



CITY CHARTER

for the

CITY OF CHARLEVOIX

(Elected April 3, 1978)

EFFECTIVE JUNE 5, 1978

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QUO-NOJ-WON AN-DAH-NOO-KEE-ING BAA-KAD-BEH-NOT-ZEE-ING.
KEEN-NAH-WEH-SAH AN-DAH-NOO-KEE-ING
SHANG-GWOK-O-ZEE-BEENG
BOK-SAN-DAH-NEH-CHEE-ISH-PAN-DAH-MONG
O-GEH-MA-WIN. (OTTAWA)

Nature achieves beauty through order. The Citizens of Charlevoix
desire to insure beauty in their lives through the good order of their government.

Submitted by
The Charter Commission
City of Charlevoix, Michigan
Elected April 7, 1975

AMENDED
November 4, 1980
November 3, 1981
December 6, 1982
November 5, 1991
April 6, 1992
February 18, 2004
November 7, 2006

**ARTICLE I
ESTABLISHMENT OF CITY GOVERNMENT**

SECTION	SUBJECT	PAGE
1.1	City Boundaries.....	1
1.2	Ward Boundaries-Alteration Thereof.....	1
1.3	Powers - General.	2
1.4	Powers - Scope of.....	2
1.5	Powers - Intergovernmental	2
1.6	Public Welfare.....	2

**ARTICLE II
FORM OF GOVERNMENT**

2.1	Council - Manager – Plan.....	3
2.2	Council – Membership	3
2.3	Council – Qualifications	3
2.4	Council - Terms	3
2.5	Council - Definition of Vacancy	3
2.6	Council - Fillings of Vacancies	4
2.7	Council - Judge of Qualifications.....	4
2.8	Council - Oath - Filing Thereof	4
2.9	Deputy Mayor - Election of.....	4
2.10	Mayor - Deputy Mayor - Duties	5
2.11	Council - Compensation.....	5
2.12	Council - Reimbursement.....	5
2.13	Council – Property	6
2.14	Elected Officials – Recall	6
2.15	Council - Meetings - Minutes and Notices Thereof	6
2.16	Council - Powers & Limitations	7
2.17	Council – Investigations	8
2.18	Council - Overall Control of Municipal Operations	9

**ARTICLE III
ADMINISTRATION**

3.1	Administrative Officials.....	10
3.2	Administrative Officials - Appointment - Promotion – Compensation	10
3.3	City Manager – Appointment	10
3.4	City Manager – Removal	10
3.5	City Manager - Filling Vacancy.....	11
3.6	City Manager - Temporary Absence	11
3.7	City Manager - Power and Duties	12
3.8	City Clerk - Election - Duties	12
3.9	City Attorney - Appointment – Duties	13
3.10	City Treasurer - Appointment – Duties	13

3.11	City Assessor - Appointment – Duties.....	13
3.12	Police Chief - Appointment – Duties.....	13
3.13	Fire Chief - Appointment – Duties.....	13
3.14	Employee Contracts – Severance Payments.....	14

**ARTICLE IV
REGISTRATION, NOMINATIONS AND ELECTIONS**

4.1	Electors	15
4.2	General Election	15
4.3	Primary Election	15
4.4	Nomination of Mayor and City Clerk.....	15
4.5	Nominations of Council Members	15
4.6	Primary Elections, Number of Candidates	16
4.7	Election of Mayor and City Clerk	16
4.8	Election of Council Members	16
4.9	Elections, Ties	16
4.10	Special Elections	17

**ARTICLE V
ORDINANCES AND RESOLUTIONS**

5.1	Legislative Power	18
5.2	Legislation	18
5.3	Ordinances - Composition - Hearings - Publications	18
5.4	Ordinances - Emergency	19
5.5	Ordinance - Penalty	19
5.6	Ordinance - Effective Date.....	19
5.7	Ordinance - Codification.....	20

**ARTICLE VI
INITIATIVE AND REFERENDUM**

6.1	General Authority	21
6.2	Commencement of Proceedings	21
6.3	Petitions	21
6.4	Procedure after Filing	22
6.5	Referendum Petitions - Suspensions of Effect of Ordinance	23
6.6	Action on Petitions	23
6.7	Results of Election	23

**ARTICLE VII
GENERAL FINANCES**

7.1	Fiscal Year	24
7.2	Capital Budget.....	24
7.3	Previous Capital Budgets.....	24

7.4	Publication of Capital Budget	24
7.5	Adoption of Capital Budget.....	25
7.6	Operating Budget	25
7.7	Summary of Operating Budget	25
7.8	Public Hearing.....	25
7.9	Review of Annual Operating Budget.....	25
7.10	Transfer of Appropriations	26
7.11	Remaining Fund Balances	26
7.12	Emergency Appropriations	26
7.13	Expenditure of Funds	27
7.14	Deposits	27
7.15	Audits	27
7.16	System of Accounts.....	27
7.17	Contracts and Bids	27

**ARTICLE VIII
TAXATION**

8.1	Taxation - Limit - Collection	29
8.2	Taxation - Subjects - Rights	29
8.3	Taxation - Power and Exemptions	29
8.4	Tax Assessment	29
8.5	Board of Review	29
8.6	Board of Review - Powers and Duties	30
8.7	Board of Review - Notice of Meetings.....	30
8.8	Assessment - Notice of Change to Owners	30
8.9	Board of Review - Meetings.....	30
8.10	Board of Review - Appeals	31
8.11	Board of Review - Second Meeting	31
8.12	Board of Review - Endorsement of Roll	31
8.13	Certification to Assessor	31
8.14	Spreading of the Taxes.....	32
8.15	Taxes - Collection of	32
8.16	Taxes - Due - Liens	32
8.17	Taxes - Power of Treasurer.....	32
8.18	Taxes - Penalties	33
8.19	Taxes - Payment of.....	33
8.20	Tax Roll - Return to County Treasurer	33
8.21	Protection of Tax Lien.....	34
8.22	Tax Collection - County, School & State	34
8.23	Changes - Additions	34

**ARTICLE IX
SPECIAL ASSESSMENT**

9.1	Determination	35
9.2	Procedure	35
9.3	Confirmation	35

9.4	Refund.....	35
9.5	Liens	36
9.6	Changes - Additions	36

**ARTICLE X
BORROWING POWER**

10.1	Scope of Power.....	37
10.2	Bonds - Special Assessments	37
10.3	Bonds - Issuance of	37
10.4	Indebtedness Limits	37
10.5	Use of Bonds - Statement	38
10.6	Unissued Bonds	38

**ARTICLE XI
FRANCHISES**

11.1	Franchises - Granting of.....	39
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**ARTICLE XII
UTILITY FRANCHISES AND MUNICIPAL OWNERSHIP**

12.1	General Powers.....	40
12.2	Management	40
12.3	Rates	40
12.4	Disposal of Utility Plants & Property.....	41
12.5	Granting of Public Utility Franchising.....	41
12.6	Conditions of Public Utility Franchises	42
12.7	Regulation of Rates	42
12.8	Use of Public Places by Utilities.....	42
12.9	Sale and Assignment of Franchises.....	43

**ARTICLE XIII
PLANNING AND ZONING**

13.1	Planning Commission	44
13.2	Zoning.....	44
13.3	Zoning Variances.....	44

**ARTICLE XIV
TRANSITION**

14.1	Purpose	45
14.2	Effective Date.....	45
14.3	Initial Election & Terms of Office	45
14.4	Vacancies	45
14.5	Terms of Public Officials	46

14.6	Continuation of Rights - Claims - Contracts, etc.....	46
14.7	Continuation of Ordinances, Resolutions and Rules	46
14.8	Continuation of Boards, Committees and Commissions	46
14.9	Status of Taxes and Assessments	46
14.10	Transition Authority.....	47
14.11	Submission to Voters; Form of Ballot.....	47

ARTICLE I
ESTABLISHMENT OF CITY GOVERNMENT

Section 1.1 CITY BOUNDARIES

The municipal corporation heretofore established and now existing and known as "The City of Charlevoix", shall continue as a municipal corporation under the same name, and the boundaries of the City existing when this Charter takes effect shall continue in force until changed in accordance with law.

Section 1.2 WARD BOUNDARIES - ALTERATION THEREOF

The City of Charlevoix, Charlevoix County, Michigan, shall be divided into three (3) wards, with their several boundaries described as follows:

(1) First Ward: All that territory embraced within the corporate limits of the City of Charlevoix lying northeasterly of the following described line:

Beginning at the north extension of the centerline of Grant Street at the shore of Lake Michigan (on the north side of the Pine River Channel); thence southerly along the extended centerline of Grant Street to the centerline of Park Avenue; thence southwesterly along the centerline of Park Avenue to the centerline of Sherman Street; thence south along the centerline of Sherman Street to the centerline of Mason Street; thence east along the centerline of Mason Street to the centerline of Grant Street; thence south along the centerline of Grant Street to the centerline of Hurlbut Avenue; thence east along the centerline of Hurlbut Avenue to the centerline of State Street; thence north along the centerline of State Street to the centerline of Mason Street; thence east along the centerline of Mason Street and the extension thereof to the shore of Round Lake; thence northeasterly to a point in the middle of Round Lake at the intersection of the southerly extension of Nettleton Street with the easterly extension of Clinton Street; thence southeasterly to the centerline of the Upper Pine River Channel (southerly of Park Island) with Round Lake; thence southeasterly along said centerline of said Upper Channel to Lake Charlevoix.

