

VILLAGE OF MORRICE  
ORDINANCE NO: 12-03  
(Enacted August 14, 2012)

**ORDINANCE TO ESTABLISH MORRICE PARK AUTHORITY**

THE VILLAGE OF MORRICE ORDAINS:

**SECTION 1:** Short Title.

There is established the Morrice Park Authority (hereinafter referred to as the "Authority") which shall be responsible for the management and operation of the Morrice Park (hereinafter referred to as the "Park"), located on Morrice Road, in Morrice, Michigan.

**Section 2:** The Authority shall be supervised under one of two options, at the sole discretion of the Village of Morrice:

- 2.1 Unless the Village Council passes a Resolution, as set forth in paragraph 2.2, the Authority's Board shall consist of five (5) persons appointed by the Village President by and with the approval of the Council: one of whom shall be a Council Member and/or the Village President, two of whom shall be residents of the Village of Morrice at large, and two of whom shall be members of the Morrice area community at large.
  - 2.11 Additionally, the President may nominate one alternate Board member who shall only have voting rights if one of the primary members and is not required to appear for all meetings.
  - 2.12 All members so appointed shall be full voting members of the Authority, except the alternate member.
  - 2.13 A member of the Authority may be removed for cause by a majority vote of the Village Council, after notice and a reasonable opportunity to be heard.
- 2.2 If the Village Council passes a Resolution, it may authorize itself to sit as the Authority's Board until further action of the Village Council - or for a defined period of time.
  - 2.2.1 In this case, the Authority's term of office shall follow the terms of office of the Village Council's Board, as opposed to those set forth under Section 3.
  - 2.2.2 The Village Council may also pass a Resolution to return control to a Board as established under paragraph 2.1



- 2.2.3 If the Village Council passes such a meeting, then the Authority's meeting shall be held the same day and time as with the Village Council Meetings.

**SECTION 3:** Members of the Authority shall be appointed for a 4-year term, shall meet regularly at a time and place to be established, and shall elect from its membership a chairperson, secretary/treasurer, and vice-chairperson. Of the members first appointed, an equal number shall be appointed for 1 year, 2 year, 3 year and 4 year terms. A member shall hold office until the member's successor is appointed, thereafter each member shall serve for a term of 4 years. Members of the Authority shall serve without compensation, but shall be reimbursed for pre-approved actual and necessary expenses.

**SECTION 4:** The business which the Authority may perform shall be conducted at a public meeting held in compliance with the Open Meeting Acts, Act 267, Public Act 176, MCLA 15.261 to MCLA 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by the Open Meetings Act.

- 4.1 The Authority shall adopt and thereafter amend rules of procedure, consistent with the Open Meetings Act, for the holding of regular meetings, subject to the approval of the Village Council.

**SECTION 5:** The Authority shall:

- 5.1 Assume responsibility for the management, operation, and control of the Park.
- 5.2 Plan and propose repair, preservation, and maintenance of the Park which will, in the opinion of the Authority, prevent the Park's depreciation.
- 5.3 Develop plans in cooperation with the Village Council designed to maximize the use of the Park for Morrice area citizens and other members of the community.
- 5.4 Be responsible for the payment of all expenses in the operation of the Park, raising of revenues for any necessary and desired improvements, and the reimbursement to the Village of all general funds expended [unless the Village otherwise agrees to fund same].
- 5.5 Plan and cause to be published a policy for the use of the building and park grounds, including the hours of operation.
- 5.6 Make and enter into any contracts necessary or incidental to the exercise of its power and performance of its duties.
- 5.7 Prepare complete and detailed Minutes of its meetings, which shall be



published in a newspaper of local circulation in accordance with the Open Meeting Act. Additionally, the monthly meeting Minutes and a monthly statement of the income and expenses of the Authority shall be presented to the Village for review and approval.

- 5.8 Prepare and approve, subject to the approval of the Village, an annual budget with the same fiscal year as the Village.
- 5.9 Submit and bear the expense of an annual audit of the Authority's funds by the Village Auditor, in conjunction with the Village's annual audit.
- 5.10 All financial books and records of the Authority shall be kept in accordance with the Village Auditor's recommendations regarding municipal financing.
- 5.11 Hire an administrator, acting administrator, treasurer, secretary, legal counsel, and other personnel.
  - 5.11.1 a. The Board may employ and fix the compensation of an administrator, subject to the approval of the governing body of the municipality, and who shall serve at the pleasure of the Board.
  - b. A member of the Board is not eligible to hold the position of administrator.
  - c. Before entering upon the duties of his/her office, the administrator shall take and subscribe to the constitutional oath.
  - d. The administrator shall be the Chief Executive Officer of the Authority.
  - e. Subject to the approval of the Board, the administrator shall supervise, and be responsible for, the preparation of plans and the performance of the functions of the Authority in the manner authorized by this administrator.
  - f. The administrator shall attend the meetings of the Board, and shall render to the Board and to the governing body of the municipality a regular report covering the activities and financial condition of the Authority.
  - g. If the administrator is absent or disabled, the Board may designate a qualified person as acting administrator to perform the duties of the office.
  - h. Before entering upon the duties of his/her office, the acting administrator shall take and subscribe to the oath, as required of the administrator.
  - i. The administrator shall furnish the Board with information or reports governing the operation of the Authority as the Board requires.



