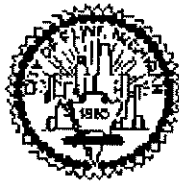


# **City of Flint, Michigan**

*Third Floor, City Hall  
1101 S. Saginaw Street  
Flint, Michigan 48502  
[www.cityofflint.com](http://www.cityofflint.com)*



## **Meeting Agenda - Final**

**Monday, November 25, 2019**

**4:30 PM**

**Committee Room**

### **SPECIAL AFFAIRS COMMITTEE**

*Monica Galloway, Chairperson, Ward 7*

*Eric Mays, Ward 1  
Santino J. Guerra, Ward 3  
Jerri Winfrey-Carter, Ward 5  
Allan Griggs, Ward 8*

*Maurice D. Davis, Ward 2  
Kate Fields, Ward 4  
Herbert J. Winfrey, Ward 6  
Eva L. Worthing, Ward 9*

*Inez M. Brown, City Clerk*

## ROLL CALL

## READING OF DISORDERLY PERSONS CITY CODE SUBSECTION

*Any person that persists in disrupting this meeting will be in violation of Flint City Code Section 31-10, Disorderly Conduct, Assault and Battery, and Disorderly Persons, and will be subject to arrest for a misdemeanor. Any person who prevents the peaceful and orderly conduct of any meeting will be given one warning. If they persist in disrupting the meeting, that individual will be subject to arrest. Violators shall be removed from meetings.*

## REQUEST FOR CHANGES AND/OR ADDITIONS TO AGENDA

*Council shall vote to adopt any amended agenda.*

## PUBLIC SPEAKING

*Members of the public shall have no more than two (2) minutes to address the City Council on any subject.*

## COUNCIL RESPONSE

*Councilpersons may respond to any public speaker, but only one response and only when all public speakers have been heard. Individual council response is limited to two (2) minutes and is subject to all rules of decorum and discipline.*

## RESOLUTIONS (POSTPONED)

*[NOTE: Resolutions No. 180590, 180591, 190011, and 190393 were POSTPONED from the November 20, 2019 Committee meetings to this Special Affairs agenda due to the lack of a quorum.]*

- |               |   |
|---------------|---|
| <b>180590</b> | Approval/City of Flint Statement of Policy/Anti-Bullying<br><br>Resolution resolving that the Flint City Council agrees to adopt the Anti-Bullying Policy, as requested by Human Resources.   |
| <b>180591</b> | Approval/City of Flint Statement of Policy/Harassment and Discrimination in the Work Place/Complaint Procedure<br><br>Resolution resolving that the Flint City Council agrees to adopt the Harassment and Discrimination in the Work Place Policy, and Complaint Procedure, as requested by Human Resources. [NOTE: Policy last adopted on April 22, 2015.] |
| <b>190011</b> | Approval/City of Flint Statement of Policy/Alcohol & Drug Free Workplace & Testing Policy<br><br>Resolution resolving that the Flint City Council agrees to adopt the Alcohol & Drug Free Workplace & Testing Policy, as requested by Human Resources.  |
| <b>190393</b> | Sale of Properties/Acquired from the Genesee County Treasurer   |

Resolution resolving that the Flint City Council authorizes the appropriate City Officials to do all things necessary to facilitate the sale of the following properties in the following amounts: 1710 W. Home Avenue, Flint, for \$1,000.00. [NOTE: The Flint City Council adopted a policy, Resolution No. 180627, on April 8, 2019, entitled "City of Flint Policy of Disposition of Acquired Genesee County Treasurer Properties," to handle the sale of such properties.]

## RESOLUTIONS

**190454**      Budget Amendments/Transfer of Funds/Water Fund/Sewer Fund/Unfunded Positions

Resolution resolving that the appropriate city officials are authorized to do all things necessary to process a budget amendment to the FY2020 adopted budget allocating funds from 591 Water Fund balance in the amount of \$166,833.71 to the following personnel accounts: Wages & Standby Pay Acct. No. 591-540.100-702.000 = \$90,678.72; Direct Fringes Acct. No. 591-540.100-719.000 = \$8,161.08; Indirect Fringes Acct. No. 591-540.100-719.200 = \$14,498.22; and Defined Benefit Acct. No. 591-540.100-719.150 = \$53,495.69; AND, allocating funds from 590 Sewer Fund balance in the amount of \$166,833.71 to the following personnel accounts: Wages & Standby Pay Acct. No. 590-540.100-702.000 = \$90,678.72; Direct Fringes Acct. No. 590-540.100-719.000 = \$8,161.08; Indirect Fringes Acct. No. 590-540.100-719.200 = \$14,498.22; and Defined Benefit Acct. No. 590-540.100-719.150 = \$53,495.69, as requested by Water and Sewer. [NOTE: The positions of Water Distribution and Sewer Maintenance Supervisor were inadvertently removed from the current fiscal year budget and are critical to the operation of these departments.]

**190476**      Contract/August Construction Services/50/50 Sidewalk Replacement Program

Resolution resolving that the proper city officials, upon City Council's approval, are hereby authorized to enter into [change order #1] with August Construction Services for additional 50/50 sidewalk replacement, and to repairs [sidewalks] upheaved by tree roots, as requested by Transportation, in an amount NOT-TO-EXCEED \$168,760.00, and a revised aggregate amount of \$238,760.00 [Major Street Fund Acct. No. 202-449.213-801.000 = \$50,000.00 and Local Street Fund Acct. No. 203-449.213-801.000 = \$118,760.00.]

**190482**      Elimination/\$75.00 Shut-Off Fee/Water Customers

Resolution resolving that the Flint City Council authorizes the appropriate City Officials to do all things necessary to eliminate the \$75.00 shut-off fee for water customers who have delinquent water bills.

## APPOINTMENTS

**190478**      Mayoral Appointment/City Administrator/Clyde D. Edwards

Resolution resolving that the Flint City Council approves the recommendation by Mayor Sheldon A. Neeley to appoint Clyde D. Edwards as City Administrator, at an annual compensation rate of \$90,000.00, with such earnings paid from Salary and Wages Acct. No. 101-172.100-702.000.

**190481** Appointment/Ethics and Accountability Board/Joseph Pettigrew

Resolution resolving that 9th Ward Flint City Councilperson Eva L. Worthing hereby appoints Joseph Pettigrew 3214 Cheyenne Avenue, Flint, Michigan, 48507) to the Ethics and Accountability Board for the remainder of a six-year term of office, commencing November 25, 2019, and expiring June 25, 2024. [NOTE: By way of background, Bob Gallagher resigned from his position on the EAB Board effective October 30, 2019.]

## **ORDINANCES (POSTPONED)**

*[NOTE: Ordinances No. 190323, 190439.1, and 190479 were POSTPONED from the November 20, 2019 Committee meetings to this Special Affairs agenda due to the lack of a quorum.]*

**190323** Amendment/Ordinance/Chapter 2 (Administration)/Article XXIII (Ethics and Accountability Board/Sections 2-178 to 2-183 (Ethics and Accountability Board By-Laws)

An ordinance to amend the Flint City Code of Ordinances by amending Chapter 2 (Administration) by the addition of Article XXIII (Ethics and Accountability Board, Sections 2-178 to 2-183 (Ethics and Accountability Board By-Laws).

**190439.1** Amended Ordinance/Amendment/Chapter 12 (Business and Occupations Generally)/Sections 12-273 through 12-283

An amended ordinance to amend the Code of Ordinances for the City of Flint by amending Chapter 12 (Business and Occupations Generally), by the addition of (Article XXX), Sections 12-273 through 12-283 concerning Surveillance Cameras Required for Certain Businesses. [NOTE: Ordinance amended by Administration.]

**190479** Amendment/Ordinance/Article VI/Chapter 35 (Personnel)/Section 35-112.15 (Adoption-Job Description & Qualifications)/Chief of Police

An ordinance to amend the Flint City Code of Ordinances by adopting Article VI, Chapter 35 (Personnel); Section 35-112.15 (Adoption - Job Description and Qualifications), Chief of Police.

## **ORDINANCES**

## **DISCUSSION ITEMS**

**180529** Referral/Revenue to Turn On, Turn Off Water Service

A referral as requested by Councilperson Galloway to FIN: How much revenue is generated from shutting off water? Turning on water? Was the water study that was promised ever completed? If so, what were the results? [Referral Action Date: 10/3/2018 @ Finance Committee Meeting.]

**190483** Referral/Number of Customers Disconnected from City Water in a Month

A referral as requested by Councilperson Griggs to FIN: How many customers does the city disconnect from city water each month? [Referral Action Date: 11/20/2019 @ Finance Committee Meeting.]

## **ADDITIONAL COUNCIL DISCUSSION**

## **ADJOURNMENT**

180590

RESOLUTION NO.: \_\_\_\_\_

PRESENTED: 11-20-18

ADOPTED: \_\_\_\_\_

**RESOLUTION TO ADOPT THE ANTI-BULLYING POLICY**

**BY THE MAYOR:**

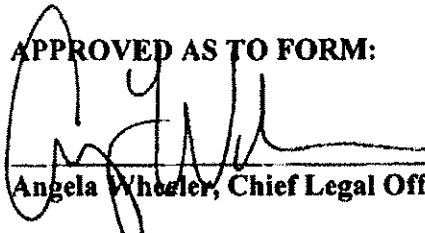
**WHEREAS,** The City of Flint intends to protect the rights of public servants and employees by adopting policies and procedures regarding bullying.

**WHEREAS,** The City has prepared an Anti-Bullying Policy. The policy is attached.


**WHEREAS,** Mayor, Karen W. Weaver recommends adopting the Anti-Bullying Policy.

**THEREFORE, BE IT RESOLVED** that the Flint City Council agrees to adopt the Anti-Bullying Policy.

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Angela Wheeler, Chief Legal Officer

**FOR THE CITY OF FLINT:**

  
\_\_\_\_\_  
Dr. Karen W. Weaver, Mayor

**APPROVED AS TO FINANCE:**

  
\_\_\_\_\_  
Hughey Newsome, Chief Financial Officer

**APPROVED BY CITY COUNCIL:**

\_\_\_\_\_  
Herbert Winfrey, City Council President

# Resolution Routing

**TO:** Resolution Signatories  
**FROM:** **Law Department**  
**SUBJECT:** RESOLUTION FOR APPROVAL

This RESOLUTION has been forwarded to you for your respective review and approval.

**Date recorded:** 11/15/2018 18-6470

All documents should be reviewed within three working days after receipt by your office.

## Anti-Bullying Policy

The attached resolution is submitted to the Legal Dept. for approval as to form only:

<b>Review and Approval:</b>	<b>IN</b>	<b>OUT</b>	<b><u>Approval</u></b>
1. City Attorney (Form Only):		11/15/2018	
2. Finance		11/15/2018	
3. City Administrator			

**Please call Jennifer at ex. 2082**



## City of Flint

<b>Policy: Anti-Bullying Policy</b>	<b>Original Date:</b>
<b>Issued by the City of Flint Legal Department and the Human Resources &amp; Labor Relations Department</b>	<b>Revision Date:</b>

**Disclaimer:** No statements in this policy are intended or set forth as contractual commitments or obligations of the City to any individual employee or group of employees or to establish an exception to the employment-at-will doctrine beyond that specified in contracts or pertinent collective bargaining agreements. If there are differences between the various collective bargaining agreements and this policy, the pertinent collective bargaining agreement takes precedence.



## INTRODUCTION

The following is the City of Flint's policy prohibiting bullying of City public servants<sup>1</sup>, employees or job applicants. The Complaint/Report Procedure described in this policy should be utilized to report bullying. The City will take appropriate action to prevent bullying and will protect the rights of public servants and employees who file complaints.

## PURPOSE

The City of Flint ("City") considers workplace bullying unacceptable and will not tolerate it under any circumstances. This policy shall apply to all public servants, employees, contractors, interns, externs, and volunteers. Any employee found in violation of this policy will be disciplined, up to and including discharge.

### A. Work Place Bullying Defined

The City defines bullying as persistent, malicious, unwelcome, severe and pervasive mistreatment that harms, intimidates, offends, degrades or humiliates an employee, whether verbal, physical or otherwise, at the place of work and/or in the course of employment.

The City promotes a healthy workplace culture where all employees are able to work in an environment free of bullying behavior.

The City encourages all public servants and employees to report any instance of bullying behavior. Any reports of this type will be treated seriously, investigated promptly and impartially. The complaint and procedure policy will be followed as found in this policy.

### B. Work Place Bullying Behavior

The City considers the following types of behavior as workplace bullying. Please note, this list is not meant to be exhaustive and is only offered by way of example:

1. Exclusion or social isolation;
2. Excessive monitoring or micro-managing;
3. Personal attacks (angry outbursts, excessive profanity, or name-calling);
4. Encouragement of others to turn against the targeted employee;
5. Sabotage of a co-worker's work product or undermining of an employee's work performance;
6. Stalking;

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<sup>1</sup> Public Servants: 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. Flint City Charter §1-405

7. Unwelcome touching or uncontested-to touching;
8. Invasion of another's person's personal space;
9. Unreasonable interference with an employee's ability to do his or her work (i.e., overloading of emails);
10. Repeated infliction of verbal abuse, such as the use of derogatory remarks, insults and epithets; and
11. Conduct a reasonable person would find hostile, offensive, and unrelated to the employer's legitimate business interests

**C. Complaint/Report Procedure**

The following procedure shall be utilized by the City public servants and employees for the processing of complaints relating to bullying in the work place. This procedure shall apply only to those complaints directed against a person who at the time of the filing of the complaint is a City of Flint employee or public servant. The procedure may be utilized with regard to complaints covering administrators, supervisory personnel and co-employees. While the procedure itself is not directly applicable to complaints involving non-employees of the City of Flint, any bullying from such individuals in the City of Flint work place should be brought to the attention of the employee's supervisor and/or the Human Resources Director.

**1. City of Flint Fact Finding Procedure**

- i. An employee, regardless of position, who feels he or she is being or has been subjected to bullying is expected to notify the Human Resources Director or his/her supervisor (or a higher level supervisor if the immediate supervisor is the offending party) immediately by issuing their complaint in writing or verbally. All complaints will be forwarded to the Human Resources Director if the offending party. If the Human Resources Director is believed to have violated the City's Anti-Bullying Policy, the employee should immediately file a written or verbal complaint with the City Attorney.
- ii. The written complaint must provide the following:
  - a. The dates and times the instances of bullying have occurred;
  - b. The identity of the perpetrators;
  - c. Any known witnesses;
  - d. The nature of the conduct amounting to bullying; and
  - e. A request for an investigation.
- iii. If a verbal complaint is made then the person who took the complaint must reduce the complaint to writing and provide the requirements listed under Section E(1)(ii)

The Human Resources/Labor Relations Director then assigns an Investigator to the complaint. Information received during the complaint process will be treated as confidentially as may be permitted under the circumstances, giving due regard to an employee's right to be apprised of and respond to allegations made against him or her.

