

**CHARTER OF THE CITY OF BIG RAPIDS, MICHIGAN**



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## **CHARTER**

**Editor's note:** *The foregoing Charter of the City was adopted by Resolution 92-1 of the Charter Revision Committee on January 9, 1992. It was adopted by the electorate on February 11, 1992 and went into effect on April 13, 1992.*

### **PREAMBLE**

We, the people of the City of Big Rapids, Mecosta County, Michigan, by authority of the Constitution of Michigan and Act 279 of 1909 [MCL 117.1 et seq., MSA 5.2071 et seq.] hereby ordain and establish this home rule charter for the City of Big Rapids.

### **CHAPTER I. CONTINUATION OF EXISTING CORPORATION BOUNDARIES**

#### **Section 1.1 Continuation of Existing Corporation.**

The municipal corporation known as the City of Big Rapids, in the County of Mecosta and State of Michigan, as its limits now are or hereafter may be established, shall continue as a body politic and corporate under the same name.

#### **Section 1.2 Alteration of Boundaries.**

Territory may be attached to or detached from the City in the manner provided by State law.

### **CHAPTER II. GENERAL MUNICIPAL POWERS**

#### **Section 2.1 General Municipal Powers.**

The City of Big Rapids and its officers, unless otherwise provided or limited by this Charter, shall be vested with any and all powers, privileges, and immunities, expressed and implied, that the Constitution and laws of the State of Michigan including Public Act 279 of 1909 [MCL 117.1 et seq.,

MSA 5.2071 et seq] now or in the future, may provide. No enumeration of particular powers, privileges, or immunities in this Charter shall be held to be exclusive.

#### **Section 2.2 Additional Powers of the City.**

The City and its officers shall have power to exercise all municipal powers in managing and controlling municipal property and in administering the municipal government, whether such powers are 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 residents, 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.

#### **Section 2.3 Exercise of Power.**

When no procedure is set forth in this Charter for the exercise of any power granted to or possessed by the City and its officers, the City may employ any procedure permitted by any statute of the State of Michigan. If alternate procedures are provided by different statutes, the Commission shall select the procedure it considers to be most expeditious and advantageous to the City and its residents. Where no procedure for the exercise of any power of the City is set forth, either in this Charter or in any statute of the State of Michigan, the Commission may prescribe by ordinance a procedure for the exercise thereof.

#### **Section 2.4 Succession to Properties of Present City.**

The City shall succeed to own, possess and control all the records and documents, all other

property, whether located inside or outside the boundaries of the City, and all privileges, grants, franchises, powers and immunities possessed by the existing City of Big Rapids.

### **Section 2.5 Liability and Obligations of Present City.**

The City shall be subject to and liable for all debts, liabilities and obligations of the present City in existence, and those which may be incurred in the future. The City shall make suitable provisions for the liquidation and payment of these debts, liabilities and obligations.

## **CHAPTER III. PLAN OF GOVERNMENT**

### **Section 3.1 Commission-Manager Government.**

This Charter establishes a commission-manager form of government.

### **Section 3.2 The City Commission.**

The electors of the City shall elect a Commission consisting of a Mayor and four Commissioners. The Commission shall be the legislative and governing body of the City. Except as is otherwise provided in this Charter, the Commission shall have the power and authority to exercise all powers conferred upon or possessed by the City, and the power and authority to adopt laws, ordinances and resolutions as it considers proper. Wherever the word "Commission" is used in this Charter, it shall be synonymous with any other term used in any state or federal law in referring to municipal legislative or governing bodies.

### **Section 3.3 Establishing City Boards.**

The Commission may establish such boards as the Commission considers necessary for the best interests of the City. The Commission shall define the duties of such boards and take such other action relating to them as is required in this Charter or by statute. Such boards shall be established for a period not longer than six years but thereafter, they may be extended for additional six-year periods at the will of the Commission. All City boards shall adopt rules of procedure for transacting their business and keep a

record of all their meetings. All City boards shall elect officers as their rules of procedure shall require. The term of members appointed to such boards shall not exceed three years. No person shall serve more than two consecutive full terms. However, any person appointed to fill a vacancy when not more than one-half the unexpired term remains may be appointed subsequently to two consecutive full terms. No person shall be a member of more than two City boards at any one time. Whenever a position on a board becomes vacant, the Mayor and Commissioners shall proceed to fill the position in accordance with Section 3.6 (e) of this Charter. The Clerk shall publicize all vacancies and solicit applicants through both public notices and newspaper advertisements during a 15-day period prior to a person's being nominated to fill such vacancy.

### **Section 3.4 Collection of City Charges.**

The Commission shall provide by ordinances for the collection of all charges for city-owned public utilities and other services provided by the City. Such ordinances may provide that any amounts due the City for utility and other services remaining unpaid shall be charged against the real property on which the service was rendered unless such bills are covered by deposits. The amount of such unpaid bills shall be spread on the next regular City tax roll after the date on which such charge became due and payable and shall become a lien of the same character and effect as the lien created by State and County taxes.

### **Section 3.5 Compensation of Commissioners and Mayor.**

Each Commissioner shall receive \$3,000.00 per year and the Mayor \$3,500.00 per year as compensation for their services to the City. Such amounts shall be payable in twelve equal monthly installments. The Commission may provide for further payment to members of the Commission as reimbursement for reasonable and necessary expenses incurred while conducting the business of the City.

### **Section 3.6 Responsibilities and Duties of the Mayor.**

The responsibilities and duties of the Mayor are to:

(a) Serve as the legal and ceremonial executive head of the City. The Mayor, by right, shall be

permitted to speak on and vote on all proceedings of the Commission, but shall have no veto power. The Mayor shall be the presiding officer of the Commission.

(b) Authenticate by signing such instruments as the Commission, this Charter, or the laws of the State and the United States require.

(c) Exercise only such powers as State law, this Charter, or the Commission shall specifically confer upon or require of the office.

(d) Be a member ex-officio of such other boards as the Commission requires or permits.

(e) Nominate the members of all boards and commissions of the City as authorized by the Charter, City ordinance, or laws of this State. To qualify for appointment to a City board or commission, a person must be a registered elector in the City and a resident of the City for at least one year prior to the day of his or her appointment. Members of boards or commissions shall remain registered electors and residents of the City during their tenure in office. The Clerk shall publicize all vacancies and solicit applicants through both public notices and newspaper advertisements during a 15-day period prior to a person's being nominated to fill such vacancy. The Mayor shall make such nominations in not more than 45 days after the date a vacancy first occurs. Any such nomination shall become effective only upon approval of the Commission. From the time the Commission receives official notification of the nomination, it shall have 15 days either to approve or reject the nomination. If the Commission does not approve or reject the nomination during this period, the nominee shall be considered as having been approved.

**Section 3.7 Mayor Pro-Tempore.**

The City Commission shall designate one of its members as Mayor Pro-Tempore to perform the duties of the Mayor when the Mayor is temporarily unable to perform the duties of the office. Whenever three Commissioners are present at a regular meeting of the Commission, and both the Mayor and Mayor Pro-Tempore are absent, the three Commissioners present shall elect one of them to act as Acting Mayor Pro-Tempore. The Commission, so constituted, shall be empowered to conduct the regular business of the Commission.

**Section 3.8 City Officers.**

(a) The appointed officers of the City shall be the City Manager, City Clerk, City Treasurer, City Assessor and City Attorney. All appointed officers of the City, if not residents of the City at the time of their appointment, shall become City residents within six months following their appointment and shall remain residents during their tenure of office with the City.

(b) All persons employed in positions not listed in Subsection (a) shall be considered as "employees" and shall not be subject to residency requirements.

**Section 3.9 City Manager; Appointment.**

The Commission shall select and appoint, on the basis of executive and administrative qualifications with special reference to training and experience, a person to the position of City Manager for an indefinite period, and shall determine the compensation for this officer. The City Manager shall serve at the pleasure of the Commission and shall be the chief administrative officer of the City.

**Section 3.10 Responsibilities and Duties of the City Manager.**

The responsibilities and duties of the City Manager shall be to:

(a) Supervise the enforcement of all laws and ordinances.

(b) Appoint and remove the heads of the several City departments whose appointments are not otherwise specified in this Charter, but only with the consent of the Commission.

(c) Manage and supervise all public improvements, works and undertakings of the City; have charge of the construction, repair, maintenance and cleaning of streets, sidewalks, bridges, pavements, sewers and all public buildings or other property belonging to the City, except as otherwise provided in this Charter.

(d) Assure that all terms and conditions imposed in favor of the City or its residents in any public utility franchise, or in any contract, are faithfully kept and performed.

(e) Prepare and recommend an annual budget to the Commission and administer the budget as finally adopted under policies formulated by the Commission, and keep the Commission fully informed at all times as to the financial condition and needs of the City.

(f) Recommend to the Commission the adoption of such measures as are necessary or expedient.

(g) Exercise the duties and responsibilities of personnel director of all City employees, except as otherwise provided in this Charter, or delegate such duties to another officer or employee of the City. Such delegation shall not relieve the City Manager of any responsibility for the proper conduct of such duties. As personnel director, the City Manager, in consultation with the appropriate department head, shall hire all employees of the City except those for which this Charter provides for a different manner of appointment.

(h) Exercise and perform all administrative functions of the City that are not imposed upon another official by this Charter or any City ordinance.

(i) Perform such other duties as are prescribed by this Charter or as may be required by ordinance or by direction of the Commission.

(j) Attend all meetings of the Commission.

### **Section 3.11 Acting City Manager.**

The Commission shall appoint a person to serve as Acting City Manager during the period of a vacancy in the office or during the absence of the City Manager from the City. The Acting Manager shall have all the responsibilities, duties, and authority of the City Manager while serving in the capacity of City Manager.

