

CHAPTER 1: GENERAL PROVISIONS

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§1.101 TITLE AND CONTENT OF CODE.

The ordinances contained herein shall be known and cited as the “Clio City Code.” This Code, from and after March 1, 1999, contains all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced.
(Codification Ordinance)

§1.102 INTERPRETATION.

Unless otherwise provided herein, or by law or by implication required, the same rules of construction, definition and application shall govern the interpretation of this Code as those governing the interpretation of state law.
(Codification Ordinance)

§1.103 CAPTIONS, DIAGRAMS, EXAMPLES, AND ARTICLES.

(A) Headings, captions, diagrams and examples used in this Code are for reference purposes only and are not deemed a part of the text of any section, and as such, are not to be considered in any

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construction or interpretation of this Code or as enlarging or restricting the terms and provisions of this Code.

(B) The use of chapters, articles and sections and their corresponding numbers are for subdividing this Code for easier reading and reference purposes only and are not considered a part of the text of this Code.

(Codification Ordinance)

§1.104 DEFINITIONS.

(A) *General rule.* Words and phrases take their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(B) *Definitions.* For the purpose of this Code, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

CITY, MUNICIPAL CORPORATION, or MUNICIPALITY. The City of Clio, Michigan.

CODE, THIS CODE, THIS CODE OF ORDINANCES, CITY CODE, CLIO CITY CODE. Those ordinances of a general and permanent nature that have been added to, amended, repealed, revised, or rearranged and codified and compiled in book form in compliance with M.C.L.A. §117.5b.

COMMISSION, GOVERNING BODY, or LEGISLATIVE BODY. The Commission of the City of Clio as established by City Charter § 4.1.

COUNTY. Genesee County, Michigan.

DAY. A calendar day, unless otherwise expressed.

MAY. The act referred to is permissive.

MONTH. A calendar month.

OATH. An affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words **SWEAR** and **SWORN** shall be equivalent to the words **AFFIRM** and **AFFIRMED**.

OFFICER, OFFICE, EMPLOYEE, COMMISSION, BOARD, AUTHORITY or DEPARTMENT. An officer, office, employee, commission, board, authority or department of the City of Clio unless the context clearly requires otherwise.

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PERSON. Extends to and includes person, persons, firm, corporation, copartnership, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms **PERSON** or **WHOEVER** as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

PRECEDING OR FOLLOWING. Next before or next after, respectively.

SHALL or **WILL.** The act referred to is mandatory.

SIGNATURE or **SUBSCRIPTION.** Includes a mark when the person cannot write.

STATE. The State of Michigan.

WRITTEN. Any representation of words, letters, or figures, whether by printing or otherwise.

YEAR. A calendar year, unless otherwise expressed.
(Codification Ordinance)

§1.105 RULES OF CONSTRUCTION.

The following rules of construction apply to the text of this Code unless the construction clearly indicates the contrary:

(A) The particular controls the general.

(B) *Acts by assistants.* When a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, such requirement shall be satisfied by the performance of such act by an authorized agent or deputy.

(C) Gender; singular and plural; tenses. Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include all tenses of the verb.

(D) *Such as,* means such as, but not necessarily limited to.

(E) *Include or includes* means included or includes, but not necessarily limited to.

(F) All acts expressed by a past, present or future tense verb are considered mandatory including those acts preceded by the words “shall” or “are” except where the context clearly means something else unless specifically preceded by the word “may.”

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(G) Where two or more provisions of this Code or provisions of this Code and ordinances conflict, the one with the more demanding provision applies.
(Codification Ordinance)

§1.106 SEVERABILITY.

If any provision of this Code as now or later amended or its application to any person or circumstances is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.
(Codification Ordinance)

§1.107 REFERENCE TO OTHER SECTIONS.

Whenever in one section reference is made to another section hereof, such reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.
(Codification Ordinance)

§1.108 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this city exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the office title of the functionary.
(Codification Ordinance)

§1.109 ERRORS AND OMISSIONS.

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affect; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted unless the City Attorney approves such alteration in writing and files the approval with the City Clerk.
(Codification Ordinance)

General

§1.110 OFFICIAL TIME.

The official time, as established by applicable state or federal laws, shall be the official time within the city for the transaction of all city business.

(Codification Ordinance)

§1.111 REASONABLE TIME.

