

MAYORS OF THE CITY OF FLINT

CHARTER COMMISSIONERS

<p>CARL L. BEKOFKSKE Chairman</p> <p>BOB JACKSON</p> <p>JOSEPH CONROY</p> <p style="text-align: center;">JAMES P. HANLEY, JR.</p> <p style="text-align: center;">PHILIP D. MARVIN</p> <p style="text-align: center;">BANIUS C. HEDRICK</p> <hr style="border: 1px solid black; width: 100%;"/>	<p>LEROY NICHOLS Vice-Chairman</p> <p>JOHN H. WEST</p> <p>CHARLES A. GREENE</p>
--	---

Charter Adopted by the People, November 5, 1974

STATE OF MICHIGAN | ss.
COUNTY OF GENESEE

I, Louis A. Hawkins, Clerk of the City of Flint, in the State of Michigan, do hereby certify that the following Charter is the Charter of the said City of Flint as adopted by the people on November 5, 1974, with all amendments thereto,

Louis A. Hawkins, City

Clerk

Dated at Flint, Michigan, March 1, 1996

Elected	Elected
1 Grant Decker 1855	55 Guy W. Selby 1909
2 Robert J. S. Page 1856	56 Guy W. Selby 1910
3 Henry M. Henderson 1857	57 John A. C. Menton 1911
4 William M. Fenton 1858	58 Charles S. Mott 1912
5 Porter Hazelton 1859	59 Charles S. Mott 1913
6 Henry H. Crapo 1860	60 John R. MacDonald 1914
7 Ephriam S. Williams 1861	61 William H. McKeighan 1915
8 William Paterson 1862	62 Earl F. Johnson 1916
9 William Hamilton 1863	63 George C. Kellar 1917
10 William Hamilton 1864	64 Charles S. Mott 1918
11 William B. McCreery 1865	65 George C. Kellar 1919
12 William B. McCreery 1866	66 E. W. Atwood 1920
13 Austin B. Witherbee 1867	67 E. W. Atwood 1921
14 Samuel M. Axford 1868	68 William H. McKeighan 1922
15 William S. Patrick 1869	69 David R. Cuthbertson 1923
16 James B. Walkers 1870	70 David R. Cuthbertson 1924
17 David S. Fox 1871	71 Judson L. Transue 1924
18 David S. Fox 1872	72 Judson L. Transue 1925
19 George H. Durand 1873	73 William H. McKeighan 1927
20 George H. Durand 1874	74 Ray A. Brownell 1929
21 Alexander McFarian 1875	75 Harvey J. Mallery 1930
22 William Hamilton 1876	76 William H. McKeighan 1931
23 Edward H. Thompson 1877	77 William H. McKeighan 1932
24 Jerome Eddy 1878	78 Ray A. Brownell 1933
25 James C. Wilson 1879	79 Howard J. Clifford 1934
26 Zacheus Chase 1880	80 George E. Boysen 1935
27 Charles A. Mason 1881	81 Harold E. Bradshaw 1936
28 William A. Atwood 1882	82 Harry M. Comins 1938
29 George E. Newall 1883	83 Oliver Tappin 1940
30 William W. Joyner 1884	84 Wm. Osmund Kelly 1940
31 Mathew Davison 1885	85 Wm. Osmund Kelly 1942
32 George T. Warren 1886	86 Edwin C. McLogan 1944
33 John C. Dayton 1887	87 Edwin C. McLogan 1944
34 Oren Stone 1888	88 Edward J. Viall 1946
35 Frank D. Baker 1889	89 George G. Wills 1948
36 William A. Paterson 1890	90 Paul Lovegrove 1950
37 F. H. Rankin, Jr. 1891	91 Donald Riegler 1952
38 George E. Taylor 1892	92 George M. Algoe 1954
39 Andrew J. Ward 1893	93 George M. Algoe 1956
40 Arthur C. McCall 1894	94 Robert J. Egan 1958
41 John Zimmerman 1895	95 Charles A. Mobley 1960
42 Samuel C. Randall 1896	96 George R. Poulou 1962
43 Milton C. Pettibone 1897	97 Harry K. Cull 1964
44 George R. Gold 1898	98 Floyd McCree 1966
45 H. Alex Crawford 1899	99 Donald Cronin 1968
46 Chas. A. Comings 1900	100 Francis E. Limmer 1970
47 C.B. Dibble 1901	101 Paul C. Visser 1973
48 A.D. Alvord 1902	102 James W. Rutherford 1975
49 A.D. Alvord 1903	103 James W. Rutherford 1979
50 B.J. MacDonald 1904	104 James A. Sharp, Jr. 1983
51 D.D. Aitken 1905	105 Matthew Collier 1987
52 George E. McKinley 1906	106 Woodrow Stanley 1991
53 George E. McKinley 1907	107 Woodrow Stanley 1995
54 Horace C. Spencer 1908	

THE NEW FLINT CHARTER INDEX

RESOLUTION OF ADOPTION

At a meeting of the Charter Revision Commission of the City of Flint held on the Third day of September, 1974 at Flint City Hall, the following members of the Charter Revision Commission were present: Carl L. Bekofske, Chairman; LeRoy Nichols, Vice Chairman; Bob Jackson; Joseph Conroy; John H. West, Jr.; Charles A. Greene; James P. Hanley, Jr.; Philip D. Marvin; Banius C. Hedrick.

At the meeting the following resolution was offered by Commissioner Marvin and supported by Commissioner Jackson.

Resolved, that the Charter Revision Commission of the City of Flint does hereby adopt the attached instrument as the proposed Charter of the City of Flint and the Clerk of this Commission is hereby instructed to transmit the proposed Charter to the Governor of the State of Michigan in accordance with the provisions of Act No. 279 of the Public Acts of 1909, as amended.

The vote on the adoption of the Resolution was unanimous.

Resolution declared adopted.

LLOYD S. HENDON

City Clerk and Clerk of the Charter
Revision Commission of the City of
Flint, Michigan

Attested by the following Commissioners:

BOB JACKSON	JOSEPH CONROY
JOHN H. WEST, JR.	CHARLES A. GREENE
JAMES P. HANLEY, JR.	PHILIP D. MARVIN
BANIUS C. HEDRICK	LeROY NICHOLS Vice Chairman
CARL L. BEKOFKSKE, Chairman	

Agency See Definitions
 Agency of the Executive Branch See Definitions
 Airport See Mayor, Executive Dept.
 Appointed Officials, Compensation 1-502
 Appointed Officials, Conflict of Interest 1-604
 Appointed Officials, Oath of Office 1-601
 Appointed Officials, Forfeiture of Office 1-603
 Appointed Officials, Qualifications 1-501
 Appointed Officials, Removal for Cause 1-603
 Assessments, Contest of 7-404
 Assessments, Power 7-401
 Assessments, Procedure Ordinance 7-402
 Assessments, Special Assessment Lien 7-403
 Audits See City Auditor
 Boards & Commissions See Multiple Member Bodies
 Board of Review See Taxation
 Board of Zoning Appeals See Multiple Member Bodies
 Bonds See Borrowing
 Borrowing, General Power 7-301
 Borrowing, Budget Bonds 7-307
 Borrowing, Emergency Bonds 7-306
 Borrowing, Execution of Obligations 7-304
 Borrowing, Limitations On 7-302
 Borrowing, Local Public Improvements 7-305
 Borrowing, Sewer Bonds 7-309
 Borrowing, Transportation Bonds 7-308
 Borrowing, Use of Funds 7-303
 Boundaries See Municipal Corporation
 Budget, Accounting System 7-105
 Budget, Adoption of 7-102
 Budget, Adjustments after Adoption of Charter 9-201
 Budget, Amendments after Adoption 7-104
 Budget, Fiscal Year 7-101
 Budget, Submission to City Council 7-101
 Budget, Veto on Budget Amendments 7-103
 Charter Adoption, Compensation of Appointed Officials 9-203
 Charter Adoption, Compensation of Elective Officers 9-202
 Charter Adoption, Effective Date 9-101
 Charter Adoption, Form of Question 9-402
 Charter Adoption, Ordinances for Transition 9-304
 Charter Adoption, Status of Officers under Present Charter 9-301
 Charter Adoption, Succession to Rights and Property 9-302
 Charter Adoption, Transition Status of Present City Employees 9-303
 City Administrator 4-201
 City Assessor, Appointment 4-401
 City Assessor, Duties 7-203
 City Auditor, Appointment & Tenure 3-404
 City Auditor, Conduct of Audit 3-405