## **2. Investigation Process**

- i. During the investigation a statement of public servants and/or employees or others with any possible knowledge of the situation are obtained through interviews. The statement may be reduced to writing for signature by the maker of the statement recorded or transcribed at the discretion of the investigator.
- ii. The complainant and the accused employee may be accompanied at the time of the statement by his or her union steward. Other persons may not be allowed at the time the statement is made.
- iii. Any physical and/or documentary evidence is collected or secured.
- iv. Upon completion of the investigation, a summary report of the findings and the investigator's recommendation is prepared and submitted to the Human Resources Director.
- v. The Human Resources Director in consultation with the City Administrator will issue the final determination as to whether the City's Anti-Bullying Policy has been violated.
- vi. If it is found the Policy has been violated, the Human Resources and Labor Relations Director in consultation with the City Administrator will determine what amount of disciplinary action is appropriate, and initiate implementation of discipline.

Although confidentiality will be maintained to the extent practicable throughout the investigation process, notification to the accused may occur at any step of this investigation process.

At any stage in the process an investigation may be discontinued or held in abeyance due to conflicting or insufficient evidence, improper motivation or lack of jurisdiction as determined by the investigator. The Human Resources Director, in consultation with the City Administrator, shall have final authority to determine whether an investigation proceeds or is discontinued. If the Human Resources Director is the subject of such investigation, final authority shall rest with the City Attorney.

### **3. Unsubstantiated Complaints**

- i. If, as a result of the investigation, it is determined no violation of the policy has occurred, or there is insufficient information from which to make a determination whether a violation has occurred: The complaint and alleged bully shall be notified of the finding and the reason(s) therefore.

### **D. False Allegations**

- i. If after an investigation the City of Flint finds clear and convincing evidence a complainant knowingly made false complaints, the complainant may be subject to disciplinary action up to and including termination.

DRAFT

180591

RESOLUTION NO.: \_\_\_\_\_

PRESENTED: 11-20-18

ADOPTED: \_\_\_\_\_

**RESOLUTION TO ADOPT HARASSMENT AND DISCRIMINATION IN THE WORK  
PLACE POLICY AND COMPLAINT PROCEDURE**

**BY THE MAYOR:**

**WHEREAS,** The City of Flint intends to protect the rights of public servants and employees by adopting policies and procedures regarding discrimination and harassment.

**WHEREAS,** The City has prepared a Harassment and Discrimination in the Work Place Policy and Complaint Procedure. The policy is attached.

**WHEREAS,** Mayor, Karen W. Weaver recommends adopting the Harassment and Discrimination in the Work Place Policy and Complaint Procedure.

**THEREFORE, BE IT RESOLVED** that the Flint City Council agrees to adopt the Harassment and Discrimination in the Work Place Policy and Complaint Procedure.

**APPROVED AS TO FORM:**

  
Angela Wheeler, Chief Legal Officer

**FOR THE CITY OF FLINT:**

  
Dr. Karen W. Weaver, Mayor

**APPROVED AS TO FINANCE:**

  
Hughey Newsome, Chief Financial Officer

**APPROVED BY CITY COUNCIL:**

\_\_\_\_\_  
Herbert Winfrey, City Council President

# Resolution Routing

**TO:** Resolution Signatories  
**FROM:** **Law Department**  
**SUBJECT:** RESOLUTION FOR APPROVAL

This RESOLUTION has been forwarded to you for your respective review and approval.

**Date recorded:** 11/15/2018

18-6469

All documents should be reviewed within three working days after receipt by your office.

## Harassment and Discrimination Policy

The attached resolution is submitted to the Legal Dept. for approval as to form only:

<b>Review and Approval:</b>	<b>IN</b>	<b>OUT</b>	<b><u>Approval</u></b>
1. City Attorney (Form Only):		11/15/2018	
2. Finance		11/15/2018	
3. City Administrator			

**Please call Jennifer at ex. 2082**



## City of Flint

<b>Policy: Harassment and Discrimination in the Work Place Policy and Complaint Procedure</b>	Original Date:
Issued by the City of Flint Legal Department and the Human Resources & Labor Relations Department	Revision Date:

Disclaimer: No statements in this policy are intended or set forth as contractual commitments or obligations of the City to any individual employee or group of employees or to establish an exception to the employment-at-will doctrine beyond that specified in contracts or pertinent collective bargaining agreements. If there are differences between the various collective bargaining agreements and this policy, the pertinent collective bargaining agreement takes precedence.

## INTRODUCTION

The following is the City of Flint's policy prohibiting discrimination and harassment of City public servants<sup>1</sup>, employees or job applicants on any basis protected by federal, state or local law. The Complaint/Report Procedure described in this policy should be utilized to report discrimination and harassment. The City will take appropriate action to prevent discrimination and harassment and will protect the rights of public servants and employees who file complaints.

## PURPOSE

Because the City of Flint ("the City") is an equal opportunity employer, it is the policy of the City that public servants, officials, employees and applicants shall receive consideration and treatment consistent with all equal employment opportunity laws in all terms and all conditions of work. This includes a workplace free of discriminatory and harassing conduct as those terms are defined. The City does not discriminate against anyone on the basis of race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, gender identity, gender expression, familial status, age, or non-disqualifying physical or mental disability, or any basis protected by federal, state, or local law.

The City strives to provide a work environment which promotes respect and in which each employee has the opportunity to develop to his or her full potential. Discrimination and harassment are strictly prohibited, not only because they violate the law, but also because they are contrary to the City's interest in attracting, retaining and promoting the most talented, effective and dedicated employees.

The City has an internal Complaint/Report Procedure to address and resolve complaints of discrimination and harassment. The City will take appropriate action to prevent discrimination and harassment, and to protect the rights of public servants who file complaints.

### A. Discrimination is Prohibited

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<sup>1</sup> Public Servants: 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. Flint City Charter §1-405



The City requires all applicants, public servants, and employees be treated as individuals, on the basis of their own qualifications, skills, abilities, conduct and performance.

Discrimination on account of any status protected by law, including but not limited to those identified in the first paragraph above, is prohibited. This Policy applies to all employment practices, including recruitment, hiring, evaluation, promotion, transfer, discipline and termination, as well as to all forms of compensation and benefits.

All personnel working for the City, including public servants, contractors, students, interns, externs and volunteers are required to comply with this Policy, including the Complaint/Report procedure. All personnel must behave in a non-discriminatory and business-like manner in all dealings with co-workers and all non-employees of the City contracted in the course of employment. The Policy also prohibits discrimination and harassment by persons doing business with the City, including vendors.

## **B. Harassment is Prohibited**

Additionally, this Policy prohibits harassment, both in the workplace and in other work-related activities, such as business trips and business-related meetings and social events. No employee should have to tolerate harassment of the type described in this Policy and the City takes allegations of harassment seriously. The City will promptly investigate all reports and complaints of prohibited harassment. If it is determined inappropriate conduct has occurred, the City will take corrective and remedial action appropriate to the situation. If any public servant or employee engages in harassment prohibited by this Policy, they will be subject to disciplinary action, up to and including discharge.

## **C. Sexual Harassment is Prohibited**

Sexual harassment in the workplace or in other work-related settings is illegal and is prohibited by this Policy. Sexual harassment is typically defined as unwelcome sexual advances, unwelcome requests for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature, when:

- Submission to that conduct is made explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of that conduct is used as a basis for employment decisions; or
- The conduct has the effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

For the purpose of this Policy "unwelcome" means "unwanted." An employee should never assume any such conduct is welcomed by others.

Under the definition given above, sexual harassment includes a direct or implied request by a supervisor for sexual favors in exchange for favorable job action (such as a favorable review, a salary increase or promotion) or in exchange for avoiding unfavorable job action (such as demotion, discipline or discharge). Any such requests are strictly prohibited and will result in disciplinary action or discharge. If any supervisor or manager makes any such direct or implied request, it must be reported as described in the policy. The City will take actions appropriate to fully investigate allegations of harassment.

The legal definition of sexual harassment also includes other types of conduct. While it is not possible to describe all circumstances which may constitute sexual harassment, the following are examples of conduct which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances, including the severity and pervasiveness of the conduct:

- Sexual advances and propositions, with or without physical contact;
- Making or threatening reprisal for a negative response to sexual advances;
- Sexual epithets and jokes and written or oral remarks about a person's sex life, body or sexual activities, sexual deficiencies or prowess;
- Displaying or circulating obscene or sexually suggestive objects, pictures, cartoons, Internet materials or screen-savers;
- Gossip or questions about someone's sexual experiences, gender identification, or orientation or talking about sexual experiences;
- Assaults, pinching, hugging, kissing or touching of an offensive or sexual nature or rubbing up against the body or impeding or blocking movement;
- Leering, wolf whistles, catcalls, sexual slurs or gestures, or sexually suggestive, insulting or degrading comments;
- Sexually suggestive or obscene letters, notes, e-mails or invitations; and
- Repeated flirtation, requests for dates and the like by anyone to someone who has indicated such attentions are not welcome.

*Whether such conduct is deemed to be illegal or not, unwelcome and offensive conduct of these types by any individual toward anyone is prohibited by this Policy. Anyone found to be in violation of this policy is subject to disciplinary action up to and including termination and any other penalties recognized by Federal, State and Local law.*

## **D. Other Types of Harassment are Prohibited**

Not all harassment is sexual. This Policy also prohibits verbal or physical harassment of any person because of his or her race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, gender identity, gender expression, familial status, age, disability, height, weight, marital status, or protected status or exercise of legal rights, including the right to report violations of this Policy, where such conduct is unwelcome and has the effect

of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment. Whether any such conduct is deemed to be illegal or not, conduct such as that described below is prohibited:

- Epithets, slurs, ridicule, insults, or threatening, intimidating or hostile acts, including those that purport to be "jokes" or "pranks," made to or about someone because of his or her membership in a protected class or exercise of legal rights;
- Stereotyping or offensive comments, cartoons, pictures or objects that denigrate or insult members of a protected class or those who exercise legal rights; and
- Demeaning, hostile or derogatory remarks directed at someone because of his or her protected class status or exercise of legal rights.

These are just some examples of conduct which may constitute harassment, depending upon the totality of circumstances, including the severity and pervasiveness of the conduct.

## E. Complaint/Report Procedure

The following procedure shall be utilized by the City public servants and employees for the processing of complaints relating to discrimination and harassment. This procedure shall apply only to those complaints directed against a person who at the time of the filing of the complaint is a City of Flint employee or public servant. The procedure may be utilized with regard to complaints covering administrators, supervisory personnel and co-employees. While the procedure itself is not directly applicable to complaints involving non-employees of the City of Flint, any discrimination or harassment from such individuals in the City of Flint work place should be brought to the attention of the employee's supervisor and/or the Human Resources Director.

### 1. City of Flint Fact Finding Procedure

- i. An employee, regardless of position, who feels he or she is being or has been subjected to illegal discrimination or harassment by another person on the basis of their race, color, sex, religion, ancestry, national origin, place of birth, sex, sexual orientation, gender identity, gender expression, familial status, age, disability height, weight, marital status, is expected to notify the Human Resources Director or his/her supervisor (or a higher level supervisor if the immediate supervisor is the offending party) immediately by issuing their complaint in writing or verbally. All complaints will be forwarded to the Human Resources Director unless the Human Resources Director is the offending party. If the Human Resources Director is believed to have violated the City's No Harassment and Discrimination in the Work Place Policy, the employee should immediately file a written or verbal complaint with the City Attorney.

**ii. The written complaint must provide the following:**

- a. The dates and times the instances of discrimination or harassment have occurred;
- b. The identity of the perpetrators;
- c. Any known witnesses;
- d. The nature of the conduct amounting to the discrimination or harassment; and
- e. A request for an investigation

**iii. If a verbal complaint is made then the person who took the complaint must reduce the complaint to writing and provide the requirements listed under Section E(1)(ii).**

The Human Resources/Labor Relations Director then assigns an investigator to the complaint. Information received during the complaint process will be treated as confidentially as may be permitted under the circumstances, giving due regard to an employee's right to be apprised of and respond to allegations made against him or her.

**2. Investigation Process**

i. During the investigation a statement of public servants and/or employees or others with any possible knowledge of the situation are obtained through interviews. The statement may be reduced to writing for signature by the maker of the statement recorded or transcribed at the discretion of the investigator.

ii. The complainant and the accused employee may be accompanied at the time of the statement by his or her union steward. Other persons may not be allowed at the time the statement is made.

iii. Any physical and/or documentary evidence is collected or secured.

iv. Upon completion of the investigation, a summary report of the findings and the investigator's recommendation is prepared and submitted to the Human Resources Director.

v. The Human Resources Director in consultation with the City Administrator will issue the final determination as to whether the City's No Harassment and Discrimination in the Work Place Policy has been violated.

- vi. If it is found the Policy has been violated, the Human Resources and Labor Relations Director in consultation with the City Administrator will determine what amount of disciplinary action is appropriate, and initiate implementation of discipline.

Although confidentiality will be maintained to the extent practicable throughout the investigation process, notification to the accused may occur at any step of this investigation process.

At any stage in the process an investigation may be discontinued or held in abeyance due to conflicting or insufficient evidence, improper motivation or lack of jurisdiction as determined by the investigator. The Human Resources Director, in consultation with the City Administrator, shall have final authority to determine whether an investigation proceeds or is discontinued. If the Human Resources Director is the subject of such investigation, final authority shall rest with the City Attorney.

### **3. Unsubstantiated Complaints**

- i. If, as a result of the investigation, it is determined no violation of the policy has occurred, or there is insufficient information from which to make a determination whether a violation has occurred: The complainant and alleged harasser shall be notified of the finding and the reason(s) therefore.

## **F. Federal, State and Local Laws**

Federal, state and local laws prohibit illegal discrimination, harassment and retaliation. It is the policy of the City to comply with all state and federal laws which prohibit illegal harassment and discrimination in the workplace, including the Elliott-Larson Civil Rights Act and Title VII of the 1964 Civil Rights Act.

## **G. False allegations**

If after an investigation the City of Flint finds clear and convincing evidence a complainant knowingly made false complaints, the complainant may be subject to disciplinary action up to and including termination.

# **RESOLUTION NO. 190011**

**(Resolution to Adopt the Alcohol & Drug Free Workplace and Testing Policy) is being prepared by the Administration for the 2/20/2019 Legislative Committee agenda. Policy attached.**

## **CITY OF FLINT**

### **ALCOHOL & DRUG FREE WORKPLACE AND TESTING POLICY**

#### **1. PURPOSE**

The City of Flint recognizes the importance of a drug and alcohol free workplace. The abuse of drugs, alcohol or other chemical substances by an employee endangers the safety of the public, the employee, and other City employees. The City recognizes it is in its best interest, as well as the best interest of its employees and the public, to prevent and eliminate drug, alcohol and/or substance abuse in the work place. Any employee found using, possessing, selling, distributing or being under the influence of an illegal chemical substance and/or alcohol during working hours, while on City property, or while using City equipment will be subject to discipline up to and including termination of employment.

#### **2. APPLICATION**

This policy applies to all employees as well as all applicants for employment once they have received a conditional offer of employment.

Nothing in this policy shall conflict with the Collective Bargaining Agreements of any employees. If a provision of this policy conflicts, the Collective Bargaining Agreement prevails.

