

Charter of
Village of Grosse Pointe Shores,
A Michigan City

**As approved by Governor Granholm
on December 23, 2008**

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PREAMBLE

We, the people of the Village of Grosse Pointe Shores, A Michigan City (“City”), pursuant to the authority granted to us by the Constitution and laws of the State of Michigan, ordain and establish this home rule city Charter, in order to secure the benefits of local self-government, to provide for the public peace, health, safety and welfare of all persons and property, and to provide for the continued preservation of the character of our community.

CHAPTER I

NAME AND BOUNDARIES

Section 1.1 Name.

The Municipal Corporation now existing and known as the Village of Grosse Pointe Shores shall continue as a body corporate and shall henceforth be known as the “Village of Grosse Pointe Shores, A Michigan City,” Counties of Wayne and Macomb, State of Michigan, on the effective date of this Charter.

Section 1.2 Boundaries.

- (a) The City shall embrace the territory comprising the existing Village of Grosse Pointe Shores as it existed on the effective date of this Charter. Upon annexation or detachment of territory, the boundaries shall be deemed changed without amendment to this section.
- (b) The City Clerk shall maintain and keep available in the Clerk's Office for public inspection the legal description and map of the current boundaries of the City.

CHAPTER II

GENERAL MUNICIPAL POWERS

Section 2.1 General Powers.

The City has the comprehensive home rule power conferred upon it by the Michigan Constitution and the Home Rule City Act, subject only to the limitations on the exercise of that power contained in the Constitution, this Charter, or imposed by statute. The City also has all other powers which a city may possess under the Constitution and laws of the State of Michigan. In no case shall any enumeration of particular powers or immunities in this Charter be held to be exclusive.

Section 2.2 Construction.

The powers of the City under this Charter shall be construed liberally in favor of the City. The specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power granted in this section.

Section 2.3 Intergovernmental Relations.

The City may join with any municipal corporation or with any other unit or agency of government, whether local, state or federal, or with any number of combinations thereof, by contract or otherwise, as may be permitted by law, in the ownership, operation, or performance, jointly or by one or more on behalf of all, of any property, facility or service which each would have the power to own, operate or perform separately.

CHAPTER III

ORGANIZATION OF GOVERNMENT; CITY COUNCIL AND MAYOR

Section 3.1 Form.

The City shall have the council-manager non-partisan form of government.

Section 3.2 City Council – General Powers and Duties.

All powers of the City shall be vested in the City Council, except as otherwise provided by law or this Charter, and the Council shall provide for the exercise of its powers and for the performance of all duties and obligations imposed upon the City by law. The Council shall have the power and authority to adopt such ordinances and resolutions as it shall deem proper in the exercise of its powers. The Council shall determine all matters of policy of the City and adopt ordinances and necessary rules and regulations to make its policies effective. The Council shall, subject to the limitations of law, raise revenues and make appropriations for the operation of the city government and provide for the public peace and the health, safety and welfare of persons and property.

Section 3.3 City Council Composition.

The City Council shall consist of six Council members and the Mayor who shall be deemed a member of the Council for all purposes. Except as otherwise provided in this Charter, the Council, including the Mayor, shall be elected at large on a nonpartisan basis. The Council shall constitute the legislative and governing body of the City and shall have the power and authority to adopt such ordinances and resolutions, as it shall deem proper in the exercise of its power.

Section 3.4 Eligibility and Qualifications of Council Members.

- (a) A Council member shall be a United States citizen and a resident and elector of the City, and shall have been a resident of the City (or the former Village of Grosse Pointe Shores) for at least one year immediately prior to the date of the election at which he or she is a candidate or the date of his or her appointment to office.
- (b) A Council member shall have been an elector of the City (or the former Village of Grosse Pointe Shores) on the last day for filing nominating petitions for such office or prior to his or her appointment to fill a vacancy.
- (c) No person shall be eligible for membership on the Council who is in default to the City. The holding of office by any member who is in default shall create a vacancy unless such default shall be eliminated within thirty (30) days after written notice thereof has been served at his or her last known place of residence by the City Clerk upon the direction of the Council, or, unless the member contests his or her liability for the default in a court of competent jurisdiction.
- (d) A person who holds or has held the office of Council member shall not be eligible to hold an appointive office for which there is compensation paid by the City until one year has elapsed following his or her last day as a Council member.
- (e) An appointive City officer or employee may not become a member of the Council unless he or she first resigns his or her appointive position or employment with the City.

Section 3.5 Terms of Office of Mayor and Council Members.

Unless otherwise expressly provided by this Charter,

- (a) A regular City election shall be held on the first Tuesday after the first Monday of November in each odd-numbered year.
- (b) A Mayor shall be elected from the City at large for a term of four (4) years. Six (6) Council members shall be elected from the City at large for terms of four (4) years each.
- (c) At one regular City election, three (3) Council members and the Mayor shall be elected. At the following regular City election, three (3) Council members shall be elected.
- (d) All terms of office shall commence upon certification of the election results by the City Council, to take place at the next regular Council meeting following the date of the election.

Section 3.6 Compensation of Mayor and Council Members.

The Mayor and Council members shall serve without salary. The Mayor and Council members shall be reimbursed their actual and necessary expenses incurred in the performance of their duties of office. The Council shall provide by ordinance and resolution compensation for all other City officers and employees.

Section 3.7 Organizational Meeting of Council; Selection of Mayor *Pro Tem*.

The Council shall hold its organizational meeting at the first regular meeting following the election of its members. At the organizational meeting, the council shall select a Mayor *pro tem* from among its members.

Section 3.8 Powers and Duties of Mayor and Mayor *Pro Tem*.

The Mayor shall preside at all meetings of the Council. The Mayor shall be a full voting member of the Council but shall have no veto power. The Mayor shall be the chief executive officer of the City insofar as required by law and for all ceremonial purposes, shall represent the City in intergovernmental relationships, and perform other duties specified by law, this Charter or the Council.

The Mayor *pro tem* shall act in the absence or disability of the Mayor. The Mayor *pro tem* shall succeed to the office of Mayor in the case of a vacancy in that office, and shall serve until the next regular election, at which time a successor shall be elected to fill the office for the remainder of the term, if any. The Council shall fill any vacancy in the office of Mayor *pro tem* from among its members. Until such vacancy is filled, the senior member of the Council from the standpoint of continuous service shall act as Mayor *pro tem*. Between persons of equal seniority, the person who received the highest number of votes at the time of his or her last election shall act as Mayor *pro tem*.

Section 3.9 Oath of Office Required.

