

MANISTEE CITY COUNCIL

ORGANIZATIONAL MEETING AGENDA

Tuesday, November 13, 2012 - 7:30 p.m. - Council Chambers

I. Call to Order.

Acting Chair - City Clerk Michelle Wright.

a.) PLEDGE OF ALLEGIANCE.

b.) ORGANIZATIONAL MEETING OF THE CITY COUNCIL.

In accordance with Section 2-13 of the Charter of the City of Manistee, "the City Council shall meet at 7:30 p.m. on the Tuesday night following the completion of the official canvas at which time the members shall be sworn and assume the duties of their office...."

At the regular election of Tuesday, November 6, 2012 four Councilmembers were elected to seats on the Manistee City Council. Members include:

<u>DISTRICT</u>	<u>COUNCILMEMBER</u>	<u>TERM</u>
First District	Colleen Kenny	Two Years
Third District	Robert Hornkohl	Two Years
Fifth District	Catherine Zaring	Two Years
Seventh District	Eric Gustad	Two Years

At this time the City Clerk could take action to swear in Colleen Kenny, Robert Hornkohl, Catherine Zaring, and Eric Gustad as members of the Manistee City Council.

c.) ROLL CALL.

d.) ELECTION OF THE MAYOR FOR THE CITY OF MANISTEE.

At the Organizational Meeting of the City Council held on this date the Council elects from its membership a Mayor and a Mayor Pro-Tem. The Mayor and Mayor Pro-Tem are elected for a one year term. Under Section 2-4 of the Charter "the Council shall elect a Mayor by a majority vote of its members." This provision of the Charter requires four affirmative votes to elect the Mayor, a majority of the Council, regardless attendance at the Organizational Meeting.

Sections 2-4 and 2-13 of the Charter require that the Mayor be elected at the Organizational Meeting. The voting procedures should continue until a candidate receives four affirmative votes.

At this time Council could take action to nominate and elect a Mayor for the City of Manistee. The Mayor will assume the Chair at this time.

e.) ELECTION OF A MAYOR PRO-TEM FOR THE CITY OF MANISTEE.

The same provisions identified in the Charter for the Mayor apply for the Mayor Pro-Tem. The Mayor Pro-Tem serves as the Mayor in the Mayor's absence.

At this time Council could take action to nominate and elect a Mayor Pro-Tem for the City of Manistee.

f.) REVIEW OF CITY COUNCIL GUIDELINES.

Under the adopted City Council Guidelines, the Guidelines are reviewed at the Organizational Meeting of the City Council. While the Guidelines may be amended at any time during the year, the Organizational Meeting is the traditional opportunity to review the operating procedures of the Council. City Attorney George Saylor has prepared proposed amendments to the Guidelines for Council's review.

At this time Council could take action to review and/or modify the City Council Guidelines.

g.) CONSIDERATION OF ESTABLISHING REGULAR MEETINGS FOR 2013.

In accordance with Section 2-13 of the Charter, the City Council "shall meet in public session at least twice each month at such times as may be prescribed by the rules...." The City Council Guidelines reviewed during the previous agenda item indicate that regular meetings shall be held on the first and third Tuesdays of each month beginning at 7 p.m. with work sessions conducted on the second Tuesday of each month beginning at 7 p.m. This results in the attached schedule for regular meetings and work sessions throughout the year 2013, with exceptions made for election dates, etc.

At this time Council could take action to adopt the attached schedule for regular meetings and work sessions for the year 2013.

h.) CONSIDERATION OF ANNUAL REPORTS TO CITY COUNCIL.

Cooperating Organizations, City Departments, Advisory Boards & Commissions annually come before Council to provide an update on their activities. One to two reports are scheduled for each regular Council meeting. Several of the reports have become rather lengthy and some Councilmembers requested a discussion on this process. Annual reports to Council have been given for many years following a similar schedule. Direction for future reports is requested of City Council.

At this time Council could take action to confirm a scheduling process for annual reports to City Council by Cooperating Organizations, City Departments, Advisory Boards and Commissions.

i.) OTHER.

