

PART I CHARTER*

***Editor's note:** Printed herein is the Charter of the City of Ypsilanti, Michigan, as adopted by the electors on November 8, 1994, and effective on December 1, 1994. Amendments to the Charter are indicated by a parenthetical history note following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

State constitutional law reference--Power to adopt and amend Charter, Mich. Const. 1963, Art. VII, § 22.

State law references: Home rule cities generally, MCL 117.1 et seq.

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CITY OF YPSILANTI
CITY CHARTER

Effective Date December 1, 1994

PREAMBLE

We, the People of the City of Ypsilanti, by the grace of Almighty God, and pursuant to authority granted by the Constitution and the Laws of the State of Michigan, in order to secure the benefits of local self-government, and otherwise to promote our common welfare, do hereby ordain and establish this Charter for the City of Ypsilanti.

ETHICAL PRINCIPLES FOR THE

GOVERNMENT OF THE
CITY OF YPSILANTI

I. PUBLIC OFFICE IS A PUBLIC TRUST. Public servants should treat public office as a public trust, using the powers and resources of public office only to advance public interests, and not to attain personal benefits or pursue any private interest incompatible with the public good.

II. PRINCIPLE OF INDEPENDENT, OBJECTIVE JUDGMENT. Public servants should employ independent, objective judgment in performing their duties, deciding all matters on the merits, free from conflicts of interest and apparent improper influences.

III. PRINCIPLE OF ACCOUNTABILITY. Public servants should assure that government is conducted openly, efficiently, equitably and honorably in a manner that permits the citizenry to make informed judgments and hold government officials accountable.

IV. PRINCIPLE OF DEMOCRATIC LEADERSHIP. Public servants should honor and respect the principles and spirit of representative democracy and set a positive example of good citizenship by scrupulously observing the letter and spirit of laws and rules.

V. PRINCIPLE OF RESPECTABILITY AND FITNESS FOR PUBLIC OFFICE. Public servants should safeguard public confidence in the integrity of government by being honest, fair, caring and respectful and by avoiding conduct which creates the appearance of impropriety or which is otherwise unbecoming a public official.¹

¹ From the Josephson Institute Government Ethics Center, PUBLIC SERVICE ETHICS, SUMMARY OF PRINCIPLES AND GUIDELINES.

ARTICLE I. POWERS OF THE CITY

1.01. Powers of the City.

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.

1.02. Construction.

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.

1.03. Intergovernmental relations.

The City may exercise any of its powers or perform any of its functions and may participate in the financing, jointly or in cooperation, by contract or otherwise, with any one or more States or any State civil division or agency, or the United States of America or any of its agencies.

State law references: Permissible that in providing for the public peace, health and safety, a city expend funds or enter into contracts with a private organization, the federal or state government, a county, village or township, or another city for services considered necessary by the municipal body vested with legislative power, MCL 117.3(j).

ARTICLE II. LEGISLATION

2.01. General powers and duties.

All powers of the City shall be vested in the City Council, except as otherwise provided by law or this Charter, and the Council shall provide for the exercise and for the performance of all duties and obligations imposed on the City by law.

State law references: Mandatory that Charter provide for a body vested with legislative power, MCL 117.3(a).

2.02. Officers to be elected.

- (a) *Council.* The voters of each ward shall elect one Council Member at every regular City election for a four-year term. The term shall begin at 7:30 p.m. local time on the Monday following the election.
- (b) *Mayor.* The voters of the City shall elect a Mayor at the same time that the voters of the State elect a Governor for a four-year term. The term shall begin at 7:30 p.m. local time on the Monday following the election. The Mayor shall be the chief executive officer of the City, shall be a voting member and shall preside over the meetings of the City Council, but shall have the same powers possessed by the other members of the City Council.
- (c) *Qualifications.* The Mayor and Council Members shall be qualified electors in the City and the ward from which they seek to be elected at least 30 days prior to the filing deadline for the office.

State law references: Mandatory that Charter provide for election of certain officers, MCL 117.3(a); mandatory that Charter prescribe qualifications of officers, MCL 117.3(d).

2.03. City employment eligibility.

No Mayor or City Council Member shall be eligible for employment with the City of Ypsilanti, for a period of two years after leaving office. This provision allows former Mayors or former Council Members to serve on any City boards and commissions.

2.04. Compensation.

The Council shall, from time to time, set the compensation of the Mayor and Council, by a roll call vote. The compensation may not exceed the amount specifically designated for the purpose of compensating the officer or officers in the annual appropriation. There shall not be a local officers' compensation commission.

State law references: Mandatory that Charter provide for compensation of officers, MCL 117.3(d).

2.05. Vacancies; forfeiture of office; filling of vacancies.

- (a) *Vacancies.* The office of a Council Member shall become vacant upon the Member's death, resignation, removal from office or forfeiture of office in any manner authorized by law.

- (b) *Resignations.* The resignation of any officer shall be made in writing and filed in the office of the City Clerk. The resignations of the City Manager and City Clerk shall not be effective until acted upon by the Council although the Council must act within 30 days. The resignations of all other appointive officers shall be acted upon by the City Manager in a prompt and orderly manner.
- (c) *Forfeiture of Office.* A Council Member shall forfeit that office if the Council Member:
- (1) Lacks at any time during the term of office for which elected any qualification for the office prescribed by this Charter or by law; or
 - (2) Violates any express prohibition of this charter; or
 - (3) Is convicted of a felony; or
 - (4) Is convicted of election fraud in a criminal case; or
 - (5) Fails to attend three consecutive regular meetings of the Council, or 25% of such meetings in any fiscal year, without being excused by the Council.
- (d) *Filling of Vacancies.*
- (1) *Mayor.* Vacancies occurring in the office of Mayor shall be filled by the Mayor Pro Tem until the next general election and vacancies occurring in the office of Mayor Pro Tem shall be filled for the balance of the unexpired term of the Mayor Pro Tem by appointment of a Member of the Council. Such appointment shall create a vacancy in the office of Council Member until the next general election.
 - (2) *Mayor Pro Tem.* The Mayor Pro Tem shall perform the duties of the Mayor when, on account of extended absence from the City, disability, or otherwise, the Mayor is temporarily unable to perform the duties of the office. In case of a vacancy in the office of Mayor and when the disability or absence of the Mayor from the City extends for a period of thirty (30) successive days or more, the Mayor Pro Tem shall, during such vacancy, absence, or disability, relieve the Mayor. The Mayor Pro Tem shall preside over the meetings of the Council in the absence of or at the call of the Mayor. In the event of the extended absence from the City, disability or otherwise, of both the Mayor and the Mayor Pro Tem, the Council shall designate another of its Members to serve as acting Mayor during such absence or disability.
 - (3) *Council Member.* Notwithstanding any other provisions of this Charter to the contrary, vacancies occurring in the office of Council Member for more than ninety (90) days before the next regular City election shall be filled on or before the third regular Council meeting following such vacancy by a majority vote of the remaining Members of the Council, said appointee to hold office until the next City election at which election such vacancy shall be filled for any balance of the original unexpired term. Any vacancies which occur for ninety (90) days or less before the next regular City election shall not be filled.
 - (4) *Term of Office cannot be Shortened or Extended.* Except by procedures provided in this Charter, the terms of the elected officials of the City shall

not be shortened. The term of any elective City officer may not be extended beyond the period for which the officer was elected except that, after the term has expired, the officer shall continue to hold office until a successor is elected and has qualified.

- (5) *Oath and Bond of Office.* Every officer, elected or appointed, before entering upon the duties of the office shall take the oath or affirmation of office prescribed by Section 1 of Article XI of the Constitution of the State and shall file a copy of the same with the Clerk, together with any bond which may be required to be given by this Charter or by the Council. The oath or affirmation and bond of the Clerk shall be filed with the Treasurer. In case of failure to comply with the provisions of this Section within ten (10) days from the date of formal notification of election or appointment, such officer shall be deemed to have declined the office and such office shall thereupon become vacant, unless the Council shall, by resolution, extend the time in which such officer may qualify.
- (6) *Delivery of Office and Its Effects by Office to a Successor.* Whenever any officer or employee shall resign, or be removed from office, or the term of office for which the officer has been elected or appointed has expired, that officer or employee shall, on demand, deliver to the successor in office or to the superior, all the books, papers, monies, and effects in the officer's custody, and which in any way pertain to the office or employment. Any person violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally for the like offense under the general laws of the State, now or hereafter in force and applicable thereto. Every officer and employee of the City shall be deemed an officer within the meaning and provisions of such general laws of the State for the purpose of this Section.

State constitutional law reference--Oath of public officers, Mich. Const. 1963, Art. XI, § 1.

State law references: Vacancies in city offices, MCL 201.37.

2.06. Judge of qualifications.

The City Council shall be the judge of the election and qualifications of its Members and of the grounds for forfeiture of their office. The Council shall have the power to set additional standards of conduct for its Members beyond those specified in the Charter and may provide for such penalties as it deems appropriate, including forfeiture of office. In order to exercise these powers, the Council shall have power to subpoena witnesses, administer oaths and require the production of evidence. A Member charged with conduct constituting ground for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the City at least one week in advance of the hearing. Decisions made by the Council under this Section may be subject to judicial review.

State law references: Mandatory that Charter prescribe qualifications of officers, MCL 117.3(d); standards of conduct and ethics, MCL 15.341 et seq.

2.07. Investigations.

The City Council may make investigations into the affairs of the City and the conduct of any City department, office, or agency and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Failure or refusal to obey a lawful order issued in the exercise of these powers by the Council shall be a misdemeanor punishable by a fine as provided by State law or local ordinance.

