



CITY OF MANTON

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I, Ruth Abrahamson, City Clerk of the City of Manton, do certify that on November 2, 1993 the City held a Special Election on the question "SHALL THE MANTON CITY CHARTER PROPOSED BY THE MANTON CHARTER COMMISSION BE ADOPTED?" The tally of the vote was 100 "yes" and 17 "no". The new Charter become effective December 1, 1993.

Ruth Abrahamson
Ruth Abrahamson, Manton City Clerk

Nov. 4, 1993
Dated

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CHARTER FOR THE CITY OF MANTON

PREAMBLE

We, the people of the City of Manton, County of Wexford, State of Michigan, by the Grace of Almighty God, pursuant to the authority granted by the Constitution and Laws of the State of Michigan, in order to secure the benefits of self government, and to provide for the public peace and health and for the safety of persons and property, do hereby ordain and establish this Charter for the City of Manton.

CHAPTER 1 NAME AND BOUNDARY

Section 1.1 Name and Territory. The Municipal Corporation, known as the City of Manton, Wexford County, State of Michigan, shall continue as a body corporate and shall include the territory constituting the City of Manton on the effective date of this charter.

Section 1.2 Boundary Change. Upon annexation or detachment of territory, the boundaries shall be changed without amendment to this charter.

Section 1.3 Description. An official description and map of the current boundaries of this city shall be maintained and kept available in the clerk's office for public inspection.

CHAPTER 2 GENERAL PROVISIONS AND DEFINITIONS

Section 2.1 Government Description. The legislative power of the city, except as reserved by this charter, shall be vested in a commission consisting of a mayor and six (6) commission members elected at large on a nonpartisan basis. The commission shall have the power and authority to adopt such ordinances and resolutions as it shall deem proper.

Section 2.2 Wards. The city shall consist of one single ward.

Section 2.3 Titles and Immunities. The City of Manton and its officers shall be vested with any and all powers and immunities expressed and implied, which cities and their officers are, or hereafter may be, permitted to exercise or to provide for in their charters under the constitution and laws of the State of Michigan, as fully and completely as though those powers and immunities were specifically enumerated in and provided for in this charter. In no case shall any enumeration of particular powers of immunities in this charter be held to be exclusive or a limitation.

Section 2.4 Procedure. Where no procedure for the exercise of any power of the city is set forth, either in this charter or in any statute of the State of Michigan, the commission shall prescribe by ordinance a reasonable procedure for the exercise thereof.

Section 2.5 Interlocal Agreements. 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 states or civil divisions of agencies thereof, or the United States or any agency thereof.

Section 2.6 Public Records. All public records of the city shall be in the English language. Public records shall be available to the public, except as provided by statute. See the Freedom of Information Act, No. 442 of the Public Acts of 1976, as amended.

Section 2.7 Headings. The chapter and section headings used in this charter are for convenience only and shall not be considered to be a part of this charter.

Section 2.8 Penalties. Any person found guilty by a court of competent jurisdiction of any violation of this charter declared to be a misdemeanor may be punished by a maximum fine of \$500.00, imprisonment for 90 days, or both such fine and imprisonment, as determined by the court and the laws of the State of Michigan.

Section 2.09 Regular Business Days. Whenever the date fixed by law or ordinance for the doing or completion of any act falls on a legal holiday or other non-business day for the city, such act shall be done or completed on the next succeeding regular business day for the city.

Section 2.10 Amendments. This charter may be amended at any time in the manner provided by statute. Should two (2) or more amendments, adopted at the same election, have conflicting provisions, the one receiving the higher vote shall prevail as to those provisions.

Section 2.11 Effect of Illegality of Any Part of Charter. Should any provision or section, or portion thereof, of this charter be held by a court of competent jurisdiction to be invalid, illegal, or unconstitutional, such holding shall not be construed as affecting the validity of this charter as a whole, or of any remaining portion of such provision or section.

Section 2.12 Definitions and Interpretations. Except as otherwise specifically provided or indicated by the context of this charter:

- a. The word "assessor" shall mean the City Assessor;
- b. The word "charter" shall mean the City Charter of the City of Manton;
- c. The word "city" shall mean the City of Manton;
- d. The word "clerk" shall mean the City Clerk;
- e. The word "commission" shall mean the City Commission of the City of Manton;
- f. The word "officer" shall include, but shall not be limited to the mayor, the members of the commission, and, as herein provided, the administrative officers, deputy administrative officers, and members of city boards and commissions created by or pursuant to this charter.

g. The word "person" may extend and be applied to bodies politic and corporate and to partnerships and associations, as well as to individuals;

h. The words "printed" and "printing" shall include printing, engraving, stenciling, duplicating, lithographing, typewriting, photostating, word processing, or any similar method;

i. The words "public utility" shall include all common carriers in the public streets and rights of way: water, sewage disposal, electric light and power, gas, telephone and telegraph lines and systems, cable television, garbage and refuse collection and disposal and reduction plants or transfer stations, transportation, and such other and different enterprises as the commission may determine or designate;

j. The words "publish" or "published" shall include publication of any matter required to be published, in the manner provided by law, or where there is no applicable law, either (1) in a manner decided by the City Commission, with copies available for review and purchase at the office of the City Clerk, and a summary thereof published in a newspaper of general circulation in the city; or (2) in one or more newspapers of general circulation in the City, qualified by law for publication of legal notices or in accordance with this charter.

k. Quorum. Except as otherwise expressly provided in this charter (as, for example, in Section 6.2), a quorum of any board created by or under this charter shall consist of a majority of the number of its members as established by this charter, or by the ordinance creating such commission or board;

l. The word "state" shall mean the State of Michigan;

m. The word "treasurer" shall mean the City Treasurer;

n. Except in reference to signatures, the words "written" and "in writing" shall include handwritten script, printing, typewriting, and teletype, telegraphic and similar communications;

o. All words indicating the present tense shall not be limited to the time of the adoption of this charter, but shall extend to and include the time of happening of any event or requirement to which any provision of this charter is applied;

p. The singular shall include the plural, and plural shall include the singular; the masculine shall extend to and include the feminine; the feminine shall extend to and include the masculine; and either or both shall include the neuter;

q. All references to statutes shall be considered to be references to such statutes as amended.

CHAPTER 3 ELECTIONS

Section 3.1 Qualifications of Electors. City residents qualified to vote on State of Michigan issues, and who are registered voters in the city, shall be eligible to vote.

Section 3.2 Election Procedure. The election of all city officers shall be on a nonpartisan basis. The state election statutes shall apply and control, as near as may be, all procedures relating to city elections. The clerk shall give public notice of each election in the same manner as is required for giving public notice of general elections of the state.

Section 3.3 Precincts. The city election precincts shall remain as they existed on the effective date of this charter unless altered by the City Election Commission, in accordance with statutes.

Section 3.4 Election Commission. The election commission shall consist of the clerk and one other elected city officer whom the city commission shall designate, and one other qualified registered elector whom the city commission shall designate. Such appointed persons shall serve at the pleasure of the city commission. The clerk shall be chairman. The election commission shall have charge of all activities and duties required of or by state law and this charter relating to the conduct of elections in the city. The compensation of election personnel shall be determined in advance by the election commission, when approved by the city commission in accordance with the city budget.

Section 3.5 Regular Elections. The regular city election shall be held on the first Tuesday following the first Monday in November of each odd numbered year, at the odd year general election.

Section 3.6 Special Elections. Special elections shall be held when called by resolution of the commission at least sixty (60) days before such election, or when required by the charter or state law. Such resolution shall set forth the purpose of the election. No more than two (2) special elections shall be called in any one year.

Section 3.7 Nominations Procedure. The candidates for elective office shall be nominated from the city at large by petitions, blanks for which shall be furnished by the clerk upon request. Each such petition shall be signed by not less than twenty (20) nor more than thirty (30) registered electors of the city, and shall be filed at the clerk's office before four o'clock (4:00) p.m., local time, on or before the twelfth (12th) Tuesday prior to the date of such election. Nominating petitions for candidates to be nominated at any regular city election shall not be circulated more than 40 days prior to the last date for filing.

Each elector signing such petition shall include his or her residential street and number and the date of signature. No elector shall sign petitions for more candidates for any office that the number to be elected to such office and should an elector do so, all such signatures bearing the most recent date(s) shall be invalidated. No petition shall be left for signatures in any public place

unless accompanied by the circulator of the petition. When a petition is filed by persons other than the person whose name appears thereon as a candidate, it may be accepted only when accompanied by the written consent of the candidate.

