency affecting life, health, property or the public peace. However, an emergency ordinance may not levy taxes; grant, renew or extend a franchise; or regulate the rate charged by any public utility for its services.
- C. An emergency ordinance shall be introduced in the form and manner required for ordinances generally, except that it shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.

- D. An emergency ordinance may be adopted at the meeting at which it is introduced and, if passed by an affirmative vote of two-thirds (2/3) of the City Council members elect, may take immediate effect after publication.
- E. Every emergency ordinance is automatically repealed as of the sixty-first (61st) day after its enactment, unless reenacted as an emergency ordinance.

Sec. 3-308 CITY ACTION REQUIRING AN ORDINANCE.

- A. All acts required to be done by ordinance by State law, or by specific provisions of this Charter shall be done by ordinance.
- B. Other acts of the City of Flint which shall be enacted by ordinance include:
  - 1. Providing a penalty or establishing a rule or regulation for violation of which a penalty is imposed;
  - 2. Providing for the laying and collection of rents, tolls, excises and taxes, except as otherwise provided in this Charter concerning property taxes levied by the budget; or
  - 3. Amending or repealing ordinances previously adopted.
- C. Other acts may be done either by ordinance or resolution.

Sec. 3-309 CODIFICATION OF ORDINANCES.

- A. Within three (3) years after the effective date of this Charter and at least every ten (10) years thereafter, the City of Flint shall provide for the preparation of a general codification of all City of Flint ordinances and resolutions having the effect of law.
- B. The general codification shall be enacted by ordinance and shall be published promptly together with this Charter and any amendments thereto, pertinent provisions of the Michigan Constitution and other laws of Michigan, and other rules and regulations as the City of Flint may specify.
- C. This compilation shall be known as the Flint City Code. Copies of the Code shall be:
  - 1. Furnished to City of Flint officers;
  - 2. Placed in libraries and public offices for free public reference; and
  - 3. Made available to the public on the City of Flint's website.

- D. After publication of the Flint City Code, the ordinances, resolutions, and Charter amendments shall be printed in a form suitable for integration with the Code currently in effect.

Sec. 3-310 PUBLIC PEACE, HEALTH AND SAFETY.

The City of Flint shall adopt such ordinances as shall be necessary to provide for the public peace and health and for the safety of persons and property.

SEC. 3-311 APPROVAL OF CONTRACTS.

- A. The City of Flint may not purchase or in any way procure property or the services of independent contractors without approval by resolution of the City Council except as provided by ordinance.
- B. Contracts extending over ten (10) years, shall be approved in the same manner as ordinances are adopted. Such contracts shall be available for public inspection at office of the City Clerk seven (7) day prior to consideration by City Council.

Sec. 3-401 CITY CLERK, APPOINTMENT AND TENURE.

The City Council shall appoint a City Clerk who shall serve a term of five years. The City Clerk shall be eligible for reappointment at the end of each term. The vote to appoint and the vote to discharge the City Clerk shall not be subject to review by the Mayor.

Sec. 3-402 GENERAL DUTIES OF CLERK.

- A. The City Clerk shall serve as Clerk of the City Council and shall keep a record of all its ordinances, resolutions and other proceedings.
- B. The City Clerk shall maintain a record of all existing and proposed rules, policies and procedures.
- C. The City Clerk shall certify, under corporate seal when requested, copies of all official papers and records.
- D. The City Clerk may administer oaths and take affidavits and exercise other powers and duties as provided by State law, this Charter, ordinance or resolution.
- E. The City Clerk's office shall provide assistance to City Council as needed.

Sec. 3-403 ELECTION DUTIES OF THE CITY CLERK.

- A. The City Clerk is the chief election officer of the City.
- B. Voter Registration.
  - 1. The City Clerk shall, within the budget allocated, institute and maintain a program designed to register as many City of Flint voters as possible.
  - 2. On the seventh (7th) Monday preceding a primary for State or City offices, the City Clerk shall report to the City Council the progress of the voter registration program.
- C. Conduct the Election.
  - 1. The City Clerk shall have copies of laws and official regulations regarding the conduct of elections in the City Clerk's Office and shall make these documents available to the public at no more than cost.
  - 2. The City Clerk shall provide to the public at no cost forms for petitions for any candidacy or issue arising under this Charter. The City Clerk shall also provide information regarding the number of valid signatures needed for such petitions.
- D. The City Clerk shall provide training on municipal government and the ethics provisions of this Charter to all newly elected City Officials.

Sec. 3-404 CITY AUDITOR, APPOINTMENT AND TENURE.

The City Council shall appoint such person or persons as shall be necessary to certify an audit of the accounts of the City of Flint. Such person or firm shall serve at the will of the Council. The vote to appoint, remove or compensate an Auditor or Auditors, and the vote to have a special audit, shall not be subject to review by the Mayor.

Sec. 3-405 CONDUCT OF AUDIT.

- A. There shall be such annual or other accounting for all monies of the City of Flint as required by statute.
- B. If there is no such statute, an independent audit shall be made of all accounts of the City of Flint government at the close of each fiscal year, and shall be completed within ninety (90) days thereafter.
- C. Special independent audits may be made at any time the City Council designates.

- D. Each audit and reports supplemental thereto shall be made public in the manner determined by the City Council and copies of the audit shall be placed in the office of the City Clerk.
- E. All City of Flint financial records, accountings and audits and other reports shall be public records, available for inspection. A statement of all revenues and expenditures of public monies shall be published and distributed as required by State law.

### SEC. 3-501 ETHICS AND ACCOUNTABILITY BOARD

The City of Flint shall have an Ethics and Accountability Board.

### SEC. 3-502 ETHICS AND ACCOUNTABILITY BOARD APPOINTMENT, QUALIFICATIONS AND TERMS

- A. The Ethics and Accountability Board shall consist of eleven members appointed as follows: the Mayor shall appoint two at large members and each Councilperson shall appoint one resident of their ward. Appointments shall be subject to the approval of Council. A public hearing shall be held prior to Council voting to approve appointees. All appointees who at any time during their board membership will be city residents, a resident of the ward from which they are appointed and not elective officers, appointees, volunteers or employees of the city. No member will receive financial compensation for serving as a member of the Ethics and Accountability Board.
- B. Members may serve for two terms of six (6) years. Such terms shall be staggered. The initial appointments will be made as follows:
  1. One member at large appointed by the mayor and one member from wards 1, 3 and 9 appointed by the City Council member to an initial six-year term;
  2. One member from wards 2, 6 and 8 to an initial four-year term;
  3. One member at large appointed by the mayor and one member from wards 4, 5 and 7 to an initial two year term.
- C. Members of the Ethics and Accountability Board are subject to removal for cause.
- D. In the event of a vacancy on the Ethics and Accountability Board, the appointing authority shall appoint a replacement for the remainder of the term.

### SEC. 3-503 DUTIES OF THE ETHICS AND ACCOUNTABILITY BOARD

It is the role and duty of the Ethics and Accountability Board and their appointed Ombudsperson to:

- A. When there is no timely or appropriate response from the City of Flint, to investigate complaints against public servants and city agencies for failure to adequately perform services as is required by the City of Flint Charter, ordinances, regulations and policies.
- B. Investigate violations of and seek to have the provisions of the City of Flint Charter enforced.
- C. Conduct performance audits to ensure efficient and effective governmental operations.
- D. Investigate allegations of dereliction of duty and/or misconduct in office by public servants and provide recommendations for policy changes when a pattern and practice of misconduct is identified.

#### SEC. 3-504 POWERS OF THE ETHICS AND ACCOUNTABILITY BOARD

- A. Investigate, hold hearings and inquiries regarding the meaning, application of provisions, and violations of this Charter, City of Flint ordinances, regulations, policies, procedures and standards of conduct by public servants and issue advisory opinions, public reports or recommend for remedial actions to the appropriate governmental or judicial unit including pursuit of recommendations for legal remedies.
  - 1. No report or recommendation that criticizes an official act shall be announced until every agency or person affected is allowed reasonable opportunity to be heard with the aid of counsel.
  - 2. Thereafter, if the Ethics and Accountability Board believes it necessary to make a formal report, a copy of any statement made by an agency or person affected shall accompany the report.
- B. Investigate, hold hearings and inquiries and issue public reports and recommend remedial actions concerning the policies, actions, activities, or performance by any City of Flint unit of government, office or department; or any public servant.
- C. Conduct investigations on its own initiative, subpoena witnesses, administer oaths, take testimony, require the production of evidence relevant to a matter under investigation, appoint independent counsel when necessary, conduct financial and performance audits, and perform other functions essential to ensure the integrity of City of Flint government. The Ethics and Accountability Board may seek enforcement through appropriate court action.

- D. Prepare an annual report for submission to the Mayor and City Council. Consistent with State law, the Ethics and Accountability Board may recommend improvements in the standards of conduct to ensure the ethical behavior of city elective officers, appointees and employees, or in the organization and procedures related to the administration and enforcement of those standards.

