



**Special/Study Session Meeting
6:00 p.m., Monday, April 16, 2018
Conference Room
23600 Liberty Street
Farmington, MI 48335**

STUDY SESSION AGENDA

- 1. Roll Call**
- 2. Approval of Agenda**
- 3. Public Comment**
- 4. Discuss Completion of Historic Preservation Engagement Project**
- 5. City Clerk's Retirement Notice**
- 6. City Council Rules of Procedure**
- 7. Other Business**
- 8. Council Comment**
- 9. Adjournment**

Farmington City Council Staff Report	Council Meeting Date: April 16, 2018	Item Number 5
Submitted by: Sue Halberstadt		
<u>Agenda Topic:</u> Council Rules of Procedure		
<u>Proposed Motion:</u> No Action Required		
<u>Background:</u> <p>At the February 20, 2018 meeting, Council reviewed the first draft of the Rules of Procedure where suggested revisions were made. As a result, attached is a second draft that shows many of those recommended changes.</p> <p>In addition, Council consideration should be given on whether or not to include proposed sections on New Council Member Orientation and Schedule of Annual Meetings with Board and Commissions. I included these sections because they were part of Rules of Procedure of other communities and thought they had some merit. I do believe it is a good idea to establish a standard format for the orientation of new council members.</p> <p>Discussion at the February meeting also addressed the criteria for attaching documents to meeting minutes. It is my recommendation that rather than including attachments with the minutes, a designation of "on file" should be indicated with the motion. We spend approximately \$250-\$300 on minute paper and minute books every year. Eliminating the attachments would not only significantly reduce this cost, but also the time spent in making copies. The Clerk's Office can place the attachments for each meeting in an electronic folder where they can be easily accessed. I have consulted with Eleanor Siewert, a parliamentarian at Wayne State, and this is her recommendation.</p> <p>A further recommendation with regard to minutes is that they contain only what was done, not what was said. This is a suggestion that has been made over and over again at the Parliamentary training sessions I have attended and also recommended in Roberts Rules of Order. It was emphasized that including discussion in minutes can create a liability for the City, especially since it is not an exact record of what was stated. Municipalities have been moving away from including discussion in their minutes over the last several years.</p>		
<u>Materials:</u> Proposed Rules of Procedure – Draft #2		



City Council Rules of Procedure



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FARMINGTON CITY COUNCIL

RULES OF PROCEDURE

1. Meetings.....2

2. Regular Meeting Agenda.....4

3. Consent Agenda.....4

4. Meeting Procedure.....4

5. Voting and Discussion.....6

6. Citizen Participation.....7

7. Cable TV Video and Audio Tapes Policy.....8

8. Standards of Conduct for City Council Members.....9

9. Use of Communication Devices During Meetings.....9

10. Use of City-Issued Electronic Devices.....9

11. Guidelines of Conduct.....11

12. City Council relationship with City Commissions and Committees
and Council Member representation to other Agencies and Groups.....11

13. Suspension and Amendment of Rules.....12

Proposed Sections

- 14. New Council Member Orientation and In-Service Program
- 15. Schedule of Annual Meetings with Boards and Commissions

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FARMINGTON CITY COUNCIL
RULES OF PROCEDURE

The Farmington City Council consists of five members elected in a non-partisan election. These Rules shall serve as guidelines for the organization and the conduct of the Council so that the City is governed and conducts its business in an orderly fashion. This document shall be reviewed every two years, following the Regular City Election. The Rules are subject to compliance with the City of Farmington charter, ordinances, and State Statutes.

MEETINGS

1. **Regular Meetings**

Regular meetings of the City Council will be held on the first and third Monday of each month beginning at 7:00 p.m., local prevailing time, at the City Hall. Regular meetings may be rescheduled at other times by a vote of the Council. Meeting dates will be established, by resolution, prior to the end of the preceding calendar year.

2. **Special Meetings**

Special meetings shall be called by the Clerk on the written request of the Mayor, the City Manager or any two members of the Council and upon at least eighteen (18) hours notice to each member. Notice of the meeting shall be posted in accordance with the state statute governing open meetings.

No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting. However, any business which might lawfully come before a regular meeting may be transacted at such special meeting if all the members present consent thereto and all the members absent file their written consent.

