

PREAMBLE

We, the people of the City of Orchard Lake Village, by the grace of Almighty God, and pursuant to authority granted by the Constitution and the laws of the United States and the State of Michigan, in order to secure the benefits of local self-government, and otherwise to promote the common welfare of all citizens, do hereby ordain and establish this Charter for the City of Orchard Lake Village, Michigan.

CHAPTER 1

NAME AND BOUNDARIES

NAME AND BOUNDARIES:

Section 1. The municipal corporation, heretofore created by the vote of the electors under provisions of Act 279 of the Public Acts of 1909 as amended, shall be known as the "City of Orchard Lake Village." It is a body corporate and politic and shall have perpetual succession.

Said Municipal Corporation shall embrace the following described territory set apart from West Bloomfield Township, Oakland County, Michigan, heretofore known as the City of Orchard Lake Village, together with such territory as may from time to time be attached thereto, and less such territory as may from time to time be detached therefrom; in accordance with law:

Commencing at the Southwest corner of Section 16, Town 2 North, Range 9 East; thence Easterly along the South line of said section to the Southeast corner thereof; thence South along the section line between Sections 21 and 22 to the Northerly right of way line of the Grand Trunk Railway to a point where the said Grand Trunk Railway line crosses the Orchard Lake Road in the Northeast quarter of Section 11; thence Northerly along the center line of said Orchard Lake Road to the point where said highway turns to the East; thence Northerly along the eighth line in the S.E. $\frac{1}{4}$ of Section 2 to the shore of Cass Lake; thence Westerly following the shore line of Cass Lake to the point where said shore line intersects with the section line between Sections 3 and 4; thence Southerly along said section line and the section line between Sections 9 and 10 to where said section line intersects the Pontiac and Commerce Highway (presently Commerce Road); thence Southwesterly along the center line of said highway to the point where the North and South quarter-section line of Section 9 intersects said highway; thence Southerly along said quarter-section line to the South line of Section 9; thence Southerly along the section line between Sections 16 and 17 to the place of beginning.

CHAPTER 2

MUNICIPAL POWERS

GENERAL POWERS:

Section 2.1. Unless otherwise provided or limited in this Charter, the City and its officers shall possess and be vested with any and all powers, privileges and immunities, expressed or implied, which cities and their officers are, or hereafter may be, permitted to exercise or to provide for in their charters under the Constitution and statutes of the State of Michigan, including all powers, privileges and immunities which cities are, or may be, permitted to provide in their charters by Act 279 of the Public Acts of 1909 of the State of Michigan, as amended, as fully and completely as though these powers, privileges and immunities were specifically enumerated in and provided for in this Charter, and in no case shall any enumeration of particular powers, privileges or immunities herein be held to be exclusive.

The City and its officers shall have power to exercise all municipal powers in the management and control of municipal property and in the administration of the municipal government, whether such powers be expressly enumerated herein or not; to do any act to advance the interests of the City, the good government and prosperity of the municipality and its inhabitants, enforce all laws, ordinances and resolutions relating to its municipal concerns, subject to the provisions of the Constitution, statutes and this Charter.

FURTHER DEFINITION OF POWERS:

Section 2.2. In addition to the powers possessed by the City under the Constitution and statutes, and those set forth throughout this Charter, the City shall have power with respect to, and may, by ordinance and other lawful acts of its officers, provide for the following, subject to any specific limitations placed thereon by this Charter or by law:

(A) The acquisition by purchase, gift, condemnation, lease, construction or in any manner permitted by statute, of property of every type and nature for public use, which property may be located within or without the County of Oakland and which may be required for or incidental to the present or future exercise of the purposes, powers and duties of the City, either proprietary or otherwise;

(B) The maintenance, development, operation, leasing and disposal of City property subject to any restrictions placed thereon by this Charter or by law;

(C) The establishment and vacation of streets, alleys, public ways and other public places, and the use, regulation, improvement and control of the surface of such streets, alleys, public ways and other public places and of the space above and beneath them;

(D) The use, by others than the owner, of property located in streets, alleys and public places, in the operation of a public utility, upon the payment of

CHAPTER 2 - Continued

a reasonable compensation to the owner thereof;

(E) A plan of streets and alleys within and for a distance of not more than three (3) miles beyond the municipal limits;

(F) The use, control and regulation of lakes, waters and streams within its boundaries, subject to any limitations imposed by law;

(G) Regulating, restricting and limiting the number and locations of oil and gasoline stations;

(H) The establishing of districts or zones within which the use of land and structures, the height, the area, the size and location of buildings and required open spaces for light and ventilation of such buildings, and the density of population may be regulated by ordinance in accordance with statutory provisions governing zoning;

(I) The regulating of trades, occupations and amusements within the City, not inconsistent with State and Federal laws, and for the prohibiting of such trades, occupations and amusements as are detrimental to the health, morals or welfare of its inhabitants;

(J) Licensing, regulating, restricting and limiting the number, size and locations of advertising signs or displays and billboards within the City;

(K) The preventing of injury or annoyance to the inhabitants of the City from anything which is dangerous, offensive or unhealthful, and for preventing and abating nuisances and punishing those occasioning them or neglecting or refusing to abate, discontinue or remove the same;

(L) The prescribing of the terms and conditions upon which licenses may be granted, suspended or revoked; requiring payment of reasonable sums for licenses; and requiring the furnishing of a bond to the City for the faithful observance of the conditions under which licenses are granted, otherwise conditioning such licenses as the Council may prescribe;

(M) The prohibiting or regulating of all landings of aircraft within its boundaries, and, for the purpose of promoting and preserving the public peace, safety and welfare, controlling and regulating the use of the air above the City by aircraft of all types;

(N) The prohibiting or regulating of the use, occupancy and parking of house trailers within the City, including the detachment thereof from wheels or the placing on, or attaching to, the ground by means of any temporary or permanent foundation, or in any manner whatsoever;

(O) The requiring of an owner of real property within the City to abate public hazards and nuisances which are dangerous to the health or safety of

CHAPTER 2 - Continued

inhabitants of the City within a reasonable time after the Council notifies him that such hazard or nuisance exists, and if the owner fails to comply with such requirements, or if the owner is unknown, to abate such hazards or nuisances and assess the cost thereof against such property in accordance with Section 11.7;

(P) In the interest of public health and safety, the compelling of the owners of lots and parcels of land, at their own expense, to keep obnoxious weeds, and grasses interspersed with such weeds, mowed and cut down thereon, and to keep such property cleared of garbage, rubbish and refuse, and if the owner fails to comply with such requirements, or if the owner is unknown, to abate such condition and assess the cost thereof against such property in accordance with Section 11.7.

CHAPTER 3

ORGANIZATION OF GOVERNMENT

THE CITY COUNCIL:

Section 3.1. The electors of the City shall elect a City Council of seven (7) members, one of whom shall serve as Mayor, which Council shall constitute the legislative and governing body of the City and which shall have power and authority, except as in this Charter or by law providing otherwise, to exercise all powers conferred upon or possessed by the City, including the power and authority to adopt such laws, ordinances and resolutions as it shall deem proper in the exercise thereof. In all cases where the word "Council" is used in this Charter, the same shall mean such City Council and shall be synonymous with the word "Commission", or any other term used in any State or Federal law in referring to municipal legislative or governing bodies.

The Council shall cause to be designed and shall adopt a Municipal Seal.

No compensations, allowances or gift monies shall be appropriated for or paid to any Councilmember or other City officer, board or employee from City funds, except as duly provided for in the Budget under Section 8.5

QUALIFICATIONS OF COUNCILMEMBERS:

Section 3.2. Members of the Council shall meet the eligibility requirements contained in Section 5.1 of this Charter and shall have reached the age of twenty-five (25) years at the time of taking office. The Council shall be sole judge of the election and qualifications of its own members, subject only to court review.

COMPENSATION OF MAYOR AND COUNCILMEMBERS:

Section 3.3. Members of the Council including the Mayor shall receive no compensation for their services as such but their reasonable and necessary expenses actually incurred in service in behalf of the City as are authorized and itemized shall be paid upon order of the Council.

ELECTION OF MAYOR: MAYOR PRO TEM:

Section 3.4. The Council shall, at its first meeting following certification, and after the newly elected members take office, elect one (1) of its members to serve as Mayor and one (1) to serve as Mayor Pro Tem, both for a term expiring at the first Council meeting following certification, when the election of a Mayor and Mayor Pro Tem shall be completed as hereinafter provided. Such election shall be by majority vote of the members of the Council in office at the time; provided, however, each officer shall continue in office until his successor has been selected and sworn in.

CHAPTER 3 - Continued

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.

DUTIES OF MAYOR:

Section 3.5. (A) Insofar as required by statute, and for all ceremonial purposes, the Mayor shall be the executive head of the City. The Mayor shall have a voice and vote in all proceedings of the Council equal with that of other members of the Council, but shall have no veto power. The Mayor shall be the presiding officer of the Council.

(B) The Mayor shall be a conservator of the peace, and in emergencies may exercise within the City the powers conferred upon sheriffs to suppress riot and disorder, and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the City and to suppress riot and disorder.

(C) The Mayor shall execute or authenticate by personal signature such instruments as the Council, this Charter or any statutes of the State of Michigan or laws of the United States shall require.

(D) Except as may be required by statute, the Mayor shall exercise only such powers as this Charter or the Council shall specifically confer.

(E) In the absence or disability of the Mayor, the Mayor Pro Tem shall perform the duties of Mayor. In the absence or disability of both, the designated Acting Mayor shall perform such duties. Absence or disability in this Chapter shall mean only such conditions and situations as make the officer unable to perform official duties as of a necessary time or place.

ADMINISTRATION:

Section 3.6. The Administrative officers of the City shall be the Mayor, Clerk, Attorney, Treasurer, Assessor and such additional officers as may be created by ordinance, but not including a City Administrator or Manager except under terms proposed by the Council and approved by majority vote of the electors at a Regular or Special City Election. The Council may by ordinance combine any Administrative offices in any manner it deems necessary or advisable for the proper and efficient operation of the City.

All Administrative officers of the City, as well as all heads of departments and such other appointive officers as may by ordinance be designated, shall be appointed by the Council and shall be responsible to, and have their compensation fixed by, the Council in accordance with Budget appropriations.

Except as may be otherwise required or limited by this Charter or by law, the Council shall establish by ordinance such departments of the City as it deems necessary or advisable and shall prescribe therein the functions of each department and the duties, authorities and responsibilities of the officers of each department.

CHAPTER 3 - Continued

All personnel employed by the City who are not elected officers of the City or Administrative officers by, or under the authority of, this Charter shall be deemed to be employees of the City.

Any employee who has been discharged may within ten (10) days thereafter petition the Council to hear the facts regarding such discharge. The Council will decide what action to take in the matter.

CHAPTER 3 - Continued

CLERK: FUNCTIONS AND DUTIES:

Section 3.7. (A) The Clerk shall be the Clerk of the City and shall attend all meetings of the Council and shall keep a permanent journal of its proceedings.

(B) The Clerk shall be the custodian of the City Seal and shall affix it to all documents and instruments requiring the Seal, and shall attest the same. The Clerk also shall be custodian of all papers, documents and records pertaining to the City the custody of which is not otherwise provided.

(C) The Clerk shall certify by personal signature all ordinances and resolutions enacted or passed by the Council.

