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**ARTICLE I. IN GENERAL****Secs. 2-1—2-30. Reserved.****ARTICLE II. VILLAGE COUNCIL\*****Sec. 2-31. Compensation of president.**

The village president shall receive the current pay scale for each meeting attended, either regular or special, during the fiscal year, and shall receive no other compensation for services performed for and on behalf of the village during his term of office.

(Code 1959, § 12.101)

**State law reference**—Compensation of village officers, MCL 64.21.

**Sec. 2-32. Compensation of trustees.**

The village trustees shall receive the current pay scale for each meeting attended, either regular or special, during the fiscal year and shall receive no other compensation for services performed for and on behalf of the village during their term of office.

(Code 1959, § 12.102)

**State law reference**—Compensation of village officers, MCL 64.21.

**Secs. 2-33—2-60. Reserved.****ARTICLE III. OFFICERS AND EMPLOYEES†**

## DIVISION 1. GENERALLY

**Secs. 2-61—2-80. Reserved.**

## DIVISION 2. VILLAGE CLERK‡

**Sec. 2-81. Nomination and appointment.**

As authorized by Chapter II, Section 1(3) and (4) of the General Law Village Act, being Public Act No. 3 of 1895 (MCL 62.1) and Public Act No. 255 of 1998 (MCL 62.1), the village clerk shall be chosen by nomination by the village president and appointed by the village council.

(Ord. No. 143, § 1, 2-21-2000)

**\*State law references**—Village council, MCL 65.1 et seq.; standards of conduct and ethics, MCL 15.341 et seq.; open meeting act, MCL 15.261 et seq.; freedom of information act, MCL 15.231 et seq.

**†State law references**—Village officers, MCL 62.1 et seq.; standards of conduct and ethics, MCL 15.341 et seq.

**‡State law reference**—Clerk, MCL 64.5 et seq.

**Sec. 2-82. Term of office.**

The term of office of the village clerk shall be two years from the second Monday of March of each even numbered year and until a successor is appointed. The person first appointed as village clerk under the ordinance from which this section is derived shall have an initial term of office commencing as of the date such person takes and subscribes the oath of office and files the same with the village, together with the filing of any bond required by law, but such term of office shall commence not earlier than the second Monday of March 2000.

(Ord. No. 143, § 2, 2-21-2000)

**Secs. 2-83—2-100. Reserved.**

## DIVISION 3. VILLAGE TREASURER\*

**Sec. 2-101. Nomination and appointment.**

As authorized by Chapter II, Section 1(3) and (4) of the General Law Village Act, being Public Act No. 3 of 1895 (MCL 62.1), and Public Act No. 255 of 1998 (MCL 62.1), the village treasurer shall be chosen by nomination by the village president and appointed by the village council.

(Ord. No. 144, § 1, 11-10-2003)

**Sec. 2-102. Term of office.**

The term of office of the village treasurer shall be two years from the second Monday of March of each even numbered year and until a successor is appointed. The person first appointed as village treasurer under the ordinance from which this section is derived shall have an initial term of office commencing as of the date such person takes and subscribes the oath of office and files the same with the village, together with the filing of any bond required by law, but such term of office shall commence not earlier than the second Monday of March 2004.

(Ord. No. 144, § 2, 11-10-2003)

**Secs. 2-103—2-130. Reserved.****ARTICLE IV. BOARDS AND COMMISSIONS****Sec. 2-131. Establishment of planning commission.**

Pursuant of Public Act No. 33 of 2008 (MCL 125.3801, et. seq.) the village planning commission is hereby created and granted all powers and duties provided in this division.

(Ord. No. 150, § 2, 10-17-2011)

\***State law reference**—Treasurer, MCL 64.9 et seq.

†**State law references**—Revised municipal finance act, MCL 141.2101 et seq.; local government fiscal responsibility act, MCL 141.1201 et seq.; uniform budgeting and accounting act, MCL 141.421 et seq.

**Sec. 2-132. Membership.**

- a) *Number of members.* The planning commission shall consist of five members, one of whom shall be a member of the village council to serve as a member ex-officio, all of whom shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the village, in accordance with the major interests as they exist in the village, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall, to the extent practical, also be representative of the entire geography of the village.
- b) *Terms of members.* Members of the planning commission, other than the ex-officio member, shall be appointed by the village president subject to approval of the village council by a majority vote. The term of each appointed member shall be three (3) years, except that the respective term of one (1) of the members first appointed shall be for one(1) year, one (1) for two (2) years, and two (2) for three (3) years. Each member shall hold office until his or her successor is appointed.
- c) *Vacancy.* If a vacancy occurs on the planning commission, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment.
- d) *Qualified electors.* Members of the planning commission shall be qualified electors of the village, except that two of the planning commission members may be individuals who are not qualified electors of the village.
- e) *Ex-Officio member.* The planning commission may have a member who is an ex-officio member. The person eligible to serve as an ex-officio member and the term of an ex-officio member shall be as authorized and/or required by section 15 of the Michigan Planning Enabling Act.
- f) *Removal.* The village council may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon writing charges and after a public hearing.
- g) *Compensation.* All members of the planning commission may be compensated at a rate as may be determined from time to time by resolution of the Village Council.  
(Ord. No. 150, § 2, 10-17-2011)

