

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)

10.400

**CHAPTER 4
ADMINISTRATIVE SERVICE**

10.401

Sec. 4.1. ADMINISTRATIVE OFFICERS.

- a. The administrative officers of the city shall be the city manager, city attorney, assessor, city clerk, city treasurer and police chief. The council may not diminish the duties or responsibility of the office of the city manager. The city manager and city attorney shall be appointed by the council for an indefinite period, shall be responsible to and serve at the pleasure of the council and shall have their compensation fixed by the council.
- b. All administrative officers of the city, except the city manager, city attorney, city clerk and city treasurer, shall be appointed by the city manager for indefinite terms of office, subject to confirmation by the council. Such officers appointed by the city manager shall be responsible to the city manager and shall serve at his pleasure. Their compensation shall be fixed by the city manager in accordance with budget appropriations and subject to approval by the council. Removal of such officers may be made by the city manager with the confirmation of the council, provided, however, that ten days' written notice to the officer affected be given, and any action taken by the council be at a regularly scheduled meeting. The officer affected may be present and heard at such meeting.
- c. Except as may otherwise be required by law, the council shall establish, by ordinance, such departments of the city as it deems necessary or advisable and shall prescribe therein the functions of each department and the duties, authorities, and responsibility of the officers of each department. The city manager may prescribe such duties and responsibilities of the officers of those departments responsible to him which are not inconsistent with this Charter or with any ordinance or resolution adopted concerning such duties and authorities under authority of this Charter.
- d. All personnel employed by the city who are not elected officers of the city, or under the authority of this Charter are administrative officers, shall be deemed to be employees of the city. The head of each department shall have the power to hire and discharge the employees of his department upon the advice and consent of the city manager, subject to the provisions of any merit or civil service system.
(char. eff. Nov. 25, 1974)

10.402

Sec. 4.2. CITY MANAGER: APPOINTMENT AND QUALIFICATIONS.

The council shall appoint a city manager within ninety (90) days after any vacancy exists in such position. The city manager shall hold office at the pleasure of a majority of the council, but he shall not be removed from office during a period of ninety (90) days following any regular city election except by the affirmative vote of five (5) members of the council. He shall be selected solely on the basis of his executive and administrative qualifications with special reference to his training and

experience. At the time of his appointment, he need not be a resident of the city or state, but during his tenure of office he shall reside within the city. Removal of the city manager may be made by the council in its sole discretion, provided, however, that ten days' notice to the city manager be given, and any action by the council be at a regularly scheduled meeting. The manager affected may be present and be heard at such meeting.

(char. eff. Nov. 25, 1974)

10.403

Sec. 4.3. CITY MANAGER: FUNCTIONS AND DUTIES.

The city manager shall be the chief administrative officer of the city government. His functions and duties shall be:

- a. To be responsible to the council for the efficient administration of all administrative departments of the city government, except the departments under the direction of the city attorney, city clerk, and city treasurer;
- b. To see that all laws and ordinances are enforced;
- c. To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed;
- d. To recommend an annual budget to the council and to administer the budget as finally adopted, under policies formulated by the council, and to keep the council fully advised at all times as to the financial conditions and needs of the city;
- e. To attend council meetings with the right to take part in discussions but not to vote, and to recommend to the council for adoption such measures as he may deem necessary or expedient;
- f. To exercise and perform all administrative functions of the city that are not imposed by this Charter upon some other official;
- g. To be responsible for the maintenance of a system of accounts for the city; which system of accounts shall be in conformance with any uniform system required by law; and
- h. To perform such other duties as may be prescribed by this Charter or as may be required of him by ordinance or by direction of the council.
(char. eff. Nov. 25, 1974)

10.404

Sec. 4.4. ACTING CITY MANAGER.

