

CHARTER
CITY OF FLAT ROCK
WAYNE COUNTY, MICHIGAN

Approved

William H. Miller
H. and W. City CONSTITUTION
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PREAMBLE

We, the People of the City of Flat Rock, by the grace of Almighty God, and pursuant to authority granted by the Constitution and the laws of the State of Michigan, in order to secure the benefits of local self-government, and otherwise to promote our common welfare, do hereby ordain and establish this Home Rule Charter.

CHAPTER I

NAME AND BOUNDARIES

Section 1. The following described territory, together with all territories that may hereafter be annexed thereto, shall be, and continue and remain a municipal corporation of the State of Michigan under the official name and title of "City of Flat Rock", and shall be subject to the municipal control of said City in accordance with the provisions of this Charter and the Constitution and the laws of the State of Michigan which are applicable thereto; said territory to be incorporated as the City of Flat Rock is described as follows:

A portion of the Township of Brownstown, including all of the Village of Flat Rock, Wayne County, Michigan and being more particularly described as follows:

Commencing at the center of Section 28, T. 4 S., R. 10 E., Brownstown Township, Wayne County, Michigan. Proceeding thence W. along the E. and W. 1/4 line of Sections 28 and 29 and 30 of Brownstown Township to the W. 1/4 corner of Section 30 of said Brownstown Township. Thence S. on the W. line of Sections 30 and 31 of Brownstown Township to the S.W. corner of Section 31, said corner being on the County line between Wayne County and Monroe County. Thence E. on said County line to the centerline of the Huron River, said centerline being the County line between Monroe County and Wayne County. Thence downstream along the centerline of the Huron River following the southerly boundary of Wayne County to the S.W. corner of the City of Rockwood, Wayne County, Michigan. Thence N. Easterly along said corporate line to the center of Huron River Drive. Thence Easterly along the center of said Road to the Section line between fractional Sections 8 and 9 of

Brownstown Township. Thence N. along said line to the S.W. corner of Section 4 of said Township. Thence E. along the S. line of said Section 4 to the N. and S. 1/4 line of the S.W. 1/4 of said Section 4. Thence N. along said line to the center of Woodruff Road. Thence Easterly along the center of said Road also being the Northerly corporate line of the City of Rockwood to the West right of way line of the Detroit, Toledo Expressway. Thence N. along said W. right of way line to the N. line of Section 34 said line being the S. corporate line of the Village of Woodhaven. Thence W. along the S. line of Sections 27 and 28 to the N. and S. 1/4 line of Section 28. Thence N. along the N. and S. 1/4 line of Section 28 to the point of beginning. Embracing lands in Brownstown Township, Wayne County, Michigan; and the Village of Flat Rock, Wayne County, Michigan.

CHAPTER II

MUNICIPAL POWERS

CONTINUATION OF POWERS OF FORMER CHARTER:

Section 2.1. All powers, privileges and immunities not inconsistent with the provisions of this Charter possessed by the Village of Flat Rock by virtue of its incorporation as such, and enumerated in the Charter of the Village which is hereby superseded, are hereby expressly retained by the City and shall constitute a part of the powers of the City, even though not expressly enumerated herein.

GENERAL POWERS:

Section 2.2. Unless otherwise provided or limited in this Charter, the City and its officers shall possess and be vested with any and all powers, privileges and immunities, expressed or implied, which Cities and their officers are, or hereafter may be permitted to exercise or to provide for in their Charters under the Constitution and statutes of the State of Michigan, including all powers, privileges and immunities which Cities are, or may be, permitted to provide in their Charters by Act 279 of the Public Acts of 1909 of the State of Michigan, as amended, as fully and completely as though

these powers, privileges and immunities were specifically enumerated in and provided for in this Charter, and in no case shall any enumeration of particular powers, privileges or immunities herein be held to be exclusive.

The City and its officers shall have power to exercise all municipal powers in the management and control of municipal property and in the administration of the municipal government, whether such powers be expressly enumerated herein or not; to do any act to advance the interests of the City, the good government and prosperity of the municipality and its inhabitants, and through its regularly constituted authority, to pass and enforce all laws, ordinances and resolutions relating to its municipal concerns, subject to the Constitution and general laws of this State, and provisions of this Charter.

FURTHER DEFINITION OF POWERS:

Section 2.3. In addition to the powers possessed by the City under the Constitution and statutes, and those set forth throughout this Charter, the City shall have power with respect to, and may, by ordinance and other lawful acts of its officers, provide for the following, subject to any specific limitations placed thereon by this Charter and by Statute Law.

(1) The acquisition by purchase, gift, condemnation, lease, construction or in any manner permitted by statute, of private property of every type and nature for public use which property may be located within or without the County of Wayne, and which may be required for or incidental to the present or future exercise of the purposes, powers and duties of the City, either proprietary or otherwise;

(2) The maintenance, development, operation, leasing and disposal of City property subject to any restrictions placed thereon by Statute or this Charter;

(3) The refunding of money advanced or paid in special assessment districts;

(4) The installation and connection of conduits for the service of municipally owned and operated electric lighting plants;

(5) The purchase or condemnation of the franchises and of the property used in the operation of companies or individuals engaged in the cemetery, hospital, almshouse, electric light, gas, heat, water and power business;

(6) The use, regulation, improvement and control of

the surfaces of such streets, alleys and public ways, and of the space above and beneath them;

(7) The use, by other than the owner, of property located in streets, alleys and public places, in the operation of a public utility, upon the payment of a reasonable compensation to the owners thereof;

(8) A plan of streets and alleys within and for a distance of not more than three miles beyond the municipal limits;

(9) The use, control and regulation of streams, waters and water courses within its boundaries and the operation of all water craft upon them, subject to any limitations imposed by statutes.

(10) The acquiring, establishment, operation, extension and maintenance of facilities for the storage and parking of vehicles within its corporate limits including also the fixing and collection of charges for service and use thereof on a public utility basis, and for such purpose to acquire by gift, purchase, condemnation or otherwise, the land necessary therefor;

(11) Regulating and restricting the locations of oil and gasoline stations;

(12) The establishing of districts or zones within which the use of land and structures, the height, the area, the size and location of buildings and required open spaces for light and ventilation of such buildings, and the density of population may be regulated by ordinance in accordance with statutory provisions governing zoning;

(13) The regulating of trades, occupations and amusements within the City, not inconsistent with the state and federal laws, and for the prohibiting of such trades, occupations and amusements as are detrimental to the health, morals or welfare of its inhabitants;

(14) Licensing, regulating, restricting and limiting locations of advertising signs or displays and billboards within the City;

(15) The preventing of injury or annoyance to the inhabitants of the City from anything which is dangerous, offensive or unhealthful, and for the preventing and abating of nuisances and punishing those occasioning them or neglecting or refusing to abate, discontinue or remove the same;

(16) The prescribing of the terms and conditions upon which licenses may be granted, suspended or revoked; requiring

payment of reasonable sums for licenses; and requiring the furnishing of a bond to the City for the faithful observance of the conditions under which licenses are granted, and otherwise, conditioning such licenses as the Council may prescribe;

(17) The regulating of all airports located within its boundaries, and, for the purposes of promoting and preserving the public peace, safety and welfare, controlling and regulating the use of air above the City by aircraft of all types;

(18) The prohibiting or regulating of the use, occupancy sanitation and parking of house trailers within the City, and the rights of the city to so regulate any house trailer shall not be abrogated because of any detachment thereof from its wheels or because of placing it on, or attaching it to, the ground by means of any temporary or permanent foundation, or in any manner whatsoever;

(19) The requiring of an owner of real property within the City to abate public hazards and nuisances which are dangerous to the health or safety of inhabitants of the City within a reasonable time after the Council notifies him that such hazard or nuisance exists, and if the owner fails to comply with such requirements, or if the owner is unknown, to abate such hazard or nuisance and assess the cost thereof against such property in accordance with Section 11.13.

(20) The compelling of owners of real property within the City to keep sidewalks abutting upon their property clear from snow, ice or other obstructions, and if the owner fails to comply with such requirements, to remove such snow, ice or other obstructions and assess the cost thereof against the abutting property in accordance with Section 11.13.

(21) Requiring the platting of all land or premises within the City hereafter subdivided, in accordance with the terms and conditions as may be provided by ordinance, subject to any limitations imposed by statute.

(22) The control over all trees, shrubs and plants in the public streets, highways, parks or other public places in the City, all dead and diseased trees on private property, and trees on private property overhanging the street, sidewalk or public places and the appropriate removal thereof and assessing the cost thereof against the property in accordance with Section 11.13.

(23) Sidewalks. The Council shall have control of all sidewalks or public streets and alleys of the City and may prescribe grade thereof and change the same when deemed necessary. Council shall also have authority to require the owners and occupants of

lots and premises to build, rebuild, and maintain sidewalks in the public streets adjacent to and abutting upon such lots and premises and to keep them in repair at all times, and to construct and lay the same upon such lines and grades and of such widths, materials, and manners of construction, and within such time as Council shall by ordinance or resolution prescribe, and the expense thereof to be paid by such owner or occupant.

INTERGOVERNMENTAL CONTRACTS:

Section 2.4. The City shall have power to join, with any governmental unit or agency, or with any number or combination thereof by contract or otherwise as may be permitted by law to have performed (a) jointly, or (b) by one or more of them for or on behalf of the other or others, or (c) by any other person, firm or corporation, any power or duty which is permitted to be so performed by law or which is possessed by, or imposed upon, each such governmental unit or agency. Provided however, any such contract or contracts shall provide an escape clause in favor of the City.

CHAPTER III

ELECTIONS

QUALIFICATIONS OF ELECTORS:

Section 3.1. The residents of the City having the qualifications of electors in the State of Michigan shall be electors of the City.

ELECTION PROCEDURE:

Section 3.2. The election of all City officers shall be on a non-partisan basis. The general election statutes shall apply to and control, as near as may be, all procedures relating to registration and City Election, except as such statutes relate to political parties or partisan procedure and except as otherwise provided in this Charter.

The Clerk shall give public notice of the time and place of holding each City election and of the officers to be elected and the questions to be voted upon, in the same manner as is

required by statute for the giving of public notice of general elections in the state.

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

WARDS AND PRECINCTS:

Section 3.3. The City of Fat Rock shall consist of one ward. From time to time the Council shall establish convenient election precincts as required and provided by law.

REGULAR CITY ELECTIONS:

Section 3.4. A regular City election shall be held on the first Monday in April of 1967 and in each odd numbered year thereafter.

ELECTIVE OFFICERS AND TERMS OF OFFICE:

Section 3.5. The elective officers of the City shall be a Mayor and six Councilmen and one Justice of the Peace, all of whom shall be nominated and elected from the City at Large.

All of the said officers heretofore enumerated shall be elected at the same election to which the Charter is submitted to the electors for adoption or rejection. The terms of the Mayor and the Justice of the Peace shall expire on the second Monday in April of the year 1967. The three persons to be elected as Councilmen receiving the largest number of votes shall be elected for a term of four years and shall serve until the first Monday following the election in April of 1969. The three persons elected as Councilmen receiving the smallest number of votes shall serve for a term of two years ending on the first Monday following the election in April of 1967. At each biennial election thereafter, the Mayor and Justice of the Peace shall be elected for a term of two years. At each biennial election thereafter, the number of Councilmen to be elected to the City Council shall be elected every two years for a four year term. Vacancies shall be filled as set forth in the Charter.

SPECIAL ELECTIONS:

Section 3.6. Special City elections shall be held when

called by resolution of the Council at least forty-five days in advance of such election, or when required by this Charter or by statute. Should qualified electors file a petition in conformance with the applicable statutory provisions governing same, a special election is required. Any resolution calling a special election shall set forth the purpose of such election. No more special elections shall be called in any one year than permitted by statute.

ELECTION COMMISSION:

Section 3.7. An Election Commission is hereby created consisting of the City Clerk and two persons appointed by the Council who shall not be elective officers. The Clerk shall be the Chairman. The members shall serve without compensation. Two members of such Board shall be a quorum. The Commission shall appoint the Board of Election inspectors for each precinct, and have charge of all activities and duties required of it by State law and this Charter relating to the conduct of elections in the City. The compensation of election personnel shall be determined in advance by the Council. In any case where election procedure is in doubt, the Election Commission shall prescribe the procedure to be followed.

PRIMARY ELECTIONS:

Section 3.8. Non-partisan primary elections shall be held on the third Monday in February preceding a regular City election and the third Monday preceding a special election.

If, upon the expiration of the time for filing nomination petitions for any elective City office, valid petitions have been filed for no more than twice the number of candidates for the respective offices to be elected at the following regular or special City elections, then no primary shall be held with respect to such offices. If no primary is to be held for one or more offices, the Clerk shall publish notice of the fact and the reason therefore as part of, or at the time provided for, the publication of notices for such primary election.

Candidates, equal in number to twice the number of persons to be elected to each City office at the next subsequent regular or special City election, who receive the highest number of votes at any such primary election shall be declared the nominees for election to the respective offices for which they are candidates. The candidates for any office for which no primary election was held, shall be certified by the Clerk to the Election Commission as nominees for the next subsequent regular or special City election.

NOMINATIONS:

Section 3.9. The method of nomination of all candidates for the City primary election shall be by petition. Such petitions for each candidate shall be signed by not less than twenty (20) or more than thirty-five (35) registered electors of the City. No person shall sign his name to a greater number of petitions for any one office than there are persons to be elected to said office at the following regular or special City election. Where the signature of any individual appears on more petitions than he is so permitted to sign, such signatures shall be counted only to the extent he is permitted to sign in the order of the respective dates and hour of filing the petitions containing such signatures.

Nomination petitions shall be filed with the Clerk between the fortieth day preceding such primary election and 5:00 P.M. on the thirtieth day preceding the regular City primary election or any special primary election for the filling of vacancies in office.

The Clerk shall, prior to every City primary election, publish notice of the last day permitted for filing nomination petitions and of the number of persons to be nominated or elected to each office at least one week and not more than three weeks, before such day.

FORM OF PETITION:

Section 3.10. The form of petition shall be substantially as that designated by the Secretary of State for the nomination of non-partisan judicial officers. A supply of official petition forms shall be provided and maintained by the Clerk.

APPROVAL OF PETITION:

Section 3.11. The Clerk shall accept only nomination petitions which conform with the form provided and maintained by him and which, considered together, contain the required number of valid signatures for candidates having those qualifications required for the filing of a petition. When a petition is filed by persons other than the person whose name appears thereon as candidate, it may be accepted only when accompanied by the written consent of the candidate. The Clerk, shall, forthwith after the filing of a petition, notify in writing any candidate whose petition is then known not to meet the requirements of this section, but the failure to so notify any candidate shall in no way prevent a final determination that the petition does not meet such requirements.

Within three days after the last date for filing petitions, the Clerk shall make his final determination as to the validity and sufficiency of each nomination petition and whether or not the candidate has the qualifications required for his respective elective City office by this Charter, and shall write his determination thereof

on the face of the petition. The Clerk shall immediately notify in writing the candidates whose petition is found invalid or insufficient. Such notice to any candidate whose petition is found invalid or insufficient shall be delivered by personal messenger, if possible. Any candidate whose petition is so found invalid or insufficient shall be allowed to file supplementary or replacement petitions before 5:00 in the afternoon on the fifth day after the last date for filing original petitions.

The names of the candidates for the respective elective City offices who file valid and sufficient nomination petitions shall be certified by the Clerk to the Election Commission to be placed upon the ballot for the next subsequent City primary election or the next special City election for the filling of vacancies in office as the case may be.

PUBLIC INSPECTION OF PETITIONS:

Section 3.12. All nomination petitions shall be open to public inspection in the office of the Clerk.

FORM OF BALLOT:

Section 3.13. The form, printing and numbering of ballots or the preparation of the voting machines used in any City election shall conform as nearly as may be to the provisions of statute, except that no party designation or emblem shall appear. In all City elections, the names of qualified candidates or nominees for each office shall be listed under a separate heading and shall be rotated systematically in the manner prescribed by statute for rotation of names.

If two or more candidates for the same office have the same or similar surnames, the Election Commission shall print the occupation and residence address under the respective names of each of such candidates on the ballots (or on labels or slips to be placed on voting machines when used), provided; that for any of such candidates who is an incumbent of such office, the occupation shall be designated as "Incumbent." Except as provided in this section there shall be no supplementary identification of candidates on the ballot.

CANVASS OF VOTES:

Section 3.14. A four member Board of Canvassers is hereby established in accordance with election statutes, members of said Board to be qualified and registered electors of the City and shall

have filed with the City a formal application for appointment to said Board. Selection of the members shall be made by the Council in the manner provided by statute.

TIE VOTE:

Section 3.15. If, at any City election, there shall be no choice between candidates by reason of two or more persons having received an equal number of votes, then the City Council 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.

RECOUNT:

Section 3.16. A recount of the votes cast at any City election for any office or upon any proposition may be had in accordance with election statutes. Unless otherwise required by statute, (1) a recount petition shall be filed with the Clerk by 5:00 in the afternoon on the second full day after the Board of Canvassers has made its official report, (2) any counter-petition shall be filed by 5:00 in the afternoon on the next full day thereafter, and (3) no officer shall be qualified to take office until the final determination of any recount of the votes cast for such office.

RECALL:

Section 3.17. Any elected official may be recalled from office by the electors of the City in the manner provided by statute. A vacancy created by such recall shall be filled in the manner prescribed by this Charter and by statute.

CHAPTER IV

ORGANIZATION OF GOVERNMENT

The following shall constitute the organization of City Government:

MAYOR AND COUNCIL:

Section 4.1. There shall be a Mayor and six Councilmen who shall be nominated and elected by the electors of the City at Large. The Council shall be composed of seven members consisting of a Mayor and six Councilmen. The Mayor shall be the executive head of the City. The Council shall constitute the legislative body of the City and shall have power and authority, except as in this Charter or by statute otherwise provided, to exercise all powers conferred upon or possessed by the City, and shall have the power and authority to adopt such laws, ordinances and resolutions as it shall deem proper in the exercise thereof. In all cases where the word "Council" is used in this Charter, the name shall be synonymous with the word commission or any other term used in any state or federal law in referring to municipal legislative bodies.

QUALIFICATIONS OF COUNCILMEN:

Section 4.2. Members of the Council shall meet the eligibility requirements contained in Section 5.1 of this Charter. The Council shall be the sole judge of the election and qualification of its own members, subject only to review by the Court.

CLERK, TREASURER AND ASSESSOR:

Section 4.3. There shall be a Clerk, Treasurer, and Assessor, all appointed by the Mayor as provided in Section 4.9 of this Charter.

QUALIFICATIONS OF CLERK, TREASURER AND ASSESSOR:

Section 4.4. The Clerk, Treasurer and Assessor shall meet the eligibility requirements contained in Section 5.1 of this Charter.

JUSTICE OF THE PEACE:

Section 4.5. There shall be one Justice of the Peace who shall be nominated and elected by the electors of the City at Large.

QUALIFICATIONS OF JUSTICE OF PEACE:

Section 4.6. The Justice of the Peace shall meet the

eligibility requirements contained in Section 5.1 of this Charter.

COMPENSATION OF ELECTIVE OFFICERS:

Section 4.7. The elective officers of the City shall be entitled to receive as full compensation for their services, the following annual salaries to be paid quarterly.

(a) Mayor. The Mayor shall receive, as remuneration for his services to the City the sum of Five Hundred (\$500.00) Dollars per year.

(b) Councilmen. The compensation for each member of the Council shall be the sum of Two Hundred Fifty (\$250.00) Dollars per year.

(c) Justice of the Peace. The compensation of the Justice of the Peace shall be as provided in Section 16.2 of this Charter.

The aforesaid salaries of the Mayor and Council, and except as otherwise provided in this Charter, shall constitute the only compensation which may be paid the Mayor and Council for the discharge of any official duty for and on behalf of the City during their tenure of office. However, the Mayor and Councilmen may, upon order of the Council, be paid such bona fide expenses incurred in service in behalf of the City as are authorized, itemized and approved by the Council.

