

TABLE OF CONTENTS

| | | | Page |
|--------------------|----|---|-------|
| Pre-Ambles..... | | | 1 |
| Chapter | 1 | Name & Boundaries..... | 1 |
| Chapter | 2 | Municipal Powers..... | 1 |
| Chapter | 3 | Elections..... | 2 |
| Chapter | 4 | Organization of Government..... | 7 |
| Chapter | 5 | General Provisions - Officers, Personnel.. | 14 |
| Chapter | 6 | The Commission Procedure and Miscellaneous Power and Duties..... | 21 |
| Chapter | 7 | Legislation..... | 25 |
| Chapter | 8 | General Finance..... | 30 |
| Chapter | 9 | Taxation..... | 33 |
| Chapter | 10 | Special Assessments..... | 38 |
| Chapter | 11 | Borrowing Power..... | 44 |
| Chapter | 12 | Purchasing - Contracts - Leases..... | 46 |
| Chapter | 13 | Municipal Utilities..... | 49 |
| Chapter | 14 | Public Utility Franchises..... | 51 |
| Chapter | 15 | Miscellaneous..... | 53 |
| Chapter | 16 | Schedule & Transitional Provisions..... | 56 |
| General Index..... | | | 59-66 |

CHARTER
OF THE CITY OF
MUNISING, MICHIGAN

We, the people of the City of Munising, Michigan, in order to perfect a municipal government which shall insure economical and efficient administration of City affairs; provide for the security of persons and property; promote the happiness and welfare of its people; conserve and utilize public assets for public uses; encourage municipal cooperation among the cities of the state and preserve, by a proper use thereof, the privilege of local self-government by virtue of the State of Michigan and Public Act 279 of 1909, as amended, do hereby ordain and establish this home rule charter for the City of Munising, Michigan.

CHAPTER 1. GENERAL PROVISIONS

Section 1.1.Name and Boundaries:

The name of this organized City is "City of Munising." It is a body corporate and embraces the territory as described in the record with the office of the Great Seal, Michigan Department of State constituting the City of Munising, on the effective date of this charter, together with any annexations and less any detachments that may be made. Upon annexation or detachment of territory, the boundaries shall be deemed to be changed without amendment of this section. The City Clerk shall maintain and keep available in the City Clerk's office, for public inspection and distribution, an official description of the current boundaries of the City.

CHAPTER 2. MUNICIPAL POWERS

Section 2.1.General Powers:

(a) Unless otherwise provided or limited in this charter, the City and its officers shall possess and be vested with any and all powers, privileges and immunities, expressed or implied, which cities and their officers are or hereafter may be permitted to exercise or to provide for in their charters under the Constitution and statutes of the State of Michigan, including all powers, privileges and immunities which cities

are, or may be, permitted to provide in their charters by Public Act No. 279 of 1909(MCL 117.1 et seq.), as fully and completely as though these powers, privileges and immunities were specifically enumerated in and provided for in this charter, and in no case shall any enumeration of particular powers, privileges or immunities herein be held to be exclusive.

(b) Subject to the Constitution and statute and the provisions of this charter, the City and its officers shall have power:

- (1) To exercise all municipal powers in the management and control of municipal property and in the administration of the municipal government, whether such powers be expressly enumerated herein or not;
- (2) To do any act to advance the interests of the City, the good government and prosperity of the City and its inhabitants; and
- (3) Through its regularly constituted authority, to pass and enforce all ordinances and resolutions relating to its municipal concerns.

Chapter 3. ELECTIONS

Section 3.1. Qualifications of Electors:

Every resident of the City qualified to vote under the Constitution and statute who satisfies the requirements for registration prescribed by law shall be a qualified elector of the City under this charter.

Section 3.2. Election Procedure:

The election of all City officers shall be on a non-partisan basis. The general election statutes shall apply to and control, as near as may be, all procedures relating to registration and City elections except as such statutes relate to political parties or partisan procedure and except as otherwise provided in this charter.

Section 3.3. Wards and Precincts:

The City of Munising shall consist of 1 ward and 1 precinct.

Section 3.4.Election Date:

A regular City election shall be held on the first Tuesday after the first Monday in November.

Section 3.5.Non-Partisan Primary Election:

A non-partisan primary City election shall be held on the first Tuesday after the first Monday in August of each year in which a regular City election is to be held.

If, upon the expiration of the time for filing nomination petitions for any elective city office, valid and sufficient petitions have been filed for no more than twice the number of candidates for such office to be elected at the following regular City election, then no primary election shall be held in respect to such office, and the City Clerk shall publish notice of this fact as part of, or at the time provided for, the publication of notices for such primary election.

Candidates equal in number to twice the number of persons to be elected to each City office at the following regular city election who receive the highest number of votes at any such primary election shall be declared the nominees for election to the respective offices. The names of such nominees, 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 by the City Clerk to the Election Commission to be placed upon the ballot for the next subsequent regular City election.

Section 3.6.Special Elections:

Special City elections shall be held when called by resolution of the City Commission at least sixty days in advance of such election, or when required by this charter or the general laws of this state. Any resolution calling a special election shall set forth the purpose of such election. No more special City elections shall be called in any one year than the number permitted by statute.

Section 3.7.Notice of Election:

Notice of the time and place of holding any City election and of the officers to be elected and the questions to be voted upon, shall except as herein otherwise provided, be given by the City Clerk in the same manner and at the same time as provided

in the state election law for the giving of notice by City Clerks.

Section 3.8.Voting Hours:

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

Section 3.9.Elective Officers and Terms:

The elective officers of the City shall be 5 Commissioners who shall serve for a term of 3 years. All such officers are to be elected from the City at large.

Section 3.10.Approval of Petitions:

(a) All candidates for City primary elections shall be nominated by petition or by filing a nonrefundable filing fee in the amount established by the City Commission, which fee shall be no less than \$100.00, with the City Clerk. The form of the petition shall be substantially that designated by the Secretary of State for the nomination of nonpartisan judicial officers. A supply of official petition forms shall be provided and maintained by the City Clerk. A candidate may have the nominating petitions printed, but the petitions must comply substantially with the statutory form. A sufficient nominating petition shall include the signatures of a least 25 but not more than 50 registered electors of the City. Each petition shall contain the name of only one candidate. A person shall not sign more nominating petitions for the same office than there are persons to be elected to the office. If a qualified and registered voter signs nominating petitions for a greater number of candidates for public office than the number of persons to be elected thereto, their signatures, if they bear the same date, shall not be counted upon any petition and if they bear different dates shall be counted in the order of their priority of date for only so many candidates as there are persons to be elected.

- (b) (1) The City Clerk shall receive filing fees and nominating petitions filed in accordance with the provisions of this charter and statute. Filing fees and nominating petitions for special elections for the filling of vacancies shall be filed with the City Clerk between the 89th day

preceding such election and 4:00 p.m. local time on the 84th day preceding the special election or as otherwise provided by statute.

- (2) The City Clerk shall, prior to every election, publish notice of the last day permitted for payment of filing fees and filing nominating petitions and of the number of persons to be nominated or elected to each office at least 1 week and not more than 3 weeks before the last day on which petitions can be filed or filing fees paid.
- (3) Every candidate for elective office shall file with the candidate's nominating petition or filing fee an affidavit that the candidate possesses the qualifications for the office as outlined in 5.1. Failure to file such affidavit shall invalidate the petition. The filing fee shall not be accepted by the City Clerk if such an affidavit is not filed. The affidavit shall be filed by the 15th Tuesday before the election, or as otherwise provided by statute.

(c) Within 5 business days after the filing of a nominating petition, the City Clerk shall notify the candidate and the person who filed the petition whether or not it satisfies the requirements prescribed by this charter. If a petition is found insufficient, the City Clerk shall return it immediately to the person who filed it with a statement certifying wherein it is found insufficient. Within the regular time for filing petitions such a petition may be amended and filed again as a new petition or a different petition may be filed for the same candidate. The City Clerk shall keep on file all petitions found sufficient at least until the first day of January following the primary election for which the candidates are nominated in the petitions. All nominating petitions filed shall be open to public inspection in the office of the City Clerk.

Section 3.11.Election Commission:

An Election Commission is hereby created consisting of the City Manager, the City Attorney, and the City Clerk. The Election Commission shall appoint the Board of Election Inspectors and Receiving Board Inspectors for the precinct and shall perform such duties relative to the preparation of voting

machines and/or the printing and distribution of official ballots, to be used at special and general City elections and shall have charge of all activities and duties required of it by statute and this charter relating to the conduct of elections in the City.

Section 3.12. Form of Ballot:

The form, printing and numbering of ballots or the preparation of the voting machines used in any City election shall conform as nearly as possible to the provisions of statute. If 2 or more candidates for the same office have the same or similar surnames, so similar as to be likely to cause confusion, their residence addresses shall be printed with their names on the ballot. The names of the candidates shall be alternated systematically in the manner prescribed by statute.

Section 3.13. Canvass of Votes:

The voters at all City elections shall be canvassed by the Alger County Board of Canvassers in accordance with the provisions of the General Election Laws of the State of Michigan.

Section 3.14. Tie Vote:

If 2 or more candidates receive an equal number of votes the tie shall be resolved, within 1 week of the election, by the drawing of lots and in accord with the General Election Laws of the State of Michigan. The candidates shall be duly informed of the time and place of the determination in advance.

Section 3.15. Recount:

A recount of the votes cast at any City election for any office or upon any proposition may be had in accordance with election statutes. Unless otherwise specified by statute (a) the petition for the recount of the votes cast at any City election shall be filed with the County Board of Canvassers by 5:00 p.m. by the prevailing local time on the sixth full day after the Board of Canvassers has made its official determination of the result of the election at which such votes were cast (b) any counter petition shall be filed by 5:00 p.m. on the next full day thereafter, and (c) no officer shall be qualified to take office until final determination of any recount of the votes cast for such office.

Section 3.16.Recall:

Any elected official may be recalled from office by the electors of the City in the manner provided by statute.

Chapter 4. ORGANIZATION OF GOVERNMENT

Section 4.1.Commission-Manager Government:

The City shall have the Commission-Manager form of government.

Section 4.2.The City Commission:

There shall be a City Commission consisting of 5 elected City Commissioners, 1 of whom shall serve as Mayor. The City Commission shall constitute the legislative and governing body of the City and shall have power and authority, except as otherwise provided in this charter or by statute, to exercise all powers conferred upon or possessed by the City, and shall have the power and authority to adopt such ordinances and resolutions as it shall deem proper in the exercise thereof. In all cases where the word "City Commission" is used in this charter, the same shall be synonymous with the word "Council" or any other term used in any statute or federal law in referring to municipal legislative or governing bodies.

Section 4.3.Election of Mayor:

(a) The first City Commission meeting following a regular City election shall be called to order by the City Clerk or City Clerk's designee. After calling such meeting to order, the City Clerk or City Clerk's designee shall administer the oath of office to newly elected members of the City Commission. The City Clerk or City Clerk's designee shall preside over the election of officers provided for in this section. At such meeting the City Commission shall elect 1 of its members to serve as Mayor and 1 to serve as Mayor Pro Tem, both for a term expiring at the first City Commission meeting following the next regular City election. Such elections shall be by majority vote of the members of the City Commission in office at the time. Such elections shall be based upon qualifications for the office rather than upon the length of service or upon the principle of rotation. Following the administration of the oath of office to the newly elected Mayor and Mayor Pro Tem, the Mayor or Mayor Pro Tem in the absence of the Mayor shall conduct the remainder of the meeting.

(b) In the event of absence or disability of both the Mayor and Mayor Pro Tem, the City Commission may designate another of its members to serve as Acting Mayor during such absence or disability.

Section 4.4.Duties of Mayor:

(a) Insofar as required by statute and for all ceremonial purposes, the Mayor shall be the executive head of the City. The Mayor shall have a voice and vote in all proceedings of the City Commission, equal with that of other members of the City Commission, and shall have no veto power. The Mayor shall be the presiding officer of the City Commission.

(b) The Mayor shall execute or authenticate by signature such instruments as the City Commission, this charter or any statute or laws of the United States shall require.

(c) Except as may be required by statute, the Mayor shall exercise only such powers as this charter or the City Commission shall specifically confer upon the Mayor.

(d) In the absence or disability of the Mayor, the Mayor Pro Tem shall perform the duties of Mayor. In the absence or disability of both, the designated Acting Mayor shall perform such duties.

Section 4.5.Compensation of City Mayor and City Commissioners:

The Mayor shall receive a monthly salary of \$50.00. The City Commissioners shall receive a monthly salary of \$45.00. Such compensation shall constitute the only compensation which may be paid the Mayor and Commission for the discharge of any official duty for or on behalf of the City during their tenure in office, however, the Mayor or any City Commissioner may, upon order of the City Commission, be paid such necessary bona fide expenses incurred in service in behalf of the City as are previously authorized and itemized.

