

Lake Isabella Village Charter

As amended, November 2011

PREAMBLE

We, the People, the electors of the Village of Lake Isabella, Isabella County, Michigan, under authority of the Constitution and laws of the State of Michigan, and in accordance with the will of the People, agree to promote, maintain, and provide for the interest and welfare of all inhabitants, do ordain, adopt, and establish the following as a Charter of said Village.

ARTICLE I NAME and BOUNDARIES

Section 1.01 Name.

The name of this Village shall be the Village of Lake Isabella under the provisions of Act 278, Public Acts of 1909 as amended (commonly referred to as the Home Rule Act). It shall include within its limits the territory hereinafter described, together with such territory as may from time to time be attached thereto, and less such territory as may from time to time be detached therefrom, in accordance with the statute.

Section 1.02 Boundaries.

The Village of Lake Isabella shall include the following territory in Broomfield Township and Sherman Township and described as follows, to wit:

Broomfield Township - T. 14N. - R.6W

SECTION 1 - The North 1/2 of the Northeast 1/4 and the Northwest 1/4 of Section 1, Except the South 1500 ft of the West 697 ft of the Northwest 1/4.

SECTION 2 - The entire Section 2, including parcel descriptions and Lake Isabella Plats Golf Estates No. 1 and No. 2, and Lake Isabella Plat No. 3 and Lake Isabella Plat South, Except the East 1140 ft of the Southeast 1/4 of Section 2 and Except a parcel of land commencing 1140 ft West of the Southeast Corner of Section 2, thence West 3240 ft, North 1320 ft, East 3240 ft, South 1320 ft to POB.

SECTION 3 - The entire Section 3, including parcel descriptions and Lake Isabella Plats No. 3 and No. 4 and Lake Isabella Plat South.

Sherman Township - T. 15N. - R.6W

SECTION 26 - The South 1/2 of Section 26, including parcel descriptions and Lake Isabella Plat North, Except the Northeast 1/4 of the Southeast 1/4 of Section 26.

SECTION 34 - The entire Section 34 lying East of State (Rolland) Road, including parcel descriptions, specifically including the island in the Chippewa River, and Lake Isabella Plats Forest No. 1 and No. 2, Lake Isabella Plat Shores, Lake Isabella Plat Woods No. 1

and Lake Isabella Plats No. 1, No. 2, No. 3 and No. 4, Except that part of the Southwest 1/4 of Section 34 lying west of the Chippewa River and Except the Northwest 1/4 of the Northeast 1/4, the West 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section and Except the North 1/2 of the Southwest 1/4 of the Northeast 1/4 of Section 34.

SECTION 35 - The entire Section 35, including parcel descriptions and Lake Isabella Plats Golf Estates No. 1 and Golf Estates No. 2, Lake Isabella Plat North and Lake Isabella Plats No. 1, No. 2 and No. 3.

SECTION 36 - The entire West 1/2 of Section 36 lying West and South of the Chippewa River, including parcel descriptions and Lake Isabella Plat Airpark and Canterbury Estates subdivision, and specifically excluding the small islands in the Chippewa River.

ARTICLE II POWERS OF THE VILLAGE

Section 2.01 Powers of the Village.

The Village shall have all powers possible for a village to have under the Constitution and laws of the State of Michigan and the United States of America as fully and completely as though they were specifically enumerated in this Charter.

Section 2.02 Construction.

The powers of the Village under this Charter shall be construed in favor of the Village, and the specific mention of any particular power, privilege or immunity in the Charter shall not be construed as limiting in any way the general power granted in this article.

Section 2.03 Intergovernmental Relations.

The Village may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the State of Michigan and with any one or more of its political subdivisions, as well as with any one or more other states, the United States, any of their political subdivisions or agencies, or any other entity authorized by the laws of the United States or the laws of the State of Michigan.

Section 2.04 Non-Governmental Relations.

The Village may exercise any of its powers or perform any of its functions and may participate jointly or in cooperation, by contract or otherwise, with any legal entity, organization or association to advance the interests of the Village, to the extent provided by law.

ARTICLE III DEFINITIONS AND INTERPRETATIONS

Except as otherwise specifically provided or indicated by the context, the following rules of interpretation shall apply to this Charter:

Section 3.01 All words used in this Charter indicating the present tense shall not be limited to the time of adoption of this Charter, but shall extend to and include the occurrence of any event or requirement described in the Charter.

Section 3.02 The singular number shall include the plural and the plural number shall include the singular.

Section 3.03 The word "person," or "people," shall include political bodies, corporate bodies, incorporated entities, partnerships, sole proprietorships, as well as individuals.

Section 3.04 The words "printed" and "printing" shall include reproductions by any reliable method.

Section 3.05 Except in reference to signatures, the words "written" and "in writing" shall include any method of documented communication which is understandable to normal literate persons.

Section 3.06 "Village" means the Village of Lake Isabella.

Section 3.07 "Charter" means the Charter of the Village of Lake Isabella.

Section 3.08 "Elector" means a resident of the Village having the qualifications of an elector of the State of Michigan, and who has resided in the Village at least 30 days.

Section 3.09 "Official" means an official of the Village elected at large or a person appointed to an elective office.

Section 3.10 "Council" means the Village of Lake Isabella Council.

Section 3.11 "President" shall be the Council President of the Village of Lake Isabella.

Section 3.12 "Majority vote of the Council" means the concurring vote of a majority of members of the Council present, including the Council President, and voting at any legal meeting of the Council at which a quorum is present.

Section 3.13 "Officer" means an appointive officer of the Village.

Section 3.14 "Village Manager" means the Village of Lake Isabella Manager.

Section 3.15a "Clerk" means the Clerk of the Village of Lake Isabella.

3.15b"Treasurer" means the Treasurer of the Village of Lake Isabella.

Section 3.16 "Employee" means an individual employed by the Village other than an official, officer, appointee, volunteer, independent contractor, employee of an independent contractor, or any other person.

Section 3.17 "Law" shall include the United States Constitution and applicable Federal statutes, the Michigan Constitution and statutes, and applicable common law in effect at the time the provisions of the Charter containing the word "law" are to be applied.

Section 3.18 "Publish" means publication as provided by this Charter, or Council ordinance.

Section 3.19 "State" means the State of Michigan.

Section 3.20 "Statutes" shall include statutes as amended.

Section 3.21 "Tax Day" shall be December 31 of each year, unless changed by law.

Section 3.22 In all places in this Charter where a number of days is referred to, it shall be presumed that consecutive calendar days are intended, unless the context clearly indicates otherwise.

Section 3.23 Any references to statutes shall be considered to be references to those statutes as amended.

Section 3.24 All references to section numbers shall refer to section numbers of this Charter.

Section 3.25 "Mill" means \$1 per \$1000 of taxable assessment.

Section 3.26 **Anything** pertaining to gender will be referred to as he/she, him/her.

ARTICLE IV ELECTIONS

Section 4.01 State Law to Apply

Except as otherwise provided in this Charter or by ordinance, and then only to the extent allowed by law, state law applies to the procedures relating to registration of electors, filing for office by candidates, and the conduct of Village electors.

Section 4.02 Election Districts, Voting precincts.

The Village shall constitute one election district and one voting precinct, except that the Council may by ordinance establish additional precincts not in excess of the minimum number permitted by law. The Council shall fix the location of the polling places.

Section 4.03 Qualifications of Electors.

The residents of the Village having the qualifications of electors in the State of Michigan shall be electors of the Village except that electors must reside in the village at least 30 days prior to voting in any village election.

Section 4.04 Non-Partisan Election Procedures.

The election of all Village officers shall be on a non-partisan basis. The general election statutes shall apply to and control as fully as possible all procedures relating to registration and election except as such statutes relate to political parties or partisan procedure and except as otherwise provided in this charter.

