

Charter  
of the  
City of Grand Ledge

PROPOSED

Approved by Charter Commission:

Approved by Governor Rick Snyder:

Approved by Grand Ledge Voters:



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## PREAMBLE

We, the people of the City of Grand Ledge, pursuant to the authority granted by the Constitution and the laws of the State of Michigan, mindful of the ideals and labors of our forefathers, in order to secure the benefits of efficient self-government, and to promote the freedom, health, peace, safety, and prosperity of our residents, and the community and its members, do hereby ordain and establish this Charter. By this action, we secure the benefits of home rule and affirm the values of representative democracy, professional management, strong political leadership, citizen participation, and regional cooperation.

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## CHAPTER 1 – NAME, BOUNDARIES, AND WARDS

### Section 1.1 NAME

The inhabitants of the City shall continue to be a body politic and corporate under the name of the City of Grand Ledge and in that name the City shall hold the title to all its property and conduct all its affairs.

### Section 1.2 BOUNDARIES

The corporate boundaries of the City shall be those as established on the date this Charter takes effect, provided that the City shall have the power to change its boundaries in the manner provided by law. The City Clerk shall maintain complete records of the existing boundaries on the date this Charter takes effect and each change thereafter.

### Section 1.3 WARDS

- A. The City initially, until changed in accordance with law, shall consist of three wards, from each of which two members of City Council shall be nominated and elected, described as follows: first ward: all that part of the City lying south of the Grand River and west of the center of South Bridge Street to its intersection with the center of Jenne Street and, from thence south to the corporate limits of the City, west of the center of Jenne Street; second ward: all that part of the City lying north of the Grand River; third ward: all that part of the City lying south of the Grand River and east of the first ward.
- B. These ward boundaries shall be generally maintained as described, but shall be altered by the City Council to achieve a balance of approximately one-third of the City's population each, after every United States decennial census. Ward boundaries shall be established, to the greatest extent possible, so that the wards will be compact, contiguous and of equal population.
- C. Wards shall be apportioned by ordinance pursuant to and within the time period required by law and this Charter. An apportionment ordinance shall be adopted by the City Council following the release of each United States decennial census and, as applicable, at least six (6) months before any regular City election to which the census first applies.

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## CHAPTER 2 – POWERS

### Section 2.1 GENERAL POWERS

The City and its officers shall be vested with any and all powers and immunities, expressed and implied, which cities are or hereafter may be permitted to exercise or provide for in their charters under the Constitution and statutes mandated by the State of Michigan. All the powers of cities shall be construed as fully and completely as though those powers and immunities were specifically enumerated in and provided for in this Charter. In no case shall any enumeration of particular powers or immunities in this Charter be held to be exclusive.

### Section 2.2 ADDITIONAL POWERS

- A. The City and its officers shall have authority to exercise all municipal powers in managing and controlling municipal property and in administering the municipal government, whether such powers are expressly enumerated or not; to do any act to advance the interests of the City, the good government, and prosperity of the municipality and its residents, and through its regularly constituted authority, to pass and enforce all ordinances relating to its municipal concerns, subject to the Constitution and laws of the State of Michigan, and the provisions of this Charter.
- B. The City may condemn property if such exercise of power would serve a public necessity according to the authority granted to the City and governed by the statutes and the Constitution of the State of Michigan and this Charter.

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## CHAPTER 3 – ORGANIZATION OF GOVERNMENT

### Section 3.1 FORM

The City shall have the City Council-Manager, non-partisan form of government.

### Section 3.2 CITY COUNCIL COMPOSITION AND POWER

There shall be a City Council consisting of six Council members and the Mayor, who shall be deemed a member of the City Council for all purposes. The City Council shall constitute the legislative and governing body of the City and shall have the power and authority to adopt such ordinances and resolutions, as it shall deem proper in the exercise of its power.

### Section 3.3 COUNCIL MEMBER QUALIFICATIONS

The members of the City Council shall meet the eligibility requirements as set forth in Chapter 5.

### Section 3.4 MAYOR AND COUNCIL MEMBER TERMS OF OFFICE

- A. Except as provided in Section 15.4, there shall be a regular City election held in November of each even-numbered year. Until November 2022, Mayor and City Council member elections and terms of office shall be governed by Section 15.4.
- B. There shall be elected from the City at large a Mayor for a term of four years. There shall also be elected six Council members, two from, and elected by, each ward, for terms of four years each. A Council member shall be a registered elector of the ward they represent, and from which elected or for which appointed.
- C. At each regular election, three Council members, one from each ward, shall be elected and such additional number of Council members as may be required to fill vacancies. Beginning in November 2022, at each November regular election at which electors of the State of Michigan elect a Governor for a four year term, the Mayor shall be elected.
- D. All terms of office shall commence at the first regularly scheduled or special meeting of City Council following the date of the certification of the election by the County Board of Canvassers.

### Section 3.5 MAYOR AND COUNCIL MEMBER COMPENSATION

The City Council shall, by ordinance, from time to time set compensation to be received by the Mayor and Council members.

### Section 3.6 CITY COUNCIL ORGANIZATION

The City Council shall hold its organizational meeting at the first regular meeting following the certification of the regular City election by the County Board of Canvassers. At this time, or whenever a vacancy in the office of Mayor Pro-Tem shall occur, the City Council shall select a Mayor Pro-Tem from its members.

Section 3.7 MAYORAL POWERS AND DUTIES

- A. The Mayor shall preside at all meetings of the City Council. The Mayor shall be a full voting member of the City Council but shall have no veto power. They shall be the chief executive officer of the City insofar as required by law and for all ceremonial purposes. The Mayor shall be the conservator of the peace and shall have the powers conferred by law upon sheriffs in times of emergency to suppress disorder, preserve the public peace, and the health and safety of persons and property, and shall have other emergency powers as permitted by law. They shall authenticate by signature, such instruments as may be required under the provisions of law. The Mayor shall do all acts required of them by law. The Mayor shall have no other authority except that which is specifically authorized to them by City Council when the City Manager position is vacant.
- B. The Mayor Pro-Tem shall act in place of the Mayor in the absence or disability of the Mayor and serve as Mayor on an interim basis in the case of a vacancy in that office until the Mayor returns to office or the vacancy is filled pursuant to provisions of Section 5.9.

Section 3.8 CITY COUNCIL RELATIONSHIP WITH STAFF

Except for the purpose of inquiries, Council members shall interact with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager. Individual Council members shall not direct or give orders to any such officer or employee, either publicly or privately.

## CHAPTER 4 – ELECTIONS

### Section 4.1 QUALIFICATIONS OF ELECTORS

The residents of the City having the qualifications of electors in the State of Michigan who are registered as an elector in the City shall be electors of the City.

### Section 4.2 NON-PARTISAN ELECTIONS

The election of the Mayor and Council members shall be on a non-partisan basis.

### Section 4.3 REGULAR CITY ELECTIONS

Regular City elections shall be held on the first Tuesday following the first Monday of November of even-numbered years. Until November 2022, Mayor and City Council member elections and terms of office shall be governed by Section 15.4.

### Section 4.4 NOMINATIONS

The method of nominations for all candidates for City elections shall be by petition or by a candidate submitting a filing fee. A petition for each candidate shall be signed by not less than twenty-five registered electors of the City or ward. Nominating petitions submitted by candidates for the office of Council member shall be signed by twenty-five registered voters of the City, who shall also be residents of the respective candidate's ward. No person shall sign their name to a greater number of petitions for any one office than there are persons to be elected to said office at said election. When the signature of any one individual appears on more petitions than there are candidates to be elected to said office at said election, the signature of such individual on all such petitions shall be invalidated, except that the signature dated earliest shall be valid. In lieu of submitting nominating petitions, a candidate may submit a nonrefundable filing fee of \$100.00, or such other amount as may be set by ordinance. The City Clerk shall publish notice of the last day, time, and place permitted for filing nomination petitions and filing fees at least one week and not more than three weeks before such day.

### Section 4.5 ELECTION COMMISSION

An Election Commission is hereby created, consisting of the City Clerk, and one Council member whose name shall not appear on the ballot during the year they serve as a member of the Election Commission and one qualified registered elector, both to be appointed by City Council at its first regular meeting after every regular City election. The Election Commission shall serve without compensation. The City Clerk shall be the chairperson and two members of such board shall constitute a quorum.

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## CHAPTER 5 – OFFICERS AND PERSONNEL

### Section 5.1 ELIGIBILITY

- A. No person shall hold any elective office of the City unless they have resided in the City for a minimum of one year and is a registered elector of the City on the last day for filing nominating petitions or filing fee for such office or prior to their appointment to fill a vacancy.
- B. A Council member shall be a registered elector of the ward they represent, and from which elected or for which appointed.
- C. No person who is in default to the City shall be eligible for any elective or appointive position. The holding of office by any person who is in default shall create a vacancy unless such default shall be eliminated within thirty days after written notice thereof has been served at their last known place of residence by the City Clerk upon the direction of the City Council, or, unless the officer contests their liability for the default in a court of competent jurisdiction.
- D. No person who holds or has held the office of Mayor or Council member shall be eligible to hold any appointive office for which there is compensation paid by the City until six-months has elapsed following retirement or resignation. This provision would not apply to appointments where nominal compensation may be paid by the City.
- E. No administrative officer, person holding an appointive position, or employee shall hold an elective office of the City unless they resign their position with the City upon election or appointment to elective City office.
- F. All administrative officers (see Section 7.1) shall be United States citizens.

### Section 5.2 NEPOTISM

Unless the City Council shall by majority vote record as part of its official proceedings, a determination that the best interests of the City shall be served, family members of any elective or administrative officer are disqualified from holding any appointive office or employment during the term for which said elective or appointive officer was elected or appointed. This section shall in no way disqualify such family members who are bona fide appointive officers or employees of the City at the time of the election or appointment of said official.