Section 4.6.Administrative Service:

The administrative officers of the City shall be the City Manager, City Attorney, City Clerk, City Treasurer and City Assessor. The City Commission may by ordinance create additional administrative offices and may by resolution combine any

administrative offices in any manner it deems necessary or advisable for the proper and efficient operation of the City.

The City Manager, City Attorney and City Assessor shall be appointed by the City Commission for an indefinite period, shall be responsible to and serve at the pleasure of the City Commission and shall have their compensation fixed by the City Commission. All administrative officers of the City, except the City Manager, City Attorney, and City Assessor, shall be appointed by the City Manager for an indefinite period, subject to confirmation by the City Commission. Such officers shall be responsible to the City Manager and shall have their compensation fixed by the City Manager in accordance with budget appropriations, and any pay plan adopted by the City Commission. Such officers may be discharged by the City Manager without confirmation by the City Commission.

Except as may be otherwise required by statute or this charter, the City Commission shall establish by ordinance such departments of the City as it deems necessary or advisable and shall prescribe therein the function of each department and the duties, authorities and responsibilities of the officers of each department, but the City Commission may not diminish the duties or responsibilities of the office of City Manager. The City Manager may prescribe such duties and responsibilities of the officers of those departments responsible to the City Manager which are consistent with this charter or with any ordinance or resolution.

All personnel employed by the City who are not elected officers of the City or administrative officers or deputies by, or under the authority of, this charter shall be deemed to be employees of the City and may be hired or discharged by the City Manager.

Section 4.7. City Manager: Appointments and Qualifications:

The City Commission shall appoint a City Manager within 6 months after any vacancy exists in such position. The City Manager shall hold office at the pleasure of a majority of the City Commission, but shall not be removed from office during a period of 60 days following any regular City election except by the unanimous vote of the members of the City Commission in office at the time. The City Manager shall be selected on the basis of executive and administrative qualifications with special reference to training and experience.

Section 4.8. City Manager: Functions and Duties:

The City Manager shall be the chief administrative officer of the City government whose functions and duties shall be:

(a) To be responsible to the City Commission for the effective and efficient administration of all departments of the City government under the City Manager's jurisdiction.

(b) To see that all laws and ordinances are enforced.

(c) To appoint and remove the heads of the City departments in the manner specified in Section 4.6.

(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 City Commission, administer the budget as finally adopted under policies formulated by the City Commission, and keep the City Commission fully advised at all times as to the financial condition and needs of the City, with a written report at least monthly.

(f) To recommend to the City Commission for adoption such measures as deemed necessary or expedient and attend City Commission meetings with the right to take part in discussion but not to vote.

(g) To exercise and perform all administrative functions of the City that are not imposed by this charter or ordinance upon some other official.

(h) To perform such other duties as may be prescribed by this charter or as may be required by ordinance or by direction of the City Commission.

Section 4.9. Performance Review of City Manager, City Attorney and City Assessor:

The City Commission shall conduct an annual performance review of the City Manager, the City Attorney and the City Assessor.

Section 4.10. Acting City Manager:

The City Commission may appoint or designate an Acting City Manager during the period of a vacancy in the office or during the absence of the City Manager from the City and shall fix the Acting City Manager's compensation. Such Acting City Manager shall, while in such office, have all the responsibilities, duties, functions and authority of the City Manager.

Section 4.11. Relationship of Commission to Administrative Service:

Neither the City Commission nor any of its members shall influence the appointment or employment of any person or in any way interfere with the City Manager or other administrative officer to prevent the City Manager from exercising the City Manager's judgment in the appointment of officers and employees in the administrative service. The City Commission and its members shall deal with the administrative service solely through the City Manager. Neither the City Commission nor any member thereof shall give orders to any of the subordinates of the City Manager.

Section 4.12. City Attorney:

The City Attorney shall act as legal advisor to, and be City Attorney and counsel for, the City Commission, and shall be responsible solely to the City Commission, and whose functions and duties shall be;

(a) To advise any officer or department head of the City in matters relating to official duties when so requested and shall file with the City Clerk a copy of all written opinions given by the City Attorney.

(b) To prosecute such ordinance violations and shall conduct for the City such cases in court and before other legally constituted tribunals as the City Commission may request. The City Attorney shall file with the City Clerk copies of such records and files relating thereto as the City Commission may direct.

(c) To prepare or review all ordinances, contracts, bonds and other written instruments which are submitted to the City Attorney by the City Commission and shall promptly give the City Attorney's opinion as to the legality thereof.

(d) To call to the attention of the City Commission and the City Manager all matters of law, and changes or developments therein, affecting the City.

(e) To perform such other duties as may be prescribed for the City Attorney by this charter or by the City Commission.

(f) To at all times cooperate with the City Manager and shall provide such information and reports and perform such duties as are requested by the City Manager so long as they are not inconsistent with the duties of the City Attorney's office as herein provided.

(g) Upon the recommendation of the City Attorney, or upon its own initiative, the City Commission may retain special counsel to handle any matter in which the City has an interest or to assist and counsel with the City Attorney therein.

Section 4.13. City Attorney and Special Counsel: Compensation:

The compensation set by the City Commission for the City Attorney shall be in contemplation of the normal duties of that office. Special compensation may be provided at the discretion of the City Commission for appeals to, or litigation commenced in, the Federal Courts, the Circuit Court or State Supreme Court for work requiring extensive hearings before quasijudicial or administrative tribunals; for legal work in connection with the issuance of bonds of the City, for condemnation proceedings or for other matters outside the scope of the City Attorney's normal duties. No such special compensation nor any compensation to special legal counsel, shall be paid except in accordance with an agreement between the City Commission and the City Attorney or special counsel made before the service for which such special compensation is to be paid has been rendered.

Section 4.14. City Clerk:

The City Clerk shall be the Clerk of the City Commission and shall attend all meetings of the City Commission and shall keep a permanent journal of its proceedings in the English language. The functions and duties of the City Clerk shall be:

(a) To be custodian of the City seal, and shall affix it to all documents and instruments requiring the seal, and shall attest the same. The City Clerk shall also be custodian of all papers, documents and records pertaining to the City the custody of which is not otherwise provided for.

(b) To certify by the City Clerk's signature all ordinances and resolutions enacted or passed by the City Commission.

(c) To provide and maintain in the City Clerk's office a supply of forms for all petitions required to be filed for any purpose by the provisions of this charter.

(d) To have power to administer oaths of office.

(e) To perform such other duties as may be prescribed for the City Clerk by this charter, by the City Manager or by resolution or ordinance of the City Commission.

Section 4.15. City Treasurer:

The City Treasurer shall have the custody of all moneys of the City, any bond pertaining solely to the City Clerk and all evidences of indebtedness belonging to the City or held in trust by the City. The functions of the City Treasurer shall be:

(a) To collect all moneys of the City, the collection of which is not provided for elsewhere by charter or ordinance. The City Treasurer shall receive from other officers and employees of the City all money belonging to and receivable by the City that may be collected by such officers and employees, including fines, license fees, taxes, assessments and all other charges. All money shall be turned over to the City Treasurer after collection or receipt, and the City Treasurer shall in all cases give a receipt therefor.

(b) To keep and deposit all moneys or funds in such manner and only in such places as the City Commission may determine and shall report the same in detail to the City Manager.

(c) To disburse all City funds in accordance with the provisions of statute, this charter and procedures to be established by the City Commission.

(d) To have such powers, duties and prerogatives in regard to the collection and custody of state, county, school district and City taxes as are conferred by statute upon Township Treasurers in connection with state, county, township and school district taxes upon real and personal property.

(e) To perform such other duties as may be prescribed for the City Treasurer by this charter, by the City Manager, or by

resolution or ordinance of the City Commission.

Section 4.16.City Assessor:

The City Assessor shall possess all the powers vested in, and shall be charged with all the duties imposed upon assessing officers by statute. The City Assessor shall prepare all regular and special assessment rolls in the manner prescribed by this charter, by ordinance and by statute. The City Assessor shall perform such other duties as may be prescribed for the City Assessor in this charter, by the City Manager or by resolution or ordinance of the City Commission.

Section 4.17.Deputy Administrative Officers:

The City Clerk and City Treasurer may appoint their own deputies subject to the written confirmation of the City Manager and may terminate the status of their duties at their pleasure, upon written notice to the City Manager. Such deputies shall, in each case, possess all the powers and authorities of their superior officers except as the same may be from time to time limited by their superior or by the City Manager.

**CHAPTER 5 GENERAL PROVISIONS REGARDING OFFICERS
AND PERSONNEL OF THE CITY**

Section 5.1.Eligibility for Office and Employment in City:

No person shall hold any elective office of the City unless they have been a resident of the City for 6 months.

Each candidate for elective office shall file a petition obtained from the office of the City Clerk representing among other things, that the person possesses the qualifications for such office provided in this section.

No person shall be eligible for any elective or appointive City office who is in default to the City. The holding of office by any person who is in such default shall create a vacancy therein unless such default shall be eliminated within 30 days after written notice thereof by the City Commission or unless such person shall in good faith be contesting the liability for such default. The City Commission shall be the sole judge of the election and qualifications of its own members.

Except as otherwise provided by law, each member of a City Board or City Commission shall have been a resident of the City

for at least 6 months immediately prior to the day of such appointment and shall also be a qualified and registered elector of the City on such day and throughout the tenure of office.

All officers shall be citizens of the United States. No elective officer may be appointed to any City office or be employed by the City during the term of office for which they were elected or for 2 years thereafter, provided that after the expiration of their term of office, they may be appointed as a member of an independent board or commission or fill a vacancy in the position of City Commissioner.

Except as otherwise provided by law, a person appointed by the City Commission or any other government agency, to represent the City on a non-city board, commission, or committee shall be subject to the same requirements as persons appointed by the City Commission to serve on any of the City's boards, commissions, or committees, except that appointments to the board of directors of the Downtown Development Authority (DDA) shall be made to candidates for appointment who meet the requirements of Section 4 of Public Act No. 197 of 1975 (MCL 125.1651 et seq.); provided however, that preference may be given to eligible candidates to serve on the DDA board who also meet the qualifications to serve on any of the City's boards, commissions, or committees.

No public official shall hold an "incompatible office", as that term is defined in Public Act 566 of 1978, MCL 15.181(b), absent an exception as provided for in the Act.

Section 5.2.Declaring Vacancies in Elective Offices:

1. Any elective City office shall be declared vacant by the City Commission before the expiration of the term of such office:

(a) For any reason specified by statute or by this charter as creating a vacancy in office; or

(b) If no person is elected to, or qualifies for, the office at the election at which such office should be filled; or

(c) If the officer shall be found guilty by a competent tribunal of any act constituting misconduct in office under the provisions of this charter; or

(d) In the case of any member of the City Commission, if such officer shall miss 5 consecutive regular meetings of the City Commission or 25% of such meetings in any fiscal year of the City, unless such absence shall be excused by the City Commission and the reason therefore entered in its proceedings at the time of each absence; or

(e) If the officer is removed from office by the City Commission in accordance with the provisions of Section 5.3.

2. The office of any member or any board, commission, or committee created by, or pursuant to, this charter shall be declared vacant by the City Commission;

- (a) For any reason specified by statute or by this charter as creating a vacancy in office;
- (b) If the officer shall be found guilty by a competent tribunal or any act constituting misconduct in office under the provisions of this charter;
- (c) If such officer shall miss 3 consecutive regular meetings or 4 meetings altogether of such board, commission, or committee in any fiscal year of the City, unless such absence shall be excused by such board, commission, or committee and the reason heretofore entered in the proceedings at the time of each absence;
- (d) If the officer is removed from office by the City Commission in accordance with the provisions of Section 5.3.

Section 5.3. Removals from Office:

Removals by the City Commission of elective officers or of members of boards, commissions, or committees created by or pursuant to this charter shall be made for either of the following reasons:

(a) For any reason specified by statute for removal of City officers by the Governor.

(b) For any act declared by this charter to constitute misconduct in office.

Such removals by the City Commission shall be made only after a hearing conducted by the City Commission, notice of which has been given to such officer by the City Clerk at least 10 days in advance, either personally or by delivering the same at the officer's last known place of residence. Such notice shall include a copy of the charges made against such officer. The hearing shall afford an opportunity to the officer, in person or by attorney, to be heard in their defense, to cross-examine witnesses and to present testimony. If such officer shall neglect to appear at such hearing and answer such charges, their failure to do so may be deemed cause for their removal. A majority vote of the members of the City Commission in office at the time, exclusive of any member whose removal is being considered, shall be required for any such removal.

Section 5.4. Resignation:

Resignations of elective officers shall be made in writing and filed with the City Clerk and shall be acted upon by the City Commission at its next regular meeting following receipt thereof by the City Clerk. Resignations of any officer appointed by the City Manager shall be made in writing to the City Clerk and shall be acted upon by the City Manager within 5 working days.

