

City of Albion  
Study Session Minutes  
January 11, 2018

I. CALL TO ORDER

Mayor Brown called the meeting to order at 7:00 p.m.

II. ROLL CALL

PRESENT: Council Members Lenn Reid (2), Sonya Brown (3), Marcola Lawler (4), Jeanette Spicer (5) and Andrew French (6) and Mayor Brown.

ABSENT: Council Member Barnes (1).

STAFF PRESENT:

Sheryl Mitchell, City Manager; Cullen Harkness, City Attorney; Jill Domingo, City Clerk; Stacey Levin, Assistant City Manager; and Scott Kipp, Chief Public Safety.

III. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to **agenda items only** and to no more than three (3) minutes. Proper decorum is required).

No public comments were received.

IV. ITEMS FOR INDIVIDUAL DISCUSSION

A. Discussion-City Manager Form of Government-Attorney Scott Smith

Attorney Scott Smith gave the following presentation of Roles and Responsibilities of City Officials in a Council-Manager Form of Government:

Context for City Government:

- 10<sup>th</sup> Amendment to the U.S. Constitution reserves rights to states
- Michigan's 1963 Constitution preserves "home rule" for cities
  - Home rule was intended to limit state government
  - Instead, the legislative trend seems to limit local government
- City Charter is like a city constitution
  - Establishes the structure of city government
  - Grants and limits the authority and duties of officials and bodies
  - Often includes certain procedures to be followed
- Concept if that the people confer power on government
- Several types of local governments including:
  - Town Hall
  - Commission
  - Strong mayor or strong executive
  - Commission (or council)-manager

- Roles and responsibilities are shaped by the form
- Albion has a council-manager form of government
  - City Manager is the chief administrative officer
  - Council is the policy making & legislative body
  - Mayor is voting member & presiding officer of the Council
- City Manager
  - Serves at pleasure of Council
  - Administers & supervises administrative departments
  - Officers & employees, except Council members & attorney are accountable to City Manager
  - Administers the annual budget
  - Prepares (with Clerk) agendas for & attends Council meetings
  - Recommends adoption of measures Manager deems necessary
  - Enforces ordinances
  - City Charter provides very broad authority to City Manager
- Mayor
  - Ceremonial head of the City
  - Chief executive officer
  - Has an equal voice & duty to vote as Council member
  - Presiding officer of Council
  - Advises the Council on the public affairs of the City
  - Generally appoints, with Council consent, members of boards & bodies
  - Emergency powers under law
- Council
  - The body, not individual Council members, has authority
  - Council acts through ordinances, resolutions & motions
  - Makes policy
  - Appoints Manager & city attorney
  - Adopts budgets, levies taxes & approves borrowing
  - Approves contracts
  - As a legislative body, adopts laws (i.e. ordinances)
  - Fulfills other duties provided by law
- Council Rules of Procedure
  - Council members address comments to Mayor & on topic
  - Personal comments or attacks are out of order
  - Council members should speak more than twice on a matter until all others have a chance to speak & no longer than 10 minutes
  - Public comments limited to 3 minutes at beginning & end of meeting and at public hearings
  - Public comments that are personal, disrespectful, slanderous or profane are out of order, as are debates with other audience members
  - Audience members must submit handouts before the meeting; audio & electronic visual displays are out of order
- Open Government
  - OMA, FOIA & records retention requirements apply to you
  - With limited exceptions, if it involves city business, it is public

- Exceptions are narrowly construed
- Generally apply only when public (persons outside government) benefit from exemption so it protects public's interests
- Electronic communications related to city business, even if on personal devices, are subject to required retention and disclosure
- So what is written or recorded is generally recoverable
- Assume it will be published or broadcast
- Best Practices
  - As a City official, people perceive you as its representative
  - Support policies, personnel & practices while appropriately ensuring accountability & when needed seeking changes
  - Praise publicly; criticize non-publicly
  - Evaluate based on concrete goals, outcomes & measurements
  - For day-to-day matters, refer inquiries to appropriate staff
  - Everyone gets the same information
  - Council members advocate for policies, not for persons or entities & avoid making promise requiring official action
  - Council and Manager make management non-political
  - Spokespersons should take great care
  - Be careful with electronic communication
  - Assume everything may be recorded

Several scenarios along with questions Council submitted to Attorney Smith prior to the meeting were discussed.

Comments were received from Council Members Brown, Lawler, Spicer, and French; Mayor Brown and City Manager Mitchell.

V. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to no more than three (3) minutes. Proper decorum is required).

Comments were received from Lavada Weeks, 917 Luther Dr, Mike Bearman, 11016 29 Mile Road and City Manager Mitchell.

VI. ADJOURNMENT

Spicer moved, Lawler supported, CARRIED, to ADJOURN Study Session. (6-0, vv).

Mayor Brown adjourned the Study Session at 9:10 p.m.

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Date

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Jill Domingo  
City Clerk