



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

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Dated: June 17, 2013

ORDER NO. S-280

RE: Adopt ordinance to restructure the departments of the City of Pontiac.

TO: Sherikia Hawkins, City Clerk
Leon Jukowski, Mayor

The Local Financial Stability and Choice Act (Act 436 of 2012/MCL 141.15411, et. seq.) in Section 10 empowers an Emergency Manager to issue orders to the appropriate local elected and appointed officials and employees, agents, and contractors of the local government a Manager considers necessary to accomplish the purposes of the Act and any such orders are binding on the local elected and appointed officials and employees, agents, and contractors of the local government to whom they are issued.

Section 12(1) of the Act provides that “[a]n emergency manager may take 1 or more of the following additional actions with respect to a local government that is in receivership, notwithstanding any charter provision to the contrary: (dd) [e]xercise solely, for and on behalf of the local government, all other authority and responsibilities of the chief administrative officer and governing body concerning the adoption, amendment, and enforcement of ordinances....”

WHEREAS, Emergency Manager Schimmel introduced the attached ordinance at a public meeting on June 10, 2013; and,

WHEREAS, the proposed ordinance was distributed to each member of the Council and the Mayor by the Clerk; and,

WHEREAS, a summary of the proposed ordinance and time and place of consideration by the Emergency Manager was published in the Oakland Press on June 11, 2013; and,

WHEREAS, the Emergency Manager at a public meeting on June 17, 2013 announced that he is adopting the proposed ordinance.

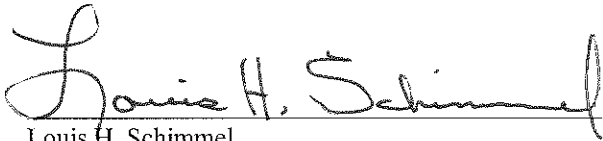
It is hereby ordered:

1. That the attached Ordinance No. 2287, an ordinance to restructure the departments of the City of Pontiac, is adopted.
2. 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 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 effective as indicated and is necessary to carry out the duties and responsibilities required of the Emergency Manager as set forth in the Local Financial Stability and Choice Act (Act 436 of 2012/MCL 141.15411, et. seq.) and the contract between the Local Emergency Financial Assistance Loan Board and the Emergency Manager.

A handwritten signature in black ink that reads "Louis H. Schimmel". The signature is written in a cursive style with a large initial "L".

Louis H. Schimmel
City of Pontiac
Emergency Manager

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

Ordinance No. 2287

An ordinance to restructure the departments of the City of Pontiac.

The City of Pontiac ordains:

Section 1. Amendments.

- A. The following sections of the Code of Ordinances shall be amended to read as follows:

ARTICLE III. DEPARTMENTS

DIVISION 1. OFFICE OF THE MAYOR

2-71 Established; responsibilities generally.

There is hereby established the Office of the Mayor, which shall have the primary responsibility for overseeing the day-to-day administrative and executive functions of the City. The Office of the Mayor shall also be responsible for administering all contracts in which services are provided to the City that assist the Mayor in fulfilling the responsibilities of his office that are not directly assigned to any other department, such as the contracts for law enforcement, fire protection, and legal services.

2-72 Office assistants.

The Mayor may hire such number of full-time, part-time, or seasonal employees as the City budget shall authorize to assist him in fulfilling the responsibilities of his position. All persons hired by the Mayor as an office assistant shall have at least a bachelors degree and at least three years of experience working for a local, state, or federal government performing duties similar to those in which the employee will be assigned to perform for the City or a high school diploma and five years experience performing duties similar to those in which the employee will be assigned to perform for the City. All such employees shall be considered "personal staff members" and exempt from overtime under the Fair Labor Standards Act.

DIVISION 2. DEPARTMENT OF FINANCE

2-86 Established; responsibilities generally.

There is hereby established the department of finance, which shall have the primary responsibility for providing safekeeping of the funds of the City and accounting for the use of such funds; for administering the City's financial, personnel, and labor relations policies and programs in order to enhance the functions of the several departments of the City and its adjunct activities as well as providing a central point for addressing concerns of the employees of the City that pertain to their relationships to the City as employees of the City.

2-87 Functions and duties.