Section 5.5. Filling Vacancies in Office:

(a) Vacancies in appointive offices shall be filled in the manner provided for making the original appointment. In the case of members of the City's boards, commissions, or committees appointed for a definite term, such appointments shall be for the unexpired term.

(b) Vacancies in elective offices shall, within 30 days, be filled for the unexpired term of the officer whose office has become vacant, by an appointment by a majority of the members of the City Commission then in office of a person possessing the qualifications for the office.

(c) If any such vacancy in the position of City Commissioner is not so filled within the said 30 days, or if 3 or more vacancies exist simultaneously in the City Commission, the City Clerk shall within 10 days or as soon as possible thereafter call a special election to fill such vacancies for the unexpired terms of the officers whose offices have become vacant. In connection with any such special election no primary election shall be held; candidates shall be nominated by

petitions or payment of a filing fee in a manner identical to that provided in Section 3.10; the names of all qualified candidates who pay filing fees or file valid and sufficient nomination petitions within the time provided in Section 3.10; shall be certified by the election board and placed on the ballot, and all other election provisions of this charter consistent with this section shall govern.

(d) Notwithstanding the foregoing, no vacancy in the office of City Commissioner shall be filled by appointment if the term of office of the person whose office has become vacant expires within 90 days after the vacancy occurs.

Section 5.6.No Change in Term of Office or Compensation:

Except by procedures provided in this charter, the terms of office of the elective officers and of members of boards, commissions, and committees appointed for a definite term shall not be shortened. The terms of elective officers shall not be extended beyond the period for which any such officer was elected except that an elective officer shall, after the officer's term has expired, continue to hold office until their successor is elected or appointed and has qualified. Where several terms of City Commissioners expire simultaneously, that City Commissioner who was elected by the highest number of votes (or any appointee who filled his position) shall be deemed to be succeeded by the candidate who received the highest number of votes; that City Commissioner who was elected by the second highest number of votes, by the candidate who received the second highest number of votes, etc. The City Commission shall not grant or authorize extra compensation to any officer after their service has been rendered. The salary of any elective officer shall not be increased or decreased from the day they are elected until the end of the term of office for which they were elected.

Section 5.7.Oath of Office and Bond:

Every officer, elective or appointive, before entering upon the duties of their office, shall take the oath of office prescribed for public officers by the Constitution and shall file the oath with the City Clerk, together with any bond required by statute, this charter or the City Commission. In case of failure to comply with the provisions of this section within 10 days from the date they are notified in writing of their election or appointment, such officer shall be deemed to have declined the office and such office shall thereupon become

vacant unless the City Commission shall, by resolution, extend the time in which such officer may qualify.

Section 5.8.Surety Bonds:

Except as otherwise provided in this charter, all officers and employees of the City whose duties involve the custody of public property, or the handling of public funds, either by way of receipt or disbursement or both, and all other officers and employees so required by the City Commission, shall, before they enter upon the duties of their respective office, file with the City an official bond, in such form and amount as the City Commission shall direct and approve. Such official bond of every officer and employee shall be conditioned so that the officer and the employee will faithfully perform the duties of office, and will on demand deliver over to their successor in office, or other proper officer or an agent of the City, all books, papers, moneys, effects and property belonging thereto, or appertaining to the office, that may be in such person's custody as an officer or employee. Such bonds may be further conditioned as the City Commission shall prescribe.

The official bond of every officer or employee whose duty it may be to receive or pay out money, besides being conditioned as above required, shall be further conditioned that the officer or employee will, on demand, pay over to or account for to the City, or any proper agent thereof, all moneys received as such officer or employee. The requirements of this subsection may be met by the purchase of 1 or more blanket surety bonds covering all, or a group of, City employees and officers. All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the City. The City Clerk shall be custodian of all bonds of all officers or employees, except that the City Treasurer shall be custodian of any bonds pertaining solely to the City Clerk.

Section 5.9.Liability and Bond to Continue:

The resignation, removal or discharge of any officer or employee of the City shall not, nor shall the appointment of another to that office or employment, exonerate such officer or employee or their sureties from any liability incurred by them.

Section 5.10.Delivery of Office:

Whenever any officer or employee shall cease to hold office or employment for any reason whatsoever, they shall within 5

days, or sooner on demand, deliver to their successor in office or to their superior, all the books, papers, moneys and effects in their custody as such officer or employee. Any officer violating this provision may be proceeded against in the same manner as public officers generally for a like offense under statute. Any employee found guilty of violating this provision by a competent tribunal may be punished by a fine of not to exceed \$500.00 or imprisonment not to exceed 90 days or both, in the discretion of the Court.

Section 5.11.Financial Interest Prohibited:

Subject to the requirements of MCL 15.321,et.seq., no contract or purchasing involving an amount in excess of \$500.00 shall be made by the City in which an elective or appointive officer has any financial interest, direct or indirect, other than the common public interest or any other purposes of this section including any arrangement or agreement pursuant to which any material, service or other thing of value is to be sold or transferred by the City, except the furnishing of personal services as an officer or employee of the City. The foregoing prohibition shall not apply if the City Commission shall declare on the record, and it is found by the unanimous vote of the members present having no such financial interest, that the best interests of the City are to be served by the waiving of any prohibition in any particular case and then only if competitive purchasing and contracting are used in such case or if the members of the City Commission having no such interest shall unanimously declare and determine that competitive purchasing is not feasible in such particular case. The foregoing prohibition also shall not apply to any contract, job, work or service which is made with or performed by a corporation, provided that a majority interest therein is not owned or controlled by one or more officers of the City.

Subject to the requirements of MCL 15.321,et.seq., any officer who knowingly permits the City to enter into any contract in which they have a financial interest without disclosing such interest to the City Commission prior to the action of the City Commission in authorizing such contract, shall be guilty of misconduct in office.

Subject to the requirements of MCL 15.321,et.seq., no officer shall stand as surety on any bond to the City or give any bail for any other person which may be required by the charter or any ordinance of the City. Any officer of the City

who violates the provisions of this paragraph shall be guilty of misconduct in office.

Section 5.12.Anti-nepotism:

The following relatives of the City Manager or the City Manager's spouse are disqualified from holding any appointive City office or any City employment during the tenure of office of the City Manager respectively: Child, grandchild, parent, grandparent, brother, sister, half brother and half sister. All relationships shall include those arising from adoption. This section shall not disqualify such relatives or their spouses who are bona fide appointive officers or employees of the City at the time of the appointment of said City Manager.

Section 5.13.Compensation of Employees and Officers:

(a) The compensation of all employees and officers of the City whose compensation is not provided for herein shall be fixed by the City Manager within the limits of budget appropriations and in accordance with any pay plan adopted by the City Commission.

(b) The respective salaries and compensation of officers and employees as fixed by or pursuant to this charter shall be in full for all official services of such officers or employees and shall be in lieu of all fees, commissions and other compensation receivable by such officers or employees for their services. Such fees, commissions and compensation shall belong to the City and shall be collected and accounted for by such officers or employees, and be paid to the City Treasury and a statement thereof filed periodically with the City Clerk.

(c) Nothing contained in this section shall prohibit the payment of necessary bona fide expenses incurred for service on behalf of the City, provided such expenses are previously authorized by the City Commission or are included as administrative expenses adopted by the City Commission in its annual budget.

**CHAPTER 6. THE COMMISSION PROCEDURE AND
MISCELLANEOUS POWER AND DUTIES**

Section 6.1.Regular Meetings:

The City Commission shall provide by resolution for the time and place of its regular meetings and shall hold at least 1

regular meeting each month. An organizational meeting shall be held at 6:00 p.m. of the then prevailing local time on the next Monday following the regular City election.

Section 6.2.Special Meetings:

Special meetings of the City Commission shall be called by the City Clerk on the written request of the Mayor, the City Manager or any 2 members of the City Commission, at least 18 hours written notice to each member of the Commission, served personally or left at the member's usual place of residence; but a special meeting may be held on shorter notice provided all members of the City Commission are present or have waived notice thereof in writing.

Section 6.3.Business at Special Meetings:

No business shall be transacted at any special meeting of the City Commission unless the same has been stated in the notice of such meeting. However, any business that may lawfully come before a regular meeting may be transacted at a special meeting if all the members of the City Commission present consent thereto and all the members absent file their written consent.

Section 6.4.Meetings to Be Public:

The business of the City Commission shall be conducted at public meetings in compliance with the Open Meetings Act, Public Act No. 267 of 1976 (MCL 15.261 et seq.) Citizens shall have a reasonable opportunity to be heard at meetings of the City Commission that are open to the public under such rules and regulations as the City Commission may prescribe.

Section 6.5.Quorum: Adjournment of Meetings:

A majority of the members of the City Commission in office at the time shall be a quorum for the transaction of business at all meetings of the Commission but in the absence of a quorum a lesser number may adjourn the meeting to a later time or date, and in the absence of all members the City Clerk may adjourn any meeting for not longer than 1 week.

Section 6.6.Compulsory Attendance and Conduct at Meetings:

(a) Any 2 or more members of the City Commission may by vote either request or compel the attendance of its members and

other officers of the City at any meeting of the City Commission. Any member of the City Commission or other officer who when notified of such request for attendance, fails to attend such meeting for reasons other than confining illness or absence from Alger County shall be deemed guilty of misconduct in office unless excused by the City Commission. The presiding officer shall enforce orderly conduct at meetings of the City Commission and any member of the City Commission or other officer who shall fail to act in an orderly manner at any meeting shall be deemed guilty of misconduct in office.

(b) Any police officer designated by the presiding officer of the meeting shall serve as the sergeant-at-arms of the City Commission in the enforcement of the provisions of this section.

Section 6.7. Organization and Rules of the Commission:

The City Commission shall determine its own organization, rules and order of business subject to the following provisions:

(a) A journal of the proceedings of each meeting in the English language shall be kept by the City Clerk and shall be signed by the presiding officer and clerk of the meeting. The journal must be written or printed.

(b) A vote upon all ordinances and resolutions shall be taken by "Yes" and "No" vote and entered upon the City's records, except that where the vote is unanimous it shall only be necessary to so state.

(c) Except as otherwise exempted under Section 8 of Public Act No. 317 of 1968 (MCL 15.321), no member of the City Commission shall vote on any question in which the member has a financial interest other than the common public interest, or on any question concerning such member's own conduct, but on all other questions each member who is present shall vote when such member's name is called unless excused by the unanimous consent of the remaining members present. Any member refusing to vote except when not so required by this subsection (c) shall be guilty of misconduct in office except as otherwise exempted under Section 8 of Public Act No. 317 of 1968 (MCL 15.321).

(d) Proposed minutes of the proceedings of the City Commission shall be available within 8 business days following each meeting.

Section 6.8. Providing for Public Health and Safety:

The City Commission shall see that provision is made for the public peace and health, and for the safety of persons and property.

Section 6.9. Planning and Zoning:

The City Commission shall maintain a City Planning Commission in accordance with, and having all the powers and duties granted by, the provisions of statute relating to such commissions.

The City Commission shall maintain a zoning ordinance in accordance with the provisions of statute relating to such ordinances. Insofar as may be, such ordinance shall provide that zoning be coordinated with the work of the City Planning Commission.

Section 6.10. Investigations:

The City Commission 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 and to make investigations as to matters in which the municipality has an interest. The City Commission for the purposes stated herein, may summon witnesses, administer oaths and compel the attendance of witnesses and the production of books, papers, and other evidence.

Failure on the part of any officer to obey such summons or to produce books, papers and other evidence as ordered under the provisions of this section shall constitute misconduct in office. Failure on the part of any employee or other person to obey such summons or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a violation of this charter and such employee if found guilty of such violation by a competent tribunal may be punished by a fine of not to exceed \$500.00 or imprisonment not to exceed 90 days or both in the discretion of the court.

It is provided further that, in case of failure on the part of any person to obey such summons or to produce such books, papers and other evidence as so ordered, the City Commission may invoke the aid of the Circuit Court of Alger County in requiring obedience of such summons or production of such books, papers and other evidence. The Circuit Court of Alger County, in case of contumacy or refusal to obey such

summons or to produce such books, papers and other evidence, may issue an order requiring such person to obey such summons or to produce such books, papers and other evidence and to give evidence touching the matter in question, and any failure to obey such order of the Court may be punished by such Court as contempt thereof.

CHAPTER 7. LEGISLATION

Section 7.1. Prior City Legislation:

All valid bylaws, ordinances, resolutions, rules and regulations of the City which are not inconsistent with this charter and which are in force and effect on the effective date of this charter shall continue in full force and effect until repealed or amended.

Section 7.2. Ordinance and Resolutions:

All official action of the City Commission shall be by ordinance, resolution, motion or order. Action by resolution, motion or order shall be limited to matters required or permitted to be done by this charter or by the state or federal law or pertaining to the internal affairs or concerns of the City government. All other acts of the City Commission and all acts carrying a penalty for the violation thereof shall be by ordinance. Each ordinance shall be identified by a short title and an ordinance number. Each proposed ordinance shall be introduced in written or printed form. The style of all ordinances shall be "The City of Munising ordains":

Section 7.3. Enactment, Amendment, Repeal and Effective Date of Ordinances:

Subject to the exceptions which follow hereafter:

(a) Ordinances may be enacted, amended or repealed by the affirmative vote of not less than 3 members of the City Commission.

