

**TITLE III: ADMINISTRATION**

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**CHAPTER 30: CITY GOVERNMENT; ORGANIZATION**

Section

**General Provisions**

30.01 City government; organization

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**GENERAL PROVISIONS**

**§ 30.01 CITY GOVERNMENT; ORGANIZATION.**

Chapter III of the City Charter fully sets forth the provisions relevant to City government and organization.

**ELECTIONS**

**§ 30.15 ELECTIONS.**

Chapter IV of the City Charter fully sets forth the provisions relevant to elections.

**§ 30.16 PRECINCTS ESTABLISHED.**

The City of Big Rapids is divided into three election precincts, the boundaries of which shall be as follows:

(A) *Precinct No. 1.* All that portion of the City bounded on the west by the City limits, on the north by the City limits, on the east by the Muskegon River, on the south described as: Beginning at a point where the centerline of Oak Street extended east intersects the Muskegon River, thence west along the centerline of Oak Street extended to the centerline of Ives Avenue, thence south along the centerline of Ives Avenue to the centerline of South Street, thence westerly along the centerline of South Street to the centerline of State Street, thence north along the

centerline of State Street to Mitchell Creek, thence westerly along Mitchell Creek to the west City limits and the point of ending.

(B) *Precinct No. 2.* All that portion of the City bounded on the south by the City limits, on the west by the City limits, bounded on the north and the east as follows: Beginning at a point where the centerline of Oak Street extended east intersects the Muskegon River, thence west along the centerline of Oak Street extended to the centerline of Ives Avenue, thence south along the centerline of Ives Avenue to the centerline of South Street, thence westerly along the centerline of South Street to the centerline of State Street, thence north along the centerline of State Street to Mitchell Creek, thence westerly along Mitchell Creek to the west City limits and the point of ending.

(C) *Precinct No. 3.* All that portion of the City of Big Rapids lying east of the Muskegon River and bounded by the City limits and the Muskegon River. ('88 Code, Title I, Ch. 4, § 1.151) (Am. Ord. 110, passed 10-15-73; Am. Ord. 305-6-91, passed 6-17-91; Am. Ord. 308-9-91, passed 9-3-91; Am. Ord. 656-03-13, passed 3-4-13)



## CHAPTER 31: CITY COMMISSION

### Section

- 31.01 City Commission
- 31.02 Commission rules of procedure;  
adopted by reference

**Cross-reference:**

*Commission to be Board of Health, see  
§ 33.80*

### § 31.01 CITY COMMISSION.

Chapters VI and VII of the City Charter fully set forth provisions relevant to the City Commission and city legislature.

### § 31.02 COMMISSION RULES OF PROCEDURE; ADOPTED BY REFERENCE.

The City Commission, by resolution, may adopt and amend its Rules of Procedure for conducting the City Commission Business.

(Ord. 314-6-92, passed 6-15-92; Am. Ord. 474-01-01, passed 1-2-01; Am. Ord. 489-01-02, passed 1-7-02; Am. Ord. 505-01-03, passed 1-6-03; Am. Ord. 526-01-04, passed 1-5-04; Am. Ord. 536-01-05, passed 1-3-05; Am. Ord. 541-03-05, passed 3-21-05; Am. Ord. 542-04-05, passed 4-4-05; Am. Ord. 560-01-06, passed 1-3-06)

**Editor's note:** *Ord. 314-6-92 repealed Ord. 300-1-91, which set forth the Rules of Procedure.*



**CHAPTER 32: CITY OFFICES AND DEPARTMENTS**

Section

**General Provisions**

- 32.01 Departments
- 32.02 Department heads
- 32.03 Surety bonds
- 32.04 Office of the City Manager
- 32.041 Office of Assistant City Manager
- 32.05 Office of the City Clerk
- 32.06 Office of the City Treasurer
- 32.07 Office of the City Attorney
- 32.08 Office of the City Assessor

- (D) Office of the City Attorney.
- (E) Office of the City Assessor.
- (F) Department of Public Safety.
- (G) Department of Public Services.

(H) Department of Neighborhood Services. ('88 Code, Title I, Ch. 2, § 1.41) (Ord. 280-3-90, passed 3-19-90; Am. Ord. 281-3-90, passed 3-19-90; Am. Ord. 283-3-90, passed 3-19-90; Am. Ord. 284-3-90, passed 3-19-90; Am. Ord. 377-2-95, passed 2-20-95)

**Department of Public Safety**

- 32.15 Department of Public Safety

**Department of Public Works**

- 32.20 Department of Public Works

**Department of Neighborhood Services**

- 32.40 Department of Neighborhood Services

**Department of Engineering and Municipal Utilities**

- 32.60 Department of Engineering and Municipal Services

**§ 32.02 DEPARTMENT HEADS.**

Under the direction of the City Manager, the head of any department or office identified in § 32.01 except the City Attorney, who heads the Office of the City Attorney, shall:

(A) Direct employees in the performance of all duties, functions, and responsibilities required of the department as provided by law, the Charter, this code and resolutions of the City Commission, and the directives of the City Manager, and measure their performance in accordance with established procedures;

(B) Be responsible to the City Manager for the effective and efficient administration of the department or office and the activities and functions assigned thereto;

(C) Prescribe the internal organization of the department, subject to the approval of the City Manager;

(D) Prescribe and, when necessary, amend and revoke department work rules, subject to the approval of the City Manager;

(E) Keep informed as to the latest practices in their area of responsibilities and duties;

(F) Prepare and submit reports monthly and within 60 days after the end of the fiscal year to the

**GENERAL PROVISIONS**

**§ 32.01 DEPARTMENTS.**

The City shall have the following offices and departments which the City Manager shall supervise and direct, except as otherwise provided by the Charter:

- (A) Office of the City Manager.
- (B) Office of the City Clerk.
- (C) Office of the City Treasurer.

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City Manager detailing the activities of the department of office.

(G) Establish a system of records and reports in sufficient detail to furnish all information necessary for proper control of departmental activities;

(H) Preserve and, when permitted by law, dispose of all public records of that department or office and provide a system of filing and indexing;

(I) Serve or designate a staff officer to serve on any committees, authority, commission, or board that is assigned to the department by the Charter, this code, or City Manager;

(J) Provide the maximum level, quantity, and quality of service within the limitations of the annual budget and approved work plans;

(K) Be responsible for manpower planning within the department;

(L) Be custodian of the property assigned to the office or department and be responsible for its care and maintenance;

(M) Plan and execute appropriate training for departmental personnel, subject to the approval of the City Manager;

(N) Recommend to the City Manager policies and procedures designed to improve the quality of City functions and services.  
(88 Code, Title I, Ch. 2, § 1.44) (Ord. 257-2-89, passed 2-6-89; Am. Ord. 282-3-90, passed 3-19-90)

**§ 32.03 SURETY BONDS.**

Surety bonds, as required by the Charter, shall be filed by the following officers and employees of the City in amounts set by resolution:

- (A) Treasurer.
- (B) Manager.
- (C) Deputy Treasurer.
- (D) Clerk.
- (E) Deputy Clerk.

- (F) Income Tax Administrator.

(G) All other officers and employees, except the Mayor and the City Commissioners.  
(Ord. 259-2-89, passed 2-6-89)

**Cross-reference:**

*Surety bonds, see Charter, §§ 5.7 and 8.8*

**§ 32.04 OFFICE OF THE CITY MANAGER.**

(A) The Office of the City Manager includes but is not limited to all of the following functions and responsibilities:

- (1) Personnel administration and employee relations;
- (2) Budget preparation and administration;
- (3) Planning and zoning administration;
- (4) Community and economic development administration;
- (5) The management and supervision of all public improvements, works, and undertakings of the City;
- (6) Purchasing goods and services;
- (7) Risk management;
- (8) Information system planning and management;
- (9) The preparing of plans and specifications, estimating costs, bid advertising, and supervising and approving work for any public work or special improvements;
- (10) Complaint handling and administration of complaint resolution systems; and
- (11) Programming and project initiation, analysis, research, and evaluation.

(B) The Office of the City Manager shall be headed by the City Manager, who shall be the chief administrative officer of the City and who shall be responsible to the City Commission for the administration and performance of the functions of this office. All of the functions of the Office of the City Manager may be delegated by the City Manager to



other departments, officers, or employees. In addition to the powers and duties prescribed in the Charter and this code, the City Manager shall:

(1) Direct, supervise, and administer the overall affairs and activities of the City in accordance with the policies established by the Commission;

(2) Enforce all federal and state laws, the Charter, ordinances, rules and regulations adopted by the City Commission, and the provisions of this code;

(3) Adopt such administrative regulations and procedures in addition to, but not inconsistent with, the Charter, the code and the resolutions of the City Commission as shall be deemed necessary to provide for the adequate functioning of all departments;

(4) Prescribe by regulation the duties, responsibilities, and qualifications of the officer and employees of the various City departments which are not otherwise provided for by Charter or Code;

(5) Be permitted to set aside any action taken by any department head, and to supersede the functions, duties, and powers of that office; as to charter officers appointed by the Commission such action shall be subject to approval by the Commission;

(6) Represent the City and assert its proper interests in relation to the state and other political subdivisions;

(7) Designate self or assign any other officer or employee of the City to perform the duties and exercise the functions of any office or position during a vacancy until such vacancy is filled in accordance with the Charter or an absence, disability, or inability from any cause during the time of such absence or disability;

(8) Establish and maintain a system for the control of the expenditure of monies belonging to the City;

(9) Submit a summary of departmental reports to the Commission within ten days of such reports being filed with the City Manager, except a summary of the annual reports shall be submitted within 30 days of being submitted to the City Manager;

(10) Investigate all complaints and inquire into the affairs or operations of any department,

commission of the City, except that of the City Commission;

(11) Prepare the agenda of business for all regularly scheduled meetings of the City Commission and other boards, commissions, and authorities of City government not inconsistent with federal and state laws, the Charter, and the provisions of this code; and

(12) Set the wages or salaries of employees in accordance with budget appropriations, except as otherwise provided for by charter or collective bargaining agreements. ('88 Code, Title I, Ch. 2, § 1.45) (Ord. 257-2-89, passed 2-6-89; Am. Ord. 280-3-90, passed 3-19-90; Am. Ord. 282-3-90, passed 3-19-90)

**§ 32.041 OFFICE OF ASSISTANT CITY MANAGER.**

(A) The duties of Assistant City Manager include but are not limited to all of the following functions and responsibilities:

(1) Acting as either a permanent or temporary director of a municipal department(s);

(2) Acting on behalf of the City Manager as directed and in his or her absence.

(3) Other projects and tasks assigned by the City Manager.

