

**CHARTER OF THE
CITY OF EAST LANSING**

(Amended 08-05-97, 11-

08-05)

04-97, 11-04-03 and 11-

EAST LANSING CITY CHARTER

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CHAPTER 1

Boundaries and Subdivisions of the City

1.1 ¹ **Boundaries**: The territory of the City shall be all that territory included within the boundaries of the City as established in accordance with all applicable laws.

1.2 ² **Alteration of Boundaries**: Territory may be added to or detached from the City in the manner provided by law.

1.3 **Wards**: The City of East Lansing shall consist of one (1) ward.

1.4 ³ **Election Precincts**: The Council shall, by resolution, establish convenient and necessary election precincts which shall comply with the provisions of State law.

¹§1.1 amended, 08-05-97.

²§1.2 amended, 08-05-97.

³§1.4 amended, 08-05-97.

CHAPTER 2

General Municipal Powers

2.1¹ Powers of the City: The City shall have all powers, privileges, and immunities, not inconsistent with the provisions of this Charter, which may be possessed by the City of East Lansing by virtue of its incorporation under 1909 P.A. 279, as amended, and 1895 P.A. 215 as amended, as if fully set forth in this Charter. The powers of the City under this Charter shall be construed liberally in favor of the City, and the specific mention of particular powers in this Charter shall not be construed as limiting the general powers of the City.

2.2² Exercise of Powers: In exercising any power, the City may utilize any procedure provided by law. If alternate procedures are to be found in different statutes, then the Council shall select that procedure which it deems to be most expeditious and to the best advantage of the City and its inhabitants. Where no procedure for the exercise of any power of the City is set forth, either in this Charter or in any statute of the State of Michigan, the Council may prescribe by resolution or ordinance a procedure for the exercise of the power. The city and its officers shall not, in the exercise of any power granted to or possessed by the City, discriminate against any person on the basis of marital or family status.

¹§2.1 amended, 08-05-97.

²§2.2 amended, 11-04-97.

CHAPTER 3

General Provisions Affecting Officers of the City

3.1¹ Officers to be Elected: The elective officers of the City shall be five (5) Council members, all of whom shall be elected by the City at large.

3.2² Eligibility for Office in City: No person shall be eligible for any elective office of the City unless he or she is a resident of the City and has registered to vote in the City.

3.3³ Terms of Office: The terms of office of Council members shall be four (4) years. The terms of office of Council members shall commence on and date from the Tuesday following the regular City election at which they are elected.

3.4⁴ Vacancies in Offices: Any elective City office shall become vacant, by operation of law and without the necessity of any action, upon the occurrence of one or more of the following events before the expiration of the term of such office:

- a. For any reason specified by State law creating a vacancy;
- b. If a Council member misses four (4) consecutive regular meetings of the Council, or twenty-five percent (25%) of regular meetings in any twelve (12) month period, without being excused by the Council;
- c. Conviction of a felony while in office;
- d. Misconduct in office which includes, but is not necessarily limited to:
 - 1) Conviction of a misdemeanor punishable by at least six (6) months in jail,
 - 2) A conviction of a charge of criminal contempt for a violation of a valid personal protection order entered by a Michigan Circuit Court,
 - 3) Conviction of any act committed while in office which constitutes misconduct in office under other provisions of this Charter.
- e. If a Council member ceases to maintain his or her legal domicile within the lawful boundaries of the City of East Lansing;
- f. If a Council member fails to take the oath of office required by State law.

¹§3.1 amended, 08-05-97.

²§3.2 amended, 08-05-97.

³§3.3 amended, 08-05-97.

⁴§3.4 amended, 08-05-97.

3.5¹ Resignations: Resignation of a Council member shall be made in writing and filed with the Clerk. The resignation shall be effective on any date set forth in the resignation and, if no date is set forth, shall be effective upon receipt. The Clerk shall deliver a copy of the resignation to each remaining Council member within 24 hours of its receipt.

3.6² Filling Vacancies: If a vacancy occurs on the City Council, the Council shall, within thirty (30) days after the vacancy occurs, appoint a person who possesses the qualifications required of Council members to serve until the next regularly scheduled City Council election, at which time a successor shall be elected to serve the unexpired term.

3.7³ Shortening and Extending Term of Office: Except as provided by this Charter or other law, the term of office of a Council member shall not be shortened or extended. A Council member shall continue to hold office until the effective date of his or her resignation or until the approval of the canvass of the election at which his or her successor is elected.

3.8⁴ Increase or Decrease of Compensation: The compensation of Council members shall be established and maintained in accordance with State law.

3.9⁵ Oath of Office and Bond

3.10⁶ Surety Bonds

3.11⁷ Liability and Bond to Continue

3.12⁸ Duty Upon Leaving Office: No later than 30 days following the effective date of the resignation, removal, or expiration of the term of any Council member, the Council member shall deliver to the City Manager or his or her designee all property of the City in his or her possession or control. Failure to comply with the provisions of this section shall constitute a misdemeanor.

¹§3.5 amended, 08-05-97.

²§3.6 amended, 08-05-97.

³§3.7 amended, 08-05-97.

⁴§3.8 amended, 08-05-97.

⁵§3.9 repealed, 08-05-97.

⁶§3.10 repealed, 08-05-97.

⁷§3.11 repealed, 08-05-97.

⁸§3.12 amended, 08-05-97.

3.13¹ Pecuniary Interests Prohibited: No elective officer shall be a party, directly or indirectly, to any contract between himself or herself and the City; nor shall any officer directly or indirectly solicit, negotiate, or represent any party to any contract between the City or any firm, private corporation, or trust of which the elective officer is a partner, member, employee, stockholder, or beneficiary, except as may be permitted by law; nor shall he or she stand as surety or sign any bail or appearance bond required by the ordinances of the City. These prohibitions shall not apply if the Council declares, by a two-thirds vote of the remaining members of the Council, that the best interests of the City are to be served by waiver of this prohibition, the contract is approved by a vote of not less than two-thirds of the full membership of the Council in open session not including the vote of a Council member making the disclosure, and the Council discloses the summary of information in its Minutes regarding the parties, terms, and nature of the pecuniary interest as required by law. Any elective officer of the City who violates the provisions of this section shall be guilty of misconduct in office.

CHAPTER 4

¹§3.13 amended, 08-05-97.

The City Council

4.1¹ City Governing Body: All powers of the City shall be vested in and all matters of policy of the City shall be exercised and determined by the City Council which shall be the legislative and governing body for all purposes required or permitted by law.

4.2 Judge of Qualification of Members: The Council shall be the judge of the eligibility and qualification of its own members, subject only to review by the courts.

4.3² Expenses of Members of the Council: The Council may authorize the reimbursement of reasonable expenses incurred on behalf of the City by a Council member.

4.4³ Organization of the Council: The Council shall, at its meeting held on the Tuesday following each regular City election, elect one of its members to serve as Mayor and one to serve as Mayor Pro Tem. In the event of a vacancy occurring in the office of Mayor Pro Tem, the Council shall fill the vacancy from its elected membership.

4.5⁴ Duties of Mayor:

- a. Insofar as required by law, and for all ceremonial purposes, the Mayor shall be recognized as the chief executive of the City. He or she shall not have any veto power.
- b. He or she shall authenticate by his or her signature such instruments as the Council, this Charter, or other law shall require.
- c. He or she shall exercise only such powers as this Charter, other law, or the Council shall specifically confer upon or require of him or her, including the powers of a Mayor to suppress riots and disorderly conduct as provided by law.

4.6⁵ Mayor Pro Tem: The Mayor Pro Tem shall perform the duties of the Mayor when, on account of absence from the City, disability, or otherwise, the Mayor is unable to perform the duties of his or her office.

¹§4.1 amended, 08-05-97.

²§4.3 amended, 08-05-97.

³§4.4 amended, 08-05-97.

⁴§4.5 amended and renumbered as 4.5 & 4.6, 08-05-97.

⁵§4.6 Added, 08-05-97; previous § 4.6 renumbered to § 4.7.

4.7¹ Meetings of the Council:

- a. Meetings of the Council shall be established by resolution. Such resolution may designate the time and place of meetings and the type of meetings to be held. The Council shall hold at least one (1) meeting each month. If the time set for a regular meeting of the Council is a holiday, then such regular meeting shall be held at the same time and place on the next secular day which is not a holiday.
- b. A special meeting of the Council shall be called by the Clerk on the written request of the Mayor, any two (2) Council members, or the City Manager.
- c. All meetings of the Council shall be noticed and conducted in accordance with law and open to the public except where closed sessions are permitted by law, and rules of order of the Council shall provide that citizens shall have a reasonable opportunity to be heard at any meeting of the Council except closed sessions.
- d. Three (3) 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, all business of the Council shall, by operation of law, be adjourned to the next meeting of the Council.
- e. No business shall be transacted at any special meeting of the Council unless identified in the notice of such meeting.
- f. The Council shall determine its own rules and order of business and shall keep minutes as a permanent journal of its proceedings in the English language which shall be approved by the Council and signed by the Clerk. The vote upon the passage of all ordinances, and upon the adoption of all resolutions shall be recorded in the minutes. Each member of Council who shall be recorded as present shall vote on all questions decided by the Council unless a Council member declares a conflict and is excused by a majority of the other members present. Any person shall have access to the minutes and records of all regular and special meetings of the Council during business hours.
- g. The Council may, by vote of not less than two (2) of its members taken at a regular or special meeting, compel the attendance of Council members, and/or other officers of the City at meetings. The Council may enforce orderly conduct at any meeting. Any member of the Council or other officer of the City who refuses to attend such meetings or conduct himself or herself in an orderly manner shall be deemed guilty of misconduct in office. The Chief of Police shall serve as the Sergeant-at-Arms of the Council in the enforcement of the provisions of this section.