II. Adjourn.

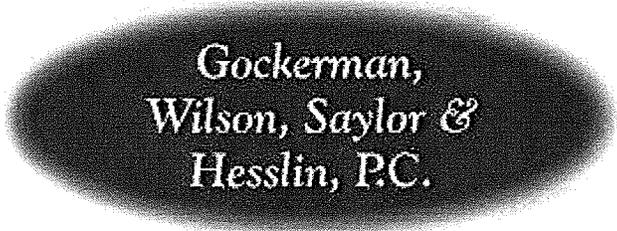
MDD:cl

ATTACHMENTS:

City Council Guidelines / Attorney Review
2013 Meeting Schedule
Annual Reports to City Council

Cindy Lokovich

From: George Saylor <gvs@gwsh.com>
Sent: Tuesday, November 06, 2012 11:49 AM
To: Cindy Lokovich; Mitch Deisch
Subject: Council Policies
Attachments: att37ff3.jpg



Cindy:

In order to codify past practice and clarify the Council Guideline Policy, I would suggest that consideration be given to the amendment of City Council Guideline Policy (CP-10) in the following respects:

Section 22 of CP-10 details the process for appointments to boards and commissions. At a recent Council meeting there were multiple appointments that were required to the Harbor Commission. The policy reflects that only a single nomination is required to recommend appointment of an individual to a Council appointed committee. I would suggest the below underlined language to be added to Section 22 in order to clarify the process:

.....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.**

We have also had confusion regarding the approval of the Consent Agenda after removal of an item upon the request of a member of Council. It is the policy that any member may remove an item from the Consent Agenda. In the past, this has resulted in some confusion regarding how the Consent Agenda would then be approved (it has been my position that the Motion made to approve the Consent Agenda would then need to be amended by a separate motion to amend the motion). I believe the process would be greatly simplified by authorizing the chair to first inquire of Council as to whether any member desired to have an item removed from the Consent Agenda. If a member requested removal of an item it would be removed from the Consent Agenda and then a motion could be made to approve the consent agenda, as amended by the removal of the item(s). If Council were inclined to accept this modification, I suggest modifying CP-10, Section 28, as follows:

28. Order of Business.....

.....
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.**

George V. Saylor, III
Gockerman, Wilson, Saylor & Hesslin, P.C.
414 Water Street
Manistee, MI 49660
(231) 723-8333
<http://www.gwsh.com>

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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 2-12 of the Charter of the City of Manistee and Council Policy 16 dated July 16, 1991 and administrative policy issued May 22, 1995 nepotism is prohibited in the employment practices of the City. This provision 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
- Beautification Committee
- Brownfield Redevelopment Authority
- Building Authority - Residency Required
- Compensation Commission-Residency Required
- Construction Board of Appeals
- Downtown Development Authority
- Housing Commission
- Non-Motorized Transportation Committee
- Oil and Gas Investment Board
- Planning Commission
- Ramsdell Theatre Governing Authority
- Tree Commission
- Zoning Board of Appeals

CITY COUNCIL

- Board of Review - Residency Required
- Harbor Commission
- Historic District Commission
- Parks 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 assumes the Chair of the Downtown Development Authority and the Oil and Gas Investment Board. The Mayor becomes a member of the Sands Park Board.

Appointments to be considered immediately after the Organizational Meeting include two appointments to the Manistee Recreation Association and two appointments to the Retirement Board (one a member of the City Council and one an appointed officer of the City).

23. **Council Standing Committee.** 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. 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.
- IV. Approval of Minutes.
- V. Financial Report.
- VI. Unfinished Business.
- VII. New Business.
- VIII. Notices, Communications, Announcements.
- IX. Concerns and Comments.
 - a. Citizens
 - b. Officials and Staff
 - c. Councilmembers
- X. Adjourn.

29. **Parliamentary Procedure.** Roberts Rules of Order, the most recent published edition, are hereby adopted as the parliamentary procedure for the City Council. In all matters specific in these Guidelines, these Guidelines shall take precedence over Roberts Rules of Order. In matters of parliamentary procedure not otherwise addressed in these Council Guidelines, Roberts Rules of order shall prevail.

- 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: November 15, 1994

December 5, 2000

November 21, 2006

December 17, 1996

January 16, 2001

November 13, 2007

November 12, 1997

November 12, 2003

November 9, 1999

November 15, 2005

**CITY OF MANISTEE
P O BOX 358
MANISTEE MICHIGAN 49660
231-398-2801**

To comply with the Michigan Open Meetings Act 267 of 1976, notice is hereby given that the Manistee City Council will meet on the following dates in 2013. All meetings will be held in the Council Chambers, 70 Maple Street, Manistee, Michigan 49660. Individuals with disabilities requiring auxiliary aids or services should contact the City Manager's Office at City Hall. Interested public is welcome to attend.

