

Village Council Handbook



Village of Decatur, Michigan

January 3, 2024



Village Council Members

2024

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Welcome to the Village of Decatur's Council!

We're glad to have you with us and thanks for your willingness to serve your community in this important role. Over the coming months you'll be gaining firsthand experience of how this board supports our community as it grows. But to get you started, check out the resources below for information on how the board operates, existing plans and where you can get some basic training on topics related to your new role.

Basic/Legal Information

- Ordinances- [Link](#)
- General Village Law
- Open Meetings Act Handbook
- Title VI
- Personnel Manual
- Council Rules and Procedures
- Zoning Board of Appeals Procedures

More information and training events can be found at <https://mml.org/> .

If you have any questions, please contact Village Hall at 269-423-6114.

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THE GENERAL LAW VILLAGE ACT Act 3 of 1895

AN ACT to provide for the government of certain villages; to define their powers and duties; to provide for the levy and collection of taxes, borrowing of money, and issuance of bonds and other evidences of indebtedness by villages subject to this act; to define the powers and duties of certain state and local officers and entities; to define the application of this act and provide for its amendment by villages subject to this act; to validate prior amendments and certain prior actions taken and bonds issued by villages subject to this act; to provide for the disincorporation of villages; and to prescribe penalties and provide remedies.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—Am. 1954, Act 119, Eff. Aug. 13, 1954;—Am. 1962, Act 186, Imd. Eff. May 24, 1962;—Am. 1974, Act 4, Imd. Eff. Jan. 30, 1974;—Am. 1983, Act 44, Imd. Eff. May 12, 1983;—Am. 1998, Act 145, Eff. Mar. 23, 1999;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

The People of the State of Michigan enact:

CHAPTER I INCORPORATION.

61.1 Incorporation of villages; charter.

Sec. 1. This act is the charter for all villages incorporated under this act.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2684;—CL 1915, 2555;—CL 1929, 1465;—CL 1948, 61.1;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

61.1a Definitions.

Sec. 1a. As used in this act:

(a) “Appointed officer” means any officer, except an officer who is appointed to fill an elective but vacant seat on the council.

(b) “Civil infraction action”, “municipal civil infraction”, and, except as used in section 2 of chapter VI, “civil infraction” mean those terms as defined in section 113 of the revised judicature act of 1961, 1961 PA 236, MCL 600.113.

(c) “Council” or “members of council”, with respect to voting procedure, means 1 of the following:

(i) The president and 6 trustees, if the village has not adopted an ordinance reducing the number of trustees under chapter II.

(ii) The president and 4 trustees, if the village has adopted an ordinance reducing the number of trustees under chapter II.

(d) “Elector” means an individual who has the qualifications of an elector under section 492 of the Michigan election law, 1954 PA 116, MCL 168.492.

(e) “Officer” means the village president, clerk, or treasurer, a village trustee, or an appointed person authorized by the council.

(f) “Quorum” means, except as otherwise defined, 1 of the following:

(i) Three council members, if the village has adopted an ordinance reducing the number of trustees under chapter II.

(ii) Four council members, if the village has not adopted an ordinance reducing the number of trustees under chapter II.

History: Add. 1945, Act 24, Eff. Sept. 6, 1945;—CL 1948, 61.1a;—Am. 1994, Act 16, Eff. May 1, 1994;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

61.1b Construction of act; validation of bonds.

Sec. 1b. No provision of this act shall apply or be construed as having heretofore applied to any village incorporated or reincorporated under Act No. 278 of the Public Acts of 1909, as amended, being sections 78.1 to 78.28 of the Compiled Laws of 1948, unless specifically adopted by the electors as a part of its village charter. The provisions of this act shall be deemed to be in the nature of charter provisions for any village incorporated thereunder or subject thereto and any such provision may be altered or removed by amendment adopted by the electors as provided in Act No. 278 of the Public Acts of 1909, as amended, provided that the effect of the amendment is such as might legally be accomplished by charter provision in the case of a village operating under Act No. 278. All such amendments heretofore so adopted by any village incorporated under or subject to this act, and all actions heretofore taken and all bonds heretofore issued under or in accordance with such amendments, are hereby validated to the same effect as if the foregoing provision had been in effect

when such amendments were adopted.

History: Add. 1962, Act 186, Imd. Eff. May 24, 1962.

61.1c Emergency financial manager; authority and responsibilities.

Sec. 1c. Notwithstanding any provision of this act, if an emergency financial manager has been appointed under the local government fiscal responsibility act, Act No. 101 of the Public Acts of 1988, being sections 141.1101 to 141.1118 of the Michigan Compiled Laws, with respect to a village governed by this act, then that emergency financial manager may exercise the authority and responsibilities provided in this act to the extent authorized by Act No. 101 of the Public Acts of 1988.

History: Add. 1988, Act 196, Imd. Eff. June 27, 1988.

61.1d Minimum staffing requirement; adoption of village charter or ordinance prohibited.

Sec. 1d. Beginning on the effective date of the amendatory act that added this section, a village shall not adopt a village charter or ordinance that includes any minimum staffing requirement for village employees. Except as otherwise provided in this section, any provision in a village charter or ordinance adopted on or after the effective date of the amendatory act that added this section that contains a minimum staffing requirement for village employees is void and unenforceable.

History: Add. 2011, Act 140, Imd. Eff. Sept. 13, 2011.

61.2-61.11 Repealed. 1998, Act 255, Imd. Eff. July 13, 1998.

Compiler's note: The repealed sections pertained to incorporation of villages.

61.12 Village incorporated; body politic; powers.

Sec. 12. A village incorporated under this act is a body politic and corporate under the name designated for it upon incorporation. By that name, the village may sue and be sued, contract and be contracted with, acquire and hold real and personal property for the purposes for which it was incorporated, have a common seal, change the common seal at pleasure, and exercise all the powers under this act.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2695;—CL 1915, 2566;—CL 1929, 1476;—CL 1948, 61.12;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

61.14 Repealed. 1974, Act 4, Imd. Eff. Jan. 30, 1974.

Compiler's note: The repealed section pertained to the village board of registration.

61.15 Repealed. 1998, Act 255, Imd. Eff. July 13, 1998.

Compiler's note: The repealed section pertained to registration of electors.

CHAPTER II OFFICERS.

62.1 Village officers; council; ordinance providing for election and terms of office; adoption; filing petition to delay effect of ordinance; ballot question.

Sec. 1. (1) Except as provided in subsections (2) and (3), in each village, the following officers shall be elected: a president, 6 trustees, 1 clerk, and 1 treasurer. The president and trustees constitute the council. In all votes for which not less than a majority vote of council is required, the calculation of the number of votes required shall be based on the maximum number that constitutes council.

(2) The council by a vote of 2/3 of the members of council may provide by ordinance for the reduction in the number of trustees to 4 or for the election of all trustees at the same election for 2-year terms at the first possible election after 2004 who with the president shall constitute the council, and may provide by ordinance for the method of changing from 2-year staggered terms to 4-year staggered terms. If village trustees are elected biennially for staggered 4-year terms, the ordinance shall as nearly as possible maintain staggered terms and provide for an equal number of seats to be filled at each election. The ordinance may extend but shall not shorten the term of an incumbent trustee. The ordinance may extend a prospective term. The ordinance shall not shorten or eliminate a prospective term unless the nomination deadline for that term is not less than 30 days after the effective date of the ordinance. An ordinance adopted under this subsection shall satisfy both of the following conditions:

(a) The ordinance shall be voted on and adopted at a meeting that occurs not less than 10 days after the initial meeting or public hearing at which the ordinance was considered.

(b) Notice of each meeting at which the ordinance is considered indicating that an ordinance reducing the size of the council or to change the time of election of the trustees comprising the council will be 1 of the

subjects of the meeting shall be published not less than 10 days before the meeting in a newspaper of general circulation in the village.

(3) The council by a vote of 2/3 of the members of council may provide by ordinance for the nomination by the president and the appointment by the council of the clerk or the treasurer or both for such a term as the ordinance may provide. The ordinance shall apply beginning with the first term the nomination deadline for which would have been not less than 30 days after the effective date of the ordinance or shall apply when the office is vacated, whichever occurs first.

(4) The council shall provide that an ordinance adopted under subsection (2) or (3) takes effect 45 days after the date of adoption unless a petition signed by not less than 10% of the registered electors of the village is filed with the village clerk within the 45-day period, in which case the ordinance takes effect upon approval at an election held on the question. Notice of the delayed effect of the ordinance and the right of petition under this subsection shall be published separately at the same time, and in the same manner, as the ordinance is published pursuant to section 4 of chapter VI. The village clerk shall verify the signatures on the petitions. If a petition bearing the required number of valid signatures of electors is filed, the question of adoption of the ordinance shall be submitted at the next general or special election. The ballot language for the question shall be prepared by the village clerk, unless the question concerns the appointment of the clerk under subsection (2), in which case the ballot language shall be prepared by the village council.

(5) A village that has adopted an ordinance reducing the number of trustees to 4 or providing for the appointment by the council of the clerk or treasurer may increase the number of trustees to 6 or provide for the election of the clerk or treasurer by the same process as provided in subsection (2) or (3), respectively, and in subsection (4).

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2699;—CL 1915, 2569;—CL 1929, 1479;—CL 1948, 62.1;—Am. 1998, Act 255, Imd. Eff. July 13, 1998;—Am. 2003, Act 305, Eff. Jan. 1, 2005;—Am. 2004, Act 300, Imd. Eff. July 23, 2004.

62.2 Additional officers; appointment.

Sec. 2. (1) The president may nominate and the council appoint such officers as shall be provided for by resolution or ordinance of the council. The council may provide by ordinance or resolution for the appointment of other officers whose election or appointment is not specifically provided for in this act, as the council considers necessary for the execution of the powers granted by this act. The powers and duties of such officers shall be prescribed by the council. The council may require that the officers perform their duties faithfully and that proper measures be taken to punish neglect of duty by an officer.

(2) This section is subject to an ordinance adopted under section 8 of chapter V.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2700;—CL 1915, 2570;—Am. 1925, Act 105, Imd. Eff. Apr. 30, 1925;—CL 1929, 1480;—CL 1948, 62.2;—Am. 1985, Act 173, Imd. Eff. Dec. 2, 1985;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

62.3 Appointments; time.

Sec. 3. Except for an appointment to fill a vacancy or unless a different time is prescribed in the ordinance or resolution creating the office, an appointment to a village office shall be made at the first village council meeting after the qualification of a council member who is elected at the village's regular election. If, for any cause, an appointment is not made at that meeting or on the day prescribed in the ordinance or resolution creating the office, the appointment may be made at a subsequent regular or special meeting of the council.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2701;—CL 1915, 2571;—CL 1929, 1481;—CL 1948, 62.3;—Am. 2003, Act 305, Eff. Jan. 1, 2005.

62.4 Term of office.

Sec. 4. Unless otherwise provided by ordinance, the president, clerk, and treasurer hold their respective offices for the term of 2 years and until their successors are elected and qualified. The term of office for a president, clerk, or treasurer elected at the village's regular election begins on November 20 after the officer's election and qualification.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2702;—CL 1915, 2572;—Am. 1925, Act 105, Imd. Eff. Apr. 30, 1925;—CL 1929, 1482;—CL 1948, 62.4;—Am. 1971, Act 18, Imd. Eff. May 5, 1971;—Am. 1998, Act 255, Imd. Eff. July 13, 1998;—Am. 2003, Act 305, Eff. Jan. 1, 2005;—Am. 2012, Act 551, Eff. Mar. 28, 2013.

62.5 Village trustees; term of office; ordinance providing for election and terms of office.

Sec. 5. Except as otherwise provided in this section, 3 village trustees shall be elected at each biennial village election for the term of 4 years and until their successors are qualified. As an alternative, if provided by an ordinance adopted by the village all 6 village trustees shall be elected at the biennial village elections for the term of 2 years and until their successors are qualified. The term of office for a trustee elected at the

village's regular election begins on November 20 after the officer's election and qualification.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2703;—CL 1915, 2573;—CL 1929, 1483;—CL 1948, 62.5;—Am. 1973, Act 148, Imd. Eff. Nov. 21, 1973;—Am. 1998, Act 255, Imd. Eff. July 13, 1998;—Am. 2003, Act 305, Eff. Jan. 1, 2005;—Am. 2004, Act 300, Imd. Eff. July 23, 2004;—Am. 2012, Act 551, Eff. Mar. 28, 2013.

***** 62.5a SUBSECTION (1) DOES NOT APPLY AFTER DECEMBER 31, 2006: See subsection (2) *****

62.5a Staggered terms of office; resolution; length of initial terms; applicability of subsection (1).

Sec. 5a. (1) Notwithstanding any other provision of this act, the village may pass a resolution to provide for the terms of office of its elected officials and for the terms to be staggered.

(2) The initial terms established under subsection (1) may be longer than allowed under this act in order to facilitate the staggering of terms. This subsection does not apply after December 31, 2006.

(3) Notwithstanding any other provision of this act, the village may pass a resolution to provide for any election provision that is consistent with the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

History: Add. 2005, Act 65, Imd. Eff. July 7, 2005.

62.6 Appointive officers; term.

Sec. 6. Except for an officer appointed to fill a vacancy in an elective office, an appointive village officer holds the office for 2 years after the date of the appointment or until the village's next regular election, whichever is earlier, and until the officer's successor is appointed and qualified unless a different term of office is prescribed in this act, in an ordinance authorized by this act, or in the ordinance or resolution creating the office. An officer appointed to fill a vacancy in an elective office shall hold office until the next regular village election, and until his or her successor is elected and qualified. An officer appointed to fill a vacancy in an appointive office shall hold office until his or her successor is appointed and qualified.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2704;—CL 1915, 2574;—CL 1929, 1484;—CL 1948, 62.6;—Am. 1998, Act 255, Imd. Eff. July 13, 1998;—Am. 2003, Act 305, Eff. Jan. 1, 2005.

62.7 Qualifications for office; void votes; "in default" defined; oath.

Sec. 7. (1) A person shall not be elected to an office unless he or she is an elector of the village.

(2) A person in default to the village is not eligible for any office in the village. All votes in an election for or any appointment of a person in default to the village are void. As used in this subsection, "in default" means delinquent in payment of property taxes or a debt owed to the village if 1 of the following applies:

(a) The taxes remain unpaid after the last day of February in the year following the year in which they are levied, unless the taxes are the subject of an appeal.

(b) Another debt owed to the village remains unpaid 90 days after the due date, unless the debt is the subject of an administrative appeal or a contested court case.

(3) Not more than 30 days after receiving notice of his or her election or appointment, an officer of the village shall take and subscribe the oath of office prescribed by the constitution of the state and file the oath with the clerk. An officer who fails to comply with the requirements of this subsection shall be considered to have declined the office.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2705;—CL 1915, 2575;—CL 1929, 1485;—CL 1948, 62.7;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

Compiler's note: In subsection (3), "the constitution of the state" evidently refers to the Constitution of 1908. See now Const. 1963, Art. XI, § 1.

62.8 Official bonds; deposit time.

Sec. 8. Every officer elected or appointed in the village, before entering upon the duties of his office, and within the time prescribed for filing his official oath, shall file with the village clerk such bond or security as may be required by law, or by any ordinance or resolution of the council, and with such sureties as shall be approved by the council, conditioned for the due performance of the duties of his office, except that the bond or security given by the clerk shall be deposited with the treasurer.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2706;—CL 1915, 2576;—CL 1929, 1486;—CL 1948, 62.8.

62.9 Additional bonds; removal from office.

Sec. 9. The council may, at any time, require any officer to execute and file with the clerk additional or new official bonds, with such new or further sureties as said council shall deem requisite for the interest of the corporation. Any failure to comply with such requirement within 15 days shall subject the officer to immediate removal from office by the council.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2707;—CL 1915, 2577;—CL 1929, 1487;—CL 1948, 62.9.

VACANCIES IN OFFICE.

62.10 Resignations.

Sec. 10. Resignations of officers shall be made to the council.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2708;—CL 1915, 2578;—CL 1929, 1488;—CL 1948, 62.10.

62.11 Office vacancies.

Sec. 11. If any elected officer shall cease to be a resident of the village during his or her term of office, the office shall be thereby vacated. If any officer is alleged to be in default as defined in section 7 of this chapter, the office shall be declared vacated.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2709;—CL 1915, 2579;—CL 1929, 1489;—CL 1948, 62.11;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

62.12 Failure of officer to give or maintain bond.

Sec. 12. If any person elected or appointed to office fails to give or maintain the bond or security required for the due performance of the duties of his or her office, within the time specified under section 8 or 9 of this chapter, the council shall declare the office vacant, unless the officer gives the requisite bond or security before the council makes its declaration.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2710;—CL 1915, 2580;—CL 1929, 1490;—CL 1948, 62.12;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

62.13 Vacancies; filling; special elections; procedure; expenses.

Sec. 13. A vacancy occurring in the office of president, trustee, or any other elective office shall be filled by appointment by the council, and the appointee shall hold office until the next regular village election. All vacancies in any other office shall be filled by the president, by and with the consent of the council. If by reason of removal, death, resignation, or otherwise, the membership of the council is reduced to less than a quorum, the remaining council members shall call a special election for the purpose of filling all vacancies in the office of trustee, if a petition signed by not less than 10% of the qualified voters of the village is filed with the village clerk within 10 days after the vacancy or vacancies occur. If a petition is not filed within the time stated, then the remaining council members may either call a special election, or may appoint a sufficient number of trustees to constitute with the members in office a quorum of the council, who shall then fill the remaining vacancies as provided in this section. If all the officers and trustees of a village have died or moved from the village, and no successors have been elected or appointed to fill the vacancies, the township clerk of the township within which the village is situated shall, upon petition of 10% of the qualified voters residing in the village, call a special election for the election of the officers and trustees of the village to be held on a regular election date as established under section 641 of the Michigan election law, 1954 PA 116, MCL 168.641. The township shall perform all of the other duties with respect to the election as the village might have done had the vacancies not existed, including the preparation of ballots, the appointment of election inspectors, the counting and canvassing of the ballots, and the certification of the persons elected to the offices for which the election was held. The expenses of the election shall be paid by the village as provided in section 642 of the Michigan election law, 1954 PA 116, MCL 168.642.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2711;—CL 1915, 2581;—Am. 1921, Act 10, Eff. Aug. 18, 1921;—CL 1929, 1491;—CL 1948, 62.13;—Am. 1983, Act 205, Imd. Eff. Nov. 10, 1983;—Am. 1998, Act 255, Imd. Eff. July 13, 1998;—Am. 2003, Act 305, Eff. Jan. 1, 2005.

62.14 Surety not exonerated.

Sec. 14. The resignation or removal of an officer or the appointment or election of a successor to the officer does not exonerate the officer or the officer's sureties from any liability incurred by the officer or the officer's sureties.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2712;—CL 1915, 2582;—CL 1929, 1492;—CL 1948, 62.14;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

62.15 Property delivered to successor.

Sec. 15. When an officer resigns or is removed from office, or when the elected term of office expires, he or she shall deliver over to his or her successor in office books, papers, money, evidence of debt, and other property as required by section 480 of the Michigan penal code, 1931 PA 328, MCL 750.480.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2713;—CL 1915, 2583;—CL 1929, 1493;—CL 1948, 62.15;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

CHAPTER III ELECTIONS.

63.1 Election; exception; place.

Sec. 1. (1) An election under this act shall be held at a place in the village as the council designates.

(2) Notwithstanding a charter provision or ordinance providing otherwise, the day on which a village holds its regular or a special election is governed by the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, or by a resolution adopted in compliance with section 642 or 642a of the Michigan election law, 1954 PA 116, MCL 168.642 and 168.642a.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2714;—CL 1915, 2584;—CL 1929, 1494;—CL 1948, 63.1;—Am. 1973, Act 148, Imd. Eff. Nov. 21, 1973;—Am. 2003, Act 305, Eff. Jan. 1, 2005;—Am. 2004, Act 300, Imd. Eff. July 23, 2004.

63.2 Special election; resolution.

Sec. 2. Special elections may be called by resolution of the council. The resolution shall state the purpose and object of and, subject to section 1 of this chapter, the date of the election.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2715;—CL 1915, 2585;—CL 1929, 1495;—CL 1948, 63.2;—Am. 1998, Act 255, Imd. Eff. July 13, 1998;—Am. 2003, Act 305, Eff. Jan. 1, 2005.

63.3 Village elections as nonpartisan.

Sec. 3. Notwithstanding a charter provision or ordinance to the contrary, village elections shall be nonpartisan.

History: Add. 1998, Act 255, Imd. Eff. July 13, 1998;—Am. 2003, Act 305, Eff. Jan. 1, 2005.

Compiler's note: Former MCL 63.3, which pertained to election inspectors, was repealed by Act 4 of 1974, Imd. Eff. Jan. 4, 1974.

63.4 Voting requirements.

Sec. 4. An individual who is a registered elector of the township in which the village is located and who is a resident of the village may vote at any election in the village.

History: Add. 1998, Act 255, Imd. Eff. July 13, 1998.

Compiler's note: Former MCL 63.4, which pertained to election notices, was repealed by Act 4 of 1974, Imd. Eff. Jan. 4, 1974.

63.5, 63.6 Repealed. 1974, Act 4, Imd. Eff. Jan. 4, 1974.

Compiler's note: The repealed sections pertained to board of elections commissioners, and opening and closing of polls.

63.7 Conduct of election; designation of term on ballot.

Sec. 7. (1) All elections in the village shall be conducted as nearly as may be in the manner provided by the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, for holding general elections in the state, except as provided in this act.

(2) If at any election vacancies are to be filled, or if any person is to be elected for less than a full term of office, the term shall be designated on the ballot.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2720;—CL 1915, 2590;—CL 1929, 1500;—CL 1948, 63.7;—Am. 1998, Act 255, Imd. Eff. July 13, 1998;—Am. 2003, Act 305, Eff. Jan. 1, 2005.

63.8-63.12 Repealed. 1974, Act 4, Imd. Eff. Jan. 30, 1974.

Compiler's note: The repealed sections pertained to canvass of votes, determination of election results and ties, notice to elected persons, and failure to file oath or bond.

63.13 Repealed. 1998, Act 255, Imd. Eff. July 13, 1998.

Compiler's note: The repealed section pertained to division of villages into precincts.

63.14 Violation of MCL 168.1 to 168.992 applicable to petitions; penalties.

Sec. 14. A petition under section 13 of chapter II, section 8 of chapter V, or section 18a of chapter XIV, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in this section is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

History: Add. 1998, Act 145, Eff. Mar. 23, 1999.

CHAPTER IV DUTIES OF OFFICERS.

PRESIDENT.

64.1 President as chief executive officer; duties generally.

Sec. 1. The president is the chief executive officer of the village. He or she shall preside at the meetings of the council. The president is a voting member of the council. The president shall give the council information concerning the affairs of the village, and recommend measures which he or she considers expedient. Unless otherwise provided in an ordinance adopted under section 8 of chapter V, the president shall exercise supervision over the affairs of the village and over the public property belonging to the village. The president shall see that the laws relating to the village and the ordinances and regulations of the council are enforced.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2727;—CL 1915, 2597;—CL 1929, 1507;—CL 1948, 64.1;—Am. 1983, Act 205, Imd. Eff. Nov. 10, 1983;—Am. 1985, Act 173, Imd. Eff. Dec. 2, 1985;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

64.2 Village president; duties as conservator of peace.

Sec. 2. The president is a conservator of the peace and may exercise within the village the power to suppress disorder. The president may command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the council in cases of emergency or disaster, subject to the applicable limitations of state law.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2728;—CL 1915, 2598;—CL 1929, 1508;—CL 1948, 64.2;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

64.3 Suspension or removal of officer; examination and inspection of books, records, and papers; additional duties of president; section subject to ordinance.

Sec. 3. The president may suspend any officer authorized by this act or appointed pursuant to this act for neglect of duty, and with the approval of the council remove any officer appointed by the council when the president considers it in the public interest. The president may at any time examine and inspect the books, records, and papers of any agent, employee, or officer of the village, and shall perform generally all duties prescribed by the ordinances of the village. This section is subject to an ordinance adopted under section 8 of chapter V.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2729;—CL 1915, 2599;—CL 1929, 1509;—CL 1948, 64.3;—Am. 1985, Act 173, Imd. Eff. Dec. 2, 1985;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

64.4 Acting president.

Sec. 4. In the absence or disability of the president, the president pro tempore of the council shall perform the duties of the president.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2730;—CL 1915, 2600;—CL 1929, 1510;—CL 1948, 64.4.

CLERK.

64.5 Clerk; duties.

Sec. 5. (1) The clerk shall keep the corporate seal and all the documents, official bonds, papers, files, and records of the village, not by this act or the ordinances of the village entrusted to some other officer. The clerk is the clerk of the council and shall attend its meetings.

(2) In case of the absence of the clerk, or if from any cause the clerk is unable to discharge, or is disqualified from performing, his or her duties, the council may appoint a council member, or some other person, to perform the duties of the clerk for the time being.

(3) The clerk shall record all the proceedings and resolutions of the council, and shall record, or cause to be recorded, all the ordinances of the village.

(4) The clerk shall countersign and register all licenses granted.

(5) When required, the clerk shall make reproductions pursuant to the records media act, 1992 PA 116, MCL 24.401 to 24.403, of the papers and records filed and kept in his or her office and shall certify the reproductions under the seal of the village. The admissibility in evidence of such reproductions is governed by section 3 of 1964 PA 105, MCL 691.1103.

(6) The clerk may administer oaths and affirmations.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2731;—CL 1915, 2601;—CL 1929, 1511;—CL 1948, 64.5;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

64.6 Clerk as general accountant; duties; check disbursement.

Sec. 6. (1) The clerk shall be the general accountant of the village.

(2) Claims against the village shall be filed with the clerk for adjustment. After examination, the clerk shall

report the claims, with the accompanying vouchers and counterclaims of the village, and the true balance, to the council for allowance. After the claims are allowed by the council, the clerk shall present check disbursement authorizations to the treasurer for payment of the claims, designating the fund from which payment is to be made, and take proper receipts.

(3) The clerk shall not present check disbursement authorizations upon a fund after the fund is exhausted. When a tax or money is levied, raised, or appropriated, the clerk shall report the amount to the village treasurer, stating the objects and funds for which it is levied, raised, or appropriated, and the amounts to be credited to each fund.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2732;—CL 1915, 2602;—CL 1929, 1512;—CL 1948, 64.6;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

64.7 Clerk; duties.

Sec. 7. Unless otherwise provided by ordinance, the clerk shall do all of the following:

(a) Have charge of all the books, vouchers, and documents relating to the accounts, contracts, debts, and revenues of the corporation.

(b) Countersign and register all bonds issued, and keep a list of all property belonging to the village, and of all its debts and liabilities.

(c) Keep a complete set of books, exhibiting the financial condition of the village in all its departments, funds, resources, and liabilities, with a proper classification, and showing the purpose for which each fund was raised.

(d) Keep an account of all the money received for each of the several funds of the village, and credit all check disbursements drawn, keeping an account with each fund.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2733;—CL 1915, 2603;—CL 1929, 1513;—CL 1948, 64.7;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

64.8 Duties; financial report to council; contents.

Sec. 8. The clerk shall report to the council, whenever required, a detailed statement of the receipts, expenditures, and financial condition of the village, of the debts to be paid, and moneys necessary to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his office as the council may require.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2734;—CL 1915, 2604;—CL 1929, 1514;—CL 1948, 64.8.

64.8a Functions subject to ordinance.

Sec. 8a. The functions of the village clerk are subject to an ordinance adopted under section 8 of chapter V.

History: Add. 1985, Act 173, Imd. Eff. Dec. 2, 1985.

TREASURER.

64.9 Village treasurer; duties.

Sec. 9. The treasurer shall do all of the following:

(a) Have the custody of all money, bonds other than official bonds filed with the clerk under chapter II, mortgages, notes, leases, and evidences of value belonging to the village.

(b) Receive all money belonging to, and receivable by the corporation.

(c) Keep an account of all receipts and expenditures.

(d) Collect and keep an account of all taxes and money appropriated, raised, or received for each fund of the village, and keep a separate account of each fund.

(e) Pay check disbursement authorizations out of the particular fund raised for the purpose for which the disbursement was authorized.

(f) Perform duties prescribed by this act relating to assessing property and levying taxes.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2735;—CL 1915, 2605;—CL 1929, 1515;—Am. 1935, Act 199, Eff. Sept. 21, 1935;—CL 1948, 64.9;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

64.10 Treasurer; reports; contents.

Sec. 10. The treasurer shall report to the clerk on the first Monday of every month, if required, the amounts received and credited to each fund, on what account received, the amounts paid out from each fund during the preceding month, and the amount of money remaining in each fund on the day of the report. The treasurer shall also exhibit to the council annually within 45 days after the end of the fiscal year, and as often and for such period as the council shall require, a full and detailed accounting of the receipts and disbursements of the treasury since the date of the treasurer's last annual report, classifying them by the funds to which the receipts

are credited and out of which the disbursements are made, and the balance remaining in each fund.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2736;—CL 1915, 2606;—CL 1929, 1516;—CL 1948, 64.10;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

64.11 Treasurer; vouchers.

Sec. 11. The treasurer shall take vouchers for all money paid from the treasury, showing the amount and fund from which payment was made. Upon settlement of the vouchers with the proper officers of the village, the treasurer shall file the vouchers with the clerk.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2737;—CL 1915, 2607;—CL 1929, 1517;—CL 1948, 64.11;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

64.12 Treasurer; disposition of money; private use prohibited.

Sec. 12. The treasurer shall keep all village money in depository accounts authorized by law. The treasurer shall not use, either directly or indirectly, the village money, warrants, or evidences of debt for his or her own use or benefit, or that of any other person. On proof of the violation, the village council shall declare the office vacant and appoint a successor for the remainder of the term.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2738;—CL 1915, 2608;—CL 1929, 1518;—CL 1948, 64.12;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

64.12a Functions subject to ordinance.

Sec. 12a. The functions of the village treasurer are subject to an ordinance adopted under section 8 of chapter V.

History: Add. 1985, Act 173, Imd. Eff. Dec. 2, 1985.

MARSHAL.

64.13-64.16 Repealed. 1998, Act 255, Imd. Eff. July 13, 1998.

Compiler's note: The repealed sections pertained to powers and duties of marshal.

SURVEYOR.

64.17 Repealed. 1998, Act 255, Imd. Eff. July 13, 1998.

Compiler's note: The repealed section pertained to power and duties of surveyor.

STREET COMMISSIONER.

64.18, 64.19 Repealed. 1998, Act 255, Imd. Eff. July 13, 1998.

Compiler's note: The repealed sections pertained to powers and duties of street commissioner.

ASSESSOR.

64.20 Repealed. 1998, Act 255, Imd. Eff. July 13, 1998.

Compiler's note: The repealed section pertained to powers and duties of assessor.

COMPENSATION.

64.21 Village officers; compensation.

Sec. 21. The president and each trustee shall receive compensation for the performance of the duties of the office of president or trustee only as provided by ordinance. The ordinance shall specify how the compensation is determined due and paid. Except as otherwise provided by law, these officers shall receive no other compensation for services performed for and on behalf of the village during their term of office. Except as otherwise provided in this act or by other law regulating fees for services, other officers shall receive such compensation as may be prescribed by the council.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2747;—CL 1915, 2618;—Am. 1917, Act 51, Eff. Aug. 10, 1917;—CL 1929, 1527;—CL 1948, 64.21;—Am. 1954, Act 160, Eff. Aug. 13, 1954;—Am. 1992, Act 42, Imd. Eff. May 12, 1992;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

CHAPTER V VILLAGE COUNCIL.

65.1 Legislative authority vested in village council.

Sec. 1. The legislative authority of villages shall be vested in the council.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2748;—CL 1915, 2619;—CL 1929, 1528;—CL 1948, 65.1;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

65.2 Village council; president.

Sec. 2. The president shall be president of the council, and preside at the meetings of the council.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2749;—CL 1915, 2620;—CL 1929, 1529;—CL 1948, 65.2;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

65.3 Village council; president pro tempore.

Sec. 3. (1) On November 20 of each year, or as soon after that date as possible, the council shall appoint 1 of their number president pro tempore of the council.

(2) In the absence of the president, the president pro tempore presides at the council meetings, and exercises the powers and duties of president. In the absence of the president and president pro tempore, the member with the longest current period of continuous service on the council presides unless otherwise provided by council rules.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2750;—CL 1915, 2621;—CL 1929, 1530;—CL 1948, 65.3;—Am. 1998, Act 255, Imd. Eff. July 13, 1998;—Am. 2003, Act 305, Eff. Jan. 1, 2005;—Am. 2012, Act 551, Eff. Mar. 28, 2013.

65.4 Village council; regular meetings; conducting business at public meeting; notice of meeting; special meetings.

Sec. 4. The council shall hold regular meetings for the transaction of business, at times as it shall prescribe, at least 1 shall be held in each month. The business which the village council may perform shall be conducted at a public meeting held in compliance with Act. No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act. No. 267 of the Public Acts of 1976. The president or 3 members of the council may appoint special meetings.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2751;—CL 1915, 2622;—CL 1929, 1531;—CL 1948, 65.4;—Am. 1977, Act 197, Imd. Eff. Nov. 17, 1977.

65.5 Village council; rules and record of proceedings; quorum; adjournment; compelling attendance; vote; ordinance or resolution appropriating money; publication of proceedings and vote; availability of certain writings to public.

Sec. 5. (1) The council shall prescribe the rules of its own proceedings, and shall keep a record of those proceedings. A majority of the members of council shall be a quorum for the transaction of business. A lesser number may adjourn and compel the attendance of absent members in a manner as prescribed by ordinance.

(2) An office shall not be created or abolished; a street, alley, or public ground vacated; real estate or an interest in real estate purchased, leased, sold, or disposed of; or a public improvement ordered, except by a majority vote of the members of council. The vote shall be taken by yeas and nays, and entered in the journal. However, a tax shall not be increased or a special assessment imposed except by an affirmative vote of 2/3 of the members of council.

(3) Money shall not be appropriated except by ordinance or resolution of the council. An ordinance appropriating money shall not be passed, or a resolution appropriating money shall not be adopted, except by a majority vote of the members of council. The vote shall be taken by yeas and nays, and entered in the journal. Within 15 days after a meeting of the council, a synopsis or the entirety of the proceedings, including the vote of the members, prepared by the clerk and approved by the president showing the substance of each separate decision of the council shall be published in a newspaper of general circulation in the village or posted in 3 public places in the village.

(4) A writing prepared, owned, used, in the possession of, or retained by the council or by the clerk, treasurer, or other officer of the village in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2752;—CL 1915, 2623;—Am. 1925, Act 43, Eff. Aug. 27, 1925;—CL 1929, 1532;—CL 1948, 65.5;—Am. 1977, Act 197, Imd. Eff. Nov. 17, 1977;—Am. 1983, Act 205, Imd. Eff. Nov. 10, 1983;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

65.6 Repealed. 1968, Act 317, Eff. Sept. 1, 1968.

Compiler's note: The repealed section pertained to village council members' conflict of interest and forfeiture of office.

65.7 Village council; audit of accounts; procedure; defenses to action or proceeding.

Sec. 7. (1) The council shall audit and allow all accounts chargeable against the village. An account or

claim or contract shall not be received for audit or allowance unless it is accompanied with a certificate of an officer of the village, or an affidavit of the person rendering it, that the services therein charged have been actually performed or the property delivered for the village, that the sums charged therefor are reasonable and just, and that to the best of his or her knowledge and belief, no set-off exists, and no payment has been made on account thereof, except such set-offs or payments as are endorsed or referred to in the account or claim. Each account shall exhibit in detail all the items making up the amount claimed, and the date of each. The council may adopt a different procedure for the audit and allowance of accounts, claims, and contracts than that provided by this subsection.

(2) It shall be a sufficient defense in any court, to an action or proceeding for the collection of any claim against the village for personal injuries or otherwise that it has never been presented, certified to, or verified to the council for allowance as provided in this section or as may be required under different procedures adopted by the council; or, if the claim is founded on contract, that the claim was presented without the certificate or affidavit required by this section and was rejected for that reason; or, that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2754;—CL 1915, 2625;—CL 1929, 1534;—CL 1948, 65.7;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

65.8 Village manager; term; employment contract; powers and duties; ordinance assigning responsibilities to manager.

Sec. 8. (1) The council may employ a village manager.

(2) The manager shall serve at the pleasure of the council.

(3) The council may enter into an employment contract with a village manager for a period extending beyond the terms of the members of council but not exceeding 6 years. An employment contract with a manager shall be in writing and shall specify the compensation to be paid to the manager, any procedure for changing compensation, any fringe benefits, and any other conditions of employment. The contract shall state that the manager serves at the pleasure of the council. The contract may provide for severance pay or other benefits in the event the employment of the manager is terminated at the pleasure of the council. Unless otherwise provided by ordinance adopted under subsection (4), the council may assign to the manager only those powers and duties not required by law to be assigned to or performed by another official of the village.

(4) The council may adopt an ordinance assigning to the manager an administrative duty imposed by this act on the council; an administrative duty imposed by this act on the village president; the authority to appoint, remove, direct, or supervise any employee or appointed official of the village; or supervisory responsibility over the accounting, budgeting, personnel, purchasing, and related management functions imposed by this act on the village clerk and the village treasurer. The council shall provide in the ordinance that the assignment becomes effective 45 days after the date of adoption and that if a petition signed by not less than 10% of the registered electors of the village is filed with the village clerk within the 45-day period, the ordinance shall not become effective until after the ordinance is approved at an election held on the question. Notice of the delayed effect of the ordinance and the right of petition under this subsection shall be published separately at the same time, and in the same manner, as the ordinance is published pursuant to section 4 of chapter VI. The village clerk shall compare the signatures on the petitions to the signatures of those electors as they appear on the appropriate registration cards. If a petition bearing the required number of valid signatures of electors is filed, the clerk shall perform the acts required for the submission of the question of adoption of the ordinance at the next general or special election. An ordinance adopted before December 2, 1985 that conforms substantially with the requirements of this subsection is valid to the same extent as if the ordinance had been adopted on or after December 2, 1985.

History: Add. 1974, Act 201, Imd. Eff. July 9, 1974;—Am. 1985, Act 173, Imd. Eff. Dec. 2, 1985;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

CHAPTER VI ORDINANCES.

66.1 Ordinance; style; passage; days required to be effective.

Sec. 1. The style of an ordinance shall be: "The village of ordains." An ordinance, except as otherwise provided in this act, requires for its passage the concurrence of a majority vote of the members of council. An ordinance shall state its effective date, which may be upon publication, except that an ordinance imposing a sanction shall not take effect before the twentieth day after its passage or before the date of its publication, whichever occurs first.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2755;—CL 1915, 2626;—CL 1929, 1535;—CL 1948, 66.1;—Am. 1994,

66.2 Violation of ordinance; sanction; designation as civil infraction; civil fine; act or omission constituting crime; penalty.

Sec. 2. (1) Except as otherwise provided in this act, the council of a village authorized to pass an ordinance may prescribe a sanction for a violation of the ordinance. If a sanction is prescribed, it shall be prescribed in the ordinance.

(2) Consistent with any of the following statutes, the village council may adopt an ordinance that designates a violation of the ordinance as a civil infraction and provides a civil fine for that violation:

- (a) The Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.
- (b) 1969 PA 235, MCL 257.941 to 257.943.
- (c) 1956 PA 62, MCL 257.951 to 257.955.

(3) The village council may adopt an ordinance that designates a violation of the ordinance as a municipal civil infraction and provides a civil fine for that violation. An ordinance shall not designate a violation as a municipal civil infraction if that violation may be designated as a civil infraction under subsection (2). A statute may provide that a violation of a specific type of ordinance is a municipal civil infraction whether or not the ordinance designates the violation as a municipal civil infraction.

(4) An ordinance shall not make an act or omission a municipal civil infraction if that act or omission constitutes a crime under any of the following:

- (a) Article 7 of the public health code, 1978 PA 368, MCL 333.7101 to 333.7545.
- (b) The Michigan penal code, 1931 PA 328, MCL 750.1 to 750.568.
- (c) The Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.
- (d) The Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303.
- (e) Part 801 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80101 to 324.80199.
- (f) The aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.1 to 259.208.
- (g) Part 821 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82101 to 324.82160.
- (h) Part 811 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81101 to 324.81150.
- (i) Sections 351 to 365 of the railroad code of 1993, 1993 PA 354, MCL 462.351 to 462.365.
- (j) Any law of this state under which the act or omission is punishable by imprisonment for more than 93 days.

(5) An ordinance not described in subsection (2) or (3) may provide that a violation of the ordinance is punishable by imprisonment for not more than 90 days or by a fine of not more than \$500.00, or both. However, unless otherwise provided by law, the ordinance may provide that a violation of the ordinance is punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both, if the violation substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is 93 days. In addition, a village may adopt section 625(1)(c) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, by reference in an adopting ordinance and shall provide that a violation of that ordinance is a misdemeanor punishable by 1 or more of the following:

- (a) Community service for not more than 360 hours.
- (b) Imprisonment for not more than 180 days.
- (c) A fine of not less than \$200.00 or more than \$700.00.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2756;—CL 1915, 2627;—CL 1929, 1536;—CL 1948, 66.2;—Am. 1979, Act 36, Imd. Eff. June 20, 1979;—Am. 1994, Act 16, Eff. May 1, 1994;—Am. 1996, Act 41, Imd. Eff. Feb. 26, 1996;—Am. 1999, Act 57, Eff. Oct. 1, 1999;—Am. 2012, Act 10, Imd. Eff. Feb. 15, 2012.

66.2a Recreational trailway; posting ordinance; prohibited operation of vehicle as municipal civil infraction; penalty.

Sec. 2a. (1) An ordinance regulating a recreational trailway is not effective unless it is posted and maintained near each gate or principal entrance to the trailway.

(2) The operation of a vehicle on a recreational trailway at a time, in a place, or in a manner prohibited by an ordinance is a municipal civil infraction, whether or not so designated by the ordinance. A civil fine ordered for a municipal civil infraction described in this subsection shall not exceed the maximum amount of a fine provided by the ordinance or \$500.00, whichever is less. An act or omission described in this subsection is not a municipal civil infraction if that act or omission constitutes a violation or crime that section 2 of chapter VI prohibits an ordinance from designating as a municipal civil infraction.

History: Add. 1994, Act 87, Eff. Oct. 1, 1994.

66.3 Record of ordinances; authentication.

Sec. 3. Upon enactment, each ordinance shall be recorded by the clerk of the council in a book to be called "the record of ordinances," and the president and clerk shall authenticate each ordinance by placing his or her official signature upon the ordinance.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2757;—CL 1915, 2628;—CL 1929, 1537;—CL 1948, 66.3;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

66.3a Codification of ordinances.

Sec. 3a. A village may codify, recodify, and continue in code the village's ordinances, in whole or in part, without the necessity of publishing the entire code in full. The ordinance adopting the code and ordinances repealing, amending, continuing, or adding to the code shall be published as required by section 4 of this chapter. The publication shall state where a copy of the entire code can be reviewed and obtained. The ordinance adopting the code may amend, repeal, revise, or rearrange ordinances or parts of ordinances by references to the title only.

History: Add. 1979, Act 18, Imd. Eff. May 24, 1979;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

66.4 Publication of ordinance or synopsis; certification; adoption of state statute by reference; penalty.

Sec. 4. (1) Within 15 days after an ordinance is passed, the clerk shall publish the ordinance or a synopsis of the ordinance in a newspaper circulated in the village. Immediately after the ordinance or synopsis of the ordinance is published, the clerk shall enter in the record of ordinances, in a blank space to be left for that purpose under the record of the ordinance, a signed certificate, stating the date on which and the name of the newspaper in which the ordinance was published. The certificate is prima facie evidence of the publication of the ordinance or the synopsis.

(2) A village may adopt a provision of any state statute for which the maximum period of imprisonment is 93 days, the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or a plumbing code, electrical code, mechanical code, fire protection code, building code, or other code promulgated by this state, by a department, board, or other agency of this state, or by an organization or association that is organized or conducted for the purpose of developing a code, by reference to the law or code in an adopting ordinance and without publishing the law or code in full. The law or code shall be clearly identified in the ordinance and a statement of the purpose of the law or code shall be published with the adopting ordinance. Printed copies of the law or code shall be kept in the office of the village clerk available for inspection by or distribution to the public during normal business hours. The village may charge a fee that does not exceed the actual cost for copies of the law or code distributed to the public. The publication in the newspaper shall contain a notice to the effect that a complete copy of the law or code is available for public use and inspection at the office of the village clerk. Except as otherwise provided in this subsection, a village shall not enforce any provision adopted by reference for which the maximum period of imprisonment is greater than 93 days. A village may adopt section 625(1)(c) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, by reference in an adopting ordinance and shall provide that a violation of that ordinance is a misdemeanor punishable by 1 or more of the following:

(a) Community service for not more than 360 hours.

(b) Imprisonment for not more than 180 days.

(c) A fine of not less than \$200.00 or more than \$700.00.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2758;—CL 1915, 2629;—CL 1929, 1538;—CL 1948, 66.4;—Am. 1951, Act 240, Eff. Sept. 28, 1951;—Am. 1976, Act 82, Imd. Eff. Apr. 17, 1976;—Am. 1977, Act 197, Imd. Eff. Nov. 17, 1977;—Am. 1982, Act 346, Eff. Mar. 30, 1983;—Am. 1998, Act 255, Imd. Eff. July 13, 1998;—Am. 1999, Act 255, Imd. Eff. Dec. 28, 1999;—Am. 1999, Act 259, Eff. Dec. 29, 1999;—Am. 2012, Act 10, Imd. Eff. Feb. 15, 2012.

66.5 Repealed. 1998, Act 255, Imd. Eff. July 13, 1998.

Compiler's note: The repealed section pertained to laws, regulations, or ordinances as proof in court.

66.6 Violation of ordinance; commencement of prosecution; judicial district; powers of court.

Sec. 6. (1) an action for violation of an ordinance shall be commenced not more than 2 years after the violation occurs.

(2) An action for the violation of an ordinance shall be brought in the district court or municipal court in the judicial district in which the village is located unless the person alleged to have violated the ordinance

admits responsibility at a parking violations bureau or a municipal ordinance violations bureau as permitted by law. That court may hear, try, and determine causes and actions arising under an ordinance of the village, and impose sanctions for a violation of an ordinance as provided in the ordinance.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2760;—CL 1915, 2631;—CL 1929, 1540;—CL 1948, 66.6;—Am. 1978, Act 189, Imd. Eff. June 4, 1978;—Am. 1994, Act 16, Eff. May 1, 1994.

66.7 Violation of ordinance; civil action to recover penalty; warrant; law governing proceedings.

Sec. 7. If a penalty is incurred for the violation of an ordinance, and a provision is not made for the imprisonment of the offender upon conviction of the violation, the penalty may be recovered in a civil action. If a corporation incurs a penalty for the violation of an ordinance, the corporation shall be sued in a civil action. Except in the case of a civil infraction action or an action against a corporation, an action for a violation of an ordinance of the village may be commenced by warrant for the arrest of the offender. The warrant shall be in the name of the people of this state, shall set forth the substance of the offense complained of, and shall be substantially in the form, and be issued upon complaint made, as provided by law in misdemeanor cases. The proceedings relating to the arrest and custody of the accused during the pendency of the action, the pleadings, and the proceedings upon the trial of the cause, in procuring the attendance and testimony of witnesses, and in the rendition of judgments and the execution of judgments, except as otherwise provided by this act, are governed by and shall conform as nearly as may be to the provisions of law regulating proceedings in misdemeanor cases.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2761;—CL 1915, 2632;—CL 1929, 1541;—CL 1948, 66.7;—Am. 1978, Act 189, Imd. Eff. June 4, 1978;—Am. 1994, Act 16, Eff. May 1, 1994.

66.8 Use of county jail; expenses.

Sec. 8. Every village shall be allowed the use of the jail of the county in which it is located, for the confinement of all persons sentenced to imprisonment under the ordinances of the village, or under any of the provisions of this act; and the sheriff, or other keeper of the jail, or other place of confinement or imprisonment, shall receive and safely keep any person committed until lawfully discharged. The expense of receiving and keeping a prisoner shall be borne by the county if the imprisonment is for a violation of a penal law of this state and by the village if the imprisonment is for a violation of a village ordinance.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2762;—CL 1915, 2633;—CL 1929, 1542;—CL 1948, 66.8;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

66.9 Sufficient statement of cause; right to trial by jury; selecting and summoning jurors; inhabitant of village as juror; applicability of section to civil infraction.

Sec. 9. (1) An action for the violation of an ordinance need not state or set forth the ordinance, or the provisions of the ordinance in a complaint, warrant, process, or pleading, but shall recite the ordinance's title or subject and the ordinance's section number.

(2) It is a sufficient statement of the cause of action in a complaint or warrant to set forth substantially, and with reasonable certainty, as to time and place, the act complained of, and to allege the act to be in violation of an ordinance of the village, referring to the ordinance by its title and the section number and effective date. Either party may require a trial by jury in an action for violation of the ordinance.

(3) The jury, except when other provision is made, shall consist of 6 persons. In actions commenced by warrant, the jury shall be selected and summoned as in misdemeanor cases before the court in which the prosecution for the village ordinance violation is brought. In a civil action to recover penalties for a village ordinance violation, the jury shall be selected and summoned as in any other civil action before the court in which the action is brought. An inhabitant of the village is not incompetent to serve as a juror in a cause in which the village is a party or interested, on account merely of the interest that the inhabitant may have, in common with the inhabitants of the village, in the results of the action.

