

CHARTER

of the

CITY OF CASPIAN

Iron County, Michigan

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PREAMBLE

We, the electors of the City of Caspian, County of Iron, State of Michigan, pursuant to the authority granted by the Constitution and general laws of the State of Michigan, in order to obtain the benefits of home rule, of more direct and businesslike methods in the transaction of municipal affairs and generally to promote civic advancements and welfare do adopt the following charter:

CHAPTER 1

NAME, POWERS, BOUNDARIES

NAME: The name of this organized city is “City of Caspian”.

Section 1.1 The City of Caspian shall be and constitute a body politic and corporate under the Constitution and Laws of the State of Michigan.

POWERS OF THE CITY:

Section 1.2 The City shall have all powers, privileges and immunities possible for a city to have under the Constitution and laws of this state as fully and completely as though they were specifically enumerated in this Charter.

Section 1.3 The powers of the City under this Charter shall be construed liberally in favor of the City and specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power stated in this chapter.

INTERGOVERNMENTAL CONTRACTS:

Section 1.4 The City shall have power to join with any governmental unit or agency, or with any number or combination thereof by contract, or otherwise as may be permitted by law, to perform jointly or by one or more, for or on behalf of the other or others any power or duty which is permitted to be so performed by law or which is possessed or imposed upon each such governmental unit or agency.

OUTSIDE FIRE PROTECTION:

Section 1.5 In exercise of the powers contained in Section 1.2 herein, the City Commission shall have the right to contract with individuals or governing bodies to furnish fire protection to property outside the corporate limits of the City of Caspian for a fair consideration, if the Commission shall find that the financial interests of the City are advanced by obtaining payments therefore: and/or that the prosperity of the municipality and its inhabitants is advanced through preventing a conflagration which might spread within the city limits or through protecting from fire, industrial or commercial properties which employ residents of the City of Caspian.

EXERCISE OF POWER:

Section 1.6 Where no procedure is set forth in this Charter for the exercise of any power granted to or possessed by the City and its officers, resort may be had to the procedure set forth in any statute of the State of Michigan including statutes passed for the government of townships. If alternate procedures are to be found in different statutes, then the City Commission shall select that procedure which it deems to be most expeditious and to the best advantage of the City and its inhabitants. Where no procedure for the exercise of any power of the City is set forth, either in this Charter or in any statute of the State of Michigan, the City Commission shall prescribe a reasonable procedure for the exercise thereof by ordinance.

BOUNDARIES:

Section 1.7 The boundaries of the City of Caspian shall embrace the following described territory, together with such territory as may from time to time be attached thereto in accordance with the state law.

Said territory includes all of section one (1) town forty-two (42) North, Range thirty-five (35) West, and the West half (W ½) of the Northwest quarter (NW ¼) and the West half (W ½) of the Southwest quarter (SW ¼) of section six (6) town forty-two (42) North, Range thirty-four (34) West and the East half (E ½) of the Southeast quarter (SE ¼) of section two (2) town forty-two (42) North, Range thirty-five (35) West and containing twenty-two (22) government subdivisions of land of forty (40) acres each, all of them situated in the Township of Stambaugh, Iron County, Michigan.

CHAPTER 2

ELECTIONS

QUALIFICATION OF ELECTORS:

Section 2.1 The inhabitants of the City of Caspian having the qualifications of electors under the Constitution and statutes of the State of Michigan, and no others, shall be electors of the City.

ELECTION PROCEDURES:

Section 2.2 The election of all city officers shall be on a non-partisan basis. The general election laws of the State shall apply to and control, as near as may be to all procedures relating to registration and city elections except as such general laws relate to political parties or partisan procedure and except as otherwise provided in this Charter.

ELECTION COMMISSION:

Section 2.3 An election commission is hereby created, consisting of the Clerk, the Mayor and the Treasurer. The Mayor shall be Chairman. The Commission shall have charge of all activities and duties required of it by state law and this Charter relating to the conduct of elections in the City. The compensation of election personnel shall be determined in advance by the Commission. In any case where election procedure is in doubt, the election commission shall prescribe the procedure to be followed.

WARDS AND PRECINCTS:

Section 2.4 The City of Caspian shall consist of one ward. The Commission shall from time to time establish by ordinance convenient election precincts.

PRIMARIES AND ELECTIONS:

Section 2.5 Primary elections shall be held on the Tuesday following the first (1st) Monday in August of each odd-numbered year. The Primary election, in even-numbered years, shall be held on the Tuesday succeeding the first (1st) Monday in August, preceding every general November election. If upon the expiration of the time for filing nominating petitions for any elective office it appears that petitions have been filed for no more than two times the number of vacancies to be filled at the next city election, then no primary election shall be held in respect to such office and the City Clerk shall publish notice of such fact; provided that city primaries shall be held jointly with the state primaries whenever practicable.

A non-partisan City election shall be held on the first (1st) Tuesday after the first (1st) Monday of November of each year. Special elections shall be held when called by resolution of the City Commission at least sixty (60) days in advance of such election or when required by the Charter or general laws of the State. Such resolution shall set forth the purpose of the election. No more than two special city elections shall be held in any one calendar year.

ELECTION NOTICES:

Section 2.6 Notice of the time and place of holding any City primary or general election and of the officers to be elected and the questions to be voted upon, shall, except as herein otherwise provided, be given by the Clerk as provided in the state election laws.

ELECTION HOURS:

Section 2.7 The polls of all elections shall be opened and closed at the time prescribed by the State Law, subject to the right of the Commission to adjust the hours to local time when permitted by statute.

ELECTIVE OFFICES AND TERMS:

Section 2.8 At the election to be held on April 4, 1983, there shall be elected three (3) Commissioners for a term of one year and eight months and whose term will expire at the end of the regular meeting on the second Tuesday of January, 1985. At the election to be held on April 2, 1984, there shall be elected two (2) Commissioners for a term of one year and eight months and whose term will expire at the end of the regular meeting on the second Tuesday of January, 1986. At the regular election to be held in November, 1984, and every two years thereafter, there shall be elected three (3) Commissioners for a two-year term. At the regular election to be held in November, 1985, and every two years thereafter, there shall be elected two (2) Commissioners for a two-year term.

Each Commission term shall commence at the end of the regular meeting on the second Tuesday of January of the year following the regular election year of each Commission term. Said term shall expire at the end of the regular meeting on the second Tuesday of January two years after the year in which said term commenced.

NOMINATING PETITIONS:

Section 2.9 Candidates for all elective offices shall be nominated by petitions. Nominating petitions, complying with the requirements of the Michigan Election Law, signed by not less than twenty (20) and not more than thirty (30) of the registered electors of the City shall be filed with the City Clerk not later than four o'clock p.m. on the ninth (9th) Tuesday prior to the date of the City primary election. However, if a local primary election is to be held on the same day as any state or county primary election, the last day for local candidates to file nominating petitions shall be the same as the last date to file petitions for state and county offices. Blank petitions shall be provided by the City Clerk and shall be furnished upon request. No person shall sign his name to a greater number of petitions for any City office than there are offices to be filled at the following regular City election. The Clerk shall also be in charge of canvassing the petitions.

CANVASS OF PETITIONS:

Section 2.10 The City Clerk shall determine the legality of nominating petitions filed and the necessity of a primary election.

FORM OF BALLOT:

Section 2.11 The form, printing and numbering of ballots or the preparation of the voting machine in any city election shall conform as nearly as may be to that prescribed by the general laws of the state, except that no party designations or emblem shall appear upon

any city ballot. The names of qualified nominees for each office shall be listed in a single column and shall be rotated systematically on the ballots. In all other respects, the printing and numbering of ballots shall conform to the general laws of the state relating to elections.

CANVASS OF VOTES:

Section 2.12 The County Board of Canvassers shall canvass the votes at all elections under this Charter and shall determine the vote upon all questions and propositions and declare whether the same have been adopted or rejected and what persons have been elected at such election. The candidate or candidates (where more than one is to be elected to the same office) who shall receive the greatest number of votes shall be declared elected.

TIE VOTE:

Section 2.13 If, at any city election, there shall be no choice between candidates by reason of two (2) or more persons having received an equal number of votes, then the Board of Canvassers shall name a date for the appearance of such persons for the purpose of determining the nomination or election of such candidates by lot as provided by state law.

RECOUNT:

Section 2.14 A recount of the votes cast at any city election for any office, or upon any proposition, may be had in accordance with the general election laws of the state.

QUALIFICATION OF ELECTIVE OFFICERS:

Section 2.15 No person shall hold any elective office under this Charter unless he shall be at least eighteen (18) years of age, qualified elector, a resident to the City and not in default to the City. To hold office, the minimum requirements according to state statute must be met. The Commission shall enforce the observance of the above qualifications and its decision shall be subject only to review by the courts.

OATH OF OFFICE REQUIRED:

Section 2.16 Every officer elected or appointed in the City before entering upon the duties of office shall take and subscribe an oath of office. In case of failure to do so, he shall be deemed to have declined the office.

CHAPTER 3
ORGANIZATION

COMMISSION-MANAGER GOVERNMENT:

Section 3.1 The City shall have the Commission-Manager form of government.

THE COMMISSION:

Section 3.2 The Commission shall consist of five (5) members nominated and elected at large and shall be vested with all legislative powers of the City except as otherwise provided by State law and this Charter.

