

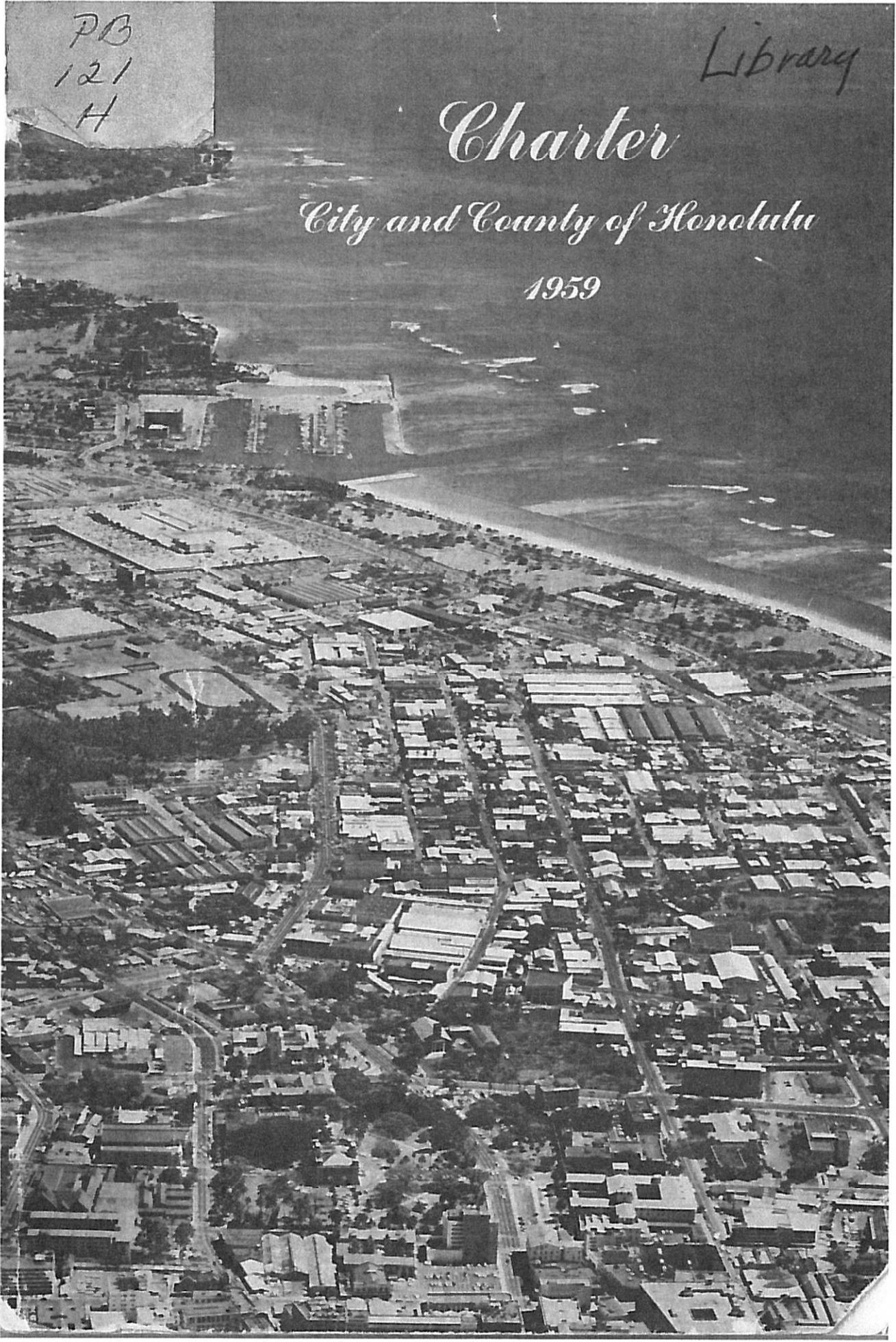
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PREAMBLE

In order to secure the benefits of an improved form of municipal self-government and to advance in that righteousness which is the life of our land, we, the people of the City and County of Honolulu, do hereby adopt this CHARTER OF THE CITY AND COUNTY OF HONOLULU.

