

**VILLAGE OF NEWBERRY
COUNTY OF LUCE
STATE OF MICHIGAN**

ORDINANCE NO. 36

Title: 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 management and control of defining and limiting the rights, powers, and liabilities of the Village Manager.

THE VILLAGE OF NEWBERRY ORDAINS:

Section 36:1 ESTABLISHMENT OF OFFICE.

In accordance with the authority connected by the Village Charter and laws of the State of Michigan, there is established the office of Village Manager.

Section 36:2 APPOINTMENT OF VILLAGE MANAGER

- (A) The Village Council shall appoint a Village Manager for a term determined by the Council and expressed in a contract. The council may, by contract, enter into such other terms and conditions as the Manager and Council deem appropriate. The Council, for cause, may suspend the Manager with full pay and benefits until the Council takes action whether the Manager shall be discharged. There shall be a roll call vote and each Council Member shall support their vote in a brief statement.
- (B) The Manager shall be selected solely based on administrative and executive abilities with special reference to training and experience.
- (C) The Manager must be available to deal with emergency and crisis situations throughout the day. The residence of the Manager must be reasonably located to the Village of Newberry, but not further than the boundaries of Luce County, to assure availability; the availability of the Manager does NOT apply during sick time or other authorized absences such as vacation.

Section 36:3 VILLAGE MANAGER VACANCY

The Council, shall appoint or designate an Interim Village Manager during a vacancy exceeding 30 days. The appointed Interim Manager shall serve until the Incumbent Manager returns or conditions are verified that the Incumbent Manager is incapacitated and unable to return to the position. At which time the Council shall make a permanent

appointment within 180 days of the notice that the Incumbent Manager will not return. An appointed Interim Manager must meet the availability requirements described in Section 36:2 above.

Section 36:4 COMPENSATION

The Village Manager shall receive such compensation as the Council shall determine by contract. The contract shall state the frequency of review.

Section 36:5 DUTIES AND FUNCTIONS

The Village Manager shall be the chief administrative officer of the Village and shall be responsible to the Village Council for the efficient administration of all affairs of the Village and all departments except as that responsibility is explicitly delegated to another officer by the charter of the Village or by Michigan State or Federal law. The Manager shall keep the Council informed on Village affairs and take action from adopted resolutions or motions of Council. Individual Council members do not direct or control the Village Manager.

The village determines that the Village Manager shall have the following functions and duties including those described in the Village Manager Job Description adopted by Council Resolution:

- (A) Plans directs, coordinates, controls and evaluates all activities of all village departments and municipal functions (within broad guidelines and policies established by the Village Council); informs the Council (as the need arises) of the status of activities, programs, problems, plans and departmental functions; negotiates contracts and agreements on behalf of the Village.
- (B) Develops and administers a personnel management system; administer such personnel policy as shall be applicable to all Village employees; recommend wages for all employees; supervises recruitment, interviewing, and selection for all Village employee positions; negotiate, approve, and sign contracts for all Village employee positions; serve as lead for union negotiations, disposition of employee grievances, disputes, and matters involving staff relations; to hire, discipline, or discharge any Village employee after consultation with the appropriate department head. The Manager may delegate some or all these duties to another officer or employee provided that such delegation shall not relieve the Manager of the responsibility for the proper conduct of those duties
- (C) Promotes internal operating efficiencies; exercise supervisory control over all departments; supervises and takes disciplinary action against department heads, as necessary; motivates subordinate department heads through periodic staff meetings and one to one meetings, and encourages employee self-development programs;

supervises office staff as necessary; reviews various regular and special operating reports against budgetary constraints, program goals and objectives, and village policies, rules, and regulations.

- (D) Assures all village ordinances are effectively enforced; prepares correspondence needed to direct or document village business decision; assists village citizens, outside agencies, developers, local community groups, utility companies and the like and village staff in resolving governmental or operating problems by bringing important matter to the Council's attention; and performs related work as directed by the Village Council.
- (E) Prepares the annual operating budget for the village, laying out a proposed spending plan for the Council's consideration, and implementing and administering the approved budget in conjunction with the finance committee and Village Finance Manager; shall have supervisory responsibility to insure that all federal, state, and county fiscal reports and monthly financial reports to the Village Council are prepared and delivered; shall supervise the planning, direction, and assist in organizing communication and controls of all village financial operations, including direction of the finance staff and maintenance of accounting and computer systems, in consultation with the appropriate department heads; reviews the work of the all subordinate finance personnel, oversees that purchasing of all village materials, equipment, supplies and services, and administers any ongoing contracts; oversees the village's utility billing and collection function; advises the Village Council on fiscal policies, interpretations, procedures and problems.
- (F) Attends all Village Council, Water & Light Board, committee, and related public meetings, participating in such meetings without a vote; directs the preparation of the Council's agenda in conjunction with the Village President; advises the Council (collectively, within committee, and individually) concerning the status of public inquiries, projects of current interest, and proposed legislative action. Appears before citizen groups and other organizational meetings; and serves as a spokesperson for the village in situations of mutual interest and concern with neighboring municipalities, as well as with federal and state agencies.
- (G) Assess current and long-term village needs in various program areas; makes appropriate recommendations to the Council; develops program goals and objectives; and implements new activities.
- (H) Investigate complaints concerning the administration of the Village and at all times to have the authority to inspect the books, records and papers of any agent, employee or office of the Village except the Village Attorney (when occupied) and files that require separation of duties such as the Village Treasurer files; to make recommendations to the Council for adoption of such measures as the Village Manager shall deem in the best interest of the Village.

