

**THE VILLAGE OF DEXTER  
CITY CHARTER COMMISSION**

**Wednesday, January 15, 2014**

**\*\*\*\*\* 6:30 pm – Regular Meeting \*\*\*\*\***

**COPELAND BOARD ROOM – 7714 ANN ARBOR STREET**

**A. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE**  
Commissioners Mekas and Donaldson are excused

**B. APPROVAL OF AGENDA**

**C. APPROVAL OF THE MINUTES**  
1. Regular Meeting – January 8, 2014

**D. PRE-ARRANGED PARTICIPATION**

*The Commission would like to encourage public comment while remaining within established time limits. Pre-arranged participation will be limited to those who notify the Village office before 5:00 p.m. the Monday preceding the meeting, stating name, intent and time requirements. Comments related to public hearings on the agenda will not be permitted at this time. This section is limited to 5-minutes per participant or 10-minutes for group representatives. This section will also include presentations by invited guests/consultants and written communications received by the Commission.*

Donna Dettling, Village Manager – Invited Guest to Discuss Article III

**E. PUBLIC HEARINGS**

*Those addressing the Commission will state their name, and address. This section is limited to 5-minutes per participant or 10-minutes for group representatives.*

None

**F. CHARTER CONSTRUCTION – SECOND READINGS**

*Discussion and consideration of the current draft of the chapter.*

1. Discussion of: Article II - City Council

**G. CHARTER CONSTRUCTION – FIRST READINGS**

*Discussion of each chapter of the draft charter. When general agreement is reached it will be presented under "second readings".*

1. Discussion of: Article III – Administrative Services (continued from January 8)

*"This meeting is open to all members of the public under Michigan Open Meetings Act."*

**[www.DexterMI.gov](http://www.DexterMI.gov)**

**H. OTHER ITEMS AS REQUESTED BY COMMISSIONERS**

**I. AGENDA PREPARATION FOR THE NEXT MEETING**

**J. NON-ARRANGED PARTICIPATION**

*Those addressing the Commission will state their name, and address. This section is limited to 5-minutes per participant or 10-minutes for group representatives.*

**K. ADJOURNMENT**

*Adjournment will be at or before 8:30 p.m. unless a continuation is ordered by a majority vote of the Commission.*

**List of Draft Chapters Completed**

<b>Chapter</b>	<b>Date Adopted</b>
Preamble	December 11, 2013
Article 1 – Power of the City	January 8, 2014

**THE VILLAGE OF DEXTER  
CITY CHARTER COMMISSION  
MINUTES OF THE WEDNESDAY, JANUARY 8, 2014 MEETING**

**A. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

The meeting was called to order at 6:30 PM by Chairman Hansen at the Dexter Senior Center located at 7720 Ann Arbor Street in Dexter, Michigan.

**B. ROLL CALL:** Phil Arbour, Jack Donaldson, John Hansen, Matt Kowalski, Mary- Ellen Miller, Michael Raatz, and James Smith. Excused absence – Phillip Mekas and Thom Phillips.

Also present: Donna Dettling, Village Manager; Carol Jones, Village Clerk; Tom Ryan, Attorney for the Charter Commission; and Sean Ottoman and his mother.

**C. APPROVAL OF THE AGENDA**

Motion Jack Donaldson; support Mike Raatz to approve the agenda for January 8, 2014.

Unanimous voice vote approval with Mekas and Phillips absent.

**D. APPROVAL OF THE MINUTES**

1. Regular Meeting – December 18, 2013

Motion James Smith; support Mike Raatz to approve the minutes of the Regular Meeting of December 11, 2013 as presented with a request in future minutes to include “Minutes” at the top of the page and number the pages.

Unanimous voice vote approval with Mekas and Phillips absent.

**E. PREARRANGED PARTICIPATION**

Donna Dettling, Village Manager – Invited Guest to Discuss Article III

Written Correspondence received from Victor Michaels. Mr. Michaels was thanked by the Commissioners present for his comments and they will take this information under advisement.

