CALL TO ORDER

ROLL CALL: Mayor Gatt, Council Member Casey, Council Member Wrobel, City Manager Pearson, City Clerk Comelius, David Landry, Fil Superfisky
Recording Secretary: Cortney Hanson

1) Approval of minutes from April 22, 2013

2) Chapters for review
   A. Chapter 12 – Purchases, Sales, Contracts and Leases
   B. Chapter 13 – Municipality-Owned Utilities
   C. Chapter 14 – Public Utility Franchises
   D. Chapter 15 – Miscellaneous
   E. Chapter 16 – City Library

AUDIENCE COMMENTS

ADJOURNMENT

Schedule of meetings - Mayor’s Conference Room from 4:30pm - 6:00pm

Tuesday, May 7, 2013
Tuesday, May 14, 2013
Monday, May 20, 2013
Tuesday, May 28, 2013
Monday, June 3, 2013
Tuesday, June 11, 2013
CALL TO ORDER: Mayor Gatt called the meeting to order at 4:30 p.m.

ROLL CALL: Mayor Gatt, Council Member Casey*, Council Member Wrobel, City Manager Pearson, City Clerk Cornelius, David Landry, Filip Superfisky

ALSO PRESENT: Tom Schultz, City Attorney

Motion by Council Member Wrobel, seconded by David Landry: To approve the minutes of the regular meeting of April 16, 2013. Motion carried unanimously.

Chapters for review

A) Chapter 9 - Taxation

Mr. Schultz said most of the suggested changes came from the department heads. Notations in Section 9.1(b) reflected the change approved by voters in the last election which wouldn’t require a Charter Amendment. Section 9.1 also states the tax limitation may be increased for a period of not to exceed three years. He said the statutory limitation is 20 years. Mr. Pearson said that probably wasn’t worth changing.

*Council Member Casey arrived at 4:35 p.m.

Mr. Pearson pointed out that Section 9.16 regarding collection fees provided for a 4% penalty for tax payments received after the due date. It did not accommodate for residents who made an honest mistake and were late by a single day. He proposed making it a gradual penalty, perhaps a 1% penalty for up to 30 days and resume the 4% penalty after 30 days. He also felt it was worth mentioning that the City does not charge a 1% service charge on top of taxes, like many other communities do. Mr. Landry said he felt they should do something to help residents who really did make an honest mistake and were a day or so late. He agreed with a penalty of 1% for the first 30 days and 4% thereafter. Mr. Superfisky asked if any type of notice was mailed to residents when they failed to pay their tax bill. The answer was that no notice goes out; it just rolls into the next tax bill with the penalty attached to it. Mr. Superfisky said they should consider a shorter time frame than 30 days because that could be abused. He suggested 7 or 14 days. City Clerk Cornelius suggested the 15th of the month, for example if taxes are due on August 31st, so the 4% penalty would take effect beginning on September 15th. Council Member Wrobel proposed adding an adjuster based on the prime rate instead of a flat 4% fee. Mr. Pearson said that might complicate things, but at the same time would be nice to address inflation in the future. The Committee agreed to put Section 9.16 on the list of items to be considered as a Charter Amendment to specify a 1% penalty for the first 14 days and a 4% penalty beginning
the 15th day of the following month. Also, the Committee agreed to have the City Attorney follow-up on wording the amendment to include the adjuster based on prime rate.

B) Chapter 10 – Borrowing Power

Mr. Schultz said there were no major changes suggested for this chapter. The notations in Section 10.2 were related to the recently adopted Debt Policy. The Charter did not need to be changed because the policy took precedence. Regarding Section 10.5, the timeframe of 3 years to issue a bond was pretty typical in other charters. Section 10.6 dealt with having a supermajority vote to enter into installment contracts for the purchase of property or capital improvement. Mayor Gatt asked if one question could encompass all of the issues regarding a supermajority vote, like pointed out in Chapters 7 and 8. **The Committee agreed to put the issue of supermajority votes as one question on the list of items to be considered as a Charter Amendment.**

C) Chapter 11 – Special Assessments

Mr. Schultz said Section 11.1 (a) and (b) were outdated and should be removed from the Charter. He added that the special assessment process was defined by state statute. He said the City has a separate ordinance that outlines the process we follow. The state statute pretty much deals with the process of how people can protest a special assessment. Mr. Schultz said the proposed changes to Section 11.4 came from the City Assessor and it was basically to reference the statute instead of defining the process in our charter. **The Committee agreed to put Section 11.4 on the list of items to be considered as a Charter Amendment to be in accordance with state statute.**

Mr. Superfisky said he was not in favor of removing Section 11.1 (a) and (b) because it protected special assessments from being placed on accepted streets. Mr. Schultz said that was correct. The Committee agreed to leave Section 11.1 as is currently written.

