

# Telegram Newspaper Classifieds

## PROPOSED INKSTER CHARTER

### CHARTER OF THE CITY OF INKSTER, MICHIGAN

#### PREAMBLE

We, the People of the City of Inkster, by the grace of Almighty God, and pursuant to authority granted by the Constitution of the United States, and the State of Michigan, in order to secure the benefits of local self-government, and otherwise promote the common welfare of all citizens to progressively move our City forward, do hereby ordain and establish this Charter for the City of Inkster, State of Michigan.

#### CHAPTER 1 INCORPORATION AND BOUNDARIES

##### Section 1.1 Incorporation

The Municipal Corporation which was created by the vote of the electors on the 21st day of October, A. D. 1963 to be known as the "City of Inkster" shall be a body corporate and politic and shall have perpetual succession.

##### Section 1.2 Boundaries

The boundaries of the City existing when this charter takes effect continue in force until changed in accordance with law.

#### CHAPTER 2 DEFINITIONS AND GENERAL PROVISIONS

##### Section 2.1 Records to Be Public

All records of the City shall be made available to the general public in compliance with the Freedom of Information Act, being MCL 15.231 et seq.; MSA 4.1801(1) et seq.

##### Section 2.2 Definitions and Interpretations

Except as otherwise specifically provided or indicated by the context of this Charter:

- (a) The word "city" shall mean the City of Inkster;
- (b) The words "city council" shall mean the six (6) City Council Members and the Mayor of the City of Inkster;
- (c) The word "law" shall denote applicable federal law, the Constitution and statutes of Michigan, the applicable common law, and this charter;
- (d) The word "officers" shall include, but shall not be limited to, the Mayor, the members of the Council, and as hereinafter provided, the administrative officers, deputy administrative officers, and members of City commissions and boards created by or pursuant to this Charter;
- (e) The word "person" may extend and be applied to bodies politic and corporate and to partnerships and associations, as well as to individuals;
- (f) The words "printed" and "printing" shall include printing, engraving, stencil duplicating, lithographing, typewriting, photostating, photocopying, or any similar method;
- (g) The word "sinking fund" means a fund arising from particular taxes, imposts or duties, which is appropriated towards the payment of the interest due on a public loan and for the gradual payment of the principal;
- (h) The words "public utility" shall include all common carriers in the public streets; water, sewage, electric light, gas, electric power, telephone and telegraph lines, systems, fiber optics, wireless systems, garbage collection, garbage disposal and reduction plants, and such other and different enterprises as the Council may from time to time determine or designate;
- (i) Except in reference to signatures, the words "written" and "in writing" shall include hand written script, printing, typewriting, photocopying, and teletype and telegraphic communications;
- (j) All words 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 to which the provision is applied. This Charter is to be regarded as speaking in the present and continuously. Therefore, the phrase "as provided by law" will incorporate the provisions of law as they change from time to time.
- (k) The singular shall include the plural, the plural shall include the singular, and the masculine gender shall extend to, and include the feminine gender and the neuter.

##### Section 2.3 Publication and Notices; Meetings

(a) Unless as otherwise required by law, the requirement contained in this Charter for the publishing or publication of notices, ordinances or proceedings of City Council or other city boards, commissions or authorities, shall be met by publishing:

(i) At least once in a newspaper published in the English language for news of general character, with general circulation at regular intervals in the city for at least one (1) year immediately prior to the publication of the notice, or

- (ii) By posting in at least three (3) conspicuous places within the city, or
- (iii) By posting on the City's website, cable site and/or the internet.

Prima facie evidence of such publication shall be in the form of an affidavit of the printer or publisher of the newspaper, or the foreman or principal clerk attached to a copy of the notice.

(b) When any provision of this Charter requires the mailing of notices, the affidavit of the officer or employee, responsible for such mailing, that such notice was mailed by him shall be evidence of such mailing.

(c) All Public Notices shall contain the name of the public body to which the notice applies, its telephone number if one exists, and its address. A public notice for a public body shall be posted at its principal office and any other location considered appropriate by the public body. If a public body does not have a principal office the required notice shall be posted in the office of the City Clerk.

(d) All business which the City Council or any other multi-member body may perform shall be conducted in a public meeting held in compliance with the Open Meetings Act, being MCL 15.261 et. Seq.; MSA 4.1800 et seq.

##### Section 2.4 Official Performance

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

##### Section 2.5 Public Records as Evidence

All papers, books and other records of any matter required to be kept by any of the sev-

eral departments of the municipal government, either by law or by the provisions of any ordinance, shall be deemed public records of such department, and they, or copies, duly certified by the custodian thereof, shall be prima facie evidence of their contents in all suits at law or in equity, or in other proceedings.

##### Section 2.6 Quorum

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

##### Section 2.7 Sundays and Holidays

Except as otherwise expressly provided in this Charter whenever the date fixed by law or ordinance for the doing or completion of any act falls on a Sunday or legal holiday, such act shall be done or completed on the next succeeding day, which is not a Sunday or legal holiday.

##### Section 2.8 Penalties for Violations of Charter

Any person found guilty of any violation of this Charter may be punished by a fine which, in addition to court costs charged to him, shall not exceed five hundred dollars or imprisonment for not more than 90 days, or by both such fine and imprisonment, in the discretion of the court. This section shall not operate to limit or prejudice the power to remove officers or discharge employees as provided in this Charter.

##### Section 2.9 Chapter and Section Headings

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

##### Section 2.10 Amendments

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

##### Section 2.11 Severability of Charter Provisions

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

##### Section 2.12 No Estoppel

The City shall not be prevented from enforcing any of its legal rights on the basis of any statement of any officer of the City, either verbally or in writing, or by any act on the part of the Council, or any officer, board or commission.

##### Section 2.13 System of Accounts

Any system of accounts used for the City or any department thereof, shall conform to such uniform system as may be required by law.

##### Section 2.14 City Liability

The City of Inkster's liability for tort claims shall be governed by the provisions of MCL 691.1401 et seq, as now or hereafter amended. Any contract claims against the City of Inkster shall be made in writing under oath, and shall be filed with the Clerk for consideration by the City Council. Such contract claim shall set forth in detail the time, place and nature of the contract claim, the names and addresses of any parties to the contract, the names and addresses of any known witnesses to the contract, the extent of any damages and the manner in which a claim for damages occurred.

#### CHAPTER 3 MUNICIPAL POWERS

##### Section 3.1 General Powers

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

##### Section 3.2 Additional Powers

The City may sue and be sued in its corporate name; may plead or be impleaded in all courts of law or in equity and in all actions whatsoever; may contract and be contracted with; may acquire by condemnation, purchase, lease, construction, gift, or otherwise, any property, real, personal and mixed, and hold, lease, use, and dispose of the same, whether the same may lie within or without its boundaries.

##### Section 3.3 Further Powers

In addition to the powers provided above, the City shall have power and may:

- (a) Provide for the use, regulation, improvement and control of the surface of its streets, alleys and public ways, and of the space above and beneath them.
- (b) Provide for the use, by other than the owner, of property located in streets, alleys and public places, in the operation of a public utility, upon payment of a reasonable compensation to the owners thereof.
- (c) Provide for a plan of streets and alleys within and for a distance of not more than three miles beyond its limits.
- (d) Acquire by purchase, gift, condemnation, lease, construction or otherwise, either singly or in conjunction with other governmental bodies, either within or without its corporate limits and either within or without the corporate limits of the County of Wayne, the following improvements, including the necessary lands therefor, viz: City Hall, police stations, fire stations, boulevards, streets, alleys, public parks, recreation grounds, municipal camps, public grounds, zoological gardens, museums, libraries, airports, cemeteries, public wharves and landings upon navigable waters, levees and embankments, watch houses, city prisons and work houses, penal farms, institutions, hospitals, quarantine

grounds, electric light and power plants and systems, gas plants and systems, water-works plants and systems, sewage disposal plants and systems, garbage disposal plants, rubbish disposal plants, market houses and market places, office buildings for city officers and employees, public works and public buildings of all kinds; and for the costs and expenses thereof.

(e) Acquire by purchase, gift condemnation, lease or otherwise, private property either within or without the corporate limits of the County of Wayne, for any public use or purpose within the scope of its powers, whether herein specifically mentioned or not. If condemnation proceedings are resorted to for the acquisition of private property, such proceedings may be brought under the provisions of Act 149 of the Public Acts of 1911, as heretofore or hereafter amended, or under such other provisions as shall be made by law.

(f) Maintain, develop and operate its property and upon discontinuance thereof to lease, sell or dispose of the same subject to restrictions placed thereupon by law; provided, that on the sale of any capital asset of a municipally owned utility the money received shall be used in procuring a similar capital asset, or placed in the sinking fund to retire bonds issued for said utility.

(g) Acquire by construction, condemnation, or purchase and own, equip, possess, lease, operate and maintain transportation facilities including a rapid transit system consisting of a tunnel subway, surface or elevated system or any combination or qualification of these, in and through said City, and for a distance of not more than ten (10) miles beyond its limits, for the purpose of furnishing transportation facilities to the City and to the people thereof; the City may provide by ordinance or resolution for the preparation and publication of plans for such construction, equipment and maintenance; for the operation of such facilities independently or in connection with other transportation facilities or transportation system, owned, operated, or controlled by the City or existing therein, or in the territory in which any such rapid transit system is established; for the appropriate designation of such facility; for the taking of the fee of or easement or right of way on, under, above or through any property for the purposes thereof; by gift, grant or purchase, and by condemnation proceeding in accordance with any law of the State of Michigan providing therefor; and for the management of such facilities, for the purposes for which the same is or may be acquired or constructed and for the execution of contracts incidental to the carrying out of the purposes hereby contemplated, subject to the general laws of the State.

(h) Negotiate, execute and perform contracts with any other municipality or municipalities, duly authorized and empowered to that end, with reference to the construction, equipment, operation, maintenance and management of a rapid transit system and facilities and finance any obligations assumed under or imposed by any such contract.

(i) Provide for the use, control and regulation of streams, waters and water courses within its boundaries, subject to any limitation imposed by law.

(j) Secure by condemnation, by agreement or purchase, or by any other means, an easement on property abutting or adjacent to any navigable stream, for the purpose of securing the privilege and right to construct, own and maintain along or adjacent to any navigable stream an elevated structure of one or more levels for the use as vehicular or pedestrian passageway or for any other municipal purpose.

(k) Acquire, establish, operate, extend and maintain facilities for the storage and parking of vehicles within its corporate limits including the fixing and collecting of charges for services and use thereof on a public utility basis, and for such purposes to acquire by gift, purchase, condemnation or otherwise the land necessary therefor.

(l) Acquire, construct, establish, operate, extend and maintain facilities for the docking of pleasure water craft within its corporate limits, including the fixing and collection of charges for use thereof, and for such purposes to acquire by gift, purchase, condemnation or otherwise the land necessary therefor.

(m) Regulate and restrict the locations of oil and gasoline stations.

(n) Establish districts or zones within which the use of land and structures, the height, the area, the size and location of buildings and required open spaces for light and ventilation of such buildings, and the density of population there may be regulated. Such regulations in one or more districts may differ from those in other districts.

(o) Regulate trades, occupations and amusements within its boundaries, not inconsistent with State and Federal laws, and prohibit such trades, occupations and amusements as are detrimental to the health, morals or welfare of its inhabitants.

(p) License, regulate, restrict and limit the number and location of billboards within the City.

(q) Enact and enforce all such local, police, sanitary and other regulations for the public peace and health and for the safety of persons and property as are not in conflict with the general laws.

(r) Establish any department that the Council shall deem necessary for the general welfare of the City and provide for the separate incorporation thereof, subject to general law.

(s) The City and its officers shall have power to exercise all municipal powers in the management and control of municipal property and in the administration of municipal government, whether such powers be expressly enumerated or not; to do any act to advance the interest of the City, the good government and property of the municipality and its inhabitants, and through its regularly constituted authority, to pass and enforce all laws, ordinances, and resolutions relating to its municipal concerns, subject to the Constitution and general laws of the State and the provisions of this Charter.

#### CHAPTER 4 ELECTIONS

##### Section 4.1 Election Commission

The election commission shall plan and administer all elections held in the City and be comprised of the City Clerk, the City Attorney, two (2) non-elected City of Inkster residents that shall be appointed by Mayor and Council, and the Council Member who received the highest number of votes at the last preceding City election, and he shall be chair of the commission.

The commission shall have general supervision of all elections held in the City and may hire assistants, election inspectors and other election personnel. The commission shall perform all duties required of election commissions by law. All meetings of the commission shall be public. Except as otherwise provided by this charter or ordinance, the provisions of state law shall apply to voting, the qualification and registration of voters, filing for office by candidates and the conduct and canvass of City elections.

##### Section 4.2 Time of Holding of City Elections

A non-partisan City general election to fill the elected offices of the City shall be held on the Tuesday after the first Monday in November 2019 and every fourth year thereafter. A non-partisan City primary to nominate candidates for City offices shall be held on the Tuesday after the first Monday in August 2019 and every fourth year thereafter, whenever the number of candidates for nomination exceeds twice the number of persons to be elected to an office.

##### Section 4.3 Terms and Elected Office of the City

The government of the City of Inkster shall be a Council/Mayor form of govern-

ment. The elected offices of the City of Inkster are the Mayor and the six members of the City Council, who are elected at large in the November general election. The term of office for every elected officer is four years and commences on the Monday following certification of the City general election.

##### Section 4.4 Geographical Basis for Election of the City Council

There shall be six districts established in the City. After the release of the official figures of every federal decennial census, the City Council shall, by resolution, divide the City into six districts, not less than 120 days prior to the next City primary election. Districts shall be compact, contiguous and nearly as equal in population as practicable. A description of the districts shall be a public record and filed with the City Clerk. The City Council shall establish districts for the election of City Council members in 2017 by resolution adopted within 90 days of the effective date of this City charter.

Members of the City Council shall be nominated and elected in the following manner: At the city primary election, two council members shall be nominated from each district by the electors of the district. At the City general election, one council member from each district shall be elected at large by all voters of the City.

##### Section 4.5 Qualifications for Elected Office

A candidate for Mayor shall be a citizen of the United States, a resident of the City of Inkster for at least one year prior to the filing deadline, and must be a qualified and registered voter of the City at the time of filing for and while holding office.

A candidate for City Council and any elected official shall be a citizen of the United States, a resident of the City of Inkster for at least one year immediately prior to the filing deadline, and a qualified and registered voter of the district for which election is sought at the time of filing for and while holding office.

##### Section 4.6 Nomination for Office

A candidate for nomination to the office of Mayor shall file a non-partisan nominating petition with the City Clerk containing not less than 200 nor more than 300 signatures of qualified and registered voters of the City. A candidate for City Council shall file a non-partisan nominating petition with the City Clerk containing not less than 100 nor more than 200 signatures of registered and qualified voters of the district for which election is sought. The City Clerk shall post notice of the filing deadline at least three (3) weeks prior to the filing deadline.

These petition signature requirements shall apply to an election to fill any vacancy.

##### Section 4.7 Campaign Finance Reports

Every elected officer or candidate for election shall make public campaign contributions and expenditures by filing one or more reports thereof as required by state law.

##### Section 4.8 Recall or Forfeiture of Office

An elected official provided for in this charter may be recalled and any such vacancy caused by recall filled by voters of the City in the manner provided by law.

The office of an elected official shall be forfeited if the person:

- Lacks at any time any qualifications required by law or this charter;
- Violates any provision of this charter punishable by forfeiture; or
- Is convicted of a felony while holding office.

The City Council shall be the judge of the grounds of forfeiture of an elected official. A City Council member charged with conduct constituting grounds for forfeiture may not vote on the resolution of the charge.

##### Section 4.9 Vacancies in the Office of City Council

Any vacancy which occurs in the office of City Council shall be filled by appointment within thirty days by a majority vote of the City Council. The appointment shall be for the balance of the unexpired term. A person appointed to fill a vacancy on the City Council shall be a resident of the City of Inkster for at least one year prior to appointment and a qualified and registered voter of the district where any vacancy shall have occurred. If the City Council shall fail to fill any vacancy in the office of City Council within thirty days, a special election shall be held to fill the vacancy for the balance of the unexpired term at the earliest time permitted by law; except that no primary election shall be held in conjunction therewith and the candidate receiving the highest number of votes at such special election shall be deemed elected.

##### Section 4.10 City Proposals

The City Council may, by resolution adopted not less than eighty-four (84) days before any primary, general or special election, submit any proposal to the voters of the city.

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

##### Section 5.1 Eligibility for Office and Employment in City

Except as otherwise provided by state law, all members of City boards and commissions, whether they are decision making or advisory in nature, shall be residents of the City unless otherwise determined by the City Council.

##### Section 5.2 Removals from Office

Removals by the City Council of elective officers or of members of boards or commissions shall be made for either of the following reasons:

- For any reason specified by law for removal of City officers by the Governor;
- Members of boards or commissions may be removed for just cause at the discretion of the Council. Such removal of such member of a board or commission shall only be made after due notice to the member affected has been given. Action taken by the City Council shall be at a regularly scheduled meeting.

##### Section 5.3 Resignations

(a) 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 meeting following receipt thereof by the Clerk, but not acted upon earlier than two (2) days after receipt.

(b) Resignation of appointive officers shall be made in writing to the appointing officer or body and shall be acted upon immediately.

##### Section 5.4 Filling Vacancies in Appointive Offices

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

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

Except by procedures provided by State Law or this Charter, the terms of office of the elective officers and of member of boards and commissions appointed for definite term shall not be shortened. The terms of elective officers of the City shall not extend 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 and has qualified. The Council shall not grant or authorize extra compensation to any elective officer after the service has been rendered.

#### Section 5.6 Oath of Office and Bond

Every officer, elected or appointed, before entering upon the duties of his office, shall take the constitutional oath of office and shall file the same with the Clerk, together with any bond required by law or the Council. In the case of failure to comply with the provisions of this section within ten (10) days from the date of his election or appointment, such officer shall be deemed to have declined the office and such office shall thereupon be vacant, unless the Council shall, by resolution, extend the time in which such officer may qualify as above set forth.

#### Section 5.7 Surety Bonds

(a) The Council may require any officer or employee to give a bond, to be approved by the City Attorney, in such sum as the Council determines. The bond shall be conditioned upon the faithful and proper performance of the duties of the office or employment concerned. All officers and employees who receive, distribute, or are responsible for City funds or investments shall be bonded. The resignation, removal, or discharge of any officer or employee, or appointment of another person to the office or employment, shall not exonerate the officer or employee or his sureties from any liability incurred by them.

(b) All official bonds shall be corporate surety bonds and the premiums thereof shall be paid by the City. No official bonds shall be issued for a term exceeding three years, except bonds which are required of officers serving terms of office which are longer than three years. No bond shall be renewed upon its expiration but a new bond shall be furnished in each case.

(c) The bonds of all officers and employees shall be filed with the Clerk, except that the Clerk's bond unless he is covered within the scope of a blanket surety bond, shall be filed with the Treasurer.

(d) The requirements of this section may be met by the purchase by the City of one or more blanket corporate surety bonds covering all or any group or groups of the officers and employees of the City. Any officer or employee who is covered by a blanket surety bond need not be bonded individually for the purpose of qualifying for office.

#### Section 5.8 Delivery of Office

Whenever any officer or employee shall cease to hold such office or employment for any reason whatsoever, he shall, forthwith, 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. An officer violating this provision may be proceeded against in the same manner as public officers generally for a like offense under statute.

#### Section 5.9 Contracts of Public Servants with Public Entities

All contracts involving public servants shall be governed by the provisions of Public Act 317 of 1968, as now or hereafter amended. Specifically, it is the intention that this Act (Public Act 317 of 1968) shall constitute the sole law of the State of Michigan and shall supersede all other acts in respect to conflicts of interest relative to public contracts involving public servants. This Act does not prohibit the City of Inkster from adopting an ordinance or enforcing an existing ordinance relating to conflict of interest in subjects other than public contracts involving public servants.

#### Section 5.10 Compensation of Officers and Employees

(a) The salaries of all City elective officers shall be determined by an elected officials Compensation Commission which shall be created by an ordinance containing such provisions as required by state law.

(b) Except as otherwise provided by law, the respective salaries and compensation of officers and employees as fixed by, or pursuant to, this Charter shall be in full for all services to the City of such officers or employees and shall be in lieu of all fees, commissions, and other compensation receivable by such officers or employees for such services. Such fees, commission, 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. A statement thereof shall be filed periodically with the Mayor.

(c) Nothing contained in this section shall prohibit the payment of necessary bona fide expenses actually incurred in or by any service on behalf of the City.

#### Section 5.11 Employee Benefits

The Council shall have the power to make available to the officers and employees of the City and of its departments and boards any recognized standard plan of group life, hospital, health or accident insurance, and other benefits as it may deem appropriate.

#### Section 5.12 Anti-Nepotism

Unless the City Council shall determine by majority vote of its members that the best interest of the City shall be served, the following relatives and their spouses of any elective official or his spouse are disqualified from holding any appointive office or employment of the City of Inkster within the same department or under the direct supervision and control of the elective official during the term of office of said elected official, respectively; child, grandchild, parent, grandparent, brother, sister, half-brother and half-sister. All relationships shall include those arising from adoption. This section shall in no way disqualify such relatives or their spouses who are bona fide appointive officers or employees of the City at the time of said election, or in case the relationship arises after the persons were, in each case, an officer of the City.

#### Section 5.13 Restrictions on Officers and Employees

This Charter prohibits the use of City owned property for personal use; gifts by employer; and the acceptance of gifts, money, or other gratuity from a person doing or attempting to do business with the City. No official or employee shall direct nor encourage another official or employee of the City to violate the provisions contained herein. No City funds shall be expended for alcoholic beverages.

### CHAPTER 6 PLAN OF CITY GOVERNMENT AND OFFICERS THEREOF

#### Section 6.1 Plan of Government

The government of the City shall be a Council/Mayor form of government elected at large from six districts on a non-partisan basis.

#### Section 6.2 Election of Mayor Pro Tempore

The City Council shall, at its first meeting following each regular City election, elect one of its members to serve as Mayor Pro Tempore for a term expiring at the first Council meeting following the next regular City election. In the absence (including vacancy in office) or disability of the Mayor, to the extent provided in Section 6.6, the Mayor Pro Tempore shall exercise all powers and authority vested in the Mayor except the power to run the day to day operations that shall be assumed by the Treasurer who will directly report to the Mayor Pro Tempore.

#### Section 6.3 Duties of the Mayor of the City

Insofar as required by law, and for all ceremonial purposes, the Mayor of the City shall

be the executive head and chief administrative officer of the City.

(a) He shall have an equal voice in all proceedings of Council but will only vote in those instances of a tie vote.

(b) He shall be a conservator of the peace, and may exercise within the City the powers conferred upon sheriffs to suppress disorder, and shall have the power to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the City, and to suppress riot and disorderly conduct;

(c) He shall authenticate by his signature such instrument as the Council, this Charter, or the laws of the State of Michigan or of the United States shall require;

(d) He shall exercise only such powers as the State law, this Charter, or the Council shall specifically confer upon, or require of, him;

(e) He shall be the presiding officer of the Council;

(f) He shall be responsible to the Council for the efficient administration of all administrative departments of the City government, except the department under the direction of the City Attorney and City Clerk;

(g) He shall see that all laws and ordinances are enforced;

(h) He shall give the proper department or City officials notice of the expiration or termination of any franchise, contract, or agreement;

(i) He shall see that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed;

(j) He shall review and recommend an annual budget to the Council and administer the budget as finally adopted under policies formulated by the Council, and to keep the Council fully advised at all times as to the financial conditions and needs of the City;

(k) He shall attend Council meetings with the right to take part in discussions and to recommend to the Council for adoption such measures as he may deem necessary or expedient;

(l) He shall exercise and perform all administrative functions of the City that are not imposed by this charter upon some other official;

(m) He shall be responsible for the maintenance of a system of accounts of the City; which system of accounts shall be in conformance with any uniform system required by law; and

(n) He shall perform such other duties as may be prescribed by this charter or as may be required of him by ordinance or by direction of the Council.

#### Section 6.4 Compensation of Elective Officers

The Mayor shall receive as remuneration of his services to the City, a temporary salary of ninety four thousand (\$94,000) dollars per year. The temporary salary shall be reviewed by the Compensation Commission at its next regular meeting following adoption of this Charter, and adjusted so that the Mayor's salary will be consistent with the standards of other mayors in the state who are the executive and chief administrator of their cities. A Council Member shall receive not less than Seventy Six Hundred (\$7,600) Dollars per year; provided that the Mayor and Council may be reimbursed for expenses incurred in connection with City business. Provided further, that such expenses shall be approved by resolution of the Council, upon which resolution the person whose account is being considered shall not vote. Future salaries of all City elective officers shall be determined by an elected official Compensation Commission which shall be created by an ordinance containing provisions as required by State law.

#### Section 6.5 Administrative Service

(a) The administrative officers of the City shall be the Mayor, City Attorney, Clerk, Treasurer, Assessor, Police Chief, Fire Chief, and such additional administrative officers as may be created by ordinance. The Council may, by ordinance, create additional administrative officers and may, by ordinance, combine any administrative offices in any manner it deems necessary or advisable for the proper and efficient operation of the City; but the Council may not diminish the duties or responsibilities of the office of the Mayor. Appointments to the positions of City Clerk and City Attorney shall be recommended by the Mayor and subject to approval by the Council for an indefinite period. The City Clerk and City Attorney shall be responsible to the Mayor and the Council, and shall have their compensation fixed by the Council. Removal of the City Clerk or City Attorney shall require an affirmative vote of not less than four (4) members of the city council;

(b) All other administrative officers of the City, except the City Clerk and City Attorney, shall be appointed by the Mayor for indefinite terms of office. Such officers shall be responsible to the Mayor and shall serve at his pleasure. Their compensation shall be recommended by the Mayor in accordance with budget appropriations and subject to approval by the Council;

(c) Except as may be otherwise required by law, the Council shall establish by ordinance, such departments of the City as it deems necessary or advisable and shall prescribe therein the functions of each department. The Mayor shall prescribe such duties and responsibilities of the officers of those departments responsible to him which are not inconsistent with this Charter or with any ordinance or resolution adopted concerning such duties and authorities under authority of this Charter.

(d) All personnel employed by the City who are elected officers of the City or declared to be administrative officers under this Charter, shall be deemed to be employees of the City. The Mayor shall have the power to hire and terminate the employees of all departments under provisions of the Civil Service System provided by, and under authority of the provisions of, Chapter 16 of this Charter. The Mayor shall confer with the Council prior to hires and terminations.

(e) Except for purposes of inquiries and investigations, the Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the Mayor, solely through the Mayor and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately.

#### Section 6.6 – Mayor Unable to Perform His Duties

The Treasurer shall take over the duties of the Mayor, if there is a vacancy in the Mayor's position, if the Mayor is incapacitated, or in the absence of the Mayor, and reports directly to the Mayor Pro Tempore. The Treasurer will retain those duties and responsibilities until the Mayor is able to resume them, or until there is a special election (without a primary unless called by the City Council), called at the discretion of the City Council, to replace the Mayor, who has resigned, otherwise vacated office, or could not perform his duties pursuant to this charter for more than a one year period of time. During this time that there is a vacancy in the Mayor's position or if the Mayor is incapacitated, the City Council will have the power to fire or discipline the Treasurer while he is assuming the Mayor's responsibilities.