Section 3.8 Approval of Petitions. The clerk shall accept, for filing, only such nominating petitions as comply with requirements previously stated, containing the required number of signatures, for qualified candidates.

The clerk shall, within three (3) days after the final date for filing completed petition forms, determine the sufficiency of signatures on each petition filed; if the clerk finds that any petition does not contain the required number of official signatures of registered electors, the clerk shall immediately notify the candidate, in writing, of the insufficiency of such petition(s), by certified mail, unless delivered personally.

Any candidate whose petitions are found to be invalid or insufficient shall be allowed to file supplementary or replacement petitions up to the last day for filing original petitions. Petitions found by the clerk to contain the required number of signatures of registered electors for qualified candidates shall be marked "Approved" with the date thereof.

All nominating petitions shall be open to public inspection in the office of the City Clerk as required by state law.

Withdrawal of a candidate's name from consideration on the ballot must be made in writing and in conformance with the time allowed by statute.

Section 3.9 Form of Ballot. The ballots for all elections under this charter shall conform to the printing and numbering of ballots as required by statute, except that no party designation or emblem shall appear on any city ballot.

If two or more candidates or nominees for the same office have the same or similar surnames, the Election Commission shall print the residence address under the name of the candidates or nominees on the ballot. Except as provided by state law, there shall be no supplementary identification of candidates or nominees on the ballot.

Section 3.10 Canvass of Votes. The County Board of Canvassers shall canvass the votes of all city elections, in accordance with statute.

Section 3.11 Tie Vote. If there is a tie between candidates for election to office, the determination of the election of such candidate will be provided by state statute.

Section 3.12 Recount. A recount of the votes cast at any city election for any office, or upon any proposition, may be had in accordance with the election laws of the state.

Section 3.13 Recall. Any elective official may be removed from office by the electors of the city in the manner provided by the general laws of the state. A vacancy created by the recall of any elective official shall be filled in the manner prescribed by state law.

Section 3.14 Absentee Ballots. The electors of the city shall be entitled to vote by absentee ballots at any city election, under the circumstances and in the manner provided by law.

Section 3.15 Voting Hours. The polls of all elections shall be opened and closed at the time prescribed by law for the opening and closing of polls at state elections.

Section 3.16 Determination of Election Results. Candidates receiving the highest numbers of votes at the election shall be declared elected until the number declared elected equals the number of offices to be filled at the election.

CHAPTER 4

MUNICIPAL POWERS

Section 4.1 General Powers. All powers now or hereafter possible for a city or its officers to possess under the Constitution and laws of this state are incorporated as effectively as if they were fully repeated herein.

Section 4.2 Enumeration of Powers. In addition to all powers otherwise indicated by the charter, law and constitution, the city shall have all powers permissible for a city to have in its charter, including, but not limited to the following:

- a. The power to borrow money on the credit of the city and issue bonds therefor for any purpose within the scope of the city's power and the power to borrow money and issue bonds in anticipation of the payment of special assessments, which bonds may be an obligation of the special assessment district and a general obligation of the city. MSA 5.2074(1); MCLA 117.4a.
- b. The power to refund money advanced or paid on special assessments imposed for water main extensions; the power to borrow money through the city commission on the faith and credit of the city to provide for such refunding from time to time as building shall be connected with such water main extensions; and the power to issue bonds therefore due in not more than 30 years in an amount and at a rate of interest established by the commission. MSA 5.2075(1); MCLA 117.4b.
- c. The power to install and connect sewers and water works on and to property within the city; the power to assess the cost thereof to the several properties and make the same a lien thereon; the power to borrow money and issue bonds in anticipation of the collection of such special assessments. MSA 5.2075(2); MCLA 11.4b.
- d. The power to install and connect conduits for the service of municipally owned and operated electric lighting plants, and to borrow money and issue the bonds therefor, for the purpose of providing the first cost of such installation and connection. MSA 5.2075(3); MCLA 117.4b.
- e. The power to issue mortgage bonds beyond the general limit of bonded indebtedness for the purposes of acquiring, owning, purchasing, constructing, and operating a public utility, including the creation of a sinking fund therefor. MSA 5.2076; MCLA 117. 4c.
- f. The power to assess and reassess the costs or any portion thereof of any public improvement to a special district, including the installation of a boulevard lighting system on any street. MSA 5.2077; MCLA 117.4d.
- g. The power to acquire by purchase, gift, condemnation, lease, construction or otherwise, either within or without the corporate limits of the city, and either within or without the corporate limits of the county in which it is located, of the following improvements including

the necessary land, viz; city hall, police stations, fire stations, boulevards, streets, alleys, public parks, recreation grounds, municipal camps, public grounds, zoological gardens, museums, libraries, airports, cemeteries, public wharves and landings upon navigable waters, levees, embankments, watchhouses, city prisons and workhouses, penal farms, institutions, hospitals, quarantine grounds, electric light and power plants and systems, gas plants and systems, water works plants and systems, sewage disposal plants and systems market houses and market places, office buildings for city officers and employees, public works, and public buildings of all kinds; and the power to incur the cost and expenses thereof. MSA 5.2078(1); MCLA 117.4e.

h. The power to acquire private property by purchase, gift, condemnation, lease or otherwise, either within or without the corporate limits of the city, and either within or without the corporate limits of the county in which the city is located, for any public use or purpose within the scope of its powers, whether or not herein specifically its property, and upon the discontinuance thereof to lease, sell or dispose of the same subject to any restrictions placed thereupon by law. MSA 5.2078(2), (3); MCLA 117.4e.

i. The power to purchase or condemn franchises and the property used in the operation of companies or by individuals engaged in the plank road, cemetery, hospital, almshouse, electric light, gas, heat, water, and power business; and the power to contract upon the terms and conditions and, in the manner deemed proper, the power to purchase, operate, and maintain any existing public utility property for supplying water, heat, light, power, telecommunications or transportation to the city and the inhabitants thereof. MSA 5.2079(1); MCLA 117.4f.

j. The power to own, construct, and operate transportation facilities within the city limits and within a distance of ten miles from any portion of the city limits. MSA 5.2079(2); MCLA 117.4f.

k. The power to purchase and condemn private property for any public use or purpose within the scope of its powers, the power to acquire, own, establish, construct, and operate, either within or without its corporate limits, public utilities for supplying water, light, heat, power, and transportation to the city and the inhabitants thereof for domestic, commercial, and municipal purposes; the power to sell and deliver heat, power and light without its corporate limits at wholesale or other than wholesale in an amount as determined by the governing body of the utility supplying the heat, power, or light, and subject to state law. MSA 5.2079(3); MCLA 117.4f.

l. The power to acquire, establish, operate, extend, and maintain sewage disposal systems, sewers, and plants, either within or without its corporate limits, as a utility, including acquiring property necessary by purchase, gift, or condemnation, and to fix and collect charges for service covering the cost of such service which may include a return on the fair value of the property devoted to this service excluding the portions of this system as may have been paid for by special assessment, and which charge may be made a lien upon the property served and if not

paid when due, to be collected in the same manner as other city taxes. MSA 5.2079(4); MCLA 117.4f.

m. The power to acquire by construction, condemnation, or purchase, and to own, equip, possess, lease, operate and maintain a rapid transit system consisting of a tunnel, subway, service or elevated system or any combination and qualification of these, in and through the city, and for a distance of not more than ten miles beyond its limit, for the purpose of furnishing transportation facilities to the city and to the people thereof; the power to prepare and publish plans for such construction, equipment and maintenance as determined by the City Commission the power to operate such facilities or transportation system, owned, operated or controlled by the city or existing within the city, or in the territory in which any such rapid transit system is established; the power to designate such facilities; the power to take the fee of or easement or right-of-way on, under, above and through any property for the purposes thereof, by gift, grant and purchase, and by condemnation proceedings in accordance with state law; the power to manage such facilities, for the purposes for which the same are or may be acquired or constructed; the power under procedures established by the City Commission to execute contracts incidental to the carrying out of the purposes hereby contemplated; and the power to properly finance such system as deemed suitable by the City Commission and as allowable by law. MSA 5.2080(1); MCLA 117.4g.

n. The power to use, regulate, improve and control the surface of streets, alleys and public ways, and of the space above and beneath them, and the power to control the use, by others than the owner, of property located in streets, alleys and public places, in the operation of a public utility, upon payment of a reasonable compensation to the owner thereof. MSA 5.2081(1), (2); MCLA 117.4h.

o. The power to adopt a plan of streets and alleys in the city and for a distance of not more than three miles beyond the city limits; and the power to regulate streams, waters and water courses within the city. MSA 5.2081(3), (4); MCLA 117.4h.

