

**RESOLUTION 16-22
PROPOSED ORDINANCE #465**

THE VILLAGE OF ELK RAPIDS ORDAINS AN AMENDMENT TO THE ELK RAPIDS CODE OF ORDINANCES AS FOLLOWS:

DELETE: CHAPTER 2, ARTICLE I, II, AND III, in its entirety.

ADOPT: CHAPTER 2, ARTICLE I, DIVISION I AND II, as follows:

DIVISION 1. OFFICERS

A. IN GENERAL

Sec. 2-1. Chief Executive Officer.

Sec. 2-2. Duties of the Council.

Sec. 2-3. Compensation of President and Trustees.

Sec. 2-4. Terms.

Secs. 2-5_2-10. Reserved.

Sec. 2-1. Chief Executive Officer.

- a. The Village 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, of the General Law Village Charter, 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.

(Ord. #465 passed 2-16-16)

Sec. 2-2. Duties of the Village Council.

- a. The Village Council shall prescribe the rules of its own proceedings in accordance with Chapter V, Act No. 3 of the Public Acts of 1895 (MCL 65.5), as amended. (Code 1985, § 12.614)

(Ord. #465 passed 2-16-16)

Sec. 2-3. Compensation of president and trustees.

- a. In accordance with chapter IV, section 64.21 of the Village Charter (MCL 64.21), 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.

(Ord. #465 passed 2-16-16)

Sec. 2-4. Terms.

- a. Three Village Trustees shall be elected at each biennial village election for the term of four years and until their successors are qualified.
- b. The Village President shall be elected at the biennial village election for the term of two years and until his/her successor is qualified.

(Ord. #465 passed 2-16-16)

Secs. 2-5_2-10. Reserved.

(Ord. #465 passed 2-16-16)

B. RULES OF PROCEDURE

Sec. 2-11. Authority.

Sec. 2-12. Meetings.

Sec. 2-13. Special meetings.

Sec. 2-14. Emergency meetings.

Sec. 2-15. Notifications to media and others.

Sec. 2-16. Quorum; attendance; call of council.

Sec. 2-17. Regular meeting agenda.

Sec. 2-18. Conduct of meetings.

Sec. 2-19. Record of meetings.

Sec. 2-20. Committees.

Sec. 2-21. Closed meetings.

Sec. 2-22. Voting and debate.

Sec. 2-23. Citizen participation.

Sec. 2-24. Introduction, consideration and style of ordinances.

Sec. 2-25_2-35. Reserved.

Sec. 2-11. Authority.

- a. These rules are adopted by the council pursuant to section 5 of Chapter V of Public Act No. 3 of 1895 (MCL 65.5).
(Ord. #465 passed 2-16-16)

Sec. 2-12. Meetings.

- a. The council shall hold regular meetings for the transaction of business, at times as it shall prescribe. At least one meeting 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 the Open Meetings Act, 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.

- b. Changes in the regular schedule shall not be made except upon the approval of a majority of the members in session. Whenever the council shall change its regular schedule of meetings, the clerk shall post a notice of the change within three days following the meeting in which the change was made.
- c. Public Notice. Within ten days after the first meeting of the council and each calendar year, the Village Clerk shall post a public notice stating dates, times and places of its regular meetings. 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.
- d. Place. Regularly scheduled meetings shall be held in the council chambers. The Village President, in his/her full discretion, may change the meeting to another location in the village. A notice of such change shall be prominently posted on the door of the regular meeting place. If time permits, the clerk shall publish such notice of change in the location of meeting in a newspaper of local circulation.
- e. Time. Regularly scheduled meetings shall begin at 7:00 p.m. unless the council shall, by majority vote in session, set a different starting time. The council shall not begin considering any matter on the agenda not yet under consideration by the hour of 10:30 p.m. except by unanimous consent of members present. Matters on the agenda and not yet acted upon at the time of adjournment will be placed on the agenda of the next regular meeting or special meeting if one is called.
- f. Adjournment. If the council shall meet and a quorum is not present, the council, upon the action of a majority of those present, shall adjourn the meeting to another day and provide proper notice to members and public.
(Ord. #465 passed 2-16-16)

Sec. 2-13. Special meetings.

