

CHARTER

Chapter 1. Name, Boundaries and Political Subdivisions of The City

- Section 1.1. Name.
- Section 1.2. Boundaries.
- Section 1.3. Political subdivisions.

Chapter 2. Declaration of Rights

- Section 2.1. Declaration of rights.

Chapter 3. Standards of Conduct

- Section 3.1. Conflict of interest.
- Section 3.2. Conflict involving financial interest.
- Section 3.3. Anti-nepotism.
- Section 3.4. Board of ethics.
- Section 3.5. Political activity.
- Section 3.6. Private use of city property.
- Section 3.7. Penalties.

Chapter 4. Definitions

- Section 4.1. Definitions.

Chapter 5. General Municipal Powers

- Section 5.1. Powers of the city.

Chapter 6. General Provisions Affecting Officers of The City

- Section 6.1. Elective officers.
- Section 6.2. Qualifications of elective officers.
- Section 6.3. Time of election and terms of office.
- Section 6.4. Vacancies in elective office.
- Section 6.5. Appointive officers.
- Section 6.6. Compensation of officers and employees.
- Section 6.7. Reimbursement of authorized expenses.
- Section 6.8. Change in compensation.
- Section 6.9. Oath of office.
- Section 6.10. Bonds of officers and employees.
- Section 6.11. City property.
- Section 6.12. Persons in default to the city.
- Section 6.13. Resignations.

- Section 6.14. Proceedings for removal of city officers.
- Section 6.15. City officers to hold no other office.
- Section 6.16. Residency.
- Section 6.17. Penalties.

Chapter 7. The Legislative Department

- Section 7.1. General powers of the council.
- Section 7.2. Judge qualification of members.
- Section 7.3. Organization of the council.
- Section 7.4. Meetings of the council.
- Section 7.5. Regular meetings of the council.
- Section 7.6. Special meetings.
- Section 7.7. Rules of order.
- Section 7.8. Restriction on powers of the council.
- Section 7.9. Attendance at council meetings.
- Section 7.10. Official newspaper.
- Section 7.11. Publication of council proceedings.
- Section 7.12. Investigations.
- Section 7.13. Depositories of city funds.
- Section 7.14. Annual appropriation; collection and return of taxes.
- Section 7.15. Penalties.

Chapter 8. Powers of The Council

- Section 8.1. Public peace, health and safety.
- Section 8.2. Streets and alleys.
- Section 8.3. Licenses.
- Section 8.4. Rights as to property.
- Section 8.5. Trusts.
- Section 8.6. Penalties.

Chapter 9. City Legislation

- Section 9.1. Ordinances and resolutions of the council.
- Section 9.2. Ordinance enactment.
- Section 9.3. Emergency ordinances.
- Section 9.4. Amendment and revision of ordinances.
- Section 9.5. Repeal and continue ordinances.
- Section 9.6. Veto by mayor.
- Section 9.7. Ordinance penalties.
- Section 9.8. Technical codes.
- Section 9.9. Codification.
- Section 9.10. Initiative.
- Section 9.11. Petitions; when sufficient; council procedures.
- Section 9.12. Referendum on ordinance passed by the council.

- Section 9.13. Referendum may be made by council without petition.
- Section 9.14. Referendum elections.
- Section 9.15. When referendum fails.
- Section 9.16. Review of ordinances adopted or repealed by referendum.
- Section 9.17. Penalties.

Chapter 10. The Executive Department

- Section 10.1. Administrative officers.
- Section 10.2. Duties of the mayor.
- Section 10.3. Mayor pro tem.
- Section 10.4. City clerk.
- Section 10.5. City treasurer.
- Section 10.6. City assessor.
- Section 10.7. Administrative departments.
- Section 10.8. Mayoral appointees and directors of departments.
- Section 10.9. Multi-member bodies.
- Section 10.10. Council not to interfere.
- Section 10.11. Officers and employees seeking public office.
- Section 10.12. Deputy directors.
- Section 10.13. Chief of staff.
- Section 10.14. Operating procedures.
- Section 10.15. Appointing authority.
- Section 10.16. Police department.
- Section 10.17. Fire department.
- Section 10.18. Legal counsel.
- Section 10.19. Special counsel.
- Section 10.20. Department of libraries.
- Section 10.21. Plan commission.
- Section 10.22. Penalties.

Chapter 11. Human Resources

- Section 11.1. Purpose.
- Section 11.2. Administration.
- Section 11.3. Appointment of the commission.
- Section 11.4. Three votes required to act.
- Section 11.5. Appointment of the human resources administrator.
- Section 11.6. Duties of the commission.
- Section 11.7. Veterans preference.
- Section 11.8. Duties of the human resources administrator.
- Section 11.9. Unclassified service and classified service.
- Section 11.10. Administration of oaths.
- Section 11.11. Prohibitions.
- Section 11.12. Certification of pay rolls.
- Section 11.13. Labor relations.

Section 11.14. Penalties.

Chapter 12. Elections

- Section 12.1. State laws to govern.
- Section 12.2. Nominating petitions.
- Section 12.3. Signatures required on nominating petitions.
- Section 12.4. Election commission.
- Section 12.5. Primary and general elections.
- Section 12.6. Nonpartisan elections.
- Section 12.7. Political material prohibited on city property.
- Section 12.8. Penalties.

Chapter 13. Finance and Taxation

- Section 13.1. Fiscal year.
- Section 13.2. Limitation on taxation.
- Section 13.3. Preparation of the budget.
- Section 13.4. Council consideration of the budget.
- Section 13.5. Determining the tax levy.
- Section 13.6. Budget transfers.
- Section 13.7. Assessment rolls.
- Section 13.8. Board of review.
- Section 13.9. Assessment and collection of taxes.
- Section 13.10. Reappraisal and reassessment.
- Section 13.11. Taxes, when due.
- Section 13.12. Tax penalties, fees and interest.
- Section 13.13. Tax collection procedures.
- Section 13.14. Borrowing in anticipation of taxes.
- Section 13.15. Expenditures procedures.
- Section 13.16. Bidding and purchasing procedures.
- Section 13.17. Certification of contracts.
- Section 13.18. Independent audit.
- Section 13.19. Penalties.

Chapter 14. Public Improvements

- Section 14.1. General authority to acquire or dispose of public improvements.
- Section 14.2. Acquiring and disposing of public utility.
- Section 14.3. Public disclosure of costs of public improvements.
- Section 14.4. Penalties.

Chapter 15. Special Assessments

- Section 15.1. Power to make special assessments.
- Section 15.2. Review of special assessment roll.

- Section 15.3. Objections to proposed improvement.
- Section 15.4. Confirmation of special assessment roll.
- Section 15.5. Special assessments as lien.
- Section 15.6. Limitation on contests of special assessments.
- Section 15.7. Payment of installments.
- Section 15.8. Default on special assessments.
- Section 15.9. Additional assessments and refunds.
- Section 15.10. Special assessments for legally rendered city services.
- Section 15.11. Penalties.

Chapter 16. Bonds

- Section 16.1. Issuance of bonds.
- Section 16.2. Proceeds of bonds.
- Section 16.3. Emergency bonds.
- Section 16.4. Special assessment bonds.
- Section 16.5. Penalties.

Chapter 17. Retirement Plans

- Section 17.1. Establishment of retirement plans.
- Section 17.2. Changes in retirement benefits.
- Section 17.3. Governing bodies.
- Section 17.4. Membership; administration.
- Section 17.5. Penalties.

Chapter 18. City Liability

- Section 18.1. Notice to city of claims.

Chapter 19. Miscellaneous and Transition

- Section 19.1. When certain days are Saturdays, Sundays or holidays.
- Section 19.2. Seal of the city.
- Section 19.3. Headings.
- Section 19.4. Effect of illegality of any part of charter.
- Section 19.5. Amendments and revision.
- Section 19.6. Penalties for violation of charter.
- Section 19.7. City ordinances and regulations.
- Section 19.8. Rights, liabilities, remedies.
- Section 19.9. Continuance in office.
- Section 19.10. Council confirmation of appointees.
- Section 19.11. Mayor and council to provide for transition.
- Section 19.12. Penalties.

Chapter 20. Schedule

Section 20.1. Status of schedule chapter.

Section 20.2. Election to adopt charter.

Section 20.3. Effective date of charter.

Section 20.4. First regular election.

PREAMBLE

We, the people of the City of Dearborn, in order to provide a government which recognizes that human life and talent is our most important resource, and the development and enrichment of these our most important task, do adopt this charter. We acknowledge that political power is inherent in the people. We desire a framework of government in which all people can participate, by which policy objectives reflecting the people's goals can be fashioned and through which officials can be chosen in a democratic manner and held accountable for their actions.

CHAPTER 1. NAME, BOUNDARIES AND POLITICAL SUBDIVISIONS OF THE CITY

Section 1.1. Name.

The official name of the City governed by this charter shall be the City of Dearborn.

Section 1.2. Boundaries.

The boundaries of the City existing when this charter takes effect shall continue in force until changed in accordance with law.

State law references: Incorporation, consolidation of territory and alteration of boundaries of home rule cities, MCL 117.61 et seq., MSA 5.2085 et seq.

Footnote: Technical and exact descriptions of the boundaries of the City and its subdivisions may be obtained from the City Engineer or the State Boundary Commission. This map shows the general boundaries of the City.

Section 1.3. Political subdivisions.

The City shall consist of one ward and such election precincts as are established in accordance with law.

State law references: Mandatory that Charter provide for one or more wards, MCL 117.3(e), MSA 5.2073(e); election precincts, MCL 168.654 et seq., MSA 6.1654 et seq.

CHAPTER 2. DECLARATION OF RIGHTS

Section 2.1. Declaration of rights.

City government shall serve the people of Dearborn. The City shall provide for the public peace and health and for the safety of persons and property.

The people have the right to expect the dedicated and efficient performance of duties by all officers and employees.

The people have the right to expect that the quality of the services rendered by the City will be protected, maintained and improved within the capabilities of the City's human and capital resources.

The business of the legislative body shall be conducted at a public meeting held in compliance with the Open Meetings Act. All records of the City shall be made available to the general public in compliance with the Freedom of Information Act.

The protection, maintenance and improvement of the quality of the environment of the City shall be a goal of paramount concern to the government of the City.

The enumeration of the foregoing rights shall not be construed to deny or diminish other rights retained by the people.

State law references: Freedom of Information Act, MCL 15.243 et seq.; Open Meetings Act, MCL 15.261 et seq.; Home Rule Cities Act, MCL 117.3(l).

CHAPTER 3. STANDARDS OF CONDUCT

Section 3.1. Conflict of interest.

Except for public contracts governed by MCL 15.321 et seq., an officer or employee who has a conflict between a personal interest and the public interest shall fully disclose in writing to the Board of Ethics the nature of the conflict. Except as provided by law, no officer or employee of the City may participate in, act upon or vote upon any matter if a conflict exists.

State law references: Standards of conduct and ethics, MCL 15.341 et seq., MSA 4.1700(71) et seq.

Section 3.2. Conflict involving financial interest.

Except for public contracts governed by MCL 15.321 et seq., an officer or employee who has a substantial financial interest, direct or indirect, in any corporation or business association doing business with the City shall make that interest known and shall refrain from voting upon or otherwise participating in transacting any business with such corporation or business association. A substantial financial interest of an officer or employee shall include any known substantial financial interest, direct or indirect, of the officer's or employee's spouse, or parent, grandparent, child, grandchild, brother or sister or the spouse of any of them. Violation of this section with the knowledge of the person doing business with the City shall render the business transaction voidable by the Mayor or the Council.