(4) This section does not apply to an ordinance violation that constitutes a civil infraction.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2763;—CL 1915, 2634;—CL 1929, 1543;—CL 1948, 66.9;—Am. 1978, Act 189, Imd. Eff. June 4, 1978;—Am. 1994, Act 16, Eff. May 1, 1994;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

66.10 Appeals to circuit court; proceedings.

Sec. 10. A person convicted of a violation of an ordinance of the village in an action commenced by warrant as set forth in section 7 may appeal the judgment to the circuit court for the county in which the village is located, by appeal, and the time for the appeal, the proceedings for the appeal, the bond or security to be given on the appeal, and the proceedings and disposition of the cause in the circuit court shall be the

same as in misdemeanor cases on appeal from the court that tried the village ordinance violation. In actions to which the village is a party, brought to recover a fine for a violation of a village ordinance, either party may appeal from the judgment to the circuit court, and similar proceedings shall be had on that appeal and similar bond or security shall be given as in cases of appeal in civil actions before the court that tried the village ordinance violation, except that the village shall not be required to give a bond or security on that appeal.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2764;—CL 1915, 2635;—CL 1929, 1544;—CL 1948, 66.10;—Am. 1978, Act 189, Imd. Eff. June 4, 1978;—Am. 1994, Act 16, Eff. May 1, 1994.

66.11 Village lockup or holding facility.

Sec. 11. The council shall have power to provide and maintain a village lockup or holding facility, and may provide for the confinement of persons sentenced to imprisonment or detention under the ordinances of the village. All persons sentenced to confinement and all persons imprisoned on execution for nonpayment of fines for violation of the ordinances of the village in the lockup or holding facility may be kept at hard labor during the term of their imprisonment, either within or without the prison, under such regulations as the council may prescribe.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2765;—CL 1915, 2636;—CL 1929, 1545;—CL 1948, 66.11;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

66.12 Security for costs; filing by complaining witness; liability.

Sec. 12. In prosecutions for violations of the ordinances of the village, commenced by a person other than an officer of the village, the court may require the complaining witness to file security for the payment of the costs of the proceedings, in case the defendant is determined not to be responsible. But the judge or magistrate before whom the complaint is made or trial is had shall order that the complaining witness is not liable for the payment of costs if the magistrate or judge determines that there was probable cause for the making of the complaint.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2766;—CL 1915, 2637;—CL 1929, 1546;—CL 1948, 66.12;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

66.13 Fines; payment.

Sec. 13. Except in cases in which a fine is paid to a parking violations bureau or a municipal ordinance violations bureau pursuant to section 8395 or 8396 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being sections 600.8395 and 600.8396 of the Michigan Compiled Laws, a fine imposed for a violation of an ordinance of the village shall be received by the clerk of the court in which judgment or conviction was had. If the fine is collected upon execution, the person receiving the fine shall immediately pay the money collected to that clerk. If the defendant is committed, the fine and costs imposed shall be paid to the sheriff or other keeper of the jail or prison, who shall, within 30 days after receiving payment, pay the money to that clerk for distribution pursuant to law.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2767;—CL 1915, 2638;—CL 1929, 1547;—CL 1948, 66.13;—Am. 1994, Act 16, Eff. May 1, 1994.

66.14 Suit against collector; failure to pay over fines; larceny.

Sec. 14. If a person who collects a fine or part of a fine fails to pay over the amount collected pursuant to section 13, the village attorney may sue the person in the name of the village to recover the fine. If the failure to pay over the fine is willful, the person is guilty of larceny and shall be punished accordingly.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2768;—CL 1915, 2639;—CL 1929, 1548;—CL 1948, 66.14;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

CHAPTER VII POWERS OF COUNCIL.

67.1 General powers of council.

Sec. 1. A village subject to this act has, in addition to other powers that are conferred, the general power and authority granted in this chapter. The council of a village subject to this act may enact ordinances relating to the powers described in this section as it considers proper, including, but not limited to, ordinances relating to 1 or more of the following:

- (a) To restrain and prevent vice and immorality.
- (b) To punish vagrants, disorderly persons, and prostitutes.
- (c) To abate nuisances and preserve the public health.
- (d) To prohibit and suppress disorderly houses and gaming houses.

(e) To regulate, license, or suppress billiard tables and ball alleys, public dance halls, and soft drink emporiums.

(f) To suppress gaming.

(g) To regulate and license public shows and exhibitions.

(h) To license auctioneers, license and regulate hawkers and peddlers, to regulate or prohibit sales of property at auction except sales made pursuant to an order of a court or public law, to require transient traders and dealers to obtain a license before engaging in business, and to regulate by ordinance the terms and conditions of issuing those licenses.

(i) To license and regulate hacks and other public vehicles.

(j) To provide for and regulate the inspection of provisions.

(k) To regulate or prohibit bathing in the rivers, ponds, streams, and waters of the village.

(l) To regulate or prohibit the selling, storing, or transportation of combustible or explosive substances or materials within the village, and to regulate and restrain the making of fires in the streets or other open spaces in the village.

(m) To provide for the organization and regulation of a fire department, to provide for the prevention and extinguishment of fires, and to establish and maintain definite fire limits.

(n) To license and regulate solicitors for passengers or baggage for any hotel, tavern, public house, boat, or railroad, and draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and other vehicles used and employed for hire, and to fix and regulate the amount and rate of compensation of those individuals.

(o) To require horses, mules, or other animals attached to any vehicle or standing in any street, lane, or alley in the village to be securely fastened, hitched, watched, or held.

(p) To prevent and punish horse racing and immoderate driving in any street, park, or alley and to authorize the stopping and detaining of any person who is immoderately driving or riding in any street, park, or alley in the village.

(q) To prevent the running at large of dogs, to require dogs to be muzzled, and to authorize the destruction of dogs found at large in violation of an ordinance of the village.

(r) To establish lines and grades upon which buildings may be erected, and beyond which buildings shall not extend.

(s) To prevent the erection and provide for the removal of buildings considered unsafe.

(t) To regulate the placement and provide for the preservation of horse posts or hitching posts.

(u) To declare and define the powers and duties of the officers of the village whose powers and duties are not specifically prescribed in this act.

(v) To require the treasurer or marshal of the village, and other officers of the village as the council considers proper to give bonds for the discharge of their official duties.

(w) To see that the officers of the village perform their duties faithfully and that proper measures are taken to punish neglect of duty by any officer of the village.

(x) To provide for the care, custody, and preservation of the public property of the village.

(y) To investigate any matter that may come under the jurisdiction of the village and that is pursuant to the authority vested in the council or in any officer under this act. The council by majority consent of the council members serving may serve upon a person a subpoena that has been authorized by a court of proper jurisdiction in the county in which the village is located compelling the person to appear before the council or any committee of the council to be examined under oath or to produce a document or object for inspection or copying. If a person objects to or otherwise fails to comply with the written notice served upon him or her, the council may file in that court an action to enforce the subpoena. The court may issue an order requiring the person to appear to be examined or to produce a document or object for inspection or copying. Failure to obey the order of the court is punishable by the court as a contempt.

(z) To adopt other ordinances and make other regulations for the safety and good government of the village and the general welfare of its inhabitants that are not inconsistent with the general laws of this state.

(aa) To regulate or prohibit public nudity within village boundaries. As used in this subdivision, "public nudity" means knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

(i) A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.

(ii) Material as defined in section 2 of Act No. 343 of the Public Acts of 1984, being section 752.362 of the Michigan Compiled Laws.

(iii) Sexually explicit visual material as defined in section 3 of Act No. 33 of the Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2769;—Am. 1915, Act 57, Eff. Aug. 24, 1915;—CL 1915, 2640;—Am. 1921, Act 21, Eff. Aug. 18, 1921;—CL 1929, 1549;—CL 1948, 67.1;—Am. 1988, Act 118, Imd. Eff. May 2, 1988;—Am. 1991, Act 176, Eff. Mar. 30, 1992;—Am. 1994, Act 16, Eff. May 1, 1994;—Am. 1994, Act 314, Imd. Eff. July 21, 1994.

67.1a Locomotives; enforceability of ordinance prescribing maximum speed limit.

Sec. 1a. Notwithstanding any other provision of this act, on and after the effective date of a passenger railroad maximum speed limit specified in a final order of the director of the state transportation department, an ordinance of a village prescribing the maximum speed limit of locomotives used in passenger train operations or of passenger railroad trains shall not be enforceable as to a speed limit other than the limit set forth in the order.

History: Add. 1984, Act 13, Imd. Eff. Feb. 16, 1984.

67.1a[1] Powers and immunities of village.

Sec. 1a. (1) Unless otherwise provided or limited in this chapter, the village is vested with all powers and immunities, expressed or implied, that villages are, or hereafter may be, permitted to exercise under the constitution and laws of the state of Michigan. The enumeration of particular powers or immunities in this act is not exclusive.

(2) The village may do all of the following:

(a) Exercise all municipal powers in the management and control of municipal property and in the administration of the municipal government whether such powers are expressly enumerated or not.

(b) Do any act to advance the interests, good government, and prosperity of the village.

(c) Through its regularly constituted authority, pass and enforce all laws, ordinances, resolutions, and rules relating to its municipal concerns subject to the constitution and laws of the state.

(3) The powers of the village under this act shall be liberally construed in favor of the village and shall include those fairly implied and not prohibited by law or constitution.

(4) The specific powers listed in section 1 of this chapter shall not be construed as limiting the general powers set forth in subsections (1), (2), and (3).

History: Add. 1998, Act 255, Imd. Eff. July 13, 1998.

Compiler's note: Section 1a, as added by Act 255 of 1998, was compiled as MCL 67.1a[1] to distinguish it from another section 1a, deriving from Act 13 of 1984 and pertaining to enforceability of ordinance prescribing maximum speed limit of locomotives.

LICENSES.

67.2 Licenses; issuance; revocation; sanctions; support of poor.

Sec. 2. (1) The council may prescribe the terms and conditions upon which a license shall be granted and may require payment of a reasonable and proper sum for a license. The person receiving the license shall, if required by the council or an ordinance of the village, before the issuing of the license, execute a bond to the village in a sum prescribed by the council, with 1 or more sufficient sureties, conditioned for a faithful performance of the laws relating to the village and the ordinances of the council, and otherwise conditioned as the council may prescribe. A license is revocable by the council. If a license is revoked for noncompliance with the terms and conditions upon which it was granted, or on account of a violation of an ordinance or regulation passed or authorized by the council, the person holding the license shall, in addition to any other sanctions imposed, forfeit payments made for the license. The council may provide sanctions for a person who, without license, does something for which a license is required by an ordinance of the council.

(2) The council of a village may provide for the support and relief of poor persons residing in the village and, for that purpose, may provide, by ordinance or resolution, for the appointment of a director of the poor for the village and may prescribe the director's duties and vest him or her with authority proper for the exercise of those duties.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2770;—CL 1915, 2641;—CL 1929, 1550;—CL 1948, 67.2;—Am. 1994, Act 16, Eff. May 1, 1994.

POUNDS.

67.3 Animal pound.

Sec. 3. The council may maintain an animal pound and provide for all of the following:

(a) The impoundment of animals at large contrary to the terms of an ordinance.

(b) The destruction of animals not retrieved or for their sale to recover expenses.

(c) The payment by the owner of fees, charges, and penalties incurred for retrieval of the animal.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2771;—CL 1915, 2642;—CL 1929, 1551;—CL 1948, 67.3;—Am. 1994, Act 16, Eff. May 1, 1994;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

PUBLIC BUILDINGS, GROUNDS, AND PARKS.

67.4 Acquisition, purchase, and erection of public buildings; purchase, appropriation, and ownership of real estate; purposes; sale of buildings, grounds, or parks.

Sec. 4. A village may acquire, purchase, and erect public buildings required for the use of the village, and may purchase, appropriate, and own real estate necessary for public grounds, parks, markets, public buildings, and other purposes necessary or convenient for the public good, and for the exercise of the powers conferred in this act. Such buildings and grounds, or any part thereof, may be sold at a public or private sale, if authorized by an ordinance, or may be leased. A public park shall not be sold without the consent of a majority of the electors of the village voting on the question at an election.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2772;—CL 1915, 2643;—CL 1929, 1552;—CL 1948, 67.4;—Am. 1974, Act 67, Imd. Eff. Apr. 1, 1974;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.5 Village lockup, holding facility, or hospital; location outside corporate limits; regulations; enforcement.

Sec. 5. If the council considers it in the public interest, grounds and buildings for a village lockup or holding facility or hospital may be purchased, erected, and maintained beyond the corporate limits of the village. In such a case, the village may enforce beyond the corporate limits of the village, and over such lands, buildings and property, in the same manner and to the same extent as if they were within the village, ordinances and police regulations necessary for the care and protection thereof, and for the management and control of the persons kept or confined in the lockup or holding facility or hospital.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2773;—CL 1915, 2644;—CL 1929, 1553;—CL 1948, 67.5;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.6 Public parks and grounds; powers of council.

Sec. 6. The council may lay out or establish public parks and grounds within the village, and improve, light, and ornament public parks and grounds within the village. The council may regulate the use of public parks and grounds and protect the public parks and grounds and their appurtenances from obstruction, encroachment, and injury.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2774;—CL 1915, 2645;—CL 1929, 1554;—CL 1948, 67.6;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

STREETS AND SIDEWALKS.

67.7 Public highways, bridges, grounds; supervision; liability for damages; bridges.

Sec. 7. The council shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks, and public grounds within the village, and shall have the authority over these that is given by the general laws of the state. A village is not liable in damages sustained by any person in the village, either to his or her person or property, by reason of a defective street, sidewalk, crosswalk, or public highway, or by reason of an obstruction, ice, snow or other incumbrance upon a street, sidewalk, crosswalk, or public highway, situated in such village unless within 120 days after the injury occurs a person serves or causes to be served a notice in writing upon the clerk or deputy clerk of the village. The notice shall set forth substantially the time when and place where the injury took place, the manner in which it occurred, the known extent of the injury, and that the person receiving the injury intends to hold the village liable for damages sustained by him or her. However, the road or highway bridges within the limits of a village laid out by any authority other than the village, shall be built, controlled, and kept in repair by the county or this state, whichever has jurisdiction. All other bridges in the village shall be built, controlled, and kept in repair by the village.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2775;—Am. 1899, Act 223, Eff. Sept. 23, 1899;—CL 1915, 2646;—CL 1929, 1555;—CL 1948, 67.7;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.8 Sidewalks; construction; maintenance; expenses; allocation.

Sec. 8. The council shall have control of all sidewalks in the public streets and alleys of the village and may prescribe or change the grade of the sidewalks when considered necessary. The council may build, maintain, and keep in repair sidewalks and cross walks in the public streets and alleys, and charge the expense of constructing and maintaining the sidewalks upon the lots and premises adjacent to and abutting upon the

walks. The council may require the owners and occupants of lots and premises to build, rebuild, and maintain sidewalks in the public streets adjacent to and abutting upon the lots and premises and to keep them in repair at all times, and to construct and lay the sidewalks upon such lines and grades, and of such width, materials, and manner of construction, and within such time as the council shall, by ordinance or resolution, prescribe, the expense thereof to be paid by the owner or occupant. The council may by a 2/3 vote of the members pay such part of the expense of building or rebuilding such walk as they may consider proper from the general street fund, or from the street district fund of any street district in which the sidewalk is located.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2776;—CL 1915, 2647;—CL 1929, 1556;—CL 1948, 67.8;—Am. 1983, Act 205, Imd. Eff. Nov. 10, 1983.

67.9 Sidewalks; removal of snow and ice; ordinance authorized.

Sec. 9. The council may, either by ordinance or resolution, require the owners and occupants of a lot or premises to remove all snow and ice from the sidewalks in front of or adjacent to the lot and premises, and to keep the sidewalks free from obstructions, encroachments, incumbrances, filth, and other nuisances. The council may by a majority vote of members of council provide by ordinance for the rebuilding, maintaining, and keeping in repair of all sidewalks within the village, for the removing of all ice and snow from the sidewalks, and for keeping them free from incumbrances, and may pay the expense from the general street fund.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2777;—CL 1915, 2648;—CL 1929, 1557;—CL 1948, 67.9;—Am. 1983, Act 205, Imd. Eff. Nov. 10, 1983;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.10 Sidewalks; failure of abutting owner; assessment; collection.

Sec. 10. If the owner or occupant of a lot or premises fails to construct or maintain a sidewalk, to keep the sidewalk in repair, to remove the snow, ice, and filth from the sidewalk, or to remove and keep the sidewalk free from obstructions, encroachments, incumbrances, or other nuisances, as required under section 8 or 9 of this chapter, or to perform any other duty required by the council in respect to a sidewalk, the council may cause the work to be done at the expense of the owner or occupant, and may cause the amount of the expenses incurred, together with a penalty of 10% to be levied by them as a special assessment upon the lot or premises adjacent to and abutting upon the sidewalk. The special assessment is subject to review after proper notice has been given as in all other cases of special assessments provided for by law. When confirmed, the assessment shall be a lien upon the lot or premises the same as other special assessments, and the council shall order the treasurer of the village to spread the amount, together with the penalty, upon the roll as a special assessment upon the lot or premises. The assessment shall be collected in the same manner as other village taxes. The village may instead collect the amount, together with the penalty in a civil action, together with costs of suit.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2778;—CL 1915, 2649;—CL 1929, 1558;—CL 1948, 67.10;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.11 Sidewalks; regulation of things on, over and under.

Sec. 11. The council shall have power to regulate and prohibit the placing of signs, awnings, awning posts and other things upon or over sidewalks, and to regulate or prohibit the construction and use of openings in the sidewalks, and of all vaults, structures and excavations under the same.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2779;—CL 1915, 2650;—CL 1929, 1559;—CL 1948, 67.11.

67.12 Public improvement; powers of council; expenses; assessment.

Sec. 12. The council may lay out, establish, open, make, widen, extend, straighten, alter, close, vacate, or abolish a highway, street, lane, alley, sidewalk, sewer, drain, water course, bridge, or culvert in the village if the council considers it to be a public improvement, or necessary for the public convenience. Private property required for these purposes may be taken in the manner provided in this act. The expense of the improvement may be paid by special assessments upon the property adjacent to or benefited by the improvement, in the manner provided by law for levying and collecting special assessments, or in the discretion of the council, a portion of such costs and expenses may be paid by special assessment, and the balance from the general highway fund.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2780;—CL 1915, 2651;—CL 1929, 1560;—CL 1948, 67.12;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.13 Vacating, discontinuing, or abolishing highway, street, lane, alley, or public ground; resolution; meeting; objections; notice of meeting; filing objection; record.

Sec. 13. When the council considers it advisable to vacate, discontinue, or abolish a highway, street, lane, alley, or public ground, or a part of a highway, street, lane, alley, or public ground, it shall by resolution

declare its intent and appoint a time not less than 4 weeks after the date of the resolution, when it shall meet and hear objections to the resolution. Notice of the meeting, with a copy of the resolution, shall be given in the manner prescribed by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. An objection to the proposed action of the council may be filed with the clerk in writing, and if an objection is filed, the highway, street, lane, alley, or public ground, or a part of the highway, street, lane, alley, or public ground, shall not be vacated or discontinued, except by a resolution or ordinance stating, if applicable, the name of the plat or plats affected and adopted by a majority vote of the members of council or by order of the circuit court in the county in which the land is situated as provided by the land division act, 1967 PA 288, MCL 560.101 to 560.293. The clerk of the municipality within 30 days shall record a certified copy of the resolution or ordinance with the register of deeds and file a certified copy with the department of consumer and industry services.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2781;—CL 1915, 2652;—CL 1929, 1561;—CL 1948, 67.13;—Am. 1977, Act 197, Imd. Eff. Nov. 17, 1977;—Am. 1983, Act 205, Imd. Eff. Nov. 10, 1983;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.14 Public highways; survey; vacation resolution, recording, evidence.

Sec. 14. The council may cause all public streets, alleys, and public grounds to be surveyed, and may determine and establish the boundaries thereof, and cause the surveys and descriptions thereof to be recorded in the office of the clerk in a book of street records, and they shall cause surveys and descriptions of all streets, alleys, and public grounds opened, laid out, altered, extended, or accepted and confirmed by them to be recorded in like manner, and such record shall be prima facie evidence of the existence of such streets, alleys or public grounds, as in the records described. Every resolution or ordinance discontinuing or vacating any street, alley or public ground shall also be recorded in said book of street records and the record shall be prima facie evidence of all matters therein set forth.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2782;—CL 1915, 2653;—CL 1929, 1562;—CL 1948, 67.14.

67.15 Street grades; conformity with adjacent lands; record, diagram.

Sec. 15. The council shall have authority to determine and establish the grade of all streets, avenues, alleys and public grounds within the village, and to require improvements and buildings, adjacent to, or abutting upon such streets, alleys or grounds to be made and constructed in conformity with such grade; and the council may change or alter the grade of any street, alley or public ground, or of any part thereof whenever in their opinion the public convenience will be promoted thereby. Whenever a grade shall be established or altered a record and diagram thereof shall be made in the book of street records in the office of the clerk.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2783;—CL 1915, 2654;—CL 1929, 1563;—CL 1948, 67.15.

67.16 Street or sidewalk grades; change; damage to property owner; payment; assessment.

Sec. 16. (1) Whenever the grade of any street or sidewalk is established, and improvements are made by the owner or occupant of the adjacent property in conformity to the grade, the grade shall not be changed without compensation to the owner for all damages to the property resulting from the grade change. The damages shall be ascertained in the manner provided by the uniform condemnation procedures act, 1980 PA 87, MCL 213.51 to 213.75, or agreed upon by the village and the owner or occupant of premises. After the damages are ascertained or agreed upon, the damages shall be paid by the village, or the council may cause the damages, or such part thereof as may be just and proper, to be assessed upon real estate to be benefited by the change of grade.

(2) If the council decides to assess the damages, or any part thereof, upon the property benefited, it shall determine and define a district in the village which in its judgment is benefited by the improvement out of which the damages arise. The damages or part thereof shall be assessed upon the real estate in the district, in proportion as nearly as may be to the advantage or benefit each lot, parcel, or subdivision is deemed to acquire by the improvement out of which the damages arise. The property on account of which the damages were awarded shall not be included in the district. The assessment shall be made, and the amount levied and collected in the same manner as other assessments on a district deemed to be benefited, in the grading and improvement of streets, as provided by law; and the provisions of chapter VIII relative to special assessments shall apply. The damages determined upon by the village or determined and collected by special assessment shall be paid to the person entitled to the damages.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2784;—CL 1915, 2655;—CL 1929, 1564;—CL 1948, 67.16;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

Compiler's note: For provisions of chapter 13, referred to in this section, see MCL 73.1 et seq.

PAVING AND IMPROVEMENTS.

67.17 Bridges, culverts, and streets; construction, maintenance.

Sec. 17. The council shall have authority to construct and maintain bridges and culverts where needed; and to grade, pave, curb, gravel, plank, and otherwise improve and repair the highways, streets, lanes, avenues and alleys of the village.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2785;—CL 1915, 2656;—CL 1929, 1565;—CL 1948, 67.17.

67.18 Bridges, streets, and highways; expenses; payment; tax levy; “paving” defined.

Sec. 18. The expense of constructing and maintaining bridges, and the whole, or such part as the council shall determine, of the expense of improving and working upon the streets and highways, including grading, paving, and graveling, may be paid from the general highway fund, to be raised by tax upon all the property in the village. All or part of the expense of grading, paving, or graveling any street may also be defrayed by a special assessment upon the lots and premises abutting upon the improvement, in proportion to their number of feet front upon the street. The lots and premises to be assessed according to their frontage upon a street improvement constitute a special assessment district. As used in this section, “paving” includes curbing and the construction of crosswalks in the paved streets.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2786;—CL 1915, 2657;—CL 1929, 1566;—CL 1948, 67.18;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.19 Bridges, streets, and highways; principles of tax apportionment.

Sec. 19. Assessments made under section 18 upon exempt public lands may be paid from the general highway fund, or may be apportioned to the other assessable lots, at the option of the council. If because of the shape or size of any lot an assessment thereon in proportion to its frontage would be unjust and disproportionate to the assessment upon other lots, the council making the assessment may assess the lot for such number of feet frontage as in their opinion is just.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2787;—CL 1915, 2658;—CL 1929, 1567;—CL 1948, 67.19;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

STREET REGULATIONS.

67.20 Obstructions, encroachments; removal; offenders, punishment.

Sec. 20. The council shall have the power to prohibit and prevent obstructions and incumbrances in and encroachments upon the public highways, streets, and alleys of the village, and remove the same; and to punish those who shall obstruct, encumber, encroach or maintain any encroachment, upon or in any such highway, street or alley; and to require all such persons to remove every such obstruction, incumbrance or encroachment.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2788;—CL 1915, 2659;—CL 1929, 1568;—CL 1948, 67.20.

67.21 Trees in highways; street lighting.

Sec. 21. The council may provide for and regulate the planting of shade and ornamental trees in public highways, streets and avenues of the village, and for the protection thereof, and the trimming of all trees in or that overhang such highway, streets, or avenues, or which obstruct public lighting, and may light the streets and public places, and regulate the setting of lamps and lamp posts therein and protect the same.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—Am. 1897, Act 54, Eff. Aug. 30, 1897;—CL 1897, 2789;—CL 1915, 2660;—CL 1929, 1569;—CL 1948, 67.21.

67.22 Public streets; excavation, regulation.

Sec. 22. The council may regulate the making of all openings in and removals of earth from public streets, for the laying or repair of sewers, drains, tunnels, gas pipes, water pipes, or for any other purpose; and may prohibit and prevent all such openings and removals of earth except by permission of the council, and at such times and upon such terms and regulations as they may prescribe.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2790;—CL 1915, 2661;—CL 1929, 1570;—CL 1948, 67.22.

67.23 Public streets; regulations; enforcement; council; powers.

Sec. 23. The council may regulate the use of public highways, streets, avenues, and alleys of the village, subject to the right of travel and passage therein. The council may prescribe the stands for all vehicles kept for hire, or used for the transportation of persons or property for hire; designate the places where loads of wood, coal, hay, and other articles may stand for sale; regulate traffic and sales in the streets and upon sidewalks; regulate or prohibit the display, use, or placing of signs, advertisements, banners, awnings, posts, poles, or

lamps in or over the streets; regulate or prohibit sports, amusement proceedings, and gatherings of crowds in the streets that may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; prohibit and prevent the running at large of animals in the streets or elsewhere in the village, and impose sanctions upon the owners or keepers responsible; cleanse and purify the streets; prohibit, prevent, remove, and abate all nuisances in the streets, require a person creating or maintaining a nuisance to remove or abate it, sanction the person for the creation or maintenance of the nuisance, and generally prescribe and enforce regulations concerning the public streets as may be necessary to secure good order and safety to persons and property in their lawful use and to promote the general welfare. In addition, the council shall have the same authority and powers over and in respect to the public streets of the village as are conferred by law upon the board of county road commissioners.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2791;—CL 1915, 2662;—CL 1929, 1571;—CL 1948, 67.23;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

SEWERS, DRAINS AND WATER-COURSES.

67.24 Sewers, drains, watercourses; construction; condemnation.

Sec. 24. The council of any village may establish, construct, and maintain sewers, drains, and watercourses whenever and wherever necessary. These improvements shall be of such dimensions and materials, and under such regulations as the council considers proper for the drainage of the village. Private property may be taken therefor in the manner provided by this act for taking private property for public use. But in all cases where the council shall consider it practicable, such sewer, drain, and watercourses shall be constructed in the public streets and grounds.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2792;—CL 1915, 2663;—CL 1929, 1572;—CL 1948, 67.24;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.25 Sewers, drains, and watercourses; expense of construction; methods of payment.

Sec. 25. The expense of constructing sewers, drains, and watercourses may be paid by general tax upon the taxable property in the village; or the expenses may be defrayed by special assessment upon the lands and premises benefited in proportion to the benefits resulting to each lot or parcel of land respectively; or such part of the expense as the council shall determine may be defrayed by special assessment, and the remainder may be paid by general tax.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2793;—Am. 1905, Act 125, Imd. Eff. May 17, 1905;—CL 1915, 2664;—Am. 1921, Act 278, Imd. Eff. May 18, 1921;—Am. 1929, Act 71, Eff. Aug. 28, 1929;—CL 1929, 1573;—CL 1948, 67.25;—Am. 1969, Act 58, Imd. Eff. July 21, 1969;—Am. 1974, Act 4, Imd. Eff. Jan. 30, 1974;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.26 Sewers, drains, watercourses; special assessment; map of sewer district; contents; filing with cost estimate; hearing; notice; special assessments.

Sec. 26. (1) Before proceeding to the construction of any sewer, drain, or watercourse, all or part of the expense of which is to be defrayed by special assessment, the council shall cause a map to be made of those lands and premises which in their opinion will be benefited and which they intend to assess for the cost. Those lands shall constitute a special assessment district; and the map shall show the boundaries and divisions of all the lots and premises in the district, the proposed route and location of the improvement through the district, and the depth, grade, and dimensions of the improvement. The map, with an estimate of the cost of the proposed work, shall be deposited with the clerk, and notice shall be given by publication in a newspaper of the village for 2 weeks or by posting copies of such notice for 2 weeks, in 3 public places in the village, of the intention to construct the improvement, and where the map and estimates can be found, and appointing a time when the council will meet to hear any suggestions and objections from persons interested or liable to be assessed for the work.

(2) The special assessments shall be made in the manner provided by law.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2794;—CL 1915, 2665;—CL 1929, 1574;—CL 1948, 67.26;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.27 Repealed. 1974, Act 4, Imd. Eff. Jan. 30, 1974.

Compiler's note: The repealed section pertained to declaration of resolution to construct sewer, drain, or watercourse.

67.28 Repealed. 1998, Act 255, Imd. Eff. July 13, 1998.

Compiler's note: The repealed section pertained to special assessments.

67.29 Private drains; construction, regulation; work at private expense.

Sec. 29. Whenever the council shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises; and to keep such private drains in repair and free from obstruction and nuisance; and if such private drains are not constructed and maintained according to such requirement, the council may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2797;—CL 1915, 2668;—CL 1929, 1577;—CL 1948, 67.29.

67.30 Private drains; connection with public sewers.

Sec. 30. The owners and occupants of lots and premises shall have the right to connect the same, at their own expense, by means of private drains, with the public sewers and drains, under such rules and regulations as the council shall prescribe.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2798;—CL 1915, 2669;—CL 1929, 1578;—CL 1948, 67.30.

67.31 Private drains; connection to public sewers; charge; collection.

Sec. 31. The council may charge and collect annually from persons whose premises are connected by private drains with the public sewers, a reasonable sum in proportion to the amount of drainage through the private drain. The charge shall be a lien upon the premises, and may be collected by special assessment.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2799;—CL 1915, 2670;—CL 1929, 1579;—CL 1948, 67.31;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.32 Repealed. 1998, Act 255, Imd. Eff. July 13, 1998.

Compiler's note: The repealed section pertained to assessments for providing ditches and improving watercourses.

67.33 Sewers, ditches, water systems, and watercourses; repair expense.

Sec. 33. The expenses of repairing public sanitary sewers, drains, ditches, storm water systems, water supply systems, and watercourses may be paid by general tax. The expenses of reconstructing these improvements may be defrayed in the manner prescribed in this chapter for paying the expenses of constructing such improvements.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2801;—CL 1915, 2672;—CL 1929, 1581;—CL 1948, 67.33;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.34 Public sewers and drain ordinances.

Sec. 34. The council may enact ordinances necessary for the protection and control of the public sanitary sewers, drains, ditches, storm water systems, water supply systems, and watercourses, and to carry into effect the powers conferred in this chapter in respect to the drainage of the village.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2802;—CL 1915, 2673;—CL 1929, 1582;—CL 1948, 67.34;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

HARBORS, WHARVES, AND HARBOR MASTERS.

67.35 Public wharves, piers and levees; construction, regulation, leasing of privileges.

Sec. 35. The council of any village located upon or adjacent to any of the navigable waters of the state shall have the power to establish, construct, maintain, and control public wharves, docks, piers, landing places, and levees, upon any lands or property belonging to or under the control of the village, including property at the foot or end of public streets; and the council may lease wharfing and landing privileges upon any of the public wharves, docks, or landings, but not for a longer time than 10 years, and in such manner as to preserve the right of all persons to a free passage over the same with their baggage.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2803;—CL 1915, 2674;—CL 1929, 1583;—CL 1948, 67.35.

67.36 Public wharves; conformity with grade; line limit.

Sec. 36. The council shall have authority also to require and cause all docks, wharves and landings, whether upon public grounds or upon the property of private individuals, to be constructed and maintained in conformity with such grade as may be established therefor by the council, and to prescribe the line beyond which any such wharf, dock, or landing shall not be constructed or maintained.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2804;—CL 1915, 2675;—CL 1929, 1584;—CL 1948, 67.36.

67.37 Public wharves; rates and charges.

Sec. 37. The council shall have authority to prohibit the encumbering of the public wharves and landings, and to regulate the use of all wharves, docks and landing places within the village; to regulate the use and location of wharf-boats; and to regulate and prescribe the rates and charges for landing, wharfage, and dockage at all public wharves, docks and landings, and to collect wharfage and dockage from boats, water-craft, and floats landing at or using any public landing place, wharf, or dock within the village.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2805;—CL 1915, 2676;—CL 1929, 1585;—CL 1948, 67.37.

67.38 Preservation of purity of water; regulation of navigable waters; duties of council.

Sec. 38. The council may do all of the following:

(a) Provide by ordinance for the preservation of the purity of the waters of any harbor, river, or other waters within the village.

(b) Control and regulate the anchorage, moorage, and management of all boats, watercraft, and floats within the jurisdiction of the village.

(c) Regulate and prescribe by ordinance, or through a harbor master or other officer, the location of any boat, craft, vessel, or float, and the changes of station in, and use of the harbor as may be required to promote order and the safety and convenience of all boats, craft, vessels, and floats.

(d) Regulate the opening and passage of bridges.

(e) Adopt and enforce ordinances and regulations not inconsistent with the laws of the United States, or this state, as in the opinion of the council shall be most conducive to the orderly, safe, and convenient use and occupancy of the harbor, navigable waters, wharves, docks, piers, and landing places within the village.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2806;—CL 1915, 2677;—CL 1929, 1586;—CL 1948, 67.38;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.39 Harbor master; appointment; duties; compensation.

Sec. 39. The president may nominate and the council may appoint a harbor master. The harbor master shall enforce all such ordinances and regulations as the council may lawfully enact and prescribe in respect to and over the navigable waters, harbors, wharves, docks, landings, and basins within the village, and in respect to the navigation, trade, and commerce of the village. The council may prescribe the powers and duties of the harbor master and fix his or her compensation.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2807;—CL 1915, 2678;—CL 1929, 1587;—CL 1948, 67.39;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

FERRIES.

67.40 Ferry licenses; terms and restrictions; sanctions.

Sec. 40. The council of a village may regulate and license ferries from the village, or a place in the village; require the payment of a reasonable sum for a ferry license; impose reasonable terms and restrictions, in relation to the keeping and management of ferries and the time, manner, and rates of carriage and transportation of persons and property by ferry; provide for the revocation of a ferry license and for the imposition of sanctions for a violation of an ordinance prohibiting unlicensed ferries or regulating ferries established and licensed.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2808;—CL 1915, 2679;—CL 1929, 1588;—CL 1948, 67.40;—Am. 1994, Act 16, Eff. May 1, 1994.

MARKETS.

67.41 Markets; establishment; regulation.

Sec. 41. The council of any village may establish and regulate markets and marketplaces, for the sale of meats, fish, vegetables, and other food products and prescribe rules and regulations relating to hours of business, sanitation, traffic, and other matters normally incidental to the proper management of a market consistent with the market authority act of 1956, 1956 PA 185, MCL 123.671 to 123.680.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2809;—CL 1915, 2680;—CL 1929, 1589;—CL 1948, 67.41;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.42 Regulations; adoption, enforcement.

Sec. 42. The council may adopt and enforce such regulations as may be necessary to prevent fraud and to preserve order in the markets; and may authorize the immediate arrest, and removal from the market, of any person violating such regulations, together with any article in his possession; and may authorize the seizure and destruction of tainted or unsound meats, or other provisions exposed for sale therein, or elsewhere in the village.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2810;—CL 1915, 2681;—CL 1929, 1590;—CL 1948, 67.42.

PARTITION FENCES.

67.43 Ordinances and laws; fence viewers.

Sec. 43. The council is authorized to enact all such ordinances and laws as it may deem proper relative to the building, rebuilding, maintaining and repairing of partition fences by the owners and occupants of adjoining lots, enclosures and parcels of land in the village; and relative to the assigning to the owners or occupants of such adjoining pieces of land, the portion of such partition fences to be maintained by them respectively; and may provide for the recording of such assignments and divisions when made; and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences. And the council may appoint fence-viewers and prescribe their duties and mode of proceeding in all cases relating to partition fences in the village.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2811;—CL 1915, 2682;—CL 1929, 1591;—CL 1948, 67.43.

POLICE.

67.44-67.46a Repealed. 1998, Act 255, Imd. Eff. July 13, 1998.

Compiler's note: The repealed sections pertained to village police force.

PUBLIC HEALTH.

67.47-67.54 Repealed. 1978, Act 368, Eff. Sept. 30, 1978.

CEMETERIES.

67.55 Interments; regulation.

Sec. 55. Any village may acquire, hold and own such cemetery or public burial place or places, either within or without the limits of the corporation as in the opinion of the council shall be necessary for the public welfare, and suitable for the convenience of the inhabitants, and may prohibit the further interment of the dead within the village, or may limit such interment therein to such cemetery or burial place as the council may prescribe. And the council may cause any bodies buried within the village, in violation of any rule or ordinance made in respect to such burials, to be taken up and buried elsewhere.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2823;—CL 1915, 2694;—CL 1929, 1603;—CL 1948, 67.55.

67.56 Cemeteries; appropriation by council.

Sec. 56. The council may, within the limitations in this act contained, raise and appropriate such sums as may be necessary for the purchase of cemetery grounds, and for the improvement, adornment, protection, and care of the cemetery grounds.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2824;—CL 1915, 2695;—CL 1929, 1604;—CL 1948, 67.56;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.57 Board of cemetery trustees; appointment; terms; removal; compensation.

Sec. 57. (1) Whenever any village owns, purchases, or otherwise acquires any cemetery or cemetery grounds, the council may appoint a board of cemetery trustees. The council may provide that the powers conferred upon a board of cemetery trustees by this act shall be exercised by the department of public works director, or the village manager, if any.

(2) A board of cemetery trustees shall consist of 3 individuals. The trustees shall hold their office for the term of 3 years, except that at the first appointment, 1 shall be appointed for 1 year, 1 for 2 years, and 1 for the term of 3 years from the second Monday in April of the year when appointed. One trustee shall be appointed annually thereafter. The council may remove any trustee so appointed for inattention to his or her duties, want of proper judgment or skill in or for the proper discharge of his or her duties, or other good cause. The board shall serve without compensation.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2825;—CL 1915, 2696;—CL 1929, 1605;—CL 1948, 67.57;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.58 Board of cemetery trustees; chairperson; clerk; powers; duties.

Sec. 58. The board of cemetery trustees shall appoint 1 of their number chairperson and the village clerk shall be clerk of the board, and the council may by ordinance invest the board with such powers and authority as may be necessary for the care, management, and preservation of the cemetery, including the cemetery

grounds, tombs, monuments, and appurtenances. The board shall perform such other duties as the council may prescribe.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2826;—CL 1915, 2697;—CL 1929, 1606;—CL 1948, 67.58;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.59 Board of cemetery trustees; duties; directions of council.

Sec. 59. Said board subject to the directions and ordinances of the council, shall have the care and management of any such cemetery or burial place or places and shall direct the improvements and embellishments of the grounds, cause such grounds to be laid out into lots, avenues and walks, the lots to be numbered and the avenues and walks to be named and plats thereof to be made and recorded in the office of the village clerk. The board shall fix the price of lots and make the sales thereof. The conveyances of such lots shall be executed on behalf of the village by the clerk and be recorded in his office at the expense of the purchasers.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2827;—CL 1915, 2698;—CL 1929, 1607;—CL 1948, 67.59.

67.60 Board of cemetery trustees; cemetery employees; ordinances, enforcement; rules.

Sec. 60. Said board shall appoint the necessary superintendents and employes for the cemetery, expend the money provided for the care and improvement of the grounds, enforce the ordinances of the village made for the management and care thereof and make such regulations for the burial of the dead, the care and protection of the grounds, monuments and appurtenances of the cemetery and the orderly conduct of persons visiting the grounds, as may be consistent with the ordinances of the village and the laws of the state.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2828;—CL 1915, 2699;—CL 1929, 1608;—CL 1948, 67.60.

67.61 Board of trustees; cemetery fund; use; reports to council; contents; verification.

Sec. 61. (1) Money raised for any public cemetery authorized by this act, and money received from the sale of lots or from other cemetery operations, shall be paid into the village treasury and constitute the "cemetery fund". The cemetery fund shall be used exclusively for cemetery purposes. The board of trustees shall report to the council annually, on the first Monday in March, and more often when the council requires, all of the following:

- (a) For money received into and owing to the cemetery fund, the amount, source, and the payor or debtor.
 - (b) For expenditures and liabilities incurred, the date, amount, items, and purpose, and to whom paid, and to whom incurred.
 - (c) Such other matters as the council shall require to be reported.
- (2) The report under subsection (1) shall be verified by the oath of the clerk of the board.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2829;—CL 1915, 2700;—CL 1929, 1609;—CL 1948, 67.61;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.62 Necessary ordinances; enforcement.

Sec. 62. The council of a village owning a burial place, whether within or without the village, may pass and enforce an ordinance necessary to carry into effect the provisions of this act concerning burial places, to control or regulate the burial place and the improvement of the burial place, to protect it and its appurtenances from injury, and to impose sanctions for a violation of a lawful order or regulation made by the board of cemetery trustees.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2830;—CL 1915, 2701;—CL 1929, 1610;—CL 1948, 67.62;—Am. 1994, Act 16, Eff. May 1, 1994.

67.63 Cemetery trustees; power to accept gifts; use.

Sec. 63. The board of cemetery trustees may receive in trust money or other property as gifts, grants, devises, or bequests for cemetery purposes. The money or other property shall be held in trust by the board, subject to the terms and conditions on which it was given, granted, devised, or bequeathed, and shall constitute a trust fund. The money shall, unless otherwise expressed by those making such gifts, grants, devises, or bequests, be invested as permanent fund in undoubted real estate security, U.S. bonds, state bonds, or municipal bonds, and the interest thereon after fulfillment of such conditions expressed shall be used in improving the cemetery under the control of the cemetery board. The gifts, grants, devises, or bequests shall be used exclusively for cemetery purposes.

History: Add. 1899, Act 223, Eff. Sept. 23, 1899;—CL 1915, 2702;—CL 1929, 1611;—CL 1948, 67.63;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.64 Board of cemetery trustees; rules and bylaws; recording bylaws; appointment, duties,

and bond of treasurer; conducting business at public meeting; notice of meeting; availability of certain writings to public.

Sec. 64. (1) The board of cemetery trustees may make all requisite and necessary rules and bylaws to carry into effect the powers vested and duties required by section 63. The bylaws shall be recorded in a book kept for that purpose. The board of cemetery trustees shall also appoint a treasurer from the membership of the board, whose duties shall be, under the direction of the board, to receive, account for, and invest all money received by the board under section 63. The treasurer shall give and execute a bond to the board of cemetery trustees in a sum fixed by the council.

(2) The business which the board of cemetery trustees may perform shall be conducted at a public meeting of the board held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(3) A writing prepared, owned, used, in the possession of, or retained by the board in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

History: Add. 1899, Act 223, Eff. Sept. 23, 1899;—CL 1915, 2703;—CL 1929, 1612;—CL 1948, 67.64;—Am. 1977, Act 197, Imd. Eff. Nov. 17, 1977;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

CHAPTER VIII IMPROVEMENTS AND ASSESSMENTS.

68.1-68.22 Repealed. 1974, Act 4, Imd. Eff. Jan. 30, 1974.

68.31 Expense of local public improvement or repair; special assessments.

Sec. 31. The council of the village by adopting a resolution pursuant to section 5 of chapter V may determine that the whole or a part of the expense of a local public improvement or repair shall be defrayed by special assessments upon the property specially benefited.

History: Add. 1974, Act 4, Imd. Eff. Jan. 30, 1974;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

68.32 Ordinance providing special assessment procedure; contents; additional assessments; disposition of excess assessments; payment of future due installments.

Sec. 32. The complete special assessment procedure to be used, including the time when special assessments may be levied; the kinds of local public improvements for which a hearing is required on the resolution levying the special assessments; the preparing of plans and specifications; estimated costs; the preparation, hearing, and correction of the special assessment roll; the collection of special assessments; the assessment of single lots or parcels; and any other matters concerning the making of improvements by the special assessment method, shall be provided by ordinance. The ordinance shall authorize additional assessments, if the prior assessment proves insufficient to pay for the improvement or is determined to be invalid, in whole or in part, and shall provide for the refund of excess assessments; however, if the excess is less than 5% of total cost as defined by ordinance, it may be placed in the general fund of the village. The payment of future due installments of a special assessment against a parcel of land may be made at any time in full, with interest accrued to the due date of the next installment.

History: Add. 1974, Act 4, Imd. Eff. Jan. 30, 1974;—Am. 1978, Act 29, Imd. Eff. Feb. 24, 1978.

68.33 Special assessment as lien and debt; collection.

Sec. 33. From the date of confirmation of a roll levying a special assessment, the full amount of the assessment and the interest thereon shall constitute a lien on the premises subject thereto and that amount shall be a debt of the person to whom assessed until paid and, in case of delinquency, may be collected as delinquent village property taxes or by a suit against the person.

History: Add. 1974, Act 4, Imd. Eff. Jan. 30, 1974.

68.34 Action to contest collection of special assessment; illegal assessment roll.

Sec. 34. An action to contest the collection of a special assessment shall be instituted under the tax tribunal act, 1973 PA 186, MCL 205.701 to 205.779.

History: Add. 1974, Act 4, Imd. Eff. Jan. 30, 1974;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

68.35 Bonds.

Sec. 35. The village council may borrow money and issue bonds of the village therefor in anticipation of the payment of special assessments in 1 or more special assessment districts, which bonds may be an

obligation of the special assessment district or may be both an obligation of the special assessment district and a general obligation of the village. The village council may issue general obligation bonds to defray that portion of the cost and expense of a local public improvement chargeable to the village at large.

History: Add. 1974, Act 4, Imd. Eff. Jan. 30, 1974.

68.36 Energy conservation improvements; resolution; payment; scope of improvements; acquisition of improvements by contracts or notes; reports; forms.

Sec. 36. (1) The council of a village may provide by resolution for energy conservation improvements to be made to village facilities and may pay for the improvements from operating funds of the village or from the savings that result from the energy conservation improvements. Energy conservation improvements may include, but are not limited to, heating system improvements, fenestration improvements, roof improvements, the installation of any insulation, the installation or repair of heating or air conditioning controls, and entrance or exit way closures.

(2) The council of a village may acquire 1 or more of the energy conservation improvements described in subsection (1) by installment contract or may borrow money and issue notes for the purpose of securing funds for the improvements or may enter into contracts in which the cost of the energy conservation improvements is paid from a portion of the savings that result from the energy conservation improvements. These contractual agreements may provide that the cost of the energy conservation improvements are paid only if the energy savings are sufficient to cover their cost. An installment contract or notes issued pursuant to this subsection shall extend for a period of time not to exceed 10 years. Notes issued pursuant to this subsection shall be full faith and credit, tax limited obligations of the village, payable from tax levies and the general fund as pledged by the council of the village. The notes are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821. This subsection does not limit in any manner the borrowing or bonding authority of a village as provided by law.

(3) If energy conservation improvements are made as provided in this section, the village council shall report the following information to the department of treasury within 60 days of the completion of the improvements:

(a) Name of each facility to which an improvement is made and a description of the conservation improvement.

(b) Actual energy consumption during the 12-month period before completion of the improvement.

(c) Project costs and expenditures.

(d) Estimated annual energy savings.

(4) If energy conservation improvements are made as provided in this section, the village council shall report to the department of treasury, by July 1 of each of the 5 years after the improvements are completed, only the actual annual energy consumption of each facility to which improvements are made. The forms for the reports required by this section shall be furnished by the department of treasury.

History: Add. 1984, Act 402, Imd. Eff. Dec. 28, 1984;—Am. 1989, Act 28, Imd. Eff. May 23, 1989;—Am. 2002, Act 276, Imd. Eff. May 9, 2002.

Compiler's note: For transfer of functions relating to energy policy from the Energy Administration, Department of Commerce, to the Public Service Commission, Department of Commerce, see E.R.O. No. 1986-4, compiled at MCL 460.901 of the Michigan Compiled Laws.

For transfer of powers and duties of the public service commission pertaining to energy conservation improvement reports from the public service commission to the state treasurer, see E.R.O. No. 1996-2, compiled at MCL 445.2001 of the Michigan Compiled Laws.

CHAPTER IX FINANCE AND TAXATION.

69.1 Authority of council to levy taxes; general fund.

Sec. 1. (1) Actions taken by the council under this chapter are subject to the voting requirements of section 5 of chapter V. However, the council shall not increase a tax or impose a special assessment except by an affirmative vote of 2/3 of the members of council.

(2) The council may raise, by general tax upon the real and personal property liable to taxation in the village (exclusive of taxes for highway and street purposes and not otherwise provided for in this act), a sum not exceeding in any 1 year 1-1/4% of the assessed value of that property, to defray the general expenses and liabilities of the village, and to carry into effect the powers in this act granted. The money so raised constitutes a "general fund".

