



CITY OF GROSSE POINTE WOODS

20025 Mack Plaza Drive
Grosse Pointe Woods, Michigan 48236-2397

(313) 343-2440
Fax (313) 343-2785

NOTICE OF MEETING AND AGENDA

COMMITTEE-OF-THE-WHOLE

Mayor Robert E. Novitke has called a meeting of the City Council, meeting as a Committee-of-the-Whole, for **Monday, March 7, 2011, at 7:00 p.m.** The meeting will be held in the Conference Room of the Municipal Building, 20025 Mack Plaza, and is accessible through the Municipal Court doors. In accordance with Public Act 267, the meeting is open to the public and the agenda items are as follows:

1. Call to Order
2. Roll Call
3. Acceptance of Agenda
4. Closed Executive Session
5. Proposed Municipal Court Operating Agreement
 - A. Labor Negotiations
 - A. Letter 02/28/11 – City Attorney
 - B. Proposed Municipal Court Operating Agreement between the City of Grosse Pointe Woods and Village of Grosse Pointe Shores, A Michigan City
 - C. City of Grosse Pointe Code of Ordinances – Part 1 Charter:
 1. Chapter 3. Elections;
 2. Chapter 5. General Provisions Regarding officers and Personnel of the City;
 3. Chapter 15. Court
6. New Business
7. Adjournment

Alfred Fincham
City Administrator

IN ACCORDANCE WITH PUBLIC ACT 267 (OPEN MEETINGS ACT) POSTED AND COPIES GIVEN TO NEWSPAPERS

The City of Grosse Pointe Woods will provide necessary, reasonable auxiliary aids and services, such as signers for the hearing impaired, or audio tapes of printed materials being considered at the meeting to individuals with disabilities. All such requests must be made at least five days prior to a meeting. Individuals with disabilities requiring auxiliary aids or services should contact the City of Grosse Pointe Woods by writing or call the City Clerk's office, 20025 Mack Plaza, Grosse Pointe Woods, MI 48236 (313) 343-2440, Telecommunications Device for the Deaf (TDD) 313 343-9249, or e-mail the City Clerk at cityclerk@gpwmn.us.

cc:
Council – 7
Ahee
Berschback
Director of DPS
Rec. Secretary

Tutag
Hathaway
Irby
Fincham
Grosse Pointe News

Post - 8
File
Granger - Email

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OF COUNSEL
CHARLES T. BERSCHBACK *

February 28, 2011

VIA FACSIMILE 586.772.5841

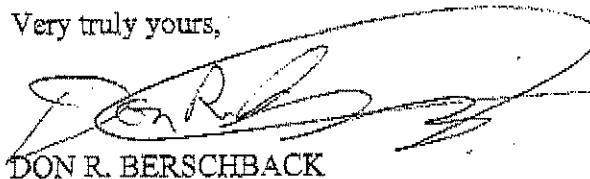
The Honorable Mayor Robert Novitke
City of Grosse Pointe Woods
20025 Mack Plaza
Grosse Pointe Woods, MI 48236

RE. Possible Municipal Court Operating Agreement

Dear Mayor Novitke:

I am faxing you a proposed Operating Agreement between the City of Grosse Pointe Woods and the Village of Grosse Pointe Shores, a Michigan City. There have preliminary discussions regarding the operation of our court and their court and this is the preliminary draft prepared by the City Attorney for Grosse Pointe Shores. If possible, I would ask that some time be set aside for Monday, March 7, 2011 at a COW meeting to discuss its contents. Awaiting your advises, I remain,

Very truly yours,



DON R. BERSCHBACK

DRB:nmg
Enclosures

5B

MUNICIPAL COURT OPERATING AGREEMENT
between
THE CITY OF GROSSE POINTE WOODS
and
VILLAGE OF GROSSE POINTE SHORES, A MICHIGAN CITY

This Agreement, effective _____, 2011, is made by and between the City of Grosse Pointe Woods ("GPW"), a Michigan municipal corporation, whose address is 20025 Mack Plaza Drive, Grosse Pointe Woods, MI 48236, and Village of Grosse Pointe Shores, A Michigan City ("GPS"), a Michigan municipal corporation, whose address is 795 Lake Shore Road, Grosse Pointe Shores, MI 48236.

