

Sec. 100 Appointive officers; additional duties, council determination. --The clerk and all appointive officers shall perform such duties other and further than those prescribed in this charter as shall be prescribed by ordinance or resolution of the council.

Sec. 101 Fees; payment into treasury. --Unless otherwise specifically provided in this charter or in the ordinance or resolution fixing the salary or compensation of any officer or employee, no officer or employee shall be entitled to retain for his own use and benefit any fee or money payable to him by virtue of his office or position, but shall collect all such fees and moneys for the use and benefit of the city, and shall pay the same into the city treasury to be credited to the proper funds.

Sec. 102 Franchises; financial interest, gifts, etc.; prohibition, penalty. --No officer or employee elected or appointed in the city shall be interested, directly or indirectly, in any contract or job for work or material, or the profits thereof, or services, professional or otherwise, to be furnished or performed for any person, firm or corporation operating interurban railway, street railway, gas works, water works, electric light or power plants, heating plants, telegraph lines, telephone exchange or other public utility within the territorial limits of the city. No such officer or employee shall receive directly or indirectly from any person, firm or corporation operating within the territorial limits of said city, any interurban railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line or telephone exchange, or any other business using or operating under a public franchise, any frank, free ticket, or free service, or accept or receive directly or indirectly from any such person, firm or corporation any other service upon terms more favorable than are granted to the public generally. Such prohibition of free transportation shall not apply to policemen or firemen in uniform. Any violation of the provisions of this section shall be a misdemeanor, and any officer or employee elected or appointed to any office in the city who shall be convicted of violating any of the provisions of this section shall be removed from office by the council and the office declared vacant and further, every such contract or agreement shall be void.

#### Article 5 City Council

Sec. 103 City council; composition. --The council of

the city of River Rouge shall consist of seven members, the mayor and six commissioners.

Sec. 104 Same; legislative authority. --The legislative authority of the city and all administrative and executive power not herein otherwise specifically delegated are hereby vested in the council.

Sec. 105 Council meetings; officers, attendance required. --The mayor shall preside at all meetings of the council

The city clerk shall be the clerk of the council.

The city attorney shall be present at all meetings of the council.

All appointive officers of the city and heads of departments shall attend all regular meetings of the council. Failure so to do without excuse, for a period of five consecutive regular meetings shall be cause for removal from office of any appointive officer or heads of departments in the city service.

On the second Tuesday after the first Monday in April in each year, or as soon thereafter as may be, the council shall appoint one of its number mayor pro tempore of the council, who in the absence or disability of the mayor, shall preside at the meetings of the council and exercise all the powers and duties of the mayor. In the absence of the mayor pro tempore, the council shall temporarily appoint one of its number to that office.

Sec. 106 Members, qualifications; council sole judge. --The council shall be the judge of the qualifications of its own members, subject to review by the courts in cases of contest.

Sec. 107 Council proceedings; journal, signatures, required. --The council shall keep in the English language a written or printed journal of its proceedings, which shall be signed by the mayor and city clerk. The council shall determine its own rules of procedure and may punish its members for disorderly conduct.<sup>16</sup>

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16. It is mandatory that the charter shall provide for keeping in the English language a written or printed journal of every session of the city council, see C. L., 1948, sec. 117.3(m); Mich. Stat. Anno., sec. 5.2073.

Sec. 108 Resolutions, ordinances; adoption, enactment; majority vote required. --Unless otherwise herein provided, a majority yea and nay vote of the council shall be required ~~for the~~ passage of any resolution or ordinance.

Sec. 109 Council meetings; time of holding; public participation; quorum, adjournment. --The council shall hold regular meetings at the council chambers in the city hall on Tuesday evening of each week at such hours as it shall determine for the transaction of business[;] provided, that when any Tuesday shall be a legal holiday the regular meeting of the council that week shall be held at the same place and hour on the next succeeding secular day, and shall hold at least one council as a committee of the whole meeting weekly on such other evening and hour as it shall determine. The mayor or any three members of the council may appoint special meetings thereof, notice of which in writing, shall be given to each member thereof, or to be left at his place of residence at least six hours before the meeting; provided, however, that if all the members of the council shall be present at any special meeting without proper notice, such notice shall be deemed to have been waived. All meetings of the council shall be made public.<sup>17</sup> The majority of the council shall constitute a quorum for the transaction of business; a less number may adjourn from time to time, and may compel the attendance of absent members in such manner as shall be prescribed by ordinance or rule of the council; and all pending business and business noticed or set down for hearing at any meetings at which there shall not be a quorum present shall be taken up and heard at such adjourned meeting, or at the next regular meeting without further notice.<sup>18</sup>

Sec. 110 Accounts, claims; audit, allowance; certificate or affidavit required. --The council shall audit and allow all accounts chargeable against the city but no account or claim or contract shall be received for audit or allowance, unless it be accompanied with the certificate of an officer of the corporation, or an affidavit of the person rendering it, to the effect

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17. It is mandatory that the charter shall provide that all sessions of the city council shall be public, see C.L., 1948, sec. 117.3(1); Mich. Stat. Anno., sec. 5.2073.

18. This section constitutes an amendment adopted by the electors on May 11, 1954.

that he verily believes that the services therein charged have been actually performed, or the property or goods delivered for the city; that the sums charged therefor are reasonable and just and that to the best of his knowledge and belief, no actual set-off exists nor payment has been made on account thereof except such as are endorsed or referred to in such account or claim. Every such account shall exhibit in detail all the items making up the amount claimed and the true date of each. It shall be a sufficient defense in any court to any action or proceeding for the collection of any demand or claim against the city for personal injuries or otherwise, that it has never been presented, certified to or verified as aforesaid, to the council for allowance; or, if such claim is founded on contract, that the same was presented without the certificate or affidavit aforesaid and rejected for that reason; or that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon said claim or demand.

Sec. 111 Damages, injuries; claims; notice required, contents; filing, time. --The city shall not be liable in damages sustained by any person in the city, or otherwise, either to his person or property, by reason of any defective highway, street, bridge, sidewalk, crosswalk or culvert, or by reason of any obstruction, ice, snow or other encumbrance upon such street, sidewalk, crosswalk or public highway, situated in the city unless such person shall serve or cause to be served, within 60 days after such injury shall have occurred, a notice in writing upon the clerk or deputy clerk of the city, which notice shall set forth substantially the time when, and place where such injury took place, the nature of the defect, the manner in which it occurred, and the extent of such injury, as far as the same has become known, the names of the witnesses known at the time by the claimant, and that the person receiving such injury intends to hold the city liable for such damages as may have been sustained by him, and shall also, within 90 days next after such injury, present to the city clerk his claim in writing and under oath, setting forth particularly the nature and extent of such injury and the amount of damages claimed by reason thereof, which claim shall be presented to the council by the clerk at the next regular meeting of such council.<sup>19</sup>

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19. For state law relative to city liability for damages for property and personal injuries sustained on public ways, see C. L., 1948, secs. 242.1 et seq.; Mich. Stat. Anno., secs. 9.591 et seq.