SEC. 3-505 VIOLATIONS AND PENALTIES.

- A. Any intentional, willfully negligent or grossly negligent violation of this Charter shall subject the violator to any one or more of the following:
  - 1. Public admonishment issued by the Ethics and Accountability Board;
  - 2. If an employee, a recommendation that he or she be reviewed for disciplinary action;
  - 3. If an elective or appointive officer, a recommendation to the City Council for removal or forfeiture proceedings as provided for in this charter;
  - 4. Administrative sanction recommended by the Ethics and Accountability Board to the extent allowed by law;
  - 5. Recommend mediation by a judge, referee or third party;
  - 6. Recommend prosecution by the City of Flint's law department in a court of jurisdiction and, upon conviction, to a fine and/or imprisonment up to the maximum allowed by law, whether the official or employee is elected or appointed, paid or unpaid. Nothing in this section shall be interpreted to conflict with State law.
  
- B. Any violations by contractors, in addition to the remedies in paragraph A 1, A 4, and A 5, above, the Ethics and Accountability Board may recommend to the City of Flint's purchasing director one or more of the following:
  - 1. Suspension of a contractor;
  - 2. Disqualification or debarment from contracting or subcontracting with the City of Flint;
  - 3. Administrative sanction assessed by the Ethics and Accountability Board. Subject to any relevant State law, such fine shall be determined by considering the amount of damages incurred by the City of Flint because of the subject violation; and/or

4. Prosecution by the City of Flint's law department in a court of jurisdiction and, upon conviction, a fine for each violation and imprisonment up to the amount and time allowed by law, respectively. Nothing in this section shall be interpreted to conflict with State law. All penalties associated with this section of this Charter are in addition to the civil and criminal penalties available to the City of Flint under applicable law.
- C. The remedies of this chapter are additional to those provided under any other law.

#### SEC. 3-506 APPOINT AN OMBUDSPERSON

- A. The Ethics and Accountability Board shall appoint an Ombudsperson who shall serve at the will of the Ethics and Accountability Board.
- B. The compensation for the Ombudsperson shall be at the same amount as the compensation for the City Clerk.
- C. The Ombudsperson may not hold any office of trust or profit other than that of Ombudsperson, or engage in any occupation for profit outside the duties of this office.
- D. No person shall be eligible to appointment to the office of Ombudsperson who has held any elective City of Flint office within two (2) years prior to the time of appointment. The Ombudsperson is not eligible to hold any City of Flint office for two (2) years after leaving the position.

#### SEC. 3-507 POWER AND DUTIES OF THE OMBUDSPERSON

- A. Receive complaints, concerns, reports and issues from the public and public servants against public servants and city agencies for failure to adequately perform services as is required by the City of Flint Charter, ordinances, regulations and policies; and for dereliction of duty and/or misconduct in office by public servants.
  1. Complaints may be made publicly, anonymously and to the extent permitted by law, confidentially.
  2. Complainants who do not make knowingly false complaints shall not be retaliated against or punished.
- B. Under the authority of the Ethics and Accountability Board, the Ombudsperson may investigate acts of any City of Flint agency or public servant
- C. The Ombudsperson may subpoena witnesses, administer oaths, take testimony, require the production of evidence relevant to a matter under

investigation, enter and inspect premises within the control of any City of Flint agency during department normal operating hours. The Ombudsperson shall establish rules of procedure in accordance with §1-801 of this charter.

- D. To enforce a subpoena or order for production of evidence or order to enter an office or facility of the City of Flint, to impose any penalty prescribed for failure to obey a subpoena or order, the Ombudsperson may apply to the appropriate court.
- E. The Ombudsperson may request the Ethics and Accountability Board to issue opinions, hold hearings or inquiries, issue findings, and reports.
- F. If the Ombudsperson has cause to believe that any public servant or any person doing or seeking to do business with a city agency has committed or is committing any illegal act, the Ombudsperson shall promptly refer the matter to the appropriate authorities.
- G. The Ombudsperson will receive and seek to resolve complaints arising under the Ethics provisions of this Charter.
- H. The Ombudsperson shall have no power to investigate any matter under the jurisdiction of the Civil Service Commission or union grievance procedure.
- I. The Ombudsperson, in accordance with sec. 1-801 of this charter, shall establish rules for receiving and processing complaints, conducting investigations and hearings, and reporting findings.
- J. The Ombudsperson shall have the authority as delegated by the Ethics and Accountability Board.
- K. No fee shall be levied for the filing or investigation of complaints.
- L. The Ombudsperson may request and shall be given necessary assistance and information by each city agency.

#### SEC. 3-508 OFFICE OF THE OMBUDSPERSON

- A. The Ombudsperson may, under policies established by the Ethics and Accountability Board, establish the Office of Ombudsperson.
- B. The Office of Ombudsperson shall be granted a budget allocation equal to a minimum of \$250,000.00.
- C. The Ombudsperson may delegate in writing to a member of his or her staff the power to administer oaths and take testimony. A delegation is revocable at will and does not prevent exercise of any power by the Ombudsperson.

### SEC. 3-509 IMMUNITY

The Ethics and Accountability Board, Ombudsperson and staff shall be, to the full extent permitted by State law, immune from any suit based on any report or communication performed within the scope of official duties.

### SEC. 3-510 CORRESPONDENCE FROM PERSON DETAINED

Any letter to the Ombudsperson from a person in a place of detention, penal or otherwise, under the control of an agency shall immediately be forwarded, unopened, to the Ombudsperson.

### SEC. 3-511 COOPERATION IN INVESTIGATIONS; OBSTRUCTION

- A. It shall be the duty of every public servant, contractor and subcontractor and licensee of the City of Flint, and every applicant for certification of eligibility for a City of Flint contract or program, to cooperate with the Ombudsperson and the Ethics and Accountability Board in any investigation pursuant to this article.
- B. Any public servant who willfully and without justification or excuse obstructs an investigation of the Ombudsperson or the Ethics and Accountability Board by withholding documents or testimony is subject to forfeiture of office, discipline, or any other applicable penalty by the appropriate agency.
- C. The requirements under this section shall be incorporated into all City of Flint contracts, where legally necessary for application and enforcement.

### SEC. 3-512 HUMAN RELATIONS COMMISSION

- A. Office of Ombudsperson shall organize the Human Relations Commission charged with the responsibility of reducing unlawful discrimination and increasing mutual understanding among the residents of the community.
- B. The Human Relations Commission shall be comprised of nine members, one from each ward in the city. Each council member shall appoint one resident of their ward. All appointees, at any time during their board membership shall be city residents, a resident of the ward from which they are appointed, and not elective officers, appointees, volunteers or employees of the city. No member will receive financial compensation for serving as a member of the Human Relations Commission.
- C. Duties
  - 1. The Human Relations Commission will assist in the elimination of prejudice, hate and discrimination and promote equality in treatment of all

residents of Flint regardless of race, color, religion, national origin, citizenship status, disability, sex, marital status, political orientation, age, sexual orientation, or gender identity.

2. The focus of the Human Relations Commission shall be to promote and foster positive relationships among residents to ensure fair treatment in housing accommodation, employment, places of public accommodation, health, planning and education.
3. The Human Relations Commission will be charged with the coordination of community efforts to respond to and eliminate tensions within neighborhoods and the City of Flint.
4. The Human Relations Commission will work to assist in resolving external issues proactively.
5. The Human Relations Commission will work to educate the public on the structure of City government and how to affect the operation of City government.
6. Issue an annual public report to the City Council and the Mayor.

#### SEC. 3-513 MEETINGS

All meetings of the Ethics and Accountability Board and the Human Relations Commission shall be subject to the Michigan Open Meetings Act, 1976 PA 267, MCL 15.261 *et seq.*, as amended.

## **ARTICLE 4 – EXECUTIVE BRANCH**

### **Sec. 4-101 MAYOR.**

The Mayor is the Chief Executive Officer of the City of Flint and shall have such powers and duties as are granted by State law and this Charter.

### **Sec. 4-102 TERM OF OFFICE.**

Commencing with the election in 2022 as provided in §9-102, which governs Mayoral terms until 2022, 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 gubernatorial general election and shall serve in that office until the next general gubernatorial 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 of Flint. 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.**

The City Administrator shall be appointed by the Mayor with the approval by City Council in accordance to § 1-501 and shall serve at the will of the Mayor.

### **Sec. 4-202 EXECUTIVE STAFF.**

The Mayor shall, in accordance with law appoint five (5) executive staff, including the City Administrator appointed in accordance with § 1-501, who shall serve at the will of the Mayor.

### **Sec. 4-203 EXECUTIVE DEPARTMENTS.**

A. The City shall create the following executive departments:

1. The Law Department, which shall be headed by the City Attorney.
2. The Department of Human Resources, which shall be headed by the Human Resources Director.
3. The Department of Finance, which shall be headed by the Chief Financial Officer.

