



CHARTER

OF THE

CITY OF TROY

INCORPORATED JUNE 13, 1955

Amended: November 3, 2009

PREAMBLE

We, the people of the City of Troy, County of Oakland, State of Michigan, pursuant to the authority granted in the Constitution and Public Act 279 of 1909 of the State of Michigan, as amended, do hereby ordain and establish this Home Rule Charter for the City of Troy.



CITY CHARTER

INCORPORATED: JUNE 13, 1955

Amended: November 3, 2009

500 West Big Beaver, Troy, Michigan 48084
(248) 524-3300

CHAPTER 1 – NAME AND BOUNDARIES **1**

Section 1.1 - Name:	1
Section 1.2 - Description of Territory:	1
Section 1.3 - Wards:	1

CHAPTER 2 – MUNICIPAL POWERS **2**

Section 2.1 - General Powers:	2
Section 2.2 - Further Definition of Powers:	2

CHAPTER 3 – ORGANIZATION OF GOVERNMENT **5**

Section 3.1 - City Council:.....	5
Section 3.2 - Powers of City Council:.....	5
Section 3.3 - Election of Councilmen:	5
Section 3.4- Elective Officers and Terms of Office:	5
Section 3.4.1- Elective Officers Term Limitations:	5
Section 3.4.2- Staggering Terms of Office:.....	5
Section 3.5 - Qualifications of Councilmen:	6
Section 3.6 - Compensation of Councilmen:	6
Section 3.7 - Election of Mayor Protem:	6
Section 3.8 - Duties of Mayor:.....	6
Section 3.8.5.....	6
Section 3.9 - Administrative Officers:.....	6
Section 3.10 - City Manager; Appointment and Qualification:	7
Section 3.11 - City Manager: Functions and Duties:.....	7
Section 3.12 - Acting City Manager:	8
Section 3.13 - Relationship of Council to Administrative Service:.....	8
Section 3.14 - Clerk: Functions and Duties:.....	8
Section 3.15 - Treasurer: Functions and Duties:	8
Section 3.16 - Assessor: Functions and Duties:	9
Section 3.17 - Attorney: Functions and Duties:.....	9
Section 3.18 - Deputy Administrative Officers:	9
Section 3.19 - Planning and Zoning:.....	9
Section 3.20 - Independent Board and Commissions:.....	10

CHAPTER 4 – THE COUNCIL PROCEDURE AND MISCELLANEOUS POWERS AND DUTIES

11

Section 4.1 - Regular Meetings:..... 11
Section 4.2 - Special Meetings: 11
Section 4.3 - Business at Special Meetings: 11
Section 4.4 - Meetings to be Public: 11
Section 4.5 - Quorum: Adjournment of Meeting:..... 11
Section 4.6 - Compulsory Attendance and Conduct at Meetings: 11
Section 4.7 - Organization and Rules of the Council: 11
Section 4.8 - Investigations:..... 12
Section 4.9 - Providing for Public Health and Safety: 12

CHAPTER 5 - LEGISLATION

13

Section 5.1 - Interim Legislation:..... 13
Section 5.2 - Ordinances and Resolutions:..... 13
Section 5.3 - Enactment, Amendment, Repeal and Effective Date of Ordinances: . 13
Section 5.4 - Publication and Recording of Ordinances: 14
Section 5.5 - Penalties for Violations of Ordinances:..... 14
Section 5.6 - Special Requirements for Certain Council Actions: 14
Section 5.7 - Enactment of Codes by Reference:..... 14
Section 5.8 - Severability of Ordinances:..... 15
Section 5.9 - Codification of Ordinances: 15
Section 5.10 - Initiative and Referendum:..... 15
Section 5.11 - Initiatory and Referendary Petitions:..... 15
Section 5.12 - Council Procedure on Initiatory and Referendary Petitions: 15
Section 5.13 - Submission of Initiatory and Referendary Ordinances to Electors:... 16
Section 5.14 - Ordinance Suspended: Miscellaneous Provisions on Initiatory and Referendary Petitions: 16
Section 5.15 - Evidence:..... 16
Section 5.16 - Anti-Nepotism: 16

CHAPTER 6 - GENERAL PROVISIONS REGARDING OFFICERS AND PERSONNEL OF THE CITY

18

Section 6.1 - Eligibility for office and employment: 18
Section 6.2 - Vacancies in Elective Office: 18
Section 6.2.1 - Irrevocable Letter of Resignation:..... 19
Section 6.3 - Vacancies in Boards and Commissions: 19
Section 6.4 - Removals from Office: 19
Section 6.5 - Resignations:..... 20
Section 6.6 - Filling Vacancies in Appointive Offices: 20
Section 6.7 - Filling Vacancies in Elective Office: 20
Section 6.8 - Change in Term of Office or Compensation: 20
Section 6.9 - Oath of Office and Bond: 20
Section 6.10 - Surety Bonds: 20
Section 6.11 - Delivery of Office: 21
Section 6.12 - Pecuniary Interest Prohibited:..... 21
Section 6.13 - Compensation of Employees and Officers: 22
Section 6.14 - Employee Welfare Benefits: 23

Section 7.1 - Qualifications of Electors: 24

Section 7.2 - Election Procedure: 24

Section 7.3 - Election Date: 24

Section 7.4 - City Primaries 24

Section 7.5 – Elective Officers and Terms of Office 24

Section 7.6- Special Election: 24

Section 7.7 - Notice of Elections:..... 24

Section 7.8 - Voting Hours: 24

Section 7.9- Nominations:..... 24

Section 7.9.5- Submission of Council Initiated Advisory Ballot Questions to
Electors: 25

Section 7.10- Form of Petitions: 25

Section 7.11 - Approval of Petition: 25

Section 7.12 - Public Inspection of Petitions:..... 25

Section 7.13 - Election Commission: 25

Section 7.14 - Form of Ballot: 25

Section 7.15 - Tie Vote: 26

Section 7.16 - Recount: 26

Section 7.17 - Recall:..... 26

CHAPTER 8 - GENERAL FINANCE

Section 8.1 - Fiscal Year:..... 27

Section 8.2 - Presentation of Proposed Budget:..... 27

Section 8.3 - Public Hearing; Notice: 27

Section 8.4 - Effect of Adoption of Budget:..... 27

Section 8.5 - Transfer of Appropriations: 28

Section 8.6 - Quarterly Reports: 28

Section 8.7 - Books of Account:..... 28

Section 8.8 - Accounting; Deposit and Withdrawal of Funds: 28

Section 8.9 - Payment of Funds: 28

Section 8.10 - Receipt of Taxes:..... 28

Section 8.11 - Separation of Funds: 28

Section 8.12 - Annual Auditing: 28

CHAPTER 9 - TAXATION

A. ASSESSMENT 29

Section 9.1 - Power to Tax:..... 29

Section 9.2 - Subjects of Taxation: 29

Section 9.3 - Determination of Taxable Status; Tax day:..... 29

Section 9.4 - Exemptions: 29

Section 9.5 - Assessing Officer:..... 29

Section 9.6 - Tax Procedure: 29

Section 9.7 - Assessment: 29

Section 9.8 - Notice of Change of Assessment by Assessor:..... 30

Section 9.9 - Review of Assessments:..... 30

Section 9.10 - Notice of Review of Assessments: 30

Section 9.11 - Board of Review: 30

Section 9.12 - Notice of Assessment Changes by Board of Review:.....	30
Section 9.13 - Confirmation of Assessment Roll; Time:.....	31
Section 9.14 - Records of Board of Review:	31
Section 9.15 - Use of Assessment Roll:.....	31
B. TAX LEVY	31
Section 9.16 - Tax Levy; Limitations:	31
Section 9.16.5 - Millage Rate Levy Limitation:.....	31
Section 9.17 - Certification to Assessor:	31
Section 9.18 - Certification to Treasurer:	31
Section 9.19 - Tax Roll:	31
Section 9.20 - Tax Warrant:.....	32
Section 9.21 - Tax Statements:	32
Section 9.22 - Enforcement of Payment:	32
Section 9.23 - Payment of Tax; Lien:.....	32
Section 9.24 - Unpaid Taxes, Returns:	32
Section 9.25 - Payment by County Treasurer:	32
C. MISCELLANEOUS.....	33
Section 9.26 - Priority of Lien:.....	33
Section 9.27 - Protection of City Lien:.....	33
Section 9.28 - State, County and School Taxes:	33

CHAPTER 10 - SPECIAL ASSESSMENTS 34

Section 10.1 - General Powers:	34
Section 10.2 - Petitions for Improvements:.....	34
Section 10.3 - Preliminary Determination:	34
Section 10.4 - Special Assessment Procedure by Ordinance:	34
Section 10.5 - Special Assessment Accounts:.....	34
Section 10.6 - Insufficient or Excessive Assessment:.....	35
Section 10.7 - Illegality of Assessment; Reassessment:	35
Section 10.8 - Single Premises:.....	35
Section 10.9 - Lien for Payment of Assessment:	35

CHAPTER 11 - BORROWING POWER 37

Section 11.1 - Authority to Borrow:	37
Section 11.2 - Borrowing in Anticipation of Special Assessment:.....	37
Section 11.3 - Issuance of Mortgage Bonds:.....	37
Section 11.4 - Emergency Bonds in Event of Calamity:	37
Section 11.5 - Time Limit on Sale of Bonds:.....	37
Section 11.6 - Use of Proceeds of Bonds:.....	37
Section 11.7 - Use of Excess Funds:.....	38
Section 11.8 - Execution of Bonds:.....	38
Section 11.9 - Limits on Borrowing:	38
Section 11.10 - Notice:	38
Section 11.11 - Tax Anticipation Notes:.....	38
Section 11.12 - Deferred Payment Contracts:	38
Section 11.13 - Other Obligations:.....	38

CHAPTER 12 - PURCHASES - CONTRACTS - LEASES **39**

Section 12.1 - Purchase and Sale of Property:..... 39
Section 12.2 - Contracts 39
Section 12.3- Restriction on Powers to Lease Property:..... 40

CHAPTER 13 - MUNICIPAL UTILITIES **41**

Section 13.1 - General Powers Respecting Utilities:..... 41
Section 13.2 - Management of Municipal Utilities: 41
Section 13.3 - Rates: 41
Section 13.4 - Utility Rates and Charges - Collection: 41
Section 13.5 - Disposal of Utility Plants and Property:..... 41
Section 13.6 - Utility Finances: 42

CHAPTER 14 - PUBLIC UTILITY FRANCHISES **43**

Section 14.1 - Granting of Public Utility Franchises: 43
Section 14.2 - Conditions of Public Utility Franchises:..... 43
Section 14.3 - Regulation of Rates: 43
Section 14.4 - Use of Public Places by Utilities: 44

CHAPTER 15 - MISCELLANEOUS **45**

Section 15.1 - City Liability:..... 45
Section 15.2 - Records to be Public:..... 45
Section 15.3 - Interpretations:..... 45
Section 15.4 - Definition of Publication, Mailing of Notices:..... 46
Section 15.5 - Trusts:..... 46
Section 15.6 - Quorum:..... 46
Section 15.7 - Penalties for Violation of This Charter: 46
Section 15.8 - Chapter and Section Headings:..... 46
Section 15.9 - Amendments: 47
Section 15.10 - No Estoppel: 47
Section 15.11 - Processes Against City:..... 47
Section 15.12 - Severability of Charter Provisions:..... 47
Section 15.13 - Retirement and Pension System: 47
Section 15.14 - Civil Service System: 47

CHARTER ADOPTION **48**

CHARTER AMENDMENTS **48**

CHARTER AMENDMENTS **49**

January 20, 1958 49

SECTION 7.4 - CITY PRIMARY ELECTION 49
SECTION 9.16 - TAX LEVY; LIMITATIONS 49

February 16, 1959	49
SECTION 7.13 - ELECTION COMMISSION	49
April 6, 1959	49
SECTION 6.1 - ELIGIBILITY FOR OFFICE AND EMPLOYMENT IN CITY.....	49
SECTION 12.6 - JUSTICES PROHIBITED FROM TRYING CASES IN COURT	50
August 2, 1960	50
SECTION 11.5 - TIME LIMIT ON SALE OF BONDS.....	50
November 8, 1960	50
SECTION 10.6 - INSUFFICIENT OR EXCESSIVE ASSESSMENT	50
April 1, 1963	50
SECTION 2.2 - FURTHER DEFINITION OF POWERS	50
April 5, 1965	51
SECTION 8.9 - WARRANT FOR PAYMENT OF FUNDS	51
SECTION 13.1 - PURCHASE AND SALE OF PROPERTY	51
APRIL 4, 1966	51
SECTION 9.5 - ASSESSING OFFICER	51
APRIL 5, 1971	52
SECTION 6.13 - PECUNIARY INTEREST PROHIBITED.....	52
APRIL 2, 1973	52
SECTION 3.1 - THE CITY COMMISSION.....	52
APRIL 7, 1975	52
SECTION 9.7 - ASSESSMENT	52
SECTION 9.9 - REVIEW OF ASSESSMENTS	52
APRIL 5, 1976	53
SECTION 1.3 - WARDS AND PRECINCTS.....	53
SECTION 3.10 - CITY MANAGER, APPOINTMENT AND QUALIFICATIONS	53
SECTION 3.18 - COMPENSATION OF ATTORNEY AND SPECIAL COUNSEL ...	53
SECTION 5.9 - CODIFICATION OF ORDINANCES	53
APRIL 4, 1977	54
SECTIONS 7.5; 12.1 AND 12.2.....	54

SECTIONS 6.1; 6.8; 7.5; 12.1; 12.2; 12.3; 12.4; 12.5; 12.6; 12.7; 12.11 and 12.13	54
FEBRUARY 20, 1978	54
SECTION 7.4 - CITY PRIMARY ELECTION	54
SECTION 7.9 - NOMINATIONS	54
SECTION 8.8 - ACCOUNTING; DEPOSIT AND WITHDRAWAL OF FUNDS	54
SECTION 9.8 - NOTICE OF CHANGE OF ASSESSMENT BY ASSESSOR	54
SECTION 9.11 - BOARD OF REVIEW	55
APRIL 3, 1978	55
SECTION 1.2 - DESCRIPTION OF TERRITORY	55
SECTION 3.4 - TERMS OF OFFICE	55
SECTION 6.10 - OATH OF OFFICE AND BOND	55
SECTION 6.14 (b) - COMPENSATION OF EMPLOYEES AND OFFICERS	55
SECTION 7.15 - CANVASS OF VOTES	55
SECTION 8.9 - WARRANT FOR PAYMENT OF FUNDS	55
APRIL 2, 1979	56
SECTION 3.6 - COMPENSATION OF COUNCILMEN	56
APRIL 7, 1980	56
SECTION 6.1 - ELIGIBILITY FOR OFFICE AND EMPLOYMENT	56
SECTION 6.8 - FILLING VACANCIES IN OFFICE OF MUNICIPAL JUDGE	57
SECTION 7.5 - ELECTIVE OFFICERS AND TERMS OF OFFICE	57
CHAPTER 12 - COURT	57
CHAPTER 16 - SUPERVISORS	57
APRIL 5, 1982	57
SECTION 12.1 - PURCHASE AND SALE OF PROPERTY	57
APRIL 1, 1985	57
SECTION 9.16 - TAX LEVY; LIMITATIONS	57
APRIL 4, 1988	57
SECTION 10.6 - INSUFFICIENT OR EXCESSIVE ASSESSMENT	57
APRIL 3, 1989	57
SECTION 3.6 - COMPENSATION OF COUNCIL	57
APRIL 2, 1990	58
SECTION 9.9 - REVIEW OF ASSESSMENTS	58
SECTION 9.10 - NOTICE OF REVIEW OF ASSESSMENTS	58
SECTION 9.11 - BOARD OF REVIEW	58

SECTION 9.14 - RECORDS OF THE BOARD OF REVIEW	58
SECTION 9.20 - TAX WARRANT	58
SECTION 9.29 - VACATING OF TAXES.....	58
SECTION 15.2 - RECORDS TO BE PUBLIC	58
APRIL 6, 1992	58
SECTION 12.1 - PURCHASE AND SALE OF PROPERTY	58
APRIL 4, 1994	59
SECTION 2.2(p) FURTHER DEFINITION OF POWER	59
SECTION 5.2 - ORDINANCES AND RESOLUTIONS.....	59
SECTION 7.3 - ELECTION DATE	59
SECTION 15.3(6) - INTERPRETATIONS.....	59
NOVEMBER 8, 1994	59
SECTION 7.5.5.....	59
SECTION 3.8.5.....	59
SECTION 7.4 - CITY PRIMARIES.....	59
SECTION 6.2 - VACANCIES IN ELECTIVE OFFICE	59
APRIL 6, 1998	59
SECTION 12.1 - PURCHASE AND SALE OF PROPERTY	59
SECTION 12.1 - PURCHASE AND SALE OF PROPERTY	59
APRIL 1, 2002	59
SECTION 15.13 - Retirement and Pension System	59
APRIL 5, 2004	60
Section 5.11 - Initiatory and Referendary Petitions.....	60
Section 5.11 - Initiatory and Referendary Petitions.....	60
Section 7.9 - Nominations.....	60
Section 12.1 - Purchase and Sale of Property:.....	60
NOVEMBER 8, 2005	60
Section 3.4 – Terms of Office and 7.5 – Elective Officers and Terms of Office.....	60
Section 7.5.5 Re-Number to 3.4.1 Elective Officers Term Limitations	60
Section 3.4.2 – Staggering Terms of Office	60
Section 7.3 – Election Date	60
Section 7.6 – Special Election	60
Section 7.9 – Nominations.....	60
Section 7.10 – Form of Petitions.....	60
Section 5.13 – Submission of Initiatory and Referendary Ordinance to Electors.....	61
Section 7.9.5 – Council Initiated Ballot Questions	61
Section 12.3 – Restrictions on Powers to Lease Property	61

NOVEMBER 4, 2008	61
Section 9.16.5 – Millage Rate Levy Limitation	61
NOVEMBER 3, 2009	61
Section 3.7 - Election of Mayor Pro Tem	61
Section 3.10 – City Manager; Appointment and Qualification.....	61
Section 6.2 - Vacancies in Elective Office	61
Section 6.2.1 - Irrevocable Letter of Resignation	61
Section 6.7 - Filling Vacancies in Elective Office	61
Section 7.9- Nominations.....	62
FEBRUARY 23, 2015	62
Section 7.9- Nominations.....	62

CITY CHARTER INDEX **i**

-A- i	
-B- i	
-C- i	
-D- i	
-E- ii	
-F- ii	
-G- ii	
-I- ii	
-L- iii	
-M-	iii
-N- iii	
-O- iii	
-P- iii	
-Q- iii	
-R- iv	
-S- iv	
-T- iv	
-U- v	
-V- v	
-W-	v

CHAPTER 1 – NAME AND BOUNDARIES

Section 1.1 - Name:

The name of this Home Rule City is "City of Troy". It is a municipal corporation heretofore created by the vote of the electors on the 7th day of June, A.D., 1955, as recorded in the office of the Michigan Secretary of State, to be duly and legally incorporated Home Rule City from June 13, 1955, A.D., as provided by law. It is a body corporate and politic and shall have perpetual succession.

