

ORDINANCE NO. 1583

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MIDLAND, MICHIGAN, BY AMENDING SECTION 2-243 OF ARTICLE XI OF CHAPTER 2 THEREOF.

The City of Midland Ordains:

Section 1. Section 2-243 of Article XI of Chapter 2 is hereby amended to read as follows:

Sec. 2-243. Regular attendance by members of boards and commissions.

The position of a member of any board or commission established by the Charter or the Code of Ordinances of the city that meets more often than quarterly shall be considered vacant if such member shall miss four (4) consecutive, regular held meetings of the board or commission. Notwithstanding the foregoing, the position of a member of any board or commission established by the charter or the code of ordinances of the city shall be considered vacant if such member shall miss more than twenty-five (25) percent of regular meetings scheduled in any fiscal year.

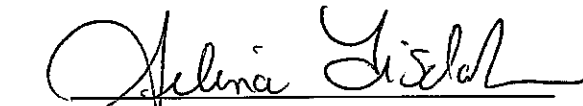
Section 2. This ordinance shall take effect upon publication.

YEAS: Black, Johnson, McKeag, Myers, Rokosz

NAYS: None

ABSENT: None

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a 5/0 yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, July 19, 2004.


Selina Tisdale
City Clerk

SUMMARY REPORT TO MANAGER
for City Council Meeting of July 19, 2004

**SUBJECT: ORDINANCE AMENDMENT TO SEC. 2-243 – REGULAR ATTENDANCE
BY MEMBERS OF BOARDS AND COMMISSIONS**

SUMMARY: Action gives second reading and adoption of an amendment to Sec. 2-243 of the Code of Ordinances – Regular attendance by members of boards and commissions.

ITEMS ATTACHED:

1. Letter of transmittal
2. Ordinance

COUNCIL ACTION:

1. 3/5 vote required to give second reading and adoption of this ordinance

Jack Duso
Assistant City Manager
July 16, 2004



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July 14, 2004

Honorable Mayor and City Council
City of Midland
Midland, Michigan 48640

Dear Councilmen:

On Monday, July 12 the City Council introduced and gave first reading to an amendment to Section 2-243 of the Code of Ordinances, which is entitled "Regular attendance by members of boards and commissions". The ordinance amendment that was presented but not adopted at the meeting read as follows with words in caps as new language and strikeouts of deleted language:

Sec. 2-243. Regular attendance by members of boards and commissions.

The position of a member of any board or commission established by the Charter or the Code of Ordinances of the city THAT MEETS MORE OFTEN THAN QUARTERLY shall be considered vacant if such member shall miss four (4) consecutive, regular meetings of the board or commission, ~~or twenty-five (25) percent of such meetings in any fiscal year of the city, unless such absences shall be excused by the board or commission and the reason therefore entered into the proceedings of said board or commission.~~ NOTWITHSTANDING THE FOREGOING, THE POSITION OF A MEMBER OF ANY BOARD OR COMMISSION ESTABLISHED BY THE CHARTER OR THE CODE OF ORDINANCES OF THE CITY SHALL BE CONSIDERED VACANT IF SUCH MEMBER SHALL MISS MORE THAN TWENTY-FIVE (25) PERCENT OF REGULAR MEETINGS IN ANY FISCAL YEAR.

During the City Council deliberations, Mayor Black asked how a cancelled meeting would be treated in determining attendance. The response was that it would not count as an absence. Therefore, it would not break the consecutive status if a member was absent at the next regular meeting after a cancelled meeting, however, the cancelled meeting would affect the percentage value of an absence in the case of boards and commissions that meet quarterly. For example, if a commission member missed one meeting out of four, then that would equal 25% and would not determine a vacancy. If a regular meeting of that commission is cancelled during the fiscal year, then the percentage of that missed meeting would be 33% which would be more than 25% as specified in the ordinance and the position would be declared vacant.

The following amendment that resolves this problem by adding the word HELD in the first sentence and SCHEDULED in the second sentence was offered and adopted.

Sec. 2-243. Regular attendance by members of boards and commissions.

