

# Charter

City of Coleman,  
Midland County,  
Michigan

May 1, 1969

TABLE OF CONTENTS

	Page
CHAPTER 1 – NAME AND BOUNDARIES OF THE CITY .....	1
CHAPTER 2 – MUNICIPAL POWERS .....	2
CHAPTER 3 – ELECTIONS .....	6
CHAPTER 4 – ORGANIZATION OF GOVERNMENT .....	9
CHAPTER 5 – GENERAL PROVISIONS REGARDING OFFICERS AND PERSONNEL OF THE CITY .....	14
CHAPTER 6 – CITY COUNCIL PROCEDURES, POWERS AND DUTIES .....	19
CHAPTER 7 – LEGISLATION .....	22
CHAPTER 8 – SUPERVISORS .....	27
CHAPTER 9 – GENERAL FINANCE .....	28
CHAPTER 10 – TAXATION .....	31
CHAPTER 11 – SPECIAL ASSESSMENTS .....	34
CHAPTER 12 – BORROWING POWER .....	35
CHAPTER 13 – PURCHASES, CONTRACTS AND LEASES .....	38
CHAPTER 14 – MUNICIPALLY OWNED UTILITIES .....	40
CHAPTER 15 – PUBLIC UTILITY FRANCHISES .....	42
CHAPTER 16 – MISCELLANEOUS .....	44
CHAPTER 17 – SCHEDULE .....	48
RESOLUTION OF ADOPTION .....	50
APPROVAL OF CHARTERS .....	50

INDEX

	Page
CHAPTER 1	
NAME AND BOUNDARIES OF THE CITY . . . . .	1
CHAPTER 2	
MUNICIPAL POWERS . . . . .	2
General Powers . . . . .	2
Further Definition of Powers . . . . .	2
Exercise of Power . . . . .	5
Inter-Governmental Contracts . . . . .	5
CHAPTER 3	
ELECTIONS . . . . .	6
Qualifications of Electors . . . . .	6
Elections . . . . .	6
Wards and Precincts . . . . .	6
Elective Officers . . . . .	6
Regular City Elections . . . . .	7
Special City Elections . . . . .	7
Nominations Petitions . . . . .	7
Approval of Petitions . . . . .	7
Public Inspection of Petitions . . . . .	8
Form of Ballots . . . . .	8
Tie Votes . . . . .	8
CHAPTER 4	
ORGANIZATION OF GOVERNMENT . . . . .	9
Mayor-Council Government . . . . .	9
City Governing Body . . . . .	9
Election and Term of Office of Councilmen and Mayor . . . . .	9
Compensation of Mayor and Councilmen . . . . .	9
Organization Meeting . . . . .	9
Vacancy in Office of Mayor Pro-Tem . . . . .	9
Administrative Offices, Appointment, Term Remuneration . . . . .	9
Functions of the Mayor . . . . .	10
Veto Powers . . . . .	11
Clerk, Functions and Duties . . . . .	12
Treasurer, Functions and Duties . . . . .	11
Assessor, Functions and Duties . . . . .	12
Attorney, Functions and Duties . . . . .	12
Compensation of Attorney . . . . .	13
Police Department . . . . .	13
Planning . . . . .	13
Civil Service Commission . . . . .	13
Cemetery . . . . .	13
Library . . . . .	13
Independent Boards and Commissions . . . . .	13
CHAPTER 5	
GENERAL PROVISIONS REGARDING OFFICERS AND PERSONNEL OF THE CITY . . . . .	14
Eligibility for Office in City . . . . .	14
Vacancies in Elective Offices . . . . .	14

Vacancies in Boards and Commissions . . . . .	15
Removals from Office . . . . .	15
Resignations . . . . .	15
Filling Vacancies in Appointive Offices . . . . .	15
Filling Vacancies in the Office of Councilman . . . . .	15
No Extension of Terms . . . . .	16
Oath of Office and Bond . . . . .	16
Surety Bonds . . . . .	16
Delivery of Office . . . . .	17
Pecuniary Interest Prohibited . . . . .	17
Anti-Nepotism . . . . .	18
Compensation . . . . .	18
Employee Welfare Benefits . . . . .	18
Merit System . . . . .	18
CHAPTER 6	
CITY COUNCIL, PROCEDURES, POWERS AND DUTIES . . . . .	19
Regular Meetings . . . . .	19
Special Meetings . . . . .	19
Business of Special Meetings . . . . .	19
Meetings to be Public . . . . .	19
Quorum: Adjournment of Meetings . . . . .	19
Compulsory Attendance and Conduct of Meetings . . . . .	19
Rules and Organization of the Council . . . . .	20
Providing for Public Health and Safety . . . . .	20
Investigations . . . . .	20
CHAPTER 7	
LEGISLATION . . . . .	22
Prior Legislation . . . . .	22
Ordinances and Resolutions . . . . .	22
Enactment, Amendment, Repeal and Effective Date of Ordinance . . . . .	22
Publication and Recording of Ordinances . . . . .	23
Penalties for Violating of Ordinances . . . . .	23
Special Procedure on Vote on Certain Council Actions . . . . .	23
Severability of Ordinances . . . . .	24
Compilation . . . . .	24
Initiative and Referendum . . . . .	24
Initiatory and Referendary Petitions . . . . .	24
Council Procedure on Initiatory and Referendary Petitions . . . . .	25
Submission of Initiatory and Referendary Ordinances to Electors . . . . .	25
Ordinance Suspended: Miscellaneous Provisions on Initiatory and Referendary Ordinances . . . . .	25
Ordinances Pertaining to Certain Public Interests . . . . .	26
CHAPTER 8	
SUPERVISORS . . . . .	27
Number of Supervisors . . . . .	27
Election of Supervisors . . . . .	27
Duties of Supervisors . . . . .	27
Compensation of Supervisors . . . . .	27
CHAPTER 9	
GENERAL FINANCE . . . . .	28
Fiscal Year . . . . .	28

Budget Procedure . . . . .	28
Public Inspection of Budget Proposal . . . . .	28
Budget Hearing . . . . .	28
Adoption of Budget . . . . .	29
Budget Control . . . . .	29
Depositories . . . . .	30
Investments . . . . .	30
Accounting System . . . . .	30
Annual Audit . . . . .	30
Withdrawal of Funds . . . . .	30
 CHAPTER 10	
TAXATION . . . . .	31
Power to Tax—Tax Limit . . . . .	31
Subjects of Taxation . . . . .	31
Tax Day . . . . .	31
Jeopardy Assessment . . . . .	31
Preparation of the Assessment Roll . . . . .	31
Board of Review . . . . .	32
Meeting of Board of Review . . . . .	32
Notice of Meeting . . . . .	32
Organization and Functions of the Board of Review . . . . .	32
Endorsement of Roll—Validity . . . . .	33
State, County and School Taxes . . . . .	33
Collection of City Taxes . . . . .	33
 CHAPTER 11	
ASSESSMENTS . . . . .	34
 CHAPTER 12	
BORROWING POWER . . . . .	35
Grant of Authority to Borrow . . . . .	35
Authorization of Electors Required . . . . .	35
Applicability of Other Statutory Restrictions . . . . .	36
Powers, Limits of Borrowing Powers . . . . .	36
Preparation and Record of Bonds . . . . .	36
Unissued Bonds . . . . .	37
Deferred Payment Contracts . . . . .	37
 CHAPTER 13	
PURCHASES, CONTRACTS AND LEASES . . . . .	38
Purchase and Sale of Property . . . . .	38
Contracts . . . . .	38
Restriction on Powers to Lease Property . . . . .	39
 CHAPTER 14	
MUNICIPALLY OWNED UTILITIES . . . . .	40
General Powers Respecting Utilities . . . . .	40
Management of Municipal Utilities . . . . .	40
Rates . . . . .	40
Charges — Collection . . . . .	40
Disposal of Utility Plants and Property . . . . .	41
Utility Finances . . . . .	41
 CHAPTER 15	
PUBLIC UTILITY FRANCHISES . . . . .	42

Franchises Remain in Effect . . . . .	42
Granting of Public Utility Franchises . . . . .	42
Conditions of Public Utility Franchises . . . . .	42
Regulation of Rates . . . . .	43
Use of Public Places by Utilities . . . . .	43

CHAPTER 16

MISCELLANEOUS . . . . .	44
City Liability . . . . .	44
No Estoppel . . . . .	44
Records to be Public . . . . .	44
Definition of Publication in a Newspaper – Mailing of Notices . . . . .	44
Trusts . . . . .	45
Vacancies in Appointive Boards and Commissions . . . . .	45
Sundays and Holidays . . . . .	45
Charter and Section Headings . . . . .	45
Processes Against City . . . . .	45
Quorum . . . . .	45
Penalties for Misconduct in Office . . . . .	45
Amendments . . . . .	46
Severability of Charter Provisions . . . . .	46
Interpretations and Definitions . . . . .	46

CHAPTER 17

SCHEDULE . . . . .	48
Purpose and Status of Schedule Chapter . . . . .	48
Election to Adopt Charter . . . . .	48
Form of Ballot . . . . .	48
Elective Officers of the City . . . . .	48
Effective Date of Charter . . . . .	49
Fiscal Year: City Budget . . . . .	49
Council Action . . . . .	49
Compensation of Officers . . . . .	49
Administrative Officers . . . . .	49
Boards and Commissions . . . . .	49
New State Constitution . . . . .	49
RESOLUTION OF ADOPTION . . . . .	50
APPROVAL OF CHARTER . . . . .	50

**CHAPTER 1**  
**NAME AND BOUNDARIES OF THE CITY**

Section 1. The following described territory, together with all territories that may be hereafter annexed thereto, shall continue and remain a body corporate under the official name and title of "City of Coleman" and shall be subject to the Municipal control of said city: The territory in the County of Midland, State of Michigan, described as follows, to-wit:

The Southeast Quarter of Section 19; the Southwest Quarter of Section 20; the Northwest Quarter of Section 29; and the Northeast Quarter of Section 30, all in Township 16 North, Range 2 West, Midland County, Michigan.

**CHAPTER 2**  
**MUNICIPAL POWERS**

**GENERAL POWERS:**

Section 1. Unless otherwise provided or limited in this charter, the City and its officers shall be vested with all of the powers, privileges and immunities, expressed or implied, which cities and their officers are permitted to exercise or provide for in their charters under the Constitution and Laws of the State of Michigan and the United States of America. This shall include all powers, privileges and immunities which cities have or may have under and by virtue of Act 279, Public Acts of 1909 as amended.

