

Proposal Number: 29

Name of Proposed Section: {Proposal contains multiple sections}

Suggested Article: Transition

Introduced by: Commissioner Murphy

Date Introduced: 6/23/2016

Date Reported for Second Reading: 1/31/2017

Date of Second Reading: 2/9/2017

Date Reported for Third Reading:

Date Passed:

Sec. 9-101 EFFECTIVE DATE OF CHARTER.

Except as otherwise provided in this Article, this Charter shall become effective for all purposes on the date that the first Mayor and City Council elected under this Charter take office. The sections on nomination and election of Mayor and Council members shall become effective on January 1, ~~2018~~ 1975.<sup>1</sup>

Sec. 9-102 FIRST ELECTION FOR MAYOR.

- 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. AND, THE FIRST TERM FOR MAYOR SHALL BE FOR 3 YEARS. SUBSEQUENT TERMS SHALL BE FOUR YEARS, AND ELECTIONS SHALL BE WITH THE GUBERNATORIAL ELECTIONS.**
- B. THE FIRST PRIMARY AND GENERAL ELECTION FOR COUNCIL SHALL BE IN 2021 AT THE TIME SET BY STATUTE FOR CITY PRIMARIES AND GENERAL ELECTIONS. AND THE FIRST TERM FOR COUNCIL MEMBER SHALL BE FOR 5 YEARS. SUBSEQUENT TERMS SHALL BE FOUR YEARS AND ELECTIONS SHALL BE WITH THE GUBERNATORIAL ELECTIONS.**

~~The first primary and general election for Mayor shall be in 1975 at the time set by statute for City primaries and general elections. However, if no election for the Flint City Council is held in 1975, the first primary and general election for the office of the Mayor shall be held at the same time as the primary and general election for the Council.~~<sup>2</sup>

Sec. 9-201 ADJUSTMENT IN BUDGET.

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<sup>1</sup> Amended in Committee of the Whole 1/31/2017

<sup>2</sup> Amended in Committee of the Whole 1/31/2017

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 OFFICERS.

Any provision of this Charter or ordinance to the contrary notwithstanding, the Elective Officers' Compensation Commission shall hold its first meeting in ~~1975~~ **2018** no later than March ~~32~~ of that year and shall consider the compensation of the Mayor and Council members under this Charter in addition to any matters properly before the Commission.

Sec. 9-203 COMPENSATION OF APPOINTED OFFICIALS.

The initial compensation of all appointed officials 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 determined by law.

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.<sup>3</sup>**

~~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.~~

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

- A. ALL PERSONS HOLDING APPOINTIVE OFFICE SHALL CONTINUE IN OFFICE OR EQUIVALENT OFFICE UNTIL REMOVED IN ACCORDANCE WITH LAW OR THE PROVISIONS OF THIS CHARTER.**

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<sup>3</sup> Amended in Committee of the Whole 1/31/2017

**B. THE TERM OF THE FIRST CITY CLERK APPOINTED UNDER THIS CHARTER SHALL BEGIN JANUARY 1, 2018.**

~~All persons holding appointive office shall continue in office or equivalent office until removed in accordance with law or the provisions of this Charter.<sup>4</sup>~~

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 Civil Service Commission as it existed prior to the date of adoption of this Charter shall be abolished after the effective date of this Charter.~~
  - ~~2. The Civil Service Commission created under this Charter is limited to an adjudicatory role rather than a policy making role.~~
  - ~~3. The policy making function has been placed by this Charter with the elected officials and persons directly responsible to elected officials. In the case of hospital employees the policy making function has been placed with the Board of Hospital Managers.<sup>5</sup>~~
  4. 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.
  5. The rights, benefits and conditions of employment referred to in Sec. 9-303(A)(41) 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.

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<sup>4</sup> Amended in Committee of the Whole 1/31/2017

<sup>5</sup> Amended in Committee of the Whole 1/31/2017

6. 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.

~~B. Notwithstanding the provisions of 9-303(a) above, no employee who was in the Classified Service prior to the adoption of this Charter, whose position is not in the Classified Service under this Charter, may be removed under this Charter unless:~~

- ~~1. The person is transferred to another position in City government and is assured of salary and benefits at least as favorable as would have been earned by service in the position from which transferred until mandatory retirement age is reached; or~~
- ~~2. A mutually agreeable settlement is made by the City with the person discharging all rights against the City which the person may assert; or~~
- ~~3. Cause for removal is established in proceedings before the Civil Service Commission.<sup>6</sup>~~

#### Sec. 9-304 ORDINANCES FOR TRANSITION.

If any question arises concerning transition from the ~~1929~~ **1974**<sup>7</sup> 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 general election to be held on Tuesday, November 5, 1974. 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

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<sup>6</sup> Amended in Committee of the Whole 1/31/2017

<sup>7</sup> Amended in Committee of the Whole 1/31/2017