**Sec. 2-133. Organization and procedures.**

- a) *Officers.* The planning commission shall elect a chairperson and secretary from its members and fill other offices as it considers advisable. An ex-officio member is not eligible to serve as chairperson. The term of each officer shall be 1 year, with opportunity for reelection as specified in the planning commission's bylaws.
- b) *Advisory committees.* The planning commission may appoint advisory committees whose members are not members of the planning commission.
- c) *Bylaws.* The planning commission shall adopt bylaws for the transaction of its business, and shall keep a public record of its resolutions, transactions, findings, and determinations.
- d) *Annual Report.* The planning commission shall make an annual written report to the village council concerning its operations and the status of planning activities, including recommendations regarding actions by the village council related to planning and development.

- e) *Meetings.* The planning commission shall hold not less than 4 regular meetings each year. The time and place of the meetings shall be established by resolution. Unless the bylaws provided otherwise, a special meeting of the planning commission may be called by the chairperson or by 2 other members, upon written request to the secretary. Unless the bylaws provided otherwise, the secretary shall send written notice of a special meeting to planning commission members not less than 48 hours before the meeting.
- f) *Open meetings act.* The business that the planning commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of a regular or special meeting shall be given in the manner required by that act.
- g) *Freedom of information act.* A writing prepared, owned, used, in the possession of, or retained by the planning commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, 1976, PA 442, MCL 15. 231 to 15.246.

(Ord. No. 150, § 2, 10-17-2011)

**Sec. 2-134. Conflict of interest.**

Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. The member is disqualified from voting on a matter if so provided by the bylaws or by a majority vote of the remaining members of the planning commission. Failure of a member to disclose a potential conflict of interest as required by this ordinance and the Michigan Planning Enabling Act constitutes malfeasance in office. Unless the village council, by ordinance, defines conflict of interest for the purposes of this ordinance, the planning commission may do so in its bylaws.

(Ord. No. 144, § 2, 11-10-2003)

**Sec. 2-135. Duties of powers.**

- a) *Master plan.* The planning commission may make and approve a master plan as a guide for development within the village and may adopt same in accordance with the requirements of sections 31 through 51 of the Michigan Planning Enabling Act (MPEA), Public Act 33 of 2008. The proposed master plan shall be submitted to the Village council for final approval pursuant to section 41(3) of the Michigan Planning Enabling Act.
- b) *Capital improvements.* No street, square, park, playground, public way, ground, or other open space; or public building or other structure shall be constructed or authorized for construction in an area covered by a municipal master plan unless the location, character, and extent of same has been submitted to the planning commission for approval in the manner provided for in section 61 and 63 of the Michigan Planning Enabling Act.
- c) *Rescission of prior approval.* The village council shall not rescind its authorization of the acquisition or enlargement of any square, park, playground, or other open space previously approved unless the matter has been submitted to the planning commission for review. The review by the planning commission and any rescission by the village council shall be in accordance with section 63 of the Michigan Planning Enabling Act.

- d) *Capital improvements program.* Unless exempted from doing so by charter or otherwise, to further the desirable future development of the village under the master plan, the planning commission, after adoption of a master plan, may annually prepare a capital improvements program of public structures and improvements. All procedures in the preparation and processing of such capital improvements plan shall be in accordance with sections 65 and 67 of the Michigan Planning Enabling Act.
- e) *Subdivision regulations and plat removal.* The planning commission may recommend to the village council provisions of an ordinance or rules governing the subdivision of land authorized under section 105 of the land division act, 1967 PA 288, MCL 560.105, and shall review and make recommendations on plats before action thereon by the village council under section 112 of the land division act, 1967 PA 288, MCL 560.112, all in accordance with the provisions of section 71 of the Michigan Planning Enabling Act.
- f) *Zoning commission.* The planning commission shall have all the powers and duties of a zoning commission under the Michigan Zoning Enabling Act PA 110 of 2006 (MCL 125.3101 et. seq.)
- g) *Education and consultation.* To promote public interest in and understanding of the master plan, the planning commission may publish and distribute copies of the master plan or of any report, and employ other means of publicity and education. The planning commission shall consult with and advise public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens concerning the promotion or implementation of the master plan.  
(Ord. No. 150, § 2, 10-17-2011)

**Sec. 2-136. Amendments to the Michigan Planning Enabling Act.**

Any amendments made to the Michigan Planning Enabling Act, Public Act 33 of 2008, shall be hereby declared to automatically control the activities and functions of the planning commission.  
(Ord. No. 144, § 2, 11-10-2003)

