

**ATTACHMENT A – CHARTER PROPOSAL 1 AMENDMENTS**  
**CHARTER OF THE CITY OF BATTLE CREEK, MICHIGAN**

**2.3. Qualifications.**

No person shall be eligible to be elected or appointed to the office of At-Large City Commissioner unless that person is a registered elector in the City or any annexed area. No person shall be eligible to be elected or appointed to the office of Ward City Commissioner unless that person is a registered elector in the City or any annexed area and resides in the ward for which that person is a candidate. The office of Ward City Commissioner shall be deemed vacant if the Ward City Commissioner removes ~~their~~his residence from the ward during ~~their~~his term of office.

**2.4. Election and Terms.**

On the first Monday of April in each year, there shall be an election of City Commissioners as may be necessary to fill vacancies as hereinafter mentioned. Terms shall be for a period of two (2) years, except that in the election to be held in April, 1985, the five (5) Ward Commissioners shall be elected for one (1) year and the four At-Large Commissioners shall be elected for terms of two (2) years. Thereafter five (5) Ward Commissioners shall be elected for terms of two (2) years in the even numbered years and the four At-Large Commissioners shall be elected for terms of two (2) years in the odd-numbered years. For At-Large Commissioners there shall be one general At-Large ballot or list for At-Large candidates and each elector may vote for as many candidates as there are offices to be filled. For Ward Commissioners there shall be a Ward list and each elector may vote for one candidate from ~~his~~ their ward. No member of the City Commission shall, during ~~his~~ their term of office, hold any other office or employment unless otherwise provided in this Charter.

(Amended August 7, 1984)

(EDITOR'S NOTE: Section 2.4 was further amended by Ordinance 24-90, passed August 28, 1990, which comprises Section 212.04 of these Codified Ordinances.)

**2.5. Annexed Area Representation.**

(A) Any single area annexed to the City of Battle Creek at one time and by means of a popular vote thereon, having a population of 3,500 or more on the date of said election, shall be entitled to elect an additional member to the City Commission for a period of not less than three nor more than four years as provided in this section. Said additional member shall have all of the rights, powers and duties of a duly elected City Commissioner and shall receive the same compensation. Said population shall be determined by the existing City Commission on a basis of such evidence as may be available including the last previous Federal census, school censuses, tax records, election records, or a special census conducted for the purpose, and its decision shall be final. A special election in the annexed area shall be called and conducted by the City Commission as soon as it is reasonably practicable after the effective date of the annexation. At this election prior registration records may be used if available. Subject to the provisions of this section, the election chapter of this Charter and the State election laws shall be followed. The annexed area representative to be elected shall have been a resident of the area for at least two

(2) years prior to the date of election and nominations shall be made by petition as provided in the election chapter hereof for City Commissioners. If only one person is nominated within the time limited, the City Commission shall declare such person an additional member of the City Commission and cancel the election. Said additional member shall hold office from the Tuesday following the canvass of the election of the declaration above provided to the Tuesday following the canvass of the regular April Municipal election which is conducted more than one year thereafter, at which election said additional membership shall again be voted upon for a full two-year term. At the end of the full two-year term so provided, said additional membership shall expire. Only registered electors residing within the annexed area shall be entitled to vote upon the additional membership. In filling any vacancy in such additional membership, the remaining members of the City Commission shall be limited to the selection of a person having qualifications to be a candidate for such membership. In performing the mandates of this section, the City Commission shall act promptly and in good faith and for failure thereof, mandamus shall lie.

(Amended April 1, 1985)

(B) In the event of annexation to the City of Battle Creek of an entire township having a population in excess of 18,000 people at the effective date of said annexation, and in the further event the regular membership of the Commission has not increased to fourteen (14) members elected at large as hereinafter provided, the foregoing election procedure for providing annexed area representation for said annexed township shall be inapplicable, and in lieu thereof each individual serving as Township Officer and/or Trustee immediately prior to said effective date shall serve as a member of the City Commission for a period of two (2) years or until such time as ~~their~~<sup>his</sup> term as Township Officer or Trustee would otherwise have ended through expiration, death, resignation, or removal, whichever first occurs. Said former Township Officers and Trustees, but not their replacements, if any, while serving as City Commissioners, shall receive compensation equivalent to the compensation which they would otherwise have received as Township Officers and Trustees. The terms of City Commissioners elected at large in the second regular Municipal election following said annexation of an entire township having a population in excess of 18,000 people shall be one (1) year each. At the time of the first regular Municipal election occurring not less than two (2) years from such an annexation of an entire township having a population in excess of 18,000 people and thereafter, the Commission shall again be composed of nine (9) members elected as set forth in Section [2.2](#) or [2.4](#), whichever is appropriate. In the event of a conflict between this section and Section [2.4](#), this section shall prevail.

