

STATE OF MICHIGAN



MICHIGAN DEPARTMENT OF STATE
LANSING, MICHIGAN 48918-0001

April 22, 2003.

Village of Michiana
Elizabeth A. O'Donnell, Clerk
4000 Cherokee Dr.
Michiana, MI 49117

Dear Ms. O'Donnell:

This letter acknowledges receipt and filing on April 11, 2003, two (2) certified copies of the Canvass of Votes Cast and the Charter Amendments adopted at the election held on March 29, 2003, along with a copy of the Governor's approval letter for submission of the proposed amendments to the electors.

Sincerely,

A handwritten signature in cursive script that reads "Joanie Kollek".

Joanie Kollek
Office of the Great Seal
(517) 335-0718

VILLAGE OF MICHIANA

PROOF OF MAILING OF CHARTER

Elizabeth A. O'Donnell, being first duly sworn, deposes and says:

That she is the duly appointed Village Clerk for the Village of Michiana, and pursuant to Section 20 of Act 278 of PA 1909, as amended (MCL 78.20) she served copies of the certified voting results on the adoption of the Charter and two (2) copies of the Revised Charter of the Village of Michiana on the Secretary of State for the State of Michigan, and on the County Clerk's Office of the County of Berrien on the 8th day of April, 2003, at the following addresses:

State of Michigan
Office of the Great Seal
110 W. Michigan Avenue, Suite 100
Lansing, Michigan 48913
Attn: Joanie

Court and Elections Division
Courthouse
811 Port Street
St. Joseph, Michigan 49085
Attn: M. Louise Stine, Berrien
County Clerk

Elizabeth A. O'Donnell
ELIZABETH A. O'DONNELL, Clerk

RECEIVED/FILED
MICHIGAN DEPT. OF STATE
2003 APR 11 AM 10:00
OFFICE OF THE GREAT SEAL

223-225 E. Front St.
P.O. Box 72
Bushanan, Michigan 49107

Desenberg & Colip
A Professional Corporation

Telephone
(269) 695-1500
Facsimile Number
(269) 695-2004



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

JOHN ENGLER
GOVERNOR

December 27, 2002

Mr. Luis A. Desenberg
223-225 E. Front Street
P.O. Box 72
Buchanan, Michigan 49107

Dear Mr. Desenberg:

Re: Village of Michiana - Charter Revision

In response to the December 23, 2002, letter from the Attorney General's Office, notice is hereby given of my approval of the above mentioned charter revision for the City of Michiana.

Pursuant to statute, charter amendments and revisions adopted by the electorate must be filed with the Secretary of State. For your convenience, I have enclosed a copy of this approval letter for inclusion in such filing.

Sincerely,

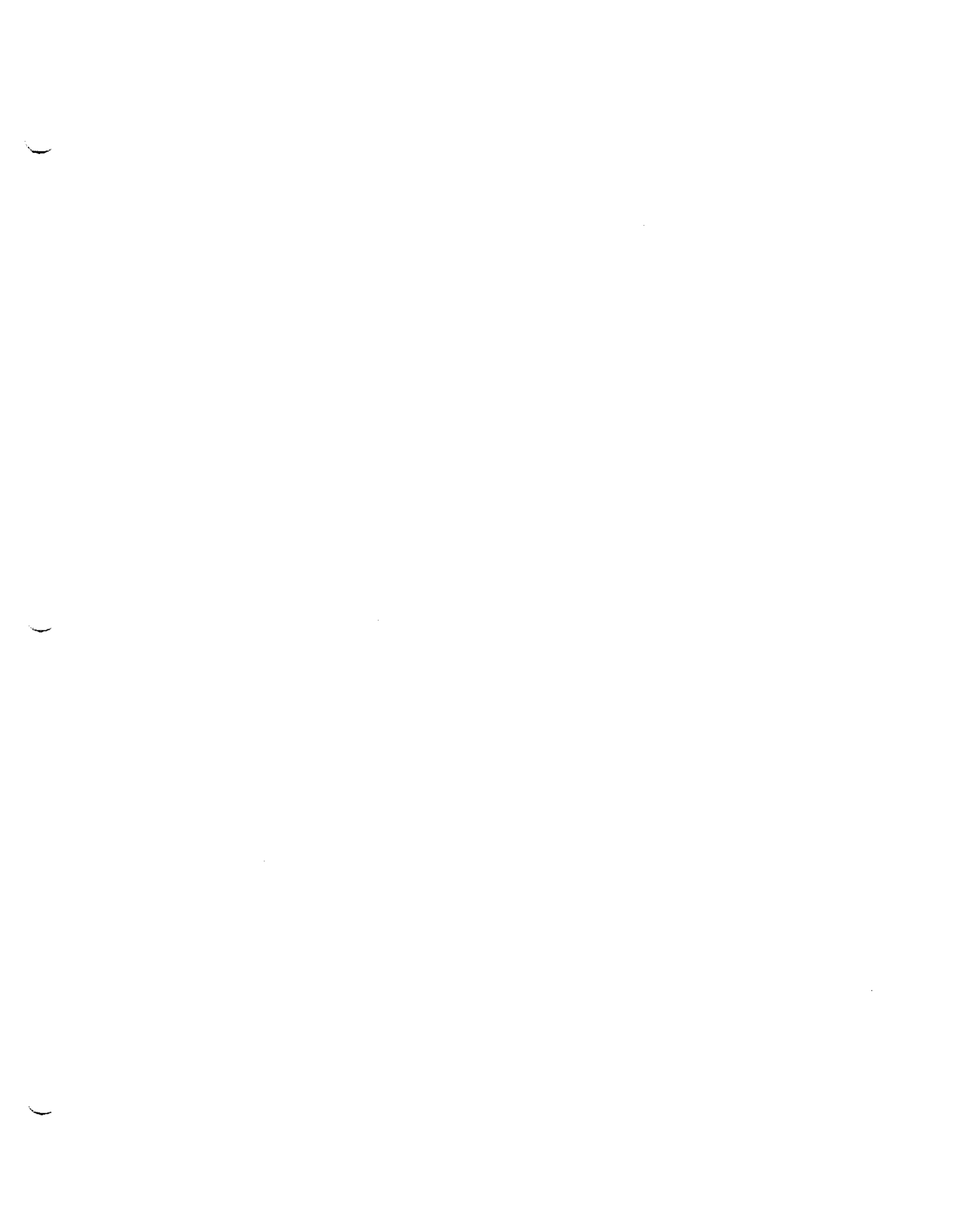
A handwritten signature in black ink that reads "John Engler". The signature is fluid and cursive, with the first name "John" being particularly prominent.

John Engler
Governor

JE/ca

Enclosure

c: Elizabeth O'Donnell, City Clerk
Attorney General



**VILLAGE OF MICHIANA
CHARTER INDEX**

CHAPTER I BOUNDARIES AND WARDS

CHAPTER II POWERS IN GENERAL

- Section 1 General Grant
- Section 2 Specific Powers of Village

CHAPTER III PLAN OF GOVERNMENT

- Section 1 Village Council (5) Members
- Section 2 Legislative Body
- Section 3 Non-Partisan Election
- Section 4 Qualification for Office
- Section 5 Organizational Meeting
- Section 6 Voting Quorum
- Section 7 Powers of Village President
- Section 8 Organizational Meeting
- Section 9 Compensation of Commission and President
- Section 10 Absence from Meeting, Vacancy
- Section 11 Appointment of Committees
- Section 12 Election of Clerk and Treasurer
- Section 13 Duties of Clerk - Records
- Section 14 Appointment of Additional Officers
- Section 15 Duties of Treasurer
- Section 16 General Grant of Power to Officers
- Section 17 Term of Office
- Section 18 Vacancy of Office
- Section 19 Standards of Conduct
- Section 20 Clerk; Report of Election
- Section 21 Oath of Office
- Section 22 Filling of Continued Vacancy
- Section 23 Procedure to Fill Vacancy
- Section 24 Peace, Safety and Health