Section 1.2 - Description of Territory:

The Territory of the City of Troy is that which is described as the City Boundary and on file with the Secretary of State.

Section 1.3 - Wards:

The City of Troy shall consist of one ward.

CHAPTER 2 – MUNICIPAL POWERS

Section 2.1 - General Powers:

Unless otherwise provided in this Chapter, the City and its officers shall have and be vested with any and all powers which Home Rule Cities and their officers are now or hereafter may be permitted to exercise under the Constitution and Statutes of the State of Michigan, including all powers which cities of this class are or may be permitted to provide in their Charters by Act 279 of the Public Acts of 1909 of the State of Michigan as amended, whether or not those powers are specifically enumerated in this Charter. In no case shall any enumeration of particular powers in this Charter be held to be exclusive.

The City and its officers shall have the right to exercise all municipal powers in the management and control of municipal property and in the administration of the municipal government, whether or not such powers be expressly set forth herein; to do any act to advance the interests of the City, the interests and welfare of its inhabitants individually and collectively, and under the authority of the City to pass and enforce all laws, ordinances and resolutions related to its municipal concerns, subject to the provisions of the Constitution, Statutes and this Charter.

Section 2.2 - Further Definition of Powers:

In addition to the powers possessed by the City under the Constitution, Statutes and this Charter, the City shall have power to provide for the following by ordinances or other lawful acts of its officers subject to any specific limitations on such power imposed by law or other provisions of this Charter.

- (a) The acquisition by purchase, gift, condemnation, lease, construction or in any manner permitted by statute, of private property of every type and nature for public use, which property may be located within or without the County of Oakland and which may be required for or incidental to the present or future exercise of the purposes, powers and duties of the City, either proprietary or otherwise;
- (b) The maintenance, development, operation, leasing and disposal of city property subject to any restrictions placed thereon by this Charter or by law;
- (c) The establishment and vacation of streets, alleys, public ways and other public places, and the use, regulation, improvement and control of the surface of such streets, alleys, public ways and other public places and of the space above and beneath them.
- (d) The use, by others than the owners, of property located in streets, alleys and public places, in the operation of a public utility, upon the payment of a reasonable compensation to the owner thereof;
- (e) A plan of streets and alleys within and for a distance of not more than three miles beyond the municipal limits;
- (f) The use, control and regulation of streams within its boundaries, subject to any limitations imposed by law;
- (g) The acquiring, establishment, operation, extension and maintenance of facilities for the storage and parking of vehicles within its corporate limits, including the fixing and collection of charges for services and use thereof on a public utility basis, and for such purposes to acquire by gift, purchase, condemnation or otherwise, the land necessary therefore;

- (h) Regulating, restricting and limiting the number and location of oil and gasoline stations;
- (i) The establishing of districts or zones within which the use of land and structures, the height, the area, the size and location of buildings and the density of population may be regulated by ordinance in accordance with statutory provisions governing zoning;
- (j) The regulating of trades, occupations and amusements within the city, not inconsistent with state and federal laws, and for the prohibiting of such trades, occupations, and amusements as are detrimental to the health, morals or welfare of its inhabitants;
- (k) Licensing, regulating, restricting and limiting the number, size, construction and locations of advertising signs or displays and billboards within the city;
- (l) The preventing of injury or annoyance to the inhabitants of the City from anything which is dangerous, offensive, or unhealthful, and for preventing and abating nuisances and punishing those occasioning them or neglecting or refusing to abate, discontinue or remove the same;
- (m) The prescribing of the terms and conditions upon which licenses may be granted, suspended or revoked; requiring payment of reasonable sums for licenses; and requiring the furnishing of a bond to the city for the faithful observance of the conditions under which licenses are granted, and otherwise conditioning such licenses as the Council may prescribe;
- (n) The prohibiting or regulating of all landings of aircraft within its boundaries, and, for the purpose of promoting and preserving the public peace, safety and welfare, controlling and regulating the use of the air above the city by aircraft of all types.
- (o) The prohibiting or regulating of the use, occupancy, sanitation and parking of house trailers within the city, and the right of the city to so regulate any house trailer shall not be abrogated because of any detachment thereof from its wheels or because of placing it on, or attaching it to, the ground by means of any temporary or permanent foundation, or in any manner whatsoever.
- (p) The requiring of an owner of real property within the city to maintain the sidewalks abutting upon such property, and, if the owner fails to comply with such requirements or if the owner be unknown, to repair and/or maintain such sidewalk as a public health and safety measure, and assess the cost thereof against the abutting property. The Council may enact legislation to implement this provision;
- (q) The requiring of an owner of real property within the city to abate public hazards and nuisances which are dangerous to the health or safety of inhabitants of the city within a reasonable time after the Council notifies him that such hazard or nuisance exists, and if the owner fails to comply with such requirements, or if the owner is unknown, to abate such hazards or nuisances and assess the cost thereof against such property in accordance with Section 10.8.
- (r) The compelling of owners of real property within the city to keep sidewalks abutting upon their property clear from snow, ice or other obstructions, and if the owner fails to comply with such requirements, to remove such snow, ice or other obstructions and assess the cost thereof against the abutting property in accordance with Section 10.8.
- (s) In the interest of public health and safety, the compelling of the owners of lots and parcels of land, at their own expense, to keep obnoxious weeds and grasses interspersed with such weeds, mowed and cut down thereon, and to keep such property cleared of garbage, rubbish and refuse. The Council after recommendation to that effect by the Board of Health, is authorized to enact

legislation to enforce this provision and provide penalties for violations; and, in case of any such lots and lands are not so maintained by owners, to cause such required mowing and clearing by a city agency and assess at least the entire cost thereof against the respective lands so temporarily maintained by the city, but not to assess any part of such cost against any lots or parcels of land not so mowed and cleared by the city.

- (t) The refunding of money advanced or paid on special assessments;
- (u) The purchase or condemnation of the franchises and of the property used in the operation of companies or individuals engaged in the cemetery, hospital, electric light, gas, heat, water and power business;
- (v) The requiring, as a condition of approving plats or lands or premises hereafter laid out, divided, or platted into streets and alleys with the city, that all streets shown on said plat be graded and graveled or otherwise improved, that all ditches, drains and culverts necessary to make such streets usable be constructed, that cement sidewalks be constructed in the proper places, all in accordance with city specifications. The Council may accept a bond conditioned upon the installation of such of the foregoing improvements as is required within such time as it determines.

The City shall have the right to finance any of the public improvements herein set forth, by method or methods, including, but not limited to, the use of special assessments as provided in Chapter 10 hereof.

- (w) The establishment and maintenance of a Public Library.

CHAPTER 3 – ORGANIZATION OF GOVERNMENT

Section 3.1 - City Council:

The government of the City of Troy shall be known as the Council Manager form. There is hereby created a Council of seven (7) members consisting of six (6) elected Councilmen and the Mayor who shall be deemed to be a member of the Council for all purposes. All members of the Council shall possess the qualifications hereinafter set forth and shall be elected at large in the manner hereinafter provided.

Section 3.2 - Powers of City Council:

The Council shall constitute the legislative and governing body of said city, possessing all the powers herein provided for, and with authority to pass such ordinances and adopt such resolutions, as it shall deem necessary to exercise those powers.

Section 3.3 - Election of Councilmen:

The members of the Council shall be elected on a non-partisan ballot from the city-at-large and shall be subject to recall as provided by law.

Section 3.4- Elective Officers and Terms of Office:

The elective officers of the City shall be the six (6) members of council and the Mayor all of whom shall be nominated and elected from the city at large for the terms provided herein. City Council Members and the Mayor shall be elected for terms of four (4) years and shall serve until 7:30 PM on the first Monday following the regular election of the fourth year of their term.

Section 3.4.1- Elective Officers Term Limitations:

An elected member of the City Council shall not serve more than three terms as Councilperson. The Mayor shall not serve more than two terms as Mayor. Any service greater than two (2) years plus one (1) month shall constitute a term. This amendment shall apply only to terms starting after passage of this amendment.

Section 3.4.2- Staggering Terms of Office:

City Council Members with terms expiring April 2006 shall have their terms extended until November 2007; City Council Members with terms expiring April 2007 shall have their terms extended until November 2007. The Mayor's term, expiring April 2007, shall be extended until November 2007. The staggering of terms shall be established as follows:

November 8, 2005- Two (2) Council Members shall be elected for four (4) year terms with the terms expiring on November 9, 2009;

November 6, 2007- One (1) Council Member shall be elected for a two (2) year term with the term expiring on November 9, 2009;

November 6, 2007- Three (3) Council Members shall be elected for four (4) year terms with the terms expiring on November 14, 2011;

November 6, 2007- Mayor shall be elected for a four (4) year term with the term expiring November 14, 2011.

Section 3.5 - Qualifications of Councilmen:

Members of the Council must meet the eligibility contained in Section 6.1 of this Charter. The Council shall be the sole judge of whether its members and the Mayor are eligible and qualified for office under the provisions of this Charter, the statutes and the Constitution of this State.

Section 3.6 - Compensation of Councilmen:

Members of the Council and the Mayor shall receive as compensation for their services the sum of one hundred seventy-five (\$175.00) dollars per member per month. In addition, each member of the Council shall receive his reasonable and necessary expenses incurred in service on behalf of the City and authorized in advance by the Council, itemized and ordered paid by the Council.

Section 3.7 - Election of Mayor Protem:

The Council shall, at its first meeting in November, annually elect one of its members to serve as Mayor Pro Tem. He or she shall serve for a term expiring upon the election of his or her successor.

Section 3.8 - Duties of Mayor:

- (a) Insofar as required by statute, and for all ceremonial purposes, the Mayor shall be the executive head of the city. He shall have a voice and vote in all proceedings of the Council equal with that of members of the Council but shall have no veto power. He shall be the presiding officer of the Council.
- (b) The Mayor shall be a conservator of the peace, and in emergencies declared by the Council, may exercise within the city the powers conferred upon sheriffs to suppress riot and disorder, and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the city and to suppress riot and disorder.
- (c) The Mayor shall execute or authenticate by his signature such instruments as the Council, this Charter or any statutes of the State of Michigan or laws of the United States shall require.
- (d) Except as may be required by statute, the Mayor shall exercise only such powers as this charter or the Council shall specifically confer upon him.
- (e) In the absence or disability of the Mayor, the Mayor Protem shall perform the duties of Mayor. In the absence or disability of both, the designated Acting Mayor shall perform such duties.

Section 3.8.5

In January each year until term limitation for Congress has been incorporated into the United States Constitution, the Mayor of the City shall issue a written proclamation requesting members of Congress use their best efforts to pass a constitutional amendment imposing term limits on the U. S. Congress. The proclamation shall be delivered to each U. S. Senator and U. S. Representative whose district includes any part of the City. If a section hereof is held invalid, the remaining section shall not be affected.

Section 3.9 - Administrative Officers:

The administrative officers of the City shall be the City Manager, Attorney, Clerk, Treasurer, Assessor, Police and Fire Chiefs and such additional administrative officers as may be created by ordinance. The Council may, by ordinance, create additional administrative offices and may by ordinance combine any administrative offices in any manner it deems necessary or advisable for the proper and efficient operation of the City, but the Council may not change the duties, powers or responsibilities of the Office of the City Manager as provided herein. The City Manager and Attorney shall be appointed by the Council for an indefinite period, shall be responsible to and serve at the pleasure of the council and the Council shall fix the compensation of those officers.

All administrative officers of the City except the City Manager and Attorney shall be appointed by the City Manager for an indefinite period subject to confirmation by the Council. Such officers shall be responsible to the City Manager, and the City Manager shall fix the compensation therefore in accordance with the budget appropriations and subject to the approval of the Council. Such officers may be discharged by the City Manager with approval of the City Council.

Except as otherwise provided by statute or this Charter, the Council may establish by ordinance such departments of the City as it deems necessary or advisable and shall prescribe therein the functions of each department and the duties, authorities, and responsibilities of the officers thereof. The City Manager may prescribe such duties and responsibilities for the officers responsible to him and for their departments not inconsistent with this Charter, ordinances or resolutions of the City Council.

Section 3.10 - City Manager; Appointment and Qualification:

The City Manager shall be the Chief Administrative Officer of the City. He or she shall be selected on the basis of fitness and ability alone. At the time of his or her appointment, he or she need not be a resident of the City or State, but during the tenure of his or her office, he or she shall reside within 20 miles of the City, unless otherwise provided for under State Law. A vacancy in this office shall be filled by the City Council within one hundred and twenty (120) days.

Section 3.11 - City Manager: Functions and Duties:

The City Manager shall be the chief administrative officer of the city government. His functions and duties shall be:

- (a) To be responsible to the Council for the efficient administration of all administrative departments of the city government except the department under the direction of the attorney;
- (b) To see that all laws and ordinances are enforced;
- (c) To appoint, with the consent of the Council, the heads of the several city departments whose appointment is not otherwise specified in this charter, and to discharge such department heads without the consent of the Council, and to direct and supervise such department heads;
- (d) To give to the property department or officials ample notice of the expiration or termination of any franchises, contracts or agreements;
- (e) 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;
- (f) To recommend an annual budget to the Council and to administer the budget as finally adopted under policies formulated by the Council, and to keep the Council fully advised at all times as to the financial condition and needs of the city;
- (g) To recommend to the Council for adoption such measures as he may deem necessary or expedient; and to attend Council meetings with the right to take part in discussions but not to vote;
- (h) To exercise and perform all administrative functions of the city that are not imposed by this charter or ordinance upon some other official;
- (i) To be responsible for the maintenance of a system of accounts of the city, which shall conform to any uniform system, required by law and by the Council and to generally accepted principles and procedure of governmental accounting.

- (j) 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 Council.

Section 3.12 - Acting City Manager:

The Council may appoint or designate an Acting City Manager during the period of a vacancy in the office or during the absence of the City Manager from the city. Such Acting Manager shall, while he is in office, have all the responsibilities, duties, functions and authority of the City Manager.

Section 3.13 - Relationship of Council to Administrative Service:

Neither the Council nor any of its members or committees shall dictate the appointment of any person to office by the City Manager or in any way interfere with the City Manager or other city officer to prevent them from exercising their judgment in the appointment or employment of officers and employees in the administrative service. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the City Manager, and neither the council nor any member thereof shall give orders to any of the subordinates of the City Manager.

Section 3.14 - Clerk: Functions and Duties:

- (a) The Clerk shall be the Clerk of the Council and shall attend all meetings of the Council and shall keep a permanent journal of its proceedings in the English language.
- (b) The Clerk 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 the custody of which is not otherwise provided for.
- (c) The Clerk shall certify by his signature all ordinances and resolutions enacted or passed by the Council.
- (d) The Clerk 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.
- (e) The Clerk shall have power to administer oaths of office.
- (f) The Clerk shall perform such other duties as may be prescribed for him by this charter, by the Council or by the City Manager.

Section 3.15 - Treasurer: Functions and Duties:

- (a) The Treasurer shall have the custody of all moneys of the city; any bond pertaining solely to the Clerk and all evidences of indebtedness belonging to the city or held in trust by the city.
- (b) The Treasurer shall collect all moneys of the city the collection of which is not provided for elsewhere by charter or ordinance. He shall receive from other officers and employees of the city all money belonging to and receivable by the city that may be collected by such officers and employees, including fines, license fees, taxes, assessments and all other charges. All money shall be turned over to the Treasurer after collection or receipt, and he shall in all cases give a receipt therefore.
- (c) The Treasurer shall keep and deposit all moneys or funds in such a manner and only in such places as the Council may determine and shall report the same in detail to the accounting officer of the city.

- (d) The Treasurer shall disburse all city funds in accordance with the provisions of statute, this charter and procedures to be established by the Council.
- (e) The Treasurer shall have such powers, duties and prerogatives in regard to the collection and custody of state, county, school district and city taxes as are conferred by statute upon township treasurers in connection with state, county, township and school district taxes upon real and personal property.
- (f) The Treasurer shall perform such other duties as may be prescribed for him by this charter, by the Council or by the City Manager.