- B. The City of Flint 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.
- C. The City of Flint 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 and shall serve at the will of the Mayor unless otherwise indicated in this Charter.
- E. There shall be no more than eight (8) 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 Finance Department prepares the strategic comprehensive annual financial report and the City of Flint'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
  - 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 § 1-501.

3. They shall perform the duties required by law, assigned to them by the Mayor, and 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.

#### Sec. 4-401 HUMAN RESOURCES DEPARTMENT.

- A. 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.
- 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 of Flint have the right to collective organization and collective bargaining as provided by statute.
- D. All appointments and promotions in the City of Flint shall be based on merit and fitness.
- E. No City of Flint 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, marital status, economic status 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 of Flint employees which shall set forth the class, title, pay, 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 of Flint 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 of Flint 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.

#### Sec. 4-405 DEVELOPMENT AND APPLICATION OF PERSONNEL POLICY.

- A. Personnel policy shall be developed by collective bargaining, ordinance, resolution and/or rules adopted in accordance with § 1-801 of this Charter. Personnel policy shall include those factors listed in § 4-401 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, Human Resources Director, City Council as to any policy which it deems inappropriate, but it shall not have the power to develop personnel policy.

Sec. 4-406 LABOR RELATIONS DUTIES AND RESPONSIBILITIES.

- A. The Mayor shall designate the Human Resources Director or another person as head of Labor Relations.
- B. The person named as head shall hold the position at the will of the Mayor.
- C. The head of Labor Relations shall act for the City of Flint, 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 thereto before they become effective.
- E. The terms of all collective bargaining contracts shall take precedence over any inconsistent rules, ordinances or resolutions setting forth personnel policy.

Sec. 4-407 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.
- C. No employee of the Human Resources Department, 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 of Flint, he or she shall forfeit the office or position.

#### 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;
- F. Any other items added by ordinance.

#### Sec. 4-502 CHIEF PLANNING OFFICER.

- A. The Mayor shall designate a Chief Planning Officer whose designation shall be at the will of the Mayor and will provide for the planning and development of the city.
- B. The Chief Planning Officer shall have continuing liaison with all agencies of the executive branch with approval of the Mayor.
- C. The Chief Planning Officer shall receive all reports concerning development matters and other requested information. 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 Comprehensive Plan.

#### Sec. 4-503 COMPREHENSIVE PLAN.

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 Enabling Act, 2008 PA 33, MCL 125.3801, as amended. 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 of Flint and its residents.
- B. The City of Flint Planning Commission, in accordance with State law, shall propose and the City Council shall approve the Comprehensive Plan.
- C. The City of Flint 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.

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

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.

#### Sec. 4-601 CHIEF LEGAL OFFICER.

- A. The title of City of Flint's Chief Legal Officer shall be the City Attorney for the municipal corporation of the City of Flint.
- B. The City Attorney shall be the attorney and counselor regarding all legal matters in which the City of Flint has an interest or is a party. The City Attorney shall manage and direct those matters not only in the interests of the Mayor and of the City Council, but also in the best interests of the City of Flint.
- C. The City Attorney shall personally, or through assistants, represent interests of the City of Flint in all actions or proceedings by or against the City of Flint or its public servants, while they are acting in the scope and course of their

employment. If the City Attorney appoints assistants, they may be employees of the City of Flint, contractual employees, or temporary on an as need basis.

- D. Notwithstanding the above, the Board of Hospital Managers may contract for legal services and representation.
- E. In the event unusual circumstances arise, including, for example but not limited to conflicts of interest and actions against elected officials, the Ombudsperson may retain special legal counsel.

#### Sec. 4-602 QUALIFICATIONS.

- 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; 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, an Assistant City Attorney shall be licensed to practice law in the State of Michigan, a member in good standing of the State Bar of Michigan; and have the highest reputation of integrity and ethical practice and behavior.
- C. The City Attorney or an Assistant City Attorney who ceases to have these qualifications shall be subject for removal.

#### Sec. 4-603 APPOINTMENT, REMOVALS, OR SUSPENSION.

- A. The Mayor shall nominate a qualified candidate for City Attorney, who shall be approved by at least five members of the City Council. If City Council does not disapprove the Mayor's nominee, in 60 day of the submission of the nomination, the nominee shall be appointed.
- B. The City Attorney shall serve until resignation or removal.
  - 1. When it is no longer the will of the City of Flint 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 City Council or on recommendation of the Mayor, by a vote of no less than five members of the City Council. In the event the Mayor vetoes the City Council's action, six members of the City 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 of Flint 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 City Council. In the event the Mayor vetoes the City Council's action, six members of the City Council may override the veto.
3. Assistant City Attorneys 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 DUTIES.

- A. Generally – the City Attorney shall, either personally or through assistants, be the attorney and counselor to the municipal corporation of the City of Flint, its commissions, 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 of Flint, its agencies and its public servants, in which the City of Flint or public servants are a party, when they act in their scope and course of their employment. No civil litigation of the City of Flint, including those for which there is insurance, may be settled without the approval and consent of the City Council
- 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 of Flint 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 of Flint.
  4. Enforce the City of Flint's ordinances and its Charter and prosecute violations of the City of Flint's ordinances and its Charter

- D. Advice And Opinions. -- Upon the request of the Mayor, a member of the City Council or the head of any agency, the City Attorney shall give legal advice and opinions.
- E. Draft and approve legal documents -- all contracts, bonds or legal documents in which the City of Flint is concerned shall be prepared by or submitted to the City Attorney for approval for legality and form; and this 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 City Council -- the City Council and the Mayor shall, in special instances, have the right to secure independent legal services when either 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 of Flint whenever practical. The City Attorney shall be responsible for the management of the personnel of the department.

## ARTICLE 5 – CIVIL SERVICE

### Sec. 5-101 CIVIL SERVICE COMMISSION; MEMBERSHIP, TERMS, REMOVAL.

- A. The Civil Service Commission shall serve in the interest of all the citizens of the City of Flint, and shall consist of individuals selected on the basis of their reputation for fair-mindedness and objectivity. The Civil Service Commission shall serve without compensation.
1. There are three (3) classes of Civil Service Commission members:
    - a. Two to represent the Employees;
    - b. Two to represent the Administration; and
    - c. Three to represent the public-at-large.
  2. Members shall be chosen in the following manner:
    - a. Employee representatives: The City of Flint shall, by ordinance, provide for the nomination and election by City of Flint employees of two (2) employee representatives.
    - b. Administration representatives: The Mayor shall appoint two (2) administration representatives.
    - c. The four (4) members chosen under paragraphs (a) and (b) above shall, within sixty (60) days, unanimously select three (3) persons as public-at-large representatives.
  3. Except as limited in §5-101, any vacancies arising shall be filled within sixty (60) days in the same manner as initial selection and only for the unexpired term.
  4. No member of the Civil Service Commission shall be a City employee during his or her term of office.
  5. All members of the Civil Service Commission must be a resident of the City of Flint.
  6. The Chairperson and other officers of the Civil Service Commission shall be chosen from among the public-at-large representatives.
- B. Terms of appointment.
1. One person chosen by City of Flint employees shall have an initial term of five (5) years and the other person shall have an initial term of three (3) years.

2. One administration representative shall have an initial term of three (3) years and the other administration representative shall have an initial term of one (1) year.
3. Those chosen as public-at-large representatives shall have initial terms of one (1), two (2), and four (4) years.
4. As initial terms expire, appointments shall be for five (5) year terms.

C. Removal.

1. Members of the Civil Service Commission shall be subject to removal from office for cause by a vote of three-fourths (3/4) of members serving on the City Council.
2. Such removal may occur only after written notice of reasons for removal are delivered to the person at least thirty (30) days prior to the date of a public hearing conducted in accordance with due process of law.

Sec. 5-102 STAFF.

- A. The staff of the Civil Service Commission shall include a Director. The Director shall be appointed by and responsible to the Civil Service Commission.
- B. The Civil Service Commission may hire additional staff as required.
- C. Removal.

1. The Civil Service Director shall be subject to removal from office by a vote of five members of the Civil Service Commission.
2. Such removal may occur only after written notice of reasons for removal are delivered to the Director at least thirty (30) days prior to the date of a public hearing conducted in accordance with due process of law.

Sec. 5-103 APPROPRIATIONS.

The City of Flint shall provide annual appropriations that are necessary and sufficient for the Civil Service Commission to conduct its business.

Sec. 5-104 RULE MAKING.

The Civil Service Commission shall make rules necessary for the orderly and efficient conduct of its business. Said rules shall conform to the provisions concerning rulemaking in Sec. 1-801 of this Charter.

Sec. 5-201 DUTIES.