- (I) Perform such other duties as shall be delegated by the Village Council, including those described as the Village Manager Job Description adopted by Council Resolution.

Section 36:6 DEALING WITH EMPLOYEES

Neither the Council nor the Village President shall attempt to influence the employment of any person by the Village Manager or in any way interfere in the management of departments under the jurisdiction of the Manager. The Village Council shall deal with departments under the jurisdiction of the Village Manager through the Manager. The Council and President shall have the absolute right and duty to contact any Village employee pursuant to any authorized inquiry, pursuant to Council action .

Section 36:7 PURCHASING RESPONSIBILITIES.

- (A) The Village Manager shall act as purchasing agent for all Village offices and departments. The Manager may delegate some or all the duties as purchasing agent to another officer or employee provided that such delegation shall not relieve the Manager of the responsibility for the proper conduct of those duties.
- (B) The Village Manager shall have the authority to purchase any product or service the cost of which does not exceed ten thousand dollars (\$10,000.00), provided that funds have been appropriated. This amount may be modified from time to time by a Policy Resolution adopted by the Council. The cost for the product or service shall not exceed the unencumbered balance of the appropriation for that account. Except as hereinafter provided, the Village Manager shall not purchase any product or service the cost of which exceeds the above dollar amount without prior approval of the Village Council. The Village Manager may promulgate rules governing the purchase of products or services.
- (C) The Village Manager shall be authorized to make payment on invoices that are due and payable prior to regularly scheduled Village Council Board meetings. All payments made under this authorization shall be included for review and approval by the Village Council at their next regularly scheduled meetings.
- (D) 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 of village residents.

Section 36:8 SEVERABILITY

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

Section 36: 9 REPEALED

All inconsistent and prior ordinances, resolutions, or votes documented in meeting minutes are hereby repealed.

PUBLICATION AND RECORDING: A summary of this Ordinance shall be published once in a newspaper of general circulation within the boundaries of the Village of Newberry under State law to publish legal notices immediately after its adoption, and the same shall be recorded in the minutes of the Village of Newberry of the meeting at which this Ordinance was adopted and, in addition shall be recorded in the Ordinance Book of the Village.

EFFECTIVE DATE: This ordinance shall be in full force and effect upon publication.

AYES: Stokes, Cameron, Freese, Hardenbrook, Hendrickson, Puckett

NAYS: 0

ABSENT: 0

ORDINANCE DECLARED ADOPTED.



By: Lori A. Stokes, Village President


By: Terese Schummer, Clerk

Date: JUNE 16, 2020

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Newberry, County of Luce, State of Michigan, at a regular meeting held on JUNE 16, 2020 that said meeting was conducted and public notice of said 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 said meeting were kept and will be or have been made available as required by said Act. I further certify that the foregoing Ordinance was published on JUNE 24, 2020 in the following newspaper:
NEWBERRY NEWS


Terese Schummer, Clerk

State of Michigan
County of Luce

**VILLAGE OF NEWBERRY
COUNTY OF LUCE
STATE OF MICHIGAN**

ORDINANCE NO. 36 (SYNOPSIS)

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ORDINANCE DECLARED ADOPTED: JUNE 16, 2020

EFFECTIVE DATE

This ordinance shall be in full force and effect upon publication.

A true copy of the ordinance can be inspected or obtained at 302 E. McMillan Avenue, Newberry, MI, viewed at www.villageofnewberry.gov, or by contacting the Village Clerk, 906-293-3884.

Lauren Burton, being duly sworn, deposes and says that she is an agent of the Newberry News, a weekly newspaper printed, published and circulated in the Village of Newberry, Luce County, Michigan.

**ORDINANCE NO. 36
VILLAGE MANAGER ORDINANCE**

of which the annexed notice is a true and complete copy, was duly published in said Newberry News, Inc. once in each week for 1 week(s) and that the publication of said notice was made in said newspaper on the following dates,


JUNE 24, 2020



Lauren Burton

Sworn and subscribed before me this 24th day of June A.D. 2020.

My commission expires February 27, 2026.



Teresa L. Petrie
Notary Public
Mackinac County
Acting in the County of Luce