

CHARTER
OF THE CITY OF GLADWIN

Adopted by the Charter Commission June 10, 2009
Approved by voters November 3, 2009
Effective January 1, 2010

PREAMBLE

We, the people of the City of Gladwin, pursuant to the authority granted by the constitution and laws of the State of Michigan, and in order to secure the benefits of efficient self government and otherwise to promote our common welfare, do hereby ordain and establish this charter.

**ARTICLE I
NAME AND BOUNDARIES**

SECTION 1.1 NAME

The municipal corporation known as the City of Gladwin, Michigan continues to be a municipal corporation and body politic under the same name. The City of Gladwin, Michigan, hereby specifically reserves to itself all of the rights, powers and privileges which are accorded to it by Act 215 of the Public Acts of 1895 and the Home Rule City Act, Public Act 279 of 1909, MCL 117.1 et seq, and nothing in this Charter shall be construed to cause the City of Gladwin, Michigan to forego or surrender any such rights, powers or privileges.

SECTION 1.2 BOUNDARIES

The corporate boundaries of the City of Gladwin shall be those as established on the date this Charter takes effect, provided that the City shall have the power to change its boundaries in a manner provided by law.

**ARTICLE II
DEFINITIONS AND INTERPRETATIONS**

Except as otherwise specifically provided or indicated by the context:

SECTION 2.1 “Administrator” means the Gladwin City Administrator (also known as City Administrator).

SECTION 2.2 “Assessor” means City Assessor.

SECTION 2.3 “Attorney” means the City Attorney.

SECTION 2.4 “Charter” means the Charter of the City of Gladwin

SECTION 2.5 “City” means the City of Gladwin.

- SECTION 2.6 “Clerk” means the Clerk of the City of Gladwin.
- SECTION 2.7 “Council” means the Gladwin City Council.
- SECTION 2.8 “Default” means delinquency in payment of taxes, assessments, and other indebtedness to the City.
- SECTION 2.9 “Elector” means a resident of the City having the qualifications of an elector in the State of Michigan, who has resided in the City at least thirty (30) days and has registered to vote as a resident of the City. “Elector” is also referred to in this Charter as “registered elector” and “qualified elector.”
- SECTION 2.10 “Employee” means an individual employed by the City other than an official, appointee, volunteer, independent contractor, or employee of an independent contractor.
- SECTION 2.11 “Law” means the U.S. Constitution, applicable Federal Statutes, the Michigan Constitution and statutes, and applicable common law in effect at the time the provision of the Charter containing the word “law” is to be applied.
- SECTION 2.12 “Mayor” means the Mayor of the City of Gladwin.
- SECTION 2.13 “Newspaper” means a newspaper in the English language in general circulation within the City.
- SECTION 2.14 “Officer” means an individual appointed to an office of the City.
- SECTION 2.15 “Official” means an individual elected to an office of the City.
- SECTION 2.16 “Person” means an individual, a partnership, corporation, association, other legal entity, or a combination of them.
- SECTION 2.17 “Publish” means publication as provided by this Charter, ordinance, or Council resolution.
- SECTION 2.18 “Singular and Plural” The singular includes the plural and the plural includes the singular, unless the context indicates otherwise.
- SECTION 2.19 “State” means the State of Michigan.
- SECTION 2.20 “Statutes” All references to statutes shall include statutes as amended.
- SECTION 2.21 “Tax Day” means December 31 of each year, unless changed by law.
- SECTION 2.22 “Treasurer” means the Treasurer of the City.

**ARTICLE III
GENERAL PROVISIONS**

SECTION 3.1 ARTICLE AND SECTION HEADING

The article, section and other headings in this Charter are for convenience only and are not part of the text of the Charter.

SECTION 3.2 FORM OF GOVERNMENT

The form of municipal government provided in this Charter is that of Council/Administrator.

SECTION 3.3 COUNTING DAYS

In all places in this Charter where a number of days are referred to, it shall be presumed that consecutive calendar days are intended, unless the context clearly indicates otherwise.

SECTION 3.4 BUSINESS DAYS

Whenever the date fixed by law or ordinance for the doing or completion of an act falls on a legal holiday or other non-business day of the City, the act shall be done or completed on the next business day of the City.

SECTION 3.5 TRUSTS

The City, by action of the Council, shall have discretion to receive, hold, and use any property in trust for municipal purposes. All trusts established for municipal purposes shall be used and continued in accordance with their terms.

SECTION 3.6 ESTOPPEL

The assertion of Estoppel as defined by law shall not have legal effect against the City.

SECTION 3.7 PROCESS AGAINST THE CITY

All processes against the City shall be in the corporate name of the City and served by leaving a true copy with the Clerk.

SECTION 3.8 SEVERABILITY OF CHARTER PROVISIONS

If any portion of this Charter is found to be invalid, the determination shall not invalidate the remainder of the Charter.

SECTION 3.9 NON DISCRIMINATION AND CIVIL RIGHTS

In the exercise of their powers or in the performance of their duties, all officials, officers, appointees and employees of the City shall not discriminate against any person on the basis of race, color, creed, political beliefs, national origin, marital status, sex, age, height, weight or handicap unless such handicap cannot be reasonably accommodated, or except in the case of a bona fine occupational qualification.

SECTION 3.10 NEPOTISM

A person shall not be eligible to serve as an officer or employee of the City who is related in any of the following ways to a person then holding a position as an official of the City, unless the Council shall approve eligibility by a majority vote of the full Council, and shall determine it to be in the best interest of the City. The relationships are: parent, spouse, child (either natural born or adopted), grandparent, grandchild, brother, sister, half brother, half sister, or the spouses of any of them. This provision shall not prevent a person from seeking an elective position through the electoral process.

SECTION 3.11 VIOLATION OF CHARTER

An intentional violation of the Charter is declared to be a misdemeanor and is punishable by the same maximum fine and imprisonment as provided by statute for ordinance violations. The Council may provide by ordinance that a violation of a Charter provision is a civil infraction, and is punishable as a municipal civil infraction, as provided by statute.

SECTION 3.12 PERSON IN DEFAULT TO THE CITY

The City shall not contract with, or give a position to, one who is in default to the City. A position shall include all elective officials, appointive officers, department heads, and members of boards and commissions of the city.

SECTION 3.13 INCOMPATIBLE POSITIONS

A person shall not hold incompatible offices of the City at the same time. Incompatible offices are those public offices where one is subordinate to another, or where one office is subject to the supervision of another, or where holding one office causes a breach of duty of another public

office, or as otherwise provided by law. This section shall not preclude the Council from combining more than one administrative office or position into a single office or position.

SECTION 3.14 PUBLIC STREETS AND OTHER PUBLIC PLACES

The right to use, control and regulate use of its streets, walks, paths, parks, buildings, and other public places and the space above and beneath them, is reserved to the City.

SECTION 3.15 PROVIDING FOR THE PUBLIC PEACE, HEALTH AND SAFETY

The City shall provide for the public peace and health and for the safety of persons and property. In providing for the public peace, health, and safety, the City may expend funds or enter into contracts with a private organization, the federal or state government, a county, village, township, or another city for service considered necessary by the Council.

SECTION 3.16 CONDEMNATION OF PRIVATE PROPERTY FOR PUBLIC PURPOSE

The City may acquire private property by condemnation for any public use or purpose within the scope of its powers, provided that just compensation is made.

