

TITLE III: ADMINISTRATION

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CHAPTER 30: CITY COUNCIL

Editor's note: City Council provisions are contained in §§ 3.2 through 3.4 of the City Charter.

CHAPTER 31: CITY OFFICIALS AND EMPLOYEES

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GENERAL PROVISIONS

§ 31.01 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. The City Manager shall employ or appoint all officers and employees except as otherwise provided by the City Charter or this code. The City Manager may set aside any action taken by any administrative officer and may supersede him or her in the functions of the office, but, as to officers appointed by the City Council, this action shall be subject to approval by the City Council.

('75 Code, § 1.32)

§ 31.02 SECURITY BONDS.

Security bonds, conditioned as required by Charter Section 4.7, shall be filed by the City Manager, Treasurer, Deputy Treasurer, Clerk and Deputy Clerk in not less than the amounts established by resolution of the City Council. All other officers of the city and employees (except the Mayor and Council members) shall be covered by a blanket bond in an amount not less than \$1,000.

('75 Code, § 1.38)

Cross-reference:

For provisions relating to the duties of the City Manager, see Charter §§ 3.8 through 3.11

§ 31.03 VACANCIES.

In case of vacancy in office or during the absence of any administrative officer, the City Manager may designate an interim acting head or perform personally the functions of the office, until that vacancy

is filled in accordance with the Charter.
('75 Code, § 1.33)

CITY OFFICIALS

§ 31.15 CITY MANAGER.

The City Manager shall see that all laws, ordinances, rules, regulations adopted by the City Council and the provisions of this code, are properly enforced. The Manager shall attend all meetings of the City Council, regular and special. During the absence or disability of the Manager, the City Council shall designate some qualified person to temporarily perform the duties of the Manager.

('75 Code, § 1.31)

Cross-reference:

Supervision of city cemeteries, see § 92.46

CHAPTER 32: DEPARTMENTS, BOARDS AND COMMISSIONS

Section

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GENERAL PROVISIONS

§ 32.01 COMPLIANCE WITH REGULATIONS.

All departments of the city shall comply with the following:

(A) All department heads shall keep informed as to the latest practices in their particular field and shall inaugurate, with the approval of the City Manager in the case of departments responsible to him or her or in the case of other departments, with the approval of the officer or body to whom the department head is responsible, these new practices as appear to be of benefit to the service and to the public.

(B) Reports of the activities of each department shall be made to the Manager as he or she shall direct.

(C) Each department head shall be held responsible for the preservation of all public records under his or her jurisdiction and shall provide a system of filing and indexing the same. No public records, reports, correspondence or other data relative to the business of any department shall be destroyed or removed permanently from the files without the knowledge and approval of the City Council.
(75 Code, § 1.34)

§ 32.02 ADMINISTRATIVE MANUAL.

The City Manager is authorized to adopt any administrative regulations in addition to, but not inconsistent with, the Charter and this code, as he shall deem necessary and proper to provide for the adequate functioning of all departments. These regulations shall comprise the Administrative Manual.
(75 Code, § 1.35)

POLICE DEPARTMENT

§ 32.15 MINIMUM STANDARDS ADOPTED.

(A) The minimum employment standards for law enforcement officers as established and adopted by the Michigan Law Enforcement Officers Training Council, in accordance with Act 203, Public Acts of 1965, are hereby adopted and are set out below.

(B) Standards for employment.

(1) Be a citizen of the United States.

(2) Minimum age of 18 years.

(3) Graduation from high school or equivalent. ***EQUIVALENT*** is defined as having attained a passing score on the General Education Development test indicating high school graduation level.

(4) Fingerprinting of applicants with a search of local, state and national fingerprint files to disclose any criminal record.

(5) The applicant shall not have been convicted of a felony offense.

(6) Good moral character as determined by a favorable report following a comprehensive background investigation covering school and employment records, home environment, personal traits and integrity. Consideration will be given to any and all law violations, including traffic and conservation law convictions as indicating a lack of good character.

(7) Acceptable physical, emotional and mental fitness as established by a licensed physician following examination to determine the applicant is free from any physical, emotional or mental condition which might adversely affect his performance of duty as a police officer.

(8) The trainee shall possess normal hearing and normal color vision. He or she shall be free from any impediments of the senses, must possess normal visual functions and visual acuity in each eye correctable to 20/20, must be physically sound, well developed physically, with height and weight in relation to each other and to age as indicated by accepted medical standards, and in possession of his or her extremities. He or she shall be free from any physical defects, chronic diseases, organic diseases, organic or functional conditions or mental instabilities which may tend to impair efficient performance of duty or which might endanger the lives of others or himself or herself if he or she lacks these qualifications.

(9) A declaration of the applicant's medical history shall become a part of the background investigation. The information shall be available to the examining physician.

(10) An oral interview shall be held by the hiring authority, or the hiring authority's representative, to determine the applicant's acceptability for a police officer position and to assess appearance, background and ability to communicate.