#### Section 6.7 Attorney: Functions and Duties

(a) The Council shall appoint and approve the salary of the City Attorney who shall hold office at the pleasure of the Mayor and Council. Removal of the City Attorney shall require an affirmative vote of not less than four (4) members of the city council;

(b) The Attorney shall be duly admitted to practice, and licensed by the State Bar of the State of Michigan to practice in the State of Michigan;

(c) The Attorney shall act as legal advisor to, and be attorney and counsel for the City, and shall be responsible to the Mayor and 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;

(d) The Attorney shall prosecute all Charter and 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 all records and files relating thereto as the Council may direct;

(e) The Attorney shall prepare or review all ordinances, contracts, bonds, and other written instruments which are submitted to him by the Mayor or Council and shall promptly give his opinion as to the legality thereof;

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

(g) The Attorney shall perform such other duties as may be prescribed for him by this Charter, the Mayor, or by the Council;

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

#### **Section 6.8 City Clerk: Functions and Duties**

(a) The Council shall appoint and fix the salary of the City Clerk, who shall hold office at the pleasure of the Mayor and Council. Removal of the City Clerk shall require an affirmative vote of not less than four (4) members of the city council

(b) He shall be Clerk of the Council. He shall attend all meetings of the Council and shall keep a permanent journal in the English language of its proceedings. He shall keep a record of all ordinances, resolutions, and regulations of the Council;

(c) He shall be custodian of the City seal, and shall 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 of Inkster, the custody of which is not otherwise provided for. He shall give to the proper department or officials ample notice of the expiration or termination of any franchises, contracts, or agreements.

(d) He shall provide and maintain in his office a supply of all forms for all petitions required to be filed for any purpose by the provisions of this Charter, and shall accept no petitions for any purpose set forth in this Charter which are not on the forms provided by him for such purpose;

(e) He shall certify by his signature all ordinances and resolutions enacted or passed by the Council, and perform any other duties required of him by the state law, this Charter, the Council, or the Mayor;

#### **Section 6.9 City Treasurer: Functions and Duties**

(a) The Treasurer shall have the custody of all moneys of the City, the Clerk's bond, and all evidence of value belonging to the City, or held in trust by the City;

(b) The Treasurer shall receive and disburse all moneys belonging to the City and shall keep an accurate, detailed account of all money received and disbursed by him;

(c) He shall keep and deposit all moneys 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 all taxes and moneys as may be conferred upon him by this Charter or by state law;

(e) The Treasurer shall perform such other duties as required by state law, this Charter, the Council or the Mayor.

### **CHAPTER 7**

#### **THE COUNCIL: PROCEDURE AND MISCELLANEOUS POWERS AND DUTIES**

##### **Section 7.1 Rules of Council**

The City Council is made up of the Council persons from each of the six districts and the Mayor. The City Council shall determine its own rules and order of business and shall keep a journal of all its proceedings in the English language which shall be signed by the Mayor. The vote upon the passage of all ordinances and upon the adoption of all resolutions shall be taken by "Yes" and "No" vote and/or by a consensus of the Council and entered upon the records, except that where the vote is unanimous it shall only be necessary to so state. No member shall vote on any question in which he is financially interested or any question concerning his own financial conduct. On all other questions each member of the City Council who shall be recorded as present shall vote on all questions decided by the City Council.

All contracts involving public servants shall be governed by the provisions of Public Act 317 of 1968 as now or hereafter amended. Specifically, it is the intention that this Act (Public Act 317 of 1968) shall constitute the sole law of the State of Michigan and shall supersede all other acts in respect to conflicts of interest relative to public contracts involving public servants. This Act does not prohibit the City of Inkster from adopting an ordinance or enforcing an existing ordinance relating to conflict of interest in subjects other than public contracts involving public servants.

The City Council will have veto power over the Mayor as to any administrative decision he has made pursuant to Section 6.3 of the City charter with a 2/3 vote at the next City Council Meeting following the decision the Mayor has made. The Mayor does not get a veto vote. The Mayor only votes on matters in front of City Council in those instances of a tie vote.

##### **Section 7.2 Regular Meetings**

The Council shall provide by resolution for the place of the regular meetings and shall hold at least two regular meetings each month which shall be held on the first and third Monday of each month at 7:00 p.m. If any time set for holding of a regular meeting of the Council shall be a holiday, then such regular meeting shall be held at the same hour and place on the next secular day which is not a holiday.

##### **Section 7.3 Special Meetings**

Special meetings shall be called by the Clerk on the written request of the Mayor, or any two members of the City council on at least eighteen (18) hours written notice to each member of the Council, served personally, via email or left at his usual place of residence; and posted at the City Hall and other public places as provided by State Statute.

##### **Section 7.4 Business at Special Meetings**

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

##### **Section 7.5 Quorum**

A majority of the City Council, four (4), shall constitute a quorum for the transaction of business at all meetings of the City Council, but in the absence of a quorum, may adjourn any meeting to a later date.

##### **Section 7.6 Meetings Open to the Public**

All regular and special meetings of the City Council shall be open to the public and rules of order of the City Council shall provide that citizens shall have a reasonable opportunity to be heard. No official action shall be taken by the City Council at other than a regular meeting or special meeting.

##### **Section 7.7 Investigations**

The City Council, or any person or committee authorized by it shall have power to inquire into the conduct of any department, office or officer of the City and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers and other evidence. Failure on the part of any officer of the City to obey such subpoena or to produce books, papers or other evidence as ordered under the provision of this section shall constitute misconduct in office. If such failure shall be on the part of any employee and/or officer of the City, it shall constitute a misdemeanor.

##### **Section 7.8 Publication of Council Proceedings**

An abstract of the proceedings of the Council shall be published at least once within fifteen days after each meeting of the Council in accordance with Section 2.3.

##### **Section 7.9 Citizen District Advisory Committees**

To encourage and promote civic and political awareness of issues affecting the City of Inkster and knowledge of municipal government, each council member shall establish a Citizen District Advisory Committee, consisting of not less than five volunteers from within the district from which elected, within 120 days after the effective date of this City charter.

The duties of each Citizen District Advisory Committee shall be to:

(a) Inform citizens of local, state, and federal activities that affect the quality of life for residents of the City;

(b) Generate citizen participation in local government and build a sense of community spirit and involvement;

(c) Encourage and develop future leadership for the City;

(d) Provide a forum for the exchange of ideas and visions for the enrichment of the City;

(e) Participate in problem solving regarding contemporary issues confronting the City;

(f) Educate residents as to the duties, functions, powers and limits of City government;

(g) Provide advice to the City Council and Mayor on issues within the district, recommend adoption of ordinances or other actions by the City to reduce or eliminate negative factors hindering the growth, development or improvement of the City, which shall include housing development, commercial blight, public safety and economic opportunity or development;

(h) Communicate to the Mayor and City Council the concerns of groups, businesses and residents within the district with respect to the delivery of City programs and services; and

(i) Meet annually with the Mayor and City Council to discuss problems and needs of the district.

##### **Section 7.10 Citizen District Advisory Committee Meetings**

Every Citizen District Advisory Committee shall meet during each quarter of the calendar year. Meetings shall be held in a public building in the district or a municipal facility within the City. Public notice of each meeting shall be given not less than ten (10) days before the date of the meeting. The notice shall state the date, time and location of the meeting. One meeting shall be an annual joint meeting of all Citizen District Advisory Committees. At the annual meeting, Citizen District Advisory Committees shall prepare and submit to the Mayor and City Council, a listing of citizen concerns, recommendations for improvements and a suggested plan of action regarding the issues described. All meetings shall be public and held in compliance with the Michigan Open Meetings Act.

At the first meeting and annually thereafter, each Citizen District Advisory Committee shall select a Chair, who will preside over the meetings, a Vice-Chair, and Secretary. The Secretary shall record minutes of each meeting and file a copy with the City Clerk. The Vice-Chair shall preside in the absence of the Chair.

At each meeting, all residents, representatives of businesses, community organizations and other members of the public shall have a reasonable opportunity for public comment regarding the delivery, quality or sufficiency or necessity of City services within the district, conditions or events affecting the quality of life for City residents, or other contemporary municipal issues.

##### **Section 7.11 Citizen District Advisory Committee Duties of Council Members**

Each member of the City Council shall serve as a resource to the Citizen District Advisory Committee in the district from which elected, regularly providing information to district residents, business and community organizations relating to:

(a) Present and anticipated delivery of City programs and services within the district;

(b) Proper procedures for accessing the various City departments and agencies to receive information, request services or to resolve problems;

(c) Physical and capital improvements planned for the district;

(d) Major issues within the district, including housing development, commercial or residential blight, safety, security and economic opportunity and development; and

(e) Other matters deemed to be of significance for district residents, businesses and community organizations.

### **CHAPTER 8 LEGISLATION**

##### **Section 8.1 Prior City Legislation**

(a) All valid ordinances, resolutions, rules and regulations of the City of Inkster which are not inconsistent with this Charter and which are in force and effect at the time of the effective date of this Charter shall continue in full force and effect, until repealed or amended.

(b) Those provisions of any effective valid ordinance, resolution, rule or regulation which are inconsistent with this Charter, are hereby repealed.

##### **Section 8.2 Ordinances and Resolutions**

All official action of the Council shall be by ordinance, resolution or proclamation adopted by the affirmative vote of a majority of the Council members present, unless otherwise required by law or this Charter. All actions of the Council which do not constitute ordinances shall be deemed to be resolutions or proclamations. Action by resolution shall be limited to matter required or permitted to be so done by law or pertaining to the internal affairs or concerns of the City government. All other acts of the Council and all acts of the Council and all acts carrying a penalty for the violation thereof, shall be by ordinance. Each ordinance shall be identified by short title and by a number.

##### **Section 8.3 Enactment, Amendment, Repeal and Effective Date of Ordinances**

(a) Each proposed ordinance shall be introduced in written and printed form. The style of all ordinances shall be: "The City of Inkster ordains:"

(b) No ordinance shall be passed at the same meeting at which it is introduced, except where permitted by statute.

(c) An ordinance may be repealed or amended only by an ordinance passed in the matter provided in this section. An ordinance may be repealed by reference to its number and title only.

(d) If a section of an ordinance is amended, the section shall be re-enacted and published at length. The requirement shall not apply to sections which list one-way streets, stop streets and street intersections, and of parking limitations which are con-

tained in any traffic ordinance.

(e) The effective date of all ordinances shall be stated therein but shall not be earlier than the date of publication. Such publication shall be made in a newspaper which is circulated in the City and/or on the City website and shall comply with State Law.

#### **Section 8.4 Recording of Ordinances**

All ordinances shall be recorded by the Clerk in a book to be called "The Ordinance Book", and it shall be the duty of the Mayor and 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.

#### **Section 8.5 Penalties for Violations of Ordinances**

Any ordinance may provide for the punishment of those who violate its provisions. The punishment for the violation of any ordinance, including the costs for the prosecution thereof, shall not exceed a fine of Five Hundred (\$500) Dollars or imprisonment for ninety (90) days, or both in the discretion of the court; said imprisonment may be either in the City or County jail, or in any state penal institution in the State which is authorized by law to receive prisoners from the City.

#### **Section 8.6 Special Requirements for Certain Council Actions**

Subject to the provisions of law, the Council may open, establish, vacate, discontinue or abolish any highway, street, lane, alley or other public place or part thereof, by resolution. After the introduction of such resolution and before its final adoption, the Council shall hold a public hearing thereon, and shall post or publish notices of such hearing as required by general law.

#### **Section 8.7 Enactment of Codes by Reference**

In accordance with the provisions of law now or hereafter in effect, the Council may enact technical codes or regulations which have been promulgated or enacted by the State of Michigan or the United States of America, 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 technical regulations, by reference thereto in an adopting ordinance and without publishing any such code in full: Provided that each statute or technical code or regulation is clearly identified in the ordinance adopting the same. The purpose of the code or regulation shall be published with the adopting ordinance and complete printed copies thereof shall be kept in the office of the Clerk, available for inspection by and distribution to the public at all times. Such publication shall contain a notice stating that a complete copy of said code or regulation is available for public inspection at the office of the City Clerk.

#### **Section 8.8 Severability of Ordinances**

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

#### **Section 8.9 Initiative and Referendum**

An ordinance may be initiated by petition, or a referendum on an ordinance enactment may be had, by petition as hereafter provided.

#### **Section 8.10 Initiatory and Referendary Petitions**

(a) An initiatory or a referendary petition shall be signed by not less than ten percent of the registered electors of the City, as of the date of the last regular City election, and all signatures on said petition shall be obtained within sixty (60) 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 which are identical as to content, except as to signatures, 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 or part thereof.

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

#### **Section 8.11 Council Procedure on Initiatory and Referendary Petitions**

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

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

#### **Section 8.12 Submission of Initiatory and Referendary Ordinances to Electors**

Should the Council decide to submit the proposal to the electors, it shall be submitted at the next City election held, 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 fifty days from the time petition is presented to the Council and the Council does not enact the ordinance then the Council shall call for a special election within ninety days from such date. The results of all elections, held under the provisions of this section shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by law or the terms of this Charter.

#### **Section 8.13 Ordinance Suspended: Miscellaneous Provisions on Initiatory and Referendary Petitions**

(a) The presentation to the Council by the Clerk of a valid and sufficient referendary petition, containing a number of signatures equal to twenty-five percent of the registered electors of the City as of the date of the last regular City election, which signatures have been obtained within sixty days before the date of filing the petition with the Clerk, shall automatically suspend the operation of the ordinance in question, pending repeal by the Council or final determination by the electors.

(b) An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed by the Council for a period of two years after the date of the election at which it was adopted and an ordinance repealed by the electorate may not be re-enacted by the Council for a period of two years after the date of the election at which it was repealed. Any such ordinance may be adopted, amended, or repealed at any time by appropriate referendum or initiatory procedure in accordance with the fore-

going provisions of this Chapter or if submitted to the electorate by the Council on its own motion.

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

### **CHAPTER 9 GENERAL FINANCE-BUDGET, AUDIT**

#### **Section 9.1 Fiscal Year**

The Fiscal year of the City shall begin on the 1st day of July and end on the 30th day of June of the following year. Such year shall also constitute the budget year of the City government.

#### **Section 9.2 Budget Procedure**

On or before the fifteenth day of February of each year each City officer, department head, board, and commission shall submit to the Mayor a proposed budget for the next fiscal year. The Mayor shall assemble and review the budgets so submitted prior to presentation to the City Council for adoption; at its second regular meeting in April. Such budget proposal shall include:

- (a) Detailed estimates, with his supporting explanations, of all proposed expenditures for each department, office and agency of the City, showing the expenditures for corresponding items for the last preceding fiscal year in full, and for the current fiscal year to January first and estimated expenditures for the balance of the current fiscal year;
- (b) Statements of the bonded and other indebtedness of the City showing the debt redemption and interest requirements, the debt authorization and unissued, and the condition of sinking 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 received by the City from each of the same or similar sources for the last preceding fiscal year in full, and for the current fiscal year to January first, and estimated revenues for the balance of the current fiscal year;
- (d) An estimate of the balance or deficit for the end of the current fiscal year;
- (e) An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which together with any available unappropriated surplus and any revenues from other sources, will be necessary to meet the proposed expenditures;
- (f) Such other supporting information as the City Council may request.

#### **Section 9.3 Budget Document**

The budget document shall present a complete financial plan for the ensuing fiscal year and shall contain such detail as the Council may request. It shall include at least:

- (a) Estimate of all proposed expenditures for each department and office of the City showing the expenditures for corresponding items for the current and last preceding fiscal year;
- (b) Statement of the bonded and other indebtedness of the City showing the debt redemption and interest requirements;
- (c) Detailed estimates of all anticipated income of the City from other sources other than taxes and borrowing, with comparative statement for previous years and the current fiscal year;
- (d) Statements of the established balance of surplus or deficit, as the case may be, for the end of the current fiscal year;
- (e) An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues necessary to meet the proposed expenditures;
- (f) The City Council shall appropriate funds in the Annual Budget for the exclusive use by the Mayor, at his discretion, for the betterment of the City; and
- (g) Such other information as may be required by State Law.

#### **Section 9.4 Budget Hearings**

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

#### **Section 9.5 Adoption of Budget**

Not later than the second regular meeting in May, the Council shall by resolution, adopt the budget for the next fiscal year, any new or updated City fees and shall in such resolution, provide for a levy of the amount necessary to be raised by tax upon real and personal property for municipal purposes, and provide for the necessary appropriation needed for municipal purposes in the next fiscal year.

#### **Section 9.6 Transfer of Appropriations**

After the budget has been adopted no money shall be drawn from the treasury of the City, nor shall any obligations for the expenditure of money be incurred except pursuant to the budget appropriations. The Council may transfer any unencumbered appropriation balance or any portion thereof from one department, fund, or agency to another. The balance of any appropriation which has not been encumbered at the end of the fiscal year shall revert to the general fund and may be re-appropriated during the next fiscal year.

#### **Section 9.7 Budget Control**

As provided in MCL 141.437, as now or hereafter amended, that if during a year, it appears to the chief administrative (Mayor) or to the legislative body (City Council) that the actual and probable revenues from taxes and other sources in a fund are less than the estimated revenues, including an available surplus upon which appropriations from the fund were based and the proceeds from bonds or other obligations issued under the fiscal stabilization act, 1981 PA 80, MCL 141.1001 to 141.1011, or the balance of the principal of these bonds or other obligations, the chief administrative officer (Mayor) or fiscal officer (Treasurer) shall present to the legislative body (City Council) recommendations which, if adopted, would prevent expenditures from exceeding available revenues for that current fiscal year. The recommendations shall include proposals for reducing appropriations from the fund for budgetary centers in a manner that would cause the total of appropriations to not be greater than the total of revised estimated revenues of the fund, or proposals for measures necessary to provide revenues sufficient to meet expenditures of the fund, or both. The recommendations shall recognize the requirements of state law and the provisions of collective bargaining agreements.

#### **Section 9.8 Depository**

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

by resolution determine.

### Section 9.9 Independent Audit

An independent audit shall be made of all accounts of the City government at least annually and more frequently if deemed necessary by the Council. Such audit shall be made by qualified certified public accountants experienced in municipal accounting. An annual report of the City business shall be made available to the public by the City Clerk in such form as will disclose pertinent facts concerning the activities and finances of the City government.

## CHAPTER 10 GENERAL TAXATION

### Section 10.1 Power to Tax: Tax Limit

The City shall have the power to assess taxes and levy and collect rents, tolls and excises. The annual ad valorem tax levy shall not exceed two percent of the taxable value of the real and personal property in the city.

### Section 10.2 Subjects of Taxation

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

### Section 10.3 Exemptions

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

### Section 10.4 Tax Day

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

### Section 10.5 Personal Property - Jeopardy Assessment

If the Treasurer finds or reasonably believes that any person who is, or may be, liable for taxes upon personal property, the taxable situs of which was in the City on tax day, intends to depart from the City; or to remove therefrom personal property, which is, or may be, liable for taxation; or to conceal himself or his property; or to do other act tending to prejudice, or to render wholly or partly ineffectual the proceeding to collect such tax, unless proceedings therefor be brought without delay, he shall proceed to collect the same as a jeopardy assessment in the manner provided by law.

### Section 10.6 Preparation of the Assessment Roll

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

### Section 10.7 Board of Review

The Board of Review shall consist of three qualified residents and electors of the City who are not City officers or employees to be appointed annually by the City Council. The Assessor is to be Clerk of the Board of Review and non-voting. The Board shall be entitled to such remuneration as determined by the City Council.

### Section 10.8 Duties and Functions of the Tax Board of Review

For the purpose of revising and correcting assessments, the Tax Board of Review shall have the same powers and perform like duties in all respects as are conferred by State law upon and required of boards of review in townships, except as otherwise provided in this Charter. It shall hear the complaints of all persons considering themselves aggrieved by assessments, and, if it shall appear that any person or property has been wrongfully assessed or omitted from the roll the Board shall correct the roll in such manner as it deems just. In all cases, the roll shall be reviewed according to the facts existing on tax day and no change in the status of any property after that day shall be considered by the Board in making its decisions. Except as otherwise provided by law, no person, other than the Tax Board of Review, shall make or authorize any change upon, or addition or corrections to, the assessment roll. It shall be the duty of the Assessor to keep a permanent record of all proceedings of the Board and to enter therein all resolutions and decisions of the Board. Such proceedings shall be filed in the office of the Clerk not later than the first day of September following the meeting of the Tax Board of Review.

### Section 10.9 Meetings of the Tax Board of Review

The Tax Board of Review shall convene on the second Monday in March of each year to review and correct the assessment roll and shall remain in session for not less than two days and one evening. It shall choose its own chairman and a majority of its members shall constitute a quorum. On or before the first Monday in April the Tax Board of Review shall endorse the assessment roll as provided hereafter. The Board shall consist of three (3) members.

### Section 10.10 Notice of Meetings

Notice of the time and place of the sessions of the Tax Board of Review shall be published by the City Clerk at the notice of the Assessor at least ten days prior to the second Monday in March.

### Section 10.11 Endorsement of Roll

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

### Section 10.12 Clerk to Certify Tax Levy

Within three days after the Council has adopted the budget for the ensuing year, the Clerk shall certify to the Assessor the total amount which the Council determines shall be raised by general ad valorem tax. The Clerk shall also certify all amounts of current or delinquent special assessments and all other amounts which the Council requires or orders to be assessed, reassessed, or charged upon the said roll against any property or any person in accordance with the provisions of this Charter or any ordinance of the City at the notice of the City Treasurer.

### Section 10.13 City Tax Roll

After the Tax Board of Review has completed its review of the assessment roll, the Assessor shall prepare a copy of the assessment roll, to be known as the "City Tax Roll". Upon receiving the certification of the several amounts to be raised, as provided in Section 10.12 the Assessor shall spread upon said tax roll the several amounts determined

by the Council to be charged, assessed, or reassessed against persons or property. The Clerk shall also spread thereon the amounts of the general ad valorem City Tax, county tax and school tax, according to and in proportion to the several valuations set forth in said assessment roll. As provided on MCL 211.39, as now or hereafter amended, that to avoid fractions in computation, the assessor shall round down the tax rate to 4 decimal places.

### Section 10.14 Tax Roll Certified for Collection

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

### Section 10.15 Tax Lien on Property

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

### Section 10.16 Taxes Due: Notification Thereof

City taxes shall be due on July first of each year. The Treasurer shall not be required to call upon the persons named in the City tax roll, nor to make personal demand for the payment of taxes, but the Treasurer shall

(a) publish, between June fifteenth and July first, notice of the time when said taxes will be due for collection and the penalties and fees for late payment of same, and (b) mail a bill to each person named in said roll, but in cases of multiple ownership of property only one bill need be mailed.

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

### Section 10.17 Collection Fees and Interest

City taxes shall be due and payable on the first day of July of each year. To all taxes paid after August 31, there shall be added a four (4%) percent penalty, to all taxes paid after said date, there shall also be added interest at the rate of one-half (½) of one (1%) percent for each month or fraction of a month intervening between said date and the date of payment, of the first day of March of the succeeding calendar year, whichever date shall first occur. The added penalties and interest therein provided shall belong to the City and shall constitute a charge and shall be a lien against the property to which the taxes themselves apply, collectable in the same manner as the taxes to which they are added.

### Section 10.18 State, County and School Taxes

For the purpose of assessing and collecting taxes for state, county, and school purposes, the City shall be considered the same as a township, and all provisions of law relative to the collection of and accounting for such taxes shall apply. For these purposes the Treasurer shall perform the same duties and have the same powers as are granted and imposed upon township treasurers by law.

### Section 10.19 Protection of City Lien

The City shall have power, insofar as the exercise thereof shall not conflict with or contravene the provisions of law to acquire such an interest in any premises within the City, by purchase or any tax or other public sale, or by direct purchase from or negotiation with the State of Michigan or the fee owner, as may be necessary to assure to the City the collection of its taxes, special assessments or charges which are levied against any lot or parcel of real property or to protect the lien of the City therefor, and may hold, lease, sell, or exchange the same. Any such procedure exercised by the City to assure the collection of its taxes or the protection of its tax or other liens shall be deemed to be for public purpose. The Council may adopt any ordinance which may be necessary to make this section effective.

### Section 10.20 Disposition of Real Property Held by City

The Council shall pass an ordinance providing for the care, custody and disposition of real property, or any interest therein, which it shall hereafter acquire by reason of any action taken to protect the City's tax lien thereon.

### Section 10.21 Collection of Delinquent Taxes

All taxes and charges, together with fees, penalties and interest upon real property on the tax roll, remaining uncollected by the Treasurer on the first day of March following the date when the roll was received by him shall be returned to the County Treasurer, to the extent and in the same manner and with like effect as provided by law for return by township treasurers of township and county taxes. Such returns shall include all the additional assessments, charges, fees, penalties and interest hereinbefore provided, which shall be added to the amount assessed in said tax roll against each property or person. The taxes, assessments and charges thus returned shall be collected in the same manner as other taxes returned to the County Treasurer are collected in accordance with law, and shall be and remain a lien upon the property against which they are assessed until paid.

## CHAPTER 11 GENERAL FINANCE-BORROWING POWER

### Section 11.1 General Borrowing

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

### Section 11.2 Special Assessment Bonds

The Council shall, subject to the applicable provisions of the general laws of the State, have authority to borrow money in anticipation of the payment of any combination of such special assessments, and to issue bonds therefor. Such special assessment bonds may be solely 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. All collections on each special assessment roll or combination of rolls shall be set apart in a separate fund for the payment of the principal and interest of the bonds issued in anticipation of the payment of such special assessments, and shall be used for no other purpose.

**Section 11.3 Other Bonds**

The City shall have power to issue revenue or other types of bonds in the manner and for the purpose permitted by the Constitution and general laws of the State of Michigan.

**Section 11.4 Preparation and Record**

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

**Section 11.5 Unissued Bonds**

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

**Section 11.6 Limitation on Indebtedness**

The City may not incur indebtedness by the issue of bonds or otherwise, in any sum which, including existing indebtedness, shall exceed ten percent of the assessed valuation of the real and personal property within the City subject to taxation as shown by the last preceding assessment roll of the City; provided, however, that in the case of fire, flood or other calamity requiring an emergency fund for the relief of the inhabitants of the City or for the preservation of municipal property, public works, bridges or streets, the legislative body of the City may borrow money due in not more than five years and in the amount not exceeding three-eighths of one percent of the assessed valuation of all the real and personal property in the City, notwithstanding such loan may increase the indebtedness of the City beyond the limitation fixed in this Chapter; provided, further that in computing the net bonded indebtedness for the purposes hereof, bonds issued in anticipation of the payment of special assessments, even though they are also a general obligation of the City, mortgage bonds which are secured only by a mortgage on the property or franchise of a public utility, and bonds issued to refund monies advanced or paid on special assessments for water main extensions, shall not be included, and the resources of the sinking fund pledged for the retirement of any outstanding bonds shall also be deducted from the amount of the bonded indebtedness.

