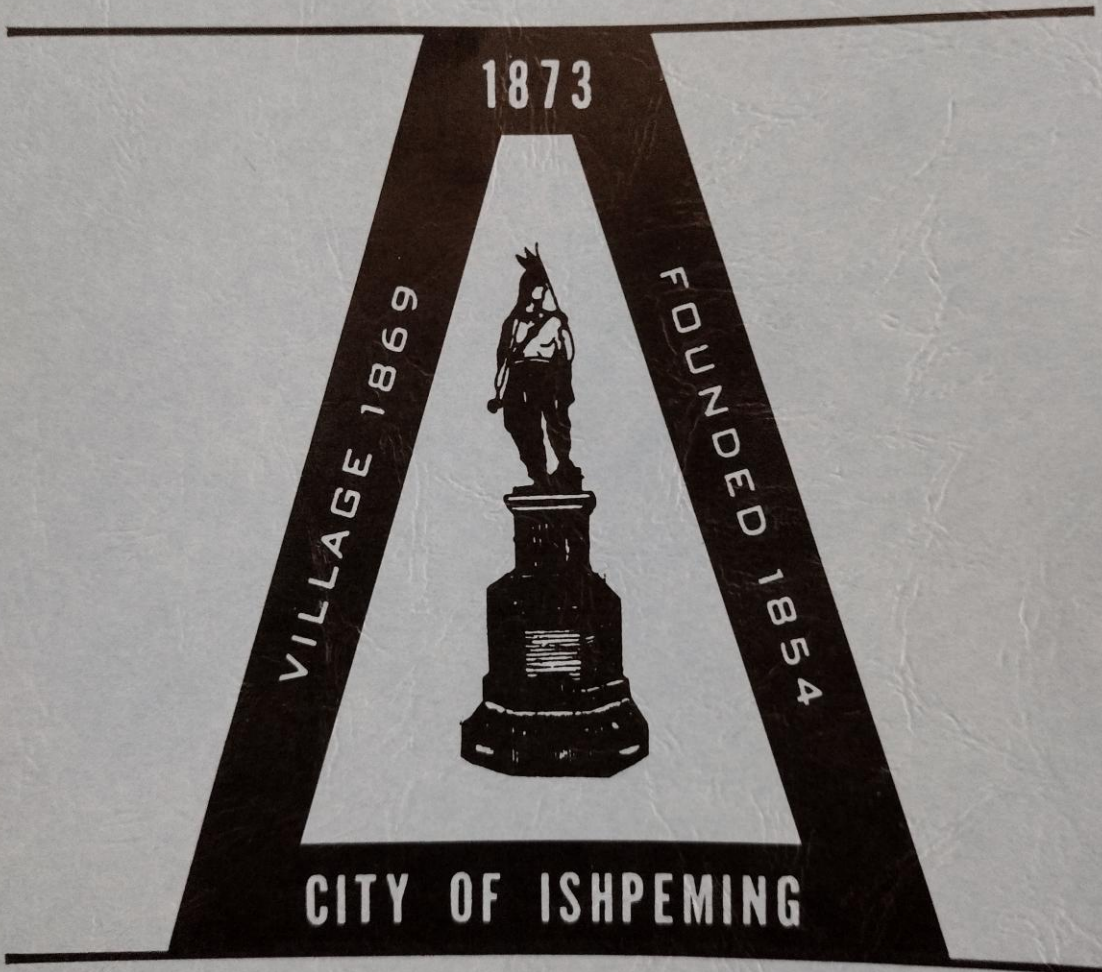


CHARTER
OF THE
CITY OF ISHPEMING
MARQUETTE COUNTY, MICHIGAN



COUNCIL-MANAGER FORM
Adopted April 7, 1986

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Ishpeming City Charter

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I, Christine L. St. Aubin, Deputy City Clerk of the City of Ishpeming, hereby certify that the following is a true copy of the revised Charter of the City of Ishpeming, duly adopted at an election held on April 7, 1986, in the City of Ishpeming.

I further certify that the vote on the proposition to adopt said revised Charter was as follows:

Yes..... 710

No..... 209

Christine L. St. Aubin
Deputy City Clerk

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PREAMBLE

We, the People of the City of Ishpeming, pursuant to authority granted by the Constitution and Laws of the State of Michigan, and in order to secure the benefits of efficient self-government, and to promote our common welfare, do hereby ordain and establish this Charter.

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Article I GOVERNMENT

Form of Government:

Section 1.1- The municipal government provided by this charter shall be known as the “Council-Manager Government.” Pursuant to its provisions and subject only to the limitations imposed by the State Constitution, General Laws of the State, and by this Charter, all powers of the City shall be vested in an Elective Council, referred to as the “Council,” which shall enact local legislation, adopt budgets, determine policies, and appoint the City Manager, who shall execute the laws and administer the government of the city.

Boundaries:

Section 1.2- The territory in the County of Marquette and the state of Michigan, herein described or as hereinafter established, is continued as, and constituted and declared to be, a city by the name of “City of Ishpeming” and subject to the municipal government of said corporation, said territory being described as follows, to-wit:

So much of the County of Marquette as is embraced in Sections two, three, four, nine, ten, eleven, fourteen, fifteen, and sixteen in township forty-seven north of range twenty-seven west, the southeast one-quarter, and the west one-half of the southwest one-quarter of section thirty-four, in township forty-eight north of range twenty-seven west; and that certain piece or parcel of land in the southwest one-quarter of the northwest one-quarter of said section thirty-four described and bounded as the beginning at the iron stake on rock ledge three thousand and six hundred and seventy-four feet north and six hundred and forty-four feet and one-half feet east of the southwest corner of said section thirty-four; running thence north one hundred and twenty-five feet, thence west sixty feet, thence south one hundred and twenty-five feet, thence east sixty feet to the point of the beginning, and also the Carp River bed and twenty feet of the bank on each side of the Carp River bed, extending from the southern limit of said parcel of land last described to the point where said stream enters the southwest one-quarter of said section thirty-four.

Powers of the City:

Section 1.3- (a) All the powers, not inconsistent with the provisions of this Charter, heretofore possessed by the City of Ishpeming under previous charters, are expressly retained by the City of Ishpeming under this Charter.

(b) Unless otherwise provided in this Charter, the City of Ishpeming and its officers shall be vested with any and all powers and immunities, expressed and implied, which cities and their officers are, or hereafter may be, permitted to exercise or to provide for in their Charters under the Constitution and Laws of the State of Michigan.

(c) The City and its officers shall have the 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 interests 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.

(d) In no case shall any enumeration of particular powers or immunities in this Charter be held to be exclusive.

Exercise of Powers:

Section 1.4- (a) Where no procedure is set forth in the Charter for the exercise of any power granted to or possessed by the City and its officers, resort may be had to the procedure set forth in any applicable or relevant statute of the State of Michigan.

(b) If alternate procedures are to be found in different statutes, then the City Council shall select that procedure which it deems to be most expeditious and to the best advantage of the City and its inhabitants.

(c) Where in procedure for the exercise of any power of the City is set forth, either in this Charter or in any statute of the State of Michigan, the City Council shall prescribe a reasonable procedure for the exercise thereof by ordinance.

**Article II
ELECTIONS**

Wards and Precincts:

Section 2.1- The City of Ishpeming shall constitute one (1) ward, which shall be divided into the number of election precincts a may be required by State Law.

Non-Partisan Elections:

Section 2.2- All elections for City officers are to be non-partisan.

State Law to Apply:

Section 2.3- Unless otherwise provided herein, the General Election Law of the State shall apply to and control, as near as may be, all procedure relating to City elections and to the registration of electors within the City. In any circumstances where the application of said laws may be uncertain, the Election Commission shall constitute the same and prescribe the procedure.

Election Commission:

Section 2.4- The Election Commission shall consist of the City Clerk, City Attorney, and City Manager. The City Clerk shall be the Chair, The Election Commission shall appoint the proper Election Officials and shall perform all of the duties required of City Election Officials and shall perform all of the duties required of City Commissioners by this Charter and the Laws of the State. The Election Commission may act with any two members present. The Election Commission shall meet at least once preceding and subsequent to each election.

Date of Regular City Election:

Section 2.5- The General City Election shall be held on the day prescribed by State Law for the General Election in November.

Special Elections:

Section 2.6- Special elections shall be held upon adoption of a resolution by the council or when required by this charter or the general laws of state. Resolutions for special elections shall clearly set forth the purpose of the election and no special election called by the council shall be held and then sixty (60) days of the date of adoption of the resolution. All provisions contained herein for holding regular elections shall apply to special elections.

Election Notices:

Section 2.7- The City Clerk shall give public notice of the time and places at which elections are to be held and of the offices to which candidates are to be elected notice shall be given by publication at least once in a newspaper of general circulation in the City of Ishpeming and by posting one noticed at each designated polling place the City Hall and Public Library. Publication and posting shall be completed more than ten (10) days prior to the election.

Voting Hours:

Section 2.8- On the day of any election the polls shall be open for such hours as prescribed by State Law or as set by the Council in accordance with State Law. The hours for opening and closing the polls and for the conduct of elections shall be governed by local time.

Nomination Petitions:

Section 2.9- (a) Persons desiring to qualify as candidates for any elective office under this Charter shall file with the City Clerk nomination petitions signed by not less than twenty-five (25) nor more than thirty-five (35) registered and qualified voters of the City of Ishpeming.

(b) Official blank petitions shall be prepared and made available in the City Clerk’s Office in substantially the same form as required by State Law for State and County Officers, except that references to political parties shall be omitted.

(c) No elector shall sign more petitions than there are offices to be filled, and should an elector do so, that signature shall be void except as to the petitions first filed for that office.

(d) Whenever it shall be necessary at any City Election to elect an officer to fill a vacancy for an unexpired term such fact shall be stated in the petitions filed for the purpose of nominating candidate to fill each vacancy.

Qualification of Elective City Offices:

Section 2.10- No person shall be qualified to hold, nor be eligible for election to, any elective City office unless that person is a registered and qualified elector and resident of the City of Ishpeming.

