



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

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Dated: January 13, 2012

ORDER NO. S-136

RE: Housing Commission Ordinance

TO: Sherikia Hawkins, City Clerk
Franklin Hatchet, Executive Director, Pontiac Housing Commission

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.

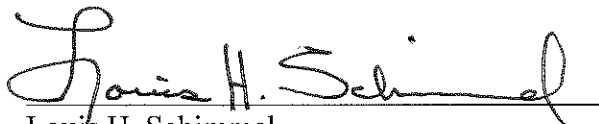
It is hereby ordered:

1. That the attached Ordinance No. 2240, amending Chapter 42, Article V of the Code of Ordinances creating a housing 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.

A handwritten signature in black ink, reading "Louis H. Schimmel". The signature is written in a cursive style with a horizontal line underneath the name.

Louis H. Schimmel
City of Pontiac
Emergency Manager

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

Ordinance No. 2240

An ordinance to amend Chapter 42, Article V of the Pontiac Code of Ordinances, to amend the ordinance creating a Housing Commission.

The City of Pontiac ordains:

Section 1. Amendments.

Chapter 42, Article V of the Code of Ordinances shall be amended to read as follows:

Sec. 42-176. - Created.

Pursuant to Act No. 18 of the Public Acts of Michigan of 1933, Extra Session (MCL 125.651 et seq., MSA 5.3011 et seq.), as amended, a commission is created in and for the city, to be known as the Pontiac Housing Commission.

Sec. 42-177. - Composition; terms; compensation; removal.

(a) The housing commission shall consist of five members, who shall be appointed by the mayor. One member of the commission shall be a tenant of public housing or subsidized housing as provided in this subsection. The chief executive officer of the housing commission shall send written notice of a commission vacancy to the president of each resident organization. The notice shall also be included in the rent notice to each tenant.

(b) The term of office of members of the housing commission shall be five years. Upon adoption of this ordinance, members shall be appointed for terms of 1 year, 2 years, 3 years, 4 years, and 5 years respectively, and annually thereafter 1 member shall be appointed for the term of 5 years.

(c) Members of the housing commission shall serve without compensation, but may be entitled to reimbursement for actual expenses incurred by members of the commission only within the limits established by the council after adoption of this ordinance, and upon recommendation of the appointing authority to the council, the city council may remove a member of the commission from office before the expiration of his or her term. Subject to subsection (a), a vacancy in office shall be filled by the appointing authority for the remainder of the unexpired term. "Vacancy" means a seat for which the current appointee discontinues membership by death, resignation, or removal from office; by not seeking reappointment in writing prior to the expiration of his or her term; or by not being reappointed by the appointing authority within 5 days following the expiration of his or her term.

Sec. 42-178. - Powers and duties.

The housing commission shall have all the powers and duties vested or permitted to be vested in housing commissions by Act No. 18 of the Public Acts of Michigan of 1933, Extra Session (MCL 125.651 et seq., MSA 5.3011 et seq.), as amended, and any laws enacted which are supplemental thereto. It is the intention of this article to vest in the city housing commission all powers and duties permitted by law.

Sec. 42-179. - Accountability to council; annual report; other reports.

(a) The control and management of all housing units shall be vested in the housing commission. The housing commission shall be accountable only to the council through the mayor. (b) The commission shall make an annual report of its activities to the council and submit a copy of its audited basic financial statement by September 30 of each year and shall make such other reports as the council may from time to time require.

(c) The council may, by resolution, request the commission to prepare and submit a report containing an itemization of actual expenses paid to members of the commission as provided in Section 42-177(c) and of compensation of officers and employees fixed as provided in Section 42-180. The commission shall also report any action taken under MCL 125.656 concerning the solicitation, acceptance, or agreement relating to grants from any public or private source, including the state or federal government or agency of the state or federal government.

Sec. 42-180. - Personnel and staff.

The housing commission shall select and appoint such employees as it deems necessary for the proper exercise of its powers, functions and duties. Upon the recommendation of the appointing authority, the council shall establish compensation ranges and classifications to be used by the commission in fixing the compensation of its officers and employees .

Section 2. Repealer

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Severability.

If any section, clause, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause, or provision declared to be unconstitutional, void, or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 4. Emergency Declaration

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.