(b) No ordinance shall be amended or repealed except by an ordinance adopted as aforesaid.

(c) The time when any ordinance takes effect shall be prescribed therein, which time shall not be less than 10 days from the date of its publication, except emergency ordinances, which may be given immediate effect after publication. No

ordinance shall be finally passed on the day it is introduced, except in cases of public emergency. An emergency ordinance shall be defined to be one necessary for the immediate preservation of the public peace, property, health, safety or providing for the usual daily operation of a department and which contains a statement of its urgency.

(d) In case an ordinance is given effect earlier than 10 days after its enactment, the requirements for publication before such ordinance becomes operative may be met by posting copies thereof in conspicuous locations in 3 public places in the City, other provisions of this charter notwithstanding. The City Clerk shall, immediately after such posting, enter in the ordinance book under the record of the ordinance a certificate under the City Clerk's hand stating the time and place of such publication by posting, which certificate shall be prima facie evidence of such publication by posting of the ordinance, but the failure to so record and authenticate such ordinance shall not invalidate it or suspend its operation. Such ordinance shall also be published in accordance with Section 7.4 but not as a requirement for the effectiveness thereof.

(e) No ordinance granting any public utility franchise shall be enacted except in accordance with the provisions of Section 14.2.

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

Section 7.4. Publication and Recording of Ordinances:

(a) Each ordinance shall be published within 20 days after its enactment in the following method:

- (1) The full text thereof shall be published in a newspaper as defined in Section 15.3.
- (2) In cases of ordinances over 500 words in length a summary of the ordinance, approved by the City Commission, may be published in a newspaper as defined in section 15.3, including with such newspaper publication a notice that printed copies of the full text of the ordinance are available for inspection by and distribution to

the public at the office of the City Clerk. If the method described in this subsection (a) (2) is used, then printed copies shall promptly be so made available as stated in such notice.

(b) All ordinances shall be recorded by the City Clerk in a book to be called "The Ordinance Book", and it shall be the duty of the Mayor and City Clerk to authenticate such records by their official signatures thereon but the failure to so record and authenticate such ordinances shall not invalidate them or suspend their operation.

Section 7.5. Penalties for Violations of Ordinances:

Any ordinance may provide for the punishment of those who violate its provisions, in accordance with Michigan Statutes and the State Constitution.

Section 7.6. Prosecution to be Commenced Within 2 Years:

Prosecutions for violations of any ordinance of the City shall be commenced within 2 years after the commission of the offense, provided, that the limitations herein imposed shall not apply to violations penal in their nature, and shall not be construed as a limitation of the City's right to forfeit any franchise, grant or license, for violation of the terms and conditions thereof, after said 2 year period.

Section 7.7. Special Requirements for Certain Commission Actions:

(a) Action to vacate, discontinue or abolish any highway, street, lane, alley or other public places or part thereof, shall be by resolution. After the introduction of such resolution and before its final adoption, the City Commission shall hold a public hearing thereon and shall post or publish notices of such hearing at least 1 week prior thereto.

(b) The following actions shall require the affirmative vote of at least 3 members of the City Commission for the effectiveness thereof:

- (1) Vacating, discontinuing or abolishing any highway, street, lane, alley or other public place or part thereof;
- (2) Authorizing the condemning of private property for public use;

- (3) Creating or abolishing any office;
- (4) Appropriating any money;
- (5) Imposing any tax or assessment;
- (6) Reconsidering or rescinding any vote of the City Commission.

(c) The City Commission shall not have power to engage in any business enterprise requiring an investment of money in excess of the amount permitted to be so invested by statute unless approved by a majority vote of the electors voting thereon at any general or special election.

Section 7.8. Severability of Ordinances:

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

Section 7.9. Initiatory and Referendary Petitions:

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

Each signer of a petition shall sign their name, and shall place thereon, after their name, the date and 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 thereof and that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant. Such petition shall be filed with the City Clerk who shall, within 15 days, canvass the signatures thereon. If the petition does not contain a sufficient number of signatures of registered electors of the City, the City Clerk shall notify forthwith the person filing such petition and 15 days from such notification shall be allowed for the filing of supplemental petition papers. When a petition with sufficient signatures is filed within the time allowed by this section, the City Clerk shall present the petition to the City Commission at its next regular meeting.

Section 7.10. Commission, Procedure of Initiatory and Referendary Petitions:

Upon receiving an initiatory or referendary petition from the City Clerk, the City Commission shall, within 30 days, unless otherwise provided by statute, either

(a) Adopt the ordinance as submitted by an initiatory petition;

(b) Repeal the ordinance, or part thereof, referred to by a referendary petition; or

(c) Determine to submit the proposal provided for in the petition to the electors.

Section 7.11. Submission of Initiatory and Referendary Ordinances to Electors:

Should the City Commission decide to submit the proposal to the electors, it shall be submitted at the next election held in the City for any other purpose, or at the discretion of the City Commission, at a special election called for that specific purpose.

The result of all elections held under the provisions of this section shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by statute or Constitution.

Section 7.12.Ordinance Suspended: Miscellaneous Provisions on Initiatory and Referendary Petitions:

The presentation to the City Commission by the City Clerk of a valid and sufficient referendary petition containing a number of signatures equal to 25% of the registered electors of the City as of the date of the last regular City election which signatures have been obtained within 60 days before the date of filing the petition with the City Clerk shall automatically suspend the operation of the ordinance in question pending repeal by the City Commission or final determination by the electors.

An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed for a period of 1 year after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be re-enacted for a period of 1 year after the date of the election at which it was repealed; provided, however, that any ordinance may be adopted, amended, or repealed at any time by appropriate referendum or initiatory procedure in accordance with the foregoing provisions of this chapter or if submitted to the electorate by the City Commission on its own motion. If 2 or more ordinances adopted at the same election shall have conflicting provisions, the provisions in the ordinance receiving the highest number of affirmative votes shall govern.

CHAPTER 8. GENERAL FINANCE

Section 8.1.Fiscal Year:

The fiscal year of the City of Munising shall begin on the 1st day of July in each year and shall end with the 30th day of June of the next year.

Section 8.2.Budget Procedure:

The City Manager shall prepare and submit to the City Commission on or before a second meeting in May each year a budget covering the next fiscal year, and shall include therein at least the following information:

(a) Generally. At such times as may be required by the City Manager or specified by ordinance, each administrative officer or director of a department shall submit to the City Manager an itemized estimate of the expenditures for the next fiscal year for the departments or activities under the City Manager's

control. The City Manager shall prepare and submit a complete budget for the next fiscal year in such detail and supporting schedules as the City Manager shall require. The City Manager shall submit the proposed budget to the City Commission on or before a second meeting in May.

(b) Capital improvements program. As part of the proposed budget, the City Manager shall annually prepare a capital improvements program of public structures and improvements. The capital improvements program shall show those public structures and improvements that in the City Manager's judgment will be needed or desirable and can be undertaken within the ensuing 6 year period. The proposed capital improvements program shall be submitted to the Planning Commission and Downtown Development Authority for review and shall be adopted by the City Commission. Neither the City Manager nor the City Commission shall include or appropriate for any capital improvements that have not been budgeted for.

Section 8.3. Budget Hearing:

A public hearing on the proposed budget shall be held before its final adoption by the City Commission. Notice of the time and place of holding the hearing shall be in accordance with law. A copy of the proposed budget shall be on file in the office of the City Clerk for public review during normal business hours at least 1 week prior to the public hearing.

Section 8.4. Adoption of Budget:

Not later than June 30th of each year, the City Commission shall by resolution determine and adopt the budget and make the appropriations for the next fiscal year and shall provide by resolution for a tax levy of the amount necessary to be raised by taxation. The total amount of appropriations shall not exceed the revenues of the City as estimated by the City Commission, based upon a tax levy for all City operating purposes, plus all additional and miscellaneous revenues derived by the City in accordance with provisions of law, this charter and City ordinances.

Section 8.5. Budget Control:

During the fiscal year, if it shall appear that the income is less than anticipated, the City Commission, after a report and recommendation from the City Manager, shall reduce appropriations for any item or items, except amounts required

for debt and interest charges, to such a degree as may be necessary to keep expenditures within available revenues. If the revenues exceed the amounts estimated in the budget, the City Commission may make supplemental appropriations after a report and recommendation from the City Manager. No money shall be drawn from the treasury of the City, nor shall any obligation for the expenditure of the money be incurred, except pursuant to a budget appropriation. Except as otherwise provided in this charter, the City Commission may transfer any unencumbered appropriated balance or any portion thereof from one department, fund or agency to another.

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

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

The balance of any budget appropriations which has not been encumbered at the end of the fiscal year shall revert to the general fund.

Section 8.6. Depository:

The City Commission shall designate depositories for City funds and shall provide for the daily deposit of all City moneys. The City Commission shall provide for such security for City deposits as is authorized or permitted by statute except that personal surety bonds shall not be deemed proper security.

Section 8.7. Independent Audit: Annual Report:

An independent audit shall be made of all City accounts at least annually and more frequently if deemed necessary by the City Commission. Such audit shall be made by Certified Public Accountants experienced in municipal accounting to be selected by the City Commission, without regard to any requirements for competitive bidding. Such audit shall be available for public inspection at the office of the City Clerk and shall be

submitted by the City Manager to the City Commission to be reviewed, totally accepted and placed on file.

The City Manager shall prepare an annual report of the affairs of the City after completion of the annual audit. The report shall include financial statements showing the results of all City operations including operating statements for each public utility owned or operated by the City. Copies of such report, after approval by the City Commission shall be made available for public inspection and distribution at the office of the City Clerk.

Section 8.8. Uniform System of Accounts:

The City shall maintain a system of accounts which shall conform to any uniform system required by law, and to generally accepted principles and practices of governmental accounting.

CHAPTER 9. TAXATION

Section 9.1. Power to Tax: Tax Limit:

The City shall have the power to assess taxes and levy and collect rents, tolls and excises. The annual general ad valorem tax levy for municipal purposes shall not exceed 2% of the taxable value of all real and personal property subject to taxation in the City, exclusive of any levies authorized by general statute to be made beyond charter tax rate limitations.

Section 9.2. Subjects of Taxation:

The subjects of ad valorem taxation for municipal purposes shall be the same as for the state, county and school purposes under statute. Except as otherwise provided by this charter, City taxes shall be levied, collected and returned in the manner provided by statute.

Section 9.3. Exemptions:

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

Section 9.4. Board of Review:

The Board of Review shall be composed of 3 residents of the City who shall meet the eligibility requirements for elective officers contained in Section 5.1; and who during their term of

office shall not be board members, officers of the City and County, administrative employees of the City and County, or the Downtown Development Authority. The filing by a member of the Board of Review of their nomination petition for an elective City or County office or the filing of a consent thereto shall constitute a resignation from the Board of Review. The appointment of members of such board shall be based upon their knowledge and experience in property valuation. Members of the Board shall be appointed by the City Commission in January for a term of 3 years, with the 1st member being appointed by the City Commission for a 1 year term and 1 for a 2 year term and 1 for a 3 year term. The Board of Review shall annually in February select its own chairman for the ensuing year. The City Assessor shall be clerk of the Board and shall be entitled to be heard at its sessions but shall have no vote. The City Commission can provide for per diem compensation to members by resolution. The time so served shall not exceed 6 days in 1 year.

Section 9.5. Notice of Meetings:

Notice of the time and place of the sessions of the Board of Review shall be published at least 10 days prior to each session of the Board.

Section 9.6. Duties and Functions of the Board of Review:

For the purpose of revising and correcting assessments, the Board of Review shall have the same powers and perform like duties in all respects as are by statute conferred upon and required of Boards of Reviews in townships, except as otherwise provided in this charter.

The Board of Review shall hear the complaints of all persons considering themselves aggrieved by assessments. If it shall appear that any person or property has been wrongfully assessed or omitted from the roll, the Board shall correct the roll in such manner as it deems just.

In all cases the roll shall be reviewed according to the facts existing on tax day and no change in the status of any property after said day shall be considered by the Board in making its decisions.

Except as otherwise provided by statute, no person other than the Board of Review shall make or authorize any change upon, or additions or corrections to, the assessment roll.

It shall be the duty of the City Assessor to keep a permanent record of all proceedings and to enter therein all resolutions and decisions of the Board.

Section 9.7. Clerk to Certify Tax Levy:

Within 3 days after the City Commission has adopted the budget for the ensuing year, the City Clerk shall certify to the City Assessor the total amount which the City Commission determines shall be raised by general ad valorem tax. The City Assessor shall also certify all amounts of current or delinquent special assessments and of all other amounts which the City Commission requires to be assessed, reassessed or charged upon any property or against any person. The City Clerk shall also certify the amount of the taxes to be raised for the school district of the City so long as it is governed by an act providing for the collection of school taxes on the July (summer) tax roll.

