

## Chapter 2

### ADMINISTRATION\*

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\* **State Law References:** Home rule cities, MCL 117.1 et seq.

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**CITY COUNCIL\***

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\* **State Law References:** Open meetings act, MCL 15.261 et seq.; freedom of information act, MCL 15.231 et seq.

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**DIVISION 1.**

**GENERALLY**

**Sec. 2-19. Terms of office.**

The term of office of the councilmen elected to office hereafter will be four years from the Monday next following the city election at which they were elected.  
(Ord. No. 71-1, § 2, 3-29-1971)

**Sec. 2-20. Oath of office.**

The oath of office shall be administered to the person elected by the city clerk at or before the time of commencement of each new term of office.  
(Ord. No. 71-1, § 3, 3-29-1971)

**Secs. 2-21--2-43. Reserved.**

## **DIVISION 2.**

### **MEETINGS**

#### **Sec. 2-44. Rules of the city council.**

The order of business for regular meetings of the city council shall be as follows:

- (1) Call to order and roll call.
- (2) Public communications.
- (3) Approval of the agenda.
- (4) Reading and approval of minutes.
- (5) Approval of financial reports.
- (6) Reports from city officials.
- (7) Unfinished business.
- (8) New business.
- (9) Public communications.
- (10) City council communications.
- (11) Adjournment.

(Ord. No. 3, art. II, § 1, 7-14-1947)

#### **Sec. 2-45. Meetings to be held as provided in Charter.**

Regular and special meetings shall be held in the manner provided in the Charter. At special meetings only such matters as are specified in the notice therefor shall be considered and acted upon. Provided, that if all councilmembers are present and all consent, then any matter considered urgent and for the welfare of the city may be acted upon.

(Ord. No. 3, art. II, § 2, 7-14-1947)

#### **Sec. 2-46. Special order of business.**

The council may direct by majority vote that any matter may be made the special business of a future meeting and the same shall have precedence over all other business at such meeting.

(Ord. No. 3, art. II, § 3, 7-14-1947)

#### **Sec. 2-47. Presiding officer.**

The mayor shall preside at all meetings and in his absence the mayor pro-tem shall preside, and if both of them are absent, the clerk shall call the council to order and shall preside until a presiding officer is chosen. (Ord. No. 3, art. II, § 4, 7-14-1947)

**Sec. 2-48. Parliamentary decisions.**

The presiding officer shall decide all questions arising under these rules and general parliamentary procedures and practices, subject to the right of appeal by any councilmember. In the event an appeal is desired from any such ruling, the member appealing shall so state and shall give his reasons therefor. If the appeal is seconded, the presiding officer shall state clearly the question at issue and shall then call for a vote of the council on the question: "Shall the decision of the presiding officer be sustained?" (Ord. No. 3, art. II, § 5, 7-14-1947)

**Sec. 2-49. Presiding officer; rights and privileges.**

The presiding officer shall preserve order and decorum and may speak to points of order in preference to other members. He may express his opinion on any subject under debate without the substitution of another presiding officer and he shall have the same right to vote as every other councilmember. (Ord. No. 3, art. II, § 6, 7-14-1947)

**Sec. 2-50. Required second for a vote.**

Every motion or resolution shall require a second before being put to a vote and it shall not be debated until it shall have been reduced to writing if requested by any member of the council, and any motion or resolution may be withdrawn at any time before decision or amendment. (Ord. No. 3, art. II, § 7, 7-14-1947)

**Sec. 2-51. Duty.**

It shall be the duty of the presiding officer to see that each item of business presented to the council is completed, as far as practical before any other item is presented or discussed. (Ord. No. 3, art. II, § 8, 7-14-1947)

**Sec. 2-52. Majority voting.**

No motion to reconsider shall be entertained unless made by a member voting with the majority. (Ord. No. 3, art. II, § 9, 7-14-1947)

**Sec. 2-53. Request for action presented to council.**

Any councilmember shall have the right to demand that any request for action presented to the council shall be placed in writing and signed by the person making the request before the same shall be considered and no such demand by any member shall be subject to debate or overriding. (Ord. No. 3, art. II, § 10, 7-14-1947)

**Sec. 2-54. Requests for appropriation of money.**

Requests for appropriations of money not provided in the budget and made by any person other than a city official shall be in writing and no such request shall be granted except by a four-fifths affirmative vote of the full council.

(Ord. No. 3, art. II, § 11, 7-14-1947)

**Sec. 2-55. Right to limit length of time for addressing council.**

The presiding officer or a majority of councilmembers present at any meeting shall have the right to limit the length of time which any person may have in addressing the council.

(Ord. No. 3, art. II, § 12, 7-14-1947)

**Sec. 2-56. Decision to be rendered in public.**

Upon order of the presiding officer or the request of any member, any matter presented to the council for consideration or action may be taken under advisement or may be considered in private, but all decisions of the council shall be rendered in public and shall be placed in the minutes of the meeting at which the same was considered or acted upon.

