



SUBJECT: City Council Meeting and Meeting-Preparation Procedures
ISSUANCE DATE: February 1, 2010 **EFFECTIVE DATE:** February 2, 2010
REPLACES: February 6, 2007 (third amendment from initial July 17, 2001, issue)
AUTHORITY: City Council, by Resolution No. 18375 of February 1, 2010

POLICY PURPOSE

Policy Background. This policy statement confirms and clarifies procedures for the preparations for and the conduct of meetings of the City of Petoskey City Council (City Council). This statement is consistent with provisions of State law and the City Charter, where applicable, as well as the traditional conduct of the City Council and the various processes that are and have been associated with meetings of the City Council.

Policy Format. This policy, which was adopted initially by Resolution No. 17535 of July 16, 2001, and amended by Resolution No. 17902 of March 21, 2005; Resolution No. 17988 of February 6, 2006; Resolution No. 18090 of February 5, 2007, and Resolution No. 18375 of February 1, 2010, and outlines a schedule of regular City Council meetings and procedures for canceling regular meetings and for calling special meetings of the City Council; preparation and dissemination of meeting agendas and accompanying materials and meeting minutes; quorum and voting requirements; rules and responsibilities of members of the City Council and the City staff; procedures for conducting meetings of the City Council; procedures for conducting public hearings by the City Council; and appointments of various officials.

SCHEDULED MEETINGS AND MEETING CALLS

Regular Meetings. The City Council normally will meet in regular session at 7:30 P.M. on the first and third Mondays of each month, preferably in the City Hall Council Chambers. Regular meetings of the City Council may be canceled and/or rescheduled and special-session meetings of the City Council may be scheduled or called.

Organizational Meeting. The first regular meeting of the City Council in January traditionally has been recognized as the organizational meeting of the City Council, at which the Mayor-elect and City Councilmembers-elect receive their oaths of offices following their elections in November. At such annual organizational meetings, a Mayor Protempore, who is required to serve in the absence or incapacity of the Mayor, also could be selected from and by members of the City Council.

Holiday Cancellations. The first meeting of September generally is canceled and/or rescheduled in observance of the Labor Day holiday. Occasionally, the first meeting in January is canceled and/or rescheduled in observance of the New Year holiday and occasionally the first meeting in July is canceled and/or rescheduled in observance of the Independence Day holiday.

Meeting Cancellations. Regular meetings of the City Council may be canceled by the Mayor, usually when the City Manager has reported that there are no items of business that are pending for the City Council's consideration, or for any other reason, such as, but not limited to, scheduling conflicts, etc.; however, such a call for the cancellation of a regular meeting of the City Council generally should follow the polling of members of the City Council to determine if all members concur in the recommendation to cancel the meeting.

Make-up Meetings. Depending upon the City Council's pending workload, scheduling, etc., special-session meetings as replacements for canceled regular meetings of the City Council might be called. Such make-up meetings occasionally have been called to replace two regular meetings of the City Council that have been canceled. For instance, special-session, make-up meetings commonly have been called for the second or fourth Monday of the month, when the regular meetings that had been scheduled for the first and third Mondays of that month have been canceled.

Special Meetings. Any meetings of the City Council that occur a part from the City Council's schedule of regular meetings are considered special-session meetings.

Meeting Calls. Special-session meetings of the City Council may be scheduled as may be required by resolution of the City Council, by the call of the Mayor, or by any three members of the City Council. Notices of such special-session meetings must meet requirements of the law and notices of special-session meetings must be provided at least 24 hours in advance of such meetings. Notices must list the purpose or purposes for such special-session meetings. Only items that have been listed upon the notice of the call for a special-session meeting may be discussed at such a meeting.

Joint Meetings. The City Council may meet in special-session joint meetings with the various boards and commissions of the City, with the governing bodies of other local units of government, with elected and/or appointed officials of other levels of government, or with associations and/or organizations in which the City holds memberships or with which the City has particular interests.