2.08. Procedure.

- (a) *Meetings.* The Council shall meet regularly one or more times every 30 days, at such times and places as the Council may prescribe by rule. The business the City Council shall perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. Special meetings may be held on the call of the Mayor or of three or more Members, upon no less than twenty-four hours notice to each Member. Except as allowed by State law, all meetings shall be public.
- (b) *Rules and Journal.* The City Council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a permanent public record in the English language. All records of the City shall be made available to the general public in accordance with the Freedom of Information Act.
- (c) *Voting.* Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. Four Members of Council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent Members in the manner and subject to the penalties prescribed by the rules of the Council. No action of the Council, except as otherwise provided in the preceding sentence, shall be valid or binding unless adopted by the affirmative vote of four or more Members of the Council.

State law references: Mandatory that Charter provide that all sessions of the legislative body and all records of the municipality shall be public, MCL 117.3(l); mandatory that Charter provide for keeping of a journal of every session, MCL 117.3(m); open meetings act, MCL 15.261 et seq.; freedom of information act, MCL 15.231 et seq.; conflicts of interest as to contracts, MCL 15.321 et seq.; standards of conduct and ethics, MCL 15.341 et seq.

2.09. Action requiring an ordinance.

In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the City Council shall be by ordinance which:

- (a) Adopt or amend an administrative code or establish, alter, or abolish any City department, office or agency;
- (b) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (c) Levy taxes;
- (d) Grant, renew, or extend a franchise;

- (e) Regulate the rate charged for its services by a public utility;
- (f) Authorize the borrowing of money;
- (g) Convey or lease or authorize the conveyance or lease of any land of the City;
- (h) Regulate land use and development; or
- (i) Amend or repeal any ordinance previously adopted.

Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution as long as they conform to the specific provision of this Charter.

State constitutional law reference--General authority relative to adoption of ordinances, Mich. Const. 1963, Art. VII, § 22.

State law references: Mandatory that Charter provide for ordinances, MCL 117.3(k).

2.10. Ordinances in general.

- (a) *Form.* Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The City of Ypsilanti hereby ordains" Any ordinance which repeals or amends an existing ordinance or part of the City code shall set out in full the ordinance, sections or subsections to be repealed or amended, and shall indicate matters to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matters by underscoring or by italics.
- (b) *Procedure.* An ordinance may be introduced by any Member of Council at any regular or special meeting of the Council. Upon introduction of any ordinance, the City Clerk shall distribute a copy to each Council Member and to the City Manager, shall file a reasonable number of copies in the office of the City Clerk and such other public places as the Council may designate, and shall publish the ordinance together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing shall follow the publication by at least seven days, may be held separately or in connection with a regular or special Council meeting, and may be adjourned from time to time; all persons interested shall have an opportunity to be heard. After the hearing the Council may adopt the ordinance with or without amendment or reject it, but if it is amended as to any matter of substance, the Council may not adopt it until the ordinance or its amended sections have been subjected to the same procedures as in the case of a newly introduced ordinance. As soon as practicable after adoption, the City Clerk shall have the ordinance and a notice of its adoption published and available.
- (c) *Effective Date.* Except as otherwise provided in this Charter, every adopted ordinance shall become effective after publication at the expiration of 30 days after adoption or at any later date specified therein.
- (d) *"Publish" Defined.* As used in this Section, the term "publish" means to print in one or more newspapers or equivalent media of general circulation in the City: (1) The ordinance or a brief summary, and (2) the places where copies of it have

been filed and the times when they are available for public inspection.

State law references: Mandatory that Charter provide for publication of all ordinances before they become operative, MCL 117.3(k).

2.11. Emergency ordinances.

An emergency ordinance, which is declared therein to be an emergency ordinance necessary for the immediate preservation of the public peace, health, safety, or welfare and reciting therein the facts and circumstances constituting the emergency, may be enacted at the meeting at which it is introduced by the affirmative vote of 4/5 of the Members of the Council present at the meeting at which it is enacted. No emergency ordinance shall be effective for a period longer than sixty (60) days after its enactment.

2.12. Codes of technical regulations.

The City Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:

- (a) The requirements for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and
- (b) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the City Clerk.

Copies of any adopted code of technical regulations shall be made available by the City Clerk for distribution or for purchase at a reasonable price.

State law references: Authority to adopt technical codes by reference, MCL 117.3(k).

2.13. Compilation.

- (a) Copies of all ordinances enacted and amendments to this Charter adopted after the effective date of this Charter shall be available at the office of the City Clerk.
- (b) Within two (2) years after the adoption of this Charter, and at least once in every ten (10) years thereafter, the Council shall direct and complete the compilation or codification and the publication of the Charter and of all ordinances of the City then in force in a loose-leaf or pamphlet form. No further publication of any such compilation or codification shall be required for validity. In case the compilation or codification of the ordinances of the City shall have been maintained current and up-to-date during any ten (10) year period, no re-compilation or recodification of the ordinances of the City shall be required during or at the end of such period.

State law references: Codification authority, MCL 117.5b.

2.14. Penalties.

The Council shall provide in each ordinance for the punishment of those who violate its provisions. Punishment for the violation of any City ordinance or for the commission by any officer of the City of any act declared by this Charter to constitute

misconduct in office cannot exceed the maximum penalties provided by State law, except that any officer of the City found guilty of any act declared by this Charter to constitute misconduct in office, shall, in addition to such fine or imprisonment, or both, forfeit the office.

State law references: Limitation on penalties, MCL 117.4i(10).

2.15. Initiative and referendum.

Any ordinance and all matters within the scope of the City's powers may be initiated by petition, and the referendum on any adopted ordinance and in all matters within the scope of the City's powers may be had by petition to the extent permitted by law.

State constitutional law reference--Initiative and referendum, Mich. Const. 1963, Art. II, § 9.

State law references: Permissible that Charter provide for initiative and referendum, MCL 117.4i(6).

2.16. Petitions.

Petition for initiative or referendum shall be signed by registered electors of the City as of the date of their signature, and shall contain signatures in a number not less than twenty (20%) percent of the votes cast for the office of Mayor in the last regular City election at which a Mayor was elected, and all signatures on said petitions shall be obtained within ninety (90) days before the date of the filing of the petition with the City Clerk. Before being circulated for signatures, all such petitions shall be approved as to form by the City Clerk.

Any such petition shall be addressed to the City Clerk and may be the aggregate of two or more petition papers identical as to content and simultaneously filed by one (1) person. An initiatory petition shall set forth in full the ordinance it proposes to initiate, and no petition shall propose to initiate more than one (1) ordinance. A petition for referendum shall identify the ordinances, or part thereof, it proposes to have repealed.

Each signer of a petition shall sign his or her name in ink or in indelible pencil and shall place thereon after the name, the date of signing and place of residence by street and number, or by other customary designation. To each paper of the petition there shall be attached a sworn or affirmed affidavit by the circulator, who shall be a registered elector of the City at the time of circulating the petition, stating the number of signers of said paper, and that each signature is the genuine signature of the person whose name it purports to be, and that such signature was made in the presence of the affiant. Such petitions shall be filed in the office of the City Clerk and the City Clerk shall, within ten (10) days, canvass the signatures, the form of the petition and the pages comprising thereof to determine the sufficiency and the number of the signers and whether the form of the petition complies with the provision of this Charter with respect to initiatory and referendary petitions.

If the City Clerk determines that said petitions contain an insufficient number of signatures of qualified registered electors of the City or are improper as to form of compliance with the provision of this Section of the Charter, persons filing such petitions shall be so notified, and ten (10) days from said notification shall be allowed for the filing

of supplemental petition papers in any event before the deadline. If such petitions are found to be sufficient and proper and filed within the time limits allowed by this Section, the City Clerk shall certify it as to its sufficiency and present the petition to the Council at its next regular meeting.

2.17. Council procedure.

Upon receiving a petition for initiative or referendum from the City Clerk, the Council shall, within thirty (30) days, either:

- (a) If it be an initiatory petition, adopt the ordinance as submitted in the petition or determine to submit the proposal to the electors of the City; or
- (b) If it be a petition for referendum, repeal the ordinance to which the petition refers or determine to submit the proposal to the electors of the City.

2.18. Submission to electors.

Should the Council decide to submit the proposal contained in the petition for initiative or referendum 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 that specific purpose. In the case of an initiatory petition, if no election is to be held in the City for any other purpose within 120 days from the time the petition is presented to the Council and the Council does not adopt the ordinance, then the Council shall call a special election within sixty (60) days from such time for the submission of the initiative proposal. The result shall be determined by a majority vote of the electors voting therein, except in cases where otherwise required by statute or the Constitution.

State law references: Restrictions on number of special elections, MCL 117.5(c); special election approval, MCL 168.631, 168.639.

2.19. Ordinance suspended.

The presentation to the Council by the City Clerk of any legally sufficient referendary petition shall automatically suspend the operation of the ordinance in question, or the part thereof, pending repeal by the Council or final determination by the electors.

An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed for a period of two (2) years after the date of the election at which it is adopted, and an ordinance repealed by the electorate at such election may not be re-enacted for a period of two (2) years after the date of the election at which it was repealed. It is provided, however, that any ordinance may be adopted, amended or repealed at any time by appropriate referendum or initiatory procedure in accordance with the provisions of this Charter. If two (2) or more ordinances adopted at the same election shall have conflicting provisions, the provisions in the ordinance receiving the highest number of affirmative votes shall govern.

ARTICLE III. ELECTIONS*

***State law references:** Mandatory that Charter provide for the time, manner and

means of holding elections, MCL 117.3(c); Michigan election law, MCL 168.1 et seq.