- A. The Civil Service Commission shall be responsible for (1) enforcing the merit principle in all aspects of personnel administration in the City of Flint including hiring and promotion; (2) receiving, investigating and deciding disputes between the City of Flint and any of its employees in the Classified Service; (3) protecting City of Flint employees from political pressures; and (4) advising the Human Resources Director, Mayor, and City Council concerning personnel administration.
- B. The Civil Service Commission shall not have the power to develop personnel policies but shall have authority to make recommendations regarding revision of all personnel matters.
- C. For the performance of the foregoing duties, the Civil Service Commission may conduct investigations and hearings.

Sec. 5-202 POWERS.

- A. The Civil Service Commission may hold hearings, subpoena witnesses, administer oaths, take testimony, and require the production of evidence.
- B. To enforce a subpoena or order for the production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order, the Civil Service Commission shall apply to the appropriate court.
- C. The Civil Service Commission may delegate the powers to hold hearings, administer oaths and take testimony.

Sec. 5-203 HEARINGS.

- A. All hearings of the Civil Service Commission shall be public, and an audio recording of said hearings shall be kept. Transcripts of said audio recordings shall be made available to any person upon request and upon payment of the cost to make said transcription.
- B. Decisions of the Civil Service Commission shall be based upon the facts presented at its hearings. Reports of the Civil Service Commission's decisions shall include a summary of findings of fact and conclusions of law. Decisions of the Civil Service Commission shall be binding on all parties involved.

Sec. 5-204 JURISDICTION.

- A. The Civil Service Commission procedure shall be exclusive for applicants to the Classified Service of the City of Flint and for classified employees not covered by a collective bargaining contract.
- B. A classified employee covered by a collective bargaining contract containing a procedure providing for a final and enforceable resolution of a grievance shall, unless the contract procedure is made exclusive, elect to use either the Civil Service Commission procedure or the contract procedure, but may not use both.
- C. A classified employee covered by a collective bargaining contract containing a grievance procedure that does not result in a final and enforceable resolution of the grievance may, if the collective bargaining contract so provides, pursue the contract procedure and then file under the Civil Service Commission procedure.

Sec. 5-205 EMPLOYEE GRIEVANCES.

- A. The Civil Service Commission shall, by rules adopted in accordance with Sec. 1-801 of this Charter, provide a procedure for the final resolution of any grievance brought by or against a classified employee of the City of Flint or applicant for a position in the Classified Service of the City of Flint.
- B. Every grievance filed with the Civil Service Commission under this procedure shall be finally determined within thirty (30) days after filing, unless the time is extended by agreement of the parties.

Sec. 5-301 EMPLOYEE ORGANIZATION.

Employees of the City have the right to collective organization and collective bargaining as provided by statute.

Sec. 5-401 CLASSIFIED SERVICE.

The Classified Service of the City shall include all persons employed by the City of Flint except:

1. All elective officers;
2. The Civil Service Director;
3. Persons serving at the will of the Mayor or City Council;
4. Private citizens appointed to multiple member bodies, such as boards and commissions, and person serving at their will;

5. The Ombudsperson;
6. Persons employed or under contract to make or conduct a temporary or special inquiry, investigation, examination or legal representation on behalf of the City of Flint.

## ARTICLE 6 – MULTIPLE MEMBER BODIES

### 6-101 MULTIPLE MEMBER BODIES.

- A. Multiple member bodies, including boards, commissions, and committees may be established by the City of Flint by ordinance or resolution. Such bodies may exercise those powers and duties granted by the City of Flint, provided that they do not conflict with provisions of this Charter or State law.
  
- B. Multiple member bodies, including boards and commissions established in this Charter or created after the effective date of this Charter, shall be subject to the following provisions, unless otherwise stated in this Charter:
  - 1. They shall consist of at least seven (7) members, whose terms shall not exceed five (5) years;
  - 2. Initial appointments of persons shall be made to provide for staggered expiration of terms.
  - 3. Appointments shall be made by the Mayor with the approval of the City Council. Sixty (60) days prior to the expiration of any term on a multiple member body, the opening shall be published in a manner authorized in this Charter for application by interested parties. If a vacancy is not filled within ninety (90) days the City Council may fill such a vacancy. Removal from office shall be for cause upon recommendation of the Mayor and approval of the City Council. The multiple member body shall elect the Chairperson for a term of two years. The Chairperson may be re-elected for only one successive term.
  - 4. Vacancies which occur prior to the expiration of the term shall be filled for the remainder of the term in the same manner as an expired term.
  - 5. Members shall serve in the interest of all the citizens of the City of Flint and, except for compelling reasons stated prior to appointment, shall be residents of the City. In all cases, at least three-fourths (3/4) of the members of all multiple member bodies shall be residents of the City of Flint.
  - 6. Consistent with this section, each body shall have the power to organize for the conduct of its business including the selection of officers. All rules adopted and used shall comply with the provisions of Sec. 1-801 of this Charter. The rules shall provide for notice of meetings and shall define the manner in which non-attendance becomes neglect of duties and grounds for removal from office.

7. City Council shall require that each body make a verbal and written report on a quarterly or annual basis to the Mayor and City Council concerning its activities during regularly scheduled meetings, unless otherwise required by this Charter. The reports shall include an accounting of the receipts and disbursements of all monies. A copy of the report shall be filed with the City Clerk and be available for public inspection one week prior to the reporting date on the City of Flint's website.
8. Every multiple member body shall comply with the Open Meetings Act, 1976 PA 267, MCL 15.261, *et seq.*, as amended, and file its draft minutes with the City Clerk with in eight (8) business days, as required by State law. These draft minutes shall be available for public inspection and on the City of Flint's website. Once the draft minutes are approved, they shall be filed with the Clerk's Office within five (5) business days and posted on the City's website.
9. The City Clerk shall keep a record of all multiple member body appointments and terms which shall be made available to the public.

#### Sec. 6-102 TRANSFER OF GOVERNMENTAL FUNCTIONS.

- A. The executive branch of the City of Flint, under the general supervision of the Mayor, shall administer all programs, services and activities of the City of Flint, unless otherwise provided in this Charter or required by statute.
- B. To the extent permitted by law, the City of Flint may transfer any program, service or activity from the executive branch to administration by a multiple member body and may transfer any program, service or activity from a multiple member body created under Sec. 6-101 to the executive branch or to another multiple member body, provided that this procedure is followed:
  1. The Mayor must request the transfer in writing.
  2. The City Council must adopt, by an affirmative vote of three-fourths of the members elect, an ordinance setting forth the terms and conditions of the transfer.
- C. All members of multiple member bodies which receive the transfer of programs, services or activities must be residents of the City of Flint.

#### Sec. 6-103 REVIEW OF EXISTING MULTIPLE MEMBER BODIES.

Within one (1) year of the effective date of this Charter, the Mayor shall review the status of all multiple member bodies, including boards, commissions, and committees in existence at the time this Charter takes effect, and recommend action thereon to the City Council. All multiple member bodies, including boards and

commissions, which are continued, shall conform to the provisions of Sec. 6-101(B), except as otherwise provided in this Charter or by State law.

#### Sec. 6-104 MEETINGS.

All meetings of multiple member bodies of the City of Flint, including boards and commissions, called for the purpose of discussing business within the jurisdiction of the body, and all gatherings of a quorum or more members of the body at which business within the jurisdiction of the body is discussed, shall be public unless otherwise authorized by law. Public notice shall be given in the manner provided by statute for meetings of public bodies. Every multiple member body shall comply with State law including the Open Meetings Act, 1976 PA 267, MCL 15.261, *et seq.*, as amended.

#### Sec. 6-201 BOARD OF HOSPITAL MANAGERS.

Establishment, Membership, Appointment.

- A. The Board of Hospital Managers shall consist of fifteen (15) members appointed by the Mayor with the approval of the City Council.
- B. All members, except for compelling reasons stated before appointment, shall be City residents and shall serve in the interests of all the citizens of the City of Flint. At least  $\frac{3}{4}$  of the members of the board shall be residents of the city and no more than three (3) members shall be a member of any medical or health profession.
- C.
  1. The present members shall continue to serve until their respective terms expire, and shall then be eligible for reappointment in accordance with Sec. 6-101 of this Charter.
  2. All appointments shall be made for five (5) year terms, with board members continuing to serve until a replacement is appointed and approved.

#### Sec. 6-202 POWERS AND DUTIES.

- A. The Board shall have the supervision and exclusive management of all hospitals owned by the City and shall make and enforce all rules for such supervision and management in accordance with § 1-801 of this Charter.
- B. The Board shall be empowered to employ all personnel deemed necessary for the proper administration, conduct and maintenance of such hospitals. The provisions of this Charter dealing with personnel (§§ 4-401 to 4-407) shall

apply to the Board, except that where the Mayor or Council are mentioned, such functions shall devolve upon the Board of Hospital Managers.

- C. The Board shall appoint a President and CEO for each of the City Hospital facilities, who shall serve at its will, and a Vice President of Human Resources, subject to confirmation by the Mayor, and serving at the will of the Board. The Board may also appoint appropriate Vice Presidents for each City Hospital facility, each of whom shall serve at the Board's will.
- D. The Board of Hospital Managers shall have the exclusive authority to manage and operate all City Hospitals and in so doing shall have such power as may be required for the faithful performance of its duties.

