

PART I CHARTER

ARTICLE I. – POWERS OF THE CITY

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Editor's note - Printed herein is the Montague City Charter, as adopted by the voters in 1994. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets

ARTICLE I. POWERS OF THE CITY

Sec. 1.01. Powers of the City.

Sec. 1.02. Construction.

Sec. 1.03. Intergovernmental Relations.

Sec. 1.04. Public Welfare and Safety.

Sec. 46-2. Obstructing or resisting police.

Sec. 1.01. Powers of the City.

The City of Montague shall have all powers possible for a Home Rule City to have under the constitution and laws of the State of Michigan as fully and completely as though they were specifically enumerated in this charter.

The City shall have, without limitation to those powers not enumerated, the power to:

- (1) Borrow money;
- (2) Special assess;
- (3) Acquire, own, purchase, construct or operate any public utility;
- (4) Acquire and dispose of real estate and improvements;
- (5) Condemn property;
- (6) Acquire employment and property for rapid transit;
- (7) Provide for the use, regulation, improvement and control of public ways, streets, alleys and waters; and
- (8) Regulate and restrict locations of entities by way of zoning. The City's power is limited to those powers granted to a City by state statute or the Michigan constitution.

[State Law reference — Zoning, MCL 125.581 et seq.]

Sec. 1.02. Construction.

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

Sec. 1.03. Intergovernmental Relations.

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one (1) or more states or any state civil division or agency, or the United States or any of its agencies. The City's power is limited to those powers granted to a City by state statute or the Michigan constitution.

Sec. 1.04. Public Welfare and Safety.

The City shall provide, in its ordinances and in the administration of city funds and affairs, for the public peace and health and for the safety of persons and property.

ARTICLE II. CITY COUNCIL

- Sec. 2.01. General Powers and Duties.
- Sec. 2.02. Composition, Eligibility, Election and Terms.
- Sec. 2.03. Mayor.
- Sec. 2.04. Compensation; Expenses.
- Sec. 2.05. Prohibitions.
- Sec. 2.06. Vacancies; Forfeiture of Office; Filling of Vacancies.
- Sec. 2.07. Judge of Qualifications.
- Sec. 2.08. Investigations.
- Sec. 2.09. Independent Audit.
- Sec. 2.10. Procedure.
- Sec. 2.11. Action Requiring an Ordinance.
- Sec. 2.12. Ordinances in General.
- Sec. 2.13. Codes of Technical Regulations.
- Sec. 2.14. Authentication and Recording; Codification; Printing.
- Sec. 2.15. Initiative and Referendum.
- Sec. 2.16. Ordinance Penalties.

[State Law reference — Charter to provide for elected legislative body and for duties and qualifications of city officers, MCL 117.3(a)]

Sec. 2.01. General Powers and Duties.

All powers of the City shall be vested in the city council, except as otherwise provided by law or this charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

Sec. 2.02. Composition, Eligibility, Election and Terms.

- (a) *Composition.* There shall be a city council of seven (7) members, consisting of six (6) city councilmembers and a mayor.
- (b) *Term.* The six (6) city councilmembers shall serve for overlapping four (4) year terms beginning the first Monday following the regular City election.
- (c) *Eligibility.* Only registered voters of the City shall be eligible to hold the office of councilmember or mayor. The individual must have been a resident of the City for at least one (1) year immediately preceding the election and shall remain a resident in the City throughout the term in office.
- (d) *Wards.* There shall be one (1) ward covering the entire geographic area of the City. All City councilmembers and the mayor shall be elected from the ward.

Sec. 2.03. Mayor.

~~A mayor shall be elected for a term of two (2) years at a regular election.~~ [Effective with the November 2026 regular election, a mayor shall be elected for a term of four (4) years at a regular election].¹ The

mayor shall be the chief executive officer of the City and a member of the city council. The mayor shall preside at meetings of the council, represent the City in intergovernmental relationships, appoint, with the advice and consent of the council, members of citizen advisory boards, committees and commissions, present an annual state of the City message, and perform other duties specified by the council. The mayor shall be recognized as head of the City government for all ceremonial purposes, shall be the spokesperson for the City, and shall be recognized by the governor for purposes of military law but shall have no administrative duties. The council shall elect from among its members a mayor pro tem who shall act as mayor during the absence or disability of the mayor and, if a vacancy occurs, shall become mayor until a mayor is selected pursuant to section 2.06.

[State Law reference — Charter to provide for mayor, MCL 117.3(a)]

¹ Amended charter language per election held on Tuesday, November 5, 2024 and upon passage of proposal.

Sec. 2.04. Compensation; Expenses.

The annual salary of the mayor and councilmembers shall be one hundred dollars (\$100.00) for councilmembers and one hundred twenty-five dollars (\$125.00) for mayor. The mayor and councilmembers shall receive their actual and necessary expenses incurred in the performance of their duties of office.

[State Law reference — Charter to provide for compensation of city officers, MCL 117.3(d)]

Sec. 2.05. Prohibitions.

- (a) *Holding Other Office.* Except where authorized by law, no councilmember shall hold any other elected public office while a member of the council. No councilmember shall hold any other City employment while a member of the council. No former councilmember shall hold any compensated appointive office or employment with the City until six (6) months after the expiration of the term during which the member served on the council. Nothing in this section shall be construed to prohibit the council from selecting any current or former councilmember to represent the City on the governing board of any regional or other intergovernmental agency.
- (b) *Interference with Administration.* Except for the purpose of inquiries and investigations under section 2.08, the council or its members shall deal with City officers and employees who are subject, to the direction and supervision of the city manager solely through the city manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.