WHEREAS, since approximately 1994 the Shores Division of the GPW Municipal Court has operated in the courtroom in the former Village of Grosse Pointe Shores ("Village"), in addition to its usual place of business in GPW, pursuant to MCL §78.22a and written agreement of the parties, most recently effective July 1, 1997. Pursuant to that agreement, any and all costs incurred in the administration of the court proceedings in GPS, including the Judge's salary, court administrator's salary, probationary costs, administration costs and other miscellaneous costs, have been the responsibility of and paid by GPS. Court records have been handled in accordance with the requirements of Michigan law and the State Court Administrative Office, and fines have been assessed in GPS in accordance with fine schedules enacted by the GPS Council. GPW's Municipal Judge has served in GPS in accordance with a separate agreement between the Judge and GPS.

WHEREAS, GPS became a Home Rule City on April 1, 2009, making new statutory authority for the continued operation of the Court appropriate. Such authority has now been obtained pursuant to Michigan Public Acts 251, 252 and 253 of 2010, signed and immediately effective on December 14, 2010.

WHEREAS, under Public Act 251, MCL §600.9928(3), GPS, by agreement with any of the cities that operate municipal courts in judicial district 32B, may provide that the municipal court of that city shall exercise the same jurisdiction and powers with respect to GPS as it exercises in the city in which it is located.

WHEREAS, under Public Acts 252 and 253, MCL §§730.508a, 168.10(2) and 168.11(4), upon execution of such an agreement with another city, citizens of GPS shall be

eligible to serve as judge of the municipal court of such city, and electors of GPS shall be eligible to vote in elections for judge of the municipal court of such city.

WHEREAS, in view of their long and successful relationship in the operation of the GPW Municipal Court in both GPW and GPS, the parties wish to continue and update their relationship in accordance with the new provisions of Public Acts 251, 252 and 253.

NOW, THEREFORE, GPW and GPS agrees as follows:

1. The GPW Municipal Court shall exercise the same jurisdiction and powers within GPS as it exercises in GPW. When operating in GPS, the Court will continue to be known as the Shores Division of the GPW Municipal Court and administered by GPS.

2. Any costs involved in the administration of the Shores Division of the GPW Municipal Court, including, but not limited to, the Judge's salary, clerk's salary, probationary costs, administration costs, and other miscellaneous costs directly associated with the administration of justice within the court setting in GPS, shall be paid for by GPS. Joint costs of operating the GPW Municipal Court that cannot be specifically allocated to either GPW or GPS shall be shared in accordance with a formula to be agreed to by the parties.

3. The salary of the Municipal Judge for his or her services within GPW is established by the GPW Local Officers' Compensation Commission. In view of the relative size of the dockets of the two cities within the Court, GPS shall pay the Judge 33.33% of the salary set by GPW, such compensation to be in addition to that paid to the Judge by GPW.

4. GPS residents wishing to stand for election as judge of GPW Municipal Court shall be responsible for complying with the Michigan election law and the election ordinances of GPW.

5. Pursuant to Public Act 253, MCL §168.11(4), a person who resides in GPS is considered a resident of GPW solely for the purpose of the election of the Municipal Judge, but such resident of GPS may register for and vote in such election in GPS. GPS and GPW election officials shall cooperate in the process of canvassing the vote for Municipal Judge.

6. GPW and GPS each hereby indemnifies and holds harmless the other from the consequences of acts of negligence of its employees, agents and others employed in the operation of the Court.

7. In entering into this Agreement, neither GPW nor GPS is assuming any legal responsibility for the internal affairs of the other, and/or the other's court proceedings.

8. This Agreement is intended and foreseen by the parties to continue without scheduled termination, although the terms of the Agreement may be amended by agreement of the parties. Notwithstanding the above, either party may terminate this agreement upon one year written notice to the other; provided, however, that such termination shall not become effective sooner than the effective date of a new municipal court agreement between GPS and one of the other cities with which it is eligible to make an agreement under Public Act 251, MCL §600.9928(3).

9. This Agreement is executed by the respective City Managers pursuant to resolution of the respective City Councils of GPW and GPS, and is effective as of _____.

