

Chapter 2

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ARTICLE I. IN GENERAL

Secs. 2-1—2-18. Reserved.

ARTICLE II. VILLAGE COUNCIL***Sec. 2-19. Regular meetings.**

(a) The village council shall hold regular meetings on the first and third Tuesday of each month at 7:30 p.m. In the event, however, that the regular meeting of the council falls upon a date designated by law as a legal or national holiday, the meeting shall be rescheduled for the following Tuesday at the same time.

(b) The meeting shall follow the order as specified in section 2-22. Individuals and/or members of the council who desire the floor at a meeting for a period in excess of five minutes shall be added to the published agenda for the meeting by contacting the president no later than 48 hours prior to the scheduled meeting.

(c) The president shall provide the agenda information to the clerk no later than 24 hours prior to the scheduled meeting. Prior to convening a regular or special meeting, the clerk shall provide a printed copy of said agenda to all councilmembers and citizens or visitors in attendance.

(Code 1988, § 1.001)

State law reference—Meetings, MCL 65.4.

Sec. 2-20. Special meetings.

(a) The president shall call special meetings of the council whenever, in his opinion, the public business may require it, or at the express written request of any three members of the council. A written notice shall be served upon each member of the council either in person or by notice left at his place of residence at least six hours before the meeting, stating the date and hour of the meeting and the purpose for which such meeting is called, and no business shall be transacted thereat, except such as is stated in the notice; provided, however, that if all the members of the council shall be present at any special meeting, such notice shall be deemed to have been waived.

(b) No compensation for special meetings shall be provided to any officer, unless specifically approved by not less than a two-thirds majority of the members present for such meeting.

(Code 1988, § 1.002)

State law reference—Meetings, MCL 65.4.

***State law references**—Village council, MCL 65.1 et seq.; ordinances, MCL 66.1 et seq.; standards of conduct and ethics, MCL 15.341 et seq.; open meetings act, MCL 15.261 et seq.; freedom of information act, MCL 15.231 et seq.

Sec. 2-21. Quorum.

(a) A majority of all the members elected to the council shall constitute a quorum at any regular or special meeting of the council. In the absence of a quorum, the presiding officer shall, at the instance of any three members present, compel the attendance of absent members.

(b) It shall be the responsibility of each councilmember to notify the president or clerk if absence from a regularly scheduled meeting is anticipated. Said notice must be given no later than three hours prior to the beginning of said meeting.

(c) If, due to notification of councilmembers who will be absent, the president believes that a quorum will not be available for said meeting, he shall notify all councilmembers that the meeting is cancelled and will be rescheduled for the following Tuesday at the same time and place. Additionally, a notice of such postponement must be posted on the door of the meeting place prior to the normal meeting time.

(Code 1988, § 1.003)

State law reference—Quorum, MCL 65.5.

Sec. 2-22. Order of business.

All meetings of the council shall be open to the public; provided, however, the council may recess into executive session. The order of business shall be as follows:

- (1) Roll call.
- (2) Approval of minutes of previous meeting and treasurer reports.
- (3) Petitions and communications.
- (4) Introduction and adoption of resolutions and ordinances.
- (5) Reports of officers, boards and committees.
- (6) Unfinished business.
- (7) New business.
- (8) Miscellaneous.
- (9) Appropriations.
- (10) Adjournment.

(Code 1988, § 1.004)

Sec. 2-23. Publications and reading of minutes.

Within 15 days after any meeting of the council, all the proceedings had or taken at such meeting, together with the vote of the various members of the board of trustees, shall be published in a newspaper published in the village, if there is one therein. Unless a reading of the minutes of a council meeting is requested by a member of the

council, such minutes may be approved without reading if they have been published prior to the meeting or the clerk has previously furnished each member with a copy thereof.

(Code 1988, § 1.005)

Sec. 2-24. Rules of order.

Except as otherwise required by statute or ordinance, Robert's Rules of Order shall govern the deliberations of the council.

(Code 1988, § 1.007)

Sec. 2-25. Standing committees.

