

Chapter 2

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ARTICLE I.
IN GENERAL

Sec. 2-1. Indemnification of officers and employees.

(a) Each elected and appointed official and employee of the village now or hereafter serving as such shall be indemnified by the village against any and all claims and liabilities to which he has or shall become subject by reason of serving or having served as such official or employee, or by reason of any action alleged to have been taken, omitted or neglected by him as such official or employee which occurred in the course of his employment and within the scope of his authority. The village shall provide legal representation for or reimburse each such person for, all legal expenses reasonably incurred by him in connection with such claim or liability; provided, however, that no such person shall be indemnified against, or be reimbursed for, any expense incurred in connection with any claim or liability arising out of his own willful misconduct or gross negligence.

(b) The amount paid to any official or employee by way of indemnification shall not exceed his actual, reasonable and necessary expenses incurred in connection with the matter involved, and such additional amount as may be fixed by the council for the village and any determination so made shall be prima facie evidence of the reasonableness of the amount fixed or binding on the indemnified official or employee.

(c) The right of indemnification provided for in this section shall not be exclusive of any rights to which any official or employee of the village may otherwise be entitled by law.

(Ord. No. 141, §§ 1--3, 5-9-88)

Secs. 2-2--2-25. Reserved.

ARTICLE II.
VILLAGE COUNCIL*

* **State Law References:** Village council, MCL 65.1 et seq., MSA 5.1264 et seq.; standards of conduct and ethics, MCL 15.341 et seq., MSA 4.1700(71) et seq.; open meetings act, MCL 15.261 et seq., MSA 4.1800(11) et seq.; freedom of information act, MCL 15.231 et seq., MSA 4.1801(1) et seq.

Section 2-26: Regular Meetings

The council shall meet regularly on the second Tuesday of each month at 7:00 p.m.; provided, however, that when the day for any regular meeting of the council falls on a holiday, such meeting shall be held at the same hour on the succeeding day not a holiday. All regular meetings of the council shall be held in the designated council chamber.

(Ord. No. 126, § 1.1, 2-25-85, Ord. No. 160, § 1, 9-26-10)

Sec. 2-27. Special meetings.

A special meeting of the council may be called at any time by the mayor or by a majority of the members of the council by delivering personally or by mail written notice to each member of the council and to the local newspaper and/or posted in three (3) public places. Such notice must be delivered personally or by mail at least twenty-four (24) hours before the time of such meeting as specified in the notice. The call and notice shall specify the time of the special meeting and the business to be transacted. No other business shall be considered at such meetings of the council. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the village clerk a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

(Ord. No. 126, § 1.2, 2-25-85)

Sec. 2-28. Agenda.

All reports, communications, ordinances, contract documents or other matters to be submitted to the council at its regular Monday meeting shall be delivered to the village clerk not later than 9:00 a.m. on the preceding Wednesday. The village clerk shall prepare an agenda of all such matters according to the order of business as set forth in section 2-32, and deliver or mail to each councilperson and the mayor a complete copy of such agenda not later than 5:00 p.m. on such Thursday. The village clerk shall make such agenda available to the public in her office not later than 9:00 a.m. on Friday preceding each council meeting. No matters other than on the agenda shall be finally acted upon by the council; provided, however, that matters deemed to be emergencies by any councilperson or the mayor, with an explanation of emergency stated in open council meeting, may be considered and acted upon by the council.

(Ord. No. 126, § 1.3, 2-25-85)

Sec. 2-29. Adjourned meetings.

The council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned meeting was held within twenty-four (24) hours after the time of the adjournment.

(Ord. No. 126, § 1.4, 2-25-85)

Sec. 2-30. Quorum.

(a) Except where otherwise provided by the Charter or this Code, four (4) councilmembers, present and qualified to act, shall be a quorum for the transaction of business at council meetings.

(b) In the absence of a quorum, a lesser number may adjourn the meeting or postpone any business to a later time, provided that thirty (30) minutes shall have elapsed after the hour set for such meeting.

(c) In the absence of any councilmember present and qualified to act, the village clerk shall adjourn the meeting or postpone the particular business under discussion to a later time, as the situation so warrants.
(Ord. No. 126, § 1.5, 2-25-85)

Sec. 2-31. Duties of mayor, presiding officer.

