

**WAKEFIELD, MICHIGAN
CHARTER**

CHARTER
WAKEFIELD, MICHIGAN
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**CITY CHARTER
OF THE
CITY OF WAKEFIELD, MICHIGAN**

PREAMBLE

We, the people of the City of Wakefield, State of Michigan, pursuant to authority granted by the constitution and laws of Michigan, in order to secure the benefits of efficient self government, and to promote our common welfare do hereby establish this Charter.

CHAPTER 1

CONTINUATION OF EXISTING CORPORATION: BOUNDARIES

SECTION 1.1 NAME.

The incorporated city now existing and known as the "City of Wakefield," as its limits are now or may hereafter be established, shall continue and remain a body politic and corporate, under the official name and title of "City of Wakefield."

(Adopted by electorate, 11-6-90)

SECTION 1.2 BOUNDARIES.

The body corporate of the City of Wakefield shall include all territory constituting the City of Wakefield on the effective date of this Charter, together with all territories that may be annexed thereto and less any detachments therefrom that may be made in a manner prescribed by law. The City Clerk of the City of Wakefield shall maintain in the Clerk's office for public inspection, a map of and a description of the boundaries of the City.

(Adopted by electorate, 11-6-90)

CHAPTER 2

MUNICIPAL POWERS

SECTION 2.2 GENERAL STATEMENT OF POWERS.

The City of Wakefield, as its limits now are or hereafter may be established, shall continue to be a

body politic and corporate, and shall have all powers, privileges and immunities possible for a City to have under the constitution and laws of the State of Michigan as fully and completely as though they were specifically enumerated in this Charter. In no case shall any enumeration of particular powers or immunities in this Charter be held to be exclusive.

(Adopted by electorate, 11-6-90)

SECTION 2.2 EXERCISE OF POWER.

Where no procedure is set forth in this Charter for the exercise of any power granted to or possessed by the City and its officers, resort may be had to any procedure set forth in any statute of the State of Michigan including statutes passed for the government of townships. If alternate procedures are to be found in different statutes, then the City Council shall select that procedure which it deems to be most expeditious and to the best advantage of the City and its inhabitants. Where no procedure for the exercise of any power of the City is set forth, either in this Charter or in any statute of the State of Michigan, the City Council shall prescribe a reasonable procedure for the exercise thereof by ordinance.

(Adopted by electorate, 11-6-90)

SECTION 2.3 INTERGOVERNMENTAL RELATIONS.

The City of Wakefield may join with any municipal corporation or with any agency of government, whether local, state or federal or with any number of or combination of, by contract or otherwise as may be permitted by law, in the ownership, operation, or performance of, jointly by one or more in behalf of all, of any property, facility, or service which each would have the power to own, operate, or perform separately.

(Adopted by electorate, 11-6-90)

SECTION 2.4 PENALTIES FOR VIOLATION OF CHARTER.

Any person of the City or officer of the City found guilty by a Court of competent jurisdiction of any violation of this Charter may be punished by a fine which, in addition to Court costs charged to him, shall not exceed Five Hundred (\$500.00) Dollars or ninety (90) days in prison, or both, at the discretion of the Court. For an officer of the City the punishment provided in this section shall be in addition to that of having the office declared vacant as provided in this Charter. This section shall not operate to limit or prejudice the power to remove officers or discharge employees as provided in this Charter.

(Adopted by electorate, 11-6-90)

SECTION 2.5 OUTSIDE FIRE PROTECTION.

In exercise of the powers contained in Section 2.1, herein, the City Council shall have the right to contract with individuals or governing bodies to furnish fire protection to property outside the corporate limits of the City of Wakefield for a fair consideration, if the Council shall find that the financial interests of the City are advanced by obtaining payments thereof; and/or that the prosperity of the municipality and its inhabitants are advanced through preventing a conflagration which might spread within the City limits or through protecting from fire, industrial, or commercial properties which employ residents of the City of Wakefield.

(Adopted by electorate, 11-6-90)

CHAPTER 3

PLAN OF GOVERNMENT

SECTION 3.1 COUNCIL-MANAGER GOVERNMENT.

It is the intent of this Charter to provide for the Council-Manager form of government.
(Adopted by electorate, 11-6-90)

SECTION 3.2 THE CITY COUNCIL.

All powers of the City except as otherwise provided in this Charter shall be vested in and all matters of policy of the City shall be exercised and determined by an elected City Council of five (5) members who shall be elected from the City at large.
(Adopted by electorate, 11-6-90)

SECTION 3.3 QUALIFICATIONS OF COUNCILMEMBERS.

Members of the City Council shall be duly qualified electors of the City who meet the eligibility requirements contained in Section 4.1 of this Charter. The Council shall be the sole judge of the election and qualifications of its own members subject only to review by court.
(Adopted by electorate, 11-6-90)

SECTION 3.4 COMPENSATION OF COUNCILMEMBERS.

Each member of the City Council shall receive, as remuneration for their services to the City, the sum of Twenty (\$20.00) Dollars for each regular and special meeting attended and not more than Six Hundred (\$600.00) Dollars per year. The remuneration specified herein shall be payable monthly and shall be considered full compensation for each monthly period of service as a member of the Council. The Mayor shall receive the sum of Sixty (\$60.00) Dollars per year in addition to the remuneration received by him/her as a member of the Council. Such salaries shall constitute the only salary or remuneration which may be paid for services performed by members of the Council for the discharge of any official duty for or on behalf of the City during their term of office, except as otherwise provided in this Charter. Upon authorization of the Council, reasonable expenses may be allowed when actually incurred on behalf of the City.
(Adopted by electorate, 11-6-90)

SECTION 3.5 SELECTION OF MAYOR.

The Council shall, at first meeting following each regular City election, elect one of its members to serve as Mayor and one to serve as Mayor Pro Tem, both for a term expiring at the first Council meeting following the next regular City election.
(Adopted by electorate, 11-6-90)

SECTION 3.6 DUTIES OF MAYOR AND MAYOR PRO TEM.

(a) Insofar as required by law, and for all ceremonial purposes, the Mayor shall be recognized as the executive head of the City, and shall have an equal voice and vote in the proceedings of the Council, but shall have no veto power.

(b) The Mayor shall be a conservator of the peace, and may exercise within the City the powers conferred upon sheriffs to suppress disorder, and shall have the power to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the City, and to suppress riot and disorderly conduct.

(c) The Mayor shall authenticate by signature such instruments as the Council, this Charter, or the laws of the State of Michigan or of the United States shall require.

(d) The Mayor shall exercise only such powers as the state laws, this Charter, or the Council shall specifically confer upon or require of him/her.

(e) The Mayor Pro Tem shall perform the duties of the Mayor when, on account of absence from the City, disability or otherwise, the Mayor is temporarily unable to perform the duties of the office, and in case of vacancy in the office of Mayor, until such vacancy is filled by the Council. The Mayor Pro Tem shall preside over the meetings of the Council at the call of the Mayor. In the event of a vacancy occurring in the office of Mayor Pro Tem, the Council shall appoint from its elected membership to fill such vacancy.

(Adopted by electorate, 11-6-90)

SECTION 3.7 ADMINISTRATIVE OFFICERS.

(a) The Administrative Officers of the City shall be a City Manager, City Clerk, City Treasurer and City Assessor. They shall subscribe to the constitutional oath of office and be citizens of the United States. The Clerk, Treasurer, and Assessor shall be appointed by the Manager and be confirmed by the Council. Their compensation shall be set by the Council upon the recommendation of the Manager.

(b) Upon recommendation of the Manager, the Council may, by ordinance, create additional administrative offices; and may by resolution, combine or in any other way alter any administrative offices in any manner it deems necessary or advisable for the proper and efficient operation of the City.

