

**CITY OF MARQUETTE, MICHIGAN
CITY COMMISSION POLICY**

Policy Number: 2003-01	Revision Date(s): November 14, 2005 November 24, 2003 November 28, 2005 November 27, 2006 January 14, 2008 December 22, 2008 November 29, 2010 December 17, 2012 December 8, 2014 November 28, 2016 May 29, 2018 December 16, 2019	November 14, 2005 June 26, 2006 November 12, 2007 November 24, 2008 November 30, 2009 December 19, 2011 November 25, 2013 February 9, 2015 November 30, 2015 November 27, 2017 December 17, 2018 November 30, 2020
Date Adopted: June 30, 2003		
Department: Administrative		

SUBJECT: COMMISSION RULES OF PROCEDURE

PURPOSE: These Rules of Procedure help the Commission to run an efficient meeting and to deal with the public and the media in a positive manner. When not in conflict with the City Charter, they may be revised by majority action of the City Commission.

POLICY:

I. REGULAR AND SPECIAL MEETINGS

All meetings of the Marquette City Commission will be held in compliance with state statutes, including the Open Meetings Act, 1976 PA 267 as amended, and with the following rules:

A. Regular Meetings

1. A regular meeting shall be held at 7:00 p.m. on the Monday following each regular election. The Commission shall provide by resolution for the time and place of its regular meetings and shall hold at least two regular meetings each month (Charter 2-6).
2. Except as provided in 1. A. above, regular meetings of the Marquette City Commission will be held on the second Monday and last Monday of each month with the business portion commencing at 6:00 p.m. in the Marquette City Commission Chambers at City Hall, unless otherwise rescheduled by action of the Commission. Commission meetings shall conclude no later than 10:00 p.m., subject to extension by the Commission. If a regularly scheduled meeting falls on a legal holiday, it shall be scheduled for the next day.

B. Special Meetings

1. Special meetings shall be called by the Clerk on the written request of the Mayor, the City Manager, or any three members of the Commission on at least 18 hours written notice to each member of the Commission, either sent electronically, served personally, or left at their usual place of residence. Nothing in this section shall bar the Commission from meeting in an emergency session in the event of a severe and imminent threat to the health, safety, or welfare of the public if all members of the Commission are present or have waived notice thereof in writing (Charter 2-7(a)).
2. No business shall be transacted at any special meeting of the Commission unless the same has been stated in the notice of such meeting. However, any business which may lawfully come before a regular meeting may be transacted at a special meeting if all the members of the Commission present consent thereto and all the members absent file their written consent (Charter 2-7(b)).

C. Posting Requirements for Regular and Special Meetings

1. No later than the first day of January each year the City Commission shall provide public notice stating the dates, times, and places of its regular meetings.
2. For a rescheduled regular or special meeting of the Commission, a public notice stating the date, time, and place of the meeting shall be posted at the City Hall at least 18 hours before the meeting, and sent to the news media which have requested such notification, and all news media in Marquette County. The notice described above is not required for a meeting of the Commission in emergency session in the event of a severe and imminent threat to the health, safety, or welfare of the public when two-thirds of the members of the Commission determine that delay would be detrimental to the City's efforts in responding to the threat.

D. Minutes of Regular and Special Meetings

1. The Clerk or its designee shall attend the Commission meetings and record all the proceedings and resolutions of the Commission in accordance with the Charter and the Open Meetings Act. In the absence of the Clerk or its designee, the Commission may appoint one of its own members or another person to temporarily perform the Clerk's duties. Meetings may be broadcast live on government access channel 191 and available for viewing after the meeting on the City website.
2. The Clerk shall prepare the Official Proceedings of each Commission meeting as required by the Charter 2-10(1), which shall be the minutes required by the Open Meetings Act. Approved minutes shall be available for public inspection not later than five business days after the meeting at which the minutes are approved by the public body.

3. The Clerk shall also prepare a summary of the minutes showing the substance of each separate proceeding of the Commission and shall indicate the vote of the Commission members. The summary shall be published within ten days of the meeting in a newspaper of general circulation in the City of Marquette (Charter 2-10(4)).
4. A copy of the minutes of each regular or special Commission meeting shall be available for public inspection at the City Clerk's office during regular business hours and on the City website.