**Sec. 2-137. Employees, expenditures and contracts.**

The planning commission may appoint such employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law as govern other village employees. The planning commission may contract with planners, engineers, architects and other consultants for such services as it may require. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated by the village council, which shall provide the funds, equipment and accommodations necessary for the commission's work.  
(Ord. No. 144, § 2, 11-10-2003)

**Sec. 2-138. Education and gifts.**

The planning commission shall have the power to promote public interest and understanding of the planning commission activities and to that end may publish and distribute copies of any plan. The planning commission shall have the right to accept and use gifts for the exercise of its functions.  
(Ord. No. 144, § 2, 11-10-2003)

**Sec. 2-139. Repeal of inconsistent ordinances or resolutions.**

Any prior ordinances or resolutions addressing the same subject matter as this ordinance, particularly any ordinance or resolution establishing the planning commission under any other public act of the state, are hereby repealed.  
(Ord. No. 144, § 2, 11-10-2003)

**Sec. 2-140. Effective date.**

This ordinance shall be effective upon publication and expiration of time prescribed by law, adopted October 17, 2011.

(Ord. No. 144, § 2, 11-10-2003)

**Secs. 2-141—2-160. Reserved.**

**ARTICLE V. FINANCE†**

**DIVISION 1. GENERALLY**

**Secs. 2-161—2-180. Reserved.**

**DIVISION 2. PURCHASING, CONTRACTING AND SELLING PROCEDURE**

**Sec. 2-181. Purchasing agent; rules.**

The village clerk shall act as purchasing agent of the village, unless another officer or employee shall be designated to act as purchasing agent by the president in writing filed with the clerk. The purchasing agent, with the approval of the president, shall adopt any necessary rules respecting requisitions and purchase orders.

(Code 1959, § 12.001)

**Sec. 2-182. Purchases or contracts less than \$20,000.00.**

Purchases of supplies, materials or equipment, the cost of which is less than \$20,000.00, may be made in the open market but such purchases shall, except when the president shall determine that no advantage to the village would result, be based on at least three competitive bids and shall be awarded to the lowest responsible bidder meeting specifications. The purchasing agent may solicit bids verbally or by telephone, or may contact prospective bidders by written communication. A record shall be kept of all open market orders and the bids submitted thereon, which records shall be available for public inspection. Any or all bids may be rejected.

(Code 1959, § 12.002)

**Sec. 2-183. Policy for sealed competitive bidding for contracts.**

a) The village council shall solicit sealed bids for all contracts for which the village council anticipates a total village obligation of \$20,000.00 or more. The requirements for sealed bids shall not, unless the village council determines otherwise by motion of resolution, apply to intergovernmental contracts, contracts for professional services or emergency repairs, or for the following:

- (1) Contracts for employments.
- (2) Assessment or property appraisal service.

b) When sealed bids are required, a request for bids shall be developed by the department head responsible for the purchase or such other person designated by the village council, which request for bids shall be approved by the village president and/or the village council. The request for bids shall require interested bidders to provide the following information as appropriate:



- (1) Description of services or goods desired.
- (2) Desired delivery date or commencement date.
- (3) Desired termination date.
- (4) Bidder's qualifications.
- (5) Warranties.
- (6) References.
- (7) Performance bond (where required).
- (8) Acquisition cost, fees, or other village financial obligations.
- (9) The requests for bids shall also indicate the following information:
- (10) Deadline to submit bids.
- (11) Date, time and place that bids will be opened.
- (12) Address to which bids are to be submitted.

c) All requests for bids shall include a statement that the village council reserves the right to accept or reject any or all bids, to waive information or errors in the bidding process, and to accept any bid deemed to be in the best interest of the village, including bids that are not for the lowest amount.

(Code 1959, § 12.160)

#### **Sec. 2-184. Sale of property.**

Whenever any personal property belonging to the village is no longer needed for corporate or public purposes, the same may be offered for sale on approval by the council. Personal property not exceeding \$1,000.00 in value may be sold for cash by the purchasing agent upon approval of the president, after receiving quotations or competitive bids therefor for the best price obtainable. Personal property with a value in excess of \$1,000.00 may be sold after advertising and receiving competitive bids, as provided in section 2-183 and after approval of the sale has been given by the council. In the purchase of automotive equipment, bidders may include in their bid, a trade-in allowance for old equipment and such equipment may be disposed of in trade without further bidding requirements.

(Code 1959, § 12.005)

#### **Sec. 2-185. Sale of real estate.**

Real estate may be purchased or sold or leased when not required for corporate purposes, upon the affirmative vote of two-thirds of the members elect of the council. Sales of real estate shall be subject to the requirements of this division. The notice inviting bids shall contain a brief description of the property.

(Code 1959, § 12.006)

**State law reference**—Public buildings, grounds and parks, MCL 67.4 et seq.