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2852;—CL 1915, 2726;—CL 1929, 1635;—CL 1948, 69.1;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

69.2 Authority of council to levy taxes; general highway fund.

Sec. 2. The council shall also have power to raise, by general tax upon all real estate and personal property aforesaid, such sum not exceeding 1/2 of 1 per cent of the assessed value of said property, as they shall deem necessary for highway and street purposes. Such moneys shall constitute a "general highway fund," and shall be expended exclusively for working and improving the highways, streets, lanes and alleys of the village and for the construction and repair of bridges therein.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2853;—CL 1915, 2727;—CL 1929, 1636;—CL 1948, 69.2.

69.3 Repealed. 1958, Act 116, Eff. Sept. 13, 1958.

Compiler's note: The repealed section provided for levy and collection of poll tax.

69.4 Authority of council to levy taxes; cemeteries; tax limit.

Sec. 4. The council may for the purpose of purchasing grounds for a cemetery, raise by general tax a sum not exceeding in any 1 year, 1/4 of 1% of the taxable value of the property in the village. However, the total sum that may be raised for the purchase of grounds for that purpose shall not at any time exceed \$5,000.00. The council may, for the purpose of maintaining the cemetery, raise by general tax a sum not exceeding in any 1 year 1/10 of 1% of the taxable value of the property in the village.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2855;—CL 1915, 2729;—Am. 1923, Act 157, Eff. Aug. 30, 1923;—CL 1929, 1638;—CL 1948, 69.4;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

69.5 Authority of council to levy taxes; street and other local improvements; special assessment proceeds.

Sec. 5. The council may raise by special assessment upon the lands in sewer districts and special assessment districts, for the purpose of defraying the cost and expense of grading, paving, and graveling streets, and for constructing drains and sewers, and for making other local improvements, charged upon the lands in the district in proportion to frontage or benefits, such sums as they shall consider necessary to defray the costs of the improvements.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2856;—CL 1915, 2730;—CL 1929, 1639;—CL 1948, 69.5;—Am. 1969, Act 58, Imd. Eff. July 21, 1969;—Am. 1998, Act 254, Imd. Eff. July 13, 1998;—Am. 2002, Act 276, Imd. Eff. May 9, 2002.

69.6 Taxation for payment of interest, principal, sinking fund deposits, evidences of indebtedness, assessments, or contract obligations; credit for surplus money.

Sec. 6. The council shall raise annually by taxation an amount such that the estimated collections will be sufficient to promptly pay when due the interest, that portion of the principal, and the required sinking fund deposits on the outstanding bonds or other evidences of indebtedness, or assessments or contract obligations in anticipation of which bonds were issued, falling due prior to the time of the following year's tax collections. The tax shall be without limitation as to rate or amount and in addition to any other tax the village may levy but shall not be in excess of the rate or amount necessary to pay the principal and interest or assessments or contract obligations. If at the time of making an annual tax levy, surplus money is on hand for the payment of principal or interest and provision for disposition of the money was not made, then credit for the surplus may be taken against the amount to be raised for principal or interest as the case may be. The money so raised shall be used solely for the purpose stated in this section.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2857;—CL 1915, 2731;—CL 1929, 1640;—CL 1948, 69.6;—Am. 1974, Act 4, Imd. Eff. Jan. 30, 1974;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

69.7 Auditing and settling accounts; statement.

Sec. 7. Within 2 weeks after an annual village election for members of the council, the council shall audit and settle the accounts of the treasurer and other officers of the village, and so far as practicable, of all persons having claims against the village. The council shall prepare a statement summarizing the results of the audit.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2858;—CL 1915, 2732;—CL 1929, 1641;—CL 1948, 69.7;—Am. 1977, Act 197, Imd. Eff. Nov. 17, 1977;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

69.7a Commencement of fiscal year.

Sec. 7a. The fiscal year of a village shall commence on March 1 of each year. The council may by ordinance adopt another date for the commencement of the village's fiscal year. The fiscal year of any village subject to this act that commences on a date other than March 1 on the effective date of the amendatory act that added this section is hereby ratified and shall continue until changed or modified pursuant to this section.

History: Add. 1998, Act 254, Imd. Eff. July 13, 1998.

69.8 Village taxes; annual assessment roll; contents; certification of determination.

Sec. 8. The treasurer of a village subject to this act shall, in each year, at and within the same time as required by the general laws of this state for the assessment of property in the townships of this state, make an assessment roll containing a description of all the real property and the aggregate amount of all the personal property liable under the laws of the state to taxation in the village, and the name of the owner, agent, or other person liable to pay taxes. The treasurer shall record on the roll the valuation of such property, at its value, as determined by the assessor of the township where the property is located, placing the value of the real and personal property in separate columns. In fulfilling the requirements of this section, the treasurer shall conform to and be governed by the law governing supervisors of townships performing like services, unless otherwise in this act provided. However, if in any year it is not necessary to raise any money by taxation in a village, the council of the village may so determine by resolution, and shall certify the determination to the treasurer. The treasurer shall not make any assessment roll of property in the village for that year.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—Am. 1897, Act 56, Imd. Eff. Mar. 31, 1897;—CL 1897, 2859;—CL 1915, 2733;—CL 1929, 1642;—Am. 1941, Act 49, Eff. Jan. 10, 1942;—CL 1948, 69.8;—Am. 1967, Act 84, Eff. Nov. 2, 1967;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

69.9 Assessment roll; review by township board of review.

Sec. 9. The board of review of the township where the village is located shall review the assessment roll in the same manner, at the same time and place, and pursuant to the same processes as provided in sections 28 to 33 of the general property tax act, 1893 PA 206, MCL 211.28 to 211.33.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2860;—CL 1915, 2734;—CL 1929, 1643;—CL 1948, 69.9;—Am. 1967, Act 84, Eff. Nov. 2, 1967;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

69.10, 69.11 Repealed. 1967, Act 84, Eff. Nov. 2, 1967.

Compiler's note: The repealed sections related to board of review of assessments; powers and duties; and changes in tax roll.

69.12 Annual assessment roll; certification of board of review.

Sec. 12. Immediately after the review of the assessment roll, the secretary of the board of review shall file the assessment roll with the council.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2863;—CL 1915, 2737;—CL 1929, 1646;—CL 1948, 69.12;—Am. 1967, Act 84, Eff. Nov. 2, 1967.

69.13 Assessment roll; council's certificate to treasurer; contents.

Sec. 13. The council, after an examination of the assessment roll, shall certify to the treasurer the assessment roll, together with the amount which they require to be raised by general tax, for highway and other general purposes and all amounts of special assessments which they require to be reassessed upon any lands or premises with a particular description of the lands and property to be reassessed, and the amounts to be reassessed upon each parcel of land, and the name or names, so far as known, of the persons chargeable with the taxes and assessments. The certificate shall be endorsed upon or annexed to the roll and signed by the president and clerk.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2864;—CL 1915, 2738;—CL 1929, 1647;—CL 1948, 69.13;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

69.14 Assessment roll; tax apportionment by assessor.

Sec. 14. Upon receiving the assessment roll, with the certificate of the several amounts to be raised, as provided in section 13 of this chapter, the treasurer shall estimate, apportion, and set down in columns opposite to the several valuations of real and personal property on the roll, in proportion to the individual and particular estimates and valuations, the respective sums in dollars and cents, apportionable to each; placing the general fund taxes and all general taxes, except those for highway purposes, in 1 column; the general highway taxes in another column; the street district taxes, if any, in a third column; all special assessment taxes in a fourth column; and the total of all taxes assessed to each valuation in the last column of the roll. The treasurer shall also foot up the amounts carried to the last column, and certify upon the roll the aggregate amounts of the taxes levied.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2865;—CL 1915, 2739;—CL 1929, 1648;—CL 1948, 69.14;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

69.15 Delivery of certified assessment roll to treasurer; collection warrant; renewal of warrant.

Sec. 15. The warrant of the president of the village shall be annexed to the roll, directing and requiring the treasurer to collect from the persons named in the roll the sums mentioned opposite their respective names, as a tax or assessment, and authorizing him or her, in case any person named on the roll shall neglect or refuse to pay the sums, to collect the sums, together with fees and charges, in the manner provided in section 17 of this chapter. The warrant shall direct the treasurer to collect all taxes by a certain day as determined under section 18 of this chapter. The president may renew the warrant from time to time, by order of the council, and for a time as the council shall direct, except that the time shall not be extended later than the last day of February of the year following the levy of the village taxes.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—Am. 1897, Act 56, Imd. Eff. Mar. 31, 1897;—CL 1897, 2866;—CL 1915, 2740;—CL 1929, 1649;—CL 1948, 69.15;—Am. 1984, Act 179, Eff. Mar. 29, 1985;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

69.16 Taxes; treasurer to collect; fees.

Sec. 16. Immediately upon receiving the tax roll, with the warrant annexed, as provided in section 15 of this chapter, the treasurer shall proceed to collect the taxes levied according to the direction of the warrant, together with the fees authorized by law.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2867;—CL 1915, 2741;—CL 1929, 1650;—CL 1948, 69.16;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

69.17 Taxes; collection by seizure of personal property.

Sec. 17. If a person, including a firm or corporation, does not pay a tax imposed upon real or personal property belonging to that person, the treasurer shall collect the tax by seizing the personal property of that person located in this state in an amount sufficient to pay the tax, the fees, and charges for subsequent sale of the property. No property of the person shall be exempt from such seizure. The treasurer shall comply with the requirements of section 47 of the general property tax act, 1893 PA 206, MCL 211.47. The treasurer shall have the same powers and perform the same duties, so far as applicable, as township treasurers, in the collection of taxes levied in townships.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2868;—CL 1915, 2742;—CL 1929, 1651;—CL 1948, 69.17;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

69.18 Taxes as lien against property; interest; fees and charges; taxes returned delinquent; resolution; tax bill or enclosure to specify where delinquent taxes to be paid; adding fees and interest to taxes; return of unpaid taxes on real property to county treasurer; collection; rate of interest and fees; delinquent taxes as lien; return to department of treasury.

Sec. 18. (1) Taxes collected by a village shall become a lien against the property on which assessed on July 1. Taxes collected on or before September 14 in each year shall be without interest. Taxes collected after September 14 of any year shall bear interest at the rate imposed by section 59 of Act No. 206 of the Public Acts of 1893, being section 211.59 of the Michigan Compiled Laws, on delinquent property tax levies which became a lien in the same year. The village taxes which are collected by a village shall be subject to the same fees and charges the village may impose under section 44 of Act No. 206 of the Public Acts of 1893, being section 211.44 of the Michigan Compiled Laws. All interest and property tax administration fees that are imposed prior to the date these taxes are returned delinquent and that are attributable to village taxes shall belong to the village. Interest and, to the extent permitted by section 44 of Act No. 206 of the Public Acts of 1893, fees shall be included in the unpaid tax rolls or the delinquent tax rolls returned to the county treasurer on September 15, or not later than March 1 if the warrant is extended.

(2) Taxes collected by the village shall be returned delinquent to the county treasurer on September 15 unless the governing body of the village by resolution adopted on or before June 1 of each year determines that the village taxes shall be returned to the county treasurer on the same date that county taxes are returned delinquent for collection. The resolution shall be forwarded to the county treasurer before July 1 each year. The village tax bill for each year or a separate enclosure with the tax bill shall specify where such delinquent taxes are to be paid.

(3) If the unpaid village taxes are returned to the county treasurer prior to March 1 of the year following the levy of the village taxes, the county treasurer shall add to such taxes fees and interest in the same amount as would have been added if collected by the village treasurer. As of March 1, the accumulated interest and the fees on such taxes which may be imposed and returned delinquent shall be added to and become a part of the village tax subject to the interest and fees charged by the county treasurer on the delinquent taxes pursuant to section 59 of Act No. 206 of the Public Acts of 1893.

(4) Within 1 week after the expiration of the time limited in the warrant for the collection of the taxes

levied on the roll, or within 1 week after the time to which the warrant may have been renewed or extended, if the treasurer has been unable to collect any of the taxes on the roll on real property, the treasurer shall return all unpaid taxes on real property to the county treasurer in the same manner and with like effect as returns by township treasurers. The taxes returned shall be collected in the same manner as other taxes returned to the county treasurer are collected pursuant to the general property tax act, Act No. 206 of the Public Acts of 1893, being sections 211.1 to 211.157 of the Michigan Compiled Laws, with the same rate of interest and fees. All taxes upon real property returned as delinquent shall be and remain a lien on the property until paid. The county treasurer at the time that he or she makes the return to the department of treasury of delinquent taxes assessed under the general property tax act, Act No. 206 of the Public Acts of 1893, shall also make a return of all village taxes that were returned delinquent to his or her office and remaining unpaid on March 1 of the year in which the return is made.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2869;—Am. 1915, Act 140, Eff. Aug. 24, 1915;—CL 1915, 2743;—CL 1929, 1652;—CL 1948, 69.18;—Am. 1984, Act 179, Eff. Mar. 29, 1985.

69.19 Tax sales; proceeds, deposit with county treasurer.

Sec. 19. Moneys received for such sale shall be paid over to the village treasurer. All of the provisions of the general tax law relative to the sale and redemption of lands returned for delinquent taxes shall apply to the sale and redemption of lands returned for delinquent taxes assessed under the provisions of this act.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—Am. 1897, Act 88, Eff. Aug. 30, 1897;—CL 1897, 2870;—CL 1915, 2744;—CL 1929, 1653;—CL 1948, 69.19.

69.20 Tax on personal property; collection suit.

Sec. 20. If the treasurer is unable to collect a tax assessed upon personal property in the village, the treasurer of the village may bring an action, in the name of the village, for the recovery of the tax, against any persons against whom the tax was assessed, before a court of competent jurisdiction, and take and use all lawful means provided by law for the collection of debts to enforce the payment of the tax. In such cases, the provisions of law applicable to suits and the evidence therein, brought by township treasurers in the name of their township for such purposes, apply. The court may order the person or persons assessed the personal property tax to pay the amounts authorized under section 47 of the general property tax act, 1893 PA 206, MCL 211.47.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2871;—CL 1915, 2745;—CL 1929, 1654;—CL 1948, 69.20;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

69.21 Borrowing in anticipation of revenue sharing or taxes.

Sec. 21. Subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, the council may borrow money, and give notes of the village, in anticipation of 1 or more of the following:

(a) The receipt of revenue sharing payments under the Glenn Steil state revenue sharing act of 1971, 1971 PA 140, MCL 141.901 to 141.921.

(b) The collection of taxes.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2872;—CL 1915, 2746;—CL 1929, 1655;—CL 1948, 69.21;—Am. 1974, Act 4, Imd. Eff. Jan. 30, 1974;—Am. 1998, Act 254, Imd. Eff. July 13, 1998;—Am. 2002, Act 276, Imd. Eff. May 9, 2002.

69.22 Raising additional amounts by tax or loan; approval of electors; limitation on taxation and indebtedness; exclusions from limitation; validation of prior bonds or obligations.

Sec. 22. (1) Should any greater amount be required in any year for any lawful purpose than can otherwise be raised by the council under this chapter, the amount may be raised by tax or loan, or partly by tax and partly by loan. If approved by a majority vote of the electors at an annual or special village election, the council may levy a tax which, in any year, shall not exceed 2% of the assessed valuation of the real and personal property within the village, as shown by the last preceding assessment roll of the village.

(2) The amount of indebtedness incurred by the issue of bonds or otherwise, including existing indebtedness, shall not exceed 10% of the assessed valuation of the real and personal property within the village subject to taxation as shown by the last preceding assessment roll of the village. Bonds issued in anticipation of the collection of special assessments even though the bonds are a general obligation of the village, motor vehicle highway fund bonds even though they are a general obligation of the village, revenue bonds, or bonds issued or contract or assessment obligations incurred to comply with an order of the department of environmental quality or a court of competent jurisdiction, even though they are a general obligation of the village and bonds issued or contract or assessment obligations incurred for water supply, sewage, drainage, or refuse disposal necessary to protect the public health by abating pollution even though

they are a general obligation of the village, are not included in this limitation. Money on hand in a sinking fund limited to the payment of indebtedness may be treated as a reduction of the indebtedness to that extent. In case of fire, flood, or other calamity requiring an emergency fund for the relief of the inhabitants of the village, or for the repairing or rebuilding of any of its municipal buildings, works, bridges, or streets, the council may borrow money due in not more than 3 years and in an amount not exceeding 1/4 of 1% of the taxable valuation of the village, notwithstanding that the loan may increase the indebtedness of the village beyond the limitations fixed by this section. If a village is authorized to acquire or operate a public utility, the village may issue mortgage bonds therefor beyond the general limit of bonded indebtedness prescribed by this section. The mortgage bonds issued beyond the limit of general indebtedness prescribed by this section shall not impose any liability upon the village, but shall be secured only upon the property and revenues of the public utility, including its franchise, stating the terms upon which, in case of foreclosure, the purchaser may operate the public utility; which franchise shall not extend for a period of more than 20 years from the date of the sale of the utility and franchise on foreclosure. All bonds issued, or contract or assessment obligations incurred, before January 30, 1974 are validated.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2873;—CL 1915, 2747;—CL 1929, 1656;—CL 1948, 69.22;—Am. 1952, Act 168, Eff. Sept. 18, 1952;—Am. 1969, Act 65, Eff. Mar. 20, 1970;—Am. 1974, Act 4, Imd. Eff. Jan. 30, 1974;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

69.22a Repealed. 1998, Act 254, Imd. Eff. July 13, 1998.

Compiler's note: The repealed section pertained to acquisition or operation of public utility.

69.23 Bonds; approval of electors required; exemption of certain bonds and obligations; expenses.

Sec. 23. (1) Subject to subsection (2), a village shall not issue bonds unless the issuance is approved by a majority of the electors voting on the bond issuance at a regular or special village election. The election shall be conducted in accordance with the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

(2) Subsection (1) does not apply to any of the following:

- (a) Obligations incurred by the village evidenced by contracts, notes, or assessments.
 - (b) Special assessment bonds.
 - (c) Bonds for the portion of the cost of local improvements to be paid by the village at large not to exceed 40% of the cost of the improvements.
 - (d) Emergency bonds.
 - (e) Bonds that the council is authorized by specific statute to issue without a vote of the electors.
- (3) The expenses of the election shall be paid by the village as provided in section 642 of the Michigan election law, 1954 PA 116, MCL 168.642.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2874;—CL 1915, 2748;—CL 1929, 1657;—CL 1948, 69.23;—Am. 1974, Act 4, Imd. Eff. Jan. 30, 1974;—Am. 2003, Act 305, Eff. Jan. 1, 2005.

69.24 Disbursements; procedures.

Sec. 24. Disbursements may be made from the treasury under either of the following procedures:

- (a) Upon appropriation by the council and the warrant of the clerk, countersigned by the president. The warrant shall specify the fund from which the money is payable, and shall be paid from no other fund. A warrant shall not be drawn upon the treasury after the fund from which it should be paid has been exhausted, and such a warrant is void.
- (b) Pursuant to an ordinance or resolution under section 5 of chapter V.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2875;—CL 1915, 2749;—CL 1929, 1658;—CL 1948, 69.24;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

69.25 Loans; issuance and execution of bonds; validation of prior bonds or indebtedness.

Sec. 25. A loan may not be made by the council or by its authority in any year, exceeding the amounts prescribed in this act. For a loan lawfully made, the bonds of the village may be issued subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821. The bonds shall be executed in the manner directed by the council. Bonds issued or indebtedness incurred by a village before January 30, 1974 are validated.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2876;—CL 1915, 2750;—Am. 1917, Act 52, Imd. Eff. Apr. 13, 1917;—CL 1929, 1659;—CL 1948, 69.25;—Am. 1974, Act 4, Imd. Eff. Jan. 30, 1974;—Am. 1998, Act 254, Imd. Eff. July 13, 1998;—Am. 2002, Act 276, Imd. Eff. May 9, 2002.

69.26, 69.27 Repealed. 1974, Act 4, Imd. Eff. Jan. 30, 1974.

Compiler's note: The repealed sections pertained to bonds and contractual obligations.

CHAPTER X FIRES AND FIRE DEPARTMENT.

70.1 Ordinances and regulations; fire department and fire companies; fire fighters; rules and regulations.

Sec. 1. The council may adopt ordinances and regulations to protect against fires and may establish and maintain a fire department and organize and maintain fire companies. Unless otherwise provided in an ordinance adopted under section 8 of chapter V that delegates the authority to the fire chief, the council may employ and appoint fire fighters; and make and establish rules and regulations for the government of the department, the employees, fire fighters, and officers of the department; and for the care and management of the vehicles, equipment, property, and buildings of the department. Fire fighters shall comply with the fire fighters training council act of 1966, 1966 PA 291, MCL 29.361 to 29.377.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2878;—CL 1915, 2752;—CL 1929, 1661;—CL 1948, 70.1;—Am. 1985, Act 173, Imd. Eff. Dec. 2, 1985;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

70.2 Vehicles and equipment; water supply.

Sec. 2. The council may purchase and provide suitable vehicles and equipment for the extinguishment of fires; and provide for a convenient supply of water for the use of the fire department.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2879;—CL 1915, 2753;—CL 1929, 1662;—CL 1948, 70.2;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

70.3 Necessary buildings for keeping vehicles and equipment.

Sec. 3. The council may also provide or erect all necessary buildings for keeping the vehicles and equipment of the fire department.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2880;—CL 1915, 2754;—CL 1929, 1663;—CL 1948, 70.3;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

70.4 Chief of fire department; appointment; duties; section subject to ordinance.

Sec. 4. The council may provide by ordinance or resolution for the appointment of a chief of the fire department, who shall be subject to the direction of the president and the regulations of the council. The chief of the fire department shall supervise and direct the department, and the care and management of the vehicles, equipment, and property of the department. This section is subject to an ordinance adopted under section 8 of chapter V.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2881;—CL 1915, 2755;—CL 1929, 1664;—CL 1948, 70.4;—Am. 1985, Act 173, Imd. Eff. Dec. 2, 1985;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

70.5 Repealed. 1998, Act 254, Imd. Eff. July 13, 1998.

Compiler's note: The repealed section pertained to failure of person to comply with command of fire department chief.

70.6 Storage and handling of hazardous substances; prevention and suppression of fires; ordinance; fire inspectors; authority subject to state and federal law.

Sec. 6. (1) The council may provide by ordinance for the storage and handling of combustible, explosive, or other hazardous substances.

(2) The council may provide by ordinance for the prevention and suppression of fires. The ordinance may prescribe, but need not be limited to, the manner of construction of buildings and other structures within the village or certain districts of the village.

(3) The council may provide by ordinance for the appointment of fire inspectors, and may appoint fire inspectors. The ordinance may provide for the periodic examination by the fire inspectors of the stoves, furnaces, and heating apparatus and devices in all dwellings, buildings, and structures within the village, and in all places where combustible or explosive substances are kept, and authorize fire inspectors to require stoves, furnaces, and heating apparatus and devices that pose a fire hazard to be put in a safe condition.

(4) The authority granted under this section is subject to state and federal law.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2883;—CL 1915, 2757;—CL 1929, 1666;—CL 1948, 70.6;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

70.7, 70.8 Repealed. 1998, Act 254, Imd. Eff. July 13, 1998.

Compiler's note: The repealed section pertained to erection or construction of wooden buildings and to restriction of certain dangerous trades or shops.

70.9 Building or structure as nuisance; abatement or removal.

Sec. 9. Every building or structure erected, placed, enlarged, or kept, in violation of any ordinance or regulation lawfully made for the prevention of fires, is a nuisance, and may be abated or removed by the direction of the council under procedures set forth in an ordinance adopted for that purpose.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2886;—CL 1915, 2760;—CL 1929, 1669;—CL 1948, 70.9;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

70.10 Compensation of officers, fire fighters, and employees; compensation for injuries.

Sec. 10. The officers, fire fighters, and employees of the department shall receive compensation as the council may provide. The council may provide suitable compensation for an injury to person or property which a fire fighter receives in consequence of the performance of the fire fighter's duty at a fire.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2887;—CL 1915, 2761;—CL 1929, 1670;—CL 1948, 70.10;—Am. 1978, Act 13, Imd. Eff. Feb. 8, 1978.

70.11 Authorized razing of buildings; damages; determination by jury.

Sec. 11. (1) The chief in charge of the department at any fire, with the concurrence of the president or any 2 trustees, may cause any building to be pulled down or destroyed to arrest the progress of the fire.

(2) If a building is so pulled down or destroyed, a person having an interest in the building may present a claim for damages to the council of the village. The council shall pay the claimant damages as may be just under all the circumstances, taking into consideration whether or not such loss would probably have occurred to the building even if it had not been pulled down or destroyed, and whether the building was insured or not.

(3) If the council and the claimant are not able to agree upon the amount of damages to be paid, then the amount of damages shall be ascertained by the appraisal of a jury to be selected in the same manner as in cases of a jury to appraise damages for taking private property for public use. The jury may visit the premises and may hear all the proofs in the case, and shall allow the claimant the amount of damages as they may consider proper under the standard set forth in subsection (2).

(4) If the jury is not able to agree, a new jury shall be empaneled as provided in subsection (3) until a jury is obtained that does agree.

(5) The council shall pay such claimant the amount of damages fixed by a jury under subsection (3) or (4).

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2888;—CL 1915, 2762;—CL 1929, 1671;—CL 1948, 70.11;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

70.12 Watercraft on navigable streams; regulation.

Sec. 12. The council of a village located upon any of the navigable waters of the state may by ordinance prescribe regulations, to be observed by owners, masters, and employees of watercraft, necessary to prevent fires in a harbor and to prevent the communication of fire from watercraft, and may prescribe in such an ordinance the manner of collecting any sanction imposed by the ordinance.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2889;—CL 1915, 2763;—CL 1929, 1672;—CL 1948, 70.12;—Am. 1994, Act 16, Eff. May 1, 1994.

70.13 Police force; employment; compliance with standards.

Sec. 13. (1) The council may establish a police force, and may authorize the president to appoint, with the consent of the council, the number of police officers and other personnel that the council considers expedient for the good government of the village and protection of persons and property. The council by ordinance may delegate authority to the police chief to employ police officers and other personnel. This subsection is subject to an ordinance adopted under section 8 of chapter V.

(2) The police force shall comply with the minimum employment standards for law enforcement officers published by the law enforcement council under the Michigan law enforcement officers training council act of 1965, 1965 PA 203, MCL 26.601 to 26.616.

History: Add. 1998, Act 254, Imd. Eff. July 13, 1998.

70.14 Police officers; powers, duties, and authority.

Sec. 14. The council shall adopt rules for the government of the police, prescribe the powers and duties of police officers and other personnel, and invest them with authority necessary for the preservation of quiet and good order in the village. The police shall suppress riots, disturbances, and breaches of the peace; arrest any person fleeing from justice; apprehend upon view any person found violating a state law or village ordinance in a manner involving a breach of the peace and, unless the violation constitutes a civil infraction, take the offender before the proper magistrate or officer, to be punished; make complaints before the proper magistrate

of any person known or believed by the police to have violated a state law or village ordinance; serve process that may be delivered to the police for that purpose; and generally perform duties required by the council for the good government of the village.

History: Add. 1998, Act 254, Imd. Eff. July 13, 1998.

70.15 Police chief; nomination; appointment; service; duties.

Sec. 15. The president may nominate and the council may appoint a chief of police of the village. The police chief shall serve at the pleasure of the council, unless the council has agreed to some other condition of appointment, and is subject to the direction of the president and council, or, if provided by ordinance adopted under section 8 of chapter V, the village manager. The police chief shall see that all the ordinances and regulations of the council, made for the preservation of quiet, and good order, and the protection of persons and property, are promptly enforced.

History: Add. 1998, Act 254, Imd. Eff. July 13, 1998.

70.16 Village police officer; powers vested; authority.

Sec. 16. (1) A police officer of the village, within the village, is vested with all the powers conferred upon sheriffs for the preservation of quiet and good order and has the power to serve and execute all process directed or delivered to the police chief, in all proceedings for violations of the ordinances of the village.

(2) A police officer of a village has the same authority within the village as a deputy sheriff to execute a bench warrant for arrest issued by a court of record or a municipal court.

History: Add. 1998, Act 254, Imd. Eff. July 13, 1998.

70.18 Department of public safety; creation; director; officers; structure.

Sec. 18. (1) The council may by ordinance create a department of public safety and delegate to it all the power, authority, and duties which may be exercised by a fire department or a police department or both. If the ordinance provides for the combination of existing police and fire entities, it shall provide for a right of referendum and become effective as provided in section 1(4) of chapter II.

(2) The department of public safety shall be headed by the director of public safety, who shall be the commanding officer of the department. The president shall nominate and the council appoint the director of public safety. The director of public safety is subject to the direction of the president and council, or, if provided by ordinance adopted under section 8 of chapter V, the village manager.

(3) If authorized by ordinance, the director of public safety may employ public safety officers and other personnel. The director of public safety shall direct the police and fire work of the village and be responsible for the enforcement of law and order, the protection of life and property against fire, and the performance of other public services of an emergency nature assigned to the department of public safety.

(4) If a department of public safety is established, a reference to the chief of police or the chief of the fire department contained in a state statute or village ordinance shall be considered to refer to the director of public safety.

(5) The council may structure the department of public safety so that separate police and fire entities may be continued.

History: Add. 1998, Act 254, Imd. Eff. July 13, 1998.

CHAPTER XI WATER WORKS.

71.1 Water works; establishment; maintenance.

Sec. 1. Any village may purchase or construct and may maintain water works to provide the village with pure water.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2890;—CL 1915, 2764;—Am. 1917, Act 43, Eff. Aug. 10, 1917;—Am. 1917, Act 94, Imd. Eff. Apr. 17, 1917;—CL 1929, 1673;—Am. 1937, Act 349, Imd. Eff. Aug. 5, 1937;—CL 1948, 71.1;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

71.2 Water works or filtration plant; authorized acquisitions, construction, and maintenance.

Sec. 2. The village may acquire, purchase, erect, and maintain the reservoirs, canals, aqueducts, sluices, buildings, engines, water wheels, pumps, hydraulic machines, distributing pipes, and other apparatus, appurtenances, and machinery, and may acquire, purchase, appropriate, and own such grounds, real estate, rights, and privileges that are necessary and proper for securing, constructing, rebuilding, repairing, extending, and maintenance of those water works or filtration plants.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2891;—Am. 1915, Act 158, Imd. Eff. May 7, 1915;—CL 1915, 2765;—
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Am. 1917, Act 94, Imd. Eff. Apr. 17, 1917;—CL 1929, 1674;—CL 1948, 71.2;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

71.3 Borrowing; purpose; limitations.

Sec. 3. It shall be lawful for any village, subject to the provisions of this act, to borrow any sum of money, that will not make the total indebtedness of such village greater than the limitations imposed in chapter 9, to be used exclusively for the purpose of purchasing, constructing, repairing, rebuilding, extending and maintaining water works, or filtration plants as provided in the 2 preceding sections, and for the payment of any indebtedness incurred by the village in purchasing, constructing, repairing, rebuilding, extending, and maintaining water works or filtration plants.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2892;—Am. 1915, Act 158, Imd. Eff. May 7, 1915;—CL 1915, 2766;—Am. 1917, Act 94, Imd. Eff. Apr. 17, 1917;—Am. 1925, Act 105, Imd. Eff. Apr. 30, 1925;—CL 1929, 1675;—CL 1948, 71.3;—Am. 1974, Act 4, Imd. Eff. Jan. 30, 1974.

71.4 Estimate of expense; specially assessing cost of certain water improvements.

Sec. 4. Before any money shall be borrowed, appropriated, raised, or expended for the purchase, construction, repairing, rebuilding, or extending of water works or filtration plants in any village, or for the payment of any indebtedness incurred by the village, in purchasing, constructing, repairing, rebuilding, extending, and maintaining water works or filtration plants, the council shall cause to be made an estimate of the expense thereof. The council may determine to specially assess any portion of the cost of water improvements to property especially benefited thereby pursuant to chapter 8.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—Am. 1897, Act 63, Eff. Aug. 30, 1897;—CL 1897, 2893;—Am. 1915, Act 158, Imd. Eff. May 7, 1915;—CL 1915, 2767;—Am. 1917, Act 94, Imd. Eff. Apr. 17, 1917;—CL 1929, 1676;—CL 1948, 71.4;—Am. 1969, Act 65, Eff. Mar. 20, 1970;—Am. 1974, Act 4, Imd. Eff. Jan. 30, 1974.

71.5 Private connections; manner; permit; repairs at owner's expense.

Sec. 5. The connecting or supplying pipes, leading from buildings or yards to the distributing pipes, shall be inserted and kept in repair at the expense of the owner or occupant of the building or yard, and shall not be connected with the main pipe until a permit is obtained from the village. Connecting or supply pipes shall be constructed and connected in the manner prescribed by ordinance.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2894;—CL 1915, 2768;—CL 1929, 1677;—CL 1948, 71.5;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

71.6 Water rates; ordinance; terms.

Sec. 6. The council shall establish just and equitable water rates to be charged and paid for water supply. The council shall periodically either modify, amend, increase, or diminish the water rates. The council may prescribe by ordinance when and to whom such water rates shall be paid, and what steps shall be taken to enforce payment of the water rates, including, but not limited to, notice to persons who fail to pay the rates that their supply of water may be shut off, and may provide, in case of nonpayment, that the supply of water may be shut off or stopped as to any person or persons neglecting or refusing to make payment.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2895;—CL 1915, 2769;—CL 1929, 1678;—CL 1948, 71.6;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

71.7 Water works; ordinances.

Sec. 7. The council may enact such ordinances, and adopt such resolutions, as may be necessary for the care, protection, preservation, and control of the water works, and all the fixtures, appurtenances, apparatus, buildings, and machinery connected therewith or belonging thereto, and to carry into effect the provisions of this chapter, and the powers herein conferred in respect to the construction, management and control of such water works.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2896;—CL 1915, 2770;—CL 1929, 1679;—CL 1948, 71.7.

71.8 Water works; location outside corporate limits; control by council.

Sec. 8. If the council considers it in the public interest, the village may purchase or construct and may maintain a water works beyond the corporate limits of the village. In such case the council may enforce beyond the corporate limits of the village, have control over the buildings, machinery, and other property belonging to and connected with the water works, in the same manner and to the same extent as if located within the village, and adopt and enforce ordinances and police regulations as may be necessary for the care, protection, preservation, management, and control of the water works. However, nothing in this section prohibits another local governmental unit from enforcing its ordinances within its limits.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2897;—CL 1915, 2771;—CL 1929, 1680;—CL 1948, 71.8;—Am. 1998,

Act 254, Imd. Eff. July 13, 1998.

71.9 Water works; use of street or highway.

Sec. 9. For the purpose of operating or constructing and maintaining such water works, the village may, after obtaining appropriate rights as provided by law, use the ground or soil under any street, highway, or road for the purpose of introducing water into and through any and all portions of the village, and repairing and relaying water pipes.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2898;—CL 1915, 2772;—CL 1929, 1681;—CL 1948, 71.9;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

71.10 Water works; condemnation.

Sec. 10. If it shall be necessary, in the judgment of the council, to appropriate private property for the construction, maintenance, or operation of water works, the right to occupy and hold the same and the ownership or easement rights may be acquired by the village in the manner provided by the uniform condemnation procedures act, 1980 PA 87, MCL 213.51 to 213.75.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2899;—CL 1915, 2773;—CL 1929, 1682;—CL 1948, 71.10;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

71.11 Water supply contract; use of streets, wharves, and public grounds.

Sec. 11. The council may contract from year to year, or for a period not exceeding 10 years, with a person to supply the village with water and may grant to the person the right to the use of the streets, alleys, wharves, and public grounds of the village as necessary to construct, maintain, and operate proper works for the supply of water for the village upon terms and conditions specified in the contract.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2900;—CL 1915, 2774;—CL 1929, 1683;—CL 1948, 71.11;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

71.12 Street administrator; duties.

Sec. 12. Unless otherwise provided by ordinance adopted under section 8 of chapter V, as directed by the council, the street administrator designated under section 13 of 1951 PA 51, MCL 247.663, shall perform, or cause to be performed under his or her supervision, labor, repairs, and improvements upon the highways, streets, sidewalks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds, and parks within the village.

History: Add. 1998, Act 254, Imd. Eff. July 13, 1998.

71.13 Street administrator; report.

Sec. 13. The street administrator shall provide the council, in writing and on oath once in each month, an exact report of all labor performed by the street administrator, or under his or her supervision, and the charges therefor; the amount of material used, and the expense thereof; the street or other place where the material was used, or labor performed; and the items and purpose of all expenses incurred since his or her last preceding report.

History: Add. 1998, Act 254, Imd. Eff. July 13, 1998.

71.14 Department of public works; performance of duties of administrator; director.

Sec. 14. The council by ordinance may establish a department of public works to perform the duties of the street administrator and other duties authorized by this act or by the council. The ordinance shall provide that the president shall nominate and the council shall appoint a director of public works. The council may designate the village manager as director of public works in an ordinance enacted pursuant to section 8 of chapter V.

History: Add. 1998, Act 254, Imd. Eff. July 13, 1998.

CHAPTER XII LIGHTING.

72.1 Authorized village lighting.

Sec. 1. A village may purchase or construct, and operate and maintain either independently or in connection with the water works of the village, either within or without the village, works to supply the village with gas, electric, or other lights, at such times and on such terms and conditions as directed by the council under this chapter.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2901;—CL 1915, 2775;—Am. 1917, Act 25, Eff. Aug. 10, 1917;—CL 1929, 1684;—CL 1948, 72.1;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

72.2 Repealed. 1998, Act 254, Imd. Eff. July 13, 1998.

Compiler's note: The repealed section pertained to authorization of lighting by council.

72.3 Authorized village lighting; acquisition estimate; referendum; restriction on council.

Sec. 3. (1) To exercise the powers granted by section 1 of this chapter, the council shall adopt a resolution declaring that it is expedient for the village to acquire by purchase or construction, as applicable, works to supply the village with electric or other lights, and shall make and record in their proceedings an estimate of the expense.

(2) The question of financing the estimated amount or that part of the estimated amount not in excess of limitations on indebtedness of the village provided by law shall be submitted to the electors of the village at its regular election, or at a special election called for that purpose by the council as provided in this act. Approval of the proposal requires the affirmative vote of 2/3 of the electors voting at the election by ballot.

(3) If the voters approve financing a part of the estimated amount not in excess of the limitations on indebtedness of the village, the council shall not incur any indebtedness for lighting works on the general faith and credit of the village until the charter is amended to permit the issuance of mortgage bonds on the proposed lighting plant, its revenues and franchise, in excess of the general limitations on indebtedness as provided by this act, in an amount equal to the difference between the indebtedness authorized by this act, and the estimated amount.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2903;—CL 1915, 2777;—Am. 1925, Act 214, Imd. Eff. May 6, 1925;—CL 1929, 1686;—CL 1948, 72.3;—Am. 1998, Act 254, Imd. Eff. July 13, 1998;—Am. 2003, Act 305, Eff. Jan. 1, 2005.

72.4 Authorized village lighting; borrowing; limitation; payment; bonds; terms.

Sec. 4. (1) A village may borrow a sum of money not exceeding 5% of the taxable value of the property in the village as shown by the last preceding tax roll, to be used exclusively for the purpose of purchasing or constructing and maintaining lighting works as provided in this chapter. The council may fix the time and place of the payment of the principal and interest of the debt contracted under the provisions of this chapter, and issue bonds of the village for those purposes. Bonds issued under this section are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

(2) The total amount expended for the purchase or construction of the lighting works shall not exceed the amount of the estimate of expense provided for in section 3 of this chapter.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2904;—CL 1915, 2778;—CL 1929, 1687;—CL 1948, 72.4;—Am. 1998, Act 254, Imd. Eff. July 13, 1998;—Am. 2002, Act 276, Imd. Eff. May 9, 2002.

72.5 Lighting works; repairs, alterations, or extensions; raising and expenditure of funds; title retention contract providing for payment from available net revenues; construction.

Sec. 5. (1) After lighting works have been purchased or constructed in the village as provided in this chapter, the council may raise and expend money to repair, alter, or extend the lighting works without submitting the question to the electors of the village. However, the sum to be so raised, in any 1 year, shall be included in, and shall not increase the total amount that the council is authorized to raise under section 1 of chapter IX.

(2) Instead of raising the funds by tax, the council may, by a contract that does not impose a general obligation on the village, provide for repairs, alterations, or extensions of the lighting works. The contract shall provide for payment of the contract out of the net revenues which, after payment of obligations due, provision for payment of obligations to become due, and payment of legitimate and necessary operating and other expenses are available from the operation of the lighting works after completion of the repairs, alterations, or extensions. The contract shall provide for the retention of title to materials furnished in the seller until paid for in full. However, a contract made under this section does not deprive the people of the village of any right vested in them by the constitution or the laws of this state, grant a franchise or its operating equivalent, or convey title to property to any person not possessed of such title before the execution of the title retaining contract.

(3) Instead of raising funds to repair, alter, or extend the lighting works by tax as provided by section 1 of chapter IX, or using funds available from the operation of the lighting works, as provided in this section, the council may borrow money and issue bonds in the manner provided in section 3 of this chapter for the acquisition or construction of lighting works, except that approval of the proposal requires the affirmative vote of 3/5 of the electors voting on the question.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2905;—CL 1915, 2779;—Am. 1919, Act 309, Eff. Aug. 14, 1919;—CL 1929, 1688;—CL 1948, 72.5;—Am. 1954, Act 119, Eff. Aug. 13, 1954;—Am. 1983, Act 44, Imd. Eff. May 12, 1983;—Am. 1998, Act

254, Imd. Eff. July 13, 1998;—Am. 2002, Act 276, Imd. Eff. May 9, 2002.

Compiler's note: For provisions of section 1 of chapter 9, referred to in the first sentence, see MCL 69.1.

72.6 Light rates.

Sec. 6. The council may fix the just and equitable rates for supplying the village with lights.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2906;—CL 1915, 2780;—CL 1929, 1689;—CL 1948, 72.6;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

72.7 Lighting; condemnation of property.

Sec. 7. If it is necessary in the judgment of the council to appropriate private property for the construction and maintenance, or for the due operation of lighting works, the village may do so in the manner provided in the uniform condemnation procedures act, 1980 PA 87, MCL 213.51 to 213.75.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2907;—CL 1915, 2781;—CL 1929, 1690;—CL 1948, 72.7;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

72.8 Lighting; contract; users of streets, wharves, public grounds.

Sec. 8. The council may contract from year to year, or for a period not exceeding 10 years, with a person to supply the village with gas, electric, or other lights and may grant to the person the right to the use of the streets, alleys, wharves, and public grounds of the village as necessary to construct, maintain, and operate proper works for the supplying of such light upon terms and conditions specified in the contract.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2908;—CL 1915, 2782;—CL 1929, 1691;—CL 1948, 72.8;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

72.9 Lighting works; control and preservation; ordinances and resolutions.

Sec. 9. The council may enact such ordinances and adopt resolutions for the care, protection, preservation, and control of the lighting works, and all the fixtures, appurtenances, apparatus, buildings, and machinery connected with or belonging to the lighting works, and to exercise the powers granted by this chapter.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2909;—CL 1915, 2783;—CL 1929, 1692;—CL 1948, 72.9;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

CHAPTER XIII

APPROPRIATION OF PRIVATE PROPERTY

73.1 Condemnation.

Sec. 1. Private property may be taken for public use in a village for opening, widening, altering, and extending streets, alleys, and avenues; for the construction of bridges, public buildings, and other public structures; for public grounds, parks, marketplaces, and spaces; for public wharves, docks, slips, basins, and landings on navigable waters; for the improvement of sanitary sewers, drains, ditches, storm water systems, water supply systems, and watercourses; for public hospitals; and for other lawful and necessary public uses.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2910;—Am. 1903, Act 176, Imd. Eff. June 4, 1903;—CL 1915, 2784;—CL 1929, 1693;—CL 1948, 73.1;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

73.2 Condemnation; acquisition of property; resolution.

Sec. 2. To initiate the acquisition of private property, the council shall adopt a resolution describing the private property, declaring that the acquisition of the property is necessary for an improvement described in section 1 necessary for the use and benefit of the public, and designating the public improvement. The resolution shall direct that procedures to acquire the property be commenced under the uniform condemnation procedures act, 1980 PA 87, MCL 213.51 to 213.75.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2911;—Am. 1903, Act 176, Imd. Eff. June 4, 1903;—CL 1915, 2785;—CL 1929, 1694;—CL 1948, 73.2;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

73.3 Condemnation; record of proceedings; admissible as evidence.

Sec. 3. If a verdict and judgment in an action under the uniform condemnation procedures act, 1980 PA 87, MCL 213.51 to 213.75, is rendered in favor of the village in the circuit court, then, after the verdict and judgment become final, unless the cause was discontinued, the village clerk shall procure copies of the judgment of the circuit court as well as of the verdict of the jury, and record them in a book of records kept by the village clerk. The book of records of the proceedings kept by the village clerk, or certified copies thereof, shall be admissible in evidence and have the same evidentiary effect as a copy of the order judgment or decree of the circuit court authenticated by the judge or clerk of the court under seal thereof, as provided in section 2106 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2106.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2912;—Am. 1903, Act 176, Imd. Eff. June 4, 1903;—CL 1915, 2786;—CL 1929, 1695;—CL 1948, 73.3;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

73.4 Condemnation; assessment.

Sec. 4. (1) After the village clerk records the final judgment and verdict as provided in section 30 of this chapter, the proper and necessary proceedings may be taken by the council for the collection of the sum awarded by the jury.

(2) If the council believes that real estate in the village in the vicinity of the proposed improvement will be benefited by the improvement, the council may, by an entry in its minutes, determine that the whole or any just proportion of the compensation awarded by the jury, and of the costs and expenses incurred in connection with the proceedings, be assessed upon the owners or occupants of real estate determined to be benefited. The council shall, by resolution, fix and determine the district of the village benefited, and specify the amount to be assessed upon the owners or occupants of the benefited real estate. In determining the amount of such costs and expenses, the council may include all costs and expenses incurred or paid for jurors' fees, expenses of abstracts, all surveys and maps, and all other necessary expenses. The amount of the benefit thus ascertained shall be assessed upon the owners or occupants of the benefited real estate, in proportion, as nearly as may be, to the advantage which each such lot or parcel is deemed to acquire by the improvement.

(3) The assessment shall be made and the amount levied and collected in the same manner and by the same officers and proceedings, as near as may be, provided in sections 31 to 35 of chapter VIII. The assessment roll, when ratified and confirmed by the council, shall be final and conclusive and prima facie evidence of the regularity and legality of all proceedings prior thereto, and each assessment shall be a lien on the premises on which it is assessed until the assessment is paid.

(4) Whatever amount or portion of such awarded compensation, costs, and expenses is not raised by special assessment shall be assessed, levied, and collected upon the taxable real estate of the village, the same as other general taxes are assessed and collected. The village may purchase assessed premises or any portion sold for nonpayment of the amount assessed.

(5) If there is on the private property taken a building or other structure, it may be sold by or under the direction of the council. The amount produced by the sale shall belong and be paid to the fund for paying the compensation awarded for the property taken, and the council shall cause such amount to be credited and applied in reduction pro rata of the assessment and apportionment made to pay for the property taken.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2913;—Am. 1903, Act 176, Imd. Eff. June 4, 1903;—CL 1915, 2787;—CL 1929, 1696;—CL 1948, 73.4;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

73.5 Condemnation by negotiation and purchase.

Sec. 5. This chapter does not prohibit a village from obtaining private property for a public use specified in section 1 of this chapter by negotiation and purchase. Further, this chapter does not permit a village to acquire property by condemnation that is located outside of the village limits.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2914;—Am. 1903, Act 176, Imd. Eff. June 4, 1903;—CL 1915, 2788;—CL 1929, 1697;—CL 1948, 73.5;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

73.6-73.36 Repealed. 1998, Act 254, Imd. Eff. July 13, 1998.

Compiler's note: The repealed sections pertained to condemnation proceedings.

CHAPTER XIV MISCELLANEOUS.

74.1 Village; construed.

Sec. 1. The term village, whenever used in this act, shall be construed to mean a village incorporated under this act or subject to its provisions.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2935;—CL 1915, 2820;—CL 1929, 1729;—CL 1948, 74.1.

74.2 Village not to own stock.

Sec. 2. No village shall become the owner or holder of stock or shares in any incorporated company.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2936;—CL 1915, 2821;—CL 1929, 1730;—CL 1948, 74.2.

74.3 Affidavit or certificate of publication; filing; evidence.

Sec. 3. If, under this act, notice of any matter or proceeding is required to be published or posted, an affidavit or certificate of the publication or posting made by the clerk of the village, or by some other person in the employ of the village knowing the facts shall be prima facie evidence of the facts therein contained if

filed with the village clerk within 6 months from the date of the last publication or posting of the notice.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2937;—CL 1915, 2822;—CL 1929, 1731;—CL 1948, 74.3;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

74.4 Repealed. 1974, Act 4, Imd. Eff. Jan. 30, 1974.

Compiler's note: The repealed section pertained to bonds for payment of judgments or decrees.