Mr. Pearson mentioned that Council Member Mutch wanted some information regarding the flexibility for usage of the storm water funds. Mr. Schultz said that would fit into Section 9.1(e). The City Attorney would follow-up with suggestions.

**ADJOURNMENT** - The meeting was adjourned at 5:18 p.m.

______________________________    ________________________________
Robert J. Gatt, Mayor       Cortney Hanson, Deputy City Clerk

Date approved: April 30, 2013
Chapter Twelve (Purchases, Sales, Contracts, and Leases) establishes minimum requirements for the purchase and sale of property and contracts on behalf of the City. For the most part, this chapter delegates the authority to establish specific procedural requirements to the Council to establish by charter or resolution (Updated in 2012). Please see the attached document for a summary of the City’s current purchasing policy.

Section 12.1
The proposed changes are intended to confirm that the City engages in bidding as a matter of course but retains all authority to decide what is best for the City. Since the adoption of the Charter, case law has established that neither a “disappointed low bidder” nor the general public has the standing to sue the City over bids and purchases. The current language in the Charter is not clear in establishing this point. The proposed changes would add needed clarification.

Section 12.3
Currently, the Charter makes any contract or agreement for the leasing or renting of City property for longer than a three year period subject to the same referendum procedures as ordinances passed by Council. The terms of the agreement are to be published within 10 days of its approval by Council and any petitions for referendum must be filed within 30 days after the publication is due to become effective.

The proposed language changes eliminate this section entirely; thus eliminating the basis of the public to file a petition of referendum on a contract or agreement which leases or rents City property.
CHAPTER 12. - PURCHASES, SALES, CONTRACTS AND LEASES

Section 12.1. - Purchase and sale of property.

Comparative prices shall be obtained for the purchase or sale of all materials, supplies, services and public improvements, and formal bids shall be required as outlined below, except: (a) in the employment of professional services; or (b) in those instances when the Director of Finance (or the Council as hereinafter provided) shall determine that no advantage to the City would result therefrom.

The City Council shall establish by Ordinance those sales or purchases which must be approved by the City Council, and those sales or purchases which shall require the solicitation of sealed bids. No sale or purchase shall be divided for the purpose of circumventing the dollar-value limitation contained in such ordinance. 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, as determined by Council in its sole discretion, who meets the specifications and whose bid is most advantageous to the City. Sales shall be made to the bidder whose bid is most advantageous to the City. All such bids shall be publicly opened at an announced time and place, and contract shall be awarded at a regular or special City Council meeting.

The Council shall, by ordinance or resolution, establish detailed purchasing, sale and contract procedures, including procedures for written contracts and purchase orders, not inconsistent with this Charter.

(Res. of 6-5-89, Ref. of 11-7-89)

Section 12.2. - Contracts.

The authority to contract on behalf of the City vested in the Council and shall be exercised in accordance with the provisions of statute and of this Charter. No contract for employment or an agreement for the purchase of wares or merchandise or services shall be made unless the Director of Finance shall first have certified that an appropriation has been made for payment thereof when due. All orders and contracts which have not been approved by the Director of Finance as aforesaid shall be void.

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 cover those payments on the contract which will be due in the current fiscal year.

No contract shall be amended after the same has been made except upon the authority of the Council.

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

State law reference— Restriction on making contracts with persons in default to city, MCL 117.5(f), MSA 5.2084(f).
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CHAPTER 12. - PURCHASES, SALES, CONTRACTS AND LEASES

Section 12.3. - Restriction on powers to lease property.

