PROPOSED

CITY OF BIG RAPIDS

CHARTER

Effective
January 12, 2027

I hereby certify that the proposed City of Big Rapids Charter Revision is a true and complete clean copy of the proposed revisions presented by the Charter Revision Commission elected by the citizens of the City of Big Rapids at the General Election on Tuesday, November 7, 2023.

I further certify that the City of Big Rapids Charter Revision Commission passed a resolution, number 01-14-26, approving the proposed Revised City of Big Rapids Charter be presented to the Governor of the State of Michigan.



Karen Manoski

Karen Manoski, City Clerk
Dated: January 22, 2026

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CHARTER

Editor's note: *The foregoing Charter of the City was adopted by members of the Charter Revision Committee on May 22, 2012. It was adopted by the electorate on August 7, 2012 and went into effect on October 9, 2012.*

A revision of Section 8.10 (Purchasing Procedure) was voted on by the people on November 7, 2017.

PREAMBLE

We, the people of the City of Big Rapids, Mecosta County, Michigan, by authority of the Constitution of Michigan and Act 279 of 1909 (MCL 117.1, et seq.) hereby ordain and establish this home rule charter for the City of Big Rapids, for the purposes of securing the benefits of home rule and affirming the values of representative democracy, professional management, ethical political leadership, public engagement, respect for all community members, and regional cooperation.

CHAPTER I. CONTINUATION OF EXISTING CORPORATION BOUNDARIES

Section 1.1 Continuation of Existing Corporation.

The municipal corporation known as the City of Big Rapids, in the County of Mecosta and State of Michigan, formally incorporated by the Michigan Legislature in 1869 LA 459, shall continue as a body politic and corporate under the same name as its limits now are or hereafter may be established.

The Big Rapids Charter Revision Commission consisting of Jennifer Cochran, James Brown, Anne Hogenson, Amy Metz, Foster Neill, Brian Pacholka, and Stacey Weaver proposed a revised City Charter in 2026.

Section 1.2 Alteration of Boundaries.

Territory may be attached to or detached from the City in the manner provided by State law.

CHAPTER II. GENERAL MUNICIPAL POWERS

Section 2.1 General Municipal Powers.

The City of Big Rapids and its officers, unless otherwise provided or limited by this Charter, shall be vested with any and all powers, privileges, and immunities, expressed and implied, that the Constitution and laws of the State of Michigan including Public Act 279 of 1909 [MCL 117.1 et seq.] now or in the future, may provide. No enumeration of particular powers, privileges, or immunities in this Charter shall be held to be exclusive.

Section 2.2 Additional Powers of the City.

The City and its officers shall have power to exercise all municipal powers in managing and controlling municipal property and in administering the municipal government, whether such powers are expressly enumerated or not; to do any reasonable act to advance the interests of the City, the good government, and prosperity of the municipality and its residents, and through its regularly constituted authority, to pass and enforce all laws, ordinances and resolutions relating to its municipal concerns, subject to the constitution and general laws of the State and the provisions of this Charter.

Section 2.3 Exercise of Power.

When no procedure is set forth in this Charter for the exercise of any power granted to or possessed by the City and its officers, the City may employ any procedure permitted by any statute of the State of Michigan. If alternate procedures are provided by different statutes, the City Commission shall select the procedure it considers to be most expeditious and advantageous to the City and its residents. 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 City Commission may prescribe by ordinance a procedure for the exercise thereof.

Section 2.4 Succession to Properties of Present City.

The City shall succeed to own, possess and control all the records and documents, all other property, whether located inside or outside the boundaries of the City, and all privileges, grants, franchises, powers and immunities possessed by the existing City of Big Rapids.

Section 2.5 Liability and Obligations of Present City.

The City shall be subject to and liable for all debts, liabilities and obligations of the present City in existence, and those which may be incurred in the future. The City shall make suitable provisions for the liquidation and payment of these debts, liabilities, and obligations.

Section 2.6 Code of Ethics.

The City Commission shall maintain an ethics policy ordinance by which all persons in the municipal service, whether compensated or voluntary, shall abide. It shall encourage such persons to place the public interests above self-interest.

CHAPTER III. PLAN OF GOVERNMENT

Section 3.1 Commission-Manager Government.

This Charter establishes a commission-manager form of government.

Section 3.2 The City Commission.

The electors of the City shall elect a City Commission consisting of a Mayor and four (4) City Commissioners. The City Commission shall be the legislative and governing body of the City. Except as is otherwise provided in this Charter, the City Commission shall have the power and authority to exercise all powers conferred upon or possessed by the City, and the power and authority to adopt laws, ordinances and resolutions as it considers proper. Wherever the word "City Commission" is used in this Charter, it shall be synonymous with any other term used in any state or federal law in referring to municipal legislative or governing bodies.

Section 3.3 Establishing City Boards.

The City Commission can establish and dissolve such boards as the City Commission considers necessary for the best interest of the City. The City Commission shall define the duties of such boards and take such other action relating to them as is required in this Charter.

(a) All City boards shall adopt rules of procedure and keep a record of all meetings. All records shall be provided to the City Clerk.

(b) All City boards shall elect officers as their rules of procedures shall require.

(c) Except as otherwise provided by this Charter or State Law, the terms of members appointed to such boards shall not exceed four (4) years, and no person shall serve more than four (4) consecutive full terms; provided, however, that a board member who would otherwise be term-limited may continue to hold office until that member's successor is appointed. Any person appointed to fill a vacancy that is less than half of a full term may then be appointed subsequently to four (4) consecutive full terms.

(d) No person shall be a member of more than one City board at any one time without specific permission of the City Commission.

(e) To qualify for appointment to a City board or commission, a person must be a resident of the City for at least one (1) year prior to the day of their appointment, and a registered elector in the city. Members of City boards or commissions shall remain registered electors and residents of the City during their tenure in office. These qualifications do not apply to City boards or commissions where different membership qualifications are prescribed by State law or provided by this Charter.

(f) Whenever a position on a board becomes vacant, the Mayor and City Commission shall proceed to fill the position in accordance with section 3.5 (e) of this Charter.

(g) The Clerk shall publicize all vacancies and solicit applicants through publication in a newspaper of general circulation in the City, the City web site, and City newsletters.

Section 3.4 Compensation of City Commissioners and Mayor.

The compensation of the City Commissioners and the Mayor shall be modified upon recommendation of the Compensation Commission, in accordance with the procedures specified by the Home Rule City Act (Act 279 of 1909; MCL 117.1 et seq.). Such compensation shall be payable in twelve equal monthly installments. The Compensation Commission may provide for further payment to members of the City Commission as reimbursement for reasonable and necessary expenses incurred while conducting the business of the City. The compensation of the City Commissioners and the Mayor that is in effect on the effective date of this Charter shall continue in effect until modified pursuant to this Charter.

Section 3.5 Mayor; Responsibilities and Duties.

The responsibilities and duties of the Mayor are to:

(a) Serve as the legal and ceremonial executive head of the City. The Mayor, by right, shall be permitted to speak on and vote on all proceedings of the City Commission, but shall have no veto power. The Mayor shall be the presiding officer of the City Commission.

(b) Authenticate by signing such instruments as the City Commission, this Charter, or the laws of the State and the United States require.

(c) Exercise only such powers as State law, this Charter, or the City Commission shall specifically confer upon or require of the office.

(d) Be a non-voting ex-officio member of such other boards as the City Commission requires or permits.

(e) Nominate the members of all boards and commissions of the City as authorized by the Charter (Section 3.3(g)), City ordinance, or laws of this State. The Mayor shall make such nominations when an eligible nominee first comes available. Any such nomination shall become effective only upon approval of the City

Commission. From the time the City Commission receives official notification of the nomination, it shall have forty-five (45) days to either approve or reject the nomination. If the City Commission does not approve or reject the nomination during this period, the nominee shall be considered as having been approved.

(f) Present as a written report and through verbal address at the designated City Commission meeting, a State of the City report coinciding with the start of each fiscal year, advising the general public of significant issues facing the City of Big Rapids, and goals that might be achieved in the next year. This report shall be posted on the City website.

Section 3.6 Mayor Pro-Tempore.

The City Commission shall designate one (1) of its members as Mayor Pro-Tempore to perform the duties of the Mayor when the Mayor is temporarily unable to perform the duties of the office. Whenever three (3) City Commissioners are present at a meeting of the City Commission, and both the Mayor and Mayor Pro-Tempore are absent, the three (3) City Commissioners present shall elect one (1) of them to act as Acting Mayor Pro-Tempore. The City Commission, so constituted, shall be empowered to conduct the regular business of the City Commission.

Section 3.7 City Officers.

The City Commission shall appoint as officers of the City the City Manager, City Clerk, City Treasurer, City Assessor and City Attorney. All other persons employed in positions not listed shall be considered "employees".

The responsibilities and duties of each City department and the officers and employees of each department shall be established by this Charter, laws of the State, and ordinances of the City. The City Manager may prescribe for departments, officers and employees the duties and responsibilities consistent with this Charter, City ordinances and State laws.

Whenever a City officer is required to perform a specific act, a deputy or another subordinate may perform that act at the official's direction, unless otherwise prohibited or required by law.

The City Commission may designate and appoint additional persons as administrative officers.