(c) In addition, the Council may, by resolution, provide administrative services or offices by contractual agreement.

(Adopted by electorate, 11-6-90)

SECTION 3.8 CITY MANAGER; APPOINTMENT.

The Council shall, within one hundred twenty (120) days after any vacancy exists in the position of Manager, appoint a Manager for an indefinite period and shall fix his/her compensation. The Manager shall be appointed solely on the basis of his/her executive and administrative qualification. The Manager

need not be a resident of the City at the time of the appointment, but shall become a resident thereof within one hundred eighty (180) days after the appointment and shall remain throughout his/her tenure in office. An exception to this residency rule may be made by the affirmative vote of four (4) members of the Council. No member of the Council shall be eligible for the position of Manager within two (2) years of the expiration of his/her last term on the Council.

(Adopted by electorate, 11-6-90)

SECTION 3.9 CITY MANAGER; REMOVAL.

The Council may remove the Manager from office in accordance with the following procedures:

(a) The Council shall adopt by affirmative vote of a majority of its members a preliminary resolution which must state the reasons for removal and may suspend the Manager from duty for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered promptly to the Manager.

(b) Within five (5) days after a copy of the resolution is delivered to the Manager, he/she may file with the Council a written request for a public hearing. This hearing shall be held at a Council meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed. The Manager may file with the Council a written reply not later than five (5) days before the hearing.

(c) The Council may adopt a final resolution of removal, which may be made effective immediately by affirmative vote of a majority of all its members at any time after five (5) days from the date when a copy of the preliminary resolution was delivered to the Manager, if he/she has not requested a public hearing, or at any time after the public hearing if he/she has requested one.

(d) The Manager shall continue to receive his/her salary until the effective date of a final resolution of removal.

(Adopted by electorate, 11-6-90)

SECTION 3.10 FUNCTIONS AND DUTIES OF CITY MANAGER.

The functions and duties of the City Manager shall be:

(a) To see that all laws and ordinances are enforced;

(b) To appoint the heads of the several City departments whose appointment is not otherwise specified herein, and to remove such department heads, subject to civil service rules and regulations;

(c) To manage and supervise all public improvements, works and undertakings of the City. He/she shall have charge of the construction, repair, maintenance, and cleaning of streets, sidewalks, bridges, pavements, sewers, and of all public buildings or other property belonging to the City. He/she shall manage and supervise all City utilities and shall be responsible for the preservation of property, tools, and appliances of the City;

(d) To see that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed;

(e) To recommend an annual budget to the Council; to administer the budget as finally adopted

under policies formulated by the Council and to keep the Council fully advised at all times as to the financial condition and needs of the City;

(f) To prepare and submit the capital improvements program, as reviewed by the Planning Commission, to the Council;

(g) To recommend to the Council for adoption such measures as he/she may deem necessary or expedient;

(h) To exercise and perform all administrative functions of the City that are not imposed by this Charter or any City ordinance upon some other official;

(i) To prohibit the use of City owned properties, equipment, facilities, or services except for authorized City operations and agreements with intergovernmental agencies. (It is not the intent of this section to prohibit assistance to or cooperation with, community oriented, non-profit, or charitable groups, agencies, or projects; however exceptions to this section must be approved by the Council.)

(j) To provide an annual inventory of all city owned properties complete with description and documentation and condition for presentation to the Council;

(k) To perform such other duties as may be prescribed by this Charter or as may be required of him/her by ordinance or by direction of the Council.

(Adopted by electorate, 11-6-90)

SECTION 3.11 ACTING CITY MANAGER.

The Council shall appoint or designate an Acting City Manager during the period of a vacancy in the office or during the absence of the Manager from the City. Such Acting Manager shall, while he/she is in such office, have all the responsibilities, duties, functions, and authority of the Manager.

(Adopted by electorate, 11-6-90)

SECTION 3.12 RELATIONSHIP OF COUNCIL TO ADMINISTRATIVE SERVICE.

The City Manager shall be responsible to the Council for the efficient administration of all departments of the City government under his/her jurisdiction. Neither the City Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officer or employees whom the City Manager or any of his/her subordinates are empowered to appoint, but the Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager. Neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager.

(Adopted by electorate, 11-6-90)

SECTION 3.13 CITY CLERK; FUNCTIONS AND DUTIES.

(a) The Clerk shall be the Clerk of the Council and shall attend all meetings of the Council and

shall keep a permanent journal in the English language of its proceedings and shall keep a record of all ordinances, resolutions, and regulations of the Council.

(b) The Clerk shall be the custodian of the City seal, and shall affix it to all documents and instruments requiring the seal, and shall attest the same. The Clerk shall have the power to administer all oaths required by law and by the ordinances of the City. The Clerk shall also be custodian of all papers, documents, and records pertaining to the City of Wakefield, the custody of which is not otherwise provided for. The Clerk shall give to the proper department or officials ample notice of the expiration or termination of any franchises, contracts or agreements.

(c) The Clerk shall certify by his/her signature all ordinances and resolutions enacted or passed by the Council and perform any other duties required of him/her by state law, this Charter, or by the Council.

(d) The Clerk shall provide and maintain in his/her office a supply of forms for all petitions required to be filed for any purpose by the provisions of this Charter.

(e) The Clerk shall perform such other duties as may be prescribed for him/her by this Charter, state, or federal law, or by the Manager.
(Adopted by electorate, 11-6-90)

SECTION 3.14 CITY TREASURER; FUNCTIONS AND DUTIES.

(a) The Treasurer shall have the custody of all moneys of the City, the Clerk's bond, and all evidences of value belonging to the City, or held in trust by the City;

(b) The Treasurer shall receive all moneys belonging to and receivable by the City, that may be collected by any officials or employees of the City, including license fees, taxes, assessments, utility charges, and all other charges belonging to and payable to the City, and shall in all cases give a receipt therefor;

(c) The Treasurer shall keep and deposit all moneys or funds in such manner and only in such places as the Council may determine and shall report the same in detail to the Clerk;

(d) The Treasurer shall have such powers, duties, and prerogatives in regard to the collection and custody of state, county, and school district, and City taxes and moneys as are conferred by law to enforce the collection of state, county, township, and school district taxes upon real and personal property;

(e) The Treasurer shall be responsible for the maintenance of a system of accounts of the City which shall conform to any uniform system required by state law and by the Council. All accounts of the City shall be balanced at the end of each calendar month, and a report made thereof by the Treasurer to the Council and the Manager.

(f) The Treasurer shall perform such other duties as may be prescribed for him/her by state or Federal law, this Charter, or by the Manager.
(Adopted by electorate, 11-6-90)

SECTION 3.15 CITY ASSESSOR; FUNCTIONS AND DUTIES.

The Assessor shall possess all the powers vested in and shall be charged with all duties imposed upon assessing officers by the general laws of the state. He/she shall make and prepare all regular and special assessment rolls in the manner prescribed by this Charter and the general laws of the state. He/she shall perform such other duties as may be prescribed for him/her in this Charter or by the Council or Manager.

(Adopted by electorate, 11-6-90)

SECTION 3.16 CITY ATTORNEY; APPOINTMENT AND COMPENSATION.

(a) The Council shall appoint a City Attorney who shall serve at its pleasure and shall fix his/her compensation. The compensation set by the Council for the City Attorney shall be in contemplation of the normal duties of the office. Special compensation may be provided at the discretion of the Council in cases of appeals to or litigation commenced in the Federal Courts, the Circuit Court or State Supreme Court, work requiring extensive hearings before quasi-judicial or administrative tribunals, for legal work in connection with the issuance of bonds of the City, and for condemnation proceedings. No such special compensation shall be given by the Council except in accordance with an agreement between itself and the City Attorney made before the service, for which such special compensation is to be paid, has been rendered.