State law references: Conflicts of interest as to contracts, MCL 15.321 et seq., MSA 4.1700(51) et seq.

Section 3.3. Anti-nepotism.

No person shall hold an appointive office or employment in which that person would work under the immediate supervision or control of a spouse or a parent, grandparent, child, grandchild, brother or sister or the spouse of any of them. This section shall in no way disqualify such relatives or their spouses who are officers or employees of the City at the time of the election or appointment of said official.

Section 3.4. Board of ethics.

A Board of Ethics is created consisting of the Corporation Counsel and the Human Resources Administrator, either of whom may serve by deputy, and five private persons appointed by the Mayor and confirmed by the Council. Members of the Board shall serve without compensation.

The primary function of the Board of Ethics is to render advisory opinions to officers and employees and conduct investigations with respect to the meaning and application of provisions of the Charter and ordinances establishing standards of conduct for the City service. The Board shall establish procedure to register an inquiry. During

the course of an investigation, the identity of persons concerned shall not be disclosed unless such disclosure is required by law. The Board may authorize the issuance of subpoenas through the Office of Corporation Counsel for documents and witnesses but only after a written request to appear or provide documents has not been complied with. Advisory opinions shall be rendered upon written request by an officer or employee and shall be published by the Board.

The Board of Ethics may recommend improvement in the standards of conduct for the City service or in the organization and procedures related to the administration and enforcement of those standards.

Section 3.5. Political activity.

An officer or employee may not personally, or through an agent, command, coerce or attempt to coerce any person holding a position in the classified service of the City to pay, lend or contribute anything of value to a party, committee, organization, agency or person for the benefit of a person seeking or holding elected office or for the purpose of furthering or defeating a proposed law, ballot question or other measure that may be submitted to a vote of the electors.

While on duty, no political activity shall occur during working hours by appointive officers or employees.

State law references: Political activities by public officers and employees, MCL 15.405 et seq., MSA 4.1702(1) et seq.

Section 3.6. Private use of city property.

No officer or employee of the City shall devote any City property or labor for their own personal or political benefit or for the personal or political benefit of others.

Section 3.7. Penalties.

Any person who alone or with others wilfully violates any of the provisions of this chapter shall be guilty of a violation of this charter punishable as provided in section 19.6 of this charter.

CHAPTER 4. DEFINITIONS

Section 4.1. Definitions.

The following definitions are applicable to this charter:

City: City of Dearborn

Compensation: Salary and remuneration.

Council:	The City Council, the legislative body of the City.
Day:	Calendar day.
Law:	The Constitution and Acts of the United States and of the State of Michigan.
Number:	The singular number includes the plural and the plural number includes the singular.
Person:	Bodies corporate and politic as well as individuals or other types of business associations.
Private Person:	A resident of the City who is not an officer or employee of the City.
Publish:	Making something public in the manner stated in or authorized by this charter.
Remuneration:	Benefits, fringe or otherwise, cost of living adjustments, other than salary resulting from services rendered.
Salary:	The amount of money paid for services rendered exclusive of cost of living adjustments and exclusive of benefits, fringe or otherwise.
State:	State of Michigan.
Tense:	This charter is to be regarded as speaking in the present tense and continuously, for example: the phrase "as provided by law" will incorporate the provisions of the law as they change from time to time.

CHAPTER 5. GENERAL MUNICIPAL POWERS

Section 5.1. Powers of the city.

The City and its officers shall have all of the powers and immunities permitted by law unless a power or immunity is specifically denied them by this charter. These powers may only be exercised to promote the public peace and health and for the safety of persons and property and to advance the interests of good government and the prosperity of the City and its people.

State law references: Permissible that Charter provide that the City may exercise all municipal powers in the management and control of municipal property and in the administration of the municipal government, MCL 117.4j(3), MSA 5.2083(3).

CHAPTER 6. GENERAL PROVISIONS AFFECTING OFFICERS OF THE CITY

Section 6.1. Elective officers.

Elective officers of the City shall be a mayor, clerk, and seven councilmembers elected from the City at large.

State law references: Mandatory that Charter provide for election of certain officers, MCL 117.3(a), MSA 5.2073(a).

Section 6.2. Qualifications of elective officers.

No person shall become a candidate or hold elective office under this charter unless that person is a resident for one year, has never been convicted of a felony and is a registered voter of the City.

State law references: Mandatory that Charter provide for qualifications of officers, MCL 117.3(d), MSA 5.2073(d).

Section 6.3. Time of election and terms of office.

Elective officers of the City shall be elected on the first Tuesday following the first Monday of November 2009 and every fourth year thereafter on that date, for a term commencing at twelve noon on January first of the year immediately following the election and extending for a period of four years thereafter.

State law references: Time for regular elections, MCL 168.644a, MSA 6.1644(1).

Section 6.4. Vacancies in elective office.

If a vacancy occurs in the office of the Mayor and the unexpired term is less than one year, the President of the Council will temporarily fill the vacancy as Mayor and if that person declines to do so then the Council President Pro Tem may fill the vacancy. If both the Council President and the Council President Pro Tem decline to fill the vacancy, then it may be filled by the councilmember receiving the highest number of votes in the preceding election who will accept the position. If no councilmember will accept the position, then the vacancy will be filled by the Chief of Staff if approved by the Council. If the Chief of Staff is not approved, the Council shall appoint some other qualified individual to fill the vacancy for the unexpired term. A vacancy on the Council shall not be created by any councilmember serving temporarily as Mayor hereunder.

If a vacancy occurs in the office of Mayor and the unexpired term is one year or more, the Council President shall serve as Mayor until an election to fill the unexpired term of office shall be held within one hundred twenty (120) days, but no sooner than ninety (90) days of the occurrence of the vacancy or as soon thereafter as permitted by state election laws. If another election is to be held in the City within ninety days of the date of the election called by the Council, the election shall be held over until such other

election. There shall be no primary election. The candidates shall be nominated by petitions signed by not less than 100 or more than 200 registered electors. The petitions must be filed at the City Clerk's office 70 days prior to the election. A vacancy on the Council shall not be created any councilmember serving temporarily as Mayor hereunder.

If a vacancy occurs in the office of Clerk, the deputy shall serve as the Clerk for the remainder of the unexpired term. If there is no such person, the Council shall appoint some other qualified individual to fill the vacancy for the unexpired term.

If a vacancy occurs on the Council then the candidate not elected receiving the highest number of votes for the office of councilmember in the preceding election who is qualified and will accept the position shall be appointed to fill the vacancy. Each successive vacancy that occurs on the Council shall be filled in the same manner. If there is no such person, the Council shall appoint some other qualified individual to fill the vacancy for the unexpired term.

Section 6.5. Appointive officers.

Appointive officers shall be the Treasurer, Assessor, Corporation Counsel, Chief of Staff, Chief Labor Negotiator, Police Chief, Fire Chief, and the directors of departments and the members of multi-member bodies.

Section 6.6. Compensation of officers and employees.

The Council shall fix the compensation of appointive offices prior to appointments to the office. The persons so appointed shall receive only one salary which shall, together with such other remuneration as specified in the resolution of the Council, be in full compensation for the appointees' services to the City and shall not receive any other compensation from the City.

Any elective or appointive officer of the City who receives payment of any kind, other than that specified in this charter, for services rendered in the performance of official duties shall immediately surrender such payment to the general fund of the City.

There is hereby created a Local Officials Compensation Commission who shall determine the compensation of elective officials based upon standard compensation principles and procedures. The meetings, membership, terms and manner of filling vacancies of the Local Officials Compensation Commission shall be as provided in Public Act No. 8 of the Michigan Public Acts of 1972 as amended by MCL 117.5c.

The determination of the commission, with respect to the compensation of the Councilmembers, shall be voted upon within 30 days following its filing with the City Clerk and shall be effective when approved by a 2/3 majority vote of the members elected to and serving on the City Council. If the determination is rejected, the current compensation shall continue.

Any change in compensation for the Mayor will go into effect when the recommendation of the Local Officials Compensation Commission is affirmed within 30 days to the Human Resources Administrator by the Mayor. Any change in compensation for the Clerk will go into effect when the recommendation of the Local Officials Compensation Commission is affirmed within 30 days to the Human Resources Administrator by the Clerk.

The compensation of other employees shall be as provided in the applicable collective bargaining agreement. If there is not a collective bargaining agreement, compensation shall be as determined by the City Council.

State law references: Mandatory that Charter provide for compensation of its officers, MCL 117.3(d), MSA 5.2073(d).

Section 6.7. Reimbursement of authorized expenses.

The Council shall establish conditions for authorizing travel and expenses of officers and employees of the City.

Section 6.8. Change in compensation.

The compensation for appointive offices shall not be increased or decreased during the term of office to which each officer was appointed. Such compensation may include an annual adjustment to salary equal to the average percentage of increases or decreases in salary paid to all full-time employees of the City and adjustments to benefit programs as received by all full-time employees of the City.

Section 6.9. Oath of office.

An elective or appointive officer shall not take office or perform the duties of office until the following oath of office has been taken:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state and that I will faithfully discharge the duties of the office of _____ according to the best of my ability."

Failure to take the oath of office within ten days after election or appointment, unless the time shall be extended by the Council, shall result in a vacancy in the office to which the officer was appointed or elected. An elective or appointive officer must support and uphold the Charter of the City of Dearborn.

State law references: Oath of public officers, Mich. Const. 1963, Art. XI, § 1.

Section 6.10. Bonds of officers and employees.

Elective and appointive officers shall be bonded in accordance with law, and in a manner acceptable to the Council after consultation with the Corporation Counsel. The Treasurer and any employee handling funds of the City in the regular course of business

shall be bonded in accordance with law. The Council shall be empowered to set further conditions for bonding of officers and employees, and shall review such conditions at least once every four years. Bond premiums shall be paid by the City.

Section 6.11. City property.

All books, papers, records or other City property shall be the exclusive property of the City, and shall not become the property of any officer or employee at any time. All City property in the possession of any elective or appointive officer, or any employee, shall be surrendered to the City upon the termination of the officer's term of office or the employee's employment.

Section 6.12. Person in default to the city.

The City shall not contract with, or give an appointive position to, one who is in default to the City. No person who is in default to the City may accept or hold an elective or appointive position unless the default is resolved.

Section 6.13. Resignations.

Resignations of elective officers shall be made in writing to the Council. Resignations of appointive officers shall be made in writing to the appropriate appointing authority and shall be acted upon immediately.

Section 6.14. Proceedings for removal of city officers.

When the Council shall have reason to believe that any elective or appointive office should be declared vacant, the Council shall hold a special public hearing to investigate the matter. A majority of the members of the Council thereafter may vote to declare such office vacant based on one or more of the following grounds:

- (a) Absence of the officer from the City for a period of ninety consecutive days;
- (b) Substantial inability of the officer to perform the functions of office due to physical or mental incapacity;
- (c) Failure of the officer to meet any of the requirements of this charter for holding office;
- (d) Conviction of the officer of a felony, or conviction of a misdemeanor which is a lesser included offense of a felony which was initially charged against the officer. A plea of guilty or no contest to any such offense shall constitute a conviction for purposes of this section;
- (e) Wilful violation by the officer of the provisions of this charter or the ordinances of the City;
- (f) Habitual intoxication of the officer, which shall not be limited to alcohol intoxication;
- (g) Wilful malfeasance or corruption of the officer in the course of duties;

- (h) Wilful misconduct of the officer resulting in substantial impairment of public service;
- (i) Use of public property or labor by any officer for the officer's own personal benefit or for the personal benefit of others.

