

CHARTER

THE VILLAGE OF HOPKINS

STATE OF MICHIGAN

COUNTY OF ALLEGAN

KNOWN AS “HOPKINS, MICHIGAN”

ZIP CODE 49328

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THE VILLAGE OF HOPKINS MUNICIPAL CHARTER

Preamble

We, the people of The Village of Hopkins, in order to secure for ourselves the benefits and responsibilities of home rule, in order to provide a municipal government to serve our present and future needs, do hereby adopt this Charter.

CITIZENS' BILL OF RIGHTS

Sec. 1

This government has been created to protect the governed, not the governing. In order to provide the public with full and accurate information, to promote efficient administration management, and to insure to all persons fair and equitable treatment, the following rights are guaranteed:

Part A. Convenient Access.

Every person has the right to transact Village business with a minimum of personal inconvenience. It shall be the duty of the President, Village Council, and Clerk to provide, within budget limitations, for required inspections, and for transacting business with the Village.

Part B. Truth In Government.

No municipal official or employee shall knowingly furnish false information on any public matter, nor knowingly omit significant facts when giving requested information to members of the public.

Part C. Public Records.

All audits, reports, minutes, documents and other public records of the Village and its boards, agencies, departments and authorities shall be open for inspection at reasonable times and places convenient to the public in accordance with the Freedom of Information Act, 1976 PA 267, MCL 15.261 to 15.246.

Part D. Minutes and Ordinance Register.

The Village Clerk shall maintain and make available for public inspection an ordinance register separate from the minutes showing the votes of each member on all ordinances and resolutions listed by descriptive title. Written minutes of all meetings and the ordinance register shall be available for public inspection not later than 30 days after the conclusion of the meeting.

Part E. Right To Be Heard.

So far as the orderly conduct of public business permits, any interested person has the right to appear before the Village Council or Village agency, board or department for the presentation, adjustment or determination of an issue, request, or controversy within the jurisdiction of the Village. Matters shall be scheduled for the convenience of the public. The Village Council shall adopt agenda procedures and schedule hearings in a manner that will enhance the opportunity for public participation. Nothing herein shall prohibit any governmental entity or agency from imposing reasonable time limits and procedures for the presentation of a matter.

Part F. Right To Notice.

Persons entitled to notice of a Village hearing shall be timely informed as to the time, place and nature of the hearing and the legal authority pursuant to which the hearing is to be held according to the laws of the State of Michigan. Failure by an individual to receive such notice shall not constitute mandatory grounds for canceling the hearing or rendering invalid any determination made at such hearing. Copies of proposed ordinances or resolutions shall be made available at a reasonable time prior to the hearing, unless the matter involves an emergency ordinance or resolution.

Part G. No Unreasonable Postponements.

No matter, once having been placed on a formal agenda by the Village, shall be postponed to another day except for good cause shown in the opinion of the President, Village Council, board or agency conducting such meeting, and then only on condition that the affected person shall, upon written request, receive mailed notice of the new date of any postponed meeting. Failure by an individual to receive such notice shall not constitute mandatory grounds for canceling the hearing or rendering invalid any determination made at such hearing.

Part H. Right To Public Hearing.

Upon a timely written request from any interested party, and after presentation of the facts to and approval by the Council, a public hearing shall be held by any Village agency, board, department, or authority upon any significant policy decision to be issued by it which is not subject to subsequent administrative or legislative review and hearing. This provision shall not apply to the Law Department of the Village nor to anybody whose duties and responsibilities are solely advisory.

At any zoning or other hearing in which review is exclusively by certiorari, a party or the party's council shall be entitled to present their case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross examination as may be required for a full and true disclosure of the facts. The decision of such agency, board, department or authority must be based upon the facts in the record. Procedural rules establishing reasonable time and other limitations may be promulgated and amended from time to time.

Part I. Notice Of Action And Reasons.

Prompt notice shall be given of the denial in whole or in part of a request of an interested person made in connection with any Village administrative decision on proceeding when the decision is reserved at the conclusion of the hearing. The notice shall be accompanied by a statement of the grounds for denial.

Part J. Budgeting.

In addition to any budget required by state statute, the Village Clerk at the direction of the President shall prepare a budget showing the cost of each department for each budget year. Prior to the Village Council's first public hearing on the proposed budget required by state law, the Village Clerk shall make public a budget summary setting forth the proposed cost of each individual department and reflecting the personnel for each department to current accounting standards.

Part K. Representation Of Public.

The President shall endeavor to designate one or more individuals to represent the Village at all proceedings before County, State and Federal regulatory bodies, significantly affecting the Village and its residents.

Sec. 2. Results.

The foregoing enumeration of citizens' rights vests large and pervasive powers in the citizenry of The Village of Hopkins. Such power necessarily carries with it responsibility of equal magnitude for the successful operation of government in the Village. The orderly, efficient and fair operation of government requires the intelligent participation of individual citizens exercising their rights

with dignity and restraint so as to avoid any sweeping acceleration in the cost of government because of the exercise of individual prerogatives, and for individual citizens to grant respect for the dignity of public office.

Sec. 3. Remedies For Violations.

In any suit by a citizen alleging a violation of this bill of rights filed in Allegan County Circuit Court pursuant to its general equity jurisdiction, the plaintiff, if successful, shall be entitled to recover costs as fixed by the Court. Any public official or employee who is found by the Court to have willfully violated this Article shall forthwith forfeit their office or employment.

Sec. 4. Construction.

All provisions of this Bill of Rights shall be construed to be supplementary to and not in conflict with the general laws of Michigan. If any part of this Bill of Rights shall be declared invalid, it shall not affect the validity of the remaining provisions.

ARTICLE 1

NAMES, BOUNDARIES, AND POWERS

Sec. 1. Name of Corporation

The name of the corporation created hereby shall be "The Village of Hopkins".

Sec. 2. Territory Comprising the Village

The territory comprising the "The Village of Hopkins" shall be all the lands included within the following boundaries : Commencing at the northeast corner of the northwest quarter of the northwest quarter of Section twenty nine, in the Township of Hopkins, in the County of Allegan, in the State of Michigan, thence south eighty rods, thence west two hundred fifty rods, thence north two hundred one rods, thence east two hundred fifty rods, thence south one hundred twenty one rods to the place of beginning; all lying and being in Allegan County, Michigan.

Sec. 3. Powers

The Village shall have all available governmental, corporate and proprietary powers. Through the adoption of this Charter, it is the intent of the electors of the Village to grant to the municipal government established herein the broadest exercise of home rule powers permitted under the Constitution and laws of the State, as fully and completely as though they were specifically enumerated in this Charter.

(a) The only limitation concerning alienability of Village owned property is that there shall be no sale, exchange or lease in excess of five (5) years of any park or recreational property while it is being used for public purposes.

Sec. 4. Construction

This Charter and the powers of the Village shall be construed liberally in favor of the Village.

ARTICLE 2

VILLAGE COUNCIL AND ELECTIONS

Sec. 2.1 Village Council

Part A.

There shall be a Council (the "Council") consisting of (6) six members (Council Members) and the President, and shall have the Legislative authority of the Village.

Part B.

The Council shall have the general power and authority granted in this Charter, and the Council may pass such ordinances in relation thereto as it may deem proper.

Sec. 2.2 Elections, Appointments and Terms of Office

Part A.

In the election of 2022 (3) three Council members shall be elected for the term of (4) four years, and (3) three Council members shall be elected in the same election for the term of (2) two years. Beginning with the election of 2024 and every (2) two years thereafter, (3) three Council members shall be elected at-large for the term of (4) years.

Part B.

The President shall hold their respective office for the term of (2) two years beginning with the election of 2022, and every (2) two years thereafter, elected by the electors of the Village in the manner provided for in Article 5 of this Charter.

Part C.

The Clerk and Treasurer shall be appointed to their respective positions. Upon nomination by the personnel committee, and approval by the Village Council, the Village Clerk and Village Treasurer shall be appointed for a term of office of not less than (1) one year or more than (6)

six years. The Village Clerk and Village Treasurer shall serve at the will of the Village Council, irrespective of the term of office to which they have been appointed. Terms shall run from January 1 through December 31 of a calendar year.

Part D.

The personnel committee shall annually review the positions of Clerk and Treasurer and shall bring any recommendations to the Council by the October meeting.

Sec. 2.3 Qualifications

Part A.

Candidates for Councilmember or President shall qualify for election by the filing of a written notice of candidacy with the Clerk of the Village at such time and in such manner as may be prescribed by ordinance. A person shall not be a candidate for Council Trustee and President in the same election. Only electors of the Village who have resided continuously in the Village for at least one year preceding the date of such filing shall be eligible to hold the Office of Councilmember, including the President.

Part B.