MAYOR PRO TEM:

Section 4.8. The Councilman who receives the highest number of votes cast at the election when this Charter is voted upon and thereafter, the Councilman who shall have served a tenure of two years and has received the highest number of votes cast at the time of his election to office shall be the Mayor Pro Tem unless such Councilman shall in writing notify the Clerk of his declination to so serve before such appointment becomes effective, in which event, the Council shall designate another of its members to serve as Mayor Pro Tem. The first Mayor Pro Tem shall serve until the first Council Meeting following the second biennial election. In case of absence or disability of the Mayor, the Mayor Pro Tem shall perform the duties of the Mayor during the period of such absence or disability and in the event of the absence or disability of both Mayor and Mayor Pro Tem, the Council shall designate another of its members to serve as acting Mayor during such absence or disability.

ADMINISTRATIVE SERVICES:

Section 4.9. The Administrative officers of the City shall be the City Clerk, City Treasurer, City Assessor, City Attorney, Director of Public Safety, Director of Public Works, and Director of Water Department and such additional administrative officers or departments as may be created by ordinance. The Council may by ordinance create additional administrative offices and departments, and may by ordinance combine any administrative offices and departments in any manner it deems necessary or advisable for the proper and efficient operation of the City, and shall prescribe the functions of each office and department and the duties, authorities and responsibilities of the officers of each department, except as otherwise provided in this Charter. The Mayor shall within thirty days after his taking of office following his election for the Office of Mayor, appoint, subject to the approval and confirmation by majority vote of the Council, all administrative officers and departments of the City Government, whether the office be established by this Charter or as may be created by ordinance, in which case the Mayor as a member of the Council shall be precluded from voting. In case the Mayor fails to make any such appointments within the herein provided thirty days, then the Council may make such appointments as the case may be.

The administrative officers and department heads shall be responsible to the Council and shall serve at the discretion and pleasure of the Council for an indefinite term and shall have their compensation fixed by the Council.

THE MAYOR; DUTIES:

Section 4.10. Under the provisions of this Charter, the Mayor shall in addition to any powers and duties otherwise provided by law, have powers and duties as follows:

- (a) He shall be the executive head of the City;
- (b) He shall have a voice and vote in all proceedings of the Council equal with that of the other members of the Council, but shall have no veto power;
- (c) He shall be the presiding officer of the Council;
- (d) He shall be the conservator of the peace and in emergencies may exercise within the City the powers conferred upon sheriffs to suppress riot and disorder, and shall have the authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances and regulations of the Council and the authority of the City government;
- (e) The Mayor shall execute or authenticate by his signature such instruments as this Charter or any statutes of the State of Michigan or the laws of the United States shall require;
- (f) He shall see that all the laws and ordinances are enforced;
- (g) He shall see that all terms and conditions imposed in favor of the City or its inhabitants, in any public utility franchise or any contract, are faithfully kept and performed;

(h) He shall be responsible for the submission of the annual budget;

(i) He shall recommend to the Council for adoption such measures as he may deem necessary or expedient;

(j) He shall be responsible for the co-ordination of all departments of the City government;

(k) He shall have such other powers and perform such other duties as may be prescribed by law, this Charter, or as may be required of him, by ordinance or direction of the Council.

CITY CLERK:

Section 4.11. (a) The Clerk shall be the Clerk of the Council and shall attend all meetings of the Council, and shall keep a permanent journal of its proceedings and sessions in the English language.

(b) He shall keep a public record of all proceedings of the Council and shall authenticate the same by his signature.

(c) He shall certify by his signature all ordinances and resolutions enacted or adopted by the Council.

(d) He shall be custodian of all papers, documents, bonds, and records pertaining to the City, unless the custody thereof is otherwise provided by law or this Charter.

(e) He shall be custodian of the City seal and shall affix it to documents and attest the same.

(f) He shall give notice to the proper officials of the expiration or termination of each franchise and contract to which the City is a party, and to City officers, personally, or the expiration of the terms of their respective offices and of any official bonds required of them.

(g) Under authority of the Council, he shall sign or countersign all contracts, deeds, licenses, or other public documents, on behalf of the City, and shall keep a record thereof.

(h) He shall publish and post all notices, proceedings, and other matters required to be published or posted by law, this Charter, or ordinance.

(i) He shall be the chief elections officer of the City.

(j) He shall perform such other duties as may be required of him by law, this Charter, the Mayor and/or the ordinances and resolutions of the Council.

(k) He shall have the power to administer oaths of office.

CITY TREASURER:

Section 4.12. (a) The Treasurer shall have custody of all moneys, funds and securities of the City, keep accounts thereof, deposit same in the manner and in the places designated by the Council,

and report the same forthwith in detail to the Council. The system of accounts here provided for shall conform to such uniform system as may be required by law.

(b) Except as otherwise provided by this Charter or by ordinance, he shall collect all moneys of the City, including charges for water and sewer services. He shall receive from other officers and employees all moneys belonging to and receivable by the City that may be collected by them, and shall give receipts therefor.

(c) For the collection of taxes he shall have and shall exercise all of the powers and immunities which are granted and reserved to him by this Charter and by law.

(d) He shall disburse all city funds in accordance with the provisions of law and this Charter, and shall sign or countersign all checks or warrants accordingly.

(e) He shall perform such other duties as may be prescribed by law for him, this Charter, the Mayor and/or ordinances or resolutions of the Council.

CITY ASSESSOR:

Section 4.13. The Assessor shall possess all the powers vested in and shall be charged with the duties imposed upon assessing officers by statute. He shall prepare all regular and special assessment rolls in the manner prescribed by this Charter, or ordinance, or by statute. He shall perform such other duties as may be prescribed for him in this Charter or by the Council.

CITY ATTORNEY:

Section 4.14. (a) The Attorney shall be attorney and counsel for the City, and shall be responsible to the Council. He shall act as legal advisor to the Mayor, and be attorney and counsel for the Council and all of its members relating to their official duties. He shall give written opinions to any officer or department head or commission of the City when requested in writing by the Mayor, the Council or commission so to do, and shall file a copy of the same with the City Clerk.

(b) He may be directed by the Council to prosecute ordinance violations and to represent the City in cases before Courts and other tribunals. He shall file with the Clerk copies of such records and files relating thereto as the Council may direct.

(c) He shall prepare or review all ordinances, regulations, contracts, bonds, and such other instruments as may be required by this Charter or by the Council, and shall promptly give his opinion as to the legality thereof.

(d) He shall attend all regular meetings of the Council and other meetings as requested by the Council.

(e) Upon recommendation of the attorney, or upon its own

initiative the Council may retain special legal counsel to handle any matter in which the City has an interest, or to assist in counsel with the City Attorney therein.

DIRECTOR OF PUBLIC SAFETY:

Section 4.15. The Director of Public Safety shall be the Administrative head of the combined Police and Fire Department and shall administer the general policies of the police and fire fighting functions of the City. He shall perform all duties as may be required of him by law, this Charter, ordinances, the Mayor and resolutions of the Council.

DIRECTOR OF PUBLIC WORKS:

Section 4.16. The Director of Public Works shall be the administrative head of the Department of Public Works.

He shall be responsible for the maintenance, alteration, improvement and repair of streets, sidewalks, sewers, sewage disposal facilities, and all other public grounds, buildings, facilities and equipment which are not placed under the charge of some other department by this Charter, the Mayor and/or by the Council in accordance with the authority granted by this Charter.

He shall perform such other duties as may be prescribed by law, this Charter or as may be required of him by the Mayor or Council.

PERSONNEL:

Section 4.17. All employees of the City, including department heads, if not residents at the time of their appointment or at the adoption of this Charter shall become residents thereof within one year thereafter and shall remain residents while so employed, unless exempted by the Council.

PLANNING AND ZONING:

Section 4.18. The Council shall maintain a City Planning Commission in accordance with and having the powers and duties granted by the provisions of statute relating to such commissions.

The Council shall maintain a Zoning Ordinance in accordance with the provisions of statute relating to such ordinances. Insofar as may be, such ordinance shall provide that zoning be coordinated with

the work of the City Planning Commission, and a Zoning Board of Appeals consisting of five members who shall be freeholders and of whom not less than one nor more than two shall be administrative officers. Insofar as may be, said Zoning Board of Appeals shall coordinate its work with the Building and Safety Appeal Board as hereinafter provided.

APPOINTIVE DEPARTMENT OFFICERS:

Section 4.19. The head of each department shall have the power to hire, suspend, discharge or otherwise take other appropriate disciplinary action against the employees of his department. An employee who has been discharged may within ten days thereafter petition the Council to hear the facts regarding such discharge, and in such case the Council may in its sole discretion order a hearing and inquire into such facts, and may make such decision in the matter as it considers proper.

INDEPENDENT BOARDS AND COMMISSIONS:

Section 4.20. The Council may not create any board or commission, other than those provided for in this Charter, to administer any activity, department or agency of the City government except:

- (a) A Municipal Hospital
- (b) A Municipal Cemetery
- (c) Parks and Recreation
- (d) Library Commission
- (e) Industrial Study and Development Commission
- (f) Any activity which by statute is required to be so administered.

The Council may, however, establish:

- 1. Quasi-judicial appeal boards
- 2. Boards or commissions to serve solely in an advisory capacity.

All members of the City boards and commissions shall be appointed by the Mayor, subject to the approval and confirmation by a majority vote of the City Council.

CIVIL SERVICE COMMISSION:

Section 4.21. The Council shall have the power and authority to establish and create by ordinance a Civil Service System for all of the employees of the City of Mat Rock.

EMPLOYEES RETIREMENT SYSTEM:

Section 4.22. The Council may provide by ordinance for an orderly retirement system for the City employees. The objective of the retirement system, if created, shall be for a sound and efficient means of providing retirement allowances for the employees of the City to the end that economy and efficiency in public service may be effected and an ordinary method of retirement be provided without hardship and prejudice to employees who have become super-annuated or incapacitated. The terms and conditions of the ordinance if enacted shall be determined by the Council.

BUILDING AND SAFETY:

Section 4.23. The Council shall maintain a building and safety ordinance in accordance with the provisions of statute relating to such ordinances and a building and safety appeal board consisting of five members who shall be freeholders and of whom not less than one nor more than two shall be administrative officers. Insofar as may be, said board shall coordinate with the Zoning Board of Appeals as hereinabove provided.

WATER COMMISSION:

Section 4.24. (a) The Council shall be authorized to establish by ordinance a Water Commission which shall be charged with the duty of supplying the City with a sufficient quantity of pure and wholesome water.

(b) The Commission shall establish and administer the general policies of the Water Department, except the fixing of rates.

(c) The Water Commission shall consist of not less than three members who shall be appointed by the Mayor subject, however, to the approval and consent of the Council.

CHAPTER V

GENERAL PROVISIONS REGARDING OFFICERS AND PERSONNEL OF THE CITY

ELIGIBILITY FOR OFFICE AND EMPLOYMENT IN CITY:

Section 5.1. No person shall hold any elective office of the City unless he has been a resident of the City for at least one year immediately prior to the last day for filing original petitions for such office or prior to the time of his appointment to fill a vacancy. No person shall hold any elective office unless he is a qualified and registered elector of the City on such last day for filing or at such time of appointment and throughout his tenure of office.

No person shall be eligible for any elective or appointive office who is in default to the City, or who shall have been found guilty by a competent tribunal of the commission of a felony. The holding of office by any person who is in such default shall create a vacancy unless such default shall be eliminated within thirty days after written notice thereof has been served upon him by the Council or unless such person shall in good faith be contesting the liability of such default.

No person shall be eligible for election to office at any regular or special election who is:

- (a) an appointive officer
- (b) an elective officer whose term of office does not expire at 8:00 P.M. on the Monday next following the next regular election unless he shall resign either as an appointive officer, or as an elective officer whose resignation shall be in writing and filed with the Clerk at least 120 days before such next regular or special election.

Each member of a City Board or Commission shall have been a resident of the City for at least one year prior to the date of his appointment, and shall be qualified and a registered elector of the City on such day and throughout his tenure of office.

The Council shall be the sole judge of the election and qualification of its own members.

All officers of the City shall be United States Citizens.

No elective officer may be appointed to any City office or be employed by the City.

VACANCIES IN ELECTIVE OFFICES:

Section 5.2. Any elective city office shall be declared vacant by the Council upon the occurrence of any of the following events before the expiration of the term of such office:

- (a) For any reason specified by statute or by this Charter as creating a vacancy in office;
- (b) If no person is elected to, or qualified for, the office at the election at which such office is to be filled;
- (c) If the officer shall be found guilty by a competent tribunal of any act constituting misconduct in office under the provisions of this Charter;
- (d) If the officer shall absent himself continuously from the City for more than thirty consecutive days in any one year

without the permission of the Council;

(e) In the case of any members of the Council, if such officer shall miss all consecutive regular meetings of the Council for a period of two months, or twenty-five per cent of such meetings in any fiscal year of the City, unless such absences shall be excused by the Council and the reason therefor entered in the proceedings of the Council at the time of each absence;

(f) If the officer is removed from office by the Council in accordance with the provisions hereinafter set forth.

VACANCIES IN BOARDS AND COMMISSIONS:

Section 5.3. The office of any member of any board or commission created by, or pursuant to, this Charter shall be declared vacant by the Council before the expiration of the term of such office;

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

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

(c) If such officer shall miss all consecutive regular meetings of such board or commission for a period of two months, or twenty-five per cent of such meetings in any fiscal year of the City, unless such absences shall be excused by such board or commission, and the reason therefore entered in the proceedings of such board or commission at the time of each absence;

(d) If the officer is removed from office by the Council in accordance with the provisions hereinafter set forth.

REMOVAL FROM OFFICE:

Section 5.4. Removals by the Council of elective officers or of members of boards or commissions shall be made for either of the following reasons:

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

(b) For any act declared by this Charter to constitute misconduct in office. Such removals by the Council shall be made only after hearing of which such officer has been given notice by the Clerk at least ten days in advance, either personally or by delivering the same at his last known place of residence. Such notice shall include a copy of the charges against such officer. The hearing shall afford an opportunity to the officer, in person or by attorney, to be heard in his defense, to cross-examine witnesses and to present testimony. If such officer shall neglect to appear at such hearing and answer such charges, his failure to do so may be deemed cause for his removal. A majority vote of the members of the Council in office at the time, exclusive of any members whose removal may be

being considered, shall be required for any such removal.

RESIGNATIONS:

Section 5.5. Resignations of elective officers and members of boards and commissions shall be made in writing and filed with the Clerk. Resignations of appointive officers shall be made in writing to the appointing officer or body and shall be acted upon immediately.

FILLING VACANCIES; ELECTIVE AND APPOINTIVE OFFICES:

Section 5.6. If a vacancy occurs in an elective office, the council shall, within thirty days thereafter, fill the vacancy for the balance of the unexpired term thereof; provided, that, if the vacancy occurs on the council within forty days prior to a regular city election, it shall not be filled until after the next organization of the council.

If a vacancy occurs in an appointive office, such vacancy shall be filled in the manner provided for making the original appointment. In the case of members of boards and commissions appointed for a definite term, such appointments shall be for the unexpired term.

NO CHANGE IN TERM OF OFFICE OR COMPENSATION:

Section 5.7. Except by procedure provided in this Charter, the terms of Councilmen and members of boards or commissions appointed for a definite term may not be shortened or extended beyond the period for which the officer was elected or appointed, except that a Councilman shall, after his term has expired, continue to hold office until his successor is elected or appointed and has qualified. Where several terms of Councilmen expire simultaneously, the Councilman who was elected by the highest number of votes (or any appointee who filled his position) shall be deemed to be succeeded by the candidate who received the highest number of votes, that Councilman who was elected by the second highest number of votes, by the candidate who receives the second highest number of votes, etc. The Council shall not grant or authorize extra compensation to any officer or employee after the service has been rendered.

The salary of any elective officer shall not be changed from the day he is elected until the end of the term of office for which he was elected.

COMPENSATION OF EMPLOYEES AND OFFICERS:

Section 5.8. (a) The compensation of all employees and officers of the City whose compensation is not provided for herein, shall be fixed by the Council within the limits of budget appropriations, and in accordance with any pay plan adopted by the Council.

(b) No officers shall be paid on a fee basis. The respective salaries and compensation of officers and employees as fixed pursuant to this Charter shall be in full for all official services of such officers or employees and shall be in lieu of all fees, commissions and other compensation receivable by such officers or employees for their services.

(c) Any such fees, commissions and other compensation shall belong to the City and shall be collected and accounted for by such officers or employees, and be paid into the City Treasury and a statement thereof filed periodically by the Treasurer with the Clerk.

The provisions of paragraph (b) of this section shall not apply to:

(1) Fees, commissions or other compensation paid by the County of Wayne to any officer or employee serving as a City representative on the Board of Supervisors,

(2) Those fees which Justices of the Peace may charge for the performance of marriage ceremonies and for the administration of oaths in matters not connected with suits and proceedings in Justice Court.

(3) Statutory fees to which constables are entitled, as provided in Section 16.14 of this Charter.

(d) Nothing contained in this section shall prohibit the payment of necessary bona fide expenses incurred in service on behalf of the City.

FINANCIAL INTEREST PROHIBITED:

Section 5.9. (a) Except as permitted by this section, no contract or purchase involving an amount in excess of one hundred (\$100.00) dollars shall be made by the City in which any officer or any member of his family has any financial interest, direct or indirect. A "contract" shall for the purposes of this section, include any arrangement pursuant to which any material, service or other thing of value is to be furnished to the City for a valuable consideration to be paid by the City, or is to be sold or transferred by the City, except the furnishing of personal services as an officer or employee of the City; and the term "member" of his family, shall include only spouse, child, grandchild, father, mother, sister, brother, and the spouse of any of them.

(b) Without limiting the generality of paragraph (a) of this section, an officer shall be deemed to have a financial interest in a contract if he or any member of his family is an employee, partner, officer, director or sales representative of the person, firm or corporation with which such contract is made or of a sales representative of such person, firm or corporation. Ownership, individually or in a fiduciary capacity, by an officer or member of his family of securities, or of any beneficial interest in securities, of any corporation with which a contract is made or which is a sales representative of any person, firm or corporation with which such contract is made, shall not be deemed to create a financial interest in said contract unless the aggregate amount of such securities or interest in such securities, so owned by such officer and the members of his family, shall amount to ten per cent of any class of the securities of such corporation then outstanding.

(c) A contract in which an officer or member of his family has a financial interest may be made by the City if the members of the Council, having no such interest shall unanimously determine that the best interests of the City would be served by the making of such contract, and if such contract is made after comparative prices are obtained.

(d) Any officer who knowingly permits the City to enter into any contract or purchase in which he has a financial interest without disclosing such interest to the Council prior to the action of the Council in authorizing such contract, shall be guilty of misconduct in office. Except in the instances specified in paragraph (c) of this Section, the unanimous determination by vote or written instrument of all members of the Council that in a particular case an officer or member of his family will not have a financial interest in any contract or purchase to be entered into by the City shall be final and conclusive in the absence of fraud or misrepresentation.

(e) No officer shall stand as surety on any bond to the City or give any bail for any other person which may be required by the Charter or any ordinance of the City. Any officer of the City who violates the provisions of this paragraph shall be guilty of misconduct in office.

ANTI-NEPOTISM:

Section 5.10. Unless the Council shall by unanimous vote, which vote shall be recorded as part of its official proceedings, determine that the best interests of the City shall be served, the following relatives of any elective or appointive officer are disqualified from holding any appointive office or employment during the term for which said elective or appointive officer was elected or appointed: spouse, child, parent, grandchild, grandparent, brother, sister, half-brother, half-sister or the spouses of any of them. All relationships shall include those arising from adoption. This section shall in no way disqualify such relatives or their spouses

who are bona fide appointive officers or employees for the City at the time of the election or appointment of said official.