(Amended August 7, 1984)

(C) City Commissioners who have become Commissioners by operation of Section [2.5\(B\)](#) and whose terms expire between regular City elections by the operation of Section [2.5\(B\)](#) shall have their terms extended for the period of time necessary for their terms to expire at the next regular City election following their expiration under the operation of Section [2.5\(B\)](#). This paragraph shall apply to former Battle Creek Township Trustees and Officers and any future Township Trustees and Officers who have become City Commissioners by operation of this section. The compensation of such Township Officers and Trustees which shall have been continued after they became City Commissioners by operation of this section shall terminate at

the time that their township offices would have terminated but for the annexation and thereafter they shall receive compensation pursuant to this Charter.

## **2.6. Vacancies.**

A vacancy occurring in the City Commission shall be filled within 30 days by a majority vote of the remaining Commissioners, the appointee to hold office until Tuesday following the next regular City election; provided, that no appointment shall be made within 60 days prior to any regular City election; and provided further that, if a vacancy occurs more than 60 days next preceding a regular City election in the office of a Commissioner whose term is not then expiring, a successor shall be elected at such election for the remainder of the unexpired term, but such vacancies occurring after such date shall be filled by Commission appointment. A vacancy shall be deemed to occur upon death, resignation, recall, conviction for a felony or for a violation of the next following section hereof, upon a finding of mental incompetence by a court having jurisdiction thereof, or failure to qualify within 7 days after notice of election has been either handed to ~~him~~them, or sent to ~~him~~them by registered or certified mail.

## **2.7. Interest.**

No member of the City Commission, or other officer of the City, shall be interested directly or indirectly, beyond a trivial extent, in the profits of any contract, job or work or in the sale to or by the City of any land, materials, supplies or services, other than official services. Any member of the City Commission, or other officer of the City, violating this provision shall, upon conviction, be fined not more than \$500, be imprisoned not more than 90 days, or both, in the discretion of the court, and shall forfeit ~~his~~their office. The prohibitions of this section shall not apply if the City Commission shall declare upon its records by a unanimous vote of the members thereof, other than the member so interested, that the best interests of the City are served notwithstanding said personal interest.

## **2.8. Restriction.**

Neither the City Commission nor any of its members shall dictate the appointment of any person to office or employment by the City Manager, or in any manner interfere with ~~him~~the City **Manager** in ~~his~~their control over the administrative service. Except for the purpose of inquiry, the Commission and its members shall deal with the administrative service solely through the City Manager and neither the Commission nor any member thereof shall give orders to any of the subordinates of the City Manager.

## **Section 2.10 Compensation.**

Each member of the City Commission shall be compensated at the rate of \$20 per regular or special meeting attended, but not to exceed \$1,200 per year. The Mayor shall receive the sum of \$50 per month in addition to ~~his~~their compensation as Commissioner.

(EDITOR'S NOTE: On October 14, 1997, the Local Officers Compensation Commission of the City voted to increase compensation of City Commissioners to \$75.00 per Commission meeting attended, and of the Mayor to \$75.00 per Commission meeting attended plus \$150.00 per month

salary. Provision was also made for reimbursement of out-of-pocket expenses, including mileage expense of 31¢ per mile, to the Mayor and City Commissioners for expenses incurred in the course of City business and accounted for to the City.)

### **3.4. Approval of Petitions.**

The City Clerk shall accept for filing only such nominating petitions for qualified candidates as are on official blanks and contain the required number of signatures. ~~He~~The City Clerk shall forthwith determine the sufficiency of the signatures on each petition filed and, if ~~he~~the City Clerk finds any petition that does not contain the required number of legal signatures of registered electors, ~~he~~they shall forthwith notify the candidate, who may file an amended petition not later than the Tuesday noon following the day for filing the original petition. Petitions which are found by the City Clerk to contain the required number of signatures of registered electors for qualified candidates shall be marked "Approved" with the date thereof. Any candidate may withdraw by filing a signed statement to such effect not later than the Tuesday noon following the day for filing the original petition.