**F. PUBLIC HEARINGS**

None

## G. CHARTER CONSTRUCTION – SECOND READINGS

### 1. Discussion of: Article I – Powers of the City

Motion Jack Donaldson; support James Smith to open second reading and open discussion on Article I – Powers of the City

Unanimous voice vote approval with Mekas and Phillips absent.

Discussion followed on 1.02 – Boundaries and the use of the condemnation clause.

Motion Jack Donaldson; support Phil Arbour to approve Article I – Powers of the City for the City of Dexter Charter.

Unanimous voice vote approval with Mekas and Phillips absent.

## H. CHARTER CONSTRUCTION – FIRST READINGS

Discussion of: Article II – City Council

Motion Phil Arbour; support Jack Donaldson to re-open Section 2.06 (a) and (b) and amend the language on (b) to include the following:

*Upon the occurrence of any of the reasons of forfeiture listed in examples 1 through 4, the city council shall act at its next regular meeting in accordance with Section 2.07.*

Unanimous voice vote approval with Mekas and Phillips absent.

Motion Mike Raatz; support Matt Kowalski to refer Section 2.06 (c) to Attorney Ryan to draft this item into the most efficient language.

Unanimous voice vote approval with Mekas and Phillips absent.

Motion James Smith; support Phil Arbour to approve the first reading of Section 2.12 – Action Requiring an Ordinance.

*In addition to other acts required by law or by specific provisions of this charter to be done by ordinance, those acts of the city council shall be by ordinance which:*

- (1) Adopt or amend an administrative code or establish, alter or abolish any city department, office or agency;*
- (2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;*
- (3) Levy taxes;*
- (4) Grant, renew or extend a franchise;*
- (5) Regulate the rate charged for its services by the city public utility;*
- (6) Authorize the borrowing of money;*
- (7) Convey or lease or authorize the conveyance or lease of any lands of the city;*
- (8) Regulate land use and development;*

- (9) Amend or repeal any ordinance previously adopted;
- (10) Adopt, with or without amendment, ordinances proposed under the initiative power; or
- (11) Establish a procedure for special assessments.

*Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution.*

Unanimous voice vote approval with Mekas and Phillips absent.

Motion Mike Raatz; support Phil Arbour to approve the first reading of Section 2.13 – Ordinances in General

*(a) Form. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject, which shall be clearly expressed in its title. The enacting clause shall be "The City of Dexter hereby ordains..." Any ordinance which repeals or amends an existing ordinance or part of the city code shall set out in full ordinance, sections or subsections to be repealed or amended, and shall indicate matters to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matters by underscoring or by italics.*

*(b) Procedure. (Referred to Donna Dettling, Village Manager to draft language that the Village currently uses.)*

*(c) Effective Date. Except as otherwise provided in this charter, every adopted ordinance shall become effective at the expiration of 30 days after publication or at any later date specified therein.*

*(d) "Publish" Defined. (Referred to Attorney Tom Ryan to write)*

Unanimous voice vote of approval for part (a) and part (c) with Mekas and Phillips absent.

Motion Phil Arbour; support Mike Raatz to approve the first reading of Section 2.14 – Emergency Ordinances.

*An emergency ordinance shall:*

*(a) Be enacted only to meet a public emergency affecting public peace, health, safety or welfare of persons or property;*

*(b) Be introduced in the form and manner required for ordinances generally, except that it shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms;*

*(c) Be adopted at the meeting at which it is introduced by an affirmative vote of two-thirds (2/3) of council members present and may be given immediate effect upon publication.*

*(d) Any emergency ordinance shall also be published in accordance with Section 2.13(d) but not as a requirement for the effectiveness thereof;*

*(e) Be in effect for not more than sixty (60) days or may be renewed for an additional sixty (60) days upon the affirmative vote of two-thirds (2/3) of council members present; and*

*(f) Not levy taxes, grant, renew or extend a franchise; regulate the rate charged by any public utility for its services; make or amend a grant; or other special privilege.*

Unanimous voice vote approval with Mekas and Phillips absent.