If the Council shall receive a petition signed by two councilmembers or by no less than two hundred electors of the City stating the substance of allegations sufficient for the declaration of a vacancy in an office, the Council shall be required to hold a public hearing within thirty days to consider the allegations. Such petition shall be made upon oath or affirmation.

Prior to any public hearing by the Council of allegations against any officer, the officer shall be notified of the charges in writing at least ten days prior to the hearing. The officer shall be permitted to prepare written responses to the allegations, give testimony, to call witnesses and to cross examine adverse witnesses. Thereafter, the complaining councilmembers or petitioners may offer a rebuttal. The findings of the Council shall be submitted to the officer in writing following the hearing.

Section 6.15. City officers to hold no other office.

No City officer may simultaneously serve in a policy making or administrative capacity in another unit of government, unless permitted by law and approved by a vote of five members of the Council.

Section 6.16. Residency.

All appointive officers shall be residents of the City, or shall become residents within one year of appointment, except as otherwise provided in this charter or by law.

Section 6.17. Penalties.

Any person who alone or with others wilfully violates any of the provisions of this chapter shall be guilty of a violation of this charter punishable as provided in Section 19.6 of this charter.

CHAPTER 7. THE LEGISLATIVE DEPARTMENT

Section 7.1. General powers of the council.

The Council shall have full power and authority to exercise all the legislative powers conferred upon the City by law.

Section 7.2. Judge qualification of members.

The Council shall be the judge of the qualifications of its members, subject only to review by the courts on facts and law.

Section 7.3. Organization of the council.

Except as otherwise provided in this charter, the candidate for Council receiving the highest number of votes in the regular City election shall serve as president of the Council. The candidate for Council receiving the second highest number of votes in the same election shall serve as president pro tem of the Council and shall act as president of the Council during the absence or disability of the President or when the President is serving as Mayor Pro Tem (Section 10.3) or as Mayor on a temporary basis (Section 6.4). The term of office for Council officers shall correspond to their term of office as members of the Council to which they were elected. The President or President Pro Tem of the Council may decline to serve in such office in which event that candidate having received the next highest number of votes in the same City election shall serve in their stead. Each successive vacancy in the office of Council President or Council President Pro Tem shall be filled in the same manner. Other duties of the Council President and Council President Pro Tem shall be set forth in rules adopted by the Council.

Section 7.4. Meetings of the council.

All meetings of the Council shall be held in accordance with the Open Meetings Act and the Council Rules of Order. An agenda shall be required and available at all meetings of the Council.

State law references: Open meetings act, MCL 15.261 et seq.

Section 7.5. Regular meetings of the council.

The regular meeting schedule shall be determined prior to the deadline for printing the City calendar for the upcoming year and published in the City calendar, if a calendar is to be printed.

State law references: Open meetings act, MCL 15.261 et seq.

Section 7.6. Special meetings.

Special meetings shall be called by the Clerk on request of the Mayor or any two Councilmembers. Written notice stating each matter to be considered at a special meeting shall be given each Councilmember and the Mayor, as provided by Council rules, unless the entire Council and the Mayor are present and waive notice.

Section 7.7. Rules of order.

The Council shall determine its own rules and order of business except as otherwise provided by this charter and shall keep a journal of all of the proceedings of

such meetings in the English language and in accordance with this charter which shall be signed by the President of the Council and the Clerk.

State law references: Mandatory that Charter provide for keeping of a journal, MCL 117.3(m).

Section 7.8. Restriction on powers of the council.

The Council shall not approve a contract with a person or business organization which is in default to the City. No ordinance or resolution shall be adopted except by the affirmative vote of at least four members of the Council, except as otherwise provided by law.

Section 7.9. Attendance at council meetings.

The Council shall compel the attendance of its members, unless excused for good cause, at its meetings and shall enforce orderly conduct therein. The Council may require the attendance at council meetings of the Mayor and any other officer of the City. In the event of illness or absence from the City the Mayor may satisfy such a request by the Council for attendance at meetings by sending a personal representative.

Section 7.10. Official newspaper.

At or prior to its second regular meeting in February of each year, the Council after receiving bids in accordance with established specifications shall designate a newspaper of general circulation in the City qualified to print legal notices under the laws of the State of Michigan as the official newspaper of the City for the following year.

Section 7.11. Publication of council proceedings.

The proceedings of the Council meetings shall be available for public inspection in accordance with the Open Meetings Act, MCL 15.269 et seq.

Section 7.12. Investigations.

The Council may subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence in order to conduct an investigation into the operation of any department or office, or the conduct of any officer of the City.

The Council may appoint a research assistant to the Council who shall not be a member of the classified service. The research assistant shall be responsible to and serve at the pleasure of the Council and may make investigations as directed by the Council and perform other duties as the Council may direct.

Section 7.13. Depositories of city funds.

The Council shall select depositories in which the funds of the City may be deposited.

State law references: Designation of depositories, MCL 129.12; deposit of public monies, MCL 211.43b.

Section 7.14. Annual appropriation; collection and return of taxes.

The Council shall provide for an annual appropriation of money for municipal purposes and for the levy, collection and return of state, county and school taxes in conformity with the general laws of the state. The subjects of taxation for City purposes are the same as for the State, County and School purposes under the general laws of the State.

State law references: Mandatory that Charter provide for annually levying and collecting taxes, MCL 117.3(i).

Section 7.15. Penalties.

Any person who alone or with others wilfully violates any of the provisions of this chapter shall be guilty of a violation of this charter punishable as provided in Section 19.6 of this charter.

CHAPTER 8. POWERS OF THE COUNCIL

Section 8.1. Public peace, health and safety.

The Council shall provide for the public peace and health and safety of persons and property.

State law references: Permissible that Charter provide for police powers, MCL 117.4i(9).

Section 8.2. Streets and alleys.

The Council shall have the power, to the extent permitted by law, to establish, vacate and control and regulate the use of its streets, alleys, bridges and public places and the space above and beneath them.

State law references: Permissible that Charter provide for regulation of public ways, MCL 117.4h(1).

Section 8.3. Licenses.

The Council shall, by ordinance, prescribe the terms and conditions upon which licenses and permits may be granted, suspended or revoked and may require payment of reasonable sums for any license or permit.

State law references: Permissible that Charter provide for regulation of trades and occupations, MCL 117.4i(4), MSA 5.2082(4).

Section 8.4. Rights as to property.

The Council shall have the power to acquire for the City by purchase, gift, condemnation, lease, construction and to make alterations to all structures and property, real and personal, necessary for the proper performance of the operations of the City. Any purchase or sale of real property located more than five miles outside city limits shall be approved by the electorate.

State law references: Permissible that Charter provide for maintenance and disposition of City property, MCL 117.4e(1), MSA 5.2078(1).

Section 8.5. Trusts.

The Council may receive and hold any property or funds in trust for any municipal purpose and shall apply the same to the execution of such trusts and for no other purpose. All trusts established for any municipal purpose shall be used and continued in accordance with the terms of such trusts and law. The Council may terminate any trust for which the asset valuation and annual income total less than five thousand dollars and apply the principal and income to any special or general fund of the City.

Section 8.6. Penalties.

Any person who alone or with others wilfully violates any of the provisions of this chapter shall be guilty of a violation of this charter punishable as provided for in Section 19.6 of this charter.

CHAPTER 9. CITY LEGISLATION

Section 9.1. Ordinances and resolutions of the council.

The Council shall act only by ordinance or resolution. The word "resolution" as used in this charter shall be an official action in the form of a motion and such action shall be limited to matters required or permitted by law and to matters pertaining to the internal affairs or concerns of the city government. All other acts of the Council and all acts carrying a penalty for the violation thereof shall be by ordinance.

Resolutions shall become effective on the day succeeding the date of the next regular meeting of the Council. The Council may give a resolution immediate effect by a vote of at least five councilmembers providing the Mayor shall waive the right of veto.

Section 9.2. Ordinance enactment.

Each proposed ordinance shall be introduced in writing by a member of the Council. A synopsis of each proposed ordinance shall be contained in the agenda of each meeting at which a proposed ordinance is considered.

Except for emergency ordinances, no proposed ordinance shall be finally passed by the Council at the same meeting at which the proposed ordinance is introduced. After introduction, the proposed ordinance shall be published in full in the official newspaper of the City.

All ordinances when enacted shall be immediately recorded and filed by the Clerk. The Mayor and the Clerk shall authenticate such record by their signatures thereon. Except for emergency ordinances that are published by posting pursuant to Section 9.3, all ordinances shall be published in the official newspaper within ten days after enactment and shall become effective the day after publication.

State law references: Mandatory that Charter provide for ordinances, MCL 117.3(k), MSA 5.2073(k); general authority relative to adoption of ordinances, Mich. Const. 1963, Art. VII, § 22.

Section 9.3. Emergency ordinances.

To meet public emergencies affecting only life, health, property or the public peace an emergency ordinance may be enacted. An emergency ordinance may not levy taxes, grant, renew or extend a franchise or regulate, establish or adjust the rate charged for service of any kind.

An emergency ordinance shall be introduced in the form and manner required for ordinances generally except that it shall contain a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be introduced and enacted at the same meeting.

An emergency ordinance may be given immediate effect upon publication when enacted by five members of the Council and when so enacted shall not be subject to the veto of the Mayor. Publication of emergency ordinances shall be effective by posting in three (3) prominent places in the City. Every emergency ordinance shall also be published in the official newspaper within ten days after enactment. Every emergency ordinance is automatically repealed on the sixty-first day after its enactment unless it is reenacted as an ordinance in accordance with the provisions of this charter.

Section 9.4. Amendment and revision of ordinances.

The Council shall have power to amend or revise any existing ordinance in whole or in part in the manner provided for ordinance enactment.

Section 9.5. Repeal and continue ordinances.

The Council shall have power to repeal or continue any existing ordinance in the manner provided for ordinance enactment except that an ordinance may be repealed or continued by reference.

Section 9.6. Veto by mayor.

Except as otherwise provided in this charter, the Mayor shall have the power to veto any ordinance or resolution of the Council. The veto must be written or printed giving the reasons for veto and filed with the Clerk at least thirty-six hours prior to the time of the next regular meeting of the Council after such ordinance was enacted or such resolution adopted.

In the event a resolution is adopted at a special meeting of the Council and there is less than seventy-two hours before the next regular meeting, the Mayor may veto the resolution by four o'clock in the afternoon of the date of the next regular meeting of the Council.

The Clerk shall present such veto to the Council at the next regular meeting after which it is received and the Council shall reconsider the vote and may readopt the ordinance or resolution by the affirmative vote of five members and the Mayor shall have no further right to veto the ordinance or resolution.

Ordinances which are adopted over the veto of the Mayor shall continue in effect as if there were no veto and ordinances which are not so adopted shall be removed from ordinance records.

Section 9.7. Ordinance penalties.

The Council shall provide in each ordinance for punishment of up to 90 days imprisonment, a \$500 fine, or both, or as otherwise permitted by law for those who violate its provisions.