#### Sec. 6-301 ZONING BOARD OF APPEALS.

Zoning Board of Appeals previously established shall continue pursuant to law.

#### Sec. 6-302 PLANNING COMMISSION.

Establishment, Membership, Appointment

- A. The Planning Commission shall consist of nine (9) members, one from each of the nine (9) wards of the City of Flint, who shall represent insofar as is possible different professions or occupations. Such members shall take office only after appointment by the Mayor together with approval of the City Council.
  - 1. The term of each member shall be for three (3) years. Members shall cease to hold office at the expiration of their term.
  - 2. Members of the Planning Commission holding office under law prior to the adoption of this Charter amendment shall continue to serve until the expiration of their respective terms.
  - 3. Vacancies occurring otherwise than through the expiration of the term shall be filled for the unexpired term in the same manner as provided in section A hereof.
- B. All members of the Planning Commission shall serve as such without compensation and shall hold no other municipal office.
- C. Members may be removed for cause.

#### Sec. 6-303 POWERS AND DUTIES OF THE PLANNING COMMISSION.

The Planning Commission shall have the zoning, planning and other powers and duties assigned to it by law or ordinance.

## ARTICLE 7 – FINANCE

### Sec. 7-101 BUDGET.

- A. The City of Flint’s budget shall be developed through the following process:
1. The fiscal year shall begin on July 1<sup>st</sup>.
  2. The City of Flint shall maintain a balanced budget in accordance with State law.
  3. On or before the first Monday of September the City Council shall pass and the Mayor shall adopt a resolution updating the City of Flint’s strategic plan for the next fiscal year. The plan shall state the City of Flint’s goals, prioritized objectives, and measures for success for the next fiscal year. The City Council shall utilize the City of Flint’s Comprehensive Plan, input from the Mayor, and input from the public in updating the strategic plan. The Mayor shall have the power to veto a resolution updating the strategic plan in the same manner as provided in this Charter for the veto of resolutions.
  4. On or before the first Monday of December the Mayor shall submit a preliminary budget to the City Council for the next fiscal year. This preliminary budget shall also be posted to the City of Flint’s website and be available for public review at the City Clerk’s office. The budget shall align with the City of Flint’s strategic, comprehensive, and capital improvement plans. The Mayor shall present to and receive input on the preliminary budget from the City Council. No earlier than ten (10) business days after the presentation of the preliminary budget and no later than twenty (20) business days after the presentation of the preliminary budget, the Mayor and City Council shall hold a public hearing to receive input on the preliminary budget from the public. The notice for the hearing to be published in a newspaper of general circulation or as otherwise provided by law, shall include notice to the public that the preliminary budget is available.
  5. On or before the first Monday of March, the Mayor shall submit a final proposed budget to the City Council for the next fiscal year. This proposed budget shall be posted to the City of Flint’s website and be available for public review at the City Clerk’s office. No earlier than ten (10) business days after the presentation of the proposed budget and no later than twenty (20) business days after the presentation of the proposed budget, the Mayor and City Council shall hold a public hearing on the proposed budget. The notice for the hearing, to be published in a newspaper of general circulation, or as otherwise provided by law, shall include notice to the public that the proposed budget is available.

6. On or before the first Monday in June the City Council shall adopt a budget with or without amendment for the next fiscal year. The adoption of the budget may be accomplished by resolution. Adoption of the budget shall constitute appropriations of the amounts specified therein from the funds indicated and a levy of the property tax specified therein. The final adopted budget shall be posted to the city's website and be available for public review at the City Clerk's office.
- B. With the presentation of the final City Budget to Council, the Mayor's budget message shall explain the budget both in fiscal terms and in terms of the work programs, demonstrating how spending priorities are guided by and adherent to the City of Flint's comprehensive plan. It shall outline the proposed financial policies of the City of Flint for the ensuing fiscal year and the impact of those policies on future years. It shall describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the City of Flint's debt position, including factors affecting the ability to raise resources through debt issues, and include such other material as the Mayor deems desirable.
  - C. The budget shall provide a three (3) year financial plan of all City of Flint funds and activities, with five (5) years of revenue projection, and, except as required by law or this Charter, shall be in such form as the Mayor deems desirable or the City Council may require for effective management and an understanding of the relationship between the budget and the City of Flint's strategic goals. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:
    1. The proposed goals and expenditures for current operations, detailed for each fund by department or by other organization unit, and program, purpose or activity, method of financing such expenditures, and methods to measure outcomes and performance related to goals;
    2. Proposed longer-term goals and capital expenditures, detailed for each fund by department or by other organization unit when practical, the proposed method of financing each such capital expenditure, and methods to measure outcomes and performance related to the goals; and
    3. The proposed goals, anticipated income and expense, profit and loss for each utility or other enterprise fund or internal service fund operated by the City of Flint, and methods to measure outcomes and performance

related to the goals. For any fund, the total of proposed expenditures shall not exceed the total estimated income plus carried forward fund balance exclusive of reserves.

- D. The City of Flint shall establish a budget stabilization fund which shall be separate and distinct from the city's general fund. Appropriations to the fund and expenditures from the fund shall be made in compliance with 1978 PA 30, MCL141.441 *et seq.*, as amended.

#### Sec. 7-102 ITEM VETO ON BUDGET CHANGES.

- A. The Mayor may veto any changes to the budget, proposed by the Mayor, in the manner provided in this Charter for veto of ordinances and resolutions.
- B. Within 168 hours after receipt of the notice of veto, the City Council shall complete its reconsideration of the budget changes disapproved by the Mayor.
- C. No changes from the budget originally proposed by the Mayor, that are disapproved by the Mayor shall have any force or effect unless two-thirds (2/3) of the Council members elect, vote in favor of those changes at the time they are reconsidered.

#### Sec. 7-103 BUDGET MONITORING

- A. The Chief Financial Officer of the City of Flint shall present and answer questions on a monthly basis to the City Council on the actual and estimated income and expenditures of the current fiscal year, on any variance from spending plans, and on any other financial issues of interest.
- B. On the first monthly presentation for any fiscal year, the Chief Financial Officer shall present a complete 12-month spending plan for each department and fund.

#### Sec. 7-104 REVENUE ESTIMATION

- A. A Revenue Estimating Commission will be established with the following members: one member appointed by a majority vote of City Council and one member appointed by the Mayor and a third member selected by the other two. The appointed members must each have experience with managing or auditing municipal finances and shall not be employees of the City of Flint. The Committee shall establish its rules and procedures, consistent with law. The Finance Department shall provide administrative support to the Committee.
- B. Revenue Estimating Commission will make public reports to the Mayor and to City Council on the anticipated revenue for the City of Flint. The reports are to

detail each source of revenue along with the purpose and/or restrictions for use of each source of revenue. The content of the report must be the consensus of all members of the Revenue Estimating Commission.

- C. The Revenue Estimating Commission is to make the following public reports to the Mayor and to City Council:
  - 1. Budget preparation report: by the first Monday in November of each year, a report on the anticipated income for the next fiscal year budget.
  - 2. Five-year income projection: by the first Monday in November of each year, a report on each of five future year's estimated income from all sources.
  - 3. Current year actual income report: by the first Monday in February, May, August and November, a report that compares the current fiscal year actual income from each source of income to the estimated income with notations on trends that change the estimated income for the current year and future years.

#### Sec. 7-105 AMENDMENTS AFTER ADOPTION.

- A. No officer or agency of the City of Flint shall have the authority to transfer budgeted funds from one departmental budget to another without a budget amendment authorizing the expenditure passed by the City Council.
- B. At any time during the fiscal year, upon written request of the Mayor, the City Council may consider amendments to the previously adopted budget which:
  - 1. Transfer an unencumbered appropriation balance from one program, service or activity to another;
  - 2. Provide for expenditure of revenues in excess of those in the budget; or
  - 3. Meet a public emergency affecting life, health, property or the public peace which may require emergency appropriations as provided by statute.
- C. If the action taken by the City Council differs from the action requested by the Mayor, the Mayor may exercise the veto power.

#### Sec. 7-106 UNIFORM SYSTEM OF ACCOUNTS.

- A. The system of accounts shall conform to such uniform system as may be required by State and Federal statutes and by generally accepted accounting practices.

- B. The transfer, encumbering or borrowing from funds specifically designated by millage, grants, borrowing, or from an enterprise fund, or similar, is prohibited and such funds shall be used for the specifically designated purpose. The unused portion of such funds shall be used as provided in State or Federal law, otherwise the funds shall be refunded to the taxpayers, unless the residue is *de minimis*.

Sec. 7-201 TAXING POWER.