### **Section 3.12 Relationship of Commission to Administrative Service.**

The City Manager shall be responsible to the Commission for the administration of all departments of the City government reporting to the City Manager. Except for the purpose of inquiry, the Commission and its members shall deal with the administrative service solely through the City Manager, and neither the Commission nor any of its members shall give orders to any of the subordinates of the City Manager.

### **Section 3.13 City Clerk; Appointment.**

The Commission shall select and appoint a person to serve as the City Clerk for an indefinite term at the compensation determined by the Commission. The Clerk shall serve at the pleasure of the Commission.

### **Section 3.14 City Clerk; Responsibilities and Duties.**

The responsibilities and duties of the City Clerk shall be to:

(a) Serve as the Clerk of the Commission, attend all meetings of the Commission and maintain a permanent journal of its proceedings. The Clerk shall retain on file at least one copy of all ordinances, resolutions and regulations of the Commission.

(b) Maintain custody of the City seal and affix it to all documents and instruments requiring the seal, and attest the same. The Clerk shall maintain custody of all papers, documents, and records pertaining to the City that are not properly retained in other departments. The Clerk shall give to the proper departments or officials ample notice of the expiration or termination of any franchises, contracts or agreements.

(c) Certify by signing all ordinances and resolutions enacted or passed by the Commission and perform any other duties required of the office by State law, this Charter or by the Commission.

(d) Perform such other duties as prescribed by the Charter or the Commission.

### **Section 3.15 City Treasurer; Appointment.**

The Commission shall select and appoint a person to serve as the City Treasurer for an indefinite term at the compensation determined by the Commission. The Treasurer shall serve at the pleasure of the Commission.

### **Section 3.16 City Treasurer; Responsibilities and Duties.**

The responsibilities and duties of the Treasurer shall be to:

(a) Maintain custody of all money and evidences

of value belonging to or being held in trust by the City and the Clerk's bond.

(b) Receive all money belonging to and receivable by the City, issue receipts for all payments, and maintain an accurate record of such receipts.

(c) Deposit all moneys or funds in such manner and only in such places as the Commission determines.

(d) Collect State, County, school district, City and other taxes and payments as State law, this Charter or the Commission confers on the office.

(e) Perform other duties as are prescribed by this Charter or the Commission.

(f) Maintain a system of accounts which comply with the uniform chart of accounts required by State law and the Commission. All accounts of the City shall be balanced at the end of each month and a report made by the Treasurer to the Commission and the City Manager. At its discretion, the Commission may assign the responsibility of maintaining the accounts of the City to an officer or department other than the City Treasurer.

**Section 3.17 City Attorney; Appointment.**

(a) The Commission shall select and appoint a person to serve as the City Attorney for an indefinite term at the compensation determined by the Commission. The City Attorney shall serve at the pleasure of the Commission.

(b) The Commission may retain special legal counsel to handle any matter to which the City is a party, in which the City has an interest, or to assist and counsel with the City Attorney.

(c) The Commission shall determine the compensation to be paid to the City Attorney for routine and normal duties of that office. The Commission may provide special compensation for services provided in support of cases appealed to, or litigation commenced in the Federal Courts, the Circuit Court, the State Supreme Court, for work requiring extensive hearings before quasi-judicial or administrative tribunals, for legal work in connection with the issuance of bonds of the City and for condemnation proceedings. The Commission shall award special compensation only in accordance with

an agreement between itself and the City Attorney made prior to the rendering of service for which such special compensation is to be paid.

**Section 3.18 Responsibilities and Duties of the City Attorney.**

The responsibilities and duties of the City Attorney shall be to:

(a) Counsel and represent the Commission and all its members in legal matters relating to their official duties; provide written opinions to any official or department of the City, when requested in writing by the Commission or City Manager; and file a copy of such opinions with the Clerk.

(b) Conduct for the City all cases to which the City is a party before all courts and other legally constituted tribunals.

(c) Prepare, or officially review, all contracts, bonds, and other written instruments in which the City is concerned, and certify before execution as to their legality and correctness of form.

(d) File in the office of the Clerk, the original copy of all franchises granted by the City, all agreements and contracts entered into by or on behalf of the City, and all papers constituting a part of the proceedings in all courts or legally constituted tribunals to which the City is a party, together with the pertinent data and information concerning the same.

(e) Call to the attention of the Commission and the City Manager all matters of law and changes or developments in the law that affect the City.

(f) Perform such other duties as are prescribed by this Charter or the Commission.

**Section 3.19 City Assessor; Appointment.**

The Commission shall select and appoint a person to serve as the City Assessor for an indefinite term at the compensation determined by the Commission. The Assessor shall serve at the pleasure of the Commission.

**Section 3.20 City Assessor; Responsibilities and Duties.**

The Assessor shall possess all the powers vested in and all the duties imposed upon assessing officers by the laws of the State. The Assessor shall make and prepare all regular and special assessment rolls in the manner prescribed by this Charter and the laws of the State and perform such other duties as are prescribed for the Assessor by this Charter, the Commission, and the City Manager.

**Section 3.21 Official Performance.**

Whenever this Charter requires an officer to perform a specific act, a deputy or another subordinate may perform that act at the official's direction, unless otherwise prohibited or required by law.

**Section 3.22 Other Administrative Officers; Appointment.**

The Commission may designate and appoint additional persons as administrative-officers.

**Section 3.23 Responsibilities and Duties of Other Administrative Officers.**

The responsibilities and duties of each City department and the officers and employees of each department shall be established by this Charter, laws of the State, and ordinances of the City. The City Manager, by regulation, may prescribe for departments, officers and employees the duties and responsibilities consistent with this Charter, City ordinances and State laws.

**CHAPTER IV. ELECTIONS****Section 4.1 Qualifications of Electors.**

All persons having the qualifications of an elector in the State, or who will have such qualifications at the time of the next regular or special election, shall be entitled to register as an elector of the City.

**Section 4.2 Election Procedure.**

The general election laws of the State shall govern all procedures relating to registration and the conduct of City elections, except as such laws relate to political parties or partisan procedure. The election of Commissioners and the Mayor shall be conducted on a nonpartisan basis.

**Section 4.3 Terms of Office of Elective Officials.**

(a) At each general municipal election, as defined in Section 4.5 of this Charter, voters shall elect one person to be Mayor and two persons to the office of Commissioner. The candidate for Mayor receiving the highest number of votes for the office of Mayor shall be elected to a two-year term. The two candidates for the Commission receiving the highest number of votes for the office of Commissioner shall be elected to four-year terms. The terms of office shall commence on the third Monday of November following the election.

(b) In the event an election to fill the remaining portion of an unexpired term in the office of Commissioner is conducted, the candidate receiving the highest number of votes for the vacant term shall be elected. If more than one Commissioner is to be elected to fill the remainder of unexpired terms, the candidate for the unexpired term receiving the next highest number of votes shall also be elected. Persons elected to serve remaining portions of terms shall take the oath of office on the third Monday in November after the election.

(c) No person shall serve as a member of the Commission more than eight consecutive years. An incumbent Mayor or Commissioner shall not qualify to become a candidate for any elected office who, if elected, could not serve the full term without violating the tenure provision of this Subsection.

**Section 4.4 At Large Election.**

All elections for City offices shall be conducted in the City at large. The City of Big Rapids shall consist of one ward.

**Section 4.5 Election Date.**

A municipal election shall be held in the City on

Tuesday after the first Monday in November 1995, and every odd numbered year thereafter. This shall be known as the General Municipal Election. All other municipal elections which may be held shall be known as Special Municipal Elections.

#### **Section 4.6 Special Elections.**

Special municipal elections shall be held when called by resolution of the Commission, when required by this Charter or the laws of the State. Any resolution calling a special election shall state the purpose of such election. No franchise, grant or license shall be submitted to the electors at a special election, unless the expense of holding that election, as determined by the Commission, is paid to the Treasurer in advance by the petitioner for the franchise, grant or license.

#### **Section 4.7 Notice of Election.**

The Clerk shall notify the public of the time and place of holding any City election, the officers to be elected, and the questions to be voted upon. Unless this Charter provides otherwise, the Clerk shall comply with the requirements of State election laws as they relate to giving public notice of elections.

#### **Section 4.8 Voting Hours.**

The polls of all elections shall be opened and closed at the time prescribed by State law.

#### **Section 4.9 Election Commission.**

The Clerk, Mayor, and Attorney, together, shall constitute the Election Commission. The Election Commission shall have charge of all activities and duties required by State law, this Charter and any City ordinance relating to the conduct of municipal elections. The compensation of election personnel shall be determined by the City Commission. In any case where the appropriate election procedure is in doubt, the Election Commission shall prescribe the procedure to be followed. The Clerk shall preside at all meetings of the Election Commission. Two members shall constitute a quorum. Members of the Election Commission shall be paid no compensation in addition to their annual salary or contracted compensation.

#### **Section 4.10 Nominating Petitions.**

(a) The Clerk shall inform the public by published notice of the latest date and time for receiving nominating petitions. This notice shall appear not less than 10 days prior to the deadline for receiving nominating petitions. Nominating petitions shall be presented to the Clerk not later than 4 p.m. on the seventh Tuesday prior to the election. The Clerk shall stamp the time and date on the petition as it is presented.

(b) A person seeking to qualify as a candidate for any elective office under this Charter shall file with the Clerk a properly completed nominating petition on a form secured from the Office of the City Clerk. The form of petition for nomination shall be substantially as that required by State law for nonpartisan petitions. The Clerk shall maintain a supply of official petition forms and, upon request, furnish a reasonable number of nominating petitions.

(c) A qualifying nominating petition shall include the signatures of at least 25 but not more than 40 registered electors of the City. Each petition shall contain the name of only one candidate. A person shall not sign more nominating petitions for the same office than there are persons to be elected to the office.