**CHAPTER IV ELECTION (REGISTRATION, NOMINATION, AND
ELECTION)**

Registration

- Section 1 One Ward/One Precinct

Nomination

- Section 2 Nominated by Petition
- Section 3 Form of Petition
- Section 4 Filing Deadline
- Section 5 Board of Voter Election Commissions
- Section 6 Notice/Acceptance of Nomination
- Section 7 Petitions: public inspection
- Section 8 Regular Elections: 2nd Saturday of August
- Section 9 Special Elections set by Council
- Section 10 Notice of Election
- Section 11 Election Ballot Form
- Section 12 Ballot for Officers (form)
- Section 13 Clerk's duties on Election
- Section 14 Counting of Ballots
- Section 15 Election Procedures
- Section 16 False Oath or Affidavit: Crime
- Section 17 Qualification of Village Elections
- Section 18 Poll Hours
- Section 19 Voting Equipment and Supplies
- Section 20 General Election Law
- Section 21 Inspectors of Election
- Section 22 Powers of Board of Election Commissioners
- Section 23 Substantial Conformity with Law

CHAPTER V RECALL

- Section 1 Recall by Qualified Electors

CHAPTER VI ORDINANCES

- Section 1 Enacting Clause
- Section 2 Adoption of Repeal
- Section 3 Ordinance Book; Adoption Process
- Section 4 Effective Date
- Section 5 Penalty Provision
- Section 6 Proving of Ordinance

CHAPTER VII CONTRACTS

- Section 1 Power to Contract; Limitation
- Section 2 Public Works; Limitation
- Section 3 Contracts exceeding \$50,000
- Section 4 Voting: Conflict of Council Member

CHAPTER VIII GENERAL FINANCE, VILLAGE BUDGETS AND FUNDS

- Section 1 Fiscal Year July 1 - June 30
- Section 2 Treasurers Duties; reports
- Section 3 Expenditures: Warrant Process
- Section 4 Collection of Taxes
- Section 5 Fees: Village Fund, Exceptions
- Section 6 Budget of Expenditure
- Section 7 Compliance Uniform Budgeting and Accounting Act
- Section 8 Preparation of Budget
- Section 9 Adoption of Annual Budget and Vote
- Section 10 Surplus of Funds: Transfer
- Section 11 Borrowing of Money: Special Assessment
- Section 12 Borrowing of Money: Bonding

CHAPTER IX GENERAL ASSESSMENTS AND TAXATION

- Section 1 Preparation Assessment Roll
- Section 2 Subject of Taxation
- Section 3 Power to Levy Taxes
- Section 4 Tax Limitation: Operation
- Section 5 Statutory Limitation 2% Value
- Section 6 Clerk Certification of Tax Amount
- Section 7 Certification of Tax Roll
- Section 8 Warrant for Assessment/Collection of Tax
- Section 9 Due Date: Village Tax - July 1
- Section 10 Lien Date: July 1
- Section 11 Collection of Tax: Return Unpaid Tax
- Section 12 Certificate of Delinquent Tax
- Section 13 Certification of Tax to Treasurer
- Section 14 Tax Anticipation Borrowing

CHAPTER X FRANCHISE

- Section 1 Grant of Franchise - Vote
- Section 2 Maximum Term - 30 Years
- Section 3 No Exclusive Franchise
- Section 4 Limitation - Use of Public Ways
- Section 5 Franchise: Grant by Ordinance
- Section 6 Reserved Rights of Village

CHAPTER XI PLANNING AND PLAT

CHAPTER XII MUNICIPAL PUBLIC UTILITIES

- Section 1 Ownership, Operation Public Utility
- Section 2 Administration: Separate Agency
- Section 3 Council: Setting of Rates
- Section 4 Established by Ordinance
- Section 5 Limitation on Sale or Disposal
- Section 6 Separate Accounting (Act 2, PA 68)

CHAPTER XIII EXISTING LEGISLATION

CHAPTER XIV MISCELLANEOUS

- Section 1 Definitions: "State", "Village", "Commission"
- Section 2 Posting of Time
- Section 3 Powers Conferred on Officers
- Section 4 "Person", "Written", "in Writing"
- Section 5 Invalidity
- Section 6 Public Records
- Section 7 Records Property of Village
- Section 8 Publication Defined
- Section 9 Governmental Liability
- Section 10 Form of Seal
- Section 11 Maximum Penalty: Ordinances
- Section 12 Charter Amendment

CHAPTER XV SUBMISSION AND ELECTION

- Section 1 Date of Election: March 29, 2003
- Section 2 Publication of Charter
- Section 3 Election District
- Section 4 Official Ballot
- Section 5 Election Hours
- Section 6 Approval: Submission/Filing

**THE REVISED CHARTER
OF THE
VILLAGE OF MICHIANA, MICHIGAN**

PREAMBLE

WE, THE PEOPLE OF MICHIANA DO ORDAIN AND ESTABLISH THIS CHARTER TO PERFECT AND PERPETUATE OUR MODE OF HOME RULE GOVERNMENT.

TO THIS END, WE DO NOT YIELD OUR SOVEREIGN RIGHTS TO THE PUBLIC BODIES WHICH SERVE US, NOR DO WE RELINQUISH OUR CONTROL OVER THE INSTRUMENTS WHICH WE HAVE CREATED.

FURTHERMORE, IT IS OUR INTENT BY VIRTUE OF THIS CHARTER TO PROVIDE A SYSTEM OF CHECKS AND BALANCES AND TO ENCOURAGE THE EXERCISE OF INDEPENDENT THOUGHT AND PARTICIPATION NOT ONLY FOR OFFICIALS BUT FOR ALL CITIZENS.

FINALLY, IT IS ALSO OUR INTENT TO SAFEGUARD THE CIVIL RIGHTS OF ALL CITIZENS AND TO PROVIDE MEANS TO PRESERVE AND PROTECT THE UNIQUE ENVIRONMENT OF THE AREA IN WHICH WE LIVE AND WHICH WE CHERISH.

WE DO HEREBY ORDAIN AND ADOPT A REVISED CHARTER FOR THE VILLAGE OF MICHIANA PURSUANT TO THE HOME RULE VILLAGE ACT OF THE STATE OF MICHIGAN, BEING ACT 278 OF P.A. 1909, AS AMENDED.

**CHAPTER I
BOUNDARIES AND WARDS**

The Village of Michiana shall include those portions of Sections 23 and 24, Township 8 South, Range 22 West, New Buffalo Township, Berrien County, Michigan, included within the following described boundaries, to-wit:

Beginning at the Southeast corner of Section 24, Township 8 South, Range 22 West, thence Westerly along the South line of Section 24 and Section 23 a distance of 5875 feet more or less to the Easterly shore line

of Lake Michigan, thence Northeasterly along the Easterly shore line of Lake Michigan a distance of 6900 feet more or less to the intersection of the Easterly shore line of Lake Michigan with the East line of Section 24, thence in a Southerly direction along the East line of Section 24 a distance of 3925 feet more or less to the place of beginning.

Such territory being the incorporated boundaries of the Village pursuant to the provisions of the Village of Michiana Charter dated October 12, 1977, and of Act 278 of the Public Acts of 1909, as amended.

CHAPTER II POWERS IN GENERAL

Section 1. The Village of Michiana, also referred to herein as "the Corporation", shall have a corporate seal, may sue and be sued, may contract and be contracted with, may acquire and hold real and personal property, and shall have, exercise and enjoy such powers as are conferred by the Constitution and laws of the State of Michigan and by this Charter and also such powers as are necessarily or fairly implied in or incidental to those expressly granted or are essential to the declared objects and purposes of the Village. The enumeration of specific powers in this Charter shall not be construed as a limitation upon the general powers granted by the State law and by this Charter.