Because of Federal law requirements, any employee who is convicted of manufacturing, distributing, dispensing, possessing, or use of controlled substances in the workplace must report that fact within five days of the conviction to the Director of Human Resources and Labor Relations. If your job relates to, or is funded by a Federal grant or contract, the City is required to notify the Federal Government of your conviction within ten (10) days.

#### **3. APPLICANT PRE-EMPLOYMENT TESTING**

All applicants will undergo drug and/or alcohol testing following a conditional offer of employment, but prior to final hiring and assignment. Refusal to undergo a test, or a positive test, will result in the City withdrawing its conditional offer of employment. In addition, adulteration of a specimen or a drug or alcohol test will be considered as a refusal to undergo a test.

#### **4. FOR CAUSE TESTING**

Drug and/or alcohol testing may be conducted on any employee at any time the City has reasonable suspicion there is cause to believe an employee may be under the influence of drugs or alcohol, including, but not limited to, the following circumstances:

- a. Observation of drugs or alcohol on or about the employee's person or in the employee's vicinity;
- b. Observation of conduct on the part of the employee that suggests that the employee is impaired or is under the influence of drugs or alcohol;

- c. Receipt of a report of drug or alcohol use by an employee while at work;
- d. Information that an employee has tampered with drug or alcohol testing at any time;
- e. Negative job performance patterns by the employee; or
- f. Excessive or unexplained absenteeism or tardiness.

The supervisor will verbally inform the employee of the reason for the test. Additionally, a written record of the situation leading to the drug or alcohol test will be created and signed by the supervisor(s) within 24 hours of the event. A copy of the report will be forwarded to the Human Resources and Labor Relations Department.

#### **5. POST-ACCIDENT TESTING**

Post-Accident drug and/or alcohol testing may be conducted on an employee where there has been damage to City property or equipment while the employee was at work or the employee or another person has sustained an injury while at work. The post-accident test will be administered while the employee is still on duty or as close as possible. No employee required to take a post-accident alcohol or drug test may use any alcohol or drugs of any kind following the accident until the employee undergoes the post-accident testing.

#### **6. RANDOM TESTING**

The City of Flint will randomly test employees for compliance with its drug-free workplace policy. As used in this policy, "random testing," means a method of selection of employees for testing, performed by an outside third party. The selection will result in an equal probability that any employee from a group of employees will be tested. Furthermore, the City of Flint has no discretion to waive the selection of an employee selected by this random selection method.

The City may, at various times, randomly select members of the following employment groups, at its discretion, for unannounced random testing for drugs or alcohol:

- a. Police officers
- b. Firefighters
- c. Safety-Sensitive Employees: Persons engaged in activities that directly affect the safety of the public.
- d. Employees whose work requires possession of a CDL.

#### **7. SCHEDULED PERIODIC TESTING**

The City of Flint reserves the right to conduct periodic testing on a regularly scheduled basis for employees in designated departments, classifications or workgroups.

#### **8. RETURN TO DUTY TESTING**

When an employee has a confirmed positive test result, or has been sent to a drug dependency program at the request of the City of Flint as a condition of continued



employment, the employee will be required to be tested at least six (6) times in the first twelve (12) months following the employee's return to active duty. Return to Duty tests must be conducted under direct supervision.

#### **9. SUBSTANCES COVERED BY DRUG AND ALCOHOL TESTING**

Employees will be tested for their use of commonly abused controlled substances, which include amphetamines, barbiturates, benzodiazepines, opiates, cannabinoids\*, cocaine, methadone, methaqualone, phencyclidine (PCP), propoxyphene and chemical derivatives of these substances.

Employees must advise testing lab employees of all prescription drugs taken in the past month before the test and be prepared to show proof of such prescriptions to testing lab personnel.

*\* Despite Michigan law, marijuana for medical or recreational use is a Drug Enforcement Administration listed Schedule I controlled substance and therefore is prohibited.*

#### **10. MARIJUANA USE PROHIBITED**

The State of Michigan has enacted legislation allowing for the recreational and medical use of marijuana. Despite Michigan law, marijuana for medical or recreational use is a Drug Enforcement Administration listed Schedule I controlled substance. Therefore, the marijuana use remains prohibited when engaged in activities governed by Federal law specifically, the U.S. Department of Transportation (DOT) Drug and alcohol testing regulations.

The City of Flint, as an employer, is required to ensure the safety and protection of the citizens served by its employees. Therefore, the enactment of the Medical Marijuana Act (MMA) and recreational marijuana usage legislation does not override existing policies concerning the following:

- The City of Flint Alcohol & Controlled Substance Testing Policies and Procedures for Employers with Commercial Driver's License (CDL) or City policies affiliated with DOT Federal Transit Administration Regulations;
- Negligent entrustment of City vehicles;
- Driving while impaired or yielding positive test results post-accident, including the operation of City vehicles or a private vehicle while conducting City business;
- Any employee engaged in conduct or action prohibited by the MMA;
- Smoking marijuana in public;
- Possession of marijuana at schools or correctional facilities;
- Operating a vehicle under the influence of marijuana;
- Selling marijuana during hours of employment, at any City work site and/or on City property;
- Being in possession of marijuana while on City premises or on duty; and
- Working while under the influence of marijuana.

#### **11. TESTING METHODS AND PROCEDURES**

All testing will be conducted by a licensed independent medical laboratory, which will follow testing standards established by the state or federal government. Testing will be conducted on a urine sample provided by the employee to the testing laboratory under procedures established by the laboratory to ensure privacy of the employee, while protecting against tampering/alteration of the test results.

Employees will be considered to be engaged at work for the time spent in taking any tests and will be compensated for such time at their regular rate.

The City of Flint will pay for the cost of the testing, including the confirmation of any positive test result by gas chromatography. The testing lab will retain samples in accordance with state law, so an employee may request a retest of the sample at his or her own expense if the employee disagrees with the test result.

#### **12. REFUSAL TO UNDERGO TESTING**

Employees who refuse to submit to a test are subject to disciplinary action, up to and including immediate discharge.

#### **13. POSITIVE TEST**

If an employee tests positive on an initial screening test, the employee will be temporarily suspended while the confirmation test is being conducted. On receipt of the confirmation test, the employee will be subject to disciplinary action, up to and including discharge. Discipline selected by the City of Flint will depend on a variety of factors, including, but not limited to, the prior work record of the employee, the length of prior employment, the prior accident and attendance record of the employee, the circumstances that led to the testing, and the proposals by the employee to address the problem.

#### **14. RIGHT TO EXPLAIN TEST RESULTS**

All employees and applicants have the right to meet with the testing laboratory personnel, and with the City of Flint, to explain their test results. These discussions should be considered confidential, except information disclosed in such tests will be communicated to personnel within the City of Flint Human Resources and Labor Relations department or within the lab who need to know such information to make proper decisions regarding the test results or regarding the employment of the individual.

#### **15. RIGHT TO REVIEW RECORDS**

Employees have a right to obtain copies of all test results from the testing laboratory, or from the City of Flint. When an employee disagrees with the test results, the individual may request the testing laboratory repeat the test. Such repeat testing will be at the expense of the individual, unless the repeat test overturns the original report of the lab, in which case the City of Flint will reimburse the employee for the costs incurred for the retest.

**16. CONFIDENTIALITY REQUIREMENTS**

All records concerning test results will be kept in medical files that are maintained separately from the personnel file of the employee.

Testing laboratories may conduct testing only for substances included on the disclosure list provided to the individual, and may not conduct general testing related to the medical conditions of the individual that are unrelated to drug use.

**17. RETESTING**

Employees may request a retest of their positive test results within five (5) working days after notification by the City of Flint of such positive test result. This retest is at the expense of the individual, unless the original test result is called into question by the retest.

Where the employee or applicant believes the positive test result was affected by taking lawful or prescribed substances, the individual may be suspended without pay pending receipt of confirming information to substantiate the claims of the individual. Normally, the individual will be provided no more than five (5) business days in which to provide this additional information.

Once City of Flint has determined whether there is evidence to indicate the test results are incorrect, the City of Flint will advise the individual of its decision.

**18. TREATMENT, TERMINATION AND REHIRE**

Employees who test positive for any drug(s) listed on the disclosure list have two (2) choices. One, the employee may agree to enter an authorized treatment program approved by the City of Flint, and agree to subsequent retesting for a period of two (2) years after returning from treatment. Or two, the employee will be terminated immediately and will not be considered for rehire until he or she can show he or she has remained drug-free for a period of two years or more.

**19. RESPONSIBILITIES OF INDIVIDUALS**

In order to comply with the provisions of this policy, each employee assumes the following responsibilities:

- a. *Working under the Influence of Performance Impairing Medication:* Employees who have been prescribed legal medications that might affect the safe performance of their duties are required to notify their supervisors prior to performing any hazardous or dangerous tasks.
- b. *Reporting to Work or Working While Impaired:* Employees may not report to work and may not continue to work while impaired by any restricted substance identified in this policy.
- c. *Reporting Violations:* The services provided by certain employees are performed, at times, under hazardous and dangerous conditions. Thus,

employees are encouraged to come forward and report any violation of this policy to management. This information may be instrumental in the prevention of serious accidents and injuries on the job.

Any questions concerning this policy, its interpretation or application should be directed to the Human Resources and Labor Relations Department.

Policy Enacted: 2004

Policy Revision: November 20, 2006

Policy Revision: December 4, 2018

190393

RESOLUTION NO: \_\_\_\_\_

PRESENTED: 9-23-2019

ADOPTED: \_\_\_\_\_

**RESOLUTION AUTHORIZING THE SALE OF PROPERTIES ACQUIRED BY  
THE CITY OF FLINT FROM THE GENESEE COUNTY TREASURER**

**BY THE FLINT CITY COUNCIL:**

The Flint City Council adopted Resolution 170588.1 on December 13, 2017, to keep seven (7) properties that were scheduled to be transferred to the Genesee County Treasurer; and

The Flint City Council adopted a policy, Resolution No. 180627, on April 8, 2019, entitled "City of Flint Policy of Disposition of Acquired Genesee County Treasurer Properties" to handle the sale of such properties.

**IT IS RESOLVED**, that the Flint City Council authorizes the appropriate City Officials to do all things necessary to facilitate the sale of the following properties in the following amounts:

\_\_\_\_\_ 1710 W. Home Avenue for \$1,000.00.

**APPROVED AS TO FORM:**

**APPROVED AS TO FINANCE:**

\_\_\_\_\_  
**Angela Wheeler**  
**Chief Legal Officer**

\_\_\_\_\_  
**Tamar Lewis**  
**Deputy Finance Director**

\_\_\_\_\_  
**Karen W. Weaver, Mayor**

\_\_\_\_\_  
**Herbert J. Winfrey, Council President**

190454

RESOLUTION NO. \_\_\_\_\_

PRESENTED: 10-23-19

ADOPTED: \_\_\_\_\_

**RESOLUTION AUTHORIZING A BUDGET AMENDMENT  
ALLOCATING \$166,833.71 FROM SEWER (590) FUND BALANCE AND  
\$166,833.71 FROM WATER (591) FUND BALANCE TO THE WATER  
AND SEWER FY2020 BUDGET**

**BY THE CITY ADMINISTRATOR:**

**WHEREAS**, the City of Flint, Department of Public Works, Water and Sewer Departments, desires to amend the FY19-20 approved budget for the purpose of funding the Water Distribution and Sewer Maintenance Supervisor positions which were inadvertently removed from the current fiscal year budget and are critical to the operation of these departments; and

**WHEREAS**, the FY19-20 year-end budget for Water Distribution and Sewer Maintenance has a positive balance and sufficient funding exists in the 591-Water and 590-Sewer Fund balance.

**THEREFORE BE IT RESOLVED**, that the appropriate City Officials authorize to do all things necessary to process a budget amendment to the FY 20 adopted budget allocating funds from **591- Water Fund** balance in the amount of \$166,833.71 to the following personnel accounts:

591-540.100-702.000 - \$90,678.72 wages and standby pay  
591-540.100-719.000 - \$8,161.08 direct fringes  
591-540.100-719.200 - \$14,498.22 indirect fringes  
591-540.100-719-150 - \$53,495.69 defined benefit

**AND 590 - Sewer Fund** balance in the amount of - \$166,833.71 to the following personnel accounts:

590-540.100-702.000 - \$90,678.72 wages and standby pay  
590-540.100-719.000 - \$8,161.08 direct fringes  
590-540.100-719-200 - \$14,498.22 indirect fringes  
590-540.100-719.150 - \$53,495.69 defined benefit

**APPROVED AS TO FORM:**

  
Angela Wheeler, Chief Legal Officer

**APPROVED AS TO FINANCE:**

  
Tamar Lewis, Deputy Finance Director

**FOR THE CITY OF FLINT:**

  
Steve Branch, City Administrator

**APPROVED BY CITY COUNCIL:**

\_\_\_\_\_  
Herbert Winfrey, City Council President

## RESOLUTION STAFF REVIEW

**DATE:** 8-6-19

**Agenda Item Title:** FY 19-20 Adopted Budget Correction

**Prepared By:** Cheri Priest, WSC Administrative Manager

**Background/Summary of Proposed Action:** The City of Flint Water and Sewer Departments are requesting an amendment to the adopted FY19-20 budget. The Water Distribution and Sewer Maintenance Supervisor (water department) and Sewer Systems Supervisor (sewer department) were both inadvertently removed from the budget. These positions are crucial to the operation of the Water and Sewer Departments. An eligibility list exists for both positions. As soon as the positions are added back into the adopted budget, interviews will be held, selections made, positions filled and budgeted accordingly.

**Financial Implications:** Adequate funding has been allocated in the below listed accounts.

**Budgeted Expenditure?** Yes ☒ No ☐ Please explain if no: *none*

<b>Account No:</b> 591-540.100-702.000	\$ 90,678.72	590-540.100-702.000	\$ 90,678.72
591-540.100-719.100	\$ 8,161.08	590-540.100-719.100	\$ 8,161.08
591-540.100-719.200	\$14,498.22	590-540.100-719.200	\$14,498.22
591-540.100-719.150	\$53,495.69	590-540.100-719.150	\$53,495.69

*\$166,833.71*

*\$166,833.71*

**Pre-encumbered?** Yes ☐ No ☒ Requisition # N/A

**Other Implications (i.e., collective bargaining):** None

**Staff Recommendation:** Recommend Approval

**Staff Person:** Robert Bincsik  
Robert Bincsik, Director of Public Works

*Total BIA  
AMT  
\$ 333,667.42*

WATER SERVICE CENTER

Action	ID	Position	Full Name	FTE	Dept ID	Bargain Unit	Retirement Plan	Base Salary	Gl Number	Gl Distrib %	2019-2020 Wages	2019-2020 Direct Fringe	2019-2020 Indirect Fringe	2019-2020 Defined Benefit	2019-2020 Hybrid DB	2019-2020 Hybrid DC	2019-2020 MCSF	2019-2020 Total Year
	1	Sewer Systems Supervisor	Vacant	1	2496	Exempt	Defined Benefit	90678.72	590-540-308-702.000	1.00	90678.72	8161.08	13768.00	53495.69	0.00	0.00	0.00	166,833.71
	2	Water Distribution Supervisor	Vacant	1	2493	Exempt	Defined Benefit	90678.72	591-540-100-702.000	1.00	90678.72	8161.08	14498.22	53495.69	0.00	0.00	0.00	166,833.71



# Resolution Routing

**TO:** Resolution Signatories  
**FROM:** DPW/Utilities Water Service Center  
**SUBJECT:** RESOLUTIONs FOR APPROVAL

This RESOLUTION have been forwarded to you for your respective review and approval.