¹§4.7 amended and renumbered, 08-05-97.

4.8¹ Restriction on Powers of the Council:

- a. The Council shall not have the power to contract with or give any official position to any person who is in default to the City, except any contract to cure the default.
- b. The Council shall not have the power to sell any real property of a value in excess of four dollars (\$4.00) per capita according to the last preceding U.S. Census, or any parkland, or a cemetery, or any property bordering on water, or vacate any street or public place leading to a waterfront, or engage in any business enterprise requiring an investment of money in excess of ten cents (10¢) per capita, unless approved by three fifths (3/5) of the electors voting at any general or special election.
- c. Except as otherwise provided in this Charter, no ordinance or resolution shall be adopted or passed except by the affirmative vote of at least three (3) members of the Council.
- d. There shall be no standing committees of the Council.

4.9² Investigations and Requests for Information: The Council, or any Council member, may request information of any employee or officer of the City regarding the conduct of any department, office, or officer of the City. The Council may make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence. Failure on the part of any officer of the City to obey the subpoena or to produce books, papers, and other evidence pursuant to the subpoena shall constitute misconduct in office. If the failure is on the part of any employee of the City, it shall constitute a misdemeanor.

CHAPTER 5

¹§4.8 amended and renumbered, 08-05-97.

²§4.9 previous provisions of § 4.9 repealed, 08-05-97
previous § 4.8 amended, 08-05-97 and renumbered § 4.9.

Responsibility and Authority of the City Council

5.1¹ **General Responsibility and Authority**: The Council shall provide for the public peace, health, safety, and welfare of persons and property. In fulfilling this obligation, the Council may upon the recommendation of the City Manager, create, combine, or re-organize departments, agencies, and administrative offices and officers of the City Government.

5.2² **Intergovernmental Contracts**: The Council may join with any governmental unit or agency, by contract or otherwise as may be permitted by law, to perform jointly, any power or duty which is possessed or imposed upon the City of East Lansing.

5.3³ **Other Powers and Responsibilities**.

- a. The Council shall preserve and maintain, in accordance with this Charter or other applicable law, all City streets, alleys, bridges, and public places (whether or not the public places are located inside or outside the boundaries of the City) and the space above and beneath them, including, but not limited to the regulation of signs, awnings, or awning posts.
- b. The Council shall establish specifications and standards of materials and workmanship for all improvements required to be made under the provisions of this Charter.
- c. The Council shall by ordinance prescribe the terms and conditions upon which licenses may be granted, suspended, or revoked; and may require payment of reasonable sums for any licenses and the posting of a bond in a reasonable amount to assure the faithful observance of the law.
- d. The Council shall not accept dedication of streets unless and until the owners have provided facilities such as sewerage and water mains, and laterals, surfacing of streets, sidewalks, and street lighting acceptable to the Council and equivalent to services already available to residents in that section of the City.
- e. The Council shall have the power to acquire for the City by purchase, gift, condemnation, lease, construction, or otherwise, either inside or outside the City boundaries, any real or personal property deemed by the Council to be necessary for any public use or purpose within the scope of its powers or as authorized by law.
- f. The Council may enact all ordinances deemed necessary for the establishment, maintenance, and protection of all cemeteries and parks.
- g. The Council may, in its discretion, authorize the City to receive and hold any property in trust for cemetery, park, or other municipal purposes and shall use the property for the

¹§5.1 amended, 08-05-97.

²§5.2 amended, 08-05-97.

³§5.3 amended, 08-05-97.

purpose of the trust and for no other purpose except in cases where the common law *CY pres* doctrine applies or where otherwise prohibited by law.

- h. The Council shall determine the method of publication of all notices, ordinances, and proceedings for which a mode of publication is not prescribed by this Charter or by other law.
- i. The Council shall have any other power or responsibility established by law.

5.4¹ Limitation and Dedication of Streets

5.5² Licenses

5.6³ Rights as to Property

5.7⁴ Cemeteries and Parks

5.8⁵ Trusts

5.9⁶ House Trailers

5.10 Appropriation of Private Property: Private property may be taken and appropriated, either within or without the City, for any public use in connection with any acquisition, enlargement, or extension of municipal public utilities, including, but not by the way of limitation, utilities for supplying water, light, heat, power, gas, sewage treatment, and garbage disposal, or any of them; for the purpose of opening, widening, altering, and extending streets, alleys and avenues; for the construction of bridges, for public buildings, and for other public structures; for public grounds, parking spaces, parks, market places; for the improvement of waters and water courses within the City; for sewers, drains, and ditches; for public hospitals, pest houses, quarantine grounds, and public cemeteries; and for other lawful and necessary public uses. The ownership of such property shall be acquired by the City by negotiation and purchase, or in any other manner permitted by the general laws of the State for the taking of private property for public use.

5.11⁷ Publications

CHAPTER 6

¹§5.4 repealed, 08-05-97.

²§5.5 repealed, 08-05-97.

³§5.6 repealed, 08-05-97.

⁴§5.7 repealed, 08-05-97.

⁵§5.8 repealed, 08-05-97.

⁶§5.9 repealed, 08-05-97.

⁷§5.11 repealed, 08-05-97.

City Legislation

6.1¹ Enactment: All legislation of the City of East Lansing shall be by ordinance or by resolution.

a. Resolutions.

The word “resolution” as used in this Charter shall mean the official action of the Council in the form of a motion which addresses matters required or permitted to be done by resolution by this Charter or by state or federal law and to matters pertaining to the internal affairs or concerns of the City government.

b. Ordinances.

The word “ordinance” shall refer to the adoption, by motion, of the following:

1. Laws of general application which provide for a fine or penalty.
2. Laws which grant, renew, or extend a franchise or regulate the rate charged for its services by a public utility.
3. The regulation of land use and development.
4. The amendment or repeal of any ordinance previously adopted.
5. Any other action required by law to be authorized by enactment of an ordinance.

c. Form of Ordinances and Resolutions:

Each proposed ordinance shall be identified by a number and a short title. Each proposed ordinance shall be introduced in writing or printed form. The style of all ordinances passed by the Council shall be, “The City of East Lansing Ordains:”. Each resolution shall be identified by the year in which it is passed, a sequential number equal to the number of resolutions passed in that year including the resolution in question, the general subject matter of the resolution, and the date of passage. The style of all resolutions passed by the Council shall be, “It Is Hereby Resolved by the City Council of the City of East Lansing:”.

d. Procedure for Passage of Ordinances and Resolutions:

Except in the case of ordinances which are declared to be emergency ordinances, no ordinance shall be finally passed by the Council at the same meeting at which it is introduced. No ordinance shall be revised, altered, or amended by reference to its title

¹§6.1 amended, 08-05-97.

only, but the section or sections of the ordinance revised, altered, or amended shall be reenacted and published at length, and all ordinances, when enacted, shall be immediately recorded by the Clerk in a book to be called “The Code of the City of East Lansing”.

Upon passage of an ordinance, the Mayor and Clerk shall authenticate the ordinance by signing it.

Any resolution may be introduced and passed at any meeting of the Council unless another procedure is required by law. When passed, the Clerk shall authenticate the resolution by signing it. All resolutions of the Council shall be recorded in a book to be called "Resolutions of the Council" and maintained in chronological order of passage by general subject matter.

6.2¹ Penalties: The Council shall provide in each ordinance that prohibits or requires any act, for the punishment of those who violate its provisions. No punishment for the violation of any City ordinance or for the commission by any officer of the City of any act declared by this Charter to constitute misconduct in office shall exceed the maximum penalty permitted by State law.

6.3² Publication of Ordinances: A summary of each ordinance passed by the Council shall be published in accordance with applicable law at least once within fifteen (15) days after the adoption of an ordinance by the Council. Ordinances of the City shall become effective immediately upon the publication thereof, unless a date upon which an ordinance shall become effective, which is subsequent to the date of the publication thereof, is specifically provided in the ordinance itself. Publication of any matter adopted by reference in such ordinance shall not be required.

