



CITY COUNCIL ACTION REPORT

TO: The Honorable Mayor and City Council Members

FROM: Phillip L. Nelson, City Manager

SUBJECT: Confirmation of Interim Appointment; Deputy Police Chief Gary Mayer as Acting Police Chief

In conformance with Charter and Code requirements, I respectfully request your confirmation of the appointment of Deputy Police Chief Gary Mayer as Acting Police Chief for the City of Troy.

Deputy Chief Mayer has served Troy as the Deputy Chief since October 6, 2007, and as Police Captain since January 14, 1995. The Civil Service Commission has certified Deputy Chief Mayer as qualified for this position pursuant to the provisions of Act 78 Police and Fire Civil Service System of Public Act 1935, as amended.

As required by the Act, this appointment cannot exceed three (3) months. The Commission has approved the testing process for promotion to Police Chief; that process will begin immediately.

I have enclosed applicable Charter and Code provisions relative to this issue; specifically, §3.9, §3.11 (c), and §3.13 of the City Charter, and §1 and §1.1 of Chapter 3 of the Troy City Code.

As always, please advise if you have questions or need additional information.

cc: Charles Craft, Police Chief
Gary Mayer, Deputy Police Chief
Peggy E. Sears, Human Resources Director

Chapter 3 - Administrative Service

CHAPTER 3 - ADMINISTRATIVE SERVICE

1. Division of Administrative Service. The administrative service of the City shall be under the supervision and direction of the City Manager, except as otherwise provided by the City Charter, and shall be divided into the following offices and departments, each of which shall be the responsibility of and under the control of a head as listed opposite such office or department:

ADMINISTRATIVE OFFICERS

<u>Office or Department</u>	<u>Official Head</u>
Office of Clerk	City Clerk
Office of Assessor	City Assessor
Office of Treasurer	City Treasurer
Department of Police	Police Chief
Department of Fire	Fire Chief
Department of Law	City Attorney

(Rev. 05-01-78)

- 1.1. The following City employees shall be responsible for certain functions as provided in this Chapter but shall not be deemed administrative officers as the term is defined in section 3.9 of the Charter.

<u>Office or Department</u>	<u>Official Head</u>
Department of Finance	Finance Director
Department of Public Works	Director of Public Works
Department of Engineering	City Engineer
Department of Building	Director of Buildings and Inspections

(Rev. 02-17-03)

CLERK

- 1.2. Office of Clerk. This office shall be headed by the City Clerk, who shall serve as Clerk of the Council and perform such other duties for the Council as may be required by it. He/she shall be responsible for the publication, filing, indexing and safe keeping of all proceedings of the Council.
(Rev. 05-01-78)
- 1.36. Election Records. He/she shall keep and maintain all election records and have custody of all property used in connection with elections.
- 1.37. Other Duties. He/she shall publish all legal notices unless otherwise provided; collect all license fees required by ordinance or statute except as otherwise provided; be the custodian of the official seal; and notify the appointing authority of any board or commission thirty (30) days prior to the expiration of the term of office of any member thereof.

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Section 3.5 - Qualifications of Councilmen:

Members of the Council must meet the eligibility contained in Section 6.1 of this Charter. The Council shall be the sole judge of whether its members and the Mayor are eligible and qualified for office under the provisions of this Charter, the statutes and the Constitution of this State.

Section 3.6 - Compensation of Councilmen:

Members of the Council and the Mayor shall receive as compensation for their services the sum of one hundred seventy-five (\$175.00) dollars per member per month. In addition, each member of the Council shall receive his reasonable and necessary expenses incurred in service on behalf of the City and authorized in advance by the Council, itemized and ordered paid by the Council.

Section 3.7 - Election of Mayor Protem:

The Council shall, at its first meeting following each regular City Election, and after the newly elected members take office, elect one of its members to serve as Mayor Protem. He shall serve for a term expiring upon the election of their successors.

Section 3.8 - Duties of Mayor:

- (a) Insofar as required by statute, and for all ceremonial purposes, the Mayor shall be the executive head of the city. He shall have a voice and vote in all proceedings of the Council equal with that of members of the Council but shall have no veto power. He shall be the presiding officer of the Council.
- (b) The Mayor shall be a conservator of the peace, and in emergencies declared by the Council, may exercise within the city the powers conferred upon sheriffs to suppress riot and disorder, and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the city and to suppress riot and disorder.
- (c) The Mayor shall execute or authenticate by his signature such instruments as the Council, this Charter or any statutes of the State of Michigan or laws of the United States shall require.
- (d) Except as may be required by statute, the Mayor shall exercise only such powers as this charter or the Council shall specifically confer upon him.
- (e) In the absence or disability of the Mayor, the Mayor Protem shall perform the duties of Mayor. In the absence or disability of both, the designated Acting Mayor shall perform such duties.

Section 3.8.5

In January each year until term limitation for Congress has been incorporated into the United States Constitution, the Mayor of the City shall issue a written proclamation requesting members of Congress use their best efforts to pass a constitutional amendment imposing term limits on the U. S. Congress. The proclamation shall be delivered to each U. S. Senator and U. S. Representative whose district includes any part of the City. If a section hereof is held invalid, the remaining section shall not be affected.