(b) Billing for services shall be on a monthly basis with an itemized description of the services rendered and the hours and dollar amount for each item of service. Invoices for payment to the City Attorney shall be presented in the first week of the month following the month billed for.

(c) This Section (a) through (c) and Section 3.17 CITY ATTORNEY; FUNCTIONS AND DUTIES: (a) through (g) shall be included in any Contractual Agreement between the City of Wakefield and the City Attorney.

(Adopted by electorate, 11-6-90)

SECTION 3.17 CITY ATTORNEY; FUNCTION AND DUTIES.

(a) The City Attorney shall act as legal adviser to, and attorney and counsel for, the Council and all its members in matters relating to their official duties. He/she shall give written opinions to any official or department of this city when requested in writing by the Council or City Manager so to do and shall file a copy of same with Clerk;

(b) The City Attorney shall conduct for the City all cases in all courts and before all legally constituted tribunals whenever the City is a party thereto, except as otherwise provided for in (g) of this section.

(c) The City Attorney shall prepare, or officially pass upon, all contracts, bonds, and other instruments in writing, in which the City is concerned, and shall certify before execution as to their legality and correctness of form;

(d) The City Attorney shall file in the office of the Clerk the original copy of all franchises granted by the City, of all contracts and agreements entered into by or on behalf of the City, and of all papers constituting a part of the proceedings in all courts or legally constituted tribunals to which the City is a

party, together with pertinent data and information concerning the same;

(e) The City Attorney shall be charged with the responsibility of calling to the attention of the Council and the City Manager all matters of law and changes or developments therein affecting the City;

(f) The City Attorney shall perform such other duties as may be prescribed by the Charter or the Council;

(g) Upon the recommendation of the City Attorney, or upon its own motion, the Council may retain special legal counsel to handle any matter to which the City is a party or in which the City has an interest, or to assist the counsel with the City Attorney therein.

(Adopted by electorate, 11-6-90)

SECTION 3.18 OTHER ADMINISTRATIVE OFFICERS; APPOINTMENT AND COMPENSATIONS.

The other administrative officers may be the Chief of Police, Chief of Fire, Superintendent of Public Works and Superintendent of Electric Utility. All such officers shall be appointed by the Council upon recommendation of the Manager. The Council shall fix by ordinance the rate of compensation for all administrative officers of the City within the limits of budget appropriations.

(Adopted by electorate, 11-6-90)

SECTION 3.19 PLANNING COMMISSION.

The Council shall by ordinance establish and maintain a City Planning Commission having the powers and duties prescribed by state law. The Manager shall be an ex-officio member of the Planning Commission.

(Adopted by electorate, 11-6-90)

SECTION 3.20 LIBRARY BOARD.

The Council shall provide by ordinance for the maintenance of a public library in accordance with Act 164 of 1877, as amended, under the management of a board of five (5) citizens appointed by the Mayor with the approval of the Council as provided in said Act. The moneys of such library shall be deposited in a special fund in the treasury of the City in accordance with said Act. The purchases of the library shall be made through the purchasing department of the City.

(Adopted by electorate, 11-6-90)

CHAPTER 4

GENERAL PROVISION REGARDING OFFICERS AND PERSONNEL OF CITY

SECTION 4.1 ELIGIBILITY FOR OFFICE IN CITY.

No person shall be elected or appointed to any office who is in default to the City, or to any other

governmental unit of the state, now or heretofore existing. The election or appointment of any such defaulter shall be void. No person holding an elected or appointed office of the City or any other governmental unit of the state shall hold another elective or appointive office in the City. No person shall be eligible to any elective office of the City unless he/she shall be a qualified elector in the City, and shall have been a resident of the City for at least one (1) year immediately prior to the date of the election at which he/she is a candidate for office.

(Adopted by electorate, 11-6-90)

SECTION 4.2 VACANCIES IN OFFICE.

Any City office shall become vacant upon the occurrence of one or more of the following events before the expiration of the term of such office:

(a) For any reason specified by state law creating a vacancy;

(b) If the officers of the City, (other than the Mayor and members of the Council including City Manager, City Clerk, City Treasurer, Department of Public Works Superintendent, and Electric and Water Superintendent), shall absent themselves continuously from the City for more than forty (40) days without permission of the Council;

(c) In the case of the Mayor and members of the Council, where such officers shall miss three (3) consecutive regular meetings of the Council, or twenty-five (25%) percent of such meetings in any fiscal year of the City, unless such absences shall be excused by the Council and the reason entered in the proceedings of the Council;

(d) If the officer shall be convicted of any act constituting misconduct in office under the provisions of this Charter;

(e) If any elected official shall seek election (files petitions) to another public elective office.

(Adopted by electorate, 11-6-90)

SECTION 4.3 RESIGNATIONS.

Resignations of elective officers shall be made in writing and filed with the Clerk and shall be acted upon by the Council at its next regular meeting following receipt thereof by the Clerk. Resignations of officers appointed by the Council shall be made in writing to the Council. Resignations of officers appointed by the City Manager shall be made in writing to him/her. All resignations shall be immediately acted upon.

(Adopted by electorate, 11-6-90)

SECTION 4.4 PROCEDURE FOR FILING VACANT ELECTIVE OFFICE.

If a vacancy occurs in any elective office, the Council shall, within thirty (30) days after such vacancy occurs, appoint by unanimous vote of the Council, a person to fill such vacancy until the next regular City election, provided, that if any such vacancy in the position of Councilmember is not so filled by appointment within the said thirty (30) days, or if three or more vacancies in the position of Councilmember exist simultaneously, the City Clerk shall forthwith call a special election to be held

within sixty (60) days thereafter to fill such vacancy or vacancies for the unexpired terms of the individuals whose offices have become vacant; provided, however, that no vacancy in the position of Councilmember shall be filled by appointment or special election as above provided if the term of office of the Councilmember whose office has become vacant expires within ninety (90) days after the vacancy occurs, notwithstanding the foregoing.

(Adopted by electorate, 11-6-90)

SECTION 4.5 CHANGE IN TERM OF OFFICE OR COMPENSATION.

Except by procedures provided in this Charter, the terms of the elective officials of the City shall not be shortened. The terms of elective officers of the City may not be extended beyond the period for which such officer was elected except that an elective officer of the City shall, after his/her term has expired, continue to hold office until his/her successor is elected and has qualified. The Council shall not grant to authorize extra compensation to any City officer, agent, or contractor, after the service has been rendered or the contract entered into. Nor shall the salary of any elective City officer, be increased or decreased after his/her election during any fixed term of office for which he/she was elected.

(Adopted by electorate, 11-6-90)

SECTION 4.6 OATH OF OFFICE AND BOND.

Every officer, selected or appointed, before entering upon the duties of his/her office, shall take the oath of office prescribed by Section 1 of Article XI of the Constitution of the State and shall file the same with the Clerk, together with any bond which he/she may be required by this Charter or by the Council to give. In case of failure to comply with the provisions of this section within ten (10) days from the date of his/her election or appointment, such officer shall be deemed to have declined the office and such office shall thereupon become vacant unless the Council shall, by resolution, extend the time in which such officer may qualify as above set forth.

(Adopted by electorate, 11-6-90)

SECTION 4.7 SURETY BONDS.

