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# CITY OF ROCKFORD CHARTER

We, the people of the City of Rockford, pursuant to the authority granted by the Constitution and laws of the State of Michigan, in order to secure the benefits of efficient self-government and otherwise promote our common welfare, do hereby ordain and establish this Charter.

## **CORPORATE POWERS**

Section 1. The municipal corporation now existing and known as the Village of Rockford, shall continue to be a body politic and corporate under the name City of Rockford, and include all territory described as follows:

The whole of section thirty-six (36) in township nine (9) north of range eleven (11) west, and the fractional north half of the north half of section one (1) in township eight (8) north of range eleven (11) west, as originally incorporated as the Village of Rockford by Act No. 537 of the Local Acts of 1887, in Kent County, Michigan.

Section 2. The City shall have power to exercise any and all of the powers which cities are, or may hereafter be, permitted to exercise or to provide in their charters under the constitution and laws of the State of Michigan, as fully and completely as though the powers were specifically enumerated herein, and to do any act to advance the interests of the City, the good government and prosperity of the municipality and its inhabitants, except for such limitations and restrictions as are provided in this Charter, and no enumeration of particular powers of the City in this Charter shall be held to be exclusive.

## **GOVERNMENTAL ORGANIZATION**

Section 3. The government of the City and all of the powers thereof, except as otherwise provided by this charter or state law, shall be vested in a council of five (5) members.

a. Commencing in November 2004, and subsequently thereafter at the same time as state and federal elections in every even numbered year, those elected will be elected to 4 year terms. The terms of those council members elected in 2003 shall extend until 2006, and the terms of those council members elected in 2004 shall extend until 2008.

b. Each council member shall take office at 12:00 noon upon the Monday next following such member's election.

c. Members of the council shall be citizens and shall have been registered voters in the City at least one year prior to the date of taking office.

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d. Members of the Council shall receive no compensation, but their necessary expenses incurred in the service of the City, may be paid when so ordered by the affirmative vote of not less than 3 members of the Council.

Section 4. The Council shall, at its first meeting following the regular City election, choose one of its members Mayor, who shall hold office at the will of the Council. In the absence or disability of the Mayor, the Council shall appoint, by a simple majority of the members present, one of its members to act as Mayor for the duration of such absence or disability and until a successor shall have been appointed during the next subsequent absence or disability. In the event of the death, resignation or removal of the Mayor, the Council shall choose another of its official members Mayor at the next regular meeting. The Mayor shall be the official head of the City for the service of process and the entitlement of actions, for all ceremonial purposes, and for the purposes of military law. He shall preside at all meetings of the Council, and may speak and vote in such meetings as any other member of the Council.

Section 5. Any vacancy on the Council shall be filled by appointment by a majority of the remaining members of the Council; any vacancy in any other elective office and every office to be filled by appointment of the Council shall be filled by the affirmative vote of three member of the Council. Any officer appointive by the Council may be removed by the affirmative vote of three members of the Council, except as otherwise provided by this Charter.

### **CITY MANAGER ALTERNATIVE**

Section 6. Operation of the City government shall be divided into two broad general divisions, policy forming and administrative. It shall be the duty of the City Council to pass such legislation and formulate such policies as are necessary to the operation of the City government; and to hire a City Manager who shall carry out such policies, and, in general, be charged with and responsible for all administrative duties. It shall be the duty of every member of the Council and every candidate for a seat on the Council to preserve this distinction between policy forming and administrative functions of the City government. In order to secure the efficiency of the City government insofar as possible under this plan and to prevent embarrassment of the City Manager in his administrative duties, therefore, the following provisions shall be observed:

1. No candidate for a seat on the Council shall promise employment to any person, the letting of any contract, or the purchase of any equipment or supplies, or promise any other favor, or emolument or expenditure of the City for the purpose of securing votes, but this provision shall not be held to apply to any promise which any candidate for a seat on the Council may make regarding the advancement or consummation of any public improvement, the passage of any legislation, or any other question of public policy within the authority of the Council.

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2. Except for purposes of inquiry, the Council and its members shall deal with the administrative service for which the Manager is responsible solely through the Manager, and neither the Council nor any member thereof shall have authority to or shall give orders to any subordinate employee of the City, either publicly or privately; neither shall any member of the Council direct or request:

(a) the appointment of any person to, or the removal of any person from, any employment or office for which the city manager is responsible;

(b) the purchase of any specific materials, supplies or equipment; or

(c) the recommendation of any specific firm or person for the letting of a City contract. It is not the intention of this provision to prevent frank discussion of the business of the City between the Manager and any member of the Council at any time, but to prevent the personal favoritism or prejudice of any member of the Council from hampering the administration of the City as above set forth.