Every elective officer, before entering upon the duties of that office, shall qualify by taking the oath of office prescribed for public officers by the Constitution of the State of Michigan, and by filing the oath with the City Clerk. If an elective officer shall fail to take and file the oath of office within fourteen (14) days of being notified in writing of his or her election or appointment, such officer shall be deemed to have declined the office and such office shall thereupon become vacant unless the Council shall, by resolution, extend the time in which such officer may qualify.

Section 3.10 Forfeiture of Office.

An elective officer shall forfeit that office if that officer:

- a. At any time during the term of office for which elected or appointed lacks any qualification for the office prescribed by this Charter or by law;

- b. Is convicted of a felony; or
- c. Fails to attend three consecutive regular meetings of the Council without being excused by the Council.

A vacancy resulting from a forfeiture of office shall be filled as provided in this Charter. An elective officer who forfeits an office upon conviction of a felony shall be ineligible for election or appointment to an elective office in the City for a period of 20 years after conviction.

Section 3.11 Removal from Office.

- (a) The Council may remove from office any of its members, including the Mayor, for the following causes:
 - (1) Incapacity to perform the duties of his or her office.
 - (2) Willful neglect of duty.
 - (3) Willful malfeasance or misfeasance in office.
- (b) Removal proceedings may be initiated by any member of the Council, who shall propose a preliminary resolution stating the reasons for removal. If a preliminary resolution is adopted, a copy of the resolution shall be delivered promptly to the member proposed to be removed, along with a notice providing that a hearing shall be held at a regular or special Council meeting not earlier than fifteen (15) days nor later than forty-five (45) days after the preliminary resolution has been adopted. Upon the hearing, or if the member proposed to be removed fails or refuses to appear to respond to the reasons stated for removal, the member may be removed, effective immediately, upon the affirmative votes of at least five (5) members of the Council. The vacancy resulting from such removal shall be filled as provided in this Charter.

Section 3.12 Resignation of Elective Officer.

The resignation of an elective officer shall be made in writing and filed with the City Clerk, and shall be acted upon by the Council at its next regular or special meeting following its receipt by the City Clerk. A resignation is irrevocable upon acceptance.

Section 3.13 Declaration of Vacancy in Elective Office.

The Council shall declare an elective office vacant before the expiration of the term of such office:

- (a) Upon the resignation or death of the holder of the office;
- (b) For any other reason specified by statute or by this Charter as creating a vacancy in office;

- (c) If no person is elected to, or qualified for the office at the election at which such office is to be filled.

Section 3.14. Council to Judge Qualifications.

The Council shall be the judge of the election and qualifications of its members, the forfeiture of office, a removal from office and a vacancy in office, and for those purposes shall have the power to subpoena witnesses, administer oaths and require production of evidence. Except where a greater number is otherwise required by this Charter, a majority vote of all members of the Council shall be required to decide any such question. The Council may seek the assistance of a court of competent jurisdiction in order to enforce this section.

Section 3.15 Filling Vacancy in Council.

A vacancy in the Council resulting from a member's death, resignation, forfeiture of office, or removal from office, or from the Mayor *pro tem* becoming the Mayor under Section 3.8, shall be filled by a qualified person upon the majority vote of the remaining members of Council. The person appointed by the Council shall serve until the next regular City election, at which time a successor shall be elected to fill the office for the remainder of the term, if any.

Section 3.16 Recall.

An elective official may be recalled from office by the electors of the City in the manner provided by state law. A vacancy resulting from a recall shall be filled as provided by state law.

Section 3.17 Regular Meetings of Council.

The Council shall provide for the time and place of its regular meetings, and shall hold at least one regular meeting each month. Notice of regular meetings shall be provided as required by the Michigan Open Meetings Act, MCL §15.261, *et seq.*, or other applicable law.

Section 3.18 Special Meetings of Council.

Special meetings of the Council shall be called by the Clerk on the written request of the Mayor, the City Manager or any two (2) members of the Council. Written notice of a special meeting shall be provided personally to each member of the Council or left at his or her usual place of residence no less than 18 hours prior to the time of such meeting. Pursuant to the Open Meetings Act, the Council may meet in emergency session on shorter notice in the event of a severe and imminent threat to the health, safety or welfare of the public when two-thirds (2/3) of the membership serving on the Council decide that delay would be detrimental to the efforts to lessen or respond to the threat.

Section 3.19 Meetings to be Public.

All meetings of the Council shall be public except when closed meetings are authorized by statute. Meetings of the Council shall be held in compliance with the Open Meetings Act, MCL §15.261, *et seq.*, or as otherwise required by law.

Section 3.20 Quorum.

Four (4) members of the Council shall be a quorum for the transaction of business at all meetings of the Council. In the absence of a quorum, any number of members less than a quorum may adjourn any regular or special meeting to a later date.

Section 3.21 Organization, Rules and Order of Business.

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

- (a) 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 only be necessary to so state. Voting shall be by voice vote, unless a roll call vote is required by law or is requested by a Council member.
- (b) Except as otherwise provided by statute or this Charter, no action of Council shall be effective unless adopted by the affirmative vote of the majority of the Council members present at a duly noticed meeting.
- (c) All members of the Council, including the Mayor, shall vote on all questions before Council except in the case of a conflict of interest or as otherwise provided by law.
- (d) A journal of the proceedings of each meeting of the Council, in the English language, shall be kept by the City Clerk.

Section 3.22 Council's Dealings with Municipal Officers and Employees.

Except in those cases where the Council must, by law, deal directly with a municipal officer or employee, the Council and its members shall deal with municipal employees and officers solely through the City Manager. Neither the Council nor any Council member shall give orders to any of the subordinates of the City Manager or any appointive officer or employee of the City.

CHAPTER IV

ELECTIONS

Section 4.1 Qualifications of Electors.

An elector of the City is a person who has the qualifications of an elector in the State of Michigan, who has resided in the City for at least 30 days, and who has registered to vote as a resident of the City.

Section 4.2 Election Commission.

An Election Commission is hereby created. For all elections following the first election (which is governed by Section 14.5 of this Charter), the Election Commission shall consist of the City Clerk, as Chairperson, and two electors of the City, one of whom shall be a Council member not on the ballot, designated by, and who serve at the pleasure of, the Council. The Election Commission shall have charge of all activities and duties relating to the conduct of elections in the City.

Section 4.3 Procedure for Elections.

The election of all City officers shall be on a non-partisan basis. The City shall consist of a single ward. The general election statutes of the State of Michigan shall apply to and control all procedures relating to City elections, including qualification of electors, establishment of precincts, filing and verification of petitions, registration of electors and voting hours.

Section 4.4 Precincts.

