

**WORK SESSION AGENDA  
WYOMING CITY COUNCIL MEETING  
CITY COUNCIL CHAMBERS**

**Monday, October 11, 2021, 5:30 P.M.**

- 1) Call to Order**
- 2) Student Recognition**
- 3) Public Comment on Agenda Items (3 minute limit per person)**
- 4) Stormwater Ordinance and NPDES Phase II MS4 Permit**
- 5) Water System Energy and Optimization Study**
- 6) Planning and Economic Development Department Staffing**
- 7) ARPA – State and Local Fiscal Recovery Funds**
- 8) Support Emergency Operations Plan**
- 9) Police Officer Academy Sponsorship Program**
- 10) Fire Captain – Training Officer Position**
- 11) Flock Safety Camera System**
- 12) Portable 800 MHz Radios and Accessories**
- 13) Office Furniture Purchase for City Clerk’s Office**
- 14) Annotated City Charter**
- 15) Any Other Matters**
- 16) Acknowledgement of Visitors/Public Comment (3 minute limit per person)**

## STAFF REPORT

Date: October 5, 2021

Subject: Storm Water ordinance and NPDES Phase II MS4 permit

From: Peter Klooster, P.E., Civil Engineer

Date of Meeting: October 11, 2021

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### **RECOMMENDATION:**

That City Council adopt required revisions to the City's stormwater ordinance at a future regular session.

### **COMMUNITY, SAFETY, STEWARDSHIP:**

The proper management of stormwater serves the community and the environment and maintains compliance with State and Federal regulations.

### **DISCUSSION:**

Under Phase II of the Clean Water Act's National Pollutant Discharge Elimination System, EGLE (Michigan Department of Environment, Great Lakes, and Energy) has required every municipality to regulate all stormwater discharges to their storm sewers. The City of Wyoming has applied to EGLE for an MS4 permit (Municipal Separated Storm Sewer System) to demonstrate compliance with this mandate. Wyoming staff have collaborated with other communities within the Lower Grand River Organization of Watersheds (LGROW) in this process to achieve a regional approach to stormwater management.

One of the conditions of the permit is to have updated ordinance authority regarding construction and post-construction activities of development parcels within the City's jurisdiction. Engineering staff is currently working with the City Attorney for final language and formatting to fit the City's ordinance. The MS4 permit will require adoption of the updated ordinance language within 6 months of permit issuance, which we expect to occur on November 1, 2021, but is largely dependent on EGLE's schedule. We will be bringing this language to Council for adoption once finalized and the permit is issued.

### **BUDGET IMPACT:**

This action has no impact on the City's budget.

## STAFF REPORT

Date: 28 September 2021  
Subject: Water System Energy and Optimization Study  
From: Myron Erickson, PE, Director of Public Works  
Meeting Date: 11 October 2021, Work Session

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### **Recommendation:**

That the City Council accepts and authorizes the Mayor and City Clerk to approve an engineering services agreement from Black & Veatch Ltd of Michigan for a Wyoming Water System Energy and Optimization Study.

### **Community, Safety, Stewardship:**

Safe and ample water supply serves the best interests of the citizens and rate payers of Wyoming's utility system. Ensuring the highest possible quality and reliability while minimizing and equitably distributing costs represents sound stewardship.

### **Discussion:**

The City of Wyoming owns and operates its own water filtration plant and provides fresh, safe drinking water of the highest quality to a service population of over 210,000, which includes several Ottawa County communities. Since the original inception and construction of the water plant, Ottawa County has held a "beneficial ownership" interest in the plant's assets that are physically located west of the Gezon Pumping Station. This means that when those assets are operated, maintained, or replaced, Ottawa County shares in the cost to a level that is in proportion to its current overall "beneficial ownership" interest.

At some point in the early 1990's, Wyoming and Ottawa County apparently agreed that the Burlingame Pumping Station should be classified as a "west of Gezon" asset, even though it is physically located east of Gezon. No written record of this agreement exists, however. Through interviews with former utility directors from that era, it is thought that the reasoning behind this arrangement was the presumed benefit Ottawa County receives from Wyoming's careful operation of the station, which results in energy savings that are realized at the water plant itself. Since the energy efficiencies are realized at the water plant, which is obviously a "west of Gezon" asset, Ottawa County also realizes and benefits from these energy cost savings and therefore is also responsible for its share of the upkeep of the Burlingame Pumping Station.

When the City of Wyoming undertook the complete refurbishment of the Burlingame Pumping Station in 2019, Ottawa County questioned this logic and declined to pay what would have been its proportional share of the project costs, amounting to approximately \$2M. The two communities amicably agreed to investigate the issue and solicited Black & Veatch as a neutral consultant to conduct a study.

The overall aim of the study is to quantify what, if any, energy cost savings are realized at the plant because of Wyoming's energy-efficient mode of operation of the Burlingame Pumping Station. This then would become the basis for distributing the costs of operating, maintaining, and replacing the Burlingame Pumping Station as though it were a "west of Gezon" asset.

The cost of this 783-hour effort will be split 50/50 with our Ottawa County partners. Wyoming will be the contracting partner with Black & Veatch and will bill Ottawa County for its half of the study. Since the need for the study was foreseen at FY22 budget preparation time, but the cost unknowable and negotiation with Ottawa County ongoing, a Budget Amendment from working capital is needed.

**Budget Impact:**

The cost of the study is \$150,686.00 and is to be split 50/50 with Ottawa County. Following the Budget Amendment, funds will be available in the Water Treatment Plant Account #591-591-55300-801.000.

**Attachments:**

Contract  
Scope of Services

CITY OF  
**Wyoming**  
MICHIGAN

**STANDARD CITY PROFESSIONAL SERVICES CONTRACT**  
CITY OF WYOMING, MICHIGAN  
(BLACK & VEATCH)

This Contract is made as of the Effective Date between the City and the Professional.

"City" means the City of Wyoming, a Michigan municipal corporation of 1155 28<sup>th</sup> Street SW, Wyoming, MI 49509.

"City Professional Services Contract Standard Terms and Conditions" means the 2-page document attached as Exhibit A entitled "City of Wyoming, Michigan City Professional Services Contract Standard Terms and Conditions."

"Effective Date" means September 2, 2021.

"Professional" means Black & Veatch Ltd. of Michigan, a Michigan corporation of 3351 Claystone Street, Suite G-100, Grand Rapids, MI 49546 (3550 Green Court, Ann Arbor, MI 48105).

"Proposal" means the Professional's proposal for the Services attached as Exhibit B.

"Services" means Water System Energy and Optimization Study as detailed in the Proposal.

TERMS AND CONDITIONS

In exchange for the consideration in and referred by this Contract, the parties agree:

1. The Professional will perform the Services as detailed in the Proposal. Except as otherwise provided in the Proposal, the Professional will provide all qualified personnel, supplies and tools needed to perform the Services as described in the Proposal.
2. City will pay the Professional in accordance with the Proposal. City will, on a timely basis, provide any information and services the Proposal identifies as being provided by the City so the Professional can perform the Services as described by the Proposal.
3. Professional represents and warrants it is complying with and will comply with the City Professional Services Contract Standard Terms and Conditions.
4. This is the only agreement between the parties regarding the Services that are the subject of the Proposal and there are no other agreements, representations, or warranties except as are stated in the Proposal. This Contract can be amended only in writing signed by both City and Professional.

City and Professional have signed this Contract as of the Effective Date.

**City of Wyoming**

By: \_\_\_\_\_  
Jack A. Poll, Mayor

By: \_\_\_\_\_  
Kelli A. VandenBerg, City Clerk

Date signed: \_\_\_\_\_, 2021

Approved as to form: \_\_\_\_\_  
Scott G. Smith, City Attorney

**Black & Veatch Ltd. of Michigan**

By:  \_\_\_\_\_  
David S. Koch, P.E., Associate Vice President

Date signed: September 29, 2021

Digitally signed by Koch, David S.  
Location: Chicago, IL USA  
Reason: I agree to the terms defined  
by the placement of my signature on  
this document  
Contact Info: KochDS@bv.com  
Date: 2021.09.29 16:17:30-0500

Exhibit A  
CITY OF  
**Wyoming**  
MICHIGAN

**CITY PROFESSIONAL SERVICES CONTRACT STANDARD TERMS AND CONDITIONS**

1. **Applicability.** These Standard Terms and Conditions apply to all professional services contracts to which the City of Wyoming ("City") is a party except as expressly modified in writing signed by the Mayor and City Clerk. By signing this Contract or acknowledging below, Professional attests it complies with and will comply with these Standard Terms and Conditions.

2. **Legal Compliance.** Professional will comply with all applicable (i) laws, rules, regulations, codes, and ordinances, (ii) license and permit requirements, and (iii) orders of any governmental agency, official or court of competent jurisdiction.

3. **Approvals.** Unless this Contract or the Proposal states otherwise, Professional will, without expense to City, obtain all permits and other approvals required to lawfully perform the services under this Contract and, upon City's request, will furnish City copies of them.

4. **Qualifications.** Professional represents and promises that:

A. Professional has and will maintain, and Professional's personnel have and will maintain, any needed licenses, registrations, certifications, memberships, or other approvals needed to perform the Services in Michigan.

B. Neither Professional nor any of Professional's personnel: (i) are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency; (ii) have within 3-years preceding this Contract been convicted of or have a judgment against them for fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public transaction or contract with a government agency; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; (iii) are presently criminally charged with committing any of the offenses enumerated in this certification; and (iv) have within 3-years preceding this Contract had one or more public transactions terminated for cause or default.

C. Professional and Professional's personnel are not on and will remain off the Federal System for Award Management list of persons and entities ineligible for federal contracts.

D. Professional is not an "Iran linked business" under Michigan's Iran Economic Sanctions Act.

5. **Nondiscrimination and Respect.** City is committed to equity, fairness, impartiality, courtesy, respect and nondiscrimination in all programs, benefits, and actions, including in its contracts and any activities that Professional, Professional's personnel, contractors engage in for or on behalf of City. Accordingly:

A. Professional and Professional's personnel in (i) employment actions, (ii) solicitation, bidding or contracts with subcontractors or consultants, or (iii) solicitation, bidding or contracts for materials, will not discriminate based on race, color, religion, national origin, age, sex, height, weight, marital status, familial status, mental or physical disability, genetic information, or any other reason prohibited by law that is unrelated to the employee's or applicant's ability to perform the duties of a job or position. For purposes of this section, "sex" means sex and gender, sex or gender stereotypes, sexual orientation, gender identity (including transgender status) or expression, and pregnancy, childbirth or conditions related to pregnancy or childbirth. Professional and Professional's personnel will comply with applicable state and

federal laws, rules, regulations, orders, and other requirements regarding discrimination and inclusion, including, for example, Title VI of the federal Civil Rights Act of 1964, Michigan's Elliott-Larsen Civil Rights Act, Michigan's Persons with Disabilities Civil Rights Act, the federal Age Discrimination Act of 1975, and §504 of the federal Rehabilitation Act of 1973, together with rules, regulations, orders, directives and guidance issued pursuant to those statutes.

1. Professional will, in solicitations or advertisements for employees placed by or on behalf of Professional, state that all qualified applicants will be considered for employment without regard to race, color, religion, height, weight, marital status, sex, age, national origin, or disability unrelated to a person's ability to perform the duties of a particular job or position.

2. Professional will send to each labor union or representative of workers with which Professional has a collective bargaining agreement or other contract or understanding, a notice advising the labor union or workers' representative of Professional's commitments under this section and will post copies of that notice in conspicuous places available to employees and applicants for employment under this Contract.

B. If Professional or Professional's personnel will, as part of its Services, be engaging for or on behalf of City with others, Professional will ensure that engagement (i) treats all individuals with fairness, equity, impartiality, courtesy and respect, and in a manner that does not discriminate based on race, color, religion, national origin, age, sex, height, weight, marital status, familial status, mental or physical disability, genetic information, or any other reason prohibited by law, and (ii) if that engagement includes communications with individuals with limited English proficiency (*i.e.*, those who speak English less than very well), it will use language assistance services for oral and written communications. Language assistance services in accordance with City's Limited English Proficiency Plan (part of City's Nondiscrimination Plan at <https://www.wyomingmi.gov>) will comply with this requirement.

C. Noncompliance with this section is a material breach of this Contract that can result in (i) withholding payments to Professional until Professional complies, (ii) Contract cancellation, termination, or suspension, in whole or in part, and/or (iii) Professional's ineligibility to bid on or enter future contracts with City.

D. Professional will retain and, upon City's request, provide copies of all information and reports required by all laws, rules, regulations, orders, directives and guidance referred to in this section as determined by City or a state or federal agency to be pertinent to ascertain Professional's compliance. If requested information is exclusively possessed by another who fails or refuses to furnish it, Professional will so certify to City.

E. Professional must include the requirements of paragraphs A through D in all subcontracts, consultant contracts, and material procurement and equipment leasing documents, directly or indirectly related to this Contract, and any other Professional activities the United States Department of Justice determine are needed to comply with this section. Professional must take such action with respect to any subcontractor, consultant, material supplier, or equipment lessor as City deems reasonably necessary to enforce compliance with this section including sanctions for noncompliance.

6. **Ethical Standards.** Professional and its directors, members, partners, officers and employees, as well as any parent, affiliate, or subsidiary organization or subcontractor of Professional has not

engaged in and will refrain from: (i) holding or acquiring an interest conflicting with this Contract; (ii) engaging in an act creating an appearance of impropriety with respect to the award or performance of this Contract; (iii) attempting or appearing to influence a City elected or appointed officer or employee by a direct or indirect offer of anything of value; or (iv) paying or agreeing to pay a person, other than its employees and consultants, any consideration contingent upon the award of this Contract. To the best of Professional's knowledge, no owner, director, officer, member, partner or key employee of Professional and no owner, director, officer, member, partner or key employee of any parent, affiliate, or subsidiary organization or subcontractor of Professional is a spouse, parent, child, grandchild, or sibling of the mayor, city council member, or any other elected or appointed officer or board/commission member of City except as already disclosed in writing to City when submitting its proposal. Professional will immediately notify City of any change in this circumstance.

7. Media Releases. Media releases (including promotional literature and commercial advertisements) pertaining to this Contract or the project to which it relates shall not be made without the City Manager's prior written approval and only in accordance with the written terms provided in that approval.

8. W-9. Professional and its subcontractors will, before beginning work complete and return by email to City at [accountspayable@wyomingmi.gov](mailto:accountspayable@wyomingmi.gov) an IRS W-9 form (available at [www.IRS.gov](http://www.IRS.gov)).

9. Document Ownership and Use. All documents Professional generates as part of its services under this Contract, whether in paper, electronic or other media or format, including for example and without limitation, any plans, specifications, bid documents, drawings, designs, and manuals, shall belong to City upon City's payment of any amounts due the Professional under the City Contract. City will hold Professional harmless from and indemnify Professional for any liability that results from use of those documents for any purpose or project beyond those purposes and projects for which they were provided to City.

10. Intellectual Property Guaranty. Professional guarantees the sale or use of software, records or other intellectual property provided under or used to perform the City Contract will not infringe any copyright, patent, trademark, or other intellectual property rights. Professional will, without expense to the City, defend every action brought against the City or the City's officers or employees for any alleged infringement of any intellectual property rights by reason of their use as part of the City Contract and will pay all costs, damages, and profits recoverable in any such action.

11. Taxes. City is generally exempt from federal and state taxes and a copy of its Tax Certificate of Exemption can be requested by contacting City's Finance Department.

12. Risk Allocation. Professional is solely responsible for (i) the means and methods of services provided under this Contract, (ii) the conduct of its officers, employees, subcontractors and consultants, and (iii) any injuries or property damage during Professional's performance of services under this Contract. Professional shall hold City and City's officers and employees harmless from and defend them (with legal counsel reasonably acceptable to City) against any claims made by persons other than City for personal injuries or property damage occurring during and as a result of Professional's performance of services under this Contract, but not for any negligence or wrongdoing of City or City's officers or employees.

13. Professional Responsibility. Unless the Proposal provides a higher standard of care, Professional will perform Professional's services under this Contract consistent with the standard of

practice and care of other, similar professionals performing similar services in Michigan.

14. Insurance.

<b>COMMERCIAL GENERAL LIABILITY</b>
Minimal Limits: \$1,000,000 Each Occurrence Limit \$2,000,000 General Aggregate Limit Coverage shall include the following: (A) Contractual Liability; (B) Independent Contractors Coverage; (C) Broad Form General Liability Extensions or equivalent, if not already included; (E) Deletion of all Explosion, Collapse, and Underground (EXU) Exclusions, if applicable.
<b>AUTOMOBILE LIABILITY INSURANCE</b>
Minimal Limits (hired and non-owned automobile coverage): \$1,000,000 per person \$1,000,000 per occurrence
<b>WORKERS' DISABILITY COMPENSATION</b>
Coverage shall be in accordance with applicable Michigan statutes. Waiver of subrogation, except where waiver is prohibited by law.
<b>PROFESSIONAL LIABILITY INSURANCE</b>
Professional liability insurance shall be in a minimum amount of the greater of \$250,000 or the amounts to be paid Professional for services under the City Contract.
<b>EXCESS/UMBRELLA INSURANCE</b>
Required liability limits may be obtained using an Excess-Umbrella Liability policy in addition to primary liability policy(ies). If Excess and/or Umbrella policy used to satisfy coverage limits, coverage must follow the form of the primary liability policy(ies).

Upon City's request, Professional will provide City's Purchasing Department copies of certificates of insurance and, if requested, Professional will allow City personnel to review Professional's policies and endorsements at Professional's Grand Rapids, Michigan office.

15. Records. Because City is a public entity and because it receives funds from other governmental agencies, City is required to retain, be able to obtain, and/or audit records related to City contracts. Professional will retain copies of all records related to this Contract for at least 6 years after completion of this Contract. Professional will, upon City's request, allow inspection, auditing and copying of all retained records.

16. Assignment/Beneficiaries. Unless otherwise provided in this Contract, (i) no right or duty of Professional under this Contract may be assigned or delegated without City's prior written consent and (ii) no other individuals or entities are intended to be beneficiaries of this Contract.

17. Independent Contractor. Professional is wholly independent of City and none of Professional's personnel shall be or be represented to be City officers or employees. Professional is solely responsible for the acts, omissions and statements of Professional's personnel. Professional is solely responsible for any compensation and benefits to be provided Professional's personnel for services or work provided under this Contract. City has no responsibility to supervise, compensate or insure Professional or Professional's personnel.

**Exhibit B  
Proposal**

September 2, 2021

Myron Erickson, PE  
Director, Department of Public Works  
City of Wyoming  
2350 Ivanrest SW  
Wyoming, MI 49418

Dear Mr. Erickson:

Black & Veatch is pleased to submit this proposal for evaluation of the energy usage by the City of Wyoming water transmission and distribution system under the scenarios described in the scope of work. This study will provide critical operational assessment for both the City of Wyoming as well as Ottawa County to guide decisions in their continued partnership.

#### SCOPE OF WORK, SCHEDULE AND LEVEL OF EFFORT

Close collaboration between the City, County and Black & Veatch as well as data gathering, and analysis will be critical to the project execution. In developing our approach, we have assured that the delivery team is available to execute the project in a timely manner. Our estimated duration for completion of this evaluation is nine months from issuance of notice to proceed. Please refer to the attached level of effort for the services described in the attached scope of work totaling a not-to-exceed amount of \$150,686.

We look forward to working closely with the City and County on this effort. If you have any questions regarding the proposal please do not hesitate to contact Heather Cheslek at CheslekHA@bv.com or 616-710-3446.

Very truly yours,

Black & Veatch Ltd of Michigan

  
Digitally signed by Koch, David  
S.  
Location: Chicago, IL USA  
Reason: I am approving this  
document  
Contact info: KochDS@bv.com  
Date: 2021.09.02  
12:05:00

David S. Koch, PE  
Associate Vice President

HAC  
Enclosure(s)

cc:  
Heather Cheslek, PE

**SCOPE OF SERVICES  
TO  
ENGINEERING SERVICES AGREEMENT  
FOR  
WATER SYSTEM ENERGY AND OPTIMIZATION STUDY SERVICES  
CITY OF WYOMING, MICHIGAN**

City of Wyoming, Michigan ("City") and the Ottawa County Road Commission ("County") engages Black & Veatch Ltd of Michigan ("Engineer") to perform engineering services associated with the Water System Energy and Optimization Study for the Wyoming Water System in Ottawa and Kent Counties.

**BACKGROUND**

The Water Supply System operated by the City serves the City itself as well as many customer communities throughout Ottawa and Kent Counties. The treatment plant is located near Lake Michigan in Ottawa County, and provides pumping to the transmission system that provides water along an approximately 26 mile route from the plant to the City. Ottawa County customer communities are served from connections to the transmission system along this 26 mile route. The City and County have agreements in place providing for funding of water supply facilities. Certain O&M and capital expenses, described further below, are currently shared at a ratio of 57% City and 43% County. The funding commitment for the County is made to facilities that are "West of Gezon," meaning those water supply system facilities that are, in general, located west of the Gezon Storage and Pumping Facilities, which are the terminal facilities for the transmission system from the water treatment plant.

The original agreement between the City and the County, which has been revised several times, defined the water supply system as consisting of a water intake in Lake Michigan, high service and low service pumping facilities, Water Treatment Plant, finished water storage at the Water Treatment Plant and at the Gezon Pumping Station (PS), and the transmission pipelines extending from the Water Treatment Plant to the Gezon PS. Collectively, these things are defined in the agreement as the "Original Project." However, at some point the Burlingame PS also came to be considered as a West of Gezon asset.

**Potential System Benefits realized by Facilities other than Original Project.**

In addition to facilities that are actually (i.e., physically) located west of Gezon, the City operates the Burlingame storage tanks and pumping facilities that it believes may provide benefits to the overall operations of the water supply system, such as energy usage optimization benefits. The water supply system facilities participate in a rate structure with the power utility that incentivizes reduced power usage during peak periods (11 am to 7 pm). For example, the use of the Burlingame facilities to minimize volume draws from the Gezon storage tanks during the peak period allows for lesser volume of pumping from the treatment plant in peak hours, as well as minimizing pumping head by maximizing water levels in the Gezon storage tanks. Assessment of these financial benefits are the primary focus of this project.

### Low and High Pressure District Benefits.

While also available for peaking capacity for meeting hourly demands above maximum day for the City and Kent County customer communities, the Burlingame facilities are also utilized to supplement equalization storage provided by the Gezon and Hook Tanks. In summary, this study will seek to quantify (in terms of reduced pumping energy costs) the economic benefits realized by the usage of the Burlingame facilities and provide data with the goal of allocating these benefits between the System as a whole and the City of Wyoming distribution system or other wholesale customer(s) west of Gezon.

## **SCOPE OF SERVICES**

The services to be performed by the Engineer shall include the following.

### Task 101 – Project Meetings

Engineer will attend up to a total of 5 project meetings with the City and the County. The meetings will be held remotely via web meeting to update the City and Ottawa County representatives on project progress and obtain feedback on deliverables. The kickoff meeting will be held to discuss the goals and objectives of the project, to establish the lines of communication, and to gather data necessary to complete the modeling and data analysis. All meetings are anticipated to be up to 2 hours and will be attended by the Engineer's senior project manager, technical advisor and lead modeler.

### Task 102 – Project Management and Administration

Engineer will provide project supervision, direction, and coordination with the City's management and staff. Project administration and management includes budget and schedule control, document control, coordination of activities, monthly invoicing and project close-out for up to nine months. Engineer will maintain a change register of any scope changes affecting the project budget or schedule and review it with the City on a regular basis. Engineer will discuss and receive written approval for any scope changes from the City prior to proceeding.

### Task 103 – System Data Request and Review

Engineer will prepare a data request that includes various system data and information that will be needed to complete the scope of services. This list could include, but is not limited to:

- Historical SCADA data in one-hour increments in MS Excel format. This data is needed to understand how the water system facilities have been operated in the past to target energy cost savings and to establish hourly water demand patterns for the City's distribution system as well as for the wholesale customers along the transmission main system.
- Pump control settings and/or operation descriptions for the WTP High Service pumps, Gezon pumps, and the Burlingame pumps.
- Energy Tariff(s). Copies of these tariffs are needed to establish current on-peak and off-peak energy costs and associated times of day, maximum energy demand charge costs, any seasonal variations to energy costs, and any other factors that could impact energy costs. If multiple tariffs govern energy costs at the WTP, Gezon PS, and Burlingame PS, copies of each individual tariff will be needed. Key information from the tariff(s) will be entered into the City's hydraulic model.

Data received will be reviewed by the Engineer and any following questions or data requests will be submitted to the City.

#### Task 104 – Historical SCADA Data Analysis

Engineer will review the SCADA data and develop system operations figures and/or tables as needed to illustrate how the WTP high service pump station and the Gezon and Burlingame pump stations typically operate over the course of a typical day and in varying demand (seasonal) conditions.

Hourly water demand patterns (diurnal curves) for each of the City's distribution system pressure zones and each wholesale customer along the transmission main system will be developed from available SCADA data for use in the Extended Period Simulation (EPS) model runs.

A web meeting will be conducted with the City to review the results of the SCADA Data Analysis and define exactly what daily system pumping operations should be considered as "typical" for different seasons annually. No modeling will be performed until after these pumping operations are defined and approved by the City and County.

#### Task 105 – Burlingame Storage Model Assessment

Engineer will review current and projected demands for the City of Wyoming distribution system to assess the minimum required storage required in the system per regulatory standards. Current demands will be based on the historical SCADA data for Gezon PS provided in Task 104. Projected demands will be based on demand projection data from the 2017 Water Treatment and Distribution System Reliability Study and General Plan performed by Johnson & Anderson. Minimum required storage calculations will be based on those used for previous Water System Reliability Studies. This assessment will document whether or not the full volume of storage at Burlingame can be anticipated to be fully available for economic benefits from managing energy costs, or if some portion must be considered to be reserved for regulatory-required minimum system storage.

#### Task 106 – Develop System Scenarios to be Modeled

Engineer will conduct a web meeting with the City to review and finalize the system scenarios and associated system operating assumptions to be modeled after the Task 104 Historical SCADA Data Analysis is completed including final determination of how many seasonal system demand conditions need to be modeled. Engineer has assumed that up to four (4) seasonal (i.e. winter, spring, summer, and fall) system demand conditions will be modeled for each of the scenarios listed below. Based on our current understanding of the study objective and scope, the following scenarios have been identified and are including in the scope of services:

- Scenario 1 "Baseline". This scenario will be based on the findings of Task 104 and reflect system operations during various seasonal system demand conditions without operation of the Burlingame PS.
- Scenario 2 "Typical". This scenario will be based on the finding of Task 104 and reflect system operations during various seasonal system demand conditions with operation of the Burlingame PS. The energy cost results [total and individually for each of the three pump stations (WTP, Gezon, and Burlingame)] from this scenario when compared with the results from the Baseline

scenario will determine the pumping energy cost difference or “savings” from typical operation of the Burlingame PS.

- Scenarios 3 and 4 “TBD 1” and “TBD 2”. Engineer has assumed that up to two (2) additional scenarios may be identified during the study that are desired to be modeled. These scenarios could be variations of the preceding scenarios or new scenarios altogether that seek to further enhance energy cost savings. The specifics of these scenarios will be determined during the study.

#### Task 107 – Update and Merge Hydraulic Models

Engineer has assumed that the City’s existing distribution system hydraulic model and the transmission main model are up-to-date. If any significant transmission main, pumping, or storage improvements have been constructed since the models were last updated, these improvements will be added to the model if they are deemed significant by the Engineer. Engineer has also assumed that water demands in the provided model are spatially accurate and based on historical metered sales data.

To perform the needed system simulations, the two hydraulic models will need to be merged. Engineer will review both models and perform necessary steps to combine the models into a single combined hydraulic model.

Based on the outcome of the Task 106 web meeting, the Engineer will develop 24-hour EPS model runs for each season to be analyzed for each scenario in the combined hydraulic model. Diurnal demands curves developed in Task 104 for the City’s pressure zones and wholesale customers along the transmission system and the necessary operational controls will be incorporated into the model.

Based on the review of existing Energy Tariff(s), Engineer will add relevant and necessary energy cost information into the model for appropriate pumping stations so that the model can directly calculate energy costs for a particular model scenario simulation.

#### Task 108 – Scenario Energy Modeling

Engineer will utilize the hydraulic model to simulate Scenarios 1 and 2 as developed during Task 106. Figures and/or tables will be prepared to summarize the results of each scenario. These results will focus on the energy cost results for each pumping facility as well as collectively for each scenario.

A 2-hour web meeting will be conducted with the City and County to review these results. If/as appropriate, Scenarios 3 and 4 will be developed and simulated with the hydraulic model. A subsequent 2-hour web meeting will then be conducted with the City and County to review the additional results.

#### Task 109 – Technical Memorandum Development

Engineer will prepare a Draft Technical Memorandum summarizing the work performed and associated results with supporting figures and tables in PDF format. The draft TM will be submitted to the City and County electronically for review and comment. A web meeting will be conducted to review and discuss City and County comments. A final TM will be prepared based on the City’s and County’s review comments and submitted to the City and County in PDF format.

## **SUPPLEMENTAL SERVICES**

Any Work requested by City which is not included in the phases as described herein will be considered a Supplemental Service to this Engineering Services Agreement and may be added to the Scope upon mutual agreement to an increase in the contract amount. Supplemental services may include but are not limited to the following:

- Additional meetings, workshops, or presentations with the City and County.
- Meeting with local, state, federal agencies, or utilities or other affected parties to discuss the project, other than those specifically mentioned.
- Appearances at public hearings or before special boards.
- Providing services in connection with public information.
- Evaluation of additional modeling scenarios other than those described herein.
- Services from specialty subconsultants.
- Additional strategy support or other related services.