Except as otherwise provided in this Charter, the Council may require any officer or employee to give a bond, to be approved by the Council, conditioned upon the faithful and proper performance of the duties of his office or employment, in such sum as the Council shall determine. All such officers or employees receiving, disbursing or responsible for the City funds shall be bonded. The resignation or removal of any bonded officer or employee shall not, nor shall the appointment of another to the office or employment, exonerate such officer or employee or his/her sureties from any liability incurred by him/her or them. All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the City, except as otherwise provided in this Charter. No bond required by this section shall be renewed upon its expiration or in the event of the reappointment of any officer or employee to a position for which a bond is required, but a new bond shall be furnished. No bond shall be issued for a term exceeding two (2) years. All bonds of all officers or employees shall be filed with the Clerk, except that of the Clerk himself/herself, which shall be filed with the Treasurer.

(Adopted by electorate, 11-6-90)

SECTION 4.8 LIABILITY AND BOND TO CONTINUE.

The resignation, removal or discharge of any officer or employee of the City shall not, nor shall the election or appointment of another to his office or employment, exonerate such officer or employee of his/her sureties from any liability incurred by him/her or them.
(Adopted by electorate, 11-6-90)

SECTION 4.9 DELIVERY OF OFFICE AND ITS EFFECTS BY OFFICER TO HIS SUCCESSOR.

Whenever any officer or employee required by this Charter to be a resident, shall cease to be a resident of the City, resign or be removed from office, or the term for which any officer has been elected or appointed has expired he/she shall, on demand, deliver to his/her successor in office or to his/her superior all the books, paper, money, and effects in his/her custody as such officer or employee, and which in any appertain to his/her office or employment. Every person violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally for the like offense under the general laws of the state now or hereafter in force and applicable thereto. Every officer and employee of the City shall be deemed an officer within the meaning and provisions of such general laws of the state for the purpose of this section.
(Adopted by electorate, 11-6-90)

SECTION 4.10 PROPRIETARY OR FINANCIAL INTEREST PROHIBITED.

Proprietary or financial interest of elected or appointed officers of the City, shall be governed by Public Act 317 of 1968, as amended.
(Adopted by electorate, 11-6-90)

SECTION 4.11 PROHIBITION ON EMPLOYING RELATIVE (NEPOTISM).

Unless the Council shall by two-thirds (2/3) vote of the members elect thereof, other than the member involved, which vote shall be recorded as part of the official proceedings, determine that the best interests of the City shall be served, the following relatives of any elective or appointive officer are disqualified from holding any appointive office or City employment during the term for which said elective or appointive officer was elected or appointed: spouse, child, parent, grandchild, grandparent, brother, sister, half-brother, half-sister, or the spouse of any of them. All relationships shall include those arising from adoption. This section shall in no way disqualify such relatives or their spouses who are bona fide appointive officers or employees of the City at the time of the election or appointment of said official.

The provisions of this relationship, above, specifically applies to the prohibition of the employment of relatives to be directly under the supervision of another relative. Employment in another department than that of the relatives' supervision is permissible subject to review by the Council.
(Adopted by electorate, 11-6-90)

SECTION 4.12 EMPLOYMENT AND REMOVAL OF PERSONNEL OTHER THAN OFFICERS.

Employees of the City, other than those officers provided by this Charter, and other department

heads, shall be employed and removed by department heads with the approval of the City Manager, subject to civil service rules and regulations and union contract.

All regular full-time City of Wakefield employees shall be residents of the City. If an employee is not a resident at the time of employment, he/she shall become a resident within ninety (90) days after the beginning of his/her employment and shall remain so throughout his/her employment with the City. This requirement may be waived when it is determined to be in the best interest of the City. A waiver for such circumstance must be approved by a resolution passed by all five (5) members of the City Council.

(Adopted by electorate, 11-6-90)

SECTION 4.13 RETIREMENT SYSTEM.

The retirement system for the employees of the City of Wakefield, Michigan, known as the Municipal Employees Retirement System, which went into effect on the first day of May, 1946, is hereby continued for the purpose of providing retirement allowances for the employees of the City.

(Adopted by electorate, 11-6-90)

SECTION 4.14 EMPLOYEE WELFARE BENEFITS.

The Council shall have the power to make available to the administrative officers and employees of the City and its departments and boards any recognized standard plan of group life, hospital, health, or accident insurance, either independently of, or as a supplement to, any retirement plan provided for the employees and officers.

(Adopted by electorate, 11-6-90)

SECTION 4.15 FEES OF OFFICERS TO BELONG TO THE CITY.

The respective salaries and compensation of officers fixed by this Charter, or by ordinance or resolution of the Council, except Constable, shall be in full or all official services as such officers for the City or public, and shall be in lieu of all fees, commissions, and other compensation receivable by such officers for their services in performances of the duties of their offices; which fees, commissions, and compensation shall belong to the City, and be collected and accounted for by such officers, and be paid into the City treasury, and a statement thereof filed with the City Clerk as often as once in each week.

(Adopted by electorate, 11-6-90)

SECTION 4.16 CIVIL SERVICE.

The Civil Service System of personnel management shall be retained. Such system shall provide at least the following:

(a) For the professional and impartial approach to municipal personnel problems based solely on the fitness, training, and experience of the individual with no discrimination on account of political or religious opinion;

(b) A non-salaried civil service board of three citizens other than elective City officials, two of whom

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to be appointed by the Council and one of whom to be selected by the appointed officers and employees covered by the System, to administer the Civil Service System;

(c) That the City Manager be the executive officer of said board with the title of Personnel Director;

(d) That the system include all officers and employees of the City except officials holding elective offices, the City Manager, the City Attorney, technical consultants employed under contract, and members of boards and commissions;

(e) That all newly appointed employees shall serve a probationary period as per union contract, during which period they may be dismissed without cause and without recourse to any appeal to the Civil Service Board;

(f) For the formulation by the Civil Service Board of rules and regulations covering the selection, promotion, and discharge of municipal employees. Where competitive tests are used and eligible lists created, appointments shall be made from the three candidates standing highest on such lists. No person covered by the system shall be demoted or discharged except for cause or without the opportunity for a hearing before the Civil Service Board, but nothing shall prevent the discharge of any person when the position he/she holds has been abolished or consolidated with another position or when a reduction of personnel is necessary;

(g) For the preparation, installation and maintenance of a classification plan based on the duties, authority, and responsibilities of positions;

(h) For the preparation and recommendation of a systematic salary plan for the positions covered by the system;

(i) For the restriction of political activity in City of Wakefield municipal politics of persons covered by the System (refer to Civil Service Rules & Regulations, adopted by the Wakefield City Council on June 5, 1950, as amended);

(j) Provide a means whereby the City may enter into contractual arrangements for securing technical services of persons and corporations qualified in personnel work to assist the Civil Service Board in carrying out its work.

It is the intent of this section to secure the establishment of a merit system program as an integral part of the administrative service, to the end that the handling of the personnel activities will be done in a manner equitable to the employee without handicapping or curtailing responsible administrative officers, and by increased efficiency and improved administration will be economical to the citizens. (Adopted by electorate, 11-6-90)

CHAPTER 5

ELECTIONS

SECTION 5.1 OFFICERS TO BE ELECTED.

The elective officers of the City shall be five (5) Councilmembers (and one (1) Constable, if required by State law), all of whom shall be elected by the City at large.
(Adopted by electorate, 11-6-90)

SECTION 5.2 ELECTION DATE.

A regular City election shall be held on the first Tuesday following the first Monday in November of each odd year beginning with 1991.
(Adopted by electorate, 11-6-90)

SECTION 5.3 PRIMARY.

