

CHARTER
Of the
CITY OF STEPHENSON
Menominee County
Michigan

2020

Table of Contents

Chapter		Page
	Table of Contents	
	Charter Commissioners	
	Preamble	
I	Name and Boundaries	1
II	Definitions and General Provisions	2
III	Municipal Powers	5
IV	Elections	6
V	Organization of Government	9
VI	Officers and Personnel, Eligibility and Employment	14
VII	Procedures and Miscellaneous Powers and Duties	18
VIII	Legislation	20
IX	General Finance	23
X	Taxation	26
XI	Borrowing Powers	30
XII	Special Assessments	32
XIII	Contracts and Leases	34
XIV	Utilities	37
XV	Public Utility Franchise	39
XVI	Miscellaneous	41
XVII	Transition	43

Charter Commissioners

Don Cugini, Chairperson

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Marie Hanson

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PREAMBLE

We, the people of the City of Stephenson, Michigan for the common welfare of all its citizens, through established authority vested in the Constitution of the State of Michigan and the laws of the United States, to secure good and efficient government and to provide such other benefits and services for the future, do hereby establish and adopt this Charter of Home Rule for the City of Stephenson.

Chapter I
NAMES and BOUNDARIES

§1.1 Name:

The name of this organized City is “City of Stephenson.” It is a body corporate and embraces the following described territory in the township of Stephenson, County of Menominee, in the State of Michigan, including, that territory constituting the former Village of Stephenson, together with such territory as may from time to time be attached thereto, and, less such territory as may from time to time be detached therefrom, in accordance with law.

§1.2 Boundaries:

- Bounded by lines beginning at the North-east corner of the Northwest quarter of the North-east quarter, of Section Twenty-three (23) Township Thirty-five (35) North of Range Twenty-seven (27) West, and running directly West to the North-west corner of the North-east quarter of the North-east quarter of Section Twenty-two (22) of Township Thirty-five (35), North of Range Twenty-seven (27) West. From thence running directly south to the South-west corner of the South-east quarter of the Southeast quarter of Section Twenty-two (22) of Township Thirty-five (35) North of Range Twenty-seven (27) West. From thence running directly east to the South-west corner of the South-east quarter of the South-east quarter of Section Twenty-three of Township Thirty-five (35) North of Range Twenty-seven (27) West and thence North to the South-west corner of the North-east quarter of the North-east quarter, of Section Twenty-three (23) Township thirty-five (35) north of Range Twenty-seven (27) West, From thence East to the South-east corner of the North-east quarter of the North-east quarter, of Section Twenty-three (23) Township thirty-five (35) north of Range Twenty-seven (27) West, From thence North to the North-east corner of the North-east quarter of the North-east quarter, of Section Twenty-three (23) Township thirty-five (35) north of Range Twenty-seven (27) West, From thence West to the point of beginning.
- The boundaries of the City of Stephenson may be changed from time to time as provided by law and shall be filed with the Secretary of State

Chapter II

DEFINITIONS and GENERAL PROVISIONS

§2.1 Records to be Public:

All records of the City shall be public, unless otherwise provided by law; shall be kept in City offices except when required for official reasons or for purposes of safekeeping to be elsewhere. To the extent that is reasonable, electronic copies shall be made and stored off site.

§2.2 Definitions and Interpretations:

Except as otherwise specifically defined herein or indicated by the context, words used in this Charter shall have their ordinary dictionary meaning:

- “Newspaper” — A publication generally distributed in the Stephenson area.
- “City” — The City of Stephenson, Michigan, a municipal corporation.
- “Council” — The City Council of the City.
- “Law” or “general laws of the State” shall denote the Constitution and the Public Acts of the State of Michigan in effect at the time the provision of the Charter containing the words “law” or “general laws of the State”, and as may be amended, is to be applied, and applicable decisional and common law.

§2.3 Official Performance:

Whenever this Charter requires the performance of an act by an officer, the act may be performed by a deputy or by a subordinate, under the officer’s directions unless otherwise provided by law.

§2.4 Quorum:

Except as otherwise expressly provided in this Charter, a quorum of any Board created by or under authority of this Charter, shall consist of a majority of the number of its members, elected or appointed as established by this Charter, or by the ordinance or resolution creating such commission or Board. The concurring vote of a majority of such established number of members of each such Board shall be necessary for official action by it or as otherwise provided for in this Charter.

§2.5 Sundays and Holidays:

Whenever the date fixed by law or ordinance for the doing or completion of any act falls on Sunday or State or Federal legal holiday, such act shall be done or completed on the next succeeding day which is not a Sunday or State or Federal legal

holiday.

§2.6 Estoppel:

No estoppel may be invoked against the City.

§2.7 Penalties for Violation of Charter:

Any person or officer of the City found guilty by a court of competent jurisdiction of any violation of this Charter may be punished by a fine, which, in addition to Court costs charged that shall not exceed an amount provided by law or imprisonment for not more than a term as provided by law, or both such fine and imprisonment, in the discretion of the Court. For an officer of the City the punishment provided in this section shall be in addition to that of having the office declared vacant as provided in this Charter. This section shall not operate to limit or prejudice the power to remove officers or discharge employees as provided in this Charter.

§2.8 Chapters and Section Headings:

The Chapter and section headings used in this Charter are for convenience only, and shall not be considered as part of this Charter.

§2.9 Amendments:

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

§2.10 Severability of Charter Provisions:

If any provision, section, or clause of this Charter, or the application thereof to any person or circumstances, shall be found to be invalid, such invalidity shall not affect any remaining portion or application of the Charter, which can be given effect without the invalid portion or application, and, to this end this Charter is declared to be severable.

§2.11 City Liability:

- The City shall not be liable to pay damages for injuries or property damage which arise out of governmental functions, sustained by any person either to their person or property by reason of the negligence of the City, its officers, or employees, nor by reason of any defective condition of or obstruction in any public place unless such person shall serve, or cause to be served upon the Clerk, within sixty days after the injury resulting in such damages shall have occurred, a notice in writing, which notice shall set forth substantially the time and place of such injury, the manner in which it occurred: the extent of such damages as far as the same has become known, the

names and addresses of the witnesses known at the time by the claimant and a statement that the person sustaining such damages intends to hold the City liable for such damages as may have been sustained by them.

- The City shall not be liable for any damage to person or property arising out of any such injury unless there shall have been first presented to the Clerk a claim in writing and under oath setting forth particularly the time, place, nature and extent of such injury and the amount of damages claimed by reason thereof. No person shall bring any action against the City for any such damages until such claims shall have been filed with the Clerk and until the Council shall have been given reasonable opportunity to act thereon, either by allowing or refusing to allow the claim.
- It shall be a sufficient bar and answer in any Court to any action or proceeding for the collection of any demand or claim against the City under this section that the notice of injury and the verified proof of claim as in this section required were not presented and filed within the time and manner herein provided.

Chapter III

MUNICIPAL POWERS

§3.1 General Powers:

- Unless otherwise provided or limited in this Charter, the City and its officers shall possess and be vested with any and all powers, privileges and immunities, expressed or implied, which cities and their officers are, or hereafter may be, permitted to exercise or to provide for in their Charters under the Constitution and statutes of the State of Michigan, including all powers, privileges and immunities which cities are, or may be permitted to provide in their Charters by Act 279 of the Public Acts of 1909 of the State of Michigan, as amended, as fully and completely as though these powers, privileges and immunities were specifically enumerated in and provided for in this Charter, and in no case shall any enumeration of particular powers, privileges or immunities herein held to be exclusive.
- The City and its officers shall have the power to exercise all municipal powers in the management and control of municipal property and in the administration of the municipal government, whether such powers be expressly enumerated or not; to do any act to advance the interests of the City, the good government and prosperity of the municipality and its inhabitants, and through its regularly constituted authority, to pass and enforce all laws, ordinances, and resolutions relating to its municipal concerns, subject to the Constitution and general laws of the State and the provisions of this Charter.