Joint Action. Conduct of the City Council as described within this policy for and during regular and special-session meetings of the City Council alone generally would not be applicable for the City Council's participation in a special-session joint meeting, so long as official action is not taken by the City Council. Any action that might be required of or desired by the City Council, arising from the City Council's participation in such a special-session joint meeting, usually would be undertaken at a subsequent regular or special-session meeting of the City Council alone.

Closed Sessions. The City Council may adjourn to and meet in sessions that are closed to the public as permitted by provisions of the Michigan Open Meetings Act and/or applicable case law. Guidance shall be sought from the City Attorney concerning the appropriateness of conducting such closed-session meetings of the City Council.

MEETING AGENDAS AND MINUTES

Agenda Preparation. Agendas that list items for consideration, discussion, and/or action by the City Council shall be prepared by the City Manager, or the City Manager's designee, in advance of all regular and/or special-session meetings of the City Council. Such agendas shall include a listing of items to be considered, discussed, and/or acted upon, as well as any additional information that the City Manager believes would provide background information concerning such items. When action of the City Council is recommended, the City Manager generally will provide the texts of proposed resolutions and/or ordinances, with proposed ordinances prepared and/or approved by the City Attorney.

Inclusion Requests. Members of the City Council and others may request the City Manager to include items on the agendas of regular meetings of the City Council for and upon which the City Council would be asked to consider, discuss, or act. Items for inclusion on the agendas of special-session meetings of the City Council shall be those only for which such special-session meetings specifically have been scheduled or called and such agendas shall contain no other items for consideration, discussion, or action by the City Council. The City Manager cannot include items or grant the requests of members of the City Council or others to include items on the agendas of special-session meetings of the City Council in addition to those items for which such special-session meetings have been scheduled or called for consideration, discussion, or action by the City Council.

Agenda Availability. Agenda materials will be prepared for presentation to the City Council no later than the Thursdays preceding regular City Council meetings that are scheduled for Mondays, unless there exist extenuating circumstances, and will be prepared as soon as possible preceding special-session meetings of the City Council. All such meeting agenda materials shall be made available to the public and the news media upon request, except for any information that has been deemed by the City Manager, with the concurrence of the City Attorney, to be confidential in nature.

Agenda Formats. Meeting agendas of the City Council shall follow a format that includes:

- a call to order;
- recitation of the Pledge of Allegiance to the Flag of the United States of America;
- roll call of City Councilmembers to record their attendance at the meeting and to determine if a quorum is present;
- introductions and/or recognition of persons or groups who plan to be or who are in attendance at the City Council meeting;
- presentations, if such ceremonies have been scheduled;
- public hearings, if such have been scheduled or are otherwise required;
- a consent agenda that generally includes approval of the minutes of previous regular and special-session City Council meetings and acknowledgements of administrative transactions in paying bills, investing idle monies, and/or transferring monies between funds;
- miscellaneous public comment (see section titled "Public Participation");

- any updates the City Manager wishes to provide for discussion only, to include follow-up from previous meetings or items of interest to the public and the City Council;
- any item or items of old business that are to be considered, discussed, and/or acted upon by the City Council;
- any item or items of new business that are to be considered, discussed, and/or acted upon by the City Council;
- appointments of persons to the City's various boards and/or commissions or other bodies for which the City Council has authority for appointing or casting votes for members;
- City Council comments; and
- adjournment, and when appropriate, adjournment to a closed-session meeting of the City Council, with noting the possibility of reconvening to open session to take action or to issue a report, or noting that the City Council will adjourn following the closed session without reconvening in open session.

Agenda Amendments. Members of the City Council and others may request that the City Manager include items on the agendas of regular meetings of the City Council, and only those items that have been included on such agendas, which shall be provided to the City Council, the public, and the news media prior to the City Council's regular meetings, may be acted upon at those meetings. Agendas may be amended at regular meetings of the City Council, but action concerning such amendments should occur only after a thorough discussion by the City Council and consideration of, on a case-by-case basis, the need to provide the City Council, the public, and the news media with adequate, advanced notice of the City Council's intent to consider, discuss, and/or act upon such items that are introduced at regular meetings of the City Council in the form of amendments to previously-published agendas. Amendments to agendas of special-session meetings of the City Council shall not be permitted.