The election precincts of the City shall remain as they existed on the effective date of this Charter unless altered by the elections commission in accordance with the laws of the State of Michigan.

Section 4.5 Date of Regular City Elections.

Pursuant to state law, a non-partisan regular City election shall be held on the first Tuesday following the first Monday of November of odd-numbered years.

Section 4.6 Special Elections.

Special city elections shall be held in accordance with state law when called by resolution of the Council at least sixty (60) days in advance of such election, or when required by law. Any resolution calling a special election shall set forth the purpose of such election. In no case shall there be more than two (2) special elections in one year.

Section 4.7 Notice.

Notice of the time and place of holding a City election and of the officers to be elected and the questions to be voted upon shall be given by the City Clerk as provided by state law.

Section 4.8 Nominations – Generally.

Candidates for City elections shall be nominated by petition. Not less than fifteen (15) electors of the City shall sign such petitions for each candidate. No person shall sign his or her name to a greater number of petitions for any one office than there are persons to be elected to said office at the following City election. If an elector signs petitions for a greater number of candidates than the number of persons to be elected, the elector's signatures, if they bear the same date, shall not be counted upon any petition, and if they bear different dates, shall be counted in the order of their priority of date for only so many candidates as there are persons to be elected. Nomination petitions shall be filed with the City Clerk up to 4:00 p.m. local time of the first Tuesday following the first Monday in August of the odd-numbered years. The City Clerk shall 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 last day.

Section 4.9 Nominations – Form of Petition.

The form of petition shall be substantially as that designated by the Secretary of State for the nomination of non-partisan officers. The Clerk shall provide and maintain a supply of official petition forms.

Section 4.10 Nominations – Approval of Petitions.

The City Clerk shall accept only nomination petitions which substantially conform with the forms provided and maintained by the Clerk, 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. Petitions shall be accepted only when accompanied by an Affidavit of Identity as required by state law. Within three (3) days after the last date of filing petitions, the Clerk shall make the final determinations as to the validity and sufficiency of each nomination petition and whether or not the candidate has the qualifications required for his or her respective elective City office by this Charter. The Clerk shall write his or her determinations thereof on the face of the petition and shall notify in writing the candidate whose name appears thereon of his or her determinations. The names of the candidates for the respective elective City offices who are determined to have filed valid and sufficient nomination petitions shall be certified by the Clerk to the Election Commission, to be placed upon the ballot for the next subsequent regular City election.

Section 4.11 Withdrawal of Nominated Candidate.

In accordance with state law, a candidate who has filed a nominating petition may withdraw by serving a written notice of withdrawal on the City Clerk not later than 4:00 o'clock p.m. local time of the third day after the last day for filing petitions.

Section 4.12 Form of Ballot.

The form, printing and numbering of ballots used in any City election shall conform to the requirements of state law.

Section 4.13 Absentee Ballots.

The electors of the City shall be entitled to vote by absentee ballots at any City election as provided by law.

Section 4.14 Tie Vote.

If in 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 determination of the election of such candidate will take place by lot as provided by state law.

Section 4.15 Recount.

Any recount of the votes cast at a City election shall take place in accordance with state law.

CHAPTER V

ADMINISTRATIVE OFFICERS AND EMPLOYEES

Section 5.1 Administrative Officers Generally.

The administrative officers of the City shall be the City Manager, City Clerk, City Treasurer, City Assessor, City Attorney and the members of the Board of Review established under Chapter VIII of this Charter. The Council may, by ordinance or by resolution, establish such additional administrative officers, or combine any administrative offices, in any manner not inconsistent with law or this Charter. The Council shall prescribe the qualifications, duties and compensation of officers of the City as it may deem necessary for the proper operation of the City government.

Section 5.2 Personnel System.

Appointments and promotions of officers and employees shall be made solely on the basis of merit and fitness demonstrated by a valid and reliable examination or other evidence of competence.

Section 5.3 City Manager: Appointment; Compensation.

- (a) The Council shall appoint a City Manager within ninety (90) days after any vacancy exists in such position, or may appoint an Acting City Manager during the period of a vacancy in the office. The City Manager, with the consent and approval of the Council, may designate an administrative officer or employee of the City to act as City Manager if he or she is temporarily absent from the City or unable to perform the duties of his or her office.
- (b) The City Manager's compensation shall be set by the Council.

Section 5.4 City Manager: Function and Duties.

- (a) The City Manager shall be the chief administrative officer of the City. He or she shall serve at the pleasure of the Council, pursuant to a written employment agreement approved by the Council.
- (b) The City Manager shall be responsible to the Council for the proper administration of the affairs of the City. He or she shall make recommendations to the Council relative to the appointment and removal of administrative officers of the City. The City Manager shall employ or be responsible for the employment of all City employees and supervise and coordinate the personnel policies and practices of the City. He or she shall set employees' compensation within the pay plan adopted by the Council, and shall supervise and coordinate the work of all of the administrative offices and departments of the City except of the City Attorney, and the work of the City Clerk in keeping the Council records and as the clerical officer of the Council. The City Manager will be the main point of communication and dissemination of information and day-to-day updates from the City Attorney.
- (c) The City Manager shall see that all laws and ordinances are enforced, shall prepare and administer the annual budget under policies formulated by the Council, and shall keep the Council advised as to the financial condition and needs of the City. The City Manager shall furnish the Council with information concerning the affairs of the City and prepare and submit such reports as may be required or which the Council may request. The City Manager shall make recommendations to the Council relative to all agenda items, except as directly relating to his or her employment. The City Manager or an authorized representative shall act as purchasing agent for the City.

- (d) The City Manager is expected to attend all meetings of the Council, and shall have the right to be heard in all Council proceedings but not the right to vote. The City Manager shall possess such other powers as may be granted or required by the Council, so far as may be consistent with the provisions of law. The City Manager shall establish any rules necessary to carry out any of the foregoing duties.
- (e) The City Manager shall perform such other duties in connection with the office as may be required by law, ordinances or the Council.

Section 5.5 City Clerk.

The City Clerk shall be the clerical officer of the Council and shall keep the journal of the Council's proceedings. He or she shall be appointed by the Council. The City Clerk shall perform such other duties in connection with the office as may be required by law, this Charter, the ordinances or resolutions of the Council, or the City Manager.

Section 5.6 City Treasurer.

The City Treasurer shall be the Chief Financial Officer of the City. He or she shall be appointed by the Council. The City Treasurer shall perform such duties as may be prescribed by law, this Charter, the ordinances or resolutions of the Council, or the City Manager, including maintaining a system of accounts that conforms to a uniform system of accounts as required by law.

Section 5.7 City Assessor.

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

Section 5.8 City Attorney.