State law references: Limitation on penalties, MCL 117.4i(10), MSA 5.2082(10).

Section 9.8. Technical codes.

The Council may adopt any provision of state law or any detailed technical regulations as a city ordinance or code by citation of such provision which has been promulgated by the State of Michigan, or by any department, board, or other agency

thereof, or by any organization or association which is organized and conducted for the purpose of development of such code by reference thereto in an adoptive ordinance without publishing such code in full. The purpose of such code shall be published with the adoptive ordinance and copies of such code shall be made available to the public in the office of the Clerk for sale to the public at cost.

State law references: Authority to adopt technical codes by reference, MCL 117.3(k), MSA 5.2073(k).

Section 9.9. Codification.

Copies of all ordinances which are in effect, all resolutions, this charter and all amendments thereto shall be prepared and kept on hand in the office of the Clerk and made available for public distribution at cost. Codification shall be arranged by the City Clerk on an as needed basis.

State law references: Authority to codify, MCL 117.5b, MSA 5.2084(2).

Section 9.10. Citizen Initiative.

Any ordinance which may be legally adopted by the Council, except an appropriation, may be proposed by a petition signed by five percent of the registered electors of the City. Such petition shall be addressed to the Council and shall set forth the proposed ordinance in a form permitted by law.

State law references: Permissible that Charter provide for initiative, MCL 117.4i(6), MSA 5.2082(6).

Section 9.11. Petitions; when sufficient; council procedures.

Within ten days from the date of the filing of the petitions, the Clerk shall determine the sufficiency of the petitions and report this fact to the Council.

If the petitions are found to be sufficient, the Council shall consider the ordinance contained in the petition at its next regular meeting and if it does not pass the ordinance within three successive regular meetings after its receipt from the Clerk, the Council shall provide for the submission of such ordinance to the electors of the City at the next election in the City. No separate election shall be held for the purpose of initiative except as provided by law.

Section 9.12. Referendum on ordinance passed by the council.

Within ninety days after the publication of any ordinance passed by the Council, except on appropriation, petitions may be presented to the Council protesting such ordinance continuing in effect. Such petitions shall be in the same form generally as that specified for initiative petitions and signed by registered electors of the City not less in number than ten percent of all votes cast for the office of mayor at the preceding election. Such ordinance shall be suspended from operation upon receipt of petitions by the Council. If the ordinance is not repealed within four weeks from the date of receipt of

petitions from the Clerk, the Council shall submit the question to a vote of the electors of the City.

State law references: Permissible that Charter provide for referendum, MCL 117.4i(6), MSA 5.2082(6).

Section 9.13. Referendum may be made by council without petition.

The Council may submit to a referendum, for adoption or rejection by the electors of the City, any ordinance, proposed ordinance, measure or proposal for the repeal or amendment of any ordinance.

Section 9.14. Referendum elections.

The ordinance or other measure or proposal to be submitted to the electors shall be published at least once in the official newspaper of the City and electronic media if available at least forty-five days prior to the election at which it is to be submitted. If the majority vote of the electors voting at the election is in favor of the ordinance or other proposition, the same proceedings shall be taken after the canvass of the returns and declaration of results by the Board of Canvassers, as would be necessary if the same action upon such proposition had been taken by the Council, except that in the case of ordinances no further publication shall be required.

Section 9.15. When referendum fails.

If at such election the ordinance shall fail, a similar ordinance on the same subject shall not be submitted to the electors for two years after the date of such election.

Section 9.16. Review of ordinances adopted or repealed by referendum.

No ordinance adopted or repealed under this charter by initiative or referendum vote shall be adopted, repealed or amended except by the vote of the electorate; however, such ordinance shall be subject to review as provided for in this chapter only after five years time has elapsed from the date of its passage.

Section 9.17. Penalties.

Any person who alone or with others wilfully violates any provisions of this chapter shall be guilty of a violation of this charter punishable as provided in Section 19.6 of this charter.

CHAPTER 10. THE EXECUTIVE DEPARTMENT

Section 10.1. Administrative officers.

The administrative officers of the City shall be the Mayor, Clerk, Treasurer, Assessor, Corporation Counsel, Chief of Staff, Chief Labor Negotiator and all directors of departments and members of multi-member bodies of the city government. The Mayor, with Council approval may combine any administrative offices and departments, or separate, or eliminate them, in any manner it considers advisable for the proper and efficient operation of the City, except as may be otherwise provided by law.

Section 10.2. Duties of the mayor.

The Mayor shall be the Chief Executive Officer of the City. The Mayor shall be the conservator of the peace and shall exercise within the City, the powers as necessary for the preservation of the public peace, health and safety of persons and property. The power and duties of the Mayor shall include the following:

- (a) Enforcement of all laws and ordinances;
- (b) Appointment and removal of appointive officers and members of multi-member bodies except as otherwise provided for in this charter or by law. The appointment of the person as Corporation Counsel shall be subject to the confirmation of the Council;
- (c) Enforcement of all terms and conditions of any franchise, contract or other agreement entered into by the City;
- (d) Authentication by signing such instruments as are required by law, the Council and this charter;
- (e) Attendance at any meeting of the Council which the Mayor has been requested by the Council to attend, however, in the event of illness or absence from the City, the Mayor may satisfy such a request by the Council for attendance at meetings by sending a personal representative;
- (f) Preparation and administration of the annual budget of the City;
- (g) Submission to the Council and to the citizens on or before the first day of September of each year, of a complete report on the activities, during the prior fiscal year, for those departments not under the jurisdiction of any other elected official;
- (h) Recommendation to the Council for adoption of measures deemed to be necessary and beneficial to the City and its citizens;

- (i) Ensuring the efficient administration of all departments and functions of the city government not under the jurisdiction of any other elected official; or the Civil Service Commission. The Mayor may create, eliminate, or privatize any administrative department, or any or all of its functions, that are deemed appropriate in order to deliver necessary services and for the city government to function efficiently, with prior approval of the Council, except there shall be a Clerk, Treasurer and Assessor.

Section 10.3. Mayor pro tem.

When the Mayor is absent, the President of the Council shall act as Mayor Pro Tem.

The Mayor Pro Tem shall not have the power to remove the appointive officers who have been appointed by the Mayor, until the Mayor Pro Tem shall have acted in the capacity of the Mayor for a period of thirty consecutive days. Such removal by the Mayor Pro Tem shall be only for just cause, based on one or more of the grounds set forth in Section 6.14 and approved by a majority of the members of the Council before becoming effective.

Appointments made by the Mayor Pro Tem shall be confirmed by a majority of the members of the Council. These appointments shall be temporary until such appointee shall have served in the appointed capacity for a period of sixty days following the appointment, and thereafter shall extend for the balance of the unexpired term.

The Mayor Pro Tem shall attend all the meetings of the Council but shall not take an active part in the Council proceedings except to vote in the case of a tie vote. Increased compensation for the Mayor Pro Tem shall be at the discretion of the Council.

Section 10.4. City clerk.

The Clerk shall keep the corporate seal, chair the Election Commission, and perform the following functions:

- (a) Attendance at all Council meetings as Clerk of the Council and maintenance of a permanent journal of the proceedings in the English language;
- (b) Maintenance of all documents, papers, files and records not entrusted to some other officer by this charter or by ordinances or resolutions of the Council;
- (c) Recording and maintenance in books of all the ordinances of the City;
- (d) Affixing of the corporate seal to all documents and instruments requiring the seal;

- (e) Maintenance of a record of any franchise, contract or agreement entered into by the City;
- (f) Issuance and registration of all licenses granted after the license fee has been paid to the Treasurer;
- (g) Administration of all oaths and affirmations, except as provided in this charter, in matters pertaining to the City, without charge;
- (h) Efficient administration of the affairs of the office of Clerk and Election Commission;
- (i) Preparation and submission to the Council and to the citizens of a complete report on the activities of the office of Clerk and the Election Commission on or before the first day of September of each year;
- (j) Provision of copies, certified under the seal of the City when requested, of public documents and records of the City as required by law;
- (k) Approval by the signing of any standard operating procedures adopted by the office of Clerk or Election Commission;
- (l) Performance of other duties required by law, this charter or ordinance or resolution of the Council.

Section 10.5. City treasurer.

The City Treasurer shall be the general accountant of the City and shall have custody of City funds, money, and securities, and be responsible for the deposit and safekeeping of City funds money and securities. The Treasurer shall have all powers and immunities for the collection of taxes as provided by law. The Treasurer shall maintain a uniform system of accounts as required by law.

State law references: Mandatory that Charter provide for duties of officers, MCL 117.3(d).

Section 10.6. City assessor.

The City Assessor shall be certified and shall possess all qualifications for the position required by law. The assessor shall have all power vested in and shall be charged with all duties imposed upon assessing officers by general laws of the State. The Assessor shall prepare all regular and special assessment rolls in the manner prescribed by this Charter, by ordinance or by the general laws of the State.

State law references: Mandatory that Charter provide for duties of officers, MCL 117.3(d).

Section 10.7. Administrative departments.

Upon recommendation of the Mayor, the Council may establish by ordinance administrative departments to provide the most effective and efficient services to the community, including, but not limited to: public safety; health and welfare; the maintenance, expansion, and improvement of public infrastructure; financial operations; legal representation; assessment of properties; collection of taxes and fees; community master planning and zoning; redevelopment; historical preservation, cultural and recreational activities; employee/labor relations; and municipal services as mandated by State law.

Section 10.8. Mayoral appointees and directors of departments.

Except as otherwise provided in this charter, all appointive officers, other than members of multi-member bodies, and directors of departments shall be appointed by the Mayor and such appointees or reappointees shall be certified in writing to the Clerk on or before the third Monday in January following each regular City election, or within 90 days following a special election to fill the vacancy of the office of the Mayor, or at such other times as may be required to fill vacancies. All directors of departments must possess the necessary qualifications related to the operation of the department to which they are appointed. The deputy director of a department shall act as the director of a department until an appointment is made. The term of office of all appointive officers, other than members of multi-member bodies, and directors of departments shall begin immediately upon appointment and continue until the term of office of the appointing authority ends, or until replacement, whichever occurs later.

The Council may by a vote of five members taken within four weeks after the certification to the Clerk of any person to the position of appointive director of a department, remove from office any person so appointed. The person so removed may not again receive an appointment to the same office during the current term of the Mayor. When the Council shall so remove any appointee of the Mayor, the term of office of such appointee shall terminate immediately.

Section 10.9. Multi-member bodies.

Except as provided in this charter, the Council may by ordinance create or discontinue multi-member bodies to assist the officers, departments and agencies of the City in the execution of their duties. Unless otherwise provided by law, the Mayor shall appoint members of multi-member bodies for terms of three years commencing on the first day of July. Unless otherwise provided by law, all appointees of the Mayor to multi-member bodies shall be subject to confirmation by the Council. Members of multi-member bodies shall possess the qualifications required by this charter for holding office, unless the Mayor shall state reasons for an exception at the time the appointment is made. Every attempt shall be made to make multi-member bodies as widely representative of the people of the City as possible. The Clerk shall report to the Mayor, Council or other appointing authority prior to the first Council meeting in March of each year, a list of the

terms of office on multi-member bodies which shall end on the thirtieth day of June. Terms of office shall be staggered so that an equal number as possible of terms shall expire each year of each multi-member body. The Mayor shall establish and make public a procedure which shall provide for receiving applications and recommendations of individuals for appointment to multi-member bodies. Vacancies on multi-member bodies shall be filled immediately upon occurrence and persons so appointed shall take office immediately and shall serve for the remainder of the unexpired term. The provisions of this charter shall not be construed to prevent the Council from establishing, by resolution, committees to assist the Council in its study of any matter of concern to the City.