SECTION 3.17 PUBLICATIONS

Every publication required by this Charter shall be in a newspaper published in the City or in Gladwin County, Michigan, and which is of general circulation in the City, except as otherwise specified in this Charter.

SECTION 3.18 OPEN PUBLIC MEETINGS

The business of “public bodies” of the City, as the term is defined by the Open Meetings Act, Act No. 267 of the Michigan Public Acts of 1976, as amended shall be conducted in compliance with the Act, or a future such act. All public meetings shall be accessible to the public. Citizens shall have reasonable opportunity to be heard at all open meetings.

SECTION 3.19 FREEDOM OF INFORMATION

Records of the City shall be made available to the general public in compliance with the Freedom of Information Act, Act No. 442 of the Michigan Public Acts of 1976, as amended, or a future such act.

SECTION 3.20 OATH OF OFFICE

Each elective official, appointive officer and deputy shall take an oath of office before assuming office. Violation of the oath of office shall constitute a violation of this charter and shall be subject to penalties prescribed by this Charter or by ordinance.

**ARTICLE IV
POWERS OF THE CITY**

SECTION 4.1 MUNICIPAL POWERS

The City shall have all powers possible for a City to have under the constitution and laws of this state 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 the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power granted in this article.

The City Council shall determine the types and level of all services provided by the City unless otherwise provided by this Charter. Services may be provided directly by the City, through intergovernmental cooperation, or through contracting with public or private entities as provided by this Charter or state law.

**ARTICLE V
ELECTIONS**

SECTION 5.1 STATE LAW TO APPLY

Except as otherwise provided by this Charter or ordinance, state law applies to the procedures for registration of voters, the filing for office by candidates and canvass of the City elections.

SECTION 5.2 ELECTION COMMISSIONERS AND CANVASSERS

- 5.2.1 The Board of Election commissioners shall be the City Clerk, Attorney and one Member of the Council who shall not be a candidate for the office at the election for which he or she serves as a member of the Board of Election. Such member shall be designated by the Council during the month of January in each even numbered year. The Clerk shall be Chairperson. Two members of such Board shall constitute a quorum.

5.2.2 The board of County Canvassers shall have all powers granted to it by law and shall perform all required duties for the City.

SECTION 5.3 CITY ELECTIONS

5.3.1 The election to all city offices shall be non-partisan.

5.3.2 A general city election shall be held on the first Tuesday after the first Monday in November of each odd-number year. The candidate receiving the greatest number of votes for an office at the election shall be deemed elected to that office.

SECTION 5.4 ELECTION WARDS AND PRECINCTS

5.4.1 The City shall be divided into four (4) wards with boundaries fixed and altered by ordinance. Reapportionment of wards shall be done, based on the official release of each United States decennial census, at intervals of ten (10) years. Reapportioned wards shall be as nearly of equal population as practicable, contiguous, and compact.

5.4.2 The Council shall by ordinance subdivide each ward into precincts as deemed necessary. The polling places established to serve the precincts shall be conveniently located.

SECTION 5.5 ELECTIVE OFFICES

There shall be a City Council composed of a mayor and eight (8) city Council members. Officials shall take office at the first council meeting following the date of the regular election at which the candidate was elected.

5.5.1 The mayor shall be nominated and elected at large for a term of two (2) years.

5.5.2 There shall be nominated and elected eight (8) City Council members, two from each ward, for a term of four (4) years.

In each November odd-year election, the Mayor shall be elected for a two year term and four (4) City Council members shall be elected to four year terms.

SECTION 5.6 QUALIFICATIONS TO HOLD OFFICE

Only registered electors of the City shall be eligible to hold elective office. The mayor shall be a registered elector of the city for at least thirty (30) days prior to the filing of the petition to run for office. Council members shall be registered electors of the wards where they are elected for

at least thirty (30) days prior to the filing of the petition to run for office. Officials shall maintain their residence with the city and their ward, where applicable, during the terms of their office.

SECTION 5.7 NOMINATING PETITIONS

All candidates for elective office shall file nominating petitions in the form established by law which the Clerk shall prepare and have available for the use of city electors and candidates. Petitions submitted by mayoral candidates shall be signed by at least six (6) city electors residing in the city. Petitions submitted by council candidates shall be signed by at least six (6) city electors residing in the ward from which election is sought. The nominating petition(s) for any office shall be filed with the City Clerk no later than 4 p.m. on the 12th Tuesday prior to the August primary in each odd numbered year.

SECTION 5.8 PRIMARY ELECTIONS

5.8.1 A city wide and/or ward primary election for the nomination of candidates for elective city offices shall be held on the first Tuesday after the first Monday of August in all odd numbered years. A primary election shall be held when three (3) or more candidates file nominating petitions for the same office. The city primary election shall be conducted in the same manner as a general city election.

5.8.2 The two candidates for each elective city office receiving the greatest number of votes in the primary election shall be placed on the general city election ballot as candidates for the office to which they are nominated.

SECTION 5.9 SPECIAL ELECTIONS

Special elections shall be held when called by resolution of the Council, to be held on a date in accordance with the general laws of the state.

SECTION 5.10 CHARTER REVISION

The question of a general Charter revision shall be submitted to the electors as determined by the City Council.

**ARTICLE VI
ELECTIVE OFFICIALS**

SECTION 6.1 TERM COMMENCES

The term of each elective official shall commence at the first Council meeting following the date of the regular election at which the candidate was elected.

SECTION 6.2 MAYOR

- 6.2.1 The Mayor shall be the titular head and chief executive office of the City and shall perform those duties customarily performed by a Major at public meetings and ceremonies. The Mayor does not vote on any matter before the council or its committees.
- 6.2.2 The Mayor is a non-voting member of the Council and shall preside at all meetings of the Council. The Mayor shall appoint the members of all Council committees, except as otherwise provided herein, and shall be an ex officio member of each Committee without a vote. The Mayor shall not have the power to veto.
- 6.2.3 The Mayor shall authenticate by signature such instruments as the Council, this Charter, Federal or State Law shall require.
- 6.2.4 The Mayor shall exercise such powers as this Charter or Law shall confer or require.

SECTION 6.3 CITY COUNCIL

- 6.3.1 The Council shall establish rules and regulations for the conduct of its meetings and shall maintain a written or printed journal, in English, of its proceedings.
- 6.3.2 The Council shall establish by resolution the day and time of the regular meetings. The Council shall hold at least one regular meeting per month. Five members of the Council present in person shall be a quorum for meetings. The affirmative votes of a majority of the members present shall be necessary to take action on any matter, including passage of ordinances and resolutions, unless a greater number is required by this Charter, by ordinance, by Council rule or by law. Every Council member present shall vote on all questions, unless a member has a conflict of interest, in which case the member's conduct shall be governed by law and Section 10.4 of this Charter.

- 6.3.3 Special Meetings shall be called by the City Administrator or Clerk on request of the Mayor or the majority of Council members. Written notice stating each matter to be considered at a special meeting shall be given each Council member. Only items stated in the written notice will be discussed at a special meeting. Notice shall be posted in accordance with the Open Meetings Act.
- 6.3.4 An organizational meeting of the Council shall be held the first Council meeting following each regular election.
- 6.3.5 Each Council member shall be entitled to compensation as set forth by ordinance. City Council members shall receive no fringe benefits.
- 6.3.6 The Mayor and Council members may be reimbursed for any expense incurred in the service of the City. The expense must be pre-authorized by the Council and payment shall be made only with the approval of Council.
- 6.3.7 The Council shall evaluate the job performance of the Administrator annually.