CITY OF GROSSE POINTE WOODS

By: _____
Alfred J. Fincham, III, City Manager

Date: _____

VILLAGE OF GROSSE POINTE SHORES,
A MICHIGAN CITY

By: _____
Brian P. Vick, City Manager

Date: _____

CHAPTER 3. ELECTIONS*

***State law references:** Michigan election laws, MCL 168.1 et seq.

Section 3.1. Qualification of Electors.

The residents of the city having the qualifications of electors in the State of Michigan, and no others, shall be electors of the city.

State law references: Qualifications for registration as elector, MCL 168.492; mandatory that Charter provide for registration of electors, MCL 117.3(c); registration of electors generally, MCL 168.491 et seq.

Section 3.2. Election Procedure.

The election of all city officers shall be on a non-partisan basis. The general election laws of the state shall apply to and control, as near as may be, all procedures relating to registration and city elections except as such general laws relate to political parties or partisan procedure and except as otherwise provided in this charter.

Section 3.3. Wards and Precincts.

The City of Grosse Pointe Woods shall consist of one ward. The Council shall from time to time establish by ordinance convenient election precincts. The precincts into which the Village is divided on the effective date of this Charter shall be the precincts of the city until otherwise provided for by the Council.

State law references: Mandatory that Charter provide for one or more wards, MCL 117.3(e).

Section 3.4. Election Date.

A Regular City Election shall be held on the first Monday in April of 1965 and on the first Monday in April of 1966 and each even year thereafter.

Section 3.5. Elective Officers and Terms of Office.

The elective officers of the City shall be a Mayor, six Councilmembers and the Municipal Judge. At the Regular City Election in November of 1997, there shall be elected from the City at large, a Mayor for a term of four years and three City Councilmembers for a term of four years, and at the Regular City Election in 1999 there shall be elected from the City at large three City Councilmembers for a term of four years. In the year 2001 and each four years thereafter there shall be elected from the City at large a Mayor and three City Councilmembers, and in the year 2003 and each four years thereafter there shall be elected from the City at large three City Councilmembers.

At the Regular City Election in 1999 and every fourth year thereafter there shall also be elected the Municipal Judge for a term of four years, commencing on the 1st day of January next following such election.

(Adopted by electors 4-2-1956, 4-6-1964, 11-5-1996)

Section 3.6. Special Elections.

Special city elections shall be held when called by resolution of the Council at least thirty days in advance of such election, or when required by this charter or the general laws of the state. Any resolution calling a special election shall set forth the purpose of such election. No more than two special city elections shall be called in any one year.

State law references: Special elections, MCL 168.631 et seq.

Section 3.7. Notice of Elections.

Notice of time and place of holding any city election and of the officers to be nominated or elected and the questions to be voted upon shall be given by the Clerk in the same manner and at the same time as provided in the state election law for the giving of notice by township or city clerks.

State law references: Notice of election, MCL 168.653a.

Section 3.8. Voting Hours.

The polls of 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 any statutory right of the Council to adjust these hours to local time.

State law references: Opening and closing of polls, MCL 168.720.

Section 3.9. Nominations.

The method of nomination of all officers provided for in this charter which are to be filled by the electors of the city shall be by petition. Such petitions for each candidate shall be signed by not less than two hundred (200) nor more than two hundred and fifty (250) registered electors of the City. No person shall sign his name to a greater number of petitions for any one office than there are persons to be elected to said office at said election. Where the signature of any individual appears on more petitions than there are candidates to be elected to said office, the signature of such individual on all such petitions shall be invalidated.

Nomination petitions shall be filed with the city clerk at his office not prior to August 1 and not later than the second Monday in September preceding the date for holding the regular city election; and in case of a special election to fill a vacancy, not later than 30 days prior to the date fixed for holding such special election. No nomination petitions shall be received by the City Clerk after 5:00 o'clock P.M. prevailing time on the last day fixed for receiving nomination petitions. The clerk shall publish notice of the last day permitted for filing nomination petitions at least one week and not more than three weeks before such day.