Date recorded: October 2, 2019 No. 19-8158

\* All documents should be reviewed within three (3) working days after receipt by your office

Contractor:

Resolution Content:

The attached resolution is submitted to the Legal Dept. for approval as to form only:

The **Legal Department** reviewed this **RESOLUTION**, as to form and by signing this form approves as to **FORM ONLY**.

Review and Approval:

IN

OUT

APPROVAL

1. City Attorney (Form Only)	<u>10-2-19</u>	<u>10-2-19</u>	<u>G.L.</u>
2. Finance Director	<u>10-2-19</u>	<u>10-4-19</u>	<u>See Reso Attached</u>
3. Mayor	<u>          </u>	<u>          </u>	<u>          </u>
	<u>          </u>	<u>          </u>	<u>          </u>
	<u>          </u>	<u>          </u>	<u>          </u>

**Please call Cheri Priest @ ext.3408 for pick up Thank You.**

Proposal #20000515

SUBMISSION NO.:

190476

PRESENTED:

11-20-19

ADOPTED:

BY THE MAYOR:

**RESOLUTION TO AUGUST CONSTRUCTION SERVICES FOR  
50/50 SIDEWALK REPLACEMENTS AND REPAIRS**

**RESOLUTION**

The Department of Purchases & Supplies solicited a proposal for 50/50 Sidewalk Replacement Program back on May 21, 2019 as requested by the Transportation Division; and

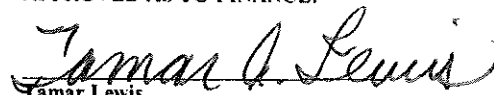
August Construction Services was awarded the bid. This request is for authorization for additional 50/50 sidewalk replacements and to repair sidewalks upheaved by tree roots. Funding for said services will come from the following accounts: 202-449.213.801.000 (\$50,000); 203-449.213-801.000 (\$118,760); and

IT IS RESOLVED, that the Proper City Officials, upon City Council's approval, are hereby authorized to enter into a contract with August Construction Services, for additional 50/50 sidewalk replacement and to repair upheaved by tree roots. The 50/50 Sidewalk Replacement Program, CHANGE ORDER #1 in an amount not to exceed \$168,760.00 and a revised aggregate amount of \$238,760.00.

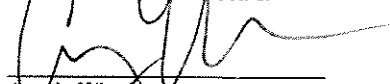
APPROVED PURCHASING DEPT.:

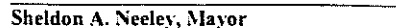
  
Joyce A. McClane Purchasing Manager

APPROVED AS TO FINANCE:


  
Tamar Lewis  
Deputy Finance Director

APPROVED AS TO FORM:

  
Angela Wheeler  
Chief Legal Officer

  
Sheldon A. Neeley, Mayor

CITY COUNCIL:

  
Monica Galloway, Council President

/JAM

**ADDITIONAL 50-50 SIDEWALK REPLACEMENTS & REPAIR SIDEWALKS UPHEAVED BY  
TREE ROOTS**

<b>COMPANY NAME</b>	<b>AUGUST CONSTRUCTION</b>
<b>ORIGINAL PURCHASE ORDER #19-001533</b>	<b>\$ 70,000.00</b>
<b>RESOLUTION TO BE APPROVED</b>	<b>\$ 168,760.00</b>
<b>AGGREGATE AMOUNT</b>	<b>\$ 238,760.00</b>



CITY OF FLINT, Office of Purchases &amp; Supplies

**AGENDA ITEM TITLE:** August Construction

**BID/PROPOS**

DO YOU EXPECT THIS PURCHASE ORDER WILL CONVERT TO A C

**PREPARED BY:** Kathryn Neumann, DPW Admin. For Betty J. Wideman

**BACKGROUND/SUMMARY OF PROPOSED ACTION:** The purpose of this resolution is for authorization for additional 50/50 sidewalk replacements and to repair sidewalks upheaved by tree roots.

**FINANCIAL IMPLICATIONS:** There is funding in the account listed below

**BUDGETED EXPENDITURE? YES ☒ NO ☐ IF NO, PLEASE EXPLAIN:**

**ACCOUNT NO: 202-449.213-801.000 (\$50,000), 203-449.213-801.000 (\$118,760)**

PRE-ENCUMBERED? YES ☒ NO ☐ REQUISITION NO: 190002550

**OTHER IMPLICATIONS (i.e., collective bargaining):** None

**STAFF RECOMMENDATION: (PLEASE SELECT):** APPROVED

**STAFF PERSON SIGNATURE:**

Betty J. Wideman, Transportation Division Manager

**For Purchasing Use Only: PO/CONTRACT# \_\_\_\_\_ DATE RECEIVED: \_\_\_\_\_**

RESOLUTION NO.: 190482

PRESENTED: 11-20-19

ADOPTED:

## **Resolution Authorizing Elimination of the \$75.00 Shut-Off Fee for Residential Water Customers**

### **BY THE FLINT CITY COUNCIL:**

City of Flint water customers are charged \$75.00 for a water shut-off, and \$75.00 to turn the water back on; and

The water shut-off is usually due to customers' inability to pay the bill; and

Having both a shut-off and a turn-on fee negatively impacts those customers who are struggling financially.

**IT IS RESOLVED**, then, that the Flint City Council chooses to eliminate the \$75.00 shut-off fee in an effort to ease the financial burden for water customers desiring have their water turned back on.

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**Angela Wheeler**  
**Chief Legal Officer**

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**Tamar Lewis**  
**Interim Chief Financial Officer**

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**Sheldon Neeley, Mayor**

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**Monica Galloway, Council President**

190478

RESOLUTION NO. \_\_\_\_\_

PRESENTED: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

**RESOLUTION APPROVING THE APPOINTMENT OF CLYDE D. EDWARDS AS THE  
CITY ADMINISTRATOR**

**BY THE MAYOR:**

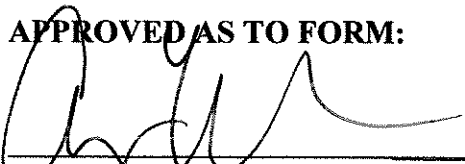
Pursuant to Flint City Charter Section 4-201, the Mayor of the City of Flint hereby appoints Clyde D. Edwards as the City Administrator.

**WHEREAS**, the City Administrator shall be paid a salary based on an annual compensation rate of \$90,000.00 and paid from account number 101-172.100-702.000. The terms of appointment are attached.

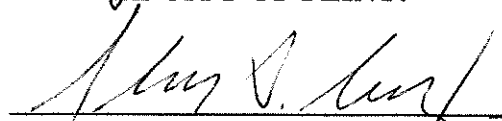
**WHEREAS**, Mayor Sheldon A. Neeley recommends that Clyde D. Edwards be appointed as the City Administrator.

**NOW THEREFORE BE IT RESOLVED**, that the Flint City Council approves the recommendation by Mayor Sheldon A. Neeley to appoint Clyde D. Edwards as the City Administrator.

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Angela Wheeler, Chief Legal Officer

**FOR THE CITY OF FLINT:**

  
\_\_\_\_\_  
Sheldon A. Neeley, Mayor

**APPROVED AS TO FINANCE:**

  
\_\_\_\_\_  
Tamar Lewis, Deputy Financial Officer

**APPROVED BY CITY COUNCIL:**

\_\_\_\_\_  
Monica Galloway, City Council President

## CLYDE D. EDWARDS

*3410 Westwood Parkway  
Flint, Michigan 48503  
(810) 287-0955*

### **CAREER OBJECTIVE:**

To be a partner in creative economic and social change as well as a developer of dynamic partnerships, collaborations and solutions that improves the condition of living for all citizens of the state.

### **EDUCATION:**

#### **CENTRAL MICHIGAN UNIVERSITY**

Mt. Pleasant, Michigan

Master of Science (Administration)

#### **EASTERN MICHIGAN UNIVERSITY**

Ypsilanti, Michigan

Bachelor of Science (Psychology)

### **QUALIFICATIONS:**

- Provided leadership on policy language, interpretation and delineation of responsibility.
- Assisted in the formulation of organizational budgets and key financial practices.
- Development of essential financial reporting used to support organizational decisions.
- Development and maintenance of customer-centered databases.
- Provided key management with logistical support and problem resolution.
- Experience with professional practices in both the Private and Public sectors.
- Proven performance in the area of professional collaboration and work group facilitation
- Effective utilization of department policy and strategic planning processes.
- Proven facilitation of control and accountability measures.
- Leadership in building successful relationships for organizational effectiveness.
- Proven performance in client advocacy and problem intervention.
- Established ability in providing team leadership and project management delegation.

### **EMPLOYMENT:**

#### **MICHIGAN HOUSE OF REPRESENTATIVES**

Lansing, Michigan

January 2015 - Present

#### **Chief of Staff / Legislative Analyst.**

##### *Lansing Office*

Responsible for staff team composed of Constituent Director, Communications Professional, Graphics Designer, Team Organizer and up to 8 Interns. Primary responsibilities include oversight of office financial budget, legislative policy development, project research, high level administrative management work groups, operational integration of Local, State, and Federal policies. Development of partnerships and working relationships to facilitate the State Representatives goals and objectives. Reviewed and analyzed state budgets, policy legislation and other financial data.

##### *Flint District Office*

Responsible for local team office providing on-site in-district supports. Worked with local staff to provide a comfortable location for interaction with our constituency. Provide oversight of applied resources and other materials that would support and educate our constituency.

## CLYDE D. EDWARDS

MICHIGAN DEPARTMENT OF HUMAN SERVICES  
(Genesee County) Flint, Michigan

June 1997 - January 2015

Juvenile Justice Specialist. Responsible for the case management of Juveniles placed in the care and custody of the department. Duties included, the supervision of youth placed in out-of-home facilities both county and statewide as well as the responsibility for regularly evaluating funding requirements to ensure that appropriate funding sources are utilized. In addition, specialists are responsible for maintaining regular reporting to the court of jurisdiction, which includes Criminal, Probate, and Family Courts respectively. As an advocate for the youth, juvenile justice workers provide supportive navigation for the youth's family through the legal process. As specialist, workers have responsibility to ensure fair and equitable treatment and perform quarterly risk assessments to determine suitability of community return for youth offenders. In addition, specialists take the lead for assessing, reviewing, and recommending the de-escalation or escalation outcome of the offender's success. And, outcomes are also based on evaluations of treatment program performance and compliance.

MICHIGAN DEPARTMENT OF HUMAN SERVICES  
(Genesee County) Flint, Michigan

May 1988 - June 1997

Social Services Specialist. Responsible for the delivery of employment related supportive services to a diverse client population. Functioned as case manager and client advocate with community providers. Provided counseling alternatives, case management recommendations, and follow-up strategies for goal-oriented service delivery. Facilitated problem-solving strategies and policy interpretations for inter-agency activities as well as conducted informative meetings and public presentations.

MICHIGAN DEPARTMENT OF HUMAN SERVICES  
(Wayne County) Detroit, Michigan

March 1987 - May 1988

Foster Care Worker. Responsible for providing services to families whose children were in court ordered state-licensed care. Many of the responsibilities include the following: the development of specific plans for treatment of family members while in care, case management, placement of supportive services, monitoring and maintenance of youth in out-of-home placement and the formulation and implementation of strategies to reunify the family.

SPECIAL OFFERINGS  
FLINT CIVIL SERVICE COMMISSION  
Flint, Michigan

(Re-elected) February 2006 - December 2010  
(First-Term) August 2003 - Nov 2005

Commissioner. The Flint Civil Service Commission has the responsibility of enforcing the merit principle in all aspects of personnel administration. This multi-member body provides a grievance remedy in addressing union contracts and labor relations issues with the City of Flint Civil Service System; matters included but are not limited to discipline problems, terminations, reclassification situations and / or promotional opportunities. As the employee representative on the body, my responsibility has been to provide honest, consistent and legally equitable decisions that be viewed as impartial and supportive of the proper corrective actions.



## CLYDE D. EDWARDS

### *MICHIGAN DEPARTMENT OF HUMAN SERVICES*

Equal Employment Opportunity Advisory Committee — State Executive Director

Michigan  
2003

December 2003 -

#### *Committee Member.*

As a committee member, we are providing guidance and recommendations to the State Executive Director on matters relating to the application and utilization of hiring practices, employee relations and diversity awareness. Through our strategic planning and program implementation processes, we have helped state-employees promote a greater sensitivity to internal and external customer differences and needs. We have helped to create a culturally tolerant environment for the services of both our employees and those we serve respectively.

### *ED CONSULTING GROUP, L.L.C.*

Michigan

January 1997 - Present

#### *Owner / Senior Consultant.*

As leadership for this firm, functioned as the single point of contact for strategic financial, marketing, and human resource projects that served a variety of individuals, sole proprietorships, partnerships and corporations. The firm currently provides services to customers in Michigan, Arizona, Texas, Maryland and Wisconsin. Responsible for implementation and supervision of solution-based strategies that have included a wide-range of knowledge concerning computer software platforms, Internal Revenue Service Code as well as local, State, and Federal guidelines for certain business practices. Customers have benefited from my knowledge and experience navigating bureaucratic and political environments, which eventually paved the way for growth and new development opportunities.

*REFERENCES Available Upon Request*

## **TERMS OF APPOINTMENT**

The Mayor of the City of Flint hereby appoints **Clyde D. Edwards** as City Administrator in accordance with the provisions of Flint City Charter §4-201.

1. **Scope of Services:** Under the general supervision of the Mayor, the City Administrator shall be responsible for the day-to-day administrative operation of the City on behalf of the Mayor as deemed necessary and; he shall be subject to all work rules and policies established by the City of Flint.

2. **Term of Appointment:** This appointment shall commence on November 18, 2019, and shall continue at the will of the Mayor.

3. **Compensation:** The City Administrator shall be paid a salary based on an annual compensation rate of Ninety Thousand Dollars (\$90,000.00). This salary shall be payable in regular timely installments, in the same manner as other employees of the City of Flint are paid. Such earnings shall be paid from account 101-172.100-702.000, Wages & Salaries.

4. **Benefits:** The City Administrator shall be provided with fringe benefits equal to those now or hereinafter provided for an exempt employee allocated above Level 23 including, but not limited to health care coverage, dental insurance, life insurance, personal time off, etc.; but expressly excluding membership in the retirement system and expressly excluding membership in the Civil Service System. However, the City Administrator shall be eligible to participate in the City of Flint Hybrid Pension Plan as provided to other appointed officials, which may change from time-to-time. The City Administrator shall be 100% vested at all times, with respect to his own contributions.