3.01. City elections.

- (a) *General and City Elections.* A partisan regular City election shall be held on the Tuesday after the first Monday in November every two years in even numbered years.
- (b) *Primary Elections.*² Nomination of candidates for elective City offices shall be by a partisan primary election.
- (c) *Registered Voter Defined.* All citizens legally registered under the Constitution and laws of the State of Michigan to vote in the City shall be registered voters of the City within the means of this Charter.
- (d) *Conduct of Elections.* The provisions of the general election laws of the State of Michigan shall apply to elections held under this Charter. All elections provided for by the Charter shall be conducted by the election authorities established by law. Candidates shall run for office with party designation or as an independent. For the conduct of City elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt ordinances consistent with law and this Charter, and the election authorities may adopt further regulations consistent with law and this Charter and the ordinances of the Council. Such ordinances and regulations pertaining to elections shall be publicized in the manner of City ordinances generally.

²State Law requires the Primary Election to be held on the Tuesday after the first Monday in August.

State law references: Provisions pertaining to odd year general elections inapplicable to certain home rule cities, MCL 168.644j.

3.02. Qualification of electors.

Each person who is a resident of the City and who has the constitutional qualifications of an elector in the State of Michigan, or who will have such qualifications at the next ensuing City primary, regular, or special election, shall be entitled to register as an elector of the City of Ypsilanti in the election precinct in which that person resides.

State law references: Mandatory that Charter provide for the registration of electors, MCL 117.3(c); registration of electors, MCL 168.491 et seq.; qualifications for registration as elector, MCL 168.492.

3.03. Application of state law.

Except as otherwise provided in this Charter, the Michigan Election Law shall control, as nearly as may be possible, all procedures relating to registration for the conduct of all City primary, regular, and special elections.

3.04. Nomination for office.

Every person named as a candidate for an elective City office in a nominating petition properly filed and complying with the provisions of this Charter pertaining thereto shall be entitled to have the person's name printed upon the official primary election ballot of the City as a nominee of the political party and for the elective City office set forth in the nominating petition. At the City primary election, the nominee for an elective City office receiving the highest number of votes cast for the nominee's party for that office shall be declared the party candidate for election to that office at the next ensuing regular City election.

If, upon the expiration of the time for filing nominating petitions for an elective office, it appears that petitions have been filed for no more than one (1) nominee for the office for each political party nominating candidates, no City primary election shall be held with respect to that office. With respect to any elective office for which no primary is necessary, the City Clerk shall certify to the Election Commission the persons named in the petitions as candidates of their respective political parties for election to the office to be placed upon the ballot for the next subsequent regular City election. If no primary election is necessary for any office, the City Clerk shall publish notice of that fact and the reasons, as part of, or at the time provided for, the publication of notices of the primary election.

State law references: Mandatory that Charter provide for the nomination of elective officers, MCL 117.3(b).

3.05. Special elections.

Special City elections shall be held when called by resolution of the Council or when required by this Charter or the general laws of the State and shall be scheduled in accordance with the procedures set forth in the Michigan Election Law. Any resolution calling a special election shall set forth the purpose of such election. The number of special City elections held in any calendar year shall not exceed the number permitted by law.

State law references: Restrictions on number of special elections, MCL 117.5(c); special election approval, MCL 168.631, 168.639.

3.06. Nomination petitions.

A person desiring to be nominated as a candidate for any elective City office shall file with the City Clerk a nominating petition, consisting of one or more official nominating petition forms. Each petition filed by or on behalf of a person seeking nomination to the office of Mayor shall be signed by not less than 125 nor more than 200 registered electors of the City. Each petition filed by or on behalf of a person seeking nomination to the office of Council Member shall be signed by not less than 25 nor more than 50 registered electors residing in the ward from which a person proposes to be elected Council Member.

Official nominating petition forms may be prepared and furnished by the City Clerk. The official forms shall contain the name of the candidate, the candidate's address, the political party for which the candidate proposes to be nominated as a candidate for elective office, and the elective office for which the petitions are to be signed, and shall otherwise be in substantially the same form as the State law requires of partisan nominating petitions for State and County elective offices.

Nominating petitions shall be filed with the City Clerk not later than 4:00 p.m., local time, on the twelfth Tuesday preceding the regular City primary election. The City shall publish notice of the last day and time for filing nomination petitions at least one (1) week and not more than three (3) weeks before that date.

No person shall sign more than one petition for Mayor or more than one petition for Council Member for a four-year term. Whenever there is an election for Council Member for a two-year term, no person shall sign more than one petition for that office. When the signature of a registered elector appears on the petitions of competing candidates, the signatures on the petitions that have been filed first shall be counted and the signature or signatures on petitions filed subsequently shall not be counted.

3.07. Circulation of nominating petitions.

Nominating petitions for the elective office of Council Member shall be circulated by a registered elector who is a resident of the ward from which the candidate named thereon seeks election as Council Member. The nominating petition for the office of the Mayor shall be circulated by a registered elector of the City. Each page of the petition filed as part of a nominating petition shall be verified by the circulator. The verification shall state that the signatures on the petition page were obtained by the circulator, were signed in the circulator's presence, and that to the best of the circulator's knowledge and belief each signature thereon is the genuine signature of the person purporting to sign the same, and that the person was at the time of signing the nominating petition for Mayor, a registered elector of the City, or at the time of signing a nominating petition for Council Member, a registered elector residing in the ward from which the candidate named on the petition seeks to be elected Council Member.

3.08. Sufficiency of nomination petitions.

The City Clerk shall accept for filing only nominating petitions on official nominating petition forms containing the required number of signatures for candidates having the qualifications required for elective City officers by this Charter. When nominating petitions are filed by persons other than the person whose name appears as a candidate, they may be accepted for filing by the City Clerk only when accompanied by the written consent of the person on whose behalf the petition was circulated.

The City Clerk shall, within five (5) working days after the filing date of a nominating petition, determine the sufficiency of the signatures on each petition filed, and, if the City Clerk finds that any petition does not contain the required number of legal signatures of registered electors, or that in the case of a nominating petition for Council Member, the petition does not contain the required number of registered electors residing in the ward from which the candidate proposes to be elected Council Member, the City Clerk shall immediately notify the candidate in writing of the insufficiency of the petition. Supplementary nominating petitions may be filed up to and including the final filing date for nominating petitions provided in this Charter. Each petition which is found by the City Clerk to contain the proper and required number of signatures of registered electors shall be marked "In Order," with the date, and the City Clerk shall so notify, in writing, the candidate whose name appears thereon.

3.09. Public inspection of petitions.

All nomination petitions shall be open to public inspection in the office of the City Clerk.

3.10. Canvass of votes.

The Board of Canvassers previously established for elections for City offices shall continue with the structure, powers, and qualification described in the general Election Law of the State for Boards of Canvassers in cities. The Board shall meet on the first Thursday after each City special election and publicly canvass the returns of the election and determine the vote upon all questions together with a declaration of adoption or rejection and shall further determine what persons have been nominated for or elected to office at that primary or special election. The City shall provide that the canvass of primary and general elections be performed by the Washtenaw County Board of Canvassers. No question shall be declared adopted unless there are more yes votes than no votes on the question. The candidate with the greatest number of votes shall be declared elected and tie votes shall be determined in the manner provided by the general Election Laws of the State.

State law references: Boards of canvassers for cities; contracts with county permissible, MCL 168.30a.

3.11. Recount.

A recount of the votes cast at any City primary, regular, or special election for any elective office, or upon any proposition, may be had in accordance with the general Election Laws of the State.

State law references: Recounts, MCL 168.861 et seq.

3.12. Recall.

Any elective official may be recalled from office by the electors of the City in the manner provided by the general Election Laws of the State. A vacancy created by the recall of any elective official shall be filled in the manner prescribed by law or this Charter.

State constitutional law reference--Recalls, Mich. Const. 1963, Art. II, § 8.

State law references: Permissible that Charter provide for recall of its officers, MCL 117.4i(g); recall generally, MCL 168.951 et seq.

3.13. Form of ballots.

The official primary, regular, and special election ballots for use in the City primary, regular, or special elections shall conform in numbering and printing, as nearly as may be possible, with the requirements of the general Election Laws of the State with respect to the official ballots to be used at any partisan primary or general State election.

State law references: Arrangement of ballot, MCL 168.706

3.14. Election Commission.

An Election Commission is hereby created, consisting of the City Clerk, the Assessor, and the City Attorney. The City Clerk shall chair the Election Commission. The Election Commission shall have charge of all activities and duties required of it by State law and this Charter relating to the conduct of elections in the City. Where the election procedure is in doubt, the Election Commission shall prescribe the procedure to be followed.

State law references: Boards of city election commissioners, MCL 168.25.

3.15. Notice of election.

Notice of the time and place of holding any City election and of the officer to be elected and the questions to be voted upon shall be given by the City Clerk in the same manner and at the same times as provided by the State elections. However, in case of election on franchises and recalls, notice shall be given as required by this Charter or by State law specifically applicable thereto.

State law references: Notice of election, MCL 168.653a.

3.16. Hours polls to be open.

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

State law references: Opening and closing of polls, MCL 168.720.

ARTICLE IV. ADMINISTRATION

4.01. Appointment; qualifications; compensation.

The City Council by a majority vote of its total membership shall appoint a City Manager for an indefinite term and fix the Manager's compensation. The City Manager shall be appointed solely on the basis of executive and administrative qualifications. The Manager need not be a resident of the City or State at the time of appointment, but shall become a resident of the City within ninety (90) days after appointment unless this time-limit is specifically extended by monthly Council action, the total of these extensions not to exceed ninety (90) days, and shall so remain a resident of the City throughout the term of office.

The City Manager shall hold office at the pleasure of the Council. The City Manager may, at any time, be removed by a majority vote of the City Council, except that the City Manager shall not be removed from office by Council action during a period of ninety (90) days following any regular City election, except by an affirmative vote of at least two-thirds (2/3) Members of the Council.

4.02. Acting city manager.

The Council shall designate a qualified person to perform the duties of the City Manager during a vacancy or absence in the office. In the event of an emergency, the City Clerk will serve as Acting City Manager until the next Council meeting.