(A) In all cases where a provision of this Code requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of such act or the giving of such notice.

(B) The time within which an act is to be done, as herein provided, shall be computed excluding the first day and including the last. If the last day is a Saturday, Sunday, or legal holiday, it shall be excluded.

(Codification Ordinance)

§1.112 EFFECTIVE DATE OF ORDINANCES.

All ordinances passed by the legislative body take effect as provided by charter or statute, as appropriate.

(Codification Ordinance)

§1.113 AMENDING ORDINANCES; GENERAL.

(A) Whenever an ordinance repeals or modifies another ordinance or part of an ordinance or a section of the “Clio City Code,” that ordinance or part of an ordinance or sections remain in full force and effect until the effective date of the new ordinance.

(B) When any ordinance repealing a former ordinance or part of a former ordinance or former section of the “Clio City Code” is later repealed, the repeal shall not be construed to revive the former ordinance or part of a former ordinance or former section unless expressly provided in the repealing ordinance.

(Codification Ordinance)

§1.114 AMENDING THIS CODE; GENERAL.

(A) Any ordinance amending this Code shall comply with the provisions of the city charter for ordinance structure and content.

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(B) If the legislative body amends any existing section of this Code, the adopting ordinance shall state specifically the section to be repealed and the new section containing the desired amendment substituted in its place.

(C) Any ordinance adding a new section to this Code will follow the numbering arrangement in place at the time of the Code's effective date.
(Codification Ordinance)

§1.115 CODE EDITING PRACTICES.

(A) Each section of this Code will contain a history of legislative action listed after the text. The history will contain the specific number and passage date of the original ordinance and the three (3) most recent amending ordinances, if any. Example: (Ord. 10, passed 5-13-60; amended: Ord. 15, passed 1-1-70, Ord. 20, passed 1-1-80, Ord. 25, passed 1-1-85)

(B) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statutes.

Example:

(M.C.L.A. §15.231)(Ord. 10, Passed 1-17-80; amended by Ord. 21, passed 12-31-84)

(C) If a statutory cite is set forth as a "statutory reference" following the text of the section, this indicates that the reader should refer to that statute for further information.

Example:

§39.01 Public Records Available

This municipality shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

Statutory reference:

For provisions concerning the inspection of public records, see Public Act 442 of 1976 being M.C.L.A. §§15.231, et seq.

(Codification Ordinance)

ARTICLE II: MUNICIPAL CIVIL INFRACTIONS

Section

- 1.201 Definitions
- 1.202 Municipal civil infraction action; commencement
- 1.203 Municipal civil infraction citations; issuance and service
- 1.204 Municipal civil infraction citations; contents
- 1.205 Municipal Ordinance Violations Bureau

§1.201 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT. Public Act 236 of 1961, being M.C.L.A. §600.101, as amended.

AUTHORIZED CITY OFFICIAL. A police officer, the City Administrator, any other city employee designated in writing by the City Administrator, or any other city employee authorized by this code or any ordinance to issue municipal civil infraction citations or municipal civil violation notices.

BUREAU. The City of Clio Municipal Ordinance Violations Bureau as established by this code.

MUNICIPAL CIVIL INFRACTION ACTION. A civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

MUNICIPAL CIVIL INFRACTION CITATION. A written complaint or notice prepared by an authorized city official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

MUNICIPAL CIVIL INFRACTION VIOLATION NOTICE. A written notice prepared by an authorized city official, directing a person to appear at the City of Clio Municipal Ordinance Violations Bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the city as authorized by under M.C.L.A. § 600.83.96 and M.C.L.A. § 600.8707(6). (Ord. 276, passed 3-6-95; amended by Codification Ordinance)

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§1.202 MUNICIPAL CIVIL INFRACTION ACTION; COMMENCEMENT.

A municipal civil infraction action may be commenced with respect to an ordinance violation designated as a municipal civil infraction upon the issuance by an authorized city official of (1) a municipal civil infraction citation directing the alleged violator to appear in court, or (2) a municipal civil infraction violation notice directing the alleged violator to appear at the City of Clio Municipal Ordinance Violations Bureau. Only the City Attorney may dismiss a municipal civil infraction action once commenced.

