THE VILLAGE OF DEXTER
CITY CHARTER COMMISSION
Wednesday, June 18, 2014
******* 6:30 pm – Regular Meeting ******
COPELAND BOARD ROOM – 7714 ANN ARBOR STREET

A. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE

B. APPROVAL OF AGENDA

C. APPROVAL OF THE MINUTES

1. Regular Meeting – April 9, 2014

D. NON-ARRANGED PARTICIPATION

Those addressing the Commission will state their name, and address. This section is limited to 5-minutes per participant or 10-minutes for group representatives.

E. PUBLIC HEARINGS

Those addressing the Commission will state their name, and address. This section is limited to 5-minutes per participant or 10-minutes for group representatives.

F. CHARTER CONSTRUCTION

1. Review of Changes Requested by Attorney General

Tom Ryan will be attending the meeting to review the proposed changes.

The Commission can take action on the changes if the Attorney General has approved the draft that was submitted to them on June 13, 2014

G. OTHER ITEMS AS REQUESTED BY COMMISSIONERS

H. AGENDA PREPARATION FOR THE NEXT MEETING

If necessary

I. NON-ARRANGED PARTICIPATION

Those addressing the Commission will state their name, and address. This section is limited to 5-minutes per participant or 10-minutes for group representatives.

J. ADJOURNMENT

Adjournment will be at or before 8:30 p.m. unless a continuation is ordered by a majority vote of the Commission.

THE VILLAGE OF DEXTER
CITY CHARTER COMMISSION
MINUTES OF THE WEDNESDAY, APRIL 9, 2014 MEETING

A. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:30PM by Chairman Hansen at the Copeland Board Room located at 7714 Ann Arbor Street in Dexter, Michigan.

B. ROLL CALL: Phil Arbour, Jack Donaldson, John Hansen, Matt Kowalski, Mary-Ellen Miller, Thom Phillips, Michael Raatz, and James Smith. Phil Mekas was absent.

Also present: Courtney Nicholls, Assistant Village Manager and Carol Jones, Village Clerk, Jim Carson and Donna Fisher, Village Trustees; Lee Knapp, Martha DeCamp, and JD Boydston, residents and Jim Pruitt of the Heritage News.

C. APPROVAL OF THE AGENDA

Motion Phil Arbour; support Jack Donaldson to approve the agenda with the addition of comments from residents under the Charter Construction section.
Unanimous voice vote approval with Mekas absent.

D. APPROVAL OF THE MINUTES

1. Regular Meeting – April 2, 2014
   Motion Phil Arbour; support Matt Kowalski to approve the minutes as presented.
   Unanimous voice vote approval with Mekas absent.

E. NON-ARRANGED PARTICIPATION

Martha DeCamp inquired about a term in the charter – ad valorem and looking for a summary of governance differences between a city and a village. Ms. Nicholls gave the definition for ad valorem and explained that the differences will most likely be highlighted prior to the November election.

Jim Carson of thanked all of the Commissioners for their commitment to the charter preparation.

Donna Fisher, JD Boydston and Lee Knapp also expressed thanks to the Commissioners for their work.

F. PUBLIC HEARINGS

None

G. CHARTER CONSTRUCTION

1. Final Review of Proposed Charter

Reviewed the prepared comments from Daryl Albright and responses from Attorney Tom Ryan. Many of the comments had already been corrected or addressed. Motion Mary-Ellen Miller; support Jack Donaldson to remove the name of Sun Times from Section 16.05 (a) and add the wording "official paper of record for the Village of Dexter".
Unanimous voice vote approval with Mekas absent.

Reviewed the prepared comments from JD Boydston and responses from Attorney Tom Ryan. Mr. Boydston was present and his comments were discussed. The following changes were agreed upon: (a) Section 9.09 change the last line to read..."The auditor's audited financial statements shall be made available to the public in such form as will disclose pertinent facts concerning the activities and finances of the city government." (b) Section 10.20 add the word tax between property and is to read..."The City Treasurer may also sue the person to whom a personal property tax is assessed, in accordance with the powers granted by state law." (c) Section 12.08 change the last line the section from... "or for any other purpose permitted by state law" to read "in accordance with Section 12.03".
Changes agreed upon by commissioners.

Motion Mary-Ellen Miller; support Phil Arbour to add the term ad valorem to the list of definitions in Section 15.11.
Unanimous voice vote approval with Mekas absent.

Also suggested was to place quotation marks around the word estoppel in Section 15.11 (h).

2. Consideration of: Resolution to send the draft to the Attorney General

Motion Phil Arbour; support James Smith at the April 9, 2014 meeting of the Charter Commission it was resolved, that the Charter Commission of the Village of Dexter does hereby adopt the foregoing proposed City of Dexter Charter and the Clerk of this Commission is hereby instructed to transmit the same to the office of the honorable Richard Snyder, Governor of the State of Michigan in accordance with the provisions of the statute, for his approval.

Ayes: John Hansen, Philip Arbour, Jack Donaldson, Matthew Kowalski, Mary-Ellen Miller, Thomas Phillips; Michael Raatz and James Smith.
Nays: None
Absent: Phillip Mekas
Motion carries.

3. Consideration of: Cancellation of remaining April meetings

Motion Michael Raatz; support Matt Kowalski to cancel the remaining April meetings.
Unanimous voice vote with Mekas absent.

I. OTHER ITEMS AS REQUESTED BY COMMISSIONERS

None

J. AGENDA PREPARATION FOR THE NEXT MEETING

Next meeting will be held once feedback is received from the Attorney General.

K. NON-ARRANGED PARTICIPATION

None

L. ADJOURNMENT

Motion Phil Arbour; support James Smith to adjourn at 7:24 PM.
Unanimous voice vote approval with Mekas absent.

Respectfully submitted,
Carol J. Jones
Clerk, Village of Dexter

Approved for Filing:_____

VILLAGE OF DEXTER

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MEMO

To: City Charter Commission
From: Courtney Nicholls, Assistant Village Manager
Date: June 13, 2014
Re: Updates

On Wednesday, June 11, 2014 Tom Ryan and I had a conference call with George Elworth and Jim Kelly of the Michigan Attorney General's Office. The AG's office does not provide written comments on the charter; the comments are provided through the conference call. The changes that they requested have been made to the document, which was sent back to them for their review. They got back to us and said that they will be reviewing the document Monday and hope to be able to get back to us that the changes match our conversation by the end of the day.

Most of the items were very minor in nature. A description of the main items is provided below. Tom Ryan will be attending the meeting to answer questions.

They did find a discrepancy in the succession of the Mayor Pro Tem to Mayor. One section said that the Pro Tem would fill the Mayor seat on an interim basis in case of a vacancy and one said that he or she would take over the position. We updated the document to reflect that the Mayor Pro Tem would take over the position until the next general election. They also didn't like the language about having a special election if Council fails to act on a vacancy due to the complications with timing and Election Law. They suggested we use the Jonesville language, which requires Council to fill the vacancy.

In Section 6.02 regarding calling special meetings, they wanted language that clearly stated how Council Members would be informed of a special meeting, so we added e-mail and personal service since that is how it is done currently.

In the legislation chapter they suggested removing several of the items that were listed as required to be passed via ordinance. The reason was to prevent a situation where these ordinances could be subject to a referendum, which in some cases is prohibited by state law. This particular section of the Charter came from the model charter not Jonesville/Caro. The changes made in the draft charter reflect what we do currently. In the case of borrowing money, some methods require an ordinance, but that is mandated in state law. We currently do not regulate land use and development via ordinance, unless the process requires a zoning ordinance change. We also do not adopt an ordinance to adopt the budget, it is done by resolution.

If the conference call goes well Monday and the Commission is agreeable to the changes we can get the final document to the Governor on Thursday, June 19.

As a reminder the filing deadline for city offices is July 22, 2014.

Proposed Charter for the City of Dexter

Adopted by the City Charter Commission

With Attorney General Suggested Changes – June 13, 2014

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PREAMBLE

We the people of the City of Dexter, under the constitution and laws of the State of Michigan, in order to secure the benefits of local self-government and to provide for an honest and accountable government, do hereby adopt this charter and confer upon the city the following powers, subject to the following restrictions, and prescribed by the following procedures and governmental structure. By this action, we secure the benefits of home rule and affirm the values of representative democracy, professional management, effective political leadership, citizen participation, diversity and inclusiveness and regional cooperation.

ARTICLE 1
NAME AND BOUNDARIES

Section 1.01 NAME

The Municipal Corporation now existing and known as the Village of Dexter shall continue as a body corporate and shall henceforth be known as and include the territory constituting the City of Dexter, Washtenaw County, State of Michigan, on the effective date of this charter.

Section 1.02 BOUNDARIES

The City shall embrace the territory comprising the existing Village of Dexter on the effective date of this charter and additional tracts of land situated in the Townships of Scio and Webster in the county of Washtenaw as described in a certified copy of the FINAL ORDER OF THE STATE BOUNDARY COMMISSION approving the incorporation of the territory described therein on May 24, 2013, together with such annexations and less such detachments as may occur. Upon annexation or detachment of territory, the boundaries shall be deemed changed without amendment to this section. The City Clerk shall maintain and keep available in the Clerk's office for public inspection the legal description and map of the current boundaries of the City.

Section 1.03 WARDS

The city shall consist of one single ward.

ARTICLE 2
GENERAL MUNICIPAL POWERS

Section 2.01 GENERAL POWERS

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

Section 2.02 ADDITIONAL POWERS OF THE CITY

The city and its officers shall have power to exercise all municipal powers in managing and controlling municipal property and in administering the municipal government, whether such powers are expressly enumerated or not; to do any act to advance the interests of the city, the good governance, and prosperity of the municipality and its residents; and, through its regularly constituted authority, to pass and enforce all ~~laws~~ ordinances relating to its municipal concerns subject to the constitution and laws of the State of Michigan and the provisions of this charter.

Section 2.03 INTERPRETATION OF GENERAL POWERS

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

Section 2.04 INTERGOVERNMENTAL RELATIONS

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

ARTICLE 3
ORGANIZATION OF GOVERNMENT

Section 3.01 FORM

The city shall have a Council-Manager, non–partisan form of government.

Section 3.02 CITY COUNCIL COMPOSITION AND POWER

There shall be a City Council consisting of six (6) Council Members and the Mayor who shall be deemed a Council Member for all purposes. All legislative and governing powers of the city shall be vested in the City Council. The Council shall have the power and authority to adopt such ordinances and resolutions as it shall deem proper in the exercise of its power.

Section 3.03 TERM OF OFFICE FOR MAYOR AND COUNCIL MEMBERS

(a) There shall be a regular city election held in each odd numbered year.

(b) There shall be elected from the city at large, a Mayor for a term of four (4) years and six (6) Council Members for terms of four (4) years each.

(c) At one regular election, three (3) Council Members and the Mayor shall be elected. At the following regular election, three (3) Council Members shall be elected.

(d) All terms of office shall commence at the first regularly scheduled or special meeting of Council following the date of the election certification.

Section 3.04 COMPENSATION OF MAYOR AND COUNCIL MEMBERS

The Council shall by ordinance set compensation to be received by the Mayor and Council Members. No ordinance increasing such compensation shall become effective until the date of commencement of the terms of Council Members elected at the next regular election. The Mayor and Council Members shall receive their actual and necessary expenses incurred in the performance of their duties of office.