- 5.11.2 The Board may employ and fix the compensation of a treasurer, who shall keep the financial records of the Authority, subject to the supervision of the Village Treasurer and who, together with the administrator, shall approve all vouchers for the expenditure of funds of the Authority. The treasurer shall perform such other duties as may be delegated to him/her by the Board.
- 5.11.3 The Board may employ and fix the compensation of a secretary, who shall maintain custody of the official seal of the Authority. The secretary shall attend meetings of the Board and keep a record of its proceedings, and shall perform such other duties delegated by the Board. The original of all records, books, and documents shall be kept by the secretary of the Village Hall and under the supervision of the Village Clerk, as all such records are subject to the *Freedom of Information Act*.
- 5.11.4 The Board may retain, solely, the Village Attorney as its legal counsel to advise the Board in proper performance of its duties. The legal counsel shall represent the Authority in actions brought by or against the Authority. Solely, in the case of a conflict as defined by the Michigan Rules of Professional Conduct, the Board may, with the consent of the Village, employ outside legal counsel to handle the matter giving rise to the conflict.
- 5.11.5 The Board may employ other personnel deemed necessary by the Board.

#### **SECTION 6: Funds.**

- 6.1 All funds of the Authority will be deposited with the Village Treasurer and accounted for by the Village Clerk, but shall be separately segregated.
- 6.2 The Authority shall be responsible for administering the budget and all funds coming in to the Authority.
- 6.3 The Authority shall establish a procedure for the selection of rates and revenues on the use of the Park sufficient to pay all expenses and a system for the proper payment of all claims and expenses.
- 6.4 The Authority's Administrator, the Village President, the Village Clerk, and the Village Treasurer shall all be authorized signatories on checks of the Authority.
- 6.5 All Authority checks shall require two signatures to be valid.

**SECTION 7: Dissolution.** This Authority shall be dissolved only by action of a majority of the Morrice Village Council Trustees.



**SECTION 8: Severability.** If any section, subsection, sentence, clause, word, or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional by a Court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holding and/or decision shall be construed and limited to such section, subsection, sentence, clause, work, or phrase or any portion of this Ordinance held to be so invalid and it shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Village declares that it would have passed this Ordinance and each section, subsection, clause, word, or phrase hereof, irrespective of the fact that any one or more section, subsections, sentences, clauses and phrases be declared unconstitutional.

**SECTION 9: Effective Date.** This Ordinance and the related rules, regulations, provisions, requirements, orders and matters established shall take effect immediately upon publication, except any penalty provisions which shall take effect twenty (20) days after publication, pursuant to MCL 66.1; MSA 5.1271.

**SECTION 10: Repealer of Conflicting Ordinances.** All prior existing Ordinances or parts of Ordinances adopted by the Village that are in conflict with the provisions of this Ordinance are repealed only to the extent necessary to give all provisions of this Ordinance full effect.

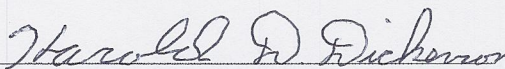
MOVED BY: Robert Genter

SECONDED BY: Christine Williams

YEAS: Robert Genter, Christine Williams, Tom Cameron, Kim Kollek-Jewell, Harold Dickerson

NAYS: -none-

ABSENT: -none-

  
Harold D. Dickerson  
Village President

**CLERK'S CERTIFICATION**

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. <sup>12-03</sup> ~~8/14/12~~ duly adopted by the Council of the Village of Morrice, Shiawassee County, Michigan, on the above stated date and that the same was published in accordance with Section 4 of the Act 3, P.A. 1895.

  
Karen McGuire, Village Clerk

Drafted by  
John L. Gormley (P53539)  
Attorney for the Village of Morrice  
Gormley & Johnson Law Offices, PLC  
101 East Grand River Ave.  
Post Office Box 935  
Fowlerville, Michigan 48836  
(517) 223-3758