

**CITY OF BROWN CITY**  
**CITY CHARTER**

## CITY CHARTER

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**Editor's Note:**

*The City Charter was adopted by resolution on 1-29-1998.*

**PREAMBLE**

We, the people of the City of Brown City establish this home rule Charter to enjoy to the fullest extent the advantages and benefits of local self government as authorized by the Constitution and Laws of the State of Michigan.

**NAME AND BOUNDARIES**

This Municipal corporation known as the City of Brown City shall include all the territory constituting the City of Brown City in the counties of Sanilac and Lapeer, together with such territory as may from time to time be attached to it in accordance with state law. The Clerk shall maintain and keep available in his/her office for public inspection and distribution an official description and map of the current boundaries of the City. The City shall consist of one ward.

**ARTICLE I  
POWERS OF THE CITY**

**Section 1.01. Powers of the City.**

The City has the comprehensive home rule power conferred on it by the Michigan Constitution subject only to the limitations on the exercise of that power contained in the constitution or this charter or imposed by statute. The City also has all other powers which a city may possess under the constitution and laws of this state.

**Section 1.02. Construction.**

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

**Section 1.03. Intergovernmental Relations.**

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

**ARTICLE II  
CITY COUNCIL**

**Section 2.01. General Powers and Duties.**

All powers of the City shall be vested in the City Council, except as otherwise provided by law or this Charter, and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

**Section 2.02. Composition, Eligibility, Election and Terms.**

**(a) Composition.** There shall be a City Council composed of the Mayor and 6 members elected by the voters of the City at large.

**Section 2.03. Mayor, Mayor Pro-Tem.**

**(a) Mayor.** The Mayor shall be a member of the City Council and shall preside at meetings of the Council, represent the City in intergovernmental relationships, appoint with the advice and consent of the Council the members of citizen advisory boards and commissions, present an annual state of the City message, and perform other duties specified by the Council. The Mayor shall only vote at a meeting of the Council when the vote of the Mayor is necessary to break a tie vote. The Mayor shall be the chief executive officer of the City and shall be recognized as head of the City government for all ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties.

**(b) Mayor Pro Tem.** The Council shall, at its first meeting following each regular City election, and after the newly elected members take office, elect one of its members to serve as Mayor Pro Tem for a term to expire at the first Council meeting following each regular City election.

In the event of absence or disability of both the Mayor and Mayor Pro Tem, the Council may designate another of its members to serve as Acting Mayor during such absence or disability.

**Section 2.04. Compensation; Expenses.**

The City Council may determine the annual salary of the Mayor and Council members by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of Council members elected until the next regular election. The Mayor and Council members shall receive their actual and necessary expenses incurred in the performance of their duties of office. The City Council shall provide by Ordinance or Resolution compensation for all other officers and employees.

**Section 2.05. Prohibitions.**

**(a) Holding Other Office.** Except where authorized by law, no Council member shall hold any other elected public office during the term for which the member was elected to the Council. No Council member shall hold any other City office or employment during the terms for which the member was elected to the Council. No former Council member shall hold any compensated appointive office or employment with the City until one year after the expiration of the term for which the member was elected to the Council. Nothing in this section shall be construed to prohibit the Council from selecting any current or former Council member to represent the City on the governing board of any regional or other intergovernmental agency.

**(b) Appointments and Removals.** The City Council and its members shall not in any manner control the appointment or removal of any City administrative officer or employee whom the City Manager or any subordinate of the City Manager is empowered to appoint, but the Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

**(c) Interference with Administration.**

Except for the purpose of inquiries and investigations under Section 2.11, the Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately.

**Section 2.06. Vacancies; Forfeiture of Office; Filling of Vacancies.**

**(a) Vacancies.** The office of an elective official shall become vacant upon the members death, resignation, removal from office or forfeiture of office in any manner authorized by law.

**(b) Forfeiture of Office.** An elective official shall forfeit that office if the elective official:

- 1) lacks at any time during the term of office for which elected any qualification for the office prescribed by this Charter or by law.
- 2) violates any express prohibition of this Charter.
- 3) is convicted of a felony, or
- 4) fails to attend three consecutive regular meetings of the Council without being excused by the Council in the case of a Council member.

**(c) Filling of Vacancies.** A vacancy in an elective office shall be filled for the remainder of the unexpired term by a qualified person and majority vote of the Council members serving.

**(d) Recall.** A vacancy caused by a recall shall be filled in the manner provided by state law.

**Section 2.07. Judge of Qualifications.**

The City Council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office. The Council shall have the power to set additional standards of conduct for its members beyond those specified in the Charter and may provide for such penalties as it deems appropriate, including forfeiture of office. In order to exercise these powers, the Council shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the City at least one week in advance of the hearing. Decisions made by the Council under this section shall be subject to judicial review.

**Section 2.08. City Clerk.**

The City Clerk shall be elected to a two year term. The City Clerk shall give notice of Council meetings to its members and the public, keep the journal of its proceedings and perform such other duties as are assigned by this Charter or by the Council or by state law. All records of the City shall be made available to the general public in compliance with the Freedom of Information Act.

**Section 2.09. City Treasurer.**

The City Treasurer shall be elected to a two year term. The City Treasurer shall perform such duties as may be prescribed for the Treasurer by this Charter, by the Council or by state law.