- A. The City of Flint is authorized to levy property taxes at the rate of one percent (1% or 10 mills) of assessed value of all real and personal property in the City. The subjects of taxation for municipal purposes shall be in accordance with State law. The City is also authorized, to levy the following additional millage:
  - a. 2015 Flint City Charter Amendment: Public Transportation Services Millage Renewal, July 1, 2015 through June 30, 2021, 0.6 mills.
  - b. 2016 Flint City Charter Amendment: Police and Fire Protection Millage Renewal, July 1, 2017 through December 31, 2021, 6.0 mills,
  - c. 2016 Flint City Charter Amendment: City Wide Parks, Forestry, and Recreation Program Millage Renewal, July 1, 2017 through December 31, 2021, 0.5 mills.
  - d. 2016 Flint City Charter Amendment: Police Services Millage Renewal, July 1, 2017 through December 31, 2021, 2.0 mills.
- B. Out of the total number of mills which may be levied in taxes annually for municipal purposes on each dollar of assessed valuation, there are hereby reserved two and one half (2-1/2) mills for the purposes hereafter stated:
  - 1. First, to pay promptly when due the principal of and interest on all bonds which are a general obligation of the City of Flint.
  - 2. Then, if any year the entire amount reserved shall not be required for the foregoing purpose, any surplus may be used to:
    - a. Make capital improvements; or
    - b. Pay the City of Flint's general obligation liability on special assessment bonds, if any; or
    - c. Retire general obligation bonds in advance of their maturities.
- C. The provisions of this section shall not prevent the levy and collection of the full amount of taxes required by statute for the payment of debt.
- D. The City Council shall, by ordinance, provide procedures for the certification, levy and collection of all ad valorem taxes and the preparation and delivery of a City Tax Roll.

Sec. 7-202 BOARD OF REVIEW.

- A. The City of Flint shall provide, by ordinance, for the appointment of a Board of Review for property tax assessments.
- B. The Board of Review shall consist of one resident of each ward appointed by the City Council. No member of the Board of Review shall hold any other public office or public employment, except that of notary public.
- C. The Board of Review shall have such powers and duties as may be provided by law.
- D. The Board of Review shall adopt rules, subject to Sec. 1-801 of this Charter, for the conduct of its business.

Sec. 7-203 DUTIES OF THE CITY ASSESSOR.

- A. The City Assessor shall assess all real and personal property in the City of Flint in the manner provided by state law.
- B. The Assessor shall prepare and certify the current assessment roll to the Board of Review on or before the date provided by ordinance.
- C. The Assessor shall prepare and extend all tax rolls and deliver them to the City Treasurer on or before the date provided by ordinance and in the manner provided by State law.

Sec. 7-204 DELINQUENT TAX COLLECTION PROCEDURE.

- A. The City of Flint shall, by ordinance, provide for the enforcement and collection of taxes which have been delinquent for more than one (1) year.
- B. The ordinance shall make provision for notice, disposition, judgment and a period of redemption.
- C. Except as otherwise provided by this Charter or ordinance, the rights, duties, powers, immunities and procedures established by State law shall apply in the collection and enforcement of City of Flint property taxes.

Sec. 7-205 TAX BECOMES LIEN.

City of Flint property taxes shall become a debt payable by the persons liable for them on the tax day as provided by State law. The debt shall become payable and a lien upon the property on July 1 next following, or as provided by state law.

Sec. 7-206 STATE, COUNTY AND SCHOOL TAXES.

State, county and school taxes shall be levied, collected and returned, as provided by ordinance, in conformity with State law.

Sec. 7-207 INSTALLMENT PAYMENT OF TAXES.

To the extent permitted by state law:

- A. One-third (1/3) of all property taxes for City of Flint and school purposes shall become due and payable upon the first (1st) day of July in the year assessed and may be paid during the month of July without penalty or interest, thereafter such installment of taxes, while unpaid, shall be deemed delinquent and shall bear interest at the rate of one-half of one percent (1/2%) per month or fraction thereof.
- B. One-third (1/3) of such City of Flint and school taxes shall become due and payable on the first (1st) day of October in the year assessed and may be paid during the month of October without penalty or interest; thereafter such installment of taxes, while unpaid, shall be deemed delinquent and shall bear interest at the rate of one-half of one percent (1/2%) per month or fraction thereof.
- C. One-third (1/3) of such City of Flint and school taxes shall become due and payable on the first (1st) day of February in the year following the year of assessment and may be paid during the month of February without penalty or interest; thereafter such installment of taxes, while unpaid, shall be deemed delinquent.
- D. On the first (1st) day of March next after the same were assessed a penalty of four percent (4%) shall be added to all unpaid City of Flint taxes and a collection fee of four percent (4%) shall be added to all unpaid school taxes; and thereafter interest at the rate of one-half of one percent (1/2%) per month or fraction thereof shall be added to and charged on all such overdue City of Flint and school taxes until paid.

Sec. 7-301 GENERAL BORROWING POWER.

- A. The City of Flint may borrow money for any purpose within the scope of its powers, may issue bonds or other evidence of indebtedness therefor, and may, when permitted by State law, pledge the full faith and credit of the City of Flint for the payment of those obligations.
- B. The enumeration of specific kinds of bonds or other borrowing in this chapter shall not be deemed to exclude other kinds of bonds or other borrowing permitted by State law.

Sec. 7-302 LIMITATIONS ON BORROWING.

- A. The net bonded indebtedness for general obligations of the City of Flint shall not exceed ten percent (10%) of the assessed valuation. No obligation shall be sold to obtain funds for any purpose or purposes other than that for which those obligations were specifically authorized.
- B. The City of Flint shall provide full actuarial funding to any new employee pension benefit liabilities accrued after the enactment of this Charter.

Sec. 7-303 USE OF BORROWED FUNDS.

- A. Each obligation shall contain on its face a statement of the purpose for which it is issued.
- B. All proceeds from the issue of an obligation shall be expended for the purpose for which the obligation was issued.

Sec. 7-304 EXECUTION OF OBLIGATIONS.

All obligations issued by the City of Flint shall be executed with the facsimile signature of the Mayor and signed by the City Clerk and shall bear the Seal of the City. Interest coupons shall be executed with the facsimile signatures of the Mayor and the City Clerk.

Sec. 7-305 BONDS TO FINANCE LOCAL PUBLIC IMPROVEMENTS.

- A. The City of Flint may borrow money and issue bonds in anticipation of the payment of special assessments or any combination of special assessments levied under Secs. 7-401 and 7-402 of this Charter.
- B. Special assessment bonds shall be an obligation of the special assessment district or districts and may be both an obligation of the special assessment district or districts and a general obligation of the City of Flint.
- C. The City of Flint may also borrow money and issue bonds under Sec. 7-301 for its share of the cost of any local public improvement or, where the cost of that improvement is to be defrayed in part from the payment of special assessments and in part from other City of Flint revenues, for the entire cost of that improvement.

Sec. 7-306 EMERGENCY BONDS.

In case of fire, flood, or other calamity, the City of Flint may, subject to State law, authorize the issuance of emergency bonds which shall be general obligations of the

City of Flint for the relief of residents of the City of Flint and for the preservation of City of Flint property.

Sec. 7-307 BUDGET BONDS.

Any capital improvement items contained in the budget may be financed by the issuance of bonds as a part of the budget system. However, the amount of those bonds together with the City of Flint property taxes levied for the same year may not exceed the limit permitted by law.

Sec. 7-308 TRANSPORTATION BONDS.

- A. The City of Flint may, by ordinance, provide for the establishment, maintenance and operation of a public transportation system above, on, or below the surface of the ground, or in any combination thereof, utilizing technology known or to be developed. A transportation system, once established, may be operated within the City of Flint and to a distance outside the City of Flint as provided by state law.
- B. The City of Flint may borrow money for public transportation and rapid transit facilities and may incur obligations and issue bonds therefor to the maximum extent permitted by state law.

Sec. 7-309 SEWER BONDS.

- A. The City of Flint may, by ordinance:
  - 1. Provide for the installation and connection of sewers and water works on and to property within the City of Flint;
  - 2. Assess the costs therefor to the several properties and make the same a lien thereon;
  - 3. Borrow money and issue bonds in anticipation of the collection of such special assessment.
- B. The City of Flint may, by ordinance, provide for the acquisition, establishment, operation, extension and maintenance of a sewage disposal system, sewers and plants, either within or without the corporate limits of the City of Flint, as a utility as prescribed by State law.

Sec. 7-401 POWER TO ASSESS.

The City of Flint may, by ordinance, determine that the whole or any part of the expense of any local public improvement or repairs shall be defrayed by special

assessment upon the property specifically benefited as provided for by law. However, no special assessment may be made after on-site construction has begun.

#### Sec. 7-402 PROCEDURE ORDINANCE.

- A. The complete special assessment procedure to be used, including the preparation of plans and specifications; estimation of costs; the preparation, hearing and correction of the special assessment roll; 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.
- B. 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, and shall also provide for the disposition of excess assessments.