Sec. 2.06. Vacancies; Forfeiture of Office; Filling of Vacancies.

- (a) *Vacancies.* The office of a councilmember shall become vacant upon the member's death, resignation, removal from office or forfeiture of office in any manner authorized, by law.
- (b) *Forfeiture of Office.* A councilmember shall forfeit that office if the councilmember:
 - (1) Lacks at any time during the term of office for which elected any qualification for the office prescribed by this charter or by law, including but not limited to bona fide residency in the City,
 - (2) Violates any prohibition of this charter,
 - (3) Fails to attend three (3) consecutive regular meetings of the council without being excused by the council.
- (c) *Filling of Vacancies.* In the event of the death, resignation or removal of the mayor, the council shall choose one (1) of its members mayor within thirty (30) days of being notified of the death, resignation or removal.
- (d) *Filling of Vacancies.* Any vacancy on the council shall be filled by appointment by a majority of the remaining members of the council.

Sec. 2.07. Judge of Qualifications.

The city council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office. In order to exercise these powers, the council may call witnesses, administer oaths and request the production of evidence.

A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one (1) or more newspapers of general circulation in the City at least one (1) week in advance of the hearing. Decisions made by the council under this section shall be subject to judicial review.

Sec. 2.08. Investigations.

The city council may make investigations into the affairs of the City and the conduct of any city department, office or agency and for this purpose may request witnesses, hear comments and request the production of evidence.

Sec. 2.09. Independent Audit.

The city council shall provide for an independent annual audit of all City accounts and may provide for more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. The council may, without requiring competitive bids, designate such accountant or firm annually, or for a period not exceeding three (3) years. If the state makes such an audit, the council may, accept it as satisfying the requirements of this section.

Sec. 2.10. Procedure.

- (a) *Meetings.* The council shall meet regularly at least once in every month at such times and places as the council may prescribe by resolution or rule. Special meetings may be held on the call of the mayor or of three (3) or more members. The business which the legislative body may perform shall be conducted at public meetings held in compliance with Public Act No. 267 of 1976 (MCL 15.261—15.275), otherwise known as the Open Meetings Act of the State of Michigan, and any successor laws.

[State Law reference — Mandatory provisions, MCL 117.3(1)]

- (b) *Rules and Journal.* The city council shall determine its own rules and order of business and shall provide for keeping a journal, including minutes and records, of its proceedings in the English language. All records of the City shall be made available to the general public in compliance with Public Act No. 442 of 1976 (MCL 15.231—15.246), otherwise known as the State of Michigan Freedom of Information Act and any successor laws.

[State Law reference — Mandatory provisions, MCL 117.3(1),(m)]

- (c) *Voting.* The method of voting shall be determined by the city council. The results of voting shall be recorded in the minutes and records. Four (4) members of the council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. No action of the council, except as otherwise specifically provided, shall be valid or binding unless adopted by the affirmative vote of four (4) or more members of the council. Every councilmember shall vote on every question unless otherwise prohibited by law, this charter or regulations under this charter.

- (d) *Super Majority.* Five (5) affirmative votes of the council shall be necessary for the levying of any tax, setting millage rates, amending the zoning ordinance, purchasing or selling of any real estate by the City. Sale of any park by the City is subject to section 9.09.

Sec. 2.11. Action Requiring an Ordinance.

In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of the city council shall be by ordinance which:

- (1) Adopt or amend an administrative code;
- (2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (3) Grant, renew or extend a franchise;
- (4) Regulate the rate charged for its services by a public utility;
- (5) Regulate land use and development; and
- (6) Amend or repeal any ordinance previously adopted.

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

Sec. 2.12. Ordinances in General.

- (a) *Form.* Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one (1) subject which shall be clearly expressed in its title. The enacting clause shall be "The City of Montague hereby ordains ..." Any ordinance which repeals or amends an existing ordinance or part of the city code shall set out in full those portions of the ordinance, sections or subsections to be repealed or amended, and shall indicate matters to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matters by underscoring or by italics. In case an entire ordinance is to be repealed, it shall not be necessary to set forth the same in the repealing ordinance.
- (b) *Procedure.* An ordinance may be introduced by any member at any regular or special meeting of the council. As soon as practicable after adoption, the clerk shall have the ordinance in an outline format and a notice of its adoption published and the full text available at a reasonable price at the city clerk's office.
- (c) *Effective Date.* Except as otherwise provided in this charter, every adopted ordinance shall become effective no sooner than ten (10) days after the first publication.
- (d) *Publication of All Ordinances Required.* When any ordinance has been adopted pursuant to this charter or state law, it shall be published in full or outline format in a newspaper of general circulation in the City once within ten (10) days of its final adoption either by return of election or action of the city council. This requirement shall apply to all ordinances whether general, initiatory, emergency or transitional.
- (e) *"Publish" Defined.* As used in this section, the term "publish" means to print in one (1) or more newspapers of general circulation in the City:
- (1) The ordinance or a brief summary thereof, and
 - (2) The places where copies of it have been filed and the times when they are available for public inspection and purchase at a reasonable price.

[State Law reference — Charter to provide for ordinance adoption and publication procedures, MCL 117.3(k)]

Sec. 2.13. Codes of Technical Regulations.

The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:

- (1) The requirements of section 2.12 for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and
- (2) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the city clerk pursuant to section 2.14(a).

Copies of any adopted code of technical regulations shall be made available by the city clerk for distribution or for purchase at a reasonable price.

[State Law reference — Adoption by reference, MCL 117.3(k)]

Sec. 2.14. Authentication and Recording; Codification; Printing.

