

(3) is convicted of a crime involving moral turpitude; or (4) fails to attend six (6) consecutive regular meetings of the Council without being excused by the Council.

C. Filling of Vacancies. A vacancy in the Council shall be filled at the first November general election, either in the even year or the odd year, held not less than sixty (60) days after the occurrence of the vacancy. If the vacancy occurs less than ten (10) days prior to the time for filing petitions for the primary election, no primary will be required and candidates for election in the vacancy may be nominated by filing petitions in accordance with Section 3.02 with the City Clerk by four (4:00) o'clock p.m. local time on or before the seventh (7th) Tuesday prior to the date of such general election. The candidate elected to fill the vacancy shall take office immediately upon the filing of the official canvass of the election. In the interim the vacancy in the Council shall be filled by a majority vote of the remaining Council members, the appointee to hold office until his successor is elected and qualified. Notwithstanding the requirement in Section 2.04 that a quorum of the Council consists of four (4) members, if at any time the membership of the Council is reduced to less than four (4), the remaining members may by majority action appoint additional members to raise the membership to four (4) members.

Section 2.09. Judge of Qualifications

The Council shall be the judge of the election and qualifications of its members and of the grounds for removal from office and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for removal from office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the City at least one (1) week in advance of the hearing. Decisions made by the Council under this section shall be subject to review by the courts.

Section 2.10. Mayor

The Council shall elect from among its members by an affirmative vote of the majority of the Council, officers of the City who shall have the titles of Mayor and Mayor Pro Tem, each of whom shall serve at the pleasure of the Council. The Mayor shall preside at meetings of the Council, shall be recognized as head of the City government for all ceremonial purposes and by the Governor for purposes of military law, but shall have no administrative duties. The Mayor Pro Tem shall act as Mayor during the absence or disability of the Mayor.

Section 2.11. Audits

The Council shall provide for the following audits:
 A. Independent Audit. The Council shall select an independent certified public accountant to make an annual audit of all funds.
 B. Managerial Audit. Between the third (3rd) and fourth (4th) year after the effective date of this Charter, the Council shall provide for a managerial audit of the functions of City government other than finances. Thereafter, periodically, but not less than once in each five (5) years, the Council shall provide for a managerial audit of the functions of City government other than finances. Such audits shall be conducted by an independent consultant or consultants chosen by the Council. The Council shall determine the scope of the audit and the nature of the report to be presented to the Council.

**ARTICLE III
 NOMINATIONS, ELECTIONS
 AND APPOINTMENTS**

Section 3.01. City Elections, Districts, Voter Qualification and Election Commission

A. Wards and Districts. The City of Farmington Hills shall constitute one (1) ward.
 B. Qualified Voters. All citizens qualified by the Constitution and laws of the State of Michigan to vote in the City and who satisfy the requirements for registration prescribed by law shall be qualified voters of the City within the meaning of this Charter.
 C. Primary and General Elections. Candidates for the Council shall be nominated at the odd year Primary Election and elected at the odd year General Election in accordance with Section 2.02 and Section 2.05 of this Charter. No primary shall be conducted unless there are more than twice the number of candidates for the vacancies to be filled. The number of candidates receiving the highest number of votes equal to twice the number of vacancies to be filled at the election shall be certified by the City Clerk and listed on the general election ballot. No candidate shall be deemed elected at such primary.

D. Special Elections. Special elections shall be held when called by resolution of the Council at least sixty (60) days in advance of such an election, or when required by this Charter or the laws of the state. Such resolution shall set forth the purpose of the election and the questions to be voted upon.

E. Registration of Electors. The registration of electors, the preparation of ballots, machines or other voting devices, and the conduct of the election shall be in accordance with the terms of this Charter and the state elections code and shall be under the general supervision of the City Clerk and the Election Commission.

F. Election Commission. The Election Commission of the City of Farmington Hills shall consist of the City Clerk, as chairman, the City Attorney and the Mayor. In cases of vacancy in such offices or inability to act, a substitute shall be appointed by the Council to serve until the disability is removed. The Election Commission shall have such duties as may be prescribed by law. Until otherwise provided, it shall determine disputes as to the adequacy of petitions, determine the qualifications of and appoint inspectors of election, and prescribe the procedure to be followed. The Council shall fix the rate of compensation for all election personnel.

Section 3.02. Nominating Petitions

A. Sponsors and Filing Deadline. Any qualified and legally registered elector may become a candidate for nomination to the office of Council members at the regular primary election by filing with the City Clerk by four (4:00) o'clock P.M. local time on or before the seventh (7th) Tuesday prior to the date of such election a petition signed by registered electors of the City.