For the purposes of providing to the City Administrator the above compensation and fringe benefits, the City of Flint shall place the City Administrator on the City's regular payroll so that all of said compensation and fringe benefits shall be provided to the City Administrator in the same manner as other employees of the City of Flint.

5. **Indemnification and Insurance:** The City of Flint shall indemnify and provide appropriate insurance coverage for the City Administrator for any attorney's fees, reasonable costs, and damage awards incurred by the City Administrator as a result of any malpractice action brought against him by any person as a result of his performance of duties pursuant to his Appointment. To the fullest extent permitted by law, the City of Flint shall defend, pay on behalf of, indemnify and hold harmless the City Administrator against any and all claims, demands, suits, or losses, including, but not limited to, civil rights actions, and providing for all costs connected therewith, and for any damages which may be asserted, claimed, or recovered against or from the City Administrator by reason of any injuries or damages including losses that may arise as a result of his acts, omissions, faults or negligence in connection with the performance of the terms of his appointment. The City of Flint shall provide appropriate insurance coverage, although, the full indemnification of the City Administrator as articulated above shall not be in any way limited by the insurance coverage chosen by the City of Flint.

6. **Termination:** The City may terminate, without cause, this Agreement (and the resultant employment relationship) with the City Administrator before the expiration set forth

herein. In the event that this Agreement is terminated without Good Cause, the City Administrator shall be entitled to accrued PTO.

The City may terminate, for Good Cause, this Agreement (and the resultant employment relationship) with the City Administrator before the expiration set forth herein. In the event that this Agreement is terminated with Good Cause, the City Administrator shall be entitled to accrued PTO.

The City Administrator may voluntarily terminate this Agreement before the expiration of the term set forth herein by providing fourteen (14) days advanced written notice, unless agreed upon otherwise by the Parties. In the event that this Agreement is terminated pursuant to this subsection, the City Administrator shall be entitled to accrued PTO.

If the term of appointment expires prior to reappointment, resignation, or termination by either party, the City Administrator's appointment is automatically extended on a month-to-month basis for a maximum of six (6) months.

**"GOOD CAUSE".** For purposes of this Agreement the term "good cause" is defined as sole proven acts or omissions as follows:

A. Any willful, knowing, grossly negligent, or negligent breach, disregard or habitual neglect of any provision of this Agreement, or any willful, knowing, grossly negligent, or negligent breach, disregard or habitual neglect of any duty or obligation required to be performed by the City Administrator under this Agreement or applicable law.

B. Any misconduct of the City Administrator involving an act of moral turpitude, criminal illegality (excepting minor traffic violations), or habitual violations of the traffic laws, whether or not related to the City Administrator's official duties hereunder.

C. Any willful, knowing, grossly negligent, or negligent misapplication or misuse, direct or indirect, by the City Administrator, of public or other funds or other property, real, personal, or mixed, owned by or entrusted to the City, any agency or corporation thereof, or the City Administrator in his official capacity.

**7. Waiver of Claims:** Appointee agrees, in consideration for accepting payment pursuant to this Agreement, that Appointee will not file a lawsuit or claim of any type in any forum against the City for actions arising in any way related to employment by the City, and that if Appointee does, the lawsuit or claim will be immediately dismissed; and, notwithstanding the fact that the terms of this Agreement shall otherwise remain in full force and effect, Appointee will return to the City all of the consideration received from the City as a result of this Agreement, and Appointee will pay to the City all of the costs, expenses, and attorney fees incurred by the City in defending against such a lawsuit or claim. However, nothing in this Agreement shall prevent Appointee from filing suit to challenge this Agreement or to enforce the terms of this Agreement.

8. **Whole Agreement:** Any additions, deletions or modifications to these terms of appointment must be in writing and signed by both parties. This document, consisting of three (3) pages in its entirety, embodies the entire agreement between the parties hereto.

Dated this 18th day of November 2019.

**APPOINTEE:**

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**Clyde D. Edwards**

**FOR THE CITY:**

**APPROVED AS TO FORM:**

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**Sheldon A. Neeley, Mayor**

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**Angela Wheeler, Chief Legal Officer**

S:\AWO\Terms of Appointment\Clyde Edwards\2019.11.13 Edwards TermsAppt (City Administrator).doc

**RESOLUTION: 190481**

**PRESENTED: 11-25-19**

**ADOPTED:**

**RESOLUTION OF APPOINTMENT  
TO THE ETHICS & ACCOUNTABILITY BOARD**

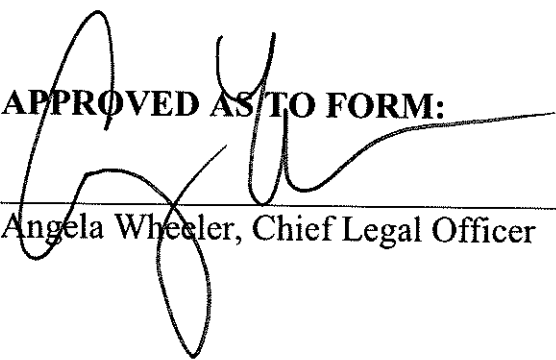
**BY THE CITY COUNCIL:**

**WHEREAS**, Bob Gallagher resigned his position on the Ethics & Accountability Board, effective October 30, 2019; and

**WHEREAS**, 9<sup>th</sup> Ward Councilwoman Eva Worthing recommends the appointment of Joseph Pettigrew (3214 Cheyenne Avenue, Flint, MI 48507) to fill Mr. Gallagher's unexpired term.

**THEREFORE, BE IT RESOLVED** that the Flint City Council approves the appointment of Joseph Pettigrew to serve Mr. Gallagher's remaining six-year term on the Ethics and Accountability Board, commencing November 25, 2019, and expiring June 25, 2024.

**APPROVED AS TO FORM:**



\_\_\_\_\_  
Angela Wheeler, Chief Legal Officer

**APPROVED BY FLINT CITY COUNCIL:**

\_\_\_\_\_

# Joseph E. Pettigrew

## AmeriCorps State Member

### Contact

3214 Cheyenne Ave  
Flint, Michigan, 48507  
810-394-9499  
jpettigr@emich.edu

### Education

*Eastern Michigan University*  
**B.S. of Public Relations**  
**A.A. in Political Science**  
GPA 3.0

Feature Writing  
Democracy & Power  
Integrated Campaigns  
Local & State Government  
News Writing & Reporting  
Urban Politics

### Objective

I am seeking an opportunity to leverage my commitment of public service; particularly in disenfranchised communities in the state of Michigan.

### Experience

*May 2019 to Present*

*AmeriCorps State Member • Flint Urban Safety Corps*

*January 2019 to April 2019*

*VITA Program Assistant • United Way of Washtenaw County*

*September 2018 to December 2018*

*Office Assistant • EMU Department of Africology and African American Studies*

In each capacity listed above, I supported diverse groups, from department heads, college professors, students, and low to moderate income individuals. I was also able to meet tight deadlines and work at my own pace; to achieve desirable outcomes for the good of my team. Last summer, I led the University of Michigan Department of Public Safety *Reading with a Cop Program*. Under my leadership, the distinguished law enforcement agency had a unique opportunity to engage with community members in the River Village Apartments complex. Moreover, as a Program Assistant with United Way of Washtenaw, I trained volunteer tax preparers on company's expectations and program procedures. In addition, the tax program helped residents of Washtenaw County receive over one million dollars in tax refunds. Lastly, I had the pleasure to serve my fellow peers at

Eastern Michigan University, through on- campus student engagement events sponsored by the Department of Africology and African American Studies.

## **Key Skills**

Social Media Marketing  
Constituent Communication  
Public Relations Writing  
Strategic Planning

## **Communication**

Featured panelists at MLive's five year anniversary discussion on the Flint Water Crisis with Governor Whitmer.

## **Leadership**

Michigan Coalition to Prevent Gun Violence Board Member  
James Brown Bingo Memorial Scholarship Recipient  
Flint Charter Ballot Proposal Committee Member  
Michigan Democrat Party Member

## **References**

[Available upon request.]

ORDINANCE NO. \_\_\_\_\_

An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 2, Administration, to add Article XXIII, Ethics and Accountability Board, Section 2-178 to-2-183, Ethics and Accountability Board By-laws.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:

Sec. 1. That the Flint City Code of Ordinances shall be amended by amending Chapter 2, Administration, to add Article XXIII, Section 2-178 to 2-183, Ethics and Accountability Board By-laws, which shall read in its entirety as follows:

#### SECTION 2-178: DEFINITIONS

FOR PURPOSES OF THIS ARTICLE, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANING RESPECTIVELY ASCRIBED TO THEM BY THIS SECTION:

(a) **CONFIDENTIAL INFORMATION** MEANS INFORMATION THAT HAS BEEN OBTAINED BY A PUBLIC SERVANT IN THE COURSE OF ACTING AS A PUBLIC SERVANT, THAT IS NOT AVAILABLE TO MEMBERS OF THE PUBLIC PURSUANT TO THE MICHIGAN FREEDOM OF INFORMATION ACT, BEING MCL 15.231 *ET SEQ.* OR PURSUANT TO OTHER LAW, REGULATION, POLICY OR PROCEDURE RECOGNIZED BY LAW, AND THAT THE PUBLIC SERVANT IS UNAUTHORIZED TO DISCLOSE, INCLUDING:

(1) ANY WRITTEN INFORMATION, WHETHER IN DOCUMENT OR IN ELECTRONIC FORM, WHICH COULD BE EXEMPTED FROM DISCLOSURE PURSUANT TO

STATE LAW OR TO OTHER PERTINENT LAW, REGULATION, POLICY OR PROCEDURE RECOGNIZED BY LAW, UNLESS THE PUBLIC SERVANT DISCLOSING THE INFORMATION IS PERMITTED BY SUCH AUTHORITY TO MAKE DISCLOSURE; AND

(2) ANY NON-WRITTEN INFORMATION WHICH, COULD BE EXEMPTED FROM DISCLOSURE PURSUANT TO STATE LAW OR TO OTHER PERTINENT LAW, REGULATION, POLICY OR PROCEDURE RECOGNIZED BY LAW, UNLESS THE PUBLIC SERVANT DISCLOSING THE INFORMATION IS PERMITTED BY SUCH AUTHORITY TO MAKE DISCLOSURE; AND

(3) INFORMATION WHICH WAS OBTAINED IN THE COURSE OF OR BY MEANS OF A WRITTEN OR ELECTRONIC RECORD OR ORAL REPORT OF A LAWFUL EXECUTIVE OR CLOSED SESSION, WHETHER OR NOT THE DISCLOSURE OF THE INFORMATION WOULD VIOLATE STATE LAW, UNLESS THE PUBLIC SERVANT DISCLOSING THE INFORMATION IS AUTHORIZED BY STATE LAW TO MAKE DISCLOSURE, OR UNLESS THE PUBLIC SERVANT DISCLOSING THE INFORMATION HAS BEEN PROPERLY AUTHORIZED TO MAKE DISCLOSURE PURSUANT TO AN APPLICABLE LAW, REGULATION, POLICY OR PROCEDURE, EXCEPT THAT WHEN SUCH INFORMATION IS AVAILABLE THROUGH CHANNELS WHICH ARE OPEN TO THE PUBLIC, THIS PROVISION DOES NOT PROHIBIT PUBLIC SERVANTS



FROM DISCLOSING THE  
AVAILABILITY OF THOSE  
CHANNELS.

*(b)DECISION MEANS:*

(1) A DETERMINATION, ACTION,  
VOTE, OR OTHER DISPOSITION  
UPON A MOTION, PROPOSAL, OR  
RECOMMENDATION. BY THE  
ETHICS AND ACCOUNTABILITY  
BOARD

*(c)WILLFUL NEGLECT OF DUTY*  
MEANS THE INTENTIONAL FAILURE  
OF A PUBLIC SERVANT TO PERFORM  
THE DUTIES  
OF HIS OR HER OFFICE.

#### SECTION 2-179: DISCLOSURE REQUIREMENTS

(1) IMPROPER USE OR DISCLOSURE OF  
CONFIDENTIAL INFORMATION IS  
PROHIBITED.

EXCEPT AS OTHERWISE PROVIDED BY  
APPLICABLE LAW, AN ETHICS AND  
ACCOUNTABILITY BOARD MEMBER  
SHALL NOT KNOWINGLY USE OR  
DISCLOSE CONFIDENTIAL  
INFORMATION TO THIRD PARTIES  
CONCERNING THE PROPERTY,  
GOVERNMENT OR AFFAIRS OF THE  
CITY OR ANY OFFICE, DEPARTMENT OR  
AGENCY THEREOF, WHICH IS NOT  
AVAILABLE TO MEMBERS OF THE  
PUBLIC AND GAINED BY REASON OF HIS  
OR HER OFFICIAL DUTIES.

(2) LIMITATIONS ON PARTISAN  
POLITICAL ACTIVITY BY BOARD  
MEMBERS.

(a) WHILE A MEMBER OF THE ETHICS  
AND ACCOUNTABILITY BOARD, A  
BOARD MEMBER SHALL DISCLOSE  
ANY PARTICIPATION IN SUPPORT OF  
A CANDIDATE FOR ELECTION AND

ANY CANDIDACY FOR OFFICE MADE  
BY THE BOARD MEMBER TO THE  
BOARD AND TO THE CITY CLERK  
PURSUANT TO FLINT CITY CHARTER  
SECTION 1-602(D)(1)(c).

(b) PARTICIPATING IN CAMPAIGN  
ACTIVITIES OR THE MEMBER'S  
CANDIDACY FOR AN ELECTIVE  
OFFICE MAY DISQUALIFY THE  
BOARD MEMBER'S PARTICIPATION  
IN A MATTER BEFORE THE BOARD.

(c) THIS DETERMINATION MAY BE  
MADE BY THE INDIVIDUAL BOARD  
MEMBER TO RECUSE HIM OR  
HERSELF OR BY A VOTE OF THE  
BODY.

(3) INFORMATION PROVIDED TO  
BOARD TO REMAIN  
CONFIDENTIAL.

(4) MEMBERS OF THE ETHICS AND  
ACCOUNTABILITY BOARD OR ANY  
PUBLIC SERVANT WHO HAVE  
ACCESS TO ANY CONFIDENTIAL  
INFORMATION THAT IS RELATED  
TO THE FUNCTIONS OR  
ACTIVITIES OF THE BOARD ARE  
PROHIBITED FROM DIVULGING  
SUCH INFORMATION TO ANY  
PERSON WHO IS NOT  
AUTHORIZED TO POSSESS THE  
INFORMATION.

(5) VIOLATION OF THIS PROVISION IS  
SUBJECT TO FLINT CITY  
CHARTER SECTION 1-603  
FORFEITURE OF OFFICE AND  
REMOVAL FOR CAUSE.

#### SECTION 2-180: COMPLAINTS

(1) COMPLAINT; CONTENTS THEREOF;  
LIMITATION OF ACTION.

