

CHAPTER III: CITY COMMISSION AND MAYOR

Section

- 3.1 Composition
- 3.2 Qualifications
- 3.3 Terms of office
- 3.4 Limitation on holding office
- 3.5 Oath of office
- 3.6 Compensation
- 3.7 General powers and duties
- 3.8 Mayor and President of Commission
- 3.9 Prohibitions
- 3.10 Vacancies
- 3.11 Judge of qualifications
- 3.12 Procedure
- 3.13 Investigations

§ 3.1 COMPOSITION.

The Commission shall consist of the following members:

- (a) A Mayor who shall be elected at large.
- (b) Six (6) Commissioners, two (2) from each ward, who shall be elected by the electors of their respective wards.

§ 3.2 QUALIFICATIONS.

Only registered voters of the city who have been residents of the city for at least one (1) year on or before the date of election at which they are a candidate shall be eligible to hold the office of Mayor or Commissioner.

§ 3.3 TERMS OF OFFICE.

The terms of office of the Mayor and Commissioner shall be four (4) years commencing at noon on the first Monday in December following their election.

§ 3.4 LIMITATION ON HOLDING OFFICE.

A Commissioner shall not serve more than two (2) consecutive four (4) year terms. This limitation shall not apply to the office of Mayor.

§ 3.5 OATH OF OFFICE.

Each member of the Commission shall take and subscribe to the oath of office prescribed by the Constitution for an officer of the state. The oath shall be filed in the office of the Clerk.

§ 3.6 COMPENSATION.

Each member of the Commission shall receive the sum of \$1,000.00 per year as remuneration for service to the city. The Mayor shall receive an additional \$1,000.00 per year. These sums shall be payable in equal monthly installments and shall constitute the only salary or remuneration which a member of the Commission shall receive for service to the city. Members of the Commission may be reimbursed for expenses incurred in the performance of their duties on behalf of the city.

§ 3.7 GENERAL POWERS AND DUTIES.

All powers of the city shall be vested in the Commission, except as otherwise provided by law or this Charter. The Commission shall provide for the exercise of the city's powers and for the performance of all duties and obligations imposed on the city.

§ 3.8 MAYOR AND PRESIDENT OF COMMISSION.

(a) *Mayor.* The Mayor shall be recognized as the head of the Commission and shall perform those functions commonly ascribed to the office. The Mayor shall preside over all meetings of the Commission and shall vote on all questions, but shall have no power of veto.

(b) *President.* The Commission shall, at its first meeting in each fiscal year, name one of the Commissioners as President of the Commission. In the absence of the Mayor, the president of the Commission shall preside over meetings and in all other respects assume the duties of the Mayor.

§ 3.9 PROHIBITIONS.

(a) *Holding other office.* Except where permitted by law, no member of the Commission shall hold any other elected public office, city office, or city employment during the term for which that member of the Commission is elected. This prohibition, however, shall not apply to appointed city or regional boards or commissions. No former member of the Commission shall hold any compensated appointive office or employment with the city until one year after the expiration of the term which the former member of the Commission served.

(b) *Appointments and removals.* The Commission and its members may express their views and fully discuss with the Manager any matter pertaining to the appointment or removal of employees or officers of the city, but shall have no power to directly appoint or remove any of those employees or officers, except the Manager and City Attorney.

(c) *Administrative authority.* Except for the purpose of investigations authorized under this Charter, neither the Commission nor the members of the Commission shall give orders to any employee or officer subject to the direction and supervision of the Manager.

§ 3.10 VACANCIES.

(a) *Vacancies.* A vacancy shall be deemed to exist on the Commission if a member vacates the office as determined by state law or fails to maintain the qualifications for office as prescribed by this Charter or law.

(b) *Filling of vacancies.* Any vacancy in the Commission shall be filled by the concurring vote of at least four (4) remaining members of the Commission within ninety (90) days after the vacancy occurs. The appointee shall serve until the next regular city election following the appointment, at which election a successor shall be elected for the unexpired term or, if none, for a new term. If the Commission fails to fill the vacancy within ninety (90) days, the Election Commission shall call a

special election to fill the vacancy, which election shall be held not sooner than ninety days and not later than one hundred twenty days following the occurrence of the vacancy.

§ 3.11 JUDGE OF QUALIFICATIONS.

The Commission shall be the judge of the qualifications of its members. A member charged with conduct constituting grounds for creating a vacancy shall be entitled to a public hearing before the Commission. The Commission shall have the power to compel by subpoena the production of documents and the attendance of members of the Commission, officers, and employees of the city as witnesses at the hearing. Failure of a member of the Commission, officer or employee to obey a subpoena shall constitute misconduct in office. Notice of the hearing shall be published in one or more newspapers of general circulation in the city at least one (1) week in advance of the hearing. Decisions made by the Commission under this section shall be subject to judicial review.

§ 3.12 PROCEDURE.

(a) *Regular meetings.* Regular meetings of the Commission shall be held at least once each calendar month at times and places as prescribed by the Commission.

(b) *Special meetings.* Special meetings of the Commission may be called by the Mayor, or by three (3) or more Commissioners, upon no less than eighteen (18) hours' notice to each member of the Commission. No business shall be transacted at any special meeting of the Commission unless the nature of the business has been stated in the notice of the meeting.

(c) *Open meetings.* Regular and special meetings of the Commission shall be open to the public in accordance with Public Act 267 of 1976, as amended, of the Michigan Compiled Laws (Open Meetings Act). The rules of order of the Commission shall provide that citizens shall have a reasonable opportunity to be heard at any open meeting on matters within the jurisdiction of the Commission.

(d) *Quorum.* Four (4) members of the Commission shall constitute a quorum for the transaction of business.

(e) *Rules of order.* The Commission shall determine its own rules and order of business and keep a written or printed journal in the English language of all its proceedings, which shall be signed by the Clerk. The vote upon the passage of all ordinances and upon the adoption of all resolutions shall be taken by "yes" and "no" votes and entered upon the record. Each member of the Commission who is present at any meeting shall be required to vote on all questions to be decided by the Commission at the meeting or state for the record a reason or reasons why that member cannot vote on the question.

(f) *Publication of minutes.* Minutes of the meetings of the Commission shall be published in accordance with Public Act 267 of 1976, as amended, of the Michigan Compiled Laws.

§ 3.13 INVESTIGATIONS.

The Commission, or its duly appointed representatives, shall have the power to conduct investigations regarding the conduct of any officer, employee, department, committee or board of the city. The Commission, or its duly appointed representatives, shall have the power to hold hearings pertaining to matters under investigation and to compel by subpoena the attendance of witnesses and production of documents. Failure of an officer or employee to obey a subpoena shall constitute misconduct in office.