



City of Flint

Department of Law

TO: Counsel of Record, Pohly v. City of Flint
FROM: Angela Wheeler, City Attorney
RE: Charter Compliance Status Report
DATE: November 1, 2021

Pursuant to Paragraphs 1(b) & 2(a) of the Settlement Agreement, the City provides the following report, covering the period of September 1, 2021 to November 31, 2021 (180 day reporting requirements):

| Paragraph Reference/Description (90 day progress) | Status Update | Department/Division/Office |
|---|---|---------------------------------------|
| ¶1(b)(i). The City will repeal any ordinance containing a job description for any position inconsistent with the Charter, including the job description for the Deputy Director for Public Works and the Deputy Economic Development Director according to its normal ordinance procedure, no later than 90 days after entry of the Stipulated Order. | Ordinances to be rescinded to be presented to the City Council on or about August 4, 2021. Moved for first reading on. On September 13, 2021, the motion was made to move for second reading and adoption. The motion failed with a 5-4 vote. The ordinance will be represented for repeal. | Law Department and City Council staff |
| ¶2(a)(i). The City will establish and populate the Human Relations Commission no later than 90 days after the entry of the Stipulated Order. ¹ | Completed | City Council and City Clerk |
| ¶2(a)(ii). The City will publish all proposed ordinances to the website on an ongoing basis as required by Sec 3-303, as required by the definition of “publish” under Sec 1-405 no later than 90 days after the entry of the Stipulated Order for any ordinances proposed before that date. | Completed and Ongoing | City Clerk/City Council Staff |
| ¶2(a)(iii). The City will comply with the Open Meetings Act and the Charter with respect to publication of minutes beginning on the date of entry of this Settlement Agreement and Stipulated Order of all Council meetings and all Council Committee meetings, as defined in Charter Section 1-405. The obligations will be continuous and ongoing. | Completed and ongoing. Minutes may be found on the following City of Flint Website links at City Council Committee Agendas/Minutes – City of Flint & City | City Clerk/City Council Staff |

¹ See Human Relation Commission Appointment Resolutions Attached.



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| | <p>Council/Special Affairs Agendas/Minutes – City of Flint .</p> <p>Also See attachments:</p> <ol style="list-style-type: none"> 1. Report on Minutes 2. City Council Committee Agendas/minutes 3. City Council Special Affairs/Minutes | |
| <p>¶2(a)(iii). The City will hire the necessary staff to transcribe and approve meeting minutes no later than 90 days of the entry of the Stipulated Order.</p> | <p>Early July 2021, the City Clerk reached out to several recording firms to determine how to meet the needs ongoing into the City Council “Legistar” software system to input actions from the meeting.</p> <p>Minutes will be prepared the day after the meeting and presented at the next regular meeting consistent with the Open Meetings Act.</p> | <p>City Clerk</p> |
| <p>¶2(a)(iii). The City will comply with the Open Meetings Act and the Charter with respect to publication of minutes beginning on the date of the entry of the Stipulated Order. This will be continuous and ongoing.</p> | <p>Completed and ongoing</p> | <p>All City boards and commissions</p> |



