

## DRAFT

# Recommendations from the Charter Review Committee on The Charter of the City of Saginaw

### Progress as of April 10, 2009:

The committee has reviewed and considered all provisions of the Charter.

---

Notations in this document are coded in the following way:

- The date of the meeting for each final decision of the committee will appear before each recommendation. Those interested can refer to the minutes of the proceedings on those dates for additional information and summaries of the discussion.
- Recommendations of the committee and discussion summaries appear in **blue Times New Roman text**.
- Language that is recommended for removal from the document will appear within the original text ~~stricken through with a single line~~.
- Language that is to be added to the text will appear **within the body of the text in red**.
- If a change to the language was recommended at a later meeting, **the second change will be noted in green**.

Please Note: This version of the Charter of the City of Saginaw exists purely to reflect the suggested changes by the Ad Hoc Committee of the City Council.

Specifically, the recommendation to revise the Charter and produce a more gender-neutral document has not been done (reference to minutes dated December 10, 2007 and February 21, 2008.)

## **PREAMBLE**

From the December 10, 2007 Meeting: No change was recommended by the committee at this time.

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

## **CHAPTER I.**

### **INCORPORATION - POWERS**

From 12/10/07 Meeting: No change recommended by the committee.

**Section 1.** The municipal corporation now existing and known as "City of Saginaw" shall be and continue a municipal corporation under the name of "City of Saginaw" and shall be vested with any and all powers which cities are, or may hereafter be, required or permitted to exercise or to provide for in their charters under the constitution and laws of the State of Michigan, as fully and completely as though the powers were specifically enumerated herein, except for such limitations and restrictions as are provided in this charter, and no enumeration of particular powers of the city in this charter shall be held to be exclusive.

## **CHAPTER II.**

### **ELECTIONS**

#### **Wards and Districts**

From 12/10/07: The committee did not recommend any changes for this section.

**Section 2.** The City of Saginaw shall constitute one (1) ward. The council may by ordinance establish convenient election districts. Until the council shall otherwise ordain, the election districts continue as now established.

#### **Elections**

From 12/10/07 Meeting: Because of changes in Michigan law, the City Clerk suggested the committee recommend eliminating the following Sections of Chapter II:

Section 3. Elections

Section 4. Nominating Petitions

Section 5. Approval of Petitions

Section 6. Election Procedure

Section 7. Canvass of Vote

Section 8. Tie Vote  
Section 10. Voting Hours

The rationale for the elimination of these sections will be placed in the Charter. Election laws, and filing deadlines and the like are outlined by Michigan law. These provisions will be replaced by the City Clerk's suggested language, following:

**Section 3.** The general election laws of the state shall apply to and control, as near as may be, all procedures relating to elections, except as otherwise provided by this charter.

**Section 3.** A non-partisan regular city election shall be held on the first Monday in April in each odd numbered year. Special elections shall be held when called by resolution of the council at least thirty (30) days in advance of such election, or when required by this charter or the general laws of the state. Such resolution shall set forth the purpose of the election.

~~Regular City elections to be held on the  
Tuesday after the first Monday in  
November in the odd years~~

~~(1970 P.A. 239, MCLA 168.644a et  
seq., Ordinance Number D-975, Article  
4, Chapter II, General Code).~~

~~Date of special election must be  
approved by County Election  
Scheduling Committee~~

~~(1969 P.A. 322, MCLA 168.639).~~

**Nominating Petitions**

**Section 4.** Candidates for the office of councilman shall be nominated by petition. Nominating petitions on official blanks, signed by not less than fifty (50) nor more than one hundred (100) registered electors of the city shall be filed with the city clerk not later than twelve (12) noon on the fourth Saturday prior to the date of the city election. Official blank petitions shall be prepared by the city clerk and shall be furnished by him upon receipt of consent of the candidate in whose behalf petitions are requested.

~~Nominating petitions must be filed  
before 4 p.m. on the seventh Tuesday  
prior to the election~~

~~(1970 P.A. 239, MCLA 168.644a)~~

Ordinance Number D-975,

**Approval of Petitions**

~~**Section 5.** The city clerk shall accept for filing only such nominating petitions for qualified candidates as are on official blanks and contain the required number of signatures. He shall forthwith determine the sufficiency of the signatures on each petition filed and, if he finds any petition does not contain the required number of legal signatures of registered electors, he shall forthwith notify the candidate, who may file an amended petition not later than five (5) days after the date and hour for filing the original petition. Petitions which are found by the city clerk to contain the required number of signatures of registered electors for qualified candidates shall be marked "Approved," with the date hereof.~~

**Election Procedure**

~~**Section 6.** The general election laws of the state shall apply to and control, as near as may be, all procedure relating to elections, except as such laws relate to political parties or partisan procedures or require more than one publication of notice and except as otherwise provided by this charter. In any circumstance where the application of said laws may be uncertain, the election commission shall construe the same and prescribe the procedure.~~

**Canvass of Vote**

~~**Section 7.** The council shall be the board of canvassers to canvass the votes at all elections under this charter. The council shall meet at seven thirty (7:30) p.m., on the first Thursday after each election and publicly canvass the election returns, and shall determine the vote upon all questions and propositions and declare whether the same have been adopted or rejected and what persons have been elected at such election. The candidate or candidates (where more than one [1] are to be elected to the same office) who shall receive the greatest number of votes shall be elected.~~

Superseded by 1963, second extra session P.A. 65, as amended, which created City Board of Canvassers  
  
(MCLA 168.30a et seq.).

**Tie Vote**

~~**Section 8.** If at any municipal election there shall be no choice between candidates by reason of two (2) or more having received an equal number of votes, then the council shall proceed to determine the election of such candidates by lot in the same manner, as near as may be, as shall be provided by the general election laws of the state.~~

### Election Commission

From 12/10/07: Section 9. Election Commission will remain because it is valuable to the election process according to the City Clerk. No change recommended by the committee.

**Section 9.** The election commission shall consist of the city clerk, the chief of police and the city attorney. The city clerk shall be chairman. The commission shall appoint the inspectors of election and fix their compensation and shall perform all of the duties required of city election commissions by state law or this charter.

### Voting Hours

~~**Section 10.** The polls for all elections shall be opened at seven (7) a.m., or as soon thereafter as may be, on election day and remain open until eight (8) p.m. of the same day.~~

### Justice of the Peace

From 12/10/07: The committee recommends this section be removed. The provision has been repealed by Michigan law.

~~**Section 11.** Justice of the Peace as established in Act No. 4 of the Public Acts of Michigan of 1917 shall be nominated and elected in accordance with the provisions of this charter regulating the nomination and election of councilmen.~~

~~Act No. 4, P.A. 1917, Repealed 1939  
P.A. 322~~

~~Changed to "Municipal Judge," 1947  
P.A. 103 and Council Resolution  
adopted July 11, 1949. (CP p. 355)~~

~~These judicial duties are performed by  
the 70th District Court~~

~~(MCLA 600.8135).~~

### Chapter III.

### GOVERNING BODY

### The Council

From 12/10/07: No change recommended.

**Section 12.** The council shall consist of nine (9) members nominated and elected at large, and shall be vested with all legislative powers of the city except as otherwise provided by state law or this charter. The city clerk shall be clerk of the council.

**Term of Office**

From 12/10/07: No change recommended.

**Section 13.** The councilmen shall hold office for a term of four (4) years from the Monday next following the city election at which they are elected, except that the four (4) councilmen receiving the smallest number of votes at the first election under this charter shall hold office from January 6, 1936 until the Monday next following the regular city election in 1937 and the five (5) councilmen receiving the largest number of votes at said first election shall hold office from January 6, 1936, until the Monday next following the regular city election in 1939.

**Qualifications**

From 12/10/07: This provision was ruled unconstitutional. Recommendation: Eligible candidates should have at least one year of residency in the city and a registered voter. There are other qualifications of eligibility including that no one who owes money to the city would be eligible – but those are outlined in Section 91. The revision would also remove the box with the notation regarding constitutionality.

From 12/09/08: The final change was agreed upon. The qualification will be changed to one year of residency.

**Section 14.** No person shall be eligible for the office of councilman unless he is a duly registered elector in the city and has been a resident of the city or any area annexed thereto for at least ~~three (3) years~~ **one (1) year** immediately prior to the election at which he is a candidate.

**Section 14 amended (Amendment No. 11)  
Effective April 17, 1959**

Three-year residency ruled unconstitutional. Hargrove v City of Saginaw. U.S. Federal District Court, 1979.

**Vacancies**

From 12/10/07: No change recommended.

**Section 15.** A vacancy occurring in the council shall be filled within thirty (30) days by a majority vote of the remaining councilmen, the appointee to hold office until the Monday next following the next regular city election; provided that no appointment shall be made within sixty (60) days prior to any regular city election; and provided further that, if a vacancy occurs more than forty (40) days next preceding a regular city election in the office of a councilman whose term is not then expiring, a successor shall be elected at such election for the remainder of the unexpired term.