Any agreement or contract for the renting or leasing of public property for a period longer than three (3) years shall be subject to the same referendum procedure as provided in the case of ordinances passed by the Council. However, a summary of the terms of any such agreement or contract shall be published within ten (10) days after its approval by the Council, and any petition for such referendum must be filed within thirty (30) days after such publication to be effective.

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

State law reference— Permissible that Charter provide for leasing public property, MCL 117.4e(3), MSA 5.2078(3).
Chapter Thirteen (Municipality-Owned Utilities) provides for the City’s right to acquire, build, own and operate a public utility. The current language is not restrictive in respect to what types of utilities the City can operate; instead, the existing language allows the City to operate any utility allowed by statute.

Section 13.2 - Management of Municipality-Owned Utilities

The management of the utility is to be defined by ordinance by the Council. Chapter 34, Section 34-17 of the City Code establishes the Water and Sewer Department to manage water, sewer, storm water, and sanitary sewer operations, under the direction of the Council.

Section 13.5 - Disposal of Utility Plants and Property

The current language requires a 2/3 majority vote of the electors to authorize the City to sell, lease, exchange or in any way dispose of property, easements or assets pertaining to the utility.
CHAPTER 13. - MUNICIPALITY-OWNED UTILITIES

Section 13.1. - General powers respecting utilities.

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

Section 13.2. - Management of municipality-owned utilities.

All municipality-owned utilities shall be administered as a regular department of the City government under one or more departments established by ordinance as provided in this Charter and not by an independent board or commission.

Section 13.3. - Rates.

The Council shall have the power to fix from time to time such just and reasonable rates as may be deemed advisable for supplying inhabitants of the City and others with such public-utility services as the City may provide. There shall be no discrimination in such rates within any classification of users thereof nor shall free service be permitted, but higher rates may be charged for services outside the City limits.

Section 13.4. - Utility rates and charges; collection.

The Council shall provide by ordinance for the collection of all public-utility rates and charges of the City. Such ordinance shall provide, but not be limited to:

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

(b) The terms and conditions under which utility services may be discontinued in case of delinquency in paying such rates or charges; and
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CHAPTER 13. - MUNICIPALITY-OWNED UTILITIES

(c) That suit may be instituted by the City in any court of competent jurisdiction for the collection of
such rates or charges.

With respect to the collection of rates charged for water, the City shall have all the powers granted to
cities by Public Act 279 of 1909, of the Public Acts of the State of Michigan [MCL 117.1 et seq., MSA
5.2071 et seq.].

Section 13.5. - Disposal of utility plants and property.

Unless approved by a two-thirds (2/3) majority vote of the electors voting thereon at a regular or
special election, the City shall not sell, exchange, lease or in any way dispose of any property,
easements, equipment, privilege or asset belonging to and appertaining to any municipality-owned public
utility which is needed to continue operating such utility. All contracts, negotiations, licenses, grants,
leases or other forms of transfer in violation of this Section shall be void and of no effect as against the
City. The restrictions of this Section shall not apply to the sale or exchange of any articles of machinery or
equipment of any City-owned public utility which are worn out or useless or which have been, or could
with advantage to the service, be replaced by new and improved machinery or equipment, to the leasing
of property not necessary for the operation of the utility or to the exchange of property or easements for
other needed property or easements.

Section 13.6. - Utility accounts.

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

FOOTNOTE(S):

--- (8) ---
permissible that Charter provide for operation of utilities, MCL 117.4c, 117.4f, MSA 5.2076, 5.2079.
(Back)
Chapter Fourteen (Public Utility Franchises) provides for the City’s authority to grant public utility franchises as well as their authority to set conditions for operation, revoke privileges, and regulate rates.

c:
CHAPTER 14. - PUBLIC UTILITY FRANCHISES

Section 14.1. - Granting of public utility franchises.

Public utility franchises, and all renewals, extensions thereof and amendments thereto, shall be granted by ordinance only. No exclusive franchise shall ever be granted for a longer period than thirty (30) years.

Each franchise shall include a provision requiring the franchise to take effect within one year after the adoption of the ordinance granting it, except in the case of grants to take effect at the end of any franchise existing as of the date of the adoption of this Charter or that may hereafter be granted.

