

and the transaction evidenced by written contract submitted to and approved by the Council; provided that in cases where the Council indicates by formal resolution upon the written recommendation of the City Manager that it is clearly to the advantage of the City to contract without competitive bidding, it may so authorize. Such purchasing without competitive bids should, however, be limited to emergency situations and shall be made only by unanimous vote of the Council, except as above provided with regard to purchase of insurance. Detailed purchasing and contract procedure shall be established by ordinance. The Council may also authorize the making of public improvements or the performing of any other City work by any City department or agency without competitive bidding. No contract shall be made with any person, firm, or corporation in default to the City.
(Adopted by electorate, 11-6-90)

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, the City Council shall have the power to assess, levy, and collect taxes, rents, tolls, and excises or specific taxes.
(Adopted by electorate, 11-6-90)

SECTION 10.2 SUBJECTS OF TAXATION.

The subjects of ad valorem taxation for municipal purposes shall be the same as for State, County, and School purposes under the general law. Except as otherwise provided by this Charter, City taxes shall be levied, collected, and returned in the manner provided by State law.
(Adopted by electorate, 11-6-90)

SECTION 10.3 EXEMPTIONS.

No exemptions from taxation shall be allowed, except as are expressly required or permitted to be made by State law.
(Adopted by electorate, 11-6-90)

SECTION 10.4 TAX DAY AND ASSESSMENTS.

Subject to the exceptions provided or permitted by statute, the taxable status of persons and property shall be determined as of the thirty-first day of December, which shall be deemed the tax day. Assessments shall be based upon the uniform application of established rules, techniques, and procedures, which the legislature may provide, under the provisions of Section 3, Article IX of the Constitution of the State of Michigan of 1963.
(Adopted by electorate, 11-6-90)

SECTION 10.5 BOARD OF REVIEW.

The Board of Review shall consist of the City Council and the compensation for the Board of Review shall only be paid proportionately for actual time in attendance and at the rate of Ten (\$10.00) Dollars per day for not to exceed ten (10) days in any one (1) year provided however that if the Council determines by resolution that extraordinary circumstances require more than ten (10) days of meeting such Board of Review members may receive pay for meeting days in excess of ten (10) days.
(Adopted by electorate, 11-6-90)

SECTION 10.6 MEETING OF THE BOARD OF REVIEW.

(a) The Board of Review shall meet in two (2) sessions in each year at such time of day and place as shall be designated by the Council:

(1) The first session of the Board shall convene on the first Monday in March of each year and shall be in session for two (2) days and continue in session 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 Clerk shall forthwith give notice to the owners thereof according to the last assessment roll of the City by first class mail not later than midnight of the Thursday following the first meeting of the Board stating further the date, time, place, and purpose of said second session.

(2) The second session of the Board shall convene on the third Monday in March of each year and shall continue in session for not less than eight (8) hours on said day and continue as much longer as may be necessary to consider only those cases in which the assessed value of property was increased and of property which was added to the assessment roll by the Board at the first session thereof.

(b) No assessment shall be changed in any way at any session of the Board except by a motion regularly made and adopted by a majority of the members of said Board, which motion shall state the amount at which the assessment is fixed as reviewed by the Board. Each day's proceedings of said Board shall be read, approved, and signed by the Chairperson thereof.

(c) At the conclusion of the review of said rolls, and prior to the first Monday in April following said Board shall prepare a signed statement showing the final amended amount in gross and the additions or deductions made in total of the assessed valuations of the real and personal property made by said Board.

SECTION 10.7 NOTICE OF MEETINGS.

Notice of the time and place of the sessions of the Board of Review shall be published by the City Clerk at least ten (10) days prior to the first Monday in March.
(Adopted by electorate, 11-6-90)

SECTION 10.8 ORGANIZATION AND FUNCTIONS OF THE BOARD OF REVIEW.

(a) The Assessor shall attend the meetings of the Board of Review with the privilege of participating

therein, but without the right to vote upon any decision of the Board.

(b) It shall be the duty of the Clerk to keep a permanent record of all proceedings, and to enter therein all resolutions and decisions of the Board.

(c) A majority of the members of the Board shall constitute a quorum and it shall choose its own Chairperson. The members of said Board shall take the constitutional oath of office which shall be filed with the Clerk.

(d) For the purpose of reviewing and correcting assessments, the Board of Review shall have the same powers and perform like duties in all respects as are by the general tax law conferred upon and required of boards of review in townships, in reviewing assessments in townships for township, state, and county taxes. It shall hear the complaints of all persons considering themselves aggrieved by assessments, and if it shall appear that any person or property has been wrongfully assessed, or omitted from the roll, the Board shall correct the roll in such manner as it shall deem just. In all cases, the assessment roll shall be reviewed according to the facts existing on tax day and no change of the status of any property after said day shall be considered by the Board in making its decisions. Except as otherwise provided by State Law, no person other than the Board of Review shall make or authorize any change upon or additions or corrections to the assessment roll.

(Adopted by electorate, 11-6-90)

SECTION 10.9 ENDORSEMENT OF ROLL.

After the Board shall complete its review of the assessment roll, a majority of the members shall endorse thereon and sign a statement to the effect that the same is the assessment roll of the City for the year in which it has been prepared. The omission of such endorsement shall not affect the validity of such roll. Upon the completion of said roll and from and after midnight following the last day for meeting of the Board of Review, the same shall be the assessment roll of the City for county, school, and City taxes and for any other taxes on real and personal property that may be authorized by law and shall be conclusively presumed by all courts and tribunals to be valid and shall not be set aside except for causes set forth in the general laws of the state.

(Adopted by electorate, 11-6-90)

SECTION 10.10 CLERK TO CERTIFY TAX LEVY.

