



CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan 49546-7192

Date: March 29, 2021
To: Clerk Susan Slater (Chair)
Trustee Jim Koessel (Vice-Chair)
Trustee Timmy Noordhoek
From: Ben Swayze, Township Manager
Subject: Governance Committee Meeting Agenda – March 31, 2021 (9:00am)

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

1. **Minutes of the 1.27.21 Meeting** – The Committee is responsible for approving the minutes of the previous meeting

Recommended Action – Approve the minutes

2. **Township Strategic Plan Proposals** – The Township has received 5 proposals from the RFP for the Township Strategic Plan that was issued in February. The proposals that were received were:

- BerryDunn - \$34,500
- CIB Planning - \$38,624
- Lew Bender - \$29,500
- Management Partners - \$43,990
- McKenna - \$18,390

As outlined in the RFP, The Governance Committee is responsible for the initial evaluation of the proposals. The RFP listed the following evaluation criteria:

The Governance Committee of the Cascade Township Board will be responsible for evaluating the submitted proposals and submitting a recommendation of project award to the full Township Board for consideration. Though there are no formal evaluation criteria, the Governance Committee will focus on the following items when evaluating the proposals:

1. ***Verification of the basic information provided by the firm including, but not limited to, entity name, principals, incorporation, licensing and references.***
2. ***Completeness of the proposal***
3. ***Responsiveness to all elements outlined in the request for proposal.***
4. ***Project proposal and the likelihood it will satisfactorily address the needs of the Township in regards to the scope of services.***
5. ***Experience and qualifications of the Respondent and all team members identified.***
6. ***Experience and results in performing the services desired by the Township.***
7. ***Cost proposal that is advantageous to the Township.***

Recommended Action – Review the proposals and make recommendation to Township Board or establish further evaluation process

- 3. Rules of Engagement and/or Rules of Procedure for Township Board** – At the previous meeting the Committee reviewed various documentation regarding a possible Rules of Engagement or Rules of procedures document for the Township Board. Provided are two documents that were developed by Bloom Sluggett law firm, who has served as special counsel for the Township in the past, a guide to developing minutes and template for standing meeting rules and procedures. It should be noted that the rules and procedures document is currently a generic template, it has not been updated to reflect the intentions or practices of Cascade. At the previous meeting it was recommended that our document contain standards for items such as the development and content of minutes, development of agendas and rules of procedures at meetings.

Recommended Action – No action, discussion and staff direction

**CASCADE CHARTER TOWNSHIP
GOVERNANCE COMMITTEE MEETING**

January 27, 2021 at 9:00am

Held via Zoom Remote Conferencing Software &
Large Conference Room at Township Hall
2865 Thornhills SE, Grand Rapids, MI 49546

Members Present: Trustee Koessel, Trustee Noordhoek, Clerk Slater

Others Present: Township Manager (TM) Ben Swayze

Call to Order: Meeting was called to order at 9:00 a.m.

Business: The Governance Committee discussed the following items:

1. Officers of the Committee

TM Swayze explained that per the committee policy, the committee is responsible for electing a Chair and a Vice Chair.

Motion by Trustee Koessel, supported by Trustee Noordhoek to appoint Clerk Slater to Chair. Motion carried.

Motion by Clerk Slater, supported by Trustee Noordhoek to appoint Trustee Koessel to Vice Chair. Motion Carried.

2. Rules of Engagement and/or Rules of Procedure for Township Board

TM Swayze explained that Trustee Koessel requested the committee be provided information on potential Rules of Procedures or Rules of Engagement documents for the Township. TM Swayze explained that 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. TM Swayze reviewed the documents provided, including a potential outline from the Michigan Township Association and sample documents from other communities. Common included items are the content of Board Meeting minutes, preparation of Board agendas and conduct of a Board meeting. Discussion ensued.

Conversation included review of previous practices, a history of minute production and content and preparation of the agenda. Discussion was held whether a consultant should be utilized to develop the document. Conversation was held regarding the order of business. TM Swayze indicated he would collect additional information and report back to the committee.