#### Sec. 7-403 SPECIAL ASSESSMENT LIEN.

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 subject thereto. In case of delinquency the special assessment and all interest thereon shall be collected as provided by ordinance.

#### Sec. 7-404 CONTEST OF ASSESSMENTS.

- A. Appeals of Special Assessments are as provided by State Law, 1973 PA 186 §35a, MCL 205.735 a (5) as amended, which requires that as a prerequisite to appeal a special assessment the property owner shall protest the special assessment at the hearing held by the City Council for the purpose of confirming the special assessment.
- B. If the City Attorney submits a written opinion finding the special assessment roll illegal, in whole or in part, the City Council may revoke its confirmation, correct the illegality, if possible, and reconfirm it. No property shall be assessed more than was imposed upon the original confirmation without further notice and hearing.

## **ARTICLE 8 – REGULATORY POWERS**

### **Sec. 8-101 REGULATORY POWER.**

The City may, as provided by law, exercise its police power over any trade, occupation, amusement, business or other activity within the City to regulate, provide, or prohibit except as authorized by permit, license, or franchise.

### **Sec. 8-102 APPELLATE REVIEW.**

The City shall provide, by ordinance, for the review of administrative decisions of the City agencies which are not within the appellate jurisdiction created by other sections of this Charter.

### **Sec. 8-201 GENERAL POWERS.**

The City shall possess and hereby reserves to itself all the powers granted to cities by state law to acquire, construct, own, operate, improve, enlarge, extend, repair, maintain, encumber, convey, dispose of or sell, either within or without its corporate limits, public utilities, including but not limited to public utilities for treating and supplying clean water and for supplying light, heat, power, gas, sewage treatment, garbage disposal, electronic communications; and also to sell and deliver the products or services thereof, both within and outside its corporate limits, subject to the limitations herein contained. The power to supply said utilities services, as herein possessed and reserved, shall include the power to extract, process, manufacture, transport or purchase the same from others.

### **Sec. 8-202 ADMINISTRATION OF MUNICIPALLY OWNED AND OPERATED UTILITIES.**

- A. All municipally owned and operated utilities shall be administered as a regular department of the city government under the management and supervision of the Mayor or by an authority established pursuant to state law to provide such services.
- B. The Council shall enact such ordinances and adopt such resolutions as may be necessary for the maintenance, protection, preservation, control, financing, and operation of any public utility which the city may in any manner acquire, own, or operate; and all fixtures, appurtenances, apparatus, building, and machinery connected therewith or belonging thereto; and to carry in effect the powers conferred upon the city by the provision of this charter and by state law.

### **Sec. 8-203 RATES**

- A. The Council shall fix just and reasonable rates and such other charges as may be deemed advisable for supplying municipal utility services, as permitted by state law. Discrimination in residential rates shall not be permitted
- B. Within two years of the enactment of this Charter the City Council shall pass an ordinance creating a payment assistance program for residential water and sewer customers in need.

#### Sec. 8-204 COLLECTION OF MUNICIPAL UTILITY RATES AND CHARGES

The Council shall provide by ordinance for the collection of rates and charges for public utility services furnished by the city. Council shall pass an ordinance to create a dispute resolution process to address unpaid water bills left by tenants or water liens from previous owners.

#### Sec. 8-205 ACCOUNTS AND FINANCES FOR PUBLIC UTILITIES

Separate accounts termed Enterprise Funds shall be kept for each public utility owned and operated by the city. Such accounts shall be classified and made in accordance with generally accepted accounting principles. Charges, pursuant to cost attribution plan, for all services furnished to, or rendered by, other city departments or agencies shall be recorded and available to the public. An annual report, to be on file in the office of the City Clerk for inspection, shall be prepared to show more accurately the financial position of the utility and the results of its operations. Such system of accounts shall conform to the Uniform Chart of Accounts as required by state law.

#### Sec. 8-206 DISPOSAL OF MUNICIPAL UTILITY PLANTS AND PROPERTY

The city shall not sell, exchange, lease, or in any way dispose of any property, easement, equipment, privilege, or asset needed to continue the operation of any municipal public utility, unless the proposition to do so is approved by at least three-fifths (3/5) of the electors of the city voting on the question at a regular or special city election. All contracts, grants, leases, or other forms of transfer in violation of this section shall be void and of no effect as against the city. The restrictions of this section shall not apply to the sale or exchange of articles of machinery or equipment of any municipally owned public utility, which are no longer useful or which are replaced by new machinery or equipment; or to the leasing of property not necessary for the operation of the utility, or to the exchange of property or easements for other needed property or interests in property.

#### Sec. 8-207 PUBLIC UTILITY FRANCHISES

Insofar as permitted by state law, the city may grant a franchise to any person for the use of the streets, alleys, bridges, and other public places of the city for the furnishing of any public utility, electronic, telephonic, video or communications

services and public lighting to the city and its inhabitants. Franchises and renewals, amendments, and extensions thereof shall be granted only by ordinance. Public utility franchises shall include provisions for fixing rates and charges, and may provide for readjustments thereof at periodic intervals. The city may, with respect to any public utility franchise granted after the effective date of the charter, whether or not so provided in the granting ordinance:

- A. Terminate the same for the violation of any of its provisions, for the misuse or nonuse thereof, for failure to comply with any provision thereof, or any regulation imposed under authority of this section,
- B. Require proper and adequate extension of plant and the maintenance thereof at the highest practicable standard of efficiency,
- C. Establish reasonable standards of service and quality of products, and prevent unjust discrimination in service or rates,
- D. Impose other regulations determined by the Council to be conducive to the health, safety, welfare, and convenience of the public,
- E. Require the public utility to permit joint use of its property and appurtenances located in the streets, alleys, bridges, and public places, by the city and other utilities, insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefore, and, in the absence of agreement, and upon application by the public utility, provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefore,
- F. Require the public utility to pay any part of the cost of improvement or maintenance of streets, alleys, bridges, and public places, that arises from its use thereof, and to protect and hold the city harmless from all damages arising from such use, and
- G. Require the public utility to file with the Mayor such drawings and maps of the locations and nature of its facilities, as the Council may request.
- H. Require the public utility to restore, to as good or better condition any streets, alleys, bridges, and public places that arises from its use thereof.
- I. Require the public utility to remove all structures, equipment, wires, conduits, pipes, and the like from any streets, alleys, bridges, and public places and restore all streets, alleys, bridges, and public places to as good or better condition, upon termination of the franchise.

#### Sec. 8-208 PUBLIC UTILITY FRANCHISES – GRANTING

- A. Public utility franchises and all renewals, and extensions thereof and amendments thereto, shall be negotiated between parties and granted only by ordinance or as otherwise provided by state law. No franchise shall be granted for a longer period than thirty (30) years.
- B. Unless otherwise preempted by state or federal law, no franchise ordinance not subject to revocation at the will of the Council shall be enacted nor become operative until the ordinance has been placed on the ballot at a regular or special election and received the affirmative vote of the majority of the electors voting thereon. No such franchise ordinance shall be approved by the Council for placement on the ballot prior to thirty (30) days after the application was filed with the Council nor before a public hearing has been held thereon, nor before the grantee named therein has filed with the City Clerk an unconditional acceptance of all terms of such franchise. No special election for such purpose shall be ordered unless the expense of holding such election, as determined by the Council, is paid to the City Treasurer by the grantee.
- C. A franchise ordinance, renewal, extension, or amendment thereto, which is subject to revocation at the will of the Council may be enacted by the Council without referral to the voters, but it shall not be enacted until it has been on file in the office of the City Clerk for public inspection for at least four (4) weeks after publication of a notice that such ordinance is on file.

Sec. 8-209 PUBLIC UTILITY FRANCHISES – CONDITIONS

Unless otherwise preempted by state or federal law, all public utility franchises granted after the adoption of this charter, whether it be so provided in the granting ordinance or not shall be subject to the following rights of the city. This enumeration shall not be exclusive or impair the right of the Council to insert into such franchise any provision within the power of the city to impose or require:

- A. To repeal the same for misuse, non-use, or failure to comply with the provisions thereof,
- B. To require adequate extensions of plant and service and maintenance thereof at the highest practicable standard of efficiency,
- C. To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates,
- D. To require continuous and uninterrupted service to the public in accordance with the terms of franchise throughout the entire length thereof,
- E. To use, control, and regulate the use of its streets, alleys, bridges, and other public places and the space above and beneath them, and

- F. To impose such other regulations as may be determined by the Council to be conducive to the safety, welfare and accommodation of the public.

#### Sec. 8-210 AVAILABILITY OF PROPOSED ORDINANCES

Every ordinance granting a franchise, license, or right to occupy or use streets, alleys, bridges, or public places shall remain on file with the City Clerk for public inspection in its final form for at least four (4) weeks before the final adoption thereof, or the approval thereof for referral to the electorate.

