

## PREAMBLE

“We, the People of the City of Saint Louis, grateful to Almighty God for the blessings of freedom, and earnestly desiring to secure these blessings, pursuant to authority granted by the Constitution and laws of the State of Michigan, including the Home Rule City Act 279 of 1909, as amended, MCL 117.1, et seq., MSA 5.2071, et seq., in order to secure the benefits of efficient self government and to promote our common welfare, do hereby ordain and establish this Charter.

## **CHAPTER I.**

### **Incorporation-Boundaries-Definitions-General Provisions**

#### **INCORPORATION**

SECTION 1.1-The Municipal Corporation now existing and known as The City of Saint Louis shall be and continue a municipal corporation under the name of City of Saint Louis.

#### **BOUNDARIES**

SECTION 1.2-The City shall embrace the territory constituting the City of Saint Louis on the effective date of this Charter, together with such annexations thereto and less such detachments therefrom as may be made thereafter. Upon annexation or detachment of territory, the boundaries shall be deemed changed without amendment to this section.

The clerk shall maintain and keep available in his office for public inspection the official description and map of the current boundaries of the city.

#### **DEFINITIONS AND INTERPRETATIONS**

SECTION 1.3-Except as otherwise specifically provided or indicated by the context of this chapter:

- (a) All words indicating the present tense shall not be limited to the time of the adoption of this Charter but shall extend to and include the time of the happening of any event or requirement for which provision is made herein.
- (b) The singular number shall include the plural, the plural number shall include the singular and the masculine gender shall extend to and include the feminine gender.
- (c) The word "person" may extend and be applied to bodies politic and corporate and to partnerships as well as to individuals.
- (d) The word "printed" and "printing" shall include reproduction by printing, engraving, stencil duplicating, lithographing or similar method.
- (e) Except in reference to signatures, the words "written" and "in writing" shall include printing and typewriting.
- (f) The word "officer" shall include the Mayor and other members of the Council, the administrative officers, deputy administrative officers, members of the City boards and commissions created by or pursuant to this Charter.
- (g) The word "statute" shall denote the Public Acts of the State of Michigan as they are in effect at the time the provision containing the word "Statute" is to be applied.
- (h) The word "Constitution" shall denote the Constitution of the State of Michigan as it is in effect at the time the provisions containing the word "Constitution" is to be applied.
- (i) All the references to specific Local or Public Acts shall be to such Local or Public Acts of the State of Michigan as they are in effect at the time the reference to such act is to be applied.

- (j) The words “law” or general laws of the “State” shall denote the Constitution and statutes of Michigan as herein defined and applicable common law.
- (k) All references to section numbers shall refer to section numbers of this Charter.
- (l) The word “plant” shall include all wiring, poles, pipes and all other assets appurtenant to the utility.

#### **RECORDS TO THE PUBLIC**

SECTION 1.4-All papers, books or other records of any matter pertaining to the conduct of the affairs of the City shall be public records, unless otherwise provided by law, shall be kept in City Offices, except when required for official reasons or for purposes of safe keeping to be elsewhere, and shall be available at City Offices for inspection, copying, or reproduction pursuant to the Freedom of Information Act, 442 of 1976, as amended.

#### **QUORUM**

SECTION 1.5-Except as otherwise expressly provided in this Charter, a quorum of any board, commission or council, created by or under the authority of this Charter, shall consist of a majority of the number of its members, as established by this Charter or by the Ordinance creating such board, commission or council.

#### **SATURDAY, SUNDAYS, AND HOLIDAYS**

SECTION 1.6-Except as otherwise expressly provided in this Charter, whenever the date fixed by law or ordinance for the doing or completion of any act falls on a Saturday, Sunday or a legal holiday, such act may be done or completed on the next succeeding day, which is not a Saturday, a Sunday or a legal holiday.

#### **PENALTIES FOR VIOLATION OF CHARTER**

SECTION 1.7-Any person convicted or found responsible for any violation of this Charter or any Ordinance enacted pursuant to this Charter, shall be guilty of a misdemeanor or responsible for a civil infraction, as the case may be. The penalty for conviction of a misdemeanor shall not exceed a fine of \$500.00 or imprisonment for 90 days, or both. The penalty for a finding of responsibility for a civil infraction shall not exceed \$500.00.

#### **SEVERABILITY OR CHARTER PROVISIONS**

SECTION 1.8-If any provision, section, or clause of this Charter, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect any remaining portion or application of the Charter, which can be given effect without the invalid portion or application, and, to this end, this Charter is declared to be severable.

#### **LIBERAL CONSTRUCTION**

SECTION 1.9-It was the intent of the Charter Commission in drafting this Charter and of the electors of the City of Saint Louis in adopting it that the provisions of this

Charter should be liberally construed so as to afford a maximum of local self government in accordance with the spirit and intent of the Michigan Constitution and with the home rule history and traditions of cities in Michigan.

## **CHAPTER II.**

### **POWERS OF THE CITY**

SECTION 2.1-The City shall have all powers, privileges and immunities possible for a city to have under the constitution and laws of this state, including the Home Rule City Act 279 of 1909 as amended, as fully and completely as though they were specifically enumerated in this Charter. The powers of the City under this Charter shall be construed liberally in favor of the City, and specific mention of particular power in the Charter shall not be construed as limiting in any way the general power stated in this chapter.

### **CONTINUATION OF RIGHTS, LIABILITIES AND ORDINANCES**

SECTION 2.2-The adoption of this Charter shall not be regarded as discharging, impairing or limiting any right vested in or liability incurred by the City of St. Louis at the time of the adoption of this Charter. All licenses, contracts and franchises granted by the City of St. Louis and in force when this Charter becomes law, shall remain in full force and effect until the times for which they were respectively granted have expired, or until any such licenses or franchises may have been taken over by the City by purchase, condemnation, grant or otherwise. All ordinances and amendments thereto in effect when this Charter becomes law, shall remain in full force and effect until the same are repealed and/or amended by the regular constituted authority of the City.

## **CHAPTER III.**

### **Elections**

#### **WARDS**

SECTION 3.1-The City of Saint Louis shall consist of one single ward.

#### **PRIMARIES**

SECTION 3.2-Non-Partisan City Primary elections shall be held on the first Tuesday following the first Monday in August of each odd numbered year. If upon the expiration of the time for filing nominating petitions for any elective city office, it appears that petitions have been filed for no more than two times the number of candidates for such office to be filled at the next city election, then no primary election shall be held with respect to such office and the City Clerk shall publish notice of such fact. City primaries shall be held jointly with the state primaries whenever practicable.

#### **ELECTIONS**

SECTION 3.3-A non-partisan City election shall be held on the first Tuesday after the first Monday of November each odd numbered year. Special elections shall be held when called by resolution of the City Council at least 49 days in advance of such

special election or when required by the Charter or the General Laws of the State; provided, however, that no more than two special elections shall be conducted in any year. Such resolution shall set forth the purpose of the election.

### **NOMINATING PETITIONS**

SECTION 3.4-Candidates for all elective offices shall be nominated by petitions. The petitions shall comply with the requirements of the Michigan Election Law, shall be signed by not less than one percent (1%) nor more than four percent (4%) of the registered electors of the City and shall be filed with the City Clerk not later than four o'clock in the afternoon on the 12<sup>th</sup> Tuesday prior to the date of the primary election. Blank petitions shall be provided by the City Clerk and shall be furnished by him upon request. No person shall sign his name to a greater number or petitions for any City Office than there are offices to be filled at the following regular City Election.