Candidates for the office of Councilmember or President shall present a petition for candidacy to the Clerk of the Village Hopkins at such a time and in such a manner as may be prescribed by ordinance or in accordance with the election laws of the State of Michigan. Such petitions shall contain a minimum of 10, and a maximum of 20 valid signatures from electors registered to vote in the Village of Hopkins.

Part C.

A vacancy in a candidacy for the office of Councilmember shall occur upon the death, withdrawal or removal of a candidate. If any qualified candidate dies, withdraws or is removed from the ballot following the end of the qualifying period, and in the event such action leaves fewer than two (2) candidates for that office, then the qualifying period for that particular office shall commence at noon on the day following the day that the vacancy in candidacy occurred, and additional qualification papers shall be available for that particular office in the office of the Village Clerk until noon, fourteen (14) days subsequent to the death, withdrawal or removal from the ballot of the original candidate.

A candidate who was a qualifying candidate at the beginning of the supplemental qualified period shall not be required to re-qualify during such a period. The Village Council shall hold a special meeting within seven (7) days of such additional qualifying period for the purpose of announcing a vacancy in the candidacy, announcing the additional qualifying period, and taking any action that may be necessary to reschedule the election for that particular office. If the

closing date of the additional qualifying period is less than twenty (20) days before the date of scheduled election, the Village Council shall schedule a special election for that particular office, which election shall be held at least twenty (20) days, but no more than thirty-five (35) days subsequent to the last day of the additional qualifying period. This procedure shall apply only in the event of the death, withdrawal or removal from the ballot of any candidate who was qualified during the original qualifying period for such office.

Sec. 2.4 Vacancies; Forfeiture of Office; Filling of Vacancies

Part A. Vacancies.

The office of a Councilmember shall become vacant upon their death, resignation, disability, suspension or removal from office in any manner authorized by law, or by forfeiture of their office.

Part B. Forfeiture of Office.

Paragraph 1. Forfeiture by Disqualification.

A Councilmember shall forfeit their office if at any time during the term said councilmember (1) ceases to maintain their permanent residence in the Village, (2) otherwise ceases to be a qualified elector of the Village.

Paragraph 2. Forfeiture by Absence.

A Councilmember shall be subject to forfeiture of their office, at the discretion of the remaining Council members, if the Councilmember is absent with good cause from any six (6) regular meetings of the Council during any calendar year, or if said Councilmember is absent without good cause from any four (4), or three (3) as to the President, consecutive regular meetings of the Council, whether or not during the same calendar year.

Paragraph 3. Procedures.

The Council shall be the sole judge of the qualifications of its members and shall hear all questions relating to the forfeiture of a Councilmember's office, including whether or not good cause for absence has been made or established. The burden of establishing good cause shall be on the Councilmember in question; provided, however, that any Councilmember may at any time during any duly held meeting move to establish good cause for the absence of themselves or the absence of any other Councilmember, from any past, present or future meeting(s), which motion, if carried, shall be conclusive. A Councilmember whose qualifications are in question, or, who is otherwise subject to forfeiture of their office, shall not vote on any such matters.

The Councilmember in question shall be entitled to a public hearing(s) on request regarding an alleged forfeiture of office. If a public hearing is requested, notice thereof shall be published in one or more newspapers of general circulation in the Village at least one week in advance of the hearing. Any final determination by the Council that a Councilmember has forfeited their office shall be made by resolution. All votes and other acts of the Councilmember in question prior to the effective date of such resolution shall be valid regardless of the grounds of forfeiture.

Part C. Filling of Vacancies.

A Vacancy on the Council shall be filled as follows:

Paragraph 1.

If less than six (6) months remain in the unexpired term, the vacancy shall be filled by a nominee of the President within thirty (30) days following the occurrence of the vacancy, subject to the confirmation by the Council.

Paragraph 2.

If six (6) months or more remain in the unexpired term, the vacancy shall be filled by a nominee of the President within thirty (30) days following the occurrence of the vacancy, subject to confirmation by the Council. The nominee shall fill the vacancy until the next regularly scheduled election in Allegan County, unless the Council is unable to confirm a nominee, in which case a special election to fill that vacancy shall be held no longer than ninety (90) days following the occurrence of the vacancy.

Paragraph 3.

If the President's position becomes vacant, the President pro tempore of the Council shall complete the term of President if less than six (6) months remain in the unexpired term. The vacancy thus created on the Council shall be filled in the manner that the Councilmember is generally filled under this Charter. The Council shall then appoint a new President pro tempore. If the elected President shall be returned to office, they shall automatically resume the duties of the office for the balance of the term for which elected and the appointment to the office, filled in accordance with this section shall be rescinded, and the President pro tempore shall be returned to complete the balance of their term. Nevertheless, if six (6) months or more remain in the unexpired term, a special election shall be held for the election of a new President within ninety (90) days following the occurrence of the vacancy.

Paragraph 4.

Persons filling vacancies shall meet qualifications specified in this Article 2.

Paragraph 5.

If no candidate for a vacancy meets the qualifications under this Article for that vacancy, the Council shall appoint a person qualified under this Article to fill the vacancy, who shall serve until the next regularly scheduled election for the balance of the original term, but only after a public

hearing and in addition to regular notice requirements a five (5) day mailed notice is given to all electors of the Village.

Paragraph 6.

Notwithstanding any quorum requirements established herein, if at any time the full membership of the Council is reduced to less than a quorum, the remaining members may, by majority vote, appoint additional members to the extent otherwise permitted or required under this subsection (C).

Paragraph 7.

If the Clerk or Treasurer position becomes vacant, the vacancy shall be filled by appointment pursuant of Article 2, Section 2 and Article 3, Section 1 of this Charter.

Paragraph 8.

In the event that all members of the Council are removed by death, disability, recall, forfeiture of office and/or resignation, the Governor of the State of Michigan shall appoint interim Council Members who shall call a special election within not less than thirty (30) days or more than sixty (60) days after such appointment. Such election shall be held in the same manner as the first elections under this Charter, provided, however, that if there are less than six (6) months remaining in any of the unexpired terms, such interim Council appointee(s) by the Governor shall serve the unexpired terms. Appointees must meet all requirements for candidates provided for in Article 2.

Sec. 2.5 Recall.

The electors of the Village shall have the power to recall and to remove from office any elected official of the Village to the extent permitted by the Constitution and the laws of the State of Michigan. The minimum number of electors of the Village which shall be required to initiate a recall petition shall be ten percent (10%) of the total number of electors of the Village as of the preceding Village election and shall be accomplished in accordance with the procedures set forth in Article 6, Section 2 of this charter.

ARTICLE 3

ADMINISTRATIVE

Sec. 3.1 Village President

The President shall be the chief executive officer of the Village.

Powers and Duties of The President:

Part A.

Be responsible, along with the personnel committee, for the appointment, supervision and removal of all Village employees. In the instance where an immediate family member, as described in Article 2, Section 3, Part C, Paragraph 1, is appointed as a village employee, the family member(s) involved shall abstain from all voting related to said family member.

Part B.

Direct and supervise the administration of all departments and offices but not Village boards or agencies, unless so directed by the Council.

Part C.

Attend all Council meetings and have the right to take part in discussion but shall not vote on matters discussed, except in the case of a tie, in which case the president shall cast the deciding vote, or when such a vote will influence the outcome of a decision.

Part D.

Ensure that all laws, ordinances, provisions of this Charter and acts of the Council, subject to enforcement and/or administration by the president or by officers subject to the president's direction and supervision, are faithfully executed.

Part E.

Perform such other duties as are specified in this Charter or as may be required by the Council.

Part F.

The President shall, from time to time, give the Council information concerning the affairs of the corporation and recommend such measures as the president may deem expedient.

Part G.

All official records made by, used for, or pertaining to the office of Village President shall be kept and securely stored at the Village Hall.

Sec. 3.2 Acting Village President

To perform the duties of president during their temporary absence or disability, the president pro tempore of the Council shall perform the duties of the president.

Sec. 3.3 The Village Clerk

Powers and Duties of the Clerk

Part A.

The Clerk shall give notice of Council meetings to its members and the public, shall keep the journal of its proceedings which shall be a public record and shall perform other duties, not in conflict with the administrative duties of the President, and as the Council may prescribe.

Part B.

The Clerk of the Council shall attend its meetings, be the official recorder of the minutes of each meeting, the keeper of such records, and the person responsible for posting said records in those places designated by the council for public viewing;

Part C.

The Clerk shall keep the corporate seal and all documents, official bonds, papers, files, and records of the Village;

Part D.

The Clerk shall countersign and register all licenses granted, record all proceedings, resolutions, and ordinances of the Council;

Part E.

The Clerk shall be the general accountant for the Village; and all claims against the corporation shall be filed with the Clerk for adjustment;

Part F.

The Clerk shall have charge of all the books, vouchers, and documents relating to the accounts, contracts, debts, and revenues of the corporation;

Part G.