Section 3.8 City Manager; Appointment.

The City Commission shall select and appoint, or terminate, on the basis of executive and administrative qualifications with special reference to training and experience, a person to or from the position of City Manager and shall determine the compensation for this officer. The City Manager shall serve at the pleasure of the City Commission and shall be the chief administrative officer of the City.

Section 3.9 City Manager; Responsibilities and Duties.

The responsibilities and duties of the City Manager shall be to:

(a) Supervise the enforcement of all laws and ordinances.

(b) Appoint and remove the heads of the several City departments whose appointments are not otherwise specified in this Charter. The City Manager shall promptly inform the Mayor and City Commission of all removals.

(c) Manage and supervise all public improvements, works and undertakings of the City; have charge of the construction, repair, maintenance and cleaning of streets, sidewalks, bridges, pavements, sewers and all public buildings or other property belonging to the City, except as otherwise provided in this Charter.

(d) Assure that all terms and conditions imposed in favor of the City or its residents in any public utility franchise, or in any contract, are faithfully kept and performed.

(e) Recommend an annual budget to the City Commission and have the City Treasurer present it. The City Manager administers the adopted budget under policies formulated by the City Commission and keeps the City Commission fully informed of the financial condition and needs of the City.

(f) Recommend to the City Commission the adoption of such measures as are necessary or expedient.

(g) Exercise the duties and responsibilities of personnel director of all City employees, except as otherwise provided in this Charter, or delegate such duties to another officer or employee of the City. Such delegation shall not relieve the City Manager of any responsibility for the proper conduct of such duties.

As personnel director, the City Manager may participate on a hiring committee with the appropriate department head, and shall hire all employees of the City except those for which this Charter provides a different manner of appointment.

(h) Exercise and perform all administrative functions of the City that are not imposed upon another official by this Charter or any City ordinance.

(i) Perform such other duties as are prescribed by this Charter or as may be required by ordinance or by direction of the City Commission.

(j) Attend all meetings of the City Commission unless otherwise excused. The City Manager may designate other personnel to attend in their absence.

(k) After every regular city election, the City Manager or their designee shall schedule an orientation session for elected officials. The session shall include a review of local government documents including laws and regulations involving elected bodies.

(l) Participate fully in an annual review of their job performance as directed by the City Commission:

The City Commission shall annually establish goals, communicate the goals to the City Manager, and formally evaluate the City Manager's performance on the basis of those goals, to be completed by a date to be determined by the City Commission. Nothing herein shall be construed as prohibiting the City Commission from terminating the City Manager outside of the annual review process.

Section 3.10 Acting City Manager.

The City Commission shall appoint an Acting City Manager during any vacancy, incapacitation or prolonged absence in the office of the City Manager.

The City Manager may designate a City officer or employee as Acting City Manager during their absence from the City. The Acting City Manager shall have all the responsibilities, duties, and authority of the City Manager.

Section 3.11 Relationship of City Commission to Administrative Service.

The City Manager shall be responsible to the City Commission for the administration of all departments of the City government reporting to the City Manager. Except for the purpose of inquiry, the City Commission and its members shall deal with the administrative service solely through the City Manager, and neither the City Commission nor any of its members shall give orders to any of the subordinates of the City Manager.

Section 3.12 City Clerk; Appointment.

The City Commission shall select and appoint a person to serve as the City Clerk at the compensation approved by the City Commission. The City Clerk shall serve at the pleasure of the City Commission.

Section 3.13 City Clerk; Responsibilities and Duties.

The responsibilities and duties of the City Clerk shall be to:

(a) Serve as the Clerk of the City Commission, attend all meetings of the City Commission unless otherwise excused. The City Clerk may designate other personnel to attend in their absence. They maintain a permanent journal of its proceedings. The City Clerk shall retain on file at least one copy of all ordinances, resolutions and regulations of the City Commission.

(b) Maintain custody of the City seal and affix it to all documents and instruments requiring the seal, and attest the same. The City Clerk shall maintain custody of all papers, documents, and records pertaining to the City that are not properly retained in other departments. The City Clerk shall give to the proper departments or officials ample notice of the expiration or termination of all franchises, contracts or agreements.

(c) Certify by signing all ordinances and resolutions enacted or passed by the City Commission and perform all other duties required of the office by State law, this Charter, or by the City Commission.

(d) Administer elections pursuant to State law and the provisions of this Charter as laid out in Chapter 5.

Section 3.14 City Treasurer; Appointment.

The City Commission shall select and appoint a person to serve as the City Treasurer at the compensation approved by the City Commission. The City Treasurer shall serve at the pleasure of the City Commission.

Section 3.15 City Treasurer; Responsibilities and Duties.

The responsibilities and duties of the City Treasurer shall be to:

(a) Report to the City Manager on a regular basis.

(b) Prepare and present the annual budget of the City for consideration and adoption by the City Commission.

(c) Maintain custody of all money, bonds, investments, securities, accounting for City property, and instruments of value belonging to or held in trust by the City.

(d) Receive all money belonging to and receivable by the City, issue receipts for all payments, and maintain an accurate record of such receipts.

(e) Deposit all monies or funds in such a manner and only in such places as the City Commission approves by resolution.

(f) Collect State, County, City, school district, and other taxes and payments as State law, this Charter or the City Commission confers on the office.

(g) Maintain a system of accounts that complies with the uniform chart of accounts required by State law and the City Commission. All accounts of the City shall be balanced at the end of each month and a report made by the City Treasurer to the City Manager. At its discretion, the City Commission may assign the responsibility of maintaining the accounts of the City to an officer or department other than the City Treasurer. The City Treasurer shall report quarterly to the City Commission.

(h) Perform other duties prescribed by this Charter, the City Commission, or the City Manager.

Section 3.16 City Attorney; Appointment.

The City Commission shall select and appoint a person or firm to serve as the City Attorney at the compensation approved or contracted by the City Commission. The City Attorney shall serve at the pleasure of the City Commission.

The City Commission may retain special legal counsel to handle any matter to which the City is a party, in which the City has an interest, or to assist and counsel with the City Attorney.

The City Commission may provide special compensation for services provided in support of cases in the courts or before quasi-judicial or administrative tribunals, the issuance of bonds of the City, condemnation proceedings, and other assignments authorized by the City Commission. The City Commission shall award special compensation only according to an agreement with the City Attorney made prior to the rendering of legal service for which special compensation is paid.

Section 3.17 City Attorney; Responsibilities and Duties.

The responsibilities and duties of the City Attorney shall be to:

(a) Counsel and represent the City Commission and all its members in legal matters relating to their official duties; provide written opinions to any official or department of the City when requested by the City Commission or City Manager; and file a copy of such opinions with the City Clerk.

(b) Conduct for the City all cases in which the City is a party before all courts and other legally constituted tribunals.

(c) Prepare, or officially review, all contracts, bonds, and other written instruments in which the City is concerned, and certify before execution as to their legality and correctness of form.

(d) File in the office of the City Clerk, the original copy of all franchises granted by the City, all agreements and contracts entered into by or on behalf of the City, and 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) Call to the attention of the City Commission and the City Manager all matters of law and changes or developments in the law that affect the City.

(f) Perform such other duties as are prescribed by this Charter or the City Commission.

Section 3.18 City Assessor; Appointment.

The City Commission shall select and appoint a person or company as the City Assessor, at the compensation approved or contracted by the City Commission. The Assessor shall serve at the pleasure of the City Commission.

Section 3.19 City Assessor; Responsibilities and Duties.

The Assessor shall possess all the powers vested in and all the duties imposed upon assessing officers by the laws of the State. The Assessor shall make and prepare all regular and special assessment rolls in the manner prescribed by the laws of the State and perform such other duties as are prescribed for the Assessor by the City Commission or the City Manager.

CHAPTER IV. GENERAL PROVISIONS REGARDING OFFICERS AND PERSONNEL OF THE CITY

Section 4.1 Qualifications of Mayor and City Commissioners.

The Mayor and City Commissioners must meet the following requirements:

1. Be residents of the City for at least one year immediately prior to the last day for filing petitions for such office or prior to the time of their appointment to fill a vacancy; and,

2. Be registered electors of the City.

Members of the City Commission shall remain residents of the City during their entire term of office.

The City Commission shall be the sole judge of the election and qualifications of its members, subject only to review by the court.

No person shall be eligible for any elective or appointive City office who is in default to the City. Any person who is currently in office and becomes in default to the City must eliminate the default within thirty (30) days, or contest the liability in good faith. Failure to do so will result in automatic removal from office.

Section 4.2 Vacancies in Office.

If any one or more of the following events occurs before the terms of any elected official expires, the office shall automatically become vacant, and the event(s) giving rise to the vacancy shall be recorded in the minutes of the next regular City Commission meeting occurring after the vacancy:

(a) A State law creating a vacancy takes effect with respect to the elected official of the City.

(b) The elected official of the City is continuously absent from the City for more than thirty (30) days without the authorization of the City Commission.

(c) The elected official of the City is convicted of any act constituting misconduct in office under the provision of this Charter, a City ordinance or State law.