### **APPROVAL OF PETITIONS**

SECTION 3.5-The City Clerk shall accept for filing only such nominating petitions for qualified candidates as shall comply with the requirements of Section 3.4 hereof and contain the required number of signatures. The City Clerk shall, within three (3) days after the final date determine the sufficiency of signatures on each petition filed, and, if he finds any petition does not contain the required number of official signatures of registered electors, he shall immediately notify the candidate in writing of the insufficiency of his petition by certified mail unless delivered personally. Any candidate whose petitions are found to be invalid or insufficient shall be allowed to file supplementary or replacement petitions before four o'clock in the afternoon on the 6<sup>th</sup> day after the last date for filing original petitions. Petitions which are found by the City Clerk to contain the required number of signatures of registered electors for qualified candidates shall be marked "Approved", with the date thereof. All nomination petitions retained in the office of the City Clerk are public records and shall be open to inspection, and may be duplicated, as provided by statute, including the Freedom of Information Act, MCL 15.231, et seq., MSA 4.1801 (1), et seq.

### **LAW GOVERNING ELECTIONS AND REGISTRATION**

SECTION 3.6-The general election law of the State shall apply to and control, as near as may be, all procedure as well as substantive questions relating to registration, primaries and elections, including the publication of notice. In the event of any conflict between State Law and this Charter, State Law shall be deemed to prevail, unless such State Law contains specific provision deferring to local government. In any circumstances where the application of said laws may be uncertain, the election commission shall construe the same and prescribe the procedure.

### **CANVASS OF VOTE**

SECTION 3.7-The County Board of Canvassers shall canvass the votes at all elections under this Charter, and shall determine the vote upon all questions and propositions and declare whether the same have been adopted or rejected and what persons have been elected at such election. The candidate or candidates (where more

than one is to be elected to the same office) who shall receive the greatest number of votes shall be declared elected.

### **TIE VOTE**

SECTION 3.8-If, at any City Primary or Election, there shall be no choice between candidates by reasons of two (2) or more persons having received an equal number of votes, then the Board of Canvassers shall name a date for the appearance of such persons for the purpose of determining the nomination or election of such candidates by lot as provided by State Law.

### **ELECTION COMMISSION**

SECTION 3.9-The Election Commission shall consist of the City Clerk, the Chief of Police and the Mayor. The City Clerk shall be chairman. The commission shall appoint the inspectors of election and fix their compensation and shall perform all of the duties required of the City Election Commission by the State Law or this Charter.

### **VOTING HOURS**

SECTION 3.10-The polls of all Elections shall be opened and closed at the time prescribed by State Law.

### **RECALL**

SECTION 3.11-Any elective officer may be removed from office by the electors in the manner provided by the general laws of the state. A vacancy created by the recall of any elective officer shall be filled by election in the manner prescribed by law.

### **INITIATIVE AND REFERENDUM**

SECTION 3.12-An ordinance may be initiated by petition, or a referendum on an ordinance enacted by the Council may be had by a petition filed prior to thirty (30) days subsequent of the ordinance, as hereinafter provided.

### **PETITIONS**

SECTION 3.13-An initiatory or referendary petition shall be signed by registered electors equal in number of (10) percent of those registered at the last general municipal election prior to the filing of the petition. The petition shall be filed with the City Clerk who shall determine within five (5) days the sufficiency thereof and so certify. If found insufficient fifteen (15) days shall be allowed for the filing of supplemental petitions. When found sufficient, the City Clerk shall present the petitions to the Council at its next regular meeting. In determining the sufficiency of said petitions the Clerk shall be guided by the election laws of the State of Michigan.

### **COUNCIL PROCEDURES**

SECTION 3.14-Upon receiving an initiatory or a referendary petition from the City Clerk, the Council, within thirty (30) days; shall either: (a) if it be an initiatory petition, adopt the ordinance; (b) if it be a referendum petition repeal the ordinance; (c) or determine to submit the proposal to the electors.

Should the council decided to submit the proposal to the electors; it shall be submitted at the next election held in the City for any other purpose or in the discretion of the Council at a special election. The result shall be determined by the majority votes of the electors voting thereon except in cases where otherwise required by law.

### **GENERAL PROVISIONS**

SECTION 3.15-The certification by the City Clerk of the sufficiency of a referendary petition shall automatically suspend the ordinance in question pending repeal by the Council or final determination by the electors as the case may be. An ordinance adopted by the electorate may not be amended or repealed by the Council for a period of two (2) years, and then only by the affirmative vote of four (4) Councilmen. Should two (2) or more ordinances adopted at the same election have conflicting provisions, the one receiving the highest affirmative vote shall prevail as to those provisions.

### **OATH OF OFFICE**

SECTION 3.16-Every person elected or appointed to any city office, before entering upon the duties of the office, shall take and subscribe to an oath or affirmation of office as provided by general law, which shall be filed and kept in the office of the City Clerk.

### **NOTICE OF ELECTION OR APPOINTMENT**

SECITON 3.17-Written notice of election or appointment of any City officer shall be mailed by certified mail to him at his address in the City by the City Clerk within forty-eight (48) hours after the appointment is made or the vote canvassed. If within ten (10) days from the date of the notice, such officer shall not take, subscribe to and file with the City Clerk an oath or affirmation of office, such neglect shall be deemed a refusal to serve and the office shall thereupon be deemed vacant, unless the Council shall extend the time in which such officer may qualify.

### **QUALIFICATIONS**

SECTION 3.18-No person shall be elected to any office of the City unless such person shall be an elector of the City, except as otherwise provided in this Charter. No person shall be appointed by the City Council to any office unless such person be an elector of the City, except as otherwise provided in this Charter.

## **CHAPTER IV.**

### **Governing Body**

#### **THE COUNCIL**

SECTION 4.1-The Council shall consist of four (4) members and the Mayor, each nominated and elected at large, and shall be vested with all legislative powers of the City except as otherwise provided by State Law and this Charter. The City Clerk shall be Clerk of the Council.

#### **TERM OF OFFICE**

SECTION 4.2-At all regular City elections, two persons shall be elected to the City Council. The candidate receiving the highest number of votes and the candidate receiving the second highest votes shall hold office for four years. The term of Councilmen shall begin the first day of January following their election.

### **QUALIFICATIONS**

SECTION 4.3-Members of the City Council shall be qualified electors of the City of St. Louis.

### **VACANCIES**

SECTION 4.4-A vacancy occurring in the Council shall be filled within thirty days by a majority vote of the remaining Council members. If the vacancy occurs in the office of a Council member whose term is not then expiring, an election shall be held at the regular City election to elect a person to fill out the remainder of the unexpired term. Provided that if the vacancy occurs within 60 days of the next regular City election in the office of a Council member whose term is not then expiring, no successor shall be elected, but the appointee shall serve until the first meeting of the new Council at which meeting the new Council shall appoint a successor to fill out the remainder of the unexpired term. All appointees to the office of Council member shall have the same qualifications as are required of elected Council members.

- (a) Vacancies: The office of a Council member shall become vacant upon his or her death, resignation, removal from office in any manner authorized by law or forfeiture of his or her office.
- (b) Forfeiture of office: A Council member shall forfeit his or her office upon the occurrence of one or more of the following events before the expiration of the term of office:
  - (i) Lacks at any time during his or her term of office any qualification for the office prescribed by this Charter or by Law;
  - (ii) Violates any express provision of this Charter;
  - (iii) Is convicted of a crime involving moral turpitude;
  - (iv) Fails to attend three consecutive regular meetings or at least 25 percent of meetings during a calendar year without being excused by the Council.

In the event that two (2) or more vacancies on the City Council exists simultaneously, or in the event three (3) or more positions on the City Council are either vacant or filled by appointment, there shall be held, as soon as practicable, a special election and all said vacancies and appointed offices shall be filled thereby for the remainder of their respective terms.