(D) The Clerk shall act as Accounting Officer of the City and be responsible for the maintenance of a system of accounts of the City which shall conform to any uniform system required by law and by the Council and to generally accepted principles and procedures of governmental accounting. The Clerk shall make monthly financial statements to the Council.

(E) The Clerk shall have power to administer oaths of office.

(F) The Clerk shall perform such other duties as may be prescribed for the person serving in said position by this Charter or by the Council.

TREASURER: FUNCTIONS AND DUTIES:

Section 3.8. (A) The Treasurer shall have the custody of all monies of the City, any bond pertaining solely to the Clerk and all evidence of indebtedness belonging to the City or held in trust by the City.

(B) The Treasurer shall collect all monies of the City the collection of which is not provided for elsewhere by the Charter or ordinance. The Treasurer shall receive from other officers and employees of the City all money belonging to and receivable by the City that may be collected by such officers and employees, including fines, license fees and all other charges. All money shall be turned over to the Treasurer after collection or receipt, and the Treasurer in all cases shall give a receipt therefor.

(C) The Treasurer shall keep and deposit all monies or funds in such manner and only in such places as the Council may determine and shall report the same in detail to the Accounting Officer of the City.

CHAPTER 3 - Continued

(D) The Treasurer shall disburse all City funds in accordance with the provisions of statute, this Charter and procedures to be established by the Council.

(E) The Treasurer shall have such powers, duties and prerogatives in regard to the collection and custody of State, County, School District and City taxes as are conferred by statute upon Township treasurers in connection with State, County, Township and School District taxes upon real and personal property.

(F) The Treasurer may delegate to employees or other Officials of the City any of the functions and duties set forth herein, provided however, that such delegation shall be specifically described and approved by Council Resolution.

(G) The Treasurer shall perform such other duties as may be prescribed for such Officer by statute, by this Charter or by the Council.

ASSESSOR: FUNCTIONS AND DUTIES:

Section 3.9. The Assessor shall possess all the powers vested in, and shall be charged with all the duties imposed upon, assessing officers by statute. The Assessor shall prepare all regular and special assessment rolls in the manner prescribed by this Charter, by ordinance and by statute. The Assessor shall perform such other duties as may be prescribed for such Officer in this Charter or by the Council.

ATTORNEY: FUNCTIONS AND DUTIES:

Section 3.10. (A) The Attorney shall act as legal advisor to, and be Attorney and Counsel for, the Council and shall be responsible solely to the Council. The Attorney shall in writing advise any Officer or Department Head of the City in matters relating to official legal duties when so requested and shall file with the Clerk a copy of all written opinions given by such Attorney.

(B) The Attorney shall prosecute such ordinance violations and shall conduct for the City such cases in court and before other legally constituted tribunals as the Council may request. The Attorney shall file with the Clerk copies of such records and files relating thereto as the Council may direct.

(C) The Attorney shall prepare or review all ordinances, contracts, bonds and other written instruments which are submitted to such Officer by the Council and shall promptly give an opinion as to the legality thereof.

(D) The Attorney shall call to the attention of the Council all matters of law, and changes or developments therein, affecting the City.

(E) The Attorney shall perform such other duties as may be prescribed for such officer by this Charter or by the Council.

CHAPTER 3 - Continued

(F) Upon the recommendation of the Attorney, or upon its own initiative, the Council may retain special legal counsel to handle any matter in which the City has an interest, or to assist and counsel with the Attorney therein.

COMPENSATION OF ATTORNEY AND SPECIAL COUNSEL:

Section 3.11. The compensation set by the Council for the Attorney shall be in contemplation of the normal duties of that office. Special compensation may be provided at the discretion of the Council for appeals to, or litigation commenced in any court; for work requiring extensive hearings before quasi-judicial or administrative tribunals; for condemnation proceedings or for other matters outside the scope of prescribed normal duties. No such special compensation, nor any compensation to special legal counsel, shall be paid except in accordance with an agreement between the Council and the Attorney or special counsel made before the service for which such special compensation is to be paid has been rendered.

PLANNING AND ZONING:

Section 3.12. (A) The Council shall establish by ordinance a City Planning Commission in accordance with and having all the powers and duties granted by the provisions of statute relating to such commissions.

(B) The Council shall maintain a Zoning Ordinance. The Zoning Ordinance and any amendments thereto shall be first considered by the Planning Commission who shall thereafter submit its recommendations to the Council. The Planning Commission shall provide whatever notices and public hearings as may be required under State law and in no event shall the proposed Zoning Ordinance or any amendments thereto be recommended without a public hearing thereon. The Zoning Ordinance and any amendments thereto shall not be amended, nor special use exceptions granted, except by ordinance, upon an affirmative vote of at least five (5) members of the Council.

(C) The Zoning Ordinance and any amendments thereto shall be subject to the right of referendum by the electors of the City upon the filing of a referendary petition not later than thirty (30) days following the adoption of the Ordinance by the Council, signed by not less than ten percent (10%) of the registered electors of the City, as of the date of the last Regular City Election, and all signatures on said petition shall be obtained within thirty (30) days before the date of filing the petition with the Clerk. Any such petition shall be addressed to the Council and may be the aggregate of two (2) or more petition papers identical as to contents and simultaneously filed by one (1) person. A referendary petition shall identify the specific Ordinance or specific part thereof it proposes to have repealed.

Each signer of a petition shall sign his or her name, and shall place thereon, after such name, the date and place of residence by street and number, or by other customary designation. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereof and that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant. Such petition shall be filed with the Clerk, who shall, within fifteen (15) days, canvass the signatures thereon. If the petition does not contain a sufficient number of signatures of registered electors of the City, the Clerk shall notify forthwith by registered mail the person filing such petition and fifteen (15) days from such

CHAPTER 3 - Continued

notification shall be allowed for the filing of supplemental petition papers. When a petition with sufficient signatures is filed within the time allowed by this Section, the Clerk shall present the petition to the Council at its next Regular Meeting.

The Council shall submit the proposal at the next Election held in the City for any other purpose, or, in the discretion of the Council, at a Special Election called for that purpose; but no Election on a referendary petition shall be held sooner than fifty (50) days after the Council determines to submit it. If no Election is to be held in the City for any other purpose within one hundred fifty (150) days from the time the petition is presented to the Council, then the Council shall call a Special Election within sixty (60) days from such date of presentation for the submission of the referendary proposal. The result of all Elections held under the provisions of this Section shall be determined by a majority vote of the electors voting thereon.

The presentation to the Council by the Clerk of a valid and sufficient referendary petition shall automatically suspend the operation of the specific Ordinance in question pending final determination by the electors.

(D) The Council shall appoint or act as a Board of Zoning Appeals.

PLATS:

Section 3.13. No lands or premises shall hereafter be laid out, divided and platted into lots, streets and alleys within the City, except by permission and approval of the Council. The Council shall have authority to impose reasonable terms and conditions upon the approval of any plat.

CHAPTER 4

ELECTIONS

QUALIFICATIONS OF ELECTORS:

Section 4.1. The residents of the City having the qualifications of Electors in the State of Michigan shall be eligible to vote upon being duly registered by the City.

ELECTION PROCEDURE:

Section 4.2. The election of all City officers shall be on a non-partisan basis. The general election statutes shall apply to and control, as near as may be, all procedures relating to registration and City elections except as such statutes relate to political parties or partisan procedure.

WARDS AND PRECINCTS:

Section 4.3. The City of Orchard Lake Village shall consist of one (1) ward. The Election Commission may from time to time establish election precincts.

ELECTION DATE:

Section 4.4. A Regular City Election shall be held on the first Tuesday after the first Monday in November of each year.

ELECTIVE OFFICERS AND TERMS OF OFFICE:

Section 4.5. The elective officers of the City shall be seven (7) Councilmembers, all of whom shall be nominated and elected from the City at large and who shall serve for a term of three (3) years.

At the first Regular Election following the adoption of this Charter, three (3) members shall be elected to the Council; two (2) the following year; and two (2) the following year and then three (3) the following year, so that there shall be elected to the Council three (3) members every third election.

In the event of a vacancy, the same shall be filled at the next Regular City Election pursuant to the provisions of Section 5.7 of this Charter; provided, however, that no Councilmember shall be eligible for election to more than two (2) consecutive three-year terms.

CHAPTER 4 - Continued

At the first Monday following the certification of the Election results, the Council shall hold an Organizational Meeting and may thereafter conduct its business in the same manner as a Regular Meeting and in lieu of the Regular Meeting for that month. The terms of office of Councilmembers shall commence at 7:00 P.M. on the Monday following certification of the Election results.

SPECIAL ELECTIONS:

Section 4.6. Special City Elections shall be held when called by resolution of the Council at least forty (40) days in advance of such Election, or when required by this Charter or statute. Any resolution calling a Special Election shall set forth the purpose of such Election. No more Special City Elections shall be called in any one (1) year than the number permitted by statute.

NOTICE OF ELECTIONS:

Section 4.7. Notice of the time and place of holding any City Election and of the officers to be elected and any questions to be voted upon shall, except as otherwise herein provided, be given by the Clerk in the same manner and at the same time as provided by statute for the giving of election notices by City Clerks.

VOTING HOURS:

Section 4.8. The polls of all Elections shall be opened and closed at the time prescribed by statute for the opening and closing of polls at State Elections.

NOMINATIONS:

Section 4.9. The method of nomination of all candidates for the City Elections shall be by petition. Each petition may comprise one (1) or more sheets. The petition for each candidate shall be signed by not less than twenty-five (25) nor more than fifty (50) registered electors of the City. No person shall sign his or her name to a greater number of petitions for any office than there are persons to be elected to said office at the following City Election. Where the signature of any individual appears on more petitions than such person is permitted to sign with respect to a given office, such signatures shall not be counted for that office on any one (1) of the petitions.

12th Feb Tuesday

Nomination petitions for candidates for Regular City Elections shall be filed with the Clerk on or before 4:00 P.M. on the ~~last Friday~~ *Tuesday* prior thereto, but in no case later than the date of the State Primary Election, if a State Election shall be held in such year.

The Clerk shall, prior to every Election, publish notice of the last day permitted for filing nomination petitions and of the number of persons to be elected to each office at least one (1) week and not more than three (3) weeks before such day.

FORM OF PETITIONS:

Section 4.10. The Council shall approve a form of nominating petition with

Amended June 15, 2009

CHAPTER 4 - Continued

spaces thereon for address and date of signing for each signer, an affidavit form for the circulator to sign affirming that he and the petitioners are registered electors, and a summary of the qualifications required of candidates and the regulations governing the petition. A supply of official petition forms shall be provided and maintained by the Clerk.

APPROVAL OF PETITIONS:

Section 4.11. The Clerk shall accept only nomination petitions which conform with the forms provided and maintained by the Clerk, and which, considered together, contain the required number of valid signatures for candidates having those qualifications required for the respective elective City offices by this Charter.

The Clerk shall, forthwith after the filing of a petition, notify in writing any candidate whose petition is then known not to meet the requirements of this Charter and of law, but the failure to so notify any candidate shall in no way prevent a final determination that the petition does not meet such requirements. Within five (5) days after the last date for filing petitions, the Clerk shall make final determinations as to the validity and sufficiency of each nomination petition and whether or not the candidate has the qualifications required for the respective elective City office by this Charter and shall write the determinations thereof on the face of the petition.