(a) ANY PERSON MAY FILE A COMPLAINT WITH THE ETHICS AND ACCOUNTABILITY BOARD WHERE THE PERSON BELIEVES THAT A PUBLIC SERVANT MAY HAVE COMMITTED MISCONDUCT IN OFFICE OR A DERELICTION OF DUTY AS DESCRIBED IN FLINT CITY CHARTER SECTION 3-503(D) IN CONNECTION WITH THE CHARTER, CITY OF FLINT ORDINANCES, REGULATIONS, POLICIES, PROCEDURES AND STANDARDS OF CONDUCT.

(b) A COMPLAINT SHALL BE MADE IN WRITING ON A FORM THAT IS CREATED BY THE LAW DEPARTMENT, SHALL SPECIFY THE PROVISION(S) OF THE CHARTER, CITY OF FLINT ORDINANCES, REGULATIONS, POLICIES, PROCEDURES AND STANDARDS OF CONDUCT ALLEGED TO HAVE BEEN VIOLATED AND THE FACTS ALLEGED TO CONSTITUTE THE VIOLATION, AND SHALL BE SIGNED BY THE PERSON WHO IS MAKING THE COMPLAINT AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC.

(c) SUCH A COMPLAINT SHALL BE FILED WITHIN NINETY (90) DAYS FROM THE DATE THE COMPLAINANT(S) KNEW OR SHOULD HAVE KNOWN OF THE ACTION THAT IS ALLEGED TO BE A VIOLATION OF THE CHARTER CITY OF FLINT ORDINANCES, REGULATIONS, POLICIES, PROCEDURES AND STANDARDS OF CONDUCT. AND IN NO EVENT SHALL THE ETHICS AND ACCOUNTABILITY BOARD CONSIDER A COMPLAINT WHICH HAS BEEN FILED MORE THAN ONE (1) YEAR AFTER A VIOLATION OF

THIS ARTICLE OR CHARTER IS ALLEGED TO HAVE OCCURRED.

(d) UPON MAJORITY VOTE OF THE MEMBERS-ELECT, THE BOARD MAY ACCEPT A COMPLAINT OUTSIDE THE SUBMISSION GUIDELINES PROVIDED IN SUBSECTION (C).

(e) A COMPLAINT THAT HAS BEEN FILED WITHIN THE TIME PERIOD CONTAINED IN SUBSECTION (C) OF THIS SECTION AND, WHERE DISMISSED BY THE BOARD DUE TO OTHER INVESTIGATIONS OR PENDING PROCEEDINGS, SHALL BE DEEMED DISMISSED WITHOUT PREJUDICE AND MAY BE REINSTATED AND RECONSIDERED BY THE BOARD AT THE CONCLUSION OF THE OTHER PROCEEDINGS.

#### **SECTION 2-181: RETALIATION AND HARASSMENT PROHIBITED.**

(a) IT SHALL BE A VIOLATION FOR ANY PUBLIC SERVANT TO RETALIATE AGAINST ANY INDIVIDUAL WHO FILES A COMPLAINT WITH THE ETHICS AND ACCOUNTABILITY BOARD ON THE BASIS THE INDIVIDUAL HAS FILED A COMPLAINT.

(b) IT SHALL BE A VIOLATION FOR AN INDIVIDUAL TO USE THIS ARTICLE, OR CHARTER TO HARASS A PUBLIC SERVANT, OR CONTRACTOR, BY FILING A COMPLAINT WITH KNOWLEDGE OF ITS FALSITY OR WITH RECKLESS DISREGARD FOR ITS TRUTH OF FALSITY.

#### **SECTION 2-182: COMMUNICATION WITH THE BOARD REGARDING COMPLAINTS**

COMMUNICATIONS WITH THE BOARD REGARDING A COMPLAINT IS PROHIBITED IN THE ABSENCE OF THE COMPLAINANT, RESPONDENT, OR HIS OR HER RESPECTIVE COUNSEL.

(a) AFTER A COMPLAINT HAS BEEN FILED AND DURING ITS PENDENCY BEFORE THE ETHICS AND ACCOUNTABILITY BOARD, NO MEMBER OF THE BOARD MAY COMMUNICATE REGARDING THE COMPLAINT DIRECTLY OR INDIRECTLY WITH ANY COMPLAINANT, RESPONDENT, OR HIS OR HER RESPECTIVE COUNSEL, IN THE ABSENCE OF THE OPPOSING PARTY, EXCEPT THAT:

(1) THE MEMBERS OF THE BOARD MAY DISCUSS THE COMPLAINT WITH ADMINISTRATIVE STAFF, AND MAY OBTAIN LEGAL ADVICE FROM THE LAW DEPARTMENT OR, WHEN NECESSARY, FROM OUTSIDE COUNSEL;

(2) THE MEMBERS OF THE BOARD MAY DISCUSS THE COMPLAINT AT A LAWFULLY CONDUCTED MEETING;

(b) WHERE ANY COMPLAINANT OR RESPONDENT, OR HIS OR HER RESPECTIVE COUNSEL, ATTEMPTS TO COMMUNICATE WITH A MEMBER OF THE ETHICS AND ACCOUNTABILITY BOARD REGARDING A PENDING COMPLAINT IN THE ABSENCE OF THE OPPOSING PARTY, THE BOARD MEMBER SHALL REPORT THE SUBSTANCE OF THE COMMUNICATION TO THE BOARD

ON THE PUBLIC RECORD AT THE NEXT REGULARLY SCHEDULED MEETING OF THE BOARD.

#### SECTION 2-183: DISPOSITION OF COMPLAINTS.

(a) THE ETHICS AND ACCOUNTABILITY BOARD SHALL DISPOSE OF A COMPLAINT WITHIN NINETY (90) CALENDAR DAYS AFTER ITS RECEIPT. HOWEVER, IF THE COMPLAINT IS ALREADY UNDER INVESTIGATION AND REVIEW BY ANOTHER DEPARTMENT, BODY, OR COURT OF LAW, OR THERE ARE EXTENUATING CURCUMSTANCES PREVENTING THE INVESTIGATION FROM PRCEEDING,, THE BOARD MAY EXTEND ITS TIME TO RESPOND TO A SPECIFIC COMPLAINT BY NOT MORE THAN NINETY (90) ADDITIONAL DAYS.

(b) THE BOARD SHALL CONTACT THE HUMAN RESOURCES/LABOR RELATIONS AND LAW DEPARTMENTS TO VERIFY IF AN INVESTIGATIONS AND/OR LITIGATION ARE ALREADY IN PROGRESS PRIOR TO COMMENCING ITS INVESTIGATION.

(c) IN THE EVENT THE BOARD EXTENDS ITS TIME TO RESPOND TO A COMPLAINT, THE BOARD SHALL NOTIFY, IN WRITING, THE COMPLAINANT(S) , AND RESPONDENT OF THE EXTENSION AND OF THE SPECIFIC REASONS THEREFORE.

(d) AFTER GIVING DUE CONSIDERATION TO A COMPLAINT, THE ETHICS AND ACCOUNTABILITY BOARD SHALL TAKE ANY ACTION OR COMBINATION OF ACTIONS, UPON

MAJORITY VOTE, WHICH THE BODY DEEMS APPROPRIATE IN ORDER TO DISPOSE OF A COMPLAINT INCLUDING, BUT NOT LIMITED TO, ONE OR MORE OF THE FOLLOWING:

(1) DISMISS THE COMPLAINT STATING THE REASONS IN WRITING.

(i) CONDUCT ITS OWN INVESTIGATION WITH RESPECT TO ANY ALLEGED VIOLATION; OR

(ii) SUBMIT THE COMPLAINT TO THE OMBUDSPERSONS OFFICE FOR INVESTIGATION

(iii) ; OR

(1) PROVIDE RECOMMENDATIONS FOR POLICY CHANGES WHEN A PATTERN AND PRACTICE OF MISCONDUCT IS IDENTIFIED OR

(2) ISSUE AND ADVISORY OPINION , PUBLIC REPORT OR RECOMMEND FOR REMEDIAL ACTIONS TO THE APPROPRIATE GOVERNMENTAL OR JUDICIAL UNIT INCLUDING PURSUIT OF RECOMMENDATIONS FOR LEGAL REMEDIES.

(3) DETERMINE, ON ITS OWN OR UPON REQUEST OF THE PARTY WHO HAS

HAD THE COMPLAINT FILED AGAINST HIM OR HER, WHETHER THE COMPLAINT WAS FILED WITH KNOWLEDGE OF ITS FALSITY OR WITH RECKLESS DISREGARD FOR ITS TRUTH OR FALSITY.

(e) WHERE A HEARING IS HELD THE BOARD SHALL ISSUE WRITTEN FINDINGS OF FACT AND CONCLUSIONS OF LAW AS TO WHETHER A VIOLATION OF THIS ARTICLE OR CHARTER HAS OCCURRED. IN ITS DECISION, THE BOARD MAY MAKE ITS RECOMMENDATIONS.

SECTION 7: VIOLATIONS OF ARTICLE OR CHARTER; BOARD PERMITTED TO MAKE PUBLIC ADMONITION AND TO REFER FINDINGS.

(a) IN THE EVENT THE ETHICS AND ACCOUNTABILITY BOARD DETERMINES A VIOLATION OF THE CITY OF FLINT CHARTER, CITY OF FLINT ORDINANCES, REGULATIONS, POLICIES, PROCEDURES AND STANDARDS OF CONDUCT. HAS OCCURRED, THE BOARD MAY ADOPT A RESOLUTION OF PUBLIC ADMONITION AGAINST AN ELECTIVE OFFICER, OR AN APPOINTEE, REGARDING THE VIOLATION. IN ADDITION, WHERE, BASED UPON AN INVESTIGATION ARISING FROM A COMPLAINT, THE ETHICS AND ACCOUNTABILITY BOARD DETERMINES THERE MAY BE GROUNDS FOR FURTHER INVESTIGATION FOR POSSIBLE FORFEITURE OF OR REMOVAL FROM OFFICE UNDER

APPLICABLE LAW, THE MATTER MAY BE REFERRED BY THE BOARD TO THE CITY COUNCIL FOR CONSIDERATION OF FORFEITURE OR REMOVAL PROCEEDINGS.

(b) IN THE EVENT THE ETHICS AND ACCOUNTABILITY BOARD DETERMINES A VIOLATION OF THE CITY OF FLINT CHARTER, CITY OF FLINT ORDINANCES, REGULATIONS, POLICIES, PROCEDURES AND STANDARDS OF CONDUCT HAS OCCURRED, THE BOARD MAY ADOPT A RESOLUTION OF PUBLIC ADMONITION AGAINST A PUBLIC SERVANT OTHER THAN AN ELECTIVE OFFICER, OR AN APPOINTEE, REGARDING THE VIOLATION. IN ADDITION, WHERE THE ETHICS AND ACCOUNTABILITY BOARD DETERMINES A VIOLATION OF THE CITY OF FLINT CHARTER, CITY OF FLINT ORDINANCES, REGULATIONS, POLICIES, PROCEDURES AND STANDARDS OF CONDUCT BY SUCH PUBLIC SERVANT MAY PRESENT GROUNDS FOR DISCIPLINARY ACTION, THE MATTER MAY BE REFERRED BY THE BOARD TO SUCH PUBLIC SERVANT'S SUPERVISOR WITH A RECOMMENDATION THAT THE PUBLIC SERVANT'S CONDUCT BE REVIEWED FOR DISCIPLINARY ACTION.

(c) WHERE THE ETHICS AND ACCOUNTABILITY BOARD FINDS THAT A PUBLIC SERVANT MADE A DECISION IN VIOLATION OF THE CITY OF FLINT CHARTER, CITY OF FLINT ORDINANCES, REGULATIONS, POLICIES, PROCEDURES AND STANDARDS

OF CONDUCT, THE BOARD MAY RECOMMEND TO THE MAYOR, THE CITY COUNCIL, THE CITY CLERK, THE APPOINTEE, THE VOTING BODY, OR OTHER PUBLIC SERVANT THAT SUCH DECISION BE REVIEWED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE 2018 FLINT CITY CHARTER AND THIS ORDINANCE. UPON SUCH RECOMMENDATION, THE DECISION MAY BE REVIEWED BY THE MAYOR, THE CITY COUNCIL, THE CITY CLERK, THE APPOINTEE, THE VOTING BODY, OR OTHER PUBLIC SERVANT IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE 2018 FLINT CITY CHARTER, THIS ORDINANCE, AND ANY OTHER APPLICABLE LAWS.

(d) NO REPORT OR RECOMMENDATION THAT CRITIZES AN OFFICIAL ACT SHALL BE ANNOUNCED UNTIL EVERY AGENCY OR PERSON AFFECTED IS ALLOWED REASONABLE OPPORTUNITY TO BE HEARD WITH COUNSEL.

(e) THE INVOCATION OF ONE (1) SUBSECTION OF THIS SECTION DOES NOT PRECLUDE THE APPLICATION OF ANY OTHER SUBSECTION OF THIS SECTION OR OF ANY OTHER APPLICABLE LAWS OR POLICIES.

Sec. 2. This ordinance shall become effective this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2019.

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**Karen W. Weaver, Mayor**

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**Inez M. Brown, City Clerk**

**APPROVED AS TO FORM:**

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**Angela Wheeler, City Attorney**

ORDINANCE NO. \_\_\_\_\_

An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 12, Business and Occupations Generally.

IT IS HEREBY ORDANIED BY THE PEOPLE OF THE CITY OF FLINT:

Sec. 1. An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 12, Business and Occupations Generally, In General, by adding Article XXX, Sections 12-273 thru 12-283. Surveillance Cameras Required for Certain Businesses, which shall read in its entirety as follows:

§12-273. PURPOSE.

THE CITY COUNCIL RECOGNIZES THAT CERTAIN BUSINESSES HAVE CHARACTERISTICS THAT MAY TEND TO INCREASE THE POTENTIAL RISK OF CRIMINAL ACTIVITY ON THEIR PREMISES. THIS CHAPTER IS ENACTED TO REDUCE THE LIKELIHOOD THAT EMPLOYEES AND PATRONS OF THOSE BUSINESSES WILL BE EXPOSED TO POTENTIAL DEATH AND/OR INJURIES BECAUSE OF CRIME OCCURRING ON THE PREMISES. IT IS ALSO INTENDED TO ASSIST LAW ENFORCEMENT WITH THE CRIMINAL INVESTIGATION OF CRIMES ON THE PREMISES OF THE BUSINESSES WHICH ARE THE SUBJECT OF THIS CHAPTER.

§ 12-274. DEFINITIONS

(A) THE DEFINITIONS AND PROVISIONS CONTAINED IN THIS SECTION SHALL

GOVERN THE CONSTRUCTION, MEANING, AND APPLICATION OF THE FOLLOWING WORDS AND PHRASES USED IN THIS CHAPTER.