p. The power to secure by condemnation, agreement or purchase, or by any other means, an easement in property abutting or adjacent to any navigable stream, for the purpose of securing the privilege and right to construct, own and maintain along or adjacent to any navigable stream an elevated structure of one or more levels for use as a vehicular or pedestrian passage way or for any other municipal purposes. MSA 5.2081(5); MCLA 117.4h.

q. The power to acquire, establish, operate, extend and maintain facilities for the storage and parking of vehicles within its corporate limits, including affixing and collecting of charges for services and use thereof a public utility basis, and for such purpose to acquire by gift, purchase, condemnation or otherwise the land necessary. MSA 5.2081 (6); MCLA 117.4h.

r. The power to acquire, construct, establish, operate, extend and maintain facilities for the docking of pleasure water craft and or hydroplanes within the corporate limits, including the fixing and collecting of charges for use thereof, and for such purpose or purposes to acquire by

gift, purchase, condemnation or otherwise, the lands necessary therefor. MSA 5.2081(7); MCLA 117.4h.

s. The power to lay and collect rents, tolls, and excises. MSA 5.208(1); MCLA 117.4i.

t. The power to establish districts or zones within the use of land and structures, height, areas, size and location of buildings and required open spaces for light and ventilation of such buildings, and density of population may be regulated by ordinance; and the power to regulate and restrict the locations of oil and gasoline stations. MSA 5.2082(2), (3); MCLA 117.4i.

u. The power to regulate trades, occupations and amusements within city boundaries, not inconsistent with state and federal laws; to prohibit trades, occupations and amusements as are detrimental to the health, morals and welfare of the inhabitants; and the power to license, regulate, restrict and eliminate the number and locations of billboards within the city. MSA 5.2083(4), (5); MCLA 117.4j.

v. The power to establish a system of civil service for its employees; and the power to compensate employees and their dependents in case of disability, injury, or death of such employees. MSA 5.2082(7), (8); MCLA 117.4i.

w. The power to enforce all local, police, sanitary and other regulations not in conflict with state law; and the power to punish those who violate city laws or ordinances. MSA 5.2082(9), (10); MCLA 117.4i.

x. The power to exercise all municipal powers in the management and control of municipal property and in the administration of municipal government, whether such powers be expressly enumerated or not, to advance the interests of the city, good government and prosperity of the municipality and its inhabitants, and to pass laws and ordinances relating to its municipal concerns subject to the constitution and general laws of this state. MSA 5.2083(3); MCLA 117.4j.

y. The power to appropriate and allocate public funds to a public or non-profit institution engaged within the city in the provision of civic, artistic, and cultural activities, including but not limited to music, theater, dance, visual arts, literature and letter, architecture, architectural landscaping, and allied arts and crafts to the general public. MSA 5.2083(1); MCLA 117.4k.

CHAPTER 5

ELECTIVE OFFICERS

Section 5.1 Elective Officers. The elective officers of this city shall be:

a. Mayor. The mayor shall be elected from the city at large, at the general city election in November of each odd numbered year. The mayor shall be deemed a member of the commission, as further defined in Section 6.3.

b. Commissioners. Six commissioners shall be elected from the city at large, at the general city election in November of each odd numbered year, for overlapping four-year terms. Three commissioners shall be elected at each regular city election.

c. City Clerk. Until November 30, 2019, or there is a vacancy in the office, whichever occurs first, the City Clerk shall be elected for a four-year term at a regular City election. Thereafter, the City Clerk shall be appointed by the City Commission for a two-year term.¹

d. City Treasurer. Until November 30, 2017, or there is a vacancy in the office, whichever occurs first, the City Treasurer shall be elected for a four-year term at a regular City election. Thereafter, the City Treasurer shall be appointed by the City Commission for a two-year term.²

e. Board of Review. Two members of the Board of Review shall be elected each for a two year term at the regular city election.

f. Elective Officers. The Elective Officers of the City are the Mayor, six (6) Commissioners, and the Members of the Board of Review.³

Section 5.2 Qualifications. Each elective officer must be a duly registered elector in the city, and shall have been a resident of the city for at least six (6) months immediately prior to the election at which he or she is a candidate for office.

Section 5.3 Beginning of Term of Office. All elective officers shall hold office for their elected term beginning on December 1st following each regular city election at which they were elected. All appointed positions shall commence at a date to be determined by the City Commission.⁴

Section 5.4 Oath of Office. Each elective and appointive officer of the city, before entering upon the duties of his or her office, shall take and subscribe to the oath of office prescribed by the state constitution, which shall be filed and kept in the office of the clerk. Failure to take the oath of office shall be deemed a refusal to serve, and the office shall be declared vacant.

¹ Amended as the result of charter amendment election on November 8, 2016.

² Amended as the result of charter amendment election on November 8, 2016.

³ Amended as the result of charter amendment election on November 8, 2016.

⁴ Amended as the result of charter amendment election on November 8, 2016.

Section 5.5 Vacancy Defined. In addition to other provisions of this charter, a vacancy shall be deemed to exist in any elective office on the day when the officer dies, files his or her resignation with the city clerk, is removed from office, moves from the city, is convicted of a felony or of misconduct in office under this charter, is judicially declared to be mentally incompetent, or is absent from three (3) consecutive regular meetings of the commission, unless excused by the commission for cause to be stated in the record of commission proceedings.

Section 5.6 Vacancies, Appointment. If a vacancy occurs in an elective office, except in the case of recall, the Commission shall fill the vacancy by appointment within 60 days thereafter. Appointment of a mayor or commissioner, except as otherwise provided in this charter or state statute, shall be for a term ending at the first commission meeting following the next regular city election. In the event there is a vacancy in the office of a Clerk or Treasurer, the Commission, in its discretion, may fill the position for the remaining portion of the existing term, or appoint a new Clerk or Treasurer for a full two-year term.⁵

Section 5.7 Commission as Nominating Caucus. In the event that no nominating petitions are filed for any person as a city candidate for election, the commission shall, within 10 days after the last day for filing nominating petitions for such position(s), meet at the call of the clerk, as a nominating caucus, and nominate at least one (1) qualified elector for each such elective position. Notice of such meeting shall be given by the clerk in compliance with the Open Meetings Act.

Section 5.8 Delivery of Office to Successor. Any officer or employee who leaves an office or employment for any reason shall deliver forthwith to the successor or supervisor, in the office or employment, or to the mayor, all city property which is in his or her custody, possession or control. Violation of this section is a misdemeanor.

Section 5.9 Restrictions Concerning Officers.

a. Except where authorized by law, where approved unanimously by the commission at a duly called commission meeting, no commission member shall hold any other city office or city employment during his or her elected term, and no former commission member shall hold any compensated appointive city office or city employment until one (1) year after the expiration of his or her elected term. This shall not apply to appointed city boards or commissions, or volunteer firemen.

b. No elective officer shall become a candidate for any other elective city office, except to succeed himself or herself, without first resigning from the elective seat. This restriction does not apply to an officer whose term of office will expire with the election at which he or she is to be a candidate for another elective city office.

Section 5.10 Vested Interest. Except when provided for by state law no member of the commission or of any city board or committee shall vote on any matter in which the commission

⁵ Amended as the result of charter amendment election on November 8, 2016.

member or his/her family shall have a proprietary or financial interest, or as a result of which the commission member may receive or gain a financial benefit. If a question is raised under this section at any commission, board or committee meeting, such specific question shall be resolved before the main question shall be voted on; the commission, board or committee member concerning whom the question was raised shall not vote on such determination.

Section 5.11 Right of Public Hearing. Any elective officer charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing, on demand; notice of such hearing shall be published in one (1) or more newspapers for general circulation in the city at least one (1) week in advance of the hearing. Decisions made by the commission under this section shall be subject to review by the courts.

Section 5.12 Compensation of Officers.

a. The appointed City Clerk and appointed City Treasurer, and the two elected Board of Review members shall have such compensation as is determined by the City Commission, except that the compensation of the current City Clerk (whose term ends on November 30, 2019), and that of the current City Treasurer (whose term ends November 30, 2017), shall not be reduced during their terms of office, respectively. The compensation of the two elected Board of Review members shall not be reduced during their term of office, but may be increased effective after the first two years of a term of office.⁶

b. The Mayor and Commissioners shall serve without salaries.

⁶ Amended as the result of charter amendment election on November 8, 2016.

