

Article 2 - CITY COUNCIL (Language taken from NCL Model Charter Article 2)

Second Reading originally done on January 15, 2014 – additional changes made based on attorney's review were added on February 5, 2014 and are outlined in the document below.

Section 2.01 General Powers and Duties:

All powers of the city shall be vested in the City Council, except as otherwise provided by law or this charter, and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law.

Section 2.02

(a) Eligibility:

Only those who have been registered voters of the city for a minimum of one (1) year prior to the date of the election shall be eligible to hold the office of Council member or Mayor. If a Council member or Mayor is appointed they must be a registered voter of the city for a minimum of one (1) year prior to their date of appointment.

(b) Terms:

The term of office of elected officials shall be four years elected in accordance with Article VI – Elections.

(c) Composition:

The Council shall be composed of 6 members elected by the voters of the city at large in accordance with provisions of Article VI - Elections. The Mayor shall be elected as provided in Section 2.03(b).

Section 2.03

(a) Mayor – Powers and Duties:

The Mayor shall be a voting member of the City Council and shall attend and preside at meetings of the Council, represent the city in intergovernmental relationships, appoint with the advice and consent of the Council the members of citizen advisory boards, committees, authorities and commissions, appoint the members and officers of Council committees, assigns agenda items to committees subject to the consent of Council, and perform other duties specified by the Council. The Mayor shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties.

(b) Election:

At a regular election the voters of the city shall elect a Mayor at large for a term of 4 years. The Council shall elect from among its members a Mayor pro-tem who shall act as Mayor during the temporary absence or disability of the Mayor.

Section 2.04 Compensation; Expenses:

The City Council may determine the compensation of the Mayor and Council members by ordinance, but no ordinance increasing such compensation shall become effective until the date of commencement of the terms of Council members elected at the next regular election. The Mayor and Council members shall receive their actual and necessary expenses incurred in the performance of their duties of office.

Section 2.05 Prohibitions:

- (a) Holding Other Office. Except where authorized by law, no Council member shall hold any other elected public office during the term for which the member was elected to the Council. No Council member shall hold any other city office of employment during the term for which the member was elected to the Council. No former Council member shall hold any compensated appointive office or employment with the city until one year after the expiration of the term for which the member was elected to Council, unless granted a waiver by the City Council.
- (b) Appointments and Removals. Neither the City Council nor any of its members shall in any manner control or demand the appointment or removal of any city administrative officer or employee whom the city manager or any subordinate of the city manager is empowered to appoint, but the Council may express its views and fully and freely discuss with the city manager anything pertaining to appointment and removal of such officers and employees.
- (c) Interference with Administration. Except for the purpose of inquires, and investigations under Section 2.09, the Council or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately.

Section 2.06, Vacancies; Forfeiture of Office; Filling of Vacancies:

- (a) Vacancies. The office of a Mayor, ~~or v~~Council member ~~or any other elected official~~ shall become vacant upon the member's death, resignation, or removal from office or forfeiture of office in any manner authorized by law.
- (b) Forfeiture of Office. A Mayor ~~or~~ Council member ~~or any other elected official~~ shall forfeit that office if that Mayor, Council member or other elected official:
 - (1) Fails to meet the residency requirements, or
 - (2) Violates any express prohibition of this charter, or
 - (3) Is convicted of a crime involving moral turpitude, or

- (4) Fails to attend three consecutive regular meetings of the Council without being excused by the Council.

Upon the occurrence of any of the reasons of forfeiture listed in examples 1 through 4, the City Council shall act at its next regular meeting in accordance with Section 2.07.

- (c) Filling of Vacancies. A vacancy in the office of the Mayor or the City Council shall be filled in the following fashion:

- (1) If the vacancy occurs in the office of Mayor, the Mayor pro tem shall assume the office and duties of the office of Mayor. Depending on the length of term remaining for the vacant office of Mayor, the City Council may elect from its members a new Mayor pro tem.
- (2) Vacancy in Council member offices, shall within 60 days after such vacancy occurs, be filled by appointment of the City Council by a majority vote of the members of Council then in office. The person appointed shall possess the qualifications for the office of Council person and shall hold office until the next regular November city election. If City Council fails to fill a vacancy within 60 days following the occurrence of the vacancy, the city clerk shall within 10 days thereafter notify the county clerk and secretary of state to call a special election to fill such vacancy for the unexpired term of the Councilmember whose office has become vacant pursuant to state law.
- (3) If at any time the membership of the City Council is reduced to less than five, the remaining members may by a majority vote of the members then in Council fill such vacancies until the next regular November city election of the Council members whose offices have become vacant.
- (4) Notwithstanding the foregoing, no vacancy in any elective office shall be filled in any manner if the term of the person whose office has become vacant expires within ninety (90) days after the vacancy occurs.

Section 2.07 Judge of Qualifications:

The City Council shall be the judge of the election and qualifications of its members, and of the grounds for forfeiture of their office. In order to exercise these powers, the Council shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspaper of general circulation in the city and by other public media at least one week in advance of the hearing.

Section 2.08 City Clerk:

The city manager shall appoint with advice and consent, an officer of the city who shall have the title of city clerk. The city clerk shall give notice of Council meetings to its members and the public, keep the journal of its proceedings and perform such other duties as are assigned by this charter or by the city manager or by state law.

Section 2.09 Investigations:

The City Council ~~may~~shall establish by ordinance the procedure to make investigations into the affairs of the city and the conduct of any city department, office, or agency.