- (a) The City Attorney shall act as legal advisor to the Council and to the City, including its officers and departments, and shall be responsible to the Council. He or she shall be appointed by the Council. The City Attorney shall prosecute ordinance violations and shall represent the City in cases before the courts and other tribunals. In such instances as the Council shall direct, he or she shall defend officers and employees of the City in actions arising out of the performance of their official duties. The City Attorney shall prepare or review all ordinances, regulations, contracts, bonds, and other such instruments, and shall perform such other duties, as may be prescribed by this Charter, the Council or the City Manager.

- (b) Upon the City Attorney's recommendation, or upon its own initiative, the Council may retain special legal counsel to handle any matters in which the City has an interest or where the City Attorney has a conflict of interest, or to assist the City Attorney.

Section 5.9. Other Departments, Boards and Commissions.

- (a) The Council shall have the authority to create, or continue the existence, of such City Departments as it deems appropriate for the public safety and welfare and the conduct of the business of the City, including, without limitation, a Department of Public Safety, a Department of Public Works, a Parks Department, and a Building Department. Each department shall be managed by a Director, who shall be appointed by the Council upon the recommendation of the City Manager, and who shall report to the City Manager. A Director may manage one or more departments.
- (b) The Council may create, or continue in existence, such Boards, Commissions or other entities as it believes necessary to meet community needs. Members of such entities shall be nominated by the Mayor and approved by the Council, and shall serve for definite or indefinite periods, as the Council may determine, and without compensation unless otherwise provided by the Council.

CHAPTER VI

LEGISLATION

Section 6.1 Status of Charter.

This Charter shall constitute the governing law of the City, subject only to the Constitution and applicable laws of the State of Michigan and the United States of America.

Section 6.2 Prior Village Ordinances and Regulations.

All by-laws, ordinances, resolutions, rules and regulations of the Village of Grosse Pointe Shores which are not inconsistent with this Charter and which are in full force and effect on the effective date of this Charter shall continue in full force and effect as by-laws, ordinances, resolutions, rules and regulations of the City, unless and until repealed or amended. If any such ordinance, resolution, rule or regulation provides for the appointment of any officers or any members of any board or commission by the Village President, such officers or members of any board or commission shall, after the effective date of this Charter, be appointed by the Mayor, with the approval of the Council.

Section 6.3 Legislative Powers.

The legislative power of the City is vested exclusively with the Council, except as otherwise provided by law.

Section 6.4 Forms of Legislation.

- (a) Resolution or Motion.

A resolution or motion shall be limited to matters required or permitted to be done by the Charter, or by state or federal laws or pertaining to the internal affairs or concerns of the City government. A resolution is an official Council action in the form of a motion adopted by a majority vote of the Council members present.

- (b) Ordinance.

An ordinance is an official Council action by a majority vote of the elected Council members. An ordinance is a legislative act establishing a more permanent influence on the city than a resolution and requiring greater formalities in its adoption.

Section 6.5 Action Requiring an Ordinance.

In addition to other acts required by law or by specific Charter provisions to be done by ordinance, the Council may take the following actions only by ordinance:

- (1) Adopt or amend an administrative code or establish, alter or abolish any City department, office or agency;
- (2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (3) Grant, renew or extend a franchise;
- (4) Amend or repeal any ordinance previously adopted.

Section 6.6 Enactment, Amendment, Repeal, Publication and Recording of Ordinances.

- (a) An ordinance may be introduced by any Council member at any regular or special meeting of the Council.
- (b) Each ordinance shall be introduced in written form and identified by a number and short title. The ordinance-numbering system maintained by the Village of Grosse Pointe Shores shall remain in effect, and thus the first ordinance enacted by the City shall be numbered consecutively to the final ordinance enacted by the Village.

- (c) The style of all ordinances passed by Council shall be "The Village of Grosse Pointe Shores, A Michigan City, ordains."
- (d) An ordinance when enacted shall be authenticated by the Mayor and the City Clerk with their signatures, and shall be recorded by the City Clerk in a book of ordinances.
- (e) No ordinance shall be amended by reference to its title only; rather, the amendatory ordinance shall provide in full the sections being amended.
- (f) An ordinance may be repealed by reference to its number and title only.
- (g) The effective date of an ordinance shall be provided in the ordinance. The Council may provide that an ordinance shall take effect not later than thirty (30) days after its enactment.
- (h) Except for emergency ordinances that take effect in accordance with Section 6.7(d), no ordinance shall be effective until the ordinance, or a summary of the ordinance, together with a notice that the ordinance has been enacted and that a copy of the ordinance is available for review at the City's offices, is published in a newspaper of general circulation within the City. Publication shall take place within sixteen (16) days of the enactment of the ordinance. Evidence of publication shall be recorded with the ordinance in the ordinance book.

Section 6.7 Emergency Ordinance.

The Council may enact one or more emergency ordinances under the following circumstances and subject to the following requirements:

- (a) An emergency ordinance may be enacted only to meet a public emergency affecting public peace, health, safety or welfare of persons or property. It may be enacted only at a duly-noticed regular or special meeting of the Council.
- (b) An emergency ordinance shall be introduced in the form and manner required for ordinances generally, except that it shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms;
- (c) An emergency ordinance may be enacted upon the affirmative votes of the lesser of two-thirds (2/3) of the Council members present or four (4) Council members.
- (d) An emergency ordinance may be given immediate effect upon publication by posting copies thereof in three (3) public places in the City. Evidence of publication shall be recorded with the ordinance in the ordinance book. An

emergency ordinance shall also be published in accordance with Section 6.6, but not as a requirement for effectiveness.

- (e) An emergency ordinance may be in effect for not more than sixty (60) days, and shall expire at the end of that period unless sooner enacted as a non-emergency ordinance, amended or repealed.
- (f) An emergency ordinance may not levy taxes; grant, renew or extend a franchise; or regulate the rate charged by any public utility for its services.

Section 6.8 Penalties for Violation of Ordinances.

The Council may provide in a specific ordinance, or by general ordinances, for the penalties to be assessed for a violation of an ordinance. The violation of an ordinance may be classified as a misdemeanor, a civil infraction or a municipal civil infraction, and penalties for such violation shall be provided in accordance with state law.

Section 6.9 Codification.

The Council may provide for the codification of the ordinances of the City in a manner consistent with state law.

CHAPTER VII

FINANCES AND FINANCIAL PROCEDURES

Section 7.1 Fiscal Year.

The fiscal and budget year of the City shall begin on July 1 and end on June 30.

Section 7.2 Budget Document.