No franchise ordinance which is not subject to revocation at the will of Council shall be enacted nor become operative until the same shall have first been referred to the people at a regular or special election and received the affirmative vote of three-fifths (3/5) of the electors voting thereon. No such franchise ordinance shall be approved by the Council for referral to the electorate before thirty (30) days after application therefor has been filed with the Council, nor until a public hearing has been held thereon, nor until the grantee named therein has filed with the Clerk his unconditional acceptance of all terms of such franchise. No special election for such purposes shall be ordered unless the expense of holding such election, as determined by the Council, shall have first been paid to the Treasurer by the grantee.

A franchise ordinance, or renewal, or extension thereof, or amendment thereto, which is subject to revocation at the will of the Council may be enacted by the Council without referral to the electors but shall not be enacted unless it shall have been so on file in the office of the Clerk for public inspection for at least four (4) weeks after publication as required by law or this Charter of a notice in a newspaper of general circulation in the City that such ordinance is so on file.


Section 14.2. - Conditions of public utility franchise.

All public utility franchises granted after the adoption of this Charter, whether so provided in the granting ordinance or not, shall be subject to the following rights of the City, but this enumeration shall not be exclusive nor impair the right of the Council to insert in such franchise any provision within the power of the City to impose or require:

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

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

Comment [TRS31]: Const. 1963, Art. VII, § 30

Comment [JM2]: Necessary safeguard?
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(c) To establish reasonable standards of service and quality of products and prevent unjust discrimination in services or rates;

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

(e) To use, control and regulate the use of its streets, alleys, bridges and other public places and the space above and beneath them;

(f) To require of any utility which may not be subject to regulation by any administrative agency of the State, proper and adequate extension of plant, service and maintenance thereof, at the highest practicable standard of efficiency. The facilities and service of any utility subject to the jurisdiction and control of any regulation by the Michigan Public Service Commission shall be in accordance with the rules and regulations of the Michigan Public Service Commission or its successor;

(g) After written request of the Council, to require the public utility to file with the Clerk copies of any annual report made that year by such utility to the Michigan Public Service Commission;

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

Section 14.3. - Regulation of rates.

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

Section 14.4. - Uses of public places by utilities.

Every public utility, whether it has a franchise or not, shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges and other public places, as shall arise from its use thereof, and shall protect and save the City harmless from all damages arising from said use. Every such public utility may be required by the City to permit joint use of its property and appurtenances located in the streets, alleys and other public places of the City by the City and by other utilities, insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefor. In the absence of agreement and upon application by any public utility, the Council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor, and the arbitration award shall be final.

The Council may grant a permit at any time in or upon any street, alley, or public place; provided such permit shall be revocable by the Council at its pleasure, whether such right to revoke be expressly reserved in said permit or not; and provided that when such permit is granted for water mains, sewers or drains, it may be made irrevocable unless the grantee be a private person, firm or corporation.

State law reference—Permissible that Charter provide for use of public places by public utilities, MCL 117.4h(2), MSA 5.2081(2).

Section 14.5. - Sale or assignment of franchise.

The grantee of a franchise may not sell, assign, sublet, or allow another to use the same unless the Council gives its consent. Nothing in this Section shall limit the right of the grantee of any public utility franchise to mortgage its property or franchise nor restrict the rights of the purchaser, upon foreclosure
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CHAPTER 14. - PUBLIC UTILITY FRANCHISES

sale, to operate the same; except that such mortgages or purchaser shall be subject to the terms of the franchise and provisions of this Chapter.
Chapter Fifteen (Miscellaneous) provides an array of topics, most notably publication, definitions, and penalties.

Section 15.2

The issue of publication is one that needs to be addressed. The publication of public notices in newspapers and in 5 public places is not only outdated but expensive. The current language requiring posting notice in 5 public places is also more demanding than State law; which requires publication in 3 public places. The proposed language changes allow the City to be more flexible with how it publishes notices by eliminating language that provides explicit requirements (i.e. 5 public places, in a newspaper of general circulation) and replaces it with general language allowing the City to change its practices when State law allows.

It should be noted that currently State law does require publication in public places and in a newspaper for certain purposes. Those laws may change sometime in the near future (see attached publication).