### Procedure in Filling Vacancies

From 12/10/07: No change recommended.

**Section 15(a)** . In filling a vacancy in the council, the names of prospective appointees shall not be presented for seven (7) days, and no appointment shall be made for fourteen (14) days after the vacancy occurs.

**Section 15(a) added (Amendment No. 3)  
Effective April 24, 1953**

### Mayor

From 12/10/07: Recommendation: There was agreement that the committee could work with the language of the Model Charter to reflect the job of the current Mayor of the city. The section of the Model Charter is excerpted below:

**Section 2.03. Mayor.**

(a) **Powers and Duties.** The mayor shall be a voting member of the city council and shall attend and preside at meetings of the council, represent the city in intergovernmental relationships, appoint with the advice and consent of the council the members of citizen advisory boards and commissions, present an annual state of the city message, appoint the members and officers of council committees, assign subject to the consent of council agenda items to committees, and perform other duties specified by the council. The mayor shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties.

From January 8, 2008 Meeting: Mr. Fancher will review the language of the Model Charter to insure that it met other statutory requirements. The committee felt the language from the Model Charter would not change the function of the Mayor but was more descriptive.

From 12/10/08: The language for this section was changed. This would clarify when the new mayor would take office and will enhance the description of duties with language from the Model Charter.

**Section 16.** The council shall, at its first regular meeting following the **regular city** first election ~~under this charter~~, choose one if its members mayor who shall hold office until the Monday following the regular city election ~~in 1937. Thereafter the mayor shall be~~

~~chosen for a term of two (2) years. The council shall choose one of its members mayor pro tem who shall act in the absence or disability of the mayor. In the event of a vacancy occurring in the office of the mayor, the council shall choose one of its members mayor at the next regular meeting to serve for the unexpired term. The mayor shall be the official head of the city for all ceremonial purposes, for the purposes of military law, and for all other purposes required by law. He shall preside at all meetings of the council, and may speak and vote in such meetings as any other member of the council.~~ **The mayor shall be a voting member of the city council and shall attend and preside at meetings of the council, represent the city in intergovernmental relationships, appoint with the advice and consent of the council the members of citizen advisory boards and commissions, present an annual state of the city message, appoint the members and officers of council committees, assign subject to the consent of council agenda items to committees, and perform other duties specified by the council. The mayor shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties.**

### **Compensation**

From 12/10/07: Recommendation: This Section should refer to state law so that there is compliance.

From 01/08/08: This section will be stricken and refer to state law and ordinance.

~~**Section 17.** Each member of the council shall be compensated at the rate of five dollars (\$5) per meeting attended, but not to exceed three hundred dollars (\$300) per year. The mayor shall receive the sum of fifty dollars (\$50) per month, in addition to his compensation as councilman.~~

~~Ordinance D-1417 enacted 11-15-82 and approved at 11-8-83 election established a commission to determine salaries, expense allowance and reimbursements for local elected officials.~~

~~(1972, P.A. 8, MCLA 117.5c).~~

## **CHAPTER IV.**

### **LEGISLATION**

#### **Regular Meetings**

From 01/08/08: Recommended change: Regular meetings shall occur at least twice monthly. Mayor elected at next regular meeting of the council following the election. The committee also

recommends removing provisions on the time and specific day of the week. The committee also recommended removing the box following the section.

Recommended new language: “The Council shall meet at least twice monthly. “At the first regular meeting following each regular city election, newly elected council persons shall assume the duties of their office.”

**Section 18.** The council shall meet at least twice monthly. At the first regular meeting following each regular city election, newly elected council persons shall assume the duties of their office.

~~**Section 18.** The council shall meet at the official council chamber at seven-thirty (7:30) p.m. on the Monday next following each regular city election at which session newly elected councilmen shall assume the duties of this office. Regular meetings shall be held at least once every two (2) weeks.~~

~~Regular meetings shall be posted within ten days after the first meeting in each calendar or fiscal year.~~

~~(1976 P.A. 267, MCLA 15.265)~~

### Special Meetings

Recommended change: remove the word “written” from the first sentence. And replace: “if all councilmen are present there at or have waived notice thereof in writing” with “if all council persons are in attendance or have waived notice.” A waiver is only needed if there is not prior notice given. If notice is given then the person should sign an affidavit recording that they have been notified of a meeting. Also, remove the box here.

**Section 19.** Special meetings shall be called by the city clerk on the ~~written~~ request of the mayor or manager or any three (3) councilmen on at least six (6) hours' written notice to each councilman served personally or left at his usual place of residence; but any special meeting shall be a legal meeting for all purposes without such notice **if all council persons are in attendance or have waived notice** ~~if all councilmen are present thereat or have waived notice thereof in writing.~~

~~Eighteen hours' notice of special meetings must be given by posting.~~

~~(1976 P.A. 267, MCLA 15.265)~~

### Quorum

From 01/08/08: No change recommended for this section.

**Section 20.** A majority of the councilmen shall be a quorum for the transaction of business. The council may, by a majority vote of those present, compel the attendance of its members and other officers of the city at its meetings and enforce orderly conduct therein. No councilman shall vote on any question in which he has any financial interest other than the common public interest; but on all other questions every councilman present shall vote. On all votes which are not unanimous, the yea or nay vote of each member shall be recorded by roll call, but where the vote is unanimous, it shall only be necessary to so state.

## Rules

From 01/08/08: The recommendation of the committee was to remove requirement for publication in the newspaper. Delete last sentence and replace with: “The minutes of each council meeting shall be prepared by the city clerk and be available to the public.”

From February 21, 2008 Meeting: Recommendation: In addition to previous changes, this section will include “copies of minutes will be made available at no cost.”

**Section 21.** The council shall determine its own rules, and shall keep a journal of its proceedings in the English language, which shall be signed by the city clerk. All regular and special meetings of the council shall be open to the public. ~~A summary of the council proceedings at each meeting shall be prepared by the city clerk and published in the official newspaper.~~ The minutes of each council meeting shall be prepared by the city clerk and be available to the public. Copies of minutes will be made available at no cost.

## Ordinances

From 01/08/08: No change recommended for this section.

**Section 22.** Legislation shall be by ordinance. Each ordinance shall be identified by a number and a short title. The style of all ordinances shall be "The City of Saginaw Ordains." The effective date of an ordinance shall be prescribed therein. At least two (2) weeks shall elapse between the introduction and enactment of an ordinance; enactment shall require the affirmative vote of not less than five (5) councilmen and the effective date shall not be earlier than ten (10) days after enactment; except that ordinances immediately necessary for the preservation of the public peace, health or safety may be enacted on the date of introduction and given immediate effect by the affirmative vote of not less than six (6) councilmen. No ordinance shall be amended by reference to its title only, but the section or sections amended shall be enacted in full. An ordinance may be repealed by reference to its number and title only.

## Ordinance Record

From 01/08/08: Recommendation: A period placed before the word “provided” and the rest removed.

**Section 23.** All ordinances and the dates of introduction and enactment and the vote thereon shall be recorded by the city clerk in a book to be called "The Ordinance Book," and it shall be the duty of the mayor and the city clerk to authenticate such record by their official signatures. Except as otherwise provided by this charter, all ordinances when enacted shall be forthwith published by the city clerk, and he shall enter his certificate as to the manner and date of publication under each ordinance in the ordinance book.  ~~; provided that, if codes (e.g. building regulations) be enacted by ordinance, publication may be had by printing not less than one hundred (100) copies in booklet form to be available for public distribution without cost on application.~~

### Compilation and Revision

From 01/08/08: No change recommended but the committee would like to hear from the city manager on this section at the next meeting.

From 12/09/08: The requirement for compiling and revision of ordinances is time consuming and the need for 100 copies is costly. The committee recommendations would remove the compulsory requirement for compilation and revision and make it optional. The committee also chose to remove the requirement for the number to be reproduced because technology allows those changes to appear more quickly.

**Section 24.** The council ~~may~~ shall, by resolution, order a general revision and compilation of ordinances ~~within two (2) years from the date this charter is adopted by the electors and every ten (10) years thereafter.~~ Such revision and compilation, when completed, shall be adopted by appropriate ordinance which shall also designate when such revised and compiled ordinances shall become effective. Such revised and compiled ordinances need not be recorded in the "The Ordinance Book" or the council proceedings. ~~The printing and binding of not less than one hundred (100) copies in book form, available for public distribution at cost, shall be deemed sufficient publication.~~ **Ordinances shall be available to the public at cost.**

## CHAPTER V.

### ADMINISTRATIVE SERVICE

#### City Manager

From 02/21/08: No change recommended for this section.

**Section 25.** The council shall appoint a city manager for an indefinite term who shall be the chief administrative officer and the head of the administrative branch of the city government. The manager need not be a resident of the city or the state at the time of his appointment. The council may designate a qualified administrative officer of the city to perform the duties of manager during his absence or disability.

#### Qualifications

From 02/21/08: No change recommended for this section.