B. Number of Signatures. Nominating petitions on official blanks shall contain a minimum number of qualified signatures equal to at least one-half (1/2) of one (1) percent of the vote cast for Secretary of State in the City at the last election at which a Secretary of State was elected. Said petitions shall contain no more signatures than one (1) percent of the vote cast for Secretary of State in the City at the last election at which a Secretary of State was elected.

C. Eligibility and Filing Procedure. No City employee or appointed official shall become a candidate for nomination or election to the Council, and if a petition is filed he shall either withdraw or terminate his City employment or office by the date for withdrawal of petitions. With such petitions, each candidate shall also file with the City Clerk an affidavit declaring that he is properly qualified to seek the office and will serve if elected. It shall be the duty of the City Clerk to provide uniform nomination petition blanks for that purpose. No person shall sign the petition of more than one (1) person for each office to be filled. If it shall be determined by the City Clerk that such petition has been signed by the required number of electors of the City, nominating such person for such office, it shall be the duty of the City Clerk to place such name on the appropriate City election ballot in the same manner and form as any other name on the ballot. Incumbency shall not be indicated unless required by law. Any candidate may withdraw by filing a signed statement of request with the City Clerk not later than four (4:00) o'clock P.M. on the Friday following the filing deadline for the original petition.

Section 3.03. Election Procedure

The general election laws of the state shall apply to and control, as near as may be, all procedure relating to elections, except as such laws relate to political parties or partisan procedure or require more than one (1) publication of notice and except as otherwise provided by this Charter. In any circumstance where the application of said laws may be uncertain, the Election Commission shall construe the same and prescribe the procedure.

Section 3.04. Board of Canvassers

A Board of Canvassers shall be appointed by the Council as required by law.

Section 3.05. Voting Hours

For all City elections, the polls shall be open during the hours established by law.

Section 3.06. Recall

Any elective officer may be removed from office by the qualified electors of the City at the time and in the manner provided by law.

Section 3.07. City Manager

A. Appointment, Qualification and Compensation. The City Manager shall be appointed by the Council. The City Manager shall be chosen solely on the basis of his executive

and administrative qualifications with special reference to his training and actual experience in municipal administration. Said appointment shall be by contract between the City and the City Manager. Said contract shall fix the City Manager's compensation and shall have a term not to exceed three (3) years.

B. Acting City Manager. At all times there shall be a city employee designated by the Council to serve as Acting City Manager in the absence or disability of the City Manager. The Council may revoke such designation at any time and appoint another employee of the City to serve.

C. Powers and Duties of the City Manager. The City Manager shall be the chief administrative officer of the City. He shall be responsible to the Council for the administration of all City affairs placed in his charge by or under this Charter. He shall have the following powers and duties:

1. He shall recommend appointments and/or appoint and when he deems it necessary for the good of the service, he shall recommend suspensions and/or suspend or remove any City employees or administrative officers under his control pursuant to this Charter, except as otherwise provided by law or personnel rules adopted pursuant to this Charter. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.
2. He shall direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law.
3. He shall attend all Council meetings and shall have the right to take part in the discussion but may not vote.
4. He shall see that all laws, provisions of this Charter and acts of the Council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.
5. He shall prepare and submit the annual budget and capital program to the Council.
6. He shall submit to the Council and make available to the public a complete report of the financial and administrative activities of the City as of the end of each fiscal year.
7. He shall make such other reports as the Council may require concerning the operations of City departments, offices and agencies subject to his direction and supervision.
8. He shall keep the Council fully advised as to the financial condition and future needs of the City and make such recommendations to the Council concerning the affairs of the City as he deems desirable.
9. He shall establish personnel standards, procedures and maintain all personnel records of City employees.
10. He shall perform such other duties as are specified in this Charter or may be required by the Council.

Section 3.08. City Attorney and Consultants

The Council shall have the power to appoint the City Attorney and other professional consultants.

Section 3.09. City Clerk

The Council shall appoint and have the power to remove the City Clerk who, for administrative purposes, shall report to the City Manager. The City Clerk shall be the Secretary of the Council.

Section 3.10. Board of Review

The Board of Review shall consist of three (3) electors of the City appointed by the Mayor, subject to the approval of the Council, in accordance with the provisions of Section 7.06.

Section 3.11. Planning Commission

The Planning Commission of the City is hereby created by this Charter. Said Planning Commission shall consist of nine (9) members. The members shall possess the qualifications required by this Charter for elected officials and shall be appointed and removed by the Mayor, subject to the approval of the Council or as otherwise provided by state law. Duties of the Planning Commission shall be as provided by state law. The Council shall establish the compensation for the members of the Planning Commission.