The president, with the advice and consent of the council, shall appoint the following standing committees:

- (1) Finance, insurance and administration.
- (2) Streets, sidewalks and census.
- (3) Public safety, fire, law enforcement, and disaster planning.
- (4) Cemetery, parks and library.
- (5) Water, recycling and spring cleanup.
- (6) Ordinance, zoning, planning and development.

(Code 1988, § 1.008)

Sec. 2-26. Special committees.

The president shall appoint such special committees from time to time as he may deem necessary or as may be directed by the council.

(Code 1988, § 1.009)

Sec. 2-27. Reports of committees.

All committee reports shall be in writing and filed with the clerk.

(Code 1988, § 1.010)

Sec. 2-28. Compensation of village president and trustees.

(a) Village officers shall be compensated as follows; provided that no compensation shall be extended for any meeting not attended, and that the clerk and treasurer shall not be compensated for any time missed due to voluntary absence.

- (1) President: \$100.00 per regular meeting.
- (2) Trustees: \$75.00 per regular meeting.
- (3) Clerk: \$550.00 per month.
- (4) Treasurer: \$550.00 per month.

(b) The clerk and treasurer will be issued payment on a monthly basis. The president and trustees will be paid by the treasurer on a quarterly basis. Payments to the president or to the trustees which deviate from this schedule may be made upon a written request by either, and will be paid by the treasurer upon a majority vote by the council.

(Code 1988, § 1.011; Ord. No. 36, 3-16-1999)

Sec. 2-29. Ordinances—Preparation by attorney; majority vote required.

All ordinances shall be prepared by the village attorney. No ordinance shall be prepared for presentation to the council unless ordered by a majority vote of the council.

(Code 1988, § 1.034)

Sec. 2-30. Same—Adoption.

Except by unanimous consent, all ordinances shall have not less than two separate readings and shall not be passed on the same date introduced.

(Code 1988, § 1.035)

Sec. 2-31. Same—Effective date.

All ordinances passed by the village council, except when otherwise required by statute or specifically provided therein, shall take effect and be in force from and after their publication. All publications shall be within seven days of adoption.

(Code 1988, § 1.036)

State law reference—Effective date, MCL 66.1.

Secs. 2-32—2-50. Reserved.

ARTICLE III. OFFICERS AND EMPLOYEES*

DIVISION 1. GENERALLY

Sec. 2-51. Officers.

The president shall, with the advice and consent of the council, appoint the village street commissioner and such other officers as from time to time may be required by statute or become necessary under the circumstances.

(Code 1988, § 1.012)

***State law references**—Village officers, MCL 62.1 et seq.; standards of conduct and ethics, MCL 15.341 et seq.

Sec. 2-52. Special police officers.

The president shall have the power to appoint such special police as emergencies may require and shall certify such appointment, together with the services rendered, to the council, which shall fix the compensation for such special services.
(Code 1988, § 1.013)

Sec. 2-53. Street commissioner.

It shall be the duty of the street commissioner, whenever any labor has been performed or work has been done, by the direction of the council and under his supervision, upon any of the streets, highways or sidewalks of this village to submit a written report of the same to the village council at the first subsequent regular meeting. Such written report shall embody the names of all men who have been employed, the character of the work performed, and the number of hours such employees have been engaged in the performance of such services. The street commissioner shall have such duties as are imposed by the ordinances of the village and the statutes of the state and as the council may direct.
(Code 1988, § 1.014)

Sec. 2-54. Compensation of officers.

All officers, except where other provision is made herein or fixed by statute, shall receive such compensation as the council shall prescribe.
(Code 1988, § 1.015)

Secs. 2-55—2-81. Reserved.

DIVISION 2. VILLAGE MANAGER*

Sec. 2-82. Establishment of office.

In accordance with the authority for the appointment of such village officers as the council shall deem necessary for the execution of the powers granted to the village contained in section 2 of chapter II and section 8 of chapter V of Public Act No. 3 of 1895 (MCL 62.2, 65.8), which is the charter of the village, there is hereby established the office of village manager.
(Ord. No. 35, § 1, 8-18-1998)

Sec. 2-83. Appointment of village manager.

