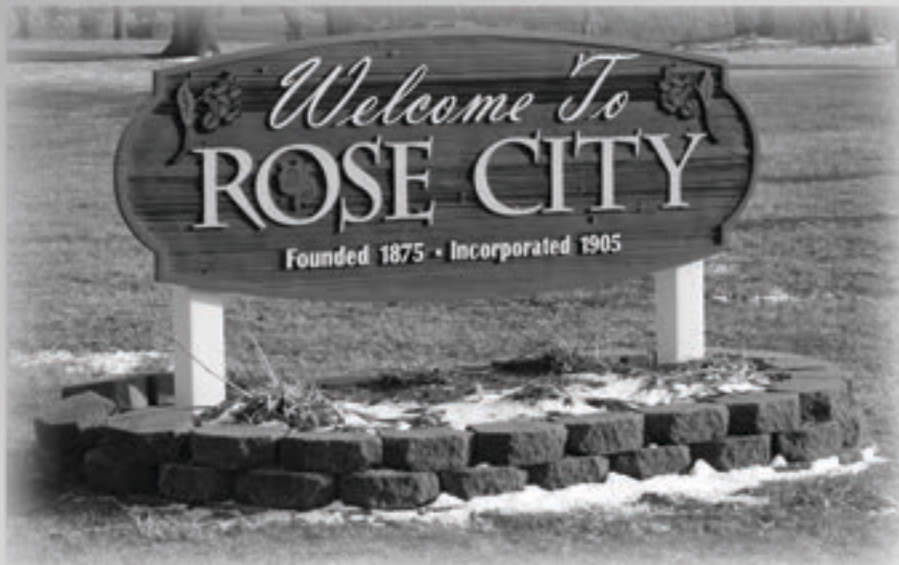


City of Rose City



CITY CHARTER



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CHARTER*

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P R E A M B L E TO THE CITY CHARTER OF THE CITY OF ROSE CITY STATE OF MICHIGAN

We, the people of the City of Rose City, in order to secure the benefits of self-government, to provide for the public peace, health and safety, pursuant to the authority granted by the Laws of the State of Michigan and being always grateful to the Almighty God for the blessings of freedom, do ordain and establish this Charter for the City of Rose City.

CHAPTER I. INCORPORATION AND BOUNDARIES

Sec. 1.1. Incorporation.

The municipal corporation now existing and known as the "City of Rose City" shall be and continue as a home rule city under the laws of the State of Michigan and shall be known by the name of "The City of Rose City."

Sec. 1.2. Boundaries.

The boundaries of the City of Rose City shall be those presently on file with the Secretary of the State of Michigan, together with such territory or territories as may from time -to-time be annexed thereto, and less such territory as may from time-to-time be detached therefrom in such manner as prescribed by law. Upon such annexation or detachment of territory, the boundaries shall be deemed thereby changed without amendment to this section.

**Editor's note*--Printed herein is the ROSE CITY Charter as adopted by the electors on. Obvious misspellings have been corrected. Catch lines have been added when necessary.

State law reference(s)--Home rule cities generally, MCL 117.1 et seq., MSA 5.2071 et seq.; power to adopt and amend Charter, Mich. Const. 1963, art. VII, § 22.

The city clerk shall maintain a current boundary map in the clerk's office and said boundaries may be found at the Michigan State Boundary Commission office in Lansing, Michigan.

State law reference(s)--Incorporation, consolidation of territory and alteration of boundaries of home rule cities, MCL 117.61 et seq., MSA 5.2085 et seq.

Sec. 1.3. Powers.

The City of Rose City shall have all powers possible under the Constitution of this state as fully and completely as though they were specifically enumerated in this charter.

State law reference(s)--Permissible that Charter provide that the city may exercise all municipal powers in the management and control of municipal property and in the administration of the municipal government, MCL 117.4j(3), MSA 5.2083(3).

Sec. 1.4. Voting Wards.

The City of Rose City shall be divided into three wards, with each ward having the same boundaries as exist on the effective date of this Charter; provided, however, that there shall be equal representation for each ward, and such boundaries shall be re-evaluated and, if necessary, adjusted by the City Council as required under § 27A of the Home Rule City Act.

State law reference(s)--Mandatory that Charter provide for one or more wards, MCL 117.3(e), MSA 5.2073(e).

Sec. 1.5. Construction.

The powers of the City of Rose City under this charter shall be construed liberally in favor of the city, and specific mention of particular powers in the charter shall not be construed as limiting in any way the general powers in this charter.

Sec. 1.6. Intergovernmental relations.

The city council may exercise any of its powers or perform any of its functions and may participate in the authorized financing thereof, jointly or in cooperation by contract with any one (1) or more states or political subdivisions thereof, or the United States or any agency thereof.

Sec. 1.7. Hazards and nuisances.

The city council may provide by ordinance for the abatement of public hazards and nuisances.

CHAPTER II. QUORUM, RECORDS, MEETINGS, PENALTIES, CLAIMS

Sec. 2.1. Quorum of council.

A quorum of the city council or any board or commission shall consist of a majority of its members and shall be required for official action. In the absence of a quorum, members present may adjourn any regular or special meeting until a later date.

Sec. 2.2. Meetings, records, voting generally.

(a) All official bodies of the city, council, boards and commissions, shall hold their meetings and otherwise conduct their business in accordance and compliance with the Open Meetings Act, being MCLA §§ 15.261, *et seq.*, as amended, and other applicable law.

(b) All records of the municipality shall be made available to the general public in compliance with the statutes as from time to time providing, including without limitation the Freedom of Information Act, being MCLA §§ 15.231, *et seq.*, as amended.

(c) Except when a greater number is required by statute, law or this charter, a majority vote of the council or any board or commission shall be required to pass any item of business except adjournment.

State law reference(s)—Mandatory that Charter provide that all sessions of the legislative body and all records of the municipality shall be public, MCL 117.3(1), MSA 5.2073(1); open meetings act, MCL 15.261 *et seq.*, MSA 4.1800(11) *et seq.*

Sec. 2.3. Journal.

The Rose City Council shall keep a written or printed journal of each session of the council in the English language.

State law reference(s)—Mandatory that Charter provide for keeping in the English language a written or printed journal of every session of the legislative body, MCL 117.3(m), MSA 5.2073(m).

Sec. 2.4. Rules.

The city council shall determine its own rules and order of business.

Sec. 2.5. System of accounts.

The city council shall adopt a system of accounts which conforms to a uniform system of accounts as required by law.

Sec. 2.6. Penalties for violations of ordinances or charter.

Except as provided by applicable law, any person found guilty of any such violation of this charter or any ordinance of the city may be punished by a fine which, in addition to court costs, shall not exceed five hundred dollars (\$500.00), or imprisonment for not more than ninety (90) days, or by both such fine and imprisonment, in the discretion of the court. The city may by Ordinance duly adopted in accordance with applicable statute provide that any violation of this charter or any ordinance constitutes a Municipal Civil Infraction. Where any such violation is continued, each day of said violation shall constitute a separate offense. Punishment imposed

under this section shall not operate to limit or prejudice the power to recall or remove officers or discharge employees as provided for in this charter.

Sec. 2.7. Damage claims against the city.

Damage claims against the city shall be received and responded to in the manner provided by applicable law.

CHAPTER III. OFFICERS

Sec. 3.1. Elective officers.

The elective officers shall be the six (6) councilmen, one (1) mayor, clerk and treasurer.

Sec. 3.2. Appointive officers.

The appointive officers shall be the deputy clerk, assessor, attorney, a board of review, appointees to boards and commissions and other officers as may be considered necessary, including city department heads.

When and if it becomes necessary to have a city manager, as determined by council, such city manager will be an appointive officer and the duties of the office shall be as listed in Section 6.3 (c) of this charter.

Sec. 3.3. Administrative officers.

The administrative officers of the city shall be the city manager, city clerk, city treasurer, Chief of Police and the city assessor. The council may create such additional offices, or combine any offices, in a manner not inconsistent with law and prescribe the duties thereof as it may deem necessary for the proper operation of the city government.

Sec. 3.4. Eligibility for city office.

Except as otherwise provided in this charter, a person is eligible to hold any elective city office if he is:

- (1) A registered elector of the city.
- (2) A resident of the city or a territory annexed to the city, or both, for at least six (6) months immediately preceding his election or appointment.
- (3) If for Ward Councilman, a resident of that Ward for at least six (6) months prior to the term for which election is sought.

State law reference(s)--Michigan election laws, MCL 168.1 et seq., MSA 6.1001 et seq.

Sec. 3.5. Ineligibility for city office.

(a) A person who is in default to the city shall not be eligible to hold any city office during the period of default, except those actively contesting a claim, tax or assessment through legal means.

(b) A person who holds or has held an elective city office shall not be eligible for full time employment (at least thirty (30) hours per week) by the city for which compensation is paid by the city, until one (1) year has elapsed following the term for which he was elected, or appointed in case of a vacancy.

Sec. 3.6. Terms of office.

(a) The terms of office of members of the council shall be four (4) years. The term of office for mayor shall be two (2) years. The terms of office for the clerk shall be two (2) years. The term of office for the treasurer shall be two (2) years.

(b) Any city manager shall be appointed for an indefinite term by the city council and shall hold office at the pleasure of and be subject to removal by the council.

(c) Unless a definite term is specified elsewhere in this charter, the assessor and any other officers, including city department heads, shall be appointed by the council for indefinite terms and shall hold office during the pleasure of the council. Such officers, including city department heads, may be removed from office at will or for cause by the council.

(d) Terms of office of persons appointed to fill vacancies on boards and councils shall commence at the time of appointment, and shall continue until the end of the term of office vacated, or until their successors are appointed.