Section 2. The Village shall have the power:

(1) To acquire, by purchase, gift or lease, real or personal property, for any public use or purpose within the scope of its powers, and to hold, manage, control, sell or otherwise dispose of the same without approval of the electorate;

(2) To provide by Ordinance for Village planning and zoning as provided for by the Statutes of the State of Michigan;

(3) To enact a building and housing code as provided for by the Statutes of the State of Michigan; to regulate the erection and repair of buildings and to require building permits therefor; to prevent the erection of unsafe buildings; to provide for the removal of unsafe buildings and to regulate the maintenance and occupancy of buildings insofar as the same affects health and safety;

(4) To establish and maintain definite fire limits and to prohibit within such limits the construction of buildings and other structures of wood and other materials easily inflammable to the extent consistent with the Statutes of the State of Michigan; to enact Ordinances in relation to the prevention and suppression of fires; and to provide for the inspection of private property for the purpose of determining whether a fire hazard exists;

(5) To regulate the location, construction, size and height of signs and the maintenance thereof;

(6) To request regulation of hunting within the Village limits pursuant to the Statutes of the State of Michigan;

(7) To regulate and license trades, occupations and public places of amusement, not inconsistent with State and Federal laws, whether the same be specifically mentioned herein or not;

(8) To prescribe the terms and conditions upon which licenses shall be granted and to require the payment of such license fees and the furnishing of such bonds as the Council shall deem reasonable and proper. Licenses shall be subject to revocation by the Council as provided in each particular Ordinance.

(9) To regulate the operation of motor vehicles or livestock traffic and to regulate the use of driving upon the bridle trails, streets, highways and alleys of the Village;

(10) To prohibit by Ordinance the pollution of any stream or watercourse within the Village limits not inconsistent with the Statutes and Regulations of the State of Michigan or the United States of America;

(11) To make contracts or arrangements with any municipalities, individuals or corporations, for services.

(12) To regulate and enforce any part of any Chapter, Act or Section of any Statute of the State of Michigan, which relates to the powers of government of Villages generally.

CHAPTER III
PLAN OF GOVERNMENT

Section 1. In the event the Charter is adopted, there shall be elected two Members at the annual election August, 2003. The Village Council shall consist of six (6) members for the period ending on the second Saturday of August 2004 following the Charter adoption, when one member shall be elected at the annual election August 2004. Thereafter all powers of the Village of Michiana, except as otherwise provided by Statute or this Charter, shall be vested in the Council which shall consist of five (5) Trustees to be elected at large.

Section 2. The Council shall constitute the legislative and governing body of said Village of Michiana, with power and authority to pass such Ordinances and adopt such Resolutions as it shall deem proper in order to exercise the powers possessed by said Village of Michiana. The members of the Village Council shall be known as "Trustee", "Council member", "Council person", or "Member of Council".

Section 3. The Trustees shall be elected on a non-partisan ticket from the Village of Michiana at large and shall be subject to recall as hereinafter provided. No person shall be eligible to the office of Trustee who shall not, at the time of his or her election or appointment, be eighteen (18) years of age and a citizen of the United States; and have been a resident of the territory incorporated as the Village of Michiana at least sixty (60) days immediately prior to the last day for filing nominating petitions for such office or prior to the time of his or her appointment to fill a vacancy.

Section 4. No person shall be elected to any office unless he or she shall be an elector of the Village of Michiana. And no person shall be elected or appointed to any office in the Village of Michiana who is a defaulter to the Village. All votes for or any appointment of any such defaulter shall be void. All officers of the Village of Michiana, elected or appointed, shall take and subscribe the oath of office prescribed by the Constitution of the State, and file the same with the Village Clerk, and in cases of failure to do so, within ten (10) days after receiving notice of their election or appointment, shall be deemed to have declined the office.

Section 5. At its first regular meeting following each regular Municipal election, the Council shall meet for the purpose of organization. The Council shall elect one of its members to serve as President and one of its members to serve as President Pro Tempore. The President and President Pro Tempore shall serve until the next organizational meeting.

The terms of all elected and serving Council members shall continue for their unexpired terms. In 2003, two members shall be elected for a three year term. In 2004, one member shall be elected for three year term. In 2005, two members shall be

elected for three year terms. Thereafter, all members shall be elected for three year terms as terms expire. Meetings of the Council shall be held at such times as may be prescribed by Ordinance or Resolution; provided, that the Council shall meet regularly and not less than six (6) times for each calendar year. The President or any two (2) Trustees may call special meetings of the Council upon at least twenty-four (24) hours written notice to each member, served personally or left at his or her usual place of residence, provided, however, any special meetings at which all members of the Council are present shall be a legal meeting for all purposes, without such written notice. All meetings of the Council shall be conducted pursuant to the Open Meetings Act of the State of Michigan (see MCL 15.261, et seq.), as amended. The minutes and records of the Village shall be available as provided in the Freedom of Information Act of the State of Michigan, as amended. The Council shall determine its own rules and order of business. It shall keep a journal of the proceedings in English which shall be signed by the President and Clerk.

Section 6. A majority of the members of the Council shall constitute a quorum, but a lesser number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by Ordinance, and all pending business noticed or set down for hearing at such meeting shall be taken up and heard at such adjourned meeting or at the next regular meeting without further notice. The Council shall act only by Ordinance or Resolution. The affirmative vote of a majority of the Trustees shall be required for the passage of any Ordinance or Resolution, unless in any given case a different number is required by this Charter or State law.

Section 7.

(a) The President shall be the chief executive officer of the Village of Michiana. He or she shall preside at the meetings of the Council. He or she shall be deemed a voting member of the Council. He or she shall from time to time give the Council information concerning the affairs of the corporation and recommend such measures as he or she may deem expedient. It shall be his or her duty to exercise supervision over the affairs of the Village of Michiana and over the public property belonging thereto and to see that the laws related to the Village of Michiana and the Ordinances and regulations of the Council are enforced. In the absence of any Council meeting during any calendar month, the President shall review and approve payment of bills presented by the Treasurer and accepted by the Clerk.

(b) The President may nominate and the Council appoint such officers, boards, commissions, or others as shall be provided by this Charter, State law, local Resolution

or Ordinance. The powers and duties of such officers, boards, commissions, or others shall be prescribed by the Council, either by Resolution or Ordinance.

(c) The President may suspend, with the consent and approval of the Council, any officer as provided by Ordinance or law. The President shall have authority at all times to examine and inspect the books, records and papers of any agent, employee, or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the laws of the State of Michigan or the Ordinances of the Village of Michiana.

(d) In the absence or disability of the President, the President Pro Tempore of the Council shall perform the duties of the President.

Section 8. The Council shall at its organization meeting following the annual election held in August of each year, elect by ballot a member of the Council as President or President Pro-Tem, who, during the absence or disability of the President to perform his or her duties, shall act in his or her stead and shall exercise all the duties and possess all the powers of the President. In the absence or disability of the President or President Pro-Tem, the Council may temporarily appoint one (1) of its members to preside.

Section 9. The President and Trustees may receive compensation not to exceed \$100.00 for each meeting attended as may be established by a vote of the council; provided, however, no change of salary or emolument of a Council member shall occur after his or her election or during his or her term of office. Said officers shall receive no other compensation for services performed for and on behalf of said Village of Michiana during their terms of office. All other officers, except where other provision is made herein or by law regulating fees for services, shall receive such compensation as the Council shall prescribe.

Section 10. Absence from three (3) consecutive regular meetings of the Council shall automatically operate to vacate the seat of a member of the Council, unless the absence is excused by the Council by resolution setting forth such excuse.

Section 11. The Village of Michiana Council shall have authority to appoint advisory committees, and to change the same from time to time. Except as provided in Chapter III, Section 12, one person may be appointed to two or more offices.

Section 12. At the August organizational meeting of the Village Council of each year, there shall be elected by the Council a Village Clerk and the Council shall appoint a Treasurer. The terms of said offices shall begin immediately following the said meeting. The offices of Clerk and Treasurer may be filled by the same person.