### **MAYOR**

SECTION 4.5-The Mayor shall be elected by the electors of the City of St. Louis, voting at large. The Mayor shall be elected for a term of two years. At its first meeting in January following the election, the City Council shall choose one of its members to serve as Mayor Pro Tem. In the event of a vacancy occurring in the office of the Mayor, the Mayor Pro Tem shall assume the office of Mayor; the Council shall elect another of its members to serve as Mayor Pro Tem for the unexpired term. The Mayor shall be the

official head of the City for all ceremonial purposes, for the purpose of military law and for all other purposes required by the law. He or she shall preside at all meetings of the Council and may speak and vote at such meetings as any other member of the Council, but shall not have the power to veto. The Mayor Pro Tem shall act in the absence or disability of the Mayor.

## **COMPENSATION**

SECTION 4.6-The compensation of all elected officials of the City shall be determined by a local officer's compensation commission, which shall be created and established by Ordinance pursuant to MSA 5.2084 (c), MCL 117.75c. Provided, however, that the compensation of an elected official shall not be adjusted more frequently than once every four years.

## **CHAPTER V.**

### **Legislation**

## **REGULAR MEETINGS**

SECTION 5.1-The Council shall meet at the official Council Chamber at 7:00 p.m. on the first Monday following the first Sunday of January following each regular City election at which session newly elected Councilmen shall assume the duties of their office. Regular meetings shall be held at least twice each month providing not less than ten (10) days or more than twenty (20) days apart. The Council shall designate by Resolution at the first meeting following each election which days of the month shall be meeting days. With a three-fifths vote of all Councilmen a new resolution may be introduced to provide another meeting day with at least thirty (30) days of advance notice posted on City Hall Bulletin Board.

## **SPECIAL MEETINGS**

SECTION 5.2-Special meetings shall be called by the City Clerk or his deputy on the written request of the Mayor or Manager of any three (3) Councilmen on at least six (6) hours notice to each Councilmen and the news media, served personally or left at his regular place of residence; but any special meetings shall be a legal meeting for all purposes without such notice if all Councilmen are present thereat or have waived notice thereof in writing. The notice of the special meeting shall state the purpose thereof.

## **RULES**

SECTION 5.3-The Council may, by a majority vote of those present, compel the attendance of its members and other officers of the City at its meetings and enforce orderly conduct therein. Except as otherwise provided in this Charter, every Councilman shall vote on all questions. Upon all votes which are not unanimous, the "yea" or "nay" vote of each member shall be recorded by roll call, but where the vote is unanimous, it shall be only necessary to so state. The Council shall determine its own rules, and shall keep a journal of its proceedings in the English language which shall be signed by the City Clerk. All regular and special meetings of the Council shall be conducted at a public meeting held in compliance with the Open Meetings Act, Act 267 of the Public Acts of

1976, as amended, being Section 15.261-15.275 of the Michigan Compiled Laws. A summary of the Council proceedings at each meeting shall be prepared by the City Clerk and published in an official newspaper. The Council may appoint and establish temporary or special committees as and when such appointments are deemed necessary by the Council. Such committees shall be advisory only and shall consist of not more than two Council members in addition to any other city staff or administrative employees the Council may deem necessary for the operation of such committees.

### **ORDINANCES**

SECTION 5.4-Legislation shall be by ordinance. Each ordinance shall be identified by a number and a short title. The style of all ordinances shall be “The City of Saint Louis Ordains”. The effective date of an ordinance shall be prescribed therein. At least two (2) weeks shall elapse between the introduction and the enactment of an ordinance; enactment shall require the affirmative vote of not less than three (3) Councilmen and the effective date shall not be not earlier than thirty (30) days after enactment; except that ordinances immediately necessary for the preservation of the public peace, health or safety may be enacted on the date of introduction and given immediate effect by the affirmative vote of not less than four (4) Councilmen. No ordinance shall be amended by reference to its title only, but the sections amended shall be enacted in full. An ordinance may be repealed by reference to its number and title only. No ordinance shall become effective until after publication of the same in one issue of the official newspaper of the City. All ordinances shall be in accordance with the Code of ordinances of the City.

### **ORDINANCE RECORD**

SECTION 5.5-All ordinances and the dates of introduction and enactment and the vote thereon, shall be recorded by the City Clerk in a book to be called “The Ordinance Book”, and it shall be the duty of the Mayor or the City Clerk to authenticate such records by their official signatures. All ordinances when enacted shall be forthwith published by the City Clerk in one issue of an official newspaper, and he shall enter his certificate as to the manner and the date of publication under each ordinance in the ordinance book.

### **COMPILATION AND REVISION**

SECTION 5.6-The Council may, by resolution, order a general revision and compilation of ordinances which may include new ordinances. Such revision and compilation when completed and acceptable to the Council, shall be adopted by appropriate ordinances which shall also designate when such revised ordinances and compiled ordinances, together with such new ordinances that may have been adopted shall become effective. Copies of the Code and individual ordinances that may have been adopted shall become placed in the library and public offices for free public reference and made available for purchase by the public at a reasonable place fixed by the Council.

## **CHAPTER VI.**

## **Administrative Service**

### **CITY CLERK**

SECTION 6.1-The City Council shall appoint a City Clerk who shall hold office for an indefinite term. The compensation of the Clerk shall be fixed by the City Council. The Clerk may be removed by a vote of three Councilmen but only for causes stated in the resolution of removal. When such a resolution is passed by the Council, a copy thereof shall be served on the Clerk and the Clerk may, within ten (10) days, demand a public hearing before the Council and the removal shall not be effective until after the hearing is held. The Clerk may be suspended from duty immediately upon passage of the resolution but his pay shall continue for thirty (30) days thereafter. The Council shall appoint a Clerk as soon as practicable after a vacancy occurs.

### **POWERS AND DUTIES**

- (a) The City Clerk shall be the clerk of the City Council, shall attend all meetings of the Council and shall keep a permanent journal of its proceedings. He shall keep a record of all ordinances, resolutions and regulations of the Council.
- (b) He shall be custodian of the City Seal, and shall affix it to all documents and instruments requiring the Seal, and shall attest the same.
- (c) He shall be custodian of all papers, documents, and records pertaining to the City of Saint Louis, the custody of which is not otherwise provided for.
- (d) He shall certify by his signature all ordinances and resolutions enacted or passed by the City Council.
- (e) The Clerk shall be the general accountant of the City and shall devise and maintain for the City an accounting procedure adequate to record in detail all transactions affecting the requisition, custodianship and disposition of values, including cash receipts and disbursements and all revenues accrued and liabilities incurred.
- (f) He shall perform such other duties in connection with his office as may be required by state or federal law, this Charter, the ordinances or resolutions of the City Council.

### **CITY TREASURER**

SECTION 6.2-The Treasurer shall be appointed by the Council at the same time and in like manner as the Clerk. Provided that the Council may, at its option, combine the office of Treasurer with that of the Clerk in one and the same person. The Treasurer shall be subject to removal by the same procedure as the Clerk, and a person removed as either Treasurer or Clerk while holding both offices will automatically vacate both offices upon removal.

### **POWERS AND DUTIES**

- (a) The Treasurer shall have the custody of all monies of the City of Saint Louis, and all evidences of value belonging to the City, or held in trust by the City.
- (b) He shall keep and deposit all monies or funds in such manner and only in places as the Council may determine. He shall report the same in detail to the Clerk.

- (c) He shall have such powers, duties and prerogatives in regard to the custodian and custody of State, County, School District, and City Taxes and monies as are conferred by law to enforce the collection of State, County, Township, and School District taxes upon real and personal property.
- (d) He shall perform such other duties as may be prescribed of him by state or federal law, this Charter, the ordinances or resolutions of the City Council.