A nonpartisan City primary election shall be held on the first Tuesday following the first Monday in August of each odd year, beginning in 1991, provided if the date prescribed by state law for the holding of a general fall primary election shall be changed, the City primary shall be held on the day prescribed by state law for the holding of the fall primary. If, upon the expiration of the time for filing nomination petitions for any elective City office, petitions have been filed for no more than twice the number of candidates for such office to be elected at the next City election, then no primary election shall be held in respect to such office and the Clerk shall publish notice of such fact. The candidates for nomination for each office to be filled at the next City election, in number equal to twice the number of persons to be elected to each City office, receiving the highest number of votes at any such City primary election shall be declared the nominee for the election to the respective offices, and their names together with the names of persons for whom petitions have been filed for offices with respect to which no primary election was held shall be certified to the election commission to be placed upon the ballot for the next subsequent regular City election.
(Adopted by electorate, 11-6-90)

SECTION 5.4 TERMS OF OFFICE.

At each regular City election there shall be elected from the City at large five (5) Councilmembers (and one (1) Constable, if required by State Law), whose term shall run for two (2) years. The terms of the Councilmembers (and Constable) shall commence on and date from the first Monday next, following the date of the regular City election at which they are elected.
(Adopted by electorate, 11-6-90)

SECTION 5.5 WARDS.

The City of Wakefield shall consist of one (1) ward.
(Adopted by electorate, 11-6-90)

SECTION 5.6 QUALIFICATIONS OF ELECTORS.

The inhabitants of the City having the qualifications of the electors in the State of Michigan, and no others, shall be electors of the City.

(Adopted by electorate, 11-6-90)

SECTION 5.7 ELECTION PROCEDURE.

The general election laws shall apply to and control all procedures relating to City elections, including qualification of electors, establishment of precincts, verification of petitions, registration of voters, and voting hours. The clerk shall give public notice of each City election in the same manner as is required by law for the giving of public notice of general elections in the state. The election of all City officers shall be on a non-partisan basis.

(Adopted by electorate, 11-6-90)

SECTION 5.8 SPECIAL ELECTIONS.

Special City elections shall be held in accordance with the provisions of the General Election Laws of the State of Michigan.

(Adopted by electorate, 11-6-90)

SECTION 5.9 VOTING HOURS.

The polls of all elections shall be opened and closed at the time prescribed by law for the opening and closing of polls at state elections, subject to the statutory right of the City Council to adjust these hours to local time.

(Adopted by electorate, 11-6-90)

SECTION 5.10 ELECTION COMMISSION.

An Election Commission is hereby created, consisting of the Clerk, the Mayor, and the City Attorney. The Clerk shall be the chairperson. The Commission shall appoint the Board of Election Inspectors and have charge of all activities and duties required of it by state law and this Charter relating to the conduct of elections in the City. The compensation of election personnel shall be determined in advance by the City Council. In any case where election procedure is in doubt, the Election Commission shall prescribe the procedure to be followed. The composition of the Board of Election Inspectors is as per the General Election Laws of the State.

(Adopted by electorate, 11-6-90)

SECTION 5.11 NOMINATIONS.

The method of nomination of all officers provided for in this Charter who are elected by the electors of the City shall be by petition. Such petitions shall be signed by not less than sixty (60) nor more than one hundred and twenty (120) qualified registered electors of the City. No person shall sign his/her

name to a greater number of petitions for any one office than there will be persons elected to said office at said election. Where the signature of any individual appears on more petitions than there are candidates to be elected to said office, the signature of such individual on all petitions shall be invalidated.

Nomination petitions shall be filed with the Clerk in accordance with the provisions of the General Election Laws of the State of Michigan.
(Adopted by electorate, 11-6-90)

SECTION 5.12 FORM OF PETITION.

(a) The form of petition shall be substantially as required by state law for state and county officers, except for references to political parties. Official petition forms shall be prepared and furnished by the Clerk. Before the Clerk shall furnish any nomination petitions to any person, he/she shall enter thereon in ink the name of the person desiring to become a candidate for office, or the person in whose behalf the petition is to be circulated and the name of the office for which he is to be a candidate.

(b) Nothing herein shall be construed to prohibit any candidate from having his own nominating petitions printed complying substantially with the Clerk's printed form.
(Adopted by electorate, 11-6-90)

SECTION 5.13 APPROVAL OF PETITION.

The Clerk shall accept for filing only nomination petitions on official blanks containing the required number of signatures for candidates having those qualifications required for elective City officials by this Charter. When petitions are filed by persons other than the person whose name appears thereon as a candidate, they may be accepted for filing only when accompanied by the written consent of the person in whose behalf the petition or petitions were circulated. The Clerk shall, forthwith after the filing of a petition, determine the sufficiency of the signatures on each petition filed. Each petition which is found by the Clerk to contain the required number of signatures of registered electors for candidates shall be marked "In Order," with the date thereof and he shall so notify the candidate whose name appears thereon, in writing.

(Adopted by electorate, 11-6-90)

SECTION 5.14 PUBLIC INSPECTION OF PETITIONS.

All nomination petitions shall be open to public inspection in the office of the Clerk in accordance with the Michigan Freedom of Information Act.
(Adopted by electorate, 11-6-90)

SECTION 5.15 FORM OF BALLOTS.

The form, printing, and numbering of ballots or the preparation of the voting machines used in any City election shall conform as nearly as may be that prescribed by the General Election Laws of the State, except that no party designation or emblem shall appear.
(Adopted by electorate, 11-6-90)

SECTION 8.16 CANVASS OF VOTES.

The votes at all City elections shall be canvassed in accordance with the provisions of the General Election Laws of the State of Michigan.
(Adopted by electorate, 11-6-90)

SECTION 8.17 RECOUNT.

A recount of the votes cast at any City election for any office or upon any proposition may be had in accordance with the General Election Laws of the State.
(Adopted by electorate, 11-6-90)

SECTION 8.18 RECALL.

Any elected official may be recalled from office by the electors of the City in a manner provided by the General Election Laws of the State. A vacancy created by the recall of any elected official shall be filled in the manner prescribed by law.
(Adopted by electorate, 11-6-90)

CHAPTER 6**PROCEDURE OF THE CITY COUNCIL****SECTION 6.1 REGULAR MEETINGS.**

The Council shall provide by resolution for the time and place of its regular meetings and shall hold at least one (1) regular meeting each month. If any time set for holding of a regular meeting of the Council shall be a holiday, then such regular meeting shall be held at the same time and place on the next succeeding day which is not a holiday.
(Adopted by electorate, 11-6-90)

SECTION 6.2 SPECIAL MEETINGS.

Special meetings of the Council may be called by the Clerk on the written request of the Mayor, any two (2) members of the Council, or the City Manager on at least twenty-four (24) hours written notice to each member of the Council, designation the date, time, place, and purpose of any such meeting and served personally or left at his/her usual place of residence by the Clerk or someone designated by him/her. Any special meeting of the Council at which not less than four (4) members of the Council are present or have in writing waived the requirement that notice be given at least twenty-four (24) hours prior to the time specified for the holding of such meeting and at which a quorum of the Council is present, shall be a legal meeting. All special meetings shall be posted with the date, time, and place as per the Michigan Open Meetings Act.
(Adopted by electorate, 11-6-90)

SECTION 6.3 BUSINESS AT SPECIAL MEETINGS.

No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting.

(Adopted by electorate, 11-6-90)

SECTION 6.4 MEETINGS TO BE PUBLIC.

All regular and special meetings of the Council shall be open to the public and rules of order of the Council shall provide that citizens shall be given a reasonable opportunity to be heard.

(Adopted by electorate, 11-6-90)

SECTION 6.5 QUORUM

Three (3) members of the Council shall be a quorum for the transaction of business at all regular or special meetings of the Council, but, in the absence of a quorum, two (2) members may adjourn any regular meeting or special meeting to a later date.

(Adopted by electorate, 11-6-90)

SECTION 6.6 NO STANDING COMMITTEES.

There shall be no standing committees of the Council.