Section 3.05 MAYOR - POWERS AND DUTIES

The Mayor shall:

(a) Be a voting member of City Council and preside at all meetings of the Council without veto power,

(b) Authenticate by signature such instruments as may be required under provisions of law,

(c) Present an annual State of the City message at a time of year as determined by City Council; the Council may direct that the message be delivered at a public meeting; the message shall be distributed to residents using the city newsletter,

(d) Appoint the members of Council committees and assign agenda items to committees subject to the consent of Council,

(e) Appoint, with the advice and consent of the Council, the members of citizen advisory boards, committees, authorities and commissions,

(f) Be the chief executive officer of the city insofar as required by law and for all ceremonial purposes,

(g) Represent the city in intergovernmental relationships,

(h) Be the conservator of the peace and have the powers conferred by law upon sheriffs in times of emergency to suppress disorder, preserve the public peace and the health and safety of persons and property and have other emergency powers as permitted by state law, and

(i) Perform other duties specified by the Council.

Section 3.06 MAYOR PRO-TEM

The Council shall elect from among its members a Mayor Pro-Tem who shall act in place of the Mayor in the absence or disability of the Mayor and serve as Mayor ~~on an interim basis~~ in the case of a vacancy in that office~~.~~ If the Mayor Pro Tem takes over the Mayoral position, Council shall fill the vacancy that is created on Council in accordance with the procedures in Section 5.05. The Mayor Pro-Tem shall serve as Mayor until the next regular city general election.

Section 3.07 COUNCIL'S DEALINGS WITH ADMINISTRATIVE SERVICES

Except for the purpose of inquiries and investigations under Section 6.06 of this charter, the Council Members shall deal with city officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager. Individual Council Members shall not give orders to any such officer or employee, either publicly or privately.

Neither the City Council nor any of its members shall in any manner control or demand the appointment or removal of any city administrative officer or employee whom the City Manager or any subordinate of the City Manager is empowered to appoint. The Council

may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

ARTICLE 4
ELECTIONS

Section 4.01 QUALIFICATIONS OF ELECTORS

The residents of the city having the qualifications of electors in the State of Michigan who are registered in the city shall be electors in the city.

Section 4.02 PROCEDURE

The election of the Mayor and six (6) Council Members shall be on a non-partisan basis. The general election statutes shall apply to and control all procedures relating to city elections, including qualification of electors, establishment of precincts, verification of petitions, registration of voters and voting hours. The City Clerk shall give public notice of each city election as required by Michigan Election Law.

Section 4.03 PRECINCTS

The election precincts of the city shall remain as they existed on the effective date of this charter unless altered by the Elections Commission in accordance with state law.

Section 4.04 DATE OF REGULAR CITY ELECTIONS

A non-partisan regular city election shall be held on the first Tuesday following the first Monday of November of odd numbered years.

Section 4.05 SPECIAL ELECTION DATES

Unless otherwise specified by this charter, special city elections shall be called by resolution of the Council in accordance with state law. Any resolution calling a special election shall set forth the purpose of such election. There shall be no more than two (2) special elections in one (1) calendar year, unless otherwise permitted or required by state law.

Section 4.06 NOTICE

Notice of the time and place of holding any city election and of the offices to be filled and the questions to be voted upon shall be given by the City Clerk as provided in the state law.

Section 4.07 VOTING HOURS

The polls of all elections shall be opened and closed in accordance with state law.

Section 4.08 NOMINATIONS – GENERAL

The method of nomination for all candidates for city offices shall be by petition as set forth in state law.

Section 4.09 NOMINATIONS – FORM OF PETITION

The form shall be as designated by the Secretary of State for the nomination of non-partisan officers. The City Clerk shall provide and maintain a supply of official petition forms.

Section 4.10 NOMINATIONS – APPROVAL OF PETITIONS

The City Clerk shall only accept nominating petitions which conform with the forms provided and maintained by the City Clerk. The nominating petitions shall be submitted in accordance with the state deadline for filing petitions. The City Clerk shall publish a notice with the filing deadline a minimum of four (4) weeks prior to the deadline.

The petition sheet(s) shall contain a minimum of fifteen (15) and a maximum of thirty (30) signatures of registered city electors. Petitions shall be accepted only when accompanied by an Affidavit of Identity as required by Michigan Election Law.

The City Clerk shall, within two (2) business days after filing, examine the petitions and investigate the validity and genuineness of signatures submitted; and, after the last day specified for receiving and filing nominating petitions, shall certify to the Election Commission the name and post office address of each candidate whose petitions meet the requirements set forth in the election act.

The City Clerk shall immediately notify the candidates in writing of the City Clerk's determination. Objections to the City Clerk's determination shall be filed by sworn complaint with the County Clerk or as otherwise provided by state law.

Section 4.11 NOMINATIONS – CANDIDATES TO RUN FOR ONE OFFICE ONLY

The City Clerk shall not accept nominating petitions for the election of any candidate for more than one office. However, if a candidate withdraws the filed petition for election to any elective office prior to the last day for filing petitions, the candidate may thereafter file petitions for another office by the last day for filing petitions.

Section 4.12 NOMINATIONS – WITHDRAWAL OF CANDIDATE

After the filing of a nominating petition by or on behalf of a proposed candidate for a city office, the candidate shall not be permitted to withdraw, unless a written notice of withdrawal is served on the City Clerk not later than 4:00 p.m. on the third business day after the last day for filing petitions as provided for in this charter.

Section 4.13 PUBLIC INSPECTION OF PETITIONS

All nominating petitions filed shall be open to public inspection in the office of the City Clerk.

Section 4.14 ELECTION COMMISSION – CREATED, COMPOSITION, DUTIES, AND COMPENSATION

An Election Commission is hereby created consisting of the City Clerk, who shall serve as the Chair, and two members appointed by City Council. The members appointed by City Council shall be one (1) qualified registered city elector and one (1) member of City Council. The City Attorney shall serve as an ex-officio (non-voting) member.

The Election Commission shall be appointed for a term of two (2) years as part of the Council's adoption of the Resolution of Organizational Matters. The qualified registered elector and City Council Member of the Election Commission shall be persons whose names will not appear on the ballot for any elective office during their terms on the Commission. The Council shall determine compensation, if any, of the members of the Election Commission.

Two (2) members of the board shall constitute a quorum.

The Commission shall appoint election personnel, including the Board of Election Inspectors for each precinct, and have charge of all activities and duties required of it by statute and this charter relating to the conduct of elections in the city. In any case where election procedure is in doubt, the Election Commission shall prescribe the procedure to be followed.

The compensation of the election personnel, including the Board of Election Inspectors, shall be determined, in advance, by the Council.

Section 4.15 FORM OF BALLOT

The form, printing and numbering of ballots, or the preparation of the voting machines used in any city election, shall conform to that prescribed by statute, except that no party designation or emblem shall appear.

Section 4.16 CUSTODY AND SAFEKEEPING OF REGISTRATION LISTS AND SUPPLIES

The City Clerk shall be responsible for the custody and safekeeping of all registration lists and supplies.

Section 4.17 ABSENTEE BALLOTS

The electors of the city shall be entitled to vote by absentee ballots at any city election as provided by statute.

Section 4.18 DETERMINATION OF ELECTION ENDING IN A TIE VOTE

If, at any city election, there shall be no choice between candidates by reason of two (2) or more persons having received an equal number of votes, then the Washtenaw County Board of Canvassers shall name a date for the appearance of such persons for the purpose of determining the election of such candidates by lot as provided by statute.

Section 4.19 RECOUNT

A recount of the votes cast at any city election for any office or upon any proposition may be had in accordance with the state statute.

Section 4.20 INTERIM ELECTION CYCLE

The City Council and Mayor shall be elected subject to Section 16.05 of this charter.

Section 4.21 RECALL

Any elected official may be recalled from office by the electors of the City in the manner provided by statute. ~~The temporary vacancy of the recalled official(s) shall be filled in accordance with Section 5.05 of this charter and shall be effective until a successor is elected under the provisions of this Charter.~~

Section 4.22 NOTICE OF ELECTION, ACCEPTANCE OF OFFICE

The City Clerk shall give notice of the election as Mayor or Council Member within five (5) days after the certification of the election by the Board of Canvassers. If within twenty (20) days from the date of notice, such elected official shall not take, subscribe and file with the City Clerk their oath of office, such neglect shall be deemed a refusal to serve and the elected office shall thereupon be deemed vacant.

ARTICLE 5

GENERAL PROVISIONS REGARDING OFFICERS AND PERSONNEL

Section 5.01 ELIGIBILITY FOR OFFICE

(a) Any candidate for elected office must be a registered voter in the city for a minimum of one (1) year prior to the date of the election. A Council Member or Mayor who is appointed must be a registered voter of the city for a minimum of one (1) year prior to the date of appointment.

(b) No person who is in default to the city shall be eligible for any elective or appointive position. The holding of office by any person who is in default shall create a vacancy unless such default shall be eliminated within thirty (30) days after written notice thereof has been served at the person's last known place of residence by the City Clerk, upon the direction of the Council; or unless the officer contests the liability for default in a court of competent jurisdiction.

(c) No person who holds or has held an elected office for the city shall be eligible to hold any appointive office for which there is compensation paid by the city until one year has elapsed following retirement or resignation, unless a waiver is granted by the Council by two-thirds (2/3) vote. This provision shall not apply to appointments where nominal compensation may be paid by the city.

(d) No administrative officer, person holding an appointive position, or employee shall hold an elective office of the city unless the person resigns the position with the city upon election or appointment to elective city office.

Section 5.02 HOLDING OF APPOINTIVE OFFICE OR EMPLOYMENT BY RELATIVE OF ELECTIVE OR ADMINISTRATIVE OFFICER

Unless the Council shall by two-thirds (2/3) vote record as part of its official proceedings, a determination that the best interests of the city shall be served, family members of any elective or administrative officer are disqualified from holding any appointive office or employment during the term for which said elective or appointive officer was elected or appointed. This section shall in no way disqualify such family members who are bona fide appointive officers or employees of the city at the time of the election or appointment of said official.

Section 5.03 OATH OF OFFICE AND BOND REQUIRED

Every officer, elective or appointive, before entering into the duties of that office, shall qualify by taking the oath of office prescribed for public officers by the Constitution of the State of Michigan, and by filing the oath with the City Clerk, together with any bond

required by statute, this charter, or by the Council. In case of failure to comply with the provisions of this section within twenty (20) days from the date of notification of the person's election or appointment, such officer shall be deemed to have declined the office and such office shall thereupon become vacant unless the Council shall, by resolution, extend the time in which such officer may qualify as above set forth.

Section 5.04 DELIVERY OF EFFECTS OF OFFICE TO SUCCESSOR OR SUPERIOR WHEN OFFICER OR EMPLOYEE CEASES TO HOLD OFFICE

Whenever any officer or employee shall cease to hold such office or employment for any reason whatsoever, said officer or employee shall within five (5) days, or sooner on demand, deliver to the successor in office or to that officer's or employee's superior all the books, papers, money, equipment and effects that in any manner pertain to that office. Any officer violating this provision may be proceeded against in the same manner as public officers generally for a like offense under the laws of the State of Michigan.

Section 5.05 VACANCIES, FORFEITURE OF OFFICE, FILLING OF VACANCIES

(a) The office of Mayor or Council Member shall become vacant upon the member's death, resignation, or removal from office or forfeiture of office in any manner authorized by law.

(b) A Mayor or Council Member shall forfeit that office if that Mayor or Council Member:

(1) Fails to meet the residency requirements, or

(2) Violates any express prohibition of this charter, or

(3) Is convicted of a crime involving moral turpitude, or

(4) Fails to attend three (3) consecutive regular meetings of the Council without being excused by the Council.

