

## **CHAPTER V**

### **GENERAL PROVISIONS REGARDING OFFICERS AND PERSONNEL**

#### **Section 5.1 Eligibility For Office.**

- (a) No person shall hold any elective office or fill the vacancy in any elective office of the city unless he or she has been a resident of the city for at least one (1) year immediately prior to the date of the election at which he or she is a candidate. He or she must also have been a registered elector on the last day for filing nominating petitions for such office or prior to his or her appointment to fill a vacancy.
- (b) No person shall be eligible for any elective or appointive city office who is in default to the city. The holding of office by any person who is in default shall create a vacancy unless such default shall be eliminated within thirty (30) days after written notice thereof has been served at his or her last known place of residence by the city clerk upon the direction of the council, or, unless the officer contests his or her liability for the default in a court of competent jurisdiction.
- (c) No person who holds or has held the office of councilperson shall be eligible to hold any appointive office for which there is compensation paid by the city until one year has elapsed following retirement or resignation.
- (d) No appointive city officer or employee shall seek an elective office of the city unless he or she resigns his or her position with the city upon election to office.
- (e) All administrative officers (See Section 7.1 of this charter) shall be United States citizens.

#### **Section 5.2 Holding Of Appointive Office Or Employment By Relative Or Elective Or Appointive Officer.**

Unless the council shall by majority vote, and shall record as part of its official proceedings, determine that the best interest of the city shall be served, family members of any elective or appointive officer are disqualified from holding any appointive office or employment during the term for which said elective or appointive officer was elected or appointed. This section shall in no way disqualify such family members who are bona fide appointive officers or employees of the city at the time of the election or appointment of said official.

### **Section 5.3 Oath Of Office And Bond Required.**

Every officer, elective or appointive, before entering upon the duties of that office, shall qualify by taking the oath of office prescribed for public officers by the Constitution of the State of Michigan, and by filing the oath with the clerk, together with any bond required by statute, this charter or by the council. In case of failure to comply with the provisions of this section within fourteen (14) days from the date he or she is notified in writing of the officer's election or appointment, such officer shall be deemed to have declined the office and such office shall thereupon become vacant unless the council shall, by resolution, extend the time in which such officer may qualify as above set forth.

### **Section 5.4 Surety Bonds.**

- (a) Except as otherwise provided in this charter, all officers of the city whose duties involve the custody of public property or the handling of public funds, either by way of receipt or disbursement or both, and all other officers and employees so required by the council shall, before they enter upon the duties of their respective offices, file with the city an official bond in such form and amount as the council shall direct and approve.
- (b) The official bond of every officer or employee whose duty it may be to receive or pay out money shall be conditioned that he or she will, upon demand, pay over or account for to the city, or any proper officer or agent thereof, all moneys received by him or her as such officer or employee. The requirements of this paragraph may be met by the purchase of one or more appropriate blanket surety bonds covering all, or a group of city employees and officers.
- (c) All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the city. The clerk shall be custodian of all bonds of all officers or employees except that the city manager shall be custodian of any bonds pertaining solely to the clerk and/or clerk-treasurer.

### **Section 5.5 Delivery Of Effects Of Office To Successor Or Superior When Officer Or Employee Ceases To Hold Office.**

Whenever any officer or employee shall cease to hold such office or employment for any reason whatsoever, he or she shall within five (5) days, or sooner on demand, deliver to his or her successor in office or to that officer's or employee's superior all the books, papers, money, equipment and effects in his or her custody that in any manner pertain to that office. Any officer violating this provision may be proceeded against in the same manner as public officers generally for a like offense under the laws of the State of Michigan.

## **Section 5.6 Declaration Of Vacancy In Elective Office.**

Any elective city office shall be declared vacant by the council before the expiration of the term of such office:

- (a) For any reason specified by statute or by this charter as creating a vacancy in office;
- (b) If no person is elected to, or qualified for the office at the election at which such office is to be filled;
- (c) If the officer shall be found guilty by a competent court or tribunal of any act constituting misconduct in office under the provisions of this charter;
- (d) In the case of any member of the council, if such officer shall miss four consecutive regular meetings of the council or twenty-five (25%) percent of such meetings in any fiscal year of the city, unless such absence shall be excused by the council and the reason therefore entered in its proceedings at the time of each absence;
- (e) If the officer is removed from office by the council in accordance with the provisions of Section 5.7.

## **Section 5.7 Removal From Office.**

Removal by the council of elective officers or of members of boards or commissions shall be made for either of the following reasons:

- (a) For any reason specified by statute for removal of city officers by the governor.
- (b) For any act declared by this charter to constitute misconduct in office. Such removals by the council shall be made only after a hearing of which the officer has been given notice by the clerk at least ten (10) days in advance, either personally or by certified mail, addressed to the officer in question at the last known place of residence of that officer. Such notice shall include a copy of the charges against the officer. The hearing shall afford an opportunity to the officer, in person or by his or her attorney, to be heard in his or her defense, to cross-examine witnesses and to present testimony. If the officer shall neglect to appear at the hearing and answer the charges, his or her failure to do so may be deemed cause for removal. A majority vote of the members of the council in office at the time, plus one (1) exclusive of any member whose removal is being considered, shall be required for any such removal.

## **Section 5.8 Resignations Of Elective And Appointive Officers.**

- (a) Resignations of elective officers and of members of boards and commissions shall be made in writing and filed with the clerk and shall be acted upon by the council at its next regular or special meeting following receipt thereof by the clerk and is irrevocable upon acceptance. Resignations of appointive officers shall be made in writing to the appointing officer or body and shall be acted upon immediately.
- (b) Any elective officer required to serve in the military forces of the United States causing that officer to miss four (4) consecutive regular meetings of the council or twenty-five (25%) percent of such meetings in any fiscal year shall resign and be entitled to the designation of "Honorable Resignation," unless such absence shall be excused by the council and the reason therefore entered in its proceedings at the time of each absence.

## **Section 5.9 Filling Vacancy In Council.**

Any vacancy in the council shall be filled within thirty (30) days by a majority vote of the members of the council then in office. Any qualified elector may apply to the council for appointment. Said appointment shall be for the remainder of the unexpired term of the vacancy.

## **Section 5.10 Filling Vacancies In Offices.**

Vacancies in appointive offices shall be filled in the manner provided for making the original appointment. In the case of members of boards and commissions appointed for a definite term, such appointments shall be for the unexpired term.

## **Section 5.11 Changes In Term Of Office Or Compensation.**

- (a) Except by procedures provided in this charter, the terms of office of the elective officers and of member of boards and commissions appointed for definite terms shall not be shortened. The terms of elective officers of the city shall not be extended beyond the period for which any such officer was elected except that an elective officer shall, after that officer's term has expired, continue to hold office until a successor to that office has qualified and is elected or appointed
- (b) The council shall not grant or authorize extra compensation to any officer or employee after the services have been rendered.

**Section 5.12 Compensation Of Employees Not Provided For By Charter; Bona Fide Expenses Incurred In Service Of City.**

- (a) The compensation of all employees and officers of the city whose compensation is not provided for herein, shall be fixed by the council within the limits of budget appropriations, and in accordance with any pay plan adopted by the council.
- (b) Nothing contained in this section shall prohibit the payment of necessary bona fide expenses incurred in service in behalf of the city.

**Section 5.13 Employees Retirement System.**

The council may provide a retirement system for the city employees.

**Section 5.14 Merit System For Employees.**

The council may provide a merit system for city employees. See Section 7.2 (a) of this charter.

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