The Clerk shall sign and register all bonds issued, keep a list of all property and effects belonging to the Village, and of all debts and liabilities thereof;

Part H.

The Clerk shall keep a complete set of books exhibiting the financial condition of the corporation in all its departments, funds, resources, and liabilities;

Part I.

The Clerk shall report to the Council, whenever required, a detailed statement of the receipts, expenditures, and financial condition of the Village, of debts to be paid, and money necessary to meet the estimated expenses of the Village.

Part J.

All official records made by, used for, or pertaining to the office of Village Clerk shall be kept and securely stored at the Village Hall.

Sec. 3.4 The Village Treasurer

Powers and Duties of the Treasurer

Part A.

The Treasurer shall have custody of all money, and bonds, belonging to the Village.

Part B.

The Treasurer shall receive all money belonging to, and receivable by the corporation, and keep an account of all receipts and expenditures thereof.

Part C.

The Treasurer shall keep an account of and be charged with all taxes and moneys appropriated, raised, or received for each fund of the corporation; The Treasurer shall keep a separate account of each fund, and shall credit thereto all moneys raised, paid in or appropriated therefore, and shall pay every warrant out of the particular fund raised for the purpose for which the warrant was issued.

Part D.

The Treasurer shall render to the clerk one week prior to the official stated meeting of the council, a report of the amounts received and credited by the Treasurer to each fund and on

what account received, and the amounts to be paid out from each fund for the current month, and the amount of money remaining in each fund on the day of the Treasurer's report.

Part E.

The Treasurer shall exhibit to the Council annually on the second Monday in March, and as often and for such period as the Council may require, a full and detailed account of all receipts and disbursements of the treasury since the date of the Treasurer's last annual report.

Part F.

The Treasurer shall keep all moneys in their hands belonging to the Village separate and distinct from their own moneys, and is hereby prohibited from using, either directly or indirectly, the corporation moneys, warrants, or evidence of debt in their custody or keeping, for their own use or benefit, or that of any other person.

Part G.

Any violation of the provisions of this section shall work a forfeiture of office of Village Treasurer, and the Council, on proof of the fact, is authorized to declare the office vacant and appoint a successor for the remainder of the term.

Part H.

All official records made by, used for, or pertaining to the office of Village Treasurer shall be kept and securely stored at the Village Hall.

Sec. 3.5 Appointment of Other Village Positions

Part A. Street Commissioner

The Village President shall appoint from the Village Council a Street Commissioner who shall be affirmed by a majority vote of the Council. The Street Commissioner shall oversee the reports and inspection of streets, bridges, and sidewalks within the Village.

Part B. Constable

The Village President shall appoint from the Village Council a Constable in the absence of a Hopkins Village Police Officer or Department. If no Council Member is appointed, the Village President shall be the de facto Constable.

Sec 3.6 Village Council Compensation

Part A. Compensation

The Village Council, as described in Article 2, Section 1, Part A of this charter, shall be compensated for their time and service. Such compensation shall be made a part of the annual budget pursuant of Article 4 Section 5 Part A of this charter.

Part B. Compensation of Village Trustees

Beginning January 1, 2023, following the described election schedule laid out in Article 2 Section 2 of this Charter, each elected or appointed Village Trustee shall be compensated in the amount of \$1500 annually.

Part C. Compensation of Village President

Beginning January 1, 2023, following the described election schedule laid out in Article 2 Section 2 of this Charter, the Village President shall be compensated in the amount of \$2500 annually.

Part D. Compensation of the Village Clerk

Beginning January 1, 2023, following the described election schedule laid out in Article 2 Section 2 of this Charter, and the appointment described in Article 2 Section 2 Part C of this Charter, the Village Clerk shall be compensated in the amount set annually by the Village Council.

Part E. Compensation of the Village Treasurer

Beginning January 1, 2023, following the described election schedule laid out in Article 2 Section 2 of this Charter, and the appointment described in Article 2 Section 2 Part C of this Charter, the Village Treasurer shall be compensated in the amount set annually by the Village Council.

Part F. Schedule of Compensation

The Village Council shall determine the schedule of compensation that shall be agreed upon in the first meeting of each fiscal year.

Part G. Compensation Increases

Paragraph 1. Cost of Living

The yearly compensation increase of the Village Council shall be equal to yearly cost of living increase as determined by the Social Security Administration of the United States of America.

The Village Clerk shall inform the Village Council at the first meeting of each fiscal year of the cost of living percentage increase. Compensation of Village Trustees shall remain equal notwithstanding compensation for committee, commission, and special assignments.

Paragraph 2. Adjustments

Adjustments to levels of compensation for the Village Council may be made through the process of Charter revision as described in Article 8, Section 1, Part C of this charter.

Part H. Partial Compensation due to Vacancy

In the event that a position becomes vacant in any manner described in Article 2 Section 4 of this charter, the member vacating their position shall receive compensation for each full month completed and shall forfeit the remainder of the compensation due them for the respective position for that fiscal year.

A person filling a vacancy, whether by appointment or special election, shall be entitled to compensation beginning in the month that they assume the respective position and shall be compensated for each full month that they serve in the remainder of said position's term.

Sec. 3.7 Village Attorney

The President may nominate, and the Council, including the Clerk, by majority shall confirm an individual attorney to act as the Village Attorney under such terms and conditions as may be established by the Council, from time to time, consistent with this Charter. The Village Attorney shall report to the Council and may be removed by the Council at any time.

Sec. 3.8 Village Code of Administrative Regulations

The President shall maintain a Village Code of administrative regulations. The Council shall, by ordinance, establish appropriate procedures for reasonable notice and public comment on proposed administrative regulations prior to taking final action on the same.

Sec. 3.9 Expenditure of Village Funds

No funds of the Village shall be expended except pursuant to duly approved appropriations.

Sec. 3.10 Village Committees, Boards and Agencies

Part A.

The Council shall establish or terminate such committees, boards and agencies as it may deem advisable with the exception of those listed in Part B of this section. The committees, boards and agencies shall keep minutes of all regular meetings which shall be submitted to the Council

and, when necessary, report to the Council on items and recommendations requiring the Council's consideration. The council shall annually consider necessary compensation for assignments to committees, boards, and agencies as it may deem necessary.

Part B.

The Council shall maintain (3) three permanent committees: "Roads, Streets and Parks", "Finance", "Personnel".

Part C.

The Streets, Parks, and Sewers Committee shall consist of the Council member who has been appointed by the President as the Street Commissioner and (1) one Council member and (1) one other member from either the Village Council or the Electors of the Village of Hopkins.

Part D.

The Finance Committee shall consist of (3) members including the Clerk, Treasurer, and (1) Council member.

Part E.

The Personnel Committee shall consist of (3) members including the President of the Council and (2) Council Members.

Part F.

The president shall appoint whom the president deems necessary to the committees. The council shall approve by majority vote, all appointments of the president.

Part G.

Committee chairpersons shall be members of the Village Council as described in Article 2, Section 1, Part A. Other committee members may be made up of electors from the Village of Hopkins.

Part H.

So long as the Village of Hopkins is a member of the Hopkins Area Fire Department, (1) one Council member and (1) one other member from either the Village Council or the Electors of the Village of Hopkins shall be appointed by the President to the Hopkins Area Fire Board.

Part I.

So long as the Village of Hopkins is a member of the Hopkins District Library, (1) one Council member and (1) one other member from either the Village Council or the Electors of the Village of Hopkins shall be appointed by the President to the Hopkins District Library Board.

Part J.

So long as the Village of Hopkins maintains a Downtown Development Authority, the Village President and (1) one Village Council member shall be appointed to the DDA board. Additional members to the DDA board shall be filled according to the DDA bylaws and approved by the Village Council.

Part K.

The planning commission shall consist of the elected members of the Hopkins Village Council.

Sec. 3.11 Competitive Bid Requirement/Purchasing

Part A.

Except as otherwise provided by law, contracts for public improvements and purchase of supplies, materials or services shall be awarded or made on the basis of clearly drawn specifications and competitive bids, except in cases where the Council, based on the written recommendation of the Village President, specifically determines by affirmative vote of 4 Council members that it is impracticable or not advantageous to the Village to do so. The Village Council shall have the power to reject all bids and advertise again.

Part B.

The Village President, by ordinance, may be granted purchasing power without competitive bidding.

Part C.

No contract or order shall be issued to any vendor unless or until the Village Clerk or the Village President certifies that there is to the credit of such office, department or agency a sufficient unencumbered budget appropriation to pay for the supplies, materials, equipment or contractual services for which the contract or order is to be issued.

ARTICLE 4

LEGISLATIVE

Sec. 4.1 Council Meeting Procedure.