Section 4.05 Election Dates.

A regular Village election shall be held on the first Tuesday after the first Monday in November in each odd numbered year, or as established by State Law. *(Due to Michigan Public Acts 286 through 300 of 2004, and via Resolution 2004-25 of the Village of Lake Isabella being duly adopted and filed with the Michigan Secretary of State, the normal Village election shall be on the September primary date of odd year elections.)*

Section 4.06 Nominations.

All candidates for Village Council shall be nominated by petition signed by not less than fifteen (15) or not less than 1% (which ever is greater), nor more than twenty five (25) or more than 2% (which ever is greater), qualified electors of the Village. No person shall sign a greater number of petitions than there officials to be elected to the Village Council at that election. If a person signs more petitions than there are officials to be elected to a particular office, the signature of that person shall be invalidated on all petitions for that office.

The Clerk shall publish notice of the last day so permitted for filing petitions at least one week before, and not more than three weeks before such last day. A supply of official petition forms, set forth by state statue shall be provided by the Clerk.

Section 4.07 Approval of Petitions.

The Clerk shall accept only nomination petitions which conform with the form provided and maintained by him/her and which considered together, contain the required number of valid signatures for candidates having those qualifications required for elective office by this charter. When a nomination petition is filed, it must be accompanied by an affidavit of identity of the candidate.

The Clerk shall, forthwith after the filing of a petition, notify in writing any candidate whose petition is then known not to meet the requirements of this Charter, but failure to so notify any candidate she in no way prevent a final determination that the petition does not meet such requirement.

Within five (5) days after the last date for filing petitions, the Clerk shall make his/her final determination as to the validity and sufficiency of each nomination petition and whether or not the candidate has the qualifications required for office by this Charter and shall write his/her determinations thereof on the face of the petition. The Clerk shall immediately notify, in writing, the candidate whose name appears thereon of his/her determinations. Such notice to any candidate whose petition is found invalid or insufficient shall be delivered by personal messenger if possible.

The names of the candidates who file valid and sufficient nomination petitions shall be certified by the Clerk to the Election Commission to be placed upon the ballot for the next subsequent regular Village election or the next special election for the filling of vacancies in office as the case may be.

Section 4.08 Election Commission.

The Election Commission shall consist of the Clerk, the Treasurer, and the President of the Council, of which the Clerk shall be Chairman; such Commission shall have the duties and powers conferred on Village election commissions by statute.

Section 4.09 Election Inspectors.

The Council shall, before each election, appoint for each precinct of the Village, a board of inspectors of election consisting of not less than three qualified electors, and shall fix their compensation.

Section 4.10 Voting Hours.

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

Section 4.11 Form of Ballot.

The form, printing, and numbering of ballots in all Village elections shall conform as nearly as may be to that prescribed by statute, except that no party designation or

emblem shall appear. In all elections, the names of qualified candidates shall be rotated systematically in the manner prescribed by statute for rotation of names.

Section 4.12 Special Elections.

Special Village elections shall be held when called by resolution of Council at least sixty (60) days in advance of such election, or when required by this Charter or statute. Any resolution calling a special election shall set forth the purpose of such election. The Council shall not call more special elections within any year than the number permitted by statute.

Section 4.13 Canvass of Vote.

The Isabella County Board of Canvassers shall be the board of canvassers to canvass the votes at Village elections. It shall start within five (5) days after each Village election, publicly canvass the returns for such election and determine the results of the election upon each question and proposition vote upon and what persons are duly elected to the several offices, and shall notify in writing the successful candidates of their election. The number of candidates for council equal to the number to be elected who receive the highest number of votes shall be elected. The County Clerk shall make, under the corporate seal of Isabella County, duplicate certificates of the determinations of the board and shall file one certificate with the County Clerk and the other in his/her office.

Section 4.14 Recount.

The procedure for recount of votes casts in any village election shall be made in accordance with the general election laws of the State of Michigan.

ARTICLE V VILLAGE COUNCIL

Section 5.01 General Powers and Duties.

All powers of the Village shall be vested in the Village Council, except as otherwise provided by this Charter or law, and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the Village by law. The Council shall provide for the public peace, health, safety, and the general welfare of persons and property.

Section 5.02 The Council.

There shall be a council of seven (7) members, one of which shall serve as President, one as Clerk, and one as Treasurer. The Council shall constitute the legislative and governing body of the Village. In all cases where the word "Council" is used in this charter, the same shall be synonymous with any other term used in any statute or federal law in referring to municipal legislative or governing bodies.

Section 5.03a Eligibility for Office in Village.

No person shall hold any elective office of the Village unless he/she has been a resident of the Village for at least thirty (30) days immediately prior to the last day for filing petitions for such office and is also a qualified and registered elector of the.

The Council shall be the sole judge of the election and qualification of its own members. All administrative officers shall be citizens of the United States. No elective officer may be appointed as an administrative officer or in any way be employed by the Village during the term of office for which he was elected, except that Council members may serve as firefighters.

Section 5.03b Prohibitions

Except where authorized by law, no council member shall hold any other elected public office during the term for which the member was elected to the council. No council member shall hold any other village office or Lake Isabella Property Owners Association position or L.I.P.O.A. employment during the terms for which the member was elected to the Council. No former council member shall hold any compensated appointive office or employment with the village until one year after the expiration of the term for which the member was elected to the council. Nothing in this section shall be construed to prohibit the council from selecting any current or former council member to represent the village on the governing board of any regional or other intergovernmental agency.

Section 5.03c Appointments and Removals.

Neither the Village Council nor any of its members shall in any manner control or demand the appointment or removal of any Village administrative officer or employee whom the Village Manager or any subordinate of the Village Manager is empowered to

appoint, but the Council may express its views and fully and freely discuss with the Village Manager anything pertaining to appointment and removal of such officers and employees.

Section 5.03d Interference with Administration.

Except for the purpose of inquiries and investigations under Section 5.13, the Council or its members shall deal with Village officers and employees who are subject to the direction and supervision of the Village Manager solely through the Village Manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately.

Section 5.04 Election and Terms.

The regular election of council members shall be held on the first Tuesday after the first Monday in November in each odd numbered year, in the manner provided by law. At the first election under this charter seven (7) council members shall be elected; the four (4) candidates receiving the greatest number of votes shall serve for a term beginning on May 4, 1998 and expiring on the first Monday in January of 2002, and the three (3) candidates receiving the next greatest number of votes shall serve for a term beginning on May 4, 1998 and expiring on the first Monday in January of 2000. Commencing at the next regular election in November of 1999 and at all subsequent elections, all council members shall be elected for four-year terms. The terms of council members shall begin the first Monday of January after their election.

Section 5.05 Compensation; Expenses.

The Village Council may determine the annual salary of the President and Council Members by ordinance or resolution, but no such ordinance or resolution increasing such salary shall become effective until the expiration of the terms of the current members. The President and Council Members shall receive their actual and necessary expenses incurred in the performance of their duties of office as approved by a majority of the Village Council.

Section 5.06 Compensation of Clerk and/or Treasurer.

In addition to the compensation set forth in Section 5.05, the Clerk and/or Treasurer shall receive additional compensation for his/her duties. Such compensation is to be set by a majority of the Village Council.

Section 5.07 Election of Council Officers.

The Council shall at its first meeting in January, following each regular Village election, elect one of its members to serve as President, one as Clerk, and one as Treasurer for a term expiring at the first Council meeting following the next regular Village election. The Council shall elect from among its members a President Pro-Tempore who shall act as President during the absence or disability of the President and, if a vacancy occurs, shall become President for the remainder of the unexpired term. The Council shall

appoint one of its members to act as President in the absence of the President and the President Pro-Tempore.