(B) The office of Assistant City Manager shall be headed by the Assistant City Manager, who shall be responsible for the administration and performance of its functions. (Ord. 417-2-97, passed 2-17-97; Am. Ord. 452-9-99, passed 9-20-99)

**§ 32.05 OFFICE OF THE CITY CLERK.**

(A) The office of the City Clerk includes those functions and responsibilities prescribed in the City Charter or Code, assigned by the City Commission or Manager, and imposed by state or federal law, except the responsibility for maintaining the accounts of the City. Additional functions and responsibilities shall include:

(1) Publish, file, index and safeguard the proceedings of all City authorities, boards, or commissions, except as otherwise provided by law;

(2) Publish all legal notices, except as otherwise provided by law;

(3) Administer the state and federal freedom of information acts.

(B) The office of the City Clerk shall be headed by the City Clerk, who shall be responsible for the administration and performance of its functions. The City Clerk shall be the Clerk of the Commission. The City Clerk also shall serve as or designate a deputy to serve as secretary or clerk of all City authorities, boards, or commissions, except as otherwise provided by law. ('88 Code, Title I, Ch. 2, § 1.46) (Am. Ord. 281-3-90, passed 3-19-90)

#### **§ 32.06 OFFICE OF THE CITY TREASURER.**

(A) The office of the City Treasurer includes those functions and responsibilities prescribed in the City Charter or Code, assigned by the City Commission or Manager and imposed by state or federal law. Additional functions and responsibilities shall include:

(1) Maintaining an accounting system in accordance with the Charter, this code, applicable state and federal statutes and generally accepted accounting principles;

(2) Investing idle City funds;

(3) Long-term financial planning;

(4) Utility billing administration; and

(5) Uniform City Income Tax Ordinance administration.

(6) Oversight of solid waste collection and billing;

(7) Managing activities of the office of the City Assessor.

(B) The office of the City Treasurer shall be headed by the City Treasurer, who shall be responsible for the administration and performance of its functions. The City Treasurer also shall:

(1) Disburse City funds from the treasury pursuant to appropriations made by the City Commission and in conformance with applicable City administrative regulations; and

(2) Serve as or designate a deputy to serve as treasurer of all City authorities, boards, or commissions, except as otherwise provided by law. ('88 Code, Title I, Ch. 2, § 1.47) (Ord. 283-3-90, passed 3-19-90; Am. Ord. 284-3-90, passed 3-19-90; Am. Ord. 452-9-99, passed 9-20-99)

#### **§ 32.07 OFFICE OF THE CITY ATTORNEY.**

(A) The office of the City Attorney includes those functions and responsibilities prescribed in the City Charter, this code and those imposed by state or federal law.

(B) The office of the City Attorney shall be headed by the City Attorney, who shall be responsible for the administration and performance of its functions.

('88 Code, Title I, Ch. 2, § 1.48) (Ord. 281-3-90, passed 3-19-90)

##### **Cross-reference:**

*Legal counsel to Downtown Development Authority Board, see § 33.*

#### **§ 32.08 OFFICE OF THE CITY ASSESSOR.**

(A) The office of the City Assessor includes all those functions and responsibilities prescribed in the City Charter, this code and those imposed by state law.

(B) The office of the City Assessor shall be headed by a Department Head appointed by the City Commission, who shall be responsible for the administration and performance of its functions.

('88 Code, Title I, Ch. 2, § 1.49) (Ord. 281-3-90, passed -19-90; Am. Ord. 452-9-99, passed 9-20-99)

#### **DEPARTMENT OF PUBLIC SAFETY**

#### **§ 32.15 DEPARTMENT OF PUBLIC SAFETY.**

(A) The Department of Public Safety includes the following functions and responsibilities:

(1) Enforcing the laws of the City and, when authorized, the laws of the state governing crimes and criminal activity, the prevention of fires, the storage and use of explosives and flammables, the maintenance of fire alarm systems, both automatic and private, all fire extinguishing

equipment, the maintenance and use of fire escapes, the maintenance of fire protection equipment, the elimination of fire hazards, and the maintenance and adequacy of fire exits from places in which people work or congregate;

(2) Operating patrol units for the maintenance, protection, and promotion of public health, safety, and general welfare;

(3) Preventing crime;

(4) Records and property management administration, except as otherwise provided by law;

(5) Investigating crimes, civil infractions, and the origin, cause, and circumstances of all fires, and preparing evidence for the prosecution of criminal cases and civil infractions under state statutes and City ordinances; and

(6) Such regulatory inspection activities as may be delegated by this code or the City Manager.

(B) The minimum employment standards for law enforcement officers as established and adopted by the Michigan Law Enforcement Officers Training Council in accordance with Act No. 203, Public Acts of 1965, as amended, are hereby adopted.

(C) The Department of Public Safety shall be headed by the Director of Public Safety. Such position is a combination of the administrative offices of Chief of Police and Chief of Fire as permitted by the City Charter. The Director shall be selected on the basis of executive and administrative qualifications with special reference to training and experience and without regard to political or religious preferences. In addition to the powers and duties prescribed in the Charter and in this code for the Chiefs of Police and Fire, the Director of Public Safety shall be responsible for the administration and performance of the Department's functions.

('88 Code, Title I, Ch. 2, § 1.55) (Ord. 272-5-89, passed 5-15-89; Am. Ord. 276-8-89, passed 8-14-89; Am. 280-3-90, passed 3-19-90; Am. Ord. 282-3-90, passed 3-19-90; Am. Ord. 376-2-95, passed 2-20-95; Am. Ord. 416-2-97, passed 217-97)

**Editor's note:** Ord. 282-3-90 amends § 1.55 of Title I, Ch. 2 of the '88 Code and, by intent, renumbered it as § 1.60.

## **DEPARTMENT OF PUBLIC WORKS**

### **§ 32.20 DEPARTMENT OF PUBLIC WORKS.**

(A) The Department of Public Works includes the following functions and responsibilities:

(1) Maintaining and repairing infrastructure owned by the City, including but not limited to roadways, sidewalks, curbs and gutters and the water distribution, stormwater collection, and wastewater collection systems and appurtenances;

(2) Installing and maintaining facilities in and along the right-of-way of and within the City, including but not limited to traffic signs and signals, directional signs, and street name signs;

(3) Operating a central garage and repairing, maintaining, and housing City-owned vehicles and equipment;

(4) Operating and maintaining City-owned parks, playgrounds, and swimming pool;

(5) Operating City-sponsored recreation program;

(6) Planting and maintaining trees and other vegetation on rights-of-way and property owned by the City;

(7) Maintaining buildings and grounds owned by the City, except as provided for by the City Charter or this code;

(8) Any other functions and responsibilities which may be assigned to this department by the City code or the City Manager.

(B) The Department of Public Works shall be headed by the Director of Public Works, who shall be responsible for the administration and performance of its functions. The Director shall be selected on the basis of executive and administrative qualifications with special reference to training and experience and without regard to political or religious preferences. ('88 Code, Title I, Ch. 2, § 1.63) (Ord. 280-3-90, passed 3-19-90; Am. Ord. 452-9-99, passed 9-20-99)

#### **Cross-reference:**

*Cemetery, see Charter, Ch. XVII*

*Leasing City property, see Charter § 13.4*

*Municipal utilities, see Charter, Ch. XII*

*Parks and recreation, see Charter, Ch. XVI*

*Public works, see Charter §§ 13.1 and 13.2*

*Use of street by utility, see Charter § 13.10*

**DEPARTMENT OF  
NEIGHBORHOOD SERVICES**

**§ 32.40 DEPARTMENT OF NEIGHBORHOOD SERVICES.**

(A) The Department of Neighborhood Services includes the following functions and responsibilities:

(1) Providing technical support to the City Commission in matters pertaining to planning, zoning, building, and community development, and other specific subjects as directed by the City Commission or City Manager.

(2) Providing technical support to the Planning Commission and Zoning Board of Appeals.

(3) Administering the zoning ordinance.

(4) Administering the City's building, housing, and subdivision regulations and any other ancillary or related portions of the City Code as assigned by the City Manager.

(5) Maintaining and updating the plans and regulations administered by the Department, and others at the direction of the City Manager.

(6) Conducting building, zoning, and other regulatory inspections as required by the City Code or the City Manager.

(7) Discovering and pursuing grants and other funding opportunities for the City.

(8) Providing information to the general public on the subjects of planning, zoning, subdivision regulations, and building codes within the functions of the Department.

(B) The Department shall be headed by the Director of Neighborhood Services, who shall be responsible for the administration and performance of its functions. The Director shall be appointed by the City Manager.

(Ord. 378-2-95, passed 2-20-95; Am. Ord. 655-1-13, passed 1-22-13)

**DEPARTMENT OF ENGINEERING AND  
MUNICIPAL UTILITIES**

**§ 32.60 DEPARTMENT OF ENGINEERING AND MUNICIPAL UTILITIES.**

(A) The Department of Engineering and Municipal Utilities includes the following functions and responsibilities:

(1) Surveying and mapping any public utility or property owned by the City;

(2) Inspecting construction and major maintenance work on any City-owned facility, utility, improvement or property;

(3) Pumping, purifying, and filtering water supplied to the distribution system and elevate water storage tanks associated with the system;

(4) Maintaining and operating the wastewater plant and the lift, metering, and sampling stations associated with the collection system; and

(5) Any other functions and responsibilities which may be assigned to this department by the City code or the City Manager.

(B) The Department of Engineering and Municipal Utilities shall be headed by the City Engineering/Utility Director, who shall be responsible for the administration and performance of its functions.

(Ord. 452-9-99, passed 9-20-99)

**CHAPTER 33: CITY BOARDS AND COMMISSIONS**

Section		33.82	Membership, appointment, compensation
	<b>Board of Health</b>	33.83	Meetings of Compensation Commission
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		33.86	Implementation
		33.87	Referendum of ordinance
33.10	Charter provisions		
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33.12	Reports and recommendations		
	<b>Library Board</b>		
33.25	Library Board		
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	<b>Downtown Development Authority</b>		
33.65	Adoption of public act by reference		
33.66	Boundaries of the Downtown District		
33.67	Bond set for Director of Board		
33.68	Board's Director report to City Commission		
33.69	Board's attorney		
	<b>Dial-a-Ride Local Advisory Council</b>		
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33.71	Appointment of Council members		
33.72	Term of office		
33.73	Meetings		
33.74	Removal from office		
	<b>Compensation Commission</b>		
33.80	Commission established - authority		
33.81	Name		

**BOARD OF HEALTH**

**§ 33.01 BOARD OF HEALTH.**

The City Commission shall constitute the Board of Health of the City and it shall possess all powers, privileges and immunities granted to boards of health by statute.  
(’88 Code, Title I, Ch. 5, § 1.186)

**CITY PLANNING COMMISSION**

**§ 33.10 CHARTER PROVISIONS.**

Chapter XIV of the City Charter sets forth provisions relevant to the City Planning Commission.  
(Am. Ord. 655-1-13, passed 1-22-13)

**§ 33.11 CONTRACTS FOR SERVICES.**

The City Planning Commission may contract with City planners, engineers, architects, and other consultants for such specialized services as it may require. In addition, the services of regular city employees may be obtained as found necessary for its work; provided, however, that the Planning Commission shall not expend any funds or enter into any contracts or agreements for expenditures in excess of amounts appropriated for such purpose by the City Commission. The City Commission may appropriate such funds for City planning as it may deem advisable.  
(’88 Code, Title I, Ch. 5, § 1.180) (Am. Ord. 655-1-13, passed 1-22-13)

**§ 33.12 REPORTS AND RECOMMENDATIONS.**

The City Planning Commission shall make reports and recommendations to the City Commission, provided, however, that such recommendations shall be advisory only and not binding upon the City Commission. ('88 Code, Title I, Ch. 5, § 1.182) (Am. Ord. 655-1-13, passed 1-22-13)

**LIBRARY BOARD****§ 33.25 LIBRARY BOARD.**

Chapter XV of the City Charter sets forth provisions relevant to the Library Board and the Big Rapids Community Library.