Motion Matt Kowalski; support Phil Arbour to approve the first reading of Section 2.15 – Codes of Technical Regulations

*The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:*

*(1) The requirements of Section 2.13 for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and*

*(2) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the city clerk pursuant to Section 2.16(a).*

*Copies of any adopted code of technical regulation shall be made available by the city clerk for distribution or for purchase at a reasonable price.*

Unanimous voice vote approval with Mekas and Phillips absent.

Motion Jack Donaldson; support Mary-Ellen Miller to approve the first reading of Section 2.16 – Authentication and Recording: Codification; Printing of Ordinances and Resolutions.

*(a) Authentication and Recording. The city clerk shall authenticate by signing and shall record in full in a properly indexed book kept for the purpose all ordinances and resolutions adopted by the city council.*

*(b) Codification. Within three years after adoption of this charter and at least every ten years thereafter, the city council shall provide for the preparation of a general codification of all city ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the council by ordinance and shall be published, together with this charter and any amendments thereto, pertinent provisions of the constitution and other laws of the State of Michigan, and such codes of technical regulations and other rules and regulations as the council may specify. This compilation shall be known and cited officially as the Dexter city code. Copies of the code shall be furnished to city officers, placed in libraries, public offices, and, if available, in a web site for free*

*public reference and made available for purchase by the public at a reasonable price fixed by the council.*

*(c) Printing of Ordinances and Resolutions. The city council shall cause each ordinance and resolution having the force and effect of law and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances, resolutions and charter amendments shall be distributed or sold to the public at reasonable prices as fixed by the council. Following publication of the first Dexter city code and at all times thereafter, the ordinances, resolutions and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the constitution and other laws of the State of Michigan, or the codes of technical regulations and other rules and regulations included in the code.*

Unanimous voice vote approval with Mekas and Phillips absent.

Motion Jack Donaldson; support Matt Kowalski to postpone until the January 15 meeting discussion on Article III – Administrative Services.

Unanimous voice vote approval with Mekas and Phillips absent.

## **I. OTHER ITEMS AS REQUESTED BY COMMISSIONERS**

1. Consideration of: Draft Budget

Motion Mike Raatz; support Phil Arbour to accept the Budget Memo provided by Assistant Village Manager Courtney Nicholls.

Unanimous voice vote approval with Mekas and Phillips absent.

2. Consideration of: Scheduling of Meetings into February  
Suggested dates February 5, 12, 19, 26

Motion Phil Arbour; support Mike Raatz to schedule meetings for February for the dates of Wednesday, February 5, 12, 19 and 26 and Wednesday March 5, 12, 19 and 26 beginning at 6:30 PM.

Unanimous voice vote approval with Mekas and Phillips absent.

## **J. AGENDA PREPARATION FOR THE NEXT MEETING**

1. Move forward with Article III – Administrative Services using the Jonesville draft.

**K. NON-ARRANGED PARTICIPATION**

None

**L. ADJOURNMENT**

Motion Phil Arbour; support Mary-Ellen Miller to adjourn at 8:34 PM.  
Unanimous voice vote approval with Mekas and Phillips absent.

Respectfully submitted,

Carol J. Jones  
Clerk, Village of Dexter

Approved for Filing: \_\_\_\_\_

## Article 2

### CITY COUNCIL

#### Section 2.01 General Powers and Duties:

All powers of the city shall be vested in the city council, except as otherwise provided by law or this charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law.

#### Section 2.02(a) – Eligibility:

Only registered voters of the city by the date of filing of petition shall be eligible to hold the office of council member or mayor.

#### Section 2.02(b) - Terms:

The term of office of elected officials shall be four years elected in accordance with Article VI.

#### Section 2.02(c) – Composition:

The council shall be composed of 6 members elected by the voters of the city at large in accordance with provisions of Article VI. The mayor shall be elected as provided in Section 2.03(b), Alternative II.