(11) Recruitment and employment practices and standards shall be in compliance with existing state statutes governing this activity.
(75 Code, § 1.91)

CITY HOUSING COMMISSION

§ 32.25 CONTINUATION OF COMMISSION.

Pursuant to Public Act 18 of 1933 (Extra Session) as amended, the commission heretofore created in and for the city, known as the Wakefield Housing Commission, is hereby continued.
(75 Code, § 1.171)

§ 32.26 APPOINTMENTS.

The City Manager shall appoint the members of the City Housing Commission in accordance with Act 18 of 1933 (Extra Session) as amended.
(75 Code, § 1.172)

§ 32.27 POWERS.

The City Housing Commission shall have all the powers and duties vested or permitted to be vested in housing commissions by Public Act 18 of 1933 (Extra Session) as heretofore or hereafter amended, and any laws heretofore or hereafter enacted which are supplemental thereto, it being the intention of this subchapter to vest in the Housing Commission all powers and duties permitted by law.
(75 Code, § 1.173)

§ 32.28 SELECTION AND APPOINTMENT OF EMPLOYEES.

The City Housing Commission shall select and appoint such employees as it shall deem necessary for the proper exercise of its powers, functions and duties and shall pay them compensation as it shall, with the approval of the City Manager, fix and determine.
(’75 Code, § 1.174)

CITY PLANNING COMMISSION**§ 32.40 CONTINUATION OF COMMISSION.**

The City Planning Commission, heretofore created in accordance with Act 285 of the Public Acts of 1931, State of Michigan, as amended, is hereby continued. The City Planning Commission shall consist of nine members who shall represent, insofar as possible, different professions or occupations. The Commission is hereby authorized and empowered to make, adopt, amend, extend, add to or carry out municipal plans as provided by law.
(’75 Code, § 5.201)

§ 32.41 MEMBERSHIP.

The members of the City Planning Commission shall consist of the Mayor; the City Manager; a member of the City Council who shall be selected by the Council and whose term of office shall correspond with his or her term as Council member; and six residents of the city who shall be appointed by the Mayor, subject to the approval by a majority vote of the members elect of the City Council.
(’75 Code, § 5.202)

§ 32.42 TERMS.

The term of each appointed member, other than the Council member referred to in this subchapter, shall be three years or until a successor takes office.
(’75 Code, § 5.204)

§ 32.43 COMPENSATION; REMOVAL.

All members of the City Planning Commission shall serve as such without compensation. Any member may, after a public hearing, be removed by the Mayor for inefficiency, neglect of duty or malfeasance in office. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the Mayor in the case of members selected or appointed by him, and by the City Council in the case of the Council member.
(’75 Code, § 5.205)

§ 32.44 CHAIRPERSON; MEETINGS.

The City Planning Commission shall elect its Chairperson from among its appointed members and fill any other of its offices as it may determine. The term of the Chairperson shall be one year with eligibility of re-election. The City Planning Commission shall hold at least one regular meeting in each month and shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

('75 Code, § 5.206)

§ 32.45 EMPLOYMENT OF NECESSARY EMPLOYEES AND CONSULTANTS.

The City Planning Commission may appoint those 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 corresponding civil service employees of the city. The City Planning Commission may also contract with city planners, engineers, architects and other consultants for those services as it may require. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the City Council which shall provide the funds, equipment and recommendations necessary for the City Planning Commission's work.

('75 Code, § 5.207)

§ 32.46 POWERS AND DUTIES.

The City Planning Commission shall have and exercise all of the powers granted to it under the provisions of Act 285 of the Public Acts of Michigan of 1931 and any and all acts amendatory thereof and shall perform all of the duties on its part to be performed as provided in Act 285 and shall be subject to all of the regulations therein provided.

('75 Code, § 5.208)

§ 32.47 HOLDING OTHER OFFICE.

No member of the City Planning Commission shall hold any other municipal office except the Mayor, Administrative Officer and the Council member to be appointed as herein provided in this subchapter, and excepting further that one of the other six members may be a member of the Zoning Board of Appeals.

('75 Code, § 5.203)



CHAPTER 33: PERSONNEL POLICIES

Section

33.01 Purpose

§ 33.01 PURPOSE.

Except where covered by the agreement between the City of Wakefield and Wakefield Employee's Chapter of Local No. 992 affiliated with Michigan Council No. 25 AFSCME AFL-CIO, the general purpose of this subchapter is to establish for the city a system of personnel administration based on merit principles and scientific methods governing the appointment, promotion, transfer, layoff, removal and discipline of its officers and employees, except as hereinafter specified. All appointments and promotions to positions in the city service shall be made on the basis of merit and fitness to be ascertained by competitive examination.

('75 Code, § 1.141)

Editor's note: Personnel policy provisions are contained in §§ 4.1 through 4.16 of the City Charter.



CHAPTER 34: FINANCE AND REVENUE

Section

- 34.01 Payment of moneys
- 34.02 Rejection of bids

§ 34.01 PAYMENT OF MONEYS.