**PARK AND RECREATION BOARD****§ 33.35 PARK AND RECREATION BOARD.**

Chapter XVI of the City Charter sets forth provisions relevant to the Park and Recreation Board.

**ASSESSMENT BOARD OF REVIEW****§ 33.45 ASSESSMENT BOARD OF REVIEW.**

Chapter IX of the City Charter sets forth provisions relevant to the Assessment Board of Review.

**HOUSING COMMISSION****§ 33.55 HOUSING COMMISSION.**

(A) *Purpose.* Insanitary and unsafe inhabited dwelling accommodations exist in the City. There is a shortage of safe and sanitary dwelling accommodations in the City available to persons who lack the amount of income that is necessary to enable them, without financial assistance, to live in decent,

safe and sanitary dwellings without over-crowding. Hence it is for the public interest that a Housing Commission is created. ('88 Code, Title I, Ch. 5, § 1.216)

(B) *Commission continued.* Pursuant to Public Act No. 18 of the Extra Session of 1933, as amended, the Housing Commission created in and for the City is hereby continued. ('88 Code, Title I, Ch. 5, § 1.217)

**§ 33.56 POWERS.**

(A) The Housing Commission shall have and exercise all of the powers available to the City which can be held and exercised by the Housing Commission pursuant to MCL 123.651 et seq.

(B) The Housing Commission can acquire, hold, develop, demolish, refurbish, manage, operate, finance, mortgage, encumber, and sell real property for the purpose of providing safe, sanitary, and affordable housing. The Housing Commission can act in its own name, or in the name of one or more profit or nonprofit corporations formed for these purposes.

(C) The Housing Commission can exercise all of its powers over other uses of real property which are incidental to or associated with the overall purpose of providing safe, sanitary and affordable housing, including but not limited to the acquisition, management and operation of real property with mixed residential and commercial facilities and uses.

(D) The Housing Commission is authorized to borrow, finance, and acquire funds in its own name, and through one or more profit or nonprofit corporations formed for purposes specified in this section or MCL 123.651 et seq. The Housing Commission is authorized to act as a borrower according to MCL 123.651 et seq. (Ord. 443-2-99, passed 2-4-99)

**DOWNTOWN DEVELOPMENT AUTHORITY****§ 33.65 ADOPTION OF PUBLIC ACT BY REFERENCE.**

(A) A Downtown Development Authority is hereby created and established pursuant to the terms and provisions of Michigan Public Act 197 of 1975, being MCL §§ 125.1651 to 165.1680., which Act is adopted by reference thereto by the City of Big

Rapids as Title "BIG RAPIDS DOWNTOWN DEVELOPMENT AUTHORITY" of the City Code, as herein modified. ('88 Code, Title I, Ch. 9, § 1.301)

(B) *References in the act.* Reference in Public Act 197 of 1975 to "chief executive officer" shall mean the Mayor of the City of Big Rapids. References to the "governing body of a municipality" shall mean the City Commission of the City of Big Rapids. References to "municipality" shall mean the City of Big Rapids. ('88 Code, Title I, Ch. 9, § 1.302) (Ord. 209-8-85, passed 8-5-85)

**Cross-reference:**

*Downtown Development Authority Development Plan and Tax Increment Financing Plan, see §§ 34.35 and 34.36*

**§ 33.66 BOUNDARIES OF THE DOWNTOWN DISTRICT.**

The boundaries of the Downtown District within which the Authority shall exercise its powers are as follows:

North and South State Street on the west;  
North and South Warren Avenue on the east;  
Pine Street on the North; Linden Street on the south.

('88 Code, Title I, Ch. 9, § 1.303) (Ord. 209-8-85, passed 8-5-85)

**§ 33.67 BOND SET FOR DIRECTOR OF BOARD.**

The Board, which is the governing body of the Big Rapids Downtown Development Authority, shall have a Director as provided by the Act, and the Director shall furnish bond, by posting a bond in the penal sum of \$1,000 under the provisions of the Act, being section 5 therein.

('88 Code, Title I, Ch. 9, § 1.304) (Ord. 209-8-85, passed 8-5-85)

**§ 33.68 BOARD'S DIRECTOR REPORT TO CITY COMMISSION.**

The Board's Director shall render to the Board and to the City Commission regular reports covering the activities and financial condition of the Authority, which reports shall be made at least quarterly during the first year of operation of the Authority and at least annually every year thereafter, unless more frequent reports are requested by the Board or City Commission.

('88 Code, Title I, Ch. 9, § 1.305) (Ord. 209-8-85, passed 8-5-85)

**§ 33.69 BOARD'S ATTORNEY.**

The Board, when requiring legal counsel, may seek the services available from the City Attorney, or any other attorney.

('88 Code, Title I, Ch. 9, § 1.306) (Ord. 209-8-85, passed 8-5-85)

**DIAL-A-RIDE LOCAL ADVISORY COUNCIL**

**§ 33.70 PURPOSE AND ORGANIZATION OF DIAL-A-RIDE LOCAL ADVISORY COUNCIL.**

(A) The Council was formed for the primary purpose of acting as a local advisory council as described in MCL 247.660e(18). For the City to act as an "eligible governmental agency" that receives financial support from the State's comprehensive transportation fund for providing public transportation services including, but not limited to, specialized services and demand actuated services, the City must submit a plan to the state transportation department describing the service to be provided by the demand actuated services, to persons 65 years of age or older and handicappers within the applicable service area, and the Council shall review and comment on the City's plan before its submission to the department.

(B) The Council's secondary purpose shall be to monitor and review the City's actual delivery of demand actuated services to persons 65 years of age or older and handicappers, and to recommend methods or actions by which the services can be improved. The Council shall provide advisory recommendations to the City Commission on operational matters, including but not limited to fees, service area, service contracts, and operational policies.

(C) The Council shall be organized with not less than 50% of its membership representing persons 65 years of age or older and handicappers within the service area subject to the plan.

(D) The Council shall be composed and structured in such a manner so as to facilitate an independent objective assessment of the City's MCL 247.660e(18) plan by persons in the service area.

(E) The Council shall consist of not fewer than three members.

(F) Council members shall not be employees of the City, and shall not be members of the City Commission or any executive committee of the City.

(G) The City shall maintain a list of Council members and their affiliations and shall identify the members who are handicappers, seniors, and representatives of handicappers or seniors. (Ord. 431-1-98, passed 1-5-98)

### **§ 33.71 APPOINTMENT OF COUNCIL MEMBERS.**

The Council shall consist of five members who shall be nominated by the Mayor and approved by the City Commission, except the area agency on aging shall approve at least one member or the equivalent of 12% of the membership of the Council. (Ord. 431-1-98, passed 1-5-98)

### **§ 33.72 TERM OF OFFICE.**

Terms of office for Council members shall begin on the first Monday in April and continue for three years. Terms shall be staggered, with the initial terms established after adoption of this ordinance being specified at the time of appointment as one, two, or three years. (Ord. 431-1-98, passed 1-5-98; Am. Ord. 654-1-13, passed 1-22-13)

### **§ 33.73 MEETINGS.**

Regular meetings of the Council shall be held not fewer than four times per year on the second Tuesday in January, April, July, and October, at 9:00 a.m. Regularly scheduled or specially called meetings shall be held at the City Hall, 226 N. Michigan Avenue, Big Rapids or at any other place within the City limits upon proper notification of change of the location. Additional meetings shall be held as deemed appropriate by the Council. A City employee responsible for administering public transportation services shall attend all meetings of the Council, and shall act as a liaison between the Council and the City Commission. (Ord. 431-1-98, passed 1-5-98; Am. Ord. 599-10-08, passed 10-6-08; Am. Ord. 654-1-13, passed 1-22-13)

### **§ 33.74 REMOVAL FROM OFFICE.**

Members of the Council may be removed from the office by the Mayor with the consent of the Commission for misconduct, neglect of duty, or missing three consecutive Council meetings. (Ord. 431-1-98, passed 1-5-98)

## **COMPENSATION COMMISSION**

### **§ 33.80 COMMISSION ESTABLISHED - AUTHORITY.**

Pursuant to authority granted by MCL 117.5c, the City hereby establishes a Compensation Commission for the purpose of determining the salaries of its elected officials, which are the Mayor and the City Commissioners. (Ord. 653-1-13, passed 1-7-13)

### **§ 33.81 NAME.**

The Compensation Commission shall be known as the Big Rapids Compensation Commission and its members shall be called Compensation Commissioners. (Ord. 653-1-13, passed 1-7-13)

### **§ 33.82 MEMBERSHIP, APPOINTMENT, COMPENSATION.**

(A) The Big Rapids Compensation Commission shall be comprised of five members who shall be registered electors of the City of Big Rapids and who shall not be members or employees of any branch of any government or the immediate family of a member or employee of any branch of any government.

(B) Members of the Compensation Commission shall be appointed by the Mayor and shall be confirmed by resolution of the City Commission.

(C) The regular terms for Compensation Commissioners shall be five years. Members of the first Compensation Commission shall be appointed for terms so that one each shall be appointed for initial one, two, three, four and five year terms.

(D) The Mayor shall appoint the first member of the Compensation Commission within 60 days of the effective date of this ordinance. The first member shall take office upon confirmation by the City Commission.

(E) Vacancies occurring in the office of Compensation Commissioner shall be filled by the Mayor and shall be confirmed by the City Commission for the remainder of the unexpired term of the vacancy.



(F) Compensation Commissioners shall not receive compensation for serving as members of the Compensation Commission, but shall be entitled to reimbursement or payment of actual and necessary expenses incurred in the performance of their official duties.

(Ord. 653-1-13, passed 1-7-13)

**§ 33.83 MEETINGS OF COMPENSATION COMMISSION.**

(A) The Compensation Commission shall meet for at least one and not more than 15 session days in each odd-numbered year, with an organizational meeting on the first Tuesday in May. "Session day" means a calendar day on which the Compensation Commission meets and for which a quorum is present.

