

ARTICLE III

THE COMMISSION

Section 301. Number, Selection, Term

All legislative powers of the City shall be vested in a Commission consisting of four Commissioners and a Mayor who shall be elected as hereinafter provided and who shall hold office for a term of three years or until their successors take office. The regular term of members of the Commission shall expire at 8:15 p.m. on the first Thursday following the election and qualification of their successors. Members of the Commission holding office at the time this Charter becomes effective shall continue to hold office for the term for which they were elected and until their successors take office under the provisions of this Charter.

Section 302. Qualifications of the Mayor and Commissioners

The Mayor and Commissioners shall have resided in the City at least two years, immediately preceding their election, shall be twenty-five (25) years of age, shall not have been convicted of a felony or a misdemeanor involving moral turpitude and shall be qualified voters of the City pursuant to Section 501 of this Charter. Commissioners shall reside in their respective wards.

Section 303. Salary of Commissioners

Each Commissioner shall receive an annual salary which shall be as specified from time to time by an ordinance passed by the Commission in the regular course of its business; provided, however, that the salary specified at the time any Commissioner takes office shall not be changed during the period for which the Commissioner was elected. An ordinance making any change in the salary paid to the several Commissioners, either by way of increase or decrease, shall take effect only as to members of the Commission who shall be elected or reelected to office after the passage of such salary change.

Section 304. Salary of the Mayor

The Mayor shall receive an annual salary as set from time to time by an ordinance passed by the Commission in the regular course of business; provided, however, that no change shall be made in the salary for any Mayor during the term for which the Mayor was elected. The ordinance making any change in the salary paid to the Mayor, either by way of increase or decrease, shall be finally ordained prior to the municipal election to elect the next

succeeding Mayor, and shall take effect only as to the next succeeding Mayor.

Section 305. Meetings of the Commission

(a) Open Sessions. The Commission shall have the power to meet and adjourn from time to time as it shall deem proper, except that it shall meet at least once in every month, and on the first Thursday following an election of Commissioners for the purpose of organization. Special meetings shall be called by the Mayor or at least three Commissioners. The rules of the Commission shall provide that residents of the City shall have a reasonable opportunity to be heard at any open meeting in regard to any municipal question.

(b) Closed Sessions. The Commission may meet in closed session or adjourn an open session to a closed session to:

- (1) Discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees or officials over whom it has jurisdiction or any other personnel matter that affects one or more specific individuals;
- (2) Protect the privacy or reputation of individuals with respect to a matter that is not related to public business;
- (3) Consider the acquisition of real property for a public purpose and matters directly related thereto;
- (4) Consider the investment of public funds;
- (5) Consider the marketing of public securities;
- (6) Consult with legal counsel to obtain legal advice;
- (7) Consult with staff, consultants or other individuals about pending or potential litigation;
- (8) Conduct collective bargaining negotiations or consider matters that relate to the negotiations;
- (9) Discuss public security if the council determines that public discussion would constitute a risk to the public or to public security, including the deployment of police services and staff and the development and implementation of emergency plans.

- (10) Conduct or discuss an investigative proceeding on actual or possible criminal conduct;
- (11) Comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;
- (12) Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the council to participate in the competitive bidding or proposal process; or
- (13) To discuss any other matter that under State law may be discussed in closed session.

(c) Procedure for Closing Sessions. Before the Commission meets in closed session, at least three members of the Commission must vote in favor of closing the session. The vote must be conducted and recorded in accordance with state law, and a written statement of the reason for closing the meeting must be made in accordance with State law. The Commission shall limit discussion in closed session to the topic stated as the reason for closing the meeting.

Section 306. Mayor to Preside and Vote in Commission

The Mayor shall preside over the meetings of the Commission and may vote on all questions before the Commission. If the Mayor is absent from a meeting of the Commission the Vice Mayor shall preside over the meeting. If both the Mayor and Vice Mayor are absent from a meeting, the Commissioner with greatest seniority shall preside.

Section 307. Quorum

Three members of the Commission shall constitute a quorum for the transaction of business, but no ordinance shall be approved nor any other action taken without the favorable votes of at least three members of the Commission.

Section 308. Procedure of the Commission

The Commission shall determine its own rules and order of business. It shall keep a journal of its proceedings and enter therein the yeas and nays upon final action on any question, resolution, or ordinance, or at any other time if required by any

one member. The journal shall be open to public inspection. The Commission shall elect one of its members Vice Mayor who shall have the authority to act as Mayor in case of the absence of the Mayor.

Section 309. Ordinances

(a) Except as otherwise provided in this Charter, no ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Commission held not less than six but no more than sixty (60) days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date.

(b) A copy of each ordinance introduced shall be posted outside the Clerk's office until approved or disapproved pursuant to this Charter.

(c) A notice of each hearing on an ordinance shall be posted outside the Clerk's office.

(d) Except as otherwise provided in this Charter, every ordinance shall become effective at the expiration of twenty (20) calendar days following approval by the Commission.

Section 310. Emergency Ordinances

When the Commission deems that immediate action is necessary for the preservation of the public peace, health, safety or welfare, the Commission may enact an emergency ordinance by the affirmative vote of at least four members. Every emergency ordinance shall be plainly designated as such and shall contain a declaration stating that an emergency exists and describing the emergency in specific terms. An emergency ordinance may be enacted at the meeting at which it is introduced and shall become effective on the date specified in the ordinance. All emergency ordinances shall have a date of termination not to exceed one year after enactment.

Section 311. Notice of Enacted Ordinances

A notice of each ordinance passed shall be posted in a public place or places and a summary of the ordinance published at least once in a publication of general circulation in the City.

Section 312. File of Enacted Ordinances

Enacted ordinances shall be kept on file in the Clerk's office and shall be available for public inspection.