Part A. Meetings

The Council shall hold at least eleven (11) regular monthly meetings in each calendar year, at such times and places as the Council may prescribe by rule. Special meetings may be held on the call of the President or of a majority of the Council members and upon no less than eighteen (18) hours notice to each member and the public, or such shorter time as the majority of the Council shall deem necessary in case of an emergency affecting life, health, property or the public peace in accordance with state statutes. All meetings shall be open to the public in accordance with the Open Meetings Acts, 1976 PA 267, MCL 15.261 to 15.275.

Part B. Meeting Agenda and Notices Procedures

The President of the Council shall set the agenda. Council members shall communicate all necessary agenda items to the President by Noon on the Thursday prior to the meeting. The meeting Agenda shall be posted and delivered, with all relevant information and documentation, to Council members by the Clerk by the Friday prior to the meeting at 5:00 PM.

Any additions to the agenda must be presented by the president at the beginning of the council meeting and must be approved by a majority vote of the Council.

Part C. Rules and Journal.

The Council shall determine its own rules of procedure and order of business and shall keep minutes in the English language open for public inspection.

Part D. Quorum and Voting.

A majority of the Council shall constitute a quorum but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Council. Voting on ordinances shall be by roll call on final reading and shall be recorded in the minutes. All other matters shall be by voice vote unless a Council member or the Village Clerk requests otherwise. No action of the Council, except as otherwise provided in the Charter, shall be valid or binding unless adopted by the

affirmative votes of at least four (4) Council members or a majority of the assembled Council members for the meeting in which the matter in question is being decided.

Part E. Meeting Time Limits.

No meeting of the Council shall extend later than midnight except upon the affirmative vote of a majority of members present at the meeting.

Sec. 4.2 Prohibitions

Part A. Appointment and Removals.

Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any Village administrative officers or employees whom the President, along with the personnel committee, or any of the President's subordinates are empowered to appoint.

Part B. Interference With Administration.

Paragraph 1.

Except for the purpose of inquiries and investigations made in good faith and in accordance with a resolution adopted by the Council, the Council and any of its individual members shall deal with Village officers and employees who are subject to the direction and supervision of the President, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately. It is the express intent of this Charter that recommendations for improvement in Village government operations by individual Council members be made solely to and through the President. No individual Council members shall give orders to the President.

Paragraph 2.

Any willful violation of this Section by any Council member shall be grounds for their removal from office by an action brought in the Circuit Court by the State Attorney of Allegan County.

Paragraph 3.

No elected Village official shall hold any appointed Village office or Village employment while in office, except in situations deemed appropriate and approved by the Council. No former elected Village official shall hold any compensated appointed Village office or Village employment until one (1) year after the expiration of their respective term, except in situations deemed appropriate and approved by the Council.

Sec. 4.3 Ordinances

Part A. Actions Requiring an Ordinance.

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

Line 1.

Adopt or amend an administrative regulation or establish, alter or abolish any Village office, department, board, or agency;

Line 2.

Establish a rule or regulation, the violation of which carries a penalty;

Line 3.

Levy taxes or appropriate funds;

Line 4.

Set service or user charges for municipal services or grant administrative authority to set such charges;

Line 5.

Authorize the borrowing of money; or

Line 6.

Amend or repeal any ordinance previously adopted, except as otherwise provided in this Chapter.

Part B. Procedure.

The Village Council shall adopt procedures with respect to the passage of ordinances in accordance with applicable law.

Sec. 4.4 Emergency Ordinances

To meet a public emergency affecting life, health, property or the public peace, the Council may adopt, in the manner provided in this Section, one or more emergency ordinances, but such ordinances, ~~may~~ shall not: levy taxes, grant, renew or extend any municipal franchise; set service or user charges for any municipal services; or authorize the borrowing of money except as provided under the emergency appropriations provisions of this Charter if applicable

Part A. Form.

An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in a preamble as an emergency ordinance and shall contain, after the ending clause, a declaration stating that an emergency exists and describing it in clear and specific terms.

Part B. Procedure.

An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced and shall be enacted by no less than 5/6 majority of the membership of the Council or a supermajority of the assembled council members, including the president, for the meeting in which the emergency ordinance is being decided. After its adoption, the ordinance shall be published and printed as prescribed for other ordinances.

Part C. Effective Date.

An emergency ordinance shall become effective upon adoption or at such other date as may be specified in the ordinance.

Part D. Repeal.

Every emergency ordinance except emergency appropriation ordinances shall automatically be repealed as of the sixty-first (61) day following its effective date, but this shall not prevent reenactment of the ordinance under regular procedures, or if the emergency still exists, in the manner specified in this section. 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.

Part E. Emergency Appropriations.

The Council may make emergency appropriations in the manner provided in this Section. To the extent that there are no available un appropriated revenues to meet such appropriations, the Council may by such emergency ordinance (subject to Section 4.10) authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes, including renewals thereof, shall be payable not later than the last day of the fiscal year next succeeding the fiscal year in which the emergency appropriation ordinance was originally adopted.

Sec. 4.5 Annual Budget Adoption

Part A. Balanced Budget.

Each annual budget adopted by the Council shall be a balanced budget.

Part B. Budget Adoption.

The Council shall by ordinance adopt the annual budget on or before the 31st day of December of each year. If it fails to adopt the annual budget by this date, the Council may, by resolution, direct the amounts appropriated for current operations for the current fiscal year shall be deemed adopted for the ensuing fiscal year for a period of fifteen (15) days and renewed by resolution each fifteen (15) days, with all items in it prorated accordingly, until such time as the Council adopts an annual budget for the ensuing fiscal year. An ordinance adopting an annual budget shall constitute appropriation of the amounts specified therein.

Part C. Specific Appropriation.

The budget shall be specific as to the nature of each category of appropriations therein. Reasonable appropriations may be made for contingencies, but only within defined spending categories.

Sec. 4.6 Fiscal Year

The fiscal year of the Village government shall begin on the 1st day of January, and shall end on the 31st day of December of each year. Such a fiscal year shall also constitute the annual budget and accounting year.

Sec. 4.7 Appropriation Amendments During the Fiscal Year

Part A. Supplemental Appropriations.

If, during any fiscal year, revenues in excess of those estimated in the annual budget are available for appropriation, the Council may, by budget amendment, make supplemental appropriations for the fiscal year up to the amount of such excess.

Part B. Reduction of Appropriations.

If, at any time during the fiscal year, it appears probable to the Clerk that the revenues available will be insufficient to meet the amount appropriated, the Clerk shall report in writing to the Council without delay, indicating the estimated amount of the deficit, and their recommendations as to the remedial action to be taken. The Council shall then take such action as it deems appropriate to prevent any deficit spending.

Sec. 4.8 Authentication, Recording and Disposition of Ordinances; Resolutions and Charter Amendments

Part A. Authentication.

The President and the Clerk shall authenticate by their signatures all ordinances and resolutions adopted by the Council. In addition, when Charter amendments have been approved by the electors, the President and Clerk shall authenticate by their signatures the Charter amendment, such authentication to reflect the approval of the Charter amendment by the electorate.

Part B. Recording.

The Clerk shall keep properly indexed books in which shall be recorded, in full, all ordinances and resolutions passed by the Council, Ordinances shall, at the direction of the Council be periodically codified. The Clerk shall also maintain the Village Charter in its current form and shall enter all Charter amendments.

Part C. Record Availability.

The Council shall, by ordinance, establish procedures for making all resolutions, ordinances, technical Codes adopted by reference, and this Charter available to the people of the Village for public inspection and available for purchase at a reasonable cost.

Sec. 4.9 Annual Tax Levy

The Village shall have the right to levy, assess and collect all such taxes as are permitted by law, to persons and properties as permitted by law, including without limitation, excise, franchise or privilege taxes and taxes on services and utilities.

Sec. 4.10 Independent Audit

The Village Council shall provide for an annual independent audit of all Village accounts and may provide more frequent audits as it deems necessary. Those audits shall be made in accordance with generally accepted auditing standards by a certified public accountant of a firm of such accountants who have no personal interest in the fiscal affairs of the Village governed or by its officers. (Residency, per se, shall not constitute a direct or indirect interest.) A summary of the results, including any deficiencies found, shall be made public. In making such audit, proprietary functions shall be audited separately and adequate depreciation on proprietary facilities shall be accrued so the public may determine the amount of any direct or any indirect subsidy.

ARTICLE 5

ORDINANCE AND ENFORCEMENT

Sec. 5.1 Creation of Ordinances

All ordinances for the Village of Hopkins shall be created and established in accordance with Article 2 Section 1 Part B, Article 4 Section 3, and Article 6 Section 2 Part A Paragraph 1 of this Charter.

Sec. 5.2 Adoption of Ordinances

All ordinances shall be adopted using the following procedure and timeline:

Part 1

A public hearing shall be held for all ordinance considerations. Notice of such public hearings, including the date, time and location of said hearings shall be published no less than fifteen (15) days prior to the hearing.