Section 2.10 Independent Audit:

The City Council shall provide for an independent annual audit of all city accounts and may provide for more frequent audits as it deems necessary. Such audits shall be carried out in accordance with Section ().

Section 2.11 Procedure:

- (a) Meetings. The Council shall meet twice a month at such times and places as the Council may prescribe by rule. Special meetings may be held on the call of the Mayor or of three or more members. Except as allowed by state law, all meetings shall be public in accordance with the open meetings act.
- (b) Rules and Journal. The City Council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record.
- (c) Voting. Voting except on procedural motions shall be by roll call and the ayes and nays shall be recorded in the journal. Four members of the Council shall constitute a quorum, but a smaller number may adjourn from time to time. No action of the Council, except as otherwise provided in the preceding sentence and in Section 2.06(c), shall be valid or binding unless adopted by the affirmative vote of four or more members of the Council.

Section 2.12 Action Requiring an Ordinance.

In addition to other acts required by law or by specific provisions of this charter to be done by ordinance, those acts of the City Council shall be by ordinance which:

- (1) Adopt or amend an administrative code or establish, alter or abolish any city department, office agency;
- (2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (3) Levy taxes;
- (4) Grant, renew or extend a franchise;
- (5) Regulate the rate charged for its services by a city public utility;
- (6) Authorize the borrowing of money;
- (7) Convey or lease or authorize the conveyance or lease of any lands of the city;

- (8) Regulate land use and development;
- (9) Amend or repeal any ordinance previously adopted;
- (10) Adopt, with or without amendment, ordinances proposed under the initiative power; or
- (11) Establish a procedure for special assessments.

Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution.

Section 2.13 Ordinances in General

- (a) **Form.** Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject, which shall be clearly expressed in its title. The enacting clause shall be "The City of Dexter hereby ordains..." Any ordinance which repeals or amends an existing ordinance or part of the city code shall set out in full ordinance, sections or subsections to be repealed or amended, and shall indicate matters to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matters by underscoring or by italics.
- (b) **Procedure.**
 - (1) No ordinance shall be adopted at the same meeting at which it is introduced, except as identified in Section 2.14.
 - (2) An ordinance may be repealed by reference to its number and title
 - (3) No ordinance shall be enacted, amended or repealed until after publication of the proposed ordinance or amendment or repeal, or summary thereof except as identified in Section 2.14.
 - (4) A public hearing on all proposed ordinances, with a minimum of ten (10) days' notice to the residents, shall be held before an ordinance is considered, except as identified in section 2.14. The public hearing should be advertised as required by section 2.13d.
- (c) **Effective Date.** Except as otherwise provided in this charter, every adopted ordinance shall become effective at the expiration of 30 days after publication or at any later date specified therein.
- (d) **"Publish" Defined.** Publishing in a newspaper shall be defined as stated in MCL 691.1051. City Council may also define additional publication locations as they deem necessary.

Section 2.14 Emergency Ordinances.

An emergency ordinance shall:

- (a) Be enacted only to meet a public emergency affecting public peace, health, safety or welfare of persons or property;
- (b) Be introduced in the form and manner required for ordinances generally, except that it shall contain, after the enacting clause , a declaration stating that an emergency exists and describing it in clear and specific terms;
- (c) Be adopted at the meeting at which it is introduced by an affirmative vote of two-thirds (2/3) of Council members present and may be given immediate effect upon publication.
- (d) Any emergency ordinance shall also be published in accordance with Section 2.13(d) but not as a requirement for the effectiveness thereof;
- (e) Be in effect for not more than sixty (60) days or may be renewed for an additional sixty (60) days upon the affirmative vote of two-thirds (2/3) of Council members present; and
- (f) Not levy taxes, grant, renew or extend a franchise; regulate the rate charged by any public utility for its services; make or amend a grant; or other special privilege.

Section 2.15 Codes of Technical Regulations

The City Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:

- (1) The requirements of Section 2.13 for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and
- (2) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the city clerk pursuant to Section 2.16(a).

Copies of any adopted code of technical regulation shall be made available by the city clerk for distribution or for purchase at a reasonable price.

Section 2.16 Authentication and Recording: Codification; Printing of Ordinances and Resolutions.

- (a) Authentication and Recording. The city clerk shall authenticate by signing and shall record in full in a properly indexed book kept for the purpose all ordinances and resolutions adopted by the City Council.
- (b) Codification. Within three years after adoption of this charter and at least every three years thereafter, the City Council shall provide for the preparation of a general codification of all city ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the Council by ordinance and shall be published, together with this charter and any amendments thereto, pertinent provisions of the constitution and other laws of the State of

Michigan, and such codes of technical regulations and other rules and regulations as the Council may specify. This compilation shall be known and cited officially as the Dexter City Code. Copies of the code shall be furnished to city officers, placed in libraries, public offices, and, if available, in a web site for free public reference and made available for purchase by the public at a reasonable price fixed by the Council.

- (c) Printing of Ordinances and Resolutions. The City Council shall cause each ordinance and resolution having the force and effect of law and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances, resolutions and charter amendments shall be distributed or sold to the public at reasonable prices as fixed by the Council. Following publication of the first Dexter City Code and at all times thereafter, the ordinances, resolutions and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The Council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the constitution and other laws of the State of Michigan, or the codes of technical regulations and other rules and regulations included in the code.