



CITY OF PONTIAC
OFFICE OF THE EMERGENCY MANAGER

LOUIS H. SCHIMMEL

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Dated: December 2, 2011

ORDER NO. S-120

RE: Charter Revision Question and Election of Charter Revision Commission

TO: Sherikia Hawkins, City Clerk

The **Local Government and School District Fiscal Accountability Act (Public Act 4 of 2011)** in **Section 17(1)** empowers an Emergency Manager to issue the orders the Manager considers necessary to accomplish the purposes of the Act and any such orders are binding on the local officials or employees to whom they are issued. **Section 19(1)** provides that an Emergency Manager may take on one or more additional actions with respect to a local government in receivership: **(ee) Take any other action or exercise any power or authority of any officer, employee, department, board, commission, or other similar entity of the local government, whether elected or appointed, relating to the operation of the local government. The power of the emergency manager shall be superior to and supersede the power of any of the foregoing officers or entities...; and 19(2) ...the authority of the chief administrative officer and governing body to exercise power for and on behalf of the local government under law, charter, and ordinance shall be suspended and vested in the Emergency Manager.**

WHEREAS, the City of Pontiac, Michigan operates under a Home Rule Charter as provided by the Home Rule Cities provisions of state law (Public Act 279 of 1909, MCL 117.1 et. seq. as amended [referred to as the Home Rule Cities Act]); and,

WHEREAS, MCL 117.18 specifies the procedures for revising Home Rule Charters and specifies that initiatory petition may be filed with the Clerk for a general revision of the Charter; and,

WHEREAS, initiatory petitions were filed with the Office of the City Clerk on November 29, 2011, requesting that the question of a charter revision be placed before the voters on February 28, 2012; and,

WHEREAS, the City Clerk has certified enough signatures to place the question on the ballot.

It is hereby ordered:

1. That the City of Pontiac shall submit to the electors of the City of Pontiac at the special election to be held on Tuesday, February 28, 2012 the question of having a general charter revision; and,
2. The following language shall be placed on the ballot at the February 28, 2012 election:

Proposed Charter Question:

“Shall the Charter for the City of Pontiac be revised by a Charter Commission to be selected by the electorate?

___ Yes

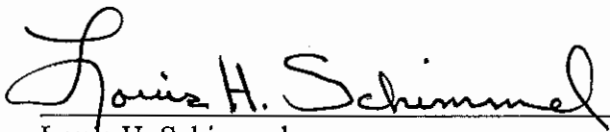
___ No

3. That the City Clerk shall take all actions required under the law to fulfill this order.

The Order shall have immediate effect.

Copies of the documents referenced in this Order are to be maintained in the offices of the City Clerk and the Law Department and may be reviewed and/or copies may be obtained upon submission of a written request consistent with the requirements of the Michigan Freedom of Information Act and subject to any exemptions contained in that state statute and subject to any exemptions allowed under that statute (**Public Act 442 of 1976, MCL 15.231, et. seq.**).

This Order is necessary in order to carry out the duties and responsibilities required of the Emergency Manager as set forth in the **Local Government and School District Fiscal Accountability Act (Public Act 4 of 2011)** and the contract between the State of Michigan and the Emergency Manager.



Louis H. Schimmel
City of Pontiac
Emergency Manager

cc: State of Michigan Department of Treasury
Mayor Leon B. Jukowski
Pontiac City Council