(d) Each candidate for elective office shall file with his or her petition an affidavit of identity as provided by State law. The affidavit shall include the name, address, number of years the candidate has been a resident of the State, County, and City and any other information the Clerk requires to satisfy the Clerk regarding the identity and legal qualifications of the candidate to hold office in the City. Failure to file the affidavit with the nominating petition shall invalidate a candidate's petition.

#### **Section 4.11 Approval of Petitions.**

(a) The Clerk shall accept for filing only such nominating petitions for qualified candidates as are on official forms which contain the required number of signatures.

(b) Within five days after receiving any nominating petition, the Clerk shall determine the sufficiency of the signatures on each petition. If any petition is found not to contain the required number of legal signatures, the Clerk shall immediately notify the candidate, in writing, of the insufficiency of the petition.

The petition may then be signed by additional electors and, not later than three days after the petition was returned to the petitioner, again presented to the Clerk. In no case shall an original or amended petition be filed and accepted after the latest date and time for receiving petitions. The Clerk shall proceed to examine the amended petition and determine whether the petition can be certified.

(c) If either the original or the amended petition of nomination contains the appropriate number of signatures, the Clerk shall mark the petition as "approved," indicate the date of the approval, and file the petition.

**Section 4.12 Acceptance/Rejection of Nomination.**

(a) Not later than three days after the deadline for filing nominating petitions, any person whose name has been presented as a candidate shall file with the Clerk a signed statement accepting or rejecting the nomination. The statement shall be substantially as outlined below. The name of a person rejecting a nomination shall not be printed on the ballot.

The statement shall be substantially in the following form:

STATE OF MICHIGAN )  
COUNTY OF MECOSTA ) ss  
CITY OF BIG RAPIDS)

I, \_\_\_\_\_, having been nominated for the office of \_\_\_\_\_ in the City of Big Rapids, hereby accept [ ] / reject [ ] the nomination. I have not become, and am not a candidate as the nominee or representative of, or because of any promised support from any political party, or any committee or convention representing or acting for any political party, or organization.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

(b) The Clerk shall preserve for a period of two years, all petitions of nomination, and all statements received.

(c) At 4:00 p.m. on the seventh Tuesday prior to the day of each general municipal election shall be the latest time for filing nominating petitions in the office of

the Clerk. Thereafter, the Clerk shall certify the names qualified to be printed on the election ballot and publish the names so certified, the offices for which they have filed petitions, and designations whether the candidates are to be elected to a full or the remaining portion of an unexpired term. The Clerk shall publish in a newspaper of general circulation in the City a notice calling the election.

**Section 4.13 Form of Ballots.**

The form, printing and numbering of ballots and ballot labels used in each general municipal election shall conform to the requirements of State law for nonpartisan elections.

**Section 4.14 Canvass of Votes.**

City elections shall be canvassed in accordance with State law.

**Section 4.15 Recount.**

Any candidate for City office, or with respect to a proposition, any City elector, may petition the Clerk for a recount of the votes cast in any City election. The petition for recounting votes and the manner of conducting the recount shall conform to the provision of State law.

**Section 4.16 Recall.**

An elected official may be recalled from office by the electors of the City in a manner provided by State law. A vacancy created by the recall of any elected official shall be filled in accordance with the provisions of State law.

**CHAPTER V. GENERAL PROVISIONS REGARDING OFFICERS AND PERSONNEL OF THE CITY**

**Section 5.1 Qualifications of Mayor and Commissioners.**

(a) All members of the Commission shall be registered electors in the City and a resident of the City for at least one year immediately prior to the last day for filing petitions for such office or prior to the

time of his or her appointment to fill a vacancy. Members of the Commission shall remain residents of the City during their entire term of office. The Commission shall be the sole judge of the election and qualifications of its members, subject only to review by the court.

(b) No person shall be eligible for any elective or appointive City office who is in default to the City. Any officer who is in such default shall automatically be removed from office unless the default is eliminated within 30 days after written notification by the Commission, unless the person, in good faith, is contesting the liability for the default.

(c) Any person who has been elected or appointed to the Commission shall not be eligible for appointment to any office or employed by the City until one year has elapsed following the expiration of the term for which the person was elected or appointed.

### **Section 5.2 Vacancies in Office.**

If any one or more of the following events occurs before the term of any elected official expires, the City office is declared vacant:

(a) A State law creating a vacancy takes effect with respect to the officer of the City.

(b) The officer of the City is continuously absent from the City for more than 30 days without the authorization of the Commission.

(c) The officer of the City is convicted of any act constituting misconduct in office under the provision of this Charter, a City ordinance or State law.

(d) The Mayor or a member of the Commission misses 4 consecutive regular meetings of the Commission or 25 percent of the meetings in any fiscal year of the City, unless such absence is excused by the Commission and the reason for the absence entered in the proceedings of the Commission.

(e) The officer refuses to take the Oath of Office.

(f) The officer is recalled from office in an election.

(g) The officer files and does not withdraw a written statement of resignation with the Clerk before the Commission accepts the resignation.

### **Section 5.3 Resignation of Elected Officers.**

In all cases, the Commission shall vote on the question of accepting a written statement of resignation filed with the Clerk at its next regular meeting.

### **Section 5.4 Filling Vacancies in Elective Offices.**

If a vacancy occurs in any elective office, except by reason of recall, the Commission, within 45 days after the vacancy occurs, shall appoint a qualified person to the vacant position to serve until a successor is elected at the next general municipal election. If three or more vacancies in the position of Commission exist simultaneously, the Clerk shall call a special election as soon as is legally possible for the purpose of filling the vacancies. The remaining Commissioner(s) shall have the authority to take whatever legal actions are necessary to provide for the special election.

### **Section 5.5 Change in Term of Office or Compensation.**

The Commission shall not shorten or lengthen the term of any elected officer, except that elected officers of the City shall continue to hold office until their successors are elected and have qualified. The Commission shall not grant or authorize extra compensation to any officer, agent or contractor after the service has been rendered or the contract entered into.

### **Section 5.6 Oath of Office and Bonds.**

Every City Officer shall take the Oath of Office prescribed by the Constitution of the State and shall file the same with the Clerk, together with any bond this Charter or the Commission may require. Officers who refuse to comply with the provisions of this section within ten days after the beginning of a term of office or date of appointment shall be considered to have declined the office. The office shall then become vacant unless the Commission extends the time in which the officer may qualify as required in this section.

### **Section 5.7 Surety Bonds.**

The Commission, on its own action or upon

recommendation of the City Manager, shall determine whether an officer or employee must give a bond to the City and, if so, the amount of the bond. The bond must be secured from a surety company licensed to do business under the laws of Michigan. The City shall pay the premiums on such bonds. It is the duty of the Commission to procure such bonds. All bonds of all officers and employees shall be filed with the Clerk, except that of the Clerk which must be filed with the Treasurer.

#### **Section 5.8 Financial Interests Prohibited.**

No City officer shall have any financial interest, directly or indirectly, (other than the common public interest) in the profits of any contract, job, work or service to be performed for the City. This prohibition may be waived upon public declaration of such conflict of interest and the waiver approved by a four-fifths vote of the Commission or by unanimous vote of the remaining Commissioners if the conflict involves a Commissioner. No officer of the City shall personally, or as an agent, provide any bond which is subject to approval by the Commission. Any officer of the City who violates the provisions of this Section shall be guilty of misconduct in office.

#### **Section 5.9 Appointments, Removals, and Promotions.**

Appointments, removals, and promotions of officers and employees of the City shall be based upon their qualifications and performance of duties, without any reference to their political or religious preferences.

#### **Section 5.10 Employee Benefit Programs.**

The Commission may make available to the officers and employees of the City a plan of group life, hospital, health or accident insurance. The Commission may provide a retirement system for employees of the City.

### **CHAPTER VI. PROCEDURES FOR THE CITY COMMISSION**

#### **Section 6.1 Commission Meetings.**

The City Hall shall be the regular meeting place

for the Commission. However, upon giving public notice of at least 18 hours, it may hold meetings in other locations in the City. The Commission shall always meet at locations where the public has opportunity to observe Commission deliberations. At its first meeting in January, the Commission, by resolution or ordinance, shall adopt a schedule of its regular meeting day and time. At that or the next meeting the Commission shall adopt its rules of procedure.

#### **Section 6.2 Special Meetings.**

The Clerk shall notify members of the Commission of special meetings upon the written request of the Mayor, the City Manager, or any two Commissioners. Notice of special meetings shall be delivered to Commissioners personally or left at their usual places of residence at least 18 hours prior to the time of the meeting. At the same time, the Clerk shall give notice of special meetings to the public and to media firms that have filed written requests to be notified. Any special meeting at which four Commission members are present or have waived notice thereof in writing, shall be a legal meeting for all purposes if the public and the media firms have received notice as provided in this Section. The Commission may hold an emergency meeting upon the call of the Mayor, City Manager, or two Commission members without giving notice as required in this Section if delay would threaten severe and imminent danger to the health, safety, and welfare of the public, and four Commissioner members at the meeting vote to approve proceeding under emergency conditions.

#### **Section 6.3 Business at Special Meetings.**

The business to be transacted at any special meeting of the Commission shall have been stated in the notice of the meeting. However, if four members are present, the Commission may conduct in a special meeting any business that may come before a regular meeting of the Commission. The Commission shall determine in its rules and procedures the manner of proceeding in special meetings.

#### **Section 6.4 Meetings to be Public.**

All meetings of the Commission shall be open to the public in accordance with the provisions of the State Open Meetings Act. However, the Commission may meet in sessions closed to the general public for

the purposes and in the manner provided by State law. In its rules of procedure, the Commission shall provide citizens a reasonable opportunity to address the Commission.

#### **Section 6.5 Quorum.**

Three members of the Commission shall constitute a quorum for transacting the business of the Commission. If a quorum is not present, two members may adjourn the meeting to a later day and time.