Section 3.16 - Assessor: Functions and Duties:

The Assessor shall possess all the powers vested in, and shall be charged with all the duties imposed upon, assessing officers by statute. He shall prepare all regular and special assessment rolls in the manner prescribed by this charter, by ordinance and by statute. He shall perform such other duties as may be prescribed for him in this charter, by the Council, or by the City Manager.

Section 3.17 - Attorney: Functions and Duties:

- (a) The Attorney shall act as legal adviser to, and be attorney and counsel for, the Council and shall be responsible solely to the Council. He shall advise any officer or department head of the City in matters relating to his official duties when so requested and shall file with the Clerk a copy of all written opinions given by him.
- (b) The Attorney shall prosecute such ordinance violations and he shall conduct for the city such cases in court and before other legally constituted tribunals as the council may request. He shall file with the Clerk copies of such records and files relating thereto as the Council may direct.
- (c) The Attorney shall prepare or review all ordinances, contracts, bonds and other written instruments, which are submitted to him by the Council and shall promptly give his opinion as to the legality thereof.
- (d) The Attorney shall call to the attention of the Council all matters of law, and changes or developments therein, affecting the city.
- (e) The Attorney shall perform such other duties as may be prescribed for him by this charter or by the Council.
- (f) Upon the recommendation of the Attorney, or upon its own initiative, the Council may retain special legal counsel to handle any matter, in which the city has an interest, or to assist and counsel with the Attorney therein.

Section 3.18 - Deputy Administrative Officers:

The Clerk, Treasurer and Assessor may appoint their own deputies subject to the written confirmation of the City Manager and may terminate the status of their deputies at their pleasure, upon written notice to the City Manager; such deputies shall, in such case, possess all the powers and authorities of their superior officers except as the same may be from time to time limited by their superiors or by the Council.

Section 3.19 - Planning and Zoning:

The Council shall maintain a City Planning Commission in accordance with and having all the powers and duties granted by the provisions of statute relating to such commissions.

The Council shall maintain a zoning ordinance in accordance with the provisions of statute relating to such ordinances. Insofar as may be, such ordinance shall provide that zoning be coordinated with the work of the City Planning Commission.

Section 3.20 - Independent Board and Commissions:

The Council may not create any board or commission, other than those provided for in this charter, to administer any activity, department or agency of the city government except (a) a municipal hospital (b) recreation or (c) any activity that by statute is required to be so administered. The Council may, however, establish (a) quasi-judicial appeal boards and (b) boards or commissions to serve solely in an advisory capacity.

CHAPTER 4 – THE COUNCIL PROCEDURE AND MISCELLANEOUS POWERS AND DUTIES

Section 4.1 - Regular Meetings:

The Council shall provide by resolution for the time and place of its regular meetings and shall hold at least two regular meetings each month. An organizational meeting shall be held on Monday following each regular city election.

Section 4.2 - Special Meetings:

Special meetings shall be called by the Clerk on the written request of the Mayor, or any two members of the Council on at least twenty-four hours written notice to each member of the Council, served personally or left at his usual place of residence; but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing.

Section 4.3 - Business at Special Meetings:

No business shall be transacted at any special meeting of the Council 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 Council present consent thereto and all the members file their written consent.

Section 4.4 - Meetings to be Public:

All regular and special meetings of the Council shall be open to the public and citizens shall have a reasonable opportunity to be heard under such rules and regulations as the Council may prescribe.

Section 4.5 - Quorum: Adjournment of Meeting:

A majority of the members of the Council in office at the time shall be quorum for the transaction of business at all Council meetings, but in the absence of a quorum a lesser number may adjourn any meeting to a later time or date, and in the absence of all members the Clerk may adjourn any meeting for not longer than one week.

Section 4.6 - Compulsory Attendance and Conduct at Meetings:

Any two or more members of the Council may by vote either request or compel the attendance of its members and other officers of the city at any meeting of the Council. Any member of the Council or other officer who when notified of such request for his attendance fails to attend such meeting for reasons other than confining illness or absence from Oakland County shall be deemed guilty of misconduct in office unless excused by the Council. The presiding officer shall enforce orderly conduct at meetings and any member of the Council or other officer who shall fail to conduct himself in an orderly manner at any meeting shall be deemed guilty of misconduct in office.

Any police officer designated by the presiding officer of the meeting shall serve as the Sergeant-at-Arms of the Council in the enforcement of the provisions of this section.

Section 4.7 - Organization and Rules of the Council:

The Council shall determine its own organization, rules and order of business subject to the following provisions:

- (a) A written or printed journal of the proceedings of each meeting shall be kept in the English language by the Clerk and shall be signed by the presiding officer and clerk of the meeting.

- (b) A vote upon all ordinances and resolutions shall be taken by "Yes" and "No" vote and entered upon the records, except that where the vote is unanimous it shall be only necessary to so state.
- (c) No member of the Council shall vote on any question in which he has a financial interest, other than the common public interest, or on any question concerning his own conduct, but on all other questions each member who is present shall vote when his name is called unless excused by the unanimous consent of the remaining members present. Any member refusing to vote except when not so required by this paragraph shall be guilty of misconduct in office.
- (d) In all roll call votes the names of the members of the Council shall be called in alphabetical order and the name to be called first shall be advanced one position alphabetically in each successive roll call vote.
- (e) There shall be no standing committees of the Council.

Section 4.8 - Investigations:

The Council or any person or committee authorized by it for the purpose, shall have power to inquire into the conduct of any department, office or officer and to make investigations as to matters in which the municipality has an interest. The Council, for the purposes stated herein, may summon witnesses, administer oaths and compel the attendance of witnesses and the production of books, papers and other evidence.

Failure on the part of any officer to obey such summons or to produce books, papers and other evidence as ordered under the provisions of this section shall constitute misconduct in office. Failure on the part of any employee or other person to obey such summons or to produce books, papers or other evidence as ordered under provisions of this section shall constitute a violation of this charter and such person when found guilty of such violation by a competent tribunal may be punished by a fine of not to exceed five hundred dollars or imprisonment not to exceed ninety days, or both, in the discretion of the court.

It is provided further that, in case of failure on the part of any person to obey such summons or to produce such books, papers and other evidence as so ordered, the Council may invoke the aid of the Circuit Court of Oakland County in requiring obedience of such summons or production of such books, papers and other evidence. The Circuit Court of Oakland County, in case of contumacy or refusal to obey such summons or to produce such books, papers and other evidence, may issue an order requiring such person to obey such summons or to produce such books, papers and other evidence touching the matter in question, and any failure to obey such order of the Court may be punished by such Court as contempt thereof.

Section 4.9 - Providing for Public Health and Safety:

The Council shall provide for the public peace and health and for the safety of person and property. The Council shall constitute the Board of Health of the city, and it and its officers shall possess all powers, privileges and immunities granted to boards of health by statute.

CHAPTER 5 - LEGISLATION

Section 5.1 - Interim Legislation:

The valid provisions of all bylaws, ordinances, resolutions, rules and regulations of Township of Troy which are not inconsistent with this charter and which are in force and effect and lawfully applicable to the territory of the City of Troy, at the time of the effective date of this charter, shall continue in full force and effect and be administered by and for the city until and unless repealed or amended under provisions hereof or rendered invalid by law; provided, however, that if any such by-law, ordinance, resolution, rule or regulation provides for the appointment by the township board or Supervisor of any officer or member of a board or commission, future appointments of such persons shall be made by the Council. Fees originally payable to the township under such provisions as to said territory, hereafter shall be paid to the city.

Those provisions of any such by-law, ordinance, resolution, rule or regulation, which are inconsistent with this charter, are hereby repealed as to their application to such territory.

Any reference in any such by-law, ordinance, resolution, rule or regulation to a Board or Commission shall be construed to refer instead to the Troy City Council.

Section 5.2 - Ordinances and Resolutions:

All official action of the Council shall be by ordinance, 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 concern of the city government. All other acts of the Council and all acts carrying a penalty for the violation thereof shall be by ordinance. Each ordinance shall be identified by a short title and by a number and by a code section number.

Each proposed ordinance shall be introduced in written or printed form. The style of all ordinances shall be: "The City of Troy ordains:"

Section 5.3 - Enactment, Amendment, Repeal and Effective Date of Ordinances:

Subject to the statutes and to the exemptions which follow hereafter, (a) ordinances may be enacted by the affirmative vote of not less than a majority of the members elect of the Council, (b) no ordinance shall be amended or repealed except by an ordinance adopted as aforesaid, (c) the effective date of all ordinances shall be prescribed therein but the effective date shall not be earlier than ten days after enactment nor before publication thereof.

It is provided, however, that an ordinance which is declared therein to be an emergency ordinance which is immediately necessary for the preservation of the public peace, health or safety may be enacted at the meeting at which it is introduced or before publication of the summary thereof or may be given earlier effect than ten days after its enactment, or all three, by five affirmative votes if six or seven members of the Council are present at the meeting at which it is enacted or by four affirmative votes if five members of the Council are present at the meeting at which it is enacted.

In case an ordinance is given effect earlier than ten days after its enactment, such ordinance shall also be published in accordance with Section 5.4 but not as a requirement for the effectiveness thereof.

No ordinance granting any public utility franchise shall be enacted except in accordance with the provisions of Section 14.2.

No ordinance shall be amended by reference to its title only, but the revised sections of the ordinance, as amended, shall be re-enacted and published in full. However, an ordinance or section thereof may be repealed by reference to its title and ordinance or code number only.

Section 5.4 - Publication and Recording of Ordinances:

Each ordinance shall be published within ten days after its enactment by publishing the full text thereof in a newspaper as defined in Section 15.4.

All ordinances 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 those records by their official signatures thereon, but the failure to so record and authenticate such ordinance shall not invalidate it or suspend its operation.

Section 5.5 - Penalties for Violations of Ordinances:

Any ordinance may provide for the punishment of those who violate its provisions. The punishment for the violation of any ordinance shall not exceed a fine of five hundred dollars or imprisonment for ninety days, or both, in the discretion of the court.

Section 5.6 - Special Requirements for Certain Council Actions:

- (a) Action to vacate, discontinue or abolish any highway, street, lane, alley or other public place, or part thereof, shall be subject to the provisions of statute and shall be by resolution. After the introduction of such resolution and before its final adoption, the Council shall hold a public hearing thereon and shall post or publish notices of such hearing at least one week prior thereto.
- (b) The following actions shall require the affirmative vote of a majority of the members elect of the Council for the effectiveness thereof:
 - (1) Vacating, discontinuing or abolishing any highway, street, lane, alley or other public place or part thereof;
 - (2) Purchasing, selling or leasing of any real estate or interest therein;
 - (3) Authorizing the condemning of private property for public use;
 - (4) Creating or abolishing any office;
 - (5) Appropriating any money;
 - (6) Imposing any tax or assessment;
 - (7) Reconsidering or rescinding any vote of the Council.
- (c) The Council shall not have power to engage in any business enterprise requiring an investment of money in excess of the amount permitted to be so invested by statute unless approved by a three-fifths vote of the electors voting thereon at any general or special election.

Section 5.7 - Enactment of Codes by Reference:

In accordance with statutes now or hereafter in effect, the Council may enact technical codes, any appropriate Michigan statute or any detailed technical regulations promulgated or enacted by any state or federal agency by reference thereto in an enacting ordinance and without publishing such codes in full.

Section 5.8 - Severability of Ordinances:

Unless an ordinance shall expressly provide to the contrary, if any portion of an ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or application of the ordinance which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determined by the court to be inoperable, and to this end ordinances are declared to be severable.

Section 5.9 - Codification of Ordinances:

The Council shall maintain the codification of all ordinances of the City and shall provide for the publication of subsequent amendments thereto so that such amendments may be readily made a part of such published code and maintained thereafter in current form.

The Council shall provide for making copies of the codification available for public inspection and for distribution to the public at a reasonable charge therefore and shall publish notice of the printing and availability of such codification before the effective date thereof. Such printing and making available of the codification and notice thereof shall constitute publication of any such codification, other provisions of this charter for publication notwithstanding.

The copies of the ordinances and of the codification thereof, and of provisions adopted by reference in accordance with Section 5.7 may be certified by the Clerk and, when so certified, shall be competent evidence in all courts and other legally established tribunals as to the matter contained therein.

Section 5.10 - Initiative and Referendum:

An ordinance may be initiated by petition, or a referendum on an enacted ordinance may be had by petition, as hereafter provided.

Section 5.11 - Initiatory and Referendary Petitions:

An initiatory or a referendary petition shall be signed by not less than 2,000 registered electors of the city, as of the date of the last regular city election, and all signatures on said petition shall be obtained within ninety days before the date of filing the petition with the Clerk. Any such petition shall be addressed to the Council and may be the aggregate of two or more petition papers identical as to content and simultaneously filed by one person. An initiatory petition shall set forth in full the ordinance it proposes to initiate, and no petition shall propose to initiate more than one ordinance. A referendary petition shall identify the ordinance or part thereof, or code sections it proposes to have repealed.

Each signer of a petition shall sign his name, and shall place thereon, after his name, the date and his place of residence by street and number, or by other customary designation. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereof and that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant. Such petition shall be filed with the Clerk who shall, within fifteen days, canvass the signatures thereon. If the petition does not contain a sufficient number of signatures of registered electors of the city, the Clerk shall notify forthwith by registered mail the person filing such petition and fifteen days from such notification shall be allowed for filing of supplemental petition papers.

When a petition with sufficient signatures is filed within the time allowed by this section, the Clerk shall present the petition to the Council as its next regular meeting.

Section 5.12 - Council Procedure on Initiatory and Referendary Petitions:

Upon the presentation to the Council of an initiatory or referendary petition by the Clerk, the Council shall, within thirty days, unless otherwise provided by statute, either,

- (a) Adopt the ordinance as submitted by an initiatory petition;
- (b) Repeal the ordinance, or part thereof, referred to by a referendary petition; or
- (c) Determine to submit the proposal provided for in the petition to the electors.

Section 5.13 - Submission of Initiatory and Referendary Ordinances to Electors:

Should the Council, by an affirmative vote of the members elect, decide to submit the proposal to the electors, it shall be submitted at the next election held in the City for any other purpose, or, in the discretion of the Council, at a special election called for that specific purpose in accordance with State Election Law. In the case of an initiatory petition, if no election is to be held in the city for any other purpose within one hundred fifty days from the time the petition is presented to the Council and the Council does not enact the ordinance, then the Council shall call a special election, in accordance with State Election Law. The result of all elections held under the provisions of this section shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by Statute or the Constitution.

Section 5.14 - Ordinance Suspended: Miscellaneous Provisions on Initiatory and Referendary Petitions:

The presentation to the Council by the Clerk of a valid and sufficient referendary petition containing a number of signatures equal to twenty-five percent of the registered electors of the city as of the date of the last regular city election, which signatures have been obtained within sixty days before the date of filing the petition with the Clerk, shall automatically suspend the operation of the ordinance in question pending repeal by the Council or final determination by the electors.

An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed for a period of six months after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be re-enacted for a period of six months after the date of the election at which it was repealed; provided, however, that any ordinance may be adopted, amended or repealed at any time by appropriate referendum or initiatory procedure in accordance with the foregoing provisions of this chapter or if submitted to the electorate by the Council on its own motion.

If two or more ordinances adopted at the same election shall have conflicting provisions, the provisions in the ordinance receiving the highest number of affirmative votes shall govern.

Section 5.15 - Evidence:

Whenever it shall be necessary to prove any ordinance or resolution of the Council, in any judicial proceedings, the same may be proved from the record thereof kept by the Clerk, by a copy thereof, duly certified by the Clerk under the seal of the city, or from any volume purporting to have been published, printed or compiled by authority of the Council.

Section 5.16 - Anti-Nepotism:

- (a) The spouses of any elected official or of the City Manager are disqualified from holding any appointive office or employment during the term for which said elected official was elected or during the tenure of office of the City Manager.
- (b) The following relatives and their spouses of any elective official or of his spouse or of the City Manager or his spouse are disqualified from holding any appointive office or employment during the term for which said elective official was elected or during the tenure of office of the City Manager, except with the concurring vote of six Councilmen: child, grand-child, parent, grand-

parent, brother, sister, half-brother, half-sister. All relations shall include those arising from adoption.

- (c) This Section shall in no way disqualify such spouses, relatives or their spouses who are bona-fide appointive officers or employees of the City at the time of the election of said elective official or the appointment of said City Manager.

CHAPTER 6 - GENERAL PROVISIONS REGARDING OFFICERS AND PERSONNEL OF THE CITY

Section 6.1 - Eligibility for office and employment:

No person shall hold any elective office unless he is a qualified and registered elector of the City on such last day for filing or at such time of appointment and throughout his tenure of office.

No person shall be eligible for any elective or appointive city office who is in default to the city or to any other governmental unit of the State. The holding of office by any person who is in such default shall create a vacancy unless such default shall be eliminated within thirty days after written notice thereof by the Council or unless such person shall in good faith be contesting the liability for such default, provided, however, that the term "default" shall not include taxes or payments for utilities levied against the property of such person.

Each candidate for elective office shall file with his petition his affidavit that he possesses the qualifications for such office provided in this Section. Failure to file such affidavit shall invalidate his petition.

Each member of a City board or commission created by or pursuant to, this charter shall have been a resident of the city prior to the day of his appointment and shall be a qualified and registered elector of the city on such day and throughout his tenure of office.

All officers of the city shall be United States citizens.

