

Chapter 2

ADMINISTRATION*

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* Charter references – Powers of the city, art. II; city manager, art. IV, administrative departments, art. V.

Cross references – Any ordinance authorizing or approving any contract, deed or agreement saved from repeal, § 1-11(a)(6); administration and enforcement of single state construction code, § 6-31; community development, ch. 10; administration of subdivisions, § 16-25; law enforcement, ch. 18; planning, ch. 26; special assessments, ch. 30; utilities, ch. 38.

State law references – Home rule cities, MCL 117.1 et seq.; freedom of information act, MCL 15.231 et seq.; open meetings act, MCL 15.261 et seq.

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ARTICLE I. IN GENERAL

Secs. 2-1 – 2-30. Reserved.

ARTICLE II. CITY COUNCIL*

DIVISION 1. GENERALLY

Secs. 2-31 – 2-50. Reserved.

DIVISION 2. COMPENSATION†

Sec. 2-51. Mayor. ✓

The mayor shall receive an annual stipend in the amount of \$300.00. This amount may be paid in a lump sum or in installments as the council shall direct by resolution. In addition, for each regular or special council meeting actually attended, and each workshop session actually attended, the mayor shall receive additional compensation in the amount of \$25.00 per meeting. Such payments for meetings shall be made in quarterly installments or more often as the council shall direct by resolution.

(Ord. No. 186, § 17.1, 2-12-2001)

(Ord. No. 2016-243 § 2.51, 1-3-2017)

Sec. 2-52. Councilmembers.

Each councilmember shall receive an annual stipend in the amount of \$125.00. This amount may be paid in a lump sum or in installments as the council shall direct by resolution. In addition, for each regular and special meeting actually attended, and each workshop session actually attended, each councilmember shall receive additional compensation in the amount of \$20.00 per meeting. The payments for meetings shall be made in quarterly installments or more often as the council shall direct by resolution.

* Charter references – City council, art. III; nominations and elections, art. VIII; initiative and referendum, art. IX.

State law reference – Open meetings act, MCL 15.261 et seq.

† Charter reference – Compensation, § 3.02.

(Ord. No. 186, § 17.2, 2-12-2001)

(Ord. No. 2016-243, § 2.52, 1-3-2017)

Sec. 2-53. Meetings and workshop on same date.

Whenever a council meeting and workshop occur on the same date, the mayor and councilmembers are entitled to receive compensation for one meeting only and shall not receive compensation for having attended two meetings.

(Ord. No. 186, § 17.3, 2-12-2001)

Secs. 2-54 – 2-80. Reserved.

ARTICLE III. OFFICERS AND EMPLOYEES‡

DIVISION 1. GENERALLY

Secs. 2-81 – 2-100. Reserved.

DIVISION 2. ADMINISTRATIVE AND EMPLOYEE POLICIES AND PROCEDURES

Sec. 2-101. City manager.

The city manager shall see that all laws, ordinances, rules and regulations adopted by the city council and the provisions of this Code are properly enforced. He shall attend all meetings of the city council, regular and special. During the absence or disability of the city manager, an acting city manager shall be appointed in accordance with section 4.03 of the Charter. In the event that the city manager is unable to attend an event or meeting or official function, the manager shall appoint a designee to represent him/her in his/her absence. Such shall be done in accordance with this section & the manager shall notify the mayor or deputy mayor.

(Ord. No. 141, § 19-1, 10-12-1992)

(Ord. No. 2016-243 § 2-101, 1-3-2017)

‡ Charter references – Mayor, § 3.03; city clerk, § 3.08; city manager, art. IV; administrative departments, art. V; transitional provisions for officers and employees, § 14.01; transitional provisions for departments, offices and agencies, § 14.02.

Cross references – Any ordinance providing for the duties of city officers or employees not codified in this Code saved from repeal, § 1-11(a)(7); any ordinance providing for salaries or other employee benefits saved from repeal, § 1-11(a)(8).

State law references – Freedom of information act, MCL 15.231 et seq.; standards of conduct and ethics, MCL 15.341 et seq.; conflicts of interest as to contracts, MCL 15.321 et seq.; political activities by public employees, MCL 691.1408; incompatible offices, MCL 15.181 et seq.; nondiscrimination in employment, MCL 37.2102.

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Sec. 2-102. Department Heads.

All administrative officers are responsible to the city manager for the effective administration of their respective departments and offices, and all activities assigned to them. He shall employ or appoint all officers and employees except as otherwise provided by the Charter or this Code. The city manager may set aside any action taken by any administrative officer other than the city attorney or the city clerk and may supercede any officer other than the city attorney or the city clerk in the functions of his office.

