

**STATE OF MICHIGAN
COUNTY OF WAYNE
CITY OF ALLEN PARK**

PROPOSED ORDINANCE #08-2023

AN ORDINANCE OF THE CITY OF ALLEN PARK CODE OF ORDINANCES; AMENDING CHAPTER 2 “ADMINISTRATION”, ARTICLE V, “BOARDS, COMMISSIONS, COMMITTEES AND AUTHORITIES”, BY THE REPEAL AND READOPTION OF DIVISION 9, “FESTIVITIES COMMISSION”, TO UPDATE THE DIVISION.

The City of Allen Park Ordains:

SECTION 1. Amendment to Code.

That Division 9, Festivities Commission, of Article V, Boards, Commissions, Committees and Authorities, of Chapter 2, Administration, is hereby repealed and readopted, to hereafter read as follows:

**CHAPTER 2 ADMINISTRATION
ARTICLE V. BOARDS, COMMISSIONS, COMMITTEES AND AUTHORITIES
DIVISION 9 FESTIVITIES COMMISSION**

Sec. 2-510. – Created.

There is hereby created and established a Festivities Commission, hereinafter referred to as the “Commission”.

Sec. 2-511. – Composition, term of members; compensation of members; vacancies.

The Commission shall consist of not less than seven nor greater than nine members who shall be appointed by the mayor, subject to the approval and confirmation by a majority vote of the council. All appointments made after the adoption of this ordinance shall be for a term of three years. Vacancies on the Commission occurring before the expiration of any term shall be reported by the Commission to the mayor and council and filled by appointment as set forth above for the unexpired term. Members shall serve as such without compensation. Members must be a resident of the city or an owner or employee of a business with operations within the city.

Sec. 2-512. – Organization; officers; meetings.

a. Selection. At the December meeting of each calendar year, the Commission shall elect from its membership by a majority vote of the members, a Chairperson, Vice Chairperson and Secretary who shall serve for a 12-month period or until their successors are elected, and who shall be eligible for re-election. In the event a meeting is not held in December, the selection shall occur at the next meeting.

b. Duties. The Chairperson shall preside over all meetings of the Commission and be responsible for the preparation of the agenda for each meeting. The Vice Chairperson shall perform the duties of the Chairperson in the absence or disability of the Chairperson. The Secretary or other official designee shall be responsible for the preparation of meeting minutes.

c. Vacancies. If a vacancy should occur in any office, the Commission shall elect another person to fill such vacancy in the same manner and under the same conditions outlined above for the remainder of the term of said office.

d. Regular Meetings. The Commission shall meet no less than six (6) times a year on dates and times to be established by resolution of the Commission. At the first meeting of each year the dates and times of the upcoming regular meetings shall be established. Regular meetings may be cancelled by the Chairperson for lack of scheduled business with notification of all Commission members and the public in accordance with the Open Meetings Act. All meetings shall be held at the Allen Park City Hall.

e. Special Meetings. Special meetings may be called by the Chairperson or by any two (2) members of the Commission upon written request to the Secretary. A written notice of the purpose and time of such meeting shall be sent to all members not less than two (2) days prior to the date set. A special meeting called at a regular meeting, absentee members being informed of such meeting, shall satisfy this requirement. No business other than the stated purpose of the meeting shall be considered. Notice to the Public shall be provided in accordance with the Open Meetings Act.

f. Quorum. A quorum consisting of a majority of the members of the Commission then in office shall be present for the conduct of business. When a quorum is not present, no official action of the Commission, may take place. In the case of a lack of a quorum, members of the Commission may discuss matters of interest, but can take no action until the next regular or special meeting.

g. Meeting Minutes. The minutes shall contain a complete restatement of all motions and recording of votes; complete statement of the conditions or recommendations made on any action; and recording of attendance. All communications shall be attached to the minutes. The official records shall be deposited with the City Clerk and a copy provided to the Mayor and City Council.

h. Oversight. The decisions and actions of the Commission are subject to review and repeal by and at the discretion of the Mayor and Council.

