

Ordinance No. 1974-4

Articles for incorporation of West Marquette County Sanitation Authority

These Articles of Incorporation are adopted by the incorporation municipalities for the purpose of creating an authority under the provisions of Act No. 179, Public Acts of 1974, as amended. being Michigan State Ann. 52725 (1) et seq.

ARTICLE I Name

The Name of this Authority is West Marquette County Sanitation Authority.

ARTICLE II Constituent Municipalities

The name of the municipalities creating this Authority are:

- Champion Township
- Ely Township
- Humboldt Township
- Ishpeming Township
- Michigamme Township
- Tilden Township

ARTICLE III Purpose

The purpose of this Authority shall be for the management of solid waste.

ARTICLE IV General Powers

This Authority shall be a body corporate with power to sue or be sued in any court of this state. It shall include all of the territory embraced within its constituent municipalities. It shall possess all the powers granted by the statute and by these Articles, and all the purposes herein set forth, as well as those incidents thereto. The enumeration of any powers herein shall not be construed as limitation upon its general powers unless the context shall indicate otherwise. It shall have a corporate seal.

ARTICLE V Terms

This authority shall continue in existence until dissolved by act of the parties or by law; provided, that it shall not be dissolved if such dissolution would operate as an impairment of any of its contracts.

ARTICLE VI Fiscal Year

The fiscal year of the Authority shall commence on the first day of July in each year and end on the 30th day of June the following year.

ARTICLE VII Board of Trustees

(a) **Governing Body.** The governing body of this Authority shall be a Board of Trustees, hereinafter sometimes referred to as the Board which shall be vested with the management of its

business and affairs. Members of the Board shall be appointed by the constituent municipality and serve without compensation.

(b) How Constituted. The Board shall consist of one representative from each constituent municipality, who shall be appointed by the governing body of such municipality on or before the first day of June each year, and shall serve during the next fiscal year following appointment of until a successor is appointed. Each constituent municipality shall also appoint an alternate delegate. Both the delegate and the alternate shall be an elected official of the municipality except in the case of duly appointed city or Township managers.

(c) Organization. The Board shall meet between the 15th and 30th of June at the regular meeting place for the purposes of organization. At this meeting the Board shall elect the following officers: Chairman, Vice-Chairman, Secretary and Treasurer, who shall be members of the Board. The Board may appoint a Superintendent who can be charged with the administration of the Authority and who can receive such compensation as the Board shall determine. The officers shall serve until the organization meeting in the following year, or until their respective successors have been elected. The Superintendent shall serve at the pleasure of the Board. The 20 days after the authority becomes effective, and the first Board shall meet within 10 days thereafter for the purpose of organizing for the balance of the fiscal year.

(d) Vacancies. In the event of a vacancy on the Board, the governing body of the municipality represented by the vacancy shall fill the vacancy for the unexpired term. In the event of a vacancy in any office of the Board, such vacancy shall be filled by the Board for the unexpired term.

ARTICLE VIII Meetings and Notice Thereof

Meetings of the Board shall be held at least quarterly at such times and place as shall be prescribed by resolution of the Board. Special meeting of the Board may be called by the Chairman, or any three (3) members thereof, by serving written notice of the time, place and purpose thereof, upon each member of the board, personally or by leaving it at his place of residence, at least 24 hours prior to the time of such meeting, or by depositing the same in a United States Post Office or mail box within the limits of the Authority, at least 72 hours prior to the time of such meeting, enclosed in a sealed envelope properly addressed to him at his home or office address, with postage fully thereon. Special meeting of the Board may waive notice of any meeting either before or after the holding thereof. A majority of all the members of the Board shall be required for a quorum. The Board shall act by motion, resolution or ordinance. For the passage of any motion, resolution or ordinance, there shall be required the affirmative vote of a majority of the members of the Board except where a larger vote is required by these Articles. The Board shall have the right to adopt rules governing its procedures which are not in conflict with the terms of any statute or these Articles. The Board shall keep a journal of its proceedings, which shall be signed by the Chairman and the Secretary. All votes shall be by Yeas and Nays. The journal shall show how each member voted.

ARTICLE IX Officers

The Chairman of the Board shall be the presiding officer thereof. Except as herein otherwise provided, he shall not have any executive or administrative functions other than as member of said Board. In the absence or disability of the Chairman, the Vice-Chairman shall perform the duties of the Chairman. The Secretary shall be the recording officer of the Board and the Treasurer shall be custodian of the funds of the Authority and shall give it to a bond, conditioned upon the faithful performance of the duties of his office. The cost of said bond shall be paid by the Authority. He shall be the chief accounting officer of the Authority, and subject to the approval of the Board, may employ such assistants as may be necessary. All monies shall be deposited in a bank to be designated by the Board, and all checks or other forms of withdrawal therefrom shall be signed by any two officers of the Authority. The officers of the Board shall have such other powers and duties as may be conferred upon them by the Board.