Meeting Minutes. Records of all regular and special-session meetings of the City Council shall be maintained by the City Clerk in the form of meeting minutes. Such minutes shall be intended to provide reports concerning actions by the City Council and shall:

- state the starting time, date, and location of the meeting;
- record attendance of members of the City Council, the City staff, and other persons or groups, when applicable, or when such persons or groups address the City Council;
- summarize discussions of members of the City Council and the City staff, but with statements of members of the City Council attributed by name only at the request of the members;
- provide sequential numbers of all resolutions and ordinances that are finally acted upon by the City Council, and include complete texts of all resolutions and the titles of ordinances;
- tally roll-call votes in conjunction with all actions by the City Council; paraphrase miscellaneous comments of members of the City Council, the City staff, and the public; and

- state the meeting's adjournment time.

Hearing Minutes. Minutes of public hearings, whether conducted as part of City Council meetings or conducted at special-session meetings of the City Council, shall provide names, addresses, and/or affiliations of persons who provide comments, either at the public hearing or in writing or by other means prior to the public hearing, and summaries of such comments, and shall note that the Mayor or the presiding officer opened and closed the public hearing portion of the regular and/or special-session meeting of the City Council.

QUORUM AND VOTING REQUIREMENTS

Meeting Quorum. Three members of the City Council shall constitute a quorum of the City Council and no regular and/or special-session meetings of the City Council shall occur without a quorum of the City Council present at such meetings.

Quorum Change. Once a quorum of the City Council has been established, that quorum shall not be defeated if one or more members of the City Council temporarily leave the meeting prior to the meeting's adjournment, but no official action of the City Council may be voted upon while a quorum of the City Council is not present.

No Quorum. No action of the City Council shall occur - that is, neither the adoption of a resolution nor the adoption of an ordinance - without a quorum of the City Council. Joint-session meetings that include members of the City Council with boards and commissions of the City, with governing bodies of other units of local government, with elected and/or appointed officials of other levels of government, or with associations and/or organizations in which the City holds memberships or with which the City has particular interests may occur with a number of members of the City Council fewer than a quorum, but such joint-session meetings would not be considered meetings of the City Council.

Required Votes. The affirmative votes of three members of the City Council, regardless of the number of members present at a meeting of the City Council, shall be required to adopt any motion, resolution, or ordinance. All voting shall be by roll call and tallied.

Voting Abstentions. Members of the City Council may abstain from voting when they believe that doing so might present a conflict of interest. The City Attorney may be consulted to determine the necessity for such voting abstentions; and the City Attorney may opine, whether or not consulted, concerning the need for such voting abstentions. Abstention votes shall be recorded as such in the tally of votes that appears in the minutes of regular and/or special-session meetings of the City Council.

ROLES AND RESPONSIBILITIES

Presiding Officers. The Mayor shall preside at all regular and special-session meetings of the City Council. In the absence of the Mayor, the Mayor Protempore shall preside. In the absences of both the Mayor and the Mayor Protempore, the meeting's presiding officer shall be elected, when a quorum is present, from and by the members of the City Council who are in attendance at the meeting. The Mayor, the Mayor Protempore, and/or any other member of the

City Council who is serving as the presiding officer of the City Council at a regular and/or special-session meeting of the City Council, shall have the ability to speak concerning any issue that is brought before the City Council, and shall have a vote with and equal to other members of the City Council, but shall have no power of veto.

City Manager. The City Manager, who is required to attend all meetings of the City Council, if possible, shall represent all members of the City staff to the City Council, with the exception of the position of City Attorney, and also may speak concerning any issue before the City Council, but shall have no vote. The City Manager may designate a member of the City staff to act on behalf of the City Manager at any regular and/or special-session meeting of the City Council in the absence of the City Manager.