City Clerk, Appointment & Tenure	3-401	Elected Officials, Removal for Cause	1-603
City Clerk, Election Duties	3-403	Elections, Election to Adopt Charter	9-401
City Clerk, General Duties	3-402	Elections, Form of Ballot	2-302
City Council, Investigations	3-205	Elections, Initiative & Referendum	2-401
City Council, Investigative Powers	3-206	Elections, Recall	2-412
City Council, Legislative Power	3-101	Elections, Special Elections	2-409
City Council, Meetings	3-201	Elections, State Law to Apply	2-305
City Council, Organization	3-103	Elections, Time of Primary & General	2-301
City Council, Prohibition on Interference in Administration	3-207	Elections, To Fill Vacancy in Office of Councilperson	2-410
City Council, Quorum	3-203	Elections, To Fill Vacancy in the Office of Mayor	2-411
City Council, Special Meetings	3-202	Emergency Bonds	See Borrowing
City Council, Term	3-102	Emergency Ordinances	See Ordinances
City Council, Veto	3-304	Employee Grievances	See Civil Serv. Comm.
City Council, Voting	3-204	Employee Organization	See Civil Serv. Comm.
City Employees, Compensation of	1-502	Executive Branch	See Mayor
City Employees, Conflict of Interest	1-604	Executive Departments	See Mayor
City Employees, Grievances	See CSC	Executive Staff	See Mayor
City Employees, Previous Charter Retirement System	9-204	Form of Ballot	See Elections
City Employees, Retirement Benefits	1-503	Form of Government	See Municipal Corporation
City Employees, Right to Organizations & Bargaining	See CSC	Franchises, Limitations on	8-201
City Employees, Transition Status of Present Employees	9-303	Franchises, Provisions of Public Utility Franchise	8-202
City Treasurer, Appointment	4-401	Human Relations Commission	See Multiple Member Bodies
Civil Service Comm., Appropriations	5-103	Hurley Hospital	See Multiple Member Bodies
Civil Service Comm., Classified Service	5-401, 5-402	Initiative & Referendum, Amendment. Repeal & Re-Enactment of Ordinances	2-406
Civil Service Comm., Duties	5-201	Initiative & Referendum, Council Action on Petitions	2-404
Civil Service Comm., Employee Grievances	5-205	Initiative & Referendum, Effect on Existing Ordinances	2-405
Civil Service Comm., Employee Organization	5-301	Initiative & Referendum, Limitations On	2-401
Civil Service Comm., Hearings	5-203	Initiative & Referendum, Petition Requirements	2-402
Civil Service Comm., Jurisdiction	5-204	Initiative & Referendum, Results	2-408
Civil Service Comm., Membership	5-101 (A)	Initiative & Referendum, Submission by City Council	2-407
Civil Service Comm., Powers	5-202	Initiative & Referendum, Suspension of Ordinance in Question	2-405
Civil Service Comm., Removal of Members	5-101 (K)	Initiative & Referendum, Time of Filing Petitions	2-403
Civil Service Comm., Rule-Making	5-104	Inquiry	See Definitions
Civil Service Comm., Staff	5-102	Intergovernmental Relations	1-701
Civil Service Comm., Terms of Initial Appointment	5-101 (B)	Investigation and Investigative Powers	See City Council, Ombudsman Civil Service Commission
Classified Service	See Civil Serv. Comm.	Labor Relations	See Personnel
Codification of Ordinances	See Ordinances	Law	See Definitions
Comprehensive Plan	See Planning	Legal Affairs, Advice and Opinions	4-605
Conduct of Elections	See Elections	Legal Affairs, Chief Legal Officer	4-601
City Clerk	See City Clerk	Legal Affairs, Drafting	4-603
Definitions, Agency	1-401	Legal Affairs, Form of Documents	4-602
Definitions, Agency of Executive Branch	1-401	Legal Affairs, Penal Matters	4-606
Definitions, Inquiry	1-401	Legal Affairs, Settlement of Litigation	4-604
Definitions, Law	1-401	Legislative Branch	See City Council
Definitions, Members Serving, Present and Elect	1-401	Liberal Construction	See Municipal Corporation
Definitions, Multiple Member Body	1-401	Licenses, Permits	See Franchises
Definitions, Ordinance	1-401	Liens	See Taxation
Definitions, Statute	1-401	Local Public Improvements	See Borrowing
Elected Officials, Compensation	1-502	Mayor, Duties	4-101
Elected Officials, Conflict of Interest	1-604	Mayor, Executive Departments	4-203
Elected Officials, Forfeiture of Office	1-603		
Elected Officials, Oath of Office	1-601		
Elected Officials, Qualifications	2-101		

Mayor, Executive Staff	4-202	Ordinances, Codification & Compilation	3-308
Mayor, First Election of	9-102	Ordinances, Definition of	1-404
Mayor, Obligation of Leadership	4-103	Ordinances, Effective Date	3-305
Mayor, Term of Office	4-102	Ordinances, Emergency	3-306
Merit Principle	See Civil Service Comm.	Ordinances, Existing City Legislation & Rules	9-205
Multiple Member Bodies, Board of Hospital Managers, Establishment, Membership, Appointment	6-201	Ordinances, Hearing Procedure	3-302 (B)
Multiple Member Bodies, Board of Hospital Manager, Powers & Duties	6-202	Ordinances, Introduction	3-301
Multiple Member Bodies, Board of Zoning Appeals	6-301	Ordinances, Public Peace, Health & Safety	3-309
Multiple Member Bodies, General Powers & Conditions	6-101	Ordinances, Publication After Enactment	3-303
Multiple Member Bodies, Human Relations Commission	6-501	Ordinances, Publication Before Public Hearing	3-302 (A)
Multiple Member Bodies, Meetings	6-104	Ordinances, Required in the Public Interest	1-602
Multiple Member Bodies, Planning Commission	6-301	Ordinances, Special Assessment	See Special Assessments
Multiple Member Bodies, Purpose of Standards of Conduct Board	6-402	Ordinances, Veto Procedure	3-304
Multiple Member Bodies, Review of Existing Bodies	6-103	Park Land	See Planning
Multiple Member Bodies, Standards of Conduct Board	6-401	Parks and Recreation	See Mayor, Executive Depts.
Multiple Member Bodies, Transfer of Governmental Functions	6-102	Personnel, Devel. & Application of Policy	4-302
Municipal Corporation, Boundaries	1-201	Personnel, General Purpose of	4-301
Municipal Corporation, Form of Government	1-301	Personnel, Officer	See Personnel
Municipal Corporation, Liberal Construction of Powers	1-402	Personnel, Duties of Chief Officer	4-303
Municipal Corporation, Limitations on Powers	1-401	Personnel, Labor Relations	4-304
Municipal Corporation, Name	1-101	Personnel, Prohibition on Unlawful Acts	4-305
Municipal Corporation, Powers of	1-401	Planning, Chief Planning Officer	4-501
Municipal Corporation, Severability of	1-403	Planning, Comprehensive Plan	4-504
Municipal Corporation, Succession to Rights & Property	9-302	Planning, Development Matters	4-502
Name of the City	See Municipal Corporation	Planning, Periodic Review	4-505
Nominating Petitions	See Nomination	Planning, Public Hearings on	4-506
Nomination, Candidate's Affidavit	2-203 (D)	Planning, Purpose of	4-503
Nomination, Petitions for City Council	2-703 (B)	Planning, Sale of Park Land	4-507
Nomination, Petitions for Mayor	2-203 (C)	Planning, Commission	See Multiple Member Bodies
Nomination, Method	2-203 (A)	Powers of the City	See Municipal Corp.
Nominees	2-304	Precincts	2-203
Number of Wards	See Wards	President of the City Council	See City Council
Oath of Office	1-601	Public Peace, Health & Safety	See Ordinances
Ombudsman, Appointment	3-501	Public Utility Franchises	See Franchises
Ombudsman, Consultation Required	3-508	Purchase and Supplies	8-301
Ombudsman, Correspondence from Persons Detained	3-507	Regulatory Power, General Power	8-101
Ombudsman, Delegation of Powers	3-506	Regulatory Power, Appellate Review	8-102
Ombudsman, Duty to Report Illegal Acts	3-510	Retirement System & Benefits	See City Employees
Ombudsman, Immunity	3-512	Rules, Policies and Procedures, Compilation of	1-802
Ombudsman, Jurisdiction	3-504	Rules, Policies and Procedures, Hearing Procedure	1-803
Ombudsman, Limitations	3-513	Rules, Policies and Procedures, Rule-Making Procedure	1-801
Ombudsman, Obstruction	3-511	Sewer Bonds	See Borrowing
Ombudsman, Powers of Investigation	3-505	State, County & School Taxes	See Taxation
Ombudsman, Remedies Cumulative	3-514	Statute	See Definitions
Ombudsman, Reports	3-509	Taxation, Board of Review	7-202
Ombudsman, Referendum	3-517	Taxation, Installment Payment of Taxes	7-207
Ombudsman, Salary	3-515	Taxation, Lien	7-205
Ombudsman, Staff	3-516	Taxation, Procedure for Collecting Delinquent Taxes	7-204
Ombudsman, Term of Office	3-502	Taxation, Taxing Power	7-201
Ombudsman, Vacancy	3-503	Taxation, State, County, & School Taxes	7-206
		Taxation, Subjects of	7-201 (A)
		Time of Elections	See Elections

Transportation Bonds	See Borrowing
Veto	See City Council
Voter Registration	See City Clerk
Wards, Boundaries	2-202 (A)
Wards, Number	2-201
Wards, Revision & New Boundaries	2-202 (B), 2-202 (C), 2-202 (D)

PREAMBLE

We the people of the City of Flint, in order to guarantee equality, freedom, justice, and effective government to each of our City's residents, do hereby adopt this Charter.

-- written by Donna Tinnin, Whittier Junior High

1. The people of the City of Flint have in this Charter reaffirmed their faith in fundamental human rights and in the equal rights of men and women. They have determined to promote social progress and to guarantee that City government serves the citizenry. The people of Flint have mandated that the City shall provide for public peace and health and for the safety of persons and property in the City, and they require that City officers promote respect for these rights and freedoms.
2. City officers shall pledge themselves to assure residents decent housing; job opportunities; clean air, clean waterways and a sanitary city; health care, convenient public transportation; recreational activities and facilities; and cultural enrichment.
3. The City has an affirmative duty to secure the equal protection of the law for each person and to insure equality of opportunity for all persons.
4. A person shall have reasonable access to all files and records of the City which relate to his or her rights and duties.
5. The people shall be informed of the rules and regulations governing dealings between the City and the public and shall have access to review procedures on administrative decisions.
6. The City shall endeavor to secure application of the principle: of one person one vote for any regional policy making body which taxes or provides any service to City residents or takes any action affecting the City's interest.
7. Only such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare of the City shall limit the exercise of individual rights and freedoms.
8. The rights and freedoms set forth in this Declaration may in no case be exercised contrary to the purposes and principles of this Charter.
9. The enumeration in this Charter of certain rights shall not be construed to deny or disparage others retained by the people.
10. The City may enforce this Declaration of Rights and other rights retained by the people.

