

**SOUTHERN LAKES REGIONAL METROPOLITAN PARKS & RECREATION
DISTRICT**

PROPOSED CHARTER

PREAMBLE

We the people of the Southern Lakes Regional Metropolitan District, including the Cities of Fenton and Linden (together the “Cities” and each a “City”) and the Townships of Argentine, Fenton and Tyrone (together the “Townships” and each a “Township”) in the Counties of Genesee and Livingston, State of Michigan, pursuant to the authority granted by the Constitution and the statutes of the State of Michigan, particularly Act No. 312 of the Michigan Public Acts of 1929, as amended (“PA 1929, No. 312”), in order to establish a Metropolitan District government, and to provide for and maintain the common interests and welfare of our people, do hereby ordain and establish this Charter of the Southern Lakes Regional Metropolitan Parks & Recreation District (the “District”).

Section 1. Name

The corporate name of this District shall be the Southern Lakes Regional Metropolitan Parks & Recreation District.

Section 2. Boundaries

The District, to the extent approved by the electors, shall include lands of the Cities of Fenton and Linden, County of Genesee, State of Michigan; Townships of Argentine T5N, R5E, and Fenton T9N, R6E, County of Genesee, State of Michigan; and Township of Tyrone, T4N, R6E County of Livingston, State of Michigan. The Cities of Fenton and Linden are within the boundaries of the Charter Township of Fenton. The boundaries of the District may from time to time be enlarged consistent with the terms and provisions of PA 1929, No. 312.

Section 3. General Powers

Article 1. The District shall be a body corporate and as such shall have perpetual existence unless dissolved in accordance with the provisions of PA 1929, No. 312.

Article 2. The District shall have the right to sue and to be sued, shall have the power to contract, and may have a corporate seal.

Article 3. The District shall possess all powers permitted and allowed to Metropolitan Districts under the authority of the law, the statutes and the Constitution of the State of Michigan and as relate to the establishment, maintenance and operation of a system of parks, recreational facilities and programs. Any enumeration of specific or particular powers in this Charter shall not operate as an exclusion of or limitation upon any general powers of the District as allowed by law.

Section 4. Particular Powers

The District shall have the following further powers:

Article 1. Acquisition and Maintenance of Property. To acquire (by purchase, lease or otherwise), own, operate and maintain, either within or without its territorial limits, a system of parks and public recreational facilities including, but not limited to, related buildings, structures, sports fields, apparatus, equipment, pathways, waterways, courts and pools used in connection with the operation of a Parks & Recreation program.

Article 2. Acquisition of Private Property. To acquire private property either by purchase, gift, or condemnation, for any public use or purpose within the scope of this District's power.

Article 3. Acquisition of City or Township Rights, Obligations or Property. To acquire, by lease, purchase or otherwise, and succeed to any or all of the rights, obligations and property of the Cities or Townships, or any parts thereof, comprising lands and structures within the territorial limits of the District, respecting, affiliated, or connected with a system for the maintenance of parks and recreational facilities. The following parks and recreation facilities presently within the District include: Franklin D.

Adams Park, Bush Park, Conklin Park, Freedom Park, Millpond Park, Oak Park, O'Donnell Park, Rackham Park, Strom Park, Silver Lake park, Triangle Park, Wal-Mar Park, Linden Mill Area, Mill Pond Park and the Loose Senior Center. The District may enter into a legally binding agreement with any City or Township to execute its authority. Upon approval of this Charter, no further approval shall be necessary for the District to execute its authority in regard of facilities within the District as approved.

Article 4. Sale of Parks and Facilities. To sell or lease owned lands and facilities within or without its territorial limits.

Article 5. Management and Control of Property. To exercise all District powers in the management and control of District property, including the extent of use by persons residing outside the territorial limits of the District, and in the administration of the District, whether such powers are expressly enumerated or not.

Article 6. Enactment and Enforcement of Law. To pass and enforce all laws, ordinances, and regulations relative to its concerns, and for the care, protection, control, operation and management of the property and the parks program, subject to the Constitution and general laws of the State of Michigan.

Article 7. Collection of Funds. To lay and collect rents, tolls, excises, service charges, and assessments.

Article 8. Revenue Bonds. To borrow money and issue revenue bonds in accordance with the provisions of 1933 PA 94, The Revenue Bond Act, as amended.