The Clerk shall immediately notify in writing the candidate whose name appears thereon of the determinations. Such notice to any candidate whose petition is found invalid or insufficient or who is found not to be qualified shall be delivered by personal messenger, if possible. Any candidate whose petition is so found invalid or insufficient shall be allowed to file supplementary or replacement petitions before 5:00 P.M. on the seventh day after the last date for filing original petitions; thereafter no further petitions may be filed.

PUBLIC INSPECTION OF PETITIONS:

Section 4.12. All nomination petitions filed shall be open to public inspection in the office of the Clerk.

ELECTION COMMISSION:

Section 4.13. An Election Commission is hereby created, consisting of the Clerk, one (1) member of the Council designated thereby who shall not be a candidate for elective office at the Election for which the Councilmember serves as a member of the Election Commission, and two (2) additional members, such members to be appointed by the Council not less than fifteen (15) days before such Election. The members shall serve without compensation. The Clerk shall be Chairman. The Election Commission shall appoint the Board of Election Inspectors for each precinct and have charge of all activities and duties required of it by statute and this Charter relating to the conduct of Elections in the City. The compensation of Election personnel shall be determined in advance by the Council. In any case where Election procedure is in doubt, the Election Commission shall prescribe the procedure to be followed.

CHAPTER 4 - Continued

FORM OF BALLOT:

Section 4.14. The form, printing and numbering of ballots or the preparation of any voting machines used in any City Election shall conform as nearly as may be to the provisions of statute, except that no party designation or emblem shall appear. In all City Elections, the names of qualified candidates or nominees for each office shall be listed under a separate heading and shall be rotated systematically in the manner prescribed by statute for rotation of names.

CANVASS OF VOTES:

Section 4.15. A Board of Canvassers shall be appointed to canvass the votes at all City Elections in accordance with the provisions of the State election laws pertaining thereto. The conduct of the canvass and any recounts relating thereto shall be performed in accordance with the applicable State election law pertaining thereto.

TIE VOTE:

Section 4.16. If, at any City Election, there shall be no choice between candidates by reason of two (2) or more persons having received an equal number of votes, then the Board of Canvassers shall name a date for the appearance of such persons for the purpose of determining the election of such candidates by lot as provided by statute.

RECOUNT:

Section 4.17. A recount of the votes cast at any City Election for an office or upon any proposition may be had in accordance with election statutes.

RECALL:

Section 4.18. Any elected official may be recalled from office by the electors of the City in the manner provided by statute. A vacancy created by such recall shall be filled in the manner prescribed by statute.

CHAPTER 5

GENERAL PROVISIONS REGARDING OFFICERS AND PERSONNEL OF THE CITY

ELIGIBILITY FOR OFFICE IN CITY:

Amended

Section 5.1. (A) Elective Office: No person shall hold any elective office of the City unless such person has been a resident of the City or the territory incorporated as a City for at least two (2) years immediately prior to the last day for filing nominating petitions for such office or prior to the time of appointment to fill a vacancy to such office. The officer must, at the time of his election or appointment, be a citizen of the United States, a resident of the City during the term of office, and be a qualified and registered elector of the City on the last day for filing for election or at the time of such appointment. A person shall not be in default to the City and the holding of office by any person who is in such default shall create a vacancy unless such default shall be eliminated within thirty (30) days after written notice thereof by the Council or unless such person shall in good faith be contested in the liability for such default.

(B) Appointive Office: Appointed officers are all officers of the City, excluding elective officers and employees, who are required or authorized to be appointed by the Council under this Charter or the provisions of State Law to exercise a sovereign function of government. Such officer shall be a United States citizen and shall not be in default to the City. The holding of office by such person who is in such default shall be eliminated within thirty (30) days after written notice thereof by the Council or unless such person shall in good faith be contested in the liability for such default.

VACANCIES IN ELECTIVE OFFICE: REMOVAL FROM OFFICE:

Section 5.2. Any elective City office shall be declared vacant by the Council upon the occurrence of any of the following events before the expiration of the term of such office:

(A) For any reason specified by statute or by this Charter as creating a vacancy in office;

(B) If no person is elected to, or qualifies for, the office at the Election at which such office is to be filled;

(C) If the officer shall be found guilty by a competent court of the State of Michigan of any act constituting misconduct in office under the provisions of this Charter;

(D) If the officer shall absent himself continuously from the City for more than thirty (30) consecutive days in any one (1) year without the permission of the Council;

(E) In the case of any members of the Council, if such officer shall miss four (4) consecutive Regular Meetings of the Council or twenty-five percent (25%) of such Meetings in any fiscal year of the City, unless such absences shall be excused by the Council and the reason therefore entered in the proceedings of the Council at the time of each absence;

*Since the adoption of this Charter, it has been determined that a residency requirement for local office in excess of one year has been deemed to be excessive by the Federal Courts. The maximum residency requirement for any candidate seeking local office has been determined to be one year.

CHAPTER 5 - Continued

(F) If the officer is removed from office by the Council in accordance with the provisions of Section 5.4;

(G) If the officer ceases to be a registered elector in, or a bona fide resident of, the City.

VACANCIES IN BOARDS AND COMMISSIONS:

Section 5.3. The office of any member of any board or commission created by, or pursuant to, this Charter shall be declared vacant by the Council:

(A) For any reason specified by statute or by this Charter as creating a vacancy in office;

(B) If the officer shall be found guilty by a competent tribunal of any act constituting misconduct in office under the provisions of this Charter;

(C) If such officer shall miss four (4) consecutive Regular Meetings of such board or commission, or twenty-five percent (25%) of such Meetings in any fiscal year of the City, unless such absences shall be excused by such board or commission and the reason therefore entered in the proceedings of such board or commission at the time of each absence;

(D) If the officer is removed from office by the Council in accordance with the provisions of Section 5.4.

REMOVALS FROM OFFICE:

Section 5.4. Removals by the Council of elective officers or of members of boards or commissions shall be made for either of the following reasons: (A) For any reason specified by statute for removal of city officers by the Governor; (B) For any act declared by this Charter to constitute misconduct in office. Such removals by the Council shall be made only after a hearing of which such person has been given notice by the Clerk at least ten (10) days in advance, either personally or by delivering the same at the last known place of residence. Such notice shall include a copy of the charges against such person. The hearing shall afford an opportunity to the person and to the person's attorney to be heard in defense, to cross-examine witnesses and to present testimony. The failure of such person or the person's attorney to appear at such hearing and answer such charges may be deemed cause for removal of the person from office. A majority vote of the members of the Council in office at the time, exclusive of any members whose removal may be being considered, shall be required for any such removal.

RESIGNATIONS:

Section 5.5. Resignations of elective officers and of members of boards and commission shall be made in writing and filed with the Clerk. Resignations of appointive officers shall be made in writing to the appointing body or officer who

CHAPTER 5 - Continued

shall promptly file same with the Clerk. Forthwith upon receipt of a resignation, the Clerk shall notify the Mayor of it, and shall bring the same to the attention of the Council at its next meeting thereafter.

FILLING VACANCIES IN APPOINTIVE OFFICES:

Section 5.6. Vacancies in appointive offices shall be filled in the manner provided for making the original appointment. In the case of members of boards and commissions appointed for a definite term, such appointments shall be for the unexpired term.

FILLING VACANCIES IN ELECTIVE OFFICES:

Section 5.7. (A) Any vacancy which occurs in the Council more than one hundred twenty (120) days before the next Regular City Election shall be filled within thirty (30) days by a majority vote of the remaining members of the Council, said appointee to hold office until the Monday following such Election, at which Election such vacancy shall be filled as provided in Section 4.5 for any balance of the unexpired original term.

Any vacancy which occurs in the Council one hundred twenty (120) days or less before the next Regular City Election may not be filled.

(B) If any vacancy in the office of Councilmember which the Council is authorized to fill is not so filled within thirty (30) days after such vacancy occurs, or if three (3) or more vacancies exist simultaneously in the office of Councilmember, such vacancies shall be filled for the respective unexpired terms at a Special Election. In connection with any Special Election to fill a vacancy or vacancies in any elective office, candidates shall be nominated by petitions in a manner identical to that provided for Regular Elections; the names of all qualified candidates who file sufficient valid nomination petitions sixty (60) days before such Special Election shall be certified to the Election Commission and placed on the ballot; and all other provisions of this Charter not inconsistent with this Section 5.7 shall govern.

(C) The provisions of this Section 5.7 shall not apply to the filling of vacancies resulting from recall.

CHANGE IN TERM OF OFFICE OR COMPENSATION:

Section 5.8. Except by procedures provided in this Charter the terms of office of the elective officers and of members of boards and commissions appointed for definite terms shall not be shortened. The terms of elective officers of the City shall not be extended beyond the period for which any such officer was elected, except that an elective officer shall, after the officer's term has expired, continue to hold office until a successor is elected and has qualified. The Council shall not grant or authorize extra compensation to any officer or employee after the service has been rendered. The salary of any elective officer shall not be increased or decreased from the time of the election until the end of the term of office for which the officer was elected.

CHAPTER 5 - Continued

OATH OF OFFICE AND BOND:

Section 5.9. Every officer, elected or appointed, before entering upon the duties of office, shall take the oath of office prescribed by Section 1 of Article XI of the Constitution of the State and shall file the same with the Clerk, together with any bond required by statute, this Charter or by the Council. In case of failure to comply with the provisions of this Section within ten (10) days from the date of certification of the Election or appointment, such officer shall be deemed to have declined the office and such office shall thereupon become vacant unless the Council shall, by resolution, extend the time in which such officer may qualify as above set forth.

SURETY BONDS:

Section 5.10. Except as otherwise provided in this Charter, all officers of the City whose duties involve the custody of public property or the handling of public funds, either by way of receipt or disbursement or both, and all other officers and employees so required by the Council shall, before they enter upon the duties of their respective offices, file with the City an official bond, in such form and amount as the Council shall direct and approve. Such official bond of every officer and employee shall be conditioned that the officer or employee will faithfully perform the duties of the office, and will on demand deliver over to any successor in office, or other proper officer or an agent of the City, all books, papers, monies, effects and property belonging thereto, or appertaining to the office, which may be in the officer's or employee's custody; and such bonds may be further conditioned as the Council shall prescribe. The official bond of every officer or employee whose duty it may be to receive or pay out money, besides being conditioned as above required, shall be further conditioned that such officer or employee will on demand pay over or account for to the City, or any proper officer or agent thereof, all monies received by such officer or employee. The requirements of this paragraph may be met by the purchase of one (1) or more appropriate blanket surety bonds covering all, or a group of City employees and officers.

All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the City. The Clerk shall be custodian of all the bonds of all officers or employees, except that the Treasurer shall be custodian of any bonds pertaining solely to the Clerk.

DELIVERY OF OFFICE:

Section 5.11. Whenever any officer or employee shall cease to hold such office or employment for any reason whatsoever, such officer or employee shall within five (5) days, or sooner on demand, deliver to his successor in office or to a particular superior all the books, papers, monies and effects in such officer's or employee's custody. Any officer violating this provision may be proceeded against in the same manner as public officers generally for a like offense under statute.

CHAPTER 5 - Continued

PECUNIARY INTEREST PROHIBITED:

Section 5.12. (A) Except as permitted by this Section no contract or purchase involving an amount in excess of one hundred dollars (\$100.00) shall be made by the City in which any elective or appointive officer or any member of the officer's family has any pecuniary interest, direct or indirect. A "contract" shall for the purposes of this Section include any arrangement or agreement pursuant to which any material, service or other thing of value is to be furnished to the City for a valuable consideration to be paid by the City or sold or transferred by the City, except the furnishing of personal services as an officer or employee of the City; and the term "member of the officer's family" shall mean spouse, children and the spouse of any of them.