The budget document shall present a complete financial plan for the ensuing fiscal year and shall include those items required by the Uniform Budgeting and Accounting Act, MCL §141.421, *et seq.*

Section 7.3 Recommended Budget.

In accordance with a schedule to be determined by the Council or a designated Council committee, the City Manager shall submit to the Council a recommended budget for the next fiscal year which, considering any anticipated unexpended balance at the end of the current fiscal year, is within the tax limit and other anticipated revenue of the City. Such recommended budget shall include the information required by law, as well as such other information as requested by Council or believed relevant by the City Manager.

Section 7.4 Public Hearing.

Before final adoption of the budget, a public hearing on the budget proposal shall be held as provided by statute. Notice of the time and place of holding such hearing shall be published in a newspaper having general circulation in the City at least a week before the hearing. A copy of the proposed budget shall be on file and available to the public during office hours at the office of the City Clerk for a period of not less than one week prior to the public hearing.

Section 7.5 Adoption of Budget.

After the public hearing on the budget, but not later than the deadline date established by state law, the Council shall adopt a budget, with or without amendments from the proposed budget, and make appropriations for expenditures pursuant to the adopted budget. After consideration of probable other revenues, the Council at the same time shall determine and declare the amount of money necessary to be raised by property taxation, which amount shall not be greater than otherwise limited in this Charter or by general law.

Section 7.6 Appropriations; Interim Accounting; Year-end Surplus.

- (a) No money shall be drawn from the treasury of the City except in accordance with an appropriation for such specific purposes, nor shall any obligation for the expenditure of money be incurred without an appropriation covering all payments which will be due under such obligation in the current fiscal year.
- (b) The Council may make additional appropriations during the fiscal year for unanticipated expenditures required by the City, but such additional appropriations shall not exceed the actual and anticipated revenues of the year plus any use of beginning fund balance. The Council may transfer all or part of any actual unencumbered appropriation balance from one account, department, fund or agency to another.
- (c) Within 30 days after the end of each quarterly period during the fiscal year, and more often if required by the Council, the City Manager shall submit to the Council data showing the relation between the estimated and actual revenues and expenditures to date. If it shall appear that the revenues are less than anticipated, the Council shall reduce appropriations, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the revenues.
- (d) At the end of each budget year, any appropriations not expended shall terminate. The Council may re-appropriate any such amounts in the ensuing budget year, subject to the limitations of section 7.6(b), above.

Section 7.7 Depositories.

The Council shall designate depositories for City funds in accordance with law, and shall provide for the regular deposit of all City money by the City Treasurer, under the direction of the City Manager.

Section 7.8 Investments.

Surplus funds may be invested in obligations permitted by law, as the Council may determine.

Section 7.9 Independent Audit and Report.

An independent audit shall be made of all accounts of the city government at the close of each fiscal year. Special independent audits may be made at any other time as the Council may designate. All such audits shall be made by certified public accountants designated by the Council. Each audit and reports supplemental to the audit shall be made public in the manner prescribed by the Council, and copies of the audit shall be placed in the office of the City Clerk.

CHAPTER VIII

TAXATION

Section 8.1 Power to Tax.

The City shall have the power to assess, levy, and collect ad valorem taxes, rents, tolls, and excise or specific taxes. The subjects of ad valorem taxation for municipal purposes shall be the same as for state, county and school purposes under the general law. Except as otherwise provided by this Charter, City taxes shall be assessed, levied, collected, and returned in the manner provided by law.

Section 8.2 Tax Limits.

Exclusive of any levies authorized by law to be made beyond charter tax rate limitations, the annual ad valorem tax levy shall not exceed two (2%) percent or twenty (20) mills of the assessed value of all real and personal property in the City.

Section 8.3 Assessment.

The City Assessor shall annually place a value, in accordance with the general law, upon all property, both real and personal, in the City which is subject to taxation. Values shall be determined in accordance with established assessment rules, techniques, and procedures.

Section 8.4 Assessment Roll.

As soon as practicable each year, but not later than any deadline provided by state law, the City Assessor shall prepare and certify an assessment roll of all property in the City, in the manner and form provided in the general law of the State of Michigan.

Section 8.5 Notice of Assessment.

As soon as practicable each year, but not later than the first Monday in March, the City Assessor shall provide a notice mailed first class to the owner, as shown on the assessment roll, of the assessed value of the property for the year and the previous year, and the net change in assessment, or of the addition of any property to the roll. The notice shall also show the times and places of the meetings of the Board of Review. The failure to give any such notice or of the owner to receive it shall not invalidate any assessment roll or assessment thereon.

Section 8.6 Board of Review.

- (a) A Board of Review is hereby created with the powers and to perform the duties conferred upon it by law. The Board shall be composed of not less than three (3) nor more than six (6) members, as determined by resolution of the Council, each of whom shall be an elector of the City and a resident of the City (or the former Village) for at least one (1) year immediately prior to the date of appointment.
- (b) The members of the Board of Review shall be appointed by the Mayor with the approval of the Council, and may be removed for reasons of nonfeasance or misfeasance by the vote of five (5) members of the Council. Depending upon the number of Board members the Council determines to appoint, one or two members of the first Board of Review appointed under this Charter shall be appointed for terms expiring on December 31, 2010; one or two for terms expiring December 31, 2011; and one or two for terms expiring December 31, 2012. Unless the Council elects to reduce the size of the Board by leaving a position unfilled, each expired term will thereafter be filled for a three (3) year term at the first regular Council meeting in January of the succeeding year. Board vacancies shall be filled for the remainder of the unexpired term. The Council shall fix the compensation of the members of the Board.
- (c) An annual organizational meeting of the Board of Review shall be held not later than 8:00 a.m. on the second Monday in March, at which the Board will select one of its members as chairperson for the ensuing year, review the assessment roll and examine the guidelines and practices followed in preparing the assessment roll. The City Assessor shall be the Secretary of the Board, and shall be entitled to be heard at its sessions, but shall have no vote on any proposition or question.
- (d) If the Board consists of four or five members, the fourth and, if applicable, fifth members, as designated by the Council, shall be alternate members of the Board,

and shall participate in Board meetings only if another Board member is not present.

- (e) If the Board consists of six members, the Council may divide it into two committees of three members each, which may meet at dates and times as determined by the Board at its organizational meeting. Members appointed to one committee at the beginning of a review period shall remain on that committee for the entire review period. Two of the three members of a Board committee shall constitute a quorum for the transaction of the business of the committee.
- (f) The members of the Board of Review shall be officers of the City and shall take the constitutional oath of office, which shall be filed with the City Clerk.
- (g) A Board member who is elected to an office of the City shall be deemed to have resigned from the Board of Review as of the date of election.

Section 8.7 Meetings of the Board of Review.