4.03. Powers and duties of the City Manager.

- (a) The City Manager shall be the chief administrative officer of the City, responsible to the Council for the administration of all City affairs placed in the Manager's charge by or under this Charter.
- (b) The City Manager shall have sole authority to appoint and remove all administrative department heads, directors, and employees of the City subject to the provisions of § 4.04 entitled, "Employment Termination." The City Manager shall set the salaries of the administrative personnel in accordance with budget appropriations. The City Manager shall make all appointments on the basis of the executive and administrative ability and the training and experience of the appointees for the work which they are to administer or perform on behalf of the City.
- (c) The City Manager shall have the authority and responsibility to:
 - (1) Hire and dismiss the Assessor and Treasurer;
 - (2) Direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this Charter or by law;
 - (3) Attend all City Council meetings. The City Manager shall have the right to take part in discussion but shall not vote;
 - (4) See that all laws, provisions of this Charter, and acts of the City Council, subject to enforcement by the City Manager or by officers subject to the Manager's direction and supervision, are faithfully executed;
 - (5) Prepare and submit the annual budget and capital program to the City Council;
 - (6) Submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;
 - (7) Make such other reports as the City Council may require concerning the operations of City departments, offices and agencies subject to the City Manager's direction and supervision and shall submit such reports to all Members of Council;
 - (8) Keep the City Council fully advised as to the financial condition and future needs of the City;
 - (9) Make recommendations to the City Council concerning the affairs of the City;
 - (10) Provide staff support services for the Mayor and Council Members; and
 - (11) Perform such other duties as are specified in this Charter or may be required by the City Council.

State law references: Mandatory that Charter provide for duties of city officers, MCL 117.3(d).

4.04. Employment termination.

Each officer or employee removed by the City Manager shall be notified in writing of the reasons for removal prior to the removal with a copy filed in the office of the City Clerk and shall have a hearing on the removal upon request. Any officer or employee covered by a collective bargaining agreement shall have the rights set forth in the agreement. All other personnel shall have, at a minimum, a hearing by the City Council if a request for a hearing is made within 20 days after the date the notice was received. While the review is pending, the removal action shall not be suspended. At the conclusion of the hearing the Council may take appropriate action. This Section shall not diminish any rights any officer or employee would have in the absence of the Section.

4.05. General provisions.

- (a) *Creation of Departments.* The City Council may establish City departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices, and agencies, except that no function assigned by this Charter to a particular department, office, or agency may be discontinued or, unless this Charter specifically so provides, may be assigned to any other.
- (b) *Direction by City Manager.* All departments, offices, and agencies under the direction and supervision of the City Manager shall be administered by an officer appointed by and subject to the direction and supervision of the Manager. With the consent of Council, the City Manager may serve as the head of one or more such departments, offices, or agencies or may appoint one person as the head of two or more of them.
- (c) There are hereby established such administrative departments as are necessary to provide for the public peace and health and for the safety of persons and property.

State law references: Permissible that Charter provide for the establishment of a city department, MCL 117.4j.

4.06. Personnel system.

- (a) *Merit Principle.* All appointments and promotions of City officers and employees shall be made solely on the basis of merit and fitness demonstrated by a valid and reliable examination or other evidence of competence.
- (b) *Merit System.* Consistent with all federal and State laws, the City Council shall provide by ordinance for the establishment, regulation, and maintenance of a merit system governing personnel policies necessary to effective administration of the employees of the City's departments, offices, and agencies, including but not limited to classification and pay plans, examinations, force reduction, removals, working conditions, provisional appointments, in-service training, grievances and relationships with employee organizations.

4.07. Legal officer.

There shall be a legal officer of the City appointed by the City Manager subject to confirmation by the City Council and not subject to the requirements of the merit system. The legal officer shall serve as chief legal adviser to the Council, the Manager, and all

City departments, offices, and agencies, shall represent the City in all legal proceedings, and shall perform any other duties prescribed by State law, by this Charter, by ordinance, or by resolution.

State law references: Mandatory that Charter provide for duties of city officers, MCL 117.3(d).

4.08. City Clerk.

The City Council by a majority vote of its total membership shall appoint a City Clerk for an indefinite term. The City Clerk shall serve at the pleasure of, and be solely accountable to the City Council which shall also set the City Clerk's salary. The City Clerk shall be appointed solely on the basis of administrative qualifications. The City Clerk need not be a resident of the City or State at the time of appointment, but shall become a resident of the City within ninety (90) days after appointment unless this time-limit is specifically extended by monthly Council action, the total of these extensions not to exceed ninety (90) days, and shall so remain a resident of the City throughout the term of office.

The functions of the City Clerk shall be:

- (a) To be the Clerk of the Council and attend all meetings of the Council and keep a permanent journal of its proceedings in the English language;
- (b) To keep a record of all ordinances, resolutions, and official actions of the Council.
- (c) To administer all oaths required by State law, this Charter, and the ordinances of the City;
- (d) To be custodian of the City seal, and to affix it to all documents and instruments requiring the seal, and to attest the same;
- (e) To be custodian of all papers, documents, and records pertaining to the City of Ypsilanti, the custody of which is not otherwise provided for by this Charter, and make all such papers, documents, and records available to the public;
- (f) To give the proper officials of the City ample notice of the expiration or termination of any official bonds, franchises, contracts, or agreements;
- (g) To be the chief election officer of the City;
- (h) To sign or countersign, under authority of the Council, all contracts, deeds, licenses, or other public documents, on behalf of the City, and to keep a record; and
- (i) To certify by signature all ordinances and resolutions enacted or passed by the Council, and to perform any other duties required by State or federal law, by this Charter, by ordinance, or by direction of the City Council.

State law references: Mandatory that Charter provide for the appointment of certain officers, MCL 117.3(a).

ARTICLE V. FINANCE*

***State law references:** Uniform budgeting and accounting act, MCL 141.421 et seq.

5.01. Fiscal year.

The fiscal year of the City shall begin on the first day of July and end on the last day of June.

5.02. Preparation and submission of budget.

The City Council shall instruct the City Manager concerning the priorities of the City that the budget for the next year must address. The instructions shall be incorporated in a resolution adopted at the first meeting in February. The City Manager shall submit a proposed budget for the financial operations of the City for the next fiscal year to the City Council on or before the first day of May of each year.

5.03. Budget message.

The City Manager shall attach a budget message to the annual budget. The message shall state in detail the manner in which the budget addresses the concerns of the City Council expressed in its earlier instructions. The message shall either recommend the adoption of the instructions as a statement of the financial policies of the City for the following year or recommend modifications of those policies to conform to the plan incorporated in the budget. The message shall describe the important features of the budget, including any significant changes from the current year in financial policies, expenditures, and revenues, together with an explanation of each change. The message shall point out any major uncertainties in the estimate of revenues, mention if there are any known contingencies that would be likely to require major changes in the budget, such as pending litigation or proposed changes in State law, and include such other materials as the City Manager deems desirable.

5.04. Budget.

The budget shall provide a complete financial plan for all City funds and activities for the ensuing fiscal year and, in conformity with a uniform system of accounts required by law, shall be in such form as the City Manager deems desirable or the City Council may require. The budget shall begin with a clear summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in a separate section:

- (a) The proposed goals and objectives and expenditures for current operations during the ensuing fiscal year, detailed for each fund by organization unit, program, purpose and activity, and the method of financing such expenditures;

- (b) Proposed capital expenditures during the ensuing fiscal year, detailed for each fund by organizational unit when practicable, and the proposed method of financing each such capital expenditure;
- (c) The anticipated income and expense and profit and loss for the ensuing year for each utility or other enterprise operated by the City; and
- (d) Statements of the bonded and other indebtedness of the City, showing the redemption and interest requirements, the debt authorized and unissued, and the condition of any sinking fund.

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

5.05. City Council action on budget.

- (a) *Notice and Hearing.* The City Council shall publish in one or more newspapers of general circulation in the City the general summary of the budget and a notice stating:
 - (1) The times and places where copies of the message and budget are available for inspection by the public, and
 - (2) The time and place, not less than two weeks after such publication, for a public hearing on the budget.
- (b) *Amendment Before Adoption.* After the public hearing, the City Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service. No amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income.
- (c) *Adoption.* The City Council shall adopt the budget on or before the seventh (7th) day of June. If the Council fails to adopt the budget by this day, the Mayor shall declare that a state of fiscal emergency exists.

5.06. Appropriation and revenue ordinances.

To implement the adopted budget, the City Council shall adopt, prior to the beginning of the ensuing fiscal year:

- (a) An appropriation ordinance making appropriations by department or major organizational unit and authorizing a single appropriation for each program or activity;
- (b) A tax levy ordinance, authorizing the property tax or levies and setting the tax rate or rates; and
- (c) Any other ordinances required to authorize new revenues or to amend the rates or other features of existing taxes or other revenue sources.
- (d) An authorization is required to expend the amount appropriated.

State law references: Mandatory that Charter provide for an annual appropriation, MCL 117.3(h).

5.07. Amendments after adoption.

- (a) *Supplemental Appropriations.* If during the fiscal year the City Manager certifies that there are, available for appropriation, revenues in excess of those estimated in the budget, the City Council by ordinance may make supplemental appropriations for the year up to the amount of such excess.
- (b) *Reduction of Appropriations.* If at any time during the fiscal year it appears probable to the City Manager that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the Manager shall report to the City Council without delay, indicating the estimated amount of the deficit, any remedial action taken by the Manager and recommendations as to any other steps to be taken. The Council shall then take further action allowed by the Uniform Budgeting and Accounting Act to correct the problem.
- (c) *Transfer of Appropriations.* At any time during the fiscal year the City Council may by resolution transfer part or all of the unencumbered appropriation balance from one department or major organizational unit to the appropriation for other departments or major organizational units. The Manager may transfer part or all of any unencumbered appropriation balances among programs within a department or organizational unit and shall report such transfers to the Council in writing in a timely manner.
- (d) *Limitation; Effective Date.* No appropriations for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this Section may be made effective immediately upon adoption.