74.5 Board of trustees; construction.

Sec. 5. If in any other act the governing body of a village is described as the board of trustees, the trustees, or common council, it shall be construed to mean the body described in this act as the council.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2939;—CL 1915, 2824;—CL 1929, 1733;—CL 1948, 74.5;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

74.6 Changing boundaries; order, copy to secretary of state, evidence.

Sec. 6. Whenever the council of any village shall determine by resolution to alter the boundaries of such village, either by taking in lands and premises adjoining thereto or by taking out any lands and premises included in such village, or both, they shall petition the board of supervisors of the county in which such lands and premises affected thereby are situated to make such change. Such petition shall contain a description by metes and bounds of the lands and premises proposed to be added to or taken out of such village, and shall set forth the reasons for the proposed change, and shall contain a copy of the resolution of the council in relation thereto, and shall be signed by the president and clerk of such village. Before such petition shall be presented to the board of supervisors notice shall be given by the clerk of the time and place when the same will be presented for consideration, by publishing the same in a newspaper published in such village for at least 3 weeks immediately preceding the presentation of the same, and if no newspaper is published in such village, then by posting the same in at least 3 of the most public places within the village, and in at least 3 of the most public places of the territory directly affected thereby. Such notice shall also contain a description of the premises proposed to be taken in or out of the boundaries of such village. At the time of presenting such petition all parties interested may appear before such board of supervisors and be heard touching the proposed boundaries of such village, and after such hearing and due consideration of such petition, it shall be the duty of the board of supervisors to order and determine as to whether the prayer contained in the petition or any part thereof shall be granted, and they shall make an order of such determination, which order shall be entered upon their records, and thereupon the boundaries of such village shall be fixed and shall exist as provided in such order, and a certified copy thereof shall be transmitted to the clerk of such village and to the secretary of state, and such order shall be prima facie evidence of such change of boundaries of such village and of the regularity of such proceedings in all courts and places.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2940;—CL 1915, 2825;—CL 1929, 1734;—CL 1948, 74.6.

74.6a Petition for annexation or detachment; prohibition.

Sec. 6a. The county board of commissioners shall not consider the petition of a village council for annexation or detachment of territory under section 6 of this chapter if the petition is presented during the pendency of a petition to disincorporate the village filed under section 18a of this chapter.

History: Add. 1998, Act 254, Imd. Eff. July 13, 1998.

74.7 Reincorporation of villages; repeal.

Sec. 7. Villages incorporated before February 19, 1895 under any general or special law of this state, are reincorporated under and made subject to this act, effective February 25, 1895. General or special laws under which those villages were incorporated are repealed effective February 25, 1895.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2941;—CL 1915, 2826;—CL 1929, 1735;—CL 1948, 74.7;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

74.8 Reincorporation of villages; rights, obligations; remedies.

Sec. 8. All villages reincorporated under and made subject to the provisions of this act, as provided in the preceding section, shall succeed to and be vested with all the property, real and personal, moneys, rights, credits and effects, and all the records, files, books and papers belonging to such villages as formerly incorporated, and no rights or liabilities, either in favor of or against such former corporation, existing at the time of its reincorporation, under or subject to the provisions of this act, and no suit or prosecution of any kind shall be in any manner affected by such change, but the same shall stand or progress as if no such change had been made, and all debts and liabilities of the former corporation shall be deemed to be the debts and liabilities of the new corporation, and all taxes levied and uncollected at the time of such change shall be

collected the same as if such change had not been made: Provided, That when a different remedy is given in this act, which can be made applicable to any rights existing at the time of the incorporation of the village under or subject to this act, the same shall be deemed cumulative to the remedies before provided, and may be used accordingly.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2942;—CL 1915, 2827;—CL 1929, 1736;—CL 1948, 74.8.

74.9 Repealed. 1998, Act 254, Imd. Eff. July 13, 1998.

Compiler's note: The repealed section pertained to effect of reincorporation relating to present officers.

74.10 Reincorporation; existing by-laws, ordinances, rules and regulations.

Sec. 10. The by-laws and ordinances of any such village, and the rules and regulations of the council and of any board of such village heretofore in force and not inconsistent with this act, shall remain in force after the passage of this act, and are hereby declared to be re-enacted, by virtue of and under the powers conferred by this act, until altered, amended or repealed by the council or board as the case may be.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2944;—CL 1915, 2829;—CL 1929, 1738;—CL 1948, 74.10.

74.11 Repealed. 1998, Act 254, Imd. Eff. July 13, 1998.

Compiler's note: The repealed section pertained to effect of reincorporation relating to special assessments.

74.12 Reincorporation; granted licenses.

Sec. 12. All licenses granted by any such village under its former act of incorporation shall be and remain in full force and virtue until the expiration of the time for which they were granted.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2946;—CL 1915, 2831;—CL 1929, 1740;—CL 1948, 74.12.

74.13 Repealed. 1998, Act 254, Imd. Eff. July 13, 1998.

Compiler's note: The repealed section pertained to effect of reincorporation relating to elections.

74.15 Repealed. 1998, Act 254, Imd. Eff. July 13, 1998.

Compiler's note: The repealed section pertained to effect of reincorporation relating to platted and subdivided land.

74.17, 74.18 Repealed. 1988, Act 33, Imd. Eff. Feb. 25, 1988.

Compiler's note: The repealed sections pertained to vacating incorporation of village.

74.18a Disincorporation of village; procedure.

Sec. 18a. (1) To initiate the disincorporation of a village, a petition signed by not less than 15% of the registered electors of the village requesting a vote on the question of whether the village shall disincorporate shall be filed with the township clerk.

(2) A petition shall designate the township or townships into which the village is proposed to be disincorporated. A village shall be disincorporated into the township or townships in which it is located, along existing township boundaries.

(3) After the petition is filed with the township clerk a petition affecting the village shall not be filed with the state boundary commission and a petition requesting disincorporation of the village into a different township shall not be filed under this act until the disincorporation process provided for by this act has concluded.

(4) Not more than 14 days after the petition is filed, the township clerk shall verify the signatures and determine the sufficiency of the petition. Unless the council proceeds under sections 23 to 23i of this chapter, if the clerk determines that the petition is sufficient, the question of the disincorporation of the village shall appear on the ballot at the next general or special election to be held in the village, subject to the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992. The township clerk shall prepare the ballot language, in substantially the following form:

"Shall incorporation of the village of _____ be vacated?

() Yes

() No".

(5) The county election commission of the county in which the greatest number of electors of the village reside shall provide ballots for the election.

(6) The clerk and election officials of each township into which the village is proposed to be disincorporated shall conduct the election on the proposed disincorporation in the village and the portions of the township outside the boundaries of the village, respectively.

(7) If the election on the proposed disincorporation is to be held in conjunction with a general election or a

state primary election immediately before a general election, the notices of close of registration and election shall be published as provided for by the state election laws. Otherwise, the county clerk of the county in which the greatest number of electors of the village reside shall publish the notices of close of registration and election. The notice of close of registration shall include the ballot language of the proposal.

(8) The results of the election on the proposed disincorporation shall be canvassed by the board of county canvassers of the county in which the village is located.

(9) The disincorporation of the village shall take place under this section only if 2/3 of the electors voting on the questions vote "yes". If the disincorporation is approved, the council shall immediately cause a transcript of all the proceedings in the case to be certified to both of the following:

(a) The county clerk of the county in which the village or the principal part of the village is located.

(b) The secretary of state.

History: Add. 1988, Act 33, Imd. Eff. Feb. 25, 1988;—Am. 1998, Act 254, Imd. Eff. July 13, 1998;—Am. 2003, Act 305, Eff. Jan. 1, 2005;—Am. 2013, Act 52, Imd. Eff. June 11, 2013.

74.19 Vacating incorporation of village; submission of transcript to county board of commissioners.

Sec. 19. Upon receiving the transcript of the proceedings in submitting to a vote of the electors the question of vacating the incorporation of any village as provided in section 18a of this chapter, the county clerk shall submit the transcript to the county board of commissioners, which shall at its next regular annual meeting pass a resolution vacating the incorporation of the village.

History: Add. 1897, Act 182, Imd. Eff. May 29, 1897;—CL 1897, 2952;—CL 1915, 2836;—CL 1929, 1745;—CL 1948, 74.19;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

74.20 Vacation of village incorporation; disposition of village property; assessment; levy; placement in separate fund.

Sec. 20. (1) Upon the vacation of the incorporation of any village under sections 18a and 19 of this chapter, the officers of the village shall immediately deposit all books, papers, records, and files relating to the organization of or belonging to the village that are in their custody as village officers with the county clerk of the county in which the village or the principal part of the village is located for safe keeping and reference. The indebtedness of the vacated village, whether bonded or otherwise, shall be assessed, levied, and collected upon the territory embraced within the boundaries of the village immediately prior to the vacation. The township board of the township or townships in which the territory formerly embraced within the limits of the vacated village shall levy upon the assessment roll or rolls of the township upon the property formerly embraced within the limits of the village, the indebtedness of the village, or such portion of the village that is apportioned to the part of the territory formerly constituting the village that lies within the township as provided in subsection (2). This levy shall be made not more than 1 year after the date that the village incorporation is vacated. However, if the indebtedness falls due at a specified time, an assessment shall be made that will satisfy the indebtedness when it falls due.

(2) The taxes assessed and levied under subsection (1) shall be collected the same as other taxes, and shall be placed in a separate fund and applied to the payment of such indebtedness. The manner of the payment of the indebtedness shall be fixed by resolution of the township board or boards described in subsection (1).

History: Add. 1897, Act 182, Imd. Eff. May 29, 1897;—CL 1897, 2953;—CL 1915, 2837;—CL 1929, 1746;—CL 1948, 74.20;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

74.21 Vacation of village incorporation; apportionment of indebtedness; village in more than one township or county.

Sec. 21. (1) If the territory formerly embraced within a village vacated pursuant to sections 18a and 19 of this chapter consists of territory of 2 or more townships in the same county, the township boards shall apportion, among their townships, the amount of the indebtedness of the vacated village that each township shall bear.

(2) If a village vacated pursuant to sections 18a and 19 of this chapter was comprised of territory from 2 different counties, the county boards of commissioners of the 2 counties shall determine what portion of the indebtedness of the vacated village each county shall bear, using as a basis the last preceding assessment roll of the vacated village before its vacation. The indebtedness, when so apportioned, shall be assessed, levied, and collected as provided in section 20 of this chapter.

History: Add. 1897, Act 182, Imd. Eff. May 29, 1897;—CL 1897, 2954;—CL 1915, 2838;—CL 1929, 1747;—CL 1948, 74.21;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

74.22 Placing property outside corporate limits; procedure; resolution, board of supervisors.

Sec. 22. In case any person or persons want their property placed without the corporate limits of any village, they may make application to the board of supervisors of the county in which such village is located, to change the boundaries thereof in such manner as will place the property of the person or persons applying therefor without the corporate limits of such village. Such application shall be filed with the county clerk of each county at least 10 days prior to the annual session in October of such board of supervisors, and shall be signed by 100 taxpayers of the village, or by 1/10 of the taxpayers of such village. Any person intending to apply to the board of supervisors to have his property placed without the corporate limits of any village shall give or cause to be given at least 15 days' notice of such application to the clerk of said village and by posting the same in at least 3 conspicuous public places within such village. Upon receiving the application aforesaid, the board of supervisors shall have power, by resolution, to change the boundaries of such village, as described and mentioned in such application.

History: Add. 1897, Act 182, Imd. Eff. May 29, 1897;—CL 1897, 2955;—CL 1915, 2839;—CL 1929, 1748;—CL 1948, 74.22.

74.23 Resolution for election of procedures.

Sec. 23. Not later than the next meeting of council held after the clerk verifies the petition signatures and determines the sufficiency of the petition under section 18a of this chapter, the council may by resolution elect to proceed under this section and sections 23a to 23i of this chapter.

History: Add. 1998, Act 254, Imd. Eff. July 13, 1998.

74.23a Disincorporation commission; composition; appointment of members.

Sec. 23a. (1) A disincorporation commission shall be composed of 3 members representing each township into which the village is proposed to be disincorporated and a number of members representing the village equal to the number of members representing townships.

(2) The village president with approval of the village council, shall appoint the members representing the village. The township supervisor of a township, with approval of the township board, shall appoint the members representing the township.

(3) Disincorporation commission members may be village or township officials.

History: Add. 1998, Act 254, Imd. Eff. July 13, 1998.

74.23b Disincorporation commission; oath of office; vacancy.

Sec. 23b. (1) An individual appointed to the disincorporation commission shall take the constitutional oath of office.

(2) A vacancy in the disincorporation commission is created in the manner provided in section 3 of 1846 RS 15, MCL 201.3.

(3) If a member of a disincorporation commission vacates office, the vacancy shall be filled by appointment in the same manner as provided in subsection (1).

History: Add. 1998, Act 254, Imd. Eff. July 13, 1998.

74.23c Disincorporation commission; chairperson; secretary; officers; bylaws; quorum; conducting business at public meetings.

Sec. 23c. (1) The president of the village shall appoint 1 of the village members as chairperson of the disincorporation commission.

(2) The village clerk shall call the first meeting of the disincorporation commission and shall serve as secretary of the commission and keep its minutes and records.

(3) At its first meeting, the disincorporation commission shall elect such other officers it considers advisable.

(4) The disincorporation commission shall adopt bylaws to govern the conduct of its business.

(5) A majority of the members of the disincorporation commission constitute a quorum for the transaction of business at a meeting of the commission. A majority of the members are required for official action of the disincorporation commission.

(6) The disincorporation commission shall conduct its business at a public meeting held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(7) A writing prepared, owned, used, in possession of, or retained by the disincorporation commission in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

History: Add. 1998, Act 254, Imd. Eff. July 13, 1998.

74.23d Disincorporation commission; contract for consultants and advisors; funds.

Sec. 23d. (1) The disincorporation commission may contract for such consultants and advisors as may be reasonably necessary in its discretion to carry out its responsibilities.

(2) The village council shall appropriate for the disincorporation commission sufficient funds for the commission to reasonably carry out its responsibilities.

(3) The disincorporation commission may accept any private or public funding.

History: Add. 1998, Act 254, Imd. Eff. July 13, 1998.

74.23e Disincorporation plan; elements to be included; findings.

Sec. 23e. (1) The disincorporation commission may adopt a disincorporation plan for the village. Adoption of a disincorporation plan requires the affirmative vote of 2/3 of the members representing the village and 2 of the members representing each township of the disincorporation commission.

(2) The disincorporation plan shall provide an orderly process for disincorporation of the village. The disincorporation plan shall include all of the following elements:

(a) An interim land use plan and interim zoning of the property within the limits of the village.

(b) Provision for payment of all indebtedness of the village, including any outstanding judgments, or judgments that may result from pending or future litigation to which the village may become a party.

(c) Disposition of real and personal property and other assets, including funds, deposits, and investments.

(d) Disposition of all public records of the village in accordance with a records retention plan as provided by law, including files, books, and papers.

(e) Transfer or termination of employees, and contracts of employment, and disposition of employee benefits, including retirement, health and life insurance, unemployment compensation, accrued sick and vacation leave, and any other benefits.

(f) Jurisdiction over streets, roads, bridges, alleys, sidewalks, and any public easements in the village, and for their maintenance and repair, including street lights and snow removal.

(g) Jurisdiction over traffic control and traffic control devices.

(h) Provision for any special assessments or special assessment districts within the village, including, but not limited to, street maintenance, street sweeping, and private road service.

(i) The transfer or termination of public utilities and public services of the village, including, but not limited to, water, sewer, drainage, cable television, street lighting, electric service, and garbage and refuse service.

(j) Regulation or orderly transfer of responsibility for any special districts, including, but not limited to, established historic districts, downtown development districts, tax increment financing districts, and land subject to any land transfer agreements.

(k) Provision for any authorities that the village has established or in which the village is a member.

(l) Findings as to the fiscal impact of dissolution upon the township or townships into which the village is proposed to be disincorporated and the residents of the village, including the estimated revenues gained by the township and losses to each municipality from property taxes and from state revenue sharing and from gas and weight tax revenues distributed by this state to the village and any township into which the village is proposed to be disincorporated.

(m) A process for the resolution of any dispute that may arise over the implementation of the plan, if adopted, and the procedure that a party to any such dispute may utilize for this process.

(3) The disincorporation commission may make findings as to the effect of disincorporation upon collateral matters including, but not limited to, property values, public service levels and costs, and local property tax rates.

History: Add. 1998, Act 254, Imd. Eff. July 13, 1998.

74.23f Disincorporation plan; submission; ratification.

Sec. 23f. A disincorporation plan adopted under section 23e shall be submitted to the council and to the township board of each affected township. The council and township board or boards may ratify the disincorporation plan. If the council and the township board of each affected township ratify the plan, the question of disincorporation pursuant to the plan shall be placed on the ballot pursuant to section 23g of this chapter. If the council or the township board of each affected township fails to ratify the disincorporation plan, the question of disincorporation shall be submitted to the electorate as described in section 18a of this chapter not more than 1 year after the date the disincorporation was filed under section 18a of this chapter.

History: Add. 1998, Act 254, Imd. Eff. July 13, 1998.

74.23g Disincorporation plan; approval; ballot; form; special election; failure of commission

to adopt plan.

Sec. 23g. (1) If the disincorporation plan is approved under section 23f of this chapter, the clerk of the disincorporation commission shall prepare and certify to the county clerk of each county where the village is located ballot language describing the proposed disincorporation and that includes the following in substantially the following form:

“Shall the village of _____ be disincorporated pursuant to the plan adopted by the disincorporation commission?

() Yes

() No”.

(2) The clerk of the disincorporation commission shall certify the proposed disincorporation for inclusion on the ballot at the next general election, the state primary immediately preceding the general election, or a special election not occurring within 45 days of a state primary or a general election, as specified by the clerk of the disincorporation commission. However, the clerk of the disincorporation commission shall not certify the proposed disincorporation for inclusion on the ballot at either of the following:

(a) An election to be held less than 60 days after the date of certification.

(b) An election to be held more than 1 year after the township clerk verifies the petition signatures and determines that the petition is sufficient under section 18a of this chapter.

(3) If a special election is requested by the clerk of the disincorporation commission, the county clerk of the county in which the greatest number of electors of the village reside shall schedule the election in compliance with section 641 of the Michigan election law, 1954 PA 116, MCL 168.641. The proposal shall be submitted to the qualified and registered electors residing in the village and each township into which the village is proposed to be disincorporated at that election.

(4) If a disincorporation commission fails to adopt a plan under section 23e of this chapter or the clerk of the disincorporation commission does not certify the proposed disincorporation for inclusion on the ballot under this section, the question of disincorporation shall be submitted to the electors as described in section 18a of this chapter not more than 1 year after the date the disincorporation petition was filed under section 18a of this chapter.

History: Add. 1998, Act 254, Imd. Eff. July 13, 1998;—Am. 2003, Act 305, Eff. Jan. 1, 2005.

74.23h Disincorporation; approval by electors.

Sec. 23h. (1) The proposed disincorporation is approved by the electors and shall take place pursuant to the plan adopted under section 23e of this chapter only if a majority of each of the following votes cast on the question of the proposed disincorporation are in favor of the disincorporation:

(a) The votes cast by electors of the village.

(b) The votes cast by the electors of each township into which the village is proposed to be disincorporated, counted separately, and excluding votes cast by residents of the village.

(2) Unless the proposed disincorporation is approved as provided in subsection (1), the proposed disincorporation pursuant to a plan adopted under section 23e of this chapter is disapproved by the electors and the village shall not be disincorporated pursuant to the plan.

History: Add. 1998, Act 254, Imd. Eff. July 13, 1998.

74.23i Filing new petition; limitation.

Sec. 23i. A new petition shall not be filed under section 18a of this chapter less than 2 years after the election if the disincorporation is disapproved by the electors at an election held pursuant to section 18a or 23g of this chapter.

History: Add. 1998, Act 254, Imd. Eff. July 13, 1998.

74.24 Modification of act.

Sec. 24. A village incorporated under this act may locally modify this act by complying with the provisions governing the amendment of a charter under the home rule village act, 1909 PA 278, MCL 78.1 to 78.28.

History: Add. 1998, Act 254, Imd. Eff. July 13, 1998.

74.25 Short title.

Sec. 25. This act shall be known and may be cited as “the general law village act”.

History: Add. 1994, Act 87, Eff. Oct. 1, 1994.

CHAPTER XV

ELECTIONS FOR BORROWING MONEY AND ISSUING BONDS; ISSUANCE OF BONDS AND LEVY

OF A TAX TO PAY PRINCIPAL AND INTEREST THEREOF.

75.1-75.12 Repealed. 1974, Act 4, Imd. Eff. Jan. 30, 1974.

OPEN MEETINGS ACT HANDBOOK



ATTORNEY GENERAL DANA NESSEL

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OPEN MEETINGS ACT

THE BASICS

The Act

The [Open Meetings Act \(OMA\)](#) is 1976 PA 267, MCL 15.261 through 15.275. The OMA took effect January 1, 1977. In enacting the OMA, the Legislature promoted a new era in governmental accountability and fostered openness in government to enhance responsible decision making.¹

Nothing in the OMA prohibits a public body from adopting an ordinance, resolution, rule, or charter provision that requires a greater degree of openness relative to public body meetings than the standards provided for in the [OMA](#).²

What Bodies are Covered?

The OMA applies to all meetings of a [public body](#).³ A “public body” is broadly defined as:

[A]ny state or local legislative or governing body, including a board, commission, committee, subcommittee, authority, or council, that is empowered by state constitution, statute, charter, ordinance, resolution, or rule to *exercise governmental or proprietary authority or perform a governmental or proprietary function*; a lessee of such a body performing an essential public purpose and function pursuant to the [lease agreement](#); or the board of a nonprofit corporation formed by a city under section 40 of the home rule city act, 1909 PA 279, MCL 117.40.⁴ [Emphasis added.]

As used in the OMA, the term “[public body](#)” connotes a collective entity and does not include an individual government official.⁵ The OMA also does not apply to [private](#).

¹ *Booth Newspapers, Inc v Univ of Mich Bd of Regents*, 444 Mich 211, 222–223; 507 NW2d 422 (1993).

² MCL 15.261.

³ MCL 15.263. When the Handbook refers to a “board”, the term encompasses all boards, commissions, councils, authorities, committees, subcommittees, panels, and any other public body.

⁴ MCL 15.262(a). The provision in the OMA that includes a lessee of a public body performing an essential public purpose is unconstitutional because the title of the act does not refer to organizations other than “public bodies.” OAG, 1977-1978, No 5207, p 157 (June 24, 1977). Certain boards are excluded “when deliberating the merits of a case.” MCL 15.263(7). See also MCL 15.263(8) and (10).

⁵ *Herald Co v Bay City*, 463 Mich 111, 129–133; 614 NW2d 873 (2000) (holding that a city manager is not subject to the OMA); *Craig v Detroit Public Schs Chief Executive Officer*, 265 Mich App 572, 579; 697 NW2d 529 (2005). OAG, 1977-1978, No 5183A, p 97 (April 18, 1977).

[nonprofit corporations](#).⁶ Furthermore, an advisory body without express decision-making authority is not a “public body” under the OMA.⁷

Public Notice Requirements

A meeting of a public body cannot be held unless public notice is given consistent with the OMA.⁸ A [public notice](#) must contain the public body’s name, telephone number, and address, and must be posted at its principal office and any other locations the public body considers appropriate.⁹ If a public body is a part of a state department, a [public notice](#) must also be posted in the principal office of the state department.¹⁰

Public notice requirements are specific to the type of meeting:

1. For regular meetings of a public body, there shall be posted within 10 days after the first meeting of the public body in each calendar or fiscal year a public notice stating the dates, times, and places of its regular meetings.
2. For a change in schedule of regular meetings of a public body, there shall be posted within three days after the meeting at which the change is made, a public notice stating the new dates, times, and places of its regular meetings.
3. For a rescheduled regular or a special meeting of a public body, a public notice stating the date, time, and place of the meeting shall be posted at least 18 hours before the meeting.
4. A meeting of a public body which is recessed for more than 36 hours shall be reconvened only after [public notice](#) has been posted at least 18 hours before the reconvened meeting.¹¹

At their first meeting of the calendar or fiscal year, each board must set the dates, times, and places of the board’s regular meetings for the coming year. The OMA

⁶ OAG, 1985-1986, No 6352, p 252 (April 8, 1986) (The Michigan High School Athletic Association is not subject to the OMA.). See also *Perlongo v Iron River Coop TV Antenna Corp*, 122 Mich App 433; 332 NW2d 502 (1983).

⁷ See *Pinebrook Warren, LLC v City of Warren*, ___ Mich App ___ (2022) holding that a review committee was not a public body subject to the OMA because the ordinance that created the committee did not grant the committee with authority to make final licensing decisions, which was retained by the city council. The Court found the lack of an express grant of authority to exercise governmental or proprietary authority or to perform a governmental or proprietary function was determinative.

⁸ MCL 15.265(1); *Nicholas v Meridian Charter Twp*, 239 Mich App 525, 531; 609 NW2d 574 (2000).

⁹ MCL 15.264(a)-(c).

¹⁰ MCL 15.264(c).

¹¹ MCL 15.265(2)-(5).

does not require any particular number of meetings. The board may cancel or reschedule its regular meetings.

The minimum 18 hour notice requirement is not fulfilled if the public is denied access to the notice of the meeting for any part of the 18 hours.¹² The requirement may be met by posting at least [18 hours](#) in advance of the meeting using a method designed to assure access to the notice. For example, the public body can post the notice at the main entrance visible on the outside of the building that houses the principal office of the public body.¹³ If the public body maintains an “official internet presence” that includes monthly or more frequent updates of public meetings agendas and minutes, they must also post [notice](#) of a special meeting at least 18 hours before the meeting on a portion of the body’s website fully accessible to the public.¹⁴

A public body must send copies of the public notices by first class mail to a requesting party, upon the party’s payment of a yearly fee of not more than the reasonable estimated cost of printing and postage. Upon written request, a public body, at the same time a public notice of a meeting is posted, must provide a copy of the public notice to any newspaper published in the state or any radio or television station located in the state, [free of charge](#).¹⁵

Agendas and the OMA

While the OMA requires a public body to give public notice when it meets, it has no requirement that the [public notice](#) include an agenda or a specific statement as to the purpose of a meeting.¹⁶ No agenda format is required by the OMA.¹⁷

Penalties for OMA Violations

A public official who “intentionally violates” the OMA may be found guilty of a [misdemeanor](#)¹⁸ and may be [personally liable](#) for actual and exemplary damages of not more than \$500 for a single meeting.¹⁹ The exemptions in the OMA must be strictly construed. The “rule of lenity” (i.e., courts should mitigate punishment when

¹² OAG, 1979-1980, No 5724, p 840 (June 20, 1980).

¹³ OAG No 5724.

¹⁴ MCL 15.265(4).

¹⁵ MCL 15.266.

¹⁶ OAG, 1993-1994, No 6821, p 199 (October 18, 1994). But, as discussed in OAG No 6821, other statutes may require a public body to state in its notice the business to be transacted at the meeting.

¹⁷ *Lysogorski v Bridgeport Charter Twp*, 256 Mich App 297, 299; 662 NW2d 108 (2003).

¹⁸ MCL 15.272.

¹⁹ MCL 15.273.

the punishment in the criminal statute is unclear) does not apply to construction of the OMA's exemptions.²⁰

A decision made by a public body may be invalidated by a court, if the public body has not complied with the requirements of [MCL 15.263\(1\), \(2\), and \(3\)](#) [i.e., making decisions at a public meeting] or if failure to give notice in accordance with section 5 has interfered with substantial compliance with [MCL 15.263\(1\), \(2\), and \(3\)](#), and the court finds that the noncompliance has impaired the rights of the public under the OMA.

Lawsuits to Compel Compliance

Actions must be brought within [60 days](#) after the public body's approved minutes involving the challenged decision are made publicly available.²¹ If the decision involves the approval of contracts, the receipt or acceptance of bids, or the procedures pertaining to the issuance of bonds or other evidences of indebtedness, the action must be brought within [30 days](#) after the approved minutes are made publicly available.²² If the decision of a state public body is challenged, venue is in the Court of Claims.²³

Correcting Non-Conforming Decisions

In any case where a lawsuit has been initiated to invalidate a public body's decision on the ground that it was not made in conformity with the OMA, the public body may, without being deemed to make any admission contrary to its interest, reenact the disputed decision in conformity with the OMA. A decision reenacted in this manner shall be effective from the [date of reenactment](#) and is not rendered invalid by any deficiency in its initial enactment.²⁴ If the board acts quickly, the reenactment may defeat a claim for attorney's fees, since plaintiffs would not be successful in "obtaining relief in the action" within the meaning of the OMA.²⁵ The public body need not, however, wait for a lawsuit to correct a decision made at a meeting that did not comply with the OMA.²⁶

²⁰ *People v Whitney*, 228 Mich App 230, 244; 578 NW2d 329 (1998).

²¹ MCL 15.270(3)(a).

²² MCL 15.270(3)(b).

²³ MCL 15.270(4).

²⁴ MCL 15.270(5).

²⁵ *Leemreis v Sherman Twp*, 273 Mich App 691, 700; 731 NW2d 787 (2007). *Felice v Cheboygan County Zoning Comm*, 103 Mich App 742, 746; 304 NW2d 1 (1981).

²⁶ *Lockwood v Ellington Twp*, 323 Mich App 392, 405; 917 NW2d 413 (2018).

DECISIONS MUST BE MADE IN PUBLIC MEETINGS

All Decisions Must be Made at a Meeting Open to the Public

The OMA provides that “[a]ll decisions of a public body shall be made at a meeting open to the public,” and that, with limited exceptions, “[a]ll deliberations of a public body constituting a quorum of its members shall take place at a meeting [open to the public](#).”²⁷ The OMA defines “decision” to mean “a determination, action, vote, or disposition upon a motion, proposal, recommendation, resolution, order, ordinance, bill, or measure on which a vote by members of a public body is required and by which a [public body](#) effectuates or formulates public policy.”²⁸

The OMA does not prescribe any specific form of formal voting requirement, but any kind of process that equates to decision-making falls under the act and so must be conducted at an open meeting.²⁹ For example, where board members use telephone calls or sub-quorum meetings to achieve the same intercommunication that could have been achieved in a full board or commission meeting, the members’ conduct is susceptible to “round-the-horn” decision-making, which achieves the same effect as if the entire board had met publicly and formally cast its votes and would violate the OMA.³⁰

Canvassing Board Members on How they Might Vote

Although similar to prohibited “round-the-horn” decision making described above, an informal canvas by one member of a public body to find out where the votes would be on a particular issue does not violate the OMA, so long as no decisions are made during the discussions and the discussions are not a deliberate attempt to the avoid the OMA.³¹

Meeting “Informally” to Discuss Matters

To promote openness in government, exceptions to the OMA must be construed strictly.³² Thus, the [closed session exception](#) does not allow a quorum of a public

²⁷ MCL 15.263(2) and (3).

²⁸ MCL 15.262(d).

²⁹ *Booth Newspapers, Inc*, 444 Mich at 229.

³⁰ *Booth Newspapers, Inc*, 444 Mich at 229 (“[A]ny alleged distinction between the [public body’s] consensus building and a determination or action, as advanced in the OMA’s definition of ‘decision,’ is a distinction without a difference.”).

³¹ *St Aubin v Ishpeming City Council*, 197 Mich App 100, 103; 494 NW2d 803 (1992).

³² *Wexford County Prosecutor v Pranger*, 83 Mich App 197, 201, 204; 268 NW2d 344 (1978).

body to meet to discuss matters of public policy, even if there is no intention that the deliberations will lead to a decision on that occasion.³³

When may a Quorum of a Board Gather Outside an Open Meeting Without Violating the OMA?

The OMA “does not apply to a meeting which is a [social or chance gathering or conference](#) not designed to avoid this act.”³⁴ The OMA, however, does not define the terms “social or chance gathering” or “conference,” and provides little direct guidance as to the precise scope of this [exemption](#).³⁵

In addition to a purely [social gathering or chance gathering](#)³⁶ that does not involve discussions of public policy among the members of the board, a quorum may accept an invitation to address a [civic organization](#),³⁷ listen to the concerns of a neighborhood organization, or observe demonstrations, if the board doesn’t deliberate toward, or make, a [decision](#).³⁸

A board quorum also may meet for a workshop, seminar, informational gathering, or professional conference designed to convey, to the conference participants, information about areas of [professional interest](#) common to all conference participants rather than a more limited focus on matters or issues of [particular interest](#) to a single public body.³⁹ However, when gatherings are designed to receive input from officers or employees of the public body, the OMA requires that the gathering be held at a [public meeting](#).⁴⁰

For example, the OMA was not violated when several members of the board of county commissioners attended a public meeting of the county planning committee (which had more than fifty members, two who were county commissioners), which resulted in a quorum of the board being present at the meeting (without the

³³ Compare OAG, 1977-1978, No 5298, p 434, 435 (May 2, 1978). See also OAG, 1979-1980, No 5444, p 55, 56 (February 21, 1979) (explaining that anytime a quorum of a public body meets and considers a matter of public policy, the meeting must comply with the OMA’s requirements), with OAG, 1979-1980, No 5437, p 36, 37 (February 2, 1979) (explaining that where members of a public body constituting a quorum come together by chance, the gathering is exempt from the OMA; however, even at a chance meeting, matters of public policy may not be discussed by the members with each other).

³⁴ MCL 15.263(10).

³⁵ OAG, 1981-1982, No 6074, p 662, 663 (June 11, 1982).

³⁶ OAG, 1979-1980, No 5437, p 36 (February 2, 1979).

³⁷ OAG, 1977-1978, No 5183, p 21, 35 (March 8, 1977).

³⁸ OAG, 1977-1978, No 5364, p 606, 607 (September 7, 1978).

³⁹ OAG, 1979-1980, No 5433, p 29, 31 (January 31, 1979).

⁴⁰ OAG No 5433 at p 31.

meeting also being noticed as a county commission meeting), since the nonmember commissioners did not engage in deliberations or render [decisions](#).⁴¹

Advisory Committees and the OMA

The OMA does not apply to committees and subcommittees composed of less than a quorum of the full public body if they “are merely [advisory](#) or only capable of making ‘recommendations concerning the exercise of governmental authority.’”⁴²

Where, on the other hand, a committee or subcommittee is empowered to act on matters in such a fashion as to deprive the full public body of the opportunity to consider a matter, a decision of the committee or subcommittee “is an exercise of governmental authority which effectuates public policy” and the committee or subcommittee proceedings are, therefore, subject to the [OMA](#).⁴³

If a joint meeting of two committees of a board (each with less than a quorum of the board) results in the presence of a quorum of the board, the board must comply in all respects with the OMA and notice of the joint meeting must include the fact that a [quorum](#) of the board will be present.⁴⁴

Use of Email or Other Electronic Communications Among Board Members During an Open Meeting

Email, texting, or other forms of electronic communications among members of a board or commission during an open meeting that involve deliberations toward decision-making or actual decisions violates the OMA, since those communications are not open to the public and, in effect, transform the open meeting into a “closed” session.

While the OMA does not require that all votes by a public body must be by roll call, voting requirements under the act are met when a vote is taken by roll call, show of hands, or other method that informs the public of the public official’s decision rendered by his or her vote. Thus, the OMA bars the use of email or other electronic

⁴¹ OAG, 1989-1990, No 6636, p 253 (October 23, 1989), cited with approval in *Ryant v Cleveland Twp*, 239 Mich App 430, 434–435; 608 NW2d 101 (2000) and *Nicholas*, 239 Mich App at 531–532. If, however, the noncommittee board members participate in committee deliberations, the OMA would be violated. *Nicholas*, 239 Mich App at 532.

⁴² OAG, 1997-1998, No 6935, p 18 (April 2, 1997); OAG No 5183 at p 40.

⁴³ *Schmiedicke v Clare School Bd*, 228 Mich App 259, 261, 263-264; 577 NW2d 706 (1998); *Morrison v East Lansing*, 255 Mich App 505; 660 NW2d 395 (2003); and OAG, 1997-1998, No 7000, p 197 (December 1, 1998) (A committee composed of less than a quorum of a full board is subject to the OMA, if the committee is effectively authorized to determine whether items will or will not be referred for action by the full board), citing OAG, 1977- 1978, No 5222, p 216 (September 1, 1977).

⁴⁴ OAG, 1989-1990, No 6636, at p 254.

communications to conduct a secret ballot at a public meeting, since it would prevent citizens from knowing how members of the public body have [voted](#).⁴⁵

Moreover, the use of electronic communications for discussions or deliberations, which are not, at a minimum, able to be heard by the public in attendance at an open meeting are contrary to the OMA's core purpose – the promotion of openness in government.⁴⁶

Using email to distribute handouts, agenda items, statistical information, or other such material during an open meeting should be permissible under the OMA, particularly when copies of that information are also made available to the public before or during the meeting.

CLOSED SESSIONS

Meeting in Closed Session

A public body may meet in a [closed session](#) *only* for one or more of the permitted purposes specified in section 8 of the OMA.⁴⁷ The [limited purposes](#) for which closed sessions are permitted include, among others:⁴⁸

1. To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, *if the named person requests a [closed hearing](#)*.⁴⁹
2. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement *if either negotiating party requests a [closed hearing](#)*.⁵⁰
3. To consider the purchase or lease of real property up to the time an option to purchase or lease that [real property](#) is obtained.⁵¹

⁴⁵ See *Esperance v Chesterfield Twp*, 89 Mich App 456, 464; 280 NW2d 559 (1979); OAG, 1977-1978, No 5262, p 338 (January 31, 1978).

⁴⁶ See *Booth Newspapers, Inc*, 444 Mich at 229; *Schmiedicke*, 228 Mich App at 263, 264; *Wexford County Prosecutor*, 83 Mich App at 204.

⁴⁷ MCL 15.268. OAG, 1977-1978, No 5183, at p 37.

⁴⁸ The other permissible purposes deal with public primary, secondary, and post-secondary student disciplinary hearings – section 8(b); state legislature party caucuses – section 8(g); compliance conferences conducted by the Michigan Department of Community Health – section 8(i); and public university presidential search committee discussions – section 8(j); and school boards considering security planning to address threats to the safety of students and staff – section 8(k).

⁴⁹ MCL 15.268(a) (Emphasis added).

⁵⁰ MCL 15.268(c) (Emphasis added).

⁵¹ MCL 15.268(d).

4. To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, *but only if* an [open meeting](#) would have a detrimental financial effect on the litigating or settlement position of the public body.⁵²
5. To review and consider the contents of an application for employment or appointment to a public office *if the candidate requests that the application remain confidential*. However, all [interviews](#) by a public body for employment or appointment to a public office shall be held in an open meeting pursuant to this act.⁵³
6. To consider material [exempt](#) from discussion or disclosure by state or federal statute.⁵⁴ But note – a board is not permitted to go into closed session to discuss an attorney’s oral opinion, as opposed to a written legal memorandum.⁵⁵

Decisions Must be Made During an Open Meeting, Not the Closed Session

Section 3(2) of the OMA requires that “[a]ll decisions of a public body shall be made at a meeting [open to the public](#).”⁵⁶ Section 2(d) of the OMA defines “[decision](#)” to mean “a determination, action, vote, or disposition upon a motion, proposal, recommendation, resolution, order, ordinance, bill, or measure on which a vote by members of a public body is required and by which a public body effectuates or formulates public policy.”⁵⁷ And so, the purposes of the closed session must be strictly limited to the exceptions listed above; no decision making is permitted in the closed session.

A Closed Session Must be Conducted During the Course of an Open Meeting

Section 2(c) of the OMA defines “[closed session](#)” as “a meeting or part of a meeting of a public body that is closed to the public.”⁵⁸ Section 9(1) of the OMA provides that

⁵² MCL 15.268(e) (Emphasis added).

⁵³ MCL 15.268(f) (Emphasis added).

⁵⁴ MCL 15.268(h).

⁵⁵ *Booth Newspapers, Inc v Wyoming City Council*, 168 Mich App 459, 467, 469-470; 425 NW2d 695 (1988).

⁵⁶ MCL 15.263(2). See also *St Aubin*, 197 Mich App at 103; OAG, 1977-1978, No 5262, at p 338–339 (The OMA prohibits a voting procedure at a public meeting which prevents citizens from knowing how members of the public body have voted.); OAG, 1979-1980, No 5445, p 57 (February 22, 1979) (A public body may not take final action on any matter during a closed meeting.).

⁵⁷ MCL 15.262(d).

⁵⁸ MCL 15.262(c).

the [minutes](#) of an open meeting must include “the purpose or purposes for which a closed session is held.”⁵⁹

Going into Closed Session

Section 7(1) of the [OMA](#)⁶⁰ sets out the procedure for calling a closed session:

A 2/3 roll call vote of members elected or appointed and serving is required to call a closed session, except for the closed sessions permitted under section 8(a), (b), (c), (g), (i), and (j). The roll call vote and the purpose or purposes for calling the closed session shall be entered into the minutes of the meeting at which the vote is taken.

Thus, a public body may go into closed session only upon a motion duly made, seconded, and adopted by a [2/3 roll call vote](#) of the members appointed and serving⁶¹ during an open meeting for the purpose of (1) considering the purchase or lease of real property, (2) consulting with their attorney, (3) considering an employment application, or (4) considering material exempt from disclosure under state or federal law. A majority vote is sufficient for going into closed session for the other OMA permitted purposes.

It is suggested that every motion to go into closed session should cite one or more of the permissible purposes listed in section 8 of the [OMA](#).⁶² An example of a motion to go into closed session is:

I move that the Board meet in closed session under section 8(e) of the Open Meetings Act, to consult with our attorney regarding trial or settlement strategy in connection with [the name of the specific lawsuit].⁶³

Another example is the need to privately discuss with the public body’s attorney a memorandum of advice as permitted under section 8(h) of the OMA, which provides that “a public body may meet in a closed session . . . to consider material [exempt](#) from discussion or disclosure by state or federal statute.”⁶⁴ The motion should cite section 8(h) of the OMA and the statutory basis for the closed session, such as

⁵⁹ MCL 15.269(1).

⁶⁰ MCL 15.267(1).

⁶¹ And not just those attending the meeting. OAG No 5183 at p 37.

⁶² MCL 15.268.

⁶³ “[I]t is clear that the Legislature intended for public bodies to name the pending litigation before entering a closed session.” *Vermilya v Delta College Bd of Trustees*, 325 Mich App 416, 421; 925 NW2d 897 (2018). The *Vermilya* court cited the OMA Handbook’s recommended motion language with approval. 325 Mich App at 423.

⁶⁴ MCL 15.268(h). Proper discussion of a written legal opinion at a closed meeting is, with regard to the attorney-client privilege exemption to the OMA, limited to the meaning of any strictly legal advice presented in the written opinion. *People v Whitney*, 228 Mich App at 245–248.

section 13(1)(g) of the [Freedom of Information Act](#), which exempts from public disclosure “[i]nformation or records subject to the attorney-client privilege.”⁶⁵

Leaving a Closed Session

The OMA is silent as to how to leave a closed session. A motion may be made to end the closed session with a majority vote needed for approval. While this is a decision made in a closed session, it is not a decision that “effectuates or formulates public policy.”

When the public body has concluded its closed session, the open meeting minutes should state the time the public body reconvened in open session and any votes on matters discussed in the closed session must occur in an open meeting.

Avoid Using the Terms “Closed Session” and “Executive Session” Interchangeably

The term “executive session” does not appear in the OMA, but “closed session” does. “Executive session” is more of a private sector term and is often used to describe a private session of a board of directors, which is not limited as to purpose, where actions can be taken, and no minutes are recorded. This is not the same as a “closed session” under the OMA, and so public bodies should avoid using the term “executive session” to refer to a “closed session.”

Staff and Others May Join the Board in a Closed Session

A public body may rely upon its officers and employees for [assistance](#) when considering matters in a closed session. A public body may also request private citizens to assist, as appropriate, in its considerations.⁶⁶

Forcibly Excluding Persons from a Closed Session

A public body may, if necessary, exclude an [unauthorized individual](#) who intrudes upon a closed session by either (1) having the individual forcibly removed by a law enforcement officer, or (2) by recessing and removing the closed session to a new location.⁶⁷

⁶⁵ MCL 15.243(1)(g).

⁶⁶ OAG, 1979-1980, No 5532, p 324 (August 7, 1979).

⁶⁷ OAG, 1985-1986, No 6358, p 268 (April 29, 1986), citing *Regents of the Univ of Mich v Washtenaw County Coalition Against Apartheid*, 97 Mich App 532; 296 NW2d 94 (1980).

ATTENDING OPEN MEETINGS

Excluding Individuals

No one may be excluded from a meeting otherwise open to the public except for a [breach of the peace](#) actually committed at the meeting.⁶⁸

Identifying Public Attendees

No one may be required to register or otherwise provide his or her name or other information or otherwise to fulfill a [condition](#) precedent to attend a public meeting.⁶⁹

Building security at the meeting site may cause issues. Members of the public might object, based on the [OMA](#), to signing in to gain access to the building where a public meeting is being held.⁷⁰ Therefore, it is recommended that public bodies meet in facilities or areas not subject to public access restrictions.

If the public body wishes the members of the public to identify themselves at the meeting, the board chair may announce something like this:

The Board would appreciate having the members of the public attending the meeting today identify themselves and mention if they would like the opportunity to speak during the public comment period. However, you do not need to give your name to attend this meeting. When the time comes to introduce yourself and you do not want to do so, just say pass.

Since speaking at the meeting is a step beyond “attending” the public meeting and the OMA provides that a person may address the public body “under rules established and recorded by the public body,” the board may establish a [rule](#) requiring individuals to identify themselves if they wish to speak at a meeting.⁷¹

Limiting Public Comment

A public body may adopt a [rule](#) imposing individual time limits for members of the public addressing the public body.⁷² In order to carry out its responsibilities, the board can also consider establishing rules allowing the chairperson to encourage groups to designate one or more individuals to speak on their behalf to avoid cumulative comments. But a [rule](#) limiting the period of public comment may not be

⁶⁸ MCL 15.263(6).

⁶⁹ MCL 15.263(4).

⁷⁰ In addition, “[a]ll meetings of a public body . . . shall be held in a place available to the general public.” MCL 15.263(1).

⁷¹ MCL 15.263(5). OAG, 1977-1978, No 5183, at p 34.

⁷² OAG, 1977-1978, No 5332, p 536 (July 13, 1978) (The rule must be duly adopted and recorded.). OAG, 1977-1978, No 5183, at p 34.

applied in a manner that denies a person the right to address the public body, such as by limiting all public comment to a half-hour period.⁷³

Meeting Location

The [OMA](#) only requires that a meeting be held “in a place available to the general public;” it does not dictate that the meeting be held within the geographical limits of the public body’s jurisdiction.⁷⁴ However, if a meeting is held so far from the public which it serves that it would be difficult or inconvenient for its citizens to attend, the meeting may be considered as not being held at a place available to the general public. Whenever possible, the meeting should be held within the public body’s geographical boundaries. A local public body’s meeting may not take place in a residential building, if a nonresidential building is available without cost within the local unit’s boundaries.⁷⁵

Physical Attendance at Meetings

The OMA has been interpreted to require members of public bodies to be physically present at meetings held within a physical space.⁷⁶ The OMA generally does not provide for remote attendance by public body members or members of the public, except to accommodate the absence of a member of a public body due to the member’s military duty.⁷⁷

Providing Reasonable Accommodations Under the Americans with Disabilities Act

The Americans with Disabilities Act (ADA), 42 USC 12131 *et seq*, and Rehabilitation Act, MCL 395.81 *et seq*, [require state and local boards and commissions to provide reasonable accommodations](#), which could include an option to participate virtually, to qualified individuals with a disability who request an

⁷³ OAG No 5332 at p 538.

⁷⁴ OAG, 1979-1980, No 5560, p 386 (September 13, 1979). However, local charter provisions or ordinances may impose geographical limits on public body meetings.

⁷⁵ MCL 15.265(6). Under this provision, the notice shall be published not less than 2 days before the day on which the meeting is held, and shall state the date, time, and place of the meeting. The notice shall be at the bottom of the display advertisement, set off in a conspicuous manner, and include the following language: “This meeting is open to all members of the public under Michigan’s open meetings act.”

⁷⁶ As part of the measures to prevent the spread of COVID-19, the OMA was amended to temporarily allow public bodies for limited periods to conduct and attend meetings by electronic means. The amendment expired after December 31, 2021, and, generally, only those board members absent due to military duty may participate by electronic means - this provision was part of the OMA before the pandemic.

⁷⁷ MCL 15.263(2).

accommodation in order to fully participate in a meeting as a board or commission member or as a member of the general public.⁷⁸

Timing of Public Comment

A public body has discretion under the OMA when to schedule [public comment](#) during the meeting.⁷⁹ Thus, scheduling public comment at the beginning⁸⁰ or the [end](#)⁸¹ of the meeting agenda does not violate the OMA. The public has no right to address the [commission](#) during its deliberations on a particular matter.⁸²

Taping and Broadcasting

The [right](#) to attend a public meeting includes the right to tape-record, videotape, broadcast live on radio, and telecast live on television the proceedings of a public body at the public meeting.⁸³ A board may establish reasonable [regulations](#) governing the televising or filming by the electronic media of a hearing open to the public in order to minimize any disruption to the hearing, but it may not prohibit such coverage.⁸⁴ And the exercise of the [right](#) to tape-record, videotape, and broadcast public meetings is not be dependent upon the prior approval of the public body.⁸⁵

Sound Recordings of Public Meetings

Every meeting of a public body that is a state licensing board, state commission panel, or state rule-making board, except a meeting or part of a meeting held in closed session, [must be recorded in a manner that allows for the capture of sound](#), including, without limitation, in any of the following formats:

- a. A sound-only recording.
- b. A video recording with sound and picture.
- c. A digital or analog broadcast capable of being recorded.

The recording made under this provision must be maintained for a minimum of one year from the date of the meeting in a format that can be reproduced upon a request under the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246.⁸⁶

⁷⁸ See OAG, 2021-2022, No 7318.

⁷⁹ MCL 15.263(5).

⁸⁰ *Lysogorski*, 256 Mich App at 302.

⁸¹ OAG, 1979-1980, No 5716, p 812 (June 4, 1980).

⁸² OAG, 1977-1978, No 5310, p 465, 468 (June 7, 1978).

⁸³ MCL 15.263(1).

⁸⁴ OAG, 1987-1988, No 6499, p 280 (February 24, 1988).

⁸⁵ MCL 15.263(1).

⁸⁶ MCL 15.269a. This Section is effective as of 91 days after adjournment of the 2022 regular session.