(d) The Mayor or other member of the City Commission misses four (4) consecutive regular meetings of the City Commission or 25 percent (25%) of the meetings in any fiscal year of the City, unless such absence is excused by the City Commission and the reason for the absence is entered in the proceedings of the City Commission.

(e) The elected official refuses to take the Oath of Office.

(f) The elected official is recalled from office in an election.

(g) The elected official files and does not withdraw a written statement of resignation with the City Clerk before the City Commission accepts the resignation.

Section 4.3 Resignation of Elected Officials.

In all cases, the City Commission shall vote on the question of accepting a written statement of resignation filed with the City Clerk at its next regular or special meeting.

Section 4.4 Filling Vacancies in Elective Offices.

If a vacancy occurs in any elective office, except by reason of recall, the City Commission, within forty-five (45) days after the vacancy occurs, shall appoint a qualified person to the vacant position to serve until a successor is elected at the next general municipal election.

The City Commission shall develop and maintain a process for filling vacancies.

If three (3) or more vacancies in the position of City Commission exist simultaneously, the City Clerk shall call a special election as soon as is legally possible for the purpose of filling the vacancies. The remaining City Commissioner(s) shall have the authority to take whatever legal actions are necessary to provide for the special election and to appoint the number of Commission members required to constitute a quorum, who shall hold office only until the member's successor is elected and qualified.

Section 4.5 Change in Term of Office.

The City Commission shall not shorten or lengthen the term of any elected official, except that elected officials of the City shall continue to hold office until their successors are elected and have qualified.

Section 4.6 Oath of Office and Bonds.

Every City Officer and elected City Officials shall take the Oath of Office prescribed by the Constitution of the State and shall file the same with the City Clerk, together with any bond this Charter or the City Commission may require. Officers and elected City Officials who refuse to comply with the provisions of this section within ten (10) days after the beginning of a term of office or date of appointment shall be considered to have declined the office. The office shall then become vacant unless the City Commission extends the time in which the individual may qualify as required in this section.

Section 4.7 Surety Bonds.

The City Commission may determine that a City officer or employee shall be covered by a surety bond or a fidelity bond, and the dollar amount of the coverage. The City shall pay for the bond. All bonds for City officers or employees shall be filed with the City Clerk.

Section 4.8 Financial Interests Prohibited.

No City officer shall have any financial interest, directly or indirectly, (other than the common public interest) in the profits of any contract, job, work, or service to be performed for the City. This prohibition may be waived upon public declaration of such conflict of interest and the waiver approved by a four-fifths (4/5) vote of the City Commission or by unanimous vote of the remaining City Commissioners if the conflict involves a City Commissioner. No officer of the City shall personally, or as an agent, provide any bond which is subject to approval by the City Commission. Any officer of the City who violates the provisions of this Section shall be guilty of misconduct in office. This section shall be applicable to the extent permitted by MCL 15.328, which regulates certain City contracts involving City officials and City employees.

Section 4.9 Unlawful Discrimination and Civil Rights

In the exercise of their powers or in the performance of their duties, all officials, officers, appointees and employees of the City shall ensure that no individual or group engaged in the conduct of official business or seeking to do business with the city is unlawfully discriminated against because of any characteristic protected under federal, state, or local law.

The City and all its agencies shall ensure that the state and federal constitutional rights of all persons are not denied or abridged.

Section 4.10 Appointments, Removals, and Promotions.

Appointments, removals, and promotions of officers and employees of the City shall be based upon their qualifications and performance of duties.

Section 4.11 Employee Benefit Programs.

The City Commission may make available to the officers and employees of the City a plan of group life, health care, and accident insurance. The City Commission may provide a retirement system for employees of the City.

CHAPTER V. ELECTIONS

Section 5.1 Qualifications of Electors.

All residents of the City having the qualifications of an elector in the State of Michigan, or who will have such qualifications at the time of the next regular or special election, shall be entitled to register as an elector of the City.

Section 5.2 Election Procedure.

The election of City Commissioners and the Mayor shall be conducted on a nonpartisan basis. The general election statutes of the State shall apply to and control all procedures relating to voter registration and City elections, except as such statutes relate to political parties and partisan procedure and except as otherwise provided in this Charter.

The City Clerk shall notify the public of the time and place of holding any City election, the officers to be elected, and the questions to be voted upon. The City Clerk shall comply with the requirements of State election laws as they relate to giving public notice of elections.

The polls of all elections shall be opened and closed at the time prescribed by State law.

Section 5.3 Wards and Precincts.

The City of Big Rapids shall consist of one (1) ward. The City Election Commission may from time to time establish, by resolution, one or more election precincts in accordance with the requirements of Chapter XXVIII of the Michigan Election Law, MCL 168.654, et seq.

Section 5.4 Election Date.

A general municipal election shall be held in the City on the Tuesday after the first Monday in November of every odd numbered year. All other municipal elections shall be known as Special Municipal Elections.

Section 5.5 Terms of Office of Elected Officials.

There shall be a general municipal election in odd years at which the voters shall elect at large two (2) persons to the office of City Commissioner to serve four (4) year terms. At alternating general municipal elections held every four (4) years, the voters shall elect at large a Mayor to serve a four (4) year term. The terms of office shall commence on the first City Commission meeting in the January following the election, provided, however, the current office holders will serve out their full term.

In the event an election to fill the remaining portion of an unexpired term in the office of City Commissioner is conducted, the candidate receiving the highest number of votes for the vacant term shall be elected. If more than one City Commissioner is to be elected to fill the remainder of unexpired terms, the candidate for the unexpired term receiving the next highest number of votes shall also be elected. Persons elected to serve remaining portions of terms shall take the oath of office on the first City Commission meeting following the election.

No person shall serve as a City Commissioner for more than three (3) consecutive terms, or as Mayor for more than two (2) consecutive terms. One (1) year out of office shall qualify a person to serve as a City Commissioner or Mayor. An incumbent Mayor or other member of the City Commission shall not qualify to become a candidate for any elected office who, if elected, could not serve the full term without violating the tenure provision of this Subsection.

Section 5.6 Special Elections.

Special municipal elections shall be held when called by resolution of the City Commission, or when required by this Charter or the laws of the State. Any resolution calling a special election shall state the purpose of such election and no special election shall be held within sixty (60) days of the date of the adoption of the resolution. All provisions contained herein for holding regular elections shall apply to special elections. No franchise, grant, or license shall be submitted to the electors at a special election unless the expense of holding that election, as determined by the City Commission, is paid to the City Treasurer in advance by the petitioner for the franchise, grant, or license.

Section 5.7 Election Commission.

The City Clerk, Mayor, and City Attorney, together, shall constitute the Election Commission and the City Clerk shall be chairperson. The Election Commission shall appoint the Board of Election Inspectors for each voting precinct and have charge of all activities and duties required by State law, this Charter, and any City ordinance relating to the conduct of municipal elections. The compensation of election inspector personnel shall be determined by the Election Commission and approved by the City Commission. In any case, where the appropriate election procedure is in doubt, the Election Commission shall prescribe the procedure to be followed. Two (2) members shall constitute a quorum. Members of the Election Commission shall be paid no compensation in addition to their annual salary or contracted compensation.

Section 5.8 Nominating Petitions.

The City Clerk shall inform the public by published notice of the latest date and time for filing nominating petitions and of the number of persons to be nominated to each office. This notice shall appear not less than ten (10) days prior to the deadline for filing nominating petitions. Nominating petitions shall be presented and filed pursuant to State Law.

A person seeking to qualify as a candidate for any elective office under this Charter shall file with the City Clerk a properly completed nominating petition secured from the Office of the City Clerk. The form of the nominating petition shall be substantially as that required by State law for nonpartisan petitions. The City Clerk shall maintain a supply of official petition forms and, upon request, furnish a reasonable number of nominating petitions.

A qualifying nominating petition shall include the signatures of at least twenty-five (25) but not more than forty (40) registered electors of the City. Each petition shall contain the name of only one (1) candidate. A person shall not sign more nominating petitions for the same office than there are persons to be elected to the office. If a qualified and registered voter signs nominating petitions for a greater number of candidates for public office than the number of persons to be elected thereto, their signatures, if they bear the same date, shall not be counted upon any petition and if they bear different dates shall be counted in the order of their priority of date for only so many candidates as there are persons to be elected.

Each candidate for elective office shall file with their petition an Affidavit of Identity as provided by State law. The affidavit shall include the name, address, and any other information the State law requires to satisfy the City

Clerk regarding the identity and legal qualifications of the candidate to hold office in the City. Failure to file the affidavit with the nominating petition shall invalidate a candidate's petition.

Section 5.9 Approval of Petitions.

The City Clerk shall accept for filing only such nominating petitions for qualified candidates as are on official forms, which contain the required number of signatures. The City Clerk shall mark the time and date on the petition as it is filed.

Within three (3) business days after receiving any nominating petition, the City Clerk shall determine the sufficiency of the signatures on each petition. If any petition is found not to contain the required number of legal signatures, the City Clerk shall immediately notify the candidate of the insufficiency of the petition.

A new petition may then be signed by additional electors and, not later than three (3) business days after the petition was returned to the petitioner, again filed with the City Clerk. In no case shall an original or amended petition be filed and accepted after the latest date and time for filing petitions. The City Clerk shall examine the amended petition and determine whether the petition can be certified.