The following functions are assigned to the department of finance:

- (1) Maintaining the accounting records in accordance with Generally Accepted Accounting Principles and such other policies and procedures established by the State of Michigan.
- (2) Assisting in the preparation of the annual budget and monitoring of the budget.
- (3) Administering the City's income tax ordinance.
- (4) Purchasing needs of the City in accordance with the provisions of the Code of Ordinances.
- (5) Investing of surplus funds in accordance with the City's investment policy.
- (6) Administering the information technology needs of the various City departments.
- (7) Processing of employee payroll, remittance of voluntary and involuntary withholdings, and filing of mandated associated reports.
- (8) Assessing and real and personal property in the City in accordance with State law.
- (9) Administering all grants received by the City and assisting with the application for various grants.
- (10) Processing of all debts and bills owed by the City in accordance with debt and remittance schedules and agreements.
- (11) Invoicing and collecting all taxes and receipts owed to the City.
- (12) Monitoring the City's responsibilities for unemployment reporting and compensation.
- (13) Administering all employee and retiree benefits, if provided.
- (14) Administering the City's workers' compensation responsibilities.
- (15) Administering the risk management functions and responsibilities of the City.
- (16) Retaining the financial records of the City in accordance with the record retention and disposal policy of the City.
- (17) All human resource functions, including:
 - a. Recruiting, testing, and assisting in the appointment of qualified persons into municipal service.

- b. Implementing and monitoring of position classifications and maintenance.
- c. Developing and implementing employee training programs, education programs, and employee assistance programs.
- d. Maintaining centralized personnel records and data.
- e. Advising and counseling City management in the development and application of labor relations policies and practices.
- f. Monitoring of day-to-day administration labor relations policies and practices.
- g. Such other additional related personnel administration and/or labor relation functions as may from time to time be authorized by the Mayor or by ordinance.

2-88 Director.

There shall be a director of the department of finance (Finance Director) whose appointment and remuneration shall be in accord with the procedures provided for in the Charter. The director of the department of finance shall have the overall supervisory and administrative responsibilities pertaining to the administration and implementation of the functions described in section 2-87. The Director shall be responsible for ensuring that all of the duties and responsibilities of the Department identified in the Code of Ordinances are executed in a fair and legal manner. The Director shall be responsible for administering all contracts in which services are provided to the City that assist the Director in fulfilling the responsibilities of his position. The Director may hire such number of full-time, part-time, or seasonal employees as the City budget shall authorize to assist him in fulfilling the responsibilities of his position. The Finance Director shall have a master's degree in accounting, business administration, finance, or public administration and at least five years experience in accounting, budgeting, and finance, of which at least two years shall have been in the public sector.

2-89 City Treasurer.

There shall be a City Treasurer whose appointment and remuneration shall be in accord with the procedures provided for in the Charter. The City Treasurer shall be responsible for the duties prescribed upon township treasurers by the laws of the State of Michigan and shall be responsible for the prudent investment and safekeeping of the funds of the City in accordance with the investment policy adopted by the City Council. The City Treasurer shall have a bachelor's degree in accounting, business administration, finance, or public administration and at least five years experience in accounting, budgeting, or finance, of which at least two years shall have been in the public sector.

2-90 Purchasing Agent/Fiscal Analyst.

There shall be a purchasing/agent fiscal analyst whose appointment and remuneration shall be in accord with the procedures provided for in the Charter. The Purchasing Agent/Fiscal Analyst shall be responsible for preparing and tabulating all requests for proposals, requests for qualifications, or any other such bids sought by the City and reviewing and authorizing purchase orders in accordance with the Code of Ordinances. The Purchasing Agent/Fiscal Analyst shall have a bachelor's degree in accounting, business administration, finance, or public administration and at least three years experience in accounting, purchasing, or finance. In lieu of a bachelor's degree, the

Purchasing Agent/Fiscal Analyst shall have an associate's degree in accounting, business administration, finance, or public administration and at least five years experience in accounting, purchasing, or finance of which at least one year shall have been in the public sector.

2-91 Payables and Receivables Manager.