Sec. 3.7. Notice of election and appointments.

Within seven (7) days after the canvass of vote of the election at which a person has been elected to office, or after the council has made or confirmed appointments, the clerk shall mail to the person elected or appointed a certificate of such election or appointment.

Sec. 3.8. Compensation of officers and employees.

The council shall fix the compensation for all city officers and employees, except as otherwise provided by law or as otherwise specified within this charter. They shall receive no other compensation from the city. Within budget appropriations, reasonable expenses may be allowed to officers and employees when actually incurred and after they have been audited and approved by the council.

Sec. 3.9. Oath of office.

Every officer, before entering upon his duties, and all employees designated by the council, before entering upon their employment, shall take the oath prescribed by the Constitution, and shall file the same with the clerk.

Sec. 3.10. Surety bonds.

Any city officer may be required to give a bond, to be approved by the council, for the faithful performance of the duties of his office in such sums and under such terms as the council

shall determine. All officers receiving or disbursing city funds shall be bonded. All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the city. All official bonds shall be filed with the clerk, except that of the clerk, which shall be filed with the city manager, or if no manager the treasurer.

Sec. 3.11. Giving or becoming surety forbidden.

Except for himself or his immediate family, no officer shall give or furnish any bail or recognizance in connection with any complaints or warrant charging the violation of this charter or any ordinance of the city. No officer or employee of the city shall become a surety, nor shall he or she be the agent of any surety or insurer in connection with any bond required by the council, this charter, or any ordinance of the city.

Sec. 3.12. Vacancies in office.

(a) An elected city office shall become vacant when the officer:

(1) Ceases to be an inhabitant of the city; and for a Ward Councilman, ceases to be a resident of that Ward;

(2) Is convicted of a felony, infamous crime, drug related or sex related offense or an offense involving a violation of oath of office, but only upon conviction and completion of appeal procedures provided they are pursued in a timely manner;

(3) Is in default to the city, unless such default is eliminated within sixty (60) days after written notice thereof by the clerk upon direction of the council, or unless the officer in good faith contests, by recognized legal procedures, the officer's liabilities for the default;

(4) Fails to take the oath or file the bond required for the office within fourteen (14) days from the date of election or appointment or within such other time thereafter as the council may fix;

(5) Is absent from three (3) consecutive regular meetings of the council that have not been excused prior to the absences and duly noted in the journal of the meeting from which the member is absent;

(6) Is absent from twenty-five (25) percent of regular meetings in a calendar year or fails to perform the duties of office for forth five (45) consecutive days unless such absences or failures are excused by the council;

(7) Shall become involved in any other event, which by law, creates a vacancy.

(b) The council may remove any officer who is appointed for a definite term of office for misfeasance, nonfeasance, or malfeasance in office by a vote of not less than a majority of its elected body.

Sec. 3.13. Resignations.

All resignations shall be made in writing to the city clerk, except the clerk's resignation, which shall be made in writing to the mayor.

Sec. 3.14. Recall.

An elective officer may be recalled and the vacancy so created shall be filled, in the manner prescribed by law.

Sec. 3.15. Filling vacancies, elective office.

If a vacancy occurs in the office of any councilman, or the mayor, except by recall, the council shall, within thirty (30) days thereafter, fill the vacancy until the Tuesday following the next regular city election.

Sec. 3.16. Filling vacancies appointive office.

If a vacancy occurs in an appointive office, such a vacancy shall be filled within sixty (60) days thereafter in the manner provided for making the original appointment. Such time may be extended once, for not to exceed thirty (30) days, by resolution of the council setting forth the reasons therefor.

Sec. 3.17. Delivery of office to successor.

Whenever an officer or an employee resigns or is removed from office, or his tenure in office expires, he shall deliver forthwith to the clerk, all books, papers, monies, and effects in his custody which were necessary to or were obtained as a part of the performance of his duties, except the clerk who shall deliver said books, papers, monies, and effects to the mayor.

CHAPTER IV. THE CITY COUNCIL

Sec. 4.1. The city council.

There shall be a city council of six (6) councilmen, the mayor, and the clerk. The term of office of each councilman shall commence at 12:01 a.m. on the first Tuesday following his election; except that in the case of appointments to fill vacancies, such an appointee shall qualify for and assume the duties of his office within ten (10) days after his appointment. Each councilman shall be a voting member of the council. The mayor shall be a voting member only in the instance of a tie. The clerk shall not be a voting member of the council.

Sec. 4.2. Compensation of councilpersons.

Compensation of all members of the council shall be determined by the "Compensation Committee", subject to final approval of council. If council does not approve, compensation remains the same as the prior year. The Compensation Committee shall meet in March of an election year to work on the proposed wages of elected officials.

The Compensation Committee shall be comprised of two (2) councilmen and the city manager, if a city manager is employed by council; and if no city manager is employed, the Committee shall be comprised of three (3) councilmen. Compensation Committee appointments shall be made by the mayor, subject to approval by council.

Sec. 4.3. Organization of the council.

The council shall meet and organize on the second Tuesday following each regular city election except when said day is a holiday in which case the meeting shall be the second Wednesday. At such meeting, or within one (1) week thereafter, the council shall elect from its membership a mayor pro-tem, set the time of its meetings, and do such other acts as may be required for its organization and the conduct of its business. At a meeting of the council, held not later than the first Tuesday in December following each regular city election unless the first Tuesday is a holiday in which case the next business day thereafter, the city manager, if any and all administrative officers of the city shall meet with the council for a general discussion of official duties and functions.

Sec. 4.4. Meetings of the council.

(a) The council shall meet at least twice each month at such times and places as the council may prescribe by ordinance or resolution.

(b) The mayor shall preside at all meetings of the council. He shall be the chief executive officer of the city, and shall represent the city for all ceremonial purposes, and shall do and perform all duties required of him by law. In the absence of both the mayor and the mayor pro-tem, the councilmen present at any meeting shall appoint one (1) of their number to act as mayor during such absence. The mayor and persons acting in his stead shall not possess the veto power.

(c) Special meetings of the council shall be held at the regular meeting place of the council. Special meetings shall be called by the clerk on the written request of the mayor, or any two (2) members of the city council, and noticed out as provided by law. Notwithstanding the foregoing requirements for the calling of special meetings, in an emergency, any special meeting shall be a legal meeting if all members are present, or in the event that any member or members be absent, if all absent members waive, in writing, the requirements that notice be given, provided that a quorum be present. An affidavit of the service of notices required by this section and the waivers thereof shall be entered in the journal of such meeting.

Notice of any such Special Meeting shall be given in accordance with the Open Meetings Act, being MCLA §§ 15.261, *et seq.* Subject to the waiver provisions above, notice to council members shall be given at least 24 hours prior to the meeting, and may be given by personal service, U.S. Mail, facsimile or by telephone, provided that the same shall contain the date, time and location of the meeting, and shall set forth the identity of the person(s) requesting such meeting, the purpose of the meeting and the nature of the matters to be presented and/or discussed therein.

(d) No business shall be transacted at any special meeting of the council except that stated in the notice of the meeting, except in case of an emergency.

(e) Except where conflict of interest provisions are preempted by statute or other law, no member of the council shall vote on any question upon which he or a member of his family has a direct or indirect financial interest other than as a citizen of the city. Otherwise, each member of the council shall vote on each question before the council for a determination, unless excused therefrom by the affirmative vote of all remaining members able to vote on the question. If a question is raised under this section at any council meeting, such question shall be determined before the main question shall be voted on, but the councilmember affected shall not vote on such determination. The prohibitions of this section shall not apply if the council shall declare upon its

records by unanimous vote of the members thereof, other than the members so interested, that the best interests of the city are served notwithstanding said personal interest.

(f) The council shall have control of the finances and of all property, real and personal, of the city corporation, except as may be otherwise provided by law.

(g) No more than one member of the city council shall be a voting member of any board.

State law reference(s)--Mandatory that Charter provide for public meetings, MCL 117.3(1), MSA 5.2073(1); mandatory that Charter provide for duties of officers, MCL 117.3(d), MSA 5.2073(d).

Sec. 4.5. Restriction of powers of the council.

(a) The council shall not have the power to make any contract with or give any official position to any person who is in default to the city.

(b) The council shall not have the power to sell any public building, park, or cemetery, or any part thereof, or any property bordering on a waterfront unless approved by a majority of the electors of the city, voting thereon at any general or special election.

Sec. 4.6. Interference with administration.

(a) Except for the purposes of inquiry, the council or its members shall deal with the city officers and employees who are subject to the direction and supervision of a city manager, in the event council employs a city manager, solely through the city manager. In the event no city manager is employed by the Council, all personnel matters and problems are to be dealt with by the personnel committee of the council, which committee shall regularly report to and receive input from the council. Neither the council nor its individual members shall directly give orders to any such officer or employee, either publicly or privately.

(b) The city manager, if any, shall be the delegated spokesman for the administrative services of the city before the council, though he may direct any administrative officer or employee to give information to the council on matters within his knowledge and line of duty.

CHAPTER V. CITY LEGISLATION

Sec. 5.1. Legislative power.

The legislative power of the city is vested exclusively in the council.

Sec. 5.2. Prior legislation preserved.

All ordinances, resolutions and rules of the council, to the extent that they are consistent with the provisions of this charter which are in force on the effective date of this charter, shall continue in full force until repealed or amended. Any ordinance required by this charter to be adopted for any purpose, which may have been adopted prior to the effective date of this charter,

shall be deemed to fulfill the requirements of this charter and no other or additional ordinance need be adopted to meet the requirements of this charter.

Sec. 5.3. Introduction, consideration and style of ordinances.