No elective officer, under this charter, may be appointed to any city office or be employed by the city during the term of office for which he was elected.

The Council may by ordinance require residence in the City of Troy as a condition of employment of full time appointive officers.

Section 6.2 - Vacancies in Elective Office:

Any elective city office shall be declared vacant by the Council upon the occurrence of any of the following events 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;
- (b) If no person is elected to, or qualifies for, the office at the election at which such office is to be filled;
- (c) If the officer shall be found guilty by a competent court of the State of Michigan of any act constituting misconduct in office under the provisions of this charter.
- (d) If the officer shall absent himself continuously from the city for more than thirty consecutive days in any one year without the permission of the Council.
- (e) In the case of any members of the Council, if such officer shall miss five consecutive regular meetings of the Council or twenty-five percent of such meetings in any fiscal year of the city, unless such absences shall be excused by the Council and the reason therefore entered in the proceedings of the Council at the time of each absence;

- (f) If the officer is removed from office by the Council in accordance with the provisions of Section 6.4.
- (g) Any member of City Council who wants to run for a City elective office different from the office currently held shall file an irrevocable letter of resignation effective no later than the date and time the successor takes office. The letter of irrevocable resignation shall be filed with the City Clerk prior to July 1st to allow for the future vacancy created to be placed on the next Regular Election ballot.

Section 6.2.1 - Irrevocable Letter of Resignation:

Before the expiration of the term of any City elected office, an elected official may file an irrevocable letter of resignation with the City Clerk effective no later than the date the successor takes office. City Council shall declare vacant the elective office as of the effective date set forth in the letter of resignation and shall direct the City Clerk to place the vacant office on the next November or even year August Election under the following circumstances:

- (a) An elected official may file an irrevocable letter of resignation prior to July 1st to allow for the future vacancy created to be placed on the next November Election ballot.
- (b) An elected official may file an irrevocable letter of resignation prior to April 1st in even-years to allow for the future vacancy to be placed on the next even year August Election ballot.

Section 6.3 - Vacancies in Boards and Commissions:

The office of any member of any board or commission created by, or pursuant to, this charter shall be declared vacant by the Council:

- (a) For any reason specified by statute or by this charter as creating a vacancy in office;
- (b) If the officer shall be found guilty by a competent tribunal of any act constituting misconduct in office under the provisions of this charter;
- (c) If such officer shall miss five consecutive regular meetings of such board or commission, or twenty-five percent of such meetings in any fiscal year of the city, unless such absences shall be excused by such board or commission and the reason therefore entered in the proceedings of such board or commission at the time of each absence;
- (d) If the officer is removed from office by the Commission in accordance with the provisions of Section 6.4.

Section 6.4 - Removals from Office:

Removals by the Council of elective officers or of members of boards or commissions shall be made for either of the following reasons: (a) for any reason specified by statute for removal of city officers by the Governor, (b) for any act declared by this charter to constitute misconduct in office. Such removals by the Council shall be made only after hearing of which such officer has been given notice by the Clerk at least ten days in advance, either personally or by delivering the same at his last known place of residence. Such notice shall include a copy of the charges against such officer. The hearing shall afford an opportunity to the officer, in person or by attorney, to be heard in his defense, to cross-examine witnesses and to present testimony. If such officer shall neglect to appear at such hearing and answer such charges, his failure to do so may be deemed cause for his removal. A majority vote of the members of the

Council in office at the time exclusive of any member whose removal may be being considered, shall be required for any such removal.

Section 6.5 - Resignations:

Resignations of elective officers and of members of boards and commissions shall be made in writing and filed with the clerk and shall be acted upon by the Council at its next regular meeting following receipt thereof by the Clerk. Resignations of appointive officers shall be made in writing to the appointing officer or body and shall be acted upon immediately.

Section 6.6 - Filling Vacancies in Appointive Offices:

Vacancies in appointive office shall be filled in the manner provided for making the original appointment. In the case of members of boards and commissions appointed for a definite term, such appointments shall be for the unexpired term.

Section 6.7 - Filling Vacancies in Elective Office:

City Council shall fill vacancies of an elective office that are declared vacant pursuant to Section 6.2 within 30 days by a majority vote of the remaining members of the Council, said appointee to hold office until the successor takes office, the election of which shall be on the next November or even-year August Election date.

Section 6.8 - Change in Term of Office or Compensation:

Except by procedures provided in this charter, the terms of office of the elective offices and of members of boards and commissions appointed for definite terms shall not be shortened. The terms of elective officers of the city 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 Council shall not grant or authorize extra compensation to any officer or employee after the service has been rendered. The salary of any elective officer shall not be increased or decreased from the time of his election until the end of the term of office for which he was elected.

Section 6.9 - Oath of Office and Bond:

Every officer, elected or appointed, before entering upon the duties of his office, shall take the oath of office and shall file the same with the clerk together with any bond required by statute, this charter, or by the Council. In case of failure to comply with the provisions of this section within ten days from the date of his election or appointment, such officer shall be deemed to have declined the office and such office thereupon shall become vacant unless the Council shall, by resolution, extend the time in which such officer may qualify as above set forth.

Section 6.10 - Surety Bonds:

Except as otherwise provided in this charter, all officers of the city whose duties involve the custody of public property or the handing of public funds, either by way of receipt or disbursement or both, and all other officers and employees so required by the Council shall, before they enter upon the duties of their respective offices, file with the city an official bond, in such form and amount as the Council shall direct and approve. Such official bond of every officer and employee shall be conditioned that he will faithfully perform the duties of his office, and will on demand deliver over to his successor in office, or other proper officer or agent of the city, all books, papers, moneys, effects and property belonging thereto, or appertaining to his office, which may be in his custody as an officer or employee; and such bonds may be further conditioned as the Council shall prescribe. The official bond of every officer whose duty it may be to receive or pay out money, besides being conditioned as above required, shall be further conditioned that he will, on demand, pay over or account for to the city, or any proper officer or agent thereof, all moneys received by him as such officer or employee. The requirements of this paragraph may be met by

the purchase of one or more appropriate blanket surety bonds covering all, or a group of, city employees and officers.

All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the city. The Clerk shall be custodian of all the bonds of all officers or employees except that the Treasurer shall be custodian of any bonds pertaining solely to the Clerk.

Section 6.11 - Delivery of Office:

Whenever any officer or employee shall cease to hold such office or employment for any reason whatsoever, he shall within five days, or sooner on demand, deliver to his successor in office or to his superior all the books, papers, moneys 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 competent tribunal may be punished by a fine of not to exceed five hundred dollars or imprisonment for not to exceed ninety days, or both, in the discretion of the court.

Section 6.12 - Pecuniary Interest Prohibited:

- (a) Except as permitted by this section no contract or purchase involving an amount in excess of one hundred dollars shall be made by the city in which any elective or appointive officer or any member of his family has any pecuniary interest, direct or indirect. A "contract" shall for the purposes of this section include any arrangement or agreement pursuant to which any material, service or other thing of value is to be furnished to the city for a valuable consideration to be paid by the city or sold or transferred by the city, except the furnishing of personal services as an officer or employee of the city; and the term "member of his family" shall include spouse, children and the spouse of any of them.
- (b) Without limiting the generality of paragraph (a) of this section, an officer shall be deemed to have a pecuniary interest in a contract if he or any member of his family is an employee, partner, officer, director or sales representative of the person, firm or corporation with which such contract is made or of a sales representative of such person, firm or corporation. Ownership, individually or in a fiduciary capacity, by an officer or member of his family or securities, or of any beneficial interest in securities, of any corporation with which a contract is made or which is a sales representative of any person, firm or corporation with which such contract is made, shall not be deemed to create a pecuniary interest in such contract unless the aggregate amount of such securities, or interest in such securities, so owned by such officer and the members of his family, shall amount to ten percent of any class of the securities of such corporation then outstanding.
- (c) A contract in which an officer or member of his family has a pecuniary interest may be made by the city if the members of the Council in office at the time having no such interest shall unanimously determine that the obtaining of comparative prices is not feasible in such particular case. Any Council member may evidence his participation in either determination required by this paragraph by vote at a Council meeting or by written instrument filed with the Clerk.
- (d) Any officer who knowingly permits the city to enter into any contract in which he has a pecuniary interest without disclosing such interest to the council prior to the action of the Council in authorizing such contract, shall be guilty of misconduct in office. Except in the instances specified in paragraph (c) of this section, the unanimous determination (by vote or written instrument) of all members of the Council that in a particular case an officer or member of his family will not have a pecuniary interest in any contract or purchase to be entered into by the city shall be final and conclusive in the absence of fraud or misrepresentation.

- (e) No officer shall stand as surety on any bond to the city or give any bail for any other person which may be required by the charter or any ordinance of the city. Any officer of the city who violates the provisions of this paragraph shall be guilty of misconduct in office.
- (f) A full disclosure statement shall be filed with the City Clerk by all candidates for election to the City Council at the time of the filing of nominating petitions and on the 15th day of April immediately thereafter, and on the 15th day of April each year thereafter during his term of office.

A full disclosure statement shall be filed with the City Clerk by all candidates for appointment to the City Planning Commission, the Board of Zoning Appeals, and the Liquor Committee prior to their appointment thereto, and each year thereafter on the anniversary of their appointment during their term of office.

The City Attorney, the City Manager, all department heads and inspectors shall be required to file with the City Clerk a full disclosure statement prior to their appointment and/or employment, and each year thereafter on the 15th day of April.

Full disclosure statements shall be kept on file and available for public inspection by the City Clerk, and shall contain the following information, to-wit:

1. All ownership interests in real estate indicating the legal description thereof.
2. All ownership interests in any corporations, partnerships, joint ventures or sole proprietorships located or doing business in the City of Troy.
3. All political contributions, donations and/or gifts from land developers, real estate companies, real estate brokers, contractors, and/or any combination of businesses or firms doing business with the City of Troy requiring licenses, permits, zoning changes or variances required to operate in the City of Troy.
4. Paragraphs 1 through 3 above shall include officers and members of their family, which term shall include spouse, children and the spouse of any of them.

Any officer who shall violate the provisions herein contained shall be subject to removal from office, in accordance with the procedures set forth in Section 6.4 of this Charter.

Section 6.13 - Compensation of Employees and Officers:

- (a) The compensation of all employees and officers of the city whose compensation is not provided for herein shall be fixed by the appointing officer or body within the limits of budget appropriations and in accordance with any pay plan adopted by the Council.
- (b) The respective salaries and compensation of officers and employees as fixed by, or pursuant to, this charter shall be in full for all fees, commissions and other compensation. Such fees, commissions and other compensation received by such officers or employees shall be paid into the city treasury.
- (c) Nothing contained in this section shall prohibit the payment of necessary bona fide expenses incurred in service in behalf of the city.

Section 6.14 - Employee Welfare Benefits:

The Council shall have the power to make available to the administrative officers and employees of the city and its department and boards any recognized standard plan of group life, hospital, health or accident insurance.

CHAPTER 7 - ELECTIONS

Section 7.1 - Qualifications of Electors:

The residents of the City having the qualifications of electors in the State of Michigan shall be electors of the City.

Section 7.2 - Election Procedure:

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

Section 7.3 - Election Date:

A regular City election shall be held on the first Tuesday after the first Monday of every odd year November.

Section 7.4 - City Primaries

Section Eliminated – November 8, 1994.

Section 7.5 – Elective Officers and Terms of Office

Section Eliminated – November 8, 2005.

Section 7.6- Special Election:

Special City Elections shall be called in the manner and time as provided by State Statute.

Section 7.7 - Notice of Elections:

Notice of the time and place of holding any city election and of the officers to be nominated or elected and the questions to be voted upon shall, except as herein otherwise provided, be given by the Clerk in the same manner and at the same time as provided by statute for the giving of election notices by city clerks.

Section 7.8 - Voting Hours:

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

Section 7.9- Nominations:

The method of nomination of all City elective office candidates for election shall be by petition. Each petition may comprise one or more pages. The petition for each candidate must be signed by not less than sixty registered electors of the City.

Nomination petitions for candidates for elections are to be filed with the Clerk on or before 4 o'clock p.m. of the one hundredth (100th) day* preceding the next election.

The Clerk shall, prior to every election, publish notice of the last day permitted for filing nomination petitions and of the number of persons to be elected to each office, at least one week and not more than three weeks before such day.

* Beginning January 1, 2014, pursuant to Section 168.644e of Michigan Election Law, the candidate filing deadline for City of Troy offices shall be 4 p.m. on the fifteenth Tuesday prior to the general election.

Section 7.9.5- Submission of Council Initiated Advisory Ballot Questions to Electors:

Should the Council, by an affirmative vote of the members elect, decide to submit an advisory ballot question to the electors, it shall be submitted at the next Regular City Election. The results of all elections held under the provisions of this section shall be determined by a majority vote of the electors voting thereon except in cases where otherwise required by Statute or the Constitution.

Section 7.10- Form of Petitions:

Nominating Petitions shall be in a form as provided by State Statute. A supply of official petition forms shall be provided and maintained by the Clerk.

Section 7.11 - Approval of Petition:

The Clerk shall accept only nomination petitions which conform with the forms provided and maintained by him, and which, considered together, contain the required number of valid signatures for candidates having those qualifications required for the respective elective city offices by this charter.

The Clerk shall, forthwith, after the filing of a petition, notify in writing any candidate whose petition is then known not to meet the requirements of this Charter and of law, but the failure to so notify any candidate shall in no way prevent a final determination that the petition does not meet such requirements. Within three days after the last date for filing petitions, the Clerk shall make his final determinations as to the validity and sufficiency of each nomination petition and whether or not the candidate has the qualifications required for his respective elective city office by this charter and shall write his determinations thereof on the face of the petition.

The Clerk shall immediately notify in writing the candidate whose name appears thereon of his determinations. Such notice to any candidate whose petition is found invalid or insufficient or who is found not to be qualified shall be delivered by personal messenger if possible. Any candidate whose petition is so found invalid or insufficient shall be allowed to file supplementary or replacement petitions before 5:00 P.M. on the fifth day after the last date for filing original petitions; thereafter no further petitions may be filed.

Section 7.12 - Public Inspection of Petitions:

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

Section 7.13 - Election Commission:

An election commission is hereby created consisting of the Clerk and two qualified and registered electors of the City, who during their term of office shall not be candidates for elective city offices. These two members shall serve without compensation. These two members shall be appointed by the council annually in January for a term of one year. The Clerk shall be Chairman of the Election Commission and that the Election Commission shall appoint the Board of Election Inspectors for each precinct and have charge of all activities and duties required of it by Statute and this Charter relating to the conduct of Elections in this City. The compensation of Election personnel shall be determined in advance by the City Council. In any case where Election procedure is in doubt, the Election Commission shall prescribe the procedure to follow: Provided only that such procedure comply with all applicable State Statutes and the Constitution of the State of Michigan.

Section 7.14 - Form of Ballot:

The form, printing and numbering of ballots or the preparation of any voting machines used in any city election shall conform as nearly as may be to the provisions of statute, except that no party designation or emblem shall appear. In all city elections, the names of qualified candidates or nominees for each office

shall be listed under a separate heading and shall be rotated systematically in the manner prescribed by statute for rotation of names.

Section 7.15 - Tie Vote:

If, at any city election, there shall be no choice between candidates by reason of two or more persons having received an equal number of votes, then the Council shall name a date for the appearance of such persons for the purpose of determining the election of such candidates by lot as provided by statute.

Section 7.16 - Recount:

A recount of the votes cast at any city election for any office or upon any proposition may be had in accordance with election statutes. Unless otherwise required by statute (a) the petition for a recount of the votes cast at any city election shall be filed with the Clerk by 5:00 P.M. on the second full day on which the Clerk's office is open for business after the board of canvassers has made its official report of the result of the election at which such votes were cast, (b) any counter petition shall be filed by 5:00 P.M. of the next full day thereafter on which the Clerk's office is open for business and (c) no officers shall be qualified to take office until final determination of any recount of the votes cast for such office.

Section 7.17 - Recall:

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 this charter and by statute.

CHAPTER 8 - GENERAL FINANCE

Section 8.1 - Fiscal Year:

The fiscal year and budget year of the city shall begin on the first day of July of each year and end on the thirtieth day of June of the following year.

Section 8.2 - Presentation of Proposed Budget:

On or before the third Monday in April in each year, the manager shall prepare and submit to the Council a complete itemized proposed budget for the next fiscal year. It shall include at least the following information:

- (a) Detailed estimate of all proposed expenditures for each department and office of the city, showing the expenditures for corresponding items for the current and last preceding years;
- (b) Statements of the indebtedness of the city showing the principal and interest requirements for the next fiscal year, the debt authorized and unissued, and the condition of sinking and debt retirement funds, if any;
- (c) Detailed estimates of all anticipated income of the city from sources other than taxes and borrowing, with a comparative statement of the amounts received by the city from each of the same or similar sources for the last preceding and current fiscal years;
- (d) A statement of the estimated balance or deficit, as the case may be, at the end of the current fiscal year;
- (e) An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which, together with income from other sources, will be necessary to meet the proposed expenditures;
- (f) Any other information, which may be necessary or useful in establishing a budget for the ensuing fiscal year.

Section 8.3 - Public Hearing; Notice:

A public hearing on the budget shall be held before its final adoption, at such time and place as the Council shall direct, and notice of such public hearing shall be published at least one (1) week in advance thereof by the Clerk. A copy of the proposed budget shall be on file and available to the public for inspection at the office of the Clerk, during office hours for a period of not less than one (1) week prior to such public hearing. The Council shall, on or before the third Monday in May, adopt a budget for the ensuing fiscal year and shall by resolution designate the sums to be raised by taxation for the general purposes of the city and for the payment of its indebtedness: provided, however, that failure to act within the time herein set shall not invalidate any tax levy.