**Section 2.10. City Assessor.**

The City Council, after the job description with educational and mandatory certification requirements to perform duties of the office has been properly posted and advertised, shall appoint an officer of the City who has been nominated for the position by the City Manager and who shall have the title of City Assessor. The City Assessor shall perform such duties as may be prescribed for the office by state law, by this Charter, by the Council or by the City Manager.

**Section 2.11. Investigations.**

The City Council may make investigations into the affairs of the City and the conduct of any City department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. The Council shall provide by ordinance that failure or refusal to obey a lawful order issued in the exercise of these powers by the Council shall be a misdemeanor punishable by a fine and/or imprisonment upon conviction by a court.

**Section 2.12. Independent Audit.**

The City Council shall provide for an independent annual audit of all City accounts and may provide for more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers. The Council may, without requiring competitive bids, designate such accountant or firm annually or for a period not exceeding three years, but the designation for any particular fiscal year shall be made no later than 30 days after the beginning of such fiscal year. If the state makes such an audit, the Council may accept it as satisfying the requirements of this section.

**Section 2.13. Procedure.**

**(a) Meetings.** The Council shall meet regularly at least twice in every month, at such times and places as the Council may prescribe by rule. Special meetings may be held on the call of the Mayor or of 3 or more members subject to the notice requirements of the Open Meetings Act and, whenever practicable, upon no less than twelve (12) hours notice to each member. Except as allowed by the Open Meetings Act, all meetings shall be public.

**(b) Rules and Journal.** The City Council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings in the English language. This journal shall be a public record except as provided in the Open Meetings Act.

**(c) Voting.** Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. Four (4) members of the Council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Council. No action of the Council, except as otherwise provided in the preceding sentence and in Section 2.06, shall be valid or binding unless adopted by the affirmative vote of four (4) or more members of Council. (All members of Council including the Mayor shall vote on all questions before Council except in the case of a conflict of interest.)

**Section 2.14. Action Requiring an Ordinance.**

In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the City Council shall be by ordinance which:

- (1) Adopt or amend an administrative code or establish, alter, or abolish any City department, office or agency;
- (2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (3) Grant, renew or extend a franchise;
- (4) Regulate the rate charged for its services by a public utility;
- (5) Authorize the borrowing of money;
- (6) Convey or lease or authorize the conveyance or lease of any lands of the City;
- (7) Regulate land use and development; and

(8) Amend or repeal any ordinance previously adopted.

Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution.

### **Section 2.15. Ordinances in General.**

**(a) Form.** Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be “The City of Brown City hereby ordains...” Any ordinance which repeals or amends an existing ordinance or part of the City code shall set out in full the ordinances, sections or subsections to be repealed or amended, and shall indicate matters to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matters by underscoring or by italics.

**(b) Procedure.** An ordinance may be introduced by any member at any regular or special meeting of the Council. Upon introduction of any ordinance, the City Clerk shall distribute a copy to each Council member and to the City Manager, shall file a reasonable number of copies in the office of the City Clerk and such other public places as the Council may designate and shall publish the ordinance together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing shall follow the publication by at least seven days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time; all persons interested shall have an opportunity to be heard. After the hearing the Council may adopt the ordinance with or without amendment or reject it, but if it is amended as to any matter of substance, the Council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures herein before required in the case of a newly introduced ordinance. As soon as practicable after adoption, the Clerk shall have the ordinance and a notice of its adoption published and available at a reasonable price.

**(c) Effective Date.** Except as otherwise provided in this Charter, every adopted ordinance shall become effective at the expiration of 30 days after adoption or at any later date specified therein.

**(d) “Publish” Defined.** As used in this section, the term “publish” means to print in one or more newspapers of general circulation in the City: (1) The ordinance or a brief summary thereof, and (2) the places where copies of it have been filed and the times when they are available for public inspection and purchase at a reasonable price.

### **Section 2.16. Emergency Ordinances.**

To meet a public emergency affecting life, health, property or the public peace, the City Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money except as provided in Section 5.07(b). An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least four (4) members shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. After publication it shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

**Section 2.17. Codes of Technical Regulations.**

The City Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:

(1) The requirements of Section 2.14 for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and

(2) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the City Clerk pursuant to Section 2.18.

Copies of any adopted code of technical regulations shall be made available by the City Clerk for distribution or for purchase at a reasonable price.

**Section 2.18. Authentication and Recording; Codification; Printing.**

(a) **Authentication and Recording.** The City Clerk shall authenticate by signing and shall record in full a properly indexed book kept for the purpose all ordinances and resolutions adopted by the City Council.

(b) **Codification.** Within three years after adoption of this Charter and at least every ten years thereafter, the City Council shall provide for the preparation of a general codification of all City ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the Council by ordinance and shall be published promptly in bound or loose-leaf form, together with this Charter and any amendments thereto, pertinent provisions of the constitution and other laws of the State of Michigan, and such codes of technical regulations and other rules and regulations as the Council may specify. This compilation shall be known and cited officially as the Brown City Code. Copies of the code shall be furnished to City officers, placed in libraries and public offices for free public reference and made

available for purchase by the public at a reasonable price fixed by the Council.

**(c) Printing of Ordinances and Resolutions.**

The City Council shall cause each ordinance and resolution having the force and effect of law and each amendment to this Charter to be printed promptly following its adoption, and the printed ordinances, resolutions and Charter amendments shall be distributed or sold to the public at reasonable prices as fixed by the Council.