**City of Wyoming**  
**Water System Energy and Optimization Study Services**  
**Level of Effort**  
**September 2, 2021**



Description	Sr							Hours	Labor	Expenses	Total Fee
	Technical Advisor	Project Manager	Engineering Manager	Lead Modeler	Senior Modeler	Modeler / Project Engineer	Finance & Administrative				
Task 101 - Project Meetings	10	10	10	26	14	16	86	\$ 20,688	\$ -	\$ 20,688	
Task 102 - Project Management and Administration		18					36	\$ 6,930	\$ -	\$ 6,930	
Task 103 - System Data Request and Review		1	2	4	2	8	17	\$ 3,534	\$ -	\$ 3,534	
Task 104 - Historical SCADA Data Analysis	1	1	4	8	8	96	118	\$ 21,408	\$ -	\$ 21,408	
Task 105 - Burlingame Storage Model Assessment	1	1	2	4	2	16	26	\$ 5,198	\$ -	\$ 5,198	
Task 106 - Develop System Scenarios to be Modeled	1	1	4	2	2	8	18	\$ 3,654	\$ -	\$ 3,654	
Task 107 - Update and Merge Hydraulic Models	1	1	4	6	24	96	132	\$ 24,198	\$ -	\$ 24,198	
Task 108 - Scenario Energy Modeling	1	1	4	12	36	192	246	\$ 44,556	\$ -	\$ 44,556	
Task 109 - Technical Memorandum Development	4	4	12	16	4	60	104	\$ 20,520	\$ -	\$ 20,520	
<b>Total</b>	<b>19</b>	<b>38</b>	<b>42</b>	<b>78</b>	<b>92</b>	<b>492</b>	<b>783</b>	<b>\$ 150,686</b>	<b>\$ -</b>	<b>\$ 150,686</b>	

## STAFF REPORT

**DATE:** October 4, 2021  
**TO:** Curtis Holt, City Manager  
**FROM:** Nicole Hofert, Director of Planning and Economic Development  
**RE:** Planning and Economic Development Department Staffing

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### RECOMMENDATION

It is recommended the City Council authorize one administrative classification for the continued development and growth of the Planning and Economic Development Department.

### COMMUNITY, SAFETY, STEWARDSHIP

The new proposed position will continue to ensure that the City of Wyoming Planning and Economic Development staff can provide timely review and responses to residents, developers and business owners while ensuring compliance with all state and local requirements and ordinances.

### DISCUSSION

The newly created classification of Planner II stems from a review of the Planner I and Principal Planner classifications.

The new structure allows for more diversification and growth opportunities within the department. The current Planner I position remains a more entry level planning position. The candidate pool for this classification is usually larger but offers a typically inexperienced or under experienced candidate pool.

The Planner II position is a mid-level position. The desired levels of experience and education have been increased when compared to the Planner I position. This change will best position the City in the future to attract a candidate with the skill set required to help develop more complicated planning and economic development projects.

The Principal Planner position and the City Planner position remain in place. These positions will remain vacant but could be filled in the future by more senior level planners.

The current intent is for the department to be staffed by two planners, in addition to the Director. These positions will likely be comprised of a Planner I and Planner II classification, but may include two Planner II's depending on the candidate pool at the time of hiring.

### BUDGET IMPACT

The addition of this position will have no impact on the approved budget. There are sufficient funds already approved for the addition of staff to the Planning and Economic Development Department.

# MEMORANDUM

To: Curtis Holt, City Manager

From: Paul Smith, Analytics Project Specialist

Date: October 6, 2021

Subject: American Rescue Plan Act of 2021 – State and Local Fiscal Recovery Funds

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## Background:

In March 2021, the American Rescue Plan Act of 2021 (“ARPA”) was signed into law. Like previous covid-related legislation, this bill included both funding for public health initiatives and economic relief. Among the economic relief provisions was \$350 billion for state, local, and tribal governments to address the effects of covid on their communities and to mitigate related budget shortfalls.

The City of Wyoming expects to receive \$13.1 million over two years. The first disbursement of \$6.5 million arrived already and the second disbursement will arrive not sooner than one year from the first. There are some limitations on these funds. All costs must be incurred by December 31, 2024, and those expenses must be paid by December 31, 2026. In addition, Congress chose to restrict these funds to just a few categories:

- **Support Public Health Expenditures:** “funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff.”
- **Address Negative Economic Impacts Caused by the Public Health Emergency:** “including economic harms to workers, households, small businesses, impacted industries, and the public sector.”
- **Invest in Water, Sewer, and Broadband Infrastructure:** drinking water, wastewater, stormwater, and broadband internet.
- **Replace Lost Public Sector Revenue:** replacing revenues lost “due to the pandemic.”
- **Provide Premium Pay for Essential Workers:** “offering additional support to those who have and will bear the greatest health risks because of their service in critical infrastructure sectors.”

## Discussion:

### Timing

As noted above, the City has more than two years to commit these funds. Many municipalities are hurriedly spending these funds, but there are several reasons to exercise patience. First, Congress is still considering an infrastructure bill and that bill is expected to include funding for water, sewer, and broadband. Second, the State of Michigan is still considering how to allocate its ARPA funds and several proposals would use state ARPA funds to seed projects, which the City might have the opportunity to leverage. Third, every local government accepting these funds is bound by the same restriction as the City and faces similar pressures, so there may be opportunities for collaboration.

### Public-Private Partnerships

Just as there may be opportunities to collaborate with other local government units, there may be opportunities to partner with private organizations. There is a deep well of non-profits in West Michigan that seek to address public health concerns and economic hardships. Rather than duplicating the structures of those organizations, the City may be able to work with experienced non-profits.

### Proposals

- Public Health
  - Welcome kiosk in the City Hall rotunda: create a permanent location for welcoming visitors to City Hall
  - Renovate drive-up window at City Hall: adapt the drive-up window for increased use during public health events and cold/flu season
  - Security updates to City Hall:

- Pretrial conference facilities at 62A District Court: allow for social distancing and for privacy while complying with the requirements for indigent defense
- Online reporting software for Public Safety: allow victims to submit reports for some types of crimes online
- Expand Crisis Intervention Training Program: currently about one-third of police officers are trained for mental health crisis interventions and public health emergencies stretch those resources
- Purchase additional Zoll units and replace worn-out Zoll equipment. Automated CPR units make CPR more effective and safer for firefighters
- Burton St and Division Ave Fire Station updates: prepare these facilities for use, when the fire department is fully staffed
- Capital improvements to parks: ensuring access to resources that promote movement and healthy recreation
- Ultraviolet cleaning equipment for the City facilities
- Water bottle fillers for drinking fountains
- Negative Economic Impacts
  - Community clean-up: provide resources and equipment for community clean-up in qualified neighborhoods
  - Repair distressed homes: provide home repair services or funding for those services in qualified neighborhoods
  - Develop affordable housing on blighted properties: purchase blighted properties to create affordable housing stock
  - Burton St corridor improvements: assist property owners with facade improvements
  - Sidewalk repairs in qualified neighborhoods
  - Grants to businesses in qualified neighborhoods
  - Fund the Kids' Closet at Public Safety: Officer Eby maintains a supply clothing, toys, home goods for officers to address needs that they see in the community
  - Fund Wyoming Employee Community Outreach: provide additional funds for WECO to provide resources to local schools and community members
  - Direct payments to community members in qualified neighborhoods: these funds could be used by recipients to address urgent financial issues
  - Solicit community input: collect proposals from community members or host public meetings to develop collaborative proposals
  - Police Academy sponsorship program
  - Mobile parks and recreation program: create a pop-up recreation program that would take special events to qualified neighborhoods.
- Water, Sewer, and Broadband
  - Headworks improvement project: add a third channel, bar screen, screenings washer, and biofilter
  - Gezon generator replacement: replace the overburdened generator at the Gezon station
  - High-service valve replacements: aging valves are "leaking-by" and replacement valves would improve the accuracy of discharge flow
  - Residential meter upgrades: new water meters all for automatic monitoring
- Lost Revenues: lost revenues are calculated based on a formula provided by the US Treasury Department
- Premium Pay: CARES Act already provided this and there are limits on how much ARPA can add.

## Recommendation:

The next step for City staff is to get cost estimates for each of these proposals and look for either public or private partners, where appropriate. City staff would like Council to outline some broad priorities, so that staff can return with a shorter list of more detailed proposals in a future work session.

**CITY OF WYOMING**

**SUPPORT EMERGENCY OPERATIONS PLAN**

An all-hazards plan supporting the Kent County Emergency Action Guidelines, for use in the event of disaster or severe emergency of natural, human, wartime, technological or terrorism origin.

October 18, 2021

**TABLE OF CONTENTS**

Promulgation Document..... i  
Approval and Implementation ..... ii  
Record of Revisions ..... iii  
Record of Distribution..... iv

Basic Plan:

Purpose ..... 1  
Scope ..... 1  
Authorities and References..... 1  
Plan Development and Maintenance ..... 1-2  
Situation Overview ..... 2  
Planning Assumptions..... 3  
Concept of Operations ..... 3-4  
Organization and Assignment of Responsibilities ..... 5-6

Annexes:

Overview ..... 12  
Annex A, Direction, Control, and Coordination ..... 13-15  
Annex B, Communications and Warning ..... 16-17  
Annex C, Damage Assessment ..... 18-19  
Annex D, Fire Services ..... 20-21  
Annex E, Mass Care, Emergency Assistance, Housing, and Human Services ..... 22-23  
Annex F, Public Health and Medical Services ..... 24-25  
Annex G, Public Information ..... 26-27  
Annex H, Public Safety ..... 28-29  
Annex I, Public Works ..... 30-31

**Promulgation Document**

Officials of the City of Wyoming, in conjunction with County and State Emergency Eanagement (EM) agencies, have developed this Support Emergency Operations Plan that will enhance the local emergency response capability.

This plan, when used properly and updated, will assist local government officials to accomplish their primary responsibilities of protecting lives and property in their community. This plan and its provisions will become official when it has been signed and dated below by the Chief Executive Official (CEO) of the municipality.

\_\_\_\_\_  
Mayor Jack Poll  
City of Wyoming

\_\_\_\_\_  
Date



## Approval and Implementation

The Support Emergency Operations Plan, referred to in this document as the Support EOP, describes how the City of Wyoming will handle emergency situations in cooperation with the Kent County Emergency Management Program. The Support EOP assigns responsibilities to agencies for coordinating emergency response activities before, during, and after any type of emergency or disaster. The Support EOP does not contain specific instructions as to how each department will respond to an emergency; these can be found in the plan annexes or separate Standard Operating Procedures (SOP).

The goal of the Support EOP is to coordinate emergency response efforts to save lives, reduce injuries, and preserve property. The Support EOP addresses emergency issues before and after an emergency, but its primary goals are to assemble, mobilize and coordinate a team of responders that can respond to any emergency, and describe response procedures in relation to the county response procedures.

The Support EOP will use a graduated response strategy that is in proportion to the scope and severity of an emergency. The City of Wyoming will plan, prepare and activate resources for local emergencies that affect the local area (or a specific site) and/or widespread disasters that affect the entire state and/or nation.

The Support EOP was developed by a Local Planning Team (LPT). The LPT consists of key departments covering emergency functions such as law enforcement, fire, public works, and public health. The team works to establish and monitor programs, reduce the potential for hazard events in the community through planning, review, and training, and assist the Kent County Emergency Management Program in developing and maintaining the County EOP.

The Support EOP must be signed by the current CEO each time it is updated, with the exception of the following activities:

1. Minor updates e.g. changing system names, grammar, spelling or layout changes
2. Updates to the annexes

These activities may be updated in the plan without the CEO signature by the following individuals:

1. Emergency Management Liaison
2. Department head responsible for an annex

Homeland Security Presidential Directive (HSPD) 5 facilitates a standard management approach to major incidents, the National Incident Management System (NIMS). NIMS is administered as part of the National Response Framework (NRF) which integrates the federal government into a single, all discipline, and all-hazards plan. NIMS will provide a nationwide approach that enables federal, state, tribal and local government agencies to “work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents, regardless of cause, size or complexity.” This Support EOP has integrated NIMS concepts, including the Incident Command System (ICS), and language to help incident management operate in accordance to the NIMS using the guidance provided by the Department of Homeland Security (DHS).

During an emergency, all response personnel will use the ICS to manage the incident and employ emergency resources at the site. The Emergency Operation Center (EOC) will coordinate additional resources when needed. This EOP will be used during community recovery after an emergency.

**This plan supersedes all previous plans.**



**Record of Distribution**

The following is a list of the individuals and facilities that have been provided a copy of the Support EOP in order to conduct the assigned tasks addressed in this plan.

<b>Title of Recipient</b>	<b>Name of Recipient</b>	<b>Agency</b>	<b>Date</b>	<b>Number of Copies</b>
Chief Executive Official	Mayor Jack Poll	City of Wyoming		
Wyoming City Council	Mayor and Council members	City of Wyoming		
Wyoming City Manager	Curtis Holt	City of Wyoming		
Kent County Emergency Management Coordinator	Matt Groesser	Kent County, Emergency Management		
City of Wyoming Emergency Management Liaison	Kim Koster	Wyoming Department of Public Safety		
Communications and Warning Official	Brett Hulliberger	Kent County Sheriff's Office – 911 Communications Center		
Damage Assessment Official	Scott Engerson	City of Wyoming Assessor's Office		
Fire Services Official	Brian Bennett	Wyoming Department of Public Safety Fire Services		
Mass Care, Emergency Assistance, Housing, and Human Services Official	Rebecca Rynbrandt	City of Wyoming, Community Services		
Public Health and Medical Services Official	Brandon Travis	Wyoming Department of Public Safety Fire Services		
Public Information Official	John McCarter	City of Wyoming		
Public Works Official	Myron Erickson	City of Wyoming		
Planning Official	Nicole Hofert	City of Wyoming		

## Basic plan

### Purpose

The City of Wyoming has elected to incorporate into the Kent County Emergency Management Program. As partners in the five phases of emergency management including mitigation, preparedness, prevention, response and recovery, the City of Wyoming and the Kent County Emergency Management Program share joint responsibilities. The City of Wyoming Support EOP has been developed to identify these responsibilities. It is to be used in concurrence with the County EOP. In accordance with Section 19 of the Michigan Emergency Management Act (1976 PA 390, as amended), activation of this this plan at the beginning of a disaster or emergency also establishes eligibility to receive state assistance for disaster related expenses incurred during a State of Emergency or Disaster declared by the Governor, for which federal assistance is unavailable.

### Scope

The City of Wyoming Support EOP is an adaptable document that can be applied to all hazards. Due to the unique nature of emergencies, it may become necessary to deviate from the contents of the plan when responding to an incident. Agencies that have been assigned supporting roles in this plan have developed and will maintain SOPs that provide systematic instructions for accomplishing their assigned functions. The local government conducts additional activities, such as personnel training, participation in exercises, public information, land-use planning, etc., to support emergency preparedness, mitigation, and response efforts. To facilitate efficient emergency management operations, the City of Wyoming continues to implement the NIMS.

### Authorities and References

A. Authority of local officials during an emergency:

1. 1976 PA 390, as amended,
2. City of Wyoming, local Emergency Management resolution,
3. City of Wyoming, adoption of the Support EOP,
4. Executive Directive No. 2005-09, the state adoption of the NIMS,
5. The Robert T. Stafford Disaster Relief and Emergency Assistance Act,
6. Emergency Planning and Community Right to Know Act of 1986 (EPCRA) also known as the Superfund Amendments and Reauthorizations Act (SARA), Title III,
7. Good Samaritan Law and Know Act of 1986.

B. References used to develop the Support EOP:

1. NIMS,
2. NRF,
3. Michigan Emergency Management Plan (MEMP), Michigan State Police, Emergency Management and Homeland Security Division (MSP/EMHSD),
4. Pub 204, MSP/EMHSD.

## Plan Development and Maintenance

To ensure that this Support EOP addresses the needs of the community and is consistent with the Kent County EAG, this document was developed in a cooperative, whole community effort between municipal government, local community, and the County Emergency Management Program. The Support EOP is updated after every change of the municipal CEO or update to the County EOP. After the plan is adopted by resolution of the council and approved by the CEO, it is forwarded to the County Emergency Management Program. The plan will be implemented, tested through exercises in concurrence with county officials, and maintained in accordance with the standards and currentness of the Kent County EAG.

This plan has been provided to all municipal departments, local elected officials, the County Emergency Management Program and all agencies tasked within the document. It includes this Basic Plan, which provides an overview of the municipality's preparedness and response strategies, and functional annexes that describe the actions, roles and responsibilities of participating organizations.

## Situation Overview

- B. The City of Wyoming has taken various preparedness and incident management steps to enhance capabilities in responding to incidents including:
  - 1. The mitigation of potential hazards.
  - 2. Identification of emergency response agencies and mechanisms that will protect life and property before, during and after an emergency.
  - 3. Tasking agencies, organizations, and individuals with specific functions and responsibilities relative to emergency operations. Assigned tasks are explained in further detail under "Organization and Assignment of Responsibilities."
  - 4. Integration with the Kent County EAG, Kent County Hazard Mitigation Plan, MEMP, etc.

- C. Community profile:

The City of Wyoming is located in the southwest section of Kent County. The community has a population of **75,702** residents. Approximately 11% of residents have been recognized as individuals with Access and Functional Needs. Many of the residents that require Functional Needs Support Services (FNSS) reside in congregate care centers, while others reside in non-group homes where support is provided as needed or on-call.

- D. Hazard and threat analysis:

According to the Kent County Hazard Mitigation Plan, communities in the county are most vulnerable to: Severe Winter Weather, Electrical Failure, Tornadoes, and Riverline Flooding. Areas within the City of Wyoming that are especially vulnerable to these hazards are properties within the flood plain.

Thirty-eight (38) sites that contain extremely hazardous materials are located in the City of Wyoming. Facility owners have reported the types of hazardous materials that are stored on-site, as required by the Emergency Planning and Community Right-To-Know Act (EPCRA). Pursuant to SARA Title III requirements, off-site emergency response plans have been developed by the Local Emergency Planning Committee (LEPC) to prepare fire departments for responding to the release of the specific hazardous materials on these sites.

- E. Relationship between municipality and County Emergency Management Program:

Emergency management and response are primarily local responsibilities. However, disasters and emergencies might exhaust the resources and capabilities of local governments. Therefore, the City of Wyoming has chosen to incorporate into the Kent County Emergency Management Program. To coordinate emergency management related matters with the County Emergency Management Program, the City of Wyoming has appointed the Director of Public Safety to serve as the Emergency Management Liaison. The Emergency Management Liaison facilitates communication and coordination between the City of Wyoming and county, and is the local point of contact for the County Emergency Management Coordinator (EMC).

### **Planning Assumptions**

- A. The proper implementation of this plan will result in saved lives, incident stabilization, and property protection in the City of Wyoming.
- B. Some incidents occur with enough warning that necessary notification can be issued to ensure the appropriate level of preparation. Other incidents occur with no advanced warning.
- C. Depending upon the severity and magnitude of the situation, local resources may not be adequate to deal with an incident. It may be necessary to request assistance through volunteer organizations, the private sector, mutual aid agreements (MAAs)/memorandums of understanding (MOUs), and/or county, state and federal sources. When provided, these will supplement, not substitute for, relief provided by local jurisdictions.
- D. All emergency response agencies within the City of Wyoming that have been tasked in the plan are considered to be available to respond to emergency incidents. Agencies will work to save lives, protect property, relieve human suffering, sustain survivors, stabilize the incident, repair essential facilities, restore services and protect the environment.
- E. When a jurisdiction receives a request to assist another jurisdiction, reasonable actions will be taken to provide the assistance as requested.
- F. Emergency planning is a work-in-progress; the Support EOP is consistently reviewed and updated.
- G. During an emergency or disaster, parts of the plan may need to be improvised or modified, if necessary, based on the situation.

### **Concept of Operations**

- A. Activation of the Support EOP and declaration of a local state of emergency:

When a threat is perceived, the Emergency Management Liaison activates the Support EOP and the local Emergency Operations Center (EOC) to facilitate activities that ensure the safety of people, property and environment. Pursuant to 1976 PA 390, as amended, the municipal Mayor may declare a local state of emergency for the City of Wyoming if circumstances indicate that the occurrence or threat of widespread or severe damage, injury, or loss of life or property exist. In the absence of the Mayor pursuant to local legislation, the City Manager is authorized to declare a local state of emergency. Upon a local declaration, PA 390 authorizes the Mayor or his/her designee to issue directives as to travel restrictions on local roads. To facilitate activities that ensure the safety of people, property and environment, a local declaration also activates this Support EOP and the municipal Emergency Operations Center (EOC). A local state of emergency shall not be continued or renewed for a period in excess of seven (7) days except with the consent of the governing body of the municipality.

- B. The following procedures are conducted and coordinated with the county in response to an incident:

1. The Emergency Management Liaison will perceive the threat, assess the hazard and ensure that municipal emergency response agencies, elected officials and County EMC are notified of the situation.
2. Municipal agencies assess the nature and scope of the emergency or disaster.
3. If the situation can be handled locally, the following guidelines are used:
  - a. The Emergency Management Liaison advises the CEO and coordinates all local emergency response actions.
  - b. The Emergency Management Liaison activates the EOC. The EOC is located at 2650 DeHoop. If this location is unavailable, the alternate EOC location is the Wyoming District Court building located at 2300 DeHoop.
  - c. The CEO declares a local state of emergency. The Emergency Management Liaison notifies the County EMC and forwards the declaration to the County Emergency Management Program.
  - d. Emergency Response Agencies are notified by the Emergency Management Liaison to report to the EOC through radio, telephone or smart messaging communication.
  - e. The CEO directs departments/agencies to respond to the emergency in accordance with the guidelines outlined in this plan and its annexes, and issues directives as to protective actions and travel restrictions on local roads.
  - f. The Emergency Management Liaison keeps the County EMC informed of the situation and actions taken.
4. If the emergency is beyond local control, municipal resources become exhausted, or special resources are needed, county assistance is requested through the County EMC.
5. If county assistance is requested, the County EMC assesses the situation and makes recommendations on the type and level of assistance. The county will also take the following steps:
  - a. Activate County EOC and EOP
  - b. Respond with county resources
  - c. Activate MAA/MOUs to supplement county resources
  - d. Notify MSP/EMHSD District Coordinator
  - e. Make available incident information to MSP/EMHSD and statewide agencies via the Michigan Critical Incident Management System (MI CIMS) online platform, by submitting and maintaining applicable MI CIMS boards and logs.
6. If county resources and capabilities are exhausted, the county requests the Governor to declare a State of Emergency or State of Disaster in accordance with procedures set forth in 1976 PA 390, as amended. If the emergency occurs solely within the confines of the municipality, the county shall not request state assistance or the Declaration of a State of Disaster or Emergency unless requested to do so by the municipal CEO.

## Organization and Assignment of Responsibilities

### A. Emergency Management Organization:

1. The City of Wyoming emergency management organization is comprised of a number of agencies and departments that are responsible for conducting activities in response to emergencies within the community. To facilitate an effective emergency response, these departments have been assigned to nine (9) specific emergency functions. All agencies are responsible for implementing pre-disaster activities to prevent, mitigate and prepare for the various hazards that the community is vulnerable to. These activities include awareness training and public education, exercising, preparing Standard Operating Procedures (SOPs) and job aides, hygienic practices to prevent spreading of infectious diseases, stockpiling equipment, regulating land-use, etc.
2. The following table lists the established emergency support functions, assigned agencies, primary points of contact, and phone numbers.

Function	Agency	Primary Contact	Phone
Direction, Control , and Coordination	City of Wyoming, City Manager's Office	Curtis Holt, City Manager	616-530-7272 (O) 616-893-1449 (C)
Communications and Warning	Kent County Sheriff's Office - 911 Communications Center	Brett Hulliberger, Emergency Communications Manager	616.632.6086 (O) 616-265-6802 (C)
Damage Assessment	City of Wyoming, Assessor's Office	Scott Engerson, City Assessor	616-530-7248 (O) 616-581-0979 (C)
Fire Services	Wyoming Department of Public Safety – Fire Services	Brian Bennett, WYDPS Fire Chief	616-257-9722 (O) 616-299-5484 (C)
Mass Care, Emergency Assistance, Housing, and Human Services	City of Wyoming, Department of Community Services	Rebecca Rynbrandt, Director of Community Services	616-261-3520 (O) 616-893-8334 (C)
Public Health and Medical Services	Wyoming Department of Public Safety – Fire Services	Brandon Travis WYDPS Fire	616-446-8941 (O) 616-481-9253 (C)
Public Information	City of Wyoming City Manager's Office	John McCarter, Deputy City Manager	616-530-7244 (O) 616-250-8276 (C)
Public Safety	Wyoming Department of Public Safety – Police Services	Kimberly Koster, Director of Public Safety	616-530-7323 (O) 616-893-5122 (C)

Public Works	City of Wyoming, Public Works	Myron Erickson, Director of Public Works	616-261-3562 (O) 616-292.7498 (C)
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3. The following table lists the alternates designated to represent the emergency functions.

Agency	1 <sup>st</sup> Alternate	2 <sup>nd</sup> Alternate
City Manager’s Office	Dep. City Manager John McCarter 616-530-7244 (O) 616-250-8276 (C)	
Wyoming Department of Public Safety – Police	Deputy Director Kip Snyder 616-530-7329 (O) 616-821-7429 (C)	Captain Tim Pols 616-257-9719 (O) 616-889-1051 (C)
Wyoming Department of Public Safety – Fire	Deputy Chief Dennis VanTassell 616-530-7252 (O) 616-302-0064 (C)	
Wyoming City Assessor’s Office	Joseph Arevalo 616-530-7230(O) 616-215-9596 (C)	Michele Tabor 616-530-7233 (O) 616-550-5084 (C)
Wyoming Community Services	Stephanie Brock-Knoper 616-530-7266 (O) 616-879-9786 (C)	Krashawn Martin 616-261-3517 (O) 616-893-8363 (C)
Wyoming Public Works	Aaron Vis 616-530-7264 (O) 616-889-2053 (C)	Shimo Svabic 616-530-3464 (O) 616-889-8546 (C)
Kent County Sheriff’s Office 911 Communications Center	Eric Hutchinson ECSII 616-632-6261 (O) 616-438-5753 (C)	Jennifer Robinson ECSII 616-632-6082 (O) 616-240-8105 (C)

4. The City of Wyoming maintains 24 fulltime departments. All departments contribute to the safety and welfare of the community. Each department employs qualified emergency personnel and maintains equipment that can be used in emergency response. A list of resources available for utilization during incidents can be requested through the Emergency Management Liaison. If resource needs exceed the capabilities of the community, the CEO may activate MAA/MOUs and pre-disaster contracts, or it may become necessary to request county assistance.

**B. Responsibilities:**

1. The following responsibilities have been assigned to each organization that has been assigned responsibility in this plan:
  - a. Assist in the development, review and maintenance of Support EOP and County EOP.
  - b. Report to the local EOC when activated for scheduled exercises or emergencies.
  - c. Build capabilities and develop/maintain SOPs for specific functions or actions identified in the plan. Continuously review and update procedures.
  - d. Maintain a list of resources available through the departments.
  - e. Establish MAA/MOUs and contracts with other jurisdictions and organizations to supplement municipal resources.
  - f. Activate MAA/MOUs and contracts with other organizations to supplement response activities when local resources become exhausted.
  - g. Train personnel in emergency management functions and NIMS/ICS concepts.
  - h. Protect vital records and other resources deemed essential for continuing government functions and each agency's emergency operations in accordance to procedures and policies.
  - i. Ensure compliance with this plan and the County EOP, and any pertinent procedures and documents that impact the provision of emergency services in the municipality.
2. The annexes attached to this plan further describe nine (9) emergency support functions and their associated responsibilities in mitigation, preparedness, prevention, response and recovery. Annexes include the organizations that are responsible for carrying out the emergency functions, and assign tasks associated with each function.

## ANNEXES

The annexes attached to the Basic Plan describe all-hazard functions and include the roles and responsibilities that each responsible agency should consider during an emergency for which the Support EOP has been activated. Each annex contains: the agencies responsible for carrying out a function, their assigned tasks, and the concept of operations.

The annexes attached to this plan include the following functions:

Annex A, Direction, Control, and Coordination

Annex B, Communications and Warning

Annex C, Damage Control

Annex D, Fire Services

Annex E, Mass Care, Emergency Assistance, Housing, and Human Services

Annex F, Public Health and Medical Services

Annex G, Public Information

Annex H, Public Safety

Annex I, Public Works

**ANNEX A**

**DIRECTION, CONTROL, AND COORDINATION**

The Direction, Control, and Coordination function is responsible for the activation, organization and operation of the local EOC, the facilitation of incident management, response, and recovery efforts, and coordination with the County Emergency Management Program.

Direction, Control, and Coordination officials will maintain liaison and coordinate emergency management and response activities with the Direction, Control and Coordination function at the county level. This annex relates to the following annex(es) in the Kent County EAG: (ICS/EOC Command, Direction and Control, ICS Planning, and ESF#5 – Information & Planning)

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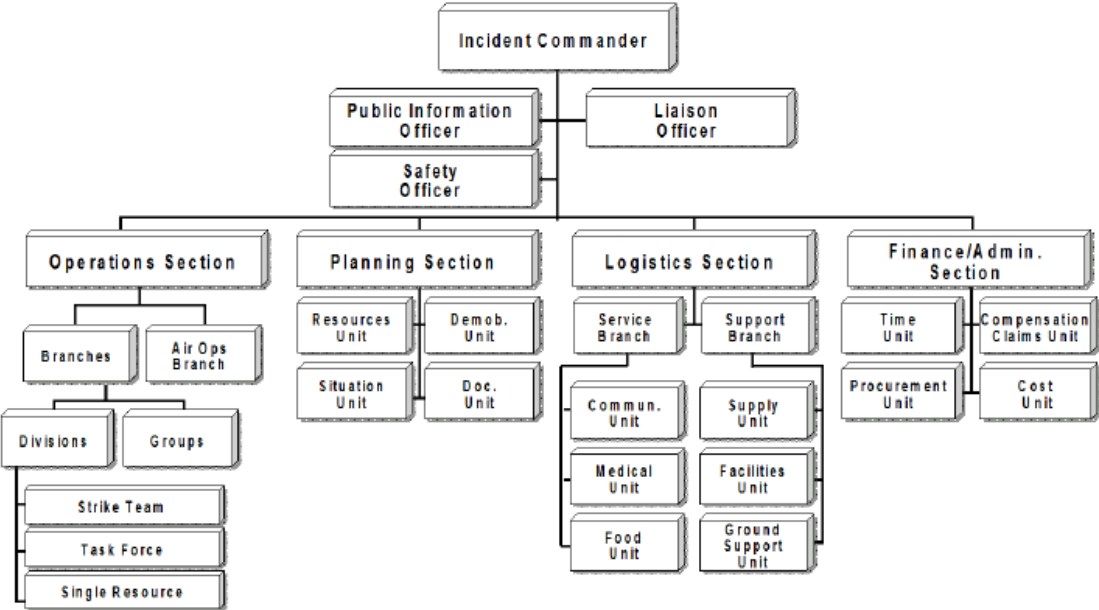
Responsible Agency: City Manager’s Office

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**Direction, Control, and Coordination Checklist**

	Report to the EOC, when activated, for scheduled exercises and disasters, or delegate another representative from the agency to staff the EOC and implement the plan.
	<b>EOC operations</b>
	Activate the EOC and ensure that appropriate staff is notified.
	Establish a system of coordination, such as ICS (see Figure 1), within the EOC. (Field operations at the ICP are required to utilize ICS.)
	Maintain administrative materials for the EOC, i.e., pencils, paper, maps, and status boards.
	Ensure copies of the Support EOP and EOC SOPs are available to EOC staff.
	Coordinate with law enforcement officials for EOC security.
	<b>Local authority</b>
	Direct and coordinate response activities in accordance with this plan, including prioritizing allocation of scarce resources.
	Relieve jurisdiction employees of normal duties and temporarily reassign them to emergency duties, and employ temporary workers, as necessary.
	Declare a local state of emergency.
	Issue directives as to travel restrictions on municipal roads.
	Recommend appropriate protective measures to ensure the health and safety of people and property.
	<b>Assistance to other agencies</b>
	Advise the County Emergency Management Coordinator of the situation and maintain liaison with the County Emergency Management Program.
	Establish communications with and provide support to the Incident Command Post (ICP).
	Provide frequent staff briefings and ensure all groups function as planned.
	Inform legislative body of measures taken.
	Review and authorize the release of information to the public through the Public Information Officer (PIO).
	<b>Logistics</b>
	Ensure all resources are made available for response.
	Formulate specific assistance requests to adjacent jurisdictions and the county.
	Activate MAA/MOUs and contracts with other jurisdictions and organizations.
	Provide aid to other communities as provided for in MAA/MOUs.
	Ensure staff maintains logs of actions taken and financial records.

