



**CITY OF GLADSTONE, MICHIGAN
CITY COMMISSION**

RULES OF PROCEDURE

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 - I. **AUTHORITY**

These rules are adopted by resolution of the Gladstone City Commission under the authority of Section 5 of the City Charter. None of the rules stated herein may supersede the City Charter, City Code or Laws of the State of Michigan.

II. MEETINGS

A. Organizational Meeting; Election of Mayor, Mayor Pro Tem.

1. At 7:30 o'clock p.m., on the first Monday following the regular municipal election, the commission shall meet at the usual place for holding meetings of the legislative body of the city, for the purpose of the organization. The clerk shall preside at the first meeting and until the mayor shall have been selected, as hereinafter provided. (Charter Chap. II Sec. 5)

2. The commission, at its first regular meeting following the first election under this Charter, and following each municipal election thereafter, shall elect, by ballot, one of its members mayor, who shall be the presiding officer and executive head of the city, and perform such other duties as are, or may be imposed or authorized by the laws of the state or this Charter. In times of public danger or emergency he may, with the consent of the commission, take command of the police and such other department and subordinates of the city as may be deemed necessary by the commission, and maintain order and enforce laws. The commission shall also, at

the first regular meeting elect by ballot another member of the commission mayor pro tem, who during the absence or disability of the mayor to perform his or her duty, shall act in the name and instead of the mayor, and shall, during the time of such absence or disability, exercise all the duties and possess all the powers of the mayor.

(Charter Chap. II Sec. 5)

3. In city elections, electors may vote for their recommended candidate for Mayor from among any of the incumbent commissioners. The City Commission is required to consider such recommendation when it elects the Mayor of the city but is not bound by such recommendation. (Referendum 04/06/92).

B. Regular Meetings

The commission shall meet at such times as may be prescribed by ordinance or resolution, except that it shall meet regularly no less than twice each month. (Charter Chap. II Sec. 5)

C. Special Meetings

1. The mayor, any two members of the commission, or the manager, may call special meetings of the commission, upon at least eighteen hours written notice to each member, served personally or left at his usual place of residence; provided, however, any special meeting at which all members of the commission are present shall be a legal meeting for all purposes without such written notice. (Charter Chap. II Sec. 5) OMA Sec. 5(4)
2. Special meetings shall be scheduled in compliance with the Open Meetings Act * and meeting notices shall state the purpose of the meeting. No official action shall be transacted at any special meeting unless the item has been stated in the notice of the meeting.
* The Open Meetings Act is Act 267 Michigan Public Acts of 1976, as amended.

D. Closed Meetings

Closed meetings may be scheduled in compliance with the Open Meetings Act.

15.268 Closed sessions; permissible purposes.

Sec. 8. A public body may meet in a closed session only for the following purposes:

(a) 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, employee, staff member, or individual agent, 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 at issue shall be considered after the rescission only in open sessions.

Requires simple majority vote (3).

(c) For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing.

Requires simple majority vote (3).

(d) To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.

Requires 2/3 majority vote (4).

(e) 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.

Requires 2/3 majority vote (4).

(f) 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 in this subdivision, all interviews by a public body for employment or appointment to a public office shall be

held in an open meeting pursuant to this act.

Requires 2/3 majority vote (4).

(h) To consider material exempt from discussion or disclosure by state or federal statute.

Requires 2/3 majority vote (4).

E. Recessed Meetings

Any meeting of the Commission may be recessed to a later date and time, provided that no recess shall be for a longer period than until the next scheduled meeting. However, if recessed for more than thirty-six (36) hours, public notice shall first be posted at least eighteen (18) hours before recessed meeting time. OMA Sec. 5(5)

F. Work-Sessions

1. The commission may meet in study sessions at the call of the mayor or majority of the commission to study difficult issues, gather and analyze information and clarify problems. Such sessions shall be open to the public and no action shall be taken at such sessions. Notice of the session shall be given to the commission members and to the public at least eighteen (18) hours before the study session meeting time. OMA Sec. 5(5)

2. Special Committees

The Commission may appoint a special committee of two Commissioners to study an issue or to work on a special project with City Staff. Committee may include staff or other appointed City Board members if it is deemed appropriate by a majority of the Commissioners.

