

STANTON CITY CHARTER (Proposed)
September 30, 1991 - Fourth Draft

passed
11-12-91
145 Yes
34 NO -

[Handwritten mark]

TABLE OF CONTENTS

	<u>Page</u>
CHAPTER I NAME AND BOUNDARIES	
Section 1.1. Incorporation	1
Section 1.2. Boundaries	1
Section 1.3. Annexation	1
Section 1.4. Wards and Precincts	1
CHAPTER II DEFINITIONS, INTERPRETATIONS, AND MISCELLANEOUS	
Section 2.1. No Estoppel by Representation	2
Section 2.2. Availability of Public Records	2
Section 2.3. Regular Business Days	2
Section 2.4. Chapter and Section Headings	2
Section 2.5. Quorum of Board or Commission	2
Section 2.6. Penalties	2
Section 2.7. Amendments	2
Section 2.8. Severability	3
Section 2.9. Definitions	3
Section 2.10. Effective Date	4
CHAPTER III GENERAL MUNICIPAL POWERS	
Section 3.1. General Powers	4
Section 3.2. Construction of Powers	4
Section 3.3. Exercise of Powers	4
Section 3.4. Intergovernmental Relations	4
Section 3.5. Property Beyond City Limits	5
CHAPTER IV ELECTIONS	
Section 4.1. Qualifications of Electors	5
Section 4.2. Election Procedure	5
Section 4.3. Elective Officers and Terms of Office ...	5
Section 4.4. Nominating Petitions	6
Section 4.5. Preparation of Ballots	6
Section 4.6. Regular City Elections	6
Section 4.7. Primary Elections	7
Section 4.8. Special Elections	8
Section 4.9. Canvass of Votes	8
Section 4.10. Tie Vote	8
Section 4.11. Board of City Election Commissioners	8
Section 4.12. Inspectors of Elections	9

CHAPTER V**ORGANIZATION OF GOVERNMENT**

Section 5.1.	Mayor and City Commission	9
Section 5.2.	Qualifications of Commission Members	9
Section 5.3.	Compensation of Mayor and Commission	9
Section 5.4.	Mayor Pro Tem	10
Section 5.5.	Administrative Services	10
Section 5.6.	Appointive Administrative Service	11
Section 5.7.	The Mayor and Duties	11
Section 5.8.	City Attorney	12
Section 5.9.	City Clerk	13
Section 5.10.	City Treasurer	13
Section 5.11.	City Assessor	13
Section 5.12.	City Police Chief	13
Section 5.13.	Director of Public Works	14
Section 5.14.	Personnel	14
Section 5.15.	Relationship of Commission to Administrative Service	14
Section 5.16.	Planning and Zoning	14
Section 5.17.	Independent Board, Commission and Departments	15
Section 5.18.	City Manager	15

CHAPTER VI**GENERAL PROVISIONS REGARDING OFFICERS AND PERSONNEL**

Section 6.1.	Eligibility for Office	15
Section 6.2.	Vacancies in Office	16
Section 6.3.	Vacancies in Board and Commissions	16
Section 6.4.	Removal from Office	17
Section 6.5.	Resignations	17
Section 6.6.	Filling Vacancies in Elective	17
Section 6.7.	Filling Vacancies in Appointive Offices ..	18
Section 6.8.	No Change in Term of Office	18
Section 6.9.	Compensation of Employees and Officers ..	18
Section 6.10.	Conflicts of Interest	19
Section 6.11.	Anti-Nepotism	19
Section 6.12.	Oath of Office	19
Section 6.13.	Delivery of Office	20

CHAPTER VII**THE COMMISSION - PROCEDURES, POWERS, AND DUTIES**

Section 7.1.	Regular Meetings	20
Section 7.2.	Special Meetings	20
Section 7.3.	Business of Special Meetings	20
Section 7.4.	Meetings to be Public	20
Section 7.5.	Quorum	21
Section 7.6.	Organization and Rules of Commission	21
Section 7.7.	Investigations	21

CHAPTER VIII LEGISLATION

Section 8.1.	Prior City Legislation	22
Section 8.2.	Ordinances and Resolutions	22
Section 8.3.	Enactment, Amendment, Repeal, and Effective Date of Ordinances	23
Section 8.4.	Publication and Recording of Ordinances .	23
Section 8.5.	Penalties for Violations of Ordinances ..	24
Section 8.6.	Procedure on Certain Council Actions	24
Section 8.7.	Technical Codes Adopted by Reference	24
Section 8.8.	Initiative	25
Section 8.9.	Referendum	25
Section 8.10.	Requirements of Initiative and Referendum	26
Section 8.11.	Commission Procedure	26
Section 8.12.	Submission to the Electors	27
Section 8.13.	Ordinance Adopted by Initiative	27

CHAPTER IX GENERAL FINANCE

Section 9.1.	Fiscal Year	27
Section 9.2.	Budget Documents	27
Section 9.3.	Budget Hearing	28
Section 9.4.	Adoption	28
Section 9.5.	Budget Control	28
Section 9.6.	Depository	29
Section 9.7.	Independent Audit	29
Section 9.8.	System of Accounts	29

CHAPTER X TAXATION

Section 10.1.	Authority to Tax	29
Section 10.2.	Real and Personal Property Subject to Taxation	30
Section 10.3.	Taxation Procedure	30
Section 10.4.	Assessment Roll	30
Section 10.5.	Board of Review	30
Section 10.6.	Board of Review Meetings	31
Section 10.7.	Notice of Meetings	31
Section 10.8.	Endorsement of Assessment Roll	31
Section 10.9.	Tax Levy and Assessment	31
Section 10.10.	Tax Roll Certified for Collection	31
Section 10.11.	Tax Liens	32
Section 10.12.	Notice of Taxes Due and Tax Bills	32
Section 10.13.	Jeopardy Assessments	32
Section 10.14.	Late Payment of Taxes	32
Section 10.15.	Collection of Delinquent Taxes	32
Section 10.16.	State, County and School Taxes	33

CHAPTER XI BORROWING POWER

Section 11.1.	Borrowing Authority	33
Section 11.2.	Limits of Borrowing Authority	34
Section 11.3.	Preparation and Record of Bonds	34
Section 11.4.	Installment Purchases	34

CHAPTER XII PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS

Section 12.1.	General Powers	34
Section 12.2.	Procedure Set By Ordinance	35

CHAPTER XIII MUNICIPAL OWNED UTILITIES

Section 13.1.	Municipal Ownership and Operation	35
Section 13.2.	Rates and Charges	35
Section 13.3.	Control of Utilities	35
Section 13.4.	Collection of Utility Charges	36
Section 13.5.	Extension of Municipal Owned Utilities Beyond Boundaries of City	36
Section 13.6.	Operation Under Consent Agreements and Franchises	36

S T A N T O N C I T Y C H A R T E R

PREAMBLE

We the people of Stanton, County of Montcalm, by the Grace of Almighty God, pursuant to authority granted by the Constitution and laws of the State of Michigan, in order to secure the benefits of efficient self-government and to promote our common interests and welfare, do hereby adopt this home rule charter.

CHAPTER I

NAME AND BOUNDARIES

Section 1.1. Name of City.

The municipal corporation known as the "City of Stanton" shall continue as a body corporate under the laws of the State of Michigan.

Section 1.2. Boundaries.