Section 13. The Village Clerk shall keep the corporate seal and all the documents, official bonds, papers, files, and records of the Village, not by this act or the Ordinances of the Village entrusted to some other officer; he or she shall be Clerk of the Council, and shall attend its meetings. In case of the absence of the Clerk, or if from any cause he or she shall be unable to discharge, or be disqualified from performing, the duties required of him or her, then the Council may appoint (1) of their own number, or some other person, to perform the duties of the Clerk for the time being. The Clerk shall record all the proceedings and resolutions of the Council, and shall record, or cause to be recorded, all the Ordinances of the Village. He or she shall countersign and register all licenses granted; he or she shall, when required, make and certify, under the seal of the Village, copies of the papers and records filed and kept in his or her office; and such copies shall be evidence in all places of the matters therein contained to the same extent as the original would be. He or she shall possess and exercise the powers of the Township Clerk so far as the same are required to be performed within the Village, except as to the filing of chattel mortgages; and he or she shall have the authority to administer oaths and affirmations.

Section 14. The Council may provide by Ordinance for the appointment of additional officers for the Village of Michiana.

Section 15. The Village Treasurer shall have custody of all moneys, bonds other than official mortgages, notes, leases, and evidences of value belonging to the Village; he or she shall receive all moneys belonging to and receivable by the corporation, and keep an account of all receipts and expenditures pursuant to and in conformity with the Uniform Budgeting and Accounting Act of the State of Michigan, as amended, Act 2 of P.A. 1968, as amended, and he or she shall pay no money out of the Treasury, except in pursuance of and by authority of law, and upon warrants signed by the Clerk and President, which shall specify the purpose for which the amounts thereof are to be paid; he or she shall collect and keep an account of and be charged with all taxes and money appropriated, raised, or received for each fund of the corporation, and shall keep a separate account for each fund, and shall credit thereto all moneys raised, paid in, or appropriated therefor, and shall pay every warrant out of the particular fund raised for the purpose for which the warrant was issued. He or she shall give bond in such amount and with such sureties as is satisfactory to the Council. Premium on all bonds of officials shall be paid by the Village of Michiana.

Section 16. All officers of the Village of Michiana shall perform such duties and possess such powers as are or may be prescribed by this Charter, by the general laws of the State and by the Council.

Section 17. All elective officers, and all officers who are appointed for a definite term or periodically, shall hold office until their successors are duly elected or appointed, and duly qualify.

Section 18. In addition to other provisions herein contained, a vacancy shall exist in any elective office when an elected officer fails to qualify as in this Charter provided, dies, resigns, is removed from office, removes from the Village of Michiana, or is convicted of a felony.

Section 19. Members of the Council or other officers or employees of the Village of Michiana shall be bound by and shall adhere to the standards of Act 196 of P.A. 1973, as amended, of the State of Michigan, "Standards of Conduct by Public Officers and Employees", and the standards of Act 317 of P.A. 1968, as amended, of the State of Michigan, "Contracts of Public Servants with Public Entities".

Section 20. It shall be the duty of the Village Clerk, as Chairman of the Board of Village Election Commissioners (MCL 168.27), to report the return of any election to the Berrien County Clerk within seven (7) days after the meeting and determination of the Board of Election Commission, as provided by law, and to notify each person elected, in writing, of his or her election. The Clerk shall also, within seven (7) days after the appointment of any person to any office, in like manner notify such person of the appointment.

Section 21. Every officer elected or appointed to any Village office, before entering upon the duties of his or her office, shall take and subscribe to an oath of office as prescribed in Article XI, Section 1 of the Constitution of the State of Michigan, which shall be filed and kept in the office of the Village Clerk.

Section 22. If for any reason any appointment shall not be made by the Council within the time provided in this Charter, it may be made at any subsequent regular or special meeting.

Section 23. In the event of a vacancy in the office of a member or members of the Village Council, the vacancy shall within thirty (30) days after such vacancy occurs be filled by appointment by a majority of the remaining members of the Council. In the event of a vacancy in the office of the President or Clerk such vacancy shall be

filled within thirty (30) days after such vacancy occurs by majority vote of the Council. Such Council appointee (i.e. Council Member) shall hold office until the next regular Municipal election, or as may be required under the laws of the State of Michigan, taking place more than forty (40) days after such vacancy occurs, at which election a successor shall be elected for the unexpired term of the person in whose office the vacancy occurs. Provided, however, that the term of no member shall be lengthened by his or her resignation and subsequent appointment. When a vacancy occurs in any office to which a person has been appointed for a definite term, such vacancy shall within thirty (30) days be filled for the unexpired term, by appointment made in the manner provided for full term appointment to such office.

Section 24. The Council shall provide for the public peace and health, and for the safety of persons and property.

CHAPTER IV REGISTRATION, NOMINATION, AND ELECTION

Registration

The Village of Michiana originally shall consist of one (1) ward and one (1) voting precinct. The Council may from time to time establish by Ordinance convenient election precincts.

Section 1. The registration and re-registration of electors in the Village of Michiana shall be conducted as provided for in the Constitution and general laws of the State of Michigan.

Nomination

Section 2. Candidates for any elective office, to be voted for at any Municipal election under the provisions of this Charter, shall be nominated by petition in the manner hereinafter prescribed and the names of such candidates for any office and no others shall be printed on the election ballot to be voted for at the next Municipal election.

Section 3. Such petition for nomination shall be in substantially the following form:

NOMINATING PETITION

We, the undersigned, registered and qualified voters of the Village of Michiana, in the County of Berrien and State of Michigan, hereby nominate _____ (name of Candidate)

(Street Address or Rural Route), as a candidate for the office of _____, to be voted for at the regular/special election to be held on the _____ day of _____, 200__.

WARNING

Whoever knowingly signs more petitions for the same office than there are persons to be elected to the office or signs a name other than his or her own is violating the provisions of the Michigan election law.

Name	Street Address	Date of Signing
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

(20 numbered lines as above)

CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is qualified to circulate this petition, that each signature on the petition was signed in his or her presence, that to his or her best knowledge and belief each signature is the genuine signature of the person purporting to sign the same and that the person was at the time of signing a qualified registered elector of the village listed in the heading of the petition and that the elector was qualified to sign the petition.

Circulator - do not sign or date certificate until after circulating petition.

(Signature of Circulator) (Date)

(Village Where Registered)

(Complete address - street/number or rural route)

Section 4. All nominating petitions shall be filed with the Village Clerk on or before 4:00 p.m. on the seventh Friday prior to any regular or special election at which any officer or officers of the Village is or are to be elected. No person shall be nominated to any office in the Village unless the petition or petitions filed on his or her behalf for such office have been signed by not less than ten (10) qualified electors of the Village. The petition or petitions filed for any candidate shall not contain more than fifteen (15) signatures of qualified electors.

Section 5. The Village Clerk shall submit said petitions to the Board of Voter Election Commissioners (MCL 168.27) who shall examine the petition or petitions filed for each candidate and if satisfied that the petition or petitions is (are) valid and sufficient, the Board shall endorse thereon the word "APPROVED" with the date of filing the same; but should the Board determine a petition or petitions for any candidate is (are) invalid or insufficient, the Clerk, as Chairman, shall notify the candidate no later than three (3) days after the last day for filing petitions of such fact, by personal messenger if possible. Any candidate whose petition or petitions is (are) invalid or insufficient shall be permitted to correct the invalidity or insufficiency within two (2) calendar days after said notice is served; thereafter no further petitions may be filed.

Section 6. When the petitions for nomination of any candidate shall be found to contain the required number of names of electors, the Village Clerk shall forthwith notify the person therein placed in nomination. Any person, desiring to become a candidate for any elective office shall, on or before 4:00 p.m. of the twenty-eighth (28th) day prior to such election, file with the Clerk an acceptance of such nomination in substantially the following form:

State of Michigan, County of Berrien, s.s.

I,, being first duly sworn, say that I reside in the Village of Michiana, County of Berrien, State of Michigan, that I am a qualified elector therein; that I accept nomination for the office of to be voted upon at the election to be held on the day of, 20.... and that I possess the qualifications therefor, and I hereby request that my name be printed on the official ballot for election to such office.