Any citizen, official, or employee of the City may make charges of the violation of provision one of this section to the City Council in person or in writing, either before the regular City election or within 90 days thereafter, which charge must be accompanied by a sworn statement of at least one specific violation of this provision; under provision two, such charges may be made at any time during the term of office of any member of the Council. After presentation of such information under either of the above provisions and such further inquiry as members of the Council may desire to make, if the Council shall adopt by at least three affirmative votes, a resolution setting forth the charges and declaring this section of the Charter to have been violated, the candidate or candidates for councilman so charged shall be barred from holding office, or the member or members so charged shall immediately forfeit their offices, and no person thus declared guilty of violating either of the above provisions may be eligible to hold a seat on the Council for at least three years. When charges shall be made by a member of the Council, such member may also vote on the question of charter violation. The decision of the Council as to whether or not any of its members or any candidate for a seat on the Council have violated this section shall be final.

Section 7. The City Manager shall have had training and experience in engineering, or he shall have had at least four years experience in such work as would qualify him for the position of manager. The manager need not be a resident of the City at the time of his appointment. No member of the Council shall be eligible for the position of City Manager within two years of the expiration of his last term on the Council.

Section 8. The first City Manager under this Charter shall be appointed within 90 days after this Charter becomes effective. Upon the resignation or removal of the manager, another manager shall be appointed within 90 days.

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The manager shall be appointed for an indefinite period but may be removed at the will of the Council as provided by this Charter, except that no City Manager who has been in the service of the City for more than one year prior to any regular city election, may be removed during the six months immediately following such City election unless by a four-fifths' vote of the Council. The reasons for the removal of any City Manager shall be summarized in the published proceedings of the Council. The Council may designate an acting manager during the absence or disability of the Manager.

Section 9. It shall be the duty of the City Manager to keep the Council informed of the City at all times, and to recommend measures for its action. He shall attend all meetings of the Council and shall have the same right to speak as any member, but not the right to vote. Except as otherwise provided by this Charter, he shall have the power to appoint and remove all officers and employees in the administrative service of the City, or he may authorize the head of a department or officer responsible to him to appoint and remove subordinates in such department or office. He shall be purchasing agent for the City, with authority to purchase any materials, supplies or equipment for which funds are provided in the budget subject to the purchase, spending and bidding requirements established from time to time by resolution of the City Council, but he may not purchase any item which exceeds any budget appropriation until the Council has increased the appropriation as provided by this Charter. The manager shall advise the Council as to whether or not any contract offered is desirable, or which of several contracts offered is most desirable for the City.<sup>2</sup>

Section 10. The Manager shall appoint the City Clerk, Treasurer, Assessor, Health Officer and City Attorney, and except as may be otherwise provided by this Charter or State law, he may combine any of these offices or he may personally hold any of these offices if in his judgment it is necessary in the interests of economy; he may also appoint a Police Chief and Fire Chief, or he may personally hold these positions or consolidate such offices. Upon recommendation of the Manager, and only upon his recommendation, the Council may by ordinance create additional offices. The Manager shall determine the functions and duties of each department by issuing executive orders. This section shall not be construed to mean that the offices here provided shall be separate departments or independent offices in the City government; these offices may be arranged in departments in any plan for the administration of the City in such manner as the Manager may direct.

Section 11. Except as otherwise provided by this Charter, the terms of office and employment of all officers and employees shall be for indefinite periods; the salaries of all officials shall be as determined in the annual budget unless specifically modified by ordinance or resolution; and all fees paid to any

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<sup>2</sup> Charter Amendment: November 3, 1981.

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office or officer under this Charter, the ordinances of the City or State law, shall be accounted for and paid into the City treasury by the official receiving them.

Section 12. The Council shall appoint two persons, either members of the Council or citizens who are taxpayers on real property, who with the City assessor, shall constitute a Board of Review for all general and special tax assessments. Members of the board of review shall serve until new members are appointed by the next succeeding Council, unless sooner removed by the Council.

Section 13. The City shall have a Justice of the Peace and an Associate Justice of the Peace, who shall be elected at the regular City election in 1936, and 4 every four years thereafter. The candidate for the office of Justice of the Peace receiving the largest number of votes shall be Justice of the Peace. The Justice shall perform all official duties coming before the Justice Court; the Associate Justice shall perform those functions only in the absence, or disability of the Justice and shall succeed to the office upon the death, resignation or removal of the Justice. Except as otherwise provided by this Charter, the Justice and Associate Justice shall have and exercise the same jurisdiction in all civil and criminal matters, causes, suits and proceedings, and shall perform the same duties in all respects, restrictions, as are or may be conferred upon or required of Justices of the Peace by state law. The Justice and Associate Justice shall also have:

(a) Concurrent jurisdiction to the amount of five hundred dollars (\$500) in all civil matters ex contractu and ex delicto, with such exceptions and restrictions as are or may be provided by State law;