- a. The council shall meet in special session at the call of the president or upon written request of three members of the council. Notice of special meetings shall be provided to each member either personally or electronically at least 18 hours in advance of the special meeting. The notice shall also contain the time, place and purpose of the meeting. No business shall be transacted at any special meeting of the council unless the same is stated in the notice of such meeting.
(Ord. #465 passed 2-16-16)

Sec. 2-14. Emergency session.

- a. An emergency session of the council shall be held at the call of the president or upon written request of three members of the council, and only if a delay would threaten severe and imminent danger to the health, safety and welfare of the public. Notice 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 and welfare of the public.

(Ord. #465 passed 2-16-16)

Sec. 2-15. Notifications to media and others.

- a. The Village Clerk shall notify, without charge, any newspaper, radio or television station of such meeting schedule, schedule changes or special meetings, whenever such newspaper, radio or television stations shall have filed with the clerk a written request for such notice. The clerk shall also notify other individuals or organizations of regular meeting schedules, changes in the schedule or special meetings, but only upon their request and agreement to pay for printing and postage expenses.
- b. The clerk shall provide such notices pursuant to this rule by first class mail or via electronic communication.

(Ord. #465 passed 2-16-16)

Sec. 2-16. Quorum; attendance; call of council.

- a. Quorum. A majority of the members, including the president, shall constitute a quorum for the transaction of business at all meetings of the council.
- b. Attendance. No member of the council may absent themselves without first having informed the Village Clerk of the impending absence and the reasons therefor. The council may excuse absences for cause. If a council member has more than three unexcused successive absences for regular or special meetings of the council, the council may enact a resolution of reprimand. If the member's absences continue for more than three successive regular or special meetings of the council, the council may enact a resolution of censure, request the council member's resignation, or both.

(Ord. #465 passed 2-16-16)

Sec. 2-17. Council meeting agenda.

- a. The Village Manager and/or other designated village administrative officer or employee, shall prepare the agenda of business for any scheduled council meetings. Any member or representative of committees, boards or commissions desiring to place a matter on the agenda, shall notify the Village Manager and/or other designated village administrative officer or employee of such items by a time and date as determined by council resolution. Items not received by the stated deadline shall not be considered by the council except upon the majority consent of the members present.

- b. Upon completion of the agenda, the Village Manager and/or other designated village administrative officer or employee shall immediately distribute copies of reports, explanations, etc., that relate to business matters coming before council.
- c. The order of business to be conducted before the village council shall be established by resolution of the village council.

(Ord. #465 passed 2-16-16)

Sec. 2-18. Conduct of meetings.

- a. Chairperson. The Village President shall moderate and chair all meetings of the council. In the absence of the president, the president pro-tempore, shall assume the duties of the chair. In the absence of the president pro-tempore, the council shall select a chairperson by majority vote of the members present.
- b. Members. Those members wishing to speak shall first obtain the approval of the chair, and each person who speaks shall address the chair. Other persons at the meeting shall not speak unless recognized by the chair.
- c. Disorderly conduct. The chair may call to order any person who is being disorderly by speaking or otherwise disrupting the proceedings, by failing to be germane, by speaking longer than the allotted time, or by speaking vulgarities. Such person shall thereupon be seated until the chair shall have determined whether the person is in order. If a person so engaged in presentation shall be called out of order, he/she shall not be permitted to continue to speak at the same meeting except on special leave by the council. If the person shall continue to be disorderly and disrupt the meeting, the chair may order the appropriate law officer 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.
- d. Media coverage. All official meetings of the council and its commissions 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.

(Ord. #465 passed 2-16-16)

Sec. 2-19. Record of meetings.

- a. The Village Clerk shall be responsible for the minutes of each meeting of the council. The minutes shall include all the action of the council with respect to motions. The record shall include the names of the mover and seconder and the vote of the council. The record shall also state whether the vote was by voice or by roll call, and when by roll call, the record shall show the "yes," "no" and abstention for each member.

- b. The Village clerk shall be responsible for maintaining a written record or summary of the discussion or comments of the members and of comments made by members of the public. The clerk shall be responsible for making an electronic recording of each entire meeting, and each such recording shall be maintained in the office of the clerk in accordance with the Records Retention Schedule of the Village.
- c. Any member of the council may request to have his comments printed as part of the record. If there are no objections by any member of council, the comments may be included. If there is an objection to such printing of the comments, the council shall decide the matter by majority vote. Such comments to be included as part of the official record shall be provided in writing by the member or transcribed exactly by the clerk from the electronic recording.
- d. The Village Clerk shall make available to members of the public, the records and minutes of official meetings in accordance with the Freedom of Information Act, Public Act No. 442 of 1976 (MCL 15.231 et seq.). Minutes prepared but not approved by the body, shall be available to public inspection not more than eight business days following the meeting or less. Minutes approved by the body shall be available within five business days of the meeting at which they were approved. The clerk shall also promptly send copies of minutes to persons who have subscribed and paid the fee as determined by the council.
- e. The Village Clerk shall be responsible for publication of a summary of the approved minutes of a meeting in a newspaper of general circulation, within 15 days of the meeting at which the minutes were formally approved.