MINUTES

What Must be in the Minutes

At a minimum, the minutes must show the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is held. The [minutes](#) must include all roll call votes taken at the meeting.⁸⁷ The OMA does not prohibit a public body from preparing a more detailed set of minutes of its public meetings if it chooses to do so.⁸⁸

When Must the Minutes be Available

Proposed minutes must be made available for public inspection within eight days after the applicable meeting. Approved [minutes](#) must be made available for public inspection within five days after the public body's approval.⁸⁹

When Must the Minutes be Approved

Minutes must be approved at the board's [next meeting](#).⁹⁰ Corrected minutes must show both the original entry and the correction (for example, using a "striketrough" word processing feature).

Closed Session Minutes

A separate set of minutes must be taken for closed sessions. While closed session minutes must be approved in an open meeting (with contents of the minutes kept confidential), the board may meet in [closed session](#) to consider approving the minutes.⁹¹

Closed session minutes shall only be disclosed if required by a civil action filed under sections 10, 11, or 13 of the [OMA](#).⁹² The board secretary may furnish the minutes of a closed session of the body to a board member. A member's [dissemination](#) of closed session minutes to the public, however, is a violation of the OMA, and the member risks criminal prosecution and civil penalties.⁹³ An

⁸⁷ MCL 15.269(1).

⁸⁸ Informational letter to Representative Jack Brandenburg from Chief Deputy Attorney General Carol Isaacs dated May 8, 2003.

⁸⁹ MCL 15.269(3).

⁹⁰ MCL 15.269(1).

⁹¹ OAG, 1985-1986, No 6365, p 288 (June 2, 1986). This, of course, triggers the need for more closed session minutes.

⁹² MCL 15.270, 15.271, and 15.273; *Local Area Watch v Grand Rapids*, 262 Mich App 136, 143; 683 NW2d 745 (2004); OAG, 1985-1986 No 6353, p 255 (April 11, 1986).

⁹³ OAG, 1999-2000, No 7061, p 144 (August 31, 2000).

audiotape of a closed session meeting of a public body is part of the minutes of the session meeting and, thus, must be filed with the clerk of the public body for retention under the OMA.⁹⁴ As part of the closed session minutes, the audiotape may also only be disclosed if required by a civil action filed under sections 10, 11, or 13 of the [OMA](#).⁹⁵

Closed session minutes may be [destroyed](#) one year and one day *after approval of the minutes of the regular meeting at which the closed session occurred*.⁹⁶

Inadvertent Omissions from the Minutes

The OMA does not invalidate a decision due to a simple error in the minutes, such as inadvertently omitting the vote to go into closed session from a meeting's minutes.⁹⁷

PARLIAMENTARY PROCEDURES

Core Principle

For the actions of a public body to be valid, they must be approved by a [majority vote](#) of a quorum, absent a controlling provision to the contrary, at a lawfully convened meeting.⁹⁸

Quorum

A quorum is the minimum number of members who must be present for a board to act. Any substantive action taken in the absence of a quorum is invalid. If a public body properly notices the meeting under OMA, but lacks a quorum when it convenes, the board members in attendance may receive reports and comments from the public or staff, ask questions, and comment on matters of interest, but may not make any decisions.⁹⁹

⁹⁴ *Kitchen v Ferndale City Council*, 253 Mich App 115; 654 NW2d 918 (2002).

⁹⁵ MCL 15.270, 15.271, and 15.273; *Local Area Watch v Grand Rapids*, 262 Mich App 136, 143; 683 NW2d 745 (2004); OAG, 1985-1986 No 6353, p 255 (April 11, 1986).

⁹⁶ *Kitchen v Ferndale City Council*, 253 Mich App 115; 654 NW2d 918 (2002).

⁹⁷ *Willis v Deerfield Twp*, 257 Mich App 541, 554; 669 NW2d 279 (2003).

⁹⁸ OAG, 1979-1980, No 5808, p 1060 (October 30, 1980). Robert's Rules of Order Newly Revised (RRONR) (10th ed), p 4. We cite to Robert's Rules in this Handbook as a leading guide on parliamentary procedures. This is not to imply that public bodies are, as a general rule, bound by Robert's Rules.

⁹⁹ OAG, 2009-2010, No 7235 (October 9, 2009).

What is the Quorum?

To determine a quorum for any given board, look to the statute, charter provision, or ordinance creating the board in question. On the state level, the Legislature in recent years has set the board quorum in the governing statute itself. The statute will often provide that “a majority of the board appointed and serving shall constitute a quorum.” For a 15-member board, that means eight would be the quorum, assuming there are 15 members appointed and serving. Without more in the statute, as few as five board members could then decide an issue, since they would be a majority of a [quorum](#).¹⁰⁰ But recent statutes often provide that “voting upon action taken by the board shall be conducted by [majority vote](#) of the members appointed and serving.” In that instance, the board needs at least eight favorable votes to act.¹⁰¹ The Legislature has a backstop statute, which provides that any provision that gives “joint authority to 3 or more public officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it shall be otherwise expressly declared in the law giving the authority.”¹⁰²

Losing a Quorum

Even if a meeting begins with a quorum present, the board loses its right to conduct substantive action whenever the attendance of its members falls below the necessary quorum.¹⁰³

Disqualified Members

A member of a public body who is disqualified due to a [conflict of interest](#) may not be counted to establish a quorum to consider that matter.¹⁰⁴

Expired-term Members

Absent a contrary controlling provision, the general rule is that a public officer holding over after his or her term expires may [continue](#) to act until a successor is

¹⁰⁰ See OAG, 1977-1978, No 5238, p 261 (November 2, 1977).

¹⁰¹ See OAG, 1979-1980, No 5808, p 1061.

¹⁰² MCL 8.3c. *Wood v Bd of Trustees of the Policemen & Firemen Retirement Sys of Detroit*, 108 Mich App 38, 43; 310 NW2d 39 (1981).

¹⁰³ RRONR (10th ed), p 337-338.

¹⁰⁴ OAG, 1981-1982, No 5916, p 218 (June 8, 1981). But see MCL 15.342a, which provides a procedure for disqualified public officials to vote in some limited circumstances where a quorum is otherwise lacking for a public body to conduct business.

appointed and qualified, and so could be counted for quorum purposes and be permitted to vote.¹⁰⁵

Resigned Members

The common law rule in Michigan is that a public officer's resignation is not effective until it has been accepted by the appointing authority (who, at the state level, is usually the governor). Acceptance of the [resignation](#) may be manifested by formal acceptance or by the appointment of a successor.¹⁰⁶ Thus, until a resignation is formally accepted or a successor appointed, the resigning member must be considered "appointed and serving," be counted for quorum purposes, and be permitted to vote.

Voting

- Abstain – To "abstain" means to refuse to vote. Thus, a board member does not "vote" to abstain. If a vote requires a majority or a certain percentage of the members present for approval, an abstention has the same effect as a "no" vote.¹⁰⁷
- Adjourning the meeting – A presiding officer cannot arbitrarily adjourn a meeting without first calling for a vote of the members present.¹⁰⁸
- Chairperson voting – Unless a contrary controlling provision exists, all board members may [vote](#) on any matter coming before a board.¹⁰⁹ If a board's presiding officer votes on a motion and that vote is tied, the presiding officer cannot then vote again to break the tie unless explicitly authorized by law.¹¹⁰
- Expired-term members – To determine when a member's term expires, look first to the statute, charter provision, or ordinance creating the public body. Many statutes provide that "a member shall serve until a successor is appointed." Absent a contrary controlling provision, the general rule is that a public officer

¹⁰⁵ OAG, 1979-1980, No 5606, p 493 (December 13, 1979), citing *Greyhound Corp v Pub Serv Comm*, 360 Mich 578, 589-590; 104 NW2d 395 (1960). See also, *Cantwell v City of Southfield*, 95 Mich App 375; 290 NW2d 151 (1980).

¹⁰⁶ OAG, 1985-1986, No 6405, p 429, 430 (December 9, 1986), citing *Clark v Detroit Bd of Educ*, 112 Mich 656; 71 NW 177 (1897).

¹⁰⁷ RRONR (10th ed), p 390-395.

¹⁰⁸ *Dingwall v Detroit Common Council*, 82 Mich 568, 571; 46 NW 938 (1890).

¹⁰⁹ See OAG, 1981-1982, No 6054, p 617 (April 14, 1982).

¹¹⁰ *Price v Oakfield Twp Bd*, 182 Mich 216; 148 NW 438 (1914).

holding over after his or her term expires may [continue](#) to act until a successor is appointed and qualified.¹¹¹

- Imposing a greater voting requirement – Where the Legislature has required only a majority vote to act, public bodies can’t impose a greater voting requirement, such as requiring a two-thirds vote of its members to [alter](#) certain policies or bylaws.¹¹²
- Majority – The term “majority” means “more than half.”¹¹³ For example, on a 15-member board, eight members constitute a majority.
- Proxy voting – The OMA requires that the deliberation and formulation of decisions effectuating public policy be conducted at open meetings.¹¹⁴ Voting by proxy effectively forecloses any involvement by the absent board member in the board’s public discussion and deliberations before the board votes on a matter effectuating public policy.¹¹⁵ Without explicit statutory authority, this [practice](#) is not allowed.¹¹⁶
- Roll call vote – There is no bright line rule for conducting a [roll call vote](#).¹¹⁷ However, the following may be helpful in conducting such a vote. One, when a voice vote reveals a divided vote on the board (i.e., more than one no vote), a roll call vote should be conducted to remove doubt about the vote’s count. Two, if board members are participating by teleconference where permitted by law, a roll call will permit the secretary to accurately record the entire vote. Three, when the board is acting on matters of significance, such as, contracts of

¹¹¹ OAG, 1979-1980, No 5606, p 493 (December 13, 1979), citing *Greyhound Corp v Pub Serv Comm*, 360 Mich 578, 589-590; 104 NW2d 395 (1960). See also, *Cantwell v City of Southfield*, 95 Mich App 375; 290 NW2d 151 (1980).

¹¹² OAG, 1979-1980, No 5738, p 870 (July 14, 1980). OAG, 2001-2002, No 7081, p 27 (April 17, 2001), citing *Wagner v Ypsilanti Village Clerk*, 302 Mich 636; 5 NW2d 513 (1942).

¹¹³ RRONR (10th ed), p 387.

¹¹⁴ *Esperance v Chesterfield Twp*, 89 Mich App at 464, citing *Pranger*, 83 Mich App 197; 268 NW2d 344 (1978).

¹¹⁵ Robert’s Rules concur: “Ordinarily it [proxy voting] should neither be allowed nor required, because proxy voting is incompatible with the essential characteristics of a deliberative assembly in which membership is individual, personal, and nontransferable.” RRONR (10th ed), p 414. The Michigan House and Senate do not allow proxy voting for their members.

¹¹⁶ OAG, 2009-2010, No 7227, p (March 19, 2009). OAG, 1993-1994, No 6828, p 212 (December 22, 1994), citing *Dingwall*, 82 Mich at 571, where the city council counted and recorded the vote of absent members in appointing election inspectors. The Michigan Supreme Court rejected these appointments, ruling that “the counting of absent members and recording them as voting in the affirmative on all questions, was also an inexcusable outrage.”

¹¹⁷ “The fact that the Open Meetings Act prohibits secret balloting does not mean that all votes must be roll call votes.” *Esperance*, 89 Mich App at 464 n 9. The OMA does provide that votes to go into closed session must be by roll call. MCL 15.267.

substantial size or decisions that will have multi-year impacts, a roll call vote is the best choice.

- Round-robin voting – This term means approval for an action outside of a public meeting by passing around a sign-off sheet. This practice has its roots in the legislative committee practice of passing around a tally sheet to gain approval for discharging a bill without a committee meeting. “[Round-robinning](#)” defeats the public’s right to be present and observe the manner in which the body’s decisions are made and violates the OMA.
- Secret ballot – The OMA requires that all decisions and deliberations of a public body must be made at an open meeting, and the term “[decision](#)” is defined to include voting.¹¹⁸ The OMA prohibits a “[voting procedure](#) at a public meeting that prevents citizens from knowing how members of a public body have voted.”¹¹⁹ Because the use of a secret ballot process would prevent this transparency, all board decisions subject to the OMA must be made by a public vote at an open meeting.¹²⁰
- Tie vote – A tie vote on a motion means that the motion did not gain a majority. Thus, the motion fails.¹²¹

¹¹⁸ See MCL 15.262(d) and 15.263(2) and (3).

¹¹⁹ OAG, 1977-1978, No 5262, at p 338-339.

¹²⁰ *Esperance*, 89 Mich App at 464.

¹²¹ *Rouse v Rogers*, 267 Mich 338; 255 NW 203 (1934). RRONR (10th ed), p 392.

Village of Decatur

TITLE VI

NON-DISCRIMINATION PLAN

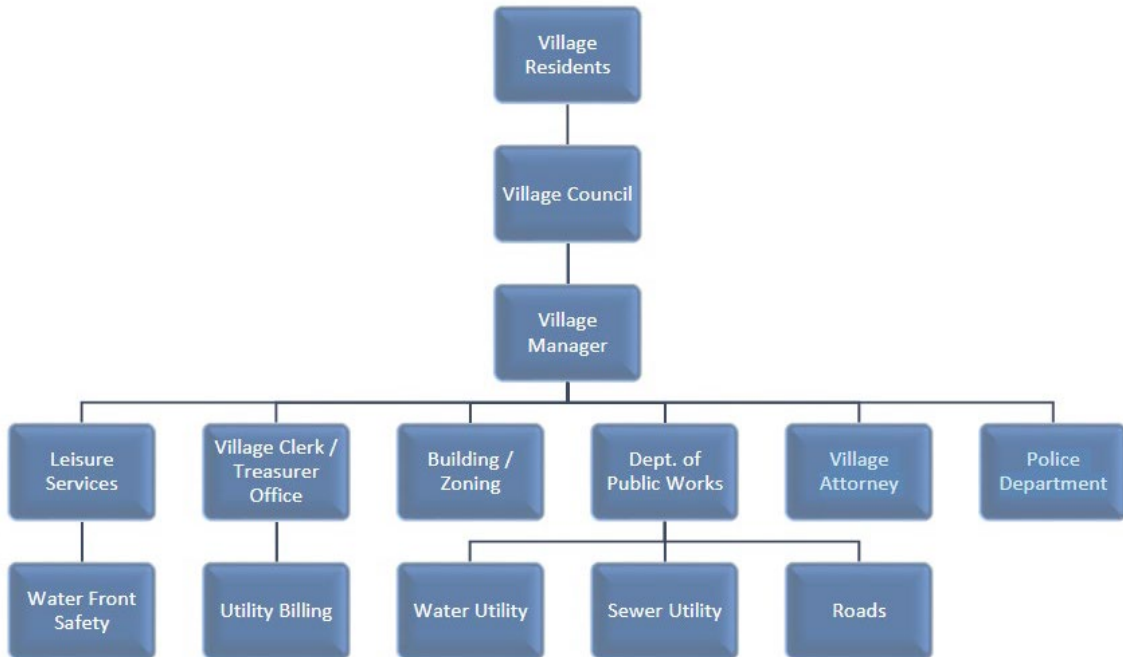
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Village of Decatur ORGANIZATION CHART



VILLAGE COUNCIL

Trustee – Harvey Beute
Trustee – Kim Gunther
Trustee – Bob Mead Jr.
Trustee - Jessica Pelfrey
Trustee – Cindy Pachner
President Pro Tempore - Charlene Jackson
President - Ali Elwaer

VILLAGE ADMINISTRATION

Village Manager – Christopher Tapper
Village Clerk/Treasurer – Megan Duncan
Chief of Police -Thomas VanDerWoude
DPW Forman - James Ebeling

INTRODUCTION

The Village of Decatur was created following The General Law Village Act, Act 3 of 1895. AN ACT to provide for the government of certain villages; to define their powers and duties; to provide for the levy and collection of taxes, borrowing of money, and issuance of bonds and other evidences of indebtedness by villages subject to this act; to define the powers and duties of certain state and local officers and entities; to define the application of this act and provide for its amendment by villages subject to this act; to validate prior amendments and certain prior actions taken and bonds issued by villages subject to this act; to provide for the disincorporation of villages; and to prescribe penalties and provide remedies.

The Village of Decatur serves all people, including minority populations, low-income populations, the elderly, persons with disabilities, and those who traverse the Village. Village of Decatur recognizes its responsibility to provide fairness and equity in all of its programs, services, and activities, and that it must abide by and enforce federal and state civil rights legislation.

Title VI of the Civil Rights Act of 1964, is the overarching civil rights law which prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures that, “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance.” Title VI has been broadened by related statutes, regulations and executive orders. Discrimination based on sex is prohibited by Section 324 of the Federal-Aid Highway Act, which is the enabling legislation of the Federal Highway Administration (FHWA). The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibit unfair and inequitable treatment of persons as a result of projects which are undertaken with Federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of federal-aid recipients and contractors whether those programs and activities are federally funded or not.

In addition to statutory authorities, Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” signed in February of 1994, requires federal agencies to achieve Environmental Justice as part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. Environmental Justice initiatives are accomplished by involving the potentially affected public in the development of transportation projects that fit within their communities without sacrificing safety or mobility. In 1997, the U.S. Department of Transportation (USDOT) issued its DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations to summarize and expand upon the requirements of Executive Order 12898 on Environmental Justice. Also, Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency (LEP),” provides that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance.

As a recipient of federal financial assistance, the Village of Decatur must provide access to individuals with limited ability to speak, write, or understand the English language. The Village will not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs or projects. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program because of race, color or national origin. Therefore, the primary goals and objectives of the Village of Decatur's Title VI Program are:

1. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives;
2. To ensure that people affected by the Village's programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, sex, or disability;
3. To prevent discrimination in the Village of Decatur's programs and activities, whether those programs and activities are federally funded or not;
4. To establish procedures for identifying impacts in any program, service, or activity that may create illegal adverse discrimination on any person because of race, color, national origin, age, sex, or disability; or on minority populations, low-income populations, the elderly, and all interested persons and affected Title VI populations;
5. To establish procedures to annually review Title VI compliance within specific program areas within the Village;
6. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in the Village's services, programs or activities.

As a sub-recipient of federal transportation funds, the Village of Decatur must comply with federal and state laws, and related statutes, to ensure equal access and opportunity to all persons, with respect to transportation services, facilities, activities, and programs, without regard to race, color, national origin, sex, socio-economic status, or geographical location. Every effort will be made to prevent discrimination in any program or activity, whether those programs and activities are federally funded or not, as guaranteed by the Civil Rights Restoration Act of 1987.

The Village of Decatur shall also ensure that their sub-recipients adhere to state and federal law and include in all written agreements or contracts, assurances that the sub-recipient must comply with Title VI and other related statutes. The Village of Decatur, as a sub-recipient who distributes federal transportation funds, shall monitor their sub-recipients for voluntary compliance with Title VI. In the event that non-compliance is discovered, the Village will make a good faith effort to ensure that the sub-recipient corrects any deficiencies arising out of complaints related to Title VI; and that sub-recipients will proactively gauge the impacts of any

program or activity on minority populations and low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations.

Discrimination under Title VI

There are two types of illegal discrimination prohibited under Title VI and its related statutes. One type of discrimination which may or may not be intentional is “disparate treatment.” Disparate treatment is defined as treating similarly situated persons differently because of their race, color, national origin, sex, disability, or age.

The second type of illegal discrimination is “disparate impact.” Disparate impact discrimination occurs when a “neutral procedure or practice” results in fewer services or benefits, or inferior services or benefits, to members of a protected group. With disparate impact, the focus is on the consequences of a decision, policy, or practice rather than the intent.

The Village of Decatur’s efforts to prevent such discrimination must address, but not be limited to, a program’s impacts, access, benefits, participation, treatment, services, contracting opportunities, training, investigation of complaints, allocation of funds, prioritization of projects, and the overarching functions of planning, project development and delivery, right-of-way, construction, and research.

The Village of Decatur has developed this Title VI Plan to assure that services, programs, and activities of the Village are offered, conducted, and administered fairly, without regard to race, color, national origin, sex, age, or disability of the participants or beneficiaries of federally funded programs, services, or activities (see Title VI Assurances).

Village of Decatur
NON-DISCRIMINATION POLICY STATEMENT

The Village of Decatur reaffirms its policy to allow all individuals the opportunity to participate in federal financially assisted services and adopts the following provision:

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” In applying this policy, the Village and its sub-recipients of federal funds shall not:

1. Deny any individual with any service, opportunity, or other benefit for which such individual is otherwise qualified;
2. Provide any individual with any service, or other benefit, which is inferior (in quantity or quality) to, or which is provided in a different manner from that which is provided to others;
3. Subject any individual to segregated or disparate treatment in any manner related to such individual's receipt of services or benefits;
4. Restrict an individual in any way from the enjoyment of services, facilities or any other advantage, privilege or other benefit provided to others;
5. Adopt or use methods of administration, which would limit participation by any group of recipients or subject any individual to discrimination;
6. Address any individual in a manner that denotes inferiority because of race, color, or national origin;
7. Permit discriminatory activity in a facility built in whole or in part with federal funds;
8. Deny any segment of the population the opportunity to participate in the operations of a planning or advisory body that is an integral part of a federally funded program;
9. Fail to provide information in a language other than English to potential or actual beneficiaries who are of limited English speaking ability, when requested and as appropriate;
10. Subject an individual to discriminatory employment practices under any federally funded program whose objective is to provide employment;
11. Locate a facility in any way, which would limit or impede access to a federally-funded service or benefit.

The Village of Decatur will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance. If irregularities occur in the administration of the program's operation, procedures will be promptly implemented to resolve Title VI issues all within a period not to exceed 90 days.

The Village of Decatur designates Christopher Tapper, Village Manager, as the Title VI Coordinator. The Village Manager will be responsible for initiating and monitoring Title VI activities and other required matters, ensuring that the Village of Decatur complies with the Title VI regulations and pursues prevention of Title VI deficiencies or violations. Inquiries concerning the Village of Decatur and Title VI may be directed to the Village Manager, 114 N. Phelps Street, 49045, 269-423-6114, 269-423-9047, ctapper@decaturmi.us.

Ali Elwaer
Village President

Christopher Tapper
Village Manager/Title VI Coordinator

Village of Decatur TITLE VI ASSURANCES

The Village of Decatur (hereinafter referred to as the “Recipient”) hereby agrees that as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d-42 USC 2000d-4 (hereinafter referred to as the “Act”), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-Assisted Programs for the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the “Regulations”) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient received Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and hereby gives assurances that it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7 (a) (1) and (b) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurance with respect to the Federal Aid Highway Program:

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal Aid Highway Programs and, in adapted form in all proposals for negotiated agreements:

“The (Recipient), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, SubTitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal Aid Highway Program.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom it delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, sub-contractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

Village of Decatur

Ali Elwaer, President

Date

AUTHORITIES

Title VI of the Civil Rights Act of 1964, 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h);

Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color, or national origin (including Limited English Proficiency), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (please refer to 23 CFR 200.9 and 49 CFR 21). Related statutes have broadened the grounds to include age, sex, low income, and disability.

The Civil Rights Restoration Act of 1987 also broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [S. 557] March 22, 1988).

Federal Aid Highway Act of 1973, 23 USC 324: No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.

Age Discrimination Act of 1975, 42 USC 6101: No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving federal financial assistance.

Americans With Disabilities Act of 1990 PL 101-336: No qualified individual with a disability shall, by reason of his/her disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination by a department, agency, special purpose district or other instrumentality of a state or local government.

Section 504 of the Rehabilitation Act of 1973: No qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance.

USDOT Order 1050.2: Standard Title VI Assurances

EO12250: Department of Justice Leadership and coordination of Non-discrimination Laws.

EO12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

28 CFR 50.3: Guidelines for the enforcement of Title VI of the Civil Rights Act of 1964.

EO13166: Improving Access to Services for Persons with Limited English Proficiency.

DEFINITIONS

Adverse Effects – The totality of significant individual or cumulative human health or environmental effects including interrelated social and economic effects, which may include, but are not limited to: (See Appendix E for additional discussion of “significant”)

- Bodily impairment, infirmity, illness or death
- Air, noise and water pollution and soil contamination
- Destruction or disruption of man-made or natural resources
- Destruction or diminution of aesthetic values
- Destruction or disruption of community cohesion or community’s economic vitality
- Destruction or disruption of the availability of public and private facilities and services
- Adverse employment effects
- Displacement of person’s businesses, farms or non-profit organizations
- Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community
- Denial of, reduction in, or significant delay in the receipt of benefits of the Village programs, policies and activities

Federal Assistance – Includes grants and loans of federal funds; the grant or donation of federal property and interests in property; the detail of federal personnel, federal property or any interest in such property without consideration or at a nominal consideration or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and any federal agreement, arrangement or other contract which has, as one of its purposes, the provision of assistance.

Limited English Proficiency - Individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service or benefit provided by the Village.

Low-Income – A person whose median household income is at or below the Department of Health and Human Service Poverty guidelines (see <http://aspe.hhs.gov/poverty/>).

Low-Income Population – Any readily identifiable group of low-income persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed Village program, policy or activity.

Minority – A person who is:

- a. Black – A person having origins in any of the black racial groups of Africa;
- b. Hispanic – A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
- c. Asian American – A person having origins in any of the original people of the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Islands; or

- d. American Indian and Alaskan Native – A person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.

Minority Population – Any readily identifiable groups of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed Village program, policy or activity.

Non-Compliance – A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all the requirements of Title VI and related statutes.

Persons – Where designation of persons by race, color or national origin is required, the following designation ordinarily may be used; “White not of Hispanic origin”, “Black not of Hispanic origin”, “Hispanic”, “Asian or Pacific Islander”, “American Indian or Alaskan Native”. Additional sub-categories based on national origin of primary language spoken may be used, where appropriate, on either a national or a regional basis.

Program – Includes any road or park project including planning or any activity for the provision of services financial aid or other benefits to individuals. This includes education or training, work opportunities, health welfare, rehabilitation, or other services, whether provided directly by the recipient of federal financial assistance or provided by others through contracts or other arrangements with the recipient.

Recipient - Any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof, but does not include any ultimate beneficiary under any such program.

Significant Adverse effects on Minority and Low-Income Populations – An adverse effect that:

- a. is predominantly borne by a minority population and/or a low-income population, or
- b. will be suffered by the minority population and/or low-income population and is shown to be appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

Sub-Recipient – Any agency such as a council of governments, regional planning agency, or educational institution, for example, that received Federal Highway Administration (FHWA) funds through the State DOT and not directly from the FHWA. Other agencies, local governments, contractors, consultants that receive these funds are all considered sub-recipients.

ADMINISTRATION – GENERAL

The Village of Decatur designates Christopher Tapper, Village Manager, as the Title VI Coordinator (hereinafter referred to as the “Title VI Coordinator”). Mr. Tapper shall have lead responsibility for coordinating the administration of Title VI and related statutes, programs, plans, and assurances.

Complaints: If any individual believes that he/she or any other program beneficiaries have been the object of unequal treatment or discrimination as to the receipt of benefits and/or service, or on the grounds of race, color, national origin (including Limited English Proficiency), sex, age or disability, he/she may exercise his/her right to file a complaint with the Village. Complaints may be filed with the Title VI Coordinator. Every effort will be made to resolve complaints informally at the lowest level.

Data Collection: Statistical data on race, color, national origin, English language ability and sex of participants in and beneficiaries of the Village programs; e.g., impacted citizens and affected communities will be gathered and maintained by the Village. The gathering procedures will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI program.

Program Reviews: Special emphasis program reviews will be conducted based on the annual summary of Title VI activities, accomplishments, and problems. The reviews will be conducted by the Title VI Coordinator to assure effectiveness in their compliance of Title VI provisions. The Title VI Coordinator will coordinate efforts to ensure equal participation in all their programs and activities at all levels. The Village does not have any special emphasis programs at this time.

Title VI Reviews on Sub-Recipients: Title VI compliance reviews will be conducted annually by the Title VI Coordinator. Priority for conducting reviews will be given to those recipients of federal (U.S. Department of Transportation) funds with the greatest potential of impact to those groups covered by the Act. The reviews will entail examination of the recipients’ adherence to all Title VI requirements. The status of each review will be reported in the annual update and reported to relevant U.S. Department of Transportation (USDOT) modes upon request.

Annual Reporting Form: The Title VI Coordinator will be responsible for coordination, compilation, and submission of the annual reporting form data to the Michigan Department of Transportation (MDOT), Civil Rights Program Unit via the Sub-Recipient Annual Certification Form (MDOT form #0179) by October 5th.

Title VI Plan Updates: If updated, a copy of Title VI Plan will be submitted to the MDOT, Civil Rights Program Unit, as soon as the update has been completed, or as soon as practicable, and no later than 30 days if significant changes are made.

Public Dissemination: The Village will disseminate Title VI Program information to the Village employees and to the general public. Title VI Program information will be submitted to sub-recipients, contractors and beneficiaries. Public dissemination will include inclusions of Title VI

language in contracts and publishing the Village's Title VI Plan within 90 days of approval on the main page of the Village of Decatur's internet website, at www.decaturni.us.

Remedial Action: The Village, through the Title VI Coordinator, will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When deficiencies are found, procedures will be promptly implemented to correct the deficiencies and to put in writing the corrective action(s). The period to determine corrective action(s) and put it/them in writing to effect compliance may not exceed 90 days from the date the deficiencies are found.

LIMITED ENGLISH PROFICIENCY (LEP)

On August 11, 2000, President William J. Clinton signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiencyⁱ, to clarify Title VI of the Civil Rights Act of 1964. It had as its purpose, to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language.

This executive order stated that individuals who do not speak English well and who have a limited ability to read, write and speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounterⁱⁱ. These individuals are referred to as being limited in their ability to speak, read, write, or understand English, hence the designation, “LEP,” or Limited English Proficient. The Executive Order states that:

“Each federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency’s programs and activities.”

Not only do all federal agencies have to develop LEP plans as a condition of receiving federal financial assistance, recipients have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided as well.

Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Recipients of federal funds range from state and local agencies, to nonprofits and organizations. Title VI covers a recipient’s entire program or activity. This means all parts of a recipient’s operations are covered, even if only one part of a recipient’s organization receives the federal assistance. Simply put, any organization that receives federal financial assistance is required to follow this Executive Order.

The Village of Decatur receives funds from the US Department of Transportation via the Federal Highway Administration.

The US Department of Transportation published *Policy Guidance Concerning Recipients’ responsibilities to Limited English Proficient Person* in the December 14th, 2005 Federal Register.ⁱⁱⁱ

The Guidance implies that the Village of Decatur is an organization that must follow this guidance:

This guidance applies to all DOT funding recipients, which include state departments of transportation, state motor vehicle administrations, airport operators, metropolitan planning organizations, and regional, state, and local transit operators, among many others. Coverage

extends to a recipient's entire program or activity, i.e., to all parts of a recipient's operations. This is true even if only one part of the recipient receives the Federal assistance. For example, if DOT provides assistance to a state department of transportation to rehabilitate a particular highway on the National Highway System, all of the operations of the entire state department of transportation—not just the particular highway program or project—are covered by the DOT guidance.

Elements of an Effective LEP Policy

The US Department of Justice, Civil Rights Division has developed a set of elements that may be helpful in designing an LEP policy or plan. These elements include:

1. Identifying LEP persons who need language assistance
2. Identifying ways in which language assistance will be provided
3. Training Staff
4. Providing notice to LEP persons
5. The recommended method of evaluating accessibility to available transportation services is the Four-Factor Analysis identified by the USDOT.

These recommended plan elements have been incorporated into this plan.

Methodology for Assessing Needs and Reasonable Steps for an Effective LEP Policy

The DOT guidance outlines four factors recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity, or service provided by the recipient to the LEP Community.
4. The resources available to the Village of Decatur and overall cost.

The greater the number or proportion of eligible LEP persons, the greater the frequency with which they have contact with a program, activity, or service and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. The intent of DOT's guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments.

Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets.

The DOT guidance is modeled after the Department of Justice’s guidance and requires recipients and sub-recipients to take steps to ensure meaningful access to their programs and activities to LEP persons. More information for recipients and sub-recipients can be found at <http://www.lep.gov>.

The Four-Factor Analysis

This plan uses the recommended four-factor analysis of an individualized assessment considering the four factors outlined above. Each of the following factors is examined to determine the level and extent of language assistance measures required to sufficiently ensure meaningful access to Village of Decatur services and activities that may affect their quality of life. Recommendations are then based on the results of the analysis.

Factor 1: The Proportion, Numbers and Distribution of LEP Persons

The Census Bureau has a range for four classifications of how well people speak English. The classifications are: ‘very well,’ ‘well,’ ‘not well,’ and ‘not at all.’ For our planning purposes, we are considering people that speak English less than ‘very well’ as Limited English Proficient persons.

As seen in Table #1, the Census 2021 Data for the Village of Decatur shows a small number of the population that speak English less than ‘very well.’

TABLE #1

LANGUAGE SPOKEN AT HOME	# of Individuals	Percentage
Population 5 years and over	1923	(X)
English only	1720	89.4%
Language other than English	203	10.6%
Speak English less than "very well"	43	21.6%
Spanish	156	8.1%
Speak English less than "very well"	29	18.6%
Other Indo-European languages	47	2.4%
Speak English less than "very well"	14	29.8%
Asian and Pacific Islander languages	0	0%
Speak English less than "very well"	0	0%
Other languages	0	0%
Speak English less than "very well"	0	0%

Source: U.S. Census Bureau, American FactFinder website

DP02: SELECTED SOCIAL CHARACTERISTICS IN THE UNITED STATES

Factor 2: Frequency of Contact with LEP Individuals

The Village has conducted an informal survey of our employees with regard to whether they have had encounters with LEP individuals in the performance of their job functions and found that they have not had any encounters with LEP individuals. We have offices accessible to the public and therefore accessible to LEP individuals. We also have staff that work in the field that could encounter LEP individuals. Additionally, regular Council meetings are held the first Monday of each month which would potentially bring LEP individuals to these meetings. Given the number of LEP individuals, as displayed in Table #1 (above), the probability of our employees to encounter an LEP individual is low.

Factor 3: The Nature and Importance of the Program, Activity, or Service to LEP

The Village of Decatur serves individuals throughout the Village in a variety of ways including managing roads, water, sewer, police, fire, elections, and other services to residents and other individuals, such as visitors and those traversing the state. The nature of the services that the Village provides is very important to an individual's day-to-day life. Therefore the denial of services to an LEP individual could have a significant detrimental effect. Given the number of LEP individuals in the Village, we will ensure accessibility to all of our programs, services, and activities.

Factor 4: The Resources Available to the Village of Decatur and Overall Cost

US Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons published in the Federal Register: December 14, 2005 (Volume 70, Number 239) states:

"Certain DOT recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written LEP plan."

The Village of Decatur serves very few LEP persons and has very limited resources. However, it has decided to include a LEP section in its Title VI Plan in order to comply with the Executive Order and to ensure access and reasonable accommodations for LEP persons who may be unknown at this time.

Safe Harbor Stipulation

Federal law provides a "Safe Harbor" situation so that recipients can ensure with greater certainty that they comply with their obligation to provide written translations in languages other than English. A "Safe Harbor" means that if a recipient provides written translation in certain

circumstances, such action will be considered strong evidence of compliance with the recipient's written-translation obligations under Title VI.

The failure to provide written translations under the circumstances does not mean there is non-compliance, but rather provides a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four factor analysis. For example, even if a Safe Harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient's written translation obligations under "Safe Harbor" includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally.

This "Safe Harbor" provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

Given the small number of LEP language group members, the Village of Decatur's budget and number of staff, it is deemed that written translations of vital documents would be so burdensome as to defeat the legitimate objectives of our programs. It is more appropriate for the Village of Decatur to proceed with oral interpretation options for compliance with LEP regulations.

Providing Notice to LEP Persons

USDOT LEP guidance says:

Once an agency has decided, based on the four factors, that it will provide language service, it is important that the recipient notify LEP persons of services available free of charge. Recipients should provide this notice in languages LEP persons would understand.

The guidance provides several examples of notification including:

1. Signage, in languages that an LEP individual would understand that free language assistance is available with advance notice.
2. Stating in outreach documents that free language services are available from the agency.

3. Working with community-based organizations and other stakeholders to inform LEP individuals of the recipient's services, including the availability of language assistance services.

Statements in languages that an LEP individual would understand will be placed in public information and public notices informing LEP individuals that those requiring language assistance and/or special accommodations will be provided the requested service free of charge, with reasonable advance notice to the Village of Decatur.

Options and Proposed Actions

Options:

Federal fund recipients have two (2) main ways to provide language services: oral interpretation either in person or via telephone interpretation service and written translation. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis.^{iv}

The Village of Decatur is defining an interpreter as a person who translates spoken language orally, as opposed to a translator, who translates written language or who transfers the meaning of written text from one language into another. The person who translates orally is not a translator, but an interpreter.^v

Considering the relatively small size of the Village of Decatur, the small number of LEP individuals in the service area, and limited financial resources, it is necessary to limit language aid to the most basic and cost-effective services. However, when requested appropriate assistance will be provided.

What the Village of Decatur will do. What actions will the Village of Decatur take?

- Notify the public that interpreter services are available upon request, with seven day advance notice.
- With advance notice of seven calendar days, the Village will provide interpreter services at public meetings, including language translation and signage for the hearing impaired.
- The Village will utilize the *Translators Resource List* as provided by MDOT for translation services and verbal interpretation.
- The Census Bureau "I-speak" Language Identification Card will be distributed to all employees that may potentially encounter LEP individuals.
- Once the LEP individual's language has been identified, an agency from the *Translators Resource List* will be contacted to provide interpretation services.

- Publications of the Village's complaint form will be made available online and upon request.
- In the event that a Village employee encounters a LEP individual, they will follow the procedure listed below:

OFFICE ENCOUNTER

1. Provide an I-speak language identification card to determine the language spoken by the LEP individual.
2. Once the foreign language is determined, provide information to Title VI Coordinator who will contact an interpreter from MDOT's *Translators Resource List*.
3. If the need is for a document to be translated, the Title VI Coordinator will have the document translated and provided to the requestor as soon as possible.

ROAD ENCOUNTER

1. Road crew employee will immediately contact the Title VI Coordinator for assistance, and provide an I-speak language identification card to the LEP individual to determine the language spoken by the individual.
2. Once the foreign language is determined, provide information to Title VI Coordinator who will contact an interpreter from MDOT's *Translators Resource List* to provide telephonic interpretation.
3. If the need is for a document to be translated, the Title VI Coordinator will have the document translated and provided to the requestor as soon as possible.

IN WRITING

1. Once a letter has been received it will be immediately forwarded to the Title VI Coordinator.
2. The Title VI Coordinator will contact a translator from the MDOT's *Translators Resource List* to determine the specifics of the letter request information.
3. The Title VI Coordinator will work with the selected agency to provide the requested service to the individual in a timely manner.

OVER THE PHONE

1. If someone calls into our office speaking another language, every attempt will be made to keep that individual on the line until an interpreter can be conferenced into the line, and if possible, determine the language spoken by the caller.

2. Once the language spoken by the caller has been identified, we will proceed with providing the requested assistance to the LEP individual.

The Village of Decatur's Staff Training

The Village of Decatur's staff will be provided training on the requirements for providing meaningful access to services for LEP persons.

ENVIRONMENTAL JUSTICE (EJ)

Compliance with Title VI includes ensuring that no minority or low income population suffers "disproportionately high and adverse human health or environmental effect" due to any "programs, policies and activities" undertaken by any agency receiving federal funds. This obligation will be met by the Village in the following ways:

- When planning specific programs or projects, identifying those populations that will be affected by a given program or project.
- If a disproportionate effect is anticipated, follow mitigation procedures.
- If mitigation options do not sufficiently eliminate the disproportionate effect, discussing and, if necessary, implementing reasonable alternatives.

Disproportionate effects are those effects which are appreciably more severe for one group or predominantly borne by a single group. The Village will use U.S. Census data to identify low income and minority populations.

Where a project impacts a small number or area of low income or minority populations, the Village will document that:

- Other reasonable alternatives were evaluated and were eliminated for reasons such as the alternatives impacted a far greater number of people or did greater harm to the environment; etc.
- The project's impact is unavoidable;
- The benefits of the project far out-weigh the overall impacts; and
- Mitigation measures are being taken to reduce the harm to low income or minority populations.

If it is concluded that no minority and/or low income population groups are present in the project area, the Village will document how the conclusion was reached. If it is determined that one or more of these population groups are present in the area, the Village will administer a potential disproportionate effects test.

The following steps will be taken to assess the impact of projects on minorities and/or low income population groups:

STEP ONE: Determine if a minority or low income population is present within the project area. If the conclusion is that no minority and/or low income population is present within the project area, document how the conclusion was reached. If the conclusion is that there are minority population groups and/or low income population groups present, proceed to Step Two.

STEP TWO: Determine whether project impacts associated with the identified low income and minority populations are disproportionately high and adverse. In doing so, refer to the list of potential impacts and questions contained in Appendix E. If it is determined that there are disproportionately high and adverse impacts to minority and low income populations, proceed to Step Three.

STEP THREE: Propose measures that will avoid, minimize and/or mitigate disproportionately high and disproportionate adverse impacts and provide offsetting benefits and opportunities to enhance communities, neighborhoods and individuals affected by proposed project.

STEP FOUR: If after mitigation, enhancements and offsetting benefits to the affected populations, there remains a high and disproportionate adverse impact to minority or low income populations, then the following questions must be considered:

Question 1: Are there further mitigation measures that could be employed to avoid or reduce the adverse effect to the minority or low income population?

Question 2: Are there other additional alternatives to the proposed action that would avoid or reduce the impacts to the low income or minority populations?

Question 3: Considering the overall public interest, is there a substantial need for the project?

Question 4: Will the alternatives that would satisfy the need for the project and have less impact on protected populations (a) have other social economic or environmental impacts that are more severe than those of the proposed action (b) have increased costs of extraordinary magnitude?

STEP FIVE: Include all findings, determinations or demonstrations in the environmental document prepared for the project.

FILING A TITLE VI COMPLAINT

I. Introduction

The Title VI complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the Village programs, activities, and services, as required by statute.

II. Purpose

The purpose of the discrimination complaint procedures is to describe the process used by the Village for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes.

III. Roles and Responsibilities

The Title VI Coordinator has overall responsibility for the discrimination complaint process and procedures. The Title VI Coordinator may, at his/her discretion assign a capable person to investigate the complaint.

The designated investigator will conduct an impartial and objective investigation, collect factual information and prepare a fact-finding report based upon information obtained from the investigation.

IV. Filing a Complaint

The complainant shall make himself/herself reasonably available to the designated investigator, to ensure completion of the investigation within the timeframes set forth.

Applicability: The complaint procedures apply to the beneficiaries of Village programs, activities, and services, including but not limited to: the public, contractors, sub-contractors, consultants, and other sub-recipients of federal and state funds.

Eligibility: Any person who believes that he/she has been excluded from participation in, denied benefits or services of any program or activity administered by the Village or its sub-recipients, consultants, and contractors on the basis of race, color, national origin (including Limited English Proficiency), sex, age or disability may bring forth a complaint of discrimination under Title VI.

Time Limitation on Filing Complaints: Title VI complaints may be filed with the Title VI Coordinator's office. In all situations, the employees of the Village must contact the Title VI Coordinator immediately upon receipt of Title VI related complaints.

Complaints must be filed within 180 days of the alleged discrimination. If the complainant could not reasonably be expected to know that the act was discriminatory within the 180 day period,

he/she will have 60 additional days after becoming aware of the illegal discrimination to file the complaint.

Complaints must be in writing, and must be signed by the complainant and/or the complainant's representative. The complaint must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted in converting the verbal complaint into a written complaint. All complaints, however, must be signed by the complainant and/or by the complainant's representative.

Items that should not be considered a formal complaint: (unless the items contain a signed cover letter specifically alleging a violation of Title VI) include but are not limited to:

1. An anonymous complaint that is too vague to obtain required information
2. Inquiries seeking advice or information
3. Courtesy copies of court pleadings
4. Newspaper articles
5. Courtesy copies of internal grievances

V. Investigation

Investigation Plan: The investigator shall prepare a written plan, which includes, but is not limited to the following:

- Names of the complainant(s) and respondent(s)
- Basis for complaint
- Issues, events or circumstances that caused the person to believe that he/she has been discriminated against
- Information needed to address the issue
- Criteria, sources necessary to obtain the information
- Identification of key people
- Estimated investigation time line
- Remedy sought by the complainant(s)

Conducting the Investigation:

- The investigation will address only those issues relevant to the allegations in the complaint.
- Confidentiality will be maintained as much as possible.
- Interviews will be conducted to obtain facts and evidence regarding the allegations in the complaint. The investigator will ask questions to elicit information about aspects of the case.
- A chronological contact sheet is maintained in the case file throughout the investigation.
- If a Title VI complaint is received on a MDOT related contract against the Village of Decatur, MDOT will be responsible for conducting the investigation of the complaint. Upon receipt of a Title VI complaint filed against the Village of Decatur, the complaint and any pertinent information should immediately be forwarded to the MDOT, Civil Rights Program Unit.

Investigation Reporting Process:

- Complaints made against a Village of Decatur sub-recipient should be investigated by the Village following the internal complaint process.
- Within 60 days of receiving the complaint, the investigator prepares an investigative report and submits the report and supporting documentation to the office of Christopher Tapper for review.
- The Title VI Coordinator reviews the file and investigative report. Subsequent to the review, the Title VI Coordinator makes a determination of “probable cause” or “no probable cause” and prepares the decision letter.

Retaliation:

The laws enforced by this Village prohibit retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by these laws. If you experience retaliation or intimidation separate from the discrimination alleged in this complaint please contact:

Christopher Tapper
Village of Decatur
114 N. Phelps Street
Decatur, MI 49045
Phone: 269-423-6114
Fax: 269-423-9047
Email: ctapper@decaturmi.us

Reporting Requirements to an External Agency

A copy of the complaint, together with a copy of the investigation report and final decision letter will be forwarded to the MDOT, Civil Rights Program Unit within 60 days of the date the complaint was received.

Records

All records and investigative working files are maintained in a confidential area. Records are kept for three years.

APPENDIX A - [TO BE INSERTED IN ALL FEDERAL-AID CONTRACTS]

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the “contractor”) agrees, as follows:

1. **Compliance with Regulations:** The contractor shall comply with Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials in the discrimination prohibited by Section 21.5 of the Regulation, including employment practices when the contractor covers a program set for in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor’s obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations, or directives issues pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State Highway Department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State Highway Department or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event the contractor’s noncompliance with the nondiscrimination provisions of this contract, the State Highway Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. Withholding payments to the contractor under the contract until the contractor complies and/or

- b. Cancellation, termination or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor shall include provisions of paragraphs (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the State Highway Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the State Highway Department to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B - TRANSFER OF PROPERTY

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the State of Michigan, will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4) does hereby remise, release, quitclaim and convey unto the State of Michigan all the right, title and interest of the Department of Transportation in and to said lands described Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)*

TO HAVE AND TO HOLD said lands and interests therein unto the State of Michigan, and its successors forever, subject, however, the covenant, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the State of Michigan, its successors and assigns.

The State of Michigan, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part, on, over, or under such lands hereby conveyed (,) (and)*(2) that the State of Michigan shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (,) and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and

the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this deed.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

APPENDIX C - PERMITS, LEASES AND LICENSES

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Michigan Department of Transportation, pursuant to the provisions of Assurance 7(a).

The grantee, licensee, lessee, permittee, etc., (as appropriate) for himself, his heirs, personal representative, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases, add, “as a covenant running with the land”) that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall remain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to terminate the license, lease, permit, etc., and to re-enter and repossess said land and the facilities thereon, and hold the same as if said license, lease, permit, etc., had never been made or issued.

(Include in deeds)*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to re-enter lands and facilities hereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the State of Michigan Department of Transportation and its assigns.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of the Title VI of the Civil Rights Act of 1964 and the Civil Rights Act of 1987.

APPENDIX D - TITLE VI COMPLAINT FORM

Village of Decatur TITLE VI COMPLAINT FORM

Title VI of the Civil Rights Act of 1964 states that “No person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or otherwise be subjected to discrimination in any program, service, or activity receiving federal assistance.”

This form may be used to file a complaint with the Village of Decatur based on violations of Title VI of the Civil Rights Act of 1964. You are not required to use this form; a letter that provides the same information may be submitted to file your complaint. **Complaints should be filed within 180 days of the alleged discrimination. If you could not reasonably be expected to know the act was discriminatory within 180 day period, you have 60 days after you became aware to file your complaint.**

If you need assistance completing this form, please contact Christopher Tapper by phone at 269-423-6114 or via e-mail at ctapper@decaturmi.us.

Name: _____ Date: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ (home) _____ (work)

Individual(s) discriminated against, if different than above (use additional pages, if needed).

Name: _____ Date: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ (home) _____ (work)

Please explain your relationship with the individual(s) indicated above: _____

Name of agency and department or program that discriminated:

Agency or department name: _____

Name of individual (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

Date(s) of alleged discrimination:

Date discrimination began _____ Last or most recent date _____

ALLEGED DISCRIMINATION:

If your complaint is in regard to discrimination in the delivery of services or discrimination that involved the treatment of you by others by the agency or department indicated above, please indicate below the basis on which you believe these discriminatory actions were taken.

_____ Race	_____ Disability	_____ Sex
_____ Color	_____ Religion	_____ Income
_____ Age	_____ National Origin	_____ Retaliation

Explain: Please explain as clearly as possible what happened. Provide the name(s) of witness(es) and others involved in the alleged discrimination. (Attach additional sheets, if necessary, and provide a copy of written material pertaining to your case).

Signature: _____ Date: _____

Please return completed form to: Christopher Tapper, 114 N. Phelps Street, ctapper@decaturmi.us, 269-423-6114, fax: 269-423-9047.