(B) A contract in which an officer or member of the officer's family has a pecuniary interest may be made by the City if the members of the Council in office at the time having no such interest shall unanimously determine that the best interests of the City will be served by the making of such contract and if either such contract is made after comparative prices are obtained or if the members of the Council having no such interest shall unanimously determine that the obtaining of comparative prices is not feasible in such particular case.

(C) Any officer who knowingly permits the City to enter into any contract in which such officer has a pecuniary interest without disclosing such interest to the Council prior to the action of the Council in authorizing such contract, shall be guilty of misconduct in office.

(D) No officer shall stand as surety on any bond to the City or give any bail for any other person which may be required by the Charter or any ordinance of the City. Any officer of the City who violates the provisions of this paragraph shall be guilty of misconduct in office.

COMPENSATION OF EMPLOYEES AND OFFICERS:

Section 5.13. (A) The compensation of all employees and officers of the City whose compensation is not provided for herein shall be fixed by the appointing body or officer within the limits of Budget appropriations and in accordance with any pay plan adopted by the Council.

(B) The respective salaries and compensation of officers and employees as fixed by, or pursuant to, this Charter shall be in full for all official services of such officers or employees and shall be in lieu of all fees, commissions and other compensation receivable by such officers or employees for their services.

CHAPTER 5 - Continued

Such fees, commissions and compensation shall belong to the City and shall be collected and accounted for by such officers or employees, and be paid into the City treasury and a statement thereof filed periodically with the Clerk. The provisions of paragraph (B) of this Section shall not apply to any fees, commissions or other compensation paid by the County of Oakland; nor to any compensation paid a representative of the City by any Metropolitan District Authority or board for service thereon.

(C) Nothing contained in this Section shall prohibit the payment of necessary bona fide expenses incurred in service in behalf of the City when authorized by the Council.

EMPLOYEE WELFARE BENEFITS:

Section 5.14. The Council shall have power to establish or make available to the Administrative officers and employees of the City and its departments and boards a pension plan and/or any recognized standard plan of group life, hospital, health or accident insurance.

ANTI-NEPOTISM:

Section 5.15. The following relatives and their spouses of any elective official or of his or her spouse are disqualified from holding any appointive office or employment during the term for which said elective official was elected child, grandchild, parent, grandparent, brother, sister, half-brother and half-sister. All relationships shall include those arising from adoption. This Section shall in no way disqualify such relatives or their spouses who are bona fide appointive officers or employees of the City at the time of the Election of said elective official.

MERIT SYSTEM:

Section 5.16. The Council may provide for a merit system for City employees.

CHAPTER 6

THE COUNCIL: PROCEDURE AND POWERS AND DUTIES MISCELLANEOUS

REGULAR MEETINGS:

Section 6.1. The Council shall provide by resolution for the time and place of its Regular Meetings and shall hold at least one (1) Regular Meeting each month.

SPECIAL MEETINGS:

Section 6.2. Special meetings shall be called by the Clerk on the written request of the Mayor or any two (2) members of the Council on at least twenty-four (24) hours written notice to each member of the Council, served personally or left at the Councilmember's usual place of residence; but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing.

BUSINESS AT SPECIAL MEETINGS:

Section 6.3. No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting.

MEETINGS TO BE PUBLIC:

Section 6.4. All Regular and special meetings of the Council shall be open to the public and citizens shall have a reasonable opportunity to be heard under such rules and regulations as the Council may prescribe.

QUORUM: ADJOURNMENT OF MEETING:

Section 6.5. A majority of the members of the Council in office at the time shall be a quorum for the transaction of business at all Council meetings, but in the absence of a quorum a lesser number may adjourn any meeting to a later time or date, and in the absence of all members the Clerk may adjourn any meeting for not longer than one (1) week.

ORGANIZATION AND RULES OF THE COUNCIL:

Section 6.6. The Council shall determine its own organization, rules and order of business subject to the following provisions:

(A) A journal of the proceedings of each meeting shall be kept by the Clerk in English and shall be signed by the presiding officer and the clerk of the meeting.

(B) No member of the Council shall vote on any question in which such member has a financial interest, other than the common public interest, or on any question concerning such member's own conduct.

CHAPTER 6 - Continued

(C) The proceedings of the Council, or a brief summary thereof, shall be publicized within fifteen (15) days following each meeting. Any such summary shall be prepared by the Clerk and approved by the Mayor and shall show the substance of each separate proceeding of the Council.

(D) There shall be no standing committees of the Council.

PROVIDING FOR PUBLIC HEALTH AND SAFETY:

Section 6.7. The Council shall see that provision is made for the public peace and health, and for the safety of persons and property. The Council shall constitute the Board of Health of the City, and it and its officers shall possess all powers, privileges and immunities granted to boards of health by statute.

CHAPTER 7

LEGISLATION

INTERIM LEGISLATION:

Section 7.1. The valid provisions of all bylaws, ordinances, resolutions, rules and regulations of the City of Orchard Lake Village which are not inconsistent with this Charter and which are in force and effect and lawfully applicable to the territory of the City of Orchard Lake Village at the time of the effective date of this Charter, shall continue in full force and effect and be administered by and for the City until and unless repealed or amended under provisions hereof or rendered invalid by law.

Those provisions of any such bylaws, ordinances, resolutions, rules or regulations which are inconsistent with this Charter are hereby repealed as to their application to such territory.

Any reference in any such bylaws, ordinances, resolutions, rules or regulations to a Board or Commission shall be construed to refer instead to the Council or other appropriate governmental body or agency.

ORDINANCES AND RESOLUTIONS:

Section 7.2. All official action of the Council shall be by ordinance, resolution, motion or order. Each member of the Council who shall be recorded as present shall vote either in the affirmative or in the negative on all questions decided by the Council unless excused by the City Council or as otherwise provided by this Charter. All acts of the Council carrying a penalty for the violation thereof shall be by ordinance. Each ordinance shall be identified by a short title and by a number and by a code section number if and when the codification of ordinances is completed.

Each proposed ordinance shall be introduced in written or printed form. The style of all ordinances shall be: "The City of Orchard Lake Village ordains...".

ENACTMENT, AMENDMENT, REPEAL AND EFFECTIVE DATE OF ORDINANCES:

Section 7.3. Subject to the statutes and to the exceptions which follow hereafter, (A) resolutions, motions or orders shall be enacted by the affirmative vote of not less than a majority of the members of the Council present; provided, however, ordinances shall be enacted by the affirmative vote of not less than four (4) members of the Council; (B) no ordinance shall be amended or repealed except by an ordinance adopted as aforesaid; (C) no ordinance shall be enacted at the meeting at which it is introduced nor until after publication of the proceedings or summary thereof of such meeting (which proceedings or summary shall include a statement of its title and purpose) and (D) the effective date of all ordinances shall be prescribed therein but the effective date shall not be earlier than ten (10) days after enactment nor before publication thereof.

CHAPTER 7 - Continued

It is provided, however, that an ordinance which is declared therein to be an emergency ordinance which is immediately necessary for the preservation of the public peace, health or safety may be enacted and made immediately effective by five (5) affirmative votes of the Council. Every emergency ordinance, except one made to appropriate funds to meet a public emergency affecting life, health, property or the public peace, shall automatically stand repealed as of the sixty-first (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 an emergency still exists.

In case an ordinance is given effect earlier than ten (10) days after its enactment, the requirements for publication before such ordinance becomes operative may be met by posting copies thereof in conspicuous locations in three (3) public places in the City, provisions of this Charter notwithstanding; and the Clerk shall, immediately after such posting, enter in the Ordinance Book under the record of the ordinance a certificate under the Clerk's hand stating the time and place of such publication by posting of the ordinance, but the failure to record and authenticate such ordinance shall not invalidate it or suspend its operation. Such ordinance also shall be published in accordance with Section 7.4 but not as a requirement for the effectiveness thereof.

No ordinance granting any public utility franchise shall be enacted except in accordance with the provisions of Section 14.2.

No ordinance shall be amended by reference to its title only, but the revised sections of the ordinance, as amended, shall be re-enacted and published in full. However, an ordinance or section thereof may be repealed by reference to its title and ordinance or code number only.

PUBLICATION AND RECORDING OF ORDINANCES:

Section 7.4. Each ordinance shall be published within ten (10) days after its enactment in one (1) of the following two (2) methods:

(A) The full text thereof may be published in a newspaper as defined in Section 16.4, or

(B) In cases of ordinances over five hundred (500) words in length a digest, summary of statement of purpose of the ordinance, approved by the Council, may be published in a newspaper as defined in Section 16.4, either separately or as part of the published Council proceedings or summary thereof, including with such newspaper publication a notice that printed copies of the full text of the ordinance are available for inspection by and distribution to the public at the office of the Clerk; if method (B) is used, then printed copies shall promptly be so made available as stated in such notice.

CHAPTER 7 - Continued

All ordinances shall be recorded by the Clerk in a book to be called "The Ordinance Book" and it shall be the duty of the Mayor and the Clerk to authenticate such records by their official signatures thereon, but the failure to do so record and authenticate any such ordinance shall not invalidate it or suspend its operation.

PENALTIES FOR VIOLATIONS OF ORDINANCES:

Section 7.5. Any ordinance may provide for the punishment of those who violate its provisions. The punishment for the violation of any ordinance shall not exceed a fine of five hundred dollars (\$500.00) or imprisonment for ninety (90) days, or both, in the discretion of the court.

SPECIAL REQUIREMENTS FOR CERTAIN COUNCIL ACTIONS:

Section 7.6. (A) To the extent authorized by this Charter, the following actions shall be by ordinance and shall require not less than five (5) affirmative votes of the Council for the effectiveness thereof:

- (1) to vacate, discontinue or abolish any highway, street, lane, alley or other public place, or part thereof;
- (2) to accept, acquire or purchase any real estate;
- (3) to condemn any property for public use;
- (4) to engage in any business enterprise;
- (5) to impose any tax, except with respect to the property tax levied by adoption of the Budget.

(B) The Council shall not have power to sell or dispose of any real estate unless approved first by an ordinance requiring five (5) affirmative votes of the Council and then by majority vote of the electors voting thereon in any General or Special Election.

(C) Any reconsideration or rescission of any resolution, motion or order of the Council shall require not less than four (4) affirmative votes of the Council for the effectiveness thereof.

ENACTMENT OF TECHNICAL CODES BY REFERENCE:

Section 7.7. Where permitted by the Home Rule Act, the Council may adopt in whole or in part any provision of State law or any detailed technical code by reference thereto in an adopting ordinance or without publishing any such code in full; provided that said code is clearly identified in said ordinance and that the purpose of said code shall be published with the adopting ordinance and that printed copies thereof are kept in the office of the City Clerk available for inspection by and distribution to the public at all times; provided further that the

CHAPTER 7 - Continued

publication shall contain a notice to the effect that a complete copy of said code is available for public use and inspection at the office of the City Clerk.

SEVERABILITY OF ORDINANCES:

Section 7.8. Unless an ordinance shall expressly provide to the contrary, if any portion of an ordinance or the application thereof to any person or circumstance shall be found to be invalid by a court, such invalidity shall not affect the remaining portion or applications of the ordinance which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determined by the court to be inoperable, and to this end ordinances are declared to be severable.

