



CITY COUNCIL GUIDELINES POLICY

Adopted: March 16, 1993 (*Amendments listed at end of document*)

COUNCIL MEETINGS

1. **Regular Council Meetings.** The City Council shall meet in regular session on the first and third Tuesdays of each month beginning at 7:00 p.m. When Tuesday is a holiday or election day, the regular meeting shall be held on the following Wednesday at the same hour unless otherwise provided by motion. Regular meetings may be otherwise rescheduled with the approval of a majority of the Council. The place of the meetings shall be the Council Chambers at City Hall, unless otherwise provided by motion. See Charter Section 2-13.
2. **Quorum.** Four Councilmembers shall constitute a quorum to conduct municipal business. A majority of the quorum may take action on behalf of the City; except as provided by Charter. A majority vote of the membership of the Council (four votes) is specifically required for the appointment of the Mayor, Mayor Pro-Tem and members of the Council (to fill a vacancy): as well as to adopt ordinances. Five affirmative votes are required by Charter to approve budgetary bonds. Other provisions of the Charter also apply. See Charter Section 2-13.
3. **Council Meeting Agenda.** The City Manager shall prepare agendas for City Council meetings which shall be made available and mailed to the City Council on the Friday preceding the Council meeting. If the Friday is a holiday, the agenda shall be transmitted to the City Council on the last regular work day of the week preceding the Council meeting. If a federal holiday affecting Post Office deliveries occurs between the time the agenda would be mailed and the date of the Council meeting, the Council packet shall be personally delivered by the Police Department. All items which members of the public or the Council desire to have on a Council agenda must be received by the City Manager not later than two full business days prior to the time that the agenda is transmitted to the City Council. Except for holidays, the deadline for submission of agenda items to the City Manager is 5:00 p.m. on the Tuesday preceding the Council meeting.
 - a. **Agenda Addendum.** Late items submitted for Council consideration shall be added to the agenda only on an affirmative vote of a majority of the Council present at the meeting. The Council shall not act on items submitted late or items raised at the Council meeting without first amending the agenda to add the item for consideration.
4. **Special Meetings.** Special meetings may be called by the Mayor, City Manager, or any two Councilmembers on reasonable notice. The reasonable notice requirement shall be met if notice of the meeting is mailed first class to the residence of each member of the Council at least 36 hours prior to the date and time of the meeting; or if notice is personally delivered to the residence of each member of the Council at least 18 hours prior to the meeting. City officials and representatives of the local media shall be likewise informed and the notice shall be publicly posted at City Hall.

An emergency session may be held without the written notice or noted time constraints if the public health, safety or welfare is severely threatened but only if a minimum of four Councilmembers are present and as the first order of business a minimum of four affirmative votes are recorded to conduct the emergency meeting. Only those matters relating to the subject of the emergency may be considered. See Charter Section 2-13 and the Open Meetings Act.

5. **Adjourned Sessions.** Any session of the City Council may be continued or adjourned from day to day or for more than one day; but any meeting which is adjourned for more than 36 hours can only be reconvened if re-noticed in accordance with the provisions relating to a special meeting. See the Open Meetings Act.

6. **Work Sessions.** The Council shall regularly meet in work sessions on the second Tuesday of each month at 7:00 p.m. in the Council Chambers, City Hall. Work sessions may be canceled by the Mayor or City Council, as they shall deem appropriate. The Mayor or the City Manager may, following reasonable notice, call the Council together for a work session at any other time. Work sessions shall be devoted exclusively to the exchange of information relating to municipal affairs.

Rules of decorum and order and these City Council Guidelines apply to work sessions as well as regular meetings. However, no votes shall be taken on any matters under discussion nor shall any Councilmember enter into a formal commitment with another member regarding a vote to be taken subsequently at a public meeting of the Council; provided however that nothing herein shall prevent Councilmembers from expressing opinions and indicating probable votes as a result of the discussion.

7. **Executive Sessions.** Executive sessions shall only be called in accordance with the provisions of the Open Meetings Act.

8. **Voting.** All voting shall be by roll call and each Councilmember is required to vote on each item before the Council unless excused by the unanimous consent of the remaining members present. In the event of a conflict of interest, the member shall identify that conflict when the matter comes before the Council and shall refrain from participating in the discussion and debate regarding the matter and shall not vote on the question. At the discretion of the presiding officer, the member may be requested to vacate his/her seat during the discussion and voting on the question. See Charter Section 2-17.

If any member so requests, a paper ballot shall be used to record the vote of each member on any item. When so requested, the vote shall be recorded and forwarded to the Clerk who shall read and tally each member's vote.