**Section 26.** The manager shall be chosen solely on the basis of his executive and administrative qualifications with special reference to his training and actual experience in municipal administration. No member of the council shall be eligible for appointment as manager until two (2) years subsequent to the termination of his service on the council.

### Removal

From 02/21/08: Recommendation of the committee: A motion to remove a City Manager will require 2/3<sup>rd</sup>s of the City Council members to pass.

From 12/10/08: There was discussion about what should be changed in this section. The changes will include removing the separate requirements based on the tenure of the city manager. It will always require a vote of two-thirds of the city council to remove a city manager.

**Section 27.** The manager may be removed by a **two-thirds** majority vote of the members of the council ~~as herein provided, except that no manager who has been in the service of the city for one (1) year or more prior to a regular city election shall be removed within the ninety (90) days subsequent to such election unless by a two-thirds vote of the members of the council.~~ At least thirty (30) days before removal of the manager, the council shall adopt a resolution stating its intention to remove him and the reasons therefore, a copy of which shall be served forthwith on the manager, who may within ten (10) days demand a public hearing, in which event the final resolution removing the manager shall not be adopted until such public hearing has been held. Upon passage of a resolution stating the council's intention to remove the manager, the council may suspend him from duty, but his pay shall continue until his removal. The action of the council in removing the manager shall be final.

### General Powers and Duties of Manager

From 02/21/08: No change recommended for this section.

**Section 28.** The manager shall supervise the administrative affairs of the city and shall carry out the policies formulated by the council. He shall be charged with the preservation of the public peace and health and the safety of persons and property, and shall see to the enforcement of the ordinances of the city, this charter and the laws of the state. He shall keep the council informed of the condition and needs of the city and shall make such reports and recommendations as he may deem advisable, and perform such other duties as may be prescribed by this charter, or required of him by ordinance or resolution of the council, not inconsistent with this charter. He shall have the right to take part in the discussion of all matters coming before the council, but not the right to vote.

### Appointive Power of Manager

From 02/21/08: No change recommended for this section.

**Section 29.** The manager shall have power to appoint and remove, subject to the provisions of this charter, all officers and employees in the administrative service of the city; but the manager may authorize the head of a department or office responsible to him to appoint and remove subordinates in such department or office. The appointments made by or under authority of the manager shall be on the basis of the fitness, training and experience of such appointees for the work they are to perform. All such appointments shall be without definite term unless for provisional, temporary or emergency service not to exceed the maximum periods which may be prescribed by personnel regulations.

### **Council Not to Interfere in Appointments or Removals**

From 02/21/08: No change recommended for this section.

**Section 30.** Neither the council nor any of its committees or members shall direct or request the appointment of any person to or his removal from office or employment by the manager or any of his subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the manager, and neither the council nor any member thereof shall give orders to any subordinate of the manager either publicly or privately. Any violation of the provisions of this section by a councilman shall be a misdemeanor, conviction of which shall constitute immediate forfeiture of his office.

### **Appointive Officers**

From 02/21/08: Recommendation: Section 31: remove the title “health officer” and clarify language regarding the ex-officio controller. The first portion will now read:

“The manager shall appoint a city clerk, treasurer, assessor, police chief, fire chief, purchasing officer, city attorney, director of public works and director of finance who shall be ex-officio controller. The manager shall also appoint such other officers and heads of departments as may be deemed necessary. ...”

Recommendation: add to Section 31 the following sentence:

“The manager may create such additional administrative offices, or combine any administrative offices in any manner not inconsistent with state law, and prescribe the duties thereof as he may deem necessary for the proper operation of the city government.”

From 12/09/08: The title of purchasing officer will be removed from this section. The director of public works will be referred to as the director of public services. The phrase about the director of finance be ex-officio controller was also removed. The language recommended above will be inserted at the end of the section.

**Section 31.** The manager shall appoint a city clerk, treasurer, assessor, police chief, fire chief, ~~health officer, purchasing officer,~~ city attorney, director of public ~~services works~~ and director of finance ~~who shall be ex-officio controller.~~ **The manager shall also** appoint such other officers and heads of departments as may be deemed necessary. The powers and duties of these officers and heads of departments shall be those prescribed by state law, by charter and by ordinance. The compensation of officers and employees shall be fixed by the council. **The manager may create such additional administrative offices, or combine any administrative offices in any manner not inconsistent with state law, and prescribe the duties thereof as he may deem necessary for the proper operation of the city government.**

### **Administrative Departments**

From March, 11 2008 Meeting: The words “and the administrative code” will be stricken and replaced with “and local ordinance.”

**Section 32.** The administrative service shall be divided into such departments, divisions, and bureaus as may be provided by ordinance upon recommendation of the manager. Such ordinance shall be known as "Administrative Code." Pending the passage of such code the manager may establish temporary regulations. Each officer or director shall, subject to approval by the manager, have supervision and control of his department and shall have power to prescribe rules and regulations, not inconsistent with this charter **and local ordinance** ~~and the administrative code.~~

### **Purchasing Procedure**

From 03/11/08: Recommendation: The committee would change the limit to \$10,000 for purchasing, with the understanding that additional consideration of this recommendation may be warranted if more information is brought forward. There was consensus on the issue.

From 12/09/08: This recommendation was finalized.

**Section 33.** Competitive bids for all purchases and public improvements shall be obtained where practicable and contracts awarded to the lowest and best bidders. Sealed bids shall be asked for in all transactions involving the expenditure of ~~two thousand dollars (\$2,000)~~ **ten thousand dollars (\$10,000)** or more and the transaction evidenced by written contract submitted to and approved by the council; provided that, in cases where it is clearly to the city's advantage to contract without competitive bidding, the council upon recommendation of the manager may so authorize. Detailed purchasing and contracting procedure shall be established by ordinance. The council may authorize the making of public improvements by day labor.

### **Investigations**

From 03/11/08: No changes were recommended for this section.

**Section 34.** The council, the manager, or any person or committee authorized by either of them, shall have power to inquire into the conduct of any department, officer or officer of the city and to make investigation as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers and other evidence. Failure to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this section shall be a misdemeanor.

### **Bureau of Public Information and Complaint**

From 03/11/08: There are no changes recommended for this section. The City Clerk fulfills this role for the city and is the “appointed official” referred to in this section.

**Section 35.** There is hereby established within the administrative service a bureau to be known as "Bureau of Public Information and Complaint" under the direction of an official appointed by the manager. It shall be the duty of such bureau to furnish information concerning the city government and to receive the complaints of citizens relative to the public service for investigation and report. The procedure for handling complaints shall be specified by executive order of the manager or prescribed in the administrative code. The bureau here created may be assigned other duties not inconsistent with the purpose of this section.

### **Supervisors**

From 03/11/08: These sections have been superseded by State Law. Therefore, the committee recommends these sections be deleted along with the box that explains the change in law.

~~**Section 36.** The number of representatives to which the city may be entitled by law on the board of supervisors of Saginaw County shall be appointed by the council. Any citizen or elective or appointive official may be appointed supervisor and shall hold office at the pleasure of the council. If any representative of the city on the county board of supervisors shall be unable to attend the meetings of the board for any reason, the council may appoint a qualified person to discharge the duties of such office, during his absence or disability. Supervisors shall be entitled to retain compensation received in such capacity.~~

### **Procedure in Appointing Supervisors**

~~**Section 36(a).** In making appointments to the board of supervisors, other than appointments to serve during the absence or disability of a city representative, no candidates shall be proposed until one week after the council shall have determined that an appointment is to be made to such office, and the names of all candidates shall be presented at least one week prior to the appointment.~~

**Section 36(a) added (Amendment No. 4)  
Effective April 24, 1953**

~~Sections 36 and 36(a) superseded.  
County apportioned into commissioner  
districts and all commissioners elected~~

~~(1966 P.A. 261, as amended, MCLA  
46.401).~~

### **Board of Review**

From 03/11/08: There have been issues having enough people on the committee to hear citizens. There can be up to nine members on the Board and they could split into groups of three to handle hearings more quickly. Mr. Turner, a member of the Board of Review, and the City Assessor, would recommend this change. Mr. Fancher will check on state statute for that section. The duties of the Board of Review are outlined in state statute. Mr. Turner then explained the procedure for the Board of Review to members of the committee. Mr. Fancher will author a memo on this question.

Mr. Marsh pointed out that the Charter could include a reference to the source of power and authority for the Board of Review. It would help to underline the authority for the Board. This could be included in the ordinance. A recommendation on this section will come after some more investigation by Mr. Fancher.

From 12/09/08: Following inquiry, it would be allowable to increase the number of citizens on the Board of Review which would allow concurrent hearings to speed the process. The recommendation is to increase the number of citizens on the Board of Review to seven (7).

**Section 37.** The council shall appoint a board of review of **seven (7)** ~~five (5)~~ citizens who are taxpayers on real property, who shall hold office at the pleasure of the council. The council shall fix the compensation of the members of the board of review.