(B) The Compensation Commission shall elect a Chairperson from among its members.

(C) The term of office of the Chairperson shall be two years, but shall continue until a successor is elected.

(D) A majority of the members of the Compensation Commission shall constitute a quorum. No action or determination on salaries may be made without an affirmative vote of a majority of Compensation Commissioners appointed and serving.

(E) The Compensation Commission shall make its recommendation on salaries and expense allowances or reimbursement at least 60 days prior to the next City general election.

(F) All business of the Commission shall be conducted at a public meeting in compliance with the Open Meetings Act.

(Ord. 653-1-13, passed 1-7-13)

**§ 33.84 SALARY OF ELECTED OFFICIALS.**

(A) The Big Rapids Compensation Commission shall determine the salary and expense allowances or reimbursement of each elected official of the City of Big Rapids and shall make its determination within 90 calendar days of its first meeting in each odd-numbered year.

(B) The determination of salary shall become the salary of each elected official unless the City Commission, by at least four votes of the members elected and serving, adopts a resolution rejecting the determination.

(C) The effective date of the determination of salary shall be 30 days following the filing of the determination of salary with the City Clerk unless rejected under subsection (B) hereof. If the determination is rejected by the City Commission within 30 days of filing with the City Clerk, the existing salary of each elected official shall continue.

(D) The expense allowance or reimbursement allowed by a determination and paid to elected officials shall be for expenses incurred in the course of City business and shall be accounted for by the elected official to the City.

(Ord. 653-1-13, passed 1-7-13)

**§ 33.85 FREEDOM OF INFORMATION.**

Any writing prepared, owned, used or retained by, or in possession of, the Compensation Commission in the performance of an official function shall be made available to the public in compliance with Act 42 of the Public Acts of 1976, being MCL 15.231 to 15.246.

(Ord. 653-1-13, passed 1-7-13)

**§ 33.86 IMPLEMENTATION.**

The governing body shall implement this chapter by resolution. After one year following the effective date of this chapter, the procedure for establishing the compensation of elected officials may be changed by Charter amendment or revision.

(Ord. 653-1-13, passed 1-7-13)

**§ 33.87 REFERENDUM OF ORDINANCE.**

Not more than 60 days after the effective date of this chapter, a petition for referendum on the chapter may be filed pursuant to the procedure provided in the City Charter for referendums on ordinances. The election shall be conducted in the same manner as an election on a Charter amendment. When a petition for referendum is filed, a determination of the Compensation Commission shall not be effective until the ordinance has been approved by the electors.

(Ord. 653-1-13, passed 1-7-13)



## CHAPTER 34: TAXATION, FINANCE AND PURCHASES

Section		34.56	Gifts and rebates prohibited
		34.57	Adoption of standards in 49 CFR 18.36; contract supported by federal funds
	<b>City Income Tax</b>	34.58	Purchases for City promotion
34.01	Uniform ordinance and amendments adopted		
34.02	Deduction		<b>Downtown Development Authority Development Plan and Tax Increment Financing Plan</b>
	<b>Purchases and Contracts</b>		
34.20	Purpose	34.65	Development Plan and Tax Increment Financing Plan
34.21	Application	34.66	Findings
34.22	Definitions	34.67	Amendment of original plan
34.23	Powers and duties of Purchasing Officer		<b>Cross-reference:</b>
34.24	Small item purchase - under \$2,000		<i>Borrowing power, see Charter, Ch. X</i>
34.25	Purchase of items equal to or over \$2,000 but less than \$5,000		<i>General finance, budget audit, purchasing, see Charter, Ch. VIII</i>
34.26	Purchase of items equal to or over \$5,000 but less than \$7,500		<i>Special assessments, see Charter, Ch. XI</i>
34.27	Purchases of \$7,500 and over		<i>Tax exemptions for housing projects, 151.50</i>
34.28	Requisitions		<i>Taxation, see Charter, Ch. IX</i>
34.29	Purchase orders		
34.30	Subdividing contracts or purchases		<b>CITY INCOME TAX</b>
34.31	Purchases from petty cash		
34.32	Sealed bids		<b>§ 34.01 UNIFORM ORDINANCE AND AMENDMENTS ADOPTED.</b>
34.33	Request for qualifications		
34.34	Request for proposals		
34.35	Criteria of responsible bidder		
34.36	Contract not awarded to lowest bidder		
34.37	Preference for local and area bidders		(A) The Uniform City Income Tax Ordinance prescribed by Act No. 284 of the Public Acts of the State of Michigan of 1964, being Chapter 2 of the Act, is adopted by reference pursuant to the authority contained within Chapter 1, Section 3 of Act No. 284 of the Public Acts of the State of Michigan of 1964 [being MCL 141.501 et seq.] ('88 Code, Title I, Ch. 7, § 1.261)
34.38	Bid securities and bonds		
34.39	Bid opening procedure		
34.40	Rejection of bids		
34.41	Bidders in default to the City		(B) The City is required to update its Uniform City Income Tax Ordinance to be consistent with the form prescribed by the state statute. Therefore Ord. 292-11-90, which amends the Uniform City Tax Ordinance adopted in division (A) of this section, is adopted by reference.
34.42	Appropriations sufficiency		
34.43	Emergency purchases		
34.44	Public improvements		
34.45	Contracts; power of City Commission		
34.46	Refusal to execute contract		
34.47	Contracts filed with City Clerk		
34.48	Payment to contractors		
34.49	Extra compensation		
34.50	Contracts without competitive bidding		
34.51	Cooperative purchasing		
34.52	Purchasing service available to other public agencies		(C) The Uniform City Income Tax Ordinance as amended will be available in City Hall for inspection and distribution. (Ord. 292-11-90, passed 11-19-90)
34.53	Acceptance and inspection of materials		
34.54	Sale of property		
34.55	Surplus stock		

**§ 34.02 DEDUCTION.**

Chapter 2, Section 31 of the Uniform City Income Tax Ordinance is amended as permitted by Public Acts of 1970, No. 148, State of Michigan, to provide that for taxable years beginning after December 31, 1969, that an individual taxpayer in computing his taxable income shall be allowed a deduction of a minimum of \$600 for each personal and dependency exemption under the rules for determining exemption and dependent as provided in the Federal Internal Revenue Code.  
(’88 Code, Title I, Ch. 7, § 1.263)

**PURCHASES AND CONTRACTS****§ 34.20 PURPOSE.**

The purpose of this subchapter is to provide a procedure for purchasing which allows for the fair and equitable treatment of all persons involved in public purchasing by the City, to maximize the purchasing value of public funds in procurement, and to provide safeguards for maintaining a procurement system of quality and integrity. Competitive prices for all purchases and public improvements shall be obtained and the purchase made from, or the contract awarded to, the lowest qualified bidder.  
(Ord. 657-03-13, passed 3-4-13)

**§ 34.21 APPLICATION.**

This subchapter applies to procurement of supplies, equipment, service, and construction by the City of Big Rapids. It shall apply to every expenditure of public funds for public purchasing irrespective of its source. When the procurement involves the expenditure of federal assistance or contract funds, the procurement shall be conducted in accordance with any mandatory federal law and regulations, which are not reflected in this subchapter. Nothing in this subchapter shall prevent any public agency from complying with the terms and conditions of any grant, or bequest, which are otherwise consistent with law.  
(Ord. 657-03-13, passed 3-4-13)

**§ 34.22 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AREA BIDDER.** A vendor or business with an established place of business outside of the City of Big Rapids, but within Mecosta County, who is not in default to the City as described in § 34.41.

**CONSTRUCTION.** The process of building, altering, repairing, improving or demolishing any City structure or building, or other City improvements of any kind to any City real property.

**CONTRACT.** All types of City agreements, regardless of what they might be called, for the procurement of supplies, services, or construction.

**CONTRACTOR.** Any person having a contract with the City.

**CONTRACTUAL SERVICES.** The rental, repair or maintenance of equipment, machinery, roads and other City-owned property providing for operations and/or services evidenced by a written contract.

**INVITATION FOR BIDS.** The complete assembly of related documents, whether attached or incorporated by reference, furnished prospective bidders for soliciting sealed bids.

**INVOICE.** A formal statement or billing submitted by a vendor showing the amount due and the terms of payment for supplies delivered or services rendered.

**LOCAL BIDDER/LOCAL VENDOR.** A vendor or business with an established place of business within the City of Big Rapids, whereby City income taxes or property taxes are paid, who is not in default to the City as described in § 34.41.

**PROCUREMENT.** Purchasing, renting, leasing, or otherwise acquiring for monetary consideration any supplies, services or construction items for the City.

**PUBLIC IMPROVEMENT.** Any enhancement to property or equipment belonging to the City.

**PURCHASE ORDER.** The document used as notice to initiate and contract purchases. It is the formal notice to a vendor to furnish the supplies or services described in detail.

**PURCHASING OFFICER.** The City Manager or the person to whom the City Manager delegates the performance of the purchasing function.

**QUOTES.** Shall be used for purchases equal to or over \$5,000 but less than \$7,500 and shall be prices obtained through an informal method by use of the telephone, written or electronic communication, or personal contact.

**REQUEST FOR PROPOSALS (R.F.P.).** All documents, whether attached or incorporated by reference, utilized for soliciting proposals and quotations for service.

**REQUISITION.** The written request form used to inform the Purchasing Officer that goods, services, or materials need to be purchased.

**RESPONSIBLE BIDDER.** A person who has the capability in all respects to perform fully the contract requirements, fills the contract requirements, and fits the criteria identified under § 34.35, who is not in default to the City as described in § 34.41.

**SEALED BIDS.** Shall be used for any estimated purchase of \$7,500 or more. Prices from competitors will be submitted secured and sealed in an envelope properly identified.

**SERVICES.** The furnishing of labor, time or efforts by a person, except that the term does not include the furnishings of labor, time or effort by the City employee, appointed or elected officials, or consultants hired by the City.

**SPECIFICATIONS.** A written description of needed supplies, equipment or services, setting forth the characteristic of the items and/or services to be purchased and the circumstances under which the purchases will be made.

**SUPPLIES.** All supplies, materials and equipment.

**USING AGENCY.** The City Commission or a City department, division, agency, commission, board or other unit of the City government.

**VENDOR.** A supplier of goods or services, who is not in default to the City as described in § 34.41. (Ord. 657-03-13, passed 3-4-13)

**§ 34.23 POWERS AND DUTIES OF PURCHASING OFFICER.**

The following shall be the powers and duties of the Purchasing Officer:

(A) Encourage and obtain as full and open competition as possible on all purchases and sales.

(B) Prescribe and maintain such forms as are reasonably necessary to the operation of this subchapter.