(a) The mayor, vice-mayor of the council or such other member as may be presiding may not move or second from the chair, shall have the right to debate a subject only to such limitations of debate as are imposed on all members, and shall be deprived of none of the rights or privileges of a councilmember by reason of his occupying the chair.

(b) The mayor shall preside and preserve order at all regular and special meetings of the council.

(c) The mayor shall decide all questions of order without debate, subject, however, to advice from the council.
(Ord. No. 126, §§ 2.1, 2.2, 2-25-85)

Sec. 2-32. Order of business.

(a) The order of business at all regular meetings of the council shall be as follows:

- (1) Call to order at 7:00 p.m.;
- (2) Invocation;
- (3) Approval of minutes of last meeting;
- (4) Presentation of bills;
- (5) Treasurer's report;
- (6) Public comment;
- (7) Employees communication;
- (8) Clerk's report;
- (9) Police report;

- (10) Approval of agenda;
- (11) Agenda;
- (12) Adjournment.

(b) The order of business prescribed in this article may be changed at any time by the mayor or majority vote of the council.
(Ord. No. 126, §§ 3.1, 3.2, 2-25-85)

Sec. 2-33. Call to order.

The mayor, or in his absence the mayor pro tem, shall take the chair precisely at the hour appointed for the meeting and shall immediately call the council to order. In the absence of the mayor and mayor pro tem, the village clerk shall call the council to order, whereupon a temporary chairman shall be elected from the members present. Upon the arrival of the mayor or mayor pro tem, the temporary chairman shall relinquish the chair immediately upon the conclusion of the business immediately before the council.
(Ord. No. 126, § 4.1, 2-25-85)

Sec. 2-34. Preparation of minutes.

The minutes of the council shall be kept by the village clerk and shall be neatly typewritten in a book kept for that purpose, with a record of each particular type of business transacted set off in paragraphs, provided that the village clerk shall be required to make a record only to the council. The record shall not be required to record any remarks of the councilmembers, or of any other person except at the special request of a member of the council. The record shall be made of the names and addresses of persons addressing the council, the title of the subject matter to which their remarks related and whether they spoke in support of or in opposition to such matter. As soon as possible after each council meeting, the village clerk shall cause a copy of the minutes thereof to be forwarded to each member of the council, the city manager and department heads.
(Ord. No. 126, § 4.2, 2-25-85)

Sec. 2-35. Reading of minutes.

Unless the reading of the minutes of a council meeting is requested by a member of the council, such minutes may be approved without reading if the clerk has previously furnished each member with a copy thereof.
(Ord. No. 126, § 4.3, 2-25-85)

Sec. 2-36. Standards of decorum.

(a) *Councilmembers.* While the council is in session, the members must preserve order and decorum, and no member shall, either by conversation or otherwise, delay or interrupt the proceedings or the peace of the council, disturb any member while speaking or refuse to obey the orders of the council or its presiding officer.

(b) *Other persons.* Any person making personal, impertinent or slanderous remarks or who shall become boisterous while addressing the council shall be forthwith, by the presiding officer, barred from further audience before the council, unless permission to continue is granted by a majority vote of the council.
(Ord. No. 126, § 4.4, 2-25-85)

Sec. 2-37. Manner of addressing council; time limit.

(a) Each person addressing the council shall step up to the front or podium, and shall give his name and address in an audible tone of voice for the records. All remarks shall be addressed to the council as a body and not to any member thereof. No person other than a member of the council and the person having the floor shall be permitted to enter into any discussion without the permission of the presiding officer.

(b) For items not on the agenda, a person shall be limited to five (5) minutes, unless such time is extended by the presiding officer.

(c) Whenever any group of persons wishes to address the council on the same subject matter, it shall be proper for the presiding officer to request that a spokesman be chosen by the group to address the council and, in case additional matters are to be presented at the time by any member of the group, to limit the number of persons so addressing the council, so as to avoid unnecessary repetitions before the council.
(Ord. No. 126, § 4.5, 2-25-85)

Sec. 2-38. Motion to adjourn.