(a) The president shall, with the concurrence of four or more trustees, appoint a village manager for a indefinite term, and the council may, by contract, enter into such other terms and conditions as the manager and council deem appropriate. The manager shall serve at the pleasure of the council and may be removed by the

*State law reference—Employment of manager, MCL 65.8.

affirmative vote of four or more trustees, but only after a hearing before the council. The president may, for cause, suspend the manager with full pay until the hearing. The action of the council in removing the manager shall be final.

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

(c) The manager need not be a resident of the village at the time of appointment but shall become a resident within 180 days from the date of the appointment, with extensions permitted upon approval of the council. The manager shall reside in the village thereafter during the term of office.

(Ord. No. 35, § 2, 8-18-1998)

Sec. 2-84. Acting village manager.

The president, with the concurrence of four or more trustees, shall appoint or designate an acting manager during a vacancy in the office of village manager and shall make a permanent appointment within 180 days from the effective date of the vacancy. A village manager appointment in accordance with section 2-83 shall be deemed to be the acting manager from the date of the appointment until the appointee becomes a resident, if residency is deemed to be a qualification for the appointment.

(Ord. No. 35, § 3, 8-18-1998)

Sec. 2-85. Compensation.

The village manager shall receive such compensation as the council shall determine annually by resolution or contract.

(Ord. No. 35, § 4, 8-18-1998)

Sec. 2-86. Duties.

(a) The village manager shall be chief administrative officer of the village, shall be responsible to the village council for the efficient administration of all affairs of the village, and shall exercise management supervision over all departments and over all public property belonging to the village.

(b) The manager shall have the following functions and duties:

(1) Attend all meetings of the village council and committees thereof and take part therein but without a vote;

(2) Be responsible for personnel management and issue, subject to council approval, personnel rules applicable to all village employees. The manager shall have the following responsibilities:

a. To appoint, suspend or remove all appointed administrative officers and department heads, subject to council approval. The manager shall recommend to the council the salary or wages to be paid each such official;

- b. To appoint, suspend or remove all other employees of the village. All such actions shall be based on merit and taken pursuant to personnel rules approved by the council. The manager shall fix the salaries or wages of all such employees;
- (3) Exercise supervisory control over all departments, including the police department, the department of public works, and the fire department. The chief of police, street commissioner and chief of the fire department shall be subject to the direction of the manager;
- (4) Exercise supervisory responsibility over the accounting, budgeting, personnel, purchasing and related management functions of the village clerk and village treasurer;
- (5) Be authorized to attend all meetings of village boards and commissions including the village planning commission with the right to take part therein but without a vote;
- (6) Prepare and administer the budget as provided for in the Uniform Budgeting and Accounting Act, Public Act No. 2 of 1968 (MCL 141.421 et seq.);
- (7) Be the purchasing agent of the village;
- (8) Prepare and maintain an administrative code defining the duties and functions of the several officers and departments of the village, subject to approval by the council;
- (9) Investigate all complaints concerning the administration of the village, for the purposes of which he shall have authority at all times to inspect the books, records and papers of any agent, employee or officer of the village;
- (10) Make recommendations to the council for the adoption of such measures as may be deemed necessary or expedient for the improvement or betterment of the village; and
- (11) Perform other duties required from time to time by the village council.
(Ord. No. 35, § 5, 8-18-1998)

Sec. 2-87. Purchasing responsibilities.

(a) The village manager shall act as purchasing agent for all village offices and departments. The manager may delegate some or all the duties as purchasing agent to another officer or employee; provided that such delegation shall not relieve the manager of the responsibility for the proper conduct of those duties.

(b) The village manager shall have the authority to purchase any product or service the cost of which does not exceed \$250.00, provided that funds have been appropriated. The cost of the product or service shall not exceed the unencumbered balance of the appropriation for that account. Except as hereinafter provided, the village manager shall not purchase any product or service the cost of which exceeds \$250.00 without prior approval of the village council. The village manager may promulgate rules governing the purchase of products or services.