(2) Second Ward: All that territory embraced within the corporate limits of the City of Charlevoix lying southwesterly of the following described line:

Beginning at the north extension of the centerline of Grant Street at the shore of Lake Michigan (on the north side of the Pine River Channel); thence southerly along the extended centerline of Grant Street to the centerline of Park Avenue; thence southwesterly along the centerline of Park Avenue to the centerline of Sherman Street; thence south along the centerline of Sherman Street to the centerline of Mason Street; thence east along the centerline of Mason Street to the centerline of Grant Street; thence south along the centerline of Grant Street to the centerline of Hurlbut Avenue; thence east along the centerline of Hurlbut Avenue to the centerline of Bridge Street; thence south along the centerline of Bridge Street to the centerline of St. Mary's Drive; thence west along the centerline of St. Mary's Drive to the centerline of State Street; thence south along the centerline of State Street to the centerline of Carpenter Avenue; thence west along the centerline of Carpenter Avenue to Sheridan Street and the corporate limits.

(3) Third Ward: All that territory embraced within the corporate limits of the City of Charlevoix lying southeasterly of the following described line:

Beginning at Sheridan Street at the corporate limit; thence east along the centerline of Carpenter Avenue to the centerline of State Street; thence north along the centerline of State Street to the centerline of St. Mary's Drive; thence east along the centerline of St. Mary's Drive to the centerline of Bridge Street; thence north along the centerline of Bridge Street to the centerline of Hurlbut Avenue; thence west along the centerline of Hurlbut Avenue to the centerline of State Street; thence north along the centerline of State Street to the centerline of Mason Street; thence east along the centerline of Mason Street and the extension thereof to the shore of Round Lake; thence northeasterly to a point in the middle of Round Lake at the intersection of the southerly extension of Nettleton Street with the easterly extension of Clinton Street; thence southeasterly to the centerline of the Upper Pine River Channel (southerly of Park Island) with Round Lake; thence southeasterly along said centerline of said Upper Channel to Lake Charlevoix

The City Council shall, by ordinance, when it deems necessary, or when required by law, alter the boundaries of the several wards of the City.

ANNOTATION: WARD BOUNDARIES REVISED BY ORD. NO. 420, DECEMBER 6, 1982; ORD. NO. 595, April 6, 1992; ORD. NO. 672, February 18, 2002.

Section 1.3 POWERS - GENERAL

The City has the comprehensive home rule power conferred upon it by the Michigan Constitution, subject only to the limitations on the exercise of that power contained in the Constitution and laws of this State or in this Charter. The City has all other powers which a City may possess under the Constitution and laws of this State.

Section 1.4 POWERS - SCOPE OF

The specific mention of particular powers in this Charter shall not be construed as limiting in any way the general powers of the City stated in this article.

Section 1.5 POWERS - INTERGOVERNMENTAL

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more municipal corporations, states or civil divisions or agencies thereof, or with the United States or any agency thereof.

Section 1.6 PUBLIC WELFARE

The City, the City Council and the City Manager shall provide for the public peace and health, and for the safety of persons and property within the City.

ARTICLE II
FORM OF GOVERNMENT

Section 2.1 COUNCIL - MANAGER PLAN

The form of government provided for in this Charter shall be that known as the "Council-Manager Plan". Except as otherwise provided by law or by this Charter, the Council shall have full authority to exercise all powers conferred upon the City.

Section 2.2 COUNCIL - MEMBERSHIP

The Council shall consist of six (6) members, two (2) elected from each of three (3) wards, on a non-partisan basis, by the electors of their respective wards.

Section 2.3 COUNCIL - QUALIFICATIONS

Members of the Council shall be registered electors of that ward in the City of Charlevoix from which they are nominated and elected.

Section 2.4 COUNCIL - TERMS

The Council members shall be elected for a term of two (2) years. The term of each Council member shall start on the first regular City Council meeting after their election, except as provided for in Article XIV, Section 14.3.

ANNOTATION: AS AMENDED BY VOTE OF ELECTORS NOVEMBER 5, 1991.

Section 2.5 COUNCIL - DEFINITION OF VACANCY

The office of any Council member shall become vacant upon the occurrence of one or more of the following events:

- a. Any reason specified by law as creating a vacancy.
- b. The Council members' death.
- c. The Council member's resignation, tendered to the Council at a regular meeting and accepted by the Council.
- d. The Council member's termination of residency in the ward from which elected, or lack at any time during the term for which elected of any qualification for the office as prescribed by this Charter or by law.

- e. The Council member's absence from five (5) consecutive regular meetings of the Council, or fifty percent (50%) of the regular meetings in any one (1) calendar year, unless the absences are excused and the reasons entered in the proceedings of the Council.
- f. The conviction of the Council member of any felony in any court of any State of the United States, or in any Federal court.

Section 2.6 COUNCIL - FILLING OF VACANCIES

When a vacancy occurs on the Council, the Council shall appoint another person from the ward in which the vacancy occurs to serve for the remainder of the vacant term. This appointment is to be completed within thirty (30) days of the time at which the vacancy occurs,

In the event that three (3) or more vacancies exist simultaneously on the Council, the Clerk shall call a Special Election as authorized by law, and all vacancies shall be filled for the remaining portions of the vacant terms.

ANNOTATION: AS AMENDED BY VOTE OF ELECTORS NOVEMBER 7, 2006.

Section 2.7 COUNCIL - JUDGE OF QUALIFICATIONS

The Council shall be the judge of the continuing qualifications of its members, and of the grounds causing a vacancy in office. Decisions by the Council under this section shall be subject to review by a court of competent jurisdiction.

Section 2.8 COUNCIL - OATH - FILING THEREOF

Every elected and appointed Council member, before commencing official duties, shall take and subscribe to the following oath:

“I do solemnly swear (or affirm) that I will support the constitutions of the United States of America and the State of Michigan and the Charter of the City of Charlevoix, and that I will faithfully discharge the duties of this office on behalf of all the citizens of the City, to the best of my ability.”

The Council member shall file the oath, duly certified by the official before whom it was taken, in the office of the City Clerk.

Section 2.9 DEPUTY MAYOR - ELECTION OF

The Council shall elect one (1) of its members to serve as Deputy Mayor at the organizational meeting of the Council. The Deputy Mayor shall serve until the next organizational meeting of the Council or until a successor takes office. If a vacancy occurs in the position of Deputy Mayor, then the Council shall fill the vacancy at the first meeting after the vacancy occurs.

ANNOTATION: AS AMENDED BY VOTE OF ELECTORS NOVEMBER 7, 2006.

Section 2.10 MAYOR - DEPUTY MAYOR - DUTIES

The Mayor shall be the chief executive officer of the City. He shall be President of the Council for all purposes, including those purposes required by civil or military law, and shall have such other duties as prescribed by this Charter. The Mayor shall preside at all meetings of the Council but have no vote therein, except in the case of a tie vote of the Council, in which event the Mayor shall cast the deciding vote. The Mayor shall have no veto power. The Mayor shall authenticate by signature such instruments as the Council, this Charter, or the laws of the State or of the United States, may require. The Deputy Mayor shall act as Mayor during the absence or disability of the Mayor, or, if a vacancy occurs, shall become Mayor for the balance of the term. During the temporary absence or disability of the Mayor, the Deputy Mayor shall not be disqualified from voting as a member of the Council.

ANNOTATION: AS AMENDED BY VOTE OF ELECTORS NOVEMBER 7, 2006.

Section 2.11 COUNCIL - COMPENSATION

Each Council Member, the Mayor and the Deputy Mayor and the City Clerk shall receive as payment for services a sum as determined by the local Compensation Commission, which shall be established in accordance with Public Act 1972, No. 8 as amended.

Such compensation shall be payable bi-weekly or as otherwise determined by the local Compensation Commission, and except as otherwise provided in the Charter, shall constitute the only remuneration which may be paid for services performed by such officers for the discharging of official duties for or on behalf of the City during their term of office.

ANNOTATION: AS AMENDED BY VOTE OF ELECTORS NOVEMBER 4, 1980.

Section 2.12 COUNCIL - REIMBURSEMENT

The City Council may reimburse a Council member, and/or the Mayor, for any reasonable expenses incurred on behalf of the City. Claims, supported by receipts, must be submitted to the Council.

Section 2.13 COUNCIL - PROPERTY

The Council members and other elected or appointed officials leaving office shall deliver to the Council within thirty (30) days all City property of every kind, name, and nature in their custody, which in any way pertains to their office.

Section 2.14 ELECTED OFFICIALS - RECALL

Any elected officer provided for in this Charter may be recalled by the voters of the City in the manner prescribed by law.