INITIATIVE AND REFERENDUM:

Section 7.9. An ordinance may be initiated by petition, or a referendum on an enacted ordinance may be had by petition, as hereinafter provided.

INITIATORY AND REFERENDARY PETITIONS:

Section 7.10. An initiatory or a referendary petition shall be signed by not less than ten percent (10%) of the registered electors of the City, as of the date of the last Regular City Election, and all signatures on said petition shall be obtained within thirty (30) days before the date of filing the petition with the Clerk. Any such petition shall be addressed to the Council and may be the aggregate of two (2) or more petition papers identical as to contents 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 referendary petition shall identify the ordinance or part thereof, or code sections it proposes to have repealed.

Each signer of a petition shall sign his or her name, and shall place thereon, after such name, the date and place of residence by street and number, or by other customary designation. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereof and that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant. Such petition shall be filed with the Clerk who shall, within fifteen (15) days, canvass the signatures thereon. If the petition does not contain a sufficient number of signatures of registered electors of the City, the Clerk shall notify forthwith by registered mail the person filing such petition and fifteen (15) days from such notification shall be allowed for the filing of supplemental petition papers. When a petition with sufficient signatures is filed within the time allowed by this Section, the Clerk shall present the petition to the Council at its next Regular Meeting.

CHAPTER 7 - Continued

COUNCIL PROCEDURE ON INITIATORY AND REFERENDARY PETITIONS:

Section 7.11. Upon the presentation to the Council of an initiatory or referendary petition by the Clerk, the Council shall, within thirty (30) days, unless otherwise provided by statute, either:

(A) Adopt the ordinance as submitted by an initiatory petition;

(B) Repeal the ordinance, or part thereof, referred to by a referendary petition; or

(C) Determine to submit the proposal provided for in the petition to the electors.

SUBMISSION OF INITIATORY AND REFERENDARY ORDINANCES TO ELECTORS:

Section 7.12. Should the Council 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 Council, at a Special Election called for that specific purpose; but no Election on an initiative or a referendary petition shall be held sooner than fifty (50) days after the Council determines to submit it. In the case of an initiatory petition, if no Election is to be held in the City for any other purpose within one hundred fifty (150) days from the time the petition is presented to the Council and the Council does not enact the ordinance, then the Council shall call a Special Election within sixty (60) days from such date of presentation for the submission of the initiative proposal. The result of all Elections held under the provisions of this Section shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by statute or the Constitution.

ORDINANCE SUSPENDED; MISCELLANEOUS PROVISIONS ON INITIATORY AND REFERENDARY PETITIONS

Section 7.13. The presentation to the Council by the Clerk of a valid and sufficient referendary petition shall automatically suspend the operation of the ordinance in question pending repeal by the Council or final determination by the electors; but there shall be no such suspension if the ordinance has been in force more than six (6) months.

An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed for a period of six (6) months after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be re-enacted for a period of six (6) months after the date of the election at which it was repealed; provided, however, that an ordinance may be adopted, amended or repealed at any time by appropriate referendum or initiatory procedure in accordance with the foregoing provisions of this Chapter or if submitted to the electorate by the Council on its own motion.

If two (2) or more ordinances adopted at the same Election shall have conflicting provisions, the provisions in the ordinances receiving the highest number of affirmative votes shall govern.

CHAPTER 8

GENERAL FINANCE - BUDGET, AUDIT

FISCAL YEAR:

Section 8.1. The fiscal year of the City and of all its agencies shall begin on the first day of July of each year and end on the thirtieth day of June of the following year.

BUDGET PROCEDURES:

Section 8.2. The Mayor, or chief Administrative officer of the City, if one is appointed, shall be responsible for the preparation and submission to the Council at the first Regular Meeting in April of each year a recommended Budget which shall include at least the following:

(A) Expenditure data for the most recently completed fiscal year and estimated expenditures for the current fiscal year;

(B) An estimate of the expenditure amounts required to conduct, in the ensuing fiscal year, the government of the local unit, including its budgetary centers;

(C) Revenue data for the most recently completed fiscal year and estimated revenues for the current fiscal year;

(D) An estimate of the revenues, by source of revenue, to be raised or received by the local unit in the ensuing fiscal year;

(E) The amount of surplus or deficit that has accumulated from prior fiscal years, together with an estimate of the amount of surplus or deficit expected in the current fiscal year;

(F) An estimate of the amounts needed for deficiency, contingent or emergency purposes, and the amounts needed to pay and to discharge the principal and interest of debt of the local unit due in the ensuing fiscal year;

(G) The amount of proposed capital outlay expenditures, except those financed by enterprise, public improvement or building and site, or special assessment funds, including the estimated total costs and proposed method of financing of each capital construction project and the projected additional annual operating cost and the method of financing the operating costs of each capital construction project for three (3) years beyond the fiscal year covered by the Budget;

(H) An informational summary of projected revenues and expenditures of any special assessment funds, public improvement or building and site funds, intra-governmental service funds or enterprise funds, including the estimated total cost and proposed method of financing each capital construction project, and the projected additional annual operating cost and the method of financing the operating costs of each capital construction project for three (3) years beyond the fiscal year covered by the Budget;

(I) Other data relating to fiscal conditions in considering the financial needs of the City;

CHAPTER 8 - Continued

(J) The total estimated expenditures, including an accrued deficit, in the Budget shall not exceed the total estimated revenues, including an available unappropriated surplus.

BUDGET HEARING:

Section 8.3. A public hearing on the proposed Budget shall be held before its final adoption at such time and place as the Council shall direct. Notice of such public hearing, a summary of the proposed Budget and notice that the proposed Budget is on file in the office of the Clerk shall be published at least one (1) week in advance of the hearing. The complete proposed Budget shall be on file for public inspection during office hours at such office for a period of not less than one (1) week prior to such hearing.

ADOPTION OF BUDGET:

Section 8.4. Not later than the first Regular Meeting in June in each year, the Council shall by resolution adopt a Budget for the next fiscal year, of the City, shall appropriate the money needed for municipal purposes during the next fiscal year and shall provide for a levy of the amount necessary to be raised by taxes upon real and personal property for municipal purposes subject to the limitations contained in Section 9.1. A Budget shall not be adopted which causes estimated total expenditures, including an accrued deficit, to exceed total estimated revenues, including an available surplus.

DEPOSITORY:

Section 8.5. The Council shall designate depositories for City funds and shall provide for the regular deposit of all City monies.

The Council shall provide for such security for City deposits as is authorized or permitted by statute, except that personal surety bonds shall not be deemed proper security.

INDEPENDENT AUDIT: ANNUAL REPORT:

Section 8.6. An independent audit shall be made of all City accounts at least annually, and more frequently if deemed necessary by the Council. Such audit shall be made by a Certified Public Accountant experienced in municipal accounting selected by the Council.

The Mayor or chief Administrative officer shall be responsible for preparation of an annual report of the affairs of the City, including a financial report. Copies of such audit and annual report shall be made available for public inspection at the office of the Clerk within thirty (30) days after receipt of the audit.

CHAPTER 9

TAXATION

POWER TO TAX: TAX LIMIT:

Section 9.1. The City shall have power to assess taxes and levy and collect rents, tolls and excises. Exclusive of any levies authorized by statute to be made beyond Charter tax rate limitations, the annual ad valorem tax levy shall not exceed two percent (2%) of the assessed valuation of all real and personal property subject to taxation in the City.

SUBJECTS OF TAXATION:

Section 9.2. The subjects of ad valorem taxation for municipal purposes shall be the same as for State, County and school purposes under the general law. Except as otherwise provided by this Charter, City taxes shall be levied, collected and returned in the manner provided by statute.

EXEMPTIONS:

Section 9.3. No exemptions from taxation shall be allowed except as expressly required or permitted by statute.

TAX DAY:

Section 9.4. Subject to the exceptions provided or permitted by statute, the taxable status of persons and property shall be determined as of the last day of December, which shall be deemed the Tax Day.

PREPARATION OF THE ASSESSMENT ROLL:

Section 9.5. On or before the first Monday in March in each year the Assessor shall prepare and certify an assessment roll of all property in the City subject to taxation. Such roll shall be prepared in accordance with statute and this Charter. Values shall be estimated according to recognized methods of systematic assessment. The records of the Assessor shall show separate figures for the value of the land, of the building improvements and of personal property, and the method of estimating all such values shall be as nearly uniform as possible.

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

CHAPTER 9 - Continued

BOARD OF REVIEW:

Section 9.6. The Board of Review shall be composed of three (3) freeholders of the City who shall meet the eligibility requirements for elective officers contained in Section 5.1 and who, during their term of office, shall not be City officers or employees or be nominees or candidates for elective City office. The filing by a member of the Board of Review of his or her nomination petition for an elective City office or the filing of a consent thereto shall constitute a resignation from the Board of Review. The appointment of members of such Board shall be based upon their knowledge and experience in property valuation. The Board of Review shall be appointed by the Council by the Regular Meeting in February of each year. One (1) member of the Board shall be appointed for a term of three (3) years, one (1) for a term of two (2) years and the third for a term of one (1) year. Thereafter, one (1) member shall be appointed each year for a term of three (3) years. The Council shall fix the compensation of the members of the Board. The Board of Review shall select its own Chairman for the ensuing year annually, and the Assessor shall be the Clerk of the Board and shall be entitled to be heard at its sessions, but shall have no vote.

MEETINGS OF THE BOARD OF REVIEW:

Section 9.7. The first meeting of the Board of Review shall convene on the first Tuesday immediately following the first Monday in March and shall remain in session for at least eight (8) hours for the purpose of considering and correcting the roll. In each case in which the assessed value of any property is increased over the amount shown on the assessment roll as prepared by the Assessor or any property is added to such roll by the Board, or the Board has resolved to consider at its second session such increasing of an assessment or the adding of any property to such roll, the Assessor shall give notice thereof not later than the second day following the end of the first session of the Board. Such notice shall state the date, time, place and purpose of the second session of the Board. The failure to give any such notice or of the owner to receive it shall not invalidate any assessment roll or assessment thereon.

The second meeting of the Board of Review shall convene on the second Monday in March and shall continue in session until all interested persons have had an opportunity to be heard, but in no case for less than six (6) hours. At the second session, the Board may not increase any assessment or add any property to the rolls, except in those cases in which the Board resolved at its first session to consider such increase or addition at its second session.

Sessions of the Board of Review shall be held on the same days as designated by State Statute for meetings of the Township Board of Review.

NOTICE OF MEETINGS:

Section 9.8. Notice of the time and place of the annual sessions of the Board of Review shall be published by the Clerk at least ten (10) days prior to the first session of the Board in each year.

CHAPTER 9 - Continued

DUTIES AND FUNCTIONS OF BOARD OF REVIEW:

Section 9.9. For the purpose of revising and correcting assessments, the Board of Review shall have the same powers and perform like duties in all respects as are by statute conferred upon and required of Boards of Review in cities generally. It shall hear the complaints of all persons considering themselves aggrieved by assessments, and if it shall appear that any person or property has been wrongfully assessed or omitted from the roll, the Board shall correct the roll in such manner as it deems just. In all cases the roll shall be reviewed according to the facts existing on the tax day and no change in the status of any property after said day shall be considered by the Board in making its decisions. Except as otherwise provided by statute, no person other than the Board of Review members shall make or authorize any change upon, or additions or corrections to, the assessment roll. It shall be the duty of the Assessor to keep a permanent record of all proceedings and to enter therein all resolutions and decisions of the Board.

