

Section 400. City Council. ~~The~~ Except as provided by an ordinance that is consistent with the general laws of the State, the City Council, hereinafter termed “Council”, shall consist of five Councilmen elected to office from the City at large in the manner provided in this Charter. The term of office shall be four years. ~~Alternatively~~ Except as provided by an ordinance that is consistent with the general laws of the State, alternatively, and successively, three four-year terms shall be filled at one general municipal election and two four-year terms at the next such election, consistent with the sequence of terms of Councilmen existing on the effective date hereof. The term of a Councilman shall commence on the first Tuesday following his election and he shall serve until his successor qualifies. Any ties in voting shall be settled by the casting of lots.

Each Councilman in office at the time this Charter takes effect shall continue in office until the end of the term for which he was elected or appointed.

No person shall be eligible for election or appointment to the Council who, at the time he would take office, would have previously served on the Council for eight or more years; provided, however, that service on the Council prior to the effective date of this provision shall be disregarded in determining eligibility for office.

Section 403. Vacancies, Forfeiture of Office. Filling of Vacancies.

(a) A vacancy shall exist on the Council, and shall be declared by the Council, if a Councilman resigns, is legally removed, dies, or forfeits his office.

(b) A Councilman shall forfeit his office if he (1) lacks at any time while holding office any qualification for election prescribed by this Charter or by law, (2) violates any provision of this Charter, (3) is convicted of a designated crime as specified in the Constitution and laws of the State, (4) without consent of the Council is absent from all regular Council meetings for a period of sixty consecutive days and the first regular meeting thereafter, said period to be completed from the last regular Council meeting he attends. A declaration by the Council of a vacancy resulting from forfeiture of office shall be subject to judicial review, provided that within two weeks after such declaration an appropriate action, or proceeding, for review is filed in a court having jurisdiction of the action or proceeding. During the pendency of any such action or proceeding, anyone appointed by the Council to fill such vacancy shall have all the rights, duties, and powers of a Councilman, and shall continue in such office as provided herein unless and until said court rules the declaration of the Council invalid and such ruling has become final. [Amended November 8, 1977]

~~(e) Any vacancy on the Council shall be filled by a majority vote of the remaining Councilmen within thirty days after the vacancy occurs. If more than one vacancy exists, successive appointments shall be made, and each appointee shall participate in any succeeding appointment. If the Council fails, for any reason, to fill such vacancy within said thirty day period, it shall forthwith call an election for the earliest possible date to fill such vacancy. A person appointed by the Council to fill a vacancy shall hold office until the next general municipal election and until his successor qualifies. A Councilman elected to fill a vacancy shall hold office for the remainder of the unexpired term.~~ (c) Any vacancy on the Council shall be filled in a manner consistent with the general laws of the State.

Section 416. Ordinances. Publication. The City Clerk shall cause each ordinance to be published at least once in the official newspaper within fifteen days after its adoption; provided, however, that when ~~the publication of an ordinance would not otherwise be required~~ solely pertains to the municipal affairs of the City, except as otherwise provided by ~~the general laws this Charter or by ordinance~~ of the State Council, the Clerk ~~shall~~ may post the ordinance in at least three public places in the City as designated by the Council and posted on the City's online presence in lieu of such publication.

Section 420. Publishing of Legal Notices.

~~Prior to the beginning of each fiscal year, the Council shall solicit bids and contract for the publication of all~~ The publication of legal notices or other ~~matter required to be published in a newspaper of general circulation, during the ensuing fiscal year. If there is only one newspaper of general circulation printed and published in~~ matters solely pertaining to the municipal affairs of the City, ~~then the Council shall have the power to contract with such newspaper for the publishing of such legal notices and other matter without soliciting bids therefor. The newspaper with which the Council so contracts shall be deemed to be the official newspaper.~~

~~If there is no newspaper of general circulation in the City, except as provided otherwise in this Charter or if such a newspaper will not contract with the City at rates which do not exceed those charged private persons, and the Council has not designated an official newspaper, then such notices and other matter, and notices required to be published in the official newspaper~~ by ordinance of the Council, may be ~~published~~ accomplished by (1) posting copies thereof at three or more public places in the City as designated by the Council; and posted on the City's website; (2) publishing thereof in the official newspaper; or (3) a combination of (1) and (2).

The publication of legal notices or other matters that do not solely pertain to the municipal affairs of the City shall be published in a manner consistent with applicable law.

The newspaper with which the Council contracts for the publication of legal notices shall be deemed to be the official newspaper.

No defect or irregularity in proceedings taken under this section, ~~or failure to designate an official newspaper~~, shall invalidate any publication where the same is otherwise in conformity with this Charter or law.

Section 1103. Procedure for Granting Franchises. Before granting any franchise, the ~~City~~ Council shall adopt a resolution declaring its intention to grant same and stating the name of the proposed grantee, the character of the proposed franchise, and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour, and place when and where any person having an interest in or objecting to the granting of such franchise may appear before the Council and be heard thereon. Said resolution shall be published in a manner consistent with Section 420 at least once, not less than ten days prior to said hearing, ~~in the official newspaper~~. After hearing all persons desiring to be heard, the Council may by ordinance deny or grant the franchise on the terms and conditions specified in the resolution, subject to the referendum of the people. No ordinance granting a franchise shall be adopted as an emergency ordinance.

Section 1012. Contracts on Public Works.

Unless subject to an exception set forth in another subparagraph of Section 1012, every project involving an expenditure of more than Three Thousand Five Hundred Dollars (or such other amount as may be prescribed by ordinance) for the construction, improvement, repair or maintenance of public works shall be let by the Council by contract to the lowest responsible bidder after notice by publication occurs at least once and in the official newspaper by one or a manner consistent with Section 420. ~~If publication under this Section 1012 occurs more insertions, than once, then~~ the first ~~of which~~ publication shall ~~be~~ occur at least ten days before the time for opening bids.

Projects for the maintenance or repair of public works are excepted from the requirements of this paragraph if the Council determines that such work can be performed more economically by a City department than by contracting for the doing of such work.

The Council may reject any and all bids presented and may readvertise in its discretion.

The Council, after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, based on estimates approved by the City Manager, the work in question may be performed better or more economically by the City with its own employees and after the adoption of a resolution to this effect by at least four affirmative votes of the Council may proceed to have said work done, without further observance of the provisions of this section.

Such contracts may be let and such purchases made without advertising for bids, if such work shall be deemed by the Council to be of urgent necessity for the preservation of life, health, or property, and shall be authorized by resolution passed by at least four affirmative votes of the Council and containing a declaration of the facts constituting such urgency.

At its election, the Council may authorize the use of a design-build construction procurement process for capital improvement projects.

For capital improvement project maintenance contracts, the Council may award the contract to the most qualified bidder instead of to the lowest responsible bidder.