The position of a member of any board or commission established by the Charter or the Code of Ordinances of the city THAT MEETS MORE OFTEN THAN QUARTERLY shall be considered vacant if such member shall miss four (4) consecutive, regular HELD meetings of the board or commission, ~~or twenty-five (25) percent of such meetings in any fiscal year of the city, unless such absences shall be excused by the board or commission and the reason therefore entered into the proceedings of said board or commission.~~ NOTWITHSTANDING THE FOREGOING, THE POSITION OF A MEMBER OF ANY BOARD OR COMMISSION ESTABLISHED BY THE CHARTER OR THE CODE OF ORDINANCES OF THE CITY SHALL BE CONSIDERED VACANT IF SUCH MEMBER SHALL MISS MORE THAN TWENTY-FIVE (25) PERCENT OF REGULAR MEETINGS SCHEDULED IN ANY FISCAL YEAR.

It should be pointed out that under the proposed ordinance the board or commission no longer will be required to make a determination of an absence being excused or unexcused. This addresses a concern voiced by some commission members in attendance at the June 21 boards and commissions orientation conducted by the City Attorney. The concern was the lack of guidelines as to what constitutes an excused absence. The consequence of deleting the language regarding excused absences is that a vacancy is automatic when absences exceed the criteria in the ordinance.

There are two additional points that should be noted. One is that the absence criteria in the ordinance apply only to regularly scheduled meetings, which are determined by the respective boards and commissions each year. Special meetings of the boards and commissions are not considered in determining a vacancy. The other point is that if a vacancy occurs as a result of circumstances that would otherwise warrant an excuse, the ordinance does not preclude the City Council from merely re-appointing the member to the board or commission.

Attached for your consideration is the final version of the ordinance for second reading and adoption. Please let me know if you have any questions.

Sincerely,



Jack Duso
Assistant City Manager



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BY COUNCILMAN MCKEAG

WHEREAS, on June 14, 2004 the City Council adopted the City of Midland Boards and Commissions Attendance Policy in accord with Section 2-243 of the Code of Ordinances; and

WHEREAS, on July 19, the City Council adopted an amendment to Section 2-243 of the Code of Ordinances, which is inconsistent with the attendance policy adopted on June 14; now therefore

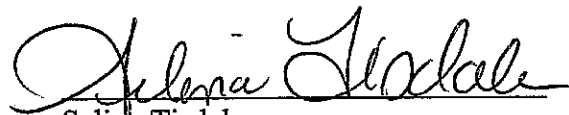
RESOLVED, that the revised City of Midland Boards and Commissions Attendance Policy is hereby approved, and the City Manager is hereby directed to distribute a copy of the policy to the City's boards and commissions.

YEAS: Black, Johnson, McKeag, Myers, Rokosz

NAYS: None

ABSENT: None

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a 5/0 yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, July 19, 2004.


Selina Tisdale
City Clerk

SUMMARY REPORT TO MANAGER
for City Council Meeting of July 19, 2004

**SUBJECT: REVISED CITY OF MIDLAND BOARDS AND COMMISSIONS
ATTENDANCE POLICY**

RESOLUTION SUMMARY: This resolution approves the revised City of Midland Boards and Commissions Attendance Policy and directs the City Manager to distribute a copy of the Policy to the City's boards and commissions.

ITEMS ATTACHED:

1. Letter of transmittal
2. Revised Policy
3. Resolution

COUNCIL ACTION:

1. 3/5 vote required to approve resolution

Jack Duso
Assistant City Manager
July 16, 2004



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July 16, 2004

Honorable Mayor and City Council
City of Midland
Midland, Michigan 48640

Dear Councilmen:

On June 14, 2004 the City Council adopted the City of Midland Boards and Commissions Attendance Policy, which was prepared in compliance with Section 2-243 of the Code of Ordinances. At that meeting the City Council instructed City staff to prepare an amendment to Section 2-243.

On July 12, 2004 the City Council introduced and gave first reading to an amendment to Section 2-243. The amendment restructured the ordinance to eliminate the necessity of boards and commissions determining excused or unexcused absences. Consequently, the policy adopted on June 14 will no longer be consistent with Section 2-243 if the ordinance amendment is given second reading and adopted on July 19.

Therefore, attached for your consideration is a revised policy incorporating the changes in the amendment to Section 2-243 of the Code of Ordinances and a resolution that approves the revised policy and instructs the City Manager to distribute the new policy to the City's boards and commissions.