**CHAPTER 12  
SPECIAL ASSESSMENTS**

**Section 12.1 Hazards and Nuisances**

(a) When any lot, building, or structure within the City, because of accumulation of refuse or debris, the uncontrolled growing of noxious weeds, or age, or dilapidation, or graffiti, or because of any other condition or happening becomes, in the opinion of the Council, a public hazard or nuisance which is dangerous to the health, safety or welfare of the inhabitants of the City or of those residing or habitually going near such lot, building or structure, the Council may, after investigation, personally serve the owner or owners specifying the nature of the nuisance and requiring such owner to abate or remove the nuisance promptly and within a time to be specified by the Council, which shall be commensurate with the nature of the nuisance. If, after a diligent attempt at personal service, the Council determines that personal service cannot be obtained, that notice shall be sent to the owner or owners by certified mail return receipt requested and, in addition, such notice shall be posted on said property in a conspicuous place. If at the expiration of the time limit in said notice, the owner has not complied with the requirements thereof, or in any case where the owner of the land or of the building or structure itself is not known, the Council may order such hazard or nuisance abated by the proper department or agency of the City, or may do the work by contract or by hire, and the cost of such abatement, plus an administration fee, shall be assessed against the lot, premises or description of real property upon which such hazard or nuisance is located by special assessment.

(b) The Council shall determine what amount or part of each expense shall be charged, and the person, if known, against whom the charge shall be made, and the premises upon which the same shall be levied as a special assessment; and as often as the Council shall deem it expedient, it shall require notice of all of the several amounts so reported and determined to be given by the Clerk either by registered mail sent to their last known address as shown on the assessment roll of the City, or by publication. Such notice shall state the basis of the assessment, the cost thereof and shall give a reasonable time, which shall not be less than thirty days, in which payment shall be made. In all cases where payment is not made within the time limit, the same shall be reported by the Clerk to the Assessor which shall spread such amounts against the several persons or descriptions of real property chargeable therewith on the next roll for the collection of City taxes.

**Section 12.2 Sidewalks**

The Council shall prescribe that sidewalks except crosswalks, shall be built by the owner of platted land within the City in the public streets adjacent to and abutting upon such lots and premises in the manner and within the time to be prescribed by ordinances; provided that, in case of the failure of any such owner to comply with the provisions of such ordinance the City may build or cause to be built such sidewalks and assess the cost thereof against such owner and against the land improved thereby, in a manner prescribed by the Council by ordinance.

**Section 12.3 Boulevard Lighting**

The Council shall have power to assess the cost of installing a 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 12.4 General Power Relative to Special Assessment**

(a) The Council shall have the power to determine the necessity of any local or public improvement with or without a petition therefor and to determine that the whole or any part of the expense thereof shall be defrayed by special assessment upon the property especially benefitted, provided that all special assessments levied shall be in proportion to the benefits derived from the improvement.

(b) The City shall provide for the proper financing of the acquisition and construction of any improvement or facility by direct taxation, special assessments on the basis of benefits actually and exclusively received by property affected by any such improvement, or by borrowing money and issuing bonds or other evidence of indebtedness therefor, or by a combination of such methods; and for the defraying of the cost of maintenance, operation, management of such facility and for payment of interest thereon, and a sinking fund to retire any bonds issued hereunder, from the revenues received as a result of the operation thereof by the City; and as further provided by law.

**Section 12.5 Procedure to Be Fixed by Ordinance**

The Council shall prescribe by ordinance the complete special assessments procedure concerning the initiation of projects, plans and specifications, estimates of costs, notice of hearings, making and confirming assessment rolls, and the correction of errors therein, collection of special assessments, and any other matters concerning the making of improvements by the special assessments method, subject to the provisions of this Chapter.

**Section 12.6 Objection to Improvement**

If, at or prior to final confirmation of any special assessment, more than fifty percent of the number of owners of privately owned real property to be assessed for any improvement, or in case of paving or similar improvements more than fifty percent of the number of owners of frontage to be assessed for any such improvement, shall object in writing to the proposed improvement, the improvement shall not be made by proceedings authorized by this Charter without a five-seventh vote of the members of the Council, provided that this section shall not apply to sidewalk construction.

**Section 12.7 Installment Payments of Assessments**

The Council may provide for the payment of special assessments in annual installments, not to exceed thirty in number, the first installment being due upon confirmation of the roll and the deferred installments being due annually thereafter or, in the discretion of the Council, may be spread upon and made a part of each annual City tax roll thereafter until all are paid. Interest may be charged upon deferred installments at a rate not to exceed the maximum allowed by State Law. Under any installment plan adopted, the whole or any deferred installments with accrued interest to date of payment may be paid in advance of the due dates established.

**Section 12.8 Additional Assessments**

When any special assessment roll shall prove insufficient to meet the costs of the improvements for which it was made, the Council may make an additional pro rata assessment, but the total amount assessed against any one parcel of land shall not exceed the benefits received by said lot or parcel of land.

**Section 12.9 Refunds of Assessments**

The Mayor shall within sixty (60) days after the completion of each special assessment project compile the actual cost thereof and certify same to the Council. Should the assessment prove larger than necessary by five (5%) percent or less, the Council may place the excess in the City treasury; if more than five (5%) percent, the excess shall be refunded pro-rata according to assessments. In either case, the Council may provide by resolution that the amount of any excess may be allowed as a credit on the last installment where such installment still remains unpaid at the time the final cost of the improvement is determined.

**Section 12.10 Special Assessment Accounts**

Except as otherwise provided in this Chapter, monies raised by special assessments to pay the cost of any local improvement shall be held in a special fund to pay such cost or to repay any money borrowed therefor. Each special assessment account must be used only for the improvement project for which the assessment was levied, except as otherwise provided in this Chapter.

**Section 12.11 Contested Assessments**

As provided in MCL 205.735a, as now or hereafter amended, a proceeding before the Michigan Tax Tribunal is original and independent and is considered de novo. For a special assessment dispute, the special assessment must be protested at the hearing held for the purpose of confirming the special assessment roll before the Michigan Tax Tribunal acquires jurisdiction of the dispute.

**Section 12.12 Reassessments for Benefits**

Whenever the Council shall deem any special assessment invalid or defective for any reason whatever, or if any court of competent jurisdiction shall have adjudged such assessment to be illegal for any reason whatever, in whole or in part, the Council shall have power to cause a new assessment to be made for the same purpose for which the former assessment was made, whether the improvement or any part thereof has been completed or not, and whether any part of the assessment has been collected or not. All proceedings on such reassessment and for the collection thereof shall be made in the same manner as provided for in an original assessment. If any portion of the original assessment shall have been collected and not refunded, it shall be applied upon the reassessment and the reassessment shall to that extent be deemed satisfied. If more than the amount reassessed shall have been collected, the balance shall be refunded to the persons making such payments.

**Section 12.13 Delinquent Special Assessments**

Special assessments and all interest and charges thereon, from the date of confirmation of the roll, shall be and remain a lien upon the property assessed of the same character and effect as the lien created by general law for State and County taxes, and by this Charter for City taxes, until paid. From such date and after such confirmation as shall be fixed by the Council, the same collection fees shall be collected on delinquent special assessments and upon delinquent installments of such special assessments beginning on the following September first of each year, as are provided by this Charter to be collected on delinquent City taxes. Such delinquent special assessments shall be subject to the same penalties, and the lands upon which are the same are a lien shall be subject to sale therefor, the same as are delinquent City taxes and the lands upon which they constitute a lien.

**Section 12.14 Lien Not Destroyed by Judgment**

No judgment or decree, or any act of the Council vacating a special assessment shall destroy or impair the lien of the City upon the premises assessed, for such amount of the assessment as may be equitably charged against the same, or as by a regular vote or proceeding might have been lawfully assessed thereon.

**CHAPTER 13 – PURCHASE SALE AND LEASE OF PROPERTY**

**Section 13.1 Purchase, Sale and Lease of Property**

The Council shall provide by ordinance for the purchasing procedure to be followed in all purchases, sales and leases and the letting of contracts therefor subject to the following restrictions:

- a) All purchases and sales and leases shall be evidenced by written contract or purchase order.
- b) No contract shall be made with any person who is in default to the City.
- c) Sealed bids shall be obtained for the purchase, sale or lease of personal property in amounts over Five thousand (\$5,000.00) Dollars and for the purchase, sale or lease of real property in amounts over Ten thousand (\$10,000.00) Dollars, except where the Council shall determine by majority resolution of those present at a regular or special meeting that the public interest will be best served without the taking of bids. The City

Council may increase by ordinance, the above limits.

d) The Council may authorize the making of public improvements or the performance of any City work by any City agency without competitive bidding. The Council may reject any or all bids or parts of bids. When one or more parts of a bid are rejected, the Council may accept any part or parts which are not rejected.

e) No public work, or improvement shall be commenced, nor any contract therefor be let or made, until a valid specific appropriation to pay the cost thereof shall have been made by the Council from funds on hand and legally available for such purpose, or until a tax or assessment shall have been levied or bonds authorized and sold to pay the cost and expense thereof.

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

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

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

#### CHAPTER 14 MUNICIPAL UTILITIES

##### Section 14.1 Public Utility Powers

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

##### Section 14.2 Management of Public Utilities

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

##### Section 14.3 Rates

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 services be permitted. Higher rates may be charged for service outside the corporate limits of the City.

##### Section 14.4 Utility Rates and Charges Collection

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

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

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

With the respect to the collection of rates charged for water the City shall have all the powers granted to cities by Act 178 of the Public Acts of 1939, as now or hereafter amended.

##### Section 14.5 Disposal of Utility Plants and Property

Unless approved by the affirmative vote of three fifths of the electors voting thereon at a regular or special election, the City shall not sell, exchange, lease or in any way dispose of any property, easements, equipment, privileges, or assets belonging to and 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 effect as against the City. The restrictions of this section shall not apply to the sale or exchange of any articles of machinery or equipment of any City-owned public utility which are worn out or useless or which have been, or could with advantage to the service be, replaced by new and improved machinery or equipment, to the leasing of property not necessary for the operation of the utility, or to the exchange of property or easements for other needed property or easements. It is provided, however, that the provisions of this section shall not extend to vacation or abandonment of streets, as provided by statute.

##### Section 14.6 Utility Finances

(a) The rates and charges for any municipal public utility for the furnishing of water, light, heat, power or gas shall be so fixed as to at least meet all the costs of such utility.

(b) Transactions pertaining to the ownership and operation by the City of such public utility shall be recorded in a separate group of accounts under an appropriate fund caption, which accounts shall be classified in accordance with generally accepted utility accounting practice. Charges for all service furnished to, or rendered by, other City departments or agencies shall be recorded. An annual report shall be prepared to show fairly the financial position of each utility and the result of its operation, which report shall be available for inspection at the office of the Clerk as provided by the Department of Public Works.

#### CHAPTER 15 PRIVATELY OWNED UTILITIES

##### Section 15.1 Franchise Required

No person, partnership, association or corporation operating a public utility shall have the right to the use of the highways, streets, alleys, or other public places of the City for wires, poles, pipes, tracks or conduits without the consent of the Council; nor may it transact a local business in the City without first obtaining a franchise therefor from the City.

##### Section 15.2 Regulatory Powers

The City shall have the right (a) to regulate public utilities; (b) to regulate the location of poles and other facilities used by public utilities, and (c) to require that wires in streets and alleys be placed underground.

##### Section 15.3 Permit Revocable

The Council may grant a permit for the operation of a public utility at any time in or upon any street, alley, or public place; provided, that such permit shall be revocable by the Council at its pleasure at any time, whether such right to revoke be expressly reserved in said permit or not.

##### Section 15.4 Franchise Elections

No public utility franchise which is not revocable at the will of the City shall be granted unless the same shall have received the affirmative vote of three-fifths of the electors of the City voting thereon at a regular or special municipal election. No franchise shall be submitted under the provisions of this Charter, to the electors at a special election, unless the cost of holding the election, as determined by the Council, shall be paid to the Treasurer in advance of calling said election by the grantee in such franchise.

##### Section 15.5 Franchise Term

No franchise shall be granted by the City for a longer period than thirty (30) years. No exclusive franchise shall ever be granted to any person, firm or corporation.

##### Section 15.6 Further Regulatory Powers

The grant of every franchise shall be subject to the right of the City whether in terms reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service, extensions and accommodations for the people and insure their comfort and convenience. Such right of the City shall include but not be limited to the following, viz:

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

(b) To require continuous and interrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof;

(c) To require the public utility to which any franchise is granted to permit joint use of its property and appurtenances located in the streets, alleys, and public places of the City, by the City and other utilities, insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefor; provided that, in event of the inability of the parties to agree, upon application by either party, the Council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor;

(d) To pay such part of the cost of improvement or maintenance of the streets, alleys, bridges, and public places of the City, as shall arise from its use thereof and to protect and save the City harmless from all damages arising from said use.

##### Section 15.7 Franchise Conveyed by Ordinance

All contracts, granting or giving any original franchise, or extending or renewing or amending any existing franchise, shall be made by ordinance and not otherwise. Every such ordinance granting a franchise shall be accepted in writing by the grantee before said ordinance takes effect, and if it is to be submitted to the electors, it shall be so accepted before its submission. Such acceptance shall be filed with the Clerk. Any noncompliance with this section shall automatically annul such franchise.

##### Section 15.8 Ordinance Regulation

The Council may by ordinance provide for efficient inspection and regulation of all public utilities operated in the City. It is the intention of this section to provide means for securing to the City efficient and safe service from all public utilities operated in the City and the proper observance of the conditions imposed by franchise, this Charter and ordinances of the City and laws of the State.

##### Section 15.9 Repeal and Termination of Franchise - Acquisition of Utility Property

All ordinances granting franchises, or extensions or renewals thereof, shall reserve to the City the right to terminate the same and to purchase all property of the utility in the streets and highways in the City and elsewhere, used in or useful for the operation of the utility, at a price either fixed by the ordinance or to be fixed in the manner provided by the ordinance granting the same. Nothing in such ordinance shall prevent the City from acquiring the property of any such utility by condemnation proceedings or in any other lawful mode, but all such methods of acquisition shall be alternative to the power to purchase reserved in the ordinance granting such franchise, extension or renewal as hereinbefore provided. Upon the acquisition by the City of the property of any utility by purchase, condemnation or otherwise, all franchises, extensions and renewals shall at once terminate.

##### Section 15.10 Franchise Ordinance Requirements

No ordinance granting such franchise, or extension or renewal thereof, shall be valid unless it shall expressly provide therein that the price to be paid by the City for the property that may be acquired by it from such utility by purchase, condemnation or otherwise, shall exclude all value of such franchise, extension or renewal, except that, unless otherwise provided in such ordinance, the utility shall be entitled to the return of the proportionate amount for the unused period of any compensation paid to the City for such franchise, extensions or renewal.

#### CHAPTER 16 CIVIL SERVICE SYSTEM

##### Section 16.1 General Purpose

The purpose of this chapter is to establish a system of civil service administration that meets the needs of the people of Inkster, assures that employment and promotion in City government are on the basis of merit and in accordance with collective bargaining under law and provides methods of redress when these provisions are violated.

##### Section 16.2 Non-Discrimination

No City employee or applicant for employment shall be discriminated against because of race, color, creed, national origin, age, political orientation, sex, sexual orientation, religious affiliations or opinions, or non-disabling handicap.

##### Section 16.3 Employee Organization

Employees of the City have the right to collective organization and collective bargaining.

##### Section 16.4 Examinations and Validation

Entry into the classified service shall, as nearly as conditions of good administration warrant, be by open competitive examination. However, any person applying to work for the City in a profession or occupation for which he has been licensed by either the government of Michigan or the United States may be excused from this requirement by rule of the Civil Service Commission.

To the maximum extent possible, the City shall use professionally developed examinations, supported by empirical data demonstrating that the examination is predictive of, or significantly related to, important elements of work behavior of the position or positions for which applicants are being evaluated.

##### Section 16.5 Civil Service Ordinance

The Council shall, within ninety (90) days after the effective date of this Charter, adopt an ordinance providing for a Civil Service System for all employees of the City of Inkster except as otherwise provided for in this Charter.

(a) The ordinance shall contain a provision providing for unclassified service and classified service and shall exclude all the following officers and employees from the pro-



visions of the Civil Service System, to wit, all officers of the City whether elected or appointed, all part-time employees, all Board or Commission members appointed directly by the Mayor and/or by the Council, and any other head of any other department of the City which are now or may hereafter be created whether specifically mentioned herein or not. The classified service shall include all other positions in the City. Such ordinance, when adopted shall provide a professional and impartial approach to municipal personnel problems, based solely on the fitness, training, and experience of employees and expectant employees of the City, with no discrimination as cited in Section 16.2.

(b) The ordinance adopted pursuant to this section shall provide for a Civil Service Commission of three (3) members who shall be qualified and registered electors in the City of Inkster and who shall, while in office, hold no other City office, City employment or City appointment nor shall they serve on any municipal political committee or take part in the management of any municipal political campaign.

(c) The first member of the Civil Service Commission shall be appointed by the Mayor subject to the approval and consent of the City Council whose term shall expire at the expiration of the first term of the Mayor; the second member of the Commission shall be appointed by all of the municipal employees of the City whose term shall expire one year after the expiration of the first member; the two (2) members so appointed shall at their first meeting after their appointment, which shall be held not less than thirty (30) days thereafter, appoint the third member whose term shall expire one (1) year after the expiration of the second member's term. Thereafter, upon the expiration of the respective terms of the Commission, the party making the appointment in the first instance shall continue to appoint for that term and all re-appointments after the expiration of the original terms shall be for a term of three (3) years each.

(d) The ordinance shall include such other regulations, conditions and provisions that are necessary to implement the intent of this section.

## CHAPTER 17

### Police and Firemen Retirement System of the City of Inkster

#### Section 17.1 Name and Establishment

The City of Inkster Policemen and Firemen Retirement System, hereafter called the "Retirement System" as established by the 1964 Charter, is hereby continued for the purpose of providing retirement allowances and death benefits for policemen and firemen of the City of Inkster, and/or their widows and children.

#### Section 17.2 Definitions

The following words and phrases used in this chapter, unless a different meaning is plainly required by the context, shall have the following meaning:

- (a) "City" shall mean the City of Inkster;
- (b) "Council" shall mean the Council of the City of Inkster;
- (c) "Board" shall mean the Board of Trustees provided for in this chapter. See section 17.16 regarding the members who shall serve on the Board of Trustees;
- (d) "Member" shall mean any person included in the membership of the Retirement System; and "Employee member" shall mean a Fireman or Policeman as herein defined who is employed after the effective date or who was on retirement under the predecessor Retirement System of the Village of Inkster for Firemen and Policemen at the effective date;
- (e) "Service" shall mean service rendered as a policeman or fireman while a member of the police or fire force of the City, including similar continuous service immediately preceding the date of incorporation of the City, as a policeman or a fireman for the Village of Inkster;
- (f) "Original Member" shall mean any person who was a member of the Retirement System of the Village of Inkster at the date it first became effective;
- (g) "New Member" shall mean any person who became a member of the Retirement System of the Village of Inkster after its establishment;
- (h) "Aggregate Contributions" shall mean the sum of all amounts deducted from the compensation of a member and paid into the Firemen's and Policemen's Pension Fund and not theretofore withdrawn;
- (i) "Final Monthly Compensation" whenever used in this chapter shall mean the average monthly pay of the best 60 consecutive months of pay as an employee member from the City (and/or Village of Inkster for employee members with less than 60 months service with the City) during the member's last 120 consecutive months of service with the City (and/or Village of Inkster for members with less than 120 months service with the City). In event an employee member has less than 60 months service with the City and/or Village of Inkster at his date of disability retirement or death, "Final Monthly Compensation" shall mean his average monthly pay during his entire period of continuous service;
- (j) "Policeman" shall mean any employee of the Police Department holding the rank of patrolman or higher rank, including dog warden, but it shall not include (1) privately employed policemen; nor (2) person temporarily employed during emergencies; nor (3) civilian employees of the Police Department;
- (k) "Fireman" shall mean any employee of the Fire Department holding the rank of fire fighter or higher rank, but shall not include (1) privately employed firemen; nor (2) persons temporarily employed during emergencies; nor (3) civilian employees of the Fire Department;
- (l) "Widow" shall mean the person to whom a deceased member was married at the time when total disability was incurred or when his death occurred in the line of duty, and to whom he is still married at the time of his demise;
- (m) "Normal Retirement" shall mean termination of employment (other than by death) of any employee member after attainment of age 55 and the minimum service requirement specified in Section 17.3 hereof;

(n) "Duty Total Disability" shall mean the inability of an employee member to perform the duties of his position because of accident sustained in or illness contracted in or arising from the discharge of any duty which said member officially owed the fire or police force of the City of Inkster (or predecessor Village of Inkster) whether performed while on duty or leave;

(o) "Disability Retirement" shall mean termination of employment (other than by death) of an employee member because of duty total disability;

(p) "Duty Death" shall mean the death of an employee member on Disability Retirement or of an employee member from causes which would have entitled him, if still living, to Disability Retirement and "Non-duty Death" shall mean the death of an employee member on Normal Retirement or of an employee member from causes other than those which result in a duty death;

(q) "Actuarial Equivalent" means with respect to any regular benefit otherwise payable under the Retirement System any other benefit substituted at the discretion of the Board of Trustees with the consent of the member; provided, however, that such substitute benefit shall have the same monetary value as the regular benefit on the date of determination, such values to be determined by use of the actuarial tables last adopted by the Board of Trustees with the advice of the Actuary for such purposes;

(r) "Effective Date" shall mean the date of adoption of the 1964 Charter of the City of Inkster.

#### Section 17.3 Normal Retirement

Policemen and firemen of the City of Inkster shall be subject to normal retirement as hereinafter provided:

(a) Original members who are fifty-five (55) years of age and whose services with either or both the fire and police force shall total twenty (20) years, provided that the amount of time spent in the United States Military, Naval or Marine Service by any fireman and policeman who left the force of which he was a member to enter such United States Service during the World War II, future wars or military service, and who also returned to either force within six (6) months after an honorable discharge from said United States Service, shall be counted as a part of the aforesaid twenty (20) years service.

(b) New members and employee members who are fifty-five (55) years of age and whose services with either or both the fire and police force shall total twenty-five (25) years, provided that the amount of time spent in the United States Military, Naval or Marine Service by any fireman and policeman who leaves the force of which he is a member to enter such United States Service, and who returns to either force within six (6) months after an honorable discharge from said United States Service, shall be counted as part of the aforesaid twenty-five (25) years service.

(c) An employee member may remain in service only until his sixtieth (60th) birthday unless the head of his department requests that he be allowed to remain longer, but in no event may a member remain in service beyond his sixth-fifth (65th) birthday.

(d) Members on normal retirement under the predecessor Village of Inkster Retirement System for Policemen and Firemen as of the effective date shall be continued on said normal retirement benefit in a monthly amount as it exists on the effective date of this Chapter 17 but subject thereafter to the conditions and provisions of this Chapter 17; provided, however, that at the death of any such retired member, benefits to his dependents if living shall be in accordance with Section 17.9 hereof as though he were a disability retiree or if no dependent as therein defined be living at his death, then death benefits shall be in accordance with paragraph (d) of Section 17.6 hereof.

#### Section 17.4 Disability Retirement

Policemen and firemen of the City of Inkster shall be subject to disability retirement as hereinafter provided:

(a) Members on disability retirement under the predecessor Village of Inkster Retirement System for Policemen and Firemen as of the effective date shall be continued on said disability benefit in a monthly amount as it existed on the effective date of this Chapter 17 but subject thereafter to the conditions and provisions of this Chapter 17.

(b) Employee Members who suffer Total Disability after the effective date shall be placed on Disability Retirement as provided in Section 17.6 hereof and subject to the provisions of paragraphs (c) and (d) immediately following:

(c) The extent and continuation of disability shall in all cases of dispute be referred to a commission consisting of one reputable physician named by the Board and one reputable physician named by the person claiming disability. The decision of such commission shall be made in writing and filed with the Board. In all cases where there is a disagreement between the two physicians, they shall appoint a third physician whose decision on such matters shall be final. In all cases where there is a dispute as to the cause of disability, such dispute shall be referred to the Board whose decision on such matters shall be final.

(d) Any fireman or policeman retired for disability shall at any time upon the request of himself or any member of the Board, be re-examined by a commission of three, constituted as provided in paragraph (c) immediately above. If the Board, after receiving a report of said commission, shall find that said disability has ceased, then such fireman or policeman shall be returned to duty at full pay.

#### Section 17.5 Eligibility for Death Benefits

(a) Upon the death of an employee member which qualifies as a duty death but who does not leave a widow or children under eighteen (18) years of age, there shall be paid to his estate a death benefit as provided in paragraph (d) of Section 17.6 hereof.

(b) Upon the non-duty death of an employee member, there shall be paid to his widow, if living, and if not living, then to the child or children (share and share alike) under eighteen (18) years of age at the time of his death, or if neither widow nor children under eighteen (18) years of age survive him, then to his estate a death benefit as provided in paragraph (e) of Section 17.6 hereof.

#### Section 17.6 Benefit Amounts

(a) Normal Retirement Benefits. Any employee member eligible for retirement under Section 17.3 hereof, shall upon his own application be retired and shall receive a monthly pension equal to 1/50 of his final monthly compensation for each year, not to exceed twenty-five (25) years of service. Such pension shall be suspended only during the time, if any, such retired fireman or policeman is re-employed full time on either said fire or police force.

(b) Disability Retirement Benefits. Any employee member eligible for retirement under Section 17.4 hereof shall receive a monthly pension equal to one-half (1/2) of his final Monthly Compensation. Any benefits payable under this paragraph (b) shall be subject to the provisions of Section 17.10 thereof.

(c) No employee member shall be retired (other than as provided in paragraph (c) of Section 17.3 hereof) except on his own application unless given a full opportunity to be heard in opposition thereto.

(d) Death Duty Benefits. The amount of the death benefit payable to the estate of the deceased employee member eligible under paragraph (a) of Section 17.5 hereof shall be equal to the sum of one thousand (\$1,000) dollars plus his aggregate contributions into the Pension Fund, reduced by the aggregate pension payments, if any, received by the employee member prior to his death and/or by his dependents (widow or children below eighteen (18) years of age).

(e) Non-Duty Death Benefit. The amount of the non-duty death benefit payable to the dependents of the deceased employee member (i.e., to his widow or children below the age of eighteen (18) years eligible under paragraph (b) of Section 17.5 hereof shall be equal to the sum of eighteen (18) times his final monthly compensation plus his aggregate contributions into the Pension Fund; provided, however, that such benefit shall be paid in monthly installments (including interest on the unpaid balance at the rate of 3 1/2 % per annum) over such period (but not less than thirty-six (36) months) as in the sole discretion of the Board of Trustees is in the best interests of said dependents. In event the non-duty death benefit is payable to the estate of the deceased employee member, it shall be paid in a lump sum amount equal to the sum of one-thousand (\$1,000) dollars plus his aggregate contributions into the Pension Fund.

(f) Optional Forms of Retirement Benefits:

(1) General Provisions Relative to Options - Subject to the conditions hereinafter stated, an eligible employee member may, by filing a written request with the City Clerk (as agent for the Board of Trustees) prior to his normal retirement date, elect to receive his pension under one of the optional forms hereinafter set forth in this subsection (f) of Section 17.6. The amount of payments under an optional form shall be actuarial equivalent, as of the date the option becomes effective, of the pension the eligible employee member would otherwise be entitled to receive.