Section 9.8. City Tax Roll:

After the Board of Review has completed its review of the assessment roll, the City 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 Section 9.7, the City Assessor shall spread upon said tax roll the several amounts determined by the City Commission to be charged, assessed or reassessed against persons or property. The City Assessor shall also spread the amounts of the general ad valorem City taxes and school taxes according to and in proportion to the several valuations set forth in said assessment roll.

Explanation of tax roll number 1 and 2:

Tax Roll #1 is for the collection of city, county and school taxes, city bond debts and city assessments.

Tax Roll #2 is for the collection of county and school taxes, bonds and city assessments.

Section 9.9. Tax Roll Certified for Collection:

After spreading the taxes, the City Assessor shall certify the tax roll, and the Mayor shall annex the Mayor's warrant thereto directing and requiring the City Treasurer to collect prior to the date established by law 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

the City Treasurer, for the purpose of collecting the taxes, assessments and charges on such roll, all the statutory powers and immunities possessed by Township Treasurers for the collection of taxes by June 15, the roll shall be delivered to the City Treasurer for collection.

Section 9.10. Taxes Due: Notification Thereof:

(a) City taxes shall be due on July 1st of each year. The City 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 shall:

(1) Publish, between June 15 and July 1 for Tax Roll #1, and publish between November 15 and December 1 for Tax Roll #2 notice of the time when said taxes will be due for collection and the penalties and fees for late payment of same; and

(2) Mail a bill to each person named in said roll, but in cases of multiple ownership of property only one bill need be mailed.

(b) Failure on the part of the City Treasurer to give such notice or mail such bills shall not invalidate the taxes on said tax roll nor release the person or property assessed from the penalties and fees provided in this chapter in case of late payment or non-payment of the same.

Section 9.11. Collection Fees:

(a) A property tax administration fee consistent with statute shall be added to all parcels.

(b) For Tax Roll #1 all taxes paid on or before August 20 of each year shall be collected by the City Treasurer without interest, on August 21 a 4% penalty shall be added.

(c) For Tax Roll #2, there shall be no fee on all taxes paid during the period of December 1 through February 15th. On February 16, a late penalty charge equal to 4% of the tax shall be added to the total tax bill.

(d) Such collection fees (property tax administration fee, interest, and late penalty) constitute a charge and shall be a lien against the property to which the taxes themselves apply, collectible in the same manner as the taxes to which they are added.

(e) If delivery of the tax roll to the City Treasurer, as provided in Section 9.10, is delayed for any reason by more than 30 days after June 15, the application of the schedule of interest collection fees provided herein shall be postponed 30 days for the first 30 days of such delay and shall be postponed an additional 30 days, for each additional 30 days, or major fraction thereof, of such delay.

Section 9.12.Failure or Refusal to Pay Personal Property Tax:

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

Section 9.13.Delinquent Tax Roll to County Treasurer:

All City and school taxes remaining uncollected by the City Treasurer on March 1 following the date when said roll was received by the City Treasurer shall be returned to the County Treasurer to the extent and in the same manner and with like effect as provided by statute for returns by Township Treasurers of township, school, and county taxes. Such returns shall include all the additional assessments, charges and fees hereinbefore provided, which shall be added to the amount assessed in said tax roll against each property or person. The taxes returned shall be collected in the same manner as other taxes returned to the County Treasurer are collected, in accordance with statute, and shall be and remain a lien upon the property against which they are assessed until paid.

Section 9.14.State, County and School Taxes:

For the purpose of assessing and collecting taxes for state, county and school purposes, the City shall be considered the same as a Township, and all provisions of statute relative to the collection of and accounting for such taxes shall apply.

For the purpose of collecting state, county and school taxes, the City Treasurer shall perform the same duties and have the same powers as Township Treasurers under statute.

CHAPTER 10. SPECIAL ASSESSMENTS

Section 10.1.

The City Commission shall have the power by ordinance or resolution to provide for the construction, reconstruction, repair or maintenance, either by contract or directly by the employment of labor, of all things in the nature of local improvements, and to provide for the payment of the whole or any part of the cost of any such improvement by levying and collecting special assessments upon abutting, adjacent and contiguous or other specially benefitted property.

Section 10.2. Additional Assessments: Correction of Invalid Special Assessments:

Additional pro rata assessments may be made when any special assessment roll proves insufficient to pay for the improvement for which it was levied and the expenses incident thereto, or to pay the principal and interest on bonds issued in anticipation of such assessment roll, provided that the additional pro rata assessment shall not exceed 25% of the assessment as originally confirmed unless a meeting of the City Commission shall be held to review such additional assessment for which meeting notices shall be published as provided in the case of review of the original special assessment roll.

Whenever any special assessment shall, in the opinion of the City Commission, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the City Commission shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have the power to cause a new assessment to be made for the same manner as provided for an original assessment and whenever any sum or part thereof levied upon any property in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment or if the payments exceed the amount of the reassessment refunds shall be made.

No judgment or decree nor any act of the City Commission vacating a special assessment shall destroy or impair the lien

of the City upon the premises assessed for such amount of the assessment as may be equitably charged against the same or as by regular mode or proceedings might have been lawfully assessed thereupon.

The City Commission shall have the power to provide for the construction, reconstruction and maintenance by contract or directly by the employment of labor of all manner of public, special and local improvements, and to provide for the payment of the whole or any part of the cost of any such improvement by special assessment made in pursuance of this chapter upon lots and premises deemed benefitted by the improvement liable to assessment therefore. The assessments may be either according to the benefits which may result from the improvement, the foot frontage of the property bounding or abutting upon the improvement, or the percentage of the tax value of the property, in the discretion of the City Commission; each of which assessments, when confirmed shall be and remain a lien on the respective premises until paid; any of which assessments may also be made a personal claim against the respective owners and occupants of such premises.

Section 10.3. Ordered Upon Petition or Resolution:

Special assessments may be ordered by the City Commission either upon petition as hereinafter provided, or by resolution or ordinance without such petition in the discretion of the City Commission. When the City Commission shall determine to make any such improvement and to defray the whole or any part of the cost and expenses thereof by special assessment, it shall so declare by resolution or ordinance, stating the improvement and what portion of the expenses thereof shall be paid by special assessment and what part, if any, shall be appropriated from the general funds of the City, and shall designate the lands and premises upon which the special assessment shall be levied, which lands and premises shall constitute a special assessment district.

Section 10.4. Petitions: Contents:

Petitions for special assessments shall be signed by at least 2/3 of the owners of the lands liable to be assessed for the improvement. Such petition shall specifically describe said proposed improvement, and each signer thereof shall describe the parcels of lands owned and certify ownership thereto and shall have attached thereto the affidavit of 1 or more of the signers thereof, to the effect that the signatures thereon are in fact

the signatures they purport to be. Said petition shall be filed with the City Clerk.

Section 10.5.Sufficiency of Petition:

At its first regular meeting thereafter the City Clerk shall present to the City Commission such petition, and the City Commission shall proceed to investigate the sufficiency thereof, and if sufficient and in compliance with this charter, the City Commission shall so determine by resolution, whereupon the right action may be taken as is provided by Section 10.3.

Section 10.6.Estimates to be Made:

Before ordering any improvement or repairs, any part of the expense of which is to be defrayed by special assessment, the City Commission shall cause estimates of the expense thereof to be made, and also plats and diagrams, when practicable of the work and of the locality to be improved, and deposit the same with the City Clerk for public examination and shall give notice thereof by publication of said notice in a newspaper published and circulated in the City at least once in 2 weeks prior to the time the City Commission shall meet to consider objections thereto. The cost and expense of any improvements which may be defrayed by special assessment shall include the cost of surveys, plans, assessment and construction. No such improvement or work shall be ordered unless by concurrent vote of 3 members of the City Commission.

Section 10.7.Directions to Assessor:

When any special assessment has been ordered, the City Commission shall by resolution direct the same to the City Assessor and shall state therein the amount to be assessed, and whether according to frontage, benefits, or percentage of tax value of the property, and describe or designate the lots and premises or locality constituting the district to be assessed.

Section 10.8.Preparation of Assessment Roll:

Upon receiving such order or directions, the City Assessor shall make out an assessment roll, entering and describing therein all the lots, premises and parcels of land to be assessed with the names of the persons, if known, chargeable with the assessment thereon, and shall levy thereon and against such property the amount to be assessed in the manner directed

by the City Commission and the provisions of this chapter applicable to the assessment.

Section 10.9. Assessment by Frontage, Benefit or Percentage of Tax Value:

Such assessment may be either according to frontage, benefits, or percentage of tax value: if the assessment is required to be according to frontage, the City Assessor shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length of frontage of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed, providing, if by reason of the shape or size of any lot or parcel such assessment may be inequitable, the relative frontage may be charged to meet such condition. If the assessment is directed to be according to benefits, the City Assessor shall assess upon each lot or parcel of land or premises such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from such improvement. If the assessment is directed to be according to percentage of tax value, the City Assessor shall assess upon each lot, parcel of land, or premises the relative portion of the whole sum to be levied as shall be proportionate to the amount the percentage of tax value bears to the whole sum. When the City Assessor shall have completed the assessment, the City Assessor shall report the same to the City Commission, such report being in the form of a certificate dated and signed by the assessor and endorsed on the assessment roll.

Section 10.10. Adoption of Assessment Notice:

When any special assessment shall be reported by the City Assessor to the City Commission, as hereinbefore directed, the same shall be filed in the office of the City Clerk before adopting such assessment, the City Commission shall cause notice to be given at least 10 days prior to the time when the City Commission shall meet, by causing said notice to be published in some newspaper of the City, which notice shall also appoint the time and place when and where the City Commission and City Assessor shall meet to review said special assessment. Any person objecting to the assessment may file objections thereto in writing with the City Clerk. The notice provided for in this section shall be sent by first class mail to all property owners in the proposed district as shown upon either the special assessment roll or current assessment roll of the City and to all other persons interested therein.

Section 10.11.Objections to Special Assessment: Confirmation Thereof:

Any person objecting to the assessment may file objections with the City Clerk or appear in person at said meeting and be heard. At the time and place appointed for said meeting the City Commission and City Assessor shall meet and there, or at some adjourned meeting, review the assessment and shall hear any objections thereto which may be by any person. The City Commission shall have the power to correct said roll as to any assessment or description appearing therein, and may confirm said roll as reported or as corrected, or may refer the assessment back to the City Assessor for revision, or if necessary annul said roll and order a new assessment, in which case the same proceeding shall be had as though the same were an original assessment. When an assessment hereunder shall be confirmed, the City Clerk shall make an endorsement upon the roll certifying said confirmation and giving the date thereof.

Section 10.12.Confirmation Final:

When any special assessment shall be confirmed by the City Commission, it shall be final and conclusive.

Section 10.13.Lien and Collection of Special Assessments:

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

Due Date. Special Assessments shall become due on such date as the City Commission shall prescribe.

Installment Payments. Any assessment may be made payable in yearly installments not to exceed 10 in number. The initial installment shall be due on such date as the City Commission shall prescribe. Subsequent yearly installment shall be spread on the annual City tax roll. The second installment shall be collected as part of the first City tax roll which becomes due 6 months or more after the due date of the initial installment. All unpaid installments except the initial installment shall bear interest at a rate not to exceed the maximum set by State law from such date as the City Commission shall prescribe. Such

interest on the entire unpaid balance shall be spread as one item with each unpaid installment and shall be computed to the last day on which such installments may be paid without collection fee. The City Commission may provide for such advance payments of unpaid installments with interest computed to such date as the City Commission prescribes.

Collection Fees. Each special assessment, or the initial installment thereof shall be collected by the City Treasurer without collection fee for a period ending on the last day of the month in which said installment or assessment is due, provided that if such last day is 15 days or less from such due date, then the period for collection without collection fee shall be extended to the last day of the following month. On the first day of the month following the month for collection without collection fee, the City Treasurer shall add to such assessment or initial installment a collection fee of 1% of the amount thereof and on the first day of each succeeding month shall add an additional 1% collection fee. All collection fees shall belong to the City and be collectible in the same manner as the collection fee of City taxes.

Delinquent Assessments. Special assessments or initial installments thereof which become due on October 1 of any year shall be certified as delinquent to the City Commission by the City Treasurer and the City Commission shall place such delinquent assessments on the tax roll for that year together as one item with accrued collection fees thereon to December 1 of such year.

Collection When Part of Tax Roll. Special assessments, or installments thereof which become due on December 1 of any year, and delinquent assessments together with accrued interest and collection fees thereon which have been placed upon the City tax roll shall be collected in all respects as are City taxes due in that year and shall be returned to the County Treasurer with such taxes if uncollected on the following March 1.