Figure 1. ICS Incident Management Structure



**DIRECTION, CONTROL, AND COORDINATION**

The following agency is responsible for this annex:

AGENCY	TITLE OF CONTACT
City of Wyoming	Mayor, City of Wyoming

The line of succession for the CEO for representing the Direction, Control, and Coordination function during a response to an emergency or disaster situation is:

TITLE	AGENCY
City Manager	City of Wyoming
Deputy City Manager	City of Wyoming

The line of succession for the Emergency Management Liaison for representing the Direction, Control, and Coordination function during a response to an emergency or disaster situation is:

TITLE	AGENCY
Director of Public Safety	Wyoming Department of Public Safety
Deputy Director of Public Safety	Department of Public Safety – Police Services
Fire Chief	Wyoming Department of Public Safety – Fire Services

The CEO and Emergency Management Liaison are responsible for reporting or delegating an individual from their agency to report to the EOC during scheduled exercises or emergencies to coordinate and represent the Direction, Control, and Coordination function.

SIGNATURE OF CHIEF EXECUTIVE OFFICIAL	DATE

SIGNATURE OF EMERGENCY MANAGEMENT LIAISON	DATE

**ANNEX B**

**COMMUNICATIONS AND WARNING**

The Communications and Warning function is responsible for alerting and notification of key officials, receiving and disseminating warning and critical emergency information to the public, and the establishment, maintenance, and coordination of communication protocols and links between the EOC and other incident facilities.

The Communications and Warning Official will maintain liaison and coordinate emergency management and response activities with the Communications and Warning functions at the county level. This annex relates to the following annex(es) in the Kent County EAG: (Communications, Public Information, Warning, and ESF#2 – Communications and ESF#15 – External Affairs)

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Responsible Agency: Kent County – Emergency Communications

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**Communications and Warning Checklist**

	Report to the EOC, when activated, for scheduled exercises and disasters, or delegate another representative from the agency to staff the EOC and implement the plan.
	<b>Communication links</b>
	Ensure lines of communication have been established between all agencies represented in the local EOC, their department offices and their staff at the incident site. Available channels for establishing communications include telephone, smart phone (e.g., text groups), radios and pagers.
	Coordinate communications between municipal and county EOC. Available channels for establishing communications include telephone, smart phone (e.g., text groups), radios and pagers.
	Establish communications links with the adjacent communities and higher levels of government.
	Coordinate warning frequencies and procedures with adjacent communities and other government agencies.
	<b>Disaster warning and information</b>
	Activate public warning systems when instructed to do so by the CEO or Emergency Management Liaison. Warning methods include sirens, loud speakers, door-to-door notification, reverse 911, news media and social media.
	Ensure that warning messages received through the Law Enforcement Information Network (LEIN), National Warning System (NAWAS), Emergency Alert System (EAS), local weather spotters, or other verifiable means are issued in a timely manner.
	Determine which facilities are endangered by the incident and contact those facilities. Ensure they are contacted when protective actions are rescinded.
	Notify special locations (e.g., schools, hospitals, nursing homes, major industries, institutions, and places of public assembly).
	Ensure that public warning systems provide notification to residents with Access and Functional Needs, such as the elderly, hearing impaired, non-English speakers, individuals with mobility limitations, etc.
	<b>Official notification</b>
	Ensure that all necessary officials have been notified and/or updated about the incident.
	Notify neighboring jurisdictions of impending hazard or hazardous situations when instructed to do so by the Chief Executive Official or Emergency Management Liaison.

**COMMUNICATIONS AND WARNING**

The following agency is responsible for this annex:

AGENCY	TITLE OF CONTACT
Kent County Communications Center	Emergency Communications Center Manager

The line of succession for representing the Communications and Warning function during a response to an emergency or disaster situation is:

TITLE	AGENCY
Emergency Communications Supervisor II	County of Kent

The Deputy City Manager is responsible for reporting or delegating another individual from their agency to report to the EOC during scheduled exercises or emergencies to coordinate and represent the Communications and Warning function.

SIGNATURE OF COMMUNICATIONS AND WARNING OFFICIAL	DATE

**ANNEX C**

**DAMAGE ASSESSMENT**

The Damage Assessment (DA) function is concerned with the process of documenting damage from emergencies in the community. Information gathered may be used to determine the extent of damage and impact on the community resulting from an incident to justify future federal funding, declarations of emergency, and disaster proclamations. An accurate damage assessment is a necessary part of the recovery phase and determines qualification for state and federal disaster aid.

The Damage Assessment Official will maintain liaison and coordinate emergency management and response activities with the DA function at the county level. This annex relates to the following annex(es) in the Kent County EAG: (Damage Assessment, ICS Logistics Section, ESF#5 – Information & Planning and ESF#14 – Long-Term Community Recovery)

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Responsible Agency: City of Wyoming, Assessor’s Office

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**Damage Assessment Checklist**

	Report to the EOC, when activated, for scheduled exercises and disasters, or delegate another from the agency to staff the EOC and implement the plan.
	<b>Damage assessment</b>
	Maintain current list of DA field team members.
	Maintain damage assessment field team supplies for contingency purposes, i.e., MSP/EMHSD Pub 901 Michigan Damage Assessment Handbook, blank forms, flashlights, cameras, pencils, paper, maps, etc.
	Activate DA field teams.
	Collect both public and private damage assessment information.
	Record initial information on damages from first responders.
	Augment DA field teams, as the situation dictates.
	<b>Dissemination of DA information</b>
	Provide an initial DA to EOC staff.
	Provide and verify DA information to the CEO and, if necessary, assist in preparation of a local state of emergency declaration.
	Prominently display DA information in the EOC, including maps, situation updates and assessment data.
	Provide the PIO with current DA information for release to the public.
	Provide DA data to the Emergency Management Liaison. The Emergency Management Liaison will forward information to the County Emergency Management Program for submission in MI CIMS.
	<b>Logistics</b>
	Maintain a status list of requested resources.
	Compile and maintain a record of expenditures for personnel, equipment, supplies, etc.

**DAMAGE ASSESSMENT**

The following agency is responsible for this annex:

AGENCY	TITLE OF CONTACT
City of Wyoming – Assessor’s Office	City of Wyoming Assessor

The line of succession for representing the DA function during a response to an emergency or disaster situation is:

TITLE	AGENCY
City Assessor	City of Wyoming – Assessor’s Office
Property Examiner III	City of Wyoming – Assessor’s Office
Property Examiner II	City of Wyoming – Assessor’s Office

The City Assessor is responsible for reporting or delegating another individual from their agency to report to the EOC during scheduled exercises or emergencies to coordinate and represent the DA function.

SIGNATURE OF DAMAGE ASSESSMENT OFFICIAL	DATE

**ANNEX D**  
**FIRE SERVICES**

The Fire Services function is concerned with detecting and suppressing wild land, rural, and urban fires and any of these that result from, or occur coincidentally with, an incident response.

The Fire Services Official will maintain liaison and coordinate emergency management and response activities with the Fire Services function at the county level. This annex relates to the following annex(es) in the Kent County EAG: (Fire Services, ESF#4 – Firefighting, and ESF#9 – Search and Rescue, etc.)

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Responsible Agency: Department of Public Safety – Fire Services

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**Fire Services Checklist**

	Report to the EOC, when activated, for scheduled exercises and disasters, or delegate another representative from the agency to staff the EOC and implement the plan.
	<b>Response activities</b>
	Coordinate fire response and search and rescue activities with appropriate personnel at the County Emergency Management Program, including assistance to regional special teams such as Regional Response Teams, Michigan Urban Search and Rescue (MUSAR), bomb squads, etc.
	Respond to hazardous materials spills.
	Coordinate with the County EMC and the State of Michigan in the decontamination of affected citizens and emergency workers after exposure to CBRNE hazards.
	Assist in searching for bombs and explosive devices in connection with terrorism or weapons of mass destruction (WMD) events.
	<b>Assistance to other agencies</b>
	Advise EOC staff about fire and rescue activities.
	Provide communications and other logistical supplies, as needed.
	Assist with evacuations.
	Assist in damage assessment operations.
	Assist in warning the population. Loud speakers on fire vehicles or door-to-door warning may be utilized.
	Assist in salvage operations and debris clearance.

**FIRE SERVICES**

The following agency is responsible for this annex:

AGENCY	TITLE OF CONTACT
Department of Public Safety – Fire Services	Fire Chief

The line of succession for representing the Fire Services function during a response to an emergency or disaster situation is:

TITLE	AGENCY
Fire Chief	Department of Public Safety – Fire Services
Deputy Fire Chief	Department of Public Safety – Fire Services
Fire Marshall	Department of Public Safety – Fire Services

The Fire Chief is responsible for reporting or delegating another individual from their agency to report to the EOC during scheduled exercises or emergencies to coordinate and represent the Fire Services Functions.

SIGNATURE OF FIRE SERVICES OFFICIAL	DATE

**ANNEX E**

**MASS CARE, EMERGENCY ASSISTANCE, HOUSING, AND HUMAN SERVICES**

This function is concerned with issues related to the provision of mass care, emergency assistance, housing, and human services to disaster survivors, including those that require FNSS, throughout the prevention, preparedness, mitigation, response, and recovery phases of disasters and emergencies.

The Mass Care, Emergency Assistance, Housing, and Human Services Official will maintain liaison and coordinate emergency management and response activities with the Mass Care functions at the county level. This annex relates to the following annex(es) in the Kent County EAG: (Human Services, ESF#2 – Communications, and ESF#6 – Mass Care, Emergency Assistance, Housing, and Human Services)

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Responsible Agency: City of Wyoming, Department of Community Services

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**Mass Care, Emergency Assistance, Housing, and Human Services Checklist**

	Report to the EOC, when activated, for scheduled exercises and disasters, or delegate another representative from the agency to staff the EOC and implement the plan.
	<b>Disaster-related needs</b>
	Coordinate activities of municipal departments that provide mass care and human services.
	Coordinate activities of Building Inspections and Code Enforcement services to ensure safe housing occupancy.
	Coordinate with the County Emergency Management Program, the American Red Cross (ARC) and other agencies to distribute food, water, and clothing, and meet other basic needs of disaster survivors and emergency responders.
	Coordinate to provide transportation for disaster survivors and emergency responders.
	Arrange for the provision of crisis counseling to disaster survivors and emergency responders.
	Coordinate procedures for the tracking of family members and reunification of families.
	Identify and account for personal property that may be lost during a disaster.
	Coordinate with the County EOC to establish procedures for the registration and management of volunteers and donations.
	Coordinate with agencies in the community that work with individuals with access and functional needs to ensure disaster related needs are met.
	<b>Protective action</b>
	Coordinate the provision of transportation for evacuation.
	Provide staff and resources to manage open shelters.
	Provide staff and resources to perform building/housing occupancy inspections, including structural, electrical, mechanical, etc.
	Coordinate care for individuals at shelters and for those who have been sheltered-in-place.
	Determine whether shelters must be opened long or short-term.
	Provide guidance/policies for the care of household pets that are brought to shelters by evacuees (only service animals are allowed into ARC shelters).
	Pre-identified shelter locations include: (shelter locations; information on pre-identified shelter locations should be available from the County Emergency Management Program or ARC)

**MASS CARE, EMERGENCY ASSISTANCE, HOUSING, AND HUMAN SERVICES**

The following agency is responsible for this annex:

AGENCY	TITLE OF CONTACT
City of Wyoming, Department of Community Services	Director of Community Services

The line of succession for representing the Mass Care, Emergency Assistance, Housing, and Human Services function during a response to an emergency or disaster situation is:

TITLE	AGENCY
Director of Community Services	Department of Community Services
Community Development Specialist	Dept. of Community Services – Community Development
Recreation Supervisor	Dept. of Community Services – Parks & Recreation
Inspections Supervisor	Dept. of Community Services – Building Inspections

The Director of Community Services is responsible for reporting or delegating another individual from their agency to report to the EOC during scheduled exercises or emergencies to coordinate and represent the Mass Care, Emergency Assistance, Housing, and Human Services function.

SIGNATURE OF MASS CARE, EMERGENCY ASSISTANCE, HOUSING, AND HUMAN SERVICES OFFICIAL	DATE



**ANNEX F**

**PUBLIC HEALTH AND MEDICAL SERVICES**

The Public Health and Medical Services function is responsible for assessing public health and medical needs, health surveillance, and provision of medical care personnel, supplies and equipment.

The Public Health and Medical Services Official will maintain liaison and coordinate emergency management and response activities with the Public Health and Medical Services function at the county level. This annex relates to the following annex(es) in the Kent County EAG: (Emergency Medical Services, Public Health, and ESF#8 – Public Health and Medical Services)

Responsible Agency: Wyoming Department of Public Safety – Fire Services

**Public Health and Medical Services Checklist**

	Report to the EOC, when activated, for scheduled exercises and disasters, or delegate another representative from the agency to staff the EOC and implement the plan.
	<b>Patient care</b>
	Coordinate with medical providers and shelter managers to staff medical personnel at shelters.
	Identify the transportation resources and personnel needs to transport disaster survivors to temporary care centers.
	Provide transportation of patients and assist hospitals with transfer of patients.
	Ensure identification and notification of disaster survivors and emergency responders in need of crisis counseling and/or debriefing.
	Coordinate the monitoring of disaster survivors and emergency responders for exposure to chemical, radiological, or biological contaminants, and assist in their decontamination.
	<b>Public health</b>
	If necessary, identify a site for a temporary morgue. NOTE: The medical examiner is responsible for identifying the deceased. Law enforcement and EMS may provide additional support in collecting and transporting.
	Assist with animal and pet control and support the county Animal Control Unit in the quarantine and disposal of diseased animals.

**PUBLIC HEALTH AND MEDICAL SERVICES**

The following agency is responsible for this annex:

AGENCY	TITLE OF CONTACT
Wyoming Department of Public Safety – Fire Services	Fire Chief

The line of succession for representing the Public Health and Medical Services function during a response to an emergency or disaster situation is:

TITLE	AGENCY
Fire Chief	Wyoming Department of Public Safety – Fire Services
Fire Marshall	Wyoming Department of Public Safety – Fire Services
Fire Inspector	Wyoming Department of Public Safety – Fire Services

The Fire Chief is responsible for reporting or delegating another individual from their agency to report to the EOC during scheduled exercises or emergencies to coordinate and represent the Public Health and Medical Services function.

SIGNATURE OF HEALTH AND MEDICAL OFFICIAL	DATE

**ANNEX G**

**PUBLIC INFORMATION**

The Public Information function ensures accurate, coordinated, timely, and accessible information is disseminated to governments, media, the general public, and the private sector throughout the prevention, preparedness, mitigation, response, and recovery phases of disasters and emergencies.

The Public Information Official will maintain liaison and coordinate emergency management and response activities with the Public Information function at the county level. This annex relates to the following annex(es) in the Kent County EAG: (Public Information, Warning, and ESF#15 – External Affairs)

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Responsible Agency: City of Wyoming, City Manager’s Office

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**Public Information Checklist**

	Report to the EOC, when activated, for scheduled exercises and disasters, or delegate another from the agency to staff the EOC and implement the plan.
	<b>Pre-disaster public education</b>
	Assist the Emergency Management Liaison in developing educational materials on the hazards facing the community and explaining what people can do to protect themselves to recover from incidents.
	Ensure that written materials are developed for non-English speaking individuals or others who require FNSS.
	<b>Disaster warning and information</b>
	Develop and release updated EAS messages based on incoming information.
	Document which EAS messages have been delivered over radio and television.
	Ensure that accurate information is disseminated describing such items as the locations of shelters, missing persons information hotline, volunteer hotline, rumor control hotline, etc.
	Distribute prepared public educational materials.
	<b>Media coordination</b>
	Establish and maintain contact with the EOC and/or the ICP.
	Prepare press releases and ensure that all press releases and official information is reviewed by City Manager.
	Verify that information is accurate before releasing it to the media.
	Schedule media briefings.
	Establish a Public Information Center as the central point from which municipal news releases are issued.
	Assist the county in establishing a Joint Information Center (JIC; the JIC can be used by agency representatives for releasing information to the news media).
	Coordinate public information activities with the County PIO and the JIC.
	Schedule interviews between the CEO and media agencies.
	Monitor all forms of media, both traditional and social, for rumors, and address rumors as soon as possible

**PUBLIC INFORMATION**

The following agency is responsible for this annex:

AGENCY	TITLE OF CONTACT
City of Wyoming, City Manager's Office	Deputy City Manager

The line of succession for representing the Public Information function during a response to an emergency or disaster situation is:

TITLE	AGENCY
Deputy City Manager	City of Wyoming, City Manager's Office
Communications Specialist	City of Wyoming, City Manager's Office
Public Information Officer	Wyoming Department of Public Safety – Administrative Services

The City of Wyoming Communications Specialist is responsible for reporting or delegating another individual from their agency to report to the EOC during scheduled exercises or emergencies to coordinate and represent the Public Information function.

SIGNATURE OF PUBLIC INFORMATION OFFICIAL	DATE

**ANNEX H**  
**PUBLIC SAFETY**

The Public Safety function is concerned with ensuring the safety of all citizens, maintaining law and order, protecting public and private property and providing protection for essential industries, supplies and facilities.

The Public Safety Official will maintain liaison and coordinate emergency management and response activities with the Public Safety function at the county level. This annex relates to the following annex(es) in the Kent County EAG: (Law Enforcement Annex, ESF#13 – Public Safety and Security)

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Responsible Agency: Department of Public Safety – Police Services

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**Public Safety Checklist**

	Report to the EOC, when activated, for scheduled exercises and disasters, or delegate another from the agency to staff the EOC and implement the plan.
	<b>Response activities</b>
	Provide security and access control at critical facilities and incident sites.
	Implement any curfews ordered by the governor or CEO.
	Enforce evacuation orders and assist in evacuations.
	Ensure prisons and jails are notified of potential threat and determine whether proper safety and security precautions are being taken.
	Implement urban search and rescue capabilities, including animals.
	Investigate incident and provide intelligence information to county, state and federal officials.
	<b>Transportation</b>
	Secure unusable roads. (Use Fire Services and Public Works for support, if necessary).
	Identify routes that need barricades and signs. Request necessary assistance from Public Works.
	Ensure vehicles on evacuation routes are removed. If necessary, request that Public Works agencies move vehicles off the road. Maintain record of where vehicles are being taken.
	Coordinate with the Road Commission or Public Works in rerouting traffic and putting the appropriate signs in place.
	<b>Assistance to other agencies</b>
	Assist Warning function in warning the public, when necessary.
	Assist the medical examiner with mortuary services.
	Assist families isolated by the effects of the disaster.

**PUBLIC SAFETY**

The following agencies are responsible for this annex:

AGENCY	TITLE OF CONTACT
Wyoming Department of Public Safety	Director of Public Safety

The line of succession for representing the Public Safety function during a response to an emergency or disaster situation is:

TITLE	AGENCY
Police Services Captain	Wyoming Department of Public Safety
Administrative Services Captain	Wyoming Department of Public Safety
Police Services Lieutenant	Wyoming Department of Public Safety

The Director of Public Safety is responsible for reporting or delegating another individual from their agency to report to the EOC during scheduled exercises or emergencies to coordinate and represent the Public Safety function.

SIGNATURE OF PUBLIC SAFETY OFFICIAL	DATE

**ANNEX I**

**PUBLIC WORKS**

The Public Works function is responsible for conducting pre- and post-incident assessments, ensuring critical services are met through existing contracts, providing technical assistance and engineering expertise and construction management, providing emergency repair of damaged public infrastructure and critical facilities, and the clearing of debris from public roads.

The Public Works Official will maintain liaison and coordinate emergency management and response activities with the Public Works function at the county level. This annex relates to the following annex(es) in the Kent County EAG: (Public Works/Transportation, ESF#1 – Transportation, ESF#3 – Public Works and Engineering and ESF#12 – Energy)

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Responsible Agency: City of Wyoming, Public Works Department

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**Public Works Checklist**

	Report to the EOC, when activated, for scheduled exercises and disasters, or delegate another from the agency to staff the EOC and implement the plan
	<b>Response activities</b>
	Coordinate debris removal activities.
	Coordinate activities designed to control the flow of floodwater.
	<b>Damage assessment</b>
	Provide engineering expertise to inspect public structures and determine if they are safe to use.
	Provide DA information for roads, bridges, buildings, infrastructure, etc. to DA function.
	<b>Transportation</b>
	Provide barricades and signs for road closures and boundary identification (to include activating MAA/MOUs if additional barricades are needed).
	Provide technical expertise in road weight limits, road capacity, etc., to determine whether evacuation routes are adequate for traffic flow.
	Notify law enforcement of the location(s) of disabled vehicles.
	Contact appropriate Michigan Department of Transportation (MDOT) and county transportation officials to request travel restrictions on state and county roads, if necessary.
	<b>Assistance to other agencies</b>
	Assist in identifying access control areas.
	Assist with urban search and rescue activities, if necessary.
	Maintain contact with local utilities to determine the extent and cause of damage and outages. Report this information and restoration schedules to EOC staff.
	Coordinate with utility companies in the restoration of essential services.
	<b>Logistics</b>
	Provide vehicles and personnel to transport essential goods, such as food and medical supplies, when directed by the EOC staff.
	In conjunction with public health, help identify sources of potable water.
	Assist in identifying and obtaining the appropriate construction equipment to support disaster response and recovery operations.
	Provide emergency generators and lighting.

**PUBLIC WORKS**

The following agencies are responsible for this annex:

AGENCY	TITLE OF CONTACT
City of Wyoming – Public Works	Director of Public Works

The line of succession for representing the Public Works function during a response to an emergency or disaster situation is:

TITLE	AGENCY
Director of Public Works	City of Wyoming – Public Works
Assistant Director of Public Works	City of Wyoming – Public Works

The Director of Public Works is responsible for reporting or delegating another individual from their agency to report to the EOC during scheduled exercises or emergencies to coordinate and represent the Public Works function.

SIGNATURE OF PUBLIC WORKS OFFICIAL	DATE

## Interdepartmental Correspondence

**TO:** Curtis Holt, City Manager  
**FROM:** Chief Kimberly S. Koster  
**DATE:** 10/01/21  
**SUBJECT:** Police Officer Academy Sponsorship Program



Wyoming Department of Public Safety

Employers throughout the country are struggling to find qualified workers for a wide variety of jobs. Law enforcement is no exception. As we look to the future, we know that our need for new officers will present us with a variety of challenges. We know, for example, that the need for qualified police candidates may exceed the number of qualified candidates who are graduating every year from police academies across the state. This means that we must be able to attract the best candidates early on if we want to maintain the high caliber of employees that we have now. In order to meet this challenge, and others, we must be more creative and progressive in our recruiting and hiring practices.

Considering the fact that turnover in the City of Wyoming's sworn police force has remained quite steady over the last six years, we could see an average of six to seven sworn employees leave per year. With the DROP plan option in the Defined Benefit Plan, we also know that three of our high-level command officers will be leaving in the next 2-3 years. We also know that six additional command officers and 11 police officers will be eligible for retirement in the next three years, and by July 2029, all but four of the current command officers will be eligible for retirement, with another eight police officers reaching retirement age.

Having this information puts us in a strong position to implement a more focused police recruitment program to fill the openings we currently have and anticipate.

The attached Police Officer Academy Sponsorship Program will allow us to identify high-quality police officer candidates, sponsor them through the police academy, and then move them into full time police officer positions. Creating a pipeline of talent that is committed to the City of Wyoming Department of Public Safety is an integral way for us to compete with other local communities for the small pool of new officers that become certified each year.

Other communities throughout West Michigan and the state that have implemented or will be implementing a police recruitment program include Grand Rapids, Kentwood, Holland, Walker, and Novi.

With your support, I would like to bring this program to the City Council work session on October 11 and to the October 18 regular meeting for their approval.

# City of Wyoming

## Police Officer Academy Sponsorship Program

CITY MISSION: Community – Safety – Stewardship

DEPARTMENT MISSION: Honor – Courage – Duty – Trust

### REQUIREMENTS

To participate in the Police Officer Academy Sponsorship Program, candidates must:

- Apply for the sponsorship program and be approved by the Director of Public Safety and the City Manager
- Apply for and be accepted into OR be enrolled and participating in any MCOLES-accredited academy approved by the Director of Public Safety
- Complete an interview with the Director of Public Safety or designee
- Pass a drug screen
- Be able to pass a comprehensive background investigation
- Be actively employed as a Police Cadet for the City of Wyoming
- Be certifiable by MCOLES upon completion of the academy
- Comply with all policies, rules, and regulations of the City of Wyoming, Department of Public Safety, academic institution, and the academy

### EMPLOYMENT

- Upon acceptance into the City of Wyoming Police Officer Academy Sponsorship Program, the candidate will be presented a conditional offer of employment as a full-time police officer.
- Provided that the candidate successfully completes the academy, becomes MCOLES certifiable, and completes all required conditions of employment with the City of Wyoming, the candidate will be employed as a full-time police officer.

### SPONSORSHIP PROGRAM BENEFIT

- City will pay for the academy program costs (including books but excluding room and board) after scholarships, grants, and other non-loan financial aid has been applied.
- Candidates may attend any MCOLES-accredited academy approved by the Director of Public Safety; however, the program benefit amount will be limited to the equivalent of the cost from the Grand Valley State University Police Academy program.

### REPAYMENT

- Candidate must work as a sworn City of Wyoming Department of Public Safety – Police employee for five years from date of hire as a police officer. Any candidate who leaves prior to their fifth anniversary (voluntary or not voluntary) will be subject to the repayment policy:
  - 5 years of service – no repayment
  - 4+ years of service – 25% repayment
  - 3-4 years of service – 50% repayment
  - 2-3 years of service – 80% repayment
  - Completion of FTO-2 years of service – 90% repayment
  - Non-completion of FTO – 100% repayment
  - Does not meet requirements stipulated in conditional offer and is not hired – 100% repayment
  - Non-completion of academy – 100% repayment

**City of Wyoming**  
**Police Officer Academy Sponsorship Program Application**

The City of Wyoming is an Equal Opportunity Employer

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Are you related to any employee or elected official (if so, who)?  Y  N

\_\_\_\_\_

Have you ever been employed by the City of Wyoming?  Y  N

(if so, where?) \_\_\_\_\_

Have you ever been a member of the United States Armed Forces?  Y  N

(if so, what branch?) \_\_\_\_\_

Academy name, address, and phone number: \_\_\_\_\_

\_\_\_\_\_

Have you been accepted into the academy?  Y  N

*\*if you have been accepted, include a copy of the acceptance letter*

Academy start date: \_\_\_\_\_

Expected academy completion date: \_\_\_\_\_

Academy program cost (attach detailed receipt/invoice/statement): \_\_\_\_\_

*For your application to be considered, you must attach a resume that includes a list of references, education, and work history.*

## Agreement:

I understand that time spent training, studying, and attending the academy is not paid time by the City of Wyoming.

I understand that I am responsible for repaying the City for the cost or a portion of the cost paid by the City for the police academy in accordance with the schedule listed in the City of Wyoming Police Officer Academy Sponsorship Program and according to Finance Department procedures.

I agree to abide by all policies, procedures, rules, and regulations set forth by the City of Wyoming, the Department of Public Safety, the academic institution, and the academy in which I am enrolled.

I understand that the City reserves the right to accept or reject for any reason any or all employee requests to enter or continue in the Program, and to change or discontinue the program at any time and in any manner deemed to be in the best interest of the City.

Employee name (printed): \_\_\_\_\_ Date: \_\_\_\_\_

Employee signature: \_\_\_\_\_

Dept. Head signature: \_\_\_\_\_ Date: \_\_\_\_\_

Finance Dept. signature \_\_\_\_\_ Date: \_\_\_\_\_

Human Resources signature: \_\_\_\_\_ Date: \_\_\_\_\_

City Manager signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Consent to Authorize Payroll Deduction

I hereby request and authorize the City of Wyoming to deduct any required repayment, as stipulated in the Police Officer Academy Sponsorship Program, from my gross pay. This may be deducted from multiple paychecks, including from my final payment, which may also include payment for accrued leave benefits.

I further acknowledge that if I was not hired by the City of Wyoming or if my final payment does not cover the full cost of repayment due, that I will provide the City with payment for the remaining amount due, no later than two weeks after my separation date.