#### **Section 6.6 Voting and Publication of Minutes.**

(a) The Clerk shall call the name of each Commissioner for his or her vote on all ordinances and resolutions and record each vote in the journal. However, when the Mayor has determined that the vote is unanimous and no Commissioner objects, the Mayor may direct the Clerk to record in the journal a unanimous vote. Each Commissioner shall vote on all questions before the Commission unless excused by unanimous consent of the members present.

(b) A Commissioner shall not vote on any question in which he or she has a financial interest greater than that of the general public or on any question concerning his or her own official conduct.

(c) The official proceedings of the Commission, or a synopsis showing the substance of each separate proceeding, shall be printed in one newspaper of general circulation in the City within 15 days after each meeting of the Commission. If a synopsis is to be published, it shall be prepared by the Clerk and approved by the Mayor. The official proceedings of the Commission shall be kept in the English language.

#### **Section 6.7 Compulsory Attendance at Meetings.**

By vote of at least two members, the Commission may compel the attendance of its members and other City officers at its regular and special meetings. Any Commissioner or other City officer who, having been informed of the vote to require attendance, refuses to attend such meeting may be charged with misconduct in office.

#### **Section 6.8 Committees.**

The Commission shall have no standing committees. However, as the Commission's rules of procedure permit, the Mayor may establish committees of the Commission to carry out specific responsibilities for limited periods.

#### **Section 6.9 Investigations.**

The Commission, or any person or committee authorized by it for the purpose, shall have power to inquire and investigate into the conduct of any department, office, officer or other matters pertaining to the City. For these purposes, the Commissioner or its designee may subpoena witnesses, administer oaths, and compel the presentation of books, papers, and other evidence. Failure on the part of any officer of the City to comply with orders issued under the provisions of this Section, shall constitute misconduct in office. Such failure on the part of any City employee is punishable by a fine of up to \$500, 90 days imprisonment, or both.

### **CHAPTER VII. CITY LEGISLATION**

#### **Section 7.1 Validity of Ordinances.**

Unless an ordinance expressly provides differently, any portion of an ordinance or the application thereof to any person or circumstance found to be invalid by a court shall not affect the remaining portions of the ordinance if they can be given effect without the invalid portion or application.

#### **Section 7.2 Compilation, Codification, and Publication of Charter and Ordinances.**

Within one year after the adoption of this Charter and at least once in every ten years, the Commission shall provide for the compilation or codification and publication of the Charter and all City ordinances then in force. The Commission may provide for a reasonable charge for copies thereof.

#### **Section 7.3 Form of Ordinances.**

(a) All legislation of the City shall be by

ordinance or by resolution. All laws of the Commission imposing a penalty for violating the law, shall be by ordinance. Each ordinance shall be identified by a number and a short title. Each proposed ordinance shall be introduced in written or printed form. The style of all ordinances passed by the Commission shall be "The City of Big Rapids ordains." Ordinances may provide for the punishment of violators, but no punishment shall exceed a fine of \$500.00 or imprisonment for more than 90 days, or both, in the discretion of the court.

(b) A resolution, as used in this Charter, shall be an official action of the Commission and shall be limited to matters pertaining to the internal policy and affairs of the City government or to matters required or permitted to be done by resolution by this Charter or by State or Federal law. The Commission may adopt a resolution upon the affirmative vote of not less than three of its members. The Commission may adopt procedural motions upon the affirmative vote of a majority of Commissioners present.

#### **Section 7.4 Enactment, Amendment, and Repeal of Ordinances.**

The Commission may enact, amend, or repeal ordinances by the affirmative vote of not less than four Commission members. The Commission may not create or abolish an office, impose a tax assessment, close a street, alley or public ground, sell or dispose of real estate or any interest therein, take private property for public use, reconsider or rescind any vote of the Commission, or appropriate any money except upon the affirmative vote of at least four of its members. When revising or amending an ordinance, the Commission shall enter the changes in each of the affected sections. The Commission may repeal an ordinance by reference to the number and title only.

#### **Section 7.5 Effective Date of Ordinances.**

Each ordinance shall include an effective date and take effect at that time unless the ordinance imposes a penalty, in which case the effective date of the ordinance shall not be less than 20 days after the date of its passage. No ordinance shall become effective until it is published in accordance with the provisions of this Chapter.

#### **Section 7.6 Publication of Ordinances.**

(a) The Commission shall direct the Clerk to publish in a newspaper circulated in the City the full text of each ordinance enacted. When the Commission enacts revisions in, or amendments to, an ordinance, the Commission may direct the Clerk to publish in a newspaper circulated in the City the full text of the ordinance or only the sections revised or amended. Alternatively, the Commission may direct the Clerk to post the ordinance or the revised or amended sections in the office of the Clerk and in two other public places in the City.

(b) If the Commission directs the ordinance or the revised sections to be posted, rather than order the full text of the ordinance printed in a newspaper, the Clerk shall publish in a newspaper a notice that the Commission has revised the ordinance, give the subject of the ordinance and state the place where copies are available and have been posted. The inclusion of the full text of any ordinance, after its final passage, as a part of the published proceedings of the Commission, shall constitute publication of such ordinance as required herein.

(c) All ordinances and revisions or amendments of an ordinance shall be recorded by the Clerk in a book to be called "The Ordinance Book." The Mayor and Clerk shall authenticate such records by signing them.

#### **Section 7.7 Public Health and Safety.**

The Commission shall provide for the public peace, health, and welfare of City residents, for the safety of persons and property, and for the protection of the natural environment of the City. The Commission may delegate its powers and duties to City officers, departments, and agencies. However, the Commission shall oversee the execution of these fundamental purposes of the City.

#### **Section 7.8 Licenses.**

The Commission, by ordinance, shall prescribe the terms and conditions upon which licenses may be granted, suspended, or revoked. The City may require payment of a reasonable fee for any license. If the pertinent ordinance so requires, the person receiving a license, before receiving the license, shall execute a bond to the City as described by the ordinance. The

bond shall be conditioned for the full observance of the ordinance under which the license is granted.

### **Section 7.9 Streets and Alleys.**

(a) Except as limited by State law and this Charter, the Commission is authorized to establish, vacate, use, patrol and regulate its streets, alleys, bridges and public places as well as the space above and beneath them whether they are located in or outside the City. Such power shall include, but not be limited to, the proper policing and supervision of public places; licensing, regulating or prohibiting the placement of signs, awnings, awning posts and other things which impede or make dangerous the use of sidewalks or streets; licensing and regulating of construction and use of openings of sidewalks and streets and of all vaults, structures and excavations under the same.

(b) When the Commission proposes to vacate, discontinue, or abolish any highway, street, lane, alley or public ground or any part thereof, it shall set a time for a public hearing to hear objections to the proposed action. The Clerk shall provide public notice of the public hearing in the manner prescribed by ordinance or resolution. The public hearing shall not be held less than 28 days before the date of the proposed action. Written objections to the proposed action may be filed with the Clerk.

### **Section 7.10 Initiative and Referendum.**

By submitting a petition to the Clerk, electors of the City may propose an ordinance to the Commission or call for a referendum on an ordinance enacted by the Commission. To qualify, a petition:

- (a) Must have been approved as to form by the City Attorney prior to being calculated.
- (b) Must have been signed by registered electors equal in number to 25 percent of the votes cast for Mayor in the most recent general municipal election.
- (c) Must have signatures that were obtained within the 60 days preceding the filing of the petition with the Clerk.
- (d) Shall contain the full text of the proposed ordinance and shall follow the general form of petitions

provided by State law and comply with the general standards for petitions established by State law.

(e) Shall be filed with the Clerk who shall have 15 days to determine the sufficiency of the petitions and to so certify. If the Clerk finds the petition to be insufficient or improper, the Clerk shall immediately notify the person who filed the petition. The person shall then have 15 days from such notification to file supplemental petition papers. When the Clerk determines the petition is sufficient and proper, the Clerk shall present the petition to the Commission at its next regular meeting.

### **Section 7.11 Commission Procedure on Petitions.**

Upon receiving an initiatory or referendary petition the Commission, within 30 days, shall either[:]

- (a) Adopt the ordinance as submitted by an initiatory petition;
- (b) Repeal the ordinance referred to by a referendary petition; or
- (c) Determine to submit the proposal provided for in the petition to the electors.

### **Section 7.12 Submission to Electors.**

Should the Commission decide to submit the proposal to the electors, it shall be submitted at the next election held in the City for any other purpose, or, in the discretion of the Commission, at a special election. The result shall be determined by a majority vote of the electors voting on the question.

### **Section 7.13 Ordinance Suspended.**

Certification of a referendary petition shall automatically suspend the ordinance in question, pending repeal by the Commission or determination by the electors. The Commission may not amend or repeal an ordinance adopted by the electorate through initiatory proceedings for a period of two years after the date of the election at which it was adopted and, then, only by the affirmative vote of four members of the Commission.

**Section 7.14 Conflicting Ordinances.**

Should two or more ordinances adopted at the same election have conflicting provisions, the ordinance receiving the highest number of votes shall prevail as to the conflicting provisions.

**Section 7.15 Continuation of Existing Ordinances.**

All ordinances of the City in effect at the time this Charter becomes effective shall remain in effect.

**CHAPTER VIII. GENERAL FINANCE,  
BUDGET AUDIT, PURCHASING**

**Section 8.1 Fiscal Year.**

The fiscal year of the City shall begin on the first day of July and end on the thirtieth day of the following June.

**Section 8.2 Budget Procedure.**

By the second Monday in March, each officer and department head shall present to the City Manager an estimate of the expenditures during the next fiscal year for the department and programs under her or his control. The City Manager shall prepare a complete budget plan for the next fiscal year and submit it to the Commission on or before the first Monday in April.