(a) Each proposed ordinance shall be introduced in written form. The style of all ordinances passed by the council shall be, "The City of Rose City Ordains:."

(b) No ordinance shall be passed at the same meeting at which it is introduced, unless the same is declared to be an emergency ordinance by a vote of not less than two-thirds (2/3) of the council.

(c) An ordinance may be repealed or amended only by an ordinance passed in the manner provided in this section. An ordinance may be repealed by reference to its number and title only. Codes may be adopted as provided by law.

(d) If a section of an ordinance is amended, the section shall be reenacted. This requirement shall not apply to the schedules of one-way streets and/or parking limitations contained in any traffic ordinance.

(e) Each ordinance, after adoption, shall be identified by a number.

(f) Each ordinance shall be recorded with the clerk forthwith in the ordinance book, and the enactment of such ordinance shall be certified by the clerk therein.

(g) The ordinances of the city shall be set forth in code form within two (2) years after the effective date of this charter.

Sec. 5.4. Publication of ordinances.

Before any ordinance may become effective, it shall be published. The effective date of an ordinance shall be stated therein, but shall not be less than twenty (20) days from the date of its adoption, unless it is declared by the affirmative vote of not less than two-thirds (2/3) of the council to be an emergency ordinance.

Sec. 5.5. Publication.

Within fourteen (14) days after the enactment of an ordinance, the same shall be published by one (1) of the following methods:

(a) Said ordinance shall be printed in full in any newspaper published or circulated in the City of Rose City, or

(b) Said ordinance shall be posted in the office of the city clerk and one (1) other public place. In case an ordinance is posted rather than printed, a notice of the enactment of the ordinance giving the subject thereof, effective date, and the place where the copies have been posted shall be printed in one (1) newspaper published or circulated in the city.

State law reference(s)--Mandatory that Charter provide for the publication of ordinances before they become operative, MCL 117.3(k), MSA 5.2073(k).

Sec. 5.6. Traffic and parking regulations.

In any ordinance regulating traffic, parking and one-way streets, it may be provided that, subject to adequate standards to be set forth therein, the details of regulating traffic, parking and one-way streets may be promulgated by the mayor with council approval and without formality of ordinance amendment.

Sec. 5.7. Time limit for prosecution of ordinance violations.

No prosecution for the violation of an ordinance shall be commenced after the expiration of two (2) years after the commission of the offense, or after the commission of the offense has been brought to the attention of the council.

Sec. 5.8. Proceedings for prosecution of traffic code ordinances.

Except as may be otherwise provided in this charter, all proceedings relative to the arrest, custody and trial of persons accused of the violation of ordinances shall be governed by and conform as nearly as may be with the provisions of law relating to proceedings in criminal cases. Traffic code violations shall be enforced under the procedure of the Uniform Traffic Code or other procedure established by statute and ordinance.

Sec. 5.9. Parking violations bureau.

The city council may establish a parking violations bureau by ordinance to accept civil infraction admissions in parking violation cases and to collect and retain civil fines and costs as prescribed by ordinance.

Sec. 5.10. Initiative and referendum.

An ordinance may be initiated by petition, or a referendum on an ordinance enacted by the council may be had by a petition, as hereinafter provided. However, a petition for a referendum shall be filed as hereinafter provided within forty-five (45) days from the adoption of an ordinance by the council.

Sec. 5.11. Initiatory or referendary petitions.

An initiatory or referendary petition shall be signed by not less than fifteen (15) percent of the registered electors of the city on the date of the filing of such petition. The clerk shall provide and make available to any registered elector of the city general petition forms upon which any initiatory or referendary petition may be set forth by such elector or others interested therein. Such petition may be the aggregate of two (2) or more petition papers. Each signer of a petition shall sign his name, and shall place thereon after his name the date of his signing and his place of residence by street and number and compliance with the requirements of this sentence shall be jurisdictional to the validity of any petition or petition paper. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was signed and the address and the date were written in the presence of the affiant. Such petition shall be filed with the clerk who shall, within ten (10) days, canvass the signatures thereon to determine the genuineness and the sufficiency thereof. Any signature obtained more than sixty (60) days before

the filing of such petition with the clerk shall not be counted. If an initiatory petition be found to contain an insufficient number of genuine signatures of registered electors of the city, or to be improper as to form or compliance with the provisions of this section, the clerk shall notify, forthwith, the person filing such petition, and ten (10) days from such notification shall be allowed for the filing of supplemental petition papers. When an initiatory or referendary petition is found to be sufficient and proper, the clerk shall present the petition to the council at its next regular meeting.

Sec. 5.12. Council procedure.

Upon receiving an initiatory or referendary petition from the clerk, the council shall, within sixty (60) 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; 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.

Sec. 5.13. 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 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 law.

Sec. 5.14. Status of ordinance adopted.

An ordinance adopted by the electorate through initiatory proceeding may not be amended or repealed by the council for a period of two (2) years 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 one (1) receiving the largest affirmative vote shall prevail as to those provisions.

Sec. 5.15. Ordinance suspended.

The certification by the clerk of the sufficiency of a referendary petition within thirty (30) 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.

CHAPTER VI. THE ADMINISTRATIVE SERVICE

Sec. 6.1. The administrative code.

The administrative service shall be divided into such departments, divisions and bureaus as may be provided by ordinance, which ordinance is to be known as the "Administrative Code", which shall be adopted within one (1) year following the adoption of this charter, or as soon as possible thereafter. Pending the passage of such code, the city council may establish temporary regulations. Such code may be amended from time to time and may provide for the consolidation

or abolition of departments or offices unless contrary to general law. Each officer or department head shall, subject to the approval of the city council until such time a manager is appointed, have power to prescribe rules and regulations for the conduct of such department not inconsistent with this charter or said administrative code. In the event of the appointment of a Manager, the Manager shall approve the rules and regulations for the conduct of such departments.

Sec. 6.2. Officers, appointment, terms and compensation.

(a) A city manager, if any, shall be appointed by and at the discretion of the city council.

(b) With the exception of the Mayor, Clerk and Treasurer, all other officers of the city, including city department heads, shall be appointed by the city council, upon recommendation of the city manager if one is appointed at the discretion of council as per Section 6.2 (a), above.

Sec. 6.3. City manager,(if and when one is appointed).

(a) To be eligible for appointment as city manager, a person must have had training for and/or previous experience in city, public or business administration.

(b) The city manager shall be the delegated administrative agent of the council, shall be vested with all administrative powers of the city, except as otherwise provided by this charter, and shall perform the duties of his office under the authority of, and be accountable to the council. Except as otherwise provided in this charter, all administrative officers other than the city attorney and members of city boards and city commissions, shall be responsible to the council acting by and through the city manager for the performance of their duties.

(c) It shall be the duty of the city manager, if one is appointed by Council, to:

(1) Supervise and coordinate the work of the administrative officers and departments of the city, except as otherwise provided in this charter, and except the work of the clerk and treasurer;

(2) Participate with the finance committee in the preparation and submittal to the council of the annual budget proposal of the city, together with supporting information in explanation thereof;

(3) Establish and maintain a central purchasing service for the city;

(4) Supervise and coordinate the personnel policies and practices of the city;

(5) Keep informed and report to the city council concerning the work of the several administrative officers and departments of the city, and to that end, he may secure from the administrative officers and department heads such information and periodic or special reports as he or the council may deem necessary;

(6) In case of conflict of authority between officers and administrative departments, or in case of absence of administrative authority, occasioned by inadequacy of charter or ordinance provisions, resolve the conflict or supply the necessary authority, so far as may be

consistent with law and the ordinances of the city, and direct the necessary action to be taken in conformance therewith, making a full report immediately to the council;

(7) Attend all meetings of the council, with the right to be heard in all administrative matters before the council, but without the right to vote;

(8) Recommend to the council from time to time, such measures as the city manager deems necessary or appropriate for the improvement of the city and its services;

(9) Recommend administrative officers whose appointment is not provided in this charter;

(10) Furnish the council with information concerning city affairs and prepare and submit such reports as may be required or which shall consolidate the reports of the several officers and departments of the city;

(11) Maintain custody of the clerk's bond;

(12) Prepare the agenda for all regular city council meetings, making the same available the Friday before said meetings;

(13) Possess such further powers and perform such additional duties as may be granted to or required from time to time by the council, so far as may be consistent with the provisions of law and the ordinances of the city.

Sec. 6.4. City clerk.

(a) The clerk shall be elected.

(b) The clerk shall be the clerk of the city council, shall attend all meetings of the council and shall keep the journal of its proceedings.

(c) The clerk shall be custodian of the city seal, and shall affix it to all documents and instruments requiring the seal, and shall attest the same. The clerk shall also be custodian of all papers, documents and records pertaining to the city, the custody of which is not otherwise provided for by law. The clerk shall give to the proper officials ample notice of the expiration or termination of their terms of office and of any official bonds, and of franchises, contracts or agreements to and of which the city is a party.

(d) The clerk shall keep a record of all ordinances, resolutions, and actions of the city council, and shall keep the city manager, if any, informed with respect thereto.

(e) The clerk shall have the power to administer oaths except the clerk's oath which shall be administered by the mayor and shall require the furnishing of any bonds.

(f) The clerk shall certify all ordinances and resolutions enacted or passed by the council.

(g) The clerk shall perform such other duties in connection with such office as may be prescribed by law or by the council.

Sec. 6.5 Deputy Clerk, appointment, duties: responsibility of clerk.

The clerk may, subject to the approval of the council, appoint a deputy, who shall possess all the powers and authority of the city clerk, and may exercise all the duties thereof, subject to the control of such clerk. The clerk shall be responsible for all the acts and defaults of such deputy, and may remove such deputy at his pleasure.