(Ord. 276, passed 3-6-95; amended by Ord. 294, passed 6-15-98; Codification Ordinance)

§1.203 MUNICIPAL CIVIL INFRACTION CITATIONS; ISSUANCE AND SERVICE.

Municipal civil infraction citations shall be issued and served by authorized city officials as follows:

(A) The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.

(B) The place for appearance specified in a citation shall be the District Court.

(C) Each citation shall be numbered consecutively and shall be in a form approved by the State Court Administrator. The original citation shall be filed with the District Court. Copies of the citation shall be retained by the city and issued to the alleged violator as provided by M.C.L.A. § 600.8705.

(D) A citation for a municipal civil infraction signed by an authorized city official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: "I declare under the penalties of perjury that the statement above are true to the best of my information, knowledge, and belief."

(E) An authorized city official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.

(F) An authorized city official may issue a citation to a person if:

(1) Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or

(2) Based upon investigation of a complaint by someone who allegedly witnessed the person

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commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction and if the prosecuting attorney or city attorney approves in writing the issuance of the citation.

(G) Municipal civil infraction citations shall be served by all authorized city officials as follows:

(1) Except as provided by §1.203(G)(2), an authorized city official shall personally serve a copy of the citation upon the alleged violator.

(2) If the municipal civil infraction action involves the use or occupancy of land, a building or other structure, a copy of the citation does not need to be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building or structure by the copy on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first-class mail to the owner of the land, building, or structure at the owner's last known address. (Ord. 276, passed 3-6-95; amended by Codification Ordinance)

§1.204 MUNICIPAL CIVIL INFRACTION CITATIONS; CONTENTS.

(A) A municipal ordinance citation shall contain the name and address of the alleged violation, the municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.

(B) Further, the citation shall inform the alleged violator that he or she may do one of the following:

(1) Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.

(2) Admit responsibility for the municipal civil infraction "with explanation" by mail by the time specified for appearance or, in person, or by representation.

(3) Deny responsibility for the municipal civil infraction by doing either of the following:

(a) Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the city.

(b) Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.

(C) The citation shall also inform the alleged violator of all of the following:

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(1) That if the alleged violator desire to admit responsibility “with explanation” in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance.

(2) That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation.

(3) That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the city.

(4) That at an informal hearing the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.

(5) That at a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.

(D) The citation shall contain a notice in **boldface type** that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgement against the alleged violator on the municipal civil infraction.

(Ord. 276, passed 3-6-95; amended by Codification Ordinance)

§1.205 MUNICIPAL ORDINANCE VIOLATIONS BUREAU.

(A) *Bureau established; employees.* The city designates the City Clerk as the Municipal Ordinance Violations Bureau (“Bureau”) as authorized to accept admissions of responsibility for municipal civil infractions in response to municipal civil infraction violation notices issued and served by authorized city officials and to collect and retain civil fines and costs as prescribed by city ordinance. The City Clerk may assign the functions and responsibilities of bureau operation with the approval of the City Administrator to any qualified city employee.

(B) *Location; supervision.* The Bureau shall be located at the Clio City Offices, 505 W. Vienna and shall be under the supervision and control of the City Administrator.

(C) *Disposition of violations.* The Bureau may dispose only of municipal civil infraction violations for which a fine has been scheduled and for which a municipal civil infraction violation notice (as compared with a citation has been issued. Nothing in this ordinance prevents or restricts the City from issuing a municipal civil infraction citation for any violation or from prosecuting any violation in a court of competent jurisdiction. No person shall be required to dispose of a municipal civil infraction

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violation at the Bureau, and the alleged violator may have the violation processed before a court of appropriate jurisdiction. The unwillingness of any person to dispose of any violation at the Bureau shall not prejudice the person or in any way diminish the person's rights, privileges and protection accorded by law.

(D) *Bureau limited to accepting admissions of responsibility.* The scope of the Bureau's authority shall be limited to accepting admissions of responsibility for municipal civil infractions and collecting and retaining civil fines and costs as a result of those admissions. The Bureau shall not accept the payment of a fine from any person who denies having committed the offense or who admits responsibility only with explanation, and in no event shall the Bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to an alleged violation.