Signed.....

Subscribed and sworn to before me, a notary public, on this day of
....., 20....

Notary Public, Berrien County, Michigan
My commission expires.....

Section 7. All such petitions shall be open to public inspection after being filed in the office of the Village Clerk, in accordance with Act 442 of P.A. 1976, as amended, being the Freedom of Information Act of the State of Michigan.

Elections

Section 8. Regular Municipal elections shall be held for the Village of Michiana on the second Saturday in August of each year for the election of officers of said Village in accordance with the provisions of this Charter.

Section 9. Special elections may, subject to the general laws of the State, be held at such times as the Council may by resolution determine, the purpose and object of which shall be set forth in the resolution calling such election.

Section 10. Notice of the time and place of holding any election and of the officers to be elected and the questions to be voted upon shall, except as herein otherwise provided, be given by the Village Clerk in the same manner and at the same times as provided in the State election laws for the giving of notices by village clerks in State elections. Such notice of the election shall be posted in three (3) public places in the Village of Michiana, and a copy shall be published twice in a newspaper of general circulation in the Village, at least two (2) weeks prior to and not more than four (4) weeks before the election. The affidavit of the Village Clerk as to such posting and publishing shall be conclusive proof thereof.

Section 11. Election ballots shall be printed without any party mark, emblem, vignette, or designation whatsoever, on plain, substantial paper, and the same shall be printed and numbered, and the names of candidates transposed and alternated, in accordance with the provisions of the general laws of the State regulating the same at elections in this State. Beneath the names printed on the ballots for each office, there shall be printed one (1) or more blank lines according to the number to be elected to such office, with squares to the left thereof, so that the elector may write or paste thereon the names of any other person than those printed thereon, and vote for such person by placing a cross or a check mark in the square opposite his or her name.

Section 12. The ballot for officers shall be in substantially the following form:

OFFICIAL BALLOT

Candidates for election to the office of the Village of (naming offices to be filled) of the Village of Michiana at the election held on the day of 20.... (Place a cross or check mark in the square opposite the names of the persons for whom you desire to vote).

FOR TRUSTEES

Vote for (designate the number of trustees to be elected). (Here list the names of candidates with a square at the left of each name).

Section 13. The Village Clerk shall prepare all ballots for printing and copies of all ballots shall be on file in the office of the Village Clerk at least twenty (20) days before the election. The Village Clerk shall cause to be delivered at each polling place prior to the time of the opening of the polls a number of ballots equal to at least one and one-fourth (1-1/4) times the number of registered electors in such polling precinct, and also all supplies, stationery, books, blanks, and accessories necessary for the conduct of election.

Section 14. Immediately upon the closing of the polls the Board of Election inspectors shall count the ballots and ascertain the number of votes cast for each of the candidates and upon each of the questions and propositions voted upon, and shall make immediate returns thereof to the Village Clerk upon blanks to be furnished by the Village Clerk.

Section 15. Election procedures, including but not limited to ballot, canvass, count and certification shall be as provided by general law, and in case there shall be no provision in general law, then by Village Ordinance.

Section 16. If any person shall make a false oath or affidavit in connection with any matter required by this chapter or shall violate any provision of this chapter or shall knowingly neglect or refuse to perform any duty herein prescribed, such person shall be guilty of a misdemeanor, and upon conviction shall be punished to the extent allowed by law.

Section 17. The residents of the Village, having the qualifications of electors under the Constitution and general laws of the State and no others, shall be electors therein. Every elector of the Village who is registered in the Village registration book in accordance with the general laws of the State shall be entitled to vote at any election held under the provisions of this Charter.

Section 18. The polls for all Municipal elections shall be open at 7:00 a.m. of election day and remain open until 8:00 p.m. of said day.

Section 19. The Council shall provide all necessary voting booths, equipment, ballot boxes, and supplies for the conduct of all elections.

Section 20. The general election laws of the State when applicable shall apply to all regular and special Village elections, in relation to polling places and their equipment, inspectors and clerks of election and their appointment, the powers and duties of all Village officers, the conduct of elections and the manner of voting, assisted voters, absentee voters, election returns, canvass by precinct inspectors, recounts and correction of frauds and errors in returns, and in general to all election matters whether the same be herein specifically enumerated or not; provided, however, that when there is a conflict between such general laws and this Charter as to any matter which may be lawfully regulated by Charter, then the provisions of this Charter shall control.

Section 21. Inspectors and clerks of election shall be appointed by the Village Council and shall receive such compensation as shall be fixed by the Council.

Section 22. The Board of Village Election Commissioners shall have power, and it shall be its duty, to remove any inspector or clerk of election if in its judgment such inspector or clerk should be removed for the proper and efficient conduct of the election; to fill any vacancy in the office of inspector or clerk of election; and in general to perform such acts as election commissions in villages are authorized to perform.

Section 23. No informalities in conducting a Municipal election shall invalidate the same if such election shall be conducted in substantial conformity with the requirements of this Charter.

CHAPTER V RECALL

Section 1. Any elective officer of the Village of Michiana may be recalled by the qualified electors of the Village in accordance with the general laws of the State providing the recall of village officials.

CHAPTER VI ORDINANCES

Section 1. The enacting clause of all Ordinances shall read "The Village of Michiana ordains," but such caption may be omitted when such Ordinances are published in book form by authority of the Council. Each proposed Ordinance shall be introduced in written or printed form.

Section 2. Except as otherwise provided in this Charter, the Council shall have power by Ordinance to amend or repeal any Ordinance, in whole or in part. Each Ordinance shall be submitted for a first reading at a regular meeting of the Council. After the second reading at a regular meeting, the Council may adopt or reject the Ordinance. No Ordinance shall be amended by reference to its title only, but the section or sections of the Ordinance to be amended shall be re-enacted at length. Any Ordinance may be repealed by reference only to its number and title.

Section 3. All Ordinances shall be recorded in an indexed book marked "Ordinance Book" and the record of each Ordinance shall be authenticated by signature of the Village President and Village Clerk. Such record and authentication shall be done promptly after the final passage of the Ordinance but failure to so record and authenticate any Ordinance shall not invalidate it or suspend its operation. Before any Ordinance shall become operative a synopsis of such Ordinance shall, within fifteen (15) days after passage, be published in a qualified newspaper circulated in the Village, and copies of the Ordinance shall, at the same time, be posted in two (2) of the most public places in the Village; the Village Clerk shall, immediately after such publication and posting, and within fifteen (15) days after passage, enter in the record of Ordinances, in a blank space to be left for such purpose under the record of Ordinance, a certificate under his or her hand, stating the time and places of such publication and posting. Such certificate shall be prima facie evidence of the due publication and posting of the Ordinance. The effective date of all ordinances shall be prescribed therein but the effective date shall not be earlier than twenty days after the enactment nor before publication thereof. It is provided, however, that an ordinance which is declared therein to be immediately necessary for the preservation of the public peace, health or safety may be enacted before publication of the proceedings of the meeting at which it is introduced, or may be given earlier effect than twenty days after the enactment, or both, by the affirmative votes of not less than four members if five

members are present at the meeting at which it is enacted or by the affirmative vote of not less than three members if three or four members are present at the meeting at which it is enacted. In case an ordinance is given effect earlier than twenty days after its enactment, the requirements for publication before such ordinance becomes operative may be met by posting copies thereof in conspicuous locations in five public places in the Village; and the Clerk shall, immediately after such posting, enter in the Ordinance Book under the record of the ordinance a certificate under his hand stating the time and place of such publication by posting, which certificate shall be prima facie evidence of such publication by posting of the ordinance. Such ordinance shall also be published thereafter in a qualified newspaper of general circulation in the Village as soon as practical.

Section 4. Every Ordinance shall become effective upon its publication unless a later effective date is provided therein.

Section 5. The Village Council shall have authority to provide in any Ordinance for the punishment of those who violate the same, by a fine as allowed by the laws of the State of Michigan or imprisonment for a period not exceeding such terms as allowed by the Constitution of the State of Michigan, any statute or law, or both.