If either the original or the amended petition of nomination contains the appropriate number of signatures, the City Clerk shall mark the petition as APPROVED, indicate the date of the approval, and file the petition.

Section 5.10 Public Inspection of Petitions.

All nominating petitions shall be open to public inspection in the office of the City Clerk.

Section 5.11 Acceptance/Rejection of Nomination.

Not later than three (3) business days after the deadline for filing nominating petitions, any person whose name has been presented as a candidate shall file with the City Clerk a signed statement accepting or rejecting the nomination. The statement shall be substantially as outlined below. The name of a person rejecting a nomination shall not be printed on the ballot.

The statement shall be substantially in the following form:
STATE OF MICHIGAN)
COUNTY OF MECOSTA) ss
CITY OF BIG RAPIDS)
I,___, having been nominated for the office of____in the City of Big Rapids, hereby accept [ ] / reject [ ] the nomination. I have not become, and am not a candidate as the nominee or representative of, or because of any promised support from any political party, or any committee or convention representing or acting for any political party or organization.

Signed:
Date:

Section 5.12 Certification of Petitions.

The City Clerk shall prepare and submit to the County Clerk for ballot preparation a certification containing the following:

(a) The names qualified to be printed on the election ballot, the offices for which they have filed petitions, and whether the candidates are to be elected to a full term or the remaining portion of an unexpired term and

(b) The ballot questions.

Section 5.13 Form of Ballots.

The form, printing, and numbering of ballots and ballot labels used in each general municipal election shall conform to the requirements of State law for nonpartisan elections.

Section 5.14 Canvass of Votes.

City elections shall be canvassed according to State law.

Section 5.15 Recount.

Any candidate for City office, or with respect to a proposition, any City elector, may petition the City Clerk for a recount of the votes cast in any City election. The petition for recounting votes and the manner of conducting the recount shall conform to the provision of State law.

Section 5.16 Recall.

An elected official may be recalled from office by the electors of the City in a manner provided by State law. A vacancy created by the recall of any elected official shall be filled according to the provisions of State law.

CHAPTER VI. PROCEDURES FOR THE CITY COMMISSION

Section 6.1 City Commission Meetings.

City Hall shall be the regular meeting place for the City Commission. However, upon giving public notice of at least eighteen (18) hours, it may hold meetings in other locations in the City. The City Commission shall always meet at locations where the public has the opportunity to observe City Commission deliberations. At its first meeting in January, the City Commission shall adopt by resolution a schedule of its regular meeting day and time. At that or the next meeting, the City Commission shall adopt its rules of procedure.

Section 6.2 Special Meetings.

Special meetings of the City Commission may be called by the Mayor, City Manager, or any two City Commissioners, with notice provided as required by State Law. The City Clerk shall personally notify each member of the City Commission of the time, date, purpose, and location of a special meeting at least eighteen (18) hours in advance. The City Clerk shall also post a public notification of the special meeting per the Open Meetings Act.

If four (4) members are present at a special meeting held inside the City, the City Commission may conduct any business that may come before a regular meeting of the City Commission. The City Commission shall determine in its rules and procedures the manner of proceeding in special meetings. Emergency meetings of the City Commission may be called under the provisions of State Law.

Section 6.3 Special Meetings Outside the City.

The City Commission may hold special meetings in locations outside the City, which shall be limited to subjects or purposes, which require the City Commission to meet outside the City. The business at any special meeting of the City Commission held outside the City shall be limited to hearings and discussions. All resolutions, ordinances, and decisions of the City Commission must be adopted or made at a meeting held within the City.

Section 6.4 Meetings to be Public.

Business of the City Commission shall be conducted at a public meeting in accordance with the provisions of the State Open Meetings Act, MCL 15.261 et seq. However, the City Commission may meet in sessions closed to the general public for the purposes and in the manner provided by State law. In its rules of procedure, the City Commission shall provide citizens a reasonable opportunity to address the City Commission.

Section 6.5 Quorum.

Three (3) members of the City Commission shall constitute a quorum for transacting the business of the City Commission. If a quorum is not present, the meeting may be adjourned to a later day and time.

Section 6.6 Voting and Publication of Minutes.

The City Clerk shall call the name of each City Commissioner for his or her vote on all ordinances and resolutions and record each vote in the journal. However, when the Mayor has determined that the vote is unanimous and no City Commissioner objects, the Mayor may direct the City Clerk to record in the journal a unanimous vote. Each City Commissioner shall vote on all questions before the City Commission unless excused by unanimous consent of the members present or as otherwise required not to vote by Section 3 of MCL 15.323.

A City Commissioner shall not vote on any question in which they have a financial interest greater than that of the general public or on any question concerning their own official conduct.

The official proceedings of the City Commission, or a synopsis showing the substance of each separate proceeding, shall be published in available media in the City within fifteen (15) days after each meeting of the City Commission. If a synopsis is to be published, it shall be prepared by the City Clerk or their designee. The official proceedings of the City Commission shall be kept in the English language.

Section 6.7 Compulsory Attendance at Meetings.

By vote of at least two (2) members of the City Commission at a regular or special meeting, City officers may be compelled to attend the regular or special meetings of the City Commission. Any City officer who is informed of the vote to require attendance and refuses to attend may be charged with misconduct in office.

Section 6.8 Committees.

The City Commission shall have no standing committees. However, as the City Commission's rules of procedures permit, the Mayor may establish committees of the City Commission for limited periods to carry out specific responsibilities.

Section 6.9 Investigations.

The City Commission, or any person or committee authorized by it for the purpose, shall have power to inquire and investigate into the conduct of any department, office, officer or other matters pertaining to the City. For these purposes, the City Commission or its designee may subpoena witnesses, administer oaths, and compel the presentation of books, papers, and other evidence. Failure on the part of any officer of the City to comply with orders issued under the provisions of this Section shall constitute misconduct in office and is punishable by a civil fine of up to five hundred ($500) dollars as implemented by ordinance.

The City Commission shall have the power to act as a quasi-judicial agency over matters to be adjudicated as provided and described by ordinance. For these purposes, the City Commission may subpoena witnesses,

administer oaths, make findings of fact, rule on the admissibility of evidence presented to it, and compel the presentation of books, papers, records, and other evidence. Failure to comply with a subpoena or order to produce evidence issued by the City Commission shall be punishable by a civil contempt finding and a fine of up to five hundred ($500) dollars as implemented by ordinance.

CHAPTER VII. CITY LEGISLATION

Section 7.1 Validity of Ordinances.

Unless an ordinance expressly provides differently, any portion of an ordinance or the application thereof to any person or circumstance found to be invalid by a court shall not affect the remaining portions of the ordinance if they can be given effect without the invalid portion or application.

Section 7.2 Compilation, Codification, and Publication of Charter and Ordinances.

The City Commission shall provide for the compilation or codification of the Charter and all city ordinances at least annually.

All ordinances enacted by the City Commission shall be recorded and retained by the City Clerk.

Section 7.3 Form of Ordinances.

All legislation of the City shall be by ordinance or by resolution. All laws of the City Commission imposing a penalty for violating the law shall be by ordinance. Each ordinance shall be identified by a number and a short title. Each proposed ordinance shall be introduced in written or printed form. The style of all ordinances passed by the City Commission shall be "The City of Big Rapids ordains." Ordinances may provide for the punishment of violators, but no punishment shall exceed limits set by State law.

A resolution, as used in this Charter, shall be an official action of the City Commission and shall be limited to matters pertaining to the internal policy and affairs of the City government or to matters required or permitted to be done by resolution by this Charter or by State or Federal law. The City Commission may adopt a resolution upon the affirmative vote of not less than three of its members. The City Commission may adopt procedural motions upon the affirmative vote of a majority of City Commissioners present.

Section 7.4 Actions Requiring Super Majority.

The City Commission may enact, revise, amend, or repeal ordinances by the affirmative vote of not less than four (4) City Commission members. When revising or amending an ordinance, the City Commission shall enter the changes in each of the affected sections. The City Commission may repeal an ordinance by reference to the number and title only.

The City Commission may, only with the affirmative vote of at least four (4) of its members:

(a) create or abolish an office,

(b) impose a tax or assessment,

(c) close a street, alley or public ground,

(d) sell or dispose of real estate or any interest therein,

(e) take private property for public use,

(f) reconsider or rescind any vote of the City Commission,

(g) or appropriate any money

Section 7.5 Effective Date of Ordinances.

Each ordinance shall include an effective date and take effect at that time unless the ordinance imposes a penalty, in which case the effective date of the ordinance shall not be less than twenty (20) days after the date of its publication. No ordinance shall become effective until it is published in accordance with the provisions of this Chapter.

Section 7.6 Publication of Ordinances.

Each ordinance shall be published after its enactment in one of the following two methods:

(1) The full text may be published in a newspaper of general circulation in the City of Big Rapids or by posting to the City's website or by any other means or method determined by the City Commission appropriate to properly inform the general public, or

(2) In cases of ordinances over five hundred (500) words in length, a summary of the ordinance may be published in a newspaper of general circulation in the City of Big Rapids or by posting to the City's website or by any other means or methods determined by the City Commission appropriate to properly inform the general public, including with such publication, a notice that printed copies of the full text of the ordinance are available for inspection and distribution to the public at the Office of the City Clerk. Printed copies shall be available at time of publication.