- (a) *Authentication and Recording.* The city clerk shall authenticate by signing and shall record in full in a properly indexed book kept for the purpose all ordinances and resolutions adopted by the city council.
- (b) *Codification.* Within three (3) years after adoption of this charter and at least every ten (10) years thereafter, the city council shall publish in bound or loose-leaf form, together with this charter and any amendments thereto, a copy of all ordinances. Copies of the code shall be furnished to city officers, placed in libraries and public offices for free public reference and made available for purchase by the public at a reasonable price fixed by the council.
- (c) *Printing of Ordinances and Resolutions.* The city council shall cause each ordinance and resolution having the force and effect of law and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances, resolutions and charter amendments shall be distributed or sold to the public at reasonable prices as fixed by the council. Following publication of the first Montague city code compiled after adoption of this charter and at all times thereafter, the ordinances shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the codes of technical regulations and other rules and regulations included in the code.

[State Law reference — Ordinance codification, MCL 117.5b]

Sec. 2.15. Initiative and Referendum.

- (a) *Initiatory Petition; Signatures Required.* Any proposed ordinance, amendment of an ordinance or repeal of an ordinance which deals with a legislative matter may be submitted to the council by petition signed by electors of the City equal in number to fifteen (15) percent of the highest vote cast in the City for an individual city council member or fifteen (15) percent of the votes cast for the mayor in the last general election in which either was voted upon, whichever is the highest number. The petition shall contain a request that the ordinance be submitted to a vote of the people if not passed by the council and the ordinance shall either be contained in the petition or shall accompany it. This provision does not extend to the making of appropriations.
- (b) *Same; Council Determination Required.* Within thirty (30) days after such petition is presented to the council, the council shall either pass the proposed ordinance without alterations or it shall amend the ordinance if it deems advisable, for purposes of clarity only, retaining, however, the general purpose thereof, or it shall submit the same without amendment to the vote of the electors of the City.

- (c) *Same; Amendment by Council; Publication, Protest.* In case the council shall amend the ordinance it shall publish the same as amended in one (1) or more newspapers of general circulation in the City and if within fifteen (15) days thereafter a protest against the adoption of the ordinance as amended be filed, signed by electors of the City equal in number to ten (10) percent of the highest vote cast in the City for an individual at-large city council member or ten (10) percent of the votes cast for the mayor in the last general election in which either was voted upon, whichever is the highest number, the ordinance as amended shall be submitted to the electors of the City. If no such protest shall be filed the ordinance shall take effect at the time prescribed by the ordinance, or if that has expired, at the expiration of said period of fifteen (15) days.
- (d) *Electors; Conflicting Ordinances, Adoption; Determination.* In case the amended ordinance is submitted to the electors, the original ordinance shall be submitted at the same time as an alternative. If each ordinance shall have a majority of votes cast on the adoption of the same, the one having the greater number of votes shall be considered adopted. If a single ordinance is submitted and the majority of qualified electors voting thereon shall vote in favor thereof, it shall be adopted.
- (e) *Referendum on Ordinances, Effective Date, Objections.* No ordinance passed by the council except when otherwise required by the general laws of the state or by the provisions of this charter (such exceptions including temporary ordinances under subsection 11.05(d)), shall go into effect until ten (10) days after publication. If during said time there shall be presented to the council a protest against the passing of said ordinance signed by electors of the City equal in number to at least fifteen (15) percent of the highest vote cast for a candidate for mayor or individual council member at the last preceding general election in which either office was voted upon, whichever is highest, said ordinance shall thereupon be suspended from taking effect, and it shall be the duty of the council to reconsider said ordinance and if the same is not entirely repealed the council shall submit it to the vote of the electors.
- (f) *Electors; Ordinances, Adoption; Number Unrestricted.* Any number of proposed ordinances may be voted upon at the same election in accordance with the provision of the charter.
- (g) *Ordinances; Repeal; Submission to Electors.* The city council may submit a proposition for the repeal of any such ordinance or for amendments thereto to be voted upon at any City election and if such proposition receives a majority of the votes cast thereon at such election the ordinance shall thereby be repealed or amended.
- (h) *Same; Submission to Electors, Time.* All ordinances submitted to the electors shall be submitted at the next general municipal election after final action taken by the council if one is held within ninety (90) days, but if no general election shall be held within that time, a special election shall be called by the city council for that purpose and held within that time. Not more than one (1) special election shall be held for such purpose in the period of six (6) months and no more than two (2) special elections within one (1) year.
- (i) *Same; Adoption; Electors; Effective Date.* Whenever the electors shall adopt an ordinance it shall go into effect at the time prescribed therein, or if that time shall have expired, ten (10) days after publication, which shall follow the election.
- (j) *Ordinances; Adoption, Electors; Repeal, Restriction.* No ordinance which has been adopted by the vote of the electors shall be repealed or amended within five (5) years except by vote of the electors.
- (k) *Ordinances; Submission to Electors; Publication Required.* All ordinances or propositions for amendment or repealing of ordinances submitted to the voters shall be published at least once in one (1) or more newspapers of general circulation in the city not more than thirty (30) nor less than ten (10) days prior to the elections.
- (l) All ordinances adopted pursuant to section 2.15 shall be published as required in section 2.12(d).

Sec. 2.16. Ordinance Penalties.

All ordinances which provide for criminal penalties shall provide for a maximum fine of five hundred dollars (\$500.00) and a maximum jail sentence of ninety (90) days, or both, or such additional penalties allowed by state law. Ordinances, where authorized by state law, may provide for civil infraction penalties or treatment.

