

Appendix 5

Sample Ordinance to Appoint a Village Manager

We strongly recommend that you consult with your village attorney to appropriately modify this sample ordinance to meet your village's needs.

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 manager's control and defining the rights, powers, and liabilities of the village manager.

The Village of (Name of Village) 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. Appointment of village manager

The president shall, with the concurrence of a majority of the trustees, appoint a village manager. The council may enter into an employment contract with a village manager for a period extending beyond the terms of the members of council, but not exceeding six years. An employment contract with a manager shall be in writing and 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 by the council.

The manager shall serve at the pleasure of the council and may be removed by a majority of the council.

The manager shall be selected solely on the basis of administrative and executive abilities, with special reference to training and experience.

Section 3. Acting village manager

The president, with the concurrence of a majority of the trustees, shall appoint or designate an acting 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 council shall determine by resolution or ordinance.

Section 5. 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 manager shall have the following functions and duties:

Attend and participate in all meetings of the village council and committees but shall not have a vote on such council or committees;

Be responsible for personnel management and shall issue, subject to council approval, personnel rules applicable to all village employees. The manager shall have the following responsibilities:

1. To appoint, suspend, or remove all appointed administrative officers and department heads, subject to council approval. The manager shall recommend to the council the salary or wage for each such official.
2. To appoint, suspend, or remove all other employees of the village. The 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. Shall be authorized to 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 of the village.
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 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 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 manager may delegate some or all of 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.

The village manager shall have the authority to purchase any product or service the cost of which does not exceed \$_____, provided that funds have been appropriated. The cost of the product or service shall not exceed the unencumbered balance of 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 products 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 an 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 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. Except for the purpose of inquiry, the president and trustees shall deal with departments under the jurisdiction of the village manager through the manager.

Section 8. Severability

If any portion or section of this ordinance or its application to any person or circumstance 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:

Nays:

Ordinance declared adopted

Village Clerk

[If the ordinance is passed, notice of the delayed effect of the ordinance and the right of petition must be published separately at the same time and in the same manner as the ordinance is published. Below is a sample of such a notice.]

Sample of published notice of adoption of the ordinance

Notice to the electors of the Village of (Name of Village): Take notice that Village Ordinance No. _____, which provides for the establishment and appointment, compensation, and discharge of a village manager, was adopted pursuant to 1895 PA 3 as amended, on (date of adoption) and will take effect 45 days after the date of adoption unless a petition signed by not less than ten percent of the registered electors of the village is filed with the village clerk within the 45-day period, in which case the ordinance will take effect upon the approval of an election held on the question.