Affidavit of Eligibility:

Section 2.11- No nomination petition shall be received for filing by the City Clerk unless the candidate also files with the City Clerk, within the time limits for filing petition, a sworn affidavit containing information required to determine the candidate's eligibility as provided by the Charter, and by State Law.

Time for filing Nomination Petitions:

Section 2.12- Nomination petitions shall be filed with the City Clerk up to four (4:00) o' clock p.m., local time, in the afternoon, on the Tuesday succeeding the first Monday in August preceding the General November elections. Any nomination petitions presented after that date and hour shall not be received by the City Clerk.

Certification of Names and Candidates:

Section 2.13- The City Clerk shall, after the last day named for receiving and filing nomination petitions, certify to the Election Commission he names and post office addresses of all candidates whose petitions meet the requirements of this Charter, together with the name of the office for which they are candidates.

Board of Canvassers:

Section 2.14- The Board of County Canvassers shall be the board of City Canvassers. Duties enjoined upon Board of Cit Canvassers by the laws of the State are hereby enjoined upon the Board of County Canvassers as near as they may be applicable.

Vacancies:

Section 2.15- A vacancy shall exist in any elective City office upon the occurrence which creates a vacancy in office under the Genal Laws of the State.

Vacancies by Removal from City:

Section 2.16- (a) If any officer, required as a qualification for office to be an elector and resident of the City is absent continuously from the City for more than sixty days without permission of the Council, the Council shall declare that office vacant and the office shall be filled as in this Charter provided for the filling of vacancies.

(b) For vacancies, nominating petitions as required in sections 2.9 and 2.11, must be filled.

Vacancies in Elective Office:

Section 2.17- (a) A vacancy occurring on the Council or any elective City office shall be filled within thirty (30) days by a majority vote of the remaining Council members, and the appointee to hold office until the second Monday following the next regular City election, or until the successor shall qualify, provided that no such appointment shall be made within ninety (90) days prior to any regular City election.

(b) If the Council ties on selection, a qualified person shall be selected by lot within three (3) regular meetings after the vacancy occurs.

Registration:

Section 2.18- The registration and re-registration of voters shall be made by the City Clerk in accordance with the provisions therefore in the General Laws of the State.

Tie Vote:

Section 2.19 If at any municipal election there is no choice among candidates by reason of two (2) or more having received an equal number of votes, the Board of Canvassers shall proceed to

determine the election of such candidates by lot in the same manner, as near as may be, as provided by the General Laws of the State.

Recall:

Section 2.20- (a) Any elective officer may be removed from office by the electors in the manner provided by the General Laws of the State of Michigan.

(b) A vacancy created by the recall of any elective officer shall be filled by election in the manner prescribed by law.

(c) An officer who was recalled shall not be a candidate to fill the vacancy created by the recall nor be appointed to fill a vacancy in an elective office in that electoral district or governmental unit during the term of office from which the officer resigned.

(d) An officer who has resigned subsequent to the filling of a recall petition shall not be appointed to fill a vacancy in elective office in that electoral district or governmental unity during the term of office from which the officer resigned.

**Article III
GOVERNING BODY**

Number, Selection, Term:

Section 3.1- (a) The Council shall consist of five (5) members elected from the City at large in the manner provided in Article II for the term of four (4) years and until their successors have been elected and assume their duties at the December organizational meeting. Those elected shall sign the oath of office within ten (10) days following the certification of election results, and prior to the December organizational meeting.

(b) The term of office of newly elected Councilmembers and Mayor shall begin at the December organizational meeting, except that the term of office of said officers elected at the general spring election in 1989 shall begin on the second Monday following the general spring election in 1989.

Limitation on Terms:

Section 3.2- (a) Councilmembers are hereby limited to serve two (2) consecutive terms upon the council under this Charter.

(b) For the purpose of this section, a “term” is defined to include the abbreviated terms to be served by certain members of the first Council taking office under this Charter, but shall not include terms served under previous charters of the City, time served under appointments to fill vacancies, or any elected term less than twenty-four (24) months.

Powers:

Section 3.3- The Council shall be the legislative and governing body of the City, possessing all the powers herein provided for. The Council shall have power and authority to pass ordinances and adopt resolutions as they shall deem proper to exercise any or all of the powers possessed by the City, and for the public peace, health and safety of persons and property.

Mayor:

Section 3.4- (a) At each General City Election only those Councilmembers whose terms do not expire immediately following this election, and no other person, shall be candidates for the office of Mayor. The candidate receiving the most votes shall become Mayor for a term not to exceed two (2) years. The candidate receiving the next highest number of votes for Mayor shall be the Mayor Pro Tempore for a term not to exceed two (2) years.

(b) Mayoral candidates may withdraw their names from the ballot, by written request to the City Clerk before five (5:00) o' clock p.m., local time, in the afternoon, thirty (3) days preceding the date of election.

(c) The Mayor shall preside at meetings of the Council. The Mayor shall be head of the City Government for all ceremonial purposes and for purposes of military law, but shall have no regular administrative duties.

(d) The Mayor Pro Tempore shall act as Mayor during the absence or disability of the Mayor, and if a vacancy occurs, shall become Mayor for the completion of the unexpired term.

(e) The Mayor and Mayor Pro Tempore may speak and vote at meetings the same as any other member of the Council, but shall not have the power to veto.

Council to be Judge of Qualifications of Its Members:

Section 3.5- The Council shall be the judge of the election and qualifications of its members and for such purposes shall have the power to subpoena witnesses and require the production of records. The decision of the Council in any case shall be subject to review by the courts.

Compensation Commission:

Section 3.6- The City Council shall enact an ordinance providing for a Compensation Commission pursuant to 1909 PA 279, Section 5C; MCLA 117.5C; *et. seq.*

**Article IV
LEGISLATION**

Regular Meetings of the City Council:

Section 4.1- (a) Regular meetings of the Council shall be held at least once a month at the usual place of holding meetings of the Council, at such times as the council shall prescribe.

(b) An organizational meeting following an election shall be the first regular meeting in the month of December.

(c) All special and regular meetings of the Council shall comply with the State Open Meetings Act, Act No. 261, PA 1968, MCL 15.261, *et. seq.*, as amended, in addition to the requirements of this charter.

Special Meetings:

Section 4.2- Special meetings shall be called by the City Clerk on written request of the Mayor or City Manager or any two (2) councilmembers on at least eighteen (18) hours written notice to each councilmember served personally or left at that member’s usual place of residence. Any special meeting shall be a legal meeting for all purposes without such notice if all councilmembers are present or have waived notice in writing.

Quorum, Conduct of Meetings:

Section 4.3- (a) Three (3) members of the Council shall be a quorum for the transaction of business.

(b) The Council may, by a majority vote of those present, compel attendance of its members and other officers of the City at its meetings and enforce orderly conduct therein.

(c) No councilmember shall vote on any question in which that member has financial interest other than the common public interest.

(d) On all votes which are not unanimous, the yea or nay vote of each member, or abstention, shall be recorded by roll call, but if the vote is unanimous, it shall be necessary to so state; provided, however, that all members of the Council who are absent shall be so listed in either case.

Limitations on the Power of Council:

Section 4.5- Any resolution, motion or ordinance of the Council shall require at least three(3) affirmative votes.

Rules of Procedure, Journal:

Section 4.6 Roberts Rules of Order or alternative Rules of Order shall be adopted by the Council and all Boards and Commissions of the City at their annual meeting. The Council shall keep a Journal of its proceedings in the English language and the Journal shall be open to public inspection.

Notice of Publication:

Section 4.7- In January of each year, the Council shall designate a newspaper as the official source of all notices or proceedings requiring publication; provided, however, that the Council may at any time, prescribe by ordinance that publication be by posting or otherwise.

Ordinances and Resolutions of the City Council:

Section 4.8- (a) The Council shall act only by ordinance or resolution.

(b) The word “resolution” as used in this Charter shall be official action in the form of a motion. Such action shall be limited to matters required or permitted to be done by resolution in this Charter or by State Law and to matters pertaining to the internal affairs or concerns of the City government.

(c) All other acts of the Council, and all acts carrying a penalty for the violation shall be an ordinance.

Ordinance Enactment:

Section 4.9- (a) The Council shall have power to adopt, continue, amend, and repeal in whole or in any part any existing ordinance.

(b) All legislation of the City of Ishpeming shall be by ordinance. Each ordinance shall be identified by a number and a short title. Each proposed ordinance shall be introduced in written and printed form. The style of all ordinances passed by the Council shall be: "The City of Ishpeming Ordains."

(c) Except in the case of ordinances declared to be emergency ordinances, no ordinance shall be finally passed by the Council at the same meeting at which it is introduced. An emergency ordinance shall take effect immediately upon posting.

(d) No ordinance shall be revised, altered, or amended by reference to its title only, but the section or sections of the ordinance revised, altered, or amended shall be re-enacted and published at length.

(e) All ordinances, when enacted, shall be immediately recorded by the Clerk in a book called, "The Record of Ordinances," and it shall be the duty of the Mayor and Clerk to authenticate the record by their official signatures thereon.

(f) All ordinances shall be published within ten (10) days after passage and shall become effective upon posting. Publication of an ordinance in full, as a part of the published proceedings of the Council, shall constitute the publication of the ordinance.

(g) A complete copy of the ordinance or amendment shall be available for public inspection at least three (3) business days before the meeting at which it is finally enacted.

Technical Codes:

Section 4.10- (a) The Council may adopt any provision of State Law or any detailed technical code as a City ordinance or Code, by citation of such provision of State Law or by reference to any recognized standard code, official or unofficial, provided that any such provision of State Law or recognized official or unofficial standard code shall be clearly identified in the ordinance adopting it as an ordinance of the City.

(b) If any recognized official or unofficial standard code is adopted, publication may be made as required in Section 4.9 by publishing the ordinance of adoption or by providing to the public copies in book or booklet form, available at the City Library, for public use and inspection. In the case of any technical or standard code, the ordinance of adoption need not set forth the text of the entire code, but shall be sufficient if it incorporates the code by reference. Publication of the ordinance of adoption shall not require publication of the entire code.

(c) Any amendment to or revision of such adopted code or detailed technical ordinance may be published in the same manner as adoption of the code.

