

CHAPTER 5: ADMINISTRATION

Article

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- II. ADMINISTRATIVE OFFICERS**

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§ 5.101 DEPARTMENTS AND OFFICES.

(A) The city shall have the following departments which the City Administrator shall supervise and direct, except as otherwise provided for by the city charter:

- (1) Department of Administration.
- (2) Police Department.
- (3) Department of Public Services.

(B) The city shall have the following offices:

- (1) Office of the City Administrator.
- (2) Office of the City Clerk.
- (3) Office of the City Treasurer.
- (4) Office of the City Assessor.

(C) The City Clerk, City Treasurer, and City Assessor may appoint a deputy(ies) to act in their temporary absence or inability to perform the duties of the office. Any such appointment requiring the hiring of new personnel will be subject to the approved appropriations of the city.

(D) The Mayor with the approval of the City Commission will appoint a qualified person to serve as acting City Clerk, City Treasurer, and City Assessor during an absence from the administrative office when such absence is for a period longer than three weeks.

(Ord. 290, passed 11-3-97, amended by Codification Ordinance)

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§ 5.102 HEADS OF DEPARTMENTS AND OFFICES; GENERALLY.

Under the direction and supervision of the City Administrator, any administrative officer who heads any department or office created by Charter or ordinance will have all the duties, authorities, powers, and prerogatives necessary to carry out the functions and responsibilities of the department or office and to achieve the results established by the City Administrator to include:

- (A) Directing employees assigned to the department or office;
 - (B) Evaluating employee performance by established methods;
 - (C) Prescribing the internal organization of the department;
 - (D) Prescribing, and when necessary, amending and revoking department work rules;
 - (E) Keeping informed about the latest practices in their area of responsibilities and duties;
 - (F) Preparing and submitting reports monthly and within 60 days after the end of the fiscal year to the City Administrator in the manner and form required by the City Administrator;
 - (G) Establishing a system of records and reports in sufficient detail to furnish all information necessary for proper control of department activities;
 - (H) Being custodian of public records received by the department or office, preserving and when permitted by law, disposing of public records of that department or office and providing a system of filing and indexing;
 - (I) Staffing or designating an employee or administrative office to staff any committee, authority, commission, or board when so assigned by an ordinance or resolution adopted by the City Commission or the City Administrator;
 - (J) Being responsible for manpower planning within the department;
 - (K) Being custodian of city-owned property assigned to the department or office and being responsible for its care and maintenance;
 - (L) Planning and, subject to the approval of the City Administrator, executing appropriate training for departmental personnel; and
 - (M) Recommending to the City Administrator policies and procedures designed to improve the quality of city services and operations.
- (Ord. 290, passed 11-3-97, amended by Codification Ordinance)

Administrative Service

§ 5.103 DEPARTMENT OF ADMINISTRATION.

(A) The Department of Administration includes the Office of the City Administrator, the Office of the City Clerk, the Office of the City Treasurer, and the Office of the City Assessor. The City Administrator heads the Department of Administration.

(B) The duties and responsibilities of the offices identified above are synonymous with the duties and responsibilities of the identified administrative officers holding those offices.
(Ord. 290, passed 11-3-97, amended by Codification Ordinance)

§ 5.104 POLICE DEPARTMENT.

(A) The Police Department includes the following functions and responsibilities:

(1) Enforcing the laws of the city regarding crimes and criminal activity and civil and municipal civil infractions and, when authorized, the laws of the state governing crimes and criminal activity;

(2) Operating patrol units for the maintenance, protection and promotion of public health, safety and general welfare;

(3) Investigating crimes, civil infractions, and municipal civil infractions and preparing evidence for the prosecution of criminal cases, civil infractions and municipal civil infractions under state law and city ordinances;

(4) Preventing crime; and

(5) Protecting evidence or property secured as a result of department activities.

(B) The minimum employment standards for law enforcement officers including the Chief of Police will be those established and adopted by the Michigan Law Enforcement Officers Training Council in accordance with 1965 PA 203, as amended. These standards are hereby adopted by reference.