6.4³ Technical Codes: The Council may adopt any provision of State law or any detailed technical regulations as a City ordinance or code by citation of such provision of State law or by reference to any recognized codes, official or unofficial, provided that any provision of State law or recognized official or unofficial code shall be clearly identified in the ordinance adopting it as an ordinance of the City. Upon adoption by reference of any code, printed copies shall be made available by the City to members of the public for inspection or purchase at a reasonable charge.

6.5⁴ Compilation: Copies of the Code of the City of East Lansing, copies of the Resolutions of the Council, and copies of this Charter, as amended, shall be prepared and made available to members of the public for review at City Hall and the City Library during business hours. The City shall provide and sell additional copies of the Code of the City of East Lansing and the Resolutions of the Council at cost.

6.6⁵ Periodic Review of the Code of the City of East Lansing: At least once every ten (10) years, beginning with the year 2000, the Council shall, by resolution, direct the review of the Code of the City of East Lansing and shall consider any amendments or repeals recommended as a result of that review. Any ordinance codifying, recodifying, or continuing the Code of the City of East Lansing may amend,

¹§6.2 amended, 08-05-97.

²§6.3 amended, 08-05-97.

³§6.4 amended, 08-05-97.

⁴§6.5 amended, 08-05-97.

⁵§6.6 amended, 08-05-97.

repeal, revise, or rearrange ordinances or parts of ordinances by reference to title only. The copies of ordinances and of any compilation, code, or codes referred to in this Chapter may be certified by the Clerk and, when so certified, shall be competent evidence in all courts and legally established tribunals as to the matters contained therein.

6.7 Initiative and Referendum: An ordinance may be initiated by petition, or a referendum on an ordinance enacted by the Council may be had, by a petition, as hereinafter provided.

6.8 Petitions: An initiatory or a referendary petition shall be signed by not less than fifteen percent (15%) of the registered electors of the City, who have signed said petition within six (6) months before date of filing the petition with the Clerk. Before being circulated for signatures, all such petitions shall be approved as to form by the Clerk. No such petition need be on one paper, but may be aggregate of two (2) or more petition papers. Each signer of a petition shall sign his name in ink or indelible pencil, 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 thereto 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 ten (10) days, canvass the signatures thereon to determine the sufficiency thereof. Any signatures obtained more than six (6) months before the filing of such petition with the Clerk shall not be counted. If found to contain an insufficient number of signatures of registered electors of the City, or to be improper as to form or compliance with the provisions of this section, the Clerk shall notify forthwith the person filing such petition and ten (10) days from such notification shall be allowed for the filing of supplemental petition papers. When found sufficient and proper, the Clerk shall present the petition to the Council at its next regular meeting.

6.9 Council Procedure: Upon receiving an initiatory or referendary petition from the Clerk, the Council shall, within thirty (30) days, either,

- a. If it be an initiatory petition, adopt the ordinance as submitted in the petition;
- b. If it be a referendary petition, repeal the ordinance to which the petition refers; or
- c. In either case, determine to submit the proposal to the electors.

6.10 Submission to Electors: Should the Council 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. The result shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by the constitution or laws of the State of Michigan.

6.11 Ordinance Suspended: The certification by the Clerk of the sufficiency of a referendary petition within thirty (30) days after the passage of the ordinance to which such petition refers shall automatically suspend the operation of the ordinance in question pending repeal by the Council or final determination by the electors as the case may be. An ordinance adopted by the electorate through

initiatory proceedings may not be amended or repealed by the Council for a period of two (2) years after the date of the election at which it was adopted. Should two (2) or more ordinances, adopted at the same election, have conflicting provisions, the one receiving the highest vote shall prevail as to those provisions.

CHAPTER 7

The Administrative Service

7.1¹ The Administrative Officers - General

- a. The chief administrative officer of the City shall be the City Manager. The City Manager shall, after consultation with the Council, appoint a City Clerk, a Treasurer, a Chief Financial Officer, an Assessor, a City Engineer, a Chief of Police, a Human Resource Manager, a Fire Chief, and any other administrative officer established by the Council pursuant to the authority granted in §5.1 of this charter. These officers shall serve at the pleasure of the City Manager.
- b. The Council shall, by written contract, retain the services of a City Manager and a City Attorney, who shall be considered administrative officers of the City. The contracts may establish duties and responsibilities in addition to but not in derogation of those set forth in this Charter and shall also set their compensation. The contracts shall provide that they will hold office at the pleasure of the Council.
- c. The compensation of all administrative officers of the City appointed by the City Manager shall be set by the City Manager in accordance with budget appropriations.
- d. All personnel employed by the City who are not elected officers of the City or declared to be administrative officers by or under authority of this Charter shall be deemed to be employees of the City.
- e. Except as otherwise required in subsection 7.1.a, neither the Council nor any of its members or committees shall in any manner interfere with the City Manager in the exercising of his or her judgment in the appointment or assignment of administrative officers and employees in the administrative service. Neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager.
- f. No person shall be eligible for employment as an administrative officer of the City unless he or she is a citizen of the United States of America.

7.2² City Manager: The City Manager shall be responsible to the Council. The City Manager shall be selected on the basis of executive and administrative qualifications, without regard to partisan political or religious preferences and need not be a resident of the City at the time of appointment but shall become a resident of the City within ninety (90) days after his or her appointment and shall, with the approval of the Council, designate a Deputy City Manager who shall perform the duties of City Manager during a vacancy in the office. The City Manager may also designate an Administrative Officer to serve as Acting City Manager during the absence of the City Manager and Deputy City Manager from the City.

¹§7.1 amended, 08-05-97.

²§7.2 amended, 08-05-97.

No person who has been elected a member of the Council under this Charter shall be eligible for appointment as City Manager or Deputy City Manager until two (2) years have elapsed following the expiration of the term for which he or she was elected.

7.3¹ Powers and Duties of the City Manager: The functions of the City Manager shall be:

- a. To see that all laws and ordinances are enforced;
- b. To manage and supervise all public improvements, works and undertakings of the City; to supervise the construction, repair, maintenance, and cleaning of streets, sidewalks, bridges, pavements, sewers, and of all public buildings or other property belonging to the City; to manage and supervise all City utilities and to preserve all property, tools, and appliances of the City;
- c. To see that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed.
- d. To attend all meetings of the Council, with the right to take part in discussions, but without the right to vote;
- e. To be a member, ex officio, of all committees of the Council;
- f. To prepare and administer the annual budget under policies formulated by the Council and keep the Council fully advised at all times as to the financial condition and needs of the City;
- g. To recommend adoption of ordinances and resolutions which are necessary to carry out the duties of the office of City Manager.
- h. To be responsible to the Council for the efficient administration of all departments of the City government;
- i. To be personnel director of all City employees or delegate such duties to some other officer or employee of the City. No such delegation shall relieve the City Manager of any responsibility for the proper conduct of this duty.
- j. To be responsible for the purchasing of all goods and services for the City and the disposal of surplus personal property, subject to limitations which the Council may establish by resolution or are otherwise established by this Charter and in accordance with budget appropriations;
- k. To perform such other duties as may be prescribed by this Charter or as may be required of the City Manager by ordinance or by direction of the Council.
- l. To exercise and perform all administrative functions of the City that are not imposed by this Charter or any City ordinance upon some other official.

7.4¹ City Clerk:

¹§7.3 amended, 08-05-97.

- a. The City Clerk shall attend all meetings of the Council and shall keep minutes as a permanent journal in the English language of its proceedings. The Clerk shall maintain all ordinances and resolutions of the Council in the manner prescribed by this Charter.
- b. The City 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. The City Clerk shall also be custodian of all papers, documents, and records pertaining to the City of East Lansing, the custody of which is not otherwise provided for.
- c. The City Clerk shall perform any other duties required by State law, this Charter, or by the Council.

7.5² Chief Financial Officer:

- a. The Chief Financial Officer shall keep and be responsible for the financial records of the City. The system of accounts of the City shall conform to such uniform system as may be required by law.
- b. The Chief Financial Officer shall be responsible for and keep accurate detailed accounts of:
 - 1. All taxes assessed by the City, and all moneys due the City from any and every source.
 - 2. Moneys collected and received and the several sources from which they are derived.
 - 3. All funds of the City and disbursements made therefrom.
- c. The Chief Financial Officer shall examine and audit all accounts and claims against the City except claims for unliquidated damages. No expenditure of funds shall be made except in accordance with an appropriation approved by Council. The appropriation shall specify the fund from which it is payable, and shall be paid from no other fund.
- d. All the books of account of the City shall be balanced at the end of each calendar month, and a report made thereon by the Chief Financial Officer to the City Manager and to the City Council.
- e. The Chief Financial Officer shall have the custody of all moneys of the City, and the Clerk's bond, and all evidence of value belonging to the City or held in trust by the City.
- f. The Chief Financial Officer shall perform such other duties as may be required of him or her by this Charter or by the City Manager and may have all powers and duties conferred

¹§7.4 amended, 08-05-97.