Section 7.7 Public Health, Safety and Environmental Stewardship.

The City Commission shall provide for the public peace, health, and welfare of City residents, for the safety of persons and property. The City Commission may delegate its powers and duties to City officers, departments, and agencies. The City Commission shall oversee the execution of these fundamental purposes of the City.

The City will avail itself of all opportunities to promote positive environmental stewardship and conservation of resources through regulatory and non-regulatory means at its disposal. It will consider the environment of the City to be a public trust resource and encourage its citizens to conserve natural resources. The City will also consider the environment in its purchase of City services, planning activities, and daily operations.

Section 7.8 Licenses.

The City Commission, by ordinance, shall prescribe the terms and conditions upon which licenses may be granted, suspended, or revoked. The City may require payment of a reasonable fee for any license. If the pertinent ordinance so requires, the person receiving a license, before receiving the license, shall execute a bond to the City as described by the ordinance.

Section 7.9 Streets and Alleys.

Except as limited by State law and this Charter, the City Commission is authorized to establish, vacate, use, patrol and regulate its streets, alleys, bridges, and public places as well as the space above and beneath them whether they are located in or outside the City. Such power shall include, but not be limited to: the proper policing and supervision of public places; licensing, regulating or prohibiting the placement of signs, awnings, awning posts and other things which impede or make dangerous the use of sidewalks or streets; licensing and regulating of construction and use of openings of sidewalks and streets, and of all vaults, structures and excavations under the

same.

When the City Commission proposes to vacate, discontinue, or abolish any highway, street, lane, alley or public ground or any part thereof, it shall set a time for a public hearing to hear objections to the proposed action. The City Clerk shall provide public notice of the public hearing in the manner prescribed by ordinance or resolution. The public hearing shall not be held less than twenty-eight (28) days before the date of the proposed action. Written objections to the proposed action may be filed with the City Clerk.

Section 7.10 Initiative and Referendum.

By submitting a petition to the City Clerk, electors of the City may propose an ordinance to the City Commission or call for a referendum on an ordinance enacted by the City Commission. To qualify, a petition must:

(a) Have been approved as to form by the City Attorney prior to being circulated.

(b) Have been signed by registered electors equal in number to twenty-five percent (25%) of the votes cast for Mayor in the most recent general municipal election.

(c) Have signatures that were obtained within the sixty (60) days preceding the filing of the petition with the City Clerk.

(d) Contain the full text of the proposed ordinance and shall follow the general form of petitions provided by State law and comply with the general standards for petitions established by State law.

(e) Be filed with the City Clerk who shall have fifteen (15) days to determine the sufficiency of the petitions and to so certify. If the City Clerk finds the petition to be insufficient or improper, the City Clerk shall immediately notify the person who filed the petition. The person shall then have fifteen (15) days from such notification to file supplemental petition papers. When the City Clerk determines the petition is sufficient and proper, the City Clerk shall present the petition to the City Commission at its next regular meeting.

Section 7.11 City Commission Procedure on Petitions.

Upon receiving an initiatory or referendary petition the City Commission, within thirty (30) days, shall either:

(a) Adopt the ordinance as submitted by an initiatory petition;

(b) Repeal the ordinance referred to by a referendary petition; or

(c) Determine to submit the proposal provided for in the petition to the electors.

Section 7.12 Submission to Electors.

Should the City Commission decide to submit the proposal to the electors, it shall be submitted at the next election held at the City for any other purpose, or, in the discretion of the City Commission, at a special election. The result shall be determined by a majority vote of the electors voting on the question.

Section 7.13 Ordinance Suspended.

Certification of a referendary petition shall automatically suspend the ordinance in question, pending repeal by the City Commission or determination by the electors.

The City Commission may not amend or repeal an ordinance adopted by the electorate through initiatory proceedings for a period of two years after the date of the election at which it was adopted and, then, only by the

affirmative vote of four (4) members of the City Commission.

Section 7.14 Conflicting Ordinances.

Should two (2) or more ordinances adopted at the same election have conflicting provisions, the ordinance receiving the highest number of votes shall prevail as to the conflicting provisions.

Section 7.15 Continuation of Existing Ordinances.

All ordinances of the City in effect at the time this Charter becomes effective shall remain in effect.

CHAPTER VIII. GENERAL FINANCE, BUDGET, AUDIT, PURCHASING

Section 8.1 Fiscal Year.

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

Section 8.2 Budget Procedure.

Each officer and department head shall present to the City Treasurer an estimate of the expenditures during the next fiscal year for the department and programs under their control by the timeline that is provided by the City Treasurer. The Planning Commission shall make recommendations on the capital improvement program which shall be submitted to the City Commission. Under the direction of the City Manager, the City Treasurer and department heads shall prepare a complete budget plan for the next fiscal year and submit it to the City Manager or designee for presentation to the City Commission.

Section 8.3 Budget Document.

The budget document shall present a complete financial plan for the ensuing fiscal year. It shall include at least the following information:

(a) Expenditures proposed by the City Manager for each City department and program by operating fund, showing the expenditures for corresponding categories or programs for the current and prior fiscal year and reasons for any recommended substantial increase or decrease.

(b) Statements of the City's bonded and other indebtedness showing the debt redemption and interest requirements, the debt authorized and unissued, and the balance of all debt reserve funds.

(c) Estimates of all anticipated City revenues by fund from sources other than general taxes and borrowing, and the amounts received by the City from each of the same, or similar sources, during the prior and current fiscal year.

(d) A statement of the estimated fund balance at the end of the current fiscal year and the next fiscal year.

(e) An estimate of the amount to be raised from current and delinquent taxes and borrowing which, together with income from other sources, will be necessary to pay the proposed expenditures.

(f) Such other supporting schedules and information as the City Commission considers necessary or State law requires.

Section 8.4 Budget Hearings.

The City Commission shall conduct a public hearing on the annual budget before its final adoption. The City Clerk shall publish a notice of the public hearing at least one week prior to the hearing. A copy of the proposed budget shall be on file and available to the public for inspection at the office of the City Clerk for at least one week prior to the public hearing.

Section 8.5 Adoption of Budget and Tax Limits.

The City Commission shall adopt a balanced budget for the next fiscal year by the first Monday in June. In its adopting resolution, the City Commission shall determine the amount to be raised by tax upon real and personal property for City purposes. The levy shall not exceed fifteen (15) mills of the taxable valuation of all real and personal property subject to taxation in the City. However, the tax rate shall not be increased by more than two (2) mills in one (1) year and not more than five (5) mills in three (3) years. These limits shall not restrict the City Commission's authority to impose additional millage to pay the principal and interest on bonds approved by the electorate.

Section 8.6 Transfer of Appropriation.

After the budget has been adopted, all money drawn from the City treasury and obligations to expend money incurred shall be consistent with the amounts appropriated and purposes stated in the budget. The City Commission may transfer any part of an unencumbered appropriation balance from one department account to another. All general fund unobligated appropriations at the end of a fiscal year shall revert to the general fund and may be reappropriated during the next fiscal year.

Section 8.7 Budget Control.

The City Treasurer shall report to the City Commission at least once each calendar quarter on the fiscal condition of the City. If it appears that expenditures will be greater than the sum of projected revenues and other available funds, the City Treasurer shall recommend appropriate actions to the City Commission. The City Commission shall reduce appropriations to the extent necessary to prevent any negative fund balance at the end of the fiscal year. The City Commission shall not reduce appropriations required to pay current debt and interest charges.

Section 8.8 Receiving, Depositing, and Investing City Funds.

The City Treasurer shall receive all City money, regardless of the source, and shall deposit it promptly in depositories designated by the City Commission. The City Commission shall provide for the security of City money as is authorized or permitted by State law. Personal surety bonds shall not be considered proper security. The City Manager and City Treasurer shall propose, and the City Commission shall adopt a policy governing the placement of City money. Among the matters to be covered in the policy approved by the City Commission are the following:

(a) Minimum security standards for financial institutions acting as depositories for City money;

(b) The types of interest-bearing investments, consistent with State law, the City Treasurer may make with City funds;

(c) The general performance standards for investment of City money;

(d) The frequency of the City Treasurer's reports on City investments; and

(e) The practices regarding the crediting of interest earnings.

Section 8.9 Independent Audit and Manager's Report.

The City Commission shall contract for an independent audit of all accounts of the City government at least once each year. The audit shall be made by certified public accountants experienced in municipal accounting. In no case shall the City Commission approve or extend a contract to have the same firm audit City accounts for more than ten successive years. The results of the audit shall be available in the office of the City Clerk for public inspection.

The City Manager or designee shall produce an annual report of City business. The report, to be made available to the residents of the City, shall disclose facts describing the activities and financial transactions of the City in summary form.

Section 8.10 Purchasing Procedure: Bids, Contracts, Regulations.

Detailed purchasing and contracting procedures shall be established by ordinance, which shall be reviewed and approved annually by the City Commission when adopting the budget. The City Manager shall be responsible for City purchasing in a manner consistent with City ordinances.

The ordinance shall provide the monetary limit within which purchases may be made by Department Heads, not to exceed a quarter of a percent (0.25%) of the original budgeted operational expenses of the General Fund in the given fiscal year.