Section 6. Whenever it shall be necessary to prove any Ordinance in any judicial proceedings, the same may be proved by a record thereof kept by the Village Clerk, by a copy thereof duly certified as a true copy by the Clerk, under the seal of the Village or from any volume purporting to have been published, printed, and compiled by authority of the Village Council.

CHAPTER VII CONTRACTS

Section 1. No contract shall be entered into by the Village for the making of any public improvement or for the purchase of any materials, tools, apparatus, supplies or services, exclusive of professional services, which professional services are defined and limited to Village Attorney, Village Engineer, Village Planner, Village Accountant and Village Auditor, the consideration or cost of which shall exceed Ten Thousand and No/100s (\$10,000.00) Dollars, whether budgeted or not, until specifications shall be prepared therefor, and published advertisement made for sealed proposals thereon; provided, however, that by a vote of three-fifths (3/5ths) of the members of the Council-elect, such contracts may be made without advertisement, the consideration for which shall not exceed Ten Thousand and No/100s (\$10,000.00) Dollars. The Village shall have the right to reject any or all such proposals.

Section 2. Subject to the provisions of the Charter, the Village may through its departments, officers, and employees perform public work of all kinds or it may let any of such work by contract. The Village shall not, however, undertake the performance of any construction work exceeding an estimated cost of Ten Thousand and No/100s (\$10,000.00) Dollars, whether budgeted or not, until it has first advertised for sealed proposals therefor, unless waived by the Council as provided above.

Section 3. No public improvement, costing more than Fifty Thousand and No/100s (\$50,000.00) Dollars, shall be contracted for or commenced until drawings, profiles, and estimates for same shall have been submitted to the Council and approved by it; and the same or a copy thereof shall thereafter remain on file in the office of the Village Clerk subject to inspection of the public.

Section 4. No member of the Council shall vote for the authorization of any contract with or for the Village, or for the expenditure of any money on the part of the Village, if he or she shall be financially interested in the proceeds of such contract or in the money so expended, except in conformity with the laws of the State of Michigan.

CHAPTER VIII GENERAL FINANCE, VILLAGE BUDGET AND FUNDS

Section 1. The fiscal year of the Village shall be from July 1 through June 30, except as otherwise provided by the laws of the State of Michigan.

Section 2. The Village Treasurer shall be the general accountant of the Village and shall keep a complete set of accounts in conformity and pursuant to the Uniform Budgeting and Accounting Act of the State of Michigan, as amended, showing the financial transactions of the Village, which accounts shall conform to the uniform system required by law. The Village Treasurer shall receive and disburse all moneys belonging to the Village and shall keep an accurate detailed account of all money received and disbursed by him or her and of the particular fund into which or from which said money is paid. He or she shall pay out no money except upon warrant issued as in this Charter provided. He or she shall, at least once every three (3) months

and more often if required, furnish the Council with a statement showing all cash on hand and in the bank at the beginning of the preceding period, the receipts and disbursements for the preceding period, the cash and bank balances at the end of the preceding period, and the condition of the several funds of the Village. He or she shall make such other reports as the Council may require.

Section 3. No money shall be drawn from the Treasury except upon the warrant of the Village Clerk countersigned by the Village President. Every warrant shall specify the fund from which it is payable and shall be paid from no other fund. No warrant shall be drawn upon the Treasury after the fund from which it should be paid has been exhausted, and if any such warrant shall be drawn it shall be void. No warrants shall be issued until the same have first been authorized by the Council; provided, however, that the warrants may be issued for the payment of labor and current expenses with the prior authorization of the Council, if authorized by the President, but the total amount of such warrants issued between any successive regular meetings of the Council shall not exceed such an amount as the Council shall from time to time establish. All liquidated accounts and demands against the Village shall be received and audited by the Village Treasurer who shall enumerate them on a regular form prescribed by the Council. The Treasurer shall certify to the Council as to the correctness or incorrectness of the various amounts on such list. The Council shall authorize the issuance of warrants on the Treasury for the payment of such items as shall be approved by it.

Section 4. All taxes accruing to the Village shall be collected by the Village Treasurer. All moneys received by any officer or employee of the Village for or in connection with the business of the Village, shall be paid promptly into the Village Treasury, and shall be deposited by the Treasurer with such responsible banking institutions as may be designated by the Council and furnish such security as the Council may determine, and all interest on such deposits shall accrue to the benefit of the Village. The Council shall provide for the prompt and regular payment and deposit of all Village moneys as required by this section.

Section 5. All fees received by any officer or employee in his or her official capacity shall belong to the Village except as in this Charter otherwise provided and except also where it is otherwise provided in the resolution or Ordinance fixing the salary of any officer or employee.

Section 6. The revenues raised by general taxation upon all property in the Village or by loan to be repaid by such tax, shall be divided into such and so many funds as the Council may by Ordinance or resolution determine.

Section 7. Pursuant to Act 2 of P.A. 1968, as amended, being the Uniform Budgeting and Accounting Act of the State of Michigan, the Village shall keep proper books and records in accordance with said Act. Further, the Village shall obtain an audit of its financial records, accounts and procedures in conformity with the requirements of said Act.

Section 8. The Council shall prepare and file a proposed annual budget for the ensuing fiscal year as required by law, based upon detailed estimates furnished by the several Village officers according to a classification as nearly uniform as possible. The Council shall also prepare the following information:

- (1) A comparative statement, in parallel columns, of the appropriation and expenditures for the current and next preceding fiscal year and the increases and decreases in the appropriation recommended;
- (2) An itemized statement of the taxes required and of the estimated revenue of the Village from all other sources, for the ensuing fiscal year, with comparative statements in parallel columns of the taxes and other revenues for the current and next preceding fiscal year, and of the increases and decreases estimated or proposed.

Summaries of such budget shall be available in the Clerk's office at least one (1) week in advance of a public hearing which shall be held by the Council before adopting the same.

Section 9. Council shall pass by a vote of three-fifths (3/5ths) of the members of the Council-elect an annual appropriation resolution, which shall be within budgeted revenues. The total amount of appropriation shall not exceed the revenues of the Village as estimated by the Council. No liabilities shall be incurred by an officer or employee of the Village, except in accordance with the provisions of the annual appropriation resolution, or under continuing contracts and debts authorized under the provisions of this Charter or the laws of the State of Michigan. At any meeting after the passage of the appropriation resolution and after at least one (1) week's notice to the members of the Council, the Council may amend such resolution so as to authorize the transfer of unused balances appropriated for one (1) purpose to another purpose, or to appropriate available revenues or a class not included in the annual budget.

Section 10. If for any cause there shall be at the end of any fiscal year a surplus in any current expense fund, such surplus may be transferred to such other fund as the Council may deem advisable.

Section 11. The Council, subject to the applicable provision of law, may authorize the borrowing of money in anticipation of the payment of special assessments made for the purpose of the construction or improvement of highways, streets and alleys within the Village. Such special assessment bonds shall be both an obligation of the special assessment district and a general obligation of the Village. All collections

on each special assessment roll, to the extent that the same are pledged for the payment of the principal of, and interest on, bonds issued in anticipation of the payment thereof, shall be set apart in a separate fund for the payment of such principal and interest and shall be used for no other purpose.

Section 12. The Council, subject to the applicable provisions of the laws of the State of Michigan, may borrow money and issue general obligation bonds of the Village. Any borrowing that increases the rate of taxation shall require approval by a majority vote of the electors of the Village.

CHAPTER IX GENERAL ASSESSMENTS AND TAXATION

Section 1. The Village Treasurer shall, on or before the first of May of each year, make an assessment roll of all persons and property liable to taxation in the Village, and in so doing, unless otherwise provided in this Charter, he or she shall conform to and be governed by the provisions of the general laws of the State governing assessing officers performing like duties in the assessment of persons and property for State, county, and school taxes.

Section 2. The subjects of taxation for Municipal purposes shall be the same as for state, county, and school purposes under the general laws of the State.