### Section 5.3 OATH AND BOND

Every officer, elective or appointive, before entering upon the duties of that office, shall qualify by taking the oath of office prescribed for public officers by the Constitution of the State of Michigan, and by filing the oath with the City Clerk, together with any bond required by State law, this Charter or by the City Council. In case of failure to comply with the provisions of this section within twenty days from the date they are notified in writing of that officer's election or appointment, such officer shall be deemed to have declined the office and such office shall thereupon become vacant unless the City Council shall, by resolution, extend the time in which such officer may qualify as above set forth.

### Section 5.4 OFFICIAL BOND

- A. Except as otherwise provided in this Charter, all officers of the City whose duties involve the custody of public property or the handling of public funds, either by way of receipt or disbursement or both, and all other officers and employees so required by the City Council shall, before they enter upon the duties of their

respective offices, file with the City an official bond in such form and amount as the City Council shall direct and approve.

- B. The official bond of every officer or employee whose duty it may be to receive or pay out money shall be conditioned that they will, upon demand, pay over or account for to the City, or any proper officer or agent thereof, all moneys received by them as such officer or employee. The requirements of this paragraph may be met by the purchase of one or more appropriate blanket official bonds covering all, or a group of, City employees and officers.
- C. All official bonds shall be corporate official bonds and the premiums thereon shall be paid by the City. The City Clerk shall be custodian of all bonds of all officers or employees except that the City Manager shall be custodian of any bonds pertaining solely to the City Clerk.

#### Section 5.5 SUCCESSION

Whenever any officer or employee shall cease to hold such office or employment for any reason whatsoever, they shall within five days, or sooner on demand, deliver to their successor in office or to that officer's or employee's superior all the books, papers, money, equipment, and effects in their custody that in any manner pertain to that office. Any officer violating this provision may be proceeded against in the same manner as public officers generally for a like offense under the laws of the State of Michigan.

#### Section 5.6 DECLARING VACANCY

The office of Council member or Mayor shall become vacant (a) upon the official's death; (b) resignation; (c) removal from office in a manner authorized by this Charter or by law; (d) ceasing to possess the qualifications of office required by this Charter; (e) unexcused absence from four consecutive regular meetings of City Council or 25% of such meetings in any twelve-month period; (f) being found guilty of misconduct of office by a court of competent jurisdiction, or (g) if no person is elected to, or qualified for, the office at the election at which such office is to be filled.

#### Section 5.7 REMOVAL

Removal by the City Council of elective officers shall be made for either of the following reasons:

- A. For any reason specified by State law for removal of City officers by the governor, or
- B. For any act declared by this Charter to constitute misconduct in office.

Such removals by the City Council shall be made only after a hearing of which the officer has been given notice by the City Clerk at least ten days in advance, either personally or by certified mail, addressed to the officer in question at the last known place of residence of that officer. Such notice shall include a copy of the charges against the officer. The hearing shall afford an opportunity to the officer, in person or by their attorney, to be heard in their defense, to cross-examine witnesses and to present testimony. If the officer shall neglect to appear, without good cause, at the hearing and answer the charges, their failure to do so may be deemed cause for removal. A majority vote of the members of the City Council in office at the time, exclusive of any member whose removal is being considered, shall be required for any such removal.

## Section 5.8 RESIGNATION

Resignation of elective officers and of members of boards and commissions shall be made in writing and filed with the City Clerk and shall be acted upon by the City Council at its next regular or special meeting following receipt thereof by the City Clerk and is irrevocable upon acceptance. Resignations of appointive officers shall be made in writing to the appointing officer or body and shall be acted upon immediately.

## Section 5.9 FILLING VACANCIES

- A. The City Council shall fill a vacancy in the office of City Council by giving public notice, soliciting applicants, and appointment of a qualified, registered elector within sixty days from the date the vacancy was created. The appointment shall be for the balance of the term if the vacancy occurs within thirty months of the expiration of the term. If the unexpired term exceeds thirty months, the appointee shall hold office only until the first City Council meeting following the certification of the next regular City election, at which election the office shall be filled for the remainder of the term.
- B. Vacancies in appointive offices shall be filled in the manner provided for making the original appointment. In the case of members of boards and commissions appointed for a definite term, such appointments shall be for the unexpired term.

## Section 5.10 TERM OF OFFICE

Except by procedures provided by law or in this Charter, the terms of office of the elective officers, boards, and commissions shall not be shortened or extended beyond the term for which said officer was elected or person appointed, provided that the elected official or appointed person may continue to hold their position or office until a qualified successor is either elected or appointed.

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## CHAPTER 6 – CITY COUNCIL

### Section 6.1 REGULAR MEETINGS

The City Council shall hold at least one meeting each month and provide for the time and place of its regular meetings.

### Section 6.2 SPECIAL MEETINGS

- A. Special meetings of the City Council shall be called by the City Clerk on the written request of the Mayor, or any three members of the City Council, by written notice to each member of the City Council served personally or left at their usual place of residence, or such other manner of notification as may be established by ordinance, no less than eighteen hours prior to the time of such meeting. Subject to the requirements of the Open Meetings Act, 1976 PA 267, as amended, the City Council may meet in emergency session on shorter notice in the event of a severe and imminent threat to the health, safety, or welfare of the public.
- B. No business shall be transacted at any special meetings of the City Council unless the same shall have been stated in the notice of such meetings. However, any business that might lawfully come before a regular meeting may be transacted at such special meeting if all the members present consent thereto and the business is not in conflict with this Charter.

### Section 6.3 QUORUM

Four members of the City Council shall be a quorum for the transaction of business at all meetings of the City Council. In the absence of a quorum, any number of members less than a quorum may adjourn any regular or special meeting to a later date.

### Section 6.4 PROCEDURES

- A. Any four or more members of the City Council may by vote compel the attendance of its members and other officers of the City at any meeting. Any member of the City Council or other officer, who when notified of the vote to compel their attendance, fails to attend such meeting for reasons other than confining illness or extenuating circumstances, shall be deemed guilty of misconduct in office unless excused by the City Council.
- B. The presiding officer shall enforce orderly conduct at meetings and any Council member or other officer who shall fail to conduct himself or herself in an orderly manner at any meeting shall be deemed guilty of misconduct in office.
- C. Any police officer designated by the presiding officer of the meeting shall serve as the sergeant-at-arms of the City Council in enforcement of the provisions of this section.
- D. Each City Council shall determine its own organization, rules, and order of business subject to the following provisions:
  - 1. A vote upon all ordinances and resolutions shall be taken by “yes” and “no” vote, and entered upon the records, except that where the vote is unanimous it shall only be necessary to so state. Except as otherwise provided in this Charter, no ordinance shall be adopted or repealed or passed except by the affirmative vote of at least four members of the City Council unless otherwise provided by law.

2. Subject to the provisions of the Contracts of Public Services with Public Entities Act (MCL 15.321 et seq.) which governs certain City contracts involving City officers and City employees, any Council member who has a potential conflict of interest shall disclose such potential conflict to the presiding officer or City Clerk prior to the meeting at which a vote will be taken. If such disclosure is made at a meeting, the vote may be postponed to the next scheduled meeting. This section does not prevent a Council member from making or participating in making a governmental decision to the extent that the Council member's participation is required by law or is exempt by law.
3. All Council members shall vote on any and all questions in which they do not have a financial interest other than the common public interest or any question concerning their conduct, unless excused by unanimous consent of the remaining members present. Any member refusing to vote, except when not required to do so by law or this Charter, shall be guilty of misconduct of office.
4. Any standing committee of the City Council shall be composed of at least two members. The City Council shall not assign the administration of any department or agency of the City to any member or committee of the City Council.

#### Section 6.5 PUBLIC PEACE AND HEALTH

The City Council shall see that provision is made for the public peace and health.

## CHAPTER 7 – ADMINISTRATIVE SERVICES

### Section 7.1 ADMINISTRATIVE OFFICERS

The administrative officers of the City shall be the City Manager, City Clerk, City Treasurer, City Assessor, City Attorneys, Chief of Police, Fire Chief, and Public Services Director. The City Council may, by ordinance or by resolution, establish such additional administrative officers or departments, or combine any administrative officers or departments, in any manner not inconsistent with law or this Charter, and prescribe the duties and compensation thereof as it may deem necessary for the proper operation of the City government. Unless otherwise provided in this Chapter, the administrative officers of the City shall be appointed and removed by a majority vote of the members of City Council following receipt of a written recommendation by the City Manager.

### Section 7.2 PERSONNEL SYSTEM

- A. All appointments and promotions of City officers and employees shall be made solely on the basis of merit and fitness demonstrated by a valid and reliable examination or other evidence of competence.
- B. Consistent with all applicable federal and state laws, the City Council may provide by ordinance for the establishment, regulation, and maintenance of a merit system governing personnel policies necessary to effective administration of the employees of the City's departments, offices, and agencies, including but not limited to classification and pay plans, examinations, force reduction, removals, working conditions, provisional and exempt appointments, in-service training, grievances, and relationships with employee organizations.
- C. The compensation of all employees and officers of the City whose compensation is not provided for herein, shall be fixed by the City Council within the limits of budget appropriations, and in accordance with any pay plan adopted by the City Council. Nothing contained in this section shall prohibit the payment of necessary bona fide expenses incurred in service on behalf of the City.
- D. The City Council may provide for a retirement system or systems for the City employees.
- E. All personnel employed by the City, who are not elected officers of the City or declared to be Administrative Officers, by or under the authority of Section 7.1 shall be deemed to be employees of the City. The head of each department and administrative office shall have the power to hire and discharge the employees of such departments and offices; however, the hiring or discharge of an employee shall not be effective until confirmed by the City Manager. The discharge of an employee may be appealed to the City Manager. An employee subject to a collective bargaining agreement may appeal discharge, as provided for in the agreement.

