

City of Highland Park Charter of the City

EDITOR'S NOTE: The Charter of the City of Highland Park was adopted by the Charter Commission of the City on April 24, 1968, was approved by the Governor of the State of Michigan on June 11, 1968, in accordance with Act No. 279 of the Public Acts of 1909, as amended, and was adopted by the electors on June 25, 1968. Dates appearing in parentheses following a section heading indicate that the section was amended, enacted or repealed on the date given.

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CHARTER OF THE CITY OF HIGHLAND PARK, MICHIGAN

PREAMBLE

We, the people of the City of Highland Park, Michigan, in order to secure the benefits of efficient self-government and to promote our common welfare, do hereby enact and establish this Charter.

CHAPTER 1

INCORPORATION AND BOUNDARIES

Sec. 1-1 Incorporation. The municipal corporation now existing and known as the "City of Highland Park," as its limits now are or may hereafter be established, shall be and continue a municipal corporation under the laws of the State of Michigan, and shall be known by the name of "City of Highland Park."

Sec. 1-2 Boundaries. The City shall embrace the territory constituting the City of Highland Park, on the effective date of this Charter as described in Exhibit A attached hereto and made a part hereof by this reference, together with such annexations thereto and less such detachments therefrom as may be made from time to time. Upon annexation or detachment of territory, the boundaries shall be deemed thereby changed without amendment of this section.

Sec. 1-3 One Ward. The City shall constitute one ward.

Sec. 1-4 Construction. The powers of the City under this Charter shall be construed liberally in favor of the City, and specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power stated in this chapter.

Sec. 1-5 Intergovernmental Relations. The City may exercise any of its powers or perform any of its functions and may participate in the authorized financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or political subdivisions or agencies thereof, or the United States or any agency thereof.

EXHIBIT 'A'

(City boundaries as referenced in Sec. 1-1)

Description of the City of Highland Park, Michigan

Commencing at a point where the easterly line of quarter section twenty-six (1/4 Sec. 26) of the ten thousand acre tract, so-called, intersects the northerly boundary line of the City of Detroit, said point being the northeasterly corner of the southerly half (S. 1/2) of said quarter section twenty-six (1/4 Sec. 26); thence running westwardly, along the northerly line of the southerly half of quarter section twenty-six (1/4 Sec. 26), to the westerly line of the easterly half (E. 1/2) of quarter section twenty-six (1/4 Sec. 26); thence northwardly along the westerly line of the easterly half (E. 1/2) of quarter section twenty-six (1/4 Sec. 26); thence northwardly along the westerly line of the easterly half (E. 1/2) of quarter section twenty-six (1/4 Sec. 26), along the westerly line of the easterly half (E. 1/2) of quarter section fifteen (1/4 Sec. 15) and along the westerly line of the easterly half (E. 1/2) of quarter section six (1/4 Sec. 6) to the northerly line of the ten thousand acre tract; thence northwardly on a line parallel with Hamilton Blvd., (now known as Hamilton Ave.) to the center of Six Mile Road, so-called, (now known as McNichols Road); thence eastwardly, along the center of the Six Mile Road, so-called, (now known as McNichols Road), to the westerly line of the right of way of the Detroit, Grand Haven & Milwaukee Railway, as it existed March 8, 1893 (now known as Grand Trunk Western Railroad

Company); thence southwardly, along the westerly line of the right of way of the Detroit, Grand Haven & Milwaukee Railway, as it existed March 8, 1893 (now known as Grand Trunk Western Railroad Company), to the point where said westerly line of said right of way intersects the northerly line of the southerly half (S. 1/2) of quarter section twenty-three (1/4 Sec. 23); thence westwardly, along the northerly line of the southerly half (S. 1/2) of quarter section twenty-three (1/4 Sec. 23), along the northerly line of the southerly half (S. 1/2) of quarter section twenty-four (1/4 Sec. 24) and along the northerly line of the southerly half (S. 1/2) of quarter section twenty-five (1/4 Sec. 25) to the place of beginning; all of said territory embraced within the foregoing boundaries being within the County of Wayne.

CHAPTER 2

DEFINITIONS AND GENERAL PROVISIONS

Sec. 2-1 Records. All records of the City shall be public, unless otherwise provided by law, shall be kept in City offices, except when required for official reasons or for purposes of safekeeping to be elsewhere, and shall be available for inspection at all reasonable times. Subject to any applicable State law, the City shall have power to determine the period and manner in which Municipal records shall be preserved and the time and manner in which they may be summarized, microfilmed, recorded or destroyed.

Sec. 2-2 Definitions.

(a) "Officer" shall include the Mayor, Councilmen, Clerk, Treasurer and Judges and all administrative officers hereinafter provided, their deputies when functioning as such, and such others as are so designated by the Council from time to time.

(b) "Person" includes a body politic, corporation, partnership or association as well as an individual.

(c) "Publish," unless otherwise provided, shall mean publication in a newspaper circulated in the City, the circulation of which shall be determined by ordinance, or posting in three public places in the City and publishing a notice in such newspaper of the substance thereof, where it is posted, and where complete copies may be obtained at cost.

(d) The present tense shall not be limited to the time of the adoption of this Charter but shall extend to and include the time of the happening of any event or requirement to which the provision is applied.

(e) The plural and singular shall be interchangeable; masculine, neuter or feminine genders shall be interchangeable.

Sec. 2-3 Deputies. Whenever this Charter requires the performance of an act by an officer, it may be performed by a deputy selected by him. Routine acts not requiring official action may be performed by any subordinate.

Sec. 2-4 Quorum. Except as otherwise expressly provided in this Charter, a quorum of any board created by or under authority of this Charter shall consist of a majority of the number of its members as established by this Charter or by the ordinances creating such commission or board. The concurring vote of a majority of such established number of members of each such board shall be necessary for official action by it.

Sec. 2-5 Penalties for Charter Violation. Any person found guilty of any violation of this Charter may be punished by a fine which, in addition to court costs charged to him, shall not exceed five hundred dollars or imprisonment for not more than ninety days, or by both such fine and imprisonment, in the discretion of the court. Imprisonment for violations of this Charter may be in the City or the County Jail, or in any work house of the State which is authorized by law to receive prisoners of the City. This section shall not operate to limit or prejudice the power to remove officers or discharge employees as provided in this Charter.

Sec. 2-6 Severability. If any provision, section or clause of this Charter, or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect any remaining portion or application of the Charter, which can be given effect without the invalid portion or application, and to this end, this Charter is declared to be severable.

Sec. 2-7 Civil Rights. No person within the corporate boundaries shall be discriminated against because of race, creed, color, sex, age or national origin. In order to insure nondiscrimination in areas of housing, employment, education, public accommodations, letting of contracts and any other areas where a person's constitutional rights may be abridged or denied, there shall be an unpaid Human Relations Commission appointed by the Mayor with the responsibilities of setting up appropriate rules and regulations. There shall be a full-time, paid Director of Human Relations to carry out the work of this Commission. The City Council shall provide an annual appropriation for the effective operation of the Commission. It shall be the duty of the Commission, in a manner which may be prescribed by law, to investigate alleged discrimination, to hold hearings, administer oaths, through court authorization to require the attendance of witnesses and the submission of records, to take testimony and to issue appropriate orders in accordance with the provisions of this Charter, and have such other powers as are necessary to carry out the purposes of the Commission.

CHAPTER 3

MUNICIPAL POWERS AND LIABILITIES

Sec. 3-1 General Powers. Unless otherwise provided or limited in this Charter, the City shall possess and be vested with all the powers, privileges, and immunities, expressed or implied, which cities are, or hereafter may be, permitted by law to exercise or to include in their charters. The enumeration of particular powers, privileges, or immunities in this section or elsewhere in this Charter shall not be held to be exclusive. These powers shall include those set forth at length in Act 279 of 1909, Act 94 of 1933, and all other laws of general applicability of the State, as now or hereafter provided, as though quoted at length herein. The City shall have power to manage and control the finances, rights, interests, buildings, and property, to enter into contracts, to do any act to advance the interest, good government, and prosperity of the City and its

inhabitants, and to protect the public peace, morals, health, safety, and general welfare, and to prevent vice and immorality. In the exercise of such powers, the City may enact ordinances, rules, and regulations, and take such other action as may be required, not inconsistent with law.

Sec. 3-2 Nuisances and Dilapidation. The City shall have power to prohibit and abate dilapidation, debris, weeds, nuisances and all other conditions adversely affecting the peace, health, morals, safety and welfare of the inhabitants of the City and to establish by ordinance procedures for declaring the existence thereof, requiring abatement by the owner or occupant of the premises or other person responsible for the condition, the holding of a public hearing thereon after reasonable notice thereof to any person materially affected by the proceeding, the adoption of an order by the Council requiring the abatement or removal thereof, or the accomplishment thereof by the City and the assessment of the cost against the premises as a special assessment or collection of the cost against the owner, occupant or person responsible by action in any court of competent jurisdiction.

Sec. 3-3 Public Property. The City shall have power to purchase, appropriate and own such real estate as may be necessary for public grounds, parks, boulevards, markets, public buildings, public works, and other purposes necessary or convenient for the public good, and for the execution of the powers conferred in this Charter or by the statutes of this State. Such buildings and grounds, or any part thereof, may be sold at public sale, or leased, as occasion may require. However, no property of the value in excess of twenty cents per capita according to the last preceding U.S. census, nor any park or any part thereof, shall be sold, unless such sale be first approved by a majority of the electors voting thereon at any general or special election.

Sec. 3-4 Public Improvements. The City shall have power to undertake any public work or make any public improvement or any repair or replacement thereof, either directly or by contract with private persons; and to participate in any public work or public improvement under any lawful plan by which the whole or partial support of such work or improvement is provided by another governmental unit or agency.

Sec. 3-5 Public Services. The City shall have power to acquire, construct, provide, operate, maintain, extend, improve, encumber, and dispose of, either within or without the City or the County of Wayne, any and all public services, utilities, facilities, buildings, and structures for the rendering of public service to its inhabitants and other persons.

Sec. 3-6 Property. The City shall acquire by purchase, installment contract, gift, condemnation, lease, or otherwise, real and personal property, and interests in property, either within or without the corporate limits of the City or of Wayne County, for any public use, purpose, improvement or service within the scope of its powers and to encumber or dispose of the same.

CHAPTER 4

OFFICERS

Sec. 4-1 City Officers. The elective officers shall be the Mayor, the five Councilmen, Clerk, Treasurer and the Municipal Judges. The appointive officers shall be those named in Section 7-2.

Sec. 4-2 Eligibility for City Office. Except as otherwise provided in this Charter, a person is not eligible to become a candidate for nor to hold an elective City office, unless he is (1) over twenty-five years of age as of the date of filing, and (2) a registered elector of the City for at least two years immediately preceding the filing date. Not more than one nonresident of the City may be appointed as a member of any City board or commission established by this Charter or by ordinance, but one or more nonresidents may be appointed as members of such board or commission established by resolution of the Council.

Sec. 4-3 Persons Ineligible for City Office.

(a) A person who is in default to the City or to the County of Wayne or any school district located in the City shall not be eligible to assume any City office. No default shall be deemed to exist in any case where the person concerned is contesting the claim upon which the alleged default is based in a court of competent jurisdiction.

(b) A person who within the immediate past ten years has been convicted of violating any provision of the election laws of the State or of the City, or has been convicted of a felony or of an offense involving a violation of his oath of office, shall not be eligible for any City office.

(c) Except in the case of joint boards or commissions having representation from the City and one or more other units of government, no person shall simultaneously hold two City offices or a City office and a City employment.

(d) No employee of the City shall be eligible for candidacy for or appointment to an elective office of the City, unless he shall resign from his employment with the City before filing his nominating petition therefor or acceptance of appointment thereto, except that no elective officer of the City shall be required to resign the office held by him in order to be a candidate for City office.

Sec. 4-4 Terms of Office.

(a) The terms of office of the Mayor, Councilman, Clerk and Treasurer shall be four years, and of the Municipal Judges shall be six years or as prescribed by law.

(b) Each full-time appointed officer shall serve for an indefinite term.

(c) The terms of office of each member of a board or commission of the City shall be for the term of one year, unless otherwise provided in this Charter or the ordinance creating such board, and shall commence on the first day of January.

(d) By resolution of the Council an elective officer may continue, in the office held by him, after the expiration of his term, until his successor has been elected or appointed and has qualified for the office.

Sec. 4-5 Notice of Election and Appointments. Within three days after the canvass of the vote of

the election at which a person has been elected to office or after the Council has made or confirmed an appointment, the Clerk shall mail to the person elected or appointed a certificate of such election or appointment.

Sec. 4-6 Compensation of Officers. The compensation of the elective officers of the City shall be determined by the Council by ordinance. A four-fifths vote shall be required to change the compensation of the Mayor or Councilmen. Any change for any officer shall be free of executive veto, shall be subject to limitations in State law, and shall be made at least thirty days prior to the filing deadline for the office or the compensation shall remain the same for the ensuing term. The President of the Council shall receive five hundred dollars per annum payable quarterly, which shall not be subject to change, in addition to his compensation as a member of the Council. The compensation of all appointive administration officers shall be determined pursuant to the budget appropriations. The elective and appointive officers of the City shall receive no other compensation from the City. Within budget appropriations, reasonable expenses may be allowed by the Council to officers, including themselves, when actually incurred and after audit by the Finance Director. The Council shall determine the compensation of all boards and commissions of the City.

Sec. 4-7 Oath of Office. Every officer, before entering upon his duties, and all employees designated by the Council, before entering upon their employment, shall take the oath prescribed by the Constitution, and shall file the same with the Clerk.

Sec. 4-8 Surety Bonds. The Council may require any officer or employee to give a bond, to be approved by the City Attorney, in such sum as the Council determines. The bond shall be conditioned upon the faithful and proper performances of the duties of the office or employment concerned. All official bonds shall be corporate surety bonds and the premiums thereof shall be paid by the City. The bonds of all officers and employees shall be filed with the Clerk, except that the Clerk's bond shall be filed with the Treasurer. Any officer or employee who is covered by a blanket surety bond need not be bonded individually for the purpose of qualifying for office.

Sec. 4-9 Giving of Surety by Officers Forbidden. No officer, agent, or employee of the City shall become surety on the official bond of any City officer, agent, or employee, nor upon any bond or contract executed to or made with the City, nor except for himself or his immediate family, give or furnish any bail or recognizance in connection with any complaint or warrant charging the violation of this Charter or of any ordinance of the City. No officer, agent, or employee of the City shall be the agent of any surety or insurer in connection with any license granted by the City or with respect to which the approval of the Council or any officer of the City is required.

Sec. 4-10 Vacancies in Office.

(a) A City office shall become vacant upon the occurrence of any of the following events:

- (1) Expiration of the term of office;
- (2) Death of the incumbent;

- (3) Resignation;
 - (4) Removal from office;
 - (5) Ceasing to be an inhabitant of the City, except where residence is not required as a qualification for office;
 - (6) Conviction of an infamous crime, or of an offense involving a violation of oath of office;
 - (7) Default to the City, unless such default is eliminated within thirty days after written notice thereof by the Clerk upon the direction of the Council, or, unless the officer in good faith contests, by recognized procedures, his liability for the default;
 - (8) A decision of a competent tribunal declaring the officer's election or appointment void;
 - (9) Failure to take the oath or file the bond required for the office within ten days from the date of election or appointment or within such other time, thereafter, as the Council may fix;
 - (10) In the case of Councilman's absence from six consecutive regular meetings of the Council, unless such absences be excused by a majority of the Council other than the Councilman involved;
 - (11) Failure to perform the duties of such office for three consecutive months, unless such failure shall be excused by a majority of the Council other than the Councilman involved;
 - (12) Any other event which, by law, creates a vacancy.
- (b) The Mayor may remove any officer appointed by him and may suspend any such officer pending an investigation of any complaint or charge against him.

Sec. 4-11 Resignations. Resignations of elective officers shall be made in writing to the Clerk and shall be effective when filed, unless a day certain, not to exceed thirty days after the date of filing of the resignation, is stated therein. Resignations of appointive officers shall be made in writing to the Mayor. The Mayor or the Clerk, as the case may be, shall announce the resignation of any officer to the Council at its next meeting.

Sec. 4-12 Recall. An elective officer may be recalled, and the vacancy so created shall be filled, in the manner prescribed by law.

Sec. 4-13 Filling Vacancies. The Council shall have the power, and it shall be their duty, to fill any vacancy existing in any elective office within thirty days after said vacancy occurs. The appointment to said office shall be declared to be vacant at the date of the next City, County, State or national election; except that if a vacancy occurs within fifty-five days of any primary the office shall not be declared vacant until the date of the second City, County, State or national election after said vacancy occurs.

Sec. 4-14 Delivery of Office to Successor. Whenever an officer or employee resigns or is removed from office, or his tenure in office expires, he shall deliver, forthwith, to his successor in the office or to the Clerk, all books, papers, moneys, and effects in his custody which were necessary to or were obtained as a part of the performance of his duties.

CHAPTER 5

THE CITY COUNCIL

Sec. 5-1 The Council. The Council shall consist of five members. The term of office of each Councilman shall be four years from 8:00 p.m. on the Monday next following his election, at which time the Council shall meet and organize. In the case of appointments to fill vacancies made under this Charter, an appointee shall qualify for and assume the duties of his office within ten days after his appointment. The Council shall exercise all of the legislative powers of the City, except as otherwise provided by law, and shall provide for the public peace and health, and for the safety of persons and property.

Sec. 5-2 President. At or immediately following the organization meeting after each election, the Council shall select a President to preside at its meetings and otherwise perform the duties of said office as defined in this Charter. The member of the Council receiving the highest number of votes at the regular City election shall be named and designated the Council President. If such person shall decline the office, then the person receiving the next highest number of votes shall be named, until a Council President is chosen. The Council President so named shall serve for a four year term. In the absence or disability of the Mayor, he shall act in his stead. In case of a vacancy or of the extended absence or disability of the President of the Council, the Council shall select, in the above manner, a member to preside in this place. (Amended 7-16-77)

Sec. 5-3 Meetings.

(a) The Council shall meet in regular session in the established Council Chamber at least twice a month on such days and at such time as the Council shall establish by ordinance. If there be no such ordinance, such meetings shall be held on the second and fourth Mondays. If any time set for the holding of a regular meeting of the Council shall be a holiday, or observed as such, then such regular meeting shall be held on the next day which is not a holiday.

(b) Special meetings of the Council shall be held at the place of regular meetings. Special meetings shall be called by the Clerk on the written request of the Mayor, the President of the Council, or any two members of the Council, on at least six hours written notice, designating the time and purpose of such meeting, and served personally on each member of the Council, or left at his usual place of residence by the Clerk or by someone designated by him. Such notice may be waived orally or in writing by Councilmen attending the meeting or in writing by those not attending.

(c) No business shall be transacted at any special meeting of the Council, except that stated in the notice of the meeting, unless waived as provided in (b) above.

(d) All regular and special meetings of the Council shall be public.

(e) Three members of the Council shall be a quorum for the transaction of business at all of its meetings. In the absence of a quorum, any number less than a quorum may adjourn a meeting to a later date.

(f) The Council shall determine its own rules and order of business. The concurrence of at least three Council members shall be required for any official action of the Council and the vote shall be entered in the journal of the meeting, except that, where the vote is unanimous, it shall only be necessary to so state. The public shall have access to the minutes and records of all meetings of the Council.

(g) There shall be no standing committees of the Council.

(h) The Clerk shall prepare an agenda of business to be considered at each regular Council meeting, and, except when this rule is waived by the affirmative vote of three members of the Council, no item of business shall be placed on the agenda, unless notice thereof was filed in the office of the Clerk by noon on the third working day preceding each such meeting. The Council shall prescribe by rule the items of routine business which shall be placed on each agenda without the necessity of giving notice thereof to the Clerk.

Sec. 5-4 Restrictions on Council.

(a) Holding Other Office. Except where authorized by law, no Councilman shall hold any other City office or City employment during the term for which he was elected to the Council except that of County Supervisor, and no former Councilman shall hold any compensative appointed City office until one year after the expiration of the term for which he was elected to the Council.

(b) Appointments and Removals. Neither the Council nor any of its members shall in any manner dictate or require the appointment or removal of any City administrative officers or employees whom the Mayor or any of his subordinates are empowered to appoint without Council approval, but the Council may express its views and fully and freely discuss with the Mayor anything pertaining to appointment and removal of such officers and employees.

(c) Interference with Administration. Except for the purpose of investigation duly authorized by it, the Council and its members shall deal with City administrative officers and employees who are subject to the direction and supervision of the Mayor solely through the Mayor, and neither the Council nor its members shall give orders to or request any service of any officer or employee, either publicly or privately.

(d) Interest in City Business. No member of the City Council or other officer of the City shall be interested directly or indirectly, beyond a trivial extent, in the profits of any contract, job or work or in the sale to or by the City of any land, materials, supplies or services, other than official services. This prohibition shall not apply if the Council shall declare upon its records by the unanimous vote of the members elect thereof, other than the member so interested, that the best interests of the City are served notwithstanding said personal interest.

(e) Voting. No member of the Council shall abstain from voting upon an issue after having had a reasonable opportunity to inform himself upon the particulars and merits thereof unless excused by a majority of the other members of the Council present.

(f) Nepotism. Relatives by blood or marriage of any Councilman or the Mayor within the second degree of consanguinity or affinity may not enter upon employment with the City from the date of the election of such official to the expiration of his last term. This provision shall not apply to classified civil service positions or those subject to Act 78 of 1935 as amended.

CHAPTER 6

CITY LEGISLATION

Sec. 6-1 General Powers and Duties. All powers of the City shall be vested in the Council, except as otherwise provided by law or by this Charter, and the Council shall provide for the exercise thereof by ordinance, resolution or otherwise and for the performance of all duties and obligations imposed on the City by law. It shall have and exercise all Municipal powers in the management and control of City property and in administration of City government whether such powers are expressly enumerated or not, and do any act to advance the interests of the City, the good government and prosperity of the City and its inhabitants and pass all laws and ordinances relating to Municipal concerns subject to the Constitution and general laws. The Council shall be the legislative body of the City, shall function and determine policies as an integrated body and shall not delegate powers or determinations to committees of its members.

Sec. 6-2 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 general subject which shall be clearly expressed in its title. The enacting clause shall be "The City of Highland Park ordains."

(b) Procedure. No ordinance may be enacted except an emergency ordinance until after six full days following its introduction. Enactment shall require the affirmative vote of a majority of the membership of the Council. All ordinances shall take effect fifteen days after the date of enactment unless otherwise provided therein.

(c) Emergency Ordinances. Ordinances immediately necessary for the preservation of public peace, health, morals, safety or welfare may be given immediate effect or earlier effect than that provided above if the emergency and date of effectiveness are provided therein. An emergency ordinance shall automatically become null and void at the end of the sixty-first day following its enactment unless it is made permanent by an ordinance regularly enacted.

(d) Amendments. Ordinances may be amended by the adoption of subsequent ordinances following the above procedure for adoption of ordinances in the first instance. An amending ordinance shall set forth in full the section or subsection as amended but an ordinance, section or subsection may be repealed by identifying number only.

(e) Traffic and Parking Regulations. In any ordinance regulating traffic or parking, it may be provided that, subject to adequate standards to be set forth therein, the details of regulating traffic or parking may be promulgated by the Mayor without formality of ordinance amendment.

Sec. 6-3 Veto of Council Action. No ordinance or resolution of the Council shall have any force or effect if, within forty-eight hours after the adoption thereof, the Mayor shall file in the office of the Clerk a notice, in writing, suspending the operation of such ordinance or resolution and setting forth his reasons therefor. In each case where the Mayor shall file such notice, such ordinance, or resolution shall not go into effect, unless the Council shall, at one of the next two regular meetings of the Council thereafter vote to adopt such ordinance or resolution by the affirmative vote of not less than four of its members. If any such ordinance or resolution shall be passed, it shall become effective according to the terms thereof as originally adopted, except that it shall not be effective sooner than fifteen days after the time of its last adoption as required herein.

Sec. 6-4 Publication. Within seven days after the enactment of an ordinance, the same shall be numbered for identification and shall be published by one of the following methods:

(a) It shall be printed in full in any newspaper published or circulated in the City of Highland Park; or

(b) It shall be posted in the office of the City Clerk and in two other public places in the City of Highland Park and, in the latter case, a notice of the enactment of the ordinance giving the subject and substance thereof and the place where copies have been posted and where copies may be obtained at reasonable cost shall be printed once in a newspaper published or circulated in the City.

Sec. 6-5 Ordinance Record. All ordinances shall be recorded and authenticated by the City Clerk in a book kept for this purpose, but the failure of the Clerk to do so shall not invalidate or suspend its operation. All ordinances of general applicability or interest shall be made available at reasonable cost.

Sec. 6-6 Enactment by Reference. Ordinances and codes may be enacted by reference to the extent and in the manner provided by general law.

Sec. 6-7 Penalties. The City Council may provide for the punishment of violations of ordinances by a fine not to exceed five hundred dollars or imprisonment for not more than ninety days or both in the discretion of the court. These maximums shall automatically increase as permitted by law. The court may order imprisonment until a fine is paid and it may suspend sentences or establish probationary supervision. Imprisonment for violation of ordinances may be in the City or County Jail. Enforcement by injunction, mandamus, orders of superintending control, or other proceedings may also be authorized. No prosecution for the violation of an ordinance shall be commenced after the expiration of two years after the commission of the offense.

