

CITY OF ZEELAND

Chapter 5: The City Council of the City of Zeeland Charter

City Governing Body:

Section 5.1 All legislative or policy forming powers of the city shall be vested in, exercised, and determined by the City Council consisting of the Mayor and six Councilmen who are elected from the city at large. In all cases where the word Council is used in this charter, the same shall mean the City Council of the City of Zeeland and shall be synonymous with any term employed in any State or Federal law referring to legislative or governing bodies of cities. Members of the Council shall be known and designated as Councilmen.

Election and Terms of Office:

Section 5.2. At each regularly city election there shall be elected two Councilmen. Each such Councilman shall be elected to serve for a term of three years, which term shall commence on and date from the second meeting of the Council in April following the date of the regular city election at which he is elected.

Judge of Qualifications of Members:

Section 5.3. The Council shall be the judge of the eligibility and qualifications of its own members, subject only to review by the courts.

Remuneration of Mayor and Members of the Council:

Section 5.4. The Mayor shall be compensated for his service to the city at the rate of three hundred dollars per annum and each Councilman shall be compensated for his service to the city at a rate of two hundred dollars per annum. Such compensation shall be paid annually in each case, during the month of March, and except as otherwise provided in this charter, shall constitute the only compensation which may be paid to the Mayor and to members of the Council for the discharge of any official duty for or on behalf of the city during their terms of office.

Upon authorization of the Council, reasonable expenses may be allowed to its members when actually incurred on behalf of the city.

Functional Duties of the Mayor:

Section 5.5 (a). Insofar as required by law, and for all ceremonial purposes, the Mayor shall be recognized as the executive head of the city and shall preside over all meetings of the Council and preserve order thereat and shall have and exercise all powers granted to Mayors of cities by State law and by this charter.

(b) He shall be a conservator of the peace, and may, in the event of emergency or disaster, exercise within the city of powers conferred upon sheriffs to suppress disorder, and shall have the power to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the city, and to suppress riot and disorderly conduct.

(c) He shall have an equal voice and vote with other members of the Council upon all matters before the Council for consideration, but shall not have the power of veto.

(d) The Mayor shall appoint all of the administrative officers to the city, and by with the advice and approval of the Council.

(e) The Mayor shall have the power to remove all administrative officers of the city appointed by him: Provided, that any such removal from office shall be effective only when approved by resolution of the Council. Each appointive officer of the city shall hold office until his successor is appointed and has qualified for such office as in this charter provided and required.

(f) The appointive administrative officers of the city, except the City Attorney, the Board of Review, and the Board of Public Works, shall, in the performance of their duties as the holders of such offices, serve under the direction of the Mayor as the administrative representative of the Council and shall report and be responsible to him.

(g) He shall authenticate by his signature such instruments as the Council, this charter, or the laws of the State of Michigan or the United States shall require.

Selection of Mayor Pro Tem:

Section 5.6. The Council, shall at its first regular meeting, following each regular city election, select one of its members to serve as Mayor Pro Tem. The Mayor Pro Tem shall perform the duties of the Mayor when, on account of absence from the city, disability, or otherwise, the Mayor is temporarily unable to perform the duties of his office, and shall succeed to the office of Mayor in the case of vacancy in that office. The Mayor Pro Tem shall preside over the meetings of the Council during the absence of the Mayor, and at the call of the Mayor. In the vent that a vacancy occurs in the office of Mayor Pro Tem, through advancement to the office of Mayor, or otherwise, the Council shall appoint one of its elected members to fill such vacancy. Until such time as the Council shall so appoint a Mayor Pro Tem, the line of succession of persons who shall act as Mayor shall be according to seniority in continuous service as members of the Council. In the vent that two or more persons shall have equal seniority as

members of the Council, such line of succession shall be according to the alphabetical order of their surnames.

Meetings of the Council:

Section 5.7. (a) The Council shall provide by resolution for the time and place of its regular meetings and shall hold two regular meetings each month: Provided, that no change shall be made in the time or place of its regular meetings, until after 10 days following publication of notice of such change. If any time set for the holding of a regular meeting of the Council shall be a holiday, then such regular meeting shall be held at the same time and place on the next secular day which is not a holiday.