In the event the provisions hereof shall, at any time, conflict with the provisions of the "Michigan Election Law," as the same may be hereafter amended, relating to [the] last day upon which such nomination petitions can be filed, the Council shall thereupon adopt an appropriate ordinance to provide

the last day upon which nomination petitions for city offices may be filed in conformity with the provisions of the statutes of the State of Michigan relating thereto.

(Adopted by electors 8-7-1962, 11-5-1996)

State law references: Preparation and filing of nominating petitions, MCL 168.542 et seq.

Section 3.10. Form of Petition.

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

State law references: Nonpartisan nominating petitions, MCL 168.544a.

Section 3.11. Approval of Petition.

The Clerk shall accept only nomination petitions which conform with the forms provided and maintained by him, and which, considered together, contain the required number of valid signatures for candidates having those qualifications required for the respective 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 in no way prevent a final determination that the petition does not meet such requirements. Within five days after the last date for filing petitions, the Clerk shall make his final determinations as to the validity and sufficiency of each nomination petition and whether or not the candidate has the qualifications required for his respective elective city office by this charter and shall write his determinations thereof on the face of the petition and shall notify in writing the candidate whose name appears thereon of his determinations. However, no petitions shall be determined to be valid unless the affidavit of qualifications provided for in Section 5.1 shall be filed with such petition. The names of the candidates who file valid and sufficient nomination petitions shall be certified by the Clerk to the Election Commission to be place [placed] upon the ballot for the next subsequent regular city election or at the next special election for the filling of vacancies in office, as the case may be.

Section 3.12. Public Inspection of Petitions.

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

Section 3.13. Election Commission.

An Election Commission is hereby created, consisting of the Clerk, the Attorney and one member of the Council who shall not be a candidate for elective office at the election for which he serves as a member of the Election Commission, such member to be appointed by the Council not less than fifteen days before each election. The members shall serve without compensation. The Clerk shall be chairman and two members of such board shall be a quorum. The Commission shall appoint the Board of Election Inspectors for each precinct and have charge of all activities and duties required of it by statute and this charter relating to the conduct of elections in the city. The compensation of election personnel shall be determined in advance by the Council. In any case where election procedure is in doubt, the Election Commission shall prescribe the procedure to be followed.

State law references: Duties of election commission, MCL 168.719.

Section 3.14. Form of Ballot.

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

If two or more candidates 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 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 on the ballot.

State law references: Preparation and distribution of ballots, MCL 168.559 et seq.; preparation, printing and delivery of official ballots, MCL 168.684 et seq.

Section 3.15. Canvass of Votes.

The Clerk and the members of the City Council shall be the board of canvassers to canvass the votes at city elections, except that if any of such persons are candidates for office at the election to be canvassed such persons shall not serve as a canvasser at such election. A majority of the members of such board shall be a quorum. The board of canvassers shall convene on the Thursday next succeeding each city election at the usual time and place of meeting of the Council and determine the results of the city election upon each question and proposition voted upon and what persons are duly elected to the several offices respectively at said election, and shall notify in writing the successful candidates of their election. The number of candidates for each office equal to the number to be elected to such office who receive the highest number of votes shall be elected. 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.

State law references: Canvass of returns, MCL 168.323.

Section 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 the general election laws of the state. Unless otherwise provided by statute the petition for a recount of the votes cast at any city election shall be filed with the Clerk within six days after the board of canvassers has made its official report of the result of the election at which such votes were cast, and any counter petition shall be filed within twenty-four hours thereafter.

State law references: Recounts, MCL 168.861 et seq.

Section 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 the recall of any elected official shall be filled in the manner prescribed by statute.

State law references: Recall, MCL 168.951 et seq.

CHAPTER 5. GENERAL PROVISIONS REGARDING OFFICERS AND PERSONNEL OF THE CITY

Section 5.1. Eligibility for Office in City.

No person shall hold any elective office of the city unless immediately prior to the last day for filing petitions for such office he is a qualified and registered elector of the city on such day and throughout his tenure of office.

The Municipal Judge shall, in addition, have the qualifications for that office prescribed in Section 15.3.