The City Council shall be the judge of the qualification of its members, and of the grounds for forfeiture of their office. In order to exercise these powers, the Council shall have power to subpoena witnesses, administer oaths and require the production of evidence. A Council Member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one (1) or more newspapers of general circulation in the city at least one (1) week in advance of the hearing.

(c) A vacancy in the office of Mayor or Council Member shall be filled in the following fashion:

(1) If the vacancy occurs in the office of Mayor, the Mayor Pro-Tem shall assume the office and duties of the office of Mayor. ~~Depending on the length of term remaining for the vacant office of Mayor, the~~The City Council ~~may~~ shall elect from its members a new Mayor Pro-Tem.

(2) A Council Member vacancy shall be filled within sixty (60) days after such vacancy occurs, by an appointment made by a majority of the members of Council then in office. The person appointed shall meet the eligibility requirements for the office of Council Member~~ and shall hold office until the next regular November city election.~~. The appointment shall be for the balance of the term if within thirty (30) months of the expiration of the term. If the unexpired term exceeds (30) months, the appointee shall hold office only until the first council meeting following the date of the next regular city election, at which election the office shall be filled for the remainder of the term.

~~If City Council fails to fill a vacancy within sixty (60) days following the occurrence of the vacancy, the City Clerk shall within ten (10) days thereafter notify the County Clerk and Secretary of State to call a special election to fill such vacancy for the unexpired term of the Council Member whose office has become vacant according to state law.~~

(3) If at any time the membership of the City Council is reduced to less than ~~five~~ four (~~4~~5), the remaining members may, by a majority vote of the members then on Council, fill such vacancies until the next regular November city election so that there are four (4) members of Council. ~~.~~Council shall then fill additional vacancies as provided in this section.

(4) Notwithstanding the foregoing, no vacancy in any elective office shall be filled in any manner if the term of the person whose office has become vacant expires within ninety (90) days after the vacancy occurs.

Section 5.06 CONFLICT OF INTEREST

The use of public office for private gain or the appearance of private gain is prohibited. The City Council shall implement this prohibition by ordinance. This ordinance shall include a statement of purpose and shall provide for reasonable public disclosure of finances by officials and staff who provide input into the decision of making significant monetary expenditures, contractor selection and regulatory matters, and insofar as permissible under state law shall provide for fines and imprisonment for violations.

ARTICLE 6

CITY COUNCIL - PROCEDURES, POWERS AND DUTIES

Section 6.01 REGULAR MEETINGS

The Council shall meet twice a month at such times and places as the Council may prescribe by rule.

Section 6.02 SPECIAL MEETINGS

Special meetings may be held on the call of the Mayor or of three (3) or more Council Members in accordance with the Open Meetings Act. Notice shall be given via e-mail and either served personally or left at the Council Member's usual place of residence no less than eighteen (18) hours prior to the time of such meeting. Subject to the requirements of the Open Meetings Act, the City Council may meet in emergency session on shorter notice in the event of a severe and imminent threat to the health, safety or welfare of the public.

Section 6.03 MEETINGS TO BE IN COMPLIANCE WITH OPEN MEETINGS ACT

All meetings of the City Council shall be held in compliance with the Open Meetings Act.

Section 6.04 QUORUM

Four (4) members of the Council shall be a quorum for the transaction of business at all meetings of the Council. In the absence of a quorum, any number of members less than a quorum may adjourn any regular or special meeting to a later date.

Section 6.05 ORGANIZATION, RULES AND ORDER OF BUSINESS

Each Council shall determine its own organization, rules and order of business subject to the following provisions:

(a) The City Clerk shall keep, in the English language, a journal (minutes) of the proceedings of each meeting, which shall be signed by the presiding officer and City Clerk.

(b) Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal.

Section 6.06 INVESTIGATIONS

The City Council shall establish by ordinance the procedure to make investigations into the affairs of the city and the conduct of any city department, office, or agency.

Section 6.07 PUBLIC PEACE, HEALTH AND SAFETY

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

ARTICLE 7
ADMINISTRATIVE SERVICES

Section 7.01 ADMINISTRATIVE OFFICERS GENERALLY

The administrative officers of the city shall be the City Manager, City Clerk, City Treasurer, City Assessor and City Attorney. The City Council may by ordinance or resolution, establish such additional administrative officers or departments, or combine any administrative officers or departments, in any manner not inconsistent with state law or this charter, and prescribe the duties and compensation thereof as it may deem necessary for the proper operation of the city.

Section 7.02 PERSONNEL SYSTEM

(a) All appointments and promotions of city officers and employees shall be made solely on the basis of merit and fitness demonstrated by a valid and reliable examination or other evidence of competence.

(b) Consistent with all applicable federal and state laws, the City Council may provide by ordinance for the establishment, regulation and maintenance of a merit system governing personnel policies necessary for effective administration of the employees of the city's departments, offices and agencies, including but not limited to classification and pay plans, examinations, force reduction, removals, working conditions, provisional and exempt appointments, in-service training, grievances and relationships with employee organizations.

(c) The City of Dexter shall offer its employees a qualified defined contribution plan. The City Council is prohibited from entering into new obligations on behalf of the City to provide defined benefit plans, pensions, or defined benefit retiree health care plans for the City Council, the Mayor, the City Manager, officers of the city, appointed employees, union employees, or any other person working for and being compensated by the City.

Section 7.03 CITY MANAGER

(a) The City Manager shall be the chief administrative officer of the city. The Council shall make the appointment on the basis of education, ability, training and

experience.

(b) The Council shall appoint a City Manager within one-hundred eighty (180) days after any vacancy exists in such position. The Council may, upon majority vote, extend this period up to an additional one-hundred eighty (180) days. The Council may appoint an interim manager during the period of a vacancy in the office.

(c) The City Manager, with the consent and approval of the Council, may designate an administrative officer or employee of the city to act as City Manager if the City Manager is temporarily absent from the city or unable to perform the duties of the office.

(d) The Council shall set the City Manager's ~~term and~~ compensation as part of the employment agreement.

(e) The Mayor and Council shall review and evaluate the City Manager's performance annually.

(f) The City Manager serves at the pleasure of the City Council and may be removed by an affirmative vote of not less than five (5) of its members.

Section 7.04 CITY MANAGER – FUNCTION AND DUTIES

The City Manager shall be responsible to the Council for the proper management and administration of the affairs of the city.

The City Manager shall:

(a) Appoint and remove employees of the city, appoint and remove administrative officers of the city (as referenced in Section 7.01, with the exception of the City Attorney) subject to advice and consent of Council, and set employee's compensation within the budget adopted by the Council,

(b) Supervise and coordinate the work of all the administrative offices and departments of the city except the work of the City Clerk, City Treasurer and City Assessor that is dictated by state constitution or statute,

(c) Be the main point of communication and dissemination of information from the City Attorney,

(d) See that all laws and ordinances are enforced,

(e) Prepare and administer the annual budget under policies formulated by the Council, have budget control responsibility, and keep the Council advised as to

the financial condition and needs of the city,

(f) Furnish the Council with information concerning city affairs and prepare and submit such reports as may be required or which Council may request,

(g) Make recommendations to the Council relative to all agenda items, except as directly related to the City Manager's employment,

(h) Employ or be responsible for the employment of all city employees and supervise and coordinate the personnel policies and practices of the city, subject to any employment ordinance of the city,

(i) Act as the purchasing agent for the city and establish and maintain, or appoint an authorized representative to establish and maintain, a central purchasing service,

(j) Attend all meetings of Council with the right to be heard in all Council proceedings but without the right to vote,

(k) Possess such other powers as may be granted or required by Council, so far as may be consistent with the provisions of law,

(l) Establish any rules necessary to carry out any of the foregoing duties, and

(m) Perform such other duties in connection with the office as may be required by law, ordinance or by City Council.

Section 7.05 CITY CLERK

The City Clerk shall be appointed by the City Manager with advice and consent of Council. The appointment shall be made on the basis of education, ability, training and experience.

The City Clerk shall:

(a) Work with the Mayor and Commission/Authority/Board Chairs to ensure that all regular and special meetings meet the requirement of the Open Meetings Act,

(b) Be the chief election officer for the city,

(c) Be the clerical officer of the Council and keep its journal (minutes) in English,

(d) Keep a record of all actions of the Council at its regular and special meetings,

(e) Certify all ordinances and resolutions adopted by the Council,

(f) Have the power to administer all oaths required by law and by the ordinances of the city, and be custodian of the city seal, and affix the same to documents required to be sealed,

(g) Be the custodian of all papers, documents, and records pertaining to the city, that are not entrusted to some other city officer or department by city charter, ordinance or law. All records of the city shall be made available to the general public in compliance with the Michigan Freedom of Information Act,

(h) Provide the proper officials with ample notice of the expiration or termination of any official bonds, franchises, contracts or agreements to which the city is a part and shall notify the Council of the failure of any officer or employee required to take an oath of office or furnish any bond required, and

(i) Perform such other duties in connection with the office as may be required by law, ordinance or resolution of the Council, or by the City Manager.

Section 7.06 CITY TREASURER

The City Treasurer shall be appointed by the City Manager with advice and consent of Council. This appointment shall be made on the basis of education, ability, training and experience.

The City Treasurer shall:

(a) Have the custody of all moneys of the city and all evidences of value or indebtedness belonging to or held in trust by the city,

(b) Keep and deposit all moneys or funds in such manner and only in such places as allowed by the Investment Policy adopted by Council, and shall report the same to the City Manager,

(c) Have such powers, duties and prerogatives in regard to the collection and custody of state, county, school district and city taxes and other taxing entities' money as are provided by law,

(d) Disburse all city funds in accordance with provisions of law and this charter,

(e) Establish and maintain a general accounting plan which will conform to such uniform accounting standards as may be required by law, and

(f) Perform such other duties in connection with the office as may be required by law, ordinance or resolution of the Council, or by the City Manager.

Section 7.07 CITY ASSESSOR

The City Assessor shall be appointed or contracted for by the City Manager with advice and consent of Council. The selection shall be made on the basis of proper certification by the state assessor's board, education, ability, training and experience.

The City Assessor shall:

(a) Possess all the power vested in and shall be charged with the duties imposed upon the assessing officer of a city by law,

(b) Make and prepare all regular and special assessment rolls in the manner prescribed by law or ordinances of the city,

(c) Be the secretary of the Board of Review, and

(d) Perform such other duties in connection with the office as may be required by law, the ordinance or resolution of the Council, or by the City Manager.

Section 7.08 CITY ATTORNEY

The City Attorney shall act as legal advisor and be responsible to the Council. The Council shall make the appointment on the basis of education, ability, training and experience. The City Attorney serves at the pleasure of the City Council and may be removed by an affirmative vote of not less than four (4) of its members.

The City Attorney shall:

(a) Be the legal advisor and counsel for the city,

(b) Prepare or review ordinances, regulations, contracts, bonds and other such instruments as may be required by this charter, the Council, or the City Manager and shall promptly give an opinion,

(c) Prosecute ordinance violations and shall represent the city in cases before the courts and other tribunals. In such instances as the Council shall direct, the attorney shall defend officers and employees of the city in actions arising out of the performance of their official duties,

(d) Comply with the Michigan Rules of Professional Conduct of the Michigan State Bar Association, and

(e) Perform such other duties in connection with the office as may be prescribed by this charter, the Council or by contractual agreement.

Upon the City Attorney's recommendation, or upon its own initiative, the Council may retain special legal counsel to handle any matters in which the city has an interest, or to assist the City Attorney.