Each multi-member body shall establish its rules of order and its officers shall be elected from among its members no later than the thirty-first day of August of each year.

The provisions of this section shall not apply to the appointments made to the Board of Canvassers, the Election Commission, the Board of Review or the Zoning Board of Appeals, which shall be made in accordance with state law or City Charter; or to appointments made to the governing boards of the City retirement systems which shall be made in accordance with Chapter Seventeen.

Section 10.10. Council not to interfere.

No member of the Council shall interfere directly or indirectly with the conduct of any department except as provided for in this charter.

Section 10.11. Officers and employees seeking city office.

An appointive officer or an employee of the City may be granted a leave of absence without pay, benefits or accrued time towards promotion or retirement, to seek a City elective office in accordance with MCL 15.403 et seq.

No elected officer shall become a member of the classified service or an appointive officer during the term for which elected.

Section 10.12. Deputy directors.

The Clerk, Treasurer, and Assessor shall appoint a deputy in accordance with the civil service provisions of this charter. Each director of a department may appoint a deputy, except as otherwise provided in this charter, with the approval of the Mayor, in accordance with the civil service provisions of this charter. The deputy shall act in the absence or disability of the Clerk or director.

Section 10.13. Chief of Staff.

The Mayor may appoint a Chief of Staff who shall be an appointive officer to aid in the performance of the administrative duties of the office of Mayor. The Chief of Staff shall be an officer of the City and shall serve at the pleasure of the Mayor.

Section 10.14. Operating procedures.

Operating procedures required for the organization and conduct of the departments of the City shall be formulated by the director or multi-member body in charge of such departments.

Section 10.15. Appointing authority.

Unless otherwise provided in this charter, each director or multi-member body in charge of a department and each elective officer in charge of a department shall be the appointing authority of all officers and employees of the department subject to the civil service provisions of this charter.

Section 10.16. Police department.

There shall be a separate police department, the director of which shall be the Chief of Police, who shall be appointed by the Mayor and shall be educated, skilled and qualified by experience in law enforcement and police administration. The Chief of Police shall be the executive officer of the department and shall be responsible for the administration of the department. The Chief of Police shall organize and carry out the duties and functions of the department. The City shall employ no less than 2.1 fulltime paid sworn police officers for each 1,000 person residing in the City of Dearborn, as indicated by the most recent United States Census.

Section 10.17. Fire department.

There shall be a separate fire department, the director of which shall be the Fire Chief, who shall be appointed by the Mayor and shall be educated, skilled and qualified by experience in fire science and the administration of a fire department. The Fire Chief shall be the executive officer of the fire department and shall be responsible for the administration of the department. The Fire Chief shall organize and carry out the duties and functions of the department. The City shall employ no less than 1.24 full-time paid professional firefighters for each 1,000 persons residing in the City of Dearborn as indicated by the most recent United States Census.

Section 10.18. Legal counsel.

There shall be a Corporation Counsel who shall be licensed to practice law in the State of Michigan. A deputy corporation counsel, who shall be a member of the classified service, may be appointed by the Corporation Counsel. The Corporation Counsel shall not engage in the practice of law directly or indirectly other than in the fulfillment of his/her responsibilities to the City. The Corporation Counsel shall act as legal advisor to and attorney and counsel for all the members of the Council in matters relating to their official duties. The Corporation Counsel shall give written opinions to any official or department of the City when requested in writing by the Mayor or Council, and shall file

copies of the same with the Clerk. The Corporation Counsel shall prepare, or officially pass upon, all contracts, bonds and other instruments in writing in which the City is concerned, and shall certify before execution as to their legality and correctness of form. The Corporation Counsel shall perform such other duties of a legal nature pertaining to the affairs of the City as may be prescribed by this charter, by the Council or by the Mayor.

Section 10.19. Special counsel.

Upon recommendation of the Corporation Counsel, approved by the Mayor, the Council may retain special legal counsel to handle any matter to which the City is a party or in which the City has an interest, or to assist and co-counsel with the Corporation Counsel therein, for such limited time and purpose as the Mayor shall specify.

The Council may retain an attorney of its own selection other than and in addition to the Corporation Counsel on such matters and for such periods of time as it may deem necessary for the best interests of the City.

Section 10.20. Department of libraries.

The Department of Libraries shall be under the general management and control of a Library Commission consisting of nine members appointed by the Mayor. The Commission shall determine the policies of the Department of Libraries and shall select a Library Director who shall be a member of the classified service and who shall administer the activities of the Department of Libraries and be the appointing authority for all other library employees.

Section 10.21. Plan commission.

There shall be a City Plan Commission which shall exercise its authority in accordance with State law and shall consist of nine private persons appointed by the Mayor with the approval of the Council.

Section 10.22. Penalties.

Any person who alone or with others wilfully violates any of the provisions of this chapter shall be guilty of a violation of this charter punishable as provided in Section 19.6 of this charter.

CHAPTER 11. HUMAN RESOURCES

Section 11.1. Purpose.

The purpose of this chapter is to establish a civil service system based on merit principles and scientific methods, thereby providing the basis for establishing effective human resource policies and practices as guides to administrative action. All appointments and promotions to positions in the classified service shall be made from appropriate eligible registers of persons who have demonstrated their fitness in competitive examination for the positions sought to be filled.

Section 11.2. Administration.

There shall be established a Civil Service Commission of five members to administer the provisions of this chapter. The Commission shall appoint a Human Resources Administrator in accordance with the terms of this charter with the approval of the City Council who shall serve at the pleasure of the Commission.

All officers and employees of the City shall grant to the Commission or its authorized representative free access to premises and records under their control and shall furnish them such facilities, assistance or information as may be required to carry out the provisions of this chapter.

Section 11.3. Appointment of the Commission.

Members of the Commission shall be appointed as follows: two members by the Mayor, two by the Council, and the four so chosen shall appoint the fifth member. At least two of the five members shall have a background in human resources or executive management experience. Not more than one member shall be a former City employee. Members of the Commission shall be residents of the City, shall not be current City employees, and shall be sympathetic to merit principles as applied to public human resource policies and practices. Members of the Commission shall serve four-year terms without compensation. The Mayor shall not have authority to veto the Council's appointment to the Commission. Members of the Commission may only be removed in the manner provided in Section 6.14 of this charter.

Section 11.4. Three votes required to act.

Three concurring votes shall be required for a decision of the Commission.

Section 11.5. Appointment of the human resources administrator.

The Human Resources Administrator shall be trained and experienced in human resource administration. With the approval of the City Council, any vacancy in the position shall be filled by the Commission within ninety days after such vacancy occurs from among the three highest-rated candidates whose names appear on an employment

list established as the result of an open competitive examination conducted by a committee of three qualified examiners appointed by the Commission. Each of the three members of the examining committee shall be either (a) a responsible administrative officer of a civil service or central human resources agency administering a merit system in the federal government, in a state, or in a city, township, or a county of over seventy-five thousand population, or (b) the director of human resources of a business or industrial establishment known to have an effective and well-rounded human resources program and which employs at least two thousand employees, or (c) an educator in an accredited college or university. At least one of the members of the examining committee shall fall in the first of the foregoing categories. The Human Resources Administrator shall be in the classified service and may be removed by the Civil Service Commission. The Human Resources Administrator's salary shall be set by the Commission with approval of the City Council.

Section 11.6. Duties of the commission.

The Commission shall have the following duties:

- (a) Representation of the public interest in personnel administration in the City service;
- (b) Issuance of an annual report and special reports upon the request of the Mayor or Council on the quality and status of human resource administration in city government and recommendation of improvements, including a review of national Human Resources best practices and Civil Service reforms;
- (c) Enforcement of the merit principle in all aspects of human resources administration in the City, and consistent therewith, to receive, investigate and decide disputes between the City and its classified employees and to protect classified employees from political pressures;
- (d) Maintenance and revision of a classification plan based on the duties, authority and responsibilities of positions in the City service;
- (e) Preparation of a salary plan for the positions in the City service together with regulations for the administration of such plan. This suggested plan shall be submitted by the Civil Service Commission to the Council for approval and shall when adopted constitute the official salary plan for positions in the City service. This may include a plan for sick benefits;
- (f) Establishment of policies and practices, governing full-time, temporary and emergency appointments to positions in the classified service and promotions therein, including the certification of the three highest-rated persons on the open competitive employment list for original entry to City service;

- (g) Establishment of policies and practices regarding transfers within or between departments, promotions or demotions, performance ratings, training programs, health, welfare and recreation programs, leave provisions and other matters of human resources administration;
- (h) Establishment of policies and practices governing the separation of employees from City service, including rejection of employees during the probationary period, layoffs due to lack of work or available funds, resignation, death, retirement or suspension for disciplinary purposes and dismissals for cause;
- (i) Establishment of policies and practices for appeals by classified employees to the Commission regarding proceedings or circumstances bearing upon the employment status or conditions of employment of such employees;
- (j) Establishment of policies and practices governing the use of human resource records and forms containing the employment history of each officer and employee of the City. Such records and forms shall not be open to public inspection, except as required by law;
- (k) Subject to an approved budget appropriation, appointment to the classified service of such employees as may be necessary to assist the Human Resources Administrator in carrying out the provisions of this chapter, and the employment of such experts and special assistants as may be necessary to assist the Commission or the Human Resources Administrator in the performance of their duties;
- (l) Undertaking of such other actions as may be necessary to carry out the provisions of this chapter;
- (m) Adoption, amendment and repeal of rules, with approval of the Mayor, necessary to carry out the foregoing duties of the Commission. The rules and amendments thereto shall promote the efficiency and good of the City service, improve employee morale and provide for the use of scientific personnel methods and standards which will assist in carrying out the provisions of this chapter;

Section 11.7. Veterans preference.

War veterans who have passed original entrance examinations for City service shall be awarded ten additional points if they are not at that time eligible for disability compensation from United States Department of Veterans Affairs or any successor agency or fifteen additional points if they are eligible for such compensation. Such veterans shall earn a place on the eligible register in accordance with their augmented

scores. The term "veteran," as used herein, shall mean any person, or the unremarried surviving spouse of such person, who is credited by the United States government or any of its agencies with war time military service for the purpose of determining eligibility for the federal civil service veterans preference, or who has been awarded a campaign badge for expeditionary military service.

Section 11.8. Duties of the human resources administrator.

The Human Resources Administrator shall act as secretary to the Commission, and shall carry out the functions necessary to fulfill the Human Resources provisions under the direction of the Commission.

Section 11.9. Unclassified service and classified service.

The unclassified service shall comprise the offices and positions held by elected City officers, appointive officers, election inspectors, directors of departments except as provided in this charter, members of multi-member bodies, and part-time, provisional, seasonal, emergency, and temporary employees, and such other unclassified offices and positions as designated by the City Council. The classified service shall include all other positions, now existing or hereafter created, and the provisions of this chapter shall apply thereto.

Section 11.10 Administration of oaths.

For the purpose of administering the provisions of this chapter, any member of the Commission or the Human Resources Administrator shall have the power to administer oaths.