Within three (3) days after the Council has adopted the budget for the ensuing year, the Clerk shall certify to the Assessor the total amount which the Council determines shall be raised by general tax; all amounts of special assessments which the Council requires to be assessed or reassessed upon any property or against any person; and all other amounts which the Council may determine shall be charged, assessed, or reassessed against any person or property.

(Adopted by electorate, 11-6-90)

SECTION 10.11 CITY TAX TOLL.

After the last day for the meeting of the Board of Review, the Assessor shall prepare a copy of the assessment roll to be known as the "City Tax Roll," and upon receiving the certification of the several amounts to be raised, as provided in the preceding section, the Assessor shall proceed forthwith to

spread upon said tax roll the several amounts determined by the Council to be charged, assessed, or reassessed against persons or property, and shall also proceed to spread the amounts of the general City tax according to and in proportion to the several valuations set forth in said assessment roll. To avoid fractions in computation on any tax roll, the Assessor may add to the amount of the several taxes to be raised not more than the amount prescribed by state law. Any excess created thereby on any tax roll shall belong to the City.

(Adopted by electorate, 11-6-90)

SECTION 10.12 TAX ROLL CERTIFIED FOR COLLECTION.

After extending the City taxes aforesaid and not later than June fifteenth in each year, the Assessor shall certify said tax roll, and the Mayor shall annex his/her warrant thereto, directing and requiring the 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 to him, for the purpose of collecting the taxes, assessments, and charges on such roll, all the powers and immunities possessed by township treasurers for the collection of taxes under the general laws of the state.

(Adopted by electorate, 11-6-90)

SECTION 10.13 TAX LIEN ON PROPERTY.

The City taxes thus assessed shall become at once a debt due to the City from the persons to whom they are assessed and the amounts assessed on any interest in real property shall on the first day of July become a lien upon such real property for such amounts and for all interest and other charges thereon and all personal taxes shall become a first lien on all personal property of the persons so assessed. Such tax liens shall take precedence over all other claims, encumbrances and liens upon said personal property whatsoever, whether created by chattel mortgage, execution, levy judgment, or otherwise, and whether arising before or after the assessment of said personal taxes and no transfer of personal property assessed for taxes hereon shall operate to divest or destroy such lien except where such personal property is actually sold in the regular course of retail trade.

(Adopted by electorate, 11-6-90)

SECTION 10.14 TAXES DUE; NOTIFICATION THEREOF.

City taxes shall be due on the first day of July of each year. The Treasurer shall not be required to call upon the persons named in the City tax roll, nor to make personal demand for the payment of taxes, but he/she shall give notice to the tax payers of the City, at least ten (10) days prior to the due date of such taxes in each year, of the time when said taxes will be due for collection by publication, at least once, in one (1) or more of the newspapers published or circulated in the City, or shall give such notice by first class mail addressed to the owners of the property upon which taxes are assessed according to the names of such owners and their addresses as indicated on the tax roll, which notice shall be deemed sufficient for the payment of all taxes on said roll. Such notice shall also state that payments of taxes may be made to him/her at any time up to and including the fifteenth day of September without penalty and that an addition of two (2%) percent penalty shall be made on the sixteenth day of September and an additional one (1%) percent interest on the first day of each month thereafter that the tax remains unpaid until returned to the county treasurer by the City treasurer. Failure on the part of the treasurer to give said notice shall not invalidate the taxes on said tax roll nor release

the person or property assessed from the penalty provided in this chapter in case of nonpayment of the same.

(Adopted by electorate, 11-6-90)

SECTION 10.15 COLLECTION FEES AND INTEREST.

The taxes assessed in the general City tax roll, for each fiscal year, shall be due and payable on the first day of July of each year, and may be paid at any time on or before the fifteenth day of September of the same year, with a collection fee of one (1%) percent. A penalty charge of two (2%) percent shall be added to all unpaid general City taxes on the sixteenth day of September, of the same year, and thereafter an interest charge of one (1%) percent shall be made and added to all such unpaid taxes on the first day of each month during which such taxes shall remain unpaid, until return thereof, together with such accrued penalties or interest shall be made to the county treasurer. And the said county treasurer, or auditor general of the state, as the case may be, shall account to the City for all such accrued penalties or interest.

(Adopted by electorate, 11-6-90)

SECTION 10.16 SALE OF GOODS AND CHATTELS.

In case any person shall neglect or refuse to pay any tax imposed upon any real or personal property belonging to him/her, as aforesaid, the Treasurer shall levy the same by distress and sale of the goods and chattels of said person liable to pay the same, wherever such goods and chattels may be found, either in said City or elsewhere within the State, first by giving public notice of such sale in the manner and for the time required by law in the case or such sale made by township treasurers, and for such purposes and for the collection of the taxes aforesaid, the Treasurer may bring suit therefor and shall have all the power and perform the like duties so far as applicable as are conferred upon or required of township treasurers in the collection of taxes levied in townships.

(Adopted by electorate, 11-6-90)

SECTION 10.17 TAX ROLL TO COUNTY TREASURER.

All City taxes on real property remaining uncollected by the Treasurer on the first day of March following the date when said roll was received by him/her, shall be returned to the county treasurer in the same manner and with like effect as returns by township treasurers of township, school, and county taxes. Such returns shall be made upon a delinquent tax roll to be prepared by the Treasurer and shall include all the additional charges and fees hereinbefore provided, which charges shall, in such return, be added to the amount assessed in said tax roll against each description. The taxes thus returned shall be collected in the same manner as other taxes returned to the county treasurer are collected under the provisions of the general laws of the state and shall be and remain a lien upon the lands against which they are assessed, until paid.

(Adopted by electorate, 11-6-90)

SECTION 10.18 JEOPARDY ASSESSMENT.

If the Treasurer finds or reasonably believes that any person who is, or may be, liable for taxes upon personal property, the taxable site 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 himself/herself or his/her property; or does any other act tending to prejudice, or to render wholly or partly ineffectual, the proceedings to collect such tax, he/she shall proceed to collect the same as jeopardy assessment in the manner provided by law.