[State Law reference — Penalties for ordinance violations, MCL 117.3(k), 117.4(k)]

CERTIFICATE OF DETERMINATION

STATE OF MICHIGAN
County of Muskegon

I, the City Clerk for the City of Montague, Muskegon County, Michigan, determine that at the Election held on Tuesday, November 5, 2024, the following proposal passed as indicated:

Effective with the November 2026 regular election, a mayor shall be elected for a term of four (4) years at a regular election. The mayor shall be the chief executive officer of the City and a member of the city council. The mayor shall preside at meetings of the council, represent the City in intergovernmental relationships, appoint, with the advice and consent of the council, members of citizen advisory boards, committees, and commissions, present an annual state of the City message, and perform other duties specified by the council. The mayor shall be recognized as the head of the City government for all ceremonial purposes, shall be spokesperson for the City, and shall be recognized by the governor for the purposes of military law but shall have no administrative duties. The council shall elect from among its members a mayor pro tem who shall act as mayor during the absence or disability of the mayor and, if a vacancy occurs, shall become mayor until a mayor is selected pursuant to section 2.06.

Yes **819**


No **527**

Total **1,346**

The proposal is declared to have passed.

CITY OF MONTAGUE

Date: November 11th, 2024

By: 

Kelly Markley
City Clerk

ARTICLE III. CITY MANAGER

Sec. 3.01. Appointment and Qualifications.

Sec. 3.02. Removal.

Sec. 3.03. Acting City Manager.

Sec. 3.04. Powers and Duties of the City Manager.

[State Law reference — Mandatory that charter provide for qualifications and duties of city officers, MCL 117.3(d)]

Sec. 3.01. Appointment and Qualifications.

The city council shall appoint a city manager and fix the manager's compensation. The city manager shall be appointed solely on the basis of executive and administrative qualifications. The manager need not be a resident of the city or state at the time of appointment. The city manager must reside in the City except with the approval of the council.

Sec. 3.02. Removal.

The city manager may be removed by the city council with or without cause. So long as the city manager has been employed by the City for one (1) year, removal from employment within six (6) months following the regular City election shall require five (5) affirmative votes of the city council.

Sec. 3.03. Acting City Manager.

By letter filed with the city clerk, the city manager shall designate a city officer or employee to exercise the powers and perform the duties of city manager during the manager's temporary absence or disability. The mayor with the advice and consent of the city council may revoke such designation at any time and appoint another officer of the City to serve until the city manager returns.

Sec. 3.04. Powers and Duties of the City Manager.

The city manager shall be the chief administrative officer of the City, responsible to the city council for the administration of all City affairs placed in the manager's charge by or under this charter. The city manager shall:

- (1) Appoint and suspend or remove all City employees and administrative officers of the City, unless otherwise provided by charter. City employees who report directly to the city manager shall be appointed by the city manager with the advice and consent of the city council. The city manager may authorize any administrative officer subject to the manager's direction and supervision to exercise administrative powers with respect to subordinates in that officer's department, office or agency;
- (2) Direct and supervise the administration of all departments, officers and agencies of the City, except as otherwise provided by this charter or by law;
- (3) Attend all city council meetings. The city manager shall have the right to take part in discussion but shall not vote;
- (4) See that all laws, provisions of this charter and acts of the city council, subject to enforcement by the city manager or by employees and officers of the City or any of its departments, offices and agencies under the supervision of the city manager, are faithfully executed;

- (5) Prepare and submit the annual budget and capital program to the city council;
- (6) Submit to the city council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;
- (7) Make such other reports as the city council may require concerning the operations of city departments, offices and agencies subject to the city manager's direction and supervision;
- (8) Keep the city council fully advised as to the financial condition and future needs of the City;
- (9) Make recommendations to the city council concerning the affairs of the City;
- (10) Provide staff support services for the mayor and councilmembers; and,
- (11) Perform such other duties as are specified in this charter or may be required by the city council.

ARTICLE IV. DEPARTMENTS, OFFICES AND AGENCIES

Sec. 4.01. General Provisions.

Sec. 4.02. City Officers.

Sec. 4.03. Planning.

[State Law reference — Charter may provide for the establishment of departments, MCL 117.4j(1)]

Sec. 4.01. General Provisions.

- (a) *Creation of Departments.* The city council may establish City departments, offices or agencies in addition to those created by this charter and may prescribe the functions of all departments, offices and agencies.
- (b) *Direction by City Manager.* All heads of departments, offices and agencies, with the exception of the city attorney, shall be under the direction and supervision of the city manager and shall be appointed by and subject to the direction and supervision of the manager. With the consent of city council, the city manager may serve as the head of one (1) or more such departments, offices or agencies or may appoint one (1) person as the head of two (2) or more of them.
- (c) *Compensation.* The city council shall provide for the compensation of all officers, other than the mayor and city councilmembers.

Sec. 4.02. City Officers.

There shall be the following City officers and such other officers as the council may from time to time establish or which may be required by state law. City officers may be City employees or may be hired from outside of City employment. All City officers shall have qualifications required by state law, those set forth herein and other qualifications required by the council, and they shall perform the duties set forth herein and otherwise required by law. The city council shall require officers to file bonds as may be appropriate or required by state law. All City officers, unless specifically provided to the contrary, shall be appointed and removed by the city manager pursuant to section 3.04.