The council may appoint or designate an acting city manager during the period of a vacancy in the office or during the absence of the city manager from the city, or during a period of illness or disability on the part of the city manager. Such acting manager shall, while he is in such office, have all the responsibilities, duties,

functions, and authority of the city manager.
(char. eff. Nov. 25, 1974)

10.405 **Sec. 4.5. CITY ATTORNEY: FUNCTIONS AND DUTIES.**

- a. The council shall appoint and fix the salary of the city attorney who shall hold office at the pleasure of the council and who need not be a resident of the city.
- b. The city attorney shall act as legal advisor to, and be attorney and counsel for the council and shall be responsible only to the council. He shall advise any officer or department head of the city in matters relating to his official duties when so requested and shall file with the clerk a copy of all written opinions given by him.
- c. The city attorney shall prosecute all Charter and ordinance violations, and he shall conduct for the city such cases in court and before other legally constituted tribunals as the council may request. He shall file with the clerk copies of all records and files relating thereto as the council may direct.
- d. The city attorney shall prepare or review all ordinances, contracts, bonds and other written instruments which are submitted to him by the council and shall promptly give his opinion as to the legality thereof.
- e. The City attorney shall call attention to the council all matters of law, and changes or developments therein, affecting the city.
- f. The city attorney shall perform such other duties as may be prescribed for him by this Charter or by the Council.
- g. Upon the recommendation of the city attorney, or on its own initiative, the council may retain special legal counsel to handle any matter in which the city has an interest, or to assist and counsel with the city attorney therein.
(char. eff. Nov. 25, 1974)

10.406 **Sec. 4.6. CITY CLERK: FUNCTION AND DUTIES.**

- a. The city clerk shall be elected at large at the regular city election for a term of two (2) years commencing at the first regular council meeting to be held after January 1st of the year following the said regular election.
- b. The city clerk shall be clerk of the council. He shall attend all meetings of the council and shall keep a permanent journal in the English language of its proceedings. He shall keep a record of all ordinances, resolutions, and regulations of the council.
- c. He shall be custodian of the city seal, and shall affix it to all documents and instruments requiring the seal, and shall attest the same. He shall also be custodian of all papers, documents and records pertaining to the City of

Gaylord, the custody of which is not otherwise provided for. He shall give to the proper department or officials ample notice of the expiration or termination of any franchises, contracts or agreements.

- d. He shall provide and maintain in his office a supply of forms for all petitions required to be filed for any purpose by the provisions of this Charter, and shall accept no petitions for any purpose set forth in this Charter which are not on the forms provided by him for such purpose.
- e. He shall certify by his signature all ordinances and resolutions enacted or passed by the council, and perform any other duties required of him by the state law, this Charter, or by the council.
(char. eff. Nov. 25, 1974)

10.407

Sec. 4.7. CITY TREASURER: FUNCTION AND DUTIES.

- a. The city treasurer shall be elected at large at the regular city election for a term of two (2) years commencing at the first regular council meeting to be held after January 1st of the year following the said regular election.
- b. The city treasurer shall have the custody of all moneys of the city, the clerk's bond, and all evidence of values belonging to the city, or held in trust by the city.
- c. He shall receive all money belonging to and receivable by the city, including license fees, taxes, assessments, and all other charges belonging to and payable to the city and shall in all cases give a receipt therefor.
- d. He shall keep and deposit all moneys or funds in such manner and only in such places as the council may determine. He shall report the same in detail to the council.
- e. He shall have such powers and duties in regard to the collection of city taxes and moneys as may be conferred upon him by this Charter or by state law.
- f. He shall perform such other duties as may be prescribed for him by the state law, this Charter, or by the Council.
(char. eff. Nov. 25, 1974)

10.408

Sec. 4.8. CITY ASSESSOR: FUNCTIONS AND DUTIES.

The city assessor shall have all powers vested in, and shall be charged with all duties imposed upon assessing officers by the general law of the state. He shall make and prepare all regular and assessment rolls in the manner prescribed by this Charter, by ordinance or by statute. He shall also perform such other duties as may be prescribed for him in this Charter or by the council.
(char. eff. Nov. 25, 1974)