(b) the same power and authority as the Circuit Courts of the State possess to set aside, upon legal cause shown therefore, the verdict or judgment in any civil cause, and grant a new trial therein, whenever a motion in writing is made and filed with the Justice within five days after the rendition of the verdict or judgment in said case, which motion shall briefly and plainly set forth the reasons and grounds upon which it is made and shall be supported by an affidavit or affidavits setting forth the facts relied upon and filed at the time of filing of said motion, and a notice of the hearing of such motion, with a copy of the motion and affidavits filed as aforesaid, shall be served upon the adverse party or his attorney at least two days before the hearing thereof; such motion shall be determined within two days after the same shall have been heard and submitted, and such motion shall have been heard within one week after the same shall have been filed; the time for taking an appeal from the judgment in case such motion be not granted, shall begin to run from the time when such motion shall be overruled; in no case shall the pendency of such motion stay the issuing and levy of an execution in such case, but in case of levy under execution pending such motion, no sale of the property so levied on shall be advertised or made until the final determination of such motion;

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(c) such additional powers and authorities as may be conferred upon City Justices of the Peace by State law, it being the intent of this section that the Justice of the Peace in the City of Rockford shall have and exercise all powers and authority which such Justices in cities may now or hereafter be permitted to exercise under state law. It shall be the duty of the Justice or Associate Justice to try, hear and determine all matters arising under this Charter or the ordinances of the City. The only compensation of such Justice or Associate Justice shall be the usual fees provided by state law and the same fees in all proceedings for violations under this Charter or ordinances of the City. The Justice or Associate Justice shall make an itemized monthly report to the City Council, in such manner as the Council may prescribe, of all fees collected in all proceedings before his court; and shall pay into the City treasury all moneys belonging to the City which shall have been received for or on account of violations of any provisions of this Charter or ordinances of the City. Failure to make such reports when and as required shall serve to vacate the office of Justice or Associate Justice; when any such report shall be more than 90 days delinquent, the City Council shall declare the office vacant; if the Office of Justice shall be thus vacated, the Associated Justice shall become justice and the Council shall appoint an Associate Justice to fill the vacancy until the next regular City election; if the office of Associate Justice shall be thus vacated, the Council shall appoint an Associate Justice to fill the vacancy until the next regular election.

Section 14. At each regular City election one Constable shall be elected for a term of two years, who shall have like power and authority as are conferred by State law on constables in townships, and shall have power to serve all processes for violations of this Charter and ordinances of the City, if a regularly employed police officer of the City is not available to serve such processes. If and when the State law shall permit, the office of Constable shall be abolished and all duties thereof shall be performed by the regular police officers of the City; until such change in the State law may be made, such elected Constable shall be under the supervision of the Mayor and chief of police, and any police officer of the City may be elected to the office. The only compensation of the Constable shall be the usual fees of that office, but any salaried Police Officer, whether elected to the office of the Constable or performing the duties of that office under the authority of this Charter, shall make a detailed monthly report of all such fees received and shall turn them into the City treasury each month.

Section 15. Such representatives as the City may be allowed by state law on the Kent County Board of Supervisors shall be appointed by Council, except that the Mayor shall be one such representative as long as the State law may so require. Any elective or appointive official of the City or any citizen may be appointed to such office or offices, and shall hold office at the pleasure of the Council. If any representative of the City on the County Board shall be unable to attend any meeting of the Board because of absence or disability, the Council may appoint some other qualified person to discharge the duties of the office

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during such absence or disability. All representatives of the City on the County Board shall be entitled to retain any compensation paid to them as members of such board, except fulltime salaried employees of the City, who may be given such appointments, who shall turn such compensation into the City treasury and who shall be reimbursed for their expenses in such amount as the Council may allow.

Section 16. No person holding any elective or appointive office under the City government shall take any official action on any contract with the City or other matter in which he is financially interested, or be a bondsman or surety on any contract or bond given to the City. Any member of the Council or other officer violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction under this section shall forfeit his office.

Section 17. All offenses by officers of the City declared by this Charter to be misdemeanors shall be punished by a fine not exceeding one hundred dollars (\$100) or by imprisonment for a period not exceeding 90 days, or both, in the discretion of the court.

Section 18. Any City officer elected or appointed by authority of this Charter may be required to give a bond to be approved by the Council for the faithful performance of the duties of his office in such sum as the Council shall determine, but all officers receiving or disbursing City funds shall be bonded. All official bonds, except those of the Justice of the Peace and the Constable, which shall be the same as provided by State law for such officials in townships, shall be corporate surety bonds, and the premiums thereon shall be payable by the City. All official bonds shall be filed with the Mayor.

Section 19. Notice of the election or appointment of any officer of the City, and of the requirement of any official bond to be given by any officer, shall be given him by the city clerk within five days after election or appointment. If within ten days from the date of notice, such officer shall not take, subscribe and file with the clerk his oath of office, or shall not execute and file with the Clerk the required bond, such neglect shall be deemed a refusal to serve and the office shall thereupon be deemed vacant, unless the Council shall extend the time in which such officer may qualify as above set forth.

Section 20. When by this Charter any officer is required to give publication to any notice, such notice shall be published once in a legal newspaper selected by the Council, printed and circulated in the City; if there be no such newspaper published in the City, the Council may direct that such notices be published in any newspaper generally circulated in the City, or order such notices printed and posted in at least five public places within the City.