No action, discussion only

Adjournment: Meeting adjourned at 9:47 am

DRAFT

_____ TOWNSHIP
KENT COUNTY, MICHIGAN

(Resolution No. _____)

STANDING RULES – PROCEDURES
FOR TOWNSHIP BOARD AND OTHER MEETINGS;
RULES REGARDING PUBLIC COMMENT

WHEREAS, the _____ Township Board (“Township Board”) has determined that there is a need for more definite procedures and rules relative to the conduct of Township Board and other meetings; and

WHEREAS, most Township meetings are subject to the Michigan Open Meetings Act (MCLA 15.261 *et seq.*; MSA 4.1800(11) *et seq.*) (the “Act”). Even apart from the Act, however, Township officials desire to have members of the public attend all open meetings of the Township Board and to promote public attendance at the same. The Township Board also desires to provide members of the public with reasonable opportunity to discuss and comment on Township-related issues during such meetings in a reasonable fashion; and

WHEREAS, pursuant to the Act and other applicable Michigan laws, the Township Board has the authority to adopt reasonable rules and regulations regarding both the conduct of Township Board meetings and the conduct of public comments and input at such meetings.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. **The Chair.** The Township Supervisor shall chair (*i.e.*, preside at) (the “Chair”) the meetings of the Township Board. If the Supervisor is absent or unable to chair a particular meeting of the Township Board, the Township Clerk shall do so. If the Township Clerk is not present or is unable to chair a meeting of the Township Board, the member who has served on the Township Board the longest shall chair the particular meeting.

(a) It shall be the duty of the Chair to preside at all meetings of the Township Board, to preserve order and to decide all questions of order and procedure (subject to appeal to the Township Board).

(b) The Chair shall rule on all procedural issues which might arise at a Township Board meeting, subject to being overturned regarding any such ruling by a vote of a majority of the Township Board members present (including the Chair).

(c) Any of the rules and procedures contained in this Resolution may be waived for a given Township Board meeting or agenda item at a Township Board meeting by the vote of two-thirds of the Township Board members present at a meeting where a quorum is present (including the Supervisor).

(d) The Chair can make and second motions.

2. Public Comments. The following shall apply to public comments at Township Board meetings:

(a) Members of the public may comment only during the designated public comment portion or portions of the meeting. Public comment shall not be in order except during designated times. A member of the public shall not speak unless expressly recognized by the Chair first and the Chair gives permission to the person to address the Township Board.

(b) Specific answers to a citizen's questions need not be given by the Chair or other Township officials at the time requested, but may, at the Township's discretion, be followed up later.

(c) At each meeting open to the public, there shall be two general public comment periods. The first shall be held at the beginning of the meeting. The second comment period shall be held at the end of the meeting. The first comment period shall be limited to ten (10) minutes in total. The second comment period shall be limited to ten (10) minutes in total. No citizen shall speak for more than three (3) minutes during either of these comment periods or for five (5) minutes in total for both. If the application of such time limits has the effect of completely denying one or more persons the ability to address the Township Board, such persons shall be given at least three (3) additional minutes each to address the Township Board.

(d) In addition to the above-mentioned two public comment periods, the Chair may permit limited public comment for particular public hearing or agenda items. During such other public comment times, each person shall be limited to three (3) minutes of public comment and the other public comment rules herein shall generally apply.

(e) All public comments shall be directed to and through the Chair – no member of the public shall directly address any other member of the public or any other Township official.

(f) All public comments shall be related to Township matters. Public comments must be relevant and germane to the business and functions of the Township.

(g) No citizen can "transfer," reserve or delegate any public comment time to any other person.

(h) If an attorney or person representing an association, firm or group of people requests to speak for or on behalf of that association, firm or group, the Chair can allow such attorney or representative to do so. However, in that case, the association, firm or group of people shall not also be allowed to speak separately unless they limit their comments to one minute each. The Chair shall have the authority to determine whether a non-attorney purporting to represent an association, firm or group of people has such authority and can do so.

(i) The Chair has the authority to extend the public comment period for citizens at the Chair's discretion.

(j) Any citizen desiring to make a public comment shall be requested to first state their name and address for the record.

(k) If a member of the public undertakes a personal attack on a Township official or employee regarding non-Township matters or on a private matter not related to Township business or activities, the Chair has the discretion to terminate the remaining allowable public comment time for any such person.

(l) The Township Clerk shall be responsible for timing the length of public comments and informing the Chair when a citizen has thirty seconds remaining and when time has expired.

(m) No person shall be allowed to speak more than once on the same matter at the same meeting. Persons purporting to speak to the same general subject matter in his and her personal and representative capability shall be recognized only once.

(n) Members of the public shall comply with directives from the Chair.

3. Public Conduct.

(a) Any person shall have the right to tape record, video tape or broadcast the proceedings of the Township Board, but they shall not utilize the electrical outlets of the Township without the prior permission of the Chair.

(b) No person shall disrupt a meeting of the Township Board. No person shall commit a breach of the peace at any meeting. A violation of this Resolution by a member of the public can constitute a disruption or breach of a meeting. Any person who disrupts a meeting of the Township Board or commits a breach of the peace at a meeting may be ejected from the meeting. Refusal by a member of the public to stop speaking when the Chair has interpreted that such person's time has expired or if such person speaks when they have no right to do so or after they have been told by the Chair to be silent, such actions shall be deemed to be a disruption of the Township Board meeting and a breach of the peace. Under the Act, a person can be ejected or excluded from a Township Board meeting for a breach of the peace actually committed at the meeting. A violation of the public conduct rules of this Resolution can constitute such a breach of the peace. Finally, MCL 750.170 makes it a criminal misdemeanor offense to disturb a lawful public meeting.