- (a) *City Clerk.* The city clerk shall publish and post all notices, keep the city seal, [and] records and documents of the City and of the council's proceedings. The clerk shall have the power to administer all oaths required by law and by the ordinances of the City. The clerk shall give proper officials ample notice of the expiration or termination of any official bonds, franchises, contracts or agreements to which the City is a part and shall notify the council of any failure of any officer or employee required to take an oath of office or furnish any bond required of the officer or employee. The clerk shall perform such other duties as the City may require.
- (b) *City Treasurer.* The city treasurer shall have custody of all monies, bonds and evidence of value belonging to the City or held in trust by the City. The city treasurer shall receive all monies belonging to and receivable by the City and shall keep correct accounts of all receipts and expenditures, deposit all funds as the city council may determine, keep and furnish detailed reports on a continuing and daily basis concerning all funds, collect and distribute all taxes and assessments as required by law and perform such other duties as may be prescribed by the laws of the state and this charter or by the City. The city treasurer shall keep the City's books of account. The treasurer shall establish and maintain the system of accounts suitable for all departments of the City which shall conform to any uniform system required by law. The city treasurer shall examine all accounts and claims against the City, verify the correctness of the account and its amount. Payments from any account shall not be allowed unless money has been appropriated therefor nor shall payments from any account be made unless sufficient money is in the fund on which it is drawn. The city treasurer shall perform such other duties as naturally

pertain to the office and as may be required by the charter, the laws of the State of Michigan or by the city manager.

- (c) *City Assessor.* The city assessor shall perform all the duties and have all the powers required of and vested in the office by the laws of the State of Michigan. The assessor shall prepare all regular and special assessment rolls as required by the charter and the laws of the state and perform such other duties as may be prescribed or required by the law and this charter. The city assessor must possess those qualifications required by, state law to perform the office of assessor.
- (d) *City Attorney.* The city attorney shall serve as chief legal adviser to the city council, the city manager, all city departments, officers, agencies and trust funds, shall represent the City in all legal proceedings and shall perform any other duties prescribed by this charter or by ordinance. The city attorney shall be an attorney at law admitted to practice in the State of Michigan and appointed by and subject to removal by the city council.

[State Law reference — Charter to provide for certain officers and duties of officers, MCL 117.3(a), (d)]

Sec. 4.03. Planning.

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

- (1) Designate and appoint a planning commission under state law to carry on all responsibilities set forth by state statute including, but not limited to, the adopting, amending and revising of comprehensive and master plans of the City, making determinations as required or permitted by state law on all matters which may come before it, and making recommendations to the city council as to zoning ordinance amendments, zone changes and other actions requiring city council action.
- (2) Adopt zoning ordinances, zone changes and ordinance amendments, including, but not limited to, prescribing in ordinance form such development and land use regulations and standards as may be appropriate in its judgment and in accordance with state law.

[State Law reference — Planning, MCL 125.31 et seq.]

ARTICLE V. FINANCIAL PROCEDURES

Sec. 5.01. Fiscal Year.

Sec. 5.02. Submission of Budget and Budget Message.

Sec. 5.03. Budget Message.

Sec. 5.04. Budget.

Sec. 5.05. City Council Action on Budget.

Sec. 5.06. Appropriation and Revenue Ordinances.

Sec. 5.07. Amendments after Adoption.

Sec. 5.08. Lapse of Appropriations.

Sec. 5.09. Administration of the Budget.

Sec. 5.10. Overspending of Appropriations Prohibited.

Sec. 5.11. Public Records.

Sec. 5.01. Fiscal Year.

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

Sec. 5.02. Submission of Budget and Budget Message.

Before the commencement of the fiscal year, the city manager shall submit to the city council a budget for the ensuing fiscal year and an accompanying message.

Sec. 5.03. Budget Message.

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

Sec. 5.04. Budget.

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the city manager deems desirable or the city council may require. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year. It shall indicate in separate sections:

- (1) The proposed goals and objectives and expenditures for current operations during the ensuing fiscal year, detailed for each fund by organization unit, and program, purpose or activity, and the method of financing such expenditures;

- (2) Proposed capital expenditures during the ensuing fiscal year, detailed for each fund by organization unit when practicable, and the proposed method of financing each such capital expenditure; and
- (3) The anticipated income and expense for the ensuing year for each utility or other enterprise fund operated by the City.

For any fund, the process of budgeting and appropriations shall comply with state law, which shall control if in conflict with this charter.

Sec. 5.05. City Council Action on Budget.

- (a) *Notice and Hearing.* The city council shall publish in one (1) or more newspapers of general circulation in the City the general summary of the budget and a notice stating:
 - (1) The times and places where copies of the message and budget are available for inspection by the public, and
 - (2) The time and place of a public hearing on the budget.

The notice shall be published at least six (6) days prior to the public hearing.

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

Sec. 5.06. Appropriation and Revenue Ordinances.

To implement the adopted budget, the city council shall adopt, prior to the beginning of the ensuing fiscal year:

- (a) An appropriation resolution meeting the requirements of state law;
- (b) Any ordinances or resolutions required in connection with tax levies or the raising of revenues;
- (c) Take any other action required by law in order to implement the budget of the City, including the establishment and maintenance of a system of accounts conforming to the uniform system of accounts required by state law.

Sec. 5.07. Amendments after Adoption.

- (a) *Supplemental Appropriations.* If during the fiscal year the city manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the city council by resolution may make supplemental appropriations for the year up to the amount of such excess.
- (b) *Emergency Appropriations.* To meet a public emergency affecting life, health, property or the public peace, the city council may make emergency appropriations. To the extent that there are no available unappropriated revenues or a sufficient fund balance to meet such appropriations, the council may provide by ordinance or resolution for borrowings authorized by state law.
- (c) *Reduction of Appropriations.* If at any time during the fiscal year it appears probable to the city manager that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the manager shall report to the city council without delay, indicating the estimated amount of the deficit, any remedial action taken by the manager and recommendations as to any other steps to be taken. The council shall then take such further action as

it deems necessary to prevent any deficit and for that purpose it shall by resolution reduce one (1) or more appropriations to avoid incurring a deficit at the end of the fiscal year.