1-101 NAME

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

1-201 BOUNDARIES

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

1-301 FORM OF GOVERNMENT

The voters of the City of Flint shall elect a chief executive for the City and a legislative body for the City under this Charter. This Charter may be amended pursuant to law in order to improve the form of government stated in this section.

1-401 POWERS OF THE CITY

The City has comprehensive home rule powers and all other powers conferred by the Michigan Constitution and state law. The City's powers are subject only to the limitations contained in this Charter or state law.

1-402 LIBERAL CONSTRUCTION

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

1-403 SEVERABILITY

If any provision of this Charter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Charter.

1-404 DEFINITIONS

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

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

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

LAW: Law refers to principles of conduct which must be obeyed. Unless the contrary is expressly stated, there is no intention to distinguish among those jurisdictions with power to declare the law and no intention to distinguish between laws in existence on the effective date of this Charter and laws subsequently declared. "State law" refers to the laws of the State of Michigan.

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

"Members serving," vacant seats are not included.

"Members present," neither vacant seats nor those of absent members are included.

"Members elect," all seats are included. Thus a majority of members elect of a nine (9) person body is five (5) regardless of vacancies or absences.

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

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

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

1-501 QUALIFICATIONS OF APPOINTED OFFICERS

A. All appointed officers of the City shall possess the background and experience appropriate to the position. In such instances where official certification or license is required of an appointed officer of the City, the officer shall be required to demonstrate possession of said certificate or license.

B. Every person serving at the pleasure of the Mayor, City Council or any multiple member body shall, within three (3) months after the date of appointment, possess the same qualifications for office as those required for the Mayor.

1-502 COMPENSATION OF OFFICERS AND EMPLOYEES

The Local Officers' Compensation Commission previously established pursuant to law shall continue under this Charter to determine the salaries of all elected officials of the City. The compensation of all other officers and employees shall be set in the manner determined by law.

1-503 RETIREMENT BENEFITS

The City is authorized and empowered to provide, by ordinance, for the increase in pension benefits for City employees heretofore retired.

1-601 OATH OF OFFICE

Every elective officer and every appointee before entering on official duties shall take and subscribe the following oath: "I do solemnly swear (or affirm) that I will support the constitutions of the United States and the State of Michigan and the Charter of the City of Flint and that I will faithfully discharge the duties of this office on behalf of all the citizens of the City to the best of my ability," and shall file that oath, duly certified by the officer before whom it was taken, in the office of the City Clerk.

1-602 ORDINANCES REQUIRED IN THE PUBLIC INTEREST

A. The purpose of this Section is to provide a method of protecting the public interest in the electoral and governmental affairs of this City.

B. This Section recognizes that the proper operation of the City's government requires that public officers and employees be independent, impartial and responsible to the people; that decisions and policy be made in the proper channels of governmental structures; that public office or employment not be used for personal gain; that the integrity and operation of City government be subject to scrutiny by the public; and that acts or actions not compatible with the best interests of the City be defined and prohibited.

- C. The City shall adopt, by ordinance, such standards for the conduct of public affairs as may be deemed necessary and proper to further the intent of this Section, in addition to those ordinances required under Section 1-602, D.
- D. The City shall provide by ordinance within one (1) year after the first Mayor and Council elected under this Charter take office:
 1. For the disclosure of financial interests and sources of income by all candidates for elective office;
 2. For the annual disclosure by elective officers of financial interests, sources of income and gifts;
 3. For the detailed accounting, prior to the date of the election, of election and campaign expenses and of sources of funds and other things of value;
 4. For the full disclosure of any conflict of personal interest and the public interest by any elected or appointed official or any employee;
 5. For the full disclosure of any conflict of financial interest and the public interest by any elected official, appointed official or any employee and for prohibition upon such person participating in decisions regarding the matter over which the conflict exists;
 6. For the effective monitoring of those persons or entities who, on behalf of another person entity, for compensation or as part of their employment, seek to influence official acts of the City;
 7. For restrictions and practices concerning campaign financing, which may include but not necessarily be limited to, the establishment of spending and contribution limits;
 8. For such restrictions as may be appropriate regulating the political activity of employees of the City;
 9. That any violations of ordinances dealing with the above matters shall be punishable as a misdemeanor in accordance with appropriate state law, and the violation of any such ordinance may be made punishable by forfeiture of office or position.
 10. That any declaration filed pursuant to ordinances adopted in accordance with this Section shall be by affidavit.
- E. The Standards of Conduct Board shall review, at least annually, any reports, registrations, statements, declarations, or any other documents required to be filed under ordinances adopted by the City under this Section.

1-603 FORFEITURE OF OFFICE AND REMOVAL FOR CAUSE

- A. The City Council shall declare the forfeiture of the office of any elective officer or appointee and may remove for cause any person appointed to an office for a fixed term. In every case there shall be a public hearing before the City Council with notice published in the same manner as notices of proposed ordinances. A Council member charged with conduct constituting grounds for forfeiture may not participate in the resolution of the charge.
- B. The position of an elective City officer or an appointee shall be forfeited if he or she:
 1. lacks at any time any qualifications required by law or this Charter, or
 2. violates any provisions of this Charter punishable by forfeiture, or
 3. is convicted of a felony while holding the office or appointment.

- C. Decisions made by the City Council under this section are not reviewable by the Mayor but are subject to judicial review in a hearing **de novo**. Any resident of the City may petition an appropriate court to require the City Council to hold a public hearing on the forfeiture of an office if the City Council has unreasonably refused to proceed.

1-604 CONFLICT OF INTEREST

- A. An elective officer, appointee or employee who has a conflict between a personal interest and the public interest as defined by law, this Charter or ordinance shall fully disclose to the chief legal officer the nature of the conflict.
- B. Except as provided by law, no elective officer, appointee or employee of the City may participate in, vote upon or act upon any matter if a conflict exists.

1-701 INTERGOVERNMENTAL RELATIONS

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

1-801 RULEMAKING PROCEDURE

- A. Whenever this Charter requires the adoption of a rule, it shall be adopted in accordance with this section.
- B. The person having rulemaking authority, or an agent, shall give notice of a hearing by publication in a daily newspaper of general circulation in the City of Flint at least two (2) weeks in advance of the hearing.
- C. The notice of hearing shall:
 1. Contain the title and an abstract of the proposed rule; and
 2. Specify the officer or employee from whom additional information can be obtained; and
 3. Specify the time, place and method for presentation of views by interested persons.
- D. At least two (2) weeks prior to said hearings:
 1. A copy of the notice of hearing shall be sent to all persons who have made their interest known, or representatives thereof; and
 2. Copies shall be filed with the City Clerk for public inspection.
- E. The hearing shall be fairly conducted and any interested person shall have the right to be heard.
- F. No rule shall become effective until it has been published in a newspaper of general circulation in the City.
- G. Any deletion or change in any rule must be effectuated in accordance with this procedure.

- H. Notwithstanding the preceding provision, if the Mayor or the City Council by an affirmative vote of a majority of the Council persons elect declare in writing that an emergency requires the adoption of a specific rule, the proposed rule may be given immediate effect by the rulemaking authority for a period not to exceed sixty (60) days pending completion of the required procedure.
- I. If rules governing hearing procedures for resolving matters in dispute are adopted, those rules shall forbid the admission of any evidence where the admission would be contrary to due process of law.

1-802 COMPILATION OF RULES, POLICIES AND PROCEDURES

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

1-803 HEARING PROCEDURE

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

2-101 QUALIFICATIONS FOR ELECTIVE OFFICE

Every elected City official and every candidate for elective office shall be a registered elector in the district he or she represents or seeks to represent.

2-201 WARDS

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

2-202 BOUNDARIES OF WARDS

- A. Each ward shall have the same boundaries as shall exist on the effective date of this Charter until changed in accordance with law.
- B. The Election Commission shall revise the boundaries of the wards within sixty (60) days after the figures from a Federal decennial census become available.
- C. The Election Commission shall, to the greatest extent possible, establish wards that are compact, contiguous and of equal population.
- D. New ward boundaries created within 120 days of a City election shall become effective after the City election.

2-203 BOUNDARIES OF PRECINCTS

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

2-301 TIME OF ELECTIONS

The primary and general elections for all City offices shall be at the time provided by law.

2-302 NON-PARTISAN BALLOT

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

2-303 METHOD OF NOMINATION

- A. The method of nomination to all elective offices in the City shall be by petition. A primary election shall be held on those occasions when the number of persons submitting valid nominating petitions exceeds twice the number of vacancies to be filled.
- B. Nominating petitions submitted by candidates for the office of City Council person shall be signed by at least one hundred (100) of the registered voters of the City who shall be residents of the ward in which the election is to be held.
- C. Nominating petitions submitted by candidates to the office of Mayor shall be signed by at least nine hundred (900) of the registered voters of the City.
- D. No nominating petitions shall be accepted for filing unless accompanied by an affidavit sworn to by the candidate stating that the candidate possesses the legal qualifications for the office and requesting that the candidate's name be printed on the official ballot.

2-304 NOMINEES

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

2-305 STATE LAW TO APPLY

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

2-401 INITIATIVE AND REFERENDUM

The voters of the City reserve the power to enact City ordinances, called the "initiative," and the power to nullify ordinances enacted by the City, called the "referendum." However, these powers do not extend to the budget or any ordinance for the appropriation of money.