Penalties:

Section 4.11- (a) The Council shall provide in each ordinance for the punishment of those who violate its provisions.

(b) No punishment for the violation of any City ordinance or for the commission by any officer of the City of any act declared by this Charter to constitute misconduct in office shall exceed a fine of five hundred dollars (\$500.00) or imprisonment for ninety (90) days, or both in the discretion of the court.

(c) Any officer of the City found guilty of any act, declared by this Charter to constitute misconduct in office, shall, in addition to fine or imprisonment, or both, forfeit that office.

(d) The Council shall, by appropriate ordinance, provide for the method of complaint, prosecution, trial and conviction for misconduct in office, as defined in the various sections of this Charter.

Compilation:

Section 4.12- (a) Copies of all ordinances which are in effect and all amendments to this Charter shall be prepared and kept on hand in the office of the Clerk and shall be available for public distribution at cost.

(b) The City Council shall direct the compilation or codification and the publication in book or loose-leaf form of the Charter and of all ordinances of the City. The publication shall be kept current. For a reasonable charge set by the Council, copies may be requested. No further publication of any such compilation or codification shall be required.

(c) The copied of ordinances and compilations referred to in this section shall be certified by the Clerk under the authority of the Council and, when so certified shall be competent evidence in all courts and legally established tribunals as to the matters contained therein.

Existing Ordinances and Resolutions:

Section 4.13- All by-laws, ordinances, contracts, franchises, resolutions, rules and regulations of the City, not inconsistent with this Charter, in force at the time this Charter becomes effective shall continue in full force until repealed or amended by action of the proper authorities.

Zoning and Land Use:

Section 4.14- The Council shall enact and maintain a zoning ordinance regulating land use and development as provided for by state statute. The Council may also enact other land use ordinances deemed necessary by the Council.

City Planning Commission:

Section 4.15- The City Planning Commission shall have the powers, duties, and membership as prescribed by the laws of this State and such additional powers and duties not inconsistent with this Charter or the laws of this State, as the Council may provide.

Initiative and Referendum:

Section 4.16- An ordinance may be initiated by petition. A referendum on an ordinance enacted by the Council may be obtained by a petition as provided in Section 4.17.

Petition for Initiative and Referendum:

Section 4.17- (a) An initiatory or referendum or a referendary petition shall be signed by registered, qualified electors of the City in number equal to five per cent (%) of the registered voters at the last regular Municipal election prior to the filing of the petition.

(b) Before being circulated for signatures, all petitions shall be approved as to form by the City Attorney. No petition need be on one paper, but may be the aggregate of two or more petition papers.

(c) Each signer of a petition shall sign in ink, and shall place thereon, name, date, and place of residence by street and number, or by other customary designation. No signature over sixty (60) days old will be accepted.

(d) To each petition there shall be attached a sworn affidavit by the circulator stating the number of signers and that each signature is the genuine signature of the person whose name it purports to be and that it was made in the presence of the circulator.

(e) Petitions shall be filed with the City Clerk who shall, within ten (10) days, determine the petition's sufficiency and so certify. If found to contain an insufficient number of qualified electors of the City, or to be improper as to form or compliance with the provisions of this section, ten (10) days shall be allowed for the filing of supplemental petition papers.

(f) When found sufficient and proper, the City Clerk shall present the petition of the Council at its next regular meeting.

Council Procedure, Initiatory and Referendum:

Section 4.18- Upon receiving a certified initiatory or referendary petition from the City Clerk, the Council shall, within thirty (30) days, either (a) if it be an initiatory petition, adopt the ordinance; or (b) if it is a referendary petition, repeal the ordinance; or (c) in either case, determine to submit the proposal to the electors.

Submission to Electors:

Section 4.19- 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, at the discretion of the Council at a special election. The Result shall be determined by a majority vote of the electors voting except as otherwise required by the general laws of this state.

General Provisions:

Section 4.20- (a) Certification by the City Clerk of the sufficiency of a referendary petition within thirty (30) days after the passage of the ordinance to which the petition refers shall automatically suspend the ordinance pending repeal by the Council or final determination of the electors, as the case may be.

(b) No referendum shall be held on any ordinance based on a franchise or a contract unless referendary petitions are filed within thirty (30) days after passage of the ordinance, unless a provision therefore is specifically provided for therein.

(c) Any ordinance certified to the Council as to sufficiency by the City Clerk, commenced by initiatory petition, and adopted as provided for in this Charter shall not be amended or repealed by the Council for a period of two (2) years.

(d) Should two or more ordinances adopted at the same election have conflicting provisions, the one receiving the highest vote shall prevail as to those provisions.

Article V
ADMINISTRATIVE SERVICES

City Manager:

Section 5.1- (a) The Council shall appoint a City Manager for an indefinite term, and set the Manager's compensation.

(b) The Manager shall be chief administrative officer and head of the administrative branch of city government.

(c) The Manager need not be a resident of the city or State of Michigan at the time of appointment, but shall reside within the city after the appointment.

(d) The Manager shall designate an administrative officer of the City, with council approval, to perform duties of the Manager during the Manager's disability or absence.

(e) The Manager need not be chosen solely on the basis of executive or administrative qualifications with special reference to training and actual experience in municipal administration. (1) At the time of appointment, the Manager shall be a graduate of an accredited college or university with a degree which, in the judgement of the Council, qualifies the person for the duties of Manager; additionally, at the time of appointment, the person shall also have at least two (2) years experience in management, in an administrative or executive capacity, in either the public or private sector. (2) A person who does not possess the qualifications set forth in (1) above, shall nevertheless be eligible for the position of Manager, if, at the time of appointment, the person has least four (4) years experience as City Manager or in any other municipal or public employment executive capacity,

(f) No member in the Council shall be eligible appointment as a Manager, nor acting Manager, until two (2) years subsequent to the termination of his service on the Council.

City Manager- General Functions & Duties:

Section 5.2- The City Manager shall:

- (a) See that all laws and provisions of this Charter and resolution of the Council, subject to enforcement by the Manager or by officers subject to the Manager's direction and supervision, are faithfully executed;
- (b) Enforce all City contracts and franchises, works, and undertakings.
- (c) Supervise all public utilities, improvements, works and undertakings;
- (d) Attend all meetings of the Council and take part therein but without vote:
- (e) Prepare, submit, and administer an annual, itemized budget, and keep the Council fully informed as to the financial condition and needs of the City;
- (f) Purchase all supplies, including insurance, for the City and approve all vouchers for the payment of same subject to limitations hereinafter made;
- (g) Conduct all sales of personal property which the Council may authorize to be sold as having become unnecessary or unfit for city use;
- (h) Recommend to the Council for adoption, such measures as the Manager may deem necessary or expedient;
- (i) Be a member ex-officio of all commissions and boards of the City;
- (j) Be responsible to the Council for the efficient administration of all city departments and utilities;
- (k) The Manager shall assume all the duties and responsibilities as personnel director of all City employees or delegate such duties to some other officer or employee of the City, provided that such delegation shall not relieve the Manager of any responsibility for the proper conduct of such duties.
- (l) Perform such other duties as the Council may direct that naturally pertain to the general management of the City affairs, and execute and perform all administrative functions of the City that are not imposed by the Charter or any city ordinance upon some other official.

Appointive Power of Manager:

Section 5.3- (a) Except those officers appointed by the Council as provided in this Charter, the Manager shall have the power to appoint and remove, subject to the provisions of this Charter, all department heads in the administrative service of the City.

- (b) The department head shall recommend to the Manager any appointment or removal of subordinates in the department or office.

(c) The appointment made by or under the authority of the Manager shall be on the basis of fitness, training, and experience of such appointees for the work they are to perform. All appointments shall be without definite term unless for provisional, temporary, or emergency service not to exceed the maximum periods which may be prescribed by personnel regulations.

(d) The Manager shall appoint officers and heads of departments as deemed necessary by the Council.

(e) The City Assessor shall be appointed by the City Manager and shall be qualified for such office by education, training, or experience respecting property evaluation.

(f) The compensation of the officers and employees shall be fixed by the Council.

City Manager- Removal:

Section 5.4- The City Manager shall be removed by the Council by a majority vote of all its members. Except for reason of gross misconduct in office, the Manager shall not be removed from office within ninety (90) days following the date of any regular City election. If the Council removes the Manager, it shall enter upon the Journal of its proceedings a statement of the reasons for such removal, and if the Manager shall, prior to the date of the next regular meeting of the Council after the vote of the Council to remove the Manager is taken, submit a statement in reply to such statement of the Council, the Manager's statement shall be entered upon the Journal of the proceedings of the Council at its next regular meeting. Except in case of removal for reasons of misconduct in office, the removal of the Manager shall not be finally effective until thirty (30) days after the date the vote of the Council to remove the Manager was taken. The Manager may, however, be suspended by the Council during such thirty (30) day period with or without compensation at the discretion of the Council.

City Clerk:

Section 5.5- The City Manager shall appoint a City Clerk for an indefinite term, subject to approval by the Council. The City Clerk shall be qualified for such office by education, training, or experience. The Clerk may be discharged by the Manager, subject to approval of the Council or by action of the Council alone.

City Clerk- General Functions and Duties:

Section 5.6- (a) The Clerk shall be Clerk of the Council, shall attend all meetings of the Council and shall keep a permanent record of its proceedings.

(b) The Clerk shall maintain a record of all ordinances, resolutions, and actions of the Council.

(c) The Clerk shall be custodian of all papers, documents, and records pertaining to the City of Ishpeming, custody of which is not otherwise provided for.

(d) The Clerk shall certify, by signature all ordinances and resolutions enacted by the Council.

(e) The Clerk shall perform such other duties as the Manager may direct pertaining to general management of city government.

City Treasurer:

Section 5.7- The City Manager shall appoint a City Treasurer for an indefinite term. The City Treasurer shall be qualified for such office by education, training, or experience. The City Treasurer may be discharged by the City Manager.

City Treasurer- General Functions and Duties

Section 5.8- (a) The treasurer shall have custody of all monies of the City of Ishpeming and all evidences of value belonging to the City, or held in trust by the City.

(b) The Treasurer shall receive, keep, and deposit all monies or funds in such manner and only in places as the Council may determine, and shall report the same in detail to the Finance Director.