No person shall be eligible for any elective or appointive city office who is in default to the city or to any other governmental unit of the state. The holding of office by any person who is in such default shall create a vacancy unless such default shall be cured within thirty days after written notice thereof by the Council or unless such person shall in good faith be contesting the liability for such default.

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.

The Council shall be the sole judge of the election and qualification of its own members.

Each member of the city board or commission created by, or pursuant to, this charter shall have been a resident of this city or village for at least two years prior to the day of his appointment and shall be a qualified and registered elector of the city on such day and throughout his tenure of office.

All administrative officers shall be United States citizens. If the city Administrator is not a resident of the city at the time of his appointment, he shall become a resident thereof within one year after his appointment and shall so remain throughout his tenure in office.

No elective city officer may be appointed to any city office other than the office of Mayor or be employed by the city during the term of office for which he was elected or for two (2) years thereafter, except that after the expiration of his term of office he may be appointed as a member of an independent Board or Commission or to fill a vacancy in the position of Councilman.

(Adopted by electors 11-7-1989)

Section 5.2. Vacancies in Office; Removal from Office.

Any elective city office shall be declared vacant by the Council upon the occurrence of any of the following events 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;
- (b) If no person is elected to, or qualifies for, the office at the election at which such office is to be filled;
- (c) If the officer shall be found guilty by a competent tribunal of any act constituting misconduct in office under the provisions of this charter;
- (d) If the officer shall absent himself continuously from the city for more than thirty consecutive days in any one year without the permission of the Council;
- (e) In the case of any members of the Council, if such officer shall miss four

consecutive regular meetings of the Council, or twenty-five per cent of such meetings in any fiscal year of the city, unless such absences shall be excused by the Council and the reason therefor entered in the proceedings of the Council at the time of each absence;

(f) If the officer is removed from office by the Council in accordance with the provisions hereinafter set forth.

The office of any member of any board or commission created by, or pursuant to, this charter shall be declared vacant by the Council:

(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 tribunal 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 per cent of such meetings in any fiscal year of the city, unless such absences shall be excused by such board or commission and the reason therefor entered in the proceedings of such board or commission at the time of each absence;

(d) If the officer is removed from office by the Council in accordance with the provisions hereinafter set forth.

Removals of officers by the Council shall be made for either of the following reasons: (1) for any reason specified by statute for removal of city officers by the Governor, (2) for misconduct in office under the provisions of this charter. Such removals by the Council 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 Council in office at the time, exclusive of any member whose removal is being considered, shall be required for any such removal.

State law references: Removal of city officers, MCL 168.327.

Section 5.3. Resignations.

Resignations of elective officers shall be made in writing and filed with the Clerk and shall be acted upon by the Council at its next regular meeting following receipt thereof by the Clerk. Resignations of appointive officers shall be made in writing to the appointing officer or body and shall be acted upon immediately.

Section 5.4. Filling Vacancies in Offices.

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

(b) Vacancies in elective offices other than [the] Municipal Judge shall be filled by appointment by the Council, of a person possessing the qualifications for the office. Any person appointed to a vacancy in any such elective offices shall hold office until such vacancy is filled at the next regular city election. If four or more vacancies exist simultaneously in the positions of Mayor and Councilmembers, the Clerk shall within 10 days thereafter call a special election to be held within 60 days to fill such vacancies for the unexpired terms of the officers whose offices have become vacant.

(c) Vacancies in the office of Municipal Judge occurring more than sixty days before the regular city election to be held in years (1) other than in 1954, or (2) other than in any fourth year after 1954, shall be filled by appointment by the Council for a term expiring on the 31st of December following the next regular city election. At such election such vacancy shall be filled for the balance of the unexpired term of office.

Vacancies in the office of Municipal Judge occurring sixty days or less before the regular city election in years (1) other than in 1953 or 1954, or (2) other than in any fourth year after 1953 or 1954, shall be filled by appointment by the Council for a term expiring on the Monday following the second succeeding regular city election. At such second succeeding regular city election such vacancy shall be filled for the balance of the unexpired term of office.

Vacancies in the office of Municipal Judge occurring (1) in the period beginning on the sixtieth day before the regular city election in 1953 and ending on July 4, 1954, or (2) in the corresponding period beginning in any fourth year after 1953, shall be filled for the balance of the unexpired term of office.