§3.2 Exercise of Power:

Where no procedure is set forth in this Charter for the exercise of any power granted to or possessed by the City and its officers, resort may be had to any procedure set forth in any statute of the State of Michigan, which was passed for the government of cities or in any other law. Where no procedure for the exercise of any power of the City is set forth, either in this Charter or in, any statute of the State of Michigan, the Council may prescribe by ordinance a reasonable procedure for exercise thereof. The City may join any municipal corporation or with any other unit of government, or with any number or combination thereof, by contract or otherwise, as may be permitted by law in the ownership operation or performance, jointly, or by one or more on behalf of all, of any property, facility or service which each would have the power to own, operate or perform separately.

Chapter IV
ELECTIONS

§4.1 Nonpartisan Elections:

The nomination and election of all City officers shall be on a nonpartisan basis.

§4.2 Election Procedure:

Except as such statute relate to political parties or party or partisan procedure and except as otherwise provided in this Charter, the general election statutes shall apply and control, as near as may be, all procedures relating to city elections, including but not limited to: Qualifications of electors, establishment of precincts, verification of petitions, registration of voters, dates for elections, and voting hours. The Clerk shall give public notice of each City election in the same manner as is required by law for the general elections in the state.

§4.3 Wards:

The City of Stephenson shall consist of one (1) ward.

§4.4 Regular Elections:

A regular City election shall be held on every other even numbered year for the purpose of electing the Mayor and such Councilmembers to the expiring terms. Beginning in 2022.

§4.5 Elective Officers and Terms of Office:

- A. The elective officers of the city shall be six (6) Councilmembers and one (1) Mayor, all of whom shall be elected from the City at large.
- B. Except as herein provided, Councilmembers shall be elected for a term of four (4) years or until their successors are elected and qualified.
- C. No one shall be elected Councilmember or Mayor for more than two consecutive four (4) year terms, but shall be eligible for election at the next non-consecutive election.
- D. This section of the Charter shall be reviewed by the City Council in 2028 and every seven years thereafter, to determine if this section shall be modified.
- E. All such terms shall commence at 8:00 PM at the then prevailing local time on the Monday next following the election at which they are elected.
- F. Elective officers of the City of Stephenson shall qualify as provided in 6.1.

§4.6 Special Elections:

Special City elections shall be held pursuant to law.

§4.7 Election Conduct:

The City Clerk shall be in charge of the conduct of elections in the City. The Clerk shall appoint such election inspectors and members of the elections board as are necessary and provided for by the applicable state law.

§4.8 Nominations:

- The method of nomination of all candidates for the City elections shall be by petition. Petitions for each candidate shall be signed by not less than ten (10) nor more than twenty (20) registered electors of the City. No person shall sign their name to a greater number of petitions for any office than there are persons to be elected to said office at the following regular city election. Where a person's signature appears on more petitions than is permitted, the signatures bearing the most recent date shall be invalidated.
- A nomination petition may be accepted for filing by the City Clerk only when accompanied by the written consent of the candidate to the filing thereof. Nominating petitions shall be filed with the Clerk before the election, as provided by law. Each candidate for an elective office shall, at the time the nominating petition is filed, file an affidavit that the candidate possesses the eligibility qualifications for such office.

§4.9 Form of Petitions:

The form of petitions shall be substantially as that required by the law, for the nomination of non-partisan judicial officers. A supply of official petition forms shall be provided and maintained by the City Clerk.

§4.10 Public Inspection of Petitions:

All nominating petitions filed shall be open to public inspection in the office of the Clerk, except during a period immediately following the last day for filing such petitions, as provided by law.

§4.11 Form of Ballot:

- The form, printing and numbering of ballots or the preparation of the voting machines or voting devices used in any city election shall conform as nearly as may be to the provisions of law.
- Except as provided by law there shall be no supplementary identification of candidates or nominees on the ballot.

§4.12 Election of Candidates:

The person receiving the highest number of votes for City offices shall be elected to the designated office.

§ 4.13 Canvass of Votes:

The Board of Canvassers as constituted by state law shall canvass the votes cast in all elections.

§ 4.14 Breaking Ties:

If, at any election, there shall be no choice between candidates by reason of two or more persons having received an equal number of votes, the Council shall name a date for the appearance of such person for the purpose of determining the nomination or election, by lot, as provided by law.

§ 4.15 Recount:

A recount of the votes cast at any City election for any office or upon any proposition may be had as provided by law.

§4.16 Recall:

Any elected official may be recalled from office by the electors of the City and a vacancy created thereby shall be filled in the manner provided by law.

Chapter V
ORGANIZATION of GOVERNMENT

§5.1 Mayor and the Council:

There shall be a Mayor and six Councilmembers who shall be nominated and elected by the electors of the City at large. The Council shall be composed of seven members consisting of a Mayor and six Councilmembers. The Mayor shall be the executive head of the City. The Council shall constitute the legislative body of the City and shall have power and authority, except as otherwise provided, in this Charter or by statute, to exercise all powers conferred upon or possessed by the City, and shall have the power and authority to adopt such laws, ordinances and resolutions as it shall deem proper in the exercise thereof.

§5.2 Qualifications of Councilmembers:

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

§5.3 Compensation for Elective Officers:

The elective officers of the City shall be entitled to receive as full compensation for their services, the following annual salary:

Such compensation shall be paid monthly.

Except as otherwise provided in this Charter, compensation, as defined by this section, shall constitute the only compensation which may be received by the Mayor and Councilmembers for the discharge of any official duty for and on behalf of the City during their tenure of office.

The Mayor and Council member may be reimbursed for expenses actually incurred by them on City business or in the interest of the City when such reimbursement is approved by the Council.

Compensation shall be paid per meeting, for scheduled and special meetings of the Council attended, but not including sub-committee, social gatherings, chance or similar meetings, and for meetings for which they were excused, for good cause, by the Council.

The Mayor shall receive additional compensation for performing the duties of

mayor.

The amount of compensation for elected officials may be set by a Local Officers Compensation Commission, as may be adopted by ordinance.

§5.4 The Mayor's Duties:

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

- Shall be the executive head of the City.
- Shall have a voice and vote in all proceedings of the Council equal with that of the other members of the Council, but shall have no veto power.
- Shall be the presiding officer of the Council.
- Shall be the conservator of the peace and in emergencies may exercise within the City the powers conferred by law.
- Shall execute or authenticate by signature such instruments as this Charter or any statutes of the State of Michigan or the laws of the United States shall require.
- Shall see that all terms and conditions imposed in favor of the City or its inhabitants, in any public utility franchise or any contract, are faithfully kept and performed.
- Shall see that all laws and ordinances are enforced.
- Shall be responsible for the submission of the annual budget.
- Shall recommend to the Council, for adoption, such measures as they may deem necessary or expedient.
- Shall be responsible for the co-ordination of all departments of the City government.
- Shall have such other powers and perform such other duties as may be prescribed by law, this Charter, or as may be required of them, by ordinance or direction of the Council.

§5.5 Administrative Services:

The appointive administrative officers of the City shall be the City Clerk, City Treasurer, City Assessor, City Attorney, Fire Chief, Director of Public Works, and such additional administrative officers or departments as may be created by the Council as permitted by State Law. The Council may create additional administrative offices and departments, by ordinance, contract for services, and may combine any administrative offices and departments, except those offices required by statute, in any manner it deems necessary or advisable for the proper and efficient operation of the City, to the

extent permitted by State Law, and shall prescribe the functions of each office and department and the duties, authorities and responsibilities of the officers of each department, except as otherwise provided in this Charter.