The City of Stanton is a body corporate and shall include all the territory described as follows, to wit: The south half, and the south half of the north half of section thirty-one, in township eleven north, of range six west; and the southeast quarter and the south half of the northeast quarter and a parcel of land 330 feet north and south by 340 feet east and west in the southwest quarter of section thirty-six, in township eleven north, of range seven west; and the northwest fractional quarter and the north half of the southwest fractional quarter of section six, in township ten north, of range six west; and the north fractional half and the north half of the south half of section one, in township ten north, of range seven west, in the townships of Day, Douglass, Evergreen and Sidney, in the county of Montcalm and State of Michigan.

Section 1.3 Annexation.

The city may annex additional territory in the manner provided by state law.

Section 1.4 Wards and Precincts.

The city shall consist of one ward and one precinct. The commission may establish additional precincts.

CHAPTER II

DEFINITIONS, INTERPRETATIONS, AND MISCELLANEOUS

Section 2.1. No Estoppel by Representation.

No officer, employee, representative, agent or independent contractor of the city shall have the power to make any representation of fact in any franchise, contract, document or agreement which is contrary to any public record of the city. Any such representation shall be null, void and of no effect.

Section 2.2. Availability of Public Records.

Public records of the city shall be available in accordance with Public Act 442 of 1976, as amended, of the Michigan Compiled Laws (Freedom of Information Act).

Section 2.3. Regular Business Days.

Whenever the date fixed by law or ordinance for doing or completion of any act falls on a legal holiday or other non-business day for the city, such act shall be done or completed on the next succeeding business day for the city.

Section 2.4. Chapter and Section Headings.

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

Section 2.5. Quorum of Board or Commission.

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.

Section 2.6. Penalties.

Any person found guilty by a court of competent jurisdiction of any violation of this charter may be punished by a fine, imprisonment, or both such fine and imprisonment, as determined by the court and laws of the State of Michigan.

Section 2.7. Amendments.

This charter may be amended at any time in the manner provided by statute. Should two or more amendments adopted at the same election have conflicting provisions, the one receiving the

largest affirmative vote shall prevail as to those provisions.

Section 2.8. Severability.

Should any provision or section, or portion of this charter, be held by a court of competent jurisdiction to be invalid, illegal, or unconstitutional, such holding shall not be construed as affecting the validity of this charter as a whole, or any remaining portions of such provision or section.

Section 2.9. Definitions.

Except as otherwise specifically provided or indicated by the context:

- (a) All words used 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 and the plural number shall include the singular.
- (c) The word "assessor" shall mean the Stanton City Assessor.
- (d) The word "city" shall mean the City of Stanton.
- (e) The word "city attorney" shall mean the Stanton City Attorney.
- (f) The word "clerk" shall mean the Stanton City Clerk.
- (g) The word "commission" shall mean the Stanton City Commission.
- (h) The word "mayor" shall mean the Mayor of Stanton.
- (i) The word "person" may include a corporation, partnership, firm or other entity, as well as an individual.
- (j) The word "state" shall mean the State of Michigan.
- (k) The word "street" shall include an alley, road, highway or right-of-way, or any part thereof.
- (l) The word "treasurer" shall mean the Stanton City Treasurer.

- (m) Except with reference to signatures, the words "written" and "in writing" shall include tangible print produced by manual, mechanical, electronic, telegraphic or computerized means.

Section 2.10. Effective Date.

This charter shall become effective on December 16, 1991.

CHAPTER III

GENERAL MUNICIPAL POWERS

Section 3.1. General Powers.

The city is a home rule city as provided by Public Act 279 of 1909, as amended, of the Michigan Compiled Laws (Home Rule Cities Act). Except as expressly limited in this Charter, the city and its officers shall be vested with all powers and immunities that home rule cities may exercise, within or without their territorial limits, and include in their charters, as fully and completely as if those powers were specifically enumerated in this Charter.

Section 3.2. Construction.

The powers of the city under this Charter shall be construed liberally in favor of the city, and specific mention of particular powers in the Charter shall not be construed as limiting the general powers stated in this Charter or granted to home rule cities under state law.

Section 3.3. Exercise of Powers.

The powers of the city shall be exercised in accordance with the provisions of this Charter. If this Charter does not provide a procedure for the exercise of any power granted to the city, then a procedure for the exercise of that power contained in a Michigan statute may be invoked by commission. If alternate procedures exist under statutes, the commission shall select the procedure to be followed. If neither this Charter nor state statutes provide a procedure for the exercise of any power granted to the city, the commission shall prescribe by ordinance or resolution a procedure for the exercise of the power.

Section 3.4. Intergovernmental Relations.

The city may exercise any of its powers and perform any of its functions jointly or in cooperation with, by contract or otherwise, the United States, one or more states, and political subdivisions

or public agencies thereof.

Section 3.5. Property Beyond City Limits.

The city shall have the power as provided by law to purchase, operate, maintain, regulate and improve property located beyond the territorial limits of the city.

CHAPTER IV

ELECTIONS

Section 4.1. Qualification of Electors.

City residents qualified to vote on State of Michigan issues, and who are registered voters in the city, shall be eligible to vote.

Section 4.2. Election Procedure.

The election of all city officers shall be on a non-partisan basis. Election procedure of the city shall be governed by the general registration and election laws of the state and this charter.

Section 4.3. Elective Officers and Terms of Office.

The elective officers of the city shall be a mayor and six commissioners, all of whom shall be nominated and elected from the city at large.

- (a) The terms of office of the mayor and commissioners are two (2) years or until their successors are elected and qualify, except as otherwise provided in this charter.
- (b) All such terms of office shall commence at the next city commission meeting following the election and confirmation by the Board of Canvassers.
- (c) Vacancies in the office of mayor and commissioner shall be filled in accordance with Section 6.6 of this charter.
- (d) The terms of office of the City Clerk and Treasurer elected on April 1, 1991 shall continue with all powers granted to them at the time of their election, until their terms expire on April 6, 1992.

Section 4.4. Nominating Petitions.

- (a) Each nominating petition shall comply with state law, be signed by not less than ten (10) nor more than twenty-five (25) qualified electors, and, except as provided in Section 4.4(b), be filed with the clerk by four (4) o'clock p.m. on the 12th Tuesday preceding the August primary election in each year, or in the case of a special election, within the time set by the city commission.
- (b) Nominating petitions for the office of mayor and commission elected in April of 1992 and April of 1993 must be filed with the clerk by four (4) o'clock p.m. on the 7th Monday preceding the February primary election.
- (c) Blank petitions in substantially the same form as required by laws of the state for state and county officers, except for references to political parties, shall be prepared and furnished by the city clerk. Persons shall not sign their names to a greater number of petitions for any city office than there are offices to be filled at that election.
- (d) The clerk shall accept for filing only such nominating petitions for qualified candidates as are on official petition forms and contain the required number of signatures. The clerk shall, within five (5) days after the final filing date, determine the sufficiency of signatures on each petition filed and immediately notify in writing any candidate whose petition is found insufficient. Petitions which contain the required number of signatures for qualified candidates shall be marked "approved" with the date of approval placed thereon.

Section 4.5. Preparation of Ballots.

Within five days after the expiration of the time limit for filing nominating petitions as set forth in section 4.4, the clerk shall certify to the board of city election commissioners the names of all candidates duly nominated and the special matters to be submitted to the electors. The board shall then prepare the ballots, indicating the name of each candidate and office, without any party name or designation, and the special matters, if any, to be voted upon.