Following publication of the first Brown City Code and at all times thereafter, the ordinances, resolutions and Charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The Council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the constitution and other laws of the State of Michigan, or the codes of technical regulations and other rules and regulations included in the code.

**ARTICLE III  
CITY MANAGER****Section 3.01. Appointment; Qualifications; Compensation.**

The City Council, after the job description with educational requirements to perform the duties of the office has been properly posted shall by a majority vote of its total membership appoint a City Manager for an indefinite term and fix the Manager's compensation. The City Manager shall be appointed solely on the basis of executive and administrative qualifications. The Manager need not be a resident of the City or State at the time of appointment but may reside outside the City while in office only with the approval of the Council. No member of the Council shall be eligible for the position of City Manager within 2 years of the expiration of his/her last previous term on the Council.

**Section 3.02. Removal.**

The City Manager may be suspended by a resolution approved by the majority of the total membership of the City Council which shall set forth the reasons for suspension and proposed removal. A copy of such resolution shall be served immediately upon the City Manager. The City Manager shall have fifteen days in which to reply thereto in writing, and upon request, shall be afforded a public hearing, which shall occur not earlier than ten days nor later than fifteen days after such hearing is requested. After the public hearing, if one be requested, and after full consideration, the City Council by a majority vote of its total membership may adopt a final resolution of removal. The City Manager shall continue to receive full salary until the effective date of a final resolution of removal.

**Section 3.03. Acting City Manager.**

By letter filed with the City Clerk, the City manager shall designate a City officer or employee to exercise the powers and perform the duties of City Manager during the Manager’s temporary absence or disability. The City Council may revoke such designation at any time and appoint another officer of the City to serve until the City Manager returns.

**Section 3.04. Powers and Duties of the City Manager.**

The City Manager shall be the chief administrative officer of the City, responsible to the Council for the administration of all City affairs placed in the Manager’s charge by or under this Charter. The City Manager shall:

(1) Appoint and, when necessary for the good of the service, suspend or remove all City employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter. The City Manager shall not appoint or remove the Clerk or Treasurer. The City Manager may authorize any administrative officer subject to the Manager’s direction and supervision to exercise these powers with respect to subordinates in that

officer’s department, office or agency;

(2) Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law;

(3) Attend all City Council meetings. The City Manager shall have the right to take part in discussion but shall not vote;

(4) See that all laws, provisions of this Charter and acts of the City Council, subject to enforcement by the City Manager or by officers subject to the manager’s direction and supervision, are faithfully executed;

(5) Prepare and submit the annual budget and capital program to the City Council;

(6) Submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.

(7) Make such other reports as the City Council may require concerning the operations of City departments, offices and agencies subject to the City Manager’s direction and supervision;

(8) Keep the City Council fully advised as to the financial condition and future needs of the City;

(9) Make recommendations to the City Council concerning the affairs of the City;

(10) Provide staff support services for the Mayor and Council members; and

(11) Perform such other duties as are specified in this Charter or may be required by the City Council.

**ARTICLE IV  
DEPARTMENTS, OFFICES AND AGENCIES**

**Section 4.01. General Provisions.**

**(a) Creation of Departments.** The City Council may by ordinance establish City departments, offices or agencies in addition to those created by this Charter and may prescribe the function of all departments, offices and agencies, except that no function assigned by this Charter to a particular department, offices or agency may be discontinued or unless this Charter specifically so provides, assigned to any other.

**(b) Direction by City Manager.** All departments, offices and agencies shall be under the direction and supervision of the City Manager except as otherwise provided by this Charter.

**(c) Residency.** The City Council shall provide by ordinance that the Clerk and Treasurer, shall become qualified electors of the City within a reasonable time of their appointment. The ordinance shall set forth the requirements for the granting of a waiver of the residency requirement for a limited time. All members of boards and commissions except advisory boards shall be qualified electors of the City.

#### **Section 4.02. Personnel System.**

**(a) Merit Principle.** Except as provided in this Charter for specific officers, all appointments and promotions of City officers and employees shall be made solely on the basis of merit and fitness demonstrated by a valid and reliable examination or other evidence of competence.

**(b) Merit System.** Consistent with all applicable federal and state laws the City Council shall provide by ordinance for the establishment, regulation and maintenance of a merit system governing personnel policies necessary to effective administration of the employees of the City's departments, offices and agencies, including but not limited to classification and pay plans, examinations, force reduction, removals, working conditions, provisional and exempt appointments, in-service training, grievances and relationships with employee organizations.

#### **Section 4.03. Legal Officer.**

There shall be a legal officer of the City appointed by the City Council. The legal officer shall serve as chief legal adviser to the Council, the City Manager and all City departments, offices and agencies, shall represent the City in all legal proceedings and shall perform any other duties prescribed by state law, by this Charter or by ordinance.

#### **Section 4.04. Planning.**

Consistent with all applicable federal and state laws with respect to land use, development and environmental protection, the City Council shall:

(1) Designate an agency or agencies to carry out the planning function and such decision-making responsibilities as may be specified by ordinance;

(2) Adopt a comprehensive plan and determine to what extent zoning and other land use control ordinances must be consistent with the plan; and

(3) Adopt development regulations, to be specified by ordinance, to implement the plan.

### **ARTICLE V FINANCIAL PROCEDURES**

#### **Section 5.01. Fiscal Year.**

The fiscal year of the City shall begin on the first day of April and end on the last day of March.