### **ELECTIONS**

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Section 21. Any person desiring to become a candidate for any elective office under this Charter shall file with the City Clerk a petition therefore signed by not less than twenty (20) nor more than forty (40) registered electors of the City not later than 4:00 p.m. eastern standard time on the Tuesday succeeding the first Monday in August. Blank petitions in substantially the same form required by State law for State and County officers except for reference to party, shall be prepared and furnished by the Clerk. At least one week before, and not more than three weeks before, the last day for filing nominating petitions, the Clerk shall publish notice to that effect.<sup>2</sup>

Section 22. The clerk shall accept for filing only such nominating petitions as contain the required number of signatures for qualified candidates. He shall forthwith determine the sufficiency of the signatures on each petition filed, and if he finds any petition does not contain the required number of legal signatures of registered electors, he shall, not more than forty-eight (48) hours after the final date and hour for filing nominating petitions, notify the candidate who may file an amended petition not later than five days after the date and hour for filing the original petition. Petitions which are found by the clerk to contain the required number of signatures of registered electors for qualified candidates shall be marked "Approved," with the date thereof. The names of all candidates filing approved petitions shall be placed on the regular City election ballot.

Section 23. A regular City election shall be held in November in each even numbered year.

Section 24. When a City election is held on the same day as a National, State or County election or primary, the same election officials shall act in both the City election and the National, State or County election or primary.

Section 25. Special elections shall be held when called by resolution of the City Council at least 30 days in advance of such election, or when required by this Charter or state law. Any resolution calling a special election shall set forth the purpose of such election.

Section 26. No ballot for any City election shall bear the designation or emblem of any political party or faction. The names of all candidates for any office shall be listed in a single column, and shall be rotated as required by State law, and in all other respects the printing and numbering of ballots shall conform to the State law.

Section 27. The City Council shall be the board of canvassers to canvass the votes cast at all elections under this Charter. The Council shall meet at 8 p.m. eastern standard time on the first Thursday after each election and publicly canvass the election returns, and shall determine the vote upon all

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<sup>2</sup> Charter Amendment: November 3, 1981

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questions and propositions, and declare whether the same have been adopted or rejected and what persons have been elected at such election. The candidate, or candidates, where more than one are to be elected to the same office, who shall receive the greatest number of votes, shall be elected.

Section 28. If at any municipal election there shall be no choice between candidates by reason of two or more candidates having received an equal number of votes, then the Council shall name a date for the appearance of such candidates for the purpose of determining by lot as provided by State law, the nomination or election of such candidates.

Section 29. The City of Rockford shall consist of one ward, which shall be divided into election precincts by ordinance when and as required by state law.

Section 30. The City Clerk shall exercise the powers and duties of the election commission, and shall have charge of all other activities and duties relating to the conduct of elections in the City. The compensation of election personnel shall be determined in advance by the Clerk, and shall be a fixed amount for each election; provided, such compensation shall not exceed the amount appropriated for elections in the budget unless such increase shall first have been approved by the City Council as are other increases in appropriations for any department or function.

Section 31. The State law shall govern the registration of voters and conduct of elections in the City, except as such State law may relate to party registration or enrollment or other party procedure, and except as otherwise provided by this Charter.

### **LEGISLATION**

Section 32. The Council shall meet at the usual place for holding Council meetings, at 8:00 p.m. eastern standard time, on the Monday next following each regular City election and shall hold at least one regular stated meeting each month for the transaction of business, at such time and place within the City as it shall prescribe. Special meetings may be called by the Mayor or any two Councilmen on at least six hours written notice to each member of the Council served personally or left at his usual place of residence by the City Clerk or someone designated by him; but any special meeting at which all members of the Council are present shall be a legal meeting for all purposes, without such notice. Absence from three consecutive regular meetings shall operate to vacate the seat of a member, unless the absence is excused by the Council by resolution setting forth such excuse. The Council may, by a majority vote of those present, compel the attendance of its members and other officers of the City at its meetings and enforce orderly conduct therein; and any member of the Council who refuses to conduct himself in accord with the wishes of such majority shall be deemed guilty of a misdemeanor.

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Section 33. A majority of the members of the Council shall be a quorum for the transaction of business. Every ordinance and resolution shall be adopted or passed by the affirmative vote of at least three members of the Council. Unless by the affirmative vote of at least three members of the Council, no office shall be created or abolished, no tax or assessment be imposed, street, alley or public ground be vacated, real estate or any interest therein be sold or disposed of, private property be taken for public use, any vote of the Council be reconsidered or rescinded at a special meeting, nor any money appropriated, except as otherwise provided by Charter. No member of the Council shall vote on any question in which he is financially interested or any question concerning his own official conduct; but on all other questions every member of the Council present shall vote. All votes shall be by "yeas" and "nays." On all votes which are not unanimous, the vote of each member shall be recorded by roll call and published in the regular proceedings, but where the vote is unanimous, it shall only be necessary to so state. The Council shall determine the rules of its proceedings, and keep a journal thereof in the English language, which shall be signed by the City Clerk. The proceedings of each Council meeting shall be published within two weeks in a legal newspaper printed and circulated in the City, selected by the Council, but each item of business shall be condensed to a statement of its substance by the Clerk, under direction of the Council, unless otherwise provided by this Charter or the general laws of the State, and except that any pertinent points of any resolution or motion shall not be omitted, nor any vote of the Council; provided, that if there be no newspaper published in the City, publication of the proceedings shall not be required.