(C) All police officers will take an oath of office.

(D) The Police Department will be headed by the Chief of Police, who will be selected on the basis of executive and administrative qualifications with special reference to training and experience and without regard to political or religious preferences and appointed according to the provisions of the City Charter, section 4.6 for an indefinite period.

(E) The Mayor with the approval of the City Commission will appoint a qualified person to serve as Acting Chief of Police during the absence of the Chief of Police from the administrative office when

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such absence is for a period longer than three weeks. The Chief of Police may designate any qualified police department employee of the rank of sergeant or higher to serve as Acting Chief of Police during an absence from the duties of the administrative office for any period of three weeks or less. The Acting Chief of Police will have all the responsibilities, duties, and authority of the Chief of Police while serving in that capacity.

(Ord. 290, passed 11-3-97, amended by Codification Ordinance)

§ 5.105 DEPARTMENT OF PUBLIC SERVICES.

(A) The Department of Public Services includes the following functions and responsibilities:

(1) Maintaining and repairing infrastructure and appurtenances owned or controlled by the city, including but not limited to the roadways, the sidewalks, the curb and gutters, the water supply and distribution system including hydrants, sewage collection system, and storm water collection system.

(2) Installing and maintaining facilities in and along the rights-of-way of and within the city, including but not limited to traffic signs and signals, directional signs, and street name signs;

(3) Maintaining city-owned parks, playgrounds, and swimming pool;

(4) Maintaining and when necessary, planting trees and other vegetation on rights-of-way; and

(5) Any other functions and responsibilities that may be assigned to this department by the ordinances and resolutions adopted by the City Commission

(B) In addition to the administrative officers named in section 4.6 of the City of Clio Charter, the City Commission creates the officer position of Superintendent of Public Services. The City Commission determines the Superintendent's compensation.

(C) The Department of Public Services will be headed by the Superintendent of Public Services who will be selected on the basis of administrative and supervisory qualifications with special reference to training and experience and without regard to political or religious preferences and appointed according to the provisions of the City Charter, section 4.6 for an indefinite period.

(D) The Mayor with the approval of the City Commission will appoint a qualified person to serve as Acting Superintendent during the absence of the Superintendent from the administrative office when such absence is for a period longer than three weeks. The Superintendent may designate any qualified Department of Public Services employee of to serve as Acting Superintendent during an absence from the duties of the administrative office for any period of three weeks or less. The Acting Superintendent will have all the responsibilities, duties, and authority of the Superintendent while serving in that capacity.

(Ord. 290, passed 11-3-97, amended by Codification Ordinance)

ARTICLE II: ADMINISTRATIVE OFFICERS

Section

City Administrator

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CITY ADMINISTRATOR

§ 5.201 CITY ADMINISTRATOR POSITION.

In addition to the administrative officers named in section 4.6 of the City of Clio Charter, the City Commission creates the officer position of City Administrator, who, as the sole link between the City Commission and the operations and activities of city government, will be accountable and responsible to the City Commission for the total organizational performance of the city. The City Commission determines the compensation for this officer.

(Ord. 289, passed 11-3-97, amended by Codification Ordinance)

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§ 5.202 SELECTION AND DIRECTION RECEIVED.

(A) The City Administrator will be selected on the basis of executive and administrative qualifications with special reference to training and experience in local government management and appointed according to the provisions of City Charter section 4.6 for an indefinite period.

(B) Only decisions of the Commission acting as a body politic bind the City Administrator. Decisions or instructions of the Mayor or Commissioners do not bind the City Administrator except when the Commission gives the Mayor or any Commissioner specific authorization.
(Ord. 289, passed 11-3-97, amended by Codification Ordinance)

§ 5.203 RESPONSIBILITIES AND DUTIES OF CITY ADMINISTRATOR.

(A) The City Administrator will not cause or allow any organizational practice, that is illegal, imprudent or unethical. Michigan statutes and the City Commission are the sole determinants of such behaviors.

