

August 26, 2013

**Official Proceedings
Pontiac City Council
223rd Session of the Eighth Council**

A Special Meeting of the City Council of Pontiac, Michigan was called to order in City Hall, Monday, August 26, 2013 at 6:07 P.M. by President Lee Jones.

Invocation by Jonathan

Moment of Silence

Pledge of Allegiance

Roll Call

Members Present: Carter, Jones, Pietila, and Waterman

Absent: Deputy Mayor Glass, Donald Watkins, G. Williams and K. Williams.

Clerk announced a quorum.

13-168 **Excuse Councilmembers Donald Watkins, G. Williams and K. Williams.**
Moved by Councilperson Waterman and supported by Councilperson Pietila.

Ayes: Carter, Jones, Pietila, and Waterman.

No: None

Motion Carried

G. Williams arrived at 6:10 P.M.

Recognition of Elected Official-State Representative Tim Greimel

K. Williams arrived at 6:15 P.M.

There were 14 individuals who addressed the body during public comments.

D. Watkins arrived at 6:32 P.M.

Deputy Mayor glassed arrived at 7:00 P.M.

13-169 **Edit the Resolution know as Agenda Item # 1.**
Moved by Waterman and supported by Pietila.

August 26, 2013

Ayes: Carter, Jones, Pietila, Waterman, Watkins, G. Williams, K. Williams.

No: None

Motion Carried

13-170 **Add the Language of City Administrator to Line Three of Paragraph two of the Resolution.** Moved by Councilperson Pietila and supported by Councilperson Waterman.

Ayes: Carter, Jones, Pietila, Waterman, Watkins, G. Williams, and K. Williams.

No: None

Motion Carried

13-171 **Resolution Concerning Executive Order S-334.** Moved by Councilperson G. Williams and Supported by Councilperson Carter.

WHEREAS, The City Council of Pontiac, Michigan has declared the existence of an emergency with respect to the need to authorize and clarify, Order No. S-334 Rectification of Financial Emergency under Act 436 of 2012; and,

WHEREAS, The City Council of Pontiac, Michigan that P.A. 436 references to finance matters does not supersede the Home Rule Charter, during a transition from Emergency Financial Manager (EFM), Emergency Manager (EM) and the City Administrator period from the date of August 19, 2013; and,

WHEREAS, The people of the City of Pontiac hereby provide for the establishment and continuation of their Municipal Government as set forth in the Home Rule Charter (Section 1.101 City Government); and,

WHEREAS, The City possesses the home rule powers and all other powers conferred by the Michigan Constitution and Law, the specific mention of a particular power in the Charter shall not be construed in favor of the city (1.103 General Powers);and,

(b) Upon introduction, the Clerk shall distribute a copy to each Council member and to the Mayor and shall file a reasonable number of copies in the office of the City Clerk and such other public places as the Council may designate, and shall publish a summary of the proposed ordinance in a newspaper of general circulation in the city together with a notice of the time and place for consideration by the Council; Thereafter, the Council may amend and adopt the proposed ordinance without further pre-adoption publication; and,

(c) The adoption of any ordinance by the Council shall require a majority of Council members serving; and,

(d) An emergency ordinance, which shall contain a statement of its urgency, must be necessary for the immediate preservation of the public peace, property, health, safety or for the usual daily operation of a department. An emergency ordinance may be adopted on the

August 26, 2013

day it is introduced, publication of a summary thereof before adoption is not required, and an emergency ordinance may be given immediate effect (3.112 Ordinance Procedure); and,

WHEREAS, The City Council of Pontiac, Michigan is acknowledging an emergency exists, because the actions taken by the Emergency Financial Manager is in violation of PA 436 Section 141.1563, which is the definition of the Receivership Transition Advisory Board (see attachment); and,

WHEREAS, The City Council of the City of Pontiac, Michigan determined that:

- (a) It is in the interest of the citizens of the City of Pontiac and the State of Michigan that there is a clear orderly transfer of executive duties, and responsibilities the term of office of the Mayor, and that there be an orderly transfer for the Legislative duties and responsibilities of this Council; and,
- (b) Orderly transitions in the offices of the Mayor and Council must be accomplished to assure continuity in the execution of the laws, and in the conduct of the executive and legislative affairs of this local government; and,
- (c) Clear consistent language is required to prepare for the official duties and responsibilities of the Mayor, Council, Law Office and EM; and,
- (d) The failure to provide clear consist communication has caused a disruption in the continuity of the execution of the laws, and in the conduct of executive and legislative affairs of this local government; and,

WHEREAS, potential violation of the Home Rule Charter; and,

WHEREAS, potential violation of the Open Meetings Act; and,

WHEREAS, potential violation of P.A. 436; and,

WHEREAS, this document exercise the full authority of the Pontiac City Council to put on notice to the EM, Mayor of Pontiac, Michigan and other agents of the State to **Cease and Desist immediately; and,**

WHEREAS, The City of Pontiac Home Rule Charter May 3rd, 1982 **Section 6.302 Emergency Rules** in the case of an Emergency Declared in writing by the Mayor or Council may be given effect for a period not to exceed **60 days; and,**

NOW, THEREFORE, BE IT RESOLVED, That the Pontiac City Council of the City of Pontiac, Michigan adopts this Emergency Declared Resolution.

August 26, 2013

BE IT FURTHER RESOLVED, That the Council of the City of Pontiac, Michigan determines that the circumstances enumerated in this document constitutes emergency circumstances, making it necessary that the Emergency Declared Resolution will go into effect immediately after the first reading.

Ayes: Carter, Jones, Pietila, Waterman, Watkins, G. Williams, and K. Williams.

No: None

Motion Carried.

Mayor Jukowski, Deputy Mayor Glass, Councilman G. Williams, Councilman Carter, Councilman Watkins, Councilman K. Williams, and Councilperson Pietila, President Pro Tem Waterman and President Jones made closing comments. City Clerk Sherikia Hawkins had no comment.

13-172 **Adjournment.** Moved by Councilperson G. Williams and supported by Councilperson Pietila.

Ayes: Carter, Jones, Pietila, Waterman, Watkins, G. Williams and K. Williams

No: None

Motion Carried

Meeting Adjourned at 8:02 p.m.

SHERIKIA HAWKINS
CITY CLERK