(C) Act to procure for the City the highest quality in supplies and contractual service at the least expense to the City. (Ord. 657-03-13, passed 3-4-13)

**§ 34.24 SMALL ITEM PURCHASE - UNDER \$2,000.**

(A) All items under the price of \$2,000 may be purchased outright in the open market by a department head, or his or her designated representative, when it has been determined by the department head that it is not economically feasible to buy the item in quantities that require the City to purchase the item by competitive quotes or bidding.

(B) The invoice for the purchased items shall be signed by the City employee who made the purchase. This invoice shall then be coded by the department head for proper payment and turned promptly into the Treasurer's Office. (Ord. 657-03-13, passed 3-4-13)

**§ 34.25 PURCHASE OF ITEMS EQUAL TO OR OVER \$2,000 BUT LESS THAN \$5,000.**

All purchases equal to or over \$2,000 and less than \$5,000 may be purchased in the open market by a department head, or his or her designated representative, when the department head determines it is not economically feasible, nor necessarily appropriate, to buy the items in quantities that require competitive bidding. Such purchases shall be made after the completion of a purchase requisition, which is confirmed as to available funds by the appropriate finance personnel, followed by the processing of a purchase order. (Ord. 657-03-13, passed 3-4-13)

**§ 34.26 PURCHASE OF ITEMS EQUAL TO OR OVER \$5,000 BUT LESS THAN \$7,500.**

All purchases of supplies, materials, service, or equipment, costing \$5,000 or over, but less than \$7,500 may be made in the open market after obtaining at least three competitive quotes. Quotes shall be solicited by telephone or direct mail request to prospective vendors or through personal contact. The names of each vendor submitting a quotation and the date and amount of each quotation shall be recorded and available for public inspection. The purchase shall be awarded to the lowest and best

bidder. A purchase requisition containing the names of the vendors submitting quotes shall be completed. The appropriate finance personnel shall determine that an appropriation has been approved by the City Commission in the annual budget, or that funds are available through proper fund adjustments. The purchase requisition will then be forwarded to the Purchasing Department for the processing of a purchase order.

(Ord. 657-03-13, passed 3-4-13)

#### **§ 34.27 PURCHASES OF \$7,500 AND OVER.**

(A) Any expenditure or contract obligating the City in an amount of \$7,500 or more must be made through formal sealed bids, approved and awarded by the City Commission.

(B) The Purchasing Officer shall provide for such procurement through competitive sealed bids as follows:

(1) A notice soliciting sealed competitive bids shall be published in a newspaper in general circulation in the City of Big Rapids or on the City's website at least ten days prior to the final date for submission of bids. The newspaper notice may be in detail or may refer the bidder to the City's website for the bidding specifications, which shall briefly state the following: the specifications of the supplies, materials, service or equipment requested, the amount of any required surety to be submitted with the bid or contract, the time and place for filing and opening of bids, and the general terms and conditions of the award of the contract.

(2) The Purchasing Officer shall also solicit sealed bids from all qualified prospective bidders known to the City by sending each a copy of the request for bid proposal or newspaper notice. This solicitation will be derived from the City's vendor list. It is the obligation of the vendors to submit their names and wares for the vendor's list. The vendors will be notified by either U.S. mail or e-mail.

(3) The Commission shall reserve the right to reject any and all bids submitted and such right to rejection shall be included with any notice of request for bids.

(4) The department heads shall review proposals received and provide necessary recommendations to the City Commission.

(Ord. 657-03-13, passed 3-4-13)

#### **§ 34.28 REQUISITIONS.**

The requisition shall be used for open market purchases equal to or over \$2,000. The requisition is completed by the requesting department head, or his or her designated representative, enough time in advance to allow for the orderly processing of a purchase order. It is then forwarded to the appropriate financial personnel for confirmation of available funds or necessary fund adjustments. The original copy of the requisition is submitted to the Purchasing Department for the issuance of a purchase order.

(Ord. 657-03-13, passed 3-4-13)

#### **§ 34.29 PURCHASE ORDERS.**

(A) A purchase order is the instrument used to initiate and contract purchases. It is a legal contract between buyer and seller. It is used to introduce a greater measure of responsibility and accountability over implementation of the annual budget and improves control of expenditures so that budget amounts are not exceeded. It is a formal notice to a vendor to furnish supplies or services described in detail.

(B) A City purchase order shall be initiated by a departmental purchase requisition or City Commission action and prepared by personnel in the Purchasing Department. It will be forwarded to the vendor.

(Ord. 657-03-13, passed 3-4-13)

#### **§ 34.30 SUBDIVIDING CONTRACTS OR PURCHASES.**

No contract or purchase shall be divided for the purpose of circumventing the dollar limitation of any section of this subchapter.

(Ord. 657-03-13, passed 3-4-13)

#### **§ 34.31 PURCHASES FROM PETTY CASH.**

(A) The purpose of petty cash is to provide funds for incidental purchases or items necessary for immediate and urgent projects. Petty cash is not to be used to circumvent the purchasing procedure.

(B) Purchases from petty cash shall be monitored by the City Treasurer and excessive use or misuse shall be reported directly to the City Manager.

(Ord. 657-03-13, passed 3-4-13)

**§ 34.32 SEALED BIDS.**

All sealed bids shall be securely sealed in an envelope, properly identified and submitted to the City Clerk's office, and if required, shall be accompanied by security in the form of cashier's check, certified check, cash or bond in such amount as may be prescribed in the public notice inviting bids. Bids advertised as sealed bids will not be accepted by way of fax or e-mail.  
(Ord. 657-03-13, passed 3-4-13)

**§ 34.33 REQUEST FOR QUALIFICATIONS.**

When engineering, architectural or professional services are being solicited, the City may request professional qualifications prior to the request for proposals. The professional qualifications will be submitted in sealed envelopes at the required time and reviewed by staff. Those firms which have been determined to meet qualifications will be forwarded a request for proposals.  
(Ord. 657-03-13, passed 3-4-13)

**§ 34.34 REQUEST FOR PROPOSALS.**

The City, or its representative of a project, shall prepare the request for proposals for projects and services to be bid. The request for proposals shall contain all documents necessary for the City to determine a successful bidder. Those documents shall contain, but shall not be limited to the following:

- (A) Notice to bidder announcing the invitation to submit bids;
- (B) Detailed specifications outlining the scope of the work;
- (C) Bid proposal form, which provides for a breakdown of the costs to complete the project or services;
- (D) Indemnification form;
- (E) Notice of insurance requirements;
- (F) Legal status of bidder;
- (G) Equal employment opportunity statement;
- (H) Notification of City income tax;
- (I) Contractor's checklist; and

- (J) Proposed agreement for the successful bidder.  
(Ord. 657-03-13, passed 3-4-13)

**§ 34.35 CRITERIA OF RESPONSIBLE BIDDER.**

Whenever satisfactory quotes or bids are received, the purchase or contract shall be awarded to the lowest and best bidder. Purchases shall be made from the lowest competent bidder whose bid is most advantageous to the City. The City has the right to accept or reject any or all bids it deems necessary. In determining which bid is most advantageous and/or competent, the City Manager and City Commission, upon the advice of the Purchasing Officer or department head, shall consider in addition to price:

- (A) The ability, capacity and skill of the bidder to perform the contract or provide the service required;
- (B) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
- (C) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
- (D) The quality of performance of previous contracts or services of the bidder;
- (E) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
- (F) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
- (G) The quality, availability and adaptability of the supplies or contractual services to the particular use required;
- (H) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;
- (I) The number and scope of any additional, limiting, or qualifying conditions attached to the bid by the bidder;
- (J) The failure of a bidder to promptly supply information in connection with an inquiry from the City Manager or Purchasing Officer with respect to any of the above enumerated provisions may be grounds to disqualify such bidder; and

(K) Maintenance costs, duration of contract, warranty length and other anticipated costs.  
(Ord. 657-03-13, passed 3-4-13)

**§ 34.36 CONTRACT NOT AWARDED TO LOWEST BIDDER.**

(A) Whenever satisfactory bids are received, the contract shall be awarded to the lowest and best bidder, subject to approval of the contract and bond by the Commission. When the award is not given to the lowest bidder, a full and complete statement of the reasons for awarding the bid to a higher bidder shall be prepared by the requesting department head and/or Purchasing Officer and filed with other papers relating to the transaction.

(B) Bids received after the due date and time shall not be considered or reported as participating bids.  
(Ord. 657-03-13, passed 3-4-13)

**§ 34.37 PREFERENCE FOR LOCAL AND AREA BIDDERS.**

(A) Public policy. The City has a significant interest in encouraging the creation of employment opportunities for its residents and for businesses located within the City. As a purchaser of goods and services, the City will benefit from expanded job and business opportunities for its residents and businesses through additional revenues generated by City purchases. It is in the interest of the City of Big Rapids and its residents to define and quantify a preference for local eligible bidders who have direct physical and economic relationships with the City of Big Rapids.

(B) The City also values the growth and economic health of those businesses that are located outside the City, but still in Mecosta County. It is in the interest of the City to define and quantify a preference for area bidders who have an economic relationship with Mecosta County.

(C) This preference for local bidders and area bidders shall not apply to purchases or projects in which restricted state or federal grant funds are utilized and the funding conditions prohibit such preferences.

(1) *Local bidders.*

(a) *Definition.* **LOCAL BIDDER** shall mean a bidder whose business is located within the City of Big Rapids, whereby there is a physical and economic relationship with the City demonstrated by

the payment of City income taxes on net profits, or the payment of City property taxes on a plant, office, or other developed site and equipment as is ordinarily required for the performance of the contract or service.

(b) *Preference for local bidders.*

1. If the City receives a bid between \$1,000 and \$20,000 from a local bidder and the amount of the bid is no more than 5% greater than that of a non-local bidder in an amount not to exceed \$1,000, then the City Commission in its discretion may consider the bids equal, and can award the bid to the local bidder based on local preference.

2. On amounts between \$20,000 and \$500,000, the following local preference percentage shall apply:

<i>Amount</i>	<i>Local bidder preference</i>
\$20,000 to \$100,000	4%
\$100,001 to \$500,000	3%

(2) *Area bidders.*

(a) *Definition.* **AREA BIDDER** shall mean a bidder, vendor or business with an established place of business outside of the City of Big Rapids, but within Mecosta County.

(b) *Preference for area bidders.*

1. If the City receives a bid between \$1,000 and \$20,000 from an area bidder and the amount of the bid is no more than 2.5% greater than that of a non-area bidder in an amount not to exceed \$1,000, then the City Commission in its discretion may consider the bids equal, and can award the bid to the area bidder based on local preference.

2. On amounts between \$20,000 and \$500,000, the following area preference percentage shall apply:

<i>Amount</i>	<i>Area bidder preference</i>
\$20,000 to \$100,000	2%
\$100,001 to \$500,000	1.5%

(3) *Discretion.* The use and application of the local and area preference shall be in the sole



discretion of the City Commission. No local or area bidder can compel the City Commission to exercise its discretion and apply the local preference to a particular bid.