§5.6 Appointment of Officers:

Except as hereinafter provided, all administrative officers and department heads of the City Government whose office is subject to appointment, however made, shall be appointed by the Mayor and approved by an affirmative vote of not less than five (5) members of the Council.

§5.7 Term of Administrative Officers:

The appointive administrative officers and the department heads shall be responsible to the Mayor and shall serve at the discretion and pleasure of the Council; and shall have their compensation fixed by the Mayor within budget allowances therefor.

§5.8 City Clerk:

The Clerk shall be the Clerk of the Council and shall:

- Attend all meetings of the Council.
- Keep a permanent journal of its proceedings and sessions in the English language.
- Keep a public record of all proceedings of the Council and shall authenticate the same by signature.
- Certify by signature all ordinances and resolutions enacted or adopted by the Council.
- Be custodian of all papers, documents, bonds and records pertaining to the City, unless otherwise provided by law or this Charter, keeping them in an orderly and safe manner for the duration required by law or this Charter.
- Be custodian of the City seal and shall affix it to documents and attest the same.
- Give notice to the proper officials of the expiration or termination of each franchise and contract to which the City is a party.
- Give notice to City officers, personally of the expiration of the terms of their respective offices and of any official bonds required of them.
- Under authority of the Council, sign or countersign all contracts, deeds, licenses, or other public documents, on behalf of the City and shall keep a record thereof.
- Publish and post all notices, proceedings, and other matters required to be published or posted by law, this Charter, or ordinance.
- Be the chief election officer of the City.
- Have the power to administer oaths of office.
- Perform such other duties as may be required by law, this Charter, the Mayor

and/or the ordinances and resolutions of the Council.

§5.9 City Treasurer:

The Treasurer shall:

- Have custody of all moneys, funds, and securities of the City, keep accounts thereof.
- Deposit same in the manner and in the places designated by the Council.
- Report, no less than monthly, the same, in detail to the Council.
- Maintain the system of accounts, here provided for, in a manner conforming to governmental accounting practices and to such uniform system as may be required by law.
- Except as otherwise provided by this Charter or by ordinance, collect all moneys of the City, including charges for water and sewer services.
- Receive from other officers and employees all moneys belonging to and receivable by the City that may be collected by them, and shall give receipts therefor, for the collection of taxes, shall have and shall exercise all of the powers and immunities which are granted and reserved by this Charter and by law.
- Perform such other duties as may be prescribed by law, this Charter, the Mayor and or ordinances or resolutions of the Council.

§5.10 City Assessor:

The Assessor shall:

- Possess all the powers vested in and shall be charged with the duties imposed upon assessing officers by statute.
- Prepare all regular and special assessment rolls in the manner prescribed by law, this Charter, or ordinance.
- Perform such other duties as may be prescribed in this Charter or by the Council.

§5.11 Fire Chief:

The Fire Chief shall:

- Be the administrative head of the Fire Department.
- Will keep up to date and maintain information for the department.
- All Fire Department records shall be maintained and kept at the Fire Department's main headquarters.
- Be accountable and responsible to the Mayor for the performance of their duties.
- Perform all duties as may be prescribed for them by law, this Charter, the Mayor,

and/or ordinances, or resolution of the council.

§5.12 Personnel:

Personnel of the City:

- The personnel, other than elected and appointed officers, shall be deemed City employees.
- The City may contract for services, to the extent not prohibited by law, this Charter and or ordinances.

§5.13 Mayor Pro Tem:

- At the first meeting of the Council following each City election, the Council shall organize and elect one of its members to the office of Mayor Pro Tem.
 - The Mayor Pro Tem shall:
 - Act in the stead of the Mayor in the case of the Mayor's absence or disability to act.
 - Succeed to the office of Mayor in the case of a vacancy in that office, thereby creating a vacancy in the office of Mayor Pro Tem.
- C. The Council shall fill any vacancy in the office of Mayor Pro Tem, but until such vacancy is filled, the senior member of the Council from the standpoint of continuous service shall act as Mayor Pro Tem. As between persons of equal seniority, the person who received the highest number of votes at the time of their election shall act.

Chapter VI

OFFICERS and PERSONNEL

§6.1 General Provisions Regarding Officers and Personnel of the City, Eligibility for Office and Employment in City:

- No person shall hold any elective office of the City unless they have been a resident of the City for at least 180 days immediately prior to the last day for filing original petitions for such office or prior to the time of appointment to fill a vacancy. No person shall hold any elective office unless they are a qualified and registered elector of the City on such last day for filing or at such time of appointment and throughout the tenure of office.
- No person shall be eligible for any elective or appointive office who is in default to the City, or who shall have been found guilty by a competent tribunal of the commission of a felony violating the public trust.
- Conviction of a felony, while holding an office or appointment by the City, shall create a vacancy for the balance of the term of that office.
- The holding of office by any person who is in such default shall create a vacancy unless such default shall be eliminated within thirty days after written notice thereof has been served upon them by the council or unless such person shall in good faith be contesting the liability of such default.

§6.2 Vacancies in Office:

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

- For any reason specified by law as creating a vacancy in office.
- If no person is elected to, or qualified for, the office at the election at which such office is to be filled.
- If the officer shall be found guilty by a court of competent jurisdiction of any act constituting a violation of this Charter.
- If any officer ceases to have the qualification for eligibility for such office recognized by this Charter.
- If any officer is absent continuously from the City for more than sixty days in any one calendar year without permission of the Council.
- In the case of members of the Council, if such officer shall miss four consecutive regular meetings of the Council or be absent from seven regular meetings in any calendar year, unless such absence be excused by the Council at the time they occur.

- If the officer is removed from office by the Council in accordance with the provisions of § 6.10.

§6.3 Vacancies in Boards and Commissions:

The office of any member of any Board or Commission created by this Charter shall be declared vacant by the Council:

- For any reason specified by law as creating a vacancy in office.
- If the officer shall be found guilty by a court of competent jurisdiction of an act constituting misconduct in offices or violation of this Charter.
- If the person was convicted of a felony involving dishonesty, deceit, fraud, or a breach of the public trust and the conviction was related to the person's official capacity while the person was holding any elected or appointed office or position of employment of the City.
- If the officer is removed from office by the Council in accordance with the provisions of Section 6.10.

§6.4 Resignations:

Resignations of elective officers and of members of Boards and Commissions shall be made in writing and filed with the Clerk and effective when accepted by the City Council.

§6.5 Filling Vacancies:

- If a vacancy occurs in any elective City office, the Council shall, within thirty (30) days after such vacancy occurs, appoint a person who possesses the qualifications required of holders of said office to fill the vacancy until the next regular City election at which time the unexpired term of said vacancy shall be filled.
- If a vacancy occurs in any appointive office, it shall be filled in the manner provided for making the original appointment. In the case of members of Boards and Commissions appointed for a definite term, such appointments shall be for the unexpired term.

§6.6 Increase or Decrease in Compensation:

The Council shall not grant or authorize extra compensation to any City officer, elective or appointive, or to any employee, agent, or contractor after the service has been rendered, nor, shall the salary of any officer, elective or appointive, be increased or decreased after their election or appointment during any fixed term for which they were elected or appointed.