Employee name (printed): \_\_\_\_\_ Date: \_\_\_\_\_

Employee signature: \_\_\_\_\_

## Interdepartmental Correspondence

**TO:** Curtis Holt, City Manager  
**FROM:** Chief Kimberly S. Koster  
**DATE:** 10/05/21  
**SUBJECT:** Fire Captain – Training Officer position



Wyoming Department of Public Safety

I wanted to provide you with an update regarding our plan to fill the seven firefighter positions that were recently approved by the City Council. These additional positions will bring us back up to our 2003 staffing level.

We will be adding six of these positions to our fire suppression staff, which will provide two more firefighters on each of our three shifts. Every shift will have an equal number of 11 firefighters scheduled for duty. This will leave us with one remaining firefighter position. Instead of making one of our shifts unevenly staffed, we are planning to utilize the seventh firefighter position to reestablish a Fire Captain - Training Officer position. This will fulfill a great need within our department.

### FIRE CAPTAIN – TRAINING OFFICER POSITION

Training is a top priority because it is fundamental to firefighter safety. Our new Training Captain will be responsible for planning, scheduling, and directing all of the required and necessary training courses for our firefighters. In addition, the Training Captain will be in charge of coordinating assessments for hiring processes (e.g., agility tests), overseeing the field training program, developing lesson plans for on-shift and in-service training, and maintaining accurate training records for each employee.

The Training Captain will be tasked with establishing a more formal training program that utilizes the advanced knowledge and special skills of our firefighters, but provides for more consistency and continuity, ensuring that all employees benefit from the same level of training.

The Training Captain may also respond to structure fires and assist on other serious calls as needed which increases the number of available personnel during the weekdays when other non-suppression employees are also responding (e.g., Fire Inspector, Deputy Fire Chief, Fire Chief). As time allows, the Training Captain would be available to complete the required follow-up on inspections that originate from the Fire Inspector and/or Fire Marshal.

As we move forward, I will be working with Human Resources to conduct a wage study which will determine the appropriate pay scale. An updated job description is currently being drafted.

## Interdepartmental Correspondence

**TO:** Chief Koster  
**FROM:** Captain Wiler  
**DATE:** October 4, 2021  
**SUBJECT:** Flock Safety Camera System



Wyoming Department of Public Safety

Over the past year, the City of Wyoming, like many cities around the country, has seen an increase in violent crime. In 2020, the City of Wyoming had a record number of homicides as well as a significant increase in shooting incidents. Although the number of homicides is down for 2021, we are still experiencing a significant increase in shooting incidents. To date, there have been 39 shots fired complaints and 21 shootings where a person was struck by a bullet. In addition to an increase in violent crime, there has also been a significant increase in motor vehicle theft. It is very common for perpetrators to use stolen vehicles in the commission of violent crimes.

Quickly obtaining leads in any criminal investigation increases the probability of identifying suspects and solving the case. The Flock Safety license plate and vehicle recognition camera is a way to capture the vehicle details needed to track and solve crimes. Flock Safety provides stationary cameras that can be positioned in areas that have been identified as high crime areas. As the location of high crime areas evolve, the cameras can be moved to address those areas where crime has increased.

By utilizing the Flock Safety camera system, the City of Wyoming will be able to reduce violent crime and increase safety for our community. The Flock Safety camera system not only records the description and license plates of vehicles entering and leaving a designated high crime area, but also provides immediate notification of a stolen vehicle when it passes a camera. Additionally, users of the system can create custom "hotlists" of suspect vehicles that will also provide immediate notification when the suspect vehicle passes by a camera. In many cases, witnesses of crimes are only able to provide investigators with the make, model and/or color of a vehicle. With Flock Safety, investigators can search for vehicles using those parameters and possibly obtain a license plate number. As the camera system only records the exterior of the vehicle and the license plate, it provides objective, unbiased evidence to investigators. Other advantages of the Flock Safety camera system are:

- It will record the make, model, and color of the vehicle even if it does not have a license plate
- Will record vehicles traveling up to 100 mph
- Requires no infrastructure as the cameras use LTE and solar power
- The ability to collaborate with other law enforcement agencies and privately-owned Flock System cameras to increase our investigative capabilities

The Flock Safety camera system does NOT record the interior of a vehicle and is not used for traffic enforcement. It is not facial recognition software. The only time identifying features of a person would be recorded is if they were leaning out of a window. Recordings are only stored for 30 days unless a vehicle is identified as a suspect in a criminal complaint and saved by investigators.

Flock Safety offers a 6-month trial period where the cameras can be installed at no cost and removed when the trial period is over. We have identified five (5) areas of the City where there is a concentration of violent crime and stolen vehicle complaints. By positioning cameras on each side of the road to capture vehicles traveling in both directions, 10 cameras will be needed. At the conclusion of the trial, we will determine their effectiveness and evaluate a request to purchase at that point. The cost is \$2,500 per camera / year.

There are currently Flock Safety camera systems in use by hundreds of law enforcement agencies in 40 states. The Kalamazoo Department of Public Safety currently utilizes the Flock Safety camera system and told us that it has been a "game changer" in their ability to solve violent crimes.

## STAFF REPORT

Date: September 24, 2021  
Subject: 800 MHz Radios and Accessories  
From: Captain Timothy Pols  
Meeting Date: October 18, 2021

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### **RECOMMENDATION:**

It is recommended the City Council approve the purchase of twenty portable 800 MHz radios and radio accessories needed for the Department of Public Safety–Police and Fire. The radios will be purchased from the Kent County Dispatch Authority (KCDA) and the accessories from Motorola.

### **COMMUNITY, SAFETY, STEWARDSHIP:**

Portable radios provide a communication link between the community and public safety officers, allowing dispatch to effectively communicate calls for service with on-duty staff. Effective communication between public safety officers and with dispatch is essential for the safety of both the community and staff. This purchase would demonstrate stewardship as it would allow acquisition of necessary equipment at a deeply discounted rate. The radios currently available for purchase from KCDA are priced at over a 50% discount of retail cost.

### **DISCUSSION:**

The KCDA transitioned their countywide radio communication system to the 800 MHz system in 2021. Wyoming Police and Fire personnel have utilized the 800 MHz portable radios for the last several months. Due to anticipated staff increases, it is necessary to purchase an additional 20 portable radios. Twelve of these radios will provide each firefighter with a portable radio and allow one portable radio to be assigned to each fire apparatus as a reserve. The reserves would be used if a radio were to go down during an incident. Eight radios will equip four anticipated additional police officers as well as allow for four reserve radios. The reserve radios would be used during equipment failure or for future assignment to officers. All twenty radios would be identical to the current radios assigned to each police and fire staff member and will include a battery, belt clip, shoulder microphone, and charger.

In addition to the portable radios, it is necessary to purchase a six-bank battery charger and twelve spare portable radio batteries for the police TACT and CNT teams, ensuring that spare batteries are available for extended callouts.

The KCDA has limited stock of the portable radios we are seeking to purchase. They are available at a discounted price of \$2,618 per radio at a total cost of \$52,360 for twenty. Current retail price is \$5,592 per radio at a total cost of \$111,840 for twenty. This is a savings of \$59,480 or 53%. Accessories to be purchased from Motorola include a six-bank battery charger at a cost of \$986.25 and twelve spare batteries at cost \$126.75 each at a total cost of \$1,521.

**BUDGET IMPACT:**

The total project need is \$54,867.25. A budget amendment is necessary and is also being presented at the October 18, 2021 meeting for approval. If approved, the necessary funds will come from the following accounts:

<b>Type</b>	<b>Account Number</b>	<b>Amount</b>
<b>Police: Capital Outlay Radio Equipment</b>	101-305-31500-980.139	<b>\$23,451.25</b>
<b>Fire: Capital Outlay</b>	101-337-33900-975.000	<b>\$31,416</b>
<b>Total</b>		<b>\$54,867.25</b>

## STAFF REPORT

Date: October 6, 2021

Subject: Office Furniture Purchase – City Clerk’s Office

From: Kelli A. VandenBerg, City Clerk

Meeting Date: October 11, 2021 Work Session and October 18, 2021 Regular Session

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### **RECOMMENDATION:**

It is recommended the City Council approve the purchase of office furniture for the City Clerk’s Office from Custer in the amount of \$9,958.35.

### **COMMUNITY, SAFETY, STEWARDSHIP:**

Community – This request will improve the functionality of this office and allow staff to better serve the community.

Safety – This request will provide a safer means of storing vital election materials.

Stewardship – This request will allow for enhanced storage space of election materials and more appropriate storage of election equipment.

### **DISCUSSION:**

Changes in voting opportunities and election administration have changed demands for space and how space is used in the Clerk’s Office. Expanded absentee voting has vastly increased the storage needs of election documents and newer election equipment demands a more secure storage option than the office can currently provide.

With the assistance of Troy Rinks, Facilities Maintenance Foreman, a design recommendation and quotation were obtained from Custer. Custer’s products are compatible with existing office furniture and will provide the expanded storage space desired. In addition to the furniture being purchased, other existing furniture will be relocated or repurposed for improved office functionality.

### **BUDGET IMPACT:**

The estimated cost for the purchase of new office equipment is \$9,958.35 and the project can begin once approved by the City Council. This purchase will require a budget amendment.



217 GRANDVILLE AVE SW  
SUITE 100  
GRAND RAPIDS, MI 49503  
PHONE: 616.458.6322  
FAX: 616.458.1117

161 E. MICHIGAN AVE  
6<sup>TH</sup> FLOOR SOUTH  
KALAMAZOO, MI 49007  
PHONE: 269.342.3919  
FAX: 269.342.3923

120 E FRONT ST  
TRAVERSE CITY, MI  
49684  
PHONE: 231.645.8989

**Quotation: 228952**

**Quote Date:** 09/20/21

**Customer:** C3500

**Terms:** NET DUE WITH INVOICE

**Expiration Date:** 10/08/21

**Custer Salesperson:** WM WILLEMSTYN

**Quote To:**

CITY OF WYOMING  
1155 28TH ST SW  
PO BOX 905  
WYOMING MI 49509-0905

**Ship To:**

CITY OF WYOMING  
1155 28TH ST SW  
PO BOX 905  
WYOMING MI 49509-0905

**Phone:** +1 (616) 530-7225  
**Fax:** +1 (616) 249-3486

**Phone:** +1 (616) 530-7225  
**Fax:** +1 (616) 249-3486  
**Tax** SEE LETTER

This quote is only valid for 30 days. This is a special order and subject to cancellation or restocking fees if cancelled or returned. If paying by credit card on combined invoices over \$10,000, a 3% processing fee will be added to the invoice total.

Description	Quantity	Unit Price	Extended Price
1 CG-V8F3 - 36"Wx23 1/2"Dx77 3/8"H Double Door Storage Cabinet 6 High, with 5 Adjustable Shelves <b>Pull Options for Double Door Storage Cabinet:</b> A: Full Pull Square Front <b>Finish Selections by Manufacture (Paint Color):</b> 0280: SC-Warm White <b>Key Series Options:</b> LL: _LL Series Chrome-Nickel Scalloped____ <b>Key-Alike Request Option:</b> ~: No Selection of Option GREATOPENI	3	851.33	2,553.99
2 RG-C702 - Trace Lat File,3 Drw,36Wx18-1/4Dx39-7/8H <b>Finish Selections by Manufacture (Paint Color):</b> 0280: SC-Warm White <b>Trace 3-Hi Counterweight Factory Installed Selection:</b> W: 3-Dwr c-wt. Factory Installed <b>36" Laterals/DD Laminate Top Option:</b> ~: No Selection _Upgrade____ <b>36" Trace 3-Drw Front/Lock Options:</b> A: __Full Pull Square Front____ LL: LL Chrome-Nickel Scalloped GREATOPENI	4	553.33	2,213.32

ACCEPTED BY \_\_\_\_\_ TITLE \_\_\_\_\_ DATE \_\_\_\_\_

THE PRODUCTS AND/OR SERVICES RENDERED HEREUNDER ARE GOVERNED EXCLUSIVELY BY THE CUSTER TERMS AND CONDITIONS OF SALE, WHICH ARE AVAILABLE FOR REVIEW AT WWW.CUSTERONLINE.COM, AND MAY BE AMENDED FROM TIME TO TIME. THE CUSTER TERMS SHALL APPLY TO THE EXCLUSION OF ANY INCONSISTENT OR ADDITIONAL TERMS CONTAINED IN CUSTOMER'S PURCHASE ORDER OR OTHERWISE PROPOSED BY CUSTOMER IN ANY MANNER, AND NOTIFICATION OF OBJECTION TO ANY SUCH TERMS IS HEREBY GIVEN TO CUSTOMER.



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PHONE: 231.645.8989

Quotation: 228952

Page 2 / 3 (cont'd)

Description	Quantity	Unit Price	Extended Price
3 RLF24363F - Universal; Lateral file, 3 drawers, Flush steel front, 24D x 36W x 40H <b>BASIC:</b> 4700 WARM WHITE <b>LOCK:</b> 9201 POLISHED CHROME <b>KEYS:</b> SK RAND <b>WGHT PKG:</b> *OPT:COUNTERWEIGHT PKG <b>WEIGHT:</b> COUNTERWEIGHT PKG STEELCASE	3	960.04	2,880.12
4 RATCL24108F - Top-Common, Square edge profile, Laminate, Flush steel front, 23 1/8D x 108W <b>EDGE:</b> 6655 WARM WHITE <b>TOP-SURF:</b> *TOP-SURF:PLASTIC LAMINATE STEELCASE	1	453.51	453.51
5 RATCL3672F - Top-Common, Square edge profile, Laminate, Flush steel front, 36D x 72W <b>EDGE:</b> *EDGE:PLASTIC <b>TOP-SURF:</b> *TOP-SURF:PLASTIC LAMINATE File Top. Special, (42"W) Actual. Reference Documents: 00110142 00113170 00116586 00116587 00113104 00115661 00117716 00116745 00117270 00117615 00117619 00115759 <b>Eng Quote FC030047</b> <b>Eng Quote Product ID FC00026352</b> STEELCASE	1	268.83	268.83
6 000 - GROMMET STEELCASEF	1	15.00	15.00
7 LABOR TO DELIVER AND INSTALL. (LOT)	1	1,040.00	1,040.00

**Quotation Totals**

Sub Total	9,424.77
GREATOPENI FREIGHT CHARGES	362.00

ACCEPTED BY \_\_\_\_\_ TITLE \_\_\_\_\_ DATE \_\_\_\_\_

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Page 3 / 3 (cont'd)

Warehouse Handling Fee	167.40
Recycle/Refuse Fee	4.18
TAX EXEMPT - GOVERNMENT	0.00
MICHIGAN - NON TAXABLE	0.00
<b>Grand Total</b>	<b>9,958.35</b>

End of Quotation

ACCEPTED BY \_\_\_\_\_ TITLE \_\_\_\_\_ DATE \_\_\_\_\_

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**MEMORANDUM**

**City Attorney** | 1155 28th St SW, Wyoming, MI 49509  
616.530.3194 | Fax 616.261.7103 | wyomingmi.gov

To: Hon. Mayor and City Council Members  
From: Scott Smith, City Attorney  
Date: October 4, 2021  
Subject: Annotated City Charter

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Some time ago, Council Member Postema expressed a desire to better understand intersections of the City Charter with federal and state law, especially focusing on City Charter provisions superseded by other law. He suggested it might be helpful if notes were added to a copy of the City Charter that address how some provisions are affected by federal and state law.

In an initial effort to accommodate that request, a copy of the City Charter has been footnoted to address many, but far from all, situations in which its provisions are affected by other law. It reflects the law at the time it was created. New statutes, rules, regulations, court decisions, agency actions, and city actions may affect the City Charter, or the law cited in the footnotes. The footnotes are not exhaustive legal discourses and are intended only to identify legal issues.

community • safety • stewardship

CITY COUNCIL

Sheldon DeKryger   John Fitzgerald   Kent Vanderwood   Marissa Postler   Robert Postema   Sam Bolt

**Jack A. Poll, Mayor**

**CITY CHARTER OF THE CITY OF WYOMING**  
**City Attorney's Annotation – October 2021**

**PREAMBLE**

We, the people of the City of Wyoming, pursuant to authority granted by the Constitution and Laws of the State of Michigan, in order to secure the benefits of efficient self-government and to promote our common interests and welfare, do ordain and establish this home rule charter.

**CHAPTER I. - INCORPORATION AND BOUNDARIES**

**Sec. 1.1. - Name of municipal corporation.**

The municipal corporation shall be known as "The City of Wyoming" and shall be a body corporate as in the statutes provided.<sup>1</sup>

**Sec. 1.2. - Legal description of boundaries.**

The City shall include the following described territory in Kent County, Michigan, together with such annexations thereto and less such detachments therefrom as may be made from time to time in accordance with the applicable law:<sup>2</sup>

All of the following described area, located in Town 6 North, Range 12 West, County of Kent, State of Michigan, viz., All of sections 2, 10, 11, 13, 14, 15, 22 to 27 both inclusive, and all of sections 31 to 36, both inclusive; also that part of section 3 lying Southeasterly of Grand River, that part of the East half of Section 4 lying South of Grand River, the South half of Sections 12, 29 and 30, the East half of Sections 9, 16 and 21, also Section 28 except the Northwest quarter of said section.

**CHAPTER II. - MUNICIPAL POWERS**

**Sec. 2.1. - Extent of powers.<sup>3</sup>**

The City shall possess and be vested with all the powers, privileges and immunities, expressed or implied, which home rule cities are or hereafter may be permitted to exercise or to provide for in their charters under the Constitution and Laws of the State of Michigan, as fully and completely as though such powers, privileges and immunities were specifically enumerated herein, unless otherwise provided or limited in this charter. Any enumeration of particular powers, privileges or immunities anywhere in this charter shall not be held to be exclusive. Wherever the statute provides mandatory provisions, if such are not specifically set forth herein, then this charter shall be construed as adopting such mandatory provisions and providing for the exercise of the powers or duties therein provided by the City Commission by ordinance.

**Sec. 2.2. - General powers.<sup>4</sup>**

Unless otherwise provided or limited in this charter, the city and its officers shall possess and be vested with any and all powers, privileges and immunities, express or implied, which cities and their officers are, or hereafter may be, permitted to exercise or to provide for in their charters under the Constitution and statutes of the State of Michigan, including all powers, privileges and immunities which cities are, or may

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<sup>1</sup> "City of Wyoming" is used in City documents. The Charter refers to "The City of Wyoming" only in this section and otherwise uses "City of Wyoming." (See, Preamble, §5.1, §16.1, §16.4, §16.5, §18.1, §18.2, §18.3, and Affidavit of Adoption.) The ballot proposal for approving the proposed charter referred to "City of Wyoming." The Charter refers to the "Township of Wyoming" and had the effect of changing the township to a city which would seem to simply substitute "city" for "township" in the name. Use of "The City of Wyoming" is awkward. With "The" as part of the name, it would have to be used even when using "The" in a sentence is awkward, e.g., "the proposed The City of Wyoming" in some previously cited sections. It deviates from modern usage in which, for example, uses the lower case "state" in the "state of Michigan." Correspondingly, most cities are referred to in the same manner. No listings (such as by state or federal agencies, indices, etc.) use "The" before the name of a community or entity.

<sup>2</sup> Boundaries have changed either by annexation or by a conditional transfer of property under 1984 PA 425, MCL 124.21 *et seq.*

<sup>3</sup> This section and §2.2 are redundant but important. Several provisions of the home rule city act, 1909 PA 279, MCL 117.1 *et seq.*, (the statute pursuant to which the city was incorporated) that were enacted after the effective date of Wyoming's Charter provide permissible charter provisions. Charter §§2.1 and 2.2 incorporate those more recently enacted optional powers into the Charter without amending the Charter. They also incorporate powers provided under other state law.

<sup>4</sup> See fn 3, *supra*.

be, permitted to provide in their charters by MCL 117.1 *et seq.*, MSA 5.2071 *et seq.*,<sup>5</sup> as amended, as fully and completely as though these powers, privileges and immunities were specifically enumerated in and provided for in this charter, and in no case shall any enumeration of particular powers, privileges or immunities herein be held to be exclusive.

The city and its officers shall have power to exercise all municipal powers in the management and control of municipal property and in the administration of the municipal government, whether such powers be expressly enumerated herein or not; to do any act to advance the interest of the city, the good government and prosperity of the municipality and its inhabitants, and through its regularly constituted authority, to pass and enforce all laws, ordinances and resolutions relating to its municipal concerns, subject to the Constitution and statutes (whether now or hereafter adopted or amended) and the provisions of this charter.

### **Sec. 2.3. - Further definition of powers.<sup>6</sup>**

In addition to the powers possessed by the city under the Constitution and statutes, and those set forth throughout this charter, the city shall have power with respect to and may, by ordinance and other lawful acts of its officers, provide for the following, subject to any specific limitations placed thereon by this charter:

- (a) The construction or acquisition by purchase, gift, condemnation, lease, or in any manner permitted by statute, of private property of every type and nature for public use, which property may be located within or without the County of Kent and which may be required for or incidental to the present or future exercise of the purposes, powers and duties of the city, either proprietary or otherwise;
- (b) The maintenance, development, operation, leasing, sale, and disposal of city property subject to any restrictions placed thereon by statute or this charter;
- (c) The refunding of money advanced or paid on special assessments;
- (d) The installation and connection of conduits for the service of municipally owned and operated electric lighting plants; almshouse, electric light, gas, heat, water and power business, and to operate the same to the extent and in the manner permitted by law;
- (e) The establishment and vacation of streets, alleys, public ways and other public places, and the use, regulation, improvement and control of the surface of such streets, alleys, public ways and other public places, and of the space above and beneath them, whether such be located within or without the limits of the city, to the extent permitted by law;
- (f) The use, by others than the owner, of property located in streets, alleys, and public places, in the operation of a public utility, upon the payment of a reasonable compensation to the owners thereof;
- (g) The purchase or condemnation of the franchises and of the property used in the operation of companies or individuals engaged in the cemetery, [or] hospital;
- (h) A plan of streets and alleys within and for a distance of not more than three miles beyond the municipal limits;
- (i) The use, control and regulation of streams, waters and watercourses within its boundaries, subject to any limitation imposed by statute;
- (j) The securing by condemnation, by agreement, or purchase, or by any other means, of an easement in property abutting or adjacent to any navigable body of water for the purpose of securing the privilege and right to construct, own and maintain along or adjacent to any navigable body of water an elevated structure of one or more levels for use as a vehicular or pedestrian passageway, or for any other municipal purpose;

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<sup>5</sup> "MSA," referring to Michigan Statutes Annotated, no longer exists. Newer citations will not refer to it.

<sup>6</sup> Note, this is a general list of powers. Exercise of many of these powers must comply with and may be limited by the United States and Michigan constitutions and laws, rules, and regulations. Some federal or state laws supersede local control. For example, regardless of subsection (f) city control over telecommunications' use of public rights-of-way is limited, regardless of subsection (o) the city may not regulate some trades and occupations, and regardless of subsection (s) the city cannot regulate aircraft.

- (k) The acquiring, establishment, operation, extension and maintenance of facilities for the storage and parking of vehicles within its corporate limits, including the fixing and collections of charges for services and use thereof on a public utility basis, and for such purpose to acquire by gift, purchase, condemnation or otherwise, the land necessary therefor;
- (l) The acquiring, constructing, establishment, operation, extension and maintenance of facilities for the docking of watercraft, hydroplanes and seaplanes, within its corporate limits, including fixing and collecting charges for use thereof, and for such purpose or purposes, to acquire by gift, purchase, condemnation or otherwise, the land necessary therefor;
- (m) The regulating and restricting of locations of oil and gasoline stations;
- (n) The establishing of districts or zones within which the use of land and structures, the height, the area, the size and location of buildings and required open spaces for light and ventilation of such buildings, and the density of population may be regulated by ordinance, intending hereby to permit zoning regulations to the extent permitted by law;
- (o) The regulating of trades, occupations and amusements within the city, not inconsistent with state and federal laws and for prohibiting such trades, occupations, and amusements as are detrimental to the health, morals or welfare of its inhabitants;
- (p) The licensing, regulating, restricting and limiting the number and locations of advertising signs or displays and billboards within the city;<sup>7</sup>
- (q) The preventing of injury or annoyance to the inhabitants of the city from anything which is dangerous, offensive or unhealthful, and for preventing and abating nuisances and punishing those occasioning them or neglecting or refusing to abate, discontinue or remove the same;
- (r) The terms and conditions upon which licenses may be granted, suspended or revoked; the fee for such licenses; and the necessity for and terms of bonds to the city for the faithful observance of the conditions under which licenses are granted, and the other conditions for such licenses;
- (s) The regulating of all airports located within its boundaries, and, to promote and preserve the public peace, safety and welfare, the control and regulation of the use of the air above the city by aircraft of all types;
- (t) The prohibiting or regulating of the use, occupancy, sanitation and parking of house trailers within the city, except as limited by law, and the right of the city to so regulate any house trailer shall not be abrogated because of any detachment thereof from its wheels or because of placing it on, or attaching it to the ground by means of any temporary or permanent foundation, or in any manner whatsoever;
- (u) Requiring an owner of real property within the city to construct and maintain sidewalks abutting upon such property, and if the owner fails to comply with such requirements or if the owner is unknown, to construct and maintain such sidewalks and assess the cost thereof against the abutting property;
- (v) Requiring an owner of real property within the city to abate the public hazards and nuisances which are dangerous to the health or safety of inhabitants of the city within a reasonable time after the Commission notifies him that such hazard or nuisance exists, and if the owner fails to comply with such requirements, or if the owner is unknown, to abate such hazard or nuisance and assess the cost thereof against such property;
- (w) Compelling owners of real property within the city to keep sidewalks abutting upon their property clear from snow, ice or other obstructions, and if the owner fails to comply with such requirements, to remove such snow, ice or other obstructions and assess the cost thereof against the abutting property;
- (x) Control over all trees, shrubs and plants in the public streets, highways, parks or other public places in the city, all dead and diseased trees on private property overhanging the street, sidewalk, or public places including the removal thereof and assessing the cost thereof against the abutting property.

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<sup>7</sup> The First Amendment and some statutory provisions can limit city sign regulation.

#### **Sec. 2.4. - Exercise of powers.**

Where no procedure is set forth in this charter for the exercise of any power granted to or possessed by the city or its officers, the Commission<sup>8</sup> shall prescribe a reasonable procedure for the exercise thereof by ordinance, subject to such limitations as may be imposed by statute. If a particular mode of exercising the power is made mandatory by statute, then such statute shall govern. If alternative procedures are to be found in different statutes, the Commission shall elect the procedure which it deems to be most expedient and to the best advantage of the city and its inhabitants.

#### **Sec. 2.5. - Intergovernmental contracts.<sup>9</sup>**

The city shall have power to join with any governmental unit or agency, or with any number or combination thereof by contract or otherwise as may be permitted by law, to perform jointly, or by one or more of them, for or on behalf of the other or others any power or duty which is permitted to be so performed by law or which is possessed or imposed upon each such governmental unit or agency.

### **CHAPTER III. - ELECTIONS**

#### **Sec. 3.1. - Qualification of electors.**

The residents of the city having the qualifications of electors in the State of Michigan shall be electors of the city.

#### **Sec. 3.2. - Election procedure.**

The election of all city officers shall be on a nonpartisan basis. The general election statutes shall apply to and control, as near as may be, all procedures relating to registration and city elections except as such statutes relate to political parties or partisan procedure and except as otherwise provided in this charter.<sup>10</sup>

The Clerk shall give public notice of the time and place of holding each city election and of the officers to be elected and the questions to be voted upon in the same manner as is required by statute for the giving of public notice of general elections in the State.

The polls at all elections shall be opened and closed at the time prescribed by law for the opening and closing of polls at State elections, subject to the statutory right of the Commission to adjust these hours to local time.<sup>11</sup>

#### **Sec. 3.3. - Wards and precincts.**

The City of Wyoming shall consist of three wards, the boundaries of which shall be as follows:

*Ward 1.* Beginning at the centerline of Clyde Park Avenue and the centerline of Alger Street, thence South to the centerline of 60th Street, thence East to the centerline of Division Avenue, thence North to the City of Grand Rapids, thence West to the point of beginning.

*Ward 2.* Beginning at the centerline of 36th Street and the centerline of Burlingame Avenue, thence North to the centerline of Burton Street, thence West to the rear lot line of the residences facing Blandford on the West side of the street, thence North along such rear lot line to the centerline of Chicago Drive, thence East to the centerline of Blandford Avenue, thence North to the South limits of the City of Grand Rapids, thence East along the South limits of the City of Grand Rapids to the City of Grand Rapids, thence South to the centerline of 36th Street, thence West to the point of beginning.

*Ward 3.* Beginning at the centerline of 60th Street and the centerline of Clyde Park, thence West to the centerline of Kenowa Avenue, thence North to the centerline of 48th Street extended, thence East to the East limits of the City of Grandville, thence North to the Grand River, thence

<sup>8</sup> See, City Charter §4.18 changing references from "Commission" to "Council" and from "Commissioner" to "Councilman."

<sup>9</sup> This is a general authorization to enter into intergovernmental agreements "as may be permitted by law." So, it requires additional statutory authority. Some statutes provide special authority for contracts specific services. Broader authority is provided by the urban cooperation act of 1967, 1967 (ex. sess.) PA 7, MCL 124.501 *et seq.*; 1967 (ex. sess.) PA 8, MCL 124.531 *et seq.*; 1951 PA 35, MCL 124.1 *et seq.*; and the municipal partnership act, 2011 PA 258, MCL 124.111 *et seq.*

<sup>10</sup> The Michigan Election Law, 1954 PA 116, MCL 168.1 *et seq.*, sometimes defers to city charters, but otherwise supersedes them.

<sup>11</sup> Michigan Election Law §720, MCL 168.720, requires polls to open at 7:00 a.m. and close at 8:00 p.m. statewide.

Northeasterly to Walker Township, thence East to the centerline of Blandford Avenue, thence South to the centerline of Chicago Drive, thence West to the rear lot line of the residences facing Blandford Avenue on the West side of the street, thence South along such rear lot lines to the centerline of Burton, thence East to the centerline of Burlingame, thence South to the centerline of 36th Street, thence East to the centerline of Clyde Park, thence South to the point of beginning.