**FURTHER DEFINITION OF POWERS:**

Section 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;

Section 2.1. The acquisition by purchase, gift, condemnation, lease or in any manner permitted by statute, of private property of every type and nature for public use, which property may be located within or without the City of Coleman 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;

Section 2.2. The maintenance, development, operation, leasing and disposal of city property subject to any restrictions placed thereon by statute or this charter;

Section 2.3. The refunding of money advanced or paid on special assessments for borrowing money for such refunding, and for issuing bonds therefor at an interest rate not to exceed statutory limits;

Section 2.4. The purchase or condemnation of the franchise and of the property used in the operation of companies or individuals engaged in the cemetery, hospital, electric light, gas, heat, water and power business;

Section 2.5. The establishing and vacating 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;

Section 2.6. The use, by others than the owner, of public property located in streets, alleys and public places, in the operation of a public utility, upon the payment of a reasonable compensation to the owners thereof;

Section 2.7. A plan of streets and alleys within and for a distance of not more than three (3) miles beyond the municipal limits;

Section 2.8. The acquiring, establishment, operation, extension and maintenance of facilities for the storage and parking of vehicles within its corporate limits, including the fixing and collection of charges for service and use thereof on a public utility basis, and for such purpose to acquire by gift, purchase, condemnation or otherwise, the land necessary therefor;

Section 2.9. Regulating and restricting the locations of oil and gasoline stations;



Section 2.10. The establishing of districts or zones within which the use of land and structures, the heights, 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;

Section 2.11. The regulating of trades, occupations and amusements within the city, not inconsistent with state and federal laws, and for prohibiting of such trades, occupations, and amusements as are detrimental to the health, morals or welfare of its inhabitants;

Section 2.12. Licensing, regulating, restricting and limiting the number and locations of advertising signs or displays and billboards within the city;

Section 2.13. 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;

Section 2.14. The prescribing of the terms and conditions upon the 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 faithful observance of the conditions under which licenses are granted, and otherwise conditioning such licenses as the council may prescribe;

Section 2.15. The regulating of all airports located 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 in accordance with Federal statute;

Section 2.16. The prohibiting or regulating of the use and parking of house-trailers within the city, and the right of the city to so regulate any house-trailer shall not be annulled because of any detachment thereof from its wheels or because of placing it on, or attaching it to, the ground by means of any temporary or permanent foundation, or in any manner whatsoever whether such be located within or without the limits of the city;

Section 2.17. The requiring of an owner of real property within the city to construct and maintain sidewalks abutting upon such property, and if the owner fails to comply with such requirements or if the owner is unknown, to construct and maintain such sidewalks and assess the cost thereof against the abutting property in accordance with Chapter XI, Section 1, (Assessments) of this charter;

Section 2.18. 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 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 hazard or nuisance and assess the cost as a special assessment;

Section 2.19. The compelling of owners of real property within the city to keep sidewalks abutting upon their property clear from snow, ice or other obstruction, and if the owner fails to comply with such requirements, to remove such snow, ice or other obstructions and assess the cost as a special assessment;

Section 2.20. The control over all trees, shrubs and plants in the public streets,

highways, parks or other public places in the city, all dead and diseased trees on private property and trees on private property overhanging the street, sidewalk or public places including the removal thereof, and assessing the cost thereof as a special assessment;

Section 2.21. Requiring the platting of all land or premises within the city hereafter subdivided, in accordance with the terms and conditions as may be provided by Ordinance, subject to any limitations imposed by statute;

Section 2.22. The power to assess taxes and levy and collect rents, tolls, and excises in accordance with statute and the provisions of this charter;

Section 2.23. Providing, maintaining and regulating one or more pounds and to authorize the impounding of all vehicles, beasts and fowls found in the streets or otherwise at large, contrary to any ordinance of the city, prescribing of the fees for impounding, and of the amount or rate of expense for keeping, and charges to be paid by the owner, and to provide for and impose the payment of such fees, expenses and charges, and penalties incurred;

Section 2.24. The borrowing of money in accordance with statute on the credit of the city and issuing bonds therefor, for any purpose within the scope of its powers;

Section 2.25. The borrowing of money and issuing bonds therefor in anticipation of the payment of special assessments, which bonds may be an obligation of the special assessment district and a general obligation of the city;

Section 2.26. The installation and connection of sewers and waterworks on and to the property within the city; for assessing the cost thereof to the several properties and making a lien thereon; and for borrowing of money and issuing bonds in anticipation of the collection of such special assessments;

Section 2.27. The assessing and re-assessing of costs or any portion thereof, of any public improvement to a special district;

Section 2.28. The assessing of costs for installing boulevard lighting system on any street upon the lands abutting thereupon provided the property owners of a majority of the frontage on such street or part thereof to be so improved, shall petition therefor;

Section 2.29. The acquiring, establishment, operation, extension and maintenance of sewage disposal systems, sewers and plants, either within or without the corporate limits of such city, as a utility, including the right to acquire property necessary therefor, by purchase, gift or condemnation, and including the fixing and collecting of charges for service covering the cost of such service, the proceeds whereof shall be exclusively used for the purpose of said sewage disposal system, and which may include a return on the fair value of the property devoted to such service, excluding from such valuations such portions of the systems as may have been paid for by special assessments and which charge may be made a lien upon the property served and if not paid when due, to be collected in the same manner as other city taxes;

Section 2.30. The initiative and referendum on all matters within the scope of its powers and for the recall of all of its officials;

Section 2.31. The enforcement of all local, police and sanitary ordinances not prohibited by the statutes of the State of Michigan;

Section 2.32. The establishment of any department that it may deem necessary for the general welfare of the city, and for the separate incorporation thereof; provided, however, that these provisions shall not be construed to extend to or include public schools;

Section 2.33. The altering, amending or repealing any special act affecting any municipal concerns or existing municipal department;

**EXERCISE OF POWER:**

Section 3. Where no procedure for the exercise of any power of the city or its officers is set forth, either in this charter, or in any statute of the State of Michigan, the council shall prescribe a reasonable procedure for the exercise thereof by ordinance.

**INTER-GOVERNMENTAL CONTRACTS:**

Section 4. The city may join with any governmental unit or agency, or with any number or combination thereof, by contract or otherwise as may be permitted by law to perform jointly, or by one or more, for or on behalf of the other or others, any power or duty which is permitted to be so performed by law by each participating governmental unit or agency.

**CHAPTER 3  
ELECTIONS**

**QUALIFICATIONS OF ELECTORS:**

Section 1. The residents of the city having the qualifications of electors in the State of Michigan, and no others, shall be electors of the city.

**ELECTIONS:**

Section 2. The election of all city officers shall be on a non-partisan basis. The election laws of the State of Michigan shall apply to and control all procedures relating to registration, notices of election, voting hours, board of election commissioners, board of canvassers, recount, absent voters, recall, and city elections, except as such general laws relate to political parties or partisan procedure and except as otherwise provided in this charter.

**WARDS AND PRECINCTS:**

Section 3. The City of Coleman shall consist of one (1) ward and election precincts as established by State Law. The city council may by ordinance establish convenient election precincts.

**ELECTIVE OFFICERS:**

Section 4. The elective officers of the city shall be the Mayor and six (6) councilmen.

The first election after the adoption of this charter shall take place in the first even numbered year. At the first election after the adoption of this charter, the Mayor and six (6) councilmen shall be elected. The Mayor shall be elected for two (2) years, three (3) councilmen receiving the highest number of votes shall be elected for four (4) years, and the other three councilmen shall be elected for two (2) years.

After the first election the terms of offices shall be Mayor two (2) years, and Councilmen four (4) years.

Those people in office when this charter takes effect shall serve until their successors are elected and qualified.

#### **REGULAR CITY ELECTIONS:**

Section 5. Non-partisan regular city elections shall be held on the first Tuesday after the first Monday in November of even numbered years or on the same date as the general election is held in the State of Michigan, or on such other date as Members of the Congress of the United States are regularly elected.

Section 5.1. No Primary Election shall be held unless required by Statutes of the State of Michigan and when a primary is held, the time and conduct of Primaries shall be governed by Statute.

#### **SPECIAL CITY ELECTIONS:**

Section 6. Special city elections shall be held when called by Resolution of the Council at least forty-five (45) days in advance of such election, or when required by this charter or the general laws of the State. Any regulations calling a special election shall set forth the purpose of such election. No more special city elections shall be called in any one year than permitted by statute.

#### **NOMINATIONS PETITIONS:**

Section 7. Persons desiring to qualify as candidates for any elective office under this charter shall file a petition therefor with the clerk signed by not less than twenty (20) registered electors of the city nor more than five per-cent of the electors registered at the last election, not later than 5:00 p.m. on the fourth Monday prior to the date of the city election. The form of petition shall be substantially as that designated by the Secretary of State for the nominations of non-partisan judicial officers. A supply of official petition forms shall be provided and maintained by the clerk.

The clerk shall publish notice of the last day and time for filing nomination petitions at least one week before and not more than three weeks before that date. Where any signature appears on more petitions than there are candidates to be elected to said office, such names shall be counted only in the order of the respective dates of signing as shown on the petition.

Section 7.1. In the event that there are no petitions existing for an elective office or offices, after the deadline for nomination petitions, the Council shall immediately appoint at least one candidate for that office, whose name(s) shall appear on the election ballot.

#### **APPROVAL OF PETITIONS:**

Section 8. The Clerk shall accept only nomination petitions which conform with the forms provided and maintained by him, 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. When a petition is filed by persons other than the person whose name appears thereon as a candidate, it may be accepted

only when accompanied by the written consent of the candidate. The clerk shall forthwith after the filing of the petition, notify in writing any candidate whose petition is then known not to meet the requirements of this section, but the failure to so notify any candidate shall in no way prevent a final determination that the petition does not meet such requirements. If he finds that any petition does not contain the required number of genuine signatures of registered electors of the city, he shall immediately notify the candidates in writing of the insufficiency of his petition. No additional signatures on any petition shall be received by the clerk after the final date and time fixed for filing nomination petitions. Within five days after the last date for filing petitions, the clerk shall make his final determinations as to the validity and sufficiency of each nomination and whether or not the candidate has the qualifications required for those respective city offices by this charter and shall write his determinations thereof on the face of the petition and shall notify in writing the candidate whose name appears thereon of his determinations.

#### **PUBLIC INSPECTION OF PETITIONS:**

Section 9. All nomination petitions shall be open to the public inspection in the office of the clerk.

#### **FORM OF BALLOTS:**

Section 10. The form of the ballot used in any city election shall conform as nearly as may be to that prescribed by the general laws of the State except that no party designation shall appear upon any city ballot. The names of qualified nominees for each office shall be listed in a single column and shall be rotated on the ballots as prescribed by statute.

#### **TIE VOTES:**

Section 11. In case it shall appear that two or more persons have an equal number of votes for the same office for which but one person is to be elected and the same shall be the highest number of votes cast therefor, the Board of Canvassers, after notice to each of such candidates of a time and place therefor, shall determine the successful candidate by lot and shall declare and certify the same accordingly. Such determination, however shall not preclude the right of a defeated candidate to a recount as prescribed by the general election laws of the State of Michigan.

**CHAPTER 4  
ORGANIZATION OF GOVERNMENT**

**MAYOR-COUNCIL GOVERNMENT:**

Section 1. The City of Coleman, Michigan, shall have the Mayor-Council form of government.

**CITY GOVERNING BODY:**

Section 2. The Legislative and Policy-forming powers of the City shall be vested in a Council of six (6) members and a Mayor.