E. Work Sessions

Upon the call of the Mayor or the Commission, and with appropriate notice to the Commission members and the public, the Commission may convene a work session devoted exclusively to the exchange of information relating to municipal affairs. No votes shall be taken on any matters under discussion nor shall any Commission member enter into a formal commitment with another member regarding a vote to be taken subsequently.

II. CONDUCT OF MEETINGS

A. Meetings to be Public

1. All regular and special meetings of the Commission shall be open to the public, and all persons shall have a reasonable opportunity to be heard in accordance with such rules and regulations as the Commission may determine, except that the meetings may be closed to the public and the media in accordance with the Open Meetings Act.
2. All official meetings of the Commission and its committees shall be open to the media, freely subject to recording by audio visual means at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings.

B. Agenda Preparation

1. An agenda for each regular Commission meeting shall be prepared by the City Manager in consultation with the Mayor and not more than two Commissioners, with the following order of business:
 - a. Call to order, pledge of allegiance, and roll call of the Commission
 - b. Approval of Agenda
 - c. Announcements by the Mayor
 - d. Boards and Committees Welcome/Appointments/Reappointments/Recognition of Outgoing Members
 - e. Public Comment. May not exceed three minutes per person
 - f. Presentations
 - g. Public hearings on ordinances, resolutions or other matters requiring a public hearing
 - h. Consent Agenda

- i. Unfinished Business. Unfinished Business is intended for items that were on a previous meeting agenda and further information was required before taking action.
 - j. New Business. New Business is intended to introduce a new topic and should be the time when Commissioners ask questions or seek other clarifications. If further information is required, the item can be moved to "Unfinished Business" for an upcoming meeting, by a majority vote of the Commission.
 - k. Public Comment. May not exceed three minutes per person.
 - l. Comments from the Commission
 - m. Comments from the City Manager
 - n. Adjournment
2. Any Commission member shall have the right to add items to the regular agenda, provided support from one additional Commission member is obtained. Any Commission member shall have the right to remove items from the regular agenda by a majority vote of the Commission.

C. Consent Agenda

A consent agenda may be used to allow the Commission to act on numerous administrative or non-controversial items at one time. Included on this agenda can be non-controversial matters such as approval of minutes, payment of bills, approval of recognition resolutions, proclamations, bid awards, contract approvals, lease agreements, recurring business, etc. Upon request by any one (1) member of Commission, an item shall be removed from the consent agenda and placed on the regular agenda for discussion.

D. Agenda Distribution

City administration shall endeavor to distribute agenda packets to the City Commission prior to a regular City Commission meeting, but in no case shall distribution occur later than Friday prior to a regular scheduled meeting. Public dissemination of agendas and agenda packets shall occur no later than 10:00 p.m. on the Friday prior to a regular meeting, via posting on the City website, and printed agenda packets shall be delivered to the Public Library Friday evening or Saturday morning.

E. Quorum

A majority of the members of the Commission in office at the time shall constitute a quorum for the transaction of business at all Commission meetings. 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 for not longer than one week (Charter 2-8).

F. Attendance at Commission Meetings

- 1. Election to the City of Marquette Commission is a privilege freely sought by the nominee. It carries with it the responsibility to participate in Commission

activities and represent the residents of the City of Marquette. Attendance at Commission meetings is critical to fulfilling this responsibility.

2. Any two or more members of the Commission may by vote either request or compel the attendance of its members and other officers of the City at any meeting. Any member of the Commission or other officer who when notified of such request for their attendance fails to attend such meeting for reasons other than confining illness or absence from Marquette County shall be deemed guilty of misconduct in office, unless excused by the Commission. The presiding officer shall enforce orderly conduct at meetings and any member of the Commission or other officer who shall fail to conduct himself in an orderly manner at the meeting shall be deemed guilty of misconduct in office (Charter 2-9(a)).

G. Presiding Mayor

1. The Mayor shall be responsible for enforcing these Rules of Procedure and for enforcing orderly conduct at meetings, whether held in person or electronically (in whole or in part as allowed by the Open Meetings Act), including if the Mayor is the only remote participant. In the absence or disability of the Mayor, the Mayor Pro-tem shall perform the duties of mayor. In the absence or disability of both, the Commission may designate another of its members to serve as acting mayor.