(Ord. No. 141, § 19-2, 10-12-1992)

Sec. 2-103. Personnel system.

The city manager shall prepare personnel rules and shall refer such rules to the city council for its review. The city council, by resolution, may adopt them, with or without amendment. The personnel rules shall comply, but shall not be limited by, the provisions of section 5.02 of the Charter.

(Ord. No. 141, § 19-3, 10-12-1992)

Secs. 2-104 – 2-130. Reserved.

ARTICLE IV. BOARDS AND COMMISSIONS*

Secs. 2-131 – 2-160. Reserved.

ARTICLE V. FINANCE†

Secs. 2-161 – 2-180. Reserved.

*Cross references – Housing commission, § 10-31 et seq.; downtown development authority, § 10-71 et seq.; planning commission, § 26-31 et seq.

State law references – Open meeting act, MCL 15.261 et seq.; freedom of information act, MCL 15.231-15.246.

†Charter references – General finance and taxation, art. VI; special assessments, art. X.

Cross reference – Any ordinance promising or guaranteeing the payment of money or authorizing the issuance of bonds or other instruments of indebtedness saved from repeal, § 1-11(a)(3).

State law references – Revised municipal finance act, MCL 14.2101 et seq.; uniform budgeting and accounting act, MCL 141.421 et seq.; deposit of public moneys, MCL 211.43b; designation of public fund depositories, MCL 129.11 et seq., MCL 211.433b; general powers of the city to levy taxes for public purposes, Mich. Cosnst. art. XII, § 21; local government fiscal responsibility act, MCL 141.120 et seq.

DIVISION 2. COST OF RECOVERY AND CLEANUP OF HAZARDOUS MATERIALS

Sec. 2-181. Purpose.

In order to protect the citizens within the city from the dangers associated with a hazardous materials release, and in order to ensure that the cost of responding to a hazardous materials release is borne by the parties responsible for such release, the city hereby authorizes the imposition of charges to recover reasonable and actual costs incurred by the City of Potterville's Fire Department in responding to calls for assistance in connection with such hazardous materials release.

(Ord. No. 00-188, § 52-50, 2-12-2001)

Sec. 2-182. Definitions.

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

Hazardous material includes, but is not limited to, a combustible liquid, an explosive, toxics, and corrosives. It also includes those materials declared to be hazardous under rules and regulations established by the U.S. Environmental Protection Agency or the state department of environmental quality.

Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping, or disposing into and about the environment.

Responsible party means any individual, firm, corporation, association, partnership, unincorporated association, government entity, or other legal entity that is responsible for a release of a hazardous material, either actual or threatened, or that is an owner, tenant, occupant, or party in control of property onto which or from which hazardous materials release.

(Ord. No. 00-188, § 52-21, 2-12-2001)

Cross reference – Definitions generally, § 1-2.

Sec. 2-183. Imposition of charges.

Where the City of Potterville's Fire Department responds to a call for assistance in connection with

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a hazardous materials release, all costs or expenses incurred by a fire department in responding to such call shall be imposed upon the responsible party. Those costs and expenses include:

- (1) All personnel-related costs incurred by the fire department as a result of responding to the hazardous materials incident. Such costs may include, but are not limited to, fire personnel wages and reimbursement costs paid to volunteer firefighters.
- (2) Other expenses incurred by the fire department in responding to the hazardous materials incident, including, but not limited to the rental of machinery and equipment, the purchase of water, and replacement costs related to disposable personal protective equipment, extinguishing agents, and other supplies.
- (3) Charges to the fire department imposed by any local, state, or federal government entities related to the hazardous materials incident.
- (4) Costs incurred in accounting for all hazardous material incident-related expenditures, including billing and collection costs.
- (5) All other costs or expenses incurred by the fire department as a result of responding to the hazardous materials incident.

(Ord. No. 00-188, § 52-22, 2-12-2001)

Sec. 2-184. Billing procedures.

Following the response by the City of Potterville's Fire Department to a hazardous materials release, or where the fire department responded to a call for assistance where a hazardous materials release was reasonably believed to have occurred, the fire chief shall submit a detailed listing of all known costs and expenses to the responsible party for payment. The invoice shall demand full payment within 30 days of receipt of the statement. Any additional costs or expenses that become known to the City of Pot-

terville's Fire Department following the transmittal of the statement to the responsible party shall be billed in the same manner on a subsequent statement to the responsible party. For any amounts due that remain unpaid after 30 days, the fire department shall impose a late charge of one percent per month, or for each fraction of a month. (Ord. No. 00-188, § 52-23, 2-12-2001)

Sec. 2-185. Collection of charges; remedies.

