

**Charter of the
City of Caseville, Michigan**

**CHARTER OF THE
CITY OF CASEVILLE, MICHIGAN**

PREAMBLE

We the people of the City of Caseville, pursuant to the authority granted by the Constitution and laws of the State of Michigan and in accordance with Public Act 279 of 1909 as amended, in order to secure the benefits of local self-government and to provide for a Council-Mayor form of government, and do hereby ordain and establish this Charter and confer upon the City the following powers, subject to the following restrictions, and prescribed by the following procedures and governmental structure. By this action, we provide for local government responsive to the will and values of the people, securing the benefits of home rule, increasing citizen participation, improving efficiency and providing for a responsible and cooperative government.

CHAPTER 1

NAME AND BOUNDARIES OF CITY

Section 1.1 Name.

The Municipal Corporation now existing and known as the Village of Caseville, as its limits are now or may hereafter be established, shall be and continue as a Municipal corporation under the Home Rule Cities Act (MCL 117.1 et seq.) of the State of Michigan and shall be known by the name “City of Caseville”.

Section 1.2 Boundaries.

The City shall include the territory constituting the “Village of Caseville” as described in the record kept by the Office of the Great Seal on the effective date of this Charter, together with such annexations and less such detachments as may subsequently be made. Upon annexation or detachment of territory, the boundaries shall be deemed changed without amendment of this section. The Clerk shall maintain and keep available in the Clerk’s Office for public inspection the official description and a map of the current boundaries of the City.

CHAPTER 2

MUNICIPAL POWERS

Section 2.1 General Powers.

The City shall have all powers and immunities possible for a city to have under the constitution and laws of the State of Michigan as fully and completely as though they were specifically enumerated in this Charter.

Section 2.2 Exercise of Powers.

The City and its officers shall have power and immunities to exercise all municipal powers in the management and control of municipal powers, municipal property, and administration of the municipal government, whether such powers be expressly enumerated herein or not; to do any act to advance the interests of the City, the good government and prosperity of the municipality and its inhabitants; and, through its regularly constituted authority, to pass and enforce all ordinances and resolutions relating to its municipal concerns, subject to the provisions of the Constitution and laws of the United States of America, the Constitution and statutes of the State of Michigan and this Charter.

Section 2.3 Further Definition of Powers.

The City Council shall have power to create and establish any commission, committee or board as may be necessary or desired.

Section 2.4 Intergovernmental Relations.

The City shall have the power to join with any governmental unit or agency, by contract or otherwise as may be permitted by law, to have performed jointly, or by one or more of them for or on behalf of the other or others, or by any other person, firm or corporation, any function which is permitted to be so performed by law by such governmental unit or agency, including but not limited to police, fire, emergency services and public utility services as permitted by law.

Section 2.5 Construction.

The powers of the City under this Charter shall be construed liberally in favor of the City, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power granted by law or in this chapter.

CHAPTER 3

ORGANIZATION OF GOVERNMENT

Section 3.1 Form of Government.

The City shall have a Council-Mayor form of government with six (6) Council members elected at-large and one (1) Mayor elected at-large.

Section 3.2 City Council.

There shall be a Council consisting of six (6) Council members and a Mayor. The Council is the legislative and governing body of the City and shall have power and authority conferred to it by the Constitution, the Home Rule Cities Act and other enabling acts and legislation adopted by the State, except as otherwise provided in this Charter or by law, to exercise all powers conferred upon or possessed by the City, and shall have the power and authority to adopt such ordinances and resolutions as it shall deem proper in the exercise thereof. The word "Council" when used in this Charter shall be synonymous with the word "Commission" or any other term used in any State or Federal law in referring to a municipal legislative or governing body.

Section 3.3 Qualifications.

The members of the Council shall meet the eligibility requirements as set forth in Section 5.1 of this Charter. The Council shall be the sole judge of the election and qualifications of its own members.

Section 3.4 Compensation for Mayor and Council Members.

The compensation of the Mayor and the Council members shall be as herein set forth until otherwise changed by ordinance. Each Council member shall receive fifty dollars (\$50.00) per meeting of the Council and fifty dollars (\$50.00) per committee meeting attended to which Council has appointed them a member. The Mayor shall receive fifty dollars (\$50.00) per meeting of the Council and fifty dollars (\$50.00) for each committee meeting he attends. All ordinances determining compensation shall be adopted after a roll call vote.

Such compensation shall be paid monthly and except as otherwise provided in this Charter shall constitute the only compensation which may be paid the Mayor or Council member for the discharge of any official duty for or on behalf of the City during their tenure of office. However, the Mayor and Council members may, upon order of the Council, be paid such necessary bona fide expenses incurred in service on behalf of the City as are authorized and itemized.

Section 3.5 Duties of the Mayor.

A. Insofar as required by statute, and for all ceremonial purposes, the Mayor shall be the Chief Executive Officer of the City, and shall be the presiding officer of the Council and shall have a voice, but not a vote, in all proceedings of the Council, provided, however, that the Mayor shall vote in the case of a tie in the proceedings of the Council. He or she shall have no veto power. The Mayor shall be a nonvoting member of all committees appointed by Council.

B. The Mayor shall be a conservator of the peace. The Mayor may exercise within the City the powers conferred upon sheriffs to suppress riot and disorder as granted by law and shall have authority to command the assistance of all able-bodied citizens, and to aid in the enforcement of the ordinances of the City and to suppress riot and disorder.

C. The Mayor shall execute or authenticate by his or her signature such instruments as the Council, this Charter, or any statutes of the State of Michigan or laws of the United States shall require.

D. Except as may be required by statute, the Mayor shall exercise only such powers as this Charter or the Council shall specifically confer upon the Mayor.

E. In the absence or disability of the Mayor, the Mayor Pro Tem shall perform the duties of the Mayor. In the absence or disability of both, an acting Mayor shall be elected by the Council from its own members to perform such duties.

Section 3.6 Election of Mayor Pro Tem.

The Council shall at its first meeting following each regular City election elect one (1) of its members to serve as Mayor Pro Tem for a term to coincide with the Mayor's two-year term of office. While acting as Mayor, he or she shall be subject to the same restrictions as apply to the Mayor. The Council shall fill any vacancy in the office of Mayor Pro Tem.

Section 3.7 Administrative Service.

The administrative officers of the City shall be the City Clerk, the Attorney, the Treasurer and the Assessor. The Council may by resolution or ordinance create additional administrative officers, including an Office Administrator or City Manager, the Police Chief, the Fire Chief and the Superintendent of Public Works and may combine any administrative offices to the extent permitted by law in any manner it deems necessary or advisable for the proper and efficient operation of the City.

The Council at the first meeting following the general election shall appoint such administrative officers as it deems necessary in the proper administration of the City government and shall set their compensation in accordance with provisions as set forth in Section 5.8 of this Charter and subject to adjustment thereafter as determined by Council, except that of the Assessor and Attorney, who may be paid by retainer, or according to the time spent and work done, plus such necessary bona fide expenses incurred for their services on behalf of the City.

The Council shall appoint all administrative officers of the City for an indefinite period. Such officers shall serve at the will of the Council.

Except as may be otherwise required by statute or this Charter, the Council shall establish by ordinance such departments of the City as it deems necessary or advisable and shall prescribe therein the functions of each department and the duties, authorities and responsibilities of the officers of each department.

All personnel employed by the City who are not elected officers of the City or administrative officers or deputies by or under the authority of this Charter shall be deemed to be employees of the City. The head of each department shall have the power to hire, suspend or discharge the employees of his or her department with confirmation by the Council. Any employee who has been discharged may within ten (10) days thereafter petition the Council to hear the facts regarding such discharge, and in any such case the Council may, at its own discretion, hold a hearing and inquire into such facts and make such decision as it considers proper.

Section 3.8 Office Administrator or City Manager: Functions and Duties.

The Council shall have the authority to appoint an Office Administrator or City Manager. This administrator shall be a person appointed by, serve at the pleasure of and be responsible to Council to perform the following duties:

A. Have the responsibility for day-to-day operations of the City, except for those functions of other administrative officers prescribed by this Charter, the Council, ordinances, and resolutions or by law.

B. Be liaison for Council to commissions, boards, authorities and other organized components of the City and shall be a representative of the Council with other governments.

C. Be the chief financial officer if so authorized by Council.

D. Serve as the purchasing agent of the City.

E. Be the personnel officer of the City, with specific responsibilities as may be provided by ordinance or resolution.

Section 3.9 Attorney: Functions and Duties.

The Attorney, appointed by Council for an indefinite period, shall be responsible to and serve at the pleasure of the Council. Council shall set the Attorney's compensation. The functions and duties of the Attorney shall include:

A. Act as legal advisor to, and be attorney and counsel for, the Council, Mayor, all administrative officers, including but not limited to City Departments, Committees, Commissions, Boards and Authorities unless such representation is determined to be incompatible or in conflict of interest with Council and shall be responsible solely to the Council.

He or she shall advise any administrative officer or department head of the City in matters relating to his or her official duties when requested, and shall reduce such opinion to written form when requested by Council and file a copy of all written opinions with the Clerk.

B. Prosecute such ordinance violations and shall conduct for the City such cases in Court and before other legally constituted tribunals as the Council may request. He or she shall file with the Clerk copies of such records and files relating thereto as the Council may direct.

C. Prepare or review all ordinances, contracts, bonds and other written instruments that are submitted by the Council and shall promptly give an opinion as to the legality thereof.

D. Call to the attention of the Council all matters of law, and changes or developments therein, affecting the City.

E. Perform such duties as may be prescribed by this Charter or by the Council.

F. Cooperate with the Council at all times and shall provide such information and reports and perform such duties as are requested by the Council as long as they are not inconsistent with the duties of the office as herein provided.

G. Upon recommendation of the Attorney, or upon its own initiative, the Council may retain special legal counsel to handle any matter in which the City has an interest, or to assist and counsel with the Attorney thereon.

H. Comply with the Michigan Rules of Professional Conduct of the Michigan Supreme Court.

I. The compensation set by the Council for the Attorney shall be in contemplation of the normal duties of that office. Special compensation may be provided at the discretion of the Council to the Attorney or a special legal counsel if circumstances so warrant.

Section 3.10 Clerk: Functions and Duties.

The City Clerk shall be appointed by, be responsible to, and serve at the pleasure of Council. The functions and duties of the Clerk shall be as follows:

A. Be the Clerk of the Council and shall attend all meetings of the Council and shall keep a permanent journal of its proceedings in the English language.

B. Be custodian of the City Seal, and shall affix it to all documents and instruments requiring the Seal, and shall attest the same; he or she shall be custodian of all papers, documents, and records pertaining to the City, the custody of which is not otherwise provided for.

C. Certify by his or her signature all resolutions and ordinances enacted by the Council.

D. Be responsible, unless assigned by ordinance to another officer, i.e. Treasurer, for maintaining the system of accounts of the City, which shall conform to any uniform system required by law and to generally accepted principles and procedures of government accounting; he or she shall make quarterly financial statements to the Council, or such earlier periods as may be required by the Council.

E. Have power to administer oaths of office.

F. Keep and maintain the qualified voter registration records for the City and conduct all elections in the City in accordance with Michigan election law.

G. Keep the legislative journal and all records in the English language and keep a uniform system of accounts as provided for by Michigan State law.

H. Perform such other duties as may be prescribed for him or her by this Charter or by the Council.

Section 3.11 Treasurer: Functions and Duties.

The Treasurer shall be appointed by, be responsible to, and serve at the pleasure of Council. The functions and duties of the Treasurer shall be as follows:

A. Have the custody of all moneys of the City, any bonds pertaining solely to the Clerk, unless provided otherwise by ordinance, and all evidences of indebtedness belonging to the City or held in trust by the City.