Sec. 6-8 Codification of City Ordinances. The Council shall continue and maintain the

codification of City ordinances. Each such codification or recodification may omit such ordinance material as is out of date and no longer needed, may eliminate inconsistencies between existing ordinance provisions, may substitute comparable ordinance provisions for existing provisions, and may include additional ordinance provisions which may be deemed by the Council to be needed to make the Ordinance Code of the City complete for its needs at the time, without the necessity of formal repeal, amendment, or original enactment.

Sec. 6-9 Prior Legislation Preserved. All ordinances, resolutions, and rules of the Council and of each administrative agency of the City, to the extent that they are consistent with the provisions of this Charter, which are in force on the effective date of this Charter, shall continue in full force, until repealed. All such ordinances, resolutions and rules may be amended by the Council and shall stand as and subject to such amendment.

Sec. 6-10 Initiative and Referendum. An ordinance may be initiated by petition, or a referendum on an ordinance enacted by the Council may be had by a petition, as hereinafter provided.

Sec. 6-11 Form of Petitions. The form of initiatory petitions shall be as follows:

To the Honorable Council of the City of Highland Park, County of Wayne, State of Michigan:

We the undersigned registered electors of the City of Highland Park, under and by virtue of the authority granted by Act No. 279 of the Public Acts of 1909, as amended, and by Chapter 6 of the Charter of the City of Highland Park, do hereby propose and initiate for submission to the qualified electors of the City of Highland Park, in the County of Wayne, and State of Michigan, the following proposed ordinance:

(Here set forth proposed ordinance in full)

Name

Number

Street

Date of Signing

Circulator's Statement

I hereby certify that I circulated the above petition and that the signatures thereon are the genuine signatures of the persons so named and they are, to the best of my knowledge, registered electors of the City of Highland Park.

Circulator

Sec. 6-12 Initiatory or Referendary Petitions. Each initiatory or referendary petition (which may be in comparable form) shall be signed by not less than ten percent of the registered electors of the City as of the date of the last regular election. Each ordinance proposed to be adopted by the initiative shall conform to the requirements as to style and form set forth in this chapter. Such petition may be the aggregate of two or more petition papers. Each signer of a petition shall sign his name, and shall place thereon, after his name, the date and his place of residence by street and number. Such petition shall be filed with the Clerk who shall, within ten days, canvass the signatures thereon to determine the genuineness and the sufficiency of the number thereof. Any signatures obtained more than ninety days before the filing of such petition with the Clerk shall not be counted. If found to contain an insufficient number of genuine signatures of registered electors of the City, or to be improper as to form or compliance with the provisions of this section, the Clerk shall notify, forthwith, the person filing such petition, and ten days from such notification shall be allowed for the filing of supplemental petition papers. Such supplementary petition papers shall be canvassed by the Clerk within the same time after the filing thereof and for the same purpose as is herein required for the original petition. When a petition is determined by the Clerk to contain the required number of genuine signatures, he shall present the petition to the Council at its next regular meeting.

Sec. 6-13 Council Procedure. Upon officially receiving an adequate initiatory or referendary petition from the Clerk, the Council shall, within thirty days, either:

(a) If it be an initiatory petition, adopt the ordinance as submitted in the petition or submit the proposal to the electors; or

(b) If it be a referendary petition, repeal the ordinance to which the petition refers or submit the proposal to the electors.

Sec. 6-14 Submission to Electors. Should the Council decide to submit the proposal to the electors, it shall be submitted at the next election held in the City for any purpose, or, in the discretion of the Council, at a special election. The result shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by law. Each ordinance which is submitted to the electors following an initiatory or referendary petition therefor shall be

published in full at least once, which publication shall be made not less than two weeks nor more than four weeks before the date of the election thereon.

Sec. 6-15 Status of Ordinances Adopted. An ordinance adopted by the Council or by the electorate pursuant to initiatory proceedings may not be amended or repealed by the Council for a period of two years after the date of its adoption. Should two or more ordinances, adopted at the same election, have conflicting provisions, the one receiving the largest affirmative vote shall prevail.

Sec. 6-16 Ordinance Suspended. The certification by the Clerk of the sufficiency of a referendary petition within fifteen days after the passage of the ordinance to which such petition refers shall automatically suspend the operation of the ordinance in question pending repeal by the Council or final determination by the electors. An ordinance repealed by the Council or by the electorate pursuant to referendary proceedings shall not be reenacted by the Council for a period of two years after it is repealed.

CHAPTER 7

CITY ADMINISTRATION

Sec. 7-1 Administrative Responsibility. The executive or administrative powers of the City, except as herein otherwise provided, are hereby vested in and shall be exercised by the Mayor and the administrative officers, boards and commissions prescribed or permitted to be created by this Charter.

Sec. 7-2 Administrative Officers.

(a) The administrative officers of the City shall be the Mayor, the City Clerk, the Treasurer, the City Attorney, the Finance Director, and the several department heads created by authority of law and so designated by the Council.

(b) All administrative officers, including members of the several boards and commissions of the City, shall be appointed and may be suspended or removed by the Mayor, unless otherwise provided herein or by law.

Sec. 7-3 Duties of the Mayor. Under the provisions of this Charter, insofar as is required by law, and for all ceremonial purposes, the Mayor shall be the administrative and executive head of the City and shall devote full time to the duties of his office. He shall be a conservator of the peace and may exercise within the City the powers conferred upon sheriffs to suppress disorder. He shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances and regulations of the Council, and the authority of the City government. The powers and duties of the Mayor shall include the following duties and functions:

(1) Keep an office in City Hall which is to be provided by the Council;

- (2) See that all laws and ordinances are enforced within the City;
- (3) Exercise the veto power as set forth in this Charter;
- (4) See that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed;
- (5) Authenticate by his signature such instruments and proceedings as are required to be authenticated by him;
- (6) Prepare the annual budget proposal and present it to the Council with an explanation thereof at the time and in the manner required by this Charter;
- (7) Keep the Council fully advised at all times as to the financial conditions and needs of the City;
- (8) On or before the fifteenth day of October in each year, prepare and submit to the Council and the public, as of the end of the fiscal year, a complete report of the finances and administrative activities of the City during the prior fiscal year;
- (9) Recommend to the Council for adoption such measures as he may deem necessary or expedient;
- (10) Be responsible for the efficient administration of all departments of the City government;
- (11) Act as and be the spokesman for the administrative service and officers of the City, except for the Clerk and the Treasurer, insofar as their duties are provided by law;
- (12) Keep himself informed and report to the Council, either of his own accord or in answer to questions put by the Council, concerning the work of the several administrative officers and departments of the City and, to that end, secure from the officers and the heads of all administrative departments such information and periodical or special reports as he or the Council may deem necessary;
- (13) Be a nonvoting member of all boards and commissions of the City, except as otherwise provided by this Charter or by ordinance;
- (14) Exercise such other powers and perform such other duties as may be prescribed by law, or as may be required of him by ordinance or by resolution of the Council.

Sec. 7-4 Council President and Mayor Pro-Tem. The President of the Council shall be the Mayor Pro-Tem during his term of office. In case of a vacancy in the office of Mayor, or his inability to perform the duties of the office by reason of sickness, absence from the City, or other cause, the Mayor Pro-Tem shall be the acting Mayor. When the Mayor Pro-Tem acts for the Mayor, other than in the case of a vacancy in the office of Mayor, he shall not have the power to appoint or remove the officers or department heads of the City. In case of a vacancy in the office of Mayor,

the Mayor Pro-Tem shall succeed to the office of Mayor for the balance of the Mayor's term, and shall receive the compensation of the Mayor for that time. In the event that the Mayor Pro-Tem shall succeed to the office of Mayor, a vacancy shall be deemed to exist on the Council, which shall be filled by appointment in the manner provided in this Charter. If any Mayor Pro-Tem shall refuse to succeed to the office of Mayor, the order of succession to succeed to such office shall be as herein provided for succeeding to the office of President of the Council.

Sec. 7-5 Department of Law.

(a) The administrative head of the Department of Law shall be the City Attorney. He shall be appointed by the Mayor. The duties of the Department shall include, but shall not be limited to, the following:

- (1) Act as legal advisor to the Council and shall attend its meetings, unless excused therefrom;
- (2) Advise officers, departments and boards in matters relating to their official duties, when requested by them;
- (3) Defend the officers and employees of the City in all actions that may be brought against them for acts done in the performance of their duties as officers and employees of the City;
- (4) Prosecute Charter and ordinance violations;
- (5) Conduct such other actions in court and before other legally constituted tribunals as the Council may direct;
- (6) Prepare or review all ordinances, contracts, bonds, and other written instruments which are submitted by the Council or by the officers and boards in matters of legal nature relating to the affairs of the City.

(b) No board, commission or appointed officer shall employ or retain special counsel at City expense in any matter relating to the affairs of the City, without first securing the approval of the Council of such employment or retainer, except as otherwise provided by law.

(c) In case of bona fide dispute between City officers as to their official duties or in other special situations, the Council shall employ a special attorney for such purposes as it designates.

Sec. 7-6 Department of City Clerk. The City Clerk shall be elected by the people as herein provided. His duties are as follows:

- (1) He shall be the Clerk of the Council and shall keep a journal in the English language of every session of the Council.
- (2) He shall certify, by his signature, all ordinances, resolutions, and other actions of the Council and shall keep a record thereof.

- (3) He shall, upon request, administer any oath required for Municipal purposes by law and the ordinances of the City.
- (4) He shall be custodian of all papers, documents, surety bonds, and records which pertain to the City, the custody of which is not otherwise provided.
- (5) He shall issue and record all licenses required by ordinance and shall counter-sign and record all licenses required to be issued by any other City officer by law.
- (6) He shall be custodian of the City Seal and shall attest such documents and instruments as require attestation by him.
- (7) He shall give ample notice to the Council of the expiration or termination of any franchise, contract, or agreement to which the City is a party, and to officers, personally, of any official bonds required of them.
- (8) He shall provide and maintain in his office a supply of forms for all petitions required to be filed for any purpose by the provisions of this Charter and of any ordinance of the City.
- (9) He shall be the chief elections officer of the City.
- (10) He shall notify the Council concerning any elective officer who fails to qualify for the office to which he has been elected within the time and the manner provided by law, and the Mayor concerning any appointive officer who fails to so qualify.
- (11) He shall be the custodian of the official journal or minutes of each board and commission as provided for by law or by ordinance.
- (12) He shall perform all duties required of him by law and the ordinances of the City.

Sec. 7-7 Department of City Treasurer. The City Treasurer shall be elected by the people as herein provided. His duties shall include the following:

- (a) The City Treasurer shall receive, have custody and account for all moneys belonging to and receivable by the City, including license fees, parking meter revenues, taxes, assessments, and funds available from County, State or Federal governments or other sources.
- (b) He shall deposit all funds in depositories designated by the Council and maintain facilities for the safe keeping of securities, records, investments, intangibles and other assets of the City as designated by the Council.
- (c) He shall disburse money and assets under his control only upon authority of the Council upon warrants signed by the Finance Director and the Clerk or their deputies.

Sec. 7-8 Department of Finance. The Finance Director shall be appointed by the Mayor. The Finance Director shall have a college major in accounting or three years of practical experience

in accountancy. He shall have general charge of the functions of purchasing, auditing, budget preparation and control and tax administration for the City. He shall appoint and may remove such division heads as may be authorized by the Council. The duties of the Finance Director shall include, but shall not be limited to, the following:

- (1) Prepare for the Mayor a tentative budget consisting of information in adequate detail on anticipated tax and nontax revenues, operational and capital expenses, borrowings, payrolls and similar data;
- (2) Prepare and submit to the Mayor and Council a monthly and annual financial statement accurately showing the exact financial condition of the City and its funds, debts, credits, and transactions;
- (3) Maintain a general accounting and inventory system which shall be in conformance with any uniform system of accounts required by law;
- (4) Supervise the disbursement of all moneys and assets by the City and exercise continuous budget control to insure that appropriations are not exceeded and that collections are effectuated;
- (5) Make all purchases for the City and its agencies except for the hospital (see Sec. 7-13), approve all vouchers therefor before payment, maintain an inventory and safely keep and issue supplies, and supervise all purchases and sales of real and personal property for the City subject to such regulations or ordinances as may be promulgated by the Council;
- (6) The Finance Director shall also have such powers and shall perform such functions as are customarily incident to the above items and also such powers and duties as may be imposed from time to time by the Council.

Sec. 7-9 Departments of Fire and Police.

- (1) For the purpose of maintaining peace and order in the City and for protecting persons and property, both a Police Department and a Fire Department shall be maintained. Such departments shall not be combined.
- (2) The executive head of the Police Department shall be the Chief of Police and the executive head of the Fire Department shall be the Fire Chief. The Chief of Police and the Fire Chief shall each hold his position by virtue of appointment as provided by law and shall be responsible to the Mayor for the performance of his respective duties as the executive head of his department, and shall be subject to removal by the Mayor in the manner permitted by law.
- (3) Each member of the Police and Fire Departments shall, before entering upon the duties of his office or employment, take an oath similar to that required of officers of the City and shall file a copy thereof, subscribed by him, with the Clerk.
- (4) The plan of civil service for Policemen and Firemen as established by Act No. 78 of the Public Acts of 1935, as amended, which was in effect in the City on the effective date of this

Charter is hereby continued under this Charter and incorporated therein by reference with all future amendments, with the same force and effect as though fully set forth therein and nothing is hereby added to or deleted from such act by such incorporation.

(5) No member of the Police Department, other than the head of the Department or his assistant, regardless of rank, shall be required to be on duty in such employment for more than eight consecutive hours out of any twenty-four hour period on five consecutive days, nor more than forty hours out of each week, except as permitted by law. Provided, that such four hour limitation shall not apply to time required to be devoted to training, educational or emergency work or for disciplinary purposes.

(6) Each member of the Police Department who is required to work any time or times in addition to that set forth in subsection (5), during any emergency, which shall be declared by the Mayor, shall be excused from work for a period equal to such overtime, or recompensed for such time at the minimum rate of one and one-half times his normal pay, if such payment be authorized by the Council.

(7) No member of the Fire Department, except the head of the Department or his assistant, who is employed in fire fighting or subject to the hazards thereof, shall be required to be on duty in such employment more than the time permitted by law, nor in any case more than an average of fifty-six hours per week over any eight week period, except as permitted by law.

(8) Each member of the Fire Department who is required to work any time or times in addition to that set forth in subsection (7) during any emergency which shall be declared by the Mayor, shall be excused from work for a period equal to such overtime, or recompensed for such time at the minimum rate of one and one-half times his normal pay, if such payment be authorized by the Council.

(9) The functions and authority of the Fire and Police Departments and their respective personnel shall be such as are commonly attributed to them or may be imposed by the laws of the State, this Charter, or the ordinances of the City.

Sec. 7-10 Department of Public Works.

(a) The Director of Public Works shall be appointed by the Mayor. He shall be qualified by law for performing engineering design and supervision of public construction projects and by training and experience in the field of sanitary and public works engineering. He shall be in general charge of the Department and shall appoint and may remove such division heads as may be authorized by the Council.

(b) The Director of Public Works shall also have the following duties and powers:

(1) Plan, program and complete all public works activities as outlined in the Charter, ordinances or resolutions of the City;

(2) Make all appointments of personnel within the Department subject to the provisions of this

Charter and the ordinances of the City;

(3) Supervise the preparation of the departmental budget and of capital improvements of public works character;

(4) Represent the Department and all divisions thereof in all official transactions and contacts with agencies outside the Department.

(c) The Department of Public Works shall have general responsibility for the following functions: construction and maintenance of streets, alleys, sidewalks, public ways and buildings, parks, curb strips, trees, shrubs and public grounds; motor, mechanical and general service; City engineering; traffic engineering; contract specifications; inspections and code enforcement such as plumbing, heating, electrical, air conditioning, refrigeration, buildings, elevators, fire escapes; and such other related functions as may be delegated to it.

(d) It shall maintain records concerning the boundaries of the City, the location of streets, alleys, and public places, and of all utility and sewer mains, lines, conduits, manholes, valves, junctions and appurtenances located therein and shall make or cause to be made all necessary surveys, maps, plats, diagrams, plans and specifications for all public improvements, buildings, and grounds of the City.

(e) The Department may continue to operate through divisions and the Director shall organize and assign functions thereto unless otherwise directed by ordinance.

(f) The Council shall have power to employ the engineering services of any qualified engineer or firm in connection with any engineering work, except where it will result in a reduction of established City employment. Such work may be performed in conjunction with or independently of the Director of Public Works, but a copy of all final plans and specifications provided shall be filed with the Department.

Sec. 7-11 Planning Department. There is hereby created a Planning Department and Planning Commission. The members of the Planning Commission shall possess the qualifications required by this Charter for elective officers, and shall be appointed by the Mayor subject to the approval thereof by the Council. With the consent of the Council, one of such persons may be a nonresident of the City who has an interest in the planning of the area of which the City of Highland Park is a part. The Planning Department and Commission shall possess and exercise all of the powers and functions of Act No. 285 of the Public Acts of 1931, and such amendments and superseding acts as may be enacted. The Department and Commission shall, in collaboration with the other officers and boards, prepare its recommendations for a program for capital improvement expenditures for public structures and improvements during the ensuing six years and submit the same to the Mayor and Council not later than the first day of February of each year. Subject to confirmation by the Mayor, the Commission may appoint a Planning Director who shall be the executive officer of the Department and Secretary of the Commission.

Sec. 7-12 Health. The City Council shall be the Board of Health of the City and may appoint a Health Officer, organize and maintain a Health Department, have and exercise all powers and

authority conferred upon boards of health by the general laws, and enact such ordinances as may be deemed necessary for the preservation of and protection of the health of the inhabitants of the City. The City shall have power to establish, maintain, and regulate suitable hospitals within its corporate limits. The City is hereby authorized to consider, negotiate, determine and agree upon the terms and conditions under which this City may join in the organization and maintenance of a county health department, or similar agency authorized by law. It may delegate to such department or agency such powers, functions and duties relating to health as it may deem proper, contract therewith for extra services, and appropriate thereto money, services, or both. It may make applicable to the area of the City any rules or regulations promulgated by said department or agency, and penalties for the violation thereof.

Sec. 7-13 Hospitals. The City is hereby authorized to continue to own and operate the Hospital unless disposed of as herein permitted. The Hospital Board of the City of Highland Park, having been created by ordinance under authority of the previous Charter of the City for the operation of the Highland Park General Hospital, is hereby continued. The members of such Board shall consist of an odd number of persons not to exceed seven who shall serve with or without compensation as determined by the Council, shall be appointed by the Mayor with Council consent, and shall perform such duties and exercise such powers as shall be provided by this Charter, said ordinance, or by the Council, subject to the following principles:

- (1) Said Hospital shall be under the general management, operation and control of said Board.
- (2) The Board is hereby empowered to enter into such labor contracts or pursue such personnel policies, independently of the City administration as may be reasonable or necessary to properly staff the Hospital and assure adequate service and personnel for its operation. The subcontracting or subleasing of any job shall be subject to Act 379, P.A. 1965, Collective Bargaining, and shall be bargained by the administration and the employees. There shall be no leasing or farming out of classified jobs of work that can be performed by Highland Park residents.
- (3) No capital improvement or other expenditure involving more than two thousand dollars shall be made or commitment entered into without the approval of the Council.
- (4) The annual budget of said Board for the operation of the Hospital shall be subject to the approval of the Council.
- (5) The Board is hereby empowered to establish its own purchasing policies provided that all purchases of more than two thousand dollars of any one general classification or from one source shall be pursuant to bidding or under circumstances permitting competition therefor, and no purchase exceeding said amount shall be authorized until approved by the Council.
- (6) The Board, in consultation with licensed physicians on its staff, may make and enforce such rules and regulations as will assure the professional standing of the Hospital and its facilities and handling of patients.
- (7) The Board shall establish rules of procedure for its operations, select its own chairman, establish a schedule of rates and charges designed to provide for operation on a self-sustaining

basis, engage in such preclearance and collecting policies as may be necessary, engage such managerial and professional assistance as may be advisable, and otherwise enjoy general managerial independence of the Mayor and Council of the City. Bona fide residents of the City shall be eligible for emergency treatment without preclearance procedure.

(8) The Board shall provide and keep in force such policies of insurance as shall adequately provide for the replacement of any portion of its property destroyed or damaged by fire, windstorm or other casualty and to protect the operation and its employees against liability to limits which shall be established from time to time by the Council. These insurance coverages shall include professional, vehicular, equipment, drug and such other sources of liability as may be determined by the Council.

(9) The Board shall make such interim, quarterly and annual reports as may be required by the Council and shall make an annual report pursuant to annual audit by an independent outside firm of certified public accountants selected by the Council.

(10) The encumbrance or sale of the Hospital and any part or all of its real estate, shall be the exclusive function of the people and no commitment, pledge, mortgage or other action shall be taken which will impair this right without the consent of the people by majority vote. No bonds shall be sold or borrowing entered into without the consent of the Council formally taken after a majority vote of the people.

Sec. 7-14 Library Commission. The Library Commission of the City of Highland Park, having been created under authority of the previous Charter of the City, is hereby continued. The members of such Commission shall be appointed by the Mayor for such terms of office as the Council shall provide, and shall perform such duties and exercise such powers as are or shall be provided by the Council. With the consent of the Council, one of the members of the Library Commission may be a nonresident of the City.

Sec. 7-15 Recreation. The Council shall provide for the recreation program of the City including parks, playgrounds, reading rooms, and both open and enclosed spaces for the conduct thereof. It may combine with the school district or other units of government in the ownership and operation of such facilities and programs.

Sec. 7-16 Consolidation or Addition of Departments. Notwithstanding other provisions of this Charter, the Council may, by ordinance, consolidate or abolish or create new departments or divisions within them, may re-name them, and may change or rearrange the functions thereof and the officers to be responsible therefor. No such ordinance shall be adopted, however, unless the Council expressly finds that the efficiency and effectiveness of the administration of the City would be promoted thereby. No essential Municipal function or service nor any duty imposed by law may be abolished.

Sec. 7-17 Advisory Boards. The Mayor and Council, separately or jointly, may from time to time appoint such boards, committees or commissions as are deemed appropriate or necessary to advise and consult with them and with appropriate officers or department heads of the City regarding any Municipal activity or to carry out duties established by State or Federal laws or

other appropriate authority. Such boards, committees or commissions shall serve temporarily and without compensation unless otherwise provided by the City Council.

Sec. 7-18 Employees' Group Benefits. The Council shall have power to provide or to make available to the officers and employees of the City, and their dependents, recognized standard plans of group life, hospital, medical and surgical, health, accident, and other forms of group insurance, including Federal old age and survivors' insurance under any plan therefor provided or permitted by the State or Federal law, longevity benefits, and such other benefits as the Council may determine to be in the best interests of the City. Such power may include, in the discretion of the Council, retired officers and employees, unless otherwise provided in this Charter.

Sec. 7-19 Salary Assignments Prohibited. Salaries and wages of officers and em-employees of the City shall not be assignable by such officers and employees, nor shall deductions be made therefrom except for the payment of taxes and assessments of the Federal Government, and subject to such conditions and rules as the Council shall provide, premiums for insurance benefits authorized herein, and, when also authorized by the payee thereof, for the payment of union dues, for the purchase of Federal bonds or instruments of indebtedness, for charitable purposes, for employee credit union saving accounts or payments, and for the purchase of goods or merchandise made or through the City.

Sec. 7-20 Residence of City Employees. It shall be a condition of employment that all employees of the City, except those employees who are exempt as a result of a collective bargaining agreement, shall be and remain a resident of the City or shall become a resident of the City within six months following the completion of any probationary period. The City is defined as the City limits of the City of Highland Park. Residency shall be construed to be the actual domicile of the employee. An employee can have only one domicile. An employee may be granted a waiver of this residency requirement upon a showing of hardship and a good faith attempt to comply. Council may adopt any ordinance that may become necessary to implement this employee residency requirement. This provision shall not apply to those employees hired prior to the effective date of this Charter provision whose contract of employment expressly exempted that employee from any residency requirement as a condition of employment. Any non-otherwise exempt employee shall have six months from the effective date of this provision within which to comply with this provision. (Amended 11-6-90)

Sec. 7-21 Holidays. Except as provided elsewhere in this Charter, holidays shall be determined by ordinance. All employees of the City shall be entitled to holidays with pay, except those employees in departments where continuous service is required, then, in that case, the employees who are required to work on the aforesaid holidays shall be paid at least twice their regular rate of compensation. Employees shall be construed to include policemen and firemen.

Sec. 7-22 Deputies. The Clerk, City Attorney, Finance Director, Treasurer, Public Works Director, and such other officers or department heads of the City as the Council may designate may appoint and remove deputies to perform duties in the name and stead of such officer or department head.

Sec. 7-23 Assessor. The City Assessor shall be appointed by the Mayor. He shall prepare such

assessments, tax rolls, exemptions and exercise such powers as are vested in, and perform such duties as are imposed upon, assessing officers by law. He shall also prepare all special assessment rolls for the financing in whole or in part of improvements in the City.

CHAPTER 8

BUDGET PROCEDURE AND GENERAL FINANCE

Sec. 8-1 Fiscal Year. The fiscal year of the City shall begin on the first day of July of each year.