Section 8.4 - Effect of Adoption of Budget:

Upon the adoption of the annual budget, the several amounts stated therein as proposed expenditures shall be appropriated to the respective objects and purposes named therein. 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 therefore.

Section 8.5 - Transfer of Appropriations:

Notwithstanding the provisions of the next preceding section of this chapter, the Council may transfer any unencumbered operating balance or any portion thereof, from one operating fund or account to another upon the concurring vote of not less than Five (5) members of the Council. The disposition of any unencumbered balance remaining in any budget appropriation at the end of the fiscal year shall be determined by the Council.

Section 8.6 - Quarterly Reports:

At the beginning of each quarterly period during the fiscal year, and more often if required by the Council, the manager shall submit to the Council data showing the relation between the estimated and actual income and expenses to date. If it shall appear that the income of the city is less than anticipated, the Council may reduce appropriations, except amounts required for debt and interest charges.

Section 8.7 - Books of Account:

The Clerk or other officer other than the Treasurer designated by the Council shall be the general accountant of the City and shall keep a complete set of accounts showing the financial transactions of the City, which accounts shall conform to any uniform system required by law.

Section 8.8 - Accounting; Deposit and Withdrawal of Funds:

The Treasurer shall receive and disburse all moneys belonging to the City and shall keep an accurate detailed account of all money received and disbursed by him and of the particular fund into which or from which the same is paid. He shall pay out no money except upon check issued as in this charter provided. He shall, at least once annually, and oftener if required, furnish the Council with a statement showing all cash, investments, and the condition of the several funds of the City. He shall make such other reports as the Council may require.

Section 8.9 - Payment of Funds:

Every check shall specify the fund from which it is payable and shall be paid from no other fund. No check shall be drawn upon the treasury after the fund from which it should be paid has been exhausted and if any check shall be drawn, it shall be void. Each invoice shall be approved by the official incurring the expenditure.

Section 8.10 - Receipt of Taxes:

All taxes, special assessments and other moneys accruing to the City shall be collected by the Treasurer. All moneys received by the Treasurer shall be promptly deposited by him with such responsible banking institution or institutions as may be designated by the Council, and all interest on such deposits shall accrue to the benefit of the city.

Section 8.11 - Separation of Funds:

The revenues raised by general taxation, or by loan to be repaid by such tax, shall be divided into such and so many funds as the council may determine: provided, that all moneys raised for the retirement of debt and for the interest thereon, shall be kept in a separate fund and in a separate bank account.

Section 8.12 - Annual Auditing:

The Council shall provide that a periodical audit be made at least annually of the accounts of all the officers and departments of the city government, by independent certified public accountants.

CHAPTER 9 - TAXATION

A. ASSESSMENT

Section 9.1 - Power to Tax:

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

Section 9.2 - Subjects of Taxation:

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

Section 9.3 - Determination of Taxable Status; Tax day:

The taxable status of persons and of real and personal property shall be determined as of the first day of January in each year; provided, that no assessing officer shall be restricted to any particular period in the preparation of the assessment roll but may survey, examine and review properties at any time prior to or after said tax day.

Section 9.4 - Exemptions:

The power of taxation shall never be surrendered, suspended, or compromised by any contract, conveyance or grant to which the City shall be a party. No exemptions from ad valorem taxes shall be recognized or allowed, except such as are required or permitted by the constitution or laws of the State.

Section 9.5 - Assessing Officer:

The City Manager shall appoint one Assessor subject to confirmation by the Council. Such Assessor may be removed by the City Manager with the approval of the City Council.

The 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 of Michigan. Deputy Assessors shall work under the direction of, and shall be subject to, the Assessor.

Section 9.6 - Tax Procedure:

Except as otherwise provided by this charter, city taxes shall be assessed, levied, collected and returned in the manner provided by state law.

Section 9.7 - Assessment:

On or before the first Monday in March of each year, the Assessor shall make and certify an assessment roll in the manner and form prescribed by law of all persons and property subject to taxation by the city. In so doing he shall place a value upon all taxable property, both real and personal; and said value shall be determined according to the laws of the state, and in conformity with established rules, techniques and procedures, so applied as to accurately reflect the true relative values of all the respective properties subject to taxation. The value shall be determined according to the facts existing on the first day of January of the year for which the roll is made, and no change in the status or location of any taxable property occurring after said day shall be considered by the Assessor or by the Board of Review. The process of assessment of property within the City for the purpose of taxation shall be continuous, but all assessments, as the same shall appear on the annual assessment and tax rolls of the City, shall be correct to and shall stand as of the tax day of the year to which they apply.

The assessment roll shall show separate figures for the values of the real estate, including buildings, and of personal property.

Section 9.8 - Notice of Change of Assessment by Assessor:

The Assessor shall give notice by first class mail to each owner of property which has been added to the assessment roll or the value of which has been increased or decreased on such roll. The notice shall be sent to the owner shown on the record of the Assessor's office, and shall be mailed not later than the 12th day of February of each year. Neither the failure of the Assessor to give such notice nor failure to receive the same shall invalidate any assessment roll or any assessment thereon.

Section 9.9 - Review of Assessments:

All assessments shall be subject to review by the Board of Review, which body shall be organized as hereinafter provided.

The Board of Review shall meet for the purpose of reviewing and correcting the assessment roll, at the place of meeting of the City Council, on the Tuesday following the first Monday of March, and on the second Monday of March, and continue in session during the day and the day following and shall meet in session for not less than six hours each day. On its own motion, or on sufficient cause being shown by any person, the Board of Review shall add to said roll the names of persons, and the description and value of properties both real and personal; shall correct all errors in names, descriptions, assessments and valuation; and shall do whatsoever else may be necessary to complete and correct the assessment roll according to the general laws of the state. The assessment roll as prepared by the Assessor, and as changed and corrected by the Board of Review shall stand as the assessment roll of the city. If, for any cause, a quorum of said Board does not meet during the days mentioned above, the roll prepared by the Assessor shall stand as if approved by the Board of Review.

Section 9.10 - Notice of Review of Assessments:

The Assessor shall give notice of the meetings of the Board of Review by publishing such notice at least two times in a newspaper of general circulation within the city, the first of which publications shall be not more than ten nor less than three days before the first day of review. Failure to give any of the notices herein specified shall not invalidate the assessment roll or any assessment therein contained.

Section 9.11 - Board of Review:

The Board of Review shall be composed of three, six, or nine members, as determined by resolution of the City Council, who shall be selected upon the basis of their knowledge of property values and of the subjects of assessments and taxation. No member of the Board shall hold any other public office or public employment, except that of notary public or member of the armed forces. The Mayor of the City, with the advice and consent of the Council, during January of each year, shall appoint one-third of the members of the Board of Review to serve for a three year term, which term shall begin on the first day of February in the year in which the appointment is made. The Council shall fix the compensation of the members of the Board of Review. The Board shall consist of committees of three members which may meet on alternate days or concurrently as determined by the Board.

Section 9.12 - Notice of Assessment Changes by Board of Review:

Prior to the final meeting of the Board of Review it shall give notice to each owner of property, whose property is added to the assessment roll, or the value of whose property is increased or decreased by the action of the Board. Notice shall be given in the same manner as provided in Section 9.8 above. Neither the failure on the part of the Board of Review to give such notice nor the failure to receive such notice shall invalidate the assessment roll or any assessment thereon.

Section 9.13 - Confirmation of Assessment Roll; Time:

When the Board of Review has completed the review and correction of the assessment roll, the members of the Board shall endorse and approve the same as provided and required by law, and shall deliver the same to the Assessor. All such action as is needed to establish, review and confirm the assessment roll shall be completed on or before the first Monday in April of each year.

Section 9.14 - Records of Board of Review:

The Assessor shall act as Secretary to the Board of Review; shall attend all of its meetings with the right to participate therein but without the right to vote upon any decision to be made by the Board; shall give to the Board all desired and available information relating to matter under consideration; shall give all notices required to be given by the Board of Review; and shall prepare a permanent record of all proceedings of the Board, which record shall be filed annually with the City Clerk within sixty days after the final adjournment of the Board of Review.

Section 9.15 - Use of Assessment Roll:

The assessment roll provided for herein, shall be the assessment roll for all ad valorem taxes levied against the property so assessed by the state, county, city and school district and for any other such tax that may be authorized by law.

B. TAX LEVY

Section 9.16 - Tax Levy; Limitations:

The Council shall raise annually by a general tax upon the real and personal property liable to taxation within the City such sums of money not to exceed in amount one percent of the assessed valuation of all such taxable property, as it shall deem necessary to defray all expenses and expenditures set forth in the budget and to pay all the liabilities of the City.

Section 9.16.5 - Millage Rate Levy Limitation:

The Council shall not increase the millage rate imposed pursuant to Section 9.16 of this charter above a current rate actually imposed, levied, and collected unless the increased rate shall be first approved by a majority of the City electors voting on the question.

Section 9.17 - Certification to Assessor:

Within three days after the Council has adopted the budget for the ensuing year, the Clerk shall certify to the Assessor the total amount which the Council determines shall be raised by general tax, together with such assessments and other lawful charges as the Council shall authorize to be spread against or charged to property and persons appearing upon the roll.

Section 9.18 - Certification to Treasurer:

The city clerk, after the Council has determined the several amounts which it requires to be raised by general tax for the several funds of the City, and the aggregate thereof, shall certify the same to the city treasurer. When such general taxes shall be received by the treasurer, they shall be apportioned to the several funds of the city pro rata according to the several amounts of said funds so certified.

Section 9.19 - Tax Roll:

After the endorsement of the assessment roll by the board of Review, the assessor shall prepare a copy thereof to be known as the city tax roll, and upon receiving the same certificate of the several amounts to be raised or reassessed, as provided in the preceding section, the assessor shall proceed to assess the several amounts determined by the Council to be reassessed against persons or property as determined by said Council; and shall also proceed to assess the amounts of the general city tax according and in

proportion to the several valuations set forth in said assessment roll. The assessor shall set down in separate columns opposite the several valuations of real and personal property in the manner provided by law, the respective amounts of taxes with respect to general tax, debt levy, special assessments, school tax and any other levies or charges properly placed upon the tax rolls.

Section 9.20 - Tax Warrant:

After extending the taxes as aforesaid, the Assessor shall certify the tax roll, directing and requiring the treasurer to collect from the several persons named in the roll the several sums mentioned therein opposite their respective names as a tax or assessment, and chattels, together with the costs and charges of such distress and sale. The warrant shall direct that all city taxes be paid on or before the first day of September of the same year shall be collected without additional charge, and that there shall be added to all city taxes paid after the first day of September a penalty of 4% and interest at the rate of 1/2 of 1% per month for each and every succeeding month or fraction thereof that the same remains unpaid. The city tax roll and annexed warrant together with a true copy thereof, shall be delivered by the assessor to the treasurer on or before the twentieth day of June of the year when made.

Section 9.21 - Tax Statements:

Within ten (10) days after receiving the general tax roll and the city tax roll, respectively, the city treasurer shall give notice by mail to each taxpayer whose name and post office address appears on the assessment roll, stating the amount of tax assessed to him, and a brief description of the property taxed, but failure to send such notice, or any error therein shall not invalidate the legality of the tax levy.

Section 9.22 - Enforcement of Payment:

In case any person shall neglect or refuse to pay any tax assessed to him, the city treasurer shall have the power and duty to enforce the payment thereof, in the manner and to the extent provided by general tax laws of the State.

Section 9.23 - Payment of Tax; Lien:

City taxes and special assessments spread upon the tax roll, and school taxes if spread and collected at the same time as city taxes, shall be due from the persons to whom they are assessed on the first day of July of the year when levied and shall be payable as stated in the warrant of the Mayor annexed to said roll. The amounts levied, together with all charges thereon, shall, on the first day of July of the year when levied, become a lien upon the property of the taxpayer as and to the extent provided by the general tax laws of the State.

Section 9.24 - Unpaid Taxes, Returns:

On the first day of March following receipt of the tax roll, the treasurer shall return all unpaid taxes to the county treasurer in the same manner and with like effect as returns of state and county taxes are made by township treasurers. Such returns shall include all the additional charges hereinbefore provided, which charges shall in such return be added to the amount assessed in said roll against each description. The taxes thus returned shall be collected in the same manner as other taxes returned to such county treasurer are collected under the provisions of the general tax laws of the State, and the same rate of interest and all charges shall be collected thereon, and all taxes upon lands so returned as delinquent shall be and remain a lien thereon until paid.

Section 9.25 - Payment by County Treasurer:

Moneys collected by the county treasurer or received from the sale of lands for delinquent city taxes, shall be paid over to the city treasurer as required by state law. All of the provisions of the general tax laws relative to the sale and redemption of lands returned for delinquent taxes shall apply to the sale and redemption of lands returned for delinquent taxes assessed under the provisions of this charter.

C. MISCELLANEOUS

Section 9.26 - Priority of Lien:

The city taxes thus assessed against personal property shall become at once a debt due to the City from the persons to whom they are assessed, and the amounts assessed on any interest in real property shall on the first day of July become a lien upon such real property, and the lien for such amounts and for all interest and other charges thereon shall continue until payment thereof. All personal taxes shall also be a first lien, prior, superior, and paramount upon all personal property of the person so assessed from and after the first day of July in each year and shall so remain until paid. Such tax liens shall take precedence, over all other claims, encumbrances and liens upon the said personal property, whether created by chattel mortgage, execution, levy, judgment, or otherwise, and whether arising before or after the assessment of said personal property taxes, and no transfer of personal property assessed for taxes thereon shall operate to divest or destroy the lien, except where the personal property is actually sold in the regular course of retail trade.

Section 9.27 - Protection of City Lien:

Consistent with the provisions of law, the City shall have power to acquire any premises within the City, either by purchase at any tax or other public sale or by purchase from the State or the fee owner, when the purchase of such property is necessary to protect the lien of the City for any city taxes, assessments, and charges. The City may hold, lease, or sell the property so acquired. Any such acquisition shall be deemed for a public purpose.

Section 9.28 - State, County and School Taxes:

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

CHAPTER 10 - SPECIAL ASSESSMENTS

Section 10.1 - General Powers:

The Council shall have power to determine that the whole or any part of the cost of a public improvement shall be defrayed by special assessments upon the property especially benefited. The cost of surveys and plans for a public improvement and all expenses incident to the proceeding for the making of such improvement and the special assessments therefore and for the issuance of bonds in anticipation of such special assessments, shall be deemed to be a part of the cost of the improvement. The cost of any improvement shall also include the cost of acquiring any lands and rights of way necessary therefore. The Council in order to ascertain whether or not a reasonable number of property owners to be assessed desire a public improvement to be made under the provisions of this chapter, may request that a petition therefore be presented to it but in event a petition be so filed it shall be advisory only and shall not be jurisdictional.

Section 10.2 - Petitions for Improvements:

Any number of persons may file petitions for making public improvements, any part of the expense of which is to be borne by special assessments. Such petitions shall be filed with the Clerk. All such petitions shall be presented to the Council within 60 days after being filed. All such petitions shall be deemed advisory only, and shall not obligate the Council to act favorably thereon.

Section 10.3 - Preliminary Determination:

When the Council shall propose to make any public improvement, any part of the cost of which is to be defrayed by special assessment, it shall refer the matter to the City Manager who shall prepare or cause to be prepared plans showing the improvement and the location thereof, and an estimate of the cost thereof. Upon receipt of such plans and estimate the Council shall order the same to be filed with the City Clerk and if it shall desire to proceed with the improvement it shall by resolution declare its intention to make such public improvement and shall designate the special assessment district and what part or proportion of the cost of said special assessment shall be made by special assessment against the lots and parcels of land in said special assessment district and what part, if any, shall be paid from the general funds of the city.

Section 10.4 - Special Assessment Procedure by Ordinance:

The Council shall prescribe by ordinance the complete special assessment procedure, including but not limited to, the initiation of projects, preparation of plans and cost estimates, creation of districts, making and confirming of assessment rolls, correction of errors in the rolls, collection of assessments, contesting of assessments, and any other matters concerning the making of improvements by the special assessment method.

In establishing such procedures the Council shall have the right to provide for the payment of special assessments in installments and for the collection of interest charges with respect to the unpaid installments.

Section 10.5 - Special Assessment Accounts:

Except as otherwise provided in this charter, moneys raised by special assessment to defray the cost of any public improvement shall be held in a special fund to pay only such cost and, to the extent required, to repay any money borrowed or advanced therefore and the accrued interest thereon.

Section 10.6 - Insufficient or Excessive Assessment:

Should the assessment in any special assessment roll prove insufficient for any reason, including the non-collection thereof, to pay for the improvement for which they were made or to pay the principal and interest on the bonds issued in anticipation of the collection of such assessments, then the Council shall make additional pro-rata assessments to supply the deficiency, but the total amount assessed against any lot or parcel of land shall not exceed the value of the benefits received from the improvement. Should the amount collected on assessments prove larger than necessary by five (5) percent or less the amount of the original roll the Council may place the excess in any of the funds of the city, but if such excess shall exceed such five (5) percent, then the same shall be credited pro-rata on the assessments against the several parcels of lands according to the amounts thereof, such credit as to each parcel to be made upon the unpaid installments in inverse numerical order, provided, that if as to any parcel there shall be no unpaid installments or, if the unpaid installments are less than the amount of the credit, then such total or surplus amount of credit shall be placed in an escrow account, held by the City to be applied toward the payment of property taxes on the parcels, or refunded at the request of the owners of record as of the date of the refund of the property so assessed. If the City shall have paid for any portion of the cost of the improvements then it shall be considered in the same category as the owner of private lands and shall be entitled to its share of any such excess.