(2) Contingent Pension Option - The eligible employee member may elect to receive a reduced monthly pension with the provision that, if his death should occur after

the option becomes effective, the designated spouse or child or children under the age of eighteen (18) as contingent pensioner shall receive monthly payments in the same reduced amount (100%), or one-half (50%) thereof, as designated in writing by the employee at the time of his election, so long as such contingent pensioner shall survive the employee member.

In order to elect this option, an eligible employee member must file a written request with the City Clerk prior to his retirement date. This option, if elected, shall become effective at the employee member's normal retirement date provided he has made such election at least three (3) years prior to his normal retirement date, or, if made within such three (3) years period, provided he has, at the time of making such election, submitted evidence satisfactory to the Board of Trustees of his then current good health. If an eligible employee who has elected the option under this subsection within such three (3) year period is unable or unwilling to submit evidence satisfactory to the Board of Trustees of his then current good health, such option may, at the employee member's election, become effective commencing with the first day of the month following the third (3rd) anniversary of the date on which the election of this option is accepted by the Board of Trustees even though the employee member may retire prior to such effective date of the option; provided, however, that both the employee member and his contingent pensioner are alive on said effective date of the option.

If at the time of the employee member's death the option has become effective, pension payments to the contingent pensioner will commence as of the first day of the month following the month in which the employee member's death occurs, if the contingent pensioner is then living.

The last pension payment under this option if effective will be the monthly payment due on the first day of the month in which the death of the survivor of the employee member and his contingent pensioner occurs.

In the event that (i) either the employee member or his contingent pensioner dies prior to the date the option becomes effective or (ii) the monthly amount of pension payment which would become payable to the contingent pensioner is less than ten (\$10.00) dollars, or (iii) the employee member does not, prior to the effective date of the option, or within three hundred and sixty (360) days after his election of the option, whichever is earlier, furnish evidence, satisfactory to the Board of Trustees of the age of his contingent pensioner, the option shall not become effective and pension payments, if any, shall be made as otherwise provided in paragraph (a) of Section 17.6 hereof as if the option had never been elected.

After an election of the contingent pensioner option has been made and accepted by the Board of Trustees it cannot be modified or rescinded without the written consent of the Board of Trustees, which consent will not be given if it would be detrimental to the Pension Fund.

(3) **120 Month Option** - An eligible employee member may, by written application to the City Clerk which is received at least three (3) years prior to the date of his normal retirement, elect to convert his normal retirement benefit into an optional form of retirement benefit payable in reduced amount to himself for life but guaranteed in any event for a minimum of one hundred twenty (120) months. The three (3) year advance application requirement may be waived by the Board of Trustees if it receives satisfactory evidence of the then current good health of the employee member. If an eligible employee member who has elected the option under this subsection within such three (3) year period is unable or unwilling to submit evidence satisfactory to the Board of Trustees of his then current good health, such option may, at the employee member's election, become effective commencing with the first day of the month following the third (3rd) anniversary of the date on which the election of this option is accepted by the Board of Trustees even though the employee member may retire prior to such effective date of the option. After an election of the option has been made and accepted by the Board of Trustees, it cannot be modified or rescinded without the written consent of the Board of Trustees which consent will not be given if it would be detrimental to the Pension Fund.

(4) **Additional Optional Forms** - The Board of Trustees may adopt uniform rules granting additional optional benefits which are actuarial equivalents of the benefits normally payable under the plan but such additional options shall be made available only under terms which safeguard the Pension Fund and do not increase the cost of the Retirement System to the City as certified by the actuary under the plan.

#### **Section 17.7 Proof of Continued Disability**

Any employee member retired for disability shall at any time upon the request of himself or any member of the Board, be re-examined by a commission of three, constituted as provided in Section 17.4 (c). If the Board, after receiving a report of said commission, shall find that said disability has ceased, then such fireman or policeman shall be returned to duty at full pay.

#### **Section 17.8 Partial Disability**

If any employee member shall be disabled (from causes which would result in duty total disability) to the extent that he cannot perform in full the particular duties of his position but shall be able to perform other duties on his particular force, to which he may be assigned, then such fireman or policeman shall receive a monthly partial disability benefit of one-half (½) of the difference between the rate of pay he was entitled to receive at the time his disability was caused and the rate of pay of the position to which he may be assigned.

#### **Section 17.9 Dependent's Benefits**

Upon the death of an employee member from causes which would entitle him if still living to disability retirement or of a member on disability retirement or partial disability retirement there shall be paid to his widow, if living and not remarried, or to his children under eighteen (18) years of age, a monthly pension equal in the aggregate to the monthly total disability benefit said employee member was entitled to receive at the time his disability was caused, subject to Section 17.10 hereof and to the following conditions:

(1) The employee member's widow shall during her lifetime or until she remarries, receive such pension.

(2) Should said employee member so die leaving no widow or upon the remarriage of his widow, his child or children under the age of eighteen (18) years shall receive such pension, share and share alike. When any of such children attain the age of eighteen (18) years or shall die, the share of such child shall be paid to the remaining child or children under the age of eighteen (18) years, share and share alike, until the remaining child or children reach the age of eighteen (18) years respectively whereupon the pension shall cease.

#### **Section 17.10 Deductions**

Any amounts which may be paid or payable under the provisions of any workmen's compensation act, or pension act, or similar law, to a member, or to the dependents of a member on account of any disability or death, shall be offset against and payable in lieu of any benefits payable out of funds provided by the City under the provisions of this retirement system on account of the same disability or death. In case the present value of the total benefits under said workmen's compensation act, pension act or similar law, is less than the present value of the pension otherwise payable from the firemen's and policemen's pension fund, then the present value of the payments shall be deducted from

the present value of the pension and the remaining present value of the pension so reduced shall be payable in reduced actuarial equivalent amounts under the provisions of this retirement system.

#### **Section 17.11 Termination of Service**

If an employee member terminates his service with the Fire or Police Force other than by death and is ineligible for retirement benefits under this Chapter 17, he shall receive a refund in a cash lump sum of his aggregate contributions held in the Pension Fund.

#### **Section 17.12**

All retirements of every nature herein provided for shall be effected and terminated by resolution of the Board of Trustees.

#### **Section 17.13**

Applications for pensions shall be made in writing to the Board and shall be filed with the City Clerk. The applicant shall furnish such proofs as shall be required by the Board. Proof of deduction from pay as herein provided shall be prima facie evidence that the person from whose pay deduction was made, was a policeman or fireman. Any person who shall make any false statement for the purpose of securing or to aid any person to secure such pension, shall be guilty of a misdemeanor, and shall be punishable by a fine not to exceed one hundred (\$100) dollars or imprisonment not to exceed ninety (90) days, or both such fine and imprisonment in the discretion of the Court.

#### **Section 17.14**

The City Clerk shall keep in his office a book to be known as the "Fireman's and Policeman's Pension List." This book shall give a full and complete history and record of the action of the Board in granting a pension to any person or persons. Such record shall give the names of the firemen and policemen to whom or to whose dependents such pensions have been granted, the date when such pension was first allowed and the reason therefor. Whenever a pension shall be allowed to any person or persons by the Board as herein provided, it shall be the duty of the City Clerk to transmit the names of all such persons to the City Treasurer who shall register such names in his office as persons entitled to such pensions.

#### **Section 17.15**

There shall be maintained for the purpose of paying pensions as herein provided, a fund to be known as the Firemen's and Policeman's Pension Fund. Moneys in such fund shall be used exclusively for the payment of pensions as provided herein. All rewards and proceeds of gifts from any source, all emoluments that may be allowed by the Council on account of extraordinary service performed by members of the Fire or Police Force and all fines imposed for violation of rules, shall be paid into such fund. There shall be deducted by the City from the pay of each employee member seven (7%) percent of his salary which shall be paid into said Firemen's and Policemen's Pension Fund; provided, however, that an employee member who has completed the minimum requirements for normal retirement under Section 17.3 hereof may elect at any time thereafter to have such deductions terminate in which case his benefits (upon his subsequent retirement or death under the Retirement System) shall be based upon his final monthly compensation under the assumption that his final 120 months of service ended with the last date on which a 7% deduction was made from his pay. The City shall appropriate at the end of such regular intervals as may be adopted, quarterly, semi-annually or annually, an amount sufficient to maintain actuarially determined reserves covering pensions payable or which might be payable on account of services performed and to be performed by active employee members and pensions being paid retired members and beneficiaries. Any clerical, legal, actuarial or medical expenses required by the Board, or any other necessary expense for the operation of this retirement system shall be provided for by the City.

#### **Section 17.16 Board of Trustees**

There shall be a Board of Trustees consisting of five (5) members. The currently serving members of the board shall continue serving until their current term expires. One member shall be appointed by the Council; one member shall be the Mayor or his designee; one member shall be appointed by the Fire Force and one member shall be appointed by the Police Force. The four (4) members shall appoint a fifth member. Thereafter, members shall be appointed in like manner for two (2) year terms. All members shall hold office until their successors are appointed, anything herein to the contrary notwithstanding. It shall be the duty of the Board of Trustees to administer the pension fund. The Board of Trustees shall have complete discretion as to the investment of the pension fund; provided, however, that the Board of Trustees shall invest only in such securities as are permitted by the laws of the State of Michigan for investment of trust funds of a City retirement system (or policemen and firemen retirement system, if more restrictive).

#### **Section 17.17 Corporate Trustee or Agent**

The Board of Trustees shall be empowered:

(a) To appoint a bank or banks, or trust company or trust companies, or insurance company or insurance companies, to be designated as "Corporate Trustee" and to enter into and execute a trust agreement or agreements with such "Corporate Trustee", to provide for the investment and reinvestment of the assets of the Trust Fund in any type of investments that are legal for trust funds in the State of Michigan held for a City retirement system (or policemen and firemen retirement system, if more restrictive). Said agreement shall incorporate therein such other provisions (consistent with this Chapter 17) as may be deemed desirable by the Board of Trustees for the proper management of the Trust Fund and upon execution to convey and transfer to such Corporate Trustee any of the assets of the Trust Fund. The Board of Trustees shall be forever released and discharged from any responsibility or liability with respect to any assets which they may convey to such Corporate Trustee.

(b) To enter into agreements, contracts and other instruments for the deposit of funds with banks, trust companies or insurance companies or other institutions which accept and hold money on deposit, and to authorize such depository to act as custodian of the funds, whether in cash or securities or other property, and to authorize such depository or depositories to convert, invest and reinvest funds, entirely or in part, into securities or any kind and nature whatsoever; to authorize withdrawals of moneys from such account or accounts, checks for such purposes shall be signed by any two of the officials authorized to sign the General Fund checks, one of whom shall be the Treasurer of the City of Inkster.

#### **Section 17.18 Non-Alienation of Benefits**

No moneys owed to any disabled or retired fireman or policeman or his widow or to his children or dependents, shall be held, seized, taken or detained, or levied on by virtue of attachment, execution, injunction, writ, interlocutory or other order or decree or any process or proceeding whatever issued out of any court of this State, for the payment or satisfaction in whole or in part of any debt, damages, claim, demand or judgment against any such fireman or policeman or widow, or guardian or any minor child or children. And no pensioner shall have the right to assign his or her pension or any part thereof. But said money shall be sacredly kept secured and distributed for the purpose of pensioning the persons named and for no other purposes whatever.

**Section 17.19**

At the last meeting of the Council in each month, the Treasurer shall present a list of the persons as shown by the record in his office, entitled to pensions the amount payable to each such person. The Council shall examine such list and if found to be correct, shall order the payment of moneys due all such persons. A warrant shall be drawn, for the payment to each person entitled to such moneys in the same manner as is provided for the payment of all other claims against the City. Such pensions shall be paid out of the Firemen's and Policemen's Pension Fund.

**Section 17.20**

Before issuing any warrant for the payment of a pension, it shall be the duty of the Treasurer to examine under oath all applicants for such pensions with a view to ascertaining if they are at all times entitled to a pension as provided for herein. Whenever the said Treasurer shall learn that any person has ceased to be entitled to a pension, he shall record the fact on the roll of pensioners, and promptly notify the Council of such finding and such persons shall thereupon be dropped from the rolls.

**Section 17.21**

All pensions shall be payable at the office of the City Treasurer on the first secular day in each month. In all cases where pensions are payable because of injuries received by any fireman or policeman resulting in the death of such person, such pension shall be allowed from date of death, or in cases of disability, such pension shall be allowed from the date when the injury was received resulting in such disability.

**Section 17.22**

Nothing herein contained shall be construed to apply to firemen or policemen appointed at the request and expense of private parties. The terms "fireman" and "policemen" herein used, shall be construed to include any woman who shall be appointed as firewoman or policewoman. In case of the death of a firewoman or policewoman under conditions which create the right of pensions under the terms hereof, then the widower shall have the same right to a pension as would a widow surviving a fireman or policeman.

**Section 17.23**

Pensions granted during the continuance of and under the provisions of this chapter of the City Charter shall represent contractual obligations between the City and the pensioners and shall not be revoked, repealed or diminished.

**Section 17.24**

Upon the adoption and taking effect of the 1964 Charter, the action of the people of the Village of Inkster in heretofore establishing the Retirement System for the Policemen and Firemen of the Village of Inkster was rescinded and held for naught, and the funds which were on deposit with the pension fund under said Village Retirement System were transferred over to the Pension Fund under this Retirement System of the City of Inkster for Policemen and Firemen.

**Section 17.25 Integration with Federal Social Security**

If at any time Federal and/or State of Michigan laws shall permit inclusion of employee members under Title II of the Federal Social Security Act, the City Council may amend the provisions of the Retirement System to provide as follows:

- (1) Employee members shall be covered under the provisions of the Federal Social Security Act to the extent permitted by laws of the State of Michigan and the United States Government.
- (2) Employee member contributions shall thereupon be reduced by the amount of any social security tax which must thereafter be deducted from their pay as policemen or firemen of the City.
- (3) Retirement benefits, death benefits and beneficiary's or dependent's benefits of all kinds under the Retirement System may be reduced to the extent that corresponding benefits are payable under the Federal Social Security program; provided, however, that deductions shall be provided for at least to the extent that the total cost of the Retirement System to the City of Inkster (including Federal Social Security Taxes payable by the City) shall not be increased above the City cost requirements prior to participation in the Federal Social Security Program.

**Section 17.26**

Subject to the approval of the City Council, as required by MCL 38.1140h(5), if at any time the City enters into a collective bargaining agreement pursuant to the Public Employment Relations Act, Act No. 336 of the Public Acts of 1947, as amended, being Sections 423.201 to 423.217 of the Michigan Compiled Laws, that provides for retirement benefits that are in excess of the retirement benefits otherwise authorized to be provided under the provisions of the Retirement System, the Chiefs, Deputy Chiefs and/or Commanders of the Inkster Police and Fire Department shall be accorded the same retirement benefits, provided, the individual meets the twenty-five (25) year benefit eligibility requirements solely through service rendered as an employee of the City of Inkster and provided further, that the Fire Fighters Association, Local 1577, the Inkster Police Officers Union and the Command Officers Association all agree with the increase in benefits. In addition, the individual shall be required to adhere to all conditions concerning the receipt of said benefit, including but not limited to the adjustment of salary deduction rates.

Subject to the approval of the City Council, as required by MCL 38.1140h(5), in addition, the Chiefs, Deputy Chiefs and/or Commanders of the Inkster Police and Fire Department shall be permitted to opt out of the Retirement System within one (1) week of their hire date. Chiefs, Deputy Chiefs and/or Commanders of the Inkster Police and Fire Department who are employed by the City of Inkster as of the date this Charter is adopted shall be permitted to opt out within one (1) week of the effective date of this Charter. Upon opting out, Employee contributions may only be returned to the Employee, if such a return is not in violation of the Internal Revenue Code.

**CHAPTER 18  
SCHEDULE**

**Section 18.1 Effect on Existing City Legislation**

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

If any question concerning transition from the 1964 City charter to this charter shall arise for which this charter has not provided, the City shall provide for resolution of the question by ordinance.

**Section 18.2 Continuation of Public and Private Rights**

All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing when this charter takes effect shall continue unaffected except as modified in accordance with this charter. The procedures for the exercise of the City's power of eminent domain existing when this charter takes effect shall remain in force until changed by ordinance.

**Section 18.3 Effective Date**

This charter shall become effective on Monday, December 12, 2016, at 12:00 a.m. Elected or appointed officers and members of boards serving for a fixed term of office when this charter becomes effective shall not have their terms of office extended or shortened due to adoption of this charter.

**Section 18.4 Submission of Charter**

This charter shall be submitted to the voters of the City of Inkster for approval or rejection at the election of November 8, 2016, in the manner and with the effect prescribed by law, as follows:

**City of Inkster Proposal  
Proposal to Adopt a New City Charter**

Shall the City Charter Proposed by the Inkster Charter Revision Commission, which was elected on May 3, 2016, be adopted?

(YES) (NO)

**CITY OF INKSTER  
CHARTER REVISION COMMISSION**

**RESOLUTION OF ADOPTION**

By Commissioner: Williams  
Supported by Commissioner: Clifton

**WHEREAS**, On March 8, 2016, the voters of the City of Inkster approved revising the 1964 City Charter by a vote of YES- 3,636 NO- 1,034; and

**WHEREAS**, On May 3, 2016 election, voters of the City elected nine residents to serve as Charter Revision Commissioners; and

**WHEREAS**, After conducting regular meeting beginning May 17 through July 6, 2016, to examine municipal issues, the Inkster Charter Revision Commission has now completed a draft of a new proposed City Charter for the City of Inkster; and

**WHEREAS**, The Inkster Charter Revision Commission forwarded a copy of the proposed Charter that was approved on July 6, 2016 to both the Governor's office and the Attorney General's office for initial review; and

**WHEREAS**, After receiving feedback from the Attorney General's office, and subsequent meetings by the Charter Revision Commission, the proposed Charter approved on July 6, 2016 was edited and revised, and the revised version adopted on August 17, 2016; and

**WHEREAS**, the Charter Revision Commission has been presented, considered and adopted additional changes to the proposed Charter; now therefore be it

**RESOLVED**, That at a regular meeting of the 2016 City of Inkster Charter Revision Commission on August 24, 2016, the Commission does hereby adopt the preceding as the proposed City Charter for the City of Inkster, replacing the version of the proposed Charter approved on August 17, 2016 by the Inkster Charter Revision Commission, and be it further

**RESOLVED**, That the Commission Secretary is hereby directed to forthwith transmit a copy of this proposed City Charter, as approved on August 24, 2016, to the Governor of the State of Michigan for approval as required by law and be it further

**RESOLVED**, That the Commission Secretary be directed to place a copy of this City Charter on file with the City Clerk so as to be available for public inspection and also be directed to publish this City Charter in accordance with law, and be it further

**RESOLVED**, That the City Clerk be directed to place the question of adoption of the proposed City Charter before the voters of the City at the November 8, 2016 General Election and to do all things necessary for the conduct and canvass of such proposal.

Adopted as follows:

- Yea: Commissioners: Fleming, Miller, Williams, Bishop, Clifton, Owens, Mitchell
- Nay: Commissioners:
- Absent: Commissioners: Hankerson, Smith

The Chair declared the foregoing Resolution adopted and requested all Members of the City of Inkster 2016 Charter Revision Commission to authenticate the Resolution and the copies of the proposed City Charter to be presented to the Governor and placed on file with the City Clerk.

The following Commissioners authenticated the Resolution and copies of the City Charter to be submitted to the Governor and placed on file with the City Clerk.

- /s/ Dr. Fleda Shaw Fleming, Chairperson
- /s/ Fred Bishop, Jr., Vice Chairperson
- /s/ Deborah A. Owens, Secretary
- /s/ Shirley A. Hankerson, Treasurer
- /s/ Father Ellis Clifton Jr.
- /s/ William Miller
- /s/ Connie R. Mitchell
- /s/ Octavia Smith
- /s/ George V. Williams

I, Deborah A. Owens, Secretary of the Charter Revision Commission elected to revise the Charter for the City of Inkster, Michigan, do hereby certify that the foregoing Charter was duly adopted by said Charter Commission at a session thereof held on the 24th day of August A.D., 2016.

DATED: August 24, 2016

Deborah A. Owens  
Secretary of the Charter Commission

I hereby certify that the above is a true and exact copy of the Resolution of Adoption held on August 24, 2016.

Felicia Rutledge  
City Clerk

# CURRENT INKSTER CHARTER

## CHARTER OF THE CITY OF INKSTER, MICHIGAN ADOPTED OCTOBER 8, 1984

### PREAMBLE

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

### Chapter 1 Incorporation and Boundaries

#### Sec. 1.1 Incorporation.

The municipal corporation created by the vote of the electors on the 21st day of October, AD. 1963 to be known as the 'City of Inkster' shall be a body corporate and politic and shall have perpetual succession.

#### Sec. 1.2 Boundaries.

The territory within the boundaries of the said City of Inkster shall be as follows: All the tract of land situated in the Townships of Dearborn and Nankin, County of Wayne, State of Michigan, known and described as follows, viz:

All of Sections 24 and 25, E. 1/2 of Sections 23 and 26, N. 1/2 of Sec. 36 and N. E. 1/4 of Sec. 35, T. 2 S., R. 9 E. of Nankin Township, Wayne County, Michigan, and all of Sections 19 and 30, and the N. 1/2 of Sec. 31, T. 2 S., R. 10 E. of Dearborn Township, Wayne County, Michigan, described as beginning at the N 1/4 corner of Sec. 23 Nankin Township, said corner being the intersection of the center lines of Henry Ruff and Cherry Hill Roads, so-called: proceeding thence east along center line of Cherry Hill Rd., being also the north line of Sections 23 and 24 of Nankin Township and Section 19 of Dearborn Township, to the N. E. corner of said Sec. 19, said corner being the intersection of the center lines of Cherry Hill Rd. and Beech-Daly Rd., so-called; thence south along the said center line of Beech-Daly Rd., being also the east line of Sections 19, 30 and 31, Dearborn Township, to the E. 1/4 corner of said Sec. 31, said corner being the intersection of the center lines of Beech-Daly Rd. and Annapolis Ave., so-called; thence west along said center line of Annapolis Ave., being also the E. & W. 1/4 lines of Sec. 31 of Dearborn Township and Sections 36 and 35 of Nankin Township, to the center 1/4 corner of said Sec. 35, said corner being the intersection of the center lines of Annapolis Ave. and said Henry Ruff Rd.; thence north along said center line of Henry Ruff Rd., being also the N. & S. 1/4 lines of Sections 35, 26 and 23, Nankin Township, to the point of beginning.

### Chapter 2 Definitions and General Provisions

#### Sec. 2.1 Records to be public.

All records of the city shall be public unless otherwise provided by law, shall be kept in city offices, except when required for official reasons or for purposes of safekeeping to be elsewhere, and shall be available for inspection at all reasonable times.

#### Sec. 2.2 Definitions and interpretations

Except as otherwise specifically provided or indicated by the context of this charter:

- The word 'city' shall mean the City of Inkster;
- The word 'council' shall mean the City Council of the City of Inkster;
- The word 'law' shall denote applicable federal law, the Constitution and statutes of Michigan, the applicable common law, and this charter;
- The word 'officer' shall include, but shall not be limited to, the mayor, the members of the council, and, as hereinafter provided, the administrative officers, deputy administrative officers, and members of city boards created by or pursuant to this charter: Provided, that city representatives on the board of supervisors of Wayne County shall not be officers of the city within the meaning of this charter, by virtue of being such representatives;
- The word 'person' may extend and be applied to bodies politic and corporate and to partnerships and associations, as well as to individuals;
- The words 'printed' and 'printing' shall include printing, engraving, stencil duplicating, lithographing, typewriting, photostating, or any similar method;
- The words 'public utility' shall include all common carriers in the public streets; water, sewage, electric light, gas, electric power, telephone and telegraph lines, and systems, wharves and docks, garbage collection, garbage disposal and reduction plants, and such other and different enterprises as the council may from time to time determine or designate;
- Except in reference to signatures, the words 'written' and 'in writing' shall include hand written script, printing, typewriting, and teletype and telegraphic communications;
- All words 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 to which the provision is applied;
- The singular shall include the plural, the plural shall include the singular, and the masculine gender shall extend to and include the feminine gender and the neuter.

#### Sec. 2.3 Publication of notices.

(a) The requirement contained in this charter for the publishing or publication of notices or ordinances shall be met by publishing an appropriate insertion in a newspaper published in the English language for the dissemination of news of a general character which newspaper shall have had a general circulation at regular intervals in the city 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 evidence of such publication.

(b) When any provision of this charter requires the mailing of notices, the affidavit of the officer or employee, responsible for such mailing, that such notice was mailed by him shall be evidence of such mailing.

#### Sec. 2.4 Official performance.

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

#### Sec. 2.5 Public records as evidence.

All papers, books, or other records of any matter required to be kept by any of the several departments of the municipal government, either by law or by the provisions of any ordinance, shall be deemed public records of such department, and they, or copies, duly certified by the custodian thereof, shall be prima facie evidence of their contents in all suits

at law or in equity, or in other proceedings.

#### Sec. 2.8 Quorum.

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

#### Sec. 2.7 Sundays and holidays.

Except as otherwise expressly provided in this charter, whenever the date fixed by law or ordinance for the doing or completion of any act falls on a Sunday or legal holiday, such act shall be done or completed on the next succeeding day, which is not a Sunday or legal holiday.

#### Sec. 2.8 Penalties for violations of charter.

.Any person found guilty of any violation of this charter may be punished by a fine which, in addition to court costs charged to him, shall not exceed five hundred dollars or imprisonment for not more than 90 days, or by both such fine and imprisonment, in the discretion of the court. This section shall not operate to limit or prejudice the power to remove officers or discharge employees as provided in this charter.

#### Sec. 2.9 Chapter and section headings.

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

#### Sec. 2.10 Amendments.

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

#### Sec. 2.11 Severability of charter provisions.

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

#### Sec. 2.12 No estoppel.

No estoppel may be created against the city by any statement of any officer of the city, either verbally or in writing, or by any act on the part of the council or any officer, board, or commission.

#### Sec. 2.13 Vested rights.

At the time this charter shall become effective, the city shall be vested with all the real and personal property, moneys, contracts, rights, credits, effects, records, files, books, papers and all other property of every name and nature, belonging to the Village of Inkster. No right or liability, either in favor of or against said Village, existing at the time this charter shall become effective, and no suit, prosecution or legal proceeding of any kind, shall be affected in any manner by the incorporation of the Village as a City, but the same shall stand or proceed as if no change had been made. All debts and liabilities of said Village shall be the debts and liabilities of the city. All taxes and special assessments levied and uncollected at the time of the change from the village to the city form of government, all taxes and special assessments in the process of levy at the time of change from village to city government, and all fines and penalties imposed prior thereto, shall be collected or levied and collected by the city. All licenses, permits and franchises granted by said Village, in force when this charter takes effect, shall remain in full force and effect until the expiration of the time for which they were respectively granted.

#### Sec. 2.14 System of accounts.

Any system of accounts used for the city or any department thereof, shall conform to such uniform system as may be required by law.