²§7.5 amended, 08-05-97.

upon a City Treasurer by other law if the office of Treasurer is combined by Council with the office of the Chief Financial Officer.

7.6¹ City Attorney:

- a. The City Attorney shall act as legal advisor to, and attorney and counsel for, the Council and all its members in matters relating to their official duties. He or she shall give written opinions to any official or department of the City when requested in writing by the Council or the City Manager, and shall file a copy of the formal opinion(s) with the City Clerk, who shall maintain the formal opinions of the City Attorney in chronological order by year, in loose leaf form. A copy of these opinions shall be available for review by the public at City Hall and the City Library.
- b. The City Attorney may be retained by the City Council to conduct for the City all cases in all courts and before all legally constituted tribunals whenever the City is a party.
- c. The City Attorney shall prepare, or officially pass upon, all contracts, bonds, and other instruments in writing, in which the City is concerned and shall certify their legality and correctness of form prior to execution.
- d. The City Attorney shall file in the office of the City Clerk the original copy of all franchises granted by the City, of all contracts and agreements entered into by or on behalf of the City, and if retained for that purpose, of all papers constituting a part of the proceedings in all courts or legally constituted tribunals to which the City is a party, together with the pertinent data and information concerning the same.
- e. The City Attorney shall have the responsibility of calling to the attention of the Council and City Manager all changes or developments in the laws affecting the City.
- f. The City Attorney shall perform such other duties as may be required by this Charter or by the Council.
- g. The Council may retain special legal counsel to handle any matter to which the City is a party or in which the City has an interest, or to assist and co-counsel with the City Attorney. The Council may create a legal department to represent the City in all litigation or administrative proceedings to which the City is a party.
- h. The remuneration set by Council for the City Attorney shall be in contemplation of the normal duties of that office. Special compensation may be provided, at the discretion of the Council, for litigation commenced on behalf of or against the City in any court or in any administrative proceeding. No such special compensation shall be paid by the Council, except in accordance with a written agreement between itself and the City

Attorney, executed prior to the service for which the special compensation is to be paid has been rendered.

¹§7.6 amended, 08-05-97.

7.7¹ Treasurer:

- a. The Treasurer shall keep and deposit all moneys or funds in such a manner and only in such places as the Council may determine. The Treasurer shall report the same in detail to the Chief Financial Officer.
- b. The Treasurer shall have such powers and duties in regard to the collection and custody of State, County, School District, and City taxes and moneys as may be conferred upon him or her by this Charter or by State law.
- c. The Treasurer shall perform such other duties as may be prescribed for him or her by this Charter or by the City Manager.

7.8² Deputy Clerk or Treasurer:

7.9³ City Assessor:

- a. The City Assessor shall possess all the powers vested in and shall be charged with all the duties imposed upon assessing officers by State law.
- b. The City Assessor shall make and prepare all regular and special assessment rolls in the manner prescribed by State law.
- c. The City Assessor shall perform such other duties as may be prescribed for him or her in this Charter or by the City Manager.

7.10⁴ Purchasing Agent:

7.11⁵ Nepotism:

7.12⁶ Ethics and Nepotism: The Council shall provide by ordinance for laws to secure ethics in government and to prohibit nepotism, which ordinance shall provide at a minimum, that no relatives of the City Manager or any Council member shall be hired by the City for any purpose during the term for which any Council member was elected, or during the tenure of the City Manager. This section shall not affect the employment rights of any person already employed by the City at the time of election or appointment. Any person hired in violation of the provisions of this Section shall forfeit all rights to employment with the City while the prohibited relationship exists. For purposes of this Section, the

¹§7.7 amended, 08-05-97.

²§7.8 repealed, 08-05-97.

³§7.9 amended, 08-05-97.

⁴§7.10 repealed, 08-05-97.

⁵§7.11 repealed, 08-05-97.

⁶§7.12 amended, 08-05-97.

Term "relatives" shall mean the spouse, brother, sister, parents, children, stepchildren, grandchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, and son-in-law.

7.13¹ Restrictions Concerning Other Offices: No regular City employee or administrative officer shall seek any elective office of the City of East Lansing, unless he or she resigns from his or her position with the City.

7.14² Classified Service: The Council may approve, by ordinance, a classification system of personnel management proposed by the City Manager for employees in the service of the City.

7.15³ Pension Plan: The Council may provide to the administrative officers and employees of the City, a sound pension and retirement plan in accordance with the requirements of law.

7.16⁴ Employee Benefits: The Council shall have power to make available to the administrative officers and employees of the City any employee welfare benefit plan.

CHAPTER 8

Municipal Court¹

¹§7.13 amended, 08-05-97.

²§7.14 amended, 08-05-97.

³§7.15 amended, 08-05-97.

⁴§7.16 amended, 08-05-97.

¹Chapter 8 repealed, 11-04-97.

CHAPTER 9

Supervisors¹

¹Chapter 9 repealed, 11-05-68.

CHAPTER 10

General Finance - Budget Procedure

10.1¹ Fiscal Year: The fiscal year and budget year of the City shall begin on the first day of July and end on the thirtieth day of June of the following year unless the City Council shall change the year by ordinance.

10.2² Budget Procedure: The City Manager shall receive an itemized estimate of the expenditures for the next fiscal year, for all departments or activities of the City. The City Manager shall prepare a complete itemized budget for the next fiscal year and shall submit it to the Council on or before a date which Council establishes by resolution, but no later than the first regular meeting of the City Council in April.

10.3³ Budget Document: The budget shall present a complete financial plan for the next fiscal year. It shall include, at least, the following information:

- a. Detailed estimates of all proposed expenditures for each department and office of the City, showing the expenditures for corresponding items for the current and last preceding fiscal years, with reasons for increases and decreases recommended, as compared with appropriations for the current year;
- b. Statements of the bonded and other indebtedness of the City, showing the debt redemption and interest requirements, the debt authorized and unissued, and the condition of sinking 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, for 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. Such other information as the Council may by resolution, establish.

10.4 Budget Hearing: A public hearing on the budget shall be held before its final adoption, at such time and place as the City Council shall direct, and notice of such public hearing shall be published at

¹§10.1 amended, 11-04-97.

²§10.2 amended, 11-04-97.

³§10.3 amended, 11-04-97.

least one (1) week in advance by the City Clerk. A copy of the proposed budget shall be on file and available to the public for inspection during office hours at the office of the Clerk for a period of not less than one (1) week prior to such public hearing.

10.5¹ Adoption of Budget, Tax Limit: Not later than the last regular meeting of the City Council in May, the Council shall, by resolution, adopt the budget and appropriate all money to be spent in the next fiscal year. Such resolution shall provide for a levy of the amount necessary to be raised by taxes upon real and personal property for general municipal purposes, which levy shall not exceed two percent (2%) of the assessed valuation of all real and personal property subject to taxation in the City.

10.6² Transfer of Appropriations: After the budget has been adopted, no money shall be expended by the City nor shall any obligation for the expenditure of money be incurred, except pursuant to the budget appropriation. The Council may transfer all or any unencumbered appropriation balance from one department fund to another by subsequent resolution.

10.7³ Lapse of Appropriations: The balance in any appropriation, except for an appropriation for a capital expenditure, which has not been encumbered at the end of the budget period shall lapse. An appropriation for a capital expenditure shall lapse unless expended, encumbered, or re-appropriated within three years of the appropriation.

10.8⁴ Budget Control: Within 30 days after the end of each quarterly period during the budget period, and more often if required by the Council, the City Manager shall submit to the Council a budget report showing the relation between the estimated and actual revenues and expenses during the previous quarter; and if the report indicates that revenues will be less or expenses greater than anticipated for the budget period, the Council shall reduce or amend appropriations, except amounts required for debt and interest charges, to such a degree as may be necessary to keep the budget balanced.

10.9⁵ Independent Audit and Annual Report: An independent audit shall be made of all accounts of the City government annually and more frequently if deemed necessary by the Council. Such audit shall be made by qualified accountants experienced in municipal accounting following Generally Accepted Accounting Principles (GAAP), and the results of the audit shall be made available to the general public within 180 days of the close of the fiscal year. Within 90 days after the close of the fiscal year, an annual report of the City business shall be published by the City Manager in such form as will disclose pertinent facts concerning the activities and finances of the City government.

¹§10.5 amended, 11-04-97.

²§10.6 amended, 11-04-97.

³§10.7 added, 11-04-97.

⁴§10.8 amended (and renumbered), 11-04-97.

⁵§10.9 amended, 11-04-97.

CHAPTER 11

General Taxation

11.1 Power to Provide Funds: In order to carry out the purposes, powers, and duties of the City government established by this Charter, the City may assess, levy and collect taxes, rents, tolls, and excises.

11.2 Subjects of Taxation: The subjects of ad valorem taxation for municipal purposes shall be the same as for State, County, and School purposes under the general law. Except as otherwise provided by this Charter, City taxes shall be levied, collected and returned in the manner provided by State law.