CHARTER

CITY AND COUNTY OF HONOLULU

ARTICLE I

INCORPORATION, LIMITS AND FORM OF GOVERNMENT

Section 1-101. Incorporation—The people of the city and county of Honolulu shall be and continue as a body politic and corporate by the name of “city and county of Honolulu,” hereinafter in this charter called “city”. By that name it shall have perpetual succession.

Section 1-102. Geographical Limits—All that portion of the Territory of Hawaii commonly known as the island of Oahu, and all other islands in the Territory of Hawaii and the waters adjacent thereto, not included in any other county, shall constitute the city and county of Honolulu.

Note: Act 16, SLH 1959, provides that in emergencies the governing body of a county may establish an emergency temporary location of government.

Section 1-103. Form of Government—The form of government provided by this charter shall be known as the mayor-council form.

ARTICLE II

POWERS OF THE CITY

Section 2-101. Powers—To promote the general welfare and the safety, health, peace, good order, comfort and morals of its inhabitants, the city shall have and may exercise all powers necessary for local self-government, and any additional powers and authority which may hereafter be granted to it, except as restricted by laws of this Territory of general application. The enumeration of express powers in this charter shall not be deemed to be exclusive. In addition to the express powers enumerated herein or implied thereby, it is intended that the city shall have and may exercise all powers it would be competent for this charter to enumerate expressly.

The city has the power to trim trees growing on or extending over public streets. Op 59-144. Act 72, SLH 1959, amending §149-86, RLH 1955, grants additional powers to the Council to regulate traffic over private streets and is not inconsistent with the charter. Op 59-205. Act 245, SLH 1959, relates to the awarding of concessions and defines the framework within which the council may exercise its power to establish policy governing the rental or leasing of city property and is not inconsistent with the charter. Op 59-207.

ARTICLE III
LEGISLATIVE BRANCH

CHAPTER 1
COUNCIL

Section 3-101. Legislative Power—The legislative power of the city shall be vested in and exercised by the city council, except as otherwise provided by this charter.

Communications and petitions involving legislative matters should be referred to the council. Op 59-94. Requests for building code variances should be referred to the council. Op 59-94. Requests for drop curb variances should be referred to the council. Op 59-94. The legislative body of the city and county of Honolulu should, after July 1, 1959, be called the city council and the members thereof, councilmen. Op 59-98. Communications from the department of public instruction involving legislative matters should be referred to the council. Op 59-100. Act 72, SLH 1959, amending §149-86, RLH 1955, grants additional powers to the council to regulate traffic over private streets and is not inconsistent with the charter. Op 59-205. Act 176, SLH 1959, amending § 149-86, RLH 1955, relating to powers of the board of supervisors by adding a paragraph relating to the sale of land is not inconsistent with this charter. Op 60-52. Act 94, SLH 1959, amending §149-86, RLH 1955, relating to general power of the council is not inconsistent. Op 60-54.

Note: Act 26, SLH 1959, authorizes the council to appropriate funds for public celebrations. Act 181, SLH 1959, amending §142-17 and §142-21, RLH 1955, extends the jurisdiction of the council to include the entire county in the construction of sidewalks and curbs. Act 188, SLH 1959, provides that the council may authorize the county band to travel to any other county or abroad for the purpose of creating goodwill. Act 235, SLH 1959, as amended by Act 24, SS 1959 relates to the issuance of municipal bonds with the approval of the council.

Section 3-102. Number, Election and Terms of Office of Councilmen—The council shall consist of nine members. One member shall be elected from each of the three districts hereinafter provided and six shall be elected from the city at large. The terms of office of councilmen shall be four years beginning at twelve o'clock meridian on the second day of January following their election.

This provision is legally valid since a statute is presumed legal until the contrary is shown beyond a reasonable doubt. Op 59-165.