Section 3.12. Other Boards and Commissions

Other boards and commissions may be created by the Council as permitted by this Charter as so permitted and/or as required by state law. The members shall possess the qualifications required by this Charter for elected officials and shall be appointed and removed by the Mayor, subject to the approval of the Council or as otherwise provided by state law. The Council shall delineate the functions, duties, compensation, and terms of office for all members of such boards and commissions.

**ARTICLE IV
 LEGISLATION**

Section 4.01. Legislative Power

The legislative power of the City is exclusively vested in the Council, except as otherwise provided by law. All official action of the Council shall be by ordinance, resolution or motion. The Council shall provide for the public peace and health and for the safety of persons and property within the City.

Section 4.02. Action Requiring an Ordinance

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

- A. Adopt or amend an administrative code or establish, alter or abolish any City department, office, agency, board or commission;
- B. Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- C. Levy taxes, except as otherwise provided in Article VII with respect to the property tax levied by adoption of the budget;
- D. Grant, renew or extend a franchise;
- E. Regulate the rate charged by a public utility for its services;
- F. Authorize the borrowing of money;
- G. Convey or lease or authorize the conveyance or lease of any lands of the City;
- H. Adopt with or without amendment ordinances proposed under the initiative power; and

1. Amend or repeal any ordinance previously adopted, except as otherwise provided in this article with respect to repeal of ordinances reconsidered under the referendum power.

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

Section 4.03. Ordinance Enactment

A. Form. Each proposed ordinance shall be introduced in written or printed form. The enacting clause on all ordinances adopted by the Council shall be "The City of Farmington Hills Ordains." Each ordinance shall be identified by a short title and a number to be assigned by the City Clerk.

B. Enactment and Effective Date. Ordinances may be enacted by the affirmative vote of not less than four (4) members of the Council. No ordinance shall be enacted at the same meeting at which it is introduced unless it is an emergency ordinance. All ordinances shall take effect twenty-one (21) days after their enactment, or on such date thereafter as the Council shall declare.

C. Emergency Ordinances. To meet a public emergency affecting life, health, property or the public peace, the Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money except as provided in Section 8.01. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least five (5) members shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance except one made pursuant to Section 4.03 B shall automatically stand repealed as of the thirty-fifth (35th) day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emer-

gency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

D. Amendments. Any ordinance may be amended only by an ordinance passed in the manner provided in this section and no such ordinance shall be amended by reference to its title only, but the section or sub-section amended shall be re-enacted in full.

E. Traffic and Parking Regulations. Any ordinance regulating traffic or parking of vehicles may delegate, subject to adequate standards to be set forth therein, to a traffic engineer, who may be the City Manager, authority to adopt or establish rules and regulations thereunder. Such rules and regulations shall be set forth in traffic control orders which shall be subject to the approval of the Council.

F. Repeal of Ordinances. An ordinance may be repealed only by an ordinance passed in the manner provided in this Article, except that the ordinance to be repealed may be referred to by its number or title only.

G. Enactment by Reference. Ordinances and codes may be enacted by reference to the extent and in the manner provided by law.

Section 4.04. Publication

Within ten (10) days after the enactment of an ordinance, the same shall be published in a newspaper of general circulation in the City of Farmington Hills. In cases of ordinances over four hundred (400) words in length, exclusive of title, a digest or summary of the ordinance, approved by the Council, may be published, including with such newspaper publication a notice that printed copies of the full text of the ordinance are available for inspection and distribution to the public at the office of the City Clerk. Such printed copies shall be made available promptly.

Section 4.05. Ordinance Record

All ordinances shall be recorded by the City Clerk in a book to be called "The Ordinance Book," and it shall be the duty of the City Clerk to authenticate such record by official signature, but the failure of the City Clerk to do so shall not invalidate or suspend its operation.

Section 4.06. Compilation or Codification

Copies of all ordinances enacted and amendments to the City Charter adopted after the effective date of this Charter shall be available at the office of the City Clerk. At least once in every ten (10) years the Council shall direct and complete the compilation or codification and the publication of the Charter and of all ordinances of the City, then in force, in loose-leaf or pamphlet form, and may provide for a reasonable charge for copies thereof. No additional publication of any such compilation or codification shall be required to establish the validity thereof. In case the compilation or codification shall be required to establish the validity thereof, in case the compilation or codification of the ordinances of the City shall have been maintained current and up-to-date during any ten (10) year period, no resubmission or recodification of the ordinances of the City shall be required during or at the end of such period. The copies of ordinances and of any compilation, code or codes referred to in this Charter may be certified by the City Clerk and when so certified shall be competent evidence in all courts and legally established tribunals as to the matters contained therein. The first compilation or codification shall be within three (3) years after adoption of this Charter.