#### Sec. 2.15 City Liability.

The city shall not be liable for damages sustained by any person either to his person or property by reason of the negligence of the city, its officers or employees, nor by reason of any defective condition or of obstruction in any public place unless such person shall serve or cause to be served upon the clerk, within sixty days after the injury resulting in such damage shall have occurred, a notice in writing, which notice shall set forth in detail the time, place and cause of the injury, the manner in which it occurred, the extent of such damages as far as the same have become known, the names and addresses of the witnesses known at the time by the claimant and a statement that the person sustaining such damages intends to hold the city liable for such damages as may have been sustained by him. All claims whether arising out of contract or tort, shall be made under oath and shall be filed with the clerk for consideration by the council after the cause of action has arisen.

It shall be a sufficient bar to any action upon any such claim that the notice of injury and the verified proof of claim required by this section were not filed within the time and in the manner herein provided.

### Chapter 3 Municipal Powers

#### Sec. 3.1 General powers.

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

#### Sec. 3.3 Additional powers.

The city may sue and be sued in its corporate name; may plead or be impleaded in all courts of law or in equity and in all actions whatsoever; may contract and be contracted with; may acquire by condemnation, purchase, lease, construction, gift, or otherwise, any property, real, personal and mixed, and hold, lease, use and dispose of the same, whether the same may lie within or without its boundaries. In any emergency when the necessities of life may not be obtained or essential services performed necessary to the health or welfare of the people, the city may take charge of, and supply such necessities or services, but shall not do such acts for gain or profit.

**Sec. 3.3 Further powers.**

In addition to the powers provided above, the city shall have power and may:

(a) Provide for the use, regulation, improvement and control of the surface of its streets, alleys and public ways, and of the space above and beneath them.

(b) Provide for the use, by other than the owner, of property located in streets, alleys and public places, in the operation of a public utility, upon payment of a reasonable compensation to the owners thereof.

(c) Provide for a plan of streets and alleys within and for a distance of not more than three miles beyond its limits.

(d) Acquire by purchase, gift, condemnation, lease, construction or otherwise, either singly or in conjunction with other governmental bodies, either within or without its corporate limits and either within or without the corporate limits of the County of Wayne, the following improvements, including the necessary lands therefor, viz: city hall, police stations, fire stations, boulevards, streets, alleys, public parks, recreation grounds, municipal camps, public grounds, zoological gardens, museums, libraries, airports, cemeteries, public wharves and landings upon navigable waters, levees and embankments, watch houses, city prisons and work houses, penal farms, institutions, hospitals, quarantine grounds, electric light and power plants and systems, gas plants and systems, waterworks plants and systems, sewage disposal plants and systems, garbage disposal plants, rubbish disposal plants, market houses

and market places, office buildings for city officers and employees, public works and public buildings of all kinds; and for the costs and expenses thereof.

(e) Acquire by purchase, gift, condemnation, lease or otherwise, private property, either within or without the corporate limits of the County of Wayne, for any public use or purpose within the scope of its powers, whether herein specifically mentioned or not. If condemnation proceedings are resorted to for the acquisition of private property, such proceedings may be brought under the provisions of Act 149 of the Public Acts of 1911, as heretofore or hereafter amended, or under such other provisions as shall be made by law.

(f) Maintain, develop and operate its property and upon discontinuance thereof to lease, sell or dispose of the same subject to restrictions placed thereupon by law; provided, that on the sale of any capital asset of a municipally owned utility the money received shall be used in procuring a similar capital asset, or placed in the sinking fund to retire bonds issued for said utility.

(g) Acquire by construction, condemnation, or purchase and own, equip, possess, lease, operate and maintain transportation facilities including a rapid transit system consisting of a tunnel, subway, surface or elevated system or any combination or qualification of these, in and through said city, and for a distance of not more than ten miles beyond its limits, for the purpose of furnishing transportation facilities to the city and to the people hereof; the city may provide by ordinance or resolution for the preparation and publication of plans for such construction, equipment and maintenance; for the operation of such facilities independently or in connection with other transportation facilities, or transportation

system, owned, operated, or controlled by the city or existing therein, or in the territory in which any such rapid transit system is established; for the appropriate designation of such facility; for the taking of the fee of or easement or right of way on, under, above and through any property for the purposes thereof; by gift, grant or purchase, and by condemnation proceedings in accordance with any law of the State of Michigan providing therefor; and for the management of such facilities, for the purposes for which the same is or may be acquired or constructed and for the execution of contracts incidental to the carrying out of the purposes hereby contemplated, subject to the general laws of the state.

(h) Negotiate, execute and perform contracts with any other municipality or municipalities, duly authorized and empowered to that end, with reference to the construction, equipment, operation, maintenance and management of a rapid transit system and facilities, and finance any obligations assumed under or imposed by any such contract.

(i) Provide for the use, control and regulation of streams, waters and water courses within its boundaries, subject to any limitation imposed by law.

(j) Secure by condemnation, by agreement or purchase, or by any other means, an easement on property abutting or adjacent to any navigable stream, for the purpose of securing the privilege and right to construct, own and maintain along or adjacent to any navigable stream an elevated structure of one or more levels for the use as vehicular or pedestrian passageway or for any other municipal purpose.

(k) Acquire, establish, operate, extend and maintain facilities for the storage and parking of vehicles within its corporate limits, including the fixing and collection of charges for services and use thereof on a public utility basis, and for such purposes to acquire by gift, purchase, condemnation or otherwise the land necessary therefor.

(l) Acquire, construct, establish, operate, extend and maintain facilities for the docking of pleasure water craft within its corporate limits, including the fixing and collection of charges for use thereof, and for such purposes to acquire by gift, purchase, condemnation or otherwise the land necessary therefor.

(m) Regulate and restrict the locations of oil and gasoline stations.

(n) Establish districts or zones within which the use of land and structures, the height, the area, the size and location of buildings and required open spaces for light and ventilation of such buildings, and the density of population therein may be regulated. Such regulations in one or more districts may differ from those in other districts.

(o) Regulate trades, occupations and amusements within its boundaries, not inconsistent with state and federal laws, and prohibit such trades, occupations and amusements as are detrimental to the health, morals or welfare of its inhabitants.

(p) License, regulate, restrict and limit the number and location of bill boards within the city.

(q) Enact and enforce all such local, police, sanitary and other regulations for the public peace and health and for the safety of persons and property as are not in conflict with the general laws.

(r) Establish any department that the council shall deem necessary for the general welfare of the city and provide for the separate incorporation thereof, subject to general law.

(s) The city and its officers shall have power to exercise all municipal powers in the management and control of municipal property and in the administration of municipal government, whether such powers be expressly enumerated or not; to do any act to advance the interest of the city, the good government and prosperity of the municipality and its inhabitants, and through its regularly constituted authority, to pass and enforce all laws, ordinances, and resolutions relating to its municipal concerns, subject to the Constitution and general laws of the state and the provisions of this charter.

**Chapter 4 Elections****Sec. 4.1 Qualifications of electors.**

The residents of the City of Inkster having the qualifications of electors in the State of Michigan shall be electors of the city.

**Sec. 4.2 Election procedure.**

The election of all city officers shall be on a non-partisan basis. The general election statutes shall apply to and control, as near as may be, all procedures relating to registration and city elections except as such statutes relate to political parties or partisan procedures, or except as otherwise provided in this charter.

**Sec. 4.3 Wards and precincts.**

The City of Inkster shall consist of six wards, hereinafter referred to as districts. Convenient election precincts shall be established by the city council as required and provided by law.

District No. 1 shall be bounded on the north by the centerline of Michigan Avenue, the east by the center line of Harrison, the south by Annapolis and the west by Henry Ruff.

District No. 2 shall be bounded on the north by Cherry Hill, the east by the centerline of Eastern, the south by the centerline of Michigan Avenue and the west by Henry Ruff.

District No. 3 shall be bounded on the north by the centerline of Michigan Avenue, the east by the centerline of Princess, the south by Annapolis, and the west by the centerline of Harrison.

District No. 4 shall be bounded on the north by Cherry Hill, the east by Beech Daly, the south by the centerline of Avondale, and the west by the centerline of Eastern.

District No. 5 shall be bounded on the north by the centerline of Michigan Avenue, the east by Beech Daly, the south by Annapolis, and the west by the centerline of Princess.

District No. 6 shall be bounded on the north by the centerline of Avondale, the east by Beech-Daly, the south by the centerline of Michigan Avenue and the west by the centerline of Eastern.

**Sec. 4.4 Election dates.**

(a) A regular city election shall be held in the several voting precincts of the city at such place therein as shall be designated by the council on the 3rd Monday in May 1966 and every fourth year thereafter.

(b) A non-partisan city primary election shall be held on the 1st Monday in April, 1966, and every four years thereafter, if nominating petitions for candidates eligible to be placed on the ballot to a number greater than twice the number of positions to be filled in any elective office shall have been filed with the clerk as provided in this charter.

**Sec. 4.5 Election registration.**

The general election laws of the state shall apply to and control all procedures relating to registration and cite elections except as herein otherwise specifically provided.

**Sec. 4.6 Election commission.**

An election commission is hereby created consisting of the city council. The councilman receiving the highest number of votes at the last preceding election shall be the chairman. The commission shall have charge of all activities and duties required of it by state law and this charter relating to the conduct of elections in the city. The compensation of election personnel shall be determined in advance by the council. In any case where election procedure is in doubt, the election commission shall prescribe the procedure to be followed.

**Sec. 4.7 Special elections.**

Special city elections shall be held when called by resolution of the council at least sixty days in advance of such election, or when required by this charter or the general laws of the state. Any resolution calling a special election shall set forth the purpose of such election. No more than two special city elections shall be held in any one calendar year.

**Sec. 4.8 Notice of elections.**

Notice of the time and place of holding any election and of the officers to be elected and the questions to be voted upon, shall be given by the clerk as required by general election law.

**Sec. 4.9 Voting hours.**

The polls of all elections shall be opened and closed at the time prescribed by law for the opening and closing of polls at state elections.

**Sec. 4.10 Nominations.**

The method of nomination of all officers provided for in the charter who are elected by the electors of the city shall be by petition. Such petition shall be signed by not less than 50 nor more than 100 qualified registered electors of the city. In the case of candidates for councilman, the petitioners shall reside in the district for which the nomination is made. No person shall sign his name to a greater number of petitions for any one office than there are persons to be elected to said office at the following regular city elections. If the signature of any person appears on more petitions than permitted by this section, such signature shall not be counted on any one of the petitions so signed for that office. The signatures shall be executed according to state law. Each signer shall indicate next to his signature the date of his signing, and the place of his residence, giving the street and number or other description sufficient to identify it.

Nominating petitions shall be filed with the clerk at least thirty days prior to the date of holding the primary election. On the last date to file, no petition shall be accepted at an hour later than 5:00 p.m. The clerk shall publish notice of the last day and time permitted for filing nominating petitions, at least one week before, and not more than three weeks before that date.

**Sec. 4.11 Form or petition.**

The form of petition shall be substantially as that required by state law for state and county officers, except for references to political parties. Official petition forms shall be prepared and furnished by the clerk. Before the clerk shall furnish any nomination petitions to any person, he shall enter thereon in ink the name of the person desiring to become a candidate for office, or the person in whose behalf the petition is to be circulated and the name of the office for which he is to be a candidate.

**Sec. 4.12 Withdrawal of petition.**

A candidate may withdraw in the manner provided in the general election laws of the state.

**Sec. 4.13 Approval or petition.**

The clerk shall accept for filing nominating petitions on official blanks containing the required number of signatures for candidates having those qualifications required for elective city officials by this charter. When petitions are filed by persons other than the person whose name appears thereon as a candidate, they may be accepted for filing only when accompanied by the written consent of the person in whose behalf the petition or petitions were circulated. The clerk shall, forthwith after the filing of a petition, determine the sufficiency of the signature on each petition filed, and if he finds that any petition does not contain the required number of legal signatures of registered electors, he shall immediately

notify the candidate in writing of the insufficiency of his petition. Each petition which is found by the clerk to contain the required number of signatures of registered electors for candidates shall be marked 'In Order', with the date thereof, and he shall so notify the candidate whose name appears thereon, in writing.

**Sec. 4.14 Public inspection of petitions.**

All nominating petitions shall be open to public inspection in the office of the clerk beginning five days after the final filing date for such petitions.

**Sec. 4.15 Form of ballots.**

The form of the ballot used in any city primary or election shall conform as nearly as may be to that prescribed by the general laws of the state, except that no party designation or emblem shall appear upon any city ballot. The names of qualified candidates or nominees for each office shall be listed in a single column and shall be rotated systematically on the ballots. In all other respects the printing and numbering of ballots shall conform to the general laws of the state relating to elections.

#### Sec. 4.16 Canvass of vote.

A board of canvassers as provided by state law shall be appointed by the city council. The board of canvassers shall convene on the second day succeeding each primary, regular or special election at the hour of 8:00 p. m. at the office of the city clerk in the city hall, and shall canvass the returns filed with the clerk and shall determine the results thereof. The board of canvassers, after determination of the results of such election [,] shall certify this determination with the city clerk.

#### Sec. 4.17 Recount.

A recount of the votes cast at any city election for any office or upon any proposition may be had in accordance with the general election laws of the state.

#### Sec. 4.18 Recall.

Any elected official may be removed from office by the electors of the city in a manner provided by the general laws of the state. A vacancy created by the recall of any elected official shall be filled in the manner prescribed by law.

#### Sec. 4.19 Election by lot, in case of tie vote.

If there be no choice for any office by reason of two or more candidates having received an equal number of votes, the election commission shall name a date for the appearance of such persons for the purpose of breaking the tie by lot, as provided by law. Should any person or persons fail or refuse to appear, in person or by representative, to determine the result of any tie election at the time and place named by the election commission, such determination shall be made by lot in his or their absence, at the direction and under the supervision of the election commission. Such determination shall in any event, be final, and the time allowed for recount shall not commence to run until such determinations shall be made.

#### Sec. 4.20 General election laws.

The general election laws of the state, when applicable, shall apply to all primary, general and special elections in the city; provided however, that when there is a conflict between such general laws and this charter as to any matter which may be lawfully regulated by charter, then the provisions of this charter shall control.

### Chapter 5 General Provisions Regarding Officers and Personnel of the City

#### Sec. 5.1 Eligibility for office and employment in city.

(a) No person shall hold any elective office of the city unless he is and has been a resident and a property owner of the city for at least two years immediately prior to, and was a registered elector on, the last day for filing petitions for such office, or at the time of his appointment to fill a vacancy.

(b) The municipal judge or judges shall, in addition, have the qualifications for that office hereinafter set forth.

(c) The holding of office by any person who is in default to the city shall create a vacancy unless such default shall be eliminated within 30 days after the officer in default has received written notice thereof from the clerk upon the direction of the council, or, unless the officer in good faith contests his liability for the default in a court or tribunal of competent jurisdiction.

(d) Each member of a city board or commission created by, or pursuant to, this charter shall have been a resident of the city for at least two years immediately prior to the day of his appointment and shall be a qualified and registered elector of the city on such day and throughout his tenure of office.

(e) The council may, by ordinance, require residence in the City of Inkster as a condition of employment of full-time appointive officers.

#### Sec. 5.2 Vacancies in office.

Any 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 law as creating a vacancy in office;

(b) If the officer ceases to be a registered elector of the city;

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

(d) If the officer shall be found guilty by a court of competent jurisdiction of any act constituting a violation of the provisions of this charter;

(e) If the officer shall absent himself continuously from the city for more than 60 consecutive days in any one calendar year without the permission of the council;

(f) If the officer is removed from office by the council in accordance with the provisions of Section 5.3.

#### Sec. 5.3 Removals from office.

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 law for removal of city officers by the governor ;

(b) Members of boards or commissions may be removed for just cause at the discretion of the council. Such removal of such member of a board or commission shall only be made after due notice to the member affected has been given. Action taken by the council shall be at a regularly scheduled meeting.

#### Sec. 5.4 Resignations.

(a) 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 meeting following receipt thereof by the clerk.

(b) Resignations of appointive officers shall be made in writing to the appointing officer or body and shall, be acted upon immediately.

#### Sec. 5.5 Filling vacancies in appointive offices

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

#### Sec. 5.6 Filling vacancies in elective offices.

(a) Any vacancy which occurs in the office of mayor or in the council shall be filled within thirty days by a majority vote of the remaining members of the council. Said vacancy shall be filled for the balance of the unexpired term.

(b) Any vacancy which occurs in the office of municipal judge shall be filled within thirty days by a majority vote of the council. Said appointment shall be filled for the balance of the unexpired term.

(c) If any vacancy in the office of mayor, councilman, or municipal judge is not filled by the council as required by subsection (a) or (b), or if the number of vacancies existing in the

council is such as to reduce the membership below a quorum, the clerk shall, forthwith, call a special city election for the purpose of filling such vacancy or vacancies for the balance of the term or terms thereof. Such election shall be held not less than forty-five days nor more than sixty days after the date of the call thereof by the clerk. Each such election shall be governed by the provisions of this charter, except that no primary election shall be held in connection therewith and the last day and time for filing nominating petitions in connection therewith shall be at 6:00 p.m. on the 30th day before the date of such election. The qualified person or persons receiving the highest number of votes cast at such election shall be deemed to have been elected to fill the vacancy or vacancies, as the case may be, to be filled at such election and, upon canvass of the votes cast at such election, shall be certified as such, subject to the provisions of law.

(d) The provisions of this section shall not apply to the filling of vacancies resulting from recall.

#### Sec.5.7 Change in term of office or compensation.

Except by procedures provided in this charter, the terms of office of the elective officers and of members of boards and commissions appointed for definite terms shall not be shortened. The terms of elective officers of the city shall not extend 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 and has qualified. The council shall not grant or authorize extra compensation to any officer or employee after the service has been rendered. The salary of any elective officer shall not be increased or decreased from the time of his election or appointment until the end of his term of office for which he was elected or appointed.

#### Sec. 5.8 Oath of office and bond.

Every officer, elected or appointed, before entering upon the duties of his office, shall take the constitutional oath of office and shall file the same with the clerk, together with any bond required by law or by the council. In the case of failure to comply with the provisions of this section within ten days from the date of his election or appointment, such officer shall be deemed to have declined the office and such office shall thereupon be vacant, unless the council shall, by resolution, extend the time in which such officer may qualify as above set forth.

#### Sec. 5.9 Surety bonds.

(a) The council may require any officer or employee to give a bond, to be approved by the city attorney, in such sum as the council determines. The bond shall be conditioned upon the faithful and proper performance of the duties of the office or employment concerned. All officers and employees who receive, distribute, or are responsible for city funds or investments shall be bonded. The resignation, removal, or discharge of any officer or employee, or the appointment of another person to the office or employment, shall not exonerate the officer or employee or his sureties from any liability incurred by them.

(b) All official bonds shall be corporate surety bonds and the premiums thereof shall be paid by the city. No official bonds shall be issued for a term exceeding three years, except bonds which are required of officers serving terms of office which are longer than three years. No bond shall be renewed upon its expiration but a new bond shall be furnished in each case.

(c) The bonds of all officers and employees shall be filed with the clerk, except that the clerk's bond, unless he is covered within the scope of a blanket surety bond, shall be filed with the treasurer.

(d) The requirements of this section may be met by the purchase by the city of one or more blanket corporate surety bonds covering all or any group or groups of the officers and employees of the city. Any officer or employee who is covered by a blanket surety bond need not be bonded individually for the purpose of qualifying for office.

#### Sec. 5.10 Delivery of office.

Whenever any officer or employee shall cease to hold such office or employment for any reason whatsoever, he shall within five 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.

#### Sec. 5.11 Pecuniary interest prohibited.

No officer of the city shall have any financial interest, directly or indirectly, (other than the common public interest) in the profits of any contract [,] job, work, or service to be performed for the city; nor shall he stand as surety or give any bail or sign any bail or appearance bond required by the ordinances of the city. No officer of the city shall personally, or as an agent, provide any bond which is subject to approval by the council. Any officer of the city who violates the provisions of this section shall be guilty of misconduct in office.

#### Sec. 5.12 Compensation of officers and employees.

(a) The compensation of all officers and employees 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 the council.

(b) Except as otherwise provided by law, the respective salaries and compensation of officers and employees as fixed by, or pursuant to, this charter shall be in full for all services to the city of such officers or employees and shall be in lieu of all fees, commissions, and other compensation receivable by such officers or employees for such services. Such fees, commissions, and compensations shall belong to the city and shall be collected and accounted for by such officers or employees and be paid into the city treasury. A statement thereof shall be filed periodically with the city manager. The provisions of this section shall not apply to fees, commissions, or other compensation paid by the County of Wayne to any officer or employee serving as a city representative on the board of supervisors or to the constable .

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

#### Sec. 5.13 Employee welfare benefits.

The council shall have the power to make available to the officers and employees of the city and of its departments and boards any recognized standard plan of group life, hospital, health, or accident insurance.

#### Sec. 5.14 Anti-nepotism.

The following relatives and their spouses (1) of any elective official or of his spouse, or (2) of the city manager or of his spouse, are disqualified from holding any appointive office or employment of the City of Inkster during the term for which said elective official was elected or during the tenure of office of the city manager, respectively: child, grandchild, parent, grandparent, brother, sister, half-brother and half-sister. All relationships shall include those arising from adoption. This section shall in no way disqualify such relatives or their spouses who are bona fide appointive officers or employees of the city at the time of the election of said elective official or the appointment of said city manager, or in case the relationship arises after the persons were, in each case, an officer of the city.

**Sec. 6.1 Plan of government.**

The government of the city shall be a council-manager °form of government elected by district on a non-partisan basis.

**Sec. 6.2 Election of council, mayor, municipal judges and constables.**

(a) Primary election. Councilmen shall be nominated, two from each district, by the electors respectively voting separately in the city districts as established by the charter and shall be residents of the district for which they are nominated. Two candidates for mayor, four candidates for municipal judges and four constables shall be nominated by the electors of the city at large.

(b) Regular election. The mayor shall be elected at large and one councilman from each district shall at the regular city election be elected at large and each shall hold office for four years, the terms of office shall commence on the Monday next following the date of the election, or at such earlier date as the board of canvassers shall have met and certified the results of the election and the new officers shall have taken their oath of office.

**Sec. 6.3 First council and mayor.**

At the election at which this charter shall be submitted there shall be elected six councilmen and a mayor at large whose terms of office shall begin upon taking effect of this charter. The candidate for city councilman who receives the highest number of votes at large shall be elected councilman for the district for which he has filed his petition. The mayor and councilmen shall serve until the Monday following the next regular city election, or as provided in Section 6. 2(b) above.

**Sec. 6.4 Election of mayor pro tempore**

The city council shall, at its first meeting following each regular city election, elect one of its members to serve as mayor pro tempore for a term expiring at the first council meeting following the next, regular city election. He shall have all powers and authority vested in the mayor in the event of the mayor's absence or inability to act.

**Sec. 6.5 Duties of mayor of the city.**

Insofar as required by law, and for all ceremonial purposes, the mayor of the city shall be executive head of the city.

(a) He shall have an equal voice and vote in the proceedings of the council, but shall have no veto power.

(b) He shall be a conservator of the peace, and may exercise within the city the powers conferred upon sheriffs to suppress disorder, and shall have the power to command the assistance of all able bodied citizens to aid in the enforcement of the ordinances of the city, and to suppress riot and disorderly conduct.

(c) He shall authenticate by his signature such instruments as the council, this charter, or the laws of the State of Michigan or of the United States shall require.

(d) He shall exercise only such powers as the state law, this charter, or the council shall specifically confer upon, or require of him.

(e) He shall be the presiding officer of the council.

**Sec. 6.6 Compensation of elective officers.**

The mayor shall receive as remuneration for his services to the city one hundred fifty dollars per month and each councilman shall receive one hundred twenty-five dollars per month; provided that the mayor and councilmen may be reimbursed for expenses incurred in connection with city business.

Provided further that such expenses shall be approved by resolution or the council, upon which resolution the person whose account is being considered shall not vote.

**Sec. 6.7 Administrative service.**

(a) The administrative officers of the city shall be the city manager, city attorney, clerk, treasurer, assessor, police chief, fire chief, and such additional administrative officers as may be created by ordinance. The council may [,] by ordinance, create additional administrative officers and may, by ordinance, combine any administrative offices in any manner it deems necessary or advisable for the proper and efficient operation of the city; but the council may not diminish the duties or responsibilities of the office of city manager. The city manager, city clerk and city attorney shall be appointed by the council for an indefinite period, shall be responsible to and serve at the pleasure of the council and shall have their compensation fixed by the council.

{b} All other administrative officers of the city, except the city manager, city clerk and city attorney, shall be appointed by the city manager for indefinite terms or office. Such officers shall be responsible to the city manager and shall serve at his pleasure. Their compensation shall be fixed by the city manager in accordance with budget appropriations and subject to approval by the council.

(c) Except as may be otherwise required by law, the council shall establish [,] by ordinance, such departments of the ci ty as it deems necessary or advisable and shall prescribe therein the functions of each department. The city manager shall prescribe such duties and responsibilities of the officers of those departments responsible to him which are not inconsistent with this charter or with any ordinance or resolution adopted concerning such duties and authorities under authority of this charter.

(d) All personnel employed by the city who are not elected officers or the city or declared to be administrative officers under this charter, shall be deemed to be employees of the city. The head of each department shall have the power to hire and discharge the employees of his department under provisions of the civil service system provided by, and under authority of the provisions of, Chapter 19 of this charter.

**Sec. 6.8 City manager, appointment and qualifications.**

The council shall appoint a city manager within ninety days after any vacancy exists in such position. The city manager shall hold office at the pleasure of a majority of the council. He shall be selected solely on the basis of his executive and administrative qualifications with special reference to his training and experience. At the time of his appointment, he need not be a resident of the city or state, but during tenure of office he shall reside within the city.

**Sec. 6.9 City manager: functions and duties.**

The city manager shall be the chief administrative officer of the city government. His functions and duties shall be:

(a) To be responsible to the council for the efficient administration of all administrative departments of the city government, except the department under the direction of the attorney and clerk;

(b) To see that all laws and ordinances are enforced;

(c) To give to the proper department or officials ample notice of the expiration or termination of any franchises, contracts, or agreements;

(d) To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed;

(e) To recommend an annual budget to the council and to administer the budget as finally adopted, under policies formulated by the council, and to keep the council fully advised at all times as to the financial conditions and needs of the city;

(f) To attend council meetings with the right to take part in discussions but not to vote, and to recommend to the council for adoption such measures as he may deem necessary or expedient;

(g) To exercise and perform all administrative functions of the city that are not imposed by this charter upon some other official;

(h) To be responsible for the maintenance of a system of accounts of the city; which system of accounts shall be in conformance with any uniform system required by law;

(i) To perform such other duties as may be prescribed by this charter or as may be required of him by ordinance or by direction of the council.

**Sec. 6.10 Acting city manager.**

The council may appoint or designate an acting city manager during the period of a vacancy in the office or during the absence of the city manager from the city, or during a period of illness or disability on the part of the city manager.

**Sec. 6.11 Attorney; function and duties.**

(a) The council shall appoint and fix the salary of the city attorney who shall hold office at the pleasure of the council.

(b) The attorney shall be duly admitted to practice, and licensed by the State Bar of the State of Michigan to practice i n the State of Michigan.