**Section 8.3 Budget Document.**

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

(a) Expenditures proposed by the City Manager for each City department and program by operating fund, showing the expenditures for corresponding categories or programs for the current and prior fiscal year, and reasons for the recommended increases and decreases.

(b) Statements of the City's bonded and other indebtedness showing the debt redemption and interest requirements, the debt authorized and unissued, and the balance of all debt reserve funds.

(c) Estimates of all anticipated City revenues by fund from sources other than general taxes and borrowing, and the amounts received by the City from each of the same, or similar sources, during the prior and current fiscal year.

(d) A statement of the estimated balance at the end of the current fiscal year.

(e) An estimate of the amount to be raised from current and delinquent taxes and borrowing which, together with income from other sources, will be necessary to pay the proposed expenditures.

(f) Such other supporting schedules and information as the Commission considers necessary or State law requires.

**Section 8.4 Budget Hearings.**

The Commission shall conduct a public hearing on the budget before finally adopting the annual budget. The Clerk shall publish a notice of the public hearing at least one week prior to the hearing. 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 at least one week prior to the public hearing.

**Section 8.5 Adoption of Budget and Tax Limits.**

The Commission shall approve the budget for the next fiscal year by the first Monday in May. In its approving resolution, the Commission shall determine the amount to be raised by tax upon real and personal property for City purposes. The levy shall not exceed 15 mills of the equalized valuation of all real and personal property subject to taxation in the City. However, the tax rate shall not be increased by more than 2 mills in one year and not more than 5 mills in 3 years. These limits shall not restrict the Commission's authority to impose additional millage to pay the principal and interest on outstanding bonds issued before December 22, 1978, or approved by the electorate since that date.

**Section 8.6 Transfer of Appropriation.**

After the budget has been adopted, all money drawn from the city treasury and obligations to expend money incurred shall be consistent with the amounts

appropriated and purposes stated in the budget. The Commission may transfer any part of an unencumbered appropriation balance from one department account to another. All unobligated appropriations at the end of a fiscal year shall revert to the general fund and may be reappropriated during the next fiscal year.

#### **Section 8.7 Budget Control.**

The City Manager shall report to the Commission at least once each calendar quarter on the fiscal condition of the City. If it appears that expenditures will be greater than the sum of projected revenues and other available funds, the City Manager shall recommend appropriate actions to the Commission. The Commission shall reduce appropriations to the extent necessary to prevent a negative balance at the end of the fiscal year. The Commission shall not reduce appropriations required to pay current debt and interest charges.

#### **Section 8.8 Receiving, Depositing, and Investing City Funds.**

The Treasurer shall receive all City money, regardless of the source, and shall deposit it promptly in depositories designated by the Commission. The Commission shall provide for the security of City money as is authorized or permitted by State law. Personal surety bonds shall not be considered proper security. The City Manager and Treasurer shall propose, and the Commission shall adopt, a policy governing the placement of City money. Among the matters to be covered in the policy approved by the Commission are the following[.]:

- (a) Minimum security standards for financial institutions acting as depositories for City money;
- (b) The types of interest-bearing investments, consistent with State law, the Treasurer may make with City funds;
- (c) The general performance standards for investment of City money;
- (d) The frequency of the Treasurer's reports on City investments; and
- (e) The practices regarding the crediting of interest earnings.

#### **Section 8.9 Independent Audit and Manager's Report.**

(a) The Commission shall contract for an independent audit of all accounts of the City government at least once each year. The audit shall be made by certified public accountants experienced in municipal accounting. In no case shall the Commission approve or extend a contract to have the same firm audit City accounts for more than six successive years. The results of the audit shall be available in the office of the Clerk for public inspection.

(b) The City Manager shall produce an annual report of City business. The report, to be made available to the residents of the City, shall disclose facts describing the activities and financial transactions of the City in summary form.

#### **Section 8.10 Purchasing Procedure: Bids, Contracts, Regulations.**

The City Manager shall be responsible for City purchasing in the manner consistent with City ordinances. Competitive prices for all purchases and public improvements shall be obtained, and the purchase made from, or the contract awarded to, the lowest qualified bidder. Formal sealed bids shall be obtained in all transactions involving the expenditure of \$5,000 or more and the transaction, evidenced by written contract, submitted to and approved by the Commission. Detailed purchasing and contracting procedures shall be established by Ordinance. The Commission may authorize the making of public improvements or the performing of any other City works by any City department or agency without competitive bidding.

#### **Section 8.11 Emergency Purchasing.**

In the event of an emergency, the Commission may temporarily suspend one or more provisions of Section 8.10. In declaring an emergency under this section, the Commission shall:

- (a) Define the emergency.
- (b) State the anticipated term of the emergency which shall not exceed 120 days.
- (c) Approve the suspension by the affirmative vote of not less than four Commissioners.

### **Section 8.12 Expenditure of Funds for Dispute Resolution.**

The Commission or any other officer shall not authorize the expenditure of City funds for legal counsel on behalf of any City officer or employee to resolve a dispute over the meaning or application of the provisions of this Charter, City ordinance, or State law unless the dispute is first submitted to the mediation and arbitration procedures recommended by the American Arbitration Association. If such procedures do not resolve the dispute, the Commission, in its discretion, may authorize the expenditure of funds for legal counsel. The Commission is not prohibited from authorizing the expenditure of funds for legal counsel if the plaintiff in the dispute sues the City or one of its officers.

## **CHAPTER IX. TAXATION**

### **Section 9.1 Power to Provide Funds.**

The City shall have the power to assess and collect taxes. The City shall also have the power to establish and collect rents, tolls, and excises.

### **Section 9.2 Subject of Taxation.**

Property subject to ad valorem taxation for City purposes shall be that defined by State law. City taxes shall be levied, collected, and returned in the manner provided by State law unless this Charter provides differently.

### **Section 9.3 Board of Review.**

The Commission shall establish a Board of Review and appoint five City residents to the Board for two-year terms. The terms shall be staggered so that not more than three terms expire each year. Vacant board positions shall be filled in accordance with Section 3.6 (e) of this Charter. The Clerk shall publicize all vacancies and solicit applicants through both public notices and newspaper advertisements during a 15-day period prior to a person's being nominated to fill such a vacancy. No person shall serve more than two consecutive terms on the Board of Review. However, a person appointed to fill a vacancy of which less than

one-half term remains may be appointed to two consecutive full terms. The Commission shall establish the compensation for this office. The Assessor shall be the Clerk of the Board of Review but shall not vote on Board actions. The Mayor, with the consent of the Commission, may remove any member of the Board of Review for misconduct or neglect of duty.

### **Section 9.4 Meeting of the Board of Review.**

The Board of Review shall perform in the City those duties assigned by State law. The Board of Review shall elect its own chairperson at its first meeting in each calendar year. If the chairperson is absent, those in attendance may elect a member to be temporary chairperson.

### **Section 9.5 Notice of Meetings.**

The Clerk shall give notice of the time and place of the meeting of the Board of Review at least one week prior to the meeting in one or more newspapers circulated in the City.

### **Section 9.6 Duties of Board of Review.**

The Board of Review shall consider the verbal or written complaints of all persons considering themselves aggrieved by assessments. If, in the judgment of the Board, property has been improperly classified, assessed, added to or omitted from the roll, the Board shall correct the roll as it considers appropriate and consistent with State law. After the Board of Review has completed its review of the assessment roll, a majority of its members shall sign a statement to the effect that the roll is as approved by the Board.

### **Section 9.7 Clerk to Certify Tax Levy.**

The Clerk shall certify to the Assessor the total amount which the Commission determines to raise by general property tax; all amounts of special assessment which the Commission requires to be assessed or reassessed upon any property or against any person; and all other amounts which the Commission may determine shall be charged, assessed or reassessed against any person or property.

**Section 9.8 City Tax Roll.**

After the last meeting of the Board of Review, and upon receiving from the Clerk certification of the several amounts to be raised, the Assessor shall spread upon the approved assessment roll the amounts determined by the Commission to be charged, assessed, or reassessed against persons or property in accordance with State law.

**Section 9.9 Tax Roll Certified for Collection.**

After extending the taxes on the assessment roll, the Assessor shall certify said tax roll and attach his or her warrant to the roll and thereby direct and require the Treasurer to collect from the several persons named in the roll, the amounts shown opposite their respective names as a tax or assessment.

**Section 9.10 Taxes Lien on Property.**

The taxes thus levied on July 1 or, if later, as soon as they are levied, shall become a debt to the City from the persons against whom they are levied. The amounts levied, together with all legal charges, shall be a lien upon the property taxed until they are paid. The Treasurer shall have the authority and duty to collect the City taxes as granted and required by State law to township treasurers in collecting State and County taxes.

**Section 9.11 Collection Fees and Interest.**

City taxes shall be due on the first day of July of each year. City taxes paid or postmarked, if payment is by mail, on or before the following September 15th shall be collected without additional charge. To all taxes paid on September 16th or later, the Treasurer shall add one-half of one percent for each and every month, or fraction of a month, to the taxes remaining unpaid, together with a collection fee of four percent of the amount of the unpaid taxes. If September 15th is a Saturday, Sunday or a legal holiday, the Treasurer shall receive tax payments on the next workday without additional charge. The Commission, by resolution, may authorize the Treasurer to accept partial payments on taxes and special assessments, together with interest and collection charges, until the next March 1st.

**Section 9.12 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. All provisions of State law relative to collecting and accounting for taxes and fees to be paid, and the returning of property to the County treasurer for non-payment, shall apply to the Treasurer. If school taxes are collected at the same time as City taxes, they shall be collected subject to the same conditions as City taxes.

**Section 9.13 Failure or Refusal to Pay Taxes.**

If any person fails to pay any tax imposed upon his or her personal property, the Treasurer shall proceed to collect such taxes in accordance with procedures specified in State law.