Note: *The Village of Decatur prohibits retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by policies of the Village. Please inform the person listed above if you feel you were intimidated or experience perceived retaliation in relation to filing this complaint.*

APPENDIX E - DETERMINE/DISTINGUISH SIGNIFICANT/NON-SIGNIFICANT EFFECTS

“Significant” requires considerations of both context and intensity:

- (a) *Context.* This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, nation), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the local area rather than in the world as a whole. Both short-and long-term effects are relevant.
- (b) *Intensity.* This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:
 - (1) Impacts that may be both beneficial and adverse. A significant effect may exist even if, on balance, the effect would be beneficial.

“Non-significant effect” means no substantial change to an environmental component and this has no material bearing on the decision-making process.

Scientific, technical, institutional, the public’s value, and the local economic conditions influence the meaning of significant effect.

If an alternative would provide a beneficial effect, then the alternative would cause no significant adverse effect. If an alternative would provide an adverse effect, the effect might be significant or the effect might be non-significant.

Determinations of “significant” and “non-significant” effects will be made by the Village Manager.

APPENDIX F - PROGRAM COMPLIANCE/PROGRAM REVIEW GOALS FOR CURRENT PLAN YEAR

1. The Village of Decatur's Title VI Plan will be communicated to each Village Department Head who will review the plan with departmental employees. All Village of Decatur employees will be trained or made aware of the Title VI and LEP policies and complaint procedures.
2. The Village of Decatur's Title VI Plan will be published on the main page of the Village's website www.decaturni.org, within 90 days of approval.
3. Appendix A will be included in all Village contracts as outlined in the Title VI Plan.
4. The language in Number 2 of the Village of Decatur's Title VI Assurances will be included in all solicitations for bids for work or material subject to the Regulations and in all proposals for negotiated agreements.
5. The procedure(s) for responding to individuals with Limited English Proficiency will be implemented.
6. A review of Village facilities will be conducted in reference to compliance with the American Disabilities Act.
7. The following data will be collected and reviewed by the Title VI Coordinator and included, where appropriate, in the annual report submitted to MDOT.
 - a. **Boards and Commissions:** The number of vacancies; how vacancies are advertised and filled; the number of applicants; the representation of minorities will be evaluated.
 - b. **Public Meetings:** The number of open meetings; how meeting dates and times are communicated to the general public and to individuals directly affected by the meeting.
 - c. **Construction Projects:** The number of construction projects and minority contractors bidding and the number selected; verification that Title VI language was included in bids and contracts for each project.
 - d. **LEP Needs:** The number of requests for language assistance that were requested or required; the outcome of these requests.
 - e. **Complaints:** The number of Title VI complaints received; nature of the complaints; resolution of the complaints.
 - f. **Timeliness of Services:** The number of requests for services; amount of time from request to when service was delivered; number of requests denied.
 - g. **Right of Way/Eminent Domain:** The number of such actions and diversity of individual(s) affected.
 - h. **Program Participants:** Racial data of program participants where possible.

ⁱ The executive order verbatim can be found online at <http://www.usdoj.gov/crt/cor/Pubs/eolep.htm>.

ⁱⁱ Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons. Federal Register: December 14, 2005 (Volume 70, Number 239)

ⁱⁱⁱ The DOT has also posted an abbreviated version of this guidance on their website at <https://www.civilrights.dot.gov/civil-rights-awareness-enforcement/language-assistance/dots-lep-guidance>

^{iv} <http://www.dotcr.ost.dot.gov/asp/lep/asp>

^v Department of Justice Final LEP Guidelines, Federal Register June 18, 2002-Vol. 67-Number 117.

PERSONNEL MANUAL



Village of Decatur, Michigan

November 7, 2022

VILLAGE OF DECATUR

PERSONNEL HANDBOOK

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INTRODUCTION

Welcome and Mission Statement

Welcome to the Village of Decatur! The Village of Decatur (the “Village” or “Decatur”) is dedicated to providing quality public services at the lowest possible tax rate that will promote health, comfort, safety, and convenience to its citizens and the community.

As an employee of the Village, you have an essential role to play in the Village’s mission. The work you perform each and every day positively impacts the quality of services the Village is able to provide to its residents.

Purpose of this Handbook

The primary purpose of this Handbook (the “Handbook”) is to introduce new employees to the work rules, policies, procedures, and benefit plans covering Village of Decatur employees, as well as serving as a reference for employees currently employed.

This Handbook is also intended to serve as a mechanism for promoting favorable employee relations by providing comprehensive information to employees regarding their employment. This Handbook does not and cannot provide a policy for every situation that may arise; rather, it is designed to give you an overall understanding of our policies.

This Handbook, or any other written or verbal communication by the Village, is not intended as and does not create a contract of employment, either expressed or implied.

Employees represented by a union collectively negotiate their wages, benefits, terms, and conditions of employment through their union representative. Nothing within this Handbook is intended to usurp the collective bargaining process.

Application of this Handbook

These policies and procedures apply to all of the Village’s employees unless specifically addressed in **a collective bargaining agreement (“CBA”), formal employment contract or insurance plan document**. Where such documents specifically differ from these policies, then the applicable provision(s) of the subject agreement shall govern.

This Handbook is in no way intended to unilaterally create or change policies or practices that are mandatory subjects of collective bargaining with union groups.

These policies are designed to work in combination with individual departmental policies and procedures; however, these policies shall prevail should they come into conflict with departmental policies or procedures.

No person, other than the Village Manager and Council has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the provisions of this Handbook.

These policies govern regardless of past practices or former policies. This Handbook supersedes any previous verbal or written policies, statements, understandings or agreements concerning terms and conditions of employment, **except in cases of collective bargaining agreements, formal employment contracts, or other legally binding agreements which terms supersede this Handbook on any conflicting terms.**

Distribution and Revisions

A copy of this Handbook will be provided to each employee, who will be required to sign a standard form certifying their receipt and review of the Handbook.

The Village reserves the right to add, change, modify or discontinue any provision of this Handbook. No person other than the Village Manager and Council has the authority to enter into any agreement for employment for any specified period of time or to make any agreement contrary to the provisions of this Handbook.

Revisions or updates to the Handbook will be provided to all employees. Employees are expected to review all changes and updates and remain abreast of all current personnel policies. Employees may periodically be required to provide an updated sign-off that they have received and reviewed the Handbook and changes in policy.

Village Government and Organization

The Village is governed by a seven-member Council that acts as the legislative authority for the Village. Each Council member is elected by the residents and serves for a term of four years.

The Village owns and operates several facilities and provides a variety of services to the community including:

Village Facilities

Village Hall
Decatur Police Department
Decatur Public Works
Sewer Lagoons
Well Houses
Raider Romp
DDA Park

Village Services

Police Services
Water Services
Sewer Services
Wastewater Services
Street Repair
Street Maintenance
Snow Removal

Red Woolfe Park

Leaf Pickup

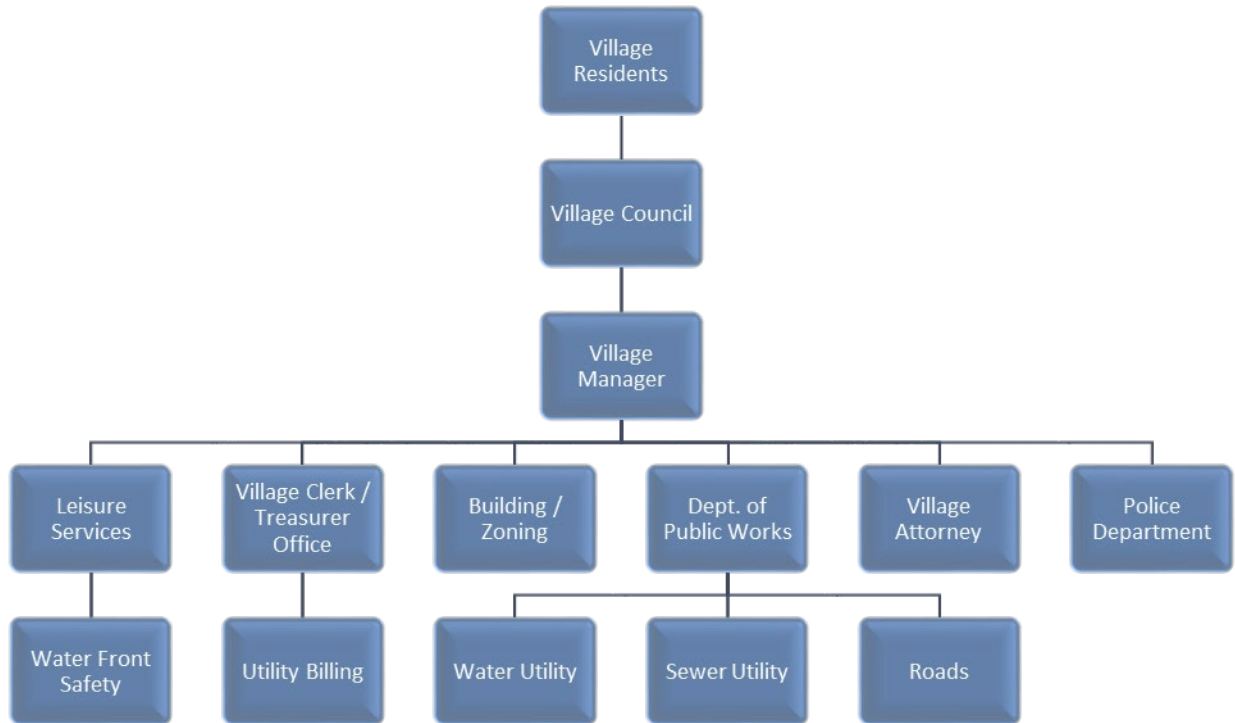
Fire Station Park

Parks & Recreation

South Side Park

Industrial Park

The chart below illustrates the organizational structure within the Village:



HIRING AND EMPLOYMENT

This section addresses various topics related to how the Village administers the personnel function, all the way from posting a vacancy to concluding employment with the Village through termination or retirement.

Employees subject to CBA's and/or employment contracts should consult those documents for alternative processes that may apply.

At-Will Employment

This Handbook contains a set of guidelines for the conduct of the Village's business. However, these guidelines and this Handbook are not meant to be contractual commitments or an employment contract, and the Village reserves the right to revoke, modify or suspend them at its discretion.

The Village maintains an at-will employment relationship with all non-union employees. This means that employees are free to resign from employment with the Village at any time, for any reason or no reason, and with or without notice. This also means that the Village is free to terminate the employment of any individual at any time, for any reason or no reason, and with or without notice.

Any statement by any Village representative, written or oral, claiming to change this at-will policy, or to create or enter into an employment contract or any agreement or commitment for a definite time or duration of employment, is not binding upon the Village unless reduced to a written agreement signed by the Village Manager or Council.

Nothing in this statement is intended to interfere with, restrain, or prevent concerted activity as protected by the National Labor Relations Act. Such activity includes employee communications regarding wages, hours, or other terms or conditions of employment. Decatur employees have the right to engage in or refrain from such activities. Decatur will not discipline or take any adverse action against an employee because the employee engages in discussion or inquiries about wages, hours, or other terms or conditions of employment. Relatedly, Decatur will not take any adverse action against an employee because of an employee's lawful activity off Decatur premises during nonworking hours except in certain limited circumstances, such as where the lawful activity presents a conflict of interest or directly conflicts with the essential business-related interests of Decatur.

Equal Employment Opportunity

It is Village policy to provide equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, sex, national origin, age, disability, citizenship, marital status, height or weight, past or present membership in the uniformed services, veteran status, or any other legally protected category under federal, state or local laws. This policy applies to all terms and conditions of employment, including but not limited to, recruitment, hiring, placement, promotion, discipline,

termination, layoff, recall, transfer, leaves of absence, compensation, access to benefits, training, and other personnel matters. All employment and personnel-related decisions are based solely upon legitimate, job-related factors, such as skill, ability, past performance, and length of service with the Village.

Discrimination and Harassment-Free Workplace Policy

The Village is committed to providing a work environment that is free from all forms of discrimination and harassment. Harassment consists of unwelcome conduct, whether verbal, physical or visual, that is based upon or derisive of a person's race, color, religion, sex, national origin, age, disability, citizenship, marital status, height or weight, past or present membership in the uniformed services, veteran status, or other legally protected characteristics or conduct, where the unwelcome conduct affects tangible job benefits, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive working environment. All employees have a personal responsibility to keep the workplace free of any such harassment. This policy applies to any relationship or dealings that a Village employee has in the workplace or in connection with the performance of job duties. Therefore, the prohibition against harassment applies to employees, citizens, vendors, and others with whom we do business.

Sexual Harassment: While all forms of harassment are strictly prohibited, the Village emphasizes its prohibition of sexual harassment. Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes harassment of a person of the same sex as the harasser. The following is a partial list of sexual harassment examples:

- Unwanted sexual advances.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters.
- Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes.
- Verbal sexual advances or propositions.
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes or invitations.
- Physical conduct that includes touching, assaulting, or impeding or blocking movements.

Unwelcome sexual advances (either verbal or physical), requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment; (2) submission or rejection of the conduct is used as a basis for making employment decisions; or (3) the conduct has the purpose or effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment.

Other Unlawful Harassment: Harassment on the basis of any other protected characteristic is also prohibited. Under this policy, verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, national origin, age, disability, citizenship, marital status, height or weight, past or present membership in the uniformed services, veteran status, or any other characteristic protected by law violates this policy. Harassing conduct includes: making epithets or slurs; negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion and that is placed on walls or elsewhere on Village premises or circulated in the workplace.

Complaint Procedure: If you experience or witness sexual or other unlawful harassment in the workplace, report it immediately to your supervisor or otherwise in accordance with the chain of command outlined in this Handbook. If your supervisor is unavailable or if you are uncomfortable contacting that person, you should immediately report this harassment to the Village Manager, Village Clerk or DPW Foreman in accordance with the chain of command.

All allegations of harassment will be quickly and discreetly investigated. The investigation may include interviews with the person making the complaint, the person against whom the complaint is made, any potential witnesses identified by either person, or any person whom the Village believes has relevant information. To the extent possible, your confidentiality and that of any witnesses and the alleged harasser will be protected against unnecessary disclosure. The results of the investigation will be discussed with the persons involved, and appropriate disciplinary action, if any, will be taken, up to and including termination.

Village Manager, Village Clerk or DPW Foreman Responsibilities: All members of management are responsible for the effective administration of this policy. Should a member of management become aware of or advised of an infraction of this policy, they should immediately report the matter to the head of the manager's department or to the appropriate Village management, so that a full investigation may be conducted.

No Retaliation: The Village prohibits retaliation against anyone who complains or participates in an investigation. If an individual attempts to retaliate, the Village will impose discipline, up to and including termination, regardless of the outcome of the investigation. If any employee believes that they have been retaliated against for exercising rights under this policy, the employee should report such conduct using the complaint procedure set forth above.

False Accusations Prohibited: Because false accusations may have serious impact on the person accused, any employee who makes a complaint that they know to be false will be subject to disciplinary action, up to and including termination.

Discipline: Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment.

Disability Act Requirements

It is Village policy to comply with the provisions of all federal and state disability laws, which prohibit discriminatory employment practices against individuals with disabilities, as well as all state disability discrimination laws. We will make a good faith effort to provide reasonable accommodation to an otherwise qualified candidate who applies for a position or an employee who is able to perform the essential functions of his or her job, as long as the accommodation does not result in an undue hardship.

This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training. Persons with disabilities needing accommodation for employment must notify the Village Manager in writing within 182 days after the date you become aware of the need for accommodation.

Immigration Law and the Immigration Reform and Control Act of 1986 (IRCA)

The Immigration Reform and Control Act of 1986 ("IRCA") requires that each new employee must, as a condition of employment, complete the Employment Eligibility Verification Form I-9 and submit satisfactory evidence of their identity and legal authority to work in the United States that complies with the requirements of IRCA. An employee who has provided right-to-work documentation that has an expiration date must provide updated documentation to the Village before the expiration date.

If an employee's authorization to work is called into question by the U.S. Social Security Administration or any other government agency, whether state or federal, the employee must cooperate in establishing legal eligibility to work in the United States. If an employee's eligibility to work cannot be established, the Village must terminate employment as permitted by state and federal law.

Application for Posting Opening

All applicants seeking employment with the Village, including former or current employees, must complete a job application form. Additionally, a résumé may be required depending on the particular position. Applications may be kept on file for two (2) years.

The Village considers the accuracy of the information the applicant provides during the employment process to be of utmost importance. The Village may reject employment applications or dismiss current employees if it finds inaccuracies in the job application or submitted résumé.

Nepotism or Conflict of Interest

The Village will hire and employ Immediate Family Members of current employees only under limited circumstances. For purposes of this policy, Immediate Family Member includes spouse, domestic partner, parent, child, sibling, brother- or sister-in-law, aunt, uncle, niece, nephew, grandparent, or member of the same household. This policy also applies to romantic relationships.

All employment decisions must be objective and unbiased. To avoid a real or perceived conflict of interest (supervision, safety, security, morale), Immediate Family Members must never be hired or employed in positions where they directly supervise or report to an employee who is also an Immediate Family Member. If such a supervision/reporting relationship arises or is unknowingly created (including through a romantic relationship), it is the employees' responsibility to immediately report the existence of this relationship to the Village Manager. When or if in doubt, report. This policy will be considered when hiring, assigning, transferring, or promoting any employee. To avoid even the appearance of impropriety, an employee must recuse themselves and must not initiate or participate in the decision-making process for any decision involving an Immediate Family Member.

A romantic relationship between two employees must be immediately reported to the Village Manager. Employees should use their own judgment to decide when a romantic relationship exists. Again, when or if in doubt, report. The Village will attempt to assign or reassign the involved employees to avoid conflicts of interest. If conflicts of interest cannot be avoided, or if conflicts of interest arise despite the Village's efforts, the employees must either terminate their relationship or one employee will be required to resign or be involuntarily terminated.

Background Reports: Ongoing Review and Validation

The Village reserves the right to review an employee's background information throughout their employment. Employees are required to immediately report to the Village Manager any of the following:

- Criminal convictions;
- Driving offenses that affect insurability (including, but not limited to, drunk driving, offenses with significant "points");
- Driving offenses that limit one's legal right to drive;
- Any other events that impact an employee's ability and availability to safely and consistently perform their job;
- Loss or revocation of certifications or errors/omissions in an employee's personnel file.

Orientation Period

CBAs may contain language regarding orientation or "probationary" periods. Consult those documents for details.

It is the Village's goal to ensure employees receive adequate opportunity to become familiar with Village operations, procedures, and their specific job functions. To this end, the Village provides various formal and informal orientation and training programs for all employees.

New and rehired employees in non-union positions are provided an orientation period that typically spans 90 days during which the employee can learn their positional duties and become familiar with the organization as a whole. During the orientation period, the Village will provide formal and informal training, instruction and direction, and employees should actively seek clarification on policies, processes, procedures and performance expectations. Employees reaching the end of their orientation period will receive a formal performance evaluation.

Employees may be eligible for some benefits during their orientation period.

Existing employees who are promoted or transferred to a new position within the Village are subject to a secondary orientation period typically spanning 90 days. If during the orientation period an employee is not meeting expectations in their new role, as deemed solely by management, the employee may be allowed to return to his or her former position or a comparable position for which the employee is qualified, depending on availability of such position. Benefits eligibility and employment status are not affected during the secondary orientation period.

The orientation period in no way alters the Village's at-will status. An employee may be terminated with or without cause during the orientation period.

Anniversary Date

The Village calculates continuous service or "seniority" for non-union employees based upon their most recent date of hire, or anniversary date.

Outside Employment

Village employees wishing to hold outside employment in addition to his or her Village employment may do so, however, the outside employment cannot interfere with the employee's responsibilities to the Village. All employees will be evaluated based on performance standards and will be subject to the Village's scheduling demands, regardless of any existing outside work requirements.

The employee may be instructed to end any outside employment if the Village determines that the outside employment interferes with the employee's performance or ability to meet the requirement of their Village responsibilities. Additionally, the Village may require the employee to end any outside employment if the Village determines that a potential conflict of interest arises from the secondary employment or if the employee's ability to effectively perform their Village work will be hindered.

Outside work may not be performed during regularly scheduled Village work hours or at a Village facility, and no Village resources, equipment, tools or supplies may be used for outside work.

Access to Personnel Files

The Village maintains personnel files on each employee. All information in employee personnel files is considered confidential. These files contain documentation regarding all aspects of the employee's tenure with the Village, such as performance appraisals, beneficiary designation forms, disciplinary warning notices, and letters of commendation. Employees have the right to review their personnel file. If you wish to review your file, please contact the Village Manager to schedule an appointment.

To ensure that your personnel file is up-to-date at all times, notify the Village Manager of any changes in your name, telephone number, home address, marital status, number of dependents, scholastic achievements, the individuals to notify in case of an emergency, and so forth.

Social Security Number Privacy Policy

As a condition of your employment, it is necessary to provide us with your Social Security number. We need to obtain your Social Security number to meet payroll, state and federal tax, and insurance coverage requirements.

The Village will take measures reasonably necessary to ensure the confidentiality of its employees' Social Security numbers and those collected in the ordinary course of the Village's business. Neither the Village nor any of its employees will unlawfully disclose Social Security numbers obtained during the ordinary course of business. The Village will limit access to information or documents containing Social Security numbers to only those employees of the Village whose job descriptions require the use of Social Security numbers. Also, the Village will strictly limit the display of Social Security numbers on computer monitors or printed documents, unless required by law or business necessity. The Village will not use Social Security numbers, more than four consecutive numbers of a Social Security number, or a derivation from them, as personal identifiers, permits, licenses, primary account numbers, or similar uses unless required by law. The Village may use a Social Security number to perform an administrative duty related to employment including, for example, to verify the identity of an individual, to detect or prevent identity theft, to investigate a claims, credit, criminal, or driving history, to enforce legal rights or administer benefits programs. The Village will retain an employee's Social Security number for the duration of the employee's employment and for a period of two years following the employee's termination, or for a longer period as required by law. The Village will physically destroy documents that contain Social Security numbers that need to be discarded by shredding or other secure fashion. Social Security numbers stored in a computer database which need to be removed will be deleted from all programs pursuant to techniques and standards commonly used for such purposes. All provisions of this policy are subject to the language of the applicable social security law.

If you have any questions about Social Security number privacy and security, please see the Village Manager for more information. Violations of this policy will subject an employee to disciplinary action up to and including termination of employment.

Performance Evaluations

Employees may be provided with an annual performance review by their department head. A performance evaluation is an ongoing assessment process that assists employees and employers in reaching their goals by providing a formal opportunity to develop goals and objectives, to identify strengths, and to define training or improvement programs for areas requiring development. Completion of the performance evaluation form and discussion of noted ratings will facilitate communication and an understanding of expectations while providing a history of employee progress and development.

Through the annual performance evaluation, job descriptions may also be reviewed to ensure these documents remain updated and accurate.

The results of evaluations support various employment actions and decisions such as promotion, discipline, and compensation. Employees will have an opportunity to meet with and discuss the results of their evaluation with their supervisor and submit additional comment or points of disagreement to be included within their personnel file.

Employees reaching the end of their orientation period will also receive a formal performance evaluation.

Completion of a performance evaluation does not necessarily mean a change in pay or duties.

Disciplinary Procedure

An employee who violates Village policy or general standards of conduct shall be subject to disciplinary action at the Village's sole discretion. The Village will assess numerous factors in determining the degree of discipline rendered. Among others, these factors include severity of the conduct violation, impact on the Village, state and federal laws, extenuating facts and circumstances, and the general facts and circumstances of the incident.

Nothing in this policy or this Handbook negates the at-will employment relationship and either the employee or the Village may terminate the employment relationship at any time, with or without cause, and with or without notice.

Employees subject to a collective bargaining agreement should reference that for their specific disciplinary procedure.

Voluntary Termination

Although advance notice is not required, the Village requests that employees provide their Department Head at least two weeks' advance written notice of resignation. Employees

resigning will be paid for actual time worked. Proper notice generally allows the Village sufficient time to calculate all accrued overtime (if applicable) as well as other monies to which the employee may be entitled and to include such monies in their final paycheck.

If an employee is planning to retire, the employee is encouraged to provide the Village with as much notice as possible, preferably a minimum of 6 weeks. Doing so will allow sufficient time for the processing of appropriate forms to ensure that any retirement benefits to which an employee may be entitled commence in a timely manner.

An employee voluntarily separating their employment may be asked to forego the two-week notice and immediately end their employment.

Exit Interview

In the event of termination of employment, the employee is encouraged to engage in an exit interview with the Village Manager. Exit interviews help to ensure a seamless transition for the departing employee and provide an opportunity for the Village to gather important information on their operations and business practices. In addition, exit interviews provide the Village with the opportunity to ensure and document that all Village property is returned.

Return of Village Property

When an employee's employment with the Village terminates, for whatever reason, the employee is required to immediately return all Village-owned property used during their employment, and all documents, equipment, and other materials containing proprietary or confidential information belonging to the Village. This includes without limitation, keys, credit cards, computers, vehicles, communication devices, uniforms, identification cards or badges, and any other equipment, materials, or items purchased, leased, owned, or otherwise belonging to Decatur. Upon separation, employees must return any originals or duplicates of any written or other tangible items, whether maintained in hard copy, electronic medium, or any other format, belonging to Decatur, its affiliates, successors, or assigns, including without limitation, correspondence, reports, memoranda, records, data, charts, notes, devices, specifications, drawings, client or customer lists, and any other item containing trade secret information or confidential information relating to the Village's products, services, operating systems, designs, formulas, developmental or experimental work, computer programs, databases, customers/clients, marketing strategies, business plans, financial information, and employee information. These items are property of Decatur.

GENERAL EMPLOYMENT POLICIES & RULES

The Village has established the following employment policies and work rules to ensure a safe and productive work environment for all. The workplace brings together many different types of people whose unique perspectives and individual skills and talents add tremendous value to the organization.

The Village serves the public best when functioning well as a strong team. As such, the Village expects that staff from all departments and at every level within the organization treat each other as respected and valuable colleagues. These policies and rules are intended to provide a foundation for resolving issues in a consistent and objective manner.

Violation of any employment policies or work rules will be taken seriously and may result in disciplinary action up to and including termination of employment. The Village prohibits retaliation against an employee exercising their rights or reporting violations of these policies and will subject the retaliating employee to disciplinary action up to and including termination of employment.

Guidelines for Appropriate Conduct

As a member of the Village's team, you are expected to accept certain responsibilities, adhere to acceptable business principles, and exhibit a high degree of personal integrity at all times. Whether you are on or off duty, your conduct reflects on the Village. You are, consequently, encouraged to observe the highest standards of ethical conduct.

Types of conduct that the Village considers inappropriate include, but are not limited to:

1. Falsifying employment or other Village records.
2. Violating the Village's Discrimination and Harassment-Free Workplace Policy.
3. Soliciting or accepting gratuities.
4. Establishing a pattern of excessive absenteeism or tardiness.
5. Engaging in excessive, unnecessary, or unauthorized use of the Village's supplies, particularly for personal purposes.
6. Reporting to work intoxicated or under the influence of illegal or non-prescribed drugs.
7. Illegally manufacturing, possessing, using, selling, distributing or transporting drugs.
8. Bringing or using alcoholic beverages on Village property or using alcoholic beverages while engaged in Village business off the Village's premises, except

where authorized. In any and all cases, while engaged in Village business, excessive use of alcohol is inappropriate and unacceptable behavior.

9. Fighting or using obscene, abusive, or threatening language or gestures.
10. Stealing property from co-workers or visitors of the Village.
11. Having unauthorized firearms on Village premises or while on Village business.
12. Disregarding safety or security regulations.
13. Engaging in insubordination.
14. Failing to maintain confidentiality of the Village's confidential information.
15. Violating the Village's Electronic Communications & Computer Access policy.

If your performance, work habits, or conduct becomes unsatisfactory in the judgment of the Village, based on violations either of the above or any other Village policies, rules, or regulations, you will be subject to disciplinary action, up to and including termination. The listing of these work rules does not alter the at-will nature of your employment.

Ethics and Code of Conduct

Detailed standards related to conflicts of interest and rules of conduct are included as part of the Village's broad ethics ordinance, which applies to all officers, employees, and volunteers of the Village. Employees are expected to review and observe these policies, procedures, and ordinances in addition to the policy contained within this Handbook. By way of example and not by limitation, no officer, employee, or volunteer of the Village shall:

1. Use their public office or employment for private gain;
2. Give preferential treatment to any organization or person except as expressly permitted by law, ordinance, resolution or policy;
3. Impede government efficiency or economy for personal gain or profit;
4. Accept cash or gifts of any kind under circumstances that can reasonably be inferred as intended to influence the employee in their official Village capacity or as intended as a reward for any official action on the employee's part;
5. Be directly or indirectly a party to any contract with the Village;
6. Engage in private or other public employment or render services for private or other public interests when such employment or service is incompatible with the proper discharge of his/her duties to the Village;
7. Expend public funds unlawfully or without proper authorization;
8. Participate in activities for or advocate for any political campaign, referendum or recall while on duty, or display political posters or bumper stickers on Village

vehicles or property or use one's title as an employee to take positions supporting or opposing political issues or candidates.

- ✓ Employees shall immediately report any perceived conflict of interest or any alleged violation of the Village's ethics policy to the Village Manager. Reports related to the Village Manager, or an elected or appointed official shall be made to the Village Council. To the extent possible, reasonable efforts will be made to keep information regarding alleged violations of this policy confidential. The Village cannot, however, guarantee confidentiality.

With regard to general work rules, it is impossible to create an exhaustive list of behaviors or potential infractions. The Village expects that common sense, professionalism and general decency will govern personal conduct. Employees, officers, and volunteers should at all times act as good stewards of the public's trust and resources, and should at all times be:

- | | | |
|---------------|--------------|----------------|
| ✓ law-abiding | ✓ productive | ✓ professional |
| ✓ respectful | ✓ careful | ✓ efficient |
| ✓ honest | ✓ dedicated | ✓ courteous |
| ✓ trustworthy | ✓ discrete | ✓ reliable |
| ✓ mature | | |

The workplace brings together many different types of people whose unique perspectives and individual skills and talents add tremendous value to the organization. We serve the public best when functioning enthusiastically as a coordinated team of professionals. All employees, officers, and volunteers, at every level within the organization, are expected to treat each other as respected and valuable colleagues.

Whistleblower Protection

Under this policy, a whistleblower is a Village employee that reports an activity that they consider to be illegal or dishonest to one or more of the parties specified in this policy. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures.

If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee is to contact the Village Manager, the Village Clerk/Treasurer, or the Village Attorney. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination of employment.

Whistleblower protections are provided in two important areas -- confidentiality and against retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough

investigation, to comply with the law, and to provide accused individuals their legal rights of defense.

The Village will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination of employment, compensation decreases, or poor work assignments, and threats of physical harm. Any whistleblower who believes they are being retaliated against must contact the Village Manager, Village Clerk/Treasurer, or the Village Attorney immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

All reports of illegal and dishonest activities will be promptly submitted to the Village Manager, Village Clerk/Treasurer, and Village Attorney who will be responsible for investigating and coordinating corrective action, as well as reporting the information to Village Council once the investigation is complete.

Employees with any questions regarding this policy should contact the Village Manager.

Drug and Controlled Substance-Free Workplace

The Village is dedicated to the well-being and safety of our employees and the community we serve. It is equally obligated to its administration, citizens, community, local businesses and the public to operate its business safely and prudently.

The Village acknowledges and certifies that it abides by the Federal Drug Free Workplace Act of 1988.

The Village complies with the regulations of the Federal Highway Administration and Department of Transportation (DOT) Qualification of Drivers and Procedures for Transportation Workers Drug Testing Programs (49 CFR, Parts 40 and 382).

The Village also complies with the Michigan's Motor Carrier Safety Act No. 339 of 1990 (M.C.L. 480.1, et. seq.) to the extent required by law.

Decatur has a strong commitment to its employees to provide an alcohol and drug-free working environment. Consistent with the commitment, the Village has developed this policy regarding the use of alcohol and drugs by our employees.

The purpose of this policy is to:

- Establish and maintain a healthy and safe working environment for all employees;
- Assure the reputation of the Village and its employees as good responsible citizens;
- Reduce accidental injury to persons and property;
- Reduce absenteeism, tardiness, and indifferent or declining job performance;

- Deter the use of illegally used controlled substances and alcohol abuses;
- Detect the use and abuse of both alcohol and controlled substances by those employees who may persist in the use of these substances; and
- Provide assistance in rehabilitation for any employee by the Village's Employee Assistance Program.

The Village prohibits the use, sale, purchase, distribution, possession, manufacture of illegal drugs, narcotics, prescription drugs obtained illegally, or used other than directed, and the misuse of legally prescribed medications on Village property, while using Village property, while performing work on behalf of the Village, while driving a Village vehicle and/or while on Village paid travel. Further, the Village prohibits the use, sale, and consumption of alcoholic beverages on Village property, while using Village property, while performing work on behalf of the Village or while driving a Village vehicle.

Employees reporting to or performing work under the influence of any prescription or other lawful drug which may affect the safety of other employees, guests, visitors, the employee's job performance, or the safe, efficient operation of the Village must notify the Village Manager. An employee may continue to work, even though under the influence of a legal drug, if a determination is made, which may include consultation with an appropriate medical professional, that the employee does not pose a threat to the employee's personal safety or the safety of others and that the employee's job performance and the safe, efficient operation of the Village is not affected by the prescription or other lawful drug. Otherwise, the employee may be required to take a leave of absence or comply with other appropriate action determined by the Village.

To help enforce this policy, the Village may require employees to submit to a drug test upon the observance of behavior which creates a reasonable suspicion, in the Village's judgment, that the employee is in violation of this policy. Employees may also be asked to submit to a drug/controlled substance test, including testing for marijuana, following an on-the-job accident or an incident in which safety precautions may have been violated or, for covered, employees, as required by the Department of Transportation.

Employees convicted of controlled-substance-related violations in the workplace, including pleas of nolo contendere (i.e., no contest), must inform the Village within five days of such conviction or plea.

Employees who violate any aspect of this policy may be subject to disciplinary action up to and including termination of employment. At its discretion, the Village may require employees who violate this policy to successfully complete a drug abuse assistance or rehabilitation program as a condition of continued employment. Failure or refusal of an employee to cooperate fully, sign a consent/release form or any other required document for testing, or submit in full to any inspection or drug test as provided will be treated as a positive drug test result and is independent grounds for disciplinary action up to and including termination of employment. Substituting or adulterating any body substance or specimen submitted for testing, or falsely representing that the body substance or

specimen is the employee's own sample, likewise will be grounds for disciplinary action up to and including termination of employment.

It is the Village's intention to comply fully with all federal and state regulations. In the event regulations are amended, this policy and the applicable terms, conditions, and/or requirements are deemed to have been amended to comply with the law.

Medical Examinations

The Village may require an employee to submit to a medical or psychological exam to determine fitness for duty provided the examinations are job-related and consistent with business necessity. Tests for alcohol or illegal drug use are not considered medical examinations, nor are physical agility tests. Fitness for duty exams will be conducted by a licensed professional designated by the Village and will be paid for by the Village.

The Village will comply with all applicable laws and guidelines in addressing circumstances where an employee is found to be unfit to perform some or all of their essential job functions. This policy in no way shall be construed to limit employees' rights under any federal or state law.

Light duty or modified return-to-work arrangements are not guaranteed and would not indicate continued employment if provided.

Nursing Parents

The Village provides support to breastfeeding parents who wish to take breaks during their workday in order to express milk when separated from their infant children. If an employee wishes to take breaks for this purpose, the employee should discuss it with their immediate supervisor to determine a reasonable schedule for such breaks. The Village will arrange for a private room (other than a bathroom) that an employee may use. Expressed milk may be placed in a refrigerator or other cold storage space at the Village's facility. As an alternative, the employee may choose to provide their own portable cold storage device.

The employee must label their milk and it must be removed at the end of the employee's scheduled shift. The Village is not responsible for any loss or theft of expressed milk.

Work Violence and Intimidation Prevention

The Village is committed to offering employees an environment free from violence and intimidation. Therefore, we enforce a clear policy of zero-tolerance for all forms of violence in our workplace including, but not limited to: physical assault, verbal or nonverbal threats or intimidation, possession of any type of weapon except for Village Police Officers, destruction or defacing of Village property, and the use of profanity or threatening abusive language, stalking or intimidation. Decatur will determine, in its discretion, whether an act is violent or not.

It is important that every employee understand that there is no such thing as an idle threat. Decatur will interpret any threatening statement or gesture as "intent to carry it out" and will not accept as a defense that an employee was "only joking or fooling around."

Following the Village Manager's investigation, anyone who is found to have engaged in an act of violence will be disciplined up to and including termination of employment. All violence allegations will be thoroughly investigated. Decatur will take the appropriate corrective action as warranted by such an investigation. All violence complaints will be handled in as confidential a manner as possible, consistent with resolution of the problem.

Also, if an employee feels they are in danger of a violent act, they must immediately inform their supervisor so that the Village can take any necessary precautions.

Workplace Security

To provide for the safety and security of employees and facilities of the Village, only authorized visitors are allowed in the workplace. Restricting unauthorized visitors helps maintain safety standards, protects against theft, ensures the security of equipment, protects confidential information, safeguards employee welfare, and avoids potential distractions and disturbances.

All visitors should enter the Village Hall through the lobby. Authorized visitors will receive directions or be escorted to their destination. Employees are responsible for the conduct and safety of their visitors.

If an unauthorized individual is observed on the Village's premises, employees should immediately notify their supervisor, or if necessary, direct the individual to the lobby.

Safety

The Village is committed to providing a safe and healthy working environment for employees. The Village also makes every effort to comply with relevant federal and state occupational health and safety laws and to develop the best feasible operations, procedures, technologies, and programs conducive to such an environment.

The Village's policy is aimed at minimizing the exposure of our employees, the public and Village contractors to health or safety risks. To accomplish this objective, employees are expected to work diligently to maintain safe and healthy working conditions and to adhere to proper operating practices and procedures designed to prevent injuries and illnesses.

Village employees are expected to:

1. Exercise maximum care and good judgment to prevent accidents and injuries;
2. Report to supervisors and seek first aid for all injuries, regardless of how minor;
3. Report unsafe conditions, equipment, or practices to supervisory personnel;

4. Know and conscientiously observe all safety rules and regulations at all times; and
5. Observe good housekeeping practices, including keeping a clean and orderly work area, uncluttered aisles, unimpaired exit, and general neatness.

Some of the best ideas to improve safety come from employees. Employees with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their supervisor or bring them to the attention of the Village Manager. Reports and concerns about workplace safety issues may be made anonymously if the employee wishes. The Village prohibits retaliation against any employee that submits an idea, concern or suggestion pursuant to this policy.

The Village complies with federal and state Right-To-Know laws and will make every effort to provide information to employees about any hazardous chemical to which they may be exposed. Right-To-Know information is posted near the areas in which employees may be exposed to chemicals or other potentially hazardous materials. Employees are required to read and be familiar with all posted materials.

Violations of the policy may lead to disciplinary action up to and including termination of employment. Questions concerning this policy should be directed to their department head and or the Village Clerk/Treasurer.

Safety Committee

The Village's Safety Committee is made up of Village employees, Village Council members, and Village citizens. The Committee is utilized to investigate an injury and to determine how to alter practices to ensure the prevention of future accidents.

Bulletin Boards

Each Village building has a bulletin board containing legal notices regarding your rights as an employee, for official Village business, and important neutral informational postings. Political, inflammatory, or controversial items are prohibited. If you would like to post something, please request permission from your Department Head prior to doing so. Be aware that tampering, defacing, or destroying any posting is prohibited.

Union contracts may provide for separate union bulletin boards in the workplace. Consult the CBA for applicable terms.

Workweek and Hours of Work

A normal workweek for non-union staff typically consists of 40 productive work hours, with additional time for meal and rest breaks. Union contracts may specify hours of work, and employees should consult those documents for specific details. The Village's workweek is Sunday through Saturday.

All hourly employees are expected to accurately record their hours worked on a daily basis and supervisors are to review and approve all time sheets. Employees are

prohibited from falsifying a time record or entering hours worked for another employee. Violations of this policy may result in disciplinary action up to and including termination of employment.

Lunch and Break Periods

Union contracts may contain language regarding lunch and other break periods and employees should consult those documents for details.

Regular, full-time employees are typically provided meal and rest breaks during the course of a normal working day. Generally, full-time, non-exempt employees observe a 30-minute unpaid lunch break around the middle of their workday, and two, 15-minute paid breaks. Other full-time staff are provided with a 60-minute unpaid lunch break but do not receive rest breaks.

Supervisors will schedule meal and rest breaks based on operational demands. Employees will be relieved of all active responsibilities and restrictions during unpaid breaks and are encouraged to take their break away from their workstation.

Employees are expected to return to their workstation on time following meal and rest breaks.

Attendance and Punctuality

All employees are required to report for work punctually and to work all scheduled hours and any required overtime. Excessive tardiness and poor attendance will not be tolerated.

It is the employee's responsibility to notify their supervisor, as far in advance as possible, when an employee will be late for their scheduled shift or when they will be absent. If the supervisor is unavailable, the employee should call Village Hall and leave a message for the Village Manager.

An employee who misses three (3) or more consecutive working days without notifying their supervisor will be considered to have voluntarily terminated their employment with the Village.

Reporting an Absence

If an employee is not able to report to work due to a sickness, illness or injury, the employee or some member of the employee's household must notify their department head or the Village Manager. Unless the employee's department head or Village Manager is so notified, no leave will be approved, except in unusual cases and then only after the approval of their department head or the Village Manager. Each department shall notify the Payroll Clerk no later than the Monday following the pay period ending detailing their department absentees for the entire pay period. For questions concerning this policy, please contact the Village Manager.

Mandatory Overtime & Call-In or Call-Back

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. Overtime cannot be worked without the supervisor's prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Overtime compensation is paid to all non-exempt employees in accordance with the Fair Labor Standards Act.

Failure to work assigned overtime may result in disciplinary action, up to and including termination of employment.

The Village has extensive responsibilities during an emergency. As such, an employee may be called into work at unscheduled times and may be required to perform duties outside his or her normal job function. As with mandatory overtime, employees are expected to be available and as flexible as possible to meet operational demands.

Employees called into work will be paid time and a half (1.5) at the employee's regular hourly rate for all hours worked. If an employee is called in during a scheduled PTO or personal/sick day, they will be paid time and a half (1.5) for the time they spent on the job as well as have their scheduled time off replaced in full.

There may be other provisions that apply in the event an employee is called into work outside their normal work schedule for employees covered under a CBA. See applicable union contracts for specific details.

Well House, Lift Station, and Pump Checks

Employees assigned to check the Well House, Lift Station, and Pump on a Saturday or Sunday will be paid time and a half (1.5) at the employee's regular hourly rate for all hours worked.

Work Cancellation

With the sole authority of the Village Manager, if the Village is forced to temporarily close its operations, the time off from scheduled work for non-exempt employees will be unpaid. Employees may, however, use available paid leave time with supervisor approval. Closures of more than one day will be addressed on a case-by-case basis, with the Village Manager or Village Clerk providing a timely directive.

Employees in essential operations may be required to work on a day when overall Village operations are officially closed and will receive their normal pay.

Emergencies in the Workplace

In the event of a life-threatening emergency, call 911 when it is safe to do so.

In the event of a fire, sound the alarm and promptly exit the building, calling 911 only after you are safely away from the scene.

In the case of a tornado or severe weather, employees should gather in the designated area and should not go outside and should avoid being near windows until it is safe to do so.

For all other emergencies, employees should inform the Village Manager.

No employee is required to work in conditions they believe to be unsafe. If an employee is unsure about the safety of a situation, they should immediately evacuate themselves from the emergent conditions and notify the Village Manager.

Personal Appearance and Hygiene

Appearance is important in demonstrating the professionalism of our organization. For this reason, each employee is expected to report to work each day with appropriate hygiene, appearance, and attire for their position.

Personal cleanliness is a must for all employees. Body odors, strong perfume or smoke may all be particularly offensive to the public or co-workers. Employees should take pride in their personal hygiene and appearance and report to work clean and groomed appropriately.

Attire should be consistent with job responsibilities and should not jeopardize the safety of the employee. Anyone reporting to work in inappropriate clothing will be sent home to change and will not be compensated for the time away from work.

It is impossible to describe or define every possible acceptable or unacceptable example of attire. Generally speaking, clothing should be in keeping with the image of a professional organization; the following is prohibited:

- Excessively worn, torn or dirty clothing.
- Clothing with suggestive or offensive logos, pictures, insignia, etc.
- Very tight, revealing or otherwise sexually suggestive clothing.
- Exercise attire including “sweats”.

If in doubt, ask prior to wearing the item. Your supervisor will determine whether or not attire is acceptable.

Uniforms and Safety Attire

The Village may issue directly, provide an allowance each fiscal year for, or reimburse employees in certain departments for safety attire/equipment, work shoes/boots, uniforms, etc., as described in the Village’s current policy or practice. These items are to

be clean and worn with reasonable care. The Village will replace worn or damaged items as needed and within reason. Village attire or uniforms are not to be used for personal gain.

Personal Property

The Village is not responsible for personal property brought onto its premises.

Workplace Searches

To safeguard the property of our employees, our citizens, and the Village, and to help prevent the possession, sale, and use of illegal or non-prescribed drugs on Village premises, the Village reserves the right to question employees and all other persons entering and leaving our premises, and to inspect any packages, parcels, purses, handbags, briefcases, lunchboxes, or any other possessions or articles carried to and from the Village's property. An employee's personal property will not be searched without first obtaining the employee's consent. Refusal by an employee to consent to a search, inspection or examination may result in discipline, up to and including termination. In addition, the Village reserves the right to search any employee's office, desk, files, locker, or any other area or article on our premises. It should be noted that all offices, desks, files, lockers, and so forth, are the property of the Village, and are issued for the use of employees only during their employment with the Village. Inspections may be conducted at any time at the discretion of the Village.

In conjunction with this policy, the Village has notices posted in conspicuous places throughout our facilities informing all employees, prospective employees, citizens, visitors, and all other persons of the Village's policy and right to question individuals and conduct inspections.

Persons entering the premises who refuse to cooperate in an inspection conducted pursuant to this policy will not be permitted to enter the premises. Employees working on or entering or leaving the premises who refuse to cooperate in an inspections as well as employees who after the inspection are believed to be in possession of stolen property or illegal drugs will be subject to disciplinary action up to and including discharge if on investigation they are found to be in violation of the Village's security procedures or any other Village rules and regulations.

Personal Workspace & Displays

Personal workspace is also considered the property of the Village and is oftentimes accessible and viewable by co-workers and the public. Reasonable displays of personal pictures and decorations are acceptable. However, any personal displays that violate harassment, code of conduct, or other policies will be addressed as a violation according to those procedures. The Village Manager have the final authority to determine what is acceptable.

Smoking and Tobacco Use

To maintain a safe and comfortable working environment and to ensure compliance with applicable laws, smoking and tobacco use in Village offices and facilities is strictly prohibited. E-cigarettes also may not be used in Village offices and facilities. We insist on strict adherence to this policy. All smoking must take place outside in designated areas. Employees smoking in any nonsmoking area may be subject to disciplinary action.

In addition, to be fair to all employees, individuals who smoke are expected to comply with existing Village policy regarding meal periods and rest breaks. Employees violating Village work rules on breaks or smoking areas will be subject to disciplinary action in accordance with Village policy.

Please contact the Village Manager if you have any questions about this policy. Complaints about violations of this policy may be filed under the Village's complaint resolution procedure, which is described elsewhere in this Handbook.

Freedom of Information Act

It is Village policy to comply fully with the Freedom of Information Act (FOIA). All individuals are entitled to certain and specific information regarding the affairs of government and the actions of public officials and public employees.

All FOIA requests are to be immediately directed to and processed by the Village Clerk or their designee. Requests for public information must be in writing and are ideally handled within five (5) business days after the request has been received. In some cases, an extension may be required, and certain information may be denied or redacted. Originals of any documents will not be allowed to leave Village property, and the costs associated with compiling and providing the information will be charged.

The Village's complete FOIA procedures and guidelines can be found in Appendix A.

Non-Disclosure of Confidential Information

The protection of confidential information of the Village is vital to the interest and success of the Village. Though much information handled by the Village is public information, employees may have access to confidential information not intended for or required to be publicly released.

Village employees are not to disclose any confidential information without prior approval from the Village Manager. Further, employees should only discuss confidential information when necessary to carry out job duties.

Under no circumstances may an employee remove documents, photos, reports, personal or personnel information or any confidential information that is the property of the Village.

Employees found to be in violation of this policy may be subject to disciplinary action up to and including termination of employment.

Public Statements & Press Calls

Unless otherwise delegated, the Village Manager is the officially designated spokesperson for Village staff. Staff should refer all requests for formal statements, interviews, and related activities to the Village Manager. In the absence of the Village Manager, public statements or media inquiries should be directed to the Police Chief or other designated spokespersons.

Staff may not make formal statements on behalf of the Village, or as an employee of the Village, except in the case of sharing routine, factual information. Employees wishing to address workplace concerns or grievances should not use the media as a mechanism to do so. Rather, employees are expected to follow the procedure as it pertains to reporting workplace concerns or grievances in the “Whistleblower Protection” and/or “Grievance Procedure” policies.

Customer Service

Employees are expected to be customer-focused and service-oriented; treating customers and residents in a courteous and respectful manner at all times. To promote excellent relations with our residents and customers, all employees must represent the Village in a positive manner and make residents and customers feel appreciated when dealing with the organization.

Attend to customers immediately; nothing is more important than providing first-class service. If you see a customer waiting, even if it is “not your department” or “not your job,” greet the customer and try to help or direct them.