5.08. Lapse of appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. The City Manager shall encumber one-half of the funds remaining that were appropriated for each department or major organizational unit, and that amount shall remain in a discretionary account for that department or major organizational unit until transferred by the City Manager for operational purpose of the department or unit or until transferred by the City Council under § 5.07(c). The remaining funds in the discretionary accounts at the end of one year and the remaining unexpended and unencumbered funds appropriated for any department or major organizational unit shall revert to the general fund.

5.09. Administration of the budget.

The City Council shall provide by ordinance the procedures for administering the budget.

5.10. Overspending of appropriations prohibited.

No payment shall be made or obligation incurred against any allotment or

appropriation except in accordance with appropriations duly made and unless the City Manager or designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal. A violation of this provision shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation. Such officer may also be liable to the City for any amount so paid. Except where prohibited by law, however, nothing in this Charter shall be construed to prevent the making or authorizing of payment or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, but only if such action is made or approved by ordinance.

5.11. Capital program.

- (a) *Submission to City Council.* The City Manager shall prepare and submit to the City Council a five-year capital program no later than the final date for submission of the budget.
- (b) *Contents.* The capital program shall include:
 - (1) A clear general summary of its contents;
 - (2) A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity of each;
 - (3) Cost estimates and recommended time schedules for each improvement or other capital expenditure;
 - (4) Method of financing, upon which each capital expenditure is to be reliant; and
 - (5) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

5.12. City Council action on capital programs.

- (a) *Notice and Hearing.* The City Council shall publish in one or more newspapers of general circulation in the City the general summary of the capital program and a notice stating:
 - (1) The times and places where copies of the capital program are available for inspection by the public, and
 - (2) The time and place, not less than two weeks after such publication, for a public hearing on the capital program.
- (b) *Adoption.* The City Council by resolution shall adopt the capital program with or without amendment after the public hearing on or before January 31st.

5.13. Public records.

Copies of the budget, capital program and appropriation and revenue ordinances shall be public records and shall be made available to the public at suitable places in the City.

5.14. Independent audit.

Annually, an independent audit shall be made of all accounts of the City government. The Council may direct that there be additional audits of accounts or activities at any time. The annual audits shall be performed by certified public accountants selected by the Council based on their experience in doing similar work for municipalities. The auditor or firm of auditors shall not be appointed to an additional term at the end of five years of continuous annual auditing for the City until a different auditor or firm has performed an annual audit.

State law references: Local units less than 1,000,000; annual audit, MCL 141.425.

ARTICLE VI. TAXATION*

***State law references:** General property tax act, MCL 211.1 et seq.

6.01. Power to tax.

The City shall have the power to assess, levy, and collect ad valorem property and other taxes, rents, tolls, and excises for municipal or public purposes subject to limitation and prohibitions provided by the Federal or State Constitution, by law, or by this Charter.

- (a) The annual, general ad valorem property tax levy shall not exceed two (2%) percent of the assessed value of all real and personal property subject to taxation in the City, exclusive of any levies authorized by statute to be made beyond Charter tax limitations.
- (b) No method of taxation except those used by the City on the effective date of this Charter may hereafter be utilized without a vote of the people.

State law references: Mandatory that Charter provide for annual levy and collection of taxes, MCL 117.3(g); restriction on rate of taxation, MCL 117.5(a).

6.02. Subjects of taxation.

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

State law references: Mandatory that Charter provide that subjects of taxation for municipal purposes shall be the same as for state, county and school purposes, MCL 117.3(f); general property tax act, MCL 211.1 et seq.

6.03. Duties of assessor.

- (a) The Assessor shall certify the assessment roll to the Board of Review on or before the date provided by ordinance.
- (b) The Assessor shall prepare the tax roll by spreading the property taxes ratably on the assessment roll on or before the date provided by ordinance and shall deliver the tax roll to the Treasurer in the manner provided by law.

State law references: Mandatory that Charter provide for duties of city officers, MCL 117.3(d).

6.04. Board of review.

The City shall provide, by ordinance, for the appointment by the Mayor and approval by Council of the Board of Review, three members for property tax assessments. The Board shall possess the powers and perform the duties provided by law. Appeals from decisions of the Board shall be taken in the manner provided by law.

State law references: Mandatory that Charter provide for a board of review, MCL 117.3(a), (a); mandatory that Charter provide for meeting of board of review, MCL 117.3(i); completion of review of assessments prior to first Monday in April required, MCL 211.30a.

6.05. Collection of property taxes.

- (a) Except as otherwise provided by this Charter or ordinance, the rights, duties, powers, immunities, and procedures established by State law shall apply in the collection and enforcement of City property taxes.
- (b) City property taxes shall become a debt of the persons liable for them on the date provided by State law and shall become payable, and a lien on the property, on the first day of the following fiscal year of the City or such other date as may be provided by ordinance.
- (c) All taxes paid on or before the 14th of September shall be collected by the City Treasurer without penalty. On September 15, the Treasurer shall add to all taxes paid thereafter a collection fee as the Council may determine, not to exceed, however, the amount allowed by State law. Such added collection fees shall belong to the City and shall constitute a charge and shall be a lien against the property to which the taxes themselves apply, collectable in the same manner as the taxes to which they are added.
- (d) State, County, and school taxes shall be levied, collected and returned by the City Treasurer in accordance with State law.

State law references: Collection of taxes, MCL 211.44 et seq.; lien for taxes, MCL 211.40; return of delinquent taxes, MCL 211.55 et seq.

ARTICLE VII. BORROWING*

***State law references:** Municipal finance act, MCL 131.1 et seq.

7.01. Issuance of bonds.

Subject to the applicable provisions of State law and this Charter, the Council, by proper ordinance, may authorize the borrowing of money for any purpose within the scope of the powers vested in the City. The City may issue bonds or other evidences of indebtedness, and may pledge the full faith, credit and resources of the City for the payment of the obligation. Prior to adoption of such borrowing ordinance, the Finance Director shall furnish to the Council a written report stating the current and all existing bonded indebtedness, the amount of bonded indebtedness available to the City as of the date of the report, and the effect the proposed bonding indebtedness will have on the availability of future bonding capacity of the City. Except where otherwise required by State law, such bonds or other evidences of indebtedness shall include, but not be limited to the following types:

- (a) General obligation bonds which pledge the full faith credit and resources of the City for the repayment of the obligation created, including bonds for the City's portion of any public improvements;
- (b) Special assessment bonds which are issued in anticipation of the payment of special assessments for public improvements in a special assessment district or combination. Such special assessment bonds may be either an obligation solely of the special assessment district or districts, or both an obligation of such district and a general obligation of the City;
- (c) Mortgage bonds for the acquiring, owning, purchasing, constructing, improving or operating of any public utility which the City is authorized by law to finance in this manner or for such other purposes as may be authorized by law;
- (d) Revenue bonds as authorized by law;
- (e) Tax anticipation notes in anticipation of the collection of taxes and of delinquent special assessments as authorized by law;
- (f) Calamity bonds in case of fire, flood, or other calamity which may be issued by the City Council for the relief of the inhabitants of the City and for the preservation of municipal property as authorized by law;
- (g) Bonds for the City's share of the cost of local improvements, which bonds may be issued as part of or independently of any issue of special assessment bonds, which are issued for the same improvement or improvements;
- (h) Bonds for refunding the indebtedness of the City;
- (i) Time-purchase contracts. The total of the installments of any such time-purchase contract shall not exceed the limitation provided by law.

State law references: Authority to borrow money on the credit of the city and issue bonds therefor, MCL 117.4a.

7.02. Limits on borrowing.

The net bonded indebtedness incurred for all public purposes shall not at any time exceed ten (10%) percent of the assessed value of all the real and personal property in the City; provided that in computing such net bonded indebtedness, there shall be excluded money borrowed under the following circumstances: Bonds issued in anticipation of the payment of special assessments, even though they are also a general obligation of the City; mortgage bonds which are secured only by a mortgage on the property or franchise of a public utility; bonds issued to refund monies advanced or paid on special assessment for water main extensions; calamity bonds issued for the relief of the inhabitants of the City and for the preservation of municipal property in case of fire, flood, or other calamity; revenue bonds; and other bonds which do not constitute a general obligation of the City or which are permitted to be excluded in the computation of net bonded indebtedness.

The amount of calamity bonds that may be issued by the City shall be in a sum not to exceed $\frac{3}{8}$ of one percent of the assessed value of all the real and personal property of the City, which bonds shall be due in not more than five years.

The resources of any sinking fund pledged for the retirement of any outstanding bonds shall also be excluded in computing the net bonded indebtedness of the City.

State law references: Limitation of net bonded indebtedness incurred for all public purposes, MCL 117.4a(2).

7.03. Authorization of electors required.

No bonds pledging the full faith and credit of the City shall be issued without the approval of a majority of the electors of the City voting at any general or special election, except to the extent allowed by the Michigan Constitution and law.

The issuance of any bonds not requiring the approval of the electors shall be subject to applicable requirements of statute with regard to public notice in advance of the authorization of such issues, filing of petitions for a referendum on such issuance, holding of such referendum and other applicable procedural requirements.

7.04. Record of bonds.

Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which the same is issued and it shall be unlawful for any officer of the City to use the proceeds for any other purpose. Any officer who shall violate this provision shall be deemed guilty of misconduct in office. All bonds and other evidence of indebtedness issued by the City shall be signed by the Mayor and the City Clerk. A complete and detailed record of all bonds and other evidences of indebtedness issued by the City shall be kept by the City Treasurer.