B. Collect all moneys of the City, the collection of which is not provided for elsewhere by this Charter or ordinance. He or she shall receive from other officers and employees of the City all money belonging to and receivable by the City that may be collected by such officers and employees, including fines, license fees, taxes, assessments and all other charges. In all cases, a receipt will be given.

C. Keep and deposit all moneys or funds in such manner and only in such places as the Council may determine and shall report the same in detail to the Clerk.

D. Disburse all City funds in accordance with the provisions of statute, this Charter and procedures to be established by the Council.

E. Have such powers, duties and prerogatives in regard to the collection and custody of State, County, school district and City taxes upon real and personal property as are conferred by statute.

F. Perform such other duties as may be prescribed for him or her by law, this Charter or by resolution or ordinance of the Council.

G. The Council may, in the event that an ordinance establishing the office of City Manager is enacted, assign to the City Manager all of the duties herein set forth for the Treasurer, and thereafter the City Manager shall also be the City Treasurer.

Section 3.12 Assessor: Functions and Duties.

The Assessor shall be appointed by, be responsible to and serve at the pleasure of the Council. The Assessor shall possess all the powers vested in, and shall be charged with all the duties imposed upon, assessing officers by statute. He or she shall prepare all regular and special assessment rolls in the manner prescribed by this Charter, by ordinance and by statute. He or she shall perform such other duties as may be prescribed for him or her in this Charter or by resolution or ordinance of the Council.

He or she shall meet all qualifications required by the State of Michigan.

Section 3.13 Police Department, Police Chief.

The Council shall have the authority to maintain within the administrative divisions of the City, a City police force to enforce all laws and ordinances that are in force in the City and to preserve peace and good order in the City. The Chief of Police shall be appointed by the Council and shall be solely responsible to and serve at the pleasure of the Council. He or she shall be the executive officer of the Police Department and shall administer the department under policies, rules and regulations established by this Charter, the Council or by law.

Section 3.14 Fire Department, Fire Chief.

The Council shall have the power to enact such ordinances and to establish and enforce such regulations as it shall deem necessary to guard against the occurrence of fires in the City and to protect the property and persons of the inhabitants of the City against damage and accident resulting therefrom. For this purpose the Council may establish, organize and maintain, within the administrative division of the City, a Fire Department or join with other adjacent communities in the establishment and operation of joint fire authority, fire district or other cooperative fire venture as permitted by law. If the Council chooses to operate a City Fire Department, it shall be run by a Fire Chief appointed by Council. Said Fire Chief shall be responsible to and serve at the pleasure of the Council.

Section 3.15 Department of Public Works, Superintendent.

The Council shall have the power to appoint a Superintendent of Public Works who will be responsible to Council and serve at its pleasure. The Superintendent of Public Works shall be in charge of streets, alleys and public rights of way, places and property, and shall supervise and manage all utilities and public works and services of the City. He or she shall perform such other duties as may be prescribed by Council.

Section 3.16 Independent Boards and Commissions.

The Council may create such entities as may be needed in addition to those heretofore identified for the public health, safety and welfare, including quasi-judicial boards of appeals as set by law. Such other boards and commissions shall serve for indefinite periods of time unless their terms are set by statute and shall serve without compensation unless otherwise provided by Council.

Section 3.17 Deputy Administrative Officers.

The Clerk, the Treasurer and the Assessor may appoint their own deputies subject to the approval by Council, and may terminate the status of their deputies at their pleasure, upon the approval of Council. Such deputies shall possess all the powers and authorities of their superior officers except as the same may be from time to time limited by their superior or by Council.

Section 3.18 Planning and Zoning.

The Council shall maintain a City Planning Commission and Zoning Board of Appeals in accordance with and having the powers and duties granted by the provisions of state statute relating to such commissions. The Council shall maintain a zoning ordinance in accordance with the provisions of state statute relating to such ordinances.

CHAPTER 4
ELECTIONS

Section 4.1 Election Districts; Voting Precincts.

The City shall constitute one ward with one voting precinct, except that the Council may by ordinance establish additional precincts as permitted by law.

Section 4.2 Polling Places.

The Council shall fix the location of the polling places.

Section 4.3 Qualification of Electors.

The residents of the City having the qualifications of electors in the State of Michigan who have registered to vote as city residents shall be electors of the City.

Section 4.4 Nonpartisan Elections.

The election of all city officers shall be on a non-partisan basis.

Section 4.5 Election Procedures and Notice.

The general election statutes of the State of Michigan shall apply to and control all procedures relating to city elections including qualification of electors, establishment of precincts, verification of petitions, registration of voters and voting hours. The Clerk shall give public notice of each city election in the same manner as is required by law for the giving of public notice of general elections in the state.

Section 4.6 Regular and Special Election Dates.

A regular City election shall be held on the first Tuesday following the first Monday in November in each odd-numbered year, commencing with year 2011 A D. (See Chapter 15 TRANSITION, Section 15.5 "First Election ".)

Special Elections shall be held on dates permitted by state and federal election laws. Special elections may be approved by resolution of Council at least sixty (60) days in advance of such election or such number of days as set by state or federal law. Any resolution calling for a special election shall set forth the purpose of the election. The Council shall not call more special elections within any year than the number permitted by law.

Section 4.7 Elective Officers and Terms of Office.

The elective officers of the City shall be the Mayor and six (6) Council members, one (1) of which shall be appointed by the Council at its first meeting as Mayor Pro Tem. Three (3) Council members shall be elected at each regular election, plus any additional council members required to fill any existing vacancies on Council. All terms shall commence at 12:00 noon on the Monday following the election or such later date as the certified canvas of voters is filed with the Michigan Secretary of State and the Huron County Clerk. The term of the Mayor shall be for two (2) years. The term of a Council member shall be four (4) years.

Section 4.8 Nominations, Notice and Form.

Prior to each regular City election and any special election to fill vacancies in city offices, the Clerk shall publish a notice setting forth the deadline for filing nominating petitions, which is 4 p.m. on the 12th Tuesday before the election, and the number of persons to be elected to each office.

The method of nomination of the elective officers shall be by petition signed by not less than fifteen (15) qualified registered electors of the City. No person shall sign a greater number of petitions for candidates for office than the number of persons to be elected thereto. The signatures, if they bear the same date, shall not be counted upon any petition, and if they bear different dates, shall be counted in order of their priority of date for only so many candidates as there are persons to be elected.

The form of petition shall be the form designated by the Secretary of State for the nomination of nonpartisan officers. The Clerk shall provide and maintain a supply of official petition forms.

Section 4.9 Filing of Petition.

All candidates shall comply with the filing requirements of MCL 168 558 as amended. The Clerk shall accept only nomination petitions which conform with the forms provided and maintained by the Clerk, and which, considered together, contain the required number of valid signatures for candidates having those qualifications required for the respective elective city offices by this Charter.

Section 4.10 Approval of Petitions.

The Clerk shall forthwith after the filing of a petition, notify in writing any candidate whose petition is then found not to meet the requirements of this Charter, but the failure to notify any candidate shall in no way prevent a final determination that the petition does not meet such requirements.

The City Clerk, with whom Nominating petitions are filed, may examine the petitions and investigate the validity and genuineness of signatures appearing on the petitions. The City Clerk may check the signatures against registration records. The City Clerk shall make a determination as to the sufficiency or insufficiency of the petitions upon completion of the examinations or investigations, and shall make an official declaration of the findings. A person feeling aggrieved

by the determination has the same rights of review as in case of a determination by the County Clerk.

The names of the candidates who file valid and sufficient nomination petitions shall be certified by the Clerk to the Election Commission to be placed upon the ballot for the next subsequent regular city election or the next special election for the filing of vacancies in office, as the case may be.

Section 4.11 Public Inspection of Petitions.

All nomination petitions shall be open to public inspection in the office of the Clerk.

Section 4.12 Election Commission Creation, Composition, Duties and Compensation.

An Election Commission is hereby created, consisting of the City Clerk and two (2) qualified registered electors, appointed annually by Council no less than forty-five (45) days prior to the first election held during the year. The Commissioners shall be in charge of all activities and duties required of them by state law and this charter. Council shall determine the compensation of the Commissioners if any, in advance of their appointments. The Clerk shall be the chairperson. In any case where election procedure is in doubt, the Election Commission shall prescribe the procedure to be followed.

Section 4.13 Election Inspectors.

The Election Commission shall, before each election, appoint for each precinct of the City a Board of Inspectors of election consisting of not less than three (3) qualified electors as provided in state election law. Council shall fix their compensation.

Section 4.14 Notice of Elections.

Notice of the time and place of holding any City election and of the officers to be elected and the questions and propositions to be voted upon shall be given by the Clerk as provided in the State Election Law for the giving of notice by City Clerks.

Section 4.15 Voting Hours.

The polls of all elections shall be opened and closed at the time set by statute for the opening and closing of polls for State elections.

Section 4.16 Form of Ballot.

The form, printing and numbering of ballots or the preparation of voting equipment used in any city election, shall conform to that set by statute, except that no party designation or emblem shall appear. In all city elections, the names of qualified candidates for each office shall be listed under a separate heading and shall be rotated systematically in the manner prescribed by statute for rotation of names. If two (2) or more candidates for the same office have the same or similar surnames, the provisions of MCL 168.696(3) as amended shall apply. Except as provided in this section, there shall be no supplementary identification of candidates on the ballot.

Section 4.17 Absentee Ballots.

The electors of the City shall be entitled to vote by absentee ballots at any city election as provided by law.

Section 4.18 Canvas of Votes.

Each city election shall be canvassed in accordance with the then applicable provisions of the Michigan Election Law of 1954 as amended.

Section 4.19 Recount.

A recount of the votes cast at any City election for any office or any proposition may be had in accordance with election statutes. Unless otherwise required by statute, (1) a recount petition shall be filed with the County Clerk by four o'clock in the afternoon on the sixth full day after the Board of Canvassers has made its official report, (2) any counter petition shall be filed within 48 hours after filing of the original recount petition MCL 168.868(2).

Section 4.20 Recall.

Any elected official may be recalled from office by the electors of the City in the manner provided by statute. A vacancy created by such recall shall be filled in the manner prescribed by statute.

Section 4.21 Tie Vote.

If, at any City election, two or more candidates running for office receive an equal number of votes, the Board of Canvassers shall name a date for the appearance of such persons for the purpose of determining the election by lot as provided by State law. Should any person or persons fail or refuse to appear, in person or by representative, to determine the result of any tie election at the time and place named by the Board of Canvassers, such determination shall be made by lot in their absence and under the supervision of the County Clerk. Such determination shall, in any event, be final.

Section 4.22 Purity of Election: Lawful and Unlawful Acts.

All laws of the State of Michigan now in force or hereinafter enacted relating to the purity of elections, and as to what are lawful and what are unlawful acts, shall apply to all elections held under this charter.

CHAPTER 5

GENERAL PROVISIONS REGARDING OFFICERS AND PERSONNEL OF THE CITY

Section 5.1 Eligibility for Office in the City.

No person shall hold any elective office of the City unless he or she is a qualified registered elector of the City and has been a resident of the City for at least one year immediately prior to the last day for filing petitions for such office and throughout the tenure of office. All administrative officers shall be citizens of the United States. No person shall be eligible to assume any elective or appointive city office who is in default to the City. The holding of office by any person who is in default shall create a vacancy unless such default shall be eliminated within thirty (30) days after written notice thereof has been served at his or her last address by the Clerk upon the direction of Council, or, unless, said person contests his or her liability for the default in a court of competent jurisdiction. No elective officer shall be appointed as an administrative officer or in any way be employed by the City during the term of office for which elected.