OATH OF OFFICE AND BOND:

Section 5.11. Every officer elective or appointive, before entering upon the duties of his office shall take the oath of office prescribed for public officers by Section 1 of Article XI of the Constitution of the State of 1963 and shall file the oath with the Clerk, together with any bond required by statute, this Charter or the Council. In case of failure to comply with the provisions of this Section within ten days from the date he is notified in writing of his 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.

SURETY BONDS:

Section 5.12. Except as otherwise provided in this Charter, all officers of the City whose duties involve the custody of public property or the handling of public funds, either by way of receipt or disbursement or both, and all other officers and employees so required by the Council shall, before they enter upon the duties of their respective offices, file with the City an official bond in such form and amount as the Council shall direct and approve. Such official bond of every officer and employee shall be conditioned that he will faithfully perform the duties of this office, and will on demand deliver over to his successor in office or other proper officer or an agent of the City, all books, papers, moneys, effects and property belonging thereto, or appertaining to his office, which may be in his custody as an officer or employee; and such bonds may be further conditioned as the Council prescribes. The official bond of every officer or employee whose duty it may be to receive or pay out money, besides being conditioned as above required, shall be further conditioned that he will, on demand, pay over or account for to the City or any proper officer or agent thereof, all moneys received by him as such officer or employee. The requirements of this paragraph may be met by the purchase of one or more appropriate blanket surety bonds covering all, or a group of City employees and officers.

All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the City. All bonds of all officers or employees shall be filed with the Clerk, except that any bond pertaining solely to the Clerk shall be filed with the Treasurer.

DELIVERY OF OFFICE:

Section 5.13. Whenever any officer or employee shall cease to hold such office or employment for any reason whatsoever, he shall within five days or sooner, on demand, deliver to his successor in office or to his superior all the books, papers, moneys, and effects in his custody as such officer or employee. Any officer violating this provision may be proceeded against in the same manner as public officers generally for a like offense under statute.

EMPLOYEE WELFARE BENEFITS:

Section 5.14. The Council shall have the power to adopt and make available to the administrative officers and employees of the City and its departments and boards, any recognized standard plan of group life, hospital, health or accident insurance, either independently of, or as a supplement to any retirement plan provided for such employees and officers.

CHAPTER VI

THE COUNCIL: PROCEDURE AND MISCELLANEOUS POWERS AND DUTIES

REGULAR MEETINGS:

Section 6.1. The Council shall meet on the first and third Monday of each month at 7:30 P.M., in regular session at the Council Chambers in the City Hall. If any time set for the holding of a regular meeting of the Council shall fall on a holiday, then such regular meeting shall be held at the same time and place on the next secular day which is not a holiday.

SPECIAL MEETINGS:

Section 6.2. Special meetings shall be called by the Clerk on the written request of the Mayor or any three members of the Council on at least twenty-four hours written notice to each member of the Council, served personally or left at his usual place of residence, but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing.

BUSINESS OF SPECIAL MEETINGS:

Section 6.3. No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting. However, other than the enactment of an ordinance, any business which may lawfully come before a regular meeting may be transacted at a special meeting if all the members of the Council present consent thereto, and all of the members absent file their written consent.

MEETINGS TO BE PUBLIC:

Section 6.4. All regular and special meetings of the Council shall be open to the public and citizens shall have a reasonable opportunity to be heard under such rules and regulations as the Council may prescribe.

QUORUM; ADJOURNMENT OF MEETING:

Section 6.5. A majority of the members of the Council in office shall be a quorum for the transaction of business at all Council meetings, but in the absence of a quorum a lesser number may adjourn any meeting to a later time or date, and in the absence of all members, the Clerk may adjourn any meeting for not longer than one week.

ORGANIZATION AND RULES OF THE COUNCIL:

Section 6.6. The Council shall determine its own organization, rules, and order of business subject to the following provisions:


(a) A journal of the proceedings of each meeting shall be kept in the English language by the Clerk and shall be signed by the Presiding Officer and Clerk of the meeting;

(b) A vote upon all ordinances and resolutions shall be taken by "yes" and "no" vote and entered upon the records, except that where the vote is unanimous it shall only be necessary to so state;

(c) No member of the Council shall vote on any question in which he has a financial interest, other than the common public interest, or on any question concerning his own conduct, but on all other questions each member who is present shall vote when his name is called;

(d) In all roll call votes the names of the members of the Council shall be called in alphabetical order and the name to be called first shall be advanced one position alphabetically in each successive roll call vote;

(e) Any two or more members of the Council may by vote either request or compel the attendance of its members and other officers of the City at any meeting. Any member of the Council or other officer who when notified in writing of such request for his attendance shall attend such meeting unless excused by the Council;

 (f) The proceedings of the Council, or a summary thereof, shall be published within fifteen days following each meeting. Any such summary shall be prepared by the Clerk and approved by the Mayor and shall show the substance of each separate proceeding of the Council;

(g) There shall be no standing committees of the Council.

INVESTIGATIONS:

Section 6.7. The Council or any person or committee authorized by it for the purpose, shall have power to inquire into the conduct of any department, office or officer and to make investigations as to matters in which the municipality has an interest. The Council for the purposes stated herein may summon witnesses, administer oaths and compel the attendance of witnesses and the production of books, papers and other evidence.

Failure on the part of any officer to obey such summons or to produce books, papers and other evidence as ordered under the provisions of this section, shall constitute misconduct in office. Failure on the part of any employee or other person to obey such summons or to produce books, papers or other evidence as ordered under the provisions of this section, shall constitute a violation of this Charter, and such person when found guilty of such violation by a competent tribunal may be punished by a fine of not to exceed one hundred (\$100.00) dollars or imprisonment not to exceed ninety (90) days or both, in the discretion of the Court.

It is provided further that, in case of failure on the part of any persons to obey such summons or to produce such books, papers and other evidence as so ordered, the Council may invoke the aid of the Circuit Court of Wayne County in requiring obedience of such summons or production of such books, papers and other evidence. The Circuit Court of Wayne County, in case of contumacy or refusal to obey such summons, or to produce such books, papers and other evidence may issue an order requiring such person to obey such summons or to produce such books, papers and other evidence, to also give evidence touching the matter in question, and any failure to obey such order of the Court may be punished by such Court as contempt thereof.

PUBLIC HEALTH AND SAFETY:

Section 6.8. The Council shall see that provision is made for the public peace and health and for the safety of persons and property; the Council may create by ordinance a Board of Health in which case the Council shall be empowered to elect to join with the County in the organization thereof in pursuance of Act 306 of the Public Acts of 1927 as amended.

CHAPTER VII

LEGISLATION

PRIOR LEGISLATION:

Section 7.1. All valid by-laws, ordinances, resolutions, rules and regulations of the Village of Flat Rock and Township of Brownstown which are not inconsistent with this Charter, and which are in full force and effect at the time of the effective date of this Charter, shall continue in full force and effect until repealed or amended. If any such ordinance, resolution, rule or regulation provides for the appointment of any officers or any members of any boards or commissions by the President and/or President and Council, such officers or members of any boards or commissions shall after the effective date of this Charter, be appointed in accordance with the provisions of this Charter.

Those provisions of any effective valid by-law, ordinance, resolution, rule or regulation which are inconsistent with this Charter, are hereby repealed.

Wherein the ordinances of the Village of Flat Rock and of the Township of Brownstown, pertaining to the same subject matter, are inconsistent, the ordinances of the Village of Flat Rock shall take precedence.

ORDINANCES AND RESOLUTIONS:

Section 7.2. (a) All official action of the Council shall be by ordinance or resolution adopted by not less than four members of the Council, unless otherwise required by law. All actions of the Council which do not constitute ordinances shall be deemed to be resolutions. Action by resolution shall be limited to matters required or permitted to be so done by law or pertaining to the internal affairs or concerns of the City government. All other acts

of the Council and all acts carrying a penalty for the violation thereof, shall be by ordinance. Each ordinance shall be identified by a short title and by a number, and by a code section number when the codification of ordinances is completed.

ENACTMENT, AMENDMENT, REPEAL
AND EFFECTIVE DATE OF ORDINANCES:

Section 7.3. (a) Each proposed ordinance shall be introduced in written or printed form. The style of all ordinances shall be:

THE CITY OF FLAT ROCK ORDAINS:

(b) No ordinance shall be passed at the same meeting at which it is introduced, unless the same is declared to be an emergency ordinance by a vote of not less than five members of the Council.

(c) An ordinance may be repealed or amended only by an ordinance passed in the manner provided in this section. An ordinance may be repealed by reference to its number and title only.

(d) If a section of an ordinance is amended, the section shall be re-enacted and published at length. This requirement shall not apply to the schedules of one-way streets and of parking limitations contained in any traffic ordinance.

(e) Each ordinance, after adoption shall be identified by a number.

(f) The effective date of all ordinances shall be stated therein, but shall not be earlier than 10 days after enactment, nor before publication thereof, unless it is declared by the affirmative vote of not less than five members of the Council to be an emergency ordinance.

PUBLICATION AND RECORDING OF ORDINANCES:

Section 7.4. (a) Each ordinance shall be published within fifteen days after its enactment by publishing the full text thereof in a newspaper as defined in section 17.4, either separately or as part of the published Council proceedings.

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

PENALTIES FOR VIOLATIONS OF ORDINANCES:

Section 7.5. Any ordinance may provide for the punishment of those who violate its provisions. The punishment for the violation of any ordinance shall not exceed a fine of five hundred (\$500.00) dollars or imprisonment for ninety days, or both, in the discretion of the court; said imprisonment may be in the county jail or city prison, or in any work house in the state authorized by law to receive prisoners from such city.

TECHNICAL CODES:

Section 7.6. The Council may adopt, by ordinance, any provision of state law or any detailed technical code or set of regulations promulgated by the state, or by a department, board, or agency thereof, or by any organization or association organized and conducted for the purpose of developing any such code or set of regulations, by reference thereto in the adopting ordinance and without publishing the technical code or set of regulations in full. The code or set of regulations shall be fully identified in the ordinance, and a statement of the purpose of the code or set of regulations shall be published with the adopting ordinance. Such publication shall contain notice that a copy of the code or set of regulations is available for public inspection in the office of the Clerk. Printed copies of the code or set of regulations shall be kept in the office of the Clerk, available for public distribution at cost.

SEVERABILITY OF ORDINANCES:

Section 7.7. Unless an ordinance shall expressly provide to the contrary, if any portion of an ordinance or the application thereof to any person or circumstance shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the ordinance which can be given effect without the invalid portion or application, if such remaining portions or applications are not determined by the court to be inoperable, and, to this end, ordinances are declared to be severable.

CODIFICATION OF ORDINANCES:

Section 7.8. (a) After the effective date of this Charter, the Council shall direct and complete within three years the codification of the ordinances of the City and shall provide for the publication of subsequent amendments thereto so that such amendments may readily be made a part of such code and maintain the same in

current form. Any such codification may include provisions not previously contained in the ordinances of the City.

(b) The Council shall provide for making copies of the codification available for public inspection and for distribution to the public at a reasonable charge therefor and shall publish notice of the printing and availability of such codification before the effective date thereof. Such printing and making available of the codification and notice thereof shall constitute the publication, as required by law, of any such codification, other provisions of this Charter for the publication of ordinances notwithstanding.

(c) The copies of the ordinances and of the codification thereof, and of provisions adopted by reference in accordance with Section 7.6 may be certified by the Clerk, and, when so certified, shall be competent evidence in all courts and other legally established tribunals as to the matter contained therein.

INITIATIVE AND REFERENDUM:

Section 7.9. An ordinance may be initiated by petition, or a referendum on an enacted ordinance may be had by petition, as hereafter provided.

INITIATORY AND REFERENDARY PETITIONS:

Section 7.10. (a) An initiatory or a referendary petition shall be signed by not less than ten percent of the registered electors of the City, as of the date of the last regular City election, and all signatures on said petition shall be obtained within sixty days before the date of filing the petition with the Clerk. Any such petition shall be addressed to the Council and may be the aggregate of two or more petition papers identical as to content, except as to signatures, and simultaneously filed by one person. An initiatory petition shall set forth, in full, the ordinance it proposes to initiate, and no petition shall propose to initiate more than one ordinance. A referendary petition shall identify the ordinance or part thereof, or code sections it proposes to have repealed.

(b) Each signer of a petition shall sign his name, and shall place thereon after his name, the date, and his place of residence by street and number, or by other customary designation. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereof and that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant. Such petition shall be filed with the Clerk who shall, within fifteen days, canvass the signatures thereon. If the petition does not contain a sufficient number of signatures of registered

electors of the City, the Clerk shall notify forthwith, by registered or certified mail, the person filing such petition and fifteen days from such notification shall be allowed for filing of supplemental petition papers. When a petition with sufficient signatures is filed within the time allowed by this section, the Clerk shall present the petition to the Council at its next regular meeting.

COUNCIL PROCEDURE ON INITIATORY AND REFERENDARY PETITIONS:

Section 7.11. Upon the presentation to the Council of an initiatory or referendary petition by the Clerk, the Council shall, within thirty days, unless otherwise provided by statute, either:

- (1) Adopt the ordinance as submitted by an initiatory petition;
- (2) Repeal the ordinance, or part thereof, referred to by a referendary petition; or
- (3) Determine to submit the proposal provided for in the petition to the electors.

SUBMISSION OF INITIATORY AND REFERENDARY ORDINANCES TO ELECTORS:

Section 7.12. Should the Council decide to submit the proposal to the electors, it shall be submitted at the next election held in the City for any other purpose, or, in the discretion of the Council, at a special election called for that specific purpose. In the case of an initiatory petition, if no election is to be held in the City for any other purpose within one hundred fifty days from the time the petition is presented to the Council and the Council does not enact the ordinance then the Council shall call for a special election within ninety days from such date of presentation for the submission of the initiative proposal. The result of all elections, held under the provisions of this section shall be determined by a majority vote of the elector's voting thereon, except in cases where otherwise required by statute or the Constitution.

ORDINANCE SUSPENDED; MISCELLANEOUS PROVISIONS ON INITIATORY AND REFERENDARY PETITIONS:

Section 7.13. (a) The presentation to the Council by the Clerk of a valid and sufficient referendary petition, containing a number of signatures equal to twenty-five per cent of the registered

electors of the City as of the date of the last regular City election, which signatures have been obtained within sixty days before the date of filing the petition with the Clerk, shall automatically suspend the operation of the ordinance in question, pending repeal by the Council or final determination by the electors.

(b) An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed for a period of two years after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be re-enacted for a period of two years after the date of the election at which it was repealed. Any such ordinance may be adopted, amended or repealed at any time by appropriate referendum or initiatory procedure in accordance with the foregoing provisions of this Charter or if submitted to the electorate by the Council on its own motion.

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

CHAPTER VIII

GENERAL FINANCE

FISCAL YEAR:

Section 8.1. The fiscal year of the City and of all its agencies shall begin on the first day of July of each year, and end on the thirtieth day of June of the following year.

BUDGET PROCEDURE:

Section 8.2. The Mayor shall be responsible for the submission to the Council no later than the first regular Council meeting in May of each year, a recommended budget covering the next fiscal year which budget shall include thereon at least the following:

(a) Detailed estimates, with supporting explanations, of all proposed expenditures for each department and office of the City, together with the expenditures for corresponding items for the last preceding fiscal year in full and for the current fiscal year to March 1, and estimated expenditures for the balance of the current fiscal year.

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

(c) Detailed estimates of all anticipated revenues of the City from sources other than taxes, with a comparative statement of the amounts received by the City from each of the same or similar sources for the last preceding fiscal year in full and for the current fiscal year to March 1, and estimated revenues for the balance of the current fiscal year.

(d) A statement of the estimated balance or deficit for the end of the current fiscal year.

(e) An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bonds issued, which together with any available unappropriated surplus and any revenues from other sources, will be necessary to meet the proposed expenditures.

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

BUDGET HEARING:

Section 8.3. A public hearing on the proposed budget shall be held before its final adoption at such time and place as the Council shall direct. Notice of such public hearing shall be published at least one week in advance of the hearing, which shall also include notice that the proposed budget and the three preceding fiscal budgets are on file in the office of the Clerk. The complete proposed budget and the three preceding fiscal budgets shall be on file for public inspection during office hours at such office for a period of not less than one week prior to such hearing.

ADOPTION OF BUDGET:

Section 8.4. Not later than the first regular Council meeting in June, the Council shall, by resolution, adopt a budget for the next fiscal year and shall appropriate the money needed for municipal purposes during such year, and shall in such resolution provide for a levy of the amount necessary to be raised by taxes upon real and personal property for municipal purposes, subject to the limitations contained in Section 9.1.

BUDGET CONTROL:

Section 8.5. Except for the purposes which are to be financed by the issuance of bonds or by special assessment, or for other purposes not chargeable to a budget appropriation, no money shall be drawn from the treasury of the City except in accordance with

an appropriation thereof, for such specific purpose, nor shall any obligation for the expenditure of money be incurred without an appropriation covering all payments which will be due under such obligation in the current fiscal year.

The Council may by resolution transfer any unencumbered appropriation balance, or any portion thereof, from one account, department, fund or agency to another.

The Council may make additional appropriations during the fiscal year for unanticipated expenditures required of the City, but such additional appropriations shall not exceed the amount by which actual and anticipated revenues of the year exceed the revenues as estimated in the budget unless the appropriations are necessary to relieve an emergency endangering the public health, peace or safety.

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

At the beginning of each quarterly period during the fiscal year, and more often if required by the Council, the Mayor shall submit to the Council a statement showing the balances at the close of the preceding month in all fund and budget items, the amounts of the City's known liabilities and the fund and budget to which the same are to be chargeable, and all other information necessary to show the city's financial condition, and if it shall appear that the revenues are less than anticipated, the Council may reduce appropriations, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the revenues.

The balance in any budget appropriation which has not been encumbered at the end of the fiscal year, subject to statutory restrictions, shall revert to the general fund.

DEPOSITORY:

Section 8.6. The Council shall designate depositories for the City funds and shall provide for the regular deposit of all City moneys. The Council shall provide for such security for City deposits as is authorized or permitted by statute, except that personal surety bonds shall not be deemed proper security.

INDEPENDENT AUDIT; ANNUAL REPORT:

Section 8.7. An independent audit shall be made of all City accounts at least annually, and more frequently if deemed necessary

by the Council. Such audit shall be made by a Certified Public Accountant experienced in municipal accounting selected by the Council.

The Mayor shall be responsible for the submission of an annual report of the affairs of the City, including a financial report. Copies of such audit and annual report shall be made available for public inspection at the office of the Clerk within thirty days after receipt of the audit.

CHAPTER IX

TAXATION

POWER TO TAX; TAX LIMIT:

Section 9.1. The City shall have power to assess taxes and levy and collect rents. The annual general ad valorem tax levy shall not exceed the statutory limitation of two per cent of the assessed value of all real and personal property subject to taxation in the City, exclusive of any levies authorized by statute to be made beyond Charter tax limitations.

SUBJECTS OF TAXATION:

Section 9.2. The subjects of ad valorem taxation for municipal purposes shall be the same as for state county and school purposes under the general law. Except as otherwise provided by this Charter, City taxes shall be levied, collected and returned in the manner provided by statute.

EXEMPTION FROM TAXES:

Section 9.3. No exemptions from taxation shall be allowed, except as expressly required or permitted by statute.

TAX DAY:

Section 9.4. Subject to the exceptions provided or permitted

by statute, the taxable status of persons and property shall be determined as of the 31st day of December, which shall be deemed the tax day.

PERSONAL PROPERTY-JEOPARDY ASSESSMENT:

Section 9.5. If the Treasurer finds that any person, who is, or may be liable for taxes upon personal property, the taxable status of which was in the City on tax day, intends to depart from the City or to remove therefrom personal property, which is, or may be liable for taxation, or intends to conceal himself or his property, or intends to do any other act tending to prejudice, or to render wholly or partly ineffectual, the proceedings to collect the tax unless proceedings therefor cannot be brought without delay, he shall cause notice of his finding to be given such person together with a demand for the immediate payment of the tax. Thereupon, the tax shall become immediately due and payable and the Treasurer shall have and exercise all the powers granted by law to township and city treasurers for the collection thereof. If the exact amount of any such tax has not, at the time of such finding, been determined because the same has not been spread upon the tax roll, the Treasurer shall estimate the amount of the tax upon such personal property and the estimate shall be presumed to be the amount of tax upon such property which, together with other taxes, which have accrued thereon, shall become payable as hereinabove provided.