Sec. 8-2 Budget Procedure. On or before the first day of February of each year, each officer and department head shall submit to the Finance Director estimates of the expense of operating their several offices and departments for the period of one year next succeeding first day of July following and a complete statement of expected revenues. The Finance Director shall tabulate the statements so submitted and present the same to the Mayor with the data required by Section 8-4 hereof. Such tabulation shall be so arranged that, in addition to the tabulation and data required, there shall be additional columns for tabulating the recommendations of the Mayor and the determinations of the Council concerning each proposed expenditure item. The tabulation of the Mayor's recommendations shall constitute his budget proposal and shall be presented to the Council on or before the third Monday in April. The proposed expenditures recommended by the Mayor shall not exceed the expected revenues of the City for the next fiscal year by an amount greater than the expected unexpended and unencumbered funds estimated to remain in the City's Treasury at the end of the current fiscal year.

Sec. 8-3 Budget Statement of Mayor. The Mayor shall submit to the Council, with each budget proposal, a budget statement, which shall explain the budget proposal and contain an outline and explanation of the proposed financial policies of the City relating to its operations for the next fiscal year.

Sec. 8-4 Budget Proposal. The Finance Director's budget tabulation shall present a complete financial plan for the next fiscal year. It shall include the following:

(1) Detailed estimates of all proposed expenditures for each department and office, showing, in parallel columns:

(a) The expenditures for corresponding items for the last preceding fiscal year;

(b) The appropriations and expenditures therefor of the current fiscal year to the last day of January, with estimates of the expenditures therefor to the end of the current fiscal year; and

(c) The requests therefor of the several officers and department heads.

(2) Statements of the bonded and other indebtedness of the City, showing the debt redemption and interest requirements, the debt authorized and unissued, and the condition of sinking funds, if any.

(3) Detailed estimates of all anticipated revenue from sources other than taxes and borrowing, with a comparative statement of the amounts received from the same or similar sources for:

(a) The last preceding fiscal year; and

(b) The actual receipts of the current fiscal year to the last day of January, and an estimate thereof for the balance of the year.

(4) A statement of the estimated amount of unexpended and unencumbered funds anticipated to remain in the City's Treasury or deficit for the end of the current fiscal year.

(5) An estimate of the amount of revenue from current and delinquent taxes and the amount to be raised by borrowing, which, together with revenue from other sources, will be necessary to meet the proposed expenditures.

(6) Such other supporting information and schedules as the Council or the Mayor may deem necessary.

Sec. 8-5 Budget Proposal a Public Record. Each budget proposal, together with all supporting schedules, is filed with the Council. A copy thereof shall be available for public inspection in the office of the Clerk at all reasonable times.

Sec. 8-6 Adoption of Budget. On or before the Friday following the second Monday in May the Council shall conduct such hearings as may be required by law and by resolution, adopt a budget for the next fiscal year and in such resolution shall make an appropriation of the money budgeted for Municipal purposes during the next fiscal year and determine the amount necessary to be raised by taxation.

Sec. 8-7 Failure of Council to Adopt Budget. Should the Council fail to adopt a budget for the next fiscal year by the third Monday in May, the budget proposal, as recommended to the Council by the Mayor, shall be deemed to have been finally adopted by the Council and, without further action by the Council, shall constitute an appropriation of the money needed for Municipal purposes during the next fiscal year. It shall be deemed legal authority for a levy of the amount to be raised by taxes upon real and personal property subject to the provisions of Section 9-1 of this Charter. If any budget adopted in this manner requires an amount to be raised by taxes upon property in excess of the limitation provided in Section 9-1 hereof, the budget and appropriations and each item thereof shall be adjusted by the Mayor to conform to such limitation.

Sec. 8-8 Effect of Adoption of Budget. Upon the adoption of any budget, the several amounts stated therein as proposed expenditures shall be appropriated to the several and respective objects and purposes named therein. A copy of the budget so adopted, certified by the Clerk, shall be filed in his office. Copies of the budget as adopted or of appropriate portions thereof, shall be furnished by the Clerk to each officer and department head and, upon request, shall be furnished at cost to interested citizens and civil organizations. No transfer exceeding five hundred dollars shall be made from one fund to another, except by the concurring vote of the

Council. Transfers below five hundred dollars may be made by the Mayor on approval of the Finance Director.

Sec. 8-9 Transfer of Operating Appropriations. After the budget has been adopted, no money shall be drawn from the Treasury nor shall any obligation for the expenditure of money be incurred for payment during the fiscal year to which such budget applies, except pursuant to an appropriation therefor. Upon the recommendation of the Mayor, the Council may, however, transfer any unencumbered operating appropriation balance, or any portion thereof, from one operating fund or account to another. At the end of each fiscal year, the Council may transfer any unencumbered balance or any part thereof in any budget appropriation into one or more public improvement funds created under authority of Section 8-16 of this Charter. If not so transferred such balance shall revert to the General Fund.

Sec. 8-10 Depository and Investment of Funds. The Council shall designate the depository or depositories for City funds and shall provide for the regular deposit of all City moneys. Idle moneys may be invested according to the general laws of the State as the Council may determine.

Sec. 8-11 Budget Control. At the beginning of each month, and at other times if required by the Mayor, the Finance Director shall submit to the Mayor data showing the financial position of the City. If it appears that the income of the City is less than anticipated, the Council, upon the recommendation of the Mayor, may revise or amend the budget as may be necessary, except as to amounts required for debt and interest charges.

Sec. 8-12 Contractual Claims Against City. All contractual claims against the City shall be filed with the Finance Director who shall verify the correctness of each claim and whether it is a proper charge against the City.

Sec. 8-13 Damage Claims Against City. The City shall have all the immunities from claims for damages for injury to persons or property as may be permitted by law. The City shall not be liable on any claim for damages regardless of its basis unless the claimant has filed a notice of claim within sixty days after it shall arise, giving the particulars thereof so that the City may make timely investigation of the circumstances pertaining thereto.

Sec. 8-14 Withdrawal of City Funds. All funds of the City drawn from the Treasury shall be drawn pursuant to an appropriation by the Council and by warrants signed by the Finance Director and Clerk. Each warrant-check shall specify the fund or funds from which it is payable.

Sec. 8-15 Independent Audit. An independent audit shall be made of all accounts of the City at least annually, and more frequently if the Council deems necessary. Each such audit shall be made by certified public accountants and shall correspond to generally accepted auditing standards applicable to cities. A complete summary of the audit shall be made public.

Sec. 8-16 Funds for Public Improvements. The City may establish and maintain a fund or funds, including a revolving fund for special assessment projects, for the purpose of accumulating moneys to be used for making, acquiring, extending, altering, or repairing public improvements.

Moneys so accumulated may be transferred, encumbered or otherwise disposed of only for the purpose for which they were accumulated unless another purpose is approved by a resolution of the Council.

Sec. 8-17 Municipal Borrowing Power.

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

(1) General obligation bonds;

(2) Special assessment bonds;

(3) Revenue bonds;

(4) Mortgage bonds for the acquiring, owning, purchasing, constructing, improving, or operating of any public utility which the City is authorized by law to finance in this manner;

(5) Tax anticipation notes;

(6) Calamity bonds, issued in case of fire, flood, or other calamity;

(7) Bonds for the City's share of the cost of local improvements, which bonds may be issued as a part of, or independently of, any special assessment bonds which are issued for the same improvement or improvements;

(8) Bonds for refunding indebtedness of the City;

(9) Budget bonds as authorized elsewhere herein;

(10) Time-purchase contracts as authorized elsewhere herein.

(b) Each bond or other evidence of indebtedness shall contain on its face a statement of the purpose for which the same is issued and no officer of the City shall use the proceeds thereof for any other purpose, except that, whenever the original proceeds of any bond issued, or a part thereof, remain unexpended and unencumbered for the purpose for which said bond issue was made, the City Council may authorize the use of such unexpended fund as permitted by law;

(1) For an additional extension or improvement of the facility or project for which the bond issue was made;

(2) For the retirement of such bond issue;

(3) If such bond issue has been fully retired or funds are segregated which are adequate for such purpose, then for the retirement of other bonds or obligations of the City;

(4) If there is no other indebtedness, or funds are segregated which are adequate for such purpose, then for such other purposes as may be permitted by law.

(c) All collections on each special assessment roll or combination of rolls, in anticipation of which bonds have been issued, shall be set apart in a separate fund (but not necessarily in a separate bank account) and shall be used for the purpose for which levied and for payment of the principal of and interest on such bonds. If there is any deficiency in a special assessment fund to meet the payment of the principal and interest to be paid therefrom, moneys shall be advanced from the General Fund of the City to meet such deficiency and shall be replaced in the General Fund when the special assessment fund shall be sufficient therefor.

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

(e) The City Treasurer shall keep a detailed record of all bonds and other evidence of indebtedness. Upon payment of the same the Clerk shall mark them "cancelled" and keep them until their destruction is permitted by general law.

CHAPTER 9

TAXATION

Sec. 9-1 Power, Limitation and Subject of Taxation. The City shall have the power to assess taxes and to levy and collect rents, tolls, and excises, and including all powers now or hereafter granted to cities by the State of Michigan. Exclusive of any levies authorized by law to be made beyond Charter tax rate limitations, the annual ad valorem tax levy shall not exceed two percent of the equalized assessed value of all real and personal property of the City. The subjects of ad valorem taxation for Municipal purposes shall be the same as for State, County, and school purposes under the general laws. Except as otherwise provided in this Charter, City taxes shall be assessed, levied, collected and returned in the manner provided by statute. No exemptions from taxation shall be allowed except as expressly required or permitted by law.

Sec. 9-2 Assessment Roll. Between tax day and the first meeting of the Board of Review in each year, the Finance Director, as City Assessor, shall make and complete an assessment roll in the manner and form provided in the general tax law.

Sec. 9-3 Board of Review. A Board of Review is hereby created as follows:

(a) Composed of the entire membership of the Council. They shall meet annually as required by law and select a Chairman from their number. They may select a Clerk, who may be the Assessor. They shall perform the functions and have the privileges of assessors under the general law; or

(b) City Council may appoint a Board of Review to hear and determine appeals from property tax assessments. The Board shall process the duties and powers provided by law, which may be exercised by the whole Board or by committees thereof. Such Board of Review under this subsection (b) shall be representative of a cross-section of the community and shall be composed of three, six or nine residents and electors of the City, who shall be appointed by a majority of the City Council. Resident shall be construed to mean an individual with actual domicile in the City. If six or nine members are appointed as provided by this subsection, the membership of the Board of Review shall be divided into Board of Review committees consisting of three members each for the purposes of hearing and deciding property valuation issues being protested. At least two-thirds of the members of the Board or any committee of the Board of Review shall be property taxpayers. As far as possible, different professions and occupations and persons having knowledge of and familiarity with real estate property values, assessment practice and taxation shall be represented on the Board. Members appointed shall serve for terms of two years beginning at 12:00 noon on January 1 of each odd-numbered year. Each member of the Board of Review shall qualify by taking the constitutional oath of office within ten days after appointment. Any vacancies on the Board of Review shall be filled by a majority of the City Council. A Board member may be removed from office without cause by a majority of the City Council members. The Board members shall not be members of any other City agency, board, department, commission or other division of the City. A member of the Council shall not be eligible to serve on the Board of Review or a committee or to fill any vacancy. At least two members of a three member Board of Review or committee shall be present to conduct any business or hearings of the Board of Review. A majority of the entire Board of Review membership shall endorse the assessment roll as provided for by law. Except for hearing and deciding property valuation protests, the duties and responsibilities of the Board shall be carried out by the entire membership of the Board of Review and a majority of the membership shall constitute a quorum for such purposes.

Sec. 9-4 Notice of Meetings. Notice of the time and place of the annual meeting of the Board of Review shall be published not less than one week nor more than three weeks prior thereto.

Sec. 9-5 Endorsement and Validity of Roll. Immediately after the review of the assessment roll, a majority of the Board of Review shall endorse the roll, as required by law. The omission of such endorsement shall not affect the validity of the roll. It shall be presumed by all courts and tribunals to be valid, and shall not be set aside, except for cause set forth by law.

Sec. 9-6 Clerk to Certify Levy. Within three days after the adoption of the annual budget and appropriation resolution by the Council, the Clerk shall certify to the Assessor the total amount which the Council determines shall be raised by general property taxation, together with such other assessments and lawful charges and amounts which the Council requires to be included in the annual levy.

Sec. 9-7 Assessment of Taxes. The Assessor shall take said assessment roll as thus completed and adopted by the Board of Review, and the certificate of the Clerk pursuant to the budget and appropriation of the Council, together with any school district levy to be incorporated into the summer assessment and collection of taxes, and prepare a "General Tax Roll," by spreading thereon rateably to each person and property assessed the funds required to be raised by property

taxation pursuant thereto or pursuant to other valid procedures, but subject to the limitations imposed by law.

Sec. 9-8 Warrant. Upon delivering said general tax roll to the City Treasurer on or before June 15 of each year, the Assessor shall annex thereto his warrant over his signature, with the Seal of the City affixed, commanding the Treasurer to collect from the several persons named in said roll the several sums mentioned therein and enforce payment as provided herein or by general law.

Sec. 9-9 Lien and Persons Liable. All taxes thus assessed shall become a debt due the City as provided by general law and, as of July 1 of the year of assessment, the said taxes, both real and personal, with any applicable charges, fees or penalties shall become a lien, paramount to all other claims, encumbrances or liens, upon the property against which they are assessed until paid.

Sec. 9-10 Statement to Taxpayers. Upon receipt of said general tax roll, the Treasurer shall proceed to collect the taxes. He shall prepare and mail to each taxpayer, at his last known address on the tax roll, a statement or billing showing the description of the property, the assessed valuation, and the tax payable, but the failure to send or receive such statement shall not prejudice the validity of the tax or the right and duty to collect or enforce payment thereof.

Sec. 9-11 Tax Collection Schedule and Charges. All City and school taxes, charges, and assessments spread upon general tax roll for collection which are paid on or before the fifteenth day of August of the same year shall be collected without additional charge. To all such taxes paid after the fifteenth day of August, there shall be added a collection charge of one percent for each and every month or fraction thereof that the same remains unpaid before payment; provided, however, that, if any person shall pay one-half of the City taxes and any charges or assessments and one-half of any school taxes due and payable on July first on or before the thirty-first day of July of that year, he may pay the other half of such taxes, charges, and assessments on or before the thirty-first day of October of the same year without additional charge. Should such second half not be paid on the said thirty-first day of October, the same shall be subject when paid to a collection charge of one percent per month or fraction of a month from the preceding fifteenth day of August. The collection charges herein provided shall not be deemed to constitute interest, but a charge reflecting the additional cost to the City of collecting taxes not paid promptly. All such charges, when paid, shall be the property of the City.

Sec. 9-12 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. In all proceedings relating to the assessment, spreading, and collection of such taxes and the receipt and disbursement thereof, the Assessor, Clerk, and Treasurer shall have like powers and duties as are prescribed by law for supervisors of townships, township clerks, and township treasurers, respectively.

Sec. 9-13 Protection of City Lien. The City shall have power, insofar as the exercise thereof shall not conflict with or contravene the provisions of law, to acquire such an interest in any premises within the City, by purchase at any tax or other public sale, or by direct purchase from or negotiation with the State of Michigan or the fee owner, as may be necessary to assure to the

City the collection of its taxes, special assessments, or charges which are levied against any lot or parcel of real property or to protect the lien of the City therefor, and may hold, lease, or sell the same. Any such procedure exercised by the City to assure the collection of its taxes or the protection of its tax or other liens shall be deemed to be for a public purpose. The Council may adopt any ordinance which may be necessary to make this section effective.

Sec. 9-14 Collection of Delinquent Taxes. All City taxes, and assessments upon real property on the tax roll, remaining uncollected by the Treasurer on the first day of March following the date when the roll was received by him shall be subject to one of the following procedures:

(1) The same may be returned to the County Treasurer in the same manner and with the like effect as provided by law for returns by township treasurers of Township and County taxes. Such returns shall include all the additional charges and assessments hereinbefore provided, which shall be added to the amount assessed in said tax roll against each property or person: provided, that the Treasurer may, in lieu of adding collection charges to the taxes, charges, and assessments returned to the County Treasurer, enter the same in a separate column of the delinquent tax roll. The taxes thus returned shall be collected in the same manner as taxes returned to the county treasurers are collected, by law, and shall be and remain a lien upon the property against which they are assessed until paid.

(2) In lieu of returning such delinquent taxes, charges, and assessments to the County Treasurer, as aforesaid, the Council may adopt an ordinance providing for the holding of City tax sales of tax delinquent land. The procedure established by such ordinance for the holding of City tax sales shall correspond to that established by law for the holding of tax sales by county treasurers, except that City tax sales shall be held not less than thirty days nor more than ninety days prior to corresponding tax sales held by county treasurers, the City Treasurer and Council shall perform the duties performed by county treasurers and the Auditor General, respectively, and the redemption provisions may be more favorable to the owners of property sold at tax sale than those provided by the general tax laws of the State.

Sec. 9-15 Disposition of Real Property Held by City. When the City has acquired any property to protect the City's tax lien thereon, the owner of any interest therein, by fee title, as mortgagee, or as vendor or vendee under a land contract, shall have the right to purchase the City's interest therein, upon payment to the City of the amount of money which the City has invested therein in the form of unpaid taxes, special assessments, charges, fees, penalties, interest, and costs. After the lapse of ninety days after the date that the City acquires title to any such property, the Council may determine that such property is needed for and should be devoted to public purposes, naming such purpose or purposes, or may sell the same at a price which shall be not less than its market value, as determined and certified by the Assessor.

Sec. 9-16 Failure to Pay Personal Property Tax. If any person, firm or corporation shall neglect or refuse to pay any personal property tax assessed to him or them, the Treasurer shall collect the same by seizing the personal property of such person, firm or corporation to an amount sufficient to pay such tax and applicable fees together with charges for subsequent sale costs, wherever the same may be found in the State, and from such seizure no property shall be exempt. He may sell the property seized to an amount sufficient to pay the taxes and all charges in accordance with

general law. If otherwise unable to collect a tax on personal property, the Treasurer may use therefor the person, firm or corporation to whom it is assessed.

Sec. 9-17 Jeopardy Assessment of Personal Property Taxes. Whenever the proper conditions exist, the Treasurer shall accelerate the date on which personal property taxes shall be collected, as provided by general law. Taxes, assessments, interest and other charges shall be returned to the County Treasurer in the manner provided by law for returns by township treasurers for Township, County and school taxes, and the same shall be collected in the same manner by the County Treasurer, and shall remain a lien upon the property against which they are assessed or chargeable until paid.

Sec. 9-18 Inequitable Assessment or Tax. If it shall be found, at any time, that any property has been subjected to a substantially inequitable assessment or tax, as by reason of errors in computations, decimal misplacement, double entries, and the like, so that the same amounts to a constructive fraud upon the taxpayer, and if the City Attorney shall prepare and file a written memorandum indicating that, under current statutes and case law, relief would be granted by a court of competent jurisdiction, then the City Council may so determine and declare by resolution without requiring the commencement of court proceedings and any necessary adjustment may be taken from the General Fund of the City.

Sec. 9-19 Tax Clearances. No warranty deed for the transfer of real estate or any interest therein shall be received or recorded by the Register of Deeds for the County of Wayne unless all City taxes and assessments on the property described therein, then due and payable, have been paid. It shall be the duty of the City Treasurer or such other agency as the City Council may designate, upon request and after the payment thereof, to furnish a certificate that all such taxes and assessments have been paid, and such certificate shall be filed with the Register of Deeds when the document is submitted for record. A fee to be fixed by the City Council may be charged for issuing the certificate.

CHAPTER 10

SPECIAL ASSESSMENTS

Sec. 10-1 Special Assessment Power. The City Council shall have the power to determine, with or without a petition therefor, that the whole or any part of the expense of any public improvement or repair shall be defrayed by special assessment upon the parcels of property especially benefited and so declared by resolution. Such resolution shall state the estimated cost of the improvement, what portion of the cost shall be paid by special assessment, what portion, if any, shall be a general obligation of the City, the number of installments in which assessments may be paid, the interest to be charged, and designate the districts or land and premises upon which special assessments shall be levied.

Sec. 10-2 Procedure Ordinance. The City Council shall prescribe by general ordinance the complete special assessment procedure to be used, including the preparing of plans and specifications, estimated costs, a hearing on necessity, the preparation, hearing, correction and confirmation of the special assessment roll, the collection of special assessment, the assessment

of single lot or parcels, the apportionment of assessment if land is divided, and any other matters concerning the making of improvements by the special assessment method. Said ordinance shall authorize additional assessments if the prior assessment proves insufficient to pay for the improvement and costs incident thereto or in case of invalidity in whole or in part, and it shall provide for the refund of excessive assessments, provided that if the excess is less than five percent of the total cost it may be placed in the General Fund of the City.

Sec. 10-3 Assessment Lien. From the date of confirmation of any assessment or reassessment roll the same shall constitute a lien upon the respective lots or premises assessed and shall also be a charge against the person to whom assessed until paid, and, in case of delinquency, may be enforced by addition to any later return to the County Treasurer of regular taxes or by suit against such person.

Sec. 10-4 Contest of Assessment. No suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of any special assessment or reassessment (a) unless, within sixty days after the confirmation of the special assessment roll, written notice is given to the City Clerk for attention of the City Council indicating an intention to file such suit or action and stating the grounds on which it is claimed such assessment is illegal and (b) unless such suit or action shall be commenced within ninety days after the confirmation of the roll. If the City Attorney submits a written opinion finding said roll illegal, in whole or in part, the City Council may revoke its confirmation, correct the illegality if possible, and reconfirm its confirmation, correct the illegality if possible, and reconfirm the same as amended, provided that no property which is not involved in the illegality shall be assessed more than was imposed upon the original confirmation without further notice and hearing thereon.

CHAPTER 11

COUNTY SUPERVISORS

Sec. 11-1 Representation on Board. The City of Highland Park shall be entitled to such representation on the Board of Supervisors of Wayne County as shall be provided by the laws of the State. At the first regular meeting of the Council in December of each year, the Council shall appoint such number of its members on the Board of Supervisors of Wayne County as the City shall be entitled to for a term of one year. No supervisor shall serve more than one consecutive year. It shall be lawful for the Mayor to appoint any elective or appointive officer of the City to the office of member of said Board of Supervisors. Whenever any elective or appointive officer shall be so appointed his term of office as a member of said Board shall expire whenever he shall cease to hold such elective or appointive office. In any case any such member of said Board of Supervisors shall be absent from the County, shall be disabled, or shall fail to perform the duties of his office, the Mayor may appoint some other Councilman to discharge the duties of such office during such absence, disability or failure. Supervisors as such shall not be deemed officers of the City.

Sec. 11-2 Powers and Duties of Supervisors. The supervisors shall perform all the duties and shall have all the powers imposed by law upon supervisors of townships where not inconsistent with the provisions of this Charter.

Sec. 11-3 Compensation of Supervisors. The supervisors shall not receive any compensation from the City of Highland Park for their services as such, but shall be entitled to receive and retain for such services such compensation as is provided by law and paid by the County of Wayne.

CHAPTER 12

MUNICIPAL COURT

Sec. 12-1 Municipal Court Jurisdiction. There shall be a Municipal Court in and for the City of Highland Park. Said Court shall have and exercise the same jurisdiction in all suits and proceedings, both civil and criminal, as is provided by Act 269 of 1933 (MSA 27.3831) as supplemented by Act 5 of 1956 (MSA 27.3937) of the State of Michigan.

Sec. 12-2 Elections. Unless State legislation has otherwise revised or abolished said Municipal Court or revised the terms of the judges thereof, the Municipal Judge and associate Municipal Judge shall be elected in November, 1974 and take office January 1, 1975. The election and commencement of term shall take place every six years thereafter.

Sec. 12-3 Definition of Terms. Whenever in this Charter the term "municipal judges" or "judges" is used it shall include both the Municipal Judge and associate Municipal Judge. In his official acts and in all court proceedings, the associate Municipal Judge shall be designated as "municipal judge," the word "associate" being herein used to distinguish between the Municipal Judge required to devote full time and the one required to devote partial time to the duties of his office.

Sec. 12-4 Qualifications. The judges of said Court shall have the qualifications prescribed by said acts, and shall possess such other qualifications as are prescribed in this Charter for elective officers.

Sec. 12-5 Dollar Jurisdiction of Court. Said Court shall have concurrent jurisdiction in all civil matters, causes, suits, and proceedings, wherein the debt or damages claimed does not exceed the sum of one thousand five hundred dollars, and concurrent jurisdiction in all actions of replevin wherein the value of the property involved does not exceed the sum of one thousand five hundred dollars. These limits shall automatically increase as permitted by law.

Sec. 12-6 Causes to be Transferred in Case of Absence.

(a) Any cause pending before either of said Municipal Judges may, whenever such Municipal Judge is unable to act in said cause at the time the matter comes before him, be transferred upon his order, or in case of his absence by the Clerk of the Court, to the other Municipal Judge without any notice to the parties in the cause, but a note of such transfer shall be entered upon the docket of the case. When two Municipal Judges shall have acted in any one cause or proceeding, the docket shall be signed in the manner and within the time provided by law by the Municipal Judge who shall have given the final judgment in such cause.