3. **Study Session Meetings**

Study sessions of the Council will be held as necessary and as scheduled by Council.

4. **Joint Meetings**

The City Council may hold Joint Meetings with Boards, Commissions, Committees, the Farmington Board of Education, and municipal governments who share a community

of interest with the City of Farmington. Such meeting shall be scheduled for a specific purpose or goal, agreed to by the Council and other entity or entities before the meeting.

5. **Closed Sessions**

Purpose

The City Council may only meet in closed session for purposes defined in the Michigan Open Meetings Act as follows:

- A. To consider the dismissal, suspension or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, when the named person requests a closed hearing.
- B. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement or related issues when either negotiating party requests a closed hearing.
- C. To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.
- D. To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have a detrimental financial effect on the litigating or settlement position of the Council.
- E. To review the specific contents of an application for employment or appointment to a public office when the candidate requests that the application remain confidential. All interviews by a public body for employment or appointment to a public office shall be held in an open meeting pursuant to this act.
- F. To consider material exempt from discussion or disclosure by state or federal statute.

Calling Closed Sessions

A two-thirds roll call vote of the Councilmembers elected and serving shall be required, except under Sections (a) and (b) above. The roll call vote shall be taken at an open meeting and the purpose for calling the closed session shall be entered into the minutes of the meeting at which the vote is taken.

Minutes of Closed Meetings

A separate set of minutes shall be taken by the Clerk or the designated Secretary at the closed session. These minutes will be retained by the Clerk of the Council, shall not be

available to the public and shall be disclosed if required by a civil action. Closed Session minutes shall be retained for one year only.

Confidentiality of Closed Meeting Information

A City Councilmember shall not divulge to any unauthorized person confidential information discussed in an executive session in advance of the time prescribed for its authorized release to the public by the City Council. Councilmembers shall honor the confidentiality of the debate, discussion and preliminary action taken in executive session, and be aware of the potential financial liability and/or harm to the reputation of the City by premature disclosure.

REGULAR MEETING AGENDA

Preparation

The office of the City Manager, with consultation and concurrence of the Mayor, shall prepare an agenda of business to be considered at each regular Council Meeting. Items of business must generally be submitted by 12:00 noon of the Thursday preceding the Monday Council meeting.

Distribution

Agendas and all related background material will be available to Council and the public at least 48 hours before the scheduled meeting.

City Councilmembers shall have the use, for City business and for City Council meetings, of a City-issued electronic device. Agenda materials will primarily be provided to Council members by an electronic delivery method and the member shall be responsible for installing the materials on the electronic device.

CONSENT AGENDA

1. **Purpose**

A consent agenda will be used to allow Council to act on numerous administrative or non-controversial items at one time.

2. **Agenda Items**

A consent agenda will be developed by the office of the City Manager. Items that could be included on this agenda include non-controversial items such as approval of minutes, monthly payments report, Public Safety monthly report, and approval of recognition resolutions, etc. Any member of Council or the public may request that an item be removed from the consent agenda and placed on the regular agenda for discussion.

MEETING PROCEDURE

1. **Meetings Open to the Public**

All regular, special, study session and joint meetings of the City Council shall be open to the public and citizens shall have a reasonable opportunity to be heard under such rules and regulations as the Council may prescribe.

2. **Order of Business**

An agenda shall be prepared in accordance with the following order of business:

- a. Call Meeting to Order
- b. Pledge of Allegiance
- c. Public Comment
- d. Approval of Consent Agenda
- e. Approval of Regular Agenda
- f. Public Hearings/Presentations
- g. Unfinished Business
- h. New Business
- i. Department Comments
- J. City Council Comments
- k. Adjournment

3. **Quorum; Adjournment**

A majority of the members of the Council in office shall be a quorum for the transaction of business at all meetings of the Council, but in the absence of a quorum a lesser number may adjourn any meeting to a later time or date, and in the absence of all members the Clerk may adjourn any meeting to a time or date not later than one week thence.

4. **Presiding Officer**

The presiding officer shall be responsible for enforcing the Rules of the City Council, contained herein, as well as the Code of Conduct. The Mayor shall be the presiding officer of the Council. In the absence of the Mayor, the Mayor Pro Tem shall be the presiding officer of the Council. In the absence of both, the Council may designate another of its members to serve as presiding officer during such absence.