In the event territory is added to the city by annexation, such added territory shall become an additional ward, except if the population thereof shall be disproportionately low compared with the population of the other wards in the city. The Commission shall make a determination as to whether or not an additional ward shall be added in accordance with the foregoing, not longer than 10 days after a petition has been filed with the appropriate city, county, or state official, and if it is determined that under the requirements hereof an additional ward shall be added, this determination shall be binding upon the city, and the area, upon being annexed, shall constitute such additional ward until altered by charter amendment or by the procedure hereinafter specified for equalized wards where the area annexed has a population substantially lower than the population of each of the existing wards. If the population of the annexed area shall be disproportionately low, then the Commission, upon the annexation thereof, shall change the boundaries so that the wards shall be approximately equal in size, but in defining such boundaries, the Commission shall take into account not only the population but the various economic, school, political and social interests of the respective areas of the city. The precincts into which the city is divided on the effective date of this charter [January 1, 1959] shall remain the precincts of the city until changed pursuant to this Charter. The Commission shall, from time to time, establish convenient election precincts.

#### **Sec. 3.4. - Regular city elections.<sup>12</sup>**

A regular city election shall be held on the first Monday in April of 1960 and regular city elections shall be held on the first Monday in April of 1962 and on the first Monday in April of 1963, unless some other date in the months of March, April or May in 1963 is fixed by law for the holding of the state biennial election, in which event, the regular city election for 1963 shall be held on the date so fixed. A regular city election shall be held on the first Monday in April of 1964 and, in 1965 and all odd years thereafter, regular city elections shall be held on the first Monday in April of each odd year except that if some other date in March, April or May is fixed by law for the holding of the state biennial election, then the regular city election shall be held on the date so fixed.

#### **Sec. 3.5. - Special elections.**

Special city elections shall be held when called by resolution of the Commission at least forty days in advance of such election, or when required by this charter or by statute. Any resolution calling a special election shall set forth the purpose of such election. No more special elections shall be called in any one year than permitted by statute.

#### **Sec. 3.6. - Elective officers and terms of office.<sup>13</sup>**

The elective officers of the city shall be a Mayor, three Commissioners-at-large, and one Commissioner from each of the three wards. The Mayor and the Commissioners-at-large shall be nominated and elected from the city-at-large. The Commissioners representing the wards shall be nominated and elected by the respective wards. In the event that an area is annexed and an additional ward created as hereinbefore prescribed, then there shall be an additional Commissioner from such ward and an additional Commissioner-at-large for each such annexation if the population of the area shall conform to the requirements herein set forth.

At the regular city election in 1960, there shall be elected a Mayor for a term of two years and the following Commissioners, viz.: a Commissioner from ward two for a term of four years; a Commissioner from ward three for term of four years and a Commissioner-at-large for a term of four years. At the regular city election in 1962, there shall be elected a Mayor for a term of one year and the following Commissioners, viz.: two Commissioners-at-large for terms of three years and a Commissioner from ward one for a term of three years. At the regular city election in 1963, there shall be elected a Mayor for a term

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<sup>12</sup> On July 1, 2013, the City Council adopted Resolution No. 24530 to change the regular City Council elections to even numbered year primary and general elections as allowed by MCL 168.642a.

<sup>13</sup> See fn 12, *supra*.

of two years and at the regular city election in 1964, there shall be elected a Commissioner-at-large for a term of three years, a Commissioner from ward two for a term of three years and a Commissioner from ward three for a term of three years. At the regular city election in 1965, and at regular city elections to be held every odd year thereafter, there shall be elected a Mayor for a term of two years and Commissioners, as their respective terms expire, shall be elected for terms of four years.

At the regular city elections held in 1960, 1962, 1963 and 1964 and at each biennial election held in the odd-numbered years, as herein provided, vacancies in the office of Commissioner or Mayor shall also be filled pursuant to the provisions of section 5.6 of the charter. At the regular city elections to be held every odd year commencing in 1997, there shall be elected a Mayor for a term of four years and Councilmen, as their respective terms expire, shall be elected for terms of four years.

The terms of Mayor and Commissioner shall commence at 8:00 o'clock P.M. at the then prevailing time on the Monday next following the regular city election at which they are elected.

### **Sec. 3.7. - Primary elections.**

Nonpartisan primary elections shall be held on the third Monday in February preceding a regular city election.<sup>14</sup>

If, upon the expiration of the time for filing nomination petitions for any elective city office, valid petitions have been filed for no more than twice the number of candidates for the respective offices to be elected at the following regular city elections then no primary shall be held with respect to such offices. If no primary is to be held for one or more offices, the Clerk shall publish notice of the fact and the reason therefor as part of, or at the time provided for, the publication of notices for such primary election.

Candidates, equal in number to twice the number of persons to be elected to each city office at the next subsequent regular city election, who receive the highest number of votes at any such primary election shall be declared the nominees for election to the respective offices for which they are candidates. The names of such candidates, together with the names of candidates who filed valid nomination petitions for any office for which no primary election was held, shall be certified by the Clerk to the election Commission as nominees for the next subsequent regular city election.

Provided, however, in primary elections, any candidate for an office who receives a majority of all the votes cast for candidates for that office shall thereby be elected, and in cases where several offices designated by the same name are to be voted on at the same election, any candidate shall be deemed to have received a majority if such candidate shall have received more than half of the average number of votes cast for each of such offices, said average to be determined by dividing the total number of votes cast for all the candidates for such offices by the number of offices.

### **Sec. 3.8. - Nominations.**

The method of nomination of all candidates for the city election shall be by petition. Such petitions for each candidate shall be signed by not less than 50 nor more than 100 registered electors of the city when the office is to be filled by the electors of the city as a whole. Petitions for Commissioners from the respective wards shall be signed by not less than 25 nor more than 50 registered electors from the particular ward from which the candidate intends to run. Where the signature of any individual appears on more petitions than he is so permitted to sign, such signatures shall be counted only to the extent he is permitted to sign in order of the respective dates and hour of filing the petition containing such signatures. But where it is impossible for the Clerk to determine the certainty which petition has been filed first, the signature on both petitions shall be void.

Nomination petitions shall be filed with the City Clerk on or before 5:00 p.m., Eastern Standard Time, on the 49th day preceding the regular City primary election,<sup>15</sup> unless such 49th day shall fall on Saturday, Sunday or a legal holiday, in which event such nomination petitions shall be filed with the City Clerk on or before 5:00 p.m. on the next full working day.

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<sup>14</sup> See fn 12, *supra*.

<sup>15</sup> Under the Michigan Election Law, petitions must be filed the 15<sup>th</sup> Tuesday before the August primary election.

After a nomination petition has been filed on behalf of a proposed candidate for City office in accordance with the provisions of this Section, such candidate shall not be permitted to withdraw unless a written notice of withdrawal executed by the candidate has been served upon the City Clerk not later than 5:00 p.m., Eastern Standard Time, on the third day after the last day for the filing of such nomination petition, unless such third day shall fall on a Saturday, Sunday or legal holiday, in which event such withdrawal must be served upon the City Clerk not later than 5:00 p.m., Eastern Standard Time, on the next full working day.

The Clerk shall, prior to every city election, publish notice of the last day permitted for filing nomination petitions and of the number of persons to be nominated or elected to each office at least one week and not more than three weeks before such day.

**Sec. 3.9. - Form of petition.**

The form of petition shall be substantially as that designated by the Secretary of State for the nomination of nonpartisan judicial officers. A supply of official petition forms shall be provided and maintained by the Clerk.

**Sec. 3.10. - Approval of petition.**

The Clerk shall accept only nomination petitions which conform with Section 3.9 of this Charter and which contain the required number of valid signatures for candidates having the qualifications required for elective city offices by this Charter. All petitions shall be accompanied by the affidavit of qualifications provided for in Section 5.1. When a petition is filed by persons other than the person whose name appears thereon as a candidate, it may be accepted only when accompanied by the written consent of the candidate.

The Clerk shall, forthwith after the filing of a petition, notify in writing any candidate whose petition is then known not to meet the requirements of this Section, but the failure to so notify any candidate shall not prevent a final determination that the petition does not meet such requirements. Within three days after the last date for filing petitions, the Clerk shall make his final determination as to the validity and sufficiency of each nomination petition and write his determination thereof on the face of the petition. No petition shall be determined to be valid unless the affidavit of qualifications provided for in Section 5.1 shall be filed with such petition.

The Clerk shall immediately notify in writing the candidate whose name appears thereon of his determinations. Such notice to any candidate whose petition is found invalid or insufficient shall be delivered by personal messenger if possible. In the absence of bad faith on the part of the candidate, any candidate whose petition is found invalid or insufficient shall be allowed to file supplementary or replacement petitions before 5:00 p.m. at the then prevailing local time on the fifth day after the last date for filing original petitions; thereafter no further petitions may be filed.

**Sec. 3.11. - Public inspection of petitions.**

All nomination petitions shall be open to public inspection in the office of the Clerk.

**Sec. 3.12. - Election commission.**

The City Attorney, City Clerk, and a citizen appointed by the City Commission shall constitute the Election Commission. The citizen member shall be appointed by the City Commission not less than 30 days before the regular city primary election and serve for a term of two years. All members shall serve without compensation, and the City Clerk shall act as Chairman of such Commission. Except with reference to the City Clerk and City Attorney, no member of the Election Commission shall be a city officer or a nominee or candidate for elective office. The City Clerk, except as otherwise required by law, is hereby authorized to appoint the Board of Election Inspectors for each precinct, and have charge of all activities and duties required by statute and this Charter relating to the conduct of elections in the city. In the event that the City Clerk shall encounter any problems in conducting the election, or in the event the duties are by law vested in the Election Commission, then such Election Commission shall make such determination as shall be required under the circumstances.

**Sec. 3.13. - Form of ballot.**

The form, printing and number of ballots or the preparation of the voting machines used in any city election shall conform as nearly as may be to the provisions of statute, except that no party designation or emblem shall appear. In all city elections, the names of qualified candidates or nominees for each office shall be listed under a separate heading and shall be rotated systematically in the manner prescribed for [by] statute for rotation of names.

If two or more candidates or nominees for the same office have the same or similar surnames, the Election Commission shall print the occupation and residence address under the respective names of each of such candidates or nominees on the ballots (or on labels or slips to be placed on voting machines when used), provided, that for any of such candidates who is an incumbent of such office, the occupation shall be designated as "Incumbent."

Except as provided in this section there shall be no supplementary identification of candidates or nominees on the ballot.

**Sec. 3.14. - Canvass of votes.**

The members of the Election Commission shall be the board of canvassers to canvass the votes at all city elections. The board of canvassers shall convene not later than the second business day following each city election and determine the results of the city election upon each question and proposition voted upon and what persons are duly nominated or elected to the several offices respectively at said election, and shall notify in writing the successful candidates or nominees of their nomination or election. The Clerk shall make under the corporate seal of the city duplicate certificates of the determinations of the board and shall file one certificate with the County Clerk and the other in his own office, and shall report the same to the City Commission.

**Sec. 3.15. - Tie vote.**

If, at any city election, there shall be no choice between candidates by reason of two or more persons having received an equal number of votes, then the City Commission shall name a date for the appearance of such persons for the purpose of determining the election of such candidates by lot as provided by statute.

**Sec. 3.16. - Recount.**

A recount of the votes cast at any city election for any office or upon any proposition may be had in accordance with election statutes. Unless otherwise required by statute: (a) the petition for a recount of the votes cast at any city election shall be filed with the Clerk by 5:00 p.m. on the second full day on which the Clerk's office is open for business after the board of canvassers has made its official report on the result of the election at which such votes were cast, (b) any counter petition shall be filed by 5:00 p.m. of the next full day thereafter on which the Clerk's office is open for business and (c) no officer shall be qualified to take office until final determination of any recount of the votes cast for such office.

**Sec. 3.17. - Recall.**

Any elected official may be recalled from office by the electors of the city in the manner provided by statute. A vacancy created by such recall shall be filled in the manner prescribed by this charter and by statute.

**CHAPTER IV. - ORGANIZATION OF GOVERNMENT**

**Sec. 4.1. - The mayor and city commission.<sup>16</sup>**

The electors of the city shall elect a Mayor-at-large, and a Commission of six members, three at large and three by wards as herein provided. The Commissioners, together with the Mayor, shall constitute the City Commission and the legislative and governing body of the city and shall have power and authority, except as in this charter or by statute otherwise provided, to exercise all powers conferred upon or possessed by the city, and shall have the power and authority to adopt such laws, ordinances, resolutions and motions as it shall deem proper in the exercise thereof.

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<sup>16</sup> See §4.18 and fn 7 *supra*.

**Sec. 4.2. - Qualifications of commissioners.**

Members of the Commission shall meet the eligibility requirements contained in Section 5.1 of this charter. Except as otherwise provided in this charter, the Commission shall be the judge of the election and qualifications of its own members, subject only to review by the court.

**Sec. 4.3. - Compensation of mayor and commissioners.**

The Mayor shall receive as compensation the sum of \$1,200.00 per year, and Commissioners receive as compensation the sum of Twenty Dollars per meeting for each regular or special meeting which they attend, but not to exceed Eight Hundred Dollars in any one fiscal year.

Such compensation shall be paid monthly, and, except as otherwise provided in this charter, shall constitute the only compensation which may be paid the Mayor and Commissioners for the discharge of any official duties for or on behalf of the city during their tenure of office. However, the Mayor and Commissioners may upon order of the Commission, be paid such bona fide expenses incurred in the service of the city, or as incident to training for the performance of their duties in behalf of the city as are authorized, itemized and approved by the Commission.

**Sec. 4.4. - Election of mayor pro tem.**

The Commission shall at the first meeting following each regular city election and after the newly-elected members take office, elect one of its members to serve as Mayor Pro Tem, for a term expiring at the first Commission Meeting following the next regular city election. Such election shall be by written ballot and by a majority vote of the members of the Commission in office at the time.

In the event of absence or disability of both the Mayor and Mayor Pro Tem, the Commission may designate another of its members to serve as Acting Mayor during such absence or disability.

**Sec. 4.5. - Duties of mayor.**

(a) Insofar as required by statute and for all ceremonial purposes, the Mayor shall be the executive head of the city. He shall have a voice and vote in all proceedings of the Commission equal to that of other members of the Commission. He shall have no veto power. He shall be the presiding officer of the Commission.

(b) The Mayor shall be a conservator of the peace and in emergencies may exercise within the city the powers conferred upon sheriffs to suppress riot and disorder, and shall have authority to command the assistance of all ablebodied citizens to aid in the enforcement of the ordinances of the city and to suppress riot and disorder.<sup>17</sup>

(c) The Mayor shall execute or authenticate by his signature such instruments as the Commission, this charter, or any statute of the State of Michigan, or laws of the United States shall require.

(d) Except as may be required by statute, the Mayor shall exercise only such power as this Charter or the Commission shall specifically confer upon him not inconsistent with the duties conferred upon other officials or officers of the city.

(e) In the absence or disability of the Mayor, the Mayor Pro Tem shall perform the duties of Mayor. In the absence or disability of both, the designated Acting Mayor shall perform such duties.

**Sec. 4.6. - Administrative service.**

The administrative officers of the City shall be the City Manager, Attorney, Clerk, Treasurer, Assessor, Comptroller-Internal Auditor, and such additional administrative officers as may be created by ordinance, not inconsistent with the provisions of this Charter. The Commission may by ordinance create additional administrative offices and may by ordinance combine any administrative offices in any manner it deems necessary or advisable for the proper and efficient operation of the City.<sup>18</sup> The Manager, Clerk, Attorney, and Comptroller-Internal Auditor shall be appointed by the Commission for an indefinite period, shall be responsible to and serve at the pleasure of the Commission, and shall have their compensation fixed by

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<sup>17</sup> A mayor's role in emergencies is governed in part by the Emergency Management Act, 1976 PA 390, MCL 30.401 *et seq.*

<sup>18</sup> City Code §2-56 combines the offices of comptroller/internal auditor and city manager. §2-76 creates the office of finance director.

the Commission. The Clerk shall be subordinate to the City Manager in the performance of the duties of his office, except so far as his duties as clerk of the Commission are concerned. The Treasurer and Assessor shall be recommended by the City Manager and appointed by the City Commission for an indefinite term. All other administrative officers of the City shall be appointed by the City Manager for and [an] indefinite term. The Treasurer and Assessor, and such administrative offices [officers] as may be created, shall be responsible to the City Manager and shall have their compensation fixed by him in accordance with budget appropriations, which shall specifically set forth the salary to be paid and be subject to approval by the City Commission, as herein provided for approval of the budget. Such officers may be discharged by the City Manager at his pleasure.

If the Commission shall deem it necessary or advisable, it shall have the power to establish by ordinance such departments as it may deem suitable. In such event, however, the duties and responsibilities of the officers of such departments shall be under the supervision and control of the City Manager.

All personnel employed by the city who are not elected officers of the city or administrative officers by or under the authority of this charter, shall be deemed to be employees of the city. The head of each department shall have the power to hire, suspend or discharge the employees of his department, subject to confirmation by the City Manager and subject to the civil service system as required by other provisions of this charter.

The Commission may require any administrative officer or employee, if he is not a resident at the time of his appointment or employment, to become a resident of the city within the time set by the Commission, not less than 90 days from the date of such employment, and that such officer or employee remain a resident of the city throughout his tenure of office or employment.

**Sec. 4.7. - Noninterference with administrative service.**

Except as defined in Section 4.6, neither the Commission nor any of its members or Committees shall dictate the appointment of any person to office by the City Manager or in any way interfere with the City Manager or other city officer to prevent him from exercising his judgment in the appointment or employment of officers and employees in the administrative service. Except for purposes of inquiry, the Commission and its members shall deal with the administrative service only through the City Manager and neither the Commission nor any member thereof shall give orders to the subordinates of the City Manager; subject, however, to the provisions hereinafter contained for investigation by the City Commission.

**Sec. 4.8. - City Manager: appointment and qualification.**

The Commission shall appoint a City Manager within 90 days after any vacancy exists in such position. The City Manager shall hold office at the pleasure of a majority of the Commission, but he shall not be removed from office during a period of 90 days following any regular city election except by the affirmative vote of two-thirds of the Commissioners-elect.

**Sec. 4.9. - Acting City Manager.**

The Commission may appoint or designate an Acting City Manager during the period of a vacancy in the office or during the absence of the City Manager from the City. Such Acting City Manager shall, while he is in such office, have all the responsibilities, duties, functions and authority of the City Manager.

**Sec. 4.10. - City Manager: functions and duties.**

The City Manager shall be the chief administrative officer of the city Government. His functions and duties shall be:

- (a) To be responsible to the Commission for the efficient administration of all administrative departments of the city government except the department under the direction of the Attorney;
- (b) To see that all laws and ordinances are enforced;
- (c) To appoint, with the consent of the Commission, the heads of the several city departments whose appointment is not otherwise specified in this charter, and to direct and supervise such department heads;

- (d) To give to the proper department or officials ample notice of the expiration or termination of any franchises, contracts or agreements;
- (e) To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed;
- (f) To recommend an annual budget to the Commission<sup>19</sup> and to administer the budget as finally adopted under policies formulated by the Commission and to keep the Commission fully advised at all times as to the financial condition and needs of the city;
- (g) To recommend to the Commission for adoption such measures as he may deem necessary or expedient; and to attend Commission Meetings with the right to make recommendations and answer questions but not to vote;
- (h) To exercise and perform all administrative functions of the city that are not imposed by this charter or ordinance upon some other official;
- (i) To be responsible for the maintenance of a system of accounts of the city which shall conform to any uniform system required by law and by the Commission and to generally accepted principles and procedure of government accounting. He shall submit financial statements to the Commission quarterly, or more often as the Commission directs;
- (j) To act as Purchasing Agent for the city and in such capacity shall purchase all supplies and equipment and dispose of the same in accordance with procedures established by the Commission;
- (k) To perform such other duties as may be prescribed by this charter or required of him by ordinance or by direction of the Commission.

**Sec. 4.11. - Clerk: functions and duties.**

- (a) The Clerk shall be the Clerk of the Commission and shall attend all meetings of the Commission and shall keep a permanent journal of its proceedings in the English language.
- (b) The Clerk shall be custodian of the city seal, and shall affix it to all documents and instruments requiring the seal, and shall attest the same. He shall also be custodian of all papers, documents, bonds, and records pertaining to the city the custody of which is not otherwise provided for.
- (c) The Clerk shall certify by his signature all ordinances and resolutions enacted or passed by the Commission.
- (d) The Clerk shall provide and maintain in his office a supply of forms for all petitions required to be filed for any purpose by the provisions of this charter.
- (e) The Clerk shall have power to administer oaths of office.
- (f) The Clerk shall perform such other duties as may be prescribed for him by this charter, by the Commission or by the City Manager.

**Sec. 4.12. - Treasurer: functions and duties.**

- (a) The Treasurer shall have the custody of all moneys of the city, and the bond of the Clerk, and all evidences of indebtedness to the city or held in trust by the city.
- (b) The Treasurer shall collect all moneys of the city, the collection of which is not provided for elsewhere by Charter or ordinance. He shall receive from other officers and employees of the city all money belonging to and receivable by the city that may be collected by such officers and employees, including fines, license fees, taxes, assessments and all other charges. All money shall be turned over to the Treasurer after collection or receipt, and he shall in all cases give a receipt therefor.
- (c) The Treasurer shall keep and deposit all moneys or funds in such a manner and only in such places as the Commission may determine, and shall report the same in detail to the City Manager.

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<sup>19</sup> This is consistent with section 14 of the uniform budgeting and accounting act, 1968 PA2, MCL 141.434.

(d) The Treasurer shall disburse all city funds in accordance with the provisions of statute, this charter, and procedures to be established by the Commission.

(e) The Treasurer shall have such powers, duties, and prerogatives in regard to the collection and custody of state, county, school district, and city taxes as are conferred by statute or provided for in or pursuant to this charter.

(f) The Treasurer shall perform such other duties as may be prescribed for him by this charter, by the Commission or by the City Manager.

**Sec. 4.13. - Assessor: functions and duties.**

The Assessor shall possess all the powers vested in, and shall be charged with all the duties imposed upon, assessing officers by statute. He shall prepare all regular and special assignment rolls in the manner prescribed by this charter, by the Commission or by the City Manager.

**Sec. 4.14. - Attorney: functions and duties.**

(a) The Attorney shall act as legal advisor to, and be attorney and counsel for, the Commission and shall be responsible solely to the Commission. He shall advise any officer or department head of the city in matters relating to his official duties when so requested, and shall file with the Clerk a copy of all written opinions given by him.

(b) The Attorney shall prosecute such ordinance violations and he shall conduct for the city such cases in court and before other legally constituted tribunals as the Commission may request. He shall file with the Clerk copies of such records and files relating thereto as the Commission may direct.

(c) The Attorney shall prepare or review all ordinances, contracts, bonds and other written instruments which are submitted to him by the Commission and shall promptly give his opinion as to the legality thereof.

(d) The Attorney shall call to the attention of the Commission all matters of law, and changes or developments therein, affecting the city.

(e) The Attorney shall perform such other duties as may be prescribed for him by this charter or by the Commission.

(f) Upon the recommendation of the Attorney, or upon its own initiative, the Commission may retain special legal counsel to handle any matter in which the city has an interest, or to assist and counsel with the Attorney therein.

**Sec. 4.15. - Compensation of attorney and special counsel.**

The compensation of the Attorney shall be set by the Commission. No compensation to special legal counsel shall be paid except in accordance with an agreement between the Commission and the Attorney or Special Counsel made before the service for which such compensation is to be paid has been rendered.

**Sec. 4.16. - Deputy administrative officers.**

The Clerk, Treasurer, Assessor, Manager, and Attorney may appoint such assistants and deputies as shall be permitted by the budget appropriations for such office; provided, however, that the recommendation for such deputies and assistants in the budgetary request shall have been approved by the City Manager insofar as the Clerk, Treasurer and Assessor are concerned. The City Attorney shall make such request directly to the City Commission. If such deputies are approved, they shall be appointed by the respective officers, but the City Manager shall have the authority to determine whether or not such appointment shall be confirmed in connection with the Clerk, Treasurer and Assessor. Such deputies, if appointed in accordance with the foregoing, shall possess all the powers and authorities of their superior officers, except as the same may be from time to time limited by their superiors or by the City Manager. The employment of deputies may be terminated by the respective officers under whom they serve and shall not be subject to the Civil Service provisions of this charter.

**Sec. 4.17. - Comptroller-internal auditor: functions and duties.**

The Comptroller-Internal Auditor shall be the chief accounting officer of the city and shall be responsible solely to the City Commission. He shall perform such duties and functions relating to his office as shall be established by ordinance adopted by the City Commission. He shall have the right to appoint such deputies, assistants and/or clerks as shall be approved by the City Commission and as shall be permitted by the budget appropriations for his department. He may be removed from office only by the affirmative vote of a majority of the whole City Commission.

**Sec. 4.18. - [City commission.]**<sup>20</sup>

Whenever the term "City Commission" is used in any Section, provision or place in the Charter, it shall hereafter mean "City Council" and whenever the term "City Commissioner" is used in any Section, provision or place in the Charter, it shall hereafter mean "City Councilman."

**CHAPTER V. - GENERAL PROVISIONS REGARDING OFFICERS AND PERSONNEL OF THE CITY**

**Sec. 5.1. - Eligibility for office and employment in city.**<sup>21</sup>

No person, with the exception of the municipal judge or associate municipal judge, shall hold any elective office of the city unless he has been a resident of the city for at least one year immediately prior to the last day for filing original petitions for such office or prior to the time of his appointment to fill a vacancy.<sup>22</sup> No person, with the exception of the municipal judge or associate municipal judge, shall hold any elective office unless he is qualified and registered elector of the city on such last day for filing or at such time of appointment and throughout his tenure of office.

No person shall be eligible to qualify for the office of municipal judge or associate municipal judge unless he is a regularly licensed attorney and counselor at law, licensed to practice in the State of Michigan and who is a qualified elector of the City of Wyoming. Any person elected or appointed to the office of municipal judge or associate municipal judge who during his term of office ceases to be a qualified elector, shall forfeit his office, forthwith.

Each candidate for elective office shall file with his petition his affidavit that he possesses the qualifications for such office provided in this section. Failure to file such affidavit shall invalidate his petition.

Each member of a city board or commission shall be a qualified and registered elector of the City of Wyoming on the date of appointment and throughout the tenure of office.

No councilmember or mayor may hold any other city office or city employment while fulfilling the term for which he or she was elected to the council and no former councilmember or mayor shall hold any compensated city office or employment with the city until one year after the expiration of the term for which he or she was elected. The terms of this provision shall not apply to appointed city boards or commissions or to election workers.

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<sup>20</sup> Approved by the electors on November 3, 1970.

<sup>21</sup> 1978 PA 566, MCL 15.181 *et seq.*, prohibits holding "incompatible offices" defined to mean "public offices held by a public official which, when the official is performing the duties of any of the public offices held by the official, results in any of the following with respect to those offices held:

- (i) The subordination of 1 public office to another.
- (ii) The supervision of 1 public office by another.
- (iii) A breach of duty of public office."

MCL 15.181(b). It extends to positions of public employment. *Macomb County Prosecuting Atty v Murphy*, 464 Mich 149 (2001). Cases and attorney general opinions that address compatibility of offices often focus on paragraph (iii). If an officer must abstain from acting in one office due to actions taken in the other office or if there is a possible conflict of interest with the other office, the offices are incompatible. If there could be a situation when an officer would be constrained in fully performing the duties of both offices, the offices are incompatible. The statute also prohibits a candidate from simultaneously seeking incompatible offices. MCL 15.182. The candidate would need to withdraw from one of the races, MCL 168.558(5), or is disqualified from both offices. *Gleason v Kincaid*, 323 Mich App 308 (2018).

<sup>22</sup> A 1-year residency requirement is valid. *Joseph v Birmingham*, 510 F Supp 1319 (ED Mich 1978); and *Barrow v City of Detroit Election Comm'n*, 301 Mich App 404 (2013). Residency requirements of 2 or more years have been struck down. *Alexander v Kammer*, 363 F Supp 324 (ED Mich 1974); *Green v McKeon*, 335 F Supp 630 (ED Mich 1971); *Bolanowski v Raich*, 330 F Supp 724 (ED Mich 1971); and *Castner v Clerk of Grosse Pointe Park*, 86 Mich App 482 (1978).

### **Sec. 5.2. - Vacancies in elective offices.**

Any elective city office shall be declared vacant by the Commission before the expiration of the term of such office:

- (a) For any reason specified by statute or by this charter as creating a vacancy in office;<sup>23</sup>
- (b) If no person is elected to, or qualifies for, the office at the election at which such office is to be filled; provided that the person previously holding such office shall continue to serve until the office is filled in accordance with this charter;
- (c) If the officer shall be found guilty by a competent court of any act constituting misconduct in office under the provisions of this charter;
- (d) In the case of any member of the Commission, if such officer shall miss four consecutive regular meetings of the Commission or twenty-five percent of such meetings in any fiscal year of the City, unless such absence shall be excused by the Commission and the reason therefor entered in its proceedings at the time of each absence;
- (e) If the officer is removed from office by the Commission in accordance with the provisions of Section 5.4.

### **Sec. 5.3. - Vacancies in boards and commissions.**

The office of any member of any board or commission created by, or pursuant to, this Charter shall be declared vacant by the Commission before the expiration of the term of such office.<sup>24</sup>

- (a) For any reason specified by statute or by this charter as creating a vacancy in office;
- (b) If the officer shall be found guilty by a competent court of any act constituting misconduct in office under the provisions of this charter;
- (c) If such officer shall miss four consecutive regular meetings of such board or commission or twenty-five percent of such meetings in any fiscal year of the City, unless such absence shall be excused by such board or commission and the reason therefor entered in the proceedings at the time of each absence;
- (d) If the officer is removed from office by the Commission in accordance with the provisions of Section 5.4.

### **Sec. 5.4. - Removals from office.** <sup>25</sup>

Removals by the Commission of elective officers or of members of boards or commissions shall be made for either of the following reasons:

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<sup>23</sup> MCL 201.3 provides that an office will become vacant, on if any of the following occur before the expiration of the term of office: (1) the incumbent's death, (2) the incumbent's resignation, (3) the incumbent's removal from office, (4) the incumbent's ceasing to be an inhabitant of this state or the city or ward, (5) the incumbent's conviction of an infamous crime or of an offense involving a violation of the oath of office, (6) a decision of a competent tribunal declaring void the incumbent's appointment, or (7) refusal or neglect to take the oath of office, or to provide any official bond, or to deposit such oath, or bond, as prescribed by law."

<sup>24</sup> See fn. 18, *supra*.