11.3¹ Exemptions: No exemptions from taxation shall be allowed, unless required or permitted by State law.

11.4² Assessment Day: The assessment day for both real and personal property in the City shall be as provided by State law.

11.5³ Time for Making Assessment Rolls: In each year, the Assessor shall make and complete an assessment roll in the time, manner, and form provided in the general tax law of the State.

11.6⁴ Notice of Real and Personal Property Assessment: The Assessor shall give notice by first class mail or any other method authorized by law, of the annual assessment of any property to the taxpayer of record according to the last assessment roll of the City addressed to the address of the taxpayer as shown on the roll. The failure on the part of the Assessor to give any notice or of any taxpayer to receive any notice shall not invalidate all or any part of the assessment roll of the City.

11.7⁵ Board of Review - Appointment of Members: The assessment roll shall be reviewed by a Board of Review which shall be composed of no less than five (5) registered and qualified electors of the City of East Lansing. The members of the Board of Review shall be appointed by the City Council for terms of three (3) years, and may be reappointed. Members of the Board of Review shall hold office from January 1 of the first year of their term of office until December 31 of the year in which their term of office expires. The remuneration of the members of the Board of Review shall be determined by the City Council.

¹§11.3 amended, 11-04-97.

²§11.4 amended, 11-04-97.

³§11.5 amended, 11-04-97.

⁴§11.6 amended, 11-04-97.

⁵§11.7 amended, 11-04-97.

11.8 Meeting of the Board of Review: Unless otherwise provided by State law, the Board of Review shall convene on the Tuesday next following the first Monday in March of each year to review and correct the assessment roll.

11.9¹ Notice of Meeting: The City Clerk shall publish notice of the time and place of meeting of the Board of Review not less than ten (10) days immediately preceding the meeting.

11.10² Organization and Functions of the Board of Review: On the first day of its meeting in each year, the Board of Review shall elect one of its members chairperson. The assessor shall be Secretary of the Board and shall consult with and advise the Board and take part in its deliberations but shall not be entitled to vote. It shall be the duty of the Assessor to keep a permanent record of all proceedings, and to record all resolutions and decisions of the Board. A majority of the members of the Board shall constitute a quorum. The members of said Board shall take the constitutional oath of office which shall be filed with the City Clerk. The Board shall have the powers and duties in all respects as established by State law. It shall hear the complaints of all persons considering themselves aggrieved by assessments, and if it shall appear that any person or property has been wrongfully assessed, or omitted from the roll, the Board shall correct the roll in such manner as it shall deem just and in accordance with the law. In all cases, the assessment roll shall be reviewed according to the facts existing on the tax day and no change of the status of any property after tax day shall be considered by the Board in making its decisions. No person other than the Board of Review shall make or authorize any change upon or additions or corrections to the assessment roll.

11.11³ Endorsement of Roll - Validity: After the Board completes its review of the assessment roll, it shall endorse the roll in the manner provided by State law. Upon the endorsement of the roll it shall be the assessment roll and tax roll of the City for county, school, and City taxes and for any other taxes on real and personal property that may be authorized by State law. The omission of endorsement shall not affect the validity of the roll.

11.12⁴ Clerk to Certify Tax Levy:

11.13⁵ City Tax Roll:

11.14⁶ Tax Roll Certified for Collection:

¹§11.9 amended, 11-04-97.

²§11.10 amended, 11-04-97.

³§11.11 amended, 11-04-97.

⁴§11.12 repealed, 11-04-97.

⁵§11.13 repealed, 11-04-97.

⁶§11.14 repealed, 11-04-97.

11.15¹ Tax Lien on Property: All City taxes are a debt due to the City from the persons to whom they are assessed, and the amounts assessed on any interest in real or personal property as well as any interest or other charges permitted by State law shall become a lien upon the real or personal property on a date and in the priority established in accordance with State law.

11.16² Taxes Due: City taxes shall be due on the first day of July of the year when levied or another date established in accordance with State law.

11.17³ Notification of Taxes Due: Notice of taxes due shall be provided in accordance with State law.

11.18⁴ Collection Fees and Interest: All taxes paid on or before August 31st (for summer taxes) or February 14th (for winter taxes), shall be collected by the Treasurer together with such collection and administration fees authorized by law. The Treasurer shall also add to all summer taxes paid after August 31st a 3% collection fee, and on all winter taxes paid after February 14th, the collection and administration fees authorized by law. The fees shall belong to the City and shall constitute a charge and shall be a lien against the property to which the taxes themselves apply, collectible in the same manner as the taxes to which they are added.

11.19⁵ Apportioning of Tax on Portion of Taxed Items:

11.20⁶ Delinquent Taxes: The Chief Financial Officer shall report delinquent taxes in the manner required by State law.

11.21⁷ Protection of City Lien: The City shall have the power to protect its lien in any manner authorized by State law or this Charter.

11.22⁸ State, County and School Taxes:

CHAPTER 12

¹§11.15 amended, 11-04-97.

²§11.16 amended, 11-04-97.

³§11.17 amended, 11-04-97.

⁴§11.18 amended, 11-04-97.

⁵§11.19 repealed, 11-04-97.

⁶§11.20 amended, 11-04-97.

⁷§11.21 amended, 11-04-97.

⁸§11.22 repealed, 11-04-97.

General Finance - Borrowing Power¹

12.1 **General Borrowing**: Subject to the applicable provisions of State law and this Charter, the Council may authorize the borrowing of money for any purpose within the scope of the powers vested in the City and the issuance of bonds of the City or other evidences of indebtedness and may pledge the full faith, credit, and resources of the City for the payment of the obligation created.

12.2 **Special Assessment Bonds**: The Council shall, subject to applicable State law, have authority to borrow money in anticipation of the payment of special assessments made for the purpose of defraying the cost of any public improvement, or in anticipation of the payment of any combination of such special assessments, and to issue bonds for such purpose. Such special assessment bonds may be an obligation of the special assessment district or districts or may be both an obligation of the special assessment district or districts and a general obligation of the City. All collections on each special assessment roll or combination of rolls shall be set apart in a separate fund for the payment of the principal and interest of the bonds issued in anticipation of the payment of such special assessment, and shall be used for no other purpose.

12.3 **Other Bonds**: The City Council may authorize, by resolution, the issuance of revenue or other types of bonds in the manner and for the purposes permitted by State law.

12.4 **Other Bonds**: The City shall have power to issue revenue or other types of bonds in the manner and for the purposes permitted by the Constitution and general laws of the State of Michigan.

12.5 **Preparation and Record**: Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which it is issued and it shall be unlawful to use the proceeds thereof for any other purpose. Any person who violates this provision shall be deemed guilty of misconduct in office. All bonds and other evidences of indebtedness issued by the City shall be signed by the Mayor and countersigned by the City Clerk, under the seal of the City upon authority of the Council. Interest coupons may be executed with the facsimile signatures of the Mayor and Clerk. A complete and detailed record of all bonds and other evidences of indebtedness issued by the City shall be kept by the Chief Financial Officer. Upon the full payment of any bond or other evidence of indebtedness, the same shall be marked "Canceled" by the Chief Financial Officer.

12.6 **Unissued Bonds**: No unissued bonds of the City shall be issued or sold to secure funds for any purpose other than that for which they were specifically authorized, and if any bonds are not sold within five (5) years after authorization, the authorization shall, as to the bonds, be null and void, and the bonds shall be canceled.

CHAPTER 13

¹Chapter 12 amended, 11-04-97.

Special Assessments

13.1¹ General Power Relative to Special Assessments: The Council shall have the power to determine the necessity of any public improvement and to determine if all or any part of the expense shall be defrayed by special assessment upon the property benefited. The City Council shall also have the power to abate and to recover the costs of the abatement of a public hazard or nuisance which is dangerous to the health, safety, or welfare of the public by special assessment against the real property upon which the nuisance was located, and Council shall, by ordinance, establish procedures for the exercise of this authority.

13.2² Initiation of Special Assessments: Proceedings for the making of public improvements within the City by special assessments may be commenced by resolution of the City Council, on its own initiative, or by a petition signed by property owners who represent not less than sixty percent (60%) of total assessed value of the privately owned real property located in the proposed district, in accordance with the last preceding general assessment roll. However, in the case of special assessments for paving or similar improvements which are normally assessed on a frontage basis against abutting property, the petition must be signed by owners of at least sixty percent (60%) of the frontage of the property to be assessed. Each signature shall also be identified by street address or other identification of the property owned by the signer, and the petition shall be verified by the affidavit of the individual circulating the petition. The petition shall be addressed to the City Council and filed with the City Clerk. The Clerk shall verify each signature on the petition. If it appears that a petition was not signed by a sufficient number of property owners, the petition shall not be presented to the Council. If a petition is presented to the Council, the Council is not required to establish a special assessment district.