(c) Members of the public shall not talk among themselves during a meeting of the Township Board in a volume greater than a whisper, and upon being asked by the Chair to quiet down, shall do so.

(d) No person shall utilize any profane or obscene speech or gesture.

(e) No member of the public shall interrupt another person who is lawfully speaking.

4. The Reading of Letters, Emails and Other Communications.

(a) Letters, emails and other written communications (hereinafter “written communications”) that are presented to the Township Board at a public meeting or are otherwise submitted to the Township Board shall become part of the formal record of the Township Board meeting involved.

(b) Unless requested by a member of the Township Board, written communications from members of the public need not be read out loud at or during the Township Board meeting in order to be considered part of the Township Board’s meeting record. Furthermore, such written communications generally should not be read out loud during a Township Board meeting if it would take longer than three (3) minutes for such written communication to be read out loud.

5. Procedural Rules. Meetings of the Township Board shall generally utilize Roberts Rules of Order, unless otherwise provided for in this Resolution. Unless overruled by a 2/3 vote of the Township Board members present (including the Supervisor), the ruling of the Chair on procedural issues shall govern.

(a) Order of Business – The following shall be the order of business at all meetings of the Township Board:

- Call to order
- Roll call
- Approval of the Minutes of the preceding meeting
- Public comment
- Special order of business
- Old business
- New business
- Reports
- Approval of bills
- Other business
- Public comment
- Adjournment

(b) Questions shall be voted on by voice vote unless the Chair or any member of the Township Board shall call for a roll call vote or unless a roll call vote is required by law.

(c) Motions –

(i) No motion shall be debated unless it has been seconded.

(ii) The initiator of a motion may withdraw any motion at any time before it has been adopted. However, if the motion has been seconded, the seconding party must also consent to withdrawal.

(iii) All motions, resolutions and amendments or substitutions thereto, and the vote thereon (and by whom), shall be entered in the minutes.

(iv) When an appeal is taken from a decision by the Chair, the Township Board member taking the appeal shall be allowed to state his or her reason for doing so. The question shall then be immediately put in the following (or substantially similar) form – “Shall the ruling of the Chair be sustained?”

6. Other Township Bodies. The rules and regulations of this Resolution shall also govern and apply to meetings of the _____ Township Planning Commission, Zoning Board of Appeals and Board of Review unless any such body formally adopts its own such meeting rules and regulations.

7. Waiver/Variation. Any of the rules or regulations of this Resolution may be waived or modified for a particular meeting (or portions of a public meeting) by a vote of 2/3 of the Township Board members present (including the Supervisor).

The above Resolution was offered for adoption by Township Board Member _____, and was seconded by Township Board Member _____, the vote being as follows:

YEAS: _____

NAYS: _____

ABSTAIN: _____

RESOLUTION DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of a Resolution adopted by the _____ Township Board at a _____ meeting held at the _____ on _____, 2021, at _____ o'clock p.m., pursuant to the required statutory procedures.

_____ Township Clerk

BLOOM SLUGGETT, PC

PROPER MUNICIPAL MINUTES DRAFTING AND KEEPING

The Michigan Open Meetings Act, being MCL 15.261 *et seq* (“OMA”), requires the preparation, adoption and keeping of written minutes for the meeting of every public body in Michigan. That includes every board, committee and body of a Michigan city, village and township.

Michigan municipal minutes can be defined as:

A written record of a meeting of a public body. Also known as the minutes of a meeting.

Notwithstanding the importance of good written minutes for a Michigan municipal body, the OMA gives very little guidance as to the format, content, length and style of minutes. Section 9 of the OMA provides only as follows:

15.269. Minutes; contents, corrections, open to public inspection

Section 9. (1) Each public body shall keep minutes of each meeting showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is held. The minutes shall include all roll call votes taken at the meeting. Corrections in the minutes shall be made not 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.

(2) Minutes shall be public records open to public inspection and shall be available at the address designated on posted public notices pursuant to Section 4. Copies of the minutes shall be available to the public at the reasonable estimated cost for printing and copying.

(3) Proposed minutes shall be available for public inspection not more than 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 the meeting at which the minutes are approved by the public body.

Perhaps the most raised question regarding minutes is how long a minutes document should be and in how much detail should matters be covered? There is no legal requirement regarding those matters. However, minutes should generally be long and detailed enough so that someone reading the minutes years later can reasonably ascertain all of the major discussions and decisions that occurred during the meeting involved. And, of course, minutes of municipal bodies in Michigan (except for the special rules applicable to lawfully closed or executive sessions under the OMA) must literally be kept forever.