Section 5.08 Duties of President.

The duties of the President shall be as follows:

(a) Insofar as required by statute, and for all ceremonial purposes, he/she shall be the executive head of the Village, and shall represent the village in intergovernmental relationships, shall appoint with the advise and consent of the council, the members of citizen advisory boards and commissions, and shall perform other duties specified by the council.

(b) He/she shall have a voice and vote in the proceedings of the Council equal with that of the other members of the Council, but shall have no veto power. He/she shall be the presiding officer of the Council.

(c) He/she shall be the conservator of the peace and may in emergencies exercise within the Village the powers conferred upon sheriffs to suppress riot and disorder, and shall have the authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the Village and to suppress riot and disorder.

(d) He/she shall execute or authenticate by his/her signature such instruments as the Council, this Charter, or any statute or law of the United States shall require.

(e) He/she shall exercise only such powers as this Charter or the Council shall specifically confer upon him/her, except as may be required by statute.

Section 5.09 Clerk: Functions and Duties.

The functions and duties of the Clerk shall be as follows:

(a) He/she shall be Clerk of the Council and shall attend all meetings of the Council and he/she shall keep permanent journal of its proceedings in the English language.

(b) He/she shall be Custodian of the Village seal, and shall affix it to all documents requiring the seal and shall attest the same. He/she shall be custodian of all papers, records and documents pertaining to the Village; except where custody is otherwise provided for.

(c) He/she shall certify, by his signature, all resolutions and ordinances enacted by the Council.

(d) He/she shall be responsible for maintaining the system of accounts of the Village, which shall conform to any uniform system required by law and to generally

accepted principles and procedures of governmental accounting. He/she shall make a monthly financial statement to the Council.

(e) He/she shall have power to administer oaths of office.

(f) He/she shall perform such other duties as may be prescribed for him/her by this Charter.

Section 5.10 Treasurer: Functions and Duties.

The functions and duties of the Treasurer shall be, when needed, as follows:

(a) He/she shall have custody of all moneys of the Village and all evidences of indebtedness belonging to the Village or held in trust by the Village.

(b) He/she shall collect all moneys of the Village, the collection of which is not provided for elsewhere by Charter or ordinance. He/she shall receive from other officers and employees of the Village all money belonging to and receivable by the Village that way be collected by them, including fines, license fees, taxes, assessments, and all other charges. All money shall be turned over to the Treasurer promptly after collection or receipt and he/she shall in all cases give a receipt therefore.

(c) He/she shall disburse all Village funds in accordance with the provisions of statute, this Charter and procedures to be established by the Council.

(d) He/she shall have such powers, duties and prerogatives in regard to the collection and custody of Village taxes as are conferred by statute upon township treasurers in connection with state, county, township, and school district taxes.

(e) He/she shall perform such other duties as may be prescribed for him/her by this Charter or by the Council.

Section 5.11 Vacancies; Removal from Office and Forfeiture of Office; Recall; Filling of Vacancies

(a) Vacancies. The office of a Council member shall become vacant upon the member's death, resignation, removal from office or forfeiture of office in any manner authorized by law.

(b) Removal from Office and Forfeiture of Office. A Council member shall be removed from office by the Council, or shall forfeit that office, if the Council member:

(1) Lacks at any time during the term of office for which elected any qualification for the office prescribed by this Charter or by law;

(2) Fails to attend three consecutive regular meetings of the Village Council without being excused by the Council;

(3) Intentionally violates or aids another person in the violation of any express prohibition of this Charter;

(4) Is convicted of a felony while holding the office or appointment; or,

(5) Is guilty of misfeasance, malfeasance, or nonfeasance of the office.

(c) Recall. Any Council member may be removed from office by the electors of the Village in the manner provided by the general election laws of the State of Michigan. Vacancies created by recall shall be filled in accordance with State law.

(d) Filling of Vacancies. A vacancy in the Village Council shall be filled for the remainder of the unexpired term, if any, at the next regular election. If the next regular election occurs more than 60 days from the date of the vacancy, the Council, by majority vote of all its remaining members, shall appoint a qualified person to fill the vacancy until the next regular election. If the Council fails to do so within 30 days following the occurrence of the vacancy, the Village President shall make the appointment.

Notwithstanding the requirement in Section 6.05, if at any time the membership of the Council is reduced to less than four, the remaining members may by majority action appoint additional members to raise the membership to four.

Section 5.12 Judge of Qualifications.

The Village Council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of and removal from office. The Council shall have the power to set additional standards of conduct for its members beyond those specified in the Charter and may provide for such penalties as it deems appropriate, including forfeiture of and removal from office. In order to exercise these powers, the Council shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the Village at least one week in advance of the hearing. The procedure utilized by the Council under this section shall be subject to judicial review. If the determination is contested, the Council shall have the burden of substantiating the determination utilizing a preponderance of the evidence standard.

Section 5.13 Investigations.

The Village Council, or any person or committee authorized to act on its behalf, may make investigations into the affairs of the Village and the conduct of any Village department or office and may subpoena witnesses, administer oaths, take testimony, and require the production of evidence in any matter pending before the Village Council or any of its committees. Failure to obey a subpoena or to produce evidence shall

constitute misconduct in office. The Council shall apply to the appropriate court to enforce a subpoena or order for production of evidence or to impose any penalty for failure to obey a subpoena or order.

Section 5.14 No Change in Term of Office or compensation.

Except by procedures provided in this Charter, the term of Council members and of members of boards or commissions appointed for a definite term shall not be shortened or extended beyond the period for which the official/officer was elected or appointed, except that a council member shall, after his/her term has expired, continue to hold office until his/her successor is elected or appointed and has qualified.

Section 5.15 Compensation of Employees and Officers.

The compensation of all employees and officers of the Village whose compensation is not provided for herein shall be fixed by the Council within the limits of budget appropriations. No officers shall be paid on a fee basis. The respective salaries and compensation of officers and employees as fixed pursuant to this Charter shall be in full for all official services of such officers or employees and shall be in lieu of all fees, commissions and other compensation receivable by such officers or employees for their services.

Any such fees, commissions and other compensation shall belong to the Village and shall be collected and accounted for by such officers or employees and be paid into the Village treasury and a statement thereof filed periodically with the Clerk.

Nothing contained in this section shall prohibit the payment of necessary bona fide expenses incurred in service in behalf of the Village.

Section 5.16 Oath of Office and Bond.

Every officer, elective or appointive, before entering upon the duties of his office shall take the oath of office prescribed for public officers by the Constitution and shall file the oath with the Clerk, together with any bond required by statute, this Charter or the Council. In case of failure to comply with the provisions of this section within ten days from the date he/she is notified in writing of his/her election or appointment, such officer shall be deemed to have declined the office and such office shall thereupon become vacant unless the Council shall, by resolution, extend the time in which such officer may qualify.

Section 5.17 Surety Bonds.

All officers or employees of the Village handling public funds, either by way of receipt or disbursement or both, shall be bonded as required by statute or as the council prescribes. Such bonds shall be filed with the clerk; except that any bond pertaining solely to the Clerk shall be filed with the Treasurer.

Section 5.18 Delivery of Office.

Whenever any officer or employee ceases to hold office for any reason, such person shall within five days turn over all papers, moneys, effects and properties of the Village. Any person failing to do so shall be punished as prescribed by statute.

**ARTICLE VI
THE COUNCIL: PROCEDURE
AND MISCELLANEOUS POWERS AND DUTIES**

Section 6.01 Regular Meetings.

The Council shall provide by resolution for the time and place of its regular meetings and shall hold at least one such meeting each month. Public notification of regular meetings shall be in accordance with the Open Meetings Act as adopted by the State of Michigan.