COUNCIL OFFICERS

9. **Organizational Meeting.** In accordance with Section 2-13 of the Charter, on the first Tuesday following the official canvas of the vote the Council shall conduct an Organizational Meeting. Newly elected members shall be sworn and assume their duties of office. The Council shall then elect a Mayor by majority vote of its members. A Mayor Pro-Tem shall also be elected.

The City Clerk shall act as temporary Chair until the Mayor has been elected, at which time the Mayor shall assume the duties of office. Four affirmative votes are required to elect the Mayor and Mayor Pro-Tem. Voting shall be by roll call.

After the election of the Mayor and Mayor Pro-Tem, the next order of business at the Organizational Meeting shall be a review of the City Council Guidelines. At that time Guidelines may be amended for the ensuing year by majority vote. Guidelines will remain in effect from year to year unless modified in accordance with this Section or Section 34.

10. **Temporary Chair.** In the case of the absence of the Mayor and the Mayor Pro-Tem, the City Clerk shall call the Council to order and call the roll of the members. If a quorum is present, the Council shall elect, by a majority vote of those present, a Chair of the meeting to act until the Mayor or Mayor Pro-Tem appears.

11. **Secretary.** In accordance with Section 5-9 of the Charter, the City Clerk shall act as the Secretary for the Council.

12. **City Manager.** In accordance with Section 2-15 of the Charter, the City Manager shall have a seat at all Council meetings and may take part in all proceedings and deliberations; but without the right to vote.
13. **City Attorney.** The City Attorney shall attend all regular and special meetings of the City Council.
14. **Restriction.** The presiding officer of the Council (Mayor, Mayor Pro-Tem or temporary Chair) may make nominations and debate from the Chair, subject only to such limitations as are by the rules imposed on all members; however the presiding officer shall not move or second a motion without first vacating the chair to the Mayor Pro-Tem or temporary Chair.
15. **Decorum and Order.** The presiding officer shall maintain decorum and decide all questions of order, subject to appeal to the City Council. The Chief of Police or his designee or other City employees appointed by the City Manager shall serve as the Sergeant at Arms and shall act at the direction of the presiding officer.

- a. During Council meetings, Councilmembers shall preserve order and decorum and shall neither by conversation or otherwise, delay or interrupt the proceedings nor refuse to obey the orders of the presiding officer or the rules of the Council. Every Councilmember desiring to speak shall address the Chair and upon recognition, shall confine themselves to the question under debate and shall avoid all personalities and inflammatory language.

Councilmembers may address questions to the administrative staff in attendance at Council meetings; however the City Manager may choose to intervene and answer the inquiry on behalf of the administrative staff; or designate some other member of the staff for that purpose.

A Councilmember once recognized shall not be interrupted while speaking unless called to order by the presiding officer, unless a point of order is raised by another member or unless the speaker chooses to yield to questions from another member. If the presiding officer fails to maintain order and decorum, any member may move to require enforcement of the Guidelines and an affirmative vote by the majority of the Council shall require the presiding officer to act.

- b. Members of the Administrative Staff and employees of the City shall observe the same rules of procedure and decorum applicable to members of the Council. While the presiding officer has authority to preserve decorum in meetings so far as staff members and City employees are concerned, the City Manager shall be responsible for the orderly conduct and decorum of all employees under his direction and control. The City Manager shall take such action as may be necessary to ensure that such decorum is preserved at all times by City employees in Council meetings, and may direct that employees leave the meeting at any time.
- c. Public members attending Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the Council. Any person making personal, impertinent and slanderous remarks or who becomes boisterous while addressing the Council or while attending a Council meeting shall be removed from the meeting if so directed by the presiding officer. In case the presiding officer shall fail to act, any member of the Council may move to require them to act to enforce the rules, and the affirmative vote of the majority of the Council shall require the presiding officer to act.

Any public member desiring to address the Council shall be recognized by the Chair and shall limit remarks to the question under discussion. The public member must approach

the podium and state their name and address to be recognized by the Chair. Comments by members of the audience shall not exceed five minutes in length; however in the event that a group of citizens desires to address the Council regarding the same subject, the group may designate one or more representatives who may speak on behalf of the group for a total duration not to exceed thirty minutes.

All remarks and questions addressed to the administration of the City shall be addressed to the City Manager and not to any individual City employee. No person other than members of the Council and the person having the floor shall enter into any discussion either directly or indirectly without the permission of the presiding officer.