- (1) **LUMEN.** THE SI DERIVED UNIT OF LUMINOUS FLUX; A MEASURE OF THE TOTAL AMOUNT OF VISIBLE LIGHT EMITTED BY A SOURCE.
- (2) **MEDIA.** MATERIAL ON WHICH AUDIO, VIDEO, AND ELECTRONIC DATA CAN BE RECORDED FOR THE PURPOSES OF MAKING A PERMANENT RECORD TO AID IN A CRIMINAL INVESTIGATION, THAT CAN BE ENLARGED THROUGH PROJECTION OR OTHER MEANS, IN A FORMAT ABLE TO BE UTILIZED BY THE POLICE DEPARTMENT, COUNTY PROSECUTOR, AND/OR OTHER LAW ENFORCEMENT AGENCY.
- (3) **OWNER.** THE INDIVIDUAL, CORPORATION, LIMITED COMPANY, PARTNERSHIP, JOINT VENTURE, OR OTHER GROUP ENTERPRISE LICENSED TO DO BUSINESS OR OTHERWISE OPERATING A BUSINESS ESTABLISHMENT AT A LOCATION WITHIN THE CITY.
- (4) **VIDEO SURVEILLANCE SYSTEM.** A CONTINUOUS DIGITAL SURVEILLANCE SYSTEM CONSISTING OF CAMERAS, CABLING,

MONITORS, AND DIGITAL VIDEO RECORDERS (DVR) THAT RECORD IN COLOR WITH CAMERAS AND LENSES OF A TYPE, MINIMUM RESOLUTION, NUMBER AND LOCATION APPROVED BY THE CHIEF OF POLICE OR HIS OR HER DESIGNEE.

(5) **BUSINESS**

**ESTABLISHMENT OR ESTABLISHMENT.** MEANS THOSE ESTABLISHMENTS LISTED AND DEFINED IN THIS SUBSECTION AS FOLLOWS:

- a. **BANK OR FINANCIAL INSTITUTION.** AN ESTABLISHMENT WHOSE PRIMARY FUNCTION IS RELATED TO THE CUSTODY, LOAN, EXCHANGE, ISSUANCE OF MONEY, EXTENSION OF CREDIT, OR TRANSMISSION OF FUNDS, AND INCLUDES BANKS, CREDIT UNIONS, OR SAVINGS OR LOANS.
- b. **CARRY OUT- FOOD AND DRINK.** AN ESTABLISHMENT WHOSE PRINCIPAL BUSINESS IS THE SALE OF FOOD AND BEVERAGES IN DISPOSABLE CONTAINERS IN A

READY-TO-CONSUME STATE FOR CONSUMPTION EITHER WITHIN THE BUILDING OR FOR CARRY-OUT WITH CONSUMPTION OFF THE PREMISES, WHOSE CASH REGISTER IS VISIBLE TO THE PUBLIC VIEW. NOTWITHSTANDING THE FOREGOING, A CARRY OUT-FOOD AND DRINK ESTABLISHMENT SHALL NOT BE SUBJECT TO THIS CHAPTER IF IT EITHER (A) SHARES A COMMON AREA WITH OTHER BUSINESSES OR (B) DOES NOT HAVE ITS OWN ENTRANCE OR EXIT. STRICTLY, FOR PURPOSES OF ILLUSTRATION, A BUSINESS, WHICH IS PART OF A SO CALLED FOOD COURT, SHALL NOT BE SUBJECT TO THIS CHAPTER.

- c. **CHECK CASHING BUSINESS.** A BUSINESS OFFERING PAYDAY LOANS, CASH ADVANCES, OR CHECK ADVANCE LOANS, AND WHICH IS REGULATED UNDER THE STATE



OF MICHIGAN  
DEFERRED  
PRESENTMENT  
SERVICES  
TRANSACTION,  
PUBLIC ACT 244 OF  
2005, AS AMENDED,  
OR ANY SIMILAR  
LAW.

d. **COIN DEALER.** ANY  
ESTABLISHMENT  
THAT, AS A  
SUBSTANTIAL  
PORTION OF ITS  
BUSINESS, BUYS AND  
SELLS COINS, GOLD  
OR OTHER PRECIOUS  
METALS.

e. **CONVENIENCE  
STORE.** A BUSINESS  
WHICH SELLS AT  
RETAIL BOTH  
GASOLINE AND  
MORE THAN 20  
"CONSUMER  
PRODUCTS" AS THAT  
TERM IS DEFINED BY  
15 USCS §2052 (5)  
[TITLE 15.  
COMMERCE AND  
TRADE; CHAPTER 47.  
CONSUMER PRODUCT  
SAFETY], OR ANY  
APPLICABLE  
SUCCESSOR LAW.

f. **FIREARM DEALER.**  
AN ESTABLISHMENT  
REQUIRED TO  
OBTAIN A FEDERAL  
FIREARMS LICENSE  
TO SELL FIREARMS  
AND WHICH  
ENGAGES IN

FIREARMS  
TRANSACTIONS.

g. **GAS STATIONS.** A  
RETAIL  
ESTABLISHMENT AT  
WHICH MOTOR  
VEHICLES ARE  
REFUELED.

h. **HOTEL OR MOTEL.**  
ANY BUILDING OR  
STRUCTURE  
EQUIPPED, USED,  
ADVERTISED AS, OR  
HELD OUT TO THE  
PUBLIC AS A  
FACILITY OR PLACE  
WHERE SLEEPING  
QUARTERS OR  
OTHER SIMILAR  
ACCOMODATIONS  
ARE FURNISHED FOR  
A FEE TO TRANSIENT  
GUESTS.

i. **LIQUOR OR  
ALCOHOL BUSINESS.**  
ANY RETAILER  
REQUIRED TO  
OBTAIN A PERMIT BY  
THE MICHIGAN  
LIQUOR CONTROL  
COMMISSION, WHICH  
AUTHORIZES THE  
SALE OF BEER, WINE,  
OR DISTILLED  
SPIRITS TO BE  
CONSUMED ON, OR  
OFF THE PREMISES  
WHERE SOLD, AND  
INCLUDES BREW  
PUBS, DISTILLERIES,  
OR OTHER  
SIMILARLY  
LICENSED

FACILITIES. IT SHALL ALSO INCLUDE THOSE FACILITIES NOT REQUIRED TO OBTAIN SUCH PERMIT BUT WHICH, DIRECTLY OR INDIRECTLY THROUGH A LEASE OR RENTAL OF THE PREMISES, ALLOWS BEER, WINE, OR DISTILLED SPIRITS TO BE CONSUMED ON PREMISES.

- j. **MOBILE COMMUNICATIONS DEALER.** ANY RETAILER OF A WIRELESS TWO-WAY COMMUNICATION DEVICE, INCLUDING A TELEPHONE USED IN CELLULAR TELEPHONE SERVICE, WHICH REPRESENTS, ALONG WITH ACCESSORIES RELATED THERETO, MORE THAN 50% OF THE GOODS DISPLAYED FOR RETAIL PURCHASE.
- k. **MONEY TRANSMISSION SERVICES.** A RETAILER SELLING OR ISSUING PAYMENT INSTRUMENTS OR STORED VALUE DEVICES OR IS RECEIVING MONEY

OR MONETARY VALUE FOR TRANSMISSION.

- l. **PHARMACY.** A FACILITY OR PART OF A FACILITY THAT DISPENSES PRESCRIPTION DRUGS, OR PREPARES PRESCRIPTION DRUGS FOR DELIVERY OR DISTRIBUTION, BUT DOES NOT INCLUDE THE OFFICE OF A DISPENSING PRESCRIBER OR AN AUTOMATED DEVICE.
- m. **SCRAP METAL DEALER.** MEANS ANY PERSON OPERATING A BUSINESS AT A FIXED OR MOBILE LOCATION THAT IS ENGAGED IN ONE OF THE FOLLOWING ACTIVITIES:
- i. BUYING, SELLING, PROCURING, COLLECTING, GATHERING, SOLICITING, OR DEALING IN SCRAP METAL.
  - ii. OPERATING, MANAGING, OR MAINTAINING A SCRAP METAL YARD.

§12-275 LIGHTING.

EVERY BUSINESS ESTABLISHMENT IN THE CITY, UNLESS THE STORE IS NOT OPEN FOR BUSINESS AFTER SUNSET AND BEFORE SUNRISE, IS HEREBY REQUIRED TO INSTALL AND PROVIDE LIGHTING FOR ITS PARKING AREA DURING ALL HOURS OF DARKNESS WHEN EMPLOYEES AND/OR CUSTOMERS ARE ON THE PREMISES. SUCH LIGHTING SHALL BE AT A MINIMUM AVERAGE OF TWO LUMENS PER SQUARE FOOT.

§ 12-276 VIDEO SURVEILLANCE SYSTEM REQUIRED.

(A) EVERY BUSINESS ESTABLISHMENT, AS DEFINED IN THIS CHAPTER, IS HEREBY REQUIRED TO INSTALL A VIDEO SURVEILLANCE SYSTEM IN ACCORDANCE WITH THIS CHAPTER AND TO PROVIDE THE CHIEF OF POLICE OR HIS/HER DESIGNEE AN ADDRESS AND PHONE NUMBER TO BE USED FOR PURPOSES OF OFFICIAL NOTIFICATIONS REGARDING ENFORCEMENT OF THIS CHAPTER.

(B) ALL VIDEO SURVEILLANCE SYSTEMS SHALL:

- a. BE MAINTAINED IN PROPER WORKING ORDER AT ALL TIMES; AND
- b. BE KEPT IN CONTINUOUS OPERATION 24 HOURS A DAY, 7 DAYS A WEEK; AND

c. MEET MINIMUM TECHNOLOGICAL STANDARDS ESTABLISHED IN THIS CHAPTER OR BY RESOLUTION OF CITY COUNCIL.

(C) ALL ESTABLISHMENTS SHALL RETAIN THE IMAGES RECORDED BY ITS VIDEO SURVEILLANCE SYSTEM FOR NO LESS THAN THIRTY (30) DAYS.

(D) A MINIMUM OF THREE HIGH RESOLUTION SURVEILLANCE CAMERAS LOCATED IN THE PUBLIC AREAS OF A BUSINESS ESTABLISHMENT ARE REQUIRED OF EACH VIDEO SURVEILLANCE SYSTEM. AT LEAST ONE CAMERA SHALL PROVIDE AN OVERALL VIEW OF THE COUNTER AND REGISTER AREA; AT LEAST ONE CAMERA SHALL BE POSITIONED TO PROVIDE A CLEAR, IDENTIFIABLE, FULL-FRAME IMAGE OF THE FACE OF EACH PERSON ENTERING AND LEAVING THE BUSINESS ESTABLISHMENT; AND THE LEAST ONE CAMERA SHALL BE POSITIONED TO PROVIDE AN OVERALL VIEW OF THE BUSINESS ESTABLISHMENT'S PARKING LOT. CAMERA VIEWS SHALL NOT BE OBSTRUCTED BY STORE FIXTURES OR DISPLAYS.

(E) BUSINESS ESTABLISHMENTS, WHICH INSTALLED VIDEO SURVEILLANCE SYSTEMS PRIOR TO THE EFFECTIVE

DATE OF THIS CHAPTER, MUST ENSURE THEY ARE IN FULL COMPLIANCE WITH THIS CHAPTER.

(F) DOCUMENTATION EVIDENCING THE INSTALLATION OF SUCH SYSTEM MUST BE PRESENTED TO THE POLICE DEPARTMENT, WHO SHALL VERIFY COMPLIANCE WITH THIS CHAPTER. THE SUFFICIENCY OF SUCH DOCUMENTATION SHALL BE DETERMINED AT THE DISCRETION OF THE POLICE CHIEF OR HIS OR HER DESIGNEE. UPON APPROVAL OF SUCH DOCUMENTATION, THE POLICE DEPARTMENT WILL ISSUE A WRITTEN APPROVAL NOTICE, WHICH WILL BE PLACED IN PLAIN VIEW INSIDE THE PREMISES. THIS APPROVAL NOTICE WILL ALSO INFORM CUSTOMERS AND EMPLOYEES OF THE EXISTENCE OF THE VIDEO SURVEILLANCE SYSTEM. A COPY OF THE APPROVAL NOTICE OR OTHER VERIFICATION OF COMPLIANCE SHALL THEN BE TRANSMITTED BY THE POLICE DEPARTMENT TO THE CITY CLERK. SUCH VERIFICATION MUST BE ON RECORD AND UP-TO-DATE AT THE TIME OF A BUSINESS ESTABLISHMENT'S APPLICATION FOR OR RENEWAL OF A BUSINESS LICENSE OR SUCH LICENSE SHALL BE DENIED.

§12-277 ACCESS TO MEDIA.

IF A CRIME OCCURS OR AN EMPLOYEE OF A BUSINESS ESTABLISHMENT BELIEVES A CRIME HAS OCCURRED, THE POLICE DEPARTMENT SHALL BE CONTACTED IMMEDIATELY, AND THE BUSINESS ESTABLISHMENT SHALL RETAIN THE CONTINUOUS DIGITAL IMAGES OF THE EVENT RECORDED BY THE VIDEO SURVEILLANCE SYSTEM FOR NO LESS THAN 60 DAYS. SUBJECT TO ANY CONSTITUTIONAL RESTRICTIONS, UPON REASONABLE NOTIFICATION, THE BUSINESS ESTABLISHMENT SHALL PROVIDE ACCESS TO THE MEDIA CONTAINING THE RECORDED EVENT TO THE POLICE DEPARTMENT. FAILURE TO PROVIDE ACCESS TO THE VIDEO SURVEILLANCE SYSTEM MAY RESULT IN THE POLICE DEPARTMENT OR OTHER LAW ENFORCEMENT AGENCY MAKING A REQUEST FOR A SEARCH WARRANT TO SEIZE THE VIDEO SURVEILLANCE SYSTEM, OR ANY PART OR UNIT OF THE SYSTEM, DEPENDING ON THE NATURE OF THE INCIDENT.

§12-278 MINIMUM TECHNOLOGICAL STANDARDS.

THE VIDEO SURVEILLANCE SYSTEM MUST BE CAPABLE OF DELINEATING ON PLAYBACK OF THE SYSTEM THE ACTIVITY AND PHYSICAL FEATURES OF PERSONS OR AREAS WITHIN THE PUBLIC AREAS OF THE PREMISES AND MUST BE ABLE TO RECORD SUCH IMAGES ON AN APPROVED FORM

OF EXTERNAL MEDIA. THE CONTINUOUS DIGITAL IMAGES RECORDED BY ANY VIDEO SURVEILLANCE SYSTEM SHALL BE RETAINED FOR NO LESS THAN 30 DAYS. CAMERAS PLACED OUTDOORS OR IN LOW LIGHT AREAS MUST HAVE INFARED ILLUMINATORS. ADDITIONAL MINIMUM TECHNOLOGICAL STANDARDS ARE REQUIRED FOR VIDEO SURVEILLANCE SYSTEMS SHALL BE ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL, WHICH MAY BE UPDATED PERIODICALLY. THE POLICE DEPARTMENT SHALL REVIEW THE VIDEO SURVEILLANCE SYSTEM STANDARDS BI-ANNUALLY TO ENSURE THAT THEY ARE CONSISTENT WITH CURRENT TECHNOLOGY AND SHALL RECOMMEND APPROPRIATE UPDATES TO THE CITY COUNCIL WHEN NECESSARY.