The following are items that generally **must** be contained in the minutes:

1. The name of the municipal body involved.
2. The date, time and place that the meeting was held, including the actual times when the meeting started and ended.
3. The names of the members of the municipal body present, as well as the names of the members who are absent. Some minutes will also list other municipal officers, officials and employees who are present for informational purposes, but that is generally not required.
4. The approval of the agenda.
5. The approval of minutes from the prior meeting.
6. A general description of the matters, cases or issues discussed.
7. All decisions made at the meeting.
8. The restatement of the exact wording of a motion made, as well as the name of the member who made the motion and also the member of the municipal body who seconded the motion. The minutes must also expressly indicate how each of the members voted on the motion made. If the vote was not unanimous, the minutes must indicate the names of each member present and how they voted. If a roll call vote was involved, the name of each member must be listed together with an indication of how they voted.
9. All roll call votes.
10. The name of any member of the audience who makes a public comment and at least a short narrative of what they said.
11. An indication of if and when any member of the public body leaves the meeting and does not return.
12. An approved and voted upon motion to end the meeting, as well as the time that the meeting ended.

There is no legal standard regarding how long a minutes document should be. However, a good general rule of thumb is that written minutes should generally run between 1 ½ to 2 pages for each hour that the meeting lasts.

On the one hand, minutes should not be an effective transcript of the meeting involved nor an in-depth narrative of what occurred. However, conversely, the minutes should be detailed and lengthy enough to cover all of the above-mentioned mandatory items, as well as such additional information so as to give a future reader a fair representation of everything that occurred at such past public meeting.

Some municipal minutes do not mention the name of members of the public who speak to the public body nor indicate a summary of what they said. The best practice is to list the name of every member of the public or audience who speaks at a public meeting together with a short

summary of what they said. If a member of the public is diligent enough to attend a public meeting and to speak, that should be memorialized for future readers of the minutes.

Except for closed or executive session minutes, minutes of a public body should literally be kept forever. The municipal clerk should keep a hard copy set of both the draft and approved minutes in a format and location that is easy for all officials and employees of the clerk's office to be able to readily retrieve at all times. Under the OMA, the minutes of a closed or executive session are subject to the following:

(2) A separate set of minutes shall be taken by the clerk or the designated secretary of the public body at the closed session. These minutes shall be retained by the clerk of the public body, are not available to the public, and shall only be disclosed if required by a civil action filed under Section 10, 11, or 13. These minutes may be destroyed 1 year and 1 day after approval of the minutes of the regular meeting at which the closed session was approved.

Under the OMA, minutes of a public body must be prepared in draft form and be available within 8 business days after the meeting involved. Minutes must be formally approved by the public body involved by the appropriate motion being made, seconded and formally approved by a vote of the members of the public body involved. Approved final minutes must be publicly available within 5 business days of approval.

In general, approved minutes are the official record of the public body involved.

The issue has arisen regarding what extraneous materials, if any, should go in the minutes of a municipal meeting. Technically, the "minutes" called for by the OMA is simply a written summary of the particular municipal meeting involved. Therefore, extraneous documents such as letters, emails, etc. do not "go in the minutes", as the minutes are a written summary of what occurs at a particular municipal meeting. It is true that official documents adopted or enacted at a municipal meeting can be "attached" to the official minutes if desired. However, that involves a limited number of municipal documents such as adopted resolutions, ordinances, written policies and ordinance amendments. To further confuse matters, however, even those documents are normally not re-typed into the minutes in their entirety or at length and are simply referenced in the minutes, with the original of each such document kept with the minutes book or another official file by the municipal clerk.

It is true that a citizen letter or email communication can be read out loud at a public meeting, but even then it is not usually recited or repeated word-for-word or at length in the meeting minutes itself. Just as the minutes normally do not constitute a transcript of exactly what a municipal official or member of the public says word-for-word at a public meeting, likewise, a letter or email communication read out loud at a municipal meeting should not be repeated or re-recited word-for-word in the minutes. Any citizen letter, email or other documents can be received by the municipal clerk "for the record" and should be kept in the appropriate municipal file indefinitely.

There are some special statutory requirements for charter township board minutes (as opposed to the minutes for a general law township board). The minutes for a charter township

must be signed by the supervisor and the clerk and must include any adopted ordinance and resolutions and the votes for each. See MCL 42.7. A synopsis of the proceedings of a charter township must also be prepared by the township clerk and approved by the township supervisor and that must be published at least once each month. There are various alternate publication options available under MCL 42.8.