DUTIES AND PRIVILEGES OF MEMBERS

16. **Seating Arrangement.** Members shall occupy the respective seats in the Council Chamber assigned to them by the Mayor, but any two or more members may exchange seats by advising the Mayor to that effect.
17. **Right of Appeal.** Any member may appeal to the Council from a ruling of the presiding officer. If the appeal is seconded, the member making the appeal may briefly state the reason for the same and the presiding officer may briefly state the ruling. There shall be no debate on the appeal and no other member shall participate in the discussion. The presiding officer shall then put the question, "Shall the decision of the Chair be sustained?" If a majority of the members present vote "aye" the ruling of the Chair is sustained; otherwise it is overruled.
18. **Personal Privilege.** The right of a member to address the Council on a question of personal privilege shall be limited to cases in which the member's integrity, character or motives are assailed, questioned or impugned; or to matters interfering with the conduct of business such as excessive noise, temperature, inability of a speaker to be heard, etc.
19. **Dissents and Protests.** Any member shall have the right to express dissent from or protest against any ordinance, resolution or motion of the Council and have the reason therefore entered upon the minutes. Such dissent or protest must be filed in writing and be presented to the Council not later than the next regular meeting following the action giving rise to the objection.
20. **Code of Ethics.** Councilmembers, public officers, members of boards and commissions and employees occupy positions of public trust. All municipal business must be subject to the scrutiny of public opinion both as to the legality and to the propriety of such business.

In addition to matters of financial interest, Councilmembers, public officers, advisory board members and employees shall refrain from making use of special knowledge or information before it is available to the general public and shall refrain from using the public office as a method of directly or indirectly favoring self, friends, customers, clients, family members, business associates or any other special interests. Councilmembers, officers, advisory board members and employees shall at all times be mindful of their responsibility to the entire electorate and shall refrain from actions benefitting special interest groups at the expense of the City as a whole and shall do everything in their power to ensure equal and impartial law enforcement and opportunity without unlawful discrimination.

- a. **Nepotism.** In accordance with Section 2-12 of the Charter of the City of Manistee and Council Policy 9 as amended September 1, 2009 nepotism is prohibited as it applies to relatives of the Council and City Manager to the second degree of consanguinity including grandparents, sons and daughters, grandsons and granddaughters, siblings, aunts and uncles, nieces and nephews, and first cousins, whether by blood, marriage or law. Applicants who are related by this degree shall not be considered for employment unless the City Manager individually, specifically and in writing determines that the skills,

abilities or talents of the applicant are unique and of such a value to the City generally that an exception to the policy is warranted. The Manager must seek the concurrence of the entire City Council by formal vote at a properly noticed regular or special meeting prior to the hiring of such an applicant.

- b. Pecuniary Interest. In accordance with Section 2-9 of the Charter of the City of Manistee and Public Act 317, 1968, as amended, members of the City Council, officers and employees shall not be a party to a contract involving the City except as provided by law and this Section. Councilmembers who have an interest in a firm (meaning as an officer or employee of a firm including a co-partnership or other unincorporated association or private corporation in which he/she is a stockholder owning more than 1% of the total outstanding stock) which is involved in the supply of routine goods or services to the City handled as administrative purchases not subject to formal Council approval shall at the Organizational Meeting of the City Council advise in writing the Council and administrative staff of that interest in that firm. Thereafter the firm is eligible to supply goods or services in accord with normal municipal purchasing policies provided however that within 30 days following the conclusion of each fiscal year the City Treasurer shall separately tabulate the dollar amount of the total business which has been conducted with that firm during the fiscal year with that summary published in the newspaper designated as the official publication for the City.
- c. It is recognized that no ethics clause can adequately address the broad scope of potential conflicts and ethical dilemmas. The City Council, officers and employees must be dedicated to the highest ideals of honor, integrity and fidelity with no color of self-interest in the execution of the public's business.

COMMITTEES

21. **Appointments to Boards and Commissions.** All appointments to City boards and commissions shall be made in accordance with appropriate statutes and local ordinance. Except as otherwise provided by ordinance or statute, boards and commissions shall serve at the pleasure of the City Council and report to the City Council. All vacancies shall be advertised in the official publication of the City of Manistee.

The Mayor and City Council are not limited to a selection from among the applicants; however, the Mayor and Council shall generally give preference to those citizens who apply in accordance with the terms of the vacancy. The Mayor and Council shall generally give preference to residents of the City of Manistee. The following board and commission members are appointed by the Mayor and City Council respectively:

MAYOR

Airport Authority
Brownfield Redevelopment Authority
Building Authority - Residency Required
Compensation Commission-Residency Required
Downtown Development Authority
Housing Commission
Non-Motorized Transportation Committee
Oil and Gas Investment Board
Parks & Beautification Commission
Planning Commission
Ramsdell Theatre Governing Authority
Tree Commission
Zoning Board of Appeals

CITY COUNCIL

Board of Review - Residency Required
Harbor Commission
Historic District Commission
PEG Commission

All appointments by the Mayor are subject to the Council's approval, unless otherwise specified by statute or ordinance. Nominations for Council appointments do not require a second. After a member of Council nominates an individual for appointment, Council shall vote on the nomination. A majority vote in favor of placement of the nominee is required for appointment.

