

ORDINANCE # 9

VILLAGE MANAGER ORDINANCE, TO READ AS AMENDED

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

THE VILLAGE OF SPRINGPORT ORDAINS:

Section I. 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 (1) of Chapter II and Section 8 of Chapter V of 1895 PA 3, as amended, which is the charter of the Village, there is hereby established the office of Village Manager.

Section II. APPOINTMENT OF VILLAGE MANAGER.

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

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

Section III. ACTING VILLAGE MANAGER.

The President, with the concurrence of four or more Trustees, shall appoint or designate an acting Manager and shall make a permanent appointment within 180 days from the effective date of the vacancy. A Village Manager, appointed in accordance with Section II of this ordinance, 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.

Section IV. COMPENSATION.

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

Section V. DUTIES.

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

The Manager shall have the following functions and duties:

- a. Attend all meetings of the Village Council and Workshop, and committees meetings by request, and take part therein, but without a vote;
- b. Be responsible for personnel management and shall issue, subject to council approval, personnel rules applicable to all Village employees. The Manger shall have the following responsibilities:
 - (1) To appoint, suspend or remove all appointed administrative officers and department heads, subject to Council approval. The Manager shall recommend to the Council the salary or wages to be paid each such official.
 - (2) To appoint, suspend or remove all other employees of the Village. All such actions shall be based on merit and taken pursuant to personnel rules approved by the Council. The Manager shall fix the salaries or wages of all such employees with Council approval.
- c. Exercise supervisory control over all departments including, if existing, the department of public works, street commissioner, and ordinance enforcer.
- d. Exercise supervisory responsibility over the accounting, budgeting, personnel, purchasing and related management functions of the village clerk and village treasurer, if position is appointed.
- e. Shall be authorized to attend all meetings of Village boards and commissions including the Village Planning Commission, by request, with the right to take part therein but without a vote.
- f. Prepare and administer the budget as provided for in the Uniform Budgeting and Accounting Act, 1968 PA 2, as amended.
- g. Be the purchasing agent of the Village.
- h. Prepare and maintain an administrative code defining the duties and functions of the several officers and departments of the Village, subject to approval by Council.

- i. Investigate all complaints concerning the administration of the Village, and shall have authority at all times to inspect the books, records and papers of any agent, employee or officer of the Village.
- j. Make recommendations to the Council for the adoption of such measures as may be deemed necessary or expedient for the improvement or betterment of the Village; and
- k. Perform other duties required from time to time by the Village Council.

Section VI. PURCHASING RESPONSIBILITIES.

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

The Village Manager shall have the authority to purchase any product or service the cost of which does not exceed \$1,000.00 (one thousand dollars), 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 of which the cost exceeds the above dollar amount without prior approval of the Village Council. The Village Manager may promulgate rules governing the purchase of products or services.

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

Section VII. 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 Village Manager.

Section VIII. SEVERABILITY.

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

Section IX. EFFECTIVE DATE.

This ordinance shall become effective 45 days after the date of adoption. If a petition, signed by not less than 10 (ten) percent of the registered electors of the Village, is filed with the Village Clerk within the 45-day period, this ordinance shall not become effective until after the ordinance is approved at an election held on the question as provided by law.

EFFECTIVE DATE: _____ day of _____, 2002

Section X. ORDINANCE MAINTENANCE

Enactment of this ordinance rescinds and replaces any and all ordinances previously numbered nine (9) and rescind Ordinance #104 and Ordinance #110 in the Springport Village Code of Ordinances.

Reviewed By:

Signed: _____
Mary Ward, Village President

Cynthia O. Twichell, Village Manager

Signed: _____
Rosalie Terpening, Temp Clerk

Stuart Saunders, Village Attorney

ADOPTED the 12th day of April, 2001.
AMENDED the __ day of _____, 2002.