

Village of Laurium

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ORDINANCE # 155 APPOINTMENT OF VILLAGE MANAGER

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 Village Manager's control and defining the functions and duties of the Village Manager.

The Village of Laurium hereby ordains:

Section 1. Establishment of office

In accordance with the authority for the appointment of a Village Manager granted to the Village in Section 2 of Chapter II and Section 8 of Chapter V of the General Law Village Act (1895 PA 3 as amended), the Office of Village Manager is established.

Section 2. Nomination and Employment of Village Manager

The Village President may nominate and the Village Council may employ a Village Manager. The Village Council may enter into an employment contract with a Village Manager for a period extending beyond the terms of the members of the Village Council, but not exceeding six years. An employment contract with a Village Manager shall be in writing and shall specify the compensation to be paid to the Village Manager, any procedure for changing compensation, any fringe benefits, and any other conditions of employment. The contract shall state that the Village 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 Village Manager is terminated by the Village Council. The Village Manager shall server at the pleasure of the Village Council and may be removed by a majority vote of the Village Council. The Village Manager shall be selected solely on the basis of administrative and executive abilities, with special reference to training and experience.

The Village Council may suspend the Village Manager by a majority vote with or without full pay and benefits. Within fourteen (14) days of this action, the Village Council shall hold a public hearing. At the hearing the Village Council shall decide by a majority vote whether the Village Manager shall be discharged from service, be suspended with pay pending further review by the Village Council, and/or be subjected to disciplinary action. The vote shall be a roll call vote.

The Village Manager shall be available to deal with emergency situations throughout the day. The Village Manager must reside within 25 miles of the Village of Laurium 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.

The Village Council may review the performance of the Village Manager after the initial 180 days of the Village Manager's employment and thereafter on an annual basis.

Section 3. Acting Village Manager

The Village President, with the concurrence of a majority of the Village Council, shall appoint or designate an acting Village Manager 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.

Section 4. Compensation

The Village Manager shall receive such compensation as the Village Council shall determine by resolution. Pursuant to Section 2 of this Ordinance, this compensation will be specified in a written contract made by the Village Council and Village Manager.

Section 5. Functions and Duties

The Village Manager shall be 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 shall exercise management supervision over all departments and over all public property belonging to the Village. The Village Manager shall follow directives established for the Manager by resolutions or motions passed by the Village Council. The Village 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.

Without limiting the generality of the foregoing, the Village Manager shall have the following functions and duties:

1. Appoint, suspend, or remove all appointed administrative officers and department heads, subject to Village Council approval. The Village Manager shall recommend to the Village Council the salary or wage for such official.
2. Appoint, suspend, or remove all other employees of the Village. The Village Manager shall determine the salary for each such employee.
3. Exercise supervisory control over all departments including the Police Department, The Department of Public Works, and the Fire Department.
4. Exercise supervisory responsibility over the accounting, budgeting, personnel, purchasing, and related management functions of the Village Clerk and Village Treasurer.
5. Attend all meetings of Village boards and commissions, including the Village planning commission, with the right to take part but shall not have a vote.
6. 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.
7. Be the purchasing agent for the Village, as set forth in Section 6.
8. Prepare and maintain written policies and procedures defining the duties and functions of the several officers and departments of the Village, subject to the approval by the Village Council.
9. Investigate all complaints concerning the administration of the Village, and shall have authority at all times to inspect the books, records, and papers of any agent, employee, or officer of the Village.
10. Make recommendations to the Village Council for the adoption of such measures as may be deemed necessary or expedient for the improvement or betterment of the Village; and
11. Perform other duties required from time to time by the Village Council.

Section 6. Purchasing Responsibilities

The Village Manager shall act as purchasing agent for all Village offices and departments. The Village Manager may delegate some or all of the duties as purchasing agent to another officer or employee, provided that such delegations shall not relieve the Village Manager of the responsibility for the proper conduct of those duties.

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 for 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 product 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 and 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 7. Dealing with employees

Neither the Village Council nor the Village President nor any member of any Village Authority or Village Commission 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 Village Manager. Except for the purpose of inquiry, the Village President and Village Council members shall deal with departments under the jurisdiction of the Village Manager through the Village Manager.

Section 8. Severability

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

Section 9. 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 10. Adoption

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

Section 11. Publication

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

Yeas: 6_____

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Nays: 0_____

Ordinance Declared adopted

Village Clerk

Patricia M. Golus
Clerk, Village of Laurium

John Sullivan
President, Village of Laurium

I hereby certify that the foregoing is a true and complete copy of an Ordinance No. 155, adopted by the Village Council of the Village of Laurium, County of Houghton, State of Michigan, at a regular meeting held on September 21, 2021. This meeting was conducted and public notice of the meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan 1976.

Patricia M. Golus
Clerk, Village of Laurium