22. **Appointments.** By ordinance the Mayor is a member of the Downtown Development Authority and the Chair of the Oil and Gas Investment Board. The Mayor becomes a member of the Sands Park Board.
23. **Council Standing Committees.** Immediately after the annual Organizational Meeting of the Council, the Mayor shall appoint the following standing committees, subject to confirmation by the Council: a.) Auditing Committee, b.) Ordinance Committee. Three members of the Council shall be appointed to each committee with the Mayor designating the member who is to serve as Chair of the committee. Vacancies occurring in any committee shall be filled in like manner.
 - a. The Auditing Committee shall review all invoices paid by the City to review their appropriateness, conformance with the budget and compliance with municipal purchasing practices. Any questions or apparent irregularities shall first be reviewed with the City Finance Officer and then the City Manager. If the matter cannot be adequately addressed by the Finance Officer or the City Manager, the Auditing Committee shall bring the matter to the City Council as a regular agenda item.
 - b. Ordinance Committee. All ordinances proposed, whether by a member of the Council, City Manager, Advisory Board or Commission or the public at large shall be put in proper form and reviewed by the Ordinance Committee. The Ordinance Committee shall make a recommendation to the City Council on each ordinance reviewed, with or without modification. If the recommendation of the Ordinance Committee is that the ordinance not be approved, the person or group sponsoring the proposed ordinance may request consideration by the entire Council with the committee's negative recommendation.
 - c. Personnel Committee. In accordance with Section 5-6 of the Charter, the City Manager may appoint a Personnel Committee's subject to the approval of the City Council.
24. **Special Committees.** In accordance with Section 13-16 of the Charter, special committees for particular purposes may be appointed by the Mayor, by the City Council, or by the City Manager to investigate and/or make recommendations to the City Administration or City Council. Such committees shall be ad hoc and serve only until such time their charge has been fulfilled.
25. **Meeting Notice.** It shall be the duty of the Chair of any standing or special committees and advisory boards and commissions to give advance notice of the time and place of the meeting in accordance with the Open Meetings Act (minimum 18 hour notice) and to advise all members of the committee, the City Council, the City Manager, and other persons who have made known in writing their interest in the particular matters to be considered. Minutes shall be kept and circulated in like manner.
26. **Reports.** Reports by committees, boards and commissions to the City Council shall be reduced to writing and represent the views of the majority. This shall not be construed to prohibit minority reports. Reports shall be submitted to the City Clerk who, in addition to maintaining a file copy will post a copy in City Hall and forward a copy to the City Manager for distribution to the affected City Staff and City Council.
27. **Per Diems, Expenses.** No standing or special committees or advisory boards or commissions shall receive compensation in the form of per diem for time spent on municipal business. All reasonable, normal and customary expenses incurred by the committee and its members,

including meal expenses, shall be borne by the City in accord with the City's Travel & Expense Reimbursement Policy.

The Compensation Commission shall meet in odd numbered years to make recommendations to the City Council regarding Council stipends, per diems, etc. Any modifications approved by the Council as a result of recommendations by the Compensation Commission shall automatically amend this section of the Council Guidelines. See State Statute on this subject.

COUNCIL PROCEDURE

28. **Order of Business.** The regular business at all regular meetings of the Council shall be transacted in the following order, unless the Council shall by a vote of at least two-thirds of the members present suspend the rules and change the order:

- I. Call to Order.
 - a. Pledge of Allegiance.
- II. Public Hearing(s), if any.
- III. Citizen Comments on Agenda Related Items.
- IV. Consent Agenda.

Prior to approval of the Consent Agenda, any member of Council may have an item from the Consent Agenda removed and taken up during the regular portion of the meeting.
- V. Approval of Minutes.
- VI. Financial Report.
- VII. Unfinished Business.
- VIII. New Business.
- IX. Notices, Communications, Announcements.
- X. Concerns and Comments.
 - b. Citizens
 - c. Officials and Staff
 - d. Councilmembers
- XI. Adjourn.