Section 11.11 Prohibitions.

No person in the classified service or seeking admission thereto shall be appointed, promoted, demoted, dismissed, or in any way favored or discriminated against because of sex, race, national origin, political or religious opinions or affiliations. No person, officer or employee shall willfully or corruptly, individually or in cooperation with one or more persons, defeat, deceive or obstruct any person in respect to his/her right of examination, or corruptly or falsely mark, grade, estimate or report upon examination or proper standing of any person examined or aid in so doing, or willfully or corruptly make any false representation concerning the same or concerning the person examined, or willfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, being appointed, employed, promoted or reinstated. No person seeking appointment to or promotion in the classified service of the City shall either directly or indirectly give, render or pay any money, service or other valuable thing to any person for or on account of or in connection with the test, appointment, proposed appointment, promotion or proposed promotion.

No member of the Commission shall continue in such office after becoming an officer of any political party or a member of any local, state or national political party committee, nor take any part in the management, operation or conduct of any political party or political campaign. Any person in the classified service violating any of the provisions of this section shall be subject to the disciplinary action of the Commission in addition to any other penalties provided in this chapter.

Section 11.12 Certification of pay rolls.

The Human Resources Administrator shall certify that the classified employees named in pay roll vouchers are employed in accordance with this chapter and Commission policies and rules.

No officer shall make or approve or take any part in making or approving any payment to any classified employee unless the pay roll voucher bears the certification of the Human Resources Administrator.

Any sum knowingly or wilfully paid contrary to this chapter or any Commission policy or rule may be recovered in an action brought by any person from any officer who made or approved the payment, or from the sureties on the official bond of the officer. All monies recovered shall be paid into the general fund of the City.

If the Commission finds that the name of any classified employee has been omitted from any pay roll, the agency involved shall correct the pay roll and the classified employee shall be paid as directed by the Commission.

Section 11.13 Labor Relations.

The Mayor shall have overall responsibility for the labor relations functions of the City. The Mayor shall designate the chief labor negotiator for the City with the advice and consent of the Council. The chief labor negotiator shall serve at the pleasure of the Mayor as negotiator and shall represent the City in collective bargaining. Collective bargaining contracts shall become effective when ratified by the City Council in accordance with law.

Section 11.14 Penalties.

Any person who alone or with others wilfully violates any of the provisions of this chapter shall be guilty of a violation of this charter punishable as provided in Section 19.6 of this charter.

CHAPTER 12. ELECTIONS*

*State law references: Michigan election laws, MCL 168.1 et seq., MSA 6.1001 et seq.; mandatory that Charter provide for the time, manner and means of holding elections, MCL 117.3(c), MSA 5.2073(c).

Section 12.1. State laws to govern.

The election laws of the state shall apply to and control all procedure relating to the qualifications and registration of electors and nomination of candidates for elective offices in the City, and to the conduct of primary, regular and special City elections. State law references: Michigan election laws, MCL 168.1 et seq., MSA 6.1001 et seq.

Section 12.2. Record of nominating petitions.

The Clerk shall keep a record of all persons who request nominating petitions for elective offices in the City, and shall keep a record of the persons on whose behalf nominating petitions are requested.

Section 12.3. Nominating petitions.

The nomination of candidates for elective offices in the City shall be by nominating petitions therefor signed by not less than one hundred or more than two hundred registered electors of the City. Nominating petitions shall be filed with the City Clerk by 4 p.m. on the twelfth Tuesday prior to the primary election.

State law references: Mandatory that Charter provide for nominations of elective officers, MCL 117.3(b), MSA 5.2073(b). Michigan election laws, MCL 168.644(f).

Section 12.4. Election commission.

The Election Commission shall have charge of all activities and duties required of it by law, and shall consist of the Clerk, who shall chair the Commission, the Corporation Counsel and a private person appointed by the Council for a term to expire June Thirtieth, Two Thousand and Ten and every four years thereafter.

Section 12.5. Primary and general elections.

A City primary election, when required by state law, shall be held on the Tuesday following the first Monday in August in each year in which a regular City election is held.

The City general election shall be held on the first Tuesday following the first Monday in November 2009 and every four years thereafter.

Section 12.6. Nonpartisan elections.

All City elections shall be nonpartisan.

State law references: Nonpartisan nominating petitions, MCL 168.544a, MSA 6.1544(1).

Section 12.7. Political material prohibited on city property.

No sign, literature or other political material which advocates a candidate or cause may be attached to any City property nor distributed within 100 feet of a City building entrance.

Section 12.8. Penalties.

Any person who alone or with others wilfully violates any of the provisions of this chapter shall be guilty of a violation of this charter punishable as provided in Section 19.6 of this charter.

CHAPTER 13. FINANCE AND TAXATION

Section 13.1. Fiscal year.

The fiscal year of the City shall be the first day of July through the thirtieth day of June of the following year unless set otherwise by City Council to coincide with the State or Federal fiscal year.

Section 13.2. Limitation on taxation.

The Council shall have the power to and shall raise annually by taxation, such sum of money as may be necessary to defray the general expenses and liabilities of the City and to carry into effect the powers in this Charter granted, subject to the limitations of this section. The total tax rate limitation in any fiscal year, beginning July 1, 2008, for municipal purposes shall not exceed 16 mills on all the taxable real and personal property in the City, according to the assessment roll last confirmed prior to the beginning of such fiscal year, as such tax rate may be reduced from time to time by operation of law; provided that the total amount of all taxes which the Council shall have the power to raise in any fiscal year for municipal purposes shall not exceed the lesser of the foregoing rate, as reduced from time to time or 15 mills on all the taxable real and personal property in the City, according to the assessment roll last confirmed prior to the beginning of such fiscal year.

Section 13.3. Preparation of the budget.

The preparation of the annual budget shall be under the direction of the Mayor and the Treasurer and shall contain such items as are required by law. The budget shall be

prepared and submitted to the Council in a manner and at such time as the Council shall determine. The proposed budget shall show the amount for each item of the budget, the amount budgeted for each item of the current fiscal year, and the amount actually expended or received for each item of the just completed fiscal year.

State law references: Uniform budgeting and accounting, MCL 141.421 et seq., MSA 5.3228(21) et seq.; mandatory that Charter provide for an annual appropriation, MCL 117.3(h), MSA 5.2073(h).

Section 13.4. Council consideration of the budget.

Within the limits of taxation provided in this charter, the Council may revise, alter, increase or decrease the budget submitted by the Mayor. The budget may provide for a contingency reserve appropriation of no more than three percent of the annual estimated revenues. The budget shall provide all sums necessary for payment of bonds and the interest thereon. The Mayor and the departments shall provide the Council access to all persons and information necessary for budget deliberations as the Council may direct. The Council shall hold a public hearing on the proposed budget each year prior to its adoption.

Within fifteen days of the adoption of the budget by the Council, the Mayor shall have the power to veto the entire budget, or any item therein, and shall return the budget to the Council for its consideration of any part of the budget that shall have been vetoed. Within ten days after the receipt of the veto, the Council shall reconsider any part of the budget that has been vetoed. If five members of the Council shall vote to override the veto as to the whole or any part of the budget, the Council's decision shall be final. The Council shall consider each veto separately.

Section 13.5. Determining the tax levy.

When the budget is adopted, the Treasurer shall make an itemized statement of the amounts to be raised by taxation and shall report the same to the Council. The Council shall by resolution set the amounts of money to be raised by taxation in the next fiscal year and shall inform the Assessor thereof.

Section 13.6. Budget transfers.

Neither the Council or any other officer or agency of the City shall have the authority to transfer budgeted funds from one departmental budget to another. An emergency appropriation may be made by the Council from the contingency reserve within the general fund when any budgeted appropriation shall be exhausted. Emergency appropriations shall be made by a vote of at least five council members and shall not be subject to veto. Appropriations from the contingency reserve may be made to provide for unforeseen and unusual expenditures.

Section 13.7. Assessment rolls.

The Assessor shall be responsible for the preparation of the assessment roll of all property in the City to be assessed.

State law references: Mandatory that Charter provide for preparation of assessment roll, MCL 117.3(i), MSA 5.2073(i); assessment roll, MCL 211.24 et seq., MSA 7.24 et seq.

Section 13.8. Board of review.

There shall be a Board of Review established in accordance with law consisting of three persons experienced in real property values: one member to be appointed by the Council, one member to be appointed by the Mayor, and the third member to be appointed by the Treasurer. The Mayor may appoint an alternate member to be a private person experienced in real property values. The Board of Review shall meet in the council room on dates determined by the Council or as otherwise required by law at times convenient to the general public. At least one evening session shall be held. Notice of the meetings of the Board of Review shall be made by the Clerk at least ten days prior to the first meeting of the Board of Review in the manner required by law. Changes in the assessment rolls made by the Board of Review shall be communicated to the Assessor and the assessment rolls corrected accordingly. The Assessor or deputy shall attend all meetings of the Board of Review.

State law references: Mandatory that Charter provide for a board of review, MCL 117.3(a), MSA 5.2073(a).

Section 13.9. Assessment and collection of taxes.

Following the review of the assessment rolls by the Board of Review, the Assessor shall spread thereon all taxes to be collected by the City in accordance with law. Thereafter, the Assessor shall certify the rolls and the budget to the Treasurer, who shall apportion tax monies collected to the various funds provided in the budget.

State law references: Completion of review of assessments prior to first Monday in April required, MCL 211.30a, MSA 7.30(1).

Section 13.10. Reappraisal and reassessment.

All property in the City subject to general ad valorem taxation shall be reappraised and reassessed according to State laws.

Section 13.11. Taxes, when due.

Except for installment payments, property taxes shall be paid without penalty on or before the fourteenth day of September each year. A person liable for taxes on any property may pay such taxes in three equal installments, the first being due on or before the fourteenth day of September; the second being due on or before the fourteenth day of November; the third being due on or before the fourteenth day of January of the fiscal year in which the tax is payable, without penalty or interest thereon provided such payments are made when specified herein.

State law references: Collection of taxes, MCL 211.44 et seq., MSA 7.87 et seq.

Section 13.12. Tax penalties, fees and interest.

All tax penalties, fees and interest shall be as established by the Council and when received by the City shall be placed in the general fund.

Section 13.13. Tax collection procedures.

Procedures for collection of taxes by the City, including requirements for notice of taxes due, shall be governed by law. The Treasurer shall be empowered to take any action necessary and lawful for the collection of taxes. All taxes shall become a lien on the property assessed at the time they are levied and until they are paid.

State law references: Mandatory that Charter provide for levy, collection and return of state, county and school taxes, MCL 117.3(i), MSA 5.2073(i).

Section 13.14. Borrowing in anticipation of taxes.

The City may borrow in anticipation of collection of taxes for the same or next succeeding fiscal year, such sums as may be permitted by law. Money so borrowed shall be repaid from such taxes when collected.

State law references: City authority to borrow money on the credit of the City and issue bonds therefor, MCL 117.4a(1) and 141.2405(2), MSA 5.2074(1).

Section 13.15. Expenditures procedures.

No money may be disbursed from the treasury except in pursuance of an appropriation by the Council and upon the approval of the Treasurer. Disbursements shall specify the fund from which it is payable and shall not be paid from any other fund. No disbursement shall be drawn upon the treasury after the fund from which it should be paid has been exhausted.

Section 13.16. Bidding and purchasing procedures.