(E) *Municipal civil infraction violation notices.* Municipal civil infraction violation notices shall be issued and served by authorized city officials under the same circumstances and upon the same persons as provided for citations as provided in §1.203(F) and (G) of this code. In addition to any other information required by this code, the notice of violation shall indicate the time by which the alleged violator must appear at the Bureau, the methods by which an appearance may be made, the address and telephone number of the Bureau, the hours during which the Bureau is open, the amount of the fine scheduled for the alleged violation, and the consequences for failure to appear and pay the required fine within the required time.

(F) *Appearance; payment of fines and costs.* An alleged violator receiving a municipal civil infraction violation notice shall appear at the Bureau and pay the specified fine and costs at or by the time specified for appearance in the municipal civil infraction violation notice. An appearance may be made by mail, in person, or by representation.

(G) *Procedure where admission of responsibility not made or fine not paid.* If an authorized city official issues and serves a municipal ordinance violation notice as provided by this code and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by the schedule of fines for the violation are not paid at the Bureau, a municipal civil infraction citation shall be filed with the District Court and a copy of the citation may be served by first-class mail upon the alleged violator at the alleged violator's last known address. The citation filed with the court does not need to comply in all particulars with the requirements for citations as provided by M.C.L.A. §§ 600.8705 and 600.8709, but shall consist of a sworn complaint containing the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator of how to respond to the citation. (Ord. 276, passed 3-6-95; amended by: Ord. 294, passed 6-15-98; Codification Ordinance)

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ARTICLE III: PENALTIES, SANCTIONS AND FINES

Section

- 1.301 General penalties and sanctions for violations of the Clio City Code and city ordinances; continuing violations; injunctive relief

§1.301 GENERAL PENALTIES AND SANCTIONS FOR VIOLATIONS OF THE CLIO CITY CODE AND CITY ORDINANCES; CONTINUING VIOLATIONS; INJUNCTIVE RELIEF.

(A) Unless a violation of this Code or any ordinance of the city is specifically designated in the Code or ordinance as a municipal civil infraction, the violation shall be deemed to be a misdemeanor.

(B) The penalty for a misdemeanor violation shall be a fine not exceeding \$500 (plus costs of prosecution), or imprisonment not exceeding 90 days, or both, unless a specific penalty is otherwise provided for the violation of this Code or any ordinance.

(C) The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by this Code or any ordinance, plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of the Act and other applicable laws.

(1) Unless otherwise specifically provided for a particular municipal civil infraction violation by this Code or any ordinance, the civil fine for a violation shall be no less than \$50.00, plus costs and other sanctions, for each infraction.

(2) Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this Code or any ordinance. As used in this section, "repeat offense" means a second or any subsequent municipal civil infraction violation of the same requirement or provision committed by a person within any six-month period (unless some other period is specifically provided by this Code or any ordinance) and for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this Code or any ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:

(a) The fine for any offense which is a repeat offense shall be no less than \$100.00 plus costs.

(b) The fine for any offense which is a second repeat offense shall be no less than \$250.00, plus costs.

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(c) The fine for any offense which is a third repeat offense or any subsequent repeat offense shall be no less than \$500, plus costs.

(D) A “violation” includes any act which prohibited or made or declared to be unlawful or an offense by this Code or any ordinance; and any omission or failure to act where the act is required by this Code or any ordinance.

(E) Each day on which any violation of this Code or any ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

(F) In addition to any remedies available at law, the city may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of this Code or any city ordinance.

(Ord. 295, passed 6-15-98; amended by Codification Ordinance)

ARTICLE IV: REIMBURSEMENTS TO ELECTED OFFICIALS

Section

- 1.401 Reimbursements for performing official duties
- 1.402 Reimbursement for attending seminars and conferences
- 1.403 Reimbursement for professional and other contractual fees and expenses

§1.401 REIMBURSEMENT FOR PERFORMING OFFICIAL DUTIES.

(A) City Commission members will be reimbursed for actual, reasonable and necessary out-of-pocket expenses incurred while carrying out official duties on behalf of the city. Actual out-of-pocket expenses include mileage at the then approved Internal Revenue Service rate per mile and meal expenses if carrying out the official duty requires the member to eat away from home. Official duties shall only include appearing on behalf of the city in court or before legislative or administrative bodies, or for such committees or organizations for which the Commission member is appointed to represent the city.

(B) (1) Such expenses will be reimbursed twice monthly subject to approval by the City Commission but only after the Commission member files a written request for reimbursement providing, at a minimum:

- (a) A description of the expense;
- (b) The date the expense was incurred;
- (c) The purpose of the expense; and
- (d) Receipts (except for mileage) for the expense.