(4) *Vendor list.* Where possible, requests, quotes and/or bids from local and area vendors shall be solicited as a part of any procurement process. A list of local and area vendors and their wares shall be maintained in the City Treasurer's office. It is the obligation of the vendors to submit their names and wares for the vendor's list.

(Ord. 657-03-13, passed 3-4-13)

### § 34.38 BID SECURITIES AND BONDS.

When deemed necessary by the City Manager, bid securities and/or performance bonds shall be required and prescribed in the public notices inviting bids. Bid securities and performance bonds shall be required for all competitive sealed bids for construction contracts when the cost is estimated to equal or exceed \$100,000.

#### (A) *Bid security.*

(1) A bid security shall be a bond provided by a security company authorized to do business in the State of Michigan, or the equivalent in cash, or otherwise supplied in a form satisfactory to the City. Nothing contained herein shall prevent the requirement of such security on any contract under \$100,000, when in the determination of the City Manager, circumstances warrant bid security.

(2) Bid security shall be in an amount equal to, but not less than, 5% of the amount of the bid.

(3) When the invitation for bids requires a bid security, noncompliance requires that the bid be rejected, unless it is determined that the bid fails to comply in a non-substantial manner with bid security requirement.

#### (B) *Performance bonds.*

(1) When a performance bond is required, it shall be delivered to the City at the time of or before the signing of the contract by the Mayor.

(2) A performance bond, satisfactory to the City and executed by a surety company authorized to do business in the State of Michigan, or otherwise secured in a manner satisfactory to the City shall be in an amount equal to 100% of the price specified in the contract.

(3) A payment bond satisfactory to the City and executed by a surety authorized to do business in the State of Michigan, or otherwise secured in a manner satisfactory to the City of Big Rapids, for the protection of all persons supplying labor and materials to the contractor or its subcontractors for the performance of the work provided in the contract shall be required. The bond shall be in an equal amount to 100% of the price specified in the contract

(C) *Failure of bidder.* A successful bidder shall forfeit any bid deposit required upon failure on the bidder's part to enter into a contract within the time specified after the award.

(D) *Reduction of bond amount.* Such bonds may be reduced in value proportionate to the completed work during the construction cycle of the project upon written approval of the City Manager.

(Ord. 657-03-13, passed 3-4-13)

### § 34.39 BID OPENING PROCEDURE.

(A) Bids shall be sealed and submitted to the Office of the City Clerk. Each sealed envelope shall identify which bid is enclosed in the envelope. If required, the bid shall be accompanied by security in the form of cashier's check, certified check, cash or bond in such amount as prescribed in the public notice inviting bids.

(B) All bids shall be opened in public on the date, time and place stated in the public notices in the presence of the City Treasurer, the City Manager, or a designated representative. Each bid, together with the name of the bidder, shall be recorded and the tabulation of all bids received shall be available for public inspection in the City Treasurer's office. Any bid received after the exact time it is due, as advertised in the public notice, will not be opened or considered.

(Ord. 657-03-13, passed 3-4-13)

### § 34.40 REJECTION OF BIDS.

An invitation for bids may be canceled or any and all bids, proposals or quotations may be rejected in whole or in part as specified in the invitation for bids when such cancellation or rejection is determined by the City Manager or City Commission to be in the best interest of the City.

(Ord. 657-03-13, passed 3-4-13)

**§ 34.41 BIDDERS IN DEFAULT TO THE CITY.**

The City Commission shall not accept the bid of a contractor or bidder who is in default on the payment of taxes, licenses or other monies due the City nor shall the City Commission award any contract to a person who is in default on the payment of taxes, licenses or other monies due the City. (Ord. 657-03-13, passed 3-4-13)

**§ 34.42 APPROPRIATIONS SUFFICIENCY.**

Prior to any purchase, it shall be determined by the department head or the appropriate finance personnel, that sufficient budget appropriations exist to cover any or all expenditures. Any recommendation memo to the City Manager or City Commission by the department head shall include this information along with the appropriate account number from which funds will be expended. (Ord. 657-03-13, passed 3-4-13)

**§ 34.43 EMERGENCY PURCHASES.**

(A) In event of an apparent emergency which poses threats to the public health, safety, or welfare of the City or its citizens and requires immediate purchase of supplies or contractual services, the City Commission may temporarily suspend one or more of the provisions listed in § 8.10 of the City Charter pertaining to sealed bids and the purchase of items or contracts exceeding \$7,500. The City Manager may be authorized to purchase on the open market, at the lowest obtainable price, any necessary contractual service or supplies, in declaring an emergency under this section, the Commission shall:

- (1) Define the emergency.
- (2) State the anticipated term of the emergency, which shall not exceed 120 days.
- (3) Approve the suspension of the affirmative vote of not less than four City Commissioners.

(B) A full report of the circumstances of an emergency purchase will be filed with the City Commission by the City Manager as soon as possible and within ten days after such purchase and shall be entered in the Commission minutes. Emergency purchases under \$7,500 may be purchased over the telephone followed by a purchase order. (Ord. 657-03-13, passed 3-4-13)

**§ 34.44 PUBLIC IMPROVEMENTS.**

(A) No public improvements requiring an engineer's seal shall be contracted for or commenced until estimates, drawings, profiles and specifications, where appropriate, have been submitted by the engineer. State law requires an engineer's seal for all construction of public works exceeding \$15,000.

(B) The City Commission may authorize the making of public improvements or the performing of any other City work by any City department or agency without competitive bidding. (Ord. 657-03-13, passed 3-4-13)

**§ 34.45 CONTRACTS; POWER OF CITY COMMISSION.**

Contracts shall be drawn or approved to form by the City Attorney and certified as to sufficiency of funds by the officer or staff person charged with the responsibility of maintaining the City accounting system or checking for sufficient appropriations. The letting and making of such contracts are hereby vested in the City Commission, which in its discretion shall have the power to reject any or all bids. An individual agreement of employment shall not be deemed a contract requiring an opinion by the City Attorney or certification by the City Clerk. (Ord. 657-03-13, passed 3-4-13)

**§ 34.46 REFUSAL TO EXECUTE CONTRACT.**

Each contract submitted to the City Commission for approval shall be accompanied by a tabulation of all bids received. All bids, deposits of cash, certified or cashier's checks may be retained until the contract is awarded and signed. If any successful bidder fails or refuses to execute the contract after its award, the deposit accompanying the bid shall be forfeited and the City Commission may award the contract to the next lowest and best bidder or re-advertise for new bids. (Ord. 657-03-13, passed 3-4-13)

**§ 34.47 CONTRACTS FILED WITH CITY CLERK.**

A copy of each contract shall be filed with the City Clerk. At the time the contract is executed by him, the contractor shall execute a surety company bond to the City, conditioned upon the faithful performance of the contract and saving the City harmless for all losses or damage caused by any person or property by reason of any carelessness or

negligence by the contractor and from all expense of inspection, engineering and otherwise, caused by the delay in the completion of any improvement and further conditioned to pay all laborers, mechanics, subcontractors and material men as well as all just debts and demands incurred in the performance of such work.

(Ord. 657-03-13, passed 3-4-13)

#### **§ 34.48 PAYMENT TO CONTRACTORS.**

No compensation shall be paid to any contractor except in accordance with the terms of the contract.

(Ord. 657-03-13, passed 3-4-13)

#### **§ 34.49 EXTRA COMPENSATION.**

Any accumulative extra compensation and/or change order pertaining to a contract shall be made in accordance with the threshold levels identified within §§ 34.24 through 34.26. If such cumulative extra compensation shall equal or exceed \$7,500, it may be granted or authorized only with City Commission approval.

(Ord. 657-03-13, passed 3-4-13)

#### **§ 34.50 CONTRACTS WITHOUT COMPETITIVE BIDDING.**

The City Commission delegates its authority for contract approval for budgeted City purchases of less than \$5,000. Contracts for these purchases shall be approved by the City Attorney as to form and content and signed by the City Manager and City Treasurer in order to be effective.

(Ord. 657-03-13, passed 3-4-13)

#### **§ 34.51 COOPERATIVE PURCHASING.**

The City shall have the authority to join with other units of government, including the State, in cooperative purchasing plans when the best interest of the City would be served thereby, upon approval of the City Commission.

(Ord. 657-03-13, passed 3-4-13)

#### **§ 34.52 PURCHASING SERVICE AVAILABLE TO OTHER PUBLIC AGENCIES.**

If, in the opinion of the Purchasing Officer, it is appropriate to enter into cooperative purchasing

agreements, the purchasing service of the City may be made available without charge to any public authority in which the City has an interest.

(Ord. 657-03-13, passed 3-4-13)

#### **§ 34.53 ACCEPTANCE AND INSPECTION OF MATERIALS.**

The responsibility for the inspection and acceptance of all materials, supplies and equipment shall rest with the department, division or agency receiving and utilizing the same.

(Ord. 657-03-13, passed 3-4-13)

#### **§ 34.54 SALE OF PROPERTY**

(A) Whenever any City property, real or personal, is no longer required, it may be sold. The Purchasing Officer may sell personal property not exceeding \$2,500 in value for cash after soliciting quotations or competitive bids. Personal property of a value in excess of \$2,500 may be sold after advertising and soliciting competitive bids, with the approval of the City Commission.

(B) Sale of land by the City shall be made only after formal sealed bids have been taken and approved by the City Commission. The City Commission may authorize the sale of real property to another government entity without obtaining quotations or competitive bids.

(Ord. 657-03-13, passed 3-4-13)

#### **§ 34.55 SURPLUS STOCK.**

All departments shall submit to the Purchasing Officer, at such times and in such form as the Purchasing Officer shall prescribe, reports showing stocks of all supplies which are no longer used which have become obsolete, worn out or scrapped.

(A) *Sale.* The Purchasing Officer shall have the authority to sell all supplies which have become unsuitable for public use, or to exchange the same for, or trade in the same on, new supplies pursuant to provisions of § 34.54 or to conduct an auction for sale of items. Sales under this section shall be made to the highest responsible bidder.

(B) *Transfer.* The Purchasing Officer shall have the authority to transfer surplus stock to other departments.

(Ord. 657-03-13, passed 3-4-13)

**§ 34.56 GIFTS AND REBATES PROHIBITED.**

City employees involved in purchasing or contracting are prohibited from soliciting or accepting any gift, offer of employment, rebate, money, or costly entertainment from any person, company, firm or corporation to which any purchase or contract might be awarded or is awarded. (Ord. 657-03-13, passed 3-4-13)

**§ 34.57 ADOPTION OF STANDARDS IN 49 CFR 18.36; CONTRACT SUPPORTED BY FEDERAL FUNDS.**

(A) The City of Big Rapids adopts this written code of standards of conduct governing the performance of its officers and employees engaged in the award and administration of contracts. No officer, employee, agent, contractor, or subcontractor of the City of Big Rapids shall participate in the selection or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- (1) The City officer, employee, agent, contractor or subcontractor;
- (2) Any member of his or her immediate family;
- (3) His or her partner; or
- (4) An organization which employs, or is about to employ any of the above, has a financial or other interest in the firm selected for award. The City's officers, employees, agents, contractors and subcontractors will neither solicit nor accept gratuities, favors, or anything of monetary value from bidders, contractors, potential contractors or parties to sub-agreements on City jobs. An unsolicited gift of nominal intrinsic value shall not be a violation of this section.