Section 6.02 Special Meeting.

Special meetings shall be called by the Clerk at the request of the Village President or a majority of the Council members. Written notice stating each matter to be considered at a special meeting shall be given to each Council member and the President, as provided by Council rules, unless the entire Council and the President are present and waive notice. Public notification of special meetings shall be in compliance with State law. Special Village Council meetings will be held in accordance with the Michigan Open Meetings Act.

Section 6.03 Business of Special Meetings.

No business shall be transacted at any special meeting unless the same has been stated in the notice of such meeting.

Section 6.04 Meetings to be Public.

All regular and special meetings of the council shall be open to the public, and all business will be conducted at public meetings in compliance with the Open Meetings Act.

Section 6.05 Quorum: Adjournment of Meeting.

A majority of the members of the Council in office shall be a quorum for the transaction of business at all council meetings, except that any business conducted by the council shall be by the affirmative vote of at least four (4) members of the council; except where affirmative vote of two-thirds(2/3) of the members is required by statute; but in the absence of a quorum a lesser number may adjourn any meeting to a later time or date, and in the absence of all members the Clerk may adjourn any meeting for not longer than one week.

Section 6.06 Compulsory Attendance and Conduct at Meetings.

Any three or more members of the Council may by vote, either request or compel the attendance of its members or other officers of the Village at any meeting. Any member of the council or other officer who when notified of such request for his/her attendance fails to attend such meeting without a good cause shall be deemed guilty of misconduct in office unless excused by the Council. The presiding official shall enforce orderly

conduct at meetings and any member of the Council or other officer who shall fail to conduct himself/herself in an orderly manner at any meeting shall be deemed guilty of misconduct in office.

Section 6.07 Organization and Rules of the Council.

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

(a) A journal of the proceedings of each meeting in the English language shall be kept by the Clerk and shall be signed by the presiding officer and clerk of the meeting;

(b) A vote upon all ordinances and resolutions shall be taken by "Yes" and "No" vote and entered upon the records, except that where the vote is unanimous and it shall only be necessary to so state;

(c) No member of the council shall vote on any question in which he/she has a financial interest, other than the common public interest, or on any question concerning his/her own conduct, but on all other questions each member who is present shall vote when his/her name is called unless excused by the unanimous consent of the remaining members present. Any refusing to vote except when not so required by this paragraph shall be guilty of misconduct in office. Potential conflicts of interest relative to public contracts involving council members and/or Village employees shall be governed by Public Act 317 of 1968 as amended, where applicable.

(d) Any standing committees of the council shall be composed of at least three members. The council shall not assign the administration of any department of the Village to any member or committee of the Council.

Section 6.08 Planning.

Consistent with all applicable federal and state laws with respect to land use, development and environmental protection, the Village Council shall:

(a) Designate an agency or agencies to carry out the planning function and such decision-making responsibilities as may be specified by ordinance;

(b) Adopt a comprehensive plan and determine to what extent zoning and other land use control ordinances must be consistent with the plan;

(c) Adopt development regulations, to be specified by ordinance, to implement the plan.

ARTICLE VII LEGISLATION

Section 7.01 Legislation.

All Village legislation shall be by ordinance or by resolution of the Village Council. The word "resolution" as used in this Charter shall be an official action of the Village Council in the form of a motion.

Section 7.02 Village Action Requiring an Ordinance

In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the Village Council shall be by ordinance which:

- (a) Adopt or amend an administrative code or establish, alter, or abolish any Village department or office;
- (b) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine, sanction, or any other penalty is imposed;
- (c) Levy taxes
- (d) Grant, renew, or extend a franchise;
- (e) Regulate the rate charged for its services by a public utility;
- (f) Authorize the borrowing of money;
- (g) Convey or lease or authorize the conveyance or lease of any lands of the Village except as restricted in Section 14.05;
- (h) Regulate land use and development; and
- (i) Amend or repeal any ordinance previously adopted.

Acts other than those referred to in the preceding sentences may be done either by ordinance or by resolution.

Section 7.03 Ordinance Requirements.

(a) Form. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. The enacting clause shall be "*The Village of Lake Isabella here-by ordains . . .*" Any ordinance which repeals or amends an existing ordinance or part of the Village code shall set out in full the ordinance, sections or subsections to be repealed or amended, and shall indicate matters to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matters by underscoring or by italics.

(b) Procedures and Publication. An ordinance may be introduced by any member at any regular or special meeting of the Council. Upon introduction of any ordinance, the Village Clerk shall distribute a copy to each Council Member and to the Village Manager and file a reasonable number of copies in the office of the Village Clerk and such other public places as the Council may designate. The council shall schedule a public hearing for consideration of the proposed ordinance. The Village Clerk shall

publish, at least seven days in advance, a notice setting out the time and place for a public hearing. The notice shall state that a complete copy of the ordinance is available at the office of the Village Clerk

The public hearing shall follow the publication by at least seven days, may be held separately or in connection with a regular or special Council meeting, and may be adjourned from time to time; all persons interested shall have an opportunity to be heard. After the hearing, the Council may adopt the ordinance with or without amendment or reject it, but if it is amended as to any matter of substance, the Council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures herein before required in the case of a newly introduced ordinance.

Within 15 days after adoption, the Clerk shall have the ordinance or a synopsis of the ordinance and a notice of its adoption published and available at a reasonable price. The publication of ordinances is intended to inform citizens of developments in their community. The Village Council may determine what form of publication shall most effectively accomplish this objective. In general, publication may consist of the use of the most effective means of communication available pursuant to ordinance adopted by Council.

(c) Amendment or Repeal of Ordinances. An ordinance may amend or repeal an existing ordinance or a part or parts of an ordinance or ordinances. It shall identify the ordinance, sections of the ordinance, sections or subsections to be amended or repealed, and shall clearly indicate the matter to be omitted and/or the new matter to be added.

(d) Penalties for Violation of Ordinances. The Council may provide in any ordinance for the punishment of those who violate its provisions. The punishment for the violation of any Village ordinance shall not exceed the maximum fine and/or the maximum imprisonment allowed by State law for the violation of local ordinances.

(e) Effective Date. An Ordinance shall become effective upon publication, unless it shall provide an effective date later than the date of publication or unless otherwise required by State statute.

Section 7.04 Emergency Ordinances

(a) Purpose. An emergency ordinance may be enacted to meet a public emergency affecting life, health, property, or the public peace. Such ordinances may not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services or authorize the borrowing of money except as provided for by State law

(b) Introduction and Adoption. An emergency ordinance shall be introduced in the form and manner required for ordinances generally, except that it shall contain,

after the enacting clause, a declaration that an emergency exists and describe it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced.

(c) Publication. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon publication or at such later time as it may specify.

(d) Repeal. Every emergency ordinance except one made pursuant to Section 9.06(b) shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

Section 7.05 Codes of Technical Regulations.

The Village may adopt a law, code, or rules that have been promulgated and adopted by a department, board, or other authorized agency of the State, or by an organization or association that is organized and conducted for the purpose of developing codes, by reference to the law, code, or rules in the adopting Ordinance. The purpose of the law, code or rules shall be clearly identified in the ordinance. The ordinance, or a summary of the ordinance, shall be published. The publication shall contain a notice stating that complete copy of the law, code or rules is available to the public at the office of the Village Clerk. A sufficient number of copies of the adopted law, code or rules shall be available for public inspection or distribution at cost.

Section 7.06 Initiative and Referendum.

By petition and according to the procedures in this Charter or established by State law, an ordinance may be initiated or a referendum on an ordinance adopted by the Council may take place.

Section 7.07 Petitions.