Sec. 6.6. Treasurer.

- (a) The treasurer shall be elected.
- (b) The treasurer shall have the custody of all monies of the city and all evidences of value belonging to or held in trust by the city.
- (c) The treasurer shall keep and deposit all monies or funds in such manner and only in such places as the council may designate.
- (d) The treasurer shall have such powers and duties in regard to the collection and custody of state, county, school district and city taxes and monies as are conferred by law.
- (e) The treasurer shall perform such other duties as may be prescribed by law or by the council.

Sec. 6.7. City assessor.

- (a) The city assessor shall possess all the powers vested in and shall be charged with all the duties imposed upon assessing officers by law.
- (b) The city assessor shall make and prepare all regular and special assessment rolls in the manner prescribed by law.
- (c) The city assessor shall perform such other duties as may be prescribed by law or the council, or by the city manager with the approval of the council.

Sec. 6.8. City advisory boards.

To afford citizens participation in the affairs of city government, for the purpose of determining community needs and meeting such needs through the government of the city, citizen advisory or managerial boards may be established, modified or terminated with or without cause by resolution or ordinance.

Sec. 6.9 Police Department.

- (a) The council shall provide for and establish a Police force.
- (b) The Chief of Police shall be subject to the direction of the council and shall keep a permanent record to be furnished by the City, of all arrests and the cause thereof, and shall enter

therein, within twenty-four (24) hours after any person shall be arrested, the name of the person so arrested, and if discharged without being taken before a court, the reason for such discharge and if tried, the result of such trial and punishment inflicted and amount of fines and cost, if any paid, and name of the judicial officer before whom such person was tried, which record shall be the property of the City. He shall report in writing to the council at their first meeting in each month, all arrests made by him. All moneys collected or received by the Chief, unless otherwise directed by this Charter, shall be paid into the City treasury.

(c) Chief of Police may be discharged only upon written complaint and just cause. Dismissal subject to all other Acts and Laws of the State of Michigan and Federal Law.

Sec. 6.10 Department of Public Works.

The council shall provide for and maintain a Department of Public Works, which Department shall be responsible for municipal services necessary to protect and maintain the properties and overall environment of the City.

Sec. 6.11. Parks and recreation.

(a) The city's park and recreation properties and facilities and services may constitute a department of the government.

(b) The city council shall be responsible for the proper functioning of the department if there is no park manager. The park manager, if there be one, shall have general superintendence of and be responsible for the operation and maintenance of the city's park and recreation properties, facilities and programs. He shall have the control and direction of the employees of the city who are assigned to or work for the department, subject to the provisions of this charter.

(c) The city may join with and cooperate with the West Branch/Rose City Area School District and with any unit of government in the operation, maintenance and improvement of park and recreation property and facilities, and in the conduct of recreation programs.

Sec. 6.12. Planning commission.

There shall be a planning commission which shall possess and exercise all of the powers and functions granted to and required of planning commissions under the provisions of the statutes of the State of Michigan and such amendments and superseding acts as may be enacted. Members of the planning commission may be a nonresident of the city providing they own property or a business or have an interest in the planning of the general area of which the City of Rose City is a part.

Sec. 6.13. Nepotism.

Unless the Council shall by unanimous vote – which vote shall be recorded as part of the official proceedings - determine that the best interest of the City shall be otherwise served, the following relatives of any elective or appointive officer are disqualified from holding any appointive office or City employment during the term for which elective or appointive officer was elected or appointed: Spouse, child, parent, grandchild, grandparent, brother, sister, half-brother, half-sister or the spouse of any of them. All relationships shall include those arising from adoption. This section shall in no way disqualify such relatives or spouses who are bona fide

appointive officers or employees of the City at the time of the election or appointment of said official.

Sec. 6.14. Personnel management.

The council may provide, by ordinance, for a merit system of personnel management for employees in the service of the city. Whether or not a merit system plan of personnel management be adopted, the standards for employment and the salary and wage scales for comparable city positions of employment and work in all city departments shall be as uniform as possible.

Sec. 6.15. Employee welfare benefits.

The council shall have power to make available to the clerk, treasurer, administrative officers and employees of the city, other than the mayor, councilmen and members of the several boards, any recognized standard plan of group life, hospital, health or accident insurance, either independently of or as a supplement to any pension plan provided by the city for its employees.

Sec. 6.16. Salaries, wages and fringe benefits.

The city council shall fix by resolution, on an annual basis, the salary rate or compensation of all officers and employees of the city, other than the mayor, clerk and councilmen. The council may provide other fringe benefits, including insurance covering life, hospital, health, surgical, accident, medical or similar risk of life and the city may pay all or such portions of the cost thereof or premiums therefor as the council may determine. Such programs may extend to the immediate families and dependents of city officials and employees.

Sec. 6.17. Retirement system.

The city council may provide for and maintain a retirement plan, including a defined contribution and/or deferred benefit plan and/or annuity plan, on an actuarial basis for the clerk, treasurer, administrative officers and/or employees of the city, either by means of its own plan or in an insurance company of recognized standing, or by means of any plan now or hereafter legally authorized by the state or federal governments, or by any combination thereof, and may provide for contributions thereto by said officers and employees in the city. The mayor and councilmen shall not be entitled to benefit from any such retirement plan.

CHAPTER VII. BUDGET PROCEDURE AND GENERAL FINANCE

Sec. 7.1. Fiscal year.

The fiscal year of the city shall begin on the first day of July of each year.

Sec. 7.2. Budget procedure.

On or before the first day of April of each year, each officer, department head and board or commission of the city shall submit to the finance committee a complete statement of the estimated financial needs and expected revenues of his office or department for the next fiscal year. The finance committee shall assemble the statements so submitted and prepare for the council a budget proposal for the next fiscal year. Such budget proposal shall be presented to the council on or before its last regular meeting in June. The proposed expenditures set forth in such

budget shall not exceed the expected revenues of the city for the next fiscal year by an amount greater than the expected unencumbered funds remaining at the end of the current fiscal year.

State law reference(s)—Mandatory that Charter provide for an annual appropriation, MCL 117.3(h), MSA 5.2073(h).

Sec. 7.3. Budget statement of the finance committee.

The finance committee shall submit to the council with each budget proposal a budget statement which shall explain the budget proposal and contain an outline and explanation of the proposed financial policies of the city relating to its operations for the next fiscal year.

Sec. 7.4. Budget proposal a public record.

(a) Each budget proposal, together with all supporting schedules and the finance committee's budget statement, shall be a matter of public record after it is filed with the council. A copy thereof shall be available for public inspection in the office of the clerk at all reasonable times.

(b) The council shall provide for a public hearing to be held on its proposed budget, notice of such hearing to be given by publication in a newspaper of general circulation within the city at least six (6) days prior to such hearing. Such notice shall include the time and place of such hearing and shall state the place where a copy of such budget is available for public inspection.

Sec. 7.5. Adoption of budget.

On or before the last regular meeting in June, and no later than the 1st day of July, the council shall, by resolution, adopt the budget for the next fiscal year, and in such resolution shall make an appropriation of the money budgeted for municipal purposes during the next fiscal year and determine the amount to be raised by taxation.

Sec. 7.6. [Reserved]

Sec. 7.7. Effect of adoption of budget.

Upon the adoption of any budget, the several amounts stated therein as proposed expenditures shall be appropriated to the several and respective objects and purposes named therein. A copy of the budget so adopted, certified by the clerk, shall be filed in the clerk's office. Copies of the budget, as adopted, or of appropriate portions thereof, shall be furnished by the clerk to each officer and department head, and upon request, shall be furnished at cost to interested citizens and civic organizations. No transfer shall be made from one (1) fund to another, except when authorized by the council.

Sec. 7.8. Transfer of operating appropriations.

After the budget has been adopted, no money shall be drawn from the treasury, nor shall any obligation for the expenditure of monies be incurred for payment during the fiscal year to which such budget applies, except pursuant to an appropriation therefor. The council may, however, transfer any unencumbered operation appropriation balance, or any portion thereof,

from one (1) operating fund or account to another; provided, however, that this authorization for the transfer of operating funds and accounts shall not extend to City funds or accounts earmarked or otherwise designated for specific purposes either by statute or contract.

At the end of each fiscal year, the council may transfer any unencumbered balance or any part thereof in any budget appropriation into one (1) or more public improvement funds created under authority of section 7.15 of this charter. If not so transferred, such balance shall revert to the general fund at the end of the fiscal year.

Sec. 7.9. Depository.

The council shall designate the depository or depositories for city funds, and shall provide for the regular deposit of all city monies by resolution at its second meeting in July of each year.

Sec. 7.10. Budget control.

At the beginning of each quarter of the calendar year, and at other times if required by the city council, the city clerk shall submit to the council data showing the financial position of the city. If it appears that the income of the city is more or less than anticipated, the city may, except as to amounts required for debt and interest charges, revise or amend the budget as may be necessary.

Sec. 7.11. Investments.

Idle monies may be invested in city obligations issued by the city and obligations of the United States or any state thereof, in other municipal bonds or other highly rated securities, or investments as the council may determine in accordance with statute.

Sec. 7.12. Contractual claims against the city.

All claims against the city shall be filed with the city clerk. Department heads shall check and verify the correctness of each such claim and determine whether it is a proper charge against the city. The council shall provide, by ordinance, the procedure for the payment of contractual claims against the city.

Sec. 7.13. Withdrawal of city funds.

All funds of the city shall be drawn from the city treasury only pursuant to the appropriation made in accordance with this charter and by checks signed by two (2) city officials designated by the city council. Each check shall specify the account from which it is payable.

Sec. 7.14. Independent audit.