**ELECTION AND TERM OF OFFICE OF COUNCILMEN AND MAYOR:**

Section 3. Members of the council shall meet the eligibility requirements set forth in the charter, in Chapter 5, Section 1. At each regular election there shall be elected a Mayor for a two (2) year term, three councilmen for a four year (4) term, and such additional councilmen as may be required to fill vacancies. All such terms shall commence at the first meeting in December succeeding the date of such election.

**COMPENSATION OF MAYOR AND COUNCILMEN:**

Section 4. Compensation for council members shall be five (\$5.00) Dollars per meeting, not to exceed One Hundred Fifty (\$150.00) Dollars a year for the meetings attended. The Mayor shall receive Five (\$5.00) Dollars per meeting plus Two Hundred (\$200.00) Dollars additional compensation, not to exceed a maximum amount of Three Hundred Fifty (\$350.00) Dollars a year. Further said Mayor and Councilmen shall upon authorization of the council, be allowed reasonable expenses, when actually incurred on behalf of the city.

**ORGANIZATION MEETING:**

Section 5. The council shall hold its organization meeting at the first meeting in December following the election of council members. At this time the Council shall appoint by majority vote a Mayor pro tem who shall serve if the office of Mayor be vacated on a temporary or permanent basis.

**VACANCY IN OFFICE OF MAYOR PRO-TEM:**

Section 6. In the event of a vacancy occurring in the office of Mayor Pro-tem, the council shall elect from its membership a replacement or replacements to fill the vacancy or vacancies. Such election shall be by written ballot and by a majority vote of the members of the council in office at the time.

In the absence or disability of both the Mayor and the Mayor Pro-tem, the acting mayor as selected by the council shall perform the duties of the Mayor.

**ADMINISTRATIVE OFFICES, APPOINTMENT, TERM REMUNERATION:**

Section 7. The administrative offices of the city shall be the Clerk, the Treasurer, Assessor, Chief of Police, the Fire Chief, Board of Review, and City Attorney.

The city attorney shall hold office by virtue of appointment by the council, which body shall also set his salary or remuneration by ordinance. He shall be responsible to and serve at the pleasure of the council.

All other administrative officers of the city shall be appointed by the Mayor with the consent of the council, and be responsible to the Mayor. The salaries of these officers shall be set by ordinance. All personnel employed by the city who are not elected officers of the city or declared to be administrative officers by or under authority of this section, shall be deemed to be employees of the city.

On recommendation of a department head, the Mayor shall have the authority to hire, suspend, or discharge any employee of a department. The term of office of each officer shall be indefinite. Officers appointed by the city mayor shall be subject to removal by the mayor with the right of appeal to the council.

Any administrative officer who has been discharged may, within ten (10) days after his discharge, petition the council to hear the facts regarding such discharge, and in such case the council shall hold a hearing and inquire into such facts and shall make such decision in the matter as it considers proper.

#### **FUNCTIONS OF THE MAYOR:**

Section 8. The Mayor shall be the chief executive officer of the city. He shall preside at the meetings of Council and shall have a voice but no vote except to break a tie vote, and shall from time to time give the council information concerning the affairs of the corporation, and recommend such measures as he may deem expedient. His functions and duties shall be as follows:

- a. To see that all laws and ordinances are enforced.
- b. To be responsible to the council for the efficient administration of all administrative departments of the city government.
- c. To be responsible for all public improvements, works and undertakings of the city.
- d. To be responsible for construction, repair, maintenance, lighting, drains and cleaning of all streets, sidewalks, bridges, pavements, sewers, and of all public buildings or other property belonging to the city.
- e. To be responsible for all city utilities.
- f. To be responsible for the preservation of property, tools, equipment and appliances of the city.
- g. To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise, or in any contracts are faithfully kept and performed.
- h. To be responsible for the annual budget under the policies formulated by the council and by this charter, by ordinance or by statute. He shall perform such other duties as may be prescribed for him by this charter, the laws of the State of Michigan or ordinances of this city.
- i. To conduct all sales of personal property with the council may authorize.
- j. To assume all the duties and responsibilities as personnel director of all city employees or delegate such duties to some other officer or employee of the city, provided



that such delegation shall not relieve him of any responsibility for the proper conduct of such duties.

k. To perform such other duties as may be prescribed by the charter or required of him by ordinance, or statute or by direction of the council, or which duties are not assigned to some other official in conformity with the provisions of this charter.

l. To be a member ex-officio, of all committees of the council.

m. To prepare and administer an administrative code which, when adopted by the council, shall supplement this charter in establishing the duties and functions of each officer and department of the city.

n. To appoint with the consent of the council the heads of the several city departments whose appointment is not otherwise specified in this charter and to direct and supervise each department head.

o. To establish any rules necessary to carry out any of the foregoing duties.

#### **VETO POWERS:**

8.1. No ordinance or resolution passed by the council shall have any force or effect, if, on the day of its passage, or on the next day thereafter, the mayor, or other officer or person discharging the duties of the Mayor, shall lodge in the office of the Clerk a notice, in writing, suspending the immediate operation of such ordinance or resolution. If the Mayor, or other officer or person legally exercising the office of mayor, shall, within three (3) days after the passage of any such ordinance or resolution, lodge in the office of the city clerk his reasons in writing, why the same shall not go into effect, the same shall not go into effect nor have any legal operation, unless it shall, at a subsequent meeting of the council, be passed by a two-thirds (2/3) vote of all the aldermen elect, exclusive of the Mayor, or other officer legally exercising the duties of the office of Mayor, and if so re-passed shall go into effect according to the terms thereof. If such reasons shall not be lodged with the clerk as above provided, such ordinance or resolution shall have the same operation and effect as if no notice suspending the same had been lodged with the city clerk, and no ordinance or resolution of the council shall go into operation until after the expiration of twenty-four (24) hours after its passage, unless the said Mayor, or acting Mayor shall approve the same in writing.

#### **CLERK, FUNCTIONS AND DUTIES:**

Section 9. (a) The clerk shall be the clerk of the council, shall attend all meetings of the council and shall keep a journal of its proceedings.

(b) The Clerk shall certify with his signature all ordinances and resolutions enacted or passed by the council.

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

(d) The Clerk shall be custodian of the City Seal, affix it to all documents and instruments requiring the seal and shall attest the same. He shall also be custodian of all papers, documents, and records pertaining to the city, the custody of which is not otherwise provided for in this charter.

(e) The clerk shall be the chief accountant of the city and shall maintain the accounting system. The clerk shall submit all invoices for payment of services or material to the council for approval before payment.

(f) The clerk shall perform such other duties as are required by law, this charter, or by the council.

(g) To prepare and submit to the council as of the end of the fiscal year a complete report of the city's business and to make the same available to the public in such form as will disclose pertinent facts concerning the activities and finances of the city government.

#### **TREASURER, FUNCTIONS AND DUTIES:**

Section 10. (a) The Treasurer shall have the custody of all monies of the city, the Clerk's bond, and all evidences of value belonging to the city, or held in trust by the city.

(b) He shall receive all monies belonging to and receivable by the city, including license fees, taxes, assessments, and all other charges belonging to and payable to the city and shall keep in all cases a receipt therefor.

(c) He shall keep and deposit all monies or funds in such manner and only in such places as the council may determine. He shall report the same in detail to the council.

(d) He shall have such powers and duties in regard to the collection and custody of taxes and monies as may be conferred upon him by this charter or by State law.

(e) He shall perform such other duties as may be prescribed for him by this charter or by the Council or Mayor.

#### **ASSESSOR, FUNCTIONS AND DUTIES:**

Section 11. The assessor shall possess all the powers vested in and shall be charged with all the duties imposed upon assessing officers by the laws of the State of Michigan. He shall prepare all regular and Special Assessment rolls in the manner prescribed by this charter, by ordinance or by statute.

#### **ATTORNEY, FUNCTIONS AND DUTIES:**

Section 12. (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. He shall advise any officer or department head of the city in matters relating to his official duties when so requested and shall file with the clerk a copy of all written opinions given by him.

(b) The attorney shall prosecute such ordinance violations and he shall conduct for the city such cases in court and before other legally constituted tribunals as the council may request. He 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 him by the council and shall promptly give his 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 him by this charter or by the council.

(f) Upon 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:**

Section 13. The compensation of the attorney shall be set by ordinance.

#### **POLICE DEPARTMENT:**

Section 14. (a) The chief of police shall be in charge of the police department. To be eligible for appointment as chief of police, a person must be qualified for such office by education, training or experience. Such qualifications shall be determined by the city council.

(b) Police officers shall have all powers, immunities and privileges granted to peace officers.

#### **PLANNING:**

Section 15. The council shall maintain a city planning commission in accordance with and having all the powers and duties granted by the provisions of statute relating to such commissions.

#### **CIVIL SERVICE COMMISSION:**

Section 16. The City Council shall prepare a written statement of policy and conditions of employment and this shall be discussed with all administrative officers by the Mayor or his representative. The administrative officer will then be responsible to show and discuss this written statement of policy to any and all city employees under his supervision at the time of initial employment or at any other time when determined necessary.

#### **CEMETERY:**

Section 17. The city council shall have the power to acquire and operate cemeteries and may appoint a cemetery board with such authority as may be deemed necessary by the council or as shall be provided by statute.

#### **LIBRARY:**

Section 18. The city council shall have the power to establish and maintain a public library and reading room for the use and benefit of the inhabitants of the city, and may levy such taxes for its support as are authorized by statute.

#### **INDEPENDENT BOARDS AND COMMISSIONS:**

Section 19. The council may not create any board or commission, other than those provided for in this charter, to administer any activity, department or agency of the city government except (a) a Municipal Hospital, (b) Recreation, or (c) any activity which by statute is required to be so administered. The council may, however, establish (a) quasi-judicial appeal boards and (b) boards or commissions to serve solely in an advisory capacity.

**CHAPTER 5  
GENERAL PROVISIONS REGARDING OFFICERS  
AND PERSONNEL OF THE CITY**

**ELIGIBILITY FOR OFFICE IN CITY:**

Section 1. No person shall hold any elective office unless he is a qualified and registered elector of the city on the last day for filing original petitions for such office or at the time of appointment to the office.

In the event an elective official ceases to reside within the city, a vacancy shall occur in his office.

Each candidate for elective office shall file with his petition his affidavit that he possesses the qualifications for such office provided in this section. Failure to file such affidavit shall invalidate his petition.

No person shall be eligible for any elective or appointive city office who is in default to the city. 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 contesting the liability for such default.

Any member of a city board or commission who is not a resident of the city during his tenure of office, shall have a voice but no vote, except that non-resident members of independent boards may be granted voting powers by consent of a majority of the council.

Except as otherwise provided in this charter, no elective officer may be appointed to any city office or be employed by the city during the term of office for which he was elected.

**VACANCIES IN ELECTIVE OFFICES:**

Section 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 tribunal of any act constituting misconduct in office under the provisions of this charter;

(d) In the case of any member of the council, if such officer shall miss four (4) consecutive regular meetings of the council or twenty-five per cent of such meetings in any fiscal year of the city, unless such absence shall be excused by the council and the reason therefor entered in its proceedings at the time of each absence;

(e) If the officer is removed from office by the council in accordance with the requirements of Section 4, (REMOVALS FROM OFFICE) of this chapter.