**Section 9.14 Tax Roll to County Treasurer.**

On the first day of March following receipt of the tax roll, the Treasurer shall return all unpaid taxes on real property to the County Treasurer in the same manner as pertains to township treasurers under State law. The returns shall include all the additional charges and fees provided for in the previous Sections. The taxes thus returned shall remain in a lien upon the lands against which they are assessed, until paid.

**CHAPTER X. BORROWING POWER****Section 10.1 General Borrowing Power.**

Subject to the applicable provisions of State law and this Charter, the Commission, by ordinance or resolution, may direct City officers to borrow money for any purpose within the scope of the powers vested in the City and to issue bonds or other evidences of City indebtedness. The Commission shall not issue unlimited tax bonds without the approval of a majority of the electors voting in an election on a proposal to issue such bonds.

**Section 10.2 Special Assessment Bonds.**

The Commission, subject to the applicable provisions of State law, may borrow money in

anticipation of collecting special assessments made for the purpose of defraying the cost of any public improvement, or issue bonds in anticipation of collecting any combination of special assessments. The special assessment bonds may be solely an obligation of the related special assessment district or districts or may be both an obligation of the special assessment district or districts and a general obligation of the City. All collections on each special assessment roll, or combination of rolls, shall be set apart in a separate fund for the payment of the principal and interest of the bonds issued in anticipation of the payment of such special assessments, and shall be used for no other purpose.

### **Section 10.3 Other Bonds.**

The City may issue revenue, limited tax, or other types of bonds in the manner and for the purpose permitted by the Constitution and general laws of the State of Michigan.

### **Section 10.4 Preparation and Record of Bonds.**

Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which the bond is issued. An officer of the City who uses the proceeds of any bond for any other purpose shall be charged with misconduct in office. All bonds and other evidence 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. The Clerk shall maintain a complete and detailed record of all bonds and other evidences of indebtedness issued by the City. When any bond or other evidence of indebtedness is paid, the Clerk shall mark it "Canceled."

### **Section 10.5 Unissued Bonds.**

No unissued bonds of the City shall be sold to secure funds for any purpose other than that for which they were specifically authorized. If such bonds are not sold within five years after authorization, the authorization shall be void and the bonds canceled.

### **Section 10.6 Limitation on Indebtedness.**

(a) The City indebtedness by the issue of unlimited and limited tax bonds or other unlimited or limited tax evidences of indebtedness, including existing indebtedness, shall not exceed 10 percent of the equalized valuation of the real and personal property within the City. However, any moneys on hand reserved for the payment of indebtedness to that extent may be considered as a reduction of the City's indebtedness.

(b) In the event of fire, flood, or other calamity requiring an emergency expenditure to provide relief to City residents to repair or rebuild City facilities, the Commission may borrow an amount equal to one-fourth of one percent of the equalized valuation of the City, notwithstanding that the loan may exceed the limitation on indebtedness established in this Section.

## **CHAPTER XI. SPECIAL ASSESSMENTS**

### **Section 11.1 Commission Resolution.**

The Commission shall have authority, by resolution, to determine that the entire cost or any part of the cost of a public improvement is to be paid by special assessments on property especially benefitted. The resolution shall state the estimated cost of the improvement, what proportion of the improvement's cost is to be paid by special assessment, and what part, if any, is to be paid by the City, and the number of installments in which assessments may be paid. The Commission shall also designate the district or the land and properties on which the special assessments are to be levied.

### **Section 11.2 Procedure Set by Ordinance.**

The Commission shall prescribe by ordinance the complete special assessment procedure concerning plans and specifications, estimating costs, notices of hearings, preparing the assessment roll, correcting errors, collecting special assessments and any other matters pertinent to the process of making improvements with special assessments.

## **CHAPTER XII. MUNICIPAL UTILITIES**

### **Section 12.1 General Powers.**

The City shall possess, and hereby reserves to itself, all the powers granted cities by the Michigan Constitution and State law to own, operate, and maintain public utilities for supplying water, light, heat, power, gas, sewage treatment, and disposing or recycling of waste, as well as facilities for housing its citizens. The City may sell and deliver these and other services to residents in the City, and it may sell and deliver water, light, heat, power, gas and other utility services outside the City to the extent permitted by State law.

### **Section 12.2 Rates.**

The Commission shall have the power to set and change the rates for City utility services.

### **Section 12.3 Utility Charges: Collection.**

The Commission, by ordinance, shall provide for collecting all City public utility charges. If a utility customer fails to pay the City any amounts due on utility bills, the City may discontinue the service. The City may initiate a suit to collect the amounts due in court.

### **Section 12.4 Accounts.**

The City shall maintain separate accounts for each public utility the City owns and operates. The accounting procedures used shall comply with the provisions of State law and the Generally Accepted Accounting Principles. After each fiscal year, the City shall produce a report on the financial results and make the report available for public inspection in the office of the Clerk.

### **Section 12.5 Disposal of Utility Plants and Property.**

The Commission is not authorized to sell, exchange, lease, or dispose of any unexpendable assets belonging to any City utility system unless three-fifths of those electors voting in an election thereon approve the proposition for such purpose. The provisions of this Section, however, shall not apply to

the sale or exchange of equipment which is worn out or useless or which, with advantage to the service, could be replaced by new and improved machinery or equipment.

## **CHAPTER XIII. CONTRACTS, FRANCHISES, PERMITS**

### **Section 13.1 City May Perform Public Works.**

The Commission shall have the authority to do any public work or make any public improvement by employing the necessary labor and purchasing the necessary supplies and materials. Alternatively, the Commission may accomplish a public work or improvement by competitively bid contracts or by any legally constituted plan under which the labor is furnished by an agency of the United States government or the State of Michigan.

### **Section 13.2 Plans and Specifications.**

The City Manager is responsible for preparing plans and specifications, estimating the costs, advertising for bids, supervising, and approving the work for any public work or public improvement except where this Charter provides differently.

### **Section 13.3 Contracts.**

(a) Whenever it is desirable for the City to enter into a contract with a second party, the City Attorney shall draw or approve the instrument as to form. The officer charged with maintaining the City accounting system shall certify as to the sufficiency of funds. The letting and making of contracts is vested in the Commission. Copies of all contracts shall be filed in the office of the Clerk.

(b) Alterations or change orders to contracts shall be made only by resolution of the Commission. No such order shall be effective until the price to be paid for the material and work under the altered contract has been agreed to and the order has been written and signed by the contractor and the City Manager, upon authority of the Commission. The Clerk shall attach to the original contract a copy of the signed agreement and certify the proceedings authorizing the alteration.

**Section 13.4 Limitation on Leasing of City Property.**

Any lease of City property made by the Commission for a period longer than five years shall be subject to referendum in the manner provided in Section 7.10 of the Charter relating to calling a referendum on ordinances. A petition calling for a referendum on a lease under this provision must be taken within 30 days from the date of the lease. If a proper petition has not been filed with the Clerk within 30 days from the date of the lease, the lease shall be valid and binding. Before the Commission grants a lease, the lessee shall file an unconditional acceptance of the terms of the lease with the Clerk.

**Section 13.5 Franchises.**

A franchise which is not revocable at the will of the Commission shall not be granted or become operative until it has been referred to the electors and approved by three-fifths of the electors voting in the election thereon. All irrevocable public utility franchises and all renewals, extensions and amendments thereof shall be granted only by ordinance. The Commission shall not refer such an ordinance to the electorate until the application has been on file for 30 days or until a public hearing on it has been held. The ordinance shall not be submitted to an election to be held less than 30 days after the grantee named therein has filed with the Clerk an unconditional acceptance of all the terms of the franchise or unless the expense of holding the election has been paid to the Treasurer by the grantee. The City shall not grant an exclusive franchise or a franchise for a term longer than 30 years.

**Section 13.6 Leases, Licenses and Franchises Remain in Effect.**

All leases, licenses and franchises granted by the City and in force when this Charter becomes law shall remain in full force and effect until the time for which they were respectively granted has lapsed under conditions contained in the license or franchise granted, or until any such license or franchise is taken over by the City.

**Section 13.7 Control and Revocation of Franchise.**

The Commission shall institute all actions or

proceedings as may be necessary to prosecute a public utility company for violating its franchise, this Charter, or City ordinances. It may revoke, cancel, or annul all franchises the City has granted which have become inoperative, illegal or void.

**Section 13.8 Conditions of Public Utility Franchise.**

All public utility franchises granted after the adoption of this Charter, whether provided in the granting ordinance or not, shall be subject to the following rights of the City. However, this enumeration is not to be construed as being exclusive or as impairing the right of the Commission to insert conditions, requirements or limitations in such franchises. With regard to public utility franchises, the City retains the rights:

- (a) To repeal the same for misuse, non-use, or failure to comply.
- (b) To require proper and adequate extension of plant, service, and maintenance at the highest practicable standard of efficiency.
- (c) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.
- (d) To require continuous and uninterrupted service to the public in accordance with the terms of the franchise.
- (e) To impose such other regulations as may be determined by the Commission to promote or protect the safety, welfare and accommodation of the public.

**Section 13.9 Regulations of Rates.**

All public utility franchises shall make provisions for fixing and periodically adjusting rates, fares, and charges at the discretion of the City. The value of the property of the utility used as a basis for fixing such rates, fares and charges shall not include a value predicated upon the franchise, goodwill, or prospective profits.

**Section 13.10 Use of Street by Utility.**

Every public utility franchise shall be subject to the right of the City to use, control, and regulate the

use of its streets, alleys, bridges, and public places and the space above and beneath them. Every public utility shall pay such part of the cost of improving or maintaining streets, alleys, bridges and public places as shall arise from its use thereof, and shall protect and hold the City harmless from all damages arising from said use. The City may require every franchise to permit joint use of its property and appurtenances located in the streets, alleys and public places by the City and by other utilities insofar as such joint use may be reasonably practicable. The Commission shall provide for arbitration of the terms and conditions of joint use and the compensation to be paid. The City award shall be final.