(Ord. #465 passed 2-16-16)

Sec. 2-20. Committees.

- a. Appointment. Members of all committees shall be appointed by resolution of the council, unless otherwise prescribed by statute or ordinance. The Village President shall be an Ex-officio member of all appointed committees.
- b. Duties and responsibilities. The duties and responsibilities of the various committees shall be established by duly adopted resolutions and/or ordinances of the Village Council.
- c. Meetings and Records. All committees shall comply with the requirements of the Open Meetings Act, Public Act No. 267 of 1976 (MCL 15.261 et seq.), and the Freedom of Information Act, Public Act No. 442 of 1976 (MCL 15.231 et seq.).

(Ord. #465 passed 2-16-16)

Sec. 2-21. Closed meetings.

- a. The Village Council may meet in closed session for purposes identified in section 8 of the Open Meetings Act, Public Act No. 267 of 1976 (MCL 15.268).
- b. A two-thirds roll call vote of the council members elected or appointed and serving shall be required to call a closed session except for the closed sessions permitted under section 8(a), (b), (c), (g), (i) and (j) of Public Act No. 267 of 1976 (MCL 15.268). 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.
- c. A separate set of minutes shall be taken by the clerk or the designated secretary of the council at the closed session. These minutes shall be retained by the clerk but shall not be available to the public, and shall only be disclosed if required by a civil action filed under section 10, 11 or 13 of Public Act No. 267 of 1976 (MCL 15.270, 15.271, 15.273). Closed session meeting records and 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 in accordance with Records Retention Schedule. (Ord. #465 passed 2-16-16)

Sec. 2-22. Voting and debate.

- a. Ordinances and resolutions. A vote upon all ordinances shall be taken by a roll call vote and entered upon the records. A vote on all other resolutions or other matters brought before Council may be taken by roll call vote or Yay or Nay vote at the discretion of the Chair. Where the vote is unanimous, it shall only be necessary to state so.
- b. Roll call. In all roll call votes, the names of the members of the council shall be called in rotation order as seated and the names to be called first shall be advanced one position in rotation in each successive roll call vote.
- c. Results of voting. In all cases where a vote is taken, the chair shall decide the result. Any member may call for a division and the yeas and nays shall be called upon the request of the chair or any member of the council.
- d. Abstention and conflict of interest. No member of the council shall vote on any question in which he or she has a conflict of interest. On all other questions, each member who is present shall vote when a vote is required. If a valid conflict of interest does not exist, any member refusing to vote when required shall be guilty of misconduct in office.
 1. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
 - Deliberating on, voting on, or reviewing a matter concerning his or her conduct.
 - Deliberating on, voting on, or reviewing a matter concerning land owned by him or her or which is adjacent to land owned by him or her.

- Deliberating on, voting on, or reviewing a matter involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship with a corporation, company, or partnership.
 - Deliberating on, voting on, or reviewing a matter which is an action which results in a financial, fiscal or economic benefit to him or her that is substantially different from a general benefit to other members of the community.
 - Deliberating on, voting on, or reviewing a matter concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents-in-law, grandparents-in-law, or members of his or her household.
 - Deliberating on, voting on, or reviewing a matter where his or her employee or employer is (1) an applicant or agent for an applicant, or (2) has a direct interest in the outcome.
 - Deliberating on, voting on, or reviewing a matter in which, due to particular circumstances, when the council member believes there may be even the appearance of improper bias that could taint the outcome if the council member participates.
2. If a council member has a question whether a conflict of interest exists or not, that council member may put the question before the Village Council for discussion. Whether a conflict of interest exists or not, however, shall be determined solely by that council member.
 3. When, in a council member's sole discretion, a conflict of interest exists, that council member shall do all of the following immediately, upon first knowledge of the matter and determination that a conflict exists:
 - Declare that a conflict exists and briefly explain the nature of the conflict to the council;
 - Cease to participate at the council meetings and commissions or committees before which the matter is considered, as a council member or in any other manner, or represent one's self before the village council, its members, committees, commissions or staff on the matter; and
 - During deliberation of the matter before the village council or committees, or commissions, remove them self from the front table where members of the body sit and leave the meeting until that agenda item is concluded.
- e. Conduct of discussion and debate. During council discussion and debate, no member shall speak until recognized for the purpose by the chair. After such recognition, the member shall confine discussion to the question at hand.
 - f. Rules of parliamentary procedure. The rules of parliamentary practice as contained in Robert's Rules of Order, Newly Revised, shall govern the council in all cases to which they are applicable, provided that they are not in conflict with this section or with the ordinances and chapters of the