(Ord. No. 3, art. II, § 13, 7-14-1947)

**Sec. 2-57. Voting.**

The mayor calls for a vote by the Yeas and Nays unless a roll call or divisor is requested then all voting shall be by "Yea" and "Nay," and shall be taken by the clerk upon a call of the roll.

(Ord. No. 3, art. II, § 14, 7-14-1947)

**Sec. 2-58. Rules may be suspended or amended.**

The rules may be suspended by unanimous consent of councilmembers present and may be amended by majority vote in the same manner that ordinances are amended.

(Ord. No. 3, art. II, § 15, 7-14-1947)

**Secs. 2-59--2-88. Reserved.**

**ARTICLE III.**

**OFFICERS AND EMPLOYEES\***

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\* **State Law References:** Freedom of information act, MCL 15.231 et seq.; standards of conduct and ethics, MCL 15.341 et seq.; conflicts of interests as to contracts, MCL 15.321 et seq.; political activities by public employees, MCL 15.401 et seq.; legal defense of public employees, MCL 691.1408; incompatible offices, MCL 15.181 et seq.; nondiscrimination in employment, MCL 37.2102.

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**Sec. 2-89. City manager.**

(a) *Appointment.* A city manager shall be appointed by a resolution duly adopted by a minimum of three members of the city council. The city manager shall be selected solely on the basis of administrative abilities with special reference to training and experience in civic business management. Subject to other terms of this article, the city manager shall serve at the pleasure of the city council; however, the city council may enter into an employment contract with the city manager on such terms and conditions as the city council deems appropriate.

(b) *Removal.* Prior to the involuntary removal of a city manager, the city council shall conduct a hearing on the issue of removal. The city manager shall be given at least seven days' written notice of the hearing. A city manager may be involuntarily removed by a resolution duly adopted by a minimum of three members of the city council. A removal shall be deemed involuntary unless pursuant to resignation or death of the city manager.

(c) *Duties.* The city manager shall be responsible to the city council for the efficient performance of all of the following duties:

- (1) Enforcing all city contracts and franchises.
- (2) Representing the city council and carrying out all instructions of the city council.
- (3) Acting as purchasing agent for the city. The duties of purchasing agent may be delegated by the city manager to another city employee; however, such a delegation shall not relieve the city manager of the responsibilities for the proper conduct of those duties. The city manager shall not purchase any goods or services the cost of which exceeds \$5,000.00 without prior approval of the council, nor shall the city manager purchase goods or services unless funds have been appropriated and the purchase price does not exceed the unencumbered balance of the appropriation for that account. The city manager shall have the authority to purchase any product or service regardless of cost when such purchase is necessary to avoid any disruption of a city service essential to the public health and/or safety.
- (4) Preparing and presenting an annual itemized budget and the preparation of such financial reports as are necessary to keep the city council fully informed on the financial conditions and needs of the city.
- (5) Attending all meetings of the city council, providing information, data, research and advice in an impartial manner with the right to take part in discussion but without the right to vote.
- (6) Making recommendations to the city council for the adoption of such measures as he deems necessary or expedient for the betterment of the city.
- (7) Attending, at his discretion, meetings of all other committees, boards and commissions of the city to cooperate as much as time permits to facilitate their function.
- (8) Performing such other duties as the city council directs that pertain to the general management of the city.

**Sec. 2-90. Control of city departments and employees.**

The city manager shall have active managerial control over all city departments and employees. He shall act as city fire and police commissioner and all city employees, including members of the voluntary fire department, shall be subject to his orders. He may delegate to the head of any city department, and to the chief of police, and to the chief of the fire department, such authority as he deems necessary for proper and efficient operation of such departments. He shall determine the functions and duties of each city department, by issuing executive orders in writing and he may make such rules and regulations for the operation of each department, as he shall deem necessary and as shall be consistent with the law of the state and the ordinances of the city. (Ord. No. 3, art. V, § 1, 7-14-1947)

**Sec. 2-91. Social security numbers policy.**

(a) *Confidentiality.* Pursuant to state law, it is the policy of the city to protect the confidentiality of social security numbers. No person shall knowingly acquire disclose, transfer, or unlawfully use the social security number of any employee or other individual unless in accordance with applicable state and federal laws and the procedures and rules of the city.

(b) *No publicly displayed materials.* Social security numbers shall not be placed on identification cards or badges, membership cards, permits, licenses, time cards, employee rosters, bulletin boards, or any other materials or documents that are publicly displayed. Documents, material or computer screens that display social security numbers or other sensitive information shall be kept out of public view at all times.