ELECTION OF MAYOR AND MAYOR-PRO TEM:

Section 3.3 The City Commission shall, at the first meeting of April, 1983, select one of its members to serve as Mayor and one of its members to serve as Mayor-Pro Tem, each to serve for a term of one (1) year but not to exceed two (2) consecutive terms. The City Commission shall, at the first meeting in April, 1984, select one of its members to serve as Mayor and one of its members to serve as Mayor-Pro Tem, each to serve for a term of eight (8) months but not to exceed two (2) consecutive terms. The City Commission shall, at the first meeting in January, 1985, select one of its members to serve as Mayor and one of its members to serve as Mayor-Pro Tem, each to serve for a term of one (1) year but not to exceed two (2) consecutive terms. The City Commission shall, at the first meeting in January, 1986, select one of its members to serve as Mayor and one of its members to serve as Mayor-Pro Tem, each to serve for a term of one (1) year but not to exceed two (2) consecutive terms. Thereafter, the City Commission shall, at the first meeting in January following the election, select one of its members to serve as Mayor and one of its members to serve as Mayor-Pro Tem, each to serve for a term of one (1) year but not to exceed two (2) consecutive terms. In the event of a vacancy occurring in the office of Mayor, the Commission shall choose one of its members as Mayor at the next regular meeting to serve for the unexpired term. The Mayor-Pro Tem shall act in the absence or disability of the Mayor.

The term of Mayor and Mayor-Pro Tem shall commence upon the selecting of same as provided in this section. Said terms shall expire at the end of the regular meeting held on the second (2nd) Tuesday of January in the year following the year in which said term commenced.

RECALL:

Section 3.4 Any elected official may be recalled from office by the electors of the City in the manner provided by statute. A vacancy created by such recall shall be filled in the manner prescribed by statute.

DECLARING VACANCIES IN ELECTIVE OFFICES:

Section 3.5 Any elective city office shall be declared vacant by the Commission before the expiration of the term of such office:

- (a) For any reason specified by statute or by this Charter as creating a vacancy in office; or
- (b) If no person is elected to or qualifies for the office at the election at which such office should be filled; or
- (c) If the officer shall be found guilty by a competent tribunal of any act constituting misconduct in office under the provisions of this Charter; or
- (d) In case any member of the Commission shall miss five (5) consecutive regular meetings of the Commission or twenty-five percent (25%) of such meetings in any fiscal year of the City, unless such absence shall be excused by the Commission and the reason therefore entered in its proceeding at the time of each absence.

BONDS REQUIRED:

Section 3.6 All officers receiving or disbursing City funds shall be bonded in addition to any other positions required by State law. The premiums thereon shall be payable by the City. All official bonds shall be filed with the Clerk, except that the bond of the Clerk shall be filed with the Treasurer.

NOTICE OF ELECTION OR APPOINTMENT:

Section 3.7 Notice of the election or appointment of any officer of the City, and of the requirement of any official bond to be given by any officer, shall be given him personally by the City Clerk within two (2) days after election or appointment. If within ten (10) days from the date of notice, such officer shall not take, subscribe and file with the Clerk his oath of office, or shall not execute and file with the Clerk the required bond, such neglect shall be deemed a refusal to serve and the office shall thereupon be deemed vacant, unless the Commission shall extend the time in which such officer may qualify as above set forth.

COMPENSATION OF CITY COMMISSION:

Section 3.8 The Mayor and Commissioners shall receive as compensation ten dollars (\$10) per month for their attendance at City meetings. Attendance at the regular meetings is a prerequisite for the monthly compensation. Commissioners shall be paid an additional ten dollars (\$10) per month for attendance at meetings other than City meetings if same are actually attended on behalf of the City. Maximum annual compensation to be paid to any Commissioner is two hundred forty dollars (\$240).

RESIGNATION; TO WHOM MADE:

Section 3.9 Resignation of elected officers and officers appointed by the Mayor or Commission shall be made to the Commission. All other officers shall present their resignations to the City Manager.

CHANGE OF RESIDENCE:

Section 3.10 If any officer required to be a resident of said City shall cease to be a resident thereof during his term of office, the office shall thereby be declared vacated.

VACANCY TO BE FILLED:

Section 3.11 Any vacancy occurring in the office of Commissioner or any other elective office shall be filled by appointment by the Commission and such appointee shall hold his office until the next annual city election thereafter, at which election the vacancy shall be filled for the unexpired term.

SURETIES RETAINED:

Section 3.12 The resignation or removal of any officer shall not, nor shall the election or appointment of another to the office, exonerate such officer or his sureties from any liabilities incurred by him or them.

DELIVERY OF OFFICE:

Section 3.13 Whenever any officer or employee shall cease to hold such office or employment for any reason whatsoever, he shall within five (5) days, and sooner on demand, deliver to his successor in office or to his superior all the books, papers, money and effects in his custody as such officer or employee.

Any officer violating this provision may be proceeded against in the same manner as public officers generally for a like offense under statute. Any employee found guilty of violating this provision by a court of competent jurisdiction may be punished by a fine of not to exceed five hundred dollars (\$500) or imprisonment for not to exceed ninety (90) days or both at the discretion of the court.

CHANGE IN TERMS OF OFFICE OR COMPENSATION:

Section 3.14 Except by procedures provided in this Charter, the terms of office of the elective officers and of the members of boards and commissions appointed for a definite term shall not be shortened. The terms of elective officers shall not be extended beyond the period for which any such officer was elected except that an elective officer shall, after his term has expired, continue to hold office until his successor is elected and has qualified. The Commission shall not grant or authorize extra compensation to any officer or employee after

service has been rendered; however, this provision shall not prevent the Commission from a “buy-out” or other modification of an employment contract with a City employee.

CHAPTER 4

POWERS AND DUTIES OF MAYOR

Section 4.1 The Mayor shall be a full voting member of the Commission and shall preside at its meetings and perform such other duties consistent with his office as may be imposed by the Commission. He shall be recognized as the official head of the City by the Courts for the purpose of serving civil process, by the Governor for military purposes, and for all ceremonial purposes, and for authenticating with his signature such instruments as the Commission, this Charter, or the state or federal law shall require. At times of public danger or emergency, he may command the assistance of able-bodied citizens to aid in the enforcement of the ordinances of the Commission and exercise within the City the powers conferred upon sheriffs to suppress disorder and riots.

CHAPTER 5

POWERS AND DUTIES OF COMMISSION

ALLOWING ACCOUNTS AND CLAIMS:

Section 5.1 The Commission shall audit and allow all accounts chargeable against the City; but no account or claim or contract shall be received for audit or allowance, unless it shall be accompanied with a certificate of an officer of the City.

POWERS TO CHANGE DUTIES:

Section 5.2 The Commission shall have power to supplement or change the duties of the Clerk and Treasurer, and to prescribe, change or alter the duties of such other officers, departments of government or administrative boards as it may from time to time deem necessary for the public good.

JANUARY MEETING:

Section 5.3 The regular January meeting of the Commission shall be held on the second (2nd) Tuesday of January. At said meeting, only items of old business shall be acted upon. No new business shall be acted upon.

Immediately following adjournment of said regular meeting, the re-organizational meeting shall be convened, at which time the oaths of office shall be administered to all officials commencing a term. Following the administration of said oaths of office, the Commission shall select a Mayor and Mayor-Pro Tem as provided herein. Upon selection,

the Mayor shall preside over the meeting as provided herein. The Commission shall thereafter consider matters pending.

REGULAR MEETINGS:

Section 5.4 At the first meeting in January of each year, the Commission shall provide by resolution for the time and place of its regular meetings and shall hold at least one (1) regular meeting each month.

SPECIAL MEETINGS:

Section 5.5 Special meetings shall be called by the Clerk on the written request of the Mayor, the City Manager or any two (2) members of the Commission provided a public notice stating the date, time and place of the meeting shall be posted at least eighteen (18) hours before the meeting.

BUSINESS AT SPECIAL MEETINGS:

Section 5.6 No business shall be transacted at any special meeting of the Commission unless the same has been stated in the notice of such meeting. However, any business which may lawfully come before a regular meeting may be transacted at a special meeting if all the members of the Commission present consent thereto and all the members absent filed their written consent.

MEETINGS TO BE PUBLIC:

Section 5.7 All regular and special meetings of the Commission shall be open to the public and citizens shall have a reasonable opportunity to be heard under such rules and regulations as the Commission may prescribe except as may otherwise be provided by statute.

QUORUM; MAJORITY VOTE:

Section 5.8 Three (3) members of the Commission shall constitute a quorum for the transaction of business at all meetings of the Commission; but, in the absence of a quorum, two (2) members may adjourn any meeting to a later date. When a quorum is present, the majority vote of those present shall determine an issue.

RIGHT TO COMPEL ATTENDANCE:

Section 5.9 The Commission may, by vote of not less than two (2) of the members, compel the attendance of its members and other officers of the City at its regular and special meetings and enforce orderly conduct therein. Any member of the Commission or other officer of the City who refuses to attend such meetings or conduct himself in an orderly manner thereat shall be deemed guilty of misconduct in office. The Chief of Police shall

serve as sergeant-at-arms of the Commission in the enforcement of the provisions of this section.

ORDER OF BUSINESS:

Section 5.10 The Commission shall determine its own rules and order of business and shall keep a journal of its proceedings in the English language, which shall be signed by the Mayor and Clerk. Provided, however, that the vote upon all ordinances and resolutions shall be taken by yes and no vote and entered upon the record, except that where the vote is unanimous, it shall only be necessary to so state. No member shall vote on any question in which he has a financial interest (other than the common public interest) or any question concerning his own official conduct, but on all other questions each member who is present shall vote unless excused by the unanimous consent of the other members present. Provided, further, that any citizen or taxpayer shall have access to the minutes and record of all meetings of the Commission at all reasonable times.

CONTINUANCE OF BY-LAWS, ORDINANCES, ETC.:

Section 5.11 All by-laws, ordinances, resolutions, rules and regulations of the City of Caspian which are not inconsistent with this Charter and which are in force and effect at the time of the adoption of this Charter shall continue in full force and effect until repealed or amended.