### **CITY ASSESSOR**

SECTION 6.3-The City Manager with the consent of the Council shall appoint a City Assessor. The City Assessor shall possess all the powers vested in and shall be charged with all the duties imposed upon assessing officers by the general laws of the State. He shall make and prepare all regular and special assessment rolls in the manner prescribed by this Charter and the general laws of the State. He shall perform such other duties as may be prescribed for him in this Charter or by the City Manager. The City Assessor need not be an elector of the City.

### **CITY ATTORNEY**

SECTION 6.4-The City Manager, with the consent of the Council, within sixty (60) days of its first meeting in January following the regular City Election, shall appoint a City Attorney, who shall be a member of the State of Michigan, and they shall determine his compensation. The City Attorney need not be an elector or resident of the City. The attorney shall serve at the pleasure of the Council for a term of two (2) years, unless sooner terminated by a vote of a majority of the members of the Council. Such removal may be made without notice and shall have immediate effect. Should such removal occur, or should the City Attorney die or resign, the City Manager, with the consent of the Council, shall as soon as practicable, appoint a new City Attorney to complete his term of office.

- (a) The City Attorney shall act as legal advisor to and Attorney and Counsel for the Council and all its members in matters relating to their official duties.
- (b) He 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 matters 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) He shall perform such other legal duties as may be prescribed by this Charter or by the City Council.

### **CITY MANAGER**

SECTION 6.5-The Council shall appoint a City Manager for an indefinite term, and set his compensation. He shall be the chief administrative officer and the head of the administrative branch of the city government. The Manager need not be an elector or resident of the City or the State at the time of his appointment. The City Council shall require the City Manager to become a resident as a condition of his employment. The

Council may designate a qualified administrative officer of the city to perform the duties of the Manager during his absence or disability.

### **QUALIFICATIONS**

SECTION 6.6-The Manger shall be chosen solely on the basis of his executive and administrative qualifications with special reference to his training and actual experience in municipal administration. No member of the Council shall be eligible for appointment as a manager until two (2) years subsequent to the termination of his service on the Council.

### **REMOVAL**

SECTION 6.7-The Manager may be removed by a majority vote of the members of the Council as herein provided, except that no Manager who has been in the service of the City for one (1) or more years prior to a regular city election shall be removed within the ninety (90) days subsequent to such election unless by a four-fifths vote of the members of the Council. At least thirty (30) days before removal of the Manager, the Council shall adopt a resolution stating its intention to remove him and the reasons thereof, a copy of which shall be served forthwith on the Manager. Upon passage of a resolution stating the Council's intention to remove the Manager, the Manager may, within ten (10) days, demand a public hearing before the Council and the removal shall not be effective until after the hearing is held. The Council may suspend him from duty, but his pay shall continue until his removal. The action of the Council in removing the Manager shall be final.

### **GENERAL FUNCTIONS AND DUTIES OF THE CITY MANAGER**

SECTION 6.8-The City Manager shall have the following functions and duties:

- (a) He shall see that all laws, provisions of this Charter and acts of the Council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed;
- (b) Enforce all city contracts and franchises, works and undertakings;
- (c) Supervise all public utilities, improvements, work and undertakings;
- (d) Attend all meetings of the City Council and take part therein but without a vote;
- (e) Prepare, submit and administer the annual itemized budget, and to 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 of limitations hereinafter made;
- (g) Conduct all sales of personal property which the City Council may authorize to be sold as having become unnecessary or unfit for City use;
- (h) Recommend to the City Council for adoption, such measures as he may deem necessary or expedient;
- (i) Shall be a member ex-officio of all committees of the Council;
- (j) Shall be responsible for the City Council for the efficient administration of all City departments and utilities;
- (k) Perform such other duties as the City Council may direct that naturally pertain to the general management of the City affairs, and he shall 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 6.9-Except those officers appointed by the Council as herein provided, the Manager shall have the power to appoint and remove, subject to the provisions of this Charter, all officers and employees in the administrative service of the City, but the Manager may authorize the head of a department or office responsible to him to appoint and remove subordinates in such departments or office. The appointments made by or under 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 such appointments shall be without definite terms unless for provisional, temporary or emergency service not to exceed the maximum periods which may be prescribed by personnel regulations, provided that any city employee now under contract with the City shall be retained until the expiration of a said contract.

The Manager shall appoint such officers and heads of departments as may be deemed necessary by the City Council. The powers and duties of these officers and heads of department shall be those prescribed by State Law, by Charter and by Ordinance. The compensation of the officers and employees shall be fixed by the Council.

### **COUNCIL NOT TO INTERFERE IN APPOINTMENTS OR REMOVALS**

SECTION 6.10-Neither the Council nor any of its committees or members shall direct or request the appointment or removal of any city employee whom the City Manager or his subordinates are empowered to appoint. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the Manager, and neither Council nor any member thereof shall give orders to any subordinate of the Manager either publicly or privately. Any violation of the provisions of this section by a Councilman shall be misconduct in office.

## **Administrative Departments**

### **CREATION OF DEPARTMENTS**

SECTION 6.11-(a) The Council may, by ordinance, establish city departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this Charter to a particular department, office or agency may be discontinued or, unless this Charter specifically so provides, assigned to any other.

#### **(c) Direction by Manger**

- (i) All departments, offices and agencies under the direction and supervision of the Manager shall be administered by an officer appointed by and subject to the direction and supervision of the Manager. With the consent of Council, the Manager may serve as the head of one or more such departments, offices or agencies or may appoint one person as the head of two or more of them.

## **PURCHASING PROCEDURE**

SECTION 6.12-The Council shall prescribe by ordinance a general framework of necessary procedures governing financial and contractual dealing with the City. Such ordinance shall include a maximum consideration below which purchases may be made by the City Manager either without specific authorization from the Council, or without the necessity of competitive bidding, or both. In addition, such ordinance shall include a requirement that in all cases of contract by competitive bidding, the Council shall reserve the right to reject any and all bids submitted and provisions for such rejection and notice of such right of rejection shall be incorporated in all requests for bids.

## **INVESTIGATIONS**

SECTION 6.13-The Council, or any person or committee authorized by it, shall have power to inquire into the conduct of any department, office or officer of the City and to make investigation as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers, or other evidence. Failure to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this section shall be considered misconduct in office.

## **BOARD OF REVIEW**

SECTION 6.14-The Mayor and four (4) electors shall be appointed by the City Council in January of each year for one-year terms. They shall constitute a Board of Equalization and Review of the general assessment role of the City, a majority of whom shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day. The powers and duties of the Board of Review shall be provided by Section 9.4 of the City Charter. The compensation of the members shall be set by ordinance.

## **CHAPTER VII.**

### **General Finance: Budget Procedure**

#### **FISCAL YEAR**

SECTION 7.1-The fiscal year of the City shall begin the first day of July and end on the last day of June. Such year shall constitute the budget year of the City Government.

#### **TAX BUDGET PROCEDURE**

SECTION 7.2-The City Manager shall prepare a complete itemized tax budget proposal for the next fiscal year as provided for in this Charter, and shall submit it to the City Council on or before the first regular meeting of the City Council in the month of May.