Regular Meetings at 7:00 p.m.	Work Sessions at 7:00 p.m.
Wednesday, January 2, 2013	Tuesday, January 8, 2013
Tuesday, January 15, 2013	Tuesday, February 12, 2013
Tuesday, February 5, 2013	Tuesday, March 12, 2013
Tuesday, February 19, 2013	Monday, April 8, 2013 (MML Cap Conf)
Tuesday, March 5, 2013	Tuesday, May 14, 2013
Tuesday, March 19, 2013	Tuesday, June 11, 2013
Tuesday, April 2, 2013	Tuesday, July 9, 2013
Tuesday, April 16, 2013	Tuesday, August 13, 2013
Tuesday, May 7, 2013	Tuesday, September 10, 2013
Tuesday, May 21, 2013	Tuesday, October 8, 2013
Tuesday, June 4, 2013	Tuesday, December 10, 2013
Tuesday, June 18, 2013	
Tuesday, July 2, 2013	
Tuesday, July 16, 2013	
Tuesday, August 6, 2013	
Tuesday, August 20, 2013	
Tuesday, September 3, 2013	
Monday, September 16, 2013 (MML Conv)	
Tuesday, October 1, 2013	
Tuesday, October 15, 2013	
Wednesday, November 6, 2013 (election)	Organizational Meeting at 7:30 p.m.
Tuesday, November 19, 2013	Tuesday, November 12, 2013
Tuesday, December 3, 2013	
Tuesday, December 17, 2013	

cc. Bulletin Board - November _____, 2012
 Manistee News Advocate
 City Clerk
 Library
 City Website

MEMO TO: Mitch Deisch, City Manager
FROM: Cindy Lokovich, Executive Secretary
DATE: October 24, 2012
SUBJECT: Annual Reports to City Council



I understand that Council may be discussing the process for annual reports from cooperating departments and organizations. Attached is a draft schedule for 2013 using the same format we have been using for the past 15+ years. This schedule is normally mailed to the participants in early December each year. The only changes I have made are to switch the City Clerk, Harbor Commission and AES reports in the fall at the request of the City Clerk and the Harbor Commission was switched to eliminate the possibility of a term limit and annual report falling on the same meeting as happened this October.

There are ten Council meetings that have two reports scheduled. If Council wanted to reduce it down to one per Council meeting we would have to go to a two year rotation. An alternate idea is to schedule reports at available work sessions. There are normally 11 work sessions each year. The April work session is usually reserved for budgeting purposes. This leaves 10 work sessions that could include a report.

In the memo that accompanies the report schedule, participants are asked to continue the practice of providing "informative, yet brief, reports..." They have also been requested to provide "hard copies of any and all presentations, including PowerPoint presentations, to be available at the meeting." The City Clerk advises that these requirements are rarely complied with.

Even though this schedule is mailed in December so that the organizations can get this on their calendars early in the year; I was requested to adjust the schedule no less than eight times this past year because someone was no longer able to present on the date scheduled. This is something to consider when deciding how to proceed. Now that we have finally moved to the electronic age, reports such as these could be provided electronically and not be on an agenda. This way organizations can provide as little or as much information they feel is necessary and time is saved during Council meetings.

If I can do any further research or preparation for the upcoming discussion by City Council please let me know. Thanks!

DRAFT

2013 SCHEDULE OF ANNUAL REPORTS TO THE CITY COUNCIL

DAY	2013 DATE	BOARD/COMMISSION/AUTHORITY	REPRESENTATIVE
Wednesday	January 2	Ramsdell Governing Authority	Nancy Lyon
Tuesday	January 15	Manistee County Transportation Manistee Blacker Airport	Dick Stevey Barry Lind
Tuesday	February 5	AAY Non-Motorized Transportation	Sheila Kaminski Christa Johnson
Tuesday	February 19	Department of Public Safety	Dave Bachman
Tuesday	March 5	Assessor	Julie Beardslee
Tuesday	March 19	Chamber of Commerce	Melissa Reed
Tuesday	April 2	County Prosecutor Housing Commission	Ford Stone Clinton McKinven-Copus
Tuesday	April 16	Engineer of Record MRA	Jeff Mikula Vicki Sheffield
Tuesday	May 7	AES Manistee County Comm Foundation	Laura Heintzelman
Tuesday	May 21	PEG Commission	Keith Brown
Tuesday	June 4	Finance Director Oil and Gas Board	Ed Bradford Ed Bradford
Tuesday	June 18	Brownfield Consultant	T. Eftaxiadis
Tuesday	July 2	Planning Commission Museum/Historic District	Roger Yoder Mark Fedder
Tuesday	July 16	WWTP DDA / Main Street	Jody Banks Travis Alden
Tuesday	August 6	Well Fields / Water Department	Bruce Banks
Tuesday	August 20	Parks Department Parks & Beautification Commission	Gary Niesen Ed Tegler
Tuesday	September 3	Public Works Tree Commission	Jack Garber Jack Garber
Monday	September 16	City Clerk	Michelle Wright
Tuesday	October 1	Community Development Building Inspector	Jon Rose Mark Niesen
Tuesday	October 15	AES	
Wednesday	November 6	Harbor Commission	
Tuesday	November 19	2-1-1 Action Team	Evelyn Szpliet
Tuesday	December 3	Republic Services	Todd Harland
Tuesday	December 17	Review of Highlights	Mitch Deisch

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