III. CLOSED MEETINGS

A. Purpose

Closed meetings, which must be approved by vote at an open meeting, may be held only for the reasons authorized in the Open Meetings Act.

B. Minutes of Closed Meetings

A separate set of minutes shall be taken by the Clerk or the designated secretary of the Commission at the Closed Session. These minutes will be retained by the Clerk, shall not be available to the public, and shall only be disclosed if required by a civil action, as authorized by the Michigan Open Meetings Act. These minutes may be destroyed one year and one day after approval of the minutes of the regular meeting at which the closed session was approved.

IV. DISCUSSION AND VOTING

A. Rules of Parliamentary Procedure

1. In order to facilitate the running of an efficient and orderly meeting, the rules of parliamentary practice as found in the latest edition of Robert's Rules of Order will be used for guidance by the Commission, provided that they are not in conflict with these Rules of Procedure, City ordinances, the City Charter, or applicable statutes. No action taken by the Commission in good faith shall be deemed invalid by reason of the Commission's failure to adhere

strictly to Robert's Rules of Order or these Rules of Procedure. The Mayor may appoint a parliamentarian.

2. A vote upon all ordinances and resolutions shall be taken by "Yes" and "No" vote and entered upon the records, except that where the vote is unanimous it shall only be necessary to so state (Charter 2-10(2)).
3. The Mayor shall preserve order and decorum and may speak to points of order in preference to other Commission members. The Mayor shall decide all questions arising under this parliamentary authority, subject to appeal and reversal by a majority of the Commission members present.
4. Any member may appeal to the Commission a ruling of the Mayor. If the appeal is seconded, the member making the appeal may briefly state the reason for the appeal and the Mayor may briefly state the ruling. There shall be no debate on the appeal and no other member shall participate in the discussion. The question shall be, "Shall the decision of the Mayor be sustained?" If the majority of the members present vote "Yes", the ruling of the Mayor is sustained; otherwise it is overruled.

B. Conduct of Discussion

1. During discussion and debate, no person shall speak until recognized for that purpose by the Mayor. After such recognition, the member shall confine discussion to the question at hand and to its merits and shall not be interrupted except by a point of order or privilege raised by another member. Speakers should address their remarks to the Mayor, maintain a courteous tone and avoid interjecting a personal note into debate.
2. No member shall speak more than once on the same question unless every member desiring to speak to that question shall have had the opportunity to do so.
3. The Mayor, at his or her discretion and subject to the appeal process described in A. 4. above, may permit any person to address the Commission during its deliberations.

C. Ordinances and Resolutions

1. No ordinance, except an appropriation ordinance, an ordinance adopting or embodying an administrative or governmental code or an ordinance adopting a code of ordinances, shall relate to more than one subject, and that subject shall be clearly stated in its title.
2. A vote on all ordinances and resolutions shall be taken by roll call vote and entered in the minutes unless it is a unanimous vote. If the vote is unanimous, it shall be necessary only to so state in the minutes, unless a roll call vote is required by law or by Commission rules.

D. Roll Call

In all roll call votes, the names of the members of the Commission shall be called in rotating order as determined by the Clerk.

E. Duty to Vote

Election to a deliberative body carries with it the obligation to vote. Commission members present at the Commission meeting shall vote on every matter before the body, unless otherwise excused or prohibited from voting by law or Charter.

1. Conflict of interest, as defined by law, shall be the sole reason for a member to abstain from voting. The opinion of the City Attorney shall be binding on the Commission with respect to the existence of a conflict of interest. A vote may be tabled, if necessary, to obtain the opinion of the City Attorney. No member of the Commission shall vote on any question concerning their own conduct (Charter 2-10(3)).
2. On all other questions each member who is present shall vote when their name is called unless excused by the 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 (Charter 2-10(3)).
3. The right to vote is limited to the members of the Commission present at the time the vote is taken. Voting by proxy is not permitted.
4. All votes must be held and determined in public; no secret ballots are permitted.
5. Prior to calling for a vote, the Mayor should state the question being voted upon.

F. Results of Voting

1. In all cases where a vote is taken, the Mayor shall declare the result.
2. It shall be in order for any Commission member voting in the majority to move for a reconsideration of the vote on any question at that meeting or at the next succeeding meeting of the Commission. When a motion to consider fails, it cannot be renewed.