The Board of Review shall convene on the second and third Mondays in March each year, at a time and place to be designated by the City Council in accordance with state law, and shall meet on those dates for at least the time periods required by state law. The Board shall hear the protests of all persons considering themselves aggrieved by assessments who object prior to or during the Board's required sessions, and if it shall appear that any person or property has been wrongly assessed the Board shall correct the roll in such manner as it deems just. Protests may be presented by personal appearance before the Board, in writing, or both. The City Council may authorize additional dates for Board of Review meetings as permitted by state law.

Section 8.8 Certification of Roll.

After the Board of Review has completed its review of the assessment roll, and not later than the first Monday in April, the majority of its members shall endorse the roll and sign a certificate to the effect that the same is the assessment roll of the City for the year in which it has been prepared, as approved by the Board of Review.

Section 8.9 Creation of Tax Roll.

The certified assessment roll, as finally equalized, shall be used by the Treasurer in preparation of the tax roll. The City Clerk shall certify to the Treasurer within three days of adoption of the City budget the millage rates to be levied against the tax roll to support the budget, together with other charges which may be included on the tax roll as provided by the Council or by law. The Treasurer shall establish a schedule for receiving from other authorities their warrants certifying millage rates to be levied on their behalf.

Section 8.10 Notification of Tax Due.

The Treasurer shall send a statement by first class mail to each person named in the tax roll requesting payment of the tax due. The failure to give any such notice or of the owner to receive it shall not invalidate the tax or liability for non-payment.

Section 8.11 Tax Due Date.

City taxes shall be due and payable on the first day of July each year and may be paid without interest or penalty on or before September 14.

Section 8.12 Administration Fees; Penalties.

To all taxes paid there shall be added one (1) per cent as a property tax administration fee. To all taxes paid after September 14 (summer taxes) or February 14 (winter taxes) there shall be added a three (3) per cent penalty, which penalty shall increase by one (1) per cent on the first day of each succeeding month until the delinquent tax roll is returned to the county treasurer.

Section 8.13 Tax a Lien on Property.

All taxes assessed by the City shall become a debt due the City as provided by general law. As of the first day of July of the year of assessment, the said taxes with any applicable charges, fees or penalties shall become a lien upon the property, with priority over all other claims, encumbrances or liens, to the extent provided by the general law until paid.

Section 8.14 Tax Roll to County Treasurer.

All taxes, special assessments, charges, and collection fees on the City tax roll which remain unpaid on the first day of March following the date when said roll was received by the City Treasurer shall, on that date, become delinquent and shall be returned to the County Treasurer for collection. Such return shall be made upon a delinquent tax roll to be prepared by the City Treasurer and shall include all the additional charges which shall, in such return, be added to the amount assessed in said tax roll against each description. The taxes, assessments, charges, and fees, thus returned shall be collected in the same manner as taxes returned to the County Treasurer are collected under the provisions of the general law and shall be and remain a lien upon the lands against which they are assessed until paid.

Section 8.15 State, County and School Taxes.

The levy, collection and return of taxes for state, county, and school purposes shall occur in conformance with the general law, except that the preparation of the assessment roll, the meeting of the Board of Review, and the confirmation of the assessment roll shall take place at the times provided in this Charter.

CHAPTER IX

SPECIAL ASSESSMENTS

Section 9.1 General Power Relative to Special Assessments.

The City Council shall have the power to make public improvements within the City, and to determine that the whole or any part of the cost of any public improvement shall be defrayed by special assessment upon property or properties especially benefited in proportion to the benefits derived or to be derived. The Council shall also have the power of reassessment with respect to any such public improvement.

Section 9.2 Procedure to be Fixed by Ordinance.

The Council shall prescribe by ordinance the complete special assessment or reassessment procedure governing the initiation of projects, the preparation of plans and cost estimates, the creation of special assessment districts, notices and hearings, making and confirming the assessment rolls, the correction of errors in such rolls, the collection of special assessments, and any other matters concerning the making and financing of improvements by special assessment, subject to and consistent with state law.

Section 9.3 Special Assessments to be Liens on Property Assessed.

Upon the confirmation of a special assessment roll, the special assessments thereon shall become a debt to the City from the persons to whom they are assessed, and until paid shall be a lien upon the property assessed for the amount of such assessments and all interest and charges which may accrue thereon.

CHAPTER X

BORROWING

Section 10.1 General Power.

Subject to the applicable provisions of law, the City may borrow money for any purpose within the scope of its powers, and may issue bonds or other evidence of indebtedness therefore. Such bonds or other evidence of indebtedness shall include, but not be limited to:

- (a) General obligation bonds, which pledge the full faith and credit of the City for payment thereof.
- (b) Special assessment bonds which are issued in anticipation of the payment of special assessments for public improvements in a special assessment district or combination thereof, which bonds may be either an obligation solely of the

special assessment district or districts, or both an obligation of such district and a general obligation of the City.

- (c) Revenue bonds as authorized by law.
- (d) Tax anticipation notes as authorized by law.
- (e) Calamity bonds issued in case of fire, flood, or other calamity as authorized by law.
- (f) Bonds for the City's share of the cost of local improvements, which bonds may be issued as a part of, or independently of any issue of special assessment bonds which are issued for the same improvement or improvements.
- (g) Bonds for refunding the indebtedness of the City.
- (h) Bonds issued in anticipation of future payments from the motor vehicle highway fund or any other fund of the State of Michigan which the City may be permitted by law to pledge for the payment of principal and interest thereof.
- (i) Installment purchase agreements.
- (j) Capital improvement bonds as authorized by law.

Section 10.2 Limits of Borrowing Authority.

- (a) The net bonded indebtedness incurred for all public purposes shall not at any time exceed the maximum amount permitted by law, provided that in computing such bonded indebtedness there shall be excluded special assessment bonds, even though they are a general obligation of the City, mortgage bonds, revenue bonds, bonds in anticipation of state-retained revenues to the extent permitted by law, and any other bonds or indebtedness excluded by law from such limitation. The amount of funds accumulated for the retirement of any outstanding bonds shall also be deducted from the amount of bonded indebtedness.
- (b) No bonds shall be sold to obtain funds for any purpose other than that for which they were specifically authorized, and if such bonds are not sold within the time limited by law, such authorization shall be null and void.
- (c) The issuance of any bonds not requiring the approval of the electorate shall be subject to any applicable requirements of law with reference to public notice in advance of authorization of such issues, filing of petitions for a referendum on such issuance, holding such referendum, and other applicable procedural requirements.

Section 10.3 Use of Borrowed Funds.