G. Emergency Meetings

The commission may meet in emergency session in the event of a severe and imminent threat to the health, safety or welfare of the public without complying with public notice requirements when two-thirds (2/3) of the members serving on the commission decide that delay would be detrimental to efforts to lessen or respond to the threat. In the absence of such two-thirds (2/3) vote by the City Commission, the commission members and the public shall be given notice at least eighteen (18) hours before the emergency meeting time. OMA Sec. 5(5)

H. Place of Meetings

All regular and special meetings will be held in the commission chambers in the City Hall or as may be provided by ordinance or resolution of the commission. The city clerk may change the meeting to a larger room if needed. A notice of the change shall be posted on the door of the commission chambers with the location of the new meeting place.

I. Time of Meeting

1. All regular meetings other than the reorganizational meeting shall begin at 6:00 p.m. unless the commission, by ordinance or resolution, shall establish a different starting time.
2. All other meetings may be scheduled for other times.
3. Time to end meetings. No agenda item of an open meeting other than one under consideration will be discussed after 10:00 p.m. Any unfinished business will be deferred to the next Commission Agenda. The Commission shall have the authority to suspend this requirement by majority vote only.

J. Public Notice of Meetings

1. Regular Meetings - A public notice shall be posted at the City Hall within ten days after the first meeting of the commission in each calendar year stating the dates, times and places of its regular meetings, and the schedule of meetings shall be published in a newspaper of general circulation within the city with the same ten-day time period. If there is a change in the schedule of regular meetings, a public notice shall be posted at the City Hall within three days after the meeting at which the change is made stating the new dates, times and places of its regular meetings, and the schedule of meetings shall be promptly published in a newspaper of general circulation within the city. OMA Sec. 5(5)
2. Rescheduled Regular Meetings - A public notice stating the date, time and place of the meeting shall be posted at the City Hall at least eighteen hours before the meeting.
OMA Sec. 5(4)

3. Special Meetings - A public notice stating the date, time, place and purpose of the meeting shall be posted at City Hall at least eighteen hours before the meeting.
OMA Sec. 5

III. MEETING PROCEDURE

A. Quorum

A majority of all members elected to the commission shall constitute a quorum, but a lesser number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The commission shall act only by ordinance or resolution. Once established, a quorum is not defeated if one or more members leave the meeting before adjournment.

B. Presiding Officer

1. The mayor shall preside at all meetings of the commission. In the absence of the mayor, the mayor pro tem shall preside. In the absence of both the mayor and mayor pro tem, the meeting shall be called to order by the city clerk for the election of a temporary presiding officer.
2. The presiding officer shall be responsible for enforcing these rules of procedure and conducting meetings in a manner which preserves order and decorum, prevents attacks on personalities or the impugning of members' motives, and confine debate or comments to the question under discussion. The presiding official shall endeavor to conduct the meeting in a fashion that draws a balance between the informality and congeniality possible in a small community while also maintaining the decorum and formality necessary to transact business in an orderly fashion.

C. Agenda Preparation

1. An agenda for each regular meeting shall be prepared by the mayor in consultation with the city manager and city clerk in accordance with the following order of business:

Call to Order, Invocation, Pledge of Allegiance and Roll Call
Public Hearings
Public Comment
Conflict of Interests
Consent Agenda
Unfinished Business
New Business
City Manager's Report
City Commission & Committee Reports
Boards & Commissions Reports
City Commissioner Comments
City Clerk Comments
Closed Sessions
Adjournment

2. The order of business may be changed at a meeting by the presiding officer or by a majority vote of the commission.
3. A consent agenda may be used to allow the commission to act on numerous administrative or noncontroversial items at one time. Included on this agenda can be noncontroversial matters such as approval of minutes, payment of bills, approval of recognition resolutions, etc. Upon request by any member of the commission, an item shall be removed from the consent agenda and placed on the regular agenda for discussion.
4. Any item on the agenda shall appear on each successive agenda unless disposed of, defer indefinitely or defer until a certain date at which time the item shall reappear on the agenda.
5. The presiding officer or the Commission by a majority vote at a meeting may add an item to the agenda if the item requires prompt action and cannot be deferred to the next regular meeting.