A petition for initiative or referendum shall be signed during the six months preceding its filing with the Clerk by not less than 15 percent of the registered electors of the Village. The form of the petition shall be consistent with that described in Section 482 of the Michigan Election Law, MCL 168.482. Before circulation for signatures, the petition must be approved as to form and legal sufficiency by the Clerk, with consultation with the Village attorney, if necessary. Each person signing a petition shall sign the person's name in ink or indelible pencil; the person shall also indicate the date and the person's address. A sworn affidavit shall be attached to each petition by the petition's circulator; the affidavit shall state the number of petition signers, that each signature is the genuine signature of the person whose name it purports to be, and that each signature was made in the presence of the circulator.

Within twenty (20) days, the Clerk shall canvass the signatures on the petition(s) to determine their sufficiency. If the petition(s) is found to contain an insufficient number of signatures of registered electors of the village or to be improper as to form or compliance with the provisions of this charter or State law, the Clerk shall promptly notify the person filing the petition(s); ten(10) days from the notification shall be allowed for the filing of supplemental petition papers. If the Clerk finds the petition(s) sufficient and proper, the Clerk shall present same to the Council at the next regular meeting.

Section 7.08 Council Procedures for Petitions.

Upon receiving from the Clerk a sufficient and proper petition for initiative or referendum, the Council shall take action within 30 days. Upon receipt of a petition for initiative, the Council shall either adopt the ordinance as submitted in the petition or submit it to the electors of the Village. Upon receipt of a petition for referendum, the Council shall either repeal the ordinance to which the petition refers or submit it to the electors of the Village.

Section 7.09 Petition Submission to Electors.

If the Council submits the petition to the electors, it shall do so at the next election held in the Village for any purpose, or, in the discretion of the Council, at a special election, provided, however, that the election shall be not less than 60 days after submission by the Council. The result shall be determined by a majority vote of the electors voting at the election.

Section 7.10 Ordinance Suspended.

The Clerk's certification of the sufficiency of a petition for referendum filed within 30 days after passage of the ordinance to which the petition refers shall automatically suspend the operation of the ordinance, pending repeal by the Council or final determination by the electors of the Village.

An ordinance adopted by a vote of the electors of the Village following a petition for initiative may not be amended or repealed by the Council for a period of two years after the date of the election at which it was adopted.

Section 7.11 Authentication and Recording; Codification; Printing.

a. Authentication and Recording. The President and the Clerk shall authenticate by signature, and the Clerk shall record, all ordinances and resolutions in a book properly indexed and kept for that purpose.

b. Codification. Within three years after adoption of this charter and at least every ten years thereafter, the Village Council shall provide for the preparation of a general codification of all Village ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the council by ordinance and shall be published promptly in bound or loose-leaf form, together with this charter and any

amendments thereto, pertinent provisions of the constitution and other laws of the state of Michigan, and such codes of technical regulations and other rules and regulations as the council may specify. This compilation shall be known and cited officially as the Lake Isabella Village Code. Copies of the code shall be furnished to Village officials, placed in libraries and public offices for free public reference and made available for purchase by the public at a reasonable price fixed by the council.

c. Printing of Ordinances and Resolutions. The Village council shall cause each ordinance and resolution having the force and effect of law and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances, resolutions and charter amendments shall be distributed or sold to the public at reasonable prices as fixed by the council. Following publication of the first Lake Isabella Village Code and at all times thereafter, the ordinances, resolutions and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the constitution and other laws of the state of Michigan, or the codes of technical regulations and other rules and regulations included in the Code.

Section 7.12 Severability of Ordinances

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

**ARTICLE VIII
ADMINISTRATIVE DEPARTMENTS, OFFICES, AND AGENCIES**

Section 8.01. Departments.

The Village Council shall establish by ordinance such departments of the Village it determines necessary and advisable, and shall prescribe by ordinance the organization and functions of departments.

Section 8.02. Administrative Officers.

The administrative officers of the Village shall include the Village Manager, and such additional administrative officers as may be created by ordinance. The Council may combine any administrative offices and departments, or separate, or eliminate them, in any manner it considers advisable for the proper and efficient operation of the Village, except as may be otherwise provided by law.

Section 8.03. Village Manager.

(a) Appointment; Qualification; Compensation. The Village Council, by a majority vote of its total membership, shall appoint a Village Manager for an indefinite term and fix the manager's compensation. The Village Manager shall be appointed solely on the basis qualifications of executive and administrative qualifications.

(b) Residency. The Village Manager need not be a resident of the Village at the time of employment but may reside outside the Village while in office only with the approval of the Council. *(Public Act 212 of 1999 MCL 15.602 has set specific guidelines for residency requirements of public employees)*

(c) Term. The Village Manager shall serve at the pleasure of the Village Council.

(d) Acting Village Manager. By letter filed with the Village Clerk the Village Manager shall designate a Village officer or employee to exercise the powers and perform the duties of Village Manager during the manager's temporary absence or disability. The Village Council may revoke such designation at any time and appoint another officer of the Village to serve until the Village Manager returns.

(e) Powers and Duties of the Village Manager. The Village Manager shall be the chief administrative officer of the Village, responsible to the Village Council for the administration of all Village affairs placed in the manager's charge by or under this Charter. The Village Manager shall:

- (1) Appoint, suspend, or remove any or all Village employees and appointive administrative officers provided for by, or under this Charter, except as otherwise provided by this Charter or personnel rules adopted pursuant to this Charter. The Village Manager may authorize any administrative officer to

- exercise these powers with respect to subordinates in that department or office;
- (2) Direct and supervise the administration of all departments and offices of the Village, except as otherwise provided by this Charter;
 - (3) Maintain custody of the Village Clerk's bond;
 - (4) Attend all Village Council meetings. The Village Manager shall have the right to take part in discussion but shall not vote;
 - (5) Ensure that all laws, provisions of this Charter and acts of the Village Council subject to enforcement by the Village Manager or by officers subject to the Village Manager's direction and supervision, are faithfully executed;
 - (6) Prepare and submit the annual budget and capital program to the Village Council
 - (7) Submit to the Village Council and make available to the public a complete report on the finances and administrative activities of the Village as of the end of each fiscal year;
 - {8} Make such other reports as the Village Council may require concerning the operations of Village departments and offices subject to the Village Manager's direction and supervision;
 - (9) Keep the Village Council fully advised as to the financial condition and future needs of the Village
 - (10) Make recommendations to the Village Council concerning the affairs of the Village;
 - (11) Provide staff support services for the Village President and Council Members; and,
 - (12) Perform such other duties as are specified in this Charter or may be required by the Village Council.

(f) Performance Review. The performance of the Village Manager shall be reviewed on an annual basis by the Council. The criteria for this evaluation shall be formulated jointly by the Council and the Village Manager; however, the Council shall make the final determination concerning the criteria for the evaluation.

Section 8 04. Direction by the Village Manager.

All departments, offices and agencies under the direction and supervision of the Village Manager shall be administered by an officer appointed by and subject to the direction and supervision of the Village Manager. The Village Manager may serve as the head of one or more such departments, offices or agencies or may appoint one person as the head of two or more of them

Section 8.05. Village Attorney.

The Village Attorney shall serve as chief legal advisor to the Village Council, Village Manager and all Village departments, offices and agencies, authorities, commissions, and boards unless such representation is held to be incompatible or a conflict of interest exists. The Village Attorney shall serve at the pleasure of the Village Council and shall be

bound by professional ethical constraints. The Village Attorney shall represent the Village in all legal proceedings and shall perform any other duties as the Council shall prescribe. The Council may retain specific counsel in any matter in which the Village is a party or in which the Village has an interest.

ARTICLE IX FINANCIAL PROCEDURES

Section 9.01. Fiscal Year.

