



# CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan 49546-7192

**Date:** January 22, 2021  
**To:** Clerk Susan Slater  
Trustee Jim Koessel  
Trustee Timmy Noordhoek  
**From:** Ben Swayze, Township Manager  
**Subject:** Governance Committee Meeting Agenda – January 27, 2021 (9:00am)

The Governance Committee is to meet in the Large Conference Room of Township Hall, or via remote conferencing software Zoom, to discuss the following:

1. **Officers of the Committee** – The Committee is responsible for appointing a Chair and Vice-Chair

**Recommended Action** – Appoint Officers

2. **Rules of Engagement and/or Rules of Procedure for Township Board** – Trustee Koessel has requested that I provide the Committee information on potential Rules of Procedures or Rules of Engagement documents for the Township. These types of documents are common among the public boards of municipalities and can outline the process by which business of the public board is conducted. I have included in the packet the sample document from the Michigan Township Association, as well sample documents from other communities I have found. These documents are not provided as suggestions, only as starting points for the conversations.

**Recommended Action** – No action, discussion only

# **Board “Rules of Engagement”**

developed by the Michigan Townships Association

## **Principles**

Rules of Engagement Must Be:

- 1) Appropriate to meeting purpose
- 2) Agreed to by all
- 3) Efficient
- 4) Fair
- 5) Promote public respect a
- 6) Starting and ending times

## **General Rules**

- 1) Only one meeting–no side conversations
- 2) All viewpoints are valid
- 3) Ideas generated first; evaluated later
- 4) Try to reach consensus–majority vote as last resort
- 5) Decisions will be supported by all members
- 6) Materials will be received in advance t
- 7) Each member speaks for established period of time
- 8) Brainstorming–record all ideas
- 9) Manage war stories; off-track discussions
- 10) Intervene with tact–any group member can act
- 11) Set time limit for each item
- 12) Adopt Agenda by

## **Participants**

- 1) Prepare by reading; develop points of view, questions, opinions
  - a) Determine your goals
  - b) Take meeting seriously; stay involved, show up on time
  - c) Active listening
  - d) Know where your point is going before you start–comments relevant
- 2) Help chair keep meeting moving
- 3) Obtain recognition from chair before speaking
- 4) Limit remarks to issue being considered
  - a) Ask questions for clarification
  - b) Respect colleagues’ rights
  - c) Actively listen
  - d) Explain reasons behind significant decisions
  - e) Raise concerns and objections at meeting, rather than after
  - f) Express disagreement verbally
  - g) Don’t spring surprises
  - h)
- 5) Criticize constructively and in private

## **Rules for Chairing a Meeting**

1. Stay neutral
2. High energy
3. Assertive without abrasiveness
4. Listen well
5. Know when meeting veers off course
6. Dedicated to serve needs of the group—check with others to determine if satisfied
7. Encourage others to participate
8. Safe, open, trusting, supportive relationship
9. Deal with hidden agendas, disruptive behavior
10. Sense of humor
11. Efficient
12. Do not be too partisan during discussion

### **Chair “No No’s”**

1. Failing to relinquish gavel when position too emotional or conflicted
2. Treating members unevenly
3. Cutting off discussion prematurely
4. Failing to timely close discussion
5. Letting meeting drift
6. Allowing meeting to become too informal
7. Neglecting to explain process
8. Failing to restate audience questions
9. Failing to apply time limits consistently
10. Failing to recognize and deal with procedural objections
11. Failing to protect members and staff from verbal attack
12. Losing track of amendments to motions
13. Failing to restate motions before they are voted upon
14. Forgetting to call recesses during long meetings
15. Neglecting to reconvene at specified time

# **Sample Township Board Rules**

*(please see discussion at end)*

## **Township Board Responsibilities:**

The Township Board is responsible for the following tasks:

1. Informing the community on significant issues;
2. Keeping abreast of community, state and national issues impacting on township government;
3. Soliciting views on the township's performance;
4. Evaluating township staff and appointed officials for achievement of ends policies and compliance with executive limitations policies;
5. Protecting the assets of the township;
6. Establishing guidelines or limitations on program implementation and administration;
7. Establishing priorities among programs for resources;
8. Establishing its business agenda, schedule meetings, and establishing its meeting format.

## **Duties of the Board Meeting Moderator**

1. Chairs Board meetings to maintain efficiency, order, and with fairness to participants.
2. Establishes proposed meeting agendas in cooperation with the clerk.
3. Confers with the township attorney on behalf of the Board.
4. Appoints members of ad hoc committees with the consent of the Board.
5. Initiates legal action pursuant to Board authorization.
6. Acts as spokesperson for the Board on matters of policy.
7. Provides direction to the staff as directed by the Board.

## **Board Commitment to Values and Vision**

The township board, on behalf of residents of the township, will provide progressive and visionary leadership consistent with community values and expectations.

- I. The Board shall provide proactive and visionary leadership that focuses on ends and results, rather than means.
- II. The Board shall conduct its business open to the public and will fairly consider differing viewpoints in developing policy.
- III. The Board shall respect diverse opinions and encourage open debate amongst its members. When possible, decisions will be reached through consensus.
- IV. The Board shall regularly monitor its performance in providing strategic leadership to the township.

## **Civic Trusteeship**

The Board shall function openly, and shall seek involvement and contributions from the public and staff in its decisions.

The Board shall maintain effective communication with the community.

Every effort shall be made to secure input from all affected groups during policy formulation and prior to its adoption.

The Board seeks to establish and maintain satisfactory working relationships with all governmental, and private agencies with interests compatible with those of the township.

The Board shall seek to foster an atmosphere of cooperation among all community groups and organizations whose operations are affected by township activities.

The Board shall seek to foster an atmosphere of cooperation and open lines of communication with all governmental agencies having an interest in the township's activities.

## **Board Member Code of Conduct**

Board members shall:

- a. Attend as many Board meetings as possible and become informed concerning issues to be discussed, and shall inform the Supervisor of any impending absences from a Board meeting;
- b. Exercise his or her obligation to vote upon the question unless a conflict of interest is present;
- c. Adopt policy only after full discussion of the issues at public Board meetings;
- d. Encourage the free expression of opinion by all Board members, and seek systematic communications between the Board and the community;
- e. Work with other Board members to establish effective policy and to delegate authority for the administration of the township to the superintendent/manager;
- f. Communicate to other Board members and the superintendent/manage public reaction to Board policy and township programs;
- g. Become informed about current township government issues by individual study and through participation in programs providing needed information, such as those sponsored by the Michigan Townships Association;
- h. Support the employment of those persons best qualified to serve as township staff and insist on a regular impartial evaluation of all staff;
- i. Avoid being placed in a position of conflict of interest and refrain from using the Board position for personal or partisan gain; and
- j. Take no action that will compromise the Board or the township staff and respect the confidentiality of information that is privileged under applicable law.

## **Board Member Responsibilities**

The Board shall transact all business at legally called and noticed meetings. No Board members shall have power to act in the name of the township outside Board meetings unless that person has been specifically designated to do so by official Board action.

The Board shall make the staff and citizens aware that only the Board, not individual members, has the right to take official action for the township. Board members may be contacted for discussion of township business, suggestions for improvements, or other concerns. The Board member may listen, but shall not make a commitment on behalf of the Board. The individual Board member does not and cannot speak for the Board.

If a specific complaint needs attention, the Board member shall explain the township's procedures for handling complaints, or may refer the complainant to the superintendent/manager. The Board member also shall inform the complainant of the process for bringing items to the Board through the Board's agenda or through the public comment portion of the Board meeting.

## **Board Meeting Agenda**

The township board shall determine the level of information provided by staff to the Board.

The Board shall meet twice monthly. The dates of regular board meetings shall be set at the annual organization meeting of the board. The first monthly meeting shall be a "Committee of the Whole" meeting to discuss issues without adherence to rules of procedure. No policy decisions will be made at Committee of the Whole meetings unless Board members have received prior notice of such proposed action.

The second monthly Board meeting shall be a "formal session" and shall be conducted under *Robert's Rules of Order*. The primary purpose of formal sessions is to adopt policy decisions and present to the public information on important issues of the township.

Each Board member shall receive a proposed agenda prior to each meeting, along with appropriate background information. The agenda shall be compiled by the supervisor with the cooperation of the clerk. Additional items may be placed on the agenda at the meeting by majority vote of the members elected and serving.

### Initiation, deliberation and adoption of board actions

Board members may initiate board consideration, deliberation and adoption of new and revised township ordinances and policies. Policies are actions of the board as defined in policy #, and consist of township "ends," board and staff relations, board governance, and executive limitations.

Board action on policy issues is initiated by a board member presenting a draft of a proposed policy to the board at a committee of the whole meeting. Board members are encouraged to circulate drafts to other board members, the superintendent/manager or other interested parties for input prior to presentation to the board.

At the committee of the whole meeting, the board will informally discuss the draft policy. Following discussion, the board may initiate formal consideration of the draft policy by approving a motion to place for first reading the proposed policy on the agenda of a formal board meeting. The board will attempt to contact stakeholders (persons and groups that are likely to have a significant and special interest in an issue) to solicit various viewpoints at the first reading.

Following an affirmative vote at a formal meeting to approve the proposed policy for first reading, the proposed policy will be placed on the agenda of the next formal meeting for final adoption.

By unanimous vote of the board members present and voting, a proposed policy may be adopted at first reading at any lawful board meeting when the board finds that the immediate adoption of a proposed policy is necessitated by the imminent threat to the health, safety and welfare of the township.

Other actions of the board that are not of a policy nature may be adopted without a prior first reading at any lawful meeting of the board.

### Order of Business

The order of business at a regular meeting of the Board shall be:

- I. Call to Order/Pledge of Allegiance
- II. Roll call
- III. Reports/communications, Board-directed follow-up on issues
- IV. Brief community comments to the Board on non-agenda items
- V. Approval of agenda
- VI. Approval of consent agenda items
- VII. Unfinished business
- VIII. New business
- IX. Extended comments and questions from staff, audience or Board
- X. Future topics
- XI. Adjournment

### Consent Agenda

\_\_\_\_\_ To expedite the transaction of routine and noncontroversial items of business, the Board may act on such items by adoption of the consent agenda. Items on the consent agenda shall not be discussed or debated, and shall be considered adopted by the Board upon a majority vote of the members elected and serving to adopt the consent agenda.

The Supervisor and Clerk shall exercise discretion in placing items on the consent agenda. The following items, as well as others, may be placed on the consent agenda:

- a. approval of prior meeting(s) minutes
- b. purchases of goods, services and supplies which require Board approval
- c. approval of leaves of absences
- d. retention of consultants
- e. transfers of appropriations

Prior to the adoption of the consent agenda, any Board member may have one or more items removed from the consent agenda, and such item(s) shall be placed on the meeting agenda under new business.

### Unfinished Business

Business items previously tabled, as well as adoption of Board policies that have been introduced at a first reading at a prior meeting, shall be placed on the agenda under unfinished business.

### New Business

\_\_\_\_\_ Business items that require Board action, as well as first readings of proposed or revised Board policies, will be placed on the agenda as new business.

### Public Participation

Persons wishing to address the Board at the appropriate place in the meeting agenda shall be subject to the following:

- a. Each person shall be allowed to speak on an agenda item when the issue is taken up by the Board, and non agenda issues under Brief community comments, for up to three minutes. An extension of time may be granted by the chairman if the extension will not interfere with conduct of board business or with other persons who also wish to address the board. Persons may address the board without time limitation at the conclusion of all business items on the agenda.
- b. Each person wishing to address the Board shall identify themselves by name and address. Persons representing an organization or group shall indicate whether their comments represent the official view of the organization or group.
- c. If a delegation wishes to address the Board, the delegation may select up to five representatives to speak on its behalf, for a total time of not more than 20 minutes.
- d. The Board shall be provided by the Clerk or by the speaker with copies of all written comments submitted.
- e. Persons addressing the Board shall observe rules of common courtesy. Complaints should first be considered through proper channels before being considered by the Board. Personal attacks against a Board member or township employee unrelated to the Board member's or employee's performance of duties shall not be permitted. Board members or employees may request a closed hearing to hear complaints related to the performance of their official duties.
- f. Board members may question speakers, but are not obligated to answer questions or make statements or commitments in response to issues raised by the public. In general, such issues will be referred to the Supervisor or Superintendent/Manager for investigation, study, and recommendation or designated as a future agenda item.

### Public Access to Board Meetings

The news media will be informed at the beginning of the calendar or fiscal year as to the dates and times of all regular Board meetings, and within three days of any change in the Board meeting schedule. Regular Board meetings will be videotaped and played on community access channels. News media equipment and private recording devices shall not disrupt or influence proceedings.

Board meetings shall be tape recorded and these tapes shall be retained until the written minutes pertaining to that meeting are approved. At the discretion of the clerk and supervisor, tapes may be

retained for a longer period.

### **Township Policy Compliance Monitoring**

The Township Board shall monitor compliance with Board policies in a systematic and regular manner.

Compliance with policies shall be monitored on a continual basis through scheduled reviews of reports on township performance available through external sources, through reviews of internal executive reports, and direct examination when deemed necessary by the board.

Evaluation of policy compliance shall be formally documented through an annual review of ends policies and through the annual review of the superintendent/manager.

Criteria shall be pre-established and shall be based on board policies. Compliance shall be based on the standard of “*whether reasonable persons believe that actual performance matches the preestablished criteria*” Evaluation documentation shall reflect a consensus of the board.

The board shall evaluate the superintendent/manager on an ongoing basis, and shall document the results of such evaluation annually. The content of the superintendent/manager evaluation shall focus on the following information:

1. what the superintendent/manager was charged by the board to accomplish;
2. what the superintendent/manager was prohibited by the board from doing; and
3. how well the superintendent/manager performed against previously established criteria

### **Discussion on Sample Board Rules**

**These rules should be considered a sample of the content and subject areas that township boards should discuss and, if deemed appropriate for that township, be formally adopted. As is the case with any sample, it is not intended to fit perfectly with any particular township. Some of the provisions contained in this sample would fit a township board that uses the John Carver Policy Governance model, and some provisions would be appropriate only in townships that have a superintendent or manager. Some of these rules would need to be modified to comply with the provisions of the Charter Township Act.**

**Prior to adoption of any board rules, consultation with your local township attorney is strongly suggested. Questions or comments on these sample policies can be directed to the Michigan Townships Association.**

# **RULES OF ENGAGEMENT**

## **Governing Principles for the City of Grand Blanc**

### **Introduction**

These Rules of Engagement are the protocol for the City Council interactions and communications with the prescribed individuals and categories of people with whom they direct, interact with, and serve. These rules are not intended to discourage free discussion and communication with the City Council or individual members thereof. Rather they establish a code of decorum intended to facilitate and enhance the effectiveness of those communications, and to ensure that the policies and directives of the City Council are carried out timely, accurately and efficiently.

