

THE VILLAGE OF EDMORE ORDAINS

AN ORDINANCE TO AMEND SECTIONS 2 AND THE ADDITION OF SECTION 7.1 OF ORDINANCE NO 246-89.

VILLAGE COUNCIL

VILLAGE OF EDMORE

MONTCALM COUNTY, MICHIGAN

ORDINANCE NO 2013-4

Adopted: 11-11-2013

Published: 12-4-2013

Effective: 12-26-2013

VILLAGE MANAGER

An ordinance establishing the office of Village Manager; providing for the appointment, compensation and discharge of such official; specifying the branches of Village government and activities under the management and control and defining and limiting the rights, powers and liabilities of the Village Manager.

THE VILLAGE OF EDMORE ORDAINS:

Section 1. Establishment of Office.

In accordance with the authority for the appointment of such village officers as the Council shall deem necessary for the execution of the powers granted to the Village contained in Section 2, Chapter 11 and Section 8 of Chapter V of Act No.3, P.A. of 1985, as amended, which is the charter of the Village, there is hereby established the office of Village Manager.

Section 2. Appointment of Village Manager.

The President shall, with the concurrence of four or more Trustees, appoint a Village Manager for an indefinite term and the Council may, by contract, enter into such other terms and conditions, as the Manager and Council deem appropriate. The Manager shall serve at the pleasure of the Council and may be removed by the affirmative vote of five or more, but only after a hearing before the Council. The President may, for cause, suspend the Manager with full pay until the hearing. The action of the Council in removing the Manager shall be final.

The Manager shall be selected solely on the basis of administrative and executive abilities with special reference to training and experience.

The Manager need not be a resident of the Village in accordance to Michigan Public Act 212 of 1999.

Section 3. Acting Village Manager.

The President, with the concurrence of four or more Trustees, shall appoint or designate an acting Manager during a vacancy in the office of Village Manager and shall make a permanent appointment within 180 days from the effective date of the vacancy. A Village Manager appointment in accordance with section 2 of this ordinance, shall be deemed to be the acting Manager from the appointment.

Section 4. Compensation. The Village Manager shall receive such compensation, as the Council shall determine annually by resolution or contract.

Section 5. Duties.

The Village Manager shall be Chief Administrative Officer of the Village and shall be responsible to the Village Council for the efficient administration of all affairs of the Village and shall exercise management supervision over all departments and over all public property belonging to the Village.

The Manager shall have the following functions and duties:

- A. Attend all meetings of the Village Council and committees thereof and take part therein but without a vote.
- B. Be responsible for personnel management and shall issue, subject to Council approval, personnel roles applicable to all Village employees. The Manager shall have the following responsibilities:
 - (1) To appoint, suspend or remove all appointed administrative officers and department heads, subject to Council approval. The Manager shall recommend to the Council the salary or wages to be paid each such official.
 - (2) To appoint, suspend or remove all other employees of the Village. All such actions shall be based on merit and taken pursuant to personnel rules approved by the Council. The Manager shall fix the salaries or wages of all such employees, subject to Council approval.
- C. Exercise supervisory control over all departments including the police department, the department of public works, and the finance department.
- D. Exercise supervisory responsibility over the accounting, budgeting, personnel, purchasing, and related management functions of the Village Clerk and Village Treasurer.
- E. Shall be authorized to attend all meetings of Village boards and commissions including the Village Planning Commission with the right to take part therein with a vote.
- F. Prepare and administer the budget as provided in the Uniform Budgeting and Accounting Act, Act No.2, P. A. of 1968, as amended.
- G. Be the purchasing agent of the Village.
- H. Prepare and maintain an administrative code defining the duties and functions of the several officers and departments of the Village, subject to Council approval.
- I. Investigate all complaints concerning the administration of the Village, and shall have the authority at all times to inspect the books, records and papers of any agent, employee or officer of the Village.
- J. Make recommendations to the Council for the adoption of such measures as may be deemed necessary or expedient for the improvement or betterment of the Village, and

K. Perform other duties required from time to time by the Village Council.

Section 6. Purchasing Responsibilities.

The Village Manager shall act as purchasing agent for all Village Offices and departments. The Manager may delegate some or all the duties as purchasing agent to another officer or employee provided that such delegation shall not relieve the Manager of the responsibility for the proper conduct of those duties.

The Village Manager shall have the authority to purchase any product or service the cost of which does not exceed \$1,000 provided that funds have been appropriated. The cost of the product or service shall not exceed the unencumbered balance of the appropriation for that account. Except as hereafter provided, the Village Manager shall not purchase any product or service the cost of which exceeds the above dollar limit without prior approval of the Village Council. The Village Manager may promulgate rules governing the purchase of products or services.

The Village Manager shall have the authority to purchase any product or service regardless of its cost when such purchase is necessitated by an emergency condition. "Emergency Condition" is defined to mean any event which presents an imminent threat to the public health or safety or any event which would result in the disruption of a Village service which is essential to the public health or safety.

Section 7. Dealing with Employees.

Neither the Council or the Village President shall attempt to influence the employment of any person by the Village Manager or in any way interfere in the management of departments under the jurisdiction of the Manager. Except for the purpose of inquiry the President and Council and its members shall deal with departments under the jurisdiction of the Village Manager through the Manager.

Section 7.1 Interactions with Council

- A. Except for purposes of inquiry, the council and its members shall deal with the administrative service for which the village manager is responsible solely through the manager, and neither the council nor any member thereof shall have authority to or shall give orders to any subordinate employee of the city, either publicly or privately.
- B. The village manager will work in good faith with the village council and any appointed commission or committee on personnel issues regarding policies and procedures found in the Personnel Handbook that would interfere with the image, reputation or efficient delivery of village services.
- C. No member of the council shall direct or request the following:
 - (1) The appointment of any person to or the removal of any person from any employment or office for which the city manager is responsible.
 - (2) The purchase of equipment, supplies, materials or services from any specific person for the setting of a village contract.

D. It is not the intention of this section to prevent frank discussion of the business of the village between the manager and any member of the council at any time, but the intention is to prevent the personal favoritism or prejudice of any member of the council from hampering the administration of the village.

Section 8. Severability.

If any portion of the ordinance or the application thereof to any person or circumstance shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or application, provided that such remaining portions or applications are not determined by said Court to be inoperable, and to this end, this ordinance is declared to be severable.

Section 9.

This ordinance shall become effective 45 days after the date of adoption. If a petition, signed by not

less than 10 percent of the registered electors of the Village, is filed with the Village Clerk within the 45-day period, this ordinance shall not become effective until after the ordinance is approved at an election held on the question as provided by law.

Adoption of the ordinance was moved by __Schuitema__ and supported by ____Deja_____.

Voting for: Adams, Ashbaugh, Burr, Deja, Guild, Rasmussen, Schuitema

Voting against: -

Excused: -

The ordinance was declared adopted.

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decompressor
are needed to see this picture.

Village President

Date of Publication

I, Gloria Burr, the lawful Clerk of the Village of Edmore attest that the foregoing is a true and accurate copy of an ordinance adopted by the Village of Edmore Council at a regular meeting held on November 11, 2013, noticed in accordance with state law.

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Gloria Burr, Clerk