Even though Village business is a daily routine for employees, most residents interact with Village just a few times a year. Their interaction with you will shape their opinion of the Village. Please do all that you can to make it a positive experience for them.

If they have a complaint or concern, listen patiently and provide feedback or explanation of Village policy in a constructive, professional manner. Remember, it is not the customer’s job to know the Village’s policy or process; don’t treat them as if they are at fault for not understanding. It is your job to help them understand and to leave them feeling good about their government.

If the issue cannot be resolved at your level, or if the person becomes disgruntled, a supervisor should be called in immediately. Employees are not expected to accept abuse or harassment and should immediately refer belligerent customers to their supervisor. In the most extreme circumstances, and especially if you feel endangered, call 911 immediately.

Employees are encouraged to report recurring customer-related problems to their supervisor and to make suggestions for changes in Village policies or operating procedures to solve problems. Continuous improvement in customer service is only possible with employees’ constructive input.

Gifts and Gratuities

As public servants, services must be rendered, and business contracts awarded without favoritism or the suggestion that gifts and/or gratuities are expected in return. The Village Manager may approve the acceptance of gifts presented for the benefit of the Village as a whole, its employees, and the public (such as a food basket that can be set out for general consumption). If a situation should arise that an employee considers inappropriate, they should promptly report it to the Village Manager.

Political Activity and General Solicitation

The Village does not discourage political participation or activity. However, certain restrictions are imposed to ensure the integrity and impartiality of the Village. In this regard:

- Employees of the Village shall not engage in political activities on behalf of a candidate for partisan or non-partisan election during those hours when the employee is being compensated for the performance of his or her duties as a Village of Decatur employee. This includes distributing or circulating literature or paraphernalia for or against an issue or candidate.
- Solicitation and/or distribution of literature, including signing and circulating petitions for candidates, propositions and other political matters, is prohibited during working hours or in work areas. Working hours include the actual working time of both the individual performing the solicitation or distribution and the employee to whom it is directed.
- Employees of the Village shall not solicit, receive, or in any way participate in soliciting or receiving any assessment, subscription or contribution for any political party or any political purpose whatsoever, during those hours when the employee is being compensated for the performance of his or her duties as a Village of Decatur employee.
- Employees involved with political campaigns shall do so as private citizens. Employment status with the Village shall not be referenced when campaigning for or against any candidate or ballot issue, question or proposal. Employees involved with political activity shall neither claim to represent the Village nor claim their views or opinions reflect the views or opinions of the Village.
- Equipment, materials, and supplies belonging to the Village, including the Village's letterhead, business cards, or other such material supplied by the Village, shall not be used in support of political activities.

With regard to general solicitation, employees are not allowed to solicit other employees during working time and the distribution of literature in working areas during working time is strictly prohibited. Working time does not include lunch periods or any other period in which the employee performing the solicitation and the employee receiving the solicitation are not being compensated by the Village. Additionally, employees may not post solicitations or other literature on Village bulletin boards.

Key Dispersal

Keys to Village buildings, facilities, vehicles or equipment may be issued to employees. Keys are never to be duplicated, given or lent to anyone else, including a fellow employee. Lost or found keys should be reported to the Village Manager's office immediately.

Use of Village Resources

Vehicles, materials, facilities, and equipment owned by the Village are intended for Village business use only. Further, Village employees are expected to perform work related only to Village business while on work time. Specifically:

- Mail & Letterhead - Employees may not use the Village's postage for personal mail. Additionally, employees should not routinely receive personal mail or package deliveries while at work. Village letterhead is to be used for official Village business only.
- Phone - All phone lines are to be kept available for the Village's business. Personal calls should be kept to a minimum. Employees are expected to reimburse any expense associated with personal long-distance calls or excessive personal calls made using a Village telephone.
- Cell Phone - Personal calls on Village cell phones are to be held to a minimum and are allowed provided only where personal use does not result in an overage of the contracted minutes. If the minutes are exceeded, the employee is required to pay the additional charges or costs.
- Vehicles – Village-owned vehicles are to be used for official Village business only.
- Equipment, Facilities, and Supplies - Equipment, facilities, and supplies are to be used for Village business only, including tools, machinery, computers, copiers, faxes and other office machines.
- Personnel – Village personnel are only to perform work related to Village business and/or projects while on work time.

Care of Equipment

Employees are expected to follow prescribed safety procedures for equipment and vehicle usage, refrain from and/or report equipment abuse, and guard against equipment loss.

Should an employee encounter equipment malfunction or be involved in an accident, the incident should be immediately reported to the appropriate supervisor or department head. Intentional equipment abuse, careless use of equipment, or habitual loss of equipment will not be tolerated and may result in disciplinary action, up to and including termination of employment.

Village-Owned Vehicles & Maintenance

Certain employees will have access to Village-owned vehicles with prior supervisor approval. Village-owned vehicles are not to be used for personal use.

Employees who have been authorized to use their personal vehicles for Village business will be reimbursed at the IRS approved rate.

Any employee driving on Village business, whether using their own vehicle or the Village's, must have a valid Michigan driver's license and a satisfactory driving record. Any restrictions on, or revocation of, an employee's legal right to drive must be immediately reported to the appropriate department head.

Employees who drive a vehicle on Village business must exercise due diligence to drive safely, observe all traffic laws, owner's manuals, speed limits and related rules of the road, and maintain the security of the vehicle and its contents. Drivers are responsible for any driving infractions or fines that result from their driving and must report them to their supervisor.

Employees who are involved in a car accident while traveling on Village business, whether using their own vehicle or the Village's, must promptly report the incident to their immediate supervisor, department head, or Village Manager.

Employees are expected and required to be alert and attentive to their duties at all times, including periods of on-duty driving and equipment operation. Distracted driving can be caused by many factors, including but not limited to, such activities as: phone manipulation and use; eating or drinking; attention to a radio communication, pager, or mobile data terminal; adjusting a radio/cassette/CD; attention to distractions outside of the vehicle, such as an accident, unusual event, or searching for an address; adjusting vehicle/climate controls; being startled by or attention to a moving object within the vehicle; or conversations with passengers. Some of these distractions are controllable by the driver. The Village recognizes that potential distractions may arise when cell phones are in use while operating a car, van, or truck, i.e., "moving vehicle." In fact, research indicates that talking on a cellular phone while driving quadruples the risk of an accident. In keeping with our obligation to maintain a safe and healthful workplace, and to control potential risk to our employees, passengers, and the general public, employees driving Village vehicles are asked to use extreme caution when driving and utilizing two-way radios or cellular phones. Preferably, when possible, employees should proceed to a safe location, park the car and complete the conversation. Please "hang up and drive."

All repairs to Village-owned vehicles must be performed by a certified technician. All service and repairs shall be documented in a vehicle log and kept on file in the Village offices. All vehicles shall be visually inspected by Village staff before operation to ensure that there are no visible signs of disrepair. Each month an inspection report for every vehicle shall be submitted to the Village's Safety Coordinate. The monthly vehicle inspection reports are due to the Safety Coordinator by the 5th day of the following month (e.g., February reports are due March 5th).

Credit Cards

The following policy and procedures govern the use of Village credit cards:

- a. The Village Manager is responsible for the issuing and oversight of the Village's credit/debit card policy.
- b. The Village Clerk/Treasurer is responsible for the accounting, monitoring, and retrieval of Village credit/debit cards.
- c. Village officers and employees who use a Village credit/debit card shall, as soon as possible, submit a copy of the vendor's credit/debit receipt to the Village Clerk/Treasurer. If no receipt was obtained that describes the transaction, the employee must submit:
 - i. A signed voucher that shows the name of the vendor or entity from which goods or services were purchased,
 - ii. The date and amount of the transaction,
 - iii. The official business that required the transaction, and
 - iv. The appropriate account number from the Village's chart of accounts indicating the line item to which the transaction is to be charged.
- d. An officer or employee who is issued a credit card is responsible for its protection and custody. If a credit/debit card is lost or stolen, the Village Clerk/Treasurer and/or Village Manager must be notified immediately to cancel the card.
- e. An officer or employee who is issued a credit card shall return the card to the Village Clerk/Treasurer as soon as they have completed the authorized transaction. If an employee is issued a credit card to keep in their possession, they must return the card to the Village Clerk/Treasurer upon their termination.
- f. The Village Clerk/Treasurer will maintain a list, with the following information:
 - i. All credit/debit cards owned by the Village,
 - ii. Names of all officers or employees who have been issued a credit card,
 - iii. Established credit/debit limits of each card,
 - iv. Date issued and date returned.

Each employee issued a credit card will initial the list beside their name to indicate agreement that the credit card has been issued, and that the employee has received and read a copy of this policy.

The Village Clerk/Treasurer shall review each credit card statement as soon as possible to ensure that transactions comply with this policy. Any transaction that appears on the statement that is not documented with a receipt or signed voucher will be immediately investigated. Transactions that do not appear to comply with this policy will be reported to the Village Manager, who must report the incident to Village Council.

The Village Council will not approve a payment to the credit card company until all transactions have been verified, including the approval of all transaction invoices if issued. The balance, including all fees and interest charges due on an extension of credit under this policy, will be paid in full not more than 60 days of initial statement date.

Officers and employees who use a Village credit card in a manner contrary to this policy will be subject to the disciplinary action outlined within the current employee policy Handbook.

The issuance of a Village credit/debit card is a privilege that may be revoked at any time. Any cardholder found in violation of this policy may be forced to surrender the card and may be subject to discipline up to and including termination of employment. Employees shall surrender their Village credit/debit card when requested and upon termination of employment.

Use of Communication Systems

Decatur provides its employees with the necessary communication equipment for prompt and efficient execution of Village business such as telephones, cell phones, voicemail, radios, etc. Supervisors are responsible for instructing employees on the proper use of communications equipment for both internal and external Village communications.

All Village communications, equipment, and services, including personal messages transmitted or stored by them, are the property of the Village. All Village communications, services, and messages are subject to all Freedom of Information Act (FOIA) requirements and may be required to be made public upon request. In addition, the Village may access and monitor internal and external communications as deemed appropriate.

Improper use of Village communication equipment or systems will result in discipline, up to and including termination of employment. Improper use includes communication that violates the discrimination and harassment-free workplace policy or policies regarding the personal use or abuse of Village property or any other policy contained within this Handbook.

Mobile Devices

Employees may be issued Village-owned mobile devices to assist them in performing their job duties. Like all Village resources, employees should have no expectation of privacy with regard to these mobile devices and recognize that they may be asked to surrender their device at any time, with or without notice.

Additionally, any Village document or correspondence stored on an employee's Village-owned device is still the property of the Village and may be requested at any time. Should an employee lose a Village-owned device, the Village Clerk/Treasurer must be notified immediately.

In certain circumstances, and on a case-by-case basis, the Village may provide a stipend for the use of a mobile device where doing so would be mutually more advantageous than providing a Village-owned mobile device. Individuals considering this option should submit a request to the Village Manager's office in December of each year.

Electronic Communications & Computer Access

Employees may be provided access to the Village's computer system network (including its server, e-mail and Internet access and software), business and telephone equipment and other electronic communication systems to perform their duties. All communication systems and any information transmitted, received or contained within them are entirely the Village's property.

All e-mail, Internet usage, and other Village-provided communication systems may be monitored by the Village at any time. Employees are not to have any expectation of privacy in their use of such systems, including but not limited to all computer use, phone use, and e-mail use.

All e-mail, Internet usage, and other Village-provided communication systems constitute a privilege and carry responsibilities reflecting responsible and ethical use. Use of each form of communication is a privilege that may be revoked at any time and use of any form of communication constitutes acceptance of this policy.

The personal use of e-mail and/or Internet should not interfere with Village operations, nor should it cause any harm or embarrassment to the Village. Any personal use of e-mail or the Internet is expected to be on the employee's own time and is not to interfere with job responsibilities. Social networking or blogging during work hours that is unrelated to legitimate business use is strictly prohibited.

Employees may not use or provide to others an access code, or access computer files or stored communications, without express authorization from their supervisor or other appropriate management. Any disclosure of confidential Village information that is derived from electronic or other sources is absolutely prohibited.

Prohibited Uses: E-mail networks, voicemail and Internet access shall not be used for personal reasons or to solicit business ventures or campaigns or political or religious causes. Any use of such property for personal affairs, for inappropriate or offensive messages or any harassment of employees, including any unlawful harassment, breaking

into confidential files or other abuse of computer use, abuse by unauthorized Internet surfing, and abuse of e-mail or voicemail is strictly prohibited.

E-mail networks, voicemail and/or Internet access may not be used to send, upload, receive, and/or download copyrighted materials, trade secrets, proprietary financial information, or similar confidential materials without the prior written authorization from your supervisor. Unauthorized distribution of such material may result in severe disciplinary action up to and including termination. Additionally, civil and/or criminal penalties may ensue as appropriate under state and federal laws.

Protection of Village Resources: Employees are prohibited from downloading software from the Internet without prior written approval from their supervisor. Downloading of games from the Internet is prohibited. Downloading of any executable files or programs that change the configuration of your system is prohibited. Employees should take extreme caution when downloading software or files from the Internet or electronic mail. All files, attachments, and software should be passed through Village-approved virus protection programs prior to use. Failure to detect viruses could result in corruption or damage to files and/or unauthorized entry into the Village's network. Employees must comply with copyright and trademark laws when downloading material from the Internet. Any damage that has occurred as a result of downloading software or files should be reported immediately to your supervisor.

Employees are prohibited from allowing other individuals to access the Village network or send electronic mail from their accounts. Employees must access the Internet through an approved Internet firewall or other device deemed secure by their supervisor when utilizing the Village's network in order to protect Village resources.

Employees who violate this policy are subject to discipline up to and including termination of employment.

Social Media Policy

The Village understands that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media. This policy applies to all Village employees.

Guidelines: In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal website, social networking or affinity website, web bulletin board or a chat room, whether or not associated or affiliated with the Village, as well as any other form of electronic communication. The same principles and guidelines found in the Village's policies apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some

of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees or otherwise adversely affects the public or people who work on behalf of the Village or the Village's legitimate business interests may result in disciplinary action up to and including termination of employment.

Know and follow the rules: Carefully read these guidelines, the Village Electronic Communications & Computer Access Policy and the Discrimination & Harassment-Free Workplace Policy, and ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

Be respectful: Always be fair and courteous to fellow employees, the public or people who work on behalf of the Village. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening, or intimidating, that disparage the public, employees or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or Village policy.

Be honest and accurate: Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that almost everything is archived on the Internet; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false.

Post only appropriate and respectful content

- Maintain the confidentiality of Village confidential information. Do not post internal reports, policies, procedures or other internal business-related confidential communications.
- Do not create a link from your blog, website or other social networking site to a Village website without identifying yourself as a Village employee.
- Express only your personal opinions. Never represent yourself as a spokesperson for the Village. If the Village is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of the Village, fellow employees or people working on behalf of the Village. If you do publish a blog or post online related to the work you do or subjects associated with the Village, make it clear that you are not speaking on

behalf of the Village. It is best to include a disclaimer such as “The postings on this site are my own and do not reflect the views of the Village of Decatur”

Using social media at work: Refrain from using social media while on work time or on equipment we provide, unless it is work-related as authorized by your supervisor and consistent with the Village Electronic Communications and Computer Access Policy and the Discrimination & Harassment-Free Workplace Policy, and ensure your postings are consistent with these policies.

Retaliation is prohibited: the Village prohibits taking negative action against any employee for reporting a possible violation of this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible violation of this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination of employment.

Media contacts: Employees should not speak to the media on the Village’s behalf. All media inquiries should be directed to the Village Manager. In the absence of the Village Manager, public statements or media inquiries should be directed to the Police Chief or other designated spokespersons

For more information: If you have questions or need further guidance, please contact the Village Manager.

Website

The purpose of the Village’s website is to provide information about Village operations and governance as well as information of general interest to the community. The Village Manager or their designee has final approval of any links or postings to the website.

CLASSIFICATION AND COMPENSATION

The Village Manager is responsible for establishing and maintaining a comprehensive classification and compensation system for non-union staff. Employees covered by a CBA negotiate their wages, benefits, terms, and conditions of employment through their union representative. Nothing within this Handbook is intended to usurp the collective bargaining process.

Classification and Compensation System

The non-union classification and compensation structure is based on systematic internal job evaluation and an analysis of the external labor market. Comprehensive job analysis is used to establish written job descriptions for all positions, and these serve as the basis for all internal and external evaluations and comparisons. Newly created positions begin with a job description and are subject to the same evaluation process for placement within the classification structure.

Internal job evaluation determines how positions are grouped within the classification structure into “grades.” External market studies determine the corresponding salary ranges for each grade, which may change periodically to reflect the cost of living adjustments to the system.

Additionally, the Village Manager has the authority to make mid-year pay adjustments when warranted.

If a position undergoes a substantive change in duties, the scope of responsibility, required training or qualifications, or related factors, the job description will be updated. Following the formal change in job description, the position will be reevaluated to determine if a change in its placement within the grade structure is warranted. Employees may request an analysis of their position, or the Village may initiate the reevaluation.

Employment Classifications

For purposes of salary administration and eligibility for overtime payments and employee benefits, the Village classifies its employees as set forth below. Employees covered by a CBA should consult their CBA for controlling terms and conditions.

- *Regular, full-time employees.* Employees hired to work the Village’s normal, full-time, 40-hour workweek on a regular basis. Generally, regular, full-time employees are eligible for all Village benefits subject to the terms, conditions and limitations of each benefit plan or policy.
- *Regular, part-time employees.* Employees hired to work fewer than 40 hours per week on a regular basis. Part-time regular employees are not eligible for Village benefits, except as expressly described herein or as required by law.
- *Exempt/Non-Exempt:* All employees are classified as either “exempt” or “non-exempt” under the Fair Labor Standards Act (“FLSA”). Non-exempt employees, as

defined under the FLSA, are entitled to overtime pay for all hours worked over 40 hours in a standard workweek at a rate of one and a half (1½) times regular hourly rate. Exempt employees are not entitled to overtime pay. Each employee will be advised of his or her status at the time of hire and any change in status.

Overtime Pay Procedures

If you are classified as a non-exempt employee (see the classifications of employment policy section for the definition of non-exempt employee), you will receive compensation for approved overtime work as follows:

1. You will be paid at straight time (i.e., your regular rate of pay) for all hours worked up to and including forty hours in any given workweek.
2. You will be paid one and one-half times your regular hourly rate of pay for all hours worked beyond the fortieth hour in any given workweek.

You will normally receive payment for overtime in the pay period following the period in which the overtime is worked, provided that your time record has been properly prepared and approved.

Comp Time

Certain employees, including the Police Chief, Village Clerk and Village Treasurer, who work more than forty hours in a workweek, may be given compensatory time off at the Village's discretion in addition to overtime pay if working in a non-exempt position. This time is provided on an hour-to-hour basis, but employees are required to use any comp time within two weeks of its accrual. Any accrued comp time that has not been used within two weeks of its accrual date will be forfeited.

Transfers

A transfer is an assignment to a position with comparable duties, responsibilities, authority, and compensation.

Promotions

A promotion is a change in work assignment that results in an expanded scope of job duties and responsibilities. An employee can be promoted to fill an existing, vacant classification; or an employee's position can be reclassified if duties and responsibilities have been expanded over time. Promotions may result in an increase in pay.

Demotions

A demotion is a change in work assignment that results in a reduced scope of job duties and responsibilities. An employee can be demoted to fill an existing, vacant classification; or an employee's position can be reclassified if duties and responsibilities have been reduced over time. Demotions may result in a decrease in pay.

Pay Periods, Paychecks, and Timecards

All employees are paid on a bi-weekly. Each paycheck will include earnings for all work performed through the end of the previous payroll period. Pay periods cover 2 weeks, beginning at 12:00 a.m. every other Sunday. Paydays are every other Tuesday. When payday falls on a holiday, employees will be paid the day before. The Village's workweek is Sunday through Saturday.

The Village offers direct deposit as a convenient option for receiving paychecks and encourages employees to utilize this option. Employees who opt out of direct deposit will receive a physical paycheck by the end of the payday. Paychecks will not be released to anyone other than the employee unless a written note, signed by the employee, is provided. Lost or destroyed checks should be reported immediately to the Village.

It is the Village's policy to comply with the FLSA, court-ordered garnishments, tax levies, and other legally required deductions from employee's wages. An employee who believes that an improper deduction from his or her wages has been made should contact the Village Manager. Upon determination that an improper deduction has been made, the amount of the deduction will be reimbursed to the employee.

An employee who believes that any other overpayment or underpayment of their wages has been made should contact the Village Manager immediately. Corrections will be made as expeditiously as possible.

Accurately recording time worked is the responsibility of every non-exempt employee. Federal and state laws require the Village to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Non-exempt employees must accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period using. They should also record the beginning and ending time of any split shift or departure from work for personal reasons.

Unemployment Compensation

The Village participates in the State of Michigan unemployment insurance program according to statutory guidelines. Terminated employees are advised to refer questions of benefit eligibility to the appropriate State office.

Travel Reimbursement and Advances

On occasion, employees may be required to travel on Village business or attend professional development and training functions as a part of the job. Employees must always be mindful that they are stewards of the public's trust and resources. Work-related travel must never be abused, treated as a "perk," or seen as an opportunity to spend lavishly. Travel on Village business, including professional development, must demonstrate respect for the public's trust and prudence with their resources.

Whenever possible, a Village vehicle should be used to travel for Village business and employees should carpool to limit travel expenses.

Employees who are required to use their personal vehicle for work-related travel will be reimbursed at the established IRS rate. Employees are to record the exact number of miles traveled, by most direct route, from the first place of business to the next. No reimbursement will be made for travel between home and a normal place of business.

Employees will be reimbursed for reasonable, actual meal expenses incurred in conjunction with a program or meeting that provides a primary benefit for, or serves the best interests of, the Village. Meal expenses include tips of 15% to 20% and generally cover only 3 meals per day. Luxury meals, costs for alcohol, or excessive reimbursement claims will not be reimbursed.

Employees will be reimbursed for reasonable, actual lodging expenses when a full day's work must be performed a considerable distance from the Village, or under other appropriate circumstances with prior Village Manager approval. "Reasonable" shall be defined by the Village and will be reviewed regularly. Luxury lodging or excessive claims will not be reimbursed.

Employees should avoid using unnecessary convenience services such as valet parking, in-room movies, laundry and room service. Only under specific circumstances where a reasonable need for such services is clearly demonstrated will such items be reimbursed.

With prior approval, a family member or friend may accompany employees on business travel when the presence of a companion will not interfere with the successful completion of business objectives. Any additional expenses related to the travel companion will not be reimbursed by the Village. Generally, employees are also permitted to combine personal travel with business travel, as long as time away from work is approved. Additional expenses arising from such non-business travel are the responsibility of the employee.

Employees claiming reimbursement for travel expenses, or those requiring a travel advance, should use the appropriate form and must submit all receipts within 30 days.

The Village Manager must approve all business travel in advance. If approved, employees are responsible for making their own travel arrangements.

Abuse of this business travel expenses policy, including falsifying expense reports to reflect costs not incurred by the employee, may result in disciplinary action, up to and including termination of employment.

Village Sponsored Events

From time to time, employees may have an opportunity to participate in functions and events hosted by the Village for the purpose of promoting employee morale, general good will, and the Village's public image.

Regardless of whether the event is social, or business related, or whether the employee attends on Village time or their own time, Village employees attending Village sponsored functions represent the Village. Their behavior reflects directly on the Village, so they are expected to conduct themselves in a professional manner.

HEALTH, RETIREMENT AND GENERAL BENEFITS

Village Benefit Program

The Village provides benefits to its employees from time to time at the will of the Village. Such benefits may include health and dental insurance and a 401(k) plan. The Village reserves the right to modify or eliminate benefits without notice. All benefits are subject to governing plan documents.

Tuition Reimbursement Program

The Village will pay full-time employees for educational expenses incurred by the employee as follows:

1. For all related education that is necessary to maintain a state certification which is part of the employee's job or of duties that the employee regularly performs for the Village, the Village will pay all such costs in full. However, if the course will provide the employee with additional or other certifications, the employee must first have the approval of the Village Manager.

2. In certain cases, permanent full-time employees who have completed their probationary period are eligible for assistance with tuition and payment of books when taking courses directly related to his/her position within the Village. Approval by the Village Manager is required at least three weeks in advance if assistance is desired. Approval will be based on the employee's job performance and the Village's needs. Upon approval, the Village will reimburse the employee up to \$2,500 per year for the actual tuition and book costs. This will be paid when proof of successful completion of the course with a passing grade of not less than a 'C' is presented. Other materials like pens, notebooks, etc. are to be purchased at the expense of the employee. The employee will be required to remain in active service for at least one year after completion of the course; otherwise, he/she will be required to reimburse the Village for its costs.

3. For employees beginning a program culminating in a degree or job-related skill training (exclusive of seminars), prior approval must be obtained from the Village Manager if assistance is requested from the Village. The Village Manager will require a copy of the degree requirements, including course names and number of credit hours needed. The employee must also provide a listing of all courses by name, description and cost that he/she intends to take over the next 12-month period, and dates of attendance for each course.

Should any studies require time-off during normal working hours, prior approval of the request must be made at the same time as the request for reimbursement. Arrangements for such time-off during working hours must be made in advance with the Village Manager.

Upon approval of the educational program, the Village will reimburse the employee up to \$2,500 per year for the actual tuition and book costs. This will be paid when proof of

successful completion of the course with a passing grade of not less than a 'C' is presented.

The employee will be required to remain in active service for at least one year after completion of the degree; otherwise, he/she will be required to reimburse the Village for its costs.

4. The Village may provide tuition reimbursement assistance to employees who wish to advance themselves by way of external training not specifically related to their present job if that training could be of benefit to the Village at some future date.

5. Seminars, workshops, and other short-term training directly related to current needs of the Village and individual departments are not covered by tuition reimbursement. Costs for such training will be paid out of the individual department's training budget.

Professional Memberships, Training, Licensing and Certification

The Village may pay the cost of certain job-related memberships to professional organizations, job-related training, seminars, conferences and related events that enhance the employee's job knowledge and performance. As well, the Village may pay the cost to become licensed or certified in a job-related field and may pay the cost to remain so qualified. Employer-paid memberships, training, licensing and certifications are subject to budgetary approval and require advance approval.

PAID AND UNPAID LEAVE

The Village provides paid and unpaid leave benefits to promote a successful balance in work demands, family priorities, and an overall quality of life. The Village values its employees and desires to provide adequate paid leave to allow for protection in the event of illness or injury, to manage personal business, and to allow sufficient time away from the job to remain refreshed and positive about work.

Unpaid leaves are also available in some instances to provide job protection, and when used with various insurance programs, may provide income protection as well, in the event of long-term devastating illness, injury or disability.

The leave benefits provided herein are balanced against the Village's need to operate efficiently with consideration for employee preferences.

Employees covered by a collective bargaining agreement negotiate their wages, benefits, terms, and conditions of employment through their union representative. Nothing within this Handbook is intended to usurp the collective bargaining process.

Holidays

The Village generally observes the holidays listed below. Holiday pay is available to all full-time employees provided the employee has completed their orientation period. To be eligible for holiday pay, the employee must work the day immediately preceding and the day immediately following the holiday unless PTO time has been previously approved by the department head.

1. New Year's Day
2. Memorial Day
3. Independence Day (4th of July)
4. Labor Day
5. Thanksgiving Day
6. The Day after Thanksgiving
7. Christmas Eve
8. Christmas Day
9. 3 Floating Days

In the event that a Village-observed holiday falls on a Saturday, the holiday will be observed on the preceding Friday; or if the holiday falls on a Sunday, the holiday will be observed on the following Monday.

Floating days are a “use or lose” benefit that will not be carried into the next year and will NOT be paid upon separation of employment. Employees must receive prior approval from their department head before using a floating day.

Holiday pay will be calculated based on the employee’s regular rate of pay (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day. Sworn personnel holiday pay will be calculated based on the employee’s straight time pay rate times 8 hours. If eligible non-exempt employees work on a recognized holiday, they will receive holiday pay plus wages at one and one-half times the rate for the hours worked on the holiday.

Paid Time Off

Full-time employees begin earning paid time off (“PTO”) immediately upon hire and can begin using their accrued PTO time after they have completed the 90-day orientation period. PTO is accrued on a bi-weekly schedule and should be used only after it is earned, however, employees may request an advance of PTO days in writing to the Village Manager.

<u>YEARS OF SERVICE</u>	<u>PTO HOURS</u>
During Year 1	40 Hours per Year
During Years 2 – 4	80 Hours per Year
During Years 5 – 14	120 Hours per Year
During Years 15 – 19	160 Hours per Year
During Years 20+	184 Hours per Year

PTO may be used in 1/2-day increments. Employees are to provide reasonable notice of their request for PTO for vacation, preferably at least 7 days in advance. PTO requests, other than for sick leave, are approved based upon organizational staffing needs and the order of receipt of the requests. In the event that there is a conflict in PTO requests, requests will be honored in the order they are received.

The Village reserves the right to deny PTO requests.

PTO pay will be calculated based on the employee’s regular rate of pay as of the date of the PTO request times the number of hours the employee would otherwise have worked on that day.

The length of “Years of Service” is calculated on the basis of a “benefit year.” This is the 12-month period that begins upon hire. An employee’s benefit year may be extended for any significant leave of absence except for those covered under statutory protection.

Carryover and Payout

Employees may carry forward a maximum of 10 days (80 hours) unused PTO days into each benefit year.

Upon separation of employment, employees will be paid for unused PTO time that has been earned through the last day of work. Any advances of PTO time will be deducted from an employee's final pay. If an employee separates from employment and their final pay is less than the amount advanced, the employee shall be responsible for reimbursing the Village for any difference.

Paid Medical Leave

Regular full-time and regular part-time non-exempt employees who work an average of at least 25 hours per week for 25 weeks per year or more are eligible for paid medical leave benefits for periods of temporary absence due to illnesses, injuries, or preventative medical care for the employee or the employee's immediate family members (spouse, children, parents, grandparents and grandchildren). Employees may also take paid time off if the employee or a family member is a victim of domestic violence or sexual assault.

Eligible employees will accrue paid medical leave benefits at the rate of 1 hour for every 35 hours worked. Accrual is limited to 40 hours in a calendar year. Carry-over of unused paid medical leave is permitted, but Employees may not use more than 40 hours of paid medical leave in a calendar year. In addition, new employees may not use accrued paid medical leave until they have completed 90 days of employment. Employees will not be compensated for unused paid medical leave upon termination of employment or otherwise.

Employees who are unable to report to work due to illness or injury must speak directly with Village Manager before the scheduled start of their workday to request paid medical leave using the Villages' normal call-in procedures. The Village Manager must be contacted on each additional day of absence if an expected time off from work cannot be provided. Failure to follow the required call-in procedure may lead to discipline consistent with the Villages' discipline policies.

Paid medical leave can be used in a minimum of 1-hour increments. An employee must submit to the Village Manager a physician's statement of the condition being treated and the need for care as documentation for paid medical leave within 3 days of requesting paid medical leave under this policy. Paid Medical Leave under this policy will be substituted for a portion of, and runs concurrently with, any eligible time taken under the Villages' Family Medical Leave Act policy for the serious health condition of an employee or family member. In addition, Paid Medical Leave will be substituted for a portion of, subtracted from, and runs concurrently with, any paid time off otherwise available to the employee under the Villages' PTO policies. Before returning to work from a paid medical leave absence of three (3) calendar days or more, an employee must provide a physician's verification that they may safely return to work.

Bereavement Leave

In the event of a death in an employee's family, the Village provides up to three 3 days of paid bereavement leave to full-time employees. Generally speaking, the full 3 days is provided in the case of a very close relationship, or when extensive travel is required, or when the employee has a formal role in making funeral arrangements or in settling the affairs of the estate. Shorter funeral or bereavement leave is available to attend extended family members' funeral services.

The Village's ability to provide this benefit is dependent upon the staff's responsible use of it, and like all leaves, is subject to approval based on operational demands.

A very close relationship that would typically qualify for a 3-day bereavement leave includes spouse, parent, child, sibling, grandparent, grandchild, a member of the household, or a similar relationship established by law or marriage (i.e. legal guardianship, "steps" or "in-laws").

An employee may use accrued PTO time to extend bereavement leaves or to attend services for individuals not covered within this policy.

Family and Medical Leave Act (FMLA)

A. General

We recognize that there are times when an employee may need to be absent from work due to qualifying events under the Family and Medical Leave Act (FMLA). Accordingly, we will provide eligible employees up to a combined total of 12 weeks of unpaid FMLA leave per leave year for the following reasons and any other leave authorized by the FMLA:

- **Parental Leave:** For the birth or placement of an adopted or foster child;
- **Personal Medical Leave:** When an employee is unable to work due to their own serious health condition;
- **Family Care Leave:** To care for a spouse, child, or parent with a serious health condition;
- **Military Exigency Leave:** When an employee's spouse, parent, son, or daughter (of any age) experiences a qualifying exigency resulting from military service (applies to active service members deployed to a foreign country, National Guard and Reservists); and
- **Military Care Leave:** To care for an employee's spouse, parent, son, daughter (of any age), or next of kin who requires care due to an injury or illness incurred while on active duty or was exacerbated while on active duty. **Note:** A leave of up to 26 weeks of leave per 12-month period may be taken to care for the injured/ill service member.

B. Key Policy Definitions

- **Eligible employees** under this policy are those who have been employed by the Village for at least 12 months or 52 weeks (need not be consecutive months and

under certain circumstances hours missed from work due to military call-up will also be counted) and have performed at least 1,250 hours of service in the 12-month period immediately preceding the date leave is to begin. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leaving during the week. Employees who work in small locations with fewer than 50 employees within 75 miles are not eligible for leave. However, employees should contact Human Resources to discuss other types of leave that might be available for the reasons listed in this policy.

- **Leave year** for the purposes of this policy shall be a rolling 12-month period measured backward from the date an employee uses any FMLA leave.
- A **spouse** means a husband, wife, or other person to whom Employee is wed under a legally recognized marriage.
- A **son or daughter** for the purposes of parental or family leave is defined as a biological, adopted, foster child, step-child, legal ward, or a child for whom the employee stood *in loco parentis* to, who is (1) under 18 years of age, or (2) 18 years of age or older and incapable of self-care because of physical or mental disability. A son or daughter for the purposes of military exigency or military care leave can be of any age.
- A **parent** means a biological, adoptive, step, or foster parent or any other individual who stood *in loco parentis* to the employee when the employee was a son or daughter.
- **Next of kin** for the purposes of military care leave is a blood relative other than a spouse, parent, or child in the following order: brothers and sisters, grandparents, aunts and uncles, and first cousins. If a military service member designates in writing another blood relative as his or her caregiver, that individual shall be the only next of kin. In appropriate circumstances, employees may be required to provide documentation of next of kin status.
- A **serious health condition** is an illness, injury, impairment, or physical or mental condition that involves either inpatient care, an absence of more than 3 consecutive days and requiring continuing treatment by a health care provider, or periods of incapacity for a chronic serious health condition. Ordinarily, unless complications arise, cosmetic treatments and minor conditions such as a cold, flu, ear aches, upset stomach, minor ulcers, headaches (other than migraines), and routine dental problems are examples of conditions that are not serious health conditions under this policy. If you have any questions about the types of conditions which may qualify, contact Human Resources.
- A **health care provider** is a medical doctor or doctor of osteopathy, physician's assistant, podiatrist, dentist, clinical psychologist, optometrist, nurse practitioner, nurse-midwife, or clinical social worker. Under limited circumstances, a chiropractor or other provider recognized by our group health plan for the purposes of certifying a claim for benefits may also be considered a health care provider.
- **Qualifying exigencies** for military exigency leave include:
 - Short-notice call-ups/deployments of seven days or less (**Note:** Leave for this exigency is available for up to seven days beginning the date of call-up notice);

- Attending official ceremonies, programs, or military events;
 - Special childcare needs created by a military call-up, including making alternative childcare arrangements, handling urgent and non-routine child care situations, arranging for school transfers, or attending school or daycare meetings;
 - Making financial and legal arrangements;
 - Attending counseling sessions for the military service member, the employee, or the military service member's son or daughter who is under 18 years of age or 18 or older but is incapable of self-care because of a mental or physical disability;
 - Rest and recuperation (**Note:** Fifteen days of leave is available for this exigency per event);
 - Post-deployment activities such as arrival ceremonies, re-integration briefings, and other official ceremonies sponsored by the military (**Note:** Leave for these events is available during a period of 90 days following the termination of active-duty status). This type of leave may also be taken to address circumstances arising from the death of a covered military member while on active duty;
 - Parental care when the military family member is needed to care for a parent who is incapable of self-care (e.g. arranging for alternative care or transfer to a care facility); and
 - Other exigencies that arise that are agreed to by both the Village and employee.
- A ***serious injury/illness*** incurred by a service member in the line of active duty or that is exacerbated by active duty is any injury or illness that renders the service member unfit to perform the duties of his or her office, grade, rank, or rating.

C. Notice and Leave Request Process

Foreseeable Need for Leave: If the need for leave is foreseeable because of an expected birth/adoption or planned medical treatment, employees must give at least 30 days' notice. If 30 days' notice is not practicable, notice must be given as soon as possible. Employees are expected to complete and return a leave request form prior to the beginning of leave. ***Failure to provide appropriate notice and/or complete and return the necessary paperwork will result in the delay or denial of leave.***

Unforeseeable Need for Leave: If the need for leave is unforeseeable, notice must be provided as soon as practicable and possible under the facts of the particular case. Normal call-in procedures apply to all absences from work including those for which leave under this policy may be requested. Employees are expected to complete and return the necessary leave request form as soon as possible to obtain the leave. ***Failure to provide appropriate notice and/or complete and return the necessary paperwork on a timely basis will result in the delay or denial of leave.***

Leave Request Process: To request leave under this policy, employees must obtain and complete a leave request form from their supervisor or Human Resources and return the completed form to Human Resources. If the need for leave is unforeseeable and

employees will be absent more than three days, employees should contact Human Resources by telephone and request that a leave form be mailed to their home. If the need for leave will be fewer than three days, employees must complete and return the leave request form upon returning to work.

Call-in Procedures: In all instances where an employee will be absent, the call-in procedures and standards established for giving notice of absence from work must be followed, including any absences related to approved intermittent FMLA leave. Failure to follow this policy may result in denial of a leave request.

D. Leave Increments

Parental Leave: Leave for the birth or placement of a child must be taken in a single block and cannot be taken on an intermittent or reduced schedule basis. Parental Leave must be completed within 12 months of the birth or placement of the child; however, employees may use parental leave before the placement of an adopted or foster child to consult with attorneys, appear in court, attend counseling sessions, etc.

Family Care, Personal Medical, Military Exigency, and Military Care Leave: Leave taken for these reasons may be taken in a block or blocks of time. In addition, if a health care provider deems it necessary or if the nature of a qualifying exigency requires, leave for these reasons can be taken on an intermittent or reduced-schedule basis.

E. Paid Leave Utilization During FMLA Leave

Employees taking parental, family care, military exigency and/or military care leave must utilize available PTO, personal days, and/or family illness days during this leave. Employees on personal medical leave must utilize available sick, personal, and PTO days during this leave.

In addition, FMLA leave will be run concurrently with any period of approved short-term or long-term disability, or workers' compensation leave. Employees receiving short- or long-term disability or workers' compensation benefits during a personal medical leave will not be required to utilize other paid time off benefits. However, employees may elect to utilize accrued benefits to supplement these benefits.

F. Certification and Fitness for Duty Requirements

Employees requesting family care, personal medical, or military care leave must provide certification from a health care provider to qualify for leave. Such certification must be provided within 15 days of the request for leave unless it is not practicable under the circumstances despite the employee's diligent efforts. Failure to timely provide certification may result in leave being delayed, denied, or revoked. In the Village's discretion, employees may also be required to obtain a second and third certification from another health care provider at Village expense (except for military care leave). Recertification of the continuance of a serious health condition or an injury/illness of a military service member will also be required at appropriate intervals.

Employees requesting a military exigency leave may also be required to provide appropriate active-duty orders and subsequent information concerning particular qualifying exigencies involved.

Employees requesting personal medical leave will also be required to provide a fitness for duty certification from their health care provider prior to returning to work.

G. Scheduling Leave and Temporary Transfers

Where possible, employees should attempt to schedule leave so as not to unduly disrupt operations. Employees requesting leave on an intermittent or reduced schedule basis that is foreseeable based on planned medical treatment may be temporarily transferred to another job with equivalent pay and benefits that better accommodates recurring periods of leave.

H. Health Insurance

The Village will maintain an employee's health insurance coverage during leave on the same basis as if the employee were still working. Employees must continue to make timely payments of their share of the premiums for such coverage. Failure to pay premiums within 30 days of when they are due may result in a lapse of coverage. In this event, the Village will notify the employee 15 days before the date coverage will lapse that coverage will terminate unless payments are promptly made. Alternatively, at the Village's option, the Village may pay the employee's share of the premiums during the leave and recover the costs of this insurance upon the employee's return to work. Coverage that lapses due to nonpayment of premiums will be reinstated immediately upon return to work without a waiting period. Under most circumstances, if an employee does not return to work at the end of leave, the Village may require the employee to reimburse the Village for the health insurance premiums paid during the leave.

I. Return to Work

Employees returning to work at the end of their leave will be placed in their original job or an equivalent job with equivalent pay and benefits. Employees will not lose any benefits that accrued before leave was taken. Employees may not, however, be entitled to discretionary raises, promotions, bonus payments, or other benefits that become available during the period of leave.

We are not obligated to hold your position open for you if you do not return from an approved FMLA leave. However, if you are unable to return to work after an FMLA approved leave due to a serious health condition, please contact Human Resources as soon as possible. We may ask you for additional medical documentation or other information to evaluate whether you have a disability covered by the disability discrimination laws and whether we may be able to extend a reasonable accommodation to you such as additional leave time.

J. Spouse Aggregation

In the case where an employee and his or her spouse are both employed by the Village, the total number of weeks to which both are entitled in the aggregate because of the birth or placement of a child or to care for a parent with a serious health condition will be limited to 12 weeks per leave year. Similarly, spouses employed by the Village will be limited to a combined total of 26 weeks of leave to care for a military service member. This 26-week leave period will be reduced, however, by the amount of leave taken for other qualifying FMLA events. This type of leave aggregation does not apply to leave needed because of an employee's own serious health condition, to care for a spouse or child with a serious health condition, or because of a qualifying exigency.

K. General Provisions

Failure to Return: Employees failing to return to work or failing to make a request for an extension of their leave prior to the expiration of the leave will be deemed to have voluntarily terminated their employment.

Alternative Employment: No employee, while on leave of absence, shall work or be gainfully employed either for themselves or others unless express, written permission to perform such outside work has been granted by the Village. Any employee on a leave of absence who is found to be working elsewhere without permission will be automatically terminated.

False Reason for Leave: Termination will occur if an employee gives a false reason for a leave.

Parental Leave Policy

Eligibility: Full-time Village employees who have been employed for at least 18 months. The employee must be the parent of a newly born child or the legally designated guardian of a child who is newly adopted. The employee also must not have taken any prior Parental Leave in the 12 months before the date that Parental Leave will begin.

Requirements: Employee shall supply at least 60 days' written notice to the Village Manager; however, the Village Manager shall supply their written notice to the Village President. Under no circumstances will Parental Leave be more than two (2) weeks (80 hours). If asked, the employee must supply proof of the date of birth or adoption.

Effective Date: Eligibility for Parental Leave begins on the date of birth of an employee's child, or the date custody of a child is taken by the employee through an adoption agreement. If an employee is having multiple children of a single pregnancy or adopts multiple children simultaneously, it will be considered a single event and does not increase the length of leave.

Parental Leave: Parental Leave may consist of Village-Paid Parental Leave, PTO and Unpaid Time Off.

1. **Village Paid Parental Leave** – Two (2) weeks (80 hours) will be designated as Village-Paid Parental Leave, whereby an employee will continue to be paid for their

regular hours worked by the Village with no time deducted from any of the employee's leave banks. Village-Paid Parental Leave must be used within one year from the effective date.

2. Paid Time Off/Unpaid Time Off - Following Village-Paid Parental Leave, the employee may use any combination of unused and available paid time off or unpaid time off following FMLA guidelines. Employees are not allowed to request any payment in lieu of Parental Leave. Unused Parental Leave will not be paid upon termination of employment. An employee who does not return to work on or before the end of their approved Parental Leave Period will be considered to have voluntarily resigned from Village employment. Any employee who resigns under these circumstances will lose all remaining paid time off. Said lost paid time off will not be paid to the employee, unless otherwise indicated in a collective bargaining agreement.

Interaction with FMLA: Any approved Parental Leave under this policy runs simultaneously and concurrently with any available FMLA leave for the same birth or adoption.

Other Employee Benefits: The employee will remain eligible to receive all employer-paid benefits and continue to accrue all other forms of paid leave while on Parental Leave under this policy. The Village will maintain any pre-existing health insurance coverage. Employees will continue to be responsible for their portion of health insurance premiums. Employee portions of premiums will continue to be deducted from employee's pay during periods of Village Paid Parental Leave and paid time off. The employee is responsible for making any necessary arrangements for payment of their portion of the premium during any unpaid time off. Failure to do so may result in loss of health insurance coverage through the Village. The Village reserves the right to make modifications to health insurance and other benefits consistent with its policies. Any such changes will apply to employees on approved Parental Leave on the same date they take effect for all other active employees.

Overtime/Holiday Pay: Employees on Parental Leave are not eligible for overtime pay. An employee may receive Holiday Pay during any approved Parental Leave period, provided they comply with all other applicable policies and collective bargaining agreements.

Military Leave

It is Village policy to grant a leave of absence without pay to employees who participate in U.S. Armed Forces Reserve or National Guard training programs in accordance with the provisions of applicable law.

Decatur abides by all applicable regulations and laws regarding the employment rights of those serving in the armed forces, as well as those returning from military service. An employee is required to provide evidence of military orders received. Reinstatement following military leave is provided to the full extent required by applicable law.

Jury Duty

An employee summoned for jury duty will be granted a leave of absence for the time necessary for jury duty. The employee should promptly bring the summons to the Village Manager, so scheduling arrangements can be made. Any employee who must serve on a jury will receive the difference between his/her regular pay for the period while on jury duty and his/her jury pay. Employees must furnish proof of jury pay and service.

HANDBOOK ACKNOWLEDGEMENT

This Handbook contains important policies, goals, benefits, and expectations of the Village of Decatur (the “Village” or “Decatur”) as well as other information that you will need. By signing below, you acknowledge the following:

- I understand that this Handbook cannot contemplate every possible situation that I may encounter at Decatur. Accordingly, I will contact Decatur management or my supervisor if I have any questions about the policies or procedures contained in this Handbook.
- I have been provided a copy or access to this Handbook and have read and understand Decatur's Personnel Handbook. I understand that Decatur reserves the right to change any of its employment policies on a prospective basis at any time.
- I also understand and acknowledge that my employment with Decatur is at-will. I understand that employment-at-will means that I may terminate my employment at any time for any reason, with or without notice. Additionally, Decatur may terminate my employment at any time, for any reason.
- All records, files, materials, and software that I have access to in the course of my employment and that relate to Village business are considered confidential. This Handbook contains, and I will adhere to, Non-Disclosure of Confidential Information and Return of Village Property policies.
- I understand and acknowledge that there may be changes to the policies, benefits and expectations in this Handbook. There also may be additions to these policies. This Handbook contains no guarantees and is not a contract of employment. The only exception is that Decatur's policy on employment-at-will will never be changed.
- I understand that it is my responsibility to read this Handbook. I acknowledge, understand, accept and agree to comply with the information contained in this Handbook.

Date: _____

Employee Signature: _____

Employee Name: _____

HANDBOOK ACKNOWLEDGEMENT FOR POLICE OFFICERS

This Handbook contains important policies, goals, benefits, and expectations of the Village of Decatur (the "Village" or "Decatur") as well as other information that you will need. By signing below, you acknowledge the following:

- I understand that this Handbook cannot contemplate every possible situation that I may encounter at Decatur. Accordingly, I will contact Decatur management or my supervisor if I have any questions about the policies or procedures contained in this Handbook.
- I have been provided a copy or access to this Handbook and my collective bargaining agreement and have read Decatur's Handbook. I understand that Decatur reserves the right to change any of its employment policies on a prospective basis at any time provided they do not conflict with my collective bargaining agreement.
- All records, files, materials, and software that I have access to in the course of my employment and that relate to Village business are considered confidential. This Handbook contains, and I will adhere to, Non-Disclosure of Confidential Information and Return of Village Property policies.
- I understand and acknowledge that there may be changes to the policies, benefits and expectations in this Handbook. There also may be additions to these policies. This Handbook contains no guarantees and is not a contract of employment, but my collective bargaining agreement does apply, and in the event of a conflict, my collective bargaining agreement governs.
- I understand that it is my responsibility to read this Handbook. I acknowledge, understand, accept and agree to comply with the information contained in this Handbook.

Date: _____

Employee Signature: _____

Employee Name: _____



Decatur Village Council Rules of Proceedings

All meetings of the Village council will be held in compliance with state statutes, including the Open Meetings Act, 1976 PA 267 as amended, and with these rules.

I. Regular and Special Meetings

A. Regular Meetings

Regular Meetings of the Village council will be held on the first Monday of each month beginning at 7:00 pm at the Village Hall. If Council wishes to change the schedule of meetings, a Resolution must be passed. A change of a single Regular Meeting does not require a Resolution, it only requires approval by majority of Council. Any change must comply with the mandatory 18 hour posting requirement detailed in the Open Meetings Act.