Section 34. The style of all ordinances shall be, "The City of Rockford ordains." No ordinance shall be revised, altered or amended by reference to its title only, but the section or sections of the ordinance revised, altered or amended shall be re-enacted and published in full, except as otherwise provided in this Charter. Any ordinance may be repealed by reference to its number and title only, or any section of any ordinance may be repealed by reference to the number and title of the ordinance and the number of the section to be repealed. The effective date of any ordinance shall be prescribed therein and shall not be less than one week after its adoption, unless the Council shall, upon attaching a declaration of emergency affecting the public Peace, health or safety, fix an earlier date; but no ordinance imposing a penalty shall take effect until at least ten days after publication, and no measure making or amending a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency measure.

Section 35. All ordinances when legally enacted shall be recorded by the clerk in a book to be called, "The Ordinance Book," and it shall be the duty of the Mayor and the clerk to authenticate such record by their official signatures. Except as otherwise provided in this Charter, all ordinances when legally enacted shall be immediately published by the Clerk in the manner provided by this

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Charter for publication of notices, and the Clerk shall enter his certificate as to the manner and date of publication under each ordinance in the ordinance book, provided, that publication of any ordinance with the Council proceedings shall be sufficient and if any ordinance be published in full in advance of publication of the proceedings, it need not again be published in full with the proceedings. The Council may direct the clerk to make a digest of any ordinance or amendment more than one thousand words in length; and when the Council shall approve such digest and shall order its publication, such publication shall be deemed sufficient publication of such ordinance or amendment under this section. The Council may adopt any detailed technical regulations (e.g., building code) as a City ordinance by reference to any recognized standard code, official or unofficial, or if such a code be written in detail for the City and adopted as an ordinance, the publication of a general statement of the content and purpose, approved by the Council, shall be sufficient publication of such ordinance, and any amendment to or revision of such adopted code or detailed technical ordinance may be published in the same manner. The Council may, by resolution, order a general revision and compilation of ordinances, which may include new ordinances. Such compilation shall contain an ordinance indicating by number and title the ordinances repealed, and an appropriate ordinance adopting such compiled and revised ordinances and designating when they shall become effective. Such revised and compiled ordinances need not be recorded in "The Ordinance Book," and the printing and binding of not less than one hundred copies in booklet form shall be deemed sufficient publication.

Section 36. The Council shall have authority, for the purpose of hearing or investigating charges against any officer, or making any other investigation of any character, to require the Mayor or any Justice of the Peace to issue subpoenas or process by warrant to compel the attendance of witnesses and the production of books and papers or any records before the Council or any committee thereof. In case charges are made against any officer, he shall be entitled to have subpoenas issued in his behalf, to compel the attendance of witnesses and the production of books, papers and records.

Section 37. Whenever the Council, or any committee of the members thereof, is authorized to compel the attendance of witnesses for a hearing or investigation, the presiding officer of the Council or the chairman of the committee for the time being, shall have power to administer the necessary oaths; and the Council or the committee shall have the same power to compel the witnesses to testify as is conferred on Justices of the Peace.

### **FINANCE**

Section 38. The fiscal year of the City shall begin with the first day of July.

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Section 39. On or before the first Monday in April of each year, the assessor shall make and complete an assessment roll of taxable property in the City, and shall submit the roll, over his certificate, to the Council. The subjects of taxation for municipal purposes shall be the same as for the state, county and school purposes under State law. The assessor may begin making the assessment roll as early as he may deem necessary to conveniently complete it before the first Monday in April, but no valuations shall be finally established before February 1 of any year, and personal property valuations shall be determined as of any specific date or period the assessor may designate in the last thirty days before the first Monday in April. The assessment roll shall be open to public inspection during the week of the second Monday in April, and notice to that effect shall be published by the Clerk at least four days prior to the second Monday in April. Within the inspection period any person may file in writing with the Clerk a complaint of any assessment, stating specifically the grounds of the complaint.

Section 40. The Board of Review shall meet on the third Monday in April to review the roll and to consider any complaints which may have been filed with the clerk and to hear any complaints which property owners may make in person, or by authorized agent; the Board may continue its meeting on such successive days as may be necessary to hear all complaints. Notice of the meeting of the Board of Review shall be published by the clerk at least four days prior to the third Monday in April. Before the first Monday in May the Board shall complete its review of the roll, which shall, during the next fiscal year, be the basis for the levy and collection of taxes.