#### Section 2.03 (a) – Mayor – Powers and Duties:

The mayor shall be a voting member of the city council and shall attend and preside at meetings of the council, represent the city in intergovernmental relationships, appoint with the advice and consent of the council the members of citizen advisory boards, committees, authorities and commissions, appoint the members and officers of council committees, assigns agenda items to committees subject to the consent of council, and perform other duties specified by the council. The mayor shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties.

#### Section 2.03 (b) – Election:

At a regular election the voters of the city shall elect a mayor at large for a term of 4 years. The council shall elect from among its members a mayor pro-tem who shall act as mayor during the temporary absence or disability of the mayor.

#### Section 2.04 – Compensation; Expenses:

The city council may determine the compensation of the mayor and council members by ordinance, but no ordinance increasing such compensation shall become effective until the date of commencement of the terms of council members elected at the next regular election. The mayor and council members shall receive their actual and necessary expenses incurred in the performance of their duties of office.

Section 2.05 – Prohibitions:

- (a) **Holding Other Office.** Except where authorized by law, no council member shall hold any other elected public office during the term for which the member was elected to the council. No council member shall hold any other city office of employment during the term for which the member was elected to the council. No former council member shall hold any compensated appointive office or employment with the city until one year after the expiration of the term for which the member was elected to council, unless granted a waiver by the city council.
- (b) **Appointments and Removals.** Neither the city council nor any of its members shall in any manner control or demand the appointment or removal of any city administrative officer or employee whom the city manager or any subordinate of the city manager is empowered to appoint, but the council may express its views and fully and freely discuss with the city manager anything pertaining to appointment and removal of such officers and employees.
- (c) **Interference with Administration.** Except for the purpose of inquires, and investigations under Section 2.09, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.

Section 2.06, Vacancies; Forfeiture of Office; Filling of Vacancies:

- (a) **Vacancies.** The office of a mayor, council member or any other elected official shall become vacant upon the member's death, resignation, or removal from office or forfeiture of office in any manner authorized by law.
- (b) **Forfeiture of Office.** A mayor, council member or any other elected official shall forfeit that office if that mayor, council member or other elected official:
  - (1) Fails to meet the residency requirements,
  - (2) Violates any express prohibition of this charter,
  - (3) Is convicted of a crime involving moral turpitude, or
  - (4) Fails to attend three consecutive regular meetings of the council without being excused by the council.

Upon the occurrence of any of the reasons of forfeiture listed in examples 1 through 4, the city council shall act at its next regular meeting in accordance with Section 2.07.

**\*\*Language provided by Attorney for Filling of Vacancies:**

(c) Filling of Vacancies. A vacancy in the office of the mayor or the city council shall be filled in the following fashion:

- (1) If the vacancy occurs in the office of mayor, the mayor pro tem shall assume the office and duties of the office of mayor. Depending on the length of term remaining for the vacant office of mayor, the city council may elect from its members a new mayor pro tem.
- (2) Vacancy in councilmember offices, shall within 60 days after such vacancy occurs, be filled by appointment of the village council by a majority vote of the members of council then in office. The person appointed shall possess the qualifications for the office of councilperson and shall hold office until the next regular November city election. If city council fails to fill a vacancy within 60 days following the occurrence of the vacancy, the city clerk shall within 10 days thereafter notify the county clerk and secretary of state to call a special election to fill such vacancy for the unexpired term of the councilmember whose office has become vacant pursuant to state law.
- (3) If at any time the membership of the city council is reduced to less than five, the remaining members may by a majority vote of the members then in council fill such vacancies until the next regular November city election of the councilmembers whose offices have become vacant.
- (4) Notwithstanding the foregoing no vacancy, in any elective office shall be filled in any manner if the term of the person whose office has become vacant expires within ninety (90) days after the vacancy occurs.

#### Section 2.07 – Judge of Qualifications:

The city council shall be the judge of the election and qualifications of its members, and of the grounds for forfeiture of their office. In order to exercise these powers, the council shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspaper of general circulation in the city and by other public media at least one week in advance of the hearing.