CHAPTER 6 CITY COMMISSION

Section 6.1 Commission Organization. The Commission shall consist of the mayor and six commissioners. The commission shall, at its first meeting following each regular city election, or within one (1) week thereafter, elect one (1) of its members to serve as mayor pro tem, and shall set the times for holding regular meetings.

Section 6.2 Quorum; Ordinances, Resolutions, Appointments, Approval of Majority of Full Commission Required. A majority of the commission members (a minimum of four (4), not including the mayor) shall constitute a quorum for purposes of conducting business. However, except in those cases where a larger majority is required by law, no ordinance or resolution shall be adopted or passed, no contract entered into, nor shall any appointment be made, nor any person removed from office as required or permitted by this charter, except by the affirmative vote of at least a majority of the full commission (a minimum of four (4) affirmative votes, not including the mayor). In the absence of a quorum, any member may adjourn any regular or special meeting to a later date.

Section 6.3 Mayor, Powers.

a. The mayor shall be the executive officer of the city. The mayor shall preside at all commission meetings, may bring up or address any issue, but shall vote only in case of a tie, in which case the mayor will give the deciding vote, or in such cases as more than a majority vote is needed for an action. The mayor shall be the official head of the city for ceremonial purposes, and for the purposes of military law and the service of legal process upon the city.

b. In emergencies, the mayor shall have the powers conferred by law upon peace officers and shall exercise such powers, as the city's chief executive officer, to prevent disorder, to preserve the public peace and health, and to provide for the safety of persons and property.

c. The mayor shall make all appointments, subject to prior approval of the commission, unless any such appointment is required by law or ordinance to be made by another officer or agency of the city (see also Section 8.1b).

d. The mayor may suspend any officer at any time for neglect of duty, misconduct or other sufficient cause; provided that a written complaint under oath shall be preferred against such officer and filed with the city clerk. Said complaint shall be reasonably certain as to time, place and the offense, or offenses, charged therein, and a copy thereof served personally on such person or left with a person of suitable age at the last known place of residence of such suspended person, within three (3) days after such suspension. The said officer shall have the privilege of filing answer to said complaint within five (5) days after service of copy of said complaint as above provided. The commission shall hear such complaint and defense thereto, if any, at the next regular meeting thereof; provided said regular meeting shall occur within a time of not less than ten (10) and not more than fifteen (15) days after the date of filing of such complaint, otherwise a special meeting shall be called for the purpose of such hearing, and within the time herein limited. Should no complaint be filed within the time herein provided, or be not sustained at the hearing thereof, said officer may resume the duties of his or her office as if such suspension had never been made.

e. Unless otherwise restricted by law, the mayor shall at all times have authority to examine and inspect books, records and papers of any agent, employee or officer of the city, and shall perform generally all such duties as are or may be prescribed by the ordinances of the city.

f. The mayor, with the advice and consent of the city commission, may from time to time appoint such advisory boards and committees as are deemed appropriate; to advise and consult with them, and with appropriate departments, regarding any municipal activity. Such committees or boards shall be advisory, and shall serve temporarily and without compensation unless otherwise provided by the city commission.

g. The mayor shall not possess the veto power.

h. The mayor shall have added powers and duties as provided by law.

Section 6.4 Mayor Pro Tem. The mayor pro tem shall act when the mayor is absent or disabled. When a doubt exists concerning the ability of the mayor to perform the duties of that office, the commission shall, by resolution, determine whether the mayor pro tem shall act in the place of the mayor. Such determination shall stand until the commission determines that such disability or inability ceases.

Section 6.5 Regular Meeting. Regular meetings of the commission will be held at least once in each calendar month, at the city hall or such other location as the commission determines.

Section 6.6 Special Meetings.

a. Notice. Special meetings shall be called by the clerk on the request of the mayor or any two (2) members of the commission; notice shall be posted at least 18 hours in advance, in compliance with the Open Meetings Act.

b. Permissible Business. At a special meeting of the commission only the item(s) stated in the meeting notice may be acted upon except where all members are present and consent.

Section 6.7 Meetings Open to the Public. All regular and special meetings of the commission shall be open to the public and the rules of order of the commission shall provide that the citizens shall have a reasonable opportunity to be heard. All provisions of state law regarding open meetings shall be followed. See the Open Meetings Act, Act No. 267 of the Public Acts of 1976 as amended.

Section 6.8 Rules of Order. The commission shall determine its own rules and order of business and shall keep a legislative journal of all its proceedings in the English language which shall be signed by the clerk. A vote upon all ordinances and resolutions shall be by roll call, and entered upon the records, except that where the vote is unanimous it shall only be necessary to so state. If a point of order is not covered by the commission's regular procedures, Robert's Rules of Order shall be used as a guideline.

In all roll call votes the names of the members of the commission (except the mayor, who shall vote only in case of a tie) shall be called in alphabetical order, and the name to be called first shall be advanced alphabetically in each successive roll call vote.

Section 6.9 Public Access to Records. The people shall have access to the minutes and records of all regular and special meetings of the commission, at all reasonable times.

Section 6.10 Investigations. The commission or its duly appointed representatives may inquire into the conduct of any city department, office, officer, or employee. Failure on the part of any officer or employee to produce books, papers, and other evidence as requested by the commission shall constitute misconduct in office.

Section 6.11 General Authority. All powers of the city are vested in the City Commission except as otherwise provided by law or Charter. The commission shall provide for the exercise of all powers and for the performance of all duties and obligations imposed on the city. The commission shall provide by ordinance for the public peace, health, and safety of persons and property.

Section 6.12 Trusts. The commission may, in its discretion, receive and hold any property in trust for cemetery, park, or other municipal purposes. Any trust now existing for the benefit of the city shall be continued to full force and in accordance with the cy pres doctrine.

Section 6.13 Traffic Violations Bureau. The commission shall have authority to establish, by ordinance, a traffic violations bureau, as provided by law.

CHAPTER 7 LEGISLATION

Section 7.1 City Legislation Preserved. All bylaws, ordinances, resolutions, rules and regulations of the City of Manton which are consistent with the provisions of this charter, in force and effect at the time of adoption of this charter, shall continue in force and effect until repealed or amended.

Section 7.2 Introduction, Style, Consideration, Recording of Ordinances. All city legislation shall be by ordinance.

- a. Introduction. Each proposed ordinance shall be introduced in written form.
- b. Style. The style of all ordinances adopted by the commission shall be, "The City of Manton ordains."
- c. Consideration. Unless declared to be an emergency in nature by a vote of not less than two-thirds (2/3) of the full membership of the commission, no ordinances shall be adopted except at a regular commission meeting held not less than one week following introduction of such ordinance. An emergency ordinance may be adopted at any regular meeting, or at a special meeting if the nature of the ordinance is stated in the advance notice of the special meeting. An emergency ordinance may have immediate effect.
- d. Recording.
 1. Each ordinance shall be recorded by the clerk in a book reserved for that purpose, and it shall be the duty of the mayor and the clerk to sign each ordinance for authentication.
 2. Each ordinance, after adoption, shall be identified by number.

Section 7.3 Certified Copy, Use. All ordinances, resolutions, and official proceedings of the city may be placed in evidence in all courts and tribunals by copy certified by the clerk, bearing the city seal, as an alternate to other methods provided or permitted by law. The city may charge a reasonable fee for publication or reproduction cost of requested documents.

Section 7.4 Ordinances Publication.

- a. Posting or Summary Publication. Each ordinance shall be published in a manner provided by the commission and permitted by law. If publication is made by posting, a notice of the place of posting and a brief statement of the purpose of the ordinance shall be published in one or more newspapers of general circulation in the city, within ten (10) days after posting.
- b. Adoption by Reference. The commission may adopt any detailed technical regulations as a city ordinance by reference to any recognized standard code, or if such a code be written in detail for the city and adopted as an ordinance, the publication of a sufficient number of copies in booklet form, available for public distribution at cost, shall be sufficient publication of such ordinance, and any amendments to or revisions of such adopted code or detailed technical ordinance may be published in the same manner.

c. Ordinance Codification. If the city ordinances are codified, for ready reference, the availability of printed copies in the office of the clerk, for public inspection and sale at cost, shall constitute publication.

Section 7.5 Effective Date of Ordinances. Unless adopted by emergency procedures provided in this chapter, or unless a greater time is stated in the ordinance, no ordinance shall take effect until ten (10) days after adoption. No ordinance shall be operative until after publication.

Section 7.6 Penalties. The commission shall provide, as appropriate, for the civil or criminal penalties for ordinance violations. No civil or criminal penalty shall exceed the maximum fine, or imprisonment, or both, provided by statute.