ENDORSEMENT OF ROLL:

Section 9.10. After the Board of Review has completed its review of the assessment roll as required by statute, the majority of its members shall endorse thereon and sign a statement to the effect that the same is the assessment roll of the City for the year in which it has been prepared. The omission of such endorsement shall not affect the validity of such roll.

CLERK TO CERTIFY TAX LEVY:

Section 9.11. Within three (3) days after the Council has adopted the Budget for the ensuing year, the Clerk shall certify to the Assessor the total amount which the Council determines shall be raised by general ad valorem tax. The Clerk also shall certify all amounts of current or delinquent special assessments and all other amounts which the Council requires to be assessed, re-assessed or charged upon any property or against any person.

CITY TAX ROLL:

Section 9.12. After the Board of Review has completed its review of the original assessment roll, the Assessor shall prepare a copy of such assessment roll to be known as the "City Tax Roll", and upon receiving the certification of the several amounts to be raised, as provided in Section 9.11, the Assessor shall spread upon said Tax Roll the several amounts determined by the Council to be charged, assessed or re-assessed against persons or property. The Assessor shall use such original assessment roll in spreading the amounts of the general ad valorem County tax and school tax according to and in proportion to the several valuations set forth in said assessment roll. To avoid fractions in computation on any tax roll, the Assessor may add to the amount of the several taxes to be raised not more than the amount prescribed by statute. Any excess created thereby on any tax roll shall belong to the City.

CHAPTER 9 - Continued

TAX ROLL CERTIFIED FOR COLLECTION:

Section 9.13. After spreading the taxes the Assessor shall certify the Tax Roll, and the Mayor shall annex his warrant thereto directing and requiring the Treasurer to collect, prior to March First of the following year, from the several persons named in said Roll the several sums mentioned therein opposite their respective names as a tax or assessment and granting to the Treasurer, for the purpose of collecting the taxes, assessments and charges on such Roll, all the statutory powers and immunities possessed by township treasurers for the collection of taxes. On or before June First the Roll shall be delivered to the Treasurer for collection.

TAX LIEN ON PROPERTY:

Section 9.14. On July First the taxes thus assessed shall become a debt due to the City from the persons to whom they are assessed, and the amounts assessed on any interest in real property shall become a lien upon such real property, for such amounts and for all interest and charges thereon, and all personal taxes shall become a first lien on all personal property of such persons so assessed. Such liens shall take precedence over all other claims, encumbrances and liens to the extent provided by statute and shall continue until such taxes, interest and charges are paid.

TAXES DUE: NOTIFICATION THEREOF:

Section 9.15. City taxes shall be due on July First of each year. The Treasurer shall not be required to call upon the persons named in the City Tax Roll, nor to make personal demand for the payment of taxes, but the Treasurer shall: (A) publish, between June Fifteenth and July First, notice of the time when said taxes will be due for collection and the penalties and fees for late payment of same and (B) mail a bill to each person named in said Roll, or as the person directs, but in cases of multiple ownership of property only one (1) bill need be mailed.

Failure on the part of the Treasurer to publish said notice or mail such bills shall not invalidate the taxes on said Tax Roll nor release the person or property assessed from the penalties and fees provided in this Chapter in case of late payment or non-payment of the same.

INTEREST ON LATE PAYMENT OF TAXES:

Section 9.16. All taxes paid on or before the Thirty-First day of August shall be collected by the Treasurer without additional charge. On September First the Treasurer shall add to all taxes paid thereafter four percent (4%) of the amount of said taxes and on the first day of October and of each succeeding month he shall add an amount equal to the highest penalty permissible by State law. Such penalty shall belong to the City and constitute a charge and shall be a lien against the property to which the taxes themselves apply, collectible in the same manner as the taxes to which they are added. It is provided, however, that if delivery of the Tax Roll to the Treasurer, as provided in Section 9.13, is delayed for any reason by more than thirty (30) days after June First, the application of the

CHAPTER 9 - Continued

penalty charge provided herein shall be postponed for the first thirty (30) days of such delay and shall be postponed an additional thirty (30) days for each additional thirty (30) days, or major fraction thereof, of such delay.

FAILURE OR REFUSAL TO PAY PERSONAL PROPERTY TAX:

Section 9.17. If any person, firm or corporation shall neglect or refuse to pay any personal property tax assessed to such person, firm or corporation, the Treasurer, under State jurisdiction and under provisions of State law, shall collect the same by seizing the personal property of such person, firm or corporation to an amount sufficient to pay such tax, fees and charges for subsequent sale, wherever the same may be found in the State, and from which seizure no property shall be exempt. The Treasurer may sell the property seized to an amount sufficient to pay the taxes and all charges in accordance with statutory provisions. The Treasurer may, if otherwise unable to collect a tax on personal property, sue in accordance with statute, the person, firm or corporation to whom it is assessed.

DELINQUENT TAX ROLL TO COUNTY TREASURER:

Section 9.18. All City taxes on real property remaining uncollected by the Treasurer on the first day of March following the date when said Roll was received by the Treasurer shall be returned to the County Treasurer in the manner and with like effect as provided by statute for returns by township treasurers of township, school and County taxes. Such returns shall include all the additional assessments, charges and fees hereinbefore provided, which shall be added to the amount assessed in said Tax Roll against each property or person. The taxes thus returned to the County Treasurer are collected, in accordance with statute, and shall be and remain a lien upon the property against which they are assessed until paid. If by change in statute or otherwise the Treasurer of the County of Oakland is no longer charged with the collection of the delinquent real property taxes, such delinquent taxes shall be collected in the manner then provided by statutes for the collection of delinquent township, school and County taxes.

STATE, COUNTY AND SCHOOL TAXES:

Section 9.19. For the purpose of spreading and collecting taxes for State, County and school purposes, the City shall be considered the same as a township, and all provisions of statute relative to the collection of and accounting for such taxes shall apply. For these purposes the Treasurer shall perform the same duties as township treasurers under statute.

CHAPTER 10

BORROWING POWER

GRANT OF AUTHORITY TO BORROW:

Section 10.1. Subject to the applicable provisions of law and this Charter, the Council may by ordinance or resolution authorize the borrowing of money for any purpose within the scope of powers vested in the City and permitted by law and may authorize the issuance of bonds, or other evidences of indebtedness therefor. Such bonds or other evidence of indebtedness shall include, but not be limited to, the following types:

(A) General obligation bonds which pledge the full faith, credit and resources of the City for the payment of such obligations; when authorized by a majority vote of those electors voting thereon at any General or Special Election;

(B) Notes issued in anticipation of the collection of taxes, but the proceeds of such notes may be spent only in accordance with appropriations as provided by Section 8.5;

(C) In case of fire, flood or other calamity, emergency loans due in not more than five (5) years for the relief of the inhabitants of the City and for the preservation of municipal property;

(D) Special assessment bonds issued in anticipation of the payment of special assessments made for the purpose of defraying the cost of any public improvement, or in anticipation of the payment of any combination of such special assessments. Such special assessment bonds may be an obligation of the special assessment district or districts and a general obligation of the City;

(E) Bonds for the refunding of the funded indebtedness of the City;

(F) Revenue bonds as authorized by statute which are secured only by the revenues from a public improvement and do not constitute a general obligation of the City;

(G) Any other type of bonds which may be authorized by cities.

LIMITS OF BORROWING POWER:

Section 10.2. The net bonded indebtedness incurred for all public purposes shall not at any time exceed ten percent (10%) of the assessed value of all the real and personal property in the City, provided that in computing such net bonded indebtedness there shall be excluded money borrowed under the following sections:

10.1 (B) (tax anticipation notes), 10.1 (D) (special assessment bonds even though they are also a general obligation of the City), 10.1 (F) (revenue bonds) and any other obligations excluded by statute or Constitution from such limitation.

CHAPTER 10 - Continued

The amount of emergency loans which may be made under the provisions of Section 10.1 (C) may not exceed the maximum amount permitted by statute, and such a loan may be made even if it causes the indebtedness of the City to exceed the limit of net bonded indebtedness fixed in this Charter.

The total amount of such special assessment bonds issued under Section 10.1 (D) which are a general obligation of the City shall at no time by reason of future issues other than issues of refunding bonds exceed the maximum amount permitted by statute, nor shall such bonds be issued in any calendar year in excess of the maximum amount so permitted to be issued by statute unless authorized by a majority vote of the electors in the manner required by statute.

APPLICABILITY OF OTHER STATUTORY RESTRICTIONS:

Section 10.3. The issuance of any bonds not otherwise requiring the approval of the electors shall be subject to applicable requirements of any statute with reference to public notice in advance of the authorization of such issues, filing of petitions for a referendum on such issuance, holding of such referendum and other applicable procedural requirements.

PREPARATION AND RECORD OF BONDS:

Section 10.4. Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which the same is issued and it shall be unlawful for any officer of the City to use the proceeds thereof for any other purpose, and any officer who shall violate this provision shall be deemed guilty of misconduct in office, except that whenever the proceeds of any bond issue or part thereof shall remain unexpended and unencumbered for the purpose for which said bond issue was made, the Council may authorize the use of said funds for the retirement of bonds of such issue. All bonds and other evidences of indebtedness issued by the City shall be signed by the Mayor and countersigned by the Clerk, under the Seal of the City. Interest coupons may be executed with the facsimile signature of the Mayor and Clerk. A complete and detailed record of all bonds and other evidences of indebtedness issued by the City shall be kept by the City Clerk. Upon the payment of any bond or other evidence of indebtedness, the same shall be "Cancelled".

UNISSUED BONDS:

Section 10.5. No unissued bonds of the City shall be issued or sold to secure funds for any purpose other than that for which they were specifically authorized, and if any such bonds are not sold within five (5) years after authorization, said authorization shall, to such bonds, be null and void, and such bonds shall be cancelled.

CHAPTER 10 - Continued

DEFERRED PAYMENT CONTRACTS:

Section 10.6. The City may enter into any contract or agreement, by ordinance, for the purchase of lands, property or equipment for public purposes, to be paid for in installments over a period of not to exceed fifteen (15) years, but in any case not to exceed the useful life of the property acquired. The outstanding balance of all such purchases shall not exceed the sum of one percent (1%) of the equalized assessed value of real and personal property in any fiscal year of the City. All such deferred payments shall be included in the Budget for the year in which the installment is payable. Deferred payment contracts need not be entered into by ordinance for amounts less than ten thousand dollars (\$10,000.00).

CHAPTER 11

SPECIAL ASSESSMENTS

GENERAL POWER RELATIVE TO SPECIAL ASSESSMENTS:

Section 11.1. The Council shall have the power to determine by resolution, with or without petition, that the whole or any part of the expense of any public improvement be defrayed by special assessment upon the property especially benefited in proportion to the benefits derived or to be derived.

DETAILED PROCEDURE TO BE FIXED BY ORDINANCE:

Section 11.2. Except for the assessments set forth in Section 11.7, the Council shall prescribe by ordinance the complete special assessment procedure governing the initiation of projects, preparation of plans and cost estimates, creation of districts, making and confirming of assessment rolls, correction of errors in the rolls, collection of assessments and any other matters concerning the making of improvements by the special assessment method.