(a) The charges shall constitute a lien on the property for which the fire service charges were incurred and the charges may be collected pursuant to the procedure as set forth at section 2-204.

(b) Notwithstanding subsection (a) of this section, the City of Potterville shall be empowered to maintain proceedings in any court of competent jurisdiction to collect any monies remaining unpaid and shall have any and all other remedies provided by law for the collection of such charges. (Ord. No. 00-188, § 52-24, 2-12-2001)
(Ord. No 2016-243, § 2-185, 1-3-2017)

Secs. 2-186 – 2-200. Reserved.

DIVISION 3. FIRE RUN CHARGES

Sec. 2-201. Purpose.

This division is adopted for the purpose of providing financial assistance to the City of Potterville in the operation of a fire department from those receiving direct benefits from the fire protection service. It is the further purpose of this division to provide for full funding of the fire department operation which remains, in part, an at-large governmental expense based upon the general benefits derived by all property owners within the City of Potterville from the existence of the City of Potterville's Fire Department and its availability to extinguish fires within the City of Potterville and perform other emergency services. (Ord. No. 03-205, § 52-5.1, 4-14-2003)

Sec. 2-202. Charges established.

- (a) The following charges shall hereafter be due and payable to the City of Potterville's

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Fire Department from a recipient of any of the following enumerated services from the City of Potterville's Fire Department:

(1) Automotive Fire.....	\$500.00
(2) Rubbish fire.....	500.00
(3) Grass fire.....	500.00
(4) Grass fire set by trains.....	500.00
(5) House fire.....	500.00
(6) Fire in a commercial establishment.....	500.00
(7) Fire in an industrial or manufacturing establishment.....	500.00
(8) Fire in a multi-family building.....	500.00
(9) Hotel or motel fire.....	500.00
(10) Aircraft fire.....	500.00
(11) Train fire.....	500.00
(12) Truck fire.....	500.00
(13) Forest fire.....	500.00
(14) Other services not specifically enumerated.....	250.00-500.00
(15) Lift Assist.....	250.00.

(b) All fire runs made where the fire was caused by actions which under ordinance would require a permit and no permit was obtained shall be charged twice the rate established.

(c) The charges set forth in this section may be amended by resolution of the Potterville City Council upon recommendation by the City Manager
(Ord. No. 03-205, § 52-5.2, 4-14-2003)
(Ord. No. 2016-243, § 2-202, 1-3-2017)

Section 2-203 Exemptions.

The following properties and services shall be exempt from the charges set forth in section 2-202:

(1) False alarms regarding any property located within the City of Potterville except after four false alarms occur to the same property within a 60-day period. At that point, all false alarms shall be charged in accordance with the charges in section 2-202 for the structures existing on the premises for the next 12 months.

(2) Fire service performed outside the jurisdiction of the City of Potterville's Fire Department under a mutual aid contract with an adjoining municipality.
(Ord. No. 03-205, § 52-5.3, 4-14-2003)

Sec. 2-204. Charges to constitute lien; enforcement of lien.

The charges imposed by this division shall constitute a lien on the property for which the fire service charges were incurred, including both real and personal property, and if not paid within three months after the charge is due, the official in charge of the collection thereof shall, prior to May 1 of each year, certify to the tax assessing officer of the City of Potterville the facts of such delinquency, whereupon such officers shall enter such delinquent charges affecting the property within the jurisdictions upon the next general tax roll as a charge against the premises and the liens thereupon shall be enforced in the same manner as provided by law for delinquent and unpaid taxes.
(Ord. No. 03-205, § 52-5.4, 4-14-2003)

Sec. 2-205. Additional methods of collection.

Notwithstanding section 2-204, the City of Potterville's Fire Department shall be empowered to maintain proceedings in any court of competent jurisdiction to collect any monies remaining unpaid and shall have any and all other remedies provided by law for the collection of such charges.
(Ord. No. 03-205, § 52-5.5, 4-14-2003)

Sec. 2-206. Charges not exclusive.