(B) A violation of this section may result in disciplinary action against any City officer or employee up to and including discharge from employment or removal from office, depending on the nature and extent of the violation. A violation of this section may result in barring any agent, contractor, or subcontractor from administering, obtaining or performing a City contract, as well as a claim for civil damages for any increased cost incurred by the City as a result of the violation. (Ord. 657-03-13, passed 3-4-13)

**§ 34.58 PURCHASES FOR CITY PROMOTION.**

The City may, as part of public relations or advertising initiatives on behalf of the City, prepare and donate gift baskets and amenities up to a value of \$250 for such occasions. (Ord. 657-03-13, passed 3-4-13)

***DOWNTOWN DEVELOPMENT AUTHORITY  
DEVELOPMENT PLAN AND TAX  
INCREMENT FINANCING PLAN***

**§ 34.65 DEVELOPMENT PLAN AND TAX INCREMENT FINANCING.**

The Downtown Development Authority's Development Plan and Tax Increment Financing Plan are hereby approved. The text of both plans are available in the office of the City Clerk. (Ord. 228-1-87, passed 1-28-87)

**§ 34.66 FINDINGS.**

The City Commission, having recognized that there has been deterioration of property value in the Downtown District and in the Downtown Development Area of the City, and having reviewed the Development Plan and Tax Increment Financing Plan ("the Original Plan") of the Downtown Development Authority of the City ("the Authority") and the amendments thereto proposed by the Authority and on file at the office of the City Clerk as Exhibit A (the Original Plan and the amendments herein referred to as "the Plan"), and having held a public hearing regarding the Plan, finds as follows:

(A) The Plan constitutes a public purpose and is in the best interests of the City and the residents of the City in general.

(B) The Plan meets the mandatory requirements of Section 17(2) of Act 197 of 1975, as amended ("the Act").

(C) The proposed methods of financing the projects described in the Plan are feasible and the Authority has the ability to arrange the financing necessary to accomplish the projects.

(D) The development described in the Plan is reasonable and necessary to carry out the purposes of the Act.

(E) Any land to be acquired by the Authority or the City under the Plan is reasonably necessary to carry out the purposes of the Act in an efficient and economically satisfactory manner.

(F) The Plan is in reasonable accord with the Master Plan of the City.

(G) Services such as fire and police protection and utilities will be adequate to serve the Downtown Development Area after development as provided in the Plan.

(H) Any changes in zoning, streets, street levels, intersections and utilities contemplated in the Plan are reasonably necessary for the development of the Downtown District and for the City.

(Ord. 277-9-89, passed 9-5-89)

**Cross-reference:**

*Downtown Development Authority, see §§ 33.100 through 33.104*

**§ 34.67 AMENDMENT OF ORIGINAL PLAN.**

The Original Plan is amended to add the sections described in Exhibit A and to extend its duration to nine years, or until the bonds described in the Plan have been paid in full, whichever occurs first.

(Ord. 277-9-89, passed 9-5-89)



## CHAPTER 35: PUBLIC IMPROVEMENTS; SPECIAL ASSESSMENTS

### Section

- 35.01 Special assessments for public improvements
- 35.02 Petitions for public improvements
- 35.03 Estimates and diagrams to be prepared
- 35.04 Cost of public improvements
- 35.05 Time of special assessments
- 35.06 Pro rata special assessments
- 35.07 Duties of assessor
- 35.08 Method of assessment
- 35.09 Notice and hearing
- 35.10 Form of notice
- 35.11 Failure to give notice
- 35.12 Commission review
- 35.13 Nature of assessment
- 35.14 Collection and payment
- 35.15 Apportionment when land is divided
- 35.16 Insufficient or excessive special assessments
- 35.17 Irregular, invalid, or void assessments
- 35.18 Duties of city treasurer and assessor
- 35.19 Suits for collection
- 35.20 Irregularities in assessment no bar to collection

### § 35.01 SPECIAL ASSESSMENTS FOR PUBLIC IMPROVEMENTS.

The cost of a public improvement may be defrayed in whole or in part by special assessment upon lands abutting upon, adjacent to, or otherwise benefitted by the improvement.  
(Ord. 373-12-94, passed 12-19-94)

### § 35.02 PETITIONS FOR PUBLIC IMPROVEMENTS.

When the owners of a majority of the lands liable to be assessed in any special assessment district, or in any part of the City which may constitute a special assessment district, petition the City Commission for any public improvement except sewers, the Commission shall order such improvement to be made. In other cases public improvements shall be made at the

direction of the Commission. When the Commission shall determine to make any public improvement, including repairs, and defray all or part of the cost by special assessment, it shall so declare by resolution, stating the improvement and what part or portion of the cost thereof shall be paid by special assessment, and what part, if any, shall be appropriated from the general fund of the City, or from any specific fund, and shall designate the district or lands and premises upon which the special assessment shall be levied.  
(Ord. 373-12-94, passed 12-19-94)

### § 35.03 ESTIMATES AND DIAGRAMS TO BE PREPARED.

Before ordering any public improvement, including repairs, any part of the cost of which is to be defrayed by special assessment, the Commission shall cause estimates of the cost to be made and diagrams to be drawn of the work and the locality to be improved. The diagrams shall be filed with the City Clerk for public examination. The Commission shall give notice of the proposed public improvement and the district to be assessed by publication once a week for at least two consecutive weeks in a local newspaper identifying the time when the Commission will meet and consider any objections.  
(Ord. 373-12-94, passed 12-19-94)

### § 35.04 COST OF PUBLIC IMPROVEMENTS.

The cost of any public improvement which may be defrayed by special assessment shall include, without limitation, the cost of surveys, plans, assessments, permits, fees, construction, necessary condemnation and necessary expenses incurred for engineering, financial, legal, administrative, and other professional services of a similar kind involved in the making and financing of the improvement and in the levying and collecting of the special assessment. If the service is rendered by City employees, the City may include in the cost to be defrayed by special assessment the fair and reasonable cost of rendering the service.  
(Ord. 373-12-94, passed 12-19-94)

**§ 35.05 TIME OF SPECIAL ASSESSMENTS.**

Special assessments to defray the estimated cost of any improvement shall be levied before or during the process of making the improvement.  
(Ord. 373-12-94, passed 12-19-94)

**§ 35.06 PRO RATA SPECIAL ASSESSMENTS.**

When any special assessment is to be made pro rata upon the lots and premises in any special assessment district according to frontage, benefits, or other method, the Commission shall by resolution direct the same to be made by the Assessor. The resolution shall state the estimated cost of the improvement, what proportion of the cost of the improvement is to be paid by special assessment, what part, if any, is to be paid by the City, the number of installments in which assessments may be paid, and the special assessment district or the land and properties on which the special assessments are to be levied. The Commission shall state the method by which the special assessment for each lot, parcel of land, or properties shall be calculated.  
(Ord. 373-12-94, passed 12-19-94)

**§ 35.07 DUTIES OF ASSESSOR.**

Upon receiving direction from the Commission by resolution, the Assessor shall prepare an assessment roll, entering and describing all the lots, premises, and parcels of land to be assessed, and the names of those persons, if known, chargeable with the assessments. The Assessor shall levy the amount to be assessed upon the land and against the persons according to the roll, in the manner directed by the Commission and the provisions of this chapter. In all cases where the ownership of any description is unknown to the assessor, he or she shall insert the word "unknown." If by mistake or otherwise any person shall be improperly designated as the owner of any land, or if the land shall be assessed without the proper name of the owner, such assessment shall remain valid, in all respects, upon and against such lots, parcels, or premises as though assessed in the name of the proper owner. When the special assessment roll is confirmed it shall be a lien on the lots, parcels, or premises.  
(Ord. 373-12-94, passed 12-19-94)

**§ 35.08 METHOD OF ASSESSMENT.**

(A) If the assessment is according to frontage, the Assessor shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length of the front of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed, because of the shape or size of any lot or parcel of land an assessment for a different number of feet would be more equitable. If the assessment is according to benefits, the Assessor shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to each lot from the improvement.

(B) When the Assessor shall have completed the assessment, he or she shall report to the Commission in the form of a certificate endorsed on the assessment roll as follows:

"STATE OF MICHIGAN  
CITY OF BIG RAPIDS

TO THE CITY COMMISSION:

I hereby certify and report that the foregoing is the special assessment roll and the assessment made by me pursuant to the resolution of the City Commission adopted on \_\_\_\_\_ for the purpose of paying that part of the cost which the Commission decided should be paid and borne by special assessment for the described public improvement.

In making the assessment I have, as near as may be, and according to my best judgment, conformed in all respects to the directions contained in the resolution of the Commission and applicable provisions of the Charter and City Code.