Section 7.7 Initiative, Referendum.

a. Right of Electors. The electors of the city have the right to initiate any ordinance, or to secure a referendum on any ordinance, by petition.

b. Petitions. An initiatory or a referendary petition shall be signed by registered electors of the city equal to not less than fifteen percent (15 %) of the number of registered electors of the city according to the records of the clerk on the date the petition is filed. No referendum shall be permitted respecting any ordinance required to be passed by the commission by any law, except in the manner provided by such law. Such petition may be aggregate of two or more petition papers. Each signer of a petition shall sign his or her name, date, and place of residence by street and number. A sworn affidavit shall be attached to each petition, stating that each signature thereon is the genuine signature of the person, and that it was signed in the presence of the person so affirming. Such petition shall be filed with the clerk who shall, within ten (10) days, determine sufficiency. Any signatures obtained more than sixty (60) days before the filing of such petition with the clerk shall not be counted. If such petition is found to contain an insufficient number of signatures of registered electors, or to be in improper form or compliance with the requirements of this chapter, the clerk shall notify, forthwith, the person filing such petition, and ten (10) days from such notification shall be allowed for the filing of a supplemental petition. If the petition and supplemental petition is found insufficient or improper the petition shall be rejected. When found sufficient and proper, the petition shall be presented by the clerk to the commission, at its next regular meeting.

c. Petitions, Commission Procedure.

1. Upon receiving an initiatory petition, the commission shall, within thirty (30) days, adopt the petitioned ordinance, or determine to submit the proposal to the electors.

2. Upon receiving a referendary petition, the commission shall, within thirty (30) days, repeal the ordinance to which the petition refers, or determine to submit the proposal to the electors.

3. Should the commission decide to submit the proposal to the electors, it shall be submitted at the next election held in the city for any other purpose, or, at the discretion of the commission, at a special election. The results shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by law.

4. The certification by the clerk that a referendary petition is sufficient, if such petition is submitted within 40 days after passage of the ordinance to which the petition refers, shall automatically suspend the ordinance in question, pending repeal by the commission or final determination by the electors.

5. An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed by the commission for a period of two (2) years after the date of the election at which the ordinance was adopted.

Section 7.8 Conflicting Ordinance Provisions. Should conflicting provisions be contained in two or more ordinances adopted at the same election, the ordinance receiving the largest affirmative vote shall prevail, as to the conflicting provisions.

CHAPTER 8 THE ADMINISTRATIVE SERVICE

Section 8.1 Administrative Officers.

a. Listed. The administrative officers of the city shall be a City Assessor, City Attorney, City Clerk, Fire Chief, Police Chief, City Treasurer, City Superintendent, and any other department heads. The commission may, by ordinance or resolution, create such additional offices, or, except for City Clerk and Treasurer, combine any administrative offices, in any manner consistent with law, and prescribe the duties thereof as the commission may deem necessary for the proper operation of the city government.

b. Appointment, Terms. All administrative officers, except for the clerk and treasurer, shall be appointed by the mayor, subject to the approval of the city commission, and shall serve for indefinite terms at the pleasure of the commission. The clerk and treasurer shall be appointed by the City Commission for two year terms, subject to other provisions of the Charter. For the City Clerk, this provision shall not take effect until the end of the term of the current City Clerk (November 30, 2019), and for the City Treasurer, this provision shall not take effect until the end of the term of the current City Treasurer (November 30, 2017), respectively, unless there is a vacancy in the office before then.⁷

c. Residency. Residency requirements shall be at the discretion of the City Commission except any clerk and treasurer in office November 8th, 2016 must be city residents until their terms expire in 2019 and 2017, respectively.⁸

d. Qualifications. In making appointments of administrative officers, the appointing authority shall consider only the proposed appointee's fitness and ability to discharge the duties of the office.

e. Removal. The City Commission may, at anytime, remove for just cause any administrative officers, including the appointed clerk and treasurer, as well as members of any city boards and committees. The mayor may also suspend any official, as provided in Chapter 6, except for the clerk and the treasurer. For the City Clerk, this provision shall not take effect until the end of the term of the current City Clerk (November 30, 2019), and for the City Treasurer, this provision shall not take effect until the end of the term of the current City Treasurer (November 30, 2017), respectively, unless there is a vacancy in the office before then.⁹

f. Responsible to Commission. The administrative officers shall be responsible to and shall perform their duties under the general, collective supervision of the commission.

g. Employees. All persons employed by the city who are not elective or administrative officers, or members of a board appointed under this charter, or declared to be administrative officers by or under this section, shall be declared to be employees of the city.

h. Compensation. The compensation of all administrative officers shall be in accordance with budget appropriations therefore. Within budget appropriations, reasonable expenses may

⁷ Amended as the result of charter amendment election on November 8, 2016.

⁸ Amended as the result of charter amendment election on November 8, 2016

⁹ Amended as the result of charter amendment election on November 8, 2016

be allowed to administrative officers when actually incurred and after such expenses have been audited by the City Clerk and approved by the commission.

Section 8.2 City Clerk.

a. Commission Meetings; Journal. The City Clerk, or the Deputy Clerk, shall attend all meetings of the City Commission and shall keep a permanent journal of its proceedings, in the English language.

b. Custodian. The clerk shall be the custodian of the city seal, and shall affix it to all documents and instruments requiring the seal, and shall attest the same. The clerk also shall be custodian of all papers, documents, and records pertaining to the city, the custody of which is not otherwise provided by law. The clerk shall give, to the proper officials, ample notice of the expiration or termination of their terms of office and any official bonds, franchises, contracts, or agreements to which the city is a party.

c. Records. The clerk shall keep a record of all ordinances, resolutions, and actions of the commission and shall keep the commission informed concerning such matters.

d. Oaths. The clerk shall have power to administer all oaths required by law and by the ordinances of the city.

e. Certification. The clerk shall certify all ordinances and resolutions imposed or passed by the commission and such certification shall be prima facie evidence of the due and proper action of the council thereon.

f. Accounts. The clerk shall be the general accountant of the city, shall keep the books of account of all city assets, receipts and expenditures, and shall keep the commission informed as to the city's financial affairs. The clerk shall provide the city's systems of accounts, in compliance with such uniform systems required by law.

g. Inventory. The clerk shall maintain an inventory of city-owned property.

h. Financial Reports. The clerk shall balance all the city's books of account at the end of each calendar month, and shall make a report thereon to the commission.

i. Inquiry Audit. The clerk shall, at any time upon direction of the commission, examine and audit all books of account kept by any official or department of the city, to matters concerning misconduct in office and violations of this charter and the ordinances of the city.

j. Budget Officer. Unless the commission shall delegate such duties to another officer(s) of the city, the clerk shall be the budget officer of the city and shall prepare and submit to the commission the annual budget proposal of the city, together with supporting information in explanation thereof.

k. Other duties. The clerk shall perform such other duties as the commission shall direct, or which may be required by law.

Section 8.3 City Treasurer.

a. Custody of Moneys. The City Treasurer shall have the custody of all money of the city and all evidences of value belonging to or held in trust by the city.

b. Depositories. The treasurer shall keep and deposit all money or funds in such manner and only in such places as the commission may determine, or as may be required by law.

c. Tax Collection. The treasurer shall have such powers, duties and prerogatives in regard

to the collection and custody of state, county, school district, and city taxes and moneys as are conferred by law.

d. Other Duties. The treasurer shall perform such other duties as the commission shall direct, or which may be required by law.

Section 8.4 Deputies of the Clerk and Treasurer. The City Clerk and Treasurer may appoint and remove their deputies, subject to the budget allowances therefore, and the approval of the commission relative to appointments. Each deputy shall possess all the powers and authority of the deputy's superior officer.

Section 8.5 City Attorney.

a. Legal Advisor. The City Attorney shall act as the legal advisor of and be responsible to the commission, in all respects concerning the performance of the functions of its official duties. The attorney shall advise the administrative officers concerning their statutory and charter duties, when so requested, and shall file with the clerk a copy of all written opinions given by the attorney.

b. Ordinance Violations; Court Cases. The attorney shall prosecute ordinances violations and shall represent the city in cases before courts and other tribunals.

c. Preparation of Ordinances. The attorney shall prepare or review all ordinances, regulations, contracts, bonds, and such other instruments as may be required by this charter or by the commission, and shall promptly give his opinion as to the legality thereof.

d. Commission Meetings. The attorney shall attend commission meetings, as requested.

e. Boards, Attorney For. The City Attorney shall be the attorney for the several boards of the city.

f. Other Duties. The attorney shall perform such other duties as may be prescribed for the attorney by this charter or by the commission.

g. Assistant; Special Counsel. Upon the attorney's recommendation, or upon its own initiative, the commission may provide for an assistant to the City Attorney, and may retain special legal counsel to handle any matter in which the city has an interest, or to assist the attorney in connection therewith.