#### §12-279 INSPECTIONS.

THE VIDEO SURVEILLANCE SYSTEM SHALL BE SUBJECT TO INSPECTION BY THE CHIEF OF POLICE OR HIS/HER DESIGNEE, WHO IS AUTHORIZED TO INSPECT ANY SUCH SYSTEM AT REASONABLE TIMES TO DETERMINE WHETHER IT CONFORMS WITH THIS CHAPTER AND REGULATIONS AND STANDARDS ADOPTED BY CITY COUNCIL RESOLUTION PURSUANT THERETO. IF THE VIDEO SURVEILLANCE SYSTEM DOES NOT SO CONFORM, THE

ESTABLISHMENT IN QUESTION SHALL TAKE IMMEDIATE STEPS TO BRING THE SYSTEM BACK INTO COMPLIANCE THEREWITH.

#### §12-280 ENFORCEMENT

(A) BUSINESS ESTABLISHMENTS SUBJECT TO THE MANDATORY REQUIREMENTS OF THIS CHAPTER SHALL HAVE ONE YEAR FROM THE EFFECTIVE DATE OF THIS CHAPTER TO COMPLY WITH THE REGULATIONS SET FORTH HEREIN.

(B) VIOLATION OF ANY PROVISION OF THIS CHAPTER BY ANY OWNER OR PRINCIPAL OPERATOR OF AN ESTABLISHMENT SHALL RESULT IN A NOTICE OF VIOLATION FROM THE CHIEF OF POLICE OR HIS/HER DESIGNEE TO SAID ESTABLISHMENT AT THE ADDRESS PROVIDED BY THE ESTABLISHMENT PURSUANT TO §12-276(A).

(C) THE NOTICE OF VIOLATION REQUIRED UNDER THIS SECTION SHALL BE IN WRITING, SET FORTH THE BASIS OF THE VIOLATION, AND INFORM THE OWNER OR PRINCIPAL BUSINESS OPERATOR OF THE ESTABLISHMENT THAT HE/SHE HAS TEN DAYS FROM THE DATE OF MAILING OF THE NOTICE TO FILE A WRITTEN REQUEST FOR AN ADMINISTRATIVE HEARING TO APPEAL THE FINDING OF

VIOLATION TO THE CITY ADMINISTRATOR OR HIS/HER DESIGNEE. THE ADMINISTRATIVE HEARING SHALL BE HELD WITHIN 10 DAYS AFTER THE POLICE DEPARTMENT RECEIVES A TIMELY REQUEST FOR A HEARING, BUT IN NO EVENT SOONER THAN FIVE DAYS OR LATER THAN 20 DAYS AFTER RECEIPT OF A TIMELY REQUEST FOR A HEARING.

(D) AT THE ADMINISTRATIVE HEARING, FORMAL RULES OF EVIDENCE SHALL NOT APPLY. THE PARTY FOR WHOM THE NOTICE OF VIOLATION WAS ISSUED SHALL BE ENTITLED TO PRESENT EVIDENCE, INCLUDING THE TESTIMONY OF WITNESSES AND ARGUMENT AS TO WHY THE FINDING OF A VIOLATION WAS INCORRECT.

(E) FOLLOWING THE HEARING, THE CITY ADMINISTRATOR OR HIS/HER DESIGNEE SHALL RENDER A WRITTEN DECISION EITHER SUSTAINING OR REVERSING THE FINDING OF A VIOLATION. WITHIN ONE-WEEK FOLLOWING THE HEARING, THE POLICE DEPARTMENT SHALL SEND THE WRITTEN DECISION TO THE PARTY FOR WHOM THE NOTICE OF VIOLATION WAS ISSUE.

(F) IF NO REQUEST FOR ADMINISTRATIVE HEARING IS FILED, OR IF A HEARING IS REQUESTED BUT THE FINDING

OF A VIOLATION IS THEREAFTER SUSTAINED, VIOLATORS SHALL HAVE 30 DAYS AFTER RECEIPT OF THE NOTICE OF VIOLATION OR DECISION SUSTAINING THE FINDING, AS THE CASE MAY BE, TO PROVIDE THE POLICE DEPARTMENT PROOF THE VIOLATION HAS BEEN CORRECTED. IF THE VIOLATION CONTINUES AFTER THE 30-DAY PERIOD, THE CHIEF OF POLICE OR HIS OR HER DESIGNEE SHALL REFER THE MATTER TO THE CITY ATTORNEY'S OFFICE FOR PROSECUTION AS PROVIDED BY LAW.

(G) ANY VIOLATION OF OR FAILURE TO COMPLY WITH THIS CHAPTER OR ANY OF THE REQUIREMENTS THEREOF, SHALL BE PROSECUTED WITHIN THE LIMITS PROVIDED BY STATE AND LOCAL LAWS. SAID PROSECUTION BY MEANS OF A CITATION FOR MUNICIPAL INFRACTION FOR PURPOSES OF THIS CHAPTER, EACH 30 DAY PERIOD THAT A VIOLATION CONTINUES SHALL BE A SEPARATE VIOLATION.

#### §12-281 EXEMPTIONS.

A BUSINESS ESTABLISHMENT WHICH IS REQUIRED TO INSTALL A VIDEO SURVEILLANCE SYSTEM MAY BE EXEMPT FROM THE REQUIREMENTS OF THIS ORDINANCE IF

- (A) THE ESTABLISHMENT IS NOT REGULARLY OPEN TO THE PUBLIC (INCLUDING STRICTLY BY WAY OF EXAMPLE, A HOME BASED BUSINESS)
- (B) THE ESTABLISHMENT HAS TAKEN OR WILL TAKE ALTERNATIVE SECURITY MEASURES AND PROCEDURES WHICH ARE SUBSTANTIALLY EQUAL TO OR MORE EFFECTIVE THAN THE REQUIREMENTS OF THIS CHAPTER IN PREVENTING CRIMINAL ACTIVITY AND ASSISTING IN THE APPREHENSION OF THE PERPETRATORS OF CRIME OR THE PROTECTION OF EMPLOYEES AND PATRONS; AND
- (C) THE ESTABLISHMENT HAS BEEN AUTHORIZED BY THE CHIEF OF POLICE OR HIS/HER DESIGNEE TO IMPLEMENT ALTERNATE SECURITY MEASURES AND PROCEDURES ON AN EXPERIMENTAL BASIS. WITHIN TEN DAYS OF MAILING OF THE WRITTEN NOTICE OF VIOLATION, THE OWNER OF THE BUSINESS ESTABLISHMENT MAY APPEAL THE ALLEGED VIOLATION BY REQUESTING A HEARING BEFORE ADMINISTRATOR OR THEIR DESIGNEE. SUCH A REQUEST MUST BE MADE IN WRITING AND MUST SET FOR THE SPECIFIC GROUNDS FOR APPEAL.
- (D) THE ESTABLISHMENT IS A MEDICAL MARIHUANA

FACILITY AS DEFINED IN §50-183 AND SUBJECT TO THE SECURITY REQUIREMENTS OF §50-183(E) (2)(XIII).

ANY ESTABLISHMENT, WHICH SEEKS AN EXEMPTION PURSUANT TO THIS SECTION, SHALL APPLY, ON AN ANNUAL BASIS, TO THE CHIEF OF POLICE OR HIS/HER DESIGNEE FOR EXEMPTION FROM THE PROVISIONS OF THIS CHAPTER. THE APPLICATION SHALL BE IN WRITING AND SHALL STATE THE BASIS FOR THE EXEMPTION SOUGHT IN SUFFICIENT DETAIL TO ENABLE THE CHIEF OF POLICE OR DESIGNEE TO DETERMINE WHETHER THE PURPOSES OF THIS CHAPTER WOULD STILL BE MET IF THE EXEMPTION WERE GRANTED.

AN EXEMPTION GRANTED PURSUANT TO THIS SECTION SHALL CARRY A MAXIMUM DURATION OF TWELVE MONTHS. ANY ESTABLISHMENT SEEKING TO EXTEND STATUS MUST REAPPLY FOR AN EXEMPTION NO LATER THAN 30 DAYS PRIOR TO THE END OF THE EXEMPTION PERIOD.

ANY ESTABLISHMENT WHICH HAS BEEN GRANTED AN EXEMPTION UNDER THIS SECTION, OR AN EXTENSION THEREOF, WHICH DOES NOT SEEK TO FURTHER EXTEND THE EXEMPTION PURSUANT TO SECTION, SHALL OBTAIN THE CITY'S APPROVAL OF A VIDEO

SURVEILLANCE SYSTEM NO  
LATER THAN 30 DAYS PRIOR TO  
THE END OF THE EXEMPTION  
PERIOD.

THE CHIEF OF POLICE OR HIS/HER  
DESIGNEE MAY ALSO AUTHORIZE  
TEMPORARY EXTENSIONS OF  
TIME FOR INSTALLATION OF A  
VIDEO SURVEILLANCE SYSTEM  
WHEN AN ESTABLISHMENT  
DEMONSTRATES TO THE  
SATISFACTION OF THE CITY THAT  
IT IS TEMPORARILY UNABLE TO  
COMPLY FOR GOOD CAUSE  
SHOWN.

ANY PARTY AGGRIEVED BY THE  
DENIAL OF AN EXEMPTION  
UNDER THIS SECTION MAY  
REQUEST A HEARING AS  
PROVIDED IN SECTION 12-281. THE  
DECISION RENDERED PURSUANT  
TO SECTION 12-281 SHALL BE THE  
FINAL DECISION OF THE CITY.

Sec. 2. This ordinance shall become  
effective immediately upon publication.

Adopted this \_\_\_\_\_ day of  
\_\_\_\_\_, 2019 A.D.

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**Dr. Karen W. Weaver, Mayor**

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**Inez M. Brown, City Clerk**

**APPROVED AS TO FORM:**

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**Angela Wheeler, Chief Legal Officer**

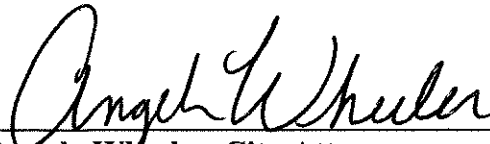


190479

ORDINANCE NO. \_\_\_\_\_

APPROVED AS TO FORM:

An Ordinance to amend the Flint City Code of Ordinances by adopting Article VI Chapter 35, Personnel; Section 35-112.15, Adoption-Job Description and Qualifications-Chief of Police.

  
Angela Wheeler, City Attorney

S:\Parks\Ordinance Files\Principal Officers Job Descriptions\Chief of Police 35-112.15.docx

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:

Sec. 112. That Section 35-112 of the Code of the City of Flint shall be amended as follows.

*Original*

**ARTICLE VI. PERSONNEL CODE**

**§ 35-112.15 ADOPTION – JOB DESCRIPTION AND QUALIFICATIONS CHIEF OF POLICE**

Pursuant to the provisions of Flint City Charter 1-501(B), the job description and qualifications are hereby adopted by reference AND ATTACHED HERETO.

Sec. 2. This ordinance shall become effective this \_\_\_\_ day of \_\_\_\_\_ 2019.

Adopted this \_\_\_\_ day of

\_\_\_\_\_. A.D., 2019.

\_\_\_\_\_  
Sheldon A. Neeley, Mayor

\_\_\_\_\_  
Inez M. Brown, City Clerk

CITY OF FLINT  
Position Description

Class Title:	Chief of Police	Job Code Number:	
Established:		Bargaining Unit:	Exempt

**GENERAL STATEMENT OF DUTIES:**

Performs highly responsible administrative, supervisory and technical work in directing the activities of the City Police Department.

The Police Chief is responsible for the efficient operation of the Police Department through control of its activities in taking measures to prevent crime and protect lives and property. Duties include the procurement, assignment, supervision, and discipline of all department employees.

**SUPERVISION RECEIVED:**

Appointed by the Mayor and works under the direction of the City Administrator, who reviews work for effectiveness through conferences and reports.

**SUPERVISION EXERCISED:**

Planning, organizing, training, and the supervision of the entire Police Department.

**ESSENTIAL DUTIES AND RESPONSIBILITIES:**

*Essential Duties are not intended to be an exhaustive list of all responsibilities, duties and skills. They are intended to be accurate summaries of what the job involves and what is required to perform it. Employees are responsible for all other duties as assigned.*

1. Plans, directs and manages the operations of the police department, coordinates activities through discussions with subordinate officers; reviews departmental written reports and complaints.
2. In consultation with the Mayor, City Administrator, and with assistance of subordinate officers, formulates and develops long-term policies and regulations for improving police operations and attaining more effective enforcement of laws and ordinances.
3. Supervises or initiates the procurement, training and discipline of law enforcement personnel; assigns and transfers law enforcement personnel.
4. Responsible for preparation of preliminary annual budget for Police Department.
5. Makes reports on departmental activities as requested.

6. Supervises the collection, handling and accounting of money and valuables received from bonds, fines, and other sources.
7. Supervises the requisitioning and procurement of departmental equipment and supplies.
8. Reviews complaints of citizens' groups and other organizations; develop good public relations and promotes crime prevention programs, makes public appearances and presentations for civic groups.
9. Attends City council meetings and answers inquiries when necessary.
10. Develops and implements administrative policies designed to maintain or increase the general efficiency and effectiveness of the police department; explains to subordinate patrol officers and other employees their connection with other City departments.
11. Cooperates with State, Federal and County officers in the apprehension and detention of wanted persons.

**MINIMUM ENTRANCE REQUIREMENTS:**

1. Equivalent to a Bachelor's degree from an accredited college or university with major course work in criminal justice, police science, public administration or a related field. Master's degree preferred.
2. Five (5) years of progressively responsible supervisory and administrative law enforcement experience; including three (3) years of experience equivalent to a Deputy Chief or equivalent position, or five (5) years of experience equivalent to a Commander or equivalent position. Current or prior Michigan law enforcement experience is required.
3. Must hold current Michigan Commission on Law Enforcement Standards (MCOLES) license or be eligible for licensing prior to application deadline.
4. Must have a valid Michigan Driver's License.
5. Extensive knowledge of the principles, practices and procedures involved in the administration and management of a municipal police department.
6. Extensive knowledge of State of Michigan laws, codes, regulations and policies relating to municipal law enforcement.

7. Extensive knowledge of the use of police records and their application to the solution of police problems.
8. Thorough knowledge of the methods and techniques involved in the prevention and detection of crime, and in the apprehension and detention of law violators.
9. Thorough knowledge of approved principles and practices of traffic regulations.
10. Thorough knowledge of the methods and techniques of obtaining and preserving evidence.
11. Thorough knowledge of City of Flint layout and population pattern.
12. Ability to relay, assign, direct and supervise the work of subordinates and to establish and maintain effective working relations with other City officials, State, County and Federal authorities, civic leaders, and the general public.
13. Ability to express ideas clearly and concisely, orally and in writing.
14. Ability to prepare and supervise the preparation of clear, accurate and comprehensive recommendations and reports.

**PHYSICAL DEMANDS:**

This position requires good vision and hearing. Must be able to sit and drive for extended periods, and must be able to respond to all police situations.

**This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.**