Section 41. Before the third Monday in April, each City officer shall submit to the City Manager an itemized estimate of the expenditures for the next fiscal year, of the department or departments under his control. The Manager shall prepare a complete itemized budget for the next fiscal year, and shall submit it to the Council on or before the first Monday in May.

Section 42. The budget shall include the following information:

(1) Detailed estimates of the expense of conducting each department and office of the City for the ensuing fiscal year;

(2) Expenditures for corresponding items for the current year and last preceding fiscal year, with reasons for increases and decreases recommended as compared with appropriations for the current year;

(3) An inventory of supplies and materials on hand at the date of the preparation of the estimates, with the value thereof, except office supplies and other minor items;

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(4) The amount of the total and net debt of the City, together with a schedule of maturities of bond issues;

(5) A statement of the amounts to be appropriated: For interest on the City debt for paying off any bonds maturing during the year.

(6) An itemization of all anticipated income of the City from sources other than taxes and bond issues, with a comparative statement of the amounts received by the City from each of the same or similar sources for the last preceding and current fiscal years;

(7) An estimate of the amount of money to be raised from taxes and the amount to be raised from bond issues which, with income from other sources, will be necessary to meet the proposed expenditures.

Section 43. A public hearing on the budget shall be held at least one week before its final adoption, at such time and place as the Council shall direct, and notice of such public hearing shall be published one week in advance by the Clerk.

Section 44. After the budget has been adopted, no appropriation shall be overdrawn, and no appropriation shall be increased except by a four-fifths' vote of the Council. The balance in any appropriation which has not been expended or transferred at the end of the fiscal year shall revert to the general fund and be re-appropriated during the next fiscal year. At the beginning of each quarterly period during the fiscal year and more often if required by the Council, the Manager shall submit to the Council data showing the relation between the estimated and actual income and expenditures to date; and if it shall appear that the income is less than originally estimated, the Council shall reduce appropriations, except amounts required for debt and interest charges, to such degree as may be necessary to keep expenditures within the cash income, without considering the possibility of receiving any revenue from current loans. It is the intent of this section to keep the expenditures of the City within its cash income, and that the authority to borrow on current loans shall only be used for unusual and unforeseen needs of an emergency nature.

Section 45. Not later than the first Monday in June, the Council shall, by resolution, adopt the budget for all municipal expenditures for the next fiscal year and such resolution shall provide for a levy of the amount necessary to be raised by taxation, which shall not exceed one and one-half percent of all real and personal property subject to taxation in the City. Upon adoption of the annual tax levy, a tax roll shall be prepared before the twentieth day of June. The taxes thus assessed shall become at once a debt to the City from the persons to whom they are assessed, and the amount assessed, together with all charges thereon, shall on the first day of July become a lien on the property assessed, of the same

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character and effect as the lien created by general law for State and County taxes, until paid.

Section 46. Taxes levied by the City shall be due and payable on the first day of July. The Treasurer shall give notice by publication of the collection of taxes before that date. After the tenth day of August, a penalty of three percent shall be charged on all City taxes remaining unpaid, and in addition, from and after October 1, interest at the rate of three-fourths of one percent per month shall be collected on all unpaid City taxes until paid or returned to the County Treasurer; the City treasurer may receive payments of City taxes prior to due dates, or he may receive partial payments at any time, for which he shall issue temporary or partial payment receipts. In returning unpaid City taxes to the County Treasurer, as required by State law, the City Treasurer shall add all penalties and interest due on said taxes to date; and from and after the date of the return, interest at the rate prescribed by State law to be paid on delinquent State and County taxes shall be collected by the County Treasurer on the whole amount returned against any description of property. Except as otherwise provided by this Charter, City taxes shall be levied, collected and returned as provided by State law.

Section 47. Whenever the Council shall determine that the whole or any part of the expense of any public improvement shall be defrayed by an assessment on the owners of land to be benefited thereby, it shall cause the expense of such improvement to be estimated and shall declare by an entry on its journal whether the whole or what portion thereof shall be assessed to such owners and occupants, specifying the sum to be assessed, the number of installments in which it may be paid, and the portion of the City which it deems to be benefited. The Council shall cause an assessment of the sum to be assessed to be made upon all lands within the designated portion of the City according to benefit. The assessment roll shall be open to public inspection for a period of seven days before the Council shall meet to review the roll and hear complaints. The Clerk shall give notice in advance by publication of the opening of the roll to public inspection and of the meeting of the Council to hear complaints. If at or prior to the hearing, the owners of more than one-half of the property to be assessed shall object in writing to the improvement, the assessment shall not be made unless by at least a four-fifths' vote of the Council. Every special assessment ratified and confirmed by the Council after such hearing shall be final and conclusive. Should any special assessment prove insufficient to pay for the improvement and related costs of the project for which it was levied, the Council may make an additional pro rata assessment. Should the assessment prove larger than necessary by less than five percent, the Council may place the excess in the City treasury; if more than five percent, the excess shall be refunded pro rata to the assessments. Special assessments and all interest charges thereon shall from the date of confirmation of the roll be and remain a lien upon the property assessed, of the same character and effect as the lien created by general law for State and County taxes, until paid. Interest at a rate

## **CITY OF ROCKFORD CHARTER**

not to exceed six percent per annum shall be collected on deferred installments; and the same penalty and interest shall be paid on delinquent installments of such assessments, from such date after confirmation as shall be fixed by the Council, as are provided by this Charter to be paid on delinquent general City taxes, and such delinquent special assessments returned to the County Treasurer for collection, shall be handled in the same manner as are delinquent general City taxes.