#### **TAX BUDGET DOCUMENT**

SECTION 7.3-The proposed budget documentation shall present a complete financial plan for the ensuing fiscal year shall include the following information:

- (a) Detailed estimates of all proposed expenditures for each department and office of the City, showing the expenditures for corresponding items for the current and at least the last preceding fiscal year, with reasons for increases and decreases recommended, as compared with appropriations for the current year.
- (b) An estimate of all capital projects pending, or which the City Manager or the City Council believes should be undertaken (1<sup>st</sup> within the budget year and 2<sup>nd</sup> within the next year), 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 the operating costs of each capital construction project for three years beyond the fiscal year covered by the budget.
- (c) Statements of the bonded and other indebtedness of the City, showing the debt redemption and interest requirements, the debt authorized and unissued, and the condition of sinking funds, if any.
- (d) Detailed estimates of all the anticipated income of the city from sources other than taxes and borrowing, with comparative statements of the amounts received by the City from each of the same or similar sources for the last preceding and current fiscal years.
- (e) A statement of the estimated balance or deficit, as the case may be, for the end of the current fiscal year.
- (f) An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which, with income from other sources, will be necessary to meet the proposed expenditures.
- (g) Such other supporting schedules as the City Manager may deem necessary or the City Council may require.

### **TAX BUDGET HEARING**

SECTION 7.4-A public hearing on the proposed tax budget shall be held before its final adoption, at such time and place as the City Council shall direct, and notice of such public hearing shall be published at least one week in advance by the City Clerk. A copy of the proposed budget shall be on file and available to the public during office hours at the City Clerk's office for a period of not less than one week prior to such public hearing.

### **REVIEW OF TAX BUDGET**

SECTION 7.5-The Council shall review the proposed budget and may make such modification thereof as it shall deem advisable. Not later than the first regular meeting in June, the Council shall by resolution, adopt the tax budget for the next fiscal year, and shall, in such resolution, provide for a levy of the amount necessary to be raised by taxation upon real and personal property for municipal purposes. Said levy shall not exceed 15 mills of the assessed valuation of all real and personal property subject to taxation in the City.

### **DISBURSEMENT OF FUNDS**

SECTION 7.6-No funds of the City other than petty cash shall be disbursed except by check. The City Council shall, by ordinance or resolution establish a procedure for making all disbursements.

#### **CONTROL OF APPROPRIATIONS**

SECTION 7.7-After the budget has been adopted, no money shall be drawn from the treasury of the City nor shall any obligation for the expenditure of money be incurred, except pursuant to the budget appropriation which shall be approved by Council Resolution. The balance in any appropriation which has not been encumbered at the end of the fiscal year shall revert to the general fund and be reappropriated during the next fiscal year.

#### **TRANSFER OF APPROPRIATION**

SECTION 7.8-The Council may transfer any unencumbered appropriation balance, or any portion thereof, from one department fund or agency to another but only after a public hearing.

#### **TAX BUDGET CONTROL**

SECTION 7.9-At the beginning of each quarter period during the fiscal year, and more often if required by the City Council, the City Manager shall submit to the City Council data showing the relation between the estimated and actual income and expenses to date, and if it shall appear that the income is less than anticipated, the City Council shall reduce appropriations, except amounts required for debt and interest charges, to such degree as may be necessary to keep expenditures within cash income. If the revenues exceed the amounts estimated in the budget, the City Council may make supplemental appropriations, after a public hearing as hereinbefore provided.

#### **DEPOSITORY**

SECTION 7.10-The City Council shall designate the depository of depositories for City Funds and shall provide for the regular deposit of all City moneys. The City Council shall provide for such security for City deposits as is authorized and permitted by the general laws of the State, except the personal surety bonds shall not be deemed proper security.

#### **INDEPENDENT AUDIT**

SECTION 7.11-An independent audit shall be made of all accounts and financial records of the City annually and more frequently if deemed necessary by the City Council. Such audit shall be made by certified public accountants experienced in municipal accounting within ninety (90) days following the close of each fiscal year. The results of such audit shall be made public in such manner as the City Council may determine. An annual report of the City business shall be made available to the public for publication in the official newspaper, in such form as will disclose pertinent facts concerning the activities and finances of the City government.

### **CHAPTER VIII.**

## **General Finance: Borrowing Power**

### **GENERAL BORROWING**

SECTION 8.1-Subject to the applicable provisions of State Law and the Constitution of the State of Michigan, the City Council, by resolution, may authorize the borrowing of money for any purpose within the scope of the powers vested in the City and the issuance of bonds of the City or other evidence of indebtedness therefor, and may pledge the full faith, credit and resources of the City for the payment of the obligation created thereby.

### **SPECIAL ASSESSMENT BONDS**

SECTION 8.2-The City Council shall, subject to the applicable provisions of the general laws of the State, have authority to borrow money in anticipation of the payment of special assessments made for the purpose of defraying the cost of any public improvements, or in anticipation of the payment of any combination of such special assessments, and to issue bonds or other legal obligations therefor. Such special assessments bonds may be an obligation of the special assessment district or districts and a general obligation of the City. All collections on each special assessment roll or combination of rolls shall be set apart in a separate fund and in a separate bank account for the payment of the principal and interest of the bonds issued in anticipation of the payment of such special assessments, and shall be used for no other purpose.

### **OTHER BONDS**

SECTION 8.3-The City Council shall have power to issue revenue or other types of bonds in the manner and for the purposes permitted by the constitution of the State of Michigan or by State Law.

### **PREPARATION AND RECORD**

SECTION 8.4-Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which the same is issued and it shall be unlawful of an officer of the City to use the proceeds thereof for any other purpose, and any officer who shall violate this provision shall be deemed guilty of misconduct in office. All bonds and other evidence 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 City Clerk. A complete and detailed record of all bonds and other evidences of indebtedness issued by the City shall be kept by the City Clerk. Upon payment of any bond or other evidence of indebtedness, the same be marked "Canceled".

### **TIME LIMIT ON BOND ISSUES**

SECTION 8.5-Any bonding issue approved by the people in a general or special election must be issued and sold within two (2) years after such election is held, unless otherwise provided by statute including the Revenue Bond Act. Any bonds issued in pursuance of such approval, but after the expiration of such period shall be void and not binding on the City.

**INSTALLMENT PURCHASES**

SECTION 8.6-Except as otherwise provided or limited by statute, the City Council, by resolution may authorize and enter into any contract or agreement for the purchase of lands, property or equipment for public purposes, to be paid for in installments.

**CHAPTER IX.**

**General Finance: Taxation**

**POWER TO TAX**

SECTION 9.1-In order to carry out the purposes, powers, and duties of the City Government, established by this Charter or State law, the City may assess, levy and collect taxes, rent, tolls, fees and excise or specific taxes.

**ASSESSMENT DATE**

SECTION 9.2- Except as otherwise provided by State Law all property shall be assessed to the owners thereof on the last day of December in each year in which the assessment is made.

**PROPERTY SUBJECT TO TAXATION**

SECTION 9.3-An assessment of all property in the City which is subject to taxation shall be made annually by the City Assessor. Except as otherwise provided by State Law, the subject 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.

**PREPARATION OF ASSESSMENT ROLL**

SECTION 9.4-Between assessment day and the first meeting of the Board of Review in each year, the Assessor shall make and complete an assessment roll in the manner and form provided in the General Tax Law.

**MEETING OF THE BOARD OF REVIEW**

SECTION 9.5-The Board of Review shall convene on the second Monday in March of each year to review and correct the assessment roll and shall remain in session for not less than two (2) days. The Board shall have the same powers and perform the duties in all respects as are by general law conferred upon and required of Boards of Review in townships. It shall choose its own chairman and a majority of its members shall constitute a quorum.

**NOTICE OF MEETINGS**

SECTION 9.6-Notice of the time and place of the sessions of the Board of Review, shall be published by the City Clerk at least two (2) weeks prior to the second Monday in March and also by posting the same in three (3) public places in the City. Affidavits of publication and posting of said notices shall be filed with the City Clerk.