### Section 7.3 CITY MANAGER

- A. Appointment; Compensation
  - 1. The City Council shall appoint a City Manager within one-hundred eighty days after any vacancy exists in such position or the City Council may appoint an acting manager during the period of a vacancy in the office. The City Manager, with the consent and approval of the City Council, may designate an administrative officer or employee of the City to act as City Manager if they are temporarily absent from the City or unable to perform the duties of their office.
  - 2. The City Council shall set the City Manager's compensation.

3. The City Manager shall be the municipal executive and chief administrative officer of the City. The City Council shall appoint the City Manager on the basis of education, ability, training, and experience.

#### B. City Manager Function and Duties

1. The City Manager shall be responsible to the City Council for the proper management and administration of the affairs of the City, and shall appoint and remove employees of the City as provided in Section 7.2, and shall make recommendations to the City Council relative to the appointment and removal of administrative officers of the City as referenced in Section 7.1. The City Manager shall set employee compensation within the pay plan adopted by the City Council, and shall supervise and coordinate the work of all of the administrative offices and departments of the City except the work of the City Clerk, City Treasurer, and City Assessor as dictated by the State Constitution or State law. The City Manager shall be the main point of communication and dissemination of information from the City Attorneys.
2. The City Manager shall see that this Charter and all laws and ordinances are enforced, shall prepare and administer the annual budget under policies formulated by the City Council, shall have the budget control responsibility, and shall keep the City Council advised as to the financial condition and needs of the City. The City Manager shall furnish the City Council with information concerning City affairs, and prepare and submit such reports as may be required or which the City Council may request. The City Manager shall make recommendations to the City Council relative to all agenda items, except as directly relating to their employment. Subject to this Charter and any employment ordinance of the City, the City Manager shall employ or be responsible for the employment of all City employees, and supervise and coordinate the personnel policies and practices of the City. The City Manager or their authorized representative shall establish and maintain a central purchasing service and the City Manager, or their designee, shall act as purchasing agent for the City.
3. The City Manager, or their designee, shall attend all meetings of the City Council with the right to be heard in all City Council proceedings but without the right to vote. The City Manager, or their designee, shall possess such other powers as may be granted to or required of them by the City Council, so far as may be consistent with the provisions of law. The City Manager shall establish any rules necessary to carry out any of the foregoing duties.
4. The City Manager shall perform such other duties in connection with the office as may be required by law, ordinances, or the City Council.
5. The City Manager serves at the pleasure of the City Council and may be removed by an affirmative vote of not less than four of its members.

#### Section 7.4 CITY CLERK

- A. The City Clerk shall be the clerical officer of the City Council and shall keep its journal in English. The City Clerk shall keep a record of all actions of the City Council at its regular and special meetings, and shall certify all ordinances and resolutions adopted by the City Council. The City Council shall appoint the City Clerk on the basis of education, ability, training, and experience.
- B. The City Clerk shall have the power to administer all oaths required by law and by the ordinances of the City, and shall be the custodian of the City Seal and shall affix the same to documents required to be sealed. The City Clerk shall be the custodian of all papers, documents, and records pertaining to the City, which are not entrusted to some other City officer or department by City Charter, ordinance or law. They shall give the proper officials ample notice of the expiration or termination of any official bonds, franchises, contracts or agreements to which the City is a part and shall notify the City Council of the failure of any officer or



employee required to take an oath of office or furnish any bond required of them. The City Clerk shall be the chief election officer for the City.

- C. The City Clerk shall perform such other duties in connection with the office as may be required by law, the ordinances or resolutions of the City Council, or by the City Manager.

#### Section 7.5 CITY TREASURER

- A. The City Treasurer shall have the custody of all moneys of the City and all evidences of value or indebtedness belonging to or held in trust by the City. The City Treasurer shall keep and deposit all moneys or funds in such manner and only in such places as the City Council may determine, and shall report the same to the City Manager. The City Council shall appoint the City Treasurer on the basis of education, ability, training, and experience.
- B. The City Treasurer shall have such powers, duties, and prerogatives in regard to the collection and custody of state, county, school district, City taxes, and other taxing entities' money as are provided by law.
- C. The City Treasurer shall disburse all City funds in accordance with provisions of law and this Charter.
- D. The City Treasurer shall establish and maintain a general accounting plan which will conform to such uniform accounting standards as may be required by law.
- E. The City Treasurer shall perform such other duties in connection with the office as may be required by law, the ordinances and resolutions of the City Council, or as directed by the City Manager.

#### Section 7.6 CITY ASSESSOR

- A. The City Assessor shall possess all the power vested in and shall be charged with the duties imposed upon the assessing officer of a City by law. The City Council shall appoint the City Assessor on the basis of proper state certification, education, ability, training, and experience.
- B. The City Assessor shall make and prepare all regular and special assessment rolls in the manner prescribed by law or ordinances of the City.
- C. The City Assessor shall perform such other duties as may be prescribed by law, or the ordinances and resolutions of the City, or by the City Manager.
- D. The City Assessor, or their designee, shall be secretary of the Board of Review.

#### Section 7.7 CITY ATTORNEYS

- A. The City Attorneys shall act as legal advisors and be accountable to the City Council. The City Council shall appoint the City Attorneys on the basis of education, ability, training, and experience.
- B. The City Attorneys shall be the legal advisors and counsel for the City.
- C. The City Attorneys shall prepare or review ordinances, regulations, contracts, bonds, and other such instruments as may be required by this Charter, the City Council, or the City Manager, and shall promptly give their opinion as to the legality thereof.

- D. The City Attorneys shall prosecute ordinance violations and shall represent the City in cases before the courts and other tribunals. In such instances as the City Council or the City Manager shall direct, they shall defend officers and employees of the City in actions arising out of the performance of their official duties.
- E. Upon the City Attorneys' recommendation, or upon its own initiative, the City Council or the City Manager may retain special legal counsel to handle any matters in which the City has an interest, or to assist City Attorneys.
- F. The City Attorneys shall perform such other duties in connection with the office as may be prescribed by this Charter, the City Council, the City Manager, or by contractual agreement.
- G. The City Attorneys shall comply with the Michigan Rules of Professional Conduct.

#### Section 7.8 POLICE PROTECTION

- A. The City Council shall provide for, establish, or maintain police protection to enforce all laws, ordinances, and codes of the City through the creation of a police department, public safety department, or contract police services by intergovernmental agreement.
- B. The police officers of the City shall have and exercise all the immunities, privileges, and powers of peace officers under State law for the preservation of quiet, good order, and for the safety of persons and property within the City.
- C. If the City operates its own police department, the Chief of Police shall be appointed and subject to removal as provided for in Section 7.1.

#### Section 7.9 FIRE PROTECTION

- A. The City Council shall have power to enact such ordinances and to establish and enforce such regulations and enter into intergovernmental agreements as it shall deem necessary to guard against the occurrence of fires in the City and to protect the property and persons or inhabitants of the City against the occurrence of fires and against accident or damage resulting therefrom. For this purpose, the City Council may provide for, establish, or maintain a Fire Department within the administrative division of the City.
- B. If the City operates its own fire department, the Fire Chief shall be appointed and subject to removal as provided for in Section 7.1.

#### Section 7.10 PUBLIC SERVICES DIRECTOR

The Public Services Director shall be in charge of streets, alleys, public rights of way, sidewalks, parks, and all City owned real property including buildings. The Public Services Director shall supervise and manage all City-owned infrastructure and public works services of the City. The Public Services Director shall coordinate with other governmental bodies with respect to available funding for City public works projects and projects undertaken by other governmental bodies within the City boundaries.

#### Section 7.11 PLANNING AND ZONING

- A. The City Council shall maintain a Planning Commission in accordance with and having all the powers and duties granted by the provisions of law relating to such commissions, which it deems beneficial to the health, safety, and general welfare of the City.

- B. The City Council shall maintain a zoning ordinance in accordance with the provisions of law. The ordinance shall provide that zoning be coordinated with the work of the Planning Commission.

#### Section 7.12 ZONING ADMINISTRATOR

The Zoning Administrator shall enforce the City zoning ordinances and will receive functional and administrative supervision from the City Manager. The Zoning Administrator shall be appointed by the City Manager, after consultation with the City Council, on the basis of education, ability, training, and experience. The City Manager shall supervise and have the authority of dismissal.

The Zoning Administrator or their designee shall:

- A. Issue all notices and orders to insure compliance with zoning ordinances and recommend prosecution as necessary;
- B. Process all applications related to zoning compliance, site plans, special land use permits, and zoning variances;
- C. Prepare documents, agendas, and supporting information for the Planning Commission and Zoning Board of Appeals meetings;
- D. Assess all planning and zoning fees authorized by State law, City ordinance, or City resolution and;
- E. Perform all other duties as may be prescribed by state law, and the ordinances and resolutions of the City Council, or as directed by the City Manager.

#### Section 7.13 BOARD OF REVIEW

- A. Qualifications and Appointment
  1. Pursuant to the General Property Tax Act, PA 206 of 1893, as amended, a Board of Review is hereby created and composed of three members who shall have the following qualifications: A member shall be a registered elector of the City, and shall have been a resident of the City for at least one year immediately prior to the date of appointment. The appointment of members of such Board shall be based upon their knowledge and experience.
  2. The members of the Board of Review shall be appointed by the City Council for three-year terms expiring at the first regular City Council meeting in January of each year, and may be removed for reasons of nonfeasance, malfeasance, or misfeasance by a majority vote of the City Council. The Board of Review existing on the effective date of this Charter shall continue. When terms expire, the City Council shall appoint a member for a three-year term at the first regular City Council meeting in January of each succeeding year. Upon a vacancy due to resignation or otherwise, the City Council shall appoint a member to fill the remainder of the vacant term. The City Council shall fix the compensation of the members of the Board.
  3. The members of the Board of Review shall be officers of the City and shall take the oath of office, which shall be filed with the City Clerk.
  4. Being elected to an office of the City while serving as a member of the Board of Review shall constitute a resignation from the Board of Review.