(b) In case of the absence, disability, or disqualification of both the Municipal Judge and the associate Municipal Judge, any other municipal judge of any city in Michigan who is paid a salary in lieu of fees and who is an attorney at law, shall be qualified to act in the place of and for such Municipal Judges in the performance of any of the duties imposed upon them by law in all matters civil and criminal and in all matters pertaining to violations of the ordinances of such city, under the conditions and in the manner hereinafter set forth; and such substitute judge shall, when called upon in the manner and under the conditions set forth, so act. Such substitute judge shall hold court in the court room provided by the City of Highland Park.

Sec. 12-7 Compensation of Substitute Judges. The Council may, by ordinance, fix the compensation to be paid substitute Municipal Judges for such services, the procedure to be followed in calling upon them to act, and the time and manner of compensation. The Municipal Judge may engage the services of such substitute judges as may be necessary to carry out the duties of the Court, unless the Council shall provide by ordinance for the compensation of substitute judges, or make an appropriation in its budget for such substitute judicial services, no such substitute judge shall be entitled to compensation from the City.

Sec. 12-8 Ordinance Cases. Said Municipal Judges shall have authority, and it shall be their duty, to hear, try, and determine all suits and prosecutions for the recovery and enforcing of fines, penalties and forfeitures imposed by the Charter and ordinances of the City of Highland Park and to punish offenders for the violation of said Charter and ordinances as therein prescribed and directed.

Sec. 12-9 Docket Contents. Said Municipal Judges shall enter or cause to be entered, in the docket kept by them, the title of all suits and prosecutions commenced or prosecuted before them and all the proceedings and the judgment rendered in such cause, and shall itemize all costs taxed or allowed therein. They shall also enter or cause to be entered the amounts and dates of payment of all fines, penalties and forfeitures, moneys and costs received by them or the Clerk of the Court, on account of said suit or proceeding. Such docket shall be submitted by the Municipal Judges at all reasonable times to the examination of any person desiring to examine the same, and shall be produced by the Municipal Judges to the Council of the City whenever required.

Sec. 12-10 Compensation; Time to be Devoted.

(a) The Municipal Judges shall receive such compensation as the Council may by ordinance provide. The Municipal Judge shall be required to devote his entire time to the duties of his office. The associate Municipal Judge shall be required to devote not less than fifty full days or 100 half days per year to the duties of his office. If the work of said Court shall require, the Council may provide that the associate Municipal Judge shall sit any number of additional days, or half days, for which he shall receive such compensation as the Council may by ordinance or resolution provide.

(b) The associate Municipal Judge shall, unless otherwise disqualified, hear all cases in which the Municipal Judge is disqualified, and shall hold court in the absence or disability of the Municipal Judge.

(c) The compensation provided for the Municipal Judges shall be in lieu of all fees, costs, and charges to which said Judges would otherwise be entitled, except fees for the performance of marriage ceremonies and for administering oaths in matters not connected with suits or proceedings in the Municipal Court in said City.

Sec. 12-11 Fees to be Charged and Collected for City. All the provisions of general laws in relation to the fees chargeable in the several proceedings in the justice courts in townships shall apply to said Court, and shall be collected for the use and benefit of the City of Highland Park.

Sec. 12-12 Bonds. Each Municipal Judge, in addition to any security required by law to be given for the performance of his official duties, shall, before entering upon the duties of his office, give a bond to the City in a penalty of two thousand dollars with sufficient sureties to be approved by the Council conditioned for the faithful performance of the duties of Municipal Judges within and for the City, and for payment to the City of all moneys collected or received by such Judge which, by provisions of the general laws of the State or this Charter, he shall be required to pay into the Treasury of said City.

Sec. 12-13 Regulation by Council. The Council shall have power and authority by ordinance or resolution to regulate the office hours of said Court, and to make all other necessary and proper rules for the regulation of the Municipal Court in the City of Highland Park which are not inconsistent with the provisions of law.

Sec. 12-14 Court Room. The Council shall furnish a suitable place for a Municipal Court room and shall provide for all necessary expenses in connection with the establishment and maintenance of the Municipal Court.

CHAPTER 13

ELECTIONS

Sec. 13-1 Regular City Elections; Election Precincts. A regular City election for the purpose of electing the Mayor, five Councilmen, the Clerk and the Treasurer shall be held on the Tuesday following the first Monday in November in 1971 and each four years thereafter. The Councilmen shall be elected from a single ballot with each elector entitled to vote for no more than five and the candidates receiving the five highest numbers of votes shall be declared elected. For the purpose of conducting such elections, the City shall be divided into election precincts in the manner provided and required by law.

Sec. 13-2 Special Elections. Special City elections shall be held when called by resolution of the Council, adopted at least forty-five days in advance of such election. Any resolution calling a special election shall set forth the purpose of such election. Unless otherwise permitted by law, no more than two special City elections, not counting those conducted with State or national elections, shall be held in any one calendar year.

Sec. 13-3 Primary Election. A regular City primary election shall be held when necessary on the

Tuesday following the second Monday in September of every fourth year beginning in 1971. The Council may adjust the date of a primary election if the State or County orders an election within sixty days before the above September date.

Sec. 13-4 Qualifications of Electors. Each inhabitant of the City who has the constitutional qualifications of an elector in the State of Michigan, or who will have such qualifications at the next ensuing regular or special City primary or general election, shall be entitled to register as an elector of the City.

Sec. 13-5 Election Procedure. All City elections for the nomination and election of officers shall be nonpartisan. The general election laws of the State shall apply to and control, as near as may be, all procedures relating to notices and registrations for, and to the conduct of city elections, except as such general laws relate to political parties or partisan procedures, and except as otherwise provided by this Charter. The compensation of all election personnel shall be determined by the Council.

Sec. 13-6 Election Commission. An Election Commission, consisting of the City Attorney as Chairman, the City Clerk as Secretary, the Chief of Police and the Director of Public Works is hereby created. The Commission shall have charge of all activities and duties required of it by law relating to the conduct of elections in the City. In any case where election procedure is in doubt, the Election Commission shall prescribe the procedure to follow.

Sec. 13-7 Qualifying Petitions.

(a) A person desiring to qualify as a candidate for any elective office under this Charter shall file with the Clerk a sworn statement of candidacy and an official nominating petition therefor. Official blank forms of statements of candidacy and nominating petitions shall be prepared and furnished by the Clerk. Nominating petitions shall be in substantially the same form as required for nonpartisan judicial officers. Such petition shall be signed by not less than 100 of the registered electors of the City who have signed the same within ninety days next preceding the last day set for the filing of nominating petitions for any election. Each petition shall be verified by one or more persons as to the signing, qualification, residence, and street number of each of the persons signing the petition. Such statements of candidacy and petitions shall be filed with the Clerk not later than 4:00 o'clock in the afternoon on the seventh Monday preceding the primary election date.

(b) Before the Clerk shall furnish nominating petition to any person, he shall enter thereon with typewriter or in ink the name of the candidate and the name of the office for which he is to be a candidate. No petition which has been altered with respect to such entries shall be received by the Clerk. Nominating petitions for the purpose of filling a vacancy shall state the name of the office for which they are to be used.

(c) If any person signs his name to a greater number of petitions for any office than there will be persons elected to that office, his signature shall be disregarded on all petitions for that office. Signatures on nominating petitions dated more than ninety days prior to the last date for filing such petition shall not be counted by the Clerk in determining the sufficiency of the number of

signatures.

(d) As an alternative to petition qualification of a candidate as above provided, a person may qualify as a candidate for elective office by filing a sworn affidavit of candidacy signed by him and deposit the sum of one hundred dollars therewith in the office of the City Clerk at least five days before the filing deadline provided in Section 13-7(a) above. If a regular petition is filed as provided in Section 13-7(a) or if the candidate withdraws, the deposit shall be refunded. After the election is held, any deposit of a person who has been elected to the office which was sought shall be refunded. All other deposits shall be forfeited and be placed in the City General Fund.

(e) Withdrawal. After filing of the petition or statement of candidacy and deposit, the candidate shall not be permitted to withdraw unless a written notice of withdrawal is filed with the City Clerk's office by 4:00 p.m. on the Thursday following the petition filing deadline.

Sec. 13-8 Approval of Petitions. The Clerk shall accept for filing only nominating petitions on official blanks which are accompanied by a properly executed affidavit of the person named in the nominating petition as a candidate that he possesses the residence and other qualifications set forth in this Charter for holding the office named in the nominating petition. Within five days after the final filing date, the Clerk shall determine the genuineness and the sufficiency of the number of signatures on each petition filed. If the Clerk finds that any petition does not contain the required number of signatures of registered electors of the City who have signed within ninety days next preceding the last date fixed for filing the petition, he shall immediately notify the candidate, in writing, of the insufficiency of his petition. Each petition which is found by the Clerk to contain the required number of signatures of registered electors who have signed the same within the time limit, shall be marked "valid," with the date thereof.

Sec. 13-9 Holding and Results of Primary Elections.

(a) If valid petitions have been filed for more than twice the number of candidates for an office than there will be positions filled in that office at the next regular City election, a primary election shall be held with respect to that office and the names of all persons who have filed valid nominating petitions for that office shall be placed on the ballot therefor.

(b) If valid petitions have been filed for no more than twice the number of candidates for an office to be filled at the following regular City election, then no primary election shall be held with respect to such office and the names of the candidates for such office shall be placed on the ballot for the regular City election.

(c) Candidates, equal in number to twice the number of persons to be elected to each office at the next regular City election, who receive the highest number of votes at any primary election shall be the nominees for election to the respective offices for which they are candidates and their names shall be placed on the ballot for the regular City election.

Sec. 13-10 Form of Ballots. The form, printing, and numbering of ballots or machine settings used in City primary and general elections, shall conform, as nearly as may be, to that prescribed by law, except that no party designation or emblem shall appear thereon. The names of qualified

nominees for each office shall be listed under a separate heading for each office and shall not be rotated. The position of names on the ballot shall be determined at a drawing publicly conducted by the Election Commission at 2:00 p.m. on the day following the withdrawal deadline.

Sec. 13-11 Board of Canvassers. A Board of Canvassers shall be appointed and maintained as required by general law. Promptly after each election they shall meet, determine the outcome of the election for each office and proposal submitted, and notify winning candidates of their election.

Sec. 13-12 Political Activities Prohibited. No officer or employee of the City shall conduct any political activity on behalf of any candidate for any elective office during or in the course of his working hours or tour of duty, for or during the performance of his duties on behalf of the City.

CHAPTER 14

CONTRACTS

Sec. 14-1 Authority of Council. The power to make contracts on behalf of the City is vested in the Council. All contracts, except as otherwise provided by ordinance in accordance with the provisions of Section 14-2 hereof, shall be authorized by the Council and shall be signed on behalf of the City by the Mayor and the Clerk.

Sec. 14-2 Routine Contracts. The Council shall establish, by ordinance, the procedures for the purchase and sale of personal property for the City and making contracts for improvements and services to the City. Under such ordinance, the Council shall provide the dollar limit within which purchases of personal property may be made without the necessity of securing competitive bids, and the dollar limit within which purchases may be made without the necessity of Council approval. Until such ordinance is adopted, no purchase shall be made or contract let, except contracts for professional services, which involve an expenditure in excess of two thousand dollars unless bids are received therefor.

Sec. 14-3 Contractual Power.

(a) The City shall not enter into a contract which will not be fully executed within a period of twenty years, without the approval of a majority of the electors voting thereon at a regular or special election unless such contract is with a public utility or one or more governmental units.

(b) The City shall not have power to sell, lease, or dispose of any real estate owned by it, unless the resolution authorizing it shall have been completed in the manner in which it is finally passed and have remained on file with the Clerk for public inspection for six days before the final adoption or passage thereof. Such sales shall also be subject to the limitations appearing in Section 3-3 hereof.

(c) The City may enter into installment or lease-purchase contracts for the acquisition or sale of real or personal property or capital equipment as permitted by law. Each such contract shall not extend over a period of more than twenty years. All such deferred payments shall be included in

the budget or appropriation for the year in which the installment is payable.

(d) All bids, required by ordinance, for the purchase of personal property, and for contracts for improvements or services shall be opened in public in the Council room by the Clerk at the time designated in the notice and shall be reported by him to the Council at its next meeting. The Council may reject any or all bids or parts of bids, if deemed advisable. The Council may authorize the proper official of the City to negotiate, in the open market for a contract.

(e) No contract shall be made knowingly with any person who is in default to the City, the County of Wayne, or the school district of the City.

Sec. 14-4 Dealings With City. Any officer of the City who intends to have business dealings with the City, direct or indirect, whereby he may derive any material income or benefits, other than such as are provided as remuneration for his official duties, shall file with the Clerk a statement, under oath, setting forth the nature of such business dealings, and his interest therein. The statement shall be filed with the Clerk not less than six days before the date when action may be taken by the Council or any other agency of the City upon the matter involved. Approval of any such business dealings shall require a concurring vote of at least four members of the Council, not including any member who is disqualified under this Charter. Any business dealing made in violation of this section shall be void.

CHAPTER 15

PUBLIC UTILITY SERVICES

Sec. 15-1 General Powers Respecting Municipal Utilities. The City shall have all the powers granted by law to acquire, construct, own, operate, improve, enlarge, extend, repair, and maintain public utilities and services, either within or without its corporate limits and either within or without the corporate limits of Wayne County. Such powers shall include but not by way of limitation, public utilities and services for supplying water and water treatment, sewage disposal and treatment, electric light and power, gas, steam, heat, or any of them, to the Municipality and the inhabitants thereof. The City may also sell utility services beyond its corporate limits as authorized by law.

Sec. 15-2 Rates.

(a) The Council shall fix just and reasonable rates and such other charges as may be deemed advisable for supplying water and other Municipal utility services. Discrimination in rates by the Council, within any classification of users, shall not be permitted, nor shall free service be permitted, other than to the City.

(b) The rates and charges for any Municipal utility shall be fixed by the Council on a basis at least adequate to compensate the City for the cost of such service and to make reasonable provision for the extension thereof according to needs. Transactions pertaining to the ownership and operation of each such utility shall be recorded in a separate group of accounts, which shall be classified and kept in accordance with generally accepted accounting practices and shall conform to any uniform system of accounts which may be required by law. Charges for all services furnished to, or rendered by, other City departments or administrative units shall be recorded, whether collected or not. An annual report shall be prepared by or under the direction of the Mayor to show the financial position of each utility and the results of its operation. A copy of such report shall be available for inspection at the office of the Clerk.

Sec. 15-3 Collection Charges.

(a) The Council shall provide, by ordinance, for the collection of rates and charges for public utility services furnished by the City. When any person fails or refuses to pay any sums due on utility bills, the service upon which such delinquency exists may be discontinued and suit may be brought for the collection thereof.

(b) Except as otherwise provided by law, the City shall have a lien upon premises to which utility services are or have been supplied. For such purposes, the City shall have all the powers granted to cities by law. The lien shall become effective immediately on the distribution or supplying of utility services to such premises.

(c) Except as otherwise provided by law, or in any ordinance authorizing the issuance of bonds, all unpaid charges for utility services furnished to any premises, which, on the thirty-first day of March of each year, have remained unpaid for a period of three months or more, shall be reported to the Council by the Finance Director at the first meeting thereof in the month of April. The Council thereupon shall order the publication in a newspaper of general circulation in the City of notice that all such unpaid utility charges which are not paid by the thirtieth day of April will be spread upon the City's tax roll, to be collected in the same manner as the City taxes.

Sec. 15-4 Disposal of Municipal Utility Plants and Property. The City shall not sell, exchange, lease, or in any way dispose of any Municipal public utility or any property, easement, equipment, privilege, or asset needed to continue the operation of any utility, unless the proposition to do so is approved by a majority of the electors of the City. All contracts, grants, leases, or other forms of transfer in violation of this section shall be void and of no effect as against the City. The restrictions of this section shall not apply to the sale or exchange of articles of machinery or equipment of any utility, which are no longer useful or which are replaced by new machinery or equipment, or to the sale or leasing of property not necessary for the operation of the utility, or to the exchange of property or easements for other property needed for the utility.

Sec. 15-5 Water Department. The water supply system of the City shall be under the general management and control of a Director of Water Works. The Director of Water Works shall be appointed and subject to removal by the Mayor and shall be responsible to him for the supervision, management, control, operation, and maintenance of the City's water works and all work in connection therewith.

Sec. 15-6 City's Parking System.

(a) The City shall have power to establish, operate, extend, and maintain, on a public utility basis, facilities for the storage and parking of vehicles within its corporate limits; and for such purpose to acquire by gift, purchase, condemnation or otherwise the necessary lands therefor.

(b) The Council shall have power to provide for the payment of all or any part of the cost of construction of such facilities, including the acquisition of the necessary lands therefor, by levying and collecting special assessments upon property specially benefited, in the manner provided by ordinance for levying and collecting special assessments. Such assessments shall be

according to benefits, as determined by the Council. The cost of surveys and plans for construction of such facilities and acquisition of lands therefor and all expenses incident to the proceedings for the making of such improvement and the special assessment therefor, shall be deemed to be a part of the cost thereof.

Sec. 15-7 Other City Utility Services and Systems. The Council shall provide for the acquisition and operation of City utility services and systems in the manner provided by law. Except as otherwise provided or required by law, each such public utility system shall be under the general management and control of a superintendent or director who shall be appointed and removed by the Mayor and responsible to him for the supervision, management, control, operation, and maintenance thereof.

CHAPTER 16

FRANCHISES

Sec. 16-1 Public Utility Franchises. The City may grant a franchise to any person or corporation for the use of the streets, alleys, bridges, and other public places of the City for the furnishing of any public utility service to the City and its inhabitants. Franchises and renewals, amendments, and extensions thereof shall be granted only by ordinance. Public utility franchises shall include provisions for fixing rates and charges, and may provide for readjustments thereof at periodic intervals. The City may, with respect to any public utility franchise granted after the effective date of this Charter, whether or not so provided in the granting ordinance:

- (1) Revoke the same for the violation of any of its provisions, for the misuse or nonuse thereof, for failure to comply with any provision thereof, or any regulation imposed under authority of this section;
- (2) Require proper and adequate extension of plant and the maintenance thereof at the highest practicable standard of efficiency;
- (3) Establish reasonable standards of service and quality of products, and prevent unjust discrimination in service or rates;
- (4) Require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof;
- (5) Impose other regulations determined by the Council to be conducive to the health, safety, welfare, and convenience of the public;

(6) Require the public utility to permit joint use of its property and appurtenances located in the streets, alleys, bridges, and public places, by the City and other utilities, insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefor, and, in the absence of agreement, upon application by the public utility, provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor;

(7) Require the public utility to pay any part of the cost of improvement or maintenance of streets, alleys, bridges, and public places, that arises from its use thereof, and to protect and save the City harmless from all damages arising from such use;

(8) Require the public utility to file with the Clerk such reports concerning the utility and its financial operation and status as the Council may request.

Sec. 16-2 Limitations on the Granting of Franchises. No franchise shall be granted by the City for a term exceeding thirty years. An irrevocable franchise and any extension or amendment of such a franchise may not be granted by the City, unless it has first received the affirmative vote of at least three-fifths of the electors of the City voting thereon at a regular or special City election. An irrevocable franchise ordinance may be approved by the Council, for referral to the electorate, only after a public hearing has been held thereon and after the grantee named therein has filed with the Clerk his unconditional acceptance of all the terms of the franchise. No special election for such purpose may be ordered by the Council unless the expense of holding such election has first been paid to the Treasurer by the grantee.

Sec. 16-3 Procedure for Granting Franchises. Every ordinance granting a franchise, license, or right to occupy or use streets, alleys, bridges, or public places shall remain on file with the Clerk for public inspection in its final form for at least thirty days before the final adoption thereof, or the approval thereof for referral to the electorate.

Sec. 16-4 Sale or Assignment of Franchises. The grantee of a franchise may not sell, assign, subject, or allow another to use the same, unless the Council gives it consent. Nothing in this section shall limit the right of the grantee of any public utility franchise to mortgage its property or franchise, nor shall restrict the rights of the purchaser, upon foreclosure sale, to operate the same, except that such mortgage or purchaser shall be subject to the terms of the franchise and provisions of this chapter.

CHAPTER 17

CIVIL SERVICE

Sec. 17-1 Purpose of Chapter. The purpose of this chapter is to establish a civil service system based for general City employees on merit principles and scientific methods; to afford all citizens of the City of Highland Park a fair and equal opportunity for public service; to establish conditions of service which will attract employees of character and capacity; and to increase the efficiency of the City departments by the improvement of methods of personnel administration. All appointments and promotions to positions in the classified service shall, except as in this chapter otherwise provided, be made from appropriate eligible registers of persons who have demonstrated their fitness in competitive examinations for the positions sought to be filled. The ordinances, resolutions and practices of the City which are in effect on the date of effectiveness of this Charter with respect to medical, surgical or hospital insurance, longevity pay, death benefits, leave days and other fringe benefits shall be considered minimum and shall not be reduced, but they may be increased by means of negotiations or otherwise.

Sec. 17-2 Civil Service Board. The Department of Civil Service in which there is a Civil Service Board consisting of five residents of the City is hereby continued in accordance with the provisions of this Charter. They shall continue to serve five-year terms. They shall serve with or without compensation as determined by the Council. The terms expiring on the first Monday in January of 1968 and 1969 and each five years thereafter shall be filled by the full-time City employees by their votes cast by secret ballot listing the names of all persons for whom a nominating petition signed by at least twenty full-time City employees has been filed with the City Clerk not later than December 1 of the previous year. The City Clerk shall conduct the election. The third appointment in January, 1970 and each five years thereafter shall be a citizen at large selected by the four Board members. The fourth and fifth appointments in January, 1971 and 1972 and each five years thereafter shall be made by the Mayor. Vacancies shall be filled by the appointing authority involved. No person shall be appointed to the Board who has held an elective City office within two years immediately preceding the appointment.

Sec. 17-3 Organizational Duties of the Board. In February of each year, the Board shall elect a Chairman and a Vice-Chairman from among its members. It shall meet regularly once each month and at such other times as it deems necessary. All regular and special meetings shall be held at the City Hall. It shall adopt rules for its own procedure and, subject to the provisions of this Charter, shall provide for the keeping of a complete record of its proceedings. The Chairman or, in case of his absence or disability, the Vice-Chairman, or three members of the Board may call special meetings thereof, notice of which shall be given, in writing, to each member thereof or be left at his place of residence at least six hours before the meeting. If all the members of the Civil Service Board shall be present at any special meeting without proper notice, such notice shall be deemed to have been waived. All meetings of the Board shall be public. The majority of the Board appointed shall constitute a quorum for the transaction of business; a less number may adjourn from time to time; and all pending business and business noticed or set down for hearing at any meeting at which there shall not be a quorum present, shall be taken up and heard at such adjourned meeting or at the next regular meeting without further notice. The Board shall be allowed a reasonable use of rooms in the City Hall for holding examinations, making investigations, and for all other purposes as provided for and required by the provisions of this

chapter. The Civil Service Board shall recommend and the Mayor shall appoint a Director of Personnel who shall serve at the will and pleasure of the Mayor. The Director of Personnel shall be thoroughly familiar with the principles and experienced in the practice of modern public personnel administration. If at the time of his appointment the Director of Personnel is not a resident of the City of Highland Park he shall, within a reasonable time after accepting the appointment, become a bona fide resident of the City. The Director of Personnel shall receive an annual salary which shall be fixed by the Council. Wherever the words "Personnel Director" or "Director" are used in this chapter, they shall mean the Director of Personnel.

Sec. 17-4 Additional Duties of the Board and Director of Personnel.

(a) The Director of Personnel shall draft all rules and amendments thereto and submit them to the Civil Service Board. The Board may, on its own motion, amend or revise such rules before submitting same to the Council for approval. Such rules shall not become effective unless and until they have first been approved by the Council. The Council shall act upon such rules or amendments within two weeks after said rules or amendments have been formally presented to the Council at any regular or special Council meeting. Copies of such rules shall be printed and held for distribution. The Board shall make investigations, either upon its own motion or upon the request of the Director of Personnel, or upon the written request of the Mayor or the Council, or upon the written request of an employee or employee's representative. It shall study all matters pertaining to the administration of the merit plan in government, including classifications, salaries, examinations, appointments, probationary service periods, transfers, promotions, demotions, separations, and other subject matter pertaining to personnel administration.

(b) The Board shall consider, approve, or amend a classification plan and amendments thereto prepared by the Director of Personnel. Upon application of any appointing authority any affected employee or the representative of an employee, the Board shall hold hearings upon any matters pertaining to classifications. Such classification plan or amendments thereto shall not become effective, unless and until it is first approved by the Council. The Council shall act upon such classification plan or amendments within thirty days after said classification plan or amendments have been formally presented to the Council at any regular or special Council meeting.

(c) The Board shall study proposed salary ranges which are submitted to it by the Director of Personnel, and, upon application of appointing authorities or employees or by the chosen representative of any employee or upon its own motion, it shall make investigations of salaries or hold public hearings thereon. Any appointing authority or employee who is dissatisfied with the manner in which an examination was prepared, conducted, or rated shall be entitled to demand of the Civil Service Board a hearing on the complaint duly filed in writing.

(d) The Board shall study and approve the salary plan submitted to it by the Director of Personnel and may adopt or amend the same. The Board shall submit the plan to the Council.