(Adopted by electorate, 11-6-90)

SECTION 10.19 STATE, COUNTY, AND SCHOOL TAXES.

For the purpose of assessing, levying, and collecting taxes for State, County and School purposes, the City shall be considered the same as a Township, and provisions of state law relative to the collection of and accounting for such taxes shall apply. For these purposes the Treasurer shall perform the same duties and have the same powers as are granted and imposed upon Township Treasurers by law.

(Adopted by electorate, 11-6-90)

CHAPTER 11

BORROWING POWER

SECTION 11.1 GENERAL BORROWING.

Subject to the applicable provisions of state law and this Charter, the Council, by proper ordinance or resolution may authorize the borrowing of money for any purpose within the scope of the powers vested in the City and the issuance of bonds of the City or other evidence of indebtedness therefor, and may pledge the full faith, credit, and resources of the City for the payment of the obligation created therefor. The amount of such bonds which may be issued shall be the maximum permitted by state law.

(Adopted by electorate, 11-6-90)

SECTION 11.2 SPECIAL ASSESSMENT BONDS.

The Council shall, subject to the applicable provisions of the general laws of the state, have authority to borrow money in anticipation of the payment of special assessments made for the purpose of defraying the cost of any public improvement, or in anticipation of the payment of any combination of such special assessments, and to issue bonds therefor. Such special assessment bonds may be an obligation of the special assessment district or districts or may be both an obligation of the special assessment district or districts and a general obligation of the City. All collection on each special assessment roll or combination of rolls shall be set apart in a separate fund for the payment of the principal and interest of the bonds issued in anticipation of the payment of such special assessments, and shall be used for no other purpose.

(Adopted by electorate, 11-6-90)

SECTION 11.3 MORTGAGE REVENUE BONDS.

The City shall have power to issue mortgage bonds beyond the general limits of bonded

indebtedness prescribed by law for the acquiring, owning, purchasing, constructing, improving, or operating of any public utility; provided, such mortgage bonds issued beyond the general limit of bonded indebtedness prescribed by the law shall not impose any liability upon such City but shall be secured only upon the property and revenues of such public utility, including a franchise, stating the terms upon which, in case of foreclosure, the purchaser may operate the same, which franchise shall in no case extend for a longer period than twenty (20) years from the date of the sale of such utility and franchise on foreclosure. Such mortgage bonds shall be sold to yield not to exceed the limit set by state law. A sinking fund shall be created in the event of the issuance of such bonds, by setting aside such percentage of the gross or net earnings of the public utility as may be deemed sufficient for the payment of the mortgage bonds at maturity, provided, however, that no such fund need be created if serial bonds are issued of such nature that they are paid annually and no sinking fund is required.

(Adopted by electorate, 11-6-90)

SECTION 11.4 OTHER BONDS.

The City shall have the power to issue revenue or other types of bonds in the manner and for the purposes permitted by the present or future Constitutions and general laws of the State of Michigan.

(Adopted by electorate, 11-6-90)

SECTION 11.5 PREPARATION AND RECORD.

Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which the same is issued and it shall be unlawful for any officer of the City to use the proceeds, thereof, for any other purpose, and any officer who shall violate this provision shall be deemed guilty of misconduct in office. All bonds and other evidences of indebtedness issued by the City shall be signed by the Mayor and countersigned by the Clerk, under the seal of the City. Interest coupons may be executed with the facsimile signatures of the Mayor and Clerk. A complete and detailed record of all bonds and other evidences of indebtedness issued by the City shall be kept by the Clerk. Upon the payment of any bond or other evidence of indebtedness, the same shall be marked "Canceled."

(Adopted by electorate, 11-6-90)

SECTION 11.6 UNISSUED BONDS.

No unissued bonds of the City shall be issued or sold to secure funds for any purpose other than that for which they were specifically authorized, and if any such bonds are not sold within five (5) years after authorization, such authorization shall, as to such bonds, be null and void, and such bonds shall be canceled.

(Adopted by electorate, 11-6-90)

SECTION 11.7 EMERGENCY LOANS.

In case of fire, flood or other calamity, the Council may borrow for the relief of the inhabitants of the City and for the preservation of municipal property, a sum not to exceed the limit set by state law of all real and personal property in the City, due in not more than three (3) years, even if such loan would cause the indebtedness of the City to exceed the limit fixed in this Charter.

(Adopted by electorate, 11-6-90)

SECTION 11.8 DEFERRED PAYMENT CONTRACTS.

The Council may enter into installment contracts subject to requirements of state law. Each of such contracts shall not extend over a period of greater than five (5) years nor shall the total amounts payable under such contracts exceed the sum on Ten Thousand (\$10,000.00) Dollars in any one (1) fiscal year of the City. All such contracts now existing are hereby declared legal and binding obligations of the City. All such deferred payments shall be included in the budget for the year in which the installment is payable.

(Adopted by electorate, 11-6-90)

CHAPTER 12**SPECIAL ASSESSMENTS****SECTION 12.1 GENERAL POWER RELATIVE TO SPECIAL ASSESSMENTS.**

The Council shall have the power to determine the necessity of any local or public improvement and to determine that the whole or any part of the expense thereof shall be defrayed by special assessment upon the property especially benefitted and shall so declare by resolution, provided that all special assessments levied shall be based upon or be in proportion to the benefits derived or to be derived. Such resolution shall state the estimated cost of the improvement, what proportion of the cost thereof shall be paid by special assessments, and what part, if any, shall be a general obligation of the City, the number of installments in which assessments may be paid, and shall designate the districts or land and premises upon which special assessments shall be levied.

(Adopted by electorate, 11-6-90)

SECTION 12.2 DETAILED PROCEDURE TO BE FIXED BY ORDINANCE.