(c) The attorney shall act as legal advisor to and be attorney and counsel for, 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.

(d) The attorney shall prosecute all charter and 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 all records and files relating thereto as the council may direct.

(e) 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.

(f) The attorney shall call to the attention of the council all matters of law and changes or developments therein, affecting the city.

(g) The attorney shall perform such other duties as may be prescribed for him by this charter or by the council,

(h) Upon the recommendation of the attorney, or upon its own initiative, the council may retain special legal counsel to handle any matter in which the city has an interest, or to assist and counsel with the attorney therein.

**Sec. 6.12 City clerk functions and duties.**

(a) The city clerk shall be clerk of the council. He shall attend all meetings of the council and shall keep a permanent journal in the English language of its proceedings. He shall keep a record of all ordinances, resolutions, and regulations of the council.

(b) He shall be custodian of the city seal, and shall 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 of Inkster, the custody of which is not otherwise provided for. He shall give to the proper department or officials ample notice of the expiration or termination of any franchises, contracts, or agreements.

(c) He shall provide and maintain in his office a supply of all forms for all petitions required to be filed for any purpose by the provisions of this charter, and shall accept no petitions for any purpose set forth in this charter which are not on the forms provided by him for such purpose.

(d) He shall certify by his signature all ordinances and resolutions enacted or passed by the council, and perform. any other duties required of him by the state law, this charter, or by the council.

**Sec. 6.13 City treasurer. function and duties.**

(a) The treasurer shall have the custody of all moneys of the city, the clerk 's bond, and all evidence of value belonging to the city, or held in trust by the city.

(b) The treasurer shall receive and disburse all moneys belonging to the city and shall keep an accurate, detailed account of all money received and disbursed by him.

(c) He shall keep and deposit all moneys or funds in such manner and only in such places as the council may deter mine. 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 all taxes and moneys 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 city manager.

**Chapter 7 The Council: Procedure and Miscellaneous Powers and Duties****Sec 7.1 Regular meetings.**

The council shall provide by resolution for the place of its regular meetings and shall hold at least two regular meetings each month which shall be held on the first and third Monday of each month at 7:30 p.m. If any time set for holding of a regular meeting of the council shall be a holiday, then such regular meeting shall be held at the same hour and place on the next regular day which is not a holiday.

The council shall have the power to suspend by a majority vote of the entire council any regular meeting to the next regular day, provided that no more than three regular meetings shall be suspended in any one fiscal year.

**Sec. 7.2 Special meetings.**

Special meetings shall be called by the clerk on the written request of the mayor, or any two members of the council on at least twenty-four 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 shorter notice if all members of the council are present or have waived notice thereof in writing.

**Sec. 7.3 Business at special meetings.**

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

**Sec. 7.4 Meetings open to the public.**

All regular and special meetings of the council shall be open to the public and rules of order of the council shall provide that citizens shall have a reasonable opportunity to be heard. No official action shall be taken by the council at other than a regular or special meeting .

**Sec. 7.B Quorum.**

A majority of the councilmen or the mayor and any three councilmen shall constitute 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 date.

**Sec. 7.8 Rules of the council.**

The council shall determine its own rules and order of business and shall keep a journal of all its proceedings in the English language which shall be signed by the mayor and the clerk. The vote upon the passage of all ordinances and upon the adopt ion of all resolutions shall be ta ken by 'Yes ' and 'No' vote and entered upon the records, except that

where the vote is unanimous it shall only be necessary to so state. No member shall vote on any question in which he is financially interested (other than the common public interest) or any question concerning his own official conduct, but on all other questions each member of the council who shall be recorded as present shall vote on all questions decided by the council. Any citizen or taxpayer of the city shall have access to the minutes and records of all regular and special meetings of the council at all reasonable times during regular office hours of the city clerk.

#### Sec. 7.7 Investigations.

The council, or any person or committee authorized by it for the purpose, shall have power to inquire into the conduct of any department, office, or officer of the city and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence. Failure on the part of any officer of the city to obey such subpoena or to produce books, papers, or other evidence as ordered under the provisions of this section shall constitute misconduct in office. If such failure shall be on the part of any employee of the city, it shall constitute a misdemeanor.

#### Sec. 7.8 Health and safety.

The council shall see that provision is made for the public peace and health, and for the safety of persons and property. Until otherwise provided by ordinance or resolution, 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.

#### Sec. 7.9 Publication of council proceedings.

An abstract of the proceedings of the council shall be published at least once within fifteen days after each meeting of the council in a newspaper of local circulation in the city.

### Chapter 8 Legislation

#### Sec. 8.1 Prior city legislation.

(a) All valid ordinances, resolutions, rules and regulations of the Village of Inkster which are not inconsistent with this charter and which are in force and effect at the time of the effective date of this charter shall continue in full force and effect, until repealed or amended.

(b) Those provisions of any effective valid ordinance, resolution, rule or regulation which are inconsistent with this charter, are hereby repealed.

#### Sec. 8.2 Ordinances and resolutions.

All official action of the council shall be by ordinance or resolution adopted by the affirmative vote of not less than a quorum of the council, unless otherwise required by law or this charter. All actions of the council which do not constitute ordinances shall be deemed to be resolutions. Action by resolution shall be limited to matters required or permitted to be so done by law or pertaining to the internal affairs or concerns of the city government. All other acts of the council and all acts carrying a penalty for the violation thereof, shall be by ordinance. Each ordinance shall be identified by a short title and by a number.

#### Sec. 8.3 Enactment, amendment, repeal and effective date of ordinance.

(a) Each proposed ordinance shall be introduced in written or printed form. The style of all ordinances shall be: 'The City of Inkster ordains.'

(b) No ordinance shall be passed at the same meeting at which it is introduced.

(c) An ordinance may be repealed or amended only by an ordinance passed in the manner provided in this section. An ordinance may be repealed by reference to its number and title only.

(d) If a section of an ordinance is amended, the section shall be re-enacted and published at length. This requirement shall not apply to sections which list one-way streets, stop streets and street intersections, and of parking limitations which are contained in any traffic ordinance.

(e) The effective date of all ordinances shall be stated therein but shall not be earlier than the date of publication. Such publication shall be made in a newspaper which is circulated in the city, provided, the council may by the affirmative vote of not less than five members thereof provide that such publication may be made by posting in the office of the clerk and in five other public places in the city.

#### Sec. 8.4 Recording of ordinances

All ordinances shall be recorded by the clerk in a book to be called 'The Ordinance Book', and it shall be the duty of the mayor and 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.

#### Sec. 8.5 Penalties for violations of ordinances.

Any ordinance may provide for the punishment of those who violate its provisions. The punishment for the violation of any ordinance, including the costs charged for the prosecution thereof, shall not exceed a fine of five hundred dollars or imprisonment for 90 days, or both, in the discretion of the court said imprisonment may be either in the city or county jail, or in any work house in the state which is authorized by law to receive prisoners from the city.

#### Sec. 8.6 Special requirements for certain council actions.

Subject to the provisions of law, the council may open, establish, vacate, discontinue, or abolish any highway, street, lane, alley, or other public place or part thereof, by resolution. After the introduction of such resolution and before its final adoption, the council shall hold a public hearing thereon, and shall post or publish notices of such hearing as required by general law.

#### Sec. 8.7 Enactment of codes by reference.

In accordance with the provisions of law now or hereafter in effect, the council may enact technical codes or regulations which have been promulgated or enacted by the State of Michigan or the United States of America, 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 technical regulations, by reference thereto in an adopting ordinance and without publishing any such code in full:

Provided that each statute or technical code or regulation is clearly identified in the ordinance adopting the same. The purpose of the code or regulation shall be published with the adopting ordinance and complete printed copies thereof shall be kept in the office of the clerk, available for inspection by and distribution to the public at all times. Such publication shall contain a notice stating that a complete copy of said code or regulation is available for public use and inspection at the office of the clerk.

#### Sec. 8.8 Severability of ordinances.

Unless an ordinance expressly provide to the contrary, if any portion of an ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining portions or applications of the ordinance, which can be given effect without the invalid portion or application, if such remaining portions or applications

are not determined by the court to be in operable, and, to this end ordinances of the city are declared to be severable.

#### Sec. 8.9 Initiative and referendum.

An ordinance may be initiated by petition, or a referendum on an ordinance enactment may be had, by petition as hereafter provided.

#### Sec. 8.10 Initiatory and referendary petitions.

(a) An initiatory or a referendary petition shall be signed by not less than ten percent of the registered electors of the city, as of the date of the last regular city election, and all signatures on said petition shall be obtained within sixty 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 which are identical as to content, except as to signatures, 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 or part thereof.

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

#### Sec. 8.11 Council procedure on initiatory and referendary petitions.

Up on the presentation to the council of an initiatory or referendary petition by the clerk, the council shall, within thirty days, unless otherwise provided by law, either:

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

#### Sec. 8.12 Submission of initiatory and referendary ordinances to electors.

Should the council decide to submit the proposal to the electors, it shall be submitted at the next election held in the city for any other purpose, or, if 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 fifty days from the time the petition is presented to the council and the council does not enact the ordinance, then the council shall call for a special election within ninety days from such date. The results of all elections, held under the provisions of this section[,] shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by law or the terms of this charter.

(a) The presentation to the council by the clerk of a valid and sufficient referendary petition, containing a number of signatures equal to twenty-five per cent of the registered electors of the city as of the date of the last regular city election, which signatures have been obtained within sixty days before the date of filing the petition with the clerk, shall automatically suspend the operation of the ordinance in question, pending repeal by the council or final determination by the electors.

(b) An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed by the council for a period of two years after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be re-enacted by the council for a period of two years after the date of the election at which it was repealed. Any such ordinance may be adopted, amended, or repealed at any time by appropriate referendum or initiatory procedure in accordance with the foregoing provisions of this chapter or if submitted to the electorate by the council on its own motion.

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

### Chapter 9 General Finance -Budget, Audit

#### Sec. 9.1 Fiscal year.

The fiscal year of the city shall begin on the 1st day of July and end on the 30th day of June of the following year. Such year shall also constitute the budget year of the city government.

#### Sec. 9.2 Budget procedure.

On or before the fifteenth day of February of each year each city officer, department head, board, and commission shall submit to the city manager a proposed budget for the next fiscal year. The city manager shall assemble the budgets so submitted and present them, with his budget proposal, to the council at its second regular meeting in April. Such budget proposal shall include:

- (a) Detailed estimates, with his supporting explanations, of all proposed expenditures for each department, office and agency of the city, showing the expenditures for corresponding items for the last preceding fiscal year in full, and for the current fiscal year to January first and estimated expenditures for the balance of the current fiscal year;
- (b) Statements of the bonded and other indebtedness of the city showing the debt redemption and interest requirements, the debt authorization and unissued, a list of the condition of sinking 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 received by the city from each of the same or similar sources for the last preceding fiscal year in full, and for the current fiscal year to January first, and estimated revenues for the balance of the current fiscal year;
- (d) An estimate of the balance or deficit for the end of the current fiscal year;
- (e) An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which[,] together with any available unappropriated surplus and any revenues from other sources, will be necessary to meet the proposed expenditures;
- (f) Such other supporting information as the council may request.

#### Sec. 9.3 Budget document.

The budget document shall present a complete financial plan for the ensuing fiscal year and shall contain such detail as the council may request or as the manager believes necessary. It shall include

at least:

- (a) Estimate of all proposed expenditures for each department and office of the city showing the expenditures for corresponding items for the current and last preceding fiscal year;
- (b) Statements of the bonded and other indebtedness of the city showing the debt redemption and interest requirements;
- (c) Detailed estimates of all anticipated income of the city from other sources other than taxes and borrowing, with comparative statements for previous years and the current fiscal year;



(d) Statements of the estimated balance of surplus or deficit, as the case may be, for the end of the current fiscal year;

(e) An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues necessary to meet the proposed expenditures.

**Sec. 9.4 Budget hearings.**

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

**Sec. 9.5 Adoption or budget.**

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

**Sec. 9.6 Transfer of appropriations.**

After the budget has been adopted no money shall be drawn from the treasury of the city, nor shall any obligations for the expenditure of money be incurred [,] except pursuant to the budget appropriations. The adoption of a budget shall not be construed as authority to any officer of the city to expend the amount set forth in such budget unless such expenditure has been authorized by proper warrant. The council may transfer any unencumbered appropriation balance or any portion thereof from one department, fund or agency to another. The balance of any appropriation which has not been encumbered at the end of the fiscal year shall revert to the general fund and may be reappropriated during the next fiscal year.

**Sec. 9.7 Budget control.**

At the beginning of each quarterly period during the fiscal year, and more often if required by the council, the city manager shall submit to the council data showing the relation between the estimated and actual income and expenses to date and if it shall appear that the income is less than anticipated, the council may reduce appropriations, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the cash income:

**Sec. 8.8 Depository.**

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

**Sec. 9.9 Independent audit.**

An independent audit shall be made of all accounts of the city government at least annually and more frequently if deemed necessary by the council. Such audit shall be made by qualified or certified public accountants experienced in municipal accounting. An annual report of the city business shall be made available to the public by the city manager in such form as will disclose pertinent facts concerning the activities and finances of the city government.

**Chapter 10 General Taxation**

**Sec. 10.1 Power to tax; tax limit.**

The city shall have the power to assess taxes and levy and collect rents, tolls and excises. The annual ad valorem tax levy shall not exceed two percent of the assessed valuation of all real and personal property subject to taxation in the city.

**Sec. 10.2 Subjects or taxation.**

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

**Sec. 10.3 Exemptions.**

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

**Sec. 10.4 Tax day .**

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

**Sec. 10.5 Personal**

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 on tax day, intends to depart from the city;

or to remove therefrom personal property, which is, or may be, liable for taxation; or to conceal himself or his property; or to do other act tending to prejudice, or to render wholly or partly ineffectual [,] the proceeding to collect such tax, unless proceedings therefor be brought without delay, he shall proceed to collect the same as a jeopardy assessment in the manner provided by law.

**Sec. 10.6 Preparation or the assessment roll.**

On or before the first Monday in March of each year the assessor shall prepare and certify an assessment roll of all property in the city subject to taxation. Such roll shall be prepared in accordance with statute and this charter. Values shall be estimated according to recognized methods of systematic assessment as determined by statute and decisions of the State Tax Commission. The records of the assessor shall show separate figures for the value of the land, of the building improvements and of personal property; and the method of estimating all such values shall be as nearly uniform as possible.

**Sec. 10.7 Board of review.**

The board of review shall consist of three qualified freeholders who are electors of the city but not city officers or employees and are to be appointed annually by the city council. The assessor is to be clerk of the board of review and non-voting. The board shall be entitled to such remuneration as shall be determined by the council.

**Sec. 10.8 Duties and functions or the board of review.**

For the purpose of revising and correcting assessments, the board of review shall have the same powers and perform like duties in all respects as are conferred by state law

upon and required of boards of review in townships, except as otherwise provided in this charter. It shall hear the complaints of all persons considering themselves aggrieved by assessments, and, if it shall appear that any person or property has been wrongfully assessed or omitted from the roll[,] the board shall correct the roll in such manner as it deems just. In all cases, the roll shall be reviewed according to the facts existing on tax day and no change in the status of any property after that day shall be considered by the board making its decisions. Except as otherwise provided by law, no person, other than the board of review, shall make or authorize any change upon, or addition or corrections to, the assessment roll. It shall be the duty of the assessor to keep a permanent record of all proceedings of the board and to enter therein all resolutions and decisions of the board. Such proceedings shall be filed in the office of the clerk not later than the first day of September following the meeting of the board of review.

**Sec. 10.9 Meetings of the board of review.**

The board of review shall convene on the third Monday in March of each year to review and correct the assessment roll and shall remain in session for not less than two days and one evening. It shall choose its own chairman and a majority of its members shall constitute a quorum. On or before the first Monday in April the board of review shall endorse the assessment roll as provided hereafter.

**Sec. 10.10 Notice of meetings.**

Notice of the time and place of the sessions of the board of review shall be published by the city clerk at least ten days prior to the third Monday in March.

**Sec. 10.11 Endorsement of roll.**

After the board of review has completed its review of the assessment roll, its members shall endorse thereon and sign a statement to the effect that the same is the assessment roll of the city for the year in which it has been prepared. The omission of such endorsement shall not affect the validity of such roll.

**Sec. 10.12 Clerk to certify tax levy.**

Within three days after the council has adopted the budget for the ensuing year, the clerk shall certify to the assessor the total amount which the council determines shall be raised by general ad valorem tax. He shall also certify all amounts of current or delinquent special assessments and all other amounts which the council requires or orders to be assessed, reassessed, or charged upon the said roll against any property or any person in accordance with the provisions of this charter or any ordinance of the city.

**Sec. 10.13 City tax roll.**

After the board of review has completed its review of the assessment roll, the assessor shall prepare a copy of the assessment roll, to be known as the 'City Tax Roll'. Upon receiving the certification of the several amounts to be raised, as provided in Section 10.12, the assessor shall spread upon said tax roll the several amounts determined by the council to be charged, assessed, or reassessed against persons or property. He shall also spread thereon the amounts of the general ad valorem city tax, county tax, and school tax, according to and in proportion to the several valuations set forth in said assessment roll. To avoid fractions in computation of any tax roll, the assessor may add to the amount of the several taxes to be raised not more than the amount prescribed by law. Any excess created thereby on any tax roll shall belong to the city.

**Sec. 10.14 Tax roll certified for collection.**

After spreading the taxes the assessor shall certify the tax roll, and shall annex his warrant thereto directing and requiring the treasurer to collect, prior to March first of the following year, from the several persons named in said roll the several sums mentioned therein opposite their respective names as a tax, charge, or assessment, and granting to him, for the purpose of collecting the taxes, assessments, and charges on such roll, all the statutory power and immunities possessed by township treasurers for the collection of taxes. On or before June fifteenth, the roll shall be delivered to the treasurer for collection.

**Sec. 10.15 Tax lien on property.**

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

**Sec. 10.16 Tues dues; notification.**

City taxes shall be due on July first of each year. The treasurer shall not be required to call upon the persons named in the city tax roll, nor to make personal demand for the payment of taxes, but he shall (a) publish, between June fifteenth and July first, notice of the time when said taxes will be due for collection and the penalties and fees for late payment of same, and (b) mail a bill to each person named in said roll, but in cases of multiple ownership of property only one bill need be mailed.

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

**Sec. 10.17 Collection fees and interest.**

City taxes shall be due and payable on the first day of July of each year. To all taxes paid after August 31, there shall be added a four percent penalty, and to all taxes paid after said date, there shall also be added interest at the rate of one-half of one per cent for each month or fraction of a month intervening between valid date and the date of payment, or the first day of March of next succeeding calendar year, whichever date shall first occur. The added penalties and interest herein provided shall belong to the city and shall constitute a charge and shall be a lien against the property to which the taxes themselves apply, collectible in the same manner as the taxes to which they are added.

**Sec. 10.18 State, county, and school taxes.**

For the purpose of assessing and collecting taxes for state, county, and school purposes, the city shall be considered safe same as a township, and all provisions of law relative to the collection of and accounting for such taxes shall apply. For these purposes the treasurer shall perform the same duties and have the same powers as are granted and imposed upon township treasurers by law.

**Sec. 10.19 Protection of city lien.**

The city shall have power, insofar as the exercise thereof shall not conflict with or contravene the provisions of law, to acquire such an interest in any premises within the city, by purchase at any tax or other public sale, or by direct purchase from or negotiation with the State of Michigan or the fee owner, as may be necessary to assure to the city the collection of its taxes, special assessments or charges which are levied against any lot or parcel of real property or to protect the lien of the city therefor, and may hold, lease, sell,

or exchange the same. Any such procedure exercised by the city to assure the collection of its taxes or the protection of its tax or other liens shall be deemed to be for a public purpose. The council may adopt any ordinance which may be necessary to make this section effective.

**Sec. 10.20 Disposition of real property held by city**

The council shall pass an ordinance providing for the care, custody, and disposition of real property, or any interest therein, which its hall hereafter acquire by reason of any action taken to protect the city's tax lien thereon.

**Sec. 10.21 Collection of delinquent taxes.**

All taxes and charges, together with fees, penalties, and interest upon real property on the tax roll, remaining uncollected by the treasurer on the first day of March following the date when the roll has received by him shall be returned to the county treasurer, to the extent and in the same manner and with like effect as provided by law for return by township treasurers of township and county taxes. Such returns shall include all the additional assessments, charges, fees, penalties, and interest hereinbefore provided, which shall be added to take amount assessed in said tax roll against each property or person.

The taxes, assessments, and charges thus returned shall be collected in the same manner as other taxes returned to the county treasurer are collected in accordance with law, and shall be and remain a lien upon the property against which they are assessed until paid.

**Chapter 11 General Finance - Borrowing Power**

**Sec. 11.1 General borrowing.**

Subject to the applicable provisions of state law and this charter, the council, by proper ordinance or resolution, may authorize the borrowing of money for any purpose within the scope of the powers vested in the city and the issuance of bonds of the city or other evidences of indebtedness therefor, and may pledge the full faith, credit, and resources of the city for the payment of the obligation created therefore.

**Sec. 11.2. Special assessment bonds.**

The council shall, subject to the applicable provisions of the general laws of the state, have authority to borrow money 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, and to issue bonds therefor. Such special assessment bonds may be solely 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. All collections on each special assessment roll or combination of rolls shall be set apart in a separate fund for the payment of the principal and interest of the bonds issued in anticipation of the payment of such special assessments, and shall be used for no other purpose.

**Sec. 11.3 Other bonds.**

The city shall have power to issue revenue or other types of bonds in the manner and for the purpose permitted by the Constitution and general laws of the State of Michigan.

**Sec. 11.4 Preparation and record.**

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

**Sec. 11.5 Unissued bonds.**

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

**Sec. 11.8 Limitation on indebtedness.**

The city may not incur indebtedness by the issue of bonds or otherwise, in any sum which, including existing indebtedness, shall exceed ten per cent of the assessed valuation of the real and personal property within the city subject to taxation as shown by the last preceding assessment roll of the city; provided, however, that in the case of fire, flood or other calamity requiring an emergency fund for the relief of the inhabitants of the city or for the repairing or rebuilding of any municipal buildings, works, bridges or streets, the legislative body of the city may borrow money due in not more than five years and in the amount not exceeding three-eighths of one per cent of the assessed valuation of all the real and personal property in the city, notwithstanding such loan may increase the indebtedness of the city beyond the limitation fixed in this chapter; provided, further[,] that in computing the net bonded indebtedness for the purposes hereof, bonds issued in anticipation of the payment of special assessments, even though they are also a general obligation of the city, mortgage bonds which are secured only by a mortgage on the property or franchise of a public utility, and bonds issued to refund moneys advanced or paid on special assessments for water main extensions, shall not be included, and the resources of the sinking fund pledged for the retirement of any outstanding bonds shall also be deducted from the amount of the bonded indebtedness.

**Chapter 12 Special Assessments**

**Sec. 12.1 Hazards and nuisances.**

(a) When any lot, building, or structure within the city, because of accumulation of refuse or debris, the uncontrolled growing of noxious weeds, or age or dilapidation, or because of any other condition or happening becomes, in the opinion of the council, a public hazard or nuisance which is dangerous to the health, safety, or welfare of the inhabitants of the city or of those residing or habitually going near such lot, building, or structure, the council may, after investigation, give notice by publication or by registered mail addressed to the last known address of the owner or owners of the land upon which such nuisance exists, or to the owner of the building or structure itself, specifying the nature of the nuisance and requiring such owner to abate or remove the nuisance promptly and within a time to be specified by the council, which shall be commensurate with the nature of the nuisance. If at the expiration of the time limit in said notice, the owner has not complied with the requirements thereof, or in any case where the owner of the land or of the building or structure itself is not known, the council may order such hazard or nuisance abated by the proper department or agency of the city, or may do the work by contract or by hire and the cost of such abatement shall be assessed against the lot, premises, or description of real property upon which such hazard or nuisance is located by special assessment.

(b) The council shall determine what amount or part of each expense shall be charged, and the person, if known, against whom the charge shall be made, and the premises upon which the same shall be levied as a special assessment; and as often as the council shall deem it expedient, it shall require notice of all of the several amounts so reported

and determined to be given by the clerk either by registered mail sent to their last known address as shown on the assessment roll of the city, or by publication. Such notice shall state the basis of the assessment, the cost thereof[,] and shall give a reasonable time, which shall not be less than thirty days, in which payment shall be made. In all cases where payment is not made within the time limit, the same shall be reported by the clerk to the assessor who shall spread such amounts against the several persons or descriptions of real property chargeable therewith on the next roll for the collection of city taxes.

**Sec. 12.2 Sidewalks.**

The council shall prescribe that sidewalks[,] except crosswalks, shall be built by the owner of platted land within the city in the public streets adjacent to and abutting upon such lots and premises in the manner and within the time to be prescribed by ordinances; provided that, in case of the failure of any such owner to comply with the provisions of such ordinance[,] the city may build or cause to be built such sidewalks and assess the cost thereof against such owner and against the land improved thereby, in a manner prescribed by the council by ordinance.

**Sec. 12.3 Boulevard lighting.**

The council shall have power to assess the cost of installing a 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.

**Sec. 12.4 General power relative to special assessment.**

The council shall have the power to determine the necessity of any local or public improvement with or without a petition therefor and to determine that the whole or any part of the expense thereof shall be defrayed by special assessment upon the property especially benefited, provided that all special assessments levied shall be in proportion to the benefits derived from the improvement.

**Sec. 12.5 Procedure to be fixed by ordinance.**

The council shall prescribe by ordinance the complete special assessment procedure concerning the initiation of projects, plans and specifications, estimates of costs, notice of hearings, making and confirming assessment rolls, and the correction of errors therein, collection of special assessments, and any other matters concerning the making of improvements by the special assessments method, subject to the provisions of this chapter.

**Sec. 12.6 Objection to improvement.**

If, at or prior to final confirmation of any special assessment, more than fifty per cent of the number of owners of privately owned real property to be assessed for any improvement, or in case of paving or similar improvements more than fifty per cent of the number of owners of frontage to be assessed for any such improvement, shall object in writing to the proposed improvement, the improvement shall not be made by proceedings authorized by this charter without a five-seventh vote of the members of the council, provided that this section shall not apply to sidewalk construction.

**Sec. 12.7 Installment payments of assessments.**

The council may provide for the payment of special assessments in annual installments, not to exceed thirty in number, the first installment being due upon confirmation of the roll and the deferred installments being due annually thereafter or, in the discretion of the council, may be spread upon and made a part of each annual city tax roll thereafter until all are paid. Interest may be charged upon deferred instalments at a rate not to exceed the maximum allowed by state law. Under any installment plan adopted, the whole or any deferred installments with accrued interest to date of payment may be paid in advance of the due dates established.

**Sec. 12.8 Additional assessments.**

When any special assessment roll shall prove insufficient to meet the costs of the improvements for which it was made, the council may make an additional prorata assessment, but the total amount assessed against any one parcel of land shall not exceed the benefits received by said lot or parcel of land.