There shall be a Payables and Receivables Manager who shall be appointed by the Finance Director with the consent of the Mayor and his remuneration shall be in accord with the procedures provided for in the Charter. The Payables and Receivables Manager shall be responsible for processing for payment all invoices that are properly submitted to the City and verified by respective department heads and invoicing all creditors of the City for services provided. The Payables and Receivables Manager shall have a bachelor's degree in accounting, business administration, finance, or public administration and at least three years experience in accounting, accounts payable, accounts receivable, purchasing, or finance of which at least one year shall have been in the public sector. In lieu of a bachelor's degree, the Payables and Receivables Manager shall have an associate's degree in accounting, business administration, finance, or public administration and at least five years experience in accounting, accounts payable, accounts receivable, purchasing, or finance of which at least one year shall have been in the public sector.

2-92 Human Resources Specialist.

There shall be a Human Resources Specialist who shall be appointed by the Finance Director with the consent of the Mayor, and his remuneration shall be in accord with the procedures provided for in the Charter. The Human Resources Specialist shall be responsible for the administration of employee and retiree benefits to the extent that benefits are provided, reviewing job descriptions and the City's personnel policies and procedures at least on an annual basis, and maintaining the files of the former Personnel Department of the City. The Human Resources Specialist shall have a bachelor's degree in business administration/management, human resource administration/management, or public administration and at least five years experience in human resource or benefits administration.

2-93 Deputy Finance Director.

The Finance Director may designate, with the consent of the Mayor, one of the employees of the Finance Department or any other employee of the City who possesses the qualifications and has the experience required by this Code for Finance Director to serve as Deputy Finance Director. The Deputy Finance Director shall be considered the Chief Assistant Finance Director.

2-94 Deputy City Treasurer.

The Finance Director may designate one of the employees of the Finance Department to serve as Deputy City Treasurer or any other employee of the City who possesses the qualifications and has the experience required by this Code for City Treasurer. In lieu of the qualifications and experience required by this Code for City Treasurer, the Deputy City Treasurer shall have a high school diploma and shall have at least five years experience working in the office of a municipal treasurer with regular responsibilities working directly with the tax roll or managing investments.

2-95 Income Tax Director.

The Finance Director may designate one of the employees of the Finance Department to serve as Income Tax Director whom shall have the powers granted to the Income Tax Director by this Code or by the laws of the State of Michigan . In the absence of such a designation, the Finance Director shall serve as the Income Tax Director.

DIVISION 3. OFFICE OF THE CITY CLERK

2-111 Created; functions and duties.

There is hereby created the office of the City Clerk, which shall have the responsibility for administering City, state, county, and federal elections, maintaining the local voter registration list, preparing the agenda and the minutes for City council meetings, codifying the Code of Ordinances, and maintaining and retaining the official permanent non-financial records of the City, including all ordinances, resolutions, and proceedings, giving all required public notices, maintaining a record of all existing and proposed rules, regulations, policies, and procedures of the City.

2-112 City Clerk.

There shall be a City Clerk whose appointment and compensation shall be in accord with the procedures provided for in the Charter. The City Clerk shall have a master's degree in business administration, political science, or public administration and at least three years experience working in the office of a municipal clerk. In addition, the City Clerk shall be certified to administer elections in the State of Michigan and be certified to use the State Qualified Voter File at the time of hire. The City Clerk shall also have at least one year of experience taking minutes for a public body. In lieu of a master's degree, the City Clerk may have a bachelor's degree and at least five years experience working in the office of a municipal clerk, of which two shall have been as a Deputy City Clerk. The City Clerk shall be responsible for ensuring that all of the duties and responsibilities of the City Clerk identified in the Code of Ordinances and State Law are executed in a fair and legal manner. The City Clerk shall be responsible for administering all contracts in which services are provided to the City that assist the City Clerk in fulfilling the responsibilities of his position. The City Clerk shall certify under corporate seal, when requested, all official papers and record of the City and making them available to the public as provided by law. The City Clerk shall make a recommendation to the Election Commission of applicants for position of election inspector or precinct chair or co-chair from which the Election Commission shall consider for appointment to the respective positions and make such appointments as required by law. The City Clerk may hire such number of full-time, part-time, or seasonal employees as the City budget shall authorize to assist him in fulfilling the responsibilities of his position.

2-113 Deputy City Clerk.

