

CHAPTER 11

Miscellaneous Provisions

SECTION 11.1 SUPERVISORS:

The Mayor shall constitute one of the Supervisors of the City to represent the City on the Board of Supervisors for the County of Oakland. Any additional representatives on said board of Supervisors to which the City may be entitled shall be appointed by the Council at its first regular meeting following each regular City Election and shall hold office for a term of two (2) years. The Supervisors of the City shall perform the duties required to be performed by Supervisors under the general laws of the State, except as otherwise provided in this Charter. Each Supervisor shall, in the performance of his duties, to the best of his ability, represent the City, its inhabitants, and its government as a whole. All Supervisors of the City shall be entitled to retain any compensation and mileage paid to them by the County as members of the Board of Supervisors of the County of Oakland.

SECTION 11.2 OATH OF OFFICE:

Every person elected or appointed to any City office before entering upon the duties of his office, shall take and subscribe to an oath of office as provided by the State Constitution and by general law, which shall be filed and kept in the office of the City Clerk.

SECTION 11.3 NOTICE OF ELECTION OR APPOINTMENT:

Written notice of election or appointment of any City officer shall be mailed to him at his address in the City by the City Clerk within five (5) days after the appointment is made or the vote canvassed. If within ten (10) days from the date of the notice, such officer shall not take, subscribe to and file with the City Clerk, an oath of office, such neglect shall be deemed a refusal to serve and the office shall thereupon be deemed vacant, unless the Council shall, within said period of ten (10) days, extend the time in which such officer may qualify.

SECTION 11.4 RESTRICTIONS:

The City shall not make any contract with, or give any official position to anyone who is in default to the City.

SECTION 11.5 VACANCY DEFINED:

In addition to other provisions of this Charter, a vacancy shall be deemed to exist in any office when an officer dies, resigns, is removed from office, moves his legal residence from the City, is convicted of a felony or infamous crime, or judicially declared to be mentally incompetent.

SECTION 11.6 IMPROPER CONTRACT OR USE OF CITY PROPERTY:

No elective or appointive officer shall take any official action on any contract or other matter in which he has any financial interest other than the common public interest. No officer or employee shall devote any City property or lands to a private use. Any officer or employee violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall forfeit his office or position.

SECTION 11.7 MISDEMEANORS UNDER CHARTER:

All offenses in this Charter declared to be misdemeanors and all violations of City Ordinances shall be punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a period not exceeding ninety (90) days, or both, in the discretion of the Court.

SECTION 11.8 NOTICE OF PUBLICATION:

Notices of proceedings requiring publication shall, unless otherwise provided by this Charter, be published at least once in the official newspaper. The Council shall annually designate the official newspaper. If, at any time, the newspapers which have been designated cease regular publication or are not giving satisfactory service, the Council shall order the publication of such notices, proceedings, ordinances or other records, as are required to be published, in some other newspaper printed and published in the City in the English language, or if there be none, then in some other newspapers printed in the English language and circulated in the City; provided, however, that the City shall not be without official newspapers more than thirty (30) days. Where no paper is available, in lieu of publication in the official newspaper, the Council in any particular instance may order such notice of proceedings printed and posted in at least ten (10) public places in the City, including not less than one (1) place in each precinct.

SECTION 11.9 MEANING OF STATE AND CITY:

Wherever used in this Charter, the word "State" shall mean "State of Michigan", and the word "City" shall mean the "City of Southfield".

SECTION 11.10 UNIFORM ACCOUNTING:

The accounting system of the City shall conform to any uniform system of accounting that may be provided by State law.

SECTION 11.11 PUBLIC RECORDS:

All records of the municipality shall be public.

SECTION 11.12 PRIOR TOWNSHIP ORDINANCES AND REGULATIONS:

All ordinances, resolutions, rules and regulations of the Township of Southfield which are not inconsistent with the provisions of this Charter, in force and effect at the time of the adoption of this Charter, shall continue in full force as ordinances, resolutions, rules, and regulations of the City until repealed or amended by action of the proper authorities.

SECTION 11.13 EFFECT OF ILLEGALITY OF ANY PART OF CHARTER:

Should any provision or section, or portion thereof, of this Charter be held by a Court of competent jurisdiction to be invalid, illegal, or unconstitutional, such holding shall not be construed as affecting the validity of this Charter as a whole or of any remaining portion of such provision or section; it being hereby declared to be the intent of the Charter Commission and of the electors who voted thereon that such unconstitutionality or illegality shall not affect the validity of any other

part of this Charter except that specifically affected by such holding.