Such salary ranges and salary plan shall not become effective until first approved by the Council. The Council shall act upon said salary ranges and salary plan within thirty days after said salary ranges and salary plan have been formally presented to the Council at any regular or special Council meeting.

Sec. 17-5 Duties of the Director of Personnel. The Director of Personnel shall prepare rules and amendments thereto for the administration of this chapter. All such rules and amendments shall be submitted to the Civil Service Board for approval. The Board may amend such rules before it grants its approval thereof. He shall prepare a classification plan and thereafter prepare necessary amendments thereto, and submit the plan so prepared, or amendments, to the Civil Service Board. He shall prepare and conduct examinations, including promotional examinations, which may be departmental or servicewide. He shall prepare eligible lists and make certification therefrom, including certifications from reinstatement lists of names of persons who have served successfully and who are entitled to re-employment. He shall act as Secretary of the Civil Service Board and keep its minutes. He shall make such investigations and inquiries and report thereon as may be required by the Board or by the Council. He shall, in general, be the executive and chief administrative officer of the Department of Civil Service and shall be authorized, with the approval of the Board, to hire, subject to the provisions of this chapter, such assistants as he and the Board determine to be necessary, provided the Council has made funds available therefor. The salaries of such employees shall be in accordance with the salary ranges established for all other positions in the classified service. He shall attend all hearings and meetings of the Board, and make his recommendations and be an advisor to the Board, but the decision of the Board on all matters which come before it by appeal and upon the matters otherwise provided for herein, shall be final and binding upon all parties concerned.

Sec. 17-6 Unclassified and Classified Services.

(a) The civil service of the City shall be divided into an unclassified service and a classified service.

(b) The unclassified service shall consist of the following:

(1) Persons elected to office under this Charter;

(2) Persons appointed to office under this Charter or under the provisions of a City ordinance;

(3) Persons appointed to fill vacancies in such elective or appointive offices;

(4) The regular and probationary members of the Police Department now having the benefits of civil service under Act No. 78 of the 1935 Public Acts of the State of Michigan, including special police officers not in the employ of the City, and school crossing officers;

(5) The regular and probationary members and employees in the Fire Department now having the benefits of civil service under Act No. 78 of the 1935 Public Acts of the State of Michigan;

(6) The Chief of the Police Department;

(7) The Chief of the Fire Department;

(8) Members of the Civil Service Board, and of other boards, commissions, and committees of the City;

(9) Director of Personnel;

(10) The deputies of elective and appointive officers;

(11) The Assistant City Attorneys;

(12) The director and deputy director of the Highland Park General Hospital, the pathologist, roentgenologist, the members of the medical staff, the resident physicians, the interns, externs, medical technologists, anesthetists, dieticians, and superintendent of nurses, graduate nurses, registered nurses, student nurses, practical nurses, bacteriologist and physiotherapists, and social director of student nurses of said hospital, and of every other hospital owned or maintained by the City of Highland Park;

(13) The bacteriologist in the Health Department;

(14) The Director of, and all employees of the Recreation Commission;

(15) The Clerk and Deputy Clerk of the Municipal Court;

(16) The purchasing agent.

(c) The provisions of this chapter shall not apply to the unclassified services, except where otherwise expressly provided therein.

(d) The provisions of this chapter shall apply to the classified service which shall include all persons and positions not in the unclassified service. No position may be removed from the classified service and placed in the unclassified service. New classifications within the classified service may be added as needed.

Sec. 17-7 Status of Employees. All employees whose positions are by the provisions of this chapter placed in the classified service and who have been in the classified service under the provisions of the previous Charter of the City, shall hold their positions without break in continuity of any right or privilege possessed at the effective date of this Charter. The Council shall determine the holiday, overtime, and other privileges and benefits of temporary, provisional, and emergency employees, consistent with the provisions of law.

Sec. 17-8 Classification of Employees. The Director of Personnel, after consultation with the appointing authorities, employees, or their representative, shall prepare and recommend to the Board a classification plan which shall group all positions in the classified service in classes, based on their duties, authority, and responsibilities. The classification plan shall set forth, for each class of positions, a class title and a statement of the duties, authority, and responsibilities thereof. Each class of positions may be subdivided, and classes may be grouped or ranked in such manner as may be deemed appropriate. Such plan shall take effect when approved by the Board after public hearing, of which there has been at least two weeks public notice. Every position in the classified service shall be allocated to the appropriate class therein. The allocation of a position to a class shall derive from and be determined by the duties and responsibilities of the position so that all of those positions allocated to a class of positions will be appropriately described by the class title, and so that the same schedule of compensation can be made applicable to the entire class. New positions may be established and existing positions may be combined, altered, or abolished. Any employee affected by any act of the Director of Personnel, or by his appointing authority, or by the Civil Service Board, may, if he is not satisfied, appeal to the Board and he shall be entitled to a hearing. Upon the reclassification or reallocation of a position, the status and salary of the incumbent thereof shall not be affected, unless his salary before the reclassification or reallocation was higher than the maximum salary prescribed for the class of position to which his individual position is reclassified or reallocated. In such events, the salary of the incumbent affected by the act or acts may be reduced to not less than the maximum salary prescribed for the class to which his position is reclassified or reallocated. In addition, the incumbent shall be eligible for transfer to a vacant position in the class to which his position was formerly allocated, if this class of position has been retained, or to a vacant position in a comparable class if it has not been retained. If none of these opportunities for continuance of service exist, the incumbent shall at his option, be continued in the service without change in compensation. No permanent employee without his consent shall be deprived of employment by

any act of allocation, reallocation, classification, reclassification, or abolition of position except after open public hearing and by unanimous vote of all the members of the Civil Service Board.

Sec. 17-9 Salaries.

(a) The Director of Personnel shall discuss desirable salary ranges with appointing authorities, the City fiscal officers, and the employees or their representatives. On or before the first Monday in February of each year, the Director of Personnel shall prepare and submit a proposed compensation plan to the Civil Service Board for all positions in the classified service. Salary ranges and wage rates established in the plan for all classes of positions shall be based on the principle of the highest prevailing rates, salaries, or wages for comparable duties, responsibilities, and services paid in the metropolitan Detroit area. On or before the third Monday in March of each year, the Civil Service Board shall submit its proposed compensation plan with recommendations to the Council. No compensation plan shall become effective for the ensuing fiscal year, unless and until it has first been approved by the Council. Nothing contained in this paragraph shall be construed to deprive the Council of its sole and final authority to fix all wages and salaries paid by the City, subject to the requirement that salary ranges and wage rates shall be based on the principle of the highest prevailing rates, salaries, and wages for comparable duties, responsibilities, and services paid in the metropolitan Detroit area, and subject to other applicable provisions of this chapter.

(b) Opportunity to be heard by the Board shall be accorded to an employee or his representative, affected by change in the salary range for the class of position to which his position has been allocated. Ranges shall include minimum and maximum salary limits and intermediate rates or steps for each class of position shall become effective and the length of service shall become effective and the length of service required before the employee received the maximum salary limit. Each increment or step shall be put in force automatically when due. Proper evaluation of all classifications shall be made so that just compensation for each position may be established. No employee shall receive any salary or wage, or step-up increment in salary or wage, or a maximum salary or wage, exceeding that established by the compensation plan.

Sec. 17-10 Vacancies. Vacancies in positions in the classified service, or in the creation of new classifications, shall be filled only by appointment of an eligible person certified by the Director of Personnel from an appropriate eligible list. The certification, except when from a departmental re-employment list or a promotional list, shall give the names of the three persons standing highest on the eligible list. All certifications shall be as provided by Section 17-15 of this chapter.

Sec. 17-11 Departmental Re-Employment Lists. The Director of Personnel shall establish and maintain departmental re-employment lists which shall contain the names of persons who have been regular employees and who were separated from their positions for reasons other than fault

or delinquency on their part. The order in which names shall be placed on a re-employment list shall be according to seniority earned in the City service. Persons who have resigned their positions while in good standing shall be entitled to have their names placed upon the re-employment list. The names of such persons shall be placed below the names of persons who have been laid off or otherwise separated from the City service.

Sec. 17-12 Promotional and Employment Lists. The Director of Personnel shall establish and maintain such promotion lists and employment lists for the various classes of positions in the classified service as are necessary to meet the needs of the service. On each promotion list eligibles shall be ranked in the order of their earned seniority and earned rating in a promotional examination and on each employment list the eligibles shall be ranked in the order of their ratings in the test given for the purposes of establishing such a list. Provided, that veterans of any of the wars of the United States, who have obtained the minimum earned rating, shall have five additional points added to their earned rating and, if any such veterans have a disability which is directly or indirectly traceable to war service, which is recognized by the U.S. Veterans' Administration as compensable, ten additional points shall be added to their earned rating for entrance examinations only and their names shall be placed upon the list in the order of such augmented ratings.

Sec. 17-13 Promotional and Entrance Examinations. The Director of Personnel shall, from time to time, conduct such promotional and entrance examinations as he considers necessary for the purpose of establishing promotion lists and employment lists. The examinations shall be competitive and shall be of such character as to determine the fitness, qualifications, and ability of the persons tested to perform the duties of the class of positions for which a list is to be established. They shall be written and portions thereof may be oral or physical, or both. In promotional examinations not less than twenty or more than thirty percent of the total required weight or a perfect score shall be allowed for earned seniority. In all cases where a vacancy occurs, promotional examinations shall be given priority over open competitive examinations. The examinations shall take into consideration such factors as experience, aptitude, capacity, knowledge, character, physical fitness, and other qualifications. No question shall be framed as to elicit information concerning the religious or political opinions of or affiliations of any applicant.

Sec. 17-14 Admission to Examinations. The Civil Service Board shall determine the qualifications for admission to any examination. Subject to such limitations as the Board and Director consider necessary for the best interests of the service, admission to examinations shall be open to all persons who appear to possess the required minimum qualifications and may be lawfully appointed in the class for which a list is to be established. The Director of Personnel may reject the application of any person for admission to an examination or may strike the name of any person from a list or refuse to certify the name of any person on a list for a position if the finds that such a person lacks any of the required qualifications, or is addicted to the habitual excessive use of drugs or intoxicating liquor, or has been convicted of a crime or is guilty of any disgraceful conduct, or has been dismissed from the service for delinquency, or has made a false

statement for a material fact or has practiced or attempted to practice any fraud or deception in his application or examination or in attempting to secure appointment. Applicant shall have the right to appeal to the Board in event of rejection by the Director.

Sec. 17-15 Certification. No person shall be appointed or promoted to a position in the classified service unless certified as eligible by the Director of Personnel. Upon written notice from an appointing authority that a position is to be filled, the Director of Personnel shall certify the names of the highest ranking persons who are willing to accept employment from eligible lists for the position in the following order: departmental re-employment lists, promotional lists, and employment lists. The number of names certified from the departmental re-employment lists or promotional lists shall be equal to the number of vacancies to be filled. The names certified from any other eligible list shall be the names of the three persons standing highest on such eligible list. The detailed procedure and provisions for certifications and appointments shall be as provided by the rules adopted by the Civil Service Board and approved by the Council where not inconsistent with the provisions of this chapter.

Sec. 17-16 Probationary or Trial-Service Period. Every person appointed to a position in the classified service after certification of his name from an employment list shall serve a probationary or trial-service period of six months. At such times during the trial-service period and in such manner as the Director of Personnel may require, the appointing authority shall report to the Director his observation of the probationary employee's work, and his judgment as to the employee's willingness and ability to perform his duties satisfactorily, and as to his habits and dependability. At any time during the probationary or trial-service period the appointing authority may reject a probationary employee if in his opinion such employee is unable or unwilling to perform his duties satisfactorily, or that his habits and dependability do not merit his continuance in the service. Upon such rejection, the appointing authority shall forthwith report to the Director of Personnel and to the probationary employee rejected, his action and the reasons therefor. The Director of Personnel may reject a probationary employee within the first month of his trial-service period, if he finds, after giving the employee proper notice and opportunity to be heard, that such employee was appointed as a result of fraud or error. Ten days prior to the expiration of an appointee's probationary or trial-service period, the appointing authority shall notify the Director of Personnel in writing whether the services of the appointee have been satisfactory and whether he will continue the employee in his position. A copy of such notice shall be given to the probationary employee. The employee shall be deemed to have satisfactorily served his probationary period, and shall become a permanent employee unless at least ten days prior to the expiration of such probationary period the appointing authority has notified the Director of Personnel in writing that the employee's services have not been satisfactory. The adoption of this Charter shall not change or interrupt the probationary period or standing of any employee of the City. Any employee who is rejected during his probationary or trial-service period from a position to which he was promoted shall be reinstated to his former position, unless charges are filed and he is discharged as provided in this chapter.

Sec. 17-17 Special Appointments. Positions in the classified service may be filled as follows:

(1) If there is no appropriate list available, the Director of Personnel may authorize a provisional appointment of a person meeting the minimum prerequisites for the class to which the position is allocated. No position shall be filled by provisional appointment for longer than sixty days nor more than once in any calendar year, nor shall any person be appointed as a provisional employee more than once in any calendar year.

(2) Whenever there is need of an employment for a temporary period not to exceed ninety days, a selection may be made of any available person on the appropriate employment, promotional, or re-employment list with regard to standing thereon. Successive temporary appointments of the same person to the same position shall not total more than ninety calendar days in any one calendar year.

(3) To prevent the stoppage of work or inconvenience to the public in case of an actual emergency, any appointing authority may appoint any person to any position for the duration of such emergency. Emergency appointments shall be reported immediately to the Director of Personnel.

Sec. 17-18 General and Special Provisions. General and special service provisions applicable to all employees in the classified service follow:

(1) Leaves. Written leaves of absence without pay may be granted by the appointing authority with the approval of the Civil Service Board in the case of classified employees for a period not to exceed one year. Upon expiration of the leave the employee shall be reinstated to the position held before the leave was granted. Leaves of absence without pay shall not count toward seniority. When a person in the classified service assumes a position in the unclassified service of the City, he shall be entitled to a leave of absence from his position in the classified service during the period that he holds such position in the unclassified service. Such leave shall not cause the loss of any seniority credit which would accrue to him had he remained in the classified service. Failure of an employee to report promptly at the expiration of the leave granted him shall be cause for dismissal.

(2) Military Leave.

(a) Any full-time regular employee of the City, in the classified service, who is called into at any time or voluntarily in time of war, or of national emergency as recognized by the Council, enters the active United States military, naval, marine, aviation, or Coast Guard service, shall, upon written request to the Council, be granted a leave of absence, without pay, for the duration of such active service and for a period of three months following separation from such active

service under honorable conditions. Upon separation from such active service under honorable conditions, or at any time during the three months period immediately following such separation, the employee shall have the right to return to his position, upon application for reinstatement, provided, that the position still exists and the City physician certifies that such employee is free from any bodily or mental defects, deformities, or diseases which might, in fact, incapacitate him from the satisfactory performance of the duties of the position. An employee granted such leave shall not suffer any loss of seniority, rating or demotion of any kind whatsoever, and such leave of absence shall be considered as actual service in computing salaries or wages under any pay plan or in computing eligibility for promotion. Applications for reinstatement shall be in writing and must be accompanied by the employee's discharge papers or other evidence of separation from active service under honorable conditions. They shall be presented to the Director of Personnel who shall forward same to the Civil Service Board. Vacancies, including promotions, resulting from military leaves granted under this subsection shall be filled only on a conditional basis as prescribed by the rules.

(b) The provisions of this subsection shall be applicable to enlistments in the Armed Services of the United Nations, provided that a bona fide attempt has first been made to enter the Armed Services of the United States Government. The employee shall furnish such proof of such attempt as shall be required by the Council.

(3) Vacations. Two weeks annual vacation with pay in each year shall be granted to all classified employees of the City. Provided, that they have been employed by the City for twelve months prior to the vacation period. Three weeks annual vacation with pay in each year shall be granted to all classified employees of the City. Provided, that they have been employed by the City for sixty months prior to the vacation period. In addition, any employee who does not use more than five sick leave days in any year shall be entitled to receive an additional three days vacation with pay in the following year. Employment by the City, both prior to and after the effective date of this Charter, shall be credited to City employees in computing the required twelve month or sixty month periods of prior service herein specified. The time at which vacations may be taken within each fiscal year shall be determined as prescribed by the rules. Vacations may be accumulated as follows: employees entitled to two weeks annual vacation with pay may accumulate such vacations for a total period of four weeks, and employees entitled to three weeks annual vacation with pay may accumulate such vacations for a total period of six weeks. Vacations shall be determined as of the employee's anniversary date of employment.

(4) Sick Leave. Sick leave shall be granted with pay to employees in accordance with rules at the rate of one and one-half work days for each calendar month of service on an annual basis. Provided, that an additional fifteen days sick leave with pay in each fiscal year may be granted by the appointing authority where in his opinion sickness or other physical disabilities is or are of such a nature as to justify such additional time. Unused earned sick leave shall be cumulative to a total of seventy-two days. The use of sick leave privileges shall be limited to cases of illness, injury, and short absences for physical examinations, dental work, eye examinations, and medical care. The Civil Service Board may provide by rule for the giving of physical

examinations in cases of employees who may abuse sick leave privileges. Earned sick leave days may be used and shall be available to any employee who is hurt in the course of his employment during the period between the time of his injury and the time he becomes eligible for workmen's compensation cases to make up the difference between the amount of workmen's compensation payments and the employee's regular pay. Rules governing sick leave shall be prescribed by the Board.

(5) Special Leave. Every employee shall be granted not to exceed five days leave of absence with pay in the event of death in the immediate family. "Immediate family" shall be deemed to mean father, mother, husband, wife, brother, sister, child, grandparent, parent of husband or wife, or foster parent, brother, sister, or child. Such leave of absence with pay shall be in addition to any vacation leave, compensatory time, or sick leave.

(6) Seniority. Seniority rights of employees subject to this chapter shall be computed, beginning with the date of probationary appointments to or employment in any position for which they were certified or otherwise qualified as provided herein.

(7) Service Day. The service day for all employees of the City of Highland Park, during which they shall be required to work, shall consist of eight consecutive hours of any one period of twenty-four hours, with reasonable interruptions for lunch periods, which shall not be deemed to be a part of the service day. The service day shall be deemed to begin when the employee normally starts working and to continue forward for a period of twenty-four hours. No employee shall be required or permitted to work formore than this eight hour service day, except in the case of an emergency which would result in a serious loss, damage, or impairment of the City's service, where the same employee or employees were required to remain continuously for a longer period, in which case, during the continuance of the emergency, the provision requiring the eight hour service day may be suspended by the department head or proper subordinate in whose department the emergency shall have arisen; and also except as provided in subsection (8)(b) of this section.

(8) Service Week.

(a) No employee shall be required or permitted to work for more than five service days in any consecutive seven days of twenty-four hours each, except in the case of an emergency which would result in a serious loss, damage, or impairment of the City's service, where the same employee or employees were required to remain at work in excess of the five day service week, in which case, during the continuance of the emergency the provision requiring a five day service week may be suspended by the department head or proper subordinate in whose department the emergency shall have arisen; and also except as provided in subsection (8)(b) of this subsection immediately following.

(b) In departments or units thereof, now or hereafter continuously operated night and day, the provisions of this section requiring the eight hour service day and a five day service week may be suspended by the department head at the request of or with the approval of a majority of the employees working in such departments or units. Provided, however, that such suspension in either case shall not become effective unless and until the approval of the Council has first been obtained. Upon suspension of the five day service week as in this subsection (b) provided, all employees in such departments or units shall perform their work within a service period not exceeding fifteen consecutive eight hour service days of any period of twenty-one consecutive days of twenty-four hours each. During such suspension said employees may be required to be and to remain on duty more than eight hours in a twenty-four hour period but not exceeding three times during the aforesaid service period of fifteen days. Provided, however, that in no event shall the City of Highland Park be liable for any overtime unless and until the hours worked during a service period exceed in the aggregate one hundred and twenty hours and in that event overtime shall be computed in accordance with the provisions of this section. The suspension of the five day service week as here provided may be terminated at any time by the department head with the approval of the Council. At the end of any service period established under this subsection (8)(b) the employee or employees shall be relieved and not required or permitted again to go on duty unless and until such employee has had forty-eight consecutive hours off duty for each forty hours worked during the scheduled service period as permitted in this subsection (8)(b) of this section. The Civil Service Board is hereby authorized to issue such regulations subject to the approval of the Council as may be necessary for the administration of the provisions of this section. The rules and regulations so specified may not conflict with law.

(9) Overtime Pay. The rate of compensation for excess service rendered by any employee in the classified service of the City of Highland Park of whom service in excess of the regular service day or the regular service week shall have been required in the case of an emergency, as here provided in subsections (7) and (8)(b) of this section, or of whom excess service shall have been required in subsection (8)(b) of this section, shall be for the seventh day of the service week twice the regular rate of compensation, and for other days one and one-half times the regular rate of compensation. Provided, that persons who are required to work on a holiday shall receive their regular rate of compensation plus an equal amount as holiday pay. Further, persons who perform services on a holiday which is specified in this Charter or by ordinance shall receive twice their normal rate of compensation for all time worked in excess of the service day or service week, plus their holiday pay. A holiday falling within the serviceweek of an employee shall be counted as a service day when computing overtime.

(10) Minimum Rates. No employee shall receive compensation in a sum less than the highest prevailing wage or salary for comparable duties, responsibilities and services paid in the metropolitan Detroit area. Whenever practicable, the per diem plan of employing common labor shall be in force. All wages and all salaries shall be paid weekly. Any employee who shall receive compensation for service rendered at a rate less than the minimum fixed herein may by an action for debt recover from the City of HighlandPark the balance due him hereunder with costs.

(11) Grievance Procedures. Grievance procedures shall be provided by rule so that any action by an employing authority which affects adversely any employee or employees may be appealed from by such employee or employees or the employee's or the employees' representatives in the following manner: First, to the appointing authority, then to the Director of Personnel and then to the Civil Service Board.

(12) Holidays. The following days shall be classed as holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Veteran's Day; Thanksgiving Day; and Christmas Day. All employees in the classified service shall receive the aforesaid holidays off duty with pay, except those employees in departments where continuous service is required; then, in that case, those employees who are required to work on the aforesaid holidays shall be paid at twice their regular rate of compensation.

Sec. 17-19 Layoffs. Whenever a reduction of employees is required, because of a shortage of funds or work or a material change in duties or organization, such persons shall be laid off in inverse order to their length of service in the classified service in accordance with rules to be established by the Board. Any employee may appeal in writing to the Board within five days of receiving notice of layoff on the grounds that the procedure herein prescribed has not been complied with or that the layoff was not made in good faith or was otherwise improper. The Board shall within fifteen days of such appeal hold such hearing or investigation as it may deem necessary. The Board may also conduct any such hearing or investigation within thirty days of receiving notice of layoff on its own motion. In rendering a decision as a result of any hearing or investigation held pursuant to this subsection the Board may order the reinstatement of the employee if it appears that the proper procedure has not been followed or that the layoff was not made in good faith. Every such affected employee shall have the right to be represented by legal counsel and/or other representatives. Any employee reinstated as a result of hearing or investigation shall receive full pay for time lost.

Sec. 17-20 Suspension Without Pay and Transfers. The appointing authority for disciplinary purposes may suspend employees without pay. Notice of such suspension shall be transmitted immediately to the Director. A suspended person within ten days may appeal to the Board which will investigate the action. The Board may confirm, deny or reduce the suspension and may order the payment of all or part of the salary to the employee for the period during which he was suspended. Employees may be transferred from one department or division within the City government to another department or division within the City government. In no case shall transfers, whether permanent or temporary, affect the employee's seniority standing to his or her credit in the department from or to which he was transferred. In case of layoffs in the department to which the employee was transferred, such employee shall be transferred back to the original department with all seniority; provided, the seniority is such as to warrant such employee's holding the job or position in the original department.

Sec. 17-21 Reductions, Demotions and Discharges. Whenever the appointing authority decides to demote an employee to a lower class, or to discharge a permanent employee, written notice and reasons therefor shall be promptly furnished to the employee and the Director of Personnel. The Director of Personnel shall promptly investigate the circumstances surrounding the action. Any time within ten days after the receipt of the notice of demotion or discharge, the employee may appeal in writing to the Board for investigation and review. The Board within two weeks of the receipt of the written appeal shall give the demoted or discharged employee an opportunity for an open hearing. Like opportunity shall be given the appointing authority. The procedure of all hearings before the Board shall be informal. Each party shall be afforded an opportunity to present his case and may have subpoenas issued to require the attendance of witnesses. Within five days after the conclusion of the hearing the Board shall render a decision which shall be binding upon both parties, such decision to take immediate effect. Every employee shall at all times have the right to be represented by legal counsel or by other representatives. If the decision of the Civil Service Board is in favor of the employee, then in that event such employee shall be entitled to return to his position or job with back pay covering the period he was off the payroll, or was demoted to a position paying a lesser wage or salary.

Sec. 17-22 Subpoenas; Oaths. The Board, each member of the Board, and the Director of Personnel shall have power to administer oaths. The Civil Service Board shall have the power to compel the attendance of witnesses, and the production of books and papers pertinent to any investigation or hearing authorized by this chapter by subpoena or written order. Such Board shall issue subpoenas at the request of the employee or appointing authority. Any person refusing or neglecting to comply with the requirements of any subpoena or written order issued and served under this section, or to answer any questions or who shall knowingly give false testimony therein, or shall be guilty of altering or concealing such books or papers shall be liable to the penalty provided for violations of this Charter.