SECTION 6.4 VESTED POWERS OF COUNCIL

All powers granted to the City, not herein reserved to its electors or specifically delegated to an elective office or appointive officer or employee of the City, shall be vested in the Council.

SECTION 6.5 OFFICER AND STAFF OVERSIGHT

The Council and its members shall deal with City Officers and employees who are subject to the direction and supervision of the City Administrator, solely through the City Administrator except for purposes of inquiries and investigations. Neither the Council nor its members shall give orders or instructions to any such officer or employee either publicly or privately.

SECTION 6.6 MAYOR PRO TEM

The Mayor shall appoint, subject to Council approval, one of its members to be Mayor Pro Tem for a term of two years, who shall act in the absence or disability of the Mayor. In the absence or disability of both the Mayor and Mayor Pro Tem, the Council may designate another of its members to serve as Acting Mayor during such absence or disability.

SECTION 6.7 COMPENSATION

The Council shall fix the compensation of all administrative officers, department heads and of all City employees.

SECTION 6.8 RECALL

Any elective official may be removed from office by the electors of the City in the manner provided by the general laws of the state. A vacancy created by the recall of any elective official shall be filled in the manner prescribed by law. Temporary appointments may be made pursuant to Section 6.11 of this Charter for the period until a successor is elected as provided by law to fill the vacancy created by a recall election.

SECTION 6.9 VACANCY IN THE OFFICES OF MAYOR AND CITY COUNCIL MEMBERS

The office of a City Council member or Mayor shall become vacant upon the official's death; resignation; removal from office in any manner authorized by law, ceasing to possess the qualification of office required by this Charter, absence for more than 30% of the regular and special council meetings in a twelve (12) month period starting with the first meeting in November through October of the following year, or any other event by law creating a vacancy.

SECTION 6.10 FILLING VACANCIES IN THE OFFICE OF MAYOR AND CITY COUNCIL MEMBERS

Except in the case of recall the Council shall make sufficient appointments within 30 days from the date vacancies in elective city offices are created to appoint a qualified elector of the City to fill the vacancy, for the balance of the unexpired term provided that when more than thirty-two (32) months of the term remains, the appointee shall hold office only until the first Council meeting following the date of the next regular city election. At said election, the office shall be filled for the remainder of the term.

SECTION 6.11 VACANCIES, MEMBERS FEWER THAN QUORUM

If the membership of the Council is reduced to less than five, the remaining members shall by majority action appoint additional members to increase the membership to five. If the remaining members fail to make sufficient appointments within 30 days from the date vacancies are created, the board of county election commissioners of the county shall appoint pursuant to MCL 168.321(4) or other applicable law the number of members of the council required to constitute a quorum for the transaction of business by the council. A member of the council appointed under this subsection shall hold the office only until the member's successor is elected and qualified. The successor shall be nominated by petition rather than at a primary and elected at a special or regular election on the next regular election date as listed in MCL 168.641(1) or other applicable law that is not less than 60 days after the appointment is made. The successor shall serve for the balance of the unexpired term. A member who is appointed under this section shall not vote on the appointment of himself or herself to an elective or appointive city office. The requirements and deadlines for the filing of nominating petitions shall be established by the city council.

**ARTICLE VII
ADMINISTRATIVE SERVICE**

SECTION 7.1 ADMINISTRATIVE OFFICERS AND EMPLOYEES

The Council shall appoint the Administrator and the Attorney, each of whom shall serve at the pleasure of the Council. The Administrator shall appoint the Clerk, Treasurer, Assessor, Chief of Police and Public Works Superintendent, subject to confirmation by the Council.

The administrative officers (other than the City Attorney) and department heads shall serve at the pleasure of the Administrator. Persons serving in these positions (other than City Attorney) shall be subject to discharge by the Administrator upon review and approval of the Council. An administrative officer, serving as a department head, shall have the power to hire and/or discharge an employee in their department, subject to the approval of the Administrator.

The Administrator shall have the power to hire and/or discharge any and all personnel employed by the City who are not either an elected official, a member of a board of commission of the City, an administrative officer or a department head, without the confirmation by the Council.

Any employee of the City, who is discharged, may petition the Council, within ten (10) working days of the discharge, to hear the facts regarding the action. The Council, in its sole discretion, may hold a meeting, inquire into such facts, and make such recommendation as it may determine proper.

SECTION 7.2 DEPARTMENTS

The Council, by ordinance, may create additional, or abolish existing department or offices provided that the offices of Treasurer, Clerk and Assessor are not to be abolished. By resolution the Council may combine administrative offices. The Council shall not have the authority to abolish or change the office of Administrator or limit its functions, duties or authority as set forth in this Charter.

SECTION 7.3 ADMINISTRATOR QUALIFICATIONS

The Administrator is the chief administrative officer of the City. The Council shall determine the required experience and qualifications prior to selecting an Administrator.

SECTION 7.4 INTERIM ADMINISTRATOR

The Council shall appoint an Administrator within one hundred eighty (180) days after a vacancy occurs. The Council may appoint an interim Administrator during the period of the vacancy who

shall have all responsibilities, duties and powers of the Administrator while in office. No member of the Council, at the time the vacancy occurs, shall be eligible for the position.

SECTION 7.5 REQUIRED BONDS

The Council shall require a bond from the City Treasurer and may require a bond from the City employees. Premiums for these bonds shall be paid by the City.

ARTICLE VIII CITY OFFICERS, BOARDS AND COMMISSIONS

SECTION 8.1 CITY ATTORNEY

The Council shall appoint a City Attorney who shall hold office at the pleasure of the Council. The Attorney shall serve as chief legal advisor to the Council, Administrator and all City departments, offices, boards and commissions. The Attorney shall represent the City in all legal proceedings and shall perform any other duties prescribed by federal and state law, this Charter, ordinance or resolution. The City Attorney shall be an attorney licensed to practice law in the State of Michigan and shall receive compensation established by the Council. The Council may retain special legal counsel to represent the City or to assist the City Attorney. The City Attorney shall file with the City Clerk a copy of all opinions written by the Attorney except those subject to Attorney/Client privilege.

SECTION 8.2 CITY CLERK

The City Clerk shall be the clerk of the Council and shall keep a complete written or printed record in English of the proceedings of the Council. The Clerk shall perform all duties required of the position by law, this Charter and the Council. All contracts, legal papers, correspondence, records and file pertaining to the City, except police files, shall be placed in the keeping of the City Clerk.

SECTION 8.3 DEPUTY CITY CLERK

The Administrator shall appoint a Deputy Clerk who, in the absence of the Clerk shall have all the powers, duties and authority of the Clerk.

SECTION 8.4 TREASURER

The Treasurer shall perform all duties required of the position by law, this Charter, Administrator and the Council.

SECTION 8.5 DEPUTY TREASURER

The City Administrator shall appoint a Deputy Treasurer who in the absence of the Treasurer shall have all the powers, duties and authority of the Treasurer.

SECTION 8.6 CITY ASSESSOR

The Assessor shall be certified and shall possess all qualifications for the position required by law. The Assessor shall have all power vested in and shall be charged with all duties imposed upon assessing officers by general laws of the state. The Assessor shall prepare all regular and special assessment rolls in the manner prescribed by this Charter, by ordinance and by the general laws of the state.