ORDINANCES AND RESOLUTIONS:

Section 5.12 All official action of the Commission shall be by ordinance or by resolution, motion or order. Action by resolution, motion or order shall be limited to matters required or permitted to be so done by this Charter or by state or federal law or pertaining to the internal affairs or concerns of the City government. All other acts of the Commission and all acts carrying a penalty for the violation thereof shall be by ordinance. Each ordinance shall be identified by a serial number and a short title. Each proposed ordinance shall be introduced in written or printed form. The style of all ordinances enacted by the Commission shall be, "The City of Caspian ordains."

ENACTMENT, AMENDMENT, REPEAL AND EFFECTIVE DATE OF ORDINANCES:

Section 5.13 Subject to the exceptions that follow hereafter:

- (a) Ordinances may be enacted, amended or repealed by the affirmative vote of not less than three (3) members of the Commission.
- (b) The time when any ordinance shall take effect shall be prescribed therein, which time shall not be less than twenty (20) days from the date of its publication in a

paper circulated within the city and by posting in two (2) public places within the city, except emergency ordinances, which may be given immediate effect. No ordinance shall be finally passed on the day it is introduced, except in cases of public emergency. An emergency ordinance shall be defined to be one necessary for the immediate preservation of the public peace, property, health, safety, or providing for the usual daily operation of a department and which contains a statement of its urgency.

- (c) No ordinance shall be amended by reference to its title only, but the revised sections of the ordinance, as amended, shall be enacted and published as provided in Section 5.13 (b). However, an ordinance or section thereof may be repealed by reference to its title and ordinance.

PUBLICATION OF ORDINANCES:

Section 5.14 Each ordinance passed by the Commission shall be published at least once within fourteen (14) days after its adoption in a newspaper of local circulation in the City. All ordinances and revisions, alterations or amendments of same shall be recorded by the Clerk in a book to be called “The Ordinance Book,” and it shall be the duty of the Mayor and Clerk to authenticate such records by their official signatures thereon.

REQUIREMENTS FOR COMPETITIVE SEALED BIDS:

Section 5.15 The Commission shall be responsible for all transactions exceeding three thousand dollars (\$3,000). Sealed bids must be obtained for same if the items or services are available from more than one source. If same is not available from more than one source and, therefore, competitive bids are not taken, the Commission shall be advised of same and such advisement noted in the minutes. The Commission shall have the right to reject any and all bids. The Commission shall not be bound by the minimum bid and may reject same in favor of a higher bid based on factors such as, but not exclusively, timeliness of delivery, quality of workmanship and the like. The Manager shall be responsible for all purchase transactions of \$3,000 or less so long as the transaction does not cause a line item budget overrun. The Commission must give prior approval to all proposed expenditures that exceed \$3,000 and/or will cause a line item budget overrun. However, competitive bids are not required for City attorneys and City auditors.

CONTRACT – HOW LET:

Section 5.16 No contract in excess of the amount requiring competitive bidding in 5.15 hereof, for any City transactions shall be let, until sufficient funds have been

appropriated or established and sealed bids for the construction of improvements, doing of such work, or furnishing of such materials or labor have been received by the Commission as specified in 5.15. The Commission may require a bid bond to accompany bids in such amount as the Commission may prescribe.

Any contract or agreement in an amount of five thousand dollars (\$5,000) or more made with form or terms other than the standard City purchase order form shall, before execution, be submitted to an attorney and his opinion obtained with respect to its form and legality. A copy of all contracts or agreements requiring such opinion shall be filed in the office of the Clerk together with a copy of the opinion.

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

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

No contract shall be made with any person, firm or corporation who is in default of the City.

OFFICIAL INTEREST IN CONTRACTS:

Section 5.17 All City officers or employees shall be governed as to conflicts of interest in the same manner as provided by state law.

EMPLOYMENT CONTRACTS:

Section 5.18 The provisions of 5.15, 5.16 and 5.17 shall not apply to contracts for regular employment or for City attorneys, auditors or engineers.

APPOINTMENT OF ADMINISTRATIVE OFFICERS:

Section 5.19 The Commission shall have sole authority for appointment and termination of administrative officers and for the employment and termination of attorneys, auditors and engineers.

PERSONAL PROPERTY:

Section 5.20 The City Manager shall have the power and authority to lease or sell any of the excess personal property of the City with a fair market value of less than three thousand dollars (\$3,000). For the sale or lease of such property with value less than five hundred dollars (\$500), the Manager must post the offer to sell or lease and request bids for two (2) weeks at the City Hall and another public place within the City.

If the property has a fair market value of \$500 but less than \$3,000, the offer to sell or lease and request for bids must be published at least twice in the local newspaper.

If the property is valued at \$3,000 or more, its sale or lease shall be made only with the approval of the Commission after two (2) newspaper publications of the offer to sell or lease and request for bids.

All sales or leases shall be to the highest bidder. If no bids are received, the sale or lease price may be negotiated by the Manager.

CHAPTER 6

ADMINISTRATIVE SERVICES

ADMINISTRATIVE OFFICERS:

Section 6.1 The Manager, Clerk, Treasurer, Assessor, Chief of Police, Chief of the Fire Department, Members of City Boards and others which the Commission may designate as administrative officers from time to time, by specific reference to this Chapter and Section, shall be considered administrative officers and the only administrative officers of the City. All agents and other persons in the employ of the City, except elected officials, are deemed to be employees of the City, except independent contractors.

Unless the Commission by its appointment specifically designates to the contrary, the Manager shall be the Clerk.

FUNCTIONS OF CITY MANAGER:

Section 6.2 The City Manager shall be the Chief Administrative Officer of the City. He shall be appointed by the Commission on the basis of his education, executive and administrative qualifications and experience.

No member of the Commission shall be eligible for appointment as a Manager until six (6) months subsequent to the termination of his service on the Commission.

Section 6.3 The City Manager shall function as the purchasing agent for the City, and shall make all purchases of supplies for the City, subject to such limitations as the Commission may prescribe.

FURTHER FUNCTIONS OF THE CITY MANAGER:

Section 6.4 The City Manager shall have the following further functions:

- (a) To see that all laws and ordinances are enforced.
- (b) Except as provided herein as within the authority of the Commission, the Manager shall have sole authority and responsibility for employment and discharge from employment of all persons including independent contractors.

- (c) To see that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed.
- (d) To attend all meetings of the Commission with the right to take part in discussions, but without the right to vote.
- (e) To be a member, ex officio, of all committees of the Commission.
- (f) To manage and supervise all public improvement works and undertakings of the City.
- (g) To prepare and administer the annual budget under policies formulated by the Commission and keep the Commission fully advised at all times as to the financial conditions and needs of the City.
- (h) To recommend to the Commission for adoption such measures as he may deem necessary or expedient.
- (i) To be responsible to the Commission for the efficient administration of all departments of the City government.
- (j) To assume all the duties and responsibilities as personnel director of all city employees or delegate such duties to some other officer or employees of the City. No such delegation shall relieve him of any responsibility for the proper conduct of such duties.
- (k) To exercise and perform all administrative functions of the city which are not imposed by this Charter or any city ordinance upon some other official.
- (l) To perform such other duties as may be prescribed by this Charter or as may be required of him by ordinance or by direction of the Commission.
- (m) The Manager shall obtain sealed bids for all transactions requiring same as provided in Chapter 5, Section 15.

CITY CLERK:

Section 6.5

- (a) The Clerk shall be Clerk of the Commission. He shall attend the meetings of the Commission and shall keep a permanent journal in the English language of its proceedings. He shall keep a record of all ordinances, resolutions and regulations of the Commission.
- (b) He shall be custodian of the City seal and shall affix it to all documents and instruments requiring the seal and shall attest the same. He shall also be

custodian of all papers, documents, and records pertaining to the City of Caspian, the custody of which is not otherwise provided for. He shall give to the proper department officials, ample notice of the expiration or termination of any franchises, contracts, or agreements.

- (c) He shall provide and maintain in his office a supply of forms for all petitions required to be filed for any purpose, by the provisions of this Charter, or as prescribed by state law and shall accept any petitions which substantially comply with the petition forms required by state law.
- (d) He shall certify by his signature all ordinances and resolutions enacted or passed by the Commission and perform any other duties required of him by state law, this Charter or by the Commission.
- (e) He shall have power to administer oaths of office.
- (f) He shall perform such other duties as may be prescribed for him by this Charter or by the Commission.
- (g) The Clerk shall keep books of account of the receipts and expenditures of the City. The system of accounts of the City shall conform to such uniform systems as may be required by law. All the books of account of the City shall be balanced at the end of each calendar month, and a report made thereon to the Commission.

CITY TREASURER:

Section 6.6

- (a) The Treasurer shall have the custody of all moneys of the City, the Clerk's bond, and all evidences of value belonging to the City or held in trust by the City.
- (b) He shall receive all moneys belonging to and receivable by the City, that may be collected by any officials or employees of the City, including license fees, taxes, assessments, utility charges and all other charges belonging to and payable to the City, and shall in all cases give a receipt therefore.
- (c) He shall keep and deposit all moneys or funds in such manner and only in such places as the Commission may determine and shall report the same in detail to the Clerk.
- (d) He shall have such powers, duties, and prerogatives in regard to the collection and custody of state, county and school district and City taxes and moneys as are

conferred by law to enforce the collection of state, county and school district and City taxes upon real and personal property.

- (e) He shall perform such other duties as may be prescribed for him by state or federal law, this Charter, or by the City Manager or City Commission.