(Adopted by electors 4-7-1952, 11-5-1996)

Section 5.5. Change In Term of Office or Compensation.

Except by procedures provided in this charter, the terms of office of the elective officers and 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 successor is elected and has qualified. The Council 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 from the time of his election until the end of the term of office for which he was elected, except by vote of a majority of the electors voting on the question.

(Adopted by electors 11-5-1996)

Section 5.6. 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 of the State and shall file the oath with the Clerk, together with any bond required by statute, this charter or by the Council. In case of failure to comply with the provisions of this section within ten days from the 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 Council shall, by resolution, extend the time in which such officer may qualify as above set forth.

State law references: Oath of public officers, Mich. Const. 1963, art. XI, § 1.

Section 5.7. 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 Council, 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 Council 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 an agent of the city, all books, papers, moneys, effects and property

belonging thereto, or appertaining to his office, which may be in his custody as an officer or employee; and such bonds may be further conditioned as the Council 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 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. All bonds of all officers or employees shall be filed with the Clerk, except that any bond pertaining solely to the Clerk shall be filed with the Treasurer.

Section 5.8. 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, and 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 court of competent jurisdiction 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.

Section 5.9. Financial Interest Prohibited.

(a) Except as permitted by this section no contract or purchase involving an expenditure in excess of one hundred dollars shall be made by the city in which any elective or appointive officer, (except a member of a city board or commission created by or pursuant to this charter) or any member of his family has any financial interest, direct or indirect, other than the common public interest. A "contract" shall for the purposes of this section include any arrangement or agreement pursuant to which any material, service or other thing of value is to be furnished to the city for a valuable consideration to be paid by the city, or sold or transferred by the city, except the furnishing of personal services as an officer or employee of the city; and the term "member of his family" shall include only [a] spouse, child, grandchild, father, mother, sister, brother and the spouse of any of them.

(b) Without limiting the generality of paragraph (a) of this section, an officer shall be deemed to have a financial 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 of 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 financial interest in such contract unless the aggregate amount of such securities, or interest in such securities, so owned by such officer and the members of his family, shall amount to ten per cent 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 financial interest may be made by the city if the members of the Council having no such interest shall unanimously determine that the best interests of the city will be served by the making of such contract and if either such contract is made after competitive prices are obtained or if the members of the Council having no such interest shall unanimously determine that the obtaining of competitive prices is not feasible in such particular case. Any Council member may evidence his participation in either

determination required by this paragraph by vote at a Council meeting or by written instrument filed with the Clerk.

(d) Any officer who knowingly permits the city to enter into any contract in which he has a financial interest without disclosing such interest to the Council prior to the action of the Council in authorizing such contract, shall be guilty of misconduct in office. Except in the instances specified in paragraph (c) of this section, the unanimous determination (by vote or written instrument) of all members of the Council that in a particular case an officer or member of his family will not have a financial 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 shall stand as surety on any 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.

State law references: Conflicts of interest as to contracts, MCL 15.321 et seq.; standards of conduct and ethics, MCL 15.341 et seq.

Section 5.10. Compensation 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 Council.

(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 Administrator. The provisions of paragraph (b) of this section shall not apply to fees, commissions or other compensation paid by the County of Wayne to any officer or employee serving as a city representative on the Board of Supervisors who is not a full time officer or employee of the city.

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

State law references: Salaries, MCL 117.5(d).

Section 5.11. Employee Welfare Benefits.

The Council shall have the power to finance and provide group life, health and accident, and hospitalization and surgical benefit insurance for the administrative officers and employees and retired employees of the City, and its departments and boards, and the dependents of such administrative officers and employees, by the adoption of any recognized standard plan of group life, health and accident or hospitalization and surgical benefit insurance.

(Adopted by electors 4-6-1970)

Section 5.12. Anti-Nepotism.

The following relatives and their spouses (1) of any elective official or (2) of his spouse, or of the City Administrator or of his spouse are disqualified from holding any appointive office or any employment during the term for which said elective official was elected or during the tenure of office of the City Administrator, respectively: child, grandchild, parent, grandparent, brother, sister, half brother

and half sister. 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 said elective official or appointment of said City Administrator, respectively.