The Council shall, by ordinance, establish procedures to protect the interest of the City and to assure fairness in procuring or the sale of property and services

Section 13.17. Certification of contracts.

The Treasurer shall encumber the amount of all purchase orders at the time of their issuance and shall certify that funds are available to make payments required by any proposed contract before the City becomes a party thereto.

State law references: Restriction on making contracts with persons in default to city, MCL 117.5(f), MSA 5.2084(f).

Section 13.18. Independent audit.

The Council shall provide for an independent audit of all accounts of the City within thirty days of the end of each fiscal year. The audit may also include the amounts of the District Court. The audit shall be conducted by certified public accountants experienced in municipal accounting and shall be completed within six months of the close of each fiscal year. Copies of the audit shall be placed in all public libraries in the City.

Section 13.19. Penalties.

Any person who alone or with others wilfully violates any of the provisions of this chapter shall be guilty of a violation of this charter punishable as provided in Section 19.6 of this charter.

CHAPTER 14. PUBLIC IMPROVEMENTS

Section 14.1. General authority to acquire or dispose of public improvements.

The City may acquire, extend or alter by any means permitted by law, any public improvement necessary for the public health, safety and welfare.

Section 14.2. Acquiring and disposing of public utility.

The City may not acquire or dispose of any public utility unless approved by three-fifths of the electors of the City voting thereon.

Section 14.3. Public disclosure of costs of public improvements.

Prior to a vote of the Council or the electorate upon the acquisition, extension, alteration or disposal of any public improvements, the Council shall direct the preparation of and shall receive and publish an estimate of the cost of the construction, acquisition or disposal and shall determine in what manner and from what funds the cost of the public improvement shall be paid and shall require an estimate to be prepared of the cost of operating the public improvement for the following three years.

Section 14.4. Penalties.

Any person who alone or with others wilfully violates any of the provisions of this chapter shall be guilty of a violation of this charter punishable as provided for in Section 19.6 of this charter.

CHAPTER 15. SPECIAL ASSESSMENTS*

*State law references: Power re assessments, MCL 117.4a, 117.4b, 117.4d, 117.5; MSA 5.2074, 5.2075, 5.2077, 5.2084.

Section 15.1. Power to make special assessments.

The City shall have the power to make special assessments for public improvements and other purposes in accordance with law. Special assessments shall be made on a pro rata basis according to the benefit to be derived by affected property owners within each special assessment district. That portion of the benefit to be derived from each public improvement that shall accrue to the general public and not to individual property owners shall be determined by the Council prior to the levy of a special assessment, and that percentage of the cost of the public improvement shall be paid by taxpayers of the City at large. The method of determining the special assessments in each district shall be in accordance with applicable legal requirements, and the City shall have the authority to adjust any unjust, incorrect or inequitable special assessment. The Assessor shall certify the special assessment rolls as lawfully prepared, and such rolls shall be open to public inspection during regular business hours.

State law references: Permissible that Charter provide for assessing costs of public improvements, MCL 117.4d, MSA 5.2077.

Section 15.2. Review of special assessment roll.

A meeting of the Council to review each special assessment roll and to hear objections to the special assessments shall be held. The Assessor or deputy shall attend any such meeting. The public notice of such a meeting shall advise all persons having objections to the special assessment roll that objections must be filed with the Clerk in writing at/or prior to the meeting of the Council. In either event, objections will be considered at the meeting of the Council. All affected property owners shall be notified of the proposed special assessment against their properties by mail at least fifteen days prior to the meeting of the Council.

Section 15.3. Objections to proposed improvement.

If, at or prior to the meeting of the Council to review the special assessment roll, owners of more than fifty percent of the assessed value of privately owned property to be assessed, or in the case of paving or similar improvements, owners of more than fifty

percent of the frontage to be assessed shall object in writing to the proposed improvement, the special assessment may not be made unless it is supported by five members of the Council.

Section 15.4. Confirmation of special assessment roll.

Following the public meeting of the Council at which the special assessment roll is reviewed, the Council may make such corrections and changes in the special assessment roll as it determines to be necessary or appropriate. All owners of property affected by such corrections and changes shall be notified in the same manner required for the original assessment and the same procedure required for review by the Council of the original assessments shall be used in reviewing the corrections and changes. When all corrections and changes in the special assessment roll have been made and reviewed by the Council, the Council shall confirm the special assessment roll by the required vote and shall notify the Treasurer. The Treasurer shall determine the amount of the special assessments, or installment payments thereon, for each property assessed, and shall file a list of such assessments and installment payments with the Clerk.

Section 15.5. Special assessments as lien.

Special assessments shall constitute a lien upon the properties assessed from the date of confirmation until paid, and shall be of the same character and priority as to City taxes. All assessments or installments thereof which shall be unpaid and delinquent on the first Tuesday in May of each year, and which shall not have been previously reassessed by the Council upon the general tax roll, shall on the said first Tuesday in May of each year be reported to the Council by the Treasurer as delinquent and the Council shall order the amount due, including penalties and interest to the first day of August of such year, to be reassessed and spread by the assessor upon the general tax roll for such year with such information as may be required by law; and said special assessment shall then be collected and paid as provided in collecting City taxes.

Section 15.6. Limitation on contests of special assessments.

A contest of any special assessment made hereunder shall be legally barred unless timely instituted in accordance with law.

State law references: Tax Tribunal Act, MCL 205.735(a)(b).

Section 15.7. Payment of installments.

The Council shall set the number of annual installments of any special assessment, which shall not exceed 30, and terms of payment of special assessments and the interest to be paid thereon.

Section 15.8. Default on special assessments.

When any payment on a special assessment is in default, the Treasurer may take whatever legal action is necessary to collect the payment.

Section 15.9. Additional assessments and refunds.

Bonds may be issued to pay the costs of improvements in a special assessment district. Should any special assessment prove insufficient to pay for the improvement or work or to retire the bonds issued therefore, the Council may, in the same manner provided for original special assessments, make an additional assessment to supply the deficiency. When a special assessment yields a larger amount than is necessary to pay for the improvement or to retire bonds issued therefor, and if the excess is less than five percent, the Council may place the excess in the City general fund, but if the excess is more than five percent, the Council shall order a pro rata refund to property owners of record.

Should any special assessment, or proceedings therefor, be held invalid by a court or by the Council, the Council may order a reassessment for the same purposes as the original special assessment and in the same manner provided for original special assessments. Any sums paid prior to the invalidation of the special assessments shall be credited to the new assessments.

Section 15.10. Special assessments for legally rendered city services.

The Council may levy a special assessment against any parcel of land in order to recover the cost of providing any City service or making any necessary improvement including but not limited to sidewalks, lighting, nuisance abatement, parking lot maintenance and improvements. The Council shall not make such assessment unless the affected taxpayer or predecessor taxpayers have been notified of the providing of such service or the making of such improvement.

Section 15.11. Penalties.

Any person who alone or with others wilfully violates any of the provisions of this chapter shall be guilty of a violation of this charter punishable as provided in Section 19.6 of this charter.

CHAPTER 16. BONDS*

*State law references: Municipal finance act, MCL 131.1 et seq., MSA 5.3188(1) et seq.

Section 16.1. Issuance of bonds.

The City may, within the limits provided by law, authorize the borrowing of money for any purpose within the scope of the powers vested in the City; and may provide for the issuance of bonds of the City or other evidence of indebtedness therefore; and may pledge the full faith, credit, and resources of the City for the payment of the obligations created thereby.

State law references: City authority to borrow money on the credit of the city and issue bonds therefore, MCL 117.4a(1), MSA 5.2074(1).

Section 16.2. Proceeds of bonds.

Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which the same is issued, and it shall be unlawful to use the proceeds for any other purpose, provided that, whenever the proceeds of any bond issue or any part thereof shall remain unexpended and unencumbered for the purpose for which said bond issue is made the Council shall use such unexpended and unencumbered funds for the retirement of said bond issue. The remaining funds shall be deposited in the general fund of the City as provided by law.

Section 16.3. Emergency bonds.

In case of fire, flood or other calamity, the Council may issue emergency bonds in accordance with law, which may be general obligations of the City, to provide relief for the residents of the City, and for the preservation or restoration of municipal property.

Section 16.4. Special assessment bonds.

The Council may provide for the borrowing of money and issuing of bonds in anticipation of the payment of the special assessments, or in anticipation of the payment of any combination of special assessments. Such special assessment bonds may be an obligation of the special assessment district, or may be both an obligation of the special assessment district and a general obligation of the City as provided by law. All collections on each special assessment roll or combination of rolls, to the extent that the same are pledged for the payment of the principal of and interest on bonds issued in anticipation of the payment thereof, shall be set apart in a separate fund for the payment of such principal and interest and shall be used for no other purpose.

State law references: City authority to borrow money and issue bonds therefor in anticipation of the payment of special assessments, MCL 117.4a(2), MSA 5.2074(2).

Section 16.5. Penalties.

Any person who alone or with others, wilfully violates any of the provisions of this chapter shall be guilty of a violation of this charter punishable as provided in Section 19.6 of this charter.

CHAPTER 17. RETIREMENT PLANS

Section 17.1. Establishment of retirement plans.

The three retirement plans of the City shall continue in existence. The accrued financial benefits of active and retired City employees, being contractual obligations of the City, shall in no event be diminished or impaired. Financial benefits arising on account of services rendered in each fiscal year shall be funded during that year and that funding shall not be used for financing unfunded accrued liabilities.

Retirement plans and benefits are subject to collective bargaining. Pursuant to state law, collectively bargained agreements supersede Charter provisions. Subject to the protections set forth in the Michigan Constitution, benefits for employees not subject to a collective bargaining agreement are as adopted by and may be modified from time to time by City Council.

Section 17.2. Changes in retirement benefits.

The Council shall by ordinance adopt the benefit schedules, terms and conditions for the City's retirement plans and may include the revision of benefits for those employees who have already retired or their beneficiaries who are eligible for City pension benefits. Before final action on any proposed change in retirement benefits is taken, the Council shall obtain a report as to the immediate and long-term costs of the change from a qualified actuary of its choosing and may not take final action until at least three months after the report of the actuary is made public at a meeting of the Council.

Section 17.3. Governing bodies.

Not more than three governing bodies for administering the City's retirement plans may be established. The governing bodies shall have all powers necessary to administer the retirement systems. The Treasurer shall be treasurer of the retirement systems, shall serve as secretary to the pension systems' Boards of Trustees, and shall maintain the financial and membership records of the pension systems. The governing bodies shall appoint an attorney, who may be the Corporation Counsel, to serve as legal advisor to the Board. The governing bodies shall appoint an actuary who shall be the technical advisor to the governing bodies. Members of the governing bodies shall serve without compensation. The Mayor and Council appointees shall serve terms equal to the appointing authority's term of office. The terms of the other members of the governing bodies shall be as established in this chapter. Existing terms of members shall continue

in accordance with the terms of their original election or appointment. All meetings of the governing bodies shall be held in accordance with the Open Meetings Act.

State law references: Permissible that Charter provide for retirement system for employees, MCL 117.4j, MSA 5.2083.

Section 17.4. Membership; administration.