CITY ASSESSOR:

Section 6.7 The City Assessor shall possess all the powers vested in, and shall be charged with all the duties imposed upon, assessing officers by the general laws of the state. He shall make and prepare all regular and special assessment rolls in the manner prescribed by this Charter and the general laws of the state. He shall perform such other duties as may be prescribed for him in this Charter or by the Commission.

POLICE DEPARTMENT:

Section 6.8

- (a) The Commission shall provide for and establish a Police force.
- (b) The Chief of Police shall be subject to the direction of the City Manager and shall keep a permanent record to be furnished by the City, of all arrests and the cause thereof, and shall enter therein, within twenty-four (24) hours after any person shall be arrested, the name of the person so arrested, and if discharged without being taken before a court, the reason for such discharge, and if tried, the result of such trial and punishment inflicted and amount of fines and costs, if any paid, and name of the judicial officer before whom such person was tried, which record shall be the property of the City. He shall report in writing and on oath to the Commission at their first meeting in each month, all arrests made by him. All moneys collected or received by the Chief, unless otherwise directed by this Charter, shall be paid into the City treasury.

FIRE DEPARTMENT:

Section 6.9 The Commission shall have power to provide for the equipment, maintenance, and the training of a Fire Department, and to enact such ordinances and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the property and the persons of the citizens against damage and accidents resulting therefrom, and to establish rules and regulations for the firemen and officers of the department, and for the care and management of the engines, apparatus, property and buildings pertaining to the Department.

FIRE CHIEF:

Section 6.10 The Chief of the Fire Department shall be subject to the direction of the City Manager, and shall have the supervision and the direction of the department, the care and management of fire engines, apparatus, and property. Excluding the regular employees in the Fire Department, the Fire Department shall consist of a Volunteer Fire Department to number not less than twenty (20) members and not to exceed twenty-five (25) members. The Commission shall have the power to order the Volunteer Fire Department to increase its membership to more than 25 if it so deems necessary for the welfare of the public.

The Volunteer Fire Department shall make its own rules and regulations for its internal government and shall choose one of its own members as Chief, subject to the approval of the City Commission.

CITY ATTORNEYS, AUDITORS AND ENGINEERS:

Section 6.11 The City attorneys, auditors and engineers shall serve as independent contractors for the City and not as Officers or employees. The City attorneys, auditors and engineers shall function on behalf of the City at the direction of the Commission.

ADDITION OF OFFICES AND DEPARTMENTS:

Section 6.12 The Commission may create additional administrative offices and departments in any manner it deems necessary for the proper operation of the government and may prescribe the duties thereof.

COMPENSATION OF EMPLOYEES AND OFFICERS:

Section 6.13 The compensation for the City Manager, city attorneys, auditors, engineers and independent contractors shall be set from time to time by the Commission. The Manager shall set, from time to time, the compensation of all other Officers and employees. All compensation shall be set within the limits of budget appropriations.

TERMINATION OF OFFICERS:

Section 6.14 Appointed City officers may be removed by a majority vote of the members of the Commission, except no appointed officer who has been in the service of the City for one (1) or more years prior to a regular City election shall be removed within the ninety (90) days subsequent to such election unless by a four-fifths vote of the members of the Commission. At least thirty (30) days before removal of an appointed officer the Commission shall adopt a resolution stating its intention to remove him and the reasons therefore, a copy of which shall be served forthwith on the appointed officer. Upon passage of a resolution stating the Commission's intention to remove the appointed officer, the appointed officer may, within

ten (10) days demand a public hearing before the Commission and the removal shall not be effective until after the hearing is held. The Commission may suspend him from duty, but his pay shall continue until his removal. The action of the Commission in removing the officer shall be continued until his removal.

CHAPTER 7
BUDGET PROCEDURE

CITY MANAGER TO PRESENT BUDGET:

Section 7.1 At the first regular Commission meeting in May, or prior thereto, the City Manager shall prepare and submit to the Commission a budget document covering the next fiscal year, which shall include, but not exclusively, at least the following information:

- (a) Expenditure data for the most recently completed fiscal year and estimated expenditures for the current fiscal year.
- (b) An estimate of the expenditure amounts required to conduct in the ensuing fiscal year the government of the city, including its budgetary centers.
- (c) Revenue data for the most recently completed fiscal year and estimated revenues for the current fiscal year.
- (d) An estimate of the revenues, by source of revenue, to be raised or received by the City in the ensuing fiscal year.
- (e) The amount of surplus or deficit that has accumulated from prior fiscal years, together with an estimate of the amount of surplus or deficit expected in the current fiscal year. The inclusion of the amount of an authorized debt obligation to fund a deficit shall be sufficient to satisfy the requirement of funding the amount of a deficit estimated under this subsection.
- (f) An estimate of the amounts needed for deficiency, contingent, or emergency purposes and the amounts needed to pay and to discharge the principal and interest of debt of the City due in the ensuing fiscal year.
- (g) The amount of proposed capital outlay expenditures, except those financed by enterprise, public improvement or building and site, or special assessment funds, including the estimated total cost and proposed method of financing of each capital construction project and the projected additional annual operating cost and the method of financing the operating costs of each capital construction project for three (3) years beyond the fiscal year covered by the budget.

- (h) An informational summary of projected revenues and expenditures of any special assessment funds, public improvement or building and site funds, intra-governmental service funds, or enterprise funds, including the estimated total cost and proposed method of financing each capital construction project, and the projected additional annual operating cost and the method of financing the operating costs of each capital construction project for three (3) years beyond the fiscal year covered by the budget.
- (i) Other data relating to fiscal conditions that the City Manager considers useful in considering the financial needs of the City.
- (j) Any additional information that may be required by state law.

BUDGET HEARING:

Section 7.2 A public hearing on the proposed budget shall be held before its final adoption at such time and place as the Commission shall direct. Notice of such public hearing, a summary of the proposed budget and notice that the proposed budget is on file in the office of the Clerk, shall be published at least one (1) week in advance of the hearing. The complete proposed budget shall be on file for public inspection during office hours at the office of the Clerk for a period of not less than one (1) week prior to such public hearing.

ADOPTION OF BUDGET:

Section 7.3 Not later than the third (3rd) Monday in May, the Commission shall, by resolution, adopt a budget for the next fiscal year and shall appropriate the money needed for municipal purposes during the next fiscal year of the City, and shall provide for a levy of the amount necessary to be raised by taxes upon real and personal property for municipal purposes subject to the limitation contained in Section 8.3 of this Charter.

ADDITIONAL CONTENTS OF ANNUAL APPROPRIATION BILL:

Section 7.4 The Annual Appropriation Bill shall also contain under the heading, “Special Assessments” the amount of all special assessments finally returned by the Treasurer as “unpaid,” and which are to be reassessed in the next general tax roll of the City.

BUDGET CONTROL:

Section 7.5 Except for purposes which are to be financed by a method not requiring a budget appropriation, no money shall be drawn from the treasury of the City without an appropriation thereof, nor shall any obligation for the expenditure of money be incurred without an appropriation covering all payments which will be due under such obligation in the current fiscal year. The Commission may transfer any unencumbered appropriation balance,

or any portion thereof, from one department, fund or agency to another. In the case of emergency arising from fire, flood or other calamity, the Commission may make additional appropriations to cover unanticipated expenditures required of the City because of such emergency. The balance in any appropriation which has not been encumbered at the end of the fiscal year shall revert to the general fund.

At the beginning of each quarterly period during the fiscal year, and more often if required by the Commission, the officer responsible for the maintenance of the City accounting system shall review estimated and actual revenues and expenditures to date; and if it shall appear that the revenues are less than anticipated, the Commission may reduce appropriations, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the revenues.

CLERK TO CERTIFY TAX LEVY:

Section 7.6 Within three (3) days after the Commission has adopted the budget for the ensuing year, the Clerk shall certify to the Assessor the total amount of which the Commission determines shall be raised by general tax. He shall also certify all amounts of current or delinquent special assessments and all other amounts of which the Commission requires to be assessed, reassessed or charged upon any property or against any person.

CHAPTER 8

TAXATION

FISCAL YEAR:

Section 8.1 The fiscal year of the City shall end with the last day in June of each year.

RIGHT TO ASSESS AND LEVY TAXES, ETC.:

Section 8.2 In order to carry out the purposes, powers and duties of the City Government established by this Charter, the City may assess, levy, and collect taxes, rents, tolls and excises. The subjects of taxation for municipal purposes will be the same as for state, county and school purposes under the general law.

TAX LIMIT:

Section 8.3 Exclusive of any levies authorized by statute to be made beyond Charter tax rate limitations, such annual levy shall not exceed two percent (2%) of the assessed value of all real and personal property subject to taxation in the City.

ASSESSMENT OF TAXES:

Section 8.4 After the last day for the meeting of the Board of Review, the Assessor shall prepare a copy of the assessment roll to be known as the "City Tax Roll," and upon receipt of the information as to the several amounts to be raised for City taxes, special assessments and other purposes, the Assessor shall proceed forthwith to spread upon said tax roll the several amounts of the general City tax according to, and in proportion to, the several valuations set forth in said assessment roll and also any other amounts determined by the Council to be charged, assessed or reassessed against persons or property.

The Assessor shall assess the taxes for state, county and school purposes apportioned to the City upon a roll to be known as "State, County and School Tax Roll," and the City shall be considered the same as a township for the purposes of assessing and collecting such taxes, and all provisions of statute relative to the collection of and accounting therefore shall apply.

The Assessor shall also upon the State, County and School Tax Roll reassess in a separate column all City taxes and special assessments not paid on the first (1st) day of October next following the levy of such City taxes and special assessments, together with interest thereon at four percent (4%) placing said interest in a separate column headed "Penalty," and said penalty shall thereafter be treated in all respects as an item of taxes; and if such taxes and penalties remain unpaid to the Treasurer, the same shall be returned certified by the Mayor.