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| ¶2(a)(iv). The City will allocate a budget for the City Clerk to institute and maintain a voter registration program pursuant to Sec. 3- 403-(B)(1) for the fiscal year beginning July 1, 2021, no later than 90 days after entry of the Stipulated Order. | The City Clerk's budget was adopted as proposed with an additional \$60,000 for census and codification. | Finance |
| ¶2(a)(iv). For the 2021 elections, the City Clerk shall initiate a voter registration effort no later than 30 days before the primary election, and no later than 90 days before the general election. | Completed and ongoing. Attached is the Voter Registration Program Standard Operating Procedure | City Clerk |
| ¶2(a)(iv). As provided by the Charter this voter registration program shall be initiated at least 45 days prior to the primary and general elections for municipal, state and federal elections for 2022 and all years thereafter. | Completed and ongoing. Attached is the Voter Registration Program | City Clerk |
| ¶2(a)(iv). For the 2021 elections, the City Clerk shall report to City Council on the progress of the voter registration efforts no later than 45 days before the general elections. | Completed. Reported to City Council During City Council Meeting. | City Clerk |
| ¶2(a)(iv). For the 2021 elections, the City Clerk shall report to City Council on the progress of the voter registration efforts no later than 30 days before the primary elections and no later than 45 days before the general elections. | Completed and Ongoing | City Clerk |
| ¶2(a)(iv). For all years after 2021, the City Clerk shall report to City Council on the progress of the voter registration efforts no later than 45 days before the primary elections and no later 45 days of the general elections consistent with Charter Sec. 3-403(B)(2). | Ongoing. Attached is the Voter Registration Program. | City Clerk |
| ¶2(a)(v). The Mayor will designate a Head of Labor Relations pursuant to Charter Sec. 4- 406 no later than 90 days after entry of the Stipulated Order. ² | Completed | Mayor |
| ¶2(a)(vi). The City will ensure that at least 3/4 of the members of the Hurley Board of Managers, or no less than eleven members, are residents of the City of Flint as provided in Sec. 6-201(B) no later than 90 days after the entry, any nonresident proposed for appointment after entry of the Stipulated Order, as provided by the Charter for a nonresident shall be appointed only for compelling reasons stated before the appointment. | Completed | Mayor |

² Eddie Smith was appointed as the Human Resources and Labor Relations Director.



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| <p>¶2(a)(vii). The City will comply with the budget timelines required by required by Sec 7- 101 of the Charter for all years beginning with the 2021-2022 Fiscal Year, beginning no later than 90 days after entry of the Stipulated Order.³</p> | <p>Completed. The Finance dept is complying with the budget timelines. The budget administrator has been reviewing the charter and ordinances to ensure all deadlines are met.</p> | <p>Finance</p> |
| <p>¶2(a)(viii). The Chief Financial Officer will present a complete 12-month spending plan for each department and fund for all years beginning with the 2021-2022 Fiscal Year and thereafter as required by Sec 7- 103B beginning no later than 90 days after entry of the Stipulated Order.</p> | <p>The budget administrator is working on the monthly spending plan, which will be ready by the August 31, 2021 deadline.</p> <ul style="list-style-type: none"> Completed on September 9, 2021. See attached report. | <p>Finance</p> |
| <p>¶2(a)(xi). The City shall provide for full actuarial funding for any new employee pension benefit liabilities for 2018, 2019, 2020, and for all years beginning with the 2021-2022 Fiscal Year as required by Sec 7- 302 beginning no later than 90 days after entry of the Stipulated Order.</p> | <p>Completed⁴</p> | <p>Finance</p> |

Pursuant to Paragraphs 2(b) of the Settlement Agreement, the City provides the following report, covering the period of June 1, 2021 to November 30, 2021 (180 day reporting requirements):

| Paragraph Reference/Description (180 day progress) | Status Update | Department/Division/ Office |
|--|---|---|
| <p>¶2(b)(i). The City shall enact an ordinance to create a dispute resolution process to address unpaid water bills left by tenants or water liens from previous owners pursuant to Sec. 8 -204 no later than 180 days after entry of the Stipulated Order. The ordinance must be published online and prominently featured as a link on the City’s home page, and on the page</p> | <p>On September 13, 2021, Resolution 210424 was moved for first reading to establish 46-17.1 disputed unpaid water bills left by tenants for water liens from previous owners and</p> | <p>Finance/Treasury/Law/ City Council</p> |

³ 2021-2022 budget adopted on June 15, 2021

⁴ In compliance. The Finance department complies with the full actuarial funding requirements.