The tax so estimated by the Treasurer shall, upon the giving of the notice herein provided, become a lien upon the property liable for the tax. The lien shall be of the same type and legal effect as the lien upon personal property provided in Section 9.15 of this Charter. If the estimate of the Treasurer is in excess of the amount of tax spread against such property upon the tax roll, he shall refund the excess upon the demand of the person from whom it was collected or his legal representative. If such person furnishes evidence satisfactory to the Treasurer by bond or otherwise, that he will duly pay the tax or taxes to which the Treasurer's findings relates, then such tax or taxes shall not be payable prior to the time otherwise fixed for payment thereof.

PREPARATION OF THE ASSESSMENT ROLL:

Section 9.6. On or before the first Monday in March in each year, the Assessor shall prepare and certify an assessment roll of all property in the City subject to taxation, and shall file the same in the office of the City Clerk for public examination. Such rolls shall be prepared in accordance with statute and this Charter. Values shall be estimated according to recognized methods of systematic

assessment. The records of the Assessor shall show separate figures for the value of the land, of the building improvements and of personal property; and the method of estimating such values shall be as nearly uniform as possible.

On or before the first Monday in March the Assessor shall give by first class mail a notice of any increase over the previous year in the assessed value of any property where such increase does not involve additional construction to the owner as shown by such assessment roll or where land has been added to the assessment roll that had not been on the assessment roll previously. The failure to give any such notice or of the owner to receive it shall not invalidate any assessment roll or assessment thereon.

BOARD OF REVIEW:

Section 9.7. The Board of Review shall be composed of three freeholders who are qualified and registered electors of the City who during their term of office shall not be City officers or employees or be nominees or candidates for elective City office. The filing by a member of the Board of Review of his nomination petition for an elective City office or the filing of a consent thereto shall constitute a resignation from the Board of Review. One member of the Board shall be appointed by the Council in January, 1966, and each year thereafter for a term of three years, to replace the member whose term expires that year. The Council shall fix the compensation of the members of the Board.

The Board of Review shall annually in February select its own chairman for the ensuing year, and the Assessor shall be Clerk of the Board and shall be entitled to be heard at its sessions. A majority of the members of the Board shall constitute a quorum.

MEETING OF THE BOARD OF REVIEW:

Section 9.8. The Board of Review shall convene in its first session on Tuesday, following the second Monday in March of each year at the Council Chambers at such time of day as shall be designated by the Council and shall continue in session for at least eight hours, two of which hours shall be from six to eight in the evening for the purpose of reviewing and correcting the assessment roll of the City. The Council may, by appropriate action, extend this period.

In each case in which the assessed value of any property is increased over the amount shown on the assessment roll as prepared by the Assessor or any property is added to such roll by the Board, or the Board has resolved to consider at its second

session such increasing of an assessment or the adding of any property to such roll, the Assessor shall give notice thereof to the owners as shown by such roll by first class letter mailed not later than the second day following the end of the first session of the Board. Such notice shall state the date, time, place and purpose of the second session of the Board. The failure to give any such notice or of the owner to receive it shall not invalidate any assessment roll or assessment thereon.

The Board of Review shall convene in its second session on the Tuesday following the fourth Monday in March of each year at the Council Chambers at such time of day as shall be designated by the Council and shall remain in session until all persons have had an opportunity to be heard, but in no case for less than 8 hours, two of which hours shall be from six to eight in the evening. At the second session the Board may not increase any assessment or add any property to the rolls, except in those cases in which the Board resolved at its first session to consider such increase or addition at its second session.

NOTICE OF MEETINGS:

Section 9.9. Notice of the time and place of the sessions of the Board of Review shall be published by the Clerk at least ten days prior to each session of the Board.

DUTIES AND FUNCTIONS OF BOARD OF REVIEW:

Section 9.10. For the purpose of reviewing and correcting assessments, the Board of Review shall have the same powers and perform like duties in all respects as are by statute conferred upon and required of Boards of Review in townships, except as otherwise provided in this Charter. It shall hear the complaints of all persons considering themselves aggrieved by assessments, and if it shall appear that any person or property has been wrongfully assessed or omitted from the roll, the Board shall correct the roll in such manner as it deems just. In all cases the roll shall be reviewed according to the facts existing on the tax day and no change in the status of any property after said day shall be considered by the Board in making its decisions. Except as otherwise provided by statute, no person other than the Board of Review shall make or authorize any change upon, or additions or corrections to, the assessment roll. It shall be the duty of the Assessor to keep a permanent record of all proceedings and to enter therein all resolutions and decisions of the Board.

ENDORSEMENT OF ROLL:

Section 9.11. After the Board of Review has completed its review of the assessment roll, and not later than the first Monday in April, the majority of its members shall endorse thereon and sign a statement to the effect that the same is the assessment roll of the City for the year in which it has been prepared. The omission of such endorsement shall not affect the validity of such roll.

CLERK TO CERTIFY TAX LEVY:

Section 9.12. Within three days after the Council has adopted the budget for the ensuing year, the Clerk shall certify to the Assessor the total amount which the Council determines shall be raised by general ad valorem tax. He shall also certify all amounts of current or delinquent special assessments and all other amounts which the Council requires to be assessed, reassessed or charged upon any property or against any person.

CITY TAX ROLL:

Section 9.13. After the Board of Review has completed its review of the assessment roll, the Assessor shall prepare a copy of the assessment roll to be known as the "City Tax Roll" and upon receiving the certification of the several amounts to be raised, as provided in Section 9.12, the Assessor shall spread upon said tax roll the several amounts determined by the Council to be charged, assessed or reassessed against persons or property. He shall also spread the amount of the general ad valorem city tax, county tax and school tax according to and in proportion to the several valuations set forth in said assessment roll. To avoid fractions in computation on any tax roll, the Assessor may add to the amount of the several taxes to be raised not more than the amount prescribed by statute. Any excess created thereby on any tax roll shall belong to the City.

TAX ROLL CERTIFIED FOR COLLECTION:

Section 9.14. After spreading the taxes, the Assessor shall certify the tax roll, and the Mayor shall annex his warrant thereto directing and requiring the Treasurer to collect prior to March first of the following year from the several persons named in said tax roll, the several sums mentioned therein opposite their respective names as a tax or assessment and granting to him, for the

purpose of collecting the taxes, assessments and charges on such roll all statutory powers and immunities possessed by township treasurers for the collection of taxes. On or before June fifth, the roll shall be delivered to the Treasurer for collection.

TAX LIEN ON PROPERTY:

Section 9.15. On July first, the taxes thus assessed shall become a debt due to the City from the persons to whom they are assessed, and the amounts assessed on any interest in real property shall become a lien upon such real property, for such amounts and for all interest and charges thereon, and all personal taxes shall become a first lien on all personal property of such persons so assessed. Such lien shall take precedence over all other claims, encumbrances and liens to the extent provided by statute and shall continue until such taxes, interest and charges are paid.

TAX DUE; NOTIFICATION THEREOF:

Section 9.16. City taxes shall be due on July first of each year. The Treasurer shall not be required to call upon the persons named in the City tax roll, nor to make personal demand for the payment of taxes, but he shall:

(a) Publish between June fifteenth and July first, notice of the time when said taxes will be due for collection and the penalties and fees for late payment of same, and

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

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

COLLECTION FEES:

Section 9.17. All taxes paid on or before August thirty-first of each year shall be collected by the Treasurer without collection fee. On September first he shall add to all taxes paid thereafter a collection fee as the Council may determine not to exceed however, four per cent of the amount of said taxes. Such collection fee shall belong to the City and constitute a charge and shall be a lien against the property to which the taxes themselves apply,

collectible in the same manner as the taxes to which they are added.

It is provided however, that if delivery of the tax roll to the Treasurer, as provided in Section 9.14, is delayed for any reason by more than thirty days after June fifth, the application of the schedule of collection fees provided herein shall be postponed thirty days for the first thirty days of such delay, and shall be postponed an additional thirty days for each additional thirty days, or major fraction thereof, of such delay.

FAILURE OR REFUSAL TO PAY PERSONAL PROPERTY TAX:

Section 9.18. If any person, firm or corporation shall neglect or refuse to pay any personal property tax assessed to him or them by October first, the Treasurer shall collect the same by seizing the personal property of such person, firm or corporation to an amount sufficient to pay such tax, fees and charges for subsequent sale, wherever the same may be found in the state, and from which seizure no property shall be exempt. He may sell the property seized to an amount sufficient to pay the taxes and all charges in accordance with statutory provisions. The Treasurer may, if otherwise unable to collect a tax on personal property, sue, in accordance with statute, the person, firm or corporation to whom it is assessed.

DELINQUENT TAX ROLL TO COUNTY TREASURER:

Section 9.19. All City taxes on real property remaining uncollected by the Treasurer on the first day of March following the date when said roll was received by him shall be returned to the County Treasurer in the manner and with like effect as provided by statute for returns by township treasurers of township, school and county taxes. Such returns shall include all the additional assessments, charges and fees hereinbefore provided, which shall be added to the amount assessed in said tax roll against each property or person. The taxes thus returned shall be collected in the same manner as other taxes returned to the County Treasurer are collected, in accordance with statute, and shall be and remain a lien upon the property against which they are assessed until paid. If by change in statute or otherwise, the Treasurer of the County of Wayne is no longer charged with the collection of delinquent real property taxes, such delinquent taxes shall be collected in the manner then provided by statute for the collection of delinquent township, school and county taxes.

STATE, COUNTY AND SCHOOL TAXES:

Section 9.20. For the purpose of assessing and collecting taxes for state, county and school purposes, the City shall be considered the same as a township, and all provisions of statute relative to the collection of and accounting for such taxes shall apply. For these purposes, the Treasurer shall perform the same duties and have the same powers as township treasurers under statute.

CHAPTER X

BORROWING POWER

GRANT OF AUTHORITY TO BORROW:

Section 10.1. Subject to the applicable provisions of statute and constitution, the Council may by ordinance or resolution borrow money and issue bonds and other evidence of indebtedness therefor, for any purposes within the scope of powers vested in the City. Such bonds or other evidences of indebtedness shall include, but not be limited to, the following types;

(a) General obligation bonds which pledge the full faith, credit and resources of the City for the payment of such obligations, including bonds for the City's portion of public improvements;

(b) Notes issued in anticipation of the collection of taxes, but the proceeds of such notes may be spent only in accordance with appropriations provided in Section 8.5.

(c) In case of fire, flood or other calamity, emergency loans due in not more than five years for the relief of the inhabitants of the City and for the preservation of municipal property;

(d) Special Assessment bonds issued in anticipation of the payment of special assessments made for the purpose of defraying the cost of any public improvement, or in anticipation of the payment of any combination of such special assessments. Such special assessment bonds may be an obligation of the special assessment district or districts or may be both an obligation of the special assessment district or districts and a general obligation of the City.

(e) Mortgage bonds for the acquiring, owning, purchasing, constructing, improving or operating of any public utility which the City is authorized by this Charter to acquire or operate; provided such bonds shall not impose any liability upon the City but shall be secured only upon the property and revenues of such public utility including a franchise stating the terms upon which in case of foreclosure, the purchaser may operate the same which franchise shall in no case extend for a longer period than 20 years from the date of the

sale of such utility and franchise on foreclosure. Such mortgage bond shall be sold to yield not to exceed six per cent per annum. A sinking fund shall be created in the event of the issuance of such bonds by setting aside such percentage of the gross or net earnings of the public utility as may be deemed sufficient for the payment of the mortgage bonds at maturity, unless serial bonds are issued of such a nature that no sinking fund is required.

(f) Bonds issued at a rate of interest not to exceed six per cent per annum to refund money advanced or paid on special assessments as authorized by statute.

(g) Bonds for the refunding of the funded indebtedness of the City.

(h) Revenue bonds as authorized by statute which are secured only by the revenues from a public improvement and do not constitute a general obligation of the City.

LIMITS OF BORROWING POWERS:

Section 10.2. The net bonded indebtedness incurred for all public purposes shall not at any time exceed ten per cent of the assessed value of all the real and personal property in the City, provided that in computing such net bonded indebtedness there shall be excluded money borrowed under the following sections of this Charter: 10.1 (b) (tax anticipation notes), 10.1 (c) (emergency loans), 10.1 (d) (special assessment bonds even though they are also a general obligation of the City), 10.1 (e) (mortgage bonds), 10.1 (f) (special assessment refunding bonds), 10.1 (h) (revenue bonds), and other bonds which do not constitute a general obligation of the City.

The amount of emergency loans which the Council may make under the provisions of Section 10.1 (c) of this Charter may not exceed three-eighths of one per cent of the assessed value of all the real and personal property in the City.

The total amount of special assessment bonds pledging the full faith and credit of the City shall at no time exceed 10 per cent of the assessed value of all the real and personal property in the City, nor shall such bonds be issued in any consecutive period of twelve months in excess of 10 per cent of such assessed value unless authorized by a three-fifths vote of the electors voting thereon at any general or special election.

AUTHORIZATION OF ELECTORS REQUIRED:

Section 10.3. (a) Except as provided in Section 10.3 (b), no bonds pledging the full faith and credit of the City shall be issued without the approval of three-fifths of the electors voting thereon at any general or special election.

(b) The restriction of Section 10.3 (a) shall not apply to general obligation bonds issued to pay for the City's portion of public improvements the remainder of which are to be financed by special assessments, tax anticipation notes issued under Section 10.1 (b), emergency bonds issued under Section 10.1 (c), special assessment bonds issued under Section 10.1 (d), refunding bonds issued under Section 10.1 (g) or to bonds the issuance of which cannot, by statute, be so restricted by this Charter.

(c) Only those electors who have property assessed for taxes in the City and their husbands and wives shall be entitled to vote on the approval of any issue of bonds which constitute a general obligation of the City, but no person may so vote unless he is a registered elector.

APPLICABILITY OF OTHER STATUTORY RESTRICTIONS:

Section 10.4. The issuance of any bonds not requiring the approval of the electors shall be subject to applicable requirements of statute with regard to public notice in advance of the authorization of such issues, filing of petitions for a referendum on such issuance, holding of such referendum and other applicable procedural requirements.

PREPARATION AND RECORD OF BONDS:

Section 10.5. Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which the same is issued, and it shall be unlawful for any officer of the City to use the proceeds thereof for any other purpose. Any officer who shall violate this provision shall be deemed guilty of misconduct in office. All bonds and other evidences of indebtedness issued by the City shall be signed by the Mayor and countersigned by the Clerk, under the seal of the City. Interest coupons may be executed with the facsimile signatures of the Mayor and Clerk. A complete and detailed record of all bonds and other evidences of indebtedness issued by the City shall be kept by the Treasurer. Upon the payment of any bond or other evidence of indebtedness, the same shall be marked "cancelled."

UNISSUED BONDS:

Section 10.6. No unissued bonds of the City shall be issued or sold to secure funds for any purpose other than that for which they were specifically authorized, and if any such bonds are not

sold within three years after authorization, such authorization shall, as to such bonds, be null and void, and such bonds shall be cancelled.

DEFERRED PAYMENT CONTRACTS:

Section 10.7. The City may enter into installment contracts for the purchase of property or capital equipment. Each of such contracts shall not extend over a period greater than ten years nor shall the total amounts of principal payable under all such contracts exceed the sum equal to one-tenth (1/10) of one (1) per cent of the total assessed valuation of the City in any one fiscal year.

All such deferred payments shall be included in the budget for the year in which the installment is payable.

CHAPTER XI

SPECIAL ASSESSMENTS

GENERAL POWER RELATIVE TO SPECIAL ASSESSMENTS:

Section 11.1. The Council shall have power to determine that the whole or any part of the cost of public improvements shall be defrayed by special assessments upon the property especially benefited. The cost of surveys and plans for a public improvement and all expenses incident to the proceedings for the making of such improvement and the special assessments therefor and for the issuance of bonds in anticipation of such special assessments, whether such work be performed by City personnel or others, shall be deemed to be a part of the cost of the improvement. The cost of any improvement shall also include the cost of acquiring any lands necessary therefor.

SPECIAL ASSESSMENT PROCEDURE:

Section 11.2. When the Council shall propose to make any public improvement, any part of the cost of which is to be defrayed by special assessment, it shall cause to be prepared plans showing the improvement and the location thereof, and an estimate of the cost thereof. Upon receipt of such plans and estimate the Council

shall order the same to be filed with the City Clerk and if it shall desire to proceed with the improvement it shall by resolution declare its intention to make such public improvement and shall designate the special assessment district and what part or proportion of the cost of said improvement shall be made by special assessment against the lots' and parcels of land in said special assessment district, and what part, if any, shall be paid from the general funds of the City. The following procedure shall govern:

(a) The Council shall also fix a time and place when it will meet and hear any objections to such improvement and to the special assessment district, and shall cause notice of such hearing to be given by publication thereof twice prior to such hearing in a newspaper circulating in the City, the first publication to be at least fifteen (15) days prior to the time of such hearing, and also by mailing such notice to each owner of or party in interest in property to be assessed, whose name appears upon the last local tax assessment records by first class mail addressed to such owner or party at the address shown on the tax records, at least fifteen (15) days before the date of such hearing.

(b) The last local tax assessment records means the last assessment roll for ad valorem tax purposes which has been reviewed by the City Board of Review, as supplemented by any subsequent changes in the names or the addresses of such owners or parties listed thereon. Such notice shall state that the plans and estimate are on file with the City Clerk and shall contain a description of the proposed assessment district.

(c) At the time of such hearing, or any adjournment thereof, which may be without further notice, the Council shall hear any objections to such improvement and to the special assessment district, and may without further notice, revise, correct, amend or change the plans, estimate and/or district, provided that no property shall be added to the district until such notice be given as above provided or by personal service upon the owners thereof, and a hearing afforded such owners.

(d) The Council, in order to ascertain whether or not a reasonable number of property owners to be assessed desire a public improvement to be made under the provisions of this Charter, may request that a petition therefor be presented to it but in event a petition be so filed it shall be advisory only and shall not be jurisdictional.

PUBLIC IMPROVEMENT DETERMINATION AND PREPARATION OF SPECIAL ASSESSMENT ROLL:

Section 11.3. After the hearing provided for in the preceding section, if the Council desires to proceed with such improvement it shall by resolution determine to make such improvement and shall approve said plans and estimate, as originally presented or as revised, corrected, amended or changed. The Council

shall also direct the City Assessor to make a special assessment roll in which shall be entered and described all the lots and parcels of land to be assessed, with the names of the respective owners thereof, if known, and the amount to be assessed against each such lot or parcel of land, which amount shall be such relative portion of the whole sum to be levied against all the lots and parcels of land in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lots and parcels of land in the special assessment district. There shall also be entered upon said roll the amount which has been assessed to the City at Large. When the City Assessor shall have completed the assessment roll, he shall affix thereto a certificate stating that it was made pursuant to a resolution of the Council of said City adopted on a specified date and that in making such assessment roll he has, according to his best judgment, conformed in all respects to the directions contained in such resolution and to the Charter of the City.