**ENDORSEMENT OF ASSESSMENT ROLL**

SECTION 9.7-After the Board shall have completed its review of the assessment roll, a majority of its members shall immediately endorse thereon and sign a statement to the effect that the same is the assessment roll of the City for the year in which it has been prepared. The omission of such endorsement shall not affect the validity of such roll. Upon the completion of said roll, the same shall be the assessment roll of the City for County, School and City taxes and for any other taxes on real or personal property that may be authorized by law and shall be conclusively presumed by all courts and tribunals to be valid and shall not be set aside except for causes set forth in the general laws of the State.

**CERTIFICATION BY ASSESSOR TO CITY CLERK**

SECTION 9.8-Within sixty days (60) days after confirmation by the Board of Review of the assessment rolls, as above provided, the City Assessor shall deliver a certified copy of his assessment roll to the City Clerk, to be filed in his office for the use of the Council, as provided by State Law.

**CERTIFICATION OF TAXES BY CITY CLERK TO ASSESSOR**

SECTION 9.9-Within three (3) days after the Council has adopted the budget for the ensuing year, the City Clerk shall certify to the Assessor the total amount which the Council determines shall be raised by general tax; all amounts of special assessments which the Council requires to be assessed or reassessed upon any property or against any person; and all other amounts which the Council may determine shall be charges, assessed or reassessed against any person or property.

**LEVY OF TAXES BY ASSESSOR**

SECTION 9.10-After the last day for the meeting of the Board of Review, the Assessor shall prepare a copy of the assessment roll to be known as the "City Tax Roll", and upon receipt of the information as to the several amounts to be raised for City taxes, special assessments and other purposes, the Assessor shall proceed forthwith to spread upon said tax roll the several amounts of the general City tax according to and in proportion to the several valuations set forth in said assessment roll and also any other amounts determined by the Council to be charged, assessed or reassessed against persons or property.

**TAXES WHEN DUE**

SECTION 9.11-City taxes shall be due on the first day of July of the year when levied. All taxes paid on or before September 14 of each year shall be collected by the Treasurer without additional charge. On September 15 he shall add to all taxes paid thereafter a collection fee of four (4) percent. Said collection fee shall belong to the City and constitute a charge and shall be a lien against the property to which the taxes themselves apply, collectible in the same manner as the taxes to which they are added.

**RETURN TO COUNTY TREASURER**

SECTION 9.12-If the City Treasurer has been unable to collect any of the City taxes on said rolls on real property before the first day of March following, he shall return all such unpaid taxes on real property to the County Treasurer in the same manner and with like effect as similar returns made by Township Treasurers. Such returns shall include all the additional charges hereinbefore provided, which charges shall in such return be added to the amount assessed in said roll against each description. The taxes thus returned to such County Treasurer are collected under the provisions of the general tax laws of the State, and the same rate of interest and all charges shall be collected thereon, and all taxes upon lands so returned as delinquent shall be and remain a lien thereon until paid. At the time of making said return the City Treasurer shall make and file in his office a copy thereof upon which he shall record subsequent collection or reassessment as returned to him by the County Treasurer.

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

SECTION 9.13-For the purpose of assessing and levying taxes in the City for state, county, school and library purposes, the City shall be considered the same as a township, and except as otherwise provided in this Charter, all provisions of state law relative to the collection of such taxes, the accounting therefor to the appropriate taxing units and the returning of taxes to the County Treasurer for nonpayment thereof shall apply to the performance thereof by the City Treasurer who shall perform the same duties and have the same powers in connection therewith as Township Treasurers.

In all matters wherein this Charter shall not fully or adequately provide for the levy and collection of the general State, County, School and other taxes, the City Council shall have power and authority to hereafter adopt such additional ordinances as may be necessary to carry out and enforce the general tax laws of the state applicable to the assessment, levy, collection, return and payment of taxes, subject, however at all times to the General Tax Law of the State.

## **CHAPTER X.**

### **Special Assessments**

#### **GENERAL POWER RELATIVE TO SPECIAL ASSESSMENTS**

SECTION 10.1-The Council shall have power to determine by resolution that the whole or any part of the expense of any public improvement be defrayed by special assessment upon the property especially benefited in proportion to the benefits derived or to be derived.

#### **DETAILED PROCEDURE TO BE FIXED BY ORDINANCE**

SECTION 10.2-The Council shall prescribe by ordinance the complete special assessment procedure governing the initiation of projects, preparation of plans and cost estimate, creation of districts, making and confirming of assessment rolls, correction of errors in the rolls, collection of assessments and any other matters concerning the making of improvements by the special assessment method.

## **CHAPTER XI.**

## **Utilities-Franchises-Permits**

### **FRANCHISES**

SECTION 11.1-All franchises heretofore granted by the City of Saint Louis and now in operation shall continue until the expiration of such franchises. All irrevocable public utility franchises and all renewals, extensions and amendments thereof shall be granted only by ordinance. No such ordinance shall be adopted before thirty (30) days after application therefor has been filed with the City Council, nor until a full public hearing has been held thereon. No such ordinance shall become effective until it has been submitted to the electors and has been approved by three-fifths (3/5ths) of the electors voting thereon. No such ordinance shall be submitted to the electors at any election to be held less than sixty (60) days after the grantee named therein has filed its unconditional acceptance of such franchise and it shall not be submitted to a special election unless the expenses of holding the election as determined by the City Council shall have been paid to the City Treasurer by the grantee. No exclusive franchise shall ever be granted for a longer term than thirty (30) years. No franchise shall be transferable, directly or indirectly, except with the approval of the City Council expressed by ordinance.

### **RIGHT OF REGULATION**

SECTION 11.2-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 explanation of accounts at any time, and to require reports annually;
- (e) To require the continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof;
- (f) To impose such other regulation as may be determined by the City Council to be conducive to the safety, welfare and accommodation of the public.

### **REGULATION OF RATES**

SECTION 11.3-All public utility franchises shall make provisions for fixing rates, fares and charges and for readjustments thereof at periodic intervals of not more than five (5) years, either by arbitration upon terms to be specifically set forth in the franchise or by any state agency, at the election of the City. The value of the property of the utility used as a basis for fixing such rates, fares and charges shall in no event include a value predicated upon the franchise, goodwill or prospective profits.

### **PURCHASE, CONDEMNATION**

SECTION 11.4-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 any value predicated upon the franchise, goodwill or prospective profits.

#### **REVOCABLE PERMITS**

SECTION 11.5-Temporary permits for public utilities, revocable at any time at the will of the City Council, may be granted by the City Council by resolution on such terms and conditions as it shall determine, provided that such permits shall in no event be construed to be franchises or amendments to franchises. Any such resolution shall be subject to the referendum provided for by this Charter.

#### **JOINT USE**

SECTION 11.6-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 of Saint Louis by other public utilities, insofar as such joint use may be reasonably practicable, upon payment of reasonable rental therefor; provided that in the absence of agreement upon application of any public utility the City Council shall provide for the arbitration of the terms and conditions of such joint use and the compensation to be paid therefor, which award shall be final.

#### **USE OF STREETS AND PUBLIC PLACES**

SECTION 11.7-The right to use, control and regulate the use of its streets, alleys, bridges, and public places, and the space above and beneath them is hereby reserved to the City, and every public utility shall be subject thereto. 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.

### **CHAPTER X11.**

#### **Municipally Owned Utilities**

#### **OPERATED FOR BENEFIT OF CITY**

SECTION 12.1-The City shall possess and hereby reserve to itself all the powers granted to cities by the Constitution and general laws of the State of Michigan to acquire, construct, own, operate, improve, enlarge, extend, repair and maintain, either within or without its corporate limits, public utilities, including but not by the way of limitation, public utilities, for supplying water, light, heat, power, gas and sewage treatment, and garbage disposal facilities, or any of them to the municipality and the inhabitants thereof; and also to sell and deliver water, light, power, gas and other public utilities, and services without its corporate limits to an amount not to exceed the limitations set by State Law and Constitution. The said municipal utilities shall be operated for the benefit of the City of Saint Louis.

