

ORDINANCE NO: 2011-02

AN ORDINANCE TO ESTABLISH THE OFFICE OF VILLAGE MANAGER AND TO AUTHORIZE THE VILLAGE COUNCIL TO HIRE AN INDIVIDUAL TO FILL SUCH OFFICE, AND TO SPECIFY THE DUTIES OF SUCH OFFICE

WHEREAS, the Village Council has observed an increased demand for services upon the Village, and

WHEREAS, industrial and commercial development has increased within the Village, and

WHEREAS, the Village Council has determined that it may be in the interest of the Village to establish the office of Village Manager and to authorize the Council to retain the services of an individual to fill such office,

NOW THEREFORE, the Village of Ashley Ordains:

Section 1: Village Manager--Appointment.

The Council may, in its sole discretion and by majority vote, appoint a Village Manager for an indefinite term and fix his or her compensation. The Manager shall be appointed on the basis of his or her executive and administrative qualifications.

Section 2. Village Manager--Removal.

The Council may remove the Manager from office in accordance with the following procedures:

(a) The Council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the Village Manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the Village Manager when effective, and if a suspension is included in the resolution, it shall take immediate effect.

(b) Within five days after a copy of the resolution is delivered to the Village Manager, he or she may file with the Village a written request for public hearing. This hearing shall be held at a regular or special Council meeting not earlier than 15 days nor later than 30 days after the request is filed. The Manager may file with the Council a written reply not later than five days before the hearing.

(c) The Council may adopt a final resolution of removal, which may be effective immediately, by affirmative vote of a majority of all its members at any time after five days from the date when a copy of the preliminary resolution was delivered to the Village Manager, if he or she has not requested a public hearing, or at any time after the public hearing, if he or she has requested one.

The Village Manager shall continue to receive his or her salary until the effective date of a final resolution of removal or for 30 days after the date of adoption of the preliminary resolution, whichever occurs later. The action of the Council in suspending or removing the Manager shall not be subject to review by any court or agency.

Section 3. Village Manager--Designate.

By letter filed with the Village Clerk the Manager may designate, subject to approval of the Council, a qualified Village Administrative Officer to exercise the powers and perform the duties of Manager during his or her temporary absence or disability. During such absence or disability, the Council may revoke such designation at any time and appoint another officer of

the Village to serve until the Manager shall return or his or her disability shall cease.

Section 4. Village Manager--Filling of Vacancy.

Upon the occurrence of a vacancy in the office of Village Manager, the Council may, while it is attempting to fill the office of Village Manager on a regular basis, appoint an acting Village Manager. Said appointment shall be for a term not to exceed six months. During the said term, the acting Village Manager shall serve at the will of the Council and may be immediately removed by a vote of the majority of the members of the Council without the necessity of compliance with section 2, above.

Section 5. Village Manager--Powers and Duties.

The Village Manager shall be the Chief Administrative Officer of the Village. He or she shall be responsible to the Council for the administration of all Village affairs placed in his or her charge by or under this ordinance. He or she shall have the following powers and duties:

(a) He or she shall recommend to the Council the appointment of any village employees and/or officers.

(b) Should he or she deem it necessary, he or she may recommend to the Village Council, the creation and appointment of a new Administrative Official of the Village with the title Director of Community Development.

The said Director, in addition to such other duties as may be prescribed by the Council, shall set as a member of the Planning Commission without vote.

- (c) He or she shall direct and supervise the administration of all departments, offices and agencies of the Village, except as otherwise provided by ordinance or by law.
- (d) He or she shall attend all Council meetings and shall have the right to take part in discussion but may not vote.
- (e) He or she shall see that all ordinances and acts of the Council, subject to enforcement by him or by officers subject to his or her direction and supervision are faithfully executed.
- (f) He or she shall prepare and submit the annual budget and capital improvement program to the Council.
- (g) He or she shall submit, or cause to be submitted, to the Council and make available to the public a complete report on the finances of the Village as of the end of each fiscal year.
- (h) He or she shall make such other reports as the Council may require concerning the operations of Village Departments, offices and agencies subject to his or her direction and supervision.
- (i) He or she shall keep the Council fully advised as to the financial condition and future needs of the Village and make such recommendations to the Council concerning the affairs of the Village as he or she deems desirable.
- (j) He or she shall purchase or supervise the purchasing of all supplies, including insurance for the Village, subject to the approval of the Village Council.
- (k) He or she shall perform such other duties as are specified by ordinance or may be required by the Council.

Section 6. The assignment of a Village Manager shall become effective 45 days after the date of adoption of this ordinance, unless 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. In that event, this ordinance shall not become effective until after it is approved at an election held on the question. Notice of the delayed effect of the ordinance and the right of petition under this subsection shall be published separately at the same time, and in the same manner, as this ordinance is published pursuant to section 4 of chapter VI, of the General Law Village Act.

Section 7. Separability. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 8. Ordinances Repealed. All ordinances and/or parts of ordinances inconsistent with this ordinance are hereby repealed.

Section 9. Effective Date. This ordinance shall take effect and be in force fifteen days from and after its enactment as provided by the Village council.

Passed and approved by the Village Council of the Village of Ashley, Gratiot County, Michigan, in regular session, held February 8, 2011.

We, the undersigned President and Clerk of the Village of Ashley, Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance # 2011-02 of the Village of Ashley, Michigan was adopted at a regular meeting of the Village Council, held on February 8, 2011 and published in a newspaper circulated within the Village on February 20, 2011, not less than fifteen days having elapsed between adoption and publication.

Dated at Ashley, Michigan, this 8th day of February, 2011.

Steve Moffit, Village President

Shelly Moffit, Village Clerk