#### Section 2.08 – City Clerk:

The city manager shall appoint with advice and consent, an officer of the city who shall have the title of city clerk. The city clerk shall give notice of council meetings to its members and the public, keep the journal of its proceedings and perform such other duties as are assigned by this charter or by the city manager or by state law.

#### Section 2.09 – Investigations:

The city council may make investigations into the affairs of the city and the conduct of any city department, office, or agency.

#### Section 2.10 – Independent Audit:

The city council shall provide for an independent annual audit of all city accounts and may provide for more frequent audits as it deems necessary. Such audits shall be carried out in accordance with Section ( ).

#### Section 2.11 – Procedure:

- (a) Meetings. The council shall meet twice a month at such times and places as the council may prescribe by rule. Special meetings may be held on the call of the mayor or of three or more members. Except as allowed by state law, all meetings shall be public in accordance with the open meetings act.
- (b) Rules and Journal. The city council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record.
- (c) Voting. Voting except on procedural motions shall be by roll call and the ayes and nays shall be recorded in the journal. Four members of the council shall constitute a quorum, but a smaller number may adjourn from time to time. No action of the council, except as otherwise provided in the preceding sentence and in Section 2.06(c), shall be valid or binding unless adopted by the affirmative vote of four or more members of the council.

#### Section 2.12 – Action Requiring an Ordinance.

In addition to other acts required by law or by specific provisions of this charter to be done by ordinance, those acts of the city council shall be by ordinance which:

- (1) Adopt or amend an administrative code or establish, alter or abolish any city department, office or agency;
- (2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (3) Levy taxes;
- (4) Grant, renew or extend a franchise;
- (5) Regulate the rate charged for its services by the city public utility;
- (6) Authorize the borrowing of money;
- (7) Convey or lease or authorize the conveyance or lease of any lands of the city;
- (8) Regulate land use and development;
- (9) Amend or repeal any ordinance previously adopted;
- (10) Adopt, with or without amendment, ordinances proposed under the initiative power; or

(11) Establish a procedure for special assessments.

Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution.

#### Section 2.13 – Ordinances in General

- (a) Form. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject, which shall be clearly expressed in its title. The enacting clause shall be "The City of Dexter hereby ordains..." Any ordinance which repeals or amends an existing ordinance or part of the city code shall set out in full ordinance, sections or subsections to be repealed or amended, and shall indicate matters to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matters by underscoring or by italics.
- (b) Procedure.
- (1) No ordinance shall be adopted at the same meeting at which it is introduced, except as identified in Section 2.14.
  - (2) An ordinance may be repealed by reference to its number and title
  - (3) No ordinance shall be enacted, amended or repealed until after publication of the proposed ordinance or amendment or repeal, or summary thereof except as identified in Section 2.14.
  - (4) A public hearing on all proposed ordinances shall be held at the next regularly scheduled council meeting after it has been proposed, except as identified in section 8.7.

**\*\*Having it considered at the next Council meeting does not give much time to have the public hearing notice published in the paper.**

- (c) Effective Date. Except as otherwise provided in this charter, every adopted ordinance shall become effective at the expiration of 30 days after publication or at any later date specified therein.
- (d) "Publish" Defined. As used in this section, the term "publish" shall be met by publishing an appropriate insertion in a newspaper published in the English language for the dissemination of news of a general character, which newspaper shall have had a general circulation at regular intervals in the city or village for at least two (2) years immediately preceding the time that it is used for such publication purposes.

#### Section 2.14 – Emergency Ordinances.

An emergency ordinance shall:

- (a) Be enacted only to meet a public emergency affecting public peace, health, safety or welfare of persons or property;
- (b) Be introduced in the form and manner required for ordinances generally, except that it shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms;
- (c) Be adopted at the meeting at which it is introduced by an affirmative vote of two-thirds (2/3) of council members present and may be given immediate effect upon publication.
- (d) Any emergency ordinance shall also be published in accordance with Section 2.13(d) but not as a requirement for the effectiveness thereof;
- (e) Be in effect for not more than sixty (60) days or may be renewed for an additional sixty (60) days upon the affirmative vote of two-thirds (2/3) of council members present; and
- (f) Not levy taxes, grant, renew or extend a franchise; regulate the rate charged by any public utility for its services; make or amend a grant; or other special privilege.