### **VACANCIES IN BOARDS AND COMMISSIONS:**

Section 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 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 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 meetings of such board or commission or twenty-five per cent of such meetings in any fiscal year of the city, unless such absence shall be excused by such board or commission and the reason therefor entered in the proceedings at the time of each absence;

(d) If the officer is removed from office by the council in accordance with the requirements of Section 4, (REMOVALS FROM OFFICE) of this chapter.

### **REMOVALS FROM OFFICE:**

Section 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 hearing of which such office has been given notice by the clerk at least ten (10) days in advance, either personally or by certified mail, postage prepaid, addressed to him at his last known place of residence. Such notice shall include a copy of the charges against such officer. The hearing shall afford an opportunity to the officer, in person or by attorney, to be heard in his defense, to cross-examine witnesses and to present testimony. If such officer shall neglect to appear at such hearing and answer such charges, his failure to do so may be deemed cause for his removal. A majority vote of the members of the council in office at the time, exclusive of any member whose removal is being considered, shall be required for any such removal.

### **RESIGNATIONS:**

Section 5. Resignations of elective officers and of members of boards and commissions shall be made in writing and filed with the clerk and shall be acted upon by the council at its next regular or special meeting following receipt thereof by the clerk. Resignations of appointive officers shall be made in writing to the appointing officer or body and shall be acted upon immediately.

### **FILLING VACANCIES IN APPOINTIVE OFFICES:**

Section 6. Vacancies in appointive offices shall be filled in the manner provided for making original appointments. 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 THE OFFICE OF COUNCILMAN:**

Section 7. Any vacancy in the office of councilman will be filled within sixty

(60) days by a majority vote of the members of the council then in office. Said appointment shall be for a term expiring on the first Monday in December following the next regular city election, at which election such vacancy shall be filled for the balance of the unexpired term through the regular election procedure as provided elsewhere in this charter.

#### **NO EXTENSION OF TERMS:**

Section 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 a definite term shall not be shortened. The terms of elective officers shall not be extended beyond the period for which any such officer was elected except that an elective officer shall, after his term has expired, continue to hold office until his successor is elected or appointed and has qualified.

The council shall not grant or authorize extra compensation to any officer or employee after his service has been rendered. The salary of any elective officer shall not be increased or decreased from the day he is elected until the end of the term of office for which he was elected.

#### **OATH OF OFFICE AND BOND:**

Section 9. Every officer, elective or appointive, before entering upon the duties of his office, shall take the oath of office prescribed for public officers by the constitution and shall file the oath 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 he is notified in writing of his 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.

#### **SURETY BONDS:**

Section 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 he will faithfully perform the duties of his office, and will, on demand, deliver over to his successor in office, or other proper officer or an agent of the city, all books, papers, moneys, effects, and property belonging thereto or appertaining to his office, which may be in his custody as an officer or employee; and such bonds may be further conditioned as the council may 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 he will, on demand, pay over or account for to the city, or any proper officer or agent thereof, all moneys received by him as such officer or employee. The requirements of this paragraph may be met by the purchase of one 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 11. Whenever any officer or employee shall cease to hold such office or employment for any reason whatsoever, he shall within five (5) days, or sooner, on demand, deliver to his successor in office or to his superior all the books, papers, moneys and effects in his custody as such officer or employee. Any officer violating this provision may be proceeded against in the same manner as public officers generally for a like offense under statute. Any employee found guilty of violating this provision by a competent tribunal may be punished by a fine of not to exceed Five Hundred (\$500.00) Dollars or imprisonment for not to exceed ninety (90) days, or both, in the discretion of the Court.

#### **PECUNIARY INTEREST PROHIBITED:**

Section 12. (a) Except as permitted by this section, no contract or purchase involving an amount in excess of One Hundred (\$100.00) Dollars shall be made by the city in which any elective or appointive officer or any member of his family has any pecuniary interest, direct or indirect. No contract or purchase shall be divided for the purpose of circumventing the dollar value limitation. A "contract" shall for the purpose 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 his family" shall include spouse, children, and the spouse of any of them.

(b) Without limiting the generality of paragraph (a) of this section, an officer shall be deemed to have pecuniary interest in a contract if he or any member of his family is an employee, partner, officer, director, or sales representative of the person, firm, or corporation with which said contract is made, or of a sales representative of such person, firm, or corporation. Ownership, individually or in a fiduciary capacity, by an officer, or member of his family, of securities, or of any beneficial interest in securities, of any corporation with which a contract is made, shall not be deemed to create a pecuniary interest in such contract unless the aggregate amount of such securities or interest in such securities, so owned by such officer and the member of his family, shall amount to ten percent of any class of the securities of such corporation then outstanding.

(c) A contract in which an officer or member of his 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 by a majority vote of those having no interest determine that the best interests of the city will be served by the making of such contract and if such contract is made after sealed bids are obtained.

(d) Any officer who knowingly permits the city to enter into any contract in which he has a pecuniary interest without disclosing such interest to the council in authorizing such contract, shall be guilty of mis-conduct in office.

(e) No officer shall stand as surety in 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 mis-conduct in office.

**ANTI-NEPOTISM:**

Section 13. Unless the council shall by majority vote, which vote shall be recorded as part of its official proceedings, determine that the best interests of the City shall be served, the following relatives of any elective or appointive officers are disqualified from holding any appointive office or employment during the term for which said elective or appointive officer was elected or appointed: cousins, nieces, nephews, spouse, child, parent, grandchild, grandparent, brother, sister, half-brother, half-sister, or the spouses of any of them. 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 for the city at the time of the election or appointment of said official.

**COMPENSATION:**

Section 14. (a) The compensation of all employees and officers of the city whose compensation is not provided for herein shall be fixed by the appointing officer or body within the limits of budget appropriations and in accordance with any pay plan adopted by ordinance.

(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. 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 Mayor. The provisions of paragraph (b) of this section shall not apply to fees, commissions or other compensation paid by the County of Midland to any officer or employee serving as a city representative on the Board of Supervisors.

(c) Nothing contained in this section shall prohibit the payment of necessary bona fide expenses incurred in service in behalf of the city.

**EMPLOYEE WELFARE BENEFITS:**

Section 15. The council shall have the power to make available to the administrative officers and employees of the city and its departments and boards any recognized standard plan of group life, hospital, health, or accident insurance either independently or, as a supplement to, any retirement plan provided for said officers and employees.

**MERIT SYSTEM:**

Section 16. The council may provide for a merit system for city employees.



**CHAPTER 6**  
**CITY COUNCIL, PROCEDURES,**  
**POWERS AND DUTIES**

**REGULAR MEETINGS:**

Section 1. The council shall provide by resolution for the time and place of its regular meetings and shall hold at least two regular meetings each month.

**SPECIAL MEETINGS:**

Section 2. Special meetings of the council shall be called by the clerk on the written request of the Mayor or any two members of the council on at least six hours written notice to each member of the council served personally or left at his usual place of residence; but a special meeting may be held on a shorter notice if all members of the council are present or if all members of the council have waived notice thereof in writing.

**BUSINESS OF SPECIAL MEETINGS:**

Section 3. No business shall be transacted at any special meeting unless the same shall have been stated in the notice of such meeting. However, any business which might lawfully come before a regular meeting may be transacted at such special meeting if all members consent thereto and all the members absent file their written consent.

**MEETINGS TO BE PUBLIC:**

Section 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.

**QUORUM: ADJOURNMENT OF MEETINGS:**

Section 5. Five members of the council in office, which number may include the Mayor, shall be a quorum for the transaction of business at all meetings of the council, 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 to a time or date not later than one week thence.

**COMPULSORY ATTENDANCE AND CONDUCT OF MEETINGS:**

Section 6. Any two members of the council, which number may include the Mayor, may by vote either request or compel the attendance of its members and other officers of the city at any meeting. Any member of the council or other officer who, when notified of such request for his attendance, fails to attend such meeting for reasons other than confining illness or extenuating circumstances shall be guilty of misconduct in office unless excused by the council.

The presiding officer shall enforce orderly conduct at meetings. Any councilman or other officer who shall fail to conduct himself in an orderly manner at any meeting shall be deemed guilty of misconduct in office.

Any police officer designated by the presiding officer of the meeting shall serve as the Sergeant at arms of the council in the enforcement of the provisions of this section.

## **RULES AND ORGANIZATION OF THE COUNCIL:**

Section 7. The council shall determine its own organization and rules and order of business subject to the following provisions:

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

(b) A vote upon all ordinances and resolutions shall be taken by roll call vote and entered upon the records, except where the vote is unanimous it shall be only necessary to so state.

(c) No councilman shall vote on any question in which he has a financial interest, other than the common public interest, or on any question concerning his own conduct, but on all other questions each member who is present shall vote when his name is called unless excused by unanimous consent of the remaining members present. Any member refusing to vote except when not so required by this paragraph shall be guilty of misconduct in office.

(d) Proceedings of the council or a summary thereof shall be made public as required by statute. 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.

(e) The council shall not assign the administration of any department or agency of the city to any member or committee of the council.

## **PROVIDING FOR PUBLIC HEALTH AND SAFETY:**

Section 8. 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.

## **INVESTIGATIONS:**

Section 9. The council or any person or committee authorized by it for the purpose, shall have power to inquire into conduct of any department, office or officer and to make investigations as to matters in which the municipality has an interest. The council, for the purposes stated herein, may summon witnesses and the production of books, papers and other evidence.

Failure on the part of any officer to obey such summons or to produce books, papers and other evidence as ordered under the provisions of this section shall constitute misconduct in office.

Failure on the part of any employee to obey such summons or to produce books, papers or other evidence as ordered under the provisions of this section, shall constitute a violation of this charter and such employee when found guilty of such violation by a competent tribunal may be punished by a fine not to exceed Five Hundred (\$500.00) Dollars, or imprisonment not to exceed ninety (90) days, or both, in the discretion of the court.

It is provided further that, in the case of failure on the part of any person to obey such summons or to produce such books, papers, and other evidence as so ordered, the council may invoke the aid of the Circuit Court of Midland County in requiring obedience

of such summons or production of such books, papers, and other evidence. The Circuit Court of Midland County, in case of contumacy or refusal to obey such summons or to produce such books, papers, and other evidence may issue an order requiring such person to obey such summons or to produce such books, papers, and other evidence and to give evidence touching the matter in question, and any failure to obey such order of the Court may be punished by such court as contempt thereof.

## CHAPTER 7

### LEGISLATION

#### PRIOR LEGISLATION:

Section 1. All valid bylaws, ordinances, resolution, rules and regulations of the City of Coleman which are not inconsistent with this charter, and which are in full force and effect at the time of the effective date of this charter, shall continue in full force and effect until repealed or amended. If any such ordinance, resolution, rule or regulation provides for the appointment of any officers or any members of any boards or commissions by the Mayor and/or Mayor and Council, such officers or members of any boards or commissions shall, after the effective date of this charter, be appointed in accordance with the provisions of this charter.