A motion to adjourn a council meeting shall not be debatable. It shall be in order at any time, except as follows:

- (1) When repeated without intervening business or discussion;
- (2) When made as an interruption of a member while speaking;
- (3) When the previous question has been ordered;
- (4) While a vote is being taken.

A motion to adjourn "to another time" is debatable only as to the time to which the meeting is adjourned. Once adjourned, the meeting may not be reconvened.
(Ord. No. 126, § 4.6, 2-25-85)

Sec. 2-39. Rules of procedure.

The rules of procedure as stated in Robert's Rules of Order, Revised Edition of 1975, shall govern the proceedings of the village council except when in conflict with the provisions of the Charter, village ordinances or the rules of procedure adopted hereby.
(Ord. No. 126, § 4.7, 2-25-85)

Sec. 2-40. Parliamentarian.

The mayor of the village council shall appoint a parliamentarian who shall advise the presiding officer in questions pertaining to parliamentary procedures.
(Ord. No. 126, § 4.8, 2-25-85)

Sec. 2-41. Majority vote.

(a) Except where provided by Charter, all resolutions, orders, rules or any other business requiring approval of the council shall be carried by a majority vote of all councilmembers who are present, qualified to act, and who cast either a yes or no vote.

(b) Notwithstanding subsection (a) of this section, no resolution, order, rule or any other business requiring approval of the council shall be carried by the affirmative vote of less than two (2) councilmembers.
(Ord. No. 126, § 5.1, 2-25-85)

Sec. 2-42. Abstention.

(a) An abstention shall be when a councilmember, although qualified to vote either in support or opposition to a particular ordinance, resolution, rule or other business requiring approval of the council, chooses not to register his vote, and instead casts no vote whatsoever.

(b) An abstention shall not be considered for purposes of determining a majority vote (i.e., a vote would fail when the vote is 2-2 with one (1) abstention).

(c) For purposes of Charter section 5.03, a councilmember who abstains shall be counted as present at the council meeting.
(Ord. No. 126, §§ 5.2--5.4, 2-25-85)

Sec. 2-43. Conflict of interest.

(a) No councilmember shall make, participate in making or in any way attempt to use his official position to influence a decision on any issue when prohibited from so doing by the Political Reform Act of 1974 (Government Code SS87100 through 87103).

(b) Failure of a member of the council to vote when prohibited by the Political Reform Act of 1974 shall not be considered for purposes of determining a majority vote or passage of any other legislation.

(c) For purposes of Charter section 5.03, a member of the council who is disqualified by the Political Reform Act of 1974 shall not be considered present at the council meeting.
(Ord. No. 126, §§ 5.5--5.7, 2-25-85)

Sec. 2-44. Councilmembers--Conduct at, preparation for meetings.

Councilmembers at council meetings shall:

- (1) Appear attentive, sound knowledgeable, be relatively straightforward and meticulously honest.
- (2) Have some acquaintance with a systematic and efficient way of handling business that is brought before the council. This would include the development of an agenda which would outline for him and for the general public the order in which items of business will be considered. This agenda, prepared by the city administrator or the mayor of the council, or by any combination of these persons should be concise, readily understandable and provide opportunity for the general public to address the council as well as make it possible for the councilmembers themselves to bring up items of business that they would like to see discussed.
- (3) Make sure that they have brought with them to the meeting all appropriate documents, notes and memoranda. The material should be arranged in the same order as the agenda so that pertinent data can be consulted immediately.
- (4) Be equipped with a reasonable knowledge of parliamentary procedure to keep the meeting moving along smoothly and efficiently, with a clear indication as to the exact disposition of each item. However, too much attention on procedure can cause the meetings to bog down in complicated rules.
- (5) Make every attempt to eliminate personal remarks that are intended to ridicule another person or to "put him down." Regardless of the actual relationships between one councilmember and another, the general atmosphere of any council meeting should be relaxed, friendly, efficient and dignified. Sarcasm, innuendos, name calling are approaches to be avoided in interacting both with the other councilmembers and staff and with the general public. This does not mean to suggest that falsehoods, misinterpretations, distortions and challenges to one's integrity or honesty should be left unanswered. They should be answered, and sometimes vigorously, but these rejoinders should address themselves to the facts rather than the qualities, or lack of them, of the person being addressed.