SECTION 11.14 TENSE:

Except as otherwise specifically provided or indicated by the context, all words used in this Charter indicating the present tense shall not be limited to the time of the adoption of this Charter, but shall extend to and include the time of the happening of any event or requirement for which provision is made therein, either as a power, immunity, requirement, or prohibition.

SECTION 11.15 CORPORATE SEAL:

The City Council shall provide a corporate seal for the City of Southfield.

SECTION 11.16 HEADINGS:

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

SECTION 11.17 OFFICE QUARTERS; CLERICAL HELP AND SUPPLIES:

The Council shall provide such adequate quarters, supplies, equipment and clerical services as it may determine to be reasonably necessary to the efficient operation and administration of all City offices, services, departments, boards and commissions.

SECTION 11.18 AMENDMENTS:

This Charter may be amended at any time in the manner provided in Act 278 of the Public Acts of 1909, as amended. Should two (2) or more amendments, adopted at the same election, have conflicting provisions, the one receiving the largest affirmative vote shall prevail as to those provisions.

SECTION 11.19 NEPOTISM:

Except and unless relatives by blood or marriage of the Mayor, City Clerk, Treasurer, any Councilman, or the City Administrator, with the second degree of consanguinity or affinity, are bona fide appointive officers or employees of the City at the time of the election of such officers or appointment of such City Administrator, such relatives shall be disqualified from holding any appointive office or from being employed by the City, during the tenure of office of such Mayor, Clerk, Treasurer, Councilman or City Administrator.

CHAPTER 12

Schedule

SECTION 12.1 ELECTION ON ADOPTION OF CHARTER:

(a) Date: This Charter shall be submitted to a vote of the qualified and registered electors of the City of Southfield, Oakland County, Michigan, at a special election held on Monday, December 3, 1956. At the said special election the elective officers provided for in this Charter shall also be elected, in the manner as herein-after provided. This Charter shall be adopted as the Charter for the City of Southfield if a majority of the ballots cast thereon are in favor of the adoption thereof.

(b) Form of Ballot: The form of ballot for the submission of this Charter shall be as follows:

OFFICIAL BALLOT

Special election held in the City of Southfield, Oakland County, Michigan on the 3rd day of December, 1956, upon the Charter thereof, and for elective City officers thereunder.

(Instructions: Place a cross X in the square before the word "Yes" if in favor of the proposed Charter.

Place a cross X in the square before the word "No" if against the proposed Charter.)

Shall the proposed Charter for the City of Southfield, Oakland County, Michigan, drafted by the Charter Commission elected on the 16th day of April 1956, be adopted?

Yes

No

(c) Election Commission: The Charter Commission of the City of Southfield shall be the Election Commission for this special election. The Chairman of the Charter Commission shall be the Chairman of the Election Commission, and the Secretary of the Charter Commission shall be the Secretary of the Election Commission, and shall perform such duties in connection with the work of the Election Commission as are prescribed by the said Commission and this Charter.

(d) Inspectors of Election: The Inspectors of Election for this special election shall be those persons designated by the Election Commission at its meeting at which the proposed Charter is adopted by the Charter Commission.

(e) Board of Canvassers: The Board of Canvassers for this special election shall be the members of the Charter Commission. The Chairman of the Charter Commission shall be the Chairman of the Board of Canvassers and the Secretary of the Charter Commission shall be the Secretary of the Board of Canvassers. The Board of Canvassers shall meet at the Township Hall, 26080 Berg Road, Southfield Township, Oakland County, Michigan, at 8:00 o'clock, P.M., Eastern Standard Time, on the Thursday following this special election, and such Board shall thereupon canvass the results of said election and certify the same.

(f) Registration: The Secretary of the Charter Commission shall be in charge of the registration of electors of the City of Southfield, Oakland County, Michigan, in accordance with the statute in such case made and provided all residents of the territory embraced within the territorial limits of the City of Southfield, who have the qualifications of electors and who have not previously registered to vote in the City of Southfield (blue card), thereof, shall be required to register in order to vote at this special election. The Secretary shall have the power and authority to select and appoint such assistants as may be required to perform the registration of the electors. Registration shall be held in each voting precinct at the polling place on such days and between such hours as the Secretary of the Charter Commission shall designate.

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nate prior to the last day for receiving registrations, which date is the 5th day of November 1956, and on which latter date, registration shall be made at the Township Hall between the hours of 8:00 o'clock A.M. and 8:00 o'clock P.M., Eastern Standard Time. All registration records shall be delivered to the City Clerk of Southfield Township after the holding of this special election.