### **CITY COUNCIL**

#### ***Guiding Principles of Communication***

The City Council shall adhere to high levels of professionalism and ethical standards, both individually and as a Council, in all its communications and interactions both formal and informal within their official capacities. These communications will be guided by the following general principles:

The City Council commits to treat all individuals who appear before them or do business with or on behalf of the City with respect, courtesy, honesty and integrity.

The City Council shall strictly adhere to and abide by the requirements of the Michigan Open Meetings Laws and strive for complete transparency and accountability in its decision making and conduct of day-to-day City business.

Direction and decision-making by the City Council shall occur as a council. Individual members of the Council shall not attempt to exercise independent authority over the City Manager, City Attorney, director, official or employee thereof.

#### ***Role of the City Council***

The job of the City Council is to lead Grand Blanc City Government towards an appointed vision and set of goals. The vision and goals shall be set by the City Council. The City Council's vision and goals shall reflect the needs of the citizens and taxpayers as they relate to Grand Blanc City's activities and scope of influence. The City Council is the linkage between Grand Blanc City Government and the citizens and taxpayers of Grand Blanc City.

The City Council connects its authority and accountability to the citizens and taxpayers of Grand Blanc City, and sees its task as servant-leaders to and from them.

The role of the City Council is separate and distinct from the role of the City Manager, Assistant City Manager, Department Directors, and staff, insofar as the City Council's vision and goals are derived by

looking outwardly to the needs and interests of Grand Blanc City citizens and taxpayers, while implementation of the City Council's vision and goals are the responsibility of the City Manager.

The City Council acknowledges the roles and statutory responsibilities of the City's other Elected and Appointed Officials, as well as the City Council's duty to provide funding and organizational support necessary for them to carry out their statutory duties.

The City Council will appoint/hire, review and hold accountable the City Manager and the City Attorney's performance.

### ***Communication By and Between Council Members***

The City Council holds itself to the highest standards of honesty and integrity and commits to abide by both the spirit and the letter of the Grand Blanc City Code of Ethics. The City Council recognizes that the actions of one City Council member can affect the reputation and integrity of the City Council as a whole. If a City Council member suspects a violation of City Council policy or applicable law by another City Council member, s/he shall bring the matter to the attention of the City Council member and the City Council, and work to resolve the matter expeditiously.

If an interpersonal conflict or problem develops amongst individual members of the City Council, initially, such members shall work with only the people involved and strive to settle the conflict or problem in a constructive manner.

Full disclosure and communication amongst City Council members is necessary to enable the City Council to work together to advance the interest of Grand Blanc City citizens, taxpayers, and government. To insure that all City Council members are informed, the City Council commits to promptly communicate with one another concerning issues affecting the integrity, interests, and/or operation of Grand Blanc City government.

Citizen trust in government is critically important, and the City Council recognizes that a key to building and maintaining that trust is to place a high value on respecting other City Council members and those with whom the City Council works and serves. To that end, the City Council agrees to communicate openly with one another, to take others' concerns seriously, to work together as a team, and to make an effort not just to listen but to try to understand the points of views of others.

Members of the City Council must represent unconflicted loyalty and accountability to the interests of all citizens of Grand Blanc City. City Council members will respect and support the legitimacy and authority of all City Council decisions, regardless of any City Council member's personal position on a matter.

### ***Compliance by Council Members –Disciplinary Measures***

This policy is intended to encourage and promote the highest standards of ethical conduct and behavior by members of the Grand Blanc City Council and the Council has the right to enforce its rules and expect ethical and honorable conduct from its members.

The Grand Blanc City Council has the right to enforce its rules. The action can include, but not limited to, removing a member from the Council Chambers, censure, and holding a trial.

## **CITY MANAGER**

### ***Role of City Manager***

The City Council's official connection to City organizational operations shall be through the City Manager. As the policy-making body of the City, the City Council is responsible for visionary policies and goals. The City Council must clearly communicate its vision, goals, and related objectives to the City Manager. Implementation of operational policies and ancillary decision making, consistent with the City Council's vision and goals, is then the responsibility of the City Manager to implement as effectively and efficiently as possible.

### ***Duties of the City Manager***

The City Council's job is generally confined to establish the broadest vision and policies. Implementation and subsidiary decision making is delegated to the City Manager.

Management of City Organizational Structure – this includes annual evaluation of departmental structure and duties throughout the City and recommendations to City Council for more efficient and/or cost-effective ways to provide City services. The City Manager also provides the selection and management of all department directors.

Operational Policies – the City Manager shall be responsible for delivering, implementing, and enforcing written operational policies consistent with the City Council's vision and objectives including but not limited to: Purchasing Policies, Employment Policies, Code of Ethics Policy, and any other such written policies as directed by the City Council.

Financial – It is the City Manager's duty to annually produce and present a fiscally responsible balanced budget recommendation to the City Council. The City Manager's budget recommendation must be consistent with the City Council's stated priorities in allocating amongst competing budget needs, meet statutory requirements, be based on credible projections of revenues and expenses, include contingency planning, and provisions for annual auditing and adequate fund reserves.

Communication - The City Manager is responsible for communicating the City Council's visionary policies and goals to the elected officials, department directors, employees and citizens pursuant to an adopted communications plan. Information that impacts the City's ability to effectively implement City Council visionary policies and goals must likewise be communicated by the City Manager to the City Council in a timely manner.

Contract – If the City Manager has an Employment Agreement with the City, the provisions of the Employment Agreement, even if in conflict with "Duties of the City Manager", shall be binding.

### ***Ethical Responsibilities of the City Manager***

Within the scope of authority delegated to him/her by the City Council, the City Manager shall not cause nor allow any policy, activity, or organizational action that is unlawful, imprudent or in violation of

commonly accepted business or professional ethics.. When the City Manager becomes aware of such conditions, she/he is responsible for remedying such matters to the extent possible and communicating the same to the City Council. The City Manager shall not participate in Grand Blanc City politics or otherwise support in any way campaigns of Grand Blanc City elected officials or candidates.

### ***Assistant City Manager***

To protect the City Council and City from sudden loss of the City Manager services, and to assist the City Manager in the performance of his/her duties, the City Manager shall hire an appropriate number of Deputy City Managers to most effectively manage the operations of the City. It is the responsibility of the City Manager to keep the Assistant City Manager fully advised of the City Council and City Manager issues and processes so as to enable the Assistant City Manager to effectively step in on a temporary or interim basis, as necessary.

### ***Relationship with the City Council***

The City Council's interaction with the City Manager must recognize and be respectful of the authority that must be necessarily be vested in the City Manager to enable him/her to perform the functions and duties of that position. The City Manager is accountable only to the City Council as a whole, and not to individual City Council members. Therefore, no individual member of the City Council has authority over the City Manager. Information may be requested by individual Board members, but if such request, in the City Manager's judgment, require a material amount of resources or is detrimental to other necessities, the City Manager may ask for majority Board action on such requests. Except for the purpose of inquiry, the Council and its members shall deal with day-to-day administrative functions of all departments, under the Council's responsibility, solely through the City Manager and neither the Council nor any member thereof shall give orders or direction to any of the subordinates of the City Manager or City Attorney.

With the exception of the City Attorney, the City Manager shall have general authority over all City departments and Department Directors under the City Council. This authority shall include supervision and oversight of structural, budgetary, and day to day functions and management decisions required to carry out the objectives of the City Council. It is the role of the City Manager to evaluate the performance of the Department Directors, and to promptly address any performance concerns or disciplinary matters. When s/he concludes it is in the best interest of the City, the City Manager is also authorized to negotiate severance or transition agreements for any employee. The compensatory value of any such agreement shall not exceed six (6) months compensation, in addition to those benefits authorized for all separating employees. The City Manager must receive Council approval for exceptions to this provision.

## **CITY ATTORNEY**

### ***Role of the City Attorney***

The City Attorney is the legal representative of and advisor to the City Council in matters relating to the City Council's official duties and functions as City officers. To assist in the performance of this duty, the City Attorney shall maintain licensed and experienced attorneys who shall also provide general legal services to department directors, and appointed boards as authorized by the City Council. The City

Attorney has a duty to keep the City Council fully advised of legal matters that affect the City Council or the operation of City government.

### ***Limitations on Role***

The City Attorney is accountable to the City Council acting as a body, and not to any individual City Council member or the City Manager. The City Attorney shall not advise City Council members, elected officials, directors or staff on political matters,.

### ***Ethical Duties***

The City Attorney has an ethical duty to provide sound and well-researched legal advice that is guided and dictated by the City Attorney's independent and genuine view of what is in the best legal interests of the City. The City Attorney has a duty to communicate and deliver such advice irrespective of any real or perceived personal or political interests of any individual City Council member. When the City Attorney or any members of the City Attorney's office are acting in their capacities as prosecutors, they must maintain all control over prosecutorial discretion consistent with the Rules of Professional Conduct for prosecutors. The City Attorney shall not participate in Grand Blanc City politics or otherwise support in any way campaigns of Grand Blanc City elected officials or candidates.

### ***Conflicts of Interest***

The City Attorney's principal duty is to provide legal advice and representation to the City Council. The City Attorney and members of his/her office are also responsible for providing general legal services to, department directors and appointed boards of the City. In the event the interests of the City Council and the interests of a department director or appointed board are in conflict, the allegiance of the City Attorney is to the City Council.

### ***Attorney-Client Confidentiality***

Legal advice of the City Attorney given to the City Council in executive session or otherwise is protected by the attorney-client privilege and must be kept confidential and private. The attorney-client privilege is held by the City Council and disclosure of confidential legal matters to third parties without consent of the City Council majority shall be prohibited.

### ***Authority of the City Attorney***

The City Attorney does not exercise line authority over the City Manager or Department Directors. However, the City Attorney is responsible and accountable for ensuring that all department directors act consistent with legal policies and procedures and adopted by the City Council. Such policies may include but not be limited to, procedures for compliance with the Michigan Open Meetings Act, and Finance Department purchasing policies and procedures. At the request of the City Counsel, the City Attorney shall provide a timely review of City contracts, policies, legislation, litigation, and other matters requiring legal representation, review, direction or consideration by the City Attorney's office. These policies and procedures shall be adhered to by all department directors and all elected and appointed officials that utilize the City Attorney's office services.

## **GRAND BLANC CITY EMPLOYEES**

The City Council recognizes the critical role City employees have in carrying out the mission and vision set by the City Council. Communication between the City Council and City employees can facilitate the trust, understanding and loyalty necessary for employees to provide the highest level of service to City taxpayers and citizens.

### ***Forums of Communication between City Council and Employees***

There shall be two channels of direct communication of ideas between the City Council and Grand Blanc City employees: formal and informal. Formal communication shall be facilitated through regular organized employee communication programs developed by the Assistant City Manager or by authorized City employee committees. Informal communications between members of the City Council and City employees are also encouraged. While the City Council does not provide individual direction to City employees, the City Council does commit to listening and considering the feedback it receives from its employees, and to communicate all constructive ideas or concerns expressed by employees to the rest of the City Council for consideration.

### ***Chain of Command***

The City Council recognizes the importance of respecting the chain of command inherent in the City government structure. The City Council will not undermine or disrupt the authority of department directors, elected officials, or other designated managers in handling employee relations issues.

## **CITIZENS and TAXPAYERS of GRAND BLANC CITY**

The City Council's primary responsibilities are to represent the citizens and taxpayers of Grand Blanc City with vision and purpose and to establish an organization that achieves this mission within its statutory duties in a fiscally responsible manner. The City Council, as a single entity and individually, is accountable to the citizens of Grand Blanc City.

### ***Duties to Citizens***

An essential step in achieving linkages to the citizens is to assess Grand Blanc City's community needs. The needs assessment and information gathering may occur in many forms including, but not limited to:

- Direct personal communication by a taxpayer/citizen with a City Council member
- Neighborhood meetings
- Town Hall gathering
- Advisory boards
- Surveys
- Electronic submittals from the City's website and social media
- Other standard forms of communication

The City Council will then strive to identify the greatest needs of the citizens and taxpayers of the City in their scope of influence, and shall articulate these needs into a vision, purpose and overarching governing principles.

Opportunity for citizen communication will be part of the agenda in the City Council's public hearings.

Committee meetings are open to the public. The City will continue to ensure accessibility and transparency in the conducting of those meetings.

**RULES OF ORDER AND PROCEDURE**

**FOR THE CITY COUNCIL**

**PORTAGE, MICHIGAN**

**Section 1. Convening of Meeting; Quorum:**

The Mayor, or in his/her absence or at his/her direction, the Mayor Pro Tem, shall, at the time fixed for meeting, take the chair for convening the Council. The presence of four (4) members of the meeting shall constitute a quorum for the transacting of business.

**Section 2. Order of Business:**

The Business of all regular meetings shall be transacted as far as possible in the following order:

- |                                       |  |
|---------------------------------------|--|
| CALL TO ORDER                         | D. Public Hearings                           |
| Invocation                            | E. Regular Business Agenda                   |
| Pledge of Allegiance                  | F. Unfinished Business                       |
| Roll Call                             | G. Council Committee Reports                 |
| Proclamations                         | H. New Business                              |
| A. Consent Agenda                     | I. Statements of Citizens                    |
| B. Petitions & Statements of Citizens | J. Statements of City Council & City Manager |
| C. Communications                     | ADJOURNMENT                                  |

**Section 3. Reading of Minutes:**

Unless a reading of the minutes of a meeting is requested by a member of the Council, such minutes may be approved or corrected without reading if the City Clerk has previously furnished each member with a true copy thereof.