#### **CHAPTER XIV. CITY PLAN BOARD**

##### **Section 14.1 Plan Board Organization.**

The Plan Board shall consist of nine persons. The Commission shall appoint members in accordance with the provisions of Section 14.2. Members of the Plan Board shall serve without compensation. The members of the Plan Board serving at the time this Charter becomes effective shall continue to serve until their terms expire. The City Manager or a staff designee shall be an ex-officio member of the Plan Board without vote and shall attend all meetings of the Plan Board.

##### **Section 14.2 Term of Office.**

Terms of office for Plan Board members shall begin on the first Monday in May and continue for five years. The terms shall be staggered so that not more than two terms expire each year. Whenever a position on the Plan Board becomes vacant, the Mayor and Commissioners shall proceed to fill the position in accordance with Section 3.6(e) of this Charter. No person shall serve more than two consecutive terms on the Plan Board. However, a person appointed to fill a vacancy of which less than one-half term remains may be appointed to two consecutive full terms. The Clerk shall publicize all vacancies and solicit applicants through both public notices and newspaper advertisements during a 15-day period prior to a person's being nominated to fill such a vacancy.

##### **Section 14.3 Organization and Officers.**

At the first meeting in May each year, the Plan Board shall select one of its members to be chairperson. In addition, the Plan Board shall elect other officers as the Board's rules of procedure require. The City Clerk shall serve as secretary of the Board. No person shall serve as chairperson for more than two consecutive years.

##### **Section 14.4 Responsibilities and Duties.**

The Plan Board shall exercise the responsibilities and duties provided in the City and Village Planning Act and other State statutes and those duties assigned by ordinance or by this Charter. Such duties shall include preparing and revising a master plan for the City, making surveys, recommending zoning changes to the Commission in accordance with the zoning ordinance and advising the Commission with respect to municipal improvements. The Plan Board shall make reports and recommendations to the Commission on other matters as the Commission considers appropriate.

##### **Section 14.5 Meetings.**

The Plan Board shall meet in regular session at least once each month. It shall adopt rules of procedure for transacting its business and keep a record of all its meetings.

##### **Section 14.6 Removal from Office.**

The Mayor, with the consent of the Commission, may remove any member of the Plan Board for misconduct or neglect of duty. The Mayor and Commission shall remove from office any member of the Plan Board who is absent from three consecutive meetings, unless the Plan Board excuses the absence and enters the reasons for absences in the Board's official minutes.

#### **CHAPTER XV. LIBRARY BOARD**

##### **Section 15.1 Library Board Organization.**

The Library Board shall consist of five persons.

The Commission shall appoint one person to the Library Board each year unless it is necessary to appoint persons to fill vacancies. Members of the Library Board shall serve without compensation. The members of the Library Board serving at the time this Charter becomes effective shall continue to serve until their terms expire.

#### **Section 15.2 Term of Office.**

The term of office, beginning on the first Monday in May, shall be five years. No person shall serve more than two consecutive terms. However, a person appointed to fill a vacancy of which less than one-half term remains may be appointed to two consecutive full terms. Whenever a position on the Library Board becomes vacant, the Mayor and Commissioners shall proceed to fill the position in accordance with Section 3.6(e) of this Charter. The Clerk shall publicize all vacancies and solicit applicants through both public notices and newspaper advertisements during a 15-day period prior to a person's being nominated to fill such a vacancy.

#### **Section 15.3 Organization and Officers.**

On the first meeting in May each year, the Library Board shall elect one of its members to be chairperson. In addition, the Library Board shall elect other officers as the Board's rules of procedure require. The Library Director shall be the secretary of the Board. No member shall serve as chairperson for more than two consecutive years.

#### **Section 15.4 Management of Big Rapids Community Library.**

The Library Board shall be responsible for the care and management of the Big Rapids Community Library. The Board shall make and adopt bylaws and regulations for governing the library and shall employ a Library Director and other employees as may be necessary, subject to the approval of the Commission.

#### **Section 15.5 Library Fund.**

All money donated or granted to the Library shall be deposited with the Treasurer and credited to the Library Fund. The Library Board shall have exclusive control and supervision over the expenditure of money

received for the Library Fund and of the rooms and buildings provided for library purposes subject to the restrictions provided by law, donors or grantors. The Treasurer shall release funds from the Library Fund only upon the properly authenticated vouchers of the Library Board.

#### **Section 15.6 Annual Report.**

Each year, at the request of the City Manager, the Library Board shall present to the City Manager its estimate of the amount of money that should be appropriated during the next fiscal year to operate the Library. The Library Board shall report to the Commission each year on the finances, activities, and programs of the Library.

#### **Section 15.7 Meetings.**

The Library Board shall meet at least nine times each year. It shall adopt rules of procedure for transacting its business and keep a record of all its meetings.

#### **Section 15.8 Removal from Office.**

The Mayor, with the consent of the Commission, may remove any member of the Library Board for misconduct or neglect of duty. The Mayor and Commission shall remove from office any member of the Library Board who is absent from three consecutive meetings, unless the Library Board excuses the absences and enters the reasons for absences in the Board's official minutes.

#### **Section 15.9 Donations.**

Any person making donations of money, personal property, or real estate for the benefit of the Big Rapids Community Library may vest the title of the donated property in the Library Board. When the Library Board accepts the property, it shall hold and manage the property according to the terms of the deed, gift, devise or bequests.

## **CHAPTER XVI. PARK AND RECREATION BOARD**

### **Section 16.1 Park and Recreation Board Organization.**

The Park and Recreation Board shall consist of nine members. Members of the Board serve without compensation. Persons serving as Park and Recreation Board members at the time this Charter becomes effective shall continue to serve until their terms expire. The City Manager, or a staff designee, shall be an ex-officio member of the Park and Recreation Board without vote and shall attend all meetings of the Park and Recreation Board.

### **Section 16.2 Term of Office.**

Terms of office for Park and Recreation Board members shall begin on the first Monday in May and continue for five years. The terms shall be staggered so that not more than two terms expire each year. Whenever a position on the Park and Recreation Board becomes vacant, the Mayor and Commission shall proceed to fill the position in accordance with the Section 3.6(e) of this Charter. No person shall serve more than two consecutive terms on the Board. However, a person appointed to fill a vacancy of which less than one-half term remains may be appointed to two consecutive full terms. The Clerk shall publicize all vacancies and solicit applicants through both public notices and newspaper advertisements during a 15-day period prior to a person's being nominated to fill such a vacancy.

### **Section 16.3 Organization and Officers.**

On the first meeting in May each year, the Park and Recreation Board shall elect one of its members to be chairperson. In addition, the Park and Recreation Board shall elect other officers as the Board's rules of procedure require. The Clerk shall be secretary of the Board. No member shall serve as chairperson for more than two consecutive years.

### **Section 16.4 Duties of Board.**

The Park and Recreation Board, subject to the direction and ordinances of the Commission, shall be responsible for the care and management of all City parks, playgrounds and resting places, and all shade trees, shrubs and plants growing on City land.

### **Section 16.5 Disposition of Revenues.**

All revenues derived from park operations shall be deposited with the Treasurer who shall credit them to the general fund. Funds donated or granted for park purposes shall be used only for the purposes agreed to in receiving the funds. The funds shall be placed in the appropriate restricted accounts and disbursed at the direction of the Park and Recreation Board, subject to the approval of the Commission.

### **Section 16.6 Amount to be Appropriated.**

Each year, at the request of the City Manager, the Park and Recreation Board shall present to the City Manager its estimate of the amount of money that should be appropriated for the next fiscal year to maintain the properties and conduct the programs under the jurisdiction of the Park and Recreation Board. The Commission, in its discretion, shall appropriate funds sufficient to maintain the properties and to conduct the programs directed by the Park and Recreation Board. Annually, the Park and Recreation Board shall also report to the Commission on its finances, activities, and programs.

### **Section 16.7 Meetings.**

The Park and Recreation Board shall meet at least nine times each year. It shall adopt rules of procedure for transacting its business and keep a record of all its meetings.

### **Section 16.8 Removal from Office.**

The Mayor, with the consent of the Commission, may remove any member of the Park and Recreation Board for misconduct or neglect of duty. The Mayor and Commission shall remove from office any member of the Park and Recreation Board who is absent from three consecutive meetings, unless the Park and Recreation Board excuses the absences and enters the reasons for absences in its official minutes.

## **CHAPTER XVII. CEMETERY BOARD**

### **Section 17.1 City Cemetery.**

The City may own and operate such public burial places, either in or outside the City, as the Commission considers necessary for the public welfare and convenience of residents of the City. The Commission may prohibit or restrict the interment of the dead within the City and order any bodies buried in violation of a City ordinance to be taken up and buried elsewhere.

### **Section 17.2 Appropriation for Cemetery.**

The Commission, within the limitations of this Charter, may appropriate money necessary to purchase and operate cemetery grounds. Whenever the City owns and operates a cemetery, the Commission shall establish a Board of Cemetery Trustees.

### **Section 17.3 Board of Cemetery Trustees.**

The Cemetery Board of Trustees shall consist of five members. The Commission shall appoint one person to the Cemetery Board each year unless it is also necessary to appoint persons to fill vacancies. Members of the Board serve without compensation. Persons serving as Cemetery Board trustees at the time this Charter becomes effective shall continue to serve until their terms expire. The City Manager, or a staff designee, shall be an ex-officio member of the Cemetery Board without vote and shall attend all meetings of the Cemetery Board.

