

be entitled to as a police officer. All fees, except mileage allowance, received by such officer in the performance of the duties imposed upon him in accordance with the provisions of this Charter shall be paid into the City Treasury.

#### SECTION 7.13 JURY TRIALS:

Each period of three (3) months throughout the year, beginning on the first day of February, May, August and November respectively, is hereby designated and established as a term for trial of jury cases and during each such term such cases may be set for trial upon one or more certain days of each month, or as soon thereafter as such trial can be reached. A panel of jurors shall be drawn from the citizens of the City having the qualifications of electors of the City for each panel, to serve at each term of such Court. Such selection of jurors to serve in each case shall be made, as nearly as may be, in the same manner as provided by law in Circuit Courts, but the trial of such cause by jury shall be otherwise conducted as provided by law for trials by jury before Justices of the Peace in Townships, except that it shall be the duty of the Justice of the Peace to instruct the jury as to the law applicable in the case, which instructions shall be received by the jury as the law in the case. As soon as all jury cases set for any term, and ready for trial, shall have been disposed of, the panel of jurors, called for said term, shall be discharged; provided, however, that when there is no jury in attendance in the Court, the Justice of the Peace, in order to avoid hardship from delay may in his discretion, order a jury impaneled in accordance with the method provided by law to secure a jury in trials before Justices of the Peace in Townships. The Council may, in its discretion, pass an ordinance embodying the provisions of Act No. 288 of the Public Acts of 1929 governing the selection of jurors from among the qualified electors of the City and for the conduct of trials by jury, insofar as such act provides therefor. In the event that the Council shall pass such ordinance, the provisions thereof shall prevail over the provisions of this section insofar as they may be inconsistent therewith; provided, however, that the foregoing provisions of this section shall not become effective until such time as a Justice of the Peace is placed on a salary.

#### SECTION 7.14 RULES OF COURT:

The Justice of the Peace shall have power and authority to make all necessary and proper rules for the regulation and conduct of the Justice Court, which rules shall not be inconsistent with the provisions of this Charter and the general laws of the State.

#### SECTION 7.15 VACANCIES:

If, for any cause, a vacancy shall occur in the office of the Justice of the Peace, the Council shall, except in case of recall, select a qualified and suitable person to serve in such office until the successor of the Justice of the Peace, whose office has become vacant, shall be elected at the next City election and shall have qualified and assumed his office. Any person elected to fill a vacancy in the office of Justice of the Peace shall assume office on the Fourth day of July, following his election and shall hold office under such election only for the residue of the term in which such vacancy occurs.

#### SECTION 7.16 CONSTABLES:

The constables elected, as provided in this Charter, shall each have like powers and authorities in matters of civil and criminal nature and in relationship to the service of process, civil and criminal, as are conferred by law on constables in Townships. Each constable shall have power also to serve all processes issued for breaches of ordinances of the City. The only compensation of the constable shall be the statutory fees of that office, and an accounting of such fees collected in this City shall be made to the City in a manner prescribed by State law or in any rules which may be established for the regulation and conduct of the Justice Court. The bond of each constable shall be a corporate surety bond in the amount required of constables in Townships, the cost of such bond to be paid by the City.

### CHAPTER 8

#### Budget Procedure and General Finance

##### SECTION 8.1 FISCAL YEAR:

The fiscal year of the City shall begin on the first day of July of each year.

##### SECTION 8.2 BUDGET PROCEDURE:

On or before the first of February of each year, each City officer and department head shall submit to the City Administrator a proposed budget for the next fiscal year. The City Administrator shall assemble the budgets so submitted and present them, with his budget proposal, to the Council at its second regular meeting in April.

##### SECTION 8.3 BUDGET STATEMENT OF CITY ADMINISTRATOR:

The City Administrator shall submit to the Council, with each budget proposal, a budget statement, which shall explain the budget proposal and shall contain an outline and explanation of the proposed financial policies of the City relating to its current and future operations.

##### SECTION 8.4 BUDGET PROPOSAL:

The budget proposal shall present a complete financial plan for the next fiscal year. It shall include such information and supporting schedules as the City Administrator or the Council may deem necessary.

##### SECTION 8.5 BUDGET PROPOSAL; A PUBLIC RECORD:

Each budget proposal, together with all supporting schedules and the City Administrator's budget statement, shall be a matter of public record. A public hearing at such time and place as the Council shall direct, shall be held on the budget proposal each year, and notice of such public hearing shall be published at least one week in advance by the City Clerk in at least two locally distributed newspapers. A copy thereof shall be available for public inspection in the office of the Clerk at all reasonable times.