Section 15.8

The committee may find it necessary to provide a clear definition for the term “publication” or “publish” that does not prescribe the traditional means of publication and allows the City to adapt its publication practices as time goes on. This may be redundant based upon the language changes made to Section 15.2.
CHAPTER 15. - MISCELLANEOUS

Section 15.1. - Notice to city of claim for injuries.

The City shall not be liable for damages sustained by any person either to his person or property, by reason of the negligence of the City, its officers or employees. It shall not be liable by reason of any defective highway, street, bridge, sidewalk, crosswalk or culvert or by reason of any obstruction, ice, snow or other encumbrance upon such street, sidewalk, crosswalk or public highway situated in the City, unless such person shall serve or cause to be served, within sixty (60) days after such injury shall have occurred, a notice in writing upon the Clerk. The notice shall set forth substantially the time and place of such injury, the nature of the defect, the manner in which it occurred and the extent of such injury as far as the same has become known, the names and addresses of the witnesses known at the time by claimant and a statement that the person receiving such injury intends to hold the City liable for such damages as may have been sustained by him. No person shall bring any action against the City for any damages to person or property arising out of any obstruction, ice, snow or other encumbrances upon such street, sidewalk, crosswalk or public highway situated in the City unless he shall also present to the Clerk his claim in writing and under oath, setting forth particularly the nature and extent of such injury and the amount of damages claimed by reason thereof; these claims shall be presented to the Council by the Clerk.

It shall be sufficient bar and answer in any court to any action or proceeding for the collection of any demand or claim against the City under this Section, that the notice of injury and the verified proof of claim, as in this Section required, were not presented and filed within the time and in the manner as herein provided.

State law reference—City liability for injuries, MCL 691.1401 et seq., MSA 3.996(101) et seq.

Section 15.2. - Publication and mailing of notices.

The Council shall select the method of publication of all notices, ordinances, and proceedings for which a mode of publication is not prescribed by this Charter or by law. The Council may determine that such publication may be made in a newspaper which is printed or circulated in the City, or that such
publications may be made by posting in the office of the Clerk and in five (5) other public places in the City. In case publication is made by posting, a notice of such posting, setting forth by a descriptive phrase, the purpose of or nature of the notice, ordinance, or proceedings posted and location of the places where posted, shall be published at least once in a newspaper published or circulated in the City within ten (10) days after such posting was done to the City’s website or any other means or method determined by the City Council to be appropriate to properly inform the general public in matters of municipal concerns.

In any case in which this Charter requires the mailing of notices, the affidavit of the officer or employee responsible for such mailing that such notice was mailed shall be prima facie evidence of such mailing.

Section 15.3. - No estoppel by representation.

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

Section 15.4. - City records.

All records of the City shall be public, subject to the provisions of state law.

State law reference—Mandatory that Charter provide that all records of the municipality shall be public, MCL 117.3(l), MSA 5.2073(l); freedom of information act, MCL 15.231 et seq., MSA 4.1801(1) et seq.

Section 15.5. - Headings.

The Chapter and Section headings used in this Charter are for convenience only and shall not be considered to be a part of this Charter.

Section 15.6. - Effect of illegality of any part of Charter.

Should any provision or Section, or portion thereof, of this Charter be held by a court of competent jurisdiction to be invalid, illegal or unconstitutional, such holding shall not be construed as affecting the validity of this Charter as a whole or of any remaining portion of such provision or Section; it being hereby declared to be the intent of this Charter Commission and of the electors who voted thereon that such unconstitutionality or illegality shall not affect the validity of any part of this Charter except that specifically affected by such holding. Further, it is hereby declared that it was the intent of the Charter Commission and of the electors of the City of Novi, in preparing and adopting this Charter, that said instrument should conform in all respects with the provisions and requirements of State law. In the event that any provisions of this Charter shall conflict with or contravene the provisions of any general law of the State of Michigan, the provisions of such general law of the State shall govern.

Section 15.7. - Amendments.

This Charter may be amended at any time in the manner provided in Act No. 279 of the Public Acts of 1909 [MCL 117.1 et seq., MSA 5.2071 et seq.], as amended. Should two (2) or more amendments, adopted at the same election, have conflicting provisions, the one receiving the largest affirmative vote shall prevail as to those provisions.
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CHAPTER 15. - MISCELLANEOUS


Section 15.8. - Definitions and interpretations.