Section 10.14. Special Assessment Powers:

In addition to the other improvements which the City may make and finance in whole or in part by special assessments, the City may:

- (a) Construct, establish and extend facilities for the storage and parking of vehicles within its corporate limits as a public improvement;

(b) Install a boulevard lighting system on any street and finance the same in whole or in part by special assessment upon land abutting thereon; provided that property owners of a majority of the frontage on such street or part thereof to be so improved shall petition therefore;

(c) Install and connect sewers and waterworks on and to property within the City.

Section 10.15. Assessments for Removal of Hazards, etc:

The assessment for the cost of the construction or maintenance of any sidewalk or the abatement of any hazard or nuisances, or for the cost of removing snow, ice or other obstruction from sidewalks, shall be made by resolution of the City Commission. Notice of the time at which the City Commission will act thereon shall be given by first class mail to the owner of the property to be assessed as shown by the current tax roll of the City, except that no notice shall be required in the case of assessments for the removal of weeds, snow or ice. For the purposes of collection of such assessment, the adoption of such resolution shall be equivalent to the confirmation of a special assessment roll. The amount of any such assessment shall become a debt to the City upon adoption of such resolution, be due at such time as the City Commission shall prescribe, and shall be subject to the collection fees and become a lien as provided in Section 10.13. Every such assessment shall also be subject to Section 10.16.

Section 10.16. Special Assessment Accounts; Refunds:

Revenues and moneys raised by assessment in every special assessment district in the City shall be credited to separate special assessment funds, and money so raised shall be used solely for the purpose specified. Provided, if there be a surplus after paying for the specified improvements, such surplus shall be refunded pro rata as follows: by refund when the assessment has been paid in full and by credit on the assessment roll where the assessment has not been fully paid.

CHAPTER 11. BORROWING POWER

Section 11.1. Issuance of Bonds:

The City may, within the limits provided by law, authorize the borrowing of money for any purpose within the scope of the

powers vested in the City. The City may provide for the issuance of bonds of the City or other evidence of indebtedness therefor. The City may pledge the full faith, credit and resources of the City for the payment of the obligations created thereby.

Section 11.2.Proceeds of Bonds:

Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which the same is issued. It shall be unlawful to use the proceeds for any other purpose; provided that, whenever the proceeds of any bond issue or any part thereof shall remain unexpended and unencumbered for the purpose for which said bond issue is made, the City Commission shall use as provided by law.

Section 11.3.Emergency Bonds:

In case of fire, flood or other calamity, the City Commission may issue emergency bonds in accordance with law, which may be general obligations of the City, to provide relief for the residents of the City, and for the preservation or restoration of municipal property.

Section 11.4.Special Assessment Bonds:

The City Commission may provide for the borrowing of money and issuing of bonds in anticipation of the payment of the special assessments, or in anticipation of the payment of any combination of special assessments. Such special assessment bonds may be an obligation of the special assessment district, or may be both an obligation of the special assessment district and a general obligation of the City as provided by law. All collections on each special assessment roll or combination of rolls, to the extent that the same are pledged for the payment of the principal and interest on bonds issued in anticipation of the payment thereof, shall be set apart in a separate fund for the payment of such principal and interest and shall be used for no other purpose.

Section 11.5.Mortgage Bonds for Public Utility Acquisition:

Mortgage bonds for the acquiring, owning, purchasing, constructing or operating of any public utility as provided in Article 7, Section 24 of the Constitution shall not impose any liability upon the 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 20 years from the date of the sale of such utility and franchise on foreclosure. 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 such payment.

CHAPTER 12. PURCHASING-CONTRACTS-LEASES

Section 12.1. Purchase and Sale of Property:

The City Manager shall be responsible for the purchase and sale of City property up to an amount set by resolution of the City Commission, on an annual basis, excepting real estate, without the need to obtain comparative prices. The City Commission shall adopt the resolution required by this Section at its annual organizational meeting.

In all purchases and sales in excess of the amount set by Resolution by the City Commission, including all purchases and sales of Real Estate;

(a) Comparative prices for purchases, shall be obtained except:

- (1) In the employment of professional services, and
- (2) When the City Manager and the City Commission, shall determine that no advantage to the City would result.

(b) The purchase or sale shall be first approved by the City Commission before the purchase or sale is made.

(c) Sealed bids shall be obtained for sales, unless the City Manager and the City Commission shall determine that no advantage to the City would result.

No sale or purchase shall be divided for the purpose of circumventing the dollar value limitation contained in this Section. The City Manager and City Commission may authorize the making of public improvements or the performance of any other City work by any City agency without competitive bidding.

To satisfy (a) (2) and (c), the Commission, by unanimous resolution of those present at the meeting, after considering the written recommendations of the City Manager, must determine that no advantage to the City would result from obtaining comparative prices or from competitive bidding, as the case may be.

Purchases shall be made from the most advantageous bid, for the City, meeting specifications. Sales shall be made to the bidder whose bid is most advantageous to the City. All purchases and sales shall be evidenced by written contract or purchase order.

The City may not sell any park, cemetery or any part thereof except in accordance with restrictions placed thereon by statute.

The City may not purchase, sell or lease any real estate or any interest therein except by the affirmative vote of at least 4 members of the City Commission.

Detailed purchasing, sale and contract procedures shall be established by Resolution of the City Commission.

Section 12.2.Contracts:

All contracts and leases to which the City is a party when this charter becomes effective shall remain in full force and effect.

The authority to contract on behalf of the City is vested in the City Commission and shall be exercised in accordance with the provisions of statute and of this charter, provided that purchases and sales may be made by the City Manager, in accord with the provisions of Section 12.1.

Any contract or agreement made with form or terms other than the standard City purchase order form may, before execution, and if deemed necessary by the City Manager, be submitted to the City Attorney, and the City Attorney's opinion obtained with respect to its form and legality. A copy of all contracts or agreements requiring such opinion shall be filed in the office of the City Clerk together with a copy of the opinion.

Before entering into any contract, agreement or purchase order obligating the City to pay an amount in excess of

\$1,000.00 the City Manager shall first have certified that an appropriation has been made for the payment thereof. In the case of a contract or agreement obligating the City for periodic payments in future fiscal years for the furnishing of a continuing service or the leasing of property, such certification need not cover those payments which will be due in future fiscal years, but this exception shall not apply to a contract for purchase or construction of a public improvement unless such purchase or construction is being financed by an installment contract under authority of Section 12.4. Certification by the City Manager shall be endorsed on each contract, agreement or purchase order requiring same or shall be filed as an attachment thereto.

No contract shall be amended after it has been made except upon the authority of the City Commission, provided that the City Manager may amend contracts for those purchases and sales made by the City Manager under authority of Section 12.1.

No compensation shall be paid to any contractor except in accord with the terms of the contract.

No contract shall be made with any person, firm or corporation in default to the City.

An individual agreement of employment shall not be deemed a contract requiring opinion by the City Attorney.

Section 12.3. Additional Restrictions on Powers to Lease Property:

Any agreement or contract for the renting or leasing of public property for a period longer than 3 years shall be subject to the same referendum procedure as is provided in the case of ordinances passed by the City Commission but any petition for such referendum must be filed within 30 days after publication of the proceedings of the meeting of the City Commission at which such agreement or contract is authorized.

The transfer or assignment of any agreement or contract for renting or leasing of public property may be made only upon approval of the City Commission, but approval of such transfer shall not be subject to referendum.

Rentals and leases and renewals thereof shall be for a fair consideration as determined by the City Commission.

Section 12.4. Installment Payment Contracts:

The City may enter into any contract or agreement for the purchase of lands, property or equipment for public purposes to be paid for in installments. Each contract shall be in conformity with the law and the aggregate of all such contracts may not exceed the limitations provided by law.

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 statute and Constitution:

(a) 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

(b) To sell and deliver water, light, heat, power, gas and other public utility services outside its corporate limits to an amount and to a territory not exceeding the limitations set by statute and Constitution.

Section 13.2. Management of Municipally Owned or Operated Utilities:

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

Section 13.3. Rates:

The City Commission shall have the power to fix from time to time such just and reasonable rates and other charges as may be deemed advisable for supplying the inhabitants of the City and others with such public utility services as the City may provide. The rates and charges of all municipal public utilities shall be so fixed as to at least meet all the costs of such utility. There shall be no discrimination in such rates within any classification of users thereof, nor shall free service be permitted, but higher rates may be charged for service outside the City limits.

The rates for any utility service sold outside the City limits shall be fixed so as to provide at least a reasonable return on the total cost of such service including depreciation expense on the investment in distribution and production equipment required to provide such service. In no case shall such rates be fixed to provide a lower return than the return provided from rates for comparable service inside the City.

Section 13.4. Utility Rates and Charges-Collections:

The City Commission shall provide by ordinance for the collection of all charges for City-owned public utilities. Such ordinances may provide that any amount due the City for utilities remaining unpaid shall be charged against the real property on which the service was rendered unless such bills are covered by deposits. Except as otherwise provided by statute, the amount of such unpaid bills shall be spread on the next regular City tax roll after the date on which such charge became due and payable and shall become a lien of the same character and effect as the lien created by state and county taxes. If a utility customer fails to pay the City any amounts due on utility bills, or post any deposit required by City ordinance, the City may discontinue the service. The City may initiate a suit to collect the amounts due.

Section 13.5. Disposal of Utility Plants and Property:

Unless approved by a 3/5 majority vote of the electors voting thereon at a regular or special election, the City shall not sell, exchange, lease or in any way dispose of any property, easements, equipment, privilege or asset belonging to and appertaining to any municipally owned public utility which is needed to continue the operation of such utility. All contracts, negotiations, licenses, grants, leases or other forms of transfer in violation of this section shall be void and of no effect as against the City. The restrictions of this section shall not apply to:

- (a) The sale or exchange of any articles of machinery or equipment of any City owned public utility which are worn out or useless or which have been or could with advantage to the service be, replaced by new and improved machinery or equipment;
- (b) The leasing of property not necessary for the operation of the utility; or

- (c) The exchange of property or easements for other needed property or easements.

Section 13.6. Utility Finances:

Separate accounts shall be kept for each public utility owned or operated by the City. Such accounts shall be designed to show the financial results of City ownership or operation in the same manner as the financial results of a corresponding privately-owned utility would be shown, except that income tax shall not be taken into account. To that end, the accounts shall show all assets, liabilities, revenues, expenses, reserves, and surplus. Revenues shall include charges rendered by such utility to any other City department or fund, including, by way of illustration but not limited to, charges for street lighting, electricity, and water for municipal buildings and fire hydrant rentals. Such charges shall be computed in a reasonable manner considering cost and value of the service and the practice of privately owned utilities and, where the service is comparable to that provided to other customers, the charge shall be the same as to other customers. Expenses shall include charges for all expenses of the utility including repairs to capital equipment, full depreciation based upon estimated life of the utility's capital equipment and the equivalent of all property taxes which would be paid by a privately owned utility. Payments on principal and interest of debt incurred by, or for the use of, the utility shall be paid from utility funds, but such payments on principal should not be charged as an expense.

CHAPTER 14. PUBLIC UTILITY FRANCHISES

Section 14.1. Franchises Remain in Effect:

All franchises to which the City is a party when this charter becomes effective shall remain in full force and effect in accordance with their respective terms and conditions.

Section 14.2. Granting of Public Utility Franchise:

Public Utility franchises, and all renewals, extensions thereof and amendments thereto, shall be granted by ordinance only. No exclusive franchise shall ever be granted.

No franchise ordinance which is not subject to revocation at the will of the City Commission shall be enacted nor become operative until the same shall have first been referred to the people at the regular or special election and received the

affirmative vote of 3/5 of the electors voting thereon. No such franchise ordinance shall be approved by the City Commission for referral to the electorate before 30 days after application has been filed with the City Commission nor until a public hearing has been held thereon, nor until the grantee named therein has filed with the City Clerk unconditional acceptance of all terms of such franchise. No special election for such purpose shall be ordered by the City Commission unless the expense of holding such election, as determined by the City Commission, shall have first been paid to the City Treasurer by the grantee.

A franchise ordinance or renewal or extension thereof or amendment thereto which is subject to revocation at the will of the City Commission may be enacted by the City Commission without referral to the voters, but shall not be enacted unless it shall have been in the form in which it is finally enacted and shall have so been on file in the office of the City Clerk for public inspection for a least 4 weeks after publication of a notice that such ordinance is so on file.

Section 14.3. Conditions of a Public Utility Franchise:

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

(a) To repeal the same for misuse, non-use or failure to comply with the provisions thereof:

(b) To require proper and adequate extension of infrastructure and service and maintenance thereof at the highest practicable standard of efficiency:

(c) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;

(d) To require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof:

(e) To use, control and regulate the use of its streets, alleys, bridges and other public places and the space above and beneath them;

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

(g) To impose a franchise tax or fee payable to the general fund of the City at such rate as may be determined by the City Commission according to state or federal regulations.