(Ord. No. 126, § 6.1, 2-25-85)

Sec. 2-45. Same--Relationship with village employees.

- (a) A valuable investment of time by any councilmember is to become acquainted with village employees and their jobs. Public employees are always pleased

when an elected official takes time to talk to them, to find out what they do, to praise them when they have done a particularly good job, and thank them for the ongoing day-to-day tasks for which they rarely get appreciation.

(b) The councilmember must, of course, take care not to interfere with the employees' work. Suggestions for improvement in skills, interaction with the public or other job-related matters should be taken up with the village administrator and not with the employee directly.

(c) The village employee obviously has a great deal of information about village matters that would be most helpful to the councilmember in his decision-making function. In most instances, it would be best to go through a department head for such information, although this use of formal channels is not always necessary.

(d) The councilmember should be aware that the village employee can be a powerful ally and supporter or he can be alienated and create problems. A smile, a nod of the head, the use of a first name, a "thank you," a compliment are all that are necessary to establish good working relations between the elected official and the village employee. (Ord. No. 126, § 6.2, 2-25-85)

Sec. 2-46. Handbook.

The Handbook For Newly Elected Michigan Municipal Officials Information Bulletin No. 121 (revised) 1983, is used as a guide for the policymakers in the day-to-day operations of the village. (Ord. No. 126, § 6.3, 2-25-85)

Sec. 2-47. Compensation of certain officers.

For each regular meeting of the village council, the village president and the trustees shall receive the amount established by resolution of the village council.

State law reference – Authority to set compensation by ordinance, MCL 64.21. (Ord. No. 2-47; 10-27-03)

***State law references** – Village council, MCL 65.1 et seq.; standards of conduct and ethics, MCL 16.341 et seq.; open meetings act, MCL 15.261 et seq.; freedom of information act, MCL 15.231 et sep.

Sec. 2-48. Appointment of Treasurer.

Section 1. Establishment of office

As authorized by section 1(3), chapter II of the 1895 PA 3, as amended, the village treasurer shall be chosen by nomination by the village president and appointment by a majority vote of the village council.

Section 2. Term of office

The term of office of the village treasurer shall be two years from the second Monday of November of each even-numbered year and until a successor is appointed. The person first appointed as village treasurer under this ordinance shall have an initial term of office commencing as of the date such person takes and subscribes the oath of office and files it with the village clerk, together with the filing of any bond required by law. The initial term of office shall commence not earlier than the second Monday of November 2010. (Ord. No. 158; 10-27-2010)

Secs. 2-49--2-65. Reserved.

ARTICLE III.**FINANCES***

* **State Law References:** Uniform budgeting and accounting act, MCL 141.421, MSA 5.3228(21).

DIVISION 1.**GENERALLY**

Sec. 2-66. Fiscal year.

The fiscal year of the village shall begin on April 1 each year and close on the following March 31. (Ord. No. 115, § 2, 5-26-81)

Secs. 2-67--2-75. Reserved.

DIVISION 2.**BUDGET**

Sec. 2-76. Budget administrator.

The president shall be the officer referred to in this division, and shall be responsible for the performance of the duties of the person enumerated as budget administrator in this division. The president shall appoint a budget administrator and delegate to that office all of the budgeting duties specified in sections 2-78 through 2-81. The budget administrator shall be responsible to the president for the performance of budgetary duties. (Ord. No. 115, § 3, 5-26-81)

State Law References: Chief administrative official to have final responsibility for budget, MCL 141.434, MSA 5.3228(34).

Sec. 2-77. Policy statement.

No later than December 1 of each year, the budget administrator shall send to each councilmember, officer, department, commission and board of the local unit, a budget policy statement for the use of those parties or agencies in preparing their estimates of budgetary requirements for the ensuing fiscal year.

(Ord. No. 115, § 4, 5-26-81)

Sec. 2-78. Budget estimates required.

Any officer, elected or appointed, departments, commissions and boards of the local unit financed in whole or in part by the local unit shall, on or before February 1 of each year, transmit to the budget administrator their estimates of the amounts of money required for each activity in their department, committee, appointed function committee, or agencies for the ensuing fiscal year. They shall also submit any other information deemed relevant by the budget administrator.