#### **ADMINISTRATION OF UTILITIES**

SECTION 12.2-The City Manager of the City of Saint Louis shall be the chief administrative officer of each of these utilities or utility departments and shall have power to appoint and remove a superintendent of each or any of them and all officers and employees thereof.

#### **SEPARATE UTILITY FUNDS**

SECTION 12.3-The funds of each of the utilities or utility departments shall be kept separate from the general fund of the City of Saint Louis.

#### **RESERVE FUNDS**

SECTION 12.4-A reserve fund shall be created and maintained for each utility to provide for the replacement of old utility plant equipment and the purchase of additional plant equipment. A fund balance equal to 10% of the replacement cost of utility plant equipment shall be maintained for each utility. Such fund balance shall be maintained by setting aside up to 10% of each utilities annual gross revenue for such purpose. Withdrawals shall be by Council resolution only. Fund balances may be utilized to retire revenue bonds issued for the purpose of replacing old utility plant equipment or the acquisition of additional utility plant equipment.

#### **UTILITY REVENUES**

SECTION 12.5-The following are the purposes for which the revenues of the utilities may be used and the order in which they shall be applied to these purposes:

- (a) To pay current operating expenses and make normal repairs, improvements and expansions;
- (b) To maintain adequate sinking funds;
- (c) To maintain the reserve funds created in Section 12.4;
- (d) To maintain an adequate working balance in the general fund of the respective utilities;
- (e) To supplement the tax revenue of the City by paying surplus utility revenues into the general fund of the City.

#### **RULES AND REGULATIONS**

SECTION 12.6-Insofar as they are consistent with the provisions of this Charter, the present regulations of the various utility departments and utilities relative to rates, charges, operations, etc. shall continue in full force and effect under this Charter until changed by proper ordinances or resolution by the City Council. 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, such utilities and utility departments of the City shall have the power to render all such services to their customers as are rendered by public utilities of similar type operated in the City.

#### **ACCOUNTS AND REPORTS**

SECTION 12.7-Accounts shall be kept for each public utility owned or operated by the City, distinct from other City Accounts, and in such manner as to show the true and complete financial result of such City ownership, or ownership and operation,

including all assets, liabilities, revenues and expenses. These accounts shall show the actual cost to the City of each public utility owned, the cost of all extension, 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.

It shall be the duty of the Superintendent of each utility or utility department to make reports to the City Manager at the time designated by the City Manager of all the works under his supervision. The reports shall also provide a proper allowance for City taxes, for which due allowance shall be made for services rendered to the City, insurance, and for depreciation and obsolescence. The report shall show the condition of all reserve accounts.

The City Manager shall annually cause to be made and published for public distribution, a report showing the financial results of such ownership or ownership and operation, which report shall give the information specified in this section, and such other information as the City Manager shall deem expedient or the City Council shall require.

### **DISPOSAL OF PLANTS**

SECTION 12.8-The City shall not sell, exchange, lease, or in any way alien or dispose of the property, easements or other equipment, privilege or asset (except income) belonging to and appertaining to any utility which it may acquire, or its parks, unless and except the proposition for such purpose shall first have been submitted at a regular or special election held for the purpose in the manner provided in this Charter, to the qualified voters of the City and approved by them by a three-fifths (3/5ths) majority voted of the electors voting thereon. All contracts, negotiations, grants, leases or other forms of transfer in violation of this provision shall be void and of no effect as against the City. The provisions of this section shall not, however, apply to the sale or exchange of any real estate which is not necessary to the operation of any utility or utility department or any articles or equipment of any City owned utility as are worn out or useless, or which could with advantage to the service be replaced by new and improved machinery or equipment.

Provided, that on sale of any capital asset of a municipally owned utility, the money received shall be used in procuring a similar capital asset, or placed in the sinking fund to retire the bonds issued for said utility.

## **CHAPTER XIII.**

### **Cemeteries-Parks-Trusts**

#### **CEMETERIES**

SECTION 13.1-The City Council shall have power to enact all ordinances deemed necessary for the establishment, maintenance, and protection of cemeteries, together with the improvements thereon and appurtenances thereto, owned or hereafter acquired by the City either within or without its corporate limits. The City may cause any bodies buried within the City, in violation of any rule or ordinance made in respect to such burials to be taken up and reburied in such a manner as shall conform to the

ordinances of the City, or be buried elsewhere. In any cemetery established by the City, a plan for the platting, sale and perpetual care of all lots, plots and land therein shall be provided.

### **PARKS**

SECTION 13.2-The City shall continue to control and manage the present public parks and to lay out or establish other and additional public parks or to enlarge any existing park, either within or without its corporate limits. Such parks shall be under the jurisdiction, care and trust of the City Council which shall operate them in accordance with the laws of the State of Michigan.

### **TRUSTS**

SECTION 13.3-All trusts heretofore established for cemetery, park or other purposes shall be used and continued in accordance with the terms of the trusts. The City 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.

## **CHAPTER XIV.**

### **Public Library**

#### **PUBLIC LIBRARY**

SECTION 14.1-The City shall continue to operate and manage the City Public Library and to make such additions thereto or changes therein as the City Council may, at its discretion, deem advisable. All existing ordinances, rules and regulations of this City concerning said Library shall remain in effect until amended or repealed. The City Council shall have power to make all ordinances, rules and regulations for the management of said library as may be deemed advisable by said Council, subject only to the general Laws of the State.

## **CHAPTER XV.**

### **Acquisition-Disposition-Condemnation of Property**

#### **ACQUISITION AND USE OF PROPERTY**

SECTION 15.1-The City shall have 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 within the scope of its powers, to do all things necessary to effectuate such purpose; 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 terms of any trust; and to lease, encumber, sell, convey, or otherwise dispose of the same. Any property of the City shall be sold only when such sale is authorized by a majority of the electors voting thereon in a general or special election, unless such

property is deemed by the City Council to be surplus property and not susceptible to public use, in which event such property may be sold upon the resolution of the City Council; provided, however, that no park, cemetery or any part thereof shall be sold without a majority vote of the electors voting thereon, except where the park is not required under an official master plan of the City.

#### **ACQUISITION OF PROPERTY**

SECTION 15.2-The City shall have 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 such purchase is necessary to protect the lien of the City for taxes or special assessments, or both, on said premises and may hold, lease or sell the same. Any such procedure exercised by the City in the protection of its tax lien shall be deemed to be for a public purpose.

#### **CONDEMNATION**

SECTION 15.3-The City shall provide by ordinance for acquiring by condemnation or otherwise such property and rights as may be required for any public use or purpose within the scope of its powers in the manner prescribed by the statutes of this State.

### **CHAPTER XVI.**

#### **Miscellaneous Provisions**

#### **VACANCY DEFINED**

SECTION 16.1-A vacancy shall be deemed to exist in any office when an officer dies, resigns, is removed from office, moves from the City, is convicted of a felony, is judicially declared to be mentally incompetent, or lacks at any time during his term of office any qualification for the office prescribed by the Charter or by law.

#### **OFFICIAL INTEREST IN CONTRACTS**

SECTION 16.2-The Conflict of Interest Statute of the State of Michigan, MCL 15.321, et seq., MSA 4.1700 (51), et seq., shall govern any question of conflict of interest as it relates to any public contract entered into for or on behalf of the City.

#### **PRIVATE USE OF PUBLIC PROPERTY**

SECTION 16.3-No officer or employee shall devote any City property or labor to private use.

#### **NOTICE OF PUBLICATION**

SECTION 16.4-Notices of proceedings requiring publication shall, unless otherwise provided by this Charter, be published in the official newspaper. The Council shall annually in January, designate the official newspaper for the next fiscal year. In lieu of publication in the official newspaper the Council in any particular instance may order such notice or proceeding printed and posted in at least three (3) places designated by the City Council.

