



CITY OF PONTIAC
OFFICE OF THE EMERGENCY MANAGER
LOUIS H. SCHIMMEL

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Dated: December 5, 2011

ORDER NO. S-121

RE: Planning Commission Ordinance Amendment

TO: Sherikia Hawkins, City Clerk
James Sabo, Wade Trim

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: (dd) [e]xercise solely, for and on behalf of the local government, all other authority and responsibilities of the chief administrative officer and the governing body concerning the adoption, amendment, and enforcement of ordinances...; 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.

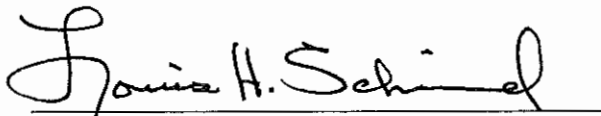
It is hereby ordered:

1. That the attached Ordinance No. 2236, amending Ordinance No. 2224 which created a Planning Commission, is adopted.
3. That the City Clerk shall take all actions required under the law to reflect the attached ordinance changes on the City books and records, including publication of the adopted ordinance.

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

Ordinance No. 2236

An Ordinance to Amend the Composition of the Planning Commission

The City of Pontiac ordains:

Section 1: Amendment

Section 2 of Ordinance No. 2224 shall be amended to read as follows:

Section 2: Composition; terms.

(a) Under and by virtue of the authority in Act No. 33 of the Public Acts of Michigan of 2008 (MCL 125.3801 et seq.), there is created a city planning commission, formerly established under the former Act No. 285 of the Public Acts of Michigan of 1931 (MCL 125.31, et seq.). The city planning commission shall consist of six (6) resident persons plus one (1) ex-officio member for a total of seven (7) members. The resident persons shall be appointed by the mayor, subject to approval by a majority vote of the City Council, or, in the event of an appointment of an Emergency Manager under the Local Government and School District Fiscal Accountability Act, Act No. 4 of the Public Acts of Michigan of 2011 (MCL 141.1501 et seq.), the Emergency Manager shall appoint the members without any vote by the City Council, as provided in state law.

(b) City planning commission members shall be qualified electors of the city (i.e., a United States citizen who is eighteen (18) years old, and who has been a resident of the State of Michigan for six (6) months and a resident of the City for at least thirty (30) days, except that one city planning commission member may be an individual who is not a qualified elector of the City.

(c) An appointed member of the city planning commission shall hold no other municipal office, except that one member may be a member of the zoning board of appeals or a member of the joint fire administrative board, except one ex-officio member. No elected officer or employee of the City is eligible to be a member of the city planning commission, except one ex-officio member.

(d) The term of each appointed member shall be three (3) years and shall serve for the terms herein specified, unless removed before the expiration of the term pursuant to this ordinance or state law and except as provided in subsection (f) below.

(e) Members of the city planning commission shall represent, insofar as is possible, different professions or occupations. By way of example and to the extent practicable, members should come from the economic, governmental, educational, and social development segments of the City of Pontiac, in accordance with the major interests as they exist in the City of Pontiac, such as agricultural, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire territory of the City of Pontiac to the extent practicable.

(f) The terms of the six (6) resident members shall be for three (3) years and commence on July 1, 2011; provided, however, that three members of the first city planning commission to be appointed hereunder shall serve until June 30, 2012, two members until June 30, 2013, and two members until June 30, 2014. Thereafter all members shall be appointed for a term of three years and shall serve until their

successors are appointed and qualified. The term of ex-officio member shall be concurrent with the term of office of the Mayor of the City of Pontiac. A member will hold the position until a successor is appointed, although the mayor or, in the event of an appointment of an Emergency Manager under the Local Government and School District Fiscal Accountability Act, Act No. 4 of the Public Acts of Michigan of 2011 (MCL 141.1501 et seq.), the Emergency Manager, shall nominate an appointee three (3) months prior to the expiration of a sitting appointee's term for consideration as an appointee under the provisions of this ordinance.

(g) The ex officio member shall include the mayor or a person designated by him.

(h) No member of the city planning commission shall receive any compensation as such.

(i) The service of current members of the city planning commission shall terminate on June 30, 2011 (whether their terms are expired or unexpired), replaced by the members appointed under this Ordinance or July 1, 2011. Notwithstanding the foregoing, such current members of the city planning commission may apply for appointment to the new city planning commission created under this ordinance.

Section 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith except as otherwise provided in this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. SEVERABILITY.

The sections comprising this division shall be deemed to be severable, and should any section or provision of this division be declared by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not effect the validity of any section or provision of this division other than the section or provision so declared to be unconstitutional or invalid.

Section 4. EFFECTIVE DATE.

This Ordinance is hereby determined to be immediately necessary for the preservation of the public health, safety, and welfare and shall be in full force and effect from the time of its adoption and publication as required by law.