(Ord. No. 115, § 5, 5-26-81)

Sec. 2-79. Budget forms.

The budget administrator shall prescribe forms to be used in submitting budget estimates and shall prescribe the procedures deemed necessary for the guidance of officials in preparing such budget estimates. The budget administrator may also require a statement of the purposes explaining any proposed expenditure and a justification of the services financed by any expenditure.

(Ord. No. 115, § 6, 5-26-81)

Sec. 2-80. Department or agency review.

The budget administrator shall review the budget estimates with a representative from each department or agency. The purpose of the review shall be to clarify the estimates, ensure their accuracy, and to determine their adherence to the policies enumerated by the budget administrator pursuant to section 2-77.

(Ord. No. 115, § 7, 5-26-81)

Sec. 2-81. The budget document.

- (a) The budget administrator shall prepare a budget, which shall present a complete financial plan for the ensuing year, utilizing those estimates received from the various departments or agencies. The budget will be prepared in such a manner that shall ensure that the total of estimated expenditures, including an accrued deficit in any fund, does not exceed the total of expected revenues, including a unappropriated surplus.
- (b) The budget shall consist of the following parts:

- (1) Detailed estimates of all proposed expenditures for each department and office of the village showing the expenditures for corresponding items for the current and last preceding fiscal year.
- (2) Statements of the bonded and other indebtedness of the village, showing the debt redemption and interest requirements, the debt authorized and unissued, and the condition of sinking funds, if an
- (3) An estimate of the amount of surplus expected in the current fiscal year.
- (4) An estimate of all anticipated income of the village, which will be necessary to meet the proposed expenditures and commitments during the ensuing year. This should include:
 - a. Sources other than taxes;
 - b. Income from borrowing;
 - c. Current and delinquent taxes; and
 - d. Bond issues.

Included in the estimate pursuant to this subsection should be corresponding figures for the current and preceding fiscal year.

- (5) Such other supporting schedules as the council may deem necessary.
- (6) An informational summary of projected revenues and expenditures of any special assessment funds, public improvement or building and site funds, intragovernmental service funds, or enterprise funds, including the estimated total cost and proposed method of financing each capital construction project, and the projected additional annual operating cost and the method of financing the operating costs of each capital construction project for three (3) years beyond the fiscal year covered by the budget.

(Ord. No. 115, § 8, 5-26-81)

Sec. 2-82. Transmittal to council.

No later than the first regular council meeting in April of each year, the budget administrator shall transmit the budget to the council. The budget shall be accompanied by:

- (1) A draft resolution for adoption by the council, consistent with the budget, which shall set forth the anticipated revenue and requested expenditure authority for the ensuing fiscal year in such form and in such detail deemed appropriate by the budget administrator, provided that it is consistent with the uniform chart of accounts prescribed by the state. No budget resolution shall be submitted to the council in which estimated total expenditures,

including an accrued deficit, exceed estimated total revenues, including an available surplus.

- (2) A budget message which shall explain the reasons for increases or decreases in budgeted items compared with the current fiscal year, the policy of the budget administrator as it relates to important budgetary items, and any other information that the budget administrator determines to be useful to the council in its consideration of the proposed budget.

(Ord. No. 115, § 9, 5-26-81)

Sec. 2-83. Consideration by council.

(a) The council shall fix the time and place of a public hearing to be held on the budget and proposed budget resolution. The village clerk shall then have published, in a newspaper of general circulation within the village, notice of the hearing and an indication of the place at which the budget and proposed budget resolution may be inspected by the public.

(b) The council may direct the budget administrator to submit any additional information it deems relevant in its consideration of the budget and proposed budget resolution. The council may conduct budgetary reviews with the budget administrator for the purpose of clarification or justification of proposed budgetary items.

(c) The council may revise, alter or substitute for the proposed general budget resolution in any way, except that it may not change it in a way that would cause total appropriations, including an accrued deficit, to exceed total estimated revenues, including an unappropriated surplus. An accrued deficit shall be an item or items of expenditure in the general appropriations measure.

(Ord. No. 115, § 10, 5-26-81)

Sec. 2-84. Passage of budget resolution.

(a) No later than April 30, the council shall pass a resolution providing the authority to make expenditures and incur obligations on behalf of the village.