Section 2.15 COUNCIL - MEETINGS - MINUTES AND NOTICES THEREOF

a. An organizational meeting of the Council shall be held at the first meeting of the Council after the November General Election. The meeting shall be held for the purpose of organization at the usual place for holding meetings of the legislative body of the City, at seven o'clock in the evening (7:00 p.m.), or the first day thereafter that is not a legal holiday, except as provided in Article XIV. At the organizational meeting, the Council may consider matters in addition to organizational matters.

ANNOTATION: AS AMENDED BY VOTE OF ELECTORS NOVEMBER 7, 2006.

b. The regular meetings of the Council shall be held at least twice each month. These meetings shall be held at the City Hall unless otherwise provided for by ordinance.

c. Special meetings of the Council may be called by the City Clerk upon a request of the Mayor, or Deputy Mayor, or any three (3) Council members. The City Clerk shall notify all Council members of any special meeting and the business to be transacted at that meeting. This notice shall be given to all Council members in writing at least twelve (12) hours before the time of the special meeting. Notice shall be served personally or delivered to the residence of the Council member. However, any special meeting of the Council at which all members of the Council are present or have, in writing, waived the notice requirement of this sub-section and at which a quorum of the Council is present, shall be a legal meeting, so long as the other provisions of this section regarding public notice have been properly completed.

d. The City Clerk shall post a notice of the times established for regular scheduled meetings of the Council in a conspicuous public area of the City Hall at such times so as to comply with the laws of the State, and in no event fewer than three (3) days prior to the first (1st) regular scheduled meeting of the Council. The City Clerk also shall post a notice of all special meetings and their purposes in a conspicuous public area of the City Hall at such times so as to comply with the laws of the State, but in no event fewer than twelve (12) hours prior to the time of the meeting. No business shall be transacted at a special meeting of the Council except as set forth in the notice of the special meeting.

e. Four (4) Council members shall be a quorum for the holding of all meetings of the Council, but, in the absence of a quorum, two (2) Council members may adjourn any regular or special meeting to a later date. When reconvening an adjourned meeting, notice of the time and place of that meeting shall be given in the manner required of a special meeting, as set out in sub-section d, except that in the case of an adjourned regular meeting no statement of the business to be transacted need be included in the notice.

f. The Council may adopt rules and by-laws for its procedures that are not inconsistent with this Charter or the laws of the State. The Council shall keep a journal of its proceedings, written in English.

g. The proceedings of the Council shall be published in a local newspaper of general circulation in the city within ten (10) days after each meeting of the Council. The publication of a synopsis of these proceedings, prepared by the City Clerk, showing the substance of each separate action of the Council, shall constitute compliance with the requirements of this provision.

h. All regular and special meetings of the Council and all records of the municipality shall be open to the public.

Section 2.16 COUNCIL - POWERS AND LIMITATIONS

a. Except where authorized by this Charter, no elected official shall hold any other office or City employment during the term for which elected.

b. Upon majority vote of the entire Council, the Council may require the City Manager to suspend or discharge any City official or employee whom the City Manager or his subordinates are empowered to appoint or hire. The Council may offer its opinions and freely discuss with the City Manager anything pertaining to the appointment, suspension, removal or disciplining of any such officials or employees.

c. The Council and its members shall deal solely through the City Manager with officials and employees subject to the direction and supervision of the City Manager. Neither the City Council nor its members, individually, shall give orders to any such officials or employees, either publicly or privately.

d. The Mayor, as President of the Council, may be delegated by the Council to convey to the City Manager its concerns or its orders with the respect to the conduct of officials or employees subject to the direction and supervision of the City Manager, but otherwise the Mayor is bound by the same restrictions as apply to the Council and its members under "sub-section c", immediately preceding.

e. All Council members, City officials and employees, when engaging in City business, shall be guided by the conflict of interest laws of the State.

f. The Council shall not have the power to sell, divide, lease, partition, plat, subdivide, or dispose of any City park or cemetery, or any part thereof, unless specifically approved by a majority of the electors voting thereon at any general or special election, except as provided for in "sub-section h" of this section.

g. The Council shall not have the power to sell, divide, lease, partition, plat, subdivide, or dispose of any City owned interest in real property which lies within one-hundred (100) feet of the water's edge of Lake Michigan, Round Lake, or Lake Charlevoix, or the connecting waterways, unless specifically approved by a majority of the electors voting thereon at any general or special election, except as provided for in "sub-section h" of this section. This sub-section does not apply to the normal operation of a cemetery.

h. The Council may, by a majority vote of the entire Council, when it deems it in the best public interest, lease for a period of not more than five (5) years those facilities used in connection with the operation of public parks and/or beaches, City owned docks with freight storage facilities, and buildings used in connection with the operation of the City owned airport. The Council has the power to sell lots and/or plots in any City owned cemetery.

Section 2.17 COUNCIL - INVESTIGATION

The City Council may make investigations into the affairs of the City and the conduct of any City department, office or agency, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the Council shall be guilty of a misdemeanor and be punishable by a fine of not more than One Hundred Dollars (\$100.00), or by imprisonment for not

more than ninety (90) days, or both. The punitive powers herein stated shall not be exclusive and shall not prejudice the right to remove officers or discharge employees, and the Council shall have the power in the name of the City to institute injunctive proceedings, both to restrain and to enforce performance and observance of the law and ordinances.

Section 2.18 COUNCIL - OVERALL CONTROL OF MUNICIPAL OPERATIONS

The Council shall effect the development of, and the periodic updating of, such management guidelines as may be deemed appropriate for the proper exercise of its authority over and discharge of its responsibility for all municipal operations. Such management guidelines are to include - but are not to be limited to - organization charts with lines of authority and responsibility, job descriptions and qualifications, procedures, reporting, and personnel rules. These shall be sufficiently detailed to serve adequately as parameters for daily operations - but not so tightly drawn as to stifle initiative or impose inflexibility.

The Council may call upon the experience of city officials and employees, and of the City Manager, in developing and subsequently updating such guidelines.

The agenda for the first meeting in January of each year shall call for the setting of an early date for Council review of all such management guidelines, as a fitting introduction of new Council members to the inner workings of the City - for which they now share the ultimate responsibility.

**ARTICLE III
ADMINISTRATION**

Section 3.1 ADMINISTRATION OFFICIALS

The administration officials of the City shall be the City Manager, City Clerk, City Attorney, City Assessor, City Treasurer, Police Chief, and Fire Chief. The Council may create, combine, separate, or abolish administrative offices in any manner not inconsistent with law or this Charter, and shall prescribe the duties thereof, in order to insure the proper operation of the City government. No action of the City Council, however, shall abolish the office of the City Manager nor diminish any of the powers of that office as set forth in this Charter. Except as otherwise herein provided, the qualifications, duties and compensation of City officers shall be determined by the City Council.

Section 3.2 ADMINISTRATION OFFICIALS - APPOINTMENT - PROMOTION - COMPENSATION

All appointments, promotions, and compensation of administrative officials shall be made solely on evidence of merit and fitness.

Section 3.3 CITY MANAGER - APPOINTMENT

The City Manager shall be appointed for a term of up to three (3) years by a majority of the entire Council. This provision shall apply to the appointment of the next City Manager after the effective date of this Charter provision and the appointment of all future City Managers. The appointment shall be solely on the basis of executive and administrative qualifications. The Council shall fix his compensation.

ANNOTATION: AS AMENDED BY VOTE OF ELECTORS NOVEMBER 7, 2006.

Section 3.4 CITY MANAGER - REMOVAL

The City Council may remove the City Manager from office in accordance with the following procedure:

- a. The Council shall adopt by a majority vote of the entire Council a preliminary resolution stating the reasons for removal. The resolution may suspend the City Manager from duty for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered to the City Manager within five (5) days.

b. Within five (5) days after a copy of the resolution is delivered to the City Manager, the City Manager may file with the Council a written request for a public hearing. This hearing shall be held at a Council meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed. The City Manager shall receive at least ten (10) days notice of this hearing in writing. The City Manager may file with the Council a written reply not later than five (5) days before the hearing.

c. If the City Manager has not requested a public hearing, the Council may adopt a final resolution of removal, which may be made effective at once, by a majority vote of the entire Council at any time after five (5) days from the date when a copy of the preliminary resolution was delivered to the City Manager. If the City Manager has requested a public hearing, the final resolution of removal may be adopted at any time after the hearing.

d. The City Manager shall continue to receive full compensation until the effective date of the final resolution of removal. The action of the Council in suspending or removing the City Manager in accordance with this Charter shall not be subject to review by any court.

Section 3.5 CITY MANAGER - FILLING VACANCY

Upon the occurrence of a vacancy in the office of City Manager, or upon his suspension pursuant to Section 3.4, the Council, while it is attempting to fill the office, may appoint an Acting City Manager for a period not to exceed six (6) months, during which the Acting City Manager shall serve at the will of the Council and may be immediately removed without compliance with Section 3.4. Appointment and removal shall be effected by majority vote of the entire Council.