Section 14.4.Regulation of Rates:

All public utility franchises shall include provisions for fixing rates, fares and charges and may provide for readjustments thereof at periodic intervals. The value of the property of the utility used as a basis for fixing such rates, fares and charges shall in no event include a value predicated upon the franchise, good will or prospective profits.

Section 14.5.Use of Public Places by Utilities:

Every public utility whether it has a franchise or not shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges and public places as shall arise from its use thereof, and shall protect and hold the City harmless from all damages arising from said use. Every such public utility may be required by the City to permit joint use of its property and appurtenances located in the streets, alleys and other public places of the City by the City and other utilities insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefore. In the absence of agreement and upon application by any public utility, the City Commission shall provide for arbitration of the terms, and conditions of such joint use and the compensation to be paid therefore and the arbitration award shall be final.

CHAPTER 15. MISCELLANEOUS

Section 15.1.Records to be Public:

All records of the City shall be made available to the general public in compliance with the Freedom of Information Act, Public Act No. 442 of 1976 (MCL 15.231 et seq.) and shall be kept in City offices except when required for official reasons or for purposes of safekeeping to be elsewhere and shall be available for inspection at all reasonable times.

Section 15.2. Definitions and Interpretations:

Except as otherwise specifically provided or indicated by the context of this charter:

(a) All words indicating the present tense shall not be limited to the time of the adoption of this charter but shall extend to and include the time of the happening of any event or requirement for which provision is made herein.

(b) The singular number shall include the plural, the plural number shall include the singular.

(c) The word "Person" may extend and be applied to bodies politic and corporate and to partnerships as well as to individuals.

(d) The words "printed" and "printing" shall include reproductions by printing, or copying in any manner.

(e) Except in reference to signatures the words "written" and "in writing" shall include any representation of words, letters, symbols, numbers, or figures, whether printed or inscribed on a tangible medium or stored in an electronic or other medium and retrievable in a perceivable form and whether any electronic signature authorized by law is or is not affixed.

(f) The word "officer" shall include the Mayor and other members of the City Commission, the administrative officers, members of boards, commissions, and committees created by or pursuant to this charter.

(g) The word "statute" shall denote the Public Acts of the State of Michigan as they are in effect at the time the provision containing the word "statute" is to be applied.

(h) The word "Constitution" shall denote the Constitution of the State of Michigan as it is in effect at the time the provision containing the word "Constitution" is to be applied.

(i) All references to specific Local or Public Acts shall be to such Local or Public Acts of the State of Michigan as they are in effect at the time the reference to such act is to be applied.

(j) All references to section numbers shall refer to section numbers of this charter.

Section 15.3. Definition of Publication, Mailing of Notices:

(a) Notices or proceedings requiring publication shall, unless otherwise provided by law or this charter, be published as determined by the City Commission. In the event publication is required by law or this charter in a newspaper of general circulation, the City Commission shall designate the newspaper.

(b) In any case where this charter requires the mailing of any notice, the affidavit of the officer or employee responsible for mailing of the notice stating that such notice was mailed shall be prima facie evidence of such mailing.

Section 15.4. Trusts:

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

Section 15.5. Quorum:

A quorum of any board commission, or committee created by or pursuant to this charter shall be a majority of the members of such board, commission, or committee in office at the time, but not less than 2 members.

Section 15.6. Sundays and Holidays:

Whenever the date fixed by this charter or by ordinance for the doing or completion of any act falls on a Sunday or legal holiday, such act shall be done or completed on the next succeeding day which is not a Sunday or legal holiday.

Section 15.7. Penalties for Misconduct in Office:

Any officer of the City found guilty by a court of competent jurisdiction of any act declared by this charter to constitute misconduct in office may be punished by a fine of not to exceed \$500.00 or imprisonment not to exceed 90 days, or both, in the discretion of the court. The punishment provided in this section shall be in addition to that of having the office declared vacant as provided in Section 5.2.

Section 15.8.Index, Chapters, and Section Headings:

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

Section 15.9.Amendments:

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

Section 15.10.Severability of Charter Provisions:

If any provision, section, article or clause of this charter or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect any remaining portion or application of the charter which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determined by the court to be inoperable and to this end this charter is declared to be severable.

Section 15.11.Conflict with State or Federal Law:

If any provision, section, article, or clause of this charter or the application thereof to any person or circumstances conflicts with statute or federal law, the provisions of such statute or federal law shall control.

Section 15.12.Charter Study Group:

Every 10 years the City Commission may appoint a Charter Study Group. The Charter Study Group shall review this charter and make recommendations for changes in this charter. The Charter Study Group shall make its recommendations within 1 year after appointment.

CHAPTER 16. SCHEDULE AND TRANSITIONAL PROVISIONS

Section 16.1.Submission to Referendum:

This charter shall be submitted to a vote of the qualified electors of the City of Munising at a general election to be

held on November 8, 2016. Notice of election shall be given as provided by law and the vote shall be counted and canvassed and the results determined as provided by law.

Section 16.2.Publication of Charter:

Prior to the submission of this charter to the electors of the City, this charter shall be published online and copies made available at the City Clerk's office.

Section 16.3.Form of Ballot:

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

Shall the proposed Charter for the City of Munising drafted by the Charter Commission elected on May 3, 2016, be adopted?

- Yes
- No

Section 16.4.Effective Date of Charter:

If the canvass of the votes on the adoption of the charter show it to have been approved, it shall take effect and become law as the City Charter on the date the Charter is filed with the Secretary of State in accord with MCL 117.24.

Section 16.5.Continuation of Contracts and Obligations:

After the effective date of this charter, the City shall be vested with all property, moneys, contracts, rights, credits, effects, and the records, files, books, digital records and paper belonging to it under and by virtue of the previous charter. 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 resulting from the adoption of this charter, but the same shall stand or proceed as if no change had been made. All debts and liabilities of the City shall continue to be its debts and liabilities and all fines and penalties imposed at the time of such change shall be collected by the City.

Section 16.6.Continuation of Office and Employment:

The adoption of this charter shall not affect the term of any City employee or City officer serving at the time of adoption. Elected or appointed officers serving when this charter becomes effective shall continue in their respective offices until the term to which they were elected or appointed ends.

Section 16.7.Prior City Legislation:

(a) All valid bylaws, ordinances, resolutions, rules and regulations of the City that are not inconsistent with this charter and that are in force and effect on the effective date of this charter shall continue in full force and effect until repealed or amended.

(b) Those provisions of any effective valid bylaw, ordinance, resolution, rule or regulation that are inconsistent with this charter are hereby repealed.

Section 16.8.Status of Chapter:

The purpose of this chapter is to inaugurate the government of the City under this charter and to accomplish the transition from the old to the new charter, and it shall constitute a part of this charter only to the extent and for the time required to accomplish this end.

Section 16.9.History

The City of Munising was incorporated and a charter was adopted on January 26, 1915. The charter was revised and the revision adopted as the Charter of the City of Munising on November 6, 1958.

A Charter Revision Commission was elected on November 2, 1976 and drafted the 1978 proposed charter for the City of Munising, which was adopted on November 7, 1978.

A Charter Revision Commission was elected on May 3, 2016 and drafted this 2016 proposed charter for the City of Munising.

GENERAL INDEX

A

| | Section | Page |
|--|---------|------|
| Abatement of nuisances & hazards, assessments for..... | 10.15 | 44 |
| Absences, excessive - commissioners..... | 5.3 | 16 |
| Accounts - Unified System..... | 8.8 | 33 |
| Action, form of official..... | 7.2 | 25 |
| Adjournment of commission meetings..... | 6.5 | 22 |
| Amendments, of charter..... | 15.9 | 56 |
| of ordinances..... | 7.3 | 25 |
| Administrative service..... | 4.6 | 8 |
| Departments..... | 4.7 | 9 |
| Officers..... | 4.8 | 10 |
| Deputies..... | 4.17 | 14 |
| Relation to commission..... | 4.11 | 11 |
| Adoption - of budget..... | 8.4 | 31 |
| Of charter..... | 16.4 | 57 |
| Of ordinances..... | 7.3 | 25 |
| Amendments - of charter..... | 15.9 | 56 |
| Of ordinances..... | 7.3 | 25 |
| Annual report..... | 8.7 | 32 |
| Anti-nepotism..... | 5.12 | 21 |
| Appointment of administrative officers..... | 4.6 | 8 |
| Assessment roll - city tax roll..... | 9.8 | 35 |
| Collection of..... | 9.11 | 36 |
| Endorsement..... | 9.9 | 35 |
| Preparation of..... | 9.8 | 35 |
| Assessor - function & duties..... | 4.16 | 14 |
| Attorney - compensation..... | 4.13 | 12 |
| Duties & functions..... | 4.12 | 11 |
| Audit, independent..... | 8.7 | 32 |

B

| | | |
|---|---------|----|
| Boards & Commissions - members, eligibility for office..... | 5.1 | 14 |
| Removal from office..... | 5.3 | 16 |
| Board of Health..... | 6.8 | 24 |
| Board of Review..... | 9.4 | 33 |
| -duties & functions..... | 9.6 | 34 |
| -meetings..... | 9.6 | 34 |
| -notice of meetings..... | 9.5 | 34 |
| Bonds and Borrowing..... | Chap.11 | 44 |
| -Emergency Bonds..... | 11.3 | 45 |
| -Issuance of Bonds..... | 11.1 | 44 |
| -Mortgage Bonds for Public Utility Acquisition..... | 11.5 | 45 |
| -Proceeds of Bonds..... | 11.2 | 45 |
| -Special Assessment Bonds..... | 11.4 | 45 |
| Boundaries..... | 1.1 | 1 |
| Budget - adoption..... | 8.4 | 31 |
| Control..... | 8.5 | 31 |
| Hearing..... | 8.3 | 31 |
| Procedure..... | 8.2 | 30 |
| Reporting to the commission on..... | 8.5 | 31 |

C

| | Section | Page |
|---|---------|-------|
| Canvass of votes..... | 3.13 | 6 |
| Certification of tax levy..... | 9.7 | 35 |
| Charter - amendments..... | 15.9 | 56 |
| Ballot..... | 16.3 | 57 |
| Effective date..... | 16.4 | 57 |
| Schedule..... | Chap.16 | 56 |
| Severability of provisions..... | 4.13 | 12 |
| Status of chapter..... | 16.8 | 58 |
| City attorney - compensation..... | 4.13 | 12 |
| Duties & functions..... | 4.12 | 11 |
| City manager - acting..... | 4.10 | 11 |
| Appointment..... | 4.7 | 9 |
| Duties & functions..... | 4.8 | 10 |
| Qualifications for..... | 4.7 | 9 |
| City officers & personnel | | |
| -compensation..... | 5.13 | 21 |
| -delivery of office to successor..... | 5.10 | 19 |
| -eligibility..... | 5.1 | 14 |
| -removals..... | 5.3 | 16 |
| -resignations..... | 5.4 | 17 |
| -vacancies..... | 5.2&5.5 | 15-17 |
| City Organization..... | Chap 4 | 7 |
| -city commission..... | 4.2 | 7 |
| -commission - manager..... | 4.1 | 7 |
| -meetings..... | 4.3 | 7 |
| Clerk - Functions & Duties..... | 4.14 | 12 |
| -to certify tax levy..... | 9.7 | 35 |
| Codification of Ordinances..... | 7.4 | 26 |
| Commission..... | 4.2 | 7 |
| -borrowing power..... | Chap.11 | 44 |
| -investigations..... | 6.10 | 24 |
| -meetings..... | Chap.6 | 21 |
| -compulsory attendance..... | 6.6 | 22 |
| -conduct..... | 6.6 | 22 |
| -open to public..... | 6.4 | 22 |
| -quorum..... | 6.5 | 22 |
| -regular..... | 6.1 | 21 |
| -special..... | 6.2 | 22 |
| -business of..... | 6.3 | 22 |
| -organization..... | 6.7 | 23 |
| -public health & safety..... | 6.8 | 24 |
| -relationship to administrative services..... | 4.11 | 11 |
| -rules..... | 6.7 | 23 |
| Commissioner - compensation..... | 4.5 | 8 |
| Excessive absence..... | 5.2d | 16 |
| Number..... | 4.2 | 7 |
| Compensation - attorney..... | 4.13 | 12 |
| Commissioners..... | 4.5 | 8 |
| Employees & officers..... | 5.13 | 21 |
| Mayor..... | 4.5 | 8 |
| No change..... | 5.6 | 18 |
| Contracts..... | 12.2 | 47 |

D

| | Section | Page |
|-------------------------------------|---------|------|
| Definitions..... | 15.3 | 55 |
| Delinquent Assessments..... | 10.13 | 42 |
| -tax roll..... | 9.13 | 37 |
| Depository, designation of..... | 8.6 | 32 |
| Deputy Administrative Officers..... | 4.17 | 14 |
| Due Date Taxes..... | 9.10 | 36 |