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| <p>for information concerning water and sewer payments.</p> | <p>Water Payment Assistance Program 46-17.2, 210423. Subsequently the ordinances were moved for second reading and adoption. See attached ordinance.</p> | |
| <p>¶2(b)(ii). The City will identify and appoint all Civil Service Commission members no later than 180 days after entry of this Stipulated Order.</p> | <p>Still in Process</p> | <p>Human Resources</p> |
| <p>¶2(a)(iii). The City will establish and populate the Revenue Estimation Commission no later than 180 days after the entry of the Stipulated Order for participation in the preparation of the FY 2022 -2023 Budget.</p> | <p>On February 22, 2021 a total of 7 applications had been received. Still ongoing</p> | <p>Finance/Mayor/City Council</p> |
| <p>¶2(a)(iv). Ethics and Accountability Board. The Ethics & Accountability Board will prepare a report to the Mayor and the Council for the Fiscal year ended June 30, 2021 and all years thereafter pursuant to Sec 3- 504 D no later than 180 days after entry of the Stipulated Order. The report submitted to the Mayor and Council for the Fiscal Year ended June 30, 2021 will include a written report of all actions taken by the Ethics & Accountability Board between the date the City established that Board in 2018 and the date of the report, including but not limited to a copy of rules and policies adopted by the Board, the number of complaints filed with and/or investigated by the Board.</p> | <p>See Attached EAB Bylaws Adopted December 17, 2019.</p> | <p>EAB Board</p> |
| <p>¶2(b)(iv). The Mayor will review the status of Multiple Member Bodies and make written recommendations to Council as required by Sec. 6- 103 no later than 180 days after the entry of the Stipulated Order.</p> | <p>Completed and Ongoing</p> | <p>Mayor</p> |
| <p>¶2(a)(v). The City will train all public servants (as defined by the Charter), volunteers and city contractors on the ethical standards of the Charter and, as applicable, the requirements of the Freedom of Information Act and the</p> | <p>On April 26, 2019, the City’s Ethics standards were provided City-wide to City of Flint email users including</p> | <p>Law/Human Resources</p> |



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| <p>Open Meetings Act and will provide them with a copy of the Ethical standards of the Charter no later than 180 days of the entry of the Stipulated Order. The manner of training to be provided is at the City’s discretion.</p> | <p>employees, elected and appointed officials. On February 20, 2020, the ethics provision of the City Ordinance was incorporated into City Contracts and also attached as an exhibit required contracts and any subcontractors to agree to comply by the terms of Section 1-602. A PowerPoint slide show presentation was created for training to be administered online. See Attachments</p> | |
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Pursuant to Paragraphs 2(a)(iii), 2(b)(ii) & 2(c) of the Settlement Agreement, the City provides the following report, covering the period of November 30, 2021-May 31, 2022 (1 year reporting requirements), but no later than September 1, 2022:

| Paragraph Reference/Description (1 year progress) | Status Update | Department/Division/Office |
|--|------------------------------|-------------------------------|
| <p>¶2(a)(iii). The City will publish all Council Meeting Minutes and Council Committee Minutes no later than one year after entry of the Stipulated Order.</p> | <p>Completed and Ongoing</p> | <p>Council staff</p> |
| <p>2(b)(ii). The City will establish, populate and fund the Civil Service Commission no later than 1 year after entry of the Stipulated Order. Within one year of entry of the Stipulated Order the Civil Service Commission shall be fully operational.</p> | | <p>Mayor/Human Resources</p> |
| <p>¶2(c)(iii). The City will train City Council, Principal Officers, the Mayor, Department Heads, and other employees identified by the Mayor as required to be involved in Charter compliance in mandatory provisions of the Charter no later than 1 year after September 2021. The City Attorney and volunteer</p> | | <p>Law/Charter Commission</p> |



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| members of the Charter Commission shall develop the materials and present the training. | | |
| ¶2(c)(iv). The City will compile and publish all rules, policies and procedures as required by Charter Sec. 1- 802, no later than one year after the date of the entry of the Stipulated Order. This will not include publication of rules, policies and procedures where prohibited or exempted by state statute or evidentiary rules. | | All City Departments/City Clerk |
| ¶2(c)(iii). The City will publish enacted ordinances to the web site as required by Sec. 3-304, and as required by the definition of “publish” under Sec 1- 405, no later than one year after the date of the entry of the Stipulated Order. The City may engage American Legal Publishing to assist in the publication as required by the Charter. | New legislative published though April of 2021. See attached new legislation and link below: FlintALS.pdf (amlegal.com) or https://codelibrary.amlegal.com/codes/flint/latest/overview | City Clerk |
| ¶2(c)(vi). The City will codify all of its ordinances as provided in Sec. 3-309 no later than one year after the date of the entry of the Stipulated Order. The City may engage, and contract, with American Legal Publishing to assist in the codification as required by the Charter. | In Process. See link below: FlintALS.pdf (amlegal.com) or https://codelibrary.amlegal.com/codes/flint/latest/overview | City Clerk |
| ¶2(c)(vii). The City will bring the City and all Multiple Member Bodies as required by Sec. 6-101(B) into compliance with the Charter within 180 days, but in any event, no later than one year after the date of the entry of the Stipulated Order. “Compliance” will include all of the following actions mandated by the Charter, and all other provisions of the Charter regarding Multiple Member Bodies: | | City Clerk/Law/City Boards and Commissions |
| (1) All openings for appointments to all Multiple Member Bodies will be published as required by the definition of “publish” under Sec 1- 405, for the purpose of giving sufficient | | Communications Director |



