

ORDINANCE NO. 117

VILLAGE MANAGER ORDINANCE

AN ORDINANCE ESTABLISHING THE OFFICE OF VILLAGE MANAGER; PROVIDING FOR THE APPOINTMENT, COMPENSATION AND DISCHARGE OF SUCH OFFICIAL; SPECIFYING THE BRANCHES OF THE VILLAGE GOVERNMENT AND ACTIVITIES UNDER THE MANAGEMENT AND CONTROL OF THE VILLAGE MANAGER; AND DEFINING AND LIMITING THE RIGHTS, POWERS AND LIABILITIES OF THE VILLAGE MANAGER.

THE VILLAGE OF DECATUR, MICHIGAN ORDANINS:

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 of chapter II and section 8 of chapter V of Michigan Public Act No. 3 of 1895, as amended, being M.S.A. 5.1216 and 5.1270 (11), respectively, 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 will and pleasure of the Council and may be removed by the affirmative vote of four or more Trustees, 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 Manger 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 at the time of the appointment but shall become a resident within 180 days from the date of the appointment with extensions permitted upon approval of the Council. The Manager shall reside in the Village thereafter during the term of office.

SECTION 3. ACTING VILLAGE MANAGER. The President, with the concurrence of four or more Trustees, may appoint or designate an acting Manager during a vacancy in the office of Village Manager. A Village Manager, appointed in accordance with Section 2 of this ordinance, shall be deemed to be the acting Manager from the date of the appointment until the appointee becomes a resident of the Village of Decatur.

SECTION 4. COMPENSATION. The Village Manager shall receive such compensation as the Council shall determine annually by resolution of contract.

SECTION 5. DUTIES. The village Manager shall be the Chief Administrative officer of the Village and shall be responsibility to the Village Council for the efficient administration of all affairs of the Village and shall exercise management supervision over all Village 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. Shall be authorized to attend all meetings of Village boards and commissions, including the Village Zoning Board, with the right to take part therein, but without a vote;
- C. Supervise the preparation of an annual budget and submit it to the council for its approval and adoption, and be responsible for the administration thereof;
- D. Investigate all complaints concerning the administration of the Village and provide any pertinent information concerning said complaints to the Council, and said Manager shall have authority at all times to inspect the books, records and papers of any agent, employee or officer of the Village.
- E. 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;
- F. Be responsible for keeping the Village in compliance with all State and Federal Regulations;
- G. Be responsible for personnel management and shall issue, subject to Council approval, personnel rules applicable to all Village employees. Also to prepare and maintain an administrative code defining the duties and functions of the several officers and departments of the Village, subject to council approval. In regard thereto 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 employ, suspend or discharge all other employees of the Village in cooperation with department heads. 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 employee, subject to Council approval.
 - 3) To negotiate collective bargaining agreements with any unions representing Village employees.
- H. Exercise supervisory control over all departments and department heads, including the Police Department, Sewer & Water Department, Street Department and Parks Department.
- I. Exercise supervisory responsibility over the accounting, budgeting, personnel, purchasing and related management functions of the village Clerk and Village Treasurer.
- J. Be the purchasing agent of the Village.
- 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 \$500.00 provided that funds have been appropriated. The cost of the product or service

shall not exceed the unencumbered balance of the appropriation for the account. Except as hereinafter provided, the Village Manager shall not purchase any product or service the cost of which exceeds the above dollar amount 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 nor 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 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 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 applications, provided that such remaining portions or applications are not terminated 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.

Adopted by the Village Council of the Village of Decatur, Michigan on this 6th day of October, 1997.