

OFFICE OF THE CITY CLERK



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FOR IMMEDIATE RELEASE:

Commencement of the Mayor's Term of Office, following the November 8, 2022 General Election, Pursuant to the Flint City Charter

The current City Charter, which went into effect in 2018, changes long-standing practices in the City of Flint regarding when a newly elected mayor's term of office begins. Previously, a newly elected mayor took office almost immediately after the general election. However, the current charter includes several changes to when the term of office for Mayors begins.

In particular, §4-102 now states that, "[c]ommencing with the election in 2022 as provided in §9-102, which governs Mayoral terms until 2022, the Mayor shall serve for a period of four (4) years **commencing at 12 o'clock noon on Monday following the regular certification of the gubernatorial general election** and shall serve in that office until the next general gubernatorial election and until a successor is elected and qualified." As referenced in §4-102, §9-102(B) asserts that the mayor's term "shall begin at 12 o'clock noon on the Monday following the certification of election and those elected shall continue serve in those offices until the next gubernatorial election and until a successor is selected and qualified."

§4-102 thus contains more specific language than §9-102. Under the Michigan law, if two provisions address the same subject, the more specific language controls over the general language.¹ Such provisions are also read *in para materia* – the provisions must be compared, interpreted, and implemented in harmony.² As a result, the two provisions must be read in a manner where both sections – in particular the more specific requirements of §4-102 – are satisfied.

As a result, when §4-102 and §9-102 of the Flint City Charter are read together, the Flint mayor who is elected on November 8, 2022 will take office on the Monday following the certification of the *gubernatorial* election. Moreover, under state law, it is the duty of the **Board of State Canvassers** to certify the governor's election results.³ MCL 168.841(1). Once the Board of State Canvassers certifies the results of the governor's race, the Mayor-elect's term of office will commence at noon on the first Monday following that certification.

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¹ *People v Buehler*, 477 Mich 18, 26; 727 NW2d 127 (2007).

² *Nowell v Titan Ins Co*, 466 Mich 478, 483; 648 NW2d 157 (2002).

³ MCL §168.841(1).

ARTICLE 4 – EXECUTIVE BRANCH

Sec. 4-101 MAYOR.

The Mayor is the Chief Executive Officer of the City of Flint and shall have such powers and duties as are granted by State law and this Charter.

Sec. 4-102 TERM OF OFFICE.

Commencing with the election in 2022 as provided in §9-102, which governs Mayoral terms until 2022, the Mayor shall serve for a period of four (4) years commencing at 12 o'clock noon on Monday following the regular certification of the gubernatorial general election and shall serve in that office until the next general gubernatorial election and until a successor is elected and qualified.

Sec. 4-103 OBLIGATION OF LEADERSHIP.

The Mayor shall take care that the laws be enforced and shall recommend to the City Council from time to time proposals for dealing with the problems of the City of Flint. At least once a year, the Mayor shall present at the State of the City Address to the City Council and to the public-at-large.

Sec. 4-201 CITY ADMINISTRATOR.

The City Administrator shall be appointed by the Mayor with the approval by City Council in accordance to § 1-501 and shall serve at the will of the Mayor.

Sec. 4-202 EXECUTIVE STAFF.

The Mayor shall, in accordance with law appoint five (5) executive staff, including the City Administrator appointed in accordance with § 1-501, who shall serve at the will of the Mayor.

Sec. 4-203 EXECUTIVE DEPARTMENTS.

A. The City shall create the following executive departments:

1. The Law Department, which shall be headed by the City Attorney.
2. The Department of Human Resources, which shall be headed by the Human Resources Director.
3. The Department of Finance, which shall be headed by the Chief Financial Officer.

ARTICLE 9 – TRANSITION

Sec. 9-101 EFFECTIVE DATE OF CHARTER.

Except as otherwise provided in this Article, this Charter shall become effective for all purposes on January 1, 2018.

Sec. 9-102 ELECTION FOR MAYOR AND COUNCIL MEMBERS.

- A. The first primary and general election for Mayor shall be in 2019 at the time set by statute for City primaries and general elections in the odd numbered years. And, the first term for Mayor shall be for 3 years. Subsequent terms shall be four years, and elections commencing in 2022 shall be with the gubernatorial elections.
- B. Commencing in 2022, the term shall begin at 12 o'clock noon on the Monday following the certification of election and those elected shall continue serve in those offices until the next gubernatorial election and until a successor is elected and qualified.
- C. Commencing in 2022, pursuant to §9.102 of this Charter, the voters of the City shall elect a Mayor in a primary election and general election to be held upon the same dates as the State of Michigan primary election and the general election in which the voters of the state normally elect a Governor for a four-year term.
- D. The first primary and general election for Council shall be in 2021 at the time set by statute for City primaries and general elections in the odd numbered years. And the first term for Council Members shall be for 5 years. Subsequent terms shall be four years and elections, commencing in 2026, shall be with the gubernatorial elections.
- E. Commencing in 2026, the voters of the City shall elect a Mayor and City Council members in a primary election and general election to be held upon the same dates as the State of Michigan primary election and general election in which the voters of the state normally elect a Governor for a four-year term, and continuing thereafter.
- F. The City Council shall adopt, in 2021, a resolution required to switch to even numbered year elections as authorized by MCL 168.642 and 168.642a.

Sec. 9-201 ADJUSTMENT IN BUDGET.

The first Mayor and City Council elected under this Charter shall have the authority to make any necessary adjustments to the budget then in force.

Sec. 9-202 COMPENSATION OF COUNCIL MEMBERS.

If the Ethics and Accountability Board determines that there has been a failure to adopt the ordinance and resolutions required by this Charter, then the Ethics and Accountability Board may cause the Council's compensation to be placed in escrow