Section 3-103. Council Districts—The six council districts, each comprised of the respective representative district or districts provided by law for the election of representatives to the legislature, shall be as set forth in the following schedule:

<i>Council District</i>	<i>Representative District</i>
A	Eighth
B	Ninth
C	Tenth

Note: The word "six" in the first line should have been changed to "three" upon the enactment of Act 261, SLH 1959, as there are but three council districts.

Section 3-104. Qualifications of Councilmen—To be eligible for election or appointment to the council, a person must be a citizen of the United States and have been a duly qualified elector of the city for at least two years immediately preceding his election or appointment, and, to be eligible for election or

appointment from a district, must also have been a resident of such district for at least one year immediately preceding his election or appointment. Any councilman who removes his residence from the city or from the district from which he was elected or appointed shall, by that fact, be deemed to have vacated his office.

Section 3-105. Vacancy in Office—A vacancy in the office of any councilman shall be filled in the following manner:

(a) If the unexpired term is less than one year, the remaining members of the council shall elect a successor with requisite qualifications to fill the vacancy for the unexpired term. Vacancies shall be filled only at a regular meeting of the council after reasonable notice of intent to fill the vacancy has been given to all remaining members of the council by the presiding officer. Should the council fail to fill any vacancy within thirty days after its occurrence, the mayor shall appoint a successor to fill the vacancy for the unexpired term.

(b) If the unexpired term is for one year or more, the vacancy shall be filled by special election, to be called by the council within ten days and to be held within sixty days after the occurrence of the vacancy. At such time the electors of the city or, should the vacant office be that of a district councilman, the electors of that district, shall elect a successor to fill the vacancy for the remainder of the term. If any special or general election is to be held in the city after thirty days and within one hundred eighty days after the occurrence of the vacancy, then the election shall be held in conjunction with such other election.

Act 94, SLH 1959, amending §149-86, RLH 1955, relating to general power of the council is not inconsistent. Op 60-54.

Section 3-106. Salaries of Councilmen—The salary of each councilman shall be \$4,200.00 per annum, except that the chairman shall receive an additional sum of \$600 per annum. The council may change the salary of councilmen by ordinance but no increase of salary shall be effective during the term in which an increase is enacted. No increase of salaries shall be enacted during the period between the date of the city general election and the second day of January following.

Note: Act 255, SLH 1959, fixed the councilmen's salary at \$6,000 per annum, and by its terms supersedes §3-106 as to the amount of salary to be paid.

Section 3-107. Removal of Councilmen—Any councilman may be removed for malfeasance, misfeasance or non-feasance in office, or for interference with the performance of the duties of any officer or employee in any executive agency of the city government. The supreme court of the Territory shall constitute a board of impeachment in any proceeding for the removal of a councilman who may be charged on any of the foregoing grounds. The charges shall be set forth in writing in a petition for impeachment signed by not less than one hundred qualified electors of the city for the removal of a councilman at large, or of a district for the removal of a district councilman and said signatures shall be necessary only for the purpose of filing the petition. The petition having once been filed, hearings shall be held on all such charges. The board of

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impeachment may appoint a master and invest him with power to investigate the charge and report thereon to the board. If the board sustains the charge, the councilman shall be deemed removed from office.

Section 3-108. Organization of Council; Officers; Rules; Employees—

1. The council shall meet in the council room at the city hall for its organization at twelve o'clock meridian on the second day of January following its election, or on the following day if the second day be a Sunday, at which time it shall elect one of its councilmen-at-large as chairman and presiding officer of the council. It shall also elect one of its councilmen-at-large as vice-chairman who shall act as the presiding officer in the event of the chairman's absence or disability. The council shall appoint a presiding officer pro tempore from its own members in the event of the absence or disability of both the chairman and vice-chairman. All councilmen shall have the right to vote in the council at all times. A majority of the entire membership of the council shall constitute a quorum and, except as otherwise provided, the affirmative vote of a majority of the entire membership shall be necessary to take any action.

2. The council shall adopt rules governing its officers and employees, the organization of committees and the transaction of business.

3. The council shall keep a journal of its proceedings in which the ayes and noes shall be entered as required by this charter or at any other time upon the demand of any member.