The fiscal year of the Village shall begin on the first day of July each year and end on the thirtieth day of June of the following year. The fiscal year may be changed by ordinance, which shall provide for a revised schedule of budget and other fiscal timing, to coincide with the fiscal Year.

Section 9.02. Submission of Budget and Budget Message.

On or before the first regular meeting in May of each Year, the Village Manager shall submit to the Village Council a budget for the ensuing fiscal year and an accompanying budget message.

Section 9.03. Budget Message.

The Village Manager's message shall explain the budget in both fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the Village for the ensuing year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, such as the Village's debt position and include such other material as the Village Manager deems desirable.

Section 9.04 Budget

The budget shall provide a complete financial plan of all Village funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the Village Manager deems desirable or the Village Council may require. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy and all proposed expenditures, including debt service, for the ensuing fiscal Year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual and estimated income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

- (a) The proposed goals and objectives and expenditures** for current operations during the ensuing fiscal year, detailed for each fund by organization unit, and program, purpose or activity, and the method of financing such expenditures;
- (b) Proposed capital expenditures** during the ensuing fiscal year, detailed for each fund by organization unit when practicable, and the proposed method of financing such expenditures; and,
- (c) The anticipated income and expense** and profit and loss for the ensuing year for each utility or other enterprise fund operated by the Village.

For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus carried forward fund balance, exclusive of reserves. In general, the Village shall be required to develop and maintain a balanced budgetary plan each fiscal.

Section 9.05. Village Council Action on Budget.

- (a) **Notice and Hearing.** The Village Council shall publish a general summary of the budget and a notice stating:
 - (1) The times and places where copies of the message and budget are available for inspection by the public, and
 - (2) The time and place, not less than two weeks after such publication, for a public hearing on the budget.

- (b) **Amendment Before Adoption.** After the public hearing, the Village Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law, for debt service, or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income.

- (c) **Adoption.** The Village council shall adopt the budget on or before the fifteenth day of June. The above shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Section 9.06. Amendments After Adoption.

- (a) **Supplemental Appropriations.** If during the year the Village Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Village Council by resolution may make supplemental appropriations for the year up to the amount of such excess.

- (b) **Reduction of Appropriations.** If at any time during the fiscal year it appears probable to the Village Manager that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the Village Manager shall report to the Council without delay. The Village Manager shall indicate the estimated amount of the deficit, any remedial action taken by the Manager, and recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent any deficit and for that purpose it may by resolution reduce one or more appropriations.

- (c) **Transfer of Appropriations.** At any time during the fiscal year the Village Council may by resolution transfer part or all of the unencumbered appropriation balance from one department or major organizational unit to

the appropriation for other departments or major organizational units. The Manager may transfer part or all of any unencumbered appropriation balances among programs within a department or organizational unit and shall report such transfers to the Council in writing in a timely manner.

- (d) **Limitation; Effective Date.** No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

Section 9.07. Lapse of Appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until expended, revised or repealed; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

Section 9.08. Overspending of Appropriation Prohibited.

- (a) No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the Village Manager or his/her designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable.
- (b) Any authorization or payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal. A violation of this provision shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation. Such officer may also be liable to the Village for any amount so paid.
- (c) Except where prohibited by law, however, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partially by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, but only if such action is made or approved by ordinance.

Section 9.09. Independent Audit.

An independent audit shall be made of all accounts of the Village government at the close of each fiscal year. Special independent audits may be made at any time that the

Council may designate. All audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the Village government or any of its officials or officers. The results of such audits shall be made public in such manner as the Council may determine, but at a minimum, they shall be available for inspection at the office of the Village Clerk.

Section 9.10. Capital Program.

- (a) **Submission to Village Council.** The Village Manager shall prepare and submit to the Village Council a five-year capital program no later than the final date for submission of the budget. The Village Manager may also consider projecting the capital program out over a longer period of time, if possible.
- (b) **Content.** The capital program shall include:
 - (1) A clear general summary of its contents;
 - (2) A list of all capital improvements and capital expenditures which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity of each;
 - (3) Cost estimates and recommended time schedules for each improvement or other capital expenditure;
 - (4) Method of financing, upon which each capital expenditure is to be reliant; and,
 - (5) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

Section 9.11. Village Council Action on Capital Program.

- (a) **Notice and Hearing.** The Village Council shall publish in accordance with Section 7.04 (b) the general summary of the capital program and a notice stating:
 - (1) The times and places where copies of the capital program are available for inspection by the public; and,
 - (2) The time and place, not less than two weeks after such publication, for a public hearing on the capital program.
- (b) **Adoption.** The Village Council by resolution shall adopt the capital program with or without amendment after the public bearing and on or before the fifteenth day of June.

Section 9.12. Public Records.

Copies of the budget, capital program and appropriation and revenue ordinances shall be public records and shall be made available to the public at the Village Hall or another suitable place(s) in the Village.

ARTICLE X TAXATION

Section 10.01. Power to Tax.

The Village shall have the power to levy and collect taxes for municipal purposes.

Section 10.02. Limit of Direct Property Taxation.

Upon approval of this Charter, the annual general ad valorem tax levy for Village purposes shall not exceed 1 mill of the assessed value of real and personal property in the Village. This tax limitation may be increased for a period of not to exceed three years at any one time to not more than 2 mills of the assessed valuation of such real and personal property by a majority vote of those electors voting thereon at any regular village election or special election called for that purpose.

Section 10.03. Subjects of Taxation.

The subjects of ad valorem taxation for municipal purposes shall be the same as for State, County and school purposes under general law. Except as otherwise provided by this Charter, Village taxes shall be levied, collected, and returned in the manner provided by State statute. At this time, State statute provides that assessing and Board of Review functions shall be the responsibility of the townships in which the municipal boundaries of a village lie.

Section 10.04 . Exemptions.

No exemptions from taxation shall be allowed, nor shall exemptions be denied, except as expressly required or permitted by statute .

Section 10.05. Tax Due; Notification.

The Treasurer shall send a statement by first class mail to each person named in the tax roll requesting payment of the tax due. Neither the failure to mail the statement or to receive it shall invalidate the tax or liability for nonpayment.

Section 10.06. Taxes; Debt to Village; Collection.

Any tax levied or owed to the Village shall be due on July 1st of the year when levied. All taxes paid on or before August 31st shall be collected by the Village Treasurer without penalty. An additional charge of one percent (1%) shall be added to all unpaid Village taxes starting on September 1st and an additional charge of one percent (1%) shall be added to all delinquent unpaid taxes on the first day of each month thereafter until the taxes are paid. This added penalty shall belong to the Village and shall also constitute a charge and shall be a lien against the property to which the taxes themselves apply, collectable in the same manner as the taxes to which they are added. If August 31st falls on a Sunday or legal holiday, taxes shall be collected without penalty on the next business day.

Section 10.07. Lien on Property.

On July 1, the amount assessed on real or personal property shall become a first lien upon the property for the amount assessed. The lien shall include all penalties, interest, fees and charges. The lien shall take precedence over all other claims, encumbrances and liens to the extent provided by statute and shall continue until such taxes, interest, fees and charges are paid.

Section 10.08 Delinquent Tax Poll to County Treasurer.

Any taxes on the Village tax roll which remain unpaid on March 1st following the date when the roll was received by the Village Treasurer shall be returned to the County Treasurer in the same manner and with like effect as returns by township treasurers of Township, school and county taxes. These returns shall be made upon a delinquent tax roll to be prepared by the Village Treasurer and shall include all the additional charges and fees hereinbefore provided. These charges and fees shall, in these returns be added to the amount assessed on the tax roll against each description. The taxes thus returned shall be collected in the same manner as other taxes returned to the County Treasurer, and shall remain a lien upon the assessed lands until paid.

