



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

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Pontiac, Michigan 48342
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Dated: April 13, 2012

ORDER NO. S-176

RE: Department Reorganization Ordinance
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: **(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.

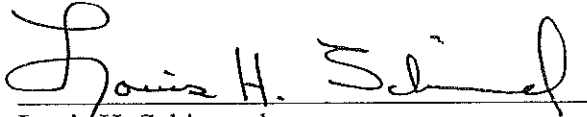
It is hereby ordered:

1. That the attached ordinance to repeal various ordinances related to the Department of Public Utilities and to assign those duties to the Department of Public Works and to repeal the Office of Legislative Auditor, being Ordinance No. 2254 is adopted, effective upon publication.
2. That the City Clerk shall take all actions required under the law to reflect the attached ordinance on the City books and records, including publication of the notice of the newly 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 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. 2254

An ordinance to repeal various ordinances relating to the Department of Public Utilities and to assign those duties to the Department of Public Works and to repeal the Office of Legislative Auditor.

The City of Pontiac ordains:

Section 1. Amendments.

1. Chapter 2, Article III, Division 3, Sections 2-111 through 2-115 of the Code of Ordinances, concerning the Department of Public Utilities shall be deleted in its entirety. Any references in the Code of Ordinances to Director of the Department of Public Utilities shall be changed to read as Director of Public Works.
2. Chapter 2, Article III, Division 5, Sections 2-166 through 2-169 of the Code of Ordinances, concerning the Office of Legislative Auditor, shall be deleted in its entirety.
3. Section 2-191 of the Code of Ordinances shall be amended to read as follows:

Sec. 2-191. - Created; functions and duties.

There is hereby created the department of public works, which shall have the responsibility for administering, implementing and carrying out the activities pertaining to:

- (1) Public improvement projects of the city, their design, construction and inspection.
- (2) Streets, sidewalks and rights-of-way, their construction and maintenance.
- (3) Buildings and grounds, their construction and maintenance.
- (4) Electrical services, including such service for all city activities, street lighting and traffic control, their construction, installation, maintenance and operations.
- (5) Signs, their creation, installation and maintenance.
- (6) Equipment revolving fund, the acquisition and maintenance of the equipment therein.
- (7) Inventory control and stores, the custody, dispersing and accounting therefor.
- (8) Heavy equipment and rolling stock maintenance.
- (9) Electronic communications, their acquisition, installation and maintenance.
- (10) Weed control.

- (11) Cemeteries, their construction, maintenance and operation.
- (12) Golf courses, their construction, maintenance and operation.
- (13) Parks and recreational facilities, their construction and maintenance.
- (14) Forestry, including acquisition, installation, removal, treatment and maintenance of trees, shrubbery, flowers, grass and other such like growing enhancements and further including the removal of encroachments upon the public right-of-way by such things as well as the monitoring and abatement of diseases or infestations, both on public and private property that may adversely affect such growing things.
- (15) Traffic engineering, the maintenance, installation or removal and operation of traffic control devices and determination for need for issuance of traffic control orders.
- (16) Issuance of permits for construction in rights-of-way and inspection of such construction.
- (17) Preparation of petitions for special assessments.
- (18) Such other additional public works and service functions as may from time to time be authorized by the mayor or by ordinance.
- (19) Human resource services, by way of example, including but not limited to, senior citizens' services including the Televan, Latin affairs services, community organization services, and summer lunch programs;
- (20) The use of and activities pertaining to the city's parks, recreation facilities and community centers; and
- (21) Such other pertinent functions related to people-oriented programs as may from time to time be authorized by the office of the mayor, or by ordinance.
- (22) Waterworks, water supply, sewerage system, sewerage disposal system and plants, associated sewers and drains, their construction, maintenance, and operation.
- (23) Facilities for the disposal of and systems for the collection of garbage, rubbish, refuse, and waste matter, their construction, maintenance, and operation.

Section 2. 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 3. Saving Clause.

A prosecution which is pending on the effective date of this ordinance and which arose from a violation of an ordinance repealed by this ordinance, or a prosecution which is started within one (1) year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance and which was committed prior to the effective date of this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

Section 4. 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 5. 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 upon publication as required by law.

RECEIVED
CITY OF FONTIAC

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