13.3³ Survey and Report: If the City Council decides to consider the making of a public improvement to be paid for by special assessment, the Council shall, by resolution, direct the City Manager to prepare a report which shall include necessary plans, profiles, specifications, estimates of cost, an estimate of the life of the improvement, a description of the assessment district or districts, and other pertinent information which permits the Council to decide the cost, extent, and necessity of the improvement proposed and what part or proportion should be paid by special assessments upon the property benefitted and what part, if any, should be paid by the City at large. The Council shall not proceed with any public improvement until such report of the City Manager has been filed and a public hearing has been held by the Council for the purpose of hearing objections to the making of such public improvement. The notice shall be made by publication prior to the holding of the public hearing and shall be mailed by first class mail to each affected property prior to the holding of the hearing. At the public hearing, the Council may modify the scope of the public improvement.

¹§13.1 amended, 11-04-97.

²§13.2 amended, 11-04-97.

³§13.3 amended, 11-04-97.

13.4¹ Cost of Property Added: The cost of any property acquired, whether by condemnation or otherwise, for the purpose of any public improvement, including the cost of any proceedings required to acquire the property, may be added to the cost of any special assessment.

13.5² Determination on the Project, Notice:

13.6³ Objections to Improvement: If more than fifty percent (50%) of the number of owners of privately owned real property to be assessed for any improvement, or in case of paving or similar improvements more than fifty percent (50%) of the number of owners of frontage to be assessed for any such improvement, object in writing to the proposed improvement, prior to or at the public hearing required by §13.3, the improvement shall not be made by proceedings authorized by this Chapter without a four-fifths (4/5) vote of the members of the Council.

13.7⁴ Determination of the Council: After the City Council has considered the report and held the public hearing required by §13.3, a resolution may be passed which determines the necessity of the improvement; specifically describes the improvement; establishes which part or proportion of the cost of the improvement is to be paid by special assessment, designating the method of apportioning the assessment, and what part, if any, is to be paid by the City at large; designating the limits of any special assessment district; and, directing the preparation of a special assessment roll of all parcels within the designated district benefited by the improvement.

13.8⁵ Deviation from Plans and Specifications: Any deviation from the original plans or specifications adopted by resolution of the City Council shall also be approved by Council resolution. A copy of the resolution authorizing such changes or deviation shall be certified by the City Clerk and attached to the original plans and specifications on file.

13.9 Financing Public Improvements: The Council shall specify the provisions and procedures for financing the improvements. No contract or expenditure, except for the cost of preparing necessary profiles, plans, specifications, and estimates of cost, shall be made for the same until special assessments to defray the costs of the improvement shall have been levied.

13.10⁶ Special Assessment Roll:

13.11⁷ Assessor to Attach Certificate to Assessment Roll:

¹§13.4 amended, 11-04-97.

²§13.5 repealed, 11-04-97.

³§13.6 amended, 11-04-97.

⁴§13.7 amended, 11-04-97.

⁵§13.8 amended, 11-04-97.

⁶§13.10 repealed, 11-04-97.

⁷§13.11 repealed, 11-04-97.

13.12¹ Special Assessment Roll - Objections: After preparation of any special assessment roll, the City Council, by resolution, shall accept the assessment roll and order it to be filed in the office of the City Clerk for public examination; shall fix the time and place of a public hearing to receive comments and objections to the special assessment roll; and, direct the Clerk to publish a notice of the public hearing. The notice shall be made by publication at least ten (10) days prior to the holding of the hearing and shall be mailed by first-class mail to each affected property owner at the address shown on the tax assessment records at least ten (10) days prior to the holding of the hearing. Objections to the special assessment may be made in person or in writing. The Assessor shall be present at every meeting of the Council at which a special assessment is to be reviewed. After the public hearing is held, the Council may pass a resolution confirming the special assessment roll and directing the collection of the special assessment in the time and manner determined by the Council. The Council may correct any errors in the special assessment roll.

13.13² Changes and Corrections in Assessment Roll:

13.14³ Collection of Special Assessments:

13.15⁴ Partial Payments - When Due: If the City Council establishes a special assessment district, the Council may provide for the payment of special assessments in ten (10) or less annual installments. The first installment is due upon confirmation of the special assessment roll. Deferred installments are due annually but, in the discretion of the Council, may be made a part of each annual City tax roll until all annual installments have been paid. Interest may be charged on all deferred installments at a rate not to exceed the maximum rate authorized by State law. Any special assessment and accumulated interest may be paid in whole or part in advance.

13.16⁵ Delinquent Special Assessments: Special Assessments and all accumulated interest and other charges are a lien upon the property assessed of the same character and effect as the lien created by the general property tax act. The same collection fees shall be collected on delinquent special assessments and upon delinquent installments of such special assessments as are provided by this Charter and State law for other property taxes. Delinquent special assessments shall be subject to the same penalties and enforcement procedures as apply to the collection of other City property taxes.

13.17⁶ Hazards and Nuisances:

¹§13.12 amended, 11-04-97.

²§13.13 repealed, 11-04-97.

³§13.14 repealed, 11-04-97.

⁴§13.15 amended, 11-04-97.

⁵§13.16 amended, 11-04-97.

⁶§13.17 repealed, 11-04-97.

13.18¹ Amount, Council to Determine:

13.19² Additional Assessments, Refunds: The City Manager shall, within sixty (60) days after the completion of each public improvement financed by special assessment, compile the actual cost and certify the cost to the Assessor, who shall adjust the special assessment roll to reflect the actual cost. When any special assessment roll shall prove insufficient to meet the costs of the improvement for which it was made, the City Council may make an additional pro rata assessment of the amount benefited by the assessment. If the special assessment is larger than necessary by five percent (5%) or less, the Council may place the excess in the general fund or make a pro rata refund. If the excess special assessment is greater than five percent (5%), the entire excess shall be refunded, pro rata.

13.20³ Additional Procedures: If the provisions of this Charter or State laws are insufficient to carry into full effect the making of any special assessment, the City Council may provide, by ordinance, any additional steps or procedures required to effect the public improvement.

13.21⁴ Special Assessment Accounts: Except as otherwise provided in this Charter, moneys raised by special assessment to pay the cost of any public improvement shall be held in a special fund to pay the cost of the public improvement or to repay any money borrowed to make the public improvement. Each special assessment account must be used only for the improvement project for which the assessment was levied, except as otherwise provided in this Charter.

13.22⁵ Contested Assessments: Unless notice is given to the City Council in writing of an intention to contest or enjoin the collection of any special assessment for the construction of any public improvement or the removal or abatement of any public hazard or nuisance, within fifteen (15) days after the date of the resolution of the Council confirming the special assessment roll, which notice shall state the grounds on which the special assessment is to be contested, no suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of the special assessment.

13.23⁶ Correction of Error: Whenever any confirmed special assessment is determined to be defective or invalid, the City Council may, by subsequent resolution, cure the defect.

¹§13.18 repealed, 11-04-97.

²§13.19 amended, 11-04-97.

³§13.20 amended, 11-04-97.

⁴§13.21 amended, 11-04-97.

⁵§13.22 amended, 11-04-97.

⁶§13.23 amended, 11-04-97.

CHAPTER 14

Elections¹

14.1 Election Procedure: State law shall apply to and control all procedures relating to registration and qualification of electors, city elections, notice of elections and voting hours except as otherwise provided by this Charter.

14.2² Primary Election:

14.3 Regular City Elections: Except as otherwise provided in this Charter, a nonpartisan regular city election shall be held on the Tuesday succeeding the first Monday in November in each odd numbered year.

14.4 Special Elections: Special elections shall be held when called by resolution of the City Council at least twenty-one (21) days in advance of such election, or when required by this Charter or State law. Any resolution calling a special election shall set forth the purpose of such election. No more than two (2) special elections shall be called by City Council in any one calendar year.

14.5 Election Commission: An election commission is hereby created, consisting of the City Clerk, the Mayor, and the City Attorney. The Clerk shall be chairperson. The commission shall have charge of all activities and duties required of it by State law and this Charter relating to the conduct of elections in the City. In any case where election procedure is in doubt, the election commission shall prescribe the procedure to be followed.

14.6³ Nominating Petitions: Persons desiring to qualify as candidates for any elective office under this Charter shall file a petition with the City Clerk signed by not less than fifty (50) and no more than one hundred (100) registered electors of the City not later than 4:00 p.m. on the twelfth Tuesday prior to the date of the regular City election held in November. Blank petitions in substantially the same form as required by State law for State and county officers, except for references to party, shall be prepared and furnished by the Clerk for each candidate. The Clerk shall certify the nominating petitions in accordance with the requirements of State law. After the filing of a nominating petition for a city office, the candidate shall not be permitted to withdraw unless a written notice of withdrawal is served on the City Clerk not later than 4:00 p.m. of the third day after the last day for filing the petition.

14.7 Approval of Petitions: When petitions are filed by persons other than the candidate, they may be accepted for filing only when accompanied by the written consent of the candidate. Within five (5) days

¹Chapter 14, amended, 11-04-97.

²§14.2 repealed, 11-04-03.