(c) The village manager shall have the authority to purchase any product or service regardless of its cost when such purchase is necessitated by an emergency condition. The term "emergency condition," when used in this subsection, means any event which presents an imminent threat to the public health or safety or any event which would result in the disruption of a village service which is essential to the public health or safety.

(Ord. No. 35, § 6, 8-18-1998)

Sec. 2-88. Dealing with employees.

Neither the council nor the village president shall attempt to influence the employment of any person by the village manager or in any way interfere in the management of departments under the jurisdiction of the manager. Except for purpose of inquiry, the president and council and its members shall deal with departments under the jurisdiction of the village manager through the manager.

(Ord. No. 35, § 7, 8-18-1998)

Secs. 2-89—2-119. Reserved.

ARTICLE IV. BOARDS AND COMMISSIONS (RESERVED)

Secs. 2-120—2-136. Reserved.

ARTICLE V. FINANCES*

DIVISION 1. GENERALLY

Sec. 2-137. Finances.

All monies which may become due the village shall be paid to the treasurer, who shall immediately give a statement of receipt to the clerk therefor. In the event that the treasurer is absent, the clerk may receive monies due the village. The clerk shall give a statement of receipt to the treasurer for such monies received and retain a copy thereof for his files.

(Code 1988, § 1.016)

Sec. 2-138. Work contracted by the village council.

All work contracted by the village council costing more than \$100.00 must be done under written contract. Such a contract shall clearly state either the total estimated cost or the hourly wage and number of workers employed, and whether workers are covered by worker's compensation. Any special consideration on behalf of either the village council or the contractor must be stated in the contract and witnessed by at

***State law references**—Revised municipal finance act, MCL 141.2101 et seq.; local government fiscal responsibility act, MCL 141.1201 et seq.; uniform budgeting and accounting act, MCL 141.421 et seq.

least three members of the council. On completion of work, the contractor shall present a complete bill of material and a total bill for work done. Any officer of the village who orders work in violation of this section shall, upon conviction, be punished as provided in section 1-17.

(Code 1988, § 1.033)

Secs. 2-139—2-159. Reserved.

DIVISION 2. PRIVATE SALE OF VILLAGE PROPERTY

Sec. 2-160. Authorization.

The council of the village may, by ordinance, sell property of the village by private sale. The village council may negotiate in private for the sale of property. The terms of sale, however, must be contingent upon confirmation under this division.

(Code 1988, § 1.301)

Sec. 2-161. Price.

Prior to the private sale of any property owned by the village, the village council shall obtain two appraisals from qualified appraisers in the county. The property shall not be sold for less than the lowest appraised price unless specific reasons for such sale are given by the village council at the regular meeting wherein confirmation of the sale takes place.

(Code 1988, § 1.302)

Sec. 2-162. Notice requirements.

Prior to the sale of property owned by the village, notice of the intended sale shall be published in a newspaper of general circulation in the county for three successive weeks. Such notice shall include a description of the property to be sold, as well as a statement that the village council is considering the sale of the property. Such notice shall also be mailed by certified mail to all property owners listed on the village tax records as owning property which is adjacent to the property to be sold. The notice shall state that a special meeting of the village council for the purpose of obtaining input on the proposed sale will be held, and give the date and time of such meeting. It shall further state that any person wishing to comment on the sale of the subject property should attend the special meeting. At the special meeting, the village council shall listen to all comments of the village citizens and place the matter on the agenda for the next regularly scheduled village council meeting.

(Code 1988, § 1.303)

Sec. 2-163. Confirmation.

At the regular meeting, the council shall confirm or reject any offers to purchase the property, and sell the property upon the terms and for the price as the village council shall deem in the best interests of the village.

(Code 1988, § 1.304)

Secs. 2-164—2-194. Reserved.**ARTICLE VI. MUNICIPAL CIVIL INFRACTIONS****Sec. 2-195. Bureau established and empowered.**

The village hereby establishes a municipal ordinance violations bureau pursuant to Public Act No. 12 of 1994 (MCL 600.8396). The municipal ordinance violations bureau is empowered to accept admissions of responsibility for municipal civil infractions for which municipal ordinance violation notices have been issued and served by authorized officials, and to collect and retain civil fines for such admissions as prescribed in this article.