## **CHAPTER VI.**

### **~~PERSONNEL ADVISORY BOARD~~**

From 03/11/08: The recommendation of the committee is to delete the whole chapter. There was no objection to this recommendation. Also, there should be some rationale included in the document to explain the change. There has to be a rationale for those changes to present to the City Council. All but 30 positions are covered by collective bargaining and all but two of those are contract employees. However there are procedures for appeal for those employees.

#### **~~Members, Terms~~**

**Section 38.** ~~There is hereby created a personnel advisory board of three (3) members, none of whom shall hold any other city office. One (1) shall be appointed by the manager, one (1) by the mayor and the two (2) so chosen shall appoint the third who~~

~~shall be chairman. The members shall serve without compensation at the pleasure of the respective appointing authority. Vacancies occurring shall be filled in the same manner as the original appointments were made.~~

### **Qualifications**

~~**Section 39.** Members of the personnel advisory board shall be duly registered taxpaying electors of the city who shall have resided in the city for at least the three (3) years immediately prior to their appointment, and shall believe in the merit system for city employment.~~

### **Powers and Duties**

~~**Section 40.** The personnel advisory board shall administer the retirement and pension system provided for in this charter. It shall investigate complaints made to it in writing by any officer or employee in the administrative service who is suspended, reduced or removed and report its findings in writing to the manager. The decision of the manager shall be in writing and shall be final. The complaints, findings and decisions shall be filed with the city clerk. At the request of the manager the personnel advisory board shall create eligibility lists, a system of classification and give him such other assistance in personnel matters as occasion requires to the end that there shall be provided a fair and impartial approach to municipal employment based upon the fitness, training and experience of the applicant with no discrimination on account of political or religious opinions; but at the same time without in any sense handicapping the responsible administrative officers in securing efficient service. The manager shall provide for the necessary clerical help, office equipment and supplies.~~

## **CHAPTER VII.**

### **GENERAL FINANCE**

#### **Fiscal Year**

[From June 3, 2008 Meeting:](#) There is no change recommended for this section.

**Section 41.** The fiscal and budget year of the city shall begin on the first day of July.

[From 06/03/08:](#) The following sections, Section 42: Financial Control and Section 43: Budget Procedure, were discussed at length during this meeting. Please refer to those meeting minutes for a summary of the discussion. No decision was finalized for these two sections.

#### **Financial Control**

[From 12/09/08:](#) No change was recommended for this section.

**Section 42.** The director of finance shall have the charge of the administration of the financial affairs of the city, including supervision of the offices of assessor and treasurer. He shall maintain such accounting control over the finances of the city, make such financial reports and perform such other duties as may be required by this charter, by ordinance or by the manager. As controller he shall audit and approve all liquidated claims against the city and the treasurer shall pay the same on duly certified vouchers.

### Budget Procedure

From 12/09/08: There was some confusion about the role of the manager and the director of finance in this section. In the interest of having the budget procedure accurately reflected, the committee recommends the changes below and specifies that the manager submits the budget to the city council for approval.

**Section 43.** At such time as may be requested by the manager or specified by ordinance, each officer or director of a department shall submit to the director of finance an itemized estimate of the expenditures for the next fiscal year for the departments or activities under his control. ~~The director of finance shall prepare and submit to the manager a complete budget for the next fiscal year in such detail and with such supporting schedules as the manager shall require. After review by~~ The manager he shall **review and** submit the proposed budget to the council on or before the last Monday in April.

### Budget Hearing

From 06/03/08: No change was recommended for this section.

**Section 44.** A public hearing on the budget shall be held before its final adoption by the council, at such time and place as the council shall direct, the notice of such public hearing shall be published at least one week in advance by the city clerk.

### Budget System Bonds

From 06/03/08: No change was recommended for this section.

**Section 44(a).** Any capital improvement items contained in the budget may be financed by the issuance of bonds as a part of the budget system of the city, provided that the amount of such bonds together with the taxes levied for the same year, shall not exceed the limit of taxation authorized by law. The budget shall indicate the items to be so financed by bonds.

**Section 44(a) added (Amendment No. 9)  
Effective November 22, 1957**

### Adoption of Budget, Tax Limit

As of 06/03/08: Discussion on this section was delayed because of the desire to have input from Dr. Scorsone of MSU State & Local Government team.

From September 9, 2008: Dr. Scorsone made a presentation on this issue to the committee. The decision was made to take some time to consider this issue further before making a final recommendation.

From January 13, 2009: The committee decided to make three changes to prepare for a final tax rate number recommendation from the City Manager. The first recommendation of the committee is to change the words “assessed valuation as equalized” to “taxable valuation” and remove the last sentence of the first paragraph. This change keeps the charter current with state law. The third change is to remove the tax rate and leave the section blank until additional information is provided to the committee by the manager. The committee recommends no change to the second paragraph.

From March 10, 2009: Following data from the city and input of staff, the committee recommends the following sentence be added to this section following the first sentence:

“The millage rate that may be levied for operating purposes shall not exceed 20 mills or the limit provided by the Michigan Constitution.”

The remainder of this section will be stricken.

**Section 45.** The council shall, by resolution, determine and adopt the budget and make the appropriations for the next fiscal year and shall provide, by resolution, for a tax levy of the amount necessary to be raised by taxation at least thirty (30) days prior to the first day of the upcoming fiscal year. **The millage rate that may be levied for operating purposes shall not exceed 20 mills or the limit provided by the Michigan Constitution.**

~~The amount of property taxes which may be levied by the city in any year shall not exceed \_\_\_\_\_ three-quarters of one percent (.75 of 1%) of the taxable valuation assessed valuation as equalized of all taxable real and personal property in the city. If the assessed value of all property in the city as determined on the first Monday in May, 1979, is increased in subsequent years for any reason, the maximum millage rate provided herein shall be permanently reduced to yield the same gross dollar revenue as the fiscal 1978-79 property tax revenue yield.~~

~~This limit may be exceeded up to three-tenths of one percent (.3 of 1%) of the assessed value over the maximum limit provided herein as reduced only if the mayor declares a specific emergency, the dollar amount of the emergency and the portion of such dollar amount that is needed from property taxes, and the council thereafter, by a three-quarters recorded vote of the full council, declares an emergency in accordance with the specifics of the mayor's request. The millage limit may be exceeded only during the fiscal year for which the emergency is declared. Millage levied pursuant to Article 9, Section 6, 1963 Michigan Constitution, is exempt from these limitations.~~

**Section 45 amended (Amendment No. 10)  
Effective November 22, 1957**

**Section 45 amended (Amendment No. 16)  
Effective December 5, 1979**

**Reduction of Tax Limit**

From 06/03/08: This section could be removed. This serves as an appendix and could be stricken. This was written to address a potential change to the Charter.

Mrs. Herman will look for additional information to explain why this change was made.

Recommendation pending: When more information is available from the clerk, this section can be removed.

From 01/13/09: The committee recommends removing this section.

~~**Section 45(a).** The tax limit created by Section 45 of Chapter VII of the charter shall be reduced by three-tenths (3/10) of one percent (1%) of the assessed valuation as equalized of the real and personal property subject to taxation in the city during each of the fiscal years in the ten-year period beginning July 1, 1963, in which the council imposes the tax authorized by Section 1 of Chapter XIX of the charter.~~

~~**Section 45(a) added (Amendment No. 14)  
Effective January 16, 1963**~~

~~**Question of adding Section 1,  
Chapter XIX, Defeated January 7, 1963**~~

**Transfer of Appropriations**

From 06/03/08: Recommendation: The final sentence of the section will begin: "Except as otherwise provided in federal and state law and this charter, the council may transfer any unencumbered appropriation balance or any portion thereof from one department, fund or agency to another."

**Section 46.** After the budget has been adopted, no money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except pursuant to a budget appropriation. Except as otherwise provided in federal and state law and this charter, the council may transfer any unencumbered appropriation balance or any portion thereof from one department, fund, or agency to another.

**Budget Control**

From 06/03/08: No change was recommended for this section.

**Section 47.** At the beginning of each quarterly period during the fiscal year, and more often if required by the council, the manager shall submit to the council data showing the relation between the estimated and actual income and expense to date; and if it shall appear that the income is less than anticipated, the council or manager may

reduce appropriations for any item or items, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the cash income. If the revenues exceed the amounts estimated in the budget, the council may make supplemental appropriations. The manager may provide for monthly or quarterly allotments of appropriations to departments, funds or agencies under such rules as he shall prescribe.

### **Borrowing Procedure**

From 06/03/08: The first sentence of the section should read “Subject to the applicable provisions of **federal and** state law and this charter ...” This will keep this section similar to the language recommend for Section 46.

**Section 48.** Subject to the applicable provisions of **federal and** state law and this charter, the council, by resolution, may authorize the borrowing of money for any purpose within the scope of the powers vested in the city and the issuance of bonds of the city or other evidences of indebtedness therefore, and may pledge the full faith, credit and resources of the city for the payment of the obligation created thereby.