**ARTICLE IX
POWERS AND DUTIES OF CITY ADMINISTRATOR**

The City Administrator shall be the chief administrative officer of the City, responsible to the Mayor and Council for the administration of all matters placed in the City Administrator's charge by the Council or by authority of this Charter.

The City Administrator shall:

- 9.1 Be responsible for supervision of enforcement of city ordinances enacted under, this Charter and shall carry out the policies and resolutions of the Council.
- 9.2 Except as otherwise provided by this Charter, direct and supervise the administration of all officers and departments of the City.
- 9.3 The Administrator may authorize any officer (other than the City Attorney) or department head to exercise any part of these powers with respect to employees in their department.
- 9.4 Prepare and submit an annual budget and capital improvement program to the Council for its approval and administer the budget adopted by the Council.

- 9.5 Keep the Council advised of the financial condition, administrative activities, and future needs of the City. Make such other reports as the Council may require concerning the operation of the City.
- 9.6 Attend all Council meetings. The Administrator shall have the right to take part in discussions but shall not have a vote.
- 9.7 Recommend to the Council such measures as deemed necessary or expedient.
- 9.8 Manage and supervise all public works, buildings, roads, utilities, improvements and other undertakings of the City.
- 9.9 Be responsible for the maintenance of a system of accounts of the City which conforms to uniform systems of accounts as required by law and by the Council, and to generally accepted principles and procedures of governmental accounting.
- 9.10 Assemble and be responsible for the safe keeping of engineering data for all City owned or operated public utilities and installations and such other public records required by the Council.
- 9.11 Maintain an accurate inventory of all City owned property and equipment.
- 9.12 Serve as purchasing agent of the City.
- 9.13 Conduct performance evaluations of all administrative officers and department heads (other than the City Attorney) on at least an annual basis.
- 9.14 Has the authority to make emergency purchases as defined in Article 13.6.

**ARTICLE X
STANDARDS OF CONDUCT AND PROHIBITIONS**

SECTION 10.1 LIMITATIONS ON EMPLOYMENT OR APPOINTMENT

No former Mayor or Council member shall hold any compensated office or employment with the City until one year after the expiration of the term for which the member was elected to City office and two years is required for the position of Administrator. A former elected official may be appointed to a board, commission, committee or any other agency of the City any time after the expiration of their term of office.

SECTION 10.2 APPOINTMENTS AND REMOVALS

Neither the Council nor any of its members shall in any manner control or demand the appointment or removal of any City administrative officer or employee the Administrator is empowered to appoint.

SECTION 10.3 ADDITIONAL PROHIBITIONS

All members of the Council, all officers appointed by the Council, all City employees, and members of the boards, commissions, committees, and other City agencies shall be prohibited from:

- 10.3.1 Benefiting financially from confidential information which has been obtained by reason of their position or authority.
- 10.3.2 Divulging to any unauthorized person any confidential information acquired in the course of holding office or employment.
- 10.3.3 Use of City personnel, property, services or funds under the officers or employees official care and control for personal gain.
- 10.3.4 Using an official position of authority to profit from a business transaction.
- 10.3.5 Making any false or misleading statement, certificate, record or report with respect to any matter in the course of applying for or holding City office or employment.

SECTION 10.4 CONFLICT OF INTEREST

Subject to the requirements of the Contracts of Public Servants with Public Entities Act, MCL 15.321, et seq., which supersedes local regulation of public contracts involving public servants, any official, officer, employee or appointee which has, or is perceived to have a conflict between a personal interest and a public interest as defined by law shall fully disclose the facts and nature of the conflict. The disclosure must be made when the person becomes aware of the conflict or an apparent conflict. If the person is a member of a decision-making or advisory body, that person must make disclosure to the chairperson and other members of the body on the official record.

**ARTICLE XI
LEGISLATION**

SECTION 11.1 CITY LEGISLATION PRESERVED

All ordinances, resolutions, rules and regulations of the City, which are consistent with the provisions of this Charter, in force and effect at the time this Charter is adopted, shall continue in force and effect until amended or repealed.

SECTION 11.2 ORDINANCES

- 11.2.1 To the fullest extent permitted by law, the Council has the power to adopt, revise, continue, amend and repeal any ordinance. Every ordinance shall have the date of adoption, effective date, signature of the Mayor and be attested to by the clerk.

This information shall remain as part of the ordinance as long as the ordinance is in effect. The language preceding the text of the adoption, revision continuation, amendment and repeal of every City ordinance, shall be: “Ordinance No._____ (year of action followed by numerical sequence such as 1997-1), The city of Gladwin ordains”

- 11.2.2 An ordinance shall embrace only one subject, which shall be stated in its title. Each ordinance adopted shall be set forth in full in the book designated “The Ordinance Book of the City of Gladwin” and shall be authenticated by the signature of the Mayor and attested by the Clerk. The book shall be the official record of all ordinances of the City and be prima facie evidence before all courts and tribunals of their adoption. The Clerk shall compile and organize the book of ordinances in a manner to allow convenient location of ordinances by subject matter.
- 11.2.3 No ordinance shall be adopted, amended, revised or repealed in whole or in part at the first meeting the proposal is considered by the Council, except as required by law or where a public emergency requires immediate action. The unanimous vote of members of the Council present shall be required for adoption of an emergency ordinance. The ordinance shall set forth clearly the circumstances and conditions, which create the emergency and shall declare that such an emergency does exist. Emergency ordinances shall be published by posting in four (4) public locations within 24 hours after the action is taken. An emergency ordinance may be given effect no sooner than the public posting. No grant of a franchise shall be made an emergency ordinance.
- 11.2.4 Each new ordinance and each amendment to an existing ordinance shall be published in full or in summary form once within ten (10) days after its

adoption. No ordinance shall be operative until it is published. Notice of the repeal of an ordinance or part of an ordinance shall be published also, except that the notice need only state the title and number of the ordinance or part repealed. All new ordinances and amendments and all repeals of existing ordinances or part of ordinances take effect immediately after the date of adoption and publication unless a later date is specified therein.

11.2.5 The Council shall review each ordinance when the need arises.

SECTION 11.3 PENALTIES

The Council shall provide by ordinance, as appropriate, the civil or criminal penalties for violations of this Charter and for any ordinance violations. No penalty shall exceed the maximum fine, or imprisonment, or both provided by statute.

ARTICLE XII INITIATIVE AND REFERENDUM

SECTION 12.1 POWERS RESERVED TO ELECTORS

The registered electors of the City reserve to themselves the powers of initiative and referendum.

SECTION 12.2 INITIATIVE

Initiative means the power to propose ordinances and to enact ordinances.

SECTION 12.3 REFERENDUM

Referendum means the power to reject ordinances adopted by the Council.

SECTION 12.4 RESTRICTIONS ON POWERS

The powers of initiative and referendum do not include the power to propose or reject ordinances of taxation or appropriation of City funds.

SECTION 12.5 PETITIONS

An ordinance may be initiated by petition, or a referendum on an ordinance enacted by the Council may be by petition, as hereinafter provided.

