

TRANSITION (Draft Language Based on Caro Charter Chapter 16)

Section 1 PURPOSE

The purpose of this chapter 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 2 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 (Powers of the City) 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 a.m. and 8 p.m. local time. 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 village clerk and other local officials.

Section 3 FORM OF BALLOT

The form of the ballot for the submission of this charter shall be as follows: Instructions: A mark in the square before the word "Yes" is in favor of the proposed charter, and a mark in the square before 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 4, 2014 be adopted?

_____ Yes _____ No

Section 4 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 5 FIRST 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 charter is submitted for adoption as provided in 16.2 of this charter.

- (a) Candidates for Mayor and for City Council who shall be duly registered 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 petitions signed by not less than fifteen (15) registered electors or more than twenty-five (25) registered electors of the territory comprising the proposed City of Dexter and filed with the Village Clerk by 4:00 p.m. Local Time, on the Tuesday

which is the fifteen (15) weeks prior to the election date. The Village Clerk shall publish notice of the last day and time of filing of petitions, which notice shall be published in the Sun Times. 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 Clerk 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 2015.
- (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 6 SUBSEQUENT ELECTIONS

Henceforth, the elections for the city mayor and city council shall be held as set forth in Section (Elections) of this charter.

Section 7 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, he or she shall continue in such office or position until the taking effect of some specific provision under this charter directing that he or she 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 (Administrative Services) of this charter.

Section 8 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 9 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. 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 council business as may come before it.

Section 10 TEMPORARY ORDINANCES

In adopting ordinances as provided in Section (City Council), the council shall follow the procedures prescribed in Chapter VIII, 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 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 Chapter VIII for ordinances of the kind concerned. No ordinance shall be operative until published by the city.

Section 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 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 (Financial Management) of this charter.

Section 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 14 PENDING MATTERS

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

Section 15 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 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 _____ 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.

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 Commission

Matt Kowalski – Charter Commissioner

Phillip Mekas – Charter Commissioner

Mary-Ellen Miller – Charter Commissioner

Thomas Phillips – Charter Commissioner

Michael Raatz – Charter Commissioner

James Smith – Charter Commissioner