4. The council may, upon an affirmative vote of at least two-thirds of its entire membership, suspend without pay for not more than one month any member for disorderly or contemptuous behavior in its presence. The presiding officer or the council by a majority vote may expel any other person who is guilty of disorderly, contemptuous or improper conduct at any meeting.

5. The presiding officer of any committee of the city council or a majority of the committee may expel any person who is guilty of disorderly, contemptuous or improper conduct at any committee meeting.

6. The council may appoint and fix the salaries of such committee clerks and other assistants as may be necessary.

7. The council shall hold regular meetings on the first Tuesday of every month or on the following day if such Tuesday be a holiday. It may also hold other regular meetings and special meetings on any other day. All meetings of the council shall be open to the public and every action taken by the council, other than the confirmation of appointees, shall be by open ballot. With the exception of deliberations relating to confirmation of appointees, or consultations with the corporation counsel on claims where premature public disclosure of information would adversely affect the city's interest, all council committee meetings shall be open to the public. The council may adjourn to any meeting place, provided notice of the time and place of the meeting is published at least three days prior to such meeting in a daily newspaper of general circulation in the city and notice is also given to all council members at least three days prior to the meeting.

The mayor continues as the presiding officer of the council until January 2, 1961. Op 59-99. Employees of the council are subject to civil service provisions. Op 59-163.

Section 3-109. Applicability of Certain General Provisions—The council and its employees shall be subject to the provisions of this charter relative to the procurement of materials, supplies, equipment and services and the disposal of personal property.

Section 3-110. Mayor May Appear Before Council—The mayor may attend any meeting of the council or any of its committees and may express his views. He may propose any motion, resolution or ordinance, or amendments thereto, but shall have no right to vote thereon.

Section 3-111. Condemnation—The council shall by resolution determine and declare the necessity of taking property for public purposes, describing the property and stating the uses to which it shall be devoted.

Section 3-112. Annual Operating Budget—The council shall enact an annual operating budget ordinance in the form submitted by the mayor.

Section 3-113. Revenue Budget—The council, at the meeting at which the annual operating budget ordinance is enacted, shall also enact such measures as will yield sufficient moneys, together with available surplus and other available moneys, to balance the budget.

Section 3-114. Capital Program and Capital Budget—The council shall adopt a capital program and enact a capital budget ordinance annually and provide for the financing thereof.

The council may amend the capital program and capital budget ordinance at any time, pursuant to the procedures set forth in §9-203 of charter. Op 59-216.

Section 3-115. Audit—

1. The council shall provide for the continuous verification of receipts and expenditures of all agencies of the city.

2. Within ten days after the close of each fiscal year or at the close of every second fiscal year if the council should so decide, and at any other time as may be deemed necessary, the council shall cause an independent audit of all city funds and accounts to be made by a certified public accountant or a firm of certified public accountants. The scope of the audit shall be in accordance with the terms of a written contract to be signed by the presiding officer of the council which shall provide for the completion of the audit within a reasonable time after the close of the fiscal year. A copy of the audit report shall be filed with the city clerk and shall be of public record.

The department of water is subject to verification of receipts and expenditures as may be provided by the council. Op 59-61. The right and responsibility to audit city funds is not exclusively vested in the council. Op 59-149. The effective date of this provision is January 2, 1961. Op 59-149.

Section 3-116. Adoption of Pay Plan—All persons employed by the city or any of its boards or commissions, whether as officers or otherwise, except those whose pay is fixed in this charter or otherwise provided for shall be paid in accordance with a pay plan recommended by the mayor and enacted with or without modification by ordinance. The pay plan for those persons holding positions in the position classification plan shall be in accordance with section 5-608 of this charter.

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The salaries of the chief engineer and traffic engineer will be fixed by the council upon recommendation by the mayor. Op 59-52.

Note: The compensation law of the state will apply. (§5-608, charter)

Section 3-117. Creation of General Debt—

1. The council by the affirmative vote of at least two-thirds of its entire membership may authorize the issuance of general obligation bonds not to exceed the amount and only for the purposes prescribed by the Organic Act.