Section 4.6. Regular City Elections.

- (a) Beginning in 1994, a non-partisan city election shall be held on the first Tuesday after the first Monday of November each year.

- (b) On April 6, 1992, a non-partisan municipal election shall be held to elect three commissioners and the mayor, whose terms expire in April of 1992. The term of office of the mayor and commissioners elected at this time shall run until the regular municipal election in November of 1994.
- (c) On April 5, 1993, a non-partisan municipal election shall be held to elect three commissioners, whose terms expire in April of 1993. The term of office of the commissioners elected at this time shall run until the regular municipal election in November of 1995.
- (d) At the regular municipal election held in November of 1994, and every two (2) years thereafter, there shall be elected three city commissioners and mayor, each having a term of two (2) years. At the regular municipal elections held in November of 1995, and every two (2) years thereafter, there shall be elected three city commissioners, each having a term of two (2) years.
- (c) Elected officers shall serve for the term for which they are elected or until their successors are elected and have assumed office, unless an elected officer shall no longer possess the qualifications for office set forth in Chapter VI herein, in which event there shall be deemed a vacancy in office.

Section 4.7. Primary Elections.

Except as otherwise provided in this section, primary elections for nominating candidates for the office of mayor and commissioner shall be held on the Tuesday succeeding the first Monday in August of each year.

Primary elections for nominating candidates for the office of mayor and commissioner scheduled to be elected in April of 1992 or 1993 shall be held on the third Monday in February preceding the April elections.

- (a) 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 any office which is to be filled at the following regular city election, then no primary shall be held with respect to such offices, and those candidates shall be declared nominees to such office in the general municipal election.

- (b) Candidates, equal in number to twice the number of persons to be elected to each city office at the next subsequent regular city election, who receive the highest number of votes at such primary election shall be declared the nominees for election to the respective offices for which they are candidates.

Section 4.8. Special Elections.

Special city elections shall be held when called by resolution of the commission at least fifty (50) days in advance of such election or when required by law. Any resolution calling a special election shall set forth the purpose of such election.

Section 4.9. Canvass of Votes.

A board of canvassers established pursuant to state law shall canvass the votes of all municipal elections in accordance with law. The board of canvassers shall file with the clerk the tally of votes cast for each candidate and proposition. Candidates in a primary election shall be elected to run in the general municipal election in accordance with section 4.7. In a general municipal election, the candidate, or candidates where more than one is to be elected for the same office, who receive(s) the greatest number of votes shall be elected. A proposition that receives a greater number of favorable than unfavorable votes shall be adopted. Where there are competing propositions on the ballot, the proposition that receives the greatest number of votes shall be adopted. The clerk shall notify the successful candidates in writing of their nomination or election and shall notify the commission of those propositions that are adopted.

Section 4.10. Tie Vote.

If it shall appear on the canvass of votes polled at any election that two (2) or more persons have received an equal number of votes for the same office, and that failure to elect to any office is caused thereby, the election of the office shall be determined in accordance with state law. A proposition that receives an equal number of votes favorable and opposing it shall be deemed defeated.

Section 4.11. Board of City Election Commissioners.

The clerk, city attorney, and a member of council not running appointed by the mayor shall act as the board of city election commissioners for the city.

Section 4.12. Inspectors of Elections.

The board of city election commissioners shall appoint a board of inspectors of elections in accordance with state law, the members of which shall serve at the will of the board of city election commissioners.

CHAPTER V

ORGANIZATION OF GOVERNMENT

The following shall constitute the organization of city government.

Section 5.1. Mayor and City Commission.

There shall be a mayor and six commissioners who shall be nominated and elected by the electors of the city at large. The commission shall be composed of six elected commissioners. The mayor shall be the executive head of the city. The commission 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.

Section 5.2. Qualifications of Commission Members.

Members of the commission shall meet the eligibility requirements contained in Section 6.1 of this charter. The commission shall be the sole judge of the election and qualification of its own members subject only to review by the courts.

Section 5.3. Compensation of Mayor and Commission Members.

The compensation of the mayor and commissioners shall be determined by ordinance providing an amount to be stipulated and shall be based upon attendance at each regular and special commission meeting. Such compensation shall be provided in the annual budget to be adopted with the hearing provided in Section 9.3 of this Charter. Compensation, as covered above, shall be paid quarterly and, except as otherwise provided in this charter, shall constitute the only compensation which may be paid the mayor and commissioners for the discharge of any official duty for and on behalf of the city during their tenure of office, except they may upon order of the commission be paid such bona fide expenses incurred in service in behalf of the city as are authorized, itemized and approved by the commission.

Section 5.4. Mayor Pro Tem.

The commission shall at its first meeting following each regular city election elect one of its members to serve as mayor pro tem for a term expiring at the first commission meeting following the next regular city election. In case of the 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. Provided, however, that the mayor pro tem shall not have the power to remove any appointive officer or department head unless the mayor pro tem has acted in the capacity of mayor for a period of thirty (30) consecutive days. No appointments made by the mayor pro tem shall be permanent until such appointee shall have served for a period of sixty (60) days following the appointment; and in the event of the absence or disability of both the mayor and mayor pro tem the commission shall designate another of its members to serve as acting mayor during such absence or disability. Provided, however, that the acting mayor shall have only the same restrictive powers of the mayor pro tem as hereinabove recited.

Section 5.5. Administrative Services.

The administrative elective officer of the city shall be the mayor and the administrative appointive officers shall be the following: city clerk, city assessor, city treasurer, city attorney, city police chief, director of public works and such additional administrative officers or departments as may be created by ordinance.

- (a) The commission may by ordinance create additional administrative offices and departments and may by ordinance combine any administrative offices and departments in any manner it may deem 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.
- (b) Except as otherwise provided in this charter, the mayor shall within thirty (30) days after taking office following his election to the office of mayor, appoint all administrative officers and department heads of the city government whether the office be established by this charter or as may be created by ordinance. Provided, however, that the city attorney shall be appointed by the mayor but such appointment shall not be effective until it is confirmed by majority vote of the city commission.
- (c) In case the mayor fails to make any appointments within

the herein provided thirty (30) days within which such appointments may be made, the commission shall make such appointments.

Section 5.6. Appointive Administrative Service.

The appointive administrative officers or department heads shall be responsible to the mayor and shall serve at the discretion and pleasure of the mayor for an indefinite term and shall have their compensation fixed by the commission. The commission, however, shall have the power by simple majority to remove from office any appointive administrative officer or department head pursuant to Section 5.14 of this Charter. Such removed officer or officers shall not be re-appointed to the same office during the same term of office of the said mayor. Provided further, however, such removed officer may be appointed by the mayor to another office but such appointment shall not be effective until it is confirmed by majority vote of the city commission. In case the commission shall so remove any appointee of the mayor the term of office of such appointee shall terminate and the mayor shall proceed to fill the vacancy so created in accordance with the provisions hereinabove set forth for the appointment of administrative officers and department heads. In case the mayor fails to make any such re-appointments within the provided period within which such re-appointment may be made, the commission shall make such re-appointment.

Section 5.7. The Mayor and Duties.

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) The mayor shall be the executive head of the city.
- (b) The mayor shall have no right to vote upon any question except in case of a tie then he shall give the deciding vote.
- (c) The mayor shall be the presiding officer of the commission.
- (d) The mayor shall be the conservator of the peace and in emergencies may exercise within the city the powers conferred upon sheriffs to suppress riots and disorders and shall have authority to command the assistance of all able bodied citizens to aid in the enforcement of the ordinances and regulations of the commission and the authority of the city government.