village. The presiding officer will interpret and apply the rules of parliamentary practice, and the presiding officer's interpretation and application shall be final and conclusive.

(Ord. #465 passed 2-16-16)

Sec. 2-23. Citizen participation.

- a. Generally. Each council meeting agenda shall provide for reserved time audience participation, as requested, in addition to an opportunity for general audience participation.
- b. Reserved time participation. Any person or group wishing to make an oral communication to the council may, by notifying the Village Manager or Village Clerk of the subject to be communicated, not later than 3:00 p.m. on the Thursday preceding a regular council meeting, be listed on the agenda and granted reserved time, of at least five minutes, for such presentation, including the opportunity to present written communication. A group may reserve the time without indicating any specific speaker.
- c. Length of presentation. All presentations before the Village Council shall be limited in length to five minutes per individual presentation unless extended by the Chair. Unused time is not transferable. A group presentation shall be limited to one speaker.
- d. Persons addressing the council. Persons addressing the Village Council may state their name, address and, if applicable, their affiliation.
- e. Deviation. Upon the request of a member of the council, a member of the audience shall be permitted to address the council at a time other than audience participation.
- f. Public hearings. The provisions of subsections (b) and (e) of this section are not applicable to declared public hearings during which members of the audience may address the council upon the subject of the public hearing.

(Ord. #465 passed 2-16-16)

Sec. 2-24. Introduction, consideration of ordinances.

- a. Each proposed ordinance shall be introduced in written form.
- b. Each proposed ordinance shall receive two readings, which may be by title only, unless ordered by the council to be read in full or in part. After the first reading of a proposed ordinance, the council shall determine whether it shall be advanced to a second reading. The second reading shall not be given earlier than the next regular council meeting.

- c. Each proposed ordinance advanced to a second reading shall be printed and distributed to each member of the council at least 24 hours before the meeting at which it is to be presented for a second reading.
- d. An ordinance may be repealed, revised, altered or amended only by an ordinance passed in the manner provided in this section. An ordinance may be repealed by reference to its number and title only.
- e. If a section of an ordinance is amended or revised, that section shall be reenacted and published at length.
- f. Each ordinance shall be recorded by the clerk, forthwith, and the enactment of such ordinance shall be certified by the clerk therein.

(Ord. #465 passed 2-16-16)

Secs. 2-25_2-35. Reserved.

(Ord. #465 passed 2-16-16)

DIVISION 2. EMPLOYEES.

A. VILLAGE MANAGER.

Sec. 2-36. Creation of office.

Sec. 2-37. Appointment.

Sec. 2-38. Function and duties.

Sec. 2-39. Removal.

Sec. 2-40. Supervision.

Sec. 2-41. Emergencies.

Sec. 2-42. Vacancy.

Sec. 2-44. Authority to Appoint, Remove, Direct, and Supervise Appointed Officials and Employees

Sec. 2-45. Conflicting ordinances.

Sec. 2-46_2-50. Reserved.

Sec. 2-36. Creation of office.

- a. In accordance with Public Act No. 201 of 1974 (MCL 65.8), there is hereby created the position of Village Manager.

(Ord. #465 passed 2-16-16)

Sec. 2-37. Appointment.

- a. The Village President shall, with the concurrence of four or more members of the Village Council appoint a Village Manager. The Village Manager shall be the chief administrative officer of the village and shall serve at will and hold office at the pleasure of the Village Council. He/she shall be selected solely on the basis of executive and administrative qualifications with special reference to training and experience and without regard to political or religious preferences.
- b. The council may enter into a written employment contract with a Village Manager for a period extending beyond the terms of the members of council but not exceeding 6 years. Such contract 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, 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.
- c. No elected official of the village shall be appointed to the position of Village Manager within two years from the termination of such elective office.
(Ord. #465 passed 2-16-16)

Sec. 2-38. Function and duties.