## B. Meetings and Duties

1. The City Assessor, or their designee, shall be the secretary of the Board of Review, and shall be entitled to be heard at its sessions, but shall have no vote on any proposition or question.
2. An annual organizational meeting of the Board of Review shall be held on the first Tuesday following the second Monday in March to select one of its members as chairperson for the ensuing year, to review the assessment roll and to examine the guidelines and practices followed in preparing the assessment roll.
3. For the purpose of revising and correcting assessments, the board of review shall have the same powers and perform like duties, in all respects, as are, by law, conferred upon and required of boards of review, except as otherwise provided in this Charter.
4. At the time, and in the manner provided in the following section, the board of review shall hear the complaints of all persons considering themselves aggrieved by assessments. If it shall appear that any person or property has been wrongfully assessed or omitted from the roll, the board of review shall correct the roll in such manner as it deems just. In all cases, the assessment roll shall be reviewed according to the facts existing on the most recent tax day.
5. Except as otherwise provided by law, no person other than the Board of Review shall make any change upon, or addition or correction to, the assessment roll.
6. The City Assessor shall make a permanent record of all proceedings of the Board of Review and enter therein all its resolutions and decisions. Such record shall be filed with the City Clerk on or before the first day of May following the meeting of the board of review.

## C. Notice of Meetings

Notice of the time of the sessions of the board of review shall be published by the City Clerk in a newspaper having general circulation in the City, or such other manner of notification as may be allowed by State law or City ordinance, at least one week prior to each session of the board and printed on the assessment notice sent as described in Section 10.6.

## D. Meetings: Examination of Persons Appearing

The board of review shall meet in two sessions in each year at such place as shall be designated by the City Council. The first session of the board shall convene on the first Tuesday following the second Monday in March of each year and may continue in session for three days and as much longer as may be necessary for the purpose of considering and correcting the roll. In each case where the assessed value is increased or any property added to the rolls by the board, the secretary of the board shall give notice to the owners thereof according to the last assessment roll of the City by first class mail as prescribed by State law. The second session of the board shall convene on the first Tuesday following the fourth Monday of March of each year and shall continue in session for one day and as much longer as may be necessary for the purpose of hearing appeals of property assessments. The board shall remain in session during such hours as the City Council may designate.

## Section 7.14 CEMETERIES AND BOARD OF CEMETERY TRUSTEES

- A. The City may acquire, hold, own, and provide for cemetery and public burial places, either inside or outside the City, as the City Council deems necessary for the public welfare and suitable for the convenience of the residents. The purchase, sale, lease, or disposal of cemetery property shall be governed by Chapter 13.

- B. The City Council may, by ordinance, limit the interment of the dead to such cemetery or other public burial place, and provide that any bodies interred within the City in violation of such ordinance be disinterred and reinterred in compliance with such ordinance.
- C. The City Council may, by ordinance, make regulations necessary to carry into effect the provisions of this section to control or regulate any cemetery or burial place and the improvement thereof, to protect the same and the appurtenances thereof from injury, and to punish violations.
- D. The City Council may also, by ordinance, make any regulations necessary for the preservation and protection of any cemetery or interment within the City, belonging to or under the control of any church or religious society, or any corporation, company, or association, and for the protection and preservation of the tombs, monuments, and improvements thereof, and the appurtenances thereto.
- E. The City Council shall raise and appropriate in its annual budget such sums as shall be necessary for the improvement, adornment, protection, and care of any City-owned cemetery, and may raise and appropriate such sums as may be necessary for the purchase of additional cemetery grounds.
- F. Board of Cemetery Trustees
1. The Board of Cemetery Trustees existing on the effective date of this Charter shall continue, except it shall now be comprised of five members who have the qualifications required of elective officers by this Charter. The five trustees shall hold office for terms of three years. The trustees shall be appointed by the Mayor, with the approval of City Council, during the month of June and shall assume office on July 1, following, with staggered terms such that no more than two trustees' terms shall expire in any one year. The City Council may remove any trustee for good cause. The trustee shall serve without compensation. The Board shall meet at least four times annually and at the call of the chair. The Board shall report annually to the City Council with information on the status of the cemeteries, including but not limited to identifying any deficiency in their care and maintenance, no later than the City Council's last meeting in February.
  2. The Board shall elect one of their member chair, and the City Clerk shall be the clerk of the Board.
  3. The Board shall have the power to establish by rules and regulations, approved by the City Council:
    - a. Regulations governing the purchase, transfer, or sale of plots and niches; and
    - b. Standards of interment; and
    - c. Requirements for monument foundations, monuments or sepulchral structures, tombstones, and trees, shrubs, flowers, or other plantings; and any other ornamental object; and
    - d. The conduct of the public in cemeteries.
  4. The Board shall have the power to direct the use of any bequest devised to the City for the benefit of the cemetery, for the purpose stated, if any, and in the best interest of the cemetery, subject to the approval of the City Council, if said bequest is accepted by the City. The City Council shall commit any such bequest for the purpose stated, if any, and in the best interest of the City. The City Clerk shall promptly notify the Board of any bequest for the benefit of a City cemetery or cemetery facilities.
  5. The Board shall recommend to the City Council, as part of the annual budget, fees to support the operational costs of cemeteries, which may include the sale and transfer of burial rights, services provided by the City at the time of interment, and any other charges the Board considers appropriate.

6. The City Clerk shall execute and record any sale or transfer of burial rights at the expense of the purchasers.
7. The Board shall be responsible for the care, management, and preservation policies of cemeteries, and to direct the improvements and embellishments of cemeteries; subject to approval of the City Council.

#### Section 7.15 PARKS AND RECREATION COMMISSION

The Parks and Recreation Commission, hereinafter referred to as the “Commission,” is hereby to be maintained as existing, which Commission shall seek to provide various park and recreational experiences for children and adults of the Grand Ledge area thereby furthering the general welfare of the residents in the Grand Ledge area.

- A. The Commission shall consist of ten members, all of whom shall be residents of the City. Of these ten members, one shall be a Council member acting as a liaison without voting privileges, one shall be a school representative who shall be a resident of the City with voting privileges, and eight shall be residents of the City with voting privileges. All of said members shall be appointed by the Mayor, subject to confirmation by a majority of the City Council elected to and serving on said City Council.
- B. The Commission shall have the authority to develop a Parks and Recreation Master Plan subject to approval by the City Council.
- C. The Commission shall have the power to establish job descriptions for the recreation directors as deemed necessary by the Commission, subject to approval by the City Council.
- D. The Commission shall present a proposed recreation budget to the City Council for approval, as prepared by staff and approved by the Commission, the said budget to be submitted on an annual basis.
- E. The Commission has the authority to develop and recommend to the City Council regulations concerning parks and recreational structures, programs, land, and foliage, said regulations to become effective upon approval by the City Council.
- F. The Commission shall adopt its own internal rules and procedures, and keep a public record, filed with the City Clerk, of its proceedings.
- G. The Commission has the authority to regulate the trees, plants, and shrubs in City parks.
- H. The Commission shall have the power to direct the use of any bequest devised to the City for the benefit of parks and recreation, for the purpose stated, if any, and in the best interest of parks and recreation, subject to the approval of the City Council, if said bequest is accepted by the City. The City Council shall commit any such bequest for the purpose stated, if any, and in the best interest of the City. The City Clerk shall promptly notify the Commission of any bequest for the benefit of a City park or park facilities.

#### Section 7.16 AUTHORITIES, BOARDS, AND COMMISSIONS

- A. The City Council may create such entities as may be needed for the public health, safety, and well-being of the City.
- B. The City Council may enter into agreements to establish those public authorities, joint boards and commissions, cooperative agreements, and other similar entities and arrangements as may be permitted by law that they determine to be in the interests of the City.

## CHAPTER 8 – LEGISLATION

### Section 8.1 CHARTER

This Charter shall constitute the governing law of the City subject only to the Constitution and the general laws of the State of Michigan and of the United States of America.

### Section 8.2 EXISTING AUTHORIZATIONS

All by-laws, ordinances, resolutions, rules, and regulations of the City which are not inconsistent with this Charter and which are in full force and effect on the effective date of this Charter shall continue in full force and effect as by-laws, ordinances, resolutions, rules, and regulations of the City until repealed or amended.

### Section 8.3 LEGISLATION

The legislative power of the City is vested exclusively with the City Council, except as otherwise provided by law.

### Section 8.4 FORMS OF LEGISLATION

#### A. Resolution or Motion

A resolution or motion shall be limited to matters required or permitted by this Charter, or by state or federal laws, pertaining to the internal affairs or concerns of the City.

#### B. Ordinance

1. An ordinance is an official City Council action constituting a legislative act that establishes a more permanent influence on the City than a resolution or motion and requiring greater formalities in its adoption.
2. Each ordinance shall be introduced in written form and identified by a number and short title.
3. The style of all ordinances passed by City Council shall be “The City of Grand Ledge ordains.”