B. Special Meetings

A Special Meeting shall be called by the President or at least three Council Trustees with at least 24 hours' notice to each member of the council served personally or left at the Council Trustee's usual place of residence or sent to their regular email address. Special Meeting public notices shall state the time, date, location and purpose of the meeting. No official action shall be transacted at any Special Meeting of the council unless the item has been stated in the notice of such meeting.

C. Posting Requirements for Regular and Special Meetings

1. Within 10 days after the first meeting of the council following the fiscal year (March), a public notice stating the dates, times and places of the regular monthly council meetings will be posted at the Village offices.
2. For a rescheduled Regular or a Special Meeting of the council, a public notice stating the date, time, and place of the meeting shall be posted at least 18 hours before the meeting at the Village office.
3. The notice described above is not required for a meeting of the council in emergency session in the event of a severe and imminent threat to the health, safety or welfare of the public when two-thirds of the members of the council determine that delay would be detrimental to the village's efforts in responding to the threat.
4. If requested, the Village shall provide by first-class mail copies of the public notice. The fee for filling such request shall be \$20 annually and shall be paid prior to the request being filled.

D. Minutes of Regular and Special Meetings

The clerk shall attend the council meetings and record all the proceedings and resolutions of the council in accordance with [Section 64.5 of the General Law Village Act of 1895 as amended and] the Open Meetings Act. In the absence of the clerk, the council may appoint one of its own members or another person to temporarily perform the clerk's duties.

Within 15 days of a council meeting a synopsis showing the substance of each separate decision of the council or the entirety of the council proceedings shall be prepared by the clerk and shall indicate the vote of the councilmembers. After the Village President or Village Manager approves this document, it shall be published in a newspaper of general circulation in the Village or posted in three public places in the Village.

A copy of the minutes of each Regular or Special council meeting shall be available for public inspection at the Village offices during regular business hours.

E. Work Shops

Upon the call of the Village President or the council and with appropriate notice to the councilmembers and to the public, the council may convene a work session devoted exclusively to the exchange of information relating to municipal affairs. No votes shall be taken on any matters under discussion nor shall any councilmember enter a formal commitment with another member regarding a vote to be taken subsequently.

II. Conduct of Meetings

A. Meetings to be Public

All Regular and Special meetings of the council shall be open to the public, and citizens shall have a reasonable opportunity to be heard in accordance with such rules and regulations as the council may determine, except that the meetings may be closed to the public and the media in accordance with the Open Meetings Act.

All official meetings of the council and its committees shall be open to the media, freely subject to recording by radio, television and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings.

B. Agenda Preparation

An agenda for each regular council meeting shall be prepared by the Village President, or their designee, with the following order of business:

1. Call to Order, Pledge of Allegiance, and Roll Call
2. Public Comment
3. Consent Agenda
 - a. Approval of Agenda
 - b. Approval of Council Minutes
 - c. Approval of Bills
4. Communications to the Council
5. Officer Reports
6. Unfinished Business
7. New Business
8. Public Comment
9. Council Comments
10. Adjournment

Any councilmember shall have the right to request an addition of item(s) to the agenda before it is approved.

C. Consent Agenda

A consent agenda may be used to allow the council to act on numerous administrative or noncontroversial items at one time. Included on this agenda can be noncontroversial matters such as approval of minutes, payment of bills, approval of recognition resolutions, etc. Upon request by any member of the council, an item shall be removed from the consent agenda and placed on the regular agenda for discussion.

D. Packet Distribution

Agendas, reports, and other supplemental information should be distributed to the members of the Village Council on or before 5:00 PM on the Friday prior to a scheduled Regular Meeting. Otherwise it should be three days prior to that meeting date if schedule allows.

Information to be included into the monthly packet should be collected by the Village Manager and submitted by 3:00 PM on the Wednesday prior to the meeting at which the information is to be discussed.

E. Quorum

A majority of the entire elected or appointed and sworn members of the council shall constitute a quorum for the transaction of business at all council meetings. In the absence of a quorum, a lesser number may adjourn any meeting to a later time or date with appropriate public notice.

F. Attendance at Council Meeting

Election to the Village council is a privilege freely sought by the nominee. It carries with it the responsibility to participate in council activities and represent the residents of the Village. Attendance at council meetings is critical to fulfilling this responsibility. A General Law Village council is empowered by Section 65.5 of the General Law Village Act as amended to adjourn a meeting if a quorum is not present and compel attendance in a manner prescribed by its ordinance.

1. All absences from meetings shall be recorded in the minutes of the meetings as an absence regardless of cause.

2. If a Council member is absent from any Regular or Special meeting for three consecutive meetings or for four or more total meetings in any six-month period; the council may enact a resolution of reprimand.
 - a. If the council member from section 2 misses another two meetings in a three- month period after being served with the resolution of reprimand, the Village Council may enact a resolution of censure or request the councilmember's resignation or both.
 - b. Shall a council member fail to attend the subsequent Regular Council Meeting after being served with the resolution of censure or request for resignation, the Village Council may by resolution petition to the Governor of the State of Michigan to utilize the powers granted to him by Article 7, Section 33 and Article 5, Section 10 of the Michigan Constitution to remove the Council member from office.
 - c. Any resolution resulting in the petition for removal shall only be approved with a 2/3 affirmative vote of the Village Council.

G. Presiding Officer

The presiding officer shall be responsible for enforcing these rules of procedure and for enforcing orderly conduct at meetings. The Village President is ordinarily the presiding officer. The council shall appoint one of its members as the Village President Pro Tempore, who shall preside in the absence of the Village President. In the absence of both the Village President and the Village President Pro Tempore, the member present who has the longest consecutive service on the council shall preside.

H. Disorderly Conduct

The Village President may call to order any person who is being disorderly by speaking out of order or otherwise disrupting the proceedings, failing to be germane, speaking longer than the allotted time or speaking vulgarities. Such person shall be seated until the chair determines whether the person is in order.

If the person so engaged in presentation is called out of order, he or she shall not be permitted to continue to speak at the same meeting except if requested by Council. If the person shall continue to be disorderly and disrupt the meeting, the chair may order the Sergeant-at-Arms to remove the person from the meeting. No person shall be removed from a public meeting except for an actual breach of the peace committed at the meeting.

III. Closed Meetings

A. Purpose

Closed meetings may be held only for the reasons authorized in the Open Meetings Act, which are the following:

1. To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member or individual agent when the named person requests a closed meeting.
2. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement when negotiating party requests a closed hearing.
3. To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.
4. To consult with the municipal attorney or another attorney regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have a detrimental financial effect on the litigating or settlement position of the council.
5. To review the specific contents of an application for employment or appointment to a public office when a candidate requests that the application remain confidential. However, all interviews by a public body for employment or appointment to a public office shall be held in an open meeting.
6. To consider material exempt from discussion or disclosure by state or federal statute.

B. Calling Closed Meetings

At a Regular or Special Meeting, the council members, elected or appointed and serving, by a two-thirds roll call vote may call a closed session under the conditions outlined in Section C.1 of the Open Meetings Act. The roll call vote and purpose(s) for calling the closed meeting shall be entered into the minutes of the public part of the meeting at which the vote is taken.

C. Minutes of Closed Meetings

A separate set of minutes shall be taken by the clerk or the designated secretary of the council at the closed session. These minutes will be retained by the clerk, shall not be available to the public, and shall only be disclosed if required by a civil action, as authorized by the Michigan Open Meetings Act. These minutes may be destroyed one year and one day after approval of the minutes of the regular meeting at which the closed session was approved.

IV. Discussion and Voting

A. Rules of Parliamentary Procedure

The rules of parliamentary practice as contained in the latest edition of Robert's Rules of Order shall govern the council in all cases to which they are applicable, provided they are not in conflict with these rules, Village Ordinances or applicable state statutes. The Village President may appoint a parliamentarian.

The chair shall preserve order and decorum and may speak to points of order in preference to other councilmembers. The chair shall decide all questions arising under this parliamentary authority, subject to appeal and reversal by a majority of councilmembers present.

Any member may appeal to the council a ruling of the presiding officer. If the appeal is seconded, the member making the appeal may briefly state the reason for the appeal and the presiding officer may briefly state the ruling. There shall be no debate on the appeal and no other member shall participate in the discussion. The question shall be, "Shall the decision of the chair be sustained?" If the majority of the members present vote "aye," the ruling of the chair is sustained; otherwise, it is overruled.

B. Conduct of Discussion

Speakers should address their remarks to the chair, maintain a courteous tone and avoid interjecting a personal note into debate.

No member shall speak more than once on the same question unless every member desiring to speak to that question shall have had the opportunity to do so.

The chair, at his or her discretion and subject to the appeal process mentioned in Section D.1., may permit any person to address the council during its deliberations.

C. Ordinances and Resolutions

No ordinance, except an appropriation ordinance, an ordinance adopting or embodying an administrative or governmental code or an ordinance adopting a code of ordinances, shall relate to more than one subject, and that subject shall be clearly stated in its title.

A vote on all ordinances and resolutions shall be taken by a roll call vote and entered in the minutes unless it is a unanimous vote. If the vote is unanimous, it shall be necessary only to so state in the minutes, unless a roll call vote is required by law or by council rules.

D. Roll Call

In all roll call votes, the names of the Village Trustees should be called in alphabetical order based on last name with the Village President voting last.

E. Duty to Vote

Election to a deliberative body carries with it the obligation to vote. Conflict of interest, as defined by law, shall be the sole reason for a member to abstain from voting. No member will abstain from voting unless that member states his or her conflict of interest. The council will by majority vote of the remaining members determine if the member will be allowed to abstain. The Village Attorney could be consulted for this decision.

A councilmember who is present and appropriately abstains or does not respond to a roll call vote shall be counted as voting with the prevailing side and shall be so recorded.

The right to vote is limited to the members of council present at the time the vote is taken. Voting by proxy or by telephone is not permitted.

All votes must be held and determined in public; no secret ballots are permitted.

F. Results of Voting

In all cases where a vote is taken, the chair shall declare the result.

It shall be in order for any councilmember voting in the majority to move for a reconsideration of the vote on any question at that meeting or at the next succeeding meeting of the council. When a motion to reconsider fails, it cannot be renewed.

V. Citizen Participation

A. General

Each council meeting agenda shall provide for reserved time for audience participation.

If requested by a member of the council, the presiding officer shall have discretion to allow a member of the audience to speak at times other than reserved time for audience participation.

B. Length of Presentation

Any person who addresses the council during a council meeting or public hearing shall be limited to three minutes in length per individual presentation. The President shall assign an elected or appointed Village official to maintain the official time and notify the speakers when their time is up.

C. Addressing the Council

When a person addresses the council, he or she should state his or her name and home address. Remarks should be confined to the question at hand and addressed to the chair in a courteous tone. No person shall have the right to speak more than once on any subject until all other persons wishing to be heard on that subject have had the opportunity to speak.

VI. Miscellaneous

A. Ethics and Expectations of Trustee Behavior

It is expected that Village Council Trustees will conduct themselves in the most professional manner as possible. That includes their compliance of any and all relating Ordinances pertaining to Council trustee behavior.

B. Adoption and Amendment of Rules of Procedure

These rules of procedure of the council will be placed on the agenda of the first meeting of the council following the seating of the newly elected councilmembers for review and adoption. A copy of the rules adopted shall be distributed to each councilmember.

The council may alter or amend its rules at any time by a majority vote of its members after notice has been given of the proposed alteration or amendment.

C. Suspension of Rules

The rules of the council may be suspended for a specified portion of a meeting by an affirmative vote of two-thirds of the members present except that council actions shall conform to state statutes and to the Michigan and the United States Constitutions.

D. Bid Awards

Bids will be awarded by the council during regular or special meetings. A bid award may be made at a special meeting of council if that action is announced in the notice of the special meeting.

E. Committees

1. Council Committees

The Village Council should have the following standing committees:

- a. Budget/Finance
- b. Safety

Committee members will be appointed by the Village President. They shall be members of the council. The Village President shall fill any committee vacancies. The committee member shall serve for a term of one year and may be re-appointed.

Special committees may be established for a specific period by the President or by approval of the council which

specifies the task of the special committee and the date of its dissolution.

2. Citizen Task Forces

- a. Citizen task forces may be established by a resolution of the council which specifies the scope and task to be completed.

F. Authorization for Contacting the Village Attorney

1. The following officials (by title) are authorized to contact the Village Attorney regarding municipal matters:

- a. Village President
- b. Village President Pro-Tem
- c. Village Manager

**VILLAGE OF DECATUR
ZONING BOARD OF APPEALS RULES OF PROCEDURE (BYLAWS)**

**ARTICLE I
AUTHORITY**

1.1. Authority. These Rules of Procedure, otherwise known as the ZBA Bylaws, are adopted by the Village of Decatur Zoning Board of Appeals (hereinafter referred to as the ZBA) pursuant to Public Act 33 of 2008, as amended (the Michigan Planning Enabling Act), Public Act 110 of 2006, as amended (the Michigan Zoning Enabling Act), the Village of Decatur Zoning Ordinance, as amended.

**ARTICLE II
COMPOSITION AND OFFICERS**

2.1. Composition. The Decatur Village Council has been designated to serve as the ZBA and to carry out all duties assigned to zoning boards of appeals in the Michigan Zoning Enabling Act. Accordingly, the ZBA shall consist of the 7 members of the Village Council sitting in an *ex officio* capacity.

2.2. Officers

- a. The Village President shall serve as the Chairperson of the ZBA, and the Village President Pro Tem shall serve as the Vice-Chairperson of the ZBA.
- b. The Chairperson shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein. The Vice-Chairperson shall act in the capacity of the Chairperson in the absence of the Chairperson.

**ARTICLE III
MEETING PROCEDURE**

3.1. Meetings.

- a. Meetings of the ZBA shall be held at Village Hall at such times as shall be prescribed by the Chairperson.
- b. Notice of any meetings shall be given in accordance with the Open Meetings Act (Act No. 267 of the Public Acts of 1976). Notices shall be posted at the offices of the Village in the manner and time provided under that Act. Any changes in the date, time or location of the regular meetings shall be posted and noticed in the same manner as originally established.
- c. A quorum as defined by the Michigan Zoning Enabling Act shall consist of four of the seven total members. No business may be conducted or official action taken except to adjourn the meeting if a quorum cannot be met.
- d. Except to the extent of any conflict with these rules or any applicable provision of the zoning ordinance or state statute, meetings shall be conducted in accordance with Robert's Rules of Order, Newly Revised (12th ed).

3.2. Applicant Attendance and Participation. The applicant or his/her representative shall be present at the meeting when their application is heard and discussed. Failure of the applicant or

representative to appear at the hearing will cause the ZBA to postpone any action on the request until such time as the applicant or a representative is present. If the applicant or representative fails to make attendance for two consecutive hearings without notifying the ZBA or Village staff, the application shall be dismissed. The Chairperson shall give the applicant/representative adequate time during the meeting to present his or her case to the ZBA. Such time may exceed the 3-minute limitation provided for general public comment (as provided in section 3.3 below) and shall be determined based on the complexity of the case.

3.3. Hearings.

a. The Village shall provide for notification of public hearings in a local newspaper and by direct mailings as required under the Michigan Zoning Enabling Act.

b. The Chairperson shall announce the matter of business to be considered and open the hearing on the matter for receipt of public comment on the subject, which shall be governed by the following rules:

1. Only comments regarding the subject of the hearing will be accepted.

2. All persons wishing to comment shall be given an opportunity to do so.

3. Any person wishing to speak shall first be recognized by the ZBA Chairperson.

4. Speakers shall stand, if able, be formally recognized by the Chairperson, state their full name and address, and make comments directly to the Chairperson. Any questions shall also be directed to the Chairperson.

5. Members of the public, other than the applicant, shall limit their comments to three (3) minutes. The owner of the subject property and the party that filed the application (in situations where the owner is not the applicant) shall be given fifteen (15) minutes to speak.

6. The Chairperson has the authority to order a person to conclude comments that are irrelevant, misleading, repetitious of comments made by other commenters, or in excess of their allotted time limits. The Chairperson may also grant extensions of time, or allow ZBA members to ask questions of speakers beyond the allotted time limit, upon determining that doing so would assist the ZBA in resolving the issues presented.

7. Once all public comments have been received or if, at any time, during the hearing, a ZBA members feels no other relevant or non-repetitious comments are being presented, a motion to close the public hearing may be made, or the Chairperson may advise that such a motion would be entertained.

d. During the hearing the Chairperson shall acknowledge any correspondence received.

3.4. Motions. Motions shall be restated by the Chairperson before a vote is taken. The name of the maker and supporters of the motions shall be recorded.

3.5. Voting. An affirmative vote of four (4) ZBA members shall be required to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in

favor of the applicant on a matter upon which the ZBA is required to pass under the zoning ordinance, or to grant a variance (other than a use variance) from the zoning ordinance. Voting shall be ordinarily accomplished by voice vote; provided, that the roll call shall be required if requested by any ZBA member or directed by the ZBA Chairperson. A Use Variance may only be granted if authorized by the zoning ordinance and upon the affirmative vote of five (5) ZBA members.

3.6. Secretarial Duties. Secretarial duties for the ZBA shall be performed by Village staff personnel as designated by the Village Manager. Such staff personnel shall be responsible for preparation of minutes, keeping of pertinent records, delivering communications, petitions, reports, other related items of business to the ZBA, issuing notices of public hearings, and performing related administrative staff duties to assure efficient and informed ZBA operations.

ARTICLE IV DUTIES OF THE ZBA

4.1. Duties. The ZBA shall perform all duties proscribed under the Michigan Zoning Enabling Act or the Village's zoning ordinance.

ARTICLE V OPEN MEETINGS AND FREEDOM OF INFORMATION COMPLIANCE

5.1. Compliance with Acts.

- a. Meeting notices and in-meeting deliberations and decisions of the ZBA are governed by the Michigan Open Meetings Act, Act 267 of the Michigan Public Acts of 1976, as amended, MCL 15.261 et seq.
- b. Records, files, correspondence, and other materials pertaining to ZBA agenda topics are available to the public for reading, copying, and other valid purposes as governed by the Michigan Freedom of Information Act, Act 442 of the Michigan Public Acts of 1976, as amended, MCL 15.231 et seq.

ARTICLE VI CONFLICTS OF INTEREST

6.1. Conflicts of Interest.

- a. For purposes of these bylaws, a conflict of interest is defined as, and a ZBA member shall declare a conflict of interest and abstain from participating in ZBA deliberations and voting on a request, when:
 1. An immediate family member is involved in any request for which the ZBA is asked to make a decision. "Immediate family member" is defined as an individual's father, mother, son, daughter, brother, sister, and spouse and a relative of any degree residing in the same household as that individual.
 2. The ZBA member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association.
 3. The ZBA member owns or has a financial interest in a property abutting

the property involved in the request. For purposes of this section, a lot shall be considered with another lot if it shares a common property line or would share a common property line if not for an intervening public right-of-way. (In other words, a lot immediately across the street from another lot shall be considered abutting).

b. The procedure for handling conflicts of interest shall be as follow:

1. If a member has a conflict of interest, he or she shall disclose that interest during a ZBA meeting prior to any discussion on the item to which it pertains, and shall then remove himself or herself from the hearing, discussions and decision-making process until the matter is over. Physical removal minimizes any public perception that the member with the conflict of interest is unduly influencing his or her fellow members by the member's physical presence.

2. If a member is aware of circumstances that a reasonable person may consider to create an appearance of a conflict of interest, he or she shall disclose that interest during a ZBA meeting prior to any discussion on the item to which it pertains. The remaining members of the ZBA shall then take a vote to determine whether or not to require the member to abstain from participating on that item.

ARTICLE VII EX PARTE COMMUNICATIONS

7.1 Ex Parte Communications.

a. The ZBA must act as a board and not as individuals.

b. Communication of any kind (other than at ZBA meetings or hearings) ("Ex Parte Communications") by members of the ZBA with applicants, developers, applicant's or developer's representatives, or interested neighbors regarding a matter to come before the ZBA is to be avoided, except for limited necessary contact during fact-finding site visits.

c. Members may view sites only if they can do so without any unnecessary contact with the applicant, developer, applicant's or developer's representatives, or interested neighbors and for the specific purpose of gathering physical facts or data.

d. If a member is contacted by an applicant, developer, or their representatives, or an interested neighbor, the member shall promptly inform that party that he or she will not discuss the matter or have any contact other than at a ZBA hearing or meeting except for site visits. The member shall then immediately welcome the party to attend the ZBA meetings to discuss their views, wishes, etc. or to deliver written comments to the Village Clerk for distribution to ZBA members.

ARTICLE VIII AMENDMENTS

8.1 Amendments. The ZBA may amend these bylaws by a majority vote of the members, provided that all members have received a copy of the proposed amendments at least 3 days prior to the meeting at which such amendments are to be considered.

I HEREBY CERTIFY that the above Bylaws, as amended, were adopted on _____, 2022.

_____, Chairperson

Section 2: Roles and Responsibilities

Chapter 3: Duties of Village Officials

“AN ACT to provide for the government of certain villages, to define their powers and duties....”

The General Law Village Act, PA 3 of 1895, serves as the charter for 208 Michigan villages. This Act not only defines the powers of general law villages, but also the roles and responsibilities of the elected and appointed officials of those villages.

Roles of Elected and Appointed Officials

The mix of elected officials and administrative staff having a common purpose, but each having a different role and a different perspective makes governing a village a complicated process. When you add in personalities that may also conflict, it is clear that a hefty dose of goodwill and teamwork is needed for a general law village to function efficiently.

The information provided here should not be considered legal advice. Rather, it is primarily “nuts and bolts” information, based on the experience of officials in Michigan general law villages. You are urged to consult your village attorney for legal advice.

Village Council

“The legislative authority of villages shall be vested in the council.” (MCL 65.1). Villages operate as governments of law within a system of constitutional federalism and a complex network of federal and state laws and regulations. At the top are the guarantees and restraints found in the U.S. Constitution and federal legislation and regulations. Next are the Michigan Constitution, statutes, and regulations.

Based on a professional understanding of the law and the interrelationships of various levels of the law, your village attorney will be able to assist you in determining which laws are applicable and how they apply to your village and to your role as trustee.

Ordinances, Resolutions, and Motions

For the newly elected official, the distinction between motions, resolutions, and ordinances can be confusing.

Ordinances are formal actions by the council and constitute local legislation. Ordinances carry the force of law and may impose penalties on violators. If the council wants to change a duly adopted ordinance, it must amend, repeal, or rescind the ordinance. The clerk is required by state law to maintain an ordinance book, and from time to time a village may compile or codify all of its current ordinances and publish that compilation or code. (See Ch 7—Local Ordinances)

Resolutions are less formal than ordinances, and are often used for short-term matters, such as adopting the annual budget. A resolution may be used to state the council’s position, such as in support or opposition to a piece of state or federal legislation. When the council wishes to commend a citizen or commemorate an occasion, it acts by resolution. Resolutions are a part of the permanent record of the village.

Motions are used to introduce a subject or propose an action to the council. For example, a trustee might say “I move that the ordinance (or resolution) be adopted.” Once a motion is made and seconded, it can be discussed and acted upon (See Ch 6—Successful Meetings).

The League maintains a collection of sample ordinances. Many are available on the League website at mml.org, or may be obtained by emailing info@mml.org or calling the League at 800-653-2483. Your village attorney should review all ordinances, including samples you receive from the League, to provide you with guidance on the language, the relevance of state

statutory requirements, and the application of case and constitutional law.

Some ordinances, such as a zoning ordinance, require that a public hearing be held prior to enactment. In other instances it may be advisable to hold a public hearing, even though it may not be mandatory. In some villages, council rules of procedure require an ordinance to be read aloud several times before it is adopted. This may be a full reading of the entire ordinance—which can be quite lengthy—or only a synopsis. The introduction of the ordinance is usually considered the first reading, and a second reading occurs at a subsequent meeting when the ordinance is actively considered. Law does not require these readings, but they do provide an opportunity for public awareness and input. The council rules of procedure may authorize the suspension of one or more readings to avoid verbatim readings of lengthy measures or emergency actions.

Rules of Procedure

Section 65.5 of the GLV Act **requires** the council to adopt “rules of its own proceedings.” As a new trustee, you should become familiar with any rules of procedure already adopted by previous councils. These rules help in running an efficient and genial meeting and in dealing lawfully and effectively with the public and the media. The rules of procedure should indicate the sequence of the council agenda as well as the procedure for holding public meetings. Sample rules of procedure are included in Appendix 4: Rules of Procedure for General Law Village Councils.

Rules of procedure should be adopted by a majority vote and reexamined regularly. When the village council meets following the election of trustees, the council’s rules of procedure should be reviewed by the new council, amended as the members desire, and adopted as the current rules of procedure.

Trustees should become very familiar with the requirements of the Michigan Open Meetings Act. For example, Section 3 of the Act states that “a public body may establish reasonable rules and regulations in order to minimize the possibility of disruption” in the taping, broadcasting, or telecasting of the proceedings of a public body.

Many local governments in Michigan adopt the latest edition of *Robert’s Rules of Order* in addition to their council rules. Most people are familiar with it, and it offers a framework for your meetings. Robert’s Rules should be consulted as a last resort, after state law and council rules. If possible, the village president should appoint a parliamentarian to assist the council in following Robert’s Rules.

Citizen Participation in Council Meetings

The president, council, and citizens should keep in mind one important difference between villages and townships. Townships may hold an annual town meeting where citizens may participate and vote. This is not an option for villages. Only the president and the trustees may introduce an agenda item and vote on matters brought for action.

The village council agenda should include an opportunity for members of the public to address the council. Under Section 3(5) of the Open Meetings Act, “a person shall be permitted to address a meeting of a public body under rules established and recorded by the public body.” Sample rules of procedure are printed in Appendix 4.

Public Hearings

Council rules should also include a procedure for public hearings. Public hearings offer citizens an opportunity to be heard—which is a strength of a representative democracy. Even if not required by law, a public hearing can be useful in helping village officials understand how their constituents feel and why they feel that way.

Public hearings are a formal meeting of the council to obtain input from the public, and are a legal requirement for some matters, such as adoption of the annual budget or changing the local zoning ordinance. They should be viewed as a serious effort on the part of village officials to secure as much information as possible about a topic before a final decision is made. A hearing may either be a part of a regular council meeting or be held at a special meeting called for that purpose.

Suggestions for Public Hearings:

Encourage citizens to participate in the discussion of the issue. Although limits may have to be placed on how long any individual may talk, everyone who wishes to be heard should be allowed “their day in court.” Public hearings can be tiring and it is tempting to close discussion before everyone has spoken. Resist this temptation. It is better to err in the direction of permitting “overtalk” rather than “undertalk.”

Avoid debating with citizens at a public hearing. The purpose of the hearing is to **receive** their information and/or opinion. You will have your opportunity later to state your position and rebut any information or argument you may feel needs it. Give the appearance—and feel it, too—of encouraging individuals to express themselves. You can help by looking directly at the person talking and by using nonverbal cues such as nodding affirmation and physically leaning in the direction of the speaker. At the same time, avoid such negative nonverbal cues as scowling, reading, checking your phone messages, talking to another trustee, or using facial expressions that suggest ridicule or contempt.

Avoid being trapped by the idea that the number of citizens who speak on one side of an issue or the other should determine the nature of the decision. Although the number speaking on one side or the other may be one factor influencing a solution, this should not be the only factor. There is no easy way to determine the extent to which speakers represent their claimed constituents; the other side may be far more numerous but far less vocal. Decisions should result from careful balancing of the facts and arguments both from the point of view of those directly concerned and of the community at large, with all citizen input given equal consideration if not equal weight.

Operating in the “Sunshine”

A basic premise of democracy is that the public’s business is conducted in public. This requirement is particularly necessary in a representative democracy.

Two pieces of legislation enacted in 1976 spelled out the people’s right to know and set limits and parameters on a council’s actions. These are the Open Meetings Act (OMA), PA 267 of 1976, and the Freedom of Information Act (FOIA), PA 442 of 1976. The policy of the state of Michigan is that the public is entitled to full and complete information regarding the affairs of government and the actions of those who represent them.

In a nutshell, the OMA requires that – with only a few, very specific exceptions – all “deliberations” and “decisions” of a “public body” shall be made in public. By the same token, FOIA states that all persons, except those in prison, upon “written request” have a “reasonable opportunity” to inspect, copy, or receive copies of the requested “public record” of the “public body.”

A general rule of thumb is to conduct the public’s business in public. Deliberate so the constituents know why decisions are made. The deliberations and documents may be kept confidential only when there is an actual detriment to the municipality, not when the matter would simply be embarrassing.

General guidelines and reference materials are available from many sources, including the League. However, when specific circumstances arise that make you question the appropriateness of a closed session or the necessity to post a meeting or whether or not to release a document, the best course of action is to seek guidance from your village attorney. The specific details of the situation and recent legislation and court decisions will make each situation unique.

Powers of Elected and Appointed Officials

Powers of the council

The GLV Act establishes the council as the legislative authority for the village. It is important to remember that this authority is granted to the council as a whole rather than to individual trustees. Most of the powers granted to the council are permissive in nature rather than obligatory. The Act allows the council to:

- reduce the number of trustees from six to four. The proposed ordinance must be

voted on and adopted at a meeting that occurs not less than 10 days after the initial meeting or public hearing at which it was considered. It requires adoption by a vote of two-thirds of the council. It cannot take effect for 45 days following adoption, during which time a petition signed by 10 percent of the registered voters can force a referendum on the issue. There are additional requirements regarding the timing of the ordinance and the effect on the term of sitting trustees. (MCL 62.1). A sample ordinance to reduce the size of council is available in Appendix 8 of this handbook.

- change the position of clerk and/or treasurer from elected to appointed. (MCL 62.1) The proposed ordinance requires adoption by a vote of two-thirds of the council. It cannot take effect for 45 days following adoption, during which time a petition signed by 10 percent of the registered voters can force a referendum on the issue. Sample ordinances to appoint the clerk and treasurer are available in Appendices 6 and 7 of this handbook.
- provide for the appointment of additional officers not provided for in the charter and prescribe their duties. (MCL 62.2, 62.3)
- appoint individuals nominated by the president. (MCL 62.2)
- act on resignations, determine vacancies, and make appointments to fill vacant offices. (MCL 62.10 - 62.13)
- provide for compensation of village officers (by ordinance for the president and council). (MCL 64.21)
- exercise all legislative authority. (MCL 65.1)
- select one member of the council to serve as president pro tempore. (MCL 65.3)
- hold regular meetings, at least one each month. The president or three members of the council can call special meetings as needed. (MCL 65.4)
- create or abolish offices. (MCL 65.5)

- vacate, purchase, lease, and sell property. (MCL 65.5)
 - order public improvements. (MCL 65.5)
 - appropriate money, i.e. adopt a budget (MCL 65.5) (See Appendix 9), and levy taxes sufficient to support the budget (MCL 69.1) but not to exceed:
 - general operating, maximum 12.5 mills before any Headlee rollback (MCL 69.1) and subject to Truth in Assessing.
 - highways, maximum 5 mills before any Headlee rollback. (MCL 69.2)
 - cemeteries, maximum 2.5 mills for grounds purchase and 1 mill for operation before any Headlee rollback. (MCL 69.4)
 - garbage collection, maximum 3 mills before any Headlee rollback. (Garbage Disposal Act, 1917 PA 298, MCL 123.261)
 - audit and allow accounts, i.e. authorize payment of bills. (MCL 65.7)
 - by two-thirds vote, increase taxes and impose special assessments. (MCL 65.5)
 - employ a village manager and enter into an employment contract with the manager. (MCL 65.8)
 - adopt ordinances providing for the safety, health, welfare, and good government consistent with Michigan and/or federal laws. (MCL 67.1)
- The style of the ordinances and the requirements for publication are set out in Chapter VI of the GLV Act. The council may also set penalties for violation of these ordinances. (MCL 66.2)

The League's website can provide samples as starting points for drafting language for your ordinances. However, it is imperative that your village attorney at least reviews, and preferably prepares, the final draft for the council to consider. If your ordinance is challenged in a court of law, it is the village attorney who will normally defend the village action.

- grant licenses and set the terms and conditions under which a license will be granted and/or revoked. Determine the amount to be charged for the license. (MCL 67.2)
- establish public parks and grounds and provide rules for their use and vacating. (MCL 67.4, 67.6)
- supervise and control all public streets, bridges, sidewalks, alleys, etc. (MCL, 67.7-67.23), including:
 - assessment of costs to benefiting property owners. (MCL 68.32-68.35; 69.5)
 - regulation of signs and awnings. (MCL 67.11)
 - condemnation of private property. (MCL 67.12, 73.1 et seq.)
 - vacating of streets and alleys. (MCL 67.13)
 - determination of grades, paving, curbs and gutters, etc. (MCL 67.15-67.16)
- provide for and/or regulate the planting and trimming of trees. (MCL 67.21)
- provide for and/or regulate street lighting. (MCL 67.21)
- provide for village lighting. (MCL 72.1-72.9)
- establish, construct, and maintain sewers and drains. (MCL 67.24-67.34)
- establish and maintain public wharves, piers, and levees; and regulate navigable waters, including licensing of ferries. (MCL 67.35-67.40)
- purchase, improve, and care for cemeteries. (MCL 67.55-67.64)
- establish and maintain a fire department. (MCL 70.1)
- establish a police force and adopt rules governing the powers and duties of the police officers. (MCL 70.13-70.16)
- establish a department of public safety. (MCL 70.18)
- designate a street administrator and/or establish a department of public works. (MCL 71.12-71.14)

- incur debt. (MCL 69.21-69.25)
- condemn private property for public use. (MCL 73.1-73.5)
- alter village boundaries. (MCL 74.6)

Powers of the Village President

The GLV Act also establishes the duties and responsibilities of the village president. Some administrative duties of the president may be transferred to a village manager. (These duties are noted in **bold face**.)

The village president:

- serves as chief executive officer, **with supervisory authority over affairs and property of the village**. (MCL 64.1)
- serves as a voting member of the council on all issues. (MCL 64.1)
- presides at council meetings. (MCL 64.1, 65.2)
- **gives the council information concerning the affairs of the village and recommends appropriate actions**. (MCL 64.1)
- **sees that laws relating to the village and ordinances and regulations of the council are enforced**. (MCL 64.1)
- is a conservator of the peace and may exercise power to suppress disorder. May command citizen assistance to help enforce ordinances in emergency and disaster situations. (MCL 64.2)
- **may remove any appointed officer or suspend any police officer for neglect of duty**. (MCL 64.3)
- **may examine all books, records, or papers of the village**. (MCL 64.3)
- **performs all duties prescribed by village ordinances**. (MCL 64.3)
- calls special meetings of the council (three trustees may also call special meetings). (MCL 65.4)
- approves synopsis (or entire proceedings) of actions taken at council meetings prior to publication. (MCL 65.5)
- authenticates, by signing, all ordinances. (MCL 66.3)

- nominates the clerk and/or treasurer for council appointment if village has changed from an elected to an appointed a clerk and/or treasurer. (MCL 62.1)
- signs certification of assessment roll and amount required to be raised by general tax and special assessment. (MCL 69.13)
- warrants the treasurer to collect taxes. (MCL 69.15)
- countersigns disbursement warrants. (MCL 69.24)
- nominates a harbormaster (if needed) for appointment by council. (MCL 67.39)
- **directs the fire chief.** (MCL 70.4)
- **appoints police officers and personnel with the consent of the council.** (MCL 70.13)
- **nominates a chief of police for council appointment.** (MCL 70.15)
- **nominates a director of public safety for council appointment.** (MCL 70.18)
- **nominates a director of public works for council appointment.** (MCL 71.14)
- **nominates non-elected officers for council appointment in accordance with the ordinance/ resolution creating the position.** (MCL 62.2)
- **fills vacancies of non-elected officials, with the consent of council.** (MCL 62.13)
- concurs with the fire chief to order the destruction of a building, if necessary, to arrest the progress of a fire. (MCL 70.11)
- signs boundary adjustment petition for presentation to the county commission. (MCL 74.6)
- **prepares budget for presentation to council.** (Michigan Uniform Budgeting and Accounting Act).

Powers of the President Pro Tempore

Each year, the village council appoints one of its members as president pro tempore. The appointment should be made on November 20th or as soon as possible thereafter. When the president is absent, the president pro tem presides at council meetings and exercises all powers and duties of the president. (MCL 65.3)

If the office of the president becomes vacant for any reason, the council must appoint a president to serve until the next regularly scheduled village election; any qualified elector may be selected to fill the vacancy. The president pro tem does not automatically become president. (MCL 62.13)

Duties of a Village Manager

Of Michigan's 208 general law villages, 56 have a village manager. In determining whether or not to establish the position of a village manager, each village must decide what will best meet the needs of the community.

Prior to 1985, a village council could only assign those duties to a manager not required by law to be performed by another village official. This limited the effectiveness of the manager. Act 173 of 1985 allowed the village council to assign to the manager, by ordinance, selected administrative duties otherwise performed by other village officials under the GLV Act.

In addition, the 1998 revision to the Act allows the council to employ a manager to serve at the pleasure of the council and to enter into an employment contract with the manager. The council may now pass an ordinance assigning the manager any administrative duty of the council or the president, including hiring, firing, and directing village employees or other appointed officials. The manager may also be given supervisory responsibility over accounting, budgeting, personnel, purchasing, and related management functions otherwise given to the clerk or treasurer. This ordinance, like the ordinances for appointment of the clerk and treasurer, only becomes effective 45 days after passage to allow for the filing of a petition signed by 10 percent of the electorate, or after the election if such a petition is filed.

The village manager may be designated as the chief administrative officer required by the Uniform Budgeting and Accounting Act (MCL 141.434) to be responsible for the preparation, presentation, and administration of the village budget. The manager may also be designated as the street administrator as defined in section 113 of 1951 PA 51, MCL 247.663.

Villages with manager positions predating 1985 PA 173 may wish to review their

experience and enact an ordinance in accordance with the 1998 revisions to the Act. (MCL 65.8)

The Work of the Village Attorney

An important, though not always visible, member of the village team is the attorney.

Although the duties of the attorney are not spelled out in the charter, at the request of council they might include:

- drafting ordinances,
- preparing legal opinions,
- reviewing policies and procedures for compliance with local, state and federal law,
- defending the village in a court of law,
- advising the council on legal issues, and
- prosecuting violators of village ordinances.

Often a general law village cannot afford to have the attorney present at all meetings. However, copies of agendas and minutes should be submitted for review to assure that the village is in conformity with the law and to keep the council from unintentionally placing the village in a questionable legal position.

When appointing a village attorney, the council should prepare a request for proposal, specifying exactly what the attorney will be expected to do for the village. Things to consider in selecting an attorney are:

- experience in municipal law,
- time available—attorney must commit time for village issues; discuss turn-around time for written opinions, ordinance drafts, etc.,
- fees—per hour versus retainer or
- references—other municipal clients.

The council also needs to establish a policy for contacting the attorney. A common practice is that only specific officials may contact the attorney without council authorization. For instance, the president or the manager (or the clerk if there is no manager) should make the contact.

The League's Inquiry Service and Legal Affairs Division do not give legal advice nor do they render legal opinions. However, the legal staff will gladly confer with your attorney on

any legal issues in your community or to offer guidance in drafting your own policies, regulations, or ordinances.

The League's Inquiry Service can assist by providing sample ordinances and policies as a starting point for drafting ordinances or policies for your village. Many of these are available on the League's web site at mml.org.

Duties of a Village Clerk

The office of clerk is a pivotal one, dealing with vital areas of village operation: records management, finances, and elections. The importance of recording and preserving the official action of the village's legislative body cannot be overstated. Years from now all that will remain of the village documents will be these records.

Traditionally, the village clerk has been an elected official. The 1998 revision of the GLV Act allows the council, by ordinance subject to referendum, to appoint the clerk (MCL 62.1). This allows the council to require specific job skills and experience for the position, and makes the clerk accountable to the council. This option was made available so that the council could appoint a clerk who did not live in the village. Making the office appointed takes away the residency requirement (since the person does not have to be an elector). A sample ordinance to appoint a village clerk is available in Appendix 6. Many of the clerk's duties may be transferred to the manager by ordinance. In many villages without a manager, the clerk performs the day-to-day administrative duties.

- Keep the corporate seal and all records and documents not entrusted to another officer by the charter. (MCL 64.5)
- Serve as clerk of the council, record all proceedings, resolutions, and ordinances. (MCL 64.5)
- Countersign and register all licenses. (MCL 64.5)
- Make reproductions in accordance with the Media Records Act 1992 PA 116, MCL 24.401-24.403. (MCL 64.5)
- Administer oaths and affirmations. (MCL 64.5)

- Serve as general accountant. (MCL 64.6, 64.7)
- Collect claims against the village, present them to council for allowance and, if allowed, submit check disbursement authorization to treasurer. (MCL 64.6)
- Report tax or money levied, raised or appropriated to treasurer as well as the fund to be credited. (MCL 64.6)
- Make complete financial report to council as requested. (MCL 64.8)

The office of clerk can be the most controversial, and perhaps misunderstood, position in a general law village. Several steps can be taken to help resolve some of these issues:

- The clerk and council should discuss mutual expectations of the roles and responsibilities of each position. This can lead to cooperation and mutual respect.
- Network with other village officials. The Michigan Association of Municipal Clerks offers support for clerks. Help is often just a phone call away. By the same token, offer to assist new clerks in your area who may be having difficulty identifying roles and responsibilities.
- Attend educational programs about roles and responsibilities of officials, teamwork, and local government.
- Consider appointment of the clerk by the council, as allowed by the 1998 revisions to the charter. The ordinance may establish requirements for specific job skills and experience and make the clerk accountable to the council. It may also provide job security and continuity for this important position.

Duties of a Village Treasurer

Prior to the 1998 revision of the GLV Act, a number of villages amended the general law village charter to provide for the appointment of the treasurer by the council. This allows the council to require specific job skills and experience for the position, and makes the treasurer accountable to the council. This option was made available so that the council could

appoint a treasurer who did not live in the village. Making the office appointed takes away the residency requirement (since the person does not have to be an elector). With the 1998 amendments, the village now has the option of council appointment of the treasurer by ordinance, subject to referendum. A sample ordinance to appoint a village treasurer is available in Appendix 7. Duties of the treasurer may be transferred to the village manager by ordinance. The treasurer:

- Has custody of and receives all village money, bonds, mortgages, notes, leases, and evidence of value. (MCL 64.9)
- Keeps an account of all receipts and expenditures. (MCL 64.9)
- Collects and keeps an account of all taxes and money appropriations, keeping a separate account of each fund. (MCL 64.9)
- Performs duties relating to assessing property and levying taxes. (MCL 64.9)
- Makes periodic reports to the clerk and council as required by law. (MCL 64.10)

Changing your Charter

General law villages can amend the provisions of the GLV Act (MCL 74.24) following the procedures outlined in the Home Rule Village Act, PA 278 of 1909, as amended (MCL 78.1-78.28). An amendment must be approved by the village council, submitted to the governor's office for review, and approved by the village electors. Village councils interested in amending their charters should work with their village attorney to assure that the procedure required in the state statutes is followed.

If the village needs to make substantial changes to the GLV Act, they might consider the possibility of becoming a home rule village and adopting their own charter. Villages can also become cities if they meet the standards designated by the state statute and if their citizens approve the change. The League has information on both of these processes.

Words of Wisdom

The following suggestions have been provided by experienced village officials:

Realize you cannot solve every problem quickly. Looking at problems from the inside lends a different perspective when you are forced to look at all aspects. *Village Manager*

You have information citizens do not and you are charged with educating as well as listening to citizens. *Village Manager*

Get involved. Know what is going on. Communicate with other trustees. Review your meeting material prior to the night of the meeting. *Trustee*

When first elected, listen and observe. Don't challenge existing staff or practices in public until you have done your homework and know what you are talking about. It boils down to good manners. Often, "jumping the gun" on an

issue causes it to be magnified in the media. *Clerk*

Show respect to other village officials, including those appointed rather than elected. Our clerk and treasurer are now appointed by the council. They are still officials. Don't treat them like they are your private secretaries. *Clerk*

Be professional. Don't turn village issues into personal issues. Communication and cooperation are the key. *Trustee*

Chapter by League staff



Guidelines and Policies for Boards, Commissions, & Committees

The Village of Decatur Boards, Commissions and Committees provide a way that residents can participate in their government. According to the Code of Ordinances, the Village Council creates, regulates, sets terms of offices, and establishes the duties for Boards, Commissions and Committees as needed. Village Boards, Commissions and Committees can best serve the Village when they are fully aware of the missions and priorities of the Village Council.

Membership: The Village President traditionally appoints Members with concurrence of the Village Council. Announcement of vacancies will be made at the Council meeting preceding that at which the appointment will be made. This allows interested citizens to submit their name and qualifications for consideration. The manager may appoint Ex-Officio representatives of the Village administration to serve as advisors and provide liaison.

Conflict Of Interest: A member of the Village Board, Commission and Committee serves the people and shall not receive personal or business benefit as a result of serving. A member who has a financial interest in the outcome of a particular matter before the Board, Commission and Committee should be excused from deliberations. If the member does not announce her/his own conflict of interest, another member may request that the involved person not participate in discussion nor vote on the issue over which there is a conflict of interest.

Length Of Term: Length of terms varies with the particular Board or Commission. A member may be reappointed for additional terms. Consult the Village Clerk regarding length of term of a specific Board, Commission and Committee that are advisory in nature unless otherwise specified.

Powers: The powers of such Boards and Commissions are delegated to them by Council resolution, Charter, ordinance, or state law. Village Boards, Commissions and Committees are advisory in nature unless otherwise specified.

Removal From Office: Members may be removed because of poor attendance, malfeasance, conflict of interest or conduct that might damage the reputation of the Village or the individual on the respective Board, Commission, or Committee.

Meeting Of the Board, Commission Or Committee: Notices of the meetings for calendar year are posted and provided to the Village Manager's Office in early January. The notice shall include date, place, time and handicapped accessibility information. Any deviations from these posted notices are to be reported at least 18 hours before the meeting. For committees who meet "at the call of the chair", the notices shall be posted and forwarded to the Village Manager's Office no later than 18 hours before the meeting.



Responsibility of Board, Commission Or Committee

1. A person often seeks appointment to a Village Board, Commission or Committee because of her or his involvement with a particular activity, or because she or he has a specific interest or expertise in the focus of that Board, Commission or Committee. However, it must be remembered that the member represents all people and the entire Village and not that special interest when serving on that Board, Commission or Committee.
2. Minutes of every meeting held by a Village Board, Commission or Committee are to be approved by that Village Board, Commission or Committee.
3. Boards, Commissions or Committees shall consult with the Village Manager or his designated representative (such as department head) before taking action which will be legally binding on the Village or obligate the Village financially.
4. The respective Department Head should be kept informed about actions being considered by the Board, Commission or Committee.
5. Press releases from a Board, Commission or Committee shall be released through the Village Manager for review by the Village Council in advance of the release to the public. The Village Manager may determine that some releases are routine and do not need advance notice. For example, library hours and the opening date of the beach.

Policy for Appointments to Board and Commissions

1. a person shall be appointed by the Village President for a Board, Commission, or Committee.
2. Unless otherwise specified by law, the term may vary per Board, Commission, or Committee.
3. Any person appointed to fill a vacancy may be eligible for reappointment following the by-laws to the Board, Commission, or Committee.

VILLAGE OF DECATUR

COUNTY OF VAN BUREN

STATE OF MICHIGAN

RESOLUTION 2023-014: VILLAGE OF DECATUR PUBLIC MEETING SCHEDULE FOR 2024.

WHEREAS, a local Municipality has the right to set their own Regular Meeting schedule by Resolution; and

WHEREAS, The Village of Decatur is required by law to have one Regular Meeting every month; and

WHEREAS, The Regular Meeting Schedule will be posted at Village Offices throughout the duration of the 2024 Calendar Year. The Village of Decatur Trustee's meet at 7:00PM on the first Monday of each month unless otherwise posted. Meetings are held in the Council Chambers of the Decatur Village Hall, 114 N. Phelps Street, Decatur, Michigan. The Village Council may also from time to time meet electronically allowable under PA 228 of 2020.

January 8, 2024	February 5, 2024	March 4, 2024	April 1, 2024
May 6, 2024	June 3, 2024	July 1, 2024	August 5, 2024
September 9, 2024	October 7, 2024	November 4, 2024	December 2, 2024

DOWNTOWN DEVELOPMENT AUTHORITY

The Decatur Village DDA meets on the second Wednesday of each month, at 1:00 P.M. unless otherwise posted. Meetings are held in the Council Chambers of the Decatur Village Hall, 114 N. Phelps, Decatur, MI 49045.

PLANNING COMMISSION

The Decatur Village Planning Commission meets on the third Thursday of each month, at 1:00 P.M. unless otherwise posted. Meetings are held in the Council Chambers of the Decatur Hall, 114 N. Phelps, Decatur, MI 49045.

ZONING BOARD OF APPEALS

The Zoning Board of Appeals meets as needed on the first Monday of each month, at 6:00 P.M. unless otherwise posted. Meetings are held in the Council Chambers of the Decatur Village Hall, 114 N. Phelps, Decatur, MI 49045.

PARKS AND RECREATION COMMITTEE

The Parks and Recreation Committee meets on the third Monday of each month, at 4:30 P.M. unless otherwise posted. Meetings are held in the Council Chambers of the Decatur Village Hall, 114 N. Phelps, Decatur, MI 49045.

NOW, THEREFORE, BE IT RESOLVED, the following is the current Regular Meeting Schedule for the 2024 Calendar Year for The Village of Decatur.

AYES:

NAYES:

ABSENT:

I HEREBY CERTIFY, that the foregoing is a Resolution duly made and passed by _____ of the Village of Decatur at their regular meeting held on December 4, 2023, at 7:00 p.m. at 114 North Phelps Street, Decatur, MI 49045, with a quorum present.

Megan Duncan, Clerk

Date

RESOLUTION DECLARED ADOPTED, this 4th day of December 2023.