Section 5.2 Residence Requirements for Appointive Officers.

All appointed officers must become residents of the City within ninety (90) days after entering upon the duties of the office to which they were appointed and shall remain residents of the City during their tenure of office, unless specifically excused by state statute. Upon the two-thirds majority vote of the Council, residency requirements for any administrative officer may be excused. From and after the effective date of this Charter, except as provided in MCL 15.602, Council may require that any newly hired employee or administrative official to reside within twenty (20) miles or other specified distance set by Council, from the nearest boundary of the City. The City Attorney or the Assessor need not be a resident of the City.

Section 5.3 Vacancies in Office.

The office of any elected official shall be declared vacant by the Council before the expiration of the term of such office:

- A. For any reason specified by law or by this Charter as creating a vacancy in office;
- B. If no person is elected to, or qualifies for, the office at the election at which such office is to be filled;
- C. If the person holding the office shall be found guilty by a court of competent jurisdiction of a felony or a tribunal of any act constituting misconduct in office under the provisions of state law or this Charter;
- D. If a person is removed by the Governor of the State of Michigan;

E. If a person shall miss four consecutive regular meetings of the Council or twenty-five percent of such meetings in any fiscal year of the City, unless such absence shall be excused by the Council and the reason therefore entered in its proceedings at the time of each absence. Failure to answer the roll call, or leaving before adjournment, shall be deemed as absence from such meeting, unless excused.

If a person is removed from office by the Council in accordance with the provisions of Section 5.4, the office shall be declared vacant. For filling such vacancies see Section 5.6.

Section 5.4 Removals from Office.

Removal of Council members, including the Mayor and members of boards or commissions created by or pursuant to this Charter, by the Council, shall be made for any of the following reasons: (1) for any reason specified by statute for removal of City officers by the Governor; (2) for any act declared by this Charter to constitute misconduct in office, or (3) for any reason specified by law or this charter creating a vacancy. Removals by the Council shall be made only after a hearing of which such officers have been given notice by the Clerk at least ten (10) days in advance either personally or by delivering the same at his or her last known place of residence. Such notice shall include a copy of the charges against such officer. The hearing shall afford an opportunity to the officer, in person or by attorney, to be heard in his or her defense, to cross-examine witnesses and to present testimony. If such officer shall neglect to appear at such hearing and answer charges, his or her failure to do so may be deemed cause for his or her removal. A majority vote of the members of the Council in office at the time, exclusive of any member whose removal is being considered, shall be required for such removal.

Section 5.5 Resignations.

Resignations of elective and appointive officers shall be made in writing and filed with the Clerk and shall be acted upon by the Council at its next regular meeting following receipt by the Clerk.

Section 5.6 Filling of Vacancies.

A. Vacancies in office appointed by the Council shall be filled in the manner provided for the original filing of such office.

B. Except in the case of recall, the council shall fill a vacancy in an elective City office by appointment of a qualified, registered elector within thirty (30) days from the date the vacancy was created. The appointment shall be for the balance of the Term if within thirty (30) months of the expiration of the term. If the unexpired term exceeds thirty (30) months, the appointee shall hold office only until the first council meeting following the date of the next regular city election, at which election the office shall be filled for the remainder of the Term.

If any such vacancy in any elected office is not so filled within thirty (30) days, or if three (3) or more vacancies exist simultaneously in the position of Councilmember, the Clerk shall within ten (10) days thereafter call a special election to be held at least sixty (60) days, thereafter to fill such vacancies for the unexpired terms of the officers whose offices have become vacant.

Notwithstanding the foregoing, no vacancy in an elective office shall be filled in any manner if the term of office of the person whose office has become vacant expires within ninety (90) days after the vacancy occurs.

Section 5.7 Change in Terms of Office or Compensation.

Except by procedures provided in this Charter, the terms of the Mayor and Council members and members of boards or commissions appointed for a definite term shall not be shortened or extended beyond the period for which the officer was elected or appointed, except that a Mayor and/or Council member shall, after his or her term has expired, continue to hold office until his or her successor is elected or appointed and has qualified.

Section 5.8 Compensation of Employees and Officers.

The compensation of all employees and officers of the City whose compensation is not provided for herein shall be fixed by the Council within the limits of budget appropriations.

No officers shall be paid on a fee basis except as provided for in Section 3.7. The respective salaries and compensation of officers and employees as fixed pursuant to this Charter shall be in full for all official services of such officers or employees and shall be in lieu of all fees, commissions and other compensation receivable by such officers or employees for their services.

Any such fees, commissions and other compensation shall belong to the City and shall be collected and accounted for by such officers or employees, paid into the City Treasury, and a statement thereof filed periodically with the Clerk.

Nothing contained in these sections shall prohibit the payment of necessary bona fide expenses incurred in service on behalf of the City by any of its officers or employees.

Section 5.9 Oath of Office and Bond.

Every officer, elective or appointive, before entering upon the duties of office shall take the oath of office prescribed for public officers by the Constitution and shall file the oath with the Clerk, together with any bond required by law, this Charter or the Council. In case of failure to comply with the provisions of this section within ten (10) days from the date of notification in writing of election or appointment, such officer shall be deemed to have declined the office and such office shall thereupon become vacant unless the Council shall, by resolution, extend the time in which such officer may qualify.

Section 5.10 Surety Bonds.

Except as otherwise provided in this Charter, all officers of the City, a substantial portion of whose duties involve the custody or the handling of public funds, either by way of receipt or disbursement or both, and all other officers and employees so required by the Council, shall, before they enter upon the duties of their respective offices, file with the City an official bond, in such form and amounts as the Council shall direct and approve. Such official bond of every

officer and employee shall be conditioned that said official employee will faithfully perform the duties of his or her office, and will on demand deliver over to his or her successor in office, or other proper officer or an agent of the City, all books, papers, moneys, effects and property belonging thereto, or appertaining to the office, which may be in his or her custody as an officer or employee; and such bonds may be further conditioned as the Council prescribes. The official bond of every officer whose duty it may be to receive or pay out money, besides conditions as above required, shall be further conditioned that he or she will, on demand, pay over or account for to the City or any proper officer or agent thereof, all monies received by him or her as such officer or employee. The requirements of this paragraph may be met by the purchase of one or more appropriate blanket surety bonds covering all or a group of City employees and officers.

All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the City. All bonds of all officers or employees shall be filed with the Clerk, except that any bond pertaining solely to the Clerk shall be filed with the Treasurer. In the event the Treasurer and Clerk are one and the same person, the bond shall be filed with the Mayor.

Section 5.11 Delivery of Office.

Whenever any officer or employee shall cease to hold such office or employment for any reason whatsoever, he or she shall, within five (5) days, or sooner on demand, deliver to his or her successor in office or to his or her superior all the books, papers, moneys and effects in his or her custody as such officer or employee. Any officer or employee violating this provision may be proceeded against in the same manner as public officers or employees, as the case may be, generally for a like offense under law. Any officer or employee found guilty of violating this provision by a court of competent jurisdiction may be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not to exceed ninety (90) days, or both, at the discretion of the Court.

Section 5.12 Employee Benefits.

The Council shall have the power to make available to the administrative officers and employees of the City a retirement or pension system and any recognized standard plan of group life, hospital, health or accident insurance, including any other benefits as determined by Council.

Section 5.13 Nepotism.

The following relatives of the Mayor, Councilmember, City Manager (if any), or a spouse thereof shall not be appointed to any City office or employed by the City during a term for which any of said persons was elected or appointed, namely: a child, step-child, grandchild, parent, in-law, stepparent, grandparent, brother, sister, half-brother, half-sister or the spouse thereof, unless the members of the Council in office at the time shall unanimously determine that the best interests of the City will be served by the employment of said individual. This section shall in no way disqualify any of the above who are bona fide, appointed officers or employees of the City at the time of the election or appointment of said elective official or City Manager.

Section 5.14 Merit System.

The Council may provide for a merit or civil service system for City employees.

CHAPTER 6

THE COUNCIL: PROCEDURES, MISCELLANEOUS POWERS AND DUTIES

Section 6.1 Meetings of the Council.

A. **Open Meetings Act:** All meetings of the City Council shall be held in compliance with the Open Meetings Act (1976 PA 267, MCL 15.261 to 15.275).

B. **Regular Meeting:** The Council shall provide by resolution for the time and place of its regular meetings and shall hold at least one (1) regular meeting each month. If any time set for the holding of a regular meeting of the Council shall be a holiday, then the regular meeting shall be held on the next day which is not a Saturday, Sunday or a City holiday. At the first Council meeting in January, Council shall establish its meeting schedule for that calendar year and shall cause an appropriate schedule thereof to be posted within ten (10) days on the bulletin board or other suitable public location within the City Hall.

C. **Special Meeting:** Special meetings of the Council shall be called by the Clerk on the written request of the Mayor or of any two (2) members of the Council, with notice designating time, place and purpose of any meeting and served personally or left at Council member's usual place of residence by the Clerk or someone designated by him or her at least eighteen (18) hours prior to the meeting. Public notice shall be given in accordance with the Michigan Open Meetings Act. Notwithstanding the foregoing requirements for the calling of special meetings, any special meeting of the Council at which all members of the Council are present or have in writing waived the requirement that notice be given at least eighteen (18) hours prior to the time specified for the holding of such meeting, and at which a quorum of the Council is present, and which has been publicly noticed in accordance with the Michigan Open Meetings Act, shall be a legal meeting. No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting, unless all elected members present and not present at such meeting consent to such additions.

D. **Emergency Meeting:** An Emergency Meeting of City Council may be called by the Mayor or any two (2) of the following: Office Administrator, City Manager or any Council Member.

E. **Quorum:** Four (4) members of the Council (other than the Mayor) shall be a quorum for the transaction of business at all meetings of the Council, but, in the absence of a quorum, the Mayor or any two (2) members may adjourn any regular or special meeting to a later date, and in the absence of all members, the Clerk may adjourn any meeting for not longer than one (1) week.

F. **Majority Vote:** A majority of four (4) votes is required to adopt any action of City Council.

G. **Rules:** The Council shall determine its own rules and order of business and shall keep a journal of all of its proceedings in the English language, which shall be signed by the

Mayor and the Clerk. The vote upon the passage of all ordinances, and upon the adoption of all resolutions, shall be taken by “yes” and “no” votes unless otherwise required by law, and entered upon the record, except that where the vote is unanimous, it shall only be necessary to so state. Each member of the Council who shall be recorded as present shall vote on all questions decided by the Council unless excused by the unanimous vote of the other members present.

H. **Compelling Attendance:** The Council may, by a vote of a majority of its members present, compel the attendance of its members and other officers of the City at its regular and special meetings. Any member of the Council or other officers who when so notified of such a request for attendance fails to attend such meeting for reason other than confining illness, shall be deemed guilty of misconduct in office unless excused by the unanimous vote of the remaining members present. The Mayor shall enforce orderly conduct at meetings and any Council member or other officer who shall fail to conduct himself or herself in an orderly manner at any meeting shall be deemed guilty of misconduct in office.

I. **Conflict of Interest:** No member of the Council nor the Mayor shall vote on any question in which he or she has a financial interest, other than the common public interest, on any question concerning his or her own conduct, or any other matter considered to be a conflict of interest by state law, but on all other questions each member present shall vote when his or her name is called unless excused by the unanimous vote of the remaining members present. Any member refusing to vote, except when not so required by this paragraph, shall be guilty of misconduct in office.

J. **Tie Vote:** Any vote by Council that results in a tie that is not broken by the vote of the Mayor shall be deemed a vote against the matter being voted upon.

K. **Freedom of Information Act / Minutes:** The minutes and records of all regular and special meetings of the Council shall be made available to interested persons in accordance with applicable provisions of the Michigan Freedom of Information Act.