For the purpose of collecting said state, county and school taxes, the Treasurer shall perform the same duties and have the same powers as township treasurers under statute.

TAX ROLL CERTIFIED FOR COLLECTION:

Section 8.5 Within three (3) days after the Commission has adopted the budget for the ensuing year, the Clerk shall certify to the Assessor the total amount of which the Commission determines shall be raised by general ad valorem tax. He shall also certify all amounts of which the Commission requires to be assessed, reassessed or charged upon any property or against any person.

TAX LIEN:

Section 8.6 On July 1, the amounts assessed on any interest in real property shall become a lien upon such real property for such amounts and for all interest and charges thereon and all personal taxes shall become a first lien on all personal property of such persons so assessed. Such lien shall take precedence over all other claims, encumbrances and

liens to the extent provided by statute and shall continue until such taxes, interest and charges are paid.

TAX DUE; NOTIFICATION THEREOF:

Section 8.7 City taxes shall be due on the first (1st) day of July. The Treasurer shall not be required to call upon the persons named in the City tax roll, nor to make personal demand for the payment of taxes, but he shall publish, between June 15 and July 11, notice of the time when said taxes will be due for collection and the penalties for late payment of same.

Failure on the part of the Treasurer to give said notice shall not invalidate the taxes on said tax roll nor release the person or property assessed from the penalty provided in this chapter in case of non-payment of same.

COLLECTION FEES:

Section 8.8 All taxes paid on or before September 1 of each year may be collected by the Treasurer without collection fee. On September 1, the Treasurer shall add to all taxes paid thereafter a collection fee of six percent (6%) of the amount of said taxes. Such collection fee shall belong to the City and constitute a charge and shall be a lien against the property to which the taxes themselves apply, collectable in the same manner as the taxes to which they are added.

FAILURE OR REFUSAL TO PAY:

Section 8.9 If any person, firm or corporation shall neglect or refuse to pay any tax assessed to him, the Treasurer shall collect the same by seizing the personal property of such person, firm or corporation, to an amount sufficient to pay such tax, fees and charges for subsequent sale, wherever the same may be found in the state, and from which seizure, no property shall be exempt. He may sell the property seized to an amount sufficient to pay the taxes and all charges in accordance with statutory provisions. The Treasurer may, if otherwise unable to collect a tax on personal property, sue the person, firm or corporation to whom it is assessed in accordance with statute.

RETURN OF TAX ROLL TO COUNTY TREASURER:

Section 8.10 On the first (1st) day of March, following the due date thereof, the Treasurer shall return all unpaid taxes and assessments on real property to the Treasurer of Iron County in the manner as prescribed by state law. The taxes and assessments thus returned shall be collected in the same manner as other taxes returned to such Treasurer are collected under the provisions of the general tax laws of the state, as the same now or hereafter may exist, and the same rate of interest and the same amount of charges shall be

collected thereon, and all taxes and assessments upon lands so returned upon lands as delinquent, shall be and remain a lien thereon until paid.

APPLICATION OF STATE LAWS TO TAX COLLECTIONS:

Section 8.11 For the purpose of assessing taxes in the City for state, county and school purposes, the City shall be considered the same as a Township, and all provisions of state law relative to the collection of such taxes and the fees to be paid therefore, the accounting therefore to the appropriate taxing units, and the returning of property to the County Treasurer for non-payment thereof shall apply to the performance thereof by the Treasurer, who shall perform the same duties and have the same powers as township treasurers under state law.

LIMITATION ON SPECIAL TAX VOTED:

Section 8.12 Should any amount of money be required in any fiscal year for any public City purpose greater than the amount provided by the Annual Appropriation Bill and the Commission deems it advisable to raise the same by tax rather than by the issue of bonds, such amount of money may be raised by tax if authorized by the affirmative vote the majority of the qualified electors of the City voting thereon at an annual or special City election; provided that such tax, together with the general taxes provided in the Annual Appropriation Bill and all other taxes voted during the same fiscal year under the provisions of this section, shall not exceed the statutory limitations as they do now or shall hereafter exist.

ELECTION TO VOTE SPECIAL TAX:

Section 8.13 The provisions of the Charter insofar as the same are applicable, shall control the calling and the holding of an election to vote upon such special tax.

ASSESSOR TO SPREAD SPECIAL TAX:

Section 8.14 At its first regular meeting following the canvass of the results of such election, the Commission shall order the Assessor to spread the special tax in full upon a special tax roll in the same manner in which he spreads the annual City taxes upon the annual City tax roll; and shall direct the Treasurer in a like manner to collect such special tax within twenty (20) days of the due date of such special tax, which due date shall correspond to the first (1st) day on which the Treasurer is authorized to collect such special tax.

TREASURER'S POWERS AND DUTES; SPECIAL TAX COLLECTION:

Section 8.15 The Treasurer shall possess the same powers and perform the same duties in the collection of a tax specially voted as he does in the collection of the annual City tax.

CHAPTER 9

SPECIAL ASSESSMENTS

GENERAL POWER RELATIVE TO SPECIAL ASSESSMENTS:

Section 9.1 The Commission shall have the power to determine that the whole or any part of the expense of any public improvement be defrayed by special assessment upon the property specially benefited upon petition as hereinafter provided, or by resolution, or ordinance without such petition in the discretion of the Commission provided that all special assessments levied shall be based upon or be in proportion to the benefits derived or to be derived. Such resolution or ordinance 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, and 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.

PETITIONS – CONTENTS:

Section 9.2 Petition for special assessments shall be signed by at least two-thirds of the owners of the lands liable to be assessed for the improvements petitioned for. Such petition shall specifically describe such proposed improvement, and each signer thereof, to the effect that the signatures thereon are in fact the signatures they purport to be. Said petition shall be filed with the City Manager.

SUFFICIENCY OF PETITION:

Section 9.3 At its first regular meeting thereafter, the Manager shall present to the Commission such petition, and the Commission shall proceed to investigate the sufficiency thereof, and if sufficient and in compliance with this Charter, the Commission shall so determine by resolution, whereupon the right action may be taken as is provided by Section 9.1.

ESTIMATES TO BE MADE:

Section 9.4 Before ordering any improvement or repairs, any part of the expense of which is to be defrayed by special assessment, the Commission shall cause estimates of the expense thereof to be made, and also plats and diagrams when practicable of the locality to be improved, and deposit the same with the Manager for public examination and shall give notice thereof by posting written notices six (6) conspicuous places in the City at least two (2) weeks prior to the time the Commission shall meet to consider objections thereto, or by publication of said notice at least once two (2) weeks prior to such meeting in a newspaper

published or circulated in the City. The cost and expense of any improvement that may be defrayed by special assessment shall include the cost of surveys, plans, assessment and construction. No such improvement or work shall be ordered unless by concurrent vote of four (4) members of the Commission. Special assessments shall be levied for the estimated cost of such improvement before the making of such improvement.

DIRECTION TO ASSESSOR:

Section 9.5 When any special assessment has been ordered, the Commission shall by resolution direct the same to the Assessor and shall state therein the amount to be assessed, and whether according to frontage or benefits, and describe or designate the lots and premises or locality constituting the district to be assessed.

PREPARATION OF ASSESSMENT ROLL:

Section 9.6 Upon receiving such order or directions, the Assessor shall make out an assessment roll, entering and describing therein all the lots, premises and parcels of land to be assessed with the names of the persons, if known, chargeable with the assessments thereon, and shall levy thereon and against such property the amount to be assessed in the manner directed by the Commission and the provisions of this Charter applicable to the Assessment.

ASSESSMENT BY FRONTAGE OR BENEFIT:

Section 9.7 Such assessment may be either according to frontage or benefits: If the assessment is required to be according to frontage, the Assessor shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length of front of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed, provided, if by reason of the shape or size of any lot or parcel, such assessment may be inequitable, the relative frontage may be charged to meet such conditions. If the assessment is directed to be according to benefits, the Assessor shall assess upon each lot or parcel of land or premises such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from such improvement. When the Assessor shall have completed the assessment, he shall report the same to the Commission, such report being in the form of a certificate dated and signed by him and endorsed on the assessment roll.

ADOPTION OF ASSESSMENT – NOTICES:

Section 9.8 When any special assessment shall be reported by the Assessor to the Commission, as herein before directed, the same shall be filed in the office of the City Manager. Before adopting such assessment, the Commission shall cause notice to be given at

least ten (10) days prior to the time when the Commission shall meet, by causing said notice to be published in some newspaper circulated in the City, which said notice shall also appoint the time and place of which the Commission and Assessor shall meet to review said special assessment. Any person objecting to the assessment may file his objections thereto in writing with the Manager. The notice provided for in this section may also be sent by first class mail to all property owners in the proposed district as shown upon either the special assessment roll or current assessment roll or the City and to all other persons interested therein.

SPECIAL ASSESSMENT POWERS:

Section 9.9 The Commission shall, in the exercise of its powers of special assessment, have power to provide for the following, but this list shall not be exclusive:

- (a) For the payment of special assessments in annual installments not to exceed fifteen (15) in number, the first such installment to be due either upon confirmation of the special assessment roll or on the following July 1 of succeeding years and to be placed upon the annual City tax roll, and for an interest charge until the due date of each such deferred installment not to exceed prevailing rate per year, subject to the right of advance payment of any such installment with interest only to the date of payment.
- (b) For making additional pro rata assessments when any special assessment roll proves insufficient to pay for the improvement for which it was levied and the expenses incident thereto, provided that the additional pro rata assessment shall not exceed twenty-five percent (25%) of the assessment as originally confirmed unless a meeting of the Commission be held to review such additional assessment, for which meeting notices shall be given as provided in the case of review of the original special assessment roll.
- (c) To construct, establish and extend facilities for the storage and parking of vehicles within its incorporate limits as a public improvement.
- (d) To install a boulevard lighting system on any street and finance the same in whole or in part by special assessment upon land abutting thereon.
- (e) To install and connect sewers and waterworks on and to property within the City.

