

10.300

**CHAPTER 3
THE COUNCIL, MAYOR AND MAYOR PRO TEM**

10.301

Sec. 3.1. GENERAL POWERS.

The government of the City, and all the powers thereof, except the judicial powers, shall be vested in the council. The council shall exercise such powers in the manner and through the agencies provided by law; shall exercise the management and control of all municipal property and the administration of the municipal government whether or not such powers be expressly enumerated in this Charter. It shall pass upon and secure the performance of any act necessary to advance the interests of the City, good government and prosperity of the municipality and its inhabitants; and shall make all laws which may be necessary and proper for carrying into execution the powers granted to the City by law.
(char. eff. Nov. 25, 1974)

10.302

Sec. 3.2. QUALIFICATION.

In case of councilmen, a person shall be eligible for this office who is a duly registered elector in the City and has the qualifications of elective officers in general.
(char. eff. Nov. 25, 1974)

10.303

Sec. 3.3. ELECTION OF COUNCIL.

The electors of the City shall elect a City council which shall consist of six councilmen and the mayor of the City. The said councilmen shall be elected: One from each of the three wards and three from the City at large. At the first regular City election following enactment of this charter, there shall be elected those councilmen from each of the three wards, all to be elected for a term of four years. At the second regular City election following enactment of this charter, there shall be elected three councilmen at large, all to be elected for a term of four years. Thereafter, the election of the councilmen shall follow the rotation as prescribed above. Each elector shall be entitled to vote for not more than the number of candidates to be elected. The terms of all councilmen shall expire at the first regular council meeting to be held after January 1st of the year following the regular election at which their successors are elected.
(char. eff. Nov. 25, 1974)

10.304

Sec. 3.4. REGULAR MEETING.

The council shall provide by ordinance for the place and day of its regular meetings and shall hold two regular meetings each month, during the evening hours. If the time set for the holding of a regular meeting of the council shall be a holiday, the regular meeting shall be held at the same hour and place on the next secular day which is not a holiday.
(char. eff. Nov. 25, 1974)

10.305

Sec. 3.5. SPECIAL MEETINGS.

Special meetings shall be called by the clerk on the written request of the mayor, or any three members of the council on at least twenty-four (24) hours' notice to each member of the council, served personally or left at his usual place of residence; but a special meeting may be held on shorter notice if all members of the council are present or have waived notice thereof in writing.
(char. eff. Nov. 25, 1974)

10.306 **Sec. 3.6. BUSINESS AT SPECIAL MEETINGS.**

No business shall be transacted at any special meeting of the council unless the same shall have been stated in the notice of such meeting.

However, other than the enactment of an ordinance or the appointment to fill a vacancy in an elective office, any business which may lawfully come before a regular meeting may be transacted at a special meeting if all the members of the council present consent thereto and all members absent file their written consent. Provided, however that nothing in this section shall be construed to prohibit the enactment of an Emergency Ordinance at a special meeting pursuant to Chapter 6, Sec. 6.3. (b).
(char. eff. Nov. 25, 1974)

10.307 **Sec. 3.7. MEETINGS OPEN TO THE PUBLIC.**

All regular and special meetings of the council shall be open to the public and the rules of order of the council shall provide that citizens shall have a reasonable opportunity to be heard.
(char. eff. Nov. 25, 1974)

10.308 **Sec. 3.8. QUORUM.**

A majority of councilmen in office shall constitute a quorum for the transaction of business at all meetings of the council but in the absence of a quorum a lesser number may adjourn any meeting to a later date.
(char. eff. Nov. 25, 1974)

10.309 **Sec. 3.9. RULES OF THE COUNCIL.**

The council shall determine its own rules and order of business and shall keep a journal of all its proceedings in the English language which shall be signed by the mayor and the clerk. The vote upon the passage of all ordinances and upon the adoption of all resolutions shall be taken by "Yea" and "Nay" vote and entered upon the records. No member shall vote on any question in which he has a financial interest (other than the common public interest) or any questions concerning his official conduct, but on all other questions each member of the council who shall be recorded as present shall vote on all questions decided by the council unless excused by the unanimous consent of the other members present. Any citizen or taxpayer of the City shall have access to the minutes and records of all regular and special meetings of the council at all reasonable times.
(char. eff. Nov. 25, 1974)

10.310 **Sec. 3.10. COMPULSORY ATTENDANCE.**

Any four or more members of the council may by vote compel the attendance of its members and other officers of the City at any meeting. Any member of the council or other officer, who when notified of such demand for his attendance, fails to attend such meeting for reasons other than confining illness or extenuating circumstances shall be deemed guilty of misconduct in office unless excused by the council.