Section 6.2 Investigation.

The Council, or any person or committee authorized by it for the purpose, shall have the power to inquire into the conduct of any department, office or officer of the City and to make investigations as to Municipal affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers or other evidence. Failure on the part of any officer of the City to obey such subpoena or failure to produce books, papers or other evidence as ordered under the provisions of this section shall constitute misconduct in office. If such failure shall be on the part of any officer or employee of the City, the same shall constitute a misdemeanor, the violation of which is punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not to exceed ninety (90) days, or both, at the discretion of the court.

Council has the right to go to Circuit Court to compel the disclosure or production of documents.

CHAPTER 7

CITY LEGISLATION

Section 7.1 Ordinances, Resolutions, Motions and Orders.

All official action of the Council shall be by ordinance, resolution, motion and order. Action by resolution, motion or order shall be limited to matters required or permitted to be done by this Charter or State or Federal laws or pertaining to the internal affairs or concerns of the City government. All acts of the Council carrying a penalty for the violation thereof shall be by ordinance. Each ordinance shall be identified by a short title and serial number.

The style of all ordinances shall be “The City of Caseville Ordains:”

All ordinances, resolutions, rules and regulations of the Village of Caseville which are consistent with the provisions of this Charter and which are in full force and effect on the effective date of this Charter shall continue in full force and effect until amended or repealed.

Section 7.2 Enactment, Amendment, Repeal and Effective Date of Ordinances.

A. Ordinances may be enacted by the affirmative vote of not less than a majority of members of the Council unless otherwise stated in this Charter.

B. No ordinance shall be amended or repealed except by an ordinance adopted as aforesaid.

C. The effective date of all ordinances shall be prescribed therein, but the effective date shall not be earlier than publication thereof.

D. No ordinance shall be amended by reference to its title only, but the revised sections of the ordinance, as amended, shall be enacted and published in full or in summary form. However, an ordinance or section thereof may be repealed by reference to its title and ordinance number only.

E. No ordinance shall be adopted at the same meeting it is introduced, except for emergency ordinances.

F. All ordinances, when enacted, shall be immediately recorded by the Clerk in a book called “The Ordinance Book,” and it shall be the duty of the Mayor and Clerk to authenticate such record by their official signatures thereon.

G. An emergency ordinance may be enacted only to meet a public emergency affecting peace, health, safety or welfare of persons or property. It may be enacted only at a duly noticed regular or special meeting.

- (i) An emergency ordinance may be given immediate effect upon publication by posting copies thereof in three (3) public places in the City. The emergency ordinance should thereafter be published pursuant to Section 7.3.
- (ii) An emergency ordinance shall not be in effect for more than sixty (60) days, and shall expire at the end of that period unless sooner enacted as a non-emergency ordinance, amended or repealed.
- (iii) An emergency ordinance may not levy taxes; grant, renew or extend a franchise; or regulate the rate charged by any public utility for its service.

Section 7.3 Publication of Ordinances.

Each ordinance passed by the Council shall be published in full or summary form pursuant to law, at least once within fifteen (15) days after adoption by the Council. Council may direct that a synopsis of the ordinance be published in place of the entire ordinance with a notice in the publication that a complete copy of the ordinance is available for public use and inspection in the office of the City Clerk. All ordinances of the City shall become effective immediately upon the publication thereof, unless a date upon which an ordinance shall become effective, which is subsequent to the date of publication thereof, is specifically provided in the ordinance itself or by state law.

The publication of any ordinance, after its final passage as part of the published proceedings of the Council shall constitute publication of such ordinance as required here. The Clerk shall enter in the Ordinance Book after the publication of each ordinance the date and method of publication, which shall be prima facie evidence of such publication, but the failure to record and authenticate such ordinance shall not invalidate it or suspend its operations.

Section 7.4 Penalties.

The Council may provide in any ordinance for the punishment of those who violate its provisions. Said punishment may be either for a civil infraction or misdemeanor violation. The punishment may not exceed the maximum fines and imprisonment permitted by law for both.

Section 7.5 Special Procedure to Vote on Certain Council Actions.

A. Action to vacate, discontinue or abolish any highway, street, alley or other public place, or part thereof, shall be by resolution. After the introduction of such resolution and before its final adoption, the Council shall hold a public hearing thereon and shall publish notice of such hearing at least one (1) week prior thereto.

B. The following actions shall require the affirmative vote of a majority of five (5) members of the Council for the effectiveness thereof:

- 1. Vacating, discontinuing or abolishing any highway, street, lane, alley or other public place or part thereof;

2. Leasing, selling or disposing of any City owned real estate or interest therein;
3. Condemning private property for public use;
4. Creating or abolishing any office;
5. Reconsidering or rescinding any vote of the Council.

Section 7.6 Technical Codes.

To the extent authorized by MCL 117.3(k) or other applicable law, the may adopt a law, code or rules that have been promulgated and adopted by a department, board or other authorized agency of the state, or by an organization or association that is organized and conducted for the purpose of developing codes, by reference to the law, code or rules in the adopting ordinance. The purpose of the law, code or rules shall be clearly identified in the ordinance. The ordinance, or a summary of the ordinance, shall be published. A sufficient number of copies shall be available in booklet form for public inspection or distribution at cost.

Section 7.7 Severability of Ordinances.

Unless an ordinance shall expressly provide to the contrary, if any portion of an ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the ordinances which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determined by the Court to be inoperable, and to this end ordinances are declared to be severable.

Section 7.8 Compilation.

A. Copies of all ordinances enacted and amendments to the City Charter adopted after the effective date of this Charter shall be available at the office of the Clerk.

B. Within two (2) years after the adoption of this Charter, and at least once every ten (10) years, the Council shall direct and complete the compilation or codification and the publication of the Charter and all ordinances of the City then in force, in loose-leaf or pamphlet form, and may provide for a reasonable charge for copies thereof. No further publication of any such compilation or codification shall be required for the validity thereof. In case the compilation or codification of the ordinances of the City shall have been maintained current and up-to-date during any ten-year period, no recompilation or re-codification of the ordinances of the City shall be required during or at the end of such period.

C. The copies of ordinances and of any compilation, code, or codes referred to in this Charter may be certified by the Clerk, and when so certified, shall be competent evidence in all courts and legally established tribunals as to the matters contained therein.

Section 7.9 Prosecution of Violations.

Prosecution for violation of the City ordinances shall be commenced not more than two (2) years after the commission of the offense, and shall be brought in the appropriate district court. That court may hear, try and determine all causes and actions arising under those ordinances of the City and inflict punishment for violation of those ordinances as provided in the ordinances.

Section 7.10 Initiative and Referendum.

Other than as to matters of the City's annual budget and property tax levy which are to be determined by Council, an ordinance may be initiated by petition or a referendum on an enacted ordinance may be made by a petition as hereinafter provided.

Section 7.11 Petitions.

An initiatory or referendary petition shall be signed by not less than ten percent (10%) of the registered electors of the City as of the date of the last City election, and all signatures on said petitions shall be obtained within sixty (60) days before the date of filing the petition with the Clerk. Any such petition shall be addressed to the Council and may be the aggregate of two (2) or more petition papers identical as to contents and simultaneously filed by one (1) person. An initiatory petition shall set forth in full the ordinance it proposes to initiate, and no petition shall propose to initiate more than one (1) ordinance. A referendary petition shall identify the ordinance, or part thereof it proposes to have repealed.

Each signer of a petition shall sign his or her name and shall place thereon after his or her name the date and his or her place of residence by street and number or by other customary designation. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereon, and that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant. Such petition shall be filed with the Clerk who shall, within fifteen (15) days, canvas the signatures thereon. If the petition does not contain a sufficient number of signatures of registered electors of the City, the Clerk shall notify forthwith the person filing such petition, and fifteen (15) days from such notification shall be allowed for the filing of supplemental petition papers. When a petition with sufficient signatures is filed within the time allowed by this section, the Clerk shall present the petition to the Council at its next regular meeting.

Section 7.12 Council Procedure.

Upon receiving an initiatory or referendary petition from the Clerk, the Council shall, within thirty (30) days, either: A. If it be an initiatory petition, adopt the ordinance as submitted in the petition or determine to submit the proposal to the electors of the City; or B. If it be a referendary petition, repeal the ordinance to which the petition refers or determine to submit the proposal to the electors of the City.

Section 7.13 Submission to Electors.

Should the Council decide to submit the proposal to the electors, it shall be submitted at the next election held in the City for any other purpose, or in the discretion of the Council, at a special election. The result shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by the Constitution or laws of the State of Michigan.

Section 7.14 Ordinance Suspended.

The certification by the Clerk of the sufficiency of a referendary petition within sixty (60) days after the passage of the ordinance to which such petition refers shall automatically suspend the operation of the ordinance in question pending repeal by the Council or final determination by the electors as the case may be. An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed by the Council for a period of one (1) year after the date of the election at which it was adopted. Should two (2) or more ordinances, adopted at the same election, have conflicting provisions, the ordinance receiving the highest affirmative vote shall prevail as to those provisions.

CHAPTER 8

GENERAL FINANCE

Section 8.1 Fiscal Year.

The fiscal year of the City shall begin on the first day of July and end on the 30th day of June of the following year.

Section 8.2 Budget Procedure.

On or before the first Council meeting in April, each administrative officer, City Board or Commission and department head shall submit to the appropriate committee an itemized estimate of the program and expenditures for the next fiscal year for the department or activities under his, her or their control. The committee shall review the document, make modifications as deemed necessary and submit it to the Clerk by the first Council meeting in May. The Clerk shall prepare a complete itemized budget proposal for the next fiscal year and submit it to the Council at its first meeting in June.

Section 8.3 Budget Document.

The budget document shall present a complete financial plan for the upcoming fiscal year. It shall include at least the following information:

A. Detailed estimates and supporting documentation of all proposed expenditures for each department, office, board, commission and program of the City showing the expenditures for corresponding items for the current and last preceding fiscal year, with reasons for increases and decreases recommended, as compared with appropriations for the current year.

B. Statements of the bonded and other indebtedness of the City, showing the debt redemption and interest requirements, the debt authorized and unissued, and the condition of sinking funds, if any.

C. Detailed estimates with supporting explanations and documentation of all anticipated income of the City from sources other than taxes and borrowing, with a comparative statement of the amounts received by the City from each of the same or similar sources for the last preceding and current fiscal year.

D. A statement of the estimated balance or deficit, as the case may be, for the end of the current fiscal year.

E. An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which, together with income from other sources, will be necessary to meet the proposed expenditures and commitments of the City government during the ensuing year.

F. Such other supporting schedules as the Council may deem necessary.

G. Such other information as required by applicable state law including MCL 141.421 et seq., as amended.

H. A five-year capital improvement plan.

Section 8.4 Budget Hearing.

Before its final adoption, a public hearing on the budget proposal shall be held as provided by law. Notice of the time and place of holding such hearing shall be published by the clerk in a newspaper having general circulation in the City at least one (1) week in advance thereof or as permitted by law. A copy of the proposed budget shall be on file and available to the public during office hours at the Office of the Clerk for a period of not less than one (1) week prior to such public hearing.

Section 8.5 Adoption of Budget.

Not later than the first regular monthly meeting in June, the Council shall, by resolution, adopt a budget for the next fiscal year and shall appropriate the money needed for Municipal purposes during such year and shall by resolution provide for a levy of the amount necessary to be raised by taxes upon real and personal property for municipal purposes subject to the limitations contained in Section 9.2.

Section 8.6 Transfer of Appropriations.