Section 7.09 POLICE AND FIRE PROTECTION

(a) The Council shall provide police protection to enforce all laws, ordinances, and codes of the city through the creation of a police department, a public safety department or by providing for police services by contract or intergovernmental agreement.

(b) The Council shall provide fire protection and rescue services within the administrative division of the city. The Council shall have power to enact such ordinances and to establish and enforce such regulations and enter into intergovernmental or contractual agreements as it shall deem necessary to provide these services.

(c) If the city operates its own police and/or fire department, the police chief and/or fire chief shall be appointed by the City Manager, with advice and consent of Council, on the basis of education, ability, training and experience. The City Manager shall supervise these department chiefs and have authority of dismissal, with concurrence of Council.

Section 7.10 CITY PLANNING COMMISSION, ZONING AND ZONING BOARD OF APPEALS

(a) The Council shall maintain a City Planning Commission in accordance with and having all the powers and duties granted by the provisions of law relating to such commissions including but not limited to the Michigan Planning ~~and~~ Enabling Act, all other intergovernmental planning and zoning statutes and this charter which it deems beneficial to the health, safety and general welfare of the city.

(b) The Council shall maintain a zoning ordinance and a Zoning Board of Appeals in accordance with the provisions of the Michigan Zoning Enabling Act relating to such ordinances, and to this charter. The ordinance shall provide that zoning be coordinated with the work of the City Planning Commission.

(c) The members of the Planning Commission ~~and Zoning Board of Appeals~~ shall be appointed by the Mayor, subject to confirmation by the Council, and shall be residents of the city. Members of the Zoning Board of Appeals shall be appointed by a majority of Council. Their appointment, functions and duties shall be in accordance with statute and city ordinance.

Section 7.11 PLANNING AND ZONING ADMINISTRATOR

The Planning and Zoning Administrator shall enforce the city zoning ordinances and will receive functional and administrative supervision from the City Manager. The Planning and Zoning Administrator shall be appointed by the City Manager, with advice and consent of the City Council, on the basis of education, ability, training and experience.

The Administrator or the Administrator's designee shall:

(a) Issue all notices and orders to insure compliance with zoning ordinances and recommend prosecution if necessary,

(b) Process all applications related to zoning compliance, site plans, special land use permits, and zoning variances,

(c) Prepare documents, agenda, and supporting information for the planning commission and zoning board of appeals meetings,

(d) Assess all fees authorized by state statute, city ordinance or Council resolution,

(e) Prepare and/or assist in developing a Master Plan, and

(f) Perform all other duties as may be prescribed by state law, the ordinances and resolutions of the City Council, or as directed by the City Manager.

Section 7.12 OTHER PUBLIC AUTHORITIES, BOARDS OR COMMISSIONS

(a) The City Council may create such entities as may be needed for the public health, safety and well being of the city.

(b) The City Council may enter into contracts and agreements to establish those public authorities, joint boards and commissions, cooperative agreements, and other similar entities and arrangements as may be permitted, that they determine to be in the interests of the city.

ARTICLE 8
LEGISLATION

Section 8.01 LEGISLATIVE POWERS

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

Section 8.02 CONTINUATION OF VILLAGE ORDINANCES AND RESOLUTIONS

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

Section 8.03 FORMS OF LEGISLATION

(a) A resolution or motion shall be limited to matters required or permitted by the charter, by state or federal laws or pertaining to the internal affairs or concerns of the city government. A resolution is an official City Council action in the form of a motion adopted by a majority vote of the Council Members present.

(b) An ordinance is an official City Council action by an affirmative vote of four (4) or more elected Council Members, except as provided in Section 8.06c of this charter. An ordinance is a legislative act establishing a more permanent influence on the city than a resolution and requiring greater formalities in its adoption.

Section 8.04 ACTION REQUIRING AN ORDINANCE

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

(a) Adopt or amend an administrative code or establish, alter or abolish any city department, office or agency,

(b) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed,

~~(c) Levy taxes,~~

~~(d)~~(c) Grant, renew or extend a franchise,

~~(e)~~(d) Regulate the rate charged for its services by a city public utility,

~~(f) Authorize the borrowing of money,~~

~~(g)~~(e) Convey, lease or authorize the conveyance or lease of any lands of the city,

~~(h) Regulate land use and development,~~

~~(i)~~(f) Amend or repeal any ordinance previously adopted,

~~(j)~~(g) Adopt, with or without amendment, ordinances proposed under the initiative power, or

~~(k)~~(h) Establish a procedure for special assessments.

Acts other than those referred to in this section may be done either by ordinance or by resolution.

Section 8.05 ORDINANCE FORM AND PROCEDURE

(a) Every proposed ordinance shall be introduced in writing and in the form required for final adoption.

(b) No ordinance shall contain more than one (1) subject, which shall be clearly expressed in its title. The enacting clause shall be "The City of Dexter hereby ordains…"

(c) Any ordinance which repeals or amends an existing ordinance or part of the city code shall set out the full ordinance, sections or subsections to be repealed or amended, and shall indicate matters to be omitted by enclosing them in brackets or by using strikeout type and indicate new matters by underscoring or by italics.

(d) No ordinance shall be adopted at the same meeting at which it is introduced.

(e) No ordinance shall be enacted, amended or repealed until after publication of the proposed ordinance, amendment, or repeal, or of a summary thereof.

(f) A public hearing on all proposed ordinances, with a minimum of ten (10) days' notice to the residents, shall be held before an ordinance is considered. The public hearing should be advertised as required by Section 15.12 of this charter.

(g) ~~Except as otherwise provided in this charter, every~~Every adopted ordinance shall become effective ~~thirty (30) days after~~upon publication or at any later date specified therein.

~~(h) The above procedure does not apply to emergency ordinances as defined by Section 8.06 of this charter.~~

Section 8.06 EMERGENCY ORDINANCES

An emergency ordinance shall:

(a) Be enacted only to meet a public emergency affecting public peace, health, safety and/or welfare of persons or property,

(b) Be introduced in the form and manner required for ordinances generally, except that it shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms,

(c) Be adopted at the meeting at which it is introduced by an affirmative vote of two-thirds (2/3) of Council Members present and may be given immediate effect upon publication,

(d) Be published in accordance with Section 15.12 of this charter. ~~but not as a requirement for the effectiveness,~~

(e) Be in effect for not more than sixty (60) days or may be renewed for an additional sixty (60) days upon the affirmative vote of two-thirds (2/3) of Council Members present, and

(f) Not levy taxes; grant, renew or extend a franchise; regulate the rate charged by any public utility for its services; make or amend a grant; or other special privilege.

Section 8.07 CODE OF TECHNICAL REGULATIONS

~~The City Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance.~~The City Council may adopt any detailed technical regulations as a city ordinance by reference to any recognized standard code, official or unofficial to the extent permitted by law. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:

(a) The requirements of Section 8.05 of this charter for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and

(b) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the City Clerk according to Section 8.08(a) of this charter.

~~Copies of any adopted code of technical regulation shall be made available by the City Clerk for distribution or for purchase at a reasonable price.~~To the extent permitted by law and, if such a code be written in detail for the city and adopted as an ordinance, the

publication of a sufficient number of copies in booklet form, available for public distribution at cost, shall be sufficient publication of such ordinance, and any amendment to or revision of such adopted code or detailed technical ordinance may be published in the same manner.

Section 8.08 AUTHENTICATION AND RECORDING: CODIFICATION, PRINTING OF ORDINANCES AND RESOLUTIONS

(a) The City Clerk shall authenticate by signing, and shall record in full in a properly indexed book kept for that purpose, all ordinances and resolutions adopted by the City Council.

(b) Within three years after adoption of this charter and at least every three (3) years thereafter, the City Council shall provide for the preparation of a general codification of all city ordinances and resolutions having the force and effect of law.

The general codification shall be adopted by the Council by ordinance and shall be published, together with this charter and any amendments thereto, pertinent provisions of the constitution and other laws of the State of Michigan, and such codes of technical regulations and other rules and regulations as the Council may specify.

This compilation shall be known and cited officially as the Dexter City Code. Copies of the code shall be furnished to city officers, placed in libraries, public offices, and, if available, on a website for free public reference. It shall also be made available for purchase by the public at a reasonable price fixed by the Council.

(c) The City Council shall cause each ordinance and resolution having the force and effect of law and each amendment to this charter to be printed promptly following its adoption. The printed ordinances, resolutions and charter amendments shall be distributed or sold to the public at reasonable prices as fixed by the Council.

Following publication of the first Dexter City Code and at all times thereafter, the ordinances, resolutions, and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein.

With respect to the reproduction and distribution of any changes in or additions to the Michigan Constitution or other laws, or to the codes of technical regulations or other rules and regulations included in the code, the Council shall make such arrangements as it deems desirable.

Section 8.09 PENALTIES

The council may provide in any ordinance for the civil or criminal punishment of those who violate its provisions. The punishment for the violation of any city ordinance shall not exceed a fine as prescribed by law, or imprisonment as prescribed by law, or both, at the discretion of the court.

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Section 8.~~10~~09 INITIATIVE AND REFERENDUM PETITIONS - GENERAL

~~Any~~ Except as otherwise provided by law, an ordinance may be initiated by petition, or a referendum on an enacted ordinance may be made by petition, as hereinafter provided.

Section 8.~~10~~11 PETITIONS FOR INITIATIVES AND REFERENDUMS

(a) An initiative or referendum petition shall be signed by not less than ten percent (10%) of the registered electors of the city, as of the date of the last regular city election, and all signatures on said petitions shall be obtained within forty-five (45) days before the date of filing the petition with the City Clerk.

(b) Any such petition shall be presented on the forms as prescribed by the Secretary of State and signed and circulated by registered electors ~~of the city~~.

(c) An initiative petition shall set forth in full the ordinance it proposes to initiate, and no petition shall propose to initiate more than one (1) ordinance.

(d) A referendum petition shall identify the ordinance, or part thereof, it proposes to have repealed.

(e) Such petitions shall be filed with the City Clerk who shall verify the signatures within fifteen (15) days.

(f) If the petition does not contain a sufficient number of signatures of registered electors of the city, the City Clerk shall immediately notify the person filing the petition. Filing of supplemental petition papers shall be allowed within fifteen (15) days of such notification.

(g) When a petition with sufficient signatures is filed within the time allowed by this section, the City Clerk shall present the petition to the Council at its next meeting.

Section 8.~~1~~12~~1~~ PETITIONS – COUNCIL PROCEDURES, SUBMISSION TO ELECTORS

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

(a) Adopt the ordinance as submitted by initiative petition;

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

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

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

(2) In the case of an initiative petition, if no election is to be held in the city for any other purpose within one hundred and fifty (150) days from the time the petition is presented to the Council, and the Council does not adopt the ordinance, then the Council shall call for a special election as soon thereafter as an election may be permitted by law.

(3) The result shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by law.

Section 8.1312 GENERAL PROVISIONS, SUSPENSION

(a) The presentation to the Council by the City Clerk of a valid referendum petition shall automatically suspend the operation of the ordinance in question pending either repeal by the Council or final determination by the electors.

(b) An ordinance adopted by the electorate through initiative proceedings may not be amended or repealed for a period of one (1) year after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be reenacted for a period of one (1) year after the date of the election at which it was repealed.

(c) If two (2) or more ordinances adopted at the same election have conflicting provisions, the provision in the ordinance receiving the highest number of affirmative votes shall govern.