There may be a Deputy City Clerk whose appointment and compensation shall be in accord with the procedures provided for in the Charter. The Deputy City Clerk shall be considered the Chief Assistant Clerk. The Deputy City Clerk shall have a bachelor's degree in general studies, business administration, political science, or public administration and at least three years experience working in the office of a municipal clerk. In addition, the Deputy City Clerk shall be certified to administer elections in the State of Michigan and be certified to use the State Qualified Voter File at the time of hire. In lieu of a bachelor's degree, the Deputy City Clerk shall have a high school diploma and shall have at least five years experience working in the office of a municipal clerk. The

Deputy City Clerk shall also have experience taking minutes. The Deputy Clerk shall perform the duties of the office of the Clerk in the absence or disability of the Clerk.

DIVISION 4. DEPARTMENT OF COMMUNITY DEVELOPMENT

2-141 Created; functions and duties.

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

- (1) construction code enforcement.
- (2) vacant property registration program.
- (3) residential rental registration program.
- (4) business license program.
- (5) planning activities.
- (6) zoning ordinance administration and enforcement.
- (7) historic district commission administration.
- (8) property maintenance code enforcement activities.
- (9) fire insurance withholding program.
- (10) disposing of City real estate.
- (11) implementation of any programs funded by federal grants from the United States Department of Community Development.
- (12) development of the capital improvement plan.
- (13) processing all applications for tax abatements received by the City as permitted by State law.
- (14) working with developers to assist them in executing their projects within the City if permitted by law.
- (15) retaining documents as required by law and the City's record retention and disposal policy for the former components of the Pontiac Growth Group, including the General Building Authority, Downtown Development Authority, Economic Development Corporation, and Pontiac Business Development Center.
- (16) supporting the Brownfield Redevelopment Authority and Tax Increment Finance Authority to the extent that such authorities exist and upon their dissolution, retaining documents as required by law and the City's record retention and disposal policy.
- (17) establishing the policies and procedures and the general administration of the government access and public access television channels on cable television.
- (18) assisting the Finance Department with the risk management functions of the City as requested by the Finance Director.

(19) Such other additional community development functions as may from time to time be authorized by the Mayor or by ordinance.

2-142 Director.

There shall be a director of the department of community development whose appointment and remuneration shall be in accord with the procedures provided for in the Charter. The director of the department of community development (Community Development Director) shall have the overall supervisory and administrative responsibilities pertaining to the administration and implementation of the functions described in section 2-141. The Director shall be responsible for ensuring that all of the duties and responsibilities of the Department identified in the Code of Ordinances are executed in a fair and legal manner. The Director shall be responsible for administering all contracts in which services are provided to the City that assist the Director in fulfilling the responsibilities of his position. The Director may hire such number of full-time, part-time, or seasonal employees as the City budget shall authorize to assist him in fulfilling the responsibilities of his position. The Director of Community Development shall have a master's degree in architecture, business administration, community development, political science, or public administration and at least three years experience in administration of zoning ordinances, construction code enforcement, nuisance enforcement, grant administration, or economic development activities. In lieu of a master's degree, the Director of Community Development shall have a bachelor's degree in architecture, business administration, community development, political science, or public administration and at least five years experience in administration of zoning ordinances, construction code enforcement, nuisance enforcement, grant administration, or economic development activities.

2-143 Deputy Director.

There may be a deputy director of the department of community development whose appointment and compensation shall be in accord with the procedures provided for in the Charter. The Deputy Director of the Department of Community Development shall be considered the Chief Assistant Director of the Department of Community Development. The Deputy Director of the Department of Community Development shall have a bachelor's degree in architecture, business administration, community development, political science, or public administration and at least three years experience in administration in the enforcement of zoning ordinances, grant administration, or economic development activities.

2-144 Cable Director

There may be a Cable Director whose appointment shall be made by the Director with the consent of the Mayor, and remuneration shall be in accord with the procedures provided for in the Charter. The Cable Director shall be responsible for the operation of the government access and public access television stations. The Cable Director shall have a bachelor's degree in communications and at least three years experience in the operation of a television studio, editing, and single camera production. In lieu of a bachelor's degree, the Cable Director shall have at least five years experience in the operation of a television studio, editing, and single camera production.