Except as otherwise specifically provided or indicated by the context:

(a) All words used in this Charter indicating the present tense shall not be limited to the time of the adoption of this Charter but shall extend to and include the time of the happening of any event or requirement for which provision is made herein.

(b) The singular number shall include the plural; the plural number shall include the singular; and the masculine gender shall extend to and include the feminine gender and the neuter.

(c) The word "person" may extend and be applied to bodies politic and corporate and to partnership[s] as well as to individuals.

(d) The words "printed" and "printing" shall include reproductions by printing, engraving, stencil duplicating, lithographing or any 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, and 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 in effect at the time the provision of the Charter containing the word "statute" is to be applied.

(h) The word "Constitution" shall denote the Constitution of the State of Michigan in effect at the time the provision of Charter containing the word "Constitution" is to be applied.

(i) All references to specific local or Public Acts shall be to such local or Public Acts of the State of Michigan as in effect at the time the reference to such act is to be applied.

(j) All references to section numbers shall refer to section numbers of this Charter.

Section 15.9. - Trusts and bequests.

All trusts established for any municipal purpose shall be used and continued in accordance with the terms of such trust, subject to the cy pres doctrine. The Council may in its discretion receive and hold any property in trust for any municipal purpose and shall apply the same to the execution of such trust and for no other purposes except in cases where the cy pres doctrine shall apply.

Section 15.10. - Sundays and holidays.

Whenever the date fixed by this Charter or by ordinance for the doing or completion of any act falls on a Sunday or legal holiday, such act shall be done or completed on the next succeeding day which is not a Sunday or legal holiday.

Section 15.11. - Penalties for violation of charter; misconduct in office.

Any person found guilty by a court of competent jurisdiction of violation of this charter shall be guilty of a misdemeanor and may be punished by a fine of not to exceed Five Hundred ($500) Dollars or
imprisonment for not to exceed ninety (90) days or both in the discretion of the court. Any officer of the City found guilty by a court of competent jurisdiction of any act declared by this Charter to constitute misconduct in office may be punished by a fine of not to exceed One Thousand ($1,000) Dollars or imprisonment for not to exceed ninety (90) days or both in the discretion of the court. The punishment provided in this Section shall be in addition to that of having the office declared vacant as provided in Section 5.4.

Section 15.12. - Use of City property.

Property owned by the City as of November 24, 1999, shall not be used for the development of a golf course and/or banquet facility. Property acquired by the City after November 24, 1999, shall be used for such purposes only after voter approval at a general city election.

(Amended 11-2-99)
Chapter Sixteen (City Library) establishes the City’s relationship and responsibilities to the City Library. At this time I have no comments for Committee discussion.
CHAPTER 16. - CITY LIBRARY

Section 16.1. - Establishment and maintenance.

The Council shall have power by ordinance to establish and maintain a public library and reading room for the use and benefit of the inhabitants of the City in accordance with and under the provisions of Act 164 of the Public Acts of 1877 for the State of Michigan [MCL 397.201 et seq., MSA 15.1661 et seq.], as amended, and may levy a tax of not to exceed one-tenth of one percent (1 mill) on the dollar annually on all taxable property in the City; such tax to be levied and, collected in like manner with other general taxes of said City and to be known as the "library fund".

Section 16.2. - Officers.

When established, the City Library shall be under the direction of a Board of Directors who shall be appointed and hold office in the manner prescribed by said statute, shall possess such powers as are conferred by said statute and shall perform the functions and duties prescribed by such statute and granted by ordinance enacted under the provisions of this Charter.

Section 16.3. - Contract for use of library.

By a favorable vote of not less than four (4) of the five (5) members of the Board of Directors and, if permitted by the ordinance enacted to establish the public library and reading room, the Board of Directors may enter into a contract for the use of any free public library and reading room in any township, city or village, as the case may be, and the Council may levy a tax of not to exceed one-tenth of one percent (1 mill) annually, upon the assessed valuation of the City, for the purpose of paying for such use, to be collected as heretofore set forth.