(b) Special meetings of the Council shall be held at the regular meeting place of the Council. Special meetings of the Council shall be called by the Clerk on the written request of the Mayor and any two Councilmen, on at least six hours written notice to each member of the Council, designating the time, and purpose of such meeting and served personally or left at his usual place of residence by the Clerk or someone designated by him. Notwithstanding the foregoing requirement for the calling of special meetings, any special meeting of the Council shall be a legal meeting when all members of the Council are present. In the event that one or more of the members may be absent from any special meeting and such member or members have waived, in writing the requirement that notice shall be given at least six hours prior to the time specified for the holding of such meeting, such shall be a legal meeting.

(c) No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting. However, other than the enactment of an ordinance, any business which may be lawfully come before a regular meeting may be transacted at a special meeting if all of the members of the Council present consent thereto, and all of the members absent file their written consent.

(d) 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.

(e) Four members of the Council shall be a quorum for the transaction of business at all meetings of the Council, but in the absence of a quorum, any number of members less than a quorum may adjourn any regular or special meeting to a later date.

(f) Except in those cases where a larger majority is required by state law or the provisions of this charter, no ordinance or resolution shall be adopted or passed; nor shall any appointments be made, nor any person removed from office, as required or permitted by this charter, except by the affirmative vote of at least four members of the Council.

(g) The Council shall determine its own rules and order of business and shall keep a journal, in the English language, or all its proceedings which shall be signed by the Clerk, and by the Mayor after approval thereof by the Council. The vote upon the passage of all ordinance, and upon the adoption of all resolutions shall be taken by "Yes" or "No" votes and entered upon the record, except that where the vote is unanimous, it shall only be necessary to so state. The public

shall have access to the minutes and records of all regular and special meetings of the Council at all reasonable times.

(h) The Council shall provide by resolution for such standing committees of the Council as shall be required for the proper conduct of the duties and functions of the Council.

(i) The Mayor and each Councilman shall be required to attend all meetings of the Council. The Council may compel the attendance of its members and other officers of the city at its meetings, and may prescribe and enforce such fines for nonattendance, in such manner as it may, by ordinance, prescribe. Any member of the Council, or other officer of the city, who refused to attend such meetings or conduct himself in an orderly manner thereat shall be deemed guilty of misconduct in office. The police Chief, or such other person as the Council shall designate, shall serve as the Sergeant-at-Arms of the Council in the enforcement of the provisions of this section and of Section 5.5 (a) of this chapter.

(j) Except as otherwise provided in this charter, each member of the Council shall vote on each question before the Council for a determination, unless excused therefrom by a vote of at least four members of the Council.

Public Health and Safety:

Section 5.8. Through the established departments and agencies of the city government, together with any such departments or agencies as may be created under authority of this charter, the Council shall provide for the public peace, health, and recreation, and for the safety of persons and property.

Health:

Section 5.9. The Council shall constitute the Board of Health of the city, and shall possess all powers, privileges, and immunities granted to boards of health by State law. The Mayor shall be chairman of the Board of Health, the Health Officer shall be its executive officer and the City Clerk its secretary. All actions taken by the Council in the exercise of the powers herein conferred shall be deemed to be actions in its capacity as the Board of Health.

Licenses:

Section 5.10. The Council shall, by ordinance, prescribe the terms and conditions upon which licenses may be granted, suspended, or revoked, and may require and exact payment of such reasonable sums as it may deem proper for the granting and continuing of such licenses.

Publication:

Section 5.11. In the event that no newspaper shall be printed, published, and circulated in the city, the Council may determine that such publication may be made in a newspaper which is of general circulation in the city, or that such publication may be made by posting in the office of the Clerk and in five other places in the city. In case publication is made by posting, a notice of such posting, setting forth, by a description thereof, the purpose or nature of the notice, ordinance, or proceeding posted, and the location of the place is of general circulation in the city, within seven days after such posting was done.