5. **Minutes of City Council Meetings**

A journal of the proceedings of each regular, special, study session, and joint

meetings will be kept by the Clerk and shall be signed by the Mayor and City Clerk, upon approval by Council.

Proposed minutes of aforesaid meetings will be available for public inspection not more than eight business days after such meetings.

Approved minutes will be available for public inspection not later than five business days after the meeting at which the minutes were approved.

VOTING AND DISCUSSION

1. **Roll Call**

A vote upon all ordinances and resolutions shall be taken by "Yes" and "No" vote and entered upon the record, except that where the vote is unanimous it shall only be necessary to so state.

In all roll call votes the names of the members of the Council shall be called in alphabetical order, and the name to be called first shall be advanced one position alphabetically in each successive roll call.

2. **Results of Voting**

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

3. **Duty to Vote**

No Councilmember shall vote on any question in which that member has a financial interest, other than the common public interest, or on any question concerning that member's own conduct, but on all other questions each member who is present shall vote when his or her name is called unless excused by unanimous consent of the remaining members present. Any member refusing to vote except when not so required by this paragraph shall be guilty of misconduct in office.

If a member is precluded from voting pursuant to a conflict of interest, that member shall refrain from participating in the discussion on the issue.

4. **Debate and Decorum**

Where these rules or the City Charter are silent, "Roberts Rules of Order Newly Revised" shall, to the extent reasonably feasible, govern the proceedings of the Council. The City Attorney shall act as Parliamentarian. In addition, the following general rules of debate shall apply:

- A. The maker of a motion is entitled to speak first.
- B. A Council member must obtain the floor by being recognized by the Mayor.
- C. No Council member is entitled to speak a second time on the same motion while any other Council members wish to make their first speech.
- D. A Council member may not speak against his/her own motion, but may vote against it.
- E. Remarks must be confined to the merits of the pending question.
- F. Questions and remarks must be addressed through the Mayor. Council members are not to speak directly to each other or to a staff member.
- G. A courteous tone must be maintained. Interjecting personal notes or attacking another member's motives is prohibited.
- H. ~~A Council member should not comment adversely on any prior act of the Council that is not pending.~~

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5. **Reconsider/Rescind/Repeal a question**

When a question has been decided, it shall be in order for any member who was on the prevailing side in the original action to move for reconsideration thereof at the same or next regular meeting. If a matter is to be brought for reconsideration at a succeeding meeting, the Councilmember making the request must notify the City Manager or City Clerk in writing by the Thursday prior to the meeting who shall place the matter of reconsideration on the agenda.

A motion to rescind or repeal some previous action may be made at any time at any regular or special meeting of the Council, provided, such matter has been formally placed on the agenda for consideration and it is in order.

6. **General Consensus**

General consent or consensus may be used to give direction and the minutes should indicate that a majority consented.

CITIZEN PARTICIPATION

1. **General**

Each council meeting agenda shall provide for reserve time for audience participation, as requested, hereby known as Public Comments.

2. **Length of Presentation**

Members of the public at the meeting shall not speak unless recognized by the Chair. Members of the public shall be limited to speaking for a maximum of three (3) minutes during any public hearing or public comment. A person representing a group and speaking on behalf of same shall be allowed ten (10) minutes to address Council.

3. **Persons Addressing the Council**

Prior to addressing Council, members of the public shall come before the public microphone, state their name, address and, if appropriate, group affiliation. The Council may, in its discretion, limit public comments to new information or matters not fully addressed at any previous meeting regarding the agenda item at issue.

4. **Deviation**

Upon the request of a member of the Council, the Mayor may recognize a member of the audience who shall be permitted to address the Council at a time other than public comment; however, all other rules as provided herein shall apply.

5. **Requests to Speak During Public Hearings**

Same rules apply as outlined in Sections 2 and 3 above.

6. **Disorderly Conduct at Meetings**

Persons addressing the Council shall make responsible comments and shall refrain from making personal, impertinent, slanderous or profane remarks. The Chairperson may call to order any person who is being disorderly by speaking when not recognized by the Chair or otherwise disrupting the proceeding by failing to be germane, by speaking longer than the allotted time, or by speaking vulgarities. Such persons shall thereupon be seated until the chair shall have determined whether the person is in order.