2-402 PETITIONS FOR INITIATIVE AND REFERENDUM

- A. Initiative and referendum petitions must be signed by a number of City electors equivalent to at least five percent (5%) of the total number of votes cast for Mayor at the last regular Mayoral election.
- B. Petitions shall set forth in full the measure to be initiated or referred as well as a brief statement of its substance.
- C. Signers of petitions shall be voters of the City. Each signer shall sign his or her name indelibly and shall indicate his or her residence and the date of signing. Each petition paper shall contain a sworn affidavit of the circulator stating that the circulator is a registered elector of the City; that each signature is, to the knowledge of the circulator, the genuine sig-

nature of a registered elector and the person whose name it purports to be, and that it was affixed in the presence of the circulator.

- D. The City Clerk shall, within ten (10) days, canvass the signatures and present the petition, if found sufficient and proper, to the City Council at its next regular meeting.
- E. If the City Clerk does not find the petitions to be sufficient and proper, the City Clerk shall forthwith notify each circulator by mail of the deficiency.

2-403 TIME OF FILING

- A. An initiatory or referendary petition must be filed with the City Clerk not less than ninety (90) days before the election at which it is to be voted on. Any signature obtained more than ninety (90) days before filing of such petition with the Clerk shall not be counted or considered as a valid signature on the petition upon which it appears.
- B. In addition, a referendary petition must be filed with the City Clerk no later than thirty (30) days from the effective date of the ordinance with which it deals.

2-404 COUNCIL ACTION ON INITIATORY OR REFERENDARY PETITIONS

- A. Upon receiving an initiatory or referendary petition from the City Clerk, the City Council shall within thirty (30) days either:
 - 1. if it be an initiatory petition, adopt the ordinance as submitted in the petition or submit the proposal to the electors; or
 - 2. if it be a referendary petition, repeal the ordinance to which the petition refers or submit the proposal to the electors.
- B. Submission to the voters shall take place at the next election, or at a special election held prior to the next election.
- C. The resolution calling for a special election must be adopted by the City Council at least forty-nine (49) days before the special election.

2-405 SUSPENSION OF ORDINANCE

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

2-406 AMENDMENT, REPEAL AND RE-ENACTMENT

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

2-407 SUBMISSION BY COUNCIL

The City Council may, on the passage of its own motion by a two-thirds (2/3) majority of members elect, submit any proposed ordinance or any proposal for the repeal or amendment of any ordinance to the voters in the manner and with the effect in this Charter for submission of proposals initiated by petition.

2-408 DETERMINING RESULT OF ELECTION

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

2-409 SPECIAL ELECTIONS

- A. Special City elections shall be held when called by resolution of the City Council at least forty-nine (49) days in advance of such election, or when required by state law. Any resolution calling a special election shall set forth the purpose of such election.
- B. Where this Charter requires that a vacancy in the office of Mayor or Councilperson be filled by special election, the special primary election to nominate candidates and the special general election to fill the office shall be called by a resolution of the City Council adopted at least sixty (60) days before the special primary election and at least ninety (90) days before the special general election. The special primary election shall be held at least twenty-five (25) days before the special general election.

2-410 VACANCY IN THE OFFICE OF COUNCILPERSON

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

- A. if twelve (12) months or less remains in any unexpired term, the City Council shall within thirty (30) days appoint a person having the same qualifications for such office to fill the remainder of the term.
- B. if more than twelve (12) months remain in any unexpired term, the City Council shall:
 - 1. Within thirty (30) days appoint a person having the same qualifications for such office and,
 - 2. Schedule a special election as soon as possible.

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

2-411 VACANCY IN THE OFFICE OF MAYOR

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

- A. if one year or less remains in the unexpired term, the Council shall within thirty (30) days appoint a person having the qualifications for such office to serve as Acting Mayor during the remainder of the unexpired term.
 - 1. The Acting Mayor shall possess all the powers of the Mayor as provided in this Charter, except the power to remove Mayoral appointees. The power to remove appointees of the Mayor may not be exercised without the concurrence of the City Council.
 - 2. The Acting Mayor shall receive the same compensation as provided for the office of Mayor
- B. if more than one year remains in the unexpired term, the City Council shall either:

1. Within ten (10) days call a special primary election to be held within ninety (90) days thereafter to fill such a vacancy. A general election shall be called not less than forty-nine (49) nor more than sixty (60) days after the date of the primary election, or
 2. Call primary and general elections to be concurrent with the next State primary and general November election if such vacancy occurs within one year prior to said State general November election.
- C. Until such time as the Acting Mayor is appointed pursuant to paragraph A above, or until a Mayor is elected pursuant to paragraph B above, the City Administrator shall serve as Temporary Mayor. The City Administrator shall possess all the powers of the Mayor as provided in this Charter, except the power to remove Mayoral appointees and the power of veto. Appointees of the Mayor may not be removed by the City Administrator serving in the capacity of Temporary Mayor without the concurrence of the City Council.

2-412 RECALL ELECTIONS

Any elected official may be recalled from office by the electors of his or her electoral district in the manner provided by state law. A vacancy created by such recall shall be filled in the manner prescribed by this Charter and by state law.

3-101 CITY COUNCIL

The legislative power of the City is vested in a City Council. The Council has the powers and duties provided by law or this Charter.

3-102 TERM OF COUNCIL OFFICE

The term of members of the City Council elected under this Charter shall be four (4) years commencing at 12 o'clock noon on the Monday following the regular Council general election. This provision shall take effect with the Council that is elected by the general election to be held in 1989.

adopted 11-8-88

3-103 ORGANIZATION OF CITY COUNCIL

- A. Within thirty (30) days of taking office, the City Council shall elect from its members a presiding officer who shall be known as the President of the Council. The President shall be elected to a one (1) year term. The City Council may elect such other officers and appoint such committees and sub-committees as it deems necessary.
- B. The City Council shall adopt rules for the conduct of its business in accordance with Section 1-801 of this Charter. Until new rules are adopted, the rules of the previous Council shall apply.

3-201 MEETINGS

- A. The City Council shall meet at the usual place for Council meetings at 7:30 p.m., Eastern Standard Time, on the first Monday following the election of its members.
- B. The City Clerk shall preside until the Council has chosen a President. Thereafter the Council shall meet at least two (2) times per month at such times and places as shall be stated in the Council rules. All meetings called for the purpose of discussing City business and all gatherings of three (3) or more Council members at which City business is discussed shall be public and public notice shall be given in the manner provided by statute for meetings of public bodies.

3-202 SPECIAL MEETINGS

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

3-203 QUORUM

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

3-204 VOTING

- A. Except as otherwise provided by this Charter no action of the City Council shall be effective unless a majority of the members elect of the City Council vote in favor of the action.
- B. Every City Council member present shall vote on all questions other than those involving a conflict of interest.
- C. The affirmative and negative votes shall be taken and recorded on all ordinances and whenever requested by one (1) or more members of the Council.
- D. An abstention shall be considered a vote providing the Councilperson states a reason therefor.

3-205 INVESTIGATION

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

3-206 INVESTIGATIVE POWERS

- A. The City Council may subpoena witnesses, administer oaths, take testimony and require the production of evidence in any matter pending before it or any of its committees.
- B. To enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order, the City Council shall apply to the appropriate court.

3-207 PROHIBITION OF INTERFERENCE IN ADMINISTRATION

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

3-301 INTRODUCTION OF ORDINANCE

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

3-302 PUBLICATION OF SUMMARY BEFORE PUBLIC HEARING

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

3-303 PUBLICATION OF ORDINANCES AND RESOLUTION AFTER ENACTMENT

- A. The City Clerk shall keep a printed journal in the English language of every session of the Council.
- B. The City Clerk shall authenticate by signature and record all ordinances and resolution in a properly indexed book kept for the purpose.
- C. After enactment of any ordinance or resolution having the effect of law, the City Clerk shall have it published in a newspaper of general circulation in the City together with a notice of its adoption.
- D. Every ordinance, resolution having the effect of law, and amendment to this Charter, shall be printed promptly after enactment and shall be distributed or sold to the public at reasonable prices to be fixed by the City Council.

3-304 VETO

- A. Every ordinance and resolution passed by the City Council is subject to review by the Mayor unless otherwise stated in this Charter.
- B. No ordinance or resolution of the City Council subject to review by the Mayor shall have any force or effect if:
 - 1. the Mayor or person acting in his or her stead prepares a notice in writing suspending the operation of such ordinance or resolution which sets forth reasons therefor, and
 - 2. such notice is filed in the office of the City Clerk within 168 hours after the delivery of the ordinance or resolution to the office of the Mayor by the Clerk, or an agent of the Clerk.
- C. If the ordinance is an emergency ordinance, the Mayor will have only twenty-four (24) hours to exercise the veto after receipt of written notice of adoption.
- D. In each case where such notice of veto is filed, such ordinance or resolution shall not become law without further affirmative vote of two-thirds (2/3) of the members elect on the City Council at a meeting held within two (2) weeks of the notice of veto.

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

3-305 EFFECTIVE DATE OF ORDINANCE

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

3-306 EMERGENCY ORDINANCES

- A. No emergency ordinance shall be effective until published as provided in Section 3-303 of this Charter.
- B. Emergency ordinances may be enacted to meet a public emergency affecting life, health, property or the public peace. However, an emergency ordinance may not levy taxes; grant, renew or extend a franchise; or regulate the rate charged by any public utility for its services.
- C. An emergency ordinance shall be introduced in the form and manner required for ordinances generally, except that it shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.
- D. An emergency ordinance may be adopted at the meeting at which it is introduced and, if passed by an affirmative vote of two-thirds (2/3) of the members elect, may take immediate effect after publication.
- E. Every emergency ordinance is automatically repealed as of the sixty-first (61st) day after its enactment, unless reenacted as an emergency ordinance.