### **3.7 Election Commission and Board of Canvassers.**

The Election Commission and Board of Canvassers for City Election purposes shall be composed of the City Clerk as Chair~~man~~, the City Attorney and City Assessor. The Election Commission shall appoint the inspectors of election and prescribe the procedure to be followed. The City Commission shall fix the rate of compensation for inspectors. The Board of Canvassers shall meet at 9:30 a.m. on the first Thursday after each election and publicly canvass the returns, determine the vote upon all offices and questions, and declare what persons have been elected and whether the questions were approved or rejected.

### **4.5. Ordinance Record.**

All ordinances shall be recorded by the City Clerk in a book to be called "The Ordinance Book," and it shall be the duty of the Clerk to authenticate such record by ~~their~~his official signature but the failure of the Clerk to do so shall not invalidate it or suspend its operation.

### **4.13. Signing and Circulation of Petition.**

Each signer shall sign ~~his~~their name, and shall place thereon, after ~~his~~their name, ~~his~~their place of residence by street and number or put other customary designation and the date of his signing said petition. 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 the 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.

### **5.1 City Manager.**

A City Manager shall be appointed by a majority of the membership of the City Commission to hold office for an indefinite term and at the pleasure of said majority of the City Commission. ~~He~~The City Manager shall be the chief administrative officer of the City government. The Commission may designate a qualified person to perform the duties of Manager during ~~the~~the ~~Manager's~~his absence, disability, or during a vacancy in the office.

## 5.2. Manager's Qualifications.

The Manager shall be chosen solely on the basis of ~~his~~their executive and administrative qualifications, with special reference to ~~his~~their training, ability, and actual experience in municipal administration. ~~He~~They need not be a resident of the City or State at the time of ~~his~~their appointment. No member of the City Commission shall be eligible for appointment as Manager until two (2) years after the termination of ~~his~~their service on the Commission.

## 5.3. Manager's General Powers and Duties.

The powers and duties of the City Manager shall include the following:

- (A) To supervise and control the administrative affairs of the City and all departments thereof and to seek quality, economy and efficiency therein.
- (B) To fully advise the Commission regarding the policies, affairs, and financial condition and needs of the City, with the right to take part in all discussions relating thereto.
- (C) To recommend an annual budget or budgets to the City Commission and to carry out the policies, budgets, and directives of the Commission.
- (D) To preserve the public peace, health, and safety of persons and property and see to the enforcement of the ordinances of this City, this Charter, and general law.
- (E) To install a system of centralized purchasing, control expenditures, and superintend all operating units and contracts of the City.
- (F) To appoint and remove, subject to the provisions of this Charter or the administrative code adopted pursuant hereto, all officers and employees of the City, all appointments to be on a basis of fitness, training and experience and for indefinite terms.
- (G) To perform such other functions and have such other powers as may be established by general law, this Charter, any ordinance or resolution of this City, or as may be required of or accorded to ~~him~~the Manager by the Commission.

## 5.4. Appointments.

The Manager shall appoint and may remove a City Clerk, Treasurer, Assessor, Police Chief, Fire Chief, Public Works Director, Comptroller, Parks and Recreation Director, Airport Manager, Planning Director, and such other officers and heads of departments as may be deemed necessary. The powers and duties of these officers and heads of departments shall be as prescribed by State law, this Charter, the ordinances of the City, or the directions of the Manager. ~~He~~The Manager may delegate appropriate functions and powers to them and they may redelegate the same to deputies of their choice within the administrative service. The compensation of the City Manager and all other officers and employees shall be fixed by the City Commission. City officers shall have the qualification of being registered electors of the City or shall become registered as an elector within sixty days after appointment unless expressly exempted by the City Commission.

### **5.5. Administrative Code.**

The administrative service shall be divided into such departments, divisions, and bureaus as may be provided by ordinance, to be known as the "Administrative Code" to be adopted within one (1) year following the adoption of this Charter. Pending the passage of such Code, the Manager may establish temporary regulations. Said Code may be amended from time to time and may provide for the consolidation or abolition of departments or the functions of officers including those mentioned in Section 4 of this chapter unless contrary to general law. Each officer or department head shall, subject to the approval of the Manager, have supervision and control of ~~his~~their department and shall have power to prescribe rules and regulations for the conduct thereof, not inconsistent with this Charter or said Administrative Code.