Section 3.6 CITY MANAGER - TEMPORARY ABSENCE

When the City Manager is absent from duty, or disabled, a qualified City administrative official shall be designated by the City Manager to exercise the powers and perform the duties of the City Manager during his absence or disability. The City Manager shall file with the City Clerk a list, by name and title, of three (3) qualified City administrative officials to exercise such powers and perform such duties. These City administrative officials shall be listed in the order by which each shall be designated to assume temporarily the City Manager's duties. During such absence or disability, the Council may revoke such designation at any time and appoint another City administrative official to serve until the City Manager shall return or disability shall cease.

Section 3.7 CITY MANAGER - POWER AND DUTIES

The City Manager shall be the chief administrative official of the City, and shall be responsible to the Council for the administration of all City affairs designated to his office by this Charter. The City Manager shall have the following powers and duties:

a. The City Manager shall appoint and, when deemed necessary for the good of the City, suspend or remove any City employee, except as otherwise provided by law, this Charter, or personnel rules. The City Manager may authorize any department head who is subject to the City Manager's direction and supervision to exercise these powers with respect to subordinates in that official's department, office, or agency.

b. The City Manager shall direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by law or this Charter.

c. The City Manager shall attend all Council meetings except as prescribed by Section 3.6, and shall have the right to take part in discussion, but may not vote.

d. The City Manager shall see that all laws, provisions of this Charter, and acts of the Council, subject to enforcement by the City Manager, or by officials subject to direction and supervision by the City Manager, are faithfully executed.

e. The City Manager shall prepare and submit the Annual Operating Budget and Capital program to the Council.

f. The City Manager shall submit to the Council and make available to the public a complete report on the finances and administrative activities of the City for the past year, on or before May 1st of each year.

g. The City Manager shall make such other reports as the Council may require concerning the operations of City departments, offices, and agencies.

h. The City Manager shall keep the Council fully advised as to the financial condition and future needs of the City, and make such recommendations to the Council concerning the affairs of the City as deemed desirable.

i. The City Manager shall perform such other duties as are specified by law, this Charter, or the Council.

Section 3.8 CITY CLERK - ELECTION - DUTIES

The City Clerk shall be elected by a majority vote of the electors of the City at large for a two year term effective for the term commencing January 1, 1982 and thereafter. The City Clerk shall be

Clerk of the Council and shall, with the Mayor, sign all ordinances. The City Clerk shall keep a permanent journal of all Council proceedings and ordinances. In addition, the City Clerk shall perform all other duties prescribed by law, this Charter, and the Council. The City Clerk may, with the approval of the City Council, appoint a Deputy Clerk.

ANNOTATION: AS AMENDED BY VOTE OF ELECTORS NOVEMBER 4, 1980.

Section 3.9 CITY ATTORNEY - APPOINTMENT - DUTIES

The City Attorney shall be appointed by a majority vote of the entire Council for an indefinite term. The City Attorney shall be the legal advisor for the City and for all City officials and departments in all matters relating to their official duties, and shall perform such other duties as the Council may require. The City Attorney may be removed by a majority vote of the entire Council.

Section 3.10 CITY TREASURER - APPOINTMENT - DUTIES

The City Treasurer shall be appointed by a majority vote of the entire Council for an indefinite term. The Treasurer shall assist the City Manager in the preparation of the Annual Operating Budget and the Capital Program. The Treasurer shall maintain a system of accounts in accordance with State law. The Treasurer shall be the chief financial officer of the City. The City Treasurer may be removed by a majority vote of the entire Council.

Section 3.11 CITY ASSESSOR - APPOINTMENT - DUTIES

The City Assessor shall be appointed by a majority vote of the entire Council for an indefinite term. The City Assessor shall possess all powers vested in, and shall be charged with all duties imposed upon, assessing officers by law, this Charter, or the Council. The City Assessor may be removed by a majority voted of the entire Council.

Section 3.12 POLICE CHIEF - APPOINTMENT - DUTIES

The Police Chief shall be appointed by a majority vote of the entire Council for an indefinite term. The Police Chief shall supervise the Police Department in the enforcement of all applicable laws. The Police Chief may be removed by a majority vote of the entire Council.

Section 3.13 FIRE CHIEF - APPOINTMENT - DUTIES

The Fire Chief shall be appointed by a majority vote of the entire Council an indefinite term. The Fire Chief shall supervise all functions of the Fire Department. The Fire Chief may be removed by a majority vote of the entire Council.

Section 3.14 Employee Contracts - Severance Payments

The Council may not pay or offer to pay a City employee a severance payment that exceeds three (3) times the average monthly salary or wages of the employee for the three (3) months prior to termination. This prohibition shall not apply to the existing contract with the City Manager who is employed when this provision becomes effective.

ANNOTATION: AS AMENDED BY VOTE OF ELECTORS NOVEMBER 7, 2006.

ARTICLE IV
REGISTRATIONS, NOMINATIONS, ELECTIONS

Section 4.1 ELECTORS

a. The City Clerk shall register qualified residents during regular business hours at the City Hall. The City Clerk may also register electors at places outside the Clerk's office from time to time to facilitate the registration of all qualified electors of the City.

b. Except as otherwise provided by this Charter, the Constitution and laws of the State of Michigan shall apply to the conduct of elections held under this Charter, and to the registration of electors in the City.

ANNOTATION: AS AMENDED BY VOTE OF ELECTORS NOVEMBER 7, 2006.

Section 4.2 GENERAL ELECTION

A non-partisan general city election shall be held on the Tuesday immediately following the first Monday of November in every year.

Section 4.3 PRIMARY ELECTION

A primary election, if needed, shall be held on the Tuesday immediately following the first Monday in August, preceding every General Election in November.

Section 4.4 NOMINATION OF MAYOR AND CITY CLERK

Registered electors seeking the office of Mayor or City Clerk shall file nominating petitions bearing the bona fide signatures of no fewer than twenty-five (25) nor more than forty (40) registered voters residing in the City at large. Such petitions shall be filed with the City Clerk's office no later than 4:00 p.m. in the afternoon of the twelfth Tuesday prior to the primary election.

Section 4.5 NOMINATIONS OF COUNCIL MEMBERS

Registered electors seeking the office of Council Member in any ward shall file nominating petitions bearing the bona fide signatures of no fewer than twenty-five (25) nor more than forty (40) registered voters residing in that ward. Such petitions shall be filed with the City Clerk's office no later than 4:00 p.m. in the afternoon of the twelfth Tuesday prior to the primary election.

Section 4.6 PRIMARY ELECTION, NUMBER OF CANDIDATES

a. If, for any office, there should be nominated more than twice the number of persons to be elected to that office, a primary election shall be held among the electors entitled to vote for that office under this Charter. The names of the two candidates receiving the most votes shall be placed on the ballot for that office in the General Election.

ANNOTATION: AS AMENDED BY VOTE OF ELECTORS ON NOVEMBER 5, 1991.

b. If, upon expiration of the time for filing petitions for any non-partisan primary election, there are nominated for any office no more than twice the number of persons to be elected to that office, the City Clerk shall certify to the proper board of election commissioners the names of such candidates whose petitions have been properly filed and such candidates shall be the nominees for such offices and shall be so certified. As to such offices there shall be no primary election and such offices shall be omitted from any primary election ballot.

Section 4.7 ELECTION OF MAYOR AND CITY CLERK

The City Clerk shall be elected at the annual General Election for a two year term effective for the term commencing January 1, 1982 and thereafter, by the balloting of the electors of the City at large. The Mayor shall be elected at the annual election, for a two year term by balloting of the electors of the City at large. The Mayor shall take office at the first regular City Council meeting after the Mayor's election and the Clerk shall take office at the first meeting of the City Council in January of the following year, except as provided in Article XIV, Section 14.3. Names of the nominees shall appear on the ballots and election materials of the primary and of the General Election without reference to ward residence.

ANNOTATION: AS AMENDED BY VOTE OF ELECTORS NOVEMBER 4, 1980 AND NOVEMBER 3, 1981 AND NOVEMBER 5, 1991.

Section 4.8 ELECTION OF COUNCIL MEMBERS

One (1) candidate from each ward shall be elected at the annual General Election for a two (2) year term on the City Council by the balloting of the electors of their respective wards. Their terms shall be as set forth in Article II, Section 2.4, except as provided in Article XIV, Section 14.3.

Section 4.9 ELECTIONS, TIES

In the event of a tie in any Primary or General election, the winner shall be determined by a procedure through the Board of Canvassers, as provided for by County officers by statute.

Section 4.10 SPECIAL ELECTIONS

Special elections may be called at any time for specific purposes by a majority resolution of the City Council. Special elections shall be conducted in accordance with State Law. No more than two (2) special elections may be held within any twelve (12) month period.

ARTICLE V
ORDINANCES AND RESOLUTIONS

Section 5.1 LEGISLATIVE POWER

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

Section 5.2 LEGISLATION

- a. All legislation of the City shall be by resolution or by ordinance.
- b. Resolutions, in the form of motions, may be adopted by majority vote of the Council members present, except as otherwise provided by this Charter.
- c. The power of the Council to act by resolution is limited to matters required or permitted by law or by this Charter, and to matters pertaining to the internal concerns of the City.
- d. The Council shall act by majority vote of the Entire Council when adopting an ordinance, when establishing a rule or regulation, when amending or repealing an ordinance previously adopted, or when required by law or by this Charter, except as provided in Section 5.4c.