#### ORDINANCES AND RESOLUTIONS:

Section 2. All official action of the council shall be by ordinance, resolution, motion or order. Action by Resolution, motion or order shall be limited to matters required or permitted to be so done by this charter or by State or Federal law, pertaining to the internal affairs or concerns of the City government. All other acts carrying a penalty for 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 Coleman Ordains."

#### ENACTMENT, AMENDMENT, REPEAL AND EFFECTIVE DATE OF ORDINANCE:

Section 3. Subject to the exceptions which follow hereafter:

(a) Ordinances may be enacted by the affirmative vote of a majority of the 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 shall an ordinance become effective until after publication of the proposed ordinance or summary thereof; and

(d) The effective date of all ordinances shall be prescribed therein but the effective date shall not be earlier than ten days after enactment nor before publication thereof.

No ordinance granting any public utility franchise shall be enacted except in accordance with the provisions of Chapter 15 of this Charter. No ordinance shall be amended by reference to the title only, but the amended section or sections of the ordinance as amended shall be re-enacted and published. However, an ordinance or section thereof may be repealed by reference to its title and ordinance or code number only.

#### **PUBLICATION AND RECORDING OF ORDINANCES:**

Section 4. Each ordinance shall be published within fifteen days after its enactment in one of the following methods:

(a) The full text thereof may be published in a newspaper as defined in Chapter 17, Section 4 of this charter (DEFINITION OF PUBLICATION IN A NEWSPAPER), or

(b) By reference thereto to any law, code or to adopt any law, code, rules or regulations which have been promulgated and adopted by any duly authorized agency of the state of Michigan pertaining to fire, fire hazards, fire prevention or fire waste, and any fire prevention code, plumbing code, heating code, electrical code, building code, refrigeration machinery code, piping code, boiler code, boiler operation code or elevator machinery code, or codes pertaining to flammable liquids and gases as well as to hazardous chemicals, which have been promulgated by the State of Michigan, or by any department, board, or other agency thereof, or by any organization or association which is organized and conducted for the purpose of developing any such code or codes, by reference thereto in an adopting ordinance and without publishing any such code in full. Any such code shall be clearly identified in the ordinance and its purpose shall be published with the adopting ordinance and printed copies thereof shall be kept in the office of the city clerk, available for inspection by and distribution to the public at all times. The publication shall contain a notice to the effect that a complete copy of the code is available for public use and inspection at the office of the city clerk.

All ordinances shall be recorded by the clerk in a book 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 so record and authenticate any such ordinance shall not invalidate it or suspend its operation.

#### **PENALTIES FOR VIOLATING OF ORDINANCES:**

Section 5. The council may provide in any ordinance for the punishment of those who violate its provisions. The punishment for the violation of any city ordinance shall not exceed a fine of Five Hundred (\$500.00) Dollars, or imprisonment for ninety (90) days, or both, in the discretion of the Court.

#### **SPECIAL PROCEDURE ON VOTE ON CERTAIN COUNCIL ACTIONS:**

Section 6. (a) Action to vacate, discontinue or abolish any highway, street, lane, alley or other public place or part thereof, shall be by resolution. After the introduction of such resolution and before its final adoption the council shall hold a public hearing thereon and shall publish notice of such hearing at least one week prior thereto.

(b) The following actions shall require the affirmative vote of all but one of the members of the council holding office at the time who are eligible to vote on such actions for the effectiveness thereof:

- (1) Vacating, discontinuing or abolishing any highway, street, lane, alley or other public place, or part thereof;
- (2) Leasing, selling or disposing of any city-owned real estate or interest therein;
- (3) Authorizing the condemnation of private property for public use;
- (4) Creating or abolishing any office;
- (5) Appropriating any money;

(6) Imposing any tax or assessment;

(7) Reconsidering or rescinding any vote of the council.

(c) The Council shall not have power to engage in any business enterprise requiring an investment of money in excess of the amount permitted to be so invested by statute without a vote of the electors.

#### **SEVERABILITY OF ORDINANCES:**

Section 7. If any portion of an ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the ordinance which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determined by the Court to be inoperable, and to this end ordinances are declared to be severable.

#### **COMPILATION:**

Section 8. (a) Copies of this charter and all ordinances and amendments to the charter shall be prepared and kept on hand in the office of the clerk, available for public distribution at a reasonable charge.

(b) Within six (6) months after the first council elected under this charter takes office, the council shall direct the compilation or codification of all ordinances of the city, then in force, in loose-leaf or pamphlet form; this direction to be completed within one year. Once in every ten (10) years after the first compilation has been completed similar compilations or codifications shall be directed by the council. In case of the compilation or codification of the ordinances of the city shall have been maintained current and up to date during any ten (10) year period, no recompilation or recodification of the ordinances of the city shall be required during or at the end of each period.

(c) The copies of the ordinances and of any compilation, code, or codes, referred to in this charter may be certified by the clerk, and when so certified, shall be competent evidence in all courts and legally established tribunals as to the matters contained therein.

#### **INITIATIVE AND REFERENDUM:**

Section 9. Any 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 10. An initiatory or referendary petition shall be signed by not less than twenty (20%) per cent of the registered electors of the city, as of the date of the last regular city election, and all signatures on said petitions 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 or more petition papers identical as to the contents and simultaneously filed by one 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 ordinance. A referendary petition shall identify the ordinance, or part thereof, it proposes to have repealed.

Each signer of a petition shall sign his name and place thereon after his name, the date and his 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 petitions 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 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.

#### **COUNCIL PROCEDURE ON INITIATORY AND REFERENDARY PETITIONS:**

Section 11. Upon receiving an initiatory or referendary petition from the clerk, the council shall, within thirty (30) days, unless otherwise provided by statute, either;

- (a) Adopt the ordinance as submitted by 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 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 purpose, or, in the discretion of the council, at a special election called for that specific purpose. In the case of an initiatory petition, if no election is to be held in the city for any other purpose within one hundred and fifty (150) days from the time the petition is presented to the council and the council does not adopt the ordinance, then the council shall call a special election within sixty (60) days from such time for the submission of the initiative proposal. The result shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by statute or the constitution.

#### **ORDINANCE SUSPENDED: MISCELLANEOUS PROVISIONS ON INITIATORY AND REFERENDARY ORDINANCES:**

Section 13. The presentation to the council by the clerk of a valid and sufficient referendary petition containing a number of signatures equal to twenty (20%) per cent of the registered electors of the city as of the date of the last regular election shall automatically suspend the operation of the ordinance in question pending repeal by the council or final determination by the electors.

An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed for a period of one year 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 one year after the date of the election at which it was repealed.

It is provided, however, that any ordinance may be adopted, amended or repealed at any time by appropriate referendum or initiatory procedure in accordance with the provisions of this chapter or if submitted to the electorate by the council on its own motion.

If two or more ordinances adopted at the same election shall have conflicting provisions, the provisions in the ordinance receiving the highest number of affirmative votes shall govern.

**ORDINANCES PERTAINING TO CERTAIN PUBLIC INTERESTS:**

Section 14. Any ordinance or resolution granting any franchise or right to occupy or use the streets, highways, bridges or public places in the city for any purpose for a period longer than thirty (30) days shall be complete in the form in which it is finally passed, and remain on file with the clerk for public inspection for at least one (1) week before the final passage or adoption thereof.

Notice that any such proposed ordinance or resolution is so on file in the office of the clerk, stating briefly the subject matter of such ordinance or resolution shall be given by the clerk by publication at least once in a newspaper circulated in the city. No exclusive franchise or right to occupy or use the streets, highways, bridges, or public places of the city shall ever be granted.



**CHAPTER 8**  
**SUPERVISORS**

**NUMBER OF SUPERVISORS:**

Section 1. The city shall have the maximum number of representatives on the county board of supervisors to which it is entitled by statute.

**ELECTION OF SUPERVISORS:**

Section 2. The Supervisors shall be elected from the City at large as called for by Statute for a period of two years.

**DUTIES OF SUPERVISORS:**

Section 3. Except as otherwise provided in this charter, the representatives of the city on the board of supervisors shall perform the statutory duties of supervisors. In the performance of his duties, each supervisor shall represent the city, its inhabitants, and its government to the best of his ability. The supervisor(s) shall, from time to time, report in person, at the discretion of the council, concerning the activities of the County Board of Supervisors.

**COMPENSATION OF SUPERVISORS:**

Section 4. Representatives of the city on the board of supervisors shall be allowed to retain the compensation and expense allowance paid them by the county as supervisors and may receive reasonable compensation for their reports to the city council as fixed by the council. Those serving on the board of review may receive compensation as fixed by the council.

**CHAPTER 9**  
**GENERAL FINANCE**

**FISCAL YEAR:**

Section 1. The fiscal year and budget year of the city shall begin on the first day of July of each year.

**BUDGET PROCEDURE:**

Section 2. No later than the first Monday in April, nor earlier than the third Monday in March of each year the Mayor shall submit to the council a recommended budget for the next fiscal year which, considering any anticipated unexpended balance or deficit at the end of the current fiscal year, is within the tax limit and other anticipated revenue of the city. Such recommended budget shall include therein at least the following information:

(a) The detailed estimates of the Mayor, with supporting explanation of proposed expenditures for each office, department, and board of the city, with a comparison of the actual expenditures for the corresponding items for the last preceding fiscal year in full, and the expenditures for the current fiscal year to March 31 and an estimate of the expenditures for the balance of the current fiscal year;

(b) Statements of the indebtedness of the city, showing the principal and interest requirements for the next fiscal year, the debt authorized and unissued and the condition of the sinking and debt retirement funds, if any;

(c) Detailed estimates of all anticipated revenues of the city from sources other than taxes, with a comparative statement of the amounts estimated for and actually received from each of the same or similar sources for the last preceding fiscal year in full, for the current fiscal year to March 31, and estimated revenues therefrom for the balance of the current fiscal year;

(d) A statement of the estimated cash and unencumbered balances, or deficits, at the end of the current fiscal year;

(e) An estimate of the amount of money to be raised from taxes to be levied, from delinquent taxes and the amount to be raised from bond issues, which, together with available unappropriated funds and any revenues from other sources, will be necessary to meet the proposed expenditures;

(f) Such other supporting information as the council may request.

**PUBLIC INSPECTION OF BUDGET PROPOSAL:**

Section 3. The budget proposal of the Mayor, together with his recommendations and its supporting schedules and information, shall be available for public inspection in the office of the clerk at least one week prior to the public hearing.

**BUDGET HEARING:**

Section 4. A public hearing on the budget proposal shall be held as provided by law before its final adoption, at such time as the council shall direct.

Notice of the public hearing shall be published by the clerk in one or more newspapers circulated in the City of Coleman at least one week in advance thereof.