(B) The City Commission delegates or assigns the responsibilities and duties noted below to the City Administrator. This delegation or assignment of responsibilities and duties is not intended to diminish the Charter responsibilities given the City Commission or the Mayor, or both acting in concert for the administration of the affairs of the city. The City Commission reserves always the right to remove responsibilities and duties delegated or assigned to the City Administrator or eliminate the position in the same manner in which it delegated or assigned responsibilities and duties or created the position.

(1) Direct and supervise the administrative service of city (Charter § 4.6) and administer the overall affairs and activities of the city according to the Charter and the ordinances and resolutions adopted by the City Commission to include establishing administrative policies and procedures that are not inconsistent with the Charter and the ordinances and resolutions adopted by the City Commission;

(2) Supervise the enforcement of all federal and state laws, the Charter, and ordinances and resolutions adopted by the City Commission;

(3) Appoint and when necessary, remove from employment employees;

(4) When necessary, discipline employees and administrative officers;

(5) Recommend the appointment and when necessary, the removal of administrative officers to the City Commission;

(6) Administer and supervise all public improvements, works or undertakings of the city including charge of the construction, repair, maintenance and cleaning of streets, sidewalks, bridges, pavements, sewers and all public buildings or other property belonging to the city, except as otherwise provided in the Charter;

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(7) Recommend to the City Commission the adoption of such measures that are necessary or expedient for the administration of city affairs that cannot be carried out by administrative policy or procedure;

(8) Assure that all terms and conditions imposed in favor of the city or its residents in any public utility franchise or in any contract are faithfully kept and performed;

(9) Perform the duties of the budget officer as prescribed in Charter § 6.2 and in the Uniform Accounting and Budgeting Act (being M.C.L.A. 141.421, *et seq.*) for such an officer;

(10) Perform the duties of purchasing agent as prescribed in Charter § 6.5 and in any ordinances or resolutions adopted by the City Commission;

(11) Establish and maintain a system for the control of the expenditure of monies belonging to or in the trusteeship of the city;

(12) Exercise and perform all administrative functions of the city that are not imposed upon another city official by the Charter or any ordinances or resolutions adopted by the City Commission;

(13) Submit a summary of departmental reports monthly to the Commission within three business days of such reports being filed with the City Administrator, and submit an annual report of the affairs of the city within 15 calendar of the submission of the annual audit to the City Administrator;

(14) Set the compensation and benefits of employees within budget appropriations and recommend to the City Commission the compensation and benefits of the administrative officers according to budget appropriations, except as otherwise provided for by the Charter and approved employment or collective bargaining agreements;

(15) Prepare the agenda for all regularly scheduled meetings of agencies or boards created for the conduct of city business not inconsistent with federal and state laws, the Charter, internally adopted rules of procedure or ordinances and resolutions adopted by the City Commission,;

(16) Attend all meetings of the City Commission and its committees unless specifically excused;
and

(17) Perform such other duties as required by ordinance or by direction of the City Commission.

(C) The City Administrator may delegate or assign to other departments, officers, or employees any administrative function, duty, or responsibility of the city that is not imposed already upon another city official by the Charter or any ordinances or resolutions adopted by the City Commission, except direct and supervise the administrative service of City Charter § 4.6 and administer the overall affairs and activities of the city; appoint, remove from employment and discipline employees; and discipline administrative officers.

(Ord. 289, passed 11-3-97, amended by Codification Ordinance)

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§ 5.204 ACTING CITY ADMINISTRATOR.

The City Commission shall appoint a person to serve as Acting City Administrator during the period of a vacancy in the office or during the absence of the City Administrator from the office when such vacancy or absence is for a period longer than two weeks. The City Administrator may designate any city administrative officer or any qualified city employee to serve as Acting City Administrator during an absence from the duties of the office for any period of two weeks or less. The Acting Administrator shall have all the responsibilities, duties, and authority of the City Administrator while serving in that capacity, except that no employee shall be terminated without the approval of the City Commission. (Ord. 289, passed 11-3-97, amended by Codification Ordinance)

§ 5.205 RELATIONSHIP OF COMMISSION TO ADMINISTRATIVE SERVICE.