Section 5.3 ORDINANCES - COMPOSITION - HEARINGS - PUBLICATIONS

- a. Every proposed ordinance shall be introduced in writing. The enacting clause shall be "The City of Charlevoix ordains.....".
- b. Following the introduction of any ordinance, the City Clerk shall publish a summary of the proposed ordinance in a local newspaper of general circulation in the City, together with a notice setting out the time and place for a public hearing on the proposed ordinance. The public hearing may not be held sooner than five (5) days after publication. Copies of the ordinance shall be distributed without charge at the office of the City Clerk.
- c. After the public hearing, the Council may consider enacting the proposed ordinance. The enactment of an ordinance shall require the majority vote of the entire Council.
- d. Except as otherwise provided by law or this Charter, each ordinance, including emergency ordinances, shall be published in full in a local newspaper of general circulation in the City at least one (1) time within ten (10) days after its adoption by the Council. The publication of an ordinance in full, as part of the published proceedings of the Council, however, shall not constitute publication of such ordinance as required herein; it must be separately and individually set forth.

e. Except as otherwise provided by law or this Charter, every ordinance shall become effective on the thirtieth (30th) day after enactment, or at any later date specified therein.

f. An ordinance which repeals or amends any existing ordinance or part of the City Code shall identify, by title and number, the ordinance, sections, or subsections to be repealed or amended, and shall clearly indicate the matter to be omitted and the new matter to be added, except in codifying, recodifying or continuing in code its municipal ordinances, in full or in part, as provided by statute.

g. Ordinances and codes may be enacted by reference to the extent and in the manner provided by general law.

Section 5.4 ORDINANCES - EMERGENCY

a. To meet a public emergency affecting life, health or property, one or more emergency ordinances may be enacted. However, an emergency ordinance may not levy taxes, or grant, renew or extend a franchise, or regulate the rate charged by any public utility for its service.

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

c. An emergency ordinance may be enacted on the date of introduction and given immediate effect, by a majority vote of the Council members present at the time of the enactment.

d. Every emergency ordinance is automatically repealed on the sixty-first (61st) day after its enactment, unless re-enacted pursuant to Section 5.3.

Section 5.5 ORDINANCE - PENALTY

An ordinance may provide a penalty for the violation of its provisions. The penalty shall not exceed the limits provided by law.

Section 5.6 ORDINANCE - EFFECTIVE DATE

All ordinances shall be recorded in an index book marked "City Ordinances", and a record of each ordinance shall be authenticated by the signatures of the Mayor and City Clerk. Such record and authentication shall be done within thirty (30) days after the final passage of any ordinance. If any ordinance, other than an emergency ordinance, is not authenticated and recorded within thirty (30) days after final passage, the ordinance shall not take effect until seven (7) days after notice has been published

in a local newspaper of general circulation in the City that the ordinance has been properly authenticated and recorded.

Section 5.7 ORDINANCE - CODIFICATION

a. Within three (3) years after the effective date of this Charter, and at least every ten (10) years thereafter, the Council shall provide for the preparation of a general codification of all City ordinances having the effect of law.

b. The general codification shall be enacted by ordinance and shall be known as the "Charlevoix City Code". Copies of the Code shall be furnished to City officials, placed in libraries and public offices for free public reference, and made available for purchase by the public at a reasonable price to be fixed by the Council. Except as required by law, the enactment of this ordinance need not comply with the requirements of Section 5.3. After publication of the first Charlevoix City Code, new ordinances shall be printed annually in a form for integration with the City Code currently in effect.

ARTICLE VI
INITIATIVE AND REFERENDUM

Section 6.1 GENERAL AUTHORITY

a. INITIATIVE. The registered voters of the City shall have the power to propose ordinances to the Council and if the Council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a City election, provided that such power shall not extend to the budget or Capital Program, or to any ordinance relating to appropriation of money, levy of taxes, or salaries of city officials or employees.

b. REFERENDUM. The registered voters of the City shall have the power to require reconsideration by the Council of any adopted ordinance, and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a City Election, provided that such power shall not extend to the budget or Capital Program, or to any emergency ordinance, or ordinance relating to the appropriation of money or the levy of taxes.

Section 6.2 COMMENCEMENT OF PROCEEDINGS

Any five (5) registered voters may commence initiative or referendum proceedings by filing with the City Clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in the proper form, stating their names and addresses, and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Promptly after the affidavit of the petitioners' committee is filed, the Clerk shall issue the appropriate petition blanks to the petitioners' committee.

Section 6.3 PETITIONS

a. Number of signatures. Initiative and referendum petitions must be signed by registered voters of the City equal in number to at least fifteen (15) percent of the total number of voters registered to vote in the last regular City Election.

b. Form and Content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

c. Affidavit of Circulator. Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all signatures were affixed in his or her presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

d. Time for Filing Referendum Petitions. Referendum petitions must be filed within thirty (30) days after adoption by the Council of the ordinance sought to be reconsidered.

Section 6.4 PROCEDURE AFTER FILING

a. Certificate of Clerk. Within twenty (20) days after the petition is filed, the City Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by certified mail.

A petition certified insufficient for lack of the required number of valid signatures may be amended once, if the petitioners' committee files a notice of intention to amend it with the City Clerk within two (2) days after receiving the copy of the Clerk' certificate, excluding weekends and holidays, and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections b and c of Section 6.3. Within five (5) days after it is filed, the City Clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by certified mail, as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request Council review under subsection b of this Section within the time required, the Clerk shall promptly present the certificate to the Council and the certificate shall be a final determination as to the sufficiency or insufficiency of the petition.

b. Council Review. If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two (2) days after receiving the copy of such certificate, excluding weekends and holidays, file a request that it be reviewed by the Council. The Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it. The Council's decision shall then be the final determination as to the sufficiency or insufficiency of the petition.

c. Court Review: New Petition. A Council determination as to the sufficiency of a petition shall be subject to court review. Council determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

Section 6.5 REFERENDUM PETITIONS-SUSPENSION OF EFFECT OF ORDINANCE

When a referendum petition is filed with the City Clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

1. There is a final determination of insufficiency of the petition, or
2. The petitioners' committee withdraws the petition, or
3. The Council repeals the ordinance, or
4. Thirty (30) days have elapsed after a vote of the City on the ordinance.

Section 6.6 ACTION ON PETITIONS

a. Action by Council. When an initiative or referendum petition has been finally determined sufficient, the Council shall promptly consider the proposed initiative ordinance in the manner provided in Article V or reconsider the referred ordinance by voting its repeal. If the Council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days, or fails to repeal a referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the City.

b. Submission to Voters. The vote of the City on a proposed or referred ordinance shall be held no sooner than sixty (60) days and no later than one (1) year from the date of the final Council vote thereon. If no regular City election is to be held within the period prescribed in this subsection, the Council may at its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

Section 6.7 RESULTS OF ELECTION

a. Initiative. If a majority of the registered electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail, to the extent of such conflict.

b. Referendum. If a majority of the registered electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

ARTICLE VII
GENERAL FINANCES

Section 7.1 FISCAL YEAR

The fiscal year and budget year for the City shall begin on April 1st and end on March 31st of each year. The City Council shall provide an annual appropriation of money for municipal purposes.

Section 7.2 CAPITAL BUDGET

On or before February 15 of each year the City Manager shall submit to the Council a proposed Capital Budget for the next five (5) fiscal years. The Capital Budget shall state:

ANNOTATION: AS AMENDED BY VOTE OF ELECTORS NOVEMBER 7, 2006.

- a. A clear summary of its contents.
- b. A list of all major capital improvements proposed to be undertaken during the five (5) years ensuing, with appropriate supporting information as to the necessity for such improvements.
- c. Cost estimates, methods of financing, and recommended tax schedules for each improvement.
- d. Estimated annual costs of operating and maintaining the facilities to be constructed or acquired.

Section 7.3 PREVIOUS CAPITAL BUDGETS

Previously adopted Capital Budgets may be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition.

Section 7.4 PUBLICATION OF CAPITAL BUDGET

The Council shall publish in a newspaper of general circulation in the City a general summary of the Capital Budget and a notice stating:

- a. The times and places where copies of the Capital Budget are available for inspection by the public, and
- b. The time and place, not sooner than two (2) weeks after publication, for a public hearing on the Capital Budget.

Section 7.5. ADOPTION OF CAPITAL BUDGET

The Council shall adopt by resolution the Capital Budget, with or without amendments, after a public hearing on or before October 15th of each year.

Section 7.6 OPERATING BUDGET

On or before February 15th of each year, the City Manager shall submit to the Council a proposed Annual Operating Budget for the next fiscal year.

Section 7.7 SUMMARY OF OPERATING BUDGET

The proposed Annual Operating Budget shall provide a complete financing plan for the next fiscal year for all City funds and activities, including Capital expenditures, and, except as required by law or this Charter, shall be in such form as the City Manager deems desirable or the Council may require. The Proposed Annual Operating Budget shall begin with a clear summary of its contents, shall show in detail all estimated income, indicating the proposed property tax levy and all proposed expenditures, including debts for the next fiscal year, and shall be so arranged as to show comparative figures of estimated income and expenditures for the preceding fiscal year, and shall provide such other information as may be required by the Council.