### **Special Assessment Bonds**

From 06/03/08: No change to this section is recommended.

**Section 49.** The council shall, subject to the general laws of the state, have authority to borrow money in anticipation of the payment of special assessments made for the purpose of defraying the cost of any public improvement, or in anticipation of the payment of any combination of such special assessments, and to issue bonds therefore. Such special assessment bonds may be an obligation of the special assessment district or districts or may be both an obligation of the special assessment district or districts and a general obligation of the city. All collections on each special assessment roll or combination of rolls shall be set apart in a separate fund for the payment of the principal and interest of the bonds issued in anticipation of the payment of such special assessments, and shall be used for no other purpose.

### **Issuance of Bonds**

From 06/03/08: This seems to be standard language drawn from state law. No change to this section is recommended.

**Section 50.** 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 thereof for any other purpose, provided that, whenever the proceeds of any bond issue or any part thereof shall remain unexpended and unencumbered for the purpose for which said bond issue was made, the council may, by the affirmative vote of six (6) members, authorize the use of such unexpended and unencumbered funds for the retirement of said bond issue or if such

bond issue shall have been fully retired, then for the retirement of other bonds of the city. All bonds and other evidences of indebtedness issued by the city shall be signed by the mayor and countersigned by the controller and the city clerk under the seal of the city. Interest coupons may be executed with the facsimile signatures of the mayor and controller. A complete and detailed record of all bonds and other evidences of indebtedness issued by the city shall be kept by the director of finance. Upon the payment of any bond or other evidence of indebtedness the same shall be marked "canceled."

### **Depository**

From 06/03/08: There is some change to the standard language perhaps as a result of the changes to the state law. Some portions may not be required. Mrs. Herman will check on the state statute. Recommendation: The committee will await additional information on this section from Mrs. Herman.

From 01/13/09: After reviewing the language, the committee recommends no change to this section.

**Section 51.** The council shall designate the depository or depositories for city funds, and shall provide for the daily deposit of all city moneys. The council may provide for such security for city deposits as it may deem necessary, except that personal surety bonds shall not be deemed proper security.

### **Independent Audit**

From 06/03/08: No change to this section is recommended.

**Section 52.** An independent audit shall be made of all accounts of the city government at least annually and more frequently if deemed necessary by the council. Such audit shall be made by qualified public accountants experienced in municipal accounting. An abstract of the result of such audit shall be made public. An annual report of the city's business shall be made available in such form as will disclose pertinent facts concerning the activities and finances of the city government.

### **Official Bonds**

From 06/03/08: All members of the treasurers' department are bonded. All receiving or dispersing funds are to be bonded. Recommendation: Delete the phrase "except those of the constable" from this section.

**Section 53.** Any city officer elected or appointed by authority of this charter may be required to give a bond to be approved by the council for the faithful performance of the duties of his office, but all officers receiving or disbursing city funds shall be so bonded. All official bonds, ~~except those of the constable,~~ which shall be the same as provided by

state law for such official in townships, shall be corporate surety bonds, and the premiums thereon shall be paid by the city. Such bonds shall be filed with the city clerk.

### **Trust Funds**

From 06/03/08: No change to this section is recommended.

**Section 54.** Trust funds, unless otherwise provided by the deed of trust, shall be kept separate and apart from all other funds and shall be invested, as authorized by the council, by purchase in the open market of such bonds, debentures and other securities of recognized investment quality, except stocks, as are authorized by the laws of the State of Michigan for the investment of the funds of life insurance companies, except that such funds shall not be invested in any investment prohibited by the Constitution of the State of Michigan.

**Section 54 amended (Amendment No. 13)  
Effective April 13, 1961**

## **CHAPTER VIII.**

### **GENERAL TAXATION**

#### **Assessment Roll**

From 09/09/08: For Section 55, permanently change “May” to “March” and insert the following clause after the month “or such other dates as the state mandates” so that the section does not have to be altered if the law changes again. Also, remove the correction at the end of the section. No other changes were recommended.

**Section 55.** On or before the first Monday of **March, or such other dates as the state mandates**, of each year the assessor shall make and certify an assessment roll of all property in the city liable to taxation in accordance with the general tax laws of the state. The levy, collection and return of city, school, state and county taxes shall be in conformity with state law, except as otherwise provided by this charter as to city taxes. The subjects of taxation for municipal purposes shall be the same as for state, county and school purposes under the general law.

~~\*Changed to "On or before the second Monday in March" (MCLA 211.30)~~

#### **Board of Review**

From 09/09/08: For Section 56, permanently change “May” to “March” and insert the following clause after the month “or such other dates as the state mandates” so that the section does not have to be altered if the law changes again. Also, remove the correction at the end of the section. No other changes were recommended.

**Section 56.** The board of review shall meet on the first Monday in **March, or such other dates as the state mandates**, to review and correct the assessment roll. It shall have the same powers and perform like duties in all respects as are by general law conferred upon and required of board of review in townships. The board of review shall choose its own chairman and a majority of the members shall constitute a quorum. The assessor shall be clerk of the board and shall keep a record of its proceedings.

~~\*Changed to second Monday in March of each year (MCLA 211.30)~~

### Notice of Meetings

From 09/09/08: For Section 57, permanently change “May” to “March” and insert the following clause after the month “or such other dates as the state mandates” so that the section does not have to be altered if the law changes again. No other changes were recommended.

From 01/13/09: To remove the asterisks and the notations, the following changes will be made: The notice needs to take place on the before the second Monday in March, the board will meet for between three and ten days, include that the board will have one session that begins after 3pm, insert that the Board of Review will not convene when City Hall is closed to the public, change the notice from the “third Monday in March” to “the first Monday in April, and capitalize Board of Review.

**Section 57.** Notice of the time and place of the sessions of the **Board of Review** shall be published by the city clerk at least ten (10) days prior to the **second Monday in March, or such other dates as the state mandates**. The **Board** shall be in session for purposes of review between the hours of nine (9) a.m. and twelve (12) noon. **The Board will hold at least one of its require sessions beginning at three (3) p.m. The Board will not convene on Saturdays and Sundays or any day on which the City Hall is not open to the public.** On or before the **first Monday in April, or such other dates as the state mandates**, the **Board of Review** shall enforce the assessment roll as provided by general law. Such roll shall be the assessment roll for city, school, state and county taxes and for any other taxes that may be authorized by law.

~~\*Changed to "second Monday in March:~~

~~\*\*The board shall hold at least one of its required sessions beginning at 3 p.m.~~

~~\*\*\*Any other day on which the City Hall is not open to the public.~~

~~\*\*\*\*Changed to "first Monday in April"~~

~~Notations in Section 57 marked with asterisks are in accordance with MCLA 211.30.~~

### Tax Apportionment

From 09/09/08: No change to this section is recommended.

**Section 58.** The director of finance shall certify to the assessor the amount of the tax levy fixed by the council. The assessor shall apportion the tax levy ratably to each person and piece of property on the assessment roll, and spread said tax together with all special assessments and reassessed taxes upon said roll.

### **Treasurer to Collect**

From 09/09/08: Recommendations: No changes in this section but make sure that revisions in earlier sections account for these provisions.

**Section 59.** After extending the taxes on the assessment roll and certifying to such roll, the assessor shall make a copy thereof, which shall constitute the tax roll. Forthwith the director of finance shall annex his warrant to the tax roll, directing and requiring the treasurer to collect from the several persons named in such roll the several sums set opposite their respective names. The taxes thus levied shall become, on July first or as soon thereafter as levied, a debt to the city from the persons against who they are levied and the amount levied together with all charges thereon shall become a continuing lien until paid on the property of the taxpayer, of the same character and extent as the lien created by general law for state and county taxes. The treasurer shall have like power and duty to collect city taxes as is granted to and required of township treasurers in the collection of state and county taxes.

### **Taxes, When Due**

From 09/09/08: No change to this section is recommended.

**Section 60.** City taxes shall be due and payable on the first day of July of each year. All taxes paid on or before the thirty-first day of July of the same year shall be collected without additional charge. After said thirty-first day of July, there shall be added one-half (  $\frac{1}{2}$  ) of one percent (1%) for each and every month, or fraction thereof, to taxes remaining unpaid, together with such collection fee as the council may by resolution prescribe, but not exceeding one-half (  $\frac{1}{2}$  ) of one percent (1%). The council may by resolution authorize the treasurer, for a period not extending beyond the next March first, to accept partial payments on taxes and special assessments together with interest and collection charges in such manner as the council may determine.

### **Return to County Treasurer**

From 09/09/08: No change recommended for this section. [This is regulated by state law.]

**Section 61.** On the first day of March following receipt of said roll the treasurer shall return all unpaid taxes on real property to the county treasurer in the same manner and with like effect as returns of state and county taxes are made by township treasurers. Such return shall include all the additional charges hereinbefore provided, which charges shall in such return be added to the amount levied in said roll against each description. The taxes thus returned shall be collected in the same manner as other

taxes returned to such county treasurer are collected under the provisions of the general tax laws of the state, and the same rate of interest and all charges shall be collected thereon, and all taxes and charges upon lands so returned as delinquent shall be and remain a lien thereon until paid. At the time of making said return, the treasurer shall make and file in his office a copy thereof upon which he shall record subsequent collections or reassessments as returned to him by county treasurer.