#### Section 2.15 – Codes of Technical Regulations

The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:

- (1) The requirements of Section 2.13 for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and
- (2) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the city clerk pursuant to Section 2.16(a).

Copies of any adopted code of technical regulation shall be made available by the city clerk for distribution or for purchase at a reasonable price.

#### Section 2.16 – Authentication and Recording; Codification; Printing of Ordinances and Resolutions.

- (a) **Authentication and Recording.** The city clerk shall authenticate by signing and shall record in full in a properly indexed book kept for the purpose all ordinances and resolutions adopted by the city council.
- (b) **Codification.** Within three years after adoption of this charter and at least every ten years thereafter, the city council shall provide for the preparation of a general codification of all city ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the council by ordinance and shall be published, together with this charter and any amendments thereto, pertinent provisions of the constitution and other laws of the State of

Michigan, and such codes of technical regulations and other rules and regulations as the council may specify. This compilation shall be known and cited officially as the Dexter city code. Copies of the code shall be furnished to city officers, placed in libraries, public offices, and, if available, in a web site for free public reference and made available for purchase by the public at a reasonable price fixed by the council.

- (c) **Printing of Ordinances and Resolutions.** The city council shall cause each ordinance and resolution having the force and effect of law and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances, resolutions and charter amendments shall be distributed or sold to the public at reasonable prices as fixed by the council. Following publication of the first Dexter city code and at all times thereafter, the ordinances, resolutions and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the constitution and other laws of the State of Michigan, or the codes of technical regulations and other rules and regulations included in the code.

DRAFT

**\*\*Areas that have been modified to match our current practices or to match the Commission's past discussions are in bold text.**

## Article 3

### ADMINISTRATIVE SERVICES

#### Section 3.01 Administrative Officers Generally

The administrative officers of the city shall be the city manager, city clerk, city treasurer, city assessor, and city attorney. The council may by ordinance or resolution, establish such additional administrative officers or departments, or combine any administrative officers or departments, in any manner not inconsistent with law or this charter, and prescribe the duties and compensation thereof as it may deem necessary for the proper operation of the city government.

#### Section 3.02 Personnel System

- (a) All appointments and promotions of city officers and employees shall be made solely on the basis of merit and fitness demonstrated by a valid and reliable examination or other evidence of competence.
- (b) Consistent with all applicable federal and state laws, the city council may provide by ordinance for the establishment, regulation and maintenance of a merit system governing personnel policies necessary to effective administration of the employees of the city's departments, offices and agencies, including but not limited to classification and pay plans, examinations, force reduction, removals, working conditions, provisional and exempt appointments, in-service training, grievances and relationships with employee organizations.

#### Section 3.03 City Manager – Appointment; Compensation

- (a) The council shall appoint a city manager within one-hundred (180) days after any vacancy exits in such position or the council may appoint an acting manager during the period of a vacancy in the office. The city manager, with the consent and approval of the council, may designate an administrative officer or employee of the city to act as city manager if he or she is temporarily absent from the city or unable to perform the duties of his or her office.
- (b) The council shall set the city manager's compensation.
- (c) The city manager shall be the chief administrative officer of the city. The council shall appoint him or her on the basis of education, ability, training and experience.

#### Section 4.04 City Manager – Function and Duties

- (a) The city manager shall be responsible to the council for the proper management and administration of the affairs of the city, and shall appoint and remove employees of the city, and shall make recommendations to the council relative to the appointment and removal of

administrative officers of the city as referenced in 7.1. He or she shall set employees compensation within the pay plan adopted by the council, and shall supervise and coordinate the work of all of the administrative offices and departments of the city except the work of the city clerk, city treasurer and city assessor as dictated by state constitution or statute. The city management shall be the main point of communication and dissemination of information from the city attorney.