Section 7.8 PUBLIC HEARING

Before the final adoption of the Annual Operating Budget, a public hearing shall be held, at which time the proposed Annual Operating Budget shall be presented. The time and place of the hearing shall be determined by the Council and notice of the hearing shall be published in a newspaper of general circulation in the City at least two (2) weeks before the hearing. At the hearing all interested persons shall be given an opportunity to be heard for or against any item in the proposed Annual Operating Budget. A copy of the proposed Annual Operating Budget shall be on file and available to the public for inspection during office hours in the office of the City Treasurer for a period of not fewer than ten (10) days prior to this hearing.

Section 7.9 REVIEW OF ANNUAL OPERATING BUDGET

The Council shall review the proposed Annual Operating Budget and shall make modifications as it deems advisable. Not later than March 15th the Council shall adopt by ordinance the Annual

Operating Budget for the next fiscal year and shall provide in such ordinance for a levy, if necessary, to be raised by a tax upon real and personal property.

Section 7.10 TRANSFER OF APPROPRIATIONS

a. If the City Manager certifies during the fiscal year that there are available revenues in excess of those estimated in the budget, the Council by ordinance may make supplemental appropriations up to the amount of such excess revenues.

b. If it appears probable to the City Manager during the fiscal year that the revenues available will be insufficient to meet the amounts appropriated, the City Manager shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken, and recommendations as to other possible steps. The Council shall then take such further action as it may deem necessary to prevent any deficit, and for that purpose it may reduce by ordinance one or more appropriations.

c. At any time during the fiscal year, the City Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency. Upon written request by the City Manager, the Council may transfer by ordinance part or all of any unencumbered appropriations balance from one department, office or agency to another.

d. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations, and the reduction or transfer of appropriations authorized by this section, may be made effective immediately upon adoption.

Section 7.11 REMAINING FUND BALANCES

Except as provided by law, the balance in any General Fund appropriation which has not been encumbered at the end of the fiscal year, other than that of or pertaining to any municipal utility, shall revert to the General Fund.

Section 7.12 EMERGENCY APPROPRIATIONS

To meet a public emergency affecting life, health or property, the Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of Article V. To the extent that there are no available unappropriated revenues to meet such

appropriations, the Council may authorize by such emergency ordinance the issuance of emergency notes in accordance with Article X.

Section 7.13 EXPENDITURE OF FUNDS

The Council shall provide by resolution appropriate methods and safeguards for the expenditure of funds and the payment of obligations so as to insure that no payment shall be made or obligation incurred without an appropriation having first been approved by the Council, without a sufficient unencumbered balance in the appropriation, or without insuring that sufficient funds are or will be available to cover the claim or meet the obligation when it becomes due and payable. However, except where prohibited by law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or the making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year. Any such action must be approved by ordinance.

Section 7.14 DEPOSITS

The Council shall designate the depository or 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 by law, except that personal surety bonds shall not be deemed proper security.

Section 7.15 AUDITS

An independent audit of all accounts and financial records of the City shall be made annually. Such audit shall be made by a certified public accountant experienced in municipal accounting, within one hundred twenty (120) days after the close of the fiscal year. The Council may secure additional audits at any time. Each audit, in its entirety, shall be made available for public inspection at the office of the City Clerk and at the Public Library.

Section 7.16 SYSTEM OF ACCOUNTS

The accounting system of the City shall conform to any uniform system of municipal accounting that may be provided by the laws of the State.

Section 7.17 CONTRACTS AND BIDS

The Council shall prescribe by resolution a general framework of necessary procedures governing financial and contractual dealings with the City. Such resolution shall include a maximum consideration below which purchases may be made by the City officials and employees either without specific authorization from the Council, or without the necessity of competitive bidding, or both. In addition, such resolution shall include a requirement that in all cases of contract by competitive bidding, the Council shall reserve the right to reject any and all bids submitted, and provisions for such rejection and notices of such right of rejection shall be incorporated in all requests for bids.

ARTICLE VIII

TAXATION

SECTION 8.1 TAXATION - LIMIT - COLLECTION

In order to carry out the purposes, powers and duties of the City Government established by this Charter, the City shall have the power to assess taxes and to lay and collect rents, tolls and excises. The annual general ad valorem tax levy for municipal purposes shall not exceed one-and-one-half (1 1/2) percent (15 mills) of the State Equalized Valuation of all real and personal property in the City. The City taxes shall be levied and collected in a manner provided by the general tax laws of the State or by this Charter.

SECTION 8.2 TAXATION - SUBJECTS - RIGHTS

The subjects of taxation for municipal purposes shall be the same as for State, County and School purposes under the general tax laws of the State, and the City shall have the rights, liens, powers and remedies accorded by law to any political subdivision of the State in connection with the collection of taxes.

SECTION 8.3 TAXATION - POWER AND EXEMPTIONS

The power of taxation shall never be surrendered nor suspended by any grant or contract to which the City shall be a party. No exemptions from taxation shall be allowed, except as are expressly required or permitted by law.

SECTION 8.4 TAX ASSESSMENT

The City Assessor shall make and complete an assessment roll in the manner and form provided in the general tax laws of the State and at the time required by the general tax laws of the State.

SECTION 8.5 BOARD OF REVIEW

A Board of Review is hereby created. It shall be composed of five (5) members, appointed by the Council. Three or more members shall constitute a quorum.

a. Two (2) members shall be Council members, appointed by the Council in January of each year.

b. Three (3) members shall be registered electors of the City, not otherwise holding an elected or appointed position with the City or any other political subdivision.

c. The three (3) non-Council members shall be appointed in January after this Charter takes effect. One (1) shall be appointed for three (3) years, one (1) for two (2) years, and one (1) for one (1) year. Thereafter, each non-Council member shall be appointed for three (3) years.

d. The City Clerk shall act as Clerk of the Board of Review. The City Assessor shall be present at all meetings of the Board of Review.

e. The City Council shall provide by resolution for the compensation of the members of the Board of Review.

SECTION 8.6 BOARD OF REVIEW - POWERS AND DUTIES

Except as otherwise provided in this Charter, the Board of Review shall have the same powers and perform the same duties as are conferred by law upon and required of the Boards of Review in townships.

SECTION 8.7 BOARD OF REVIEW - NOTICE OF MEETINGS

The City Clerk shall give notice to the public of the time and place of the first meeting of the Board of Review by publication as required by law, and in any event at least seven (7) days before the first day of this Board of Review meeting. Failure to give such notice shall not invalidate the tax roll.

SECTION 8.8 ASSESSMENT - NOTICE OF CHANGE TO OWNERS

In each case where the assessed value is increased or property is added to the rolls, the City Assessor shall give notice thereof to the respective property owners. This notice shall be mailed by first class mail to the addresses of such owners as shown on the last assessment roll, and shall be mailed not later than ten (10) days before the first meeting of the Board of Review. The failure of the property owner to receive notice shall not invalidate an assessment roll or an assessment on property.

SECTION 8.9 BOARD OF REVIEW - MEETINGS

The Board of Review shall hold at least two (2) meetings each year at such places as shall be designated by the Council. The first meeting shall commence on the Tuesday next following the first Monday in March of each year and shall continue as long as may be necessary to consider and correct the assessment roll, and shall be for the purpose of hearing the complaints of all persons considering themselves aggrieved by the assessments. Sessions of the Board of Review shall be set by the City Clerk in accordance with State law and may be set longer if necessary.

ANNOTATION: AS AMENDED BY VOTE OF ELECTORS NOVEMBER 7, 2006.

SECTION 8.10 BOARD OF REVIEW - APPEALS

In each case where there is an appeal by a property owner heard at the first meeting of the Board of Review, the Board shall give notice to each such property owner of its decision. This notice shall be given in such a manner as will insure the property owner the opportunity to attend the second meeting of the Board.

SECTION 8.11 BOARD OF REVIEW - SECOND MEETING

The second meeting of the Board of Review shall be held at such times as provided by statute for the purpose of hearing any further complaints by persons considering themselves aggrieved by the assessments. The assessment review shall be considered completed by the first Monday in April.

SECTION 8.12 BOARD OF REVIEW - ENDORSEMENT OF ROLL

After the Board of Review completes its review of the assessment roll, the majority of its members shall immediately 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 this endorsement shall not affect the validity of this roll. Upon completion, the roll shall be the assessment roll of the City for County, School and City taxes and for any other taxes on real or personal property that may be authorized by law. The assessment roll shall be conclusively presumed by all Courts and tribunals to be valid and shall not be set aside except for causes set forth in the general tax laws of the State.

SECTION 8.13 CERTIFICATION TO ASSESSOR

After the Council has adopted the budget for the ensuing year, the City Clerk shall certify to the City Assessor the total amount which the Council determines shall be raised by general taxes, all amounts of special assessments which the Council requires to be assessed or reassessed upon any property or against any person, and all other amounts which the Council may determine shall be charged, assessed or reassessed against any person or property.

