

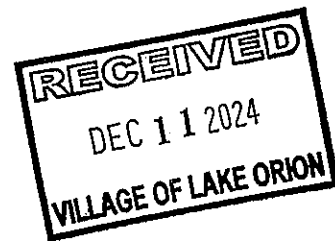
Memorandum

12-9-24

Darwin McClary, Village Manager

Sonja Stout, Village Clerk

Via email: mcclaryd@lakeorion.org, stouts@lakeorion.org



Request for a special meeting of the Village Council pursuant to Village Charter Section 6.5(b) to be held at Village Conference Room on _____ at _____.

Purpose of the meeting:

Requesting the Village Manager enforce specific provisions of the Village Charter and inform Village Council current bill approval protocol does not follow Village Charter provisions.

Dear Mr. McClary,

The Village Charter does not support the authority of the Village Council to require the Village Manager get approval from them to pay the routine bills and payroll of the Village. The Charter calls for the Village Council to approve a budget and for the Manager to administer the budget. The Village Manager has previously refused to comment on the matter unless directed by Council. The Village Council has previously refused to direct the Village Manager on this matter or allow formal discussion. A meeting to discuss this would be appropriate as the remaining step in this procedure would be to file a complaint with the Village Police who would in turn bring it to the attention of the Village Prosecutor/Attorney.

-The Village Manager and the Chief of Police have the duty to enforce the Charter.

-The Charter clearly enumerates the powers of each branch of our government.

The Village Council is not required to accept the liability for authorization of invoices, payments and charges over which they have no knowledge or actual authority. This responsibility clearly rests with the Village Manager and Village Purchasing Agent.

Attached are some sections of the Charter that apply.

Thank you,

A handwritten signature in cursive script, appearing to read "Michael J. Lamb".

Michael J. Lamb, Councilman

A handwritten signature in cursive script, appearing to read "Nancy R. Moshier".

Nancy R. Moshier, Councilman

Section 2.3 DIVISION OF POWERS OF GOVERNMENT.

All of the powers of municipal government possessed by the village are hereby divided into two (2) general divisions, i. e., legislative or policy forming and administrative. No person or body belonging to or being part of one (1) such division shall exercise powers imposed by this Charter upon or properly belonging to another. It shall be the duty of every officer of the village to preserve the two (2) divisions of the village government distinct and separate.

(Adopted 3-13-67)

Section 3.7 VILLAGE MANAGER.

All administrative powers, duties, and functions of the village shall be vested in the Village Manager, except as otherwise provided in this Charter. He shall be elected by the Council on the basis of training and ability in work which would qualify him for the position of Village Manager, and shall hold office at the pleasure of the Council. He need not be a resident of the village at the time of his appointment but shall, unless excused by the Council, become a resident of the village within ninety (90) days after his appointment and so remain throughout his tenure of office. The Village Manager may, with the approval of the Council, designate an administrative officer or employee of the village to perform the duties of the Village Manager during his temporary absence or incapacity. The Council shall designate a qualified person to perform the duties of Village Manager during a vacancy in the office. No person acting as Village Manager in a temporary capacity, whether during the absence or disability of the Village Manager or during a vacancy in that office, shall make any change in the administrative officers of the village without the consent of the Council. No person who holds or has held an elective village office shall be eligible for appointment as Village Manager, nor shall any such person perform the duties of the Village Manager during a vacancy in that office, until one (1) year has elapsed following the expiration of the term for which he was elected.

(Adopted 3-13-67)

Section 3.8 FUNCTIONS OF THE VILLAGE MANAGER.

The Village Manager shall be the chief administrative officer of the village government. He shall carry out the policies formulated by the Council. He is charged with the responsibility of supervision and management of all of the services of the village and with responsibility for the enforcement of the ordinances of the village, this Charter, and applicable laws of the State. He shall make the reports to the Council required by this Charter, and such others as may be required of him by ordinance or by resolution of the Council, and, in addition thereto, any which he may deem advisable. He shall prepare the budget of the village for consideration by the Council, as in the Charter provided, and upon the adoption thereof by the Council, he shall administer the budget so adopted and keep the Council at all times informed as to the financial affairs of the village. He shall have the right to take part in the discussion of all matters coming before the Council, but shall have no vote. In addition to the duties prescribed by this Charter, he shall perform such other duties as may be required of him by ordinance or by resolution of the Council.

(Adopted 3-13-67)

Section 8.6 TRANSFER OF APPROPRIATIONS.

After the budget has been adopted, no money shall be drawn from the treasury of the village nor shall any obligation for the expenditure of money be incurred, except pursuant to the budget appropriations. The Council may transfer any unencumbered appropriation balance, or any portion thereof, from one department, fund, or agency to

another. The balance in any appropriation which has not been encumbered at the end of the fiscal year shall revert to the general fund and be reappropriated during the next fiscal year.

(Adopted 3-13-67)

Section 8.7 BUDGET CONTROL.

At the beginning of each quarterly period during the fiscal year, and more often if required by the Council, the Village Manager shall submit to the Council data showing the relation between the estimated and actual income and expenses to date; and if it shall appear that the income is less than anticipated, the Council may reduce appropriations, except amounts required for debt and interest charges to such a degree as may be necessary to keep expenditures within the cash income.

(Adopted 3-13-67)

Section 11.2 PURCHASING AND CONTRACTUAL PROCEDURE.

Before making any purchase or contract for supplies, materials, equipment, or contractual services, opportunity shall be given for competition, under such rules and regulations, and with such exceptions as the Council may by ordinance prescribe. All expenditures for supplies, materials, equipment, or contractual services involving more than one thousand dollars (\$1000.00) shall be made on written contract, and such contract shall be awarded to the lowest competent bidder meeting specifications and whose bid is most advantageous to the village after such public notice and competition as may be prescribed by ordinance; provided, however, that the Council shall have the power to reject all bids and advertise again. The Council shall provide, by ordinance, for the ordinary purchasing procedure to be followed in purchasing village supplies.

(Adopted 3-13-67)