(Adopted by electorate, 11-6-90)

SECTION 6.7 PUBLICATION OF COUNCIL PROCEEDINGS.

The proceedings of the Council shall be published at least once within fifteen (15) days after each meeting of the Council in a newspaper published in Gogebic County. The publication of a synopsis of such proceedings, prepared by the Clerk, showing the substance of each separate proceeding of the Council, including communications to the Council, shall be a sufficient compliance with the requirements of this section.

(Adopted by electorate, 11-6-90)

SECTION 6.8 COUNCIL RULES: MISCELLANEOUS.

Subject to provisions of this Charter, the Council shall determine its own rules and order of business and shall keep a journal of all its proceedings in the English language which shall be signed by the Mayor and Clerk. The vote upon the passage of all ordinances, and upon the adoption of all resolutions shall be taken by "Yea" and "Nay" votes and entered upon the record, except that where the vote is unanimous, it shall only be necessary to so state. Each member of the Council who shall be recorded as present shall vote on all questions decided by the Council unless excused by the unanimous consent of the other members present. Any citizen or taxpayer of the City shall have access to the minutes and records of all regular and special meetings of the Council at all reasonable times.

(Adopted by electorate, 11-6-90)

CHAPTER 7**LEGISLATION****SECTION 7.1 PRIOR CITY ORDINANCES AND REGULATIONS.**

All by-laws, ordinances, resolutions, rules, and regulations of the City of Wakefield, which are not inconsistent with the provisions of this Charter, in force and effect at the time of adoption of this Charter, shall continue in full force as by-laws, ordinances, resolutions, rules, and regulations of the City of Wakefield until repealed or amended by action of the proper authorities.

(Adopted by electorate, 11-6-90)

SECTION 7.2 ORDINANCE ENACTMENT.

All legislation of the City of Wakefield shall be by ordinance or by resolution.

(a) The word "resolution" as used in this Charter shall be the official action of the Council in the form of a motion, and such action shall be limited to matters required or permitted to be done by resolution by this Charter or by state or federal law and to matters pertaining to the internal affairs or concerns of the City government.

(b) All other acts of the Council, and all acts carrying a penalty for the violation thereof, shall be by ordinance. Each ordinance shall be identified by a number and a short title. The style of all ordinances passed by the Council shall be "The City of Wakefield Ordains."

(c) The Council may adopt any provision of state law or any detailed technical regulations as a City ordinance or code by reference to the extent and in the manner provided by state law, provided that any such provision of state law or code shall be clearly identified in the ordinance adopting the same as an ordinance of the City, and further, should any changes or amendments thereafter be made thereto, they shall also be made a part of and included in such adoption. Where any such code is adopted, it may be published in book or booklet form available for public distribution at a reasonable charge and any amendment to or change of such adopted code or detailed ordinance may be published in the same manner.

(Adopted by electorate, 11-6-90)

SECTION 7.3 ENACTMENT, AMENDMENT, AND REPEAL OF ORDINANCE.

Ordinance may be enacted, amended, or repealed by the affirmative vote of not less than three (3) Councilmembers, except that when an ordinance is given immediate effect, Section 7.4 shall govern. Unless by the affirmative vote of three (3) Councilmembers, no office shall be created or abolished, no tax or assessment be imposed, no street, alley, or public ground be vacated, no real estate or any interest therein be sold or disposed of, no private property be taken for public use, or any vote of the Council be reconsidered or rescinded at a special meeting, nor any money appropriated except as otherwise provided by this Charter. Except in case of ordinances which are declared to be emergency

ordinances, no ordinance shall be finally passed by the Council at the same meeting at which it is introduced.

No ordinance shall be revised, altered, or amended by reference to the title only, but the section or sections of the ordinance revised, altered, or amended shall be re-enacted and published. However, an ordinance may be repealed by reference to its number and title only.
(Adopted by electorate, 11-6-90)

SECTION 7.4 WHEN ORDINANCES TAKE EFFECT.

The effective date of ordinances shall be prescribed therein, but the effective date shall not be earlier than fifteen (15) days after the enactment nor before publication thereof, except that ordinances immediately necessary for the preservation of the public peace, health, or safety may be given earlier effect by the affirmative vote of not less than three (3) Councilmembers if three (3) or four (4) Councilmembers are present at the meeting, and by the affirmative vote of not less than four (4) Councilmembers if five (5) Councilmembers are present at the meeting. In case an ordinance is given effect earlier than fifteen (15) days after its enactment, all requirements for publication may be met by posting copies thereof in conspicuous locations in three (3) public places in the City; and the Clerk shall, immediately after such posting, enter in the Ordinance Book under the record of the ordinance a certificate under his/her hand stating the time and place of such publication by posting, which certificate shall be prima facie (true) evidence of the due publication and posting of the ordinance.
(Adopted by electorate, 11-6-90)

SECTION 7.5 PENALTIES.

The Council shall provide in each ordinance for the punishment of violations thereof, but, unless permitted by law, no such punishment excluding the costs charged, shall exceed a fine of Five Hundred (\$500.00) Dollars or imprisonment for not more than ninety (90) days, or both, in the discretion of the Court. Imprisonment for violations of ordinances may be in the County jail.
(Adopted by electorate, 11-6-90)

SECTION 7.6 PUBLICATION OF ORDINANCES.

Each ordinance passed by the Council shall be published at least once within fifteen (15) days after its adoption in the official newspaper of the City. The publication of any ordinance in full after its final passage as a part of the published proceedings of the Council shall constitute publication of such ordinance as required herein. All ordinances and revisions, alterations, or amendments of ordinances shall be recorded by the Clerk in a book to be called "The Ordinance Book," and it shall be the duty of the Mayor and Clerk to authenticate such records by their official signatures thereon.
(Adopted by electorate, 11-6-90)

SECTION 7.7 ORDINANCES GRANTING FRANCHISES AND CONTRACTS.

Every ordinance or resolution granting any franchise or right to occupy or use the streets, highways, bridges, or public places in the City for any purpose shall be complete in the form in which it is finally passed, and remain on file with the Clerk for public inspection for at least one (1) week before the final

passage or adoption thereof. No exclusive franchise or grant of right to occupy or use the streets, or public places of the City shall ever be granted.
(Adopted by electorate, 11-6-90)

SECTION 7.8 COMPILATION AND CODIFICATION OF ORDINANCES.

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

The copies of the ordinances and any compilation, code, or codes referred to in the Charter may be certified by the Clerk and, when so certified, shall be competent evidence in all courts and legally established tribunals as to the matter contained therein.
(Adopted by electorate, 11-6-90)

SECTION 7.9 INITIATIVE AND REFERENDUM.

Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the Clerk an affidavit stating they will constitute the Petitioner's Committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be considered.

Promptly after the affidavit of the Petitioner's Committee is filed, the Clerk shall issue the appropriate petition blanks to the Petitioner's Committee.
(Adopted by electorate, 11-6-90)

SECTION 7.10 INITIATORY AND REFERENDARY PETITIONS.

An initiatory or a referendary petition shall be signed by not less than fifteen (15%) percent of the registered electors of the City, who have signed said petition within three (3) months before date of filing the petition with the Clerk. Before being circulated for signatures, all such petitions shall be approved as to form by the Clerk. No such petition need be on one (1) paper, but may be the aggregate of two (2) or more petition papers. Each signer of a petition shall sign his/her name and shall place thereon, after his/her name, the date and his/her place of residence by street and number, or by other customary designation. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereto and that each signature hereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the circulator of the petition. Such petition shall be filed with the Clerk who shall, within ten (10) days, canvass the signatures thereon to determine the sufficiency thereof. If found to contain an insufficient number of signatures of registered electors of the City, or to be improper as to form or compliance with the provisions of this section, the Clerk shall notify forthwith the person filing such petition and ten (10) days from such notification shall be allowed for the filing of supplemental petition papers. When found sufficient and

proper, the Clerk shall present the petition to the Council at its next regular meeting.
(Adopted by electorate, 11-6-90)

SECTION 7.11 COUNCIL PROCEDURE ON PETITIONS.