Sec. 17-23 Prohibited Solicitations; Political Activities. In applying the provisions of this chapter or in doing any of the things herein provided for, no officer or employee shall give any weight whatsoever to political or religious beliefs or affiliations. No person subject to the provisions of this chapter shall solicit, orally or by letter, from an officer or employee, during his working hours, any money or other contribution for any political party or candidate.

Sec. 17-24 Departmental Records. The records of the department except such records as the rules may require to be held confidential for reasons of public policy, shall be public records and shall be open to public inspection, subject to regulations as to the time and manner of inspection which may be prescribed by the rule.

Sec. 17-25 Appropriations for Civil Service System. The Council shall annually make adequate appropriation to enable the Civil Service Board to carry out fully and effectively the provisions of this chapter.

Sec. 17-26 Violations of Rules. Any person who is convicted of violating any of the effective rules of the Civil Service Board shall be ineligible for appointment to or employment in positions in the City service for a period of five years, and shall, if he be an officer or employee of the City, immediately forfeit the office or position he holds.

CHAPTER 18

HIGHLAND PARK EMPLOYEES RETIREMENT SYSTEM

Sec. 18-1 Retirement System Continued. The Highland Park employees retirement system, established with effective date July 1, 1943, is hereby continued subject to the provisions of this chapter.

Sec. 18-2 Definitions. The following words and phrases as used in this chapter, unless a different meaning is clearly required by the context, shall have the following meanings:

- (1) "City" means the City of Highland Park, Michigan, and shall include its predecessor the Village of Highland Park.
- (2) "Retirement system" or "system" means the Highland Park employees retirement system continued in this chapter.
- (3) "Board of Trustees" or "Board" means the Board of Trustees of the Highland Park employees retirement system.
- (4) "Member" means any person who is included in the membership of the retirement system.
- (5) "Retirant" means any member who retires with a pension payable by the retirement system.
- (6) "Beneficiary" means any person, except a retirant, who is in receipt of, or who is designated to receive, a pension or other benefit payable by the retirant system.
- (7) "Service" means personal service rendered to the City by an officer or employee of the City.

(8) "Credited service" means the number of years and months of service standing to a member's credit.

(9) "Retirement" means a member's withdrawal from the employ of the City with a pension payable by the retirement system.

(10) "Compensation" means the salary or wages paid a member by the City for personal services rendered by him to the City. If a member's remuneration is not all paid in money the Council shall fix the portion of his remuneration which is not paid in money.

(11) "Final average salary" means the average of the annual compensations paid a member for any five consecutive years of credited service, selected by him, contained within his ten years of credited service immediately preceding the date his employment by the City last terminates. If he has less than five years of credited service his final average salary shall be the average of his annual compensations for his total period of service.

(12) "Final salary" means a member's annual rate of compensation at the time his employment by the City last terminates.

(13) "Pension" means an annual amount payable by the retirement system, in equal monthly installments, throughout the future life of a person, or for a temporary period, as provided in this chapter.

(14) "Pension reserve" means the present value of all payments to be made on account of any pension payable by the retirement system; and shall be computed upon the basis of such mortality and other experience tables, and regular interest, as the Board of Trustees shall from time to time adopt.

(15) "Regular interest" means such rate or rates of interest per annum, compounded annually, as the Board of Trustees shall from time to time adopt.

(16) "Accumulated contributions" means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the members deposit fund, together with regular interest thereon.

(17) "Workmen's compensation period" means the period a person is in receipt of workmen's compensation on account of a member's disability or death arising out of and in the course of his

employment by the City. If he is paid a single sum in lieu of future workmen's compensation his "workmen's compensation period" shall be the period, if any, he was in receipt of weekly workmen's compensation plus the period arrived at by dividing the said single sum paid him by his weekly workmen's compensation award.

(18) "Voluntary retirement age" means age sixty years, or the age at which a member acquires or would acquire thirty years of credited service, whichever occurs first.

(19) The masculine gender shall include the feminine gender, and words of the singular number with respect to persons shall include the plural number, and vice versa.

Sec. 18-3 Board of Trustees. The authority and responsibility to administer, manage and operate the retirement system, and to construe and make effective the provisions of this chapter, shall be vested in a Board of Trustees. The Board shall consist of seven trustees, as follows:

(1) The Mayor, ex-officio.

(2) A member of the Council to be selected by the Council to serve at the pleasure of the Council.

(3) The Finance Director, ex-officio.

(4) A citizen trustee, who shall be a citizen who is not a member, retirant, or beneficiary of the retirement system, to be appointed by the Mayor by and with the consent of the Council.

(5) Three member trustees who shall be members of the retirement system to be elected by the members under such rules and regulations as the Board of Trustees shall from time to time adopt.

Sec. 18-4 Trustee Term of Office; Oath of Office.

(a) The regular term of office for the citizen trustee and the member trustees shall be four years, one such term to expire annually.

(b) Each trustee shall, within ten days after his appointment or election, take an oath of office to be administered by the City Clerk.

Sec. 18-5 Vacancy on Board; How Filled.

(a) In the event a trustee leaves City employment; or if any trustee, except an ex-officio trustee, fails to attend three consecutive scheduled regular meetings of the Board, unless in each case excused for cause by the trustees attending such meeting, he shall be considered to have resigned from the Board and the Board shall, by resolution, declare his office of trustee vacated as of the date of adoption of such resolution.

(b) If a vacancy occurs in the office of trustee it shall be filled, within sixty days from and after the date of the vacancy, for the unexpired portion of the term, in the same manner as the office was previously filled.

Sec. 18-6 Board Meetings; Vote; Quorum. Each trustee shall be entitled to one vote on each question before the Board of Trustees. Four trustees shall constitute a quorum at any meeting of the Board and at least four concurring votes shall be necessary for a decision by the Board.

Sec. 18-7 Board Chairman; Meetings; Board Compensation.

(a) The Board of Trustees shall elect from its own number a Chairman and a Vice-Chairman. The Board shall hold meetings regularly, at least quarterly, and shall designate the time and place thereof. The Board shall adopt its own rules of procedure and shall keep a record of its proceedings. All meetings of the Board shall be public.

(b) The trustees shall serve without additional compensation for their services as trustees; provided, that each trustee shall be reimbursed, upon approval by the Council, for any reasonable and necessary expense incurred by him in the performance of the duties of trustee.

Sec. 18-8 Retirement System Officers.

(a) The officers of the retirement system shall be as follows:

(1) The Finance Director shall be the administrative officer of the retirement system; and he shall serve as Secretary to the Board of Trustees.

(2) The City Attorney shall be the legal advisor to the Board of Trustees.

(3) The City Treasurer shall be treasurer of the retirement system, and he shall be the custodian of its assets.

(4) The Board of Trustees shall appoint an Actuary, who is a member of the American Academy of Actuaries, to serve as technical advisor to the Board. He shall perform such other duties as are required of him under this chapter.

(5) The Board of Trustees shall appoint as Medical Director a physician who is not employed in any other position in the City or County governments. He shall be directly responsible to and shall serve at the pleasure of the Board. He shall arrange for and pass upon all medical examinations required under this chapter; he shall investigate all essential statements and certificates of a medical nature furnished by or on behalf of a member, retirant or beneficiary in connection with a claim for disability retirement or duty death benefits; and he shall report in writing to the Board his conclusions on medical matters referred to him by the Board.

(b) The Board of Trustees may employ such professional and other service as are required for the proper operation of the retirement system. The compensation for such services shall be subject to the approval of the Council.

Sec. 18-9 Record; Annual Report.

(a) The Secretary shall keep, or cause to be kept, such data as shall be necessary for an actuarial valuation of the assets and liabilities of the retirement system.

(b) The Board of Trustees shall annually render a report to the Mayor and Council showing the fiscal transactions of the retirement system for the year ended the preceding June 30; and the last balance sheet of the system showing its financial condition by means of an actuarial valuation of its assets and liabilities. The Board shall furnish such other reports as the Mayor or Council shall from time to time request.

Sec. 18-10 Adoption of Experience Tables; Regular Interest. The Board of Trustees shall from time to time adopt such mortality and other tables of experience, and a rate or rates of interest, as are necessary in the operation of the retirement system on an actuarial basis.

Sec. 18-11 Membership of Retirement System.

(a) The membership of the retirement system shall include all persons who are officers or employees of the City, and all persons who become officers or employees of the City, except as provided in subsection (b) of this section.

(b) The membership of the retirement system shall not include (1) any person in the employ of the City December 31, 1967 whose compensation averages less than six hundred dollars per annum in a period of three consecutive years, nor (2) any person, except an elected officer of the City, who enters the employ of the City after December 31, 1967 in a position normally requiring less than 800 hours of work per annum, nor (3) any person whose services are compensated on a fee or contractual basis, nor (4) the Medical Director and the Actuary, nor (5) any person who is a member or retirant of the City of Highland Park policemen and firemen retirement system continued under Chapter 19 of this Charter.

(c) The membership of the retirement system also may include the paid Director and employees of the Housing Commission of the City of Highland Park subject to the following express provisions:

(1) No person whose position normally requires less than 2,080 hours of work per annum shall be included.

(2) No person compensated on a fee or contractual basis shall be included.

(3) The Director and each employee included in the system shall make regular contributions to the Members Deposit Fund (Annuity Savings Fund) and the Housing Commission shall make regular contributions to the Pension Reserve Fund in accordance with the actuary's computations for each person included in the Retirement System; further, upon retirement of a member, the Housing Commission shall deposit in the Pension Reserve Fund such additional sums, if any, as the actuary shall determine are required to meet the liability of the system to the retiring member.

(4) Eligible officers and employees of the Housing Commission shall, upon payment of a regular contribution and any interest heretofore due to both the Pension Reserve Fund and Members Deposit Fund (Annuity Savings Fund) within thirty days of the effective date of this amendment, be given credit for service heretofore rendered to the Housing Commission.

(d) In any case of doubt as to the membership status in the retirement system of any officer or employee, the Board of Trustees shall decide the question.

(Amended 11-4-80)

Sec. 18-12 Termination of Membership. Except as otherwise provided in this chapter, should any member leave the employ of the City, for any reason except his retirement or death, he shall thereupon cease to be a member and his credited service in force at that that shall be forfeited by him. In the even the is re-employed by the City in a position covered by this retirement system he shall again become a member. If his said re-employment occurs within a period of eight years from and after the date he lastleft City employment the credited service last forfeited by him shall be restored to his credit, provided he returns to the members deposit fund the amount, if any, he withdrew therefrom, together with regular interest from the date of withdrawal to the date of repayment. Upon a member's retirement or death he shall thereupon cease to be a member.

Sec. 18-13 Credited Service. The Board of Trustees shall determine by appropriate rules and regulations the amount of service to be credited any member; provided, however, that in no case shall less than ten days of service rendered by a member in any calendar month be credited him as a month of service, nor shall less than ten months of service rendered by him in any calendar year be credited as a year of service, nor shall more than one year of service be credited any member for all service rendered by him in any calendar year. Based upon such rules and regulations and the provisions of this chapter, the Board shall credit each member with the years and months of service to which he is entitled.

Sec. 18-14 Military Service Credit. In the event a member who, while employed by the City, entered or enters any armed service of the United States government, and who has been or shall be on active duty in such armed service during time of war or period of compulsory military service, he shall have such armed service actually required of him credited him as City service in the same manner as if he had served the City uninterruptedly: Provided, that (1) he re-enters the employ of the City within one year after termination of such armed service actually required of him, and (2) he pays into the members deposit fund the amount, if any, he withdrew therefrom at the time he entered or while in such armed service, together with regular interest from the date of withdrawal to the date of repayment, and (3) in no case shall more than five years of City service be credited any member for all such armed service rendered by him. In any case of doubt as to the period to be so credited any member, the Board of Trustees shall have final power to determine such period. During the period of such armed service and until his return to the employ of the City his contributions to the retirement system shall be suspended and his balance in the members deposit fund shall be credited with regular interest.

Sec. 18-15 Voluntary Retirement. Any member who either (1) has thirty or more years of credited service, or (2) has attained age fifty-five years and has twenty-five or more years of credited service, or (3) has attained age sixty years and has five or more years of credited service, may retire upon his written application filed with the Board of Trustees setting forth at what

time, not less than thirty days nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired. Upon his retirement he shall be entitled to a pension provided in Section 18-21.

(Amended 8-3-76)

Sec. 18-16 Compulsory Termination of City Employment. A member, except an elected officer of the City, shall be separated from City employment the first day of the calendar month next following the month in which he attains age seventy years. If, upon his separation from City employment, he has five or more years of credited service he shall be entitled to a pension provided in Section 18-21.

Sec. 18-17 Deferred Retirement. If a member who has five or more years of credited service leaves the employ of the City, for any reason except his retirement or death, and does not withdraw his accumulated contributions, he shall be entitled to a vested interest in the pension system and thereby to a pension computed according to Section 18-18 as the section was in effect December 31, 1967 or the date his City employment last terminated, whichever is later. His pension shall begin the first day of the calendar month next following the month in which he files his application for same with the Board of Trustees on or after his attainment of age sixty years. Until his pension is to begin his balance in the members deposit fund shall be credited with regular interest. (Amended 8-3-76)

Sec. 18-18 Age and Service Pension.

(a) Upon a member's retirement, as provided in this chapter, he shall receive a straight life pension equal to 2.0 percent of his final average salary multiplied by the number of years, and fraction of a year, of his credited service. Prior to his retirement he may elect to receive his pension under an option provided in Section 18-20 in lieu of a straight life pension.

(b) If a member's credited service includes service rendered prior to January 1, 1968 his straight life pension, provided in subsection (a) of this section, shall not be less than the sum of (1) a pension which is the actuarial equivalent of his accumulated contributions standing to his credit in the members deposit fund at the time of his retirement, and (2) a basic pension of one hundred twenty dollars per annum, and (3) a membership service pension of 1/120 of his final average salary multiplied by the number of years, and fraction of a year, of his credited service rendered after December 31, 1942, and (4) a prior service pension of 2/135 of his final average salary multiplied by the number of years, and fraction of a year, of his credited service rendered prior to January 1, 1943, provided that his prior service pension shall not exceed one thousand eight hundred dollars per annum. (Amended 8-6-74)

Sec. 18-19 Terminal Payment. If a retirant dies before he has received in straight life pension payments an aggregate amount equal to his accumulated contributions standing to his credit in the members deposit fund at the time of his retirement, the difference between his said accumulated contributions and the said aggregate amount of straight life pension payments received by him shall be paid to such person or persons as he shall have nominated by written designation duly executed and filed with the Board of Trustees. If there be no such designated person surviving the retirant such difference, if any, shall be paid to his estate. No benefits shall be paid under this section on account of the death of a retirant if he had elected option A, B or C provided in Section 18-20.

Sec. 18-20 Pension Options. Prior to the effective date of his retirement, but not thereafter, a member may elect to receive his pension as a straight life pension payable throughout his life; or he may elect to receive the actuarial equivalent, computed as of the effective date of his retirement, of his straight life pension in a reduced pension payable throughout his life, and nominate a beneficiary, in accordance with the provisions of option A, B or C set forth below:

Option A - Life pension - 120 months certain: Under option A a retirant shall receive his reduced pension so long as he lives. If he dies before he has received 120 monthly pension payments the pension payments for the remainder of the 120 months shall be continued and paid to such person, or in equal shares to such persons, as he shall have nominated by written designation duly executed and filed with the Board of Trustees. If there be no such designated person surviving to receive such pension payments the payments for the remainder of the 120 months shall be continued and paid to the estate of the survivor of the retirant and his last surviving beneficiary.

Option B - Joint and survivor pension: Under option B a retirant shall receive a reduced pension payable so long as he lives. Upon his death his reduced pension shall be continued and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the Board of Trustees prior to the effective date of his retirement.

Option C - Modified joint and survivor pension: Under option C a retirant shall receive a reduced pension payable so long as he lives. Upon his death one-half of his reduced pension shall be continued and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the Board of Trustees prior to the effective date of his retirement.

Sec. 18-21 Nonduty Death; Elective Option. Any member who continues in City employment on or after the date he acquires ten years of credited service may at any time prior to the date of his retirement, by written declaration duly executed and filed with the Board of Trustees, elect

option B provided in Section 18-20 and nominate a beneficiary whom the Board finds to be dependent upon him for at least fifty percent of his financial support. Prior to the date of his retirement a member may revoke his said election of option B and nomination of beneficiary and he may again, prior to his retirement, elect the said option B and nominate a beneficiary as provided in this section. Upon the death of a member who has an option B election in force his designated beneficiary, if living, shall immediately receive a pension which is the option B actuarial equivalent of a pension computed according to Section 18-18 in the same manner in all respects as if the member had retired the day preceding the date of his death, notwithstanding that he might not have attained his voluntary retirement age. If a member has an option B election in force at the time of his retirement, his said election of option B and nomination of beneficiary shall thereafter continue in force unless prior to the date of his retirement he elects to take his pension as a straight life pension or under option A or C provided in Section 18-20. No pension shall be paid under this section on account of the death of a member if any benefits are paid or payable under Section 18-29 on account of his death. Any pension payable under this section shall be subject to Section 18-31.

Sec. 18-22 Nonduty Death; Automatic Option. If a member continues in City employment on or after the date he acquires ten years of credited service, and does not have an option B election provided in Section 18-21 in force, and (1) dies prior to the date of his retirement, and (2) leaves a widow, or in the case of a female member leaves a widower whom the Board of Trustees finds to be totally and permanently disabled and to have been dependent upon the female member for at least fifty percent of his financial support, the widow or widower shall immediately receive a pension computed according to Section 18-18 in the same manner in all respects as if the member had (1) retired the day preceding the date of his death, notwithstanding that he might not have attained his voluntary retirement age, (2) elected option B provided in Section 18-20, and (3) nominated his said widow or widower as beneficiary. No pension shall be paid under this section on account of the death if a member of any benefits are paid or payable under Section 18-29 on account of his death. Any pension payable under this section shall be subject to Section 18-31.

Sec. 18-23 Duty Disability Incurred. Upon the application of a member, or his department head, filed with the Board of Trustees, a member who becomes totally and permanently incapacitated for duty in the employ of the City, by reason of a personal injury or disease which the Board finds to have occurred solely and exclusively as the natural and proximate result of causes arising out of and in the course of his City employment, may be retired by the Board; provided, that after a medical examination of the member, made by or under the direction of the Medical Director, the Medical Director certifies to the Board (1) that the said member is mentally or physically totally and permanently incapacitated for duty in the employ of the City, and (2) that such incapacity will probably be permanent and provided further, that the report of the Medical Director is concurred in by the Board.

Sec. 18-24 Duty Disability; Retirement After Voluntary Retirement Age. Upon a member's retirement after his voluntary retirement age, on account of disability as provided in Section 18-

23, he shall receive a pension provided in Section 18-18, subject to Sections 18-30 and 18-31. Prior to his retirement he may elect to receive his pension under an option provided in Section 18-20 in lieu of a straight life pension.

Sec. 18-25 Duty Disability; Retirement Before Voluntary Retirement.

(a) Upon a member's retirement before his voluntary retirement age, on account of disability as provided in Section 18-23, he shall receive a duty disability pension, payable to his attainment of his voluntary retirement age, of $\frac{2}{3}$ of his final average salary. His said pension (1) shall be subject to Sections 18-28 and 18-31, and (2) shall not exceed two thousand four hundred dollars per annum.

(b) Upon attaining his voluntary retirement age, a disability retiree shall receive a pension computed according to Section 18-18, and he may elect to receive his pension under an option provided in Section 18-20 in lieu of a straight life pension. In computing his pension he shall be given service credit for the period he was receiving a duty disability pension provided in subsection (a) of this section. His said pension shall be subject to Section 18-31.

(c) During the period a disability retiree is receiving a pension provided in subsection (a) of this section his balance in the members deposit fund at the time of his retirement shall remain therein and shall be accumulated at regular interest. Upon attaining his voluntary retirement age his said balance in the members deposit fund shall be transferred to the retirement reserve fund. In the event he dies before attaining his voluntary retirement age, his accumulated contributions standing to his credit in the members deposit fund shall be paid in accordance with Section 18-32.

Sec. 18-26 Nonduty Disability Incurred. Upon the application of a member, or his department head, filed with the Board of Trustees, a member who has ten or more years of credited service and who becomes totally and permanently incapacitated for duty in the employ of the City as the result of causes occurring otherwise than in the actual performance of his duty as an officer or employee of the City, may be retired by the Board; provided, that the Medical Director, after a medical examination of the member, certifies to the Board that the member is mentally or physically totally incapacitated for duty in the employ of the City, that such incapacity will probably be permanent, and that the member should be retired.

Sec. 18-27 Nonduty Disability Pension. Upon a member's retirement on account of disability, as provided in Section 18-26, he shall receive a pension provided in Section 18-18, subject to Sections 18-28 and 18-31. Prior to his retirement he may elect to receive his pension under an option provided in Section 18-20 in lieu of a straight life pension.

Sec. 18-28 Disability Retirants; Re-Examination; Pension Adjustment.

(a) Once each year during the first five years following the retirement of a member on account of disability, as provided in Sections 18-23 and 18-26, and at least once in each three year period thereafter, the Board of Trustees may require the disability retirant, if he has not attained his voluntary retirement age, to undergo a medical examination to be made by or under the direction of the Medical Director. Should the disability retirant refuse to submit to such medical examination in any such period his pension may be suspended by the Board until his withdrawal of such refusal. Should such refusal continue for one year his pension may be terminated by the Board. If upon such medical examination of a disability retirant the Medical Director reports to the Board that the retirant is mentally and physically able and capable of resuming employment with the City, he shall be returned to City employment and his pension shall terminate; provided, that the report of the Medical Director is concurred in by the Board. In returning the retirant to City employment the City shall be allowed reasonable latitude in placing him in a position commensurate with the position held by him at the time of his retirement.

(b) A disability retirant who is returned to City employment, as provided in subsection (a) of this section, shall again become a member of the retirement system. His credited service in force at the time of his retirement shall be restored to his credit. He shall be given service credit for the period he was receiving a pension provided in Section 18-25. He shall not be given service credit for the period he was receiving a pension provided in Section 18-27.

(c) If a disability retirant, who has not attained his voluntary retirement age, is or becomes engaged in a gainful occupation, business, or employment, his disability pension while he is so engaged shall not exceed the difference between his final salary and the amount earned by him in such gainful occupation, business, or employment.

Sec. 18-29 Duty Death.

(a) In the event (1) a member dies as the sole and exclusive result of a personal injury or disease arising out of and in the course of his employment by the City, or (2) a disability retirant who retired under Section 18-23 dies within a period of three years from and after his retirement, but prior to his attainment of age sixty years, as the result of the same injury or disease for which he was retired, and in either case (1) or (2) such death, injury or disease resulting in death, be found by the Board of Trustees to have been the result of his actual performance of duty in the employ of the City, the applicable benefits provided in this subsection shall be paid:

(1) The accumulated contributions standing to the deceased person's credit in the members deposit fund at the time of his death shall be paid in accordance with the provisions of Section 18-32.

(2) A pension of one-third of the deceased person's final salary shall be paid to his widow until her remarriage or death, whichever occurs first. Any pension payable under this paragraph shall be subject to subsection (b) of this section and to Section 18-31.

(3) If, in addition to a widow, an unmarried child or children under age eighteen years also survive the deceased person, each such child shall receive a pension of an equal share of one-fourth of the deceased person's final salary. Upon a child's adoption, marriage, death, or attainment of age eighteen years, whichever occurs first, his pension shall terminate and there shall be a redistribution of the shares of one-fourth of the deceased person's final salary to his remaining eligible children, if any, under age eighteen years. Any pension payable under this paragraph shall be subject to subsection (b) of this section and to Section 18-31.

(4) If the deceased person does not leave a widow, or if his widow dies or remarries, and there be surviving the deceased person's unmarried child or children under age eighteen years, each such child shall receive a pension of one-fourth of the deceased person's final salary; provided, that if more than two such children survive each such child shall receive a pension of an equal share of one-half of the deceased person's final salary. Upon a child's adoption, marriage, death, or attainment of age eighteen years, whichever occurs first, his pension shall terminate and there shall be a redistribution of the shares of one-half of the deceased person's final salary to his remaining eligible children under age eighteen years; provided further, that no such child's pension shall exceed one-fourth of the deceased person's final salary. Any pension payable under this paragraph shall be subject to subsection (b) of this section and to Section 18-31.

(5) If there be neither a widow nor children eligible to receive pensions provided in paragraphs (2), (3) or (4) of this subsection surviving the deceased person, and he leaves either or both a mother and father whom the Board of Trustees finds, after investigation, to have been actually dependent upon the deceased person for financial support, each such dependent parent shall receive a pension of one-sixth of the deceased person's final salary; provided, that the pension payable to either parent shall not exceed seven hundred twenty dollars per annum. Any pension payable under this paragraph shall be subject to Section 18-31.

(b) The total of the pensions provided in subsection (a) of this section payable on account of the death of a member or disability retiree shall not exceed two thousand one hundred dollars per annum. As used in this section the term "widow" means the person to whom the deceased person was married at the time his employment with the City last terminated.