§6.7 Oath of Office:

- Every officer, elected or appointed, before entering upon the duties of their office, shall take the oath of office prescribed by the Michigan Constitution and shall file the forms with the Clerk, together with any bond required by this Charter or by the Council.
- In case of failure to comply with the provisions of this section within ten days from the date of their election or appointment, such officer shall be deemed to have declined the office and such office shall thereon be vacant, unless the Council shall, by resolution, extend the time in which such officer may qualify as set forth above

§6.8 Security Bonds:

- Except as otherwise provided in this Charter, the Council may require any officer or employee of the City to give a bond to be approved by the Council, conditioned upon the faithful and proper performance of the duties of the office or employment concerned, in such sums as the Council may determine.
- All such officers or employees who receive, distribute, or are responsible for City funds or investments shall be bonded.
- The resignation, removal, or discharge of any officer or employee, or appointment of another person to such office or employment, shall not exonerate such officer or employee or any surety of such office or employee from any liability incurred by such officer, employee or surety.
- All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the City. Bonds required by this section shall not be renewed upon the expiration of the terms for which issued, but, in each case, a new bond shall be furnished. No official bond shall be issued for a term exceeding three years, unless the term of the officers concerned exceeds three years.
- The bonds of all officers and employees shall be filed with the Clerk, except that the Clerk's bond (unless they're covered within the scope of a blanket surety bond) shall be filed with the Treasurer.
- The requirements of this section may be met by the purchase by the City of one or more blanket corporate surety bonds covering all or any group or groups of the officers and employees of the City.
- Any officer or employee who is covered by a blanket surety bond need not be bonded individually for the purpose of qualifying for office.

§6.9 Nepotism:

Unless the Council shall by majority vote, which vote shall be recorded as part of the official proceedings, determine that the best interests of the City shall be otherwise served, the following relatives of any elective or appointive officer are disqualified from

holding any appointive office or City employment during the term for which elective or appointive officer was elected or appointed: Spouse, child, parent, grandchild, grandparent, brother, sister, half- brother, half-sister or spouse of any of them. All relationships shall include those arising from adoption. This section shall in no way disqualify such relatives of their spouses who are bona fide appointive officers or employees of the City at the time of the election or appointment of said official.

§6.10 Removal from Office:

- Removal by the Council of elective or appointive officers or members of the Boards or Commissions may be made for any of the following reasons:
 - For any reason specified by law for removal of City officer by the Government.
 - For any act constituting a violation of this Charter.
 - A person is ineligible for election or appointment to any elective office of this City and ineligible to hold a position in public employment in this City that is policy-making or that has discretionary authority over public assets if, within the immediately preceding 20 years, the person was convicted of a felony involving dishonesty, deceit, fraud, or a breach of the public trust and the conviction was related to the person's official capacity while the person was holding any elective office or position of employment in local, state, or federal government. This requirement is in addition to any other qualification required under the constitution or by law.
- Such removal by the Council shall be made only:
 - After a hearing of which such officer has been given notice by the Clerk at least ten days in advance, either personally or by sending the same by registered mail to their last address, or known place of residence according to the records of the City.
 - Such notice shall include a copy of the charges against the officer.
 - The hearing shall afford an opportunity to the officer, in person or by attorney, to be heard in their defense, to cross examine witnesses and to present testimony.
 - If such officer shall neglect to appear at such hearing and answer such charges, their failure to do so may be deemed cause for their removal.
 - A majority vote of the members of the Council in office at the time,

exclusive of any member whose removal may be being considered, shall be required for any such removal.

Chapter VII

PROCEDURES and MISCELLANEOUS POWERS and DUTIES

§7.1 Meetings of the Council:

The Council shall provide by resolution for the time and place of its regular meetings and shall hold at least one such meeting in each month, in compliance with the Open Meetings Act, MCL.15.261 *et seq.*

§7.2 Special Meetings:

Special meetings shall be called by the Clerk on the written request of the Mayor or any three members of the Council on at least eighteen hours written notice to each member of the Council, served personally or left at their usual place of residence. Send written notice to each member of the Council and shall designate the time, place, and purpose of such special meeting, but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice.

§7.3 Business of Special Meetings:

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

§7.4 Meeting to be Public:

All regular and special meetings of the Council shall be open to the public to the extent required by the Open Meetings Act, MCL.15.261 *et seq.*

§7.5 Quorum: Adjournment of Meeting:

Four members of the Council shall be a quorum for the transaction of business at all meetings of the Council, but, in the absence of a quorum, any number of members less than a quorum may adjourn any regular or special meeting to a later date.

§7.6 Rules of the Council:

- The Council shall determine its own rules and order of business, which shall be adopted at the first session of each new Council and made available to the public.
- Shall keep a journal in the English language of all of its proceedings, which shall be signed by the Mayor and the Clerk.
- The vote upon the passage of all ordinances, and upon the adoption of all

resolutions shall be by a “yes” or “no” vote and entered upon the record, except that where the vote is unanimous, it shall only be necessary to so state.

- The people shall have access to the minutes and records of all regular and special meetings of the Council at all reasonable times, to the extent required by the Open Meeting Act, MCL.15.261 *et seq.* and the Freedom of Information Act, MCL 15.231 *et seq.*

§7.7 Members Interest in Question:

Except as otherwise provided in this Charter, a member of the Council shall not vote on any question in which they shall have a direct personal interest, other than as a citizen of the community, but on all other questions they shall vote, unless excused therefrom by a vote of at least four members of the Council.

§7.8 Public Health and Safety:

The Council shall insure that provisions are made for the public peace and health, and for the safety of persons and property.

§7.9 Trusts:

The Council may, in its discretion, receive and hold any property in trust for park, cemetery, or other municipal purpose. Any trusts now existing for the benefit of the City of Stephenson shall be continued in full force in accordance with the *cy pres* doctrine.

Chapter VIII
LEGISLATION

§8.1 Prior Legislation:

All valid ordinances of the City of Stephenson which are consistent with this Charter, and which are in full force and effect at the time of the effective date of this Charter, shall continue in full force and effect until repealed or amended. If any such ordinance provides for the appointment of any officers or any members of any boards or commissions by the Mayor and/or Council, such officers or members of any boards or commissions shall, after the effective date of this Charter, be appointed in accordance with the provisions of this Charter.

§8.2 Ordinances and Resolutions:

- All official action of the Council shall be by ordinance or resolution. Action by resolution shall be limited to matters required or permitted to be so done by this Charter or by state or federal law or pertaining to the internal affairs or concerns of the city government.
- All other acts of the Council and all acts carrying a penalty for the violation thereof, shall be by ordinance.
- Each ordinance shall be identified by a short title and by a number, and by a code section number if and when codification of ordinances is completed.
- Each proposed ordinance shall be introduced in written or printed form. The style of all ordinances shall be: "the City of Stephenson ordains."

§8.3 Enactment, Amendment, Repeal, and Effective Date of Ordinances:

Subject to the exceptions which follow hereafter:

- Ordinances shall be enacted, amended or repealed, by the affirmative vote of not less than four members of the Council.
- No ordinance shall be enacted at the meeting at which it is introduced.
- No ordinance shall become effective until after promulgation of the proposed ordinance or summary as provided in §8.4.
- The effective date of all ordinances shall be ten days after publication.
- An ordinance which is declared to be an emergency ordinance; which is immediately necessary for the preservation of the public, peace, health, or safety or to provide for the usual daily operation of a department or division of government, may be enacted at the meeting at which it was introduced.
- Upon the finding of an emergency, an emergency ordinance may be given

immediate effect on the affirmative vote of the majority of the elected Council Members.

- No ordinance granting any public utility franchise shall be enacted except in accordance with the provisions of Chapter XV of this Charter.
- No ordinance shall be amended by reference to the title only, but the amended section or sections of the ordinance as amended, shall be re-enacted and published. However, an ordinance or section thereof may be repealed by references to its title and ordinance or code number only.
- All ordinances shall be approved as to legality by the City's attorney, but lack of such approval will not invalidate any ordinance.