### Section 8.5 ORDINANCES

A. In addition to other acts required by law or by specific charter provisions to be done by ordinance, those City Council acts shall be by ordinance which:

1. Adopt or amend an administrative code or establish, alter or abolish any City department, office or agency;
2. Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
3. Grant, renew or extend a franchise;
4. Adopt, with or without amendment, ordinances proposed under the initiative power and;

5. Amend or repeal any ordinance previously adopted, except as otherwise provided by this Charter with respect to repealing ordinances reconsidered under the referendum power.
- B. Acts other than those referred to in Section 8.5A may be done either by ordinance or resolution.
  - C. No ordinance shall be adopted at the same meeting at which it is introduced, except as identified in Section 8.5H.
  - D. No ordinance shall be adopted without an affirmative vote of four Council members unless otherwise provided by this Charter or State Law.
  - E. An ordinance may be repealed by reference to its number and title.
  - F. No ordinance shall be enacted, amended or repealed until after publication of the proposed ordinance or amendment or repeal, or summary thereof, except as identified in Section 8.5H.
  - G. A public hearing on all proposed ordinances shall be held at the next regularly scheduled City Council meeting after it has been proposed, except as identified in Section 8.5H.
  - H. An emergency ordinance shall:
    1. Be enacted only to meet a public emergency affecting public peace, health, safety or welfare of persons or property;
    2. Be introduced in the form and manner required for ordinances generally, except that it shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms;
    3. Be adopted at the meeting at which it is introduced by an affirmative vote of two-thirds of Council members present, with an affirmative vote of a minimum of three Council members, and may be given immediate effect upon publication.
    4. Any emergency ordinance shall also be published in accordance with Section 8.5K;
    5. Be in effect for not more than sixty days or may be renewed for an additional sixty days upon affirmative vote of two-thirds of Council members present, with an affirmative vote of a minimum of three Council members, and;
    6. Not levy taxes; grant, renew or extend a franchise; regulate the rate charged by any public utility for its services; make or amend a grant; or other special privilege.
  - I. An ordinance, when enacted, shall be recorded by the City Clerk in the City Code.
  - J. It shall be the duty of the Mayor and the City Clerk to authenticate such record by their official signatures.
  - K. No ordinance is effective until it is published. An ordinance, when enacted, shall be published by the City Clerk in the manner provided by this Charter for publication of notices, or as otherwise provided by law.
  - L. The City Clerk's certificate shall be entered as to the manner and date of publication under each ordinance in the City Code.
  - M. The City Council may adopt any detailed technical regulations as a City ordinance by reference to any recognized standard code, official or unofficial, to the extent permitted by law.



- N. To the extent permitted by law and, if such a code be written in detail for the City and adopted as an ordinance, the printing of a sufficient number of copies in booklet form, available for public distribution at cost, and the publication of a notice of the availability of same to the public at the office of the City Clerk, shall be sufficient publication of such ordinance, and any amendment to or revision of such adopted code or detailed technical ordinance may be published in the same manner.

## Section 8.6 PENALTIES

The City Council may provide in any ordinance for the civil and/or criminal punishment for a violation of said ordinance. The punishment for the violation of any City ordinance may be a fine as established by the City Council through ordinance or resolution, and/or costs, and/or by incarceration, as permitted and to the extent authorized by law.

## Section 8.7 INITIATIVE AND REFERENDUM PETITIONS

Any ordinance may be initiated by petition or a referendum on an enacted ordinance may be made by petition:

- A. An initiative or referendum petition shall be signed by not less than ten percent (10%) of the registered electors of the City, as of the date of the last regular City election, and all signatures on said petitions obtained more than within forty-five days before the date of filing the petition with the City Clerk shall not be counted.
- B. Any such petition shall be addressed to the City Council and may be the aggregate of two or more petition papers identical as to contents and simultaneously filed by one person.
- C. An initiative petition shall set forth in full the ordinance it proposes to initiate, and no petition shall propose to initiate more than one ordinance.
- D. A referendum petition shall identify the ordinance or part thereof it proposes to have repealed.
- E. Each signer of a petition shall be a registered elector of the City and shall sign their name thereon and after their name, the date and their place of residence by street and number, or by other customary designation.
- F. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereof, and that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant.
- G. Such petitions shall be filed with the City Clerk who shall, within fifteen days, verify the signatures thereon.
- H. If the petition does not contain a sufficient number of signatures of registered electors of the City, the City Clerk shall notify forthwith the person filing such petition and fifteen days from such notification shall be allowed for the filing of supplemental petition papers.
- I. When a petition with sufficient signatures is filed within the time allowed by this section, the City Clerk shall present the petition to the City Council at its next regular meeting.
- J. Upon receiving an initiative or referendum petition from the City Clerk, the City Council shall, within thirty days, unless otherwise provided by law:
  1. Adopt the ordinance as submitted by initiative petition;
  2. Repeal the ordinance, or part thereof, referred to by a referendum petition; or

3. Determine to submit the proposal provided for in the petition to the electors.
- K. Should the City Council decide to submit the proposal to the electors, it shall be submitted at the next election held in the City for any other purpose, or, at the discretion of the City Council, at a special election called for that specific purpose.
  - L. In the case of an initiative petition, if no election is to be held in the City for any other purpose within one hundred fifty days from the time the petition is presented to the City Council and the City Council does not adopt the ordinance, then the City Council shall call for a special election within ninety-eight days or as soon thereafter as an election may be permitted by law, from such time for the submission of the initiative petition.
  - M. In the case of a proposal submitted to the electors, the result shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by law.
  - N. The presentation to the City Council by the City Clerk of a valid referendum petition shall automatically suspend the operation of the ordinance in question pending repeal by the City Council or final determination by the electors.
  - O. An ordinance adopted by the electorate through initiative proceedings may not be amended or repealed for a period of one year after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be re-enacted for a period of one year after the date of the election at which it was repealed.
  - P. If two or more ordinances adopted at the same election shall have conflicting provisions, the provisions in the ordinance receiving the highest number of affirmative votes shall govern.

#### Section 8.8 CODIFICATION

- A. Within ten years of this Charter's effective date and at least every ten years thereafter, the City Council shall provide for preparing a general codification of City ordinances.
- B. The general codification shall be enacted by ordinance and be known as the City Code. Sufficient copies shall be maintained in the City Clerk's office for free public reference and made available for purchase by the general public at cost.
- C. The City Council shall review 20% of the City Code every year for revision and updating, so that every ordinance is reviewed once every five years.

## CHAPTER 9 – BUDGET AND FINANCE

### Section 9.1 FISCAL YEAR

The fiscal and budget year of the City shall begin on the July 1 and end on June 30.

### Section 9.2 BUDGET

The budget document shall present a complete financial plan for the ensuing fiscal year and shall include those items required by the Uniform Budgeting and Accounting Act, Act 2 of the Public Acts of 1968, as amended MCL 141.421 et seq., and as required by law.

- A. On or before May 31 each year, or such other date as may be established by ordinance, the City Manager shall submit to the City Council a recommended budget for the next fiscal year which, considering any anticipated unexpended balance or deficit at the end of the current fiscal year, is within the tax limit and other anticipated revenue of the City. Such recommended budget shall include therein at least the following information:
1. The detailed estimates by the City Manager, with supporting explanation of proposed expenditures for each office, department, and board of the City, with a comparison of the actual expenditures for the corresponding items for the last two fiscal years in full, and the expenditures for the current fiscal year to at least December 31, and estimates of expenditures for the full current fiscal year.
  2. Statements of the indebtedness of the City, showing the principal and interest requirements for the next fiscal year, the debt authorized and unissued and the condition of the sinking and debt retirement funds, if any;
  3. Detailed estimates of all anticipated revenues of the City from sources other than taxes, with a comparative statement of the amounts estimated for and actually received from each of the same or similar sources for the last two fiscal years in full and for the current fiscal year to at least December 31, and estimates for the full current fiscal year.
  4. A statement of the estimated accumulated cash and unencumbered balances, or deficits at the end of the current fiscal year; a statement of such other information as may be required by MCL 141.421 or any other law.
  5. An estimate of the amount of money to be raised from taxes to be levied, from delinquent taxes, and the amount to be raised from bond issues which, together with available unappropriated funds and any revenues from other sources, will be necessary to meet the proposed expenditures;
  6. Such other supporting information as the City Council may request; and
  7. A multiyear capital improvement program.
- B. Before its final adoption, a public hearing on the budget proposal shall be held as provided by State law. Notice of the time and place of holding such hearing shall be published in a newspaper having general circulation in the City, or in such alternative manner as may be established by ordinance at least one week in advance thereof. A copy of the proposed budget shall be on file and available to the public during office hours at the office of the City Clerk for a period of not less than one week prior to such public hearing.
- C. The City Council shall, not later than June 30, or such other date as may be established by ordinance, adopt, by resolution, a General Appropriations Act and any necessary Special Appropriations Acts, meeting the

requirements of the Uniform Budgeting and Accounting Act for the next fiscal year. After consideration of probable other revenues, the City Council, by resolution, shall determine and declare the amount of money necessary to be raised by property taxation, which amount shall not be greater than otherwise limited in this Charter or by general law.

- D. No money shall be drawn from the treasury of the City except in accordance with an appropriation thereof for such specific purposes, nor shall any obligation for the expenditure of money be incurred without an appropriation covering all payments, which will be due under such obligation in the current fiscal year. Except for funds subject to contractual or statutory limitations, the City Council may transfer any actual unencumbered appropriation balance, or any portion thereof, from one account, department, fund or agency to another. Any expenditure of City funds shall not be authorized or incurred, except in pursuance with the authority and appropriations of the City Council. All City expenditures shall be incurred in compliance with the requirements of Uniform Budgeting and Accounting Act, Act 2, of the Public Acts of 1968, as amended, MCL 141.421 et seq. and Section 9.2 of this Charter.
- E. The City Council may make additional appropriations during the fiscal year for unanticipated expenditures required by the City.
- F. Except in those cases where there is no other logical account to which expenditures can be charged, expenditures shall not be charged directly to the contingency fund (or other similar fund). Instead, the necessary part of the appropriation from the contingency fund (or other similar fund) shall be transferred to the logical account, and the expenditure charged to such account.
- G. At the end of each quarterly period during the fiscal year, and more often if required by the City Council, the City Manager shall submit to the City Council data showing the relation between the estimated and actual revenues and expenditures to date; and if it shall appear that the revenues are less than necessary to support projected expenditures, the City Council shall amend appropriations or make other adjustments, except amounts required for debt and interest charges, to such a degree as may be necessary to prevent a fiscal year-end deficit in the fund.