Sec. 18-30 Pension Increases. Each retiree and beneficiary who was receiving a retirement allowance December 31, 1967 shall, beginning July 1, 1968, have his retirement allowance increased by an amount equal to two percent of his retirement allowance payable as of December

31, 1967 multiplied by the number of complete years, nor to exceed ten years, he was in receipt of a retirement allowance prior to January 1, 1968. The increases provided herein shall be made notwithstanding that the increased retirement allowance or pension might exceed the maximum limit provided for such benefit. In no case shall any such increase be paid retroactive from July 1, 1968.

Sec. 18-31 Workmen's Compensation Offset. During the workmen's compensation period of a member, retirant, or beneficiary, his pension payable during such period shall be reduced by the amount of his weekly workmen's compensation award converted to an annual basis.

Sec. 18-32 Return of Accumulated Contributions.

(a) If a member leaves the employ of the City before he has attained his voluntary retirement age, except on account of his retirement or death, he shall be paid his accumulated contributions standing to his credit in the members deposit fund upon his request in writing filed with the Board of Trustees. Payment of his accumulated contributions shall be subject to subsection (d) of this section.

(b) If a member dies and no pension becomes or will become payable by the retirement system, except as provided in Section 18-29, his accumulated contributions standing to his credit in the members deposit fund at the time of his death shall be paid to such person or persons as he shall have nominated by written designation duly executed and filed with the Board of Trustees. If no such designated person survives the member his said accumulated contributions shall be paid to his estate. Payment of his accumulated contributions shall be subject to subsection (d) of this section.

(c) Upon filing application for retirement, however, prior to the effective date of his or her retirement, but not thereafter, a member may elect to withdraw his or her contributed portion of the members deposit fund (member's annuity), including all accrued interest, in one lump sum payment and thereupon will be entitled to a pension in accordance with Section 18-20. Such pension will be actuarially computed without the member's contribution and will thereby result in a lesser pension plan than the member would have received if he had not withdrawn his annuity.

(d) The return of a member's accumulated contributions, as provided in this section, shall be made in accordance with such rules and regulations as the Board of Trustees shall from time to time adopt. (Amended 8-3-76)

Sec. 18-33 Funds of Retirement System. The funds of the retirement system shall be the members deposit fund (formerly called annuity savings fund), pension reserve fund, retirement

reserve fund, income fund, and expense fund. The Board of Trustees may from time to time establish such other funds as are necessary in the proper operation of the system.

Sec. 18-34 Members Deposit Fund.

(a) The members deposit fund shall be the fund in which shall be accumulated, at regular interest, the contributions deducted from the compensations of members, and from which shall be made refunds and transfers of accumulated contributions, as provided in this chapter.

(b) The contributions of a member to the retirement system shall be five percent of compensation.

(c) The officer or officers responsible for making the payroll shall cause the contributions provided in subsection (b) of this section to be deducted from the compensation of each member on each and every payroll, for each and every payroll period, so long as he remains a member in the employ of the City. The said contributions when deducted from the compensation of a member shall be credited to his individual account in the members deposit fund. Every member shall be deemed to consent and agree to the deductions made and provided for herein. Payment of his salary less said deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by him during the period covered by such payment, except as to benefits provided by the retirement system. The members' contributions provided for herein shall be made notwithstanding that the minimum compensation provided by law for any member shall be thereby changed.

(d) In addition to the contributions deducted from the compensation of a member, as hereinbefore provided, he shall deposit in the members deposit fund, by a single payment or by an increased rate of contribution as approved by the Board of Trustees, the amount, if any, he withdrew from the members deposit fund, together with regular interest from the date of withdrawal to the date of repayment. In no case shall any member be given credit for service rendered prior to the date he withdrew his accumulated contributions until he returns to the members deposit fund all amounts due the fund by him.

(e) Upon the retirement of a member his accumulated contributions shall be transferred from the members deposit fund to the retirement reserve fund. At the expiration of a period of four years after the date an employee ceases to be a member any balance standing to his credit in the members deposit fund, unclaimed by the member or his legal representative, shall be transferred to the income fund; provided, that he does not have entitlement to a pension payable by the retirement system.

Sec. 18-35 Pension Reserve Fund.

(a) The pension reserve fund shall be the fund in which shall be accumulated reserves resulting from contributions provided by the City, and from which shall be made transfers as provided in this section. Upon the basis of such mortality and other tables of experience, and regular interest, as the Board of Trustees shall from time to time adopt, the actuary shall annually compute the pension reserves for (1) pensions being paid retirants and beneficiaries, and (2) pensions to be paid on account of service rendered and to be rendered by members. The City's annual contributions required to finance the said pension reserves shall be appropriated by the Council. The said contributions shall be determined according to paragraphs (1), (2) and (3) of this subsection:

(1) The City's appropriations for members' current service shall be a percent of their annual compensations which will produce an amount which if paid annually by the City during their future service will be sufficient to accumulate the pension reserves at the time of their retirements for the City-financed portions of the pensions to be paid them based upon their future service.

(2) The City's appropriations for members' accrued service shall be a percent of their annual compensations which will produce an amount which if paid annually by the City over a period of years, to be determined by the Council, will amortize at regular interest the unfunded pension reserves, if any, for the accrued service portions of the pensions to be paid members.

(3) The City's appropriations for pensions being paid retirants and beneficiaries shall be a percent of the annual compensations of members which will produce an amount which if paid annually by the City over a period of years, to be determined by the Council, will amortize at regular interest any unfunded pension reserves for pensions being paid retirants and beneficiaries.

(b) Upon the retirement of a member the difference between his pension reserve and his accumulated contributions shall be transferred from the pension reserve fund to the retirement reserve fund. If a pension provided in Section 18-29 becomes payable, the pension reserves for such pension shall be transferred from the pension reserve fund to the retirement reserve fund. If at the end of any fiscal year the balance in the retirement reserve fund is less than the fund's actuarially computed liabilities, the amount of the deficiency may be transferred from the pension reserve fund to the retirement reserve fund.

Sec. 18-36 Retirement Reserve Fund. The retirement reserve fund shall be the fund from which shall be paid all pensions and annuities payable as provided in this chapter. Should a disability retirant return to the employ of the City, his pension reserve computed as of the date of his return shall be transferred from the retirement reserve fund to the members deposit fund and the

pension reserve fund in the same proportion as the pension reserve was originally transferred to the retirement reserve fund. The balance in the annuity reserve fund shall be transferred to the retirement reserve fund and all annuities shall thereafter be paid from the retirement reserve fund.

Sec. 18-37 Income Fund. The income fund shall be the fund to which shall be credited all interest, dividends, and other income from investments of the retirement system, all gifts and bequests received by the system, all unclaimed accumulated contributions as provided in this chapter, and all other moneys received by the system the disposition of which is not specifically provided in this chapter. There shall be paid or transferred from the income fund all amounts required to credit regular interest to the members deposit fund, pension reserve fund and the retirement reserve fund, as provided in this chapter. Whenever the Board of Trustees determines that the balance in the income fund is more than sufficient to cover current charges to the fund, such excess amount, or any part thereof, may be used to provide contingency reserves or to meet the special requirements of the other funds of the system, except the expense fund. Whenever the balance in the income fund is insufficient to meet the charges to the fund the amount of such insufficiency shall be transferred from the pension reserve fund to the income fund.

Sec. 18-38 Expense Fund. The expense fund shall be the fund to which shall be credited all money provided by the City to pay the administrative expenses of the retirement system, and from which shall be paid all administrative expenses of the system.

Sec. 18-39 Investment of Assets.

(a) The Board of Trustees shall be the trustees of the assets of the retirement system. It shall have full power to invest and reinvest the moneys and other assets of the system in accordance with the provisions of Act No. 314 of the Public Acts of 1965, as amended, or as it may be amended or superseded. The Board shall have full power to hold, purchase, sell, assign, transfer and dispose of any securities and investments in which any of the moneys of the system have been invested as well as the proceeds of such investments and any moneys belonging to the system.

(b) There shall be kept on deposit available cash not to exceed five percent of the total assets of the retirement system. All assets of the system shall be held for the sole purpose of meeting disbursements authorized by this chapter and shall be used for no other purpose.

(c) The description of the various funds of the retirement system shall be interpreted to refer to the accounting records of the system and not to the actual segregation of assets in the funds of the system.

Sec. 18-40 Allowance of Regular Interest. The Board of Trustees shall, at the end of each fiscal year, allow and credit regular interest computed on the members' individual balances in the members deposit fund at the beginning of the fiscal year; and on the mean assets in the pension reserve fund and retirement reserve fund. The amounts of interest so allowed and credited shall be charged to the income fund.

Sec. 18-41 Method of Making Payments. All payments from funds of the retirement system shall be made by the City Treasurer according to Charter provisions governing payments from the City's General Fund. No such payment shall be made unless it has been previously authorized by a specific or continuing resolution adopted by the Board of Trustees.

Sec. 18-42 Assignments Prohibited.

(a) The right of a person to a pension, to the return of accumulated contributions, the pension itself, any optional benefit, any other right accrued or accruing to any person under this chapter shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency law, or any other process of law whatsoever, and shall be unassignable except as is specifically provided in this chapter.

(b) If a member is covered by a group insurance or prepayment plan participated in by the City, and should he be permitted to, and elect to, continue such coverage as a retirant, he may authorize the Board of Trustees to have deducted from his pension the payments required of him to continue coverage under such group insurance or prepayment plan. The City shall have the right of setoff for any claim arising from embezzlement by or fraud of a member, retirant or beneficiary.

Sec. 18-43 Former Retirement Allowances Continued. All annuities and pensions being paid by the retirement system as of the date of adoption of this Charter shall continue to be paid in accordance with the provisions of Chapter 23 of the City Charter in effect the day preceding the adoption of this Charter, subject to Section 18-30 of this Charter. The said annuities and pensions shall continue to be obligations of the retirement system.

Sec. 18-44 Errors, Correction. Should any change or error in the records result in any person receiving from the retirement system more or less than he would have been entitled to receive had the records been correct, the Board of Trustees shall correct such error and as far as practicable shall adjust the payment of the benefit in such manner that the actuarial equivalent of the benefit to which the person was correctly entitled shall be paid.

CHAPTER 19

HIGHLAND PARK POLICEMEN AND FIREMEN RETIREMENT SYSTEM

Sec. 19-1 Retirement System Continued. The City of Highland Park policemen and firemen retirement system, established with effective date July 1, 1945, is hereby continued subject to the provisions of this chapter.

Sec. 19-2 Definitions. The following words and phrases as used in this chapter, unless a different meaning is clearly required by the context, shall have the following meanings:

- (1) "City" means the City of Highland Park, Michigan and shall include its predecessor the Village of Highland Park.
- (2) "Retirement system" or "system" means the City of Highland Park policemen and firemen retirement system continued in this chapter.
- (3) "Board of Trustees" or "Board" means the Board of Trustees of the City of Highland Park policemen and firemen retirement system.
- (4) "Policeman" means any person in the employ of the Police Department of the City who holds the rank of patrolman, including probationary patrolman, or higher rank, but it shall not include (1) any person who is privately employed as a policeman, nor (2) any person who is temporarily employed as a policeman for an emergency, nor (3) school crossing officers, nor (4) any civilian employee in the Police Department.
- (5) "Fireman" means any person in the employ of the Fire Department of the City who holds the rank of pipeman, including probationary pipeman, or higher rank, but it shall not include (1) any person who is privately employed as a fireman, nor (2) any person who is temporarily employed as a fireman for an emergency, nor (3) any civilian employee in the Fire Department.
- (6) "Member" means any person who is included in the membership of the retirement system.
- (7) "Retirant" means any member who retires with a pension payable by the retirement system.

(8) "Beneficiary" means any person, except a retirant, who is in receipt of, or who is designated to receive, a pension or other benefit payable by the retirement system.

(9) "Service" means personal service rendered to the City by a policeman or fireman in the employ of the Police or Fire Department of the City.

(10) "Credited service" means the number of years and months of service standing to a member's credit.

(11) "Retirement" means a member's withdrawal from the employ of the City with a pension payable by the retirement system.

(12) "Compensation" means the salary paid a member by the City for service rendered by him as a policeman or fireman; provided, that the term "compensation" shall not include any portion of salary in excess of the salary for the higher of (1) the third rank above the rank of patrolman, or (2) the third rank above the rank of pipeman, nor shall it include remuneration for overtime, clothing and equipment, and travel expense. If there be more than one classification within a rank, the highest classification within the rank shall be used for the purpose of the definition of "compensation."

(13) "Final average salary" means the average of the compensations, as fixed in the City budget for the fiscal year in which employment by the City as a policeman or fireman last terminates, of the ranks held by the member during the five years of credited service immediately preceding his retirement; provided, that a member's "final average salary" shall not exceed the compensation for the third rank above the rank of patrolman or the third rank above the rank of pipeman, whichever is higher, as fixed in the City budget for the fiscal year in which the member's employment by the City as a policeman or fireman last terminates. If there be more than one classification within a rank, the highest classification within the rank shall be used for the purpose of this definition. If a member has less than five years of credited service, the period used in determining his final average salary shall be his total period of credited service.

(14) "Final salary" means the annual salary for the highest classification within the rank of patrolman or pipeman, whichever is higher, as fixed in the City budget for the fiscal year in which a member's employment with the City as a policeman or fireman last terminates.

(15) "Pension" means an annual amount payable by the retirement system, in equal monthly installments, throughout the future life of a person, or for a temporary period, as provided in this chapter.

(16) "Pension reserve" means the present value of all payments to be made on account of any pension payable by the retirement system; and shall be computed upon the basis of such mortality and other experience tables, and regular interest, as the Board of Trustees shall from time to time adopt.

(17) "Regular interest" means such rate or rates of interest per annum, compounded annually, as the Board of Trustees shall from time to time adopt.

(18) "Accumulated contributions" means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the members deposit fund, together with regular interest thereon.

(19) "Workmen's compensation period" means the period a person is in receipt of workmen's compensation on account of a member's disability or death arising out of and in the course of his employment by the City. If he is paid a single sum in lieu of future workmen's compensation his "workmen's compensation period" shall be the period, if any, he was in receipt of weekly workmen's compensation plus the period arrived at by dividing the said single sum paid him by his weekly workmen's compensation award.

(20) "Voluntary retirement age" means:

(a) For a member whose credited service includes service rendered prior to July 1, 1945 - (1) the age at which he acquires or would acquire twenty years of credited service, or (2) age fifty-five years, whichever occurs first.

(b) For a member whose credited service does not include service rendered prior to July 1, 1945 - (1) the age at which he acquires or would acquire twenty-five years of credited service, or (2) age fifty-five years, whichever occurs first.

(21) The masculine gender shall include the feminine gender, and words of the singular number with respect to persons shall include the plural number, and vice versa.

Sec. 19-3 Board of Trustees.

(a) The authority and responsibility to administer, manage and operate the retirement system, and to construe and make effective the provisions of this chapter, shall be vested in a Board of Trustees. The Board shall consist of nine trustees as follows:

(1) The Mayor, ex-officio.

(2) A member of the Council, to be selected by the Council, to serve at the pleasure of the Council.

(3) The Finance Director, ex-officio.

(4) The City Treasurer, ex-officio.

(5) A citizen trustee, who shall be a citizen who is not a member, retirant or beneficiary of the retirement system, to be appointed by the Mayor by and with the consent of the Council.

(6) Two firemen trustees who shall be firemen members of the retirement system to be elected by the firemen members.

(7) Two policemen trustees who shall be policemen members of the retirement system to be elected by the policemen members.

(b) The elections of the firemen trustees and the policemen trustees shall be held under such rules as the Board of Trustees shall from time to time adopt.

Sec. 19-4 Trustee Term of Office; Oath of Office.

(a) The regular term of office for the citizen trustee, firemen trustees, and policemen trustees shall be five years, one such term to expire annually.

(b) Each trustee shall, within ten days after his appointment or election, take an oath of office to be administered by the City Clerk.

Sec. 19-5 Vacancy on Board; How Filled.

(a) In the event a trustee leaves City employment; or if any trustee, except an ex-officio trustee, fails to attend three consecutive regular scheduled meetings of the Board of Trustees, unless in each case excused for cause by the trustees attending such meeting, he shall be considered to have resigned from the Board and the Board shall, by resolution, declare his office of trustee vacated as of the date of adoption of such resolution.

(b) If a vacancy occurs in the office of trustee it shall be filled, within sixty days from and after the date of the vacancy, for the unexpired portion of the term, in the same manner as the office was previously filled.

Sec. 19-6 Board Meetings; Vote; Quorum. Each trustee shall be entitled to one vote on each question before the Board of Trustees. Five trustees shall constitute a quorum at any meeting of the Board and at least five concurring votes shall be necessary for a decision by the Board.

Sec. 19-7 Board Chairman; Meetings; Board Compensation.

(a) The Board of Trustees shall elect from its own number a Chairman and a Vice-Chairman. The Board shall hold meetings regularly, at least quarterly, and shall designate the time and place thereof. The Board shall adopt its own rules of procedure and shall keep a record of its proceedings. All meetings of the Board shall be public.

(b) The trustees shall serve without additional compensation for their services as trustees; provided, that each trustee shall be reimbursed, upon approval by the Council, for any reasonable and necessary expense incurred by him in the performance of the duties of trustee.

Sec. 19-8 Retirement System Officers.

(a) The officers of the retirement system shall be as follows:

(1) The Finance Director shall be the administrative officer of the retirement system; and he shall serve as Secretary to the Board of Trustees.

(2) The City Attorney shall be legal advisor to the Board of Trustees.

(3) The City Treasurer shall be the treasurer of the retirement system, and he shall be the custodian of its assets.

(4) The Board of Trustees shall appoint an Actuary, who is a member of the American Academy of Actuaries, to serve as technical advisor to the Board. He shall perform such other duties as are required of him under this chapter.

(5) The Board of Trustees shall appoint as Medical Director a physician who is not employed in any other position in the City or County governments. He shall be directly responsible to and shall serve at the pleasure of the Board. He shall arrange for and pass upon all medical examinations required under this chapter; he shall investigate all essential statements and certificates of a medical nature furnished by or on behalf of a member, retirant or beneficiary in connection with a claim for disability retirement or duty death benefits; and he shall report in writing to the Board his conclusions on medical matters referred to him by the Board.

(b) The Board of Trustees may employ such professional and other services as are required for the proper operation of the retirement system. The compensation for such services shall be subject to the approval of the Council.

Sec. 19-9 Records; Annual Report.

(a) The Secretary shall keep, or cause to be kept, such data as shall be necessary for an actuarial valuation of the assets and liabilities of the retirement system.

(b) The Board of Trustees shall annually render a report to the Mayor and Council showing the fiscal transactions of the retirement system for the year ended the preceding June 30; and the last balance sheet of the system showing its financial condition by means of an actuarial valuation of its assets and liabilities. The Board shall furnish such other reports as the Mayor or Council shall from time to time request.

Sec. 19-10 Adoption of Experience Tables; Regular Interest. The Board of Trustees shall from time to time adopt such mortality and other tables of experience, and a rate or rates of interest, as are necessary in the operation of the retirement system on an actuarial basis.

Sec. 19-11 Membership of Retirement System.

(a) The membership of the retirement system shall include all policemen and firemen who are in the employ of the City, and all persons who become employed by the City as policemen and firemen.

(b) In any case of doubt as to who is a member of the retirement system the Board of Trustees shall decide the question.

Sec. 19-12 Termination of Membership. Except as otherwise provided in this chapter, should any member no longer be employed by the City as a policeman or fireman, for any reason except his retirement or death, he shall thereupon cease to be a member and his credited service at that time shall be forfeited by him. In the event he is re-employed by the City as a policeman or fireman he shall again become a member. If his said re-employment occurs within a period of four years from and after the date he last left City employment, the credited service last forfeited by him shall be restored to his credit, provided he returns to the members deposit fund the amount, if any, he withdrew therefrom, together with regular interest from the date of withdrawal to the date of repayment. Upon a member's retirement or death he shall thereupon cease to be a member.

Sec. 19-13 Credited Service. The Board of Trustees shall determine by appropriate rules and regulations the amount of service to be credited any member; provided, however, that in no case shall less than ten days of service rendered by a member in any calendar month be credited him as a month of service, nor shall less than eleven months of service rendered by him in any calendar year be credited as a year of service, nor shall more than one year of service be credited any member for all service rendered by him in any calendar year. Based upon such rules and regulations and provisions of this chapter, the Board shall credit each member with the years and months of service to which he is entitled.

Sec. 19-14 Military Service Credit. In the event a member who, while employed by the City, entered or enters any armed service of the United States government, and who has been or shall be on active duty in such armed service during time of war or period of compulsory military service, he shall have such armed service actually required of him credited him as City service in the same manner as if he had served the City uninterruptedly: Provided, that (1) he re-enters the employ of the City within one year after termination of such armed service actually required of him, and (2) he pays into the members deposit fund the amount, if any, he withdrew therefrom at the time he entered or while in such armed service, together with regular interest from the date of withdrawal to the date of repayment, and (3) in no case shall more than five years of City service be credited any member for all such armed service rendered by him. In any case of doubt as to the period to be so credited any member the Board of Trustees shall have final power to determine such period. During the period of such armed service and until his return to the employ of the City his contributions to the retirement system shall be suspended and his balance in the members deposit fund shall be credited with regular interest.

Sec. 19-15 Voluntary Retirement. Any member who has attained or attains his voluntary retirement age may retire upon his written application filed with the Board of Trustees setting forth at what time, not less than thirty days nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired. Upon his retirement he shall be entitled to a pension provided in Section 19-18.

Sec. 19-16 Compulsory Retirement. A member shall be retired the first day of the calendar month next following the month in which he attains age sixty years. Upon his retirement he shall be entitled to a pension provided in Section 19-18.

Sec. 19-17 Deferred Retirement. If a member, whose credited service is twenty or more years, leaves the employ of the City as a policeman or fireman prior to his attainment of his voluntary retirement age, for any reason except his retirement or death, he shall be entitled to a pension computed according to Section 19-18 as the section was in effect December 31, 1967 or the date his City employment as a policeman or fireman last terminated, whichever is later. His pension shall begin the first day of the calendar month next following the month in which he files his application for same with the Board of Trustees on or after his attainment of age fifty-five years. If he withdraws his accumulated contributions from the members deposit fund he shall thereupon forfeit his right to a deferred pension provided in this section. Until his pension is to begin his balance in the members deposit fund shall be accumulated at regular interest.

Sec. 19-18 Age and Service Pension. Upon his retirement, as provided in this chapter, a member shall receive a straight life pension equal to two percent of his final average salary multiplied by the number of years, and fraction of a year, of his credited service not to exceed twenty-five years. His said pension shall be subject to Sections 19-30 and 19-31. Prior to his retirement he may elect to receive his pension under an option provided in Section 19-20 in lieu of a straight life pension.

Sec. 19-19 Terminal Payment. If a retirant dies before he has received in straight life pension payments an aggregate amount equal to his accumulated contributions standing to his credit in the members deposit fund at the time of his retirement, the difference between his said accumulated contributions and the said aggregate amount of straight life pension payments received by him shall be paid to such person or persons as he shall have nominated by written designation duly executed and filed with the Board of Trustees. If there be no such designated person surviving the retirant such difference, if any, shall be paid to his estate. No benefits shall be paid under this section on account of the death of a member if he had elected option A, B or C provided in Section 19-20.

Sec. 19-20 Pension Options. Prior to the effective date of retirement, but not thereafter, a member may elect to receive his pension as a straight life pension payable throughout his life; or

he may elect to receive the actuarial equivalent, computed as of the effective date of his retirement, of his straight life pension in a reduced pension payable throughout his life, and nominate a beneficiary, in accordance with the provisions of option A, B or C set forth below:

Option A - Life pension - 120 months certain: Under option A a retirant shall receive a reduced pension payable throughout his life with the provision that if he dies before he has received 120 monthly pension payments the payments for the remainder of the period of 120 months shall be continued and paid to such person, or in equal shares to such persons, as the retirant shall have nominated by written designation duly executed and filed with the Board of Trustees. If there be no such designated person surviving the retirant such remaining monthly pension payments shall be continued and paid to the estate of the survivor of the retirant and his last surviving beneficiary.

Option B - Joint and survivor pension: Under option B a retirant shall receive a reduced pension payable throughout his life with the provision that upon his death his reduced pension shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the Board of Trustees prior to the effective date of his retirement.

Option C - Modified joint and survivor pension: Under option C a retirant shall receive a reduced retirement allowance payable throughout his life with the provision that upon his death one-half of his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the Board of Trustees prior to the effective date of his retirement.

Sec. 19-21 Nonduty Death; Elective Option. Any member who continues in City employment on or after the date he acquires twenty years of credited service may, at any time prior to the date of his retirement, by written declaration duly executed and filed with the Board of Trustees, elect option B provided in Section 19-20 and nominate a beneficiary whom the Board finds to be dependent upon him for at least fifty percent of his financial support. Prior to the date of his retirement a member may revoke his said election of option B and nomination of beneficiary and he may again, prior to his retirement, elect the said option B and nominate a beneficiary as provided in this section. Upon the death of a member who has an option B election in force his designated beneficiary, if living, shall immediately receive a pension which is the option B actuarial equivalent of a pension computed according to Section 19-18 in the same manner in all respects as if the member had retired the day preceding the date of his death, notwithstanding that he might not have attained his voluntary retirement age. If a member has an option B election in force at the time of his retirement his said election of option B and nomination of beneficiary shall thereafter continue in force unless prior to his retirement he elects to take his pension as a straight life pension or under option A or C provided in Section 19-20. No pension shall be paid under this section on account of the death of a member if any benefits are paid or payable under

Section 19-29 on account of his death. Any pension payable under this section shall be subject to Section 19-31.