#### **Section 5.02. Power.**

The City is authorized to levy property taxes not to exceed the rate of twenty (20) mills on all real and personal property in the City or to such other maximum limit as may be permitted by law. The subjects of taxation for municipal purposes shall be in accordance with the law.

**Section 5.03. Submission of Budget and Budget Message.**

On or before the 15th day of March of each year, the City Manager shall submit to the City Council a budget for the ensuing fiscal year and an accompanying message.

**Section 5.04. Budget Message.**

The City Manager’s message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the City’s debt position and include such other material as the City Manager deems desirable.

**Section 5.05. Budget.**

The budget shall provide a complete financial plan for all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the City Manager deems desirable or the City Council may require. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

(1) The proposed goals and objectives and expenditures for current operations during the ensuing fiscal year, detailed for each fund by organization unit, and program, purpose or activity, and the method of financing such expenditures;

(2) Proposed capital expenditures during the ensuing fiscal year, detailed for each fund by organization unit when practicable, and the proposed method of financing each such capital expenditure; and

(3) The anticipated income and expense and profit and loss for the ensuing year for each utility or other enterprise fund operated by the City.

For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus carried forward fund balance, exclusive of reserves.

**Section 5.06. City Council Action on Budget.**

**(a) Notice and Hearing.** The City Council shall publish in one or more newspapers of general circulation in the City the general summary of the budget and a notice stating:

(1) The times and places where copies of the message and budget are available for inspection by the public; and

(2) The time and place, not less than two weeks after such publication, for a public hearing on the budget.

**(b) Amendment Before Adoption.** After the public hearing, the City Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income.

**(c) Adoption.** The City Council shall adopt the budget on or before the 31st day of March of the fiscal year currently ending.

### **Section 5.07. Appropriation and Revenue Resolutions.**

To implement the adopted budget, the City Council shall adopt, prior to the beginning of the ensuing fiscal year:

(a) An appropriation resolution making appropriations by department or major organizational unit and authorizing a single appropriation for each program or activity;

(b) A tax levy resolution authorizing the property tax levy or levies and setting the tax rate or rates; and

(c) Any other resolution required to authorize new revenues or to amend the rates or other features of existing taxes or other revenue sources.

### **Section 5.08. Amendments after Adoption.**

(a) **Supplemental Appropriations.** If during the fiscal year the City Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the City Council by resolution may make supplemental appropriations for the year up to the amount of such excess.

(b) **Emergency Appropriations.** To meet a public emergency affecting life, health, property or the public peace, the City Council may make emergency appropriations in accordance with state law.

(c) **Reduction of Appropriations.** If at any time during the fiscal year it appears probable to the City Manager that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the Manager shall report to the City Council without delay, indicating the estimated amount of the deficit, any remedial action taken by the Manager and recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to eliminate any deficit and for that purpose it may by

resolution reduce one or more appropriations.

(d) **Transfer of Appropriations.** At any time during the fiscal year the City Council may by resolution transfer part or all of the unencumbered appropriation balance from one department or major organizational unit to the appropriation for other departments or major organizational units. The Manager may transfer part or all of any unencumbered appropriation balances among programs within a department or organizational unit and shall report such transfers to the Council in writing in a timely manner.

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

### **Section 5.09. Lapse of Appropriations.**

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until expended, revised or repealed; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

### **Section 5.10. Administration of the Budget.**

The City Council shall provide by ordinance the procedures for administering the budget and shall require that the system of accounts shall conform to the uniform system of accounts required by statute.

### **Section 5.11. Overspending of Appropriations Prohibited.**

No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the City Manager or his designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal. A violation of this provision shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation. Such officer may also be liable to the City for any amount so paid. Except where prohibited by law, however, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, but only if such action is made or approved by resolution.

**Section 5.12. Capital Program.**

**(a) Submission to City Council.** The City Manager shall prepare and submit to the City Council a five year capital program no later than the final date for submission of the budget.

**(b) Contents.** The capital program shall include:

- (1) A clear and general summary of its contents;
- (2) A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for each;
- (3) Cost estimates and recommended time schedules for each improvement or other capital expenditure;
- (4) Method of financing, upon which

each capital expenditure is to be reliant; and

(5) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

**Section 5.13. City Council Action on Capital Programs.**

**(a) Notice and Hearing.** The City Council shall publish in one or more newspapers of general circulation in the City the general summary of the capital program and a notice stating:

- (1) The times and places where copies of the capital program are available for inspection by the public, and
- (2) The time and place, not less than two weeks after such publication, for a public hearing on the capital program.

**(b) Adoption.** The City Council by resolution shall adopt the capital program with or without amendment after the public hearing and on or before the 31st day of March of the current fiscal year.

**Section 5.14. Public Records.**

Copies of the budget, capital program and appropriation and revenue ordinances shall be public records and shall be made available to the public at suitable places in the City.

**Section 5.15. Board of Review.**

The City Council shall, by ordinance, appoint a Board of Review to hear and determine appeals from property tax assessments. The Board shall possess the duties and powers provided by law.

Appeals from decisions of the Board shall be taken in the manner provided by law.

**Section 5.16. State, County and School Taxes.**

State, County and School Taxes shall be levied, collected and returned in conformity with State law.

**ARTICLE VI  
ELECTIONS**

**Section 6.01. Elected Officials.**

The electors of the City shall elect a Mayor, a Clerk, a Treasurer, six members of the City Council and six members of the Library Board all elected by the voters of the City at large.