Article 9. Borrowing Power. To borrow money and issue bonds on the credit of the District in a sum not to exceed 2 per centum of the assessed value of all real and personal property in the District for the purpose of acquiring, owning, purchasing, constructing, maintaining or operating a system of parks and recreation facilities or any combination thereof: Provided, that the District may borrow money and issue bonds for any of the above purposes or any combination thereof which will impose no liability upon the District but which may be paid and secured only by special assessment levied against

each parcel for the particular improvement herein provided for and for the payment of which bonds are issued.

Article 10. Taxation. To appropriate money annually for district purposes and to lay and collect taxes for district purposes in a sum not to exceed one-half of one (1/2 of 1) percent of the taxable value of all real and personal property in the district; provided, however, that the District shall not levy a sum in excess of .4 mill (four-tenths mill) on taxable value without approval of the electors of the District.

Article 11. Lien. To create a lien on any property and for taxes for the payment of any bonds issued or for the cost and expense of making any improvement herein provided for.

Article 12. Special Assessments: To create a special assessment district to provide for the cost and expense of any park or recreation facility, or combination thereof, herein provided for. The Commission shall prescribe, by general ordinance, a complete special assessment procedure concerning the initiation of projects, plans and specifications, estimates of costs, notice of hearings, the making and confirming of the special assessment rolls and correction of errors therein, the collection of special assessments, and any other matters concerning the making of improvements by the special assessment method.

Section 5. Fiscal Year

The fiscal year of the District shall commence on the first day of January and end on the 31st day of December following.

Section 6. Organization

Article 1. District Commission. All the powers of the District, except as otherwise provided herein, shall be vested in a commission consisting of two (2) members from each participating City or Township (“Commission”), to be appointed as specified in Section 7.

Article 2. Powers of the Commission. The Commission shall constitute the legislative body of the District and shall possess full authority to enact

such laws, ordinances and regulations and to adopt such resolutions as it shall deem proper for the exercise of any or all powers possessed by the District. The Commission shall act as a general policy making body will formulate the overall goals and objectives of the District.

Article 3. Qualifications.

Any qualified elector of the participating Cities or Townships shall be eligible for the office of District Commissioner. Such Commissioners shall be appointed by a majority vote of their representative City or Township governing bodies.

Article 4. Term of Office.

- A. Commissioners shall serve a term of 3 years from the date of appointment by their participating City or Township. Commissioners may be removed for cause.
- B. Staggered terms will be used initially based on City and Township population at the time of approval of this Charter. Commissioners from the City or Township with the highest population at the time of adoption shall receive 3-year terms. Commissioners from the City or Township with the second highest population shall receive 2-year terms. Commissioners from Cities or Townships with the next lowest population shall receive the 1-year terms.

Article 5. Meetings

- A. The first Commission meeting shall be held on the third Monday following certification of the adoption of this Charter by the qualified electors of the District. Thereafter, the Commission shall meet at least twelve times a year. Notice of meetings shall be given in accordance with the provisions of 1976 PA 267, the Open Meetings Act. Notices shall be posted within each participating Cities or

Townships in the customary locations at which Open Meetings Act notices are posted.

- B. The Chairperson or a majority of the members of the Commission may call a special meeting of the Commission by giving written notice to the public and to each member of the Commission at least eighteen (18) hours prior to the time fixed for meeting, which notice may be posted or published, and may be served on Commissioners personally or by leaving same at the Commissioner's usual place of residence. Such notice calling the special meeting shall state the purpose or purposes for which the meeting is called.
- C. The Commission shall formulate its own rules and order of business, shall keep in the English language a printed or written journal of its proceedings, and all meetings shall be meetings pursuant to the Open Meetings Act, 1976 PA 267. Any citizen within and without the territorial limits of the District may have access to the journal of the proceedings of the Commission during regular business hours and pursuant to the Freedom of Information Act, 1976 PA 442.

Article 6. Commission Officers. The Commission at its first regular meeting following the adoption of this Charter and thereafter at the first regular meeting each December shall elect each of the following officers to serve the following calendar year:

A. Chairperson, who shall be the presiding officer of the Commission and who shall perform such duties as are or may be imposed or authorized by the laws of this State or Charter.

B. Vice Chairperson, who shall perform all the duties of the Chairperson in the absence of the Chairperson.

C. Secretary, whose duty it shall be to attend all meetings, keep records of its proceedings in the English language, and all administrative records of the Commission, and perform such other duties as shall be prescribed by the Commission or by the general laws of this State. Subject to approval by the Commission, the Secretary may retain the professional services of qualified firms and individuals to assist in these functions.