### **5.9. City Attorney.**

A City Attorney shall be appointed by the City Commission on a full-time or part-time basis and ~~he~~ may appoint such deputy City Attorneys on a full-time or part-time basis as may be authorized by the City Commission. The City Attorney shall act as legal advisor to and attorney and counsel for the City and all of its officers and department heads, including the City Commission and City Manager, in matters relating to their official duties. ~~He~~The City Attorney shall give written opinions to any official or department when requested in writing to do so or as may be directed by this Charter, by the City Commission, or by the City Manager. ~~His~~The City Attorney's duties shall include, but not be limited to, the following:

(A) ~~He~~The City Attorney shall conduct all cases in court whenever the City is a party thereto, or interested therein, except as special counsel may be engaged by the City Commission.

(B) ~~He~~The City Attorney shall prepare or pass upon all contracts, bonds, ordinances and other instruments of a legal nature in which the City is concerned.

(C) ~~He~~The City Attorney shall perform such other duties as may be prescribed by this Charter or by the City Commission.

~~He~~The City Attorney may delegate ~~his~~their duties and powers to one or more deputies if they have been provided for, but ~~he~~the City Attorney shall remain responsible for their acts.

### **6.3 Election of Judges.**

(A) At the general Municipal election in the year 1965 and every six (6) years thereafter there shall be elected one (1) Municipal Judge who shall be known as the presiding judge, whose term of office shall begin on the 4th day of July following his election to office, and who shall hold office for six (6) years.

(B) At the general Municipal election in 1961 and every six (6) years thereafter there shall be elected one (1) Associate Municipal Judge whose term of office shall begin on the 4th day of July following ~~his~~their election to office and who shall hold office for six (6) years.

(C) The City Commission may by ordinance provide that the existing part-time Associate Municipal Judge shall serve full time and may provide for additional Associate Municipal Judges on a part-time or full-time basis, said additional Judges to be appointed and elected, take office, and serve terms as provided in said ordinance, subject to the statutes of this State.

[Editors Note: Public Act 269 of 1933, which established Municipal Courts and Municipal Judges, expired and was repealed by Public Act 217 of 1990.]

## **6.6. Salaries.**

(A) The Municipal Judge and each Associate Municipal Judge shall each be paid such salary as shall be fixed by the City Commission by resolution adopted at least sixty (60) days prior to the general Municipal election at which a Municipal Judge or an Associate Municipal Judge is to be elected. In the event the City Commission fails to adopt such a resolution within the time herein limited, the salary being paid to the then incumbent Municipal Judge or Associate Municipal Judge, as the case may be, shall be paid to the Municipal Judge or each Associate Municipal Judge, as the case may be, who is elected at such general Municipal election. The salaries of existing Judges shall be continued to the end of existing terms.

(B) The salary of the Municipal Judge and the salary of each Associate Municipal Judge shall not be increased or decreased during the term for which any such Judge is elected, or, in the case of vacancy, appointed.

(C) The compensation for such Judges shall be in lieu of all fees, costs and charges to which said Judges shall otherwise be entitled, except fees for the performance of marriage ceremonies and for administering oaths in matters not connected with suits or proceedings in the Municipal Court of the City of Battle Creek.

(D) Except as herein otherwise provided, the Municipal Judge shall be required to devote ~~his~~ their entire time to the duties of ~~his-the~~ office. The Associate Municipal Judge shall hear all cases in which the Municipal Judge is disqualified, and shall hold court in the absence or disability of the Municipal Judge.

[Editors Note: Public Act 269 of 1933, which established Municipal Courts and Municipal Judges, expired and was repealed by Public Act 217 of 1990.]

## **6.11. Bonds.**

The Municipal Judge and each Associate Municipal Judge, in addition to any security required by law to be given for the performance of ~~his-their~~ official duties, shall, before entering upon the duties of ~~his-their~~ office, give a bond to the City in a penalty of one thousand dollars (\$1,000) in accordance with the provisions of Sec. 12.12 hereof, conditioned for the faithful performance of their duties and for payment to the City of Battle Creek of all moneys collected or received by such Judge which by the provisions of the general laws of the State or of this Charter ~~he-they~~ shall be required to pay into the Treasury of the City.