An independent audit shall be made of all accounts of the city at least annually, and more frequently if the council deems necessary. The annual audit shall be made by certified public accountants employed by the council, and shall be completed on or before ninety (90) days after the end of the fiscal year. An analysis of the audit shall be made public by the council.

Sec. 7.15. Funds for public improvements.

The council may establish and maintain a fund or funds, including a revolving fund for special assessment projects, for the purpose of accumulating monies to be used for making, acquiring, extending, altering or repairing public improvements or to purchase land or equipment. Monies so accumulated may be transferred, encumbered or otherwise disposed of only for the purpose for which they were accumulated unless other purposes are approved by a resolution of the council. No such monies shall be so transferred, encumbered, or otherwise disposed of, except for the purpose of making, acquiring, extending, altering, or repairing public improvements, or the purchase of land or equipment, unless the proposition to do so be first approved by the council.

Sec. 7.16. Municipal borrowing power.

(a) Subject to the applicable provisions of law, the city may borrow money for any purpose within the city's scope of its powers, and may issue bonds or other evidences of indebtedness therefor. Such bonds or other evidences of indebtedness shall include, but not be limited to:

(1) General obligation bonds, the principal and interest of which are payable from taxes levied upon the taxable real and personal property in the city and for the payment of which the full faith and credit of the city are pledged;

(2) Special assessment bonds which are issued in anticipation of the payment of special assessments, or any combination of two (2) or more special assessments, which bonds may be either an obligation of the special assessment district or districts, or both an obligation of the special assessment district or districts and a general obligation of the city;

(3) Revenue bonds, as authorized by law, which are secured only by the revenues from a public improvement and do not constitute a general obligation of the city;

(4) 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;

(5) Tax anticipation notes, which may be issued in anticipation of the collection of taxes in or during the current or next succeeding fiscal year of the city or any other years permitted by law;

(6) Calamity bonds, issued in case of fire, flood or other calamity, for the relief of inhabitants of the city and for the preservation of municipal property, in a sum not to exceed three-eighths of one (1) percent of the assessed value of all the real and personal property in the city, as finally equalized, and due in not more than five (5) years, as prescribed by state law;

(7) Bonds for the city's share of the total cost of local improvements, which bonds may be issued as a part of, or independently of, any issue of special assessment bonds which are issued for the same improvement or improvements, as prescribed by state law;

(8) Any other type of bonds or indebtedness permitted by state law.

(b) All collections on each special assessment roll or combination of rolls shall be set apart in a separate fund and shall be used for the purpose for which levied and for the payment of the principal of and interest on bonds issued in anticipation of such special assessments. If there is any deficiency in any special assessment fund to meet the payment of the principal or interest to

be paid therefrom, monies shall be advanced from the general fund of the city to meet such deficiency, and shall be replaced in the general fund when the special assessment fund shall be sufficient therefor.

(c) Bonds may be issued in anticipation of the collection of special assessments levied with respect to two (2) or more public improvements, but no special assessment district shall be required to pay the obligation of any other special assessment district and the ordinance or resolution creating such districts shall so provide.

(d) Whenever any portion of a public improvement shall be assessed by or charged to the city at large and the balance of such cost assessed against the property benefited, the council may provide for the payment of the city's portion of such cost in installments. In such case, bonds may be issued in anticipation of the payment of the amount assessed against the city at large, the same as they may be issued in anticipation of the payment of the amount assessed against the benefited property. In such case, the council shall appropriate, in each fiscal year, an amount which is sufficient to pay the principal of and interest on such bonds which is required to be paid during that year. Such bonds may be included as a part of a total issue of bonds for the public improvement to which they apply and need not be separated from bonds issued in anticipation of the payment of special assessments assessed against the benefited property.

(e) Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which the same is issued, and the proceeds thereof shall not be used 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:

(1) For the retirement of such bond issue, or

(2) If such bond issue has been fully retired, then for the retirement of other bonds or obligations of the city provided for by this section: provided that in the case of special assessment bonds, such funds shall be refunded to the owners of property against which special assessments theretofore were made, or placed in the general fund of the city in accordance with the provisions of this charter, and

(3) For such other purpose as may be permitted by law, subject to the proviso in paragraph (2) above,

(4) If such funds cannot be used, then in any manner approved by the council.

(f) All bonds and other evidence of indebtedness shall be signed by the mayor and countersigned by the clerk, under the seal of the city. Interest coupons may be executed with the facsimile signatures of the mayor and clerk. A complete and detailed record of all bonds and other evidence of indebtedness shall be kept by the clerk. Upon the payment of any bond or other evidence of indebtedness, the same shall be marked "Cancelled" or otherwise defaced by the clerk to indicate payment.

State law reference(s)--Authority to borrow money and issue bonds therefor in anticipation of the payment of special assessments, MCL 117.4a(2), MSA 5.2074(2).

Sec. 7.17. Limitations upon borrowing power.

(a) The net bonded indebtedness incurred for all public purposes shall not at any time exceed the limits as established from time to time by law as finally equalized of all real and personal property in the city. The resources of any debt retirement or sinking fund pledged for the retirement of any outstanding bonds which are subject to the debt limitation herein established shall be deducted from the amount of the 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 three (3) years after authorization such authorization shall be null and void, except when delay is caused by litigation or when a bond issue has been authorized by the electors to be issued in two (2) or more parts or series. In case of litigation, the three-year period shall start at the time of filing of the final judgment. In case of bonds authorized to be issued in two (2) or more parts or series, the first part or series shall be sold within three (3) years after authorization and the final part or series shall be sold within ten (10) years after authorization.

CHAPTER VIII. TAXATION

Sec. 8.1. Power to tax; tax limit.

(a) The city shall have the power to assess taxes and to lay and collect rents, tolls and excises. The annual ad valorem tax levy for municipal purposes shall not exceed two percent (20 mills) of the assessed valuation as finally equalized of all real and personal property in the city.

State law reference(s)—Mandatory that Charter provide for annually levying and collecting taxes, MCL 117.3(g), MSA 5.2073(g).

Sec. 8.2. Subjects of taxation; tax procedure.

(a) The subjects of ad valorem taxation for municipal purposes shall be the same as for state, county and school purposes, as prescribed by law.

(b) Taxes shall be levied, collected and returned in the manner provided by law and this charter.

State law reference(s)—Municipal finance act, MCL 131.1 et seq., MSA 5.3188(1) et seq.

Sec. 8.3. Exemptions.

The power of taxation shall never be surrendered or suspended by any grant or contract to which the city shall be a party. No exemptions for taxation shall be allowed, except such as are expressly required or permitted by law.

Sec. 8.4. Tax day.

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

Sec. 8.5. 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 from the city; or to remove therefrom personal property which is or may be liable for taxation or to conceal himself or his property; or to do any other act tending to prejudice or to render wholly or partly ineffectual the proceedings to collect such tax, unless proceedings therefor be brought without delay, he shall proceed to collect the same as a jeopardy assessment in the manner provided by law.

Sec. 8.6. Preparation of the assessment roll.

(a) On or before the first Monday in March in each year, or such other date as may subsequently be required by law, the assessor shall prepare and certify an assessment roll of all property in the city. Such roll shall be prepared in accordance with law, and may be divided into volumes, which shall be identified for purposes of convenience in handling the assessment roll and for locating properties assessed therein. The attachment of any required certificate or warrant to any volume of the roll, either as an assessment roll or as a tax roll, shall constitute the attachment thereof to the entire roll, provided the several volumes are identified in such certificate or warrant. Values of property set forth on the assessment roll shall be determined according to law.

(b) Notice of the increase of any assessment shall be given as required by law.

Sec. 8.7. Board of review.

(a) A board of review is hereby created, composed of three (3) electors of the city who hold no other city office or employment. Members of the board shall serve for terms of three (3) years, so that the term of one (1) member shall expire in each year.

(b) The city council may establish by ordinance procedures permitting protests pertaining to matters within the jurisdiction of the board of review to be first addressed to the assessor as an optional means of resolving such protests prior to appearing before the board of review.

(c) The members of the board of review shall be appointed by the council. The council shall fix their compensation.

(d) The board shall annually, on the first day of its meeting, select one (1) of its members chairman for the ensuing year. The assessor shall be clerk of the board, and shall be entitled to be heard at its sessions, but shall have no vote on any proposition or question.

Sec. 8.8. Duties and functions of board of review.

For the purpose of revising and correcting assessments, the board of review shall have the same powers and perform like duties as are conferred by law except as otherwise provided in this charter. The clerk of the board shall keep a permanent record of all proceedings of the board and enter therein all its resolutions and decisions. Such record shall be filed with the city clerk on or before the first day of June following the meeting of the board of review.

Sec. 8.9. Meetings of board of review.

(a) The board of review shall convene in the city hall on the Tuesday following the first Monday in March in each year, or on such other date as may subsequently be required by law for the meeting of boards of review in cities, and shall sit for one (1) day and one (1) evening and as many days thereafter as may be necessary or as hereafter required by law.

(b) The board of review may examine on oath any person appearing before it respecting the assessment of property on the assessment roll. Any member of the board may administer such oath.

State law reference(s)—Mandatory that Charter provide for meeting of board of review, MCL 117.3(i), MSA 5.2073(i).

Sec. 8.10. Notice of meeting.

Notice of the time and place of the annual meeting of the board of review shall be published by the clerk not less than one (1) week nor more than three (3) weeks prior thereto.

Sec. 8.11. Endorsement of roll.

After the board of review has completed its review of the assessment roll, and not later than the Tuesday following the fourth Monday in March, or such other date as may subsequently be required by law, the majority of its members shall sign a certificate to the effect that the same is the assessment roll of the city for the year in which it has been prepared, as approved by the board of review. This certificate, when attached to any volume of the roll, shall constitute a conclusive presumption of the validity of the entire roll. Any copy of the roll when so certified shall be equally valid. The omission of such certificate shall not affect the validity of the roll.