Section 3.9 - Administrative Officers:

The administrative officers of the City shall be the City Manager, Attorney, Clerk, Treasurer, Assessor, Police and Fire Chiefs and such additional administrative officers as may be created by ordinance. The Council may, by ordinance, create additional administrative offices and may by ordinance combine any administrative offices in any manner it deems necessary or advisable for the proper and efficient

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operation of the City, but the Council may not change the duties, powers or responsibilities of the Office of the City Manager as provided herein. The City Manager and Attorney shall be appointed by the Council for an indefinite period, shall be responsible to and serve at the pleasure of the council and the Council shall fix the compensation of those officers.

All administrative officers of the City except the City Manager and Attorney shall be appointed by the City Manager for an indefinite period subject to confirmation by the Council. Such officers shall be responsible to the City Manager, and the City Manager shall fix the compensation therefore in accordance with the budget appropriations and subject to the approval of the Council. Such officers may be discharged by the City Manager with approval of the City Council.

Except as otherwise provided by statute or this Charter, the Council may establish by ordinance such departments of the City as it deems necessary or advisable and shall prescribe therein the functions of each department and the duties, authorities, and responsibilities of the officers thereof. The City Manager may prescribe such duties and responsibilities for the officers responsible to him and for their departments not inconsistent with this Charter, ordinances or resolutions of the City Council.

Section 3.10 - City Manager; Appointment and Qualification:

The City Manager shall be the chief administrative officer of the City. He shall be selected on the basis of fitness and ability alone. At the time of his appointment, he need not be a resident of the City or State, but during the tenure of his office, he shall reside within the City. A vacancy in this office shall be filled by the City Council within one hundred and twenty (120) days.

Section 3.11 - City Manager: Functions and Duties:

The City Manager shall be the chief administrative officer of the city government. His functions and duties shall be:

- (a) To be responsible to the Council for the efficient administration of all administrative departments of the city government except the department under the direction of the attorney;
- (b) To see that all laws and ordinances are enforced;
- (c) To appoint, with the consent of the Council, the heads of the several city departments whose appointment is not otherwise specified in this charter, and to discharge such department heads without the consent of the Council, and to direct and supervise such department heads;
- (d) To give to the property department or officials ample notice of the expiration or termination of any franchises, contracts or agreements;
- (e) To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed;
- (f) To recommend an annual budget to the Council and to administer the budget as finally adopted under policies formulated by the Council, and to keep the Council fully advised at all times as to the financial condition and needs of the city;
- (g) To recommend to the Council for adoption such measures as he may deem necessary or expedient; and to attend Council meetings with the right to take part in discussions but not to vote;

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- (h) To exercise and perform all administrative functions of the city that are not imposed by this charter or ordinance upon some other official;
- (i) To be responsible for the maintenance of a system of accounts of the city, which shall conform to any uniform system, required by law and by the Council and to generally accepted principles and procedure of governmental accounting.
- (j) To perform such other duties as may be prescribed by this Charter or as may be required of him by ordinance or by direction of the Council.

Section 3.12 - Acting City Manager:

The Council may appoint or designate an Acting City Manager during the period of a vacancy in the office or during the absence of the City Manager from the city. Such Acting Manager shall, while he is in office, have all the responsibilities, duties, functions and authority of the City Manager.

Section 3.13 - Relationship of Council to Administrative Service:

Neither the Council nor any of its members or committees shall dictate the appointment of any person to office by the City Manager or in any way interfere with the City Manager or other city officer to prevent them from exercising their judgment in the appointment or employment of officers and employees in the administrative service. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the City Manager, and neither the council nor any member thereof shall give orders to any of the subordinates of the City Manager.

Section 3.14 - Clerk: Functions and Duties:

- (a) The Clerk shall be the Clerk of the Council and shall attend all meetings of the Council and shall keep a permanent journal of its proceedings in the English language.
- (b) The Clerk shall be custodian of the city seal, and shall affix it to all documents and instruments requiring the seal, and shall attest the same. He shall also be custodian of all papers, documents, and records pertaining to the city the custody of which is not otherwise provided for.
- (c) The Clerk shall certify by his signature all ordinances and resolutions enacted or passed by the Council.
- (d) The Clerk shall provide and maintain in his office a supply of forms for all petitions required to be filed for any purpose by the provisions of this charter.
- (e) The Clerk shall have power to administer oaths of office.
- (f) The Clerk shall perform such other duties as may be prescribed for him by this charter, by the Council or by the City Manager.

Section 3.15 - Treasurer: Functions and Duties:

- (a) The Treasurer shall have the custody of all moneys of the city; any bond pertaining solely to the Clerk and all evidences of indebtedness belonging to the city or held in trust by the city.
- (b) The Treasurer shall collect all moneys of the city the collection of which is not provided for elsewhere by charter or ordinance. He shall receive from other officers and employees of the city all money belonging to and receivable by the city that may be collected by such officers and