- a. The Village Manager shall be responsible to the Village Council for the proper administration of all of the affairs of the village, and, to that end, subject to the provisions of the Village Charter, he/she shall have the following functions and duties:
 - 1. Ensure that all village laws and ordinances are being enforced by appropriate authorities;
 - 2. Ensure that all village contracts and franchises are being properly performed and, in the event of default or breach, to seek council approval for appropriate enforcement action;
 - 3. Supervise all village public utilities, improvements, works and undertakings and the finances of the village;
 - 4. Attend all meetings of the Village Council and to take part therein but without a vote;
 - 5. Prepare the annual itemized budget and to keep the council fully advised as to the financial conditions and needs of the village;
 - 6. Act as purchasing agent as provided in Sec. 2-151;

7. Recommend to the Village Council for adoption such measures as he/she may deem necessary or expedient;
8. Be an ex-officio member of all commissions of the village without the right to vote;
9. Be responsible to the Village Council for the efficient administration of all village departments and utilities;
10. Be responsible to the Village Council for the proper discharge of all just obligations of the village;
11. Make investigations into the affairs of the village or any department or division thereof and investigate all complaints in relation to all matters concerning the government of the village in regard to service maintained by the public utilities in the village and see that all franchises, permits and privileges granted by the village are faithfully observed;
12. Perform such other duties as the Village Council may direct that naturally pertain to the general management of village affairs and execute and perform all administrative functions of the village that are not imposed by the Charter or any village ordinance upon other officials;
(Ord. #465 passed 2-16-16)

Sec. 2-39. Removal.

- a. The Village Manager, serving at will, and at the pleasure of the Village Council, may be suspended or removed from office by four or more affirmative votes of the Village Council. Severance pay or other benefits in the event employment of the manager is terminated shall be in accordance with contract provisions. The Village Manager, at his/her sole discretion, may request a closed session meeting before the entire council to discuss reasons for the removal of the Village Manager. Such closed session meeting shall be in accordance with the Open Meetings Act, Act. No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws.

(Ord. #465 passed 2-16-16)

Sec. 2-40. Supervision by Village Council.

- a. Except for the purpose of inquiries, the Village Council shall deal with the administrative matters solely through the Village Manager and neither the Village Council nor any member of such council shall give orders to any subordinates of the Village Manager, either publicly or privately.

(Ord. #465 passed 2-16-16)

Sec. 2-41. Emergencies.

- a. In case of accidents or other circumstances creating an emergency, the Village Manager may, award contracts and make purchases for the purposes of repairing damages caused by such accident or meeting such public emergency, but he/she shall file promptly with the council a certificate showing such emergency and the necessity of such action, together with an itemized account of all expenditures.

(Ord. #465 passed 2-16-16)

Sec. 2-42. Vacancy.

- a. A vacancy in the office of the Village Manager shall be filled within a reasonable time after the effective date of such vacancy. During temporary absence or disability of the Village Manager, the council, in lieu of appointing an acting village manager, may temporarily delegate the Village Manager's duties (as set forth in this division) to another administrative office of the village.

(Ord. #465 passed 2-16-16)

Sec. 2-43. Authority to Appoint, Remove, Direct, and Supervise Appointed Officials and Employees.

- a. Pursuant to chapter 5, section 8(4), of the General Village Law Charter, being Public Act No. 3 of 1895 (MCL 65.8(4)), to the fullest extent permitted by law and ordinance, the Village Manager shall have authority to appoint, remove, direct, and supervise any employee or appointed official of the village, except to the extent such authority is expressly reserved to council or delegated to another village official or employee by village ordinance or an employment contract.
- b. Pursuant to MCL 65.8, the assignment of responsibilities above, and any amendments adopted concurrently with this section, will become effective 45 days after the date of adoption of this section and amendments to this Ordinance. However, 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 amendments to this Ordinance shall not become effective until after the Ordinance is approved at an election held on the question.

(Ord. #465 passed 2-16-16)

Sec. 2-44. Conflicting ordinances.

- a. All ordinances of the village prescribing the duties of heads of departments shall remain in full force and effect except insofar as they conflict with the provisions of this division in which case the provisions of this division shall govern.