Section 8.6 City Assessor. The assessor shall possess all the powers vested in and shall be charged with all the duties imposed upon assessing officers by law. The assessor shall make and prepare all regular and special assessment rolls in the manner prescribed by law. The assessor shall perform such other duties as may be prescribed by law or by the commission.

Section 8.7 Other Administrative Officers. The duties of administrative officers for which provision is not made herein shall be established by law and by the ordinances and resolutions of the commission.

Section 8.8 Relatives, Holding Office, Disqualification.

a. Unless the commission shall by unanimous vote, which vote shall be recorded as part of the official proceedings, determine that the best interests of the city shall be served, the immediate family of any elective or appointive officer are disqualified from holding any

appointive office or city employment during the term for which said .elective or appointive officer was elected or appointed. This section shall in no way disqualify such relatives or their spouses who are appointive officers or employees of the city at the time of the election or appointment of said official, or employed by the city at the time of adoption of this charter.

b. The provisions of this relationship, above, specifically applies to the prohibition of the employment of relatives to be directly under the supervision of another relative. Employment in another department than that of the relative's supervision is permissible, subject to prior review and approval by the commission.

Section 8.9 Employee Insurance. The commission shall have the power to make available to the administrative officers and employees of the city, other than members of the several boards, any recognized standard group plan of group life, hospital, health, or accident insurance, either independently of, or as a supplement to, any pension plan provided by the city for its employees.

Section 8.10 Citizen Committees. The commission may create citizen advisory committees for the purpose of studying and investigating specific problems or needs of any department, function, or interest of the city where there is no board created to make such studies or investigations. Unless an earlier time is established by the commission, each such committee shall render its report to the commission within two (2) years after its creation, and shall then cease to exist unless the work of the committee is extended thereafter by the commission for a period not exceeding one (1) year.

Section 8.11 Public Records. The provisions of the state law regarding access to records shall be followed.

CHAPTER 9

GENERAL FINANCE

Section 9.1 Fiscal Year. The fiscal and budget year of the city shall be determined by the City Commission; the fiscal year's beginning date may be changed, to best serve the city's financial schedules and procedures, as set forth by ordinance or commission resolution.

Section 9.2 Annual Budget.

a. Preparation Schedule. Not less than four (4) months preceding the beginning of the fiscal year, each officer, department, and board in the city, shall submit to the budget officer an itemized estimate of its expected income, if any, and expenditures during the next fiscal year, for the department or activities under its control. The budget officer shall compile and review such budget request, shall prepare budgetary recommendations, and submit them to the commission at its meeting during the second (2nd) month preceding the beginning of the fiscal year.

b. Completeness; Uniformity. The budget document shall present a complete financial plan for the ensuing fiscal year and shall include those items required by the Uniform Budgeting and Accounting Act, No. 621 of the Public Acts of 1978, as amended. Such supporting schedules as the commission may deem necessary or require also shall be included.

c. Budget Hearing. A public hearing on the budget proposal shall be held prior to its final adoption, at such time as the commission shall direct. Notice of the public hearing shall be published by the clerk at least one (1) week in advance thereof, and the budget proposal shall be available, for public review, in the office of the clerk during such week.

d. Adoption. The commission shall, not later than the first (1st) month preceding the beginning of the fiscal year, adopt by resolution a budget for the ensuing fiscal year, and make appropriations therefore. The commission shall determine and declare the amount of money necessary to be raised by property taxation, which amount shall not be greater than permitted in this charter or by general law.

e. Control. No money shall be drawn from the treasury of the city, except in accordance with the budget in effect and the appropriation for such purposes. No obligation for the expenditure of money shall be incurred without an appropriation covering all payments which will be due under such obligation during the current fiscal year.

f. Unappropriated Funds; Transfers. The commission may, upon recommendation of the budget officer and by an affirmative vote of not less than two-thirds (2/3) of its full membership, transfer from any budget item or account, department, or agency to another, unappropriated funds or unencumbered appropriation balances, or any portion thereof.

g. Reappropriation. The balance in any appropriation which has not been encumbered at the end of the fiscal year may be reappropriated during the next fiscal year, as determined by the commission.

h. Financial Reports. At least quarterly the budget officer shall submit to the commission financial reports showing the relationship between the estimated and actual revenues and expenditures through the end of the preceding quarter; if it appears that the revenues are less than anticipated, the commission shall, by resolution, reduce appropriations, except amounts required for debt and interest charges, so as to keep expenditures within revenues.

Section 9.3 Audit. An independent audit shall be made of all accounts of the city government not less frequently than biennially, at the close of such fiscal year(s), and shall be completed within the succeeding fiscal year. Special independent audits may be made at any time that the commission may designate. All such audits shall be made to the commission by a Certified Public Accountant (CPA) designated by the commission. Each audit and reports supplemental thereto shall be made public in the manner that the commission determines, and copies of the audit shall be placed in the office of the clerk.

Section 9.4 Special Accounts.

a. The commission may, by ordinance, establish and maintain accounts for accumulating moneys to be used for acquiring, extending, altering, constructing, or repairing public improvements and for the purchase of equipment of any type, in each case either for a specific item or items or for future unspecified public improvements or equipment or both.

b. Appropriations to such accounts may be made by the commission either in the annual appropriation resolution or from time to time during the fiscal year, from available funds, from whatever source derived, which are not required for other appropriations or obligations of the city. Such accounts shall be continuing accounts and the balances therein at the end of each fiscal year shall remain a part thereof.

c. At the end of each fiscal year, the commission may transfer any unencumbered balance or any part thereof into one or more of the accounts authorized to be created by this section.

d. Moneys, which are accumulated for the purpose of public improvements, as set forth in this section, shall be used only at the direction of the commission and only for the purpose provided in the original ordinance establishing such account, unless their use for some other municipal purpose be authorized by a majority vote of the electors of the city who vote on the proposition to amend such ordinance.

e. Completion; Transfer. After the purpose of any such account has been fulfilled, any balance remaining therein may be transferred by the commission to any other special account or to the general fund of the city.

Section 9.5 Withdrawal of City Moneys.

a. Unless otherwise provided by law, ordinance, or commission resolution, all moneys shall be drawn from the treasury pursuant to the authority and appropriation of the commission.

b. Signatories. Checks for the disbursement of city funds shall be signed by at least two (2) city officials, as may be determined by ordinance, by the commission.

Section 9.6 Depositories. The commission shall designate depositories for city funds in accordance with the law, and shall provide for the regular deposit of all city moneys.

CHAPTER 10 TAXATION

Section 10.1 Power to Tax; Tax Limit. 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 2 percent (20 mills) of the assessed value of all real and personal property in the city.

Section 10.2 Subject of Taxation; Procedure.

a. The subjects of ad valorem taxation for municipal purposes shall be the same as for state, county, and school purposes under the general laws of the state.

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

Section 10.3 Exemptions. The power of taxation shall never be surrendered or suspended by any grant or contract to which the city shall be a party. No exemptions from taxation shall be allowed, except such as are expressly required or permitted by law.

Section 10.4 Assessment Roll. The assessor shall prepare and certify an assessment roll of all property in the city, in the manner and form, and at the time required by general property tax laws of the state.

Section 10.5 Board of Review.

a. Qualifications. A Board of Review is hereby created, composed of the mayor ex officio, and two (2) other members elected for two (2) year terms. The board shall be entitled to such compensation as shall be determined by the commission.

b. Chairperson; Secretary. The board shall annually, on the first day of its meeting, select one of its members chairperson for the ensuing year. The clerk shall be secretary of the board. The assessor shall be entitled to be heard at its sessions, but shall have no vote on any proposition or question.

c. Duties, Functions. The board of review shall meet at the time and dates as required by township boards of review by the general property tax laws (including the General Property Tax Act, No. 206 of 1893, as amended), at such place as designated by the commission. The board of review shall have the same powers and shall perform the same duties as are conferred by law and required of township boards of review.

d. Meetings; Procedure. Notice of the time, date, location of meetings and assessments shall conform to the requirements of the general property tax laws.

Section 10.6 City Tax Roll. After the board of review has completed its review of the assessment roll, the assessor shall prepare a tax roll, to be known as the City Tax Roll. Upon receiving the certification of the several amounts to be raised, assessed, and charged for city taxes, as provided in the preceding sections, the assessor shall proceed forthwith (a) to spread

the amounts of the general ad valorem tax according to and in proportion to the several valuations set forth in said assessment roll, and (b) to place such other assessments and charges upon the roll as are required and authorized by the commission.