(c) The Treasurer shall have such powers, duties, and prerogatives in regard to the collection and custody of State, County, School District, and City Taxes and monies as are conferred by law to enforce the collection of State, County and School District taxes upon real and personal property.

(d) The Treasurer shall perform such other duties as may be prescribed by state or federal law, this Charter, the ordinances or resolutions of the City Council.

(e) The City Treasurer shall retain custody of all money belongings to the City and the public, separate and distinct from the Treasurer's own money.

(f) The Treasurer is hereby prohibited from using, either directly or indirectly and public written orders, or evidence of debt, in the Treasurer's custody or keeping for personal use of benefit or for the use and benefit of any other person. Any violation of this section shall subject the Treasurer to immediate removal from office by the City Manager, who is hereby authorized to declare the office vacant for such offenses and to appoint a successor.

Finance Director:

Section 5.9- The City Manager shall appoint a Finance Director for an indefinite term. The Finance Director may be discharged by the City Manager.

Finance Director- General Functions and Duties:

Section 5.10- (a) The Finance Director shall be the general accountant of the City and shall be responsible to the City Manager. The Finance Director shall keep books of account of the assets, receipts, and expenditures of the City, and shall keep the Council and the City Manager informed as to the financial affairs of the City. The system of accounts of the City shall conform to such uniform systems as may be required by law.

(b) The Finance Director shall examine and audit all accounts and claims against the City and, respecting those which are eligible for payment, designate the budgetary funds from which they are to be paid.

(c) The Finance Director shall balance all the books of account of the City at the end of each calendar month and make a report to the Manager and Council.

(d) The Finance Director shall, upon discretion of the City Manager, examine and audit all books of account kept by any officer, department, or board of the City, and shall examine the books of account of the Treasurer at least once each month.

(e) The Finance Director shall be responsible for all City billings and statements for City service, or for setting up and administering a system of billings for those City departments which directly bill for services. In no event shall the Finance Director, nor any person authorized to issue bills or statements for City services, be authorized to receive payment of such bills or statements.

City Attorney:

Section 5.11- The Council shall appoint a City Attorney, who shall be a member of the State Bar of Michigan, and licensed to practice in the State of Michigan. The Council shall determine the Attorneys compensation. The Attorney shall serve at the pleasure of the Council.

(a) The City Attorney shall act as legal advisor to the Council, and all its members, and attorney and counsel for the municipality and all its officers in matters relating to their official duties. The City Attorney shall give written opinions to any official or department of the City when requested in writing by the Council or the Manager and shall file a copy of the same with the City Clerk.

(b) The City Attorney shall be charged with the responsibility of calling to the attention of the Council and the City Manager all matters of law and changes or developments therein affecting the City.

(c) Upon the recommendation of the City Attorney, or upon its own motion, the Council may retain special legal counsel to handle any matter to which the City is a party, or in which the City has an interest and to assist and co-counsel with the City Attorney therein.

(d) In all matter of litigation in which an insurance carrier, risk management group, or self-insured fund has retained an attorney to represent the City pursuant to the terms of a contract, the City Attorney shall be, and shall remain an attorney of record for the City during the course of the litigation.

(e) The City Attorney shall perform such other legal duties as may be prescribed by this Charter or by the Council.

(f) The City Attorney shall appoint, subject to approval of the Council, a substitute attorney, having the qualifications of the City Attorney. The substitute attorney may act in the place of the City Attorney during that officer's absence. Compensation of the substitute attorney for work performed and any adjustments to the City Attorney retainer shall be determined by the Council.

Combining of Offices:

Section 5.12- The Council may, at its option combine the offices of Treasurer and Clerk in one and the same person, in which event that officer shall be known as the City Clerk-Treasurer. The Council may also appoint and designate the City Manager as City Clerk, subject to the restrictions of Section 5.16.

Separation of Financial Functions:

Section 5.13- The Council shall not create, authorize, or condone a system of financial management in which the same officer, person or department responsible for billing for City services or taxes, is also responsible for accepting and receiving payment for such bills or statements.

Creation of Other Departments:

Section 5.14- (a) The Council may, by ordinance, establish other city departments, offices, agencies, or commissions in addition to those created by this Charter, prescribing the functions of all departments, offices, agencies, and commissions, including, but not limited to a police department, fire department, public works department, assessor, or any other function reasonable and necessary for proper administration of municipal services and government.

(b) The Council may combine or merge any two or more existing individual departments, offices, agencies or commissions, subject to the restrictions of Section 5.13 above.

Department Administration:

Section 5.15- All departments, offices, agencies and commissions under the direction of the City Manager shall be administered by an individual appointed by, and subject to direction and supervision of the Manager unless otherwise specified by this Charter.

Manager as Department Head:

Section 5.16- (a) With consent of the Council, the Manager may serve as head of one or more departments, offices, agencies, or commissions, or may appoint one person as the head of two or more of them, subject to the restrictions of Sec. 5.13 above.

(b) If the Manager is also appointed City Clerk, and is a member of any board or commission that includes both the Manager and Clerk, the Manager shall sit as the Clerk, with a replacement for the Manager to be made as provided by statute, ordinances or resolution of the Council.

(c) The authority to appoint the Manager as head of one or more departments shall be limited by Act 566 of 1978 PA, MCLA 15.181 *et. seq.*

Savings Clause:

Section 5.17- All City departments, offices, agencies, and commissions in existence, created or authorized under former Charter, council action, or state law, shall continue in existence, with existing functions and responsibilities unless specifically charged by ordinances or by this Charter.

Board of Review:

Section 5.18- (a) The Board of Review shall consist of five (5) members elected from the City at large, in the manner provided in Article II of this Charter, for a term of four (4) years, or until their successors have been elected and take office as provided elsewhere in this Charter.

(b) Every member of the Board of Review shall be a resident of the City of Ishpeming, and an elector. No member of the Council shall be eligible to serve on the Board of Review.

(c) Any vacancy in the Board of Review shall be filled by a majority vote of the remaining members of the Board, following published notice by the Board that it will receive applications from qualified person to fill such vacancy. A person appointed to fill a vacancy shall serve for the balance of the unexpired term of the person whose position is being filled.

(d) Compensation for the Board of Review shall be fixed by the Council at an hourly rate for all time actually in session, and for time spent in educational training sessions approved by the Council, which hourly rate shall not exceed two (2) times the then existing State minimum hourly wage. However, irrespective of the State minimum hourly wage, the total annual compensation to the Board of Review shall not exceed the amount then currently budgeted for Board of Review compensation.

(e) At the first fall general election following adoption of this Charter, the three (3) candidates for the board of Review receiving the three (3) highest number of votes shall each be elected to a four (4) year term; the two (2) candidates for the Board of Review receiving the next two (2) highest number of votes shall each be elected to a two (2) year term. Thereafter, all members shall serve for a term of four (4) years.

(f) Elections for the Board of Review shall be held in the Fall (general) election, and the Board, as constituted, following the election, shall take office on January 1 of the following year.

Article VI CITY OFFICERS AND EMPLOYEES- GENERAL

Bonds (Surety) Required:

Section 6.1- (a) Except as otherwise provided in this Charter, the Council may require any officer or employee to give a bond, to be approved by the Council, conditioned upon the faithful and proper performance of the duties of that office or employment, in such sum as the Council may determine.

(b) All officers or employees receiving, disbursing or responsible for City funds shall be bonded.

(c) No administrative officer or employee or their surety shall be exonerated of any liability by:
(1) their resignation (2) their removal from office (3) the appointment of a successor.

(d) All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the City. All bonds of administrative officers or employees shall be filled with the City Clerk, except that of the City Clerk, which shall be filled with the City Treasurer.

Oath of Office- Failure to Take Vacated Office:

Section 6.2- (a) The City Clerk shall notify, in writing, within two (2) days of certification of election results by the Board of Canvassers, each elected or appointed officer and advise that person of the requirements to assume each office.

(b) Every officer, elected or appointed, to any City office, before entering upon the duties of that office, shall take the oath of office prescribed by the Constitution of the State and shall file the same with the City Clerk.

(c) In case of failure to comply with the provisions of this section within ten (10) days from the date of notification, such officer shall be deemed to have declined the office and the office shall be declared vacant.

Nepotism:

Section 6.3- Except and unless relatives by blood or marriage of any Councilmember, department head, or the City Manager, within the second degree of consanguinity or affinity are bona fide appointive officers or employees of the City at the time of the election of such officers or appointment of such City Manager, such relatives shall be disqualified from holding any appointive office or from being employed by the City, during the term for which said Councilmember was elected, or during the tenure of office of such City Manager or department head. The prohibitions and limitations set forth in the preceding sentence shall not apply to any person appointed, hired, or engaged as a volunteer firefighter or to volunteer ambulance personnel, and such person may be appointed, hired, or engaged at any time irrespective of his or her relationship (by blood or marriage) to any Councilmember, department head, or the City Manager.

Restrictions Concerning Other Offices:

Section 6.4- No officer or employee of the City shall be a candidate for the office of Council or Board of Review without first resigning their employment with the City. No officer or employee of the City shall hold office in conflict with State Law.

Private Use of Public Property:

Section 6.5- No officer or employee shall devote any City property or labor to personal use, conviction of which shall be punishable as misconduct in office. This section shall not prohibit any City officer or employee from receiving those services available to any other resident of the City.

Civil Service:

Section 6.6- (a) The Council may provide, by ordinance, for a merit system of personnel management. The City may establish by ordinance a pension and retirement system for any or all groups of employees in the service of the City. The cost of any such pension and retirement system shall be determined on actuarially sound mortality and service tables.

(b) In the absence of such ordinance the City Manager shall prescribe such tests, qualifications and probation period as are necessary in the Manager's discretion for the hiring and promotion of such City employees whose positions shall, in the opinion of the City Manager, be of the type which should be so regulated.

(c) Brief descriptions of tests and qualifications, as determined by the Manager for the respective positions, shall be made available to all interested persons by the City Clerk.

Investigations:

Section 6.7- (a) The City Council, the City Manager, or any other person or committee authorized by either of them, shall have the power to inquire into the conduct of any department, employee, office or officer of the City and to make investigation as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, paper, and other evidence.