29. **Parliamentary Procedure.** The most recent edition of Roberts Rules of Order are adopted as the Council Guidelines of parliamentary procedure for City Council so that meetings are orderly and address the matters before City Council. Specific Council Guidelines shall take precedence over Roberts Rules of Order. Matters of parliamentary procedure not specifically addressed in Council Guidelines, shall generally follow Roberts Rules of Order. The purpose of Roberts Rules of Order is to provide an organized and orderly procedure for addressing business before Council, without elevating form over substance in the conduct of Council meetings.

- a. **Precedence of Motions.** When a main motion is before the Council, other motions may not be entertained except 1.) to adjourn, 2.) to recess, 3.) to table, 4.) for the previous question (to limit debate)*, 5.) to refer to a committee, or 6.) to amend. These motions have precedence in the order indicated. Once made and seconded, each motion shall be put to a vote without debate; except that a motion to amend is debatable.

* Requires two-thirds vote.

- b. When a motion is made and seconded, it shall be restated by the presiding officer before debate. Any member may demand that it be put in writing. A motion may be withdrawn at the request of the mover with the consent of the second in which event the motion shall not be recorded in the minutes and shall not be subject to further action.
- c. After a decision on any ordinance, resolution or motion, any member who voted with the

majority may move for a reconsideration of the action on the same or the next succeeding meeting; provided however that a motion for reconsideration is out of order if the action earlier authorized has been implemented or partially implemented. A motion for reconsideration does not require a second. If approved, the effect is to place the original action before the Council for further consideration, not to overrule the original decision.

- d. A point of order, parliamentary inquiry, personal privilege and similar actions do not require a second and are subject to a ruling by the presiding officer which may be appealed to the Council.

MISCELLANEOUS

- 30. **Depositories, Official Publication.** At the first regular meeting of the City Council at the beginning of each fiscal year, the City Council shall take action to designate depositories for municipal funds. The official publication named by the City shall be the Manistee News Advocate, unless there is more than one newspaper publication located in Manistee. All official notices and communications of the City will be published therein. This provision shall not preclude publication in other newspapers, as appropriate.
- 31. **Complaints.** The procedure for complaints shall be:
 - a. All complaints involving municipal policies shall be referred to the City Council for appropriate action and, except in the most unusual cases, such action shall be preceded by a report and recommendation of the City Manager who shall have had ample opportunity and time in which to investigate and render a report.
 - b. All complaints involving charges of unfair, improper or inadequate hearings before advisory boards and commissions or Council committees shall be referred immediately to the particular board or commission concerned for a rehearing provided however that such referral shall be accompanied by a written statement from the person complaining of such improper hearing which statement shall delineate the specific charges in order that the board or commission concerned may be able to take appropriate action.
 - c. All complaints with the respect to the management of the City shall be referred to the City Manager for necessary or appropriate action. A copy of written complaints will be forwarded to the City Council for information. In the case of those complaints against the management of the City wherein the Council desires further information, then the City Manager when so requested by a majority of the Council shall be given adequate time in which to make the necessary investigation and report to the City Council.
 - d. Questions, comments or concerns regarding municipal services shall be conveyed to the City Manager or appropriate department during regular business hours and shall not be raised at Council meetings unless the City Manager has failed to adequately respond to the issue following a reasonable opportunity to address same.
- 32. **Administration.** In accordance with Section 2-10 and Section 5 of the Charter, the City Manager is responsible for the administrative affairs of the City including the appointment, discipline and removal of employees except as otherwise noted in the Charter. The Manager shall supervise and control the administrative affairs of the City and all departments thereof. Members of the Council shall not individually provide direction to City employees or departments, nor make inquiry thereof except through the office of the City Manager. This Section in no way limits the Council from fully and freely discussing its views with the City Manager pertaining to the appointment, discipline or removal of employees; nor limit the Council's ability to initiate investigations into municipal affairs in accordance with Section 13-10 of the Charter.

This Section shall not limit individual Councilmembers' ability to make requests for services from departments, nor convey a request for services to a department by a constituent as would be available to a citizen at large.

- 33. **Separability.** Any part of these Guidelines which shall conflict with any state or federal law now or in the future, or the Charter of the City of Manistee, or any ordinance of the City duly adopted now or in the future shall be null and void but only to the extent of the conflict. All other parts shall continue in full force and effect.

- 34. **Amendments.** These Guidelines may be amended by the City Council at the annual Organizational Meeting of the Council by majority vote. These Guidelines may be amended by the City Council at any other regular or special meeting of the City Council, by a majority of the members elect.

ADOPTED: March 16, 1993
AMENDED: December 17, 1996
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AMENDED: January 16, 2001
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