2. Each bond authorization shall relate to not more than one issue and shall specify the purpose for which moneys are to be borrowed and the maximum amount of bonds to be issued for that purpose. This provision shall not be construed to prohibit the sale and issuance of single bond issues for multiple purposes, each of which purposes has been authorized.

3. The council may provide for the refunding of general obligation bonds.

Section 3-118. Creation of Special Assessment Debt—The council may authorize the issuance of improvement bonds to finance assessable public improvements in the manner provided by this charter and by ordinance.

The authorization to issue improvement bonds should be by resolution and not by ordinance. Op 59-150.

Section 3-119. Revenue Bond Indebtedness—The council may authorize the issuance of revenue bonds for the purpose of initiating, constructing, acquiring, extending, replacing or otherwise improving any revenue-producing facility as provided by law and may provide for the refunding of such bonds.

Section 3-120. Temporary Borrowing—

1. The council may borrow in any fiscal year in anticipation of revenues to be derived from taxes for that year, and for any of the purposes to which the revenues are appropriated. No such borrowing shall be in excess of twenty-five per cent of the amount of the uncollected taxes of that year.

2. When any warrants are presented to the city for payment and the same are not paid for want of funds, the director of finance shall issue a warrant note, equal in amount to the face value of the warrant or warrants so presented for payment. The warrant note shall be in a form and shall be due at a date prescribed by the director of finance. It shall bear interest at the lowest obtainable rate per annum. The notes shall be a first charge on the moneys of any fund against which the warrants are issued.

3. The council upon recommendation of the mayor may authorize the director of finance to obtain temporary loans from the Territory.

Section 3-121. Investigation—

1. The council or any authorized committee thereof shall have the power to conduct investigations of:

(a) The operation of any agency or function of the city.

(b) Any subject upon which the council may legislate.

2. In investigations conducted by the council or by any committee of the council, the presiding officer shall have the right to administer oaths and in the name of the council to subpoena witnesses and compel the production of books and papers pertinent thereto. If any person subpoenaed as a witness, or to produce any books or papers called for by the process of the council shall

fail or refuse to respond thereto, or refuse to answer questions propounded by any member of the investigating body or its counsel material to the matter pending before such body, the circuit court upon request of the council shall have power to compel obedience to any process of the council and require such witness to answer questions put to him as aforesaid, and to punish as a contempt of the court, any refusal to comply therewith without good cause shown therefor.

False swearing by any witness shall constitute perjury and be punished as such, and whenever the council is satisfied that a witness has sworn falsely in any hearing or investigation, it shall report the same to the prosecuting attorney for prosecution.

3. In any investigation which concerns the alleged gross misconduct or alleged criminal action on the part of any individual, such individual shall have the right to be represented by counsel, the right of reasonable cross-examination of witnesses and the right to process of the council to compel the attendance of witnesses in his own behalf.

CHAPTER 2

ORDINANCES AND RESOLUTIONS

Section 3-201. Actions of the Council—Every legislative act of the council shall be by ordinance. Non-legislative acts of the council may be by resolution and except as otherwise provided, no resolution shall have force or effect as law. The enacting clause of every ordinance shall be "Be it ordained by the people of the city and county of Honolulu:" and the enacting clause of every resolution shall be "Be it resolved by the council of the city and county of Honolulu:".

The temporary transfer of unencumbered funds from one division to another in the same department is not a reappropriation and may be effected by a resolution. Op 59-169. A transfer of funds from one capital improvement account to another is a reappropriation and must be effected by an ordinance. Op 59-192.

Section 3-202. Introduction, Consideration and Passage of Ordinances and Resolutions—

1. Every proposed ordinance shall be initiated as a bill and shall be passed only after three readings on separate days. The vote on final passage shall be taken by ayes and noes and entered in the journal. Full readings of bills may be required by one-third vote of the entire membership of the council.