Sec. 2-196. Location, supervision, rules and regulations of bureau.

The municipal ordinance violations bureau is located at the village hall and shall be under the supervision and control of the village clerk. The village clerk, subject to the approval of the village council, shall make such rules and regulations as are advisable and necessary to govern the operations of the bureau and appoint any necessary employees to administer the bureau.

Sec. 2-197. Municipal ordinance violation notice.

(a) An action for a violation of a municipal ordinance may be commenced by issuance of a municipal ordinance violation notice. Any person receiving any municipal ordinance violation notice shall be advised on the notice as to all matters required by law, including, at a minimum, the:

- (1) Offense;
- (2) Time within which the person must contact the municipal ordinance violations bureau for purposes of admitting or denying responsibility;
- (3) Consequences for failure to pay the required fine or to contact the bureau within the required time.

(b) A person receiving a municipal ordinance violation notice may admit responsibility for such violation before the municipal ordinance violation bureau clerk or the clerk's designee. Upon accepting an admission of responsibility, the clerk shall collect from the person the civil fine for such violation as provided in this article. The clerk and employees of the bureau, if any, shall be city employees and shall be appointed to the bureau by resolution of the village council.

Sec. 2-198. Citations.

(a) An action for a violation of a municipal ordinance may be commenced by issuance of a citation.

(b) If commenced by a municipal ordinance violation notice, an action for violation of a municipal ordinance may be removed from the municipal ordinance violations bureau to the district court by issuance of a citation. With respect to any person who

fails to admit responsibility and pay the required civil fine within the designated time period, the clerk shall advise the complainant to issue and file a municipal civil infraction citation for the violation with the applicable district. The citation need not comply in all particulars with the requirements of citations as provided by Public Act No. 12 of 1994 (MCL 600.8705—600.8709), but shall consist of a sworn complaint containing the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation. A copy of the citation shall be served by first class mail on the alleged violator at the alleged violator's last known address. The violation shall thereafter be processed as a municipal civil infraction as provided by law.

(c) Municipal civil infraction citations shall be issued and served in conformity with applicable sections of Public Act No. 12 of 1994 (MCL 600.8705, 600.8707 and 600.8709).

Sec. 2-199. Retention of municipal ordinance violation notices; accounting of admissions and denials of responsibility and civil fines.

(a) The municipal ordinance violations bureau clerk shall retain all municipal ordinance violation notices.

(b) The clerk shall account to the village council on a quarterly basis concerning the number of admissions and denials of responsibility made concerning municipal civil infractions and the sum of fines collected. The amounts collected in civil fines shall be turned over to the treasurer to be credited to the general fund of the village.

Sec. 2-200. Availability of other enforcement remedies.

Nothing in this article shall be deemed to obligate the village to initiate its ordinance enforcement activity through the issuance of a municipal ordinance violation notice. The village shall have the right to proceed directly with the issuance of a municipal civil infraction citation for any municipal civil infraction or to take such other enforcement action as is authorized by law.

Sec. 2-201. Municipal civil infractions designated and Code sections affected.

Violations of those chapters and sections of this Code designated as municipal civil infractions shall be punishable as municipal civil infractions.

Sec. 2-202. Schedule of civil fines.

(a) Unless a different schedule of fines or penalty is provided for by any ordinance, the following schedule of civil fines payable to the municipal ordinance violations bureau for admissions of responsibility by persons served with municipal ordinance violation notices shall apply:

- (1) First offense within a three-year period: \$75.00.
- (2) Second offense within a three-year period: \$150.00.

(3) Third offense within a three-year period: \$325.00.

(4) Fourth or more offense within a three-year period: \$500.00.

(b) Whether a subsequent offense occurs within a three-year period shall be determined based on the date of the commission of the offense.

Chapter 3
RESERVED