ARTICLE 9
FINANCIAL MANAGEMENT

Section 9.01 FISCAL YEAR

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

Section 9.02 SUBMISSION OF BUDGET AND BUDGET MESSAGE

On or before May 1 of each year, the City Manager shall submit to the City Council a recommended budget for the ensuing fiscal year and an accompanying budget message.

Section 9.03 BUDGET MESSAGE

The purpose of the budget message is to provide members of the City Council and citizens of the city with a clear and concise picture of the budget describing what the manager expects to accomplish in the coming year, the estimated cost, sources of revenue, and changes in the city debt.

Section 9.04 BUDGET – RECOMMENDED

The budget document shall present a complete financial plan for the ensuing fiscal year and shall include those items required by the Uniform Budgeting and Accounting Act and as required by law.

The City Manager shall submit to the Council a recommended budget for the next fiscal year which, considering any anticipated unexpended balance or deficit at the end of the current fiscal year, is within the tax limit and other anticipated revenue of the city. Such recommended budget shall include therein at least the following information:

(a) For each office, department and board of the city, the actual expenditures for the last two (2) prior fiscal years, estimated current year end amounts, and the proposed expenditures for the recommended budget, with supporting explanation,

(b) Statements of the indebtedness of the city, showing the principal and interest required payments for the next fiscal year, the debt authorized and unissued and the condition of the sinking and debt retirement funds, if any,

(c) For each revenue type, the actual revenue for the last two (2) prior fiscal years, estimated current year end amounts, and the proposed revenue for the recommended budget, with supporting explanation,

(d) A statement of the estimated accumulated cash and unencumbered balances, or deficits at the end of the current fiscal year,

(e) An estimate of the amount of money to be raised from taxes to be levied, from delinquent taxes, and the amount to be raised from bond issues which, together with available unappropriated funds and any revenues from other sources, will be necessary to meet the proposed expenditures,

(f) Such other supporting information as the Council may request, and

(g) Capital Improvement Plan projects being recommended for implementation including an estimate of future operation and maintenance costs or savings.

Section 9.05 BUDGET – PUBLIC HEARING

In accordance with state law, t~~T~~he City Council shall publish the general summary of the budget and a notice stating:

(a) The times and places where copies of the message and budget are available for inspection by the public, and

(b) The time and place, not less than two (2) weeks after such a publication, for a public hearing on the budget.

Section 9.06 BUDGET - ADOPTION

(a) After the public hearing, the City Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, with the exception of expenditures required by law or for debt service or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income.

(b) The City Council shall adopt the budget on or before June 30 of the fiscal year currently ending. ~~If Council fails to adopt the budget by this date, the budget presented at the public hearing shall go into effect. If a default budget goes into effect, another public hearing on the budget shall be held within thirty (30) days.~~

Section 9.07 BUDGET – APPROPRIATIONS, CHARGING OF EXPENDITURES, INTERIM ACCOUNTING

(a) No money shall be drawn from the treasury of the city, except in accordance with an appropriation thereof, nor shall any obligation for the expenditure of money be incurred without an appropriation covering all payments that will become due in the current fiscal year.

Except for funds subject to contractual or statutory limitations, the Council may transfer any actual unencumbered appropriation balance, or any portion thereof, from one account, department, fund or agency to another.

Any expenditure of city funds shall not be authorized or incurred, except in accordance with the authority and appropriations of the City Council.

(b) The Council may make additional appropriations during the fiscal year for unanticipated expenditures required by the city.

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

(d) At the beginning of each quarterly period during the fiscal year, and more often if required by the Council, the City Manager shall submit to the Council data showing the relationship between the estimated and actual revenues and expenditures to date.

If it shall appear that the revenues are less than anticipated, the Council shall reduce appropriations, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the revenues. Fund balance may be used in the case of an unforeseen circumstance.

(e) The balance in any budget appropriation, which has not been encumbered at the end of the fiscal year shall, subject to restrictions imposed or permitted by law, revert to the general fund.

Section 9.08 CAPITAL IMPROVEMENT PLAN

(a) In accordance with state law, the Planning Commission, with the assistance of the Planning and Zoning Administrator, shall prepare and submit to the City Council a multi-year Capital Improvement Plan no later than three (3) months before the final date for adoption of the budget.

(b) The Planning Commission shall publish the general summary of the Capital Improvement Plan and a notice stating:

(1) The times and places where copies of the Capital Improvement Plan are available for inspection by the public, and

(2) The time and place, not less than two (2) weeks after such publication, for a public hearing(s) on the Capital Improvement Plan.

(c) Following the public hearing, the Planning Commission shall vote to recommend that the Capital Improvement Plan, with or without amendment, be presented to City Council.

(d) The City Council, by resolution, shall adopt the Capital Improvement Plan, with or without amendment, on or before June 30 of each year.

Section 9.09 INDEPENDENT AUDIT

An independent audit shall be made of all accounts of the city government at least annually and more frequently if deemed necessary by the Council. Such audit shall be conducted by a certified public accounting firm. The audited financial statements shall be made available to the public in such form as will disclose pertinent facts concerning the activities and finances of the city government.

Section 9.10 DEPOSITORIES

The Council shall designate depositories for city funds in accordance with state law and shall provide for the regular deposit of all city money by the City Treasurer, under the direction of the City Manager, according to the written Investment Policy approved by the Council.

Section 9.11 INVESTMENTS

Surplus funds may be invested in any manner permitted by law, according to the written Investment Policy approved by the Council.

Section 9.12 WITHDRAWAL OF FUNDS

All funds drawn from the treasury shall be drawn in accordance with the authority and appropriation of the Council, and may be drawn in the following manner:

(a) Upon checks signed by two (2) officers of the city to be designated by resolution of the Council. Checks should clearly indicate what bank account and/or fund is being debited,

(b) By Automated Clearing House transactions, wire transfers, credit/debit card purchases and other electronic transactions, governed by such resolutions, rules or ordinances adopted by City Council, and by appropriate state law,

~~(c) Cash withdrawals, with exception of those for petty cash or for activities specifically approved by City Council are prohibited.~~

ARTICLE 10
TAXATION

Section 10.01 POWER TO TAX

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

Section 10.02 SUBJECT OF TAXATION

(a) Exclusive of any levies authorized by state law to be made beyond charter tax rate limitations, the annual ad valorem tax levy shall not exceed seventeen and one-half (17.5) ~~mils~~ mills of the taxable value of all real and personal property in the city. Of the seventeen and one-half (17.5) ~~mils~~mills, twelve and one-half (12.5) ~~mils~~ mills shall be dedicated to general operating and five (5.0) ~~mils~~ mills to streets.

(b) The subjects of ad valorem taxation for municipal purposes shall be the same as for state, county, school and other taxing entities under state law.

(c) Except as otherwise provided by this charter, city taxes shall be assessed, levied, collected, and returned in the manner provided by state law.

Section 10.03 TAX DAY

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

Section 10.04 JEOPARDY ASSESSMENTS

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

Section 10.05 ASSESSMENT

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

Section 10.06 ASSESSMENT ROLL

(a) Prior to the date of the first meeting of the Board of Review in each year, the City Assessor shall prepare and certify an assessment roll of all property in the city, in the manner and form provided in the general tax law of the State of Michigan. Such roll may be divided into volumes that the City Assessor shall identify by number, for the purpose of convenience in handling the assessment roll and for locating properties assessed therein, or may be in an electronic format as allowed by state law.

The attachment of any certificate or warrant required by this Article to any volumes of the roll, either as an assessment roll or as a tax roll, shall constitute the attachment thereof to the entire roll, provided the volumes are identified in such certificate or warrant. Electronic rolls shall be identified as set forth in state law. Values of property set forth on the assessment roll shall be determined according to recognized methods of systematic assessment.

(b) The City Assessor shall give notice by first class mail to each owner of property on the assessment roll. The notice shall be addressed to the owner according to the records of the City Assessor's office and mailed not less than fourteen (14) days before the date of the convening of the Board of Review.

Neither the failure of the City Assessor to give notice nor the failure of a person to receive notice shall invalidate any assessment roll or any assessment thereon.

Section 10.07 BOARD OF REVIEW

(a) A Board of Review is hereby created and composed of three (3) members who shall have the following qualifications: A member shall be a registered elector of the city, and shall have been a resident of the city for at least one (1) year immediately prior to the date of appointment. The appointment of members of such Board shall be based upon their knowledge and experience in property valuation.

(b) The members of the Board of Review shall be appointed by the Council and may be removed for reasons of nonfeasance or misfeasance by a majority vote of the Council. The first such Board of Review appointed by the Council under the provisions of this charter shall be made up of three (3) qualified members appointed for two (2), three (3), and four (4) year terms, respectively.

Thereafter, when terms expire, the Council shall appoint a member for a three (3) year term at the first regular Council meeting in January of each succeeding year or as part of the Council's Adoption of the Resolution of Organizational Matters, whichever comes first. Upon a vacancy due to resignation or otherwise, the Council shall appoint a member to fill the remainder of the vacant term. The Council shall fix the compensation of the members of the Board.

(c) An annual organizational meeting of the Board of Review shall be held on the first Tuesday following the first Monday in March to select one (1) of its members as chairperson for the ensuing year, to review the assessment roll and to examine the guidelines and practices followed in preparing the assessment roll. The City Assessor shall be the secretary of the Board, and shall be entitled to be heard at its sessions, but shall have no vote on any proposition or question.

(d) Being elected to an office of the city while serving as a member of the Board of Review shall constitute a resignation from the Board of Review.

Section 10.08 DUTIES AND FUNCTIONS OF BOARD OF REVIEW

(a) The members of the Board of Review shall be officers of the city and shall take the oath of office, which shall be filed with the City Clerk.

(b) For the purpose of revising and correcting assessments, the Board of Review shall have the powers and duties given by state law.

(c) At the time, and in the manner provided in the following section, the Board of Review shall hear the complaints of all persons considering themselves aggrieved by assessments. If it shall appear that any person or property has been wrongfully assessed or omitted from the roll, the Board of Review shall correct the roll in such manner as it deems just. In all cases, the assessment roll shall be reviewed according to the facts existing on the most recent tax day.

(d) Except as otherwise provided by state law, no person other than the Board of Review shall make any change upon, or addition or correction to, the assessment roll.

(e) The City Assessor shall make a permanent record of all proceedings of the Board of Review and enter therein all its resolutions and decisions. Such record shall be filed with the City Clerk on or before May 1 following the meeting of the Board of Review.

Section 10.09 NOTICE OF MEETING

Notice of the time and location of the sessions of the Board of Review shall be published by the City Assessor in a newspaper having general circulation in the city at least one (1) week prior to each session of the Board, and printed on the assessment notice sent as described in Section 10.06b of this charter.

Section 10.10 MEETINGS, EXAMINATION OF PERSONS APPEARING

The Board of Review shall meet in two (2) sessions in each year at such place as shall be designated by the Council. The first session of the Board shall convene on the first Tuesday following the first Monday in March of each year and may continue in session for three (3) days and as much longer as may be necessary for the purpose of considering and correcting the roll.

In each case where the assessed value is increased, or any property added to the rolls by the Board, the secretary of the Board shall give notice to the owners thereof according to the last assessment roll of the city by first class mail as prescribed by statute. The second session of the Board shall convene on the ~~second~~ third Monday of March of each year, however, the City Council may authorize, by adoption of an ordinance or resolution, an alternative starting date of either the Tuesday or Wednesday following the ~~second~~ third Monday of March.