Section 10.7 - Illegality of Assessment; Reassessment:

Whenever any special assessment shall, in the opinion of the Council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the Council shall, whether the improvement has been made or not, or whether any part of the assessment has been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment, and whenever the assessment, or any part thereof, levied upon any premises has been so set aside, if the same has been paid and not refunded, the payment so made shall be applied upon the reassessment and the reassessment shall to that extent be deemed satisfied.

Section 10.8 - Single Premises:

When any expense shall have been incurred by the City upon or in respect to any single premises, which expense is chargeable against such premises and the owner thereof under the provisions of this charter or any ordinance of the City or law of the State of Michigan, and is not of that class required to be pro-rated among the several lots and parcels of land in a special assessment district, an account of the labor, material and service for which such expense was incurred with a description of the premises upon or in respect to which the expense was incurred, and the name of the owner, if known, shall be reported to the treasurer, who shall immediately charge and bill the owner, if known. The treasurer at the end of each quarter shall report to the Council all sums so owing to the City and which have not been paid within fifteen (15) days after the mailing of the bill therefore. The Council shall at such times as it may deem advisable, direct the assessor to prepare a special assessment roll covering all such charges reported to it, together with a penalty of ten (10) per cent. Such roll shall be filed with the Clerk, who shall present the same to the Council. Thereafter the same proceedings shall be followed in respect to such special assessment roll as are provided in Section 10.3, et seq., of this chapter and all the provisions of said sections with reference to special assessments generally shall apply to special assessments under this section, insofar as the same may be applicable.

Section 10.9 - Lien for Payment of Assessment:

All special assessments contained in any special assessment roll, including any part thereof deferred to as payment, shall from the date of the confirmation of such roll, constitute a lien upon the respective lots or parcels of land assessed and until paid shall be a charge against the respective owners of the several lots and parcels of land. Such lien shall be of the same character and effect as the lien created for city

taxes and shall include accrued interest and penalties. No judgment or decree, nor any act of the council 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 a regular mode of proceeding might be lawfully assessed thereon.

In addition to any other remedies and without impairing the lien therefore, any delinquent special assessment together with interest and penalties may be collected in an action of assumpsit in the name of the City against the person assessed, in any court having jurisdiction of the amount. If in any such action it shall appear that by reason of any irregularities or informalities the assessment has not been properly made against the defendant or upon the premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the City, which is a proper charge against the defendant or the premises in question, render judgment for the amount properly chargeable against such defendant or upon such premises.

CHAPTER 11 - BORROWING POWER

Section 11.1 - Authority to Borrow:

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 therefore, and may pledge the full faith, credit, and resources of the City for the payment of the obligation created thereby.

Section 11.2 - Borrowing in Anticipation of Special Assessment:

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 therefore. Such special assessment bonds may be an obligation of the special assessment district or districts and a general obligation of the City for which the full faith and credit of the City may be pledged. The City shall also have the right to issue general obligation bonds to pay the City's share of the cost of any project or improvement, the financing of which is generally provided for by a special assessment levy. All collections on each special assessment roll, 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.

Section 11.3 - Issuance of Mortgage Bonds:

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 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.

Section 11.4 - Emergency Bonds in Event of Calamity:

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.

Section 11.5 - Time Limit on Sale of Bonds:

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 five years after authorization, such authorization shall be null and void.

Section 11.6 - Use of Proceeds of Bonds:

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

Section 11.7 - Use of Excess Funds:

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 a 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.

Section 11.8 - Execution of Bonds:

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.

Section 11.9 - Limits on Borrowing:

No limits are established on the power of the City to borrow, except those established by the laws of this state.

Section 11.10 - Notice:

Statutory notice shall be given of all proceedings in connections with the issuance of bonds.

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

Section 11.11 - Tax Anticipation Notes:

Subject to all provisions of law, the City may, by resolution of the council and without a vote of the electors, borrow money and issue its notes in anticipation of the collection of taxes for its then next succeeding fiscal year or the taxes for a current fiscal year.

Section 11.12 - Deferred Payment Contracts:

The City may enter into installment contracts for the purchase of property or capital equipment, Each of such contracts shall not extend over a period greater than five years nor shall the total amounts of principal payable under all such contracts exceed an amount equal to one-tenth of one percent of the assessed value of all the real and personal property in the city.

All such deferred payments shall be included in the budget for the year in which the installment is payable.

Section 11.13 - Other Obligations:

Subject to all provisions of law, the City shall have the power to issue revenue bonds, refunding bonds, and any other type obligation authorized by law.

CHAPTER 12 - PURCHASES - CONTRACTS - LEASES

Section 12.1 - Purchase and Sale of Property:

The City Manager shall be responsible for the purchase and sale of all City property.

Comparative prices shall be obtained for the purchase or sale in amount not in excess of ten thousand dollars of all materials, supplies and public improvements except (a) in the employment of professional services and (b) when the City Manager shall determine that no advantage to the City would result.

In all sales or purchases in excess of ten thousand dollars, (a) the sales or purchases shall be approved by the Council, (b) competitive bids shall be obtained through a traditional sealed bid procedure or alternative methods, providing the method used preserves the integrity of the competitive process, except where the Council shall determine that an emergency exists or that the public interest will be best served without obtaining sealed bids, and (c) the requirements of Section 12.2 shall be complied with. No sale or purchase shall be divided for the purpose of circumventing the dollar value limitation contained in this section. The Council may authorize the making of public improvements or the performance of any other city work by any city agency without competitive bidding.

Purchases shall be made from the lowest competent bidder meeting specifications, unless the Council shall determine that the public interest will be better served by accepting a higher bid, sales shall be made to the bidder whose bid is most advantageous to the City.

The City Manager may make necessary purchases without sealed bid, prior council approval, and in excess of the limits provided in this chapter when an emergency, because of a natural disaster, civil disturbance or similar calamity, is officially declared. Any such purchases shall be affirmed at the next regularly scheduled council meeting.

All purchases and sales shall be evidenced by written contract or purchase order.

The City may not sell any park, cemetery or any part thereof except in accordance with restrictions placed thereon by statute.

The City may not purchase, sell or lease any real estate or any interest therein except by the affirmative vote of four or more members of the Council.

The purchase and sale of all city property shall be subject to the provisions of Section 6.12.

Detailed purchasing, sale and contract procedures shall be established by ordinance.

Section 12.2 - Contracts

The authority to contract on behalf of the City is vested in the Council and shall be exercised in accordance with the provisions of statute and of this Charter, provided that purchases and sales may be made by the City Manager subject to the provisions of Section 12.1

Any contract or agreement in an amount of one thousand dollars or more made with form or terms other than the standard city purchase order form shall before execution be submitted to the 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.

Before any contract, agreement or purchase order obligating the City to pay an amount of one thousand dollars or more is executed the accounting officer of the City shall first have certified that an appropriation has been made for the payment thereof, or that sufficient funds will be available if it be for a purpose being financed by the issuance of bonds or by special assessments or for some other purpose not chargeable to a budget appropriation. In the case of a contract or agreement obligating the City for periodic payments in future fiscal years for the furnishing of a continuing service or the leasing of property, such certification need not cover those payments which will be due in future fiscal years, but this exception shall not apply to a contract for purchase or construction being financed by an installment contract under authority of Section 11.2. Certification by the accounting officer of the City shall be endorsed on each contract, agreement or purchase order requiring same or shall be filed as an attachment thereto.

No contract or purchase order shall be subdivided for the purpose of circumventing the dollar value limitations contained in this Section.

No contract shall be amended after the same has been made except upon the authority of the Council, provided that the City Manager may amend contracts for those purchases and sales made by him under the authority of Section 12.1

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 in default to the City.

An individual agreement of employment shall not be deemed a contract requiring opinion by the Attorney or certification by the accounting officer of the City.

Section 12.3- Restriction on Powers to Lease Property:

Any agreement or contract for the renting or leasing or long term use of public property to any person for a period longer than three years shall be subject to the same referendum procedure as is provided in the case of ordinances passed by the Council, but any petition for such referendum must be filed within thirty days after publication of the proceedings of the meeting of the Council at which such agreement or contract is authorized.

The transfer or assignment of any agreement or contract for such renting or leasing or long-term agreements exceeding three years for public property may be made only upon approval of the Council, but approval of such transfer shall not be subject to referendum.

Rentals, leases, long-term use agreements exceeding three years, and renewals thereof shall be for a fair consideration, as determined by the Council.

CHAPTER 13 - MUNICIPAL UTILITIES

Section 13.1 - General Powers Respecting Utilities:

The City shall possess and hereby reserves to itself all the powers granted to cities by statute and Constitution 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, 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 an amount not to exceed the limitations set by statute and Constitution.

Section 13.2 - Management of Municipal Utilities:

All municipally owned or operated utilities shall be administered as a regular department of the city government under the management and supervision of the City Manager.

Section 13.3 - Rates:

The Council shall have the power to fix from time to time such just and reasonable rates and other charges as may be deemed advisable for supplying the inhabitants of the City and others with such public utility services as the City may provide. There shall be no discrimination in such rates within any classification of users thereof, nor shall free service be permitted. Higher rates may be charged for service outside the corporate limits of the City.

Section 13.4 - Utility Rates and Charges - Collection:

The Council shall provide by ordinance for the collection of all public utility rates and charges of the City. Such ordinance shall provide at least:

- (a) That 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.
- (b) The terms and conditions under which utility services may be discontinued in case of delinquency in paying such rates or charges.
- (c) That suit may be instituted by the City before a competent tribunal for the collection of such rates or charges.

With respect to the collection of rates charged for water the City shall have all the powers granted to cities by Act 178 of the Public Acts of 1939.

Section 13.5 - Disposal of Utility Plants and Property:

Unless approved by the affirmative vote of three-fifths of the electors voting thereon at a regular or special election, the City shall not sell, exchange, lease or in any way dispose of any property, easements, equipment, privileges or assets belonging to and appertaining to any municipally owned public utility which is needed to continue operating such utility. All contracts, negotiations, licenses, grants, leases, or other forms of transfer in violation of this section shall be void and no effect as against the City. 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 not necessary for the operation of the utility, or to the exchange of property or easements for other needed property or easements. It is provided, however, that the provisions of this section shall not extend to vacation or abandonment of streets, as provided by statute.

Section 13.6 - Utility Finances:

The rates and charges for any municipal public utility for the furnishing of water, light, heat, power or gas shall be so fixed as to at least meet all the costs of such utility.

Transactions pertaining to the ownership and operation by the City of each public utility shall be recorded in a separate group of accounts under an appropriate fund caption, which accounts shall be classified in accordance with generally accepted utility accounting practice. Charges for all service furnished to, or rendered by, other city departments or agencies shall be recorded. An annual report shall be prepared to show fairly the financial position of each utility and the result of its operation, which report shall be available for inspection at the office of the Clerk.

CHAPTER 14 - PUBLIC UTILITY FRANCHISES

Section 14.1 - Granting of Public Utility Franchises:

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 years.

No franchise ordinance, which is not subject to revocation at the will of the Council, 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 Council for referral to the electorate before thirty days after application therefore has been filed with the Council 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 unless the expense of holding such election, as determined by the Council shall have first been paid to the Treasurer by the grantee.

A franchise ordinance or renewal or extension thereof or amendment thereto which is subject to revocation at the will of the Council may be enacted by the Council without referral to the voters, but shall not be enacted unless it shall have been complete in the form in which it is finally enacted and shall have so been on file in the office of the Clerk for public inspection for at least four weeks after publication of a notice that such ordinance is so on file.

Section 14.2 - Conditions of Public Utility Franchises:

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, but this enumeration shall not be exclusive or impair the right of the Council to insert in such franchise any provision within the power of the City to impose or require:

- (a) To repeal the same for misuse, non-use or failure to comply with the provision 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 use, control and regulate the use of its streets, alleys, bridges and other public places and the space above and beneath them;
- (f) To impose such other regulations as may be determined by the Council to be conducive to the safety, welfare and accommodation of the public.

Section 14.3 - Regulation of Rates:

All public utility franchises shall make provision therein for fixing rates, fares and charges and may provide for readjustments thereof at periodic intervals. The value of the property of the utility used as a

basis for fixing such rates, fares and charges shall in no event include a value predicated upon the franchise, goodwill or prospective profits.

Section 14.4 - Use of Public Places by Utilities:

Every public utility, whether it has a franchise or not, shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges and other public places as shall arise from its use thereof and shall protect and save the City harmless from all damages arising from said use. 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 therefore. In the absence of agreement and upon application by any public utility, the Council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefore, and the arbitration award shall be final.

CHAPTER 15 - MISCELLANEOUS

Section 15.1 - City Liability:

The City shall not be liable for damages sustained by any person either to his person or property by reason of the negligence of the City, its officers or employees, nor by reason of any defective condition of or obstruction in any public place unless such person shall serve or cause to be served upon the Clerk within sixty days after the injury resulting in such damages shall have occurred a notice in writing, which notice shall set forth substantially the time and place of such injury, the manner in which it occurred, the extent of such damages as far as the same has become known, the names and addresses of the witnesses known at the time by the claimant and a statement that the person sustaining such damages intends to hold the City liable for such damages, as may have been sustained by him.

The City shall not be liable for any damages to person or property arising out of any such injury unless there shall have been first presented to the Clerk a claim in writing and other oath setting forth particularly the time, place, nature and extent of such injury and the amount of damages claimed by reason thereof. No person shall bring any action against the City for any such damages until such claim shall have been filed with the Clerk and until the Council shall have been given reasonable opportunity to act thereon either by allowing or refusing to allow the claim.

It shall be a sufficient bar and answer in any court to any action or proceeding for the collection of any demand or claim against the City under this section that the notice of injury and the verified proof of claim as in this section required were not presented and filed within the time and in the manner as herein provided.

Section 15.2 - Records to be Public:

All records of the City shall be made available to the public in compliance with the State Law, and shall be kept in the city offices except when required for official reasons or for purposes of safekeeping to be elsewhere.

Section 15.3 - Interpretations:

Except as otherwise specifically provided or indicated by the context:

- (1) 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 herein.
- (2) The singular number shall include the plural, the plural number shall include the singular and the masculine gender shall extend to and include the feminine gender and the neuter.
- (3) The word "person" may extend and be applied to bodies politic and corporate and to partnerships as well as to individuals.
- (4) The words "printed" and "printing" shall include reproductions by printing, engraving, stencil duplicating, lithographing or any similar method.
- (5) Except in reference to signatures, the words "written" and "in writing" shall include printing and typewriting.

- (6) The word "officer" shall include the Mayor and other members of the Council, the administrative officers, members of city boards and commissions created by or pursuant to this Charter.
- (7) The word "statute" shall denote the Public Acts of the State of Michigan in effect at the time the provision of the Charter containing the word "statute" is to be applied.
- (8) All references to specific Public Acts of the Sate of Michigan shall be to such acts as are in effect at the time the reference to such act is to be applied.
- (9) The words "law" or "general laws of the state" shall denote the Constitution and the Public Acts of the State of Michigan in effect at the time the provisions of the Charter containing the words "law" or "general laws of the state" is to be applied, and applicable common law.
- (10) All references to section numbers shall refer to section numbers of this Charter.
- (11) Words purporting to give authority to two or more public officers or other persons shall be construed as giving such authority to a majority of such officers or other persons unless it shall be otherwise expressly declared.

Section 15.4 - Definition of Publication, Mailing of Notices:

The requirement contained in this Charter for the publishing or publication of notices or ordinances shall be met by publishing an appropriate insertion in a newspaper published in the English language for the dissemination of news of a general character which newspaper shall have had a general circulation at regular intervals in the city immediately preceding the time that it is used for such publication purposes. The affidavit of the printer or publisher of such newspaper, or of his foreman or principal clerk, annexed to a printed copy of such notice, ordinance or proceeding taken from the paper in which it was published and specifying the times of publication shall be prima facie evidence of such publication.

In any case in which this Charter requires the mailing of notices, the affidavit of the officer or employee responsible for such mailing that such notice was mailed shall be prima facie evidence of such mailing.

Section 15.5 - Trusts:

All trusts established for any municipal purpose shall be used and continued in accordance with the terms of such trust, subject to the cy pres doctrine. The Council may in its discretion receive and hold any property in trust for any municipal purpose and shall apply the same to the execution of such trust and for no other purpose except in cases where the cy pres doctrine shall apply.

Section 15.6 - Quorum:

Except as provided otherwise in this Charter, or by statute, a quorum of any board or commission created by or pursuant to this Charter shall be a majority of the total membership of such board or commission in office at the time.

Section 15.7 - Penalties for Violation of This Charter:

All violations of the provisions of the Charter or of any ordinance shall be punishable, unless otherwise herein provided, by a fine not exceeding Five Hundred Dollars (\$500) or by imprisonment for a period not to exceed ninety (90) days or both fine and imprisonment, in the discretion of the court.

Section 15.8 - Chapter and Section Headings:

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

Section 15.9 - Amendments:

This Charter may be amended at any time in the manner provided by statute. Should two 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 15.10 - No Estoppel:

No estoppel may be created against the City.

Section 15.11 - Processes Against City:

All process against the City shall run against the City in the corporate name thereof and may be served by leaving a true copy with the Mayor, Clerk or Attorney.