Section 48. In case any person shall neglect or refuse to pay taxes imposed upon real or personal property belonging to him, the City Treasurer may enforce the collection thereof by distress and sale or by suit in the name of the City, in the same manner and to the same extent as Township Treasurers may enforce the payment of State and County taxes.

Section 49. The Council may provide by ordinance or resolution that the Clerk shall bid in for the City any lot of land or premises at any sale for taxes or assessments levied or assessed by the City. Under such limitations as are provided by state law, the Council may sell or lease in such manner and under such conditions as it may by resolution provide, any property of the City, whether acquired by purchase at tax sales or otherwise, that is not devoted to public use.

Section 50. The levy, collection and return of state, county and school taxes shall be in conformity with the general laws of the State, except that the Council may provide by ordinance for the collection of school taxes at a different time, upon agreement with the school board.

Section 51. The City Council may borrow money on the credit of the City for any purpose within the scope of its powers, and may issue the City's bonds or other evidences of indebtedness therefore; provided, that the authority herein granted shall be subject to all limitations, conditions, restrictions and requirements now or hereafter provided by this Charter and the constitution and laws of this State. Bonds which may be issued shall include general obligation bonds; mortgage bonds and revenue bonds for the purpose of acquiring or constructing public utilities, which bonds may be issued beyond the general limitation of bonded indebtedness prescribed by State law when they do not impose any liability upon the City except upon the property and revenues of such public utility; special assessment bonds; bonds for the City's portion of local improvements; bonds issued in anticipation of the collection of taxes actually levied and uncollected; refunding bonds; and emergency bonds. All other types of bonds, notes and other evidences of indebtedness now or hereafter specifically authorized or permitted by State law may be issued as therein provided. Bonds and other evidences of indebtedness of the City shall be signed by the Mayor and attested by the Clerk under the seal of the City. The coupons evidencing the interest upon the bonds of the City may be executed with the facsimile signatures of the Mayor and the Clerk.

## **CITY OF ROCKFORD CHARTER**

Section 52. The Council shall provide by ordinance for the collection of all public utility charges made by the City. Such ordinance shall provide that any sums due the City on utility bills not covered by deposits and remaining unpaid shall be charged against the real property on which the service was rendered, and shall be spread on the next regular City tax roll after the date on which such charge shall become due and payable and shall become a lien of the same character and effect as the lien created by State and County taxes, until paid.

Section 53. The Council may borrow in any one year an amount not in excess of twenty percent of the budget for that fiscal year. Such money may be borrowed from any City fund which will not be in need of the money previous to its repayment, or on tax anticipation notes as provided by State law. The budget for the next succeeding fiscal year shall include a sum sufficient to pay all such loans and interest and they shall be paid on or before September 1 of such succeeding fiscal year. Any City officer failing to perform any duty of his office in conformity with this section shall be deemed guilty of a misdemeanor.

Section 54. The accounting system of the City shall conform with any uniform system of accounting that may be provided by State law, and the Council shall make provision for any such accounting system when required.

Section 55. The Council shall audit and allow all claims and accounts against the City, or may delegate that function or any part of it to some other officer; after such claims and accounts are approved by the Council, or in such manner as the Council may direct, vouchers shall be drawn upon the proper funds and certified by the City Manager; he shall then pay the voucher by check, draft, order or warrant, which shall be signed by the Mayor and countersigned by the Manager, and shall specify the account from which payment is to be made. The Council shall designate the depository or depositories for City funds, and shall provide by ordinance for the prompt and regular deposit of all City moneys.

Section 56. The Council may require such financial and general reports from all City officials as it may direct, and shall order an audit of the accounts of the City at least annually and more frequently if deemed necessary, which shall be made by auditors or accountants experienced in municipal accounting. An annual financial report of the City's business shall be published in sufficient detail to disclose the expenditures for the year in various departments and by the whole City, and in such manner that citizens may readily determine the relation of the City's expenditures to its actual income.

### **SCHEDULE**

Section 57. For the purposes of adopting this Charter and electing the first officers under it, this Charter shall take effect Wednesday, May 15, 1935, and a special election for such purposes shall be held Monday, June 17, 1935. Such election shall be conducted as provided by this Charter for regular City

## **CITY OF ROCKFORD CHARTER**

elections, with such modifications as may be provided by resolution of the Charter Commission.