HEARING AND CONFIRMATION ON SPECIAL ASSESSMENT ROLL:

Section 11.4. When any special assessment roll shall be reported by the Assessor to the Council, the same shall be filed in the office of the Clerk. Before confirming such assessment roll, the Council shall appoint a time and place when it will meet and review the same, and hear any objections thereto, and shall cause notice of such hearing and the filing of such assessment roll, to be published twice prior to such hearing in a newspaper circulating in the City, the first publication to be at least fifteen (15) days before such hearing, and also by mailing such notice to each owner of or party in interest in property to be assessed whose name appears upon the last local tax assessment records, by mailing by first class mail addressed to such owner or party at the address shown on the tax records at least fifteen (15) days before the date of such hearing. The last local tax assessment records means the last assessment roll for ad valorem tax purposes which has been reviewed by the local Board of Review, as supplemented by any subsequent changes in the names or the addresses of such owners or parties listed thereon. Such hearing may be adjourned without further notice. Any person objecting to the assessment roll shall file his objections thereto in writing with the Clerk before the close of such hearing or within such further time as the Council may grant. After such hearing the Council may confirm such special assessment roll as reported to it by the Assessor, or may correct the same as to any matter appearing therein and confirm it as so corrected, or may refer it back to the Assessor for revision or may annul it and direct a new roll to be made. When a special assessment roll shall be confirmed, the Clerk shall endorse thereon the date of the confirmation. After such confirmation, the special assessment roll and all assess-

ments therein shall be final and conclusive.

INSTALLMENT PAYMENTS:

Section 11.5. Special assessments shall be payable in one installment or in such number of approximately equal annual installments not exceeding ten (10) as the Council may determine. The amount of each installment (if more than one) need not be extended upon the special assessment roll until after confirmation. The first installment of a special assessment shall be due on or before such time after confirmation as the Council shall fix, and the several subsequent installments shall be due at intervals of twelve (12) months from the due date of the first installment or from such other date as the Council shall fix. All unpaid installments prior to their transfer to the City tax roll, shall bear interest, payable annually, at a rate to be fixed by the Council not exceeding six (6) per cent per annum, such interest to commence at such time as shall be fixed by the Council. The whole assessment against any lot or parcel of land may be paid to the City Treasurer at any time in full with interest and penalties accrued to the date of the payment of the next installment. If any installment of a special assessment is not paid when due, then the same shall be deemed to be delinquent and there shall be collected thereon, in addition to interest as above provided, a penalty at the rate of one-half of one ($\frac{1}{2}$ of 1) per cent for each month or fraction thereof that the same remains unpaid before being reported to the Council for reassessment upon the City tax roll. The City's portion of the cost of any improvement may be divided into installments the same as the assessments against lands in the district and in such case the provisions of this Charter relative to such installments shall apply to the City installments insofar as they are applicable.

LIEN ON PREMISES:

Section 11.6. All special assessments contained in any special assessment roll, including any part thereof deferred as to payment, shall from the date of the confirmation of such roll, constitute a lien upon the respective lots or parcels of land assessed and until paid shall be a charge against the respective owners of the several lots and parcels of land. Such lien shall be of the same character and effect as the lien created for City taxes and shall include accrued interest and penalties. No judgment or decree, nor any act of the Council vacating a special assessment, shall destroy or impair the lien of the City upon the premises assessed for such amount of the assessment as may be equitably charged against the same, or as by a regular mode of proceeding might be lawfully assessed thereon.

COLLECTION PROCEDURE:

Section 11.7. (a) When any special assessment shall be confirmed, the Council shall direct the assessments so made in the special assessment roll to be collected. The City Clerk shall thereupon deliver to the City Treasurer said special assessment roll to which he shall attach his warrant commanding the City Treasurer to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein, and in case any such person shall neglect or refuse to pay his assessment, or any part thereof, upon demand after the same has become due, then to levy and collect the same, by distress and sale of the goods and chattels of such person. Said warrant shall further require the City Treasurer on the first day of May following the date when any such assessments, or any part thereof, have become due, to submit to the Council a sworn statement setting forth the names of the persons delinquent, if known, description of the lots and parcels of land upon which there are delinquent assessments, and the amount of such delinquency, including accrued interest and penalties computed to May first of such year.

(b) Upon receiving such special assessment roll and warrant the Treasurer shall proceed to collect the several amounts assessed therein. If any person shall neglect or refuse to pay his assessment upon demand, the Treasurer shall seize and levy upon any personal property belonging to such person, found within the City or elsewhere within the State of Michigan, and sell the same at public auction, first giving six (6) days' notice of the time and place of such sale by posting each notice in three (3) of the most public places in the City or Township where such property may be found, the proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment and the cost of expenses of such seizure and sale, and the surplus shall be paid to the person entitled thereto.

DELINQUENT ASSESSMENTS; PENALTIES; ENFORCEMENT:

Section 11.8. In case the Treasurer, pursuant to the provisions of Section 11.7, shall report as delinquent any assessment or part thereof, the Council shall certify the same to the Assessor who shall reassess on the next annual City tax roll in a column headed special assessments, the sum so delinquent with interest and penalty to May first of such year and an additional penalty of five (5) per cent of such total amount and when so reassessed upon said tax roll shall be collected in all respects as provided for the collection of City taxes except from and after the 31st day of August of the year of such assessment and until March first of the following

year, there shall be added a penalty of one (1) per cent for each month or fraction thereof that the same remains unpaid. Unpaid special assessments reassessed upon a City tax roll shall be returned to the County Treasurer for collection, at the time and in the same manner as City Taxes.

In addition to any other remedies and without impairing the lien therefor, any delinquent special assessment together with the interest and penalties may be collected in an action of assumpsit in the name of the City against the person assessed, in any Court having jurisdiction of the amount. If in any such action it shall appear that by reason of any irregularities or informalities the assessment has not been properly made against the defendant or upon the premises sought to be charged, the Court may, nevertheless, on satisfactory proof that expense has been incurred by the City, which is a proper charge against the defendant or the premises in question, render judgment for the amount properly chargeable against such defendant or upon such premises.

DIVISION OF LAND:

Section 11.9. Should any lot or parcel of land be divided after a special assessment thereon has been confirmed and before collection thereof, the Council may require the Assessor to apportion the uncollected amounts upon the several parts of such lot or parcel of land. The report of such apportionment when confirmed shall be conclusive upon all parties provided that before such confirmation, notice of hearing shall be given to all the interested parties either by personal service or by publication as above provided in case of an original assessment roll.

INSUFFICIENT SPECIAL ASSESSMENTS:

Section 11.10. Should the assessments in any special assessment roll prove insufficient for any reason, including the non-collection thereof, to pay for the improvement for which they were made or to pay the principal and interest on the bonds issued in anticipation of the collection of such assessments, then the Council shall make additional pro-rata assessments to supply the deficiency, but the total amount assessed against any lot or parcel of land shall not exceed the value of the benefits received from the improvement.

EXCESSIVE SPECIAL ASSESSMENTS:

Section 11.11. Should the amount collected on assessments

prove larger than necessary by five (5) per cent or less of the amount of the original roll, the Council may place the excess in any of the funds of the City, but if such excess shall exceed such five (5) per cent, then the same shall be credited pro-rata on the assessments against the several parcels of lands according to the amounts thereof, such credit as to each parcel to be made upon the unpaid installments in inverse numerical order; provided, that if as to any parcel there shall be no unpaid installments, or if the unpaid installments are less than the amount of the credit, then such total or surplus amount of credit shall be applied toward the payment of the next City tax levied against such property. If the City shall have been assessed for any portion of the cost of the improvements then it shall be considered in the same category as the owner of private lands and shall be entitled to its share of any such excess except that any amount due the City, which in case of private lands would be applied to the payment of City taxes, shall be refunded to the City in cash. No refunds or credits shall be made while any bonds issued in anticipation of the collection of said assessments remain outstanding.

INVALID SPECIAL ASSESSMENTS:

Section 11.12. Whenever any special assessment shall, in the opinion of the Council, be invalid by reason of irregularity or informality in the proceedings, or if any Court of competent jurisdiction shall adjudge such assessment to be illegal, the Council shall, whether the improvement has been made or not, or whether any part of the assessment has been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment, and whenever the assessment or any part thereof, levied upon any premises has been so set aside, if the same has been paid and not refunded, the payment so made shall be applied upon the reassessment and the reassessment shall to that extent be deemed satisfied.

SINGLE PREMISE ASSESSMENT:

Section 11.13. When any expense shall have been incurred by the City upon or in respect to any single premises, which expense is chargeable against such premises and the owner thereof under the provisions of this Charter or any ordinance of the City or law of the State of Michigan, and is not of that class required to be prorated among the several lots and parcels of land in a special assessment district, an amount of the labor, material and service

for which such expense was incurred, with a description of the premises upon or in respect to which the expense was incurred, and the name of the owner if known, shall be reported to the Treasurer, who shall immediately charge and bill the owner, if known. The Treasurer at the end of each quarter shall report to the Council all sums so owing to the City and which have not been paid within fifteen (15) days after the mailing of the bill therefor. The Council shall at such times as it may deem advisable direct the Assessor to prepare a special assessment roll covering all such charges reported to it together with a penalty of ten (10) per cent. Such roll shall be filed with the Clerk, who shall present the same to the Council. Thereafter the same proceedings shall be followed in respect to such special assessment roll as are provided in Section 11.4, et seq., of this Charter and all the provisions of said sections with reference to special assessments generally shall apply to special assessments under this section, insofar as the same may be applicable.

ADDITIONAL PROCEDURE AUTHORIZED
BY ORDINANCE:

Section 11.14. In any case where the provisions of this Charter may prove to be insufficient to carry into full effect the making of any special assessment, the Council may by ordinance provide any additional steps or procedure required to effect the improvement by special assessment.

EXEMPTIONS:

Section 11.15. No lands in a special assessment district which are benefited by the improvement therein, shall be exempt from assessment, but if the same are owned by a public or other corporation exempt by law from the payment of special assessments, then the special assessment against such lands, or the installments thereof, shall be paid by the City as the same become due or may be paid in advance of their due dates.

CHAPTER XII

PURCHASING - CONTRACT - LEASES

PURCHASE AND SALE OF PROPERTY:

Section 12.1. The Council shall designate an administrative officer of the City in charge of purchasing, and he shall be responsible for the purchase and sale of all City property. Comparative prices shall be obtained for the purchase or sale of all materials, supplies and public improvements except (a) in the employment of professional services, and (b) when the Purchasing Officer (or the Council as hereinafter provided) shall determine that no advantage to the City would result therefrom.

The Council may authorize a Purchasing Officer to make purchases and sales in amounts not in excess of five hundred (\$500.00) dollars, without prior approval of the Council. In all sales or purchases in excess of five hundred (\$500.00) dollars, and not in excess of one thousand (\$1,000.00) dollars, the sale or purchase shall be first approved by the Council. In all sales and purchases in excess of one-thousand (\$1,000.00) dollars but not in excess of one thousand five hundred (\$1,500.00) dollars, the sale or purchase shall be first approved by the Council, and formal sealed bids shall be obtained, unless the Council by formal unanimous resolution of those present, being not less than five in number, at the meeting determines that no advantage will result from competitive bidding. In all sales and purchases in excess of one thousand five hundred (\$1,500.00) dollars, the sale or purchase shall be first approved by the Council, and formal sealed bids shall be obtained. No sale or purchase shall be divided for the purpose of circumventing the dollar value limitation contained in this section. The Council may authorize the making of public improvements or the performance of any other City work by any City department or agency without a competitive bidding.

Purchases shall be made from the lowest competent bidder meeting specifications, unless the Council shall determine the public interest would be better served by (a) accepting higher bids or (b) rejection of all submitted bids. Insofar as the best interests of the City are served, purchases shall be made from those qualified persons who conduct their business within the City of Flat Rock.

All purchases and sales shall be evidenced by a written purchase order or sales memorandum. The City may not purchase, sell or lease any real estate or any interest therein except by the affirmative vote of five or more members of the Council. The purchase and sale of all City property shall be subject to the provisions of Section 5.11 of this Charter.

The Council shall by resolution establish detailed purchasing, sale and contract procedures not inconsistent with this Charter.

CONTRACTS:

Section 12.2. The authority to contract on behalf of the

City is vested in the Council, and shall be exercised in accordance with the provisions of statute and of this Charter, provided that purchases and sales be made by the Purchasing Officer subject to the provisions of Section 12.1.

Any contract or agreement in an amount of one thousand (\$1,000.00) dollars or more made with form or terms other than the standard City purchase order form, shall before execution be submitted to the Attorney and his opinion obtained with respect to its form and legality. A copy of all contracts or agreements requiring such opinion shall be filed in the office of the Clerk together with a copy of the opinion.

On all jobs for any public work or any public improvement where the plans thereof are required by law to be prepared by a professional engineer or the total cost thereof exceeds one thousand (\$1,000.00) dollars, each contractor shall be required to file a performance bond as prescribed by the Council to be approved by the City Attorney covering labor and material and for the proper completion of the work.

Before any contract, agreement or purchase order obligating the City to pay an amount of one thousand (\$1,000.00) dollars or more is executed, the officer responsible for maintaining the City accounts shall first certify that an appropriation has been made for the payment thereof, or that sufficient funds will be available if it be for a purpose being financed by the issuance of bonds or by special assessments, or for some other purpose not chargeable to a budget appropriation. In the case of a contract or agreement obligating the City for periodic payments in future fiscal years for the furnishing of a continuing service or the leasing of property, such certification need not cover those payments which will be due in future fiscal years, but this exception shall not apply to a contract for the purchase or construction of a public improvement unless such purchase or construction is being financed by an installment contract under the authority of Section 10.7. Certification by the Purchasing Officer of the City shall be endorsed on each contract, agreement or purchase order requiring same or shall be filed as an attachment thereto.

No contract or purchase order shall be subdivided for the purpose of circumventing the dollar value limitations contained in this Section.

No contract shall be amended after the same has been made except upon the authority of the Council, provided that the purchasing officer may amend contracts for those purchases and sales made by him under the authority of Section 12.1.

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

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

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

Purchasing Officer of the City.

RESTRICTIONS ON POWERS TO LET PROPERTY:

Section 12.3. Any agreement or contract for the renting or letting of public property for a period longer than three years shall be subject to the same referendum procedure as provided in the case of ordinances passed by the Council. However, a summary of the terms of any such agreement or contract shall be published within ten days after its approval by the Council and any petition for such referendum must be filed within thirty days after such publication to be effective.

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

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

The City shall not sell any park, cemetery, or part thereof, except where such park is not required under an official master plan of the City, unless approved by three-fifths of the electors voting thereon at any general or special election.

DEBTS:

Section 12.4. The City shall not repudiate any debt by any change in its Charter or by consolidation with any other municipality.

CHAPTER XIII

MUNICIPAL OWNED UTILITIES

GENERAL POWERS RESPECTING UTILITIES:

Section 13.1. Subject to the provisions of the Constitution and Statutes, the City shall have the power to acquire, own or operate, within or without its corporate limits, including but not by way of limitations, public service facilities for supplying water, light, heat, power, sewage disposal, and facilities for the storage

and parking of vehicles within its corporate limits, and may sell and deliver water, light, heat and power in an amount not exceeding the limitation set by the Constitution and Statutes; may provide sewage disposal services outside of its corporate limits in such amount as may be determined by the City Council; and may operate transportation lines outside the municipality within such limits as may be prescribed by law.

MANAGEMENT OF MUNICIPALLY OWNED UTILITIES:

Section 13.2. All municipally owned or operated utilities shall be administered as a regular department of the City Government under one or more department heads appointed under the provisions of Section 4.9. and shall serve at the pleasure and under the supervision of the Council and not to be an independent board or commission, except as otherwise provided in this Charter.

RATES:

Section 13.3. The Council shall have power to fix from time to time such just and reasonable rates as may be deemed advisable for supplying the inhabitants of the City and others with such public utility services as the City may provide. There shall be no discrimination in such rates within any classification of users thereof, nor shall free service be permitted, but higher rates may be charged outside the corporate limits of the City.

UTILITY RATES AND CHARGES-COLLECTION:

Section 13.4. The Council shall provide by ordinance for the collection of all public utility rates and charges of the City. Such ordinance shall provide at least:

(a) That the City as authorized by statute shall have as security for the collection of such utility rates and charges a lien upon the real property supplied by such utility, which lien shall become effective immediately upon the supplying of such utility service and shall be enforced in the manner provided in such ordinance.

(b) The terms and conditions under which utility services may be discontinued in case of delinquency in paying such rates or charges.

(c) With respect to the collection of rates charged for water the City shall have all the powers granted to Cities in Act 178 of the Public Acts of 1939, as amended.

DISPOSAL OF UTILITY PLANTS AND PROPERTY:

Section 13.5. Unless approved by a three-fifths majority vote of the electors voting thereon at a regular or special election, the City shall not sell, exchange, lease or in any way dispose of any property, easements, equipment, privilege or asset belonging to and appertaining to any municipally owned public utility which is needed to continue operating such utility. All contracts, negotiations, licenses, grants, leases or other forms of transfer in violation of this section shall be void and of no effect as against the City. The restrictions of this section shall not apply to the sale or exchange of any articles of machinery or equipment of any City owned public utility which are worn out or useless or which have been, or could with advantage to the service be, replaced by new and improved machinery or equipment, 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 easements. It is provided, however, that the provisions of this section shall not extend to vacation or abandonment of streets, as provided by statute.

UTILITY FINANCES:

Section 13.6. The rates and charges for any municipal public utility for the furnishing of water, light, heat, power, gas or sewage treatment and garbage disposal shall be so fixed as to at least meet all the costs of such utility including depreciation.

Transactions pertaining to the ownership and operation by the City of each public utility shall be recorded in a separate group of accounts under an appropriate fund caption, which accounts shall be classified in accordance with generally accepted utility accounting practice. Charges for all service furnished to, or rendered by, other City departments or agencies shall be recorded. An annual report shall be prepared to show fairly the financial position of each utility and the results of its operation, which report shall be available for inspection at the office of the Clerk.

CHAPTER XIV

PUBLIC UTILITY FRANCHISES

FRANCHISES REMAIN IN EFFECT:

Section 14.1. All franchises to which the City of Flat Rock is a party when this Charter becomes effective, shall remain in full force and effect in accordance with their respective terms and conditions.

GRANTING OF PUBLIC UTILITY FRANCHISES:

Section 14.2. Public Utility franchises and all renewals and extensions thereof and amendments thereto, shall be granted by ordinance only. No exclusive franchise shall ever be granted. No franchise shall be granted for a longer period than thirty years.

No franchise ordinance which is not subject to revocation at the will of Council shall be enacted nor become operative until the same shall have first been referred to the affirmative vote of three-fifths of the electors voting thereon. No such franchise ordinance shall be approved by the Council for referral to the electorate before thirty days after application therefor has been filed with the Council nor until a public hearing has been held thereon, nor until the grantee named therein has filed with the Clerk his unconditional acceptance of all terms of such franchise. No special election for such purposes shall be ordered unless the expense of holding such election, as determined by the Council shall have first been paid to the Treasurer by the grantee.

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

CONDITIONS OF PUBLIC UTILITY FRANCHISES:

Section 14.3. All public utility franchises granted after the adoption of this Charter, whether it be so provided in the granting ordinance or not, shall be subject to the following rights of the City, but this enumeration shall not be exclusive or impair the right of the Council to insert in such franchise any provision within the powers of the City to impose or require:

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

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

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

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

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

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

REGULATION OF RATES:

Section 14.4. All public utility franchises shall make provision therein for fixing rates, fares and charges, and may provide for readjustments thereof at periodic intervals. The value of the property of the utility used as a basis for fixing such rates, fares and charges shall in no event include a value predicated upon the franchise, goodwill or prospective profits.

USE OF PUBLIC PLACES BY UTILITIES:

Section 14.5. Every public utility whether it has a franchise or not shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges and other public places as shall arise from its use thereof and shall protect and save the City harmless from all damages arising from said use. Every such public utility may be required by the City to permit joint use of its property and appurtenances located in the streets, alleys and other public places of the City by the City and by other utilities insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefor. 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 therefor, and the arbitration award shall be final.

REVOCABLE PERMITS:

Section 14.6. 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.

CHAPTER XV

SUPERVISORS

NUMBER OF SUPERVISORS:

Section 15.1. The City shall have the maximum number of representatives on the County Board of Supervisors to which it is entitled by statute.

APPOINTMENT OF SUPERVISORS:

Section 15.2. The Mayor shall be a representative of the City on the County Board of Supervisors and shall serve in accordance with statute. His term shall run concurrently with his term of office as Mayor. The other representative or representatives of the City on the County Board shall be selected from and appointed by the City Council. In case any representative of the City on the Board of Supervisors shall be unable to perform the duties of his office for any reason, the Council may appoint another Councilman to serve in his stead.