(c) *Rules and procedure.* The city manager shall develop administrative rules and procedures to implement this policy. (Ord. of 3-27-2007)

**Secs. 2-92--2-110. Reserved.**

**ARTICLE IV.**

**BOARDS AND COMMISSIONS\***

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\* **State Law References:** Open meetings act, MCL 15.261 et seq.; freedom of information act, MCL 15.231 et seq.

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**DIVISION 1.**

**GENERALLY**

**Secs. 2-111--2-133. Reserved.**

**DIVISION 2.**

**LOCAL OFFICERS COMPENSATION COMMISSION\***

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\* **State Law References:** Authority to create this commission, MCL 117.5c.

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#### **Sec. 2-134. Established.**

There is hereby created for the city a compensation commission whose duties shall be to determine the salaries of all local elected officials.

(Ord. No. 74-1, intro., 1-14-1974; Ord. of 9-12-2005)

#### **Sec. 2-135. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Session day* means a calendar day on which the commission meets and a quorum is present.

(Ord. No. 74-1, § c, 1-14-1974; Ord. of 9-12-2005)

#### **Sec. 2-136. Compensation.**

The members of the commission shall receive no compensation, but shall be entitled to their actual and necessary expenses incurred in the performance of their official duties.

(Ord. No. 74-1, § c, 1-14-1974; Ord. of 9-12-2005)

#### **Sec. 2-137. Confirmation.**

The commission shall consist of five members who shall be registered electors of the city, appointed by the mayor, subject to confirmation by a majority of the members elected and serving on the city council.

(Ord. No. 74-1, intro., 1-14-1974; Ord. of 9-12-2005)

#### **Sec. 2-138. Terms of office.**

The commission shall consist of five members and the terms of office shall be five years, except that of the members first appointed, one each shall be appointed for terms of one, two, three, four and five years.

Thereafter, members shall be appointed before January 1 of the year of appointment. Vacancies shall be filled for the remainder of the unexpired term. No member or employee of the city council or member of his immediate family or any employee of the city or member of his immediate family shall be eligible to be a member of the commission.

(Ord. No. 74-1, § a, 1-14-1974; Ord. of 9-12-2005)

#### **Sec. 2-139. Determinations of salaries.**

The commission shall determine the salaries of local elected officials which determination shall be the salaries unless the city council, by resolution adopted by two-thirds of the members elected to and serving on the city council, reject them. The determinations of the commission shall be effective 30 days following their filing with the city clerk unless rejected by the city council. In case of rejection, the existing salary shall prevail. Any expense or reimbursement paid to elected officials in addition to salary shall be for expenses incurred in

the course of city business and accounted for to the city.  
(Ord. No. 74-1, § b, 1-14-1974; Ord. of 9-12-2005)

**Sec. 2-140. Session days and quorum.**

The commission shall meet for not more than 15 session days in 1974 and every odd numbered year, thereafter and shall make its determination within 45 calendar days of its first meeting. A majority of the members of the commission constitute a quorum for conducting the business of the commission. The commission shall take no action or make determinations without a concurrence of a majority of the members appointed and serving on the commission. The commission shall elect a chairman from among its members.  
(Ord. No. 74-1, § c, 1-14-1974; Ord. of 9-12-2005)

**Sec. 2-141. Public meetings.**

The business which the commission may perform shall be conducted at a public meeting of the commission held in compliance with Public Act No. 267 of 1976 (MCL 15.261 et seq.). Public notice of the time, date and place of the meeting of the commission shall be given in the manner required by such act.  
(Ord. No. 74-1, § d, 1-14-1974; Ord. of 9-12-2005)

**Sec. 2-142. Materials available to public for viewing.**

A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function shall be made available to the public in compliance with Public Act No. 442 of 1976 (MCL 15.231 et seq.).  
(Ord. No. 74-1, § e, 1-14-1974; Ord. of 9-12-2005)

**Secs. 2-143--2-153. Reserved.**

**DIVISION 3.**

**PLANNING COMMISSION\***

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\* **State Law References:** Michigan planning enabling act, MCL 125.3801 et seq.

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**Sec. 2-154. Established.**

Pursuant to the provisions of state law, a planning commission is hereby established in and for the city.  
(Ord. No. 01-01, § 2, 4-9-2001)

**Sec. 2-155. Composition.**

The commission shall consist of seven members and such ex-officio members as the city council shall designate. The seven members shall be representative of the community as a whole. One member of the city council shall be a member of the commission. That member shall be selected by resolution of the city council.  
(Ord. No. 01-01, § 3, 4-9-2001)

**Sec. 2-156. Appointment and compensation of members.**

The members of the commission shall be appointed by the mayor, subject to the approval of the city council. All members of the commission may be compensated at a rate to be determined by the city council and shall hold no other city office except that one member may be a member of the city council.  
(Ord. No. 01-01, § 4, 4-9-2001)