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| time for the submission of applications by interested parties pursuant to Article 6-101 (B)(3). | | |
| (2) The City will ensure that at least 3/4 of the members of all Multiple Member Bodies are residents of the City of Flint as required by Sec 6-101(B)(5), unless prohibited by state or federal law. | | City Clerk |
| (3) All Multiple Member Bodies will create and publish their rules as required by Sec 6-101(B)(6). | | City Clerk |
| (4) All Multiple Member Bodies will provide reports to the Mayor and City Council as requested by City Council either on a quarterly or annual basis and the reports will be published on the web site or otherwise available for public inspection as required by Sec 6- 101 (B)(7). | | Mayor/City Council/Multiple Member Bodies |
| (5) All Multiple Member Bodies will provide minutes to the City Clerk and the minutes will be available for inspection and posted on the City’s website per Sec 6 - 101(B)(8). | | City Clerk and Multiple Member Bodies |
| (6) Records of appointments and terms of Multiple Member Bodies will be made available to the public pursuant to Sec 6-101(B)(9). | | City Clerk |
| ¶2(d). The City shall establish a Telecommunications Advisory Council as required by Charter Sec 8- 215. | | Mayor/City Clerk |
| ¶2(e). The City agrees that all documents and communications, including electronic communications, relevant to the Ethics and Accountability Board, and all other Multiple Member Bodies, and all documents and communications among the members of the Ethics and Accountability Board and other Multiple Member Bodies relating to the business of those entities are retained, archived, and available to the City so that they shall be produced as required by FOIA, subject to attorney-client privilege and any other statutory exemptions. | | Information Technology/Boards/ Commissions/City Clerk/Law |



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| <p>¶2(c)(find on Page 5). The City will begin the process of re-drawing the electoral ward maps immediately upon release of the 2020 census figures, as required by the Charter and Michigan law and shall complete that process no later than one year after of the entry of the Stipulated Order.</p> | <p>A meeting is schedules for</p> | <p>City Clerk Staff and Flint Election Commission</p> |
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Attachments: Human Relation Commission Appointment Resolutions

- New Legislation**
- Report of Minutes**
- City Council Committee Agendas/Minutes**
- City Council Special Affairs/Minutes**
- Voter Registration Program Standard Operating Procedure**

November 1, 2021 Attachments:

- Hurley Board of Managers 8-4-2021**
- 7-2021 Council GL Report**
- 8-31-2021 City Council GL Report (Revenue and Expenditure Report)**
- City of Flint Fiscal Year 2021-2022 12-Month Spending Plan 10-12-2021**
- Council Report 10-20-2021 (Revenue and Expenditures)**
- 210211 Special Order City Ordinances Written Report Request**
- Ordinance 210424: 46-17.1 Disputed Unpaid Water Bills Left by Tenants or Water Liens from Previous Owners**
- Ordinance 210423: 46-17.2 Water Payment Assistance Program**
- Ethics and Accountability Board Bylaws**
- April 26, 2019 City’s implementation of Ethics standards City-wide to City of Flint email users including employees, elected and appointed officials and attachment to the email, ethics section 1-602.**
- February 20, 2020 City implementation of the ethics provision of the City Charter incorporated into City Contracts requiring contracts and any subcontractors to agree to comply by the terms of Section 1-602.**
- Attachments to the email, revised contract template, checklist and ethics section 1-602.**
- Ethics PowerPoint Presentation**