## **CHAPTER IX.**

### **SPECIAL ASSESSMENTS**

#### **Council Resolution**

From 09/09/08: Decision was deferred on this section. Discussion on this issue was summarized in notes from September 9, 2008.

From 01/13/09: Discussion on this section was to include that special assessment districts would dissolve when the special assessment was ended. The decision was made to add that clause to Section 63. No change to this section was recommended.

**Section 62.** The council shall have power to determine that the whole or any part of the expense of any public improvement shall be defrayed by special assessments upon the property especially benefited and shall so declare by resolution. Such resolution shall state the estimated cost of the improvement, what proportion of the cost thereof shall be paid by special assessments, and what part, if any, shall be a general obligation of the city, the number of installments in which assessments may be paid, and shall designate the districts or land and premises upon which special assessments shall be levied.

#### **Procedure Fixed by Ordinance**

From 09/09/08: No change was recommended for this section.

From 01/13/09: Addition of the sentence “A special assessment district shall expire at the time the special assessment for which it was created expires.” There was also discussion about a time limit for special assessment districts but no consensus was reached.

From 03/10/09: The committee deliberated additional changes to this section but they were not approved.

**Section 63.** The council shall prescribe by general ordinance complete special assessment procedure concerning plans and specifications, estimate of costs, notice of hearing, the making of the assessment roll and correction of errors, the collection of special assessments, and any other matters concerning the making of improvements by the special assessment method.

A special assessment district shall expire at the time the special assessment for which it was created expires.

### **Off-street Parking**

From 09/09/08: No change was recommended for this section.

**Section 63(a).** The Council may acquire, improve and equip off-street areas for the parking of motor vehicles, and may defray the cost thereof in whole or in part by special assessment as provided in this chapter for other public improvements.

**Section 63(a) added (Amendment No. 12)  
Effective November 15, 1960**

### **Boulevard Lighting**

From 09/09/08: No change was recommended for this section.

**Section 63(b).** The council shall have power to determine that the whole or any part of the cost of installing a boulevard lighting system on any street may be assessed upon the lands abutting thereon, subject to such limitations and conditions as are now or may hereafter be provided in Subdivision 2 of Sec. 4-d of Act No. 279 of the Public Acts of 1909, as amended. Sections 62 and 63 of this chapter shall, except where inconsistent herewith, be applicable to public improvements authorized by this section.

**Section 63(b) added (Amendment No. 8)  
Effective August 14, 1956**

## **~~CHAPTER X.\*~~**

### **~~RETIREMENT - PENSIONS~~**

~~\*Chapter X repealed effective July 1, 1947. See Chapter XVI.~~

## **CHAPTER XI.**

### **UTILITIES - FRANCHISES - PERMITS**

From 09/09/08: Recommendation: The committee recommends the removal of sections 70 – 76 because of the changes to state and federal laws.

\*\* Mr. Fancher will take a look at the whole chapter to see if there is anything that cannot be removed in light of the questions about Section 73.

From 10/14/08: Mr. Fancher reported in a memo that there would be no problem removing these sections because the right to acquire property by condemnation is incorporated in Section 1 of the Charter.

## **Franchises**

~~**Section 70.** All irrevocable public utility franchises and all renewals, extensions and amendments thereof shall be granted only by ordinance. No such ordinance shall be adopted before thirty (30) days after application therefor has been filed with the council, nor until a full public hearing has been held thereon. No such ordinance shall become effective until it has been submitted to the electors and has been approved by three fifths of the electors voting thereon. No such ordinance shall be submitted to the electors at an election to be held less than sixty (60) days after the grantee named therein has filed its unconditional acceptance of such franchise, and it shall not be submitted to a special election unless the expense of holding the election as determined by the council shall have been paid to the treasurer by the grantee. No exclusive franchises shall ever be granted and no franchise shall be granted for a longer term than thirty (30) years. No such franchise shall be transferable, directly or indirectly, except with the approval of the council expressed by ordinance.~~

## **Right of Regulation**

~~**Section 71.** All public utility franchises, whether it be so provided in the ordinance or not, shall be subject to the right of the city: (a) to repeal the same for misuse or nonuse, or for failure to comply therewith; (b) to require proper and adequate extension of plant and service and the maintenance thereof at the highest practicable standard of efficiency; (c) to establish reasonable standards of service and quality of products, and prevent unjust discrimination in service or rates; (d) to make independent audit and examination of accounts at any time, and to require reports annually; (e) to require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof; (f) to impose such other regulations as may be determined by the council to be conducive to the safety, welfare and accommodation of the public.~~

## **Regulation of Rates**

~~**Section 72.** All public utility franchises shall make provision for fixing rates, fares and charges, and for readjustments thereof at periodic intervals of not more than five (5) years, either by arbitration upon terms to be specifically set forth in the franchise, or by any state agency, at the election of the city. The value of the property of the utility used as a basis for fixing such rates, fares and charges shall in no event include a value predicated upon the franchise, goodwill or prospective profits.~~

## **Purchase, Condemnation**

~~**Section 73.** The city shall have the right to acquire by condemnation or otherwise the property of any public utility in accordance with the general laws of the state, provided that the price to be paid shall in no event include any value predicated upon the franchise, goodwill or prospective profits.~~

## **Revocable Permits**

~~**Section 74.** Temporary permits for public utilities, revocable at any time at the will of the council, may be granted by the council by resolution on such terms and conditions as it shall determine, provided that such permits shall in no event be construed to be franchises or amendments to franchises. Any such resolution shall be subject to the referendum provided for by this charter.~~

## **Joint Use**

~~**Section 75.** Every public utility may be required by the city to permit joint use of its property and appurtenances located in the streets, alleys and public places of the city by other utilities insofar as such joint use may be reasonably practicable upon payment of reasonable rental therefore; provided that in the absence of agreement, upon application by any public utility, the council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefore, which award shall be final.~~

## **Use of Streets**

~~**Section 76.** The right to use, control and regulate use of its streets, alleys, bridges, and public places, and the space above and beneath them is hereby reserved to the city, and every public utility franchise shall be subject thereto. Every public utility shall pay such part of the cost of improvements or maintenance of streets, alleys, bridges and public places, as shall arise from its use thereof and shall protect and save the city harmless from all damages arising from said use.~~

## **CHAPTER XII.**

### **RECALL - INITIATIVE - REFERENDUM**

[From 09/09/08: Recommendation:](#) Section 77 will state: “The general election laws of the state of Michigan shall apply to and control all procedures related to recall, initiative and referendum.”

The rest of the chapter would be stricken (Sections 78-82).

#### **Recall**

**Section 77.** The general election laws of the state of Michigan shall apply to and control all procedures related to recall, initiative and referendum. Any councilman may be removed from office by the electors in the manner provided by the general laws of the state. A vacancy created by the recall of any councilman shall be filled by election in the manner prescribed by law.

#### **Initiative and Referendum**

~~**Section 78.** An ordinance may be initiated by petition, or a referendum on an ordinance enacted by the council may be had by a petition filed prior to thirty (30) days subsequent to enactment of the ordinance; as hereinafter provided.~~

### **Petitions**

~~**Section 79.** An initiatory or a referendary petition shall be signed by registered electors equal in number to twenty-five percent (25%) of those who voted at the last general municipal election prior to the filing of the petition, and before being circulated for signatures shall be approved as to form by the city attorney. The petition shall be filed with the city clerk who shall determine within fifteen (15) days the sufficiency thereof and so certify. If found insufficient, fifteen (15) days shall be allowed for the filing of supplemental petitions. When found sufficient, the city clerk shall present the petition to the council at its next regular meeting.~~

### **Council Procedure**

~~**Section 80.** Upon receiving an initiatory or a referendary petition from the city clerk the council, within thirty (30) days, shall either (a) if it be an initiatory petition, adopt the ordinance; (b) if it be a referendary petition, repeal the ordinance; or (c) determine to submit the proposal to the electors.~~

### **Submission to Electors**

~~**Section 81.** Should the council decide to submit the proposal to the electors, it shall be submitted at the next election held in the city for any other purpose or in the discretion of the council at a special election. The result shall be determined by the majority vote of the electors voting thereon except in cases where otherwise required by law.~~

### **General Provision**

~~**Section 82.** The certification by the city clerk of the sufficiency of a referendary petition shall automatically suspend the ordinance in question pending repeal by the council or final determination by the electors as the case may be. An ordinance adopted by the electorate may not be amended or repealed by the council for a period of two (2) years, and then only by the affirmative vote of six (6) councilmen. Should two (2) or more ordinances adopted at the same election have conflicting provisions, the one receiving the highest vote shall prevail as to those provisions.~~

## **CHAPTER XIII.**

### **CEMETERIES - PARKS - TRUSTS**

From 09/09/08: The provisions of Section 83 will be researched by Mr. Fancher before the committee makes recommendations. The remaining Sections 84-89 can be eliminated because they are unnecessary. These guidelines are part of city ordinance.