E

| | | |
|----------------------------------|-----------|------|
| Effective Date - of Charter..... | 16.4 | 57 |
| Of ordinances..... | 7.3 | 25 |
| Election Commission..... | 3.11 | 5 |
| Elections..... | Chap.3 | 2 |
| -adoption of charter..... | 16.4 | 57 |
| -ballot, form of..... | 3.14&16.3 | 6&57 |
| -canvass of votes..... | 3.13 | 6 |
| -commission..... | 3.11 | 5 |
| -date..... | 3.4 | 3 |
| -mayor & mayor pro-tem..... | 4.3 | 7 |
| -notice..... | 3.7 | 3 |
| -petitions..... | 3.10 | 4 |
| -primary, non-partisan..... | 3.5 | 3 |
| -procedures..... | 3.2 | 2 |
| -recall..... | 3.16 | 7 |
| -recount..... | 3.15 | 6 |
| -special..... | 3.6 | 3 |
| -tie-vote..... | 3.14 | 6 |
| -voting hours..... | 3.8 | 4 |
| -wards & precincts..... | 3.3 | 2 |
| Elective Officer & Terms..... | 3.9 | 4 |
| Electors..... | 3.1 | 2 |

F

| | | |
|---------------------------------------|---------|----|
| Finance, general..... | Chap.8 | 30 |
| Financial Interests-Prohibitions..... | 5.11 | 20 |
| Fiscal Year..... | 8.1 | 30 |
| Form of Government..... | 4.1 | 7 |
| Franchises | | |
| Continued in Effect..... | 14.1 | 51 |
| Ordinance..... | 14.2 | 51 |
| Public Utilities..... | Chap.14 | 51 |
| Utilities - condition of..... | 14.3 | 52 |
| Granting of..... | 14.2 | 51 |

H

| | | |
|------------------------|------|----|
| Health - Board of..... | 6.8 | 24 |
| History | 16.9 | 58 |

I

| | Section | Page |
|--------------------------------------|---------|------|
| Index..... | 15.8 | 56 |
| Initiative..... | 7.11 | 29 |
| Initiatory Petitions..... | 7.9 | 28 |
| Commission procedure on..... | 7.11 | 29 |
| Misc. Provisions..... | 7.12 | 30 |
| Submission to electors..... | 7.11 | 29 |
| Inspection of Records by Public..... | 15.1 | 53 |
| Interpretation of Words..... | 15.2 | 54 |
| Investigation by Commission..... | 6.10 | 24 |

J

| | | |
|--|------|----|
| Journal of Commission Proceedings..... | 6.7a | 23 |
|--|------|----|

L

| | | |
|-----------------------------------|---------|----|
| Leases - continued effect of..... | 12.2 | 47 |
| In general..... | Chap.12 | 46 |
| Restrictions..... | 12.3 | 48 |
| Legislation..... | Chap.7 | 25 |
| -ordinance..... | 7.2 | 25 |
| -prior..... | 7.1 | 25 |
| -resolution..... | 7.2 | 25 |
| -special requirements..... | 7.7 | 27 |
| Lien -special assessments..... | 10.13 | 42 |
| Tax..... | 9.13 | 37 |
| Limits - of taxation..... | 9.1 | 33 |

M

| | | |
|---------------------------|------------|-------|
| Mayor | | |
| Compensation..... | 4.5 | 8 |
| Duties..... | 4.4 | 8 |
| Election..... | 4.3 | 7 |
| Mayor Pro-tem | | |
| Duties..... | 4.3 | 7 |
| Election..... | 4.3 | 7 |
| Meetings | | |
| Board of Review..... | 9.5 | 34 |
| Commission - Regular..... | 6.1 | 21 |
| Commission - Special..... | 6.2 | 22 |
| Misconduct in office..... | 5.11&6.6 | 20-22 |
| | 6.7c &6.10 | 23-24 |
| -penalties..... | 5.3b&15.7 | |
| 16&55 | | |
| Municipal Powers..... | Chap.2 | 1 |

N

| | Section | Page |
|--|---------|------|
| Name of City..... | 1.1 | 1 |
| Nominations-method of..... | 3.10 | 4 |
| Notices - adoption of assessments..... | 10.10 | 41 |
| Board of Review..... | 9.5 | 34 |
| Elections..... | 3.7 | 3 |
| Publication & mailing..... | 15.3 | 55 |
| Resolution..... | 7.7a | 27 |
| Notification of Taxes Due..... | 9.10 | 36 |

O

| | | |
|---------------------------------------|--------|----|
| Oath of Office..... | 5.7 | 18 |
| Ordinance Book, requirements for..... | 7.4 | 26 |
| Ordinances..... | 7.2 | 25 |
| -amendment..... | 7.3 | 25 |
| -effective date of..... | 7.3 | 25 |
| -enactment..... | 7.3 | 25 |
| -initiative & referendum..... | 7.11 | 29 |
| -submission to electors..... | 7.11 | 29 |
| -penalties..... | 7.5 | 27 |
| -prior force of..... | 7.1 | 25 |
| -prosecution of violations..... | 7.6 | 27 |
| -publication & recording..... | 7.4 | 26 |
| -repeal..... | 7.3 | 25 |
| -severability..... | 7.8 | 28 |
| -suspension..... | 7.12 | 30 |
| Organization of Government..... | Chap.4 | 7 |

P

| | | |
|---|------------|-------|
| Penalties - for misconduct in office..... | 5.3b&15.10 | 16&56 |
| For violations of ordinances..... | 7.5 | 27 |
| Petitions | | |
| Determination of validity..... | 3.11 | 5 |
| Elective offices..... | 3.10 | 4 |
| Approval..... | 3.10 | 4 |
| Public inspection..... | 3.10c | 5 |
| Initiatory..... | 7.9&7.12 | 28&30 |
| Commission procedure..... | 7.10 | 29 |
| Miscellaneous provisions..... | 7.12 | 30 |
| Submission to electors..... | 7.11 | 29 |
| Referendary..... | 7.9&7.12 | 28&30 |
| Commission procedures..... | 7.11 | 29 |
| Miscellaneous provisions..... | 7.12 | 30 |
| Submission to electors..... | 7.11 | 29 |
| Powers - general..... | 2.1 | 1 |
| Municipal..... | Chap.2 | 1 |
| Power to Tax..... | 9.1 | 33 |
| Procedure of Commission..... | Chap.6 | 22 |

| | | |
|---------------------------------|------|----|
| Property- city disposal of..... | 13.5 | 50 |
| City purchase of..... | 12.1 | 46 |
| City sale of..... | 12.1 | 46 |

| | Section | Page |
|--|---------|------|
| Public Hearing | | |
| -on budget..... | 8.3 | 31 |
| - on streets, alleys, etc..... | 7.7 | 27 |
| Purchase & Sale of Property..... | 12.1 | 46 |
| Financial interest prohibited..... | 5.11 | 20 |
| Restrictions on leasing & renting..... | 12.3 | 48 |

Q

| | | |
|--------------------|------|----|
| Quorum..... | 15.5 | 55 |
| Of Commission..... | 6.5 | 22 |

R

| | | |
|---|------|----|
| Rates of Municipal Utilities..... | 13.3 | 49 |
| Rates, Regulations of - Public Utilities..... | 14.4 | 53 |
| Recall..... | 3.16 | 7 |
| Recording, Ordinances..... | 7.4 | 26 |
| Records, Public..... | 15.1 | 53 |
| Recount..... | 3.15 | 6 |
| Referendum..... | 7.9 | 28 |
| Misc. Provisions..... | 7.12 | 30 |
| Petition..... | 7.9 | 28 |
| Procedure..... | 7.10 | 29 |
| Regular, Meetings..... | 6.1 | 21 |
| Relationship | | |
| Commission to Administrative Services..... | 4.11 | 11 |
| Removals | | |
| Elected Officials..... | 5.3 | 16 |
| City Manager..... | 4.7 | 9 |
| Repeal, Ordinance..... | 7.3 | 25 |
| Report, Annual Audit..... | 8.7 | 32 |
| Requirements, Special for Certain Commission Actions..... | 7.7 | 27 |
| Resignation..... | 5.4 | 17 |
| Resolutions and Ordinances..... | 7.2 | 25 |
| Review - Board..... | 9.4 | 33 |
| Duties and functions..... | 9.6 | 34 |
| Meetings..... | 9.5 | 34 |
| Certified for Collection..... | 9.9 | 35 |
| City Tax..... | 9.8 | 35 |
| Delinquents to County Treasurer..... | 9.13 | 37 |
| Endorsement..... | 9.8 | 35 |

S

| | | |
|----------------------------|------|----|
| Sale of Property..... | 12.1 | 46 |
| Safety, Providing for..... | 6.8 | 24 |

| | | |
|------------------------------|------|----|
| Section Headings..... | 15.8 | 56 |
| Service, Administrative..... | 4.7 | 9 |
| Severability | | |

| | | |
|-------------------------|-------|----|
| Charter Provisions..... | 15.10 | 56 |
| Ordinances..... | 7.10 | 29 |

| | Section | Page |
|--|------------|-------|
| Special Assessments..... | Chap.10 | 38 |
| Accounts - Refunds..... | 10.16 | 44 |
| Additional..... | 10.2 | 38 |
| Adoption Notice..... | 10.10 | 41 |
| Confirmation Final..... | 10.12 | 42 |
| Correction of Invalid..... | 10.2 | 38 |
| Directions to Assessor..... | 10.7 | 40 |
| Estimates..... | 10.6 | 40 |
| Frontage or Benefit..... | 10.9 | 41 |
| General Powers..... | 10.1 | 38 |
| Lien and Collection..... | 10.13 | 42 |
| Objection to..... | 10.11 | 42 |
| Ordered by Petition or Resolution..... | 10.3 | 39 |
| Petitions, Contents..... | 10.4 | 39 |
| Petitions, Sufficiency..... | 10.5 | 40 |
| Powers..... | 10.1&10.14 | 38&43 |
| Preparation of Roll..... | 10.8 | 40 |
| Removal of Hazards..... | 10.15 | 44 |
| Roll..... | 10.7&10.8 | 40 |
| Special | | |
| Business at Special Meeting..... | 6.3 | 22 |
| Counsel..... | 4.12g | 12 |
| Elections..... | 3.6 | 3 |
| Meetings..... | 6.2 | 22 |
| Sundays and Holidays..... | 15.6 | 55 |
| Surety Bonds..... | 5.8 | 19 |

T

| | | |
|--|---------|----|
| Taxation..... | Chap. 9 | 33 |
| Collection Fees..... | 9.13 | 37 |
| Limit..... | 9.1 | 33 |
| Power to Tax..... | 9.1 | 33 |
| Subjects..... | 9.2 | 33 |
| Tax Delinquent Roll to County Treasurer..... | 9.13 | 37 |
| Tax Due Notification..... | 9.10 | 36 |
| Tax, Failure or Refusal to pay..... | 9.12 | 37 |
| Tax, Levy, City Tax Roll..... | 9.8 | 35 |
| Tax Levy, Clerk Certification..... | 9.7 | 35 |
| Tax, State, County and School..... | 9.14 | 37 |
| Terms | | |
| Changes During..... | 5.6 | 18 |
| Elective Offices..... | 3.9 | 4 |
| Tie Votes..... | 3.14 | 6 |
| Treasurer | | |

| | | |
|---------------------------|-------|----|
| Functions and Duties..... | 4.15 | 13 |
| Trusts..... | .15.4 | 55 |

Section Page

U

| | | |
|--------------------------------------|----------|----|
| Uniform System of Accounts..... | 8.8 | 33 |
| Utilities, Franchises..... | Chap. 14 | 51 |
| Conditions..... | 14.3 | 52 |
| Granting of..... | 14.2 | 51 |
| Regulation of Rates..... | 14.4 | 53 |
| Remain in Effect..... | 14.1 | 51 |
| Use of Public Places by..... | 14.5 | 53 |
| Utilities, Municipal..... | Chap. 13 | 49 |
| Charges and collections..... | 13.4 | 50 |
| Disposal of Plants and Property..... | 13.5 | 50 |
| Finances..... | 13.6 | 51 |
| Management..... | 13.2 | 49 |
| Powers..... | 13.1 | 49 |
| Rates..... | 13.3 | 49 |

V

| | | |
|------------------------------------|------|----|
| Vacancies | | |
| Declaring in Elective Offices..... | 5.2 | 15 |
| Filling of..... | 5.5 | 17 |
| Violations | | |
| Penalties for..... | 7.5 | 27 |
| Votes | | |
| Canvass of..... | 3.13 | 6 |
| Tie..... | 3.14 | 6 |
| Voting Hours..... | 3.8 | 4 |

W

| | | |
|------------------------|------|----|
| Wards..... | 3.3 | 2 |
| Wards-definitions..... | 15.2 | 54 |

Y

| | | |
|-------------------|-----|----|
| Year, Fiscal..... | 8.1 | 30 |
|-------------------|-----|----|