The Council shall prescribe by general ordinance the complete special assessment procedure concerning the initiation of projects, plans, and specifications, estimates of costs, notice of hearings, making and confirming assessment rolls and the correction of errors therein, collection of special assessments, and any other matters concerning the making of improvements by the special assessment method, subject to the provisions of this chapter.

(Adopted by electorate, 11-6-90)

SECTION 12.3 OBJECTION TO IMPROVEMENTS.

If, at or prior to final confirmation of any special assessment, more than fifty (50%) percent of the number of owners of privately owned real property to be assessed for any improvement, or in the case of paving or similar improvements more than fifty (50%) percent of the number of owners of frontage to be assessed for any such improvement, shall object in writing to the proposed improvement, the improvement shall not be made by the proceedings authorized by this chapter without a four-fifth (4/5)

vote of the members-elect of the Council, provided that this section shall not apply to sidewalk construction.

(Adopted by electorate, 11-6-90)

SECTION 12.4 HAZARDS AND NUISANCES.

(a) When any lot, building, or structure within the City, because of accumulation of refuse or debris, the uncontrolled growing of weeds, or age or dilapidation, or because of any other condition or happening, becomes in the opinion of the Council, a public hazard or nuisance which is dangerous to the health or safety of the inhabitants of the City or of those of them residing or habitually going near such lot, building, or structure, the Council may, after investigation, give notice to the owner of the land upon which such hazard or nuisance exists, or to the owner of the building or structure itself, specifying the nature of the nuisance and requiring such owner to alter, repair, tear down, or remove the nuisance promptly and within a time to be specified by the Council, which shall be commensurate with the nature of the nuisance. If at the expiration of the time limit in said notice, said owner has not complied with the requirements thereof, or in any case where the owner of the land or of the building or structure itself is not known, the Council may order such hazard or nuisance abated by the proper department or agency of the City which is qualified to do the work required, and the cost of such abatement, to be assessed against the lot, premises or description of real property upon which such hazard or nuisance was located. Procedures to be followed to make this section fully effective shall be established by ordinance.

(b) When, in the opinion of the Building Inspector, a condition exists on any City owned property which is a hazard or potential hazard, or because of accumulation of refuse or debris, the uncontrolled growing of weeds, or age or dilapidation, or because of any other condition or happening, he/she shall notify the City Council of the condition and the City Council shall take appropriate action regarding the condition of the property.

(c) Penalties or prosecution for littering or illegal disposal of debris will be, as provided, by ordinance.

(Adopted by electorate, 11-6-90)

SECTION 12.5 LIEN NOT DESTROYED BY JUDGMENT.

No judgment or decree, or any act of the Council vacating any 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 the same, or as by a regular vote or proceeding might have been lawfully assessed thereon.

(Adopted by electorate, 11-6-90)

CHAPTER 13**MUNICIPAL UTILITIES****SECTION 13.1 GENERAL POWERS RESPECTING UTILITIES.**

The City shall possess and hereby reserves to itself all the powers granted to cities by the Constitution and general laws of the State of Michigan to acquire, construct, own, operate, improve, enlarge, extend, repair, and maintain, either within or without its corporate limits, including, but not by the way of limitation, public utilities for supplying water, light, heat, power, gas, sewage treatment, and garbage disposal facilities, or any of them, to the municipality and the inhabitants thereof; and also to sell and deliver water, light, heat, power, gas and other public utility services, without its corporate limits to an amount not to exceed the limitations set by state law and constitution.

(Adopted by electorate, 11-6-90)

SECTION 13.2 MANAGEMENT OF PUBLIC UTILITIES.

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

(Adopted by electorate, 11-6-90)

SECTION 13.3 RATES.

The Council shall have the power to fix, from time to time, such just and equitable rates as may be deemed advisable for supplying the inhabitants of the City and others with water; with electricity for light, heat, and power; and with such other utility services as the City may provide.

(Adopted by electorate, 11-6-90)

SECTION 13.4 UTILITY CHARGES; COLLECTION.

The Council shall provide, by ordinance, for the collection of all public utility charges made by the City. With respect to water, the City shall have all the power granted to cities by Act 178 of the Public Acts of 1939, as amended. When any person or persons, or any firm or corporation, shall fail or refuse to pay to the City any sums due on utility bills, the service or services upon which such delinquency exists shall be shut off or discontinued and suit may be instituted by the City for the collection of the same in any court of competent jurisdiction.

(Adopted by electorate, 11-6-90)

SECTION 13.5 ACCOUNTS.

Separate accounts, distinct from any other City accounts shall be kept for each public utility owned or operated by the City in such manner as to show the true and complete financial results of such City ownership or operation, or both, including all assets, liabilities, revenues, and expenses. They shall show as nearly as possible the value of any service furnished to, or rendered by any such public utility by or to any other City department. The Council shall annually cause a report to be made showing the

financial results of such City ownership or operation, or both, which report shall give for each utility the information specified in this section, and such further information as the Council shall deem expedient. Such report shall be on file in the office of the Clerk for public inspection.
(Adopted by electorate, 11-6-90)

SECTION 13.6 DISPOSAL OF UTILITY PLANTS AND PROPERTY.

The City shall not sell, exchange, lease, or in any way alienate or dispose of the property, easements, or other equipment, privilege, or asset belonging to and appertaining to any utility which it may acquire, unless and except the proposition for such purposes shall first have been submitted, at an election held for that purpose in the manner provided in this Charter, to the electors of the City and approved by them by a three-fifths (3/5) majority vote of the electors voting thereon. All contracts, negotiations, licenses, grants, leases, or other forms of transfer in violation of this provision shall be void and of no effect as against the City. The provisions of this section shall not, however, apply to the sale or exchange of any articles of equipment of any City owned utility as are worn out or useless, or which could with advantage to the service be replaced by new and improved machinery or equipment.
(Adopted by electorate, 11-6-90)

CHAPTER 14

CONTRACTS; FRANCHISES; PERMITS

SECTION 14.1 CITY MAY PERFORM PUBLIC WORK.