**Section 6.02. Nominations and Election Procedures.**

**(a) Regular Elections.** The regular City election shall be held annually at the time established by State law for odd year elections and for general elections.

**(b) Eligibility.** Only registered voters of the City shall be eligible to hold the office of Council member, Mayor, Clerk, Treasurer or member of the Library Board.

**(c) Registered Voter Defined.** All citizens legally registered under the constitution and laws of the State of Michigan to vote in the City in any election shall be registered voters of the City within the meaning of this Charter.

**(d) Conduct of Elections.** The provisions of the general election laws of the State of Michigan shall apply to elections held under this Charter. All elections provided for by the Charter shall be conducted by the election authorities established by law. Candidates shall run for office without party designation. For the conduct of City elections, for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt ordinances consistent with law and this Charter, and the election authorities may adopt further regulations consistent with law and this Charter and the ordinances of the Council. Such ordinances and regulations pertaining to elections shall be publicized in the manner of City ordinances generally.

**(e) Nominating Petitions.** Candidates for nomination to an elective City office shall file with the City Clerk a non-partisan nominating petition consisting of one or more petition forms and containing not less than twenty-five (25) signatures of qualified electors. The last day for accepting nominating petitions shall be thirteen weeks before election day.

**(f) Council.** The Council members shall be elected for two (2) year terms, one-half (½) in the even year and one half (½) in the odd year. The terms of Council members shall begin the first regular meeting of December following the election.

**(g) Mayor.** A Mayor shall be elected for a term of 2 years in each even year election to begin at the same time as the terms of new Council members.

**(h) Library Board.** The Library Board members shall be elected for three year terms, and two members shall be elected at each election. The terms shall begin at the same time as the term of new Council members.

**(i) Election Commission.** There shall be an Election Commission consisting of the Clerk and two electors appointed by the City Council to staggered two year terms. The two electors may not seek or hold a City elective office while serving on the Election Commission. The Election Commission shall have the power and duties provided by state law.

**(j) Clerk.** A Clerk shall be elected for a term of two (2) years in each even year election to begin at the same time as the terms of new Council members.

**(k) Treasurer.** A Treasurer shall be elected for a term of two (2) years in each even year election to begin at the same time as the terms of new Council members.

### **Section 6.03. Initiative and Referendum.**

Any ordinance and all matters within the scope of the City's powers may be initiated by petition, and the referendum on any adopted ordinance and in all matters within the scope of the City's powers may be had by petition to the extent permitted by law.

### **Section 6.04. Petitions.**

Petition for initiative or referendum shall be signed by registered electors of the City as of the date of their signature, and shall contain signatures in a number not less than twenty percent (20%) of the votes cast for the office of Mayor in the last regular City election at which a Mayor was elected, and all signatures on said petitions shall be obtained within ninety (90) days before the date of the filing of the petition with the City Clerk. Before being circulated for signatures, all such petitions shall be approved as to form by the City Clerk.

Any such petition shall be addressed to the City Clerk and may be the aggregate of two or more petition papers identical as to content and simultaneously filed by one (1) person. An initiatory petition shall set forth in full the ordinance it proposes to initiate, and no petition shall propose to initiate more than one (1) ordinance. A petition

for referendum shall identify the ordinances, or part thereof, it proposes to have repealed.

Each signer of a petition shall sign his or her name in ink or in indelible pencil and shall place thereon after the name, the date of signing and place of residence by street and number, or by other customary designation. To each paper of the petition there shall be attached a sworn or affirmed affidavit by the circulator, who shall be a registered elector of the City at the time of circulating the petition, stating the number of signers of said paper, and that each signature is the genuine signature of the person whose name it purports to be, and that such signature was made in the presence of the affiant. Such petitions shall be filed in the office of the City Clerk and the City Clerk shall, within ten (10) days, canvass the signatures, the form of the petition and the pages comprising thereof to determine the sufficiency and the number of the signers and whether the form of the petition complies with the provision of this Charter with respect to initiatory and referendary petitions.

If the City Clerk determines that said petitions contain an insufficient number of signatures of qualified registered electors of the City or are improper as to form of compliance with the provision of this section of the Charter, persons filing such petitions shall be so notified, and ten (10) days from said notification shall be allowed for the filing of supplemental petition papers in any event before the deadline. If such petitions are found to be sufficient and proper and filed within the time limits allowed by this section, the City Clerk shall certify it as to its sufficiency and present the petition to the Council at its next regular meeting.

### **Section 6.05 Council Procedure.**

Upon receiving a petition for initiative or referendum from the City Clerk, the Council shall, within thirty (30) days, either:

(a) If it be an initiatory petition, adopt the ordinance as submitted in the petition or determine to submit the proposal to the electors of the City; or

(b) If it be a petition for referendum, repeal the ordinance to which the petition refers or determine to submit the proposal to the electors of the City.

#### **Section 6.06. Submission of Electors.**

Should the Council decide to submit the proposal contained in the petition for initiative or referendum to the electors, it shall be submitted at the next election held in the City for any purpose, or, in the discretion of the Council, at a special election called for that specific purpose. In the case of an initiatory petition, if no election is to be held in the City for any other purpose within 120 days from the time the petition is presented to the Council and the Council does not adopt the ordinance, then the Council shall call a special election within sixty (60) days from such time for the submission of the initiative proposal. The result shall be determined by a majority vote of the electors voting therein, except in cases where otherwise required by statute or the Constitution.