<sup>25</sup> It may be that removal by the city council as provided in this section exceeds authority under state law. Art. VII, §33 of the Michigan Constitution, 1963, states, "Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law." The Michigan Election Law, MCL 168.327, provides in pertinent part:

The governor shall remove all city officers chosen by the electors of a city or any ward or voting district of a city, when the governor is satisfied from sufficient evidence submitted to the governor that the officer has been guilty of official misconduct, wilful neglect of duty, extortion, or habitual drunkenness, or has been convicted of being drunk, or whenever it appears by a certified copy of the judgment of a court of record of this state that a city officer, after the officer's election or appointment, has been convicted of a felony. The governor shall not take action upon any charges made to the governor against a city officer until the charges have been exhibited to the governor in writing, verified by the affidavit of the party making them, that he or she believes the charges to be true. *But a city officer shall not be removed for misconduct or neglect until charges of misconduct or neglect have been exhibited to the governor* as provided in this section and a copy of the charges served on the officer and an opportunity given the officer of being heard in his or her defense. The service of the charges upon the officer ... shall be made by personal service to the officer ... with all affidavits or exhibits which may be attached to the original petition, .... An officer who has been removed from office pursuant to this section shall not be eligible for election or appointment to any office for a period of 3 years from the date of the removal. ... (Emphasis added.)

- (a) For any reason specified by statute for removal of city officers by the Governor;
- (b) For any act declared by this charter to constitute misconduct in office. Such removals by the Commission, shall be made only after hearing of which such officer has been given notice by the Clerk at least ten days in advance, either personally or by delivering the same at his last known place of residence. Such notice shall include a copy of the charges against such officer. The hearing shall afford an opportunity to the officer, in person or by attorney, to be heard in his defense, to cross examine witnesses, and to present testimony. If such officer shall neglect to appear at such hearing and answer such charges, his failure to do so may be deemed cause for his removal. A majority vote of the members of the Commission in office at the time, exclusive of any member whose removal is being considered, shall be required for any such removal.

**Sec. 5.5. - Resignations.**

Resignations of elective officers shall be made in writing and filed with the Clerk, and shall be acted upon by the Commission at its next regular meeting following receipt thereof by the Clerk. Resignations of officers appointed by the Commission shall be made in writing to the Commission. All resignations shall be immediately acted upon.

**Sec. 5.6. - Filling vacancies in elective offices.**

(a) Any vacancy which occurs in the office of the Mayor or Commissioner more than 120 days before the next regular city election shall be filled within 60 days by a majority vote of the remaining members of the Commission, said appointee to hold office until the Monday following such election, at which election such vacancy shall be filled as provided in Section 3.6 for any balance of the unexpired original term. Any vacancy which occurs in the Commission 120 days or less before the regular city election shall not be filled.

(b) If any vacancy in the office of Commissioner or Mayor which the Commission is authorized to fill is not so filled within 60 days after such vacancy occurs, or if a majority of the seats on the Commission are vacant simultaneously, such vacancies shall be filled for the respective unexpired terms at a special election.<sup>26</sup> In connection with any special election to fill a vacancy or vacancies in any elective office, no primary election shall be held; candidates shall be nominated by petitions in a manner identical to that provided in Sections 3.8 to 3.11 inclusive; the names of all qualified candidates who file sufficient valid nomination petitions thirty days before each special election shall be certified to the Election Commission and placed on the ballot; and all other provisions of this charter not inconsistent with this Section 5.6 shall govern.

(c) Vacancies in the office of municipal judge or associate municipal judge caused by death, resignation or otherwise, shall be filled by appointment by the City Commission and the appointee shall serve until the next general election, held not less than 60 days after the vacancy occurs, when a successor shall be elected to serve the remainder of the unexpired term.<sup>27</sup>

(d) The provisions of this Section 5.6 shall not apply to the filling of vacancies resulting from recall.

**Sec. 5.7. - Filling vacancies in appointive offices.**

Vacancies in appointive offices shall be filled in the manner provided for making the original appointment.

**Sec. 5.8. - Change in term of office or compensation.**

Except by procedures provided in this charter, the terms of office of the elective officers and of members of boards and commissions appointed for a definite term shall not be shortened. The terms of elective officers shall not be extended beyond the period for which any such officer was elected except that an elective officer shall, after his term has expired, continue to hold office until his succession is elected or appointed and has qualified.

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<sup>26</sup> Elections are now limited to May, August, and November. MCL 168.641.

<sup>27</sup> The office of municipal judge no longer exists. The 62-A District Court in Wyoming is a state 3<sup>rd</sup> class district court. MCL 600.8130(2). Wyoming is its court funding unit. MCL 600.8103(3). The governor fills vacancies in judgeships. MCL 168.467m.

The Commission shall not grant or authorize extra compensation to any officer or employee after his service has been rendered. The salary of any elective officer shall not be increased or decreased from the day he is elected until the end of the term of office for which he was elected.

**Sec. 5.9. - Oath of office and bond.**

Every officer, elective or appointive, before entering upon the duties of his office, shall take the oath of office prescribed for public officers by the Constitution, and shall file the oath with the Clerk, together with any bond required by statute, this charter, or by the Commission. In case of failure to comply with the provisions of this section within ten days from date he is notified in writing of his election or appointment, such officer shall be deemed to have declined the office and such office shall thereupon become vacant unless the Commission shall by resolution extend the time in which such officer may qualify.

**Sec. 5.10. - Surety bonds.**

Except as otherwise provided in this charter, all officers of the City whose duties involve the custody of public property or the handling of public funds, either by way of receipt or disbursement or both, and all other officers and employees so required by the Commission shall, before they enter upon the duties of their respective offices, file with the city an official bond, in such form and amount as the Commission shall direct and approve. Such official bond of every officer and employee shall be conditioned that he will faithfully perform the duties of his office, and will on demand deliver over to his successor in office, or other proper officer or agent of the city, all books, papers, money, effects and property belonging thereto, or appertaining to his office, which may be further conditioned as the Commission shall prescribe. The official bond of every officer whose duty it may be to receive or pay out money, besides being conditioned as above required, shall be further conditioned that he will, on demand, pay over or account for to the city, or any proper officer or agent thereof, all moneys received by him as such officer or employee. The requirements of this paragraph may be met by the purchase of one or more appropriate blanket surety bonds or insurance covering all, or a group of, city employees and officers.

All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the city. The Clerk shall be custodian of all the bonds of all officers or employees, except that the Treasurer shall be custodian of any bonds pertaining solely to the Clerk.

**Sec. 5.11. - Delivery of office.**

Whenever any officer or employee shall cease to hold such office or employment for any reason whatsoever, he shall within five days, or sooner on demand, deliver to his successor in office or to his superior all the books, papers, moneys and effects in his custody as such officer or employee. Any officer violating this provision may be proceeded against in the same manner as public officers generally for a like offense under statute. Any employee found guilty of violating this provision by a competent tribunal may be punished by a fine of not to exceed five hundred dollars or imprisonment for not to exceed 90 days, or both, in the discretion of the court.

**Sec. 5.12. - Pecuniary interest prohibited.** <sup>28</sup>

(a) Except as permitted by this section no contract or purchase involving an amount in excess of one hundred dollars shall be made by the city in which any elective or appointive officer or any member of his family has any pecuniary interest, direct or indirect. A "contract" shall, for the purpose of this section, include any arrangement pursuant to which any material, service or other thing of value is to be furnished to the City or sold or transferred by the City, including the furnishing of personal services as an officer or employee of the City if the employment is made directly or indirectly by the officer who is a member of such family.

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<sup>28</sup> This Charter provision is superseded by 1968 PA 317, MCL 15.321 et seq., section 8 of which (MCL 15.328) provides:

It is the intention that this act shall constitute the sole law in this state and shall supersede all other acts in respect to conflicts of interest relative to public contracts, involving public servants other than members of the legislature and state officers, including but not limited to section 30 of 1851 PA 156, MCL 46.30. This act does not prohibit a unit of local government from adopting an ordinance or enforcing an existing ordinance relating to conflict of interest in subjects other than public contracts involving public servants.

(b) Without limiting the generality of paragraph (a) of this section, an officer shall be deemed to have a pecuniary interest in a contract if he or any member of his family is an employee, partner, officer, director, or sales representative of the person, firm, or corporation with which such contract is made or a sales representative of such person, firm, or corporation. Ownership, individually or in a fiduciary capacity, by an officer or member of his family of securities, or of any beneficial interest in securities, of any corporation with which a contract is made or which is a sales representative of any person, firm, or corporation with which such contract is made, shall not be deemed to create a pecuniary interest in such contract unless the aggregate amount of such securities, or interest in such securities, so owned by such officer and the member of his family, shall amount to ten percent of any class of the securities of such corporation then outstanding.

(c) A contract in which an officer or member of his family has a pecuniary interest may be made by the City if the members of the City Commission in office at the time having no interest shall by five-sixths vote determine that the best interests of the City shall be served by the making of such contract and if such contract is made after comparative prices are obtained.

(d) Any officer who knowingly permits the city to enter into any contract in which he has a pecuniary interest without disclosing such interest to the Commission prior to the action of the Commission in authorizing such contract, shall be guilty of misconduct of office. Except in the instances specified in paragraph (c) of this section, the unanimous determination (by vote or written instrument filed with the Clerk) of the Commission that in a particular case an officer or member of his family will not have a pecuniary interest in any contract or purchase to be entered into by the city shall be final and conclusive in the absence of fraud or misrepresentation.

(e) No officer or employee shall stand as surety on any bail bond to the city or give any bail for any other person which may be required by the charter or any ordinance of the city. Any officer of the city who violates the provisions of this paragraph shall be guilty of misconduct in office.

#### **Sec. 5.13. - Antinepotism.**

Unless the Commission shall, by unanimous vote, which vote shall be recorded as part of its official proceedings, determine that the best interests of the city shall be served, the following relatives of any elective or appointive officer are disqualified from holding any appointive office or employment during the term for which said elective or appointive officer was elected or appointed: spouse, child, parent, grandchild, grandparent, brother, sister, half-brother, half-sister, or the spouses of any of them. All relationships shall include those arising from adoption. This section shall in no way disqualify such relatives or their spouses who are bona fide appointive officers or employees of the city at the time of the election of any elective official.

#### **Sec. 5.14. - Fixing pay of employees and officers.**

(a) The compensation of all employees and officers of the city whose compensation is not provided for herein shall be fixed by the appointing officer or body within the limits of budget appropriations and in accordance with any pay plan adopted by the Commission.

(b) The respective salaries and compensation of officers and employees as fixed by, or pursuant to, this charter shall be in full for all official services of such officers or employees and shall be in lieu of all fees, commissions and other compensation receivable by such officers or employees for their services. Such fees, commissions, and compensation shall belong to the city and shall be collected and accounted for by such officers or employees, and be paid into the city treasury, and a statement thereof filed periodically with the City Manager. The provisions of paragraph (b) of this section shall not apply to fees, commissions or other compensation paid by the County of Kent to any officer or employee serving as a city representative on the Board of Supervisors.

(c) Nothing contained in this section shall prohibit the payment of necessary bona fide expenses incurred in service in behalf of the city.

#### **Sec. 5.15. - Employee welfare benefits.**

The Commission shall have the power to make available to the administrative officers and employees of the city and its departments and boards any recognized standard plan of group life, hospital, health, or

accident insurance, whether independently of, or as a supplement to, any retirement plan provided for said officers and employees.

**Sec. 5.16. - Merit system.**

The Commission shall provide by ordinance, 90 days following the effective date of this charter, for a civil service merit system for city employees. Such system shall be continued in force, but may be amended from time to time.

**CHAPTER VI. - THE COMMISSION: PROCEDURE AND MISCELLANEOUS POWERS AND DUTIES**

**Sec. 6.1. - Regular meetings.**

The Commission shall hold at least two regular meetings each month. The regular meetings shall be held at 7:00 p.m. on such day and at such place as shall be established by resolution by the City Commission unless the City Commission shall at its first regular meeting in April of each year by resolution establish a different day and hour for the next fiscal year, provided said hour shall not be earlier than 7:00 p.m. nor later than 8:00 p.m. A regular meeting shall be held at 7:00 p.m. on the Monday next following each regular city election.

**Sec. 6.2. - Special meetings.**

Special meetings shall be called by the Clerk on the written request of the Mayor or any two members of the Commission by giving written notice to each member of the Commission, served personally or left at his usual place of residence not less than 24 hours before the meeting, but a special meeting called in the manner above prescribed may be held on shorter notice if all members of the Commission are present or have waived notice thereof in writing.

**Sec. 6.3. - Business at special meetings.**

No business shall be transacted at any special meeting of the Commission unless the same has been stated in the notice of such meeting. However, any business which may lawfully come before a regular meeting may be transacted at a special meeting if all the members of the Commission present consent thereto and all the members absent file their written consent.

**Sec. 6.4. - Meetings to be public and notice of special meeting to be public.**

The Clerk shall make available to the press or any other interested person all information which he may have concerning the subjects to be discussed at any special or regular meeting of the Commission, and also shall, with regard to special meetings, make available the time, date and place thereof.<sup>29</sup>

**Sec. 6.5. - Quorum: adjournment of meeting.**

A majority of the members of the Commission in office at the time shall be a quorum for the transaction of business at all Commission meetings but in the absence of a quorum a lesser number may adjourn any meeting to a later time or date, and in the absence of all members the Clerk may adjourn any meeting for not longer than one week.

**Sec. 6.6. - Compulsory attendance and conduct at meetings.**

Any two or more members of the Commission may by vote either request or compel the attendance of its members and other officers of the city at any meeting. Any member of the Commission or other officer who when notified of such request for his attendance fails to attend such meeting for reason other than those approved by the Commission shall be deemed guilty of misconduct in office unless excused by the Commission. The presiding officer shall enforce orderly conduct at meetings and any member of the Commission or other officer who shall fail to conduct himself in an orderly manner at any meeting shall be deemed guilty of misconduct in office.

Any police officer designated by the presiding officer of the meeting shall serve as the Sergeant-at-arms of the Commission in the enforcement of the provisions of this section.

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<sup>29</sup> Meeting notices must comply with Open Meetings Act, 1976 PA 267, requirements for 18-hours' notice. MCL 15.265(4).

### **Sec. 6.7. - Organization and rules of the commission.**

The Commission shall determine its own organization, rules and order of business subject to the following provisions:

- (a) A journal of the proceedings of each meeting shall be kept in the English language by the Clerk.
- (b) A vote upon all ordinances and resolutions shall be taken by a roll call vote and entered upon the records, except that where the vote is unanimous it shall only be necessary to so state.
- (c) No member of the Commission shall vote on any question in which he has a financial interest, or on any question concerning his own conduct, but on all other questions each member who is present shall vote when his name is called unless excused by the unanimous consent of the remaining members present. Any member refusing to vote except when not so required by this paragraph shall be guilty of misconduct in office.
- (d) The proceedings of the Commission, or a brief summary thereof, shall be published within ten days following each meeting. Any such summary shall be prepared by the Clerk, and shall show the substance of each separate proceeding of the Commission.
- (e) There shall be no standing committees of the Commission.

### **Sec. 6.8. - Investigations.**

The Commission or any person or committee authorized by it for the purpose, shall have power to inquire into the conduct of any department, office or officer and to make investigations as to matters in which the municipality has an interest. The Commission, for the purposes stated herein, may summon witnesses, administer oaths and compel the attendance of witnesses and the production of books, papers and other evidence.

Failure on the part of any officer to obey such summons or to produce books, papers and other evidence as ordered under the provisions of this section shall constitute misconduct in office. Failure on the part of any employee or other person to obey such summons or to produce books, papers, or other evidence as ordered under the provisions of this section shall constitute a violation of this charter and such person when found guilty of such violation by a competent tribunal may be punished by a fine of not to exceed five hundred dollars or imprisonment not to exceed ninety days, or both, in the discretion of the court.

It is provided further that, in case of failure on the part of any person to obey such summons or to produce such books, papers and other evidence as so ordered, the Commission may invoke the aid of the proper judicial tribunal in requiring obedience of such summons or production of such books, papers and other evidence.

### **Sec. 6.9. - Providing for public health and safety.**

The Commission shall make provisions for the public peace and health, and for the safety of persons and property. Unless a board of health is validly established for the city by ordinance, the Commission shall constitute the board of health of the city, and it and its officers shall possess all powers, privileges and immunities granted to boards of health by statute.

## **CHAPTER VII. - LEGISLATION**

### **Sec. 7.1. - Prior legislation.**

All valid bylaws, ordinances, resolutions, rules and regulations of the township which are not inconsistent with this charter, and which cities are by law authorized to make, which are in force and effect at the time of the effective date of this charter [January 1, 1959] shall continue in full force and effect until repealed or amended. Wherever such bylaws, ordinances, rules or regulations provide for enforcement or control by any officer of the township the enforcement and supervision of the subject matter of the ordinance shall be vested in such officer who under the provisions of this charter has control of the particular matter. Provided, however, that if there is any question concerning which officer shall have such jurisdiction, then the city manager shall make the determination as to the department or officer to be vested with such control. If any such ordinance, resolution, rule or regulation provides for the appointment of any officer of [or] any member of any board or commission, such officer or member of or any board or commission

shall, after the effective date of this charter [January 1, 1959], be appointed by the Commission or such other officer as may be prescribed by this charter.

Those provisions of any effective valid bylaws, ordinances, resolutions, rules or regulations which are inconsistent with this charter are hereby repealed.

### **Sec. 7.2. - Form of ordinances.**

All legislation of the city shall be by ordinance or by resolution. The word "resolution" as used in this charter shall be the official action of the Commission in the form of a motion, and such action shall be limited to matters required or permitted to be done by resolution by this charter or by state or federal law and to matters pertaining to the internal affairs or concerns of the city government. All other acts carrying a penalty for the violation thereof, shall be by ordinance.<sup>30</sup> Each ordinance shall be identified by a number and short title, or by a code section number when a codification or compilation of ordinances is completed. Each proposed ordinance shall be introduced in written or printed form. The style of all ordinances passed by the Commission shall be, "The City of Wyoming Ordains:".

### **Sec. 7.3. - Enactment, amendment, and repeal of ordinances.**

Ordinances may be enacted, amended, or repealed by the affirmative vote of not less than a majority of the whole Commission except that when an ordinance is given immediate effect Section 7.4 shall govern. Unless by the affirmative vote of two-thirds of the whole Commission, no office shall be created or abolished, no tax or assessment [shall] be imposed, no street, alley, or public ground [shall] be vacated, no real estate or any interest therein [shall] be sold or disposed of, no private property [shall] be taken for public use, nor [shall] any vote of the Commission be reconsidered or rescinded at a special meeting, nor any money appropriated except as otherwise provided by this charter.

Except in the case of ordinances which are declared to be emergency ordinances, no ordinance shall be finally passed by the Commission until two weeks after the meeting at which it is introduced. No ordinance shall be determined an emergency ordinance except upon vote of two-thirds of the whole Commission. A brief description of the subject and contents of the ordinance as introduced shall be published in a newspaper of general circulation in the city at least one week before final passage, either separately or as part of the published proceeding of the Commission.

No ordinance shall be amended by reference to the title only.<sup>31</sup> All of the requirements for original adoption shall apply to amendments. However, an ordinance may be repealed by reference to its number and title only.

### **Sec. 7.4. - Publication and recording of ordinances.**

Each ordinance shall be published within ten days after its enactment in one of the following two methods:

(1) The full text thereof may be published in a newspaper meeting the requirements of section 17.9 of the charter,<sup>32</sup> or

(2) In cases of ordinances over 500 words in length, a digest, summary or statement of the purposes of the ordinance approved by the City Commission, may be published in a newspaper meeting the requirements of section 17.9 of the charter, or together with a notice that printed copies of the full text of the ordinance are available for inspection by, and distribution to the public, at the office of the City Clerk. If method (2) is used, then printed copies shall be promptly made available, as stated in said notice.

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<sup>30</sup> As general guidance for distinguishing between resolutions and ordinances for actions: If the matter is administrative and addresses only city operations, a resolution is generally sufficient. If the Council wants to control actions of persons outside city government or use of property the city does not own or control (e.g. by contract), an ordinance is usually needed. Sometimes state law specifies actions need to be by resolution or ordinance (e.g., some statutes require a resolution issue bonds while others require an ordinance).

<sup>31</sup> This is why amendments almost always (with the exception of re-zonings that add subsections to zoning ordinance §90-32), the entire section of the ordinance is included in the text of the amending ordinance.

<sup>32</sup> Subsection 3(k) of the home rule city act, MCL 117.3(k) now allows summaries of all ordinances, superseding charter provisions.

All ordinances 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 Clerk to authenticate such records by their official signatures thereon, but the failure to do so record and authenticate such ordinance shall not invalidate it or suspend its operation.

**Sec. 7.5. - Effective date of ordinances.**

The effective date of all ordinances shall be prescribed therein but the effective date, except in the case of ordinances given immediate effect in accordance with Section 7.3, shall not be less than fifteen days after enactment nor before publication thereof.

**Sec. 7.6. - Penalties for violations of ordinances.**

The Commission may provide in any ordinance for the punishment of those who violate its provisions. The punishment for the violation of any City ordinance shall not exceed a fine of five hundred dollars or imprisonment for ninety days, or both, in the discretion of the court.<sup>33</sup>

**Sec. 7.7. - Enactment of technical codes by reference.**

The Commission may adopt in whole or in part any provision of state law or any detailed technical regulations as a city ordinance or code by citation of such provision of state law or by reference to any recognized standard code, official or unofficial, provided that any such provision of state law or recognized official or unofficial standard code shall be clearly identified in the ordinance adopting the same as an ordinance of the city. Where any code, or amendment thereto, is so adopted, all requirements for its publication may be met, other provisions of this charter notwithstanding, by (1) publishing the ordinance citing such code in the manner provided for the publication of other ordinances and (2) by making available to the public copies of the code cited therein in booklet form at a reasonable charge.

**Sec. 7.8. - Severability of ordinances.**

Unless an ordinance shall expressly provide to the contrary, if any portion of an ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the ordinance which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determined by the court to be inoperative and to this end ordinances are declared to be severable.

**Sec. 7.9. - Compilation or codification of ordinances.**

Within five years after the effective date of this charter [January 1, 1959], the Commission shall direct the compilation or codification and printing in looseleaf or pamphlet form of all ordinances of the city then in force. Such compilation or codification shall be completed within one year thereafter. If a codification is completed it shall be maintained thereafter in current form; if a compilation is completed, a recompilation shall be completed at least once in every five years thereafter. A new codification or compilation may be directed by the Commission at any time. Any codification may include provisions not previously contained in ordinances of the city.

All requirements for publication of such compilation or codification, and of the ordinances contained therein, other provisions of this charter notwithstanding, may be met by making copies thereof available for inspection by, and distribution to, the public at a reasonable charge and by publishing notice of the print and availability thereof.

The copies of the ordinances and of any compilation, code or codes referred to in the charter may be certified by the Clerk and when so certified shall be competent evidence in all courts and legally established tribunals as to the matter contained therein.

**Sec. 7.10. - Initiative and referendum.**

An ordinance may be initiated by petition, or a referendum on an ordinance enacted by the Commission may be had by petition, as hereinafter provided.<sup>34</sup>

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<sup>33</sup> Some ordinance violations can (some must) be misdemeanors providing consequence of up to 93 or, in one instance, 180 days in jail. MCL 117.3(k). In addition, violations of some ordinances can (some must) be municipal civil infractions. MCL 117.4l.

**Sec. 7.11. - Initiatory and referendary petitions.**

An initiatory or a referendary petition shall be signed by not less than ten percent of the registered electors of the city, as of the date of the last regular city election, and all signatures on said petition shall be obtained within twenty-one days before the date of filing the petition with the Clerk. An initiatory petition shall set forth in full the ordinance it proposes to initiate, and no petition shall propose to initiate more than one ordinance. A referendary petition shall identify the ordinance or code sections it proposes to have repealed.

Each signer of a petition shall sign his name, and shall place thereon, after his name, the date and his place of residence by street and number, or by other customary designation. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereof and that each signature thereon is a genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant. Such petition shall be filed with the Clerk who shall, within fifteen days, canvass the signatures thereon. If the petition does not contain a sufficient number of signatures of registered electors of the City, the Clerk shall notify forthwith the person filing such petition and fifteen days from such notification shall be allowed for the filing of supplemental petition papers. When a petition with sufficient signatures is filed within the time allowed by this section, the Clerk shall present the petition to the Commission at its next regular meeting.

**Sec. 7.12. - Commission procedure on initiatory and referendary petitions.**

Upon receiving an initiatory or referendary petition from the Clerk, it shall be mandatory for the Commission to either, within thirty days, unless otherwise provided by statute:

- (a) Adopt the ordinance as submitted by an initiatory petition;
- (b) Repeal the ordinance referred to by a referendary petition; or
- (c) Determine, in either a referendary or initiatory petition, to submit the proposal provided for in the petition to the electors.

**Sec. 7.13. - Submission of initiatory and referendary ordinances to electors.**

Should the Commission fail to adopt or repeal the ordinance within the 30 days prescribed above, the proposal shall be submitted to the electors at the next election held in the city for any other purpose; provided, if no regular election is to be held within 120 days then it shall be mandatory to submit such issue at a special election called for that specific purpose. The result shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by statute or the Constitution.

**Sec. 7.14. - Ordinance suspended: miscellaneous provisions on initiatory and referendary ordinance.**

The presentation to the Commission by the Clerk of a valid and sufficient referendary petition containing a number of signatures equal to twenty-five percent of the registered electors of the city as of the date of the last regular city election shall automatically suspend the operation of the ordinance in question pending repeal by the Commission or final determination by the electors.

An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed for a period of six months after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be reenacted for a period of six months after the date of the election at which it was repealed. Any ordinance may be adopted, amended or repealed at any time by appropriate referendum or initiatory procedure in accordance with the provisions of this chapter or if submitted to the electorate by the Commission on its own motion.

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<sup>34</sup> Not all local issues can be addressed by initiative or referendum. Unless state law otherwise expressly provides (e.g., providing for referenda on proposed bond issues, even when approved by resolution), only ordinances are subject to referendum petitions. Only legislative, as opposed to administrative issues, can be addressed by initiative petition. See, *West v City of Portage*, 392 Mich 458 (1974). Thus, for example, purchase of property is not a subject for referendum, *Beach v City of Saline*, 412 Mich 729 (1982), and sale of a city water system is not subject to referendum, *Rivet v Bay City*, (Mich Ct of App, unpub, dkt #307122, Aug 7, 2012).

If two or more ordinances adopted at the same election shall have conflicting provisions, the provisions in the ordinance receiving the highest number of affirmative votes shall govern.

## **CHAPTER VIII. - GENERAL FINANCE—BUDGET, AUDIT**

### **Sec. 8.1. - Fiscal year.**

The fiscal year of the city and of all its agencies shall begin on the first day of July of each year and end on the thirtieth day of June of the following year.

### **Sec. 8.2. - Budget procedure.**

The city manager shall prepare and submit to the Commission at its first meeting following the regular city election in April of each year a recommended budget covering the next fiscal year. In preparing such proposed budget the city manager shall break down any item designated "miscellaneous" by showing the possible expenditures to be included within such terminology. The budget shall further include at least the following information:

- (a) Detailed estimate with supporting explanations of all proposed expenditures for each department, office and agency of the city, and for the court, showing the expenditures for corresponding items for the last preceding fiscal year in full, and for the current fiscal year to March first and estimated expenditures for the balance of the current fiscal year;
- (b) Statements of the bonded and other indebtedness of the city, if any, showing the debt redemption, debt maturities, and debt interest requirements, the debt authorized and unissued, and the condition of sinking funds, if any;
- (c) Detailed estimates of all revenue of the city from sources other than taxes with a comparative statement of the amounts received by the city from each of the same or similar sources for the last preceding fiscal year in full, and for the current fiscal year to March first, and estimated revenues for the balance of the current fiscal year;
- (d) A statement of the estimated balance or deficit at the end of the current fiscal year;
- (e) An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which, together with any available unappropriated surplus and any revenues from other sources, will be necessary to meet the proposed expenditures;
- (f) Such other supporting information as the Commission may request.

### **Sec. 8.3. - Budget hearing.**

A public hearing on the proposed budget shall be held before its final adoption at such time and place as the Commission shall direct. Notice of such public hearing, a summary of the proposed budget is on file in the office of the Clerk shall be published at least one week in advance of the hearing. The complete proposed budget shall be on file for public inspection during office hours at such office for a period of not less than one week prior to such hearing.<sup>35</sup>

### **Sec. 8.4. - Adoption of budget.**

Not later than the second week in May of each year, the Commission shall by resolution adopt a budget for the next fiscal year, shall appropriate the money needed for municipal purposes during the next fiscal year of the city and shall provide for a levy of the amount necessary to be raised by taxes upon real and personal property for municipal purposes subject to the limitations contained in Section 9.1.

### **Sec. 8.5. - Budget control.**

Except for purposes which are to be financed by the issuance of bonds or by special assessment, or for other purposes not chargeable to a budget appropriation, no money shall be drawn from the treasury of the city except in accordance with an appropriation thereof for such specific purpose, nor shall any

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<sup>35</sup> A hearing is required under the Uniform Budgeting and Accounting Act, MCL 141.434(5), and by 1963 (2<sup>nd</sup> ex. sess.) PA 43, MCL 141.411 *et seq.* If the operating property tax will yield a sum in the ensuing fiscal year exceeding its yield in the concluding fiscal year (under the statutory formula), then a "truth in taxation" hearing is required. MCL 211.24e(3). A hearing complying with the charter meets all these requirements. MCL 211.24e(3); MCL 141.434(5); MCL 141.415.

obligation for the expenditure of money be incurred without an appropriation covering all payments which will be due under such obligation in the current fiscal year. The Commission by resolution may transfer any unencumbered appropriation balance, or any portion thereof, from one account, department, fund or agency to another.

The Commission may make additional appropriations during the fiscal year for unanticipated expenditures required of the city, but such additional appropriations shall not exceed the amount by which actual and anticipated revenues of the year are exceeding the revenues as estimated in the budget or expenditures estimated in the budget are being reduced, unless the appropriations are necessary to relieve an emergency endangering the public health, peace, or safety.

Except in those cases where there is no other logical account to which an expenditure can be charged, expenditures shall not be charged directly to the contingency fund (or other similar fund). Instead, the necessary part of the appropriation for the contingency fund (or other similar fund) shall be transferred to the logical account and the expenditures then charged to such account.