No money shall be drawn from the Treasury of the City nor shall any obligation for the expenditure of money be incurred, except pursuant to the budget appropriations. The Council may transfer any unencumbered appropriation balance, or any portion thereof, from one department, fund or agency to another except for funds or accounts required to be segregated by contract or law. Subject to restrictions or imposed or permitted by law, the balance in any appropriation that has not been encumbered at the end of the fiscal year shall revert to the General Fund.

Section 8.7 Budget Control.

A. No money shall be drawn from the Treasury of the City except in accordance with an appropriation thereof for such specific purposes, nor shall any obligation for the expenditure of money be incurred without an appropriation covering all payments which will be due under such obligation in the current fiscal year. Council, by resolution, may transfer any unencumbered appropriation balance, or any portion thereof, from one account, department, fund or agency to another except for funds or accounts required to be segregated by contract or law. Notwithstanding the provisions of Subsection B and D, Council shall not incur a deficit during any fiscal year that is not eliminated by the end of the fiscal year.

B. Council may make additional appropriations during the fiscal year for unanticipated expenditures required by the City, but such additional appropriations shall not exceed the amount by which actual and anticipated revenues of the year are exceeding the revenues as estimated in the budget.

C. Except in those cases where there is no other logical account to which expenditures can be charged, expenditures shall not be charged directly to the contingency fund (or similar fund). Instead, the necessary part of the appropriation from the contingency fund (or other similar fund) shall be transferred to the logical account, and the expenditure charged to such account.

D. At the beginning of each quarterly period during the fiscal year, and more often if required by the Council, the administrative officers, department heads and the City's Boards and Commissions shall submit to Council data showing the relation between the estimated and actual revenues and expenditures to date; and if it shall appear that the revenues are less than anticipated, Council shall reduce appropriations except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the revenue.

E. The balance in any budget appropriation that has not been encumbered at the end of the fiscal year shall, subject to restrictions imposed or permitted by law, revert to the General Fund.

F. The City shall establish a system of accounts that conforms to a uniform system of accounting as required by law.

Section 8.8 Depository.

Council shall designate the depository or depositories for City funds in accordance with law, and shall provide for the regular deposit of all City moneys by the Treasurer, under the direction of City Council or City Administrative Officer pursuant to a written investment policy approved by the Council.

Section 8.9 Investments.

Surplus funds may be invested in any matter permitted by law, pursuant to a written investment policy approved by the Council.

Section 8.10 Independent Audit and Annual Report.

An independent audit shall be made of all accounts of the City government at least annually and more frequently if deemed necessary to Council. Such audits shall be made by a qualified certified public accountant to be selected by Council.

The Clerk or other designated officer shall prepare an annual report of the affairs of the City after completion of the annual audit. The report shall include financial statements showing the results

of all City operations. Copies of such report(s), after approval by the Council, shall be made available for public inspection at the Office of the Clerk.

The Council shall provide the funds to defray the cost of the annual audit and the report herein required in each annual budget of the City.

CHAPTER 9

TAXATION

Section 9.1 Power to Tax.

The City shall have power to assess, levy and collect taxes, rents, tolls and excises. The subjects of ad valorem taxation shall be the same as for state, county and school purposes under general law. Except as otherwise provided by this Charter, city taxes shall be levied, collected and returned in the manner provided by law.

Section 9.2 Tax Limits.

Exclusive of any levy for the payment of principal of and interest on outstanding general obligation bonds approved in accordance with the Constitution of 1963, Article 9, Section 6, and exclusive of any other levies authorized by law to be made beyond charter tax rate limitations, the levy of ad valorem taxes for general municipal purposes shall not exceed two percent (2%) or twenty (20) mils of the taxable value of all real and personal property in the City. For purposes of this section, taxable value is that value determined under Section 27a of the General Property Tax Act, 1893 Public Act 206, MCL 211.27a or as may be from time to time amended.

Section 9.3 Exemptions.

No exemptions from taxation shall be allowed except as expressly required or permitted by law.

Section 9.4 Tax Day.

Subject to the exceptions provided or permitted by statute, the taxable status of persons and property shall be determined as of the 31st day of December, or such other day as may subsequently be required by law, which shall be deemed Tax Day.

Section 9.5 Assessment Roll.

The assessor shall place a value, in accordance with state law, upon all real and personal property in the City and, prior to the date of the first meeting of the Board of Review, make and certify an assessment roll of all persons and property in the City liable to taxation, in the manner and form provided in the general tax law of the State.

Section 9.6 Board of Review.

A. The Board of Review is hereby created and composed of three (3) residents who are electors of the City, and have been a resident of the city for at least twelve (12) months immediately prior to their date of appointment.

B. The members of the Board of Review shall be appointed by the Council and may be removed for reasons of nonfeasance or misfeasance by the vote of five (5) members of Council. All members shall be appointed within one month after the effective date of this charter.

The term of the first appointee shall expire January 31, 2011 ; the term of the second appointee shall expire January 31, 2012; and the term of the third appointee shall expire January 31, 2013. Thereafter, one (1) member shall be appointed in the month of January each year for a term of three (3) years, commencing on the following February 1 . The Council shall fix the compensation of the members of the Board.

C. The Board shall, annually, on the first day of its meeting, select one of its members as the chairperson for the ensuing year. The Assessor shall be the Clerk of the Board of Review and shall be entitled to be heard at its sessions, but shall not have a vote on any proposition or question.

D. The filing of a nominating petition for any elective office of the City by a member of the Board of Review shall constitute that member's resignation from the Board of Review.

Section 9.7 Duties and Functions of the Board of Review.

For the purpose of revising and correcting assessments, the Board of Review shall have the same powers and perform like duties in all respects as are conferred by law and required of Boards of Review in Townships except as otherwise provided in this Charter. It shall hear the complaints of all persons considering themselves aggrieved by assessment, and if it shall appear that any person or property has been wrongfully assessed or omitted from the rolls, the Board shall correct the roll in such manner as it deems just. In all cases the roll shall be reviewed according to the facts existing on the Tax Day and no change in the status of any property after that day shall be considered by the Board in making its decision. Except as otherwise provided by law, no person, other than the Board of Review, shall make or authorize any change upon or addition or correction to the assessment roll. It shall be the duty of the Assessor to keep a permanent record of all the proceedings of the Board and to enter therein all resolutions and decisions of the Board. Such proceedings shall be filed in the Office of the Clerk.

Section 9.8 Notice of Meetings.

Notice of the time of the sessions of the Board of Review shall be published in a newspaper of general circulation by the Assessor at least ten (10) days prior to the meeting.

Section 9.9 Meetings of the Board of Review.

The Board of Review shall convene their meeting in accordance with statute each year to review and correct the assessment roll and shall remain in session for not less than two (2) days. Two (2) of its members shall constitute a quorum. On or before the first Monday in April the Board of Review shall endorse the assessment roll as provided hereafter.

Section 9.10 Certification of Roll.

The Board of Review shall endorse the assessment roll as provided by statute. Such roll shall be the assessment roll of the city for all tax purposes.

Section 9.11 Certification of Assessment Roll.

Immediately after the review of the assessment roll the secretary of the Board of Review shall file the assessment roll with the assessor and the County.

Section 9.12 Clerk to Certify Tax Levy.

Within three (3) days after Council has adopted the budget for the ensuing year, the Clerk shall certify to the Assessor the total amount that Council determines shall be raised by the general ad valorem tax. He or she shall also certify all amounts of current or delinquent special assessments and all other amounts which Council requires or orders to be assessed, reassessed, or charged upon said roll against any property or any person in accordance with the provisions of this Charter or any ordinances of the City.

Section 9.13 City Tax Roll.

The Assessor shall prepare a copy of the assessment roll, to be known as the City Tax Roll, and upon receiving the certification of the several amounts to be raised, the Assessor shall spread upon said tax roll the several amounts determined by Council to be charged, assessed, or reassessed against persons or property. He or she shall also spread thereon the amounts of the general ad valorem city tax according to and in proportion to the several valuations set forth in said assessment roll.

Section 9.14 Tax Roll Certified for Collection.

After spreading the taxes the Assessor shall certify the tax roll, and shall annex his or her warrant thereto, directing and requiring the Treasurer to collect from the persons named in said roll the several sums mentioned therein opposite their respective names as a tax, charge, or assessment, and granting to him or her, for the purpose of collecting the taxes, assessments and charges of such roll, all the statutory powers and immunities possessed by city treasurers for the collection of taxes under the general laws of the state.

Section 9.15 Tax Lien.

On July 1st of each year the taxes thus assessed shall become a debt due to the City from persons to whom assessed. The amount of all personal property taxes and all interest and charges thereon shall become a lien on all personal property of such persons so assessed. Such lien shall take precedence over all other claims, encumbrances, and liens to the extent provided by law and shall continue until such taxes, interest and charges are paid.

Section 9.16 Taxes Due Notification Thereof.

City taxes shall be due on December 1st of each year. The Treasurer shall not be required to call upon persons named in the city tax roll nor make personal demand for payment of taxes, but shall:

A. Publish between November 15th and December 1st notice of the time when said taxes will be due for collection and of the penalties and fees for the late payment thereof; and

B. Mail a tax bill to each person named in said roll. In cases of multiple ownership of property, only one (1) bill need be mailed. Failure on the part of the Treasurer to publish said notice or mail such bills shall not invalidate such taxes on said tax roll nor release the person or property assessed from the penalties and fees provided in this chapter in case of late or nonpayment of same.

Section 9.17 Collection of City Taxes; Administrative Fee; Lien.

City taxes shall be due December 1st, and payable without penalty and interest on or before February 14th of each year. An administrative fee may be added to all taxes paid to the Treasurer by resolution of Council. Said fee shall not exceed one percent (1 %) of the total bill or whatever limit is set by law.

Section 9.18 Collection Charges on Late Payment of Taxes.

No penalty or interest shall be charged for City Taxes paid on or before the 14th day of February. Council shall provide, by ordinance, the tax payment schedule for taxes paid after February 14th. The amount of penalty, collection fees and interest charges, if any, to be paid thereafter shall not exceed the limit allowed by statute. Such charges shall belong to the City and constitute a charge and shall be a lien against the property to which the taxes apply, collectible in the same manner as the taxes to which they are added.

Section 9.19 Unpaid Real Property Taxes; Collection of Delinquent Taxes.

If the Treasurer has been unable to collect any of the city taxes on the roll for real property before the first day of March, or such other date as may be established by statute, following the date when said roll was received by him or her, the Treasurer shall submit the delinquent tax roll and report on real property to the County Treasurer.

All delinquent taxes, including charges and assessments herein before provided, shall be collected in the same manner as other taxes and returned to the County Treasurer in accordance with the provisions of the general laws of the state, and shall be and remain a lien upon the property against which they are assessed until paid.

Section 9.20 Failure or Refusal to Pay Personal Property Tax.

If any person, firm, or corporation shall neglect or refuse to pay any personal property tax assessed to him or them by March 1, the Treasurer shall collect the same by seizing the personal properties of such person, firm or corporation, in an amount sufficient to pay such tax, penalties, fees and charges for subsequent sale, wherever the same may be found in the state, and from which seizure no property shall be exempt. The Treasurer may sell the property seized to an amount sufficient to pay the taxes, penalties, fees and all charges in accordance with statutory provisions. The Treasurer may, if otherwise unable to collect a tax on personal property, sue the person, firm or corporation to whom it is assessed in accordance with the statute.

Section 9.21 Personal Property — Jeopardy Assessment.

If the Treasurer finds or reasonably believes that any person, who is, or may be, liable for taxes upon personal property, the taxable situs of which was in the City on Tax Day, intends to depart or has departed from the City; or to remove or has removed from the City personal property which is, or may be, liable for taxation; or intends to conceal or conceals self or property; or does any other act tending to prejudice, or to render wholly or partly ineffectual the proceedings to collect such tax, the Treasurer shall proceed to collect the same as a jeopardy assessment in the manner provided by law.