City Clerk. The City Clerk, who should attend all regular and/or special-session meetings of the City Council, if possible, shall call the roll for purposes of recording attendance and for tallying votes, but is limited in speaking concerning issues before the City Council. The City Manager shall designate a City staff member to act on behalf of the City Clerk at regular and/or special-session meetings of the City Council in the City Clerk's absence.

City Attorney. The City Attorney may attend all regular and/or special-session meetings of the City Council at the City Attorney's discretion or at the invitations of the City Council or the City Manager. When requested by the City Council, the City Attorney shall provide ad-vice or opinions, either at the meeting or through subsequent reports, on questions of law. The City Attorney may designate an attorney or attorneys to attend regular and/or special-session meetings of the City Council in the absence of or in addition to the City Attorney.

City Staff. City staff members may attend regular and/or special-session meetings of the City Council, but may make presentations concerning City business only at the invitation of the City Manager.

MEETING PROCEDURES

Items Presentations. Except for the consent-agenda portion, the Mayor or the presiding officer shall read aloud each item that has been contained on the published City Council meeting agenda. The City Manager then will be asked to provide background information concerning that specific agenda item as well as to provide the City Manager's recommend-ation, when necessary. Discussion of the agenda item by members of the City Council then shall follow the City Manager's report.

Public Participation. The public is encouraged to participate in City Council meetings, and the City of Petoskey is proud to allow far more opportunity for public comment than many cities do and more than is required by law. Persons in attendance have an opportunity to make comments at the beginning of the meeting during the "miscellaneous public comment" agenda item and/or during the discussion of each agenda item. The miscellaneous agenda item allows those who cannot stay for the entire meeting to speak on non-agenda items only. On agenda items, following the Mayor's reading of the agenda item, the City Manager's background report, and some City Council discussion, the Mayor will ask for public comment. After public comment is taken, the Mayor will return to the City Council for further discussion and possible action, but will not re-open the public comment.

The Council asks that the person speaking state their name and address so comments can be recorded in the minutes. Speaking at the microphone provided is very helpful for others to hear the comments and for proper audio recording of comments. Comments should be directed to the Mayor or presiding officer of the City Council and not to specific City Councilmembers, the City Manager, the City staff, or other public present. The Mayor may answer questions of fact or ask the City staff or other City Councilmembers if they wish to comment. However, the value of public comment is for the City Council to hear all opinions and gain different perspectives on issues. Extended debate is the job of the City Council so public comments should be limited to a maximum of five minutes. The more that comments are concise, thoughtful, and to the merits of the issue at hand, the more they will be helpful. Comments that turn to personal attacks are not useful and will be discouraged. Out of respect to everyone present, clapping, talking while others are speaking, or otherwise disrupting the meeting will not be allowed. If a public member must leave the meeting at any time, the City Council asks that the person do so as quietly as possible.

Public Requests. Requests by the public for inclusion of matters on the City Council's meeting agenda may be directed to the City Manager. If such requests cannot be handled administratively or require the City Council's consideration or action, the City Manager will place those requests on the City Council's meeting agenda and will provide background information to the City Council similar to any other information that would be provided concerning any matter that has been published on the City Council's meeting agenda.

Meeting Conduct. The Mayor or the presiding officer shall conduct meetings of the City Council to maintain the decorum and traditional formality that has been practiced by the City Council and that is necessary to transact business in an orderly fashion, but recognizing the balance that exists between informality and congeniality that traditionally has been possible in the Petoskey community. Members of the City Council shall conduct themselves in a manner consistent with the dignity of their elected offices and shall act in a manner that accords respect of the public, the City staff, and fellow members of the City Council.

Parliamentary Procedure. It shall be the practice of the City Council to balance the formality that is necessary to maintain decorum while acting informally so that the general public may readily comprehend actions of the City Council. In those instances where transactions of the City Council's business requires parliamentary procedure, "Robert's Rules of Order" shall be consulted and the City Attorney shall serve as the City Council's official parliamentarian.