Absence from four consecutive regular meetings shall operate to vacate a seat of a member unless the absence is excused by the council by resolution setting forth such excuse and entered upon the journal.

Absence from twenty-five per cent (25%) or more of the regular meetings of the council in a calendar year shall also operate to vacate a seat of a member, provided however, excused absences by the council as provided above, shall not be considered in the computation of the required percentage to create a vacancy.
(char. eff. Nov. 25, 1974)

10.311 **Sec. 3.11. STANDING COMMITTEES.**

There shall be no standing committees of the council.
(char. eff. Nov. 25, 1974)

10.312 **Sec. 3.12. INVESTIGATIONS.**

The council, or any person or committee authorized by it for the purpose, shall have the power to inquire into the conduct of any department, office or officer of the city and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence. Failure on the part of any officer or employee of the city to obey such subpoena or to produce books, papers, or other evidence as ordered under the provisions of this section shall constitute misconduct in office. If such failure shall be on the part of any employee of the city, it shall be construed as a violation of this Charter.
(char. eff. Nov. 25, 1974)

10.313 **Sec. 3.13. HEALTH AND SAFETY.**

The council shall see that provision is made for the public peace and health, and for the safety of persons and property. The council shall also provide for comprehensive land use planning and zoning administration. Until otherwise provided for by ordinance or resolution, the council shall constitute the board of health of the city, and it and its officers shall possess all the powers, privileges and immunities granted to boards of health by statute.
(char. eff. Nov. 25, 1974)

10.314 **Sec. 3.14. PUBLICATION OF COUNCIL PROCEEDINGS.**

The proceedings or an abstract of the proceedings of the council shall be published at least once within ten days after each meeting of the council in a newspaper of

local circulation in the city.
(char. eff. Nov. 25, 1974)

10.315 **Sec. 3.15. ELECTION OF MAYOR.**

- a. The mayor shall be elected at large at the regular city election for a term of two (2) years commencing on the first regular meeting to be held after January 1st of the year following the regular city election.
- b. At the first regular meeting after January 1st of the year following the regular city election, the council shall elect one of its council members to serve as mayor pro tem for a term to expire on the same date as therein set for the expiration of the mayoralty term.
(char. eff. Nov. 25, 1974)

10.316 **Sec. 3.16. DUTIES OF MAYOR AND MAYOR PRO TEM.**

Insofar as required by law, and for all ceremonial purposes, the mayor shall be executive head of the city.

- a. He shall have an equal voice and vote in the proceedings of the council, but shall have no veto power.
- b. He shall be conservator of the peace, and may exercise within the city the powers conferred upon sheriffs to suppress disorder, and shall have the power to command the assistance of all able-bodied citizens to aid on the enforcement of the ordinances of the city, and to suppress riot and disorderly conduct.
- c. He shall exercise only such powers as the state law, this Charter, or the council shall specifically confer upon, or required of him.
- d. The mayor pro tem shall serve as executive head of the city in the absence of the mayor and shall have all the powers and duties of the mayor in his absence.
(char. eff. Nov. 25, 1974)

10.317 **Sec. 3.17. COMPENSATION OF MAYOR AND COUNCILMEN.**

The salary of the councilmen shall be \$240.00 per year. The salary of the mayor shall be \$300.00 per year. These salaries shall constitute the only remuneration which may be paid to the members of the council and mayor for the discharge of their official duties, except that reasonable expenses incurred on behalf of the city may be paid if authorized by the council.
(char. eff. Nov. 25, 1974)