§8.4 Publication and Recording of Ordinances:

Each ordinance shall be published within fifteen days after its enactment in one of the following methods:

- A. Ordinances shall be promulgated to the extent and manner that will reasonably reach the maximum inhabitants of the City.
- B. Ordinances shall be available electronically, on the Internet, World Wide Web, or similar platform, at the City's web site.
- C. Ordinances shall be published as required by Law.
- D. In those cases where authorized by Law, a digest, summary, or statement of purpose of the ordinance, approved by the Council may be promulgated either separately or as part of the published Council proceedings or summary thereof.
- E. Copies of the full text of the ordinance shall be made available for inspection at the office of the City Clerk, during normal business hours.
- F. All ordinances shall be recorded by the Clerk in a book to be called "The Ordinance Book." It shall be the duty of the Mayor and Clerk to authenticate such records by their official signatures thereon, but the failure to so record and authenticate any such ordinance shall not invalidate it or suspend its operation.

§8.5 Penalties for Violating of Ordinances:

The Council may provide in any ordinance for the punishment of those who violate its provisions. The punishment for the violation of any City ordinance shall not exceed the fine or imprisonment permitted by law.

§8.6 Special Procedure on Vote on Certain Council Actions:

Action to vacate, discontinue or abolish any highway, street, lane, alley, bridge, or other public place or part thereof shall be by resolution. After the introduction of such resolution and before its final adoption the Council shall hold a public hearing thereon and shall publish notice of such hearing at least one week prior thereto.

§8.7 Technical Codes Adopted by Reference:

- In accordance with, law, the Council may enact technical codes by reference thereto in an enacting ordinance and without publishing such codes in full.
- Such codes shall be available for examination at the office of the City Clerk during normal business hours or copies may be obtained from the publisher.

§8.8 Severability of Ordinances:

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

§8.9 Compilation:

- Copies of this Charter and all ordinances and amendments to the Charter shall be prepared and kept in the office of the Clerk, available for public distribution at a cost of no more than the actual duplication.
- Once in every ten years after the compilation has been completed similar compilations or codification of the ordinances of the City shall have been maintained current and up to date during any ten (10) year period, no re-compilation or re-codification of the ordinances of the City shall be required during or at the end of each period.
- The copies of the ordinances and of any compilation, code or codes referred to in the Charter may be certified by the Clerk, and when so certified, shall be competent evidence in all courts and legally established tribunals as to the matters contained therein.

Chapter IX
GENERAL FINANCE

§9.1 Fiscal Year:

The fiscal year of the City shall begin on the first day of July and end on the last day of June of the following year. Such year shall constitute the budget year of the City government.

§9.2 Budget Procedure:

On or before the 15th day of March of each year a Budget Committee (consisting of the Mayor and two councilmen appointed by the Mayor) shall make an itemized estimate of the expected income and expenditures for the next fiscal year for all departments and activities of the City. The Budget Committee shall then prepare its budgetary recommendations and submit them to the Council at its regular April meeting. They shall inform the council of the additions or deletions made in the departmental budget requests and their reasons for making them.

§9.3 Budget Document:

The budget document shall present a complete financial plan for the ensuing fiscal year. It shall include at least the following information:

- Detailed estimates of all proposed expenditures for each department and office of the City showing the expenditures for corresponding items for the current and last preceding fiscal year, with reasons for increases and decreases recommended, as compared with appropriations for the current year.
- Statements of the bonded and other indebtedness of the City, showing the debt redemption and interest requirements, the debt authorized and unissued, and the condition of sinking funds, if any.
- Detailed estimates of all anticipated income of the City from sources other than taxes and borrowing, with a comparative statement of the amounts received by the City from each of the same or similar sources for the last preceding and current fiscal year.
- A statement of the estimated balance or deficit, as the case may be, for the end of the current fiscal year.

- An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be used from bond issues, which together with income from other sources, will be necessary to meet the proposed expenditures and commitments of the City government during the ensuing year.
- Such other supporting schedules as the Council may deem necessary.

§9.4 Budget Hearing:

A public hearing on the budget shall be held before its final adoption at such time and place as the Council shall direct, and notice of such public hearing shall be published at least one week in advance by the Clerk. A copy of the proposed budget shall be on file and available to the public for inspection during the office hours at the office of the Clerk for a period of not less than one week prior to such public hearing.

§9.5 Adoption of Budget:

Not later than the regular monthly meeting in May, the Council shall, by resolution, adopt the budget for the next fiscal year and shall in such resolution, provide for a levy of the amount necessary to be raised by tax upon real and personal property for municipal purposes.

§9.6 Transfers of Appropriations:

- After the budget has been adopted, no money shall be drawn from the treasury of the City, nor shall any obligation for the expenditure of money be incurred except pursuant to the budget appropriations.
- The Council may transfer any unencumbered appropriation balance or any portion thereof from one department fund or agency to another.
- The balance of any appropriation which has not been encumbered at the end of the fiscal year shall revert to the general fund and may be re-appropriated during the next fiscal year.
- In the case of emergency arising from a pressing need other than a regular or recurring requirement and necessary to protect the public health, welfare or safety, the Council may make additional appropriations to cover unanticipated expenditures required of the City because of such emergency.

§9.7 Budget Control:

At the beginning of each quarterly period during the fiscal year, and more often if required by the Council, the Mayor shall submit to the Council data showing the relation between the estimated and actual income and expenses to date; and if it shall

appear that the income is less than anticipated, the Council may reduce appropriations except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the cash income.

§9.8 Depository:

The Council shall designate a depository or depositories for City funds, and shall provide for the regular deposit of all City moneys. The Council shall provide for such security for City deposits as is authorized or permitted by the general laws of the State, except that personal surety bonds shall not be deemed proper security. City funds may be withdrawn from such depository on the signature of such persons as the Council shall, by resolution, determine.

§9.9 Independent Audit:

- An independent audit shall be made of all accounts of the City government at least annually and more frequently if deemed necessary by the Council. Such audit shall be made by public accountants experienced in municipal accounting. The results of such audit shall be made public in such manner as prescribed by law.
- There shall be a uniform system of accounts and they shall be kept in such manner as to conform with the requirements of the laws of this State.

Chapter X
TAXATION

§10.1 Right to Assess and Levy Taxes, etc.:

In order to carry out the purposes, powers, and duties of the city government established by this charter, the city may assess, levy and collect, taxes, rents, tolls, and excises as permitted by law. The levy of taxes for municipal purposes in any year shall not exceed one and 8-tenths per cent (18 mills) of the assessed value as equalized of all real and personal property in the city.

§10.2 Ad Valorem Taxation:

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

§10.3 Exemption from Taxes:

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

§10.4 Tax Day:

Subject to the exceptions provided or permitted by law, the taxable legal location of persons and property shall be determined as of the 31st day of December, which shall be deemed the tax day.

§10.5 Jeopardy Assessment:

If the Treasurer finds or reasonably believes that any person who is, or may be liable for taxes upon personal property, the taxable legal location of which was in the City on Tax Day, intends to depart or has departed from the City; or to remove or has removed therefrom personal property which is, or may be liable for taxation; or to conceal or conceals themselves or their property; or does any other act tending to prejudice, or to render wholly or partly ineffectual the proceedings to collect such tax, the Treasurer shall proceed to collect the same as a jeopardy assessment in the manner provided by law.

§10.6 Preparation of the Assessment Roll:

- On or before the first Monday in March in each year, the Assessor, shall prepare

and certify an assessment roll of all property in the City. Such roll shall be prepared as required by the General Property Tax Act. Value shall be estimated according to recognized methods of systematic assessment.