3-307 CITY ACTION REQUIRING AN ORDINANCE

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

3-308 CODIFICATION OF ORDINANCES

- A. Within three (3) years after the effective date of this Charter and at least every ten (10) years thereafter, the City shall provide for the preparation of a general codification of all City ordinances and resolutions having the effect of law.
- B. The general codification shall be enacted by ordinance and shall be published promptly in bound or loose-leaf form, together with this Charter and any amendments thereto, pertinent provisions of the Michigan Constitution and other laws of Michigan, and other rules and regulations as the City may specify.
- C. This compilation shall be known as the Flint City Code. Copies of the Code shall be (1) furnished to City officers, (2) placed in libraries and

public offices for free public reference, and (3) made available for purchase by the public at a reasonable price fixed by the City.

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

3-309 PUBLIC PEACE, HEALTH AND SAFETY

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

3-401 CITY CLERK, APPOINTMENT AND TENURE

The City Council shall appoint a City Clerk who shall serve at the pleasure of the Council. The vote to appoint and the vote to discharge the City Clerk shall not be subject to review by the Mayor.

3-402 GENERAL DUTIES OF CLERK

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

3-403 ELECTION DUTIES OF THE CITY CLERK

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

3-404 CITY AUDITOR, APPOINTMENT AND TENURE

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

3-405 CONDUCT OF AUDIT

- A. There shall be such annual or other accounting for all monies of the City as required by statute.
- B. If there is no such statute, an independent audit shall be made of all accounts of the City government at the close of each fiscal year, and shall be completed within ninety (90) days thereafter.
- C. Special independent audits may be made at any time the City Council designates.
- D. Each audit and reports supplemental thereto shall be made public in the manner determined by the City Council and copies of the audit shall be placed in the office of the City Clerk.
- E. All City financial records, accountings and audits and other reports shall be public records, available for inspection. A statement of all revenues and expenditures of public monies shall be published and distributed as required by state law.

3-501 OMBUDSMAN

- A. The Ombudsman shall be appointed by a two-thirds (2/3) majority of City Council members elect.
- B. The initial appointment shall be made within three (3) months after the date on which the first City Council elected under this Charter takes office.

3-502 TERM OF OFFICE

- A. The Ombudsman's term is seven (7) years.
- B. The Ombudsman may be removed for cause by three-fourths (3/4) of the City Council members elect.
- C. Any person who has held the position of Ombudsman under this Charter is not eligible for reappointment.

3-503 VACANCY

If a vacancy occurs in the office of Ombudsman, the City Council shall, within sixty (60) days, fill the office for a seven (7) year term.

3-504 JURISDICTION

- A. The Ombudsman may investigate official acts of any agency which aggrieve any person. The authority of the Ombudsman extends equally to all agencies.
- B. The Ombudsman shall have no power to investigate any matter under the jurisdiction of the Civil Service Commission.
- C. The Ombudsman, in accordance with Section 1-801 of this Charter, shall establish rules for receiving and processing complaints, conducting investigations and hearings, and reporting findings. No fee shall be levied for the filing or investigation of complaints.

3-505 POWERS OF INVESTIGATION

- A. The Ombudsman may request and shall be given necessary assistance and information by each agency.
- B. The Ombudsman may subpoena witnesses, administer oaths, take testimony, require the production of evidence relevant to a matter under investigation, enter and inspect premises within the control of any agency.

during regular business hours, and establish rules of procedure in accordance with Section 1-801 of this Charter.

- C. To enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order, the Ombudsman shall apply to the appropriate court.

3-506 DELEGATION OF POWERS

The Ombudsman may delegate in writing to a member of his or her staff the power to administer oaths and take testimony. A delegation is revocable at will and does not prevent exercise of any power by the Ombudsman.

3-507 CORRESPONDENCE FROM PERSON DETAINED

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

3-508 CONSULTATION REQUIRED

- A. No report or recommendation that criticizes an official act shall be announced until every agency or person affected is allowed reasonable opportunity to be heard with the aid of counsel.
- B. Thereafter, if the Ombudsman believes it necessary to make a formal report, a copy of any statement made by an agency or person affected shall accompany the report.

3-509 REPORTS

The Ombudsman shall report at least annually to the City Council action taken under this Chapter. All reports shall be made public.

3-510 DUTY TO REPORT ILLEGAL ACTS

If the Ombudsman has probable cause to believe that any elective officer, appointee, employee, or member of an agency, or any person doing or seeking to do business with an agency has committed or is committing any illegal act, the Ombudsman shall promptly refer the matter to the appropriate authorities.

3-511 OBSTRUCTION

The office or position of any elective officer or appointee who willfully and without justification or excuse obstructs any investigation of the Ombudsman by withholding documents or testimony may be forfeited.

3-512 IMMUNITY

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

3-513 LIMITATIONS

The Ombudsman may not hold any office of trust or profit other than that of Ombudsman, or engage in any occupation for profit outside the duties of this office.

No person shall be eligible to appointment to the office of Ombudsman who has held any elective City office within two (2) years prior to the time of appoint-

ment. The Ombudsman is not eligible to hold any City office for two (2) years after leaving the position.

3-514 REMEDIES CUMULATIVE

The remedies of this Chapter are additional to those provided under any other law.

3-515 SALARY AND OTHER COMPENSATION

The salary and other compensation of the Ombudsman is equal to that of the City Clerk.

3-516 STAFF

The Ombudsman shall be granted a budget adequate to allow such staff as is reasonable and proper for the performance of the duties of said office. All staff members shall be appointed by and serve at the pleasure of the Ombudsman.

3-517 REFERENDUM

The question of whether the office of Ombudsman shall be retained shall be submitted to the voters of the City of Flint at the general election of November, 1980. If the question fails, the office will terminate on the first day of the following January.

4-101 MAYOR

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

4-102 TERM OF OFFICE

The Mayor shall serve for a period of four (4) years commencing at 12 o'clock noon on the Monday following the regular Mayoral general election.

4-103 OBLIGATION OF LEADERSHIP

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

4-201 CITY ADMINISTRATOR

- A. The Mayor, with the approval of the City Council, shall appoint a City Administrator who shall be the chief administrative officer of the City.
- B. The City Administrator shall serve at the pleasure of the Mayor.

4-202 EXECUTIVE STAFF

- A. The Mayor shall, in accordance with law, appoint the principal officials responsible for budget, personnel, planning, legal counsel, and administrative services; they shall serve at the pleasure of the Mayor.
- B. Other principal staff officials and their responsibilities may be created by the City by law.
- C. There shall be no more than ten (10) principal staff officials serving at the pleasure of the Mayor.

4-203 EXECUTIVE DEPARTMENTS

- A. The City shall, in accordance with law create such executive departments as may be necessary to administer the responsibilities of the City for public safety, public works, utilities, parks and recreation, transportation including aviation, finance, community development, and environmental protection.
- B. The City may, in accordance with law, on recommendation of the Mayor, create and reorganize departments as may be necessary to meet the needs of the citizens for public services and facilities.
- C. The head of each department shall be appointed by the Mayor in accordance with law and with the approval of the City Council and shall serve at the pleasure of the Mayor.
- D. There shall be no more than ten (10) executive departments.

4-301 GENERAL PURPOSE OF PERSONNEL CHAPTER

- A. The general purpose of this Chapter is to establish a system of personnel administration that meets the social, economic, and program needs of the people of the City.
- B. This system shall provide means to recruit, select, develop and maintain an effective and responsive work force, and shall include policies and procedures for employee hiring and advancement, training and career development, job classification, salary administration, retirement, fringe benefits, discipline, discharge, and other related activities.
- C. All appointments and promotions in the City of Flint shall be based on merit and fitness.
- D. No City employee or applicant for employment, or any person or group engaged in the conduct of official business or seeking to be engaged in the conduct of official business, shall be discriminated against because of race, color, religion, national origin, age, political orientation, sex, or non-disabling handicap. It shall be the responsibility of the City to take affirmative action, as required by law, to assure that all levels of the Classified service are reasonable representative of the minority and sex composition of the City.

4-302 DEVELOPMENT AND APPLICATION OF PERSONNEL POLICY

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

4-303 DUTIES AND RESPONSIBILITIES OF THE CHIEF PERSONNEL OFFICER

- A. The chief personnel officer shall have the duty to:
 - 1. Develop and implement personnel policies in accordance with Section 4-302 (A).
 - 2. Establish and maintain records of all City employees which shall set forth the class, title, pay or status, and other relevant data for each employee.
 - 3. Disseminate copies of all personnel policies to all interested parties and provide copies to the City Clerk for public inspection.
- B. The chief personnel officer or his authorized agent shall be responsible for certifying that persons named in payroll vouchers have been appointed and employed in accordance with the provisions of this Charter. No disbursing or auditing officer shall make or approve, or take any part in making or approving payment for personal service to any City employee without such certification.

4-304 LABOR RELATIONS DUTIES AND RESPONSIBILITIES

- A. The Mayor shall appoint either the chief personnel officer or another person as head of labor relations.
- B. The person named as head shall hold the position at the pleasure of the Mayor.
- C. The head of labor relations shall act for the City, under the direction of the Mayor, in the negotiation and administration of collective bargaining contracts.
- D. The City Council must approve any collective bargaining contract before it becomes effective.
- E. The terms of any collective bargaining contract shall take precedence over any inconsistent rules, ordinances or resolutions setting forth personnel policy.