- (e) The mayor shall execute or authenticate by signature such instruments as this charter or any statutes of the State of Michigan or the laws of the United States shall require.
- (f) The mayor shall see that all the laws and ordinances are enforced.
- (g) Except as otherwise provided in this charter, the mayor shall have power of appointment and removal of all appointive administrative officers and department heads.
- (h) The mayor 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.
- (i) The mayor shall be responsible for the preparation and administration of the annual budget and keep the commission fully advised at all times as to the financial condition and needs of the city.
- (j) The mayor shall be responsible for the establishment and maintenance of a general accounting plan for the city government which shall conform to any uniform system of accounting prescribed for cities by law.
- (k) The mayor shall recommend to the commission for adoption such measures as he may deem necessary or expedient.
- (l) The mayor shall be responsible for the efficient administration of all departments of the city government.
- (m) The mayor shall approve the rules and regulations of the several departments of the city government.
- (n) The mayor shall exercise and perform all administrative functions of the city established by law, this charter or any ordinance or regulation not inconsistent with the provisions of this charter.
- (o) The mayor shall have such other powers and perform such other duties as may be prescribed by law, this charter or as may be required by ordinance or direction of the commission.

Section 5.8. City Attorney.

The commission, upon the affirmative vote of four members of the commission, shall confirm the mayor's appointment of a city

attorney who shall serve as the chief legal advisor in all city matters. The city attorney shall represent the city in legal proceedings. The commission, however, may retain special legal counsel to assist the city attorney or to handle any matters in which the city has an interest. The city attorney shall report to and be under the supervision of the commission and shall perform all other duties prescribed by law, ordinance, or the mayor.

Section 5.9. City Clerk.

The clerk shall provide notice of, attend, and keep a journal of commission meetings. The clerk shall be the custodian of the city seal and all documents and records of the city, unless otherwise provided by law or this charter, and shall administer oaths as required by law. The clerk shall keep the books of account of the assets, receipts and expenditures of the city and keep the mayor informed as to the financial affairs of the city. The system of accounts of the city shall conform to uniform systems of accounts as provided by state law. The clerk shall perform such other duties as may be prescribed by law, this charter or ordinances or resolutions of the commission.

Section 5.10. City Treasurer.

The treasurer shall deposit all monies received by the city in a manner as the commission may determine. The treasurer may render investment advice to the city. The treasurer shall also collect state, county, school and city taxes and assessments in the manner provided by state law. The treasurer shall perform such other duties as may be prescribed by law, this charter or ordinances or resolutions of the commission.

Section 5.11. City Assessor.

The assessor shall prepare and certify the regular and special assessment rolls and shall perform those duties imposed upon assessing officers by state law.

Section 5.12. City Police Chief.

The Police Chief shall be the administrative head of the police department and shall be accountable and responsible to the mayor for the performance of duties and the performance of duties as may be prescribed for him by law, the charter, the mayor and/or ordinances or resolutions of the commission. The police chief shall also be the city constable with all the powers and authorities granted that office by state law.

Section 5.13. Director of Public Works.

The director of public works shall be the administrative head of the department of public works and shall be accountable and responsible to the mayor for the performance of duties. The director of public works shall be responsible for the maintenance, alteration, improvement and repair of streets, highways, sewers, sewage disposal facilities, water mains and water 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 commission in accordance with the authority granted by this charter. The director shall perform such other duties as may be prescribed by law, this charter or as may be required of him by the mayor and/or ordinances or resolutions of the commission.

Section 5.14. Personnel.

The commission shall provide for the implementation, regulation and maintenance of a system of personnel management governing officers and employees of the city which is consistent with federal and state law.

The removal of a person from the appointive office of Clerk, Treasurer, Director of Public Works, or Police Chief or any additional administrative office or department created by combining said appointive offices, shall be pursuant to and consistent with the system of personnel management created under this section.

Section 5.15. Relationship of Commission to Administrative Service.

Neither the commission nor any of its members shall dictate the appointment of any person to office by the mayor or in any way interfere with the mayor or appointive officers to prevent them from exercising their judgment in the appointment or employment of officers and employees in the administrative service. Except for the purpose of inquiry the commission and its members shall deal with the administrative service solely through the mayor and neither the commission nor any member thereof shall give orders to any of the administrative appointive officers or their subordinates.

Section 5.16. Planning and Zoning.

The city shall have one city planning and zoning commission which shall have the powers and duties granted by state law relating to city planning commissions and city zoning commissions.

Section 5.17. Independent Board, Commissions and Departments.

The commission may not create any boards, commissions or departments other than those provided for in this charter to administer any activity, department or agency of the city government except a fire department, municipal hospital, municipal cemetery, recreation or any activity which by statute is required to be so administered. The commission may, however, establish quasi-judicial appeal boards and boards or commissions to serve solely in an advisory capacity. All members of the city boards, commissions and departments established under this section shall be appointed by the mayor but such appointment shall not be effective until it is confirmed by majority vote of the city commission.

Section 5.18. City Manager.

The commission shall have the power to create by ordinance the administrative office of city manager and to provide for the appointment, qualifications, duties and functions of the city manager. At such time the duties of the mayor, described in sections 5.5(b), 5.6, 5.7(e), 5.7(f), 5.7(g), 5.7(h), 5.7(i), 5.7(j), 5.7(k), 5.7(l), 5.7(m), 5.7(n), 5.7(o), 5.8, 5.12, 5.13, 5.15, and 9.2 shall become duties of the appointed city manager.

CHAPTER VI

GENERAL PROVISIONS REGARDING OFFICERS AND PERSONNEL OF THE CITY

Section 6.1. Eligibility for Office.

Only registered voters of the city who have been residents of the city for at least six (6) months on or before the date of election at which they are candidate shall be eligible to hold the office of mayor or commissioner. 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 default shall create a vacancy unless such default shall be eliminated within thirty (30) days after written notice thereof by the commission or unless such person shall in good faith be contesting the liability for such default. The commission shall be the sole judge of the qualification of its own members.

Only registered voters of the city who have been residents of the city for at least six (6) months on or before the date of their appointment shall be eligible to appointment to a city board or commission. Appointees to boards or commissions must maintain their eligibility throughout their tenure in office.

No elective officer may be appointed to any city office during the term of office for which the officer was elected.

Section 6.2. Vacancies in Office.

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

- (a) For any reason specified by state law 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;
- (d) If the officer shall absent himself continuously from the city for more than thirty (30) consecutive days in any one year without the permission of the commission;
- (e) In the case of any members of the commission, if such officer shall miss all consecutive regular meetings of the commission for a period of two (2) months or twenty-five percent (25%) of such meetings in any fiscal year of the city unless such absences shall be excused by the commission and the reason therefor entered in the proceedings of the commission at the time of such absence;
- (f) If the officer is removed from office by the commission in accordance with the provisions hereinafter set forth.

Section 6.3. Vacancies in Boards and Commissions.

The office of any member of any board or commission created by or pursuant to this charter shall be declared vacant by the commission before the expiration of the term of such office:

- (a) For any reason specified by state law 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;
- (c) If such officer shall miss all consecutive regular meetings of such board or commission for a period of two (2) months or twenty-five percent (25%) 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 commission in accordance with the provisions hereinafter set forth.