Section 9.22 Protection of City Lien.

The City shall have power, insofar as the exercise thereof shall not conflict with or contravene the provisions of any general law of the State, to acquire by purchase any premises within the City at any tax or other public sale, or by direct purchase from the State of Michigan or the fee owner, when such purchase is necessary to protect the lien of the City for taxes or special assessment, or both, on said premises and may hold, lease or sell the same solely for the purpose of securing therefrom the amount of such taxes or special assessments, or both, together with any incidental expenses incurred in connection with the exercise of this power. Any such procedure exercised by the City in the protection of its tax lien shall be deemed to be for a public purpose.

Section 9.23 State, County and School Taxes.

The levy, collection and return of state, county and school taxes shall be in conformity with the general laws of the state.

CHAPTER 10

SPECIAL ASSESSMENTS

Section 10.1 General Power Relative to Special Assessments.

The Council shall have the power to determine the necessity of any local improvement and to determine that a whole or part of its expense shall be defrayed by special assessment upon property so benefited by the improvement in a special district and shall so declare by resolution which shall state the estimated cost of the improvement, what proportion of the cost thereof shall be paid by special assessment, and what part, if any, shall be a general obligation of the City, the number of installments in which assessments shall be levied and whether the assessments shall be based upon special benefits, frontage, area, valuation or other factors permitted by law, or a combination thereof. The Council shall also have the power of reassessment with respect to any such public improvement.

Section 10.2 Detailed Procedure to be Fixed by Ordinance.

The Council shall prescribe by ordinance the complete special assessment or reassessment procedure governing the initiation of projects, preparation of plans and cost estimates, notice of hearings on necessity and on confirmation of the assessment rolls, making and confirming of the assessment rolls, correction of errors, the collection of special assessments, and any other matters concerning the making and financing of improvements by special assessment subject to the provisions of applicable law. A complete and detailed record of all bonds and other evidences of indebtedness issued by the City and funded by special assessments shall be kept by the Treasurer or other designated officer.

Section 10.3 Assessment Lien.

Upon the confirmation of each special assessment roll, the special assessments shall become a debt to the City from the persons to whom they are assessed, and each annual installment becoming due shall until paid be a lien upon the property assessed for the amount of such assessment and all interest and charges thereon. Such lien shall be of the same character and effect as created by the Charter for City taxes.

Section 10.4 Contested Assessments.

No suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of any special assessment unless (1) the special assessment is protested at the council hearing held for the purpose of confirming the special assessment roll; and (2) unless such suit or action shall be commenced within thirty-five (35) days after confirmation of the roll, or such other period required by law.

Section 10.5 Deferred Payment.

Council may provide by ordinance for the deferred payment of special assessments.

CHAPTER 11

BORROWING POWER

Section 11.1 General Power.

Subject to the applicable provisions of state law, the City may borrow money for any purpose within the scope of its powers, and as otherwise provided by law, and may issue bonds or other evidence of indebtedness therefore. Such bonds or other evidence of indebtedness shall include, but not be limited to:

A. General obligation bonds, which pledge the full faith and credit of the City for payment thereof.

B. Special assessment bonds which are issued in anticipation of the payment of special assessments for public improvements in a special assessment district or combination thereof, which bonds may be either an obligation solely of the special assessment district or districts, or both an obligation of such district and a general obligation of the City.

C. Revenue bonds as authorized by law.

D. Mortgage bonds for the acquiring, owning, purchasing, constructing, improving or operating of any public utility which the City is authorized by law to finance in this manner, or for such other purposes as may be authorized by law.

E. Tax anticipation notes as authorized by law.

F. Calamity bonds or loans issued in case of fire, flood or other calamity as authorized by law.

G. Bonds for the City's share of the cost of local improvements, which bonds may be issued as part of, or independently of, any issue of special assessment bonds that are issued for the same improvement or improvements.

H. Bonds for refunding the indebtedness of the City.

I. Budget bonds as authorized by law.

J. Time-purchase contracts as authorized elsewhere herein, to the extent that the same are considered to be debts.

K. Bonds issued in anticipation of future payments from the motor vehicle highway fund or any other fund of the State which the City may be permitted by law to pledge for the payment of principal and interest thereof.

L. Any other form of borrowing as permitted by law.

Section 11.2 Limits of Borrowing Powers.

A. The net bonded indebtedness incurred for all public purposes shall not at any time exceed ten percent (10%) of the assessed value of all real and personal property in the City or the maximum amount permitted by law; provided, that in computing such bonded indebtedness, there shall be excluded money borrowed which by law, does not constitute an indebtedness of the City within any constitutional or statutory debt limitation or which is permitted by law to be

in excess of the limitation. This includes special assessment bonds, even though they are a general obligation of the City, mortgage bonds, revenue bonds, bonds in anticipation of state-returned revenues to the extent permitted by law, and any other bonds or indebtedness excluded by law from such limitation. The amount of funds accumulated for the retirement of any outstanding bonds shall also be deducted from the amount of bonded indebtedness.

B. No bonds shall be sold to obtain funds for any purpose other than that for which they were specifically authorized, and if such bonds are not sold within the time limited by law, such authorization shall be null and void.

C. The issuance of any bonds not requiring the approval of the electorate shall be subject to applicable requirements of law with reference to public notice in advance of authorization of such issues, filing of petitions for a referendum on such issuance, holding such referendum, and other applicable procedural requirements.

Section 11.3 Approval of Electors.

General obligation bonds (except bonds for the City's portion of those public improvements which are to be paid for in part by special assessment) issued under the authority of Section 11.1A and mortgage bonds issued under the authority of Section 11.1D shall be issued only with the approval of a majority of the electors voting thereon at any general or special election, except for such general obligation bonds which the council is authorized by specific statute to issue without an approving vote of the electors.

The issuance of any bonds even if not otherwise requiring the approval of the electors shall be subject to applicable requirements of statute with regard to public notice in advance of the authorization of such issues, filing petitions for a referendum on such issuance, holding of such referendum and other applicable procedural requirements.

Section 11.4 Use of Borrowed Funds.

Each bond or other evidence of indebtedness shall contain on its face a statement of the purpose for which the same is issued and no officer of the City shall use the proceeds thereof for any other purpose, except that whenever the proceeds of any bond issue, or a part thereof, remain unexpended and unencumbered for the purpose for which said bond issue was made, the Council may authorize the use of such unexpended and unencumbered funds subject to the approvals as may be required by law where required:

A. For an additional extension or improvement of facility or project for which the bond issue was issued.

B. For the retirement of such bond issue.

C. If such bond issue has been fully retired or funds are segregated which are adequate for such purpose, then for the retirement of other bonds or obligations of the City.

D. If there is no other indebtedness, or funds are segregated which are adequate for such purpose, then for such other purposes as may be permitted by law.

Section 11.5 Separation Of Special Assessment Collections; Payment of Deficiency in Special Assessments.

All collections on each special assessment roll or combination of rolls, in anticipation of which bonds have been issued, shall be set apart in a separate fund (but not necessarily in a separate bank account) and shall be used for the purpose for which levied and for the payment of the principal and interest on such bonds. If there is any deficiency in a special assessment fund to meet the payment of the principal or interest to be paid, money shall be advanced from the general funds of the City to meet such deficiency and shall be replaced in the general fund when the special assessment fund shall be sufficient therefore.

Section 11.6 Bond Interest Rates.

No bond or other evidence of indebtedness of the City shall bear interest at a rate exceeding the maximum rate permitted by law.

Section 11.7 Execution Of Bonds.

All bonds issued by the City shall be signed by the Mayor and countersigned by the Clerk, and shall bear the corporate seal of the City. Said signatures may be by facsimile if permitted by law. Any attached coupons may be signed with the facsimile signature of the Clerk.

Section 11.8 Records of Bonds and Other Evidence of Indebtedness; Cancellation.

The Treasurer shall keep a detailed record of all bonds and other evidence of indebtedness. Upon payment of bonds or other evidence of indebtedness the same shall be cancelled.

Section 11.9 Deferred Payment Contracts.

The City may enter into installment contracts for the purchase of property or capital equipment. Each of such contracts shall not extend over a period greater than fifteen (15) years or lesser period set forth in MCL 123.721 nor shall the total amounts of principal payable under such contracts exceed a sum equal to one and one quarter percent (1.25%) of the total equalized assessed valuation of the City at the time the contract is executed unless otherwise permitted by law.

All such deferred payments shall be included in the budget for the year in which the installment is payable.

Section 11.10 Unissued Bonds.

Any authorization by the electors for the issuance of bonds by the City shall be void if such bonds shall not be issued within three (3) years from the date of authorization.

CHAPTER 12

PURCHASES; CONTRACTS; LEASES

Section 12.1 Purchases and Contracts; Limitations.

The Council shall from time to time establish by ordinance or resolution a dollar limit for purchases and sales above which:

A. The purchase or sale shall be approved by the Council.

B. Specifications shall be required and sealed bids solicited when set by ordinance, unless the Council determines that no advantage to the City would result from competitive bidding, unless otherwise required by law. The Council may reject any and all bids.

Purchasing and contracting procedures, including bidding procedure when it will serve the best interest of the City, shall be established by ordinance.

The Council shall have the right to reject any and all bids for work or for the furnishing of materials or supplies to the City.

Section 12.2 Public Improvement Funds.

The City may establish and maintain funds, including revolving funds, for special assessment projects or other improvements for the purpose of accumulating moneys to be used for financing, making, acquiring, extending, altering or repairing public improvements. Moneys so accumulated may be transferred, encumbered or otherwise disposed of only for the purpose for which accumulated unless otherwise determined and declared by formal resolution of the Council and then only for the purpose of making some other public improvement.

Section 12.3 Installment Contracts.

The City may enter into installment contracts to purchase property or capital equipment. Each such contract shall not extend over a period greater than permitted by law nor shall the total amount of the principal payments under such contracts exceed a sum permitted by law. Each deferred payment shall be included in the budget for the year in which each respective installment is paid.

Section 12.4 Restriction on Power to Lease Property.

The Council may not rent or let public property for a period longer than five (5) years unless such rental or lease agreement shall have been referred to the people at a regular or special election and shall have received the approval of a majority of the electors voting thereon at such election. No such lease shall be approved by the Council for presentation to the electorate before thirty (30) days after application therefore has been filed with the Council nor until a public hearing has been held thereon. No such lease shall be submitted to the electors unless the party leasing or renting the property has filed with the Clerk an unconditional acceptance of all terms of such lease or rental agreement.

Section 12.5 Restriction on Power to Sell Property.

The City may not sell any cemetery, park or any part thereof unless approved by a majority of the electors voting thereon at any general or special election.

Section 12.6 Person in Default to City.

The City shall not contract with a person who is in default with the City.

Section 12.7 Contracts When the Charter Is Adopted.

All contracts entered into by the Village when this Charter is adopted shall continue in effect.

CHAPTER 13

UTILITIES; FRANCHISES; PERMITS

Section 13.1 General Powers.

The City shall possess and hereby reserves to itself all the powers granted to cities by law to acquire, construct, own, operate, improve, enlarge, extend, repair, maintain, encumber, convey, dispose of or sell, either within or without its corporate limits, public utilities, including, but not by the way of limitation, public utilities for treating and supplying water and for supplying light, heat, power, gas, sewage treatment, garbage disposal, cable, video, and telephonic services and to sell and deliver the products or services thereof, both within and without its corporate limits, subject to the limitations herein contained. The power to supply said utility services, as herein possessed and reserved, shall include the power to extract, process, manufacture, transport or purchase the same from others.

Section 13.2 Management of Municipal Utilities.

