

## CHAPTER VII

### ADMINISTRATIVE SERVICES

#### Section 7.1 Administrative Officers Generally.

The administrative officers of the city shall be the city manager, clerk, treasurer, assessor, city attorney, chief of police, planning and zoning administrator and a board of review. The council may, by ordinance or by 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 7.2 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 7.3 City Manager-Appointment; Compensation.

- (a) The council shall appoint a city manager within ninety (90) days after any vacancy exists in such position or they may appoint an acting manager during the period of a vacancy in the office, or 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 city manager's compensation shall be set by the council.
- (c) The city manager shall be the chief administrative officer of the city government. The council on the basis of education, ability, training and experience shall appoint him or her. He or she shall serve at the pleasure of, and be subject to removal by the council, but shall not be removed from

office during a period of sixty (60) days following any regular city election except by the affirmative vote of five (5) members of the council.

- (d) The council may enter into an employment contract with the City Manager which may extend beyond the terms of the council.

#### **Section 7.4 City Manager – Function and Duties.**

- (a) The city manager shall be responsible to the council for the proper administration of the affairs of the city, and shall appoint and remove all employees of the city and shall make recommendations to the council relative to the appointment and removal of administrative officers of the city. He or she shall recommend employees' compensation within the pay plan adopted by the council. He or she shall supervise and coordinate the work of all the administrative offices and departments of the city except of the city attorney. He or she shall supervise the work of the city clerk in keeping the council records as the clerical officer of the council. The city manager will be the main point of communication and dissemination of information of day-to-day updates 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 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, 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 relating 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 an authorized representative shall establish and maintain a central purchasing service and the city manager or his or her designee 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 resolutions of the city council.

**Section 7.5 City Manager's – Removal.**

The council may remove the city manager from office by affirmative vote of not less than five (5) of its members:

**Section 7.6 Clerk.**

- (a) The clerk shall be the clerical officer of the council and shall keep its minutes in English. The 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 council on the basis of education, ability, training and experience shall appoint him or her.
- (b) The 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 clerk shall be the custodian of all papers, documents and records pertaining to the city, unless otherwise provided by this charter. All records of the city shall be made available to the general public in compliance with the Freedom of Information Act, 1976 PA 442, 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 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 7.7 Treasurer.**

- (a) The 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 treasurer shall keep and deposit all moneys or funds in such manner and only in such places as the council may determine, and shall report the same to the city manager. The council on the basis of education, ability, training and experience shall appoint him or her.

- (b) The 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 treasurer shall disburse all city funds in accordance with provisions of law and this charter.
- (d) The treasurer shall establish and maintain a general accounting plan which will conform to such uniform accounting system as may be required by law.
- (e) The treasurer shall perform such other duties in connection with the office including the issuance of licenses as may be required by law, the ordinances and resolutions of the council, or as directed by the city manager.

**Section 7.8 Assessor.**

- (a) The assessor shall possess all the power vested in and shall be charged with the duties imposed upon the assessing officer by law. The council on the basis of education, ability, training and experience shall appoint him or her.
- (b) The assessor shall make and prepare all regular and special assessment rolls in the manner prescribed by law or ordinances of the city.
- (c) The 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 assessor shall be secretary of the Board of Review.

**Section 7.9 City Attorney.**

- (a) The city attorney shall be an attorney at law, in good standing, and admitted to practice in the State of Michigan act as legal advisor and be responsible to the council. He or she shall be appointed by the council on the basis of ability, training and experience.
- (b) The city attorney shall be a legal advisor and counsel for the city and for all the officers and departments thereof in all matters relating to their official duties and shall file with the city a copy of all written opinions given by him or her.
- (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 of the Michigan State Bar Association.

#### **Section 7.10 Police Department.**

The council shall provide for, establish, and maintain, separately or through agreements, a Police Department to enforce all laws and all ordinances and codes which are in force in the city and to preserve peace and good order in the city. A police chief shall be approved by the city council after consultation with the city manager. He or she shall be approved and appointed by the council on the basis of education, ability, training and experience. The police chief shall be under the direction of the city manager, be in command, and be responsible for the operation of said police department and for the procurement and training of personnel therefore. The police force of the city shall have and exercise all the immunities, privileges and powers of the police officers under the common law and of the State of Michigan for the preservation of quiet, good order, and for the safety of persons and property in the city.

#### **Section 7.11 Fire Protection.**

The council shall have power to enact such ordinances and to establish and enforce such regulations and intergovernmental agreements as it shall deem necessary to guard against the occurrence of fires in the city and to protect the property and person or inhabitants of the city against the occurrence of fires and against accident or damage resulting there from. For this purpose, the council may provide for, establish and maintain a Fire Department within the administrative division of the city.

### **Section 7.12 City Planning Commission; Zoning.**

- (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, P.A. 1921, No. 207; P.A. 1931, No. 285 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 law 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 the Zoning Board of Appeals shall be appointed by the mayor subject to confirmation by the council and shall be residents of the city. Their functions and duties shall be in accordance with statute and city ordinance.

### **Section 7.13 Planning and Zoning Administrator.**

The Planning and Zoning Administrator shall enforce the city zoning ordinances. He or she shall be appointed by the council on the basis of education, ability, training and experience. The administrator shall perform such functions and duties, as city council shall direct.

The Administrator shall:

- (a) Issue all notices and orders to insure compliance with zoning ordinances and prosecute 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;
- (e) Perform all duties assigned to the department by ordinance or administration and may act as zoning enforcement officer.

**Section 7.14 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 including, but not limited to, buildings, grounds, parks, personnel, administrative, streets/sidewalks, police/fire, and water/sewer or other entities to meet community needs.
- (b) Such boards or committees shall serve for indefinite periods and without compensation unless otherwise provided by the council.
- (c) The council may create other public authorities, boards or commissions or other entities to meet community needs.

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