#### **Section 6.07. Ordinance Suspended.**

The presentation to the Council by the City Clerk of any legally sufficient referendary petition shall automatically suspend the operation of the ordinance in question, or the part thereof, pending repeal by the Council or final determination by the electors.

An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed for a period of two (2) years after the date of the election at which it is adopted, and an ordinance repealed by the electorate at such election may not be re-enacted for a period of two (2) years after the date of the election at which it was repealed. It is provided, however, that any ordinance may be adopted, amended or repealed at any time by appropriate referendum or initiatory procedure in accordance with the provisions of this Charter. If two (2) or more ordinances adopted at the same election shall have conflicting provisions, the provisions in the ordinance receiving the highest number of affirmative votes shall govern.

### **ARTICLE VII GENERAL PROVISIONS**

#### **Section 7.01. Conflicts of Interest; Board of Ethics.**

(a) **Conflicts of Interest.** The use of public office for private gain is prohibited. The City Council shall implement this prohibition by ordinance. Regulations to this end shall include but not be limited to: acting in an official capacity on matters in which the official has a private financial interest clearly separate from that of the general public; the acceptance of gifts and other things of value; acting in a private capacity on matters dealt with as a public official, the use of confidential information; and appearances by City officials with major decision-making authority over monetary expenditures and contractual matters and, insofar as permissible under state law, shall provide for fines and imprisonment for violations.

(b) **Board of Ethics.** The City Council shall, by ordinance, establish an independent Board of Ethics to administer and enforce the conflict of interest and financial disclosure ordinances. No member of this Board may hold elective or appointed office under the City or any other government or hold any political party office. Insofar as possible under state law, the City Council shall authorize the board to issue binding advisory opinions, conduct investigations on its own initiative and on referral or complaint, refer cases for prosecution, impose administrative fines, and to hire independent counsel. The City Council shall appropriate sufficient funds to the Board of Ethics to enable it to perform the duties assigned to it.

#### **Section 7.02. Prohibitions.**

##### **(a) Activities Prohibited.**

(1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any City position or appointive City administrative office because of race, gender, age, handicap, religion, country of origin or political affiliation.

(2) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the provisions of this Charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

(3) No person who seeks appointment or promotion with respect to any City position or appointive City administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.

**(b) Penalties.** Any person convicted of a violation of this section shall be ineligible for a period of five years following such conviction to hold any City office or position and, if an officer or employee of the City, shall immediately forfeit his or her office or position. The City Council shall establish by ordinance such further penalties as it may deem appropriate.

**Section 7.03. Library Board.**

There shall be a Library Board to operate the public library of the City. The members of the Board shall serve staggered terms of 3 years and shall consist of 6 members.

**Section 7.04. Cemetery Board.**

The City Council shall provide by ordinance for the appointment of a board to operate the cemetery owned by the City. There shall be five members of the Board who shall serve terms of at least two years and the terms shall be staggered so that not more than three terms shall come to an end in the same year. The Board shall have the powers provided by ordinance which shall be consistent with maintaining the commitments of the cemetery and with state law.

**Section 7.05. Park Board.**

The City Council shall provide by ordinance for the appointment of a board to advise the Council and City Manager on the operations of a park under the control of the City. The park shall be operated in a manner which shall encourage neighboring communities and their inhabitants to contribute to the upkeep of the park and participate in the benefits of the park in accordance with the intent of the donors of the park land.

**Section 7.06. Additional Boards.**

The City Council may provide by ordinance or resolution for the appointment of additional boards, commissions and committees to assist it in carrying out its duties.

**ARTICLE VIII  
BORROWING**

**Section 8.01. General Power.**

The City may borrow money for any purpose within the scope of its powers, may issue bonds or other evidence of indebtedness therefor, and may, when permitted by law, pledge the full faith, credit, and resources of the City for the payment of those obligations.

**Section 8.02. Limitations of Borrowing.**

The net bonded indebtedness incurred annually by the City shall not exceed the limit permitted by law. No obligations shall be sold to obtain funds for any purpose or purposes other than that for which those obligations were specifically authorized.

**Section 8.03. Specific Kinds of Borrowing.**

Included within the City’s general power are the following specific kinds of borrowing:

**1) Bonds to Finance Local Public Improvement.** The City may borrow money and issue bonds in anticipation of the payment of special assessments or any combination of special assessments levied under Section 9.01 of this Charter. Special assessment bonds may be an obligation of the 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.

The City may also borrow money and issue bonds under Section 8.01 for its share of the cost of any local public improvement or, where the cost of that improvement is to be defrayed in part from the payment of special assessments and in part from other City revenues, for the entire cost of that improvement.

All collections on each special assessment roll or combination of rolls to the extent that those collections are pledged for the payment of the principal and interest on all bonds issued in anticipation of the payment thereof, shall be set apart in a separate fund for the payment of the principal and interest and may be used for no other purpose.

**2) Emergency Bonds.** In case of fire, flood or other calamity, the City may, subject to law, authorize the issuance of emergency bonds which shall be general obligations of the City for the relief of residents of the City and for the preservation of City property.

**3) Budget Bonds.** Any capital improvement items contained in the budget may be financed by the issuance of bonds as a part of the budget system. However, the amount of those bonds together with the City property taxes levied for the same year may not exceed the limit permitted by law.