ARTICLE VIII. SPECIAL ASSESSMENTS

8.01. General power relative to special assessments.

The Council, may, with or without petition, determine the necessity for any public improvement and determine that the cost is to be defrayed from the general funds of the

City or, except as otherwise provided in this Charter, that the whole or any part of the cost of such improvement shall be defrayed by special assessments upon the property in special districts specially benefitted in proportion to the benefits derived or to be derived. The costs of necessary condemnation and necessary expenses incurred for engineering, financial, legal, excepting costs of litigation in defense of the validity of the special district, administrative and other services involved in the making and financing of the public improvement and the levying and collecting in anticipation of such special assessments shall be deemed to be a part of the cost of the improvement. Whenever any of such services are rendered by City employees, the fair and reasonable costs to the City of rendering such services shall be included in the costs of the improvement. The cost of any improvement shall also include the cost of acquiring any necessary lands.

State law references: Power re assessments, MCL 117.4a, 117.4b, 117.4d, 117.5.

8.02. Specific assessment powers.

In accordance with its general power to determine the necessity for any public improvement and to defray the cost, in whole or in part, by special assessments, the City shall have the power:

- (a) To install and connect sewers and waterworks for property within the City and to finance the same, in whole or in part, by special assessments;
- (b) To construct, grade and pave local streets within the City and to finance the same, in whole or in part, by special assessments provided that any subsequent cost of repaving or maintaining such local streets shall not be financed by special assessments but shall be paid from the general funds of the City;
- (c) To require of an owner of real property within the City to abate public hazards and nuisances thereon which are dangerous to the health, safety or general welfare of the inhabitants of the City within a reasonable time after the Council notifies the owner that such hazard or nuisance exists, and if the owner fails to comply with such requirements to abate such hazard or nuisance, to assess a reasonable cost against such property;
- (d) To require an owner of real property to remove all dead and diseased trees and to remove trees or portions of trees on private property overhanging any street, sidewalk or any other public place, and if the owner fails to comply with such requirements, to assess a reasonable cost against such property. The assessment for the cost of abatement of any hazard or nuisance or otherwise, as provided for in Subsections (c) and (d) of this Section, shall be made by resolution of the Council. Notice of the time at which the Council shall act shall be given by first class mail to the owner of the property to be so assessed as shown by the current tax rolls of the City. For the purpose of collection of such assessments, the adoption of such resolution shall be equivalent to the confirmation of a special assessment roll. The amount of any such assessment shall become a debt to the City upon adoption of such resolution, and shall be subject to the collection fees and become a lien upon the property assessed as provided for in § 8.11 of this Charter.

8.03. Special assessment procedure.

- (a) The Council shall prescribe, by ordinance, the complete special assessment procedure governing the initiation of projects, preparation of plans and cost estimates, creation of districts, notices and hearings, making and confirming the assessment rolls and the correction of error therein, the number of installments in which the assessments may be paid, the collection of interest at a rate to be established by the Council every year on assessments payable in installments, collection of assessments, refunds, and any other matters concerning the making of improvements by the special assessment method.
- (b) Such ordinance shall be subject to the following specific provisions in addition to other provisions of this Charter:
 - (1) No public improvement to be financed in whole or part by special assessment shall be undertaken, or any contract let for said public improvement, before adoption by the Council of a resolution finally determining to proceed with such public improvement and establishing a special assessment district.
 - (2) A final resolution determining to proceed with a public improvement and establishing any special assessment district shall only be adopted after plans have been prepared showing the improvement, the location, and the estimate of the cost and a public hearing has been held to hear any objections to the proposed improvement and to the special assessment district established. The hearing shall be held not less than ten (10) days after notice has been published, and sent by first class mail or equivalent to all property owners in the proposed special assessment district, as shown by the current assessment roll of the City and as required by State law.
 - (3) If written objections to the proposed improvement have been filed with the City Clerk by the owners of property in the special district which, according to estimates, will be required to bear more than fifty (50%) percent of the amount of such special assessment, a final resolution to proceed with a public improvement and establishing a special assessment district shall be adopted except by the affirmative vote of not less than 3/4 of all Members of the Council.
 - (4) A final special assessment roll shall be confirmed by the Council only after a public hearing has been held by the Council for the purpose of reviewing such roll and hearing any objections. The meeting shall be held not less than ten (10) days after notice has been published and sent by first class mail to all property owners in the proposed special district as shown by the current assessment roll of the City. After such hearing the Council may, by ordinance, confirm such special assessment roll or may make any corrections necessary and confirm it as corrected; or the Council may refer it for revision or may annul it and direct a new assessment roll to be made. In either case the special assessment procedure set forth in this Section shall be followed as in respect to the previous original assessment. Upon confirmation of a special assessment roll, the special assessments shall be final.

State law references: Special assessment notices and hearings, MCL 211.741 et

seq.; deferment for older persons, MCL 211.761 et seq.

8.04. Initiatory petitions.

A public improvement, the cost of which in whole or in part is to be defrayed by special assessment, may be initiated by a petition as hereafter provided.

An initiatory petition shall be signed by not less than fifty-one (51%) percent of the property owners in the proposed public improvement special district and all signatures on the petition shall be obtained within 30 days before the date of filing with the City Clerk. Any such petition shall be addressed to the City Council and shall describe the proposed special assessment district.

For the purpose of obtaining signatures to the petition as property owners, a signature by one tenant in the case of tenants by the entireties or joint tenancies shall be considered adequate. In the case of tenants-in-common, the signatures of all known tenants shall be a requirement, and in case of property being sold on land contract, the party in whose name the property is assessed for taxation shall be deemed to be the owner of that property.

8.05. Procedure on initiatory petitions.

Upon receiving an initiatory petition as provided for in § 8.04 from the City Clerk, the Council shall submit a copy to the City Manager for the purpose of review and examination. Upon completion of the review and examination, the City Manager shall supply to the Council a written report setting forth his recommendations and comments regarding the proposed public improvement and the proposed special assessment district set forth in the initiatory petition. Upon receipt by the Council of a recommendation from the City Manager in favor of proceeding with the proposed public improvement, the Council shall resolve to proceed with the special assessment procedure set forth in this Charter for the making of any public improvement. Should the Council receive an unfavorable recommendation from the City Manager with respect to the proposed public improvement set forth in the initiatory petition, the Council shall provide a hearing to be held on the advisability of proceeding with the petition for improvement, which meeting shall be held not less than one (1) week after notice has been sent by first class mail or equivalent to all the property owners who have petitioned for the proposed district. After such public hearing, the Council may resolve to proceed with the special assessment procedure set forth in this Charter for the making of any public improvement.

Initiatory petitions for making public improvements, by special assessments, shall be considered by the Council within six (6) months after the date of filing of such petition with the City Clerk.

8.06. Excessive special assessments.

The excess by which any special assessment proves larger than the actual costs of the improvement may be placed in the general fund of the City if such excess is five (5%) percent or less of the assessment; should the assessment prove larger than necessary by more than five (5%) percent, the entire excess shall be refunded on a prorata basis to the owners of the properties assessed. In either case, the Council may provide by resolution that the amount of any such excess may be allowed as a credit on

the last installment where such installment still remains unpaid at the time final cost of the improvement is determined.

8.07. Reassessment and deficiency assessments.

Whenever any special assessment shall, in the opinion of the Council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge the assessment to be illegal, the Council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such reassessment and for collection shall be conducted in the same manner as provided for in this Charter for an original assessment, except that it shall not be necessary for the Council to determine the necessity of the improvement or to hold a hearing. Whenever any sum or part thereof, levied upon any property in the assessment so set aside, has been paid and not refunded, the payment so made shall be applied upon the reassessment, or if the payments exceed the amount of the reassessment, refunds shall be made.

Additional prorata assessments may be made when any special assessment proves insufficient to pay for the cost of the improvement for which it was levied or to pay the principal and interest on bonds issued in anticipation of such assessment roll. The additional prorata assessment shall not exceed twenty-five (25%) percent of the assessment as originally confirmed, unless a meeting of the Council is held to review such additional assessment. Meeting notices shall be published and mailed in the same manner as for the original special assessment roll.

8.08. Contested assessments.

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 unless, within thirty (30) days after the confirmation of the special assessment roll, written notice of intention to institute such suit or action is filed with the City Clerk stating the grounds on which it is claimed that such assessment is illegal.

8.09. Special assessment accounts.

Except as otherwise provided in this Charter, monies raised by special assessment for any public improvement shall be credited to a special assessment account and shall be used only to pay for the cost of the improvement for which the assessment was levied, to pay any principal or interest on money borrowed in anticipation of such special assessment, and to refund excessive assessments.

8.10. Assessments on single lots.

When any expenditure is made on account of any separate or single lot, parcel of land, or lands or premises, which, by the provisions of this Charter or by law, the City is authorized to charge and collect as a special assessment against the same, and which assessment is not of that class of special assessments required to be made prorata upon lots or parcels of land in a special assessment district, a statement of the labor or services for which such expenditure was incurred, verified by the Finance Director, with a description of the lot and the name of the owner or person chargeable therewith, if

known, shall be reported to the City Council in the manner prescribed by it. The Council shall determine the part of such expenditure that shall be charged, and the person against whom, if known, and the premises upon which the same shall be levied as a special assessment. As often as the Council deems expedient, the City Clerk shall give notice of the several amounts to be determined and reported to the several persons chargeable herewith. Such notice shall be sent by first class mail or equivalent to the last known address of such persons as shown on the assessment roll of the City, or by publication. Such notice shall state the basis of the assessment and the amount and shall give a reasonable time, not less than thirty (30) days, within which payment shall be made to the City Treasurer. In all cases where payment is not made within the time set, the fact shall be reported by the Treasurer to the Assessor, who shall charge such amounts, together with a penalty of ten (10%) percent of such amounts, against the persons or real property chargeable on the next tax roll.