2. Every ordinance of the council shall embrace but one subject, which shall be expressed in its title. If an ordinance embraces any subject not expressed in its title, only that subject shall be void.

3. No bill shall be so amended as to change its original purpose. On the demand of at least four members, any bill shall, after amendment, be laid over for one week before its final reading. Every bill, as amended, shall be in writing before final passage.

4. When a bill fails to pass on final reading and a motion is made to reconsider, the vote on such motion shall not be acted upon before the expiration of twenty-four hours.

Sec. 3-203

5. Ordinances shall take effect on the date specified therein or, in the absence of such specification, upon approval thereof by the mayor.

6. Except as otherwise provided in this charter, resolutions may be adopted on one reading by the affirmative vote of a majority of the entire membership of the council taken by ayes and noes and entered in the journal. The reading shall be in full except by unanimous consent of all councilmen present, in which case the reading may be by title only.

7. Bills embracing (a) the fixing of special assessments for the cost of improvements, (b) the appropriation of public funds or the authorization of the issuance of general obligation bonds or (c) the imposition of a duty or penalty on any person, shall pass second reading by a vote taken by ayes and noes, and digests of such bills shall be advertised once in a daily newspaper of general circulation in the city, with the ayes and noes, at least three days before final reading by the council. Not less than three copies of such bills shall be filed for use and examination by the public in the office of the city clerk at least three days prior to the final reading thereof.

8. All ordinances shall be promptly advertised once by title only in a daily newspaper of general circulation in the city with the ayes and noes after enactment. Unless otherwise provided, resolutions need not be advertised either before or after adoption.

9. Resolutions authorizing proceedings in eminent domain shall not be acted upon on the date of introduction, but shall be laid over for at least one week before adoption. Such resolutions shall be advertised once in a daily newspaper of general circulation at least three days before adoption by the council. Not less than three copies of such resolutions shall be filed for use and examination by the public in the office of the city clerk at least three days prior to the adoption thereof. Upon adoption, every such resolution shall be presented to the mayor and he may approve or disapprove it pursuant to applicable provisions governing the approval or disapproval of bills.

10. Should the council find by a two-thirds vote of its entire membership the existence of an emergency due to a public calamity, the council may waive all of the requirements of this section pertaining to procedure, except those relating to the number of votes required for passage and recording of the vote in the journal.

Resolutions passed under the improvement district ordinance need not be referred to the mayor. Op 59-104. The readvertising of a bill prior to final reading is not necessary after a material amendment has been made. Op 59-117. A bill in its amended form must be in writing before it is passed on third reading. Op 59-117.

Section 3-203. Submission of Ordinances to the Mayor—

1. Every bill which has passed the council and has been duly authenticated by the city clerk and the presiding officer, shall be presented to the mayor for his approval. If he approves it, he shall sign it and it shall then become an ordinance. If he disapproves it, he shall specify his objections thereto in writing and return the bill to the city clerk with his objections within ten days (excluding Saturdays, Sundays and holidays) after receiving it. If he does not return it with his disapproval within that time, it shall take effect as if he had signed it. The objections of the mayor shall be entered at large in the journal of the council and the council may, after five and within thirty days after the bill has been

so returned, reconsider the vote upon the bill. If the bill, upon reconsideration, is again passed by the affirmative vote of not less than two-thirds of the entire membership of the council, the presiding officer shall verify that fact on the bill and when so certified, the bill shall then become an ordinance with like effect as if it had been signed by the mayor. If the bill fails to receive the vote of at least two-thirds of the entire membership of the council, it shall be deemed finally lost. The vote upon reconsideration shall be taken by ayes and noes and entered in the journal.

2. If any bill is presented to the mayor appropriating money, he may veto any item or items or portion or portions thereof by striking out or reducing the same. In the case of such a veto, the mayor shall append to the bill at the time of signing it a statement of the item or items or portion or portions thereof to which he objects and the reasons therefor, and the item or items or portion or portions thereof, so vetoed, shall not take effect unless passed notwithstanding the mayor's veto. Each item so vetoed may be reconsidered by the council in the same manner as bills which have been disapproved by the mayor.