**Section 4. Agenda for Meeting:**

Any Councilmember, Mayor or City Manager may prepare items for consideration on the agenda of Council meetings. The Clerk shall prepare copies of the agenda of the business to be

considered at each regular Council meeting. No business shall be placed on the agenda by the Clerk unless received not later than 12:00 o'clock noon on the Friday preceding the meeting, except upon the approval of four (4) or more members of the Council.

### **Section 5. Consent Agenda:**

The Consent Agenda motions shall be provided to City Council. The Consent Agenda and related motions shall not be read into the record unless a motion to do so is passed by Council. Items may be removed from the Consent Agenda by a member of City Council or the audience. If an item is removed from the Consent Agenda, the item automatically moves from the Consent Agenda to the end of the Regular Business Agenda section. Routine items on the Consent Agenda include, but are not limited to, City Council Meeting Minutes, Minutes of Boards and Commissions, Accounts Payable Register, Materials Transmitted and Calendar of Meetings.

Councilmembers shall make every effort to request removal of items from the Consent Agenda prior to 12 noon on the day of the meeting. This does not preclude members of Council from requesting removal of an item from the Consent Agenda during the meeting itself.

The Consent Agenda items will then be enacted by the following motion: *“The Consent Agenda is available for review by visiting the City of Portage website, where it is available both in written and audio format on the City Council “Agenda and Minutes” web page – or - by visiting the Office of the City Clerk the day before or the day of a Regular Meeting. Does any Councilmember wish to remove an item from the Consent Agenda for individual consideration? Does anyone in the audience wish to remove an item from the Consent Agenda for individual consideration? I would consider a motion to approve the Consent Agenda as presented by City Council (– or – with the exception of Item(s) \_\_\_\_\_).”*

### **Section 6. Regular Meetings; Time-Place:**

The Council shall meet regularly every other Tuesday at 7:00 o'clock p.m. in the Council Chambers of the Portage City Hall, 7900 S. Westnedge Ave., Portage, Michigan; however, the Council may cancel all but two Tuesday meetings in each month by giving notice of said cancellation as required by Act 267 of the Public Acts of 1976. When the day fixed for any regular meeting falls upon a national holiday, or the eve of a national holiday, or upon any regular or special

election day, the Council may determine to hold such meeting at the same hour within a week preceding or succeeding the regular day or cancel the meeting as provided above. Notice of the time and place of the changed meeting date or cancellation shall be given in accordance with Act 267 of Public Acts of 1976. Meetings may be held in other locations provided notice is given pursuant to Act 267 of Public Acts of 1976.

The Council shall hold an organizational meeting, which may be combined with, but in no event shall be later than its first regular meeting in November immediately following the regular City election. At such meeting, or within one week thereafter, Council shall elect from its membership a Mayor Pro-Tempore who shall serve for a period of two years and thereafter until a successor is appointed. Nominations for Mayor Pro Tem shall be entertained by the presiding officer and after all nominations desired are made, the nominations shall be closed by motion. Voting by the Council shall be by a signed ballot. The City Clerk shall announce and record in the record each Councilmember's vote. A majority of Councilmembers present shall be required to elect the Mayor Pro Tem. If the first vote does not result in a majority, voting shall continue until a majority is achieved.

### **Section 7. Meetings; Notice Required:**

The City Clerk shall call a special meeting on the written request of the Mayor, or any three members of the Council. Notice required for the special meeting will be given in accordance with Section 5 of Act 267 of the Public Acts of 1976, and the business to be transacted at such meeting will be limited to that stated or given in the notice.

### **Section 8. Presiding Officer; Powers and Duties:**

- (a) The Mayor shall be the presiding officer of the Council. He/she shall state every question coming before the Council, announce the decision of the Council on all matters, and decide all questions of order; provided, however, that upon an appeal to the Council, a majority vote of the Council shall conclusively determine such question of order. He/she shall vote on all questions. He/she shall, at the request of a Councilmember divide any question, if such

question in his/her opinion is subject to division, and he/she shall submit it as divided.

- (b) The Mayor may refer any communication, question or petition to the City Manager of the City for action, reply or procedure to dispose of such matter.

### **Section 9. Statements of Citizens:**

All citizens shall have an opportunity to be heard during the course of each meeting after standing and being recognized by the presiding officer, and stating their name, street address and city. No citizen shall speak for longer than three (3) minutes unless the rules are suspended in accordance with Section 12(a).

### **Section 10. Rules of Debate:**

- (a) There shall be no debate or discussion of any issue prior to the proper introduction of said issue.
- (b) When a motion is under debate, only the following motions shall be in order:
  1. Motion to adjourn.
  2. Motion to take a recess.
  3. Motion to lay on the table.
  4. Motion for the previous question.
  5. Motion to postpone to a day certain.
  6. Motion to refer to a committee of the council.
  7. Motion to amend or substitute.
  8. Motion to postpone indefinitely.
- (c) A motion to adjourn and a motion to lay on the table shall always be in order and without debate.
- (d) After a motion is made to close debate, the presiding officer shall poll the Council on the question of closing the debate. If the yes's prevail, the presiding officer shall immediately poll the Council on the principal question, or questions, without further debate.
- (e) All votes shall be taken by yes and no, and be entered upon the journal to show the names of those voting in the affirmative and in the negative, except if the vote is unanimous, the record need merely so state.

- (f) When a question has once been decided, it shall be in order for any member who voted on the prevailing side of the question or a member who did not vote by reason of absence to move reconsideration thereof.

**Section 11. Ordinances, Resolution, Motions, Contracts:**

- (a) All ordinances, resolution and contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney.
- (b) Ordinances, resolutions and other matters that are subjects requiring action by the Council, shall be introduced and sponsored by the Mayor or a member of the Council; otherwise, they shall not be considered.
- (c) Each proposed ordinance shall be introduced in written form. Reading of the title shall be sufficient for the introduction of an ordinance unless a member of the Council requests that the proposed ordinance be read in full. The Council may also request that the introducer give an explanation of the proposed ordinance. Upon the introduction of an ordinance, the Council may:
  - 1. Postpone the proposed ordinance for consideration at the next regular meeting of the Council or at a later regular Council meeting specified in the motion to postpone; or
  - 2. Refer the proposed ordinance to an ad hoc committee of three (3) Councilmembers named by the Mayor for study and recommendation to the Council. When such committee reports back to the Council, the ordinance may then be adopted or postponed as above. Any proposed ordinance may be amended by the Council at any time prior to its adoption by the vote of four (4) or more of its members.
  - 3. When an emergency ordinance is introduced for adoption at any meeting, it shall be read in full before the Council and may be passed at such meeting in accordance with the provisions of Section 5.3 (b) of the City Charter.

**Section 12. Suspending; Amending Rules:**

- (a) These rules may be suspended by a vote of five (5) members of the City Council present and voting.
- (b) These rules may be amended by a vote of five (5) members of the City Council present and

voting.

**Section 13. Roll Call Votes:**

All roll call votes are to rotate in staggered alphabetical order, such that no member of the City Council, including the presiding officer, votes in the same position for consecutive roll call votes.

**Section 14. Attendance:**

Councilmembers who will be absent shall, if possible, notify the City Clerk prior to meeting.

**Section 15. Governing Rules of Order:**

Roberts Rules of Order may apply to all other items not provided for in these rules, except where they may be inconsistent with said rules.

**Section 16. Vacancies**

If a vacancy occurs on the City Council, except in the case of recall, the Council shall fill the vacancy by appointment within 60 days thereafter. In making its appointment Council may consider appointing any eligible person.



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## **RULES OF PROCEDURE FOR THE LOWELL CITY COUNCIL**

### **A. REGULAR AND SPECIAL MEETINGS**

All meetings of the City Council will be held in compliance with state statutes, including the Open Meetings Act, 1976 PA 267 as amended, and with these rules.

#### **1. Regular meetings**

Regular meetings of the City Council will be held on the first and third Monday of each month beginning at 7 p.m. at the City office unless otherwise rescheduled by resolution of the Council.

#### **2. Special Meetings**

A special meeting shall be called by the Clerk upon the written request of the Mayor or any three members of the Council on at least 24 hours' written notice to each member of the Council served personally or left at the Councilmember's usual place of residence. Special meeting notices shall state the purpose of the meeting. No official action shall be transacted at any special meeting of the Council unless the item has been stated in the notice of such meeting.

#### **3. Posting requirements for regular and special meeting**

- a. During the second regular meeting of December, the City Council will establish the dates, times and places of the regular bimonthly Council meetings. The listing will be posted in the City offices.
- b. For a rescheduled regular or a special meeting of the Council, a public notice stating the date, time and place of the meeting shall be posted at least 18 hours before the meeting at the City office.
- c. The notice described above is not required for a meeting of the Council in emergency session in the event of a severe and imminent threat to the health, safety or welfare of the public when two-thirds of the members of the Council determine that delay would be detrimental to the City's efforts in responding to the threat.

#### **4. Minutes of regular and special meetings**

The Clerk shall attend the Council meetings and record all the proceedings and resolutions of the Council in accordance with the Open Meetings Act. In the absence of the Clerk, the City Manager may appoint a member of City staff to temporarily perform the Clerk's duties.

Within 15 days of a Council meeting, a synopsis showing the substance of each separate decision of the Council or the entirety of the Council proceedings shall be prepared by the Clerk and shall indicate the vote of the Councilmembers. It shall be published in a newspaper of general circulation in the City.

A copy of the minutes of each regular or special Council meeting shall be available for public inspection at the City offices during regular business hours.

5. Study Sessions

Upon the call of the Mayor or the Council and with appropriate notice to the Councilmembers and to the public, the Council may convene a work session devoted exclusively to the exchange of information relating to municipal affairs. No votes shall be taken on any matters under discussion nor shall any Councilmember enter into a formal commitment with another member regarding a vote to be taken subsequently.

B. CONDUCT OF MEETINGS

1. Meetings to be public

All regular and special meetings of the Council shall be open to the public, and citizens shall have a reasonable opportunity to be heard in accordance with such rules and regulations as the Council may determine, except that the meetings may be closed to the public and the media in accordance with the Open Meetings Act.

All official meetings of the Council shall be open to the media, freely subject to recording by radio, television and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings.

The City Clerk shall record all regular and special City Council meetings by audio device. Upon approval of that meeting's minutes, the audio shall be destroyed except in the absence of a video. The meetings shall be videoed. These will be stored electronically and available to the public for reviewing.

2. Agenda preparation

An agenda for each regular Council meeting shall be prepared by the City Manager with the following order of business:

- a. Call to Order; Pledge of Allegiance, Roll Call
- b. Approval of the Agenda
- c. Approval of Minutes from the Preceding Regular and/or Special Meetings
- d. Approval of Accounts Payable
- e. Citizen Comments for Items Not on the Agenda
- f. Old Business
- g. New Business
- h. Council Comments
- i. Monthly Reports (prepared for the second regular meeting of the month)
- j. Manager's Report
- k. Appointments to Commissions and Boards
- l. Executive Session
- m. Adjournment

Any Councilmember shall have the right to add items to the regular agenda before the meeting commences.

3. Agenda distribution

Agendas shall be distributed so that Councilmembers receive their agendas by the Friday evening before the Monday meeting. Agendas will be distributed to Councilmember's place of residence.

4. Quorum

A majority of the elected or appointed and serving members of the Council shall constitute a quorum for the transaction of business at all council meetings. In the absence of a quorum, a lesser number may adjourn any meeting to a later time or date with appropriate public notice.

5. Attendance at council meetings

Election to the City Council is a privilege freely sought by the nominee. It carries with it the responsibility to participate in Council activities and represent the residents of the City. Attendance at Council meetings is critical to fulfilling this responsibility.

The Council may excuse absences for cause. If a Councilmember has more than three unexcused successive absences for regular or special Council meetings, the Council may enact a resolution of reprimand. In the event that the member's absences continue for more than three additional successive regular or special meetings of the Council, the Council may enact a resolution of censure or request the Councilmember's resignation or both.

6. Presiding officer

The presiding officer shall be responsible for enforcing these rules of procedure and for enforcing orderly conduct at meetings. The Mayor is the presiding officer. The Mayor Pro Tem shall preside in the absence of the Mayor. In the absence of the Mayor and Mayor Pro Tem, the member present who has the longest consecutive service on the Council shall preside.

7. Disorderly conduct

The Mayor may call to order any person who is being disorderly by speaking out of order or otherwise disrupting the proceedings, failing to be germane, speaking longer than allotted time or speaking vulgarities. Such person shall be seated until the chair determines whether the person is in order.

If the person so engaged in presentation is called out of order, he or she shall not be permitted to continue to speak at the same meeting except by special leave of the Council. If the person shall continue to be disorderly and disrupt the meeting, the chair may order the sergeant at arms to remove the person from the meeting. No person shall be removed from a public meeting except for an actual breach of the peace committed at the meeting.

C. CLOSED MEETINGS

1. Purpose

Closed meetings may be held only for the reasons authorized in the Open Meetings Act, which are the following:

- a. To consider the dismissal, suspension or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member or individual agent when the named person requests a closed meeting. MCL 15.268 Sec. 8(a)
- b. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement when either negotiating party requests a closed hearing. MCL 15.268 Sec. 8(c)
- c. To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained. MCL 15.268 Sec. 8(d)
- d. To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have a detrimental financial effect on the litigating or settlement position of the Council. MCL 15.268 Sec. 8(e)
- e. To review the specific contents of an application for employment or appointment to a public office when a candidate requests that the application remain confidential. However, all interviews by a public body for employment or appointment to a public office shall be held in an open meeting. MCL 15.268 Sec. 8(f)
- f. To consider material exempt from discussion or disclosure by state or federal statute. MCL 15.268 Sec. 8(h)

## 2. Calling closed meetings

At a regular or special meeting, the Councilmembers, elected or appointed and serving, may call a closed session by a two-thirds roll call vote for purposes (c), (d), (e) and (f) above, and by a simple majority for purposes (a) and (b). The roll call vote, the purpose(s) for calling the closed meeting, and the time in which the vote was taken shall be entered into the minutes of the open session during which the vote is taken. In addition, the time in which the Council returned to open session shall be recorded in the open session minutes.

## 3. Minutes of closed meetings

A separate set of minutes shall be taken by the Clerk or the designated secretary of the Council at the closed session. These minutes will be retained by the Clerk, shall not be available to the public, and shall only be disclosed if required by a civil action, as authorized by the Open Meetings Act. These minutes shall be destroyed one year and one day after approval of the minutes of the regular meeting at which the closed session was approved.