ASSESSMENT FOR SIDEWALKS OR ABATEMENT OF HAZARDS OR NUISANCES:

Section 9.10 The assessment for the cost of the construction or maintenance of any sidewalk or the abatement of any hazard or nuisance shall be made by resolution of the Commission. Notice of the time at which the Commission will act thereon shall be given by

first class mail to the owners of the property to be assessed as shown by the current tax roll of the City. For the purposes of collection of such assessment, the adoption of such resolution shall be equivalent to the confirmation of a special assessment and shall become a debt due to the City upon adoption of such resolution, be payable and subject to the collection fees and shall become a lien, all as provided in Section 9.12. Every such assessment shall also be subject to Sections 9.11 and 9.13.

CORRECTION OF INVALID SPECIAL ASSESSMENT:

Section 9.11 Whenever any special assessment shall, in the opinion of the Commission, be invalid by reason of irregularity or informality in the proceedings, or if any Court of competent jurisdiction shall adjudge such assessment to be illegal, the Commission shall, whether the improvement has been made or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment, and whenever any sum or part thereof levied upon any property in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment; or if the payments exceed the amount of the reassessment, refunds shall be made.

No judgment or decree nor any act of the Commission vacating a special assessment shall destroy or impair the lien of the City upon the premises assessed for such amount of the assessment as may be equitably charged against the same, or as by regular mode of proceeding might have been lawfully assessed thereupon.

COLLECTION OF SPECIAL ASSESSMENTS:

Section 9.12 Upon the confirmation of each special assessment roll, the special assessments shall become a debt to the City from the persons to whom they are assessed and shall, until paid, be a lien upon the property assessed for the amount of such assessment and all interest and charges thereon. Such lien shall be of the same character and effect as created by this Charter for City taxes. Such assessments shall become due upon confirmation of the special assessment roll except as may be provided by the Commission pursuant to Section 9.9(a).

Each special assessment, or each installment of such assessment when installment payments are provided for, shall be collected by the Treasurer without collection fee for a period ending on the last day of the second (2nd) month following the due date of such assessment or installment. On the first (1st) day of the third (3rd) month following each such

due date, the Treasurer shall add to all assessments or installments paid thereafter a collection fee of three percent (3%) of the amount of the assessment. All collection fees shall belong to the City and be collectable in the same manner as the collection fee on City taxes.

Special assessments, or installments thereof, which become due on July 1 of any year, shall be collected in all respects as are City taxes due on such date, and if uncollected on the following first (1st) day of March, shall be returned to the County Treasurer with unpaid taxes as provided in Section 8.11.

Special assessments which become due other than on July 1 shall, if unpaid for ninety (90) days or more, on May 1 of any year be certified as delinquent to the Commission by the Treasurer and the Commission shall place such delinquent assessments on the tax roll for that year together with accrued collection fees to July 1 of such year. The total amount of such assessment and fees shall thereafter be collected in all respects as are City taxes due on July 1 of that year, and such total amount shall be subject to the same fees and penalties as are City taxes due on that date, and if uncollected on the following first (1st) day of March, shall be returned to the County Treasurer with unpaid taxes as provided in Section 8.11.

SPECIAL ASSESSMENT ACCOUNTS:

Section 9.13 Except as otherwise provided in this Charter, moneys raised by special assessment for any public improvement shall be segregated in a special fund or account and may be used only to pay for the costs of the improvement for which the assessment was levied and expenses incidental thereto or to repay any money borrowed therefore.

CONTESTED ASSESSMENTS:

Section 9.14 No suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of any special assessment, unless:

- (a) within thirty (30) days after the confirmation of the special assessment roll, written notice is given to the Commission of intention to file such suit or action stating the grounds on which it is claimed such assessment is illegal, and
- (b) such suit or action shall be commenced within sixty (60) days after confirmation of the roll.

DISPOSITION OF EXCESSIVE SPECIAL ASSESSMENT:

Section 9.15 The excess by which any special assessment proves larger than the actual cost of the improvement and expenses incidental thereto, may be placed in the general fund of the City if such excess is five percent (5%) or less of the assessment, but should the assessment prove larger than necessary by more than five percent (5%), the entire excess shall

be refunded on a pro rata basis to the owners of the property assessed. Such refund shall be made by credit against future unpaid installments to the extent such installment refunds may be made which contravene the provisions of any outstanding evidence of indebtedness secured in whole or part by such special assessment.

NO LANDS EXEMPT:

Section 9.16 No lands in the City of Caspian, regardless of the use of which may be made thereof, shall be exempt from special assessments as provided in this chapter.

CHAPTER 10

BOARD OF REVIEW

BOARD OF REVIEW; DUTIES, ETC.:

Section 10.1 The Board of Review, the duties of which Board shall be to review the annual assessment roll of the City and to hear the objections of all persons deeming themselves aggrieved by the assessment in such rolls made against them. The Board of Review shall be composed of three (3) freeholders of the City who meet eligibility requirements for elective office of the City and who, during that term of office, shall not be City officers or employees or be nominees or candidates for elective City office. The members shall be appointed by the City Commission, and the City Treasurer shall be the Clerk of the Board but a non-voting member. The members of the Board of Review shall appoint its own chairman.

MEETINGS OF BOARD OF REVIEW:

Section 10.2 The Board of Review shall convene on the Tuesday following the first (1st) Monday in March to review and correct the assessment roll as provided by statute and shall remain in session for not less than one (1) day. Whenever the Board of Review makes a change in the assessment of property or adds property to the assessment roll, the person chargeable with such assessment shall be promptly notified by first class mail in a manner as will assure him opportunity to attend the second (2nd) meeting of the Board of Review which shall be on the second (2nd) Monday in March at 9:00 a.m. and shall continue in session until all interested persons have had an opportunity to be heard. Notice of the date, time and place of the meetings of the Board of Review shall be given at least two (2) weeks prior to such meetings by publication in a newspaper of general circulation.

DUTIES AND FUNCTIONS OF BOARD OF REVIEW:

Section 10.3 For the purpose of revising and correcting assessments, the Board of Review shall have the same powers and perform like duties in all respects as are by the

general tax laws conferred upon and required of boards of review in townships, except as otherwise provided in this Charter. It shall hear the complaints of all persons considering themselves aggrieved by assessments, and if it shall appear that any person or property has been wrongfully assessed or that any person or property has been omitted from the roll, the Board shall correct the roll in such manner as it deems just. In all cases, the roll shall be reviewed according to the facts existing on the tax day, and no change of the status of any property after said day shall be considered by the Board in making its decision. Except as otherwise provided by statute, no person other than the Board of Review shall make or authorize any change upon or additions or corrections to the assessment roll. It shall be the duty of the Assessor to keep a permanent record of all proceedings and to enter therein all resolutions and decisions of the Board.

ENDORSEMENT OF ROLL:

Section 10.4 After the Board of Review has completed its review of the assessment roll, and not later than the first (1st) Monday in April, the majority of its members shall endorse thereon and sign a statement to the effect that the same is the assessment roll of the City for the year in which it has been prepared. The omission of such endorsement shall not affect the validity of such roll.

ASSESSMENT ROLL CONCLUSIVELY VALID:

Section 10.5 Such assessment roll so made shall be conclusively presumed by all courts and tribunals to be valid and shall not be set aside except for causes mentioned in the general laws of the state relating to the assessment of property and levying and collection of taxes thereon. The omission of the endorsement required by the preceding section shall not affect the validity of such roll.

CHAPTER 11

DEPOSITORIES, AUDIT

DESIGNATION OF DEPOSITORIES:

Section 11.1 The Commission shall designate a depository or depositories for City funds and shall provide for the regular deposit of all City moneys. The Commission shall provide such security for City deposits as is authorized or permitted by the general laws of the state, except that personal surety bonds shall not be deemed proper security.

AUDIT:

Section 11.2 An independent audit by a Certified Public Accountant shall be made of all financial records, accounts and procedures of the City government deemed necessary by the Commission but not less frequently than required by state law.

The City Manager shall prepare an annual report of the City business and same shall be made available to the public by the City Manager in such form as will disclose pertinent facts concerning the activities and finances of the City government.

CHAPTER 12

SALE OR LEASE OF REAL PROPERTY

POWER:

Section 12.1 The Commission shall have full power and authority to lease or sell any of the real property of the City, except those properties, the sale of which state law requires approval by a majority vote of the electors of the City. However, such lease or sale shall require advertisement for competitive sealed bids for same. The City, if it deems to do so, shall lease or sell to the highest bidder. Should the City so advertise and receive no bids, the Commission may negotiate such lease or sale.

CHAPTER 13

UTILITIES, IMPROVEMENTS, BORROWING POWERS

POWERS RESERVED BY CITY:

Section 13.1 The City shall possess and hereby reserves to itself all the powers granted the cities by the Constitution and general laws of the State of Michigan, to acquire, construct, own, operate, improve, enlarge, extend, repair and maintain either within or without its corporate limits, including, but not by the way of limitation, public utilities for supplying water, light, heat, power, gas, sewage treatment and garbage disposal facilities and projects for the housing of its citizens, or any of them to the municipality and the inhabitants thereof; and also to sell and deliver water, light, heat, power, gas, and other public utility services without its corporate limits to any amount not to exceed limitations set by state law and the Constitution. The City may also acquire, own, improve, maintain, construct and operate parks, boulevards, cemeteries, hospitals, alms-houses, trunk sewers and plants necessary for the disposal of sewage and garbage and all other works which involve the public health and safety, and also any land necessary for such improvements, or for use in connection with any other public purpose.