Section 3-204. Amendment, Revision or Repeal; Adoption of Codes by Reference—

1. No ordinance shall be amended, revised or repealed by the council except by ordinance. No resolution shall be amended, revised or repealed except by resolution but a resolution may be superseded by a subsequent ordinance.

2. Any ordinance or resolution may be repealed by reference to its number or section number. Revisions or amendments may be made in the same manner but the same, or the section, subsection or paragraph thereof, revised or amended, shall be re-enacted at length as revised or amended; but when the amendment consists of adding new sections, subsections, paragraphs, or substituting a word, term, or number for another word, term, or number, it shall be sufficient to enact the new matter alone if reference thereto is made in the title.

3. Any code or portions thereof may be adopted by reference thereto by the enactment of an ordinance for that purpose. The code, or portions, need not be published in the manner required for ordinances, but not less than three copies thereof shall be filed for use and examination by the public in the office of the city clerk not less than fifteen days prior to the final reading thereof, and notice of the availability of said copies shall be published by the clerk.

Section 3-205. Codification of Ordinances—

1. Within two years of the effective date of this charter, the council shall cause a code to be prepared containing all of the ordinances of the city which are appropriate for continuation as law. The code may be prepared by the corporation counsel or the council may contract for its preparation by professional persons or organizations experienced in the revision and codification of ordinances or statutes.

2. The code may be adopted by reference by the passage of an ordinance for that purpose. No publication of the code shall be required, but not less than three copies of the code shall be filed for use and examination by the

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public in the office of the city clerk at least sixty days prior to the adoption thereof.

3. All proposed ordinances of general application introduced after the approval of the code shall be adopted as amendments of or additions to the code and by reference thereto.

**CHAPTER 3
CITY CLERK**

Section 3-301. Powers, Duties and Functions—

1. The council shall appoint and fix the salary of the city clerk.
2. The city clerk shall:
 - (a) Be the clerk of the council.
 - (b) Take charge of, safely keep and dispose of all books, papers and records which may properly be filed in his office and keep in separate files all ordinances, resolutions and regulations and cumulative indices of the same, or exact copies thereof, enacted or adopted by the council.
 - (c) Have custody of the city seal, which shall be used to authenticate all official papers and instruments requiring execution or certification by the city clerk in the exercise of his office. A copy of the impress thereof, certified to be genuine, and also a copy of such seal when altered or changed by the council, shall be filed in the office of the secretary of the Territory.
 - (d) Conduct all elections held within the city pursuant to this charter or the laws of the Territory.
 - (e) Perform such other functions as required by this charter or by law.
3. The city clerk may appoint the necessary staff for which appropriations have been made by the council.
4. Subject to the provisions of this charter and applicable rules and regulations adopted thereunder, the city clerk shall have the same powers with respect to the personnel of his office as the department heads in the executive branch.

The elective office of the city clerk will be abolished after January 2, 1961. Op 59-53.

**ARTICLE IV
EXECUTIVE BRANCH—GENERAL PROVISIONS**

Section 4-101. Executive Power—The executive power of the city shall be vested in and exercised by the executive branch, which shall be headed by the mayor, except as otherwise provided by this charter.

Communications and petitions relating to administrative matters should be referred to the mayor. Op 59-94. Communications from the department of public instruction involving administrative matters should be referred to the mayor. Op 59-100.

Section 4-102. Organization—Except as otherwise provided, within six months after the effective date of this charter, the mayor shall recommend and the council shall by ordinance adopt an administrative code providing for a complete plan of administrative organization of the executive agencies of the city government not inconsistent with the provisions of this charter. Upon

recommendation of the mayor, the council may by a two-thirds vote of its entire membership change, abolish, combine or re-arrange the executive agencies of the city government. Less stringent qualifications shall be required of department heads only by amendments to the pertinent provisions of the charter.

New functions may be assigned by the mayor to existing agencies, but to the extent that this is not practicable, the council by two-thirds vote of its entire membership may upon the recommendation of the mayor create additional departments. However, not more than twenty principal departments, excluding independent departments not under the supervision of the mayor or the managing director, shall exist at any one time.