D. Treasurer, whose duty it shall be to take charge of all finances of the District, to keep and supervise all accounts and financial records, and perform such other duties as shall be prescribed by the Commission or by the general laws of the State of Michigan. The Treasurer shall keep a system of accounts that shall conform to any uniform system required by the general laws of the State and shall give bond as required by the Commission. The premium or cost of the bond required of the Treasurer shall be an expense of and paid by the District. Subject to approval by the Commission, the Treasurer may retain the professional services of qualified firms and individuals to assist in these functions.

Article 7. Quorum. A majority of the members of the Commission then qualified and serving shall constitute a quorum.

Article 8. Compensation. There will be no compensation paid to Commissioners by the District for their services or attendance at meetings. Upon approval of the Commission, Commissioners may be reimbursed for actual, verified expenses associated with the work and objectives of the Commission as set forth in this Charter.

Article 9. Contract Interest Forbidden. Except as expressly permitted under the provisions of the State Conflicts of Interest Act, PA 1968, No. 317, as amended or other applicable law, no member of the Commission shall

have a personal financial interest, directly or indirectly, in any contract or work in which the District is a party; nor shall any member have a personal financial interest, directly or indirectly, in the sale to or by the District of any lands, materials, supplies, or services. Any member of the Commission who violates the provisions of this section shall be subject to the penalties PA 1968, No. 317.

Article 10. Appointment of Administrative Agents. The Commission shall have authority to employ and fix compensation of such administrative agents, as it deems necessary for the successful management of the business of the District. Specifically, the Commission shall hire an Executive Director who will be charged to effectuate goals and objectives of the Commission and who shall be responsible to plan, conduct and operate a program to meet the needs of the citizens of the District as approved by the Commission. The Commission may enter into employment contracts with any employees, including the Executive Director. Subject to the approval of the Commission, the Executive Director may hire such full and part time staff to carry out the Commission's programs and operations. The Executive Director shall submit a proposed annual budget and other financial projections to the Commission for approval no later than 60 day prior to the start of each fiscal year.

Section 7. Appointment to District Commission

Article 1. Local Appointments. Each participating City and Township shall appoint two Commissioners to the Commission.

Article 2. Oath of Office. All members of the District Commission, before commencing their duties, shall take the constitutional oath of office.

Section 8. General Taxation

Article 1. Taxation Subjects. The subjects of taxation for the District purposes shall be the same as for state, county and school purposes under the general law of the State of Michigan. Provided, however, that the subjects of taxation for the District shall be limited to those specified in Section 4, Article 10 of this Charter unless otherwise expanded by amendment of this Charter and as shall be approved by the electors of the District.

Article 2. Levy, Collection, and return of Taxes. All taxes shall be levied, collected and disbursed by the proper assessing and taxing officer or officers of the Cities and Townships which comprise the District in the same manner that other Cities and Townships' taxes are levied, collected and disbursed according to the General Tax Law for the State of Michigan. The Commission shall ascertain the total millage to be appropriated for the District in any year, and shall thereupon certify to the appropriate officer or officers of the Cities and townships, the millage to be levied for the District by the Cities and Townships in the manner required by PA 1929, No. 312. All real and personal property taxes shall become due and payable on December 1 of each current year. The millage is to be levied against the current taxable value of all real and personal property in each respective unit. Such sums so certified shall be a direct obligation of the Cities and Townships in the District.

Article 3. Taxes a Debt and a Lien. The taxes thus levied shall become a debt to the District from the persons to whom they are assessed on the same day that taxes of the Cities and Townships become a lien against real property. The lien on such real property and the lien for such amounts and for all interest charges and penalties thereon shall continue until payment thereof. All personal property taxes shall also be a lien on all personal property of such persons so assessed from and after the same day the Cities and Townships personal property taxes become a lien. Such lien shall take precedence over

any sale, assignment, or chattel mortgage levy or any other lien on such personal property except for such property as actually shall be sold in the regular course of retail trade.

Section 9. Sinking Funds

The District shall have authority to create any sinking fund or funds as are required by the laws of the State of Michigan or as otherwise may be deemed appropriate by the Commission.