**Sec. 2-157. Terms of office.**

The terms of office for each member shall be three years, except that three members of the first commission shall serve for the term of one year, two for a term of two years and two for a term of three years. All members shall hold office until their successors are appointed. Commission terms for members from the city council and zoning board of appeals end with their term from the city council or zoning board of appeals. All other terms expire at the end of the calendar year, members may be removed for inefficiency, neglect of office or malfeasance in office, and such other reasons as the city council may, in its discretion, determine to be in the best interest of the city.  
(Ord. No. 01-01, § 5, 4-9-2001)

**Sec. 2-158. Vacancies.**

Vacancies occurring on the commission shall be filled for the unexpired term by appointment by the mayor, by and with the approval of a majority of the members of the city council.  
(Ord. No. 01-01, § 6, 4-9-2001)

**Sec. 2-159. Officers.**

The planning commission shall elect from its members a chairman, and it shall create and fill from the same membership additional officers that may be deemed necessary. No member ex-officio shall be allowed to hold office as chairman, vice-chairman or treasurer. The city clerk or designee shall act as secretary.  
(Ord. No. 01-01, § 7, 4-9-2001)

**Sec. 2-160. Rules and procedures.**

(a) *Adoption of rules.* The commission shall adopt a set of rules to govern its own meetings and procedures.

(b) *Amendment of rules.* The rules may be amended from time to time, but only upon notice to all members that said proposed amendments shall be acted upon at a specified meeting. A majority vote of the commission shall be required for approval of the proposed amendment.  
(Ord. No. 01-01, § 8, 4-9-2001)

**Sec. 2-161. Meetings.**

(a) The commission shall meet in regular session at least once a month at a time and place that has been selected by vote of its members.

(b) The city council, the chairman, or any three members of the commission shall have the authority to call a special session of the commission. Notice of the special session shall be given to all members.

(c) All regular and special meetings or sessions shall be noted and conducted in accordance with Public Act No. 267 of 1976 (MCL 15.261 et seq.), being called the open meetings act, and any person having business to be considered at such meeting shall be entitled to hearing in accordance with the terms of said act.

(d) The commission shall keep a record of all actions, findings and determinations, which shall be a public record subject to the freedom of information act, Public Act No. 442 of 1976 (MCL 15.231 et seq.). (Ord. No. 01-01, § 9, 4-9-2001)

### **Sec. 2-162. Effect of absence of members.**

Absence from four consecutive regular meetings without the formal consent of the commission, or absence from a total of six meetings in one year of the member's term shall be deemed to constitute a retirement of a member and his successor shall be appointed to fill the unexpired term. (Ord. No. 01-01, § 10, 4-9-2001)

### **Sec. 2-163. Powers and duties.**

The planning commission, in addition to the powers and duties necessary to carry out its functions under state law, shall have the following powers and duties:

- (1) To review the city's master plan and to recommend amendments to the city council for approval.
- (2) To confer with and advise the city council on all matters concerning the planning and development of the city.
- (3) To encourage proper zoning and orderly development of the city.
- (4) To periodically survey the overall condition of the city from the standpoint of zoning and planning and to make recommendations to the city council in this regard.
- (5) To conduct site plan reviews for all industrial, commercial and multifamily residential zoning applications.
- (6) To aid the city council in the attraction of new industries and businesses and in the encouragement of expansion of existing industries and businesses in the city.
- (7) To rule on all applications for planned unit developments, special land uses and conditional land uses.
- (8) To review any proposed plat of a subdivision or development of and, or request for rezoning, within the city, when deemed necessary by the city council.

- (9) To review requests for zoning variances and special exceptions and advise the zoning board of appeals in this regard, when deemed necessary by the zoning board of appeals.
- (10) To make recommendations concerning capital improvement programs, when requested by the city council.

The powers and duties of the planning commission shall not conflict with or supersede the powers or duties of the city council or other commissions or boards.

(Ord. No. 01-01, § 11, 4-9-2001)

**Sec. 2-164. Expenditures; appropriations.**

(a) Expenditures of the planning commission, exclusive of gifts, shall be within the amounts made available by appropriation by the city council, which said council shall determine the funds necessary for the planning commission work. Neither the planning commission, nor any member thereof, shall incur any financial liability in the name of the city.

(b) Compensation and expenses are to be paid at a rate to be determined by the city council.

(c) The city council may, by resolution, permit the planning commission to contract with planners, engineers, architects and other consultants and shall provide the funds necessary.

(Ord. No. 01-01, § 12, 4-9-2001)

**Secs. 2-165--2-181. Reserved.**

**ARTICLE V.**

**FINANCE (RESERVED)\***

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\* **State Law References:** Revised municipal finance act, MCL 141.2101 et seq.; uniform budgeting and accounting act, MCL 141.421 et seq.; deposit of public moneys, MCL 211.43b.

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