4-305 UNLAWFUL ACTS PROHIBITED

- A. No person shall make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under any portion of this Chapter or in any manner commit or attempt to commit any fraud preventing the impartial execution of this Chapter and policies.
- B. No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the Classified Service.
- C. No employee of the Office of Personnel, examiner, or other person shall defeat, deceive or obstruct any person in his right to examination, eligibility, certification or appointment under this Chapter, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the Classified Service.
- D. Any person who willfully violates any provision of this Chapter shall be guilty of a misdemeanor.
- E. Any person who is convicted of a violation under this Chapter, shall, for a period of five (5) years, be ineligible for appointment to or employment in

a position in the Classified Service, and if such person is an elected or appointed officer or employee of the City, he or she shall forfeit the office or position.

4-401 APPOINTMENT OF CITY TREASURER AND CITY ASSESSOR

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

4-501 DUTIES AND RESPONSIBILITIES OF THE CHIEF PLANNING OFFICER

- A. The chief planning officer shall obtain all information and conduct all studies required by the Mayor and the heads of agencies in the preparation of proposals relative to development matters.
- B. The chief planning officer shall have continuing liason with all agencies of the executive branch, and may assign any relevant study to any agency. Any agency, with the knowledge and consent of the chief planning officer, may undertake the study of any development matter within the scope of its duties.
- C. The chief planning officer shall receive all reports concerning development matters and other information which it requests. The chief planning officer shall, with the head of any agency involved, evaluate all reports and information in light of the policies, programs and priorities of the Mayor and the master plan.

4-502 DEVELOPMENT MATTERS

The term "development matters" as used in this Charter includes:

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

4-503 PURPOSE OF THE PLAN

"Plan" or "master plan" has the same meaning as "comprehensive plan." The plan shall be a set of guidelines to assist the Mayor and others in evaluating and implementing specific proposals for the total development of the City and its residents.

4-504 COMPREHENSIVE PLAN

The Mayor shall propose and the City Council, after review by the Planning Commission, shall approve, with the modifications the Council deems necessary, a comprehensive plan of policies for the social, economic and physical development and conservation of the City.

4-505 PERIODIC REVIEW OF PLAN

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

4-506 PUBLIC HEARINGS

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

4-507 PROHIBITION ON SALE OF PARK LAND

Notwithstanding any provision of the master plan, no land which is in use as a park shall be sold or diverted to any other use unless approved by a majority of the electors voting thereon at any general or special election.

4-601 RESPONSIBILITIES AND DUTIES OF THE CHIEF LEGAL OFFICER

- A. The individual appointed to the position of chief legal officer shall direct the legal affairs of the City and shall appoint all assistants. The assistants may be attorneys and other persons employed by the City and attorneys under contract to the City.
- B. The chief legal officer shall be the attorney for the City and shall direct the management of all legal matters in which the City is interested.
- C. The chief legal officer shall, either personally or through assistants, represent the interests of the City in all actions or proceedings by or against the City or its officers and employees.
- D. Notwithstanding the above, the Board of Hospital Managers may contract for legal services and legal representation.

4-602 FORM OF DOCUMENTS

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

4-603 DRAFTING

- A. Upon the request of the City Council, any Councilmember or the Mayor, the chief legal officer shall prepare, or assist in preparing, any ordinance or resolution for introduction before the City Council.
- B. However, the City Council shall in special instances have the right to secure independent legal services when it deems it necessary and proper.

4-604 SETTLEMENT OF LITIGATION

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

4-605 ADVICE AND OPINIONS

Upon the request of the Mayor, a member of the City Council or the head of any agency, the chief legal officer shall give legal advice and opinions.

4-606 PENAL MATTERS

- A. The chief legal officer is the prosecutor for the people of this City and shall either personally or through assistants:
1. Institute and conduct, on behalf of the people, all cases arising under this Charter or City ordinances and when authorized to do so by law, cases arising under state law.
 2. Prosecute all these cases, including all recognizances and bail forfeitures, in the courts of original jurisdiction and on appeal.
 3. Prosecute all actions for the recovery of fines, penalties and other monies arising out of these cases.
- B. The City may, by ordinance, provide fines, penalties or other punishment for the violation of this Charter or ordinance to the extent permitted by law.

5-101 CIVIL SERVICE COMMISSION: MEMBERSHIP, TERMS, REMOVAL

- A. 1. The Civil Service Commission shall serve in the interest of all the citizens of the City, and shall consist of individuals selected on the basis of their reputation for fair-mindedness and objectivity.
2. There are three (3) classes of Civil Service Commission members:
- a. Employee representatives.
 - b. Administration representatives.
 - c. Public-at-large representatives.
3. Members shall be chosen in the following manner:
- a. Employee Representatives:
The City shall, by ordinance, provide for the nomination and election by City employees of two (2) employee representatives. One (1) such representative shall be chosen solely by the employees of the Board of Hospital Managers and one (1) shall be chosen by all other City employees.
 - b. Administration Representatives:
The Mayor shall appoint two (2) administration representatives. One (1) of these shall be selected by the Mayor from a list of three (3) names submitted by the Board of Hospital Managers.
 - c. The four (4) members chosen under paragraphs (a) and (b) above shall, within thirty (30) days, unanimously select three (3) persons as public-at-large representatives.
 - d. At such time as the Board of Hospital Managers is not under the jurisdiction of the City of Flint, the Civil Service Commission representatives from the Board on the Civil Service Commission shall terminate and said positions shall thereupon be filled in the manner prescribed for the remaining employee and administration representatives.
4. Except as limited in Section 5-101 (A) (3) (d), any vacancies arising shall be filled within thirty (30) days in the same manner as initial selection and only for the unexpired term.
5. No member of the Commission shall be a City employee during his or her term of office.
6. A member of the Commission must be a resident of the City.
7. The Chairperson and other officers of the Civil Service Commission shall be chosen from among the public-at-large representatives

B. Terms of Initial Appointment

1. The person chosen by the employees of the Board of Hospital Managers shall have an initial term of three (3) years. The person chosen by all other City employees shall have an initial term of five (5) years.
2. The administration representatives chosen from the list submitted by the Board of Hospital Managers shall have an initial term of three (3) years and the other administration representatives shall have an initial term of one (1) year.
3. Those chosen as public-at-large representatives shall have initial terms of one (1), two (2), and four (4) years.
4. As initial terms expire, appointments shall be for five (5) year terms.

C. Removal

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

5-102 STAFF

- A. The staff of the Civil Service Commission shall include a Director. The Director shall be appointed by and responsible to the Civil Service Commission.
- B. The Civil Service Commission may hire additional staff as required.
- C. Removal
1. The Civil Service Director shall be subject to removal from office by a vote of five (5) members of the Civil Service Commission.
 2. Such removal may occur only after written notice of reasons for removal are delivered to the Director at least one (1) month prior to the date of a public hearing conducted in accordance with due process of law.

5-103 APPROPRIATIONS

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

5-104 RULE-MAKING

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

5-201 DUTIES

- A. The Civil Service Commission shall be responsible for (1) enforcing the Merit Principle in all aspects of personnel administration in the City; (2) receiving, investigating and deciding disputes between the City and any of its employees in the Classified Service; (3) protecting City employees from political pressures; and (4) advising the chief personnel officer, Mayor, City Council and the Board of Hospital Managers concerning personnel administration

- B. The Civil Service Commission shall not have the power to develop personnel policies but shall have authority to make recommendations regarding revision of all personnel matters.
- C. For the performance of the foregoing duties, the Civil Service Commission may conduct investigations and hearings.
- D. The Civil Service Commission shall meet at least once a month.

5-202 POWERS

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

5-203 HEARINGS

- A. All hearings of the Civil Service Commission shall be public, and a written record of said hearings shall be kept. This record shall be compiled regularly and made available to any interested persons upon request.
- B. Decisions of the Civil Service Commission shall be based upon the facts presented at its hearings. Reports of the Commission's decisions shall include a summary of findings of fact and conclusions of law. Decisions of the Civil Service Commission shall be binding on all parties involved.

5-204 JURISDICTION

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

5-205 EMPLOYEE GRIEVANCES

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

5-301 EMPLOYEE ORGANIZATION

Employees of the City have the right to collective organization and collective bargaining.

5-401 CLASSIFIED SERVICE

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

1. All elective officers,
2. The Civil Service Director,
3. Persons serving at the pleasure of the Mayor or City Council,
4. Private citizens appointed to multiple member bodies, such as boards and commissions, and persons serving at their pleasure,
5. The Ombudsman and all members of the staff of the Ombudsman,
6. Persons employed or under contract to make or conduct a temporary or special inquiry, investigation, examination or legal representation on behalf of the City.

5-402 CLASSIFIED SERVICE

No person shall be considered for entrance into the classified service who does not reside in the City of Flint unless the residency requirement has been waived by the City Council for good cause shown.

6-101 MULTIPLE MEMBER BODIES

- A. Multiple member bodies including boards and commissions may be established by the City by ordinance or resolution. Such bodies may exercise those powers and duties granted by the City, provided that they do not conflict with provisions of this Charter or state law.
- B. Multiple member bodies including boards and commissions established in this Charter or created after the effective date of this Charter, shall be subject to the following provisions, unless otherwise stated in this Charter:
 1. They shall consist of at least seven (7) members, whose terms shall not exceed five (5) years.
 2. Initial appointments of persons shall be made to provide for staggered expiration of terms
 3. Appointments shall be made by the Mayor with the approval of the City Council. Removal from office shall be for cause upon recommendation of the Mayor and approval of the City Council.
 4. Vacancies which occur prior to the expiration of the term shall be filled for the remainder of the term in the same manner as an expired term.
 5. Members shall serve in the interest of all the citizens of the City and, except for compelling reasons stated prior to appointment, shall be residents of the City. In all cases, at least three-fourths (3/4) of the members of all multiple-member bodies shall be residents of the City.
 6. Each body shall have the power to organize for the conduct of its business including the selection of officers. All rules adopted and used shall comply with the provisions of Section 1-801 of this Charter. The rules shall provide for notice of meetings and shall define the manner in which non-attendance becomes neglect of duties and grounds for removal from office.
 7. Each body shall report at least once a year to the Mayor and City Council concerning its activities. The reports shall include an accounting of the receipts and disbursements of all monies which have come into its hands and of any monies which may remain in its hands. A copy of the report shall be filed with the City Clerk and be available for public inspection.