D. Agenda Distribution

Agenda and commission packets will be delivered by e-mail to each Commissioner and a hard copy packet will be available for

pickup at City Hall in the City Commission mailbox on the Thursday prior to each regular commission meeting.

Deadline for Public: Requests for agenda items with supporting documentation is 4:00 pm seven (7) business days prior to each regular commission meeting. The Mayor and City Manager will authorize placement of the request.

Deadline for Staff: An agenda item with supporting documentation is 4:00 pm Tuesday prior to each regular commission meeting.

If an ordinance or resolution is adopted by the City Commission in the City Code related to electronic distribution of agendas this section will be replaced by the new ordinance.

E. Public Comment / Public Hearings

At regular and special meetings of the commission, individuals wishing to be heard may address the commission during the public comment/public hearing periods as set forth in the agenda under the following rules:

1. Each speaker shall state name and address for the record.
2. Each speaker is limited to three (3) minutes of comment unless the presiding officer decides more time is necessary.
3. Each speaker shall try to be concise and refrain from repeating comments already addressed by the commission.
4. Speakers who do not cease speaking when asked to do so will be deemed out of order and will not be allowed to address the commission again for the remainder of the meeting; continued disruption will warrant removal from the meeting.
5. The commission shall not decide issues that arise during public comment.
6. Speakers should address the commission through the presiding officer.
7. Commissioners and staff will not debate with the public.
8. Speakers will not verbally attack City Commissioners, City Staff or members of the public attending the meeting. Any such behavior will not be tolerated and any person presenting in this manner will be warned by the

Mayor and shall be removed by Public Safety for noncompliance.

9. No vulgar or obscene language will be used by the speakers.
10. Any information the speaker wants to distribute to the Commission must first ask the Chair (Mayor) if they may present the Commission written comments at the meeting.
11. Speakers may not ask questions of the board during this time as the Commission or Staff will not address them during this public comment period.

IV. VOTING

A. Duty to Vote

Commission members present at a meeting shall vote on every matter before the body unless otherwise excused or prohibited from voting by law. However, the presiding officer shall be the last member called upon to vote.

1. A member is excused from voting where the member has a conflict of interest as determined under the conflict of interest provision of these rules.
2. A member may abstain from a vote for approval of minutes if the member did not attend the meeting for which the minutes apply.
3. A member, in order to vote, must be present at the time the vote is taken. Voting by proxy or other forms of communication is not permitted.

B. Vote Required for Action

The concurring vote of three members of the commission is required to make any order, recommendation, decision or determination upon any matter, except as otherwise provided in these Rules or ordinance or City Code or State law.

Charter Chap. V. Sec. 2

1. A simple majority of a quorum is required for procedural motions or resolutions, such as:
 - (a) Motion to approve or amend the minutes

- (b) Motion to defer
- (c) Motion to postpone
- (d) Motion to recess
- (e) Motion to adjourn
- (f) Motion to recognize achievement or contribution
- (g) Motion to add matters to the agenda
- (h) Motion to approve consent agenda
- (i) Motion to set Public Hearings

C. Calling for the Vote

1. Voting on procedural motions or resolutions described in B above may be a voice vote.
2. In all matters other than procedural, the presiding officer shall call for a voice vote for and against the matter. If on a voice vote no member states opposition to the motion, it shall be deemed to have passed unanimously and shall be so recorded. In the event any member votes in opposition to the motion, a roll call shall be conducted and recorded.
3. The mover of the motion before the commission shall be called upon to vote first, with the remaining members called upon in alphabetical order except that the presiding officer shall be the last called upon to vote.

D. Results of Voting

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

E. Reconsideration of Vote

Any member voting in the majority may move for a reconsideration of the vote at the meeting at which the vote was taken, said reconsideration motion to be taken up at that meeting or at the next succeeding meeting of the commission. When a motion to reconsider fails, it cannot be renewed.

F. Debate/Discussion

Debate/Discussion is to occur after a motion has been made on an agenda item. The presiding officer will call on each Commissioner for their comments on the motion. No Commissioner is entitled to speak a second time while any other member wishes to make the first speech.