Sec. 8.12. Validity of assessment roll.

Upon the completion of the roll, and from and after midnight, ending the last day of the meeting of the board of review, it shall be the assessment roll of the City of Rose City for county, school and city taxes, and for other taxes on real and personal property that may be authorized by law. It shall be presumed by all courts and tribunals to be valid, and shall not be set aside, except for cause set forth by law.

Sec. 8.13. Clerk to certify levy.

Within three (3) days after the council has made the appropriation for the ensuing year, the clerk shall certify to the assessor the total amount which the council determines shall be raised by general ad valorem tax, together with such other assessments and lawful charges and accounts which the council requires to be assessed, reassessed or charged against the property and persons appearing upon such roll.

Sec. 8.14. Tax roll.

After the board of review has completed its review, there shall be prepared a tax roll, to be known as the "City of Rose City Tax Roll." Upon such roll there shall be spread (1) the amounts of the general ad valorem tax according to and in proportion to the several valuations set

forth in said roll, except exempted property, and (2) such other assessments and charges as are required and authorized by the council.

Sec. 8.15. Tax roll certified for collection.

After the taxes and other assessments and charges have been spread upon the roll, it shall constitute the tax roll of the city and shall be referred to the clerk who shall certify the tax roll, and attach his warrant thereto directing and requiring the treasurer to collect, prior to March first of the following year, from the several persons named in the roll the several sums mentioned therein opposite their respective names as a tax, assessment or charge. Said warrant shall grant to and vest in the treasurer all the statutory powers and immunities possessed by township treasurers for the collection of taxes. The tax roll so certified shall be delivered to the treasurer for the collection of the taxes, assessments and charges spread and levied thereon, on or before the fifteenth day of June.

Sec. 8.16. Tax lien on property.

(a) The city taxes, assessments and charges spread and levied on the city tax roll shall be due on the first day of July each year. Such taxes shall become a debt to the city from the owner or person otherwise to be assessed on the tax day provided by law. The amounts assessed on any interest in real property shall become a lien upon such real property on the fifteenth day of June, and the lien for such amounts and for all interest and charges thereon, shall continue until payment thereof.

(b) All personal property taxes shall, from and after the fifteenth day of June, be a first lien prior, superior and paramount, on all the 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 for county and school district taxes, and shall so remain until such taxes and all interest and charges thereon are paid.

Sec. 8.17. Taxes due; notification thereof.

The treasurer shall not be required to make personal demand for the payment of taxes, but upon receipt of the city tax roll, he shall forthwith mail a tax statement to each person named in the tax roll, and shall give notice by publication in a newspaper of the city, of the day upon which city taxes are due, which notice shall be a sufficient demand for the payment of all taxes assessed. Neither the failure on the part of the treasurer to give such notice, nor the failure of any person to receive the notice or the tax statement shall invalidate the taxes on the tax roll or release any person or property assessed from any penalty provided in case of nonpayment.

Sec. 8.18. Tax payment schedule.

The council shall provide a tax payment schedule and the amount of collection charges and assessments on the city tax roll which remain unpaid on the fifteenth day of September of each year. When so added, such collection charges and interest shall be treated in all respects as an item of taxes and collected as such. If delinquent city taxes are collected by returning the same to the county treasurer, then all charges and assessments on the tax roll, and any collection charges and interest thereon which remain unpaid at the time the delinquent tax roll is returned to the county treasurer, shall be included with the city taxes spread upon such roll and shall be collected

by the county treasurer in like manner as delinquent taxes are collected on delinquent tax rolls returned to county treasurers under the general property tax act.

Sec. 8.19. Collection fees and interest.

(a) The treasurer shall collect the maximum amount of fees, penalties and interest as shall be authorized by law, subject to reduction or elimination thereof as determined by resolution of the council and permitted by law.

Sec. 8.20. Failure or refusal to pay personal property tax.

If any person shall neglect or refuse to pay any tax on personal property assessed to him, including any collection charge and interest added thereto, the treasurer shall collect the same by seizing any personal property of such person to an amount sufficient to pay such tax, together with any fees and charges added thereto, wherever the same may be found in the state. No property shall be exempt from such seizure. The treasurer may sell the property seized, to an amount sufficient to pay the taxes and all collection charges and interest added thereto, in accordance with statutory provisions. The treasurer may, if otherwise unable to collect a tax on personal property, together with collection charges and interest added thereto, sue the person to whom it is assessed, in accordance with the powers granted him by law.

Sec. 8.21. 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.

Sec. 8.22. Protection of city lien.

The city shall have power, insofar as the exercise thereof shall not conflict with or contravene the provisions of law, to acquire such an interest in any premises within the city, by purchase at any tax or other public sale, or by direct purchase from or negotiation with the State of Michigan or the fee owner, as may be necessary to assure to the city the collection of its taxes, special assessments or charges which are levied against any lot or parcel of real property or to protect the lien of the city therefor, and may hold, lease or sell the same. Any such procedure exercised by the city to assure the collection of its taxes or the protection of its tax or other liens shall be deemed to be for a public purpose. The council may adopt any ordinance which may be necessary to make this section effective.

Sec. 8.23. Collection of delinquent taxes.

All taxes, assessments and charges upon real property on the tax roll, together with collection charges and interest added thereto remaining uncollected by the treasurer on the first day of March following the date when the roll was received by him shall be subject to one (1) of the following procedures:

(a) The real property against which such taxes, assessments and charges are assessed shall be subject to disposition, sale, or redemption for the enforcement and collection of the tax lien against the same in the method and manner which may be provided by ordinance. The council may provide by ordinance the procedure for the sale and redemption of real property for such unpaid taxes, assessments and charges, together with collection charges and interest added thereto,

by judicial sale or petition filed on behalf of the city. Such procedure shall correspond substantially to the procedure provided by law for the sale by the state of tax delinquent real property and redemption therefrom, except that the acts performed by state and county officers shall be performed by appropriate city officers and that city tax sales shall be held not less than thirty (30) nor more than ninety (90) days prior to the dates of corresponding tax sales under the general law.

(b) If no ordinance is in effect pursuant to subsection (a) above, such taxes, assessments and charges, together with any collection charges and interest added thereto, shall be returned to the county treasurer, to the extent and in the same manner and with like effect as provided by law for returns by township treasurers of township and county taxes. The taxes, assessments and charges, together with any collection charges and interest added thereto thus returned shall be collected in the same manner as other taxes returned to the county treasurer are collected in accordance with law, and shall be and remain a lien upon the property against which they are assessed until paid.

Sec. 8.24. Disposition of real property held by city.

When the city has acquired any interest in property to protect the city's tax lien thereon, the owner of any interest therein, by fee title, as mortgagee or as vendor or vendee under a land contract shall have the right to purchase the city's interest therein upon payment to the city of the amount of money which the city has invested therein in the form of taxes, special assessments, charges, fees, penalties, interest and costs paid by the city to protect its title in such property. After the lapse of ninety (90) days after the date that the city acquires title to any such property, the city may remove the same from the market by determining that such property is needed for and should be devoted to public purposes, naming such purposes, or may sell the same at a price which shall be not less than its market value, as determined and certified to the council by the assessor.

CHAPTER IX. SPECIAL ASSESSMENTS

Sec. 9.1. General power relative to special assessments.

The council shall have the power to make public improvements within the city. As to public improvements which are of such a nature as to benefit especially any property or properties within a district, the council shall have the power to determine, by resolution, that the whole or any part of the expense of any such public improvement shall be defrayed by special assessment upon such property, in proportion to the benefits derived or to be derived.

State law reference(s)—Power re special assessments, MCL 117.4a, 117.4b, 117.4(d), 117.5, MSA 5.2074, 5.2075, 5.2077, 5.2084.

Sec. 9.2. Detailed procedure to be fixed by ordinance.

The council shall prescribe, by ordinance, the complete special assessment procedure governing the initiation of projects that may be either by petition of owners of real property or by the council without the necessity of any petition.

Sec. 9.3. Cost of acquiring property.

The cost of condemning or otherwise acquiring property needed for any public improvement shall constitute a part of the cost of the improvement. Whenever one (1) or more parcels of land will each be required to pay twenty-five (25) percent or more of the cost of the improvement, and any portion of such parcel or parcels is taken by condemnation, the city will deduct from the amount of the special assessment on that parcel or parcels the amount paid as a condemnation award or settlement for damages for improvements on that parcel or parcels.

Sec. 9.4. Limitation on suits and actions.

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 or additional special assessment:

(a) Unless (a) a property owner challenging the assessment has protested same at the city's hearing on such assessment, and (b) within thirty (30) days after the confirmation of the special assessment roll, written notice be filed with the clerk of the property owner's intention to file such suit or action, stating the grounds on which it is claimed such assessment is illegal, and

(b) Unless such suit or action shall be commenced within thirty (30) days after the confirmation of the roll.

Sec. 9.5. Lien and collection of special assessments.

Upon the confirmation of each special assessment roll, the special assessments thereon shall become a debt to the city from the persons to whom they are assessed and, until paid, shall be a lien upon the property assessed, for the amount of such assessments and all interest and charges thereon. Such lien shall be of the same character and effect as created by this charter for city taxes. Unpaid installments of special city assessments shall be spread upon the city tax roll or the tax roll for the collection of county and school taxes, or both, as the council may direct and, when so spread, shall be collected in the same manner as the taxes on such rolls and shall be subjected to the same collection charges and the addition of interest thereto as taxes which are spread upon the city tax roll, and with like effect in all respects. Such special assessment installments as remain unpaid on the first day of March after spreading thereof on such tax rolls, shall be collected in the same manner as delinquent city taxes are collected.