### Section 9.3 DEPOSITS

The City Council shall designate depositories for City funds in accordance with law, and shall provide for the regular deposit of all City money by the City Treasurer, under the direction of the City Manager, pursuant to a written investment policy approved by the City Council.

### Section 9.4 WITHDRAWALS

All funds drawn from the treasury shall be drawn pursuant to the authority and appropriation of the City Council and upon checks, or other financial instruments authorized by ordinance, signed by the Treasurer and Clerk or their designee.

### Section 9.5 INVESTMENTS

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

Section 9.6     AUDIT

An independent audit shall be made of all accounts of the City government at least annually and more frequently if deemed necessary by the City Council. Such audit shall be made by certified public accountants. The auditor's report of the City's business shall be made available to the public in such form as will disclose pertinent facts concerning the activities and finances of the City government.

PROPOSED

PROPOSED

## CHAPTER 10 – TAXATION

### Section 10.1 POWER TO TAX

In order to carry out the purposes, powers, and duties of the City government, established by this Charter, and subject to state law where applicable, the City shall assess, levy, and collect ad valorem taxes, rents, tolls, and excise taxes.

### Section 10.2 SUBJECT OF TAXATION

- A. Exclusive of any levy for the payment of principal of and interest on outstanding general obligation bonds and exclusive of any other levies authorized by statute to be made beyond charter tax rate limitations, such levy shall not exceed one and one-half percent (1.5%) of (fifteen mills on) the taxable value of all real and personal property in the City. Each annual levy, determined by the City Council, shall include at least one mill for parks and recreation.
- B. The foregoing tax limitation may be increased for any fiscal year of the City by a majority of the electors of the City voting on the question at a regular or special election. In no case shall the total of any such increase cause the tax limitation of the City to exceed two percent (2%) of (twenty mills on) the taxable value of all real and personal property in the City.
- C. The subjects of ad valorem taxation for municipal purposes shall be the same as for state, county, school, and any other taxing entities under the law.
- D. Except as otherwise provided by this Charter, City taxes shall be assessed, levied, collected, and returned in the manner provided by law.

### Section 10.3 CITY INCOME TAX

No City income tax shall be levied without an approving vote of a majority of City electors voting thereon at a special or regular election.

### Section 10.4 TAX DAY

Subject to the exceptions provided or permitted by law, the taxable status of persons and property shall be determined as of December 31, or such other date as may subsequently be required by law, which shall be deemed the tax day. Values on the assessment roll shall be determined according to the facts existing on the tax day for the year for which such roll is made, and no change in the status or location of any such property after that day shall be considered by the City Assessor or the Board of Review.

### Section 10.5 JEOPARDY ASSESSMENTS

If the City Treasurer finds or reasonably believes that any person, who is, or may be, liable for taxes upon personal property, the taxable status of which was in the City on tax day, intends to depart or has departed from the City; or to remove or has removed therefrom personal property, which is, or may be, liable for taxation; or to conceal or conceals their person or their property; or does any other act tending to prejudice, or to render wholly or partly ineffectual, the proceedings to collect such tax, unless proceedings therefore be brought without delay, the City Treasurer shall proceed to collect the same as a jeopardy assessment in the manner provided by law.

## Section 10.6 ASSESSMENT

The City Assessor shall annually place a value, in accordance with law, upon all property, both real and personal, in the City, which is subject to taxation. Such valuation of property shall be in accordance with established assessment rules, techniques, and procedures. The City Council shall provide for the maintenance of the records and facilities of the office of the City Assessor.

- A. Prior to the date of the first meeting of the Board of Review in each year, or other date required by law, the City Assessor shall prepare and certify an assessment roll of all property in the City, in the manner and form provided in the general tax law of the State of Michigan. Such roll may be divided into volumes that the City Assessor shall identify by number, for the purpose of convenience in handling the assessment roll and for locating properties assessed therein. The attachment of any certificate or warrant required by this chapter to any volumes 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 recognized methods of systematic assessment.
- B. The City Assessor shall give notice by first class mail to each owner of property which has been added to the assessment roll or the value of which has been increased or decreased on such roll. The notice shall be addressed to the owner according to the records of the City Assessor's office and mailed not less than twenty-one days before the date of the convening of the Board of Review. Neither the failure of the City Assessor to give notice nor the failure of a person to receive notice shall invalidate any assessment roll or any assessment thereon.
- C. After the Board of Review has completed its review of the assessment roll, 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, which certificate, when attached to any volume of the roll, shall constitute a conclusive presumption of the validity of the entire roll.
- D. Upon the certification by the Board of Review the assessment 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 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.

## Section 10.7 LEVY CERTIFIED

The City Clerk shall certify to the City Assessor the total amount which the City Council determines shall be raised by general taxation, together with such other assessments and lawful charges and amounts which the county and other taxing authorities shall authorize or require to be assessed, reassessed, or charged upon the City tax roll against property or persons.

## Section 10.8 TAX ROLL

After the Board of Review has completed its review of the assessment roll, the City Assessor shall prepare a tax roll, to be known as the "City Tax Roll." Upon receiving the certification of the several amounts to be raised, assessed, and charged for City taxes, as provided in the preceding section, the City Assessor shall proceed forthwith to:

- A. Spread the amounts of the general City tax according to and in proportion to the several valuations set forth in said assessment roll;



- B. Place such other assessments and charges upon the roll as are required and authorized by the City Council and;
- C. Complete other said tasks as required by law.
- D. After extending the taxes and placing other assessments and charges upon the roll, the City Assessor shall certify said tax roll and attach the City Assessor's warrant, directing and requiring the City Treasurer to collect from the several persons named in said roll the several sums mentioned therein opposite their respective names as a tax or assessment, and granting the City Treasurer for the purpose of collecting the taxes, assessments, and charges on such roll, all the power and immunities possessed by City Treasurers for the collection of taxes under the general laws of the state.
- E. All taxes, special assessments, charges, and collection fees, on the City tax roll which remain unpaid on the first day of March following the date when said roll was received by the City Treasurer shall, on that date, become delinquent and shall be returned to the County treasurer at the time and in the same manner and with like effect as returns by township treasurers of township, school, and county taxes.
- F. Such returns shall be made upon a delinquent tax roll to be prepared by the City Treasurer and shall include all the additional charges which shall, in such return, be added to the amount assessed in said tax roll against each description. The taxes, assessments, charges, and fees, thus returned shall be collected in the same manner as taxes returned to the County Treasurer are collected under the provisions of the general laws of the State of Michigan and shall be and remain a lien upon the lands against which they are assessed until paid.

#### Section 10.9 LIENS

- A. All taxes thus assessed shall become a debt due the City as provided by general law and, as of August 1 of the year of assessment, the said taxes with any applicable charges, fees or penalties shall become a lien upon the property against which they are assessed until paid.
- B. The City shall have the power, insofar as the exercise thereof shall not conflict with or contravene the provisions of law, to acquire such 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 owner, as may be necessary to assure to the City the collection of its taxes, special assessments, charges and any interest thereon which are levied against any lot or parcel of real property or to protect the lien of the City therefore, 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 City Council may adopt any ordinance, which may be reasonably necessary to make this section effective.

#### Section 10.10 TAX PAYMENTS

- A. City taxes shall be due and payable on August 1 each year and be delinquent after October 1. Other property taxes as permitted by law shall be due December 1 and be delinquent after February 28. Unpaid tax assessments, charges, penalties and fees shall be turned over for collection thereafter as provided under the provisions of the General Property Tax Act, Act 206 of the Public Acts of 1893, as amended and any other appropriate state law, this Charter or local ordinance.
- B. The City Treasurer shall not be required to make personal demand for the payment of taxes, but, upon receipt of the City tax roll, shall, forthwith, give notice to the taxpayers of the City by forwarding a tax statement to each person named in the tax roll, which mailed statement shall be a sufficient demand for the payment of all taxes assessed. Neither the failure on the part of the City Treasurer to mail such statement nor

the failure of any person to receive the same, shall invalidate the taxes on the tax roll or release any person or property assessed from the liabilities provided in this Charter in case of nonpayment.

- C. The City Council shall, provide by ordinance, for a tax payment schedule and the amount of collection charges, penalties and interest to be added to taxes, charges, and assessments on the City tax roll. When so added, such collection charges, penalties, and interest shall be treated in all respects as an item of taxes and collected as such. Any collection charges, penalties, and interest shall be collectable in the same manner as taxes, assessments, and charges to which they are added.

#### Section 10.11 FAILURE OR REFUSAL TO PAY PERSONAL PROPERTY TAX

If any person shall neglect or refuse to pay any tax on personal property assessed to such person, the City Treasurer shall collect the same by seizing any personal property of such person, to an amount sufficient to pay such tax, together with any charges and interest added thereto, wherever the same may be found in the State of Michigan. No property shall be exempt from such seizure. The City Treasurer may sell the property seized, at an amount sufficient to pay the taxes and all charges, fees, penalties, and interest, in accordance with statutory provisions. The City Treasurer may also sue the person to whom a personal property tax is assessed, in accordance with the powers granted by law.

#### Section 10.12 STATE, COUNTY AND SCHOOL TAXES

- A. For the purpose of assessing and collecting taxes for state, county, and school purposes, the City shall be considered the same as a township, and all provisions of law relative to the collection of, and accounting for, such taxes and the penalties and interest thereon shall apply. For the purpose of collecting state, county, and school taxes, the City Treasurer shall perform the same duties and have the same powers as township treasurers under law.
- B. City Council may by ordinance, establish up to one percent (1%) property tax administration fee to add to all taxes levied by other taxing jurisdictions on real or personal property within the boundaries of the City.