Section 15.12 - Severability of Charter Provisions:

If any provision, section, article or clause of this Charter or the application 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 or applications are not determined by the court to be inoperable, and to this end this Charter is declared to be severable.

Section 15.13 - Retirement and Pension System:

The Council may, by ordinance, provide for a retirement and pension system for any and all persons in the service of the City except that these benefits shall not be offered to any board or committee member or elected official of the City unless they otherwise qualify as an employee, former employee or voluntary firefighter.

Section 15.14 - Civil Service System:

The Council may, by ordinance, provide for a civil service system.

CHARTER ADOPTION

Charter Election - June 7, 1955

City Incorporated - June 13, 1955

Charter Commission Completed Work - August 31, 1955

First Election of Officers and Adoption of Charter - December 12, 1955

Election Certified - December 13, 1955

CHARTER AMENDMENTS

January 20, 1958

February 16, 1959

April 6, 1959

August 2, 1960

November 8, 1960

April 1, 1963

April 5, 1965

April 4, 1966

April 5, 1971

April 2, 1973

April 7, 1975

April 5, 1976

April 4, 1977

February 20, 1978

April 3, 1978

April 2, 1979

April 7, 1980

April 5, 1982

April 1, 1985

April 5, 1988

April 3, 1989

April 2, 1990

April 6, 1992

April 4, 1994

November 8, 1994

April 6, 1998

April 1, 2002

April 5, 2004

November 4, 2008

November 3, 2009

CHARTER AMENDMENTS

January 20, 1958

SECTION 7.4 - CITY PRIMARY ELECTION

Reduced the number of candidates needed to require a Primary from three to two times the number of vacancies.

A City Primary Election shall be held on the third Monday in February, beginning with the year 1957 with respect to any office for which, upon the expiration of the time for filing nominating petitions, it appears that petitions have been filed for more than twice the number of officers to be elected. Such number of candidates for any office receiving the highest number of votes at any City Primary Election as shall be equal to twice the number of officers to be elected, shall be declared nominees for election to the respective office for which they are candidates.

SECTION 9.16 - TAX LEVY; LIMITATIONS

Reduced the tax limit from twenty mills to ten mills.

The Commission shall raise annually by a general tax upon the real and personal property liable to taxation within the City such sums of money not to exceed in amount one percent of the assessed valuation of all such taxable property, as it shall deem necessary to defray all expenses and expenditures set forth in the budget and to pay all the liabilities of the City; provided, however, that the Commission shall not have authority to levy in any one year general taxes for current operations in an amount in excess one-half of one percent of the assessed valuation of said taxable property.

February 16, 1959

SECTION 7.13 - ELECTION COMMISSION

Clarified the duties of the Election Commission

An election commission is hereby created consisting of the clerk and two qualified and registered electors of the City, who during their term of office shall not be candidates for elective city offices. These two members shall serve without compensation. These two members shall be appointed by the Commission annually in January for a term of one year. The Clerk shall be Chairman of the Election Commission and that the Election Commission shall appoint the Board of Election Inspectors for each precinct and have charge of all activities and duties required of it by Statute and this Charter relating to the conduct of the Elections in this City. The compensation of Election personnel shall be determined in advance by the City Commission. In any case where Election procedure is in doubt, the Election Commission shall prescribe the procedure to follow: Provided only that such procedure comply with all applicable State Statutes and the constitution of the State of Michigan.

April 6, 1959

SECTION 6.1 - ELIGIBILITY FOR OFFICE AND EMPLOYMENT IN CITY

Reference to 12.5 in Paragraph 3 was deleted because it deals with compensation and not with qualifications.

SECTION 12.6 - JUSTICES PROHIBITED FROM TRYING CASES IN COURT

Added the last half of the sentence, which had been erroneously dropped in the original.

Neither the presiding Justice or the Associate Justice if he be an attorney or business partners or employees of their law firm, may try cases or perform any other act as an attorney in or before the Justice court for City of Troy.

August 2, 1960

SECTION 11.5 - TIME LIMIT ON SALE OF BONDS

Authorization time limit changed from three years

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 five years after authorization, such authorization shall be null and void.

November 8, 1960

SECTION 10.6 - INSUFFICIENT OR EXCESSIVE ASSESSMENT

Previously refunds could only be applied against future property taxes.

Should the assessments in any special assessment roll prove insufficient for any reason, including the non-collection thereof, to pay for the improvement for which they were made or to pay the principal and interest on the bonds issued in anticipation of the collection of such assessments, then the commission shall make additional pro-rata assessments to supply the deficiency, but the total amount assessed against any lot or parcel of land shall not exceed the value of the benefits received from the improvement. Should the amount collected on assessments prove larger than necessary by five (5%) percent or less the amount of the original roll the commission may place the excess in any of the funds of the city, but if such excess shall exceed such five (5%), then the same shall be credited pro-rata on the assessments against the several parcels of lands according to the amounts thereof, such credit as to each parcel to be made upon the unpaid installments in inverse numerical order; provided, that if as to any parcel there shall be no unpaid installments or, if the unpaid installments are less than the amount of the credit, then such total or surplus amount of credit shall be refunded to the owners of record as of the date of the refund of the property so assessed. If the City shall have been assessed for any portion of the cost of the improvements then it shall be considered in the same category as the owner of private lands and shall be entitled to its share of any such excess except that any amount due the city, which in case of private lands would be refunded to the owners of record of the property so assessed, shall be refunded to the city in cash.

April 1, 1963

SECTION 2.2 - FURTHER DEFINITION OF POWERS

Added Section (w) to permit the establishment and maintenance of a public library.

(w) The establishment and maintenance of a Public Library.

April 5, 1965

SECTION 8.9 - WARRANT FOR PAYMENT OF FUNDS

Remove the requirement that the City Commission authorize each individual warrant.

SECTION 13.1 - PURCHASE AND SALE OF PROPERTY

Changed the limit, which requires sealed bids from \$500 to \$1,000, and added an emergency as a justification for not taking bids.

The City Manager shall be responsible for the purchase and sale of all city property.

Comparative prices shall be obtained for the purchase or sale in amount not in excess of one thousand dollars of all materials, supplies and public improvements except (a) in the employment of professional services and (b) when the city Manager shall determine that no advantage to the City would result.

In all sales or purchases in excess of one thousand dollars, (a) the sales or purchases shall be approved by the Council, (b) sealed bids shall be obtained, except that where the Council shall determine that an emergency exists or that the public interest will be best served without obtaining sealed bids, and (c) the requirement of Section 13.2 shall be complied with. No sale or purchase shall be divided for the purpose of circumventing the dollar value limitation contained in this section. The Council may authorize the making of public improvements or the performance of any other city work by any city agency without competitive bidding.

Purchases shall be made from the lowest competent bidder meeting specifications, unless the Council shall determine that the public interest will be better served by accepting a higher bid, sales shall be made to the bidder whose bid is most advantageous to the City.

All purchases and sales shall be evidenced by written contact or purchase order.

The City may not sell any park, cemetery or any part thereof except in accordance with restrictions placed thereon by statute.

The City may not purchase, sell or lease any real estate or any interest therein except by the affirmative vote of four or more members of the Council.

The purchase and sale of all city property shall be subject to the provisions of Section 6.13.

Detailed purchasing, sale and contract procedures shall be established by ordinance.

APRIL 4, 1966

SECTION 9.5 - ASSESSING OFFICER

Provided that the City manager appoint and remove the city Assessor

The City Manager shall appoint one Assessor, subject to confirmation by the Commission. Such Assessor may be removed by the City Manager with the approval of the City Commission.

The 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 of Michigan. Deputy Assessors shall work under the direction of, and shall be subject to, the Assessor.

APRIL 5, 1971

SECTION 6.13 - PECUNIARY INTEREST PROHIBITED

Added Section (f) to provide for the filing of a disclosure statement of ownership interests in real estate and businesses in Troy or doing business with Troy, and political contributions.

- (f) A full disclosure statement shall be filed with the City Clerk by all candidates for election to the City Council at the time of the filing of nominating petitions and on the 15th day of April immediately thereafter, and on the 15th day of April each year thereafter during his term of office.

APRIL 2, 1973

SECTION 3.1 - THE CITY COMMISSION

Changed the name of the legislative body to City council throughout entire Charter.

APRIL 7, 1975

SECTION 9.7 - ASSESSMENT

Changed the last day to certify the assessment roll from the last day of February to the first Monday in March.

On or before the first Monday in March of each year, the Assessor shall make and certify an assessment roll in the manner and form prescribed by law of all persons and property subject to taxation by the city. In so doing he shall place a value upon all taxable property, both real and personal; and said value shall be determined according to the laws of the state, and in conformity with established rules, techniques and procedures, so applied as to accurately reflect the true relative values of all the respective properties subject to taxation. The value shall be determined according to the facts existing on the first day of January of the year for which the roll is made, and no change in the status or location of any taxable property occurring after said day shall be considered by the Assessor or by the Board of Review. The process of assessment of property within the City for the purpose of taxation shall be continuous, but all assessments, as the same shall appear on the annual assessment and tax rolls of the City, shall be correct to and shall stand as of the tax day of the year to which they apply.

The assessment roll shall show separate figures for the values of the real estate, including buildings, and of personal property.

SECTION 9.9 - REVIEW OF ASSESSMENTS

Changed the first meeting of the Board of Review from March 1 to the Tuesday following the first Monday in March.

All assessments shall be subject to review by the Board of Review, which body shall be organized as hereinafter provided.

The Board of Review shall meet for the purpose of reviewing and correcting the assessment roll, at the place of meeting of the City Council, on the Tuesday following the first Monday of March unless the same shall fall on a legal holiday and in that event on the next day thereafter, of each year, and on as many successive working days thereafter as may be necessary to complete the review of the assessment roll. On each of said days the Board of Review shall be in session from 9:00 A.M. to 5:00 P.M., with an appropriate recess for lunch. The Assessor shall submit to the Board of Review on the said days the

assessment roll for the current year as prepared by him and said Board shall examine and review the same. On its own motion, or on sufficient cause being shown by any person, the Board of Review shall add to said roll the names of persons, and the description and value of properties both real and personal; shall correct all errors in names, descriptions, assessments and valuation; and shall do whatsoever else may be necessary to complete and correct the assessment roll according to the general laws of the State. The Assessment roll as prepared by the Assessor, and as changed and corrected by the Board of Review, shall stand as the assessment roll of the city. If, for any cause, a quorum of said Board does not meet during the days mentioned above, the roll prepared by the Assessor shall stand as if approved by the Board of Review.

APRIL 5, 1976

SECTION 1.3 - WARDS AND PRECINCTS

Eliminated reference to the Township precincts.

The City of Troy shall consist of one ward.

SECTION 3.10 - CITY MANAGER, APPOINTMENT AND QUALIFICATIONS

Changed the period that a vacancy may exist from ninety to one-hundred and twenty days.

The City Manager shall be the chief administrative officer of the City. He shall be selected on the basis of fitness and ability alone. At the time of his appointment, he need not be a resident of the City or State, but during the tenure of his office, he shall reside within the city. A vacancy in this office shall be filled by the City Council within one-hundred and twenty (120) days.

SECTION 3.18 - COMPENSATION OF ATTORNEY AND SPECIAL COUNSEL

The section was repealed because it was extraneous; all sections following it were renumbered.

SECTION 5.9 - CODIFICATION OF ORDINANCES

Remove references to the first codification of ordinances.

The Council shall maintain the codification of all ordinances of the City and shall provide for the publication of subsequent amendments thereto so that such amendments may be readily made a part of such published code and maintained thereafter in current form.

The Council shall provide for making copies of the codification available for public inspection and for distribution to the public at a reasonable charge therefore and shall publish notice of the printing and availability of such codification before the effective date thereof. Such printing and making available of the codification and notice thereof shall constitute publication of any such codification, other provisions of this charter for publication notwithstanding.

The copies of the ordinances and of the codification thereof, and of provisions adopted by reference in accordance with Section 5.7 may be certified by the Clerk and, when so certified, shall be competent evidence in all courts and other legally established tribunals as to the matter contained therein.

APRIL 4, 1977

SECTIONS 7.5; 12.1 AND 12.2

Authorized more than one Associate Municipal Judge.

SECTIONS 6.1; 6.8; 7.5; 12.1; 12.2; 12.3; 12.4; 12.5; 12.6; 12.7; 12.11 and 12.13

Changed all references from Justice of the Peace to Municipal Judge.

FEBRUARY 20, 1978

SECTION 7.4 - CITY PRIMARY ELECTION

Deleted the phrase "beginning with the year 1957".

SECTION 7.9 - NOMINATIONS

Clarified the filing deadline for nominating petitions.

The method of nomination of all candidates at city elections shall be by petition. Each petition may comprise one or more pages. The petition for each candidate must be signed by not less than sixty registered electors of the City. No person shall sign his name to a greater number of petitions for any office than there are persons to be elected to said office at the following City election. If the signature of any persons appears on more petitions than permitted by this section, such signatures shall not be counted on any one of the petitions so signed for that office.

Nomination petitions for candidates for regular city elections shall be filed with the Clerk on or before 4 o'clock p.m. of the twenty-eighth (28) day preceding the third Monday of February of each year.

The Clerk shall, prior to every election, publish notice of the last day permitted for filing nomination petitions and of the number of persons to be elected to each office at least one week and not more than three weeks before such day.

SECTION 8.8 - ACCOUNTING; DEPOSIT AND WITHDRAWAL OF FUNDS

Changed "warrant" to "check" and changed reporting requirement to at least once annually.

The Treasurer shall receive and disburse all moneys belonging to the City and shall keep an accurate detailed account of all money received and disbursed by him and of the particular fund into which or from which the same is paid. He shall pay out no money except upon check issued as in this charter provided. He shall, at least once annually, and oftener if required, furnish the Council with a statement showing all cash, investments, and the condition of the several funds of the City. He shall make such other reports as the Council may require.

SECTION 9.8 - NOTICE OF CHANGE OF ASSESSMENT BY ASSESSOR

Changed notice requirement from ten days prior to the last day of February to February 12.

The Assessor shall give notice by first class mail to each owner of property which has been added to the assessment roll or the value of which has been increased or decreased on such roll. The notice shall be sent to the owner shown on the record of the Assessor's office, and shall be mailed not later than the 12th day of February of each year. Neither the failure of the Assessor to give such notice nor failure to receive the same shall invalidate any assessment roll or any assessment thereon.

SECTION 9.11 - BOARD OF REVIEW

Removed the descriptive words "of the United States or the State Militia" which appeared after the phrase "member of the armed forces".

APRIL 3, 1978

SECTION 1.2 - DESCRIPTION OF TERRITORY

Removed incorrect actual description.

The Territory of the City of Troy is that which is described as the City Boundary and on file with the Secretary of State.

SECTION 3.4 - TERMS OF OFFICE

Deleted references to the first Council and the Original Charter election.

SECTION 6.10 - OATH OF OFFICE AND BOND

Removed references to the "old" Michigan Constitution.

Every officer, elected or appointed, before entering upon the duties of his office, shall take the oath of office and shall file the same with the Clerk together with any bond required by statute, this charter, or by the Council. In case of failure to comply with the provisions of this section within ten days from the date of his election or appointment, such officer shall be deemed to have declined the office and such office thereupon shall become vacant unless the Council shall, by resolution, extend the time in which such officer may qualify as above set forth.

SECTION 6.14 (b) - COMPENSATION OF EMPLOYEES AND OFFICERS

Remove obsolete portions

The respective salaries and compensation of officers and employees as fixed by, or pursuant to, this charter shall be in full for all fees, commissions and other compensation. Such fees, commissions and other compensation received by such officers or employees shall be paid into the city treasury.

SECTION 7.15 - CANVASS OF VOTES

Repealed the section because it conflicted with the State Election law, and the following sections were renumbered.

SECTION 8.9 - WARRANT FOR PAYMENT OF FUNDS

Changed "warrant" to "check".

Every check shall specify the fund from which it is payable and shall be paid from no other fund. No check shall be drawn upon the treasury after the fund from which it should be paid has been exhausted and if any check shall be drawn, it shall be void. Each invoice shall be approved by the official incurring the expenditure.

APRIL 2, 1979

SECTION 3.6 - COMPENSATION OF COUNCILMEN

Increase Council pay effective April 11, 1982

Members of the Council and the Mayor shall, prior to April 12, 1982, receive as compensation for their Services the sum of Ten (\$10.00) Dollars per member for each session of the Council attended, and shall, after April 11, 1982 Receive as compensation for their Services the sum of Twenty-five (\$25.00) dollars per member for each session of the Council attended; provided, however, that prior to April 12, 1982 no member of the Council nor the Mayor shall receive compensation in excess of Six Hundred (\$600.00) Dollars in any one year; and provided that after April 11, 1982, no member of the Council nor the Mayor shall receive compensation in excess of One Thousand Five Hundred (\$1,500.00) Dollars. In addition, each member of the Council shall receive his reasonable and necessary expenses incurred in service on behalf of the City and authorized in advance by the Council, itemized and ordered paid by the Council.

APRIL 7, 1980

SECTION 6.1 - ELIGIBILITY FOR OFFICE AND EMPLOYMENT

Removed references to the Municipal Judge, Officers of the Township and Supervisors, and eliminated the two year residency requirement for elective office and appointment to boards and commissions.

No person shall hold any elective office unless he is a qualified and registered elector of the City on such last day for filing or at such time of appointment and throughout his tenure of office.