Sec. 9.6. Special assessment accounts.

Monies raised by special assessment for any public improvement shall be credited to a special assessment account, and shall be used to pay the special assessment portion of the costs of the improvement for which the assessment was levied and of expenses incidental thereto, including the repayment of the principal of or interest on money borrowed therefor, and to refund excessive assessments, if refunds be authorized.

Sec. 9.7. Certain postponements of payments.

The council may provide that any person who, in the opinion of the assessor and council, by reason of poverty is unable to contribute toward the cost of the making of a public improvement, may execute to the city an instrument creating a lien for the benefit of the city on all or any part of the real property owned by him and benefited by any public improvement, which lien will mature and be effective from and after the execution of such instrument, shall be recorded with the Register of Deeds for Ogemaw County, and shall not be discharged nor released

until the terms thereof are met in full. The council shall establish the procedure for making this section effective.

Sec. 9.8. All real property liable for special assessments.

All real property, including such as is exempt from taxation by law, shall be liable for the cost of public improvements benefiting such property, unless specifically exempted from special assessments by law.

CHAPTER X. ELECTIONS

Sec. 10.1. Regular city election.

A regular city election shall be held biennially on the Tuesday succeeding the first Monday in November in every odd numbered year, in accordance with the following schedule:

(a) Beginning in the year 2008, a mayor, clerk and treasurer shall be elected from the city at large for a three (3) year term. In 2011, and each odd numbered year thereafter, a mayor, clerk and treasurer shall be elected from the city at large.

(b) Beginning in the year 2006, one (1) councilman shall be elected by the voters of each Ward for a five (5) year term. In 2011, one (1) councilman shall be elected by the voters of each Ward for a four (4) year term, and every four (4) years thereafter.

(c) Beginning in the year 2008, one (1) councilman shall be elected by the voters of each Ward for a five (5) year term. In 2013, one (1) councilman shall be elected by the voters of each Ward for a four (4) year term, and every four (4) years thereafter.

State law reference(s)—Michigan election laws, MCL 168.1 et seq., MSA 6.1001 et seq.; mandatory that Charter provide for the time, manner and means of holding elections, MCL 117.3(c), MSA 5.2073(c).

Sec. 10.2. Special elections.

Special city elections shall be held when called by resolution of the council, adopted at least sixty (60) days in advance of such election. Any resolution calling a special election shall set forth the purpose of such election. Unless otherwise permitted by state law, no more than two (2) special city elections shall be held in any one (1) calendar year.

State law reference(s)—Special election approval, MCL 168.631, 168.639, MSA 6.1631, 6.1639.

Sec. 10.3. Primary election.

(a) A regular city primary election shall be held biennially on the Tuesday following the first Monday in August of each odd-numbered year.

(b) If, upon the expiration of the time for filing nominating petitions for any elective city office, valid petitions have been filed for no more than twice the number of candidates for an office to be filled by election at the following regular city election, then no primary election shall be held with respect to such office.


(c) Candidates for mayor, clerk and treasurer equal in number to twice the number of persons to be elected to each office to be filled by election at the next regular city election who receive the highest number of votes of the electors at any such primary election shall be the nominees for election to the respective offices for which they are candidates. If it is necessary to hold a primary election for councilmen representing wards, the two (2) candidates receiving the highest number of votes in each ward at the primary election shall be the nominees for the subsequent regular city election.

Sec. 10.4. Qualifications for electors.

Each person who is a resident of the city and who has the constitutional qualifications of an elector in the State of Michigan, or who will have such qualifications at the next ensuing primary, regular or special city election, shall be entitled to register as an elector of the city.

State law reference(s)—Qualifications for registration as elector, MCL 168.492, MSA 6.1492.

Sec. 10.5. Election procedure.

 All primary and general city elections for the nomination and election of officers shall be nonpartisan. The general election laws of the state shall apply to and control as near as may be, all procedures relating to notices for, to registrations for, and to the conduct of city elections, except as the general laws relate to political parties or partisan procedures, and except as otherwise provided by this charter.

Sec. 10.6. Nominating petitions.

A person desiring to qualify himself or any other person as a candidate for any elective office under this charter shall file with the clerk a properly filled out official nominating petition. The clerk shall prepare and provide official blank nominating petitions. Candidates may also have their nominating petitions printed provided they are in substantially the same form as required by statute. Any qualified voter of the city may be nominated for election as mayor, clerk or treasurer by a petition signed by qualified voters of the city not less in number than one (1) percent of the number of persons who voted in the city for the office of governor at the last gubernatorial election, or as a ward councilman by a petition signed by twenty (20) or more qualified voters of the ward for which the candidate is nominated. Such petitions shall be filed with the clerk not later than 4:00 in the afternoon on the twelfth Tuesday preceding the primary election date, or such other date as shall be established therefor by law. The clerk shall publish notice of the last date and time for receiving nominating petitions not less than ten (10) days prior thereto. If a qualified and registered voter signs nominating petitions for a greater number of candidates for public office than the number of persons to be elected thereto, his 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.

Sec. 10.7. Approval of petitions.

The clerk shall accept for filing only nominating petitions on official forms or forms which substantially comply with the statute, containing the required number of signatures of qualified and registered electors of the city. All such nominating petitions for offices to be filled at the odd year general election shall be filed by 4:00 p.m. on the twelfth (12th) Tuesday prior to the odd year primary election. Within two (2) weeks after the final filing date, the clerk shall

determine the sufficiency of the number and genuineness of the signatures on each petition filed, and if it is found that any petition does not contain the required number of genuine signatures of qualified and registered electors, the clerk shall immediately notify the candidate, in writing, of the insufficiency of his petition. Each petition which is found by the clerk to contain the required number of genuine signatures of qualified and registered electors shall be marked "Valid" with the date of such finding.

Sec. 10.8. Affidavit of qualification for office.

On or before the petition filing date provided in Section 10.7, above, each person for whom a valid nominating petition has been filed, or someone on his behalf shall file with the clerk an affidavit that he is possessed of all of the qualifications set forth by this charter for election to and the holding of the office for which the petition has been filed. Such affidavit shall be on the form therefor provided by the clerk. The clerk shall not receive such an affidavit from any person for more than one (1) office to be filled at the next regular city election.

Sec. 10.9. Names of candidates on election ballots.

The name of each person for whom a valid nominating petition and the affidavit required by section 10.9 has been filed shall be entered on the ballot of the next city primary election, if a primary is held for the office he seeks, under the heading of the office for which he is a candidate.

Sec. 10.10. Form of ballots.

The form, printing and numbering of ballots and ballot labels used in any city election shall conform, as nearly as can be, to that prescribed by law, except that no party designation or emblem shall appear thereon.

Sec. 10.11. Recount.

A recount of the votes cast at any primary or election for any office or upon any city proposition may be held in accordance with the general election laws of the state.

CHAPTER XI. UTILITY FRANCHISES AND MUNICIPAL OWNERSHIP

Sec. 11.1. Public utility franchises.

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 right of the city:

- (a) To repeal the same for misuse or nonuse, or for failure to comply with the provisions thereof;
- (b) To require proper and adequate extension of plant and service 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 period thereof;

(e) To impose such other regulations as may be determined by the council to be conducive to the safety of persons and property and the accommodation of the public;

(f) To require the public utility to which any franchise is granted to permit joint use of its property and appurtenances located in the streets, alleys and 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 therefor; provided that in the absence of agreement, upon application by the public utility the council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor;

(g) To pay such part of the cost of improvement or maintenance of the streets, alleys, bridges and public places of the city as shall arise from its use thereof and to protect and save the city harmless from all damages arising from said use;

(h) Require the public utility to file with the city clerk or city manager such drawings and maps of the location and nature of its facilities as the council may request.

State law reference(s)—Mandates relative to public utilities, Mich. Const. 1963, art. VII, §§ 24, 25; permissible that Charter provide for operation of utilities, MCL 117.4c, 117.4f, MSA 5.2076, 5.2079.

Sec. 11.2. Limitations on the granting of franchises.

No franchise shall be granted by the city for a term exceeding thirty (30) years. Each franchise shall include a provision requiring the franchise to take effect within one (1) year after the adoption of the ordinance granting it, except in the case of grants to take effect at the end of an existing franchise. An irrevocable franchise and any extension or amendment of such a franchise may not be granted by the city, unless the ordinance granting such franchise, extension or amendment has first received the affirmative vote of at least three-fifths of the electors of the city voting thereon at a regular or special city election. An irrevocable franchise ordinance may be approved by the council, for referral to the electorate, only after a public hearing has been held thereon and after the grantee named therein has filed with the clerk his unconditional acceptance of all the terms of the franchise. No special election for such purpose may be ordered by the council, unless the expense of holding such election has been first paid to the treasurer by the grantee.

State law reference(s)—Franchises limited to thirty (30) years, Mich. Const. 1963, Art. VII, § 30; submittal to electors required if irrevocable, Mich. Const. 1963, Art. VII, § 25; expenses of special election to be paid by grantee, MCL 117.5(i), MSA 5.2084(i).

Sec. 11.3. Procedure for granting franchises.

Every ordinance granting a franchise, or right to permanently occupy or use streets, alleys, bridges or public places shall remain on file with the clerk for public inspection in its final form for at least thirty (30) days before the final adoption thereof, or the approval thereof for referral to the electorate.

Sec. 11.4. Sale or assignment of franchises.