Section 5.13. Merit System; Civil Service.

The Council may provide for a merit or civil service system for city employees.

CHAPTER 15. COURT*

***State law references:** Retention of municipal courts in certain cities, MCL 600.9928.

Section 15.1. Establishment of Courts.

There is hereby established a Court in the city. The presiding officer of such Court shall be a justice of the peace elected in accordance with the provisions of this charter. This Court is created under the authority of Section 28 of Act No. 279 of the Public Acts of Michigan of 1909 (MCL 117.1 et seq.), as amended.

Section 15.2. Title of Court.

- (a) The Court shall be entitled "Municipal Court."
- (b) The justice of the peace shall be entitled "Municipal Judge" and shall be so designated in nominating petitions, on election ballots and in all other election procedures.
- (c) The Court shall be referred to in all process, pleadings and proceedings therein as the Municipal Court of the City of Grosse Pointe Woods, and the justice of the peace thereof shall be referred to in such process, pleadings and proceedings as the Municipal Judge of the City of Grosse Pointe Woods.

Section 15.3. Qualifications of Presiding Officer of Court.

The Municipal Judge of the Court shall meet the eligibility requirements contained in Section 5.1 and shall be an attorney admitted to practice law in the Supreme Court of this State immediately preceding the date of his appointment or election. Neither he nor his business partners or employees shall have any part in any case before this Court.

(Adopted by electors 11-5-1996)

Section 15.4. Compensation of Municipal Judge.

The Municipal Judge of the Court shall receive annual compensation of nine thousand dollars.

The salary for the office provided shall be in lieu of all fees, both in civil and criminal cases, to which the municipal judge might be entitled but for the provisions of this section, except those for the performance of marriage ceremonies and for administering oaths in matters not connected with suits and proceedings in his court.

(Adopted by electors 11-5-1996)

Editor's note: The compensation of the municipal judge is now established by the local officers compensation commission under Code § 2-251 et seq. See also Code § 26-31.

Section 15.5. Bond.

The presiding officer of the Court shall, before entering upon the duties of his office, give a bond to the City of Grosse Pointe Woods and to the Treasurer of the County of Wayne, each in such sum as shall be set by ordinance or statute and which shall in no case be less than two thousand dollars each. Such bonds shall be subject to the provisions of Section 5.7.

Section 15.6. Jurisdiction of Court.

(1) *General Jurisdiction.* The Court shall have and exercise within the City of Grosse Pointe Woods and County of Wayne the same jurisdiction, powers and duties as are or may be conferred upon or required of Judges in cities and townships by statute and shall be subject to such statutes with respect to such Judges except as otherwise provided in this charter. The Court shall have concurrent jurisdiction with other Judges in Wayne County as to all crimes, offenses and misdemeanors alleged to have been committed within Wayne County, whether within or without the city.

(2) *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 or ordinances prescribed and directed.

(3) *Extended Jurisdiction.* The Court shall also have jurisdiction to the amount of fifteen hundred dollars in all civil matters ex contractu and ex delicto with such exceptions and restrictions as are provided by law.

(4) *Additional Authority.* The Court shall have additional jurisdiction, powers and duties as may now or hereafter be conferred upon such courts by statute.

(Adopted by electors 11-5-1996)

Section 15.7. Fees and Costs.

The Council shall by ordinance establish and fix the fees and costs which may be taxed by the Court in all civil matters and in all cases for the violations of the charter or city ordinances and in such criminal cases which will not be inconsistent with the general laws of the state. Such ordinances shall be originally enacted within ninety days after the effective date of this charter.

Section 15.8. Disposition of Fees, Cost and Fines; Fees in State Criminal Cases.

(a) *Civil Cases.* All fees in civil cases shall be collected by the Court and turned over to the City Treasurer on or before the first day of the next month after collection or receipt thereof and shall be credited to the general fund of the city.

(b) *State Criminal Cases.*

(1) All fees and costs in state criminal cases shall be charged and presented to and audited by the Board of Supervisors of Wayne County, in the same manner and amounts as provided by law in the cases of justices of the peace in townships, and upon allowance by said Board, shall be paid monthly by said county to the City Treasurer for the use and benefit of the city and shall be credited to the general fund of the city. The expenses of prosecution before the Court for violations of criminal laws of the state and

in punishing the offenders shall be paid by the County of Wayne.