Section 10.09. Failure or Refusal to Pay Personal Property Tax.

If any person shall neglect or refuse to pay any personal property tax assessed to them by the first day of March, the Treasurer shall collect the same by seizing the personal property of the person, firm or corporation in an amount sufficient to pay the tax, fees, penalties and charges for subsequent date, wherever the property may be found in the State, and from which seizure no property shall be exempt. The Treasurer may sell the property seized in an amount sufficient to pay the taxes, fees, penalties and all charges in accordance with statutory provisions. The Treasurer may, if otherwise unable to collect a tax on personal property, sue in accordance with statute, the person, firm or corporation to whom the tax to assessed.

Section 10.10. Protection of Village Lien.

The Village shall have the power to acquire by purchase any property within the Village at any tax or other public sale, or by direct purchase from the State of Michigan when such purchase is necessary to protect the lien of the Village. The Village may lease or sell the property for the purpose of securing from it the amount of such taxes or special assessments, or both, together with any incidental expenses incurred in connection with the exercise of this power. Any procedure exercised by the Village in the protection of its tax lien shall be deemed to be for a public purpose. The Council may adopt any ordinances that may be necessary to make this section effective.

ARTICLE XI BORROWING AND BONDS

Section 11.01 General Borrowing.

Subject to the applicable provisions of State law and this Charter, the Council may by ordinance or resolution authorize the borrowing of money and the issuance of Village bonds or other evidence of indebtedness for any purpose within the Village's scope of powers. The Council may pledge the Village's full faith, credit and resources for the payment of the obligation so created.

Section 11.02 Bonds.

The Village shall have the power to issue all types of bonds in the manner and for the purposes permitted by the Constitution and the laws of the State. According to 78.26e of Public Act 278 of 1909, as amended, the Village cannot authorize an issue of bonds, unless approved by a majority of the electors voting thereon at a general or special election. This requirement does not apply to special assessment bonds, bonds for the Village portion of local improvements, not to exceed 40% of the cost of the improvement, refunding bonds, bonds for relief from fire, food, or calamity, or for payment of judgments, or bonds that the legislative body is authorized by specific statute to issue without vote of the electors.

Section 11.03 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. No officer of the Village may use the proceeds from the bond or other evidence of indebtedness for any other purpose. A complete and detailed record of all bonds and other evidences of indebtedness issued by the Village shall be kept by the Treasurer.

Section 11.04 Limitation on Indebtedness.

The net bonded indebtedness incurred by the Village for all public purposes may not exceed the limits imposed by the Constitution and the laws of the State for Home Rule Villages.

ARTICLE XII IMPROVEMENTS AND ASSESSMENTS

Section 12.01. General Power Relative to Special Assessments.

The Village Council shall have the power to determine the necessity of any local or public improvement, to establish special assessment districts, and to determine by resolution that the whole or any part of the cost and expense of any public improvement be defrayed by special assessment upon the property especially benefited in proportion to the benefits derived or to be derived.

Section 12.02. Detail Procedure to be Fixed by Ordinance.

The Village Council shall prescribe by ordinance the complete special assessment procedure governing the initiation of projects, preparation of plans and cost estimates, creation of districts, making and confirming of assessment rolls, correction of errors in the rolls, collection of assessments and any other matters concerning the making of improvements by the special assessment method.

Section 12.03. Special Assessment Lien

From the date of confirmation of a roll levying a special assessment, the full amount of the assessment and the interest thereon shall constitute a lien on the premises subject thereto and that amount shall be a debt of the person to whom assessed until paid and, in case of delinquency, may be collected as delinquent Village property taxes or by a suit against the person.

Section 12. 04. Village Financing of Assessments.

The Village Council may borrow money and issue bonds of the Village there for in anticipation of the payment of special assessment districts, which bonds may be an obligation of the special assessment district or may be both an obligation of the special assessment district and a general obligation of the Village. The Village Council may issue general obligation bonds to defray that chargeable to the Village at large.

**ARTICLE XIII
VILLAGE OWNED UTILITIES**

Section 13.01. Power Reserved by the Village.

The Village shall possess and reserve to itself all the powers granted to villages by the Constitution and general laws of the State of Michigan to acquire, construct, own, operate, improve, enlarge, extend, repair, and maintain public utilities to supply its inhabitants.

Section 13.02. Furnishing Utilities Outside Corporate Limits.

Public utilities and services may be furnished by the Village to properties and users outside the corporate limits of the Village to the extent allowed by law.

Section 13.03. Utility Rates.

The Council shall establish rates by ordinance or resolution from time to time as may be deemed advisable for supplying the inhabitants of the Village, and others, with utility services as the Village may provide.

Section 13.04. Utility Charges Collection

The Council shall provide by ordinance or resolution for the collection of all public utility charges made by the Village. When any person or persons shall fail or refuse to pay the Village any sums due on utility bills, suit may be instituted by the Village for their collection in any court of competent jurisdiction. The Village shall have as security for the collection of utility rates for services furnished any person or persons a lien upon the real property, to the extent provided for by State law, for which a utility is supplied. The lien shall become effective immediately and may be enforced as provided by law.

Section 13.05. Utility Accounts.

Transactions pertaining to the ownership and operation by the Village of each public utility shall be recorded in separate accounts under an appropriate fund caption, and classified in accordance with generally accepted utility accounting practices. Charges for all services furnished to, or rendered by, other Village departments or agencies shall be recorded. An annual report shall be available for inspection at the office of the Treasurer.

**SECTION XIV
FRANCHISES, LICENSES, CONTRACTS, AND LEASES**

Section 14.01. Granting Public Utility Franchises.

Public utility franchises and all renewals, extensions and amendments shall be granted by ordinance. No exclusive franchise shall be granted. No franchise shall be granted for a period longer than thirty (30) years

A franchise ordinance which is not subject to revocation at the will of the Village shall not be enacted not become operative until it shall first have been referred to the people at a regular or special election and it has received the affirmative vote of three fifths of the electors voting therein. No such franchise ordinance shall be approved by the Council for referral to the electors before thirty (30) days after it has been published and notice or its publication has been filed with the Council, nor until a public hearing has been held nor until the grantee has filed with the Clerk an unconditional acceptance of all terms of franchise. No special election for that purpose shall be ordered by the Council unless the expenses of holding the election, as determined by the Council, shall have first been paid to the Clerk by the grantee.

A franchise ordinance which is subject to revocation at the will of the Village may be enacted by the Council without referral to the voters, but shall not be enacted nor become operative unless it shall first be filed with the Clerk in the form in which it is finally enacted and remain on file for public inspection for at least thirty (30) days before final enactment.

Section 14.02. Conditions of Public Utility Franchise.

All public utility franchises granted after the adoption of this Charter, whether provided in the granting ordinance or not, shall be subject to the following rights of the Village

- (a) To their termination for misuse, non-use, or failure to comply with franchise provisions;
- (b) To require reasonable and adequate extension of plant and service and plant maintenance at the highest practicable standard of efficiency;
- (c) To establish reasonable and practicable standards for service and quality of products and to 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 its entire period;
- (e) To impose such other reasonable regulations as may be conducive to the health, safety, and general welfare of the public;
- (f) To use, control, and regulate the use of its streets, alleys, and public places and the space above and beneath them;
- (g) To require payment of franchise fees or rent for the use of the public right-of-way, or other public places;

- (h) To require the franchisee to pay a part of the cost of improvement or maintenance of the streets, alleys and public places of the Village, as shall arise from its use of them, and to hold the Village harmless from and indemnify it against all damages and costs arising from its use;
- (i) To require the franchisee to file with the Village drawings and maps of the location and nature of its facilities as the Council may request; and
- (j) This enumeration of rights set forth in this section shall not be exclusive nor impair the right of the Council to include in a franchise any provision within the power of the Village to impose or require.