The Council shall have power to do any public work or make any public improvement by the employment of the necessary labor and the purchase of the necessary supplies and materials with separate accounting as to each improvement so made, or to do such work by contract duly let after competitive bidding. The Council shall also have power to do any public work or make any public improvement under any legally constituted plan under which the labor is furnished by any other governmental unit, department, or agency of the United States or the State of Michigan, or which is wholly or in part financed by them or either of them.
(Adopted by electorate, 11-6-90)

SECTION 14.2 PLANS AND SPECIFICATIONS.

Except as otherwise provided in this Charter and State laws, the responsibility for the preparation of plans and specifications, estimating the cost of advertising for bids, supervision and approval of the work for any public work or public or special improvement is vested in the City Manager.
(Adopted by electorate, 11-6-90)

SECTION 14.3 CONTRACTS.

(a) Whenever it becomes desirable for the City to enter into a contract with a second party for any purpose whatever, such instrument shall be drawn and approved as to form by the City Attorney and

certified as to sufficiency of funds by the officer charged with maintenance of the accounting system of the City. The letting and making of such contracts is hereby vested in the Council, which, in its discretion shall have the power to reject any and all bids. Copies of all contracts shall be filed in the office of the Clerk.

When it becomes necessary, in the prosecution of any work or improvement done under contract, to make alterations or modifications in such contract, such alterations or modifications shall be made only upon resolution of the Council. No such order shall be effective until the price to be paid for the material and work, or both, under the altered and modified contract shall have been agreed upon in writing and signed by the contractor and the City Manager upon authority of the Council and a copy thereof and of the proceedings authorizing such alteration or modification certified by the Clerk and attached by the Clerk to the original contract on file in his/her office.

(b) The provisions for handling contracts shall be in accordance with Public Act 317 of 1968, as amended.

(Adopted by electorate, 11-6-90)

SECTION 14.4 FRANCHISES.

No franchise or grant which is not revocable at the will of the Council shall be granted or become operative until the same shall have been referred to the people at a regular or special election and shall have received approval of three-fifths (3/5) of the electors voting thereon. All irrevocable public utility franchises and all renewals, extensions, and amendments thereof shall be granted only by ordinance. No such ordinance shall be approved by the Council for presentation to the electorate before thirty (30) days after application thereof have been filed with the Council, nor until a public hearing has been held thereon. No such ordinance shall be submitted to the electors at an election to be held less than thirty (30) days after the grantee named therein has filed with the Clerk his/her unconditional acceptance of all of the terms of such franchise, and it shall not be submitted to a special election unless the expense of holding the election, as determined by the Council, shall have been paid to the Treasurer by the grantee. No exclusive franchise shall ever be granted, and no franchise shall be granted for a term longer than thirty (30) years.

(Adopted by electorate, 11-6-90)

SECTION 14.8 LEASES, LICENSES, AND FRANCHISES REMAIN IN EFFECT.

All leases, licenses and franchises granted by the City of Wakefield and in force within the City when this Charter becomes law, shall remain in full force and effect until the expiration of the time for which they were respectively granted, has lapsed under conditions contained in the license or franchise granted, or until such license or franchises may have been taken over by the City by purchase, condemnation, grant, or otherwise.

(Adopted by electorate, 11-6-90)

SECTION 14.6 CONTROL AND REVOCATION OF FRANCHISE.

The Council shall cause to be instituted such actions or proceedings as may be necessary to prosecute a public utility company for violations of its franchise, the City Charter, or ordinances of the City, and may revoke, cancel or annul all franchises that may have been granted by the City which, for

any reason, have become inoperative, illegal, or void and not binding upon the City.
(Adopted by electorate, 11-6-90)

SECTION 14.7 RIGHT OF REGULATION.

All public utility franchises granted after the adoption of this Charter, whether it be so provided in the granting ordinance or not, shall be subject to the following rights of the City, provided, however, that this enumeration is not to be construed as being exclusive or as impairing the right of the Council to insert in such franchise any provision as may be within the power of the City to impose or require:

(a) To repeal the same for misuse, or nonuse, or for failure to comply with the provisions thereof;

(b) To require proper and adequate extension of plant and service and maintenance thereof at the highest practicable standard of efficiency, which in any event shall be at least in accordance with rules and regulations of the Michigan Public Service Commission, or its successors.

(c) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates. The rates and charges shall in no event exceed the rates and charges so prescribed by the Michigan Public Service Commission, or its successors.

(d) To require conditions and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period hereof.

(e) To impose such other regulations as may be determined by the Council to be conducive to the safety, welfare and accommodation of the public.

(Adopted by electorate, 11-6-90)

SECTION 14.8 REGULATION OF RATES.

All public utility franchises shall make provision therein for fixing rates, fares, and charges, and for readjustments thereof at periodic intervals at the discretion of the City. The value of the property of the utility used as a basis for fixing such rate, fares, and charges shall in no event include a value predicated upon the franchise, goodwill or prospective profits.

(Adopted by electorate, 11-6-90)

SECTION 14.9 USE OF STREETS BY UTILITY.

Every public utility franchise shall be subject to the right of the City to use, control, and regulate the use of its streets, sidewalks, alleys, bridges, and public places and the space above and beneath them. Every public utility shall pay such part of the cost of improvement or maintenance of streets, sidewalks, alleys, bridges, and public places as shall arise from its use thereof and shall protect and save the City harmless from all damages arising from said use. They may be required by the City to permit joint use of its property and appurtenances located in the streets, sidewalks, alleys, and public places of the City, by the City and by other utilities insofar as such joint use may be reasonably feasible and upon payment of reasonable rental therefore. In the absence of agreement, upon application by any public utility, the Council shall provide for arbitration of the terms and conditions of such joint use and compensation to

be paid therefor, which award shall be final.
 (Adopted by electorate, 11-6-90)

CHAPTER 15

MISCELLANEOUS

SECTION 15.1 CITY LIABILITY.