A. All municipally owned and operated utilities shall be administered as a regular department of the City government under the management and supervision of the Council.

B. The Council may enact such ordinances and adopt such resolutions as may be necessary for the care, protection, preservation, control and operation of any public utilities which the City may, in any manner acquire, own, or operate and all fixtures, appurtenances, apparatus, building, and machinery connected therewith or belonging thereto, and to carry into effect the powers conferred upon the City by the provision of this Charter and by law.

Section 13.3 Rates.

A. Except as provided by law, the Council shall fix just and reasonable rates and such other charges as may be deemed advisable for supplying municipal utility services. Discrimination in rates by the Council, within any classification of users, shall not be permitted, nor shall free service be permitted other than to the City, but higher rates may be charged for utility services delivered or furnished beyond the corporate limits of the City.

B. The rates and charges for any municipal utility shall be fixed on a basis at least adequate to compensate the City for the cost of such service and to make reasonable provision for the extension thereof according to the needs of the City. Transactions pertaining to the ownership and operation of each municipal utility shall be recorded in a separate group of accounts, which shall be classified in accordance with generally accepted accounting practices. Charges for all service furnished to, or rendered by, other city departments or administrative units shall be recorded, whether collected or not. An annual report shall be prepared to show the financial position of each utility and the results of its operation. A copy of such reports shall be available for inspection at the Office of the Clerk.

Section 13.4 Collection of Charges.

The Council shall provide by ordinance for the collection of all public utility charges of the City. The ordinance shall provide at least that:

A. Except as provided by law, the City shall have as security for the collection of such utility charges a lien upon the real property supplied by such utility. The lien shall become effective immediately upon the supplying of the utility service and shall be enforced in the manner provided in the ordinance.

B. The terms and conditions under which utility services may be discontinued in case of delinquency in paying such charges, subject to rules and regulations as prescribed by law.

C. That suit may be instituted by the City before a court of competent jurisdiction for the collection of such charges.

D. With respect to the collection of charges for utilities, the City shall have all the powers granted to cities by law.

Section 13.5 Disposal of Utility Plants and Property.

Unless approved by the affirmative vote of a majority of the electors voting thereon at a regular or special election, the City shall not sell, exchange, lease or in any way dispose of any property, easements, equipment, privilege or asset belonging to and appertaining to any municipally owned public utility which is needed to continue operating such utility. All contracts, negotiations, licenses, grants, leases or other forms of transfer in violation of this section shall be void and of no effect as against the City.

The restrictions of this section shall not apply to the sale or exchange of machinery or equipment of any City owned public utility which are worn out or useless or which have been, or could with advantage to the service, be replaced by new and improved machinery or equipment, to the leasing of property not necessary for the operation of the utility, or to the exchange of property or easements for other needed property or easements. The provisions of this section shall not extend to the vacation or abandonment of streets, as provided by law.

Section 13.6 Accounts and Finances.

Separate accounts termed Enterprise Funds shall be kept for each public utility owned and operated by the City. Such accounts shall be classified and made in accordance with Generally Accepted Accounting Principles (GAAP) for municipal utilities. Charges for all services furnished to, or rendered by, other City departments or agencies shall be recorded. An annual report shall be prepared to show fairly the financial position of the utility and the results of its operations, which report shall be on file in the office of the Clerk for inspection. Such accounts shall conform to GAAP as required by law.

Section 13.7 Public Utility Franchises.

Unless otherwise provided by law, the City may grant a franchise to any person for the use of the streets, alleys, bridges, and other public places of the city for the furnishing of any public utility service to the City and its inhabitants. Franchises and renewals, amendments, and extensions thereof shall be granted only by ordinance. Public utility franchises shall include provisions for fixing rates and charges and may provide for readjustments thereof at periodic intervals. The City may, as it may be permitted by law, with respect to any public utility franchise granted after the effective date of this Charter, whether or not so provided in the granting ordinance:

A. Terminate the same for the violation of any of its provisions, for the misuse or nonuse thereof, for failure to comply with any provision thereof, or any regulation imposed under authority of this section;

B. Require proper and adequate extension of plant and the maintenance thereof at the highest practicable standard of efficiency;

C. Establish reasonable standards of service and quality of products, and prevent unjust discrimination in service or rates;

D. Impose other regulations determined by Council to be conducive to the health, safety, welfare and convenience of the public;

E. Require the public utility to permit joint use of its property and appurtenances located in the streets, alleys, bridges, and public places, by the City and other utilities, insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefore, and, in the absence of agreement, upon application by the public utility, provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefore;

F. Require the public utility to pay any part of the cost of improvement or maintenance of streets, alleys, bridges and public places, that arise from its use thereof, and to protect and save the City harmless from all damages arising from such use;

G. Require the public utility to file with the Clerk such drawings and maps of the location and nature of its facilities, as Council may request.

Section 13.8 Public Utility Franchises — Granting.

A. Public utility franchises and all renewals, and extensions thereof and amendments thereto shall be granted only by ordinance unless otherwise provided by state or federal law. No franchise shall be granted for a longer period than thirty (30) years.

B. If permitted by state or federal law, no franchise ordinance, which is not subject to revocation at the will of the Council, shall be enacted nor become operative until the same shall have first been referred to the people at a regular or special election and received the affirmative vote of 3/5 of the majority of the electors voting thereon or as dictated by law. No such franchise ordinance shall be approved by Council for referral to the electorate before thirty (30) days after application therefore has been filed with the Council nor until a public hearing has been held thereon, nor until the grantee named therein has filed with the Clerk an unconditional acceptance of all the terms of such franchise. No special election for such purpose shall be ordered unless the expense of holding such election, as determined by the Council, shall have been first paid to the Treasurer by the grantee.

C. A franchise ordinance, or renewal or extension thereof, or amendment thereto, which is subject to revocation at the will of Council may be enacted by Council without referral to the voters, but shall not be enacted unless it shall have been complete in the form in which it is finally enacted and shall have so been on file in the Office of the Clerk for public inspection for at least four (4) week's after publication of a notice that such ordinance is on file.

Section 13.9 Public Utility Franchises — Conditions.

All public utility franchises granted after the adoption of this Charter, whether it be so provided in the granting ordinance or not shall be subject to the following rights of the City, but this listing shall not be exclusive or impair the right of Council to insert in such franchise any provision within the power of the City to impose or require:

- A. To repeal the same for misuse, non-use, or failure to comply with the provisions thereof;
- B. To require adequate extension of plant and service and maintenance thereof at the highest practicable standard of efficiency;
- C. To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;
- D. To require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire length thereof;
- E. To use, control, and regulate the use of its streets, alleys, bridges and other public places and the space above and beneath them;
- F. To impose such other regulations as may be determined by the Council to be conducive to the safety, welfare and accommodation to the public.

Section 13.10 Availability of Proposed Ordinance.

Every ordinance granting a franchise, license or right to occupy or use streets, alleys, bridges or public places for more than sixty (60) days shall remain on file with the Clerk for public inspection in its final form for at least fourteen (14) days before the final adoption thereof, or the approval thereof for referral to the electorate.

Section 13.11 Plans of Facilities in Streets and Public Places.

A. The Council may, by ordinance, require as a condition to the placing or installment thereof, that each public utility conducting a business in the City, file with the Clerk's Office a duplicate copy of layout plans of pipes, conduits, and other facilities which are to be placed on, under, or above the surface of the city's streets, alleys, bridges and public places.

B. Every public utility shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges and other public places as shall arise from its use thereof as permitted by law and shall protect and save the City harmless from all damages arising from said use. Every such public utility may be required by the City to permit joint use of its property and appurtenances located in the streets, alleys, and other public places of the City, by the City and other utilities insofar as such joint use may be reasonably practicable, and upon payment of reasonable rental therefore. In the absence of agreement and upon application by any public utility, the Council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefore.

Section 13.12 Temporary Permits.

Temporary permits for public utilities, revocable at any time at the will of the Council and permitted by law, may be granted by the Council by resolution on such terms and conditions as it shall determine, provided that such permits shall in no event be construed to be franchises or

amendments to franchises. A temporary permit shall be subject to the rights of the City to make independent audit and examination of accounts at any time and to require reports annually or at more frequent intervals as prescribed by resolution of the Council. When the Council deems it in the public interest, such permits may be exclusive.

Section 13.13 Existing Franchises and Permits.

All franchises and permits to which the Village of Caseville is a party when this Charter becomes effective shall remain in full force and effect according to each agreement.

Section 13.14 Purchase — Condemnation.

The City shall have the right to acquire by condemnation, or otherwise, the property of any public utility in accordance with general law, provided that the price to be paid shall in no event include any value predicated upon the franchise, goodwill or prospective profits.

CHAPTER 14

MISCELLANEOUS

Section 14.1 Liability of City; Procedure for Filing Claim.

The City shall have all the governmental immunities from claims for damages for injury to persons or property as may be permitted by law. The procedures in regard to filing of claims and disposition of the same shall be as permitted by law. Failure to comply with such law may be reason to disallow any claim for injuries.

Section 14.2 Records.

All records of the City shall be made available to the general public in compliance with the Freedom Of Information Act 1976 PA 442, MCL 15.231 to MCL 15.246 and shall be kept in city offices except when required for official reasons or for purposes of safe keeping to be elsewhere.

Section 14.3 Estoppel Against City.

No estoppel may be created against the City.

Section 14.4 Processes Against City.

All processes against the City shall run against the City in the corporate name thereof, and may be served by leaving a true copy with the Mayor or Clerk.

Section 14.5 Trusts for Municipal Purposes.

All trusts established for any municipal purpose shall be used and contained in accordance with the terms of such trust subject to the cy pres doctrine. The Council may in its discretion receive and hold any property in trust for any municipal purpose and shall apply the same to the execution of such trust and for no other purposes, except in cases where the cy pres doctrine shall apply.

Section 14.6 Quorum Generally.

Except as provided otherwise in this Charter, a quorum of any board, commission or committee created by and pursuant to this Charter shall be a majority of the members of such board, commission or committee in office at the time, but not less than two (2) members.

Section 14.7 Saturdays, Sundays and City Holidays.

Whenever the date fixed by this Charter for the doing or completion of any act falls on a Saturday, Sunday or City Holiday, such act shall be done or completed on the next succeeding day that is not on a Saturday, Sunday or City Holiday.

Section 14.8 Chapter, Section and Subsection Headings of Charter.

The chapter, section and subsection headings used in this charter are for convenience only, and shall not be considered as part of the Charter.

Section 14.9 Amendment of Charter.

This Charter may be amended at any time in the manner provided by law. Should two (2) or more amendments adopted at the same election have conflicting provisions, the amendment receiving the largest affirmative vote shall prevail as to those provisions.

Section 14.10 Severability of Charter Provisions.

Should any provision or section, or portion thereof, of this Charter be held by a court of competent jurisdiction or by passage of superseding state law to be invalid, illegal, or unconstitutional, such holding shall not be construed as affecting the validity of this Charter as a whole or of any remaining portion of such provision or section, it being hereby declared to be the intent of the Charter Commission, and of the electors who voted thereon, that such unconstitutionality or illegality shall not affect the validity of any other part of this Charter.

Section 14.11 Definitions — Generally.

Except as otherwise specifically provided or indicated by the context or is further extended and defined:

A. All words used in this Charter indicating the present tense shall not be limited to the time of the adoption of this Charter, but shall extend to and include the time of the happening of any event or requirement for which provision is made herein.

B. The singular number shall include the plural, the plural number shall include the singular and masculine gender shall extend to and include the feminine gender and the neuter.

C. The word “person” may extend and be applied to bodies politic and corporate, and to partnerships as well as to individuals.