(b) Failure to obey such subpoena or to produce books, papers, or other evidence as order under the provisions of this section shall be a misdemeanor.

Restrictions as to Contracts and Official Positions:

Section 6.8- Neither the Council nor any City official shall have the power to make any contract wit, or to give any official position to any person who is in default t the City. "Default" as used in this section means failure to pay a contractual debt of legal obligation when due and payable to the City. Any contract made with, or any appointment to any official position, in violation of the provisions of this section shall be void and of no effect.

Official Interest in Contracts:

Section 6.9- The conduct of elected and appointed City Officers shall comply with 1968 PA17, MCLA 51.321, *et. seq.*

Property to be Delivered to Successors:

Section 6.10- (a) Whenever any officer resigns or is removed from office, or the term for which elected or appointed expires, all books, papers, money, and effects in the custody of that officer, in any way pertaining to that office shall be delivered to the successor in office, or to the City Clerk.

(b) Every person willfully violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as are public officers generally for like offenses under the General Laws of the State.

Definition of Officers:

Section 6.11- The City Officers shall be defined as consisting only of the following positions: City Council Members, City Manager, City Clerk, Finance Director, City Treasurer, City Assessor, City Attorney, City Engineer, Chief of Police, Fire Marshall, Board of Review Members, and each member of every administrative board, commission, or body appointed by the City Manager, selecting by the City Council, or elected by the voters of the City of Ishpeming and serving in a strictly municipal function within or on behalf of the City of Ishpeming.

Article VII BUDGET

Fiscal Year:

Section 7.1- The Fiscal Year of the City government shall begin on the first day of January and shall end on the last day of December of each calendar year. The fiscal year shall also be the budget and accounting year.

Preparation and Submission of Proposed Budget and Budget Message:

Section 7.2- (a) The City Manager, on or before October 15 of each year, shall submit to the City Council a proposed budget and an explanatory budget message.

(b) The budget message submitted by the City Manager to the Council shall explain the budget, contain an outline of proposed financial policies of the City of the budget year, and shall describe the important features of the budget plan. It shall set forth reasons for changes from the previous year in cost and revenue items and shall explain any major changes in financial policy.

(c) Attached to the budget message shall be supporting schedules, exhibits and other explanatory material, in respect to both current operations and capital improvements, as the City Manager shall believe useful to the Council.

Budget Documentation- Contents:

Section 7.3- The recommended budget shall include at least the following:

(a) Expenditure data for the most recently completed fiscal year and estimated expenditures for the current fiscal year.

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

(c) Revenue data for the most recently complete fiscal year and estimated revenues for the current fiscal year.

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

(e) The amount of surplus or deficit that has accumulated from prior fiscal years, together with an estimate of the amount of surplus or deficit expected in the current fiscal year. (This inclusion of the amount of an authorized debt obligation to fund a deficit shall be sufficient to satisfy the requirement of funding the amount of a deficit estimate under this subdivision).

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

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

(h) An informational summary for the projected revenues and expenditures of any special assessment funds, or enterprise funds, including the estimated total cost and proposed method of financing each capital construction project, and the projected additional annual operating cost and the method of financing the costs of each capital construction project for three years beyond the fiscal year covered by the budget.

(i) Such other data and information as the Council shall from time to time require.

Public Hearing on Proposed Budget:

Section 7.4- (a) A public hearing on the proposed budget shall be held by the Council at least fifteen days prior to the Council meeting at which the budget is adopted.

(b) The Council shall publish notice of place, time and location of the public hearing and location and availability of copies of the proposed budget, in a newspaper of general circulation within the City, at least seven days in advance of the public hearing.

Review and Adoption of the Budget:

Section 7.5- (a) Following the public hearing, the Council shall review the proposed budget, and may modify it as the Council deems advisable.

(b) The budget shall be adopted by resolution approved by a majority of the members-elect of the Council.

(c) A budget shall be adopted by November 30 of each year. If the City Council takes no final action on the proposed budget on or before November 30, the proposed budget, as submitted by the City Manager, shall be deemed finally adopted by the City Council.

Certification to Taxing Authority:

Section 7.6- From the effective date of the budget, the amount stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the City, in the corresponding tax year. A copy of the budget as final adopted and certified shall be filed with the City Assessor.

Effective Date of Budget, Certification, Copies Made Available:

Section 7.7- (a) Upon final adoption, the budget shall be in effect for the budget year. A copy of the budget, as finally adopted, shall be certified by the Mayor and the City Clerk and filed in the office of the City Treasurer.

(b) The budget so certified shall be printed, mimeographed or otherwise reproduced and sufficient copies shall be made available for the use of all offices, departments and agencies and for the use of interested persons or civic organizations.

Budget Establishes Appropriations:

Section 7.8- From the effective date of the budget, the amounts stated in the budget as proposed expenditures shall be appropriated to the objects and purposes named in the budget.

Budget Control and Amendments:

Section 7.9- (a) Except for items to be financed by the issuance of bonds or special assessments, or for other purposes not chargeable to a budget appropriation, no money shall be drawn from any City amounts except in accordance with an appropriation for such specific purpose. Nor shall any financial obligation be incurred without an appropriation covering all payments which will be due in the current fiscal year.

(b) The Council may, by written motion, transfer any unencumbered appropriations balance, or a portion thereof, from one account, department, fund, or agency to another, provided that such motion detail the account from which the funds are to be transferred, the purpose of the transfer, and the effect of the transfer on the account from which the funds are transferred.

(c) The Council may make additional appropriations during the fiscal year for unanticipated expenditures, but such appropriations shall not exceed the amount by which actual and anticipated revenues of the year exceed the estimated revenues, unless the appropriations are necessary to relieve an emergency endangering public health, safety, and welfare.

(d) At the beginning of each quarter during the fiscal year the City Manager shall submit to the Council data showing the relation between estimated and actual revenues and expenditures to date. If it appears that revenues are less than anticipated, the Council may reduce appropriations to a degree necessary to keep expenditures within the revenues.

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

(f) The budget and budget process shall comply with State Law.

**Article VIII
TAXATION**

Subjects of Taxation:

Section 8.1- (a) An assessment of all property in the City which is subject to taxation shall be made annually and completed by the Assessor, on or before the Tuesday following the first Monday in March.

(b) The subjects of taxation for municipal purposes shall be the same as for state, county and school purposes under the General Law, and the City shall have all rights, liens, powers, and

remedies accorded by State Law to all political subdivisions of the State in connection with the collection of taxes.

Taxation Procedure:

Section 8.2- Except otherwise provided by this Charter, City taxes shall be levied, collected, and returned in the manner provided by State Law. All taxable property shall be assessed to the owner as of the thirty-first day of December of the year in which the assessment is made.

Notice of Board of Review Meeting:

Section 8.3- The City Clerk shall give notice to the public of the time and place of meeting of the Board of Review, by publication in the newspaper designated by the council pursuant to Section 4.7, at least six days immediately preceding the meeting.

Meeting of the Board of Review:

Section 8.4- (a) The Board of Review shall meet for the purpose of reviewing the assessment roll on the Tuesday next following the first Monday in the month of March. It shall choose one of its members to preside, and the City Assessor shall be Clerk of the Board.

(b) It shall regulate for itself its order of procedure, but no person who appears before it shall be refused a reasonable opportunity for a hearing. It shall remain in session at least one day, and as long as necessary to complete the review. The Board of Review shall hold at least one public evening meeting.

(c) On completion of its work, the Presiding Officer and Clerk shall certify to the same, as provided by the General Tax Law. After all hearings have been conducted, the Board may adjourn for the purpose of completing its work on the roll. The roll shall be duly certified on or before the first Monday of April.

Limitations on Amount to be Levied:

Section 8.5- (a) The aggregate amount which the Council may raise by a general tax upon the taxable real and personal property in the City for the purpose of defraying the general city expenses and liabilities of the corporation, inclusive of debt service, shall not exceed in any one year, one and one-half per centum (15 mills) of assessed value of all real and personal property in the City, as fixed by the assessment roll of the year in which the tax is levied.

(b) Provided, however, that the Council may raise an additional one-half of one per centum for public improvements and public projects the Council may in any such year deem expedient.

Certify Tax Levy to Assessor:

Section 8.6- (a) Within three (3) days after the adoption by the Council of the budget for the next fiscal year, the City Clerk shall certify to the Assessor the amount of the tax levy fixed by the City Council.

(b) The Assessor shall proceed to assess the tax levy to each person and piece of property on the assessment roll, together with all special assessments as well as any other amounts which the

Council may require, under the authority of State Laws or this Charter or determine to be assessed or reassessed against any property or person.

Taxes, When Due:

Section 8.7- All school taxes and school assessments shall be due and payable as required by state Law.

Penalties on Tax Payments:

Section 8.8- The City Treasurers shall collect for the benefit of the City such interests and penalties, administrative fees, and other such charges as allowed under the State of Michigan Tax Laws as amended.

No Limitations of Tax Debt:

Section 8.9- No tax levied upon personal property shall cease to be a debt to the City from the person owing such tax because of the tolling of the statute of limitations established by law.

Return to the County Treasurer:

Section 8.10- (a) If the City Treasurer has been unable to collect any of the city taxes on said roll on real property before the first day of March following the date when the roll was received by the Treasurer, then it shall be the Treasurer's duty to return all unpaid taxes on real property to the County Treasurer in the same manner and with like effect as similar returns made by Township Treasurers.

(b) The return shall include all additional charges provided. The charges shall be added to the amount assessed in the roll against each description.

(c) Taxes this return shall be collected in the same manner as other taxes returned to the County Treasurer as collected under the provisions of the General Tax Laws of the State. The same rate of interest and all charges shall be collected, and all taxes upon lands so returned as delinquent shall be and remain a lien until paid.

(d) At the time of making the return, the City Treasurer shall make and file in the Treasurer's office a copy thereof upon which the Treasurer shall record subsequent collections or reassessments as returned by the County Treasurer.

(e) The City shall have power to purchase any premises within the City of Ishpeming at any tax or public sale that may be held when purchase is necessary to protect the lien of the City for taxes on said premises.