(b) The council may authorize transfers between appropriation items by the budget administrator within limits stated in the resolution. In no case, however, may such limits stated in the resolution or motion exceed those provided for in section 2-89.

(c) The village budget may include information concerning the amount of tax levy expected to be required to raise those sums of money included in the budget resolution. In conformance with state law and at such times as the council shall determine to be appropriate, the council shall order to be raised by taxation those sums of money necessary to defray the expenditures and meet the liabilities of the village for the fiscal year. The council may take such action after the value of the property in the village, as finally equalized, has been determined.

(Ord. No. 115, § 11, 5-26-81)

Sec. 2-85. Procedure for disbursements.

- (a) No money shall be drawn from the local unit treasury except pursuant to budget authorization.
- (b) Each warrant, draft or contract of the local unit shall specify the fund and appropriation designated by number assigned in the accounting system classification establishing pursuant to law from which it is payable and shall be paid from no other fund or appropriation
- (c) Expenditures shall not be charged directly to any contingent or general account. Instead, the necessary amount of the appropriation from such account shall be transferred pursuant to the provisions of this division to the appropriate general appropriation account and the expenditure then charged thereto.

(Ord. No. 115, § 12, 5-26-81)

Sec. 2-86. Limit on obligations and payments.

No obligation shall be incurred against, and no payment shall be made from, any appropriation account adopted by the budget resolution unless there is efficient unencumbered balance in the account and sufficient monies are or will be available to meet the obligation.

(Ord. No. 115, § 13, 5-26-81)

Sec. 2-87. Periodic finance reports.

The budget administrator may require the appropriate agencies to prepare and transmit to him quarterly a report of village financial obligations, including but not limited to, the following:

- (1) A summary statement of the actual financial condition of the general fund at the end of the previous quarter.
- (2) A summary statement showing the receipts and expenditures and encumbrances for the previous quarter and for the then current fiscal year to the end of the previous quarter.
- (3) A detailed listing of the expected revenues by major sources, as estimated in the budget, actual receipts to date for the current fiscal year, the balance of estimated revenues to be collected in the current fiscal year and any revisions in revenue estimates occasioned by experience to date.
- (4) A detailed listing for each organizational unit and activity of the amount appropriated, the amount charged to each appropriation in the previous quarter and the current fiscal year to date, the unencumbered balance of appropriations, and any revisions in the estimate of expenditures. The budget administrator shall transmit the information in this section to the council on a quarterly basis.

(Ord. No. 115, § 14, 5-26-81)

Sec. 2-88. Transfers.

Transfers of any unencumbered balance, or any portion thereof, in any appropriation account to any other appropriation account may not be made without amendment of the budget resolution, as provided in this division, except that transfers within a fund and department or committee may be made by the budget administrator within limits set by the budget resolution.

(Ord. No. 115, § 15, 5-26-81)

Sec. 2-89. Supplemental appropriations.

(a) The council may make supplemental appropriations by amending the original budget resolution, as provided by this division, provided that revenues in excess of those anticipated in the original resolution become available due to:

- (1) An unobligated surplus from prior years becoming available.
- (2) Current year revenue exceeding original estimates in amounts great enough to finance increased appropriations.

(b) The council may make a supplemental appropriation by increasing the dollar amount of an appropriation item in the original budget resolution or by adding additional items. At the same time, the estimated amount from the source of revenue to which the increase in revenue may be attributed shall be increased, or a new source and amount added, in a sum sufficient to equal the supplemented expenditure amount. In no case may such appropriations cause total estimated expenditures, including an accrued deficit, to exceed total estimated revenues, including an unappropriated surplus.

(Ord. No. 115, § 16, 5-26-81)

Sec. 2-90. Appropriation adjustment required.

Whenever it appears to the budget administrator or the council that actual and probable revenues in any fund will be less than the estimated revenues upon which appropriations from such fund were based, the budget administrator shall present to the council recommendations which, if adopted, will prevent expenditures from exceeding available revenues for the current fiscal year. Such recommendations shall include proposals for reducing appropriations, increasing revenues, or both. Within fifteen (15) days of receiving this information, the council shall amend the budget resolution or motion to reduce appropriations or shall approve such measures necessary to provide revenues sufficient to equal appropriations, or both. The amendment will recognize the requirements of state law and collective bargaining agents. If the council does not make effective such measures within this time, the budget administrator shall, within the next five (5) days, make adjustments in appropriations in order to equalize appropriations and estimated revenues and report such action to the council.