DIVISION 5. EXTERNAL AUDITOR

2-166 External Auditor.

The City Council shall contract with a certified public accounting firm to perform an annual external audit of the financial records of the City. Such certified public accounting firm shall have at least ten years experience of auditing at least five different cities or townships in the State of Michigan. Such external auditor shall be selected through a request for proposal or other formal bid process in accordance with the criteria identified in this section. The City Council may choose to offer a contract for at least one year and not more than five years in its solicitation request. Such solicitation shall be made at some reasonable time between January 1 through February 28 and a selection shall be made by March 15. A Finance Committee of the City Council comprised of three members shall meet with the external auditor before the external audit is commenced and at the conclusion of the external audit. The Mayor and Finance Director shall fully cooperate with the external auditor. Failure of the Mayor or Finance Director to cooperate with the external auditor shall be deemed a misdemeanor, subject to a penalty of 90 days in jail or a \$500 fine or both upon conviction.

DIVISION 6. DEPARTMENT OF PUBLIC WORKS

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 of City-owned property, 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) Cemeteries, their construction, maintenance, and operation;
- (7) Parks and recreational facilities, their construction, maintenance, and operation;
- (8) 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;

- (9) Traffic engineering, the maintenance, installation or removal and operation of traffic control devices and determination for need for issuance of traffic control orders;
- (10) Issuance of permits for construction in rights-of-way and inspection of such construction;
- (11) Preparation of petitions for special assessments;
- (12) The use of and activities pertaining to the City's parks, recreation facilities and community centers;
- (13) Facilities for the disposal of and systems for the collection of garbage, rubbish, refuse, and waste matter, their construction, maintenance, and operation.
- (14) Such other additional public works functions as may from time to time be authorized by the Mayor or by ordinance;

2-192 Director.

There shall be a Director of the Department of Public Works (DPW Director) whose appointment and compensation shall be in accord with the procedures provided for in the Charter. The Director of the Department of Public Works shall have a master's degree in architecture, business administration, community development, engineering, political science, or public administration and at least three years experience in the administration of a department of public works or contract administration. In lieu of a master's degree, the Director of the Department of Public Works may have a bachelor's degree and at least five years experience working in a municipal department of public works during which time he shall have had administrative responsibilities. The Director shall be responsible for ensuring that all of the duties and responsibilities of the Department identified in the Code of Ordinances are executed in a fair and legal manner. The Director shall be responsible for administering all contracts in which services are provided to the City that assist the Director in fulfilling the responsibilities of his position. The Director may hire such number of full-time, part-time, or seasonal employees as the City budget shall authorize to assist him in fulfilling the responsibilities of his position.

2-193 Deputy Director.

There may be a deputy director of the department of public works whose appointment and compensation shall be in accord with the procedures provided for in the Charter. The Deputy Director of the Department of Public Works shall be considered the Chief Assistant Director of the Department of Public Works. The Deputy Director of the Department of Public Works shall have a bachelor's degree in architecture, business administration, community development, engineering, political science, or public administration and at least three years experience in the administration of a department of public works or contract administration. In lieu of a bachelor's degree, the Deputy Director of the Department of Public Works may have a high school diploma and at least ten years experience working in a municipal department of public works, of which five shall have had administrative responsibilities.

2-194 City Engineer.

There shall be a City Engineer whose appointment shall be made by the Director with the consent of the Mayor and compensation shall be in accord with the procedures provided for in the Charter. The City Engineer shall have a master's degree in engineering and at

least three years experience in civil engineering. In lieu of a master's degree, the City Engineer shall have a bachelor's degree in engineering and at least five years experience in civil engineering. The City Engineer shall be a licensed engineer in the State of Michigan at the time of hire. In lieu of hiring a City Engineer as an employee, the Director may choose to designate a civil engineering firm as City Engineer. If a firm is selected, such firm shall have a contract with the City that clearly designates the responsibilities of the firm and the rates the firm will charge the City.

B. Sections 42-36 through 42-40 of the Code of Ordinances shall be repealed in their entirety.

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. Publication

The Clerk shall publish this Ordinance in a newspaper of general circulation.

Section 6. Effective Date

This Ordinance shall be effective ten days after date of adoption.