#### **ADOPTION OF BUDGET:**

Section 5. The council shall, on or before the first Monday in May, by resolution, adopt a budget for the ensuing fiscal year and make an appropriation of the money needed therefor. Such resolution shall designate the sum to be raised by taxation for the general purposes of the city and shall provide for a levy of the amount necessary to be raised by taxes upon real and personal property, subject to the limitations contained in Chapter 10, Section 1, (POWER TO TAX - TAX LIMIT) of this charter.

In the event that the council shall not adopt a budget for any fiscal year by the second Tuesday in May preceding the commencement of such fiscal year, the budget proposal for that year, as presented to the council by the Mayor, in accordance with the provisions of this charter, shall be deemed to be the budget for that fiscal year, and there shall be an appropriation therefor, without the necessity of council action.

#### **BUDGET CONTROL:**

Section 6 (a). Except for purposes which are to be financed by the issuance of bonds or by special assessment, or for other purposes not chargeable to the budget appropriation, no money shall be drawn from the general fund of the city without an appropriation thereof, nor shall any obligations for the expenditures of money incurred without an appropriation covering all payments which will be due under such obligation in the current year. The council by resolution may transfer any unencumbered appropriation balance, or any portion thereof, from one department, account, fund or agency to another.

(b) Expenditures shall not be charged directly to any contingent or general account. Instead, the necessary amount of the appropriation from such account shall be transferred to the appropriate budget item or account and the expenditure then charged thereto.

(c) At the beginning of each quarterly period during the fiscal year, and more often if required by council, the Mayor shall submit to the council data showing the relation between the estimated and actual revenues and expenditures to date; and if it shall appear that the revenues are less than anticipated, the council may reduce appropriations, except amounts required for debt and interest charges, to such degree as may be necessary to keep expenditures within the revenues.

(d) The balance in any annual budget appropriation which has not been encumbered at the end of the fiscal year shall revert to the general fund.

(e)-1. The council may, by ordinance, establish and maintain accounts for accumulating moneys to be used for acquiring, extending, altering, constructing, or repairing public improvements or public buildings and for the purchase of equipment of any type, in each case for a specific item or items or for future unspecified public improvements or equipment or both.

-2. Appropriations to such accounts may be made by the council either in the annual appropriation resolution or, from time to time during the fiscal year, from available funds, from whatever source derived, which are not required for other appropriations or obligations of the city. Such accounts shall be continuing accounts and the balances therein at the end of each fiscal year shall remain a part thereof.

-3. Moneys which are accumulated for the purposes of public improvements or buildings, as set forth in sub-section (e)-1 hereof, shall be used only at the direction of the council, and only for the purpose provided in the original ordinance establishing such account, unless their use for some other municipal purpose be authorized by a majority vote of the electors of the city who vote on the proposition to amend such ordinance to provide for a change in the use of the moneys in such account. After the purpose of any such account has been fulfilled, any balance remaining therein may be transferred by the council to any other account of the city.

-4. Moneys which are accumulated for the purpose of purchasing equipment, as set forth in sub-section (e)-1 hereof, shall be expended only for the purpose provided in the ordinance establishing any such account, or as such ordinance may be amended from time to time.

**DEPOSITORIES:**

Section 7. The council shall designate depositories for city funds in accordance with law, and shall provide for the regular deposit of all city moneys.

**INVESTMENTS:**

Section 8. The council may direct the treasurer to invest any surplus funds belonging to or under the control of the city in bonds and other direct obligations of the United States of America or other investments authorized by statute, in such amounts and issues as shall be determined by the council.

**ACCOUNTING SYSTEM:**

Section 9. The council shall, within one year after the adoption of this charter, provide a system of accounting for the city finances which shall be approved by a Certified Public Accountant and by Statute.

**ANNUAL AUDIT:**

Section 10. 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 Certified Public Accountants, to be selected by the council. In the selection of such auditor, the council shall not be subject to any requirement for competitive bidding. The results of such audit shall be published in such manner as the council may determine.

**WITHDRAWAL OF FUNDS:**

Section 11. All funds drawn from the treasury shall be drawn pursuant to the authority and appropriation of the council and upon orders signed by two officers of the city to be designated by resolution of the council. Each such order shall specify the funds or fund from which it is payable and shall be paid from no other fund or funds.

**CHAPTER 10**  
**TAXATION**

**POWER TO TAX - TAX LIMIT:**

Section 1. The City shall have the power to assess taxes and to lay and collect taxes, rents, tolls, and excises, excepting a tax on income, which to be imposed must first be approved by a majority vote of the electors of the city voting on the proposition. The tax limitation rate for the City of Coleman shall be twenty (20) mills, at the State Equalized level as finally determined on the fourth Monday in May by the State Board of Equalization. This equalized value shall be in accordance with Section 3, Article 9 of the 1963 Constitution of the State of Michigan.

**SUBJECTS OF TAXATION:**

Section 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.

Section 3. No exemptions from taxation shall be allowed, except such as are expressly permitted by state law.

**TAX DAY:**

Section 4. Subject to the exceptions provided or permitted by statute, the taxable status of persons and property shall be determined as of the thirty-first day of December, which shall be deemed the tax day. Assessments shall be based upon the uniform application of established rules, techniques and procedures, which the legislature may provide, under the provisions of Section 3, Article IX of the Constitution of the State of Michigan of 1963.

**JEOPARDY ASSESSMENT:**

Section 5. If the Treasurer finds or reasonably believes that any person who is, or may be liable for taxes upon personal property, the taxable situs of which was in the city of tax day, intends to depart or has departed from the city; or to remove or has removed therefrom personal property which is, or may be, liable for taxation; or to conceal or conceals himself or his property; or does any other act tending to prejudice, or to render wholly or partly ineffectual the proceedings to collect such tax, he shall proceed to collect the same as a jeopardy assessment in the manner provided by law.

**PREPARATION OF THE ASSESSMENT ROLL:**

Section 6. Prior to the date of the meeting of the Board of Review 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. Except in the case of uniform general increases in property assessments, in which case notice shall be given by publication, the Assessor shall give notice as soon as possible by first class mail, but no later than ten days before the second meeting of the Board of Review, of any increase in the assessment of any property to the owner thereof, of record

according to the last assessment roll of such owner shown on such roll, but the failure on the part of the Assessor to give any such notice or of any such owner to receive any such notice shall not invalidate any assessment roll of the city or any assessment thereon. Such roll may be divided into volumes, which the Assessor shall identify by number, for the purposes of convenience in handling the assessment roll and for locating properties therein. The attachment of any certificate or warrant required by this chapter to any volume of the roll, either as an assessment roll or a tax roll, shall constitute the attachment thereof to the entire roll, provided the several volumes are identified in such certificate or warrant.

#### **BOARD OF REVIEW:**

Section 7. The Board of Review shall consist of the City Assessor, who shall be the Secretary of the Board, and three additional members as appointed by the council who are qualified electors of the City of Coleman, and who are assessed for taxes on said city tax rolls. The Assessor shall be a non-voting member. The three voting members of said board shall not be holders of any other office of the city. They shall receive such compensation as the council shall fix.

#### **MEETING OF BOARD OF REVIEW:**

Section 8. The board of review shall meet in two sessions in each year at such place as shall be designated by the council. The first session of the board shall convene on the first Tuesday after the first Monday in March of each year and shall be in session for one day and continue as much longer as may be necessary for the purpose of considering and correcting the roll. In each case where the assessed value is adjusted or any property added to the rolls by the board, the secretary of the board, forthwith, shall give notice to the owners thereof according to the last assessment roll of the city by first class mail placed in the post office not later than midnight of the Thursday following the first meeting of the board. The second session of the board shall convene on the second Monday of March of each year and shall continue in session for two days and as much longer as may be necessary. The board shall remain in session during such hours as the council may designate.

The board of review may examine under oath any person appearing before it respecting the assessment of property on the assessment roll. Any member of the board may administer the oath.

#### **NOTICE OF MEETING:**

Section 9. Notice of the time of the sessions of the board of review shall be published by the city clerk at least one week prior to each session of the board.

#### **ORGANIZATION AND FUNCTIONS OF THE BOARD OF REVIEW:**

Section 10. On the first day of its meeting in each year, the board of review shall elect one of its members chairman. The assessor shall be secretary of the board and shall attend its meetings with all the privileges of participating therein, but without the right to vote upon any decision of the board. 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. A Majority of the members of the board shall constitute a quorum. The

members of said board shall take the constitutional oath of office which shall be filed with the clerk.

For the purpose of reviewing and correcting assessments, the board of review shall have the same powers and perform like duties in all respects as are by the general tax law conferred upon and required of boards of review in townships, in reviewing assessments in townships for township, state and County taxes. 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 shall deem just. Written notice of decisions concerning valuations that are made by the board, shall be furnished to the complainant by First Class Mail. In all cases, the assessment roll shall be reviewed according to the facts existing on the tax day and no change of the status of any property after said day shall be considered by the board in making its decision. Except as otherwise provided by State law, no person other than the board of review shall make or authorize any change upon or additions or corrections to the assessment roll.

#### **ENDORSEMENT OF ROLL - VALIDITY:**

Section 11. After the board shall have completed its review of the assessment roll, a majority of its members shall immediately 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 effect the validity of such roll. Upon completion of said roll and from and after midnight following the last day of the meeting of the board of review, the same shall be the assessment roll of the city for county, school, and city taxes and for any other taxes on real and personal property that may be authorized by law and shall be conclusively presumed by all courts and tribunals to be valid and shall not be set aside except for causes set forth in the general laws of the state.

Section 12. Within three days after the council has adopted the budget and made appropriations for the ensuing year, the clerk shall certify to the assessor the total amount which the council determines shall be raised by general ad valorem taxation, together with such other assessments and lawful charges and amounts which the council requires to be assessed, re-assessed, or charged upon the city tax roll against property or persons.

#### **STATE, COUNTY AND SCHOOL TAXES:**

Section 13. For the purpose of assessing, levying 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 levying, collection and accounting for such taxes shall apply. For these purposes the treasurer shall perform the same duties and have the same powers as township treasurers under statute.

#### **COLLECTION OF CITY TAXES:**

Section 14. City taxes shall be due and payable on the first day of July of each year.

After the 30th day of September there shall be added a collection fee of four (4%) percent together with the maximum legal interest rate for delinquent taxes provided by Laws of the State of Michigan.

**CHAPTER 11  
ASSESSMENTS**

Section 1. The council shall have the power to determine that the whole or any part of the expense of any public improvement shall be defrayed by special assessments upon the property especially benefited and shall so declare by resolution.

Section 2. The council shall prescribe by ordinance special assessment procedure.