SECTION 8.14 SPREADING OF THE TAXES

After the confirmation of the tax roll, the City Assessor shall certify a copy of the tax roll to the City Treasurer. The tax roll shall be delivered to the Treasurer before June 1st of each year.

This shall constitute the City tax roll for the current year. To avoid fractions and computations on any tax roll, the City Assessor may add to the amount of the several taxes to be raised an amount prescribed by statute. This added amount, when collected, shall belong to the City.

SECTION 8.15 TAXES - COLLECTION OF

After the spreading of the taxes, the City Treasurer shall collect from the persons named in the tax roll the various sums stated. The City Treasurer is granted, for the purpose of collecting the taxes, assessments and charges on the roll, all the powers and immunities possessed by township treasurers for the collection of taxes under the general tax laws of the State.

SECTION 8.16 TAXES - DUE - LIENS

The City taxes assessed shall become due on July 1st of each year, and the amounts assessed on any interest in real property shall become a lien upon such property at the time provided by the general tax laws of the State, and the lien for these amounts and for all interest and other charges shall continue until these sums are paid. All personal property taxes shall be a first lien, prior, superior and paramount, upon all personal property of the persons assessed at the time provided by the general tax laws of the State and shall remain so until paid. These tax liens shall have precedence over all other claims, encumbrances and liens upon the property, whether created by a security agreement, levy, judgment, or otherwise, and whether arising before or after the assessment of the personal property taxes. No transfer of personal property assessed for taxes shall operate to divest or destroy this lien except when such personal property is actually sold in the regular course of retail or wholesale trade.

SECTION 8.17 TAXES - POWER OF TREASURER

The City Treasurer shall have the same power and authority as conferred by law upon township treasurers for collecting taxes by suit, by distraint, or by the sale of good and chattels. All proceedings for the return and collection of unpaid taxes, the sale of lands for payment of taxes, and all other proceedings necessary in the enforcement of these taxes, shall be in all respects, so far as applicable, the same as are set by the general tax laws of the State.

SECTION 8.18 TAXES - PENALTIES

City taxes shall be due on July 1st of the year when levied. All taxes paid on or before September 1st shall be collected by the City Treasurer without penalty. An additional charge of one (1) percent shall be added to all unpaid City taxes on September 1st and an additional charge of one (1) percent shall be added to all delinquent unpaid taxes on the first day of each month thereafter until the taxes are paid. This added penalty shall belong to the City and shall 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. If September 1st falls on a Sunday or legal holiday, taxes shall be collected without penalty on the next business day.

SECTION 8.19 TAXES - PAYMENT OF

The City Treasurer shall give notice to the taxpayers of the City not later than July 1st of each year by publication in a local newspaper of general circulation in the City, of the time when the City taxes will be due and when they can be paid without penalty, and that one (1) percent penalty per month will be charged upon all taxes remaining unpaid after September 1st. As soon as practical after completion of the tax roll, and in no event later than July 1st, the City Treasurer shall forward a statement of the taxes due, by first class mail addressed to the owners of the property upon which taxes are assessed, as indicated by the tax roll. Failure on the part of the City Treasurer to mail this statement shall not invalidate the taxes on this roll or relieve the property assessed from the penalties provided by this Article or by the general tax laws of the State.

SECTION 8.20 TAX ROLL - RETURN TO COUNTY TREASURER

Any taxes on the City tax roll which remain unpaid on March 1st following the date when the roll was received by the City Treasurer shall be returned to the County Treasurer in the same manner and with like effect as returns by township treasurers of township, school and county taxes. These returns shall be made upon a delinquent tax roll to be prepared by the City Treasurer and shall include all the additional charges and fees hereinbefore provided. These charges and fees shall, in these returns, be added to the amount assessed on the tax roll against each description. The taxes so returned shall be collected in the same manner as other taxes returned to the County Treasurer, and shall remain a lien upon the assessed lands until paid.

SECTION 8.21 PROTECTION OF TAX LIEN

The City shall have the power to purchase any property within the City at any tax or other public sale, or to purchase the property directly from the State or the fee owner, when such purchase is necessary to protect the lien of the City for taxes or special assessments. The City may hold, lease or sell this property. Any such procedure exercise by the City in the protection of its lien shall be deemed to be for the public purpose.

SECTION 8.22 TAX COLLECTION - COUNTY, SCHOOL AND STATE

For the purpose of assessing and collecting taxes in the City for State, County and School purposes, the City shall be considered the same as a township and shall collect and account for these taxes, penalties and interest in the same manner provided by the general tax laws of the State.

SECTION 8.23 CHANGES - ADDITIONS

In all matters where this Charter does not fully or adequately provide for the levy and collection of City, County, State, School or other taxes, the City Council shall have the power and authority to adopt additional ordinances necessary to carry out and enforce the general tax laws of the State.

ARTICLE IX
SPECIAL ASSESSMENTS

SECTION 9.1 DETERMINATION

The Council shall have the power to determine the necessity of any local or public improvement, including public parking facilities and boulevard lighting systems, and to determine that the whole or any part of the costs thereof shall be defrayed by special assessment upon the property especially benefitted, and shall so declare by resolution, provided that all special assessments levied shall be based upon or be in proportion to the benefits derived or to be derived. Such resolution shall state the estimated cost of the improvement, what proportion of the cost shall be paid by special assessment, what part, if any, shall be a general obligation of the City, the number of installments in which the assessments may be paid, the interest rate on any unpaid assessment if any, the date on which any such interest shall commence, and shall designate the districts or land and property on which special assessments shall be levied.

SECTION 9.2 PROCEDURE

The Council shall prescribe by general ordinance the complete special assessment procedure concerning the initiation of projects, plans and specifications, estimates of cost, notice of hearings, making and confirming assessment rolls for the improvement, the correction of errors in the assessment rolls, collections of special assessments, the assessment of single lots or parcels, and any other matters concerning the making of improvements by the special assessment method, subject to the provisions of this Charter and the laws of the State. The ordinance shall authorize additional assessments, if the prior assessment proves insufficient to pay for the improvement or is determined to be invalid, in whole or in part.

SECTION 9.3 CONFIRMATION

Confirmation of any special assessment must be made by a majority vote of the entire Council. This section shall not apply to sidewalk improvement.

SECTION 9.4 REFUND

The excess by which any special assessment proves larger than the actual cost of the improvement and expenses incidental thereto shall be refunded on a pro rata basis to the owners of the property assessed. This refund shall be made by credit against unpaid future installments to the extent that installments are still owing, and the balance of the refund shall be in cash. No refunds may be made

which contravene the provisions of any outstanding evidence of indebtedness secured in whole or in part by the special assessment. Minimum refund shall be of five dollars (\$5.00).

SECTION 9.5 LIENS

From the date of confirmation of any roll levying any special assessment, the full amount of any special assessment and any interest thereon shall be a lien upon the property subject thereto and shall be a debt of the person to whom assessed until paid. This lien shall be of the same character and effect as the lien created by this Charter for City taxes. The assessment shall be levied upon the respective lots and premises to which they are specially assessed, and against the persons chargeable therewith, as a tax in the next City tax roll in a column for special assessments. The amount so levied shall be enforced and collected in the same manner as other taxes and when collected shall be paid into the City treasury.

SECTION 9.6 CHANGES - ADDITIONS

In any case where the provisions of this Charter, either expressed or incorporated herein, may prove to be insufficient to carry into full effect the making of any special assessment, the Council shall provide by general ordinance any additional steps or procedures required to effect the improvement by special assessment.

ARTICLE X
BORROWING POWER

SECTION 10.1 SCOPE OF POWER

Subject to this Charter and the laws of the State, the Council, by ordinance, may authorize the borrowing of money for any purpose within the scope of the powers of the City, including parking facilities, street lighting, and the City's share of the cost of any local improvement, and may issue bonds of the City or other evidence of indebtedness, and may pledge the full faith, credit and resources of the City for payment of the obligation created thereby.

SECTION 10.2 BONDS - SPECIAL ASSESSMENTS

Subject to the laws of the State, the Council shall have authorization to borrow money in anticipation of the payment of special assessments made for the purpose of defraying the cost of any local improvements, or in anticipation of the payment of any combination of such special assessments, and to issue bonds therefor. Such special assessment bonds may be an obligation of the special assessment district or may be both an obligation of the special assessment district or districts and a general obligation of the City. All collections of each special assessment roll or combination of rolls shall be set apart in a separate fund for the payment of the principal and interest of the bond issued in anticipation of such special assessment and shall be used for no other purpose.

SECTION 10.3 BONDS - ISSUANCE OF

The issuance of any bonds not requiring the approval of the electors shall be subject to applicable requirements of the laws of the State, and with regard to public notice in advance of the authorization of these bonds, filing of petitions for a referendum on these bonds, holding of a referendum, and other applicable procedures.

SECTION 10.4 INDEBTEDNESS LIMITS

The net bonded indebtedness incurred for all public purposes shall not at any time exceed the limit permitted by the Constitution and laws of the State, provided that in computing such net bonded indebtedness there shall be excluded those bonds permitted to be so excluded by the Constitution and laws of the State.