Part 2

The Village Council shall consider the Ordinance at a regular meeting of the Village Council described in Article 4 Section 1 Part A of this Charter. Ordinances must be passed by a majority vote. All ordinance votes shall be roll call votes.

Part 3

An Ordinance shall be published in accordance with the laws of the State of Michigan following an affirmative vote by the Village Council.

Part 4

An Ordinance shall be considered enacted thirty (30) days following final publication in the case of policing power ordinances or immediately in the case of all other ordinances.

Sec. 5.3 Publication of Ordinances

All ordinances shall be published and kept on file at the Village Hall and be made available for public inspection upon request. Ordinances shall, to the greatest extent possible, be posted on any Village of Hopkins online platforms.

Sec. 5.4 Enforcement of Ordinances

Part A. Enforcement

Enforcement of this ordinance shall be implemented by the Village President as described in Article 3 Section 1 of this charter. The Village President may designate other individuals or entities to pursue the enforcement of ordinances within the Village with the agreement of the Council.

Part B. Reporting

Any person, business, or entity may report a violation of the village ordinances to the Village president and/or the president's designee.

Sec. 5.5 Enforcement Procedure

Part A. Investigation

Upon receiving a complaint, the Village President or the president's designee shall investigate the complaint to determine the severity of the complaint and the responsible party.

Part B. Initiation of Action

Once an investigation finds that a violation has occurred and the suspected responsible parties have been identified, enforcement action is to be initiated. A progressive approach to enforcement will be used to achieve compliance with the ordinances of the Village of Hopkins.

Part C. Communication of Violation

The Village President or the president's designee shall send a letter to the owner of the property in violation notifying them of the violation. The responsible party shall be given a thirty (30) day grace period to correct the violation to the satisfaction of the Village President and/or the president's designee. The responsible party shall also be informed of the penalties for further noncompliance.

Part D. Noncompliance

Paragraph 1

In the event that the responsible party remains in violation following the initial thirty (30) day grace period, the Village President or the president's designee shall issue a citation to the owner of the property with a fine in the amount described by the ordinance in violation. Each day following the initial thirty (30) day grace period shall constitute a new violation with progressively larger fines as described by the ordinance in violation.

Paragraph 2

Failure to pay fines shall constitute a lien on the property in violation. Unpaid fines will be added to property taxes at the end of each calendar year.

Sec. 5.6 Right to Appeal

Individuals and parties responsible for violating ordinances shall have the right to appeal a decision to the Village Council. All appeals must be made within sixty (60) days of the initial citation. Any appeals will be heard during the regularly scheduled, monthly meeting of the Village Council.

ARTICLE 6

ELECTIONS

Sec. 6.1 Elections

Part A. Electors.

Any person who is a resident of the Village of Hopkins, has qualified as an elector of the State, and registers to vote in the manner prescribed by law shall be an elector of the Village.

Part B. Nonpartisan Elections.

All elections for the Village Council and President shall be conducted on a nonpartisan basis and no ballot shall show the party designation of any candidate.

Part C. Election Dates and Location.

Paragraph 1

A general election shall be held in November of each even numbered year, on the day U.S. congressional elections are held, or if none is held in any such year, on the first Tuesday following the first Monday in November. A runoff election, if necessary, shall be held on the third Tuesday in November.

Paragraph 2

Election location shall be determined by the election official of said election in accordance with state law.

Part D. General Election.

The ballot for the general election shall contain the names of all qualified candidates for President, if the President's term is expiring, and for each of the three (3) Council positions which are to be filled as a result of three (3) members terms expiring, and shall instruct electors to cast one (1) vote for President, if applicable, and one vote for each Council seat, with a maximum of one (1) vote per candidate. If any candidate for President receives a number of votes greater than fifty percent (50%) of the total number of ballots cast, such candidate shall be duly elected President. If any candidate for Council receives a number of votes greater than thirty three percent (33%) of the total number of ballots cast, such a candidate shall be duly

elected. In the event that no candidate for Council receives more than thirty three percent (33%) of the votes from the ballots cast, the three (3) candidates receiving the largest number of votes shall be duly elected.

Part E. Runoff Election.

The ballot for the runoff election shall contain the names of (2) candidates for President, if applicable, and/or the names of the two candidates for a Council seat who received the tying number of votes for such seat in the general election. The ballot shall instruct electors to cast one vote for President and/or cast one vote for Council, with a maximum of one (1) vote for each candidate. The Candidate receiving the most votes for President shall be duly elected. The candidate receiving the most votes for the Council seat shall be duly elected to that Council seat.

Part F. Ties.

In the event there is a tie in the regular election and it is necessary to break the tie in order to determine the two (2) names to be placed on the ballot at the runoff election, or in the event there is a tie in the runoff election, then the winner or winners shall be determined by the drawing of names from a hat, the first name being drawn being the winner.

Part G. Special Elections.

Special elections, when required, shall be scheduled by the Council at such times and in such manner as shall be consistent with the State of Michigan election laws.

Part H. Absentee Votes.

Absentee voting will be permitted as provided for by the laws of the State of Michigan and under such conditions as may be prescribed by ordinance from time to time; provided, however, that no ordinance shall limit the right to vote by absentee ballot available under State law.

Part I. Commencement of Terms.

The term of office of any elected official will commence at 12 o'clock noon on the 20th of November, and will end at the at 12 o'clock noon on the 20th of November in the year in which their term expires or 12 o'clock noon on the day following a runoff election if held after November 20th of the election year.

Sec. 6.2 Initiative and Referendum

Part. A. Power to Initiate and Reconsider Ordinances.

Paragraph 1. Initiative.

The electors of the Village shall have power to propose ordinances to the Council and, if the Council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a Village election, provided that such power shall not extend to the annual budget or capital program or any ordinance appropriating money, levying taxes or setting salaries of Village officers or employees, pursuant to such annual budget.

Paragraph 2. Referendum.

The electors of the Village shall 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 Village election, provided that such power shall not extend to the annual budget or capital program or any ordinance appropriating money, levying taxes or setting salaries of Village officers or employees, pursuant to such annual budget.

Part B. Commencement of Proceedings.

Any ten (10) electors may commence referendum proceedings by filing with the Clerk or other official designated by the Council an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. Promptly after the affidavit of the petitioners' committee is filed, the Clerk or other official designated by the Council shall at the committee's request, issue the appropriate blank petitions to the petitioners' committee at the committee's expense. Petitioners' proposed ordinance shall be approved as to legal sufficiency by the Village Attorney prior to circulation.

Part C. Petitions.

Paragraph 1. Number of Signatures.

Initiative and referendum petitions must be signed by electors of the Village of Hopkins equal in number to at least ten percent (10%) of the total number of electors registered to vote at the last regular Village election.

Paragraph 2. Form and Content.

All papers of a petition shall be assembled as one instrument of filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing.

Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be considered.

Paragraph 3. Affidavit of Circulator.

Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that they personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence that they believe them to be the genuine signatures of the persons whose names they purport to be and that each signer has an opportunity before signing to read the full text of the ordinance proposed or sought to be considered.

Paragraph 4. Filing Deadline.

All initiative and referendum petitions must be filed within sixty (60) days of the date on which proceedings with respect to such initiative or referendum are commenced.

Part D. Procedure for Filing.

Paragraph 1. Certificate of Clerk; Amendment.

Within twenty (20) days after initiative petition is filed or within five (5) days after a referendum petition is filed, the Clerk or other official designated by the Council shall complete a certificate as to the sufficiency ("the Certificate") specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the Certificate to the petitioners committee by registered mail. Grounds for insufficiency are only those specified in subsection (C) of this section. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the Clerk or other official designated by the Council within two (2) business days after receiving the copy of the Certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such Certificate. Such supplementary petition shall comply with the requirements of paragraphs (1), (2) and (3) of subsection (C) of this section and within five (5) days after it is filed the Clerk or other official designated by the Council, shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such Certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request Council review under paragraph (2) of this subsection (D) within the time required, the Clerk or other official designated by the Council shall promptly present the petitioners' Certificate to the Council and within sixty (60) days the Certificate shall then be a final determination as to the sufficiency of the petition.

Paragraph 2. Council Review.

If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee

may, within two (2) business days after receiving the copy of such certificate, file a request that it be reviewed by the Council. The Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Council's determination shall then be a final determination as to the sufficiency of the petition.

Part E. Action on Petitions.

Paragraph 1. Action by Council.