State, County, School and Library Taxes:

Section 8.11- (a) For the purpose of assessing and levying taxes in the City for State, County, Library, and School purposes, the City shall be considered the same as a township.

(b) Except as otherwise provided in this Charter, all provisions of State Law relative to the collection of taxes, the accounting to the appropriate taxing units and the returning of property to

the County Treasurer for non-payment shall apply to the performance by the City Treasurer, who shall perform the duties and have the same powers as the Township Treasurer.

Representation at State Tax Meetings:

Section 8.12- It shall be the duty of the Council to be represented as any public meeting held in Marquette County of the Michigan State Tax Commission or any equivalent body having to do with taxes or with valuations of any property within the corporate limits.

**Article IX
SPECIAL ASSESSMENTS**

General:

Section 9.1- The City council shall have power to determine that the whole or any part of the expense of any public improvement shall be defrayed by special assessment upon the property especially benefitted.

Resolution of the City Council:

Section 9.2- (a) When the Council determines that the whole or any part of the expense of any public improvement shall be defrayed by special assessments upon the property especially benefitted, it shall so declare by resolution.

(b) The resolution shall state the estimated cost of improvement, what proportion of the cost thereof shall be paid by special assessments, and what part, if any, shall be paid from the general funds of the City, the number of installments in which assessments may be paid, and shall designate the districts or land and premises upon which special assessments shall be levied.

Special Assessment Roll:

Section 9.3- (a) Within twenty-one (21) days after the Council has determined by resolution that the whole or any part of the expense of any public improvement shall be defrayed by special assessments upon the property specially benefitted, the Assessor shall make an assessment roll of all lots and parcels of land within the designated district benefitted by the proposed improvement.

(b) All property owners on the assessment roll shall be notified by a letter mailed to the address to which their bills are sent.

Review:

Section 9.4- The special assessment roll shall be open to public inspection for a period of fourteen (14) days before the City Council meets to review the roll and to hear complaints.

Notice of Special Assessment Roll:

Section 9.5- Notice of the opening of the special assessment roll for public inspection and of the time and place of the meeting of the Council to hear complaints shall be published by the City Clerk at least one (1) week before that opening of the roll for public inspection.

Objections to Improvement:

Section 9.6- (a) If, at or prior to the meeting of the Council, the owners of the property to be assessed more than half the cost of that portion to be specially assessed object in writing to the improvement, the assessment shall not be made without an affirmative vote of four members of the Council present and voting.

(b) Every special assessment roll ratified and confirmed by the Council shall be final and conclusive.

Additional Assessments- Refunds:

Section 9.7- (a) When any special assessment roll proves insufficient to meet the costs of the improvement for which it was made, the Council may make an additional pro rate assessment. The additional assessment shall not, in any case exceed thirty per cent (30%) of the original assessment.

(b) If the assessment proves larger than necessary by five per cent (5%) or less, the Council may place the excess in the City Treasury. If more than five per cent (5%), the excess shall be refunded pro rata according to assessments.

Collection of Special Assessments:

Section 9.8- (a) 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 until paid.

(b) Interest at a rate to be determined by the Council as of the date of confirmation of the assessment roll per annum shall be collected on deferred installments.

(c) From such date after confirmation as shall be fixed by the Council, the same penalties and collection fee shall be paid on delinquent installments of special assessments as paid on delinquent city taxes as provided by this Charter.

(d) Delinquent special assessment shall be returned to the County Treasurer for collection and shall be handled in the same manner as are delinquent general City taxes; provided, that no delinquent special assessments, nor any delinquent installment shall be returned to the County Treasurer for collection unless and until the delinquency has continued for a period of six (6) months, nor until the first day of March next following such six (6) months delinquency. All assessments are to be placed immediately on the tax roll.

Procedure:

Section 9.9- (a) The Council may determine that the whole or part of the expense of a local improvement or repair shall be defrayed by special assessments upon the property specially benefitted and so declare by resolution.

(b) The complete special assessment procedure to be used, including the time when special assessments may be levied, the kinds of local public improvements for which a hearing is required on the resolution levying the special assessments; the preparing of plans and

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

(c) All matter relating to special assessments shall be performed in compliance with Pub. Act 1974, No. 345 as amended.

Article X FINANCE

Uniform Accounting:

Section 10.1- The Council shall provide for an accounting system conforming to State Law.

Internal Accounting:

Section 10.2- (a) The Finance Director shall keep accurate detailed accounts of:

1. All taxes assessed by the City, and all monies due the City from any and every source.
2. Monies received and the several sources from which derived.
3. All funds of the City and disbursements made therefrom.

(b) The Finance Director shall examine and audit all accounts and claims against the City except claims for unliquidated damages. The Finance Director shall not issue or sign any written order verifying the correctness of the account for which the same is issued. The Finance Director shall not all the payment of any account unless the money has been appropriated, nor issue or sign any written order for any account against the City, unless sufficient money is in the fund on which it is drawn.

(c) At the close of the fiscal year, and at any time upon direction of the Council, the City Treasurer shall examine and audit all books of account kept by any official, board or department; provided, however, that the Treasurer shall examine and audit all books of account of the Finance Director at least once a month.

(d) All books of account of the City shall be balanced at the end of each calendar month, and a report made by the Finance Director to the City Manager.

(e) The Finance Director, in the performance of duties of that office relative to City accounts, shall perform other duties as required by this Charter or by the City Manager.

Disbursement of Funds:

Section 10.3- No funds of the City shall be disbursed except by written order. The Council shall maintain a procedure for making all disbursements.

Depository:

Section 10.4- The Council shall designate at least annually the depository or depositories for City funds and shall provide for the regular deposit of all City monies. The Council shall provide for security for City deposits as is authorized and permitted by the General Laws of the State. Personal surety bonds shall not be deemed proper security.

Independent Annual Audit:

Section 10.5- (a) Prior to the end of each fiscal year, the Council shall designate qualified public accountants who, as the end of the fiscal year and within 90 days thereafter, shall make an independent audit of accounts and other evidences of financial transactions of the City government. They shall submit their report to the Council and to the City Manager.

(b) The accountants shall have no personal interest, direct or indirect, in the fiscal affairs of the City government or of any of its officers.

(c) They shall not maintain any accounts or records of the City business, but, within specifications approved by the Council, shall post-audit the books and documents kept by the Finance Director and any separate or subordinate accounts kept by any other office, department or agency of the City government.

Purchasing Procedure:

Section 10.6-All purchases and public improvements shall be made after competitive bidding, where practicable, subject to the following conditions and qualifications:

(a) For purchases or expenditures in the amount of three thousand dollars (\$3,000.00) or less, written bids or quotations shall be solicited.

(b) For purchases or expenditures which exceed the sum of three thousand dollar (\$3,000.00) but which are equal to or less that ten thousand dollars (\$10,000.00), written buds or quotations shall be solicited, and the purchase or contract shall only be awarded to the bidder who has delivered a sealed bid or quotation to the City.

(c) For purchases or expenditures which exceed the sum of ten thousand (\$10,000.00), sealed bids or quotations shall be solicited, and the purchase or contract shall only be awarded to the bidder who has delivered a sealed bid or quotation to the City.

(d) In cases where it is clearly to the City's advantage to make a purchase or expenditure or to award a contract without competitive bidding, the Council, by affirmative vote of the majority, and upon recommendation of the Manager to waive competitive bidding, may do so.

(e) The Council shall have the right to reject any or all bids or quotations, and shall not be required to accept the lowest bid or quotation.

(f) Detailed purchasing contracting procedures shall be established by ordinance, including a procedure for emergency purchases; provided however, that all such procedures shall be consistent with the provisions of this Section 10.6.

(g) No purchases shall be made in excess of appropriations.

(h) No alterations, changes, additions, deletions shall be made to any written contract to which the City is party unless approval therefor is given by the Council after the Council has received a written recommendation from the Manager.

Article XI BORROWING

General Borrowing:

Section 11.1- Subject to the applicable provisions of general law the City may borrow money for any purpose within the scope of its powers, and may issue bonds or other evidence of indebtedness therefor. Bonds or other evidence of indebtedness shall include but not be limited to:

(a) General obligation bonds pledging the full faith and credit of the City for payment.

(b) Special assessment bonds which are issued in anticipation of the payment of special assessment for public improvements in a special assessment district or combination thereof. These bonds may be either an obligation of the special assessment district or districts, or both an obligation of the district and general obligation of the City.

(c) Revenue bonds as authorized by law.

(d) Mortgage bonds for acquiring, owning, purchasing, constructing, improving, or operating any public utility the City is authorized by law to finance in this manner, or for other purposes authorized by law. Before the question is submitted to electors by the Council, it shall declare by a vote of not less than four of its members, by resolution, the necessity for borrowing the amount proposed to be borrowed and the purpose thereof.

(e) Bonds issued in anticipation of future payments from the motor vehicle highway fund or any other source which the City may be permitted by law to pledge for the payment of principal and interest thereof.

(f) Tax anticipation notes as authorized by law.

(g) Calamity bonds issued in case of fire, flood, or other calamity as authorized by law.

(h) Bonds for the City's share of the cost of local improvements. These bonds may be issued as a part of, or independently of, any issue of special assessment bonds which are issued for the same improvement or improvements.

(i) Bonds for refunding indebtedness of the City.

(j) Time purchase contracts as authorized by State Law.

(k) The total indebtedness of the City shall not exceed five percent (5%) of the assessed valuation of all real property, except as now or hereafter provided by State Law or mandated by State or Federal action.

Limitations:

Section 11.2- Before any borrowing is authorized by the Council, it shall declare a vote not less than three of its members, by resolution, the necessity for borrowing the amount proposed to be borrowed and the purpose thereof.

Preparation and Record:

Section 11.3- (a) Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which it is issued.

(b) It shall be unlawful for any officer of the City to use the bond proceeds for any other purpose. Any officer who violates this provision shall be deemed guilty of a misdemeanor.

(c) All bonds and other evidences of indebtedness issued by the City shall be signed by the Mayor and countersigned by the City Clerk, under the Seal of the City. Interest coupons may be executed with the facsimile signatures of the Mayor and the City Clerk.