- (b) The city manager shall see that all laws and ordinances are enforced, shall prepare and administer the annual budget under policies formulated by the council, shall have the budget control responsibility, and shall keep the council advised as to the financial condition and needs of the city. The city manager shall furnish the council with information concerning city affairs and prepare and submit such reports as may be required or which the council may request. The city manager shall make recommendations to the council relative to all agenda items, except as directly related to his or her employment. Subject to any employment ordinance of the city, he or she shall employ or be responsible for the employment of all city employees and supervise and coordinate the personnel policies and practices of the city. The city manager or his/her authorized representative shall establish and maintain a central purchasing service and the city manager shall act as purchasing agent for the city.
- (c) The city manager shall attend all meetings of the council with the right to be heard in all council proceedings but without the right to vote. The city manager shall possess such other powers as may be granted to or required of him or her by the council, so far as may be consistent with the provisions of law. The city manager shall establish any rules necessary to carry out any of the foregoing duties.
- (d) The city manager shall perform such other duties in connection with the office as may be required by law, ordinances or the city council.

#### Section 3.05 City Manager – Removal

The city manager serves at the pleasure of the city council and may be removed by an affirmative vote of not less than four (4) of its members. **\*\*\*current village ordinance requires a vote of five (5) members**

#### Section 3.06 City Clerk

- (a) The city clerk shall be the clerical officer of the council and shall keep its journal in English. The city clerk shall keep a record of all actions of the council at its regular and special meetings and shall certify all ordinances and resolutions adopted by the council. **The clerk shall be appointed by the Village Manager with advice and consent of council.** The appointment shall be made on the basis of education, ability, training and experience.
- (b) The city clerk shall have the power to administer all oaths required by law and by the ordinances of the city and shall be the custodian of the city seal, and shall affix the same to documents

required to be sealed. The city clerk shall be the custodian of all papers, documents, and records pertaining to the city, which are not entrusted to some other city officer or department by city charter, ordinance or law. All records of the city shall be made available to the general public in compliance with the Freedom of Information Act, MCL 15.231 to 15.246. He or she shall give the proper officials ample notice of the expiration or termination of any official bonds, franchises, contracts or agreements to which the city is a part and shall notify the council of the failure of any officer or employee required to take an oath of office or furnish any bond required of him or her. The clerk shall be the chief election officer for the city.

- (c) The city clerk shall perform such other duties in connection with the office as may be required by law, the ordinances or resolutions of the council, or by the city manager.

#### Section 3.07 City Treasurer

- (a) The city treasurer shall have the custody of all moneys of the city and all evidences of value or indebtedness belonging to or held in trust by the city. The city treasurer shall keep and deposit all moneys or funds in such manner and only in such places as **allowed by the investment policy adopted by council**, and shall report the same to the city manager. **The treasurer shall be appointed by the Village Manager with advice and consent of council.** The appointment shall be made on the basis of education, ability, training and experience.
- (b) The city treasurer shall have such powers, duties and prerogatives in regard to the collection and custody of state, county, school district, city taxes and other taxing entities' money as are provided by law.
- (c) The city treasurer shall disburse all city funds in accordance with provisions of law and this charter.
- (d) The city treasurer shall establish and maintain a general accounting plan which will conform to such uniform accounting standards as may be required by law.
- (e) The city treasurer shall perform such other duties in connection with the office as may be required by law, the ordinances or resolutions of the council, or by the city manager.

#### Section 3.08 City Assessor

- (a) The city assessor shall possess all the power vested in and shall be charged with the duties imposed upon the assessing officer of a city by law. **The assessor shall be appointed by the Village Manager with advice and consent of council.** The appointment shall be made on the basis of proper certification by the state assessor's board, education, ability, training and experience.

- (b) The city assessor shall make and prepare all regular and special assessment rolls in the manner prescribed by law or ordinances of the city.
- (c) The city assessor shall perform such other duties as may be prescribed by law or the ordinances of the city, or by the city manager.
- (d) The city assessor shall be secretary of the Board of Review.