Cemetery Regulations:

Section 5.12. The Council shall have power to enact all ordinances deemed necessary for the establishment, maintenance, and protection of cemeteries, together with improvements thereon and appurtenances thereto, owned or hereafter acquired by the city either within or without its corporate limits. All ordinances pertaining to public health and welfare in the regulation and protection of public cemeteries shall apply equally to all cemeteries within the city belonging to or under the control of, any church or religious society, or any corporation, company, or association. The Council may provide by ordinance that any bodies buried within the city, in violation of any rule or ordinance made in respect to such burials, be taken up and reburied in such a manner as shall conform to the ordinances of the city.

Streets, Alleys, and Public Places:

Section 5.13. The city shall have and exercise the reasonable control of its streets, alleys, and public places. Except insofar as limited by State law and the provisions of this charter, the Council shall have power to establish, vacate, use, control, and regulate the use of its streets, alleys, bridges, and public places, whether such public places be located within or without the limits of the city and the space above and beneath them. Such power shall include but not be limited to, the proper policing and supervision thereof; the licensing and regulation, or the prohibition, of the placing of signs, awnings, awning posts, and other things which are of such nature as to impede or make dangerous the use of such streets, alleys, and the public places of the city; and the licensing and regulation of the construction and use of openings in its streets, and alleys, and the sidewalks thereof, and all vaults, structures, and excavations under the same. When the Council shall deem it advisable to vacate, discontinue, or abolish any public place, street, or alley, or any part thereof, it shall, by resolution, do declare and, in such resolution, shall appoint a time, not less than thirty days thereafter, when the Council shall meet and hear objections thereto. Notice of such hearing and of the purpose thereof shall be published not less than once in each of the three calendar weeks preceding such hearing. If any such objection is made, such public place, street, or alley, or part thereof, shall not be vacated, discontinued, or abolished except by the affirmative vote of five members of the Council.

Gifts and Trusts:

Section 5.14. The Council may, in its discretion, receive and hold any gift or bequest made to the city or any officer, board or department thereof for any municipal purpose and shall apply the same in accordance with the terms and conditions, if any, of such gift and may, by contract or otherwise, if permitted by or consistent with terms of the gift or bequest, transfer any such gift or bequest to or permit such gift or bequest to remain in the hands of any person, group of persons, or corporation to administer the same for the benefit of the city in accordance with the terms and conditions of such gift or bequest.

Rights as to Property:

Section 5.15. The Council shall have the power to acquire for the city by purchase, gift, condemnation, lease, construction, or otherwise, either within or without the County of Ottawa, property of every type and nature which may be required for or incidental to the present or future exercise of the purposes, powers, and duties of the city government established in this charter.

City Contracts and Purchases:

Section 5.16. The Council shall be responsible for the control of letting and making of contracts and shall provide by ordinance the necessary procedures governing purchasing and making of contracts. Such ordinance shall specify an amount below which and the purposes for which purchases may be made by the city administration, either without specific authorization of the Council, or without the necessity of formal competitive bidding, or both. The Council, in its discretion, shall have the right to reject any and all bids for work or for the furnishing of materials for the city.

Restrictions on Powers of the Council:

Section 5.17. The Council shall not have the power to make any contract with or give any official position to any person who is in default to the city. Further, the Council shall not have the power to sell any park, cemetery, or any part thereof, except where such park is not required under an official master plan of the city, or to engage in any business enterprise requiring an investment of money in excess of ten cents per capita, unless approved by three-fifths of the electors voting thereon at any general or special election.

Investigations:

Section 5.18. The Council, or any 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 summon officers and employees

of the city to appear before the Council or such committee of the Council to give information under oath pertinent to such inquiry, administer oaths, and require the production of books, papers, and other evidence. Any officer or employee of the city who shall fail or refuse to obey such summons or to produce books, papers, or other evidence as ordered or required to be produced under the provisions of this Section, shall on conviction thereof in any court of competent jurisdiction, be subject to a fine of not more than one hundred dollars, or imprisonment for not more than ninety days, or both, in the discretion of the court.