(d) A complete and detailed record of all bonds and other evidences of indebtedness issued by the City shall be kept by the City Clerk. Upon payment of any bond or other evidence of indebtedness, the same shall be marked "Cancelled."

Evidence of Indebtedness:

Section 11.4- Whenever any money is borrowed by the City, bonds or other evidence of indebtedness, shall be issued therefor and shall be signed by the Mayor and City Clerk.

Sinking Fund:

Section 11.5- The City Council shall make provision for a sinking fund with which to pay at maturity all bonds issued by the City.

Time Limitation Upon Issuance:

Section 11.6- All bonds authorized by the electors of the City must be issued and delivered to the purchasers thereof within three years after the date of election at which the bonds are authorized.

Article XII FRANCHISES AND PERMITS

Franchises:

Section 12.1- (a) All franchises granted prior to this Charter by the City of Ishpeming and now in operation shall continue until the termination of the franchises.

(b) All irrevocable public utility franchises and all renewals, extensions and amendments thereof shall be granted only by ordinance.

(c) No such ordinance shall be adopted before thirty (30) days after application has been filed with the Council, nor until a full public hearing has been held on the application.

(d) No exclusive franchise shall ever be granted and no franchise shall be granted for a longer term than thirty (30) years. No franchise shall be transferable, directly or indirectly, except with the approval of the Council expressed by ordinance.

Revocable Permits:

Section 12.2- Temporary permits for public utilities, revocable at any time at the will of the Council may be granted by the Council by resolution on terms and conditions as it determines, provided that such permits shall not be construed to be franchises or amendments to franchises.

Right of Regulation:

Section 12.3- All public utility franchises, whether it be so provided in the ordinance or not, shall be subject to the right of the City:

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

(b) To require proper and adequate extension of plant and service and the maintenance thereof at the highest practicable standard of efficiency;

(c) To establish reasonable standards of service and quality of products, and prevent unjust discrimination in service or rates;

(d) To make independent audit and examination of accounts at any time, and to require reports annually;

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

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

Regulation of Rates:

Section 12.4- (a) All public utility franchises shall make provision for fixing rates, fares and charges, and for readjustments thereof at periodic interval of not more than five (5) years, either

by arbitration upon terms to be specifically set forth in the franchise, or by the Public Service Commission of the State of Michigan.

(b) The value of the property of the utility used as a basis for fixing rates, fares and charges shall not include a value predicated upon the franchise, good will or prospective profits.

Joint Use:

Section 12.5- (a) Every public utility may be required by the City to permit joint use of its property and appurtenances located in the streets, alleys and public places of the City by the City of Ishpeming or by other public utilities, in so far as such joint use may be reasonably practicable, upon payment of reasonable rental therefor.

(b) In the absence of agreement upon application of any public utility, the Council shall provide for arbitration of the terms and conditions of joint use and the compensation to be paid, which award shall be final.

Certificate of Convenience and Necessity:

Section 12.6- (a) No person who is not required by law to obtain a certificate of convenience and necessity from the Michigan Public Service Commission shall commence operation of any public utility or public utility service in the City without first obtaining from the Council a certificate that the public convenience and necessity requires or will require the services of public utility.

(b) Before a certificate shall be granted, the person desiring it shall file with the Clerk as application setting forth the name of the person making the application, its personnel, partnership, corporate or other organizational status, a current verified financial statement, the name of all other municipalities in which it supplies public utility services, and the names of all persons having a financial interest in the business, and of its corporate officers, if the applicant be a corporation.

(c) The Council shall hold a public hearing on the application, with notice given to the applicant and to all persons rendering like services in the City, at least ten days before the date of the hearing. In determining the question of public convenience and necessity, the Council shall take into consideration the services being rendered by others in the City, the investment required by the applicant for rendering the proposed services, the information set forth in the application, the experience of other municipalities concerning the applicant, and the benefit or lack thereof to the public, if any, in rates and other matter which would result from the granting or denial of the certificate.

Article XIII

MUNICIPALLY OWNED UTILITIES

Operating for Benefit of City:

Section 13.1- The several municipally owned utilities, together with any utilities hereafter acquired, shall be operated for the benefit of the City of Ishpeming and its inhabitants.

Administration of Utilities:

Section 13.2- (a) The City Manager shall be the chief administrative officer of each City owned or operated utility department and shall have power to appoint and remove all officers and employees thereof.

(b) The City Manager may authorize the head of any utility or utility department responsible to the City Manager to appoint and remove subordinates, such appointments or removals shall be in accordance with the provisions of this Charter and of any ordinances or administrative practices enacted in conformity therewith.

Rules and Regulations:

Section 13.3- (a) Insofar as they are consistent with the provisions of this Charter, the present regulations of the various utilities and utility departments relative to rates, charges, operation, etc., shall continue in full force and effect under this Charter until changed by proper ordinance or resolution of the Council.

(b) In addition to the powers, privileges and rights possessed by the several utilities and utility departments of the City under the State Constitution, the general Laws of the State, this Charter, and the City ordinances, utilities and utility departments of the City shall have power to render all services to their customers as are rendered by public utilities and similar type operating in the City.

Accounts and Reports:

Section 13.4- (a) Accounts shall be kept for each public utility owned or operated by the City, distinct from other City accounts, and in such manner showing the true and complete financial result of City ownership, or ownership and operation, including all assets, liabilities, revenues, and expenses.

(b) These accounts shall show the actual cost to the City of each public utility owned, the cost of all extensions, additions and improvements, all expenses of maintenance, the amounts set aside for sinking fund purposes, and all operating expenses of every description. They shall show, as nearly as possible, the value of any service furnished to or rendered by any such public utility or to any other City department.

(c) It shall be the duty of the supervisor of each utility or utility department to make an annual report to the City Manager on or before the first day of February of each year for the previous fiscal year of all the works under that person's supervision. The report shall also provide a proper allowance for City taxes, for which due allowances shall be made for services rendered to the City, insurance, and for depreciation and obsolescence.

Utility Rates:

Section 13.5- Under this Charter, all municipal utilities are required to be self-supporting; they are not to operate with a deficit basis; and the Council shall be required to make annual rate adjustments to comply with the provisions herein stated.

Separate Utility Funds:

Section 13.6- The funds of each of the utilities or utility departments shall be separate from the general fund of the City of Ishpeming.

Purchase- Condemnation:

Section 13.7 The City shall have the right to acquire by condemnation or otherwise, the property of any public utility in accordance with the General Laws of the State, provided that the price to be paid shall in no event include a value predicated upon the franchise, goodwill or prospective profits.

Regional Utilities:

Section 13.8- The City shall have the authority to enter into interlocal or regional agreements with other units of government to provide for utility services pursuant to State Law and terms of agreements.

**Article XIV
PUBLIC PROPERTY**

General:

Section 14.1- (a) The City shall possess and reserve to itself the right to use and to control and regulate the use of its streets, alleys, bridges, and public places for all ordinary City purposes.

(b) The City shall have the power to acquire, own, establish, maintain, operate and administer either within or without its corporate limits, parks, boulevards, cemeteries, hospitals, buildings, and all works which involve the public health or safety.

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

Acquisition and Use of Property:

Section 14.2- (a) The City shall have the power to acquire the necessary properties for all uses required by law, by purchase, gift, condemnation, lease, legacy, bequest, or otherwise any and all kinds of property, both real and personal, absolute or in trust, located within or without the City, for any public, proprietary, or charitable use or for any purpose.

(b) The City shall have the power to hold, manage, maintain, develop or operate the same; to change the use to other public purposes subject to any limitation expressly placed thereon by law or the valid term of any trust.

Acquisition of Property:

Section 14.3- The City shall have the power to acquire by purchase any premises within the City at any tax or other public sale, or direct purchase from the State of Michigan or the fee owner, when purchase is necessary to protect the lien of the City for taxes or special assessments, or both, on said premises. The City may hold, lease or sell the same. Any procedure exercised by the City in the protection of its tax lien shall be deemed for a public purpose.

Condemnation:

Section 14.1- (a) The City may provide by ordinance for acquiring by condemnation or otherwise property and rights required for any public use or purpose within the scope of its powers in the manner prescribed by the statutes of this State.

(b) Any property or rights so acquired and no longer needed for the original purpose, at the discretion of the City, may be diverted to any other public use or purpose within the scope of the powers of the City.

Use of Streets and Public Places:

Section 14.5- (a) The right to use, control and regulate the use of its streets, alleys and bridges, and public places, and the space above and beneath them is reserved to the City, and every public utility shall be subject thereto.

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

Trusts:

Section 14.6- All trusts already established for cemetery, park, or other purposes shall be used and continued in accordance with the terms of the trusts. The City of Ishpeming may, in its discretion, receive and hold any property in trust for cemetery, park, or other public purposes and shall apply the same to the execution of such trusts and for no other purposes whatsoever.

Disposal of City Property:

Section 14.7- The Council may declare personal property of the City surplus and shall advertise and sell to the highest bidder, excepting any personal property being replaced which may be traded in. Any personal property upon which no bid is received may be disposed of as the Council may dictate.

Disposal of City Real Property:

Section 14.8- (a) When the Council deems it advisable to vacate, discontinue, abolish, or dispose of any street, alley, public ground, park, or public utility, or any part thereof, it shall so declare by resolution. In said resolution a time shall be set to meet and hear public objection.

(b) Notice of the meeting shall be published not less than ten days before the date of the public hearing in a newspaper circulated in the City. At the public hearing the Council shall accept written or oral comments from the public.

(c) At the next regularly scheduled meeting of the Council, subsequent to the public hearing, they may vote on the matter. A three-fifths vote shall be required to vacate, discontinue, abolish, sell or dispose of any street, alley, public ground, park or public utility, or any part thereof.

Cemetery Commission:

Section 14.9- (a) A Cemetery Commission is hereby established consisting of five (5) members, each of whom shall serve a term of five (5) years. The terms on the Commission shall be staggered. The Director of Public Works or designee shall be an ex officio member without voting power.

(b) The Commission shall issue an annual report, adopt rules and regulations consistent with Michigan State Law, recommend rates, and investments of perpetual care and cemetery care funds.