V. CONFLICT OF INTEREST

A. Disclosure

Before participating in a decision or hearing or casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Commission. The Commission will determine by a vote if a conflict of interest does exist. If a conflict of interest does occur with a Commissioner the Commission Member is to leave the Commission Chambers for that specific agenda item and return to the meeting after the vote is made.

B. Definition

A conflict of interest for a member of the Commission shall include, but not necessarily be limited to, a matter pending before the Commission which:

1. Concerns the member himself or herself
2. Concerns work on land owned by the member or which is adjacent to land owned by the member
3. Involves a corporation, company, partnership or other entity in which the member is a part owner or any other relationship where the member may stand to have a financial gain or loss.
4. Results in a pecuniary benefit to the member.
5. Concerns the member's spouse, children, stepchildren, grandchildren, parents, brothers, sisters, grandparents, parent's in-law, or members of the member's household.
6. The member's employee or employer is:
 - An applicant or agent for the applicant, or
 - Has a direct interest in the outcome.
7. The member has a close business or family relationship with an applicant, the applicant's attorney or another representative, or any expert witness.

8. A conflict of interest shall not include an interest the member may have in common with the general public interest.
9. If such a conflict of interest is identified, the member shall disqualify himself or herself at the outset of the hearing or discussion and shall not participate in the discussion or decision.
10. If there is a question whether a conflict of interest exists or not, the question shall be determined by a majority vote of the remaining members of the commission.

VI. GENERAL RULES

A. Attendance at Meetings

1. Commission members shall use their best efforts to attend all meetings of the Commission. Pursuant to the City Charter provisions, the absence of a member from three consecutive regular meetings shall operate to vacate the seat of the member, unless the absence is excused by the Commission by the resolution setting forth the reason for such absence and such excuse fully entered upon the journal. Charter Chap. II Sec. 10.
2. The City Manager shall attend all meetings of the Commission unless excused by the Mayor or Commission and shall be entitled to attend meetings of all of its committees and to take part in all discussions but shall have no vote. Charter Chap. II Sec. 16.
3. The City Clerk shall attend all meetings of the Commission unless excused by the Mayor or Commission. Charter Chap. II Sec. 19.

B. Filling Commission Vacancy

A vacancy in any elective office shall be filled by appointment by a majority of the remaining members of the commission. Such appointee shall hold office until the next regular state or municipal election taking place more than sixty days after such vacancy occurs, at which election a successor shall be elected for the remainder of the term of the member in whose office the vacancy occurs; provided, however, that the term of no member

shall be lengthened by his resignation and subsequent appointment.

Charter Chap. II Sec. 9.

C. Record of Meetings and Internet Streaming of Meetings

1. Recording Responsibilities

The city clerk shall keep a journal of the Commission proceedings, in English, which shall be regularly published, at least monthly, or after each meeting, as the Commission shall determine. The journal shall be signed by the City Clerk and approved in writing by the Mayor. Charter Chap. II Sec. 5 & 19.

2. Contents of Minutes

The minutes of each meeting shall show 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 a record of all 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. OMA Sec. 9

3. Public Inspection

Minutes shall be public records open to public inspection and shall be available at the address designated on posted public notices. Copies of the minutes shall be available to the public at the reasonably estimated cost for printing and copying. Proposed minutes shall be available for public inspection not more than eight (8) business days after the meeting to which the minutes refer. Approved minutes shall be available for public inspection not later than five (5) business days after the meeting at which the minutes are approved by the public body; except that minutes of a closed session are not available to the public unless disclosure is required by a civil action, as provided in the Open Meetings Act. OMA Sec. 7(2)(9)

4. All City Commission Meetings will be broadcast over the Internet using the most cost-effective means possible. The City will also video record the meetings so a DVD of the proceedings can be created and available to the public.

D. Suspension of Rules

Any provision of these rules not governed by City Charter, City Code or State law may be temporarily suspended by a concurring vote of three members of the Commission. Such suspension must be for good cause and for a specified portion of a meeting.

E. Amendment of Rules

The Commission may amend these Rules of Procedure by a concurring vote of three members during any regular meeting or special meeting, provided that all members have received an advance copy of the proposed amendments at least ten (10) hours prior to the meeting at which such amendments are to be considered.

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