## CHAPTER 11 – SPECIAL ASSESSMENTS

### Section 11.1 POWERS

- A. The City Council shall have the sole power to determine the necessity of public improvements within the City, and to determine that the whole or any part of the cost of any public improvement shall be defrayed by special assessment upon property or properties especially benefited in proportion to the benefits derived or to be derived. The City Council shall also have the sole power of reassessment with respect to any such public improvement.
- B. 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.
- C. In accordance with its general power to determine the necessity for any public improvement and to defray the cost, in whole or in part, by special assessments, the City shall have the power:
  1. To install and connect sewers and waterworks for property within the City and to finance the same, in whole or in part, by special assessments;
  2. To construct, grade, and pave local streets within the City and to finance the same, in whole or in part, by special assessments, and;
  3. To require of an owner of real property within the City to abate public hazards and nuisances thereon which are dangerous to the health, safety or general welfare of the inhabitants of the City within a reasonable time after the City notifies the owner that such hazard or nuisance exists, and if the owner fails to comply with such requirements to abate such hazard or nuisance, to assess a reasonable cost against such property.

### Section 11.2 PROCEDURE

The City Council shall prescribe by ordinance the complete special assessment or reassessment procedure governing the initiation of projects, the preparation of plans and cost estimates, the creation of special assessment districts, notices and hearings, making and confirming the assessment rolls, the correction of errors in such rolls, the collection of special assessments, and any other matters concerning the making and financing of improvements by special assessment.

### Section 11.3 RECONSIDERATION OF PETITIONS

In the event that the City Council shall fail to make any public improvement petitioned for as required by ordinance during the calendar year during which the petition is filed because of lack of funds therefore, such petition shall be reconsidered by the City Council prior to March 1 of the succeeding calendar year for the purpose of determining whether such improvement should be made during such fiscal year.

### Section 11.4 CONDEMNATION COSTS

The cost of condemning or otherwise acquiring property needed for any public improvement shall constitute a part of the cost of the improvement, but in no case shall the amount of such cost which is included in any special assessment for any improvement cause the assessment to exceed the amount of the benefit received on account of the improvement by any property assessed.

## Section 11.5 CONTESTED ASSESSMENTS

No suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of any special assessment unless (a) the special assessment is protested at the City Council public hearing held for the purpose of confirming the special assessment roll or written notice is submitted to the City Clerk prior to the public hearing; and (b) such suit or action is commenced within thirty-five days after confirmation of the roll, or such other period required by law.

## Section 11.6 LIEN AND COLLECTION

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 which may accrue thereon. Such lien shall be of the same character and effect as that created by this Charter for City taxes and shall be treated as such in all procedures for the collection of special assessments and all collection fees or charges and interest, which may have been added or accumulated thereto.

## Section 11.7 ACCOUNT

Moneys 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 cost of the improvement for which the assessment was levied and of expenses incidental thereto, including the repayment of the principal of and interest on money borrowed therefore, and to refund excessive assessments if refunds be authorized.

## Section 11.8 CERTAIN POSTPONEMENTS OF PAYMENTS

The City Council may provide that any person who, in the opinion of the City Assessor and not less than five members of the City Council, by reason of poverty is unable to continue payments 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 said person 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 of Eaton County, and shall not be discharged or released until the terms thereof are met in full. The City Council shall establish the procedure for making this section effective.

## Section 11.9 CORRECTION OF INVALID SPECIAL ASSESSMENTS

Whenever any special assessment shall, in the opinion of the City Council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the City Council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for in the original assessment, and whenever any sum or part thereof levied upon any property in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment or if the payments exceed the amount of the reassessment, refunds shall be made. Unless challenged by a successful appeal to the courts, no act of the City Council vacating a special assessment shall destroy or impair the lien of the City upon the premises assessed for such amount of the assessment as may be equitably charged against the same or as by regular mode of proceeding might have been lawfully assessed thereupon.

## CHAPTER 12 – BORROWING

### Section 12.1 POWERS

Subject to the applicable provisions of law, the City may borrow money for any purpose within the scope of its powers, and may issue bonds or other evidence of indebtedness therefore.

### Section 12.2 LIMITS OF AUTHORITY

- A. The net bonded indebtedness incurred for all public purposes shall not at any time exceed the maximum amount permitted by law, provided that in computing such bonded indebtedness there shall be excluded special assessment bonds, even though they are a general obligation of the City, mortgage bonds, revenue bonds, motor vehicle highway fund bonds, even though they are a general obligation of the City, and any other bonds or indebtedness excluded by law from such limitation. The amount of funds accumulated for the retirement of any outstanding bonds shall also be deducted from the amount of bonded indebtedness.
- B. The amount of emergency borrowing which may be incurred under the provisions of this Charter may not exceed the maximum amount permitted by law.
- C. No bonds shall be sold to obtain funds for any purpose other than that for which they were specifically authorized, and if such bonds are not sold within the time limited by law, such authorization shall be null and void.
- D. The issuance of any bonds not requiring the approval of the electorate shall be subject to applicable requirements of law with reference to public notice in advance of authorization of such issues, filing of petitions for a referendum on such issuance, holding such referendum, and other applicable procedural requirements.

### Section 12.3 INSTRUMENTS

- A. Each bond or other evidence of indebtedness shall contain on its face a statement of the purpose for which the same is issued and no officer of the City shall use the proceeds thereof for any other purpose, except that whenever the proceeds of any bond issue, or a part thereof, remain unexpended and unencumbered for the purpose for which said bond issue was made, the City Council may authorize the use of such unexpended and unencumbered funds as provided in this section, which use shall be subject to the approval of the Michigan Department of Treasury where required:
  - 1. For an additional extension or improvement of facility or project for which the bond issue was made;
  - 2. For the retirement of such bond issue;
  - 3. If such bond issue has been fully retired or funds are segregated which are adequate for such purpose, then for the retirement of other bonds or obligations of the City;
  - 4. If there is no other indebtedness, or funds are segregated which are adequate for such purpose, then for such other purposes as may be permitted by law.
- B. All collections on each special assessment roll or combination of rolls, in anticipation of which bonds have been issued, shall be set apart in a separate fund (but not necessarily in a separate bank account) and shall be used for the purpose for which levied and for the payment of the principal and interest on such bonds. If

there is any deficiency in a special assessment fund to meet the payment of the principal or interest to be paid therefrom, money shall be advanced from the general funds of the City to meet such deficiency and shall be replaced in the general fund when the special assessment fund shall be sufficient therefore.

- C. No bond or other evidence of indebtedness of the City shall bear interest at a rate that exceeds a rate ceiling imposed by state law.
- D. All bonds issued by the City shall be signed by the Mayor and countersigned by the City Clerk and shall bear the corporate seal of the City. Said signatures of the Mayor and the City Clerk and the seal of the City may be by facsimile if permitted by law.
- E. The City Treasurer shall keep a detailed record of all bonds and other evidence of indebtedness. Upon payment of bonds or other evidence of indebtedness the same shall be cancelled.
- F. Each bond or other evidence of indebtedness shall contain a statement specifying the purpose for which it is issued and it shall be unlawful for any officer of the City to use the proceeds thereof for any other purpose. Any officer who shall violate this provision shall be deemed guilty of a violation of this Charter, except that, whenever the proceeds of any bond issue or parts thereof shall remain unexpended and unencumbered for the purpose for which said bond issue was made, the City Council may authorize the use of said funds for the retirement of bonds of said issue or for any other purpose permitted by law.

## CHAPTER 13 – PURCHASES, SALES, CONTRACTS, AND LEASES

### Section 13.1 AUTHORITY

- A. The power to make and to authorize the making of contracts on behalf of the City is vested in the City Council and shall be exercised in accordance with the provisions of law.
- B. The City Council shall provide by ordinance for a standard purchasing procedure to be followed in obtaining City supplies, materials, equipment, contractual services or other forms of personal property.
- C. Before making any purchase or contract to purchase personal property or contractual service, competitive bids shall be obtained, except:
  - 1. In the securing of professional services for the City;
  - 2. When the purchase is exempted by the purchasing procedure because of value or when the City Council shall determine that no advantage to the City would result from competitive bidding or;
  - 3. Upon the occurrence of an emergency.
- D. The City Council may provide in the ordinance required by this section the definition of “lowest responsible bidder,” the dollar limit within which the purchasing agent of the City may make purchases without the necessity of obtaining competitive bids, and the dollar limit within which purchases shall be made without the necessity of City Council approval.
- E. All contracts, except as otherwise provided by ordinance in accordance with the provisions of Sections 13.1C(2) and 13.1C(3), shall be authorized by the City Council and shall be signed on behalf of the City by the Mayor and the City Clerk.

### Section 13.2 PERSONAL PROPERTY

- A. The City Council may establish, by ordinance described above, the procedure for the purchase and sale of City supplies, materials, equipment or other forms of personal property.
- B. The ordinance shall also provide the dollar limit within which purchases and sales of personal property may be made without the necessity of securing competitive bids, and the dollar limit and conditions within which purchases and sales of personal property may be made without the necessity of City Council approval and signature by the Mayor and the City Clerk.
- C. No purchase of personal property shall be made unless a sufficient unencumbered appropriation is available therefor, or for such amount of the purchase price as shall be required to be paid during the current fiscal year of the City.

### Section 13.3 REAL PROPERTY

- A. The City Council shall establish by ordinance the procedures for the purchase, sale, disposal, or lease of real property.

- B. The City Council's power to buy, lease, sell, or otherwise dispose of any real property shall be conditioned on the conducting of a public hearing thereon and receipt of five affirmative votes.
- C. When the proposition is to sell, lease, or dispose of any City-owned recreation parkland or cemetery, or any part thereof, the proposition to sell, lease, or dispose of the same shall also be approved by a majority vote of the electors of the City voting thereon at any general or special election.
  - 1. This provision shall not apply to the case of a utility easement, or the removal of any obsolete, dangerous structures, or any existing right-of-way, or non-exclusive leases up to six months.
  - 2. Recreational parkland includes all recreational parkland owned by the City and identified as such. Within ninety days of the adoption of this Charter, the Parks and Recreation Commission shall prepare and submit to the City Council for its review and approval a comprehensive inventory of all City-owned recreational parkland. The Parks and Recreation Commission shall promptly submit any additions to this inventory to the City Council for its review and approval.
  - 3. This provision shall not apply to the case of an intergovernmental agreement for the management of recreational parkland so long as it is maintained for that purpose.