#### Section 3.09 City Attorney

- (a) The city attorney shall act as legal advisor and be responsible to the council. The council shall appoint him or her on the basis of education, ability, training and experience.
- (b) The city attorney shall be the legal advisor and counsel for the city.
- (c) The city attorney shall prepare or review all ordinances, regulations, contracts, bonds, and other such instruments as may be required by this charter, the council, or the city manager and shall promptly give his or her opinion as to the legality thereof.
- (d) The city attorney shall prosecute ordinance violations and shall represent the city in cases before the courts and other tribunals. In such instances as the council shall direct, he or she shall defend officers and employees of the city in actions arising out of the performance of their official duties.
- (e) Upon the city attorney's recommendation, or upon its own initiative, the council may retain special legal counsel to handle any matters in which the city has an interest, or to assist the city attorney.
- (f) The city attorney shall perform such other duties in connection with the office as may be prescribed by this charter, the council or by contractual agreement.
- (g) The city attorney shall comply with the Michigan Rules of Professional Conduct.

#### Section 3.10 Police Protection and Fire Protection

- (a) The council shall provide for, establish and maintain police protection to enforce all laws, ordinances, and codes of the city through the creation of a police department, public safety department or by contracting police services by intergovernmental agreement.
- (b) The council shall have power to enact such ordinances and to establish and enforce such regulations and enter into intergovernmental agreements as it shall deem necessary to guard against the occurrence of fires in the city and to protect the property and persons or inhabitants of the city against the occurrences of fires and against accident or damage resulting therefrom. For this purpose the council may provide for, establish and maintain a fire department within the administrative division of the city.

- (c) If the city operates its own police and/or fire department, the police chief and/or fire chief shall be appointment by the city manager, with advice and consent of council, on the basis of education, ability, training and experience. The city manager shall supervise these department chiefs and have the authority of dismissal.

#### Section 3.11 City Planning Commission; Zoning and Zoning Board of Appeals

- (a) The council shall maintain a city planning commission in accordance with and having all the powers and duties granted by the provisions of law relating to such commissions, and this charter including but not limited to the Michigan Planning and Enabling Act 33 of PA 2008 as amended MCL 125.3801 et seq., and all other intergovernmental planning and zoning statutes which it deems beneficial to the health, safety and general welfare of the city.
- (b) The council shall maintain a zoning ordinance in accordance with the provisions of the Michigan Zoning Enabling Act, Act 110 of PA 2006, as amended MCL 125.3101 et seq. relating to such ordinances and this charter. The ordinance shall provide that zoning be coordinated with the work of the city planning commission.
- (c) The members of the Planning Commission and Zoning Board of Appeals shall be appointed by the mayor subject to confirmation by the council and shall be residents of the city. Their appointment, functions and duties shall be in accordance with statute and city ordinance.

#### Section 3.12 Zoning Administrator

The zoning administrator shall enforce the city zoning ordinances and will receive functional and administrative supervision from the city manager. The zoning administrator shall be appointed by the city manager, after consultation with the city council, on the basis of education, ability, training and experience. The city manager shall supervise and have the authority of dismissal.

The Administrator or his or her designee shall:

- (a) Issue all notices and orders to insure compliance with zoning ordinances and recommend prosecution as necessary;
- (b) Process all applications related to zoning compliance, site plans, special land use permits, zoning variances ~~and certificates of occupancy~~
- (c) Prepare documents, agendas, and supporting information for the planning commission and zoning board of appeals meetings;
- (d) Assess all fees authorized by state statute, city ordinance or city resolution and;
- (e) Perform all other duties as may be prescribed by state law, the ordinances and resolutions of the city council or as directed by the city manager.

#### Section 3.13 Other Public Authorities, Boards or Commissions

- (a) The council may create such entities as may be needed for the public health, safety and well-being of the city.
- (b) The council may enter into agreements to establish those public authorities, joint boards and commissions, cooperative agreements, and other similar entities and arrangements as may be permitted by law that they determine to be in the interests of the city.

DRAFT