**CHAPTER 12**  
**BORROWING POWER**

**GRANT OF AUTHORITY TO BORROW:**

Section 1. Subject to the applicable provisions of statute and this chapter, 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 statute and may authorize the issuance of bonds or other evidences of indebtedness therefor. Such bonds or other evidences of indebtedness shall include but not be limited to the following types:

(a) General obligations which pledge the full faith, credit and resources of the city for the payment of such obligations including bonds for the city's portion of public improvements;

(b) Notes issued in anticipation of the collection of taxes but the proceeds of such notes may be spent only in accordance with appropriations;

(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 assessments bonds may be an obligation of the special assessment district or districts or may be both an obligation of the special assessment district or districts and a general obligation of the city;

(e) Mortgage bonds for the acquiring, owning, purchasing, constructing, improving or operating of any public utility which the city is authorized by this charter to acquire or operate; provided such bonds shall not impose any liability upon such city but shall be secured only upon the property and revenues of such public utility, including a franchise, stating the terms upon which, in case of foreclosure, the purchaser may operate the same, which franchise shall in no way extend for a longer period than twenty years from the date of the sale of such utility and franchise on foreclosure. A sinking fund shall be created in the event of the issuance of such bonds, by setting aside such percentage of the gross or net earnings of the public utility as may be deemed sufficient for the payment of the mortgage bonds at maturity, unless serial bonds are issued of such a nature that no sinking fund is required;

(f) Bonds issued to refund money advanced or paid on special assessments imposed for water main extensions;

(g) Bonds for the refunding of the funded indebtedness of the city;

(h) Revenue bonds as authorized by statute which do not constitute a general obligation of the city.

**AUTHORIZATION OF ELECTORS REQUIRED:**

Section 2. (a) Except as provided in Section 2 (b) of this chapter, no bonds pledging the full faith and credit of the city shall be issued without the approval of a simple majority of the electors voting thereon at any general or special election.

(b) The restriction of Section 2 (a) of this chapter shall not apply to general obligation bonds issued to pay for the city's portion of public improvements, the remainder of which are to be financed by special assessments, tax anticipation notes issued under Section 1 (b) of this chapter, emergency bonds issued under Section 1 (c) of this chapter, special assessment bonds issued under Section 1 (d) of this chapter, refunding bonds issued under Section 1 (g) of this chapter, or to bonds, the issuance of which do not require a vote of the electors by the provisions of State Law.

(c) Only those persons who have property assessed for ad valorem taxes in the city and their spouses shall be entitled to vote on the approval of any issue of bonds which constitute a general obligation of the city, but no person may so vote unless he is a registered elector of the City of Coleman.

#### **APPLICABILITY OF OTHER STATUTORY RESTRICTIONS:**

Section 3. The issuance of any bonds not requiring the approval of the electors shall be subject to applicable requirements of statute with regard 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.

#### **POWERS, LIMITS OF BORROWING POWERS:**

Section 4. The net bonded indebtedness incurred for all public purposes shall not at any time exceed ten (10) percent 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 of this chapter: 1 (b) tax anticipation notes; 1 (c) emergency loans; 1 (d) special assessment bonds even though they are also a general obligation of the city; 1 (e) mortgage bonds; 1 (f) special assessment refunding bonds; 1 (h) revenue bonds; and other bonds which do not constitute a general obligation of the city.

The amount of emergency loans which the council may make under the provisions of Section 1 (c) of this chapter may not exceed  $\frac{3}{8}$  of one per cent of the assessed value of all real and personal property in the city.

#### **PREPARATION AND RECORD OF BONDS:**

Section 5. 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. Any officer who shall violate this provision shall be deemed guilty of misconduct in office. All bonds and other evidences of indebtedness issued by the city shall be signed by the Mayor and counter-signed by the clerk, under the seal of the city. Interest coupons may be executed with the facsimile signatures of the Mayor and Clerk. A completed and detailed record of all bonds and other evidences of indebtedness issued by the city shall be kept by the treasurer. Upon payment of any bond or other evidence of indebtedness, the same shall be marked "Cancelled," or otherwise defaced to indicate payment. Bonds, other obligations, or interest coupons shall be cremated pursuant to the laws of the State of Michigan within one year after date of payment.

**UNISSUED BONDS:**

Section 6. 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.

**DEFERRED PAYMENT CONTRACTS:**

Section 7. The city may enter into installment contracts for the purchase of property or capital equipment. Each of such contracts shall not extend over a period greater than five years nor shall the total amounts of principal payable under all such contracts exceed the sum of one-eighth of one percent (1.25 Mills) of the total assessed valuation of the city in any one fiscal year.

All such deferred payments shall be included in the budget for the year in which the installment is payable.

**CHAPTER 13**  
**PURCHASES, CONTRACTS AND LEASES**

**PURCHASE AND SALE OF PROPERTY:**

Section 1. The council, subject to restrictions of statute and this charter, shall be responsible for the purchase and sale of all city property. Detailed purchasing, sale and contract procedures shall be established by ordinance.

Comparative prices shall be obtained for the purchase or sale in amount not in excess of One Thousand Dollars of all materials, supplies and public improvements except in the employment of professional services.

In all sales or purchases in excess of One Thousand Dollars, (a) sealed bids shall be obtained, and (b) the requirements of Section 2 (CONTRACTS) of this chapter 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.

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

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

The City may not sell any park, cemetery or any part thereof except where such park is not required under an official master plan of the city, unless such sale is in accordance with restrictions placed thereon by statute.

The city may not purchase, sell or lease any real estate or any interest therein except by the affirmative vote of four or more members of the council.

The purchase and sale of all city property shall be subject to the provisions of Chapter 5, Section 12 of this charter.

**CONTRACTS:**

Section 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, subject to the provisions of Section 1 (PURCHASE AND SALE OF PROPERTY) of this chapter.

Any contract or agreement in an amount in excess of One Thousand (\$1,000.00) Dollars made with form or terms other than the standard city purchase order form shall, before execution, be submitted to the City Attorney. A copy of all contracts requiring such approval by the City Attorney shall be filed in the office of the clerk, together with the City Attorney's approval. All purchase order forms used by the City shall be prepared by the City Attorney.

Before any contract, agreement or purchase order obligating the city to pay an amount in excess of One Thousand (\$1,000.00) Dollars is executed, the city clerk 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, but this exception shall not apply to a contract for the purchase or construction of a public improvement unless such purchase or construction is being financed by an installment contract under authority of Chapter 12, Section 7 (DEFERRED PAYMENT CONTRACTS) of this charter. Certification by the city clerk shall be endorsed on each contract, agreement or purchase order requiring same or shall be filed as an attachment thereto.

No contract shall be amended after the same has been made except upon the authority of the council under Section 1 (PURCHASE AND SALE OF PROPERTY) of this chapter.

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 city attorney or certification by the city clerk.

**RESTRICTION ON POWERS TO LEASE PROPERTY:**

Section 3. The council may not rent or let public property for a period longer than three years unless such rental or lease agreement shall have been referred to the people at a regular or special election and shall have received the approval of a majority of the electors voting thereon at such election. No such lease shall be approved by the council for presentation to the electorate before thirty days after application therefor has been filed with the council nor until a public hearing has been held thereon.

No such lease shall be submitted to the electors unless the party leasing or renting the property has filed with the clerk his unconditional acceptance of all the terms of such lease or rental agreement.

**CHAPTER 14**  
**MUNICIPALLY OWNED UTILITIES**

**GENERAL POWERS RESPECTING UTILITIES:**

Section 1. Subject to the provisions of the Constitution and Statute, the city shall have the power to acquire, own, establish, construct, operate, improve, enlarge, extend, repair and maintain, either within or without its corporate limits, a public utility for supplying water to the municipality and its inhabitants for domestic, commercial and municipal purposes, and may sell and deliver water without its corporate limits in an amount not to exceed the limitations set by the Constitution and Statutes, subject to statutory provisions, the city shall also have the power to acquire, own, establish, construct, operate, improve, enlarge, extend, repair and maintain, either within or without its corporate limits, including, but not by way of limitation, public utilities for supplying light, heat, power, gas, sewage treatment and garbage disposal facilities, and facilities for the storage and parking of vehicles within its corporate limits.

**MANAGEMENT OF MUNICIPAL UTILITIES:**

Section 2. All municipally owned and operated utilities shall be administered as a regular department of the city government under the management and supervision of the council.

**RATES:**

Section 3. The council shall have the power to fix from time to time such just and reasonable rates and other charges as may be deemed advisable for supplying the inhabitants of the city and others with such public utility services as the city may provide. There shall be no discrimination in such rates within any classification of users thereof, nor shall free service be permitted. Higher rates may be charged for services outside the corporate limits of the city.

**CHARGES - COLLECTION:**

Section 4. The council shall provide by ordinance for the collection of all public utility rates and charges of the city and subject to constitutional and statutory limitations, such ordinance shall provide at least:

(a) That the city shall have as security for the collection of such utility rates and charges a lien upon the real property supplied by such utility, which lien shall become effective immediately upon the supplying of such utility service and shall be enforced in the manner provided in such ordinance.

(b) The terms and conditions under which utility services may be discontinued in case of delinquency in paying such rates or charges.

(c) That suit may be instituted by the city before a competent tribunal for the collection of such rates or charges.

With respect to the collection of rates charges for water, the city shall have all the power granted to cities by Act 178 of the Public Acts of 1939, as amended.

## **DISPOSAL OF UTILITY PLANTS AND PROPERTY:**

Section 5. Unless approved by the affirmative vote of three-fifths of the electors voting thereon at a regular or special election, the city shall not sell, exchange or lease, or in any way dispose of any property, easements, equipment, privilege or asset belonging to an appertaining to any municipally owned public utility which is needed to continue operating such utility. All contracts, negotiations, licenses, grants, leases or other forms of transfer in violation of this section shall be void and of no affect as against the city.

The restrictions of this section shall not apply to the sale or exchange of any article of machinery or equipment of any city owned public utility which are worn out or useless, or which have been, or could with advantage to the service, be replaced by new and improved machinery or equipment, to the leasing of property not necessary for the operation of the utility, or to the exchange of property or easements for other needed property or easements. It is provided, however, that the provisions of this section shall not extend to the vacation or abandonment of streets, as provided by statute.

## **UTILITY FINANCES:**

Section 6. The rates and charges for any municipal public utility for the furnishing of water, light, heat, power, gas, or sewage treatment and garbage disposal shall be so fixed as to at least meet all the costs of such utility.

Transactions pertaining to the ownership and operation by the city of each public utility shall be recorded in a separate group of accounts under an appropriate funds caption, which accounts shall be classified in accordance with generally accepted utility accounting practice. Charges for all service furnished to, or rendered by, other city departments or agencies shall be recorded. An annual report shall be prepared to show fairly the financial position of each utility and the results of its operation, which report shall be available for inspection at the office of the clerk.

**CHAPTER 15**  
**PUBLIC UTILITY FRANCHISES**

**FRANCHISES REMAIN IN EFFECT:**

Section 1. All franchises to which the City of Coleman is a party when this charter becomes effective shall remain in full force and effect in accordance with their respective terms and conditions.

**GRANTING OF PUBLIC UTILITY FRANCHISES:**

Section 2. Public utility franchises and all renewals and extensions thereof and amendments thereto shall be granted by ordinance only. No exclusive franchise shall be granted for a longer period than thirty years.