8.11. Lien and collection of special assessments.

Upon the confirmation of each special assessment roll, a special assessment shall become a debt to the City from the persons to whom they are assessed, and shall until paid, be a lien upon the property assessed for the amount of such assessment and all interests and charges thereon. Such a lien shall be of the same character and effect as created by this Charter for City taxes.

Special assessments or installments which become due on July 1 of any year shall be collected in all respects as are the City taxes due on July 1 of the same year, and if uncollected on the following first day of March, shall be returned to the County Treasurer with unpaid taxes as provided in this Charter.

The initial special assessment installments which become due other than on July 1, shall, if unpaid for ninety (90) days or more, on May 1 of any year, be certified as delinquent to the Council by the Treasurer, and the Council shall place such delinquent assessments on the tax roll for that year together with accrued interest to July 1 of such year.

The total amount of such assessment and interest shall thereafter be collected in all respects as are City taxes due on July 1 of that year and shall be subject to the same fees and penalties as are City taxes due on that date. If not collected on or before the following March 1, the assessment and interest shall be returned to the County Treasurer with unpaid taxes as provided in this Charter.

8.12. Failure to receive notice.

The receipt of any notice required to be sent by this Charter or by ordinance, with respect to any step in the special assessment procedure, shall not be a jurisdictional requirement. The lack of receipt of notice shall not invalidate the special assessment roll but only the assessments on property affected by the lack of notice. A special assessment shall not be declared invalid as to any property if the owner or the party in interest has actually received notice, has waived notice, or has paid any part of the assessment. If any assessment is declared void by court order or judgment, a reassessment against the property may be made.

ARTICLE IX. BOARDS AND COMMISSIONS

9.01. Conflicts of interest; Board of Ethics.

- (a) *Conflicts of Interest.* The use of public office for private gain is prohibited. The City Council shall implement this prohibition by ordinance. Regulations to this end shall include but not be limited to: acting in an official capacity on matters in which the official has a private financial interest clearly separate from that of the general public; the acceptance of gifts and other things of value; acting in a private capacity on matters dealt with as a public official; the use of confidential information; and appearances by the City official before other City agencies on behalf of private interests. This ordinance shall provide for reasonable public disclosure of finances by officials with major decision-making authority over monetary expenditures and contractual matters and, insofar as permissible under State law, shall provide for fines and imprisonment for violations.
- (b) *Standards of Conduct.* The City Council shall, within six months of the effective date of this Charter, adopt ordinances which will put into effect the ethical standards of conduct described in the Preamble of this Charter and described in (a) Conflicts of Interest.
- (c) *Board of Ethics.* The City Council shall, within six months of the effective date of this Charter, establish an independent Board of Ethics to administer and enforce the standards of conduct ordinances adopted under Subsection (b) above. The Board shall consist of five distinguished citizens nominated by the Mayor and approved by the Council. The ordinance creating the Board shall provide for one term of five years staggered so that one term expires each year. No member of the Board may hold elective or appointed office under the City or any other government, and no more than three members of the Board may be members of the same political party. The ordinance shall authorize the Board to issue advisory opinions, conduct investigations on its own initiative and on referral or complaint, and refer cases for prosecution. The City Council shall appropriate sufficient funds to the Board of Ethics to enable it to perform the duties assigned to it and designate a staff person to assist the Board. The Board shall be entitled to advice from the City Attorney when it shall request such advice and may seek advice elsewhere whenever it resolves to do so. The Board shall file an annual report at the conclusion of each calendar year with the City Clerk including recommendations for changes in ordinances to increase the effectiveness of the Board.

State law references: Conflicts of interest as contracts, MCL 15.321 et seq.; standards of conduct and ethics, MCL 15.341 et seq.

9.02. Human Relations Commission.

A Human Relations Commission consisting of nine members shall be established within six (6) months of the effective date of this Charter. The Commission as a whole shall be representative of the diversity of the entire community. The Commission shall endeavor to increase mutual understanding among the residents of the community and eliminate discrimination, and shall be assigned, by ordinance, such powers and responsibilities as will enable it to carry out these tasks. The City shall make an annual appropriation for the effective operation of the Commission, and the City Manager shall designate a staff person to assist the Commission.

9.03. Boards.

The Council may create, by ordinance, boards and commissions which the Council deems necessary or of benefit to the City of Ypsilanti and provide for their duties and functions subject to law. The boards and commissions shall not administer any activity, department, or agency of the City government unless specifically required to do so by State statute, but shall serve solely in an advisory capacity or in the capacity of a quasi-judicial appeal board.

All members of the City boards and commissions established under this Charter, by statute or otherwise, shall be appointed by the Mayor, subject to the approval and confirmation by a majority vote of the City Council. Council Members may be appointed by the Council to serve on a board or commission only when the service is required by State law. Whenever any statute or law requires that the appointment of members of a board or a commission established under this Charter, by statute or otherwise, be by the chief executive or administrative officer of the City, such chief executive or administrative officer, for the purposes of such appointment, shall be deemed to be the Mayor, and an appointment in such cases shall be subject to the approval and confirmation by a majority vote of the City Council.

9.04. Recruitment of boards.

The City Clerk shall publish quarterly notice of anticipated openings on boards or commissions. The notice will state the general duties of the office, the qualifications for the office and the fact that letters of intent from candidates listing qualifications shall be accepted by the Mayor, Council Members, and the City Clerk.

ARTICLE X. CONTRACTS

10.01. Contracts.

The authority to contract on behalf of the City is vested in the City Council and shall be exercised in accordance with the provision of statute and of this Charter.

Whenever it becomes desirable for the City to enter into a contract with a second party for any purpose whatever, such instrument shall be drawn or approved as to form by the City Attorney and certified to by the Finance Director as to sufficiency of appropriated funds.

All contracts, except as otherwise provided for in this Charter, shall be approved by the City Council and shall be signed on behalf of the City by the Mayor and the City Clerk. Copies of all contracts and agreements shall be filed in the office of the City Clerk.

10.02. Purchasing and contractual procedure.

The Council shall provide, by ordinance based upon a national standard, for a purchasing procedure to be followed in purchasing City supplies, materials, equipment, contractual services, or other forms of personal property. Before making any such purchase or contract to purchase, competitive bids shall be obtained, except:

- (a) in the securing of professional services for the City or,

- (b) when the purchasing officer for the City is exempted by the purchasing ordinance because of value or when the City Council shall determine that no advantage to the City would result from competitive bidding.

Purchases shall be made from the lowest responsible bidder meeting specifications, unless the Council shall determine that the public interest would be better served by accepting a higher bid or rejection of all submitted bids. All purchases shall be evidenced by a written purchase order or sales memorandum.

The Council shall provide in the ordinance required by this Section the definition of "lowest responsible bidder," the dollar limit within which the Purchasing Officer of the City may make purchases without the necessity of obtaining competitive bids, and the dollar limit within which purchases may be made without the necessity of Council approval.

The Purchasing Officer shall provide the Council with all additional certifications required by law prior to Council action on the contract and shall report to the Council at an appropriate time on compliance with the terms of the contract.

10.03. Modification in contracts.

When it becomes necessary in the prosecution of any work or improvement done under contract to make alterations or modifications in such contract, such alterations or modifications shall be made only upon resolution of the Council. No such order shall be effective until the price to be paid for the material and work, or both, under the altered or modified contract shall have been agreed upon in writing and signed by the contractor and the City Clerk, upon authority of the Council, and a copy of the modification documents filed in the City Clerk's office.

10.04. City may perform public work.

The Council shall have power to do any public work or make any public improvement by the employment of the necessary labor and the purchase of the necessary supplies and materials, with separate accounting as to each improvement so made, or to do such work by contract duly let after competitive bidding. Where competitive bids are secured, the City, or any City department qualified to do the work, may enter a bid on an equal basis with other bidders. The Council shall also have power to do any public work or make any public improvement under any legally constituted plan by which the labor is furnished by any other governmental unit, department, or agency of the United States or the State of Michigan, or which is wholly or in part financed by them or either of them.

10.05. 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.

10.06. Regulatory power.

The City may, in exercise of its police power:

- (a) Regulate;
- (b) Prohibit; or
- (c) Prohibit except as authorized by permit, license, or franchise any trade, occupation, amusement, business or other activity within the City.

10.07. Limitation on a franchise.

An irrevocable franchise, for a period of up to 30 years, and all renewals, amendments, and extensions of it, may be granted only by ordinance.

The City Council may approve such an ordinance only after a public hearing has been held on it and after the grantee named in it has filed with the City Clerk its unconditional acceptance of all the terms of the franchise.

The ordinance may not take effect unless it has been approved by the voters of the City, where State law so requires, or unless it has been approved by a two-third majority of City Council Members serving, where approval of the voters is not required by State law.

When approval of the voters of the City is required, the ordinance as approved by the City Council shall be published in a daily newspaper or equivalent of general circulation in the City not less than 30 days before the election at which it is submitted to the voters. The City Council may not call a special election unless the expense (as determined by the City Council) of holding the election has first been paid to the Treasurer by the grantee.

A franchise for the use of the streets or other public places of the City or for the transaction of a local business may not be sold or transferred in any manner, nor may a party other than the grantee use the franchise, unless the City gives its consent by ordinance.

10.08. Utilities.

The City shall not acquire any public utility furnishing light, heat, or power, or grant any public utility franchise which is not subject to revocation at the will of the City, unless the proposition shall first have been approved by three-fifths of the electors voting thereon.

The City may not sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon.

ARTICLE XI. GENERAL

11.01. Boundaries.

The City of Ypsilanti extends to the limits of the territory known as the City of Ypsilanti on the effective date of this Charter together with any changes that may occur. The next Section contains a map of the City as it exists on the effective date of this Charter but the City Clerk shall maintain a map and an official description of the current boundaries of the City.

State law references: Incorporation, consolidation of territory and alteration of boundaries of home rule cities, MCL 117.6 et seq.