The rates and charges imposed by this division shall not be exclusive of the charges that may be made by the City of Potterville for the costs and expenses of maintaining a fire department, but shall only be supplemental thereto. Charges may

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additionally be collected by the City of Potterville through general taxation after a vote of the electorate approving such charges or by a special assessment established under the state statutes pertinent thereto. General fund appropriations may also be made to cover such additional costs and expenses.
(Ord. No. 03-205, § 52-5.6, 4-14-2003)

Section 2-207. Service benefiting more than one person or property.

When a particular service rendered by the City of Potterville's Fire Department directly benefits more than one person or property, the owner of each property so benefited and each person so benefited where property protection is not involved shall be liable for the payment of the full charge for such service outlined in this division. The interpretation and application of this section is hereby delegated to the City of Potterville Fire Chief or City Manager subject only to appeal, within the time limits for payment, to the City of Potterville's Fire Department, and this section shall be administered so that charges shall only be collected from the recipients of the service.
(Ord. No. 03-205, § 52-5.7, 4-14-2003)

Secs. 2-208 – 2-230. Reserved.

DIVISION 4. BUDGET STABILIZATION FUND

Sec. 2-231. Creation.

There is hereby established a budget stabilization fund. The fund shall be separate and distinct from the city's general fund. Appropriations to the fund and expenditures from the fund shall be made as provided in this division and shall comply with the requirements of Public Act No. 30 of 1978 (MCL 141.441 et seq.).
(Ord. No. 03-206, § 1(17-1), 6-9-2003)

Sec. 2-232. Purposes.

The budget stabilization fund is created for the following purposes:

- (1) To cover a general fund deficit, when the city's audit reveals such a deficit.
- (2) To prevent a reduction in the level of public services or in the number of employees at any time in a fiscal year when the city's budgeted revenue is not being collected in an amount sufficient to cover budgeted expenses.
- (3) To cover expenses arising because of a natural disaster, including a flood, fire, or tornado. However, if federal or state funds are received to offset the appropriations from the fund, that money shall be returned to the fund.

(Ord. No. 03-206, § 1(17-2), 6-9-2003)

Sec. 2-233. Appropriations to the fund.

The city council may appropriate all or part of a surplus in the general fund, which results from an excess of revenue in comparison to expenses, to the budget stabilization fund. The appropriations shall be made by a two-thirds vote of the members elected or serving on the city council.
(Ord. No. 03-206, § 1(17-3), 6-9-2003)

Sec. 2-234. Tax increase prohibition.

The city shall not impose additional taxes producing revenue in excess of that needed for its estimated budget in order to provide money to be appropriated to the budget stabilization fund.
(Ord. No. 03-206, § 1(17-4), 6-9-2003)

Sec. 2-235. Consideration of reduced state tax money.

In considering whether the city's revenue is sufficient to cover its expenses, a reduction in the amount of money received for the fiscal year from any source in comparison to the amount of money received from the previous fiscal year, including a reduction in the allocation of state tax money, shall be considered.
(Ord. No. 03-206, § 1(17-5), 6-9-2003)

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Sec. 2-236. Investment.

The money in the budget stabilization fund may, from time to time, be invested as permitted by law. All earnings on the money from the budget stabilization fund shall be returned to the general fund of the city.
(Ord. No. 03-206, § 1(17-6), 6-9-2003)

Sec. 2-237. Limits on budget stabilization fund.

The amount of money in the budget stabilization fund shall not exceed either 15 percent of the city's most recent general fund budget, as originally adopted, or 15 percent of the average of the city's five most recent general fund budgets, as amended, whichever is less. Monies in the budget stabilization fund in excess of the aforementioned limitations shall be appropriated to the city's next general fund budget, but shall not be appropriated to the budget stabilization fund.
(Ord. No. 03-206, § 1(17-7), 6-9-2003)

Sec. 2-238. Prohibitions on uses of funds.

The money in the budget stabilization fund shall not be appropriated for the acquisition, construction or alteration of a facility as part of a general capital investments program.
(Ord. No. 03-206, § 1(17-8), 6-9-2003)

Secs. 2-239 – 2-260. Reserved.

ARTICLE V. ETHICS AND STANDARDS OF CONDUCT

Sec. 2-261. Title.

This ordinance shall be known and cited as the "City of Potterville Ethics and Standards of Conduct Ordinance."

Sec. 2-262. Purpose.

To give the elected officials and those who represent the City of Potterville within municipal organizations, a tool to which will make carrying out their tasks and responsibilities easier.

The following will provide a set [of] ethical standards that all those who are elected or appointed to represent the City of Potterville shall abide by.

Sec. 2-263. Definitions.

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

City means the City of Potterville.

Official means any elected or appointed officer/employee of the City of Potterville.