Petitions for initiative or referendum shall be signed by a number of registered electors equal to not less than ten (10) percent of the votes cast in the City for all candidates for governor at the last preceding general election at which a governor was elected. A petition shall be signed within thirty (30) days before the date of its filing with the Clerk. All such petitions shall be approved as to form by the Clerk before being circulated for signatures. No such petition need be on one page but may be the aggregate of two (2) or more petition pages. Each signer of a petition shall sign his or her name, the date of signature and place of residence within the City by number and street. The circulator shall attach to each petition an affidavit stating the number of signers, 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. The petition shall be filed with the Clerk, who shall within ten (10) business days, canvass the signatures thereon to determine their sufficiency. If the Clerk finds the petition contains an insufficient number of signatures of registered electors of the City, or that they are improper as to form, or not in compliance with the provisions of this section, the Clerk shall promptly notify in writing the person filing the petition. A period of ten (10) business days after the notice shall be allowed for the filing of supplemental petition papers. When found sufficient and proper, the Clerk shall present the petition to the Council at its next regular meeting.

SECTION 12.6 COUNCIL PROCEDURE

Upon receiving an initiatory or referendary petition from the Clerk, the Council shall, within thirty (30) calendar days, either:

- a. If it be an initiatory petition , adopt the ordinance as proposed in the petition or determine to submit the proposal to the electors of the City, or
- b. If it be a referendary petition, repeal the ordinance to which the petition refers or determine to submit the proposal to the electors of the City.

SECTION 12.7 SUBMISSION TO ELECTORS

Should the Council decide to submit the proposal to the electors, it shall be submitted at the next election held in the City for any purpose, or, in the discretion of the Council, at a special election called for this purpose. The result shall be determined by a majority vote of the electors voting on the issue, except in cases where a different vote is required by law.

SECTION 12.8 STATUS OF ORDINANCE ADOPTED

An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed by the Council for a period of two (2) years after the date of the election at which it was adopted.

SECTION 12.9 ORDINANCE SUSPENDED

The certification by the Clerk of the sufficiency of a referendary petition filed within thirty (30) days after the passage of the ordinance to which such petition refers, shall automatically suspend the operation of the ordinance in question pending repeal by the Council or final determination by the electors, as the case may be.

SECTION 12.10 MULTIPLE ORDINANCES

Should two or more ordinances, which have conflicting provisions, be adopted at the same election, the one receiving the greatest affirmative vote shall prevail.

ARTICLE XIII CONTRACTS, PURCHASING AND LEASING

SECTION 13.1 CONTRACTS, PURCHASING AND LEASING

The Council shall designate the Administrator as purchasing agent, and he shall be responsible for the purchase and sale of all property, except as provided in Section 13.8 for real estate owned by the City. Comparative prices shall be obtained for the purchase or sale of all materials, supplies and public improvements except (a) employment of professional services and (b) when the purchasing agent determines that the price is relatively fixed such as transportation and airline costs, postage, utilities items and the like.

The Council shall authorize the Purchasing Agent to make purchases within a prescribed dollar limit without prior approval of the Council. However, in all purchases in excess of five thousand dollars (\$5,000.00) or such increased sum as provided by the Council, (a) the purchase shall be approved by the Council and (b) formal sealed bids shall be obtained, unless the Council by formal unanimous resolution of those present at the meeting determines that no advantage would result from competitive bidding. No purchase shall be divided for the purpose of circumventing the dollar value limitation contained in this section. The Council may authorize the making of public improvements or the performance of any other city work by any city department or agency without competitive bidding. Purchases shall be made from the lowest competent bidder meeting specifications except when the Council deems it in the best interest of the City to select an alternative bidder.

All purchases and sales in excess of fifty dollars (\$50.00) shall be evidenced by written contract or purchase order. The Council may by ordinance establish detailed purchasing, sale and contract procedures not inconsistent with this Charter.

SECTION 13.2 AUTHORITY TO CONTRACT

The authority to contract on behalf of the city is vested in the Council and shall be exercised in accordance with the provisions of statute and this Charter, provided that purchases and sales may be made by the Purchasing Agent subject to the provisions of Section 13.1. No contract except (a) an agreement of employment or (b) an agreement for the purchase of sale of goods, wares of merchandise in any amount of three thousand dollars (\$3,000.00) or less, shall be made unless the same shall have first been submitted to the city attorney and his opinion obtained concerning legality as to form and unless the officer responsible for maintaining the city accounts shall first have certified that an appropriation has been made for payment thereof, or that sufficient funds will be available if it be for a purpose to be financed by the issuance of bonds or special assessments or for some other purpose not chargeable to a budget appropriation. In the case of a contract obligating the city to periodic payments in future fiscal years, for the furnishing of a continuing service or the leasing of property, such certification shall not cover those payments on the contract which will be due in future fiscal years, but this exception shall not apply to a contract for the construction of a public improvement unless such public improvement is being purchased by installment payments. Such installment contract shall not extend over a period greater than fifteen (15) years nor shall the principal amounts payable under all such contracts exceed the amount allowable under state law, nor shall such contract extend over a period to exceed the useful life of the property as determined by resolution of the City Council. A copy of all contracts requiring such opinion and certification shall be filed in the office the Clerk. No contract shall be divided for the purpose of circumventing the dollar value limitation contained in this section.

No contract shall be amended after the same has been made except upon the authority of the Council (except that the Purchasing Agent may amend the terms of purchase and sales made by him subject to the provisions of Section 13.1).

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

SECTION 13.3 AUTHORITY TO SIGN CONTRACT

All contracts, except as otherwise provided in this Article as those of purchase and sale, shall be authorized by the Council and shall be signed by the Mayor, Administrator or the Clerk.

SECTION 13.4 PERSON IN DEFAULT TO CITY

The City shall not contract with a person who is in default to the City.

SECTION 13.5 CONTRACTS WHEN CHARTER IS ADOPTED

Contracts to which the City is a party when this Charter is adopted shall continue in effect according to their terms.

SECTION 13.6 EMERGENCY PURCHASES

The Administrator shall have the authority in cases of emergency to purchase essential services and resources as necessary without being subject to the limitations of this Article, and shall make a full report of such purchase to the Council at its next meeting. For the purposes of this section, an emergency is created when the public health or safety, in the sole opinion of the administrator, is compromised if immediate action is not taken.

SECTION 13.7 LEASING CITY OWNED REAL ESTATE

The Council shall have the power to lease, using the sealed bid process, any real estate owned by the City and for which the City has no present need. The approved lease shall be in writing and include a provision allowing the City to cancel the lease with ninety (90) days written notice.

SECTION 13.8 SALE OF CITY OWNED REAL ESTATE

The Council, by an affirmative vote of not less than five (5) members may sell any City owned real property for which the City has no need, except a park or cemetery or any part of either may not be sold, unless approved by a majority of the electors voting on the sale. Sealed bids are required.

SECTION 13.9 SEALED BIDS

The Council shall impose uniform conditions of sale or lease in bidding documents. All sealed bids shall be filed with the Clerk. The Council has the right to reject any or all bids.

SECTION 13.10 PURCHASING GUIDELINES

The Council shall establish detailed purchasing, sale and contract procedures by ordinance or resolution.

**ARTICLE XIV
GENERAL FINANCE**

SECTION 14.1 FISCAL YEAR

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

SECTION 14.2 BUDGET SUBMISSION

The City Administrator shall prepare and submit to the City Council, not later than the first Monday of May each year, a recommended budget, in detail, covering the next fiscal year and an accompanying budget message.