D. The word “printed” and “printing” shall include reproductions by printing, engraving, stencil, duplicating, lithographing or any similar reproduction method.

E. Except in reference to signatures, the words “written” and “in writing” shall include printing and typewriting and any other currently acceptable similar method.

F. The word “officer” shall include the Mayor and other members of the Council, the administrative officers, and members of city boards and commissions created by or pursuant to this Charter.

G. The word “employee” shall mean those persons not holding elective or appointive office, one who is generally subordinate to the officer and performs only those duties specifically assigned by a contract, department head or other governmental body.

H. The word “freeholder” shall include any person who is purchasing property or land.

I. The word “default” shall include being delinquent in taxes, fees and charges.

J. The word “statute” shall denote the Public Acts of the State of Michigan in effect at the time the provision of the Charter containing the word “statute” is to be applied.

K. All references to specific Public Acts of the State of Michigan shall be to such acts as are in effect at the time the reference to such act is to be applied.

L. The word “law” denotes applicable federal law, the Constitution and statutes of the State of Michigan, and the applicable common law.

M. All reference to section numbers shall refer to section numbers of this Charter.

N. The word “City” shall mean the City of Caseville.

O. The word “Council” shall mean the Council of the City of Caseville.

P. The words “public utility” shall include all common carriers in the public streets; water, sewage, disposal; electric light and power; gas; telephone and telegraph lines and systems; cable television; garbage and refuse collection and disposal and reduction plants; and such other and different enterprises as the Council may determine or designate.

Q. A “Public record” means writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created. A public record is subject to the Freedom of Information Act, I976 PA 442, MCL 15.231 to MCL 15.246.

R. The term “member of the Council” shall mean all elected or appointed members of the Council.

S. As used, “estoppel” is a legal doctrine that precludes one from speaking against one’s own act or deed.

T. “Cy Pres” a French term meaning as close as possible.

Section 14.12 Publication and Mailing Notices.

Unless as otherwise required by law, the requirement contained in this Charter for the publishing or publication of notices, ordinances or proceedings of City Council or other city boards, commissions or authorities, shall be met by publishing (a) at least once in a newspaper published in the English language for news of general character, with general circulation at regular intervals in the city for at least one (1) year immediately prior to the publication, (b) by posting in at least three (3) conspicuous places within the city, or (c) by posting on the City’s web site, cable site and/or the internet. Prima facie evidence of such publication shall be in the form of an affidavit of the printer or publisher of the newspaper, or his or her foreman or principal clerk attached to a copy of the published notice, ordinance or other proceedings.

In the case in which the Charter requires the mailing or posting of notices around the city or on the internet, the affidavit of the officer or employee responsible for such mailing or posting, that such notice was mailed or posted shall be prima facie evidence of such mailing or posting.

Section 14.13 Vested Rights.

After the effective date of this Charter, the City shall be vested with all the property, moneys, contracts, rights, credits, effects and the records, files, books and papers belonging to the existing Village of Caseville. No right or liability, either in favor or against the Village of Caseville,

existing at the time of this Charter becomes effective and no suit or prosecution of any character shall in any manner be affected by any change, resulting from the adoption of this Charter, but the same shall stand or proceed as if no change had been made. All debts and liabilities of the Village of Caseville shall be the debts and liabilities of the City of Caseville, and all fines and penalties imposed at the time of such change shall be collected.

CHAPTER 15

TRANSITION

Section 15.1 Purpose.

The purpose of this chapter is to inaugurate the government of the City of Caseville under this Charter and to provide for the transition from the Village of Caseville. It shall constitute a part of this Charter only to the extent and for the time required to accomplish this end.

Section 15.2 Election To Adopt.

This Charter shall be submitted to a vote of the registered electors of the territory comprising the proposed City of Caseville, as described in Section 1.2 BOUNDARIES of this Charter, at an election to be scheduled by resolution of the Charter Commission, subsequent to the approval of this Charter by the Governor, to be held between the hours of 7 a.m. and 8 p.m. local time. All provisions for the submission of the question of adopting this Charter at such election shall be made in the manner provided by law. The Charter Commission shall conduct the election, provided that the Charter Commission may delegate such responsibilities, as it deems proper to the Village Clerk and other local officials.

Section 15.3 Form of Ballot.

The form of the ballot for the submission of this Charter shall be as follows: Instructions: A mark following the word "Yes" is in favor of the proposed Charter, and a mark following the word "No" is against the proposed Charter. Shall the proposed Charter for the City of Caseville, drafted by the Charter Commission elected on May 6, 2008 be adopted?

Yes _____ No _____

Section 15.4 Effective Date of Charter.

If the voters approve adoption of this Charter, then two (2) printed copies thereof, with the vote for and against duly certified by the Board of Canvassers, within thirty (30) days after the vote is taken, shall be filed by the Village Clerk with the Secretary of State and a like number with the Huron County Clerk. On the date the aforementioned filings have been accomplished, this Charter shall be effective for all purposes.

Section 15.5 First Election.

An election to elect the first City Mayor and City Council shall be held on the same date as the election at which the Charter is submitted for adoption as provided in 15.2 of this charter.

- A. Candidates for Mayor and for City Council who shall be duly registered electors of the territory comprising the proposed City of Caseville and who shall have been residents of the territory comprising the proposed City of Caseville for one (1) year immediately prior to the election shall file petitions signed by not less than fifteen (15) registered electors of the territory comprising the proposed City of Caseville and filed with the Village Clerk by 4:00 p.m. Local Time, on the

Tuesday which is the eight (8) weeks prior to the election date. The Village Clerk shall publish notice of the last day and time of filing of petitions, which notice shall be published in a newspaper of general circulation in the Village. Such petitions shall be in the form designated by statute for the use in nominations for nonpartisan office. The manner of approval of nominating petitions and of those who qualify to sign shall be as outlined in this proposed Charter and shall be administered by the Village Clerk or other election officials as appropriate.

- B. The mayoral candidate receiving the highest number of votes shall have a term beginning on the date this Charter becomes effective and ending at 12 Noon Monday following the date of the city election in 2011, or such later date the certified canvass is filed with the Secretary of State and Huron County Clerk.
- C. Of the council candidates running for an approximate four (4) year term, the three (3) candidates receiving the three (3) highest numbers of votes shall have terms beginning at 12 Noon on the date this Charter becomes effective and ending at 12 Noon Monday following the date of the city election in 2013, or such later date the certified canvass is filed with the Secretary of State and Huron County Clerk.
- D. Of the council candidates running for an approximate two (2) year term, the three (3) candidates receiving the three (3) highest numbers of votes shall have terms beginning at 12 Noon on the date this Charter becomes effective and ending at 12 Noon Monday following the date of the city election in 2011, or such later date the certified canvass is filed with the Secretary of State and Huron County Clerk.

Section 15.6 Subsequent Elections.

Henceforth, the elections for the city mayor and other city council members shall be held as set forth in Sections 4.6 and 4.7 of this Charter.

Section 15.7 Administrative Officers and Employees.

- A. Nothing in this Charter except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are village officers or employees at the time of its adoption.
- B. Except as specifically provided by this Charter, if at the time this Charter takes full effect a village administrative officer or employee holds an office or position which is or can be abolished by or under this Charter, he or she shall continue in such office or position until the taking effect of some specific provision under this charter directing that he or she vacate the office or position.
- C. The present boards, commissions and committees now established shall continue under the terms of the ordinance establishing them. The terms of office of the members of such boards and commissions shall continue as established, and they shall continue in office until their successors are appointed in accordance with the terms of office established in the ordinance creating such boards and commissions.

Section 15.8 Transfer of Property and Records.

All property, records and equipment of any department, office or agency of the Village of Caseville existing when this Charter is adopted shall be transferred to the department, office or agency assuming its powers and duties.

Section 15.9 Council Meetings.

The first meeting of the Council shall be held on the first Monday following the effective date of the Charter. The Council shall meet at 7:30 p.m. at the City of Caseville Offices, 6767 Main Street, Caseville, Michigan 48725, for the following purposes:

- A. The election of a Mayor Pro Tem from the members of Council.
- B. The adoption of ordinances and resolutions including those for appropriations necessary to affect the transition of government under this Charter and to maintain effective city government during that transition and;
- C. To conduct any other council business as may come before it.

Section 15.10 Temporary Ordinances.

In adopting ordinances as provided in Section 15.9(b), the Council shall follow the procedures prescribed in Chapter 7, except that at its first meeting or any meeting held within sixty (60) days thereafter, the Council may adopt temporary ordinances to deal with cases in which there is an urgent need for prompt action in connection with the transition of government and in which the delay incident to the appropriate ordinance procedure would probably cause serious hardship or impairment of effective city government. Every temporary ordinance shall be plainly labeled as such but shall be introduced in the form and manner prescribed for ordinances generally. A temporary ordinance may be considered and may be adopted with or without amendment or rejected at the meeting at which it is introduced. After adoption of a temporary ordinance, the Council shall cause it to be printed and published as prescribed for other adopted ordinances. A temporary ordinance shall become effective upon its adoption, and the referendum power shall not extend to any such ordinance. Every temporary ordinance, including any amendments made thereto after adoption, shall automatically stand repealed as of the ninety-first (91st) day following the date on which it was adopted, renewed or otherwise continued except by adoption in the manner prescribed in Chapter 7 for ordinances of the kind concerned. No ordinance shall be operative until published by the City.

Section 15.11 Council Action.

In all cases involving the transition to the city government from that in existence prior to adoption of this Charter, which are not covered by this Chapter, the Council shall supply necessary details and procedures and may adopt such rules, regulations, and ordinances as may be required therefore.

Section 15.12 Initial Expenses.

Initial expenses of the City shall be paid by the City subject to an interim financial budget adopted by resolution of City Council. There shall be an audit of this interim fiscal period in accordance with the provisions of Section 8.10 of this Charter.

Section 15.13 Pending Matters.

All rights, claims, actions, orders, contracts and legal administrative proceedings of the Village of Caseville shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on or dealt with by the city department, office or agency appropriate under this Charter.

Section 15.14 Vested Rights and Liabilities.

After the effective date of this Charter, the City and all its agencies shall be vested with all property, moneys, contracts, rights, credits, effects, and the records, files, books and papers, belonging to the Village of Caseville under and by virtue of the General Law Village Act, MCL 61.1 et seq. No right or liability, contract, lease, or franchise, either in favor of or against the village, existing at the time this Charter became effective, and no suit or prosecution of any character shall be affected in any manner by any change resulting from the adoption of this Charter, but the same shall stand or proceed as if no change had been made. All taxes, debts, and liabilities due to the village from any person, and all fines and penalties, imposed and existing at the time of such change, shall be collected by the city. All trusts established for any municipal purpose shall be continued in accordance with the terms thereof, subject to the cy pres doctrine.

Section 15.15 Village Ordinances, Resolutions, Orders and Regulations.

All village ordinances, resolutions, orders and regulations which are in force when this Charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this Charter or the ordinances or resolutions adopted pursuant thereto.

Certification of Village Clerk acting as Secretary of the Charter Commission:

That the Charter Commissioners met on the 11th day of September 2009, at the Caseville Village / Township Hall, 6767 Main Street in Caseville, pursuant to the Open Meetings Act and approved the foregoing proposed Charter language to be submitted to the Governor.

Resolution of Adoption was introduced by Charter Commissioner James G. Stahl, second by Charter Commissioner Stannette E. Malosky.

Roll Call Vote:

Aye: Patricia DesJardins, Melvin P. Dutcher, Alice M. Hazzard, Stannette E. Malosky,
Alan W. Mason, Noel W. Perry, James G. Stahl, Otis W. Stockmeyer

Nay: (none)

Jacqueline Finneren
Deputy Village Clerk

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