## D. DISCUSSION AND VOTING

### 1. Rules of parliamentary procedure

The rules of parliamentary practice as contained in the latest edition of Robert's Rules of Order shall govern the Council in all cases to which they are applicable, provided that they are not in conflict with these rules, City ordinances or applicable state statutes. The Mayor may appoint a parliamentarian.

The chair shall preserve order and decorum and may speak to points of order in preference to other Councilmembers. The chair shall decide all questions arising under this parliamentary authority, subject to appeal and reversal by a majority of the Councilmembers present.

Any member may appeal to the Council a ruling of the presiding officer. If the appeal is seconded, the member making the appeal may briefly state the reason for the appeal and the presiding officer may briefly state the ruling. There shall be no debate on the appeal and no other member shall participate in the discussion. The question shall be, "Shall the decision of the chair be sustained?" If

the majority of the members present vote "aye," the ruling of the chair is sustained; otherwise it is overruled.

## 2. Conduct of discussion

During the Council discussion and debate, no member shall speak until recognized for that purpose by the chair. After such recognition, the member shall confine discussion to the question at hand and to its merits and shall not be interrupted except by a point of order or privilege raised by another member. Speakers should address their remarks to the chair, maintain a courteous tone and avoid interjecting a personal note into debate.

No member shall speak more than once on the same question until every member desiring to speak to that question shall have had the opportunity to do so.

The chair, at his or her discretion and subject to the appeal process mentioned in Section D.1., may permit any person to address the Council during its deliberations.

## 3. Ordinances and resolutions

No ordinance, except an appropriation ordinance, an ordinance adopting or embodying an administrative or governmental code or an ordinance adopting a code of ordinances, shall relate to more than one subject, and that subject shall be clearly stated in its title.

A vote on all ordinances and resolutions shall be taken by a roll call vote and entered in the minutes unless it is a unanimous vote. If the vote is unanimous, it shall be necessary only to so state in the minutes, unless a roll call vote is required by law or by Council rules.

## 4. Roll call

In all roll call votes, the names of members of the Council shall be called in alphabetical order.

## 5. Duty to vote

Election to a deliberative body carries with it the obligation to vote. Councilmembers present at a Council meeting shall vote on every matter before the body, unless otherwise excused or prohibited from voting by law. A Councilmember who is present and abstains or does not respond to a roll call vote shall be counted as voting with the prevailing side and shall be so recorded, unless otherwise excused or prohibited by law from voting.

Conflict of interest, as defined by law, shall be the sole reason for a member to abstain from voting. The opinion of the City Attorney shall be binding on the Council with respect to the existence of a conflict of interest. A vote may be tabled, if necessary, to obtain the opinion of the City Attorney.

The right to vote is limited to the members of Council present at the time the vote is taken. Voting by proxy or by telephone is not permitted.

All votes must be held and determined in public; no secret ballots are permitted.

6. Results of voting

In all cases where a vote is taken, the chair shall declare the result.

It shall be in order for any Councilmember voting in the majority to move for a reconsideration of the vote on any question at that meeting or at the next succeeding meeting of the Council. When a motion to reconsider fails, it cannot be renewed.

E. CITIZEN PARTICIPATION

1. General

Each Council meeting agenda shall provide for reserve time for citizen comments as requested.

2. Length of presentation - public hearings and public participation

Members of the public at the meeting shall not speak unless recognized by the chair. Members of the public shall be limited to speaking for a maximum of five (5) minutes during any public hearing or public comment. A person representing a group and speaking on behalf of same shall be allowed ten (10) minutes to address the Council. The Clerk shall notify the chair when time has expired.

At the discretion of the chair, the time for speaking may be added or reduced.

3. Person addressing the City Council

Prior to addressing the Council, members of the public shall state their name and address and, if appropriate, group affiliation. The Council may in its discretion limit public comments to new information or matters not fully addressed at any previous meeting regarding the agenda item at issue. No person shall have the right to speak more than once on any particular subject until all other persons wishing to be heard on that subject have had the opportunity to speak.

4. Deviation

Either in his/her discretion, or upon the request of a member of the Council, the Mayor may recognize a member of the audience who shall be permitted to address the Council at a time other than audience participation; however, all other rules as provided herein shall apply.

5. Request to speak during citizen comments

Any person who wishes to speak on a subject not on the printed agenda may speak at this time. All rules of conduct still apply.

6. Requests to speak during regular agenda items

Any person who wishes to speak on an item included on the printed meeting agenda may do so. Speakers will be recognized by the Chair, at which time they will be required to state their name and will be allowed five (5) minutes maximum to address the Council. A speaker representing a subdivision association or group will be allowed ten (10) minutes to address the Council.

F. MISCELLANEOUS

1. Adoption and amendment of rules of procedure

These rules of procedure of the Council will be placed on the agenda of the first meeting of the Council following the seating of the newly elected Councilmembers for review and adoption. A copy of the rules adopted shall be distributed to each Councilmember.

The Council may alter or amend its rules at any time by a vote of a majority of its members after notice has been given of the proposed alteration or amendment.

2. Suspension of rules

The rules of the Council may be suspended for a specified portion of a meeting by an affirmative vote of two-thirds of the members present except that Council actions shall conform to state statutes and to the Michigan and the United States Constitutions.

3. Bid awards

Bids will be awarded by the Council during regular or special meetings. A bid award may be made at a special meeting of the Council if that action is announced in the notice of the special meeting.

4. Special committees

Special committees may be established for a specific period of time by the Mayor or by a resolution of the Council which specifies the task of the special committee and the date of its dissolution.

5. Authorization for contacting the City Attorney

The following officials (by title) are authorized to contact the City Attorney regarding municipal matters:

Mayor and City Councilmembers  
City Manager  
City Department Heads (upon approval of the City Manager)

6. These Rules of Procedure shall apply except as otherwise provided by the City Charter and/or applicable state statutes.

G. CERTIFICATE OF ADOPTION

Certified to be complete and accurate set of Rules of Procedures of the City Council of the City of Lowell, Michigan adopted by resolution of its regular meeting held January 3, 2012.

Date: January 3, 2012

  
Betty R. Monlock, City Clerk  
City of Lowell

**Frankenmuth City Council  
Rules of Procedure  
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**Frankenmuth City Council  
Rules of Procedure**

**1. Authority.** These rules were adopted by resolution of the City Council pursuant to the authority of the Frankenmuth City Charter [Section 5.7(f)]. None of the rules herein stated may supersede the City Charter, City Code or Laws of the State of Michigan.

**2. City Council Meetings.**

**2.1 Regular Meetings and Work Session Meetings.** The regular meetings and work session meetings of the City Council shall be held on the first Tuesday of each month, unless otherwise determined by the Council. The Council will approve by resolution the regular meeting and work session meeting schedules for the following calendar year, including exceptions to the first Tuesday meeting, no later than the regular December Council meeting of each calendar year.

**2.2 Special Meetings.** Special meetings of the Council shall be called by the City Clerk upon the request of the Mayor, City Manager, or any two (2) members of the Council or by a majority vote of the Council. Notice of a special meeting shall be given to each member of the Council at least 18 hours in advance of the meeting. Such notice shall be served personally or left at each Council member's usual place of residence by the City Clerk or his/her designee. The notice shall contain the time, place and purpose of the meeting.

**2.3 Emergency Special Meetings.** Emergency special meetings shall be held only upon the consent of 2/3 of the Council members and only if a delay to allow notice would present a severe and imminent threat to health, safety or welfare of the public.

**2.4 Place of Meetings.** Regular, work session and special meetings of the Council will be held in the Meeting Chambers of the City & Township Government Center, unless otherwise determined by the Council. If the Meeting Chambers appear to be inadequate for members of the public to attend, the City Clerk may change the meeting to a larger room. A notice of such change shall be prominently posted on the door of the City & Township Government Center. If time permits the City Clerk will also publish notice of the change in meeting place in the Frankenmuth News.

**2.5 Time of Meetings.** Regular meetings of the Council will begin at 7:00 P.M., unless otherwise determined by the Council. Work session meetings will begin at 7:30 A.M., unless otherwise determined by the Council. Special meetings may be scheduled at other times provided the meeting time is included in the meeting notice. Meetings will not be scheduled at times which would discourage public attendance.

**2.6 Changes in Meeting Schedule.** Changes in the meeting schedule may be made upon the approval of a majority of the City Council members during a regular or special meeting. When time permits, the City Clerk will publish notice of such change in the Frankenmuth News.

**3. Public Notice of Meetings.** The City Clerk shall be responsible for providing the proper notice of all meetings of the Council.

**3.1 Meeting Schedule.** The City Clerk shall post a notice of the regular and work session meeting schedule for the next calendar year at the City & Township Government Center and publish said notice in the Frankenmuth News, prior to the beginning of each calendar year. Said notice shall indicate the dates, times and locations of the scheduled meetings.

**3.2 Schedule Change.** Whenever the Council changes its meeting date, the City Clerk shall post a notice of the change within three (3) days following the meeting in which the change was made. When time permits, the City Clerk will publish notice of such change in the Frankenmuth News.

**3.3 Special Meetings.** If a special Council meeting is called pursuant to Section 2.2 above, the City Clerk shall post notice of such meeting immediately. No meeting, except an emergency meeting, may be held until such notice has been posted at least 18 hours.

**4. Quorum.** Four (4) City Council members shall constitute a quorum for the transaction of business at all City Council meetings.

**5. Agendas.**

**5.1 Regular Meeting Agendas.** The City Manager shall prepare the agenda of business for all regular meetings. The City Manager will distribute copies of the agendas to the Council members on the Friday afternoon preceding each regular meeting. After the meeting is called to order the Council will vote to approve the agenda with or without the addition of any items presented to the City Manager after 12 o'clock noon on said Friday. A majority vote of the Council members present is required to approve the agenda and to add any additional items.

**5.2 Work Session Meeting Agendas.** The City Manager shall prepare the agenda of business for all work session meetings. The City Manager will distribute agendas to the Council on the Friday afternoon preceding each work session meeting. After the meeting is called to order the Council will vote to approve the agenda with or without the addition of any items presented to the City Manger after 12 o'clock noon on said Friday. A majority vote of the Council members present is required to approve the agenda and to add any additional items.

**5.3 Special Meeting Agendas.** The City Manager shall prepare the agenda of business for all special Council meetings. The agenda will consist only of the matters so stated in the notice of the meeting.

**5.4 Order of Business.** The City Manager shall determine the order of business of the meeting when preparing the agenda. The Chair, upon hearing no objection, may change the order of business. Should an objection be made, such proposed change shall be approved by a majority vote of the members present.

## **6. Conduct of Meetings.**

**6.1 Chair.** The Mayor shall moderate and chair all meetings of the Council. In the absence of the Mayor, the Mayor Pro-Tem shall assume the duties of the Chair. If neither person is present at the meeting, the Council shall select one of its members to preside until the Mayor or Mayor Pro Tem is present.

**6.2 Members of the Public.** Members of the public in attendance at a Council meeting shall not speak unless recognized by the Chair. Members of the public shall be limited to speaking for a maximum of three minutes during any public hearing or public comment. The Council may waive the three minute limit by a majority vote of the Council members present. Prior to addressing the Council, members of the public must also identify themselves by stating their name and whether or not they are a resident of the City of Frankenmuth.

Any person shall be permitted to address the Council during the period set for public comment if that person has, prior to the commencement of the meeting, registered on a form provided by the Clerk. The form will require the person to provide their name and to indicate whether or not they are a resident of the City of Frankenmuth. When the meeting is called to order the Clerk will deliver the form(s) to the Chair who will recognize each registrant in whatever sequence the Chair thinks proper. The requirement for submittal of a written request to speak may be waived by the Chair. No person will be allowed to speak prior to being recognized by the Chair.

**6.3 Hearings.** Hearings shall be scheduled and due notice given in accordance with all applicable laws and ordinances. Public hearings shall be conducted by the Council in an orderly and timely fashion. This shall be accomplished by the following procedure:

- A.** The Chair shall recognize each person before they may speak.
- B.** When recognized by the Chair, the person must state his/her name and must indicate whether or not they are a resident of the City of Frankenmuth prior to speaking.
- C.** All comments, opinions and questions must be addressed directly to City Council.
- D.** No person will be allowed to speak for more than three minutes without approval of a majority vote of the Council members present.
- E.** The Chair may limit to one the number of times a person will be recognized to speak during each public hearing.
- F.** Speakers shall be respectful of all persons in attendance and the Council members.

**6.4 Disorderly Conduct at Meetings.** The Chair may call to order any person who is being disorderly by speaking when not recognized by the Chair or by speaking for more than the allotted time or by otherwise disrupting the proceedings. Such person shall thereupon be seated until the Chair has determined whether the person is in order. If a person so engaged in presentation is called out of order, he or she shall not be permitted to speak at the same meeting, except upon special permission by the City Council. If the person continues to be disorderly or disrupts the meeting, the Chair may order the Police

Department to remove the person from the meeting. No person will be removed from a City Council meeting except for an actual breach of the peace committed at that meeting.

## **7. Record of Meetings.**

**7.1 Meeting Records.** The City Clerk shall be responsible for the maintenance of the official record and minutes of each meeting of the Council. The minutes shall include all actions of the Council with respect to motions, including the name of the person who made the motion and the name of the person who seconded it. If the vote is by roll call, the minutes shall indicate who voted, "Yes", "No" or "Abstained". The number of "Yes", "No" and/or "Abstained" votes shall be recorded upon the passage and adoption of all ordinances and resolutions.

The City Clerk shall also maintain in the City & Township Government Center a file of all resolutions and ordinances acted upon by the Council.

**7.2 Record of Discussion.** The City Clerk shall not be responsible for maintaining a written record or summary of all the discussion or comments of the Council members or members of the public made at Council meetings.

**7.3 Public Access to Meeting Records.** The City Clerk shall make available to members of the public the minutes of all open meetings of the Council. Proposed minutes prepared by the City Clerk, but not yet approved by the Council, shall be available for public inspection not more than eight (8) business days following the meeting. Minutes approved by the Council shall be available within five (5) business days of the meeting at which they were approved.