Section 3. Subject to the provisions of this Charter and the statutes of the State, the Council shall levy such taxes each year as may be necessary to meet the appropriations made (less the estimate of the amount of revenue from other sources) and all sums required by law to be raised on account of the Village debt.

Section 4. The Council shall have the authority, within the limits herein prescribed, to raise annually by taxation such sums of money as may be necessary to defray the expenses and pay the liabilities of the Village and to carry into effect the powers in this Charter granted.

Section 5. The aggregate amount which the Council may raise by a general tax upon the taxable real and personal property in the Village shall not exceed in any one (1) year two percent (2%) of the assessed value of all real and personal property in the Village, as fixed by the assessment roll of the year in which the tax is levied.

Section 6. The Village Clerk shall certify to the Village Treasurer, the total amount which the Council determines shall be raised by general tax.

Section 7. After the endorsement of the assessment roll by the Chairman and the Clerk of the Board of Review for New Buffalo Township, and upon receiving the said certificate of the several amounts to be raised, as provided in the preceding section, the Village Treasurer shall proceed to assess the amount of the general Village tax according and in proportion to the several valuations set forth in said assessment roll. Said roll shall be known as the "Village tax roll."

Section 8. After extending the taxes as aforesaid, the Village Treasurer shall certify under his or her hand said tax roll, and the President of the Village shall annex his or her warrant thereto, directing and requiring the Village Treasurer to collect from the several persons named in said roll the several sums mentioned therein opposite their respective names as a tax or assessment, and authorizing him or her, in case any person named therein shall neglect or refuse to pay such sums, to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale. Said warrant shall further direct that all taxes paid on or before the thirty-first day of August of the same year, shall be collected without additional charge, and that there shall be added to all taxes paid after each thirty-first day of August, one (1) per cent for each and every month or fraction thereof that the same remains unpaid. The Treasurer shall also prepare a true copy of said Village tax roll and the President shall execute a duplicate of said warrant and annex the same thereto, said roll to be known as the "duplicate Village tax roll." Said Village tax roll and annexed warrant, and said duplicate tax roll and annexed warrant, shall be filed with the Village Treasurer's records on or before the first day of July of the year when made. In the event said tax roll shall be lost or destroyed a new roll and warrant may be made. Before the original tax roll is deposited with the County Treasurer at the time of returning delinquent taxes; the Village Treasurer shall endorse upon the duplicate tax roll all payments made on taxes assessed therein and such duplicate tax roll shall thereupon become the official record of the Village.

Section 9. Village taxes shall be due on the first day of July of the year when levied and shall be payable as stated in the warrant of the Village President annexed to said roll. After the delivery of the tax roll to the Village Treasurer, said Treasurer shall mail tax statements to the several persons named therein. Failure to mail or receive any such statement shall not excuse the non-payment of any tax.

Section 10. The Village taxes when assessed shall become at once a debt to the Village from the person to whom they are assessed, and the amounts assessed on any interest in real property shall, on the first day of July of the year when assessed, become a lien upon such real property, and the lien for such amounts for all interest and charges shall continue until payment thereof. All personal property taxes shall also

be a first lien on all personal property of such persons so assessed, from and after the first day of July of the year when assessed, and shall so remain until paid, which said lien shall take precedence as provided by law, over all other claims, encumbrances, and liens upon said personal property whatsoever, whether created by chattel mortgage, execution, levy, judgment or otherwise, and whether arising before or after the assessment of said personal property taxes, and no transfer of personal property assessed for taxes thereon shall operate to divest or destroy such lien, except where such personal property is actually sold in the regular course of retail trade.

Section 11. If the Village Treasurer has been unable to collect any of the Village taxes on said roll on real property before the day set by law following the date when said roll was received by him or her, then it shall be his or her duty to return all such unpaid taxes on real property to the County Treasurer in the same manner and with like effect as returns by township treasurers of state and county taxes. Such returns shall include all the additional charges hereinbefore provided, which charges shall in such return be added to the amount assessed in said roll against each description. The taxes thus returned shall be collected in the same manner as other taxes returned to such County Treasurer are collected under the provisions of the general laws of the State, and the same rate of interest and all charges shall be collected thereon, and all taxes upon land so returned as delinquent shall be and remain a lien thereon until paid.

Section 12. It shall be the duty of the Village Treasurer, upon request made by any party, to issue his or her certificate showing all unpaid taxes, and other charges which are a lien upon any specified property, and which are payable at his or her office, and he or she may, upon being authorized by the Village Commission, charge the party requesting the same such sum as the Council shall establish for each parcel. The issuance of such certificate shall not create any liability upon the part of the Village or the Village Treasurer, except that in the event of fraud on the part of the Village Treasurer in the issuance thereof he or she shall be liable therefor.

Section 13. The Village Clerk, after the Council has determined the several amounts which it requires to be raised by general tax for the several funds of the Village, and the aggregate thereof, shall certify the same to the Village Treasurer. When such general taxes shall be received by the Village Treasurer, they shall be apportioned to the several funds of the Village pro rated according to the several amounts of said funds so certified.

Section 14. Money may be borrowed in anticipation of receipts from taxes for the payment of current expenses or to fund deficiencies in current revenue, by the

issue of notes, but the aggregate amount of such loans at any time outstanding shall not exceed the total of such unpaid taxes outstanding. All such loans shall be subject to the provisions of the laws of the State in relation thereto. No temporary loans authorized by this section shall be made without approval of four (4) of the members of the Council.

CHAPTER X FRANCHISES

Section 1. No franchise which is not revocable at the will of the Village shall be granted or become operative until approved by three-fifths (3/5ths) of the electors voting thereon at a general or special election.

Section 2. No franchise shall be granted for a longer period than thirty (30) years.

Section 3. No person, firm or corporation shall ever be granted an exclusive franchise.

Section 4. No public utility, not possessing a valid franchise, shall have the right to the use of the highways, streets, alleys or other public places for wires, poles, pipes, tracks, conduits or the like without first obtaining a proper permit from the Council, which permit shall be revocable at any time.

Section 5. All contracts granting, renewing, extending or amending a franchise shall be made by Ordinance and not otherwise, and shall not be effective until a written acceptance is filed by the grantee with the Village Clerk.

Section 6. The grant of every franchise shall be subject to the right of the Village to make and enforce all regulations which shall be necessary to secure adequate and efficient service from all public utilities operating in the Village, and to protect the health, safety and welfare of the public.

CHAPTER XI PLANNING AND PLATS

Pursuant to Act 285 of P.A. 1931, as amended, the Village Council shall continue a Michiana Village Planning Commission to provide for the planning of land use, environmental safety and the regulation of trade, occupation and recreation within the Village boundary.

CHAPTER XII MUNICIPAL PUBLIC UTILITIES

Section 1. The Village shall possess and hereby reserves unto itself all the powers granted to Villages by Statute and the Constitution to acquire, own, and operate any public utility within or without its corporate limits.

Section 2. All municipally owned utilities, if any, shall be administered as separate agencies of the Village government under one or more department heads appointed by the Council. These agencies shall serve at the pleasure of the Council.

Section 3. The Council shall have the power to fix and set the rates charged. There shall be no discrimination in such rates within any classification of user, nor shall any service performed be free.

Section 4. All municipal public utilities shall be established by ordinance. Each ordinance will set forth all rules and regulations needed to effectively operate the utility, including the rates and charges for a utility's services. They will also include the terms and conditions under which the Village may discontinue a utility and enforce its directions.

Section 5. Unless instructed to do so by at least sixty (60%) per cent of the electors voting on the issue in a regular or special election, the Village shall not sell, exchange, lease, or in any way dispose of any property, equipment, privilege, or asset belonging to any municipally owned public utility, if any, that may be needed to continue the operation of the utility.

Upon approval of at least 3/5ths affirmative votes of the Council and the affirmative vote of the majority of the municipally owned public utility commission, the restrictions of this Section shall not apply when:

1. Machinery or equipment to be sold or exchanged is useless;
2. New and improved machinery or equipment can replace old, resulting in improved services or efficiency of operation.