All moneys belonging to the city shall be paid out by checks drawn by the City Treasurer and countersigned by the City Clerk.
(’75 Code, § 1.36)

§ 34.02 REJECTION OF BIDS.

In calling for sealed proposals, the right of the City to reject any and all bids or to waive any irregularities therein is reserved.
(’75 Code, § 1.244)

Cross-reference:

For provisions relating to purchasing procedure, see Charter § 9.9

CHAPTER 35: CIVIL DEFENSE

Section

- 35.01 Definitions
- 35.02 Powers and duties of certain city officials
- 35.03 Civil defense and disaster control plan
- 35.04 Suspension of conflicting ordinances, orders, rules and regulations
- 35.05 Violation of regulations

§ 35.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CIVIL DEFENSE. The preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, for protection against and to minimize and repair injury and damage resulting from enemy attack, sabotage or other hostile action, or by natural disaster. ('75 Code, § 1.181)

CIVIL DEFENSE VOLUNTEER. Any person who serves without compensation in the civil defense organization.

EMERGENCY. A condition resulting from actual or threatened enemy attack or natural disaster which cannot be handled by normal operating personnel and facilities.

NATURAL DISASTER. Any condition seriously affecting or threatening public health, welfare or security as a result of severe fire, explosion, flood, tornado, hurricane or similar natural or accidental cause and which is beyond the control of public or private agencies ordinarily responsible for the control or relief of those conditions. Riots, strikes, insurrections or other civil disturbance shall not be included within the meaning of this definition.
('75 Code, § 1.181)

§ 35.02 POWERS AND DUTIES OF CERTAIN CITY OFFICIALS.

(A) Mayor.

(1) In the event of actual or threatened enemy attack or natural disaster, the Mayor, or in his or her absence or inability to serve, the Mayor Pro Tem, as conservator of the peace, shall:

(a) Declare a state of emergency within the city, thereby placing in effect the civil defense and disaster control plan required by this chapter.

(b) As soon as may be thereafter, convene the City Council to perform those legislative and administrative functions as the situation may demand. The City Council shall have the power to terminate the state of emergency.

(c) Request the state, its agencies or political subdivisions to end aid if the situation is beyond the control of the regular emergency city forces.

(d) Have the power to command services and the use of equipment, and facilities for that work and duties as the city may require to aid the regular and volunteer city forces in time of emergency.

(e) Promulgate those emergency regulations as may be deemed necessary to protect life and property and conserve critical resources, and those regulations may be invoked when necessary for tests of civil defense and disaster plans. All regulations shall be subject to approval of the City Council as soon as practicable subsequent to promulgation.

(2) The Mayor, or in his or her absence or inability to serve, the Mayor Pro Tem, shall have power to order civil defense forces to the aid of the state or political subdivisions thereof subject to Council review as soon as practicable. ('75 Code, § 1.183)

(B) City Manager.

(1) The powers and duties of the City Manager shall consist of the following:

(a) The City Manager, through the Director of Civil Defense, shall maintain general supervision over the planning and administration for the civil defense organization and the execution of the civil defense and disaster plans. He or she shall coordinate the civil defense activities and make emergency assignments of civil defense duties and civil defense forces in order to meet situations not covered in the normal duties of those forces.

(b) The City Manager may take all necessary action to conduct tests of the civil defense and natural disaster plans.

(c) When a state of emergency has been declared, the City Manager shall assemble and utilize civil defense forces and prescribe the manner and conditions of their use.

(d) The City Manager shall designate a line of succession among his department heads to carry out the powers and duties of division (B)(1) of this section in the event of his or her absence or inability to serve.

(2) The City Manager is hereby authorized to exercise the powers granted to the Mayor in division (A) of this section, either in the absence or inability to serve of the Mayor and the Mayor Pro Tem, or where delay in the exercise of those powers would be contrary to the public interest. ('75 Code, § 1.184)

§ 35.03 CIVIL DEFENSE AND DISASTER CONTROL PLAN.

A comprehensive civil defense and disaster control plan shall be adopted and maintained by resolution of the City Council upon the recommendations of the City Manager. In the preparation of this plan as it pertains to city organization, it is the intent that the services, equipment, facilities and personnel

of all existing departments and agencies shall be utilized to the fullest extent. When approved, it shall be the duty of all municipal departments and agencies to perform the functions and duties assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times.
(’75 Code, § 1.186)

§ 35.04 SUSPENSION OF CONFLICTING ORDINANCES, ORDERS, RULES AND REGULATIONS.

At all times when the orders, rules and regulations made and promulgated pursuant to this chapter shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.
(’75 Code, § 1.187)

§ 35.05 VIOLATION OF REGULATIONS.

It shall be unlawful for any person to violate any of the provisions of this chapter or of the regulations issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the civil defense organization in the enforcement of the provisions of this chapter or any regulations issued thereunder.
(’75 Code, § 1.188)