V. PUBLIC PARTICIPATION

A. General

1. Each regular and special Commission meeting agenda shall provide time for public comment.

2. If requested by a member of the Commission, the Mayor shall have discretion to allow a member of the public to speak at times other than during the time reserved for public comment.

B. Length of Presentation

Any person who addresses the Commission during the time set for public comment shall be limited to three minutes after giving his or her name and address as required below.

C. Addressing the Commission

When addressing the Commission, unless waived by the Mayor, a person shall state his or her name; and, once during the meeting, his or her physical home address, including municipality. The speaker shall address all remarks to the Mayor in a courteous tone. No person shall have the right to speak more than once on any particular subject until all other persons wishing to be heard on that subject have had the opportunity to speak.

D. Rules of Decorum

Meetings of the Commission shall be conducted in an orderly manner to ensure that the public has a full opportunity to be heard and that the deliberative process of the Commission is retained at all times.

While any meeting of the Commission is in session, the following rules of decorum shall be observed:

1. **Members of the Audience.** No person in the audience at a Commission meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening, or abusive language; whistling, clapping, or stamping of feet; or other acts which disturb, disrupt, or otherwise impede the orderly conduct of the Commission meeting.
2. **Persons Addressing the Commission.** Each person who addresses the Commission at its meetings shall not utter loud, threatening, or abusive language, engage in a personal attack on a Commissioner, Officer or employee of the City that is unrelated to the manner in which he or she performs his or her duties, or engage in any other disorderly conduct which disrupts, disturbs, or otherwise impedes the orderly conduct of the Commission meeting.
3. **Signs.** Signs, banners, posters, or similar items not larger than 18 inches square shall be permitted at Commission meetings, but cannot be waved, held over one's head, or generally moved in any other disorderly manner which disrupts, disturbs, or otherwise impedes the orderly conduct of the Commission meeting. This paragraph does not apply to exhibits, displays, or visual aids used in connection with and during the presentation of a recognized speaker at a Commission meeting.

4. Enforcement. The rules of decorum set forth above shall be enforced by the police officer designated with the responsibility for maintaining order at the Commission meeting in the following manner:
 - a. Warning. The Mayor shall request that a person who is breaching Paragraph 1, 2, or 3 above be orderly and comply with the rules as outlined therein. If a sign size exceeds the permitted size, the sign shall be ordered to be removed.
 - b. Removal. If after receiving a warning from the Mayor, the person persists in disrupting, disturbing, or otherwise impeding the orderly conduct of the meeting, the Mayor or Commission designate shall order the person to leave the Commission meeting for the remainder of the meeting. If the person does not leave, the Mayor shall direct any police officer designated as the sergeant-at-arms of the Commission to remove that person from Commission Chambers and City Hall.

VI. ELECTRONIC MEETINGS

A. Prior to January 1, 2021.

The Commission may conduct any of its meetings, in whole or in part, by electronic means using telephonic conferencing or video conferencing technology without regarding to physical place and physical presence requirements in accordance with Section 3a of the Open Meetings Act, MCL 15.263a.

B. January 1, 2021 through December 31, 2021.

The Commission may conduct any of its meetings, in whole or in part, by electronic means using telephonic conferencing or video conferencing technology due to circumstances requiring accommodation of any Commissioner absent because of military duty, a medical condition, or when a declared statewide or local state of emergency or state of disaster exists and the personal health or safety of members of the public or Commissioners would be at risk if the meeting were held in person. The term "medical condition" means an illness, injury, disability, or other health-related condition, including the quarantine or isolation of a Commissioner to minimize the spread of a contagious disease.

C. After December 31, 2021.

Beginning January 1, 2022, Commissioners may participate in Commission meetings by electronic means only to accommodate absence due to military duty.

D. Conduct of Electronic Meetings.

1. Two-Way Communication. Any electronically-held meeting will be conducted in a manner that permits two-way communication so that Commissioners can hear and be heard by one another, and so that the public participants can hear and be heard by the Commissioners and other public participants during the Public Comment period. The City may use technology to facilitate typed

public comments submitted by members of the public participating in the electronically-held meeting that shall be read to or shared with the Commissioners and other participants.