Each bond or other evidence of indebtedness shall contain on its face a statement of the purpose for which it is issued. No officer of the City shall use the proceeds thereof for any other purpose, except that whenever the proceeds of any bond issue, or a part thereof, remain unexpended and unencumbered for the purpose for which said bond issue was made, the Council may authorize the use of such unexpended and unencumbered funds subject to the approval of the Michigan Department of Treasury where required:

- (a) For an additional extension or improvement of facility or project for which the bond issue was made.
- (b) For the retirement of such bond issue.
- (c) If such bond issue has been fully retired or funds are segregated which are adequate for such purpose, then for the retirement of other bonds or obligations of the City.
- (d) If there is no other indebtedness, or funds are segregated which are adequate for such purpose, then for such other purposes as may be permitted by law.

Section 10.4 Execution of Bonds.

All bonds issued by the City shall be signed by the Mayor and countersigned by the City Clerk, and shall bear the corporate seal of the City. Signatures may be by facsimile if permitted by law. Any attached coupons may be signed with the facsimile signature of the City Clerk.

CHAPTER XI

PURCHASES, SALES, CONTRACTS AND LEASES; CONDEMNATION

Section 11.1 Contracting Authority of Council.

The power to authorize the making of purchase, sale or lease contracts on behalf of the City is vested in the City Council, and shall be exercised in accordance with the provisions of state law and this Charter. All contracts, except as otherwise provided in the ordinance in accordance with the provisions of this Charter, shall be authorized by the Council, and signed on behalf of the City by the Mayor and the Clerk.

Section 11.2 Establishment of Procedures by Ordinance.

The City Council shall establish by ordinance the procedures for the purchase, sale or lease of real and personal property and services for the City for the direction of the City Manager. The ordinance shall provide a dollar limit within which purchases, sales or leases of

real and personal property may be made without the necessity of securing competitive bids, and the dollar limit within which purchases, sales or leases may be made without the necessity of prior Council approval.

Section 11.3 Limitation on Contractual Power.

- (a) The Council shall have power to enter into a contract which, by the terms thereof, will not be fully executed within a period of ten (10) years only if such contract shall first receive the approval of the majority of the electors of the City voting thereon at a regular or special City election. This qualification shall not apply to any contract for services with a public utility, or one or more other governmental units, nor to contracts for debt secured by bonds or notes, which are permitted to be issued by the City by law.
- (b) No contract shall be made with any person, firm or corporation in default to the City.
- (c) The Council's power to sell, lease or dispose of any real property shall be conditioned on the conducting of a public hearing thereon and receiving five (5) affirmative council votes and the requisite electoral approval if required by law.

Section 11.4 Condemnation.

The City shall have the power to take private property necessary for a public improvement or for public use and to institute and prosecute proceedings for that purpose, in accordance with the provisions and procedures established by Michigan law.

CHAPTER XII

UTILITIES AND FRANCHISES

Section 12.1 Powers Respecting Utilities.

The City shall possess and hereby reserves to itself all the powers granted to cities by law to acquire, construct, own, operate, improve, enlarge, extend, repair, maintain, encumber, convey, dispose of or sell, either within or without its corporate limits, public utilities, and also to sell and deliver the products or services thereof, both within and without its corporate limits. The power to supply utilities services shall include the power to purchase and resell such services from any municipal or private entity.

Section 12.2 Control of Utilities.

The Council may enact such ordinances and adopt such resolutions as may be necessary for the care, protection, preservation, control and operation of any public utilities which the City

may in any manner acquire, own or operate, and to carry into effect the powers conferred upon the City by this Charter and by law.

Section 12.3 Public Utility Franchises.

- (a) The City may grant a franchise to any person for the use of the streets, alleys, bridges, and other public places of the City for the furnishing of any public utility service to the City and its inhabitants. Franchises and renewals, amendments, and extensions of franchises, and rules for the operation of ordinances, shall be granted or provided by ordinance. Such an ordinance may include such terms and conditions upon the franchise as the Council deems appropriate.
- (b) No franchise shall be granted for a longer period than thirty (30) years. No exclusive franchise shall be granted.
- (c) Neither a franchise ordinance which is not subject to revocation at the will of the Council, nor the purchase by the City of a franchised utility, shall be enacted or become operative until it has 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.

Section 12.4 Existing Franchises.

All franchises to which the Village of Grosse Pointe Shores is a party when this Charter becomes effective shall remain in full force and effect according to each agreement.

CHAPTER XIII

GENERAL PROVISIONS

Section 13.1 Records.

All records of the City shall be made available to the general public in compliance with the Freedom of Information Act, 1976 PA 442, MCL§ 15.231, *et seq.*, and shall be kept in City offices except when required for official reasons or for purpose of safe keeping to be elsewhere.

Section 13.2 Quorum Generally.

Except as provided otherwise in this Charter, a quorum of any board or commission created by and pursuant to this Charter shall be a majority of the members of such board or commission in office at the time, but not less than two members.

Section 13.3 Saturdays, Sundays or Holidays.

Whenever the date fixed by this Charter for the doing or completion of any act falls on a Saturday, Sunday or holiday, such act shall be done or completed on the next succeeding day that is not a Saturday, Sunday or holiday.

Section 13.4 Chapter, Section and Subsection Headings of Charter.

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

Section 13.5 Amendment of Charter.

This Charter may be amended at any time in the manner provided by law. 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 13.6 Severability of Charter Provisions.

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

Section 13.7 Definitions and Interpretations.

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

- (a) The word “City” shall mean the Village of Grosse Pointe Shores, A Michigan City.
- (b) The word “Council” shall mean the City Council of the Village of Grosse Pointe Shores, A Michigan City.
- (c) The words “State” or “state” shall mean the State of Michigan.
- (d) The word “person” may extend and be applied to bodies politic and corporate, and to partnerships, associations or limited liability companies, as well as to individuals.
- (e) All words indicating the present tense shall not be limited to the time of the adoption of this Charter, but shall extend to and include the time of happening of any event or requirement to which any provision of this Charter is applied.

- (f) The singular shall include the plural and the plural shall include the singular.
- (g) The words “law” or “general law” denote applicable federal law, the Constitution and statutes of Michigan and the applicable common law.
- (h) The word “statute” shall denote the public acts of Michigan.

CHAPTER XIV

TRANSITION

Section 14.1 Purpose.

The purpose of this chapter is to inaugurate the government of the Village of Grosse Pointe Shores, A Michigan City, under this Charter and to provide for the transition from the Village of Grosse Pointe Shores. This chapter shall constitute a part of this Charter only to the extent and for the time required to accomplish this end.

Section 14.2 Election to Adopt.