From October 14, 2008: Mr. Fancher reported that the Home Rule Cities Act was amended in such a way that the requirement for this kind of provision in a Charter was liberalized. The following language was suggested with one objection (Mr. Turner):

“No cemetery owned or hereafter acquired by the city shall be sold in whole or part unless approved by a majority of the electors at a general or special election.”

“No park owned or hereafter acquired by the city shall be sold in whole or part unless approved by a majority of the electors at a general or special election, or unless the park or portion of the park is not required under an official master plan of the city.”

From 01/13/09: There was additional discussion on this. Mr. Turner and Mr. Coulouris had concerns about parks that could be eliminated through the planning process.

From 03/10/09: The committee discussed this section because of concerns about the removal of parks. The master plan would require the approval of City Council and this allayed some concerns. There were no additional changes to this section recommended.

### **Cemetery and Park Lands**

**Section 83.** No cemetery owned or hereafter acquired by the city shall be sold in whole or part unless approved by a majority of the electors at a general or special election. No park owned or hereafter acquired by the city shall be sold in whole or part unless approved by a majority of the electors at a general or special election, or unless the park or portion of the park is not required under an official master plan of the city.

~~All cemeteries now owned or hereafter acquired by the city, either within or without its corporate limits, shall be forever dedicated solely to the cemetery purposes, and all grants or dedications heretofore made to or for cemeteries shall continue without change. No park or any part thereof now owned or hereafter acquired by the city, either within or without its corporate limits, shall be sold by the city unless the sale shall be first approved by three-fifths of the city electors voting thereon at any general or special election.~~

**Section 83 amended (Amendment No. 5)  
Effective December 29, 1953**

### **Trusts**

~~**Section 84.** All trusts heretofore established for cemetery, park or other purposes shall be used and continued in accordance with the terms of the trusts. The city may, in its discretion, receive and hold any property in trust for cemetery, park or other public purposes and shall apply the same to the execution of such trusts and for no other purposes whatsoever.~~

### **Cemetery Trust Funds**

~~**Section 85.** The amount now standing to the credit of Forest Lawn Cemetery Trust Fund, Oakwood Cemetery Trust Fund and Brady Hill Cemetery Trust Fund, so-called, together with twenty-five percent (25%) of all moneys which shall from time to time be received from the sale of lots and single graves in said cemeteries shall constitute trust funds, the income of which shall be used annually as occasion may require for the general care and maintenance of said cemeteries. Said trust funds shall never, under any pretext or evasion, be diverted from their declared purposes.~~

~~**Section 85 amended (Amendment No. 17)  
Effective December 2, 1988**~~

### **Platting and Sale**

~~**Section 86.** The council shall cause cemeteries to be laid out into lots, avenues and walks, the plats thereto to be recorded in the office of the Controller. The Council shall fix the price of such lots, establish interment permit fees, and regulate the manner of conveyance and recording of such lots.~~

~~**Section 86 amended (Amendment No. 18)  
Effective December 2, 1988**~~

### **Single and Pauper Graves**

~~**Section 87 Repealed Effective December 2, 1988  
(Amendment No. 19)**~~

### **Protection, Establishment, Maintenance**

~~**Section 88.** The council shall have power to enact all ordinances deemed necessary for the establishment, maintenance and protection of all cemeteries and parks (together with the improvements thereon and appurtenances thereto) now owned or hereafter acquired by the city, either within or without its corporate limits and like power with reference to all cemeteries within the city belonging to, or under the controls of any church, religious society, corporation, company or association.~~

## **CHAPTER XIV.**

### **MISCELLANEOUS PROVISIONS**

#### **Oath of Office**

From 09/09/08: Recommendation: Change to first sentences “Every person elected to an office or appointed to any city board or commission, before entering ...”

**Section 89.** Every person elected or appointed to any city board or commission, before entering upon the duties of his office, shall take and subscribe to an oath of office as provided by general law, which shall be filed and kept in the office of the city clerk.

### Notice of Election or Appointment

From 09/09/08: Recommendation: Keep language consistent with changes proposed to Section 89. Insert the following “or appointment to any city board or commission” following “Written notice of election or appointment of any city officer...”

**Section 90.** Written notice of election or appointment of any city officer or appointment to any city board or commission shall be mailed to him at his address in the city by the city clerk within forty-eight (48) hours after the appointment is made or the vote canvassed. If within ten (10) days from the date of the notice, such officer shall not take, subscribe to and file with the city clerk an oath of office, such neglect shall be deemed a refusal to serve and the office shall thereupon be deemed vacant, unless the council shall extend the time in which such officer may qualify.

### Restrictions

From 09/09/08: Recommendation: The first sentence will read “No person in default to the city shall be eligible for election or appointment to any city office or appointment to any city board or commission.” The last sentence will be removed because of changes in state law. The provisions of this section will be researched by Mr. Fancher before the committee makes additional recommendations.

From 10/14/08: After lengthy discussion on this issue, the consensus of the group for this meeting was to remove the words “or employee” from this section. Language was suggested for this section but not approved; the committee wished to have Mr. Fancher review the proposed language.

From 3/10/09: Additional discussion of this section resulted in the drafting of Section 91(a) which addresses default to the city by a member of the City Council.

**Section 91.** No person in default to the city shall be eligible for election or appointment to any city office or appointment to any city board or commission. No officer or employee shall hold any remunerative elective or appointive office outside of the city government except notary public or supervisor. ~~No officer or employee shall be a candidate for any elective office or a member of any committee or similar organization of any political party or participate actively in partisan politics, except that a council may be a candidate to succeed himself.~~

1976 P.A. 169, superseded provision regarding employee political activity.

" or participate actively in partisan

politics" ruled unconstitutional -  
Hargrove v City of Saginaw, U.S.  
Federal District Court 1984.

**[Name for this section?: Removal?]**

From 3/10/09: This section was added to address concerns about default by persons holding elected or appointed positions. No name was recommended for this section.

From 3/30/09: This section was discussed in relation to a memorandum from the MSU State & Local Government Team. No additional changes were recommended but the committee would defer further decision on this by the Council. The process for removal could become part of the rules of the City Council and this would not need to be part of the Charter.

**Section 91(a).** Persons holding an elected or appointed position shall be deemed to have abandoned their position if they remain in default to the city for 45 days after they have been properly notified.

**Vacancy Defined**

From 09/09/08: Recommendation: Remove the clause “moves from the city” because each board or commission has rules that cover this situation.

From 10/14/08: This section was discussed at length during this meeting. The recommendation of the committee is to divide this into two sections to address vacancy on the City Council separately from vacancies on other boards and commissions. The proposed language is as follows:

From 3/10/09: Discussion of adding a reason for vacancy of “charged with a felony” but that was not approved by the committee. No additional changes were recommended.

**Section 92(a).** In addition to other provisions of this charter, a vacancy shall be deemed to exist in City Council when a City Council member dies, resigns, is removed from office, moves from the city, is convicted of a felony or judicially declared to be mentally incompetent.

**Section 92(b).** In addition to other provisions of this charter, a vacancy shall be deemed to exist in any office when an officer dies, resigns, is removed from office, is convicted of a felony or judicially declared to be mentally incompetent.

~~**Section 92.** In addition to other provisions of this charter, a vacancy shall be deemed to exist in any office when an officer dies, resigns, is removed from office, moves from the city, is convicted of a felony or judicially declared to be mentally incompetent.~~

**Official Interest in Contracts**

From 09/09/08: No change was recommended for this section.

**Section 93.** No elective or appointive officer shall take any official action on any contract or other matter in which he has any financial interest other than the common public interest. Any officer violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall forfeit his office.

### **Private use of Public Property**

From 09/09/08: No change was recommended for this section.

**Section 94.** No officer or employee shall devote any city property or labor to a private use.

### **Misdemeanors Under Charter**

From 09/09/08: No change was recommended for this section.

**Section 95.** All offenses in this charter declared to be misdemeanors and all violations of city ordinances shall be punishable by fine not exceeding five hundred dollars (\$500) or imprisonment for a period not exceeding ninety (90) days, or both, in the discretion of the court.

### **Notice by Publication**

From 10/14/08: A previous recommendation may inform this decision. The committee will review notes of a previous meeting. No final decision was made on this section.

From 03/10/09: Following discussion and consideration of the legal requirements of public notice, the committee recommends removing this section of the Charter.

~~**Section 96.** Notices or proceedings requiring publication shall, unless otherwise provided by this charter, be published once in the official newspaper. The council shall annually in May designate the official newspaper for the next fiscal year. In lieu of publication in the official newspaper the council in any particular instance may order such notice or proceeding printed and posted in at least five (5) public places in the city.~~

### **Damage Claims**

From 10/14/08: This section is difficult to enforce and should be omitted. The committee agreed and recommended removal of this section.