#### **Section 8.04. Use of Borrowed Funds.**

Each obligation shall contain on its face a statement of the purpose for which it is issued and no officer of the City may use the proceeds for any other purpose, except that, whenever all or any part of the proceeds of any issue remains unexpended and unencumbered for the purpose for which the issue was made, the City may use those unexpended and unencumbered funds in any manner permitted by law or for the retirement of the issue, or, if the issue shall have been fully retired or if any funds remain after retirement of the issue, then for the retirement of other obligations of the City.

#### **Section 8.05. Execution of Obligation.**

All obligations issued by the City shall be executed with the facsimile signature of the Mayor and signed by the City Treasurer and shall bear the seal of the City. Interest coupons shall be executed with the facsimile signatures of the Mayor and the City Treasurer.

## **ARTICLE IX SPECIAL ASSESSMENTS**

### **Section 9.01. Power to Assess.**

The City may determine that the whole or any part of the expense of any total public improvement or repair shall be defrayed by special assessment upon the property specially benefited and so declared by resolution.

Special assessments may be levied before, during or after the making of the improvement. However, where special assessments are not levied until after commencement of a local public improvement, the resolution levying those assessments shall not be effective unless approved by the two-thirds (2/3) majority of City Council members serving after all interested parties have been given an opportunity to be heard on all relevant issues, including necessity.

### **Section 9.02. Procedure Ordinance.**

The complete special assessment procedure to be used, including the preparing of plans and specifications; estimated costs; the preparation, hearing and correction of the special assessment roll; the collection of special assessments; the assessment of single lots or parcels; and any other matters concerning the making of improvements by the special assessment method, shall be provided by ordinance. The ordinance shall authorize additional assessments, if the prior assessment proves insufficient to pay for the improvement or is determined to be invalid, in whole or in part, and shall also provide for the refund of excess assessments; however, if the excess is less than five percent (5%) of the total cost as defined by ordinance, it may be placed in the general fund of the City.

### **Section 9.03. Assessment Lien.**

From the date of confirmation of any roll levying any special assessment, the full amount of the assessment and all interest thereon shall constitute a lien on the property subject thereto and that amount shall also be a debt of the person to whom assessed until paid and, in case of delinquency, may be collected as delinquent City property taxes.

**Section 9.04. Contest of Assessment.**

No action of any kind may be instituted for the purpose of contesting or enjoining the collection of any special assessment unless, (a) the special assessment is first protested at the hearing held for the purpose of confirming the special assessment roll; (b) within thirty (30) days after the confirmation of the special assessment roll, written notice is given to City Council indicating an intention to file such an action and stating the grounds on which it is claimed that the assessment is illegal; and (c) the action is commenced within thirty (30) days after the final decision, ruling, determination or order confirming the roll. The City shall presume that any person who neglects or refuses to assert a claim within the thirty (30) day period has withheld his or her claim for the purpose of unjustly obtaining a special benefit to the property. If the City attorney submits a written opinion finding the roll illegal, in whole or in part, the City Council may revoke its confirmation, correct the illegality, if possible, and reconfirm it, provided that no property shall be assessed more than was imposed upon the original confirmation without further notice and hearing thereon.

**ARTICLE X  
CONTRACTS**

**Section 10.01. Contracts.**

The authority to contract on behalf of the City is vested in the City Council and shall be exercised in accordance with the provision of statute and of this Charter.

Whenever it becomes desirable for the City to enter into a contract with a second party for any purpose whatever, such instrument shall be drawn or approved as to form by the City Attorney and certified to by the City Manager as to sufficiency of appropriated funds.

All contracts, except as otherwise provided for in this Charter, shall be approved by the City Council and shall be signed on behalf of the City by the Mayor and the City Clerk. Copies of all contracts and agreements shall be filed in the office of the City Clerk.

**Section 10.02. Purchasing and Contractual Procedure.**

The Council shall provide, by ordinance based upon a national standard, for a purchasing procedure to be followed in purchasing City supplies, materials, equipment, contractual services or other forms of personal property. Before making any such purchase or contract, to purchase, competitive bids shall be obtained, except:

(a) in the securing of professional services for the City or,

(b) when the purchasing officer for the City is exempted by the purchasing ordinance because of value or when the City Council shall determine that no advantage to the City would result from competitive bidding.

Purchases shall be made from the lowest responsible bidder meeting specifications, unless the Council shall determine that the public interest would be better served by accepting a higher bid or rejection of all submitted bids. All purchases shall be evidenced by a written purchase order or sales memorandum.

The Council shall provide in the ordinance required by this section the definition of "lowest responsible bidder," the dollar limit within which the purchasing officer of the City may make purchases without the necessity of obtaining competitive bids, and the dollar limit with which purchases may be made without the necessity of

the Council approval.

The purchasing officer shall provide the Council with all additional certifications required by law prior to Council action on the contract and shall report to the Council at an appropriate time on compliance with the terms of the contract.

**Section 10.03. Modification in Contracts.**

When it becomes necessary in the prosecution of any work or improvement done under contract to make alterations or modifications in such contract, such alterations or modifications shall be made only upon resolution of the Council.

No such order shall be effective until the price to be paid for the material and work, or both, under the altered or modified contract shall have been agreed upon in writing and signed by the contractor and the City Clerk, upon authority of the Council, and a copy of the modification documents filed in the City Clerk's office.