The grantee of a franchise may not sell, assign, sublet or allow another to use the same unless the council gives its consent. Nothing in this section shall limit the right of the grantee of any public utility franchise to mortgage its property or franchise, nor shall it restrict the rights of the purchaser upon foreclosure sale, to operate the same, except that such mortgagee or purchaser shall be subject to the terms of the franchise and provisions of this chapter.

Sec. 11.5. Plans of facilities in streets and public places.

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 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.

Sec. 11.6. General powers respecting municipal utilities and services.

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 and maintain public utilities, either within or without its corporate limits, including but not by the way of limitation, public utilities for treating and supplying water, and for supplying light, heat, power, gas, sewage treatment and garbage disposal facilities or any of them, to the city and its inhabitants. The power to supply as herein possessed and reserved, shall include the power to extract and process water, electricity or gas from natural resources, to manufacture the same, or to purchase the same from others.

Sec. 11.7. Administration and operation of municipal utilities.

The council shall be responsible for the care, protection, preservation, control, improvement and extension of the utility plants and facilities of the city and shall adopt such ordinances and resolutions as are required therefor. Such utility plants and facilities shall be a department of the city and the management thereof shall be the duty of the Department of Public Works Supervisor, who shall be responsible to the council therefor, except in the event the council appoints a city manager in which case such Supervisor shall be responsible to the city manager. The city council shall appoint a superintendent of each of the city's utility functions and such other administrative personnel as shall be required to carry out the operation, maintenance, improvement and extension of the said city utilities and utility facilities.

Sec. 11.8. Utility charges; collections.

The council shall fix the rates to be charged for all public utility services of the city. The council shall provide by ordinance for the collection of public utility charges, and for such purpose shall have all the power granted to cities by Act 178 of the Public Acts of 1939 and any other provision of law which permits cities to make any delinquent utility charge a lien upon the premises to which the utility services are furnished. When any person shall fail or refuse to pay to the city any sums due on utility bills, the utility service or services upon which such delinquency exists may be shut off or disconnected by the council and suit may be instituted by the city for the collection of the same in any court of competent jurisdiction.

Sec. 11.9. Annual audit.

The cost of making the annual audit of the accounts of each public utility of the city shall be defrayed from the funds of the utility.

Sec. 11.10. Annual reports.

The annual audit of each public utility of the city shall show, as nearly as possible, the financial results of the ownership and operation of the public service works of the city.

Sec. 11.11. Disposal of plants.

Except for purposes permitted by law, the city shall not sell, exchange, lease or in any other way alien or dispose of the property, easements, income or other equipment privileges or assets belonging to or appertaining to any utility which it may own or acquire, unless and except such proposition shall first have been submitted at an election held for that purpose in the manner provided in this charter, to the electors of the city and approved by them by a three-fifths majority vote of the electors voting thereon. All contracts, negotiations, licenses, grants, leases or other forms of transfer in violation of this provision, shall be void and of no effect as against the city. The provisions of this section shall not apply to the sale or exchange of any article of equipment of any city-owned utility that is worn out or useless, or which could with advantage to the service, be replaced by new and improved machinery or equipment, as determined by the city council by resolution.

CHAPTER XII. CONTRACTS

Sec. 12.1. Contracting authority of council.

The city council is vested with the power to make contracts for the city. All such contracts, except as otherwise provided by ordinance, shall be authorized by the council and shall be signed on behalf of the city by the mayor and clerk.

Sec. 12.2. Purchase and sale of personal property.

The council shall establish by ordinance the procedures for the purchase and sale of personal property. Where feasible, such ordinance shall provide for centralized purchasing on behalf of the city. No purchase of personal property shall be made unless a sufficient unencumbered appropriation is available therefor.

Sec. 12.3. Limitations on contractual power.

(a) The council shall only have power to enter into contracts which, by the terms thereof, will be fully executed within a period of twenty (20) years, unless such contracts shall first receive the approval of a majority of the qualified electors voting thereon at a regular or special election. This qualification shall not apply to any contract for services within a public utility or one (1) or more other governmental units, nor to contracts for debt secured by bonds or notes which are permitted to be issued by law.

(b) The city council shall not have power to purchase, sell, lease or dispose of any real estate unless:

(1) Such action is approved by the affirmative roll call vote of a majority of the council, except as hereafter set out.

(2) In the case of real estate owned by it, the resolution authorizing the sale, lease or disposal thereof shall be completed in the manner in which it is to be finally passed and has remained on file with the clerk for public inspection for thirty (30) days before final adoption or passage thereof.

(3) When the proposition is to sell, lease for a period of more than five (5) years including options, or dispose of any public building, park, cemetery or any part thereof, or any property bordering on a waterfront the proposition shall be approved by a majority vote of the electors of the city voting thereon at any general or special election.

(c) Each contract for construction of public improvements or for the purchase or sale of personal property involving two thousand five hundred dollars (\$2,500.00) or more, shall be let after opportunity for competitive bidding. All bids shall be opened in public in the council room by the city manager or city clerk at the time designated in the notice of letting, and shall be reported to the council at its next meeting. The council may reject any or all bids, if deemed advisable. If, after two (2) or more opportunities for competitive bidding, no bids are received or such bids as were received were not satisfactory to the council, the council may either endeavor to obtain new competitive bids or may authorize the city manager or other proper official of the city to negotiate for a contract on the open market.

(d) No contract shall be made with any person while in default to the city.

Sec. 12.4. Business dealings with city.

Except where conflict of interest provisions are preempted by statute or other law, an officer or employee of the city or an appointee to a board or commission of the city who intends to have business dealings with the city, whereby he may derive any income or benefits, other than such as are provided as remuneration for his official duties, shall file with the clerk a statement, under oath, setting forth the nature of such business dealings, and his interest therein. The statement shall be filed with the clerk not less than ten (10) days before the date when action may be taken by the council upon the matter involved. The statement shall be spread upon the proceedings of the council for the meeting at which it is received and published in full therewith. In each case where the type of dealing with the city is on a continuous basis, involving more than one (1) or a sequence of transactions described in the statement, each such statement shall stand for and apply to such transactions for a period of six (6) months, and may be renewed at the end of each six-months period for so long as such transactions continue. Each such renewal shall be spread upon the proceedings of the council and published as in the case of the original statement. In the event that the interest of any officer or employee of the city in any business dealings with the city changes at any time, he shall file a statement thereof as herein required, which statement shall also be spread upon the proceedings of the council and published as herein required. Approval of any such business dealings shall require a concurring unanimous vote of the council, not including any member who is disqualified. Any business dealings made in violation of this section shall be void.

CHAPTER XIII. SCHEDULE

Sec. 13.1. Status of schedule chapter.

To insure the orderly transition, the following schedule and temporary provisions are set forth to be effective for such period as are thereby required.

Sec. 13.2. Election to adopt charter.

This charter shall be submitted to a vote of the qualified electors at a special election to be held on _____ between the hours of 7:00 a.m. and 8:00 p.m. All provisions for such election shall be made in the manner provided by law, except as in this chapter provided. Proper and sufficient notice of such election and of the registration therefor shall be given by the clerk of the charter commission, as provided by law. If at such election, a majority of the qualified electors of the city voting thereon vote in favor of the adoption of this charter, the clerk of the charter commission shall do and perform all other acts which are required by law to carry this charter into effect.

Sec. 13.3. Form of ballot for charter adoption.

The form of the question on the adoption of this charter shall be as follows:

Shall the proposed revised Charter of the City of Rose City, Michigan, which was framed by the Charter Commission elected on August 6, 2002 be adopted?

YES _____ NO _____

and shall be set forth on paper ballots for absentee voting in the usual manner.

Sec. 13.4. Election of officers.

If this charter is duly adopted, all elected officials shall remain in office until their respective terms expire at which time their successors will be elected pursuant to this charter. Each of said officers shall serve in the capacity, and for the term, for which the officer was elected. The term of office of no elective officer now serving shall be terminated or shortened by this charter.

Sec. 13.5. Effective date of charter.

If the canvass of the votes upon the adoption of this charter shows it to have been adopted, it shall take effect and become law as the charter of the city for all purposes on the first date on which copies of the charter, together with the City Clerk's certification as to votes for and against, have been filed with both the Ogemaw County Clerk and the Michigan Secretary of State.

Sec. 13.6. Administrative officers.

Notwithstanding any other requirement or limitation contained in this charter, the persons holding the offices of city attorney, assessor and each other administrative officer of the city on the effective date of this charter shall continue in such offices as though appointed under the provisions of this charter, if the charter so provides or, as heretofore provided if the charter does not so provide until the council shall act thereon, and shall perform their several duties and in all respects be subject to the provisions thereof.

Sec. 13.7. Boards and commissions under previous charter.

Each member of such boards and commissions as are created or continued by or under authority of this charter, or by any ordinance which is consistent with this charter, holding office on the effective date of this charter shall continue in office for the balance of the term for which he was elected. All other boards and commissions of the city existing on the effective date of this charter shall continue to exist and the terms of office of their members shall continue as established prior to the adoption of this charter until terminated or modified by the city council.

Sec. 13.8. Council action.

In all cases involving the transition of the city government from that under the previous charter to that under 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 therefor.

Sec. 13.9. Vested rights and liabilities.

After the effective date of this charter, the city and all its agencies shall be vested with all property, monies, contracts, rights, credits, effects and the records, files, books and papers belonging to it under and by virtue of the previous charter. No right or liability, contract, lease or franchise, either in favor of or against the city, existing at the time this charter becomes 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 city 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.

APPROVAL OF THE GOVERNOR

I DO HEREBY APPROVE the above and foregoing Charter of the City of Rose City, Michigan.

Jennifer Granholm, Governor
State of Michigan

Dated at Lansing, Michigan, this _____ day of _____ 2003