Such ordinance shall be subject to the following provisions:

(A) No resolution finally determining to proceed with establishing any special assessment district for the making of any public improvement shall be enacted until cost estimates have been prepared and a public hearing has been held on the advisability of so proceeding, which hearing shall be held not less than ten (10) days after notice thereof has been published and sent by first class mail to all property owners in the proposed district or, if the assessment is to be financed in part by the City, to all property owners in the City as shown by the current assessment roll.

(B) No special assessment roll shall be finally confirmed until after a meeting of the Council has been held for the purpose of reviewing such roll, which meeting shall be held not less than ten (10) days after notice thereof has been published and sent by first class mail to all property owners in the proposed district or if the assessment is to be financed in part by the City, all property owners in the City as shown by the current assessment roll, nor shall such roll be finally confirmed if prior to such meeting written objection thereto has been filed by more than fifty percent (50%) of the number of owners of private real property to be assessed, nor shall such roll be finally confirmed, if such special assessment is to be financed in part by the City by City-portion bonds or otherwise, if prior to such meeting written objection has been filed by more than fifty percent (50%) of the number of owners of private real property in the City.

(C) No public improvement to be financed in whole or in part by special assessment shall be made before the confirmation of the special assessment roll for such improvement.

CHAPTER 11 - Continued

(D) No special assessment district or districts shall be created by the Council for any one public improvement which includes property having an area in excess of twenty-five percent (25%) of the total area of the City. No public improvement project shall be divided geographically for the purpose of circumventing this provision.

DISPOSITION OF EXCESSIVE SPECIAL ASSESSMENTS:

Section 11.3. The excess by which any special assessment proves larger than the actual cost of the improvement and expenses incidental thereto may be placed in the General Fund of the City if such excess is five percent (5%) or less of the assessment, but should the assessment prove larger than necessary by more than five percent (5%), the entire excess shall be refunded on a pro rata basis to the owners of the property assessed as shown by the current assessment roll of the City at the time such refund, if any, is payable. Such refund shall be made by credit against future unpaid installments to the extent such installments then exist and the balance of such refund shall be in cash. No refunds may be made which contravene the provisions of any outstanding evidence of indebtedness secured in whole or in part by such special assessment.

ADDITIONAL ASSESSMENT: CORRECTION OF INVALID SPECIAL ASSESSMENTS:

Section 11.4. Whenever any special assessment shall, in the opinion of the Council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the Council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment, and whenever any sum or part thereof levied upon any property in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment or if the payments exceed the amount of the reassessment, refunds shall be made.

No judgment or decree nor any act of the Council vacating a special assessment shall destroy or impair the lien of the City upon the premises assessed for such amount of the assessment as may be equitably charged against the same or as by regular mode of proceeding might have been lawfully assessed thereupon.

CONTESTED ASSESSMENTS:

Section 11.5. No suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of any special assessment: (A) unless within thirty (30) days after the confirmation of the special assessment roll written notice is given to the Council of intention to file such suit or action, stating the grounds on which it is claimed such assessment is illegal and (B) unless such suit or action shall be commenced within sixty (60) days after confirmation of the roll.

CHAPTER 11 - Continued

SPECIAL ASSESSMENT ACCOUNTS:

Section 11.6. Except as otherwise provided in this Charter, monies raised by special assessment for any public improvement shall be credited to a special account and shall be used to pay for the costs of the improvement for which the assessment was levied and expenses incidental thereto or to repay any money borrowed therefor.

ASSESSMENT FOR REMOVAL OF HAZARDS ETC.

Section 11.7. The assessment for the cost of the abatement of any hazard or nuisance to be made pursuant to Section 2.2 (O) or Section 2.2 (P) shall be made by resolution of the Council. Notice of the time at which the Council will act thereon shall be given by first class mail to the owner of the property to be assessed as shown by the current tax roll of the City. For the purposes of collection of such assessment, the adoption of such resolution shall be equivalent to the confirmation of a special assessment roll. The amount of any such assessment shall become a debt to the City upon adoption of such resolution, and shall be due at such time as the Council shall prescribe. Every such assessment also shall be subject to Sections 11.3, 11.4 and 11.5.

(B) sealed bids shall be obtained except when the Council shall determine by five affirmative votes that no advantage to the City would result in obtaining sealed bids;

CHAPTER 12

PURCHASES - CONTRACTS - LEASES

PURCHASE AND SALE OF PROPERTY:

Section 12.1. The Council shall be responsible for the purchase and sale of all City property.

Comparative prices shall be obtained for the purchase or sale in amounts not in excess of one thousand dollars (\$1,000.00) of all materials, supplies and public improvements except: (A) in the employment of professional services and (B) when the Council shall determine that no advantage to the City would result.

In all sales or purchases in excess of one thousand dollars (\$1,000.00): (A) the sale or purchase shall be approved by the Council; (B) ~~sealed bids shall be obtained~~ and (C) the requirements of Section 12.2 shall be complied with. No sale or purchase shall be divided for the purpose of circumventing the dollar value limitation contained in this Section. The Council may authorize the making of public improvements or the performance of any other City work by any City agency without competitive bidding.

*Amended
Nov. 1990*

Purchases shall be made from the lowest competent bidder meeting specifications unless the Council shall determine that the public interest will be better served by accepting a higher bid. Sales shall be made to the bidder whose bid is most advantageous to the City.

All purchases and sales shall be evidenced by written contract or purchase order.

The City may not sell, transfer or otherwise dispose of any real estate except by a majority vote of the electors voting thereon at a Regular or Special Election.

The purchase and sale of all City property shall be subject to the provisions of Section 5.12.

Detailed purchasing, sale and contract procedures shall be established by ordinance.

CONTRACTS:

Section 12.2. The authority to contract on behalf of the City is vested in the Council and shall be exercised in accordance with the provisions of statute and of this Charter.

Any contract or agreement in an amount of one thousand dollars (\$1,000.00) or more made with form or terms other than the standard City purchase order form shall before execution be submitted to the Attorney and his opinion obtained with respect to its form and legality. A copy of all contracts or agreements requiring such opinion shall be filed in the office of the Clerk together with a copy of the opinion.

CHAPTER 12 - Continued

Before any contract, agreement or purchase order obligating the City to pay an amount of one thousand dollars (\$1,000.00) or more is executed, the accounting officer of the City shall first have certified that an appropriation has been made for the payment thereof, or that sufficient funds will be available if it be for a purpose being financed by the issuance of bonds or by special assessments or for some other purpose not chargeable to a Budget appropriation. In the case of a contract or agreement obligating the City for periodic payments in future fiscal years for the furnishing of a continuing service or the leasing of property, such certification need not cover those payments which will be due in future fiscal years. Certification by the accounting officer of the City shall be endorsed on each contract, agreement or purchase order requiring same or shall be filed as an attachment thereto.

No contract or purchase order shall be subdivided for the purpose of circumventing the dollar value limitations contained in this Section.

No contract shall be amended after the same has been made except upon the authority of the Council.

No compensation shall be paid to any contractor except in accordance with the terms of the contract.

No contract shall be made with any person, firm or corporation in default to the City.

An individual agreement of employment shall not be deemed a contract requiring opinion by the Attorney or certification by the accounting officer of the City.

RESTRICTION ON POWERS TO LEASE PROPERTY:

Section 12.3. Any agreement or contract for the renting or leasing of public property to any person for a period longer than three (3) years shall be subject to the same referendum procedure as is provided in the case of ordinances passed by the Council, but any petition for such referendum must be filed within thirty (30) days after publication of the proceedings of the meeting of the Council at which such agreement or contract is authorized.

The transfer or assignment of any agreement or contract for such renting or leasing of public property may be made only upon approval of the Council, but approval of such transfer shall not be subject to referendum.

Rentals and leases and renewals thereof shall be for a fair consideration as determined by the Council.

CHAPTER 13

MUNICIPAL UTILITIES

GENERAL POWERS RESPECTING UTILITIES:

Section 13.1. The City shall possess and hereby reserves to itself all the powers granted to cities by statute and Constitution to acquire, construct, own, operate, improve, enlarge, extend, repair and maintain, either within or without its corporate limits, including, but not by the way of limitation, public utilities for supplying water, sewage treatment and refuse disposal facilities, or any of them, to the municipality and inhabitants thereof; and also to sell and deliver water, and other public utility services without its corporate limits to an amount not to exceed the limitations set by statute and Constitution.

CHAPTER 14

PUBLIC UTILITY FRANCHISES

GRANTING OF PUBLIC UTILITY FRANCHISES:

Section 14.1. Franchises for public utilities, including but not by way of limitation, public utilities for supplying water, light, heat, power, gas, communications systems, including television and telephone, burglar and fire communications systems, and sewage treatment, and garbage disposal facilities, or any of them, and all renewals, and extensions thereof and amendments there-to shall be granted by ordinance only. No exclusive franchise shall ever be granted. No franchise shall be granted for a period longer than thirty (30) years.

No franchise ordinance which is not subject to revocation at the will of the Council shall be enacted nor become operative until the same shall have first been referred to the people at a Regular or Special Election and received the affirmative vote of three-fifths (3/5ths) of the electors voting thereon. No such franchise ordinance shall be approved by the Council for referral to the electorate before thirty (30) days after application therefor has been filed with the Council nor until a public hearing has been held thereon, nor until the grantee named therein has filed with the Clerk his unconditional acceptance of all terms of such franchise. No Special Election for such purpose shall be ordered unless the expense of holding such Election, as determined by the Council, shall first have been paid to the Treasurer by the grantee.

A franchise ordinance or renewal or extension thereof or amendment thereto which is subject to revocation at the will of the Council may be enacted by the Council without referral to the voters, but shall not be enacted unless it shall have been complete in the form in which it is finally enacted and shall have so been on file in the office of the Clerk for public inspection for at least four (4) weeks after publication of a notice that such ordinance is so on file.

CONDITIONS OF PUBLIC UTILITY FRANCHISES:

Section 14.2. All public utility franchises granted after the adoption of this Charter, whether it be so provided in the granting ordinance or not, shall be subject to the following rights of the City, but this enumeration shall not be exclusive nor shall it impair the right of the Council to insert in such franchise any provision within the power of the City to impose or require:

(A) To repeal the same for misuse, non-use or failure to comply with the provisions thereof;

CHAPTER 14 - Continued

(B) To require proper and adequate extension of plant and service maintenance thereof 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 throughout the entire period thereof;

(E) To use, control and regulate the use of its streets, bridges and other public places and the space above and beneath them;

(F) To impose such other regulations as may be determined by the Council to be conducive to the safety, welfare and accommodation of the public.

REGULATION OF RATES:

Section 14.3. All public utility franchises shall make provision therein for fixing rates, fares and charges and may provide for readjustments thereof at periodic intervals. The value of the property of the utility used as a basis for fixing such rates, fares and charges shall in no event include a value predicated upon the franchise, good will or prospective profits.

USE OF PUBLIC PLACES BY UTILITIES:

Section 14.4. Every public utility, whether it has a franchise or not, shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges and other public places as shall arise from its use thereof and shall protect and save the City harmless from all damages arising from said use. Every such public utility may be required by the City to permit joint use of its property and appurtenances located in the streets and other public places of the City by the City and by other utilities insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefor. In the absence of agreement and upon application by any public utility, the Council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor, and the arbitration award shall be final.