Section 10.7 Tax Roll Certified for Collection. After spreading the taxes and placing other assessments and charges upon the roll, the assessor shall certify the tax roll, and attach a warrant thereto, directing and requiring the treasurer to collect the taxes levied, prior to March first of the following year.

Section 10.8 Tax Payment Date(s). City taxes shall be due and payable annually, at such date(s) as specified by ordinance, in accordance with state law.

Section 10.9 Taxes Due; Notification. The treasurer shall not be required to make personal demand for the payment of taxes but, upon receipt of the city tax roll, the treasurer shall forthwith mail a tax statement to each person named in the tax roll, which mailed statement shall be sufficient demand for the payment of all taxes assessed. Neither the failure on the part of the treasurer to mail such statement, nor the failure of any person to receive the same, shall invalidate the taxes on the tax roll or release any person or property assessed from the liabilities provided in this charter, in case of nonpayment.

Section 10.10 Collection of Taxes. All taxes paid on or before the specified due date(s), including any applicable administrative fees, shall be collected by the treasurer.

Section 10.11 State, County, and School Taxes. For the purpose of assessing and collecting taxes for state, county, and school purposes, the city shall be considered the same as a township, and all provisions of law relative to the collection of, and accounting for, such taxes and the penalties and interest thereon shall apply. For the purpose of collecting state, county, and school taxes, the treasurer shall perform the same duties and have the same powers as township treasurers under state law.

Section 10.12 Protection of City Lien. The city shall have power, insofar as the exercise thereof shall not conflict with or contravene the provisions of law, to acquire such an interest in any premises within the city, by purchase at any tax or other public sale, or by direct purchase or negotiation with the State of Michigan or the owner, as may be necessary to assure to the city the collection of its taxes, special assessments, charges, and any interest thereon which are levied against any lot or parcel of real property or to protect the lien of the city therefor, and may hold, lease, or sell the same. Any such procedure exercised by the city to assure the collection of its taxes or the protection of its tax or other liens shall be deemed to be for public purposes. The commission may adopt any ordinance which may be necessary to make this section effective.

Section 10.13 Collection of Delinquent Taxes. All taxes, assessments, and charges upon real property on the tax roll remaining uncollected on the first day of March following the

date when the roll was received by the treasurer shall be returned to the County Treasurer in the manner provided by statute.

Section 10.14 Disposition of Real Property Held by City. When the city has acquired any interest in property to protect the city's tax lien thereon, the owner of any interest therein, by fee title, as mortgagee, or as vendor or vendee under a land contract shall have the right to purchase the city's interest therein, upon payment to the city of the amount of money which the city has invested in the form of taxes, special assessments, charges, fees, penalties, interest, and costs, paid by the city to protect its title in such property. After the lapse of 90 days after the date that the city acquired title to any such property, the commission may remove the same from the market by determining that such property is needed for and should be devoted to public purposes, naming such purposes, or may sell the same at a price which shall be not less than its market value, as determined and certified to the commission by the assessor (see also Section 12.3, Disposal of City Property).

CHAPTER 11

SPECIAL ASSESSMENTS

Section 11.1 Power to Assess.

a. The commission shall have the power to determine, with or without a petition therefor, that the whole or any part of the expense of any public improvement, repair or operation of any public improvement shall be defrayed by special assessment upon the parcels of property especially benefitted, and so declare by resolution. Such resolution shall state the estimated cost of the improvement, what portion of the cost shall be paid by special assessment, what portion, if any, shall be a general obligation of the city, the number of installments in which assessments may be paid, the interest to be charged, and designate the districts or land and premises upon which special assessments shall be levied.

b. No such improvement shall be made if the owners of more than one-half (1/2) of the property to be assessed shall object thereto in writing, provided that if the commission shall determine and declare by a resolution adopted by at least two-thirds (2/3) of the full membership of the commission that the proposed improvement is immediately necessary for the public health, welfare, and safety, such improvements may be made, and such special assessment may be levied thereof, notwithstanding such objections thereto. The whole amount to be levied upon the premises subject to special assessment shall not be limited by the assessed valuation of the property subject to such special assessment.

Section 11.2 Ordinance; Procedure. The commission shall prescribe by general ordinance the complete special assessment procedure to be used, including the preparing of plans and specifications, estimated costs, the preparation, hearing and correction of the special assessment roll, the collection of special assessments, and the assessment of single lots or parcels. Said ordinance shall provide for a public hearing by the commission on the necessity of making such public improvement and shall provide for a public hearing by the commission on the apportionment of the roll, as well as any other matters concerning the making of improvements by the special assessment method. The ordinance shall authorize additional assessments if the prior assessment proves insufficient to pay for the improvement and costs incident thereto, or in the case of invalidity in whole or in part, and shall also provide for the refund of excess assessments (see also Section 14.2, Special Assessment Collections).

Section 11.3 Assessment Lien. From the date of confirmation of any assessment or reassessment roll the same shall constitute a lien upon the respective premises assessed and shall also be charged against the person to whom assessed until paid and, in the case of delinquency, may be enforced by adding the amount to any later return to the County Treasurer of regular taxes, by suit against such person, or by any other legal or equitable remedy.

CHAPTER 12 CONTRACTS

Section 12.1 Authority of Commission. The power to authorize the making of contracts on behalf of the city is vested in the commission, and shall be exercised in accordance with the provisions of law. All contracts, except as otherwise provided by ordinance in accordance with the provisions of this charter, shall be authorized by the commission, and shall be signed on behalf of the city by the mayor and the clerk.

Section 12.2 Limits.

a. The commission shall only have power to enter into contracts which, by the terms thereof, will be fully executed within a period of ten (10) years, unless such contract shall first receive the approval of the majority of the qualified electors voting thereon at a regular or special election. This qualification shall not apply to any contract for services with a public utility company, or one or more other governmental units, nor to contracts for debt secured by bonds or notes which are permitted to be issued by the city, by law.

b. Except as provided by ordinance authorized in this charter, each contract for construction of public improvements or for the purchase or sale of personal property shall be let after opportunity for competition.

c. All bids shall be opened and read aloud in public by the city clerk, or another city official authorized by the clerk, at the time designated in the notice or letting, and shall be reported by the clerk to the commission at its next regular meeting. The commission may reject any and all bids if deemed advisable. If, after ample opportunity for competitive bidding, no bids are received, or such bids as are received are not satisfactory to the commission, the commission may either endeavor to obtain new competitive bids or authorize the city clerk, or other proper officials of the city, to negotiate on the open market, with proposal(s) brought back to the commission for its consideration and approval.

Section 12.3 Disposal of City Property. The city shall not have the power to sell, lease, or transfer of any real estate unless:

a. the city meets the statutory guidelines (MCL Annotated 117.5(e), MSA 5.2084.S(e)) regarding approval through a city-wide vote, if any part of the land is a park or cemetery;

b. in case of a municipal-owned utility, the city meets the requirements of Section 13.6, Disposal of Utility Property;

c. in case of sale, there shall be at least two (2) published advertisements for bids prior to adoption of a resolution for sale or disposal;

d. such action is approved at a regular or special-called meeting, by at least two-thirds (2/3) of the full membership of the commission; or, if a member of the commission is ineligible to vote because of a conflict of interest, by at least two-thirds (2/3) of the full membership eligible to vote on the proposed action; and

e. in the case of city-owned real estate, the resolution authorizing the sale, lease, or transfer thereof, shall, in its final form, remain on file with the clerk for public inspection for 20 days before the final adoption or passage thereof.

Section 12.4 Default. The city shall not contract with, or give an official position to, one who is in default to the city.

CHAPTER 13

UTILITIES

Section 13.1 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, maintain, encumber, convey, dispose of, or sell, either within or without its corporate limits, public utilities, including, but not limited to, public utilities for supplying water, light, heat, power, gas, and sewage treatment, and also to sell and deliver the products or services thereof, both within and without its corporate limits, subject to limitations provided by state law. The power to supply utility services shall include the power to purchase such services from others.

Section 13.2 Control. The commission may enact such ordinances and adopt such resolutions as may be necessary for the care, protection, preservation, control, and operation of any public utilities which the city may in any manner acquire, own, or operate, and all fixtures, appurtenances, apparatus, buildings, and machinery connected therewith or belonging thereto, and to carry into effect the powers conferred upon the city by the provisions of this charter.