Section 58. The Council first elected under this Charter shall assemble in the City Hall at 8 o'clock p.m., eastern standard time, Tuesday, June 18, 1935; and when it shall have been called to order by the president of the Village of Rockford and shall have elected a temporary chairman, the Council of the Village of Rockford, previously existing, shall cease to be and the office of each member thereof shall terminate.

Section 59. All elective officers of the Village of Rockford except the Council and all appointive officers in office at the time of the adoption of this Charter shall continue in office until their successors are appointed and qualified, or until the office is abolished as provided by this Charter.

Section 60. Members of the Council and the Constable first elected under this Charter shall hold office until their successors elected at the regular City election in 1936 shall have qualified; the Justice of the Peace and Associate Justice of the Peace first elected under this Charter shall hold office until their successors elected at the regular City election in 1936, shall qualify and succeed to office as provided by State law.

Section 61. For the purpose of putting this Charter into operation, the Council shall be permitted to authorize such changes from the procedure prescribed in this Charter, until October 1, 1935, as may be necessary in the preparation of the budget and the levy and collection of municipal taxes.

Section 62. For all purposes not otherwise provided for, this Charter shall take effect Tuesday, June 18, 1936.

Section 63. The first reports for all offices which shall be made under this Charter shall cover the period from the last annual reports under the village government to July 1, 1936.

Section 64. All by-laws, ordinances, resolutions, rules and regulations of the Village of Rockford, of the Council and of all officers and offices, not inconsistent with the provisions of this Charter, in force in the City at the time of the adoption of this Charter, shall continue in full force and effect until repealed or amended by action of the constituted authority.

Section 65. The sections of this Charter and the parts thereof are severable, and in the event of any provision being declared unconstitutional or contrary to State law, it is hereby declared the intent of the Charter Commission that such unconstitutional or illegal provision shall not affect the validity of the other provisions of this Charter.

## CITY OF ROCKFORD CHARTER

Section 66. There is hereby established a public library and reading room, which shall include all property now owned, or hereafter acquired by the City and dedicated to library purposes.

Section 67. The public library shall be advised by a Board of Directors consisting of seven directors, each director to serve for a term of three years. Directors shall take office upon the second Monday of May of the year of their election by the City Council.<sup>5</sup>

Section 68. The City Council shall meet annually on the second Monday of May of each year to elect directors for the terms then expiring and shall on said second Monday in May of 1961 elect one (1) additional director for a three-year term so that the total number of directors of the said Library Board shall be seven (7) in number. No director shall be eligible to serve more than two (2) consecutive three (3) year terms. The Library Board of Directors shall at all times, have as a director one (1) member of the City Council and one (1) member from the faculty of the Rockford Public Schools. On or before the first Monday in April of each year, the City Council shall request of the Library Board of Directors a list of recommendations for election to the Board of Directors, and, in the event that the term of the director from the faculty of the Rockford Public Schools is expiring, the City Council shall ask for recommendations from the Superintendent of the Rockford Public Schools. The election by the City Council of directors to the Library Board of Directors shall be from the recommendations submitted by the Library Board of Directors, except that in the instance of the director representing the Rockford Public Schools, such member shall be elected from the list of recommendations submitted by the Superintendent of the Rockford Public Schools and except that the member of the City Council elected to the Board of Directors shall be determined by the City Council. Provided, however, that any person or persons desiring to serve on the Library Board of Directors, who shall have submitted, prior to the second Monday of May, a petition to that effect bearing the signatures of at least fifteen (15) registered voters of the City of Rockford, shall be eligible for consideration by the City Council for election to the said Board of Directors. No person shall be eligible to be elected as a Director unless he or she is a qualified elector of the City of Rockford.

Section 69. In the case of death, resignation, removal of residence from the City of Rockford of any Director, or, in the appropriate case, termination as a faculty member of the Rockford Public Schools of termination of membership on the City Council, the position of Director that thereby shall become vacant shall be filled for the remainder of said unexpired term by the City Council.

Section 70. The City Council shall control the expenditure of all monies collected to the credit of the library fund, and of the construction of any library

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<sup>5</sup> Charter Amendment: April 12, 2004

## CITY OF ROCKFORD CHARTER

building, and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased, or set apart for that purpose.<sup>6</sup>

Section 71. All monies raised for the library fund shall be deposited in the treasury of the City, to the credit of the library fund to be spent as authorized by City Council.<sup>7</sup>

Section 72. The Board of Directors shall meet annually before the 3rd Monday in April, submit to the City Manager an itemized estimate of the expenditures for the next fiscal year for library purposes, and the City Manager shall submit the same to the Council on or before the 2nd Monday in May. The Council shall each year place in the City budget to be raised by taxation, such sum, not to exceed one mil upon each dollar of assessed valuation of the City, as the Council shall deem necessary for the maintenance of said library.

Section 73. The members of the Board of Directors shall serve without compensation.

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<sup>6</sup> Charter Amendment: April 12, 2004

<sup>7</sup> Charter Amendment: April 12, 2004

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