Section 6.4. Removal from Office.

Removals by the commission 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 commission shall be made only after hearing of which such officer has been given notice by the clerk at least ten (10) 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 commission in office at the time, exclusive of the member whose removal may be being considered, shall be required for any such removal.

Section 6.5. Resignations.

Resignations of elective officers and of members of boards and commissions shall be made in writing and filed with the clerk and shall be immediately acted upon by the commission at its next regular meeting following receipt thereof by the clerk. Resignations of appointive officers shall be made in writing to the appointing officer or body and shall be acted upon immediately.

Section 6.6. Filling Vacancies in Elective Offices.

- (a) Office of Mayor. Vacancies occurring in the office of mayor shall be filled for the balance of the unexpired term of the mayor by the mayor pro tem and mayor pro tem shall be filled for the balance of the unexpired term of the mayor pro tem by appointment of a member of the commission in accordance with section 5.4 of this charter. Such appointment shall create a vacancy in the office of

commission for the unexpired term of the office of mayor.

- (b) Office of Commission. Any vacancy in the commission shall be filled by the mayor, approved by a majority vote of the remaining members of the commission, within sixty (60) days after the vacancy occurs. The appointee shall serve until the next regular city election following the appointment, at which election a successor shall be elected for the unexpired term or, if none, for a new term. If a vacancy is not filled within sixty (60) days, the commission shall call a special election to fill the vacancy, which election shall be held not sooner than one hundred and twenty (120) days and not later than one hundred and fifty (150) days following the occurrence of the vacancy.

Section 6.7. Filling of Vacancies in Appointive Offices.

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

Section 6.8. No Change in Term of Office.

Except by procedure provided in this charter terms of commissioner and members of boards and commissions appointed for definite terms shall not be shortened or extended beyond the period for which the officer was elected or appointed, except that a commissioner shall, after the officer's term has expired, continue to hold office until a successor is elected or appointed and has qualified. Where several terms of commissioners expire simultaneously the commissioner who was elected by the highest number of votes (or any appointee who filled his position) shall be deemed to be succeeded by the candidate who received the highest number of votes, that commissioner who was elected by the second highest number of votes by the candidate who receives the second highest number of votes and so forth.

The council shall not grant or authorize extra compensation to any officer or employee after the service has been rendered.

Section 6.9. Compensation of Employees and Officers.

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

- (b) 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 with the clerk. The provisions of paragraph (b) of this section shall not apply to : (1) Statutory fees to which constables are entitled. (2) Statutory fees to which officers and employees of the city are entitled on account of service to another unit of government.
- (d) Nothing contained in this section shall prohibit the payment of necessary bona fide expenses incurred in service in behalf of the city.

Section 6.10. Conflicts of Interest.

No officer, employee or agent of the city shall engage in a conflict of interest or use his or her position with the city for private gain. For example, no officer, employee or agent shall (1) have personal interest in any contract with or for the city, except as allowed by state law; (2) act in an official capacity on matters in which that person has a private interest distinct from that of the public; or (3) disseminate or use confidential information regarding city matters.

Section 6.11. Anti-Nepotism.

Unless the commission shall determine by unanimous vote of all members of the commission that the best interests of the city shall be served, the following relatives of any elective or appointive officer are disqualified from holding any position of employment during the term of office of said elective or appointive officer: spouse, child, parent, grandchild, grandparent, brother, sister, half-brother, half-sister or the spouse of any of them. All relationships shall include those arising from adoption. This section shall in no way disqualify bona fide employees of the city from maintaining their positions of employment if their relative or spouse becomes an elective or appointive officer of the city.

Section 6.12. Oath of Office

Each member of the commission shall take and subscribe to the oath of office prescribed by the Constitution for an officer of the

state. The oath shall be filed in the office of the clerk.

Section 6.13. Delivery of Office

Whenever any officer or employee shall cease to hold such office or employment for any reason whatsoever, he or she shall within five (5) days or sooner on demand deliver to his or her successor or superior all the books, papers, moneys and effects in his or her custody as such officer or employee. Any officer violating this provision may be proceeded against in the same manner provided under state law. Any employee found guilty of violating this provision by a court of competent jurisdiction may be punished by a fine not to exceed five hundred dollars (\$500.00) and/or imprisonment not to exceed ninety (90) days. Each and every day such violation continues shall be deemed a separate and distinct violation.

CHAPTER VII

THE COMMISSION : PROCEDURE AND MISCELLANEOUS POWERS AND DUTIES

Section 7.1. Regular Meetings.

The commission shall provide by resolution for the time and place of its regular meetings and shall hold two such meetings each month.

Section 7.2. Special Meetings.

Special meetings shall be called by the clerk on the written request of the mayor or any three members of the commission on at least eight (18) hours written notice to each member of the commission served personally or left at the member's usual place of residence. A public notice of any special meeting must be posted 18 hours before the meeting stating the business to be conducted at the special meeting and the date, time, and place of the meeting.

Section 7.3. Business of Special Meetings.

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

Section 7.4. Meetings to be Public.

All regular and special meetings of the commission shall be open to the public in accordance with Public Act 267 of 1976, as amended, of the Michigan Compiled Laws (Open Meetings Act). The rules of the commission shall provide that citizens shall have a

reasonable opportunity to be heard at any open meeting on matters within the jurisdiction of the commission.

Section 7.5. Quorum - Adjournment of Meeting.

A majority of the members of the commission in office at the time 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 (1) week.

Section 7.6. Organization and Rules of the Commission.

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

- (a) A journal of the proceedings of each meeting in the English language shall be kept by the 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 commission 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 unless excused by the unanimous consent of the remaining members present. Any member refusing to vote except when not so required by this paragraph shall be guilty of misconduct in office.
- (d) When a city manager is appointed as provided by section 5.18 there shall be no standing committees of the commission during the manager's term of office.
- (e) The vote of four or more commissioners shall be necessary for the transaction of any business.

Section 7.7. Investigations.

The commission or any person or committee authorized by it for the purpose shall have power to inquire into the conduct of any department, office or officer and to make investigations as to matters in which the municipality has an interest. The commission for the purposes stated herein, may summon witnesses, administer

oaths and compel the attendance of witnesses and the production of books, papers and other evidence.

- (a) 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 and 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 Five Hundred Dollars (\$500.00) or imprisonment not to exceed ninety (90) days or both in the discretion of the court. Each and every day such violation continues shall be deemed a separate and distinct violation.
- (b) It is provided further that in case of failure on the part of any person to obey such summons or to produce such books, papers and other evidence as so ordered the commission may invoke the aid of the Circuit Court for the County of Montcalm in requiring obedience of such summons or production of such books, papers and other evidence.

CHAPTER VIII

LEGISLATION

Section 8.1. Prior City Legislation.

All prior city ordinances, regulations, resolutions or policies or parts thereof inconsistent with the provisions of this charter are hereby repealed. All prior ordinances, resolutions, regulations or policies or parts thereof which are consistent with the provisions herein, shall continue in full force until or unless repealed or amended.

Section 8.2. Ordinances and Resolutions.

All official action of the commission shall be by ordinance or resolution. Action by resolution shall be limited to matters required or permitted to be so done by this charter or by state or federal law or pertaining to the internal affairs or concerns of the city government. All other acts of the commission and all acts carrying a penalty shall be identified by a short title and by a number and by a code section number if and when the codification of ordinances is completed. Each proposed ordinance shall be

introduced in written or printed form. The style of all ordinances shall be: "The City of Stanton Ordains."