DUTIES OF SUPERVISORS:

Section 15.3. Except as otherwise provided in this Charter, the representatives of the City on the Board of Supervisors shall perform the statutory duties of Supervisors. In the performance of his duties each supervisor shall represent the City, its inhabitants and its government to the best of his ability.

COMPENSATION OF SUPERVISORS:

Section 15.4. Representatives of the City on the Board of Supervisors shall be entitled to retain any compensation and expense allowances paid to them by the County as members of the Board of

Supervisors, but shall receive no extra compensation from the City for their work as Supervisors.

CHAPTER XVI

JUSTICE COURT

ESTABLISHMENT OF COURT:

Section 16.1. There is hereby established a Justice Court in the City to be presided over by one Justice of the Peace elected in accordance with Section 3.5. At such time as the City is authorized by statute to establish a Municipal Court, the Council shall by ordinance establish a Municipal Court of the City of Flat Rock, and shall abolish the Justice Court as herein established. Provided however, the Justice of the Peace who is holding office at the time thereof, shall continue in office for the balance of the term of office to which he was elected.

COMPENSATION OF THE JUSTICE:

Section 16.2. The Justice of the Peace shall receive as his compensation an annual salary as provided by the Council by ordinance, and shall be in lieu of all fees, costs and charges to which such Justice would be entitled by the first provision of this Chapter except those for the performance of marriage ceremonies and for the administration of oaths in matters not connected with suits and proceedings in this Court.

BOND:

Section 16.3. The Justice of the Peace in addition to any other security required by law to be given for the performance of his official duties, shall before entering upon the duties of his office, give a bond to the City in such sum as the Council shall prescribe, conditioned for the faithful performance of the duties of Justice of the Peace within and for the City, and the cost thereof shall be paid by the City.

POWER AND JURISDICTION; GENERAL:

Section 16.4. The Justice of the Peace of the City shall have and exercise therein and within the County the same jurisdiction, powers and duties as are or may be conferred upon or required of Justices of the Peace in Townships by statute and shall be subject to such general laws with respect to such Justices, except as otherwise provided in this Charter. They shall have concurrent jurisdiction with other justices in the County of Wayne as to all crimes, offenses, and misdemeanors when alleged to have been committed within the County of Wayne whether within or without the City.

JURISDICTION IN CHARTER AND ORDINANCE CASES:

Section 16.5. The Justice of the Peace shall have authority to hear, try and determine all suits and prosecutions for the recovery and enforcing of fines, penalties and forfeitures imposed by this Charter and the ordinances of the City, and to punish offenders for the violation of such Charter and ordinances as in such Charter or ordinances prescribed and directed.

EXTENDED JURISDICTION:

Section 16.6. The Justice of the Peace shall also have:

(a) Jurisdiction to the amount of five hundred (\$500.00) dollars in all civil matters ex contractu and ex delicto with such exceptions and restrictions as are provided by law.

(b) Such power and authority as can under Public Act 279 of 1909 be conferred by this Charter to set aside the verdict or judgment in any civil cause and grant a new trial therein, to be exercised in such manner and on such conditions as provided in said act. The filing of a motion for new trial or to set aside a verdict or judgment shall have such an effect on the time for taking an appeal from any judgment and upon the issuance and levy of execution or other similar process and sale thereunder and on other proceedings in said cause as provided in said act.

(c) Such additional powers and authority as may now or hereafter be conferred upon City Justices of the Peace by statute.

PROCEDURE IN JUSTICE COURT:

Section 16.7. The proceedings in all suits and actions before the Justice and in the exercise of the powers and duties conferred upon and required of them, shall, except as otherwise provided in this Charter, be according to and governed by the statutes applicable to Justice Courts

and to the proceedings before such courts.

PLACE AND CONDUCT OF COURT:

Section 16.8. The Council shall furnish necessary supplies and a suitable place for the conducting of court by the Justice. It may regulate the hours of court of said Justice and may make other necessary and proper rules and regulations for the conduct of the business of the court which are not inconsistent with this Charter or the statutes.

TRANSFER OF CASES:

Section 16.9. In case of the absence, disability or disqualification of the Justice, any other Justice of the Peace or Municipal Judge of the County of Wayne shall be qualified to act in the place of and for the Justice in the performance of any of the duties imposed upon him by statute or this Charter.

The Council shall by ordinance fix the compensation to be paid any such Justice or Judge for such services and the procedure to be followed in calling upon him so to act. Unless the Council shall so provide by ordinance, no such Justice shall so act or be entitled to compensation therefor.

FEES, FINES AND PENALTIES; PROSECUTING OF STATE PENAL CASES:

Section 16.10. (a) All fees and all fines, penalties, forfeitures and moneys collected or received by the court shall be paid over to the City Treasurer on or before the first day of the next month after the collection or receipt thereof; and the Court shall take the receipt of the Treasurer therefor and file the same with the Clerk. Failure of the Presiding Officer to comply with the foregoing provisions shall constitute misconduct in office.

(b) All fees and all fines, penalties, forfeitures and moneys collected in City ordinances and charter cases shall be credited to the general fund of the City. All costs and fines recovered for the violations of the penal laws of the State, when collected and paid into the City Treasury, shall be disposed of as provided by law. The expenses of prosecution before the Justice for violations of penal laws of the State, and in punishing offenders, shall be paid by the County of Wayne.

DOCKET:

Section 16.11. The Justice of the Peace shall keep, at the place of holding court, a docket in the manner required by law. Failure to comply with the requirements of this section shall constitute misconduct in office.

CONSTABLES:

Section 16.12. The Council shall appoint one or more constables. Such constables shall have like powers and authorities in matters of civil and criminal nature, and in relation to the service of process, civil and criminal, as are conferred by law on constables in townships. They shall have power also to serve all process issued for breaches of ordinances of the City, and shall receive the statutory fees of their office. The bond of the constables shall be that required of constables in townships.

VIOLATION BUREAU:

Section 16.13. The Council shall pass an ordinance establishing a violations bureau within the court of the City. The creation of such a bureau by the Council shall not operate so as to deprive any person of a full and impartial hearing in court, should such person so choose.

CHAPTER XVII

MISCELLANEOUS

CITY LIABILITIES:

Section 17.1. The City in the exercise of its non proprietary functions, shall not be liable for damages sustained by any person either to his person or property by reason of the negligence of the City, its officers or employees, nor by reason of any defective condition of or obstruction in any public place, unless such person shall serve or cause to be served upon the Clerk within sixty days after the injury resulting in such damages shall have occurred a notice in writing, which notice shall set forth substantially the

time and place of such injury, the manner in which it occurred, the extent of such damages as far as the same has become known, the names and addresses of the witnesses known at the time by the claimant and a statement that the person sustaining such damages intends to hold the City liable for such damages as may have been sustained by him.

The City shall not be liable for any damages to person or property arising out of any such injury unless there shall have been first presented to the Clerk a claim in writing and under oath setting forth particularly the time, place, nature and extent of such injury and the amount of damages claimed by reason thereof. No person shall bring any such action against the City for any damages until such claim shall have been filed with the Clerk and until the Council shall have been given opportunity to act thereon either by allowing or refusing to allow the claim.

It shall be a sufficient bar and answer in any Court to any such action or proceeding for the collection of any demand or claim against the City under this section that the notice of injury and the verified proof of claim as in this Section required were not presented and filed within the time and in the manner as herein provided.

NO ESTOPPEL:

Section 17.2. No estoppel may be created against the City.

RECORDS TO BE PUBLIC:

Section 17.3. All records of the City shall be public, shall be kept in City offices except when required for official reasons or for purposes of safe keeping to be elsewhere, and shall be available for inspection at all reasonable times.

DEFINITION OF PUBLICATION; MAILING OF NOTICES:

Section 17.4. The requirement contained in this Charter for the publishing or publication of notices or ordinances shall be met by publishing an appropriate insertion in a newspaper published in the English language for the dissemination of news of a general character which newspaper shall have a general circulation at regular intervals in the City or Village for at least two years immediately preceding the time that it is used for such publication purposes. The affidavit of the printer or publisher of such newspaper, or of his

foreman or principal clerk annexed to a printed copy of such notice, ordinance or proceeding taken from the paper in which it was published and specifying the times of publication shall be prima facie evidence of such mailing.

VESTED RIGHTS CONTINUED:

Section 17.5. After the effective date of this Charter, the City shall be vested with all the property, moneys, contracts, rights, credits, effects and records, files, books and papers belonging to the Village. No right or liability, either in favor or against the Village, existing at the time this Charter becomes effective and no suit or prosecution of any character shall in any manner be affected by any change, resulting from the adoption of this Charter, but the same shall stand or proceed as if no change had been made. All debts and liabilities of the 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.

TRUSTS:

Section 17.6. All trusts established for any municipal purpose shall be used and continued 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.

VACANCIES IN APPOINTIVE BOARDS AND COMMISSIONS:

Section 17.7. Except as otherwise provided in this Charter, if a vacancy occurs in the membership of any appointive board or commission the authority responsible for the appointment of the person whose position has become vacant shall fill such vacancy by appointment of a qualified person for the unexpired term of such person.

DEFINITIONS AND INTERPRETATIONS:

Section 17.8. Except as otherwise specifically provided or

indicated by the context:

(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 and the masculine gender shall extend to and include the feminine gender and the neuter.

(c) The word "person" may extend and be applied to bodies political and corporate, and to partnerships as well as to individuals.

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

(e) Except in reference to signatures, the words "written" and "writing" shall include printing and typewriting.

(f) The word "Village" shall mean the municipal corporation of Flat Rock as it existed prior to the effective date of this Charter, including the period from and after its incorporation as a City and until such effective date.

(g) The word "officer" shall include the Mayor and other members of the Council, and administrative officers, members of the City boards and commissions created by or pursuant to this Charter, and the Justices of the Peace.

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

(i) 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.

(j) The words "law" or "general laws of the state" shall denote the Constitution and the Public Acts of the State of Michigan in effect at the time the provision of the Charter containing the words "law" or "general laws of the state" is to be applied, and applicable common law.

(k) The word "freeholder" shall include persons purchasing property on land contract.

(l) All references to section numbers shall refer to section numbers of this Charter.

(m) An appropriation is the setting apart of a designated sum for a purpose or purposes.

SUNDAYS AND HOLIDAYS:

Section 17.9. Whenever the date fixed by this Charter for the doing or completion of any act falls on a Sunday or legal holiday, such act shall be done or completed on the next succeeding day which is not a Sunday or legal holiday.

CHARTER AND SECTION HEADINGS:

Section 17.10. The chapter, section and sub-section headings used in this Charter are for convenience only, and shall not be considered part of the Charter.

PROCESSES AGAINST CITY:

Section 17.11. All process against the City shall run against the City in the corporate name thereof and shall be served upon the Mayor, City Clerk, or City Attorney.

QUORUM:

Section 17.12. Except as provided otherwise in this Charter, a quorum of any board or commission created by or pursuant 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 members.

PENALTIES FOR MISCONDUCT IN OFFICE:

Section 17.13. Any officer of the City found guilty by a Court of competent jurisdiction of any act declared by this Charter to constitute misconduct in office may be punished by a fine of not to exceed five hundred (\$500.00) dollars or imprisonment for not to exceed ninety days or both, in the discretion of the Court. The punishment provided in this section shall be in addition to that of having the office declared vacant as provided in Section 5.2.

AMENDMENTS:

Section 17.14. This Charter may be amended at any time in the manner provided by statute. Should two or more amendments adopted at the same election contain conflicting provisions, the one receiving the largest affirmative vote shall prevail as to those provisions.

SEVERABILITY OF CHARTER PROVISIONS:

Section 17.15. If any provision, section, article or clause of this Charter or the application thereof to any person or circum-

stances shall be found to be invalid by a Court, such invalidity shall not affect any remaining portion or application of the Charter which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determined by the Court to be inoperable and to this end this Charter is declared to be severable.

CHAPTER XVIII

SCHEDULE

STATUS OF SCHEDULE CHAPTER:

Section 18.1. The purpose of this schedule chapter is to inaugurate the government of the City under this Charter and to accomplish the transition from Village to City government, and it shall constitute a part of this Charter only to the extent and for the time required to accomplish this end.

ELECTION ON ADOPTION OF CHARTER:

Section 18.2. (1) Date. This Charter shall be submitted to a vote of the registered electors of the City of Flat Rock at a special election to be held on Saturday, the 11th day of September, 1965. At the same special election the elective officers provided for in this Charter shall also be elected as hereinafter provided. The Charter shall be adopted if a majority of the ballots cast thereon are in favor of adoption.

(2) Form of Ballot. The form of the ballot for the submission of this Charter shall be as follows:

Instructions: A cross (X) in the square ☐ before the word "Yes" is in favor of the proposed Charter, and a cross (X) in the square ☐ before the word "No" is against the proposed Charter.

Shall the proposed Charter for the City of Flat Rock, drafted by the Charter Commission elected on Monday, April 5, 1965, be adopted?

☐ Yes

☐ No

(3) Election Commission. The Charter Commission of the City of Flat Rock shall be the election commission for this election. The

Chairman of the Charter Commission shall be Chairman of the Election Commission, and the Village Clerk of the Village of Flat Rock shall act as Secretary of the Commission and shall perform such duties in connection with the work of the Commission as are prescribed by the Commission and this Charter.

(4) Inspectors of Election. The Charter Commission shall appoint the Inspectors of Election. The members of the Inspectors of Election shall elect its own Chairman who shall receive as compensation the sum of Twenty-Five (\$25.00) Dollars and the remaining members shall each receive the sum of Twenty (\$20.00) Dollars. In case of inability of any member to serve, the Charter Commission shall designate a substitute.

(5) Board of Canvassers. The Board of Canvassers, consisting of three members, shall be appointed by the Charter Commission. In case of inability of any member to serve, the Charter Commission shall designate a substitute. The Board shall meet in the Council Chambers of the Village and City at 8:00 P.M., Monday, September 13, 1965, to canvass the results of such election.

(6) Registration. The persons designated to act as inspectors of this election shall constitute a board of registration for the purpose of making the first registration of qualified voters in the City. Said board shall be authorized to procure the necessary books or files and forms to conduct such registration. The last day for registration shall be Wednesday, August 11, 1965. The board of registration shall on such last day for registration procure from the Village Clerk the records of the Clerk of those persons who are registered Village electors, and from the Township Clerk the records of the Clerk of those persons who are registered Township electors in the area of the Township of Brownstown outside the Village of Flat Rock to be included in the City of Flat Rock, and shall incorporate such records with their records and shall cause all such persons to be registered as City electors in the same manner as though such persons had then and there applied for registration and all such persons shall be deemed to be registered as City electors. Subsequent to the election, the registration records shall be delivered to the Clerk.

(7) Notice of Registration. The Secretary of the Election Commission shall give notice for the board of registration of the days, hours and places that the registration will be conducted by publishing the same in The Guardian of the Huron Valley Villages on July 21, 1965, July 28, 1965, and August 4, 1965, said first publication being not less than ten days prior to the last day for receiving registration.

(8) Notice of Election. The Secretary of the Election Commission shall cause to be published with the publication of this Charter in the Guardian of the Huron Valley Villages on August 25, 1965, a notice of this election, the location of the polling places, that on the date fixed therefor the question of adopting such proposed Charter will be voted on and that the elective officers provided for in the Charter will be elected on the same date. He shall also post such notice in at least ten public places within the City not less

than ten days prior to such election.

(9) Procedure Governing Election. In all respects not otherwise provided for in Chapter XVIII of this Charter, the election procedure shall be in accordance with the provisions of the other chapters of this Charter.

FIRST ELECTION OF CITY OFFICERS:

Section 18.3. (1) Election. The first election of officers provided for in this Charter shall be held on Saturday, the 11th day of September, 1965, in conjunction with the election on the adoption of this Charter. At this election the voters shall be entitled to vote for a Mayor, not more than six candidates for Council, and not more than one candidate for the office of Justice of the Peace.

(2) Terms. The candidate for Mayor who receives the highest number of votes shall be declared elected for a term beginning at 7:30 P.M. on the Monday, September 20, 1965, and ending at 7:30 P.M. on the second Monday in April in the year 1967.

The three candidates for Council who receive the three highest number of votes, shall be declared elected for a term beginning at 7:30 P.M. on Monday, September 20, 1965, and ending at 7:30 P.M. on the first Monday following the regular election in April of 1969. The three candidates for Council who receive the fourth, fifth and sixth highest number of votes shall be declared elected for a term beginning at 7:30 P.M. on September 20, 1965, and ending at 7:30 P.M. on the first Monday following the regular election in April of 1967.

The candidate for the office of Justice of the Peace who receives the highest number of votes shall be declared elected for a term beginning at 7:30 P.M. on Monday, September 20, 1965, and ending at 7:30 P.M. on the second Monday in April, 1967.

After this election the provisions contained in this Charter relative to elections and terms of elective officers shall govern.

(3) Nomination. There shall be no primary election for the first election of City officers. Candidates shall be nominated by petition in a manner identical to that provided for in Sections 3.9 to 3.12 inclusive, except that (1) petitions shall be filed with the Secretary of the Election Commission who shall perform all the duties in connection with such nomination petitions as are required by this Charter of the Clerk, and (2) nomination petitions shall be filed not before Friday, August 13, 1965, and not after 5:00 P.M., Friday, August 27, 1965. The Secretary of the Election Commission shall not later than August 13, 1965 make available a supply of official petition forms as required by Section 3.10. Notice of the days permitted for filing nomination petitions and the number of persons to be elected to each office shall be published by the Secretary of the Election Commission in the Guardian of the Huron Valley Villages on August 11, 1965, August 18, 1965, and August 25, 1965, other provisions of this Charter notwithstanding. The names of those

candidates who file valid and sufficient nomination petitions and have the qualifications required for their respective office shall be certified to the Election Commission to be placed on the ballot.

(4) Other Election Procedure. In all respects not otherwise provided for in this Section, the procedure for the election of officers shall be in accordance with the provisions of Section 18.2.

EFFECTIVE DATE OF CHARTER:

Section 18.4. For the purpose of initiating the procedure for the election on the adoption of this Charter, and for nominating and electing the first City officers, this Charter shall take effect on Thursday, June 24, 1965. For all other purposes this Charter shall take effect on Monday, September 20, 1965, at 7:30 P.M., Eastern Standard Time. At such time the officers first elected under this Charter shall assemble in the municipal Council Chambers. The meeting shall be called to order by the Chairman of the Charter Commission. Each elective officer shall take and subscribe to his oath of office as administered by said Chairman, and shall thereupon be qualified for, and shall assume the duties of his office.

At the time the elective officers of the City assume the duties of their respective offices, the Village Council of the Village of Flat Rock shall cease to be and the office of each and every member thereof shall terminate, and all other elective Village offices of said Village shall thereupon cease to be and shall terminate. The control of such Village Council and Village officers of said Village and of the officers of the Township of Brownstown over that territory which was formerly the Village of Flat Rock and that portion of Brownstown Township now included in the City shall cease and be superseded by that of the Council and the officers of the City of Flat Rock.

CONTINUATION OF APPOINTED OFFICERS AND EMPLOYEES:

Section 18.5. Except as otherwise provided herein, after the effective date of this Charter, all appointive officers and all employees of the Village shall continue in that City office or employment which corresponds to the Village office or employment which they held prior to the effective date of the Charter as though they had been appointed or employed in the manner provided in this Charter, and they shall in all respects be subject to the provisions of this Charter; except that the terms of office of all members of the Board of Review shall terminate as provided in Section 18.6 and except that any officer or employee who holds a position which this Charter provides be held at the pleasure of the appointing officer or body shall hold such position only at such pleasure regardless of the term for which originally appointed.

FIRST BOARD OF REVIEW:

Section 18.6. In January, 1966, the Council shall appoint a Board of Review of three freeholders who shall meet the qualifications for such office, as provided in this Charter, and shall fix their compensation. One such member shall be designated to serve for a term expiring in January, 1967, one for a term expiring in January, 1968, and one for a term expiring in January, 1969.