This Charter shall be submitted to a vote of the electors of the territory comprising the proposed Village of Grosse Pointe Shores, A Michigan City, as described in Section 1.2 of this Charter, at an election to be scheduled by resolution of the Charter Commission, subsequent to the approval of this Charter by the Governor. All provisions for the submission of the question of adopting this Charter at such election shall be made in the manner provided by law. The election shall be conducted by the Charter Commission, provided that the Charter Commission may delegate such responsibilities as it deems proper to the Village Clerk and/or other local officials.

Section 14.3 Form of Ballot.

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

Instructions: A mark in the square before the word “Yes” is in favor of the proposed charter, and a mark in the square before the word “No” is against the proposed charter.

Shall the proposed Charter for the Village of Grosse Pointe Shores, A Michigan City, drafted by the Charter Commission elected on May 6, 2008, be adopted?

- Yes
- No

Section 14.4 Effective Date of Charter.

If the canvass of the votes on the adoption of this Charter show it to have been approved, it shall take effect and become law as the Charter of the Village of Grosse Pointe Shores, A Michigan City, on the first day of the next calendar quarter beginning after the Charter has been approved, at 12:01 a.m. local time.

Section 14.5 First Elections.

An election to elect the first Mayor and City Council of the City shall be held on the same date as the election on whether to approve the Charter, as described in Section 14.2.

- (a) Candidates for Mayor and for City Council who shall be electors of the territory comprising the proposed City and who shall have been residents of the territory comprising the proposed City for one (1) year immediately prior to the election shall file petitions signed by fifteen (15) electors of the territory comprising the proposed City and filed with the Village Clerk by 4:00 p.m. local time, on the Tuesday which is twelve (12) weeks prior to the election date. The Village Clerk shall publish notice of the last day and time of filing of petitions, in the manner and at the time provided by law. Such petitions shall be in the form designated by state statute for the use in nominations for nonpartisan office. The manner of approval of nominating petitions and those who qualify to sign shall be as outlined in this proposed Charter and shall be administered by the Village Clerk.
- (b) The mayoral candidate receiving the highest number of votes shall have a term beginning at 12:01 a.m. on the date this Charter becomes effective and ending upon certification of the results of the regular city election in November, 2011.
- (c) The six (6) council candidates receiving the highest number of votes shall each have a term beginning at 12:01 a.m. on the date this Charter becomes effective and ending upon certification of the results of the regular city election in November, 2011.
- (d) Unless it is necessary to fill a vacancy in an elective office, no regular city election shall be held in November, 2009.
- (e) At the regular city election held in November, 2011, the mayoral candidate receiving the highest number of votes shall have a four-year term beginning upon certification of the results of such election, and expiring upon certification of the results of the regular city election in November, 2015.
- (f) At the regular city election held in November, 2011, the three (3) council candidates receiving the highest number of votes shall each have a term beginning upon certification of such election, and expiring upon certification of the results of the regular city election in November, 2015.

- (g) At the regular city election held in November, 2011, the three (3) council candidates receiving the next highest number of votes shall each have a term beginning upon certification of the results of such election, and expiring upon certification of the results of the regular city election in November, 2013.

Section 14.6 Subsequent Elections.

Beginning with the regular city election in November, 2013, the elections for Mayor and City Council shall be held as set forth in Section 3.5 of this Charter.

Section 14.7 Administrative Officers and Employees.

Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are Village officers or employees at the time of its adoption. Each such person who holds any office or who is an employee shall continue in such position until a successor has been appointed or employed in accordance with the provisions of this Charter.

Section 14.8 Boards and Commissions.

The present boards and commissions of the Village of Grosse Pointe Shores, and the members of such boards and commissions, shall continue as now established under the ordinance establishing them, unless and until abolished by the City Council.

Section 14.9 Transfer of Property and Records.

All property, records and equipment of any Village department, office or agency existing when this charter is adopted shall be transferred to the City department, office or agency assuming its powers and duties.

Section 14.10 Council Meetings.

The first meeting of the City Council shall be held on the effective date of the Charter. The Council shall meet at 8:00 a.m. at the City Offices, 795 Lake Shore Road, Grosse Pointe Shores, Michigan, for the following purposes:

- (a) The adoption of ordinances and resolutions, including a budget resolution, necessary to affect the transition of government under this Charter and to maintain effective city government during that transition.
- (b) To conduct any other Council business as may come before it.

Until otherwise provided by Council, the Council shall hold one regular meeting each month at such time and place as prescribed by Council.

Section 14.11 Existing Village Ordinances and Rules.

All ordinances, resolutions, rules and regulations of the Village of Grosse Pointe Shores which are not inconsistent in their content with this Charter shall remain in effect unless and until changed by action taken under this Charter. The adoption of this Charter shall not affect any rights, assets, obligations, liabilities or immunities of the Village or the officers of the Village, which shall continue in effect as the rights, assets, obligations, liabilities or immunities of the City or the officers of the City.

Section 14.12 Council Action.

In all cases involving the transition of the government of the Village of Grosse Pointe Shores to the government of the Village of Grosse Pointe Shores, A Michigan City, which are not covered by this chapter or other provisions of this Charter, the City Council shall supply the necessary details and procedures and may adopt such rules, regulations and ordinances as may be required.

Section 14.13 Initial Expenses.

Initial expenses of the City shall be paid by the City subject to an interim financial budget. There shall be an audit of this interim fiscal period in accordance with the provisions of Section 7.9 of this Charter.

Section 14.14 Pending Matters.

All rights, claims, actions, orders, contracts and legal administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on or dealt with by the City department, office or agency appropriate under this Charter.

Section 14.15 Pending Prosecutions.

The enactment of this Charter shall have no effect upon prosecutions commenced under the Charter of the Village of Grosse Pointe Shores. Those prosecutions shall be conducted under the Charter provision in effect prior to the effective date of this Charter.

Section 14.16 Vested Rights and Liabilities.

After the effective date of this Charter, the City and all its agencies shall be vested with all property, moneys, contracts, rights, credits, effects, and the records, files, books and papers, belonging to the Village of Grosse Pointe Shores under and by virtue of the Home Rule Village Act, MCL §78.1, *et seq.* No right or liability, contract, lease, or franchise, either in favor of or against the Village, existing at the time this Charter became effective, and no suit or prosecution of any character shall be affected in any manner by any change resulting from the adoption of this Charter, but the same shall stand or proceed as if no change had been made. All taxes, debts, and liabilities due to the Village from any person, and all fines and penalties, imposed and

existing at the time of such change, shall be collected by the City. All trusts established for any municipal purpose shall be continued in accordance with the terms thereof, subject to the *cy pres* doctrine.