[Editors Note: Public Act 269 of 1933, which established Municipal Courts and Municipal Judges, expired and was repealed by Public Act 217 of 1990.]

## **7.2. Financial Control.**

The Comptroller shall have charge of the administration of the financial affairs of the City, including the supervision of the offices of Assessor and Treasurer, but subject to the general supervision of the City Manager. ~~He~~The Comptroller shall provide for a system of accounts which shall conform to such uniform system as may be required by law.

~~He~~The Comptroller shall maintain such accounting control over the finances of the City, make such reports, and perform such other duties as may be required by this Charter, by ordinances, or by the City Manager. As Comptroller ~~he~~they shall audit and approve all liquidated claims against the City and shall pay the same on duly certified vouchers.

## **7.3. Budget Preparation.**

At such time as may be fixed by the City Manager, each officer or department head shall submit to the Comptroller an itemized estimate of the expenditures for the next fiscal year for the activities under ~~his~~their control. The Comptroller shall prepare and submit to the Manager a preliminary budget for the next fiscal year in such detail and with such supporting schedules as the City Manager may require. After review and revision by the City Manager, ~~he~~the City Manager shall submit the proposed budget to the City Commission.

(April 6, 1970)

## **7.7. Budget Control.**

At the beginning of each quarterly period during the fiscal year, and more often if required by the Commission, the Manager shall submit to the Commission data showing the relation between the estimated and actual income and expense to date, and if it shall appear that the income is proving insufficient, the Commission, on the recommendation of the Manager, may reduce appropriations for any item or items, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within income. The Manager may provide for monthly or quarterly allotments of appropriations to departments, funds or agencies under such rules as ~~he~~the Manager shall prescribe

## **8.3. Board of Review.**

Five resident electors who are freeholders, appointed by the City Commission for five-year staggered terms, shall constitute the Board of Review of the City. One shall be appointed each year to a term commencing the following January 1. The present members thereof shall continue their present terms. One of the Board members to be chosen annually by a majority of the Board shall act as Chair~~man~~. The City Assessor shall act as Secretary to the Board but shall not be entitled to vote, and shall be responsible for keeping a record of all proceedings, which shall be preserved for five (5) years. Three members shall constitute a quorum. Their compensation shall be fixed by the City Commission. The Board shall meet at the City Hall on the second Monday



in March each year and continue in session at least five (5) days and until its work is completed as required by law.

(April 6, 1970)

#### **8.5. Duties and Procedure of Board of Review.**

The Board of Review shall have power to correct or amend said assessment roll and to increase or decrease any assessment or valuation of taxable property, may strike therefrom any property wrongfully listed, or add any property rightfully taxable, either on its own motion or at the request of any person. Any person considering ~~themselves~~~~himself~~ aggrieved by reason of any assessment may complain thereof either verbally or in writing to said Board. The Board may establish reasonable regulations for the conduct of its hearings, require the filing of a brief written memorandum of the arguments by those appealing to it, require any appellant to appear in person or in writing not later than the second day of its sessions, and otherwise provide for expediting its work. The concurrence of a majority of the membership of said Board shall be necessary to decide any question. The Assessor shall make any changes, additions, or corrections to said roll directed by the Board of Review. Thereupon said Board shall complete and adopt the roll and a majority thereof shall endorse the same as provided by law. When so endorsed said roll shall be conclusively presumed by all courts to be valid and shall not be set aside except for causes mentioned in the general laws. The omission of the endorsement or any other formality herein prescribed shall not affect the validity of the roll. A summary report of the assessment roll shall be delivered to the City Commission by the Assessor immediately thereafter.

#### **8.9. Statement to Taxpayers.**

Upon receipt of said City tax roll, the Treasurer shall proceed to collect the taxes. ~~He~~~~The~~ Treasurer shall prepare and mail to each taxpayer, at ~~his~~~~their~~ last known address on the tax roll, a statement or billing showing the description of the property, the assessed valuation, and the tax payable, but the failure to send or receive such statements shall not prejudice the validity of the tax or the right and duty to collect or enforce payment thereof.

