

Village of Calumet

County of Houghton, State of Michigan

ORDINANCE NO. 154

VILLAGE MANAGER ORDINANCE

An Ordinance establishing the office of Village Manager; providing for the appointment compensation, and discharge of such official; specifying the branches of the village government and activities under the manager’s control and defining the rights, powers and liabilities of the village manager.

THE VILLAGE OF CALUMET ORDAINS:

SECTION 1 – DEFINITIONS

In this ordinance:

“Village” means Village of Calumet.

“Council” or “Village Council” means all of the Trustees and the President of the Village presently serving, whether elected or appointed who may also be referred to collectively as the members of the Council.

“Majority Vote” means a vote equal to or greater than a majority of the Council presently serving. A majority vote of a quorum of the Council present for a meeting of the council is not a Majority Vote unless it is at least equal to a majority of all Trustees and the President of the Village presently serving.

“Village Official” means any person elected or appointed to the Council, the Downtown Development Authority, the Historic District Commission, the Planning Commission and any committees established by the Council, the Downtown Development Authority, the Historic District Commission or the Planning Commission.

“Village Manager” or “Manager” means a village manager appointed and serving under the terms of this ordinance.

Section 2 – ESTABLISHMENT OF OFFICE

In accordance with the authority for the appointment of a Village Manager granted to the Village in section 2 of chapter 11 and section 8 of chapter V of the General Law Village act (1895 PA 3 as amended), the office of Village Manager is established with attendant duties of the office as set forth in this ordinance.

Section 3 – APPOINTMENT OF VILLAGE MANAGER

The Council by a Majority Vote shall appoint a Village Manager. The Council may enter into an employment contract with a Village Manager with terms and conditions of employment determined by a Majority Vote of the Council. The term of such contract may be for a period extending beyond the terms of the members of the Council, but not exceeding four 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 by the Council. In the event of a conflict between the contract and this ordinance, the terms of this ordinance shall prevail.

The Council may suspend the Manager by a Majority Vote with or without full pay and benefits. Within seven days of this action, the Council shall hold a public hearing. At that hearing the Council shall decide by a Majority Vote whether the Manager shall be discharged from service, be suspended with pay pending further review by the Council, and/or be subjected to disciplinary action. The vote shall be a roll call vote.

The Manager shall serve at the pleasure of the Council and may be removed by a Majority Vote of the Council. The Manager shall be selected solely on the basis of administrative and executive abilities, with special reference to training and experience.

The Village Manager shall be available to deal with emergency situations throughout the day. The Manager must reside within 16 miles of the Village of Calumet to assure 24-hour availability for service. However, in the event of sickness, the Village Manager need not be available for duty. Except in an emergency declared by the Village President or the Council, the Village Manager need not be available for duty during authorized absences such as a vacation.

In general, the Council will typically review the performance of the Manager after the initial 180 days of the Manager's employment and thereafter on an annual basis.

Section 4 – ACTING VILLAGE MANAGER

Upon the termination, suspension, resignation or incapacitation of the Manager, the Council shall appoint or designate an acting manager by a Majority Vote 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 also by a Majority Vote.

Section 5 – COMPENSATION

The Village Manager shall receive such compensation as the council shall determine by resolution. Pursuant to Section 3 of this ordinance, this compensation will be specified in a written contract made by the Village and the Village Manager.

Section 6 – DUTIES

The Village Manager shall be the chief administrative officer of the Village and shall be responsible to the Village President and the Village Council for the efficient administration of all affairs of the Village. The Manager shall exercise management supervision over all departments and over all public property belonging to the Village. The Manager shall keep the Council informed regarding Village affairs. The Manager shall follow directives established for the Manager by resolutions or motions passed by the Council. The Manager shall keep and make available all records of the Village to the Council and to the public except such information which is exempted from disclosure by the Open Meetings Act or other laws of the State which protect privacy.

The Manager shall have the following functions, duties and responsibilities:

- A. To attend and participate in all meetings of the Village Council and Village committees but the Manager shall not have a vote on such Council or committees;
- B. To be responsible for personnel management and the issuance, subject to Council approval, of personnel rules applicable to all village employees.
- C. 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 wage for each such official.
- D. To exercise supervisory control over all employees working in the central office of the Village as well as all Village departments including the police department, the department of public works, and the fire department.
- E. To hire, discipline or discharge any Village employee who is not a department head but only after consultation with the appropriate department head. The Manager shall recommend the salary or wage for each such employee.
- F. To exercise supervisory responsibility over the accounting, budgeting, personnel, purchasing, and related management functions of the Village Clerk. With approval of the Council by a Majority Vote, the Manager may delegate duties of the Village Clerk to appointed officers or employees unless prohibited by law. The Manager shall nevertheless have the ultimate responsibility for supervision and the proper conduct of all such delegated duties.
- G. To attend and participate in all meetings of Village boards and commissions, including the Village Planning Commission, but the Manager shall not have a vote on such boards or committees.