³§14.6 amended, 11-04-03 and 11-08-05.

after petition(s) are filed, the City Clerk shall determine the sufficiency of the signatures on each petition filed, and if any petition does not contain the required number of legal signatures, shall immediately notify the candidate in writing of the insufficiency of the petition. Each petition which is found by the Clerk to contain the required number of signatures of registered electors shall be marked "In Order," with the date of review, and a copy shall be made and sent to the candidate.

14.8 Public Inspection of Petitions: All nominating petitions shall be available for public inspection in the office of the City Clerk beginning five (5) days after the final filing date for the petitions.

14.9 Form of Ballots: The form of the ballot used in any city primary or general election shall be in conformance with State law, except that no party designation or emblem shall appear upon any City ballot. The names of qualified nominees for each office shall be listed in a single column and shall be rotated on the ballot.

14.10 Recall: Any elective official may be removed from office by the electors of the City in the manner provided by State law. A vacancy created by the recall of any elective official shall be filled in the manner prescribed by State law.

CHAPTER 15

Contracts - Franchises - Permits

15.1 City May Perform Public Work: The Council shall have power to do any public work or make any public improvement by the employment of the necessary labor and the purchase of the necessary supplies and materials with separate accounting as to each improvement so made, or to do such work by contract duly let after competitive bidding. Where competitive bids are secured, the City, or any City department qualified to do the work, may enter a bid on an equal footing with other bidders. The Council shall also have power to do any public work or make any public improvement under any legally constituted plan under which the labor is furnished by any other government unit, department, or agency of the United States or the State of Michigan, or which is wholly or in part financed by them or either of them.

15.2 Plans and Specifications: Except as otherwise provided in this Charter the responsibility for the preparation of plans and specifications, estimating of the cost, advertising for bids, supervision and approval of the work upon or for any public work or public or special improvement is vested in the City Manager.

15.3¹ Contracts: Whenever it becomes desirable for the City to enter into a contract with a second party for any purpose whatever, the contract shall be drawn or approved as to form by the City Attorney and certified by the Chief Financial Officer as to sufficiency of funds. No contract shall be entered into without the authorization of the City Council. The Council may, by resolution, specifically delegate its authority to execute a contract to the City Manager. Copies of all contracts shall be filed in the office of the City Clerk.

15.4 Modifications in Contracts: When it becomes necessary, in the prosecution of any work or improvement done under contract, to make alterations or modifications in such contract, such alterations or modifications shall be made only upon resolution of the Council. No such order shall be effective until the price to be paid for the material and work, or both, under the altered or modified contract shall have been agreed upon in writing and signed by the contractor and the City Manager upon authority of the Council, and copy thereof and of the proceedings authorizing such alteration or modification certified by the Clerk, attached by the Clerk to the original contract on file in his office.

15.5 Franchises: No franchise or grant which is not revocable at the will of the Council shall be granted or become operative until the same shall have been referred to the people at a regular or special election and has received the approval of three-fifths (3/5) of the electors voting thereon at such election. All irrevocable public utility franchises and all renewals, extensions, and amendments thereof shall be granted only by ordinance. No such ordinance shall be adopted before thirty (30) days after application therefor has been filed with the Council, nor until a full public hearing has been held thereon. No such ordinance shall be submitted to the electors at an election to be held less than thirty (30) days after the grantee named therein has filed with the Clerk its unconditional acceptance of all of the terms of such franchise, and it shall not be submitted to a special election unless the expense of holding the election,

¹§15.3 amended, 08-05-97.

as determined by the Council, shall have been paid to the Treasurer by the grantee. No exclusive franchise shall ever be granted and no franchise shall be granted for a longer term than thirty (30) years.

15.6 Licenses and Franchises Remain in Effect: All licenses and franchises granted by the City of East Lansing and in force within the City when this Charter becomes law, shall remain in full force and effect until the expiration of the time for which they were respectively granted, has lapsed under conditions contained in the license or franchise granted, or until any such licenses or franchises may have been taken over by the City by purchase, condemnation, grant or otherwise.

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

15.8 Provisions Stated Not to be Exclusive: The enumeration and specification of particular matters in this Charter which must be included in every franchise or grant shall never be construed as impairing the right of the Council to insert in such franchise or grant any other and further matters, terms, or conditions as may be within the power of the City to impose or require and which the Council shall deem proper to protect the interests of the people of the City.

15.9 Right of Regulation: 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 right of the City:

- a. To repeal the same for misuse, or non-use, or for failure to comply with the provisions thereof;
- b. To require proper and adequate extension of plant and service and maintenance thereof at the highest practicable standard of efficiency;
- c. To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;
- d. To require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof;
- e. To impose such other regulations as may be determined by the Council to be conducive to the safety, welfare, and accommodation of the public.

15.10 Regulation of Rates: All public utility franchises shall make provision therein for fixing rates, fares, and charges, and for readjustments thereof at periodic intervals at the discretion of the City. The value of the property of the utility used as a basis for fixing such rates, fares, and charges shall in no event include a value predicated upon the franchise, goodwill, or prospective profits.

15.11 Revocable Permits: Temporary permits for public utilities, revocable at any time at the will of the Council, may be granted by the Council by ordinance on such terms and conditions as it shall determine, provided that such permits shall in no event be construed to be franchises or amendments to franchises.

15.12 Use of Streets by Utility: Every public utility franchise shall be subject to the right of the City to use, control, and regulate the use of its streets, alleys, bridges, and public places and the space above and

beneath them. Every public utility shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges, and public places, as shall arise from its use thereof and shall protect and save the City harmless from all damages arising from said use; and may be required by the City to permit joint use of its property and appurtenances located in the streets, alleys, and public places of the City, by the City, and other utilities in so far as such joint use may be reasonably practicable and upon payment of reasonable rental therefor; provided, that in the absence of agreement, 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 therefor, which award shall be final.

CHAPTER 16

Municipal Utilities

16.1¹ General Powers Respecting Utilities: The City shall possess and hereby reserves to itself all the powers granted to cities by State law 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 its inhabitants; and also to sell and deliver water, light, heat, power, gas and other public utility services, outside its corporate limits to the extent permitted by State law.

16.2² Rates: The City Council shall have the power to fix, from time to time, such just and equitable rates as may be deemed advisable for supplying the inhabitants of the City and others with water; with electricity for light, heat, and power; and with such other utility services as the City may provide.

16.3³ Utility Charges - Collection: The City Council shall provide, by ordinance, for the collection of all public utility charges made by the City. With respect to water, the City shall have all the power granted to cities by 1939 PA 178. When any person or persons, or any firm or corporation, shall fail or refuse to pay to the City any sums due on utility bills, service or services upon which such delinquency exists may be shut off or discontinued and suit may be instituted by the City for the collection of the amount owed.

16.4⁴ Accounts: Separate accounts, distinct from any other City accounts, shall be kept for each public utility owned or operated by the City in a manner which shows the true and complete financial result of such City ownership or operation, or both, including all assets, liabilities, revenues, and expenses. The accountants shall show, as nearly as possible, the value of any service furnished to or rendered by any such public utility by or to any City department. The City Council shall annually cause a report to be made, showing the financial results of such City ownership or operation, or both, which report shall give for each utility, the information specified in this section, and further information as the Council shall require. The report shall be kept in the office of the City Clerk for public inspection.

16.5⁵ Disposal of Utility Assets: The City shall not sell, exchange, lease, or dispose of the property, easements, income, or other equipment, or assets belonging to any utility which it may acquire, unless approved at an election held for that purpose in the manner provided in this Charter, by majority vote of the electors of the City voting thereon. The provisions of this section shall not, however, apply to the sale or exchange of any articles of equipment of any City owned utility which are worn out or useless, or which could, with advantage to the service, be replaced by new and improved machinery or equipment.

¹§16.1 amended, 11-04-97.

²§16.2 amended, 11-04-97.

³§16.3 amended, 11-04-97.

⁴§16.4 amended, 11-04-97.

⁵§16.5 amended, 11-04-97.

CHAPTER 17

City Library

17.1 Library Board: There is hereby created the East Lansing Library Board consisting of five (5) electors of the City to be appointed by the Council to serve for terms of five (5) years. In the first instance, the members of said Board shall be comprised of the Board of Directors of the East Lansing City Library, who hold such office at the time of the adoption of this Charter. Such persons shall hold office until the thirtieth day of June of the year in which their respective terms expire. At the first meeting of the Council in June the Council shall appoint one person as a member of such Board for the full term of five (5) years. Members of the Board shall serve without compensation. In all cases where a vacancy occurs, the Council shall fill the vacancy within thirty (30) days for the balance of the term in which the vacancy occurs. The Council may remove any member of the Board for misconduct or neglect of duty.

17.2 Organization of Board: The members of the Library Board shall, at their first meeting in July of each year, organize and elect one (1) of their number president. A majority of the Board shall constitute a quorum for the transaction of business. The Board shall appoint a Librarian, a secretary, and all necessary personnel required to operate and conduct the affairs entrusted to it. All accounts of the Board shall be subject to audit, the same as the accounts of other departments and boards of the City.