At the beginning of each quarterly period during the fiscal year, and more often if required by the Commission, the city manager shall submit to the Commission data showing the relation between the estimated and actual revenues and expenditures to date; and if it shall appear that the revenues are less than anticipated, the Commission may reduce appropriations, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the revenues.

The balance in any budget appropriation which has not been encumbered at the end of the fiscal year shall, subject to statutory restrictions, revert to the general fund.

#### **Sec. 8.6. - Depository.**

The Commission shall designate depositories for City funds and shall provide for the regular deposit of all City moneys. The Commission shall provide for such security for city deposits as is authorized or permitted by statute, except that personal surety bonds shall not be deemed proper security.

#### **Sec. 8.7. - Independent audit: annual report.**

An independent audit shall be made of all city accounts at least annually, and more frequently if deemed necessary by the Commission.<sup>36</sup> Such audit shall be made by Certified Public Accountants, selected by the Commission, who shall make a complete written report.

The City Manager shall prepare an annual report of the affairs of the city including a financial report. Copies of such audit and annual report shall be made available for public inspection at the office of the City Manager within thirty days after receipt of the audit.

### **CHAPTER IX. - TAXATION**

#### **Sec. 9.1. - Power to tax: tax limit.**

The City shall have the power to assess taxes and levy and collect rents, tolls and excises. Exclusive of any levies authorized by statute to be made beyond charter tax rate limitation, the annual ad valorem tax levy shall not exceed one-half percent of the valuation of all real and personal property subject to taxation in the City, except that an additional two-tenths of one percent, 2 mills on the dollar, may be levied for sewer, water and street improvements, but this latter shall in no way be construed as limitation on the issuance of bonds for water or sewer purposes. An additional thirty-nine thousandths (  $39/1000$  ) of one percent, 0.39 mills on the dollar, or less, may be levied annually for the operation, maintenance and any other expenses for the public library in Wyoming.

(a) *Sidewalk snowplowing and maintenance levy.* The city shall have the power to levy an additional  $2/100$  of one percent, 0.2 mills on the dollar for the purpose of snowplowing sidewalks and to repair and construct sidewalks within the city.

(b) *Public transportation levy.* An additional twenty-five thousandths (  $25/1000$  ) of one percent (1%), a 0.25 mills on the dollar, or less, may be levied annually for use for public transportation. (This subsection shall expire on June 30, 2000).

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<sup>36</sup> An annual audit is required by MCL 141.425(2).

(c) *Parks, recreation and senior citizens centers levy.* An additional fifteen-hundredths of one percent, 1.5 mills on the dollar, or less, may be levied annually for use for the operation, maintenance and any other expenses for parks, recreation and senior citizens centers.

(d) *Fire department levy.* An additional seventy-five-thousandths of one percent, 0.75 mills on the dollar, may be levied annually for the operation, maintenance and other expenses of the Fire Department.

(e) *Police department levy.* An additional one hundred-twenty-five-thousandths of one percent, 1.25 mills on the dollar, may be levied annually for the operation, maintenance and other expenses of the Police Department.

(f) *Public Safety levy.* An additional one hundred-twenty-five thousandths of one percent, 1.25 mills on the dollar, may be levied annually for public safety for the operation, maintenance and administration of police and fire services.

### **Sec. 9.2. - Subject of taxation.**

The subjects of ad valorem taxation for municipal purposes shall be the same as for state, county and school purposes under the general law. Except as otherwise provided by this charter, city taxes shall be levied, collected and returned in the manner provided by the statute.

### **Sec. 9.3. - Exemptions.**

No exemptions from taxation shall be allowed except as expressly required or permitted by statute.

### **Sec. 9.4. - Tax day.**

Subject to the exceptions provided or permitted by statute the taxable status of persons and property shall be determined as of the thirty-first day of December, which shall be deemed the tax day for the ensuing year.

### **Sec. 9.5. - Preparation of the assessment roll.**

On or before the first Monday in March in each year, the Assessor shall prepare and certify an assessment roll of all property in the City subject to taxation and shall file same in his office for public inspection. It shall be the duty of the City Clerk to give notice by publication in one or more of the newspapers printed and circulated in the City, by not less than three insertions, the last of which shall be published not less than five days preceding said last mentioned date, that said assessment roll will be on file in the office of the City Assessor subject to public examination, from the first Monday in March until the meeting of the Board of Review, when they shall be delivered to said Board.

### **Sec. 9.6. - Board of Review.** <sup>37</sup>

The Board of Review shall be composed of three freeholders of the city, to be appointed by a majority vote of the City Commission at its first meeting in January 1959. One shall be a licensed realtor, one shall be a certified public accountant or public accountant, and one shall meet the eligibility requirements for elective officers contained in Section 5.1 of this charter. During their term of office as members of the Board of Review no such member shall be a city officer or employee or be a nominee or candidate for elective city office. The filing by a member of the Board of Review of his nomination petition for an elective city office or the filing of a consent thereto shall constitute his automatic resignation from the Board of Review. In connection with the initial appointments one member of the Board shall be appointed for a term to expire January 31, 1960, another for a term to expire January 31, 1961, and the third for a term to expire January 31, 1962. Thereafter all appointments shall be made for a term of three years to replace the member whose term expires that year, such appointment to be made at the first meeting in January of each year. The Commission shall fix the compensation of the members of the Board of Review. The Board of Review shall annually in February select its own chairman for the ensuing year, February 1 to January 31, inclusive, and the City Clerk shall be the clerk of the Board. The City Assessor shall be entitled to be heard at the sessions of the Board of Review but shall have no vote.

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<sup>37</sup> At its November 1, 2021 meeting, the City Council adopted an ordinance regarding board of review membership in accordance with MCL 211.28.

**Sec. 9.7. - Meetings of the Board of Review.**<sup>38</sup>

The Board of Review shall meet for the purpose of reviewing and correcting the assessment roll at the office of the City Assessor in the City Hall on the second Monday in March. The Board of Review shall meet at such hours and for so many days as the City Commission shall determine by resolution adopted at its first regular meeting held in the month of February each year. Such resolution shall provide that field inspections may be made by the Board of Review and that the Board of Review shall be compensated at the rate of one-half day's pay for each session conducted by it consisting of four hours or less, and at the rate of one full day's pay for each session in excess of four hours.

**Sec. 9.8. - Notice of meetings.**

Notice of the time and place of the sessions of the Board of Review shall be published by the Clerk at the same time and in the same manner as notice of the completion of the assessment roll.

**Sec. 9.9. - Duties and functions of the Board of Review.**

For the purpose of reviewing and correcting assessments, the Board of Review shall have the same powers and perform like duties in all respects as are by statute conferred upon and required of boards of review in townships, except as otherwise provided in this charter. It shall hear the complaints of all persons considering themselves aggrieved by assessments, and if it shall appear that any person or property has been wrongfully assessed or omitted from the roll, the Board shall correct the roll in such manner as it deems just. In all cases the roll shall be reviewed according to the facts existing on the tax day and no change in the status of any property after said day shall be considered by the Board in making its decisions. Except as otherwise provided by statute, no person other than the Board of Review shall make or authorize any change upon, or additions or corrections to, the assessment roll. It shall be the duty of the Assessor to keep a permanent record of all proceedings and to enter therein all resolutions and decisions of the Board.

**Sec. 9.10. - Endorsement of roll.**

After the Board of Review has completed its review of the assessment roll, and not later than the first Monday in April, the majority of its members shall endorse thereon and sign a statement to the effect that the same is the assessment roll of the city for the year in which it has been prepared. The omission of such endorsement shall not affect the validity of such roll.

**Sec. 9.11. - Clerk to certify tax levy.**

Within three days after the Commission has adopted the budget for the ensuing year, the Clerk shall certify to the Assessor the total amount which the Commission determines shall be raised by general ad valorem tax. He shall also certify all amounts of current or delinquent special assessments and all other amounts which the Commission requires to be assessed, reassessed or charged upon any property or against any person.

**Sec. 9.12. - City tax roll.**

After the Board of Review has completed its review of the assessment roll, the Assessor shall prepare a copy of the assessment roll to be known as the "City Tax Roll," and upon receiving the certification of the several amounts to be raised, as provided in Section 9.11, the Assessor shall spread upon said tax roll the several amounts determined by the Commission to be charged, assessed or reassessed against persons or property. He shall also spread the amount of the general ad valorem city tax, county tax and school tax according to and in proportion to the several valuations set forth in said assessment roll. To avoid fractions in computation on any tax roll, the Assessor may add to the amount of the several taxes to be raised not more than the amount prescribed by statute. Any excess created thereby on any tax roll shall belong to the city.

**Sec. 9.13. - Tax roll certified for collections.**

After spreading the taxes the Assessor shall certify the tax roll, and the Mayor shall annex his warrant thereto, directing and requiring the Treasurer to collect, prior to March first of the following year from the

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<sup>38</sup> Meeting requirements are also imposed by state law that supersedes some local provisions. MCL 211.28 *et seq.*

several persons named in said roll, the several sums mentioned therein opposite their respective names as a tax or assessment and granting to him, for the purpose of collecting the taxes, assessments and charges on such roll, all the statutory powers and immunities possessed by township treasurers for the collection of taxes. On or before June first, the roll shall be delivered to the Treasurer for collection.

**Sec. 9.14. - Tax lien on property.**

On July first, the taxes thus assessed shall become a debt due to the city from the persons to whom they are assessed, and the amounts assessed on any interest in real property shall become a lien upon such real property, for such amounts and for all interest and charges thereon, and all personal taxes shall become a first lien on all personal property of such persons so assessed. Such lien shall take precedence over all other claims, encumbrances and liens to the extent provided by statute and shall continue until such taxes, interest and charges are paid.

**Sec. 9.15. - Taxes due: notification thereof.**

City taxes shall be due on July first of each year. The Treasurer shall not be required to call upon the persons named in the city tax roll, nor to make personal demand for the payment of taxes, but he shall (a) publish, between June fifteenth and July first, notice of the time when said taxes will be due for collection and the penalties and fees for late payment of same, and (b) mail a bill to each person named in said roll, but in cases of multiple ownership of property only one bill need be mailed.

Failure on the part of the Treasurer to publish said notice or mail such bills shall not invalidate the taxes on said tax roll nor release the person or property assessed from the penalties and fees provided in this chapter in case of late payment or nonpayment of the same.

**Sec. 9.16. - Interest on late payment of taxes.**

All taxes paid on or before the thirty-first day of August shall be collected by the Treasurer without additional charge. On the first of September, the Treasurer shall add to all taxes paid thereafter, four percent of the amount of said taxes and on the first day of October and of each succeeding month, he shall add an additional one-half of one percent of said taxes that remain unpaid. Such interest shall not exceed six percent and shall belong to the city and constitute a charge, and shall be a lien against the property to which the taxes apply, collectible in the same manner as the taxes to which they are added. However, if delivery of the tax roll to the Treasurer, as provided in Section 9.15, is delayed for any reason by more than thirty days after June first, the application of the interest charge provided herein shall be postponed a corresponding thirty days for the first thirty days of such delay and shall be postponed an additional thirty days for each additional thirty days or major fraction thereof, of such delay.

**Sec. 9.17. - Failure or refusal to pay personal property tax.**

If any person, firm or corporation shall neglect or refuse to pay any personal property tax assessed to him or them by October first, the Treasurer shall collect the same by seizing the personal property of such person, firm, or corporation to an amount sufficient to pay such tax, fees, and charges for subsequent sale, wherever the same may be found in the State, and from which seizure no property shall be exempt. He may sell sufficient amount of the property seized to pay the taxes and all charges in accordance with statutory provisions. The Treasurer may, if otherwise unable to collect a tax on personal property, sue, in accordance with statute, the person, firm or corporation to whom it is assessed.

**Sec. 9.18. - Delinquent tax roll to County Treasurer.**

All city taxes on real property remaining uncollected by the Treasurer on the first day of March following the date when said roll was received by him shall be returned to the County Treasurer in the manner and with the like effect as provided by statute for returns by township treasurers of township, school and county taxes. Such returns shall include all the additional assessments, charges and fees hereinbefore provided, which shall be added to the amount assessed in said tax roll against each property or person. The taxes thus returned shall be collected in the same manner as other taxes returned to the County Treasurer are collected, in accordance with statute, and shall be and remain a lien upon the property against which they are assessed until paid. If by change of statute or otherwise, the Treasurer of the County of Kent is no longer charged with the collection of delinquent real property taxes shall be collected

in the manner then provided by statute for the collection then provided by statute for the collection of delinquent township, school and county taxes.

**Sec. 9.19. - State, county and school taxes.**

For the purpose of assessing and collecting taxes for state, county and school purposes, the city shall be considered the same as a township, and all provisions of statute relative for the collection of and accounting for such taxes shall apply. For these purposes the Treasurer shall perform the same duties and have the same powers as township treasurers under statute.

**CHAPTER X. - BORROWING POWER**

**Sec. 10.1. - Grant of authority to borrow.<sup>39</sup>**

Subject to the applicable provision of statute and this charter, the Commission may by ordinance or resolution authorize the borrowing of money for any purpose within the scope of its powers vested in the city and permitted by statute and may authorize the issuance of bonds or other evidences of indebtedness therefor. Such bonds or other evidences of indebtedness shall include but not be limited to the following types:

- (a) General obligations which pledge the full faith, credit and resources of the city for the payment of such obligations including bonds for the city's portion of public improvements;
- (b) Notes issued in anticipation of the collection of taxes, but the proceeds of such notes may be spent only in accordance with appropriations as provided by Section 8.5;
- (c) In case of fire, flood or other calamity, emergency loans due in not more than five years for the relief of inhabitants of the city and for the preservation of municipal property;
- (d) Special assessment bonds issued in anticipation of payment of special assessments made for the purpose of defraying the cost of any public improvement, or in anticipation of the payment of any combination of such special assessments. Such special assessment bonds may be an obligation of the special assessment district or districts or may be both an obligation of the special assessment district or districts and a general obligation of the city;
- (e) Mortgage bonds for the acquiring, owning, purchasing, constructing, improving or operating of any public utility which the city is authorized by this charter to acquire or operate; provided such bonds shall not impose any liability upon such city but shall be secured only upon the property and revenues of such public utility, including a franchise, stating the terms upon which, in case of foreclosure, the purchaser may operate the same, which franchise shall in no case extend for a longer period than twenty years from the date of the sale of such utility and franchise on foreclosure. A sinking fund shall be created in the event of the issuance of such bonds, by setting aside such percentage of the gross or net earnings of the public utility as may be deemed sufficient for the payment of the mortgage bonds at maturity, unless serial bonds are issued of such a nature that no sinking fund is required;
- (f) Bonds issued at a rate of interest not to exceed six percent per annum to refund money advanced or paid on special assessments imposed for water main extensions;
- (g) Bonds for the refunding of the funded indebtedness of the city;
- (h) Revenue bonds as authorized by statute which are secured only by the revenues from a public improvement and do not constitute a general obligation of the city.

**Sec. 10.2. - Authorization of electors required.**

(a) Except as provided in Section 10.2(b), no bonds pledging the full faith and credit of the city shall be issued without the approval of three-fifths of the electors voting thereon at any general or special election.<sup>40</sup>

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<sup>39</sup> There must be express statutory authority allowing for the borrowing and compliance with any statutory requirements. Mich Const, 1963, art VII, §21. Many statutes provide borrowing authority. Most require compliance with the revised municipal finance act, 2001 PA 34, MCL 141.2101 et seq. Many of the statutes supersede the provisions in this chapter.

(b) The restriction of Section 10.2(a) shall not apply to general obligation bonds issued to pay for the city's portion of public improvements, the remainder of which are to be financed by Special assessments, tax anticipation notes issued under Section 10.2(b), emergency bonds issued under Section 10.1(c), special assessment bonds issued under Section 10.1(d), refund-bonds issued under Section 10.1(g), or to bonds, the issuance of which cannot, by statute, be so restricted by this Charter.

(c) Only those persons who have property assessed for taxes in the city, and their husbands and wives, shall be entitled to vote on the approval of any issue of bonds which constitutes a general obligation of the city, but no person may so vote unless he is a registered elector.

**Sec. 10.3. - Applicability of other statutory restrictions.**

The issuance of any bonds not requiring the approval of the electors shall be subject to applicable requirements of statute with regard to public notice in advance of the authorization of such issues, filing of petitions for a referendum and other applicable procedural requirements.

**Sec. 10.4. - Limits of borrowing power.**

The net bonded indebtedness incurred for all public purposes shall not at any time exceed ten percent of the assessed value of all the real and personal property in the city, provided that in computing such net bonded indebtedness, there shall be excluded money borrowed under the following Sections of this chapter: 10.1(b) (tax anticipation notes), 10.1(c) (emergency funds), 10.1(d) (special assessment bonds even though they are also a general obligation of the city), 10.1(e) (mortgage bonds), 10.1(f) (special assessment refunding bonds), 10.1(h) (revenue bonds), and other bonds which do not constitute a general obligation of the city.

The amount of emergency loans which the Commission may make under the provisions of section 10.1(c) of this charter may not exceed three-eighths of one percent of the assessed value of all the real and personal property in the city.

The total amount of special assessment bonds pledging full faith and credit of the City shall at no time exceed the limit established by the statutes of the State of Michigan pertaining thereto.

**Sec. 10.5. - Preparation and record of bonds.**

Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which the same is issued, and it shall be unlawful for any officer of the city to use the proceeds thereof for any other purpose. Any officer who shall violate this provision shall be deemed guilty of misconduct in office. All bonds and other evidences of indebtedness issued by the city shall be signed by the Mayor and countersigned by the Clerk, under the seal of the city. Interest coupons may be executed with the facsimile signatures of the Mayor and Clerk. A complete and detailed record of all bonds and other evidences of indebtedness issued by the city shall be kept by the Treasurer. Upon the payment of any bond or other evidence of indebtedness, the same shall be marked "Cancelled."

**Sec. 10.6. - Unissued bonds.**

No unissued bonds of the city shall be issued or sold to secure funds for any purpose other than that for which they were specifically authorized, and if any such bonds are not sold within three years after authorization, such authorization shall, as to such bonds, be null and void, and such bonds shall be cancelled.

**Sec. 10.7. - Deferred payment contracts.**

The city may enter into installment contracts for the purchase of property or capital equipment. Each of such contracts shall not extend over a period greater than five years nor shall the total amounts of principal payable under all such contracts exceed a sum of one-sixth of one percent of the total assessed valuation of the city in any one fiscal year.

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<sup>40</sup> A majority, rather than a 3/5 supermajority, is now required for an unlimited full-faith and credit pledge (*i.e.*, a pledge to levy taxes in whatever amount is needed to make bond payments). Mich Const, 1963, art IX, §§25 & 31. A limited full-faith and credit pledge (*i.e.*, a pledge limited by applicable constitutional, statutory, and charter limits) does not require voter approval.

All such deferred payments shall be included in the budget for the year in which the installment is payable.

## **CHAPTER XI. - SPECIAL ASSESSMENTS**

### **Sec. 11.1. - Commission resolution.**

The Commission shall have power to determine that the whole or any part of the expense of any public improvement shall be defrayed by special assessments upon the property especially benefited and shall so declare by resolution. Such resolution shall state the estimated cost of the improvement, what proportion of the cost thereof shall be paid by special assessments, and what part, if any, shall be a general obligation of the city, the number of installments in which assessments may be paid, and shall designate the districts or land and premises upon which special assessments shall be levied.

### **Sec. 11.2. - Procedure fixed by ordinance.**

The Commission shall prescribe by general ordinance complete special assessment procedure concerning plans and specifications, estimate of costs, notice of hearing, the making of the assessment roll and correction of errors, the collection of special assessments, and any other matters concerning the making of improvements by the special assessment method.<sup>41</sup>

## **CHAPTER XII. - PURCHASES—CONTRACTS—LEASES**

### **Sec. 12.1. - Purchase and sale of property.**

The City Manager shall be responsible for the purchase and sale of all city property, subject to the restrictions of statutes and ordinances.

Comparative prices shall be obtained for any purchase or sale, which amounts to [sic] not in excess of seven thousand five hundred dollars, of all materials, supplies and public improvements except (a) in the employment of professional services, and (b) when the City Manager shall determine that no advantage to the city would result.

In all sales or purchases in excess of seven thousand five hundred dollars, (a) the sale or purchase shall be approved by the Commission, (b) sealed bids shall be obtained, and (c) the requirements of Section 12.2 shall be complied with. No sale or purchase shall be divided for the purpose of circumventing the dollar value limitation contained in this section. The Commission may authorize the making of public improvements or the performance of any other city work by any city agency without competitive bidding.

Purchases shall be made from the lowest competent bidder meeting specifications unless the Commission shall determine that the public interest will be better served by accepting a higher bid. Sales shall be made to the bidder whose bid is most advantageous to the city.

All purchases and sales shall be evidenced by written contract or purchase order.

The city may not sell any park, cemetery or any part thereof except in accordance with restrictions placed thereon by statute.

The city may not purchase, sell or lease any real estate or any interest therein except by the affirmative vote of a majority of the whole Commission.

The purchase and sale of all city property shall be subject to the provisions of Section 5.13.

Detailed purchasing, sale and contract procedures shall be established by ordinance.<sup>42</sup>

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<sup>41</sup> See, chapter 66 of the City Code. However, some state law provisions will also apply to the procedure. See, *e.g.*, 1962 PA 162, MCL 211.741 *et seq.*, regarding notices of special assessment hearings, and the tax tribunal act, 1973 PA 186, MCL 205.701 *et seq.*, regarding appeals of special assessments.

<sup>42</sup> See City Code Chapter 2, Art. IV, Div. 2, §2-251 *et seq.* The City also has an administrative Purchasing & Finance policy. <https://info.wyomingmi.gov/Purchasing/documents/PurchasingPolicyAndProcedures.pdf>.

## **Sec. 12.2. - Contracts.**<sup>43</sup>

The authority to contract on behalf of the city is vested in the Commission and shall be exercised in accordance with the provisions of statute and of this charter, provided that purchases and sales may be made by the City Manager subject to the provisions of Section 12.1.

Any contract or agreement in an amount of five hundred dollars or more made with form or terms other than the standard city purchase order form shall, before execution, be submitted to the Attorney and his opinion obtained with respect to its form and legality. A copy of all contracts or agreements requiring such opinion shall be filed in the office of Clerk together with a copy of the opinion.

Before any contract, agreement or purchase order obligating the city to pay an amount of five hundred dollars or more is executed, the accounting officer of the city shall first have certified that an appropriation has been made for the payment thereof, or that sufficient funds will be available if it be for a purpose being financed by the issuance of bonds or by special assessments or for some other purpose not chargeable to a budget appropriation. In the case of a contract or agreement obligating the city for periodic payments in future fiscal years for the furnishing of a continuing service or the leasing of property, such certification need not cover those payments which will be due in future fiscal years, but this exception shall not apply to a contract for the purchase or construction of a public improvement unless such purchase or construction is being financed by an installment contract under authority of Section 10.7. Certification by the accounting officer of the city shall be endorsed on each contract, agreement or purchase order requiring same or shall be filed as an attachment thereto.

No contract or purchase order shall be subdivided for the purpose of circumventing the dollar value limitations contained in this Section.

No contract shall be amended after the same has been made except upon the authority of the Commission, provided that the City Manager may amend or rescind contracts for those purchases and sales made by him under the authority of Section 12.1.

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

No contract shall be made with any person, firm or corporation in default to the city.<sup>44</sup>

An individual agreement of employment shall not be deemed a contract requiring opinion by the Attorney or certification by the accounting officer of the city.

## **Sec. 12.3. - Restriction on powers to lease property.**

The Commission may not rent or let public property for a period longer than three years unless such rental or lease agreement shall have been referred to the people at a regular or special election and shall have received the approval of a majority of the electors voting thereon at such election. No such lease shall be approved by the Commission for presentation to the electorate before thirty days after application therefor has been filed with the Commission nor until a public hearing has been held thereon. No such lease shall be submitted to the electors unless the party leasing or renting the property has filed with the Clerk, his unconditional acceptance of all terms of such lease or rental agreement.

## **CHAPTER XIII. - MUNICIPALLY OWNED UTILITIES**

### **Sec. 13.1. - General powers respecting utilities.**

Subject to the provisions of the Constitution and statute, the city shall have the power to acquire, own, establish, construct, operate, improve, enlarge, extend, repair and maintain, either within or without its

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<sup>43</sup> Some state laws affect city contracts. 1933 PA 170, MCL 123.501 *et seq.*, addresses information provided by some bidders. 1966 PA 165, MCL 691.991 voids certain indemnification provisions. 1980 PA 524, MCL 125.1561 *et seq.*, addresses progress payments and retainages. 1905 PA 187, MCL 570.101 *et seq.*, and 1963 PA 213, MCL 129.201 *et seq.*, address certain contractor bonds, requiring performance and payment bonds on some contracts exceeding \$50,000. Some federal and state laws and certain grants require certain provisions in city contracts, such as Title VI the Civil Rights Act of 1964 that requires the civil rights provisions in standard city contracts, the Davis-Bacon Act that can require payment of prevailing wages in some contracts, and the Iran Economic Sanctions Act, 2012 PA 517, MCL 126.311 *et seq.*, that requires certain contractual representations.

<sup>44</sup> This means any obligation to the city, including a contractual obligation. 2010 OAG No. 7241. It includes a failure to pay property taxes. *Corrigan v City of Newaygo*, 55 F3d 1211 (6<sup>th</sup> Cir 1995).

corporate limits, a public utility for supplying water to the municipality and its inhabitants for domestic, commercial and municipal purposes, and may sell and deliver water without its corporate limits in an amount not to exceed the limitations set by the Constitution and statutes. Subject to statutory provisions, the city shall also have the power to acquire, own, establish, construct, operate, improve, enlarge, extend, repair and maintain, either with or without its corporate limits; sewage treatment facilities; garbage facilities; and facilities for storage and parking of vehicles within its corporate limits.

**Sec. 13.2. - Management of municipal utilities.**

All municipally-owned and operated utilities shall be administered as a regular department of the city government under the management and supervision of the City Manager.

**Sec. 13.3. - Rates.**

The Commission shall have the power to fix from time to time such just and reasonable rates and other charges as may be deemed advisable for supplying the inhabitants of the city and others with such public utility services as the city may provide.<sup>45</sup> There shall be no discrimination in such rates within any classification of users thereof, nor shall free service be permitted. Higher rates may be charged for service outside the corporate limits of the city.<sup>46</sup>

**Sec. 13.4. - Utility rates and charges—Collection.**

The Commission shall provide by ordinance for the collection of all public utility rates and charges of the city. Such ordinance shall provide at least:

- (a) That the city shall have as security for the collection of such utility rates and charges for water and sewage services, a lien upon the real property supplied by such utility, which lien shall become effective immediately upon the supplying by such utility service and shall be enforced in the manner provided in such ordinance.
- (b) The terms and conditions under which utility services may be discontinued in case of delinquency in paying such rates or charges.
- (c) That suit may be instituted by the city before a competent tribunal for the collection of such rates or charges.

With respect to the collection of rates charged for water, the city shall have all the powers granted to cities by Act No. 178 of the Public Acts of Michigan of 1939 (MCL 123.161 *et seq.*), as amended.<sup>47</sup>

**Sec. 13.5. - Disposal of utility plants and property.**

Unless approved by the affirmative vote of three-fifths of the electors voting thereon at a regular or special election, the city shall not sell, exchange, lease or in any way dispose of any property, easements, equipment, privilege or asset belonging to and appertaining to any municipally owned public utility which is needed to continue operating such utility. All contracts, negotiations, licenses, grants, leases or other forms of transfer in violation of this Section shall be void and of no effect as against the city. The restrictions of this Section shall not apply to the sale or exchange of any articles of machinery or equipment of any city-owned public utility which are worn out or useless or which have been or could, with advantage to the service, be replaced by new and improved machinery or equipment, to the leasing of property not necessary for the operation of the utility, or to the exchange of property or easements for other needed property or easements. The provisions of this Section shall not extend to vacation or abandonment of streets.

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<sup>45</sup> Under applicable state law and bond ordinances, rates need to be sufficient to meet all debt service requirements, all operation and maintenance requirements, and all coverage requirements in the bonds. Failures to meet these requirements has significant consequences under federal securities regulations and state laws. It can also affect bond ratings and, consequently, costs of future city borrowing.

<sup>46</sup> Rates need to be based on the cost of service. Otherwise, they can be viewed as an unauthorized tax. See, *Bolt v City of Lansing*, 459 Mich 152 (1998).

<sup>47</sup> This is the so-called water/sewer lien act providing for liens on the premises served. Liens are also provided by the Revenue Bond Act of 1933, 1933 PA 94, MCL 141.101 *et seq.*, particularly MCL 141.121(3).

**Sec. 13.6. - Utility finances.**

The rates and charges for any municipal public utility for the furnishing of water, for sewage treatment or for garbage disposal shall be so fixed as to at least meet all the costs of such utility. In addition, the City Commission may provide that the rates and charges for such municipal public utility shall include a reasonable percentage for depreciation.

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

**CHAPTER XIV. - PUBLIC UTILITY FRANCHISES**

**Sec. 14.1. - Franchises remain in effect.**

All franchises to which the Township of Wyoming is a party when this charter becomes effective [January 1, 1959] shall remain in full force and effect in accordance with their respective terms and conditions.

**Sec. 14.2. - Granting of public utility franchises.**

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

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

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

**Sec. 14.3. - Conditions of public utility franchises.**

All public utility franchises granted after the adoption of this charter [November 4, 1958], whether it be so provided in the granting ordinance or not, shall be subject to the following rights of the city, but this enumeration shall not be exclusive or impair the right of the Commission to insert in such franchise any provision within the powers of the city to impose or require:

- (a) To repeal the same for misuse, nonuse or failure to comply with the provisions thereof;
- (b) To require proper and adequate extension of plant, and service, and maintenance thereof at the highest practicable standard of efficiency;
- (c) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;
- (d) To require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof;
- (e) To use, control and regulate the use of its streets, alleys, bridges and other public places and the space above and beneath them;

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

**Sec. 14.4. - Regulation of rates.**

All public utility franchises shall make provision therein for fixing rates, fares and charges, and may provide for readjustments thereof at periodic intervals. The value of the property of the utility used as a basis for fixing such rates, fares and charges shall in no event include a value predicated upon the franchise, good will or prospective profits.

