

ARTICLE II

THE COUNCIL

Section 1 - Powers of the Council

All powers of the city, not in conflict with the constitution and subject to the limitations of this charter, shall be vested in the council, who shall enact appropriate legislation and do and perform any and all acts and things which may be necessary and proper to carry out these powers or any of the provisions of this charter.

The city shall not bargain collectively with any employee, group of employees, employee organizations, or any representative of any employee organization with respect to wages, hours, or working conditions, and the council shall be the final determinant of all wages, hours, and working conditions of all employees of the city. (Amended December 11, 1979)

Section 2 - Number; selection

The council shall consist of a mayor and six (6) councilmen elected from the city at large.

Section 3 - Term of Mayor

The term of office of the mayor shall commence at the conclusion of the second regularly scheduled voting session of the council in November following a primary or general election, and shall be for two (2) years or until his or her successor is elected and qualified. (Amended January 14, 1969; September 21, 1993)

Section 4 - Terms of Councilmen

The terms of council members shall commence at the conclusion of the second regularly scheduled voting session of the council in November following a primary or general election, and shall be for four (4) years or until their successors are elected and qualified. However, the terms of the present elected council shall not be shortened, and the present incumbents or their duly appointed successors shall serve their elected terms. (Amended January 14, 1969; September 21, 1993)

ARTICLE II (Continued):

Section 5 - Qualifications

The mayor and councilmen shall be qualified electors of the city one year prior to the primary election and shall hold no other public office for which they receive compensation except that of a notary public or a member of the National Guard, or naval or military reserve, and shall have resided in said city for one (1) year next preceding the date of such election or appointment. If the mayor or a councilman shall cease to possess any of these qualifications or shall be convicted of a felony, his office shall immediately become vacant. (Amended January 9, 1979; Amended November 2, 2010)

Section 6 - Duties of Mayor

The mayor shall be the chairman of the council and preside over its deliberations. He may make and second motions and shall have a voice and vote in all its proceedings. He shall be a chief executive of the city government for all purposes and recognized by the governor for purposes of military law and civil defense and shall have executive but no regular administrative duties. (Amended January 14, 1969)

Section 7 - Mayor pro tempore

The council shall designate one of its members as mayor pro tempore, who shall serve in such capacity at the pleasure of the council. The mayor pro tempore shall perform the duties of the mayor during his absence or disability.

Section 8 - Stipend of Mayor and Councilmen

The stipend of the mayor shall be \$750.00 per month, not to exceed \$9,000.00 per year; and the stipend of the council members shall be \$500.00 per month, not to exceed \$6,000.00 per year. These stipends shall take effect on December 1, 1999. (Amended September 20, 1983; September 7, 1999)

Section 9 - Council to be judge of qualifications of its members

The council shall be the judge of the election and qualifications of its members and for such purpose shall have power to subpoena witnesses and require the production of records, but the decision of the council in any case shall be subject to review by the courts.

ARTICLE II (Continued):

Section 10 - Induction of Mayor and Council into office

At the conclusion of the second regularly scheduled voting session of the council in November following a primary or general election, the council shall induct the newly elected mayor and council members, and designate a mayor pro tempore. (Amended December 11, 1979; September 21, 1993)

Section 11 - Absence to terminate membership

If the mayor or any councilman shall be absent from more than two (2) consecutive called meetings without the consent of the council, he shall thereupon cease to hold office. (Amended January 9, 1979)

Section 12 - Vacancies in Council and Office of Mayor

The council, by a majority vote of its remaining members, shall fill the vacancies in its own membership, and in the office of mayor, by either of the following:

- A. Appointment for the unexpired term.
- B. Appointment until the next November when Council members are seated if the vacancy occurs more than thirty days before the nomination petition deadline for the primary election. The nomination process provided by state election law shall be followed by candidates for such vacancy and shall be designated on the primary, and general if necessary, ballot as running for the "short term."

(Amended January 14, 1969; December 11, 1979; September 20, 1983; September 21, 1993; June 7, 2012)

Section 13 - Council meetings; open to public

The council shall meet regularly at such times and at such places as may be prescribed by the rules, but not less frequently than two times each month. All meetings of the council shall be open to the public, except as noticed and held in compliance with State law. (Amended January 9, 1979)

ARTICLE II (Continued):

Section 14 - Special meetings

The mayor may, or at the request of three (3) members of the council shall, by giving notice thereof to all members of the council then in the city, call a special meeting of the council in accordance with State Statutes. Special meetings of the council may also be held at any time by the common consent of all the members of the council. (Amended November 2, 2010)

Section 15 - Rules of procedure; journal

The council shall determine its own rules and order of business subject to the provisions of this charter. It shall keep a journal of its proceedings and the journal shall be open to public inspection during regular office hours.

Section 16 - Quorum; ayes and nays

A majority of the members of the council shall constitute a quorum, but a smaller number may adjourn from day to day or from time to time. The vote on any question shall be by ayes and nays and shall be taken simultaneously at the request of any council member and shall be entered in the journal. (Amended December 11, 1979)

Section 17 - Failure to vote

No member of the council present shall be excused from voting except upon matters involving the consideration of his own official conduct or involving a conflict of interest. In all other cases a failure to vote by a present council member shall be entered on the minutes as an affirmative vote. (Amended January 9, 1979; December 11, 1979)

Section 18 - Consideration of petitions

Any citizen of the city may appear before the council at any regular meeting and present a written petition; such petition shall be acted upon by the council, in the regular course of business, within thirty (30) days.

ARTICLE II (Continued):

Section 19 - Interference in administrative service

Except as otherwise provided in this charter, neither the council nor any of its members shall interfere with the execution by the city manager of his powers and duties, or order, directly or indirectly, the appointment by the city manager of any person to an office or employment or his removal therefrom. Except for purposes of inquiry, the council and its members shall deal with the administrative service under the city manager solely through the city manager, and neither the council nor any member thereof shall give orders to any subordinate of the city manager, either publicly or privately.

Section 20 - Conduct of Council as to powers authorized by charter when no procedure established by state law

Whenever, by any provisions of this charter, it is prescribed that any power, duty or procedure shall or may be exercised, performed or adopted in the manner established by any law of this state, and there be no procedure established by law therefor, then the council shall by either ordinance or resolution prescribe the procedure. (Amended September 21, 1993)