(Ord. No. 115, § 17, 5-26-81)

Sec. 2-91. Penalties.

Any violation of sections 2-85, 2-86, 2-87, 2-88, 2-89, 2-90 or 2-91 may be cause for removal of any elected or appointed officer or employee in the manner prescribed by the village council for the removal of such officer or employee.
(Ord. No. 115, § 18, 5-26-81)

Secs. 2-92--2-120. Reserved.**ARTICLE IV.****ETHICS POLICY***

* **Editors Note:** Ord. of 10-25-99 did not specifically amend the Code; hence inclusion as Art. IV, §§ 2-121--2-132 was at the discretion of the editor.

Sec. 2-121. Title.

This article shall be known as the "Ethics Policy Ordinance" or the "Code of Ethics for Public Servants of the Village of Elsie" (the "code").
(Ord. of 10-25-99(1), § 1)

Sec. 2-122. Definitions.

Whenever in this article the following terms are used, they shall have the meanings described to them in this section:

Business entity. A business entity includes a corporation, a partnership, sole proprietorship, joint venture, unincorporated association, trust, or other business form.

Interest. Any right, title or share in something, either personal, financial, legal or equitable, which is owned, held or controlled, in whole or in part, directly or indirectly, by a public servant.

Public body. The village council, and any board, authority, commission, committee, office or other agency of the village, and includes the village.

Public servant. The president, member of the village council, officer, full or part-time village employee and any person elected or appointed to any public body of the village.

Village. The Village of Elsie, a Michigan Municipal corporation.
(Ord. of 10-25-99(1), § 2)

Sec. 2-123. Intent and purpose.

It is the intent of this Code that a public servant, regardless of whether specifically prohibited by this Code, shall avoid any action, which might result in or create the appearance of:

- (1) Using public office or employment for private gain.
- (2) Giving improper preferential treatment to any person or organization.
- (3) Impeding government efficiency or economy.
- (4) A lack of independence or impartiality of action.
- (5) Making a government decision outside of official channels.
- (6) Affecting adversely the confidence of the public in the integrity of the village.

It is not the intent of this Code to in any way limit the right or ability of any public servant to exercise his or her discretion in making legitimate policy decisions which are within their discretion so long as such action does not provide a special benefit to that person, relieve the public servant of a particular duty, or treat that person differently than other similarly situated village residents.

(Ord. of 10-25-99(1), § 3)

Sec. 2-124. Fair and equal treatment.

No public servant shall request, use or permit the use of any consideration, treatment, advantage or favor beyond that which is the general practice to grant or make available to the public at large. All public servants shall treat all citizens of the village with courtesy, impartiality, fairness and equality under the law.

(Ord. of 10-25-99(1), § 4)

Sec. 2-125. Use of public property.

No public servant shall request, use or permit the use of any publicly owned or publicly supported property, vehicle, equipment, material, labor or service, or money, for the personal convenience or the private advantage of self or of any other person. This requirement shall be deemed to prevent any public servant from requesting, using or permitting the use of such publicly owned or publicly supplied property, vehicle, equipment, material, labor or service which is made available by general practice, to the public at large, or which is provided, as a matter of public policy for the use of public servants in the conduct of official business, as approved consideration for their services to the village. The sole use of any equipment may be at the discretion of the department of public works superintendent.

(Ord. of 10-25-99(1), § 5)

Sec. 2-126. Matters requiring disclosure of conflicts of interest, actual and potential.

The following disclosure requirements are established to avoid both actual and potential conflict between the private self-interest and the public interest of public servants:

- (1) *Self-interest:* No public servant, either on his or her behalf of any other person, shall have an interest in any business transaction with any public body of the village, unless the person shall first make full public disclosure of the nature of the interest.
- (2) *Disclosure and disqualification:* Whenever the performance of official duties shall require a public servant to deliberate and vote on any matter involving his or her financial or personal interest, that person shall publicly disclose the nature and extent of such interest and is disqualified from participating in the deliberations and voting on the matter.
- (3) *Dual employment:* No public servant shall engage in employment with, or render services for any person or entity which has business transactions with any public body of the village, without first making full public disclosure of the nature and extent of the employment or services.
- (4) *Dual representation:* A public servant shall make full public disclosure of business involving the village when attempting to use his or her official position to secure special privileges or exemptions for self or others.