Meeting Security. The Mayor or the presiding officer shall maintain an orderly decorum at meetings of the City Council. When necessary and at the direction of the City Manager, sergeant-at-arms duties that are necessary for maintaining the orderly conduct of such meetings shall be performed by staff members of the City's Department of Public Safety, including the removal of disorderly persons from meetings of the City Council.

Resolutions, Ordinances. All actions of the City Council shall be by resolution or by ordinance. Matters pertaining to the internal affairs or concerns of the City, which become official actions of the City Council, shall be acted upon by motions by members of the City Council and through the forms of resolutions. Acts for which penalties are attached, or to meet certain requirements of the law or regulations as determined by the City Attorney, shall be in the forms of ordinances.

Resolution Forms. Most actions of the City Council, other than legislative functions or when deemed otherwise necessary by the City Attorney, shall be in the forms of resolutions, which can include preamble sections that provide background information with statements prefaced by "whereas" clauses and which conclude with an action or actions that are stated as "resolved." Resolutions shall be numbered sequentially. Except in cases of routine actions by the City Council, resolutions proposed for consideration by the City Council shall be prepared by the City Manager, or reviewed by the City Manager when forms have been provided, and shall be provided in advance of regular and/or special-session meetings of the City Council, generally along with other City Council meeting agenda materials.

Ordinance Forms. Legislative actions of the City Council, or other actions when deemed necessary by the City Attorney, shall be completed in the forms of ordinances. All ordinances shall be formatted to read: "The City of Petoskey ordains." Ordinances shall be numbered sequentially. All proposed ordinances shall be provided in written form, approved by the City Attorney, in advance of regular and/or special-session meetings of the City Council, generally included along with other City Council meeting agenda materials. Except for emergency ordinances or where other laws or regulations are applicable, no ordinance shall be adopted at the same meeting at which it is introduced, although such deferrals shall not be construed to mean that final action concerning the adoption of a proposed ordinance must be deferred until the next regular meeting of the City Council. All ordinances shall specify an effective date no less than 14 days after enactment by the City Council, except in the cases of emergency ordinances or when such effective dates differ by law or other regulations. Texts of ordinances must be published.

Ordinances Repealed. Any ordinance of the City Council may be repealed by the adoption of a repealing ordinance in the same manner as required for the enactment of ordinances.

Emergency Ordinances. In response to public emergencies that affect life, health, property, or the public peace, the City Council may adopt one or more emergency ordinances. To do so, the City Council must first declare the existence of such emergencies and describe those emergencies in specific detail. Emergency ordinances shall not be enacted to levy taxes; grant, renew, or extend franchises; or regulate rates charged by public utilities for their services. Emergency ordinances may be adopted at the same meeting at which they are introduced and may become effective immediately, but such emergency ordinances must be published in the same manner as required for other ordinances. Emergency ordinances automatically shall stand repealed as of the sixty-first day following their adoption, but such ordinances may be re-enacted by the City Council if emergency conditions continue to exist. Emergency ordinances also may be repealed by enactment of emergency repealing ordinances.

PUBLIC HEARING PROCEDURES

Hearing Requirements. Public hearings will be scheduled by the City Council when such public hearings are required by law or applicable regulations or when the City Council has determined that a matter for consideration by the City Council is of particular import, magnitude, and/or controversy as to warrant the City Council's request for public comments concerning the matter.

Scheduling Hearings. Public hearings generally will be scheduled by the City Council, although some public hearings, when required by certain regulations, may be scheduled by the City Manager. Appropriate notices of hearings shall be provided the public, with statements that persons who wish to provide comments without attending the public hearing may write or call the City Manager with their comments prior to the public hearing.

Staff Presentations. Prior to opening the public hearing for public comments, the City Manager will be asked to provide background information concerning the matter for which the City Council will receive comments.

Hearing Opening. Following presentation of background information by the City Manager, the Mayor or the presiding officer shall declare that the public hearing is open and that it now is time to receive comments from the public. The Mayor or the presiding officer shall determine and shall announce the procedures for and restrictions as to how comments will be received by the City Council during the public hearing.