2. Physical Place. As permitted by the Open Meetings Act, a physical place is not required for an electronically-held meeting. Commissioners and members of the public participating electronically in a meeting that occurs in a physical place are considered present and in attendance at the meeting for all purposes. For a meeting at which Commissioners are physically absent due to military duty or a medical condition and who are being accommodated by remote participation, all other Commissioners must be physically present at the meeting to be able to participate.
3. Commissioner Participation. A Commissioner who anticipates their physical absence from a Commission meeting as allowed by the Open Meetings Act may request accommodation of their absence to permit their remote participation in and voting on Commission business by two-way telephonic or video conferencing communication. A City Commissioner who desires to attend a meeting remotely shall inform the City Manager at least 24 hours before the meeting so as to permit any necessary technology to be put in place to accommodate participation by the absent member. Commissioners attending a meeting remotely may fully participate in the meeting, including voting and attendance in any closed session. Any Commissioner attending a meeting remotely must publicly announce at the outset of the meeting that the Commissioner is attending the meeting remotely. If the Commissioner is attending the meeting remotely for a purpose other than military duty, the Commissioner's announcement must identify the city, township, village or county and state from which the Commissioner is attending the meeting remotely. This information must be included in the meeting minutes.
4. Notice. In addition to any other notice required by the Open Meetings Act, advance notice of an electronically-held meeting shall be posted on a portion of the City's website that is fully accessible to the public. The public notice must be included on either the home page or a separate webpage dedicated to public notices that is accessible through a prominent and conspicuous link on the City's website home page. Any scheduled meeting of the Commission may be held as an electronic meeting as permitted by the Open Meetings Act if a notice consistent with this Rule is posted at least 18 hours before the meeting begins. Any notice of an electronically-held meeting must clearly contain the following information:
 - a. The reason the Commission is meeting electronically;
 - b. How members of the public may participate in the electronically-held meeting (including a telephone number, internet address or other specific means to participate);

- c. How members of the public may contact Commissioners to provide input or ask questions on any business that will come before the Commission at the meeting; and
 - d. How persons with disabilities may participate in the electronic meeting.
5. Closed Session. Members of the general public otherwise participating in an electronically-held Commission meeting are excluded from participation in a closed session of the Commission that is held electronically provided that the closed session is convened and held in compliance with the requirements of the Open Meetings Act.

VII. MISCELLANEOUS

A. Adoption and Amendment of Rules of Procedure

- 1. These Rules of Procedure of the Commission will usually be placed on the agenda at the first meeting of the Commission following the seating of the newly-elected Commission members for review and adoption. A copy of the Rules adopted shall be distributed to each Commission member.
- 2. The Commission may alter or amend its rules at any time, when not in conflict with the City Charter, by a vote of a majority of its members after notice has been given of the proposed alteration or amendment.

B. Suspension of Rules

The rules of the Commission may be suspended for a specified portion of a meeting by an affirmative vote of two-thirds of the members present except that Commission actions shall conform to state statutes and to the Michigan and the United States Constitutions.

C. Bid Awards

Bids will be awarded by the Commission during regular or special meetings. A bid award may be made at a special meeting of the Commission if that action is announced in the notice of the special meeting.

D. Committees

- 1. Standing and Special Committees of the Commission
 - a. There shall be no standing committees of the Commission.
 - b. The Commission may create a subcommittee of up to three members to examine a specific subject for a specific period of time.
- 2. Citizen Task Forces

Citizen task forces may be established by a motion of the Commission which specifies the task to be accomplished and the date of its dissolution. Members of such committees will be appointed by the Mayor, subject to approval by a majority vote of the Commission, and must be residents of the

City of Marquette. Vacancies will be filled by majority vote of the Commission in the same way appointments are made.

3. Ad Hoc Committee

Ad Hoc committees may be formed for a specific purpose and for a specific period of time as approved by the City Commission. A broad diversity of experts and/or interests may be represented on an Ad Hoc committee. Only a majority of ad hoc committee members need to be City residents.

E. Performance Review of City Manager and City Attorney

The Commission will review annually the performance of the City Manager and City Attorney. Following these reviews the Commission will schedule a work session for the purpose of establishing appropriate goals and objectives to be considered during the next performance review period.