INTERIM FINANCIAL PROVISIONS:

Section 18.7. The Council shall at its first meeting on September 20, 1965, by resolution continue as City appropriations the unencumbered balances of the appropriations made by the previous Village Council of Flat Rock until June 30, 1966, and these appropriations shall then be deemed to be City appropriations and the fiscal year of the Village shall be completed by the City as though no governmental change had been made. At the close of business on June 30, 1966, the balances of all appropriations not then encumbered shall, subject to statutory restrictions, revert to the general fund of the City for reappropriation during the next fiscal period.

TOWNSHIP ASSETS AND LIABILITIES:

Section 18.8. As soon as practicable the Council shall take all necessary and proper action to obtain the division between the City and the Township of Brownstown of the assets and liabilities of such Township.

RESOLUTION OF ADOPTION

At a regular meeting of the Charter Commission of the City of Flat Rock held on the twenty-fourth day of June, 1965, the following resolution was offered by Commissioner Ritchie:

RESOLVED, that the Charter Commission of the City of Flat Rock does hereby adopt the foregoing proposed Charter for the City of Flat Rock and the Secretary of this Commission is directed to transmit two copies of this Charter to the Governor of the State of Michigan for his approval in accordance with statute.


The resolution was seconded by Commissioner Goshorn and adopted by the following vote:

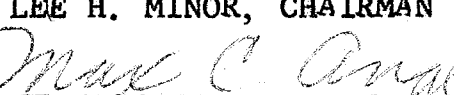
YES: Commissioners Max C. Angel, Granville M. Baker, Edwin V. Bennett, Gerald J. Goshorn, Charles R. Hammond, Arthur F. Mallow, Lee H. Minor, William H. Ritchie.


NO: James H. Thompson.

ABSENT: None.

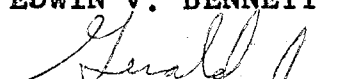
The Chairman declared the foregoing resolution carried by a vote of eight to one and requested the members of the Charter Commission to authenticate said Resolution and also the two copies of the Charter to be presented to the Governor. The members thereupon authenticated said resolution and the copy of the Charter to be presented to the Governor by subscribing their names as follows:


LEE H. MINOR, CHAIRMAN


MAX C. ANGEL, SECRETARY


GRANVILLE M. BAKER

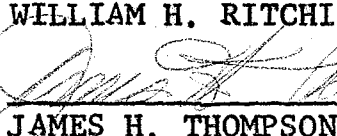

EDWIN V. BENNETT


GERALD J. GOSHORN


CHARLES R. HAMMOND


ARTHUR F. MALLOW


WILLIAM H. RITCHIE


JAMES H. THOMPSON

STATE OF MICHIGAN)) SS
COUNTY OF WAYNE)

Max C. Angel
MAX C. ANGEL
Secretary of the Charter Commission
of the City of Flat Rock

Frank F. Gazley
FRANK F. GAZLEY, Notary Public,
Wayne County, Michigan
My Commission Expires: 4-26-66

GEORGE ROMNEY
Governor of the State of Michigan

Dated: _____, 1965.

AMENDMENTS

CITY OF FLAT ROCK
WAYNE COUNTY, MICHIGAN

PROPOSAL

PROPOSAL TO INCREASE SALARY OF MAYOR TO
\$1,200.00, ELECTED ON AND AFTER THE TUESDAY
SUCCEEDING THE FIRST MONDAY IN NOVEMBER, 1971

STATEMENT OF PURPOSE

To provide for an increase in salary of the Mayor elected to office on and after the Tuesday succeeding the first Monday in November, 1971, from Five Hundred (\$500.00) Dollars per year to Twelve Hundred (\$1,200.00) Dollars per year.

Shall the Charter of the City of Flat Rock, specifically Chapter, IV, Section 4.7(a), COMPENSATION OF ELECTIVE OFFICERS, presently stating as follows:

"(a) Mayor. The Mayor shall receive as remuneration for his services to the City the sum of Five Hundred (\$500.00) Dollars per year."

be amended to provide as follows:

"(a) Mayor. The Mayor elected to office on and after the Tuesday succeeding the first Monday in November, 1971, shall receive as remuneration for his services the sum of Twelve Hundred (\$1,200.00) Dollars per year. Mayor elected to office prior to the Tuesday succeeding the first Monday in November, 1971, will continue to receive the sum of Five Hundred (\$500.00) Dollars per year, until the expiration of his present term of office."

YES

NO. ✓

Nov 1971

CITY OF FLAT ROCK
WAYNE COUNTY, MICHIGAN

PROPOSAL §

PROPOSAL TO INCREASE COMPENSATION FOR EACH
COUNCIL MEMBER TO \$600.00 PER YEAR, ELECTED
ON AND AFTER THE TUESDAY SUCCEEDING THE FIRST
MONDAY IN NOVEMBER, 1971

STATEMENT OF PURPOSE

To provide for an increase in salary of Council-
men elected to office on and after the Tuesday
succeeding the first Monday in November, 1971,
from Two Hundred Fifty (\$250.00) Dollars per year
to Six Hundred (\$600.00) Dollars per year.

Shall the Charter of the City of Flat Rock,
specifically Chapter IV, Section 4.7(b), COMPENSATION OF
ELECTIVE OFFICERS, presently stating as follows:

"(b) Councilmen. The compensation for each
member of the Council shall be the sum of
Two Hundred Fifty (\$250.00) Dollars per year."

be amended to provide as follows:

"(b) Councilmen. The compensation for each
member of the Council elected to office on
and after the Tuesday succeeding the first
Monday in November, 1971, shall be the sum
of Six Hundred (\$600.00) Dollars per year.
Incumbent councilmen shall receive the sum
of Two Hundred Fifty (\$250.00) Dollars per
year until the expiration of their present
term of office."

YES

NO ✓

Nov 1971

1
Defeated

CITY OF FLAT ROCK
WAYNE COUNTY, MICHIGAN

PROPOSAL E

A PROPOSAL TO ALLOW PURCHASING OFFICER OF CITY TO MAKE PURCHASES OR SALES UP TO \$1,000 WITHOUT COUNCIL APPROVAL; IN EXCESS OF \$1,000 TO \$1,500 WITH COUNCIL APPROVAL; IN EXCESS OF \$1,500 TO \$2,000 WITH COUNCIL APPROVAL AND SEALED BIDS REQUIRED UNLESS COUNCIL UNANIMOUSLY APPROVES SALE OR PURCHASE WITHOUT, FIVE MEMBERS MUST BE PRESENT; IN EXCESS OF \$2,000 WITH SEALED BIDS AND COUNCIL APPROVAL.

STATEMENT OF PURPOSE

To allow the City Purchasing Officer to make purchases and sales up to \$1,000 without Council approval; in Excess of \$1,000 to \$1,500 with Council Approval; in excess of \$1,500 to \$2,000 with Council approval and sealed bids required unless Council unanimously approves sale or purchase without, five members must be present; in excess of \$2,000 with sealed bids and Council approval.

Shall the Charter of the City of Flat Rock, specifically Chapter XII, Purchasing - Contract - Leases, Section 12.1, Purchase and Sale of Property, presently stating as follows:

"Section 12.1. The Council shall designate an administrative officer of the City in charge of purchasing, and he shall be responsible for the purchase and sale of all City property. Comparative prices shall be obtained for the purchase or sale of all materials, supplies and public improvements except (a) in the employment of professional services, and (b) when the Purchasing Officer (or the Council as hereinafter provided) shall determine that no advantage to the City would result therefrom.

The Council may authorize a Purchasing Officer to make purchases and sales in amounts not in excess of five hundred (\$500.00) dollars, without prior approval of the Council. In all sales or purchases in excess of five hundred (\$500.00) dollars, and not in excess of one thousand (\$1,000.00) dollars, the sale or purchase shall be first approved by the Council. In all sales and purchases in excess of one thousand (\$1,000.00) dollars but not in excess of one thousand five hundred (\$1,500.00) dollars, the sale or purchase shall be first approved by the Council, and formal sealed bids shall be obtained, unless the Council by formal unanimous resolution of those present, being not less than five in number, at the meeting determines that no advantage will result from competitive bidding. In all sales and purchases in excess of one thousand five hundred (\$1,500.00) dollars, the sale or purchase shall be first approved by the Council, and formal sealed bids shall be obtained. No sale or purchase shall be divided for the purpose of circumventing the dollar value limitation contained in this section. The Council may authorize the making of public

improvements or the performance of any other City work by any City department or agency without a competitive bidding.

Purchases shall be made from the lowest competent bidder meeting specifications, unless the Council shall determine the public interest would be better served by (a) accepting higher bids or (b) rejection of all submitted bids. Insofar as the best interests of the City are served, purchases shall be made from those qualified persons who conduct their business within the City of Flat Rock.

All purchases and sales shall be evidenced by a written purchase order or sales memorandum. The City may not purchase, sell or lease any real estate or any interest therein except by the affirmative vote of five or more members of the Council. The purchase and sale of all City property shall be subject to the provisions of Section 5.11 of this Charter.

The Council shall by resolution establish detailed purchasing, sale and contract procedures not inconsistent with this Charter. "

be amended to provide as follows:

"Section 12.1. The Council shall designate an administrative officer of the City in charge of purchasing, and he shall be responsible for the purchase and sale of all City property. Comparative prices shall be obtained for the purchase or sale of all materials, supplies and public improvements except (a) in the employment of professional services, and (b) when the Purchasing Officer (or the Council as hereinafter provided) shall determine that no advantage to the City would result therefrom.

The Council may authorize a Purchasing Officer to make purchases and sales in amounts not in excess of one thousand (\$1,000.00) dollars, without prior approval of the Council. In all sales or purchases in excess of one thousand (\$1,000.00) dollars, and not in excess of one thousand five hundred (\$1,500.00) dollars, the sale or purchase shall be first approved by the Council. In all sales and purchases in excess of one thousand five hundred (\$1,500.00) dollars but not in excess of two thousand (\$2,000.00) dollars, the sale or purchase shall be first approved by the Council, and formal sealed bids shall be obtained, unless the Council, by formal unanimous resolution of those present, being not less than five in number, at the meeting determines that no advantage will result from competitive bidding. In all sales and purchases in excess of two thousand (\$2,000.00) dollars, the sale or purchase shall be first approved by the Council, and formal sealed bids shall be obtained. No sale or purchase shall be divided for the purpose of circumventing the dollar value limitation contained in this section. The Council may authorize the making of public

improvements or the performance of any other City work by any City department or agency without a competitive bidding.

Purchases shall be made from the lowest competent bidder meeting specifications, unless the Council shall determine the public interest would be better served by (a) accepting higher bids or (b) rejection of all submitted bids. Insofar as the best interests of the City are served, purchases shall be made from those qualified persons who conduct their business within the City of Flat Rock.

All purchases and sales shall be evidenced by a written purchase order or sales memorandum. The city may not purchase, sell or lease any real estate or any interest therein except by the affirmative vote of five or more members of the Council. The purchase and sale of all City property shall be subject to the provisions of Section 5.11 of this Charter."

The Council shall by resolution establish detailed purchasing, sale and contract procedures not inconsistent with this Charter."

YES

NO

CITY OF FLAT ROCK
WAYNE COUNTY, STATE OF MICHIGAN

PROPOSAL C

ELIMINATION OF INELIGIBILITY OF APPOINTED
OFFICER TO RUN FOR ELECTIVE OFFICE

Shall the Charter of the City of Flat Rock, specifically Chapter IV, Section 5.1, paragraph 3, subparagraphs (a) and (b), presently stating as follows:

No person shall be eligible for election to office at any regular or special election who is:

- (a) an appointive officer
- (b) an elective officer whose term of office does not expire at 8:00 p.m. on the Monday next following the next regular election unless he shall resign either as an appointive officer, or as an elective officer whose resignation shall be in writing and filed with the clerk at least 120 days before such next regular or special election.

be deleted from the Charter of the City of Flat Rock.

YES, ✓

NO

Nov 1971

CITY OF FLAT ROCK
WAYNE COUNTY, MICHIGAN

PROPOSAL A

PROPOSAL TO ELIMINATE THE OFFICE OF DIRECTOR
OF PUBLIC SAFETY AND SUBSTITUTE THEREFOR TWO
SEPARATE OFFICES, NAMELY, CITY POLICE CHIEF
AND CITY FIRE CHIEF

STATEMENT OF PURPOSE

To eliminate the office of Director
of Public Safety and to create in its
place and stead two administrative officers,
namely, City Police Chief and City Fire Chief

Shall the Charter of the City of Flat Rock, specifically
Chapter IV, Organization of Government, Section 4.9, Administrative
Services, presently stating as follows:

"Section 4.9. The Administrative officers of the City shall be the City Clerk, City Treasurer, City Assessor, City Attorney, Director of Public Safety, Director of Public Works, and Director of Water Department and such additional administrative officers or departments as may be created by ordinance. The Council may by ordinance create additional administrative offices and departments, and may by ordinance combine any administrative offices and departments in any manner it deems necessary or advisable for the proper and efficient operation of the City, and shall prescribe the functions of each office and department and the duties, authorities and responsibilities of the officers of each department, except as otherwise provided in this Charter. The mayor shall within thirty days after his taking of office following his election for the Office of Mayor, appoint, subject to the approval and confirmation by majority vote of the Council, all administrative officers and departments of the City Government, whether the office be established by this Charter or as may be created by ordinance, in which case the Mayor as a member of the Council shall be precluded from voting, in case the Mayor fails to make any such appointments within the herein provided thirty days, then the Council may make such appointments as the case may be.

The administrative officers and department heads shall be responsible to the Council and shall serve at the discretion and pleasure of the Council for an indefinite term and shall have their compensation fixed by the Council."

be amended to provide as follows:

"Section 4.9. The Administrative Officers of the City shall be the City Clerk, City Treasurer, City Assessor, City Attorney, City Police Chief, City Fire Chief, Director of Public Works, and Director of Water Department and such additional Administrative Officers or Departments as may be created by Ordinance. The Council may by ordinance create additional administrative offices and departments, and may by ordinance combine any administrative offices and departments in any manner it deems necessary or advisable for the proper and efficient operation of the City, and shall prescribe the functions of each office and department and the duties, authorities and responsibilities of the officers of each department, except as otherwise provided in this Charter. The Mayor shall within thirty days after his taking of office following his election for the Office of Mayor, appoint, subject to the approval and confirmation by majority vote of the Council, all administrative officers and departments of the City Government, whether the office be established by this Charter or as may be created by ordinance, in which case the Mayor as a member of the Council shall be precluded from voting, in case the Mayor fails to make any such appointments within the herein provided thirty days, then the Council may make such appointments as the case may be.

The administrative officers and department heads shall be responsible to the Council and shall serve at the discretion and pleasure of the Council for an indefinite term and shall have their compensation fixed by the Council.

YES ✓

NO

CITY OF FLAT ROCK
WAYNE COUNTY, MICHIGAN

PROPOSAL B

PROPOSAL TO ELIMINATE FROM THE CHARTER
OF THE CITY OF FLAT ROCK THE OFFICE OF
DIRECTOR OF PUBLIC SAFETY

STATEMENT OF PURPOSE

To eliminate from the Charter of
the City of Flat Rock the office
of Director of Public Safety

Shall the Charter of the City of Flat Rock, specifically
Chapter IV, Organization of Government, Section 4.15, Director
of Public Safety, presently stating as follows:

"Section 4.15. The Director of Public Safety shall
be the administrative head of the combined Police and Fire
Department and shall administer the general policies of
the police and fire fighting functions of the City. He
shall perform all duties as may be required of him by law,
this Charter, ordinances, the Mayor and resolutions of
the Council."

be deleted from the Charter of the City of Flat Rock.

YES ✓

NO

1973

CITY OF FLAT ROCK
WAYNE COUNTY, MICHIGAN

PROPOSAL C

PROPOSAL TO CREATE THE OFFICE OF CITY
POLICE CHIEF

STATEMENT OF PURPOSE

To create the office of City Police Chief
to be the administrative head of the Police
Department of the City of Flat Rock.

Shall the Charter of the City of Flat Rock, specifically
Chapter IV, Organization of Government, be amended by creating
a new section entitled CITY POLICE CHIEF, Section 4.25, to
read as follows:

"Section 4.25. The Police Chief shall be the
Administrative Head of the Police Department and shall
administer the general policies of the police functions
of the city. He shall perform all duties as may be
required of him by Law, this Charter, Ordinances, the
Mayor and Resolutions of the Council."

YES ✓

NO

CITY OF FLAT ROCK
WAYNE COUNTY, MICHIGAN

PROPOSAL D

PROPOSAL TO CREATE THE OFFICE OF CITY
FIRE CHIEF

STATEMENT OF PURPOSE

To create the office of City Fire Chief
to be the administrative head of the Fire
Department of the City of Flat Rock.

Shall the Charter of the City of Flat Rock, specifically
Chapter IV, Organization of Government, be amended by creating
a new section entitled CITY FIRE CHIEF, Section 4.26, to read
as follows:

"Section 4.26. The Fire Chief shall be the Administrative
Head of the Fire Department and shall administer the general
policies of the fire fighting functions of the city. He
shall perform all duties as may be required of him by Law,
this Charter, Ordinances, the Mayor and Resolutions of the
Council."

YES ✓

No

CITY OF FLAT ROCK

WAYNE COUNTY, MICHIGAN

Ordinance No. 182

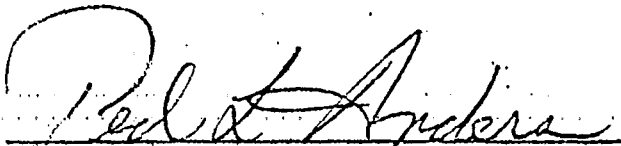
An Ordinance Changing and Setting the Date for the
Holding of Odd Year Primary Elections

THE CITY OF FLAT ROCK ORDAINS:

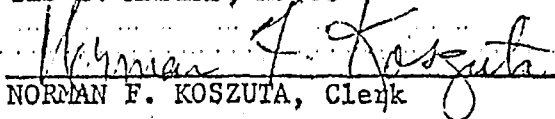
I. A Primary Election to be known as the "Odd Year Primary Election" shall be held on the Tuesday following the second Monday in September of each odd numbered year.

This Ordinance is enacted pursuant to the authority contained in, and authorized by Section 6.1644 (2) Michigan Statutes Annotated.

II. All Ordinances, or parts of Ordinances, of the City of Flat Rock inconsistent with the provisions of this Ordinance are herewith repealed.



TED L. ANDERS, Mayor



NORMAN F. KOSZUTA, Clerk

I hereby certify that the foregoing is a true copy of the Ordinance adopted by the Council of the City of Flat Rock at a meeting thereof on March 21, 1977, the original of which is on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and official signature, this 21st day of March, 1977.



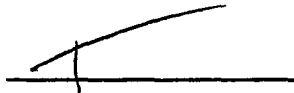
NORMAN F. KOSZUTA, Clerk

BE AMENDED TO PROVIDE AS FOLLOWS:

Section 5.6:

- A. If a vacancy occurs on the Council, the City Clerk shall, within thirty (30) days thereafter, fill the vacancy for the balance of the unexpired term, by administering the oath of office to the person receiving the fourth highest number of votes for the office of councilmember at the last regular City election. If there was no person receiving the required number of votes to fill the vacancy, or, that person refuses or is not qualified to take the oath of office, then the Council shall fill the vacancy for the balance of the unexpired term thereof. Notwithstanding the foregoing, if the vacancy occurs on the Council within forty (40) days prior to the regular City election, it shall not be filled until after the next organization of the Council.
- B. If a vacancy occurs in the office of Mayor, the Council shall, within thirty (30) days thereafter, fill the vacancy for the balance of the unexpired term thereof.
- C. If a vacancy occurs in an appointive office, such vacancy shall be filled in a manner provided for making the original appointment. In the case of members of boards and commissions appointed for a definite term, such appointment shall be for the unexpired term.