POWER TO ACQUIRE PUBLIC UTILITIES:

Section 13.2 The City shall have no power to acquire any public utility unless the proposition to acquire such utility shall have first received an affirmative vote of three-fifths of the electors of the City voting thereon at any regular, special or municipal election; provided, however, that only those works, improvements and utilities designed for use for the supplying of water, heat, light, and power transportation to the municipality and the inhabitants thereof, shall be deemed public utilities falling within the restriction of this section.

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

MANAGEMENT OF MUNICIPALLY OWNED OR OPERATED UTILITIES:

Section 13.3 Each municipally owned or operated utility shall be administered as a regular department of the City government under the management and supervision of the City Manager.

POWER TO FIX UTILITY RATES, ETC.:

Section 13.4 The Commission shall have the power to fix, from time to time, such just and equitable rates as may be deemed advisable for supplying the inhabitants of the City with such utility services as the City may provide. Higher rates may be charged for services outside the City limits.

ORDINANCE TO COLLECT UTILITY RATES, ETC.:

Section 13.5 The Commission shall provide, by ordinance, for the collection of all public utility charges made by the City. With respect to water and sewer, the City shall have all the power granted to cities by Act 178 of the Public Acts of 1939, as amended. When any person or persons, or any firm or corporation shall fail or refuse to pay to the City any sums due on utility bills, service or services upon which such delinquency exists may be shut off or discontinued and suit may be instituted by the City for the collection of the same in any court of competent jurisdiction. In addition, the City shall have as security for the collection of such utility rates and charges a lien upon the real property supplied by such utility, which lien shall become effective immediately upon the supplying of such utility service and shall be enforced in the manner provided in such ordinance.

UTILITY ACCOUNTS TO BE SEPARATE:

Section 13.6 Separate accounts, distinct from any other City accounts shall be kept for each public utility owned or operated by the City in such manner as to show the true and complete financial results of such City ownership or operation, or both, including all assets, liabilities, revenues and expenses.

POWER TO SELL, EXCHANGE OR LEASE:

Section 13.7 The City shall not have power to sell, exchange, lease, or in any way alien or dispose of the property, easements, income, or other equipment, privilege or asset belonging to and appertaining to any utility, which is not operated out of the general fund of the City, which it may acquire, unless the proposition for such purpose shall first have been submitted, at an election held for that purpose in the manner provided in this Charter, to the electors of the City and approved by them by a three-fifths majority vote of those voting thereon.

The restrictions of this section shall not apply to the sale or exchange of any articles of machinery or equipment of any City owned public utility which are worn out or useless or which have been, or could with advantage to the service be, replaced by new and improved machinery or equipment, to the leasing of property not necessary for the operation of the utility, or to the exchange of property or easements for other needed property or easements.

GENERAL BORROWING:

Section 13.8 Subject to the applicable provisions of state law and this Charter, the Commission by proper ordinance or 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 therefore.

SPECIAL ASSESSMENT BONDS:

Section 13.9 The Commission shall, subject to the applicable provisions of the general laws of the State, have authority to borrow money in anticipation of the payment of special assessments made for the purpose of defraying the cost of any public 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.

OTHER BONDS:

Section 13.10 The City Commission shall have power to issue revenue or other types of bonds in the manner and for the purposes permitted by the Constitution and general laws of the State of Michigan.

PREPARATION AND RECORD:

Section 13.11 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, and any officer who shall violate this provision shall be deemed guilty of misconduct in office. All bonds and other evidences of indebtedness issued by the City shall be signed by the Mayor and countersigned by the Clerk, under the seal of the City. Interest coupons may be executed with the facsimile signatures of the Mayor and Clerk. A complete detailed record of all bonds and other evidence of indebtedness, the same shall be marked "cancelled."

UNISSUED BONDS:

Section 13.12 No unissued bonds of the City shall be issued or sold to secure funds for any purpose other than that for which they were specifically authorized, and if any such bonds are not sold within three (3) years after authorization, such authorization shall, as to such bonds, be null and void, and such bonds shall be cancelled.

CHAPTER 14

FRANCHISES, REGULATION OF UTILITIES, LEASES

FRANCHISES AND LEASES REMAIN IN EFFECT:

Section 14.1 All franchises, contracts and leases to which the City is a party when this Charter becomes effective shall remain in full force and effect in accordance with their respective terms and conditions.

GRANTING OF PUBLIC UTILITY FRANCHISES:

Section 14.2 Public utility franchises and all renewals and extensions thereof, and amendments thereto, shall be granted by ordinance only. No exclusive franchise shall ever be granted. No franchise shall be granted for a longer period than thirty (30) years.

No franchise ordinance that is not subject to revocation at the will of the City shall be enacted nor become operative until the same shall have first been referred to the people at a regular or special election and received the affirmative vote of three-fifths of the electors

voting thereon. No such franchise ordinance shall be approved by the Commission for referral to the electorate before thirty (30) days after application thereof has been filed with the Commission, nor until a public hearing has been held thereon, nor until the grantee named therein has filed with the Clerk his unconditional acceptance of all terms of such franchise. No special election for such purpose shall be ordered by the Commission unless the expense of holding such election, as determined by the Commission, shall have first been paid to the Treasurer by the grantee.

A franchise ordinance which is subject to revocation at the will of the City may be enacted by the Commission without referral to the voters, but shall not be enacted nor become operative unless it shall have been complete in the form in which it is finally enacted and remain on file with the Clerk for public inspection for at least four (4) weeks before the final enactment thereof.

CONTROL AND REVOCATION OF FRANCHISES:

Section 14.3 The Commission shall cause to be instituted such actions or proceedings as may be necessary to prosecute a public utility company for violations of its franchise, the City Charter or ordinances of the City and may revoke, cancel or annul all franchises that may have been granted by the City which, for any reason, have become inoperative, illegal, or void and not binding upon the City.

CONDITIONS OF PUBLIC UTILITY FRANCHISES:

Section 14.4 All public utility franchises granted after the adoption of this Charter, whether it be so provided in the granting ordinance or not, shall be subject to the following rights of the City, provided, however, that this enumeration is not to be construed as being exclusive or as impairing the right of the Commission to insert in such franchise any provision as may be within the power of the City to impose or require:

- (a) To repeal the same for misuse, or non-use, or for failure to comply with the provisions thereof.
- (b) To require proper and adequate extension of plant and service and 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 require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof.

- (e) To impose such other regulations as may be determined by the Commission to be conducive to the safety, welfare and accommodation of the public.
- (f) To use, control and regulate the use of its streets, alleys, bridges and public places and the space above and beneath them.

REGULATION OF RATES:

Section 14.5 All public utility franchises shall make provision therein for fixing rates, fares and charges and for readjustments thereof at periodic intervals at the discretion 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 predicted upon the franchise, goodwill or prospective profits.

USE OF PUBLIC PLACES BY UTILITIES:

Section 14.6 Every public utility, whether it has a franchise or not, shall pay a reasonable compensation as determined by the Commission for the use of property located in streets, alleys and public places in the operation of a public utility and for such part of the cost of improvement or maintenance of streets, alleys, bridges and public places as shall arise from its use thereof and shall protect and save the City harmless from all damages arising from said use, as determined by the Commission. Every such public utility may be required by the City to permit joint use of its property and appurtenances located in the streets, alleys and other public places of the City, by the City, and by other utilities insofar as such joint use may be reasonably practicable and upon payment of reasonable rental thereof. In the absence of agreement and upon application by any public utility, the Commission shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefore, and the arbitration award shall be final.

CHAPTER 15

CEMETERY

POWER TO CREATE CEMETERY:

Section 15.1 The Commission is hereby authorized to create a Cemetery Board consisting of members appointed by the Mayor, in proportional numbers, to act with any other Municipality and shall have the power to authorize the payment out of funds of the City in accordance with the appropriations therefore, for the share of the City in operating said Cemetery or Cemeteries.

CHAPTER 16

MISCELLANEOUS

VESTED RIGHTS AND LIABILITIES:

Section 16.1 After the effective date of this Charter, the City shall be vested with all property, moneys, contracts, rights, credits, effects and the records, files, books and papers belonging to it under and by virtue of the previous charter. No right or liability, either in favor of or against the City, existing at a time this Charter becomes effective and no suit or prosecution of any charter, shall in any manner be affected by any change resulting from the adoption of this Charter, but the same shall stand or proceed as if no change had been made. All debts and liabilities of the City shall continue to be its debts and liabilities and all fines and penalties imposed at the time of such change shall be collected by the City.

WORKMEN'S COMPENSATION LAW:

Section 16.2 The City shall be subject to the provisions of the Workmen's Compensation Law, being Chapter No. 101 of the Compiled Laws of the State of Michigan of 1915, as the same now or hereafter may exist.

SUNDAYS AND HOLIDAYS:

Section 16.3 Whenever the day on which something is to be done, under the provision of this Charter, is a Sunday or holiday, such thing shall be done on the next succeeding day which is not a Sunday or a holiday.

DEFINITION OF "CONSTRUCT":

Section 16.4 Whenever the Commission, in this Charter, is given the power to construct, the term "construct" shall mean, not only "construction" by the City itself, buying material and labor and constructing under the supervision of some property City official or agent, but also "construction" by letting contracts, in the manner in this Charter provided, for the whole or different portions of the work to be done.

INSPECTION OF RECORDS AND BOOKS:

Section 16.5 All books, papers, records and accounts of any officer, elected or appointed, or of any office or department of the City, shall be the property of the City, and shall at all times be subject to audit, examination or inspection by any members of the Commission, or by any person employed or designated by the Commission for that purpose.