Section 10. Legislation

Article 1. Form. All proposed ordinances shall be introduced in written or printed form and the style of all ordinances shall be “The Southern Lakes Regional Metropolitan Parks & Recreation District ordains...”

Article 2. Adoption and Amendment. Except in the case of ordinance declared to be emergency ordinance no proposed ordinance shall be adopted by the Commission at the same meeting at which it is introduced. Such proposed ordinances may be adopted at any subsequent meeting. No ordinance shall be amended unless the section or sections that are intended to be amended shall be restated as amended.

Article 3. Vote Necessary to Adopt. The adoption of any ordinance by the Commission shall require the concurrence of a majority of the members of the Commission.

Article 4. When Ordinances Take Effect. The time at which any ordinance shall take effect shall be stated therein and except for an emergency ordinance, no ordinance shall take effect less than fourteen (14) days after its adoption and publication. An emergency ordinance is hereby defined to be one necessary for the immediate preservation of the public peace, health or safety, the protection of property, or providing for the continuing operation of a department or division of the District. An emergency ordinance shall contain a statement of its urgency and may be given immediate effect upon publication.

Article 5. Publication. Each ordinance shall be published once within fourteen (14) days after its adoption, in newspapers circulated within the District, and the Secretary shall certify on the records of ordinances the date of publication and the name of the papers in which it was published. Such certificate shall be prima facie evidence that such ordinance has been officially published.

Article 6. Authentication of Records. Each ordinance shall, within fourteen (14) days after its final passage be recorded in an Indexed book marked “Ordinance Record”, and the record of the ordinance authenticated by the signature of the Chairperson and the Secretary of the Commission, but failure to record and authenticate it shall not invalidate it or suspend its operation.

Article 7. Repeal. Any ordinance adopted by the Commission may be repealed in the same manner as provided for its adoption.

Section 11. Vacancies

- A. Unless otherwise specified herein, a vacancy shall exist in any appointed office when an appointed officer dies, resigns, is removed from office, removes from the District, is convicted of Misfeasance, Malfeasance or Nonfeasance, or is convicted of a felony.
- B. If a District Commissioner has missed at least four (4) consecutive meetings, then the Commissioner may be removed from office by a simple majority vote of the District Commission at the next regularly scheduled meeting of the District Commission.
- C. If such an event occurs, the Commission shall within 90 days thereof request that the participating Cities or Townships appoint a new Commissioner to fulfill the remainder of the unexpired term.

Section 12. Amendment of Charter

This Charter may be amended from time to time in the manner provided PA 1929, No. 312.

Section 13. Restrictions Upon Authority

- Article 1.** The District shall not have the following powers:
- A. To shorten or extend the term of any official of the Commission beyond the period for which the official was elected or appointed unless the official resigns or is removed for cause, where such office is held for a fixed term.
 - B. Except as otherwise provided by Sec. 8 of PA 1929, No. 312, and this Charter, to adopt a charter or any amendment thereto unless approved by a majority of electors of each city, village or township, voting on such charter or amendment.
 - C. To make any contract with or give any official position to anyone who is default to the District.
 - D. To issue any bonds without providing a sinking fund to pay them at maturity unless such sinking fund shall not be required by the constitution or general laws of the State of Michigan.
 - E. To repudiate any debt by any change in its Charter or by consolidation with any other municipality.

Section 14. Schedule

Article 1. Time for Submission. This Charter shall be submitted to the electors of the District for their approval or rejection at the November, 2000 general election.

Article 2. Notice. Notice of this election shall be given as provided in PA. 1929 No. 312

Article 3. Publication. This Charter shall be published in the Tri County Times or other newspaper circulated in the District in the manner and at the times provided by law.

Article 4. Form of Ballot. The form of ballot to be used at the special election to be held for the purposes of submitting this Charter shall contain instructions and shall be as follows:

“Shall the Charter for the Southern Lakes Regional Metropolitan parks & Recreation District, which authorizes a levy of .4 mill (four-tenths mill), be adopted?”

Yes

No

Article 5. Charter Rejected in Portion of District. In the event of an unfavorable vote in any city, village or township on this Charter at an election called in accordance with the provisions of PA 1929, No. 312, this Charter shall not take effect as to such city, village or township, but this Charter shall be deemed effective as to all other cities, villages or townships voting favorably thereon.

Article 6. Effective Date. This Charter shall take effect after its adoption by the electors and upon filing copies of the Charter as required by the provisions of 1929 Public Act 312.