When an initiative or referendum petition has been finally determined sufficient, the Council shall promptly consider the proposed initiative ordinance or reconsider the referred ordinance by voting its repeal, all in the manner provided in Article 4, Section 3. If the Council fails to adopt a proposed initiative ordinance without any change in substance within forty-five (45) days or fails to repeal the referred ordinance within thirty (30) days, it shall submit the proposed or referred ordinance to the electors of the Village. If the Council fails to act on a proposed initiative ordinance or a referred ordinance within the time period contained in paragraph one (1) of subsection (E) of this section, the Council shall be deemed to have failed to adopt the proposed initiative ordinance or failed to repeal the referred ordinance on the last day that the Council was authorized to act on such matter.

Paragraph 2. Submission to Electors.

The vote of the Village of Hopkins on a proposed or referred ordinance shall be held not less than thirty (30) or more than sixty (60) days from the date the Council acted or was deemed to have acted pursuant to paragraph one (1) of this subsection (E) that the petition was determined sufficient. If no regular election is to be held within the period described in this paragraph, the Council shall provide for a special election, except that the Council may, in its discretion, provide for a special election at an earlier date within the described period. Copies of the proposed or referred ordinance shall be made available at the polls.

Paragraph 3. Withdrawals of Petitions.

An initiative or referendum petition may be withdrawn at any time prior to the fifteenth (15th) day preceding the day scheduled for a vote by the Village by filing with the Clerk or other official designated by the Council a request for withdrawal signed by at least eight (8) out of ten (10) of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Part F. Results of Elections.

Paragraph 1. Initiative.

If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict. If the proposed initiative ordinance fails, it or any

ordinance that is substantially similar, may not be submitted in accordance with this Article for at least a period of one (1) year from the election.

Paragraph 2. Referendum.

If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

Paragraph 3. Recount

A recount of the votes cast in the Village of Hopkins election for any office, or upon any proposition, may be had in accordance with the general election laws of the State of Michigan.

Sec 6.3 Form of Ballots

A Charter amendment, ordinance or other ballot issue to be voted on by the electors shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: " Shall the above described (amendment/ordinance/proposal] be adopted?" Immediately below such a question shall appear, in the following order, the word "YES" and also the word "NO".

ARTICLE 7

MUNICIPAL UTILITIES

Sec. 7.1 General Powers Respecting Utilities

The Village of Hopkins shall possess and hereby reserves to itself all the powers granted to municipalities by law to acquire, construct, own, operate, improve, enlarge, extend, repair, and maintain, either within or outside its corporate limits as described in Article 1, Section 2 of this charter, including, but not by the way of limitation, public utilities for supplying water, light, heat, power, gas, sewage treatment, transportation, and garbage and rubbish disposal facilities, or any of them, to the municipality and its inhabitants thereof; and also to sell and deliver water, light, heat, power, gas and other public utility services outside of its corporate limits as authorized by law.

Sec. 7.2 Management of Municipal Utilities

All municipally owned or operated utilities shall be administered as a regular department of the Village Council, under the management and supervision of the Department of Public Works and the manager thereof.

Sec. 7.3 Construction and Connection

Part A

The council may establish, construct, and maintain sewers whenever and wherever necessary, and of such dimensions and material, and under such regulations as they may deem proper for the drainage of the village, and private property, or the use thereof, may be taken therefore in the same manner provided by the general law governing villages for taking private property for public use. But in all cases where the council shall deem it practicable, such sewers shall be constructed in the public streets and grounds.

Part B

The expense of constructing sewers shall be paid by special assessment upon the lands and premises benefited by the sewer system, in proportion to the benefits resulting to each lot or parcel of land respectively provided that no sewer system where the expense of which is to be defrayed by special assessment upon the lots, lands and premises benefited thereby, shall be ordered constructed by the council unless a retition, signed by sixty per cent of the persons benefited thereby, has been filed with the council requesting that such improvement not be

made.

And, if the council shall declare that the expense of any sewer or any part thereof, shall be paid by a special assessment upon the lands and premises benefited, then such special assessment may be made in five parts, each part to contain a list of the lots or parcels of land constituting the special assessment district which said special assessment district shall be determined by the council with the names of the owners, is known, or occupants of each lot or parcel of land; and one-fifth of the cost or expense of the work shall be assessed upon each one of said five parts. Such parts of the assessment roll shall be numbered one, two, three, four and five, respectively, and any person so electing may pay part one and have an extension of time for the payment of parts two, three, four and five of one, two, three and four years respectively.

If part one is not paid on or before the same shall become due, the whole shall be due and no extension of time shall be granted thereon. Deferred payments shall draw interest at the rate of six per cent per annum from the date of confirmation of such special assessment roll by the council, and if any default shall be made in the payment of an installment or of the interest thereon the whole amount of the assessment then yet remaining unpaid shall mature and become due and payable; and thereupon the same proceedings shall be had for the collection of the amounts still due, as are authorized by the general law governing villages in case the owners or occupants have not elected to pay in installments.

The village council shall have the power to issue bonds of the village, bearing not to exceed six per cent interest, to the full amount of the unpaid assessments, and pledging the faith and credit of the village for the payment of said bonds out of such assessments when collected. Said bonds shall run for one, two, three, and four years respectively, and all payments made on the deferred assessment shall be paid on and constitute a sinking fund for the payment of said bonds at maturity.

Owners and occupants electing to pay by installments shall pay the full amount of the interest on each installment down to the maturity thereof, but may pay the principal and such interest into the village treasury before maturity. Contractors for the construction of sewers may be required to take their pay in such special sewer bonds; and if the council so declares, the notice of such declaration shall be included in the advertisement, or notice, calling for proposals to construct such sewers. The council shall, however, first advertise said bonds for sale for four consecutive weeks in some newspaper of general circulation within or near said village, and in such manner as they may determine, and all bids received for such bonds shall be opened in public and contracts for said bonds awarded to the highest responsible bidder; or after advertising for sale said bonds as above set forth, the council may reject all bids and require the contractor or contractors to accept any or all of his pay in such bonds at not less than their par value; but no such bonds shall, in any event be sold or otherwise disposed of, at less than their par value.

Part C

Before proceeding to the construction of any sewer, the expense or any part of the expense of

which is to be defrayed by special assessment, the council shall cause a map to be made of those lands and premises which, in their opinion, will be benefited by the sewer system, and which they intend to assess for the cost of the sewer or drain. Said lands shall constitute a sewer district; and said map shall show the boundaries and divisions of all the lots and premises in the district, and the proposed route and location of the sewer through the same; also its depth, grade and dimensions.

Said map with an estimate of the cost of the proposed work, shall be deposited with the clerk, and notice shall be given by posting copies of such notice for two weeks in five public places in the village, of the intention to construct; the sewer and where the map and estimates can be found, and appointing a time when the council will meet to hear any suggestions and objections from persons interested or liable to be assessed for the work.

Part D

When the council shall determine to construct any such sewer system, they shall so declare by resolution, designating the lands or district to be assessed, and describing, by reference to the map and diagram mentioned in the preceding section, the route, location, depth, grade and dimensions of the work, and shall state in the same resolution what part of the expense, if any, is to be paid by special assessment, according to the benefits; such map and diagram as adopted shall be filed with the clerk.

Part E

Special assessments for the purpose aforesaid shall be made in the manner provided in accordance with the laws of the State of Michigan.

Part F

Whenever the council shall deem it necessary for the public health, they may require the owners and occupants of lots and promises to construct private drains therefrom to connect with the public sewer or drain, and thereby to drain such lots and premises; and to keep such private drains in repair and free from obstruction and nuisance; and if such private drains are not constructed and maintained according to such requirement, the council shall cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises, drained, and may be collected by special assessment to be levied thereon.

Part G

The owners and occupants of lots and premises shall have the right to connect the same, at their own expense, by means of private drains, including sewer laterals, with the public sewers, and drains, under such rules and regulations as the council shall prescribe. All expenses related to the connections shall be billed to the owner or shall be levied as a special assessment in the manner described above.

Part H

The council shall charge and collect annually from persons whose premises are connected by private drains with the public sewers, at a minimum cost of 50% of the current regular monthly sewer rate or greater as the council may deem necessary, in proportion to the amount of drainage through such private drain; and such charge shall be a lien upon the premises, and may be collected by special assessment thereon.

Part I

The expense repairing public sewers may be paid by general tax. The expenses of reconstructing public sewers may be defrayed in the manner herein prescribed for paying the expenses of the construction thereof.

Part J

The council may enact such ordinances as may be necessary for the protection and control of the public sewers systems, and to carry into effect the powers herein conferred in respect to the drainage of the village.

Sec. 7.4 Rates

Part A

The Council shall have the power to fix such just and reasonable rates and other charges as may be deemed advisable for supplying the inhabitants of the Village of Hopkins and others with such public utility services as the Village may provide. There shall be no discrimination in such rates within any classification of users thereof, nor shall free service be permitted. Senior rates shall be approved for those residents, age 65 and older, who have applied for said Senior Sewer Rates through the means prescribed by the Village Council. Higher rates may be charged for service outside the corporate limits of the Village.