If a person so engaged in presentation shall be called out of order, he or she shall not be permitted to speak at the same meeting, except upon special leave by Council. If the person shall continue to be disorderly and disrupt the meeting, the chair may order the Public Safety Department to remove the person from the meeting.

There shall be no audience comment by voice, clapping, or otherwise, showing approval or disapproval of any remarks of the speaker or member(s) of the public body.

Council Members or the Mayor shall not respond to general Audience

Comment. The Mayor or Council members can bring up a point of order in regard to false information and direct it to the parliamentarian for a response. The Mayor may direct the administration to respond to the speaker, if appropriate, during or outside of the meeting. The Mayor may also respond with an indication of the appropriate action to be taken.

CABLE TV VIDEO AND AUDIO RECORDING POLICY

1. The second Regular meeting of the month shall be held in the Council Chambers and will be cablecast/video streamed.
2. City Council Meeting videos will be archived on the City website. The video archive is not the official record of the meeting.
3. Only the aforementioned Council meeting will be cablecast/video streamed live, whenever possible.
4. Audio recordings will be retained by the City Clerk until the approval of the minutes.

STANDARDS OF CONDUCT FOR CITY COUNCIL MEMBERS

1. Confidential Information. A Councilmember shall not divulge to an unauthorized person confidential information acquired in the course of the Council member's duties in advance of the time prescribed for its authorized release to the public.
2. Representations. A Councilmember shall not represent his or her personal opinion as that of the City.
3. City resources. A Councilmember shall use personnel resources, property, and funds under the Councilmember's official care and control judiciously and solely in accordance with prescribed constitutional, statutory, and regulatory procedures and not for personal gain or benefit.
4. Gifts. A Council member shall not solicit or accept a gift or loan of money, goods, services, or other thing of substantial value for the benefit of a person or organization, other than the City, which tends to influence the manner in which the Council member performs official duties. It shall be presumed that a non-monetary gift having a value of less than fifty dollars (\$50.00) does not evidence a violation of the above paragraph. "Non-monetary gifts" do not include gift certificates, vouchers, or any other item which is readily used in place of cash.
5. Profit from Position. A Council member shall not engage in a business transaction in which the Council member may receive a substantial profit from his or her official position or authority or a substantial financial benefit from confidential information which the Council member has obtained or may obtain by reason of

that position or authority. A Council member shall not use, or attempt to use, his or her official position to unreasonably secure, request or grant, any privileges, exemptions, advantages, contracts, or preferential treatment for themselves or others.

USE OF COMMUNICATION DEVICES DURING MEETINGS

A Council member shall refrain from the use of electronic or wireless communication devices during meetings to communicate with other Council members or with members of the public, regardless of whether the device is provided by the City. This prohibition shall not apply to communications with family members, employees, or co-workers, or others with whom the member communicates on a matter unrelated to an agenda item for Council action; such communications shall be infrequent and shall not disrupt, disturb, or otherwise adversely affect the conduct of the meeting.

USE OF CITY-ISSUED ELECTRONIC DEVICES

City-issued electronic devices are intended to be used for City business and City-related purposes. Personal use is discouraged and should occur infrequently and shall be incidental to the intended use of the electronic device. The following rules shall apply to Council members' use of City-issued electronic devices:

1. The City shall supply the electronic device and all associated hardware and software. Council members shall not install any hardware or software on the electronic device without prior approval through the City Manager's office.
2. Council members shall have the use of the electronic device during the member's term of office, and such right shall terminate at the same time as the member's term of office ends, at which time the electronic device and all associated equipment shall be returned to the City.
3. Council members shall be responsible for maintaining the electronic device in good condition, and to reasonably protect it from theft, loss, or damage. City policies applicable to City staff with regard to damaged or lost equipment shall apply.
4. Council members may not use the electronic device in connection with election or re-election efforts or campaigning, either for the member or any other candidate for public office.
5. Council members shall not use the electronic device, or the internet access or e-mail provided with it, for any commercial, illegal, or illicit purpose or activity, or for financial gain. Council members shall not use the electronic device to download or store inappropriate or obscene material. Council members shall not knowingly violate copyright laws or site guidelines in connection with internet

access. Council members shall not knowingly use the electronic device, or the internet access or e-mail provided with it, to propagate any virus, worm, "Trojan horse," "trap door," or "back door" program code or to knowingly disable, disrupt, or overload the computer system or network, or to circumvent any system designed to protect the privacy or security of another user, computer system, communications network, or organization.