- On or before the first Monday in March the assessor shall give, by first class mail, a notice of any change from the previous year in the assessed value of any property or of the addition of any property to the roll to the owner as shown by such assessment roll. The failure to give any such notice or of the owner to receive it shall not invalidate any such reassessment thereon.

§10.7 Board of Review:

- A Board of Review is hereby created, composed of three property owners of the City who have the qualifications of holding elective City office, as set forth in Section 6.1 A. of this Charter and who during their term of office, shall not be City officers or employees or be nominees or candidates for elective City office. The appointment of members of such board shall be based upon their knowledge and experience in property valuation.
- The members of the Board of Review shall be appointed by the Council, according to Section 5.6 of this Charter, and may be removed for reasons of nonfeasance or malfeasance by the vote of five members of the Council. One member shall be appointed in the month of December of each year, for a term of three years commencing on the following January first. The Council shall fix the compensation of the members of the board.
- The Board shall, annually, on the first day of its meeting, select one of its members chairman for the ensuing year. The Assessor shall be the Clerk of the Board, and shall be entitled to be heard at its sessions, but shall have no vote on any proposition or question. A majority of the members of the Board shall constitute a quorum. They shall convene their meetings, have all of the powers, and perform all of the functions of Boards of Review as provided by law.

§10.8 Tax Levy Certified:

Within three days after the Council has adopted the budget and made the appropriations for the ensuing year, the Clerk shall certify to the Assessor the total amount which the Council determines shall be raised by general *ad valorem* taxation, together with such other assessments and lawful charges and amounts which the Council requires to be assessed, reassessed, or charged upon the City tax roll against property or persons.

§10.9 City Tax Roll:

After the Board of Review has completed its review of the assessment roll, the Assessor shall prepare a copy of the assessment roll to be known as the "City Tax Roll,"

and upon receiving the certification of the several amounts to be raised, as provided in Section 10.12, the Assessor shall spread upon said tax roll the several amounts determined by the Council to be charged, assessed, or reassessed against persons or property, the Assessor shall also spread thereon the amounts of the general ad valorem City tax according to and in proportion to the several valuations set forth in said assessment roll. To avoid fractions in compilation of any tax roll, the Assessor may add to the amount of the several taxes to be raised not more than the amount prescribed by law. Any excess created thereby on any tax roll shall belong to the City.

§10.10 Tax Roll Certified for Collections:

After spreading the taxes, the Assessor shall certify the tax roll and attach the warrant thereto directing and requiring the Treasurer to collect prior to March first of the following year, from the several persons named in the tax roll and the several sums mentioned therein opposite their respective names as a tax on assessment and granting to the Treasurer, for the purpose of collecting the taxes, assessments and charges on such roll, all the statutory powers and immunities possessed by Township Treasurers for the collection of taxes. On or before June first the roll shall be delivered to the Treasurer for collection.

§10.11 Tax Lien on Property:

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

§10.12 Notification of Tax Payment Due:

- City taxes shall be due on July first of each year. The Treasurer shall not be required to call upon the person named in the City tax roll, nor to make personal demand for the payment of taxes, but shall:
 - a. publish, between June fifteenth and July first, notice of the time when said taxes will be due for collection and of the penalties and fees for the late payment thereof, and
 - b. mail a tax bill to each person named in said roll. In cases of multiple ownership of property only one bill need be mailed.
- Failure on the part of the Treasurer to publish said notice or mail such bills shall not invalidate the taxes on said tax roll nor release the person or property assessed from the penalties and fees provided in this chapter in case of late payment or nonpayment of the same.

§10.13 Collection Fees and Interest:

City taxes shall be due and payable on the first day of July of each year. To all taxes there shall be added two (2) per cent as a collection fee. And, to all taxes paid after August 15, there shall be a three (3) percent collection fee. The added collection fees, penalties, and interest herein provided shall belong to the city and shall constitute a charge and shall be a lien, as provided in this Charter, against the property to which the taxes themselves apply, collectable in the same manner as the taxes to which they are added.

§10.14 Failure or Refusal to Pay Personal Property Tax:

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

§10.15 Delinquent Tax Roll to County Treasurer:

- If the Treasurer has been unable to collect any of the City taxes on said roll of real property before the first day of November following the date when said roll was received, it shall be the Treasurer’s duty to return all such unpaid taxes on real property to the County Treasurer in the same manner and with like effect as returns by Township Treasurers of Township, School and County Taxes.
- Such returns shall be made upon a delinquent tax roll to be prepared by the Treasurer and shall include all the additional charges and fees herein before provided, which charges shall, in such return, be added to the amount assessed in said tax roll against each description. The taxes thus returned to the County Treasurer to be collected under the provisions of laws and shall be and remain a lien upon the lands against which they are assessed until paid.

§10.16 State, County and School Taxes:

For the purpose of assessing and collecting taxes for State, County, and School purposes, the City shall be considered the same as a Township, and all provisions of law relative to the collection of and accounting for such taxes shall apply. For these purposes the Treasurer shall perform the same duties and have the same powers as are granted and imposed upon Township Treasurers by law.

Chapter XI

BORROWING POWER

§11.1 General Borrowing:

Subject to the applicable provisions of Law and this Charter, the Council by proper ordinance or resolution, may authorize the borrowing of money for the purpose within the scope of the powers vested in the City and the issuance of bonds on the City or other evidences of indebtedness therefor, and may pledge the full faith, credit, and resources of the City for the payment of the obligation created therefor.

§11.2 Limitation on Indebtedness:

- The City may not incur indebtedness by the issue of bonds or otherwise, in any sum which, including existing indebtedness, shall exceed ten per cent of the assessed valuation of the real and personal property within the City subject to taxation and shown by the last preceding assessment roll of the City.
- Provided, however, that in the case of fire, flood or other calamity requiring an emergency fund for the relief of the inhabitants of the City or for the repairing or rebuilding of any municipal building, works, bridges or streets, the legislative body of the City may borrow money due in not more than five years and in the amount not exceeding three eighths of one percent of the assessed valuation of all the real and personal property in the City, notwithstanding such loan may increase the indebtedness of the City beyond the limitation fixed in this Charter.

§11.3 Preparation and Record:

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

indebtedness, the same shall be marked "cancelled."

§11.4 Unissued Bonds:

No unissued bonds of the City shall be issued or sold to secure funds for any purpose other than that for which they were specifically authorized.

Chapter XII
SPECIAL ASSESSMENTS

§12.1 Power to Assess:

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

§12.2 Procedure Ordinance:

The City Council shall prescribe by general ordinance the complete special assessment procedure to be used, including the preparing of plans and specifications, estimating costs, conducting a public hearing on necessary construction following at least 10 days' notice, the preparation, hearing, correction and confirmation of the special assessment roll, the collection of special assessments, the assessment of single lots or parcels, the apportionment of assessments if land is divided, and any other matters concerning the making of improvements by the special assessment method. Said ordinance shall authorize additional assessments if the prior assessment proves insufficient to pay for the improvement and costs incident thereto or in case of invalidity in whole or in part, and it shall provide for the refund of excessive assessments, provided that if the excess is less than 5% of the total cost it may be placed in the general fund of the city.

§12.3 Assessment Lien:

From the date of confirmation of any assessment or reassessment roll the same shall constitute a lien upon the respective lots or premises assessed and shall also be a charge against the person to whom assessed until paid, and, in case of delinquency, may be enforced by addition to and later return to the county treasurer of regular taxes or by suit against such person.