Sec. 2-513. – Powers and Duties.

The Commission shall perform such tasks necessary to organize, advertise and conduct the city street fair. These tasks include, but are not limited to, the setting of fees and the entering into contracts with entertainers and fair vendors for display or sales space. The Commission shall also be responsible for such other activities as the city council may designate.

Sec. 2-514. – Solicitation and Disposition of Funds.

- (a) The Commission shall have authority to raise money through the sale of merchandise, food, donations and the leasing of space to vendors during special events and the city street fair. Funds received by any Commission member shall be forthwith delivered to the City Treasurer. All such funds shall be held and used for the activities of the Commission and projects approved by the Commission. A separate record shall be maintained for all receipts and expenditures of the Commission. The City Finance Director shall assist the Commission with regard to the management of the funds received by the Commission.
- (b) The Commission shall have the authority to commit, spend, or pledge funds received by the Commission for the following purposes:
 - (1) Carry out the purposes of the Commission, including the payment of all expenses associated with the city street fair and such other activities the Commission undertakes;
 - (2) Provide for public improvements such as community welcome signs, landscape areas and recreation projects;
 - (3) Provide for scholarships for city students pursuing post high school education upon the demonstration of proper need;
 - (4) Such other activities and purposes as the city council and Commission may agree to and authorize by council resolution.

Sec. 2-515. – Advisory Body.

One member of the city council, the Parks and Recreation Director, the Police Chief, the Fire Chief, DPS Director and Clerk or their designated alternate, shall serve in an advisory, nonvoting capacity to the Commission. This provision does not limit the Commission’s authority to seek advice or assistance from other city departments or appointees.

Sec. 2-516. – Council appropriations.

The council may provide for such quarters, equipment and personnel as is deemed necessary for the proper management and operation of the Commission.

Sec. 2-517. – Reports.

The Commission shall, on or before May 30 of each year, make a written report to the council of all receipts and expenditures and the work of the Commission during the preceding year.

Reports shall be certified by the Commission, entered of record by the City Clerk on the rolls of the minutes of the city. The Commission shall also make such other reports as the council may from time to time require.

Sec. 2-518. – Removal of Commission Members.

A Commission member may be removed by the council for failure to attend three (3) consecutive regular meetings, or 25% of such meetings in any year unless such absences shall be excused by the Commission, or for inattention to duties. In the event of death, resignation or removal of any member, the successor shall be appointed as provided in Sec 2-511 to serve for the unexpired term for which such member had been appointed.

Sec 2-519.-Authority to Enter Into Contracts.

The Commission shall not have authority to into any contract which exceeds five thousand (\$5,000.00) dollars or has a contract term in excess of 12 months unless such contract is authorized by council resolution.

Secs. 2-520-2-540. Reserved.

SECTION 2. Repeal.

All ordinances or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Saving Clause.

Nothing in this Ordinance or in the code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquiring or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 4. Severability.

Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase, or any portion of the Ordinance held to be so invalid shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

SECTION 5. Codification; Scrivener's Errors:

- (a). Section 1 of this Ordinance shall be codified, and all other sections shall not be codified.
- (b). The sections, divisions and provisions of this Ordinance may be renumbered or re-lettered as deemed appropriate by the Code codifier.
- (c). Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Administrator, or designee, without the need for a public hearing.

SECTION 6. Publication.

The Clerk for the City of Allen Park shall cause this ordinance to be published in the manner required by law.

SECTION 7. Adoption.

This Ordinance is hereby declared to have been adopted by the City Council of the City of Allen Park, County of Wayne, State of Michigan, at a regular meeting, called and held on the ___ day of ____, 2022.

GAIL McLEOD, Mayor
City of Allen Park

MICHAEL I. MIZZI, City Clerk
City of Allen Park