**Section 10.04. Estoppel by Representation.**

No official of the City shall have power 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 10.05. Regulatory Power.**

The City may, in exercise of its police power:

- (a) Regulate;
- (b) Prohibit; or

(c) Prohibit except as authorized by permit, license or franchise any trade, occupation, amusement, business or other activity within the City.

**Section 10.06. Limitation on a Franchise.**

An irrevocable franchise, for a period of up to 30 years, and all renewals, amendments and extensions of it, may be granted only by ordinance.

The City Council may approve such an ordinance only after a public hearing has been held on it and after the grantee named in it has filed with the City Clerk its unconditional acceptance of all the terms of the franchise.

The ordinance may not take effect unless it has been approved by the voters of the City, where state law so requires, or unless it has been approved by a two-third (2/3) majority of City Council members serving, where approval of the voters is not required by state law.

When approval of the voters of the City is required, the ordinance as approved by the City Council shall be published in a daily newspaper or equivalent of general circulation in the City not less than 30 days before the election at which it is submitted to the voters. The City Council may not call a special election unless the expense (as determined by the City Council) of holding the election has first been paid to the Treasurer by the franchise grantee.

**Section 10.07. City Liability.**

Any person having a claim against the City by reason of negligence for damages to person or property shall give the City written notice of the claim within 120 days. This notice shall be served on the City Clerk and shall contain the time and place of such injury, the manner in which it occurred, the extent of such damages as far as the same has become known, the names and addresses of the witnesses known at the time by the claimant, and a statement that the person sustaining such damages intends to hold the City liable for such damages as may have been sustained.

Failure to give notice as outlined in this section may be reason to dismiss any claim for such injuries. The standard of review to dismiss the claim for failure to give required notice shall be the same as is outlined in state statute.

Upon receiving notice, the City shall respond promptly to each such claim under procedures established by the City Council. The claimant may be notified that the City is not liable because of immunity or some other defense. In addition to the defenses outlined in the City's response to the notice of claim, the City may allege other defenses if the claim is pursued in a forum such as a court of law.

If the City recognizes the possibility of liability, the response shall specify the appropriate procedure for the resolution of the issue of liability and adjustment of the amount of damages by mediation, arbitration or any other means chosen to protect the public interest. A claimant's failure to follow the reasonable procedures designed to allow the City to fairly investigate the circumstances of the claim, determine liability and fix damages must be brought to the attention of any body or official with discretionary authority over the award of costs.

The provisions of this Charter are not intended to waive any immunity from tort liability provided by statute or common law.

**ARTICLE XI  
SCHEDULE****Section 11.01. Effect on Existing City Legislation.**

All ordinances and resolutions of the City and all orders, rules and regulations made by any officer or agency of the City which are not inconsistent with this Charter shall remain in effect, until changed by action taken under this Charter.

The City Attorney shall, within six (6) months after the effective date of this Charter, recommend to the City Council such changes as may be necessary to make the provisions of the old Charter which have been continued in force as well as existing ordinances, resolutions, orders, rules and regulations consistent with this Charter.

**Section 11.02. Continuation of Public and Private Rights.**

All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing when this Charter takes effect shall continue unaffected except as modified in accordance with this Charter.

**Section 11.03. Rights of Officers and Employees.**

No provision of this Charter shall affect or impair the rights or privileges of City officers or employees existing when this Charter takes effect with respect to appointment, ranks, grades, tenure of office, promotion, removal, pension and retirement rights, or the City rights or privileges or City officers or employees.

**Section 11.04. Continuation of Officers.**

A) The persons elected to the offices of Mayor, Clerk and Treasurer at the April 6, 1998,

election shall serve until Monday following the November 7, 2000 City election.

B) The persons elected to the office of Council person at the April 6, 1998, election shall serve until the Monday following the November 7, 2000, regular City election.

C) There shall be an election on April 5, 1999, because the terms of Council members elected on April 6, 1997, shall expire. The persons elected to the office of Council person at the April 5, 1999, election shall serve until the Monday following the November 6, 2001, regular City election.

D) The persons elected to the Library Board shall serve the terms to which they have been elected and shall hold over until their successors have been elected and qualified for the office except that:

1) The persons elected to three year terms on the Library Board in April, 1997, shall be recognized as serving in an advisory capacity after their terms have expired and before their successors can be elected.

2) The persons elected to three year terms on the Library Board in April, 1998, shall serve until the November, 2001, general election.

3) The persons elected to three year terms on the Library Board in April, 1999, shall serve until the November, 2002, election.

E) There shall be no November election in 1998 or 1999 because there will be an April election in 1998 and 1999 and no terms of elective officers are scheduled to expire in November, 1998 or November, 1999 under this Charter.

**Section 11.05. Effective Date of Charter.**

This Charter shall be effective on April 6, 1998 if certified by the Board of Canvassers of the vote of the people to adopt the revised Charter except there shall be an election on April 5, 1999 the same as if this Charter had not been adopted.

**Section 11.06. General Provision.**

If any question concerning transition from the old Charter to this Charter (for which this Charter has not provided) arises, the City may provide for a resolution of the question by ordinance.

**Section 11.07. Submission of the Charter.**

This Charter shall be submitted for adoption at the City election to be held April 6, 1998, in the manner and with the effect prescribed by state law as follows:

Proposal A - Proposal to Adopt a New City Charter

Shall the Brown City Home Rule Charter proposed by the Brown City Charter Revision Commission on January 29, 1998 be adopted?

Yes \_\_\_\_\_

No \_\_\_\_\_