SECTION 14.3 BUDGET MESSAGE

The Administrator's message shall explain the budget both in fiscal terms and in term of the work programs. It shall outline the proposed financial policies and describe the important features of the budget. The message shall indicate any major changes from the current year in financial policies, expenditures and revenues, together with the reasons for such changes. It shall summarize the City's debt position and include such other material the Administrator deems desirable.

SECTION 14.4 BUDGET

The proposed budget shall provide a detailed estimate of expenditures and revenues for each agency, department and office of the City. It shall show the actual expenditures, revenues and fund balance for corresponding items for the last fiscal year. It shall also show the same information for the current year to date and estimated expenditures, revenue and fund balance for the current fiscal year.

The proposed budget shall include current status of all indebtedness of the City.

For any fund the total of proposed expenditures shall not exceed the total of estimated income plus fund balance exclusive of reserves.

SECTION 14.5 BUDGET CONTROL

- 14.5.1 Prior to adopting the proposed budget, the Council shall hold a public hearing at such time as it may direct. Notice of such public hearing, shall be published at least one (1) week in advance of the hearing, and the proposed budget shall

be on file for public inspection during office hours in the office of the Clerk for a period of a least one (1) week prior to the date of such hearing.

14.5.2 The Council, by resolution, not later than June 14 of each year, shall adopt the budget for the next fiscal year, shall appropriate the money required for municipal purposes during said fiscal year and shall provide for a levy of the amount required to be raised by taxes upon real and personal property for municipal purposes subject to the limitations of Article XV, Section 15.8 of the Charter.

14.5.3 No money shall be drawn from the treasury of the City without an appropriation. No obligation for the expenditure of money shall be incurred without an appropriation covering all payments, which will be due under such obligation in the current fiscal year. The Council may transfer any unencumbered appropriation balance, or any portion of it, from one department, fund or agency to another.

In the case of emergency and when necessary to protect the public health, safety or welfare, the Council may make additional appropriations to cover unanticipated expenditures required of the City because of such emergency. The balance in any appropriation, which has not been encumbered at the end of the fiscal year, shall revert to the general fund.

14.5.4 At the beginning of each quarterly period during the fiscal year, and more often if required by the Council, the officer responsible for maintenance of the City accounting system shall submit to the Council dates showing the relation between the estimated and actual revenues and expenditures to date. If it shall appear that the revenues are less than anticipated, the Council shall reduce appropriations, unless the fund balance shall be such that failure to act will not result in a deficit.

14.5.5 The City shall have a system of accounts that conforms to uniform systems of accounts as required by law. All expenditures shall be charges to a specific fund, office or department.

14.5.6 The Administrator shall prepare and submit to the Council a five (5) year capital program no later than the final date for submission of the budget. This program shall include a list of capital improvements and other capital expenditures proposed over the next five (5) years. The Program shall include cost estimates, method of financing and estimate of annual operating and maintenance costs.

SECTION 14.6 INDEPENDENT AUDIT

Auditors shall be selected by the City Council. An independent audit shall be made of all accounts of the City government at the close of each fiscal year. Special independent audits may be made at any time that the Council may designate. All audits shall be made by certified public accountants experienced in municipal accounting. All audits shall be made directly to the Council. The results of such audits shall be made public in such manner as the Council may determine, but at a minimum, they shall be available for inspection at the office of the clerk.

SECTION 14.7 DEPOSITORIES

The Council shall designate financial institution(s) as depositories for City funds and shall provide for the regular deposit of all City money or for its investment as authorized by law.

ARTICLE XV TAXATION

SECTION 15.1 ASSESSMENT

An assessment of all taxable property in the City shall be made annually by the Assessor who shall complete the assessment before the first Tuesday in March. Except as otherwise provided by state law, the subjects of taxation for municipal purposes shall be the same as for state, county and school purposes under the general law.

SECTION 15.2 PROCEDURE

Except as otherwise provided by this Charter, City taxes shall be levied, collected and returned in the manner provided by state law. The City shall have all the rights, liens, powers and remedies accorded by state law to all political subdivisions in connection with the collection of taxes.

SECTION 15.3 BOARD OF REVIEW

There shall be a Board of Review composed of three (3) members who are City electors. No member of the board shall hold other public office with the City, nor be related by blood or marriage to the Assessor.

One (1) board member shall be appointed in January of each year to serve for a three (3) year term, to commence the first day of February in the year of the appointment. All vacancies shall be filled in the same manner as the appointment.

The Council shall determine compensation of board members. The Council may remove board members for cause. The board shall annually select one of its members as chair for the ensuing year. The Assessor shall be secretary of the board. In the absence of the Assessor, the board shall appoint one of its members or a member of the clerical staff of the City to serve as secretary.

The current board members shall continue to serve under the new Charter and serve out their term.

SECTION 15.4 MEETING OF THE BOARD OF REVIEW

The Board of Review shall convene in the City office building on the Tuesday after the first Monday in March to review and correct the assessment roll. The Board of Review shall meet in its second session on the second Monday in March at the Council chambers and continue in session during that day and the day following. The Board of Review shall remain in session not less than six (6) hours each day. A portion of at least one (1) meeting of the board shall be held in the evening for the convenience of the public. The City council shall provide for additional meetings of the Board of Review based on need.

SECTION 15.5 ORGANIZATION AND POWERS OF THE BOARD OF REVIEW

A majority of the members of the Board shall constitute a quorum. The Board of Review shall have the same powers and duties as are conferred upon township boards of review by state law. The City Assessor is not a member of the board.

SECTION 15.6 NOTICE FOR MEETINGS OF THE BOARD OF REVIEW

Notice of the time and place of the sessions of the Board of Review shall be published in a newspaper by the City Clerk at least two (2) weeks prior to the first meeting and shall be posted in the City office building. The Assessor shall prepare a record of the proceedings following each meeting of the Board of Review, a copy of which shall be filed with the City Clerk on or before the first Monday of April.

SECTION 15.7 CERTIFICATION OF TAX LEVY

Within three (3) days after adoption of the next fiscal year's budget by the City Council, the City Clerk shall certify to the Assessor the amount of the tax levy fixed by the Council. The Assessor shall assess the amount of the tax levy to each personal and parcel of property on the assessment roll, together with all special assessments and other amounts, which the City Council may require.

SECTION 15.8 TAX LIMIT

The annual general ad valorem tax levy shall not exceed one and one-half (1.5) percent (15 mills) of the assessed value of all real and personal property subject to taxation in the City exclusive of any levies authorized by law beyond this Charter limitation.

SECTION 15.9 COLLECTION BY TREASURER

After extending the taxes on the assessment roll and certifying to such roll in the manner required of assessing officers by state law, the Assessor shall, on or before the 21st day of June, deliver the assessment roll and one copy to the City Treasurer. The City Assessor shall annex a warrant to the original roll directing and requiring the City Treasurer to collect from the several persons named in the tax roll the several sums, or the total thereof opposite their respective names. The taxes thus assessed shall become a debt on July 1 to the City from the persons to whom they are assessed; and the amount assessed, together with all charges thereon, shall on the first day of July become a lien until paid on the property of the taxpayer of the same character and effect as the lien created by state law for state and county taxes. The City Treasurer shall have the same power and duty to collect City taxes as is granted to or required of township treasurers in the collection of state and county taxes.