EMPLOYEE WELFARE BENEFITS:

Section 16.6 The Commission shall have the power to make available to the administrative officers and employees of the City and its departments and boards, a plan or plans of group life, hospital, health or accident insurance, and may appropriate funds therefore.

DEFINITION OF DEFAULTER:

Section 16.7 For the purpose of this Charter, a defaulter shall be anyone who has failed to complete any legal obligation owed to the City, and has failed to correct and/or satisfy such legal obligation for more than ninety (90) days following notification thereof by the City.

DEFINITION OF PUBLICATION; MAILING OF NOTICES:

Section 16.8 The requirement contained in this Charter for publishing or publication of notices, ordinances or proceedings shall, unless otherwise specifically provided herein, be as required by state statutes.

CHAPTER AND SECTION HEADINGS:

Section 16.9 The chapter, section and sub-section headings used in this Charter are for convenience only and shall not be construed as part of the substance of this Charter.

CONSTRUCTION:

Section 16.10 When the construction of this Charter so requires, the plural form shall be construed to include singular and vice versa; and the masculine form of nouns and pronouns shall be construed to include the feminine and vice versa.

OTHER INTERPRETATIONS:

Section 16.11 Except as otherwise specifically provided or indicated by the context of this Charter:

- (a) All words indicating the present tense shall not be limited to the time of the adoption of this Charter but shall extend to and include the time of the happening of any event or requirement for which provision is made herein.
- (b) The word "person" may extend and be applied to bodies politic and corporate and to partnerships as well as to individuals.
- (c) The words "printed" and "printing" shall include reproductions by printing, engraving, stencil duplicating, lithographing and any similar method.
- (d) Except in reference to signatures, the words "written" and "in writing" shall include printing and typewriting.

- (e) The word “statute” shall denote the Public Acts of the State of Michigan as they are in effect at the time the provision containing the word “statute” is to be applied.
- (f) The word “Constitution” shall denote the Constitution of the State of Michigan as it is in effect at the time the reference to such act is to be applied.
- (g) The words “law” or “general laws of the State” shall denote the Constitution and statutes of Michigan as herein defined and applicable common law.
- (h) All references to section numbers shall refer to section numbers of this Charter.
- (i) The word “plant” shall include all wiring, poles, pipes and all other assets appurtenant to the utility.

PENALTIES FOR VIOLATIONS OF CHARTER:

Section 16.12 Any officer of the City found guilty by a court of competent jurisdiction of any act declared by this Charter to constitute misconduct in office may be punished by a fine of not more than five hundred dollars (\$500) or imprisonment for not more than ninety (90) days or both in the discretion of the court.

AMENDMENTS:

Section 16.13 This Charter may be amended at any time in the manner provided by statute. Should two (2) or more amendments, adopted at the same election, have conflicting provisions, the provisions in the amendment receiving the highest number of affirmative votes shall govern.

CONTINUATION OF APPOINTED OFFICERS AND EMPLOYEES:

Section 16.14 All changes established by this Charter shall become effective immediately following the first regularly scheduled City election. Said changes shall include the continuation of appointed officers and employees.

SEVERABILITY OF CHARTER PROVISIONS:

Section 16.15 If any provision, section, article or clause of this Charter or the publication thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect any remaining portion or application of the Charter which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the court to be inoperable, and to this end, this Charter is declared to be severable.

CHAPTER 17

SCHEDULE

STATUS OF SCHEDULE CHAPTER:

Section 17.1 The purpose of this schedule chapter is to inaugurate the government of the City under this Charter and to accomplish the transition from the old to the new Charter, and it shall constitute a part of this Charter only to the extent and for the time required to accomplish this end.

ELECTION TO ADOPT THIS CHARTER:

Section 17.2 This Charter shall be submitted to a vote of the qualified electors of the City of Caspian at the election to be held on November 2, 1982. This election shall be conducted by the officers under the existing charter charged with the conduct and supervision of election and shall follow the election procedure and be canvassed in the manner provided in the existing city charter.

FORM OF BALLOT:

Section 17.3 The form of the ballot for the submission of this Charter shall be as follows:

INSTRUCTIONS: A cross (x) in the square before the word "Yes" is in favor of the proposed Charter, and a cross (x) in the square before the word "No" is against the proposed Charter.

Shall the proposed charter for the City of Caspian drafted by the Charter Commission elected on August 7, 1978 be adopted?

Yes

No

EFFECTIVE DAY OF THIS CHARTER:

Section 17.4 For all purposes not otherwise provided herein, this Charter shall take effect at 7:00 p.m. at the then prevailing local time on December 14, 1982.

FIRST OFFICERS UNDER THIS CHARTER:

Section 17.5 The terms of each of the members of the Commission with current term expirations as set forth opposite their names are as follows:

Melvin Masuga (or his successor) April 13, 1984

Edward Battye (or his successor) April 13, 1984

Joseph Shepich (or his successor) April 12, 1983

Leo Remondini (or his successor) April 12, 1983

John Archocosky, Jr. (or his successor) April 12, 1983

In order to provide for the transition from an April election date to a November election date, the following election scheduling provisions shall apply:

On April 4, 1983, three (3) Commissioners, whose current terms will expire on April 12, 1983, shall be elected for a term of one (1) year and eight (8) months and whose term will expire at the end of the regular meeting on the second (2nd) Tuesday of January, 1985. At the first meeting after April 4, 1983, the Commission will elect a Mayor and Mayor-Pro Tem for a term of one year, as provided in Section 3.3.

On April 2, 1984, two (2) Commissioners, whose current terms will expire on April 10, 1984, shall be elected for a term of one (1) year and eight (8) months and whose term will expire at the end of the regular meeting on the second (2nd) Tuesday of January, 1986. At the first meeting after April 2, 1984, the Commission will elect a Mayor and a Mayor-Pro Tem for a term of eight (8) months, as provided in Section 3.3.

On the first (1st) Tuesday after the first (1st) Monday of November, 1984, three (3) Commissioners shall be elected for a term of two (2) years whose term will expire at the end of the regular meeting on the second (2nd) Tuesday of January, 1987. At the first meeting after said election, the Commission will elect a Mayor and Mayor-Pro Tem according to the provisions of Section 3.3 hereof.

On the first (1st) Tuesday after the first (1st) Monday of November, 1985, two (2) Commissioners shall be elected for a term of two (2) years whose term will expire at the end of the regular meeting on the second (2nd) Tuesday of January, 1988. At the first meeting after said election, the Commission will elect a Mayor and Mayor-Pro Tem according to the provisions of Section 3.3 hereof.

Thereafter, their respective successor, elected in accordance with Section 2.8, shall assume and hold office to which they have been elected or appointed in accordance with the provisions of this Charter.

The Commissioners of the City of Caspian who held such offices at the time this Charter became law as the Charter of the City, shall constitute and Commission of the City of Caspian subject to the provisions of this Charter, until term expiration as set forth herein, when their successors in office will have assumed the duties of such office as provided in this Charter.

CONTINUATION OF APPOINTED OFFICERS AND EMPLOYEES:

Section 17.6 Except as otherwise provided herein, after the effective date of this Charter, all appointive officers and all employees of the City shall continue in that city office or employment which corresponds to the city office or employment which they held prior to the effective date of the Charter as though they had been appointed or employed in the manner

provided in this Charter and they shall in all respects be subject to the provisions of this Charter; except that any officer or employee who holds a position which this Charter provides be held at the pleasure of the appointing officer or body shall hold such position only at such pleasure regardless of the term for which originally appointed.

CITY OF CASPIAN, MICHIGAN

RESOLUTION

The following resolution was adopted at a Special Meeting of the City Commission of the City of Caspian, Michigan, held on September 16, 1982:

WHEREAS the City of Caspian Charter Commission has requested that certain changes in the City's Charter be proposed to the residents of the City of Caspian at the regular election scheduled for November 2, 1982;

WHEREAS, in order to pose the question to the electors of the City of Caspian, it is necessary for the City Commission to pass a resolution related thereto;

NOW, THEREFORE, BE IT RESOLVED that the following question shall appear on the Ballot of the City of Caspian, Michigan for the election scheduled for November 2, 1982:

INSTRUCTIONS: A cross (x) in the square before the word "Yes" is in favor of the proposed Charter, and a cross (x) in the square before the word "No" is against the proposed Charter.

Shall the proposed charter for the City of Caspian drafted by the Charter Commission elected on August 7, 1978 be adopted?

Yes

No

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a Resolution duly adopted by the City Commission of the City of Caspian, Iron County, Michigan, at a Special Meeting held on September 16, 1982, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that the following Members were present:

JOHN ARCHOCOSKY, JR.
JOSEPH SHEPICH
MELVIN MASUGA
LEO REMONDINI
EDWARD BATTYE

and that the following Members were absent: None

I further certify that the following Members voted for adoption of said Resolution: All Members present voted for adoption. No Members voted against the adoption of said Resolution.

Joseph Shepich, Mayor

State of Michigan
Terri Lynn Land, Secretary of State
DEPARTMENT OF STATE
Lansing

December 1, 2009

Law Office of Steve Polich & Dennis Tousignant
Dennis Tousignant, Attorney
U.S. 2 & 3rd Ave.
P.O. Box 522
Iron River, MI 49935-0522

Dear Mr. Tousignant:

On behalf of Secretary of State Terri Lynn Land, this letter will acknowledge receipt and filing on November 18, 2009, with the Office of the Great Seal, Michigan Department of State, of Charter Amendments approved by the electorate of the City of Caspian on November 3, 2009.

Sincerely,

Office of the Great Seal