##### SECTION 8.6 ADOPTION OF BUDGET:

Not later than its second meeting in May, the Council shall, by resolution concurred in by at least five (5) members, adopt the budget for the next fiscal year. The Council shall, in such resolution, make an appropriation of the money needed for municipal purposes during the next fiscal year and determine the amount necessary to be raised by taxes upon real and personal property for such purposes.

##### SECTION 8.7 CITY TAX LIMIT:

(a) The aggregate amount which the City may raise by general tax upon real and personal property for general City operations shall not, in any one year, exceed  $\frac{1}{2}$  of 1% (five (5) mills) of the assessed value of all the taxable real and personal property in the City, except as otherwise permitted by law or by this Charter.

(b) The tax limitation herein fixed shall be subject to the provisions of law relative to the assessment and levy of taxes for the payment of principal and interest for bonds or other evidences of indebtedness issued by the City.

##### SECTION 8.8 EFFECTS OF ADOPTION OF BUDGET:

(a) Upon the adoption of any budget, the several amounts stated therein as proposed expenditures shall be appropriated to the respective objects and purposes named therein.

(b) A copy of the budget so adopted, certified by the Clerk, shall be filed in the office of the Clerk. A copy of the budget as adopted, or of appropriate portions thereof, shall be furnished by the Clerk to the head of each administrative unit and upon request, shall be furnished at cost to interested citizens and civic organizations.

##### SECTION 8.9 TRANSFER OF APPROPRIATIONS:

After the budget has been adopted, no money shall be drawn from the treasury nor shall any obligation for the expenditure of money be incurred for payment during the fiscal year to which the budget applies, except pursuant to an appropriation therefor. The Council may, however, transfer any unencumbered operating appropriation balance, or any portion, from one operating fund or account to another, upon the concurring vote of not less than five members of the Council. The disposition of any unencumbered balance remaining in any budget appropriations at the end of the fiscal year shall be determined by the Council.

##### SECTION 8.10 BUDGET CONTROL:

If, when the City Administrator submits to the Council data showing the financial position of the City, it appears that the income of the City is less than anticipated, the Council may, except as to amounts required for debt and interest charges, revise or amend the budget as may be necessary to keep expenditures within the income of the City, after the public hearing thereon which shall be held and notice thereof given as required by this Charter before the adoption of the budget.

##### SECTION 8.11 CONTRACTUAL CLAIMS AGAINST CITY:

(a) All contractual claims against the City shall be filed with the Clerk.

(b) The Clerk shall verify the correctness of each claim and, subject to further procedure established by the Council for auditing and approving claims, he shall approve for payment each claim so verified, if a sufficient appropriation is available for the purpose, and shall draw and sign a check or warrant therefor. A certificate of his approval shall be filed with the Treasurer before he countersigns a check on the funds of the City therefor. Any officer who signs or countersigns a check on any funds of the City, except as herein provided, shall be deemed guilty of a violation of this Charter.

##### SECTION 8.12 NOTICE TO CITY OF CLAIM FOR INJURIES:

The City shall not be liable in damages for injury to persons or property by reason of negligence of the City, its officers, or employees, or by reason of any defective highway, public work, public service improvement or facility of the City's, or by reason of any obstruction, ice, snow, or other encumbrance thereon, unless, within sixty (60) days after such injury occurred, the person damaged or his representative causes to be served upon the Clerk a written notice, stating that such person intends to hold the City liable for such damages. Such notice shall set forth substantially the time and place of injury, the manner in which it occurred, the nature of the act or defect complained of, the extent of the injury so far as known, and the names and addresses of witnesses known to the claimant. No person shall bring action against the City for damages to person or property arising out of any of the reasons or circumstances aforesaid, unless he has first presented to the Clerk a claim in writing and under oath, setting forth specifically the nature and extent of the injury and the amount of damages claimed. Such claim shall be presented to the Council for action. It shall be a sufficient bar to any action upon any such claim that the notice of injury and the verified proof of claim required by this section were not filed within the time and in the manner herein provided.

##### SECTION 8.13 WITHDRAWAL OF CITY FUNDS:

All funds of the City drawn from the treasury shall be drawn pursuant to an appropriation by the Council and by checks signed by the Clerk and countersigned by the Treasurer. Each check shall specify the funds or fund from which it is payable.