Purchases exceeding the ordained limit require formal approval by the City Manager or City Commission. Such purchases require sealed bids, evidenced by written contract. Competitive prices for purchases and public improvements shall be obtained, and the purchase made from, or the contract awarded to, the qualified bidder, as regulated by the purchasing ordinance. Exceptions to the requirement for formal sealed bids include the following:

(a) The City Manager may authorize the making of public improvements or the performing of any other City works by any City department or agency without competitive bidding.

(b) Upon written recommendation from the City Manager, the City Commission may waive the requirement of formal sealed bids for a purchase by an affirmative vote of four (4) or more City Commissioners determining that it would be in the City's best interest to do so.

(c) When the City Manager determines that obtaining competitive bids for a proposed purchase is not in the City's best interest, because the purchase involves a specialized product that is provided by only one supplier, only one supplier typically submits bids for the product, or in other similar circumstances, the City Manager may authorize the purchase without competitive bidding. The City Manager shall report all instances of such authorizations to the City Commission at its next regularly scheduled meeting.

The ordinance shall also provide the monetary limit within which purchases may be made and contracts for services entered into by the City Manager, in accordance with the approved budget, without the necessity of Commission approval, not to exceed three quarters of a percent (0.75%) of the original budgeted operational expenses of the General Fund in the given fiscal year.

Section 8.11 Emergency Purchasing.

In the event of an emergency, the City Manager may temporarily suspend one or more provisions of Section 8.10. In declaring an emergency under this section, the City Manager shall:

(a) Obtain a formal, written request from the appropriate department head, describing the reason why emergency status is justified; the scope of the emergency; the estimated cost of the purchases or services needed to address the emergency; proof of sufficient budgetary funds; and a timeline of how and when the funds will be used.

(b) Determine and approve the anticipated term of the emergency, which shall not exceed one hundred and twenty (120) days.

(c) Report the temporary suspension to the City Commission at its next meeting, including the information described above in subsections (a) and (b).

CHAPTER IX. TAXATION

Section 9.1 Power to Provide Funds.

The City shall have the power to assess and collect taxes. The City shall also have the power to establish and collect rents, tolls, and excises.

Section 9.2 Subject of Taxation.

Property subject to ad valorem taxation for City purposes shall be that defined by State law. City taxes shall be levied, collected, and returned in the manner provided by State law.

Section 9.3 Board of Review.

The City Commission shall establish a Board of Review and appoint five (5) City residents to the Board for two (2) year terms. The terms shall be staggered so that not more than three (3) terms expire each year. Vacant board positions shall be filled in accordance with Section 3.5 (e) of this Charter. The City Commission shall establish the compensation for board members. The Assessor shall be the Clerk of the Board of Review but shall not vote on Board actions. The Mayor, with the consent of the City Commission, may remove any member of the Board of Review for misconduct or neglect of duty.

Section 9.4 Meeting of the Board of Review.

The Board of Review shall perform in the City those duties assigned by State law. The Board of Review shall elect its own chairperson at its first meeting in each calendar year. If the chairperson is absent, those in attendance may elect a member to be temporary chairperson.

Section 9.5 Notice of Meetings.

The Assessor shall give notice of the time and place of the meeting of the Board of Review according to State law.

Section 9.6 Duties of Board of Review.

The Board of Review shall consider the verbal or written complaints of all persons considering themselves aggrieved by assessments. If, in the judgment of the Board, property has been improperly classified, assessed, added to, or omitted from the roll, the Board shall correct the roll as it considers appropriate and consistent with State law. After the Board of Review has completed its review of the assessment roll, a majority of its members shall sign and certify the roll according to State law.

Section 9.7 Assessment Roll.

The Assessor shall spread upon the approved assessment roll the amounts determined by the City

Commission to be charged, assessed, or reassessed against persons or property in accordance with State law.

Section 9.8 Tax Roll Certified for Collection.

The Assessor shall create and certify the tax roll and attach their warrant to the roll and thereby direct and require the City Treasurer to collect from the persons named in the roll the amounts shown opposite their respective names as a tax or assessment.

Section 9.9 Taxes Lien on Property.

City taxes shall be levied July 1st of each year for summer taxes, and December 1st of each year for winter taxes. The taxes levied on July 1st and December 1st, or later, as applicable, shall become a debt to the City from the persons against whom they are levied, as soon as they are levied. The amounts levied, together with all legal charges, shall be a lien upon the property taxed until they are paid. The City Treasurer shall have the authority and duty to collect the City taxes as granted and required by State law.

Section 9.10 Collection Fees and Interest.

All summer taxes may be paid or postmarked without penalty or interest up to and including September 15th of the same year. A one-time penalty of four percent (4%) will be added to any outstanding balances for the taxable period on September 16th, then interest of one-half of one percent (0.5%) per month, or part thereof, shall be added. If September 15th is a Saturday, Sunday, or a legal holiday, the City Treasurer shall receive tax payments on the next business day without additional charge. The City Commission, by resolution, may authorize the City Treasurer to accept partial payments on taxes and special assessments, together with interest and collection charges, through the following February, with any outstanding balances turned over delinquent to the County as of March 1st.

All winter taxes may be paid or postmarked without penalty or interest up to and including February 14th of the following year. A one-time penalty of four percent (4%) will be added to any outstanding balances for the taxable period on February 15th, then interest of one-half of one percent (0.5%) per month, or part thereof, shall be added. If February 14th is a Saturday, Sunday, or a legal holiday, the City Treasurer shall receive tax payments on the next business day without additional charge. The City Commission, by resolution, may authorize the City Treasurer to accept partial payments on taxes and special assessments, together with interest and collection charges, through the following February, with any outstanding balances turned over delinquent to the County as of March 1st.

Section 9.11 State, County and School Taxes.

For the purpose of assessing and collecting taxes for State, County, and school purposes, the City shall be considered the same as a township. All provisions of State law relative to collecting and accounting for taxes and fees to be paid, and the returning of property to the County treasurer for non-payment, shall apply to the City Treasurer. If school taxes are collected at the same time as City taxes, they shall be collected the same as City taxes.

Section 9.12 Failure to Pay Personal Property Taxes.

If any person fails to pay any tax imposed upon their personal property, the City Treasurer shall proceed to collect such taxes in accordance with procedures specified in State law.

CHAPTER X. BORROWING POWER

Section 10.1 General Borrowing Power.

Subject to the applicable provisions of State law and this Charter, the City Commission, by ordinance or resolution, may direct City officers to borrow money for any purpose within the scope of the powers vested in the City and to issue bonds or other evidence of City indebtedness. The City Commission shall not issue unlimited tax bonds without the approval of a majority of the electors voting in an election on a proposal to issue such bonds.

Section 10.2 Special Assessment Bonds.

The City Commission, subject to provisions of State law, may borrow money in anticipation of collecting special assessments made for the purpose of defraying the cost of any public improvement, or issue bonds in anticipation of collecting any combination of special assessments. The special assessment bonds may be solely an obligation of the related 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 assessments, and shall be used for no other purpose.

Section 10.3 Other Bonds.

The City may issue revenue, limited tax, or other types of bonds in the manner and for the purpose permitted by the Constitution and general laws of the State of Michigan.

Section 10.4 Preparation and Record of Bonds.

Bonds shall be prepared, issued, recorded, and paid according to state law.

Section 10.5 Unissued Bonds.

No bond of the City shall be sold to secure funds for any purpose other than that for which it was authorized. Any bond not sold within five years of its authorization, shall be void.

Section 10.6 Limitation on Indebtedness.

The City indebtedness shall be limited according to State Law.

CHAPTER XI. SPECIAL ASSESSMENTS

Section 11.1 City Commission Resolution.

The City Commission shall have authority, by resolution, to determine that the entire cost or any part of the cost of a public improvement is to be paid by special assessments on property specially benefited. The resolution shall state the estimated cost of the improvement, what proportion of the improvement's cost is to be paid by special assessment, and what part, if any, is to be paid by the City, and the number of installments in which assessments may be paid. The City Commission shall designate the district or the land and properties on which the special assessments are to be levied.

Section 11.2 Procedure Set by Ordinance.

The City Commission shall prescribe by ordinance the complete special assessment procedure concerning plans and specifications, estimating costs, notices of hearings, preparing the assessment roll, correcting errors, collecting special assessments and any other matters pertinent to the process of making improvements with special

assessments.

CHAPTER XII. MUNICIPAL UTILITIES

Section 12.1 General Powers.

The City shall possess, and hereby reserves to itself, all the powers granted cities by the Michigan Constitution and State law to own, operate, and maintain public utilities for supplying water, light, heat, power, communication services, gas, sewage treatment, and disposing or recycling of waste, as well as facilities for housing its citizens. The City may sell and deliver these and other services to residents in the City, and it may sell and deliver water, light, heat, power, gas and other utility services outside the City to the extent permitted by State law.

Section 12.2 Rates.

The City Commission shall have the power to set and change the rates for City utility services.

Section 12.3 Collection of City Utility Charges.