(A) The membership of the Policemen's and Firemen's Retirement System shall include police and fire employees, other than temporary or civilian employees, who were employed by the City prior to July first, Nineteen Hundred and Fifty-Six. The administration of the System shall be vested in a Board of Trustees which shall consist of seven members, as follows:

1. The Mayor of the City shall appoint a person who shall serve as chairperson.
2. The City Council shall appoint a person who shall serve as vice-chairperson.
3. The Mayor shall appoint, with the confirmation of the Council, a citizen who is an elector in the City and who is not an employee of the City and who is not eligible to receive benefits under the Retirement System. The citizen-member term shall be three years.
4. Two active policemen who are members of the Retirement System to be elected by the policemen members of the Retirement System for a period of three years
5. Two active firemen who are members of the Retirement System to be elected by the firemen members of the Retirement System for a period of three years.

Each trustee shall be entitled to one vote in the meetings of the Board. Five members of the Board shall constitute a quorum. At least five concurring votes shall be necessary for a decision by the trustees at any meeting of the Board.

When there are insufficient active policemen and firemen members qualified and willing to serve as trustees, vacancies shall be filled by the election of retired members who have signed and filed with the Board a Notice of Intent to be a Candidate, and who have permanent residences within a 100-mile radius of Dearborn. Both active and retired policemen and firemen members shall be eligible to vote for the policemen and firemen trustees, respectively.

In the event there should not be an eligible retired policeman member qualified and willing to fill a policeman trustee vacancy, or an eligible retired fireman qualified

and willing to fill a fireman trustee vacancy, then any eligible retired member shall be elected by the total active and retired members of the System.

At such time as there shall be insufficient eligible active and retired members qualified and willing to fill the member trustee positions, then the administration of the System shall become the responsibility of the City of Dearborn to be administered pursuant to the provisions of the City of Dearborn Policemen and Firemen Retirement System.

(B) The membership of the City of Dearborn Retirement System shall include all officers except as provided in this charter and only full-time employees and officers of the City who are not active members of another public retirement system or eligible to receive benefits from another City retirement system. The administration of the System shall be vested in a Board of Trustees which shall consist of five trustees, as follows:

1. A Mayoral appointee who shall serve as chairperson;
2. A Council appointee who shall serve as vice chairperson; and
3. Two members of the Retirement System to be elected by the members of the Retirement System under such rules and regulations as the Board shall adopt to govern such elections, provided, that no more than one member trustee shall be from any one City department. The term for the member trustees shall be four years.
4. A member of the Civil Service Commission to be selected by the members of the Civil Service Commission.

The Board shall adopt its own rules of procedure and shall keep a record of its proceedings. Three trustees shall constitute a quorum at any meeting of the Board. Each trustee shall be entitled to one vote in the meetings of the Board and at least three concurring votes shall be necessary for a decision by the trustees.

Vacancies shall be filled by the election of active members or retired members who have signed and filed with the Board a Notice of Intent to be a Candidate, and who have permanent residences within a 100-mile radius of Dearborn. Both active and retired members shall be eligible to vote for the trustees.

At such time as there shall be insufficient eligible active and retired members qualified and willing to fill the member trustee positions, then the administration of the System shall become the responsibility of the City of Dearborn to be administered pursuant to the provisions of the City of Dearborn Employees Retirement System.

(C) The membership of the Police and Fire Revised Retirement System shall include police and fire employees, other than temporary or civilian employees, who were employed on or after July first, Nineteen Hundred and Fifty-Six. The administration of the System shall be vested in a Board of Trustees which shall consist of seven trustees, as follows:

1. A Mayoral appointee who shall serve as chairperson.
2. A Council appointee who shall serve as vice chairperson.
3. The Mayor shall appoint, with the confirmation of the Council, a citizen who is an elector in the City and who is not an employee of the City and who is not eligible to receive benefits under the Retirement System. The citizen member term shall be three years.
4. Four persons to be elected by the members of the System. Two member trustees shall be elected by the police officer members and must be active police officer members. Two member trustees shall be elected by the fire fighter members and must be active fire fighter members. The member trustees shall be elected by the members of the Retirement System in accordance with such rules and regulations as the Board shall adopt to govern such elections. The member trustees shall serve for a term of four years.

Five trustees shall constitute a quorum at any meeting of the Board. Each trustee shall be entitled to one vote on each question before the Board and at least five concurring votes shall be required for a decision by the Board at any meeting. The Board shall adopt its own rules of procedure and shall keep a record of its proceedings.

When there are insufficient active police and fire members qualified and willing to serve as trustees, vacancies shall be filled by the election of retired members who have signed and filed with the Board a Notice of Intent to be a Candidate, and who have permanent residences within a 100-mile radius of Dearborn. Both active and retired police and fire members shall be eligible to vote for the police and fire trustees, respectively.

In the event there should not be an eligible retired police member qualified and willing to fill a police trustee vacancy, or an eligible retired fire member qualified and willing to fill a fire trustee vacancy, then any eligible retired member shall be elected by the total active and retired members of the System.

At such time as there shall be insufficient eligible active and retired members qualified and willing to fill the four member trustee positions,

then the administration of the System shall become the responsibility of the City of Dearborn to be administered pursuant to the provisions of the Police and Fire Revised Retirement System.

Section 17.5. Penalties.

Any person who alone or with others wilfully violates any of the provisions of this chapter shall be guilty of a violation of this charter punishable as provided for in Section 19.6 of this charter.

CHAPTER 18. CITY LIABILITY

Section 18.1. Notice to city of claims.

Any person claiming to have been injured by or through the negligent action of the City or its agents, shall serve a notice in writing upon the Clerk within one hundred and twenty days of the claimed injury. This notice shall set forth the time, date, place, witnesses known and specific nature of the injury claimed. Failure to give such notice may act as a bar to any action based upon that injury.

CHAPTER 19. MISCELLANEOUS AND TRANSITION

Section 19.1. When certain days are Saturdays, Sundays or holidays.

When the day upon which some action or thing shall be done under the provisions of this charter or the last day of a period within which such action or thing to be done falls upon a Saturday, Sunday or holiday observed by the City, then such Saturday, Sunday or holiday shall be excluded in computing time, and such action or thing shall be done on the next regular work day.

Section 19.2. Seal of the city.

Until otherwise provided by the Council, the present seal of the City shall remain the seal of the City and be maintained by the City Clerk.

Section 19.3. Headings.

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

Section 19.4. Effect of illegality of any part of charter.

If any provision of this charter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the charter.

Section 19.5. Amendments and revision.

This charter may be amended or revised at the time and in the manner provided by law. At the City primary election to be held in Two Thousand Twenty-One and in each twelfth year thereafter and at such times as may be provided by law, the question of general revision of the charter shall be submitted to the electors of the City. If the general revision is approved, the election of charter commissioners shall be held at the City general election the same year. The candidates shall be nominated by petitions signed by not less than 100 or more than 200 registered electors filed 70 days prior to the general election with the City Clerk's office.

State law references: Power to adopt and amend Charter, Mich. Const. 1963, Art. VII, § 22; Charter amendment procedure, MCL 117.21 et seq., MSA 5.2100 et seq.

Section 19.6. Penalties for violation of charter.

Any person found guilty of an act constituting a violation of this charter may be punished by a fine not exceeding five hundred dollars or by imprisonment for not to exceed ninety days, or both, or as otherwise provided by law.

The Council shall provide for the enforcement of the provisions of this charter.

This section shall not operate to limit or prejudice the power to remove officers or discharge employees as provided in this charter.

State law references: Limitation on penalties, MCL 117.4i(10), MSA 5.2082(10).

Section 19.7. City ordinances and regulations.

All departments, ordinances, resolutions and rules and regulations of the City in force on the effective date of this charter which are not inconsistent with this charter, shall continue in full force until repealed, terminated or amended as provided by this charter or by action of the proper authorities.

Section 19.8. Rights, liabilities, remedies.

All rights and properties of any kind and description which were vested in the City on the effective date of this charter shall be deemed and held to be vested in the City; and no franchise or licenses granted or right or liabilities, either in favor of or against the City on the effective date of this charter, and no suit or prosecution of any kind shall be in any manner affected by the adoption or taking effect 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 under its previous charter shall be deemed to be debts and liabilities of the City under this charter, and all taxes, and special assessments levied and uncollected on the effective date of this charter shall be collected 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 on the effective date of this charter, it shall be deemed cumulative to the remedies before provided and may be used accordingly.

Section 19.9. Continuance in office.

Elective officers holding office at the time of the effective date of this charter and except as otherwise provided in this charter, shall remain in office until their terms expire following the first regular election held under this charter. Appointive officers holding office at the time of the effective date of this charter and except as otherwise provided in this charter, shall remain in office until their current term of office expires or until their successors have been appointed and qualified.

Section 19.10. Council confirmation of appointees.

If this charter shall require Council confirmation of mayoral appointments, and if the Council shall fail to reject the appointment within four weeks, it shall be automatically confirmed.

Section 19.11. Mayor and council to provide for transition.

On or before the effective date of this charter, the Council shall provide by ordinance or resolution for the orderly transition of the city government.

Section 19.12. Penalties.

Any person who alone or with others wilfully violates any of the provisions of this chapter shall be guilty of a violation of this charter punishable as provided for in Section 19.6 of this charter.

CHAPTER 20. SCHEDULE

Section 20.1. Status of schedule chapter.

The purpose of this chapter is to inaugurate the government of the City of Dearborn under this charter and it shall constitute part of this charter only to the extent of the time necessary to accomplish this purpose.

Section 20.2. Election to adopt charter.

This charter shall be submitted to the people for adoption at the special election to be held November 06, 2007, in the manner and with the effect prescribed by law as follows:

"SHALL THE CHARTER PROPOSED BY THE DEARBORN CHARTER COMMISSION BE ADOPTED?"

YES

NO

Section 20.3. Effective date of charter.

Except as otherwise provided, this charter shall become effective January 1, 2008.

Section 20.4. First regular election.

The first regular election under this charter shall be in 2009.

DAVID BAZZY, CHAIRMAN
THOMAS PATRICK KORTE, VICE CHAIRMAN
MARY M. BUGEIA
PAULA HAMILTON-STOKES
JOHN JAY HUBBARD
GERARD MCMAHON
SUSAN MORAN
MARY K. PETLICHKOFF
RAYMOND THOMAS TRUDEAU
Charter Commission of the City of Dearborn,
Wayne County, Michigan

KATHLEEN BUDA
Clerk of the Commission

DEBRA A. WALLING
Corporation Counsel

LOLA T. ISIMINGER
Secretary of the Commission

STATE OF MICHIGAN)
COUNTY OF WAYNE) SS.
CITY OF DEARBORN)

I, KATHLEEN BUDA, City Clerk of the City of Dearborn, do hereby certify that the foregoing document is a true copy of the Charter of the City of Dearborn which was approved on September 11, 2007 by the Charter Commission, which Commission consisted of the following persons: David Bazy, Chairman, Thomas Patrick Korte, Vice Chairman, Mary M. Bugeia, (Stephen S. Dobkowski, Jr. 11/22/2005-08/15/2006), Paula Hamilton-Stokes, John Jay Hubbard, Gerard McMahon, Susan Moran, Mary K. Petlichkoff, (Ganelle Shooshanian 11/22/2005-06/27/2007) and Raymond Thomas Trudeau, and approved by the voters of the City of Dearborn at a general election held on Tuesday, November 06, 2007.

/s/ KATHLEEN BUDA

Subscribed and sworn to before me this 30th day of November 2007.

Notary Public, Wayne County, Michigan

My Commission Expires: May 18, 2012.