The Board of Review shall continue in session for one (1) day and as much longer as may be necessary for the purpose of hearing appeals of property assessments. The Board shall remain in session during such hours as the Council may designate and as required by state law.

Section 10.11 CERTIFICATION OF ROLL

After the Board of Review has completed its review of the assessment roll, the majority of its members shall sign a certificate to the effect that the same is the assessment roll of the city for the year in which it has been prepared, as approved by the Board of Review, which certificate, when attached to any volume of the roll, shall constitute a conclusive presumption of the validity of the entire roll. ~~In the event that the Board of Review shall fail or refuse to so review the assessment roll of the city, such roll, as prepared and presented to the Board of Review by the Assessor, shall be the assessment roll for the year for which it was prepared, and shall stand as though it had been certified by the Board of Review.~~

Section 10.12 VALIDITY OF ASSESSMENT ROLL

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

Section 10.13 CLERK TO CERTIFY LEVY

Within three (3) days after the adoption of the budget for the ensuing year, the City Clerk shall certify to the City Assessor the total amount which the Council determines shall be raised by general taxation, together with such other assessments and lawful charges and amounts which the county and other taxing authorities shall authorize or require to be assessed, reassessed, or charged upon the city tax roll against property or persons.

Section 10.14 CITY TAX ROLL

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

(a) Spread the amounts of the general city tax according to and in proportion to the several valuations set forth in said assessment roll;

(b) Place such other assessments and charges upon the roll as are required and authorized by the Council; and

(c) Complete other said tasks as required by state law.

Section 10.15 TAX ROLL CERTIFIED FOR COLLECTION

After extending the taxes and placing other assessments and charges upon the roll, the City Assessor shall certify said tax roll and attach the City Assessor's warrant ~~by June 10 in each year,~~ directing and requiring the City Treasurer to collect from the several persons named in said roll the several sums mentioned therein opposite their respective names as a tax or assessment, and granting the City Treasurer for the purpose of collecting the taxes, assessments, and charges of such roll, all the power and immunities possessed by City Treasurers for the collection of taxes under the general laws of the state.

Section 10.16 LIENS

All taxes thus assessed shall become a debt due the city as provided by state law and, as of July 1 of the year of assessment, the said taxes with any applicable charges, fees or penalties shall become a lien upon the property against which they are assessed until paid.

Section 10.17 TAX PAYMENT DATES

City taxes shall be due and payable on July 1 and be delinquent after September 15. Other property taxes as permitted by state law shall be due December 1 and be delinquent after February 15. Unpaid tax assessment charges and penalties shall be turned over to the County Treasurer for collection by March 1, as provided by statute.

Section 10.18 TAX DUE – NOTIFICATION THEREOF

The City Treasurer shall not be required to make personal demand for the payment of taxes, but, upon receipt of the city tax roll, shall, forthwith, give notice to the taxpayers of the city by forwarding a tax statement to each person named in the tax roll, which mailed statement shall be a sufficient demand for the payment of all taxes assessed.

Neither the failure on the part of the City Treasurer to mail such statement nor the failure of any person to receive the same, shall invalidate the taxes on the tax roll or release any person or property assessed from the liabilities provided in this charter in case of nonpayment.

Section 10.19 TAX PAYMENT SCHEDULE

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

Section 10.20 FAILURE OR REFUSAL TO PAY PERSONAL PROPERTY TAX

If any person shall neglect or refuse to pay any tax on personal property assessed to such person, the City Treasurer shall collect the same by seizing any personal property of such person, to an amount sufficient to pay such tax, together with any charges and interest added thereto, wherever the same may be found in the State of Michigan. No property shall be exempt from such seizure.

The City Treasurer may sell the property seized, at an amount sufficient to pay the taxes and all charges, fees, penalties, and interest, in accordance with statutory provisions. The City Treasurer may also sue the person to whom a personal property tax is assessed, in accordance with the powers granted by state law.

Section 10.21 STATE, COUNTY AND SCHOOL TAXES

For the purpose of assessing and collecting taxes for state, county and school purposes, the city shall have the powers enumerated by the General Property Tax Act, and all provisions of state law relative to the collection of, and accounting for, such taxes and the penalties and interest thereon shall apply. For the purpose of collecting state, county, and school taxes, the City Treasurer shall perform the same duties and have the same powers as enumerated by the General Property Tax Act.

Section 10.22 PROTECTION OF CITY LIEN

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

Section 10.23 TAX ROLL TO COUNTY TREASURER

All taxes, special assessments, charges, and collection fees on the city tax roll which remain unpaid on March 1 following the date when said roll was received by the City Treasurer shall, on that date, become delinquent and shall be returned to the County Treasurer at the time and in the same manner and with like effects as returns by City Treasurers of school and county taxes.

Such returns shall be made upon a delinquent tax roll to be prepared by the City Treasurer and shall include all the additional charges which shall, in such return, be added to the amount assessed in said tax roll against each description. The taxes, assessments, charges, and fees thus returned shall be collected in the same manner as other taxes returned to the County Treasurer are collected under the provisions of the general laws of the State of Michigan, and shall be and remain a lien upon the lands against which they are assessed until paid.

Section 10.24 CITY INCOME TAX

No City income tax shall be levied without an approving vote of a majority of city electors voting thereon at a special or city election, or as otherwise permitted by state law.

ARTICLE 11
SPECIAL ASSESSMENTS

Section 11.01 GENERAL POWER RELATIVE TO SPECIAL ASSESSMENTS

The Council shall have the power to determine the necessity of public improvements within the city, and to determine that the whole or any part of the cost of any public improvement shall be defrayed by special assessment upon property or properties benefited in proportion to the benefits derived or to be derived. The Council shall also have the power of reassessment with respect to any such public improvement.

Section 11.02 PROCEDURE FIXED BY ORDINANCE

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

ARTICLE 12
BORROWING

Section 12.01 GENERAL POWER

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

Section 12.02 LIMITS OF BORROWING AUTHORITY

(a) The net bonded indebtedness incurred for all public purposes shall not at any time exceed the maximum amount permitted by state law, provided that in computing such bonded indebtedness there shall be excluded special assessment bonds, even though they are a general obligation of the city, mortgage bonds, revenue bonds, bonds in anticipation of state-returned revenues to the extent permitted by state law, and any other bonds or indebtedness excluded by state law from such limitation. The amount of funds accumulated for the retirement of any outstanding bonds shall also be deducted from the amount of bonded indebtedness.

(b) The amount of emergency borrowing which may be incurred under the provisions of this charter may not exceed the maximum amount permitted by state law.

(c) No bonds shall be sold to obtain funds for any purpose other than that for which they were specifically authorized, and if such bonds are not sold within the time limited by state law, such authorization shall be null and void.

(d) The issuance of any bonds not requiring the approval of the electorate shall be subject to applicable requirement of state law with reference to public notice in advance of authorization of such issues, filing of petitions for a referendum on such issuance, holding such referendum, and other applicable procedural requirements.

Section 12.03 USE OF BORROWED FUNDS

Each bond or other evidence of indebtedness shall contain on its face a statement of the purpose for which the same is issued, and no officer of the city shall use the proceeds thereof for any other purpose, except that whenever the proceeds of any bond issue, or a part thereof, remain unexpended and unencumbered for the purpose for which said bond issue was made, the Council may authorize the use of such unexpended and unencumbered funds as provided in this section, which use shall be subject to the approval of the Michigan Department of Treasury where required:

(a) For an additional extension or improvement of a facility or project for which the bond issue was made,

(b) For the retirement of such bond issue,

(c) For the retirement of other bonds or obligations of the city, if such bond issue has been fully retired or funds are segregated which are adequate for such purpose, and

(d) For such other purposes as may be permitted by state law, if there is no other indebtedness or funds are segregated which are adequate for such purpose.

Section 12.04 SEPARATION OF SPECIAL ASSESSMENT COLLECTIONS, PAYMENT OF DEFICIENCY IN SPECIAL ASSESSMENTS

All collection on each special assessment roll or combination of rolls, in anticipation of which bonds have been issued, shall be set apart in a separate fund (but not necessarily in a separate bank account) and shall be used for the purpose for which levied and for the payment of the principal and interest on such bonds. If there is any deficiency in a special assessment fund to meet the payment of the principal or interest to be paid therefrom, money shall be advanced from the general funds of the city to meet such deficiency and shall be replaced in the general fund when the special assessment fund shall be sufficient therefore.

Section 12.05 BOND INTEREST RATES

No bond or other evidence of indebtedness of the city shall bear interest at a rate that exceeds a rate ceiling imposed by state law.

Section 12.06 EXECUTION OF BONDS

All bonds issued by the city shall be signed by the Mayor and countersigned by the City Clerk and shall bear the corporate seal of the city. Said signatures of the Mayor and the City Clerk and the seal of the city may be by facsimile if permitted by state law.

Section 12.07 RECORD OF BONDS AND OTHER EVIDENCE OF INDEBTEDNESS, CANCELLATION

The City Treasurer shall keep a detailed record of all bonds and other evidence of indebtedness. Upon payment of bonds or other evidence of indebtedness the same shall be cancelled.

Section 12.08 PREPARATION AND RECORDS OF BONDS

Each bond or other evidence of indebtedness shall contain a statement specifying the purpose for which it is issued and it shall be unlawful for any officer of the city to use the proceeds thereof for any other purpose. Any officer who shall violate this provision shall be deemed guilty of a violation of this charter, except that, whenever the proceeds of any bond issue or parts thereof shall remain unexpended and unencumbered for the purpose for which said bond issue was made, the Council may authorize the use of said funds for the retirement of bonds of said issue in accordance with Section 12.03 of this charter.

Section 12.09 UNISSUED BONDS

Any authorization by the city electors for the issuance of bonds by the city shall be void if such bonds are not issued within three (3) years from the date of authorization.

ARTICLE 13
PURCHASES, SALES, CONTRACTS AND LEASES

Section 13.01 ESTABLISHMENT OF PROCEDURES BY ORDINANCE

The City Council shall provide, by ordinance, a purchasing procedure to be followed in purchasing city supplies, materials, equipment, contractual service, or other forms of personal property. Before making any such purchase or contract to purchase, competitive bids shall be obtained except:

(a) In the securing of professional services for the city,

(b) When the purchasing agent for the city is exempted by the purchasing ordinance because of value, or when the City Council shall determine that no advantage to the city would result from competitive bidding, or

(c) Upon the occurrence of an emergency.

The City Council shall provide in the ordinance required by this section the definition of "lowest responsible bidder," the dollar limit within which the purchasing agent of the city may make purchase without the necessity of obtaining competitive bids, and the dollar limit within which purchases may be made without the necessity of Council approval.

Section 13.02 PURCHASE, SALE AND LEASE OF PROPERTY

The Council shall establish by ordinance the procedures for the purchase, sale or lease of real property for the city. The ordinance shall provide a dollar limit within which purchases, sales or leases of real property may be made without necessity of securing competitive bids, and the dollar limit within which purchases or leases may be made without the necessity of prior Council approval.

Section 13.03 LIMITATIONS ON CONTRACTUAL POWER

(a) No contract shall be made with any person, firm or corporation in default to the city.

(b) The Council's power to sell or dispose of any real property shall be conditioned on the conducting of a public hearing thereon, receiving five (5) affirmative Council votes, and the requisite electoral approval if required by state law.

Section 13.04 INSTALLMENT CONTRACTS

The city may enter into installment contracts for the purchase of property or capital equipment. Each such contract shall not extend over a period greater that that permitted by state law nor shall the total amount of principal payments under all such contracts exceed a sum permitted by state law. Each such payment shall be included in the budget for the year in which each respective installment is payable.