Upon receiving an initiatory or referendary petition from the Clerk, the Council shall, within thirty (30) days, unless otherwise provided by law, either,

- (a) Adopt the ordinance as submitted by an initiatory petition;
 - (b) Repeal the ordinance referred to by a referendary petition, or
 - (c) Instead determine to submit the proposal provided for in the petition to the electors.
- (Adopted by electorate, 11-6-90)

SECTION 7.12 SUBMISSION TO THE ELECTORS.

Should the Council decide to submit the proposal to the electors, it shall be submitted at the next election held in the City for any other purpose, or, in the discretion of the Council, at a special election. The result shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by the constitution or laws of the State of Michigan.
(Adopted by electorate, 11-6-90)

SECTION 7.13 ORDINANCE SUSPENDED.

The certification by the Clerk of the sufficiency of a referendary petition within thirty (30) days after the passage of the ordinance to which such petition refers shall automatically suspend the operation of the ordinance in question pending repeal by the Council or final determination by the electors as the case may be. An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed by the Council for a period of two (2) years after the date of the election at which it was adopted. Should two (2) or more ordinances, adopted at the same election, have conflicting provisions, the one (1) receiving the highest vote shall prevail as to those provisions.
(Adopted by electorate, 11-6-90)

CHAPTER 8

**MISCELLANEOUS POWER AND DUTIES OF COUNCIL
RESTRICTIONS ON POWERS OF COUNCIL**

SECTION 8.1 PUBLIC HEALTH AND SAFETY.

Through the established departments and agencies of the City government, together with any such department or agencies as may be created under authority of this Charter, the Council shall provide for

the public peace and health and for the safety of persons and property.
(Adopted by electorate, 11-6-90)

SECTION 8.2 STREETS AND ALLEYS.

Except insofar as limited by state law and the provisions of this Charter, the Council shall have the power to establish, vacate, and use, and to patrol and regulate the use of its streets, alleys, bridges and public places, whether such public places be located within or without the limit of the City, and space above and beneath them. Such power shall include, but not be limited to, the proper policing and supervision thereof; to the licensing and regulation, or the prohibition of the placing of signs, awnings, awning posts, and other things which are of such nature as to impede or make dangerous the use of sidewalks or streets of the City; in the licensing and regulation of the construction and use of openings of sidewalks and streets and of all vaults, structures, and excavations under the same.

Provided, that when the Council shall deem it advisable to vacate, discontinue, or abolish any highway, street, lane, alley, or public ground or any part thereof, it shall appoint a time not less than four (4) weeks thereafter when it shall meet and hear objections thereto; notice of such meetings, with a copy of said resolution shall be given in such manner as shall be prescribed by ordinance or resolution. Objections to such proposed action of the Council may be filed with the Clerk in writing and if any such shall be filed, the street, alley, or public ground, or any part thereof, shall not be vacated or discontinued, except by a vote of four (4) of the members-elect of the Council.
(Adopted by electorate, 11-6-90)

SECTION 8.3 LICENSES.

The Council shall by ordinance prescribe the terms and conditions upon which licenses may be granted, suspended, or revoked; and may require and exact payment of such reasonable sums of any licenses as it may deem proper. The persons receiving the licenses shall, before the issuing thereof, execute a bond to the City, when required by ordinance, in such sum and with such securities as prescribed by such ordinance, conditioned for the faithful observance of the Charter of the City, and the ordinance under which the license is granted.
(Adopted by electorate, 11-6-90)

SECTION 8.4 ACQUISITION OF PROPERTY.

The Council shall have the power to acquire for the City by purchase, gift, condemnation, lease, construction, or otherwise, either within or without its corporate limits, and either within or without the County of Gogebic, property of every type and nature which may be required for or incidental to the present or future exercise of the purpose, powers, and duties of the City government established by this Charter, and to maintain, develop, operate, lease, and dispose of such property, subject to any restrictions placed thereupon by law or by this Charter.
(Adopted by electorate, 11-6-90)

SECTION 8.5 CEMETERIES AND PARKS.

The Council shall enact all ordinances deemed necessary for the establishment, maintenance, and

protection of all cemeteries and parks, together with the improvements thereon and appurtenances thereto, owned or hereafter acquired by the City either within or without its corporate limits. All ordinances pertaining to public health and welfare in the regulation and protection of public cemeteries shall apply equally to all cemeteries within the City belonging to, or under the control of, any church or religious society, or any corporation, company, or association. The Council may cause any bodies buried within the City, in violation of any rule or ordinance made in respect to such burials, to be taken up and reburied in such manner as shall conform to the ordinances of the City, or to be buried elsewhere.

(Adopted by electorate, 11-6-90)

SECTION 8.6 TRUSTS.

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

(Adopted by electorate, 11-6-90)

SECTION 8.7 MOBILE HOMES AND HOUSE TRAILERS.

The Council shall, by ordinance, provide for the regulation, pursuant to law, of the use, occupancy, sanitation, and parking of mobile homes and house trailers within the City. The right of the Council to so regulate any mobile home or house trailer shall not be abrogated because of any detachment thereof from its wheels or because of placing it on, or attaching it to, the ground by means of any temporary or permanent foundation, or in any manner whatsoever.

(Adopted by electorate, 11-6-90)

SECTION 8.8 APPROPRIATION OF PRIVATE PROPERTY.

Private property may be taken and appropriated, either within or without the City, for any public use in connection with any acquisition enlargement, or extension of municipal public utilities, including, but not by the way of limitation, utilities for supplying water, light, heat, power, gas, sewage treatment, and garbage disposal, or any of them; for the purpose of opening, widening, altering, and extending streets, alleys and avenues; for the construction, of bridges, for public buildings and for other public structures; for public grounds, parking spaces, parks, market places; for public housing projects; for the improvements of waters and water courses within the City; for sewers, drains and ditches; for public hospitals, and public cemeteries; and for all other lawful and necessary public uses. The ownership of such property shall be acquired by the City by negotiation and purchase, or in any other manner permitted by the general laws of the state for the taking of private property for public use.

(Adopted by electorate, 11-6-90)

SECTION 8.9 ADOPTION OF ZONING ORDINANCE.

The Council shall periodically review and update the existing Zoning Ordinance. In so far as may be, the provisions of such ordinance shall be coordinated with the work of the City Planning Commission

herein required to be maintained by the City Council.
(Adopted by electorate, 11-6-90)

SECTION 8.10 INVESTIGATIONS.

The Council, or any person or committee authorized by it for the purpose, shall have power to inquire into the conduct of any department, office, or officer of the City and to make investigations as to municipal affairs, and for, that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence. Failure on the part of any officer of the City to obey such subpoena to produce books, papers, or other evidence as ordered under the provisions of this section shall constitute misconduct in office. If such failure shall be on the part of any employee of the City, the same shall constitute a misdemeanor.
(Adopted by electorate, 11-6-90)

SECTION 8.11 RESTRICTION ON POWERS OF THE COUNCIL.