YES:



NO:



CITY OF FLAT ROCK
WAYNE COUNTY, MICHIGAN

Ordinance No. 352

Passed
12-1-97

An Ordinance To Amend The Code of the City of Flat Rock By
Establishing Purchasing, Sale and Contract Procedures.

THE CITY OF FLAT ROCK ORDAINS:

Section I. Purchase Order, Purchasing Agent.

A. Establishment of Position of Purchasing Agent. The position of Purchasing Agent is hereby established for the City which position shall be under the direction of the Mayor and City Council. The Purchasing Agent shall be appointed by the Mayor, subject to the approval and confirmation by the City Council.

B. Duties and Powers.

(1) The Purchasing Agent shall purchase all supplies, equipment and services needed by any and all departments, boards, commissions and other agencies of the City regardless of source of funds. Agencies empowered by state statute to purchase independently may have the City Purchasing Agent appointed as their agent for the purchases upon relinquishing of such independence by the proper authority.

(2) The Purchasing Agent shall keep complete and detailed records of all purchases and disbursement, including purchase orders issued, quotations received, basis for bid award, and any and all documents required for audit of purchase activity.

(3) Purchases or contracts for goods and services shall not be executed by any officer or employee other than the Purchasing Agent, or upon delegation to another department head, commission, or agency by City Council.

C. Purchasing Procedure.

(1) The Purchasing agent shall, in cooperation and consultation with other department heads, commissions and other City agencies, prepare or approve purchase order forms or request forms and all standards and written specifications for supplies, equipment and services.

To that end, department heads, commissions and City agencies shall cooperate fully with the Purchasing Agent. All such specifications shall permit competition wherever practicable.

(2) In all purchases or contracts in excess of **Two Thousand (\$2000.00) Dollars**, the purchase or contract shall first be approved by the City Council. In all purchases or contracts in excess of **Five Thousand (\$5000.00) Dollars**, the purchase or contract shall first be approved by the City Council and competitive sealed bids obtained as provided in this ordinance.

(3) All purchases shall be made in accordance with one of the procedures provided in Section II, except as otherwise provided by resolution or ordinance of the City Council. This ordinance shall not be applicable to the employment of professional services or when the City Council shall by formal unanimous resolution of those present, being not less than five (5) in number, determine that no advantage will result in following the procedures provided in Section II.

Section II. Methods of Source Selection. Except as otherwise authorized by law, all contracts for supplies, equipment, goods and services shall be awarded by:

1. Competitive sealed bidding pursuant to Section III of this ordinance.
2. Competitive negotiation pursuant to Section IV of this ordinance.
3. Noncompetitive negotiation pursuant to Section V of this ordinance; or
4. Small purchase procedures pursuant to Section VII of this ordinance.

Section III. Competitive Sealed Bidding.

A. Conditions for Use. Contracts exceeding the amount of **Five Thousand (\$5000.00) Dollars** (Small Purchases) shall be awarded by competitive sealed bidding whenever practicable. Factors in determining whether competitive sealed bidding is not practicable shall include whether:

- (1) the specifications permit award on the basis of the lowest bid price or lowest evaluated bid price, as determined in accordance with objective, measurable criteria set forth in the invitation for bids, and
- (2) the available sources, the time and place of performance, and other relevant circumstances are appropriate for use of competitive sealed bidding.

Nothing in this ordinance is intended to authorize letting contracts without competitive sealed bids when such bids are required by state law.

B. Public Notice. The invitation for bids shall be given adequate public notice a sufficient time prior to the date set forth therein for the opening of bids. Such notice may include publication in a newspaper of general circulation a reasonable time prior to bid opening.

C. Bid Opening. Bids shall be opened publicly at the time and place designated in the invitation for bids. After opening each bid, together with the name of the bidder, shall be recorded and be open to public inspection. A tabulation of all bids received shall be read at the next regular City Council meeting following the opening of the bids.

D. Award. The contract shall be awarded with reasonable promptness by written notice to the responsive and responsible bidder whose bid is determined to contain the lowest bid price or the lowest evaluated bid price. An award shall not be made without authorization of the City Council, following a prior recommendation by the Purchasing Agent or other department head, commission, or agency designated by City Council. When an award is not made to the lowest bidder, a complete statement of the reasons shall be prepared and retained in a permanent bid file.

Section IV. Competitive Negotiation.

A. When Used. When it is determined by City Council upon the recommendation of the Purchasing Agent in conjunction with the appropriate department head or commission that the use of competitive sealed bidding is not practicable and except as provided in Section V (NonCompetitive Negotiation) and Section VII (Small Purchases), a contract may be awarded by competitive negotiation in accordance with this ordinance. Competitive negotiation shall not be used where state law or any applicable federal statute or regulation requires another method such as competitive bidding.

B. Use After Unsuccessful Competitive Sealed Bidding. Contracts may be competitively negotiated when it is determined that the bid prices received by competitive sealed bidding either are unreasonable as to all or part of the requirements, or were not independently reach in open competition, and for which:

- (1) Each responsible bidder has been notified of the intention to negotiate and is given reasonable opportunity to negotiate;
- (2) The negotiated price is lower than the lowest rejected bid of any responsible bidder; and

- (3) The negotiated price is the lowest negotiated price offered by any responsible supplier.

C. Public Notice. The request for proposals shall be given adequate public notice in the same manner as provided in Section III paragraph (B) of this ordinance (Competitive Sealed Bidding, Public Notice).

D. Evaluation Factors. When an award is not to be made solely on the basis of the lowest evaluated price, the request for proposals shall indicate the relative importance of price and other significant evaluation factors.

E. Award. Award shall be made to the offeror whose proposal is determined to be more advantageous to the City, taking into consideration price and the evaluation factors set forth in the request for proposals. An award shall not be made without authorization of the City Council, following a prior recommendation by the Purchasing Agent or the department head, commissioner or agency designated by the City Council. When an award is not made to the lowest offeror, a complete statement of the reason shall be prepared and retained in a permanent bid file.

F. Discussion With All Responsible Offerors. Written or oral discussion shall be conducted with all responsible offerors who submit proposals reasonably susceptible of being selected for award. Discussion shall not disclose any information derived from proposals submitted by competing offerors. Discussions need not be conducted:

- (1) With respect to prices, where such prices are fixed by law or regulation, except that consideration shall be given to competitive terms and conditions; or
- (2) Where time of delivery or performance will not permit discussions; or
- (3) Where it can be clearly demonstrated and documented from the existence of adequate competition or accurate prior cost experience with the procured items that acceptance of an initial offer without discussion would result in fair and reasonable prices, and the request for proposals notifies all offerors of the possibility that award may be made on the basis of the initial offers.

Section V. Noncompetitive Negotiations. A contract may be made by noncompetitive negotiation only when competition is not feasible, as determined prior to award. Noncompetitive negotiation shall not be used where state law or any applicable federal statute or regulation requires another method such as competitive bidding. An award shall not be made without authorization of the City Council, following a prior recommendation by the Purchasing Agent or other department head, commission or agency designated by City Council.

Section VI. Negotiations After Competitive Sealed Bidding Where All Bids Exceed Available Funding. In the event that all bids submitted pursuant to a competitive sealed bidding invitation for bid under Section III result in bid prices in excess of the funds available for the purchase, then new invitations for competitive sealed bids may be issued and the project may be rebid or the project may be changed or abandoned.

Section VII. Small Purchases. Any contract not expected at the time proposals are solicited to exceed an aggregate amount of **Two Thousand (\$2000.00) Dollars** may be entered into by the Purchasing Agent as deemed beneficial to the City. Nothing in this section shall authorize this procedure where state law or any applicable federal statute or regulation requires other or more formal bidding procedures.

Section VIII. Cancellation Of Invitations For Bids Or Requests For Proposals. When it is determined by the City Council or Purchasing Agent that it is in the best interest of the City, any invitation for bids, request for proposals or other solicitation may be cancelled, and all bids or proposals in response thereto may be rejected.

Section IX. Multiyear Contracts.

A. Specified Period. A contract procured for goods and services may be entered into for periods of not more than three (3) years.

B. Determination Prior to Use. Prior to the utilization of a multiyear contract, a determination shall be made:

- (1) That estimated requirements covering the period of the contract are reasonably firm and continuing; and
- (2) That such a contract will serve the best interests of the City by encouraging effective competition or otherwise promoting economies in City procurement.

Section X. Reporting of Suspected Collusive Bidding Or Negotiation.

A. Notification to the City Attorney. When for any reason, collusion is suspected among any bidders or offerors, a written notice of such suspicion shall be transmitted to the City Attorney.

B. Retention of all Documents. All documents involved in any procurement in which collusion is suspected shall be retained until the City Attorney gives notice that they may be

destroyed. All retained documents shall be made available to the City Attorney or his designee upon request.

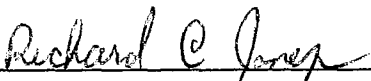
Section XI. Cooperative Purchases. Notwithstanding the provisions of Section III, the Purchasing Agent may participate in or sponsor, conduct, or administer cooperative procurement agreements for the acquisition of goods and services with any other public purchasing unit.

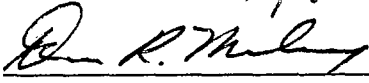
Section XII. Selling Or Exchanging Municipal Equipment, Supplies, Or Materials. The Purchasing Agent or other department head, commission or agency designated by City Council may sell or exchange any municipal supplies, materials or equipment without competitive bidding if such items have a value of less than **One Thousand (\$1000.00) Dollars**. No supplies, materials or equipment shall be sold without receiving competition bids if the value thereof exceeds **One Thousand (\$1000.00) Dollars**; provided however, if in the opinion of the Purchasing Agent, department head, commission or other agency, has certified in writing, that the fair market value of such item or lot (to be disposed of in one unit) is less than **One Thousand (\$1000.00) Dollars**, the same may be sold without competitive bidding.

Section XIII. Nothing herein shall be considered to abridge Sections 12.2 and 12.3 of Chapter XII of the City Charter and all contracts shall comply therewith.

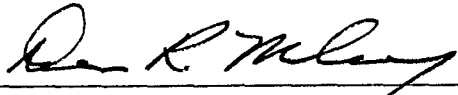
Section XIV. That all ordinances or parts of ordinances, the Code of the City of Flat Rock, or parts of the Code of the City of Flat Rock, not consistent herewith are hereby repealed.

Section XV. This ordinance shall be published in the News Herald newspaper as required by Charter on the 7th day of December, 1997, but in no event shall be effective earlier than ten (10) days after enactment.


Richard C. Jones, Mayor


Dennis R. Mowbray, City Clerk

I hereby certify that the foregoing is a true copy of the ordinance adopted by the Council of the City of Flat Rock at a meeting thereof on December 1, 1997, the original of which proceedings is on file in my office.


Dennis R. Mowbray, City Clerk

CITY OF FLAT ROCK
WAYNE COUNTY, MICHIGAN

RESOLUTION TO SUBMIT CHARTER AMENDMENT
TO ELECTORS

At a regular meeting of the City Council of the City of Flat Rock, Wayne County, Michigan, held in the Municipal Building of said City, on the 16th day of August, 1999, at 7:30 p.m.

PRESENT: Mayor Jones, Council Members Painter, Karoly, Wrobel, Martin and Lindamood

ABSENT: Council Member Tefend

MOTION BY: Council Member Karoly

SUPPORTED BY: Council Member Painter

BE IT RESOLVED that pursuant to the Home Rule Cities Act, being Act 279 of 1990, as amended, and specifically Section 21 of said Act (the "Act"), the Council for the City of Flat Rock hereby proposes that Section 7.5 of Chapter VII, entitled "Penalties for Violation of Ordinances", of the Charter of the City of Flat Rock, be amended.

- 1 -

BE IT FURTHER RESOLVED that the City Clerk shall cause to be submitted to the electors of the City, at the next regular municipal election to be held in 1999, a proposal for an amendment of Section 7.5 of Chapter VII of the Charter of the City of Flat Rock, which currently reads:

PENALTIES FOR VIOLATIONS OF ORDINANCES

Section 7.5: Any ordinance may provide for the punishment of those who violate its provisions. The punishment for the violation of any ordinance shall not exceed a fine of five hundred (\$500.00) dollars or imprisonment for ninety days, or both, in the discretion of the court; said imprisonment may be in the county jail or city prison, or in any work house in the state authorized by law to receive prisoners from such City.

TO BE AMENDED TO PROVIDE AS FOLLOWS:

PENALTIES FOR VIOLATIONS OF ORDINANCES

Section 7.5: Any ordinance may provide for the punishment of those who violate its provisions. The punishment for the violation of any ordinance shall not exceed a fine of five hundred (\$500.00) dollars or imprisonment for ninety days, or both, in the discretion of the court; however, unless otherwise provided by law, the ordinance may provide that a violation of the ordinance is punishable by imprisonment for not more than ninety-three days or a fine of not more than five hundred (\$500.00) dollars, or both, if the violation substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is ninety-three days.

BE IT FURTHER RESOLVED that the ballot language shall read as follows:

STATEMENT OF PURPOSE

To permit the maximum penalty for a violation of an ordinance by imprisonment to be increased to ninety-three days.

SHALL SECTION 7.5 OF CHAPTER VII OF THE CHARTER OF THE CITY OF FLAT ROCK, BE AMENDED TO ALLOW THE CITY BY ORDINANCE TO INCREASE THE MAXIMUM PUNISHMENT FOR A VIOLATION OF AN ORDINANCE TO NINETY-THREE DAYS OR A FINE OF NOT MORE THAN FIVE HUNDRED (\$500.00) DOLLARS, OR BOTH, IF THE VIOLATION SUBSTANTIALLY CORRESPONDS TO A VIOLATION OF STATE LAW THAT IS A MISDEMEANOR FOR WHICH THE MAXIMUM PERIOD OF IMPRISONMENT IS NINETY-THREE DAYS.

BE IT FURTHER RESOLVED that prior to the submission to the electors, the text of the charter amendment shall be submitted to the Governor as provided by the Act.

AYES: All present

NAYS: None

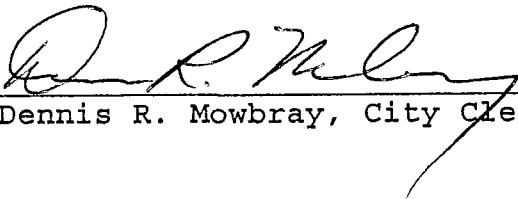
STATE OF MICHIGAN)

) ss.

COUNTY OF WAYNE)

I, the undersigned, the duly qualified and acting City Clerk of the City of Flat Rock, Wayne County, Michigan, do hereby certify that the foregoing is a true and complete copy of proceedings taken by the City Council of the City of Flat Rock, at a regular meeting held on the 16th day of August, 1999.

IN WITNESS WHEREOF, I have hereunto set my official signature, this 17th day of August, 1999.


Dennis R. Mowbray, City Clerk

CITY OF FLAT ROCK
WAYNE COUNTY, MICHIGAN
RESOLUTION TO SUBMIT CHARTER AMENDMENT
TO ELECTORS

At a regular meeting of the City Council of the City of Flat Rock, Wayne County, Michigan, held in the Municipal Building of said City, on the 19th day of July, 1999, at 7:30 p.m.

PRESENT: Mayor Jones, Councilmembers Karoly, Wrobel, Martin, Tefend and Lindamood

ABSENT: Councilmember Painter

MOTION BY: Councilmember Karoly

SUPPORTED BY: Councilmember Lindamood

BE IT RESOLVED that pursuant to the Home Rule Cities Act, being Act 279 of 1990, as amended, and specifically Section 21 of said Act (the "Act"), the Council for the City of Flat Rock hereby proposes that Section 4.7 of Title III, entitled "Compensation of Elective Officers", of the Charter of the City of Flat Rock, be amended.

BE IT FURTHER RESOLVED that the City Clerk shall cause to be submitted to the electors of the City, at the next regular

municipal election to be held in 1999, a proposal for an amendment of Section 4.7 of Chapter III of the Charter of the City of Flat Rock, which currently reads:

COMPENSATION OF ELECTIVE OFFICERS

Section 4.7: The elective officers of the City shall be entitled to receive as full compensation for their services, the following annual salaries to be paid quarterly.

- (a) Mayor. The Mayor shall receive, as remuneration for his services to the City the sum of Five Hundred (\$500.00) Dollars per year.
- (b) Councilmen. The compensation for each member of the Council shall be the sum of Two Hundred Fifty (\$250.00) Dollars per year.
- (c) Justice of the Peace. The compensation of the Justice of the Peace shall be as provided in Section 16.2 of this Charter.

The aforesaid salaries of the Mayor and Council, and except as otherwise provided in this Charter, shall constitute the only compensation which may be paid the Mayor and Council for the discharge of any official duty for and on behalf of the City during their tenure of office. However, the Mayor and Councilmen may, upon order of the Council, be paid such bona fide expenses incurred in service in behalf of the City as are authorized, itemized and approved by the Council.

TO BE AMENDED TO PROVIDE AS FOLLOWS:

COMPENSATION OF ELECTIVE OFFICERS

Section 4.7: Commencing January 1, 2000, the elective officers of the City shall be entitled to receive as full compensation for their services, the following annual salaries to be paid quarterly.

- (a) Mayor. The Mayor shall receive, as remuneration for his services to the City the sum of Twenty-Five Hundred (\$2,500.00) Dollars per year.
- (b) Councilmembers. The compensation for each member of the Council shall be the sum of Twelve Hundred Fifty (\$1,250.00) Dollars per year.

The aforesaid salaries of the Mayor and Council, and except as otherwise provided in this Charter and by State Statute, shall constitute the only compensation which may be paid the Mayor and Council for the discharge of any official duty for and on behalf of the City during their tenure of office. However, the Mayor and Councilmembers may, upon order of the Council, be paid such bona fide expenses incurred in service in behalf of the City as are authorized, itemized and approved by the Council.

LAW OFFICES

GAZLEY AND GRUNOW

28342 GIBRALTAR ROAD

FLAT ROCK, MI 48134

(734) 782-3277

FAX (734) 782-2424

BE IT FURTHER RESOLVED that the ballot language shall read as follows:

STATEMENT OF PURPOSE

A proposal to increase the salary of the Mayor to Twenty-Five Hundred (\$2,500.00) Dollars annually, and a Councilmember's compensation to Twelve Hundred Fifty (\$1,250.00) Dollars annually.

SHALL THE CHARTER OF THE CITY OF FLAT ROCK, SPECIFICALLY, SECTION 4.7 OF CHAPTER III, ENTITLED "COMPENSATION OF ELECTIVE OFFICERS" BE AMENDED TO PROVIDE FOR AN INCREASE OF THE MAYOR'S ANNUAL COMPENSATION FROM FIVE HUNDRED (\$500.00) DOLLARS TO TWENTY-FIVE HUNDRED (\$2,500.00) DOLLARS ANNUALLY, AND A COUNCILMEMBER'S COMPENSATION FROM TWO HUNDRED (\$250.00) DOLLARS TO TWELVE HUNDRED FIFTY (\$1,250.00) DOLLARS ANNUALLY? THIS PROVISION SHALL NOT TAKE EFFECT UNTIL THE YEAR 2000.

AYES: Jones, Karoly, Wrobel, Martin, Tefend, Lindamood.

NAYS: None

ABSENT: Painter

BE IT FURTHER RESOLVED that prior to the submission to the electors, the text of the charter amendment shall be submitted to the Governor as provided by the Act.

LAW OFFICES
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STATE OF MICHIGAN)

) SS.

COUNTY OF WAYNE)

I, the undersigned, the duly qualified and acting City Clerk of the City of Flat Rock, Wayne County, Michigan, do hereby certify that the foregoing is a true and complete copy of proceedings taken by the City Council of the City of Flat Rock, at a regular meeting held on the 19th day of July, 1999.

IN WITNESS WHEREOF, I have hereunto set my official signature,
this 20th day of July, 1999.

Q. R. Miley

Dennis R. Mowbray, City Clerk