(Ord. of 10-25-99(1), § 6)

Sec. 2-127. Prohibited conduct.

All public servants are prohibited from engaging in the following conduct:

- (1) Divulging confidential information to any person not authorized to obtain such information.
- (2) Benefiting financially from confidential information.
- (3) Representing his or her individual opinion as that of the village.
- (4) Misusing village personnel resources, property, funds or assets for personal gain.
- (5) Soliciting or accepting a gift or loan of money, goods, services or other things of value which tend to influence the manner in which the public servant performs his or her official duties.
- (6) Engaging in a business transaction which may cause the public servant to derive a personal profit or gain directly or indirectly as a result of his or her official position.

- (7) Engaging in employment or rendering services that are incompatible or in conflict with the discharge of his or her official duties or that tend to impair his or her independence of judgment.
- (8) Participating in contracts, loans, grants, rate-fixing, or issuing permits involving a business entity in which he or she has a substantial interest; however this provision shall not apply in the following circumstances.
 - a. Contracting with the village where:
 - 1. The contract is awarded pursuant to sealed bids.
 - 2. The public servant is not involved directly or indirectly or otherwise refrains from participation in the decision on the award of the contract, and
 - 3. The village council, after reviewing the circumstances, determines the award of the contract would be in the best interest of the village.
 - b. Where the interest of the public servant in the business entity involves the holding of less than one (1) percent of the securities in a publicly traded business or less than five (5) percent of any privately or closely held business and where the public servant will not have any involvement in the transaction on behalf of the contracting business entity.

(Ord. of 10-25-99(1), § 7)

Sec. 2-128. Public disclosure, contents.

Whenever a public disclosure is required by this article, it may be made orally on the record at a meeting of the public body involved, or in a writing filed with the clerk, in both of which cases it shall be made part of the record of a regular village council meeting, and in either event shall include:

- (1) The identity of all persons involved in the interest.
- (2) The source and amount of income derived from the interest that may be considered as resulting from employment, investment or gift. The person required to file a disclosure statement in accordance with the provisions of this article must verify, in writing, under penalty of perjury, the information in the statement is true and complete as far as he or she knows.

(Ord. of 10-25-99(1), § 8)

Sec. 2-129. Duties of the clerk.

The clerk shall examine all disclosure statements filed pursuant to this article and report irregularities immediately to the person filing the statement, to the village president, and the village attorney. Acceptance of a statement by the clerk shall not constitute approval of the statement. The clerk shall maintain a current list of all disclosure statements required to be available for public disclosure. The clerk shall preserve all disclosure statements for at least three (3) years after the date on which they are filed. The clerk shall make available to the public all statements that are required to be available for inspection during regular business hours.

(Ord. of 10-25-99(1), § 9)

Sec. 2-130. Request for opinion from the village attorney.

Any public servant may request that the village attorney provide an advisory opinion interpreting the effect or application of this article generally or on question directly relating to the propriety of their conduct in a particular situation.

(Ord. of 10-25-99(1), § 10)

Sec. 2-131. Delivery of copies of ethics code to public servants.

The clerk shall deliver a copy of this article to each public servant as soon as practicable after the enactment of this article, and to each new public servant at the time of employment or taking office. The clerk shall also request that each person sign and return an acknowledgement of receipt of a copy of this article.

(Ord. of 10-25-99(1), § 11)

Sec. 2-132. Violation of article.

Every person convicted of a violation of this article shall be punished by a fine of not more than five hundred dollars (\$500.00) or by a sentence of ninety (90) days in jail, or both, in the discretion of the court. The penalty or penalties imposed are not exclusive remedies under this article and any and all statutory and charter penalties or forfeitures may also be enforced. Any person convicted under the provisions of this article shall be deemed guilty of misconduct.

(Ord. of 10-25-99(1), § 12)

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