Section 13.05 RESTRICTION ON POWERS TO SELL OR LEASE PROPERTY

The city may not sell any park or cemetery, or any part thereof, unless the sale is permitted by a two-thirds (2/3) majority vote of City Council and a majority of city electors voting on the proposed sale.

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

ARTICLE 14
UTILITIES, FRANCHISES AND PERMITS

Section 14.01 GENERAL POWERS

The city shall possess and hereby reserves to itself all the powers granted to cities by state law to acquire, construct, own, operate, improve, enlarge, extend, repair, maintain, encumber, convey, dispose of or sell, either within or without its corporate limits, public utilities, including but not limited to public utilities for treating and supplying water and for supplying light, heat, power, gas, sewage treatment, garbage disposal; and also to sell and deliver the products or services thereof, both within and outside its corporate limits, subject to the limitations herein contained. The power to supply said utilities services, as herein possessed and reserved, shall include the power to extract, process, manufacture, transport or purchase the same from others.

Section 14.02 ADMINISTRATION OF MUNICIPALLY OWNED AND OPERATED UTILITIES

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

(b) The Council may enact such ordinances and adopt such resolutions as may be necessary for the care, protection, preservation, control and operation of any public utility which the city may in any manner acquire, own, or operate; and all fixtures, appurtenances, apparatus, building, and machinery connected therewith or belonging thereto; and to carry in effect the powers conferred upon the city by the provision of this charter and by state law.

Section 14.03 RATES

(a) The Council shall fix just and reasonable rates and such other charges as may be deemed advisable for supplying municipal utility services, as permitted by state law. Discrimination in rates by the Council, within any classification of users, shall not be permitted, nor shall free service be permitted other than to the city, but higher rates may be charged for utility services delivered or furnished beyond the corporate limits of the city.

(b) The rates and charges for any municipal utility shall be fixed on a basis at least adequate to compensate the city for the cost of such service and to make reasonable provision for the extension thereof according to the needs of the city.

Section 14.04 COLLECTION OF MUNICIPAL UTILITY RATES AND CHARGES

(a) The Council shall provide by ordinance for the collection of rates and charges for public utility services furnished by the city. When any person fails or refuses to pay to the city any sums due on utility bills, the service upon which such delinquency exists may be discontinued and suit may be brought for the collection thereof.

(b) Except as otherwise provided by state law, the city shall have a lien upon the premises to which utility services are supplied and, for such purposes, shall have all the powers granted to cities by state law. The lien shall become effective immediately on the distribution or supplying of utility services to such premises. In each case where a lien to secure the payment of utility charges is not available to the city by the operation of state law or otherwise, the Council shall require that an adequate deposit be made by the person to whom city utility services are furnished, for the purpose of guaranteeing the collection of charges for such utility services.

~~(c)~~ Insofar as permitted by state law, all unpaid charges for utility services to any such premises, which, have remain paid as of March 31 of each year for a period of six (6) months or more, shall be reported to the Council by the City Manager at the first meeting thereof in the month of ~~April.~~

~~(d)~~(c) ~~The~~April. The Council thereupon shall order the publication in a newspaper of general circulation in the city of notice that all such unpaid utility charges not paid by April 30 will be spread upon the city's tax roll against the premises to which such utility services were supplied or furnished, and such charges shall then be spread upon the city's tax roll and shall be collected in the same manner as the city taxes.

Section 14.05 ACCOUNTS AND FINANCES FOR PUBLIC UTILITIES

Separate accounts termed Enterprise Funds shall be kept for each public utility owned and operated by the city. Such accounts shall be classified and made in accordance with generally accepted accounting principles. Charges for all services furnished to, or rendered by, other city departments or agencies shall be recorded. An annual report, to be on file in the office of the City Clerk for inspection, shall be prepared to show more accurately the financial position of the utility and the results of its operations. Such system of accounts shall conform to the Uniform Chart of Accounts as required by state law.

Section 14.06 DISPOSAL OF MUNICIPAL UTILITY PLANTS AND PROPERTY

The city shall not sell, exchange, lease, or in any way dispose of any property, easement, equipment, privilege, or asset needed to continue the operation of any municipal public utility, unless the proposition to do so is approved by at least three-fifths (3/5) of the electors of the city voting on the question at a regular or special city election. All contracts, 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 the sale or exchange of articles of machinery or equipment of any municipally owned public utility, which are no longer useful or which are replaced by new machinery or equipment; or to the leasing of property not necessary for the operation of the utility, or to the exchange of property or easements for other needed property or interests in property.

Section 14.07 PUBLIC UTILITY FRANCHISES

Insofar as permitted by state law, the city may grant a franchise to any person for the use of the streets, alleys, bridges, and other public places of the city for the furnishing of any public utility, electronic, telephonic, video or communications services to the city and its inhabitants.

Franchises and renewals, amendments, and extensions thereof shall be granted only by ordinance. Public utility franchises shall include provisions for fixing rates and charges, and may provide for readjustments thereof at periodic intervals. The city may, with respect to any public utility franchise granted after the effective date of the charter, whether or not so provided in the granting ordinance:

(a) Terminate the same for the violation of any of its provisions, for the misuse or nonuse thereof, for failure to comply with any provision thereof, or any regulation imposed under authority of this section,

(b) Require proper and adequate extension of plant and the maintenance thereof at the highest practicable standard of efficiency,

(c) Establish reasonable standards of service and quality of products, and prevent unjust discrimination in service or rates,

(d) Impose other regulations determined by the Council to be conducive to the health, safety, welfare, and convenience of the public,

(e) Require the public utility to permit joint use of its property and appurtenances located in the streets, alleys, bridges, and public places, by the city and other utilities, insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefore, and, in the absence of agreement, and upon application by the public utility, provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefore,

(f) Require the public utility to pay any part of the cost of improvement or maintenance of streets, alleys, bridges, and public places, that arises from its use thereof, and to protect and hold the city harmless from all damages arising from such use, and

(g) Require the public utility to file with the City Manager such drawings and maps of the locations and nature of its facilities, as the Council may request.

Section 14.08 PUBLIC UTILITY FRANCHISES – GRANTING

(a) Public utility franchises and all renewals, and extensions thereof and amendments thereto, shall be granted only by ordinance or as otherwise provided by state law. No franchise shall be granted for a longer period than thirty (30) years.

(b) Unless otherwise preempted by state or federal law, no franchise ordinance not subject to revocation at the will of the Council shall be enacted nor become operative until the ordinance has been placed on the ballot at a regular or special election and received the affirmative vote of three-fifths (3/5) of the electors voting thereon.

No such franchise ordinance shall be approved by the Council for placement on the ballot prior to thirty (30) days after the application was filed with the Council nor before a public hearing has been held thereon, nor before the grantee named therein has filed with the City Clerk an unconditional acceptance of all terms of such franchise.

No special election for such purpose shall be ordered unless the expense of holding such election, as determined by the Council, is paid to the City Treasurer by the grantee.

(c) A franchise ordinance, renewal, extension, or amendment thereto, which is subject to revocation at the will of the Council may be enacted by the Council without referral to the voters, but it shall not be enacted until it has been on file in the office of the City Clerk for public inspection for at least four (4) weeks after publication of a notice that such ordinance is on file.

Section 14.09 PUBLIC UTILITY FRANCHISES – CONDITIONS

Unless otherwise preempted by state or federal law, 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. This enumeration shall not be exclusive or impair the right of the Council to insert into 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 adequate extensions of plant 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 franchise throughout the entire length 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, and

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

Section 14.10 AVAILABILITY OF PROPOSED ORDINANCES

Every ordinance granting a franchise, license, or right to occupy or use streets, alleys, bridges, or public places shall remain on file with the City Clerk for public inspection in its final form for at least four (4) weeks before the final adoption thereof, or the approval thereof for referral to the electorate.

Section 14.11 PLANS OF FACILITIES IN STREETS AND PUBLIC PLACES

(a) The Council shall, by ordinance, require as a condition to the placing or installment thereof, that each public utility conducting a business in the city, file with the City Manager a duplicate copy of layout plans, pipes, conduits, and other facilities which are to be placed on, under, or above the surface of the city's streets, alleys, bridges, and public places.

(b) To the extent permitted by state law, every public utility shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges, and other 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 shall be required by the city to permit joint use of its property and appurtenances located in the streets, alleys, bridges, and other public places of the city, by the city and other utilities insofar as such joint use may be reasonably practicable, upon payment of reasonable rental therefore. In the absence of agreement and upon application by any public utility, the Council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefore.

Section 14.12 TEMPORARY PERMITS

Temporary permits for public utilities, revocable at any time at the will of the Council, may be granted by the Council by resolution, on such terms and conditions as it shall determine, provided that such permits shall in no event be construed to be franchises or amendments to franchises. A temporary permit shall be subject to the rights of the city to make independent audit and examination of accounts at any time, and to require reports annually or at more frequent intervals as prescribed by resolution of the Council. When the Council deems it in the public interest, such permits may be exclusive.

Section 14.13 EXISTING FRANCHISES AND PERMITS

All franchises and permits to which the Village of Dexter is a party when this charter becomes effective shall remain in full force and effect according to each agreement.

Section 14.14 PURCHASE – CONDEMNATION

The city shall have the right to acquire, by condemnation or otherwise, the property of any public utility in accordance with general law.

ARTICLE 15
MISCELLANEOUS

Section 15.01 LIABILITY OF CITY, PROCEDURE FOR FILING CLAIM

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

Section 15.02 RECORDS

All records of the city shall be made available to the general public in compliance with the Freedom of Information Act, and shall be kept in city offices except when required for official reasons or for purpose of safe keeping to be elsewhere.

Section 15.03 ESTOPPEL AGAINST CITY

No estoppel may be created against the city.

Section 15.04 PROCESSES AGAINST CITY

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

Section 15.05 TRUSTS FOR MUNICIPAL PURPOSES

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

Section 15.06 QUORUM GENERALLY

Except as provided otherwise in this charter, a quorum of any board or commission created by or in accordance to this charter shall be a majority of the members of such board or commission in office at the time, but not less than two (2) members.

Section 15.07 SATURDAYS, SUNDAYS OR CITY HOLIDAYS

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

Section 15.08 ARTICLE, SECTION AND SUBSECTION HEADINGS OF CHARTER

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

Section 15.09 AMENDMENT OF CHARTER

This charter may be amended at any time in the manner provided by statute. Should two (2) or more amendments adopted at the same election have conflicting provisions, the one (1) receiving the largest affirmative vote shall prevail as to the conflicting provisions.

Section 15.10 SEVERABILITY OF CHARTER PROVISIONS

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

Section 15.11 DEFINITIONS - GENERALLY

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

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

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

(c) The word "person" may extend and be applied to an individual, partnership, corporation, association, other legal entities, or a combination of them.

(d) The word "printed" and "printing" shall include reproductions by printing, engraving, stencil duplicating, lithographing or any similar reproduction method.

(e) Except in reference to signatures, the words "written" and "in writing" shall include printing and typewriting and any other currently acceptable similar method.

(f) The word "officer" shall include the Mayor and other members of the Council and administrative officers.

(g) The word "employee" shall mean those persons not holding elective or appointive office, one who is generally subordinate to the officer and performs only those duties specifically assigned by a contract, department head, or other governmental body.

(h) The word "estoppel" shall mean as being estopped or prevented from denying or asserting something, on the ground that to do so contradicts what has already been admitted or denied, either explicitly in words or implicitly by actions.