The Council shall not have the power to:

(a) Make any contract with or give any official position to any person who is in default to the City;

(b) Sell any property of a value in excess of Three Hundred (\$300.00) Dollars, as determined by the then market value, unless the said property is offered for sale and an opportunity for free competition be given;

(c) Sell any property of a value in excess of Two (\$2.00) Dollars per capita according to the last preceding United States census, or any park, cemetery, or any part thereof, or any property bordering on a water front, or vacate any street or public place leading to a water front, or engage in any business enterprise requiring an investment of money in excess of ten cents (\$.10) per capita, unless approved by three-fifths (3/5) of the electors voting thereon at any general or special election.
(Adopted by electorate, 11-6-90)

SECTION 8.12 RESTRICTION ON POWERS TO LEASE CITY PROPERTY.

The Council may not rent or lease public property for a period longer than three (3) years unless such rental or lease agreement shall have been referred to the people at a regular or special election and shall have received the approval of a majority of the electors voting thereon at such election. No such lease shall be approved by the Council for presentation to the electorate before thirty (30) days after application therefor has been filed with the Council, nor until a public hearing has been held thereon. No such lease shall be submitted to the electors unless the party leasing or renting the property has filed with the Clerk his/her unconditional acceptance of all the terms of such lease or rental agreement. It is provided, however, that the restrictions of this section shall not apply to leases or rent agreements existing at the time of the adoption of this Charter or to leases or rent agreements for use of property by veterans' organizations which use existed at the time of the adoption of this Charter.
(Adopted by electorate, 11-6-90)

CHAPTER 9

**GENERAL FINANCIAL PROVISIONS
BUDGET, AUDIT, PURCHASING**

SECTION 9.1 FISCAL YEAR.

The fiscal year of the City shall begin on the first day of July and end on the thirtieth day of June of the following year. Such year shall constitute the budget year of the City government.
(Adopted by electorate, 11-6-90)

SECTION 9.2 BUDGET PROCEDURE.

The City Manager shall submit his/her recommended budget for the ensuing fiscal year to the City Council on or before the first regular meeting in May.
(Adopted by electorate, 11-6-90)

SECTION 9.3 BUDGET DOCUMENT.

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

(a) Detailed estimates of all proposed expenditures for each department and office of the City, showing the expenditures for corresponding items for the last preceding and current fiscal years, with reasons for increases and decreases recommended, as compared with appropriations for the current year;

(b) Statements of the bonded and other indebtedness of the City, showing the debt redemption and interest requirements, the debt authorized and unissued, and the condition of sinking funds, if any;

(c) Detailed estimates of all anticipated income of the City from sources other than taxes and borrowing, with a comparative statement of the amounts received by the City from each of the same or similar sources for the last preceding and current fiscal years;

(d) A statement of the estimated balance or deficit, as the case may be, for the end of the current fiscal year;

(e) An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which, together with income from other sources, will be necessary to meet the proposed expenditures;

(f) Such other supporting schedules as the Council may deem necessary.
(Adopted by electorate, 11-6-90)

SECTION 9.4 BUDGET HEARING.

A public hearing on the budget shall be held before its final adoption, at such time and place as the Council shall direct, and notice of such public hearing shall be published at least one (1) week in advance by the Clerk. A summary of the proposed budget shall be published. A complete copy of the proposed budget shall be on file and available to the public for inspection during office hours at the office of the Clerk for a period of not less than one (1) week prior to such public hearing.
(Adopted by electorate, 11-6-90)

SECTION 9.5 ADOPTION OF BUDGET; TAX LIMIT.

Not later than the first regular meeting in the month of June, the Council shall, by ordinance adopt the budget for the next fiscal year, as required by state law, and shall, in such ordinance, make an appropriation for the money needed for municipal purposes during the ensuing fiscal year of the City, and provide for a levy of the amount necessary to be raised by taxes upon real and personal property for municipal purposes, which levy shall not exceed two (2) percent of the assessed valuation of all real and personal property subject to taxation in the City, except as to any additional taxes authorized by the laws of this State, including excess of roll, a garbage tax, and any other authorized levies beyond Charter limitations.
(Adopted by electorate, 11-6-90)

SECTION 9.6 BUDGET CONTROL.

(a) Except for purposes which are to be financed by the issuance of bonds or by special assessments, or for other purposes and chargeable to the budget appropriation, no money shall be drawn from the general fund of the City without an appropriation thereof, nor shall any obligations for the expenditures of money be incurred without an appropriation covering all payments which will be due under such obligation in the current year. The Council by resolution may transfer any unencumbered appropriation balance, or any portion thereof, from one department account, fund or agency to another, unless prohibited by state law (i.e. Library Fund).

(b) Expenditures shall not be charged directly to any contingent or general account. Instead, the necessary amount of the appropriation from such account shall be transferred to the appropriate budget item or account and, the expenditure then charged thereto.

(c) At the beginning of each quarterly period during the fiscal year, and more often if required by the Council, the Manager shall submit to the Council data showing the relation between the estimated and actual revenues and expenditures to date; and if it shall appear that the revenues are less than anticipated, the Council may reduce appropriations, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the revenues.

(d) The balance in any budget appropriation which has not been encumbered at the end of the fiscal year shall revert to the general fund, unless prohibited by state law (i.e. Library Fund).

(e) (1) The Council, may, by ordinance, establish and maintain accounts for accumulating moneys to be used for acquiring, extending, altering, construction, or repairing public improvements or public buildings and for the purchase of equipment of any type, in each case either for a specific item or items or for future unspecified public improvements or equipment or both.

(2) Appropriations to such accounts may be made by the Council either in the annual appropriation resolution or, from time to time during the fiscal year, from available funds, from whatever source derived, which are not required for other appropriations or obligations of the City. Such accounts shall be continuing accounts and the balances therein at the end of each fiscal year shall remain a part thereof.

(3) Moneys which are accumulated for the purposes of public improvements or buildings, as set forth in subsection (e)(1) hereof, shall be used only at the direction of the Council, and only for the purposes provided in the original ordinance establishing such account, unless their use for some other municipal purposes be authorized by a majority vote of the electors of the City who vote on the proposition to amend such ordinance to provide for a change in the use of the moneys in such account. After the purpose of any such account has been fulfilled, any balance remaining therein may be transferred by the Council to any other account of the City.

(4) Moneys which are accumulated for the purpose of purchasing equipment, as set forth in subsection (e)(1) hereof, shall be expended only for the purpose provided in the ordinance establishing any such account or as such ordinance may be amended from time to time.

(Adopted by electorate, 11-6-90)

SECTION 9.7 DEPOSITORY.

The Council shall designate the depository or depositories for City funds, and shall provide for the regular deposit of all City moneys. The Council shall provide for such security for City deposits as is authorized or permitted by the general laws of the state, except that personal surety bonds shall not be deemed proper security.

(Adopted by electorate, 11-6-90)

SECTION 9.8 INDEPENDENT AUDIT; ANNUAL REPORT.

An independent audit shall be made of all accounts of the City government at least annually and more frequently if deemed necessary by the Council. Such audit shall be made by Certified Public Accounts experienced in municipal accounting, and who shall have no personal interest, direct or indirect, in the fiscal affairs of the City government, or of any of its officers. The audit shall be presented to the City Clerk by October 1st for presentation to the Council. The audit shall be published within thirty (30) days after the receipt of same and filed with the State Treasurer in accordance with the State Law. An annual report of the City business shall be made available to the public by the City Manager in such form as will disclose pertinent facts concerning the activities and finances of the City government.

(Adopted by electorate, 11-6-90)

SECTION 9.9 PURCHASING PROCEDURE.

The City Manager shall be responsible for City purchasing. Competitive prices for all purchases and public improvements shall be obtained, and the purchase made from, or the contract awarded to the lowest competent bidder, except contracts for the purchase of insurance by the City may be entered into without the necessity of competitive bidding. However, formal sealed bids shall be obtained in all other transactions involving the expenditure of One Thousand Five Hundred (\$1,500.00) Dollars or more