Section 14.03. Sale or Assignment of Franchisee .

The grantee of a franchise may not sell, assign, sublet, or allow another to use it, without written consent of the Council. Nothing in this section shall limit the right of the grantee of any public utility franchise to mortgage its property or franchise, nor to restrict the rights of the purchaser, upon foreclosure sale, to operate the same, except that such mortgagee or purchaser shall be subject to the terms of the franchise and provisions of this Charter.

Section 14.04. Contracts and Competitive Bidding.

Competitive bids shall be obtained for the construction of any public improvement or for the purchase of any materials according to the Purchasing Policy as adopted or amended by the Village Council. The minimum threshold level for bidding will be set by the Village Council.

Section 14.05. Disposal of Village Real Estate.

The Village shall not sell any real property or enter into a contract for the sale of real property without providing a public notice and hearing. The Village may enter into a contract to sell real property as long as said action is approved by a two-thirds (2/3) vote of the Council members present at a regular or special Council meeting following the hearing on said action.

ARTICLE XV LIABILITY

Section 15.01. Liability.

The provisions of this Article are not intended to waive any immunity from tort liability provided by statute or common Law. Any person having a claim against the Village by reason of injury to person or damage to property shall give the Village written notice of the claim within 120 days from the date of the occurrence.

This notice shall be served on the Clerk, the Village Manager, or the Village Attorney, and shall contain the time and place of such injury or damage, the manner in which it occurred, the extent of the injury or damage as far as known, the names and addresses of witnesses, and a statement that the person sustaining injuries or damages intends to hold the Village liable for them. The 120 day notice requirement corresponds with current state law. If the requirement is changed pursuant to law, the notice requirement in this section shall be amended by that change.

Failure to give notice as provided in this section may be reason to disallow any claim for injuries.

Upon receiving notice, the Village shall respond promptly to each claim. The claimant may be notified that the Village is not liable because of immunity or other defense. The Village reserves the right to assert all defenses if the claim is pursued in a court or other forum.

If the Village recognizes the possibility of liability, the response shall specify the procedure for the resolution of the issue of liability and adjustment of the amount of damages by mediation, arbitration or other means designed to protect the public interest. A claimant's failure to follow reasonable procedures designed to allow the Village to fairly investigate the circumstances of the claim, determine liability and fix damage shall be disclosed to any court or official with discretionary authority over the award of costs.

ARTICLE XVI
CHARTER REVIEW, AMENDMENT, AND REVISION

Section 16.01 Charter Review.

A charter review committee of at least five members shall be appointed by the Village Council no later than ten years after this Charter is adopted, and at least each ten years thereafter. The committee shall examine the Charter and recommend to the Council any amendments which appear to be necessary or desirable.

Section 16.02 Charter Amendment.

The Charter may be amended at any time in the manner provided for by statute, including those amendments proposed by the Village Council or by the electors of the Village by petition. Should two or more amendments adopted at the same election have conflicting provisions, the one receiving the largest number of affirmative votes shall prevail as to those provisions.

Section 16.03 Charter Revision.

The question of revision of this Charter shall be placed before the electors of the Village at the general election in the year 2007, and at least every 10 years thereafter. A proposal for revision may be presented at other times in the manner provided by statute.

Section 16.04 Reading the Charter.

Village elected officials, administrative officers, Village employees and the heads of all Village boards and commissions shall read this Charter.

**ARTICLE XVII
CHARTER ADOPTION, TRANSITION**

Section 17.01. Charter Adoption.

The proposed Charter shall be submitted to a vote of the electors of the Village of Lake Isabella at the regular election to be held on April 28th, 1998 and it shall take effect and become the Charter of the Village of Lake Isabella on May 4th, 1998. Adoption of the Charter shall require a simple majority of those voting on the question.

Section 17.02. Ballot Proposition.

The form of the ballot proposition shall be as follows: "Shall the Village Charter proposed by the Charter Commission of the Village of Lake Isabella elected April 22nd, 1997, be adopted?"

Section 17.03. Council Members; Terms of office

The terms of Council Members elected at the first election under this Charter shall be in accordance with Article IV and Article V.

ARTICLE XVIII GENERAL PROVISIONS

Section 18.01. Penalties for Violation of Charter.

Any official or officer of the Village found guilty by a court of competent jurisdiction of any act which violates this Charter shall be guilty of misconduct in office and of a misdemeanor. The official or officer may be punished by a fine or by imprisonment or both such punishments in the discretion of the court. In addition, the official or officer shall forfeit his/her office with the Village. These punishments shall be in addition to and not in place of any punishment for any other statutory or other violations committed by the official or officer.

Section 18.02. Non-Discrimination and Civil Rights.

In exercise of their powers or in the performance of their duties, all officials, officers, appointees, and employees of the Village shall ensure that no person engaged in the conduct of official business or seeking to do business with the Village is discriminated against because of race, gender, age, handicap, religion, country of origin or political affiliation or for any cause not reasonably related to the accomplishment of legitimate governmental purpose, and shall take whatever action is necessary to accomplish this purpose.

Section 18.03. Conflicts of Interest; Board of Ethics.

- (a) **Conflicts of Interest.** The use of public office for private gain is prohibited. The village council shall implement this prohibition by ordinance. Regulations to this end shall include but not be limited to:
1. Acting in an official capacity on matters in which the official has a private financial interest clearly separate from that of the general public;
 2. The acceptance of gifts and other things of value of confidential information;
 3. And appearances by village officials before other village agencies on behalf of private interests.

This ordinance shall provide for reasonable public disclosure of finances by officials with major decision-making authority over monetary expenditures and contractual matters and, insofar as permissible under state law, shall provide for fines and imprisonment for violations.

- (b) **Board of Ethics.** The Village Council shall, by ordinance, establish an independent Board of Ethics to administer and enforce the conflict of interest and financial disclosure ordinances. No member of the board may hold elective or appointed office under the Village or any other government or hold any political party office. Insofar as possible under state law, the

village council shall authorize the board to issue binding advisory opinions, conduct investigations on its own initiative and on referral or complaint, refer cases for prosecution, impose administrative fines, and to hire independent counsel. The village council shall appropriate sufficient funds to the board of ethics to enable it to perform the duties assigned to it.

Section 18.04. Prohibitions

(a) Activities prohibited

1. No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any Village position or appointive office because of race, gender, age, handicap, religion, country of origin or political affiliation. This is not to be construed as prohibiting such reasonable accommodations for the handicapped as required by law.
2. No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the provisions of this charter or the rules and regulations made there under, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.
3. No person who seeks appointment or promotion with respect to any village position or appointive village administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.
- 4 Political activities by Village officials and/or employees shall be governed by Public Act 169 of 1976, as amended and any other applicable State or Federal laws.

- (b) **Penalties.** Any person convicted of a violation of this section shall be ineligible for a period of five years following such conviction to hold any village office or position and, if an officer or employee of the village, shall immediately forfeit his or her office or position. The Village Council shall establish by ordinance such further penalties as it may deem appropriate.

Section 18.05. Purchasing Policy.

The Village of Lake Isabella Purchasing Policy shall be determined by ordinance adopted by Council.

Section 18.06. Saturday, Sundays and Holiday.

When this Charter establishes a deadline which falls on a Saturday or Sunday or a holiday for which Village Hall is closed, the deadline shall be extended to the next day during which the Village Hall is open.

Section 18.07. Records Open to the Public.

The records of the Village shall be open to the public under the provisions of the Freedom of Information Act.

Section 18.08. Official Newspaper Designated.

The Council may designate an official newspaper(s) of general circulation in the Village.