§12.4 Contest of Assessment:

No suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of any special assessment or reassessment:

- Unless, within 30 days after the confirmation of the special assessment roll, written notice is given to the city clerk for attention of the City Council indicating all intention to file such suit or action and stating the grounds on which it is claimed such assessment is illegal.
- Unless such suit or action shall be commenced within 60 days after the confirmation of the roll. If the city attorney submits a written opinion finding said roll illegal, in whole or in part, the City Council may revoke its confirmation, correct the illegality if possible, and reconfirm the same as amended, provided that no property which is not involved in the illegality shall be assessed more than was imposed upon the original confirmation without further notice and hearing thereon.

Chapter XIII
CONTRACTS AND LEASES

§13.1 Purchase and Sale of Property:

- The Council shall be responsible for the purchase and sale of all City property and services.
- Comparative prices shall be obtained for the purchase or sale in amount not in excess of Five Thousand Dollars of all materials, supplies, and public improvements, except:
 - a. in the employment of professional services and
 - b. when the Council shall determine that no advantage to the City would result.
- In all sale or purchases in excess of Five Thousand Dollars:
 - a. the sale or purchase shall be approved by the Council
 - b. sealed bids shall be obtained, except that where the Council shall determine by unanimous resolution of those present at the meeting that the public interest will be best served by joint purchase with, or purchase from, another unit of government, and
 - c. shall comply with the requirements of Section 13.2. No sale or purchase shall be divided for the purpose of circumventing the dollar value limitation contained in this section. The Council may authorize the making of public improvements or the performance of any City work by any City agency, without competitive bidding.
- Purchases shall be made from the lowest qualified bidder meeting specifications, unless the Council shall determine that the public interest will be better served by accepting a higher bid, sales shall be made to the bidder whose bid is most advantageous to the City. In any case where a bid, other than the lowest, is accepted, the Council shall set forth its reasons therefor in its resolution accepting such bid.
- All purchases and sales shall be evidenced by written contract or purchase order.
- The City may not sell any park, cemetery, property held in trust, or any part thereof, except in accordance with restriction placed thereon by law.
- The City may not sell, exchange, or lease any real estate or any interest therein, except by the affirmative vote of four or more members of the Council.

§13.2 Opening and Acceptance of Bids:

Except as provided by Section 13.1 of this Charter, each contract for public improvements or for the purchase of personal property shall be let only after

opportunity for competitive bidding. All bids shall be opened in public in the Council chambers by the Clerk or the Purchasing Officer at the time designated in the notice that such bids will be received and shall be reported to the Council at its next meeting. The Council may reject any or all bids or parts of bids, if deemed advisable. When one or more parts of a bid are rejected, the Council may accept any part or parts which are not rejected. If after the opportunity for competitive bidding has been made, with like notice and opportunity for bidding, no bids have been received or the bids that have been received were not satisfactory to the Council and were rejected by it, the Council may endeavor to obtain new bids or may authorize the Purchasing Officer or proper official of the City to negotiate in the open market for a contract. If the Council shall accept any bid, other than the lowest bid according to specifications, the reason for such action shall be set forth in the resolution accepting such bid.

§13.3 Contracts:

- The authority to contract on behalf of the City is vested in the Council and shall be exercised in accordance with the provisions of law: provided, that purchases and sales may be made by the Mayor, subject to the provisions of Section 13.1.
- Any contract or agreement in an amount of the Five Thousand Dollars or more, made with form or terms other than the standard City purchase order form, shall, before execution, be submitted to the Attorney and an opinion obtained with respect to its form and legality. A copy of all contracts or agreements requiring such opinion shall be filed in the office of the Clerk, together with a copy of the opinion.
- Before any contract, agreement, or purchase order which obligates the City to pay an amount of Five Thousand Dollars or more is executed the accounting officer of the City shall first certify that an appropriation has been made for the payment thereof, or that sufficient funds will be available if it be for the purpose not financed by the issuance of bonds, by special assessments, or for some purpose not chargeable to a budget appropriation. In the case of a contract or agreement obligating the City for periodic payments in future fiscal years, for the furnishing of a continuing service or the leasing or purchase of property, such certification need not cover those payments which will be due in future fiscal years, but this exception shall not apply to a contract for the purchase or construction of a public improvement. Certification by the accounting officer of the City shall be endorsed on each contract, agreement or purchase order requiring same or shall be filed as an attachment or rider thereto.
- No contract or purchase order shall be subdivided for the purpose of circumventing the dollar value limitations contained in this section.
- No contract shall be altered or amended, after the same has been made, except upon authority of the Council.
- No compensation shall be paid to any contractor except in accordance with the terms of the contract.
- No contract shall be made with any person who is in default to the City.

§13.4 Restriction on Powers to Lease Property:

- Any agreement or contract for the renting or leasing of public property to any person for a period longer than three years shall be subject to the same referendum procedure as is provided in the case of ordinances passed by the Council but any petition for such referendum must be filed within thirty days after publication of the proceedings of the meeting of the Council at which such agreement or contract is authorized.
- The transfer or assignment of any agreement or contract for such renting or leasing of public property may be made only upon approval of the Council but the approval of such transfer shall not be subject to referendum.
- Rentals and leases, and renewals thereof, shall be for a fair consideration as determined by the Council.

§13.5 Deferred Payment Contracts:

The City may enter into installment or lease-purchase contracts for the acquisition or sale of real, or personal property or capital equipment. Each such contract shall not extend over a period greater than 20 years. All such deferred payments shall be included in the budget for the year in which the installment is payable. The total unpaid principal of all such contracts shall not exceed one percent of the equalized valuation of all real and personal property in the City subject to taxation as most recently determined.

CHAPTER XIV
MUNICIPAL UTILITIES

§14.1 General Powers Respecting Utilities:

The City shall possess and hereby reserves to itself all the powers granted to cities by statute and constitution to acquire, construct, own, operate, improve, enlarge, extend, repair and maintain, either within or without its corporate limits, including but not by the way of limitation, public utilities for supplying water, light, heat, electronic communications, power, gas, sewage treatment and garbage disposal facilities, or any of them, to the municipality and the inhabitants thereof; and also to sell and deliver water, light, heat, electronic communications, power, gas and other public utility services without its corporate limits to an amount not to exceed the limitations set by statute and constitution.

§14.2 Management of Public Utilities:

All municipally owned or operated utilities shall be administered as a regular department of the City government under the management and supervision of the Mayor.

§14.3 Rates:

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

§14.4 Utility Rates and Charges—Collection:

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

- The terms and conditions under which utility services may be discontinued in case of delinquency in paying such rates or charges.
- That suit may be instituted by the City before a competent tribunal for the collection of such rates or charges.
- With respect to the collection of rates charged for water the City shall have all the powers granted to cities by Law.

§14.5 Disposal of Utility Plants and Property:

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

§14.6 Utility Finances:

- The rates and charges for any municipal public utility for the furnishing of water, light, heat, electronic communications power or gas shall be so fixed as to at least meet all the costs of such utility.
- Transactions pertaining to the ownership and operation by the City of each public utility shall be recorded in a separate group of accounts under an appropriate fund caption, which accounts shall be classified in accordance with generally accepted utility accounting practice. Charges for all service furnished to, or rendered by, other City departments or agencies shall be recorded. An annual report shall be prepared to show fairly the financial position of each utility and the result of its operation, which report shall be available for inspection at the office of the Clerk.