(Ord. #465 passed 2-16-16)

Secs. 2-45_2-50. Reserved.

(Ord. #465 passed 2-16-16)

B. VILLAGE CLERK

Sec. 2-51. Office designated an appointed position.

Sec. 2-52. Appointment.

Sec. 2-53. Term of office.

Sec. 2-54. Termination of appointment; removal.

Sec. 2-55. Residency requirements.

Sec. 2-56. Compensation.

Sec. 2-57. Duties and responsibilities.

Sec. 2-58_2-65. Reserved.

Sec. 2-51. Office designated an appointed position.

- a. The position of Village Clerk is hereby designated an appointed position under chapter 2, section 1, of the General Village Law Charter, being Act 3 of the Public Acts of 1895, (MCL 62.1) as amended, the same constituting the Charter for the Village of Elk Rapids.

(Ord. #465 passed 2-16-16)

Sec. 2-52. Appointment.

- a. The Village Clerk shall be appointed by the Village Manager.

(Ord. #465 passed 2-16-16)

Sec. 2-53. Term of office.

- a. The Village Clerk shall be appointed for an indefinite term of office and shall serve at will.
- b. At all times during such term of office, the clerk shall not be in default to the village, as defined in section 7 of chapter 2 of Public Act No. 3 of 1895 (MCL 62.7) and shall give and maintain any bond or security required for the performance of his or her office as required by the Act, or the Village Council.
- c. The Clerk shall, within 30 days after receiving notice of appointment to the position of Village Clerk, take the oath of office prescribed by the Constitution of the state and file the oath according to statute.

(Ord. #465 passed 2-16-16)

Sec. 2-54. Termination of appointment; removal.

- a. As set forth in this division, the Village Clerk's appointment being for an indefinite period and serving at will, the clerk may be suspended or removed at any time when the Village Manager or

the Village President, acting with the approval of the Village Council, deems the same to be in the best interest of the public. Severance pay or other benefits in the event employment of the Village Clerk is terminated shall be in accordance with contract provisions.

- b. The action of the Village Council, as a whole, in removing the Village Clerk or upholding the suspension, shall be deemed final.

(Ord. #465 passed 2-16-16)

Sec. 2-55. Residency requirements;

- a. The Village Clerk need not be a resident of the village.

(Ord. #465 passed 2-16-16)

Sec. 2-56. Compensation.

- a. The Village Clerk shall receive such compensation on an annual basis, with such amount being established by resolution of the Village Council.

(Ord. #465 passed 2-16-16)

Sec. 2-57. Duties and responsibilities.

- a. The Village Clerk shall perform those statutory duties and responsibilities as set forth in Public Act No. 3 of 1895 (MCL 63.1, 64.1, 64.5, 64.6, 64.7, 64.8 et seq.), being the Village Charter.
- b. In addition to those statutory duties and responsibilities as set forth in the Public Acts noted above, the Village Council or the Village Manager may establish further duties and responsibilities for the Village Clerk as may be required from time to time. Such statutory duties and responsibilities may be supplemented by those duties and responsibilities created by the Village Council by resolution or as set forth in any job description created and approved by council. These additional duties and responsibilities are, but not limited to:

1. Attend all regular and special Village Council meetings and record council proceedings.
2. Prepare and process official minutes of council meetings.
3. Maintain minutes, resolutions, ordinances, contracts, deeds and other Village Council documents.
4. Administer oaths of office and sign official documents.
5. Conduct all public bidding processes.

6. Answer inquiries, handle complaints, provide explanation of taxes, special assessments, rates, fees, ordinances, resolutions and council actions in a timely, professional and courteous manner.
- c. The Village Clerk shall have the following duties as general accountant of the Village:
1. Maintain control over all savings, checking and local unit of government accounts and prepare monthly bank account reconciliations with the general ledger;
 2. Invest, track and post earnings on village funds;
 3. Coordinate and administer annual operating and capital budget preparations, implementation, monitoring and amendments;
 4. Certify fund availability to the council and manager;
 5. Coordinate annual audit and make needed adjustments to financial records;
 6. Prepare monthly and quarterly revenue/expense reports for the manager and the council;
 7. Coordinate accounts payable/receivable/utility billing/payroll and tax collection;
 8. Assist the Village Treasurer, assessor, and county staff with annual property tax revenue settlement process;
 9. Coordinate, monitor and collect special assessments;
 10. Assist the Village Manager, council and public with analysis, preparation, publicity and issuance of general or special debt instruments; and
 11. Perform related duties as required by the Village Manager.