### **Section 17.4 Term of Office.**

The term of office, beginning on the first Monday in May shall be five years. No person shall serve more than two consecutive terms. However, a person appointed to fill a vacancy of which less than one-half a term remains, may be appointed to two consecutive full terms. Whenever a position on the Cemetery Board becomes vacant, the Mayor and Commissioners shall proceed to fill the position in accordance with Section 3.6 (e) of this Charter. The Clerk shall publicize all vacancies and solicit applicants through both public notices and newspaper advertisements during a 15-day period prior to a person's being nominated to fill such a vacancy.

### **Section 17.5 Removal from Office.**

The Mayor, with the consent of the Commission, may remove any member of the Cemetery Board for misconduct or neglect of duty. The Mayor and Commission shall remove from office any member of the Cemetery Board who is absent from three consecutive meetings, unless the Cemetery Board excuses the absences and enters the reasons for absences in its official minutes.

### **Section 17.6 Organization and Officers.**

On the first meeting in May each year, the Cemetery Board shall elect one of its members to be chairperson. In addition, the Cemetery Board shall elect other officers as the Board's rules of procedure require. The Clerk shall be secretary of the Board. No member shall serve as chairperson for more than two consecutive years.

### **Section 17.7 Cemetery Management.**

The Cemetery Board, subject to the direction and ordinances of the Commission, is responsible for the care, operation, and management of all City burial places. The Cemetery Board may receive and hold any property which may be granted, transferred or devised to the Board in trust for the purpose of caring for any lots specified in a trust. The Board shall determine the price of burial rights in lots and oversee their sale. The Clerk shall execute the conveyances of cemetery lots for the City and record them at the purchasers' expense. The Clerk's office shall be the location for records of cemetery plats, lot numbers and other cemetery records.

### **Section 17.8 Perpetual Care Funds.**

One-half of the revenues resulting from the sale of cemetery burial rights must be placed into the Perpetual Care Fund as a trust fund. The Treasurer shall faithfully invest the principal of the Perpetual Care Fund in accordance with the City investment ordinance. All interest earned from the investment of money in the Perpetual Care Fund shall be used exclusively for the care and maintenance of Cemetery lots entitled to perpetual care.

**Section 17.9 Cemetery Ordinance Enforcement.**

The Cemetery Board shall take all necessary actions, consistent with City ordinances, this Charter, and State law, to enforce the ordinances of the City relating to the care and management of City cemeteries, provide for the burial of the dead, the care and protection of the grounds, monuments and appurtenances of the cemetery, and the orderly conduct of persons visiting the grounds.

**Section 17.10 Cemetery Moneys to be Paid to City Treasurer.**

All revenues received for City public burial places shall be paid into the City treasury and, except for revenues designated in Subsection [sic] 17.8 as Perpetual Care Fund, revenues shall be credited to the Cemetery Fund as special operating revenues. These funds shall be used for no purpose other than cemetery operation and management.

**Section 17.11 Amount to be Appropriated.**

Each year, at the request of the City Manager, the Cemetery Board shall present to the City Manager its estimate of the amount of money required during the next year to maintain and operate the properties under the jurisdiction of the Cemetery Board. Annually, the Cemetery Board shall also report to the Commission on its finances, activities and programs.

**Section 17.12 Meetings.**

The Cemetery Board shall meet at least nine times each year. It shall adopt rules of procedure for transacting its business and keep a record of all its meetings.

**CHAPTER XVIII. MISCELLANEOUS**

**Section 18.1 City Liability; notice to City.**

The City shall not be liable for unliquidated damages for injuries to persons or property unless the person claiming such damages, or someone on his or her behalf, files a written claim with the Clerk before 60 days after the date of the injury have passed. The

claim shall be verified by the claimant, or a person who has knowledge of the facts, shall specify the time and place, the nature and extent of the injury sustained, the manner in which it occurred, the specific grounds on which the claim of liability by the City is asserted, the names and addresses of all known witnesses, the name of the attending physician, if any, and an itemized statement of the amounts claimed. Following the filing of such a claim, the City shall have a reasonable time to investigate the claim and may require the claimant to produce all witnesses for examination under oath. Failure to file a claim or produce witnesses in the manner required in this Section shall forever bar any action or proceeding in any court for collecting any such claim. On trial of action on the claim, no witness shall be competent to testify for the claimant who was known and not named in the claim filed with the City or not produced on demand.

**Section 18.2 No Estoppel by Presentation.**

No official of the City has authority to make any representation or recital of fact in any franchise, contract, document, or agreement contrary to any public record of the City. Any such representation shall be void and of no effect as against the City.

**Section 18.3 Records to be Public.**

Records of the City shall be public and be available for inspection in accordance with the provisions of the State Freedom of Information Act.

**Section 18.4 Tense.**

Except as otherwise specifically provided or indicated by the context, all words used in this Charter indicating the present tense shall not be limited to the time of the adoption of this Charter, but shall extend to and include the time of the happening of any event or requirement for which provision is made herein.

**Section 18.5 Headings.**

The chapter and section headings used in this Charter are for convenience only and are not to be considered as part of this Charter.

**Section 18.6 Effect of Illegality of Any Part of Charter.**

Should any provision or section, or portion thereof, of this Charter be held by a court to be invalid, illegal, or unconstitutional, such holding shall not be construed as affecting the validity of this Charter as a whole or of any remaining portion of such provisions or section. It is hereby declared to be the intent of the Charter Commission and of the electors who voted on this Charter that such unconstitutionality or illegality shall affect only the validity of that part specifically affected by the holdings.

**Section 18.7 Saturdays, Sundays and Holidays.**

Whenever a date referred to in this Charter or by ordinance for doing or completing an act falls on a Saturday, Sunday, or legal holiday, the act shall be done or completed on the next succeeding day which is not a Saturday, Sunday, or legal holiday.

**CHAPTER XIX. SCHEDULE****Section 19.1 Election to Adopt this Charter.**

This Charter shall be submitted to a vote of the qualified electors of the City at a special municipal election to be held on Tuesday, February 11, 1992. This election shall be conducted under the provisions of the existing Charter by the officers responsible for conducting and supervising elections, following election procedures provided by law.

**Section 19.2 Form of Ballot.**

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

"Shall the proposed Charter for the City of Big Rapids drafted by the Charter Revision Commission elected April 3, 1989, be adopted?"

**Section 19.3 City Commissioners Elected on April 2, 1990.**

The two Commissioners elected to office in the general municipal election held on April 2, 1990, shall

serve their full four year term as provided for in the previous Charter.

**Section 19.4 City Officers Elected on April 6, 1992.**

A general municipal election shall be held on April 6, 1992, and shall be conducted under the provisions of the previous Charter by the officers responsible for conducting and supervising elections, following election procedures provided for by law. The candidate elected to the office of Mayor at this election shall serve a term beginning April 13, 1992, and ending April 11, 1994. The two candidates elected to the office of Commissioner at this election shall serve a term beginning April 13, 1992 and ending November 20, 1995.

**Section 19.5 City Officers Elected on April 4, 1994.**

A special municipal election shall be held on April 4, 1994, and shall be conducted under the provisions of this Charter by the officers responsible for conducting and supervising elections, following election procedures provided for by law. The candidate elected to the office of Mayor at this election shall serve a term beginning April 11, 1994 and ending on November 20, 1995. The two candidates elected to the office of Commissioner at this election shall serve a term beginning on April 11, 1994 and ending on November 17, 1997.

**Section 19.6 First General Municipal Election Under this Charter.**

The first general municipal election under this Charter shall be held on Tuesday, November 7, 1995. The Mayor and the two Commissioners elected at this election shall take office on November 20, 1995.

**Section 19.7 Effective Date of This Charter.**

For all purposes not otherwise provided for in this Charter, this Charter shall take effect on April 13, 1992.

**Section 19.8 Continuation in Office.**

The Commission existing on the effective date of this Charter shall continue in office as provided for elsewhere in this Charter. All appointed officers and

employees of the City shall continue in their respective offices and employment as though they had been appointed or employed in the manner provided in this Charter and shall, in all respects, be subject to the provisions of this Charter.

**Section 19.9 Status of Schedule Chapter.**

The purpose of this schedule chapter is to inaugurate the government of the City under this Charter and shall constitute a part of this Charter only to the extent and for the time required to accomplish this end.

**Section 19.10 Resolution.**

At the regular meeting of the Charter Revision Commission of the City of Big Rapids held on the 9th day of January, 1992, the following resolution was offered by Revision Commissioner Brown.

RESOLVED, that the Charter Revision Commission of the City of Big Rapids hereby adopts the foregoing proposed Charter for the City of Big Rapids, and the Clerk of this Commission is directed (1) to transmit a copy of this Charter to the Governor of the State of Michigan for his approval in accordance with the statutes of the State, (2) to this day file with the City Clerk a copy of this Charter and (3) to cause this proposed Charter to be published in the Big Rapids Pioneer.

The resolution was seconded by Charter Revision Commissioner Shroyer and adopted by the following vote:

Yeas: Beadle, Brown, Burch, Burnes, Fribley, Matrosic, Randle; Shroyer, York

Nays: None

The Chairperson declared the foregoing resolution carried and requested the members of the Charter Revision Commission to authenticate said resolution and also the copies of the Charter to be presented to the Governor and filed with the City Clerk by signing this Charter.

Charles A. Matrosic, Chairman  
 Marian D. Beadle  
 Russell Brown, Chairman Pro-Tem  
 Edward S. Burch  
 Verena H. Burnes  
 Robert C. Fribley  
 Barbara Randle  
 Judith M. Shroyer  
 Ruth York  
 Roberta R. Cline, Clerk

I hereby certify that the foregoing is a true and complete copy of the proposed City Charter for the City of Big Rapids as adopted by the Big Rapids Charter Revision Commission at their regular meeting of January 9, 1992, and that said copy is that which the City Clerk was directed to forward to the Governor of the State of Michigan for his approval.

Roberta R. Cline /s/,  
 City Clerk

January 10, 1992