The City shall not be liable for damages sustained by any person, either to his person or property, by reason of the negligence of the City, its officers, or employees, nor by reason of any defective highway, street, bridge, sidewalk, crosswalk, or culvert, or by reason of any obstruction, ice, snow or other encumbrance upon such street, sidewalk, crosswalk, or public highway situated in the City, unless such person shall serve or cause to be served, within sixty (60) days after such injury shall have occurred, a notice in writing, upon the City Clerk, which notice shall set forth substantially the time and place of such injury, the extent of such injury as far as the same has become known, the names and addresses of the witnesses known at the time by claimant, and a statement that the person receiving such injury intends to hold the City liable for such damages as may have been sustained by him. No person shall bring any action against the City for any damages to person or property arising out of any of the reasons or circumstances, aforesaid, unless he shall have first presented to the Clerk his claim in writing and under oath setting forth particularly the nature and extent of such injury and the amount of damages claimed by reason thereof, which claim shall be presented to the Council by the Clerk and the Council be given opportunity to act thereon, either by allowing or refusing to allow the claim.
 (Adopted by electorate, 11-6-90)

SECTION 15.2 NO ESTOPPEL BY REPRESENTATION.

No official of the City shall have power to make any representation or recital of fact in any franchise, contract, document, or agreement contrary to any public record of the City. Any such representation shall be void and of no effect as against the City.
 (Adopted by electorate, 11-6-90)

SECTION 15.3 HEADINGS.

The chapter and section headings used in this Charter are for convenience only and shall not be considered as part of this Charter.
 (Adopted by electorate, 11-6-90)

SECTION 15.4 TENSE.

Except as otherwise specifically provided or indicated by the context, all words used in this Charter indicating the present tense shall not be limited to the time of the adoption of this Chapter, but shall extend to and include the time of the happening of any event or requirement which provision is made

herein, either as a power, immunity, requirement, or prohibition.
(Adopted by electorate, 11-6-90)

SECTION 15.5 RECORDS TO BE PUBLIC.

All public records of the City shall be available to the public in the office of the City Clerk during normal business hours and shall be written in the English language. The only exception shall be personnel records which are protected by statute.
(Adopted by electorate, 11-6-90)

SECTION 15.6 EFFECT OF ILLEGALITY OF ANY PART OF CHARTER.

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 except that specifically affected by such holding.
(Adopted by electorate, 11-6-90)

SECTION 15.7 AMENDMENTS.

This Charter may be amended at any time in the manner provided in Act No. 279 of the Public Acts of 1909, as amended. Should two (2) or more amendments, adopted at the same election, have conflicting provisions, the one receiving the largest affirmation vote shall prevail as to those provisions.
(Adopted by electorate, 11-6-90)

SECTION 15.8 VESTED RIGHTS CONTINUED.

After the adoption of this Charter, the City shall continue to be vested with all property, monies, contracts, rights, credits, effects, and the records, files, books, and papers belonging to it under and by virtue of the previous Charter, and with any additional property and rights as herein prescribed. No right or liability, 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 in any manner be affected by any change, but the same shall stand or proceed as if no change had been made. All debts and liabilities of the City shall continue to be its debts and liabilities, and all fines and penalties imposed at the time of such change shall be collected and all licenses issued by the City shall be and remain in the same manner as if such change had not been made.
(Adopted by electorate, 11-6-90)

CHAPTER 16**SCHEDULE****SECTION 16.1 ELECTION TO ADOPT THIS CHARTER.**

This Charter shall be submitted to a vote of the qualified electors of the City of Wakefield at a special City election to be held on Tuesday, November 6, 1990. This election shall be conducted by the officers under the existing City Charter charged with the conduct and supervision of elections, following usual election procedure; that the election commission shall prepare the necessary ballots therefor, or in lieu thereof make use of voting machines.

(Adopted by electorate, 11-6-90)

SECTION 16.2 FORM OF BALLOT.

The form of the ballot for the submission of this Charter shall be as follows:

INSTRUCTION: A cross (x) or a check mark (✓) in the square (□) to the right of the word "YES" is in favor of the proposed Charter, and a cross (x) or a check mark (✓) in the square (□) to the right of the word "NO" is against the proposed Charter.

"Shall the proposed revised Charter for the City of Wakefield, drafted by the Charter Commission elected on February 14, 1989, be adopted?"

YES

NO

(Adopted by electorate, 11-6-90)

SECTION 16.3 ELECTION OF FIRST OFFICERS UNDER THIS CHARTER.

The first primary election of officers under this Charter shall be held on August 6, 1991, in the manner provided in Section 5.3; the first regular City election under this Charter shall be held on November 5, 1991, at which election there shall be elected five (5) Councilmembers who shall hold office for terms of two (2) years, (and one (1) Constable, if required by state law, for a term of two (2) years) commencing on and dating from the organization meeting of the Council which shall be held on the first Monday following such election. The nomination and election of officers at the above specified elections shall be in accordance with the provisions of this Charter. Thereafter, all City elections for the election of officers of the City shall be held upon the dates specified therefor in the Charter. For the purpose of nominating and electing officers only, this Charter shall take effect on June 8, 1991 sixty (60) days, at which time the City Clerk shall make available nomination petition forms for the offices of the City Council (and Constable, if required by state law), as provided in this Charter. The Clerk shall publish a notice at least seven (7) days before June 8, 1991, as to the time the nomination petitions for the first City Council (and Constable, if required by state law) will be received and as to the availability and requirement of approved petition forms. Nomination petitions for these offices for the first election under this Charter shall be conducted by those officers under the now existing City Charter charged with the conduct and supervision of elections, and all election notices shall state that the first election of officers

will be held at the November 5, 1991 election.
(Adopted by electorate, 11-6-90)

SECTION 16.4 EFFECTIVE DATE OF THIS CHARTER.