17.3 Powers and Duties of Board: The Library Board shall hold at least one regular meeting in each calendar month, and shall be charged and entrusted with the management, supervision, and control of all City library facilities which are or shall be owned or operated by the City and shall have power to make and adopt all such by-laws, rules and regulations as they may deem necessary and expedient for the transaction of their business, not inconsistent with the general ordinances of the City or the provisions of this Charter. Such Board shall have the control and management of all trusts and bequests to or for the benefit of the City's library facilities, unless otherwise provided in the instruments creating such trusts or making such bequests, and shall administer such trusts and bequests as provided in this Charter for the administration of trusts.

17.4 Library Budgets: On or before the first Monday in April of each year, the board shall submit to the Council careful estimates in detail of the amount of money which, according to the judgment of the Board, will be needed for the library facilities of the City during the ensuing year, which estimates may be increased, modified, or adopted by the Council as in its judgment may seem justifiable.

17.5¹ Library Receipts to Chief Financial Officer: The Board shall, on or before the tenth day of each month, forward all moneys received by it to the Chief Financial Officer, who shall issue a receipt for the money. The receipt shall be maintained in the records of the Library Board, and a copy shall be provided to the City Council at its next meeting.

CHAPTER 18

¹§17.5 amended, 08-05-97.

Alcoholic Beverages

18.1¹ Alcoholic Beverages: It shall be unlawful for any person, directly or indirectly, or by any clerk, agent or employee, to manufacture, sell, keep for sale, barter, give away or furnish any alcoholic liquor as defined by the Michigan Liquor Control Act except as follows:

- a. Hotels or motels where there are more than fifty (50) sleeping rooms and where there is a public dining room and general kitchen on the premises for the accommodation of more than fifty (50) diners.
- b. Restaurants for the accommodation of more than fifty (50) diners.
- c. The sale of packaged alcoholic beverages not consumed on the premises.
- d. "Clubs" licensed under the provisions of the Michigan Liquor Control Act (1933 PA 8, as amended).
- e. Establishments, located in areas annexed to the City of East Lansing, which were duly licensed by the State of Michigan for the sale of alcoholic beverages prior to the date of annexation.
- f. The lawful private manufacture or consumption under State law of alcoholic liquor on private premises.
- g. Druggists or registered pharmacists selling alcohol in compliance with the restrictions and requirements imposed by law.

¹§18.1 amended, 11-04-97.

CHAPTER 19

City Liability

19.1¹ Notice to City of Claim for Injury Arising From Contract or Negligence Other Than Street Defects or Building Defects: No contract or tort action shall be brought against the City for any injury to person or property unless brought within the period limited by law from the time such injury was sustained, nor unless the person or persons claiming to be injured serves or causes to be served, within sixty (60) days after the injury has occurred, a notice in writing upon the City Clerk, which notice shall set forth substantially the time and place of the injury, and its nature, the manner in which it occurred, the extent of the injury so far as known, the names and addresses of the witnesses known, and a statement that the person receiving the injury intends to hold the City liable for damages sustained by him or her. No person shall bring any action against the City to recover for any injury to person or property unless the person also presents to the Clerk his or her verified complaint, in writing, setting forth particularly the nature and extent of the injury and the amount of damages claimed, which claim shall be presented to the City Council. 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 for any injury that the notice of injury and the verified complaint were not presented and filed within the time and in the manner provided by this section. This section shall not expand any right of action available to any claimant under State law.

19.2² Notice to City of Claim for Injury Arising from Street Defects or Building Defects: The City shall not be liable in damages sustained by any person in the City, by reason of any defective highway, street, bridge, sidewalk, crosswalk, or culvert, or by reason of any obstruction, ice, snow, or other incumbrance upon any street, sidewalk, crosswalk, or public highway, or by reason of a dangerous or defective public building situated in the City, unless the person shall serve or cause to be served, personally or by certified mail, return receipt requested, within one hundred twenty (120) days after the injury has occurred, a notice in writing, upon the City Clerk, which notice shall set forth the time and place of such injury, the exact location and nature of the defect, the manner in which it occurred, the injury sustained, the names and addresses of the witnesses known, and a statement that the person receiving the injury intends to hold the City liable for damages. If the claim arises out of a defective highway, and the injured person is under the age of 18 years at the time the injury occurred, he or she shall serve the notice required by the preceding sentence not more than 180 days from the time the injury occurred, which notice may be filed by a parent, attorney, next friend, or legally appointed guardian. If the claim arises out of a defective highway and the injured person is physically or mentally incapable of giving notice, then he or she shall serve the notice required by the first sentence of this section within 180 days after the termination of the disability. No person shall bring any action against the City for any damages to person or property arising out of any obstruction, ice, snow, or other incumbrance upon any street, sidewalk, crosswalk, or public highway, situated in the City, unless he or she shall also present to the Clerk his or her verified complaint, setting forth particularly the nature and extent of the injury and the amount of damages claimed, which claims shall be presented to the City Council.

¹§19.1 amended, 11-04-97.

²§19.2 amended, 11-04-97.

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 complaint required by this section, were not presented and filed within the time and manner required by this section.

19.3¹ No Estoppel by Representation: No official of the City shall have power to make any representation or recital of fact in any franchise, contract, document, or agreement, contrary to any public record of the City. Any such representation shall be void and of no effect as against the City. No officer, agent, or employee of the City shall have the authority to bind the City by any contract, express or implied, without the prior approval of the City Council or except as otherwise expressly permitted by this Charter.

CHAPTER 20

¹§19.3 amended, 11-04-97.

Miscellaneous

20.1 Headings: The chapter and section headings used in this Charter are for convenience only and shall not be considered to be a part of this Charter.

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

20.3 Amendments: This Charter may be amended at any time in the manner provided in 1909 PA 279, as amended. Should two (2) or more amendments, adopted at the same election, have conflicting provisions, the one receiving the largest affirmative vote shall prevail as to those provisions.

SCHEDULE

1 Election to Adopt Charter: This Charter shall be submitted to a vote of the qualified electors of the City of East Lansing at a special city election to be held on Tuesday, July 11, 1944.

2 Form of Ballot: The form of the ballot for the submission of this Charter shall be as follows:
Instruction: A cross (X) in the square before the word "yes" is in favor of the proposed charter, and a cross (X) before the word "no" is against the proposed charter.

Shall the proposed charter, drafted by the Charter Commission elected on
September 21, 1943 be adopted?

Yes

No

3 First Elections Under This Charter: The first election of officers under this Charter shall be held on the first Monday in April 1945, at which election there shall be elected three (3) Councilmen who shall hold office for terms of two (2) years, commencing on and dating from the Monday next following such election. At that election, there shall also be elected a Justice of the Peace and a Constable who shall assume office on the dates and hold their respective offices for the terms specified in Section 3.3 of this Charter. The second election of officers under this Charter shall be held at a special city election on the first Monday in April 1946, at which election there shall be elected two (2) Councilmen who shall serve for terms of three (3) years commencing on and dating from the Monday next following such election. The nomination and election of officers at the above specified elections shall be in accordance with the provisions of this Charter. Thereafter, all city elections for the election of officers of the City shall be held upon the dates specified therefor in this Charter. The terms specified in this section are for the purpose of bridging the transition from the schedule of terms of office in the prior Charter of the City and those herein provided.

4 Holdover Elected Officers: If this Charter is adopted at the election thereon, the nomination of candidates for election to office under the former Charter of the City shall be abrogated and no further election with respect to such candidates shall be held. The Mayor and Alderman whose terms of office would expire in November 1944, shall serve in the capacities to which they have been elected until their

successors are elected at the election held in April 1945, and have qualified. The Aldermen whose terms of office would expire in November 1945, shall serve in such capacities until their successors are elected at the special city election held in April 1946, and have qualified. The persons holding the office of Mayor and Alderman, respectively, at the time that this Charter becomes effective as the Charter of the City of East Lansing shall constitute the Council under this Charter, and, in the performance of their duties as such shall be subject to the provisions thereof.

5 Administrative and Other Officers: If this Charter is adopted at the election thereon, the terms of office of the City Clerk, City Treasurer, and of each supervisor, shall terminate at the time that this Charter becomes effective as the Charter of the City of East Lansing. The persons holding the first two such offices under the former Charter of the City shall assume the offices of Clerk and Treasurer, respectively, under this Charter and shall hold such offices on the same basis as though they had been appointed thereto in the manner provided in this Charter. All other administrative officers and employees of the City shall continue in the respective offices and employment held by them at the time this Charter becomes effective, and shall be subject to the provisions thereof.

6 Status of Schedule Chapter: The purpose of the schedule chapter is to inaugurate the government of the City of East Lansing under this Charter and it shall constitute a part of this Charter only to the extent and for the time required to accomplish that end.