Section 4.07. Penalties

The Council may provide in ordinances adopted by it for the punishment of violators thereof. Such punishment may be a fine of not to exceed five hundred (\$500) dollars or imprisonment for not more than ninety (90) days or both at the discretion of the court. These maximum limitations shall automatically increase as permitted by law. The court may suspend sentences or establish probationary supervision. Imprisonment for violations of ordinance may be in the City or county jail. Enforcement by injunction, mandamus, orders of superintending control or other proceedings may be authorized as well.

Section 4.08. Time Limit for Prosecution

No prosecution for the violation of an ordinance shall be commenced after the expiration of two (2) years after the alleged commission of the offense.

Section 4.09. Ordinance Initiative and Referendum

An ordinance may be initiated by petition, or a referendum on an ordinance enacted by the Council may be initiated by petition as hereinafter provided.

A. Initiative and Referendum in General. The registered electors of the City shall have the power to propose ordinances to the Council. If the Council fails to adopt an ordinance so proposed without any change in substance the registered electors shall have the power to adopt or reject it at a City election, provided that such powers shall not extend to the operating budget or capital budget or any ordinances amending the budgets, levies of taxes, except income taxes, salaries of the City non-elected officers or employees, or contrary to this Charter or law. The qualified voters of the City shall also have power to require reconsideration by the Council of any adopted ordinance and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a City election, provided that such powers shall not extend to the measures excluded above as initiated ordinances.

B. Suspension of Enacted Ordinances. As to a referendum of an enacted ordinance, other than an emergency ordinance, if, within the twenty-one (21) day period mentioned in Section 4.03, Sub-section B, registered electors of the City consisting of at least one and one-half (1 1/2) percent of the total vote cast for Secretary of State in the City at the last election at which a Secretary of State was elected, file a notice in writing with the City Clerk of their intention to circulate a referendum petition, then said ordinance shall not become effective until forty-five (45) days after its enactment. If a sufficient petition is filed within said forty-five (45) days, the ordinance shall remain suspended until the issue is determined. The filing of the preliminary notice shall be a mandatory condition precedent to the filing of a referendum petition.

C. Petition Form and Signatures. The right of initiative or referendum, subject to Sub-section B above, may be commenced by the preparation of a petition addressed to the Council and filed with the City Clerk. The petition pages shall be identical in content except for the signature lines. An initiative petition shall set forth in full the ordinance proposed for adoption, but only one ordinance may be proposed in any one petition. A referendum petition shall specifically identify the ordinance to be reconsidered by number, title and date of enactment. Each signer of a petition shall sign his name, address and date of signing. The circulator shall attach to each petition paper his sworn affidavit that each signature thereon is the genuine signature of the person it purports to be and that the circulator believes each signer to be a duly registered elector of the City.

D. Signatures Required. All signatures shall be obtained within thirty (30) days prior to the date of filing with the City Clerk in the case of initiative petitions and shall be obtained within forty-five (45) days following the date of enactment of the ordinance in the case of referendum petitions. The petition shall be signed by registered electors of the City not less in number than fifteen (15) percent of the total vote cast for Secretary of State at the last election at which a Secretary of State was elected prior to the filing of the petition.

E. Canvass by City Clerk. Within ten (10) days following the filing of an initiative or referendum petition with the City Clerk, the City Clerk shall canvass the signatures thereon to determine whether they contain a sufficient number of valid signatures obtained within the time limits herein mentioned. Signatures obtained more than thirty (30) days prior to the date of filing initiative petitions shall not be considered. Signatures obtained more than forty-five (45) days following the date of enactment of the ordinance in the case of referendum petitions shall not be considered. If the petitions are insufficient, the sponsor shall be notified and no further action shall be required. When a petition with sufficient signatures is filed within the time allowed and is in compliance with the provisions of this Charter, the City Clerk shall present the petition to the Council, with his report, at its next regular meeting.

F. Council Procedure. Upon receiving an initiative or referendum petition from the City Clerk, the Council, shall, within thirty (30) days, either:
 1. If it be an initiative petition, enact the ordinance as submitted in the petition, without substantial change, or determine to submit the proposal to the electors of the City; or
 2. If it be a referendum petition, repeal the ordinance or part thereof to which the petition refers, or determine to submit the proposal to the electors of the City.

G. 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, or at the discretion of the Council, at a special election called for that purpose. The results shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by law. If two or more ordinances adopted at the same election shall have conflicting provisions, the provisions in the ordinance receiving the highest number of affirmative votes shall prevail.

H. Limitations on Amendment or Repeal of Initiative or Referendum Ordinances. An