#### Sec. 8-211 PLANS OF FACILITIES IN STREETS AND PUBLIC PLACES

- A. The Council shall, by ordinance, require as a condition to the placing or installment thereof, that each public utility conducting a business in the city, file with the City Administrator a duplicate copy of layout plans, pipes, conduits, and other facilities which are to be placed on, under, or above the surface of the city's streets, alleys, bridges, and public places.
- B. To the extent permitted by state law, every public utility shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges, and other public places as shall arise from its use thereof and shall protect and hold the city harmless from all damages arising from said use.
- C. Every such public utility shall be required by the city to permit joint use of its property and appurtenances located in the streets, alleys, bridges, and other public places of the city, by the city and other utilities insofar as such joint use may be reasonably practicable, upon payment of reasonable rental therefore. In the absence of agreement and upon application by any public utility, the Council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefore.

#### Sec. 8-212 TEMPORARY PERMITS

Temporary permits for public utilities, revocable at any time at the will of the Council, may be granted by the Council by resolution, on such terms and conditions as it shall determine, provided that such permits shall in no event be construed to be franchises or amendments to franchises. A temporary permit shall be subject to the rights of the city to make independent audit and examination of accounts at any time, and to require reports annually or at more frequent intervals as prescribed by resolution of the Council. When the Council deems it in the public interest, such permits may be exclusive.

#### Sec. 8-213 EXISTING FRANCHISES AND PERMITS

All franchises and permits to which the City of Flint is a party when this charter becomes effective shall remain in full force and effect according to each agreement.

#### Sec. 8-214 PURCHASE – CONDEMNATION

The city shall have the right to acquire, by condemnation or otherwise, the property of any public utility in accordance with general law.

#### Sec. 8-215 TELECOMMUNICATIONS ADVISORY COUNCIL

The Telecommunications Advisory Council, subject to the provisions of Article 6 of this Charter, shall review all franchise agreements twelve months before they expire and provide recommendations to City Council and the Mayor as to how to address the telecommunication needs of citizens.

#### Sec. 8-301 PURCHASE AND SUPPLIES.

- A. The head of Purchase and Supplies shall be a member of the Classified Service and shall be designated by the Mayor with the approval of the City Council. This person shall be responsible for the purchase and distribution of all supplies, materials, and equipment needed by the City.
- B. 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 the Declaration of Rights of this Charter.
- C. Restrictions on Purchase. No purchases, unless specifically exempted by ordinance, shall be made, except on a signed requisition by the head of a department, countersigned by the Chief Financial Officer and approved by the Head of Purchasing and Supplies. No purchases shall be made in excess of appropriations
- D. The City shall, by ordinance, establish procedures to protect the interests of the City and to assure fairness in procuring property and services. The ordinance shall require competitive bidding for purchases and contracts but there may be cases clearly defined in the ordinance, in which competitive bidding is not required. The ordinance shall define “lowest responsible bidder.”
- E. The head of Purchase and Supplies shall be responsible for the sale, lease and transfer in the ordinary course of City operations all personal property of the City which is unsuitable for continued use.

- F. The City shall, by ordinance, establish procedures to protect the interests of the City and to assure fairness in disposing of personal property. The ordinance shall require competitive bidding for sales, leases and transfers, but there may be cases, clearly defined in the ordinance, in which competitive bidding is not required. The ordinance shall define the dispositions of public property which are not in the ordinary course of City operations and shall provide a procedure for such dispositions.
- G. The provisions of this section do not apply to the Board of Hospital Managers.

## ARTICLE 9 - TRANSITION

### Sec. 9-101 EFFECTIVE DATE OF CHARTER.

Except as otherwise provided in this Article, this Charter shall become effective for all purposes on January 1, 2018.

### Sec. 9-102 ELECTION FOR MAYOR AND COUNCIL MEMBERS.

- A. The first primary and general election for Mayor shall be in 2019 at the time set by statute for City primaries and general elections in the odd numbered years. And, the first term for Mayor shall be for 3 years. Subsequent terms shall be four years, and elections commencing in 2022 shall be with the gubernatorial elections.
- B. Commencing in 2022, the term shall begin at 12 o'clock noon on the Monday following the certification of election and those elected shall continue serve in those offices until the next gubernatorial election and until a successor is elected and qualified.
- C. Commencing in 2022, pursuant to §9.102 of this Charter, the voters of the City shall elect a Mayor in a primary election and general election to be held upon the same dates as the State of Michigan primary election and the general election in which the voters of the state normally elect a Governor for a four-year term.
- D. The first primary and general election for Council shall be in 2021 at the time set by statute for City primaries and general elections in the odd numbered years. And the first term for Council Members shall be for 5 years. Subsequent terms shall be four years and elections, commencing in 2026, shall be with the gubernatorial elections.
- E. Commencing in 2026, the voters of the City shall elect a Mayor and City Council members in a primary election and general election to be held upon the same dates as the State of Michigan primary election and general election in which the voters of the state normally elect a Governor for a four-year term, and continuing thereafter.
- F. The City Council shall adopt, in 2021, a resolution required to switch to even numbered year elections as authorized by MCL 168.642 and 168.642a.

### Sec. 9-201 ADJUSTMENT IN BUDGET.

The first Mayor and City Council elected under this Charter shall have the authority to make any necessary adjustments to the budget then in force.

### Sec. 9-202 COMPENSATION OF COUNCIL MEMBERS.

If the Ethics and Accountability Board determines that there has been a failure to adopt the ordinance and resolutions required by this Charter, then the Ethics and Accountability Board may cause the Council's compensation to be placed in escrow

with the City Treasurer. Upon a determination that Council has complied with the Charter requirements, by adopting the required resolutions and ordinances, the Ethics and Accountability Board shall cause the escrowed fund to be paid to the Council Members.

#### Sec. 9-203 COMPENSATION OF OFFICIALS AND EMPLOYEES

The initial compensation of all officials and employees shall continue as it exists on the day prior to the effective date of this Charter. Any change in compensation shall be made in the manner provided for by Charter, ordinances and resolutions.

#### Sec. 9-204 PREVIOUS CHARTER RETIREMENT SYSTEM.

The provisions, benefits and terms of the retirement system as provided for firemen and policemen in the City Charter as adopted by the people on December 2, 1929, and amendments adopted November 5, 1946 and April 7, 1947, shall remain in full force and effect until the benefits accruing thereunder have all been satisfied.

#### Sec. 9-205 EXISTING CITY LEGISLATION AND RULES.

- A. All ordinances and resolutions of the City and all 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 under this Charter.
- B. All current millages, duly adopted, shall continue to exist and are not impaired by this charter.

#### Sec. 9-301 STATUS OF OFFICERS UNDER OLD CHARTER.

- A. All persons holding office shall continue in office or equivalent office until replaced or removed in accordance with law or the provisions of this Charter.
- B. The term of the first City Clerk appointed under this charter shall begin January 1, 2018.

#### Sec. 9-302 SUCCESSION TO RIGHTS AND PROPERTY.

The City of Flint under this Charter shall succeed to all of the privileges, titles, easements, rights of way, causes of action, duties, commitments, powers, obligations and be the complete successor to the City of Flint under the previous Charter. The City shall be vested with all property, monies, contracts, credits, effects, records, files, books and papers belonging to it under and by virtue of its previous Charter. No rights, liability contract, lease, or franchise, either in favor of the City or against the City, and no suit or prosecution of any character shall be affected in any manner by any change resulting from the adoption of this Charter; but the same shall stand or proceed, as if no change had been made. All debts and liabilities of the City shall

continue to be its debts and liabilities; and all debts owing to it and fines, penalties, interest or fees imposed and existing at the time of such change shall be collected by the City.

Sec. 9-303 TRANSITION OF STATUS OF EMPLOYEES.

- A. The transition of the status of the employees from the previous Charter to this Charter shall be controlled by the following conditions:
1. The policy making officials are bound by collective bargaining agreements and by the rights, benefits and conditions of employment existing pursuant to and/or by virtue of the previous Charter.
  2. The rights, benefits and conditions of employment referred to in Sec. 9-303(A)(1) above shall remain in full force and effect as to all employees in the Classified Service, whenever hired, until changed by mutual agreement between the City and the affected employee's bargaining unit.
  3. If an employee in the Classified Service is not covered by a collective bargaining agreement, the employee shall continue to possess the rights, benefits and conditions of employment until changed by operation of law or the terms of this Charter.

Sec. 9-304 ORDINANCES FOR TRANSITION.

If any question arises concerning transition from the 1974 Charter to this Charter for which this Charter has not provided, the City may resolve the question by ordinance.

Sec. 9-401 ELECTION TO ADOPT CHARTER.

This Charter shall be submitted to a vote of the qualified electors of the City of Flint at the election to be held on Tuesday, August 8, 2017. All provisions for the submission of the question of adopting this Charter at such election shall be made in the manner provided by law.

Sec. 9-402 FORM OF QUESTION.

The voters of the City of Flint shall vote on the following proposition:

Shall the Charter proposed by the Flint Charter Revision Commission be adopted?

Yes

No