**Sec. 14.5. - Use of public places by utilities.** <sup>48</sup>

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

**CHAPTER XV. - SUPERVISORS**<sup>49</sup>

**Sec. 15.1. - Number of supervisors.**

The City shall have the maximum number of representatives on the County Board of Supervisors to which it is entitled by statute.

**Sec. 15.2. - Appointment of supervisors.**

The representatives of the city on the Board of Supervisors shall be appointed by the Commission for an indefinite period and may be removed at the will of the Commission. Such representatives shall meet all requirements of Section 5.1 at the time of their appointment and may hold other elective or appointive city office or employment. In case any representative of the city on the Board of Supervisors shall be unable to perform the duties of his office for reasons of physical disability, the Commission may appoint another qualified person to serve temporarily in his stead.

**Sec. 15.3. - Duties of supervisors.**

Except as otherwise provided in this charter, the representatives of the city on the Board of Supervisors shall perform the statutory duties of Supervisors. In the performance of his duties each Supervisor shall represent the city, its inhabitants and its government to the best of its ability.

**Sec. 15.4. - Compensation of supervisors.**

Representatives of the city on the Board of Supervisors shall be entitled to retain any compensation and expense allowances paid to them by the county as members of the Board of Supervisors, but shall receive no extra compensation from the city for their work as Supervisors.

**CHAPTER XVI. - MUNICIPAL COURT**<sup>50</sup>

**Sec. 16.1. - Establishment of court.**

Pursuant to and by virtue of Act No. 5 of the Public Acts of Michigan of 1956 (MCL 730.501 et seq., MSA 27.3937(1) et seq.), as amended, upon the effective date of this charter [January 1, 1959], the court for

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<sup>48</sup> This is now superseded by state and federal laws, particularly with respect to telecommunications utilities. Federal Communications Commission regulations and orders, and state legislation, such as the metropolitan extension telecommunications rights-of-way oversight act, 2002 PA 48, 484.3101 et seq., and the small wireless communications facilities deployment act, 2018 PA 365, MCL 460.1301, have significantly limited local control.

<sup>49</sup> Counties are now governed by a directly elected board of commissioners. 1966 PA 261, MCL 46.401 et seq.

<sup>50</sup> The municipal court was replaced by the 62-A District Court, a state 3<sup>rd</sup> class district court for which Wyoming is the court funding unit. MCL 600.8130(2) & (3).

the city shall be designated as the "Municipal Court of the City of Wyoming," and the judge thereof designated as the "Municipal Judge of the City of Wyoming." The powers, jurisdiction and duties of the Justices of the Peace and the Township of Wyoming, prior to the effective date of this charter [January 1, 1959], are consolidated into said municipal court, to be presided over by a municipal judge, as provided herein. The municipal court shall be empowered to receive and take from the Justices of the Peace, which offices are discontinued upon the effective date of this charter [January 1, 1959], all files, records and dockets kept by them appertaining to their office and court. The municipal court shall have transferred to it any and all actions or proceedings pending before the Justices of the Peace of the Township of Wyoming on the effective date of this charter [January 1, 1959], and said municipal court shall have full jurisdiction to proceed with such actions or transfers in the same manner as if they had been brought before the Court originally, except as otherwise provided by law. The municipal judge shall also be empowered to issue executions according to law upon any judgment appearing upon dockets transferred to him from the Justices of the Peace for the Township of Wyoming, as provided herein, with the same effect as if said judgment has been rendered by said municipal judge.

#### **Sec. 16.2. - Qualifications of municipal judge.**

The municipal judge or associate municipal judge shall meet the requirements contained in Section 5.1, except as provided in Chapter XVIII hereof, for the initial election of a municipal judge. In addition, the municipal judge or associate municipal judge shall meet the requirements for municipal judges as contained in Act No. 5 of the Public Acts of Michigan of 1956 (MCL 730.501 et seq., MSA 27.3937(1) et seq.), as amended, and shall meet such requirements immediately preceding the date of his appointment or election and throughout his tenure of office. The municipal judge, associate municipal judge, or any partner of either, throughout the tenure of office of such municipal judge or associate municipal judge, shall not practice law in the court to which such municipal judge or associate municipal judge was elected or appointed.

#### **Sec. 16.3. - Compensation of judge.**

The municipal judge shall receive such annual compensation as shall be fixed by ordinance. No ordinance fixing the salary of said judge shall be enacted or amended less than 60 days before the next primary election at which a municipal judge is to be nominated, nor may his compensation be changed during a term of office for which he was elected or appointed. The salary for the office provided by [the] charter or ordinance shall be in lieu of all fees, both in civil and criminal cases, to which the judge might be entitled but for the provisions of this Section, except those for the performance of marriage ceremonies and for administering oaths not connected with suits and proceedings in this court.

#### **Sec. 16.4. - Bond.**

The municipal judge shall, before entering upon the duties of his office, give bond to the Treasurer of the County of Kent, and to the City of Wyoming in like amount. Such bonds shall be subject to the provisions of this charter, except as otherwise provided by law.

#### **Sec. 16.5. - Jurisdiction of court.**

(a) *General jurisdiction.* The Court shall have and exercise within the City of Wyoming and County of Kent, the same jurisdiction, powers and duties as are or may be conferred upon or required of Justices of the Peace in cities and townships by statute and the jurisdiction, powers and duties conferred upon Municipal Judges by Act No. 5 of the Public Acts of Michigan of 1956 (MCL 730.501 et seq., MSA 27.3937(1) et seq.), as amended. The Court shall have concurrent jurisdiction with other Justices in Kent County, as to all crimes, offenses and misdemeanors alleged to have been committed within Kent County, whether within or without the city. The proceedings in all suits and actions before the Court shall, except as otherwise provided in this charter, be according to and governed by Act No. 5 of the Public Acts of Michigan of 1956 (MCL 730.501 et seq., MSA 27.3937(1) et seq.), as amended.

(b) *Charter and ordinance cases.* The Court shall have authority to hear, try and determine all suits and prosecutions for the recovery and enforcing of fines, penalties and forfeitures imposed by this charter and the ordinances of the city, and to punish offenders for the violation of such charter and ordinances as in the Charter and ordinances as in the charter or ordinances prescribed and directed.

(c) *Extended jurisdiction.* The Court shall also have concurrent jurisdiction in all civil actions wherein the debt or damages claimed do not exceed the sum of \$1,000.00 and concurrent jurisdiction in all actions of replevin wherein the value of the property involved does not exceed the sum of \$1,000.00.

(d) *Venue jurisdiction.* The Court shall have venue jurisdiction in civil causes to the extent and in accordance with the statutes made and provided.

(e) *Causes where all parties are residents of city.* The Court shall have exclusive jurisdiction, concurrent jurisdiction of courts of record excepted, in causes or proceedings where all the parties of the same reside in said city at the time of the commencement of the proceedings or cause, and in cases where the original cause of action existed in favor of a plaintiff and against a defendant, both residents of the city, and has been assigned to a nonresident of said city. This jurisdiction is in accordance with the provisions of Section 10 of Chapter LXVI of Act No. 314 of the Public Acts of Michigan of 1915. [The Revised Judicature Act, Act No. 236 of the Public Acts of Michigan of 1961 (MCL 600.101 et seq., MSA 27A.101 et seq.), as amended, now controls.]

(f) *Setting aside verdict.* The Court shall have such power and authority in the conduct of civil and criminal causes as provided in Section 15 to 20 inclusive of Act No. 5 of the Public Acts of Michigan of 1956 (MCL 730.501 et seq., MSA 27.3937(1) et seq.), as amended.

(g) *Additional authority.* The Court shall have such additional jurisdiction, powers and duties as may now or hereafter be conferred upon municipal courts by statute.

#### **Sec. 16.6. - Place and conduct of court: annual report.**

The Commission shall furnish necessary supplies and a suitable place for conducting Court. It may regulate the hours of court<sup>51</sup> and it may require monthly reports of the activities and finances of the court in such form as it prescribes.

The Municipal Judge may from time to time, make and adopt rules of practice for the conduct of the business of said court not inconsistent with statute or the charter and ordinance of the city, which rules shall be entered upon the civil docket of said judge and signed by him.

The Municipal Judge shall file with the Commission an annual report of the Court for the fiscal year in such manner as the Commission shall prescribe.

#### **Sec. 16.7. - Docket.**

There shall be kept at the place of holding Court, a docket or dockets in the manner required by statute. Failure of the Municipal Judge to make provision for the maintenance of such docket shall constitute misconduct in office.

#### **Sec. 16.8. - Jury trials.**

The provisions of the general law of the State governing trial by jury before Justices of the Peace shall apply. Provided, however, that the Commission may, in its discretion, pass an ordinance embodying the provisions of Act No. 288 of the Public Acts of Michigan of 1929 (MCL 730.251 et seq., MSA 27.3911 et seq.), as amended, Act No. 17 of the Public Acts of Michigan of 1953 (MCL 729.201 et seq., MSA 27.3936(1) et seq.), as amended, governing the selection of jurors, or the optional method provided by Act No. 179 of the Public Acts of Michigan of 1951 (MCL 730.401 et seq., MSA 27.3935(1) et seq.), as amended, may be put into effect by the Municipal Judge as provided therein, in any of which cases the provisions of such act shall prevail over the provisions of this Section.

#### **Sec. 16.9. - Fees and costs.**

The Commission shall within ninety days after the effective date of this charter [January 1, 1959] enact an ordinance establishing and fixing the fees and costs which may be taxed by the Court in all civil matters and in all cases for violations of the charter or city ordinances, and fixing fees and costs not inconsistent with statute in criminal matters.

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<sup>51</sup> The court is a state court under the general supervision of the State Court Administrator Office (SCAO) and the court's judges. The state and city are co-employers of the court's employees. The City has limited authority over day-to-day court operations.

**Sec. 16.10. - Disposition of fees, costs and fines.**

Fees and costs in civil matters shall be collected by the Court and turned over to the City Treasurer on the first and fifteenth of each month. An accounting of fees, costs and fines in criminal cases shall be made to the Board of Supervisors of Kent County, to the extent of and in the manner required by statute. The Court shall turn over to the Kent County Treasurer all fees, costs and fines in State criminal cases. The Court shall turn over to the City Treasurer all fees, costs and fines in city ordinance or charter cases.

**Sec. 16.11. - Substitute associate judge.**

Any cause pending before the Court may, whenever the Municipal Judge is unable to act in such cause at the time the matter comes before the Court, be transferred upon his order or, in case of his absence, by the Court Clerk, to one of the Municipal Judges or Justices of the Peace in Kent County, with or without notice to the parties in such cause. A note of such transfer shall be entered upon the docket of the case, and when two or more Judges shall have acted in any one cause or proceeding, the docket shall be signed in the manner and within the time provided by law by the Judge (or Justice), who shall have given the final judgment in such cause.

(The Commission shall by ordinance fix the compensation to be paid Justices for such services and unless so provided by ordinance, no such Justice shall so act or be entitled to compensation therefor.)

The Commission may provide for one or more Associate Municipal Judges as permitted by law.

**Sec. 16.12. - Court clerk.**

The City Commission shall appoint a Court Clerk, and, with the confirmation of the City Manager, one or more Deputy Clerks, whose compensation and duties shall be determined in accordance with Section 4.6 and [Section] 5.11 and in accordance with statute. The Deputy Clerks may hold other city office or employment. The Court Clerk and Deputy Clerks shall serve at the pleasure of the Municipal Judge.

Such Clerk and Deputy Clerks shall, by virtue of their office, be empowered to administer oaths to persons making affidavits for writs in civil causes and to issue all processes and attest the same in the name of the Municipal Judge, and shall be required to collect all fees in civil causes and all costs and fines in criminal causes and all moneys paid into court for security for costs, bail or otherwise. The Clerk shall enter a record of the same in books kept by him for that purpose and pay over the same to the authorities or by law, and the Commission shall cause the books of such clerks to be audited at least once each year to ascertain that such books are correctly kept and all moneys received have been properly accounted for.

**Sec. 16.13. - Court officer.**

The City Manager, upon request of the Municipal Judge, may assign a police officer of the city to the Court who shall have all the duties and powers of court officers of the Circuit Courts of the State and shall serve in such capacity at the pleasure of the Municipal Judge. Such officer shall receive no compensation except such as he may be entitled to as a police officer. All fees and mileage allowances received by such officer in the performance of the duties imposed upon him shall be paid into the city treasury in accordance with Section 5.15.

**Sec. 16.14. - Constables.**

The Municipal Judge shall appoint one or more constables who shall meet the same eligibility requirements for elective officers as are contained in Section 5.1 of this Charter. Such constables shall have the same powers and authority in matters of civil and criminal nature and in relation to the service of process, both criminal and civil, as are conferred by law on constables in townships. They shall have power also to serve all process issued for violations of the ordinances of the City. The bond of said constables shall be the same as that required of constables in townships. The constables shall be entitled to collect and retain as full compensation the same fees as are set forth in the statutes of the State of Michigan for constables in townships. Said constables shall serve at the pleasure of the Municipal Judge.

**Sec. 16.15. - Election of municipal judge.**

The Municipal Judge shall be one of the elective officers of the city and shall be nominated and elected from the city at large. The procedure provided in this charter for nomination and election of elective officers of the city shall apply to the nomination and election of the Municipal Judge.

At the regular city election of 1960, there shall be elected one Municipal Judge for a term of four years, and, at the regular city election in 1964, there shall be elected one Municipal Judge for a term of three years. Commencing with the regular city election in 1967 and every four years thereafter there shall be elected one Municipal Judge for terms of four years. The term of the Municipal Judge shall commence at 12:01 o'clock a.m., July fourth.

**CHAPTER XVII. - MISCELLANEOUS**

**Sec. 17.1. - City liability.<sup>52</sup>**

The city shall not be liable for damages sustained by any person either to his person or property by reason of negligence of the city, its officers or employees, nor by reason of any defective highway, street, bridge, sidewalk, crosswalk or culvert, or by reason of any obstruction, ice, snow or other encumbrance upon such highway, street, bridge, sidewalk, crosswalk or culvert, situated in the city, unless such person shall serve or cause to be served upon the Clerk within sixty days after such damages shall have occurred, a notice in writing and a statement that the person sustaining such damages intends to hold the city liable for such damages as may have been sustained by him. Such notice shall set forth substantially the time and place of the damages, the manner in which they occurred, the extent of such damages as far as the same has become known, and the names and addresses of the witnesses known at the time of the claimant. No person shall bring any action against the city for any damages to person or property arising out of any of the reasons or circumstances aforesaid unless he shall have first presented to the Clerk his claim in writing and under oath setting forth particularly the nature and extent of such injury and the amount of damages claimed by reason thereof, which claim shall be presented to the Commission by the Clerk and the Commission given opportunity to act thereon either by allowing or refusing to allow such claim.

It shall be a sufficient bar and answer in any Court to any action or proceeding for the collection of any demand or claim against the city under this section that the notice of damages and the verified proof of the claim as in this section required, were not presented and filed within the time and in the manner as herein provided.

**Sec. 17.2. - No estoppel.**

No estoppel may be created against the city.<sup>53</sup>

**Sec. 17.3. - Processes against city.**

All process against the city shall run against the city in the corporate name thereof and may be served by leaving a true copy with the Mayor, Clerk or Attorney.<sup>54</sup>

**Sec. 17.4. - Vested rights continued.**

After the effective date of this charter [January 1, 1959], the city shall be vested with all property, moneys, contracts, rights, credits, effects and the records, files, books and papers belonging to the Township before the effective date of this charter [January 1, 1959]. No right or liability, either in favor of or against the Township of Wyoming, existing at the time this charter becomes effective and no suit or prosecution of any character shall in any manner be affected by the adoption of this charter, but the same shall stand or proceed with the City substituted in the place of the Township of Wyoming. All debts and liabilities of the Township of Wyoming shall be the debts and liabilities of the city and all fines and penalties imposed at the time of the effective date of this charter [January 1, 1959] shall be collected.

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<sup>52</sup> Liability and immunity are generally governed by 1964 PA 170, MCL 691.1401 et seq. Other statutes and case law doctrines also affect liability in specific types of cases. Thus, these provision likely will not affect liability outcomes.

<sup>53</sup> See the immediately preceding footnote.

<sup>54</sup> This is consistent with MCR 2.105(G)(2).

**Sec. 17.5. - Trusts.**

All trusts established for any municipal purpose shall be used and continued in accordance with the terms of such trust, subject to the *cy pres* doctrine.<sup>55</sup> The Commission may in its discretion receive and hold any property in trust for any municipal purpose and shall apply the same to the execution of such trust and for no other purpose except in cases where the *cy pres* doctrine shall apply.

**Sec. 17.6. - Vacancies in appointive boards and commissions.**

Except as otherwise provided in this charter, if a vacancy occurs in the membership of any appointive board or commission, the authority responsible for the appointment of the person whose position has become vacant shall fill such vacancy by appointment of a qualified person for the unexpired term of such person.

**Sec. 17.7. - Quorum.**

Except as provided otherwise in this charter, a quorum of any board or commission created by or pursuant to this charter shall be a majority of the members of such board or commission in office at the time, but not less than two members.

**Sec. 17.8. - Records to be public.**

All records of the city shall be public, shall be kept in city offices except when required for official reasons or for purposes of safekeeping to be elsewhere and shall be available for inspection at all reasonable times.<sup>56</sup>

**Sec. 17.9. - Definition of publication, mailing of notices.**

The requirement contained in this charter for the publishing or publication of notices, ordinances or proceedings shall be met by publishing an appropriate insertion in a newspaper published in the English language for the dissemination of news of a general character which newspaper shall have had a general circulation at regular intervals in the city for at least one year immediately preceding the time it is used for such publication purposes. The affidavit of the printer or publisher of such newspaper, or of his foreman or principal clerk, annexed to a printed copy of such notice, ordinance or proceeding taken from the paper in which it was published and specifying the times of publication shall be prima facie evidence of such publication.

In any case in which this charter requires the mailing of notices, the affidavit of the officer or employee responsible for such mailing that such notice was mailed shall be prima facie evidence of such mailing.

**Sec. 17.10. - Sundays and holidays.**<sup>57</sup>

Whenever the date fixed upon this charter for the doing or completion of any act falls on a Sunday or legal holiday, such act shall be done or completed on the next succeeding day which is not a Sunday or legal holiday.

**Sec. 17.11. - Chapter and section headings.**

The chapter, section and subsection headings used in this charter are for convenience only and shall not be considered as part of the charter.

**Sec. 17.12. - Interpretations.**

Except as otherwise specifically provided or indicated by the context:

(a) All words used in this charter indicating the present tense shall not be limited to the time of the adoption of this charter [November 4, 1958] but shall extend to and include the time of the happening of any event or requirement for which provision is made herein.

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<sup>55</sup> Requires adherence to the donor's intent.

<sup>56</sup> The freedom of Information Act, 1976 PA 442, MCL 15.231 *et seq.*; the records reproduction act, 1992 PA 116, MCL 24.401 *et seq.*; and various grant and other requirements also govern records retention and availability.

<sup>57</sup> See also, 1865 PA 124, MCL 435.101 *et seq.*, regarding Saturdays, Sundays, and legal holidays.

- (b) The singular number shall include the plural, the plural number shall include the singular, and the masculine gender shall extend to and include the feminine gender and the neuter.
- (c) The word "person" may extend and be applied to bodies politic and corporate and to partnerships as well as to individuals.
- (d) The words "Printed" and "Printing" shall include reproductions by printing, engraving, stencil duplicating, lithographing or any similar method.
- (e) Except in reference to signatures, the words "written" and "in writing" shall include printing and typewriting.
- (f) The word "officer" shall include the Mayor and other members of the Commission, the administrative officers, members of city boards and commissions created by or pursuant to this charter.
- (g) The word "freeholder" shall include any person and his spouse who is purchasing property on land contract.
- (h) The word "default" shall include being delinquent in taxes.
- (i) The word "statute" shall denote the Public Acts of the State of Michigan in effect at the time the provision of the charter containing the word "statute" is to be applied.
- (j) All references to specific Public Acts of the State of Michigan shall be to such acts as are in effect at the time the reference to such act is to be applied.
- (k) The words "law" or "general laws of the state" shall denote the Constitution and the Public Acts of the State of Michigan in effect at the time the provision of the charter containing the words "law" or "general laws of the state" is to be applied, and applicable common law.
- (l) All references to section numbers shall refer to section numbers of this charter.

**Sec. 17.13. - Penalties for violations of charter.**

Any officer of the city found guilty by a court of competent jurisdiction of any act declared by this charter to constitute misconduct in office may be punished by a fine of not to exceed five hundred dollars or imprisonment for not to exceed ninety days or both in the discretion of the court. The punishment provided in this section shall be in addition to that of having the office declared vacant as provided in Sections 5.2 and 5.3.

**Sec. 17.14. - Amendments.**

This charter may be amended at any time in the manner provided by statute. Should two or more amendments adopted at the same election having conflicting provisions the one receiving the largest affirmative vote shall prevail as to those provisions.<sup>58</sup>

**Sec. 17.15. - Severability of charter provisions.**

If any provision, section, article or clause of this charter or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect any remaining portion or application of the charter which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determined by the court to be inoperable and to this end this charter is declared to be severable.

Deponent further says that said Charter and all amendments as set forth above have been duly approved by the Governor of the State of Michigan.

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<sup>58</sup> Like the Michigan Constitution, a city charter can be amended by the city's electors, either via a ballot proposal offered by a 3/5 voted of the City Council or by a proposal initiated by City electors. MCL 117.21–117.24. A charter revision can similarly result from a proposal put on the ballot by a 3/5 vote of the City Council or can be initiated by City electors. MCL 117.18; MCL 117.25. Charter revisions are required for fundamental changes in city government structure. *Midland v Arbury*, 38 Mich App 771 (1972). A charter revision results in election of a charter commission that has no obligation to maintain anything in the current charter except as mandated by state law. *Kelly v Laing*, 259 Mich 212, 217 (1932).

Deponent further says that said Charter is published by order of the Charter Commission under date of October 2, 1958, in accordance with the statute in such case made and provided.

John T. Hoeksema, Jr.,  
Secretary

Subscribed and sworn to before me this 2nd day of October, 1958.

Roger D. Anderson  
Notary Public  
Kent County, Michigan

My commission expires June 9, 1961.

## CHAPTER XVIII. - SCHEDULE CHAPTER

### Sec. 18.1. - Status of schedule chapter.

The purpose of this Schedule Chapter is to inaugurate the government of the City of Wyoming under this charter and it shall constitute a part of said charter only to the extent and for the time required to accomplish that end.

### Sec. 18.2. - Election to adopt this chapter.

This charter shall be submitted to a vote of the qualified and registered electors of the Township of Wyoming, the area encompassed by said township being the same as that included in the proposed City of Wyoming, at the same time as the regular State and Federal biennial fall election, to be held on the first Tuesday after the first Monday in November, 1958, being November 4, 1958. The polling places for said election shall be in the same place in each township precinct as the polling place for said State and Federal biennial fall election held at the same time.

This election shall be conducted by the township officials charged with the conduct and supervision of said State and Federal biennial fall election, 1958, and such officials are hereby appointed inspectors of election for the vote on this charter and for the city officials to be elected. The vote shall be canvassed by a board of canvassers appointed by the Charter Commission in accordance with statute.

### Sec. 18.3. - Form of ballot.

The form of the ballot for the submission of this charter shall be as follows:

#### INSTRUCTIONS

A cross (X) in the square  before the word "Yes" is in favor of the proposed charter, and a cross (X) in the square  before the word "No" is against the proposed charter.

#### BALLOT

Shall the proposed charter for the proposed City of Wyoming, drafted by the Charter Commission elected on April 1, 1957, be adopted?

- Yes
- No

### Sec. 18.4. - Effective date of this charter.

For all purposes not otherwise provided for herein, this Charter shall take effect on Thursday, January 1, 1959, at 12:01 o'clock a.m., Eastern Standard Time.

### Sec. 18.5. - First officers under Charter.

The first election of officers provided for in this Charter shall be held at the same time as the regular State and Federal biennial fall election, to be held on the first Tuesday after the first Monday in November, 1958, being November 4, 1958. At this election, the qualified and registered electors of the Township of Wyoming shall be entitled to vote for not more than one candidate for the office of Municipal Judge, to be elected at large as provided in this Charter, one Mayor to be elected at large as provided in this Charter, not more than three candidates for the offices of Commissioner to be elected at large as provided in this

Charter, and not more than one candidate for the office of Commissioner from each of the three wards to be elected by the qualified and registered electors residing in the respective wards as provided by this Charter.

The candidate for the office of Mayor who receives the highest number of votes for such office shall be declared elected for a term beginning at 12:01 o'clock a.m., January 1, 1959, and ending at 8:00 o'clock p.m., on the Monday next following the regular city April election in 1960.

The candidate for the office of Commissioner from Ward 1 receiving the highest number of votes for such office shall be declared elected for a term beginning at 12:01 o'clock a.m., January 1, 1959, and ending on the Monday next following the regular city April election in 1962.

The candidate for the office of Commissioner from Ward 2 receiving the highest number of votes for such office shall be declared elected for a term beginning at 12:01 o'clock a.m., January 1, 1959, and ending on the Monday next following the regular city April election in 1960.

The candidate for the office of Commissioner from Ward 3 receiving the highest number of votes for such office shall be declared elected for a term beginning at 12:01 o'clock a.m., January 1, 1959, and ending on the Monday next following the regular city April election in 1960.

The two candidates for the office of Commissioner, elected at large, who receive the two highest number of votes for such office shall be declared elected for a term beginning at 12:01 o'clock a.m., January 1, 1959, and ending at 8:00 o'clock p.m., on the Monday next following the regular city April election in 1962. The candidate for the office of Commissioner-At-Large who receives the third highest number of votes for such office shall be declared elected for a term beginning at 12:01 o'clock a.m., January 1, 1959, and ending at 8:00 p.m., on the Monday next following the regular city April election in 1960.

The candidate for municipal judge who receives the highest number of votes shall be declared elected for a term beginning 12:01 o'clock a.m., January 1, 1959, and ending at 12:00 midnight, July 3, 1960.

After this election, the provisions contained in this Charter relative to elections and terms of elective officers shall govern.

#### **Sec. 18.6. - Nomination of candidates for elective offices.**

Candidates for the elective offices to be voted upon at the election provided for in this chapter shall be nominated by petition in form, manner and substance as provided for in this Charter, except that the petition shall be filed with the Township Clerk, who shall perform all duties in connection with such nomination petitions as are required of the City Clerk by this Charter, and the nomination petitions shall be filed not later than the 7th day of October, 1958, at 5:00 o'clock p.m., Eastern Standard Time, with the Township Clerk, who shall make available a supply of official petition forms as required by this Charter to be furnished by the chairman of the Charter Commission, which petitions shall be made available for distribution on the 5th day of September, 1958.

Qualification for elective office shall be as provided in Section 5.1 of this Charter, except that the word "city" shall mean "Township of Wyoming," provided, however, that candidates for the office of Municipal Judge shall be attorneys in good standing admitted to practice in the Supreme Court of this State and shall be residents of the Township on the date of the biennial fall State and Federal election, 1958. The salary of the Municipal Judge in lieu of fees shall be \$10,000 per year until changed in accordance with this Charter.

The Secretary of the Charter Commission shall publish in a newspaper of general circulation in the proposed City of Wyoming, a notice of the time within which nomination petitions should be filed, number of signatures required, and the number of persons to be elected to each office to be voted upon at the State and Federal biennial elections in 1958, in accordance with the provisions of this Charter for publication of such notices. The names of those candidates who shall file valid, proper and sufficient nominating petitions, and have the qualifications required for the respective offices shall be certified by the Township Clerk to be placed upon the official ballot for such election.

**Sec. 18.7. - Prior township ordinances and regulations.**

All ordinances, resolutions, rules and regulations of the Township of Wyoming which are not inconsistent with the provisions of this charter in force and effect at the time of the adoption of this Charter, shall continue in full force as ordinances, resolutions, rules and regulations of the city until repealed or amended by action of the proper authorities.

**Sec. 18.8. - Continuation of employment of township officers and employees.**

After the effective date of this Charter [January 1, 1959], all appointive officers and employees of the Township of Wyoming shall continue in their respective city office or employment which corresponds to that provided in this Charter until their successors are appointed and qualified, and they shall in all respects be subject to the provisions of this Charter.

**Sec. 18.9. - Interim financial provisions.**

The Commission shall at its first meeting in January, 1959, by resolution continue the balances of the appropriations made by the township government until June 30, 1959, as appropriations under this Charter; provided, however, that such appropriations may be revised and changed in accordance with the needs of the new city, as permitted by the budgetary provisions of this Charter. At the close of business on June 30, 1959, the balances of all appropriations not encumbered shall, subject to statutory restrictions, revert to the general fund of the city for reappropriation during the fiscal year July 1, 1959, to June 30, 1960, inclusive.

**Sec. 18.10. - Continuation of the function and duties of the Planning Commission and Zoning Board of the Township of Wyoming.**

The Planning Commission and the Zoning Board of the Township of Wyoming as constituted upon the effective date of this Charter, shall continue in office and exercise the powers provided and granted in existing ordinances and bylaws of the Township of Wyoming until the controlling ordinances or bylaws have been revised, amended or repealed by Commission action.

**APPROVED AND ADOPTED** by resolution of the Charter Commission on June 25, 1958, and amendments adopted August 21, 1958, and September 29, 1958. Signed,

- (s) Paul E. Plummer, Sr.
- (s) Ted Zuidema
- (s) Jerry De Boer
- (s) John T. Hoeksema, Jr.
- (s) J. C. Kolderman, Jr.
- (s) Thomas K. Eardley, Jr.
- (s) David Visser
- (s) Charles J. Lemery

**AFFIDAVIT OF ADOPTION  
CHARTER OF THE PROPOSED CITY OF WYOMING**

STATE OF MICHIGAN  
COUNTY OF KENT—ss

John T. Hoeksema, Jr., being duly sworn, deposes and says that he is the Secretary of the Charter Commission of the proposed City of Wyoming, and makes this Affidavit in that capacity.

Deponent further says that the foregoing Charter is a true, complete, and correct copy of the proposed Charter of the City of Wyoming, including all amendments to the date hereof, as approved by the Charter Commission by resolutions under dates of June 25, 1958, August 21, 1958, and September 29, 1958, at duly constituted meetings of said Charter Commission.

Adopted by the electors on November 4, 1958, and effective on January 1, 1959.