Please contact me if you have any questions.

Sincerely,



Jack Duso
Assistant City Manager

**CITY OF MIDLAND
BOARDS AND COMMISSIONS ATTENDANCE POLICY**

Section 1. PURPOSE:

The purpose of Section 2-243 of the City of Midland Code of Ordinances is to make sure that the City Council and citizens' business is accomplished. In addition to professional staff recommendations, citizen input is important in establishing city policies. It is critical that the City Council receives timely input from boards and commissions for its consideration prior to making such decisions. To that end, attendance by members of boards and commissions is very important. These guidelines are designed to ensure that the City Council's attendance expectations are not based upon the personality or views of the boards and commissions members, but for the timely input.

This policy establishes a standard procedure for the City's boards and commissions and their respective staff liaisons to monitor meeting attendance and to implement Section 2-243 of the City of Midland Code of Ordinances when appropriate.

Section 2. AUTHORITY:

Section 2-243 of the City of Midland Code of Ordinances.

Sec. 2-243. Regular attendance by members of boards and commissions.

The position of a member of any board or commission established by the Charter or the Code of Ordinances of the City that meets more often than quarterly shall be considered vacant if such member shall miss four (4) consecutive regular, held meetings of the board or commission. Notwithstanding the foregoing, the position of a member of any board or commission established by the charter or code of ordinances of the city shall be considered vacant if such member shall miss more than twenty-five (25) percent of such meetings scheduled in any fiscal year of the city.

Section 3. POLICY:

Attendance at meetings of boards and commissions by their members is a critical success factor in providing the citizens of Midland and the City Council with recommendations or adjudications as the case may be. Therefore, each board and commission must adhere to and implement Section 2-243 of the Code of Ordinances when appropriate by following the procedure outlined in Section 4 of this policy.

Section 4. PROCEDURE:

Section 4.1. Notification of absence.

If a board or commission member expects to be absent, then every effort should be made to contact the staff liaison as soon as possible, but in any case by not later than 5:00 p.m. of the day of an evening meeting or the day prior for a daytime meeting. The primary reason for contacting the staff liaison is to determine a quorum status in time to notify the board or commission members if a quorum of the board or commission will not be present.

Section 4.2. Determination of absence.

Absence of a board or commission member will be determined by a roll call of the members of the board or commission at the beginning of each meeting. If a member is absent, then the minutes shall reflect the absence of that member. The minutes shall not reflect the nature of the absence.

Section 4.3. Absence for four consecutive regular meetings.

If a member of a board or commission that meets more often than quarterly each year is absent for two (2) consecutive regular meetings, then the absent member shall be notified by the staff liaison that two (2) more consecutive absences will automatically create a vacancy of that person's position. If said member is absent for three (3) consecutive regular meetings, then the absent member shall be notified by the staff liaison that one (1) more consecutive absence will automatically create a vacancy of that person's position. If said member is absent for four (4) consecutive regular meetings, then the absent member and the City Council shall be notified by the staff liaison that said member's position is vacant under the appropriate criterion in Section 2-243 of the Code of Ordinances.

If a vacancy occurs as a result of four consecutive absences, the City Council may reappoint the absent member to the board or commission.

Section 4.4. Absence for more than twenty five (25) percent of regular meetings in any fiscal year (July 1 through June 30).

If a member of a board or commission that meets quarterly is absent for one (1) regular meeting, then the absent member shall be notified by the staff liaison that one (1) more absence will automatically create a vacancy of that person's position. If said member is absent for two (2) regular meetings, then the absent member and the City Council shall be notified by the staff liaison that said member's position is vacant under the appropriate criterion in Section 2-243 of the Code of Ordinances.

If a member of a board or commission that meets more often than quarterly is absent for two (2) regular meetings in a fiscal year, then the absent member shall be notified by the staff liaison how many more absences will create a vacancy of that person's position. If said member is absent for more than twenty-five (25) percent of regular meetings scheduled in an fiscal year, then the absent member and the City Council shall be notified by the staff liaison that said member's position is vacant under the appropriate criterion in Section 2-243 of the Code of Ordinances.

If a vacancy occurs as a result of a member being absent for more than twenty-five (25) percent of regular scheduled meetings in any fiscal year, the City Council may reappoint the absent member to the board or commission.