No franchise ordinance which is not subject to revocation at the will of the council shall be enacted nor become operative until the same shall have first been referred to the people at a regular or special election and approved by the affirmative vote of three-fifths of the electors voting thereon. No such franchise ordinance shall be approved by the council for referral to the electorate before thirty days after application therefor has been filed with the council nor until a public hearing has been held thereon, nor until the grantee named therein has filed with the clerk 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 have first 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 weeks after publication of a notice that such ordinance is on file.

**CONDITIONS OF PUBLIC UTILITY FRANCHISES:**

Section 3. All public utility franchises granted after the adoption of this charter, whether it be so provided in the granting ordinance or not, shall be subject to the following rights of the city but this enumeration shall not be exclusive or impair the right of the council to insert in such franchise any provision within the powers of the city to impose or require:

- (a) To repeal the same for misuse, non-use or failure to comply with the provisions thereof;
- (b) To require proper and adequate extension of plant and service and 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, alleys, 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 safety, welfare and accommodation of the public.

#### **REGULATION OF RATES:**

Section 4. All public utility franchises shall make provision therein for fixing rates, fares and charges, and may provide for readjustments thereof at periodic intervals. The value of the property of the utility used as a basis for fixing such rates, fares and charges shall in no event include a value predicated upon the franchise, goodwill or prospective profits.

#### **USE OF PUBLIC PLACES BY UTILITIES:**

Section 5. 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, alleys and other public places of the city by the city and by other utilities insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefor. In the absence of agreement and upon application by any public utility, 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 16

### MISCELLANEOUS

#### **CITY LIABILITY:**

Section 1. No action shall be brought against the city for any negligent injury to person or property unless brought within the period limited by law from the time such injury was sustained, nor unless the person or persons claiming to be so injured shall serve or cause to be served, within sixty (60) days after such injury shall have occurred, a notice in writing and on oath upon the clerk, which notice shall set forth substantially the time and place of such injury, and the nature thereof, the manner in which occurred, the extent of such injury so far as the same has become known, the names and addresses of the witnesses known at the time by claimant, and a statement that the person receiving such injury intends to hold the city liable for such damages as may have been sustained by him, setting forth particularly the nature and extent of such injury and the amount of damages claimed by reason thereof, which claim shall be presented to the council.

It shall be sufficient bar and answer in any court to any action or proceeding for the collection of any demand or claim against the city for any negligent injury 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.

The provisions of this section shall not be applicable to proprietary functions of the city, as distinguished from governmental functions.

#### **NO ESTOPPEL:**

Section 2. No estoppel may be created against the city.

#### **RECORDS TO BE PUBLIC:**

Section 3. All records of the city shall be public, shall be kept in the 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.

#### **DEFINITION OF PUBLICATION IN A NEWSPAPER – MAILING OF NOTICES:**

Section 4. The requirement contained in this charter for the publishing or publications of notices or ordinances in a newspaper 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 a general circulation at regular intervals in the city for at least two years 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.

It is provided, however, that if at any future date there be no newspaper designed primarily for circulation in the Coleman area, then when permitted by law the requirement contained in this charter for the publishing or publication of notices or

ordinances shall be met by posting a copy thereof in one conspicuous place in each precinct of the city. The affidavit of the person publishing the same shall be prima-facie evidence of such publication by posting.

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 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 purposes, except in cases where the cy-pres doctrine shall apply.

**VACANCIES IN APPOINTIVE BOARDS AND COMMISSIONS:**

Section 6. Except as otherwise provided in this charter, if a vacancy occurs in the membership of an appointive board of commission, the authority responsible for the appointment of the person whose position has become vacant shall fill such vacancy by appointment of a qualified person for the unexpired term of such person subject to the same conditions as applied in the case of the original appointment.

**SUNDAYS AND HOLIDAYS:**

Section 7. Whenever the day fixed by this charter 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.

**CHARTER AND SECTION HEADINGS:**

Section 8. The chapter, section and sub-section headings used in this charter are for convenience only, and shall not be considered part of the charter.

**PROCESSES AGAINST CITY:**

Section 9. All process 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 or clerk.

**QUORUM:**

Section 10. Except as provided otherwise in this charter, a quorum of any board or 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 members.

**PENALTIES FOR MISCONDUCT IN OFFICE:**

Section 11. Any officer of the city found guilty by a court of competent jurisdiction of any act declared by this charter to constitute misconduct in office may be punished by a fine of not to exceed five hundred (\$500.00) dollars 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 Chapter 5, Section 2 of this charter.

#### **AMENDMENTS:**

Section 12. This charter may be amended at any time in the manner provided by statute. Should two or more amendments adopted at the same election have conflicting provisions, the one receiving the largest affirmative vote shall prevail as to those provisions.

#### **SEVERABILITY OF CHARTER PROVISIONS:**

Section 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 inoperative, and to this end this charter is declared to be severable.

#### **INTERPRETATIONS AND DEFINITIONS:**

Section 14. Except as otherwise specifically provided or indicated by the context:

(a) 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.

(b) 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.

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

(d) The words "printed" and "printing" shall include reproductions by printing, engraving, stencil duplicating, lithographing or any similar methods.

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

(f) The word "officer" shall include the mayor and other members of the council, the administrative officers, members of city boards and commissions created by or pursuant to this charter, and the judicial officer and the court clerk, if one shall be appointed.

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

(h) 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.

(i) 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 provisions of the

charter containing the words "law" or "general laws of the state" is to be applied, and applicable common law.

(j) The word "freeholder" shall include persons purchasing property on land contract.

(k) All references to chapter and section numbers shall refer to chapter and section numbers of this charter.

Section 15. A system of accounts for the city shall be maintained which shall conform to such uniform system as may be required by law.

## CHAPTER 17

### SCHEDULE

#### PURPOSE AND STATUS OF SCHEDULE CHAPTER:

Section 1 The purpose of this schedule chapter is to inaugurate the government of the City of Coleman under this charter and provide the transition from the government of the city under the previous Charter to that under this Charter. It shall constitute a part of this Charter only to the extent and for the time required to accomplish that end.

#### ELECTION TO ADOPT CHARTER:

Section 2. This Charter shall be submitted to the vote of the qualified electors of the territory comprising the City of Coleman at an election to be held on April 8, 1969, between the hours of 7:00 a.m. and 8:00 p.m. All provisions for the submission of the question of adopting this Charter at such election shall be made in the manner provided by law. The Board of Canvassers shall canvass the vote cast at such election.

If, at said election, a majority of the electors voting thereon shall vote in favor of the adoption of the Charter, then the City Clerk shall perform all other acts required by law to carry this Charter into effect.

#### FORM OF BALLOT:

Section 3. The form of the question of submission of this Charter shall be as follows:

Instructions: A cross (X) in the square before the word "Yes" is in favor of the proposed charter, and a cross (X) in the square before the word "No" is against the proposed Charter.

Shall the proposed Charter of the City of Coleman which was drafted by the Charter Commission elected April 11, 1966, be adopted?

Yes

No

#### ELECTIVE OFFICERS OF THE CITY:

Section 4. (a) The elected officers of the city who hold office on the effective date on this charter, shall continue to hold the offices to which they were elected in accordance with Chapter 3, Section 4 of this Charter.

(b) At the election upon the adoption of this charter the City Clerk for the City of Coleman shall perform the duties required by law respecting such elections. The Charter Commission of the City will choose the Election Inspectors for said election.

(c) The Board of Canvassers of the City of Coleman, as established by law, will meet at 10:00 a.m. on the second day following the election to canvass the votes cast on such election.

**EFFECTIVE DATE OF CHARTER:**

Section 5. If the canvass of votes upon the adoption of this charter shows it to have been adopted, it shall take effect and become law as the Charter of the City of Coleman for all purposes on May 1, 1969, at 12:00 P.M.

**FISCAL YEAR: CITY BUDGET:**

Section 6. The council shall have authority to make the interim budget required to defray the cost of operating the city from May 1, 1969 to July 1, 1970, in order to bring the city's financial plan in conformity with the fiscal year herein provided. A public hearing on this budget shall be held as provided in Chapter 9, Section 4 of this charter. Unless the council shall determine otherwise, it shall not be necessary to have an independent audit of the city's books of account until after the close of the fiscal year ending July 1, 1970, and, in effect the audit will then cover the period from May 1, 1969 to July 1, 1970.

**COUNCIL ACTION:**

Section 7. In all cases involving the transition of the city government from that under the previous charter to that under this charter, which are not covered by this Schedule, the council shall supply the necessary details and procedures and may adopt such rules, regulations, and ordinances as may be required therefor.

**COMPENSATION OF OFFICERS:**

Section 8. The compensation of the mayor and councilmen set forth in this charter shall apply on the effective date of this charter on a pro rata basis.

**ADMINISTRATIVE OFFICERS:**

Section 9. Notwithstanding any other requirements or limitations contained in this charter, the persons holding administrative office, whether elective or appointive, on the effective date of this charter shall continue in such office as though appointed under the provisions of this charter, and shall perform their several duties and, in all respects, be subject to the provisions thereof. The term of all such officers who are elected or appointed for definite terms shall not be shortened under the provisions of this section.

**BOARDS AND COMMISSIONS:**

Section 10. The present Boards and Commissions now established shall continue under the terms of the ordinance establishing them. The terms of office of the members of such Boards and Commissions shall continue as established and they shall continue in office until their successors are appointed in accordance with the terms of office established in the ordinance creating such Boards and Commissions.

**NEW STATE CONSTITUTION:**

Section 11. It is recognized that, at the time of the drafting and adoption of this

charter, and on its effective date, the new State Constitution is in the process of being implemented by the State Legislature. It is intended that the city council shall have the authority to make full use of such implementing legislation and, in turn, make implementation as necessary by ordinance and no amendment of this charter shall be required to make the provisions of this section effective.

#### RESOLUTION OF ADOPTION

At a meeting of the Charter Commission of the City of Coleman, held on the 4th day of March, 1969, at the usual place of meeting of the Commission, the following members of the Charter Commission were present: Dean H. Keller, John A. Brugger, Clifford Ranck, Carl E. Lewis, Alger L. MacDonald, James E. Young, and Donald E. Moore.

The members present constituted a quorum.

At such meeting the following resolution was offered by Commissioner Keller and supported by Commissioner MacDonald.

*RESOLVED:* That the Charter Commission of the City of Coleman does hereby adopt the foregoing instrument as the proposed charter of the City of Coleman, and the Clerk of this Commission is hereby instructed to transmit the same to the Governor of the State of Michigan, in accordance with the provisions of Act 279 of the Public Acts of 1909, as amended, for his approval.

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

Ayes: Keller, Ranck, Brugger, Lewis, MacDonald, Young, and Moore.

Nays: None.

Absent: Bernard L. Johnson and Stanley Arnold.

Resolution declared adopted.

JoMac Rydman  
Clerk of the Charter Commission  
of the City of Coleman

Attested by the following Commissioners:

D. E. Moore  
D. H. Keller  
Clifford Ranck

John Brugger  
James E. Young  
Alger MacDonald

Carl Lewis

#### APPROVAL OF CHARTER

I do hereby approve the foregoing Charter proposed for the City of Coleman, Michigan.

Dated at Lansing, Michigan, this

day of March, 1969.