

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 10th 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.