Sec. 19-22 Nonduty Death; Automatic Option. If a member continues in City employment on or after the date he acquires twenty years of credited service, and does not have an option B election provided in Section 19-21 in force, and (1) dies prior to the date of his retirement, and (2) leaves a widow, or in the case of a female member leaves a widower whom the Board of Trustees finds to be totally and permanently disabled and to have been dependent upon the female member for at least fifty percent of his financial support, the widow or widower shall immediately receive a pension computed according to Section 19-18 in the same manner in all respects as if the member had (1) retired the day preceding the date of his death, notwithstanding that he might not have attained his voluntary retirement age, (2) elected option B provided in Section 19-20, and (3) nominated his said widow or widower as beneficiary. No pension shall be paid under this section on account of the death of a member if any benefits are paid or payable under Section 19-29 on account of his death. Any pension payable under this section shall be subject to Section 19-31.

Sec. 19-23 Duty Disability Incurred. Upon the application of a member, or his department head, filed with the Board of Trustees, a member who becomes totally incapacitated for duty as a policeman or fireman by reason of a personal injury or disease, which the Board finds to have occurred as the natural and proximate result of causes arising out of and in the course of his employment by the City, may be retired by the Board; provided, that the Medical Director, after a medical examination of the member, certifies to the Board that the member is mentally or physically totally incapacitated for the further performance of duty as a policeman or fireman, and that the member should be retired; provided further, that the report of the Medical Director is concurred in by the Board.

Sec. 19-24 Duty Disability; Retirement After Voluntary Retirement Age. Upon a member's retirement after his voluntary retirement age, on account of disability as provided in Section 19-23, he shall receive a pension provided in Section 19-18, subject to Sections 19-30 and 19-31. Prior to his retirement he may elect to receive his pension under an option provided in Section 19-20 in lieu of a straight life pension.

Sec. 19-25 Duty Disability; Retirement Before Voluntary Retirement Age. Upon a member's retirement before his voluntary retirement age, on account of disability as provided in Section 19-23, he shall receive a pension provided in Section 19-18. His said pension (1) shall not be less than fifty percent of his final average salary, and (2) shall be subject to Sections 19-28, 19-30 and 19-31. Prior to his retirement he may elect to receive his pension under an option provided in Section 19-20 in lieu of a straight life pension.

Sec. 19-26 Nonduty Disability Incurred. Upon the application of a member, or his department head, filed with the Board of Trustees, a member with five or more years of credited service who becomes totally and permanently incapacitated for duty as a policeman or fireman, as the result of causes occurring otherwise than in the actual performance of his duty as a policeman or fireman in the employ of the City, may be retired by the Board; provided that the Medical Director, after a medical examination of the member, certifies to the Board that the member is mentally or physically totally incapacitated for duty as a policeman or fireman, that such incapacity will probably be permanent, and that the member should be retired.

Sec. 19-27 Nonduty Disability Pension. Upon a member's retirement on account of disability, as provided in Section 19-26, he shall receive a pension provided in Section 19-18, subject to Sections 19-28, 19-30 and 19-31. Prior to his retirement he may elect to receive his pension under an option provided in Section 19-20 in lieu of a straight life pension.

Sec. 19-28 Disability Retirants - Re-Examination - Pension Adjustment.

(a) Once each year during the first five years following the retirement of a member on account of disability, as provided in Sections 19-23 and 19-26, and at least once in each three year period thereafter, the Board of Trustees may require the disability retirant, if he has not attained his voluntary retirement age, to undergo a medical examination to be made by or under the direction of the Medical Director. Should the disability retirant refuse to submit to such medical examination in any such period, his pension may be suspended by the Board until his withdrawal of such refusal. Should such refusal continue for one year his pension may be terminated by the Board. If upon such medical examination of a disability retirant the Medical Director reports to the Board that the retirant is mentally and physically able and capable of resuming employment with the City as a policeman or fireman, he shall be returned to City employment and his pension shall terminate; provided that the report of the Medical Director is concurred in by the Board. In returning the retirant to City employment the City shall be allowed reasonable latitude in placing him in a position commensurate with his rank and compensation at the time of his retirement.

(b) A disability retirant who is returned to City employment as a policeman or fireman, as provided in subsection (a) of this section, shall again become a member of the retirement system. His credited service in force at the time of his retirement shall be restored to his credit. He shall be given service credit for the period he was receiving a pension provided in Section 19-25. He shall not be given service credit for the period he was receiving a pension provided in Section 19-27.

(c) If a disability retirant, who has not attained his voluntary retirement age, is or becomes engaged in a gainful occupation, business, or employment, his disability pension while he is so engaged shall not exceed the difference between his final salary and the amount earned by him in such gainful occupation, business, or employment.

Sec. 19-29 Duty Death. If a member dies as the result of a personal injury or disease arising out of and in the course of his employment by the City, and his death, injury or disease resulting in death, be found by the Board of Trustees to have occurred as the natural and proximate result of his actual performance of duty in the employ of the City, the applicable benefits provided in this section shall be paid:

(a) The member's accumulated contributions standing to his credit in the members deposit fund at the time of his death shall be paid in accordance with Section 19-32.

(b) A pension of one-third of the member's final salary shall be paid to his widow until her remarriage or death, whichever occurs first. Any pension payable under this subsection shall be subject to Sections 19-30 and 19-31.

(c) If, in addition to a widow, an unmarried child or children under age eighteen years also survives the deceased member, each such child shall receive a pension of one-tenth of the member's final salary; provided, that the total of the pensions payable to all such children of the deceased member shall not exceed forty-one and two-thirds percent of his final salary. Upon the adoption, marriage, death, or attainment of age eighteen years, whichever occurs first, of any such child his pension shall terminate. Any pension payable under this subsection shall be subject to Sections 19-30 and 19-31.

(d) If the deceased member does not leave a widow, or if his widow dies or remarries, and there be surviving the deceased member's unmarried child or children under age eighteen years, each such child shall receive a pension provided in subsection (c) of this section; provided, that the total of the pension payable to all such children of the deceased member shall not exceed sixty-five percent of his final salary. Upon the adoption, marriage, death, or attainment of age eighteen years, whichever occurs first, of any such child his pension shall terminate. Any pension payable under this subsection shall be subject to Sections 19-30 and 19-31.

(e) If there be neither a widow nor children eligible to receive pensions provided in subsection (b), (c) or (d) of this section surviving the deceased member, and he leaves either or both a mother and father whom the Board of Trustee finds, after investigation, to have been actually dependent upon him for at least fifty percent of their financial support through absence of earning power due to mental or physical disability, each such parent shall receive a pension of six hundred dollars per annum. Any pension payable under this subsection shall be subject to Section 19-31.

Sec. 19-30 Pension Escalation. If the compensation for the rank held by a member at the time his employment by the City as a policeman or fireman last terminates is subsequently increased or decreased, any pensions payable on account of his employment by the City shall be correspondingly increased or decreased.

Sec. 19-31 Workmen's Compensation Offset. During the workmen's compensation period of a member, retirant, or beneficiary, his pension payable during such period shall be reduced by the amount of his weekly workmen's compensation award converted to an annual basis.

Sec. 19-32 Return of Accumulated Contributions.

(a) If a member leaves the employ of the City before he has attained his voluntary retirement age, except on account of his retirement or death, he shall be paid his accumulated contributions standing to his credit in the members deposit fund upon his request in writing filed with the Board of Trustees. Payment of his accumulated contributions shall be subject to subsection (c) of this section.

(b) If a member dies and no pension becomes or will become payable by the retirement system, except as provided in Section 19-29, his accumulated contributions standing to his credit in the members deposit fund at the time of his death shall be paid to such person or persons as he shall have nominated by written designation duly executed and filed with the Board of Trustees. If no such designated person survives the member, his said accumulated contributions shall be paid to his estate. Payment of his accumulated contributions shall be subject to subsection (c) of this section.

(c) The return of a member's accumulated contributions, as provided in this section, shall be made in accordance with such rules and regulations as the Board of Trustees shall from time to time adopt.

Sec. 19-33 Funds of Retirement System. The funds of the retirement system shall be the members deposit fund (formerly called pension savings fund), pension reserve fund, retirement reserve fund, income fund, and expense fund. The Board of Trustees may from time to time establish such other funds as are necessary in the proper operation of the system.

Sec. 19-34 Members Deposit Fund.

(a) The members deposit fund shall be the fund in which shall be accumulated, at regular interest, the contributions deducted from the compensations of members, and from which shall be made refunds and transfer of accumulated contributions, as provided in this chapter.

(b) Until July 1, 1968 the contributions of a member to the retirement system shall be five percent of the pay of a patrolman or pipeman, whichever is higher. From and after June 30, 1968 the contributions of a member to the system shall be seven percent of his compensation.

(c) The officer or officers responsible for making the payroll shall cause the contributions provided in subsection (b) of this section to be deducted from the salary of each member on each and every payroll, for each and every payroll period, so long as he remains a member in the employ of the City. The said contributions when deducted from the salary of a member shall be credited to his individual account in the members deposit fund. Every member shall be deemed to consent and agree to the deductions made and provided for herein. Payment of his salary less said deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by him during the period covered by such payment, except as to benefits provided by the retirement system. The members' contributions provided for herein shall be made notwithstanding that the minimum salary provided by law for any member shall be changed thereby.

(d) In addition to the contributions deducted from the salary of a member, as hereinbefore provided, he shall deposit in the members deposit fund, by a single payment or by an increased rate of contributions as approved by the Board of Trustees, the amount, if any, he withdrew from the members deposit fund, together with regular interest from the date of withdrawal to the date of repayment. In no case shall any member be given credit for service rendered prior to the date he withdrew his accumulated contributions until he returns to the members deposit fund all amounts due the fund by him.

(e) Upon the retirement of a member his accumulated contributions shall be transferred from the members deposit fund to the retirement reserve fund. At the expiration of a period of four years after the date an employee ceases to be a member any balance standing to his credit in the members deposit fund, unclaimed by the member or his legal representative, shall be transferred to the income fund; provided, that he does not have entitlement to a pension payable by the retirement system.

Sec. 19-35 Pension Reserve Fund.

(a) The pension reserve fund shall be the fund in which shall be accumulated reserves resulting from contributions provided by the City, and from which shall be made transfers as provided in this section. Upon the basis of such mortality and other tables of experience, and regular interest,

as the Board of Trustees shall from time to time adopt, the actuary shall annually compute the pension reserves for (1) pensions being paid retirants and beneficiaries, and (2) pensions to be paid on account of service rendered and to be rendered by members. The City's annual contributions required to finance the said reserves shall be appropriated by the Council. The said contributions shall be determined according to paragraphs (1), (2) and (3) of this subsection:

(1) The City's appropriations for members' current service shall be a percent of their annual compensations which will produce an amount which if paid annually by the City during their future service will be sufficient to accumulate the pension reserves at the time of their retirements for the City-financed portions of the pensions to be paid them based upon their future service.

(2) The City's appropriations for members' accrued service shall be a percent of their annual compensations which will produce an amount which if paid annually by the City over a period of years, to be determined by the Council, will amortize at regular interest the unfunded pension reserves, if any, for the accrued service portions of the pensions to be paid members.

(3) The City's appropriations for pensions being paid retirants and beneficiaries shall be a percent of the annual compensations of members which will produce an amount which if paid annually by the City over a period of years, to be determined by the Council, will amortize at regular interest any unfunded pension reserves for pensions being paid retirants and beneficiaries.

(b) Upon the retirement of a member the difference between his pension reserve and his accumulated contributions shall be transferred from the pension reserve fund to the retirement reserve fund. If a pension provided in Section 19-29 becomes payable, the pension reserve for such pension shall be transferred from the pension reserve fund to the retirement reserve fund. If at the end of any fiscal year, the balance in the retirement reserve fund is less than the fund's actuarially computed liabilities, the amount of the deficiency may be transferred from the pension reserve fund to the retirement reserve fund.

Sec. 19-36 Retirement Reserve Fund. The retirement reserve fund shall be the fund from which shall be paid all pensions payable as provided in this chapter. Should a disability retirant return to the employ of the City, his pension reserve computed as of the date of his return shall be transferred from the retirement reserve fund to the members deposit fund and the pension reserve fund in the same proportion as the pension reserve was originally transferred from the said funds to the retirement reserve fund.

Sec. 19-37 Income Fund. The income fund shall be the fund to which shall be credited all interest, dividends, and other income from investments of the retirement system, all gifts and bequests received by the system, all unclaimed accumulated contributions as provided in this

chapter, and all other moneys received by the system the disposition of which is not specifically provided in this chapter. There shall be paid or transferred from the income fund all amounts required to credit regular interest to the members deposit fund, pension reserve fund and the retirement reserve fund, as provided in this chapter. Whenever the Board of Trustees determines that the balance in the income fund is more than sufficient to cover current charges to the fund, such excess amount, or any part thereof, may be used to provide contingency reserve or to meet the special requirements of the other funds of the system, except the expense fund. Whenever the balance in the income fund is insufficient to meet the charges to the fund the amount of such insufficiency shall be transferred from the pension reserve fund to the income fund.

Sec. 19-38 Expense Fund. The expense fund shall be the fund to which shall be credited all money provided by the City to pay the administrative expenses of the system.

Sec. 19-39 Investment of Assets.

(a) The Board of Trustees shall be the trustees of the assets of the retirement system. It shall have full power to invest and reinvest the moneys and other assets of the system in accordance with the provisions of Act No. 314 of the Public Acts of 1965, as amended, or as it may be amended or superseded. The Board shall have full power to hold, purchase, sell, assign, transfer and dispose of any securities and investments in which any of the moneys of the system have been invested as well as the proceeds of such investments and any moneys belonging to the system.

(b) There shall be kept on deposit available cash not to exceed five percent of the total assets of the retirement system. All assets of the system shall be held for the sole purpose of meeting disbursements authorized by this chapter and shall be used for no other purpose.

(c) The description of the various funds of the retirement system shall be interpreted to refer to the accounting records of the system and not to the actual segregation of assets in the funds of the system.

Sec. 19-40 Allowance of Regular Interest. The Board of Trustees shall, at the end of each fiscal year, allow and credit regular interest computed on the members' individual balances in the members deposit fund at the beginning of the fiscal year; and on the mean assets in the pension reserve fund and retirement reserve fund. The amounts of interest so allowed and credited shall be charged to the income fund.

Sec. 19-41 Method of Making Payments. All payments from funds of the retirement system shall be made by the City Treasurer according to Charter provisions governing payments from the

City's General Fund. No such payment shall be made unless it has been previously authorized by a specific or continuing resolution adopted by the Board of Trustees.

Sec. 19-42 Assignments Prohibited.

(a) The right of a person to a pension, to the return of accumulated contributions, the pension itself, any optional benefit, any other right accrued or accruing to any person under this chapter shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency law, or any other process of law whatsoever, and shall be unassignable except as is specifically provided in this chapter.

(b) If a member is covered by a group insurance or prepayment plan participated in by the City, and should he be permitted to, and elect to, continue such coverage as a retirant, he may authorize the Board of Trustees to have deducted from his pension the payments required of him to continue coverage under such group insurance or prepayment plan. The City shall have the right of setoff for any claim arising from embezzlement by or fraud of a member, retirant or beneficiary.

Sec. 19-43 Former Pensions Continued. All pensions being paid by the retirement system as of the date of adoption of this Charter shall continue to be paid in accordance with the provisions of Chapter 15, being Sections 385 to 429, both inclusive, of the City Charter in effect the day preceding the adoption of this Charter. The said pensions shall continue to be obligations of the system.

Sec. 19-44 Errors; Correction. Should any change or error in the records result in any person receiving from the retirement system more or less than he would have been entitled to receive had the records been correct, the Board of Trustees shall correct such error and as far as practicable shall adjust the payment of the benefit in such manner that the actuarial equivalent of the benefit to which the person was correctly entitled shall be paid.

CHAPTER 20

TRANSITION

Sec. 20-1 Purpose. The purpose of this chapter is to inaugurate the government of the City of Highland Park under this Charter and provide the transition from the government of the City under the previous Charter to that under this Charter. It shall constitute a part of this Charter only to the extent and for the time required to accomplish its purpose.

Sec. 20-2 Election to Adopt Charter. This Charter shall be submitted to a vote of the qualified electors of the territory comprising the City of Highland Park at a City election to be held on Tuesday, June 25, 1968 between the hours of 7:00 a.m. and 8:00 p.m. All provisions for the submission of the question of adopting this Charter at such election shall be made in the manner provided by law. If, at said election, a majority of the electors shall vote in favor of the adoption of this Charter, then the CityClerk shall perform all other acts required by law to carry this Charter into effect. If so adopted, this Charter shall take effect and become law at 12:01 a.m. on Tuesday, November 12, 1968.

Sec. 20-3 Form of Ballot. The form of the question on submission of this Charter shall be as follows:

Shall the proposed Charter of the City of Highland Park, drafted by the Charter Commission, elected November 2, 1965, be adopted?

Yes No

Sec. 20-4 Election of Officers.

(a) For the purpose of electing the first Mayor, five Council members, the Clerk, Treasurer and Judges under this Charter, if adopted, the provisions of this Charter shall apply as to the nomination and election of such officers, except as in this section otherwise provided.

(b) Nominating petitions for the nomination of the first Mayor, members of the Council, Clerk, Treasurer and Judges to be elected under the provisions of this Charter shall be filed in the office of the Clerk on or before 4:00 p.m. on Friday, the 23rd day of August, 1968. This date shall also be the final date for receiving registrations for the primary election.

(c) Each candidate for office under the provisions of this Charter shall be subject to, and shall possess the qualifications for officers of the City required by the provisions of Sections 4-2 and 4-3 of this Charter, except that no elective officer of the City shall be required to resign the office held by him in order to be a candidate for City office.

(d) If this Charter be adopted, a primary election for the selection of the candidates for the offices of Mayor, five members of the Council, the Clerk, Treasurer and Judges, under this Charter, to twice the number of positions to be filled, is also hereby set to be held on Tuesday, September 24, 1968 between the hours of 7:00 a.m. and 8:00 p.m.

(e) The election of the first Mayor, members of the Council, the Clerk, Treasurer and Judges under this Charter is hereby set to be held on Tuesday, November 5, 1968 between the hours of 7:00 a.m. and 8:00 p.m.

(f) At the November, 1968 election the candidates for Mayor, five Councilmen, Clerk, and Treasurer, receiving the highest number of votes shall be deemed elected to such offices for terms expiring on the Monday following New Year's Day, 1972, when the successors thereof have been elected and qualify under this Charter. The candidates at the November, 1968 election for Municipal Judge and associate Municipal Judge receiving the highest number of votes shall be deemed elected to such offices for six year terms commencing on January 1, 1969 and ending January 1, 1975 when successors thereof have been elected and qualify under this Charter. The election scheduled for April, 1969 is hereby cancelled and the terms of the present judges are shortened accordingly.

(Amended 11-2-71)

Sec. 20-5 New Officers. The persons elected under the provisions of Section 20-4 of this chapter to the offices of Mayor, Councilmen, Clerk and Treasurer shall meet at 8:00 p.m. on November 12, 1968, shall take their oaths of office, shall thereupon constitute the executive, the governing body, the Clerk and Treasurer of the City, and shall assume and perform their full duties under the provisions of this Charter. The Mayor, Council, Clerk and Treasurer created by the previous Charter of the City shall, thereupon, cease to be officers of the City. Such meeting shall be a regular meeting for the transaction of any business which may properly come before the Council.

Sec. 20-6 Administrative Officers. All appointive officers under the previous Charter of the City shall continue in such offices under and subject to this Charter, including the provisions of Section 7-2 thereof, as though they had been appointed under the provisions of this Charter. The terms of offices of persons holding the offices of constable, assessor and controller under the previous Charter of the City shall terminate on the effective date of this Charter.

Sec. 20-7 First Board of Review. The first members of the Board of Review created by this Charter shall be the Council elected under the terms of this Charter as provided elsewhere herein.

Sec. 20-8 Existing Boards and Commissions. Each member of the City Planning Commission, the hospital board, the library board, and of other boards and commissions of the City, for which provision is made in this Charter or for which provision has been made by any ordinance which is not inconsistent with this Charter, shall be and remain a member of such board or commission for the balance of his term of office, subject in all respects to the provisions of this Charter.

Sec. 20-9 Property of Terminated Boards and Offices. All records, books, working papers, money, effects, and property in the custody, possession, or control of any board, commission, or office ceasing to exist on the effective date of this Charter, which are the property of the City or which in any way pertain to the duties of the board, commission, or office, shall be delivered to the successor thereof, or to the Mayor, forthwith, after the duties of such board, commission, or office terminate.

Sec. 20-10 City Supervisors. The term of office of the supervisors representing the City and its inhabitants under the previous Charter shall terminate on the effective date of this Charter, at which time their successors may be appointed or assume such office in accordance with the provisions of this Charter.

Sec. 20-11 Compensation of Officers. The compensation of the Mayor elected at the election held on November 5, 1968 shall be seventeen thousand five hundred dollars per annum. The compensation of each Councilman elected at such election shall be three thousand dollars per annum. The President of the Council shall receive five hundred dollars per annum in addition to his compensation as a Councilman. The compensation of the Clerk and Treasurer shall be fourteen thousand five hundred dollars per annum. In each case, such compensation shall be prorated and payable bi-weekly. The compensation of the other officers and employees of the City, as fixed and paid under the previous Charter of the City on the effective date of this Charter, shall be and remain the compensation of such officers, until changed in accordance with the provisions of this Charter. The stating of compensation to be paid to City officers in this section shall be deemed to fix the compensation of such officers prior to their election or appointment and shall not operate to change the compensation of an officer after his election or appointment in violation of the constitutional prohibition thereof.

Sec. 20-12 Council Action. In all cases involving the transition of the City government from that under the previous Charter to that under this Charter, which are not covered by this chapter, the Council shall supply necessary details and procedures and may adopt such rules, regulations, and ordinances as may be required therefor.

Sec. 20-13 Civil Service and Pensions. No person shall be deemed to have gained or lost any status as an employee or any pension rights held by him under the previous Charter of the City, except as specifically set forth in this Charter.

Sec. 20-14 Vested Rights and Liabilities. After the effective date of this Charter, the City and all its agencies shall be vested with all property, moneys, contracts, rights, credits, effects, and the records, files, books and papers belonging to it under and by virtue of the previous Charter. No right or liability, contract, lease, or franchise, either in favor of or against the City, existing at the time this Charter became effective, and no suit or prosecution of any character, shall be effected

in anymanner by any change resulting from the adoption of this Charter, but the same shall stand or proceed as if no change had been made. All taxes, debts, and liabilities, due to the City from any person, and all fines and penalties, imposed and existing at the time of such change, shall be collected by the City. All trusts, established for any Municipal purpose, shall be continued in accordance with the terms thereof, subject to the cy pres doctrine.

Sec. 20-15 Mandatory Retirement. Any person 59.5 years of age or older when this Charter takes effect who is confronted with mandatory retirement at age sixty shall have a six-month grace period before such retirement takes effect in his case, during which his duties and compensation shall continue without change. No elected official shall be deemed confronted with mandatory retirement.

RESOLUTION OF ADOPTION

At a meeting of the Charter Commission of the City of Highland Park, held at 7:30 p.m. on the 24th day of April, 1968, at the usual meeting place of the Commission, the following members of the Charter Commission were present: Commissioners Ashley, Chapple, Daboul, Darque, Downes, Johnson, McCaw, North and Chairman Callahan.

At such meeting the following resolution was offered by Commissioner North and seconded by Commissioner Johnson:

Resolved, that the Charter Commission of the City of Highland Park does hereby adopt the foregoing instrument as the second proposed revised Charter of the City of Highland Park, and the Clerk of this Commission is hereby instructed to transmit the same to the Governor of the State of Michigan, in accordance with the provisions of Act No. 279 of the Public Acts of 1909, for his approval.

The vote on the adoption of the resolution was as follows:

Ayes: Commissioners Ashley, Chapple, Daboul, Darque, Downes, Johnson, McCaw, North and Chairman Callahan (9).

Nayes: (0)

Absent: None.

Attested by the following Commissioners:

/s/ Dr. Philip A. Callahan, Chairman

/s/ Robert J. North, Vice-Chairman

/s/ Delores Ashley

/s/ Fred Daboul

/s/ Simon Chapple

/s/ Lewis Darque

/s/ Milton Downes

/s/ Michael John McCaw

/s/ Rose Johnson

The said Commissioners, being legal members and active upon said Charter Commission, having attested as to said resolution, as above set forth and, also, having attested the copy to be signed by the Governor, the meeting was adjourned subject to the call of the Chairman.

/s/ THOMAS E. SHAWCROSS,

Clerk of Charter Commission

of the City of Highland Park,

Michigan

GOVERNOR'S APPROVAL

I hereby approve the foregoing Charter of the City of Highland Park, Michigan. DATED: June 11, 1968

/s/ GEORGE ROMNEY,

Governor of the State of Michigan