- (d) *Transfer of Appropriations.* At any time during the fiscal year the city council may by resolution transfer part or all of the unencumbered appropriation balance from one (1) department or major organizational unit to the appropriation for other departments or major organizational units. The manager may transfer part or all of any unencumbered appropriation balances among programs within a department or organizational unit and shall report such transfers to the council in writing in a timely manner.
- (e) *Limitation; Effective Date.* No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

Sec. 5.08. Lapse of Appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until expended, revised or repealed; the purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation.

Sec. 5.09. Administration of the Budget.

The city council may require the city manager to submit for review and approval written policies and procedures for administering the budget.

Sec. 5.10. Overspending of Appropriations Prohibited.

No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the city manager or the manager's designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this charter shall be void and any payment so made shall be illegal. Any officer violating this provision shall be dealt with in accordance with the laws of the State of Michigan. Except where prohibited by law, however, nothing in this charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year.

Sec. 5.11. Public Records.

Copies of the budget, capital program and appropriation and revenue ordinances shall be public records and shall be made available to the public at suitable places in the City.

ARTICLE VI. BONDS

Sec. 6.01. Bonds, Issuance; City Council, Authority.

Sec. 6.02. Total Bonded Indebtedness, Restriction.

Sec. 6.03. Bonds; Terms, Forms.

Sec. 6.01. Bonds, Issuance; City Council, Authority.

The city council may borrow money and issue bonds for any purpose within the scope of the powers of the City, to the extent, in the manner, and for the purposes authorized by state law.

[State Law reference — Revenue Bond Act of 1933, MCL 141.101 et seq.]

Sec. 6.02. Total Bonded Indebtedness, Restriction.

The total amount of bonded indebtedness of the City shall at no time exceed that permitted by constitution or state law.

Sec. 6.03. Bonds; Terms, Forms.

All details as to the terms and form of bonds and the issue thereof shall be determined by the city council.

ARTICLE VII. TAXATION

Sec. 7.01. Taxation; State Law.

Sec. 7.02. Board of Review; Composition, Sessions; Regulations.

Sec. 7.03. Same; Meetings, Notice Required.

Sec. 7.04. Taxes; Due Date; Collection Fees.

Sec. 7.01. Taxation; State Law.

The City may annually levy and collect property taxes in a sum, except as otherwise provided by law, not to exceed two (2) percent (20 mills per dollar) of the assessed value of the real and personal property in the City. All the provisions of the General Tax Law of the State of Michigan except as herein otherwise provided, shall apply to and control the assessment of property and the collection of taxes in the City of Montague and the taxing officers of the City shall have the same powers and shall be subject to the same duties as like officers under the state law. The subjects of taxation for municipal purposes shall be the same as for state, county and school purposes under general state tax law. The levy, collection and return of state, county and school taxes shall be made in conformance with the general laws of the state.

[State Law reference — Mandatory provisions, MCL 117.3(f), (g); General Property Tax Act, MCL 211.1 et seq.]

Sec. 7.02. Board of Review; Composition, Sessions; Regulations.

The board of review shall consist of three (3) members appointed by the city council. It shall meet for the purpose of reviewing the tax assessment roll in accordance with the state tax laws. It shall choose one (1) of its members to be chairperson and one (1) to be clerk of the board. It shall regulate for itself its order of proceeding, but no person who shall appear before it shall be refused a reasonable opportunity for a hearing. It shall remain in session for the times required by state law and such further times as it deems necessary to complete its work. Thereafter the chairperson and clerk shall certify the tax assessment roll provided for by general tax law.

[State Law reference — Board of review, MCL 211.107, 211.28 et seq.]

Sec. 7.03. Same; Meetings, Notice Required.

The city clerk shall give notice to the public of the time and place of meeting of the board of review by publication in at least one (1) newspaper of general circulation in the City in accordance with state law.

[State Law reference — Notice of board of review meetings, MCL 211.30]

Sec. 7.04. Taxes; Due Date; Collection Fees.

Collection fees, penalties and interest on taxes shall be collected by the city treasurer in accordance with the provisions of state law.

[State Law reference — Interest, penalties, etc., MCL 211.44]

ARTICLE VIII. ELECTIONS

Sec. 8.01. City Elections.

[State Law reference — Elections generally, MCL 168.1 et seq.]

Sec. 8.01. City Elections.

- (a) *Regular Elections; Nomination; Petition.* The regular City election shall be an ~~odd year general election as established by state law~~ [even-numbered years commencing with regular election in November 2026].¹ Candidates for city council and mayor shall be nonpartisan and shall be nominated by petitions containing the signatures of at least twenty (20) qualified electors registered to vote.

[State Law reference — Odd year elections, MCL 168.644a et seq.]

¹ Resolution #2024-01 – Resolution to change the date of elections from odd year to even year elections for mayor and councilmembers. (State Law reference – PA 523 of 2012).

- (b) *Registered Voter Defined.* All citizens legally registered under the constitution and laws of the State of Michigan to vote in the City shall be registered voters of the City within the meaning of this charter.
- (c) *Conduct of Elections.* The provisions of the general election laws of the State of Michigan shall apply to elections held under this charter. All elections provided for by the charter shall be conducted by the election authorities established by law. Candidates shall run for office without party designation. For the conduct of City elections, for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud, state election law shall be followed.
- (d) *Special Elections.* The city council may request a special election, which shall be conducted pursuant to the election laws of the State of Michigan, but no more than two (2) special elections may be called within one (1) year.