ARTICLE X Property

The Authority may acquire private property by purchase, lease, gift, devise or condemnation, either within or without its corporate limits, and may hold, manage, control, sell, exchange or lease, and property. For the purpose of condemnation, it may proceed under the provisions of Act No. 149 of the Public Acts of 1911, as now or hereafter amended, or any other statute.

ARTICLE XI Contracts

The Authority and its constituent municipalities shall enter into a contract or contracts for disposal of solid waste originating in such municipalities for a period of not more than 30 years. All charges specified in any contract with any member municipality shall be on a registered per capita basis authenticated by the last available census, but subject to change by the Authority from time to time. The Authority may also enter into a contract with any non-member city, township, firm or corporation for a period of not more than 5 years, but charges specified therein shall be subject to change by the Authority at any time. The Authority shall also have the power to contract with any person, city, or township, firm or corporation for all or any part of the work of collecting or disposing of solid waste.

ARTICLE XII Bonds

For the purpose of acquiring, improving, enlarging or extending facilities for the collection and disposal of solid waste, this Authority may issue self-liquidating revenue bonds, in accordance with the provisions of Act No. 94 of the Public Acts of 1933, as now or hereafter amended: provided, that no such bonds shall be a general obligation of the Authority but shall be payable from revenues only.

ARTICLE XIII Audit

The Board shall make and audit of its financial transactions and affairs at the end of each fiscal year, and by a certified public accountant, every two (2) years, shall furnish a copy thereof to each constituent municipality.

ARTICLE XIV Expulsion

If any constituent municipality shall refuse or neglect to enter into a contract for the disposal of its garbage and rubbish through the facilities of the Authority, then the Board by the vote of members thereof possessing at least two-thirds of the total voting power of the entire Board, may expel such municipality as a constituent part of the Authority. The Board may not modify or cancel any contract upon which its revenues are based, if the same would impair the obligation of any bond contract.

ARTICLE XV Deficiency

If for any reason the total income of the Authority during any fiscal year shall not be sufficient to satisfy its obligations accruing during such year, including payments to be made to the Bond and Interest Redemption Fund if revenue bonds are outstanding the amount of any deficiency shall be prorated among the constituent municipalities, in accordance with the municipalities census, or tonnage or cubic yardage of solid waste handled by the Authority or by other contractors during such fiscal year, which amount shall be considered as an additional charge for services.

ARTICLE XVI Amendments

Amendments to these Articles shall become effective when adopted by each constituent municipality. Any such amendment shall be published and become effective as hereinafter provided.

ARTICLE XVII Publication

These Articles shall be published once in the Marquette Mining Journal, a newspaper circulating within the Authority. One printed copy of such Articles of Incorporation, certified as a true copy thereof, with the date and place of publication, shall be filed with each the Secretary of State and the Clerk of the County of Michigan, within thirty days after the execution has been completed. Berle LaPin, of Champion, Michigan, is hereby designated as the person to cause these Articles to be published, certified and filed as foresaid. In the event that he shall be unable to act or shall neglect to act then Clifford Trudell, National Mine, Michigan, shall act in his stead.

ARTICLE XVIII Effective Date

This Authority shall become effective upon the filing of printed copies of these Articles, as provided in the preceding Article.

The Articles have been adopted by the several constituent municipalities as hereinafter set forth and in witness whereof each City has caused these presents to be signed in its name by its Mayor and Clerk, each Township has caused these presents to be signed by its Supervisor and Clerk and all parties have affixed their corporate seals as of the 21st day of November, 1974.

Resolution approving the Articles and authorizing execution adopted: September 11, 1974.

Robert I. Pascoe, Township Clerk

TOWNSHIP OF CHAMPION

By Berle LaPin, Supervisor, Attest: Robert I. Pascoe, Clerk.

Resolution approving the Articles and authorizing execution adopted: February 15, 1974.
Elise Petro, Township Clerk
TOWNSHIP OF ELY
By Kenneth A. Tuominen, Supervisor, Attest: Elise Petro, Clerk.

Resolution approving the Articles and authorizing execution adopted: March 14, 1974.
George Watters, Township Clerk.
TOWNSHIP OF ISHPEMING
By James R. Alderton, Supervisor, Attest: George Watters, Clerk.

Resolution approving the Articles and authorizing execution adopted: June 16, 1974.
Jean Howe, Township Clerk
TOWNSHIP OF MICHIGAMME
By John A. Olson, Supervisor, Attest: Jean Howe, Clerk.

Resolution approving the Articles and authorizing execution adopted: September 10, 1974.
Darlene McVannal, Township Clerk
TILDEN TOWNSHIP
By Clifford Trudell, Supervisor, Attest: Darlene McVannal, Clerk.

12/03/1974