Section 6. All transactions pertaining to the ownership and operation by the Village of each public utility shall be recorded in a separate group of accounts under an appropriate fund heading.

These accounts shall be classified in accordance with Act 2 of P.A. 1968, as amended, being the Uniform Budgeting and Accounting Act of the State of Michigan.

Charges for all services furnished to or rendered by other Village departments or agencies shall be recorded.

This report of the utility shall be available for inspection in the office of the Clerk.

CHAPTER XIII EXISTING LEGISLATION

The valid provisions of all By-Laws, Ordinances, resolutions, rules and regulations of the Village of Michiana which are not inconsistent with this Charter and which are in force and effect and lawfully applicable to the territory of the Village of Michiana at the time of the effective date of this Charter shall continue in full force and effect and be administered by and for the Village until and unless repealed or amended under provisions hereof or otherwise by law.

Any reference in any such By-Law, Ordinance, resolution, rule or regulation to Village of Michiana Charter of October 12, 1977, shall be construed to refer instead to this Charter.

Within thirty (30) days after the effective date hereof, the Village Clerk under the direction of the Council shall procure, and enter and maintain in a record called "Existing Legislation", a copy of each existing By-Law, Ordinance, resolution, rule and regulation disclosed by the public records of the Village; and the Council shall, within sixty (60) days after such entry, determine by resolution the provisions thereof which apply to said territory under authority of this section. The Council may enact whatever it deems necessary as Village legislation, with notices and hearings thereon as required by this Charter.

CHAPTER XIV MISCELLANEOUS

Section 1. Whenever used in this Charter, the word "State" shall mean the "State of Michigan"; the word "Village" shall mean the "Village of Michiana"; the word "Clerk" shall mean the "Village Clerk" unless from the context the contrary shall plainly appear; words referring to the several officers where not preceded by the word "Village" shall be deemed to include official action in form of a motion as well as in

form of a resolution; the terms "Commission" and "Village Commission" shall be construed as meaning "Council" or "Common Council" for the purpose of such general laws of the State as use one (1) or the other of such latter terms in referring to the legislative body of the Village; words imparting the singular number only may extend to and embrace the plural number and words imparting the plural number may be applied and limited to the singular number; words imparting the masculine gender only may extend and be applied to those of the feminine gender.

Section 2. All meetings shall be posted both in Eastern Standard Time and Central Standard Time.

Section 3. Words purporting to give joint authority to two (2) or more public officers or other persons either as a board or otherwise shall be construed as giving such authority to a majority of such officers or other persons unless it shall be otherwise expressly declared.

Section 4. The word "person" may extend and be applied to bodies corporate as well as individuals. The words "written" and "in writing" may be construed to include printing, engraving, typewritten and lithographing, except that this rule shall not apply to provisions requiring written signatures, unless it be otherwise expressly herein provided. Records of the Village shall include, but not be limited to, all recorded materials.

Section 5. Should any portion of this Charter be declared void, illegal or unconstitutional, such finding shall not invalidate the remainder of the Charter.

Section 6. Records of the Village shall be public records, available for inspection at all reasonable times as provided under Act 442 of P.A. 1976, as amended, the Freedom of Information Act of the State of Michigan.

Section 7. All books, papers, records, recorded materials, and accounts of any officer elected or appointed, or any office or department of the Village related to Village business, shall be the property of the Village and shall at all times be subject to audit, examination or inspection by any member of the Council, or by any person employed or designated by the Council for that purpose. And all such books, papers, records, recorded materials, files, and accounts shall be in English and be kept in such place as may be designated by the Council.

Section 8. When, by the provisions of this Charter, or by laws of the State, notice of any matter or proceedings is required to be published in a newspaper or

posted, an affidavit of the publication or posting of the same, made by the printer of the newspaper in which the same was inserted, or by some person in his or her employ knowing the facts, if such notice was required to be by publication in a newspaper, or by the person posting the same when required to be posted, such shall be prima facie evidence of the fact therein contained. Such affidavit of publication or posting shall be filed with the Village Clerk.

Section 9. The Village shall be entitled to all of the rights, privileges, and immunities granted to governmental agencies by Act 170 of P.A. 1964, as amended (MCL 691.1401, et.seq.).

Section 10. Until otherwise changed by the Council, the seal of the Village of Michiana shall be circular form with the words "Village of Michiana, Michigan", around the outer edge and the words "Corporate Seal" across the center.

Section 11. All offenses in this Charter shall be punishable by a fine not exceeding Five Hundred and No/100s (\$500.00) Dollars or the maximum as allowed by the laws of the State of Michigan, or imprisonment for a period not exceeding ninety-three (93) days or as set forth by the laws of the State of Michigan, or both, in the discretion of the court, and the court may provide in any case that in event that the fine shall not be paid, the offender shall be imprisoned until the payment thereof, provided that no person shall be imprisoned for a single violation for a longer period than ninety-three (93) days or as allowed by law.

Section 12. Amendments to this Charter shall be initiated and submitted to the electors of the Village in the manner provided by the laws of the State. For the adoption of any amendment to this Charter or for the adoption of any revision thereof, it shall require the favorable vote of a majority of the electors voting thereon at the election at which the same shall be submitted.

CHAPTER XV SUBMISSION AND ELECTION

Section 1. This Charter shall be submitted to the electors of the Village of Michiana for their approval or rejection by majority vote of the electors at an election to be held on Saturday, the 29th day of March, 2003.

Section 2. Prior to the submission of this Charter, it shall be published once in a newspaper published in the County of Berrien and circulated in the Village of Michiana, not less than two (2) weeks, nor more than four (4) weeks preceding said

election, together with a notice of said election, which notice shall state that at said election the question of adopting said proposed Charter will be voted on, and the elective officers provided for therein will be elected, and shall also state the location of the polling place for such election and other matters required by law. Notice of said election shall also be posted in at least ten (10) public places within the Village not less than two (2) weeks prior to said election.

Section 3. The election district for said election shall be the entire Village of Michiana, and the polling place for said election shall be designated by this Charter Commission and published as hereinbefore provided.

Section 4. The form of ballot on the question of the adoption or rejection of this Charter shall be substantially as follows:

OFFICIAL BALLOT

Election held in Village of Michiana, Michigan, on March 29th, 2003.
(Instructions: A cross (X) or check mark (✓) in the square after word "YES" is in favor of the Charter, and a cross (X) or check mark (✓) in the square after the word "NO" is against the Charter).

"Shall the proposed Revised Charter for the Village of Michiana, drafted by the Charter Commission, elected on the 12th day of August, 2000, be adopted?"

YES ()

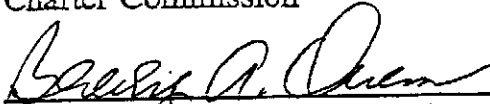
NO ()

Section 5. The polls for said election shall be opened at 7:00 a.m., Eastern Standard Time, or as soon thereafter as may be, and shall be continued open until 8:00 p.m., Eastern Standard Time, of the same day. Said election shall be conducted in accordance with the laws of the State of Michigan.

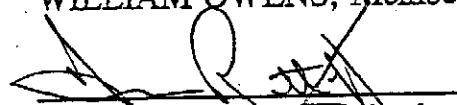
Section 6. If this Revised Charter be approved at said election, then two (2) printed copies thereof, with the vote for and against the same, duly certified by the Village Clerk, shall within thirty (30) days after the vote is taken be filed with each the

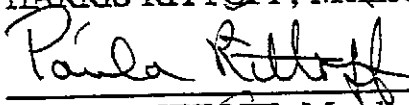
Secretary of State and the County Clerk of Berrien County, and upon the filing thereof this Charter shall become effective.

VILLAGE OF MICHIANA,
Charter Commission


BEVERLY A. OWENS, Chairman


WILLIAM OWENS, Member


HARRIS RITTOFF, Member


PAULA RITTOFF, Member


BONNIE BRODKIN, Member