RESOLUTION # 2024-01

At a regular meeting of the City Council of the City of Montague, County of Muskegon, Michigan held on April 15, 2024 at the City Hall in said City at 5:30 p.m.

PRESENT: Ken Mahoney, Lisa Kiel, Susan Newhof, Robert Hires, Laura LaGuire, Paul Schultz, Mayor Tom Lohman.

ABSENT: None

The following resolution was offered by Councilmember Mahoney and was supported by Councilmember LaGuire :

RESOLUTION TO CHANGE THE DATE OF ELECTIONS FROM ODD YEAR TO EVEN YEAR
ELECTIONS FOR MAYOR AND COUNCILMEMBERS

WHEREAS, Public Act 523 of 2012 has made comprehensive changes to Michigan Election Law; and

WHEREAS, the Act provides that cities wishing to change their election date to the even-year general election, may do so by resolution; and

WHEREAS, the City of Montague currently holds its regular election for local officers at the November odd-year election date and desires to change the date on which it holds regular election for local officers to the November even-year election date.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Montague that:

1. The date of the regular city election is changed from November of each odd-numbered year to November of each even-numbered year commencing with the regular city election in November 2026.
2. The term of Mayor election at the odd-year November election in 2023, which would otherwise expire in 2025, shall continue until their successor is elected and qualified in November of 2026.
3. The term of the three (3) Councilmembers elected at the odd-year November election in 2021, which would otherwise expire in December 2025, shall continue until their successors are elected and qualified in November 2026.
4. The terms of the three (3) Councilmembers elected at the odd-year November election in 2023, which would otherwise expire in December 2027, shall continue

until their successors are elected and qualified in November 2028.

5. The City Clerk is hereby instructed to file this resolution with the Muskegon County Clerk and the elections division of the Secretary of State of the State of Michigan.

AYES: Mahoney, LaGuire, Kiel, Schultz, Hires, Newhof, Mayor Lohman

NAYS: None

RESOLUTION DECLARED ADOPTED



Kelly Markley
City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Montague, County of Muskegon, Michigan, at a regular meeting held on April 15, 2024, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267 of the Public Acts of Michigan of 1976.



Kelly Markley
City Clerk

ARTICLE IX. GENERAL PROVISIONS

Sec. 9.01. Conflicts of Interest.

Sec. 9.02. Prohibited Activities.

Sec. 9.03. Special Assessments.

Sec. 9.04. Franchises.

Sec. 9.05. Public Works and Improvements.

Sec. 9.06. Zoning; Planning.

Sec. 9.07. Licenses.

Sec. 9.08. Building Regulations.

Sec. 9.09. City Property.

Sec. 9.01. Conflicts of Interest.

No public officer or employee shall violate prescribed standards of conduct established by state law.

The use of public office for private gain is prohibited. The city council shall implement this prohibition by ordinance. Regulations to this end shall include but not be limited to: acting in an official capacity on matters in which the official has a private financial interest clearly separate from that of the general public; the acceptance of gifts and other things of value; acting in a private capacity on matters dealt with as a public official; the use of confidential information; and appearances by City officials before other City agencies on behalf of private interests. Ordinances and regulations regarding conflict of interest shall be limited and superseded by state law in matters which are covered in state statute.

[State Law reference — Conflicts of interest, MCL 15.341 et seq.]

Sec. 9.02. Prohibited Activities.

No public official or employee shall illegally discriminate in any personnel relationship, illegally discriminate in the providing of municipal services, or impugn the integrity of the public service by way of fraud or bribery. The city council shall further implement this provision by ordinance, which shall be limited and superseded by state law in matters which are covered in state statute.

Sec. 9.03. Special Assessments.

Provisions for the creation of special assessment, districts, rules and regulations, hearings and levying of special assessments shall be determined by ordinance. The City shall have the power to issue special assessment bonds in accordance with state law, which, when payable in whole or in part from special assessments, shall not be subject to debt limitations, except as otherwise provided by state law. Notwithstanding any city ordinance on special assessments, if at or prior to the hearing authorizing the levying of the special assessment, the owners of more than one-half of the property to be assessed shall object in writing to the improvement, the assessment shall not be made unless by the affirmative vote of at least five (5) members of the council.

Sec. 9.04. Franchises.

The City shall provide by ordinance for the requirements and conditions pursuant to which franchises may be granted to public utilities and other franchisees. Franchises may be granted pursuant to said ordinance in accordance with the Constitution and the laws of the State of Michigan.

[State Law reference — Limitation on franchises, Mich. Const. art. VII, §§ 25, 30; expenses of special elections on franchises, MCL 117.5(i).]

Sec. 9.05. Public Works and Improvements.

The City shall have the right to make and maintain public improvements and public works for municipal purposes, acquire lands therefor in any legal manner and provide for the cost thereof from public funds, subject only to the limitations of the constitution and the laws of the State of Michigan. The city council shall have the right to apportion costs of such improvements and works between public expenditures and special assessments. The City shall have control of all public ways and the spaces above and below same, and further shall have the power to acquire, operate and maintain public utilities and issue revenue bonds in connection therewith. The city council shall implement said powers by appropriate ordinance.

Sec. 9.06. Zoning; Planning.

The City may prescribe by its zoning ordinance zoning districts for land uses within the City. The City may provide for planning of streets and alleys within its limits and require conformance with said plans, and establish master plans.

Sec. 9.07. Licenses.