6-102 TRANSFER OF GOVERNMENTAL FUNCTIONS

- A. The executive branch of the City, under the general supervision of the Mayor, shall administer all programs, services and activities of the City, unless otherwise provided in this Charter or required by statute.
- B. To the extent permitted by law, the City may transfer any program, service or activity from the executive branch to administration by a multiple member body and may transfer any program, service or activity from a multiple member body created under Section 6-1 01 to the executive branch or to another multiple member body, provided that this procedure is followed:
1. The Mayor must request the transfer in writing.
 2. The City Council must adopt, by an affirmative vote of three-fourths of the members elect, an ordinance setting forth the terms and conditions of the transfer.
- C. All members of multiple member bodies which receive the transfer of programs, services or activities must be residents of the City of Flint.

6-103 REVIEW OF EXISTING MULTIPLE MEMBER BODIES

Within one (1) year of the effective date of this Charter, the Mayor shall review the status of all multiple member bodies, including boards and commissions, in existence at the time this Charter takes effect, and recommend action thereon to the City Council. All multiple member bodies, including boards and commissions, which are continued, shall conform to the provisions of Section 6-101 (B), except as otherwise provided in this Charter or by state law.

6-104 MEETINGS

All meetings of multiple member bodies of the City, including boards and commissions, called for the purpose of discussing business within the jurisdiction of the body, and all gatherings of three (3) or more members of the body at which business within the jurisdiction of the body is discussed, shall be public unless otherwise authorized by law. Public notice shall be given in the manner provided by statute for meetings of public bodies.

6-201 BOARD OF HOSPITAL MANAGERS

Establishment, Membership, Appointment

- A. The Board of Hospital Managers shall consist of eleven (11) members appointed by the Mayor with the approval of the City Council.
- B. All members shall be City residents and shall serve in the interests of all the citizens of the City. No member shall be a member of any medical or health profession.
- C.
1. The present members shall continue to serve until their respective terms expire, and shall then be eligible for reappointment in accordance with Section 6-1 01 of this Charter.
 2. The initial appointments of those members necessary to increase the membership of the Board to eleven (11) shall be made by the Mayor and Council no later than the first (1st) day of May after the effective date of this Charter. One person shall be appointed for a term of five (5) years, one for a term of four (4) years, one for a term of three (3) years, and one for a term of two (2) years.
 3. Thereafter, all appointments shall be made for five (5) year terms.

6-202 POWERS AND DUTIES

- A. The Board shall have the supervision and exclusive management of all hospitals owned by the City and shall make and enforce all rules for such supervision and management in accordance with Section 1-801 of this Charter.

- B. The Board shall be empowered to employ all personnel deemed necessary for the proper administration, conduct and maintenance of such hospitals.
1. Such personnel, except those appointed by the Board, shall be under the jurisdiction of the Civil Service Commission as set forth in Article 5 of this Charter.
 2. The provisions of this Charter dealing with personnel (Sections 4-301, 4-302, and 4-303) shall apply to the Board, except that where the Mayor or Council are mentioned, such functions shall devolve upon the Board of Hospital Managers.
- C. The Board shall appoint a Director for each of the City Hospital facilities, who shall serve at its pleasure, and a Personnel Director, subject to confirmation by the Mayor, and serving at the pleasure of the Board. The Board may also appoint a Comptroller, a Director of Nursing and six (6) assistant Hospital directors for each City hospital facility, each of whom shall serve at the Board's pleasure.
- D. The Board of Hospital Managers shall have the exclusive authority to manage and operate all City Hospitals and in so doing shall have such power as may be required for the faithful performance of its duties.

6-301 PLANNING COMMISSION AND BOARD OF ZONING APPEALS

- A. The Board of Zoning Appeals previously established shall continue pursuant to law.
- B. A Planning Commission is formed in the Charter rather than by ordinance. A nine member Planning Commission, one member from each ward, appointed by the Mayor with approval of City Council for three year terms. Members to serve without compensation. Vacancies occurring through other than term expirations to be filled in the same manner. Removal of any member, after public hearing, by the Mayor for cause. The Planning Commission to have all zoning, planning and other duties and powers as assigned by law.

Adopted 8-2-83

6-401 STANDARDS OF CONDUCT BOARD

- A. A seven (7) person Standards of Conduct Board is created consisting of:
1. The chief legal officer, the City Clerk and the Ombudsman, all of whom shall be official members of the Standards of Conduct Board;
 2. Four (4) residents of the City unanimously nominated by the official members and appointed by the Mayor.
- B. The Chairperson shall be chosen from those members appointed under 6-401 (A) (2).
- C. Members appointed under 6-401 (A) (2) shall hold no City office or employment nor other public elective or appointive office except that of notary public; and such members shall not be compensated.
- D. The Chairperson of the Civil Service Commission shall replace the Ombudsman as an official member of the Board if the office of Ombudsman ceases to exist.

6-402 PURPOSE OF STANDARDS OF CONDUCT BOARD -

- A. The purpose of the Standards of Conduct Board is to render advisory opinions to elective officers, appointees and employees with respect to the meaning and application of provisions of this Charter and other laws establishing standards of conduct. Advisory opinions shall be published by the Board in the manner least likely to reveal the identity of the person concerned.

- B. The Standards of Conduct Board may recommend improvements in the standards of conduct for elective officers, appointees and employees or in the procedure for the enforcement of those standards.

6-501 HUMAN RELATIONS COMMISSION

The City shall, by ordinance, establish a Human Relations Commission charged with the responsibility of reducing unlawful discrimination and increasing mutual understanding among the residents of the community.

7-101 BUDGET

On or before the first (1st) Monday in April of each year the Mayor shall submit to the City Council a proposed annual budget for the next fiscal year which shall begin on July 1.

7-102 BUDGET ADOPTION

- A. After a public hearing has been held in the manner provided by law, the City Council shall, no later than the first (1st) Monday in June, adopt the budget with or without amendment.
- B. The adoption of the budget may be accomplished by resolution.
- C. Adoption of the budget shall constitute appropriations of the amounts specified therein from the funds indicated and a levy of the property tax specified therein.

7-103 ITEM VETO ON BUDGET AMENDMENTS

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

7-104 AMENDMENTS AFTER ADOPTION

- A. At any time during the fiscal year, upon written request of the Mayor, the City Council may consider amendments to the previously adopted budget which (1) transfer an unencumbered appropriation balance from one program, service or activity to another, (2) provide for expenditure of revenues in excess of those in the budget or (3) meet a public emergency affecting life, health, property or the public peace which may require emergency appropriations as provided by statute.
- B. If the action taken by the City Council differs from the action requested by the Mayor, the Mayor may exercise the veto power.

7-105 UNIFORM SYSTEM OF ACCOUNTS

The system of accounts shall conform to such uniform system as may be required by statute.

7-201 TAXING POWER

- A. The City is authorized to levy property taxes at the rate of one percent (1%, or 10 mills) of assessed value of all real and personal property in the

City. The subjects of taxation for municipal purposes shall be in accordance with State law.

1. During the period of July 1, 1992 to June 30, 1996, the City is authorized to levy taxes at the rate of two-tenths of one percent (.2 of 1% of 2 mills) of assessed value of all real and personal property in the City, with all revenue received as a result of this provision being used solely for the purpose of a city-wide community police program.

Adopted 8-4-92

- B. Out of the total number of mills which may be levied in taxes annually for municipal purposes on each dollar of assessed valuation, there are hereby reserved two and one half (2-1/2) mills for the purposes hereafter stated:
1. First, to pay promptly when due the principal of and interest on all bonds which are a general obligation of the City.
2. Then, if in any year the entire amount reserved shall not be required for the foregoing purpose, any surplus may be used to:
- a) make capital improvements, or
- b) pay the City's general obligation liability on special assessment bonds, if any, or
- c) retire general obligation bonds in advance of their maturities.
- C. The provisions of this section shall not prevent the levy and collection of the full amount of taxes required by statute for the payment of debt.
- D. The City Council shall, by ordinance, provide procedures for the certification, levy and collection of all **ad valorem** taxes and the preparation and delivery of a City Tax Roll.

7-202 BOARD OF REVIEW

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

7-203 DUTIES OF THE CITY ASSESSOR

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

7-204 DELINQUENT TAX COLLECTION PROCEDURE

- A. The City shall, by ordinance, provide for the enforcement and collection of taxes which have been delinquent for more than one (1) year.
- B. The ordinance shall make provision for notice, disposition, judgement and a period of redemption.

- C. Except as otherwise provided by this Charter or ordinance, the rights, duties, powers, immunities and procedures established by state law shall apply in the collection and enforcement of City property taxes.

7-205 TAX BECOMES LIEN

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

7-206 STATE, COUNTY AND SCHOOL TAXES

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

7-207 INSTALLMENT PAYMENT OF TAXES

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

7-301 GENERAL BORROWING POWER

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

7-302 LIMITATIONS ON BORROWING

The net bonded indebtedness for general obligations of the City shall not exceed seven percent (7%) of the assessed valuation. No obligation shall be sold to obtain funds for any purpose or purposes other than that for which those

obligations were specifically authorized.