Section 8.3. Enactment, Amendment, Repeal and Effective Date of Ordinances.

Subject to the exceptions which follow hereafter:

- (a) Ordinances may be enacted by the affirmative vote of not less than four (4) members of the commission and the affirmative vote of the mayor in case of tie.
- (b) No ordinance shall be amended or repealed except by an ordinance adopted as aforesaid. An ordinance may be repealed by reference to its number and title only.
- (c) No ordinance shall be enacted at a meeting at which it is introduced nor until the title of the proposed ordinance has been published in a newspaper of general circulation within the city, except an emergency ordinance. An emergency ordinance shall contain a declaration that a public emergency exists affecting life, health, property or the public peace, and describe the emergency in clear and specific terms.
- (d) The effective date of all ordinances shall be stated in the text of the ordinance and shall not be less than ten days from the date of its passage, except as otherwise provided in this Section.
- (e) An emergency ordinance may be given effect earlier than ten (10) days after enactment if the requirements for publication are met by posting copies thereof in three (3) public places in the city. The Clerk shall, immediately after such posting, enter in the Ordinance book under the record of the ordinance a certificate under his/her hand stating the time and place of such publication by posting, which certificate shall be prima facie evidence of such publication by posting of the ordinance, but failure to so record and authenticate such ordinance shall not invalidate it or suspend its operation. Any emergency ordinance shall also be published in accordance with Section 8.4, but not as a requirement for the effectiveness thereof.

Section 8.4. Publication and Recording of Ordinances.

Each ordinance shall be published in a newspaper of general circulation in the city within ten (10) days after its passage by publishing the full text of the ordinance, except where

an ordinance is over five hundred (500) words in length in which case a digest, summary or statement of the purposes of the ordinance, which has been approved by the commission, may be published. Any summarized version shall include notice that printed copies of the full text of the ordinance are available for inspection by and distribution to the public at the office of clerk.

The clerk shall record all ordinances, when passed by the commission, in an ordinance book, and the mayor and clerk shall authenticate the record by signing each ordinance, but the failure to so record and authenticate any such ordinance shall not invalidate it or suspend its operation.

Section 8.5. Penalties for Violations of Ordinances.

The commission shall provide for punishment of violations of ordinances. No punishment shall exceed the maximum fine or imprisonment, or both, provided by state law.

Section 8.6. Procedure on Certain Commission Actions.

The following actions shall be by resolution, shall require the holding of a public hearing thereon and shall require that notice of said public hearing shall be published in a newspaper of general circulation at least one (1) week prior thereto:

- (a) Vacating, discontinuing or abolishing any highway, street, lane, alley or other public place or part thereof.
- (b) Leasing, selling or disposing of any city owned real estate or interest therein.
- (c) Authorizing the condemnation of private property for public use.
- (d) Creating or abolishing any office.
- (e) Imposing any tax or assessment.

Section 8.7. Technical Codes Adopted by Reference.

The commission may adopt any law, code, rule or regulation, with any amendments that the commission desires, by reference in an adopting ordinance where adoption by reference is permitted by law. The law, code, rule or regulation which is adopted by reference need not be published, but the adopting ordinance shall be published in accordance with Section 8.4 and shall clearly identify the law, code, rule or regulation and its purpose. Copies of the

law, code, rule or regulation shall be available for inspection by and distribution to the public at the clerk's office, which shall be stated in the adopting ordinance.

Section 8.8. Initiative.

An ordinance may be initiated by petition at any time by filing with the clerk a petition for initiative prepared in accordance with Section 8.10. Within ten (10) days of filing the petition, the clerk shall notify the person who filed the petition of the adequacy or inadequacy of the petition. Any signatures obtained more than ninety (90) days before the filing of the petition with the clerk shall not be counted. If the petition is found to contain an insufficient number of valid signatures or to otherwise fail to comply with this chapter, then the person filing the petition shall be allowed ten (10) days from notification of noncompliance to file supplemental petition papers to correct the defects in the petition. This additional ten (10) day period shall not disqualify valid signatures obtained within ninety (90) days of filing the original petition with the clerk. Only one (1) supplemental filing shall be allowed. When a petition meets all applicable requirements, the clerk shall present it to the commission at its next regular meeting.

Section 8.9. Referendum.

An ordinance passed by the commission may be subject to referendum only in accordance with the following procedures.

- (a) Notice Petition. Within thirty (30) days of the passage of an ordinance, a petition shall be filed with the clerk which has been signed by at least one hundred (100) electors of the city and notifies the city of the intention to circulate a petition to submit an ordinance to a referendum. Filing this petition shall automatically suspend the effective date of the ordinance in question until sixty (60) days after its final passage. Failure to file a petition in accordance with this section shall preclude the right to seek a referendum and the ordinance shall become effective in accordance with this chapter.
- (b) Referendum Petition. A petition for referendum prepared in accordance with Section 8.10 must be filed with the clerk subsequent to filing a notice petition but prior to the end of the sixty (60) day period described in Section 8.9 (a). Within ten (10) days of filing the petition for referendum, the clerk shall determine the sufficiency of the petition and notify the person who filed the petition of the adequacy or inadequacy thereof. The effective

date of the ordinance shall continue to be suspended during this time period. If the clerk does not approve the petition for referendum, the ordinance subject to the petition shall become immediately effective and the right of referendum with respect to the ordinance shall cease. If the clerk approves the petition for referendum, the clerk shall submit the petition to the commission at its next regular meeting and the effective date of the ordinance subject to the petition shall continue to be suspended pending either repeal by the commission or final determination by the electors in accordance with Section 8.12.

Section 8.10. Requirements for Initiative and Referendum Petitions.

A petition for initiative or referendum shall be signed by registered qualified electors of the city in a number equal to the greater of (1) fifteen percent (15%) of the electors who voted in the last preceding general election, or (2) two hundred (200). Before the petition is circulated for signatures, the clerk shall approve the form of the petition in accordance with Public Act 116 of 1954, as amended, of the Michigan Compiled Laws (Michigan Election Law). Each elector who signs a petition shall date his or her signature and include his or her residential address on the petition. The circulator of a petition shall attach to each petition a certificate stating (1) the number of signatures on the petition; (2) that each signature is that of the person it purports to be; and (3) that each signature was made in the presence of the circulator.

8.11. Commission Procedure.

Within thirty (30) days of receiving a petition for initiative or referendum from the clerk, the commission shall:

- (a) in the case of a petition for initiative, adopt the ordinance as submitted in the petition, submit the proposal to the electors of the city, or reject the petition on the basis that the proposal is not legally appropriate for the initiative process;
- (b) in the case of a petition for referendum, repeal the ordinance to which the petition refers, submit the proposal to the electors of the city, or reject the petition on the basis that the proposal is not legally appropriate for the referendum process.

8.12. Submission to the Electors.

If the commission decides to submit a proposal to the electors pursuant to Section 8.11, then the proposal shall be submitted within one hundred and eighty (180) days after reaching that decision, either at the next election held in the city for any other purpose, or, in the discretion of the commission, at a special election. The commission shall publish the proposal in full in a newspaper of general circulation in the city at least ten (10) days prior to the election date. The result of the election shall be determined by a majority vote of the electors voting thereon, unless otherwise required by law.