**Sec. 12.9 Refunds of assessments.**

The city manager shall within sixty days after the completion of each special assessment project compile the actual cost thereof and certify same to the council. Should the assessment prove larger than necessary by five per cent or less, the council may place the excess in the city treasury; if more than five per cent, the excess shall be refunded pro rata according to assessments. In either case, the council may provide by resolution that the amount of any such excess may be allowed as a credit on the last installment where such instalment still remains unpaid at the time the final cost of the improvement is determined.

**Sec. 12.10 Special assessment accounts.**

Except as otherwise provided in this chapter, moneys raised by special assessments to pay the cost of any local improvement shall be held in a special fund to pay such cost or to repay any money borrowed therefor. Each special assessment account must be used only for the improvement project for which the assessment was levied, except as otherwise provided in this chapter.

**Sec. 12.11 Contested assessments**

Except and unless notice is given to the council in writing of an intention to contest or enjoin the collection of any special assessment for the construction of any pavement, sewer, or other public improvement, the construction of any sidewalk, or the removal or abatement of any public hazard or nuisance, within thirty days after the date of the meeting of the council at which the assessment roll in question is confirmed, which notice shall state the grounds on which the proceedings are to be contested, no suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of such special assessments; and regardless of whether or not any public improvement is completed in any special district, no owner of real property located in such district shall be entitled to commence any suit or action for the purpose of contesting or enjoining the collection of any such special assessments after he has received the benefits from the substantial completion of that portion of such public improvement for which he is assessed.

**Sec. 12.12 Reassessments of benefits.**

Whenever the council shall deem any special assessment invalid or defective for any reason whatever, or if any court of competent jurisdiction shall have adjudged such assessment to be illegal for any reason whatever, in whole or in part, the council shall have power to cause a new assessment to be made for the same purpose for which the former assessment was made, whether the improvement or any part thereof has been completed or not, and whether any part of the assessment has been collected or not. All proceedings on such reassessment and for the collection thereof shall be made in the same manner as provided for in an original assessment. If any portion of the original assessment shall have been collected and not refunded, it shall be applied upon the reassessment and the reassessment shall to that extent be deemed satisfied. If more than

the amount reassessed shall have been collected, the balance shall be refunded to the persons making such payments.

**Sec. 12.13 Delinquent special assessments**

Special assessments and all interest and charges thereon, from the date of confirmation of the roll, shall be and remain a lien upon the property assessed of the same character and effect as the lien created by general law for state and county taxes, and by this charter for city taxes, until paid. From such date and after confirmation as shall be fixed by the council, the same collection fees shall be collected on delinquent special assessments and upon delinquent installments of such special assessments beginning on the following September first of each year, as are provided by this charter to be collected on delinquent city taxes. Such delinquent special assessments shall be subject to the same penalties, and the lands upon which the same are a lien shall be subject to sale therefore, the same as are delinquent city taxes and the lands upon which they constitute a lien.

**Sec. 12.14 Lien not destroyed by judgment.**

No judgment or decree, or any act of the council [,] vacating a special assessment shall destroy or impair the lien of the city upon the premises assessed, for such amount of the assessment as may be equitably charged against the same, or as by a regular vote or proceeding might have been lawfully assessed thereon.

**Chapter 13 Purchase, Sale and Lease of Property**

**Sec. 13.1 Purchasing procedure; ordinance required.**

The council shall provide by ordinance for the purchasing procedure to be followed in all purchases, sales and leases and the letting of contracts therefor subject to the following restrictions :

(a) All purchases and sales and leases shall be evidenced by written contract or purchase order.

(b) No contract shall be made with any person who is in default to the city.

(c) Sealed bids shall be obtained for the purchase, sale or lease of personal property in amounts over two thousand dollars and for the purchase, sale or lease of real property in amounts over five thousand dollars, except where the council shall determine by unanimous resolution of those present at a regular meeting that the public interest will be best served without the taking of bids.

(d) The council may authorize the making of public improvements or the performance of any city work by any city agency without competitive bidding. The council may reject any or all bids or parts of bids. When one or more parts of a bid are rejected, the council may accept any part or parts which are not rejected.

(e) No public work or improvement [,] shall be commenced, nor any contract therefor be let or made, until a valid specific appropriation to pay the cost thereof shall have been made by the council from funds on hand and legally available for such purpose, or until a tax or assessment shall have been levied or bonds authorized and sold to pay the cost and expense thereof.

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

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

(h) Rentals and leases, and renewals thereof, shall be for a fair consideration as determined by the council.

**Chapter 14 Municipal Utilities**

**Sec. 14.1 Public utility powers.**

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

**Sec. 14.8 Management of public utilities.**

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

**Sec. 14.3 Rates.**

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 service outside the corporate limits of the city.

**Sec. 14.4 Utility rates and charges; collection.**

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

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

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

With respect to the collection of rates charged for water the city shall have all the powers granted to cities by Act 178 of the Public Acts of 1939, as now or hereafter amended.

**Sec. 14.5 Disposal of utility plants and property.**

Unless approved by the affirmative vote of three-fifths of the electors voting thereon at a regular or special election, the city shall not sell, exchange, lease or in any way dispose of any property, easements, equipment, privileges, or assets belonging to and 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 effect as against the city. The restrictions of this section shall not apply to the sale or exchange of any articles of machinery or equipment of any city-owned public utility which are worn out or useless or which have been, or could with advantage to the service be, replaced by new and improved machinery or equipment, to the leasing of property not necessary for the operation of the utility, or to the exchange of property or easements for other needed property or easements. It is provided, however, that the provisions of this section shall not extend to vacation or abandonment of streets, as provided by statute.

**Sec. 14.6 Utility finances.**

(a) The rates and charges for any municipal public utility for the furnishing of water, light, heat, power or gas shall be so fixed as to at least meet all the costs of such utility.

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

**Chapter 15 Privately Owned Utilities**

**Sec. 15.1 Franchise required.**

No person, partnership, association or corporation operating a public utility shall have the right to the use of the highways, streets, alleys, or other public places of the city for wires, poles, pipes, tracks or conduits without the consent of the council; nor may it transact a local business in the city without first obtaining a franchise therefor from the city.

**Sec. 15.2 Regulatory powers.**

The city shall have the right (a) to regulate public utilities; (b) to regulate the location of poles and other facilities used by public utilities, and (c) to require that wires in streets and alleys be placed under ground.

**Sec. 15.3 Permit revocable.**

The council may grant a permit for the operation of a public utility at any time in or upon any street, alley, or public place; provided, that such permit shall be revocable by the council at its pleasure at any time, whether such right to revoke be expressly reserved in said permit or not.

**Sec. 15.4 Franchise elections.**

No public utility franchise which is not revocable at the will of the city shall be granted unless the same shall have received the affirmative vote of three-fifths of the electors of the city voting thereon at a regular or special municipal election. No franchise shall be submitted under the provisions of this charter, to the electors at a special election, unless the cost of holding the election, as determined by the council, shall be paid to the treasurer in advance of calling said election by the grantee in such franchise.

**Sec. 15.5 Franchise term.**

No franchise shall be granted by the city for a longer period than thirty years. No exclusive franchise shall ever be granted to any person, firm or corporation.

**Sec. 15.6 Further regulatory powers.**

The grant of every franchise shall be subject to the right of the city[,], whether in terms reserved to not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service, extensions and accommodations for the people and insure their comfort and convenience. Such right of the city shall include but shall not be limited to the following, viz:

(a) To repeal the same for misuse, or nonuse, or for failure to comply with the provisions thereof;

(b) To require continuous and interrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof;

(c) To require the public utility to which any franchise is granted to permit joining use of its property and appurtenances located in the streets, alleys, and public places of the city, by the city and other utilities, insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefor; provided that, in event of the inability of the parties to agree, upon application by either party, the council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor;

(d) To pay such part of the cost of improvement or maintenance of the streets, alleys, bridges, and public places of the city as shall arise from its use thereof[,], and to protect and save the city harmless from all damages arising from said use.

**Sec. 15.7 Franchise conveyed by ordinance.**

All contracts, granting or giving any original franchise, or extending or renewing or amending any existing franchise, shall be made by ordinance and not otherwise. Every such ordinance granting a franchise shall be accepted in writing by the grantee before said ordinance takes effect, and if it is to be submitted to the electors, it shall be so accepted before its submission. Such acceptance shall be filed with the clerk. Any noncompliance with this section shall automatically annul such franchise.

**Sec. 15.8 Ordinance regulation.**

The council may by ordinance provide for efficient inspection and regulation of all public utilities operated in the city. It is the intention of this section to provide means for securing to the city efficient and safe service from all public utilities operated in the city and the proper observance of the conditions imposed by franchise, this charter and ordinances of the city and laws of the state.

**Sec. 15.9 Repeal and termination of franchise; acquisition of utility property.**

All ordinances granting franchises, or extensions or renewals thereof, shall reserve to the city the right to terminate the same and to purchase all the property of the utility in the streets and highways in the city and elsewhere, used in or useful for the operation of the utility, at a price either fixed by the ordinance or to be fixed in the manner provided by the ordinance granting the same. Nothing in such ordinance shall prevent the city from acquiring the property of any such utility by condemnation proceedings or in any other lawful mode, but all such methods of acquisition shall be alternative to the power to purchase reserved in the ordinance granting such franchise, extension or renewal as herein before provided. Upon the acquisition by the city of the property of any utility by purchase, condemnation or otherwise, all franchises, extensions and renewals shall at once terminate.

**Sec. 15.10 Franchise ordinance requirements.**

No ordinance granting such franchise, or extension or renewal thereof, shall be valid unless it shall expressly provide therein that the price to be paid by the city for the property that may be acquired by it from such utility by purchase, condemnation or otherwise, shall exclude all value of such franchise, extension or renewal, except that, unless otherwise provided in such ordinance, the utility shall be entitled to the return of the proportionate amount for the unused period of any compensation paid to the city for such franchise, extensions or renewal.

**Chapter 16 Supervision**

**Sec. 16.1 Number of Supervisors.**

The city shall have the maximum number of representatives on the County Board of Supervisors of Wayne County to which it is entitled by law.

**Sec. 16.2 Selection of supervisors.**

(a) The representatives of the city on the board of supervisors shall be appointed by the council for a term expiring the first day of April in even numbered years and may be removed at the will of the council. Such representatives shall meet all requirements of Chapter 6 at the time of their appointment and may hold other elective or appointive city office or employment. In case any representative of the city on the board of supervisors shall be unable to perform the duties of the office for any reason, the council may appoint another qualified person to serve in his stead.

(b) In making appointments to the board of supervisors, other than appointments to serve during the absence or disability of a city representative, no candidates shall be proposed until one week after the council shall have determined that an appointment is to be made to such office, and the names call candidates shall be presented at least one week prior to the appointment.

**Sec. 18.3 Duties of supervision.**

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 government, and its inhabitants to the best of his ability.

**Sec. 16.4 Compensation of supervisors.**

Representatives of the city on the board of supervisors shall be entitled to retain any compensation and expense allowances paid to them by the county as members of the board of supervisors, but shall receive no extra compensation from the city for their work as supervisors.

**Chapter 17 Judiciary****Sec. 17.1 Creation of municipal court.**

There shall be a municipal court in and for the City of Inkster which shall be known as 'The Municipal Court for the City of Inkster.' Said court shall have and exercise the same jurisdiction over all suits and proceedings[,] both civil and criminal, to the same extent as was heretofore had and exercised by the justices of the peace of the Townships of Dearborn and Nankin, except as otherwise provided by Act No. S of Public Acts of 1956 of the State of Michigan, as amended, and such other statutes. of the State of Michigan as pertain and relate to municipal courts and this charter.

**Sec. 17.2 Elections of judges and term.**

At the election at which this charter is submitted, there shall be elected two municipal judges who shall hold office until July 4, 1966; and thereafter every four years at the regular city election there shall be elected two municipal judges whose terms of office shall be for four years and shall commence on the 5th day of July of the same year as their election and terminate four years thereafter on the 4th day of July.

**Sec. 17.3 Qualifications.**

The judges of said court shall be regularly licensed attorneys and counselors at law, licensed to practice in the State of Michigan and who shall have been admitted to the practice of law by the State Bar of Michigan prior to the primary election in which they file and shall possess such other qualifications as are prescribed in Act No. 5 of the Public Acts [of] 1956 of the State of Michigan, as amended, and in this charter for elective officers.

**Sec. 17.4 Jurisdiction**

Said court shall have concurrent jurisdiction in all civil matters, causes, suits and proceedings, ex contractu and ex delicto, where the debt or damage does not exceed one thousand dollars, and concurrent jurisdiction in all actions of replevin wherein the value of the property does not exceed the sum of one thousand dollars, or in such other forms of action at such greater amount as may from time to time be established by the law of the State of Michigan.

**Sec. 17.5 Act granting authority.**

The provisions of Act No. 5 of the Public Acts of 1956 of the State of Michigan, as amended, entitled, An Act to establish and promote a uniform system of municipal courts in cities; to consolidate justice courts in cities into a system of municipal courts; to change the name of existing justice courts and justices of the peace in cities to municipal courts and municipal judges; to promote uniformity in practice and procedure in such courts; to prescribe the powers, duties, and functions of such courts; and to provide for substitute municipal judges in cities in cases of death, absence, disability or removal of the regularly elected or appointed municipal judges and in cases where temporary judicial assistance is needed in such courts, are hereby adopted for the municipal court of the City of Inkster.

**Sec. 17.6 Causes may be transferred.**

Any cause pending before the municipal judges may, whenever such municipal judge is unable to act in said cause at the time the matters come before him, be transferred upon his order, or in case of his absence, by the clerk to the other municipal judge and a note of such transfer shall be entered upon the docket of the case. When the municipal judges shall have acted in any one case or proceeding, the docket shall be signed in the manner and within the time provided by law by the municipal judge who shall have given the final judgment.

**Sec. 17.7 Ordinance causes to be heard.**

Said municipal judges shall hear, try and determine all suits and prosecutions for the recovery and enforcing of fines, penalties and forfeitures imposed by the charter and ordinances of the City of Inkster to punish offenders for the violation of said charter and ordinances as therein prescribed and directed.

**Sec. 17.8 Right of appeal**

In all suits and prosecutions arising under the charter and ordinances of the City of Inkster, the right of appeal or certiorari from said court to the Circuit Court for the County of Wayne, or to any other court having jurisdiction, shall be allowed to the parties or any or either of them, and the same recognizance or bond shall be given as is or may be required by law in case of appeal or certiorari from justice court in analogous cases.

**Sec. 17.9 Dockets.**

Said municipal judges shall enter or cause to be entered in the docket kept by them, the title of all suits and prosecutions commenced or prosecuted before them for violation of the charter and ordinances of the city, and all the proceedings and the judgment rendered in such case, and shall itemize all costs taxed or allowed therein. They shall also enter or cause to be entered the amounts and dates of payment of all fines, penalties and forfeitures, moneys and costs, reviewed by them or the clerk of the court, on account of said suit or proceedings. Such docket shall be submitted by the municipal judges or the court clerk at all reasonably times to the examination of any person desiring to examine the same, and shall be produced by the municipal judges or the court to the council of the city when ever required.

They shall also maintain a civil docket of all proceedings before them and shall cause all entries to be made therein in the same manner as herein provided for the criminal docket. Failure of the presiding officer of the court to make provision for the maintenance of such

dockets shall constitute misconduct in office.

**Sec. 17.10 Salary and time of conducting court arid court procedure.**

Each of the said municipal judges shall receive such annual compensation as shall be fixed by ordinance, but such annual compensation shall not be less than seven thousand dollars per year. The compensation provided be in lieu of fees, costs and charges, both in civil and criminal cases[,] to which such municipal judges shall be entitled, but for the provisions of this chapter, except those for performance of marriage ceremonies and for administering oaths in matters not connected with suits and proceedings in said city. The judges shall be required to devote such time to the duties of their office as will at all times keep their dockets current with pending legal matters, and shall not permit a back-log of cases, either civil or criminal [,] to accumulate in accordance with proper administration of justice, and shall prescribe the hours of court, rules of practice and procedures therein, which are not inconsistent with this charter of statute, and each of the municipal judges shall file with the council promptly at the end of each year an annual report of the court's activities, moneys received, expenses and budget for the next fiscal year. The municipal judges shall be permitted to carry on their respective legal practices, but shall be prohibited at all times from the private practice of law in the Municipal Court of the City of Inkster.

**Sec. 17.11 Fees, general law applicable.**

All the provisions of the general laws of the State of Michigan in relation to the fees chargeable in the several proceedings in the justice courts in townships shall apply to said court, except as such fees may be modified by the city council, and shall be collected for the use and benefit of the City of Inkster. The council shall by ordinance establish and fix the fees and costs which may be taxed by the court in all civil matters and in all cases for the violations of the charter or city ordinances and in such criminal cases which are not inconsistent with the general laws of the state. The council shall by ordinance also fix and determine the fees to be paid the constables for the service of criminal or civil process. Such ordinance shall be originally enacted within ninety days after the effective date of this charter.

**Sec. 17.12 Disposition of fees. costs and fines.**

(a) Civil cases. All fees in civil cases shall be collected by the court and turned over to the city treasurer within thirty days after the receipt thereof and shall be credited to the general fund of the city.

(b) State criminal cases.

(1) All fees and costs in state criminal cases shall be charged and presented to and audited by the Board of Supervisors of Wayne County, in the same manner and amounts as provided by law in the cases of justices of the peace in townships and upon allowance by said Board, shall be paid monthly by said county to the city treasurer for the use and benefit of the city and shall be credited to the general fund of the city. The expenses of prosecution before the court for violations of criminal laws of the state and in punishing the offenders shall be paid by the County of Wayne;

(2) All fees, costs, penalties and forfeitures imposed by the court in state criminal cases shall be paid over by the court to the county treasurer on or before the last day of the month following receipt thereof.

(c) Character and ordinance violations. All fines, costs, penalties, forfeitures and moneys collected or receive by the court on account of violations of any provisions of the charter or ordinances of the city shall be paid over by the court to the city treasurer on or before the last day of the month following receipt thereof and shall be credited to the general fund of the city.

(d) Failure to comply. Failure of the presiding officer of the court to comply with the provisions of this section shall constitute misconduct in office.

**Sec. 17.13 Judges bonds.**

Each municipal judge, in addition to any security required by law to be given for the performance of his official duties, shall[,] before entering upon the duties of office, give a bond to the city in the penal sum of not less than five thousand dollars with such sureties that may be imposed by the city clerk conditioned for the faithful performance of the duties of the municipal judge within and for the city, and for payment to the city of all moneys collected or received by such judge which by the provisions of the general laws of the state or of this charter, he shall be required to pay into the treasury of said city. The premium for said bonds shall be paid for from the general fund of the city.

**Sec. 17.14 Court clerk and deputies.**

There shall be a court clerk who shall be appointed by the unanimous vote of the municipal judges of the City of Inkster and shall serve at their pleasure. The council may by ordinance provide for one or more deputy clerks, all of whom shall be appointed by the unanimous vote of the municipal judges of the City of Inkster. The clerk and deputy clerks of the municipal court shall be under the direction and control of the municipal judges and subject to their orders. Such clerk and deputy clerks shall also, by virtue of their office, have the statutory power to administer oaths to persons making affidavits for writs in civil causes and to issue all process and attest to the same in the name of the presiding officer of the court and shall be required to collect all fees, costs, fines and other moneys paid into court and to keep a record of the same and to pay over all such moneys to the authorities of the city or county or other person entitled to the same as directed by this charter, by the proper authorities, or by the general law of the state, and the council shall cause such records to be audited annually.

**Sec. 17.15 Court officer.**

The police department[,] upon the order of the then presiding municipal judge, shall provide a court officer who shall have all the duties of court officers of the circuit courts of the state, and who shall serve in such capacity under the direction of the municipal judges and subject to their orders.

**Sec. 17.16 Jury trials.**

Each calendar month from and after the effective date of this charter is hereby designated and established as a term for the trial of jury cases in the municipal court for this city, and during such term jury cases may be set for trial upon any day thereof, or as soon thereafter as such trial can be reached unless otherwise provided by the rules of the court. The council shall as soon as possible after the effective date of this charter, adopt by ordinance the provisions of Act 288, Public Acts of Michigan for 1929, as amended, in the manner as required by the aforesaid act. If any party demands a jury in any civil action in said municipal court, he shall advance to the clerk the sum of forty-five dollars as a jury fee and the same shall belong to the City of Inkster and shall be turned over by said clerk in the same manner as is required in the case of other moneys received by him.

**Sec. 17.17 Place of court and furnishings.**

The council shall furnish and continue suitable quarters and places for a municipal courtroom or courtrooms and shall provide for all necessary expenses in connection with the establishment and maintenance of the municipal court of said city, and shall furnish the necessary furniture, fixtures, dockets, legal reference books, stationery for use in the business of the court and a law library containing[,] but not limited to, the Michigan Reports, the Statutes of the State of Michigan, and such other law books as may be requested by the municipal judges and approved by the council.

**Sec. 17.18 Probation.**

The council may by ordinance provide for the employment of a chief probation officer and such assistant probation officers as are recommended by the municipal judges, said probation officers to be recommended and appointed by the Michigan Corrections Commission. Such officer or officers shall act as probation officers within the limits of the territorial jurisdiction of the Municipal Court of the City of Inkster or within the probation district to which he or they shall have been appointed. They shall receive such compensation as the council may provide, and the municipal court shall have such probationary powers as are provided in Chapter XI of Act 175 of the Public Acts of 1927, of the State of Michigan (Code of Criminal Procedure), as amended, and such probation officers may be required to perform such additional related duties as may be ordered by the municipal judges.

**Sec. 17.19 Words 'Justice' and 'judge' synonymous.**

Whenever the words 'justice of the peace' or 'justices of the peace' may appear in other chapters of this charter, they shall be construed to mean 'municipal judge' or 'municipal judges' as the case may be.

**Sec. 17.20 Pending causes saved.**

All civil and criminal causes pending, and all rights and disabilities existing, acquired or incurred at the time this charter takes effect, and all suits and prosecutions for the recovery or enforcing of fines, penalties and forfeitures imposed by the ordinances of the Village of Inkster to punish offenders for the violation of the Village of Inkster charter and ordinances therein prescribed and directed, that are pending before either of the justices of the peace of the Townships of Dearborn and Nankin when the charter takes effect, are hereby saved, and such proceedings shall be consummated in the Municipal Court of the City of Inkster. It is the intention that this charter shall not be construed to alter, affect or abate any pending prosecutions and all prosecutions instituted after the effective date of this charter for offenses committed prior to the effective date of this charter may be continued or instituted in said court.

**Sec. 17.21 Violations bureau.**

The council shall establish by ordinance a violations bureau under the direction of the municipal court for the handling of such minor ordinance violations including traffic violations, other than failure to stop in event of an accident, driving while under the influence of intoxicating liquors or narcotics, reckless driving, or speeding in excess of a speed indicated by ordinance as the council may prescribe.

Any person who has received notice to appear in answer to a violation of any of the ordinances of the city as above referred to, may within the time specified in the notice, answer at the violations bureau to the charge set forth in such notice by paying a prescribed fine which cannot be waived by the bureau and, plead guilty to the charge, waiving a hearing in court and giving power of attorney to the person in charge of the bureau to make such a plea and pay such fine in court. Acceptance of the prescribed fine and the power of attorney by the bureau shall be deemed to be complete satisfaction for the violation and the violator shall be given a receipt which so states. The creation of such bureau by the council shall not operate so as to deprive any person of the right to a full and impartial hearing in court should such person so choose. The employees of the violation [s] bureau shall be appointed by the municipal judges and shall be subject to the orders and control and shall receive such compensation as shall be determined by the council.

**Sec. 17.22 Constables.**

[Ordinance No. 402, adopted 12/20/71, has abolished the office of constable, pursuant to authority contained in Act No. 26 of the Public Acts of 1971. Accordingly, this section of the original charter has not been reproduced and may be considered of no further effect.]

**Sec. 17.23 Education and rehabilitation commission.**

The council may by ordinance establish an educational and rehabilitation commission for the Municipal Court of Inkster consisting of not less than three members. The members shall be inhabitants of the City of Inkster, shall be nominated by the municipal judges and shall be appointed by the council.

Duties of the members of this commission shall be prescribed by the council and any member of the commission may be removed by the unanimous vote of the municipal court judges.

**Sec. 17.34 Terms of court.**

The terms of the Municipal Court for the City of Inkster shall commence on the first calendar day of each month and if the same is a legal holiday, then on the next secular day and shall end on the last day of each month. One of the municipal judges of the City of Inkster shall preside during each term and unless otherwise mutually agreed upon, the municipal judges shall alternate as presiding judge of each term. The presiding judge shall control the assignment of cases.

**Chapter 18 Policeman and Fireman Retirement System of the City****Sec. 18.1 Name and establishment.**

The City of Inkster Policemen and Firemen Retirement System, hereinafter called the 'retirement system', is hereby established for the purpose of providing retirement allowances and death benefits for policemen and firemen of the City of Inkster, and/or their widows and children.

**Sec. 18.2 Definitions.**

The following words and phrases used in this chapter, unless a different meaning is plainly required by the context, shall have the following meaning:

- (a) 'City' shall mean the City of Inkster;
- (b) 'Council' shall mean the council of the City of Inkster;
- (c) 'Board' shall mean the board of trustees provided for in this chapter;
- (d) 'Member' shall mean any person included in the membership of the retirement system; and 'employee member' shall mean a fireman or policeman as herein defined who is employed by the City of Inkster after the effective date or who was on retirement under the predecessor Retirement System of the Village of Inkster for Firemen and Policemen at the effective date;
- (e) 'Service' shall mean service rendered as a policeman or fireman while a member of the police or fire force of the city, including similar continuous service immediately preceding the date of incorporation of the city, as a policeman or a fireman for the Village of Inkster;
- (f) 'Original member' shall mean any person who was a member of the Retirement System of the Village of Inkster at the date it first became effective;
- (g) 'New member' shall mean any person who became a member of the Retirement System of the Village of Inkster after its establishment;
- (h) 'Aggregate contributions' shall mean the sum of all amounts deducted from the compensation of a member and paid into the firemen's and policemen's pension fund and not theretofore withdrawn;
- (i) 'Final monthly compensation' wherever used in this chapter shall mean the average

monthly pay of the best 60 consecutive months of pay as an employee member from the city (and/or Village of Inkster for employee members with less than 60 months service with the city) during the member's last 120 consecutive months of service with the city (and/or Village of Inkster for members with less than 120 months service with the city). In event an employee member has less than 60 months service with the City and/or Village of Inkster at his date of disability retirement or death, 'final monthly compensation' shall mean his average monthly pay during his entire period of continuous service;

j) 'Policeman' shall mean any employee of the police department holding the rank of patrolman or higher rank, including dog warden, but it shall not include (1) privately employed policemen; nor (2) persons temporarily employed during emergencies; nor (3) civilian employees of the police department;

(k) 'Fireman' shall mean any employee of the fire department holding the rank of fire fighter or higher rank, but it shall not include (1) privately employed firemen; nor (2) persons temporarily employed during emergencies; nor (3) civilian employees of the fire department;

(l) 'Widow' shall mean the person to whom a deceased member was married at the time when total disability was incurred or when his death occurred in the line of duty, and to whom he is still married at the time of his demise;

(m) 'Normal retirement' shall mean termination of employment (other than by death) of any employee member after attainment of age 65 and the minimum service requirement specified in Section 18.3 hereof;

(n) 'Duty total disability' shall mean the inability of an employee member to perform the duties of his position because of accident sustained in or illness contracted in or arising from the discharge of any duty which said member officially owed the fire or police force of the City of Inkster (or predecessor Village of Inkster) whether performed while on duty or leave;

(o) 'Disability retirement' shall mean termination of employment (other than by death) of an employee member because of duty total disability;

(p) 'Duty death' shall mean the death of an employee member on disability retirement or of an employee member from causes which would have entitled him, if still living, to disability retirement [,] and 'on-duty death' shall mean the death of an employee member on normal retirement or of an employee member from causes other than those which result in a duty death;

(q) 'Actuarial equivalent' means with respect to any regular benefit otherwise payable under the retirement system any other benefit substituted at the discretion of the board of trustees with the consent of the member; provided, however, that such substitute benefit shall have the same monetary value as the regular benefit on the date of determination, such values to be determined by use of the actuarial tables last adopted by the board of trustees with the advice of the actuary for such purposes;

(r) 'Effective date' shall mean the date of adoption of the charter of the City of Inkster.