CHAPTER XV

PUBLIC UTILITY FRANCHISES

§15.1 Franchises Remain in Effect:

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

§15.2 Granting of Public Utility Franchises:

- Public Utility franchises and all renewals and extensions thereof and amendments thereto, shall be granted by ordinance only. No franchise shall be granted for a longer period than thirty years.
- No franchise ordinance which is not subject to revocation at the will of the Council shall be enacted nor become operative, until the same shall have been referred to the people at a regular or special election and received the affirmative vote of three-fifths of the electors voting thereon. No such franchise ordinance shall be approved by the Council for referral to the electorate before thirty days after application therefor has been filed with the Council nor until a public hearing has been held thereon, nor until the grantee named therein has filed with the clerk the grantee's unconditional acceptance of all terms of such franchise. No special election for such purpose shall be ordered unless the expense of holding such election, as determined by the Council shall have first been paid to the Treasurer by the grantee.
- A franchise ordinance of renewal or extension thereof or amendment thereto which is subject to revocation at the will of the Council may be enacted by the Council without referral to the voters, but shall not be enacted unless it shall have been complete in the form in which it is finally enacted and shall have been on file in the office of the Clerk for public inspection for at least four weeks after publication of a notice that such ordinance is so placed on file.

§15.3 Conditions of Public Utility Franchises:

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

- To repeal the same for misuse, non-use or failure to comply with the provisions thereof.

- To require proper and adequate extension of plant and service and maintenance thereof at the highest practicable standard of efficiency. Which in any event, shall be at least in accordance with the rules and regulations of the Michigan Public Service Commission or its successors.
- To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates. The rates and charges shall in no event exceed the rates and charges so prescribed by the Michigan Public Service Commission or its successor.
- To require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof.
- To use, control and regulate the use of its streets, alleys, bridges and other public places and space above and beneath them.
- To impose such other regulations as may be determined by the Council to be conducive to the safety, welfare and accommodation of the public.
- To restore as quickly as practical any disturbances or intrusions to property within the City, to a condition as good or better than before the disturbance by the franchisee.

§15.4 Regulation of Rates:

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

§15.5 Use of Public Places by Utilities:

- Every public utility whether it has a franchise or not shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges and other public places as shall arise from its use thereof to a condition as good or better than before the disturbance or intrusion by the utility, and shall protect and save the City harmless from all damages arising from said use. Every such public utility may be required by the City to permit joint use of its property and items associated therewith, located in the streets, alleys and other public places of the City by the City and by other utilities insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefor.
- In the absence of agreement and upon application by any public utility or the Council, the Council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor, the cost of said arbitration shall be at the expense of the utilities involved, and the arbitration award shall be final and binding on all parties thereto.

§15.6 Revocable Permits:

Temporary permits for public utilities, revocable at any time at the will of the Council, may be granted by the Council by resolution on such terms and conditions as it shall determine, provided that such permits, shall in no event be construed to be franchises or amendments to franchises.

CHAPTER XVI
MISCELLANEOUS

§16.1 LIABILITY:

The City shall not be liable for damages sustained by any person either to their person or property by reason of the negligence of the City, its officers or employees, nor by reason of any defective condition of or obstruction in any public place unless such person shall serve or cause to be served upon the Clerk, within sixty days after the injury resulting in such damages shall have occurred, a notice in writing, which notice shall set forth substantially the time and place of such injury, the manner in which it occurred, the extent of such damages as far as the same has become known, the names and addresses of the witnesses known at the time by the claimant, and a statement that the person sustaining such damages intends to hold the City liable for such damages as may have been sustained.

§16.2 RECORDS to be PUBLIC:

All City records shall be public and shall be available as required by the Freedom of Information Act, 1976 PA 442, as amended.

§16.3 PLATS:

No lands or premises shall be laid out, divided, and platted into lots, streets, and alleys within the City except by permission and approval of the Council by resolution passed for that purpose; nor until the proprietor shall file with the Clerk a correct survey, plan and map such ground and sub divisions thereof, platted and subdivided as provided by the Council, and made to its satisfaction: showing also the relative position and location of such lots, streets and alleys with respect to the adjacent lots and streets of the City; nor shall the City by reason of the approval of any such plat be responsible for the improvement, care and repairs of any streets and alleys shown thereon, excepting such of them as the Council shall accept and confirm by ordinance or resolution. No plat shall be approved by the Council wherein the lots and subdivisions thereof are described by metes and bounds.

§16.4 AMENDMENTS:

This Charter may be amended at any time in the manner provided in the Home Rule City Act, 1909 PA 279 of the P.A., as amended. Should two or more amendments, adopted at the same election, have conflicting provisions, the one receiving the highest vote shall prevail as to those provisions.

§16.5 FRANCHISES, ORDINANCES and REGULATIONS:

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

CHAPTER XVII

TRANSITION

§17.1 Effective Date of Charter:

Except as otherwise provided in this Chapter, this Charter shall become effective for all purposes on January 1, 20__.

§17.2 Compensation of Officials and Employees:

The initial compensation of all officials and employees shall continue as it exists on the day prior to the effective date of this Charter. Any change in compensation shall be made in the manner provided for by Charter, ordinances and resolutions.

§17.3 Previous Charter Retirement System:

The provisions, benefits and terms of the retirement system as provided shall remain in full force and effect until the benefits accruing thereunder have all been satisfied.

§17.4 Existing City Legislation and Rules:

- All ordinances and resolutions of the City and all rules and regulations made by any officer or agency of the City which are not inconsistent with this Charter shall remain in effect until changed by action under this Charter.
- All current mileages, duly adopted, shall continue to exist and are not impaired by this charter.

§17.5 Status of Officers Under Old Charter:

All persons holding office shall continue in office or equivalent office until replaced or removed in accordance with law or the provisions of this Charter

§17.6 Succession to Rights and Property:

The City of Stephenson under this Charter shall succeed to all of the privileges, titles, easements, rights of way, causes of action, duties, commitments, powers, obligations and be the complete successor to the City of Stephenson under the previous Charter. The City shall be vested with all property, monies, contracts, credits, effects, records, files, books and papers belonging to it under and by virtue of its previous Charter.

No rights, liability contract, lease, or franchise, either in favor of the City or against the City, and no suit or prosecution of any character shall be affected in any manner by any change resulting from the adoption of this Charter; but the same shall stand or proceed, as if no change had been made. All debts and liabilities of the City shall continue to be its debts and liabilities; and all debts owing to it and fines, penalties, interest or fees imposed and existing at the time of such change shall be collected by the City.

§17.7 Ordinances for Transition:

If any question arises concerning transition from the 1969 Charter to this Charter for which this Charter has not provided, the City may resolve the question by ordinance.

§17.8 Election to Adopt Charter:

This Charter shall be submitted to a vote of the qualified electors of the City of Stephenson at the election to be held on Tuesday, _____. All provisions for the submission of the question of adopting this Charter at such election shall be made in the manner provided by law.

§17.9 Form of Question:

The voters of the City of Stephenson shall vote on the following proposition:
Shall the Charter proposed by the Stephenson Charter Commission be adopted?
Yes
No

§17.10 Publication of this Charter:

This Charter shall be published and made available as required by Law. There shall be a copy of this Charter available, at the City Clerk's office, for examination during the City Clerk's normal business hours.

RESOLUTION OF ADOPTION

At a meeting of the Charter Commission of the City of Stephenson, held on _____ the following resolution was presented by Commissioner _____, who moved its Adoption. Said motion was seconded by Commissioner _____.

RESOLVED, that the Charter Commission of the City of Stephenson does hereby adopt the foregoing proposed city charter, and the clerk of this commission is hereby instructed to transmit the same to the Governor of the State of Michigan, in accordance with the provisions of the statute, for approval.

The vote on the adoption of said resolution was as follows:

Ayes:

Nays:

Absent:

Signed:

Deborah Chevalier – Secretary of the Charter Commission
of the City of Stephenson, Michigan

Countersigned:

Chair Don Cugini, Chair of the Charter Commission of the
City of Stephenson, Michigan

Perry Beaudoin

Clifford LeClaire

Marie Hanson

Jim Meek

Alex Stevens

Brian Smith

Rae Lynn Thoune

David Westrich