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

Section 13.4 Collections. The commission shall provide by ordinance for the collection of all public utility charges made by the city and for such purpose shall have all the power granted to cities by state law.

Section 13.5 Accounts. Separate accounts shall be kept for each public utility owned and operated by the city. Such accounts shall be classified and made in accordance with generally accepted municipal utility accounting practices. Charges for all services 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 the utilities and the results of its operations, which report shall be on file in the office of the city clerk, for public inspection.

Section 13.6 Disposal of Utility Property.

a. Unless approved by a majority of the electors voting thereon at a regular or special election, the city shall not sell, exchange, lease, or in any way dispose of any property, easements, equipment, privilege, or asset belonging to and appertaining to any municipally owned public utility which is needed to continue operating such utility. All contracts, negotiations, licenses, grants, leases, or other forms of transfer in violation of this section shall be void and of no effect as against the city.

b. The restrictions of this section shall not apply to the sale or exchange of any articles of machinery or equipment of any city-owned public utility which are worn out or useless, or which have been or could, with advantage to the service, be replaced by new and improved machinery or equipment; or to the leasing of property not necessary for the operation of the utility; or to the exchange of property or easements for other needed property or easements.

c. The provisions of this section shall not extend to the vacation or abandonment of streets, as provided by statute.

CHAPTER 14 BORROWING POWER

Section 14.1 General Powers. Subject to applicable provisions of law, the city may borrow money for any purpose within the scope of its powers and may issue bonds or other evidence of indebtedness including, but not limited to:

- a. General obligation bonds pledging for their payment the full faith and credit of the city.
- b. Special assessment bonds which are issued in anticipation of the payment of special assessments for public improvements in a special assessment district or combination thereof, which bonds may be either an obligation solely on the special assessment district(s), or both an obligation of such district and a general obligation of the city.
- c. Revenue bonds as authorized by law.
- d. Mortgage bonds for the acquiring, owning, purchasing, constructing, improving, or operating of any public utility which the city is authorized by law to finance in this manner, or for such other purposes as may be authorized by law.
- e. Tax anticipation notes as authorized by law.
- f. Calamity bonds issued in case of fire, flood, or other calamity, as authorized by law.
- g. Bonds for the city's share of the cost of local improvements, which bonds may be issued as a part of, or independently of, any issue of special assessment bonds which are issued for the same improvement(s).
- h. Bonds for refunding indebtedness of the city.
- i. Time-purchase contracts, to the extent that the same are considered to be debts.
- j. Bonds issued in anticipation of future payments from the Motor Vehicle Highway Fund or any other fund of the state which the city may be permitted by law to pledge for the payment of principal and interest thereof.

Section 14.2 Special Assessment Collections. All collections on each special assessment roll or combination of rolls, in anticipation of which bonds have been issued, shall be accounted for in a separate fund and shall be used for the purpose for which levied and for the payment of the principal and interest on such bonds. If there is any deficiency in a special assessment fund to meet the payment of the principal or interest to be paid therefrom, moneys shall be advanced from the general fund of the city to meet such deficiency and shall be replaced in the general fund when the special assessment fund shall be sufficient therefor.

Section 14.3 Use of Borrowed Funds. Each bond or other evidence of indebtedness shall contain on its face a statement of the purpose for which the same is issued, and no officer of the city shall use the proceeds thereof for any other purpose, except that whenever the proceeds of any bond issue, or part thereof, remain unexpended and unencumbered for the purpose for which said bond was made, the commission may authorize the use of such unexpended funds:

- a. For an additional extension or improvement of facility or project for which the bond issue was made.
- b. For the retirement of such bond issue.
- c. If such bond issue has been fully retired or funds are segregated which are adequate for such purpose, then for the retirement of other bonds or obligations of the city.

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

Section 14.4 Execution of Bonds and Bond Records. All bonds issued by the city shall be signed by the mayor and countersigned by the clerk, and shall bear the city's corporate seal. Said signatures may be by facsimile if permitted by law. Any attached coupons may be signed with facsimile signature of the clerk. The treasurer shall keep a detailed record of all bonds and other evidence of indebtedness. Upon payment of bonds or other evidence of indebtedness, the same shall be canceled.

Section 14.5 Limits of Authority.

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

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

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

CHAPTER 15

Section 15.1 Rights, Liabilities, Remedies. All rights and properties of any kind and description which were vested in the City of Manton at the time of the adoption of this charter shall continue, and no rights or liabilities, either in favor of or against the city at the time of the adoption of this charter, and no suit or prosecution of any kind shall be in any manner affected by the adoption of this charter, but the same shall stand or progress as if no such change had been made, and all debts and liabilities of the city and all taxes levied and uncollected at the time of the adoption of this charter shall be collected the same as if such change had not been made; provided, that when a different remedy is given in this charter, which can be made applicable to any rights existing at the time of the adoption of this charter, the same shall be deemed cumulative to the remedies before provided, and may be used accordingly.

Section 15.2 Liability for Damages. The city shall not be liable for unliquidated damages for injuries to persons or property unless the person(s) claiming such injury or damages, or someone acting on the behalf of such person(s), shall file a notice or claim in writing with the clerk within 120 days after such claim for damages shall have accrued. Such claim shall be verified by the claimant(s), or some person having knowledge of the facts, who shall specify the time and place, the nature and extent of the injury sustained, the manner in which it occurred, the specific grounds upon which a liability on the part of the city is claimed, the names and addresses of all known witnesses, the name of the attending physician, if any, and an itemized statement of the amount claimed. Upon receiving such claim, the city shall investigate the same and may require the claimant to produce all witnesses for examination under oath. No action shall be maintained in any case unless the same be brought within the statutory period stated by the general laws of the state after such injury or damages shall have been received.

Section 15.3 Statement of City Officers. No officer of the city shall have power to make any representation or recital of fact in any franchise, contract, document, or agreement which is contrary to any public record of the city. Any such representation shall be void and of no effect as against the city.

CHAPTER 16

SCHEDULE OF CHARTER ADOPTION

Section 16.1 Purpose and Status. The purpose of this chapter is to inaugurate the government of the City of Manton under this charter and to provide the transition from the previous charter to this charter. It shall constitute a part of this charter only to the extent and for the time required to accomplish this end.

Section 16.2 Election to Adopt Charter. This charter shall be submitted to a vote of the qualified electors of the City of Manton at an election to be held on November 2, 1993, between the hours of 7:00 A.M. and 8:00 P.M., local time. All provisions for the submission of the question of adopting this charter as revised at such election shall be made in a manner provided by law.

Section 16.3 Form of Ballot. The form of the question to be submitted to electors regarding this charter shall be as follows: "Shall the Manton City Charter proposed by the Manton Charter Commission be adopted?"

☐ Yes ☐ No

Section 16.4 Effective Date. If this charter is adopted by the electors, it shall take effect and become the Charter of the City of Manton, Michigan on December 1, 1993 at 12:01 A.M., local time.

Section 16.5 Continuation of Officers and Employees.

a. Except as otherwise provided in this charter, all elective and appointive officers and employees of the City of Manton shall continue in that city office or employment that they now hold. Current terms of elected officials shall continue until each term expires.

b. State law requires odd year municipal elections. In order to provide a transition from the even year to the odd year elections in Manton, there shall be two special elections:

1. The first shall be on the Tuesday after the first Monday of November 1994 at which time there shall be elected at that time the Mayor, three Commissioners, the City Treasurer, and the City Clerk whose terms are scheduled to expire. The Mayor, three Commissioners and the City Treasurer shall be elected for three year terms and thereafter for four year terms. The City Clerk shall be elected for a five-year term and thereafter for a four year term.

2. The second shall be on the Tuesday after the first Monday of November 1996 at which time there shall be elected three Commissioners whose terms are scheduled to expire at that time. These Commissioners shall be elected for three year terms and thereafter for four year terms.

3. The City Commission and City Clerk are directed to take all actions necessary for the convening of such elections.

4. Nomination petitions for these special elections shall follow the procedures and deadlines established under this charter.

c. If an official resigns, or for any other reason leaves his office, prior to the normal completion of his term, then the provisions of this charter may be instituted as regards replacement of any successor.

Section 16.6 Boards and Commissions. Except as otherwise provided in this charter, or as-subsequently-changed by commission action, the present boards and commissions shall continue under the terms of the ordinance or resolution establishing them.

I hereby certify that the attached Proposed Charter for the City of Manton (draft 9/8/93) was approved by the Manton Charter Commission on September 8, 1993.

Ruth Abrahamson
Ruth Abrahamson
Clerk of the Charter Commission