8.13. Ordinance Adopted by Initiative.

An ordinance adopted by the electorate by initiative may not be amended or repealed by the commission for a period of two (2) years after the date of the election at which it was adopted and then only by the affirmative vote of not less than five (5) members of the commission. If two (2) or more ordinances adopted at the same election have provisions that conflict, the provisions contained in the ordinance receiving the highest number of affirmative votes shall prevail.

CHAPTER IX

GENERAL FINANCE

Section 9.1. Fiscal Year.

The fiscal year of the City shall begin on the first day of July of each year and end on the thirtieth day of June each year. The present fiscal year of the city, beginning on March 1, 1991 and ending on February 28, 1992, shall be extended to June 30th, 1992.

Section 9.2. Budget Documents.

The mayor shall present the budget document to the city commission at or before its first meeting in April of each year. The budget document shall present a complete financial plan for the ensuing fiscal year. It shall include at least the following information:

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

- (b) Statements for the bonded and other indebtedness of the city showing the debt redemption and interest requirements, the debt authorized and unissued and the condition of sinking funds, if any.
- (c) Detailed estimates of all anticipated income to the city from taxes and sources other than current taxes and borrowing, compared with the amounts received by the city from each of the same or similar sources for the previous fiscal year;
- (d) An estimate of all capital projects pending or which the mayor believes should be undertaken, within the budget year and within the next two succeeding years.
- (e) A statement of the estimated unencumbered balances or deficits at the end of the fiscal year.
- (f) An estimate of the amount of money to be raised from current or delinquent taxes and the amount to be raised from bond issues which together with income from other sources will be necessary to meet proposed expenditures;
- (g) Such other supporting schedules as the city commission or state law may require.

Section 9.3. Budget Hearing.

Before the final adoption of the budget, a public hearing shall be held on the proposed budget with notice of that hearing to be published in a newspaper of general circulation at least one week prior to the hearing. The notice shall include the time and place of the hearing and the location of a copy of the proposed budget for prior inspection by the public.

Section 9.4. Adoption.

The commission shall, not later than the first day of June, adopt by resolution a budget for the ensuing fiscal year and make appropriations for that purpose. Appropriations may only be made for purposes allowed by law or this charter. The commission shall set by resolution the amount necessary to be raised by property taxes, which shall not be greater than the amount permitted by state law and this charter.

Section 9.5. Budget Control.

After the budget has been adopted, no money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except pursuant to the budget

appropriation. The commission may authorize transfer of moneys to any unencumbered appropriation, balance or any portion thereof from one department, fund or agency to another during the fiscal year. The balance of any appropriation which has not been expended at the end of the fiscal year may be reapportioned during the fiscal year as determined by the commission.

After the end of each month of the fiscal year, the mayor shall submit to the commission data showing the relation between the estimated and actual income and expenses to date; and if it shall appear that the income is less than anticipated, the commission may reduce appropriations, except any amounts required for debt and interest charges, to such degree as may be necessary to keep expenditures within income and designated revenues. If the revenues exceed the amounts estimated in the budget, the commission may make supplemental appropriations.

Section 9.6. Depository.

The commission shall designate the depository or depositories for city monies and shall provide for the regular deposit of all city monies. The commission shall provide for such security for city deposits as is authorized or permitted by statute, except that personal surety bonds shall not be deemed proper security.

Section 9.7. Independent Audit.

An independent audit shall be made of all city accounts at least annually and more frequently if deemed necessary by the commission. Such audit shall be made by an independent accountant experienced in municipal accounting and shall comply with generally accepted auditing standards.

Copies of such audit shall be made available to the public and presented to the commission at a regular meeting within thirty (30) days after receipt of said audit.

Section 9.8. System of Accounts.

The city shall maintain a system of accounts which shall conform to such uniform system as may be required by statute.

CHAPTER X

TAXATION

Section 10.1. Authority to Tax.

(a) The city shall have the authority to assess and collect

taxes for any purpose permitted under state law. The annual general ad valorem tax levy shall not exceed one and one-half percent (1.5%) of the assessed value of all real and personal property subject to taxation in the city, except as otherwise permitted by law or by this charter.

- (b) The city tax levy may be increased beyond the foregoing limit by a majority vote of the electors voting at an election at which such a proposition is submitted by the Commission. Such increase shall be limited to an amount which will not cause the total amount authorized by this section to exceed that permitted under state law.

Section 10.2. Real and Personal Property Subject to Taxation.

The property subject to municipal taxation shall be the same provided under state law for state, county, and school taxes.

Section 10.3. Taxation Procedure.

Except as otherwise provided under this charter, municipal taxes shall be levied, collected and distributed as provided under state law.

Section 10.4. Assessment Roll.

The assessor shall prepare and certify an assessment roll in accordance with state law identifying all persons and real property in the city subject to taxation.

Section 10.5. Board of Review.

- (a) General Powers. A Board of Review ("Board") shall be formed to examine the assessment roll and make any necessary corrections and amendments. The Board shall have the same powers and duties as conferred by state law, unless provided otherwise in this charter.

- (b) Composition and Term. The Board shall be composed of three (3) tax paying electors of the city who shall be owners of land in the city, none of whom are officers or employees of the city. One (1) member of the Board shall be appointed by the mayor annually in January for a term of three years to replace the member whose term expires that year, subject to the consent of the commission. A majority of Board members shall constitute a quorum for the transaction of business of the Board. At its first meeting, the Board shall select a chairman and establish rules of procedure for the ensuing year.

- (c) Assessor. The assessor shall serve as the clerk of the Board, shall attend all Board meetings, shall keep a record of all Board proceedings, and may participate in Board discussions but shall not be entitled to vote.
- (d) Compensation. The commission shall fix the annual compensation of the Board members prior to the Board's first meeting that year.

Section 10.6. Board of Review Meetings.

The Board shall meet as provided under state law to examine, correct and amend the assessment roll and shall remain in session for at least two (2) days for the purpose of giving taxpayers a reasonable opportunity to be heard.

Section 10.7 Notice of Meetings.

Notice of the date, time, and place of the Board meetings shall be published in a newspaper of general circulation in the city in accordance with state law.

Section 10.8. Endorsement of Assessment Roll.

After reviewing the assessment roll, the Board shall approve and endorse it as the official assessment roll of the city for all tax purposes in accordance with state law.

Section 10.9. Tax Levy and Assessment.

Within three (3) days after the Commission has adopted the budget for the next fiscal year as provided in Chapter IX of this Charter, the clerk shall certify to the assessor the amount of the tax levy fixed by the commission. The assessor shall then assess the persons and real property listed on the assessment roll accordingly, together with any special assessments and other amounts that the commission may require.

Section 10.10. Tax Roll Certified for Collection.

After assessing taxes as set forth in this chapter, the assessor shall certify the assessment roll and attach to it the assessor's warrant directing the treasurer to collect the respective amounts as a tax or assessment. For the purpose of collecting taxes, assessments and any other charges on the roll, the treasurer shall have the statutory powers and immunities as provided under state law for the collection of taxes.

Section 10.11. Tax Liens.

On July 1, the annual taxes assessed on real property shall become a lien on the real property for the amount assessed plus any late charges. On December 31 (prior to the July 1 due date), the annual taxes assessed against persons shall become a lien on the personal property for the amount assessed plus any late charges, these liens shall have priority over all other claims, encumbrances, and liens to the extent provided by state law and shall continue until the taxes and late charges, if any, are paid in full. Section 10.12. Notice of Taxes Due and Tax Bills.

