

CHAPTER XVI

TRANSITION

Section 16.1 Purpose.

The purpose of this chapter is to inaugurate the government of the City of the Village of Douglas under this charter and to provide for the transition from the Village of Douglas. It shall constitute a part of this charter only to the extent and for the time required to accomplish this end.

Section 16.2 Election To Adopt.

This charter shall be submitted to a vote of the registered electors of the territory described in Section 1.2 at an election to be scheduled by resolution of the Charter Commission subsequent to the approval of this charter by the Governor, of the State of Michigan between the hours of 7:00 a.m., and 8:00 p.m., local time. All provisions for the submission of the question of adopting this charter at such election shall be made in a manner provided by law. The election shall be conducted by the Charter Commission, provided, however, that the Charter Commission may delegate such responsibilities as it deems proper to the Village Clerk. If at said election a majority of the electors voting thereon shall vote in favor of the adoption of this charter, then the city clerk shall perform all other acts required by law to implement this charter into effect.

Section 16.3 Form Of Ballot.

The form of the ballot for the submission of this charter shall be as follows:

Instructions: A mark in the square before the word "Yes" is in favor of the proposed charter, and a mark in the square before the word "No" is against the proposed charter.

Shall the proposed charter for the City of the Village of Douglas, drafted by the Charter Commission elected on April 21, 2003 be adopted?

Yes

No

Section 16.4 Effective Date of Charter.

If the votes upon the adoption of this charter show it to have been adopted, it shall take effect and become law as the Charter of the City of the Village of Douglas upon certification of the election and the filing of the charter with the Allegan County Clerk and the Michigan Secretary of State.

Section 16.5 First Election.

An election to elect the first city council shall be held on same day as the Charter election. Seven (7) council persons shall be elected.

- (a) The four (4) council candidates receiving the highest number of votes shall have a term beginning on the date this charter becomes effective and ending at 8:59 o'clock in the morning local time on the Monday following the date of the second regular election thereafter.
- (b) The three (3) council candidates receiving the next highest number of votes shall have a term beginning on the date this charter becomes effective and ending at 8:59 o'clock in the morning local time on the Monday following the date of the first regular election thereafter.
- (c) At the first regular meeting after the election, the council shall elect the mayor and mayor pro-tem from the seven (7) council members.

Section 16.6 Subsequent Elections.

Henceforth, the elections for the city mayor and city council shall be held as set forth in Section 3.4 of this charter.

Section 16.7 Administrative Officers And Employees.

- (a) Nothing in this charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are village officers or employees at the time of its adoption.
- (b) Except as specifically provided by this charter, if at the time this charter takes full effect a village administrative officer or employee holds an office or position which is or can be abolished by or under this charter, he or she shall continue in such office or position until the taking effect of some specific provision under this charter directing that he or she vacate the office or position.
- (c) An employee holding a village position at the time this charter takes full effect shall continue in that same or comparable position at the time of its adoption and shall not be subject to competitive tests as a condition of continuance in the same position but in all other respects shall be subject to the personnel system provided for in Section 7.2 of this charter.

Section 16.8 Transfer Of Property And Records.

All property, records and equipment of any department, office or agency existing when this charter is adopted shall be transferred to the department, office or agency assuming its powers and duties.

Section 16.9 Council Meetings.

- (a) Until otherwise provided by council, the council shall hold two (2) regular meetings each month at such times and places as prescribed by council.
- (b) On the first Monday following the effective date of this charter, the newly-elected members of the council shall hold the first regular meeting of the city council at 7:00 p.m. at the Village Hall.

Section 16.10 Council Action.

In all cases involving the transition of the city government from that under the previous charter to that under this charter, which are not covered by this Article, the council shall supply necessary details and procedures and may adopt such rules, regulations, and ordinances as may be required therefore.

Section 16.11 Initial Expenses.

Initial expenses of the city shall be paid by the city subject to an interim financial budget. There shall be an audit of this interim fiscal period in accordance with the provisions of Section 9.10 of this charter.

Section 16.12 Pending Matters.

All rights, claims, actions, orders, contracts and legal administrative proceedings shall continue except as modified pursuant to the provisions of this charter and in each case shall be maintained, carried on or dealt with by the city department, office or agency appropriate under this charter.

Section 16.13 Vested Rights And Liabilities.

After the effective date of this charter, the city and all its agencies shall be vested with all property, moneys, contracts, rights, credits, effects, and the records, files, books and papers, belonging to the Village of Douglas. No right or liability, contract, lease, or franchise, either in favor of or against the city, existing at the time this charter became effective, and no suit or prosecution of any character shall be affected in any manner by any change resulting from the adoption of this charter, but the same shall stand or proceed as if no change had been made. All taxes, debts, and liabilities due to the village from any person, and all fines and penalties, imposed and existing at the time of such

change, shall be collected by the city. All trusts established for any municipal purpose shall be continued in accordance with the terms thereof, subject to the *cy pres* doctrine.

Section 16.14 State And Municipal Laws In General.

All Village of Douglas ordinances, resolutions, orders and regulations which are in force when this charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this charter or of ordinances or resolutions adopted pursuant thereto.

Section 16.15 Government.

Subject to the right to resubmit the Charter pursuant to MCL 117.16 et seq., in the event the charter proposition is defeated, the Village of Douglas remains *status quo*.

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