(2) Requests for reimbursement shall be submitted within ten days from the date the expense is incurred. Should the Commission member expect to incur regular periodic expenses (i.e. weekly, monthly) for attending such activities, these recurring expenses may be approved in advance; however, reimbursement shall only be made upon submission of actual expenditure receipts.

(C) The City Treasurer shall not pay any portion of any reimbursement request which does not conform to the foregoing criteria.

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(D) Reimbursement will be made only for out-of-pocket expenses incurred by the Commission member on his or her own behalf and not on behalf of any other person.
(Ord. 431, passed 7-5-11)

§ 1.402 REIMBURSEMENT FOR ATTENDING SEMINARS AND CONFERENCES.

Actual, reasonable and necessary out-of-pocket expenses incurred by Commission members while attending seminars, conferences or other similar activities dealing with municipal concerns will be reimbursed only upon prior authorization of the City Commission in each specific instance. Whenever authorized, the out-of-pocket expenses for which reimbursement will be made shall be limited to the following:

(A) Transportation costs including mileage at the rate of the then approved Internal Revenue Service rate per mile or the expense of traveling by public carrier in an amount not to exceed the cost of tourist or couch airfare (round trip) unless the City Commission approves such excess amount prior to the incurrence of such expense. If the Commission member travels by automobile and the distance traveled is in excess of 500 miles the Commission member shall be reimbursed the lesser of the mileage rate of the then approved Internal Revenue Service rate per mile or the equivalent of tourist or coach airfare (round trip), whichever is less.

(B) Reimbursement for lodging will be limited to the single room rate at the place where the Commission member is lodged and shall be limited to the number of nights of the particular conference, seminar, and the like. Commission members may seek a cash advance for lodging expenses or may submit a bill for reimbursement to cover such expenses. Reimbursement will not be made for personal items such as non-business related long distance telephone calls, valet service, laundry, entertainment, and the like.

(C) Registration fees for the Commission member will be paid on the basis of actual registration charge. When pre-registration is required, the fee may be charged to the city, providing that City Commission approval has previously been obtained for attendance.

(D) Personal items, recreation and other amusements and alcoholic beverages will not be reimbursed by the city. The cost of bringing a guest on a trip will not be reimbursed by the city. The city may establish per diem allowances or maximum amounts for expenses relating to city business.

(E) Requests for reimbursement must be submitted within ten days from the end of the conference, seminar, and the like, for which expense reimbursement is sought.
(Ord. 431, passed 7-5-11)

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§ 1.403 REIMBURSEMENT FOR PROFESSIONAL AND OTHER CONTRACTUAL FEES AND EXPENSES.

(A) The city shall not be liable to any Commission member for reimbursement for any fees or expenses incurred by such Commission member for any legal, professional or other contractual services provided to or for the benefit of the Commission member or provided to or for the benefit of the city at the request of a Commission member unless the reimbursement for such fee or expense has been approved in advance by the City Commission. Before deciding whether to approve such fees or expenses, the City Commission shall first determine that the services meet the following criteria:

(1) The services are necessary to allow the Commission member to perform the duties of his or her office;

(2) The services are for a public purpose;

(3) The services can not be provided by any other elected or appointed official, employee, or contractor of the city; and

(4) The cost of the services are reasonably known, are reasonable in amount, and are within existing budgetary appropriations or that there are unencumbered funds which can be budgeted for such services.

(B) Notwithstanding the foregoing, the City Commission may, in its sole and exclusive discretion, reimburse a Commission member for fees or expenses incurred by such Commission member for any legal, professional or other contractual services provided to or for the benefit of the Commission member or provided to or for the benefit of the City at the request of a Commission member where no prior authorization therefor was obtained pursuant to this section under the following circumstances:

(1) The Commission member sought prior approval pursuant to division (A) of this section, and was denied;

(2) The reimbursement request otherwise meets all of the criteria of division (A) of this section;

(3) The legal, professional or other contractual service provided resulted in the Commission member who incurred such expense to prevail on an issue of public concern; and

(4) The expense incurred resulted in a defined benefit to the City, the City Commission, or the public office of an elected or appointed official.

(Ord. 431, passed 7-5-11)

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