**7.4 Publication of Minutes.** The City Clerk shall be responsible for the publication of a summary of the proposed minutes of all open Council meetings within a reasonable period of time after the meeting. The publication shall also list a website address link where a complete copy of the minutes will be available for public inspection. The Frankenmuth News is designated as the official newspaper for purposes of publication.

## **8. Closed Meetings.**

**8.1 Purpose and Procedure.** Upon a 2/3 roll call vote of the total number of members of the Council (minimum of five), the City Council may go into a closed meeting for any of the following reasons in accordance with the provisions contained within the Open Meetings Act, as amended:

- A. Purchase of Real Property.** To consider the purchase or lease of real property up to the time an option to purchase said real property is obtained.
- B. Pending Litigation.** To consult with its attorney(s) regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have detrimental financial effect on the litigation or settlement position of the City.

- C. Applicant Information.** To review specific contents of an application for employment or appointment to a public office, but only when the candidate requests confidentiality. However, all interviews by the Council shall be conducted in an open meeting.
- D. Materials Exempt by Statute.** To consider materials specifically exempt from discussion or disclosure by state or federal statute.

Upon a simple majority roll call vote of the total number of Council members (minimum of four), the City Council may go into a closed meeting for the following reasons:

- A. Complaints and Evaluations.** To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, an employee, staff member or individual agent, but only when the named person requests a closed meeting.
- B. Union Contract Negotiations.** For strategy and negotiation discussions connected with the negotiation of a collective bargaining agreement.

The roll call vote to go into a closed meeting must be recorded in the minutes of the open meeting. Upon ending a closed meeting, the Council must reconvene the open meeting and affirm any actions taken in the closed meeting.

**8.2 Minutes of Closed Meetings.** Minutes of closed meetings must be kept and must be approved along with the open meeting minutes by the Council. Minutes of closed meetings shall include the date, time, place, members present and absent, purpose of the closed meeting, a record of all decisions made and actions taken, and the recording of roll call votes. However, the minutes of closed meetings are not to be made available to the public, unless required following a court order. Minutes of closed meetings shall be retained only by the City Clerk and shall be destroyed one year and one day after approval of the minutes of the open meeting at which the closed meeting was approved.

**9. Parliamentary Procedure.** The rules of Parliamentary Procedure as contained in Robert's Rules of Order, Newly Revised, most recent edition, shall govern the City Council in all cases to which they are applicable, unless they are in conflict with these rules, the City Code or City Charter or the laws of the State of Michigan.

## **10. Motions.**

**10.1 Statement of the Motion.** No motion, resolution or ordinance shall be adopted until it has been restated by the Chair. The Chair may ask the City Clerk for clarification in these matters.

**10.2 Non-Debatable Motions.** A motion to adjourn, recess, lay on the table or to vote immediately shall be voted upon without further debate.

## **11. Voting.**

**11.1 Duty to Vote.** An affirmative vote of the majority of the Council (minimum of four) shall be required for the approval of any proposed action or motion placed before the Council. Voting shall ordinarily be by voice vote, with the exception of roll call votes as specified in sub-section 11.2 below. Whenever a proposed action or motion is placed before the Council, all Council members present including the Chair shall vote. No Council member present shall abstain from voting, unless that member states a conflict of interest. Conflict of interest shall be the sole reason for a request to abstain from voting. If a question of conflict of interest arises, the Council shall by simple majority vote of the remaining members determine whether a conflict exists. Any member abstaining from a vote shall not participate in the discussion of that item.

**11.2 Roll Call Votes.** Roll call votes shall be taken when required by law or City Charter, or at the request of any Council member, or when the Chair cannot determine the results of a voice vote.

**12. Appointments.** Where no appointment procedure is defined by law, the City Charter or ordinance, appointments will be made by the Mayor and be subject to the approval of a majority of the Council. Boards and Commissions operating under the jurisdiction of the City Council may make recommendations to the Council regarding appointments, but the Mayor and Council shall not be bound by such recommendations.

In the event there are more nominees than openings for appointment, the Council shall vote by paper ballot to select those persons to be appointed. Each Council member shall write his/her name on their ballot. After the ballots have been cast and tabulated, the Council shall consider a motion to appoint the persons with the highest number of votes. Said ballots will be made available for public inspection.

**13. Freedom of Information.** All records, files, publications, correspondence and other materials are available to the public for reading, copying and other purposes as required pursuant to the Michigan Freedom of Information Act.

**14. Amendments.** These rules of procedure may be amended by the City Council by a concurring vote pursuant to Section 11 above during any open meeting, provided that all members have received a copy of the proposed amendments at least three (3) days prior to the meeting at which such amendments are to be considered.

I hereby certify that these Rules of Procedure were adopted by the City Council of the City of Frankenmuth, County of Saginaw, State of Michigan, at a regular meeting held on November 5, 2008, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

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Phillip W. Kerns, City Clerk

# **CITY OF BESSEMER RESOLUTION #**

## **CITY COUNCIL RULES OF ORDER**

The following Resolution was offered by:

WHEREAS, Rules of Order help councils run more efficient meetings and deal with the public, media, and city staff in a positive manner; and

WHEREAS, Section 4.6 bullet point (f) of the Charter grants the city council to determine its own rules and order of business; and

NOW, THEREFORE, BE IT RESOLVED, that the Rules of Order to be followed by the Bessemer City Council are as follows:

### **REGULAR MEETINGS**

- The council meets on the first and third Monday of each month beginning at 6:00 p.m unless a holiday interferes.
- A list of all regular meetings including dates and times will be posted at least 10 days prior to the first meeting of the fiscal year on the City Center bulletin board and the city website.
- All regular meetings are open to the public.

### **SPECIAL MEETINGS**

- Special meetings can be called by the Clerk on the written request of any two members with 24-hour notice.
- Special meeting notices will be posted on the City Center bulletin board and the city website as soon as possible, but not less than 24 hours before the meeting.
- Special meeting notices will include all of the business to be transacted at the special meeting. If all five City Council members are present, the council can choose to add items to the agenda however, this is discouraged in instances other than emergencies.
- All special meetings are open to the public.

## WORK SESSIONS

- Work sessions will be held as necessary and scheduled by the council.
- Work sessions will be posted on the City Center bulletin board and the city website as soon as possible, but not less than 24 hours before the meeting.
- All work sessions are open to the public.

## CLOSED MEETINGS

- In order for the council to hold a closed meeting, a roll call vote must be taken.
- An affirmative vote of two-thirds of the membership of the Council (4) is needed to go into closed session for the following matters:
  - To consider the purchase or lease of real property.
  - To consult with our attorney about a trial or settlement strategy in pending litigation, but only when an open meeting would have a detrimental financial effect on the public body's position.
  - To review the contents of an application for employment or appointment to a public office when the candidate requests the application remain confidential. However, all interviews by a public body for employment or appointment to a public office must be conducted in an open meeting.
  - To consider material exempt from discussion or disclosure by state or federal statute
- An affirmative vote of a majority of the membership of the Council (3) is needed to go into a closed session for the following matter:
  - To consider dismissal, suspension or disciplining of, or to hear complaints or periodic personnel evaluations of, a public officer or employee if requested by the named person. The purpose for which the closed meeting is being called must be stated in the meeting when the roll call is taken.
  - Following the closed session, the council will reconvene the regular meeting. The council may take action at the regular meeting before adjourning the regular meeting or may adjourn the regular meeting without taking action.

## AGENDAS

- The agenda of each meeting shall be prepared by the city manager and clerk at least 48 hours prior to each regular meeting of the council and shall be prepared prior to the posting of any special meeting. Due to our Monday meetings, to get on the published agenda, we need all agenda information by 4:00 on Thursday so agendas can go out at 12:00 noon Friday.
- Agenda packets will be delivered to councilors at their residence at least 72 hours before a regular meeting, or at least 12 hours before a special meeting if they so choose. Agenda packets will also be made available to councilors via email.
- The City will allow people to add items to the agenda at the last minute if it is of pressing concern.

## ORDER OF BUSINESS

The order of business for regular meetings of the council shall be as follows:

- Call to order.
- Pledge of Allegiance- Roll call.
- Agenda Approval.
- Public Comment on Agenda Items
- Presentations
- Public Hearings
- Consent Agenda Claims Documents and Correspondences Old business
- New business.
- Reports
- Public Comment.
- Closed Sessions
- Adjourn

## ATTENDANCE

- A quorum of the council consists of 3 members. Councilors are asked to notify the clerk if they will be unable to attend a meeting so the administration will know if a quorum will be present.
- Officers who miss four consecutive regular meetings of the council or 25% of meetings in a fiscal year without permission from the council is grounds for forfeiture of office (Charter 3.4).

## CONDUCT OF MEETINGS

- Presiding Officer - The mayor is the presiding officer of the council. In the absence or disability of the mayor, the mayor pro tem shall be the presiding officer. In the absence or disability of both, the city clerk shall call the council to order and shall preside until an acting mayor shall be chosen.
- Rules - The council has adopted Robert Rules of Order.
- Voting - Except for a procedural matter, voting will be done on a roll-call basis.
  - Councilors must vote on a motion unless they have a conflict of interest. A conflict of interest is defined by state law, a summary of which is available in the MML Handbook for municipal officials. A councilor must disclose any monetary interest in a contract under consideration to the City Council. Unless he or she will directly benefit in an amount less than \$250.00 and less than 5% of the public cost of the contract, or the contract is for emergency services or repairs and the council member files a Sworn Affidavit to that effect in writing 7 days before the meeting at which a vote is to be taken, the contract can still be approved. The disclosure must also be made public by way of appropriate notice at least 7 days before the same meeting. If there is such a conflict, the contract must be approved by not less than 2/3 of the City Council without the vote of the council member making the disclosure.
  - The council member with the conflict may participate in making a decision on the contract to the extent the council member's participation is required by law. If 2/3 of the council members are not eligible under the act to vote or there are not enough members to constitute a quorum, the council member with the conflict may be counted for purposes of a quorum and may vote on the contract as long as the council member's direct benefit from the contract is less than \$250.00 or than 5% of the public cost to the contract, whichever is less, and the council member files a Sworn Affidavit to that effect, which must be part of the record. Councilors must be physically present at the meeting to vote.

- Discussion - During council discussion and debate, no member shall speak until recognized by the chair. The member shall confine discussion to the question at hand and to its merits and shall not be interrupted except by a point of order. Speakers should maintain a courteous tone. No member shall speak more than once on the same question unless every member desiring to speak to that question shall have the opportunity to do so.
- Reconsideration of Motions – When a question has been decided, it shall be in order for any councilor who voted on the prevailing side of the question to move the reconsideration at the same meeting, provided no action has been taken as a result of the previous vote.
- Recension of Motions: When a question has been decided, it shall be in order for any councilor to move the recension at a future meeting, provided no action has been taken as a result of the previous vote.
- General Consensus – General consent or consensus may be used to give direction and the minutes should indicate that a majority consented.
- Appeals – Any ruling of the presiding officer relative to the proper interpretation of any rule of the council shall be subject to appeal, which appeal shall be determined by a majority of the members present. If an appeal is taken by any member from the ruling of the presiding officer, the member of the council desiring to appeal shall state that he or she claims an appeal from the ruling of the presiding officer and shall state briefly what in his or her opinion the ruling should have been. If this appeal is seconded, the presiding officer shall state clearly the question at issue and shall then call for the vote of the council on the question: “Shall the decision of the presiding officer be sustained?” The presiding officer shall preserve order and decorum and may speak to points of order in preference to other members. He or she may express his or her opinion on any subject under debate without the substitution of another presiding officer.

## CITIZEN PARTICIPATION

- Citizens will have the opportunity to address the council at every meeting during the *opportunity for the public to address the council* item on the agenda. The council may choose to impose a time restriction of 3 minutes or greater. .
- At public hearings and special meetings, public comment will be confined to the subject of the public hearing or special meeting.
- The presiding officer may call to order any person who is being disruptive by speaking out of order or otherwise disrupting the proceedings, speaking longer than the allotted time or speaking vulgarities.

## MINUTES

- Proposed minutes will be available within 7 business days after the meeting.
- Approved minutes will be available within 5 days after the meeting at which they were approved.
- Approved minutes will be available on the city website within 5 days after the meeting at which they were approved.
- Minutes of closed sessions will be taken by the clerk or by a recording secretary appointed by the council if the clerk is not present. They are not available for public inspection and will only be disclosed if required by a civil action. The closed session minutes must be kept for one year and one day after they have been approved by the council. Approval of the closed session minutes will be made at the next regular meeting of the council.

## RELATIONS WITH CITY STAFF

- Requests for information or questions by the council shall be directed to the city manager.
- All complaints should be submitted to the city manager.

## COMMITTEE APPOINTMENTS

- Appointments will be made by the mayor with the consent of the council.

## COUNCIL VACANCIES

- When a vacancy occurs, the position will be advertised in the local newspaper, on the city website, and on the City Center bulletin board. All applications received will be given to the council for review. The vote of the council will be made by ballot at a public meeting with the results read by the clerk. In the case of a tie vote, another vote will be taken between the two applicants that received a tie vote. An affirmative vote of a majority of the councilors present is needed for appointment.
- The appointment must be done within 30 days concurrent to our charter.

## POLICIES AND PROCEDURES

- The City Council members will sign abide by the Bessemer Policies and Procedures documents.

#### SUSPENDING RULES

- If a rule creates a harmful situation for Bessemer, a rule may be temporarily suspended on a vote of 4 members or by the city manager if warranted

#### CONTROLLING AUTHORITY

- These rules shall be followed unless preempted by city charter, state laws, or the courts.

Yes:

No:

Resolution adopted this XXth day of January, 2018.