(g) Notice of Registration: The Secretary of the Election Commission shall give notice for the Board of Registration of the days, hours, and places that the registration of electors will be conducted by publishing the same in The Birmingham Eccentric, The Four Corners Press and the Southfield Sun, newspapers, on the 25th day of October, 1956 and the 1st day of November, 1956, said newspapers being of general circulation in the City of Southfield, the first of said publications to be not less than ten (10) days prior to the last day for receiving registrations, and by posting copies thereof in at least two of the most conspicuous places in each voting precinct.

(h) Notice of Election: The Secretary of the Election Commission shall cause to be published, with the publication of this Charter, in The Birmingham Eccentric, a newspaper of general circulation in the City of Southfield, on the 21st day of November, 1956 and the 29th day of November, 1956, a notice of this election and location of the polling places, that on the date fixed therefor the question of adopting such proposed Charter will be voted on, and that the elective officers provided for in this Charter will be elected on the same date. Copies of such notice shall be posted in at least two of the most conspicuous places in each voting precinct within the City of Southfield, not less than ten (10) days prior to such election.

(i) Voting Precincts: The voting precincts and the polling places for this election shall conform as near as may be to the polling places and voting precincts now established in the Township of Southfield.

(j) Procedure Governing Election: In all respects not otherwise provided for in Chapter 3 of this Charter, the Election procedure shall be in accordance with the provisions of the other chapters of this Charter.

SECTION 12.2 FIRST ELECTION OF CITY OFFICERS:

(a) Election: The first election of city officers provided for in this Charter shall be held on Monday, the 3rd day of December, 1956, in conjunction with the election on the adoption of the Charter. At such election the voters shall be entitled to vote for not more than one (1) candidate for Mayor; one (1) candidate for Councilman at large; one (1) candidate for Councilman from the elector's respective Ward; one (1) candidate for Clerk; one (1) candidate for Treasurer; one (1) candidate for Justice of the Peace and two (2) for constable.

(b) Terms of Elective Officers: The candidates elected shall hold office until their successor is elected and qualified as provided for in this Charter.

(c) Nomination of Candidates for Elective Offices: Candidates for the elective offices to be voted upon at this special election shall be nominated by petition in form, manner and substance as provided for in Sections 3.6, 3.7, and 3.8 of this Charter, except that the petition shall be filed with the Secretary of the Election Commission, or such other person designated by him, who shall perform all duties in connection with such nomination petitions as are required of the City Clerk by this Charter, and the nomination petitions shall be filed not later than the 5th day of November 1956, at 4:00 o'clock P.M., Eastern Standard Time, with the Secretary of the Election Commission, who shall make available a supply of official petition forms, as required in Chapter 3 of this Charter, which petitions shall be made available for distribution on the 5th day of October, 1956. The Secretary of the Election Commission shall publish in the three above mentioned newspapers, a notice of the days permitted for filing nomination petitions, the number of signatures required and the number of persons to be elected to each office to be voted upon at said special election; other provisions of this Charter notwithstanding, the names of those candidates who shall file valid, proper, and sufficient nominating petitions, and have the qualifications required for the respective office, and who have filed the statement of candidacy heretofore required in this Charter, shall be certified to the Election Commission to be placed upon the official ballot for such election.

(d) Residential Requirements: The residential requirements for elective city officials shall be deemed to have been satisfied if the officer shall have been a resident of the portion of the Township of Southfield incorporated within the territorial limits of the City of Southfield.

(e) Modification of Form of Nomination Petition and Statement of Candidacy: The form of the nomination petition and statement of candidacy, and the attendant matters in connection therewith, shall be modified so as to comply with the requirements of this Charter.

(f) Other Election Procedure: In all other respects not otherwise provided for in this section, the procedure for the election of officers shall be in accordance with the provisions of this Charter.

SECTION 12.3 EFFECTIVE DATE OF CHARTER:

For the purpose of initiating the procedure for the election on the adoption of this Charter, and for nominating and electing the first elective city officers, the Charter shall take effect on the 26th day of April, 1956. For all other purposes, this Charter shall take effect on the 10th day of December, 1956, at 8:00 P.M., Eastern Standard Time, at which time the officers first elected under the provisions of the Charter shall assemble in the Township Hall at 26080 Berg Road, Southfield Township, Michigan, for the inaugural ceremonies. The meeting shall be called to order by the Chairman of the Charter Commission, and each elective