#### **8.11. County and School Taxes.**

The Assessor shall prepare a separate assessment roll for the collection of taxes apportioned to this City for State, County and school purposes, but it shall not be necessary to make a new or different assessment therefor. After the funds to be raised have been spread and levied thereon, said Assessor shall deliver the same, to be known as the "County and School Tax Roll" to the Treasurer of the City with the warrant commanding the collection thereof. The Treasurer shall proceed to collect the taxes. A statement shall be mailed as above provided for City taxes. On all of the taxes paid voluntarily before January 20th of the succeeding year, the Treasurer shall add one percent (1%) for collection fees, and upon all taxes paid on or after said January 20th or such other day as may be fixed by the laws of the State, ~~he~~~~the~~ Assessor shall add four percent (4%), which said percentages, when collected, shall be paid into the General Fund of the City, for the use of said City.

### **8.12. Failure 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, 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 such seizure no property shall be exempt. ~~He~~ The Treasurer may sell the property seized to an amount sufficient to pay the taxes and all charges in accordance with general law. If otherwise unable to collect a tax on personal property, the Treasurer may sue therefor the person, firm or corporation to whom it is assessed.

### **8.14. Failure to Pay Real Estate Taxes.**

All City taxes on real property remaining uncollected by the Treasurer on March 1st, following the date when said roll was received ~~by him~~, or one (1) year thereafter in case an installment collection ordinance applies thereto, shall be returned to the County Treasurer in the manner provided by statute for returns by township treasurers for uncollected county and school taxes. Such returns shall include all the additional assessments, charges and fees hereinbefore provided, which shall be added to the amount assessed in said City tax roll against each property or person. The taxes thus returned shall be collected in the same manner as other taxes are collected under the statute, and shall be and remain a lien upon the property until paid.

### **10.7. Bond Record.**

The Comptroller shall keep a detailed record of all bonds and other evidence of indebtedness. Upon payment of the same, ~~he~~ the Comptroller shall mark them "cancelled," and keep them until five years after the maturity date of the obligation, after which they may be destroyed and a record made thereof.

### **12.11. Claims.**

The City shall not be liable in damages for injury to person or property by reason of the negligence of the City, its officers, or employees, or by reason of any defective highway, street, sidewalk, public work, public service improvement, or facility or by reason of any obstruction, ice, snow, or other encumbrance thereon, unless, within sixty days after such injury occurs, the person damaged or ~~his~~ their representative causes to be filed with the Clerk a written notice, stating that such person intends to hold the City liable for such damages. Such notice shall set forth specifically the time and place of the injury, the manner in which it occurred, the nature of the act, defect, or negligence complained of, the extent of the injury in so far as known, and the names and addresses of witnesses known to the claimant and shall be **personally** signed by the claimant ~~himself~~ unless disabled. No such action shall be brought by any person, firm or corporation unless, by means of such notice, the City has had an opportunity to make timely investigation to identify the venue and facts of the claim, and a reasonable opportunity to adjust or settle the same, and in no event shall any such action be brought after the period prescribed by law. It shall be a sufficient bar to any action upon any such claim that the notice of injury required by this section was not filed within the time and in the manner herein provided. If

required by the City Commission, or a committee or delegate thereof appointed to conduct the investigation, said claimant shall produce ~~his~~their witnesses and they may be sworn and examined as to the nature of the claim, the amount thereof, and the extent of the injury. The City Commission, or its committee or delegate, shall have power to subpoena witnesses for such hearing.

**Section 12.13. Oath.**

Every elective officer and such other employees as may be designated by the City Commission, before taking office shall take the oath of office prescribed by law, but the oath of office of each Commissioner shall be in writing and be filed with the City Clerk, and contain the statement that in ~~his~~their candidacy for nomination and election ~~he~~they ~~has~~have not violated any provisions of the general election laws of the State.

**Section 13.4. Canvass and Adoption.**

The City Clerk as chair~~man~~, the City Attorney and City Assessor shall act as the Election Commission and Board of Canvassers of said election and they shall meet at 9:30 a.m. on Thursday, September 29, 1960, publicly canvass the returns, and declare the results of the election. If it is determined that a majority of those voting upon the question voted "Yes," the Charter shall be declared adopted; otherwise it shall be declared rejected. If it is adopted, the City Clerk shall perform all acts required by law to place this Charter into effect.