Except for the purpose of inquiry, the Commission and its members shall deal with the administrative service and city operations solely through the City Administrator. The City Commission may give administrative officers directives by majority vote of the City Commission. (Ord. 289, passed 11-3-97, amended by Codification Ordinance)

CITY CLERK

§ 5.210 CITY CLERK; RESPONSIBILITIES AND DUTIES.

In addition to the responsibilities and duties assigned to the City Clerk by charter and ordinances adopted by the Commission , the Clerk will:

(A) Maintain custody of all papers, documents, and records pertaining the city that are not retained in other departments;

(B) Maintain custody of the city seal and affix it to all documents and instruments requiring the seal and attesting;

(C) Keep on file at least one copy of all ordinances, resolutions, and regulations adopted by the City Commission and make it available for public inspection;

(D) Publish when required by charter of law, file, index, and safeguard the proceedings of all city-created committees, boards, authorities, or commissions, except as otherwise provided for by law;

(E) Publish all legal notices, except as otherwise provided for by law;

Administrative Officers

(F) Record all resolutions adopted by the City Commission with each resolution identified by a number and title and countersigned by the Mayor and Clerk showing the date of adoption and the vote in a book to be called "The Resolution Book";

(G) Give departments or city officials notice of the expiration or termination of any franchises, contracts or agreements at least 180 days before such franchise, contract, or agreement expires or terminates;

(H) Administer the state and federal freedom of information acts; and

(I) Serve or designate a deputy to serve as secretary or clerk of all city-created committees, boards, authorities, or commissions, except as otherwise provided for by law.
(Ord. 291, passed 11-3-97, amended by Codification Ordinance)

CITY TREASURER

§ 5.215 CITY TREASURER; RESPONSIBILITIES AND DUTIES.

In addition to the responsibilities and duties assigned to the City Treasurer by charter and ordinances adopted by the Commission, the Treasurer will:

(A) Maintain custody of all money and evidences of value belonging to or being held in trust by the city and the Clerk's bond;

(B) Receive all money belonging to and receivable by the city, issuing receipts for all payments, and maintaining an accurate record of such receipts;

(C) Deposit all money in such manner and only in such places as the Commission determines;

(D) Disburse funds from the treasury pursuant to appropriations made by the City Commission or to any other lawful purpose and in compliance with applicable city administrative policies and procedures; and

(E) Invest idle city funds;

(F) Serve or designate a deputy to serve as treasurer of all city-created committees, boards, authorities, or commissions, except as otherwise provided for by law.
(Ord. 291, passed 11-3-97, amended by Codification Ordinance)

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DESIGNATED AGENCIES

§ 5.220 ELECTRICAL OFFICIAL.

Pursuant to the provision of the Michigan Electrical Code, in accordance with Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 through 125.1531, as amended, the electrical official of the city is hereby designated as the enforcing agency to discharge the responsibility of the city under Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 through 125.1531, as amended. The city assumes responsibility for the administration and enforcement of the Act throughout its corporate limits. (Ord. 306, passed 1-7-00)

§ 5.221 MECHANICAL OFFICIAL.

Pursuant to the provision of the Michigan Mechanical Code, in accordance with Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 through 125.1531, as amended, the mechanical official of the city is hereby designated as the enforcing agency to discharge the responsibility of the city under Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 through 125.1531, as amended. The city assumes responsibility for the administration and enforcement of the Act throughout its corporate limits. (Ord. 307, passed 1-7-00)

§ 5.222 PLUMBING OFFICIAL.

Pursuant to the provision of the Michigan Plumbing Code, in accordance with Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 through 125.1531, as amended, the plumbing official of the city is hereby designated as the enforcing agency to discharge the responsibility of the city under Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 through 125.1531, as amended. The city assumes responsibility for the administration and enforcement of the Act throughout its corporate limits. (Ord. 308, passed 1-7-00)