

TITLE 1

GENERAL ADMINISTRATION¹

CHAPTER

1. CITY COUNCIL.
2. MAYOR.
3. RECORDER.
4. CITY ADMINISTRATOR.
5. CODE OF ETHICS.
6. ELECTIONS.

CHAPTER 1

CITY COUNCIL²

SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Passage of ordinances.

¹Charter references

See the charter index, the charter itself, and footnote references to the charter in the front of this code.

Municipal code references

Building, plumbing, electrical, and gas inspectors: title 12.

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

²Charter references

Appropriations of moneys: § 15.

Compensation: § 3.

Composition: § 3.

Powers: § 5.

Qualifications: § 3.

Quorum: § 9.

1-101. Time and place of regular meetings. The city council shall hold regular monthly meetings at 7:00 P.M. on the second Monday of each month at the city hall. (1993 Code, § 1-101)

1-102. Order of business. At each meeting of the city council, the following regular order of business shall be observed unless dispensed with by a majority vote of the members present:

- (1) Call to order by the mayor;
- (2) Roll call by the recorder;
- (3) Reading of minutes of the previous meeting by the recorder and approval or correction;
- (4) Grievances from citizens;
- (5) Communications from the mayor;
- (6) Reports from committees, members of the city council, and other officers;
- (7) Old business;
- (8) New business; and
- (9) Adjournment. (1993 Code, § 1-102)

1-103. General rules of order. The rules of order and parliamentary procedure contained in *Robert's Rules of Order, Newly Revised*, shall govern the transaction of business by and before the city council at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1993 Code, § 1-103)

1-104. Passage of ordinances. All ordinances must be introduced in written form and approved by the city council on three (3) different days before becoming effective in accordance with their terms. (1993 Code, § 1-104)

CHAPTER 2

MAYOR¹

SECTION

1-201. Executes city's contracts.

1-201. Executes city's contracts. The mayor shall execute all contracts as authorized by the city council. (1993 Code, § 1-202)

¹Charter references

Bond: § 12.

Duties: § 10.

Term of office: § 6.

Veto powers: § 10.

CHAPTER 3**RECORDER¹****SECTION**

1-301. To be bonded.

1-302. To keep minutes, etc.

1-303. To perform general administrative duties, etc.

1-301. To be bonded. The recorder shall be bonded in such sum as may be fixed by the city council, and with such surety as may be acceptable to the council. (1993 Code, § 1-301)

1-302. To keep minutes, etc. The recorder shall keep the minutes of all meetings of the city council and shall preserve the original copy of all ordinances in a separate ordinance book. (1993 Code, § 1-302)

1-303. To perform general administrative duties, etc. The recorder shall perform all administrative duties for the city council and for the city which are not assigned by the charter, this code, or the city council to another corporate officer. He shall also have custody of, and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the city shall provide. (1993 Code, § 1-303)

¹Charter references

Bond: § 12.

Collection of delinquent taxes: §§ 5(7) and 13.

Powers and duties: § 10.

Tax books: § 16.

Term of office: § 6.

The City of Decherd adopts by reference the requirements of Public Acts 1994, chapter 648, and it is made a part hereof as if it were fully set out.

CHAPTER 4**CITY ADMINISTRATOR****SECTION**

1-401. Powers and duties.

1-401. Powers and duties. The powers and duties of the city administrator shall be as follows:

(1) To see that all laws and ordinances, subject to enforcement by him or by officers subject to his direction, are enforced, and upon knowledge or information of any violation thereof to see that prosecutions are instituted;

(2) To attend all board meetings and to have the right to take part in any discussions, but not to vote;

(3) To assist in preparing and submitting an annual operating budget and an annual capital budget to the board prior to the beginning of the fiscal year;

(4) To submit to the board a complete report on the financial conditions of the city at the end of fiscal year and at such other times as may be required by the board;

(5) To make other reports on the activities of the city as the city board may require or as he sees the need for and to make such recommendations as, in his opinion, are necessary to improve the effectiveness and efficiency of the city's operations or as are needed for the overall good of the city;

(6) To act as purchasing agent for the city, purchasing all materials, supplies, and equipment needed by the city in accordance with the state's purchasing laws and procedures;

(7) To perform other duties as required by the city charter or the city board; and

(8) The city administrator shall have general supervision of all city employees and shall be responsible for administering the affairs of the city as chief administrative officer. (1993 Code, § 1-401, as amended by Ord. #364, March 2012)

CHAPTER 5

CODE OF ETHICS

SECTION

- 1-501. Applicability.
- 1-502. Definition of "personal interest."
- 1-503. Disclosure of personal interest by official with vote.
- 1-504. Disclosure of personal interest in nonvoting matters.
- 1-505. Acceptance of gratuities, etc.
- 1-506. Use of information.
- 1-507. Use of municipal time, facilities, etc.
- 1-508. Use of position or authority.
- 1-509. Outside employment.
- 1-510. Ethics complaints.
- 1-511. Violations and penalty.

1-501. Applicability. This chapter constitutes the code of ethics for officials and employees of the City of Decherd. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the city. The words "municipal" and "municipality" include these separate entities. (1993 Code, § 1-501)

1-502. Definition of "personal interest." (1) For purposes of this section and § 1-503, "personal interest" means:

- (a) Any financial, ownership, or employment interest in the subject of a vote by a city board not otherwise regulated by state statutes on conflicts of interest;
- (b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or
- (c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(ren).

(2) The words "employment interest" include a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (1993 Code, § 1-502)

1-503. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself from voting on the measure. (1993 Code, § 1-503)

1-504. Disclosure of personal interest in nonvoting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (1993 Code, § 1-504)

1-505. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the city:

(1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or

(2) That might reasonably be interpreted as an attempt to influence his action or reward him for past action in executing city business. (1993 Code, § 1-505)

1-506. Use of information. (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (1993 Code, § 1-506)

1-507. Use of municipal time, facilities, etc. (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the city. (1993 Code, § 1-507)

1-508. Use of position or authority. (1) An official or employee may not use or attempt to make private purchases, for cash or otherwise, in the name of the city.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the city. (1993 Code, § 1-508)

1-509. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the city position or conflicts with provision of the city's charter or any ordinance or policy. (1993 Code, § 1-509)

1-510. Ethics complaints. (1) The city attorney is designated as the ethics officer of the city. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

(2) (a) Except as otherwise provided in this subsection, the city attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.

(b) The city attorney may request that the city council hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interest in a particular matter.

(c) When a complaint of a violation of any provision of this chapter is lodged against a member of the city council, the city council shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the governing body determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the city council.

(3) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than a violation of this code of ethics. (1993 Code, § 1-510)

1-511. Violations and penalty. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the city's charter or other applicable law and, in addition, is subject to censure by the city council. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (1993 Code, § 1-511)

CHAPTER 6

ELECTIONS

SECTION

1-601. Absentee voting.

1-601. Absentee voting. All persons residing outside the corporate limits of the City of Decherd who own real property within the corporate limits of the City of Decherd and who are entitled to vote in City of Decherd municipal elections pursuant to Decherd City Charter chapter 318, § 6, subsection (c), and other general law requirements, shall cast their ballot in City of Decherd municipal elections by absentee by mail ballots. (Ord. #376, Dec. 2013)