The City Commission shall provide by ordinance for the collection of all charges for city-owned public utilities. Such ordinances may provide that any amount due the City for utilities remaining unpaid shall be charged against the real property on which the service was rendered unless such bills are covered by deposits, or unless the owner-landlord has filed with the City an affidavit or lease as provided by State law. The amount of such unpaid bills shall be spread on the next regular City tax roll after the date on which such charge became due and payable and shall become a lien of the same character and effect as the lien created by State and County taxes unless the owner-landlord has filed with the City an affidavit or lease as provided by State law. If a utility customer fails to pay the City any amounts due on utility bills, or post any deposit required by City ordinance, the City may discontinue the service. The City may initiate a suit to collect the amounts due.

Section 12.4 Accounts.

The City shall maintain separate accounts for each public utility the City owns and operates. The accounting procedures used shall comply with State law and Generally Accepted Accounting Principles. After each fiscal year, the City shall produce a report on the financial results and make the report available for public inspection in the office of the City Clerk.

Section 12.5 Disposal of Utility Plants and Property.

The City Commission is not authorized to sell, exchange, lease, or dispose of any unexpendable assets belonging to any City utility system unless three-fifths (3/5) of those electors voting in an election thereon approve the proposition for such purpose. The provisions of this Section, however, shall not apply to the sale or exchange of equipment which is worn out or useless or which, with advantage to the service, could be replaced by new and improved machinery or equipment.

CHAPTER XIII. CONTRACTS, FRANCHISES, PERMITS

Section 13.1 City May Perform Public Works.

The City Commission shall have the authority to do any public work or make any public improvement by employing the necessary labor and purchasing necessary supplies and materials. Alternatively, the City Commission

may accomplish a public work or improvement by competitively bid contracts or by any legally constituted plan under which the labor is furnished by an agency of the United States government or the State of Michigan.

Section 13.2 Plans and Specifications.

The City Manager or designee is responsible for preparing plans and specifications, estimating the costs, advertising for bids, supervising, and approving the work for any public work or public improvement except where this Charter provides differently.

Section 13.3 Contracts.

Before the City enters into a written contract with a second party, the City Attorney shall draw or approve the instrument as to form. The officer charged with maintaining the City accounting system shall certify as to the sufficiency of funds. The letting and making of written contracts is vested in the City Commission. Copies of all written contracts shall be filed in the office of the City Clerk.

The City purchasing ordinance shall dictate the terms of any alterations or change orders to contracts.

No such order shall be effective until the price to be paid for the material and work under the altered contract has been agreed to and the order has been written and signed by the contractor and the City Manager, upon authority of the City Commission. The City Clerk shall attach to the original contract a copy of the signed agreement.

Section 13.4 Limitation on Leasing of City Property.

Any lease of City property made by the City Commission for a period longer than five (5) years shall be subject to referendum in the manner provided in Section 7.10 of the Charter relating to calling a referendum on ordinances. A petition calling for a referendum on a lease under this provision must be taken within thirty (30) days from the date of the lease. If a proper petition has not been filed with the City Clerk within thirty (30) days from the date of the lease, the lease shall be valid and binding. Before the City Commission grants a lease, the lessee shall file an unconditional acceptance of the terms of the lease with the City Clerk.

Section 13.5 Franchises.

A franchise which is not revocable at the will of the City Commission shall not be granted or become operative until it has been referred to the electors and approved by three-fifths (3/5) of the electors voting in the election thereon. All irrevocable public utility franchises and all renewals, extensions and amendments thereof shall be granted only by ordinance. The City Commission shall not refer such an ordinance to the electorate until the application has been on file for thirty (30) days or until a public hearing on it has been held. The ordinance shall not be submitted to an election to be held less than thirty (30) days after the grantee named therein has filed with the City Clerk an unconditional acceptance of all the terms of the franchise and the expense of holding the election has been paid to the City Treasurer by the grantee. The City shall not grant an exclusive franchise or a franchise for a term longer than thirty (30) years.

Section 13.6 Leases, Licenses and Franchises Remain in Effect.

All City leases, licenses and franchises in force when this Charter becomes law shall remain in full force and effect.

Section 13.7 Control and Revocation of Franchise.

The City Commission shall institute all actions or proceedings as may be necessary to prosecute a public utility company for violating its franchise, this Charter, or City ordinances. The City Commission may revoke, cancel, or annul any franchise which has become inoperative, illegal, or void.

Section 13.8 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 City. However, this enumeration is not to be construed as being exclusive or as impairing the right of the City Commission to insert conditions, requirements, or limitations in such franchises. With regard to public utility franchises, the City retains the rights:

(a) To repeal the same for misuse, non-use, or failure to comply.

(b) To require proper and adequate extension of plant, service, and maintenance 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.

(e) To impose such other regulations as may be determined by the City Commission to promote or protect the safety, welfare, and accommodation of the public.

Section 13.9 Use of Street 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 improving or maintaining streets, alleys, bridges and public places as shall arise from its use thereof, and shall protect and hold the City harmless from all damages arising from said use. The City may require every franchise to permit joint use of its property and appurtenances located in the streets, alleys and public places by the City and by other utilities insofar as such joint use may be reasonably practicable. The City Commission shall arbitrate the terms and conditions of joint use and the compensation to be paid. The City Commission's decision shall be final.

CHAPTER XIV. CITY PLANNING COMMISSION

Section 14.1 Planning Commission Organization.

The Planning Commission shall be formed by an ordinance adopted by the City Commission. Pursuant to Section 15 of the Michigan Planning Enabling Act, MCL. 125.3815, the Planning Commission shall consist of seven (7) members unless modified by the City Commission. Members shall be appointed by the Mayor, subject to approval by the City Commission. The City Manager or a staff designee shall serve as a non-voting ex-officio member of the Planning Commission and shall attend all meetings of the Planning Commission.

According to state law:

(1) Members of the Planning Commission may be compensated for their attendance at Planning Commission meetings as authorized by the City Commission;

(2) One (1) member of the Planning Commission may be an individual who is a qualified elector of a local unit of government other than the City of Big Rapids.

Section 14.2 Term of Office.

Terms of office for Planning Commission members shall begin on the first Monday in May and continue for three (3) years. The terms shall be staggered so that not more than three (3) members terms expire in any one (1) year. No person shall serve more than four (4) consecutive terms on the Planning Commission. However, a person appointed to fill a vacancy of which less than one-half (1/2) term remains may be appointed to four (4) consecutive full terms.

Section 14.3 Organization and Officers.

At the first meeting in May of each year, the Planning Commission shall elect a chairperson and secretary from its members, and other officers, as the Planning Commission deems necessary. No person shall serve as chairperson for more than three (3) consecutive years. A designee of the City Manager shall take minutes of the Planning Commission meetings and file the minutes with the City Clerk.

Section 14.4 Responsibilities and Duties.

The Planning Commission shall be an advisory board to the City Commission, and shall perform all of the responsibilities and duties provided by State law and City ordinance. Duties shall include the preparation and updating of a master plan and a capital improvements program for the City. The Planning Commission shall conduct public hearings and make recommendations to the City Commission on all rezoning requests or proposals, and the enactment of all zoning ordinance provisions or amendments. The Planning Commission shall make reports and recommendations to the City Commission on other matters the City Commission considers appropriate.

Section 14.5 Meetings.

The Planning Commission shall meet in regular session at least once each month, unless there is no business to be conducted. At the first meeting in May, the Planning Commission shall adopt a regular schedule of meetings for the next year. The Planning Commission shall adopt by-laws and rules of procedure for transacting its business.

Section 14.6 Removal from Office.

The City Commission may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. The Mayor and City Commission shall remove from office any member of the Planning Commission who is absent from three (3) consecutive meetings, unless the Planning Commission excuses the absences and enters the reasons for absences in its official minutes.

CHAPTER XV. COMPENSATION COMMISSION

Section 15.1 Compensation Commission.

A Compensation Commission shall be created and members appointed by the Mayor and approved by the City Commission, which shall be consistent with the requirements of MCL 117.5c. Unless otherwise specifically provided for in this Charter, the duties of the Compensation Commission shall be the review and determination of the salary, which may be paid to the Mayor and City Commissioners for services rendered.

The Compensation Commission shall meet in odd numbered years and make its recommendation to the City Commission at least sixty (60) days prior to the next City general election. Approval or rejection of the Compensation Commission's recommendation shall be in accordance with the Home Rule City Act.

CHAPTER XVI. LIBRARY BOARD

Section 16.1 Library Board Organization.

The Library Board shall consist of five (5) directors appointed by the Mayor subject to approval by the City Commission. No person shall receive compensation for serving as a Library Board director.

Section 16.2 Term of Office.

The term of office, beginning on the first Monday in May, shall be five (5) years. One (1) director shall be appointed each year, unless it is necessary to appoint more to fill vacancies. The term of office for directors may be changed by ordinance to neither less than two (2) years nor more than five (5) years. No board director shall serve more than two (2) consecutive terms, and no chairperson shall serve more than five (5) consecutive years. However, a person appointed to fill a vacancy of which less than one-half (1/2) term remains may be appointed to two (2) consecutive full terms.

Section 16.3 Organization and Officers.

On the first meeting in September each year, the Library Board shall elect one (1) of its directors as chairperson, and other officers as the Board deems necessary. The Library Director or the Library Director's designee shall take minutes of the Library Board meeting and file the minutes with the City Clerk.