7-303 USE OF BORROWED FUNDS

- A. Each obligation shall contain on its face a statement of the purpose for which it is issued.
- B. All proceeds from the issue of an obligation shall be expended for the purpose for which the obligation was issued.
- C. Any remaining unexpended and unencumbered proceeds may be authorized by the City for use in any manner permitted by state law.

7-304 EXECUTION OF OBLIGATIONS

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

7-305 BONDS TO FINANCE LOCAL PUBLIC IMPROVEMENTS

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

7-306 EMERGENCY BONDS

In case of fire, flood, or other calamity, the City may, subject to state law, authorize the issuance of emergency bonds which shall be general obligations of the City for the relief of residents of the City and for the preservation of City property.

7-307 BUDGET BONDS

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

7-308 TRANSPORTATION BONDS

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

7-309 SEWER BONDS

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

7-401 POWER TO ASSESS

The City may, by ordinance, determine that the whole or any part of the expense of any local public improvement or repairs shall be defrayed by special assessment upon the property specifically benefited as provided for by law. However, no special assessment may be made after on-site construction has begun.

7-402 PROCEDURE ORDINANCE

- A. The complete special assessment procedure to be used, including the preparation of plans and specifications; estimation of costs, the preparation, hearing and correction of the special assessment roll; the collection of special assessments; the assessment of single lots or parcels; and any other matters concerning the making of improvements by the special assessment method, shall be provided by ordinance.
- B. The ordinance shall authorize additional assessments, if the prior assessment proves insufficient to pay for the improvement or is determined to be invalid in whole or in part, and shall also provide for the disposition of excess assessments.

7-403 SPECIAL ASSESSMENT LIEN

From the date of confirmation of any roll levying any special assessment, the full amount of the assessment and all interest thereon shall constitute a lien on the property subject thereto. In case of delinquency the special assessment and all interest thereon shall be collected as provided by ordinance.

7-404 CONTEST OF ASSESSMENTS

- A. Any person owning property specially assessed shall have sixty (60) days from the mailing of a notice of confirmation of the special assessment roll to notify the City Clerk in writing of any claimed illegality in the special assessment process. The City shall presume that any person who neglects or refuses to assert a claim within the sixty (60) day period has withheld his or her claim for the purpose of unjustly obtaining a special benefit to the property to the detriment of the general taxpayers of the City.
- B. If the Chief Legal Officer submits a written opinion finding the special assessment roll illegal, in whole or in part, the City Council may revoke its confirmation, correct the illegality, if possible, and reconfirm it. No property shall be assessed more than was imposed upon the original confirmation without further notice and hearing.

8-101 REGULATORY POWER

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

8-102 APPELLATE REVIEW

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

8-201 LIMITATIONS ON A FRANCHISE

- A. An irrevocable franchise, and all renewals, amendments and extensions of it, may be granted only by ordinance.
- B. The City may approve such an ordinance only after a public hearing has been held on it and after the grantee named in it has filed with the City Clerk its unconditional acceptance of all the terms of the franchise.
- C. The ordinance may not take effect unless it has been approved by the voters of the City, where state law so requires, or, unless it has been approved by a two-thirds (2/3) majority of City Council members elect, where approval of the voters is not required by state law.
- D. When approval of the voters of the City is required, the ordinance as approved by the City shall be published in a daily newspaper of general circulation in the City not less than thirty (30) days before the election at which it is submitted to the voters. The City may not call a special election unless the expense of holding the election has first been paid to the City Treasurer by the grantee.
- E. A franchise for the use of the streets or other public places of the City or for the transaction of a local business may not be sold or transferred in any manner nor may a party other than the grantee use the franchise, unless the City consents by ordinance.

8-202 STANDARD PROVISIONS OF A PUBLIC UTILITY FRANCHISE

- A. A public utility franchise shall include provisions for fixing and periodically readjusting rates and charges at the direction of the City and for requiring the holder to supply necessary information and access to records and property.
- B. The City may, with respect to any public utility franchise granted, whether or not so provided in the granting ordinance:
 - 1. Repeal the franchise for (a) violation of or failure to comply with any of its provisions, (b) misuse or non-use, or (c) failure to comply with any regulation imposed under authority of this Charter;
 - 2. Require proper and adequate extension and maintenance of plant facilities at the highest practicable standard of efficiency;
 - 3. Establish reasonable standards of service and quality of products, and prevent unjust discrimination in service or rates;
 - 4. Require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period of the franchise;
 - 5. Impose other regulations determined by the City to be conducive to the health, safety, welfare, and convenience of the public; or
 - 6. Require the public utility to permit joint use of its property and equip-

ment, located in the streets and public places of the City, by the City and other utilities, insofar as joint use may be reasonably practicable. In the absence of agreement, upon application by the public utility, provide for arbitration of the terms and conditions for joint use.

8-301 PURCHASE AND SUPPLIES

- A. The head of purchase and supplies shall be a member of the Classified Service and shall be appointed by the Mayor with the approval of the City Council. This person shall be responsible for the purchase and distribution of all supplies, materials, and equipment needed by the City.
- B. No purchase may be made by the City unless the chief finance officer advises that there is an unencumbered balance in the appropriation against which the purchase is to be charged to pay for the purchase.
- C. The City shall, by ordinance, establish procedures to protect the interests of the City and to assure fairness in procuring property and services. The ordinance shall require competitive bidding for purchases and contracts but there may be cases clearly defined in the ordinance, in which competitive bidding is not required. The ordinance shall define "lowest responsible bidder."
- D. The head of purchase and supplies shall be responsible for the sale, lease and transfer in the ordinary course of City operations all personal property of the City which is unsuitable for continued use.
- E. The City shall, by ordinance, establish procedures to protect the interests of the City and to assure fairness in disposing of personal property. The ordinance shall require competitive bidding for all sales, leases and transfers but there may be cases, clearly defined in the ordinance, in which competitive bidding is not required. The ordinance shall define the dispositions of public property which are not in the ordinary course of City operations and shall provide a procedure for such dispositions.
- F. The provisions of this section do not apply to the Board of Hospital Managers.

9-101 EFFECTIVE DATE OF CHARTER

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

9-102 FIRST ELECTION FOR MAYOR

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

9-201 ADJUSTMENT IN BUDGET

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

9-202 COMPENSATION OF OFFICERS

Any provision of this Charter or ordinance to the contrary notwithstanding, the Elective Officers' Compensation Commission shall hold its first meeting in 1975 no later than March 3 of that year and shall consider the compensation of the Mayor and Councilpersons under this Charter in addition to any matters properly before the Commission.

9-203 COMPENSATION OF APPOINTED OFFICIALS

The initial compensation of all appointed officials shall continue as it exists on the day prior to the effective date of this Charter. Any change in compensation shall be made in the manner determined by law.

9-204 PREVIOUS CHARTER RETIREMENT SYSTEM

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

9-205 EXISTING CITY LEGISLATION AND RULES

All ordinances and resolutions of the City and all rules and regulations made by any officer or agency of the City which are not inconsistent with this Charter shall remain in effect until changed by action taken under this Charter.

9-301 STATUS OF OFFICERS UNDER OLD CHARTER

All persons holding appointive office shall continue in office or equivalent office until removed in accordance with law or the provisions of this Charter.

9-302 SUCCESSION TO RIGHTS AND PROPERTY

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

9-303 TRANSITION OF STATUS OF EMPLOYEES

- A. The transition of the status of the employees from the previous Charter to this Charter shall be controlled by the following conditions:
 - 1. The Civil Service Commission as it existed prior to the date of adoption of this Charter shall be abolished after the effective date of this Charter.
 - 2. The Civil Service Commission created under this Charter is limited to an adjudicatory role rather than a policy making role.
 - 3. The policy making function has been placed by this Charter with the

elected officials and persons directly responsible to elected officials. In the case of hospital employees the policy making function has been placed with the Board of Hospital Managers

4. The policy making officials are bound by collective bargaining agreements and by the rights, benefits and conditions of employment existing pursuant to and/or by virtue of the previous Charter.
 5. The rights, benefits and conditions of employment referred to in Section 9-303 (A)(4) above shall remain in full force and effect as to all employees in the classified service, whenever hired, until changed by mutual agreement between the City and the affected employee's bargaining unit.
 6. If an employee in the classified service is not covered by a collective bargaining agreement, the employee shall continue to possess the rights, benefits and conditions of employment until changed by operation of law or the terms of this Charter.
- B. Notwithstanding the provisions of 9-303 (a) above, no employee who was in the classified service prior to the adoption of this Charter, whose position is not in the classified service under this Charter, may be removed under this Charter unless:
1. The person is transferred to another position in City government and is assured of salary and benefits at least as favorable as would have been earned by service in the position from which transferred until mandatory retirement age is reached; or
 2. A mutually agreeable settlement is made by the City with the person discharging all rights against the City which the person may assert; or
 3. Cause for removal is established in proceedings before the Civil Service Commission.

9-304 ORDINANCES FOR TRANSITION

If any question arises concerning transition from the 1929 Charter to this Charter for which this Charter has not provided, the City may resolve the question by ordinance.

9-401 ELECTION TO ADOPT CHARTER

This Charter shall be submitted to a vote of the qualified electors of the City of Flint at the general election to be held on Tuesday, November 5, 1974. All provisions for the submission of the question of adopting this Charter at such election shall be made in the manner provided by law.

9-402 FORM OF QUESTION

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

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

Yes

No