(i) The word "default" shall include being delinquent in payment of taxes or municipal utility charges for more than thirty (30) days unless the default is being tested in a court or tribunal.

(j) The word "statute" shall denote the Public Acts of the State of Michigan and any amendments thereto in effect at the time the provision of the charter containing the word "statute" is to be applied.

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

(l) The words "state law" shall denote the statutes of the State of Michigan and the applicable common law.

(m) All reference to section numbers shall refer to section numbers of this charter.

(n) The word "city" shall mean the City of Dexter.

(o) The word "Council" shall mean the Council of the City of Dexter.

(p) The words "public utility" shall include all common carriers in the public streets; water; sewage disposal; electric light and power; gas; telephone and telegraph lines and systems; cable television; garbage and refuse collection and disposal and reduction plants; and such other and different enterprises as the Council may determine or designate.

(q) For the purpose of this charter, the offense of "misconduct in office" includes doing a wrongful act, doing a lawful act in a wrongful manner, and failure to perform an act required by the duties of the office or by rule established by the City Council.

(r) "Public record" means any writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created. Public record does not include computer software. A Public record is subject to the Freedom of Information Act.

(s) The word "family" shall include: spouse, child, grandchild, father, mother, grandmother, grandfather, sister, half-sister, brother, half-brother and spouse of any of them, and all such relationships arising from adoption, or as recognized by state law.

(t) The term "Member of the Council" or "Council Member" shall mean all elected or appointed members of the Council.

(u) The word "situs" shall mean where the property is treated as being located for legal purposes.

(v) The word "cy pres" shall mean "as near as possible" or "as near as may be."

(w) The term "ad valorem" shall mean a tax based on the value of real estate or personal property.

(x) "Department Head" shall include any Police Chief, any Fire Chief, any Public Safety Director, any DPW Superintendent, any WWTP Superintendent, any Planning and Zoning Administrator, and the head of any other department established by the Council.

Section 15.12 DEFINITION OF PUBLICATION AND MAILING OF NOTICES

Unless as otherwise required by law, the requirement contained in this Charter for the publishing or publication of notices, ordinances or proceedings of City Council or other city boards, commissions or authorities, shall be met by publishing:

(a) At least once in a newspaper published in the English language for news of general character, with general circulation at regular intervals in the city for at least one (1) year immediately prior to the publication of the notice, or.

(b) By posting in at least three (3) conspicuous places within the city, or

(c) By posting on the City's website, cable site and/or the internet.

Prima facie evidence of such publication shall be in the form of an affidavit of the printer or publisher of the newspaper, or the foreman or principal clerk attached to a copy of the notice.

In the case in which the charter requires the mailing or posting of notices around the city or on the internet, the affidavit of the officer or employee responsible for such mailing or posting, that such notice was mailed or posted shall be prima facie evidence of such mailing or posting.

Section 15.13 VESTED RIGHTS

After the effective date of this charter, the city shall be vested with all the property, moneys, contracts, rights, credits, effects and the records, files, books and papers belonging to the Village of Dexter.

No right or liability, either in favor or against the village, existing at the time of 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 village shall be the debts and liabilities of the city and all fines and penalties imposed at the time of such change shall be collected.

ARTICLE 16
TRANSITION FROM VILLAGE TO CITY

Section 16.01 PURPOSE

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

Section 16.02 ELECTION TO ADOPT

This charter shall be submitted to a vote of the registered electors of the territory comprising the proposed City of Dexter, as described in Section 1.02 of this charter, at an election to be scheduled by resolution of the Charter Commission, subsequent to the approval of this charter by the Governor, to be held between the hours of 7:00 a.m. and 8:00 p.m. All provisions for the submission of the question of adopting this charter at such election shall be made in the manner provided by law. The Charter Commission shall conduct the election, provided that the Charter Commission may delegate such responsibilities, as it deems proper to the Township Clerks and other local officials.

Section 16.03 FORM OF BALLOT

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

Instructions: A mark indicating the word "Yes" is in favor of the proposed charter, and a mark indicating the word "No" is against the proposed charter.

Shall the proposed Charter for the City of Dexter, drafted by the Charter Commission elected on November 5, 2013, be adopted?

____Yes **____ No**

Section 16.04 EFFECTIVE DATE OF CHARTER

If the voters approve adoption of this charter, then two (2) printed copies thereof, with the vote for and against duly certified by the Board of Canvassers, within thirty (30) days after the vote is taken, shall be filed by the Village Clerk with the Secretary of State and a like number with the Washtenaw County Clerk. On the date the aforementioned filings have been accomplished, this charter shall be effective for all purposes.

Section 16.05 FIRST CITY ELECTION

An election to elect the first city Mayor and City Council shall be held on the same date as the election at which the proposed city charter is submitted for adoption as provided in 16.02 of this charter.

(a) Candidates for Mayor and for City Council who shall be duly registered city electors of the territory comprising the proposed City of Dexter and who shall have been residents of the territory comprising the proposed City of Dexter for one (1) year immediately prior to the election shall file nominating petitions signed by not less than fifteen (15) registered city electors or more than thirty (30) registered city electors of the territory comprising the proposed City of Dexter and filed with the Scio Township Clerk by 4:00 p.m. on the Tuesday which is fifteen (15) weeks prior to the election date.

The Township Clerks shall publish notice of the last day and time of filing of petitions, which notice shall be published in the official newspaper of record for the Village of Dexter. Such petitions shall be in the form designated by statute for the use in nominations for nonpartisan office. The manner of approval of nominating petitions and of those who qualify to sign shall be as outlined in this proposed Charter and shall be administered by the Township Clerks or other election officials as appropriate.

(b) The mayoral candidate receiving the highest number of votes shall have a term beginning at 12:01 a.m. on the date this charter becomes effective and ending at the first regularly scheduled or special meeting of the Council following the date of the city election in 2017.

(c) The three (3) Council candidates receiving the three (3) highest numbers of votes shall have terms beginning at 12:01 a.m. on the date this charter becomes effective and ending at the first regularly scheduled or special meeting of the Council following the date of the city election in 2017.

(d) The three (3) Council candidates receiving the three (3) next highest numbers of votes shall have terms beginning at 12:01 a.m. on the date this charter becomes effective and ending at the first regularly scheduled or special meeting of the Council following the date of the city election in 2015.

Section 16.06 SUBSEQUENT ELECTIONS

Henceforth, the elections for the Mayor and City Council shall be held as set forth in Article 4 of this charter.

Section 16.07 ADMINISTRATIVE OFFICERS AND EMPLOYEES

(a) Nothing in this charter except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are village officers or employees at the time of its adoption.

(b) Except as specifically provided by this charter, if at the time this charter takes full effect a village administrative officer or employee holds an office or position which is or can be abolished by or under this charter, the officer or employee shall continue in such office or position until the taking effect of some specific provision under this charter directing that the officer or employee vacate the office or position.

(c) An employee holding a village position at the time this charter takes full effect, shall not be subject to competitive tests as a condition of continuance in the same position but in all other respects shall be subject to the personnel system provided for in Section 7.02 of this charter.

Section 16.08 TRANSFER OF PROPERTY AND RECORDS

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

Section 16.09 COUNCIL MEETINGS

The first meeting of the Council shall be held on ~~either~~ the ~~second or~~ fourth Monday of the month following the effective date of the charter, unless scheduled earlier. The Council shall meet at 7:30 p.m. at the Dexter Senior Center, 7720 Ann Arbor Street, Dexter, Michigan 48130, for the following purposes:

(a) The adoption of ordinances and resolutions including those for appropriations necessary to affect the transition of government under this charter and to maintain effective city government during that transition and;

(b) To conduct any other business as may come before it.

Section 16.10 TEMPORARY ORDINANCES

In adopting ordinances as provided in 16.09a of this charter, the Council shall follow the procedures prescribed in Article 8, except that at its first meeting or any meeting held within sixty (60) days thereafter, the Council may adopt temporary ordinances to deal with cases in which there is an urgent need for prompt action in connection with the transition of government and in which the delay incident to the appropriate ordinance procedure would probably cause serious hardship or impairment of effective city government. Every temporary ordinance shall be plainly labeled as such but shall be introduced in the form and manner prescribed for ordinances generally. A temporary ordinance may be considered and may be adopted with or without amendment, or rejected at the meeting at which it is introduced. After adoption of a temporary ordinance, the Council shall cause it to be printed and published as prescribed for other adopted ordinances. A temporary ordinance shall become effective upon its adoption and publication, and the referendum power shall not extend to any such ordinance.

Every temporary ordinance, including any amendments made thereto after adoption, shall automatically stand repealed as of the ninety-first (91st) day following the date on which it was adopted, renewed or otherwise continued except by adoption in the manner prescribed in Article 8 for ordinances of the kind concerned. No ordinance shall be operative until published by the city.

Section 16.11 COUNCIL ACTION

In all cases involving the transition to the city government from that in existence prior to adoption of this charter, which are not covered by this Article, the Council shall supply necessary details and procedures and may adopt such rules, regulations, and ordinances as may be required therefor.

Section 16.12 INITIAL EXPENSES

Initial expenses of the city shall be paid by the city subject to an interim financial budget adopted by resolution of City Council. There shall be an audit of this interim fiscal period in accordance with the provisions of Section 9.09 of this charter.

Section 16.13 MAYOR AND COUNCIL SALARIES

Initial salaries for the Mayor and City Council shall be set at the rates in effect for the Village President and Trustees at the time of the Charter's adoption.

Section 16.14 PENDING MATTERS

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

Section 16.15 VESTED RIGHTS AND LIABILITIES

After the effective date of this charter, the city and all its agencies shall be vested with all property, moneys, contracts, rights, credits, effects, and the records, files, books and papers, belonging to the Village of Dexter under and by virtue of the General Law Village Act. No right or liability, contract, lease, or franchise, either in favor of or against the village, existing at the time this charter became effective, and no suit or prosecution of any character shall be affected in any manner by any change resulting from the adoption of this charter, but the same shall stand or proceed as if no change had been made. All taxes, debts, and liabilities due to the village from any person, and all fines and penalties, imposed and existing at the time of such change, shall be collected by the city. All trusts established for any municipal purpose shall be continued in accordance with the terms thereof, subject to the cy pres doctrine.

Section 16.16 VILLAGE ORDINANCES, RESOLUTIONS, ORDERS AND REGULATIONS

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

RESOLUTION OF ADOPTION

At the ~~April 9, 2014~~____ meeting of the Charter Commission it was resolved, that the Charter Commission of the Village of Dexter does hereby adopt the foregoing proposed City of Dexter Charter and the Clerk of this Commission is hereby instructed to transmit the same to the office of the Honorable Richard Snyder, Governor of the State of Michigan in accordance with the provisions of the statute, for his approval.

Be it further resolved, that an election to consider adoption of the proposed charter and election of the mayor and city council shall be conducted on November 4, 2014, subject to the approval of the proposed City of Dexter Charter by the Honorable Rick Snyder, Governor of the State of Michigan.

The vote on the adoption of the Resolution was as follows:

_____ Yes _____ No

_____
John Hansen – Chairperson, Charter Commission

_____
Philip Arbour –Vice-Chairperson, Charter Commission

_____
Jack Donaldson – Charter Commissioner

_____
Matthew Kowalski – Charter Commissioner

_____
Phillip Mekas – Charter Commissioner

_____
Mary-Ellen Miller – Charter Commissioner

_____
Thomas Phillips – Charter Commissioner

_____
Michael Raatz – Charter Commissioner

James Smith – Charter Commissioner