CERTIFIED

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James Trudgeon, City Clerk

# RULES OF PROCEDURE



for the  
Menominee, Michigan  
City Council

Approved by City Council:  
June 17, 2019

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**RESOLUTION ADOPTING RULES OF ORDER  
FOR THE MENOMINEE, MICHIGAN CITY COUNCIL**

Adopted June 17, 2019

**WHEREAS** the Menominee City Charter Section 2.10(b) provides that the City Council shall adopt rules; and,

**WHEREAS** the Menominee City Council wishes to fulfill this requirement and provide for rules that govern its procedures and consideration of business in the most orderly, efficient, and open manner;

**NOW THEREFORE, BE IT RESOLVED** that the following *Rules of Order* of the Menominee City Council are in the best interest of the public health, safety, and welfare and are hereby adopted:

**RULE 1. AUTHORITY.**

- a) All City Council meetings shall operate in accordance with the Michigan Constitution, the Open Meetings Act, the Home Rule City Act, the 1997 City Charter and all other pertinent laws.
- b) All regular, special, and committee meetings of the City Council shall be open to the public and all citizens shall have a reasonable opportunity to be heard by the Council, as provided by law, unless a closed session is called as described in Rule 15.
- c) These *Rules of Order* shall serve as the common rules and procedures for City Council deliberation and debate to foster constructive and democratic meetings. These *Rules* are intended to help, not hinder, the business of the City Council and are adopted to expedite and facilitate the transaction of the business of the City Council in an orderly fashion. The failure to strictly observe any rule shall not affect the jurisdiction of, or invalidate any action taken by, the City Council.
- d) The following words or phrases shall have these meanings:

*Administration* means the City Manager or his or her designees.

*City Council or Council* means the Mayor and eight (8) Council members.

*Council member or member* are used interchangeably and means members of the City Council.

*Dates* – whenever a date used in these rules for the doing or completion of an act falls on a Saturday, Sunday or City holiday, such act shall be done or completed on the next succeeding day which is not a Saturday, Sunday or holiday.

*Decision* means a determination, action, vote or disposition upon a motion, proposal, recommendation, resolution, order, ordinance or measure on which a vote by City Council has occurred.

*Meeting* means the convening of a public body, the Menominee City Council, at which a quorum is present for the purpose of deliberating toward or rendering a decision on a matter of public policy.

*Presiding Officer* means the person responsible for leading or presiding over a meeting of the City Council. The Mayor serves as Presiding Officer when present.

*Procedural matters* means votes upon motions having no other purpose than to adjourn, to receive and place on file, to refer a matter, to approve the minutes or accept or decline an invitation, and may be taken by a voice vote and the Presiding Officer shall announce the result of the voting. Upon any such matter, a majority of the quorum present shall be sufficient to carry such a motion, unless the Charter or other rule specifically requires a greater majority in any such matter.

*Unanimous* means that all members of the City Council present have voted the same way.

- e) On all matters of procedure not addressed in these rules, the Council shall refer to *Robert's Rules of Order, Newly Revised*, current edition, for guidance in developing additional procedures for the conduct of meetings.

## **RULE 2. STANDARDS OF CONDUCT FOR CITY COUNCIL MEMBERS**

- a) Election to the City of Menominee City Council is a privilege freely sought by the nominee. It carries with it the responsibility to participate in Council activities and represent the residents of the City of Menominee. Attendance at Council meetings is critical to fulfilling this responsibility.
- b) City Council Members shall abide by the standards of conduct for public officers and employees established by State law in MCL 15.341 *et seq.* and adhere to the ethical principles codified in the Menominee Code of Ethics found in MMC Section 2-102 through Section 2-111. The Code of Ethics is appended to these *Rules*.

## **RULE 3. ORGANIZATIONAL MEETING.**

- a) At the regularly scheduled meeting in January following their election in November of odd-numbered years, newly elected members of the City Council shall take the oath of office and assume the duties of their office.
- b) At the regularly scheduled meeting in January after each City general election in November of odd-numbered years, the City Council shall appoint one of its elected members to serve as Deputy Mayor by a majority vote of the Members elect.

The Presiding Officer shall open nominations for Deputy Mayor from the floor. All Council Members may make a nomination. A nomination does not need a second. When all nominations have been made voting shall take place as outlined in Rule 18 b), c) and d) concerning Council vacancies.

## **RULE 4. NEW COUNCIL MEMBER ORIENTATION**

Each new member of the Council shall, upon taking the oath of office, be given the following materials unless the member has or has access to a current copy of:

- City Charter and Code of Ordinances;
- Master Plan for Land Use;
- Current year Budget and Audit;
- *Council Rules of Procedure*; and,
- City of Menominee Internet Usage and E-Mail Usage Policies.

Each new member of the City Council shall, upon taking the oath of office, be offered an opportunity by the City Manager to tour City facilities including City Hall, Department of Public Works, Police and Fire stations, Water and Wastewater Treatment plants, and Spies Public Library.

After each City election at which a new member of Council is elected, the City staff shall arrange a series of presentations or programs, conducted generally between December and February following a City election, to inform new members of the operations of City government. Generally, and subject to member availability, these shall occur before City Council meetings, and shall cover basic subjects such as land use and planning, finance, taxation, assessing, and infrastructure maintenance and construction. The programs shall be open to all members of the City Council as in-service educational opportunities.

**RULE 5. STANDING COMMITTEES.**

- a) The Mayor shall appoint three (3) Council Members to the Council’s standing committees and shall designate the chairperson for each committee. The Mayor may also serve as a member of each committee in his or her discretion. The Mayor shall announce the Committee appointments at the January meeting described in Rule 3.
- b) Standing committees shall report to the Council on all matters referred to them. The City Council may remove an item from consideration by a Committee.
- c) Standing committee meetings may be cancelled by agreement of the chairperson and the Mayor for lack of quorum or lack of agenda items.
- d) Unless otherwise provided, these Council Rules of Procedure shall apply to meetings of standing committees and ad-hoc committees.
- e) City Council Standing Committees and their duties are:

**1. Finance Committee**

A. Purpose:

- Provides input to the City Manager and City Treasurer on all financial matters affecting the City.
- Exercises oversight of all financial matters affecting the City.
- Makes recommendations to the City Council on all financial matters affecting the City.
- Provides detailed feedback to the City Manager and City Treasurer during the budget cycle concerning capital expenditures, debt management, revenues and operating expenditures.

- Reviews all outgoing payments, revenues and expenditures on a monthly basis.
- Discusses necessary or requested budget amendments on an as-needed basis.
- Engages with the City Manager and City Treasurer in long range financial planning and financial goal-setting.
- Oversees all City related projects that affect the City's overall revenues, expenditures, fund balances, future financial commitments or debt.

**B. Procedures:**

1. Agenda – In addition to matters referred to the Committee by the City Council, individual Council Members, the City Manager, members of City Boards and Commissions, or any Department Head of the City (with the consent of the City Manager) may have an item included on the Committee's agenda requesting action. The agenda will be finalized between the City Manager and the Committee Chairman. Agenda amendments at the beginning of a meeting are permissible provided the City Manager and Committee Chairman concur.
2. Schedule – Meets monthly in advance of regular Council Meetings, preferably during the second week of each month.
3. Meeting Management – Wherever possible and practical, meetings will be conducted following all other rules and procedures of regular City Council meetings.
4. Public Engagement – The Committee Chairman may use his/her discretion to allow public or expert input during a specific agenda item.

**2. Judicial and Legislative – Personnel and Labor**

**A. Purpose:**

- Collects information and keeps City Council updated on federal and state legislative and judicial issues that have a direct impact on municipal government and finances.
- Makes recommendations to City Council regarding issues that require a public vote of City residents.
- Periodically reviews the City Charter for needed changes.
- Provides input to City Manager on personnel policies/issues.

**B. Procedures:**

1. Agenda – In addition to matters referred to the Committee by the City Council, individual Council Members, the City Manager, members of City Boards and Commissions, or any Department Head of the City (with the consent of the City Manager) may have an item included on the Committee's agenda requesting action. No item shall be placed on the agenda for action unless: (1) presented to the City Manager prior to

noon on the Wednesday preceding the meeting at which it is to be considered or (2) if the chairperson grants the addition.

2. Meeting Schedule – Meets as required to address requested agenda items.

### **3. Parks and Recreation – Buildings and Ground**

#### **A. Purpose:**

- Works with the City Manager, Recreation Department and Public Works Department to review the quality of City parks and facilities, to identify needed capital improvements, and to assess the quality of programs and services provided.
- Reviews new park or recreation facilities proposed by the City Manager and makes recommendations to City Council.
- Reviews capital improvements to City-owned buildings proposed by the City Manager and makes recommendations to the City Council.

#### **B. Procedures:**

1. Agenda – In addition to matters referred to the Committee by the City Council, individual Council Members, the City Manager, members of City Boards and Commissions, or any Department Head of the City (with the consent of the City Manager) may have an item included on the Committee's agenda requesting action. No item shall be placed on the agenda for action unless: (1) presented to the City Manager prior to noon on the Wednesday preceding the meeting at which it is to be considered or (2) if the chairperson grants the addition.
2. Meeting Schedule – Meets as required to address requested agenda items.

### **4. Public Safety – Public Works**

#### **A. Purpose:**

- Reviews major utility and street projects that require significant investment by the City and makes recommendations to City Council.
- Provides input to City Manager on resident services delivered by the Fire Department, Police Department, or Public Works Department.

#### **B. Procedures:**

1. Agenda – In addition to matters referred to the Committee by the City Council, individual Council Members, the City Manager, members of City Boards and Commissions, or any Department Head of the City (with the consent of the City Manager) may have an item included on the Committee's agenda requesting action. No item shall be placed on the agenda for action unless: (1) presented to the City Manager prior to noon on the Wednesday preceding the meeting at which it is to be considered or (2) if the chairperson grants the addition.

2. Meeting Schedule – Meets as required to address requested agenda items.

## **5. Special Projects – Community Relations**

### **A. Purpose:**

- Identifies opportunities to improve communications between City government, residents, and businesses.
- Provides input to the City Manager on community outreach programs.
- Provides input to the City Manager on issues not assigned to other committees.

### **B. Procedures**

1. Agenda – In addition to matters referred to the Committee by the City Council, individual Council Members, the City Manager, members of City Boards and Commissions, or any Department Head of the City (with the consent of the City Manager) may have an item included on the Committee's agenda requesting action. No item shall be placed on the agenda for action unless: (1) presented to the City Manager prior to noon on the Wednesday preceding the meeting at which it is to be considered or (2) if the chairperson grants the addition.
2. Meeting Schedule – Meets as required to address requested agenda items.

## **6. Ad-Hoc Committees**

The Mayor, with the concurrence of a majority of the City Council, may establish, make appointments to, and dissolve ad-hoc committees as necessary. Ad-hoc committees also may be established, and dissolved by a majority vote of the City Council.

### **RULE 6. AMENDMENT OF RULES OF ORDER.**

The Council may alter or amend these *Rules of Order* at any time by a vote of a majority of its members after advance notice has been given of the proposed alteration or amendment.

### **RULE 7. SUSPENSION OF RULES.**

The *Rules of Order* may be suspended for a specified portion of a meeting by an affirmative vote of two-thirds (2/3) of the members present, except that Council actions shall conform to the City Charter, the Menominee City Code and the statutes and Constitutions of the State of Michigan and the United States.

### **RULE 8. PRESIDING OFFICER.**

The Mayor shall be the Presiding Officer at all City Council meetings.

## **RULE 9. REGULAR MEETINGS.**

- a) The Council shall, at its first meeting in January following each regular City election in November of odd-numbered years, establish its annual meeting schedule. The City Clerk shall then publish a notice containing the schedule in the following locations:
  1. City website.
  2. Menominee City Hall bulletin boards.
  3. Local newspaper.
  4. Other available media.
- b) As presently established, regular meetings of the City Council shall be held on the third Monday of each month, beginning at 6:00 p.m., in the Council Chambers in the Menominee City Hall, 2511 10<sup>th</sup> Street, Menominee, Michigan.
- c) If the meeting schedule is changed, public notice shall be given within 3 days after the meeting at which the change is made.
- d) Public meetings are open to the media and may be recorded for radio, television and/or photographic services provided that this will not interfere with the meeting process or audience access to the meeting.

## **RULE 10. SPECIAL MEETINGS.**

- a) A special meeting of the City Council may be called by the City Clerk, on the written request of the Mayor or any three (3) Members of the Council or the City Manager, on eighteen (18) hours written notice to each Council member and the public.
- b) Special meeting notices shall include the purpose and nature of the business the Council will conduct at the special meeting.
- c) The notice described above is not required for a meeting of the Council in emergency session in the event of a severe and imminent threat to the health, safety or welfare of the public when two-thirds (2/3) of the Members of the Council determine that delay would be detrimental to the City's efforts in responding to the threat.

## **RULE 11. QUORUM.**

- a) Five (5) Members of the Council shall constitute a quorum for the transaction of business. However, no ordinance or resolution shall be adopted by less than five (5) affirmative votes.
- b) Council Members unable to attend a scheduled meeting shall, at the first opportunity, notify the Mayor and either the City Clerk or the City Manager.
- c) The seat of a Council Member with three (3) consecutive *unexcused* absences from regular meetings is deemed forfeited.

## **RULE 12. JOINT MEETINGS.**

The City Council may meet in special-session joint meetings with the various Boards and Commissions of the City, with the governing bodies of other local units of government, with elected and/or appointed officials of other levels of government, or

with associations and/or organizations in which the City holds memberships or with which the City has particular interests.

**RULE 13. JOINT ACTION.**

Conduct of the City Council as described within these *Rules of Procedure* for and during regular and special-session meetings of the City Council alone generally would not be applicable for the City Council's participation in a special-session joint meeting, so long as official action is not taken by the City Council. Any action that might be required of or desired by the City Council, arising from the City Council's participation in a special session joint meeting, would be undertaken at a subsequent regular or special-session meeting of the City Council alone.

**RULE 14. COMMITTEE of the WHOLE MEETINGS.**

Committee of the Whole Meetings may be held upon the call of the Mayor, the City Manager or three (3) members of the Council, and shall be open meetings that the public may attend. With appropriate notice to the Council Members and the public, the Council may convene a Committee of the Whole Meeting devoted exclusively to the exchange of information relating to municipal affairs. No votes shall be taken on any matters under discussion, nor shall any Council Member enter into a formal commitment with another Member regarding a vote to be taken subsequently.

**RULE 15. CLOSED SESSIONS.**

a) Under a limited number of circumstances, the Council may convene in closed session to discuss matters as permitted by the Michigan Open Meetings Act. The motion to move into closed session shall be made in the open meeting and shall include the reason for going behind closed doors. The motion requires a two-thirds (2/3) roll call vote of all Members elected, except in the following instances, in which case only a two-thirds (2/3) majority of those present is required:

- (1) To consider the dismissal, suspension, or disciplining of, to hear complaints or charges brought against, or to consider the periodic personnel evaluation of a public officer, employee, or staff member, if the named person requests a closed hearing. A person requesting a closed hearing may rescind the request at any time, in which case the matter shall be considered only in open sessions.
- (2) For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing.
- (3) To consider the purchase or lease of real property up to the time an option to purchase or lease the property is obtained.
- (4) To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body.