For all purposes other than the nominating and electing of the first officers, this Charter shall take effect on November 11, 1991. At 7:00 P.M., at the then-prevailing time, on November 11, 1991, the City Council first elected under this Charter shall assemble in the existing official City Council chambers. It shall be called to order by the then existing Mayor and when the new Council shall have chosen a Mayor or temporary Chairperson, the previously existing City Council shall cease to be and the office of each and every member thereof shall terminate.

All officers and employees of the City shall continue in their respective offices and employment as though they had been appointed or employed in the manner provided in this Charter, and shall, in all respects, be subject to the provisions of this Charter.
(Adopted by electorate, 11-6-90)

SECTION 16.5 STATUS OF SCHEDULE CHAPTER.

The purpose of this schedule chapter is to inaugurate the government of the City of Wakefield under this Charter and shall constitute a part of this Charter only to the extent and for the time required to accomplish this end.
(Adopted by electorate, 11-6-90)

RESOLUTION OF ADOPTION

At a regular meeting of the Charter Commission of the City of Wakefield held on the 27th day of August, 1990 the following resolution was offered by Commissioner Maki and supported by Commissioner Holmes:

RESOLVED, That the Charter Commission of the City of Wakefield does hereby adopt the foregoing proposed revised Charter for the City of Wakefield, and the Clerk of this Commission is directed to transmit two copies of this Charter to the Governor of the State of Michigan for his approval in accordance with statute, to file with the City Clerk a copy of this Charter, to cause this proposed Charter to be published in the Wakefield News of Wakefield, Michigan on October 18, 1990 and to arrange for the presentation of this Charter to the electors of the City of Wakefield on November 6, 1990, in accordance with the provisions of this Charter and the statutes.

YEAS: Juopperi, Maki, Holmes, Wacker, Anderson, Orlich, Munari and Geroux

NAYS: None

One vacancy. Motion carried.

Marsha J. Fetters, Charter Commission
City Clerk, City of Wakefield

Attested to by the following Commissioners:

- Dolores Ann Geroux, Chairperson _____
- Martha Juopperi _____
- Eugene R. Maki _____
- Laura M. Holmes _____
- Albert J. Wacker _____
- Hazel G. Anderson _____
- Arthur S. Munari _____
- Mike Orlich _____

I hereby certify that this is a true copy of the signatures appended hereto:

Marsha J. Fetters, Charter Commission
Clerk
City Clerk, City of Wakefield, Michigan

Charter Commission of the City of Wakefield, Michigan
All of the Commissioners having attested as to said resolution as adopted at their meeting on August 27, 1990 and also having attested the copy to be signed by the Governor.

STATE OF MICHIGAN

COUNTY OF GOGEBIC

I, Marsha J. Fetters, Clerk of the Charter Commission of the City of Wakefield, and of the City of Wakefield, being duly sworn, affirms that at an election duly called and held in the City of Wakefield on the 14th day of February, 1989, the following named persons were duly elected as Commissioners to revise the Charter of the City of Wakefield, namely Dolores A. Geroux, Laura M. Holmes, Martha Juopperi, Eugene Maki, Arthur Munari, Mike Orlich, Michael A. Rydeski, Michael Smolcich and Albert J. Wacker. The members elected to said Charter Commission did meet on February 28, 1989, the second Tuesday after the election, the time prescribed by law, and elected Dolores A. Geroux, as Chairperson of the Charter Commission and also elected Michael A. Rydeski, as their Vice Chairperson, and I, Clerk of the City of Wakefield also acted as Clerk of the Charter Commission as required by law. I, the Clerk of the Wakefield Charter Commission further state, that at a meeting of the Wakefield Charter Commission held June 26, 1989, Michael Smolcich resigned from the Commission, with his resignation being accepted by the Commission. At a meeting of the Wakefield Charter Commission held July 6, 1989, Michael A. Rydeski resigned, with his seat being declared vacant. The two vacancies were duly advertised. A special meeting of the Commission was held on July 28, 1989. The application of Hazel G. Anderson, a registered voter of the City, was approved by the full Commission, then present to fill one of the vacancies. There being no other applicants, the Commission continued with eight members. The annexed and foregoing revised Charter was duly adopted by said Charter Commission by the foregoing Resolution of Adoption, which is a true and correct copy thereof, and that the said Charter Commission directed that said Charter be presented to the Governor of the State of Michigan for his approval in accordance with the requirements of the laws of the State of Michigan which provide therefor.

Martha J. Fetters, Clerk of the Charter Commission
of the City of Wakefield

Dated:

Subscribed and sworn to before me this 27th day of August, 1990.

Sherry June Ravelli
Notary Public
Gogebic County Michigan
My Commission Expires:

CHARTER

APPENDIX

A BOUNDARY DESCRIPTION OF THE CITY OF WAKEFIELD

Entire Southwest Quarter (SW $\frac{1}{4}$) of Section Three (3);

Entire Southeast Quarter (SE $\frac{1}{4}$) of Section Four (4);

Entire East One-half (E $\frac{1}{2}$) of Section Eight (8);

Entire Section Nine (9);

Entire Section Ten (10);

Entire West One-half (W $\frac{1}{2}$) of Section Eleven (11);

Entire Section Fourteen (14);

Entire Section Fifteen (15);

Entire Section Sixteen (16);

Entire Section Seventeen (17);

Entire Section Eighteen (18);

All in Township Forty-seven (47) North, of Range Forty-five (45) West

GLOSSARY**A**

ABROGATE. (1) To abolish (a law, treaty, or custom) by an authoritative act; repeal; cancel; (2) to do away with.