6. Council members should recognize that many, and perhaps most, of the documents that exist on the electronic device or that are created during internet usage or while using the e-mail function may be subject to the Freedom of Information Act, MCL 15.231 *et seq.*, or other means of discovery, and should govern their use accordingly.
7. Council members shall not use the electronic device for any purpose that violates the Open Meetings Act, MCL 15.261, *et seq.*
8. The electronic device shall at all times remain City property, and therefore subject to return to the City upon request, for inspection, repair, installation of additional hardware or software or other applications, and the like, or to ensure compliance with these rules.
9. The Council member to whom an electronic device is issued is responsible to insure the proper use of the electronic device in accordance with these rules.

GUIDELINES OF CONDUCT

Public Relations

Members of Council should refrain from argument with a member of the public or staff at Council meetings since these arguments seldom resolve concerns and many times inflame feelings at a public meeting. Any concerns by a member of Council over the behavior or work of a City employee during a Council meeting should be directed to the City Manager to ensure the concern is addressed.

City Council Relations with Staff

1. There shall be mutual respect from both staff and Council members of their respective roles and responsibilities when and if expressing criticism in public session.
2. Requests for information or questions by the City Council shall be directed to the City Manager or the appropriate Department Head. All non-routine requests should be submitted to the City Manager's office. All complaints should be submitted to the City Manager.

3. All written information material requested by individual Council members shall be submitted by staff to the City Manager who will transmit them to all Council members with the notation indicating which Council member requested the information.
4. Council shall not attempt to correct or influence staff in the selection of employees, recommendations for the awarding of contracts, the selection of consultants, the processing of development applications or the granting of City licenses or permits.
5. Incoming mail clearly marked as personal shall not be opened when addressed to individual Council members unless requested.
6. A council member shall not direct staff to initiate any action or prepare any report that is significant in nature or initiate any project or study without the approval of a majority of the City Council. All such requests will be first directed to the City Manager.

CITY COUNCIL RELATIONSHIP WITH CITY COMMISSIONS AND COMMITTEES AND COUNCIL MEMBER REPRESENTATION TO OTHER AGENCIES AND GROUPS

1. Members of the City Council should not attempt to influence commission or committee recommendations, or to influence or lobby individual commission or committee members on any item under their consideration. It is important for commissions and committees to be able to make objective recommendations to the City Council on items before them. Members of Council that attempt to influence commission positions on an item may prejudice or hinder their role in reviewing the commission's recommendation as a member of the City Council.
2. Individual Council Members shall have the right to attend meetings but are cautioned about becoming involved in the meetings' discussions.
3. If a member of the City Council represents the City before another governmental agency or organization, the Council member should first indicate the majority position as an opinion of the Council. Personal opinions and comments may be expressed only if the Council member clarifies that these statements do not represent the position of the City Council.

SUPENSION AND AMENDMENT OF RULES

These rules may be suspended or amended at any time, in accordance with the Charter of the City of Farmington, by a vote of the majority of the Council elected and serving.

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**CONSIDERATION OF OTHER PROVISIONS FOR INCLUSION
SAMPLES ONLY**

1. NEW COUNCIL MEMBER ORIENTATION AND IN-SERVICE PROGRAM

Each new member of 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:

- Charter and Code of Ordinances
- Master Plan for Land Use
- Current year Budget
- Council Rules
- City of Farmington Internet Usage and E-Mail Usage Policies; Farmington Hills Standard Practice Guide
- City of Farmington rules regarding damaged or lost equipment (e.g., for City-issued electronic device)
- Payroll Information

Each new member of Council shall, upon taking the oath of office, be offered an opportunity by the City Manager to tour the various City facilities (i.e., City Hall, DPW, Police/Fire stations, and the like).

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, police/fire, and infrastructure maintenance and construction. The programs shall be open to all members of the City Council as in-service educational opportunities.

2. SCHEDULE OF ANNUAL MEETINGS WITH BOARDS, COMMISSIONS, AND COMMITTEES

Establish an annual schedule for meeting with Boards and Commission to review accomplishments and goals.

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