**Sec. 18.3 Normal retirement.**

Policemen and firemen of the City of Inkster shall be subject to normal retirement as hereinafter provided:

(a) Original members who are fifty-five years of age and whose services with either or both the fire and police force shall total twenty years, provided that the amount of time spent in the United States military, naval or marine service by any fireman and policeman who left the force of which he was a member to enter such United States service during World War II, future wars or military service, and who also returned to either force within six months after an honorable discharge from said United States service, shall be counted as a part of the aforesaid twenty years service;

(b) New members and employee members who are fifty-five years of age and whose services with either or both the fire and police force shall total twenty-five years, provided that the amount of time spent in the United States military, naval or marine service by any fireman and policeman who leaves the force of which he is a member to enter such United States service, and who returns to either force within six months after an honorable discharge from said United States service, shall be counted as part of the aforesaid twenty-five years service.

(c) An employee member may remain in service only until his sixtieth birthday unless the head of his department requests that he be allowed to remain longer, but in no event may a member remain in service beyond his sixty-fifth birthday.

(d) Members on normal retirement under the predecessor Village of Inkster Retirement System for Policemen and Firemen as of the effective date shall be continued on said normal retirement benefit in a monthly amount as it exists on the effective date of this Chapter 18 but subject thereafter to the conditions and provisions of this Chapter 18; provided, however, that at the death of any such retired member, benefits to his dependents if living shall be in accordance with Section 18.9 hereof as though he were a disability retiree or if no dependent as therein defined be living at his death, then death benefits shall be in accordance with paragraph (d) of Section 18.6 hereof.

**Sec. 18.4 Disability retirement.**

Policemen and firemen of the City of Inkster shall be subject to disability retirement as hereinafter provided:

(a) Members on disability retirement under the predecessor Village of Inkster Retirement System for Policemen and Firemen as of the effective date shall be continued on said disability benefit in a monthly amount as it existed on the effective date of this Chapter 18 but subject thereafter to the conditions and provisions of this Chapter 18.

(b) Employee members who suffer total disability after the effective date shall be placed on disability retirement as provided in Section 18.6 hereof and subject to the provisions of paragraphs (c) and (d) immediately following:

(c) The extent and continuation of disability shall in all cases of dispute be referred to a commission consisting of one reputable physician named by the board and one reputable physician named by the person claiming disability. The decision of such commission shall be made in writing and filed with the board. In all cases where there is a disagreement between the two physicians, they shall appoint a third physician whose decision on such matters shall be final. In all cases where there is a dispute as to the cause of disability, such dispute shall be referred to the board whose decision on such matters shall be final.

(d) Any fireman or policeman retired for disability shall at any time upon the request of himself or any member of the board, be re-examined by a commission of three, constituted as provided in paragraph (c) immediately above. If the board, after receiving a report of said commission, shall find that said disability has ceased, then such fireman or policeman shall be returned to duty at full pay.

**Sec. 18.6 Eligibility for death benefits.**

(a) Upon the death of an employee member which qualifies as a duty death but who does not leave a widow or children under eighteen years of age, there shall be paid to his estate a death benefit as provided in paragraph (d) of Section 18.6 hereof.

(b) Upon the non-duty death of an employee member, there shall be paid to his widow, if living, and if not living, then to the child or children (share and share alike) under eighteen years of age at the time of his death, or if neither widow nor children under eighteen years of age survive him, then to his estate a death benefit as provided in paragraph (e) of Section 18.6 hereof.

**Sec. 18.6 Benefit amounts.**

(a) Normal retirement benefits. Any employee member eligible for retirement under Section 18.3 hereof, shall upon his own application be retired and shall receive a monthly pen-

sion equal to 1/50 of his final monthly compensation for each year, not to exceed twenty-five years of service. Such pension shall be suspended only during the time, if any, such retired fireman or policeman is re-employed full time on either said fire or police force.

(b) Disability retirement benefits. Any employee member eligible for retirement under Section 18.4 hereof shall receive a monthly pension equal to one-half of his final monthly compensation. Any benefits payable under this paragraph (b) shall be subject to the provisions of Section 18.10 hereof.

(c) No employee member shall be retired (other than as provided in paragraph (c) of Section 18.3 hereof) except on his own application unless given a full opportunity to be heard in opposition thereto.

(d) Duty death benefits. The amount of the death benefit payable to the estate of the deceased employee member eligible under paragraph (a) of Section 18.5 hereof shall be equal to the sum of one thousand dollars plus his aggregate contributions into the pension fund, reduced by the aggregate pension payments, if any, received by the employee member prior to his death and/or by his dependents (widow or children below eighteen years of age).

(e) Non-duty death benefit. The amount of the non-duty death benefit payable to the dependents of the deceased employee member (i. e., to his widow or children below the age of eighteen years eligible under paragraph (b) of Section 18.5 hereof [.] shall be equal to the sum of eighteen times his final monthly compensation plus his aggregate contributions into the pension fund; provided, however, that such benefit shall be paid in monthly installments (including interest on the unpaid balance at the rate of % per annum) over such period (but not less than thirty-six months) as in the sole discretion of the board of trustees is in the best interests of said dependents. In event the non-duty death benefit is payable to the estate of the deceased employee member, it shall be paid in a lump sum amount equal to the sum of one thousand dollars plus his aggregate contributions into the pension fund.

(f) Optional forms of retirement benefits.

(1) General provisions relative to options. Subject to the conditions hereinafter stated, an eligible employee member may, by filing a written request with the city clerk (as agent for the board of trustees) prior to his normal retirement date, elect to receive his pension under one of the optional forms hereinafter set forth in this sub section (f) of Section 18.6. The amount of payments under an optional form shall be the actuarial equivalent, as of the date the option becomes effective, of the pension the eligible employee member would otherwise be entitled to receive.

(2) Contingent pension option. The eligible employee member may elect to receive a reduced monthly pension with the provision that if his death should occur after the option becomes effective, the designated spouse or child or children under the age of eighteen as contingent pensioner shall receive monthly payments in the same reduced amount (100%), or one-half thereof (50%), as designated in writing by the employee at the time of his election, so long as such contingent pensioner shall survive the employee member.

In order to elect this option, an eligible employee member must file a written request with the City clerk prior to his retirement date. This option, if elected, shall become effective at the employee member's normal retirement date provided he has made such election at least three years prior to his normal retirement date, or, if made within such three year period, provided he has, at the time of making such election, submitted evidence satisfactory to the board of trustees of his then current good health.

If an eligible employee who has elected the option under this subsection within such three year period is unable or unwilling to submit evidence satisfactory to the board of trustees of his then current good health, such option may, at the employee member's election, become effective commencing with the first day of the month following the third anniversary of the election of this option is accepted by the board of trustees even though the employee member may retire prior to such effective date of the option; provided, however, that both the employee member and his contingent pensioner are alive on said effective date of the option.

If at the time of the employee member's death the option has become effective, pension payments to the contingent pensioner will commence as of the first day of the month following the month in which the employee member's death occurs, if the contingent pensioner is then living. The last pension payment under this option if effective will be the monthly payment due on the first day of the month in which the death of the survivor of the employee member and his contingent pensioner occurs.

In the event that (i) either the employee member or his contingent pensioner dies prior to the date the option becomes effective or (ii) the monthly amount of pension payment which would become payable to the contingent pensioner is less than ten dollars, or (iii) the employee member does not, prior to the effective date of the option, or within three hundred and sixty days after his election of the option, whichever is earlier, furnish evidence, satisfactory to the board of trustees [.] of the age of his contingent pensioner, the option shall not become effective and pension payments, if any, shall be made as otherwise provided in paragraph (a) of Section 18.6 hereof as if the option had never been elected.

After an election of the contingent pensioner option has been made and accepted by the board of trustees [.] it cannot be modified or rescinded without the written consent of the board of trustees, which consent will not be given if it would be detrimental to the pension fund.

(3) 120 month option. An eligible employee member may, by written application to the city clerk which is received at least three years prior to the date of his normal retirement, elect to convert his normal retirement benefit into an optional form or retirement benefit payable in reduced amount to himself for life but guaranteed in any event for a minimum of one hundred twenty months. The three year advance application requirement may be waived by the board of trustees if it receives satisfactory evidence of the then current good health of the employee member. If an eligible employee member who has elected the option under this subsection within such three year period is unable or unwilling to submit evidence satisfactory to the board of trustees of his then current good health, such option may, at the employee member's election become effective commencing with the first day of the month following the third anniversary of the date an which the election of this option is accepted by the board of trustees even though the employee member may retire prior to such effective date of the option. After an election of the option has been made and accepted by the board of trustees, it cannot be modified or rescinded without the written consent of the board of trustees which consent will not be given if it would be detrimental to the pension fund.

(4) Additional optional forms. The board of trustees may adopt uniform rules granting additional optional benefits which are actuarial equivalents of the benefits normally payable under the plan but such additional options shall be made available only under terms which safeguard the pension fund, and do not increase the cost of the retirement system to the city as certified by the actuary under the plan.

#### **Sec. 18.7 Proof of continued disability.**

Any employee member retired for disability shall at any time upon the request of himself or any member of the board, be re-examined by a commission of three, constituted as provided in Section 18.4

(c). If the board, after receiving a report of said commission, shall find that said disability has ceased, then such fireman or policeman shall be returned to duty at full pay.

#### **Sec. 18.8 Partial disability.**

If any employee member shall be disabled (from causes which would result in total disability) to the extent that he cannot perform in full the particular duties of his position but shall be able to perform other duties on his particular force, to which he may be assigned, then such fireman or policeman shall receive a monthly partial disability benefit of one-half of the difference between the rate of pay he was entitled to receive at the time his disability was caused and the rate of pay of the position to which he may be assigned.

#### **Sec. 18.9 Dependent's benefits.**

Upon the death of an employee member from causes which would entitle him if still living to disability retirement or of a member on disability retirement or partial disability retirement there shall be paid to his widow, if living and not remarried, or to his children under eighteen years of age, a monthly pension equal in the aggregate to the monthly total disability benefit said employee member was entitled to receive at the time his disability was caused, subject to Section 18.10 hereof and to the following conditions:

(1) The employee member's widow shall [.] during her lifetime or until she remarries, receive such pension.

(2) Should said employee member so die leaving no widow or upon the remarriage of his widow, his child or children under the age of eighteen years shall receive such pension, share and share alike.

When any of such children attain the age of eighteen years or shall die, the share of such child shall be paid to the remaining child or children under the age of eighteen years, share and share alike, until the remaining child or children reach the age of eighteen years respectively whereupon the pension shall cease.

#### **Sec. 18.10 Deductions.**

Any amounts which may be paid or payable under the provisions of any workman's compensation act, or pension act, or similar law, to a member, or to the dependents of a member on account of any disability or death, shall be offset against and payable in lieu of any benefits payable out of funds provided by the city under the provisions of this retirement system on account of the same disability or death. In case the present value of the total benefits under said workman's compensation act, pension act or similar law, is less than the present value of the pension otherwise payable from the firemen's and policemen's pension fund, then the present value of the payments shall be deducted from the present value of the pension and the remaining present value of the pension so reduced shall be payable in reduced actuarial equivalent amounts under the provisions of this retirement system.

#### **Sec. 18.11 Termination of service.**

If an employee member terminates his service with the fire or police force other than by death and is ineligible for retirement benefits under this Chapter 18, he shall receive a refund in a cash lump sum of his aggregate contributions held in the pension fund.

#### **Sec. 18.12 Effecting and terminating retirements.**

All retirements of every nature herein provided for shall be effected and terminated by resolution of the board of trustees.

#### **Sec. 18.18 Applications for pensions.**

Applications for pensions shall be made in writing to the board and shall be filed with the city clerk. The applicant shall furnish such proofs as shall be required by the board. Proof of deduction from pay as herein provided shall be prima facie evidence that the person from whose pay deduction was made, was a policeman or fireman. Any person who shall make any false statement for the purpose of securing or to aid any person to secure such pension, shall be guilty of a misdemeanor, and shall be punishable by a fine not to exceed one hundred dollars or imprisonment not to exceed ninety days, or both such fine and imprisonment in the discretion of the court.

#### **Sec. 18.14 Fireman's and policeman's pension list.**

The city clerk shall keep in his office a book to be known as the 'Fireman's and Policeman's Pension List.' This book shall give a full and complete history and record of the action of the board in granting a pension to any person or persons. Such record shall give the names of the firemen and policemen to whom or to whose dependents such pensions have been granted, the date when such pension was first allowed and the reason therefor. Whenever a pension shall be allowed to any person or persons by the board as herein provided, it shall be the duty of the city clerk to transmit the names of all such persons to the city treasurer who shall register such names in his office as persons entitled to such pensions.

#### **Sec. 18.15 Fireman's and policeman's pension fund.**

There shall be maintained for the purpose of paying pensions as herein provided, a fund to be known as the fireman's and policeman's pension fund. Moneys in such fund shall be used exclusively for the payment of pensions as provided herein. All rewards and proceeds of gifts from any source, all emoluments that may be allowed by the council on account of extraordinary service performed by members of the fire or police force and all fines imposed for violation of rules, shall be paid into such fund. There shall be deducted by the city from the pay of each employee member seven [per cent] of his salary [.] which money shall be paid into said fireman's and policeman's pension fund; provided, however, that an employee member who has completed the minimum requirements for normal retirement under Section 18.3 hereof may elect at any time thereafter to have such deductions terminate in which case his benefits (upon his subsequent retirement or death under the retirement system) shall be based upon his final monthly compensation under the assumption that his final 120 months of service ended with the last date on which a 7% deduction was made from his pay. The city shall appropriate at the end of such regular intervals as may be adopted, quarterly, semi-annually or annually, an amount sufficient to maintain actuarially determined reserves covering pensions payable or which might be payable on account of services performed and to be performed by active employee members and pensions being paid retired members and beneficiaries. Any clerical, legal, actuarial or medical expenses required by the board, or any other necessary expense for the operation of this retirement system [.] shall be provided for by the city.

#### **Sec. 18.16 Board of trustees.**

There shall be a board of trustees consisting of five members. Within ninety days after the effective date of this charter one member shall be appointed by the mayor for a term expiring on the first Monday in January of 1970; one member shall be appointed by the council for a term expiring on the first Monday in January of 1969; one member shall be appointed by the fire force and one member shall be appointed by the police force, each for a term expiring on the first Monday in January of 1968. These four members shall appoint a fifth member for a term expiring on the first Monday in January of 1967. Thereafter members shall be appointed in like manner for two year terms. All members shall hold office until their successors are appointed, anything herein to the contrary notwithstanding. It shall be the duty of the board of trustees to administer the pension fund. The board of trustees shall have complete discretion as to the investment of the pension fund; provided, however, that the board of trustees shall invest only in such securities as are permitted by the laws of the State of Michigan for investment of trust funds of a city retirement system (or policemen and firemen retirement system, if more restrictive).

**Sec. 18.17 Corporate trust or agent.**

The board of trustees shall be empowered:

(a) To appoint a bank or banks or trust company or trust companies, or insurance company or insurance companies, to be designated as 'corporate trustee' and to enter into and execute a trust agreement or agreements with such 'corporate trustee', to provide for the investment and reinvestment of the assets of the trust fund in any type of investments that are legal for trust funds in the State of Michigan held for a city retirement system (or policemen and firemen retirement system, if more restrictive) . Said agreement shall incorporate therein such other provisions (consistent with this Chapter 18) as may be deemed desirable by the board of trustees for the proper management of the trust fund and upon execution to convey and transfer to such corporate trustee any of the assets of the trust fund. The board of trustees shall be forever released and discharged from any responsibility or liability with respect to any assets which they may convey to such corporate trustee.

(b) To enter into agreements, contracts and other instruments for the deposit of funds with banks, trust companies or insurance companies or other institutions which accept and hold money on deposit, and to authorize such depository to act as custodian of the funds, whether in cash or securities or other property, and to authorize such depository or depositories to convert, invest and reinvest funds, entirely or in part, into securities of any kind and nature whatsoever; to authorize withdrawals of moneys from such account or accounts, checks for such purposes shall be signed by any two of the officials authorized to sign the general fund checks, one of whom shall be the treasurer of the City of Inkster.

**Sec. 18.18 Nonalienation of benefits.**

No moneys owed to any disabled or retired fireman or policeman or his widow or to his children or dependents, shall be held, seized, taken or detained, or levied on by virtue of attachment, execution, injunction, writ, interlocutory or other order or decree or any process or proceeding whatever issued out of any court of this state, for the payment or satisfaction in whole or in part of any debt, damages, claim, demand or judgment against any such fireman or policeman or widow, or guardian of any minor child or children. And no pensioner shall have the right to assign his or her pension or any part thereof. But said money shall be sacredly kept secured and distributed for the purpose of pensioning the persons named and for no other purposes whatever.

**Sec. 18.19 Monthly list; examination. order for payment.**

At the last meeting of the council in each month, the treasurer shall present a list of the persons as shown by the record in his office, entitled to pensions[,] the amount payable to each such person. The council shall examine such list and if found to be correct, shall order the payment of moneys due all such persons. A warrant shall be drawn, for the payment to each person entitled to such moneys in the same manner as is provided for the payment of all other claims against the city. Such pensions shall be paid out of the firemen's and policemen's pension fund.

**Sec. 18.20 Applications for pensions, examinations under oath.**

Before issuing any warrant for the payment of a pension, it shall be the duty of the treasurer to examine under oath all applicants for such pensions with a view to ascertaining if they are at that time entitled to a pension as provided for herein. Whenever the said treasurer shall learn that any person has ceased to be entitled to a pension, he shall record the fact on the roll of pensioners, and promptly notify the council of such finding and such persons shall thereupon be dropped from the rolls.

**Sec. 18.21 Time of pension payments.**

All pensions shall be payable at the office of the city treasurer on the first secular day in each month. In all cases where pensions are payable because of injuries received by any fireman or policeman resulting in the death of such person, such pension shall be allowed from date of death, or in cases of disability, such pension shall be allowed from the date when the injury was received resulting in such disability.

**Sec. 18.22 Construction of chapter,**

Nothing herein contained shall be construed to apply to firemen or policemen appointed at the request and expense of private parties. The terms 'fireman' and 'policeman' herein used, shall be construed to include any woman who shall be appointed as firewoman or policewoman. In case of the death of a firewoman or policewoman under conditions which create the right of pensions under the terms here of, then the widower shall have the same right to a pension as would a widow surviving a fireman or policeman.

**Sec. 18.23 Pensions :represent contractual obligations.**

Pensions granted during the continuance of and under the provisions of this chapter of the city charter shall represent contractual obligations between the city and the pensioners and shall not be revoked, repealed or diminished.

**Sec. 18.24 Village retirement system, transfer of funds.**

It is the intention that upon the adoption and taking effect of this chapter of the charter that the action of the people of the Village of Inkster in heretofore establishing the Retirement System for the Charter GS Policemen and Firemen of the Village of Inkster be and the same is hereby rescinded and held for naught, and the funds which are on deposit with the pension fund under said village retirement system be transferred over to the pension fund under this Retirement System of the City of Inkster for Policemen and Firemen.

**Sec. 18.25 Integration with federal social security.**

If at any time federal and/or State of Michigan laws shall permit inclusion of employee members under Title II of the Federal Social Security Act, the city council may amend the provisions of the retirement system to provide as follows:

- (1) Employee members shall be covered under the provisions of the Federal Social Security Act to the extent permitted by laws of the State of Michigan and the United States Government.
- (2) Employee member contributions shall thereupon be reduced by the amount of any social security tax which must thereafter be deducted from their pay as policemen or firemen of the city.
- (3) Retirement benefits, death benefits and beneficiary 's or dependent's benefits of all kinds under the retirement system may be reduced to the extent that corresponding benefits are payable under the federal social security program; provided, however, that deductions shall be provided for at least to the extent that the total cost of the retirement system to the City of Inkster (including federal social security taxes payable by the city) shall not be increased above the city cost requirements prior to participation in the federal social security program.

**Sec. 19.1 Civil service ordinance.**

The council shall, within ninety days after the effective date of this charter, adopt an ordinance providing for a civil service system for all the employees of the City of Inkster except as otherwise provided for in this charter.

(a) The ordinance shall contain a provision providing for unclassified service and classified service and shall exclude all the following officers and employees from the provisions of the civil service system, to-wit, all officers of the city whether elected or appointed,

all part-time employees, all board or commission members appointed directly by the mayor and/or by the council, and any other head of any other department of the city which are now or may hereafter be created whether specifically mentioned herein or not. The classified service shall include all other positions in the city. Such ordinance, when adopted[,] shall provide a professional and impartial approach to municipal personnel problems, based solely on the fitness, training, and experience of employees and expectant employees of the city, with no discrimination on account of racial, political, or religious backgrounds or opinions.

(b) The ordinance adopted pursuant to this section shall provide for a civil service commission of three members who shall be qualified and registered electors in the City of Inkster and who shall, while in office, hold no other city office or city appointment nor shall they serve on any municipal political committee or take part in the management of any municipal political campaign .

(c) The first member of the civil service commission shall be appointed by the mayor subject to the approval and consent of the council[,] whose term shall expire at the expiration of the first term of the mayor; the second member of the commission shall be appointed by all of the municipal employees of the city[,] whose term shall expire one year after the expiration of the term of the first member; the two members so appointed shall at their first meeting after their appointment[, which shall be held not less than thirty days thereafter, appoint the third member[,] whose term shall expire one year after the expiration of the second member's term. Thereafter, upon the expiration of the respective terms of the commission, the party making the appointment in the first instance shall continue

to appoint for that term and all reappointments after the expiration of the original terms shall be for a term of three years each.

(d) The ordinance shall include such other regulations, conditions and provisions that are necessary to implement the intent of this section.

**Chapter 20 Schedule**

**Sec. 20.1 Submission of charter.**

This charter shall be submitted to the electors of the territory constituting the City of Inkster for their approval or rejection at an election to be held on the 5th day of October, 1964.

**Sec. 20.2 Elective date.**

If this charter be approved at said election[,] then printed copies thereof with the vote for and against the same, duly certified, shall[,] within thirty days from the date of said election, be filed with the Secretary of State and the Clerk of the County of Wayne . This charter shall take effect at 8:00 o'clock p.m. on Monday, the 16th day of November, 1964.

**RESOLUTION OF ADOPTION**

At a regular meeting of the charter commission of the City of Inkster held on the 21st day of July AD.:- 1964, the following resolution was offered by Commissioner Carroll .

RESOLVED that the Charter Commission of the City of Inkster does hereby adopt the foregoing proposed Charter for the City of Inkster and the Secretary of this Commission is directed to transmit a copy of this Charter to the Governor of the State of Michigan for his approval in accordance with statute and to cause this proposed Charter to be published in accordance with law .

Be it further resolved that at the special election called for Monday, the 5th day of October, AD., 1964, there be elected, not only the first mayor, the first six councilmen and the first two judges of the Municipal Court of the City of Inkster, but also the first two constables of the City of Inkster as in such Charter proposed. Resolution supported by Commissioner Piercecchi and adopted by the following vote :

AYE	NAY	ABSENT
Perry	None	None
Carroll		
Hamlin		
Dickson		
Hawthorne		
Holt		
Foster		
Piercecchi		
Wagner		

The Chairman declared. the foregoing resolution carried and requested the members of the Charter Commission to authenticate said resolution and also the copy of the Charter to be presented to the Governor. All of the Commissioners thereupon authenticated the Resolution and Charter to be presented to the Governor by subscribing their names as follows:

- Isl George R. Perry, Chairman
- Isl Leon S. Carroll, Vice -Chairman
- /s/ Clyde A Hamlin, Secretary
- /s/ Martha Dickson
- Isl Frank A Hawthorne
- Isl John G. Holt
- /s/ Guy L. Foster
- /s/ C. Daniel Piercecchi
- /s/ John P. Wagner

The meeting thereupon adjourned subject to the call of the Chairman. I, Clyde A Hamlin, Secretary of the Charter Commission elected to frame a Charter for the City of Inkster, Michigan, do hereby certify that the foregoing Charter was duly adopted by said Charter Commission at a session thereof held on the 21st day of July AD., 1964.

DATED: July 21, 1964

Clyde A Hamlin  
Secretary of the Charter Commission

I do hereby approve the above and foregoing charter of the City of Inkster.

Dated, September 2, 1964  
/s/ "GEORGE W. RO: MNEY  
Governor of the State of Michigan

Resolution and Certification of Election  
Held on October 5, 1964  
Inkster, Michigan

At a meeting of the Board of Canvassers appointed by the Charter Commission for the

City of Inkster, held on the 7th day of October, 1964, at 8:00 o'clock p.m., Eastern Standard Time, for the purpose of certifying the results of the election for the adoption of the Charter of the City of Inkster, Michigan, the election of a mayor, six councilmen, two municipal judges and two constables, which election was held on Monday, the 5th day of October, 1964.

Present: Leon S. Carroll, Martha Dickson and John Holt  
Absent: None

The meeting was called to order by Chairman Carroll and the Chairman announced that a Certificate of Election Inspectors from Nankin Township Precincts Nos. 3, 5, 8, 13, 14, 17, 24, 31 and 33, and Dearborn Township Precincts Nos. 1, 2, 3, 4, 5 and 6, showing the results of the votes cast for adoption of the Charter of the City of Inkster, held on October 5, 1964, it appears that the total ballots cast were 5,097 and that said votes were cast as follows:

In favor of the adoption of the Charter 4,304  
Against the adoption of the Charter 793

BE IT FURTHER RESOLVED, That the Board of Canvassers hereby certifies and de-

termines that the Charter of the City of Inkster was duly adopted.

ROLL CALL:

AYES: Carroll, Dickson, Holt  
NAYS: None

I, CLYDE A. HAMLIN, Secretary of the Charter Commission, elected to frame a Charter for the City of Inkster, Michigan, do hereby certify that the foregoing is a true copy of the canvass and Certificate of Election of the Board of Canvassers appointed by the Charter Commission for the City of Inkster in meeting held October 7, 1964.

DATED: October 7, 1964  
Clyde A. Hamlin,  
Secretary of Charter Commission

I hereby certify that the above is a true and exact copy of the Resolution and Certification of Election held on October 5, 1964.

Freda DePlanche,  
City Clerk

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