To review and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential. However, except as otherwise provided, all interviews by a public body for employment or appointment to a public office shall be held in an open meeting pursuant to the Open Meetings Act.

However, except as otherwise provided, all interviews by a public body for employment or appointment to a public office shall be held in an open meeting pursuant to the Open Meetings Act.

- (5) To consider material exempt from discussion or disclosure by state or federal statute.
- b) A separate set of minutes shall be taken by the City Clerk or their designee at the closed session. These minutes shall be retained by the Clerk, are not available to the public, and shall only be disclosed if required by a civil action filed under sections 10, 11, or 13 of the Open Meetings Act. These minutes must be approved in a regular meeting of Council and must be maintained for one (1) year and one (1) day after the date of approval.

#### **RULE 16. MEETING AGENDA.**

Any member of the City Council, the City Manager, members of City Boards and Commissions, or any Department Head of the City (with the consent of the City Manager) may have an item requesting action placed on the Council agenda. No item shall be placed on the agenda for action unless: (1) presented to the City Manager prior to noon on the Wednesday preceding the meeting at which it is to be considered or (2) if a majority of the Council Members amend the agenda to add the item.

- a) The City Manager and City Clerk are responsible for preparing and distributing the agenda documents. The agenda and attachments may be distributed to the Council by mail, personal delivery or by electronic transmission. The mailing, personal delivery or electronic transmission shall take place on the day after the deadline for submitting agenda items. In the event a regular meeting date is changed, the deadline for agenda items and mailing or distribution of agenda materials shall occur within the same time frame as specified in these Rules or as determined by the City Manager.
- b) Order of Business shall appear on the Agenda as follows:
  - 1. Call the meeting to order.
  - 2. Pledge of allegiance to the flag.
  - 3. Roll call.
  - 4. Approval of meeting agenda.
  - 5. Minutes of previous meetings.
  - 6. Communications.
  - 7. Public hearings.
  - 8. Public comment.
  - 9. Reports of Officers.
  - 10. Reports of Boards, Commissions, and Standing Committees.
  - 11. Miscellaneous.
  - 12. Motions and resolutions.
  - 13. Public comment.
  - 14. Adjourn.
- c) After a meeting has been convened and in order to facilitate the meeting process, the Presiding Officer may amend the Agenda with the consent of a majority of the Council members present.

## **RULE 17. CONDUCT OF MEETINGS.**

- a) No business shall be conducted without the presence of a quorum.
- b) In the absence of the Mayor, the Deputy Mayor shall be the Presiding Officer, and in the Deputy Mayor's absence the Council Member, in attendance, with the longest continuous service shall preside.
- c) The Mayor shall speak and vote as any other member of the Council.
- d) Every Council Member present, including the Mayor, is required to vote on all matters.
- e) A Council Member who requests to abstain shall be required to provide the reason(s) for abstaining, which reason(s) shall be acceptable to a majority of the Council, as shown by a vote.
- f) The Presiding Officer shall seek the City Attorney's opinion if the existence of a conflict of interest claim is disputed.
- g) Conflict of interest, as defined by law, shall be the sole reason a Member may abstain from voting. The City Attorney's opinion shall be binding on the Council with respect to the existence of a conflict of interest.
- h) Speakers shall address all remarks to the Presiding Officer.
- i) During discussion or debate, no Council member shall speak until recognized by the Presiding Officer.
- j) Discussion shall be confined to the question at hand and shall only be interrupted by a point of order.

## **RULE 18. COUNCIL VACANCY VOTING PROCEDURE**

- a) When a vacancy on the Council occurs an official notice shall be published indicating that the City is accepting letters of interest from registered voters in the affected ward who are interested in being appointed to fill the vacancy. The Council shall hold a meeting to hear from prospective appointees and appoint an eligible person.
- b) Voting on candidates shall be by signed paper ballot vote with each Council Member naming the candidate of his or her choice. In the event no candidate receives five votes on the first ballot, candidates receiving no votes or a number of votes less than the candidate receiving the second highest number of votes shall be eliminated. If the two top candidates are tied, those with a fewer number of votes shall be eliminated. Candidates tied for second place shall remain in the running and voting shall continue until a candidate received five votes.
- c) Should all candidates be tied for first place, voting shall continue until the tie is broken and the process outlined in the preceding paragraph shall be followed.
- d) The candidate appointed shall take office at the next regularly scheduled Council meeting.

## **RULE 19. ADMINISTRATION.**

- a) *City Manager.* The City Manager shall attend all meetings of the Council unless excused, and may attend meetings of all City committees, boards or commissions. The City Manager may make recommendations to the Council and shall have the right to take part in all discussions of the Council, but he or she shall not vote.
- b) *City Clerk.* The City Clerk shall attend all meetings of the Council unless excused and shall keep the official journal (minutes) and perform such other duties as may be requested by the Council and required by law.
- c) *City Attorney.* The City Attorney shall attend all regular meetings of the Council unless excused and shall, upon request give an opinion, either written or oral, on questions of law and procedure. The City Attorney shall act as the Council's parliamentarian. In the City Attorney's absence and during a meeting of the Council, all requests for legal opinions shall be provided to the attorney in writing by the City Manager or City Clerk.
- d) *Others.* When there is pertinent business involving specific departments on the Council agenda, those Department Heads shall attend Council meetings unless they are excused by the City Manager.

## **RULE 20. COUNCIL ACTION.**

- a) The Presiding Officer shall announce each Agenda item.
- b) Comments and questions shall be entertained by the Presiding Officer, with Council Members speaking after being acknowledged by the Presiding Officer. Each Council Member shall be permitted to speak up to five minutes, but may, at the Presiding Officer's discretion, speak again after all other Members have had an opportunity to do so.
- c) Following Council debate, the Presiding Officer shall end discussion by calling for a motion.
- d) Hearing a motion, he/she shall call for a Second.
- e) The Presiding Officer shall identify the motion maker and the second for entry into the official record.
- f) The Presiding Officer shall ask for and entertain further discussion before calling for the vote. At the request of the Presiding Officer, the Clerk shall ascertain the vote of each Council Member by voice or roll call vote.
- g) In calling the roll call vote, the City Clerk shall first call for the vote of the Motion maker, followed by that of the Second. The Presiding Officer shall be called last.
- h) The following motions are pertinent to Council processes and procedures and are to be used as appropriate in accordance with *Robert's Rules of Order, Newly Revised*:

*(i) Withdrawal of a Motion*

A motion may be withdrawn or amended by its maker, until the motion has received a second. If the mover wishes to withdraw the motion after it has received a second, the mover shall ask the second for permission to withdraw and, receiving permission, shall seek consensus of the Council. If consensus cannot be reached, any member may make a motion allowing withdrawal. Upon receiving a second, the withdrawal may be voted upon. The motion requires a two-thirds vote (2/3 of the votes cast).

*(ii) Reconsideration of Matters*

The City Council shall not consider substantially the same matter on which it has voted for a period of 180 days from the date of that vote, unless two Council Members, at least one of whom voted on the prevailing side in the prior vote, submit a written request to the City Clerk for the matter to be placed on the agenda of a specific regular or special meeting. This rule does not apply to motions which resulted in a tie vote, or which failed but received a majority of votes from those Council Members actually voting. The City Attorney shall determine whether a matter is substantially the same as a prior matter and that determination is final and not reviewable by the City Council or City Manager.

*(iii) Rescind a Vote*

Council may rescind a vote at any time, except for those specifically noted below. The vote to do so requires a majority of the Council Members present, if prior notice has been given. If prior notice has not been given, the vote to rescind shall require a 2/3 vote (2/3 of the votes cast).

- Something has been done as a result of that vote that the Council cannot undo.
- The vote was of a contractual nature and the other party has already been informed.
- The vote resulted in a resignation, election, expulsion, membership, or office and the affected party has been notified of such.

*(iv) Table*

The object of this motion is to lay aside the item, in order to attend to more urgent business. The tabled item can be removed from the table and acted on at any time later in the meeting, as if it were a new question.

*(v) Postpone to a Date Certain*

The item is postponed until a specific date.

*(vi) Postpone Indefinitely*

The object of this motion is really not to postpone, but to reject, the main motion. It is made by those who oppose the motion and are in doubt as to their being in the majority. If the indefinite postponement is carried, the main question is suppressed; if the motion to postpone indefinitely fails, the vote is called on the main motion.

## **RULE 21. ELECTRONIC COMMUNICATIONS**

All communications are subject to the Michigan Open Meetings Act, which restricts the use of wire/wireless communication devices during a Council meeting. Therefore, no Council member shall engage in any form of electronic communications with other Council members during Council meetings.

## **RULE 22. CONTRACTS, DEEDS AND CONVEYANCES**

No contract or bond, deed, conveyance, or agreement, shall be entered into or executed by the Council, until it has been referred to the City Attorney for his or her review, and the City Attorney's report concerning the issue has been received by the Council.

## **RULE 23. ORDINANCES, MOTIONS AND RESOLUTIONS.**

a) All proposed ordinances shall be drafted by the City Attorney, or if prepared by someone other than the City Attorney, shall be certified by the City Attorney as being in the correct form before being submitted to the Council. All proposed ordinances shall be submitted to the Council at a regular meeting or at a special meeting called for that purpose. At that time the Council may schedule a public hearing. Otherwise, the proposed ordinance may be handled as any other business would be.

b) Motions and resolutions shall be submitted to the Council at a regular meeting or at a special meeting called for that purpose. Also, resolutions may be submitted orally or in writing at the meeting in the context of discussing an item of business as part of the agenda. At that time the Council may schedule a public hearing. Otherwise, the proposed resolution may be handled as any other business would be.

## **RULE 24. CITIZEN PARTICIPATION.**

The purpose of City Council meetings is to conduct the City's business. Public comment at Council meetings is intended for the Council to provide citizens the opportunity to be heard, express their views, and inform the Council and the Administration. Neither the Council nor the Administration shall respond specifically to any speaker. All citizen remarks shall be addressed to the Council and Administration representatives through the Presiding Officer. Individual Council members and representatives of the Administration shall not engage speakers or members of the audience during a meeting.

a) Regular meetings: The Presiding Officer will recognize each person wishing to make comments. When recognized, speakers shall go to the podium and state their name, address and group affiliation (if appropriate) prior to speaking. Citizens shall not speak more than once during each of the following segments unless permission is given by the Presiding Officer:

- (1) Public hearings: When a public hearing on a matter has been scheduled, the City Council will hear and consider any comments presented by interested parties or audience members on the specific subject of the hearing as described in Rule 25 The Presiding Officer may, if appropriate, limit the amount of time per person based on the requests and determine when the

public has had its opportunity to be heard.

- (2) First Public Comment Session: Speakers may address the City Council with statements, not debate, for up to three (3) minutes per person on any items on the meeting agenda.
  - (3) Second Public Comment Session: Speakers may address the City Council with statements, not debate, for up to three (3) minutes per person on agenda or non-agenda items.
- b) Special meetings: The appropriate time during the meeting to receive public comment will be determined by the Presiding Officer based on the matters to be discussed. Speakers may address the City Council with statements, not debate, for not more than three (3) minutes per person.
  - c) Time Deviation: The Presiding Officer may deviate from the standard amount of time allowed for public comment during meetings and shall announce the reason for any deviation. Reasons include, but are not limited to, the number and complexity of agenda items and the number of persons wishing to address the City Council.
  - d) Conduct of speakers and audience members: Persons addressing the City Council shall make responsible comments relating to matters before the Council, City business or policy, or issues of community concern or interest. Persons speaking shall refrain from making defamatory or profane remarks, or remarks constituting a personal attack on a Council Member or City official or employee which is totally unrelated to the manner in which the Council Member, official or employee performs his or her duties. Personal debates within the audience are not permitted. To preserve the order and decorum of Council meetings, the audience shall refrain from cheering and applauding during the course of the meeting.
  - e) Disorderly conduct: The Presiding Officer may call to order any person or persons who are being disruptive, disorderly, speaking out of turn or beyond the allotted time, failing to be germane, making defamatory, profane or vulgar comments, or engaging in personal attacks. Those persons shall promptly obey the rulings of the Presiding Officer if called to order. If any person does not obey and/or continues to be disorderly and disrupt the meeting, he or she will forfeit the right to speak and if warranted the Presiding Officer may direct a police officer to remove the person from the meeting.
  - f) Written communications: Individuals or groups are encouraged to submit written comments to the City Council via mail, e-mail or hard copy delivered to the City Manager for distribution. If requested by the writer, the communication may be added to the appropriate agenda for receipt and/or action as deemed appropriate by the City Council.
  - g) Handouts, supporting materials, photographs, etc.: Persons wishing to provide copies of comments, handouts, presentations, supporting materials photographs, etc., are encouraged to submit such items to the City Manager prior to the start of the meeting for distribution to the City Council. The use of audio or electronically displayed materials by citizens during public comment segments is not allowed. An exception may be given if prior permission is given

by the Presiding Officer and the material is provided to the City Manager at least two (2) business days prior to a meeting.

**RULE 25. PUBLIC HEARINGS.**

- a) Each public hearing shall be conducted with the related item of business and in the order the item appears on the agenda. The Presiding Officer shall introduce the item of business and the presenting City staff member. The Presiding Officer shall continue to preside and shall maintain the order of the public hearing.
- b) The City staff member shall present the item of business from the City's perspective, and introduce the applicant. The applicant shall provide detailed information in a manner sufficient for public understanding and Council action.
- c) At the conclusion of the applicant's presentation, the Presiding Officer shall call for questions and comments from the Council.
- d) At the closing of Council questions and comments, the Presiding Officer shall cite the time and open the public hearing, which shall be made part of the official record of the meeting.
- e) Persons wishing to speak during the public hearing shall do so from the podium and shall speak one (1) time for a period of up to four (4) minutes. Groups or organizations shall select a spokesperson to represent them at the podium.