(c) Rules, regulations and rates shall go into effect forty-five (45) days after being presented to the Council, who may make changes or modifications within that forty-five (45) day period.

(d) All appointments shall be made by the Mayor with the Council approval.

Perpetual Care Funds:

Section 14.10- (a) The amount now standing to the credit of the Perpetual Care Fund, together with all additions thereto, shall be kept in a separate fund known as the “Perpetual Care Fund,” which shall constitute a trust fund, the income of which shall be used as occasion may require for the general care and maintenance of those lots for the benefit of which said funds shall have been deposited.

(b) The fund shall never, under any pretext or evasion, be diverted from its declared purpose.

(c) All monies received by the City for the perpetual care of lots or graves may be invested only in bonds of the City of Ishpeming, School District of Ishpeming, County of Marquette, or bonds or other full faith obligations of the United States of America, or in any investment instrument in an institution insured by an agency of the United States, as the Council may direct. All portions of said Perpetual Care Fund not so invested shall be kept in a separate account in some financial institution to be designated by the Council.

Cemetery Care Fund:

Section 14.11- (a) There shall also be created a fund known as the “Cemetery Care Fund,” and fifty per cent (50%) of all monies which shall from time to time be received from the sale of lots and graves and crypts shall be placed in said fund, the oncome of which shall be used as occasion may require for the general care and maintenance of the entire City cemetery property. Said Cemetery Care Fund shall also constitute a trust fund, the monies of which shall never under any pretext be diverted.

(b) This find or portions of this fund may be invested only in bonds of the City of Ishpeming, School District of Ishpeming, County of Marquette, or bonds or other full faith obligations of the United States of America, or in any investment institution insured by an agency of the United

States. Any monies in said funds not so invested shall be placed in a separate account in such institution as the Council may designate.

Perpetual dedication:

Section 14.12- All grants or dedications heretofore made shall continue without change. All cemeteries now owned or hereafter acquired by the City of Ishpeming either within or without its corporate limits shall be dedicated solely to cemetery purposes; provided, however, that the electors by a three-fifths vote may approve subsequent disposal of such cemeteries.

**Article XV
MUNICIPAL PUBLIC LIBRARY**

Library and Library Board:

Section 15.1- (a) The Library shall be a department of City government under the direction of a Library Board composed of five members chosen from the electorate with reference to their fitness for such office. Not more than one member of the Council shall be at any time a member of the board.

(b) They shall be appointed by the Mayor, subject to confirmation by the Council.

(c) The Library Board shall serve without compensation and the terms of the members shall be for five years commencing on January 1, 1986, and shall be arranged that the term of one member shall expire in each year.

(d) Members of the Library Board shall be subject to all rules and regulations set forth for board members and commissioners by City ordinance.

Powers and Duties of the Library Board:

Section 15.2- (a) The Library Board shall elect officers as they may deem necessary and shall make and adopt by-laws, rules and regulations for their own guidance. They shall recommend rules and recommendations for the operation of the Library.

(b) The City Librarian shall be appointed and removed by the City Manager, on recommendation of the Library Board.

(c) The City Librarian shall recommend acquisition of books and other library materials to the City Council.

(d) The Library Board is charged with the care, management and control of the municipal public library within the annual budgetary appropriation adopted by the Council.

Annual Report:

Section 15.3- The Library Board at the end of each and every year, shall make a report to the Council stating the number of books and periodicals on hand; the number added by purchase or gifts; the number of lost or missing books; the number of resident or non-resident users; the

number of books loaned out and the general character and kind of such books; with other statistics, information and suggestions as they may deem of general interest.

Donations:

Section 15.4- (a) Donations of money, personal property, or real estate for benefit of the Library shall be in the name of the City with the Library Board recommending to the Council acceptance and usage, subject to the terms of the deed, gift, device or bequest of such property.

(b) Any donation which becomes surplus to the needs of the Library may be declared surplus by the Library Board and disposed of subject to the same restrictions as disposal of other City property. Any monies realized from disposal of such property shall accrue to the Library.

District Library:

Section 15.5- In the event the City Library unites with any other library or libraries to form a district library, this Charter article shall be null and void and State statutes governing district libraries shall and will be in effect.

**Article XVI
MISCELLANEOUS PROVISIONS**

Public Record and Meetings:

Section 16.1- All records and meetings, except those which are closed or confidential under State law, shall be public.

Headings:

Section 16.2- Chapter and section heading are for convenience only and shall not be considered to be part of the Charter.

Amendments:

Section 16.3- This Charter may be amended at any time in the manner provided by the General Law of the State. Should two (2) or more amendments, adopted at the same election, have conflicting provisions the one receiving the highest vote shall prevail as to those provisions.

Severability:

Section 16.4- The actions of this Charter and the parts thereof are severable, and in the event of any provisions being declared unconstitutional or contrary to State Law, it is hereby declared the intent of the Charter Commission and the electors voting thereon that such unconstitutionality or illegality shall not affect the validity of any other provision of this Charter.

No Estoppel by Representation:

Section 16.5- No official of the City shall have the power to make any representation or recital of fact in any franchise, contract, document or agreement, contrary to any public record of the City. Any representation shall be void and of no effect as against the City.

Article XVII SCHEDULE

Submission of Charter:

Section 17.1- This Charter shall be submitted to a vote of the electorate of the City of Ishpeming for adoption or rejection, at an election to be held on the date of the general spring election. The ballot proposition shall be as follows: "Shall the City Charter proposed by the Charter Revision Commission be adopted?"

First Election:

Section 17.2- (a) The two council members elected in April, 1986, under the 1960 charter shall each serve terms of three (3) years, as provided by that charter. An election shall be held on the date of the general spring election in 1989, for two council members. The two council members elected at that election shall hold office for a term expiring at midnight of the tenth day following the fall general election of 1990.

(b) The one council member elected in April, 1985, under the 1960 charter shall serve a term of three (3) years as provided for by that charter. An election shall be held on the date of the general spring election in 1988 for one council member. The council member elected at that election shall hold office for a term expiring at midnight of the tenth day following the fall general election of 1988.

(c) The two council members elected in April, 1984, under the 1960 charter shall serve a term of three (3) years as provided by that charter. An election shall be held on the date of the general spring election in 1987, for two council members. The two council members elected at that election shall hold office for a term expiring at midnight of the tenth day following the fall general election in 1988.

All council members elected at the fall general election in 1988 and thereafter shall hold terms as provided for by this charter.

Vested Rights Continued:

Section 17.3- After the adoption of this Charter, the City shall continue to be vested with all property, monies, contracts, rights, credits, effects, and the records, files, books and papers belonging to it under and by virtue of the previous Charter, and with any additional property and rights as herein prescribed. No right or liability, either in favor or against the City, existing at the time this Charter becomes effective, and no suit or prosecution of any character, shall in any manner be affected by any change, but the same shall stand or proceed as if no change had been made. All debts and liabilities of the City shall continue to be its debts and liabilities, and all fines and penalties imposed at the time of such change shall be collected, and all licenses issued by the City shall be and remain the same as if such change had not been made.

ADOPTION

At a meeting of the Charter Revision Commission of the City of Ishpeming, held on the 11th day of December, 1985, the following resolution was offered by Commissioner Solka:

“RESOLVED, that the Charter Revision Commission of the City of Ishpeming does hereby adopt the foregoing proposed revised City Charter, and the Secretary of this Commission is directed to forthwith transmit a copy thereof to the Governor of the State of Michigan for his approval in accordance with the statute of the State.”

The resolution was seconded by Commissioner Nault and adopted by the following vote:

Yeas: Commissioners Simons, Crothers, Jackson, Jacobson, Johnson, Nault, Solka, Valente, and Vidlund.

Nays: None.

The Chairman declared the foregoing resolution was carried.

At a meeting of the Charter Revision Commission of the City of Ishpeming, held on the 11th day of December, 1985, the Chairman requested the members of the Charter Revision Commission to authenticate said resolution and also the copy of the proposed revised Charter to be presented to the Governor and filed with the City Clerk, by attesting their names thereto in the following manner:

Attested by Commissioners:

Mary Lou Simons, Chairman	Donna Nault
Jean N. Crothers, Secretary	Thomas Solka
John Jackson*	Frank Valente
E. Harry Jacobson	Gary Vidlund
Seth Johnson	

*Mr. Jackson served on the Commission through its deliberations, but upon election to the Ishpeming City Council on April 1, 1985, he resigned from the Charter Revision Commission.

All of the Commissioners having attested as to said resolution as above and also having attested the copy to be signed by the Governor, the meeting adjourned subject to the call of the Chairman.

STATE OF MICHIGAN)
) SS:
COUNTY OF MARQUETTE)

JEAN N. CROTHERS, Secretary of the Charter Resolution Commission of the City of Ishpeming, being duly sworn, says that an election was duly called and held in the City of Ishpeming on the 4th day of April, 1983, and that following said election the following named person were duly elected and appointed as a Commission to revise the Charter for the City of Ishpeming, namely: Mary Lou Simons, Jean N. Crothers, John Jacson, E Harry Jacobson, Seth Johnson, Donna Nault, Thomas Solka, Frank Valente, and Gary Vidlund.

And that the annexed and foregoing revised Charter was duly framed and adopted by said Charter Revision Commission by the foregoing resolution which is a true and correct copy thereof, and that the said Charter Revision Commission directed that said revised Charter be presented to the electors of the City of Ishpeming in accordance with the requirements of the Laws of the State of Michigan which provide therefor.

Further deponent says not.

Jean N. Crothers
Secretary of the Charter Revision
Commission of the City of Ishpeming

Dated: December 11, 1985

Subscribed and sworn to before me this 11th day December, 1985.

D. Jean Novak
Notary Public, Marquette County, Michigan
My commission expires October 18, 1987

I do hereby certify that the above and foregoing is a true copy of the proposed revised Charter of the City of Ishpeming which has this day been approved by the Charter Revision Commission of the City of Ishpeming.

Dated: December 11, 1985

Jean N. Crothers
Secretary of the Charter Revision
Commission of the City of Ishpeming

I do hereby approve the above and foregoing revised Charter of the City of Ishpeming.

James J. Blanchard
Governor of the State of Michigan

Dated: February 19, 1986

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