AD VALOREM. (Of taxes, import duties, or other fees) levied in proportion to the certified value of the merchandise or goods.

ALDERMAN. (In certain cities of the United States) a member of a Council that governs a city. An alderman is usually elected by the voters of a certain ward or districts and represents them on the Council.

APPURTENANCES. (1) An addition to something more important; added thing; accessory, (2) a minor property right, or privilege accompanying another that is more important.

ASSESSMENT ROLL. The list of official valuation of property for purposes of taxation.

ATTEST. (1) To give proof of; certify, (2) to bear witness to; to testify to.

B

BOARD. A group of persons managing something; council.

BODY POLITIC. Having a definite governmental organization.

C

CANCELED. Made invalid; annulled (made no longer binding under the law).

CANVASS. To examine or discuss in detail; look over carefully (as to relating to election results).

CHARGES. To accuse of wrong doing; censure (a condemning as wrong, strong disapproval

CHARTER. A document embodying the constitution of a city.

CHATTEL. A movable item of personal property, as a piece of furniture, an automobile, a head of livestock, etc.

CITY COMMISSION. The governing body elected to govern a city under the commission plan.

CITY COUNCIL. The legislative body of a city.

CLAIMANT. A person who makes a claim.

CODIFICATION. To arrange (laws, rules, etc.) systematically.

COMMISSION PLAN. A form of municipal government in which all legislative and administrative powers are in the hands of an elected commission instead of a mayor and council.

COMMON COUNCIL. Belonging or relating to the community at large; shared by all.

COMPETENT. Legally qualified, authorized or fit.

CONFLAGRATION. A big destructive fire.

CONSTABLE. A peace officer in a town or village, with powers and jurisdiction somewhat more limited than those of a sheriff.

CONTRACTUAL. Of, or having the nature of a contract.

CORPORATE. United, combined.

COUPON. A detachable printed statement on a bond, specifying the interest due at a given time; each coupon on a bond is presented for payment at the proper time.

CYPRES DOCTRINE. Law, as nearly as possible, designating or according to an equitable doctrine applied to the interpretation of wills, as in cases of trusts when the terms cannot be carried out literally and an effort is made to adhere to the general intent of the testator or settlor.

D

DEFAULTER. One who fails to meet a financial obligation, fails to appear in court; fails to pay or make good; to forfeit; failure to do something required by law; neglect.

DELINQUENT. Being overdue in payment.

E

ENCUMBRANCE. A claim against property.

ENUMERATION. To ascertain the number of; to count; to specify one after another.

EXCESS OF ROLLS. An excess of tax money created when an assessor adds amounts to several taxes (by law) to avoid fractions in computation of the tax roll.

EX OFFICIO. By virtue or because of an office.

EXONERATE. To relieve of a responsibility, to clear from accusation or blame.

EXPEDITIOUS. Characterized by or acting promptly and efficiently; fast.

F

FRANCHISE. The privilege of a public nature on an individual or body of individuals by a government grant, as the right to be a corporation or to provide a public service or utility.

I

LE. Id est (L.) that is.

IMMUNITIES. Exemptions from obligations, service, or duties; freedom from liability to taxation or jurisdiction.

INITIATIVE. An introductory act or step, initiatory petition, the power to originate legislation; the right of the voters to propose legislation for approval of the city council or by referendum.

IN LIEU OF. In place of, instead.

IRREVOCABLE. Incapable of being reversed, repealed, or annulled; not to be called or revoked.

INTEREST. A right or title to or a share in the ownership of property or a commercial enterprise; money paid for the use of money borrowed; monies added to delinquent taxes.

J

JEOPARDY. The risk of punishment to which a person on trial is exposed; exposure to loss.

L

LIEN. A claim on the property of another as security for the payment of a just debt.

LEASE. A contract by which one party (landlord or lessor) gives to another (tenant or lessee) the use and the possession of lands, buildings, properties, etc. for a specified time and for fixed payments (the period of time for which such a contract is in force).

LITIGATION. The act or process of carrying on a lawsuit.

N

NEPOTISM. Favoritism shown to relatives, especially in appointment to desirable positions (as in government)

O

OFFICERS OF THE CITY. Individuals elected or appointed who occupy positions of responsibility in city government (see Sections 3.7, 3.18, and 5.1).

ORDINANCE. A governmental statute or regulation, especially municipal.

P

PER CAPITA. For each person, by heads, per individual.

PREJUDICE. To judge beforehand, prematurely, or without all of the evidence, prejudice.

PRIMA FACIE. Evidence adequate to establish a fact.

PROPRIETARY. Conformity with what is proper or fitting, with accepted standards.

PRO TEMPORE (PRO-TEM). An officer elected from within the city council or other body to serve as presiding officer when the mayor or chairperson (presiding officer of the city council or other body) is absent or when the office of the mayor or chairperson (presiding officer) is vacant.

Q

QUORUM. The minimum number of officers and members of a committee or organization, usually a majority who must be present for the valid transaction of business.

R

REFERENDUM. The submission of a proposed public measure; or actual statute to a direct popular vote.

RESIDENT. One who makes his/her home in a particular place.

RESOLUTION. A formal statement of a decision or expression of an opinion put before or adopted by an assembly.

S

SECULAR. Worldly, not religious, not connected with a church.

STATUTE. A law enacted by the legislative branch of a government.

STATUTORY. Fixed or authorized by statute, punishable by statute as an offense.

SUBPOENA. Written legal order directing person to appear in court to testify.

SUPPRESS. To keep from being known, published etc., to keep back, restrain.

SURETY BOND. Surety; something that gives assurance against loss etc.

T

TAX ROLL. A complete list of all properties for which taxes can be levied.

TRIBUNAL. A court of justice.

V

VESTED. Law; fixed, settled, absolute; vested right.