Part B

The rates and charges for any municipal public utility shall be so fixed as to at least meet all the costs of such utilities including depreciation.

Part C

Transactions pertaining to the ownership and operation by the Village of each public utility shall be recorded in a separate group of accounts under an appropriate fund caption, which shall be classified in accordance with generally accepted utility accounting practice. Charges for all service furnished to, or rendered by, other Village departments or agencies shall be recorded. An annual report shall be prepared to show fairly the financial position of each utility and the results of its operation, which report shall be available for inspection at the office of the Clerk.

Sec. 7.5 Collection of Municipal Utility Rates and Charges

Part A

The Council shall provide by ordinance for the collection of all public utility rates and charges of the Village, and for such purpose shall have all the power granted to cities by statute. The payment received date shall always be the date that the payment is received by the treasurer's office. Payments made in an amount less than the total billed amount shall constitute a late payment.

Part B

That, except as otherwise provided by law, the Village shall have as security for collection of charges a lien upon the real property supplied by such utility, which shall become effective immediately upon the supplying of such utility service and shall be enforced in the manner provided in such ordinance.

Part C

The ordinance shall specify the terms and conditions under which utility services may be discontinued in case of delinquency in paying of such rates and charges, and that suit may be instituted by the Village before a competent tribunal for the collection of such rates and charges.

Part D

The Treasurer shall keep a record of all bills, charges, collection, and appeals of charges in accordance with the State of Michigan retention schedule.

Sec. 7.6 Appeal of Sewer Charges

Part A

All residents shall have the right to appeal any charges within 180 days of the date the sewer charge was issued.

Part B

All residents and parties receiving a sewer bill shall have the right to appeal any charges outside of the normal sewer bill amount. A written appeal shall be brought to the Sewer Committee for consideration of the charge.

Part C

In the event that the resident disagrees with the decision of the Sewer Committee, they shall have the right to appeal the charges to the Village Council at the next regular meeting. Written

notice of the appeal must be given to the Clerk by Noon of the Thursday prior to the next regular meeting in accordance with Article 4, Section 1, Part B of this charter.

Sec. 7.7 Drains and Water-Courses

Part A

The council may establish, construct and maintain drains and water-courses whenever and wherever necessary, and of such dimensions and material, and under such regulations as they may deem proper for the drainage of the village, and private property, or the use thereof, may be taken therefore in the same manner provided by the general law governing villages for taking private property for public use. But in all cases where the council shall deem it practicable, such drains and water-courses shall be constructed in the public streets and grounds.

Part B

The expense of constructing drains and water-courses may be paid by general tax upon all the taxable property in the village; or such expenses may be defrayed by special assessment upon the lands and premises benefited by the drainage, in proportion to the benefits resulting to each lot or parcel of land respectively; or such part of the expense as the council shall determine may be defrayed by special assessment, and the remaining may be paid by general tax; Provided, that no drain or water-course, the expense of which is to be defrayed by special assessment upon the lots, lands and premises benefited thereby, shall be ordered constructed by the council unless a petition, signed by sixty per cent of the persons benefited thereby, has been filed with the council requesting that such improvement be made. And, if the council shall declare that the expense of any drain or watercourse or any part thereof, shall be paid by a special assessment upon the lands and premises benefited, then such special assessment may be made in five parts, each part to contain a list of the lots or parcels of land constituting the special assessment district which said special assessment district shall be determined by the council with the names of the owners, is known, or occupants of each lot or parcel of land; and one-fifth of the cost or expense of the work shall be assessed upon each one of said five parts.

Such parts of the assessment roll shall be numbered one, two, three, four and five, respectively, and any person so electing may pay part one and have an extension of time for the payment of parts two, three, four and five of one, two, three and four years respectively. If part one is not paid on or before the same shall become due, the whole shall be due and no extension of time shall be granted therein. Deferred payments shall draw interest at the rate of six per cent per annum from the date of confirmation of such special assessment roll by the council, and if any default shall be made in the payment of an installment or of the interest thereon the whole amount of the assessment then yet remaining unpaid shall mature and become due and payable; and thereupon the same proceedings shall be had for the collection of the amounts still due, as are authorized by the general law governing villages in case the owners or occupants have not elected to pay in installments. The village council shall have the power to issue bonds of the village, bearing not to exceed six per cent interest, to the full amount of the unpaid

assessments, and pledging the faith and credit of the village for the payment of said bonds out of such assessments when collected. Said bonds shall run for one, two, three, and four years respectively, and all payments made on the deferred assessment shall be paid on and constitute a sinking fund for the payment of said bonds at maturity. Owners and occupants electing to pay by installments shall pay the full amount of the interest on each installment down to the maturity thereof, but may pay the principal and such interest into the village treasury before maturity. Contractors for the construction of drains and watercourses may be required to take their pay in such special bonds; and if the council so declares, the notice of such declaration shall be included in the advertisement, or notice, calling for proposals to construct such drains and watercourses. The council shall, however, first advertise said bonds for sale for four consecutive weeks in some newspaper of general circulation within or near said village, and in such manner as they may determine, and all bids received for such bonds shall be opened in public and contracts for said bonds awarded to the highest responsible bidder; or after advertising i/or sale said bonds as above set forth, the council may reject all bids and require the contractor or contractors to accept any or all of his pay in such bonds at not less than their par value; but no such bonds shall, in any event be sold or otherwise disposed of, at less than their par value.

Part C

Before proceeding to the construction of any drain or watercourse, the expense or any part of the expense of which is to be defrayed by special assessment, the council shall cause a map to be made of those lands and premises which, in their opinion, will be benefited by the drainage, and which they intend to assess for the cost of the drain. Said lands shall constitute a sewer district; and said, map shall show the boundaries and divisions of all the lots and premises in the district, and the proposed route and location of the drain or watercourse through the same; also its depth, grade and dimensions, Said map with an estimate of the cost of the proposed work, shall be deposited with the clerk, and notice shall be given by posting copies of such notice for two weeks in three public places in the village, of the intention to construct; the drain or watercourse, and where the map and estimates can be found, and appointing a time when the council will meet to hear any suggestions and objections from persons interested or liable to be assessed for the work.

Part D

When the council shall determine to construct any such drain or water-course, they shall so declare by resolution, designating the lands or district to be assessed, and describing, by reference to the map and diagram mentioned in the preceding section, the route, location, depth, grade and dimensions of the work, and shall state in the same resolution what part of the expense, if any, is to be paid by general tax and what part by special assessment, according to the benefits; such map and diagram as adopted shall be filed with the clerk.

Part E

Special assessments for the purpose aforesaid shall be made in the manner provided in

accordance with the laws of the State of Michigan.

Part F

Whenever the council shall deem it necessary for the public health, they may require the owners and occupants of lots and promises to construct private drains therefrom to connect with some public drain, and thereby to drain such lots and premises; and to keep such private drains in repair and free from obstruction and nuisance; and if such private drains are not constructed and maintained according to such requirement, the council may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises, drained, and may be collected by special assessment to be levied thereon.

Part G

The owners and occupants of lots and premises shall have the right to connect the same, at their own expense, by means of private drains, with the public drains, under such rules and regulations as the council shall prescribe.

Part H

Such part of the expense of providing ditches and improving water-courses, as the council shall determine, may be defrayed by special assessment upon the lands and premises benefited thereby in proportion to such benefits.

Part I

The expense repairing public drains, ditches and water-courses may be paid by general tax. The expenses of reconstructing public drains and water-courses may be defrayed in the manner herein prescribed for paying the expenses of the construction thereof.

Part J

The council may enact such ordinances as may be necessary for the protection and control of the public drains and water-courses, and to carry into effect the powers herein conferred in respect to the drainage of the village.

Sec. 7.8 Disposal of Utility Plants and Property

Unless approved by the affirmative vote of a majority of the electors voting thereon at a regular or special election, the Village shall not sell, exchange, lease or in any way dispose of any property, easements, equipment, privilege, or asset belonging to and appertaining to any municipally owned public utility which is needed to continue operating such utility. All contracts, negotiations, licenses, grants, leases, or other forms of transfer in violation of this section shall be void and of no effect as against the Village. The restrictions of this section shall not apply to the sale or exchange of any articles of machinery or equipment of any Village owned public

utility which are worn out or useless or which have been, or could with advantage to the service, be replaced by new and improved machinery or equipment, to the leasing of property not necessary for the operation of the utility, or to the exchange of property or easements for other needed property or easements. The provisions of this section shall not extend to vacation or abandonment of streets as provided by law.

Sec. 7.9 Public Utility Franchises

Part A

Public utility franchises and all renewals, and extensions thereof and amendments thereto shall be granted only by ordinance. No franchise shall be granted for a longer period than thirty years.