SECTION 10.5 USE OF BONDS - STATEMENT

Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which it is issued, and it shall be unlawful for any official of the City to use the proceeds of the bond for any other purpose. All bonds and other evidences of indebtedness issued by the City shall be signed by the Mayor and countersigned by the City Clerk under the seal of the City. Interest coupons may be executed with the facsimile signatures of the Mayor and City Clerk. A complete and detailed record of all bonds and other evidences of indebtedness issued by the City shall be kept by the City Clerk. Upon the payment of any bond or other evidence of indebtedness, the same shall be marked "Canceled".

SECTION 10.6 UNISSUED BONDS

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 such bonds are not sold within three (3) years after authorization, such authorization shall be null and void.

ARTICLE XI
FRANCHISES

SECTION 11.1 FRANCHISES - GRANTING OF

The City Council may grant a franchise or license by ordinance for a period not to exceed five (5) years.

ARTICLE XII
UTILITY FRANCHISES AND MUNICIPAL OWNERSHIP

SECTION 12.1 GENERAL POWERS

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 and maintain, either within or without its corporate limits, including, but not by way of limitation, public utilities for supplying water, light, heat, power, gas, sewage treatment, and garbage disposal facilities, or any of them, to the municipality and the inhabitants thereof; and also to sell and deliver water, light, heat, power, gas and other public utility services without its corporate limits as authorized by law.

SECTION 12.2 MANAGEMENT

All municipally owned or operated utilities shall be administered as regular departments of the City government, under the management and supervision of the City Manager. The City Manager shall appoint department supervisors solely on the basis of merit.

SECTION 12.3 RATES

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

b. The rates and charges of any municipal utility for the furnishing of services shall be no higher than necessary to cover the costs of such utility, including depreciation, capital improvements, and the creating and maintaining of an emergency fund.

c. 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 at the office of the City Clerk.

d. The City Council shall create emergency funds for the Electric, Sewage and Water utilities to meet contingencies. Each fund shall be not less than Seventy Five Thousand Dollars (\$75,000.00) and each fund is to be so administered as to reach that intended minimum level in a period of five (5) years. Any withdrawal for emergency use must be replaced within five (5) years.

Section 12.4 DISPOSAL OF UTILITY PLANTS AND PROPERTY

Unless approved by the affirmative vote of two-thirds (2/3) of the registered electors 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 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, or to the exchange of property or easements for other property or easements. The provisions of this section shall not extend to the vacation or abandonment of streets, as provided by law.

Section 12.5 GRANTING OF PUBLIC UTILITY FRANCHISES

a. Public utility franchises and all renewals and extensions thereof all amendments thereto shall be granted only by ordinance. No franchise shall be granted for a period of longer than five (5) years.

b. No franchise ordinance which is not subject to revocation at the will of the Council shall be enacted or become operative until the same shall have first been referred to the people at a regular or special election and received the affirmative vote of three-fifths (3/5ths) of the electors voting thereon. No such franchise ordinance shall be approved by the Council for referral to the electorate before thirty (30) 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 City Clerk his unconditional acceptance of all terms of the franchise. No special election for such purpose shall be ordered unless the expense of holding such election, as determined by the Council, shall have first been paid to the City Treasurer by the granted.

c. 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 (4) weeks after publication of a notice that such ordinance is so on file.

Section 12.6 CONDITIONS OF PUBLIC UTILITY FRANCHISES

All public utility franchises granted after 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 franchises any provision within the power of the City to impose or require:

- a. To repeal the same for misuse, non-use, or failure to comply with the provisions thereof;
- b. To require proper and adequate extension of plant and service and maintenance thereof at the highest practicable standard of efficiency;
- c. To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;
- d. To require continuous and uninterrupted service to the public in accordance with the terms of 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.

Section 12.7 REGULATION OF RATES

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

Section 12.8 USE OF PUBLIC PLACES BY UTILITIES

Every public utility, whether it has a franchise or not, shall pay such part of the cost of improvement, or maintenance of streets, alleys, bridges and 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 public 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.

Section 12.9 SALE AND ASSIGNMENT OF FRANCHISES

The grantee of a franchise may not sell, assign, sublet, or allow another to use the same, unless the Council consents. Nothing in this section shall limit the right of the grantee of any public utility franchise to mortgage its property or franchise, nor restrict the right of the purchaser, upon foreclosure sale, to operate the same, except that such mortgagee or purchaser shall be subject to the terms of the franchise and the provisions of this Charter.

ARTICLE XIII
PLANNING AND ZONING

Section 13.1 PLANNING COMMISSION

The City Council shall create a Planning Commission in accordance with statute.

Section 13.2 ZONING

The City Council shall prescribe by ordinance the zoning laws for the City.

Section 13.3 ZONING VARIANCES

ANNOTATION: AS AMENDED BY THE VOTE OF ELECTORS ON NOVEMBER 5, 1991.

ARTICLE XIV
TRANSITION

Section 14.1 **PURPOSE**

The purpose of this Article is to assist in the transition from the existing Charter to this Charter and it shall constitute a part of this Charter only to the extent and for the time required to accomplish that end.

Section 14.2 **EFFECTIVE DATE**

Except as otherwise provided herein, this Charter shall take effect and become law on the first (1st) Monday in June, 1978, at 12:01 A.M.

Section 14.3 **INITIAL ELECTION AND TERMS OF OFFICE**

a. The first election of City Council members under this Charter shall take place on the first Tuesday after the first Monday in November, 1978. Three (3) Council members shall be elected on that occasion, being one (1) Council member from each of the wards of the City, each of whom shall take office on the second (2nd) Monday in April, 1979, and serve through December 31, 1980. The nomination and election of such Council members shall be in accordance with the provisions of this Charter. The first meeting of the Council under this Charter shall be held on the first (1st) Monday of July, 1978.

b. The Mayor elected in November, 1978, shall take office on the second (2nd) Monday in April, 1979, and serve through December 31, 1979.

c. The City clerk elected in November, 1978, shall take office on the second (2nd) Monday in April, 1979, and serve through December 31, 1979.

d. The City Council members elected in November, 1979, shall take office on the second (2nd) Monday in April, 1980, and serve through December 31, 1981.

e. The office of Treasurer under the Fourth Class Cities Act shall be abolished and terminated upon the appointment of a Treasurer as hereinbefore provided, such Treasurer to be appointed on the second (2nd) Monday in April, 1979.

Section 14.4 VACANCIES

Should a vacancy occur in any office of the City after adoption of this Charter and prior to April 1, 1979, such vacancy shall be filled in the manner provided in the existing charter of the City and the person so appointed or elected shall serve until the time that the term of office to which that person was appointed or elected expires under the provisions of the existing charter, except as modified by this Charter.

Section 14.5 TERMS OF PUBLIC OFFICIALS

Notwithstanding any other provision of the Charter, the existing term of any public official shall not be shortened or extended beyond the period for which he is elected or appointed, unless he resign or be removed for cause, where such office is held for a fixed term. Otherwise public officials and employees shall continue in their offices at the pleasure of the appointing or hiring official or body.

Section 14.6 CONTINUATION OF RIGHTS - CLAIMS - CONTRACTS, ETC.

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

Section 14.7 CONTINUATION OF ORDINANCES, RESOLUTIONS AND RULES

All laws, ordinances, resolutions, orders, rules, or regulations in force in the City at the time this Charter takes effect, to the extent they are not inconsistent with the provisions of this Charter, shall continue in full force until repealed or amended.

Section 14.8 CONTINUATION OF BOARDS, COMMITTEES AND COMMISSIONS

All boards, committees, agencies, or commissions of the City in existence at the time this Charter takes effect, to the extent they are not inconsistent with the provisions of this Charter, shall continue to function until abolished or modified by the Council in accordance with the provisions of this Charter.

Section 14.9 STATUS OF TAXES AND ASSESSMENTS

All taxes and assessments levied or assessed and all charges thereon and all fines and penalties imposed, which are uncollected at the time this Charter takes effect, shall be collected as if such change had not been made. If a remedy is provided by this Charter, or by any ordinance or resolution, the remedy shall be deemed cumulative to the remedies under the existing charter.

Section 14.10 TRANSITION AUTHORITY

In all cases not covered by this Charter, the Council shall supply necessary details and procedures for the transition from government of the City under the existing charter to that under this Charter, and may adopt such rules, resolutions and ordinances as may be required therefor.

Section 14.11 SUBMISSION TO VOTERS; FORM OF BALLOT

This Charter shall be submitted to a vote of the registered electors of the City of Charlevoix at the General Election to be held on April 3, 1978. All provisions for the submission of the question of adoption of this Charter at such election and the counting and certifying of the vote thereon shall be made by the City Clerk in the manner provided by law. This Charter shall be adopted if a majority of the ballots cast thereon are in favor of the adoption.

The form of the ballot for the submission of this Charter to the electors shall be as follows:

Shall the Charter proposed for the City
of Charlevoix by the Charter Commission
elected on April 7, 1975, be adopted?

YES _____

NO _____

A "Yes" Vote will be a vote in favor of adoption of the proposed Charter.

A "No" Vote will be a vote against adoption.