Section 16.4 Management of Big Rapids Community Library.

The Library Board shall be responsible for the care and management of the Big Rapids Community Library. The Board shall make and adopt bylaws and regulations for governing the library. The Board shall select and appoint a Library Director and other employees as it deems necessary, subject to the budgetary approval of the City Commission.

Section 16.5 Library Fund.

All money donated or granted to the Library shall be deposited with the City Treasurer and credited to the Library Fund. The Library Board shall have exclusive control and supervision over the expenditure of money received for the Library Fund and of the rooms and buildings provided for library purposes subject to the restrictions provided by law, donors, or grantors. The City Treasurer shall release funds from the Library Fund only upon the properly authenticated vouchers of the Library Board.

Section 16.6 Annual Report.

The Library Board shall present to the City Manager its estimate of the amount of money that should be appropriated during the next fiscal year to operate the Library. The Library Board shall report to the City Commission each year on the finances, activities, and programs of the Library.

Section 16.7 Meetings.

At the first meeting in September, the Library Board shall adopt a schedule of its regular meetings for the next year, with at least nine (9) meetings each year. The Library Board shall adopt by-laws with rules of procedure for transacting its business.

Section 16.8 Removal from Office.

The Mayor, with the consent of the City Commission, may remove any member of the Library Board for misconduct or neglect of duty. The Mayor and City Commission shall remove from office any member of the Library Board who is absent from three (3) consecutive meetings, unless the Library Board excuses the absences and enters the reasons for absences in the Board's official minutes.

Section 16.9 Donations.

Any person making donations of money, personal property, or real estate for the benefit of the Big Rapids Community Library may vest the title of the donated property in the Library Board. When the Library Board accepts the property, it shall hold and manage the property according to its power granted by the state law and the terms of the deed, gift, devise, or bequests.

CHAPTER XVII. PARKS AND RECREATION BOARD

Section 17.1 Parks and Recreation Board Organization.

The Parks and Recreation Board shall consist of no more than nine (9) and no fewer than seven (7) members. The City Manager, or a staff designee, shall be a non-voting ex-officio member of the Parks and Recreation Board and shall attend all meetings of that board.

Section 17.2 Term of Office.

Terms of office for Parks and Recreation Board members shall begin on the first Monday in May and continue for three (3) years. The terms shall be staggered so that not more than three (3) terms expire each year. No person shall serve more than three (3) consecutive terms on the Board. However, a person appointed to fill a vacancy of which less than one-half (1/2) term remains may be appointed to three (3) consecutive full terms.

Section 17.3 Organization and Officers.

At the first meeting in May each year, the Parks and Recreation Board shall elect one (1) of its members to be chairperson. In addition, the Parks and Recreation Board shall elect other officers as the Board deems necessary. A designee of the City Manager shall take minutes of the Parks and Recreation Board meetings and file the minutes with the City Clerk. No member shall serve as chairperson for more than three (3) consecutive years.

Section 17.4 Duties of Board.

The Parks and Recreation Board shall be an advisory board to the City Commission, and shall perform all of the responsibilities and duties provided by State law and City ordinances. Duties shall include providing guidance for the stewardship and management of all City parks, recreation and entertainment structures, playgrounds and resting places, and all trees, shrubs, and plants growing on City land, and determining new rules/policies and long-term plans for the same.

Section 17.5 Disposition of Revenues.

All revenues derived from park recreation and entertainment operations shall be deposited with the City Treasurer who shall credit them to the general fund. Funds donated or granted for park purposes shall be used only for the purposes agreed to in receiving the funds. The funds shall be placed in the appropriate restricted accounts and disbursed at the direction of the Parks and Recreation Board, subject to the approval of the City Commission.

Section 17.6 Amount to be Appropriated.

The Parks and Recreation Board shall present to the City Manager its estimate of the amount of money that should be appropriated for the next fiscal year to maintain the properties and conduct the programs under the jurisdiction of the Parks and Recreation Board. The Parks and Recreation Board shall report to the City Commission each year on its finances, activities, and programs.

Section 17.7 Meetings.

At the first meeting in September, the Parks and Recreation Board shall adopt a schedule of its regular meetings for the next year, with at least nine (9) meetings each year. The Parks and Recreation Board shall adopt bylaws with rules of procedure for transacting its business.

Section 17.8 Removal from Office.

The Mayor, with the consent of the City Commission, may remove any member of the Parks and Recreation Board for misconduct or neglect of duty. The Mayor and City Commission shall remove from office any member of the Parks and Recreation Board who is absent from three (3) consecutive meetings, unless the Parks and Recreation Board excuses the absences and enters the reasons for absences in its official minutes.

CHAPTER XVIII. CEMETERY BOARD

Section 18.1 City Cemetery.

The City Commission, within the limitations of this Charter, may appropriate money necessary to purchase and operate cemetery grounds. The City may own and operate such public burial places, either in or outside the City, as the City Commission considers necessary for the public welfare and convenience of residents of the City. Whenever the City owns and operates a cemetery, the Commission shall establish a Board of Cemetery Trustees.

CHAPTER XIX. MISCELLANEOUS

Section 19.1 No Estoppel by Representation.

No official of the City has authority to make any representation or recital of fact contrary to any franchise, contract, document, resolution, ordinance, agreement, or public record of the City. Any such representation or recital of fact shall be void and of no effect against the City.

Section 19.2 Records to be Public.

All records of the City shall be public and made available to the general public in accordance with the provisions of the State Freedom of Information Act.

Section 19.3 Headings.

The chapter and section headings used in this Charter are for convenience only and are not to be considered as part of this Charter.

Section 19.4 Effect of Illegality of Any Part of Charter.

Should any provision or section, or portion thereof, of this Charter be held by a court to be invalid, illegal, or unconstitutional, such holding shall not be construed as affecting the validity of this Charter as a whole or of any remaining portion of such provisions or section. It is hereby declared to be the intent of the Charter Commission and of the electors who voted on this Charter that such unconstitutionality or illegality shall affect only the validity of that part specifically affected by the holdings.

Section 19.5 Saturdays, Sundays and Holidays.

Whenever a date referred to in this Charter or by ordinance for doing or completing an act falls on a Saturday, Sunday, or legal holiday, the act shall be done or completed on the next succeeding City business day.

CHAPTER XX. SCHEDULE

Section 20.1 Election to Adopt this Charter.

This Charter shall be submitted to a vote of the qualified electors of the City at an election to be held on Tuesday, August 4, 2026 or Tuesday, November3, 2026. This election shall be conducted by the officers responsible for conducting and supervising elections, following election procedures provided by law.

Section 20.2 Form of Ballot.

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

"Shall the proposed Charter for the City of Big Rapids drafted by the Charter Revision Commission elected November 7, 2023 be adopted?"

Section 20.3 Effective Date of This Charter.

For all purposes not otherwise provided for in this Charter, if approved by the electors at the August 4, 2026 election, then this Charter shall take effect October13, 2026, or if approved by the electors at the November 3, 2026 election, then this Charter shall take effect on January 12, 2027.

Section 20.4 Continuation in Office.

The City Commission existing on the effective date of this Charter shall continue in office as provided for elsewhere in this Charter and no term of office shall be shortened or lengthened by operation of this Charter. All appointed officers and employees of the City shall continue in their respective offices and employment as though they had been appointed or employed in the manner provided in this Charter and shall, in all respects, be subject to the provisions of this Charter.

Section 20.5 Status of Schedule Chapter.

The purpose of this schedule chapter is to inaugurate the government of the City under this Charter and shall constitute a part of this Charter only to the extent and for the time required to accomplish this end.

Section 20.6 Resolution.

At the regular meeting of the Charter Revision Commission of the City of Big Rapids held on the 14th day of January, 2026, the following resolution was offered by Charter Revision Commissioner Stacey Weaver.

RESOLVED, that the Charter Revision Commission of the City of Big Rapids hereby adopts the foregoing proposed Charter for the City of Big Rapids, and the Clerk of this Commission is directed (1) to transmit a copy of this Charter to the Governor of the State of Michigan for approval in accordance with the statutes of the State, (2) to file with the City Clerk a copy of this Charter and (3) to cause this proposed Charter to be published in the Big Rapids Pioneer after approval by the Governor of the State of Michigan.

The resolution was seconded by Charter Revision Commissioner James Brown and adopted by the following vote:

Yeas: Brown, Cochran, Hogenson, Metz, Pacholka, and Weaver.

Nays: None

The Chairperson declared the foregoing resolution carried and requested the members of the Charter Revision Commission to authenticate said resolution and also the copies of the Charter to be presented to the Governor and filed with the City Clerk by signing this Charter.

Jennifer Cochran, Chairperson

James Brown

Anne Hogenson

Amy Metz

Foster Neill, Vice-Chairperson - Absent

Brian Pacholka

Stacey Weaver

I, Karen Manoski, City Clerk hereby certify that the foregoing is a true and complete copy of the proposed City Charter for the City of Big Rapids as adopted by the Big Rapids Charter Revision Commission at their regular meeting of January 14, 2026, and that said copy is that which the City Clerk was directed to forward to the Governor of the State of Michigan for approval.

Karen Manoski /s/,
City Clerk
January 14, 2026