Dated: \_\_\_\_\_

\_\_\_\_\_  
City Assessor"

(Ord. 373-12-94, passed 12-19-94)



**§ 35.09 NOTICE AND HEARING.**

Before adopting or confirming any special assessment, notice of hearing for the special assessment proceeding shall be given to each owner of or party in interest in any lot, parcel of land, or property to be assessed, whose name appears upon the last local tax assessment records. Notice shall be given by mailing, by first class mail, a notice addressed to that owner or party at the address shown on the tax records at least ten days before the date of the hearing. The notice of hearing shall include a statement that appearance and protest at the hearing in the special assessment proceeding is required in order to appeal the amount of the special assessment to the state tax tribunal.  
(Ord. 373-12-94, passed 12-19-94)

**§ 35.10 FORM OF NOTICE.**

The exact form of the notice shall be determined by the Assessor. The notice shall comply with applicable state statutes and the provisions of this chapter. The notice of the special assessment sent to the property owner or person responsible for payment of the ad valorem property taxes shall include complete information on how to appeal the special assessment. The notice shall include a statement that the owner or any person having an interest in the real property may file a written appeal of the special assessment with the state tax tribunal within 30 days after the confirmation of the special assessment roll if that special assessment was protested at the hearing held for the purpose of confirming the roll.  
(Ord. 373-12-94, passed 12-19-94)

**§ 35.11 FAILURE TO GIVE NOTICE.**

Any failure to give notice as required shall not invalidate an entire assessment roll, but such failure may invalidate the assessments on property affected by the lack of notice. A special assessment shall not be declared invalid as to any property if the owner or the party in interest actually has received notice, has waived notice, or has paid any part of the assessment. If any assessment is declared void by court order or judgment, a reassessment of the property may be made.  
(Ord. 373-12-94, passed 12-19-94)

**§ 35.12 COMMISSION REVIEW.**

At the time and place appointed for the purpose of reviewing the assessment, the City Commission and Assessor shall meet, review the assessment, and hear any objections raised by any person who believes he or she was or will be aggrieved by the assessment. The Commission may correct the roll as to any assessment, description of premises, or other error, and may confirm the roll as reported or as corrected. The Commission may refer the assessment roll back to the Assessor for revision, or the Commission may annul it and direct a new assessment, in which case new proceedings by way of notice and hearing shall be held. When a special assessment is confirmed by the City Commission, the City Clerk shall make an endorsement upon the roll showing the date of confirmation.  
(Ord. 373-12-94, passed 12-19-94)

**§ 35.13 NATURE OF ASSESSMENT.**

Any special assessment confirmed by the City Commission shall be final and conclusive, subject only to a properly taken appeal to the state tax tribunal. All special assessments from the date of confirmation shall constitute a lien upon the respective lots or parcels of land assessed and shall be a charge against the person to whom assessed until paid.  
(Ord. 373-12-94, passed 12-19-94)

**§ 35.14 COLLECTION AND PAYMENT.**

Upon the confirmation of any special assessment, the amount may be divided into not more than ten installments, one of which shall be collected each year at times determined by the Commission, with annual interest at the rate determined by the Commission upon confirmation of the roll, but the whole assessment after confirmation may be paid to the City Treasurer at any time, in full, with the proportionate accrued interest. All special assessments shall be due upon confirmation, except when the Commission directs that payment can be made in installments, or when a different date for payment in the future is specified by the Commission.  
(Ord. 373-12-94, passed 12-19-94; Am. Ord. 441-12-98, passed 12-21-98)

**§ 35.15 APPORTIONMENT WHEN LAND IS DIVIDED.**

No apportionment of a special assessment shall be allowed except by direction of the City Commission after review of the request for apportionment and a report of the Assessor on the request. The Commission may direct the Assessor to apportion the uncollected assessment upon several lots or parcels of land divided from a larger lot or parcel. The Assessor's report of such apportionment, when confirmed by the Commission after notice and hearing, shall be conclusive on all the parties. (Ord. 373-12-94, passed 12-19-94)

**§ 35.16 INSUFFICIENT OR EXCESSIVE SPECIAL ASSESSMENTS.**

When any special assessment proves to be insufficient to pay for the cost of the improvement for which it was levied, the Commission may make an additional pro rata assessment. In case a larger amount is collected than was necessary, the excess shall be refunded on a pro rata basis to those who paid. (Ord. 373-12-94, passed 12-19-94)

**§ 35.17 IRREGULAR, INVALID, OR VOID ASSESSMENTS.**

Whenever any special assessment shall be deemed irregular, invalid, or void by the City Commission, whether by court order or otherwise, the Commission may reassess for the collection of the cost of the improvement without limitation, except that payments made in satisfaction of the original assessment shall be applied on the reassessment. (Ord. 373-12-94, passed 12-19-94)

**§ 35.18 DUTIES OF CITY TREASURER AND ASSESSOR.**

When any special assessment roll shall be confirmed, the City Clerk shall transmit the roll to the City Treasurer for collection. The City Treasurer shall certify to the Assessor on an annual basis those assessments that remain unpaid. Upon receiving the certificate, the Assessor shall levy the sums identified upon the respective lots or parcels of land to which they are specifically assessed, complete with interest at the rate of 6%, and against the person chargeable therewith, as a tax in the next general tax roll of the

City. The amount levied in the tax roll shall be collected and enforced with the other taxes and shall continue to be a lien upon the lots or parcels of land until paid. (Ord. 373-12-94, passed 12-19-94)

**§ 35.19 SUITS FOR COLLECTION.**

At any time after a special assessment has become confirmed, but timely payment has not been made, the amount of the assessment can be collected by a lawsuit in the name of the City against the person or property assessed. The special assessment roll, a certified copy of the resolution confirming the roll, and certification by the City Treasurer that the payment was not made in a timely fashion, shall be prima facie evidence of the right of the City to recover the amount indicated. (Ord. 373-12-94, passed 12-19-94)

**§ 35.20 IRREGULARITIES IN ASSESSMENT NO BAR TO COLLECTION.**

Irregularities in the special assessment process shall not be a bar against a claim by the City for the actual cost of the improvement incurred by the City. (Ord. 373-12-94, passed 12-19-94)

**CHAPTER 36: VACATING, DISCONTINUING OR ABOLISHING  
STREETS OR PUBLIC GROUNDS**

Section

- 36.01 Proposal to be presented to City Commission
- 36.02 Planning Commission to conduct public hearing
- 36.03 Planning Commission to report summary of comments, recommend approval or denial
- 36.04 City Commission to act on proposal
- 36.05 Clerk to record ordinance

**§ 36.03 PLANNING COMMISSION TO REPORT SUMMARY OF COMMENTS, RECOMMEND APPROVAL OR DENIAL.**

The Planning Commission shall report to the City Commission a summary of the written and oral comments received at the public hearing on the proposal, and shall recommend approval or denial of the proposal, with a recommendation and description of the size and location of any easement to be reserved by the City in the area proposed to be vacated.

(Ord. 487-11-01, passed 11-19-01; Am. Ord. 655-1-13, passed 1-22-13)

**§ 36.01 PROPOSAL TO BE PRESENTED TO CITY COMMISSION.**

All requests or proposals to vacate, discontinue, or abolish any highway, street, lane, alley or public ground, or any part thereof, shall be presented to the City Commission, and by resolution approved by at least three members of the City Commission, shall be referred to the Planning Commission to conduct a public hearing on the proposal, and to receive recommendations from City staff, and to make a recommendation to the City Commission.

(Ord. 487-11-01, passed 11-19-01; Am. Ord. 655-1-13, passed 1-22-13)

**§ 36.02 PLANNING COMMISSION TO CONDUCT PUBLIC HEARING.**

Upon referral by the City Commission the Planning Commission shall conduct a public hearing on the proposal, and the City Clerk shall publish notice of the proposal and the public hearing on it once a week for three weeks prior to the public hearing. City departments shall make recommendations on the proposal in writing to the Planning Commission prior to the public hearing, and shall identify existing easements and public or private improvements located within the area proposed to be vacated.

(Ord. 487-11-01, passed 11-19-01; Am. Ord. 655-1-13, passed 1-22-13)

**§ 36.04 CITY COMMISSION TO ACT ON PROPOSAL.**

Not sooner than 28 days and not later than 90 days after the public hearing on the proposal conducted by the Planning Commission, the City Commission shall receive the report and recommendation of the Planning Commission and shall act on the proposal, with at least four votes being required to approve the proposal in ordinance form to vacate, discontinue, or abolish any highway, street, lane, alley or public ground or any part thereof.

(Ord. 487-11-01, passed 11-19-01; Am. Ord. 655-1-13, passed 1-22-13)

**§ 36.05 CLERK TO RECORD ORDINANCE.**

The Clerk shall record with the Mecosta County Register of Deeds any ordinance by which the City Commission decides to vacate, discontinue, or abolish any highway, street, lane, alley or public ground or any part thereof.

(Ord. 487-11-01, passed 11-19-01)



## CHAPTER 37: PUBLIC RECORDS

### Section

- 37.01 Definitions
- 37.02 Enhanced access authorized
- 37.03 Reasonable fee
- 37.04 Access by another public body

### § 37.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or required a different meaning.

**ENHANCED ACCESS.** A public record's immediate availability for public inspection, purchase, or copying by digital means. **ENHANCED ACCESS** does not include the transfer of ownership of a public record.

**GEOGRAPHICAL INFORMATION.** An informational unit or network capable of producing customized maps based on a digital representation of geographical data.

**OPERATING EXPENSES.** Includes, but is not limited to, the City's direct cost of creating, compiling, storing, maintaining, processing, upgrading, or enhancing information or data in a form available for enhanced access, including the cost of computer hardware and software, system development, employee time, and the actual cost of supplying the information or record in the form requested by the purchaser.

**PERSON.** That term as defined in section 2 of the Michigan Freedom of Information Act, MCL 15.232.

**PUBLIC BODY.** That term as defined in section 2 of the Michigan Freedom of Information Act, MCL 15.232.

**PUBLIC RECORD.** That term as defined in section 2 of the Michigan Freedom of Information Act, MCL 15.232.

**REASONABLE FEE.** A charge calculated to enable the City to recover over time only those operating expenses directly related to the City's provision of enhanced access, which shall be reviewed by City staff annually.

**SOFTWARE.** A set of statement or instructions that when incorporated in a machine-usable medium is capable of causing a machine or device having information processing capabilities to indicate, perform, or achieve a particular function, task, or result.

**THIRD PARTY.** A person who requests a geographical information system of output from a geographical system operated by the City. However, **THIRD PARTY** does not include a person for whom a fee authorized under this chapter and the Enhanced Access to Public Records Act, MCL 15.441, is waived according to an inter-governmental agreement with the City.  
(Ord. 547-05-05, passed 5-16-05)

### § 37.02 ENHANCED ACCESS AUTHORIZED.

The City may provide enhanced access for the inspection, copying, or purchasing of a public record that is not confidential or otherwise exempt by law from disclosure, with a license limiting the use of the information.  
(Ord. 547-05-05, passed 5-16-05)

### § 37.03 REASONABLE FEE.

The City shall charge a reasonable fee for providing access to its geographical information system, or output from its geographical information system, according to the following schedule:

**GIS - Mapping/Data Fee Schedule**

Paper Products (printing of Orthophoto and other Projects)

<b>Size</b>	<b>Description</b>	<b>Fee</b>
A	8.5 x 11	\$3.00
B	11 x 17	\$5.00
C	17 x 22 (18 x 24)	\$10.00
D	22 x 34 (24 x 36)	\$20.00
E/F	34 x 44 (36 x 48) or 28 x 40 (30 x 42)	\$30.00

Digital Information - MRSid or TIFF Format only

<b>Title(s)</b>	<b>Media</b>	<b>Fee</b>
Each Title	CD/DVD	\$55.00
Entire City	CD	\$500.00
Surrounding Area	DVD Only	\$1,000.00
Entire Orthophoto	DVD Only	\$1,500.00

Copies of Building Plans on Engineering Copier - \$5 per copy (City related business only)  
(Ord. 547-05-05, passed 5-16-05)

**§ 37.04 ACCESS BY ANOTHER PUBLIC BODY.**

The City may provide another public body with access to the City's geographical information system for the official use of that other public body, without charging a fee to that other public body, if the access to or output from the system is provided in accordance with a written intergovernmental agreement that complies with MCL 15.443.  
(Ord. 547-05-05, passed 5-16-05)