~~**Section 97.** The city shall not be liable for unliquidated damages for injuries to persons or property unless the person claiming such damages, or someone in his behalf, shall file a claim in writing with the city clerk within sixty (60) days after such claim for damages shall have accrued. Such claim shall be verified by the claimant, or some person having knowledge of the facts, shall specify the time and place, the nature and extent of the injury sustained, the manner in which it occurred, the specific grounds~~

~~upon which the claim of liability on the part of the city shall be asserted, the names and addresses of all known witnesses, the name of the attending physician, if any, and an itemized statement of the amounts claimed. Upon filing such claim, the city shall have a reasonable time in which to investigate the same and may require the claimant to produce all witnesses for examination under oath. Failure to file claim or produce witnesses in the manner required in this section shall forever bar any action or proceeding in any court for the collection of such claim. No action shall be maintained in any case unless the same be brought within one year after such injury or damages shall have been received. On trial of action on such claim no witness shall be competent to testify for claimant who was known and not named in the claim filed with the city or not produced upon demand.~~

### **City Planning Commission**

[From 10/14/08:](#) No change was recommended for this section.

**Section 98.** The council shall by ordinance establish and maintain a city planning commission having the powers and duties prescribed by state law.

### **Uniform Accounting**

[From 10/14/08:](#) No change was recommended for this section.

**Section 99.** The accounting system of the city shall conform to any uniform system of accounting that may be provided by state law.

### **Public Records**

[From 10/14/08:](#) Some of this section conflicts with the Freedom of Information Act; the suggestion was to add the clause “in accordance with the provisions of federal and state law” to the end of the sentence. That language change was recommended by the committee.

**Section 100.** All records of the municipality shall be public, **in accordance with the provisions of federal and state law.**

### **Headings**

[From November 17, 2008:](#) No change was recommended for this section.

**Section 101.** Chapter and section headings are for convenience only and shall not be considered to be part of the charter.

## **CHAPTER XV.**

### **SCHEDULE**

From 11/17/08: The next five sections cover the procedure related to the approval of the document. This is no longer relevant and could be removed if only for the sake of cleaning up the Charter. There was no objection to the removal of Sections 102-106.

### **Submission of Charter**

~~**Section 102.** This charter shall be submitted to a vote of the electorate of the City of Saginaw for adoption or rejection at a special election Monday, October 14, 1935.~~

### **First Election**

~~**Section 103.** If this charter shall be adopted at said election the first council to be chosen under it shall be elected at a special election Monday, December 2, 1935. Candidates for the office of councilman shall be nominated and the election conducted in all respects as prescribed in this charter.~~

### **First Council Meeting**

~~**Section 104.** The council first elected under this charter shall assemble at the official chamber at seven thirty (7:30) p.m., Monday, January 6, 1936, and when it shall have been called to order by the city clerk, the council existing under the previous charter shall cease to be, and the office and term of the mayor and each and every council-commissioner holding office thereunder shall terminate and this charter shall become operative.~~

### **Holdover Officers**

~~**Section 105.** All officers holding office under the previous charter, except the mayor and councilmen-commissioners and members of the board of estimates, shall continue in office until their successors shall be chosen and shall qualify or the office shall be abolished. Where questions arise concerning the responsibility and authority of officers, pending the appointment of the manager, the council shall temporarily fix such responsibility and grant such authority as is necessary to maintain the services of the city.~~

### **Budget Adjustments**

~~**Section 106.** The first council elected under this charter shall have authority, on recommendation of the manager, to make any necessary adjustments in the budget then in force.~~

### **Ordinances Continued**

From 11/17/08: No change was recommended for this section.

**Section 107.** All bylaws, ordinances, resolutions, rules or regulations of the city, not inconsistent with this charter, in force at the time this charter becomes effective, shall continue in full force until amended or repealed. All administrative powers and duties of the commissioners thereunder shall be exercised by the manager or other appropriate officers.

**Obligations Unaffected**

From 11/17/08: No change was recommended for this section.

**Section 108.** All taxes and assessments levied or assessed and all charged thereon and all fines and penalties imposed, uncollected at the time this charter becomes effective, shall be collected as if such change had not been made; if a different remedy is provided by this charter, or by any ordinance or resolution adopted pursuant thereto, which can be made applicable to any rights existing upon the effective date of this charter, the remedy shall be deemed to be accumulative to the remedies before provided.

**Severability**

From 11/17/08: No change was recommended for this section.

**Section 109.** The sections of this charter and the parts thereof are severable, and in the event of any provision being declared unconstitutional or contrary to state law, it is hereby declared the intent of the charter commission and the electors voting thereon that such unconstitutionality or illegality shall not effect the validity of any other provision of this charter.

~~**CHAPTER XVI.**~~

~~**POLICEMEN AND FIREMEN RETIREMENT SYSTEM**~~

From 11/17/08: Chapters 16 and 17 were discussed to determine the necessity of having these sections remain in the Charter. These sections are no longer necessary because of the collective bargaining agreements that are used for the police and fire departments. The recommendation of the committee is to remove these sections from the Charter.

~~**Section 1.** A complete retirement system shall be provided for policemen and firemen of the city by general ordinance.~~

**Section 1 amended (Amendment No. 15)  
Effective January 1, 1965**

~~**Section 2 to 22**, both inclusive, **Section 22-1**, and **Sections 23 to 45**, both inclusive, of Chapter XVI of the charter are hereby repealed. All provisions of the charter inconsistent with the provisions of this charter amendment are hereby repealed to the~~

extent of such inconsistency. The adoption of this charter amendment shall not be construed as re-enacting any charter provision heretofore repealed by said Chapter XVI.

**Added (Amendment No. 15)**

The effective date of this charter amendment shall be January 1, 1965, but Chapter XVI of the charter as it existed at the time of the adoption of this charter amendment shall continue in full force and effect until the enactment by the council and the taking effect of the ordinance provided for in Section 1 hereof.

**Added (Amendment No. 15)**

Ordinance No. D-678 adding Chapter 5, "Pensions," enacted January 18, 1965, effective February 1, 1965.

**Chapter XVI added (Amendment No. 1)  
Effective July 1, 1947**

**Section 22-1 added (Amendment No. 7)  
Effective April 18, 1955**

**Entire chapter, except Section 1, repealed  
(Amendment No. 15)**

CHAPTER XVII.

**HOURS OF LABOR OF EMPLOYEES IN THE FIRE DEPARTMENT**

It shall be unlawful for the City of Saginaw, or any officer or employee thereof, to require any person in the employ of the fire department of said city who is engaged in fire fighting or subject to the hazards thereof to be on duty in such employment more than 24 hours, or to be off duty less than 24 consecutive hours out of any 48-hour period; provided, that all persons in the employ of said fire department who are engaged in the employ of said fire department who are engaged in fire fighting or subject to the hazards thereof shall be entitled to an additional 24 consecutive hours off duty in every 8-day period, thereby requiring firemen to work not more than an average of 63 hours per week.

The provisions of the above paragraph shall not apply (a) to the chief officer or the assistant chief officer in command of said fire department, (b) to the members or employees of said fire department when required to remain on duty by the chief officer of such department, his aids or assistants, in cases of public necessity arising from great conflagration, riot, flood or epidemic of pestilence or disease.

~~Any officer or employee or agent of said city who shall require any employee who is engaged in fire fighting or subject to the hazards thereof, save as hereinbefore excepted, to be on duty in such employment for a longer time than hereinbefore provided, or to be off duty for a lesser time than that hereinbefore provided, shall be guilty of a misdemeanor.~~

~~All chapters or portions of chapters in conflict with this amendment are hereby repealed insofar as they conflict with the provisions of this amendment.~~

~~Chapter XVII added (Amendment No. 2)  
Effective July 1, 1949~~

## ~~CHAPTER XVIII~~

### ~~PUBLIC WATER SUPPLY~~

From 11/17/08: This section was discussed at length. The histories of the laws were enumerated. Essentially, this provision was passed by the voters of Saginaw in 1954. In 1968, the provision was superseded by the State of Michigan Public Act 346 which denied municipalities the right to restrict or abolish fluoridation of the water supply. In 1978, that Public Act was repealed which effectively reinstated the rights of communities to restrict or disallow fluoridation. The change to that state law may revive this section of the City Charter. The City of Saginaw would be in violation of this section of the Charter if it was reinstated. The discussion then considered the use of having something like this in the Charter at all. Many committee members felt that those decisions should be made in consultation with experts in the field. The decision of the committee was that this section of the Charter should be removed.

~~**Section 1.** The council shall not direct or permit the use or addition of fluoride chemicals of any kind in the public water supply.~~

~~Chapter XVIII added (Amendment No. 6)  
Effective November 10, 1954~~

~~This provision was superseded by the 1968 P.A. 346, MCLA 325.191, which required fluoridation.~~