(Ord. #465 passed 2-16-16)

Secs. 2-58_2-65. Reserved.

(Ord. #465 passed 2-16-16)

C. VILLAGE TREASURER

Sec. 2-66. Office designated an appointed position.

Sec. 2-67. Appointment.

Sec. 2-68. Term of office.

Sec. 2-69. Termination of appointment; removal.

Sec. 2-70. Residency requirements;

Sec. 2-71. Compensation.

Sec. 2-72. Duties and responsibilities.

Secs. 2-73_2-80. Reserved.

Sec. 2-66. Office designated an appointed position.

- a. The position of Village Treasurer is hereby designated an appointed position under chapter 2, section 1, of the General Village Law Charter, being Act 3 of the Public Acts of 1895, as amended.
(Ord. #465 passed 2-16-16)

Sec. 2-67. Appointment.

- a. The Village Treasurer shall be appointed by the Village Manager.
(Ord. #465 passed 2-16-16)

Sec. 2-68. Term of office.

- a. The Village Treasurer shall be appointed for an indefinite term of office and shall serve at will.
- b. At all times during such term of office, the Treasurer shall not be in default to the village, as defined in section 7 of chapter 2 of Act 3 of the Public Acts of 1895, as amended, and shall give and maintain any bond or security required for the performance of his or her office as required by the Act or the Village Council.
- c. The Treasurer shall, within 30 days after receiving notice of appointment to the position of village treasurer, take the oath of office prescribed by the Constitution of the state and file the oath according to statute.
(Ord. #465 passed 2-16-16)

Sec. 2-69. Termination of appointment; removal.

- c. As set forth in this division, the Village Treasurer's appointment being for an indefinite period and serving at will, the treasurer may be suspended or removed at any time when the Village Manager or the Village President, acting with the approval of the Village Council, deems the same to be in the best interest of the public. Severance pay or other benefits in the event employment of the Village Treasurer is terminated shall be in accordance with contract provisions.
- d. The action of the Village Council, as a whole, in removing the Village Treasurer or upholding the suspension, shall be deemed final.
(Ord. #465 passed 2-16-16)

Sec. 2-70. Residency requirements;

- a. The Village Treasurer need not be a resident of the village.
(Ord. #465 passed 2-16-16)

Sec. 2-71. Compensation.

- a. The Village Treasurer shall receive such compensation on an annual basis, with such amount being established by resolution of the Village Council.
- b. If the Village Treasurer is removed from office during the time period in which the resolution is in effect, he/she shall receive termination/removal compensation in accordance with Village Treasurer's contract. The Village Treasurer shall have no other or further monetary claim against the village arising out of such appointment as Village Treasurer.
(Ord. #465 passed 2-16-16)

Sec. 2-72. Duties and responsibilities.

- a. The Village Treasurer shall perform those statutory duties and responsibilities as described in chapter 4 of Public Act No. 3 of 1895 (MCL 64.9 et seq.; MCL 64.10 et seq.; MCL 64.11 et seq.; MCL 64.12 et seq.; and MCL 64.12a et seq.), being the Village Charter.
 - b. In addition to those statutory duties and responsibilities as set forth in 2-72.a., above, the Village Council or the Village Manager may establish further duties and responsibilities for the Village Treasurer as may be required from time to time. Such statutory duties and responsibilities may be supplemented by those duties and responsibilities created by the Village Council by resolution or as set forth in any job description created and approved by council. The following additional duties and responsibilities are, but not limited to:
 - 1. Assist the Village Clerk and assessor and county staff with annual property tax revenue settlement process.
 - 2. Assist the village clerk to coordinate, monitor and collect special assessments.
 - 3. Assist the manager, council and public with analysis, preparation, publicity and issuance of general or special debt instruments; and
 - 4. Perform related duties as required by the village manager.
- (Ord. #465 passed 2-16-16)

Secs. 2-73_2-80. Reserved.

(Ord. #465 passed 2-16-16)

YAYS: 4

NAYS: 0

ABSENT: 3

I, Tammie Viglione, Deputy Clerk, do hereby certify that Resolution 16-22 was duly adopted at the Regular Council Meeting on February 16, 2016.