The City may regulate and license trades, occupations and amusements within its boundaries by ordinance, not inconsistent with state or federal law.

Sec. 9.08. Building Regulations.

The City may regulate construction, maintenance and repair of buildings within its boundaries.

Sec. 9.09. City Property.

The City may purchase, own, and sell real estate both within the City limits and outside of the City limits. The sale of any existing City park, that being Medbery Park, Lakefront Park and Maple Grove Park, or any future park designated such by the city council, shall be sold only upon approval of five (5) affirmative votes from the city council and approval of the electorate by a majority of those voting on the question at a special or general election. Further, the sale of a park or cemetery, or any part thereof, may not occur if the park or cemetery is required under the City's Master Plan.

ARTICLE X. CHARTER AMENDMENT

Sec. 10.01. Proposal of Amendment.

Sec. 10.02. Election.

Sec. 10.03. Adoption of Amendment.

[State Law reference — Charter amendments, MCL 117.20 et seq.]

Sec. 10.01. Proposal of Amendment.

Amendments to this charter may be framed and proposed in the manner provided by state law.

Sec. 10.02. Election.

A proposed amendment to this charter shall be presented to the voters of the City at an election in the manner and method provided by state law.

Sec. 10.03. Adoption of Amendment.

If a majority of the registered voters of the City voting upon a proposed charter amendment vote in favor of it, the amendment shall become effective at the time fixed in the amendment or as provided for in state law. If no time is thereby fixed, the amendment shall be effective thirty (30) days after its adoption by the voters.

ARTICLE XI. TRANSITION/SEPARABILITY PROVISION

Sec. 11.01. Officers and Employees.

Sec. 11.02. Departments, Offices and Agencies.

Sec. 11.03. Pending Matters.

Sec. 11.04. State and Municipal Laws.

Sec. 11.05. Schedule.

Sec. 11.06. Separability.

Sec. 11.01. Officers and Employees.

- (a) *Rights and Privileges Preserved.* Nothing in this charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are city officers or employees at the time of its adoption.
- (b) *Continuance of Office or Employment.* Except as specifically provided by this charter, if at the time this charter takes full effect a City administrative officer or employee holds any office or position which is or can be abolished by or under this charter, he or she shall continue in such office or position until the taking effect of some specific provision under this charter directing that he or she vacate the office or position.

Sec. 11.02. Departments, Offices and Agencies.

- (a) *Transfer of Powers.* If a City department, office or agency is abolished by this charter, the powers and duties given it by law shall be transferred to the City department, office or agency designated in this charter or, if the charter makes no provision, designated by the city council.
- (b) *Property and Records.* All property, records and equipment of any department, office or agency existing when this charter is adopted shall be transferred to the department, office or agency assuming its powers and duties, but, in the event that the powers or duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such property, records or equipment shall be transferred to one (1) or more departments, offices or agencies designated by the city council in accordance with this charter.

Sec. 11.03. Pending Matters.

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

Sec. 11.04. State and Municipal Laws.

All City ordinances, resolutions, orders and regulations which are in force when this charter becomes fully effective shall remain in effect, provided, any ordinances are repealed to the extent that they are inconsistent with this charter.

Sec. 11.05. Schedule.

- (a) *Effective Date.* This charter shall take effect for all purposes, including but not limited to legislative, administrative, fiscal, budgetary, and regulatory powers and actions of the City, immediately upon certification of an election at which the registered electors of the City approve its adoption, except that the city council shall act with previously elected city councilmembers as its councilmembers, who shall continue to serve to the end of their existing terms as stated herein.
- (b) *First Election.* At the time of its adoption, this charter shall be in effect to the extent necessary in order that as present terms end, the position may be filled in accordance with the provisions of this charter.
- (c) *First Council Meeting With Elected Mayor.* On the first or third Monday of the month, whichever comes first, following the first election of any city councilmembers or the mayor under this charter, the council including as its members city councilmembers, with unexpired terms shall meet at 7:30 p.m. at city council chambers in the City of Montague, City Hall:
 - (1) For the purpose of electing the mayor pro-tem, appointing or considering the appointment of a city manager or acting city manager, and choosing, if it so desires, one (1) of its members to act as temporary clerk pending appointment of a city clerk pursuant to section 3.04 and section 4.02; and
 - (2) For the purpose of adopting ordinances and resolutions necessary to effect the transition of government under this charter and to maintain effective City government during that transition.
- (d) *Temporary Ordinances.* In adopting ordinances as provided in section 11.05(c), the city council shall follow the procedures prescribed in Article II, except that at its first meeting or any meeting held within sixty (60) days thereafter, the council may adopt temporary ordinances to deal with cases in which there is an urgent need for prompt action in connection with the transition of government and in which the delay incident to the appropriate ordinance procedure would probably cause serious hardship or impairment of effective City government.

Every temporary ordinance shall be plainly labelled as such but shall be introduced in the form and manner prescribed for ordinances generally. A temporary ordinance may be considered and may be adopted with or without amendment or rejected at the meeting at which it is introduced. After adoption of a temporary ordinance, the council shall cause it to be printed and published as prescribed for other adopted ordinances. A temporary ordinance shall become effective upon publication or at such later time preceding automatic repeal under this subsection as it may specify, and the referendum power shall not extend to any such ordinance. Every temporary ordinance, including any amendments made thereto after adoption, shall automatically stand repealed as of the 91st day following the date on which it was adopted, renewed or otherwise continued except by adoption in the manner prescribed in Article II for ordinances of the kind concerned. Temporary ordinances shall be published as required in section 2.12(d).

Sec. 11.06. Separability.

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.