**RULE 26. MINUTES.**

- a) The City Council shall keep minutes of each meeting in accordance with the Michigan Open Meetings Act. Corrections to the minutes shall be made no later than the next meeting after the meeting to which the minutes refer. Corrected minutes shall be available no later than the next subsequent meeting after correction. The corrected minutes shall show both the original entry and the correction.
- b) Proposed minutes shall be made available for public inspection within 8 business days after the meeting to which the minutes refer. Approved minutes shall be available for public inspection not later than 5 business days after approval.
- c) The minutes shall be a record of Council action only, except that if requested by a Council Member, relevant comment will be made part of the record.
- d) The minutes shall be signed by the Clerk.
- e) Meetings of the Council shall be recorded for transcription purposes only. The recordings are maintained only until the minutes have been approved by the Council and are then disposed of in accordance with the City's Record Retention and Disposal Schedule.

## Appendix – Menominee Code of Ethics

### Sec. 2-102. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*City official* means any person elected, appointed, or otherwise serving in any capacity with the City in any position established by the City Charter or by City ordinance which involves the exercise of a public power, trust, or duty. The term "City official" includes any official or employee of the City, whether or not they receive compensation, including consultants and persons who serve on advisory boards and commissions.

*Compensation* means any money, thing of value, or other compensatory or pecuniary benefit conferred upon, received, or to be received in return for, or as reimbursement for, services rendered or to be rendered.

*Controlling authorities* means those persons identified in section 2-105 to whom inquiries must be directed.

*Decision making* means to exercise public power to adopt ordinances, regulations, administrative procedures or standards, render quasijudicial decisions, establish executive policy, or render a governmental decision as that term is defined in section 2a of Public Act No. 196 of 1973 (MCL 15.342a).

*Economic interest* means any interest having value or capable of valuation in monetary terms.

*Employee* means an individual employed by the City, whether part-time or fulltime, but excludes elected officials and City contractors.

*Gift* means anything of value given without consideration or expectation of return.

*Official duties* or *official action* means a decision, recommendation, approval, disapproval, or other action or failure to act that involves the use of discretionary authority.

*Relative* means a person who is related to an official or employee as spouse or as any of the following, whether by blood or by adoption: parent, child, brother or sister, aunt or uncle, niece or nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather or stepmother, stepson or stepdaughter, stepbrother or stepsister, half-brother or half-sister.

*Substantial* means anything of significant worth and importance, or of considerable value as distinguished from something with little value, social tokenism, or merely nominal.

(Code 1979, § 1:11.3)

### Sec. 2-103. - Findings.

It is hereby declared the policy of the City that all officials and employees must avoid conflicts between their private interests and those of the general public whom they serve. To enhance the faith of the people and the integrity and impartiality of all officials and employees of the City, it is necessary that adequate guidelines be provided for separating their roles as private citizens from their roles as public servants. Where government is based on the consent of the governed, every citizen is entitled to have complete confidence in the integrity of his government. Each individual official, employee, or advisor of

government must help to earn, and must honor that trust by his own integrity and conduct in all official duties and actions. (*Code 1979, § 1:11.1*)

Sec. 2-104. - Statement of purpose and policy.

- (a) This division is adopted as a code of ethics to:
  - (1) State principles of ethics which are to be applied in public service;
  - (2) Help motivate public servants to pursue ethical ideals which exceed minimum standards;
  - (3) Provide a process by which public servants may identify and resolve ethical issues;
  - (4) Identify minimum standards of ethical conduct for public servants;
  - (5) Inform the public of the minimum standards to which their public servants are expected to adhere;
  - (6) Promote public confidence in the integrity of public servants;
  - (7) Encourage members of the public to seek public office or employment, to serve on public boards, to assist public servants as volunteers, and to take pride in participating in the governmental process;
  - (8) Establish sanctions, when appropriate, for public servants who violate the public trust;
- (b) Protect to the fullest extent possible the rights of all individuals who are subject in any way to the provisions of this division. This division is intended to establish the policy that City officials and employees of the City and their relatives shall avoid any action which might result in or create the appearance of impropriety, including:
  - (1) Using public employment or office for private gain;
  - (2) Giving or accepting preferential treatment to or from any organization or person;
  - (3) Impeding City efficiency or economy;
  - (4) Losing complete independence or impartiality of action;
  - (5) Making a City decision outside official channels;
  - (6) Affecting adversely the confidence of the public or integrity of the City government;
  - (7) Giving or accepting preferential treatment in the use of City property.
- (c) The code of ethics is intended to be preventative and punitive. It should not be construed to interfere with or abrogate in any way the provisions of any state statutes, the City Charter, other City ordinances, or any collectively bargained agreement.
- (d) This declaration of policy is not intended to prevent any City official or employee of the City from receiving compensation for work performed on his own time as a private citizen and not involving City business.
- (e) This declaration of policy is not intended to apply to contributions to political campaigns that are governed by state law.

(Code 1979, § 1:11.2)

Sec. 2-105. - Violation, enforcement, controlling authority, and advisory opinions.

- (a) All matters concerning conflict of interest as set forth in section 2-108 and the code of ethical conduct as set forth in section 2-109 shall be directed to one of the two following controlling authorities depending upon the employment status of the City official or employee involved, or group concerned, and the nature of the action requested:
- (1) Elected and appointed City officials to the mayor, City Council, and City attorney.
  - (2) Employees, full-time and part-time, of the City to the City manager and City attorney.
- (b) The listed authorities in subsection (a) of this section, when requested, shall take appropriate action on the basis of consensus upon any complaint or request for information, or to otherwise resolve matters concerning this code of ethics. The appropriate action to be taken in any individual case shall be at the discretion of the controlling authority involved, which may include but is not limited to any of the following:
- (1) Referral of the matter to a higher authority.
  - (2) Pursuing further investigation by the controlling authority.
  - (3) Taking or recommending appropriate disciplinary action including removal from office, appointed position, or employment, in accordance with the City Charter, City Code, state law, or the regulations or policies of the City, or any collectively bargained agreement.
  - (4) Deeming no action to be required.
  - (5) Pursuing such other course of action which is reasonable, just, and appropriate under the circumstances.
- (c) The controlling authorities listed in subsection (a) of this section may render written advisory opinions, when deemed appropriate, interpreting the code of ethical conduct as set forth in section 2-109. Any City official or employee may seek guidance from the controlling authority upon written request and an advisory opinion shall be requested on questions directly relating to the propriety of their conduct as City officials and employees. Each written request and advisory opinion shall be confidential unless released by the requester.
- (1) Request for opinions shall be in writing.
  - (2) Advisory opinions may include guidance to any employee on questions as to:
    - a. Whether an identifiable conflict exists between his personal interests or obligations and his official duties.
    - b. Whether his participation in his official capacity would involve discretionary judgment with significant effect on the disposition of the matter in conflict.
    - c. What degree his interest exceeds that of other persons who belong to the same economic group or general class.

- d. Whether the result of the potential conflict is substantial or constitutes a real threat to the independence of his judgment.
- e. Whether he possesses certain knowledge or expertise, which the City will require to achieve a sound decision.
- f. What effect his participation under the circumstances would have on the confidence of the people in the impartiality of their City officials and employees.
- g. Whether a disclosure of his personal interests would be advisable, and, if so, how such disclosure should be made to safeguard the public interest.
- h. Whether it would operate in the best interest of the City for him to withdraw or abstain from participation or to direct or pursue a particular course of action in the matter.

*(Code 1979, § 1:11.6)*

Sec. 2-106. - Remedies ordered by court.

A court, in rendering a judgment in an action brought pursuant to section 2-110, shall order, as the court considers appropriate, reinstatement of the employee, the payment of back wages, full reinstatement of fringe benefits and seniority rights, actual damages, or any combination of these remedies. A court may also award the complainant all or a portion of the costs of litigation, including reasonable attorney fees and witness fees, if the court determines that the award is appropriate.

*(Code 1979, § 1:11; Ord. of 6-20-2005, § 9)*

Sec. 2-107. - Notices of employee protections and obligations.

The City shall post notices and use other appropriate means to keep its employees informed of their protections and obligation under this division.

*(Code 1979, § 1:11.10)*

Sec. 2-108. - Conflict of interest in contracts with City officials prohibited.

No City official or employee shall be a party, directly or indirectly, to any contract with the City or directly or indirectly solicit any contract with the City, except as may be permitted by the provisions of Public Act No. 317 of 1968 (MCL 15.321 et seq.).

*(Code 1979, § 1:11.4)*

Sec. 2-109. - Code of ethical conduct.

- (a) *Gratuities.* No City official or employee of the City shall solicit, accept, or receive, directly or indirectly, any substantial gift, whether in the form of money, service, loan, travel, entertainment, hospitality, thing, promise of future employment, promise of benefit, or in any other form of an economic interest, under circumstances in which it can reasonably be inferred that the gift is intended to influence him in the performance of his official duties or is intended as a reward for any official action or inaction on his part.
- (b) *Preferential treatment.* No City official or employee of the City shall use, or attempt to use, their official position to unreasonably secure, request, or grant any privilege, exemption, advantage, contract, or preferential treatment for themselves, a relative, or others.

(c) *Use of information.* No City official or employee of the City who acquires information in the course of their official duties, which information by law or policy is not available at the time to the general public, shall use or withhold such information to further the private economic interests of themselves, a relative, or anyone else.

(d) *Full disclosure.*

(1) No City official or employee of the City shall participate, as an agent or representative of the City, in approving, disapproving, debating, voting, abstaining from voting, recommending, or otherwise acting upon any matter in which he or a relative has a direct or indirect economic interest without disclosing the full nature and extent of their interests. Such a disclosure must be made before the time to perform their duty or concurrently with that performance. If the City official or employee is a member of a decision making or advising body, they must make disclosure to the chair and other members of the body on the official record. Otherwise, a disclosure would be appropriately addressed by an appointed City official or employee to the supervisory head of their organization, or by an elected officer to the general public. In the case of the City manager or City attorney, he shall make such disclosure to mayor.

(2) All City Council members, the City manager, all City department heads and all regular full-time and part-time City employees, shall file an annual disclosure statement with the City clerk/treasurer on or before April 15 of each year. The statement shall disclose and detail any interest of the filer in any company, business, trust or entity of any kind doing business with or licensed or regulated by the City for the past year and state the type of interest, cost, income and benefits received and present value. The statement shall also include any interest of the filer's immediate family in any such company, business, trust or entity. The disclosure statement shall be a public document.

(3) Provided, however, that disclosure need not be made of benefits received from any entity when an ownership interest is the only connection, and:

(a) The company has stock traded on a national exchange and the filer owns \$25,000.00 or less of stock of the entity; or

(b) The stock holder owns one percent or less of the total stock by value; whichever is greater, provided further that wages or salary received from a public community college, junior college or state college or university need not be reported.

(e) *Outside business dealings.*

(1) No City official or employee of the City shall engage in or accept employment or render services for a private or public interest when that employment or service is incompatible or in conflict with the discharge of the City official's or employee's official duties or when that employment may tend to impair his independence of judgment or action in the performance of official duties.

(2) No City official or employee shall engage in a business transaction in which the City official, or employee may benefit financially from his official position or authority or benefit financially from confidential information which the City official or employee has obtained or may obtain by reason of that position or authority.

- (f) *Doing business with the City.* No City official or employee shall engage in business with the City, directly or indirectly, without first filing a complete written disclosure statement for each business activity having an economic interest. Such disclosure shall be made on an annual basis or before any business activity or decision affecting an interest not previously disclosed by an annual disclosure.
- (a) *Suppression of public information.* No City official or employee of the City shall suppress any public City report, document, or other information available to the general public because it might tend to affect unfavorably his private financial or political interest.
- (b) *Use of City property.* No City official or employee of the City shall, directly or indirectly, make use of or permit a relative or other person to make use of City property of any kind or City personnel resources for purely personal gain or economic benefit. City officials or employees shall strive to protect and conserve all City property including equipment and supplies entrusted or issued to them.
- (c) *Legal process.* No City Council member, City official, or employee shall interfere with the ordinary course of law enforcement within the City, and no special favors, consideration, or disposition shall be suggested to or requested of any law enforcement person of the City including City manager, police chief, police officers, code enforcement officers, City attorney, and/or administrative staff concerning any City law enforcement matter including, but not limited to, parking tickets, traffic tickets, ordinance tickets, or municipal civil infraction citations. This subsection shall not prohibit the City manager, City attorney, and all law enforcement officials from exercising the usual power, control, and discretion which are part of their duties. Nor shall this subsection prohibit the mayor and City Council from making policy decisions, enacting legislation, and directing the affairs of the City in accordance with their legal powers and responsibility.

(Code 1979, § 1:11.5)

Sec. 2-110. - Whistleblower protections.

- (a) A City official or employee who has knowledge that a City official or employee has violated section 2-109 may report the existence of the violation to a supervisor, person, agency, or organization. A City official or employee who reports or is about to report a violation of section 2-109 shall not be subject to any of the following sanctions because they reported or were about to report a violation of section 2-109
- (1) Dismissal from employment or office.
  - (2) Withholding of salary increases that are ordinarily forthcoming to the employee.
  - (3) Withholding of promotions that are ordinarily forthcoming to the employee.
  - (4) Demotion in employment status.
  - (5) Transfer of employment location.
- (b) Whenever a City official or employee who has reported or who intends to report a violation of section 2-109 may be subject to any of the sanctions under this section for reasons other than the City official's or employee's actions in reporting or intending to

report a violation of section 2-109, the appointing or supervisory authority before the imposition of a sanction shall establish by a preponderance of evidence that the sanction to be imposed is not imposed because the City official or employee reported or intended to report a violation of section 2-109

*(Code 1979, § 1: 11 .7)*

Sec. 2-111. - Whistleblower civil actions for relief or damages.

- (a) As used in this section, the term "damages" means damages for injury or loss caused by each violation of section 2-110, including reasonable attorney fees.
- (b) A person who alleges a violation of section 2-110 may bring a civil action for appropriate injunctive relief, or actual damages, or both within 90 days after the occurrence of the alleged violation.
- (c) An action commenced pursuant to subsection (b) of this section may be brought in the circuit court for the county.
- (d) This section shall not be construed to diminish or impair the rights of a person under any collective bargaining agreement that he may derive benefits from.

*(Code 1979, § 1:11.8)*

Secs. 2-112-2-135. - Reserved.