(2) All fees, costs, penalties and forfeitures imposed by the Court in state criminal cases shall be paid over by the Court to the County Treasurer within thirty days after the receipt thereof.

(c) *Charter and Ordinance Violations.* All fines, costs, penalties, forfeitures and moneys collected or received by the Court on account of violations of any provisions of the charter or ordinances of the city shall be paid over by the Court to the City Treasurer on or before the first day of the next month after collection or receipt thereof and shall be credited to the general fund of the city.

(d) *Failure to Comply.* Failure of the presiding officer of the Court to comply with the provisions of this section shall constitute misconduct in office.

Section 15.9. Place and Conduct of Court.

The Council shall furnish necessary supplies and a suitable place for conducting Court. It may regulate the hours of Court and may make other necessary and proper rules and regulations for the conduct of the business of the Court which are not inconsistent with this charter or statute.

The presiding officer of the Court shall file with the Council promptly after the end of the fiscal year an annual report of the Court in such detail as the Council shall prescribe.

Section 15.10. Docket.

There shall be kept at the place of holding court a docket in the manner required by statute. Failure of the presiding officer of the court to make provision for the maintenance of such a docket shall constitute misconduct in office.

Section 15.11. Transfer of Cases.

In case of the absence, disability or disqualification of the presiding officer of the Court, any other justice of the peace or Municipal Judge in the County of Wayne shall be qualified to act in his place and for him in the performance of any of the duties imposed upon him by statute or this charter; and shall so act when called upon in the manner and under the conditions herein set forth. The Council shall by ordinance fix the compensation to be paid Justices or Judges for such services and the procedure to be followed in calling upon them so to act. Unless the Council shall so provide by ordinance, no such Justice or Judge shall so act or be entitled to compensation therefor.

Section 15.12. Court Clerk.

The Council may by ordinance provide for a court clerk and one or more deputy clerks to perform such duties as shall be therein prescribed. Such clerk and deputy clerks shall also, by virtue of their office, have the statutory powers to administer oaths to persons making affidavits for writs in civil causes and to issue all process and test the same in the name of the presiding officer of the Court and shall be required to collect all fees, costs, fines and other moneys paid into court and to keep a record book of the same and to pay over all such moneys to the authorities of the city or county or other persons entitled to the same as directed by this charter, the proper authorities or by law, and the Council shall cause such book to audited annually.

Section 15.13. Court Officers.

The City Administrator upon request of the presiding officer of the Court, 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 during the pleasure of the City Administrator. 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 5.10.

Section 15.14. Constables.

The City Administrator shall appoint one or more police officers of the city as Constables. Such Constables shall have like powers and authority in matters of civil and criminal nature, and in relation to the service of process, civil and criminal, as are conferred by law on Constables in townships. They shall have power also to serve all process issued for breaches of ordinances of the city. The bond of Constables shall be that required of Constables in townships and shall otherwise be subject to the provisions of Section 5.7. The Statutory fees received by such Constables shall be paid into the city treasury in accordance with Section 5.10.

Editor's note: Constables were abolished pursuant to MCL 117.32.

Section 15.15. Violations Bureau.

The Council shall have power and authority to establish by ordinance a Violations Bureau within the Court for the handling of such violations of ordinances and regulations of the city, or parts thereof, as prescribed in the ordinance establishing such Bureau. Any person who has received any notice to appear in answer to a charge of violating any of such ordinances may within the time specified in the notice of such charge answer at the Violations Bureau to the charges set forth in such notice by paying a fine prescribed by ordinance which cannot be waived by the Bureau, and in writing pleading guilty to the charge, waiving a hearing in court and giving power of attorney to make such a plea and pay such fine in court. Acceptance of the prescribed fine and the power of attorney by the Bureau shall be deemed to be complete satisfaction for the violation, and the violator shall be given a receipt which so states. The creation of such a Bureau shall not operate so as to deprive any person of a full and impartial hearing in Court should such person so choose.