Part B

No franchise ordinance which is not subject to revocation at the will of the Council shall be enacted nor become operative until the same shall have first been referred to the people at a regular or special election and received the affirmative vote of three-fifths of the electors voting thereon. No such franchise ordinance shall be approved by the Council for referral to the electorate before thirty days after application therefor has been filed with the Council nor until a public hearing has been held thereon, nor until the grantee named therein has filed with the Clerk his unconditional acceptance of all the terms of such franchise. No special election for such purpose shall be ordered, unless the expense of holding such election, as determined by the Council, shall have been first paid to the Treasurer by the grantee.

Part C

A franchise ordinance, or renewal or extension thereof, or amendment thereto, which is subject to revocation at the will of the Council may be enacted by the Council without referral to the voters, but shall not be enacted unless it shall have been complete in the form in which it is finally enacted and shall have so been on file in the office of the Clerk for public inspection for at least four weeks after publication of a notice that such ordinance is on file.

Sec. 7.10 Conditions of Public Utility Franchises

All public utility franchises granted after the adoption of this Charter, whether it be so provided in the granting ordinance or not, shall be subject to the following rights of the Village, but this enumeration shall not be exclusive or impair the right of the Council to insert in such franchise any provision within the power of the Village to impose or require:

Part A

To repeal the same for misuse, nonuse, or failure to comply with the provisions thereof;

Part B

To require adequate extension of plant and service and maintenance thereof at the highest practicable standard of efficiency;

Part C

To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;

Part D

To require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof;

Part E

To use, control, and regulate the use of its streets, alleys, bridges and other public places and the space above and beneath them;

Part F

To impose such other regulations as may be determined by the Council to be conducive to the safety, welfare and accommodation of the public.

Sec. 7.11 Use of Public Places by Utilities

Every public utility, whether it has a franchise or not, shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges, and other public places as shall arise from its use thereof and shall protect and save the Village harmless from all damages arising from said use. Every such public utility may be required by the Village to permit joint use of its property and appurtenances located in the streets, alleys, and other public places of the Village by the Village and by other public utilities insofar as such joint use may be reasonably practical and upon payment of reasonable rental therefor. In the absence of agreement and upon application by any public utility, the Council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor, and the arbitration award shall be final.

Sec. 7.12 Rates for Franchised Utilities

The rates charged by public utilities under the supervision of state regulatory agencies shall be fixed by such agency. The rates not preempted by the state for public utilities shall be set, after public hearing, by the Village Council.

Sec. 7.13 Sale and Assignment of Franchises

The grantee of a franchise may not sell, assign, sublet, or allow another to use the same, unless the Council consents. Nothing in this Section shall limit the right of the grantee of any public utility franchise to mortgage its property or franchise nor shall this restrict the right of the purchaser, upon foreclosure sale, to operate the same, except that such mortgagee or purchaser shall be subject to the terms of the franchise and provisions of this Charter.

ARTICLE 8

CHARTER AMENDMENTS

This Charter may be amended in accordance with these provisions:

Sec. 8.1 Procedure to Amend.

Part A. Initiation by Ordinance.

The Council may, by ordinance, propose amendments to this Charter and upon passage of the initiating ordinance shall submit the proposed amendment to a vote of the electors at the next general election held within the Village or at a special election called for such purpose.

Part B. Initiation by Petition.

The electors of the Village may propose amendments to this Charter by petition. Each petition proposing amendments to this Charter shall be commenced, in the form, filed, certified as to its sufficiency and/or withdrawn in the same manner as an ordinance proposed by initiative pursuant to Section 5.2. Upon certification of the sufficiency of the petition, the Council shall submit the proposed amendment to a vote of the electors at the next general election if such election is scheduled to be held not less than sixty (60) days or more than one hundred and twenty (120) days from the date on which the petition was certified or at a special election called for that purpose. A special election, if necessary, shall be held not less than sixty (60) days or more than one hundred and twenty (120) days from the date on which the petition was certified and/or in accordance with the State of Michigan election law.

Part C. Charter Revision Commission.

Every six years, commencing March 2028, at its first regular meeting in March, the Council shall appoint a Charter revision commission ("Commission") consisting of five (5) persons from the electors of the Village. No more than two (2) voting members on the Charter Revision Commission may be actively serving as a member of the Village Council.

In addition, the President may appoint one (1) person to the Commission who is member of the Council but who shall be a nonvoting Commission member. The President shall not be eligible for appointment to the revision commission. The revision Commission shall commence its proceedings within forty-five (45) days after appointment by Council. If the Commission determines that a revision is needed, it shall draft such amendments to this Charter as it deems appropriate and submit the same to the Village Council no later than the ninetieth day after their

appointment by the Council. The Council shall, not less than thirty (30) days or more than one hundred and twenty (120) days after submission of the proposed amendments to Council, submit them to the electors of the Village in accordance with the provisions of Section 6.1 except that the provisions of subsections (A) and (B) of such Section shall not apply.

Part D. Results of Elections.

If a majority of the qualified electors voting on a proposed amendment vote for its adoption, it shall be considered adopted upon certification of the election results. If conflicting amendments are adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict. Ties will be decided pursuant of Article 5, Section 1, Part F of this Charter.

Sec. 8.2 Form of Ballot.

Any Charter amendment ballot issue to be voted on by the electors shall be presented on the ballot in the form required by Article 6, Section 3 of this Charter.

ARTICLE 9

GENERAL PROVISIONS

Sec. 9.1 Severability.

If any section or part of a section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter or the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part section to which such holding shall directly apply.

Sec. 9.2 Conflicts of Interest; Ethical Standards.

All Council members, officials, and employees of the Village shall be subject to the standards of conduct for public officers and employees set by law. In addition, the Council may, by ordinance, establish a Code of ethics for Council members, officials, and employees of the Village which may be supplemental to law, but in no case shall such an ordinance diminish the provisions of this Section or of general law.

Without in any way limiting the generality of the forgoing, no Council members shall have a financial interest, direct or indirect, or by reason of ownership of stock or other equity ownership in any corporation or entity, in any contract or in the sale to the Village or to a contractor supplying the Village of any land rights or interests in any land, material supplies, or services unless, after full disclosure to the Village Council of the nature and extent of such interest, the same is authorized by the Council before the event or accepted and ratified by the Council after the event. No member of the Village Council who possesses such a financial interest shall vote on, or participate in the Council deliberations concerning, any such contract or sale. Any violation of this Section with the knowledge of the person or entity contracting with the Village shall render the contract voidable by the Council.

Sec. 9.3 Village Personnel System.

All new employment, appointments and promotions of Village officers and employees shall be made pursuant to personnel procedures to be established by the President.

(B) Procedure. The Village Council shall adopt procedures regarding new employment, appointments, and promotions of Village officers and employees with respect to the passage of ordinances in accordance with applicable laws.

Sec. 9.4 Variation of Pronouns.

All pronouns and any variation thereof used in this Charter shall be deemed to refer to masculine, feminine, neutral, singular or plural as the identity of the person or persons shall require and are not intended to describe, interpret, define or limit the scope, extent, or intent of the Charter.

Sec. 9.5 No Discrimination.

The Village shall not adopt any ordinance that discriminates against any person due to race, color, ethnicity, national origin, physical or mental disability, creed, age, sexual orientation, gender, religion or otherwise as may be prohibited by federal and state law.

Sec. 9.6 No Harassment.

Harassment or intimidation of a client, staff person or guest because of that person's race, color, ethnicity, national origin, physical or mental disability, creed, age, sexual orientation, gender, religion or otherwise as may be prohibited by federal and state law, is specifically prohibited and may be grounds for termination. Harassment and intimidation includes abusive, foul or threatening language or behavior. The Village is committed to maintaining a workplace that is free of any such harassment and will not tolerate discrimination against staff members, volunteers or agency clients. Issues of discriminatory treatment, harassment, or intimidation on any of these bases should immediately be reported to the President, personnel committee chairperson or immediate supervisor and, if substantiated, prompt action will be taken.

Sec 9.7 Conflicting Provisions.

In case of a conflict between the provisions of this Charter and the provisions of the Code to be adopted pursuant thereto and/or the Citizens Bill Of Rights, the Charter terms shall control. Moreover, nothing in this Charter shall be construed to alter, abolish, affect or amend the general laws of the State of Michigan, now in force, or which hereinafter may be enacted relative to or affecting this Village, except where such laws are in direct conflict in which case the provisions of this Charter or Code adopted pursuant thereto shall supersede and be in full force and effect.

Sec. 9.8 Effect of Current County and State Laws.

All Allegan County ordinances, resolutions, orders and regulations which are in force when this Charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this Charter or the Code adopted pursuant thereto. To the extent the Constitution and the laws of the State of Michigan permit, all laws relating to or affecting this municipality which are in force when this Charter becomes fully effective are superseded to the extent they are inconsistent or interfere with the operation of this Charter or the Code adopted pursuant thereto.