Speakers Identified. Names and addresses of persons who provide comments during the public hearing must be given for inclusion in the record of the public hearing, which shall be included within minutes of the regular or special-session City Council meeting at which the public hearing was conducted.

Time Limits. The Mayor or the presiding officer may establish time limits and procedures for persons who provide comments at the public hearing. The Mayor or the presiding officer may set the length of time for which persons who wish to present comments are permitted to speak. The Mayor or the presiding officer may establish different time limits for the persons who speak more than once or limit the total time that comments will be heard.

Alternating Speakers. Particularly in cases when controversial matters are being considered by the City Council, the Mayor or the presiding officer may alter the order of speakers who wish to provide comments at the public hearing so that a person who is in favor of the proposal that is being considered by the City Council is heard, followed by a person who is in opposition to the proposal being heard, followed by a person who is in favor, then a person who is opposed, and so on.

Non-Attendee Comments. The City Manager will be asked to present the names and addresses of persons who called the City Manager or who submitted written comments to the City Manager, who may or may not be present at the public hearing. The Mayor or the presiding officer may require that written comments be read into the record of the public hearing, summarized, or reported as being in favor of or in opposition to the proposal that is being considered by the City Council at the public hearing.

Hearing Closing. At the conclusion of the receipt of comments from the public, either by the expiration of the time limit that had been set by the Mayor or the presiding officer or when all persons who wished to address the City Council have been heard, and following receipt of a report from the City Manager concerning persons who had called or who had written the City Manager with their comments concerning the proposal that is being considered, the Mayor or the presiding officer shall declare that the public hearing is closed. The City Council, however, may continue to discuss the proposal.

Follow-up Action. Action of the City Council that might be necessary at the conclusion of the public hearing may be taken by the City Council immediately, either by consideration of a resolution or by the introduction of an ordinance. Introductions of proposed resolutions or ordinances may be deferred; actions upon resolutions may be undertaken immediately or deferred; but action upon ordinances that are introduced must be deferred, unless it is determined to be an emergency ordinance or has been deemed by the City Attorney to be under the requirements of other laws and/or regulations.

APPOINTMENTS AND BALLOT AUTHORIZATIONS

Council Vacancies. Within 30 days of a City Councilmember vacancy, as defined by the City Charter, the Mayor shall present to the City Council the name of an eligible voter who resides within the Ward where the vacancy has occurred for consideration by members of the City Council as the appointee to fill the vacancy within that City Councilmember's position until the next regularly scheduled City election. In the case of a vacancy in the position of Mayor, if a replacement is selected from among the City Councilmembers, the

City Council shall, within 30 days, appoint another voter from that Ward to represent that Ward on the City Council. Such vacancies need not be filled if they occur within 60 days before a City election.

Boards, Commissions. The Mayor may appoint all members of the City's Downtown Development Authority Board and the Downtown Management Board and all members of the Library Commission. The City Council must provide approval of the Mayor's appointments of all members of the Hospital Finance Authority Board of Commissioners, Planning Commission, and Tax Increment Finance Authority Board, as well as the City's delegates to the Greenwood Cemetery Board and the City's delegate to the Harbor-Petoskey Area Airport Authority Board.

The City Council must appoint all members of the City's Board of Review, Building Authority Board of Commissioners, and Zoning Board of Appeals and must appoint the City's delegates to the Parks and Recreation Commission and the City's delegate to the Emmet-Petoskey Building Authority Board of Commissioners and the joint appointment of one member to the County-City Authority in conjunction with the Emmet County Board of Commissioners. The Mayor shall present names of persons for consideration by members of the City Council for appointments to these various boards and commissions. When applicable, residents of the City shall be appointed to such boards and commissions.

Ballot Authorizations. Occasionally, associations of which the City is a member require that votes be cast by participating units of government for officers of such association. In such cases, the City Manager usually is directed by the City Council to cast votes on behalf of the City.

dd
February 1, 2010