##### SECTION 8.14 INDEPENDENT AUDIT:

An independent audit shall be made of all accounts of the City at least annually, and more frequently if the Council deems it necessary. The annual audit shall be made by certified public accountants employed by the Council and shall be completed within ninety (90) days following the close of the fiscal year. The audit shall be made public in such manner as the Council may determine.

##### SECTION 8.15 FUNDS FOR PUBLIC IMPROVEMENT:

(a) The City may establish and maintain a fund or funds for the purpose of accumulating moneys to be used for making, acquiring, extending, altering, or repairing authorized public improvements. Moneys so accumulated may be transferred, encumbered, or otherwise disposed of only for the purpose for which they were accumulated, unless another purpose is approved by a resolution concurred in by at least six members of the Council, after public hearing. No such moneys shall be so transferred, encumbered, or otherwise disposed of, except for the purpose of making, acquiring, extending, altering, or repairing public improvements.

(b) Whenever property is acquired for any public improvement, the cost of the property, and of the proceedings required to acquire it, may be added to the cost of the improvement.

##### SECTION 8.16 MUNICIPAL BORROWING:

(a) The Council, subject to the applicable provisions of law and this Charter, may, by proper ordinance or resolution, 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 therefor, and may pledge the full faith, credit, and resources of the City for the payment of the obligation created thereby.

(b) The Council, subject to the applicable provisions of law and this Charter, may authorize the borrowing of 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 the issuing of bonds therefor. Such special assessment bonds shall be an obligation of the special assessment district or districts. All collections on each special assessment roll or combination of rolls, to the extent that the same are pledged for the payment of the principal of and interest on bonds issued in anticipation of the payment thereof, shall be set apart in a separate fund for the payment of such principal and interest and shall be used for no other purpose.

(c) The Council may, subject to law and the State Constitution, authorize the issuance and sale of mortgage bonds for the purpose of acquiring, owning, purchasing, constructing, or operating any public utility beyond the general limit of bonded indebtedness prescribed by law: Provided, that such mortgage bonds, issued beyond the general limit of bonded indebtedness prescribed by law, shall not impose any liability on the City but shall be secured only upon the property and revenues of such public utility, including a franchise, stating the terms upon which, in case of foreclosure, the purchaser may operate the public utility, which franchise shall in no case extend for a longer period than twenty (20) years from the date of sale of such public utility and franchise on foreclosure. In the event of the issuance of such bonds, there shall be created, in such cases as may be required by law, a sinking fund by setting aside such percentage of the gross or net earnings of the public utility as may be deemed sufficient for the payment of the mortgage bonds at maturity.

(d) In case of fire, flood, or other calamity, the Council may, subject to law, authorize the issuance of emergency bonds which shall be general obligations of the City for the relief of the inhabitants of the City and for the preservation of municipal property.

(e) No bonds shall be sold to obtain 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 be null and void.

(f) Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which the same is issued and no officer of the City shall use the proceeds thereof for any other purpose, except as hereinafter provided.

(g) Whenever the proceeds of any bond issue, or any part thereof, shall remain unexpended and unencumbered for the purpose for which said bond issue was made, the Council may, by the affirmative vote of the majority of the members elect, authorize the use of such unexpended and unencumbered funds in any manner permitted by law or for the retirement of such bond issue, or if such bond issue shall have been fully retired or if any of such funds remain after such retirement, then for the retirement of other bonds or obligations of the City.

(h) 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.

(i) A complete and detailed record of all bonds and other evidences of indebtedness issued by the City shall be kept by the Treasurer. Upon the payment of any bond or other evidence of indebtedness, the same shall be marked "Cancelled".

(j) A violation of any of the provisions of this section shall constitute a violation of this Charter.

### CHAPTER 9

#### Taxation

##### SECTION 9.1 POWER TO TAX:

In order to carry out its purposes, powers, and duties, the City may assess, levy, and collect ad valorem taxes upon real and personal property.

##### SECTION 9.2 SUBJECTS OF TAXATION:

The subjects of ad valorem taxation for municipal purposes shall be the same as for state, county, and school purposes under the general law.

##### SECTION 9.3 TAX PROCEDURE:

Except as otherwise provided by this Charter, city taxes shall be levied, collected, and returned in the manner provided by law. In the event of failure of any tax through defective procedure of any assessment, collection, or sale, the Council may provide for its re-assessment, upon the property chargeable therewith in the first instance.