No person shall be eligible for any elective or appointive city office who is in default to the city or to any other governmental unit of the State. The holding of office by any person who is in such default shall create a vacancy unless such default shall be eliminated within thirty days after written notice thereof by the Council or unless such person shall in good faith be contesting the liability for such default, provided, however, that the term "default" shall not include taxes or payments for utilities levied against the property of such person.

Each candidate for elective office shall file with his petition his affidavit that he possesses the qualifications for such office provided in this Section. Failure to file such affidavit shall invalidate his petition.

Each member of a city board or commission created by or pursuant to, this charter shall have been a resident of the city prior to the day of his appointment and shall be a qualified and registered elector of the city on such day and throughout his tenure of office.

All officers of the city shall be United States citizens.

No elective officer, under this charter, may be appointed to any city office or be employed by the city during the term of office for which he was elected.

The Council may by ordinance require residence in the City of Troy as a Condition of employment of full time appointive officers.

SECTION 6.8 - FILLING VACANCIES IN OFFICE OF MUNICIPAL JUDGE

Repealed the section because there is no longer a municipal Judge, and renumbered the following sections.

SECTION 7.5 - ELECTIVE OFFICERS AND TERMS OF OFFICE

Eliminated reference to the Municipal Judge who has been replaced by Judges.

The elective officers of the city shall be the six (6) members of Council and the Mayor all of whom shall be nominated and elected from the city at large for the terms provided herein.

CHAPTER 12 - COURT

Repealed the Chapter because the Municipal Court has been replaced by a District Court, and renumbered the following chapters and sections.

CHAPTER 16 - SUPERVISORS

Repealed the chapter because there is no longer a County Board of Supervisors, and renumbered the chapters and sections which follow.

APRIL 5, 1982

SECTION 12.1 - PURCHASE AND SALE OF PROPERTY

Changed the limit, which requires sealed bids from \$1,000 to \$3,000.

APRIL 1, 1985

SECTION 9.16 - TAX LEVY; LIMITATIONS

Removed the 5 mill current operating limit within the 10-mill limit.

APRIL 4, 1988

SECTION 10.6 - INSUFFICIENT OR EXCESSIVE ASSESSMENT

Provides for a credit on property taxes for over assessments, unless the property owner requests a refund.

APRIL 3, 1989

SECTION 3.6 - COMPENSATION OF COUNCIL

Changed the compensation of Mayor and Council from \$25.00 per meeting, not to exceed \$1,500.00 to \$175.00 per month.

APRIL 2, 1990

SECTION 9.9 - REVIEW OF ASSESSMENTS

Changed the meeting schedule and eliminated the specified hours of 9:00 AM to 5:00 PM for the meeting

All assessments shall be subject to review by the Board of Review, which body shall be organized as hereinafter provided.

The Board of Review shall meet for the purpose of reviewing and correcting the assessment roll, at the place of meeting of the City Council, on the Tuesday following the first Monday of March, and on the second Monday of March, and continue in session during the day and the day following and shall meet in session for not less than six hours each day. On its own motion, or on sufficient cause being shown by any person, the Board of Review shall add to said roll the names of persons, and the description and value of properties both real and personal; shall correct all errors in names, descriptions, assessments and valuation; and shall do whatsoever else may be necessary to complete and correct the assessment roll according to the general laws of the State. The assessment roll as prepared by the Assessor, and as changed and corrected by the Board of Review shall stand as the assessment roll of the city. If, for any cause, a quorum of said Board does not meet during the days mentioned above, the roll prepared by the Assessor shall stand as if approved by the Board of Review.

SECTION 9.10 - NOTICE OF REVIEW OF ASSESSMENTS

Corrected publication time, and eliminated the requirement of posting notice in six public places.

SECTION 9.11 - BOARD OF REVIEW

Permits the Board of Review to have three, six or nine members.

SECTION 9.14 - RECORDS OF THE BOARD OF REVIEW

Changes the time limit from thirty to sixty days for the Board of Review to file their permanent record with the City Clerk.

SECTION 9.20 - TAX WARRANT

Eliminates the Mayor's warranty to the tax roll.

SECTION 9.29 - VACATING OF TAXES

Repealed the section because it conflicts with the state property tax laws.

SECTION 15.2 - RECORDS TO BE PUBLIC

Revised the section to require that City records be public as specified in State Law.

All records of the City shall be made available to the public in compliance with the State Law, and shall be kept in the City offices except when required for official reasons or for purposes of safekeeping to be elsewhere.

APRIL 6, 1992

SECTION 12.1 - PURCHASE AND SALE OF PROPERTY

Changed the limit, which requires sealed bids from \$3,000 to \$5,000.

APRIL 4, 1994

SECTION 2.2(p) FURTHER DEFINITION OF POWER

Changed to also require sidewalk maintenance along unplatted lands in the same as is already required along lands in platted subdivisions.

SECTION 5.2 - ORDINANCES AND RESOLUTIONS

Deleted reference to future completion of the codification of ordinances which has already occurred.

SECTION 7.3 - ELECTION DATE

Deleted reference to election dates in 1957 and state spring elections.

SECTION 15.3(6) - INTERPRETATIONS

Deleted reference to the Justice of the Peace.

NOVEMBER 8, 1994

SECTION 7.5.5

Added term limitations for Council members and Mayor.

SECTION 3.8.5

Added that the Mayor will send a proclamation each year to encourage term limitation as a constitutional amendment.

SECTION 7.4 - CITY PRIMARIES

Eliminated primaries for City elective office.

SECTION 6.2 - VACANCIES IN ELECTIVE OFFICE

Added (g) to require a Council wishing to become a candidate for any City elective office, except to succeed oneself, to resign from Council prior to the filing deadline of the municipal election.

APRIL 6, 1998

SECTION 12.1 - PURCHASE AND SALE OF PROPERTY

Changed the limit, which requires sealed bids from \$5,000 to \$10,000.

SECTION 12.1 - PURCHASE AND SALE OF PROPERTY

Amended to permit City Manager to purchase without sealed bid in excess of limitations when an emergency has been officially declared.

APRIL 1, 2002

SECTION 15.13 - Retirement and Pension System

Changed the availability of retirement benefits for board or committee member or elected official unless otherwise qualified.

APRIL 5, 2004

Section 5.11 - Initiatory and Referendary Petitions

Changed the number of signatures required to file a petition from 10 percent to 2,000.

Section 5.11 - Initiatory and Referendary Petitions

Changed the number of days to obtain signatures required to file a petition from 21 to 90.

Section 7.9 - Nominations

Changed the filing day for City elections from the twenty-eighth (28) day preceding the third Monday of February of each year to the one-hundredth (100th) day preceding the City election for each election year.

Section 12.1 - Purchase and Sale of Property:

Expands the methods available for obtaining competitive bids providing the method used preserves the integrity of the competitive process.

NOVEMBER 8, 2005

Section 3.4 – Terms of Office and 7.5 – Elective Officers and Terms of Office

Changed by deleting Section 7.5 and incorporating the former 7.5 as the first sentence of Section 3.4 with the terms of the Mayor and Council Members being four years to reflect the enactment of the 2004 Election Consolidation Legislation and providing that the terms expire at 7:30 pm on the first Monday following the Regular City Election in the fourth year of these terms.

Section 7.5.5 Re-Number to 3.4.1 Elective Officers Term Limitations

Changed by re-numbering Section 7.5.5 to Section 3.4.1 and titling Elective Officers Term Limitations. Term Limitation Length of Term defined .

Section 3.4.2 – Staggering Terms of Office

Changed by inserting language to provide for balanced staggering of terms of Council Offices disrupted by the enactment of 2004 Election Consolidation Legislation.

Section 7.3 – Election Date

Changed the date of Regular City Elections to Novembers of odd numbered years.

Section 7.6 – Special Election

Changed by removing the provision for Council to schedule a Special Election on a date not provided for by the enactment of the 2004 Election Consolidation Legislation.

Section 7.9 – Nominations

Changed by removing the fourth and fifth sentences to reflect the provision of Section 547(a) of the Michigan Election Law. [(MCL 168.547(a))].

Section 7.10 – Form of Petitions

Changed by restating the first sentence to delete a provision that is inconsistent with Michigan Election Law.

Section 5.13 – Submission of Initiatory and Referendary Ordinance to Electors

Changed by removing the 60-day deadline for the City Council to call a Special Election to provide that Special Elections shall be scheduled in accordance with Michigan Election Law.

Section 7.9.5 – Council Initiated Ballot Questions

Added to provide Council with a mechanism to place advisory ballot questions on the Regular City Election Ballot.

Section 12.3 – Restrictions on Powers to Lease Property

Changed to expand the restrictions on leasing and renting City property.

NOVEMBER 4, 2008

Section 9.16.5 – Millage Rate Levy Limitation

An initiatory petition to amend the Troy City Charter by adding a section limiting the increase of the millage rate pursuant to Section 9.16 unless first approved by a majority of the City Electors.

NOVEMBER 3, 2009

Section 3.7 - Election of Mayor Pro Tem

Provides for the Mayor Pro Tem to be elected by the Council from among its members, annually in November, rather than in November in odd-numbered year.

Section 3.10 – City Manager; Appointment and Qualification

Deletes the requirement that the Troy City Manager reside in the City (which is not enforceable under current State Law) and substitutes in its place a requirement that the City Manager shall reside within 20 miles of the City unless by law the City Manager is permitted to reside in a location even more distant from the City.

Section 6.2 - Vacancies in Elective Office

Deletes the requirement that a City Council member seeking to be a candidate for any other City elective office shall resign from the Council prior to the filing deadline for the municipal election and inserts in its place a requirement that a City Council member seeking to be a candidate for any other City elective office shall file with the City Clerk, prior to July 1st an irrevocable letter of resignation to allow for the future vacancy created to be placed on the next November Election Ballot.

Section 6.2.1 - Irrevocable Letter of Resignation

Allows elected officials to resign by irrevocable letter of resignation effective no later than the date the successor takes office, which will commence the first Monday after the election or as stated in the irrevocable letter of resignation.

Section 6.7 - Filling Vacancies in Elective Office

Directs City Council to fill vacancies of an elective office pursuant to Section 6.2 within 30 days by a majority vote of the remaining Council members with appointee to hold office until the successor takes office, the election of which shall be on the next November or even-year August Election date.

Section 7.9- Nominations

Removes references to specific elections by requiring the filing deadline for any City elective office to be 100 days prior to any election where City candidates are elected, instead of 100 days prior to the November City Election.

FEBRUARY 23, 2015

Section 7.9- Nominations

Added an asterisk referencing Section 168.644e of Michigan Election Law stating that the filing deadline for City of Troy offices shall be 4 p.m. on the fifteenth Tuesday prior to the general election.

CITY CHARTER INDEX

Section

-A-

Accounting; Deposit and Withdrawal of Funds.....	8.8
Acting City Manager	3.12
Administrative Officers.....	3.9
Amendments	15.9
Annual Auditing	8.12
Anti Nepotism	5.16
Approval of Petitions.....	7.11
Assessing Officer	9.5
Assessment.....	9.7
Assessor; Functions and Duties	3.16
Attorney; Functions and Duties	3.17
Authority to Borrow	11.1

-B-

Board of Review	9.11
Books of Account	8.7
Borrowing in Anticipation of Special Assessments.....	11.2
Business at Special Meetings.....	4.3

-C-

Certification to Assessor.....	9.17
Certification to Treasurer.....	9.18
Change in Term of Office or Compensation.....	6.8
Chapter and Section Heading	18.8
City Council	3.1
City Liability.....	15.1
City Manager; Appointment and Qualifications	3.10
City Manager; Functions and Duties	3.11
City Primary Election	7.4
Civil Service System.....	15.14
Clerk; Functions and Duties	3.14
Codification of Ordinances	5.9
Council Initiated Ballot Questions.....	7.9.5
Council Procedure on Initiatory and Referendary Petitions.....	5.12
Compensation of Attorney and Special Counsel.....	3.18
Compensation of Councilmen	3.6
Compensation of Employers and Officers.....	6.13
Compulsory Attendance and Conduct at Meeting.....	4.16
Conditions of Public Utility Franchises.....	14.2
Confirmation of Assessment Roll: Time	9.13
Contracts	

-D-

Deferred Pavement Contracts.....	11.12
Definition of Publication, Mailing of Notices.....	15.4

Delivery of Office	6.11
Deputy Administrative Officers	3.18
Description of Territory	1.2
Determination of Taxable Status; Tax Day	9.3
Disposal of Utility Plants and Property.....	13.5
Duties of Mayor	3.8

-E-

Effect of Adoption of Budget.....	8.4
Election Commission	7.13
Election Date	7.3
Election of Councilmen.....	3.3
Election of Mayor Protem	3.7
Election Procedures	7.2
Elective Officers and Terms of Office.....	3.4.1
Eligibility for Office and Employment	6.1
Emergency Bonds in Event of Calamity	11.4
Employee Welfare Benefits.....	6.14
Enactment, Amendment, Repeal and Effective Date of Ordinances.....	5.3
Enactment of Codes by References.....	5.7
Enforcement of Payment.....	9.22
Evidence.....	5.15
Execution of Bonds.....	11.8
Exemptions.....	9.4

-F-

Filling Vacancies in Appointive Office.....	6.6
Filling Vacancies in Elective Offices	6.7
Fiscal Year.....	8.1
Form of Ballot	7.14
Form of Petitions	7.10
Further Definition of Powers	2.2

-G-

General Powers.....	2.1
General Powers.....	10.1
General Powers Respecting Utilities	13.1
Granting of Public Utility Franchises.....	14.1

-I-

Illegality of Assessment; Reassessment	10.7
Independent Boards and Commissions.....	3.20
Initiative and Referendum.....	5.10
Iniatory and Referendary Petitions	5.11
Insufficient of Excessive Assessment.....	10.6
Interim Legislation	5.1
Interpretations.....	15.3
Investigations.....	4.8
Irrevocable Letter of Resignation.....	6.2.1
Issuance of Mortgage Bonds.....	11.3

-L-

Lien for Payment of Assessments.....10.9
Limits on Borrowing.....11.9

-M-

Management of Utilities.....1.1
Meetings to be Public.....15.10
Millage Rate Levy Limitation.....9.16.5

-N-

Name of City.....1.1
No Estoppel.....15.10
Nominations.....7.9
Notice.....11.10
Notice of Assessment Changes by Board of Review.....9.12
Notice of Change of Assessment by Assessor.....9.8
Notice of Elections.....7.7
Notice of Review of Assessments.....9.10

-O-

Oath of Office and Bond.....6.9
Ordinances and Resolutions.....5.2
Ordinances Suspended; Miscellaneous Provisions on Initiatory and Referendary Petitions.....5.14
Organization and Rules of the Council.....4.7
Other Obligations.....11.13

-P-

Payment of County Treasurer.....9.25
Payment of Funds.....8.9
Payment of Tax: Lien.....9.23
Pecuniary Interest Prohibited.....6.12
Penalties for Violation of Ordinances.....5.5
Penalties for Violation of this Charter.....15.7
Petitions for Improvements.....10.2
Planning and Zoning.....3.19
Powers of City Council.....3.2
Power to Tax.....9.1
Preliminary Determination.....10.3
Presentation of Proposed Budget.....8.2
Priority of Lien.....9.26
Processes against City.....15.11
Protection of City Lien.....9.27
Providing for Public Health and Safety.....4.9
Publication and Recording of Ordinances.....5.4
Public Hearing.....8.3
Public Inspection of Petitions.....7.12
Purchase and Sale of Property.....12.1

-Q-

Qualifications of Councilmen.....3.5
Qualifications of Electors.....7.1

Quarterly Reports	8.6
Quorum: Adjournment of Meeting	4.5
Quorum	15.6

-R-

Rates	13.3
Recall.....	7.17
Receipt of Taxes.....	8.10
Records of Board of Review.....	9.14
Records to be Public	15.2
Recount	7.16
Regular Meetings	4.1
Regulation of Rates	14.3
Relationship of Council to Administrative Service	3.13
Removals from Office.....	6.4
Resignation.....	6.5
Resignation by Irrevocable Letter of Resignation.....	6.2.1
Restriction on Powers to Lease Property	12.3
Retirement and Pension System	15.13
Review of Assessments	9.9

-S-

Separation of Funds	8.11
Severability of Charter Provisions.....	15.12
Severability of Ordinances.....	5.8
Single Premises.....	10.8
Special Assessments Accounts.....	10.5
Special Assessment Procedure by Ordinance	10.4
Special Election	7.6
Special Meetings	4.2
Special Requirements for Certain Council Actions.....	3.4.2
Staggering Terms of Office	10.5
State, County and School Taxes	9.28
Subjects of Taxation.....	9.2
Submission of Council Initiated Advisory Ballot Questions to Electors.....	7.9.5
Submission of Initiatory and Referendary Ordinances To Electors	5.13
Surety Bonds.....	6.10

-T-

Tax Anticipation	11.11
Tax Levy; Limitations.....	9.16
Tax Procedure	9.6
Tax Roll	9.19
Tax Warrant.....	9.20
Terms of Office.....	3.4
Tie Vote	7.15
Time Limit on Sale of Bonds.....	11.5
Transfer of Appropriations.....	8.5
Treasurer; Functions and Duties	3.15
Trusts	15.5

-U-

Unpaid Taxes, Returns.....9.24
Use of Assessment Roll9.15
Use of Excess Funds.....11.7
Use of Proceeds of Bonds.....11.6
Use of Public Places by Utilities14.4
Utility Finances13.6
Utility Rates and Charges - Collection.....13.4

-V-

Vacancies in Boards and Commissions6.3
Vacancies in Elective Office6.2
Voting Hours.....7.8

-W-

Wards1.3