## **REMOVAL FROM OFFICE OF OFFICERS AND EMPLOYEES**

SECTION 16.5-Officers and employees may be removed in the following manners:

- (a) Unless another manner has been specifically provided herein officers and employees appointed by the City Council may be removed at the discretion of the Council by a majority vote thereof.
- (b) In case of misconduct or forfeiture of office as defined by this Charter, officers, employees and elected officials of the City may be removed by the adoption of a resolution of the Council, at least 30 days before such removal, which resolution shall state its intention to remove said official and the reason therefor, a copy of which shall be served forthwith upon such official. Upon passage of such a resolution, stating the Council's intention to remove the official, the official may, within 10 days, demand a public hearing before the Council and the removal shall not be effective until after the hearing is held. The Council may suspend such official from duty pending the hearing. The removal shall then become effective upon the approval thereof by a majority of the Council.

## **REPRESENTATIONS OF OFFICIALS**

SECTION 16.6-No official of the City of Saint Louis shall have the power to make representation of recital of fact in any contract, franchise, document or agreement contrary to any public record of the City. Any such representation or recital shall be void and of no effect against the City.

## **CITY PLANNING COMMISSION**

SECTION 16.7-The Council may by ordinance establish and maintain a City Planning Commission having the powers and duties prescribed by State Law.

## **UNIFORM ACCOUNTING**

SECTION 16.8-The accounting system of the City shall conform to any uniform system of accounting that may be provided by State Law.

## **EMPLOYEE BENEFITS**

SECTION 16.9-The Council shall, by ordinance, make available to the regular administrative officers and employees of the City, a sound pension and retirement plan. Upon the adoption of this Charter, such plan shall be a statewide pension and retirement plan for municipal employees, which is established by State Law. If, at some future date, the City shall elect to withdraw from said plan, under the provisions of State Law, the same shall be replaced by a plan with substantially similar provisions which plan shall provide for current and adequate funding.

The Council shall, by ordinance, make available to the administrative officers and employees of the City, any recognized standard plan of group life, hospital, health or accident insurance either independently of, or as a supplement to, the pension and retirement plan provided by the City for its employees.

**HEADINGS**

SECTION 16.10-Chapter and section headings are for convenience only and shall not be considered to be part of the Charter.

**CHAPTER XVII.**

**Transition**

**SUBMISSION OF CHARTER**

SECTION 17.1-This Charter shall be submitted to a vote of the electorate of the City of Saint Louis for adoption or rejection at the regular primary election to be held August 4, 1998.

**ORDINANCES CONTINUED**

SECTION 17.2-All bylaws, ordinances, resolutions, rules or regulations of the City not inconsistent with this Charter, in force at the time this Charter becomes effective, shall continue in full force until amended or repealed. All administrative powers and duties of the Councilmen thereunder shall be exercised by the Manager or other appropriate officers.

**OBLIGATIONS UNAFFECTED**

SECTION 17.3-All taxes and assessments levied or assessed and all charges thereon and all fines and penalties imposed, uncollected at the time this Charter becomes effective, shall be collected as if such change had not been made; if a different remedy is provided by this Charter, or by any ordinance or resolution, the remedy shall be deemed accumulative to the remedies before provided.

**AMENDMENTS TO CHARTER**

SECTION 17.4-This Charter may be amended at any time in the manner provided by the general Laws of the State of Michigan. 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 17.5-The sections of this Charter and the parts thereof are severable, and in the event of any provision on being declared unconstitutional or contrary to state law, it is hereby declared that the intent of the Charter Commission and electors voting thereon that such unconstitutionality or illegality shall not affect the validity of any other provisions of this Charter.

**FORM OF BALLOT**

SECTION 17.6-The form of ballot on submission of this Charter shall be as follows:

**“INSTRUCTIONS”**

Using only the special marking pen provided, or a #2, completely darken the oval to the right of “yes”, if in favor of the proposed Charter, and completely darken the oval to the right of the word “no”, if against the proposed Charter”.

“Shall the proposed Charter of the City of St. Louis, drafted by the Charter Commission, which was elected on \_\_\_\_\_ be adopted”:

YES   

NO    

**EFFECTIVE DATE**

SECTION 17.7-If this Charter is adopted at the election thereon, it shall, except as specified herein, take effect and become the Charter of the City of Saint Louis, Michigan on March 4, 1999.

**RESOLUTION OF ADOPTION**

At a meeting of the Charter Commission of the City of Saint Louis, held on the 15<sup>th</sup> day of June, A.D. 1998, the following resolution was offered by Commissioner: Bessert

RESOLVED, That the Charter Commission of the City of Saint Louis does hereby adopt the foregoing proposed Charter of the City of Saint Louis, and the Clerk of this Commission is directed to 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: Agle and adopted by the following vote:

Commissioners in favor:     Bessert, Agle, Allen, Larsen, McMann, Mulder, Wilkie, Kelley

Commissioners opposed:     None

The Chairman declared the foregoing resolution carried unanimously and requested the members of the Charter Commission to authenticate said resolution and also the copy of the Charter to be presented to the Governor and filed with the City Clerk.

STATE OF MICHIGAN  
COUNTY OF GRATIOT

Nancy L. Roehrs, Clerk of the Charter Commission of the City of Saint Louis, being duly sworn, says that at an election duly called and held in the City of Saint Louis on November 5, 1996, the following named persons were duly elected as a Charter Commission to frame a revised charter for the City of Saint Louis, namely:

Donald Kelley, Stanley McMann, Alton Allen, Charles Agle, Kathleen Larsen, John Ayris, Raymond Mulder, Bernard Bessert, James Wilkie;

and that the annexed and foregoing charter was duly framed and adopted by said Charter Commission by the foregoing resolution which is a true and correct copy thereof, and, that the said Charter Commission directed that said charter be presented to the electors of the city of Saint Louis in accordance with the requirements of the laws of the State of Michigan which provide thereof.

Dated: June 15, 1998

NANCY L. ROEHRS  
Clerk of the Charter Commission,  
City of St. Louis

Subscribed and sworn before me this 15<sup>th</sup> day of June, 1998.

Brenda Jean Huntoon  
Notary Public, Gratiot County, Mich  
My Commission expires April 1, 2000

I do hereby approve the above and foregoing Charter of the City of Saint Louis.

Dated: July 28, 1998

John Engler  
Governor of the State of Michigan

I, Nancy L. Roehrs, City Clerk for the City of Saint Louis, Gratiot County, Michigan, hereby certify that the foregoing is a true copy of the revised Charter of the City of Saint Louis, duly adopted at an election held August 4, 1998 in the said City of Saint Louis.

YES- 216

NO-75

I, further certify that the vote was canvassed and approved on the 7<sup>th</sup> day of August, 1998.

I, further certify that two copies of this Charter were filed with the County Clerk and the Secretary of State on the 26<sup>th</sup> day of August, 1998.

NANCY L. ROEHRS  
City Clerk  
City of St. Louis, Michigan

The members of the Charter Commission responsible for this Charter were privileged to have the previous Charter to use as a guide. The longer we labored on this new Charter, the more we came to respect the wisdom of the members of the previous Charter Commission. Their contribution to this community was far reaching. It therefore, seems appropriate that their names should be perpetuated in all future Charters of the City of Saint Louis. Theirs names are:

*Charter of the City of St. Louis*

C.J. Bender  
Alfred Bush  
Fred L. Carter  
Daniel Doepker  
T. Jefferson Hoxie

Randall Mead  
James T. Roslund  
Martin H. Roslund  
Frank Starry