#### Section 13.4 PROFESSIONAL SERVICES

The City Council shall establish by resolution the methods and procedures relative to contracting for professional services. Competitive bids shall not be required for contracts for professional services.

#### Section 13.5 PUBLIC IMPROVEMENTS

Except as provided by ordinance authorized by Section 13.1 of this chapter, each contract for the construction of public improvements shall be let after opportunity for competitive bidding. The City Council may reject any or all bids, if deemed advisable. If no bids are received or such bids as were received were not satisfactory to the City Council, the City Council may either endeavor to obtain new competitive bids or authorize the City Manager or other proper official of the City to negotiate for a contract in the open market.

#### Section 13.6 LIMITATIONS

- A. The City Council shall only have power to enter into contracts which, by the terms thereof, will be fully executed within a period of ten years, unless such contracts shall first receive the approval of a majority of the qualified electors of the City voting thereon at a regular or special election. This limitation shall not apply to any contract for services with a public utility, or one or more other governmental units, nor to contracts for debt secured by bonds, notes, municipal securities, installment purchase contracts, lease-purchase agreements, land contracts, leases, or other debt obligations which are permitted to be issued by the City by law.
- B. The City may enter into installment contracts for the purchase of real or personal property, capital improvements, or capital equipment. Each such contract shall not extend over a period greater than that permitted by law, nor shall the total outstanding principal amount for all such contracts exceed a sum permitted by law. Principal and interest payments for such installment contracts shall be included in the budget for the year in which each respective installment is payable.
- C. No contract shall be made with any person, firm, or corporation in default to the City.



## CHAPTER 14 – MISCELLANEOUS

### Section 14.1 LIABILITY

The City shall have all the governmental immunities from claims for damages for injury to persons or property as may be permitted by state law. The procedures in regard to filing of claims and disposition of the same shall be as permitted by state law.

### Section 14.2 CITY COUNCIL BUSINESS AND CITY RECORDS

The business of the City Council shall be conducted at a public meeting held in compliance with the Open Meetings Act, 1976 PA 267, as amended, MCL 15.261 to 15.275. Further, all records of the City shall be made available to the general public in compliance with the Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 to 15.246, and shall be kept in City offices except when required for official reasons or for purpose of safe keeping to be elsewhere.

### Section 14.3 PROCESSES AGAINST CITY

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

### Section 14.4 TRUSTS

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

### Section 14.5 QUORUMS

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

### Section 14.6 SATURDAYS, SUNDAYS, AND CITY HOLIDAYS

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

### Section 14.7 CHAPTER, SECTION, AND SUBSECTION HEADINGS

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

## Section 14.8 AMENDMENT

A charter review committee of at least seven members shall be appointed by the Mayor and confirmed by the City Council no later than ten years after this Charter is adopted, and each tenth year thereafter. The committee shall examine the charter and recommend to the City Council any amendments which appear to be necessary or desirable. Should two or more amendments adopted at the same election have conflicting provisions, the one receiving the largest affirmative vote shall prevail as to those provisions.

## Section 14.9 SEVERABILITY

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

## Section 14.10 DEFINITIONS

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

- A. All words used in this Charter indicating the present tense shall not be limited to the time of the adoption of this Charter, but shall extend to and include the time of the happening of any event or requirement for which provision is made herein.
- B. The singular number shall include the plural, the plural number shall include the singular, and masculine gender shall extend to and include the feminine gender and the neuter.
- C. The word “person” may extend and be applied to an individual, partnership, corporation, association, other legal entities, or a combination of them.
- D. The word “printed” and “printing” shall include reproductions.
- E. Except in reference to signatures, the words “written” and “in writing” shall include printing.
- F. The word “officer” shall include the Mayor and other members of the City Council, and administrative officers.
- G. The word “employee” shall mean those persons not holding elective or appointive office, one who is generally subordinate to an officer and performs only those duties specifically assigned by a contract, department head, or other governmental body.
- H. The word “default” shall include being delinquent in payment of taxes or other monies due to the City for more than thirty days, unless the default is being tested in a court or tribunal.
- I. The word “statute” shall denote the Public Acts of the State of Michigan and any amendments thereto in effect at the time the provision containing the word “statute” is to be applied.
- J. All references to specific Public Acts of the State of Michigan shall be to such acts as are in effect at the time the reference to such act is to be applied.

- K. The words “state law” shall denote the statutes of the State of Michigan, as defined above, and the applicable common law.
- L. All references to section numbers shall refer to section numbers of this Charter.
- M. The word “City” shall mean the City of Grand Ledge.
- N. The phrase “City Council” shall mean the City Council of the City of Grand Ledge.
- O. The words “public utility” shall include all common carriers in the public streets; water; sewage disposal; electric light and power; gas; telephone; cable television; garbage and refuse collection and disposal and reduction plants; fiber optic, cellular, and such other and different enterprises as the City Council may determine or designate.
- P. For the purpose of this Charter, the offense of “misconduct in office” includes doing a wrongful act, doing a lawful act in a wrongful manner, and failure to perform an act required by the duties of the office or by rule established by the City Council.
- Q. The words “public record” shall mean any writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created. “Public record” does not include computer software. A “public record” is subject to state law, as defined above.
- R. The word “family” shall include: grandparent, parent, sibling, spouse, child, grandchild, and the spouse of any of them, and all such relationships arising from adoption.
- S. The words “Council member” shall mean all elected or appointed members of the City Council.
- T. The word “cy pres” shall mean “as near as possible” or “as near as may be.”
- U. The word “board” shall include the word “commission.”

#### Section 14.11 PUBLICATION AND MAILING OF NOTICES, ORDINANCES AND PROCEEDINGS

- A. Unless as otherwise required by law, the requirement contained in this Charter for the publishing or publication of notices, ordinances or proceedings of City Council or other City boards, commissions or authorities, shall be met by publishing (a) at least once in a newspaper published in the English language for news of general character, with general circulation at regular intervals in the City for at least one year immediately prior to the publication (b) by posting in at least three conspicuous places within the City, (c) by posting on the City’s website, cable site and/or the internet, or (d) in any other manner established by ordinance. Prima facie evidence of such publication shall be in the form of an affidavit of the printer or publisher of the newspaper, or their foreman or principal clerk attached to a copy of the notice.
- B. In the case in which this Charter requires the mailing or posting of notices around the City or on the internet, the affidavit of the officer or employee responsible for such mailing or posting, that such notice was mailed or posted shall be prima facie evidence of such mailing or posting.

PROPOSED

## CHAPTER 15 – TRANSITION

### Section 15.1 PURPOSE

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

### Section 15.2 ADOPTION

This Charter shall be submitted to a vote of the registered electors of the territory comprising the proposed City, as described in Section 1.2, at an election to be scheduled by resolution of the Charter Commission, subsequent to the approval of this Charter by the Governor, to be held in the manner provided by law. The form of the ballot for the submission of this Charter shall be in the manner provided by law.

### Section 15.3 EFFECTIVE DATE

If the voters approve adoption of this Charter, then two printed copies thereof, with the vote for and against duly certified by the Board of Canvassers, within thirty days after the vote is taken, shall be filed by the City Clerk with the Secretary of State and a like number with the Eaton County Clerk. On January 1 following the date the aforementioned filings have been accomplished, this Charter shall be effective for all purposes.

### Section 15.4 ELECTIONS FOR MAYOR AND CITY COUNCIL MEMBERS

- A. The City Council shall adopt, by no later than December 31, 2019, a resolution to hold its regular elections in even years on the November election date, pursuant to MCL 168.642 and 168.642a.
- B. The Mayor and Council members serving on the effective date of this Charter shall continue to serve until their respective successors are elected and qualified.
- C. In November 2019, there shall be elections for the following:
  1. three Council members, with one elected by each of the three respective wards, for terms of three years each, expiring in November 2022; and
  2. the Mayor, for a term of three years, expiring in November 2022.
- D. In November 2020, there shall be an election for three Council members, with one elected by each of the three respective wards, for terms of four years each, expiring in November 2024.
- E. Beginning with the regular City election conducted in November 2022, elections for the Mayor and City Council members, and the terms for such offices, shall be governed by the terms of Chapter 3 and Chapter 4 of this Charter.

### Section 15.5 ADMINISTRATIVE OFFICERS AND EMPLOYEES

- A. Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are City officers or employees at the time of its adoption.

- B. Except as specifically provided by this Charter, if at the time this Charter takes full effect, a City administrative officer or employee holds an office or position which is or can be abolished by or under this Charter, they shall continue in such office or position until the taking effect of some specific provision under this Charter directing that they vacate the office or position.
- C. An employee holding a City position at the time this Charter takes full effect shall not be subject to competitive tests as a condition of continuance in the same position but in all other respects shall be subject to the personnel system provided for in Section 7.2.

#### Section 15.6 PROPERTY AND RECORDS

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

#### Section 15.7 PENDING MATTERS

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

#### Section 15.8 VESTED RIGHTS AND LIABILITIES

After the effective date of this Charter, the City and all its agencies shall continue to be vested with all property, moneys, contracts, rights, credits, effects, and the records, files, books, and papers belonging to the City. 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 this Charter becomes effective, shall be collected by the City. All trusts established for any municipal purpose shall be continued in accordance with the terms thereof, subject to the cy pres doctrine.

#### Section 15.9 ORDINANCES, RESOLUTIONS, ORDERS, AND REGULATIONS

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