H. Shall be the fiscal officer and shall prepare and administer the budget as provided for in the Uniform Budgeting and Accounting Act, 1968 PA 2, as amended, and any Village ordinance that may be adopted.

I. To be the purchasing agent of the Village subject to constraints established by resolutions and ordinances adopted by the Village Council.

J. To prepare and maintain written policies and procedures defining the duties and functions of the several officers and departments of the Village subject to approval by the Council.

K. To investigate complaints concerning the administration of the Village, having at all times the authority to inspect the books and papers of any agent, employee or officer of the Village except books and papers of the Village Attorney and books and papers related to matters that require separation of duties such as those of the Village Treasurer.

L. To make recommendations to the Council for adoption of such measures as the Village Manager shall deem to be in the best interest of the Village.

M. To perform all duties related to zoning and land use administration as set forth in the Village Zoning Ordinance.

N. To perform duties necessary for the administration and enforcement of Village ordinances.

O. To perform other duties as required by the Village Council from time to time; and

P. To keep and maintain an inventory of all Village property.

Section 7 – PURCHASING RESPONSIBILITIES

The Village Manager shall act as purchasing agent for all village offices and departments. The Manager, with the approval of the Village Council, may delegate some or all of these 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 in any event have the authority to purchase any product or service if such purchase is in accordance with purchasing policies established by the Village Council.

The Village Manager shall have the authority to purchase any product or service the cost of which does not exceed an amount to be set from time to time by resolution adopted by the Village Council, 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. Any product or service the cost of which exceeds the above dollar amount shall be purchased only if prior

approval of the Village Council has been obtained. 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 8 – DEALING WITH EMPLOYEES.

Neither the Council, the Downtown Development Authority, the Historic District Commission, the Planning Commission, nor the Village President or any elected or appointed officer shall attempt to influence the employment of any person by the Village Manager or the conduct by the employee of the employee's duties or in any way interfere in the management of departments under the jurisdiction of the Manager. Except for the purpose of inquiry or when authorized by a Majority Vote of the Council, the President, Trustees and all other elected or appointed officials, shall deal with departments under the jurisdiction of the Village Manager through the Manager.

Section 9 – SEVERABILITY

If any portion or section of this ordinance or its application to any person or circumstance shall be found to be invalid by a court, such invalidity shall not affect the validity of the remaining portions or applications.

Section 10 – EFFECTIVE DATE

This ordinance shall take effect 45 days after the date of its adoption, unless a petition signed by not less than ten percent of the registered electors of the Village is filed with the acting Village Clerk or Village office within such 45 days.

If a petition is filed within such period of time, this ordinance shall then take effect only upon its approval at the next general or special Village election held on the question of whether the ordinance shall be approved. Notice of the delayed effect of this ordinance, and the right of petition under this section, shall be published separately at the same time and in the same manner as the ordinance or a notice of the ordinance is published in a local newspaper of general circulation.

Section 11 – ADOPTION

This ordinance shall be adopted by an affirmative vote of at least four members of the Village Council.

Section 12 – PUBLICATION

The Village Clerk shall certify to the adoption of this ordinance and cause the same to be published as required by law.

Yeas: Douglas Harrer, Roxanne King, Andrew Ranville, Joshua Rowe, and David Geisler

Nays: None

Absent: Brian Abramson

Passed and adopted by the Village Council of the Village of Calumet, County of Houghton, and State of Michigan on the 15th day of October, 2019.

VILLAGE OF CALUMET

By _____
DAVID GEISLER,
Its President

Attest:

KEVIN P. WEIR,
Village Clerk

I hereby certify that the foregoing is a true and complete copy of Ordinance No. 154, duly adopted by the Village Council of the Village of Calumet, County of Houghton, and State of Michigan, at a regular meeting held on October 15, 2019, and that this meeting was conducted and a public notice of this meeting was given, pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan 1976, and that the minutes of this meeting were kept and will be or have been made available, as required by said Act.

I further certify that the following members were present at said meeting: Douglas Harrer, Roxanne King, Andrew Ranville, Joshua Rowe, and David Geisler; and that the following members were absent: Brian Abramson.

I further certify that the Ordinance has been recorded in the Ordinance Book of the Village, and that such recording has been authenticated by the signatures of the Village President and the Village Clerk.

KEVIN P. WEIR,

Village Clerk

Notice to the electors of the Village of Calumet: Take notice that Village Ordinance No. 154, which provides for the establishment and appointment, compensation, and discharge of a village manager, was adopted pursuant to 1895 PA 3, as amended, on October 15, 2019, and will take effect 45 days after the date of adoption unless a petition signed by not less than ten percent of the registered electors of the village is filed with the village clerk within the 45-day period, in which case the ordinance will take effect upon the approval of an election held on the question.