SECTION 15.10 TAX DUE DATE - NOTIFICATION

The Treasurer shall send a statement by first class mail to each person named in the tax roll requesting payment of the tax due. Neither the failure to mail the statement or receive it shall invalidate the tax or liability for nonpayment.

City taxes shall be due and payable on July 1 of each year. All taxes paid on or before July 31 of the same year shall be collected without additional charge. After July 31, there shall be added collection fees at the following rates:

4% Penalty and 1% Interest Added Per Month Beginning August 1

SECTION 15.11 PARTIAL PAYMENT OF TAXES

The Council may, by resolution, authorize the Treasurer, for a period not extending beyond the next March 1, to accept partial payment of taxes and special assessments, together with interest and penalties, in such manner as the Council may determine.

SECTION 15.12 RETURN TO COUNTY TREASURER

If the Treasurer has been unable to collect any of the City taxes on the roll of real and personal 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 tax assessments on real property to the County Treasurer in the same manner and with the like effect as similar returns made by township treasurers. Returns shall include all additional interest, penalties, and other charges, which shall be added to the amount assessed on the roll against each description. The taxes thus returned shall be collected in the same manner and with the same interest and charges as are other taxes returned to the County Treasurer under the provisions of the general tax laws of the state. All delinquent taxes shall be and remain a lien until paid. At the time of making the return, the Treasurer shall file in his or her office a copy upon which shall be recorded subsequent collections or reassessments as returned by the County Treasurer. The City shall have the power to purchase any premises within the City at any tax or other public sale that may hereafter be held when such purchase is necessary to protect the lien of the City.

SECTION 15.13 NON-CITY TAXES

For the purpose of assessing and levying taxes in the City for state, county, library, school or other non-City purposes, the City shall be considered the same as a township. Except as otherwise provided in this charter, all provisions of state law relative to the collection of such taxes, the accounting thereof to the appropriate taxing units, and the returning of property to the County Treasurer for non-payment thereof shall apply to the City Treasurer who shall perform the same duties and powers as township treasurers.

ARTICLE XVI SPECIAL ASSESSMENTS

SECTION 16.1 SPECIAL ASSESSMENTS

To the maximum extent permitted by law, the Council shall have the power by a vote of two-thirds of its members elected and serving to determine, with or without a petition, that the whole or any part of the cost of any public improvement or repair shall be defrayed by special assessment upon the parcels of property especially benefited and shall so declare by resolution. Except as otherwise provided in this Charter or ordinance, the City shall have all the rights and powers established by state law for the collection and enforcement of special assessments. The council shall prescribe by ordinance the complete special assessment procedure to be used, the preparation and confirmation of the assessment roll, for the contest of the assessment, and collection of the assessment.

No suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of any special assessment (1) unless the special assessment is protested at the hearing held for the purpose of confirming the special assessment roll, and (2) unless such suit or action shall be commenced within thirty-five (35) days after confirmation of the roll.

From the date of confirmation of any assessment or reassessment roll, the special assessment shall constitute a lien upon the respective parcels of property assessed and shall also be a charge

against the person or entity to whom assessed until paid, and in the case of delinquency, may be enforced by addition to any later return to the County Treasurer or regular taxes or by suit against the person or entity.

ARTICLE XVII BORROWING POWER

SECTION 17.1 BORROWING AND BONDS

To maximum extent permitted by law, the City shall have the power and authority to borrow money on the credit of the City and to issue bonds for the borrowing of money for any purpose within the scope of the powers of the City.

SECTION 17.2 LOAN OF CREDIT

The City shall not loan its credit for any private purpose or except as provided by law, for any public purpose.

ARTICLE XVIII PUBLIC UTILITIES AND FRANCHISES

PUBLIC UTILITIES

SECTION 18.1 POWERS RESERVED BY CITY

The City shall possess and reserve unto itself all the powers granted to cities by the Constitution and general laws of the state to acquire, construct, own, operate, improve, enlarge, extend, repair, and maintain public utilities within and without its corporate limits, to supply its inhabitants, and to require a connection of private property with the City to the utility systems.

SECTION 18.2 FURNISHING UTILITIES OUTSIDE CORPORATE LIMITS

Public utilities and services may be furnished by the City to properties and users outside the corporate limits of the City to the extent allowed by law.

SECTION 18.3 ACQUISITION OF PUBLIC UTILITIES

The City shall not acquire a public utility furnishing heat, light or power unless the proposition to acquire the utility shall have first received an affirmative vote of three-fifth of the electors of the

City voting on the question at any regular or special election. The question of raising the money required for such purpose by borrowing and issuing bonds of the City may be submitted at the same time, either as an independent question or as part of the same question.

SECTION 18.4 UTILITY RATES

The Council shall establish rates from time to time as may be deemed advisable for supplying the inhabitants of the City, and others with utility services as the City may provide.

SECTION 18.5 UTILITY CHARGES COLLECTION

The Council shall provide by ordinance or resolution for the collection of all utility charges made by the City. When any person or persons shall fail or refuse to pay the City any sums due on utility bills, the utility service or services upon which such delinquency exists may be shut off or discontinued and suit may be instituted by the City for their collection in any court of competent jurisdiction. The City shall have as security for the collection of utility rates for services furnished any person or persons a lien upon the real property for which the utility is supplied to the extent provided by law. The lien shall become effective immediately upon the supplying of the utility service, and may be enforced as provided by law.

SECTION 18.6 DISPOSAL OF UTILITY PLANTS AND PROPERTY

Unless approved by a three-fifths affirmative vote of the electors voting on the question at a regular or special election, the City shall not sell, exchange, lease or in any way dispose of any property, easement, equipment, privilege or asset of any municipally owned utility. All contracts, negotiations, licenses, grants, leases or other forms of transfer in violation of this section shall be void and of no effect as against the City. The restrictions of this section shall not apply to the sale or exchange of any articles of machinery or equipment of any City owned utility which are worn out or useless or which have been or could with advantage to the service be replaced by new and improved machinery or equipment.

SECTION 18.7 UTILITY ACCOUNTS

Transactions pertaining to the ownership and operation by the City of each public utility shall be recorded in separate accounts under an appropriate fund caption, and classified in accordance with generally accepted utility accounting practice. Charges for all services furnished to, or rendered by, other City departments or agencies shall be recorded. An annual report shall be available for inspection at the office of the clerk.

PUBLIC UTILITY FRANCHISES AND OTHER FRANCHISES

SECTION 18.8 DEFINITION OF PUBLIC UTILITY FRANCHISE

A public utility franchise for the purposes of this Article shall be defined as the granting by the City of the right of any third party to operate public utilities furnishing light, heat or power to the City and its inhabitants and shall not be defined as a franchise given by the City for any other purpose.

SECTION 18.9 GRANTING PUBLIC UTILITY FRANCHISES AND OTHER FRANCHISES

Public utility franchises and other franchises and all renewals, extension and amendments shall be granted by ordinance and by contract. No exclusive franchise of any type shall be granted. No franchise of any type shall be granted for a period longer than thirty years.