Municipal taxes shall be due and payable on July 1 of each year. Notice of the due date and late charges for late payment of taxes shall be published by the treasurer in a newspaper of general circulation in the city as provided by state law. The treasurer shall mail a tax bill to the last known property owner of record. Where more than one person owns the subject property, only one bill shall be mailed. The treasurer shall not be required to make personal demand upon persons named in the tax roll for payment of taxes. Failure on the part of the treasurer to publish notice or mail tax bills as described above shall not invalidate the taxes on the tax rolls or release the real property or persons from the taxes and late charges.

Section 10.13. Jeopardy Assessments.

Notwithstanding sections 10.11 and 10.12, the city may accelerate the due date for and collect annual taxes assessed against persons as provided under state law.

Section 10.14. Late Payment of Taxes.

No late charges shall accrue for taxes due and payable on July 1 if received by the municipality on or before September 15 immediately following. In the event that September 15 is a non-business day, then no late charges shall accrue if taxes are received before the close of business on the next business day. The Commission shall provide a tax payment schedule by ordinance for municipal taxes paid after September 15, or the following business day as the case may be, including the late charges to be added in amounts permitted by state law.

Section 10.15. Collection of Delinquent Taxes.

- (a) Real Property. The treasurer shall prepare a delinquent tax roll identifying all taxes and late charges on real property uncollected by March 1 or other date established by state law. This tax roll shall be sent to the County Treasurer in accordance with state law procedures for

delinquent township, school and county taxes. The county treasurer shall collect these delinquent taxes and assessments on real property in accordance with state law. The unpaid taxes shall be and remain a lien upon the real property against which they are assessed until paid.

- (b) Personal Property. The treasurer shall also prepare a delinquent tax roll identifying all taxes and late charges against persons uncollected by March 1 or other date established by state law. The city shall proceed to collect these taxes in accordance with state law.

Section 10.16. State, County and School Taxes.

State, county and school taxes shall be levied, collected and distributed in accordance with state law.

CHAPTER XI

BORROWING POWER

Section 11.1. Borrowing Authority.

Subject to law and this charter, the commission may, by ordinance or resolution, authorize the borrowing of money for any purpose within the scope of powers vested in the city and permitted by law and may authorize the issuance of bonds or other evidence of indebtedness. 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 repayment thereof;
- (b) Notes issued in anticipation of the collection of taxes but the proceeds of such notes may be spent only in accordance with appropriations, as provided in section 9.5;
- (c) In case of fire, flood or other calamity, the city commission may borrow for the relief of inhabitants of the city and for the preservation of municipal property, a sum not to exceed three-eighths ($3/8$) of one percent of the assessed value of all real and personal property in the city, due in not more than five (5) years.
- (d) Special assessment bonds issued in anticipation of the payment of special assessments made for the purpose of paying for the cost of any public improvement.

- (e) Mortgage bonds for the acquiring, owning, purchasing, constructing, improving or operating of any public utility.
- (f) Bonds for refunding of the indebtedness of the city.
- (g) Revenue bonds authorized by law which are secured only by the revenues from a public improvement or public utility and do not constitute a general obligation of the city.
- (h) Bonds in anticipation of future payments from the Motor Vehicle Highway Fund or any other fund of the State as permitted by law.
- (i) Any other type of bond or indebtedness permitted by law.

Section 11.2. Limits of Borrowing Authority.

The net bonded indebtedness incurred for all public purposes shall not, at any time, exceed the maximum amount permitted by law

Section 11.3. Preparation and Record of Bonds.

Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which it is issued. It shall be unlawful for any officer of the city to use the proceeds therefrom for any other purpose. Any officer who violates this provision shall be guilty of a misdemeanor. All bonds or other evidence of indebtedness shall bear the signature of the mayor and city clerk under seal of the city. A complete and detailed record of all bonds and other indebtedness issued by the city shall be kept by the city clerk or other designee(s).

Section 11.4. Installment Purchases.

The city commission may authorize and enter into any installment contract or agreement for the purchase of lands, property or equipment for public purposes as may be permitted by law. All deferred payments shall be included in the budget for the year for which the installment is payable.

CHAPTER XII

PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS

Section 12.1. General Powers.

The city is hereby given the power to acquire, establish, construct and maintain streets, alleys, parks, parking places,

public buildings, facilities for furnishing light, heat, power, water sewage disposal and all other facilities for serving the interests of the residents of the city. The city shall have the power to determine that the whole or any part of the cost of any public improvement shall be defrayed by special assessment upon property in special assessment districts, including the power of reassessment, when property is especially benefited.

Section 12.2. Procedure Set By Ordinance.

The city commission shall prescribe, by ordinance, a complete special assessment procedure governing the initiation of projects, preparation of plans and cost estimates, notice of hearings, confirmation of the assessment rolls and any other matters concerning the making and financing of improvements by special assessments.

CHAPTER XIII

MUNICIPAL OWNED UTILITIES

Section 13.1. Municipal Ownership and Operation of Public Utilities.

The city shall possess and hereby reserves to itself all the powers granted to cities by law to acquire, construct, own, operate, improve, enlarge, extend, repair, maintain and provide, either within or without its corporate limits, including, but not limited to, public utilities for supplying water, light, heat, power, gas, sewage treatment, land fill and garbage and trash disposal facilities, and sell the services of public utilities in accordance with state law. A sale of a public utility by the city shall require an affirmative vote of a majority of electors voting therein at a regular or special election.

Section 13.2. Rates and Charges.

The city commission shall provide for the charging of just and reasonable rates as may be necessary for the operation of any utility.

Section 13.3. Control of Utilities.

The city commission may enact such ordinances or adopt such resolutions as may be necessary for the care, protection, preservations, control, and operation of any public utility owned or operated by the city.

Section 13.4. Collection of Utility Charges.

The city commission shall provide for the collection of all public utility charges and, for such purpose, shall have all power granted to cities by law. When any person, firm or corporation shall fail or refuse to pay any utility charges due, the service upon which such delinquency exists may be discontinued, a lien placed upon the premises to which service was provided, and any and all procedures for collection, including suit in any court of competent jurisdiction, may be instituted by the city for the collection of such charges and may include the costs of collection.

Section 13.5. Extension of Municipally Owned Utilities Beyond Boundaries of City.

Municipally owned utilities may not be extended outside of the corporate limits of the city, unless approved by an affirmative vote of five (5) members of the commission. The fee for such an extension shall be set by the city commission, not to exceed any limitations set by law.

Section 13.6. Operation Under Consent Agreements and Franchises.

Unless authorized by state law, a public utility shall not operate within the city without first obtaining consent from the commission. The commission may enter into consent agreements and franchises for the operation of public utilities and may grant renewals, amendments and extensions thereof in accordance with state law.

RESOLUTION OF ADOPTION OF THE PROPOSED CHARTER

A special meeting of the Stanton charter commission was held on Wednesday, the 2nd day of October, 1991, at the City Offices, 304 East Main Street.

The following resolution was offered by _____
and supported by _____.

WHEREAS, the Stanton charter commission has been duly elected and authorized to revise the charter of the City of Stanton this year; and,

WHEREAS, after research, review and deliberation, we have approved the attached as the proposed charter of the City of Stanton to be placed before the electors of the city on November 12, 1991; and,