The administrative organization for the management of a proposed municipal auditorium must comply with this provision. Op 59-183.

Note: The administrative code was adopted December 31, 1959. Ord. 1781.

Section 4-103. Other Executive Agencies—No executive board or commission shall be created after the effective date of this charter, except as recommended by the mayor and approved by the affirmative vote of two-thirds of the entire membership of the council.

The administrative organization for the management of a proposed municipal auditorium must comply with this provision. Op 59-183.

Section 4-104. Urban Redevelopment and Urban Renewal Agencies—Urban redevelopment and urban renewal agencies shall be as provided by law.

Section 4-105. Creation of Advisory Committees—The mayor or department heads, with the approval of the mayor, may each appoint advisory committees. Such advisory committees shall not exist beyond the term of office of the appointing authority. Their function shall be limited to counsel and advice. The members of advisory committees shall not be paid, but their authorized expenses shall be paid from appropriations to the appointing authority. Advisory committees shall have no employees but each appointing authority shall cause employees of the department to furnish such services as may be needed by the committees.

The administrative organization for the management of a proposed municipal auditorium must comply with this provision. Op 59-183.

Section 4-106. Appointment and Removal of Officers and Employees—

1. All department heads shall be appointed and may be removed by the mayor, except as otherwise provided by this charter.

2. Department heads may appoint the necessary staff for which appropriations have been made by the council.

3. No appointing authority shall appoint any person to any office or position exempted from civil service until satisfied by proper investigation that the person to be appointed is fully qualified by experience and ability to perform the duties of his office or position.

Section 4-107. Powers and Duties of Heads of Executive Agencies—

1. Subject to the provisions of this charter and applicable regulations adopted thereunder, the heads of the executive agencies of city government shall have the power and duty to take all personnel actions.

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2. Each head of an executive agency of city government may assign and reassign duties to employees and supervise the performance thereof.

3. Each head of an executive agency of city government may, subject to the approval of the mayor or the managing director, prescribe such rules as are necessary for the organization and internal administration of the respective executive agencies.

4. Regulations affecting the public as may be necessary to the performance of the functions assigned to executive agencies may be issued as authorized by this charter or by ordinance. Such regulations after public notice and public hearing and upon approval by the mayor, shall have the force and effect of law. Each head of an executive agency shall file in the office of the city clerk not less than three copies of such regulations. The regulations may be amended or repealed by the same process required for original promulgation.

5. Each head of an executive agency shall perform such duties not inconsistent with the duties of his office as may be assigned by the mayor.

ARTICLE V

**EXECUTIVE BRANCH—MAYOR AND AGENCIES DIRECTLY
UNDER THE MAYOR**

CHAPTER 1

MAYOR

Section 5-101. Election and Term of Office—The electors of the city shall elect a mayor whose term of office shall be four years beginning at twelve o'clock meridian on the second day of January following his election.

Section 5-102. Qualifications—Any citizen of the United States not less than thirty years of age who has been a duly qualified elector of the city for at least three years prior to his election shall be eligible to fill the office of mayor. Upon removal of his residence from the city, the mayor shall by that fact be deemed to have vacated his office.

Section 5-103. Compensation—The salary of the mayor shall be \$20,000.00 per annum which shall be subject to change by the council. The salary of any incumbent shall be reduced only in the event that a general reduction in salaries of all city officers and employees is simultaneously effected.

Note: Act 255, SLH 1959, also establishes the mayor's salary at \$20,000.

Section 5-104. Powers, Duties and Functions—The mayor shall be the chief executive officer of the city. He shall have the power to:

(a) Except as otherwise provided, exercise direct supervision over all agencies enumerated in this article and other agencies as he may deem desirable and through the managing director exercise supervision over all other executive agencies of the city. He shall provide for the coordination of all administrative activities and see that they are honestly, efficiently and lawfully conducted.

(b) Appoint the necessary staff for which appropriations have been made by the council.