11.02. Boundaries of wards.

The City of Ypsilanti shall consist of three wards equally represented on the City Council, adjusted from time to time as required by law. On the effective date of this Charter the boundaries of the wards shall be the ones described in this map with a line down the center of the street dividing the wards. The City Clerk shall notify residents of any change of ward boundaries after the effective date of this Charter in accordance with law and shall keep a current map and official description of the wards available for public inspection.

City of Ypsilanti Map of Ward Boundaries.

CITY OF YPSILANTI THREE WARD MAP

GRAPHIC LINK: [Three Ward Map](#)

State law references: Mandatory that Charter provide for the establishment of one or more wards, MCL 117.3(e); election precincts, MCL 168.654 et seq.

11.03. Protected lands.

- (a) Within six months after the effective date of this Charter, the Planning Commission shall review a list of all real property owned by the City and shall designate certain parcels as protected lands based on the character of the land as parkland, likely parkland or environmentally sensitive land such as wetlands or riverfront.

Protected lands may not thereafter be sold or disposed of without a vote of the people or the potential for a vote of the people. Land will be considered sold or disposed of when there has been a binding grant of rights in the land for any period of time to any individual or organization which is likely to significantly affect the character or use of the land during the period of the grant or after. A parcel with a market value of \$500,000 or more may not be sold or disposed of without a vote of the people. A parcel of protected land with a market value of less than \$500,000 may not be sold or disposed of until 45 days after a public hearing before the City Council on the question. There shall be a prominent notice of the public hearing published in a newspaper of general circulation in the City. If petitions with signatures amounting to ten percent of the vote cast for Mayor in the most recent election are filed in the office of the City Clerk requesting a vote of the people on the sale or disposition, the City Council shall either cancel the proposed sale or disposition or schedule a vote of the people. A majority of affirmative votes shall be required to approve the sale or disposition of land.

- (b) In accordance with State law, no park or cemetery or any parts of a park or cemetery may be sold except where the park is not required under an official master plan of the City unless approved by a majority of the voters voting thereon at a general or special election.

11.04. City liability.

Any person having a claim against the City by reason of negligence for damages to person or property shall give the City written notice of the claim within 120 days. This notice shall be served on the City Clerk and shall contain the time and place of such injury, the manner in which it occurred, the extent of such damages as far as the same has become known, the names and addresses of the witnesses known at the time by the claimant, and a statement that the person sustaining such damages intends to hold the City liable for such damages as may have been sustained.

Failure to give notice as outlined in this Section may be reason to dismiss any claim for such injuries. The standard of review to dismiss the claim for failure to give required notice shall be the same as is outlined in State statute.

Upon receiving notice, the City shall respond promptly to each such claim under procedures established by the City Council. The claimant may be notified that the City is not liable because of immunity or some other defense. In addition to the defenses outlined in the City's response to the notice of claim, the City may allege other defenses if the claim is pursued in a forum such as a court of law.

If the City recognizes the possibility of liability, the response shall specify the appropriate procedure for the resolution of the issue of liability and adjustment of the amount of damages by mediation, arbitration or any other means chosen to protect the public interest. A claimant's failure to follow the reasonable procedures designed to allow the City to fairly investigate the circumstances of the claim, determine liability and fix damage must be brought to the attention of any body or official with discretionary authority over the award of costs.

The provisions of this Charter are not intended to waive any immunity from tort liability provided by statute or common law.

State law references: City liability for injuries, MCL 691.1401 et seq.

11.05. Anti-nepotism.

Unless the Council shall by unanimous vote, which vote shall be recorded as part of its official proceedings as determining that the best interest of the City shall be served, the following relatives of any elective or appointive officer, City Manager, or department head with respect to that department, are disqualified from holding any appointive office or employment during the term of which said elective or appointive officer was elected or appointed: spousal equivalent, child, parent, grandchild, grandparent, brother, sister, half-brother, half-sister, or the spousal equivalent of any of them. All relationships shall include those arising from adoption. This Section shall in no way disqualify such relatives or the spousal equivalent who are bona fide appointive officers or employees for the City at the time of the election or appointment of said official.

11.06. Surety bonds.

The Council may require any appointed officer or employee to give a bond, to be approved by the Council, conditioned upon the faithful and proper performance of the duties of the office or employment, in such sum as the Council shall determine. All officers or employees receiving, disbursing, or responsible for any City funds, shall be bonded. The resignation or removal of any bonded officer or employee, or the

appointment of another to the office or employment, shall not exonerate such officer or employee or the officer's or employee's surety from any liability incurred by the officer or employee during such term of office. Every official bond shall be a corporate surety bond, and the premium thereon shall be renewed upon its expiration. In the event of the reappointment of any officer or employee to a position for which a bond is required, a new bond shall be furnished. No bond shall be issued for a term exceeding two (2) years, and every bond shall include a notification of cancellation by the insurer to the City.

11.07. Charter revision question.

The question of whether there shall be a general revision of the City Charter shall be submitted to the voters of the City of Ypsilanti at the 8th general City election after the effective date of this Charter and at every 8th general City election thereafter and may be submitted at other times in the manner provided by law.

Members of the Commission shall be elected at the same time as the vote on the question.

11.08. Amendments.

This Charter shall be amended as provided by State law.

State constitutional law reference--Power to adopt and amend Charter, Mich. Const. 1963, Art. VII, § 22.

State law references: Charter amendment procedure, MCL 117.21 et seq.

11.09. Headings.

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

11.10. Separability.

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected.

11.11. Quorum.

Except as otherwise provided in this Charter, quorum of any board or commission created by or pursuant to this Charter shall be a majority of the members of such board or commission in office at the time, but not less than two members.

11.12. Sundays and holidays.

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

ARTICLE XII. TRANSITION

12.01. Effective date of Charter.

This Charter shall take effect on December 1, 1994.

12.02. Continuation of elective officers.

The persons holding elective office as Mayor or Council Member on the effective date of this Charter may serve out their terms as provided in the previous Charter or they may each take some other action such as seeking an elective office provided for in this Charter. If any previously elected Council Member is elected to an office under this Charter or if the Council Member leaves the office for any reason, the vacancy in the office of a holdover Council Member shall not be filled.

12.03. First election for Mayor and Council.

An election shall be held as provided by the previous Charter on the first Monday in April, which is April 3, 1995. At that election, a Mayor shall be elected to serve a term beginning at 12:00 noon local time, April 10, 1995, and ending at 7:30 p.m. local time on the Monday following the general election in 1998. A Council Member shall be elected from each ward on April 3, 1995, to serve a term beginning and ending at the same time as the term of the Mayor. In addition, at the same election of April 3, 1995, a Council Member shall be elected from each ward to serve a term commencing at 12:00 noon April 10, 1995, and ending at 7:30 p.m. local time on the Monday following the general election in 1996. During the period from April of 1995 to April of 1996, there could be as many as five holdover Members of the Council serving with seven officers elected under this Charter. During that transition year, a quorum and a majority vote on the City Council shall require one-half of the Council Members serving plus one.

12.04. Vested rights and liabilities continued.

After the effective date of this Charter, the City shall be vested with all property, monies, contracts, rights, credits, effects, and the records, files, books, and papers belonging to it under and by virtue of this previous Charter. No right of liability, either in favor of or against the City, and no suit or persecution of any character, shall be affected in any manner by any change resulting from the adoption of this Charter, but the same shall stand or proceed as if no change had been made. All debts to it and fines, penalties, imposed and existing at the time of such change, shall be collected by the City. All trusts established for any municipal purpose shall be continued.

12.05. State and municipal laws.

- (a) *In General.* All City ordinances, resolutions, orders, and regulations which are in force when this Charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective implementation and operation of this Charter or of ordinances or resolutions adopted. To the extent that the Constitution and law of the State of Michigan permit, all laws relating to or affecting this City or its agencies, officers, or employees which are in force when this Charter becomes fully effective are superseded to the extent that they are

inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto.

- (b) *Prior City Ordinances and Regulations.* All ordinances, resolutions, rules, and regulations of the City of Ypsilanti which are not inconsistent with the provisions of this Charter, in force and effect at the time of the adoption of this Charter, shall continue in full force as ordinances, resolutions, rules, and regulations of the City until repealed or amended by action of the proper authorities.

12.06. Tense.

Except as otherwise specifically provided or indicated by the context, 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 therein, either as a power, immunity, requirement, or prohibition.

12.07. Form of ballot.

The question of adoption of this Charter shall be submitted at the General Election held on November 8, 1994, in this form:

Shall the City Charter proposed by the Ypsilanti Charter Commission be adopted?

Yes No

RESOLUTION OF ADOPTION

At a meeting of the Charter Commission of the City of Ypsilanti held in the City Council Chambers of the City on July 12, 1994, a quorum was present for the transaction of business. At such meeting the following Resolution was offered by Commissioner Peter B. Fletcher and seconded by Commissioner Suzanne Shaw:

RESOLVED, That the Charter Commission of the City of Ypsilanti does hereby adopt the foregoing document as the proposed revised Charter of the City of Ypsilanti and the Clerk of this Commission is hereby instructed to transmit the same to the Governor of the State of Michigan in accordance with the provisions of P.A. No. 279 of the Public Acts of 1909 of the State of Michigan for his approval and to file a copy in the office of the City Clerk as required by said Act and to certify the filing giving the date and time to the Chairman and to cause this proposed Charter to be published in accordance with the provisions of said Act.

The vote on the adoption of the aforesated Resolution was as follows:

YES: Farmer, Fletcher, Kennedy-Hughes, Kennedy, Kettles, Kilpatrick and Shaw.

NO: None.

ABSENT: Strong, Williams.

CHARTER COMPARATIVE TABLE

This table shows the location of the sections of the basic Charter and any amendments thereto.

TABLE INSET:

Date	Section this Charter	
11- 8- 1994	.01-- 12.07	.01-- 12.07