Relative or *relation* means a person related to an official within the third degree of consanguinity or affinity.

Sec. 2-264. Principles of conduct.

All elected and appointed officials of the City of Potterville shall conduct themselves according to the following guidelines:

(a) Avoiding conflicts of interest. Officials shall:

- (1) Avoid knowingly placing themselves in situations where conflicts of interest could arise.
- (2) Make public any facts or situations susceptible of being in conflict with either their personal interests or that of their relatives and the duties, tasks and responsibilities of their functions.

(3) Avoid any situation which could be harmful to the City's reputation or that of a municipal organization.

(b) Ensuring a sense of honor and integrity. Officials shall:

- (1) Understand that to use confidential information, to which they are privy by way of their position, for their own personal interest or that of their relatives or relations, constitutes a dishonest and reprehensible practice.

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- (2) Adopt a reserved attitude with regard to facts or information, which could be harmful to the interests of the City or that of a municipal organization.
 - (3) Abstain from soliciting, accepting or receiving benefits or items of monetary value for themselves or their relations in exchange for a statement, an intervention, or a service.
 - (4) Abstain from using or allowing the use of resources, goods or services of the City or its municipal organizations to ends other than those for which they are intended.
 - (5) Abstain from using the authority related to their function for their personal interest or that of their relatives at the expense of the City's interests or that of its municipal organizations.
 - (6) Be honest in answering all questions pertaining to the City that are within their ability to answer.
 - (7) Be honest in answering all questions pertaining to any organizations (be it for profit, non-profit, or political) that they belong to, as far as they are able.
- (c) Ensuring a respect of the democratic process and efficient local government.
Officials shall:
- (1) Respect the legislative and administrative prescriptions, which regulate the City's decision-making mechanisms and that of its municipal organizations.
 - (2) Abstain from seeking an alliance with any City staff that could alter their capacity to execute their function with absolute integrity, objectivity and impartiality.
 - (3) Respect the established levels of authority within the organization, as well as the hierarchical structure of the decision making process.
- (d) Ensuring a healthy and effective management and a profound sense of social responsibility.
Officials shall:
- (1) Know and respect this ordinance.
 - (2) Abstain from making offensive comments with regard to problems the municipality might be facing.
 - (3) Commit to serving their community's best interests and using their competence to serve the organization.
 - (4) Invest in themselves by updating their professional knowledge and improving their competence.
 - (5) Act in a constructive way, and refrain from putting down or bearing judgment with intent to unfoundedly discredit a fellow elected or appointed official of the City.
- (e) Ensuring quality of services. Officials shall:
- (1) Commit to offering services, which fulfill the needs of the citizens, taking collective interests into account and showing no form of discrimination whatsoever.
 - (2) Commit to ensuring that personnel know and respect their Department's policies and regulations, as well as their use and functions.
 - (3) Develop attitudes and behaviors, which favor transparent, honest, courteous, respectful and complete communications between their constituents, City personnel, and fellow elected and appointed officials.
 - (4) Act with discretion with the same concern towards justice and equity for all.
- (f) Protecting those that bring forth infringements of the Ethics Code, or any other laws or regulations set forth by the United State the State of Michigan, or the City of Potterville.
Officials shall:
- (1) Not retaliate against any fellow elected or appointed official, constituent, or City employee for submitting a complaint to the City, or acting or refusing to act concerning an infringement of the Ethics Code, or any other law or regulation set forth by the

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United States, the State of Michigan, or the City of Potterville, as required by the General Municipal Law.

Sec. 2-265. Ethics Committee.

The Ethics Committee shall meet as necessary to address concerns relating to the infringement of the Ethics Code.

Sec. 2-266. Sanctions.

(a) Sanctions shall not be construed to diminish or impair the rights of an officer or employee under any collective bargaining agreement, not the City's obligation to comply with such collective bargaining agreements.

(b) State statutes cited in this ordinance contain criminal penalties and civil remedies that apply, as provided in those statutes, to the conduct regulated by those statutes.

(c) In addition to any other penalty, whether criminal or civil, an employee of officer who intentionally violates this ordinance may be subject to disciplinary action including censure, reprimand, removal, dismissal or discharge.

(d) In addition, the common law offense of misconduct in office (misfeasance, malfeasance, and nonfeasance) constitutes a felony as provided in the Michigan Penal Code, MCL 750.505 and willful neglect of duty constitutes a misdemeanor as provided in MCL 750.478.
(Ord. No. 10-223, 6-8-2010)