CHAPTER 15

COURT

JUDICIAL ESTABLISHMENT:

Section 15.1. The District Courts, or any Court as may be empowered by the State having jurisdiction, shall have authority to hear, try and determine all suits and prosecutions for the recovery and enforcing of fines, penalties and forfeitures imposed by this Charter and the Ordinances of the City of Orchard Lake Village and to punish offenders for the violation of this Charter and the Ordinances as is prescribed and directed.

FEES, FINES AND COSTS:

Section 15.2. All fees, fines, penalties, forfeitures and monies collected or received by any Court for any violation of the Ordinances of the City shall be paid over to the City Treasurer in accordance with the law and shall be credited to the General Fund of the City.

CHAPTER 16

MISCELLANEOUS

CITY LIABILITY:

Section 16.1. The City shall not be liable for damages sustained by any person either to his person or property by reason of the negligence of the City, its officers or employees, nor by reason of any defective condition of or obstruction in any public place unless such person shall serve or cause to be served upon the Clerk within sixty (60) days after the injury resulting in such damages shall have occurred a notice in writing, which notice shall set forth substantially the time and place of such injury, the manner in which it occurred, the extent of such damages as far as the same has become known, the names and addresses of the witnesses known at the time by the claimant and a statement that the person sustaining such damages intends to hold the City liable for such damages as may have been sustained by such person.

The City shall not be liable for any damages to person or property arising out of any such injury unless there shall have been first presented to the Clerk a claim in writing and under oath setting forth particularly the time, place, nature and extent of such injury and the amount of damages claimed by reason thereof. No person shall bring any action against the City for any such damages until such claim shall have been filed with the Clerk and until the Council shall have been given reasonable opportunity to act thereon either by allowing or refusing to allow the claim.

It shall be a sufficient bar and answer in any court to any action or proceeding for the collection of any demand or claim against the City under this Section that the notice of injury and the verified proof of claim as in this Section required were not presented and filed within the time and in the manner as herein provided.

RECORDS TO BE PUBLIC:

Section 16.2. All records of the City shall be public, shall be kept in City offices except when required for official reasons or for purposes of safe-keeping to be elsewhere and shall be available for inspection at all reasonable times.

INTERPRETATIONS:

Section 16.3. Except as otherwise specifically provided or indicated by the context:

(1) 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.

CHAPTER 16 - Continued

(2) The singular number shall include the plural, the plural number shall include the singular and the masculine gender shall extend to and include the feminine gender and the neuter.

(3) The word "person" may extend and be applied to bodies politic and corporate and to partnerships, as well as to individuals.

(4) The words "printed" and "printing" shall include reproductions by generally accepted methods.

(5) Except in reference to signatures, the words "written" and "in writing" shall include printing and typewriting.

(6) The word "officer" shall include the Mayor and other members of the Council, the Administrative officers and members of the City Boards and commissions created by or pursuant to this Charter.

(7) The word "statute" shall denote the Public Acts of the State of Michigan in effect at the time the provision of the Charter containing the word "statute" is to be applied.

(8) All references to specific Public Acts of the State of Michigan shall be to such acts as are in effect at the time the reference to such act is to be applied.

(9) The words "law" or "general laws of the State" shall denote the Constitution and the Public Acts of the State of Michigan in effect at the time the provision of the Charter containing the words "law" or "general laws of the State" is to be applied, and applicable common law.

(10) All references to section numbers shall refer to section numbers of this Charter.

(11) The word "Council" includes its authorized representatives.

DEFINITION OF PUBLICATION, MAILING OF NOTICES:

Section 16.4. The requirement contained in this Charter for the publishing or publication of notices or ordinances shall be met by publishing an appropriate insertion in a newspaper published in the English language for the dissemination of news of a general character, which newspaper shall have had a general circulation at regular intervals in the City immediately preceding the time that it is used for such publication purposes. The affidavit of the printer or publisher of such newspaper, or of his foreman or principal clerk, annexed to a printed copy of such notice, ordinance or proceeding taken from the paper in which it was published and specifying the times of publication shall be prima facie evidence of such publication.

CHAPTER 16 - Continued

In any case in which this Charter requires the mailing of notices, the affidavit of the officer or employee responsible for such mailing that such notice was mailed shall be prima facie evidence of such mailing.

TRUSTS:

Section 16.5. All trusts established for any municipal purpose shall be used and continued in accordance with the terms of such trust, subject to the cy pres doctrine. The Council may in its discretion receive and hold any property in trust for any municipal purpose and shall apply the same to the execution of such trust and for no other purpose except in cases where the cy pres doctrine shall apply.

QUORUM:

Section 16.6. Except as provided otherwise in this Charter, a quorum of any board of commission created by or pursuant to this Charter shall be a majority of the members of such board or commission in office at the time, but not less than two (2) members.

SUNDAYS AND HOLIDAYS:

Section 16.7. Whenever the date fixed by this Charter or by ordinance for the doing or completion of any act falls on a Sunday or legal holiday, such act shall be done or completed on the next succeeding day which is not a Sunday or legal holiday.

PENALTIES FOR MISCONDUCT IN OFFICE:

Section 16.8. Any officer of the City found guilty by a court of competent jurisdiction of any act declared by this Charter to constitute misconduct in any office may be punished by a fine of not to exceed five hundred dollars (\$500.00) or imprisonment for not to exceed ninety (90) days or both in the discretion of the court. The punishment provided in this Section shall be in addition to that of having the office declared vacant as provided in Section 5.2.

CHAPTER AND SECTION HEADINGS:

Section 16.9. The chapter, section and sub-section headings used in this Charter are for convenience only and shall not be considered as part of the Charter.

CHAPTER 16 - Continued

AMENDMENTS:

Section 16.10. This Charter may be amended at any time in the manner provided by statute. Should two (2) or more amendments adopted at the same Election have conflicting provisions, the one receiving the largest affirmative vote shall prevail as to those provisions.

NO ESTOPPEL:

Section 16.11. No estoppel may be created against the City.

PROCESSES AGAINST CITY:

Section 16.12. All processes against the City shall run against the City in the corporate name thereof and may be served by leaving a true copy with the Mayor, Clerk or Attorney.

SEVERABILITY OF CHARTER PROVISIONS:

Section 16.13. If any provision, section, article or clause of this Charter or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect any remaining portion or application of the Charter which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determined by the court to be inoperable, and to this end this Charter is declared to be severable.

CHAPTER 17

SCHEDULE

ELECTION OF CHARTER:

Section 17.1. This Charter shall be submitted to a vote of the electors of the City of Orchard Lake Village for adoption at a Regular City Election to be held on November 3, 1981. In connection with such Election the City Council and the City Clerk shall perform all the duties required by law for the giving of notice of and the conduct of such Election which shall be conducted in accordance with the State Election Law and State statutes relating to the submission of the Charter to the electors. If, at said Election, a majority of the electors of the City voting thereon shall vote in favor of the adoption of this Charter, then said Charter shall thereupon become effective to the full extent allowed by law and the City Clerk shall perform all acts required or necessary by law to carry the Charter into effect.

FORM OF BALLOT:

Section 17.2. The form of the ballot on submission of this Charter shall be as follows:

"Shall the Proposed Charter of the City of Orchard Lake Village, framed by the Charter Commission elected on November 4, 1980, be adopted?"

_____ Yes

_____ No

TERMS OF OFFICE:

Section 17.3. The adoption of this Charter shall not change or influence the terms of office of the Mayor, or of any Councilmember holding office at the time of the adoption of the Charter, but each said member who holds any such office shall continue therein until a successor has been elected and assumes the office to which said successor has been elected in accordance with the provision of this Charter.

CITY RIGHTS, OBLIGATIONS AND ORDINANCES:

Section 17.4. The adoption of this Charter shall not affect any rights, assets, obligations, liabilities or immunities of the City of Orchard Lake Village or the officers thereof and all ordinances in effect at the time of the adoption of this Charter shall continue and remain in full force and effect except as to the extent expressly provided otherwise herein. The failure of the adoption of this Charter does not affect any of the rights, assets, obligations, liabilities or immunities of the City or of the officers and any ordinances in effect at the time of submission of this Charter shall in such event continue in full force and effect.

CHAPTER 17 - Continued

OFFICERS AFTER ADOPTION OF CHARTER:

Section 17.5. At the first meeting of the Council following the date that the Charter shall become effective as the Charter of the City of Orchard Lake Village, the Mayor and Councilmembers holding office at the time of the adoption of this Charter shall qualify for and assume the respective offices set forth under this Charter and shall, thereafter, perform the duties of their respective offices subject to and in accordance with the provisions of this Charter. All other administrative officers and employees of the City shall continue in the respective offices and employment held by them at the time this Charter shall become effective for the terms for which they were employed or appointed and shall be subject to the provisions of this Charter. Thereafter, successors of all such officers shall be elected or appointed in the manner provided in the Charter.

It is intended that no change in the current number of Councilmembers shall be affected except through the course of Regular City Elections as set forth herein.

EFFECTIVE DATE:

Section 17.6. The effective date of this Charter shall be the first (1st) day of January, A.D., 1982 at 12 o'clock noon.

RESOLUTION OF ADOPTION

CITY OF ORCHARD LAKE VILLAGE

CHARTER COMMISSION

At a meeting of the Charter Commission of the City of Orchard Lake Village, held in the offices of the City of Orchard Lake Village, Oakland County, State of Michigan, being the usual meeting place of the Charter Commission, of the 29th day of July, 1981:

Present were the following members:

Commissioners Brown, Broeck, Carlin, Jenson, Wagener and Wagner.

At such meeting the following resolution was offered by Commissioner Carlin and supported by Commissioner Wagener:

WHEREAS, on the 4th day of November, 1980, a Charter Commission was elected by the electors of the City of Orchard Lake Village, and

WHEREAS, said Charter Commission has convened regularly and has considered all of the provisions of a proposed revised Charter and has considered comments from the citizens relating to the same, and

WHEREAS, the Charter Commission, after due deliberation, has drafted a proposed revised Charter for the City of Orchard Lake Village and wishes to adopt the same for submission to the electors of the City;

NOW THEREFORE, BE IT RESOLVED that the Charter Commission for the City of Orchard Lake Village, Oakland County, Michigan, does hereby adopt the foregoing and attached document as the proposed revised Charter for the City of Orchard Lake Village;

BE IT FURTHER RESOLVED that the City Clerk shall publish such proposed Charter in one newspaper at least once, not less than two weeks and not more than four weeks preceding said Election, together with a notice of said Election.

BE IT FURTHER RESOLVED that the Clerk of the Charter Commission is hereby directed to provide for the transmission of said Charter to the Governor of the State of Michigan, forthwith, in accordance with the provisions of the statute in such case made and provided.

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

AYES: Commissioners Brown, Broock, Carlin, Jenson, Wagener and Wagner.

NAYS: None.

ABSENT: Commissioners Girard, Rycus and Singelyn.

RICHARD R. BROWN, Chairman
Charter Commission for the
City of Orchard Lake Village

JANET E. OVERHOLT, CLERK
Charter Commission for the
City of Orchard Lake Village

COUNTERSIGNED BY THE FOLLOWING COMMISSIONERS:

Bowen R. Broock
Robert F. Singelyn
John E. Carlin, Jr.
Larry A. Girard

Thomas R. Wagener
Donald H. Wagner
Mel Rycus
Robert F. Jenson