A public utility franchise agreement which is not subject to revocation at the will of the City shall not be enacted nor become operative until it shall first have been referred to the people at a regular or special election and received an affirmative vote of three-fifths of the electors voting on the question. No public utility franchise agreement shall be approved by the Council for referral to the electors before thirty days after it has been published and notice of its publication has been filed with the council, nor until a public hearing has been held nor until the grantee has filed with the Clerk an unconditional acceptance of all terms of franchise. No special election for the purpose shall be ordered by the Council unless the expenses of holding election, in an amount as determined by the Council, shall have first been paid to the Treasurer by the proposed grantee of the public utility franchise.

A non public utility franchise agreement may be enacted by the Council without referral to the voters, but shall not be enacted or become operative unless it shall first be filed with the Clerk in the form in which it is finally enacted and remain on file for public inspection for at least thirty (30) days before its final enactment.

SECTION 18.10 CONDITIONS OF PUBLIC UTILITY FRANCHISES

All public utility franchises granted after the adoption of this Charter, whether provided in the granting agreement or not, shall be subject to the following rights of the City, which shall not exclude other rights as determined by the council.

- 18.10.1 To their termination for misuse, non-use, or failure to comply with franchise provisions;
- 18.10.2 To require reasonable and adequate extension of plant and service and their maintenance at the highest practicable standard of efficiency;

- 18.10.3 To establish reasonable and practicable standards for service and quality of products and to prevent unjust discrimination in service or rates;
- 18.10.4 To require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout its entire period;
- 18.10.5 To impose such other reasonable regulations as may be conducive to the health, safety, and welfare of the public;
- 18.10.6 To use, control, and regulate the use of its streets, alleys, bridges and public places and the space above and beneath them. This enumeration of rights shall not be exclusive nor impair the right of the Council to include in a franchise any provision within the power of the City to impose or require;
- 18.10.7 To require payment of franchise fees or rent for the use of the public right of way, or other public places;
- 18.10.8 To require the franchisee to pay a part of the cost of improvement or maintenance of the streets, alleys, bridges, and public places of the City, as shall arise from its use of them, and to hold the City harmless from and indemnify it against all damages and costs arising from its use.
- 18.10.9 To require the franchisee to file with the City drawings and maps of the location and nature of its facilities, as the Council may request.

SECTION 18.11 SALE OF ASSIGNMENT OF FRANCHISES

The grantee of a franchise of any type may not sell, assign, sublet, or allow another to use it, without written consent of the Council. Nothing in this section shall limit the right of the grantee of a franchise of any type to mortgage its property or franchise, nor to restrict the rights of the purchaser, upon foreclosure sale, to operate the same, except that such mortgagee or purchaser shall be subject to the terms of the franchise and provisions of this Charter.

**ARTICLE XIX
NOTICE TO CITY OF CLAIMS FOR INJURIES**

SECTION 19.1 NOTICE TO CITY OF CLAIMS FOR INJURIES

The City shall not be liable for any injury to person or property sustained because of any defective street, road, bridge, sidewalk, crosswalk or any other part of any street, or for any dangerous or defective condition of any public building, unless that person, including any estate, serves a notice in writing to the Clerk within one hundred and twenty days after the occurrence

of the injury. The notice shall specifically set forth the time and place of the injury, the manner in which the injury occurred, the extent of the injury to the extent known as of the date of the notice, the names and addresses of all witnesses and that the person receiving the injury intends to hold the City liable for damages.

ARTICLE XX CHARTER ADOPTION, TRANSITION

SECTION 20.1 CHARTER ADOPTION

The proposed Charter shall be submitted to a vote of the electors of the City at an election to be held November 3, 2009. Adoption of the Charter shall require a majority of those voting on the question.

SECTION 20.2 BALLOT PROPOSITION

The form of the ballot proposition shall be as follows:

Shall the Charter of the City of Gladwin, proposed by the Gladwin City Charter Commission on the 10th day of June, 2009, be adopted.

SECTION 20.3 CHARTER EFFECTIVE DATE

The effective date of the Charter shall be January 1, 2010.

SECTION 20.4 SPECIAL PROVISIONS FOR ELECTING OFFICIALS FOLLOWING THE EFFECTIVE DATE OF THIS CHARTER

After the adoption of this Charter, members of the City Council shall complete their respective terms of office as established by the previous Charter.

SECTION 20.5 TERMS OF APPOINTIVE OFFICERS, CITY EMPLOYEES

After the effective date of this Charter all appointive officers and all employees of the City shall continue in the office or employment which they held before the effective date, subject to the terms and conditions of their appointment and employment.

SECTION 20.6 BOARDS, COMMISSIONS, AUTHORITIES AND OTHER AGENCIES

Unless otherwise provided by this Charter the boards, commissions, authorities and other agencies of the City shall continue after the adoption of this Charter, subject to the terms and conditions of their creation and other enabling authority.

The existing Compensation Commission is terminated.

SECTION 20.7 TRANSITION

All matters of City government in transition from the previous Charter to this Charter, which are not otherwise addressed in this Charter, shall be accomplished by resolutions and ordinances of the Council.

SECTION 20.8 PENDING MATTERS

All rights, claims, actions, orders, contracts and legal administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on or dealt with by the City department, office or agency appropriate under this Charter.


SECTION 20.9 ADOPTION

The Council shall cause this Charter to be certified and printed by the Clerk, and shall be considered the official Charter of the City of Gladwin, on the effective date.

CITY OF GLADWIN

CERTIFICATION

I, Carol Darlington, Deputy Clerk of the City of Gladwin, Michigan, do hereby certify the attached Charter document for the City of Gladwin to be a true and correct copy of language adopted by the Charter Review Commission, at a special meeting held on Wednesday, June 10, 2009.



Carol Darlington, Deputy Clerk
City of Gladwin, Michigan

Dated: June 10, 2009

**RESOLUTION
GLADWIN CITY CHARTER COMMISSION**

WHEREAS, the Gladwin City Charter Commission has been duly elected and has previously proposed the Gladwin City Charter to be placed on the August 4, 2009 election; and

WHEREAS, the Gladwin City Council has informed the Commission that there are no ballot issues for that date and has requested that the Commission select the date of November 3, 2009;

IT IS HEREBY RESOLVED, that the proposed Gladwin City Charter be placed on the ballot for November 3, 2009, and that Section 20.1 be amended to reflect that date, and Section 20.2 be amended to reflect the date of this Resolution.

IT IS FURTHER RESOLVED that the proposed Gladwin City Charter be hereby approved in its form and submitted to the Governor's Office for approval.

Roll Call Vote:


Ayes: C. Benander, C. Darlington, P. Engelbrecht, P. Graveline,
D. Kenoe, R. Kigar, E. Schuster

Nays: None

Absent: C. Kokotovich, M. Novak

Abstain: None

Resolution declared adopted this 10th day of June, 2009.


Carol Darlington, Clerk

CERTIFICATE

I, Carol Darlington, Clerk of Gladwin, do hereby certify the foregoing to be a true and correct copy of the resolution adopted by the Gladwin City Charter Commission at a regular meeting held on June 10, 2009.


Carol Darlington, Clerk



1000 West Cedar Avenue
Gladwin, Michigan 48624
Telephone: (989) 426-9231
Fax: (989) 426-6942

CERTIFICATE

I, Shannon Greaves, Clerk of the City of Gladwin, do hereby certify the foregoing to be a true and correct copy of the Charter of the City of Gladwin adopted by the Charter Commission on June 10, 2009, approved by the voters on November 3, 2009 and effective January 1, 2010.


Shannon Greaves, City Clerk

